

HOUSE RECORD

First Year of the 156th Session of the General
Court

Calendar and Journal of the 1999 Session

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Concord N.H.

Tuesday, May 25, 1999

No. 58

HOUSE JOURNAL No. 18 (cont.)

Thursday, May 20, 1999

(Rep. Belvin in the Chair)

RESOLUTION

Rep. Thulander offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Joint Resolution numbered 10, 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 HJR

First, second reading and referral

HJR 10, requiring that the United States Marine Corps flag be flown over the state house very November 10 to honor the birth of the Corps. (Thomas, Belk 3; Fraser, Dist 4: State-Federal Relations and Veterans Affairs)

senate message

concurrence

HB 60, relative to meetings of the ballot law commission.

HB 261-L, relative to the official ballot option.

HB 535, establishing a committee to study the department of resources and economic development.

HJR 3, urging ISO-New England to adopt policies furthering the state's interest in electric utility restructuring.

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly Enrolled the following House Bills 79, 292, 340, 426, 442, 513, 583 and 651 and Senate Bills 38, 56, 109, 138 and 160.

Rep. Lozeau, Sen. D'Allesandro for the Committee

RECESS

(Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 19

Tuesday, May 25, 1999

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

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

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

Holy and irrepressible God, in our cleverness we use words that both hurt and heal others. Allow the words that we use today to become as a healing balm for those who have felt the sting of our speech in the past. Amen.

Reps. L'Heureux and Picconi led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Courchesne, Ford, Gibbons, Golden, McColgan, Nordgren, Sabella and Searles, the day, illness.

Reps. Arthur, Beaupre, Boriso, Case, David Flanders, Grant, Ham, Claudette Jean, Mary Lou Nowe, Ronald Nowe, Noyes, Rubin and Woodward, the day, important business.

Reps. Flint, LaPorte and McIntyre, the day, illness in the family.

INTRODUCTION OF GUESTS

Justin Gilman, son of Rep. Gilman. Velda Ruffner, wife of Rep. Ruffner. Barbara, Mary, Shannon and Michael Thulander, wife, daughter-in-law, granddaughter and grandson of Rep. Thulander. The 4th grade class from Thornton's Ferry Elementary School, guests of the Merrimack Delegation. Louise Bauer, guest of Rep. Scanlan. Richard DiRoma, guest of Rep. Solow. Evelyn Withee, Nancy Tayebi and Clay Matthews, mother and guests of Rep. Withee. Inez Maria Haettenschwiller, Tony Sroka, Leonie Haettenschwiller, Patricia Eastin and Mark Wyler, daughter, son-in-law, aunt, niece and guest of Rep. Haettenschwiller. Charlene Kane, daughter of Rep. Cecelia Kane. Melissa Kelley, daughter of Rep. Kelley.

COMMITTEE REPORTS

CONSENT CALENDAR

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

HB 281-A, making a capital appropriation for the expansion of veterans' home facilities., removed by Rep. Leber.

Consent Calendar adopted.

SB 24, extending the application of certain provisions of the child protection act to all children in out-of-home placements. OUGHT TO PASS WITH AMENDMENT

Rep. Constance A. Jones for Children and Family Law: This bill, with the amendment, clarifies the law regarding the return of a court-placed child in placement who is subject to the child protection statute. The amendment makes it clear that the existing standard applies to children in relative homes and group homes as well as foster care. There is no budgetary impact. Vote 14-0.

Amendment (1251h)

Amend the bill by replacing section 1 with the following:

1 Standard for Return of a Child in Placement. Amend the introductory paragraph of RSA169-C:23 to read as follows:

169-C:23. ~~[Before a child in foster care is returned to the custody of its parents,]~~ ***In the absence of a guardianship of the person of the minor, governed by the terms of RSA 463, before a child in out-of-home placement is returned to the custody of his or her parents, the parent or*** parents shall demonstrate to the court that:

SB 112, relative to the guardianship of minors. OUGHT TO PASS WITH AMENDMENT

Rep. David A. Bickford for Children and Family Law: This bill clarifies "guardianship of a minor" within the definition of "custody proceeding" and places the jurisdiction of the court under the Uniform Child Custody Jurisdiction Act. Passage of this bill would cause no fiscal impact. Vote 14-0.

Amendment (1250h)

Amend RSA 458-A:2, III as inserted by section 1 of the bill by replacing it with the following:

III. "Custody proceeding" includes proceedings in which a custody determination is at issue or is one of several issues, including any action or proceeding brought to annul a marriage or to declare the nullity of a void marriage, or for a separation, or for a divorce, **or relative to the guardianship of a minor**, but not including proceedings for adoption, child protective proceedings or proceedings for permanent termination of parental custody, or proceedings involving the guardianship and custody of **children found to be** neglected or dependent ~~[children]~~ **pursuant to RSA 169-B, 169-C, or 169-D.**

HB 375, relative to substitutions for disqualified candidates and relative to nominations by nomination papers. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. Clegg, Jr. for Election Law: This bill allows a 5-day window to replace a candidate who is disqualified from having their name printed on the ballot for a primary election because of age, domicile, incapacitating disability or death. The respective party shall have 5 days to replace the candidate by submitting a new name to the secretary of state. Vote 18-0.

Amendment (1072h)

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

AN ACT relative to substitutions for disqualified and deceased candidates.

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

1 Elections; Nominations; Conduct of Primary; Disqualification of Candidate; Substitution Deadline Added. Amend RSA 655:38 to read as follows:

655:38 Disqualification of Candidate. If a candidate to be voted for at the general election shall make oath between the date of ~~[his]~~ **the candidate's** nomination and the day of the election that he **or she** does not qualify for the public office which he **or she** seeks because of age, domicile, or incapacitating physical disability acquired subsequent to the primary, the secretary of state may remove said person's name from the ballot. A new candidate may be substituted by the appropriate party committee by ~~[notifying]~~ **submitting the name of the new candidate to** the secretary of state **within 5 days of the notice of disqualification.** The name of the substitute candidate shall be placed on the ballots as provided in RSA 656:21.

2 Elections; Nominations; Conduct of Primary; Death of Candidate; Substitution Deadline Added. Amend RSA 655:39 to read as follows:

655:39 Death of Candidate. If any candidate to be voted for at the general election shall die between the date of nomination and the day of election, a new candidate may be substituted by the appropriate party committee by ~~[notifying]~~ **submitting the name of the new candidate to** the secretary of state **within 5 days of the notice of death.** The name of the substitute candidate shall be placed on the ballots as provided in RSA 656:21.

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

AMENDED ANALYSIS

This bill requires that a party committee notify the secretary of state of a substitute candidate for a disqualified or deceased candidate within 5 days of notification of the disqualification or death.

HB 445, relative to straight ticket voting procedures. RE-REFER TO COMMITTEE

Rep. Raymond Buckley for Election Law: The committee requests that HB 445 be re-referred so that we may use the bill as a vehicle to study several ballot-related ideas that are of interest to the committee. As we have worked on our bills this year, a number of new ideas have been mentioned that the committee would like to study for potential legislation next session. Vote 17-1.

HB 458, relative to voter qualifications. INEXPEDIENT TO LEGISLATE

Rep. Robert R. Rodrigue for Election Law: The bill would have made changes in voter qualifications to accommodate homeless persons and others. The committee found both good and bad in the bill. After extensive amending in sub-committee, there are still some concerns of the constitutionality of this bill. Out of respect to the current workload of the legislature, the sponsor has asked that the bill be killed, so that the issue may be given proper attention at some later time. Vote 17-1.

HB 506-FN-L, relative to voter registration. INEXPEDIENT TO LEGISLATE

Rep. Francis W. Davis for Election Law: This bill would have required that voter registration forms be available in the office of the mayor or selectmen, the post office, and the library in each city and town in addition to the office of the clerk. The committee felt that these additional registration places were not necessary now that we have same day voter registration on election day. This bill would also have required the verification of the voter checklists every two years. The current purging of the voter checklist is on a ten-year cycle. To reduce this cycle to a two-year period would be very costly. The election law committee unanimously opposed this legislation. Vote 17-0.

HB 395-FN-A, establishing a pilot program of matching grants to preserve historic agricultural structures in New Hampshire and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Margaret A. Lynch for Finance: The amendment replaces the original bill. As presented, the original bill established a pilot program of matching grants to preserve historical agricultural structures at a cost of \$100,000 to the general fund for the biennium. It was the consensus of the committee that we could support the policy intent; however, we could not justify a \$100,000 grant program as a priority at this time for state financial support.

The amendment removes the state obligation for financial support and establishes a non-lapsing fund in the office of the state treasurer to be known as The Barn Preservation Fund. The division of historical resources is authorized to accept public and private donations of any kind to be awarded competitively to eligible applicants, who must match the award with equal or greater value. The amendment further establishes an advisory committee and eligibility criteria as well as the requirement to record such grant awards with the appropriate registry of deeds.

The Committee on Environment and Agriculture reviewed the changes to the bill and found them acceptable. There is therefore no fiscal impact on general funds. Vote 25-1.

Amendment (1166h)

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

AN ACT establishing a program of matching grants to preserve historic agricultural structures in New Hampshire.

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

1 New Subdivision; Historic Agricultural Structure Matching Grants Program. Amend RSA227-C by inserting after section 26 the following new subdivision:

Historic Agricultural Structure Matching Grants Program

227-C:27 Purpose. Historic barns and agricultural structures symbolize the distinctive New Hampshire values of heritage, hard work, productivity and stewardship. They are witnesses to the role of agriculture in our state's image and its economy, and they serve as scenic landmarks for residents and visitors alike. They are among our most highly valued heritage resources, but many can no longer generate sufficient income to prevent their loss by decay or demolition. In order to assist the owners who are making an effort to preserve these irreplaceable assets, it is hereby declared to be public policy and in the public interest of this state to establish a matching grants program consisting of funds from private and public sector grants, gifts, and donations for preserving historic agricultural structures in New Hampshire.

227-C:28 Matching Grants Program Established; Barn Preservation Fund.

I. A program of matching grants to preserve historic barns and agricultural structures in New Hampshire is hereby established.

II. There is established a nonlapsing fund in the office of the state treasurer to be known as the barn preservation fund. The division of historical resources, department of cultural resources, is authorized to accept public sector and private sector grants, gifts, or donations of any kind to be awarded competitively to eligible applicants. All such moneys shall be deposited in the fund. Moneys in the fund shall be used solely for grant awards and shall be matched with an equal or greater value of cash, labor, or materials provided by the applicant from private, local, state, or federal sources.

227-C:29 Advisory Committee.

I. For the purpose of soliciting applications, recommending grant awards, and considering any other matter necessary to the administration of this act, an advisory committee to the division of historical resources shall be established, consisting of:

- (a) The commissioner of cultural resources, or designee.
- (b) The commissioner of agriculture, markets, and food, or designee.
- (c) The commissioner of resources and economic development, or designee.
- (d) The chairperson of the state conservation committee, or designee.

(e) The director of the division of historical resources, or designee, who shall act as the committee chair.

designee. (f) The executive director of the New Hampshire Farm Service Agency, or

(g) The director of the New Hampshire Farm Bureau Federation, or designee.

or designee. (h) The director of the university of New Hampshire Cooperative Extension,

(i) The master of the New Hampshire state grange, or designee.

(j) A member of the state historical resources council.

director. (k) A staff member of the division of historical resources selected by the

committee. (l) Two individuals actively engaged in agriculture, selected by the

II. On or before November 1 of the second year of each biennium, the committee shall make a report regarding the program to the speaker of the house of representatives, the senate president, and the governor.

227-C:30 Eligibility. In order to qualify for grant assistance, agricultural buildings and structures shall be listed in the National Register of Historic Places, or shall be formally determined to be eligible for the National Register of Historic Places, or shall be listed or formally determined to be eligible for listing in the state register of historic places, in accordance with established procedures of the division of historical resources, prior to receiving any grant funds. Priority will be given to projects that:

(a) Preserve historic building features.

(b) Preserve important examples of historic agricultural building types.

(c) Promote productive long-term use of the property.

(d) Preserve important local landmarks.

(e) Are located on designated scenic and cultural byways.

(f) Would accept a preservation restriction, as defined in RSA 477:45.

227-C:31 Recapture. If a recipient or subsequent owner takes any action within 10 years of the grant award with respect to the assisted building or structure, such as dismantlement, removal, or substantial alteration, which causes it to no longer be eligible for listing on the National Register of Historic Places, within one year from the date of loss of eligibility, the preservation grant shall be repaid in full to the barn preservation fund.

227-C:32 Receipt of Grant Recorded in Registry of Deeds. Receipt of a grant award under this program and conditions of such award shall be recorded in the registry of deeds for the county in which the historic barn or agricultural structure is located.

2 New Subparagraph; Barn Preservation Fund Created. Amend RSA 6:12, I by inserting after subparagraph (www) the following new subparagraph:

(xxx) Moneys collected pursuant to RSA 227-C:28, which shall be deposited in the barn preservation fund.

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

AMENDED ANALYSIS

This bill establishes a program of matching grants to preserve historic agricultural structures. Grant moneys shall be provided by private and public sector gifts, grants, and donations, and shall be deposited in a newly created special fund. Recipients of grants must provide an equal or greater value of cash, labor, or materials from private, local, state, or federal sources.

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

Rep. Susan W. Almy for Finance: The legislature in 1998 created the Land and Community Heritage Commission to develop plans for a land and historic building preservation program. The Finance Committee amended the bill as received from the policy committee by removing language that could have committed the legislature to appropriating \$12 million to the new program to be proposed by the commission later this year, and by continuing the 1998 policy of voluntary funding of commission costs. Vote 23-3.

Amendment (1239h)

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

AN ACT relative to the duties of the New Hampshire land and community heritage commission.

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

1 Statement of Purpose.

I. The general court recognizes and supports the principal conclusion of the interim report of the New Hampshire land and community heritage commission, established pursuant to 1998, 161 (SB 493), that in order to maintain New Hampshire's quality of life and economic vitality for its citizens, growth and development should be balanced with protection of New Hampshire's most important natural, cultural and historic resources. Permanent protection of any of these resources, through easements, acquisition or rehabilitation of such lands, culturally or historically significant buildings and other physical assets, or interests in these assets, should be accompanied by long-term stewardship of these resources.

II. The general court finds that it is an appropriate function of state government to enact such permanent policy measures as may be beneficial, to protect and preserve New Hampshire's natural, cultural and historic resources for this and future generations, in partnership with the federal government, municipalities, other political subdivisions, and the private sector.

III. The general court concludes that the enactment of such a program or programs, and such other policy measures as may be beneficial toward these ends, should be considered at the earliest possible date.

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

2 New Paragraphs; Duties of Commission. Amend 1998, 161:4 by inserting after paragraph III the following new paragraphs:

IV. Work on completion of the original charge to the commission, including but not limited to refinement of the recommendations made in the commission's interim report relative to the scope, design and administration, including development of a plan for public dissemination of information, for a new public-private program to protect New Hampshire's most important natural, cultural and historic resources.

V. Evaluate and recommend specific public and private funding mechanisms to implement such a program.

VI. Examine the opportunity for partnerships among state and federal agencies, municipalities, not-for-profit organizations and others to protect New Hampshire's most important natural, cultural and historic resources.

VII. Evaluate possible economic and community benefits as well as local property tax impacts of public acquisition and protection of resources.

VIII. Develop an outreach and education program to communities, organizations and individuals to promote awareness of the importance of protecting natural, cultural and historic resources and creating effective stewardship programs for such resources.

IX. Cooperate and communicate with relevant committees of the house and senate on matters related to the purposes of this act.

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

AMENDED ANALYSIS

This bill clarifies the duties of the New Hampshire land and community heritage commission.

SB 25, expanding the waiver of administration under the law regarding decedents' estates. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert H. Rowe for Judiciary: This is a consumer-oriented bill that reduces the cost and time in the probating of estates when the sole heir of the estate is a spouse, or if no spouse an only child. In such instances the law allows the surviving spouse or the child to complete the probate process

through the filing of an affidavit of administration rather than proceeding through the full probate process. Vote 15-0.

Amendment (1045h)

Amend the bill by replacing section 1 with the following:

1 Decedents' Estates; Waiver of Full Administration. Amend RSA 554:1-a to read as follows:

554:1-a Waiver of **Full** Administration.

I. As used in this section, "fiduciary" shall mean any executor or administrator, including voluntary administrator, special administrator, administrator with will annexed (hereafter administrator w.w.a.), and administrator de bonis non.

II. Notwithstanding any provision of law, whenever a deceased dies testate and the surviving spouse or, if no spouse, an only child is named in the will as the sole beneficiary of the deceased's estate and ~~[has also been]~~ **is** appointed to serve as ~~[executor or administrator with will annexed, hereafter administrator w.w.a.]~~ **fiduciary; or whenever a deceased dies intestate and the surviving spouse or, if no spouse, an only child is the sole heir of the deceased's estate and is appointed to serve as fiduciary**, there shall be no requirement for an inventory of the estate, no requirement for a bond, and no requirement for an accounting for assets. ~~[Any interested person may petition for a full administration of the estate within 6 months after the original grant of administration, and such petition may be granted by the probate court for good cause shown.]~~ Administration of the ~~[will]~~ **estate** shall be completed upon the **fiduciary's** filing, **and the probate court's approval** of an affidavit of administration ~~[with the probate court]~~. Such filing shall occur not less than 6 months nor more than one year after the date of appointment of the ~~[executor or administrator w.w.a.]~~ **fiduciary**. The affidavit of administration shall state that to the best of the knowledge and belief of the ~~[executor or administrator w.w.a.]~~ **fiduciary** there are no outstanding debts or obligations attributable to the deceased's estate and shall list all real estate owned by the decedent at the time of death, including the location, book and page. If the ~~[executor or administrator w.w.a.]~~ **fiduciary** fails to file the affidavit of administration within the time prescribed above, the ~~[executor or administrator w.w.a.]~~ **fiduciary** is in default. The register of probate shall give notice of the default to the ~~[executor or administrator w.w.a.]~~ **fiduciary** by first class mail within 10 days after the default. The register of probate shall issue a citation notice in accordance with RSA 548:5-a. ~~[If the executor or administrator w.w.a. is unable to complete the administration of the estate, administration may be completed pursuant to RSA 553:7.]~~

III. Any interested person may petition for a full administration of the estate at any time from the original grant of administration to the filing of the affidavit of administration, and such petition may be granted by the probate court for good cause shown.

IV. Disclaimer, ademption of legacies, or declination to serve as executor may be effectively used to cause the estate to conform to the requirements of paragraph II.

V. A guardian may be appointed as fiduciary if the ward qualifies under the provisions of this section.

VI. If the fiduciary is unable to complete the administration of the estate, administration may be completed in accordance with this section by the successor fiduciary.

VII. If both this section and RSA 553:31 are applicable to an estate, this section shall take precedence.

SB 64, relative to powers of appointment. OUGHT TO PASS

Rep. Janet G. Wall for Judiciary: This bill is a product of a study committee last summer. It is intended to clear up a problem in New Hampshire regarding powers granted to a person in a will or trust where the language in said will or trust is vague. In many wills or trusts written prior to 1986 a distinction is not made between general power of appointment, which is broad and taxable by IRS and, special power of appointment, which is limited power and not taxable by IRS. Currently, the Internal Revenue Service chooses to declare powers of appointment as taxable if general or special is not clearly defined. If a state enacts laws clarifying general and special powers of appointment, the Internal Revenue Service will defer to the state law. This bill has no impact on New Hampshire legacy and succession laws. Vote 13-0.

SB 101, relative to landlord-tenant obligations. OUGHT TO PASS WITH AMENDMENT

Rep. Phyllis L. Woods for Judiciary: This bill would prohibit sheriff's departments from collecting a fee for service from landlords unless the landlord and tenant writ was made properly returnable in 7 days in accordance with current statute. The bill further defines "voluntary departed tenant" and reduces the time that a landlord is required to store the personal property of a tenant who has voluntarily vacated a dwelling from 28 days to 3 days. The bill prohibits a landlord from knowingly renting premises or maintaining premises for rent that violate minimum housing standards. It requires that, if part of a rental agreement requires the tenant to pay part of a utility service used in another dwelling unit, it shall be confirmed in writing to the tenant. The bill requires landlords and tenants to make repairs to correct certain violations and allows landlords to defend against certain alleged violations of minimum housing standards on the grounds that another caused the violations, and such landlord may counterclaim for cost of repair. The committee amendment also deleted a provision granting police officers, notaries, and justices of the peace the power to serve writs of summons – leaving that responsibility with the sheriff's departments. To do otherwise would have a negative effect on county budgets. Vote 16-0.

Amendment (1267h)

Amend RSA 540:13, III as inserted by section 3 of the bill by replacing it with the following:

III. The writ of summons and the notice provided in paragraph II shall be returnable 7 days from the date of service of the writ by the sheriff. ***If the writ of summons and notice are not made returnable within 7 days of service, no fee for service shall be due and any prepaid fees shall be reimbursed within 7 days of the return date on the writ. When computing the 7 days, the day of service shall not be included. The last day of the 7 day return period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period shall extend until the end of the next day that is not a Saturday, Sunday, or legal holiday as specified in RSA 288.*** The writ of summons shall provide an opportunity for the landlord, at the landlord's option, to make a claim for an award of unpaid rent. If the landlord elects to make a claim for unpaid rent, the court shall consider any defense, claim, or counterclaim by the tenant which offsets or reduces the amount owed to the plaintiff. If the court finds that the landlord is entitled to possession on the ground of nonpayment of rent, it shall also award the landlord a money judgment. If the court determines that the amount owed by the landlord to the tenant, as a result of set-off or counterclaim exceeds or equals the amount of rent and other lawful charges owed by the tenant to the landlord, judgment in the possessory action shall be granted in favor of the tenant. If the court finds that the tenant's counterclaim exceeds the amount

of the nonpayment, a money judgment shall issue in favor of the tenant. Any decision rendered by the court related to a money judgment[.] shall be limited to a maximum of \$1,500, and shall not preclude either party from making a subsequent claim in a court of competent jurisdiction to recover any additional amounts not covered by the \$1,500 judgment.

Amend RSA 540-A:3, VII as inserted by section 5 of the bill by replacing it with the following:

VII. A landlord shall maintain and exercise reasonable care in the storage of the personal property of a tenant who has vacated the premises, ~~[either voluntarily or by eviction]~~ ***who is not a voluntarily departed tenant***, for a period of 28 days after the date upon which such tenant has vacated. During this period, the tenant shall be allowed to recover personal property without payment of rent or storage fees. After the 28-day limit has expired, ~~[such personal property may be disposed of by the landlord without notice to the tenant]~~ ***any personal property of the tenant may be disposed of by the landlord without notice to the tenant. In the case of a voluntarily departed tenant, any personal property of the tenant may be disposed of by the landlord without notice to the tenant after a period of 3 days has expired. The 3-day period starts after the tenant shows an affirmative act or acts indicating that the tenant has permanently relocated.***

AMENDED ANALYSIS

This bill:

I. Extends payments on behalf of tenants to include payments by voucher from the state, a county, or any organization which disburses state or federal funds.

II. Provides that if a writ informing a tenant to quit the premises served by a sheriff is not made returnable within 7 days, no fee for service shall be due and any prepaid fees shall be reimbursed.

III. Defines "voluntary departed tenant."

IV. Allows a landlord to dispose of personal property of a voluntarily departed tenant without notice to such tenant after a 3-day period has elapsed from the time such tenant displays an affirmative act indicating permanent relocation.

V. Prohibits a landlord from knowingly renting premises or maintaining premises for rent that violate minimum housing standards.

VI. Requires that, if part of a rental agreement requires the tenant to pay part of a utility service used in another dwelling unit not the tenant's own, such part of the rental agreement be confirmed to the tenant in writing.

VII. Requires landlords and tenants to make repairs to correct certain violations.

VIII. Allows a landlord to defend against certain alleged violations of minimum housing standards on the grounds that another caused the violations, and such landlord may counterclaim for cost of repair.

SB 165, relative to the Uniform Trustees' Powers Act. OUGHT TO PASS

Rep. Phyllis L. Woods for Judiciary: This bill allows a trustee to certify their power and to convey personal property held in trust by the use of a certified and guaranteed document which is a written certificate signed by the trustee and sworn to before a notary public. This bill is really a consumer protection bill in that it protects persons who purchase property from a trustee from having that property confiscated due to the fact that the trustee did not have proper authority to dispose of the property of the estate. Vote 15-0.

HB 521-L, exempting initial bond issues from the 10 percent limitation on exceeding appropriations recommended by the budget committee. RE-REFER TO COMMITTEE

Rep. David W. Hess for Municipal and County Government: Current law sometimes empowers local budget committees to prevent local legislative bodies from even considering some bond issues by simply voting to "not recommend" the bond issue. The Committee agrees with the sponsors of this bill that giving municipal budget committees such a "veto" over bond issues does not appear to be the intent of the Municipal Budget Act. However, the Committee believed that completely exempting such bond issues from the ten per cent limitations on exceeding appropriations recommended by the budget committee also violated the intent of the Municipal Budget Act. After a number of attempts to address this issue within the spirit of the Act were unsuccessful, the Committee decided it should be studied further and voted unanimously to re-refer. Vote 15-0.

HB 733, relative to a state master plan for the deployment of personal wireless service facilities. RE-REFER TO COMMITTEE

Rep. Jeb E. Bradley for Science, Technology and Energy: This bill deals with the siting of wireless telecommunication towers. The committee decided to re-refer this bill as it is very complex and in need of considerable scrutiny. The committee will examine a master plan for siting of towers, mapping of locations, model siting ordinances, local planning and zoning consensus, and a policy with regard to use of state owned mountain tops for location of telecommunication towers. Vote 17-0.

SB 124, establishing a committee to study the integration of technology at the state and municipal level. OUGHT TO PASS WITH AMENDMENT

Rep. Harold V. Lynde for Science, Technology and Energy: The committee heard testimony from municipal and county employees on the need for better coordination and integration of technology implementation at the state level that impacts on technology requirements at municipal and county levels of government as well as the need for efficient transfer and access to data. Additionally, testimony indicated the importance of improving the timeliness of the Division of Information Technology Management (DITM) involvement in technology decisions at the state level. The purpose of the study committee is to investigate specific measures, which would promote the integration of technology at the state, county, and municipal levels of government for the mutual benefit of all. The bill, as presented to the committee, only referred to the state and municipalities. The amendment adds counties because there is a desire and need to obtain successful technology integration at all levels of New Hampshire government. Vote 16-0.

Amendment (1217h)

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

AN ACT establishing a committee to study the integration of technology at the state, county, and municipal levels.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study integration of technology at the state, county, and municipal levels.

Amend the bill by replacing paragraph I of section 2 with the following:

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

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

(b) Five members of the house of representatives, at least one of whom shall be a member of the municipal and county government committee, and at least one of whom shall be a member of the science, technology and energy committee, appointed by the speaker of the house.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall investigate specific measures which would promote the integration of technology at the state, county, and municipal levels for the mutual benefit of all entities and the citizens of the state of New Hampshire. In conducting its research, the committee shall seek input from the department of administrative services, division of information technology management, in terms of specific technology applications that the state of New Hampshire is deploying or desires to deploy at the county and/or local level and the New Hampshire Association of Counties and the New Hampshire Municipal Association for their perspective on municipal technology needs. In addition, the committee shall seek the input from the oversight committee on telecommunications, which is considering the feasibility and cost-effectiveness of installing certain high-speed telecommunications lines.

AMENDED ANALYSIS

This bill establishes a committee to study the integration of technology at the state, county, and municipal levels.

HB 505-FN, establishing a special license plate for veterans. RE-REFER TO COMMITTEE

Rep. Robesrt J. Letourneau for Transportation: This bill was originally reported Inexpedient to Legislate by the committee. The sponsor asked if we would accept to recommit the bill on the day of the initial vote in the House. The committee accepted the bill back so that the sponsor could present some new ideas to the committee. Because of the time factors involved with house bills, we ask that this bill be re-referred so that the new material can be fully examined by the committee. Vote 14-0.

SPECIAL ORDER

HB 657-FN, relative to the health services planning and review board. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT

Rep. Peter Batula for the Majority of Health, Human Services and Elderly Affairs: As explained in HB 419, the "Certificate of Need Board" was initially mandated into law as a watchdog on escalating medical costs. The board is no longer a federal mandate and many states have repealed the law for various reasons. Those include failure to slow down escalating medical costs as originally intended, and whether intentional or unintentional, it all but puts a moratorium on competition. The board has, at least in perception, created a wide division between physicians and hospitals. For example: Hospitals' cash cows are the operating rooms and in many instances, they build more

surgical centers to reap the most often overpriced surgeries profits. If the cost of these additional surgical centers exceeds \$1.5 million, they need C.O.N. approval and they have usually been approved based on past history. The problem arises when perhaps a group of physicians wish to build and open a private freestanding multi-use surgical center, which would obviously compete for the non-emergency type surgeries. If their building costs are expected to exceed \$1,000,000, they need C.O.N. approval. That is where the problem starts, as the C.O.N. board controls not only the destiny of the approval process, but also has the power to shut down competition for the hospitals, even though a Blue Cross/Blue Shield study shows that ambulatory surgical centers reduce surgery costs by 47%, while providing quality, affordable health care for all citizens. 2600 ambulatory surgical centers have opened in the country and not one hospital has closed because of them. The federal government encourages the growth of these centers, due to cost savings. HB 657 restructures the C.O.N. board from seven to nine members, adjusts the capital expenditure threshold of \$1,250,000 and levels the playing field between hospitals and surgical centers. There is and was an attempt to lower the threshold from the \$1,250,000 and if adopted, this would create a moratorium on ambulatory surgical centers, meaning higher surgical costs due to a lack of competition. A vote to lower the threshold (producing a moratorium on competition) is indeed a journey in the wrong direction on the subject of controlling escalating medical costs. Vote 12-8.

Rep. Marion L. Copenhagen for the Minority of Health, Human Services and Elderly Affairs: The minority of the committee believes that ambulatory surgical centers should be subject to review by the Health Services, Planning and Review Committee (known as the Certificate of Need Board) to determine if there is a public need or to avoid costly duplicative services. The bill as passed, has a threshold of \$1,250,000 which in effect, exempts these ambulatory surgical centers from the public review process. The minority feels the threshold should be \$750,000, in order for the state to maintain a healthy balance of these necessary surgical facilities.

Majority Amendment (0896h)

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

AN ACT relative to the health services planning and review board and the certificate of need process.

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

1 Legislative Findings; Public Interest; Review and Assessment of New Health Services.
Amend RSA 151-C:1, III to read as follows:

III. The state has an interest in promoting and stimulating ***competition and*** collaboration among providers in the health care marketplace as a means of managing the increases in health care costs.

2 Members of the Board. Amend RSA 151-C:3, I(a)(2)(B) and (c) to read as follows:

(B) ~~Three~~ **Four** consumers, each from a different region of the state. For the purposes of this subparagraph "consumer" means an individual whose occupation is not in the delivery of health care services, who has no fiduciary obligation or financial interest in any health care facility or health care insurer licensed or regulated by this state, and who is not related in their immediate family to anyone who is involved in the delivery of health care services or health insurance.

(C) ~~[Two]~~ **Three** providers whose occupation is in the delivery of health care services regulated by the board. One of these providers shall be nominated by the New Hampshire Hospital Association. The ~~[other]~~ **second** provider shall be nominated by the New Hampshire Health Care Association. ***The third provider shall be nominated by the New Hampshire Ambulatory Surgery Association.***

3 Terms. Amend RSA 151-C:3, I(b) to read as follows:

(b) The commissioner of the department of health and human services or designee shall serve as the only permanent member of the board. All other members of the board shall serve only for one 3-year term, provided that of the initial members, the representative of health care insurers and one consumer shall serve for one year, one consumer and one provider shall serve for 2 years and one consumer and one provider shall serve for 3 years. ***Members of the board are not eligible for reappointment upon expiration of their terms.***

4 Staff; Meetings. Amend RSA 151-C:3, VII to read as follows:

VII. (a) The commissioner of the department of health and human services shall provide staff to support the work of the board and shall appoint, from among the staff, a person to serve as staff director who shall oversee the staff and act as liaison between the commissioner and the board. ***The staff director shall also testify at public hearings to defend staff analyses and recommendations to the board.*** The commissioner shall also provide space for the board and staff and other assistance and materials as necessary; ***provided, that all meetings of the board shall take place on government property owned or leased by the state of New Hampshire.***

(b) The staff director shall account to the commissioner of the department of health and human services for the administration of funds allocated under this chapter, for the conduct of the staff, and shall timely and appropriately execute his ***or her*** duties.

5 Expenditure Decreased. Amend RSA 151-C:5, II(a) to read as follows:

(a) The construction, development, expansion, or alteration of any acute care facility requiring a capital expenditure of more than ~~[\$1,500,000]~~ ***\$1,250,000.*** ~~[The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.]~~ ***Beginning in 2000, and using that year as a base, the capital expenditure threshold shall be adjusted annually by the rate of change in the Consumer Price Index for medical care in New Hampshire as reported by the Bureau of Labor Statistics of the United States Department of Labor.***

6 Expenditure Increased. Amend RSA 151-C:5, II(f) to read as follows:

(f) The construction, development, expansion, renovation, or alteration of any nursing home, ambulatory surgical facility, rehabilitation hospital, psychiatric hospital, specialty hospital, or other health care facility requiring a capital expenditure of more than ~~[\$1,000,000]~~ ***\$1,250,000.*** ~~[The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.]~~ ***Beginning in 2000, and using that year as a base, the capital expenditure threshold shall be adjusted annually by the rate of change in the Consumer Price Index for medical care in New Hampshire as reported by the Bureau of Labor Statistics of the United States Department of Labor.***

7 Definition. Amend RSA 151-C:2, I to read as follows:

I. "Ambulatory surgical facility" means a facility ~~[which is not physically attached to a health care facility and]~~ which provides surgical treatment to patients not requiring hospitalization, and does not include the offices of private physicians or dentists, whether in individual or group practices.

8 Definition; Major New Facilities. Amend RSA 151-C:2, XXV to read as follows:

XXV. "Major new facilities" means the construction, development, or other establishment of a new health care facility, the total cost of which is in excess of ~~[\$1,000,000]~~ **\$1,250,000.**

9 Duties of Staff. Amend RSA 151-C:3, VII to read as follows:

VII.(a) The commissioner of the department of health and human services shall provide staff to support the work of the board and shall appoint, from among the staff, a person to serve as staff director who shall oversee the staff and act as liaison between the commissioner and the board. The commissioner shall also provide space for the board and staff and other assistance and materials as necessary. ***Notwithstanding this paragraph or any other provision of law to the contrary, the staff members shall report to the board.***

(b) The staff director shall account to the commissioner of the department of health and human services for the administration of funds allocated under this chapter~~[-, for the conduct of the staff,]~~ and shall timely and appropriately execute ~~[his]~~ ***the director's*** duties.

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

AMENDED ANALYSIS

This bill requires the health services planning and review board to meet on government property owned by the state of New Hampshire. For the purposes of certificate of need, the bill increases the expenditure for certain proposed new facilities from \$1,000,000 to \$1,250,000 and decreases the expenditure for acute care facilities from \$1,500,000 to \$1,250,000.

The bill also requires the staff appointed to serve the board to report to the board.

Adopted.

Majority report adopted and ordered to third reading.

REGULAR CALENDAR

HB 337, requiring that the order of candidate names on the ballot be determined by a random drawing. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Sandra J. Reeves for Majority of Election Law: Under current law, candidates for each office on the general election ballot are grouped first according to party and then listed alphabetically within each grouping. Candidates from the party that received the largest number of votes at the last general election are listed first. This law has been challenged and upheld in federal district court. On February 24, 1997, the court determined that the plaintiffs in the case failed to demonstrate that there is a positional advantage on the ballot of a partisan general election and that there are "substantial justifications" for the law that designates the order of candidate's names. HB 337

requires that the order of candidates names on the ballot be determined by a random public drawing conducted by the Secretary of State. After a lively discussion, and using the names of the Election Law Committee (whose last names begin with letters from A to Y) as a random sample, it became apparent that ballot placement does not necessarily determine outcome. Voters are sophisticated and vote according to the qualifications of each candidate. The majority feels that the current system is working well and there is no need to change it at this time. Vote 12-5.

Rep. Raymond Buckley for the Minority of Election Law: The testimony before the committee was unanimously in favor of passage of HB 337. The issue is fairness. Candidates should not be given an unfair advantage by virtue of their last name or political party. The committee heard testimony that the placement of the candidate's name on the ballot gives a six to ten percent advantage or disadvantage based on placement. The minority supports the concept of fairness in elections.

Rep. Burling requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

YEAS 185 NAYS 142			
YEAS 185			
BELKNAP			
Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Millham, Alida	Pilliod, James	Rice, Thomas
Thomas, John	Turner, Robert	Wendelboe, Francine	
CARROLL			
Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald	Torressen, Gary	
CHESHIRE			
Avery, Stephen	Hunt, John	Roberts, William	Rose, William
Royce, H Charles	Smith, Edwin		
COOS			
Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	Tholl, John, Jr		
GRAFTON			
Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Harmon, Hobart	MacNeil, Allen	Marshall, Gene	Mirski, Paul

Phinney, William	Picconi, Al	Scanlan, David	Weber, Phil
HILLSBOROUGH			
Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter
Belvin, William	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr	Cote, David	Coughlin, Pamela	Dalianis, Griffin
Daniels, Gary	Dokmo, Cynthia	Durham, Susan	Dyer, Merton
Emerton, Lawrence	Fenton, James	Fields, Dennis	Fletcher, Richard
Flora, Kathleen	Gagnon, Eugene	Goulet, Maurice	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Jean, Loren	Kurk, Neal
L'Heureux, Robert	Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee
MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston	McGough, Tim
Mercer, Robert	Messier, Irene	Milligan, Robert	Moran, Edward
Mosher, William	O'Hearn, Jane	Ouellette, Dean	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Tate, Joan	Thulander, O Alan	Wall, Nancy
White, Donald	Withee, Dennis		
MERRIMACK			
Anderson, Eric	Brewster, Richard	Davis, Francis	Feuerstein, Martin
Hager, Elizabeth	Hoadley, Elizabeth	Jacobson, Alf	Langer, Ray
Larrabee, David, Sr	Lavoie, Gerard	Leber, William	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Nichols, Avis
Whalley, Michael			
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Bridle, Russell	Clark, Vivian	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	Dolan, Richard
Dunham, Vivian	Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr
Francoeur, Sheila	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hutchinson, Karen	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Letourneau, Robert

Lovejoy, Marian	McKinney, Betsy	Moore, Benjamin	Morse, Charles
O'Neil, Michael	Packard, Sherman	Priestley, Anne	Putnam, Ed, II
Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard	Ruffner, Walter
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Weare, Everett	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			
STRAFFORD			
Bickford, David	Brown, Julie	Cossette, Larry	Dunlap, Patricia
McKinley, Robert	Musler, George	Spear, Barbara	Torr, Franklin
Woods, Phyllis			
SULLIVAN			
Jones, Constance	Tuthill, John		
NAYS 142			
BELKNAP			
Rosen, Ralph	Salatiello, Thomas	Wood, Jane	
CARROLL			
Sullivan, P Judith			
CHESHIRE			
Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	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			
Glines, Sara	Hawkinson, Marie	Landers, Dana	Mears, Edgar
Rodrigue, Robert			
GRAFTON			
Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Solow, Martha			
HILLSBOROUGH			

Ahern, Richard	Bergeron, Lucien	Buckley, Raymond	Burkush, James
Clemons, Jane	Cote, Peter	Craig, James	Curran, James
Daigle, Robert	Drabinowicz, A	Foster, Linda	Gagnon, Paul
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty	Herman, Richard
Johnson, Lionel	Keye, Harvey	Konys, Christine	LaRose, Richard
Lasky, Bette	Lynde, Harold	McCarthy, William	Melcher, Harold
Mendenhall, Leslie	Moriarty, Mary	Murphy, Robert	O'Connell, Timothy
Perkins, Paul	Reidy, Frank	Sarette, John	Turgeon, Roland
Vaillancourt, Steve	White, John	Williams, Carol	
MERRIMACK			
Bouchard, Candace	Chase, George	Crosby, Toni	Daneault, Gabriel
Fortnam, Janet	Fraser, Marilyn	French, Barbara	Gile, Mary
Moore, Carol	Owen, Derek	Potter, Frances	Poulin, Dave
Reardon, Tara	Rodd, Beth	Seldin, Gloria	St Cyr, Gerard
Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles
ROCKINGHAM			
Blanchard, MaryAnn	Clark, Martha	Downing, Michael	Hutchinson, Rebecca
Kane, Cecelia	Kelley, Jane	Langone, John	Mikowski, Walter
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Sapareto, Frank	Schanda, Frank	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Vaughn, Charles	Weatherspoon, Jackie	
STRAFFORD			
Berube, Roger	Brennan, William	Brown, George	Callaghan, Frank
DeChane, Marlene	Domingo, Baldwin	Estabrook, Iris	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	Taylor, Kathleen	Twardus, Joseph	Wall, Janet
SULLIVAN			

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Leone, Richard	Phinizy, James	Robb-Theroux, Amy	Wiggins, Celestine

and the majority report was adopted.

HB 411, requiring ballot clerks to verify the identity of persons receiving ballots by requesting an identification card. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Robert E. Clegg, Jr. for the Majority of Election Law: In an attempt to make voting as easy as possible, we have made many changes including same day registration. We have, in past years, done whatever was necessary to increase voter participation. However, in doing so, we inadvertently made it easier to commit fraud. By passing this bill, we protect the voters' rights by simply asking for a photo ID to be presented at the polls. Vote 16-3.

Rep. Raymond Buckley for the Minority of Election Law: The minority believes that this bill will lead to future litigation because of discriminatory enforcement. Many in the majority admitted during the committee discussion that they would only request an ID on election day from those with whom they were unfamiliar. This practice will open the door for the possibility of our growing minority community to be arbitrarily discriminated against on voting day. The committee did not hear compelling testimony that this legislation is needed.

Amendment (1268h)

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

AN ACT requiring voters to present identification.

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

1 Requirements for Obtaining a Ballot Modified. Amend RSA 659:13 to read as follows:

659:13 Obtaining a Ballot. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his *or her* name ***and present his or her NewHampshire driver's license, identification card issued by the director of motor vehicles under the provisions of RSA 260:21, armed services identification card, or United States passport*** to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, ~~he~~ ***the ballot clerk*** shall put a checkmark beside it and again repeat the name. ***If the person does not have his or her driver's license, passport, or identification card, the person may sign the affidavit provided for in RSA 659:27.*** The voter, unless challenged as provided for in RSA 659:27-33, ***or unless failing to present proper identification and failing to sign an affidavit,*** shall then be allowed to enter the space enclosed by the guardrail. After ~~he~~ ***the voter*** enters the enclosed space, the ballot clerk shall give ~~him~~ ***the voter*** one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

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

AMENDED ANALYSIS

This bill requires that voters present identification or sign an affidavit to obtain a ballot.

Adopted.

On a division vote, 201 members having voted in the affirmative and 130 in the negative, the majority report was adopted.

HB 547-L, changing the state primary election day to the first Saturday after Labor Day.
INEXPEDIENT TO LEGISLATE

Rep. James R. Splaine for Election Law: This bill would change state primary election day to Saturday instead of Tuesday every two years. The committee heard of concerns of some religious communities and felt this was an unnecessary change that would have not resulted in greater voter turnout. The co-sponsors agreed that this should not pass as written. Vote 16-2.

Adopted.

HB 68, adding the name of Martin Luther King, Jr. to Civil Rights Day. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Sylvia A. Holley for the Majority of Executive Departments and Administration: This bill adds the name Martin Luther King, Jr. to Civil Rights Day which is a holiday celebrated on the third Monday in January. This action sends a message, loud and clear that New Hampshire honors Dr. King and the other heroes of the civil rights movement. His principles of non-violence serve as an example to us all in this era of increasing violence. Vote 11-7.

Rep. Benjamine E. Moore for the Minority of Executive Departments and Administration: In 1991, the legislature voted to establish Civil Rights Day. The intent of the legislation was clearly stated as follows: "Civil Rights Day Established. In recognition of the courage, determination, and personal sacrifice of the many people from a variety of cultural backgrounds who fought and died in the struggle to gain freedom and equality for all individuals, and to celebrate these freedoms in a manner consistent with every individuals' constitutional rights to free speech and liberty, this law seeks to honor these persons who have dedicated or will dedicate their lives to the issue of equality of all by establishing the third Monday in January as Civil Rights Day in New Hampshire. This recognized celebration of civil rights seeks to educate society, in an impartial manner, against prejudice." The minority strongly feels that the intent of the legislature should be sustained out of respect for those who worked diligently to establish Civil Rights Day in 1991.

Reps. Benjamin Moore, Donald White, Putnam, Rosen, Lefebvre, Eaton, and Loren Jean spoke against.

Reps. Norelli and Withee spoke in favor and yielded to questions.

Reps. Millham, Kelley, John Pratt, Leishman and Keye spoke in favor.

Rep. Mercer requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

YEAS 212 NAYS 148			
YEAS 212			
BELKNAP			
Millham, Alida	Salatiello, Thomas	Wood, Jane	
CARROLL			
Bradley, Jeb	Torressen, Gary		
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Hunt, John	Lerandeau, Alfred
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Riley, William	Robertson, Timothy	Rose, William
Royce, H Charles	Russell, Ronald	Zerba, Roger	
COOS			
Glines, Sara	Hawkinson, Marie	Horton, Lynn	Landers, Dana
Mears, Edgar	Rodrigue, Robert		
GRAFTON			
Akins, Ralph	Almy, Susan	Brothers, Richard	Copenhaver, Marion
Densmore, Jessica	Guest, Robert	Hinman, Harry	Johnson, Gary
Picconi, Al	Scanlan, David	Solow, Martha	
HILLSBOROUGH			
Ahern, Richard	Alukonis, David	Baroody, Benjamin	Belvin, William
Bergeron, Lucien	Bergin, Peter	Buckley, Raymond	Burkush, James
Clemons, Jane	Cote, David	Craig, James	Curran, James
Daigle, Robert	Dalianis, Griffin	Dawe, Eileen	Desmarais, Vivian
Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A	Durham, Susan
Dwyer, Paul, Sr	Emerton, Lawrence	Fields, Dennis	Flora, Kathleen
Foster, Linda	Franks, Suzan	Gagnon, Paul	Garrish, Linda
Ginsburg, Ruth	Gorman, Mary	Haettenschwiller, Alphonse	Haley, Robert

Hall, Betty	Herman, Richard	Holley, Sylvia	Johnson, Lionel
Keye, Harvey	Konys, Christine	LaRose, Richard	Lasky, Bette
Leishman, Peter	Lozeau, Donnalee	Lynde, Harold	Martin, Mary
McCarthy, William	McDonald, James, Sr	Melcher, Harold	Mendenhall, Leslie
Messier, Irene	Moriarty, Mary	Murphy, Robert	O'Hearn, Jane
Perkins, Paul	Peterson, Andrew	Reidy, Frank	Rowe, Robert
Sarette, John	Sargent, Maxwell	Simon, Anthony	Turgeon, Roland
Vaillancourt, Steve	White, John	Williams, Carol	Withee, Dennis
MERRIMACK			
Asplund, Bronwyn	Bouchard, Candace	Chase, George	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Hess, David
Jacobson, Alf	Leber, William	Moore, Carol	Owen, Derek
Potter, Frances	Poulin, Dave	Reardon, Tara	Rodd, Beth
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whalley, Michael	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Blanchard, MaryAnn	Bridle, Russell
Christie, Andrew, Jr	Clark, Martha	Cooney, Richard	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Francoeur, Sheila	Gleason, John
Henderson, Warren	Hutchinson, Rebecca	Kane, Cecelia	Katsakiores, Phyllis
Kelley, Jane	Langley, Jane	Langone, John	Lovejoy, Marian
Norelli, Terie	O'Keefe, Patricia	O'Neil, Michael	Pantelakos, Laura
Pitts, Jacqueline	Rabideau, Marie	Sapareto, Frank	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Vaughn, Charles
Weatherspoon, Jackie	Whittier, John	Zolla, William	
STRAFFORD			
Berube, Roger	Brennan, William	Brown, George	Brown, Julie
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	Musler, George	Pelletier, Arthur
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Spear, Barbara	Taylor, Kathleen	Twardus, Joseph
Vachon, Dennis	Wall, Janet		
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Jones, Constance	Leone, Richard	Phinizy, James	Robb-Theroux, Amy
Tuthill, John	Wiggins, Celestine	Young, David	
NAYS 148			
BELKNAP			
Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Lawton, Robert	Pilliod, James
Rice, Thomas	Rosen, Ralph	Thomas, John	Turner, Robert
Wendelboe, Francine			
CARROLL			
Babson, David, Jr	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith		
CHESHIRE			
Roberts, William	Smith, Edwin		
COOS			
Davis, Perley	Guay, Lawrence	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr			
GRAFTON			
Alger, John	Cobb, John	Eaton, Stephanie	Gilman, G Michael
Hall, David	Harmon, Hobart	MacNeil, Allen	Marshall, Gene
Mirski, Paul	Phinney, William	Ward, Brien	Weber, Phil
HILLSBOROUGH			
Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter	Brundige, Robert
Bruno, Pierre	Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert

Christiansen, Lars	Clegg, Robert, Jr	Cote, Peter	Coughlin, Pamela
Daniels, Gary	Dyer, Merton	Fenton, James	Fletcher, Richard
Gagnon, Eugene	Goley, Jeffrey	Goulet, Maurice	Hansen, Herbert
Herman, Keith	Hunter, Bruce	Jean, Loren	Kurk, Neal
L'Heureux, Robert	Lefebvre, Roland	Lessard, Rudy	MacGillivray, Jeffrey
Martel, Andre	McCarty, Winston	McGough, Tim	McRae, Karen
Mercer, Robert	Milligan, Robert	Moran, Edward	Mosher, William
Nolan-Piteri, Dawn	O'Connell, Timothy	Ouellette, Dean	Pappas, Marc
Pepino, Leo	Reeves, Sandra	Tate, Joan	Thulander, O Alan
Wall, Nancy	White, Donald		
MERRIMACK			
Anderson, Eric	Brewster, Richard	Feuerstein, Martin	Hoadley, Elizabeth
Kennedy, Richard	Langer, Ray	Larrabee, David, Sr	Lavoie, Gerard
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Maxfield, Roy
Nichols, Avis	Soltani, Tony	Whittemore, James	
ROCKINGHAM			
Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin	Clark, Vivian
Corbin, C David	Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce
Dolan, Richard	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Flanders, John, Sr	Griffin, Mary	Hamel, Albert	Hutchinson, Karen
Johnson, Robert	Katsakiores, George	Kobel, Rudolph	Letourneau, Robert
McKinney, Betsy	Mikowski, Walter	Moore, Benjamin	Morse, Charles
Packard, Sherman	Priestley, Anne	Putnam, Ed, II	Quandt, Marshall
Raynowska, Bernard	Reardon, Neil	Ruffner, Walter	Stickney, Nancy
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Weare, Everett	Welch, David	Weyler, Kenneth	
STRAFFORD			
Bickford, David	Callaghan, Frank	McKinley, Robert	Torr, Franklin
Woods, Phyllis			
SULLIVAN			

Kibbey, David			
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and the majority report was adopted.

Ordered to third reading.

protests

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Weber requested that his protest be entered on the Journal.

How can we honor a person who worked with the KGB to help his communist funders subvert the principles of government for which this nation stood and replace it with a soviet form of government. Treason is always wrong regardless of who promotes it. To honor such a man with revisionist history is outrageous.

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Boyce requested that his protest be entered on the Journal.

The State of New Hampshire does not and should not have holidays honoring individuals. This is inappropriate. There are simply too many fine individuals who deserve to be honored and we would have no non-holidays. It matters little who is to be honored by a holiday only that it is improper to honor individuals by naming holidays for them.

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Loren Jean, and by signature Reps. Clegg and Soltani, requested that their protest be entered on the Journal.

All our heroes will now be relegated to the dustbins of history. We have done violence to the history and memory of all those that have preceded us in the unending struggles for human rights. The proper supplication has been made to the God of political correctness. All is embodied in one person. Political bigotry has won. Our shame is now complete.

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Reps. Mock and Karen Hutchinson requested that their protest by signature be entered on the Journal.

remarks

Rep. Rabideau moved that the remarks made by Rep. Withee on House Bill 68 be printed in the Journal.

Adopted.

Rep. Mirski moved that the floor debate on House Bill 68 be printed in the Journal.

Adopted.

Rep. Benjamin Moore: Thank you, Madam Speaker. As author of the Minority report in the calendar, I am in opposition to the motion "Ought to Pass", obviously. The "blurb", as printed, did not include two sentences that were a part of the blurb submitted. These two sentences followed the paragraph cited from Chapter 206 of the 1991 laws. The sentences are: The paragraph cited, as regard the Civil

Right Movement, reflects the often used current terms, "diversity" and "inclusiveness". Legislative intent, as explained by several sources is, "The intent of the legislature at the time the legislation was passed." I have heard several times on this floor the usage of the term "intent" or even "legislative intent" and I am not comfortable with the way these bills are presented. I feel they interfere with the intent of the legislature.

What brings this to mind is an incident in my own town, Seabrook. We had an appointment to be filled because the fire chief retired and the selectmen and the board of selectmen were going to fill the vacancy by appointment. However, the runner-up in the election, because this is an elective position, referred the manager and the selectmen to a paragraph in the town charter which would make him the fire chief because he was the runner-up. The matter was referred to town counsel and the town counsel ruling was the intent of the charter is as ordered. Therefore, the runner-up must be appointed fire chief. Town counsel must have researched to find a precedent upon which a ruling was based. Therefore, at this time, Madam Speaker, I would like to know if a motion to table would be in order?

Speaker Sytek: A motion to table would be in order if you are recognized for that purpose. You were recognized to speak against the bill.

Rep. Benjamin Moore: I would have liked to make a motion that we ask for a legal opinion so that we may put this matter before us in a proper manner as far as the process is concerned because I am not comfortable with this. In 1991 the intent was clearly stated and I don't think that we should interfere with the intent of the legislature of that time in the manner in which we are doing it. That being the case, if I can't make a motion at this moment in time I shall be done. God bless you and thank you very much.

Rep. Millham: Thank you, Madam Speaker and members of the House. I rise on behalf of the majority of the Executive Departments and Administration Committee in support of House Bill 68 and Senate Bill 80. This bill adds the name of Martin Luther King, Jr. to Civil Rights Day, a holiday that is celebrated on the third Monday in January. The vote of the Committee was 11-7. It was a bipartisan vote. There was a large attendance at the hearing where the testimony was overwhelmingly in favor of adding Dr. King's name to the holiday. Supporters included the Governor, senators, representatives and many public members representing business, education, religious communities, parents and children. To name one, there was a ten-year-old fifth grader who testified and offered very articulate testimony, the kind that brings tears to your eyes. He was there and he waited probably three hours to speak. He was with his grandfather who did testify in opposition. Adding Dr. King's name to Civil Rights Day will mean we have four holidays named for individuals: Washington's Birthday, in this state, still on the books despite the fact that it has been called President's Day; Columbus Day, we have previously rejected a proposal to make it Explorer's Day; and Christmas. I can't help but add a personal note because I am one of those people who changed their minds. Though I am new to the House, I thought the compromise for Civil Rights Day was terrific at the time. Over the intervening years, I've come to better understand the words of freedom, equality and justice as they relate to people whose ancestors were slaves in this country for two centuries and for people who were considered second-class citizens for another century. This is an important act. If I were to express the essence of the supporting testimony, it is to say, "It's time." I hope you will join me and the majority of the ED&A Committee in support of this bill. Thank you.

Rep. Donald White: Thank you, Madam Speaker Honorable members of this House, I rise today to speak against House Bill 68 for the simple reason that the history of this great nation reflects the pride and energy of all our people. It was ordinary people, regardless of status or class, who came forward to serve in every conflict. From the time the aristocracy in the colonies fought against the British rule and changed the history of the world, ordinary people, regardless of status or race have

been our greatest source of strength. If we establish holidays to celebrate ideals perhaps we should not reserve the day for one person, though many can certainly qualify.

Madam Speaker, Civil Rights Day and Veteran's Day are intertwined and rightly so since recognition of one complements the other. Observances shared by warriors who fought to preserve freedom and with people at home who struggled for equality and respect. Martin Luther King was such a person and a warrior, too. He bore neither shield nor pennoned lance but he was a warrior nonetheless. He knew fear but carried it with pride and that, certainly, is the measure. His place in our history is secure. But too often we look for and do not see them, and these ordinary people we certainly forget, sometimes too soon.

Madam Speaker, if you move among the battlefields and cemeteries of earlier conflicts, these places are seen as history, devoid of any sense of the thousands who perished for us on those bloody fields. Somehow the impact of their sacrifice is really not brought home to you. I visited a more recent reminder of conflict, the great struggle we call World War II. I went early on a cool morning, the wind was just rising. Row on row of white monuments gradually emerging into the light. It was quiet, the silence only broken by the rustle of leaves answering the whisper of the wind. It was a place of overwhelming sadness. A place where many found the equality in death that they dreamed of in life, yet they served us. People who are not accepted in society served us. People who were afraid to vote and were not allowed to direct their own destiny served us. People kept inside in crowded enclaves came forth and served us. People who experienced shame, isolation, condemnation, terror and death, every appalling rejection, served us. There were black people and descendants of our aboriginal people along with those of oriental descent who took up arms for a nation that held them away from everyday society. They did this under no single banner and behind no single leader. Those white monuments, their medals of stone, testify to their sacrifice giving us undeserved loyalty with slight hope of recognition. But their strength was reflected by their people who risked the terror of the streets to proclaim their right to equality anywhere they chose to be. We don't know all the names and often we don't care. Are these people doomed to be headless busts in history's gallery?

Madam Speaker, as one who proudly served, I hope when we observe these days of recognition, we really understand that the memory of their enormous sacrifice in peace and war stands alone, and never be obscured by the dust of history. Thank you very much, Madam Speaker.

Rep. Norelli: Thank you, Madam Speaker. Over the past several months, I've been asked by some very well-meaning people, "Shouldn't this day remain Civil Rights Day and not become Martin Luther King Day because it recognizes everybody's contribution to the Civil Rights Movement?" I believe that Martin Luther King, Jr. Civil Rights Day continues to honor everyone who worked for civil rights, while singling out Dr. King for his extraordinary leadership. Martin Luther King's work for civil rights was motivated by a broader vision of social justice, a commitment to nonviolent change and deep faith in democracy. The impact of the 1960's civil rights movement reveals the lasting importance of his image of a nation without racial strife and hatred. In fact, many of the people in organizations most closely associated with the cause of civil rights want to give special recognition to Dr. King. In a recently released statement, 25 New Hampshire citizens who are veterans of the civil rights movement said, and I quote, "Because Dr. King's message is just as important as ever in battles against racism, injustice, poverty and violence, we stand steadfast in our support for a New Hampshire state holiday named for Martin Luther King, Jr." Nationally known activists agree. Rosa Parks explained that Dr. King was the one who brought everyone together as a group and motivated them to believe that no matter who they were as individuals they could not give up their right to freedom. Andrew Young, one of King's top aides, states, "It is vitally important to note that massive social change was achieved without violence. Martin's belief in the power of nonviolence is an essential part of what makes this holiday important to America. In that sense, we are talking about a day that celebrates nonviolent social change, not just civil rights." U.S. Congressman John Lewis's book, *Walking with the Wind, A Memoir of the Movement*, has been cited

in letters to us as New Hampshire legislators as a reason not to rededicate Civil Rights Day by adding the name of Martin Luther King. However, when questioned about his intentions, Congressman Lewis wrote to the sponsors, "As a participant in the movement, I believe it is fitting and much deserved for New Hampshire to honor Dr. King by celebrating Martin Luther King, Jr. Civil Rights Day. Dr. King was my friend, my brother and my hero. No other individual so clearly demonstrated in his work and deeds the ideals, the idealism and the strength of the movement." It is clear that all of those people who have dedicated their lives to the cause of civil rights feel that, in fact, they will be honored for their efforts and for their sacrifices through the recognition of their leader, Martin Luther King, Jr. Please join me and other civil rights supporters by voting in favor of adding Martin Luther King, Jr.'s name to Civil Rights Day. Thank you.

Rep. Vivian Clark: Thank you, Madam Speaker and I want to thank the representative because I've been involved in listening to this debate on Martin Luther King Day for several times now and I truly have never understood why people would be so strenuous in their desire to add Martin Luther King's name to the holiday because I believe New Hampshire is right in what they did. But, listening to you I realize that everything that you have said was phrased in the past. It all had to do with a movement that was done, that took place in the '60's. It all had to do with a particular civil rights effort. I have always seen this holiday as being a continuing admiration for those who fight for civil rights. So, what I want to ask you is, do you see Civil Rights Day or Martin Luther King Civil Rights Day as being a remembrance holiday or a holiday which supports that effort in all of us continuing and particularly going forward to fight for the civil rights of all individuals?

Rep. Norelli: Actually, I believe that Martin Luther King, Jr. Civil Rights Day would actually do both. I think that it is very important to acknowledge the tremendous change. As I said, it was a tremendous nonviolent social change that took place during what is often referred to as the civil rights movement of the '60's. However, there are still people in our country who are discriminated against and that movement continues. I think that acknowledges both Dr. Martin Luther King, Jr. as someone who had a significant impact and who continues to have a significant impact today. As Rep. Millham mentioned, there was a five-year-old that came in and spoke. That five-year-old was not around in the '60's but that five-year-old is still being impacted today by the work of Dr. Martin Luther King, Jr. By keeping, also, Civil Rights Day, it continues to move that forward as well.

Rep. Putnam: Thank you, Madam Chair. I am opposed to House Bill 68 and Senate Bill 80, changing Civil Rights Day to Martin Luther King Civil Rights Day. Washington's and Lincoln's birthdays are no longer – change for sake of change. We have heard comments that New Hampshire is the only state that does not honor King by name on Civil Rights Day. Madam Speaker, if you and 398 members of the House here jump out that window right now, don't look for the 400th member to jump behind you because this is the thing to do. It has been noted that times change and people change with them. I have not found any evidence of racism amongst my ancestors dating to back to 1634 when they arrived in Salem Village, Mass. Based on information in S.D. Hildreth's book, *Pioneer History: Being an Account of the First Examination of the Ohio Valley and the Early Settlement of the Northwest Territory*, the Marietta, Ohio *Times* reports as follows:

"The honor of being the first black person to vote in Washington County goes to Christopher "Kitt" Putnam, who cast his first ballot decades before black persons were officially guaranteed voting rights in the United States. Putnam's first vote was for delegates who went to write a constitution for Ohio while the area was still a territory. Ohio became a state in 1803. Historical records indicate Putnam was a personal servant of Gen. Israel Putnam in Connecticut. After Gen. Putnam's death, Kitt Putnam lived with the generals' son, Col. Israel Putnam. The two came to Marietta from Connecticut in the fall of 1789 when Kitt Putnam was about 16. Putnam struck out on his own at age 21, taking the Putnam name and working and living with Captain Devol on the banks of the Muskingum River. There he cleared farm land and assisted with mill work. He died in 1802 before

the constitution he voted for came into effect." So blacks did vote before we were told that they were allowed to vote.

Please join me in voting no against this bill. Thank you, Madam Chair.

Rep. Withee: Thank you, Madam Speaker. I rise today in support of House Bill 68. I didn't think I was going to be nervous this morning, but as I look out I begin to feel the weight of the debate. I look over to Jim Splaine who asked me to speak on this and this is something that he has been working on for 20 years and so, I just hope I don't drop the ball for you.

Madam Speaker, when Civil Rights Day was enacted, there were two reasons for the legislation. One reason was to honor those men and women who dedicated or were going to dedicate their lives to issues of equality. The second reason, and the reason I think is the most important one, was to educate people about prejudice. I believe that that is the most important aspect of the two objectives because without a solid, fundamental understanding of civil rights you can't begin to honor the work of the people that we actually created the holiday for. I believe it's because we need to strengthen the education component of Civil Rights Day that I stand before you today.

Madam Speaker, my perspective of Dr. King and of Civil Rights Day is probably a lot different from most members of this body. You see, Madam Speaker, I was born in December of 1969, that was after Martin Luther King was killed. I have no personal knowledge of the civil rights movement. I do not remember Rosa Parks. I do not remember school busing. I do not remember lunch counter sit-ins, and I do not remember the Civil Rights Act of 1964 and the Voting Rights Act of 1968. In short, Madam Speaker, I am a member of the first generation that had to be taught Civil Rights. It is because I had to learn Civil Rights that I feel that I am qualified to speak to you this morning about that education component.

Madam Speaker, how do we begin to transform the struggle for equality under law from some abstract historical event for people that have no knowledge of it into something real., something that they can see and feel and experience together? How do we begin to make civil rights relevant to people today? I believe that the answer lies in making Civil Rights Day personal. If we add to our Civil Rights Holiday the name and the face of a citizen or a person who is synonymous with civil rights, then we begin to humanize the whole event. When we begin to humanize an issue as complex as the civil rights movement, we promote education. Education leads to understanding and when we have understanding is when civil rights becomes meaningful.

Madam Speaker, I believe Dr. Martin Luther King is that person that we should add to our civil rights holiday. It is not me that chose Dr. King. It is not the sponsors of this bill. History has chosen Dr. King for two reasons. One reason is that he advocated nonviolent social change in a period of tremendous upheaval. The second reason, and Rep. Clark, I believe that this goes to your question a little bit, is that his message above all other messages transcends the black/white issue of the 1960's. What Dr. King's message was, was that we as a people are a better and stronger nation, all members of that nation. That goes far beyond the black/white issue, that goes to women's issues and issues about how we will get along in the future. Madam Speaker, I urge the House to adopt this bill and to make Dr. Martin Luther King's message and his methods the beacon and the banner that we carry forward to help guide us into the next century. I thank you.

Rep. John White: Thank you, Madam Speaker. Would you agree, then, that by adding Martin Luther King's name to Civil Rights Day we put a face on the civil rights movement? By that I mean just as the image of George Washington, his face on coins, bills and stamps stands not just for one great man, but for those hundreds of men and women who participated in the great battle for our independence, so can the face, the name and the image of Martin Luther King stand for those brave

men and women who worked 150 years later for the equality of African Americans? Do you agree that by adding the name Martin Luther King we put a face on the civil rights movement?

Rep. Withee: Yes, Representative, we do and I hope that that is the outcome.

Rep. Mock: Thank you, Madam Speaker. My fellow committee member, I wondered if you could allay a great bit of anxiety that I have, if I were to vote for this – my question, I guess, is this: Can you give me a good solid reason for tying the first American's name to a holiday of a person whose criminal record is sealed from my view for 50 years? Why could I do that? Could you answer that for me?

Rep. Withee: Mr. Chairman, I will certainly try to answer that for you. I believe that it is Dr. King's message more so than his human frailties that we look to. That's what I look to because I never knew him and I don't have the same knowledge. I don't remember him being arrested. But to me and to people of my generation he really is a hero. He goes beyond being a leader of the civil rights to being an American leader.

Rep. Rosen: Thank you, Madam Speaker, and distinguished colleagues. I am here before you today to urge you to reject House Bill 68 and in turn support the next bill on the calendar, House Bill 336 which is an act establishing the third Monday in January as a holiday to be known as Abraham Lincoln Civil Rights Day. Later on I will let you know why I am specifically taking this stand.

I have been a member of this General Court for eleven years and every other year during that time, and many years before, the same issue has arisen, namely to create a Martin Luther King, Jr. Civil Rights Day. The most frequently heard argument has been that New Hampshire should adopt this holiday because every other state has. The effort has failed every time it has come before the House, probably because mindless conformity is not a characteristic of the people of New Hampshire or their elected representatives. The other frequently heard argument is that the state of New Hampshire may suffer penalties to its hospitality industry because of boycotts by business groups seeking to curry favor among King supporters. Just this last weekend, I received a letter, a shameful letter, all of you probably got the same letter, from a prominent purveyor of convention facilities in this state. That letter urges adoption of Martin Luther King Day for business reasons. There is no apparent veneration of King or of civil rights in this letter, just business. I am a supporter of our state's hospitality efforts. I am a member of the Tourism Council, but I hold it unconscionable to base the noble purpose of observing Civil Rights Day on such crass grounds.

It has been argued that Civil Rights Day must be linked to some person that has been associated with one of the most painful struggles in our country's history. I am not sure that this association is necessary, but if it is, I believe we should honor someone who meets the following requirements: first, be preeminent in the actual achievement of civil rights; second, be a person of unquestioned moral stature, let me repeat that, of unquestioned moral stature; and third, be recognized as a person who is completely dedicated to our country and all of the people in it.

There have many persons who have been and still are active in the battle for equality. Some of these persons have probably accomplished much more than King. Thurgood Marshall, John Lewis and Rosa Parks come to mind. But the one who stands head and shoulders above all others with respect to the requirements I mentioned above is Abraham Lincoln, the 16th President of the United States. King was a passionate orator. We all know of his "I have a dream" speech and he was effective in public relations. Lincoln was also a most powerful orator. Besides his Gettysburg Address, there are his unforgettable words, "A house divided against itself cannot stand. (I wonder if that applies to us) A nation cannot survive half free and half slave..." but beyond his speeches, he not only emancipated

the slaves and put them on the road to equality, but he also successfully fought to preserve the Union. Both men did suffer the fate of martyrdom.

Now I will admit to two prejudices in this discussion. First of all, I am a retired military officer. I spent 30 years in the Navy, having seen service from 1942 to 1973, and I, personally, am familiar not only with the hardware of warfare, but also the human factors, stress, devotion to duty and carrying out the nation's declared objectives and, I might add, even if personal sentiments might not be the same as those declared by our political leaders. I remember very vividly King's remarks concerning the Vietnam War and particularly his scurrilous comments concerning our beleaguered servicemen. I cannot forgive him for these remarks and his approach to the nation's tribulations. This is a very personal matter. I feel it strongly and basically that is the reason I am here.

The second prejudice stems from the fact that I am a native of the state of Illinois, the home state of Abraham Lincoln. In Illinois, Lincoln's birthday is a grand holiday on a par with July 4th and Christmas. I personally am baffled by the fact that the birthdays of Lincoln and Washington are not national holidays.

To return to the House Bill that is under consideration now, in 1991 I had an amendment prepared to the usual King bill. This amendment would have associated Lincoln with the day. I did not present the amendment when a compromise was hammered out that resulted in Civil Rights Day as we now have it with no associated name. Apparently this compromise did not settle the dispute and therefore I am taking a stand today. I still think that might be the proper dispute but if we are going to have a name, it should be Abraham Lincoln.

In conclusion, New Hampshire has held a prominent position in the struggle to preserve the Union and to insure equality for all. A tour of the Hall of Flags will attest to that. Let us solidify our position in that monumental effort by honoring the leader of that struggle, Abraham Lincoln.

I ask you to oppose House Bill 68 and support House Bill 336, as amended, which is the next item on the calendar. Thank you very much.

Rep. Kelley: Thank you, Madam Speaker and members of the House. My good friends, on the advice of Rep. Splaine, I've cut down my 45 page speech to three. I am asking that you support House Bill 68 in order to give Dr. Martin Luther King, Jr. the recognition he deserves. He was a giant among men and in honoring him we honor all who worked for civil rights. As we enter into this Chamber and begin our day in service to our state, we approach the tasks ahead with reverence in prayer and in the oath each one of takes. "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all." In the south, for a hundred years after the Civil War, blacks, although citizens of the United States, enjoyed neither liberty nor justice. Dr. King was reviled, stabbed and nearly killed in a book store. Both his home and church were bombed. He was arrested and jailed many times on trumped-up charges, even given a four-month sentence at hard labor on a chain gang for failure to get a Georgia drivers license. In 1964, he was awarded the Nobel Peace Prize and led a march of 250,000 people in Washington to protest racial discrimination. In 1968, he was shot and killed in the prime of life. Although his life ended, his voice still rings out proclaiming freedom and justice for all. He dreamed of the day when little children will be judged not by the color of their skin but by the content of their character. So must New Hampshire now be judged by the content of its character. We must pass this legislation honoring Dr. Martin Luther King, Jr. so that the ugly stain of bigotry and racism will be cleansed from the face of our beautiful state. Thank you.

Rep. Lefebvre: Thank you, Madam Speaker. I would like to first thank the New Hampshire State Library for this particular edition of Jefferson's life and also the UNH library for the only book in

existence about the colored people and how they lived and survived in America, etc. It is a beautiful book. There is so much in there to learn about their life and we have most all forgotten about Jessie Owen and Marilyn Anderson, the struggle that they had to go through to accomplish what they did when they were standing all alone in a mass sea of white people. But, what I have to say to you here may be a little bit difficult to understand, really. It is about what we carry in our hearts, secretly, that no one need ever know, perhaps never shall and it doesn't really matter. But it is what you do with what is in your heart that really matters.

Writers of the intimate history of Thomas Jefferson find it odd that Jefferson should have written such a detailed account of the speech of an Indian chief when he neglected ever to make mention of the dangerous adventures his father had accomplished.

But, I do understand why, because I have been and shall forever be guilty of the same neglect. Thomas Jefferson needed to be moved. He needed a profound sense of purpose, like I am doing right now. I sense it is a need so we can all understand what drives us. Permit me to ask you, why did I write that poem in 1989, "Progenitors?" Because I knew we could soon lose one of our most gracious-loved OWLs in this House, and I wanted her to know, secretly, no one must know the intent of that love and respect that in this poem while she lived was largely intended and inspired by her. I'm sorry I have to read this because if I did not I would go right off on a tandem. Though our Sandra upstairs in the LOB was very displeased and also very patient in putting up with this writing. If only you could have seen Caroline's eyes as I approached the end of that poem and leaped to her feet. That expression is engraved in my heart and no one ever knew before today why I did it.

Now, here we go. Who inspired Jefferson to take up his pen and stay up late night after night, writing, rewriting, constructing, to hand to this world the most beautiful document this world shall ever know? Hasn't anyone ever thought to ask that question? What was his inspiration, oh gifted, some would say and perhaps relevance? Did anyone ever ponder on the birth of that beautiful child that grew into his heart that overflowed with such love as he had never known in his life? What was it about that baby that drove him to such heights, night after night? He knew that child, those beautiful eyes, must be, shall be, protected through a document for all Americans to be protected for all point in time, from the secret wars over the rights of man that existed in America then. The birth of Sally Hemmings changed all that.

The extraordinary skill used by Jefferson that would change the world in due course is still at work today to establish freedom, not only for Africans in America but worldly. Should I ever be asked to pick one person who ever did or should ever do more for Africans, I unequivocally would shout out Jefferson, though he did it ever so skillfully and silently. To pick one and declare it is superior over all the others, as much as I love what Jefferson stated and started in his style, I could not declare all the many thousands who followed less human. The psychological, and here we go, implant with all emphasis on one is to limit thought and justice on all those beautiful ones that will be left unclaimed, undeclared and unmentioned and silence them for eternity which is usually what happens.

The deed that Martin Luther King did accomplish will live in many hearts to follow that also contributed to all past accomplishments. But it could not have happened without the greater deed of Jefferson and those who contributed to give that awesome American right to all Africans and Americans and the world over protected under the Constitution. Our House of Representatives in New Hampshire has had thousands of excellent contributors to our New Hampshire way of life to our present life today. Tell me now which one would you pick and do justice to all as having been the greatest leader and not make a mistake.

On behalf of Thomas Jefferson and Martin Luther King, I thank you for your kind attendance. Thank you.

Rep. John Pratt: Thank you, Madam Speaker. It's been more than 30 years now since that spring day when I joined thousands of my countrymen in the long mournful march through the streets of Atlanta, following the old mule cart on which was the coffin of my colleague and my friend. As we walked through the streets we passed, on our right, the Atlanta City Hall its flags all at half-staff, its impressive portico draped in black crepe and a beautiful funeral spray in the double doors. A moving, moving tribute which Atlanta gave to its most famous citizen. A block or so later on the left on a small hillock was the Governor's Mansion, its three flags flying at full-staff, including the Confederate battle flag. Behind the tall wrought iron fence every 20 feet stood a state trooper in full flak jacket carrying a shot gun, many of them hurling invectives at us as we walked by. A vivid reminder that in death, as in life, Martin Luther King, Jr. was a figure who evoked deep, deep passions.

Madam Speaker, I hope my colleagues today will vote in this Chamber to dispel any doubts, if doubts there may be, as to which side of the street this venerable building and the people we represent stand with regard to this question. There are many things I could say. Let me try to relate two incidents which I hope will speak to the question of why this particular man should be memorialized by this nation.

The first happened on the very last day of the march from Selma to Montgomery. Dr. King and a small party left the home where he had been staying and we drove in a caravan to begin the march. We pulled onto Route 82. We passed, every hundred feet or so, soldiers who had been nationalized in order to protect the marchers. We arrived at the point, the Catholic seminary where the marchers had assembled and tried to turn left. But a young private was directing traffic and he had been given orders, "no left turns." So he motioned the caravan to keep going. Andy Young rolled down his window and said, "This is Dr. King's party. We're here to start the march." The young soldier said, "Sorry, sir, my orders are, keep going." So Andy got out and began to talk to him and wasn't getting anywhere. Ralph Bunch, the Under Secretary of the United Nations, got out and went up to him and said, "I'm Ralph Bunch, the Under Secretary General of the United Nations. We're here to start the march." The young private said, "Sir, this is Alabama and not the United Nations and you can't turn left." Another of us got out and finally Martin got out of the car and walked up the street, this is the road on which one person had already been murdered, and asked what the problem was. At that very moment a motorcycle policeman came roaring up with lights flashing and came to a screeching halt and yelled at the young private, "What the hell is going on?" The private said, "These people want to turn left and my orders are they can't turn left." The motorcycle Montgomery police sergeant looked over, he saw this mixed crowd, black and white and then he spotted Dr. King and his mouth dropped. I could see it. He looked at King and he looked at the private and he looked back at King to be sure he was seeing what he thought he was seeing. Then he looked back at the private and said words I've never forgotten. "You God damn fool, that's the man. Let him through." This was spoken at a time when still throughout the South white people called male black Americans "boy". In that inadvertent statement by that Montgomery police sergeant I knew that a page had been turned in American history that could not be turned back. It was a symbolic statement of change that we had been waiting for and working for since the time that the first slave came.

The other event I didn't witness. It took place in Berlin in 1964. Dr. King went to Berlin after he had received the Nobel prize and a Lutheran minister, who I had dinner with in Walpole a few years ago, had been asked to escort him over to the eastern zone to meet with German clergy, East German clergy. You will recall 1964 was a time shortly after the Berlin Wall had been built, a time of maximum tensions. This Lutheran minister brought Dr. King and his party through the checkpoint and into East Berlin to the place where he was to meet the clergy and much to everyone's surprise, the plaza was filled with people. When he entered the church, the church was filled with East Germans, persons who had risked the wrath of their own state's police to be there. Instead of meeting with the clergy, Martin spoke to the gathering. His words were translated first into the church and then by someone at the door to those outside. When he had finished speaking the crowd

broke into the civil rights hymn, "We Shall Overcome", including the great verse, "We are not afraid, we are not afraid Deep in our heart, we are not afraid today." The Lutheran minister ended by looking at my friends the Schofields and I in Walpole and said, "You Americans simply do not understand how extraordinarily important Martin Luther King's message of nonviolent resistance was to the people behind the Iron Curtain in the 1960's."

We have a chance today, I think, to reaffirm the choice made first by American blacks then by America and then by the world, in proclaiming this man truly one of the great figures in world history in our blood-soaked century and I ask for your support. Thank you.

Rep. Eaton: Thank you, Madam Speaker. I picked those flowers this morning from the edge of the woods behind my house, the forget-me-nots for remembrance and the purple violets for humility, because I think when we are honest with ourselves it is not just our head but it's our heart and our soul and our spirit along with our head that helps us to make decisions and take direction. There was a dream and the dream was to have whites and blacks best able to realize their own potentials. For that dream a life was given. Martin Luther King believed in that dream. He lived it and he lost his life. Madam Speaker, Abraham Lincoln had a dream and he believed in blacks and whites realizing their own potential and he lost his life. Jack Kennedy had a dream. One of his dreams was to help people realize their own potential and he lost his life. This morning I just need to tell you, I chose this silver cup from Hyannisport back in the vintage of Jack Kennedy and I smiled when I took it down and put the flowers in it because it was a subconscious choice. I was there and on a beautiful Sunday morning in the summer time where I was, they said, "Go out and sit on the north porch where the red rockers are and he (Jack Kennedy) will drive by. He will drive his own car. He will drive very slowly in his black Cadillac and he will be relaxed." So I went out on the north porch and sat in a rocking chair. Pretty soon I looked down the street, and it was a right-angle turn, it was a beautiful sunny morning, I was in the shade, the sun was on the street and pretty soon came this black Cadillac, probably going 10 miles an hour. His arm was on the window ledge, he was very relaxed. He was all by himself. He went slowly by and he gave me that great smile and said, "Good morning. What a beautiful day." Well, he touched my heart. Abraham Lincoln touched my heart. Martin Luther King touched my heart. Today we have two choices. One choice is to take the shorter view in accomplishment and be specific or we can take the longer view, Madam Speaker. The longer view is what I think is what we all strive for. It is when we work together, when we meld together, when we recognize that no one person does it all. This morning I will be voting for everyone so I will be pushing the red button. But, I have great regard for all of these men and for all of the men and women who, over the years, have put themselves on the line and helped make a difference. Thank you, Madam Speaker.

Rep. Leishman: I wanted to relay a story, Madam Speaker and honorable members of the House. I often think of the members from New London and Conway who very often have interesting stories to tell and this certainly won't top theirs. The last time we voted on the Martin Luther King bill I was approached and thanked for my vote and I said that I was sorry that it was defeated. He said, "Don't be sorry, because I rode in the back of a bus and I fought in a black division. Be sorry for the kids, the kids that want to recognize a civil rights leader." That brief comment stuck with me because my two children, 9 and 11, said, "Why didn't the House vote to support Martin Luther King?" I listened carefully to the comments of the representative from Bedford who grew up in a time that civil rights had passed. I'm a little older than him and remember the violence that occurred after the death of Martin Luther King. We've heard the argument that we've got all these other civil rights leaders, why not honor them. This gentleman is a name that's recognized around the world like Gandhi or others that fought non-violent acts for freedom. In Tiennamin Square, the former Soviet Union or South Africa, the man is notarized and recognized and honored. I believe we ought to press the green button today and do the same thing. Thank you.

Rep. Loren Jean: There is always that 10 percent that doesn't get the word. You hear all about that in the military. Good morning to everybody and a special good morning to our visiting representative from Bosnia. Now, the Governor, in her inaugural speech, mentioned that we cannot end this century without making Martin Luther King part of our heritage that we leave to our children. A heritage is a birthright. We'll get into birthright in a little bit. This is about names. If we were to use names, let me just consider these names – Roger Williams, Thomas Paine, Nat Turner, John Brown, Amelia Bloomer, Susan B. Anthony, Standing Bear, Frederick Douglass, W. E. B. Dubois and that woman in Tennessee, and I don't know her name and that's what's lacking in our history today. She was a black publisher of a newspaper in Tennessee. At the height of the lynchings she started writing editorials that really piqued these people in Tennessee to the point that she was shot, she was burned out, but she persisted. In the end, she struck such a cord and hit the conscious of the people of Tennessee that there was not a lynching in Tennessee for 20 years. Harriet Tubman, William Lloyd Garrison, Rosa Parks, James Meredith, on and on. However, if you were to mention any of these names, and I've tried it, to some of these young people that come through here with the badges that we must have this holiday and ask them, "Tell me all you know about Frederick Douglass. Tell me all you know about Susan B. Anthony. Tell me all you know about William Lloyd Garrison," you will be met with a blank stare because today history does not teach about these people. It's kind of all focused in one direction, don't you think? There is a lot to civil rights. It is not just these particular individuals. There are names that are lost to history. Speak about the civil rights of children. We can't think back here because I don't think there is anybody alive today in this room that has a living memory of the mines with their blind ponies and dying boys. Of little boys in the machinery behind the looms because they were small, they could get in there. Every now and then somebody working on the looms was met with shrieks from these boys being tattered and these little girls with their flowing skirts caught in the machinery. You go down to your historical society in whatever town you live in, if it's an industrial town, and you just take a look at the pictures on the wall. What looks like a picnic, a company picnic, is actually the workforce. You see children eight and nine years old in that picture. My grandfather worked in the mills in Nashua when he was nine years old. We eliminated debtors' prisons. Now you don't go to jail if you owe somebody money; you used to. What about all those people that worked for these changes? Now, you have heard and you will probably continue to hear about what happened. We keep dredging up what occurred and what the laws were in the ante-bellum South and we hear what happened after Plessy v. Ferguson, we went through 58 years of "Jim Crow". But the die was well cast by the mid-fifties to end segregation in this country as we know it. It took a nudge, yes. There was an awful lot more before. Let's go back a little bit. Three million men fought for the North in the Civil War. New Hampshire was known as a state that did not like slavery. We were an abolitionist state. Forty thousand New Hampshire men served in the Civil War in the Union Army. We had a population of two hundred and thirty thousand something, you factor out the women, twenty percent for the young and old, and you have a percentage rate of 40 percent of the people of New Hampshire fought in that war to end that abominable practice. To paraphrase the marching hymn of the republic, "as He died to make men holy," how many beloved sons of the soil of New Hampshire left their plowshares, left the pulpits, left the cobblers bench, left their sweethearts and left their children to go fight for this cause. We've only to look downstairs and see the heartrending tatters of those battle flags for that answer. To give the true meaning of a heritage, a heritage of a birthright, of a free nation, we have to look at the essential character of its people. Ours is defined by a constant striving to better itself. Our legacy is of that striving and the legions of those who have fought for human betterment. Our heritage is alive and well. We would not be better served to embody all that is valorous and embody the sacrifices of all those that came before us in the persona of one. Regardless of the committee report, regardless of the pressures of your caucus, do not succumb to the political bigotry of this issue. Do not vote in such a manner as to do historical violence to our ancestors. I ask you to compose your emotions and vote for what is right. Finally, do not vote in such a manner that when walking through that hall downstairs you have to bow your head and say, "I'm sorry."

Rep. Key: Thank you, Madam Speaker. Honorable men and women of this historic House of Representatives, I rise to support the addition of Martin Luther King's name to the current House Bill 68 which is presently called the civil rights bill. Before getting up here I was told to make my remarks short by one person and to make them very short by another person. The reason I should keep my remarks short is because you have heard this same speech for the last twenty years. I want to guarantee you this, that you will not hear the same speech from me that you've heard. While I respect that you have sat in these hot, tight, sweaty and uncomfortable seats and have listened patiently to the same old stories about Martin Luther King for the last twenty years. I said to her, "My God, they must be a tough audience." I also said to her what Winston Churchill said when he gave the shortest commencement speech in the world, and I quote, "Never give up, never give up, never give up, never give up, never give up," and he said it about nine times. He said, "Thank you." and he sat down. The person who was speaking to me said, "Harvey that's perfect." I knew at that moment that my speech must not be too long. So, my first quote is from Frederick Douglass to President Andrew Johnson on February 7th, 1866, and I quote, "Peace between the races is not to be secured by degrading one race and exalting another, by giving power to one race and withholding it from the other; but by maintaining a state of equal justice between all classes."

My second quote to you is a question by Thurgood Marshall before the Supreme Court when he was chief counsel for the plaintiffs in Brown vs. the Board of Education and I quote, "Why, why, why of all the multitudinous groups that come into this country, do you have to single out Negroes to give this special treatment?"

My purpose here to you, ladies and gentlemen, is to give you a few good reasons why I think that Martin Luther King's name attached to the present civil rights bill will be beneficial to our state and our greater society, especially with our youth and our present state of ugly and ungodly violence.

I want to take you on to a short journey about Martin Luther King and why his name should be attached. Then I will give you a little personal story about myself because what I've heard is like second and third stories about Birmingham. I was born in Birmingham and I'll tell you that story shortly.

First of all, Martin Luther King was a pacesetter for human rights. His movement raised the level of self-esteem and self-worth for almost 30 million African Americans in our country and hundreds of millions around the world. He was the leader of one of the greatest and most powerful non-violent movements known to man in the last century. During his last 12 years, African Americans in this country made more progress than any other time in this century. He caused governments around the world to change the way they treated all human beings. Martin Luther King helped extend human and civil rights where they never existed before from the valleys and hills of Vietnam to the Russian border. His work affected more than 150 different countries. He was the apostle of militant non-violent action for approximately 6 billion people around the world who came in all shapes, forms, colors, races, creeds, sexual and religious preferences. It didn't make any difference to him. He shook the foundation of racism in this country. He overthrew the legal segregation in the south. His movement guaranteed basic democratic rights, not only for blacks but for many whites, throughout this country. King was this country's greatest advocate of non-violence as a philosophy of life. Like Gandhi of India, he proved that non-violence is not passive but a militant, powerful and coercive method to achieve social reform. King's significance is recognized around the world by all world leaders. Martin Luther King was an eloquent spokesman for the conscience of human dignity and consciousness. He accomplished all of this without guns and without violence. Martin Luther King's mission was peace on earth for all men, not just in America but the entire world. King's movement caused America to live-up to his promise and to his dream that all men are created equal. This is just a part of his long enduring legacy.

I, too, put away four or five additional pages that I could be talking about. But, I want to tell you I was born in Birmingham, Alabama, under the feet of George Wallace and then the Police Commissioner, "Bull" Connor. As a little boy, I could not walk the streets and look white people in the eye because that was a threat to white people. I could be arrested for disorderly conduct. I could not shine shoes on the street. I could not deliver papers on the streets. You're telling me these are civil rights, this civil right, there is only one or two or however you want to dodge the bullet. As a young man, I saw many shootings of colored men, Negroes you might call them, who had supposedly stolen something from a store and were shot in the back by white policemen. The only excuse they had for that was that was the only way they could stop them, by shooting them. I suppose that may or may not be emotional for some of you. It gets me. I had an uncle whose name was Sam. He was 6 feet, 4. He weighed about 280 pounds. He was accused of disrespecting a white woman and talking back to a policeman. They took him out one night and they beat him terribly bad. They beat him so bad that he came back and stayed in the house for almost a month. When he was able to come out, he told us that they had beaten him with belt buckles. He showed us the prints in his backside and on his legs. At that time he said to us, we were quite young, "Whenever you see a white man or a white woman or a white person on the street, get off the street and don't look them directly in the eye because you can be whipped just like I was." For a long time I found it difficult to look people in the eye. Sometimes I find it difficult now. That was before I was age 14. At age 14 I had no self-esteem. I didn't have much hope for being anybody so I became a gang leader. I was tough, a little guy, but I was tough. I was put in jail at age 15 for assault and battery with attempt to murder. Somehow I got out of that. I did get out of it and I went to a Catholic school. I was put out of public school, permanently, and went to a Catholic school and the good sisters took care of me. They beat me on the hand frequently with that ruler because I wasn't a good little guy. So, they turned me out pretty good. In that high school I was the second highest, I guess, scholastic person there. I earned the highest grades in English, math and chemistry and won a scholarship to college. I went away to college and then I went to the Army. Armed with my college degree and an honorable discharge from the Army, I came back to get a job. The first place I went to get a job was the University of Alabama Medical Center and they said I didn't have enough education and I had a degree in Chemistry and Biology. I said to them that maybe I could take a janitorial job, and they said, "You have too much education." Those are civil rights that Martin Luther King wouldn't stand for. I couldn't get a job at either one of these places so I became a waiter at the country club. If any of you have traveled in the South, you might know that this is a fabulous country club. There I became a waiter with other people who also had college degrees and we hung out at A.G. Gaston's motel. We used to have a few cool ones, I think you know what I mean. On this one day, we were having a cool one and Martin Luther King, we didn't know he was there, was having a conference with some of his SCLC leaders or members. Shortly thereafter a big bomb blew a hole in the wall. It didn't hurt anybody. But it seemed it was contrived or manufactured by the police because about 10 minutes later they were having a press conference with Martin Luther King. Me and my boys were ready to go after them. We were tough and young and not too smart. But, while he was having the press conference we decided to go listen to the press conference and I didn't know Martin Luther King from anybody. He wouldn't know me now or anybody else, I would imagine, in that group. But we were ready to pick up anything we had to go and get the guys who happened to be people of a different color and kill them. While there, Martin Luther King said to us – he mentioned Mahatma Gandhi and his philosophy about non-violence and I was so electrified I stayed there until the wee hours of the morning talking to not only Martin Luther King but the other members of that group and at that time I put down my arms and I became warrior and I became an ambassador for peace and non-violence.

Just recently, last week – I have a granddaughter who is six years old and she wrote me a poem. "Papa, Papa, all the way from Alabama with a banjo on your knee up to New Hampshire to help keep people free." It's tough for me.

Madam Speaker and members of this august body, please vote for House Bill 68.

RECESS

(Speaker Sytek in the Chair)

regular calendar (cont'd.)

HB 336, establishing the first Monday in February as a holiday to be known as Abraham Lincoln Civil Rights Day. INEXPEDIENT TO LEGISLATE

Rep. Maurice E. Goulet for Executive Departments and Administration: Although well intentioned, this bill was overshadowed by the Martin Luther King debate. The low positive vote was not a reflection of the committee's respect for President Lincoln, but merely recognition that other approaches to naming Civil Rights Day took precedence. Vote 15-3.

Rep. Rosen spoke against.

Rep. Pepino requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 223 NAYS 106			
YEAS 223			
BELKNAP			
Bartlett, Gordon	Boyce, Robert	Millham, Alida	Salatiello, Thomas
Thomas, John	Turner, Robert	Wood, Jane	
CARROLL			
Bradley, Jeb	Kenney, Joseph	Philbrick, Donald	
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Hunt, John	Lerandeau, Alfred
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Riley, William	Robertson, Timothy	Royce, H Charles	Smith, Edwin
Zerba, Roger			
COOS			
Davis, Perley	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Landers, Dana	Mears, Edgar	Rodrigue, Robert	Tholl, John, Jr
GRAFTON			

Almy, Susan	Brothers, Richard	Copenhaver, Marion	Densmore, Jessica
Eaton, Stephanie	Guest, Robert	Johnson, Gary	Marshall, Gene
Mirski, Paul	Picconi, Al	Scanlan, David	Solow, Martha
HILLSBOROUGH			
Ahern, Richard	Batula, Peter	Bergin, Peter	Buckley, Raymond
Burkush, James	Chabot, Robert	Clemons, Jane	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Curran, James
Dawe, Eileen	Desmarais, Vivian	Dokmo, Cynthia	Drabinowicz, A
Durham, Susan	Dwyer, Paul, Sr	Dyer, Merton	Fields, Dennis
Foster, Linda	Franks, Suzan	Gagnon, Eugene	Gagnon, Paul
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Goulet, Maurice	Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty
Hansen, Herbert	Herman, Keith	Herman, Richard	Holley, Sylvia
Johnson, Lionel	Keye, Harvey	Konys, Christine	LaRose, Richard
Lasky, Bette	Lefebvre, Roland	Leishman, Peter	Lozeau, Donnalee
Lynde, Harold	MacGillivray, Jeffrey	Martel, Andre	McGough, Tim
Melcher, Harold	Mendenhall, Leslie	Messier, Irene	Moriarty, Mary
O'Connell, Timothy	O'Hearn, Jane	Peterson, Andrew	Reeves, Sandra
Reidy, Frank	Sarette, John	Sargent, Maxwell	Simon, Anthony
Tate, Joan	Turgeon, Roland	Vaillancourt, Steve	White, John
Williams, Carol	Withee, Dennis		
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	French, Barbara	Gile, Mary	Jacobson, Alf
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Moore, Carol
Owen, Derek	Potter, Frances	Poulin, Dave	Reardon, Tara
Rodd, Beth	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Whalley, Michael	
ROCKINGHAM			

Abbott, Dennis	Arndt, Janet	Blanchard, MaryAnn	Bridle, Russell
Clark, Martha	Clark, Vivian	Cooney, Richard	Dalrymple, Janeen
Downing, Michael	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Francoeur, Sheila	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langone, John
Letourneau, Robert	Lovejoy, Marian	McKinney, Betsy	Morse, Charles
Norelli, Terie	O'Neil, Michael	Pantelakos, Laura	Pitts, Jacqueline
Reardon, Neil	Sapareto, Frank	Schanda, Frank	Shelton, Richard
Shultis, Elizabeth	Splaine, James	Tufts, J Arthur	Vaughn, Charles
Weatherspoon, Jackie	Whittier, John		
STRAFFORD			
Berube, Roger	Brennan, William	Brown, George	Cossette, Larry
DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia	Estabrook, Iris
Grassie, Anne	Heon, Richard	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Lent, Donald	Lundborn, Raymond
Musler, George	Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Spear, Barbara
Taylor, Kathleen	Wall, Janet	Woods, Phyllis	
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Jones, Constance	Leone, Richard	Phinizy, James	Robb-Theroux, Amy
Tuthill, John	Wiggins, Celestine		
NAYS 106			
BELKNAP			
Czech, Stanley	Holbrook, Robert	Johnson, James	Pilliod, James
Rice, Thomas	Rosen, Ralph		
CARROLL			
Babson, David, Jr	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
MacDonald, Kenneth	Mock, Henry	Patten, Betsey	Sullivan, P Judith

Torressen, Gary			
CHESHIRE			
Roberts, William	Rose, William		
COOS			
Merrill, Gerald	Pratt, Leighton		
GRAFTON			
Akins, Ralph	Alger, John	Cobb, John	Gilman, G Michael
Hall, David	Harmon, Hobart	Hinman, Harry	MacNeil, Allen
Phinney, William	Weber, Phil		
HILLSBOROUGH			
Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr	Belvin, William
Bergeron, Lucien	Brundige, Robert	Bruno, Pierre	Calawa, Leon, Jr
Carlson, Donald	Christiansen, Lars	Clegg, Robert, Jr	Dalianis, Griffin
Daniels, Gary	Desrosiers, William	Fenton, James	Fletcher, Richard
Flora, Kathleen	Jean, Loren	Kurk, Neal	L'Heureux, Robert
Lessard, Rudy	Martin, Mary	McCarty, Winston	McDonald, James, Sr
McRae, Karen	Mercer, Robert	Milligan, Robert	Moran, Edward
Mosher, William	Ouellette, Dean	Pappas, Marc	Pepino, Leo
Rowe, Robert	Thulander, O Alan	Wall, Nancy	White, Donald
MERRIMACK			
Asplund, Bronwyn	Hess, David	Kennedy, Richard	Langer, Ray
Larrabee, David, Sr	Lavoie, Gerard	Maxfield, Roy	Nichols, Avis
Soltani, Tony	Whittemore, James	Yeaton, Charles	
ROCKINGHAM			
Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin	Corbin, C David
Dearborn, Bruce	DiFruscia, Anthony	Dolan, Richard	Flanders, John, Sr
Hutchinson, Karen	Langley, Jane	Mikowski, Walter	Moore, Benjamin
Packard, Sherman	Priestley, Anne	Putnam, Ed, II	Quandt, Marshall
Raynowska, Bernard	Ruffner, Walter	Stickney, Nancy	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Weare, Everett	Welch, David

Weyler, Kenneth			
STRAFFORD			
Bickford, David	Callaghan, Frank	McKinley, Robert	Torr, Franklin
SULLIVAN			
Kibbey, David			

and the report was adopted.

Rep. Kobel voted Yea and intended to vote Nay.

Rep. Wendelboe did not vote and wished to be recorded against.

SB 80, adding the name of Martin Luther King, Jr. to Civil Rights Day. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Carolyn A. Virtue for the Majority of Executive Departments and Administration: This bill adds the name Martin Luther King, Jr. to Civil Rights Day which is a holiday celebrated on the third Monday in January. This action sends a message, loud and clear that New Hampshire honors Dr. King and the other heroes of the civil rights movement. His principles of non-violence serve as an example to us all in this era of increasing violence. Vote 11-7.

Rep. Benjamine E. Moore for the Minority of Executive Departments and Administration: In 1991, the legislature voted to establish Civil Rights Day. The intent of the legislation was clearly stated as follows: "Civil Rights Day Established. In recognition of the courage, determination, and personal sacrifice of the many people from a variety of cultural backgrounds who fought and died in the struggle to gain freedom and equality for all individuals, and to celebrate these freedoms in a manner consistent with every individuals' constitutional rights to free speech and liberty, this law seeks to honor these persons who have dedicated or will dedicate their lives to the issue of equality of all by establishing the third Monday in January as Civil Rights Day in New Hampshire. This recognized celebration of civil rights seeks to educate society, in an impartial manner, against prejudice." The minority strongly feels that the intent of the legislature should be sustained out of respect for those who worked diligently to establish Civil Rights Day in 1991.

On a division vote, 183 members having voted in the affirmative and 148 in the negative, the majority report was adopted.

HB 497-FN-A, relative to family literacy planning grants and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Kenneth L. Weyler for Finance: The Even Start program on family literacy is currently operating in some New Hampshire communities to assist illiterate parents with young children. It currently receives state funding in the amount of \$564,399. This bill would increase state funding by \$50,000 and be matched with \$100,000 in federal funds for planning and consultants to develop new programs and coordinate with existing literacy programs. Because the program is already in place and local communities are receiving funding, the majority of the Finance Committee felt that the additional funding should not be appropriated in a year when there are so many competing demands for the limited funds in our state coffers. Vote 16-10.

Rep. Gile spoke against.

Rep. Vivian Clark spoke in favor.

Rep. Jane Wood requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 186 NAYS 157			
YEAS 186			
BELKNAP			
Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Millham, Alida	Pilliod, James
Rice, Thomas	Rosen, Ralph	Turner, Robert	Wendelboe, Francine
CARROLL			
Babson, David, Jr	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Lyman, L Randy	MacDonald, Kenneth	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith		
CHESHIRE			
Avery, Stephen	Hunt, John	Riley, William	Roberts, William
Rose, William	Royce, H Charles	Smith, Edwin	
COOS			
Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr			
GRAFTON			
Alger, John	Cobb, John	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Hall, David	Harmon, Hobart	MacNeil, Allen
Marshall, Gene	Mirski, Paul	Phinney, William	Picconi, Al
Scanlan, David	Weber, Phil		
HILLSBOROUGH			
Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter
Belvin, William	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars

Clegg, Robert, Jr	Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary
Dawe, Eileen	Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia
Dyer, Merton	Emerton, Lawrence	Fenton, James	Fletcher, Richard
Flora, Kathleen	Gagnon, Eugene	Goulet, Maurice	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Jean, Loren	Kurk, Neal
LaRose, Richard	Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee
MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston	McDonald, James, Sr
McGough, Tim	McRae, Karen	Mercer, Robert	Messier, Irene
Milligan, Robert	Moran, Edward	Mosher, William	O'Connell, Timothy
O'Hearn, Jane	Ouellette, Dean	Pappas, Marc	Pepino, Leo
Reeves, Sandra	Rowe, Robert	Tate, Joan	Thulander, O Alan
Vaillancourt, Steve	Wall, Nancy	White, Donald	Withee, Dennis
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Brewster, Richard	Hess, David
Hoadley, Elizabeth	Kennedy, Richard	Langer, Ray	Lavoie, Gerard
Leber, William	Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth
Maxfield, Roy	Nichols, Avis	Soltani, Tony	Whalley, Michael
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Christie, Andrew, Jr	Clark, Vivian	Corbin, C David
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	Dolan, Richard
Dowling, Patricia	Downing, Michael	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Flanders, John, Sr	Francoeur, Sheila	Gleason, John
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hutchinson, Karen
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Letourneau, Robert	McKinney, Betsy	Mikowski, Walter
Moore, Benjamin	Morse, Charles	O'Neil, Michael	Packard, Sherman
Priestley, Anne	Putnam, Ed, II	Quandt, Marshall	Raynowska, Bernard
Reardon, Neil	Ruffner, Walter	Sapareto, Frank	Stickney, Nancy
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Weare, Everett	Welch, David	Weyler, Kenneth	Whittier, John

STRAFFORD			
Callaghan, Frank	Cossette, Larry	McKinley, Robert	Musler, George
Torr, Franklin	Wall, Janet	Woods, Phyllis	
SULLIVAN			
Jones, Constance	Kibbey, David	Leone, Richard	
NAYS 157			
BELKNAP			
Salatiello, Thomas	Wood, Jane		
CARROLL			
Kenney, Joseph			
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	Robertson, Timothy
Russell, Ronald	Zerba, Roger		
COOS			
Davis, Perley	Hawkinson, Marie	Landers, Dana	Mears, Edgar
Rodrigue, Robert			
GRAFTON			
Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Hinman, Harry	Johnson, Gary	Solow, Martha	
HILLSBOROUGH			
Ahern, Richard	Bergeron, Lucien	Buckley, Raymond	Burkush, James
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Curran, James	Daigle, Robert	Drabinowicz, A	Durham, Susan
Dwyer, Paul, Sr	Fields, Dennis	Foster, Linda	Franks, Suzan
Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty

Herman, Richard	Johnson, Lionel	Keye, Harvey	Konys, Christine
L'Heureux, Robert	Lasky, Bette	Lefebvre, Roland	Lynde, Harold
Martin, Mary	McCarthy, William	Melcher, Harold	Mendenhall, Leslie
Moriarty, Mary	Peterson, Andrew	Reidy, Frank	Sarette, John
Sargent, Maxwell	Simon, Anthony	Turgeon, Roland	White, John
Williams, Carol			
MERRIMACK			
Bouchard, Candace	Chase, George	Crosby, Toni	Daneault, Gabriel
Davis, Francis	Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Gile, Mary	Jacobson, Alf	Larrabee, David, Sr
Moore, Carol	Owen, Derek	Potter, Frances	Poulin, Dave
Reardon, Tara	Rodd, Beth	Seldin, Gloria	St Cyr, Gerard
Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane	Whittemore, James
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Cooney, Richard
DiFruscia, Anthony	Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane
Langone, John	Lovejoy, Marian	Norelli, Terie	O'Keefe, Patricia
Pantelakos, Laura	Pitts, Jacqueline	Schanda, Frank	Shelton, Richard
Shultis, Elizabeth	Splaine, James	Vaughn, Charles	Weatherspoon, Jackie
STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Grassie, Anne	Heon, Richard
Johnson, Nancy	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		
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Phinizy, James	Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine

and the report was adopted.

HB 666-FN-A-L, relative to the taxation of sand, gravel, loam, and other similar substances.
OUGHT TO PASS WITH AMENDMENT

Rep. Jean R. Wallin for Finance: This bill was introduced to correct interpretive problems in RSA 72-B, enacted in April of 1998. The bill exempts from the excavation tax and the excavation activity tax all small operators; excavations not exceeding 1000 cubic yards in a tax year now will file a notice of intent with the state, but will not be subject to the tax. The bill also makes it clear that cellar holes, septic systems, pools, and other excavations ancillary to construction projects are exempt from the tax, and from the notice requirement. The Finance Committee amended the bill to incorporate technical changes to RSA 72-B suggested by the Department of Revenue Administration and the NH Municipal Association. A concern about how the acreage of quarries is determined was also addressed. The amendment is intended to make RSA 72-B conform with both RSA 155-E, local regulation of excavations, and RSA 485-A:17, the terrain alterations statute. Up until now, local officials have had to refer back and forth to all three laws. The committee believes that HB 666 as amended will eliminate confusion about who is taxed for what, and when. Vote 26-0.

Amendment (1353h)

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

1 Findings and Declaration of Purposes. The legislature finds:

I. That there has been a great deal of confusion and uncertainty among taxpayers, assessors and municipalities regarding the applicability of the excavation activity tax imposed by RSA 72-B, and how it should be implemented;

II. That the legislature wishes to clarify that the excavation activity tax as defined in this act applies to the area of land which is being excavated, or has been excavated, and has not been reclaimed as defined in this act, and that the activity tax applies to the area of land which has not been so reclaimed;

III. That the legislature wishes to clarify that the excavation activity tax does not apply to excavation areas on which excavations ceased before August 24, 1977 and have not since reoccurred thereon; and that the excavation activity tax applies to exposed rock ledge area which has been actively worked within the previous tax year;

IV. That the legislature wishes to reiterate its findings and declaration of purpose of 1997, 219:1, that in appraising real property subject to the excavation activity tax, assessors shall not take into consideration the value of any earth contained in the real property;

V. That the legislature wishes to reiterate its original findings and declaration of purpose in enacting RSA 72-B, which provided a reliable means of taxing the value of earth by exempting earth and the real property constituting the area from which earth was being excavated from the real property tax imposed by RSA 72:6 and RSA 72:13, and subjecting it to the excavation tax and excavation activity tax created pursuant to RSA 72-B;

VI. That the legislature wishes to reiterate its original findings and declaration of purpose, which was to avoid the undesirable effects of taxing earth in the ground as real property, which included the premature excavation of such earth to avoid real property taxation; and that in order to ensure that this and other undesirable and unintended consequences of the taxation of

earth, and the real property constituting the area from which earth was being excavated, do not occur, the legislature wishes to make clear that RSA 72-B must be read in conjunction with RSA 155-E, which provides a statewide comprehensive regulatory framework to regulate the excavation of earth;

VII. That one of the state's fundamental policy goals is to encourage and promote compliance with the statewide comprehensive regulatory framework for the regulation of earth removal and activities associated therewith, as set forth in RSA 155-E; and

VIII. That if the real property constituting the excavation area is exempted from the provisions of RSA 72:6 and RSA 72:13, and subjected instead to the excavation activity tax imposed by RSA 72-B, excavation operators will be encouraged to effectively use and manage known earth deposits and reclaim those areas of excavations that have been excavated since August 24, 1977.

2 Excavation Tax; Excavation Activity Tax. RSA 72-B:1 is repealed and reenacted to read as follows:

72-B:1 Excavation Tax; Excavation Activity Tax.

I. Earth and excavations, as defined in this chapter, shall be exempt from taxation as real property under RSA 72:6 and RSA 72:13, provided that such earth and excavations are subject to the excavation tax or the excavation activity tax as provided in this chapter.

II. Earth, as defined in RSA 155-E:1, I, shall be exempt from taxation as real property under RSA 72:6 and RSA 72:13. An excavation tax shall be assessed upon the excavation of earth against an owner as defined in RSA 72-B:2, VIII. Such tax shall be assessed at the rate of \$.02 per cubic yard of earth excavated.

III. Excavations, as defined in RSA 155-E:1, II, shall be exempt from taxation as real property under RSA 72:6 and RSA 72:13, but shall be subject to the excavation activity tax. The owner of real property containing any excavation shall have assessed against such property an excavation activity tax. The excavation activity tax shall be assessed pursuant to RSA 72-B:12, and shall be assessed at a tax rate equal to the real property tax rate imposed under RSA 72:6. The excavation activity tax for those excavations occurring on public lands shall be assessed to the owner or purchaser of the excavation rights.

IV. The following, except as otherwise noted, shall not be subject to the excavation activity tax, the excavation tax, and related fees; however, the following shall be subject to taxation as real property pursuant to RSA 72:6 independent of any earth contained therein:

(a) An excavation that has been reclaimed and approved by the regulator to be in compliance with local reclamation standards and ordinances.

(b) An excavation area that is exposed rock ledge not subject to reclamation under RSA 155-E:5, I and III or RSA 155-E:5-a and has not been excavated during the preceding tax year.

(c) An excavation that has ceased commercially useful operation prior to August 24, 1977, as set forth in RSA 155-E:2, II(c).

(d) Permitted areas, or areas not requiring permits, that have not been excavated and remain undisturbed.

(e) Areas that are ancillary to the excavation.

(f) Any excavation of earth from a parcel of land that is put back on the parcel, or other parcel that is contiguous and in common ownership, in the construction, reclamation, reconstruction, or alteration of such parcel of land within the same tax year.

(g) Any excavation of earth that is used exclusively for agricultural or forest management by the owner of the land within the state of New Hampshire.

(h) Any excavation upon a parcel of land which does not exceed 1,000 cubic yards within any tax year; however, the owner of such excavation shall be subject to the excavation activity tax, shall be required to file a notice of intent to excavate pursuant to RSA 72-B:8, but such owner shall not be subject to the enforcement fee under RSA 72-B:16 and such parcel shall not be subject to the excavation tax lien under RSA 72-B:7, I.

(i) Any excavation which is solely necessary to construct a foundation, septic disposal system, or which is incidental to other construction projects and does not result in the removal from the parcel of more than 1,000 cubic yards of earth within the tax year.

3 Definitions. RSA 72-B:2 is repealed and reenacted to read as follows:

72-B:2 Definitions. In this chapter:

I. "Ancillary to the excavation" means areas related to the excavation, including, but not limited to, offices; scale buildings; manufacturing plants; preparation plants; together with storage areas; settling ponds; haulage ways; and roadways.

II. "Assessing officials" means those charged by law with the duty of assessing taxes in the city, town, or unincorporated place.

III. "Commissioner" means the commissioner of the department of revenue administration.

IV. "Department" means the department of revenue administration.

V. "Earth" means earth as defined in RSA 155-E:1, I.

VI. "Excavating" means extracting earth from its state of natural repose.

VII. "Excavation" means excavation as defined in RSA 155-E:1, II.

VIII. Owner means:

(a) Any person who owns the land upon which earth is excavated;

(b) A previous owner who retains earth excavation rights to the land, or any person who has purchased earth excavation rights, and has registered a claim with the registry of deeds; or

(c) Any person who has purchased excavated earth or excavation rights on public lands, or removes earth from a public right-of-way.

IX. "Reclaimed" means the reclamation of the excavated area, unless alternate plans for other uses or reclamation are approved by the regulator.

X. "Regulator" means regulator as defined in RSA 155-E:1, III.

XI. "Tax year" means April 1 of any year to March 31 of the next year, inclusive.

4 Assessment of the Excavation Tax and the Excavation Activity Tax. Amend RSA 72-B:4 to read as follows:

72-B:4 Assessment ***of the Excavation Tax and the Excavation Activity Tax.***

I. The excavation tax shall be assessed [~~at the time of excavation~~] by the local assessing officials within 30 days after receipt of a report of excavated material ***form*** by such officials in the municipality in which the operation took place. Interest as provided in RSA 72-B:6 shall be charged 30 days after the bills are mailed by the tax collector, on any tax which is due and payable and which remains unpaid.

II. The excavation activity tax shall be assessed to the owner, as defined in RSA 72-B:2, using the same schedule applicable in the municipality to the billing of real property tax. The excavation activity tax shall be deemed to be assessed upon April 1 of the tax year. The assessing officials shall commit a warrant for the excavation activity tax to the tax collector. Interest as provided in RSA 72-B:6 shall be charged 30 days after the bills are mailed by the tax collector, on any tax which is due and payable and which remains unpaid.

5 Bond. Amend RSA 72-B:5 to read as follows:

72-B:5 Bond.

I. If an owner does not own land in the town where such owner intends to excavate and has filed an intent to excavate form with respect to any parcel of land, the assessing officials shall, within 30 days of the receipt of that filing, notify the owner in writing of the amount and conditions of any bond or other security deemed necessary to secure the payment of the excavation tax to be due from the operation described in the notice of intent to excavate. ***The owner shall provide the bond within 30 days of notice or be guilty of a misdemeanor. No owner who owns land in the town where the owner intends to excavate shall be required to post a bond or other security as a condition for filing an intent to excavate or receiving a permit to excavate, unless the owner is delinquent on town timber taxes, excavation activity taxes, or property taxes.***

II. ***If an owner does not own land in the town where the owner has excavation rights, the assessing officials shall notify the owner in writing of the amount and conditions of any bond or other security deemed necessary to secure the payment of the excavation activity tax. The owner shall provide the bond within 30 days of notice or be guilty of a misdemeanor. No owner who owns land in the town where the owner intends to excavate shall be required to post a bond or other security as a condition for filing an intent to excavate or receiving a permit to excavate, unless the owner is delinquent on town timber taxes, excavation taxes, or property taxes.***

~~[H.]~~ **III.** If an owner ceases to own land in the town where such owner is excavating after filing an intent to excavate form, such owner shall notify the assessing officials in writing of the change in ownership within 15 days of such change. An owner who neglects to so notify the assessing official shall be guilty of a misdemeanor.

~~[HH.]~~ **IV.** If any ~~[owner or any other]~~ person ~~[who]~~ commences ~~[an excavation operation]~~ **excavating** or ~~[who]~~ continues ~~[an excavation operation]~~ **excavating** without first furnishing a bond or other securities ~~[as deemed necessary]~~ **required to secure payment of taxes** by the assessing officials, **such person and the owner of such land** shall **each** be guilty of a misdemeanor.

6 Lien. Amend RSA 72-B:7 to read as follows:

72-B:7 Lien. Unless a bond or other security is required pursuant to RSA 72-B:5~~[-all excavation]~~:

I. Excavation tax assessments levied under RSA 72-B:4 shall, on the date the ~~[excavation]~~ **excavating** commences, create a lien upon the land on account of which it is made and against the owner of record of such land. ~~[Furthermore, such liens shall continue for a period of 18 months following the date of assessment by the local assessing officials. All excavation tax assessments shall be subject to statutory collection proceedings against real estate as prescribed by RSA 80.]~~

II. Excavation activity tax assessments levied under RSA 72-B:12 shall, on April 1, create a lien upon the land on account of which it is made and against the owner of record of such land.

III. Liens created under RSA 72-B:7, I and II shall continue for a period of 18 months following the date of assessment by the local assessing officials. All excavation tax and excavation activity tax assessments shall be subject to statutory collection proceedings against real estate as prescribed by RSA 80.

7 Notice of Intent to Excavate. Amend RSA 72-B:8 to read as follows:

72-B:8 Notice of Intent to Excavate. Every owner, **as defined in RSA 72-B:2, VIII**, who intends to excavate earth shall, at the beginning of each tax year and prior to ~~[commencing each excavation]~~ **excavating** ~~[operation]~~, file with the proper assessing officials in the city ~~[or]~~, town, **or unincorporated place** where such excavating is to take place a notice of intent to excavate **as** provided by the commissioner, stating ~~[such]~~ **the** owner's name; **type of ownership**; residence; ~~[social security number]~~ **telephone number**; tax map, block, and lot number; the town, city, or ~~[unorganized]~~ **unincorporated** place where the ~~[operation]~~ **excavating** will take place; an estimate of the volume of earth to be excavated; **an estimate of the type of earth to be excavated**; and such other information as may be ~~[required in compliance with all local ordinances]~~ **necessary to locate, identify, verify, and determine the full extent of the excavation and extent of compliance with RSA 155-E and RSA 485-A:17. A separate intent shall be filed for each separate tract of land as identified by the municipal tax maps. If the excavation is located in more than one municipality, a separate intent to excavate shall be filed with each municipality.** A supplemental notice of intent to excavate shall be filed in the same manner ~~[for]~~ **stating** any additional volume of earth to be excavated in excess of the original estimate within the same tax year. The assessing officials shall, within 30 days of signing a notice of intent to excavate, notify the tax collector that an intent to excavate has been filed. **The assessing officials may decline to sign an intent to excavate for noncompliance by the owner with applicable requirements of RSA**

72-B:5 relative to bonding, RSA 155-E relative to local regulation excavations, RSA485-A:17 relative to terrain alterations or RSA 79-A relative to current use. The notice of intent to excavate shall serve as notice that the land is subject to a tax lien pursuant to RSA72-B:7. The appropriate copies of all intents to excavate received by a city, town, or ~~[unorganized]~~ **unincorporated** place shall within 30 days be forwarded to the commissioner by the assessing officials. Upon receipt of an original intent to excavate, the commissioner shall assign an operation number and furnish to the owner a certificate to excavate and report of excavated material form. ~~[Such]~~ **Each** certificate shall be posted by the owner filing such intent to excavate in a conspicuous place within the area of ~~[excavation for each operation conducted within a city, town, or unorganized place]~~ **excavating**. ~~[Starting an operation]~~ **Excavating** before the appropriate notice of intent to excavate has been filed with the city, town, or unincorporated place and signed by the appropriate municipal officials shall constitute a violation by the owner or any other person doing the excavation, or both. Failure to post the certificate on the job in a conspicuous place upon receipt shall constitute a violation, and failure of the assessing officials to forward the appropriate copies of the intent to excavate to the department within 30 days after receipt shall constitute a violation.

8 New Section; Supplemental Notice of Intent to Excavate. Amend RSA 72-B by inserting after section 8 the following new section:

72-B:8-a Supplemental Notice of Intent to Excavate. Every owner who has filed a notice of intent to excavate under RSA 72-B:8 shall file a supplemental notice of intent to excavate for the amount of earth which exceeds the original amount of earth estimated. If the owner originally stated an estimate of 1,000 yards or less and was exempted from the \$100 enforcement fee, the owner shall provide the \$100 enforcement fee with the supplemental intent to excavate. If the owner paid the \$100 enforcement fee with the original intent to excavate, no additional fee is required for the supplemental intent. Failure to file a supplemental intent and failure to provide the required enforcement fee shall constitute a violation by the owner or any other person doing the excavation, or both.

9 Report of Excavated Material. Amend RSA 72-B:9 to read as follows:

72-B:9 Report of Excavated Material. Every owner who has filed a notice of intent to excavate as provided in RSA 72-B:8 shall ~~[make]~~ **sign** under the penalties of perjury and file with the assessing officials a report of all excavated material for each intent to excavate filed. The report shall be upon a form provided by the commissioner, with 2 copies to be sent to the commissioner. If no earth was excavated **during the tax year**, then the report of excavated material shall be returned stating so. If ~~[an excavation operation finishes]~~ **excavating is completed** during the tax year, the owner ~~[may]~~ **shall** file the report of excavated material ~~[at the completion of the operation, and the assessing officials shall make an assessment within 30 days after receipt of the report of excavation form]~~ **no later than 30 days following the completion of the excavating. The assessing officials shall make an assessment of the excavation tax within 30 days after receipt of the report of excavated material form.** The report of excavated material ~~[forms]~~ **form** shall contain the owner's name, **telephone number**, residence, ~~[social security number,]~~ **tax map, block, and lot number, the town, city or unincorporated place where the excavation occurred**, the volume **and type** of earth in cubic yards, and such other information as may be necessary to locate, identify, verify, and determine the full extent of excavation, **reclamation, and extent of compliance with either RSA 155-E or RSA 485-A:17**, for which ~~[the]~~ **each** report is filed. ~~[A]~~ **The** report of excavated material ~~[covering]~~ **form pertaining to** ~~[an operation]~~ **excavating** still in progress through March 31 of any year shall be filed no later than **the following** April 15 ~~[of said year]~~ for all earth excavated during the tax year up to and including March 31. The report shall be accompanied by an estimate of the size of the ~~[pit]~~ **excavation** area as it existed at the end of the tax year, or in the alternative, a statement that the size of the ~~[pit]~~ **excavation** area has not changed since the prior tax year. A person who fails to file a report of excavated material

with the proper assessing officials or to send copies of the report as required in this section to the commissioner shall be guilty of a misdemeanor. Any owner who falsifies a report of excavated material form shall be guilty of a misdemeanor.

10 Doomage. Amend RSA 72-B:10 to read as follows:

72-B:10 Doomage. If an owner neglects or fails to file a report of excavated material form pursuant to RSA 72-B:9, unless the time is extended by the assessing officials because of accident, mistake, or misfortune to a date not later than the following May 1, or willfully makes any false statement in the notice of intent to excavate, or willfully files a report of excavated material that does not contain a true and correct statement of the amount of earth excavated, or has willfully omitted to give any information required by the report of excavated material form, the assessing officials shall ascertain, in such way as they may be able and as nearly as practicable, the volume of ~~[excavation]~~ **earth** for which such owner should have been taxed and shall assess to such owner, by way of doomage 2 times as much as such ~~[excavation]~~ **earth** would have been taxed had such form been seasonably filed and truly reported. Such doomage shall be collected by the tax collector in the usual manner and paid over to the town or city treasurer for use of the town or city, or, in the case of ~~[a-unorganized]~~ **an unincorporated** place, shall be collected by the county commissioners and paid over to the county treasurer for use of the county.

11 Disposition of the Excavation Tax and Excavation Activity Tax. Amend RSA72-B:11 to read as follows:

72-B:11 Disposition of the Excavation Tax **and Excavation Activity Tax**.

I. The excavation tax, **and the excavation activity tax**, collected in the incorporated towns and cities under RSA 72-B:4 shall be paid by the tax collectors into their respective treasuries for the general use of the city or town.

II. The taxes assessed under RSA 72-B:4 in any unincorporated ~~[town or unorganized]~~ place shall be collected by the county commissioners of the county in which the ~~[town or]~~ place is located and paid by them to the county treasurer. The county commissioners shall have the same powers in collecting the taxes as provided under RSA 80 and RSA 81. All taxes collected by the counties under RSA72-B:4 shall be credited to the unincorporated ~~[towns and unorganized places]~~ **place** from which the excavation tax **and the excavation activity tax** was collected and shall be used against the unincorporated ~~[town's or unorganized]~~ place's share for the county tax for the ensuing year.

12 Taxation of Excavation Activity. Amend RSA 72-B:12 to read as follows:

72-B:12 Taxation of Excavation Activity. The excavation activity tax imposed under RSA72-B:1, III shall be administered as follows:

I. The ~~[pit]~~ area~~[, as defined in RSA 72-B:2,]~~ **constituting an excavation subject to the excavation activity tax** shall be determined as of April 1 each year. The owner ~~[or excavator]~~ shall furnish **to the [local] assessing officials for the jurisdiction in which the excavation is located** such information as ~~[they]~~ **the assessing officials** may require to ~~[make such determination]~~ **determine the area constituting a taxable excavation**.

II. The ~~[amount of the excavation activity tax shall be determined by the local assessing officials, by considering a hypothetical owner of land, located in the vicinity of the excavation, but which was devoted to an intense commercial or industrial use, and determining the~~

~~amount such hypothetical owner would pay in real estate taxes during that tax year upon an area of such land equivalent in size to the pit area, exclusive of any tax amount attributable to buildings or other structures. In making this determination, the assessing officials may take into consideration the land portion of assessments actually assigned to other properties in that municipality devoted to commercial or industrial uses, but shall not consider the value of the earth located upon, or excavated from, the excavation site]~~ **area of any excavation subject to the excavation activity tax shall be appraised as if it contained no earth, as defined in RSA 72-B:2, V.**

III. For purposes of administering the excavation activity tax, the excavation shall be assessed as if it were an equal size parcel devoted to a comparable industrial use located in a comparable location within the taxing jurisdiction; provided that if the excavation is a quarry, the vertical faces of the excavation shall be assessed as if horizontally level, pursuant to rules adopted by the commissioner under RSA 541-A. If there is no such comparable property within the taxing jurisdiction, such area shall be assessed using the nearest comparable property within a comparable taxing jurisdiction. For purposes of such calculations, the assessing officials shall take into consideration the land portion of assessments actually assigned to such comparable parcels and shall not include the value of any buildings or other improvements when making such comparisons. ~~[The excavation activity tax shall be billed to the owner, as defined in RSA 72-B:2, using the same schedule applicable in that municipality to the billing of real estate taxes. Such tax shall be deemed to be assessed upon April 1 of the tax year, and shall create a lien against the real estate, which shall continue for 18 months thereafter. All such taxes shall be subject to statutory collection proceedings against real estate as prescribed by RSA 80.]~~

13 New Section; Excavation Activity Tax Appeal and Abatement. Amend RSA72-B by inserting after section 12 the following new section:

72-B:12-a Excavation Activity Tax Appeal and Abatement.

I. Any person aggrieved by the assessment of an excavation activity tax shall follow the process provided in RSA 76:16, RSA 76:16-a, and RSA 76:17.

II. Each excavation activity tax assessment bill must be the subject of a separate abatement request and appeal.

14 Excavation Tax Appeal and Abatement. Amend the section heading of RSA72-B:13 to read as follows:

72-B:13 **Excavation Tax** Appeal and Abatement.

15 Excavation Tax Appeals Board. Amend the section heading of RSA 72-B:14 to read as follows:

72-B:14 **Excavation Tax** Appeals Board.

16 Excavation Tax Appeals Board Procedure. Amend the section heading of RSA 72-B:15 to read as follows:

72-B:15 **Excavation Tax** Appeals Board Procedure.

17 Enforcement. Amend RSA 72-B:17 to read as follows:

72-B:17 Enforcement.

I. The department shall administer and enforce this chapter, be responsible for educating municipal officials regarding the chapter, and have enforcement authority in regard to the proper filing of the ~~[permit]~~ **intent** to excavate form under RSA 72-B:8, authority to check on the volumes turned in on the report of excavated ~~[materials]~~ **material** form under RSA 72-B:9, the authority to issue cease and desist orders **for violations under RSA 72-B**, ~~[the authority to monitor the operational and reclamation standards contained in RSA155-E:4 a, 5 and 5 a,]~~ and the authority to rescind the ~~[certificate issued]~~ **intent to excavate form and certificate** pursuant to RSA 72-B:8 of any excavation in violation of ~~[such standards]~~ **RSA 72-B**. The department shall otherwise assist the towns, cities, and ~~[unorganized]~~ **unincorporated** places in the enforcement of this chapter. It is the intent of this section to authorize the commissioner and the commissioner's agents to have enforcement authority and the right to stop any ~~[operation]~~ **excavation** in violation of RSA 72-B and to report the same to local authorities. Any person failing to comply with a cease and desist order issued under this section shall be guilty of a misdemeanor.

II. ~~[Officials]~~ **The commissioner's agents** responsible for the enforcement of this chapter **have the authority to advise and assist municipalities in regard to RSA 155-E and RSA485-A:17, may report potential violations of RSA 155-E and RSA 485-A:17 to local and state officials, and** may enter upon any lands for which ~~[a permit]~~ **an intent** to excavate or a certificate to operate has been issued pursuant to RSA 72-B. ~~[They also]~~ **The commissioner's agents may enter upon any lands that they believe may have an excavation in violation of RSA 72-B for the purpose of collecting information that may be necessary to the purpose of this chapter, and no owner of such land shall refuse to admit the enforcement agents. The commissioner's agents** may review any records in conjunction with any ~~[gravel or mining operation]~~ **excavation** in the state.

18 Mines, Sand, Gravel, Loam, or Other Similar Substances. Amend RSA72:13 to read as follows:

72:13 Mines, Sand, Gravel, Loam, or Other Similar Substances. Real estate shall be taxed independently of any mines or ores contained therein until such mines or ores shall become a source of profit, and independently of any sand, gravel, loam, or other similar substances contained therein until any of them shall become a source of profit; except when such mines, ores, sand, gravel, loam, or other similar substances, or rights therein are owned by some person other than the one to whom such real estate is taxed, in which case they shall be taxed as real estate to such other person. ***This section shall not apply to real estate containing earth, as that term is defined in RSA155-E:1, I. Earth and the real property constituting the area from which earth is being excavated shall be taxed exclusively under RSA 72-B.***

19 Repeal. RSA 72-B:3, relative to release from taxes, is repealed.

20 Effective Date.

I. RSA 72-B:1, IV(h), as inserted by section 2 of this act, shall take effect April 1, 2000.

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

AMENDED ANALYSIS

This bill:

I. Clarifies the intent and procedures for taxation of excavations.

II. Creates exemptions to the excavation activity tax, excavation tax, and related fees.

III. Allows the creation of liens by excavation activity tax assessments levied on such assessed property.

IV. Allows enforcement agents to report potential violations of certain excavation and terrain alteration laws to local and state officials. Such agents may also enter land believed to have excavation violations to collect information.

V. Requires the filing of a supplemental notice of intent to excavate if the original estimate of amount of earth to be excavated is exceeded.

Adopted.

Report adopted and ordered to third reading.

HB 676-FN-A, increasing fees for motor vehicle inspection stickers and establishing motor vehicle inspector positions and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Jeffrey C. MacGillivray for Finance: This bill establishes 6 new motor vehicle inspectors for enforcement duties related to the inspection process, including inspection station auditing and investigation, rejected vehicle follow-up, and sticker monitoring. These positions are necessary to carry out part of the agreement made with U.S. EPA last year, to inspect vehicles for the presence of emission control equipment instead of automobile tailpipe emission testing. The bill increases the fee per inspection sticker paid by inspection stations from \$1.25 to \$1.50, increasing state highway fund revenue by \$320,000 per year (of which \$38,000 will be used to increase distributions to cities and towns).

In addition to clarifying the duties and rights of the 6 new inspectors, the committee amendment places the new inspectors in retirement Group I, like many other state inspectors. This reduces the appropriation for these inspectors to \$311,290 in the first year and \$195,266 in the second year (decreases of about \$120,000 and \$80,000). Vote 26-0.

Amendment (1211h)

Amend RSA 266:1-a, I as inserted by section 1 of the bill by replacing it with the following:

I. The commissioner of safety shall establish a force of motor vehicle inspectors to assist the director in enforcing the motor vehicle inspection laws and rules. A motor vehicle inspector appointed by the commissioner pursuant to this section shall be totally dedicated to enforcement duties related to the inspection process, including inspection station auditing, investigation of alleged inspection station malfeasance, rejected vehicle follow-up, and sticker monitoring. A motor vehicle inspector appointed under this section shall have the authority to enter any motor vehicle inspection station authorized under RSA 266:1, during the station's business hours, to fulfill his or her duties.

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sums of \$311,290 for the fiscal year ending June 30, 2000 and \$195,266 for the fiscal year ending June 30, 2001, are hereby appropriated to the department of safety for the purpose of hiring 6 motor vehicle inspectors to enforce the motor vehicle inspection laws and rules, as provided in section 1 of this act. Said appropriations shall be a charge against the highway fund.

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

4 New Subparagraph; Motor Vehicle Inspectors Excluded from Group II Classification.
Amend RSA 100-A:1, VII-a by inserting after subparagraph (c) the following new subparagraph:

(d) Any motor vehicle inspector appointed pursuant to RSA 266:1-a.

Adopted.

Rep. Gilman requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 239 NAYS 103			
YEAS 239			
BELKNAP			
Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Millham, Alida	Pilliod, James	Rice, Thomas
Rosen, Ralph	Salatiello, Thomas	Turner, Robert	Wendelboe, Francine
Wood, Jane			
CARROLL			
Chandler, Gene	Dickinson, Howard	Howard, Godfrey	Lyman, L Randy
MacDonald, Kenneth	Mock, Henry	Patten, Betsey	Philbrick, Donald
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Hunt, John	Lerandean, Alfred	Lynch, Margaret
Manning, Joseph	Meader, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Roberts, William	Robertson, Timothy
Royce, H Charles	Russell, Ronald	Smith, Edwin	Zerba, Roger
COOS			
Davis, Perley	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn

Mears, Edgar	Tholl, John, Jr		
GRAFTON			
Alger, John	Almy, Susan	Copenhaver, Marion	Densmore, Jessica
Eaton, Stephanie	Guest, Robert	Harmon, Hobart	Johnson, Gary
MacNeil, Allen	Marshall, Gene	Picconi, Al	Solow, Martha
HILLSBOROUGH			
Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr
Batula, Peter	Belvin, William	Bergeron, Lucien	Bergin, Peter
Brundige, Robert	Bruno, Pierre	Buckley, Raymond	Burkush, James
Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Cote, Peter	Craig, James	Curran, James	Daigle, Robert
Dawe, Eileen	Desmarais, Vivian	Dokmo, Cynthia	Drabinowicz, A
Durham, Susan	Dyer, Merton	Emerton, Lawrence	Fields, Dennis
Flora, Kathleen	Foster, Linda	Franks, Suzan	Gagnon, Eugene
Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Goulet, Maurice	Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty
Hansen, Herbert	Holley, Sylvia	Johnson, Lionel	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lasky, Bette
Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee	Lynde, Harold
MacGillivray, Jeffrey	Martel, Andre	McCarthy, William	McCarty, Winston
Melcher, Harold	Mendenhall, Leslie	Mercer, Robert	Messier, Irene
Milligan, Robert	Moran, Edward	Moriarty, Mary	Mosher, William
O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean	Pepino, Leo
Peterson, Andrew	Reeves, Sandra	Reidy, Frank	Rowe, Robert
Sargent, Maxwell	Simon, Anthony	Thulander, O Alan	Turgeon, Roland
Vaillancourt, Steve	White, Donald	Withee, Dennis	
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Brewster, Richard	Chase, George
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Fortnam, Janet
French, Barbara	Hess, David	Jacobson, Alf	Leber, William

Lockwood, Priscilla	Marshall, Kenneth	Moore, Carol	Nichols, Avis
Owen, Derek	Potter, Frances	Poulin, Dave	Reardon, Tara
Rodd, Beth	Seldin, Gloria	St Cyr, Gerard	Wallin, Jean
Wallner, Mary Jane	Whalley, Michael	Whittemore, James	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Clark, Vivian
Cooney, Richard	Cox, Russell	Dalrymple, Janeen	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Flanagan, Natalie	Francoeur, Sheila
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hutchinson, Rebecca	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Lovejoy, Marian	McKinney, Betsy	Morse, Charles
Norelli, Terie	O'Keefe, Patricia	O'Neil, Michael	Priestley, Anne
Quandt, Marshall	Ruffner, Walter	Schanda, Frank	Shelton, Richard
Shultis, Elizabeth	Stone, Joseph	Stritch, C Donald	Tufts, J Arthur
Varrell, Thomas	Vaughn, Charles	Weare, Everett	Weyler, Kenneth
Whittier, John			
STRAFFORD			
Berube, Roger	Callaghan, Frank	Cossette, Larry	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Grassie, Anne
Heon, Richard	Johnson, Nancy	Knowles, William	Lundborn, Raymond
McKinley, Robert	Musler, George	Rogers, Rose Marie	Smith, Marjorie
Snyder, Clair	Spang, Judith	Spear, Barbara	Torr, Franklin
Wall, Janet	Woods, Phyllis		
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Jones, Constance	Robb-Theroux, Amy		
NAYS 103			
BELKNAP			
Lawton, David			

CARROLL			
Babson, David, Jr	Kenney, Joseph	Sullivan, P Judith	
CHESHIRE			
Blaisdell, Michael	Lynott, Margaret	McGuirk, Paul	Riley, William
Rose, William			
COOS			
Landers, Dana	Merrill, Gerald	Pratt, Leighton	Rodrigue, Robert
GRAFTON			
Cobb, John	Dudley, Terri	Gilman, G Michael	Hall, David
Hinman, Harry	Mirski, Paul	Phinney, William	Scanlan, David
Weber, Phil			
HILLSBOROUGH			
Clegg, Robert, Jr	Clemons, Jane	Cote, David	Coughlin, Pamela
Dalianis, Griffin	Daniels, Gary	Desrosiers, William	Dwyer, Paul, Sr
Fenton, James	Fletcher, Richard	Gorman, Mary	Herman, Keith
Herman, Richard	Jean, Loren	Keye, Harvey	Lefebvre, Roland
Martin, Mary	McDonald, James, Sr	McGough, Tim	McRae, Karen
Pappas, Marc	Sarette, John	Tate, Joan	Wall, Nancy
White, John	Williams, Carol		
MERRIMACK			
Bouchard, Candace	Feuerstein, Martin	Fraser, Marilyn	Gile, Mary
Hoadley, Elizabeth	Kennedy, Richard	Langer, Ray	Larrabee, David, Sr
Lavoie, Gerard	Marple, Richard	Maxfield, Roy	Soltani, Tony
Virtue, Carolyn			
ROCKINGHAM			
Beaulieu, Jon	Bishop, Franklin	Blanchard, MaryAnn	Bridle, Russell
Christie, Andrew, Jr	Corbin, C David	Dearborn, Bruce	Dolan, Richard
Dunham, Vivian	Fesh, Robert	Flanders, John, Sr	Hutchinson, Karen
Kane, Cecelia	Mikowski, Walter	Moore, Benjamin	Packard, Sherman
Pantelakos, Laura	Pitts, Jacqueline	Putnam, Ed, II	Raynowska, Bernard

Reardon, Neil	Sapareto, Frank	Splaine, James	Stickney, Nancy
Weatherspoon, Jackie	Welch, David		
STRAFFORD			
Bickford, David	Brennan, William	Brown, George	Brown, Julie
DeChane, Marlene	Keans, Sandra	Lent, Donald	Pelletier, Arthur
Rollo, Michael	Tsiros, William	Twardus, Joseph	
SULLIVAN			
Kibbey, David	Leone, Richard	Phinizy, James	Tuthill, John
Wiggins, Celestine			

and the report was adopted.

Ordered to third reading.

HB 692-FN-A, adopting a single sales factor method of apportionment under the business profits tax. RE-REFER TO COMMITTEE

Rep. Jean R. Wallin for Finance: It is entirely possible that business activity in New Hampshire would be enhanced by adoption of the single sales factor method of apportioning the business profits tax. However, we have already increased not only the business profits tax, but also the business enterprise tax. At this moment we are unable to totally calculate the consequences of these changes. The Finance Committee prefers to take the conservative route of returning the bill to the committee to monitor the actual effects of both methods of apportionment. The results will be reported to the 2000 session of the House. Vote 24-2.

Adopted.

HB 300, making technical corrections to 1999, HB 117. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Jeffrey C. MacGillivray for the Majority of Finance: HB 300 makes important technical corrections to HB 117.

Section 1 changes the language used to calculate additional weights for pupils who receive free or reduced-price meals. The numbers for state aid in spreadsheets available when HB 117 was agreed to by conferees, adopted by the House and Senate, and signed into law do not conform with the language in HB 117. The conferees have stated that they had agreed to the spreadsheet numbers and that the words should be amended to conform to the data. The committee amendment made an additional conforming change not previously identified.

Sections 2 and 6 make changes to parts of HB 117 so that the policy established by the Legislature that adequate education grants be paid directly to school districts be consistent throughout the bill.

Section 8 clarifies that it is the intention of the state to appropriate future funds, when necessary, to reimburse not only municipal hardware and software implementation costs but also administrative costs.

Section 9 provides funding at \$750 per kindergarten pupil for those kindergartens starting in 1998, 1999 and 2000 because they are not yet in the count for education funding. It clarifies that the Springfield town kindergarten will receive \$750 per pupil. The bill also grandfathers in the three existing alternative kindergartens because those pupils are already in the count for HB 117. The cost to the general fund is about \$925,000 per year.

Sections 3 and 7 clarify implementation language. Sections 4 and 5 correct drafting errors.

The committee amendment deleted sections 1 and 3 of the original bill, which dealt with cooperative school districts. The committee felt additional time was needed to consider the full ramifications of these sections. Vote 15-8

Rep. Mary Jane Wallner for the Minority of Finance: The minority is convinced that this bill, especially section 2, represents much more than a simple "technical correction." It is in fact a major policy change from HB 117 which was passed on April 29. Note that the language in section 2 strikes out the word "elementary" student. That seemingly innocuous deletion means a great deal in that it reduces the low income weighting for numerous communities. Experts have told us and Department of Education data bears out that high school students are not applying for reduced or free lunches, even though they are entitled to do so. Thus, including them skews the formula and provides less money to the neediest communities.

Amendment (1406h)

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

1 Definition; "Weighted Pupils." RSA 198:38, VII(d) is repealed and reenacted to read as follows:

(d) Additional weights based on pupils eligible to receive a free or reduced-price meal shall be calculated by multiplying each municipality's elementary average daily membership in residence by the fraction of the district's pupils eligible to receive a free or reduced-price meal multiplied by:

(1) If less than 12 percent of the district's pupils are eligible to receive a free or reduced-price meal, zero.

(2) If at least 12 percent but less than 24 percent of the district's pupils are eligible to receive a free or reduced-price meal, 0.5.

(3) If at least 24 percent of the district's pupils are eligible to receive a free or reduced-price meal, 1.0.

2 Determination of Per Pupil Adequate Education Cost and Adequate Education Grant. Amend RSA 198:40, II and III to read as follows:

II. The weighted average daily membership in residence for each ~~[district]~~ **municipality** shall be calculated by combining the ~~[district's]~~ elementary average daily membership

in residence with ~~its~~ **the** weighted high school average daily membership in residence, the ~~[district's]~~ average daily membership in residence resulting from educationally disabled children, and the ~~[district's]~~ additional average daily membership in residence resulting from elementary pupils eligible to receive a free or ~~[reduced-priced]~~ **reduced-price** meal. The statewide weighted average daily membership in residence of pupils shall be calculated by combining the weighted average daily membership in residence of each ~~[school district]~~ **municipality** in the state.

III. For each fiscal year, the statewide cost of an adequate education for all pupils shall be calculated by multiplying the average base per pupil cost of an adequate education by the statewide weighted average daily membership in residence of pupils and then adding 70 percent of total statewide ~~[district]~~ transportation costs.

3 New Paragraph; Distribution Schedule of Adequate Education Grant. Amend RSA 198:42 by inserting after paragraph III the following new paragraph:

IV. The governor is authorized to draw a warrant from funds not otherwise appropriated to satisfy the state's obligation under this section.

4 Funding; Adequate Education and Education Financing Commission. Amend RSA 198:49, VII to read as follows:

VII. The commission may request that the legislative facilities committee approve funding for the commission not to exceed ~~[\$300,000]~~ **\$150,000**.

5 Funding; Tax Equity and Efficiency Commission. Amend 1999, 17:55, VIII to read as follows:

VIII. The commission may request that the legislative facilities ~~[commission]~~ **committee** approve funding for the commission not to exceed ~~[\$300,000]~~ **\$150,000**.

6 Special Transition Rules. Amend 1999, 17:52, I to read as follows:

I. For the school year 1999/2000, the adequate education grant determined in RSA ~~[198:42]~~ **198:41** shall be distributed to each ~~[municipality]~~ **school district or, in the case of a dependent school district, to the city**, from the education trust fund in 4 payments as follows:

(a) ~~[On July 1, 1999]~~ **On or before July 15, 1999**, and **on** September 1, 1999, 1/8 the total adequate education grant;

(b) On January 1, 2000 and April 1, 2000, 3/8 the total adequate education grant. The department shall certify the amount of each grant to the state treasurer and direct the payment thereof to the ~~[municipality]~~ **school district or, in the case of a dependent school district, to the city**.

7 New Paragraphs; Special Transition Rules. Amend 1999, 17:52, V to read as follows:

V. Notwithstanding any other provision of law, for any taxpayer required to pay utility property tax directly to the state for deposit in the education trust fund pursuant to RSA 83-F, the selectmen or assessors shall abate the state education property tax amount shown on any tax bill sent to such taxpayer pursuant to RSA 76:11-a, I. **Such abatements shall be exempt from the limitation in RSA 76:6.**

VI. For the school year ending June 30, 2000, adequate education grant moneys received by a school district pursuant to RSA 198:42 shall not be considered unanticipated funds under RSA 198:20-b. School districts may appropriate additional sums for the school year ending June 30, 2000 in accordance with the provisions of 1999, 2 and RSA197:3.

VII. For purposes of all calculations required by RSA 198:38-48, the department of education shall use the best available data.

8 Appropriations. Amend 1999, 17:53, VI to read as follows:

VI. It is the intent of the state to appropriate a sum certain to reimburse municipalities for the costs of additional ***administration***, hardware and software necessary to implement the provisions of this act.

9 Kindergarten; Alternative Kindergarten Programs.

I. If a school district implements a public kindergarten program in school years 1998-1999 or 1999-2000, the school district maintaining such a kindergarten program shall receive reimbursement for fiscal year 2000 and fiscal year 2001 at the rate of \$750 per pupil.

II. If a school district implements a public kindergarten program in school year 2000-2001, the school district maintaining such a kindergarten program shall receive reimbursement for fiscal year 2001 at the rate of \$750 per pupil.

III. If the town of Springfield continues to maintain, at public expense, a kindergarten program established prior to school year 1998-1999, it shall receive reimbursement for fiscal year 2000 and each fiscal year thereafter at the rate of \$750 per pupil.

IV. Notwithstanding the repeal of RSA 198:15-n by 1999, 17:58, VIII, the alternative kindergarten programs in the towns of Wentworth, Rumney, and Strafford, which were approved prior to such repeal, may continue to operate as approved alternative kindergarten programs under the provisions of RSA 198:15-n which were in effect prior to April 29, 1999.

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

Reps. Jacobson, Almy and Hager spoke against.

Rep. MacGillivray spoke in favor and yielded to questions.

Reps. Burling and Lozeau spoke in favor.

Rep. Chandler requested a roll call; sufficiently seconded.

The question being the adoption of the amendment.

YEAS 189 NAYS 157

YEAS 189

BELKNAP			
Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Millham, Alida	Pilliod, James
Rice, Thomas	Rosen, Ralph	Thomas, John	Turner, Robert
Wendelboe, Francine			
CARROLL			
Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	
CHESHIRE			
Avery, Stephen	Hunt, John	Riley, William	Roberts, William
Rose, William	Royce, H Charles	Smith, Edwin	
COOS			
Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr			
GRAFTON			
Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Harmon, Hobart
MacNeil, Allen	Marshall, Gene	Picconi, Al	
HILLSBOROUGH			
Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter
Belvin, William	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr	Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia	Durham, Susan
Dyer, Merton	Emerton, Lawrence	Fenton, James	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Gagnon, Eugene	Goley, Jeffrey
Goulet, Maurice	Hansen, Herbert	Herman, Keith	Holley, Sylvia
Jean, Loren	Konys, Christine	Kurk, Neal	L'Heureux, Robert

LaRose, Richard	Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee
MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston	McGough, Tim
McRae, Karen	Mercer, Robert	Milligan, Robert	Moran, Edward
Mosher, William	O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean
Pappas, Marc	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sarette, John	Sargent, Maxwell	Tate, Joan	Thulander, O Alan
Wall, Nancy	White, Donald	Withee, Dennis	
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Hess, David	Hoadley, Elizabeth
Kennedy, Richard	Langer, Ray	Larrabee, David, Sr	Lavoie, Gerard
Leber, William	Nichols, Avis	Poulin, Dave	Soltani, Tony
Whalley, Michael	Whittemore, James		
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Christie, Andrew, Jr	Clark, Vivian	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dolan, Richard	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Flanagan, Natalie	Flanders, John, Sr	Francoeur, Sheila	Gleason, John
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hutchinson, Karen
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Letourneau, Robert	Lovejoy, Marian
McKinney, Betsy	Mikowski, Walter	Morse, Charles	O'Neil, Michael
Packard, Sherman	Priestley, Anne	Quandt, Marshall	Reardon, Neil
Ruffner, Walter	Schanda, Frank	Stickney, Nancy	Stone, Joseph
Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas	Weare, Everett
Welch, David	Weyler, Kenneth	Whittier, John	Zolla, William
STRAFFORD			
Cossette, Larry	Grassie, Anne	Knowles, William	McKinley, Robert
Musler, George	Spear, Barbara	Torr, Franklin	Tsiros, William
Woods, Phyllis			
SULLIVAN			

Burling, Peter	Jones, Constance	Kibbey, David	Leone, Richard
NAYS 157			
BELKNAP			
Salatiello, Thomas	Wood, Jane		
CARROLL			
Howard, Godfrey			
CHESHIRE			
Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Robertson, Timothy
Russell, Ronald	Zerba, Roger		
COOS			
Davis, Perley	Hawkinson, Marie	Mears, Edgar	Rodrigue, Robert
GRAFTON			
Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Hall, David	Hinman, Harry	Johnson, Gary	Mirski, Paul
Phinney, William	Scanlan, David	Solow, Martha	
HILLSBOROUGH			
Ahern, Richard	Baroody, Benjamin	Bergeron, Lucien	Buckley, Raymond
Burkush, James	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Curran, James	Daigle, Robert	Dawe, Eileen
Drabinowicz, A	Dwyer, Paul, Sr	Foster, Linda	Franks, Suzan
Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth	Gorman, Mary
Haettenschwiller, Alphonse	Hall, Betty	Herman, Richard	Johnson, Lionel
Keye, Harvey	Lasky, Bette	Lynde, Harold	Martin, Mary
McCarthy, William	McDonald, James, Sr	Melcher, Harold	Mendenhall, Leslie
Messier, Irene	Moriarty, Mary	Pepino, Leo	Reidy, Frank
Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve	White, John

Williams, Carol			
MERRIMACK			
Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Jacobson, Alf	Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth
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	Clark, Martha	Corbin, C David
Fesh, Robert	Hutchinson, Rebecca	Kane, Cecelia	Langone, John
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Putnam, Ed, II	Raynowska, Bernard	Sapareto, Frank	Shelton, Richard
Shultis, Elizabeth	Splaine, James	Vaughn, Charles	Weatherspoon, Jackie
STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Heon, Richard
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Lent, Donald
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Twardus, Joseph	Wall, Janet		
SULLIVAN			
Allison, David	Cloutier, John	Donovan, Thomas, Jr	Phinizy, James
Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine	

and the amendment was adopted.

The question now being the adoption of the majority report.

Rep. Letourneau requested a roll call; sufficiently seconded.

YEAS 190 NAYS 156			
YEAS 190			
BELKNAP			
Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Millham, Alida	Pilliod, James
Rice, Thomas	Rosen, Ralph	Thomas, John	Turner, Robert
Wendelboe, Francine			
CARROLL			
Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	
CHESHIRE			
Avery, Stephen	Hunt, John	Riley, William	Roberts, William
Rose, William	Royce, H Charles	Smith, Edwin	
COOS			
Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr			
GRAFTON			
Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Harmon, Hobart
MacNeil, Allen	Marshall, Gene	Picconi, Al	
HILLSBOROUGH			
Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter
Belvin, William	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr	Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia	Durham, Susan
Dyer, Merton	Emerton, Lawrence	Fenton, James	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Foster, Linda	Gagnon, Eugene
Goley, Jeffrey	Goulet, Maurice	Hansen, Herbert	Herman, Keith

Holley, Sylvia	Jean, Loren	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Leishman, Peter	Lessard, Rudy
Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston
McGough, Tim	McRae, Karen	Mercer, Robert	Milligan, Robert
Moran, Edward	Mosher, William	O'Connell, Timothy	O'Hearn, Jane
Ouellette, Dean	Pappas, Marc	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Sarette, John	Sargent, Maxwell	Tate, Joan
Thulander, O Alan	Wall, Nancy	White, Donald	Withee, Dennis
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Hess, David	Hoadley, Elizabeth
Kennedy, Richard	Langer, Ray	Larrabee, David, Sr	Lavoie, Gerard
Leber, William	Nichols, Avis	Poulin, Dave	Soltani, Tony
Whalley, Michael	Whittemore, James		
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Christie, Andrew, Jr	Clark, Vivian	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dolan, Richard	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr	Francoeur, Sheila
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hutchinson, Karen	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Letourneau, Robert
Lovejoy, Marian	McKinney, Betsy	Mikowski, Walter	Morse, Charles
O'Neil, Michael	Packard, Sherman	Priestley, Anne	Quandt, Marshall
Reardon, Neil	Ruffner, Walter	Schanda, Frank	Stickney, Nancy
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Weare, Everett	Welch, David	Whittier, John	Zolla, William
STRAFFORD			
Cossette, Larry	Grassie, Anne	Knowles, William	McKinley, Robert
Musler, George	Spear, Barbara	Torr, Franklin	Tsiros, William
Woods, Phyllis			

SULLIVAN			
Burling, Peter	Jones, Constance	Kibbey, David	Leone, Richard
NAYS 156			
BELKNAP			
Salatiello, Thomas	Wood, Jane		
CARROLL			
Howard, Godfrey			
CHESHIRE			
Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Lerandean, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Robertson, Timothy
Russell, Ronald	Zerba, Roger		
COOS			
Davis, Perley	Hawkinson, Marie	Mears, Edgar	Rodrigue, Robert
GRAFTON			
Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Hall, David	Hinman, Harry	Johnson, Gary	Mirski, Paul
Phinney, William	Scanlan, David	Solow, Martha	
HILLSBOROUGH			
Ahern, Richard	Baroody, Benjamin	Bergeron, Lucien	Buckley, Raymond
Burkush, James	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Curran, James	Daigle, Robert	Dawe, Eileen
Drabinowicz, A	Dwyer, Paul, Sr	Franks, Suzan	Gagnon, Paul
Garrish, Linda	Ginsburg, Ruth	Gorman, Mary	Haettenschwiller, Alphonse
Hall, Betty	Herman, Richard	Johnson, Lionel	Keye, Harvey
Lasky, Bette	Lynde, Harold	Martin, Mary	McCarthy, William
McDonald, James, Sr	Melcher, Harold	Mendenhall, Leslie	Messier, Irene
Moriarty, Mary	Pepino, Leo	Reidy, Frank	Simon, Anthony
Turgeon, Roland	Vaillancourt, Steve	White, John	Williams, Carol

MERRIMACK			
Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Jacobson, Alf	Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth
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	Clark, Martha	Corbin, C David
Hutchinson, Rebecca	Kane, Cecelia	Langone, John	Norelli, Terie
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Putnam, Ed, II
Raynowska, Bernard	Sapareto, Frank	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Vaughn, Charles	Weatherspoon, Jackie	Weyler, Kenneth
STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Heon, Richard
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Lent, Donald
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Twardus, Joseph	Wall, Janet		
SULLIVAN			
Allison, David	Cloutier, John	Donovan, Thomas, Jr	Phinizy, James
Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine	

and the majority report was adopted.

Ordered to third reading.

SB 14, establishing a committee to study the impact of federal welfare reform on the cities and towns of New Hampshire. OUGHT TO PASS

Rep. Marion Copenhaver for Health, Human Services and Elderly Affairs: The majority supported the formation of a study committee to look at the impact of federal welfare reform on the cities and towns of New Hampshire. There was some concern by those who voted against it, that welfare recipients might move to New Hampshire to take advantage of our "generous" welfare benefits. Vote 8-7.

Adopted and ordered to third reading.

SB 22, relative to the pilot program relative to the administration of medication in residential care facilities. OUGHT TO PASS

Rep. Francine Wendelboe for Health, Human Services and Elderly Affairs: This legislation adds supported residential care facilities to an existing pilot program established in 1998. There are many frail, elderly in the state who require a supervised living environment, but do not require 24-hour skilled nursing services. The pilot program relative to medication administration in residential and supported residential care facilities provides cost effective services to our frail seniors by trained medication aides. Vote 14-0.

Adopted and ordered to third reading.

CACR 15, relating to the establishment of an indirect initiative petition process. Providing that proposed laws may be submitted to the legislature by citizen petition. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: RE-REFER TO COMMITTEE.

Rep. Gene G. Chandler for the Majority of Legislative Administration: CACR 15 proposes amending the constitution to allow legislation by petition. If adopted, laws could be proposed by a petition signed by 5% of the total popular vote cast in the most recent presidential election. Any law proposed by petition would be enacted or rejected by the General Court without change or amendment within 40 legislative days from the time the petition is received. If the proposed law is not enacted by the legislature, the Secretary of State would submit it to the people for approval or rejection at the next general election. Among other procedures outlined in the bill is the provision that no law adopted by referendum can be vetoed by the Governor nor can the law be amended, repealed or suspended by the legislature for 5 years unless another petition is proposed and all the same steps are followed all over again. Given the size of the House and judging by the number of bills filed every year, it seems that if any citizen of New Hampshire wants a law enacted or changed, they can do so by finding a legislator to file a bill on their behalf. New Hampshire truly has a citizen legislature, and we do not need the extra bureaucracy, not to mention the tremendous expense involved with a referendum style government. Vote 10-4.

Rep. Betty B. Hall for the Minority of Legislative Administration: This CACR has the potential for allowing the people to offer options to the legislature, and the legislature to respond with an alternative from which the voters can choose. The need for such a measure has been front and center in the school-funding debate. This CACR could be a vehicle for similar contingencies in the future. Committee members were preoccupied with the current crisis when this came before us, and not many members were present for the hearing. The minority believes we should study this in more depth after the immediate crises are over. We recommend this CACR be re-referred to the Legislative Administration Committee. An indirect initiative is very different from referendums and direct initiatives and it is not well understood. When an indirect petition for a bill is presented to the legislature with a sufficiently large number of signatures, the legislature can choose one of the following options: (1) It can pass the petitioned bill exactly as presented and then it goes to the Governor for signature and no ballot vote would be necessary; or (2) The bill can be amended and then it will go to the voters as amended by the legislature along with the original petitioned bill.

Both measures would be on the ballot at the next general election. If both measures received more than a majority of the votes cast, the one receiving the greatest number would become law; or (3) If either the House or Senate rejected the measure which had been petitioned, then it would go on the ballot with the rejection printed below the original petitioned bill. If passed by a majority, it would become law.

Rep. Cloutier spoke against.

Rep. Chandler spoke in favor.

Rep. Dyer requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

YEAS 239 NAYS 88			
YEAS 239			
BELKNAP			
Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Millham, Alida	Pilliod, James
Rice, Thomas	Rosen, Ralph	Thomas, John	Turner, Robert
Wendelboe, Francine			
CARROLL			
Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth
Mock, Henry	Patten, Betsey	Philbrick, Donald	Sullivan, P Judith
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	DePecol, Benjamin
Doucette, Richard	Hunt, John	Lerandean, Alfred	Lynch, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Riley, William
Roberts, William	Robertson, Timothy	Royce, H Charles	Smith, Edwin
Zerba, Roger			
COOS			
Davis, Perley	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Merrill, Gerald	Pratt, Leighton	Tholl, John, Jr	
GRAFTON			

Akins, Ralph	Alger, John	Almy, Susan	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Hinman, Harry	MacNeil, Allen	Marshall, Gene	Mirski, Paul
Phinney, William	Picconi, Al	Scanlan, David	Solow, Martha
HILLSBOROUGH			
Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr
Batula, Peter	Belvin, William	Bergin, Peter	Brundige, Robert
Bruno, Pierre	Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert
Christiansen, Lars	Clegg, Robert, Jr	Cote, David	Coughlin, Pamela
Curran, James	Dalianis, Griffin	Daniels, Gary	Dawe, Eileen
Desmarais, Vivian	Dokmo, Cynthia	Durham, Susan	Dwyer, Paul, Sr
Dyer, Merton	Emerton, Lawrence	Fenton, James	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Foster, Linda	Franks, Suzan
Gagnon, Eugene	Goulet, Maurice	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Lasky, Bette	Lefebvre, Roland	Leishman, Peter
Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre
McCarty, Winston	McGough, Tim	McRae, Karen	Mercer, Robert
Milligan, Robert	Moran, Edward	Moriarty, Mary	Mosher, William
O'Connell, Timothy	O'Hearn, Jane	Pappas, Marc	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sarette, John	Sargent, Maxwell
Simon, Anthony	Tate, Joan	Thulander, O Alan	Wall, Nancy
Withee, Dennis			
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Chase, George	Davis, Francis	Feuerstein, Martin	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Kennedy, Richard	Langer, Ray
Larrabee, David, Sr	Lavoie, Gerard	Leber, William	Lockwood, Priscilla
Marshall, Kenneth	Nichols, Avis	Potter, Frances	Poulin, Dave
Virtue, Carolyn	Whalley, Michael		
ROCKINGHAM			

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Bridle, Russell	Christie, Andrew, Jr	Clark, Vivian
Cooney, Richard	Corbin, C David	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	DiFruscia, Anthony	Dolan, Richard	Dowling, Patricia
Downing, Michael	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Flanders, John, Sr	Francoeur, Sheila	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Karen	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph
Langone, John	Lovejoy, Marian	McKinney, Betsy	Mikowski, Walter
Morse, Charles	Norelli, Terie	O'Neil, Michael	Priestley, Anne
Putnam, Ed, II	Quandt, Marshall	Raynowska, Bernard	Reardon, Neil
Ruffner, Walter	Sapareto, Frank	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Varrell, Thomas	Vaughn, Charles	Weare, Everett
Welch, David	Weyler, Kenneth	Whittier, John	Zolla, William
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Julie	Callaghan, Frank
Cossette, Larry	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Grassie, Anne	Kaen, Naida	Keans, Sandra	Knowles, William
Lent, Donald	McKinley, Robert	Musler, George	Pelletier, Arthur
Pelletier, Marsha	Smith, Marjorie	Snyder, Clair	Spear, Barbara
Torr, Franklin	Tsiros, William	Wall, Janet	Woods, Phyllis
SULLIVAN			
Kibbey, David	Leone, Richard	Robb-Theroux, Amy	
NAYS 88			
BELKNAP			
Wood, Jane			
CARROLL			
None			
CHESHIRE			
Burnham, Daniel	Lynott, Margaret	Mitchell, McKim	Pratt, John

Richardson, Barbara	Rose, William	Russell, Ronald	
COOS			
Mears, Edgar	Rodrigue, Robert		
GRAFTON			
Densmore, Jessica	Guest, Robert	Harmon, Hobart	Johnson, Gary
HILLSBOROUGH			
Baroody, Benjamin	Bergeron, Lucien	Buckley, Raymond	Burkush, James
Clemons, Jane	Cote, Peter	Craig, James	Daigle, Robert
Drabinowicz, A	Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse	Hall, Betty
Johnson, Lionel	Keye, Harvey	Konys, Christine	Lynde, Harold
Martin, Mary	McCarthy, William	McDonald, James, Sr	Melcher, Harold
Messier, Irene	Ouellette, Dean	Pepino, Leo	Reidy, Frank
Turgeon, Roland	Vaillancourt, Steve	White, Donald	White, John
MERRIMACK			
Daneault, Gabriel	Fortnam, Janet	Fraser, Marilyn	French, Barbara
Gile, Mary	Marple, Richard	Moore, Carol	Owen, Derek
St Cyr, Gerard	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles
ROCKINGHAM			
Blanchard, MaryAnn	Clark, Martha	Hutchinson, Rebecca	Kane, Cecelia
Langley, Jane	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Schanda, Frank	Shelton, Richard	Splaine, James	Stickney, Nancy
Weatherspoon, Jackie			
STRAFFORD			
Brennan, William	Brown, George	Domingo, Baldwin	Gilmore, Gary
Heon, Richard	Johnson, Nancy	Rogers, Rose Marie	Rollo, Michael
Twardus, Joseph			
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Jones, Constance	Phinizy, James	Tuthill, John	Wiggins, Celestine

and the majority report was adopted.

CACR 6, relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise any powers not specifically prohibited by the state or federal constitutions or any statute. OUGHT TO PASS WITH AMENDMENT

Rep. Elizabeth S. Hager for Municipal and County Government: The House and Senate, representatives of towns and cities, and interested citizens have been working on this constitutional amendment for several years. Last session a similar CACR passed overwhelmingly in the House but met its demise in the Senate. The Municipal and County Government Committee has been studying this CACR and its companion bill in detail this year and again recommends its passage.

When and if this article becomes part of our constitution, the State will still retain its sovereignty. If this CACR is adopted by the people, our local communities will be allowed to act in their own affairs unless precluded by the state constitution, state statute or common law. Vote 14-3.

Amendment (1308h)

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

RELATING TO: municipalities' home rule.

PROVIDING THAT: municipalities shall have home rule authority to exercise such powers which are not prohibited by the state constitution, state statute, or common law.

Amend the resolution by replacing Article 40 as inserted by paragraph I with the following:

[Art.] 40 [Home Rule Authority Granted.] A municipality may exercise such powers and perform such functions pertaining to its government and affairs which are not prohibited by the state constitution, state statute, or common law. Nothing in this article shall be construed to alter or limit in any way the state's right of preemption over municipal powers and functions.

Amend the resolution by replacing paragraph IV with the following:

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

Are you in favor of amending the constitution to provide that municipalities shall have home rule authority to exercise such powers and perform such functions pertaining to its government and affairs which are not prohibited by the state constitution, state statute, or common law, and that the state shall retain its right of preemption over municipal powers and functions?

AMENDED ANALYSIS

This constitutional amendment-concurrent resolution provides home rule authority to municipalities, so that they may exercise such powers which are not prohibited by the state constitution, state statute, or common law and provides that the state shall retain the right of preemption over municipal powers and functions.

Adopted.

Rep. MacGillivray spoke against and yielded to questions.

Rep. Rice spoke in favor.

Rep. Stone spoke in favor and yielded to questions.

Rep. Stone requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 250 NAYS 78			
YEAS 250			
BELKNAP			
Bartlett, Gordon	Czech, Stanley	Holbrook, Robert	Johnson, James
Lawton, David	Millham, Alida	Rice, Thomas	Rosen, Ralph
Thomas, John	Wood, Jane		
CARROLL			
Bradley, Jeb	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	Patten, Betsey	Philbrick, Donald	Sullivan, P Judith
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Hunt, John	Lerandeau, Alfred
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Roberts, William	Robertson, Timothy	Rose, William	Russell, Ronald
Smith, Edwin	Zerba, Roger		
COOS			
Davis, Perley	Guay, Lawrence	Horton, Lynn	Mears, Edgar
Merrill, Gerald	Tholl, John, Jr		
GRAFTON			
Alger, John	Almy, Susan	Brothers, Richard	Cobb, John
Copenhaver, Marion	Densmore, Jessica	Gilman, G Michael	Guest, Robert
Harmon, Hobart	Hinman, Harry	Johnson, Gary	MacNeil, Allen
Marshall, Gene	Phinney, William	Solow, Martha	
HILLSBOROUGH			

Ahern, Richard	Andrews, Frederick	Batula, Peter	Belvin, William
Bergeron, Lucien	Bergin, Peter	Brundige, Robert	Buckley, Raymond
Burkush, James	Calawa, Leon, Jr	Chabot, Robert	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Curran, James	Daigle, Robert	Daniels, Gary	Dawe, Eileen
Desmarais, Vivian	Dokmo, Cynthia	Drabinowicz, A	Durham, Susan
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Foster, Linda
Franks, Suzan	Gagnon, Eugene	Gagnon, Paul	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Goulet, Maurice
Haettenschwiller, Alphonse	Hansen, Herbert	Herman, Keith	Herman, Richard
Holley, Sylvia	Johnson, Lionel	Keye, Harvey	Konys, Christine
L'Heureux, Robert	LaRose, Richard	Lasky, Bette	Lefebvre, Roland
Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee	Lynde, Harold
Martel, Andre	Martin, Mary	McCarty, Winston	McDonald, James, Sr
McGough, Tim	Mercer, Robert	Messier, Irene	Milligan, Robert
Moran, Edward	Moriarty, Mary	Mosher, William	O'Connell, Timothy
O'Hearn, Jane	Ouellette, Dean	Pappas, Marc	Pepino, Leo
Peterson, Andrew	Reeves, Sandra	Reidy, Frank	Rowe, Robert
Sarette, John	Sargent, Maxwell	Simon, Anthony	Thulander, O Alan
Turgeon, Roland	White, Donald	White, John	Withee, Dennis
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Chase, George
Daneault, Gabriel	Davis, Francis	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Hess, David
Hoadley, Elizabeth	Larrabee, David, Sr	Lavoie, Gerard	Leber, William
Moore, Carol	Nichols, Avis	Owen, Derek	Potter, Frances
Poulin, Dave	Rodd, Beth	St Cyr, Gerard	Virtue, Carolyn
Wallner, Mary Jane	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Christie, Andrew, Jr	Clark, Martha

Clark, Vivian	Dalrymple, Janeen	Dolan, Richard	Downing, Michael
Flanders, John, Sr	Francoeur, Sheila	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Langone, John	Lovejoy, Marian
Morse, Charles	Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura
Pitts, Jacqueline	Priestley, Anne	Quandt, Marshall	Raynowska, Bernard
Reardon, Neil	Ruffner, Walter	Sapareto, Frank	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Stickney, Nancy
Stone, Joseph	Stritch, C Donald	Weare, Everett	Weatherspoon, Jackie
Weyler, Kenneth	Whittier, John	Zolla, William	
STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	Brown, George
Callaghan, Frank	Cossette, Larry	DeChane, Marlene	Domingo, Baldwin
Estabrook, Iris	Gilmore, Gary	Grassie, Anne	Johnson, Nancy
Kaen, Naida	Knowles, William	McKinley, Robert	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Spear, Barbara	Twardus, Joseph
Wall, Janet	Woods, Phyllis		
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Jones, Constance	Leone, Richard	Phinizy, James	Robb-Theroux, Amy
Tuthill, John	Wiggins, Celestine		
NAYS 78			
BELKNAP			
Pilliod, James	Turner, Robert	Wendelboe, Francine	
CARROLL			
Lyman, L Randy	MacDonald, Kenneth	Mock, Henry	
CHESHIRE			
Riley, William	Royce, H Charles		

COOS			
Pratt, Leighton	Rodrigue, Robert		
GRAFTON			
Akins, Ralph	Dudley, Terri	Eaton, Stephanie	Hall, David
Mirski, Paul	Picconi, Al		
HILLSBOROUGH			
Alukonis, David	Arnold, Thomas, Jr	Baroody, Benjamin	Bruno, Pierre
Carlson, Donald	Christiansen, Lars	Clegg, Robert, Jr	Dalianis, Griffin
Dwyer, Paul, Sr	Dyer, Merton	Emerton, Lawrence	Fenton, James
Hall, Betty	Jean, Loren	Kurk, Neal	MacGillivray, Jeffrey
McCarthy, William	McRae, Karen	Melcher, Harold	Tate, Joan
Vaillancourt, Steve	Wall, Nancy		
MERRIMACK			
Brewster, Richard	Feuerstein, Martin	Kennedy, Richard	Langer, Ray
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Whalley, Michael
Whittemore, James			
ROCKINGHAM			
Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Cooney, Richard	Corbin, C David	Cox, Russell	Dearborn, Bruce
DiFruscia, Anthony	Dowling, Patricia	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Hutchinson, Karen	Letourneau, Robert	McKinney, Betsy
Mikowski, Walter	O'Neil, Michael	Packard, Sherman	Putnam, Ed, II
Tufts, J Arthur	Varrell, Thomas	Welch, David	
STRAFFORD			
Brown, Julie	Dunlap, Patricia	Keans, Sandra	Lent, Donald
Musler, George	Torr, Franklin	Tsiros, William	
SULLIVAN			
Kibbey, David			

and the report was adopted by the constitutionally required three-fifths.

suspension of rules

Rep. Chandler moved that the Rules be so far suspended as to permit third reading and final passage at the present time of **CACR 6**, relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise such powers which are not prohibited by the state constitution, state statute, or common law.

On a division vote, 262 members having voted in the affirmative and 62 in the negative, the motion was adopted by the necessary two-thirds.

motion on cacr

Rep. Chandler moved that **CACR 6**, relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise such powers which are not prohibited by the state constitution, state statute, or common law, be read a third time and passed.

Rep. Hess requested a roll call; sufficiently seconded.

YEAS 257 NAYS 68			
YEAS 257			
BELKNAP			
Bartlett, Gordon	Czech, Stanley	Holbrook, Robert	Johnson, James
Lawton, David	Millham, Alida	Pilliod, James	Rice, Thomas
Rosen, Ralph	Thomas, John	Wood, Jane	
CARROLL			
Bradley, Jeb	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	MacDonald, Kenneth	Patten, Betsey	Philbrick, Donald
Sullivan, P Judith			
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Hunt, John	Lerandeau, Alfred
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Roberts, William	Robertson, Timothy	Rose, William	Russell, Ronald
Smith, Edwin	Zerba, Roger		
COOS			
Davis, Perley	Guay, Lawrence	Horton, Lynn	Mears, Edgar
Merrill, Gerald	Pratt, Leighton	Rodrigue, Robert	Tholl, John, Jr

GRAFTON			
Alger, John	Almy, Susan	Brothers, Richard	Cobb, John
Copenhaver, Marion	Densmore, Jessica	Eaton, Stephanie	Gilman, G Michael
Guest, Robert	Harmon, Hobart	Hinman, Harry	Johnson, Gary
MacNeil, Allen	Marshall, Gene	Phinney, William	Picconi, Al
Solow, Martha			
HILLSBOROUGH			
Ahern, Richard	Andrews, Frederick	Batula, Peter	Belvin, William
Bergeron, Lucien	Bergin, Peter	Brundige, Robert	Buckley, Raymond
Burkush, James	Calawa, Leon, Jr	Chabot, Robert	Cote, Peter
Coughlin, Pamela	Craig, James	Curran, James	Daigle, Robert
Dalianis, Griffin	Daniels, Gary	Dawe, Eileen	Desmarais, Vivian
Dokmo, Cynthia	Drabinowicz, A	Durham, Susan	Dyer, Merton
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Foster, Linda
Franks, Suzan	Gagnon, Eugene	Gagnon, Paul	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Goulet, Maurice
Haettenschwiller, Alphonse	Hansen, Herbert	Herman, Richard	Holley, Sylvia
Johnson, Lionel	Keye, Harvey	Konys, Christine	L'Heureux, Robert
LaRose, Richard	Lasky, Bette	Lefebvre, Roland	Leishman, Peter
Lessard, Rudy	Lozeau, DonnaLee	Lynde, Harold	Martel, Andre
Martin, Mary	McCarty, Winston	McGough, Tim	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	Moriarty, Mary
Mosher, William	O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Reidy, Frank	Rowe, Robert	Sarette, John	Sargent, Maxwell
Simon, Anthony	Tate, Joan	Thulander, O Alan	Turgeon, Roland
White, Donald	White, John	Withee, Dennis	
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Chase, George	Daneault, Gabriel
Davis, Francis	Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn

French, Barbara	Gile, Mary	Hager, Elizabeth	Hess, David
Hoadley, Elizabeth	Larrabee, David, Sr	Lavoie, Gerard	Leber, William
Moore, Carol	Nichols, Avis	Owen, Derek	Potter, Frances
Poulin, Dave	Rodd, Beth	St Cyr, Gerard	Virtue, Carolyn
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Christie, Andrew, Jr	Clark, Martha
Clark, Vivian	Dalrymple, Janeen	Dolan, Richard	Downing, Michael
Flanders, John, Sr	Francoeur, Sheila	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Langone, John	Lovejoy, Marian
Morse, Charles	Norelli, Terie	O'Keefe, Patricia	O'Neil, Michael
Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne	Quandt, Marshall
Raynowska, Bernard	Reardon, Neil	Ruffner, Walter	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Stickney, Nancy
Stone, Joseph	Stritch, C Donald	Varrell, Thomas	Weare, Everett
Weyler, Kenneth	Whittier, John	Zolla, William	
STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	Brown, George
Callaghan, Frank	Cossette, Larry	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Grassie, Anne
Johnson, Nancy	Kaen, Naida	Knowles, William	Lent, Donald
McKinley, Robert	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Spear, Barbara	Twardus, Joseph	Wall, Janet	Woods, Phyllis
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Jones, Constance	Leone, Richard	Robb-Theroux, Amy	Tuthill, John
Wiggins, Celestine			

NAYS 68			
BELKNAP			
Turner, Robert	Wendelboe, Francine		
CARROLL			
Lyman, L Randy	Mock, Henry		
CHESHIRE			
Riley, William	Royce, H Charles		
COOS			
None			
GRAFTON			
Akins, Ralph	Dudley, Terri	Hall, David	Mirski, Paul
Scanlan, David			
HILLSBOROUGH			
Alukonis, David	Arnold, Thomas, Jr	Baroody, Benjamin	Bruno, Pierre
Carlson, Donald	Christiansen, Lars	Clegg, Robert, Jr	Dwyer, Paul, Sr
Emerton, Lawrence	Fenton, James	Hall, Betty	Herman, Keith
Jean, Loren	Kurk, Neal	MacGillivray, Jeffrey	McCarthy, William
McDonald, James, Sr	McRae, Karen	Melcher, Harold	Vaillancourt, Steve
Wall, Nancy			
MERRIMACK			
Asplund, Bronwyn	Brewster, Richard	Kennedy, Richard	Langer, Ray
Lockwood, Priscilla	Marshall, Kenneth	Whalley, Michael	
ROCKINGHAM			
Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Cooney, Richard	Corbin, C David	Cox, Russell	Dearborn, Bruce
DiFruscia, Anthony	Dowling, Patricia	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Hutchinson, Karen	Letourneau, Robert	McKinney, Betsy
Mikowski, Walter	Packard, Sherman	Putnam, Ed, II	Sapareto, Frank
Tufts, J Arthur	Welch, David		
STRAFFORD			

Brown, Julie	Keans, Sandra	Musler, George	Torr, Franklin
Tsiros, William			
SULLIVAN			
none			

and CACR 6 was read a third time and passed by the constitutionally required three-fifths.

Third reading and final passage

CACR 6, relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise such powers which are not prohibited by the state constitution, state statute, or common law.

protest

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Marple requested that his protest be entered on the Journal.

I wish to record my dissent and protest on the basis of Part 2, Article 5 of the New Hampshire Constitution. The supreme legislative power cannot be delegated by the body or it is no longer supreme. Logic dictates that the supreme power to legislate remains with the General Court.

regular calendar (cont'd.)

HB 468, relative to the home rule powers of municipalities. OUGHT TO PASS WITH AMENDMENT

Rep. Thomas E. P. Rice for Municipal and County Government: This bill is a comprehensive compilation of the things that CACR 6 does and does not do. It makes clear the intent of CACR 6 to allow the individual communities to act on their own behalf in cases where the Constitution, the legislature, or the statutes are silent.

It also makes very clear that the state retains the right to overrule any local action and that no function now performed by the state may be usurped or duplicated by the community. Vote 14-2.

Amendment (1351h)

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

1 Powers and Duties of Towns; Power to Make Bylaws. RSA 31:39 is repealed and reenacted to read as follows:

31:39 Declaration of Purpose. The purpose of this subdivision is to further define the home rule powers granted to municipalities by the New Hampshire constitution. It is not intended to impliedly repeal existing state laws and regulations nor to limit the authority granted to cities and towns pursuant to predecessor versions of RSA 31:39–43.

2 New Section; Powers and Duties of Towns to Make Bylaws and Ordinances. Amend RSA31 by inserting after section 31:39-a the following new section:

31:39-b Bylaws and Ordinances. Any municipality, through the adoption, amendment or repeal of ordinances or bylaws by its legislative body, may exercise any power or function pertaining to its government and affairs which are not prohibited by the state constitution, state statute, or common law. The following provisions shall apply:

I. There is a rebuttable presumption that any ordinance or bylaw enacted under this section is a valid exercise of a municipality's home rule authority.

II. The legislature shall not be held to have implicitly denied any power granted to municipalities under this section unless the exercise of that power is inconsistent with a detailed and comprehensive program of statewide regulation.

III. Any local ordinance or bylaw hereafter adopted by a municipality, except where the general court has vested that power in the governing body, shall become effective no sooner than 60 days after its adoption. Unless otherwise specified, an effective date of 60 days after adoption shall be presumed.

IV. Except as otherwise provided by law, penalties established by ordinance or bylaw shall be recovered by the municipality for its use.

V. All ordinances and bylaws affecting the form of local government shall conform to laws adopted to implement part 1, article 39 of the New Hampshire constitution. No municipal charter shall be adopted or modified except in accordance with procedures delineated in those laws.

VI. This subdivision, being necessary for the welfare of the municipalities and their inhabitants, shall be liberally construed to effect its purposes.

3 Powers of City Councils; Bylaws and Ordinances; Declaration of Purpose. RSA 47:17 is repealed and reenacted to read as follows:

47:17 Declaration of Purpose. The purpose of this chapter is to further define the home rule powers granted to municipalities by the New Hampshire constitution. It is not intended to impliedly repeal existing state laws and regulations, nor to limit the authority granted to cities and towns pursuant to predecessor versions of RSA 47:17.

4 New Section; Powers of City Councils; Bylaws and Ordinances. Amend RSA47 by inserting after section 17 the following new section:

47:17-a Bylaws and Ordinances. Any municipality, through the adoption, amendment or repeal of ordinances or bylaws by its legislative body, may exercise any power or function pertaining to its government and affairs which are not prohibited by the state constitution, state statute, or common law. The following provisions shall apply:

I. There is a rebuttable presumption that any ordinance or bylaw enacted under this section is a valid exercise of a municipality's home rule authority.

II. The legislature shall not be held to have implicitly denied any power granted to municipalities under this section unless the exercise of that power is inconsistent with a detailed and comprehensive program of statewide regulation.

III. Any local ordinance or bylaw hereafter adopted by a municipality, except where the general court has vested that power in the governing body, shall become effective no sooner than 60 days after its adoption. Unless otherwise specified, an effective date of 60 days after adoption shall be presumed.

IV. Except as otherwise provided by law, penalties established by ordinance or bylaw shall be recovered by the municipality for its use.

V. All ordinances and bylaws affecting the form of local government shall conform to laws adopted to implement part 1, article 39 of the New Hampshire constitution. No municipal charter shall be adopted or modified except in accordance with procedures delineated in those laws.

VI. This subdivision, being necessary for the welfare of the municipalities and their inhabitants, shall be liberally construed to effect its purposes.

5 Regulation of Use of Highways, etc. Amend RSA 41:11 to read as follows:

41:11 Regulation of Use of Highways, etc. Unless regulated by the commissioner of the department of transportation as provided in RSA 236:1, the selectmen may regulate the use of all public highways, sidewalks, and commons in their respective towns and for this purpose may exercise all the powers conferred ~~[on city councils by RSA [47:17, VII, VIII, and XVIII, and by any other provisions of the laws upon the subject]~~ **as follows:**

I. USE OF PUBLIC WAYS. To regulate all streets and public ways, wharves, docks, and squares, and the use thereof, and the placing or leaving therein any carriages, sleds, boxes, lumber, wood, or any articles or materials, and the deposit of any waste or other thing whatever; the removal of any manure or other material therefrom; the erection of posts, signs, steps, public telephones, telephone booths, and other appurtenances thereto, or awnings; the digging up the ground by traffic thereon or in any other manner, or any other act by which the public travel may be incommoded or the town subjected to expense thereby; the securing by railings or otherwise any well, cellar, or other dangerous place in or near the line of any street; to prohibit the rolling of hoops, playing at ball or flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets and sidewalks, or to frighten teams of horses within the same; and to compel persons to keep the snow, ice, and dirt from the sidewalks in front of the premises owned or occupied by them.

II. TRAFFIC DEVICES AND SIGNALS.

(a) To make special regulations as to the use of vehicles upon particular highways, except as to speed, and to exclude such vehicles altogether from certain ways; to regulate the use of class IV highways within the compact limits and class V highways by establishing stop intersections, by erecting stop signs, yield right of way signs, traffic signals and all other traffic control devices on those highways over which the governing body has jurisdiction. The erection, removal and maintenance of all such devices shall conform to applicable state statutes and the latest edition of the Manual on Uniform Traffic Control Devices.

(b) The commissioner of transportation shall only approve the installation and modification of traffic signals as to type, size, installation, and method of operation.

III. AUTOMOBILE PARKING CONTROLS. The governing body shall have the authority to adopt such bylaws and ordinances as are necessary to control the parking, standing and stopping of automobiles within the town limits, including ordinances allowing for the towing or immobilization of automobiles for nonpayment of parking fines and creating parking fines recoverable by means of civil process.

6 Food Service Licensure; Exemptions. Amend RSA 143-A:5, I to read as follows:

I. Food service establishments and retail food stores licensed by city health officers ~~[under RSA 47:17]~~.

7 Food Service Licensure; Exemptions. Amend RSA 143-A:5, III to read as follows:

III. Temporary food service establishments and occasional food service establishments which are not under the jurisdiction of city or town health officers ~~[under RSA 147:1 and RSA 47:17]~~.

8 Solid Waste Management Planning. Amend RSA 149-M:17, II(b) to read as follows:

(b) ~~[Notwithstanding RSA 31:39, III,]~~ Towns are authorized to levy civil penalties up to \$3,000 for each act which violates the bylaws enacted pursuant to this paragraph. For violations for which any penalty provided in the bylaws is \$500 or less, the official designated in the bylaws as the enforcement authority may issue a summons and notice of fine as provided in RSA 502-A:19-b, except that a copy of the fines for violations of the local bylaws shall be substituted for the uniform fine schedule. Defendants who are issued such summons and notice of fine may plead guilty or nolo contendere by mail by entering a plea as provided in RSA 502-A:19-b. If the plea is accepted by the court, the defendant shall not be required to appear unless directed by the court.

9 Entertainment and Entertainers. Amend RSA 179:19, V to read as follows:

V. On-sale or off-sale licensees may install amusement machines on their premises. Nothing in this paragraph shall be construed in any way to limit the powers of municipalities ~~[under RSA 31:41-d]~~ to adopt bylaws relative to licensing amusement machines and to determining the number, location, and types of machines allowed in the municipality.

10 Parking Enforcement Provisions. Amend the introductory paragraph of RSA 231:132-a to read as follows:

Notwithstanding any other provision of law, a municipality which installs parking meters pursuant to RSA 231:130, or which establishes other parking restrictions ~~[pursuant to RSA 41:11 or 47:17]~~ or which seeks to enforce the stopping, standing and parking restrictions set forth in RSA 265:68-74, may utilize the following provisions in the enforcement of such parking restrictions and parking charges established through parking meters:

11 Equipment of Vehicles; Special Permits. Amend RSA 266:24, I to read as follows:

I. Any person wishing to move objects having a weight, width, height or length greater than prescribed by this chapter, or wishing to move vehicle and load of which the weight, width, height, or length cannot be so distributed that it will meet the requirements of this chapter, may apply to the commissioner of transportation for a permit to move said object or said vehicle and load upon a way. The commissioner of transportation, with the approval of the director, may grant a permit for the moving of said object or vehicle and load upon a specified way and at a specified time if, in ~~his~~ **the commissioner's** opinion, it will not be detrimental to the preservation of the ~~said~~ way and the public use thereof. Provided, that the applicant, if required by ~~said~~ **the** commissioner and director, shall file a bond to cover any possible damage to the ways or to the bridges over which the object or vehicle and load to be moved may pass and shall fulfill such rules as may be prescribed by ~~said~~ **the** commissioner of transportation and director; and further provided that the commissioner of transportation or the director of the division may require a hearing before granting ~~said~~ **the** permit. This section shall not be construed to limit the powers of the commissioner of transportation, selectmen of towns, and city council of cities to make rules for the protection and to prevent the abuse of ways and bridges as provided by RSA 236:1, RSA ~~[47:17]~~ **47:17-a** and RSA41:11. Any person who violates the conditions of any permit issued pursuant to this section shall be guilty of a violation.

12 Dog Control Law; Referendum. Amend RSA 466:30-b, V to read as follows:

V. A town or city which either does not adopt, or rescinds its adoption of, RSA 466:30-a, may adopt other ordinances pertaining to dogs running at large ~~[under RSA 31:39 or RSA 47:17, XI]~~.

13 Municipal Courts; Duties of Clerk; Disposition of Fines. Amend RSA 502:14 to read as follows:

502:14 Duties of Clerk; Disposition of Fines. The clerk shall receive all fines and forfeitures paid into the municipal court from any source. After deducting court seal, record books, printing blanks, and such other expenses as may be legally incurred in the maintenance and conduct of said court, the clerk shall, except in cases otherwise provided, pay the same over to the commissioner of administrative services, or to such department or agency of the state as the law provides, within 14 days. After deduction of expenses enumerated above, fines and forfeitures collected by the clerk for violations of municipal ordinances, codes, or regulations, except those adopted ~~[pursuant to RSA31:39, I(g); RSA41:11; RSA47:17, IV, VI, VII, or VIII]~~ **under RSA 41:11, and those regulating operation of vehicles, use of public ways, and traffic devices and signals, and those adopted under RSA105:6-7**, shall be remitted within 14 days to the treasurer of the municipality prosecuting said violations, for the use of the municipality. All expenses related to the processing of parking violations and the administrative collection of parking fines shall be the responsibility of the local unit of government, and all fines collected shall be retained in their entirety by the local unit of government.

14 District Courts; Duties of Clerks; Disposition of Fines. Amend RSA 502-A:8 to read as follows:

502-A:8 Duties of Clerk; Disposition of Fines. The clerk shall receive all fines and forfeitures paid into the district court from any source. The clerk of any district or municipal court may accept payment of the fine by credit card in lieu of cash payment. Any transaction costs assessed by the issuer of the credit card shall be paid out of the portion of the fine amount which is deposited in the general fund and not out of the penalty assessment charged by a district or municipal court. After deducting court seal, record books, printing blanks, and such other expenses as may be legally incurred in the maintenance and conduct of said court, the clerk shall, except in cases otherwise

provided, pay the same over to the commissioner of administrative services, or to such department or agency of the state as the law provides, within 14 days. After deduction of expenses enumerated above, fines and forfeitures collected by the clerk for violations of municipal ordinances, codes, or regulations, except those adopted ~~[pursuant to RSA31:39, I(c); RSA41:11; RSA47:17, IV, VI, VII, or VIII]~~ ***under RSA 41:11, and those regulating operation of vehicles, use of public ways, and traffic devices and signals***, and ***those adopted under RSA105:6-7***, shall be remitted within 14 days to the treasurer of the municipality prosecuting said violations, for the use of the municipality. All expenses related to the processing of parking violations and the administrative collection of parking fines shall be the responsibility of the local unit of government, and all fines collected shall be retained in their entirety by the local unit of government.

15 Repeal. The following are repealed:

- I. RSA 31:39-a, relative to conflict of interest ordinances.
- II. RSA 31:40, relative to taxicabs.
- III. RSA 31:41, relative to open-air motion picture theatres.
- IV. RSA 31:41-a, relative to motor vehicle race tracks.
- V. RSA 31:41-b, relative to hazardous embankments.
- VI. RSA 31:41-c, relative to electioneering.
- VII. RSA 31:41-d, relative to pinball machines and coin operated amusements.
- VIII. RSA 31:41-e, relative to bylaws on drug-free zones.
- IX. RSA 31:42, relative to regulation by selectmen.
- X. RSA 31:43, relative to continuation of bylaws.

16 Applicability. If a constitutional amendment to the New Hampshire constitution providing that municipalities shall have home rule authority to exercise any powers not specifically prohibited by the state or federal constitutions is adopted by the voters in the 2000 general election, then sections 1-15 of this act shall take effect January 1, 2001. If such a constitutional amendment is not adopted, then sections 1-15 of this act shall not take effect.

17 Effective Date.

- I. Section 16 of this act shall take effect upon its passage.
- II. The remainder of this act shall take effect as provided in section 16 of this act.

AMENDED ANALYSIS

This bill provides that municipalities shall have home rule authority to exercise powers which are not prohibited by the state constitution, state statute, or common law. Any municipal ordinance or bylaw shall become effective no sooner than 60 days after its adoption, except where the general court has otherwise vested that power in the municipality's governing body. Under this bill,

changes in the law resulting from the passage of this bill shall not become effective unless an amendment to the New Hampshire constitution providing that municipalities shall have such home rule authority is adopted by the voters in the 2000 general election.

Adopted.

Report adopted and ordered to third reading.

reconsideration

Having voted with the prevailing side, Rep. Lozeau moved that the House reconsider its action whereby it ordered to third reading **HB 300**, making technical corrections to 1999, HB 117, and spoke against.

Rep. Vaillancourt spoke in favor.

Rep. Chandler spoke against.

Rep. Chandler requested a roll call; sufficiently seconded.

YEAS 138 NAYS 181			
YEAS 138			
BELKNAP			
Wood, Jane			
CARROLL			
Howard, Godfrey			
CHESHIRE			
Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, John
Richardson, Barbara	Robertson, Timothy	Zerba, Roger	
COOS			
Davis, Perley	Hawkinson, Marie	Mears, Edgar	Rodrigue, Robert
GRAFTON			
Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Hall, David	Hinman, Harry	Johnson, Gary	Mirski, Paul
Phinney, William	Solow, Martha		

HILLSBOROUGH			
Ahern, Richard	Baroody, Benjamin	Bergeron, Lucien	Burkush, James
Cote, Peter	Craig, James	Curran, James	Daigle, Robert
Dawe, Eileen	Drabinowicz, A	Franks, Suzan	Gagnon, Paul
Garrish, Linda	Ginsburg, Ruth	Gorman, Mary	Haettenschwiller, Alphonse
Hall, Betty	Herman, Richard	Keye, Harvey	Lasky, Bette
Lynde, Harold	Martin, Mary	McCarthy, William	McDonald, James, Sr
McRae, Karen	Melcher, Harold	Messier, Irene	Moriarty, Mary
Pepino, Leo	Reidy, Frank	Sarette, John	Simon, Anthony
Vaillancourt, Steve	White, John		
MERRIMACK			
Bouchard, Candace	Brewster, Richard	Chase, George	Daneault, Gabriel
Davis, Francis	Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Lavoie, Gerard
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Owen, Derek
Potter, Frances	Rodd, Beth	St Cyr, Gerard	Virtue, Carolyn
Wallner, Mary Jane	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Corbin, C David
Hutchinson, Karen	Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane
Kobel, Rudolph	Langone, John	Lovejoy, Marian	McKinney, Betsy
Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline	Putnam, Ed, II
Sapareto, Frank	Schanda, Frank	Shelton, Richard	Shultis, Elizabeth
Splaine, James			
STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Lent, Donald	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair

Spang, Judith	Twardus, Joseph	Wall, Janet	
SULLIVAN			
Allison, David	Cloutier, John	Donovan, Thomas, Jr	Phinizy, James
Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine	
NAYS 181			
BELKNAP			
Bartlett, Gordon	Czech, Stanley	Holbrook, Robert	Johnson, James
Lawton, David	Millham, Alida	Pilliod, James	Rice, Thomas
Rosen, Ralph	Thomas, John	Turner, Robert	Wendelboe, Francine
CARROLL			
Bradley, Jeb	Chandler, Gene	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	MacDonald, Kenneth	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith		
CHESHIRE			
Avery, Stephen	Hunt, John	Riley, William	Roberts, William
Rose, William	Royce, H Charles	Smith, Edwin	
COOS			
Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr			
GRAFTON			
Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Harmon, Hobart
MacNeil, Allen	Marshall, Gene	Picconi, Al	
HILLSBOROUGH			
Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter
Belvin, William	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Buckley, Raymond	Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert
Christiansen, Lars	Clegg, Robert, Jr	Coughlin, Pamela	Dalianis, Griffin
Daniels, Gary	Desmarais, Vivian	Dokmo, Cynthia	Durham, Susan
Dyer, Merton	Emerton, Lawrence	Fenton, James	Fields, Dennis

Fletcher, Richard	Flora, Kathleen	Foster, Linda	Gagnon, Eugene
Goley, Jeffrey	Goulet, Maurice	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Jean, Loren	Johnson, Lionel	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland
Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey
Martel, Andre	McCarty, Winston	McGough, Tim	Mercer, Robert
Milligan, Robert	Moran, Edward	Mosher, William	O'Connell, Timothy
O'Hearn, Jane	Ouellette, Dean	Pappas, Marc	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sargent, Maxwell	Tate, Joan
Thulander, O Alan	Turgeon, Roland	Wall, Nancy	White, Donald
Withee, Dennis			
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Hoadley, Elizabeth	Kennedy, Richard
Langer, Ray	Larrabee, David, Sr	Leber, William	Nichols, Avis
Poulin, Dave	Whalley, Michael	Whittemore, James	
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Christie, Andrew, Jr	Clark, Vivian	Cooney, Richard	Cox, Russell
Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony	Dolan, Richard
Dowling, Patricia	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Flanders, John, Sr	Francoeur, Sheila	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Langley, Jane	Letourneau, Robert	Mikowski, Walter
Morse, Charles	O'Keefe, Patricia	O'Neil, Michael	Packard, Sherman
Priestley, Anne	Quandt, Marshall	Raynowska, Bernard	Reardon, Neil
Ruffner, Walter	Stickney, Nancy	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Varrell, Thomas	Weare, Everett	Welch, David
Weyler, Kenneth	Whittier, John	Zolla, William	
STRAFFORD			
Brown, George	Cossette, Larry	Grassie, Anne	Knowles, William
McKinley, Robert	Spear, Barbara	Torr, Franklin	Tsiros, William

Woods, Phyllis			
SULLIVAN			
Burling, Peter	Jones, Constance	Kibbey, David	Leone, Richard

and reconsideration failed.

SPECIAL ORDER

HB 536, authorizing municipalities to exempt from the local property tax personal property employed in the generation and production of electric power. OUGHT TO PASS WITH AMENDMENT

Rep. Betsey L. Patten for Municipal and County Government: In order to further the state's policy of promoting the development of a competitive electric supply market in New Hampshire and to give municipalities the ability to attract new electric generation facilities and retain existing generation facilities that have become subject to the economic pressures of a deregulated market, the general court believes that it is desirable to give municipalities the authority to exempt from taxation certain personal property that is used in the manufacture of electricity.

This bill gives the governing body the authority to determine an exemption. The amendment sets up that the determination requires approval by the legislative body of the municipality.

The determination for exemption may be applied to new construction of electric generating facilities, to retain existing electric generation facilities or to foster economic development.

At least four items must be disclosed to and approved by the legislative body: fair market value of equipment exempted, the term of the exemption, any agreement for payments of taxes, and/or agreement for payment in lieu of taxes.

An additional amendment to sunset the availability of this option on July 1, 2004 was adopted by the committee. If an exemption is granted by the legislative body, the agreement is not subject to the sunset date. Vote 11-4.

Amendment adopted House Journal 18, 5/20/99.

The question now being the adoption of the report.

laid on the table

Rep. Packard moved that **HB 536**, authorizing municipalities to exempt from the local property tax personal property employed in the generation and production of electric power, be laid on the table.

Adopted.

regular calendar (Cont'd.)

HB 649-FN, relative to air pollution emissions from small, high-polluting electricity generators. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: RE-REFER TO COMMITTEE.

Rep. Terie T. Norelli for the Majority of Science, Technology and Energy: Due to high electric rates in the state, many businesses have begun to use internal combustion engine electricity generators, which have increased nitrogen oxide (NOx) emissions. The majority of the committee believes that increased use of these high NOx-emitting generators should be discouraged. This bill, as amended, would subject these sources to requirements more similar to those for larger electricity generators. The amendment represents a compromise reached among the Department of Environmental Services, users of these generating sources, and the committee. Users must acquire emission reduction credits or make a direct payment for each ton of NOx emitted. This would not apply for eight years to generating sources existing as of July 1, 1999, and would not apply for six years to generating sources which had filed an application for a permit as of May 1, 1999. In addition, the fees are phased in over a five-year period for new sources. Funds collected under this legislation would be deposited in a NOx emissions reduction fund and used to reduce NOx emissions by electricity generation sources. Vote 13-3.

Rep. Thomas A. Varrell for the Minority of Science, Technology and Energy: This bill was hotly debated within the committee and various votes were taken during debate. The vote spread ranged from 8-7 to ITL, to the final vote of 13-3 OTP. Most of the debate centered around the implementation time frame. However, the most important aspect of the bill was generally overlooked. The major problem is the inability to accurately measure and evaluate the emissions from each and every generation site within the state. Due to the geography, topography and highly diverse synoptic and climatic nature of the state, it would be impossible to establish a baseline emission level, which would be accurate, fair, and equitable to each and every generating site however large or small. Every site would require its own unique baseline emission level, and would need to monitor all emission and pollution levels even during periods when the generator was shut down. Since we would need to monitor at least 100 or more actual emission sites, we would also need pollution measuring sites in locations outside the influence of any of these generating sites. In other words, the Bow Power Station baseline level would differ significantly from the baseline level at Concord Airport only a very few miles away. The Department of Environmental Services would have to establish a significant number of continuous monitoring sites, which would have to be manned and evaluated on a continuing basis. The fiscal impact would be significant and this cost could probably not be passed onto the site owner/operator since it would probably constitute an unfunded mandate. The implementation of this bill might be possible in a geographical and topographical homogeneous state, such as Kansas or Nebraska, where the only significant changes would be seasonal and daily synoptic changes; however, it cannot work here in New Hampshire.

Amendment (1345h)

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

AN ACT relative to nitrogen oxide emissions from electricity generation.

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

1 Purpose.

I. The general court finds that due to high retail rates in the state, many businesses have sought to control their electric costs by use of internal combustion engine electricity generators that run on fossil fuels. These generators have increased nitrogen oxide (NOx) emissions and use of additional units has the future potential to substantially increase such emissions and to increase electric rates for customers purchasing electricity from sources subject to more stringent NOx regulations. The general court therefore finds that electricity generation equipment, defined as NOx-emitting generation sources, shall be subject to NOx emission requirements more similar to

requirements for larger electricity generators that are NOx budget sources. The general court also finds that, as an alternative to such requirements, the owners of such sources may make certain payments to assist in NOx emission reduction from such generators.

II. The general court further finds that the need for such generation equipment, due to its direct link to high electricity rates, may accelerate unless there is a resolution of the excessive rates plaguing many New Hampshire customers. If settlements cannot be reached that effectively lower rates, the general court may need to consider legislation in the next session that would create special rate structures that would minimize the incentive for customers to install this type of generation.

2 New Paragraph; Definitions; NOx-Emitting Generation Source. Amend RSA 125-J:1 by inserting after paragraph XIX-b the following new paragraph:

XIX-c "NOx-emitting generation source" means any source which generates electricity for use or sale, except for sources which meet the definition of a NOx budget source. NOx-emitting generation source shall not include any generators which:

- (a) Serve as an electrical or mechanical power source when the primary power source is unavailable;
- (b) Are used as a start-up or a temporary supply of power to a facility which generates electricity for use or sale;
- (c) Are used as a portable generator;
- (d) Emit, in total from the facility, 5 tons of NOx or less per calendar year; or
- (e) Are located in an area where electrical power is not reasonably or, considering the type of power needed by the user, reliably available.

3 New Section; NOx-Emitting Generation Source Requirements; Rulemaking. Amend RSA125-J by inserting after section 12 the following new sections:

125-J:13 NOx-Emitting Generation Source Requirements.

I. Each NOx-emitting generation source emitting more than 7 pounds of NOx per megawatt hour generated shall be required to supply to the department NOx emissions information, and the amount of kilowatt hours actually produced during each period listed in subparagraph II(b). Additionally, except as provided either by paragraph I or II of this section, each NOx-emitting generation source shall acquire NOx budget allowances, emissions reduction credits, or other emissions reduction mechanisms on the same basis as a NOx budget source for all of its NOx emissions. However, NOx-emitting generation sources shall not be required to acquire NOx budget allowances, emissions reduction credits, or use emissions reduction mechanisms for the first 7 pounds of NOx emitted for each megawatt-hour of electricity produced and any amounts of NOx above such first 7 pounds that are attributable to the provision of other, non-electric services provided by the generating source, including but not limited to, steam and heat, and any amounts of NOx emitted during any period when the NOx-emitting generation source is operating to provide power during a power shortage at the request of any governmental authority or provider of electrical power to the public generally.

II.(a) NOx-emitting generation sources may, at the option of the generation source, make a direct payment for each ton of NOx emitted which would otherwise require the acquisition and use of emissions reduction mechanisms in accordance with paragraph I, in lieu of acquiring emissions reduction mechanisms.

(b) The payment provided for in subparagraph II(a) shall be made annually and shall be equal to the number of tons of NOx emitted by the NOx-emitting generation source, less the tons of NOx not requiring emission reduction mechanisms under paragraph I, times a fee of \$200 per ton for tons emitted during the period running May 1 to September 30 and a fee of \$100 per ton for tons emitted during the period running October 1 to April 30. These fees shall increase by adding \$200 to the May 1 to September 30 period fee each year for 4 years, and by adding \$100 to the October 1 to April 30 period fee each year for 4 years, such that at the end of the 4 years the fee for the period running May 1 to September 30 will be capped at \$1,000 per ton and the fee for the period running October 1 to April 30 will be capped at \$500 per ton.

(c) There is hereby established the nitrogen oxide emissions reduction fund. This nonlapsing, revolving special fund shall be continually appropriated to be expended by the department of environmental services in accordance with this section. The state treasurer shall invest the moneys so deposited as provided by law. Interest received on investments made by the state treasurer shall also be credited to the fund. All payments collected by the department under this paragraph shall be deposited in the nitrogen oxide emissions reduction fund and used to reduce NOx emissions by NOx-emitting generation sources. Fund moneys may be used for:

(1) The acquisition and retirement of NOx emissions reduction mechanisms by the department;

(2) Financial assistance for the purchase of NOx-emitting generation source equipment to obtain NOx emissions reductions from NOx-emitting generation sources located within the state, including but not limited to new technologies for such emissions control; and

(3) Refunds to NOx-emitting generation sources in proportion to their electric generation.

(d) If any governmental authority imposes NOx emissions reduction requirements applicable to facilities that are also NOx-emitting generation sources, then any emission reductions produced or secured under paragraph I shall be credited as emission reductions produced or secured by the NOx-emitting generation sources that made the reduction and any emission reductions produced or secured under paragraph II shall be credited as emission reductions produced or secured by all NOx-emitting generation sources in proportion to their payments to the dedicated fund.

III. The provisions of paragraphs I and II shall not apply:

(a) For a period of 8 years from the effective date of this section, to any electricity generating source which existed as of July 1, 1999, was permitted by the department, whether on a temporary or permanent basis, including any permit renewal or modification, whether applied for or issued, pertaining to any such generating source; and

(b) For a period of 6 years from the effective date of this section, to any electricity generating source which, as of May 1, 1999, filed an application for a permit with the division containing substantial but not necessarily complete information.

125-J:14 NOx-Emitting Generation Source Rulemaking. The commissioner shall adopt rules under RSA 541-A relative to:

I. Forms and procedures for submission of kilowatt hour data required by RSA125-J:13, I, payments under RSA 125-J:13, II, and forms, procedures, and identification of NOx emissions information required by RSA 125-J:13, I; and

II. Forms, procedures, administration, and use of the nitrogen oxide emissions reduction fund.

4 New Subparagraph; Nitrogen Oxide Emissions Reduction Fund Created. Amend RSA 6:12, I by inserting after subparagraph (www) the following new subparagraph:

(xxx) Moneys received by the department of environmental services under RSA 125-J:13, II, which shall be credited to the nitrogen oxide emissions reduction fund.

5 Effective Date. This act shall take effect upon passage.

AMENDED ANALYSIS

This bill requires any new NOx-emitting generation source to supply NOx emissions information and acquire NOx budget allowances or other emissions reduction mechanisms.

This bill requires such sources to make a direct payment to the department which shall be credited to a special fund, for each ton of NOx emitted if emissions reduction mechanisms are not utilized, and provides a formula for the calculation of such fees.

This bill also defines NOx-emitting generation source.

Adopted.

Rep. Varrell spoke against.

Rep. MacGillivray spoke in favor and yielded to questions.

Rep. Varrell requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

YEAS 246 NAYS 63			
YEAS 246			
BELKNAP			
Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Millham, Alida	Rice, Thomas	Rosen, Ralph	Thomas, John
Turner, Robert	Wendelboe, Francine	Wood, Jane	

CARROLL			
Bradley, Jeb	Chandler, Gene	Kenney, Joseph	Lyman, L Randy
MacDonald, Kenneth	Patten, Betsey	Philbrick, Donald	
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Hunt, John	Lynch, Margaret
Manning, Joseph	McGuirk, Paul	Meadar, David	Mitchell, McKim
Richardson, Barbara	Riley, William	Robertson, Timothy	Royce, H Charles
Smith, Edwin	Zerba, Roger		
COOS			
Davis, Perley	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Mears, Edgar	Merrill, Gerald	Tholl, John, Jr	
GRAFTON			
Akins, Ralph	Almy, Susan	Brothers, Richard	Copenhaver, Marion
Densmore, Jessica	Eaton, Stephanie	Hinman, Harry	Johnson, Gary
MacNeil, Allen	Marshall, Gene	Picconi, Al	Solow, Martha
HILLSBOROUGH			
Alukonis, David	Arnold, Thomas, Jr	Baroody, Benjamin	Batula, Peter
Belvin, William	Bergeron, Lucien	Bergin, Peter	Brundige, Robert
Buckley, Raymond	Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert
Clegg, Robert, Jr	Cote, Peter	Craig, James	Curran, James
Daigle, Robert	Dalianis, Griffin	Daniels, Gary	Dawe, Eileen
Desmarais, Vivian	Dokmo, Cynthia	Drabinowicz, A	Durham, Susan
Dyer, Merton	Emerton, Lawrence	Fields, Dennis	Flora, Kathleen
Foster, Linda	Gagnon, Eugene	Gagnon, Paul	Garrish, Linda
Ginsburg, Ruth	Goulet, Maurice	Haettenschwiller, Alphonse	Hall, Betty
Hansen, Herbert	Herman, Keith	Herman, Richard	Holley, Sylvia
Johnson, Lionel	Keye, Harvey	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lasky, Bette	Lefebvre, Roland
Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee	Lynde, Harold

MacGillivray, Jeffrey	Martel, Andre	Martin, Mary	McCarthy, William
McCarty, Winston	McDonald, James, Sr	McGough, Tim	Melcher, Harold
Mercer, Robert	Messier, Irene	Milligan, Robert	Moran, Edward
Moriarty, Mary	Mosher, William	O'Connell, Timothy	O'Hearn, Jane
Peterson, Andrew	Reeves, Sandra	Reidy, Frank	Rowe, Robert
Sarette, John	Sargent, Maxwell	Simon, Anthony	Thulander, O Alan
Turgeon, Roland	Vaillancourt, Steve	White, Donald	White, John
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Chase, George	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Larrabee, David, Sr	Leber, William
Lockwood, Priscilla	Nichols, Avis	Potter, Frances	Poulin, Dave
Rodd, Beth	Virtue, Carolyn	Wallner, Mary Jane	Whalley, Michael
Whittemore, James	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Blanchard, MaryAnn
Christie, Andrew, Jr	Clark, Martha	Clark, Vivian	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr	Francoeur, Sheila
Gleason, John	Hamel, Albert	Henderson, Warren	Hutchinson, Rebecca
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langone, John	Letourneau, Robert
Lovejoy, Marian	Mikowski, Walter	Morse, Charles	Norelli, Terie
O'Keefe, Patricia	Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline
Priestley, Anne	Quandt, Marshall	Reardon, Neil	Ruffner, Walter
Sapareto, Frank	Schanda, Frank	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Stone, Joseph	Stritch, C Donald	Tufts, J Arthur
Weatherspoon, Jackie	Welch, David	Weyler, Kenneth	Whittier, John
STRAFFORD			
Brown, George	Brown, Julie	Callaghan, Frank	Cossette, Larry

DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary
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
Torr, Franklin	Tsiros, William	Wall, Janet	Woods, Phyllis
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Jones, Constance
Kibbey, David	Leone, Richard	Phinizy, James	Robb-Theroux, Amy
Tuthill, John			
NAYS 63			
BELKNAP			
Johnson, James	Lawton, David	Pilliod, James	
CARROLL			
Dickinson, Howard	Howard, Godfrey	Sullivan, P Judith	
CHESHIRE			
Roberts, William	Rose, William		
COOS			
Pratt, Leighton			
GRAFTON			
Alger, John	Cobb, John	Dudley, Terri	Gilman, G Michael
Guest, Robert	Hall, David	Harmon, Hobart	Mirski, Paul
Phinney, William			
HILLSBOROUGH			
Ahern, Richard	Andrews, Frederick	Bruno, Pierre	Christiansen, Lars
Dwyer, Paul, Sr	Fenton, James	Fletcher, Richard	Gorman, Mary
Jean, Loren	McRae, Karen	Ouellette, Dean	Pappas, Marc
Pepino, Leo	Tate, Joan	Wall, Nancy	
MERRIMACK			
Fortnam, Janet	Kennedy, Richard	Langer, Ray	Marple, Richard
Marshall, Kenneth	Owen, Derek	St Cyr, Gerard	

ROCKINGHAM			
Belanger, Ronald	Bishop, Franklin	Corbin, C David	Dolan, Richard
Dunham, Vivian	Griffin, Mary	Hutchinson, Karen	Langley, Jane
McKinney, Betsy	O'Neil, Michael	Putnam, Ed, II	Raynowska, Bernard
Stickney, Nancy	Varrell, Thomas	Weare, Everett	Zolla, William
STRAFFORD			
Brennan, William	Domingo, Baldwin	Johnson, Nancy	McKinley, Robert
Twardus, Joseph			
SULLIVAN			
Donovan, Thomas, Jr	Wiggins, Celestine		

and the majority report was adopted.

Referred to Finance.

HB 724-FN, relative to an industry average performance system for comprehensive air pollution regulation. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: RE-REFER TO COMMITTEE.

Rep. Roy D. Maxfield for the Majority of Science, Technology and Energy: This bill would have established an Industry-Average Performance System (IAPS) for air pollution regulation. Although the committee agrees that IAPS is an innovative concept, there are several issues with this legislation that would be inappropriate for the State at this time. Geographical issues raised with this legislation require regional consensus to make it viable. Substantial costs would be incurred by the State Motor Vehicle Department in establishing and monitoring registration guidelines for controlled vehicles. Finally, our current energy industry consists of one major electricity producer. Previous agreements providing substantial emission reduction by this producer would be compromised. Vote 14-3.

Rep. Donald B. White for the Minority of Science, Technology and Energy: This bill should be re-referred for additional statistical information to provide a bill that truly attacks air pollution problems with respect to utilities, automobiles, and especially diesel trucks, the most significant polluters today. Failure to address this problem fully (there is a very weak RSA) allows diesel operators and their lobbyists another two years to corrupt our atmosphere and not lift a finger to help beyond an absolute minimum. The utility is trying to improve and is spending money to do so. This is not the cause of the reluctant diesel lobby.

Majority report adopted.

HB 281-A, making a capital appropriation for the expansion of veterans' home facilities. INEXPEDIENT TO LEGISLATE

Rep. William E. Leber for Public Works and Highways: This bill would provide a much needed expansion and improvement to the New Hampshire Veterans' Home, particularly in the dementia

facility. This proposal was the result of study the last two years that identified the need for 100 additional beds with at least 50 beds for dementia patients. The cost is approximately \$10 million, with the federal share \$6.5 million, and the state's share \$3.5 million. The committee voted with overwhelming support to include this project in the Capital Improvement Budget, HB 25-A, which the House approved on May 13, 1999. Therefore, this bill is no longer needed. Vote 21-0.

Rep. Leber spoke to the bill.

Adopted.

vacate

Rep. Kurk moved that the House vacate the reference to the Committee on Finance of **SB 207**, relative to authorizing bonds for the construction and renovation of regional vocational education centers.

Adopted and referred to the Committee on Public Works and Highways.

removed from the table

Rep. Alukonis moved that **HR 10**, affirming revenue estimates for fiscal year 1999, be removed from the table.

Adopted.

Rep. Alukonis offered a floor amendment.

Floor Amendment (1416h)

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

A RESOLUTION affirming revenue estimates for fiscal years 1999, 2000, and 2001.

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

Whereas, the House Finance Committee has considered what the unrestricted revenue estimates should be for fiscal years 1999, 2000, and 2001 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 1999, 2000, and 2001.

Committee estimates are based on current rates.

(A) (B) (C) (D)

FY 1999FY 2000FY 2001

GENERAL/ED TRUST FUNDS: Committee Committee Committee

(Dollars in Millions) Estimate Estimate Estimate

Business Profits Tax	<u>\$191.000</u>	<u>\$219.000</u>	<u>\$209.900</u>
7% General fund portion	191.000	174.000	179.000
1% Education trust fund portion	0	45.000	30.900
Business Enterprise Tax	<u>71.000</u>	<u>107.500</u>	<u>101.600</u>
.25% General fund portion	71.000	76.000	80.000
.25% Education trust fund portion	0	31.500	21.600
Meals and Rooms Tax	<u>138.000</u>	<u>157.000</u>	<u>167.300</u>
General fund portion	138.000	147.000	157.000
Car rentals-Education	0	10.000	10.300
Trust fund portion			
Liquor Sales	78.000	80.000	82.000
Interest & Dividends Tax	66.000	69.000	72.500
Insurance Tax	62.000	62.000	63.000
Tobacco Tax	<u>79.800</u>	<u>122.800</u>	<u>122.800</u>
General fund portion	74.800	74.800	74.800
\$.25 Incr. Ed Trust fund portion		5.000	48.000
			48.000
Tobacco Settlement	<u>0</u>	<u>58.680</u>	<u>46.107</u>
Up front payment Ed Trust fd	0	15.982	0
General fund portion	0	2.698	6.107
Education Trust fund portion	0	40.000	40.000
Other	44.000	41.000	42.000
Communications Tax	45.300	48.900	52.800
Estate & Legacy Tax	48.000	51.000	56.000

Real Estate Transfer Tax	<u>52.000</u>	<u>82.500</u>	<u>87.000</u>	
\$.50/\$100 General fund portion		52.000	55.000	58.000
\$.25/\$100 Education Trust	0	27.500	29.000	
fund portion				
Court Fines & Fees	21.800	22.000	22.000	
Utility Tax	10.500	10.500	10.500	
Securities Revenue	22.500	22.500	22.500	
Board & Care Revenue	9.900	10.700	10.500	
Beer Tax	11.600	11.700	11.800	
Horse Racing	2.100	2.100	2.100	
Dog Racing	.900	.900	.900	

(A) (B) (C) (D)

FY 1999FY 2000FY 2001

MEDICAID ENHANCEMENTS: Committee Committee Committee

(Dollars in Millions) EstimateEstimateEstimate

Board and Care	25.000	20.000	20.000	
Uncompensated Care Pool	<u>52.100</u>	<u>53.700</u>	<u>55.300</u>	
Total Medicaid Enhancements	77.100	73.700	75.300	

STATE-WIDE PROPERTY TAX:

State-wide Property Tax-Ed Trust fund	0	418.000	418.000	
State-wide Property Tax-Donor	0	2.400	4.800	

Towns-Ed Tru

State-wide Utility Property	<u>0</u>	<u>35.900</u>	<u>23.900</u>	
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Tax-Ed Trust fund

SWEEPSTAKES FUNDS:

Sweepstakes Revenue Ed Trust fund	<u>61.000</u>	<u>60.000</u>	<u>62.000</u>
TOTAL	<u>1.092.500</u>	<u>1.769.780</u>	<u>1.767.307</u>
Total General Fund	<u>1.026.500</u>	<u>1.035.498</u>	<u>1.078.807</u>
Total Education Trust Fund	<u>66.000</u>	<u>734.282</u>	<u>688.500</u>

HIGHWAY FUNDS:

(Dollars in Millions)

Road Tolls	121.000	124.600	128.300
Motor Vehicle Fees	68.000	69.600	70.600
<u>Miscellaneous</u>	<u>10.300</u>	<u>10.100</u>	<u>10.300</u>
TOTAL HIGHWAY FUNDS	199.300	204.300	209.200

FISH & GAME FUNDS:

(Dollars in Millions)

Fish & Game Licenses	6.400	6.800	6.900
<u>Miscellaneous</u>	<u>1.000</u>	<u>1.400</u>	<u>1.400</u>
TOTAL FISH & GAME FUNDS	<u>7.400</u>	<u>8.200</u>	<u>8.300</u>

Rep. Alukonis spoke in favor and yielded to questions.

Adopted.

laid on the table

Rep. Alukonis moved that **HR 10**, affirming revenue estimates for fiscal years 1999, 2000, and 2001, be laid on the table.

Adopted.

protest

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Marple requested that his protest be entered on the Journal.

I protest and file dissent of adoption of the Finance committee's report relative to HR 10, items A (5) (6) of revenue received from car rental and the operation of motor vehicles, being transferred to the

Education Trust Fund from Article 6 (a) revenue dedicated to the Highway Trust Fund. Such transfer of funds is in direct conflict with Part 2, Article 6 (a), Form of Government, New Hampshire Constitution.

RESOLUTION

Rep. Chandler offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 20, 71, 73, 82, 94, 108, 122, 156, 183, 199, 214 and 220 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 20, relative to the sale or resale of tickets to motor sports events at the New Hampshire International Speedway. (Commerce)

SB 71, prohibiting the use of MTBE as an additive in gasoline. (Science, Technology and Energy)

SB 73, relative to eligibility for off-premise liquor licenses. (Commerce)

SB 82, relative to the termination of employees. (Labor, Industrial and Rehabilitative Services)

SB 94, relative to absentee voter affidavits. (Election Law)

SB 108, relative to the co-management of patients with primary open-angle glaucoma and establishing a glaucoma co-management committee. (Health, Human Services and Elderly Affairs)

SB 122, allowing certain prisoners to earn good conduct credits reducing such person's minimum sentence. (Criminal Justice and Public Safety)

SB 156, granting the commissioner of transportation authority to layout and approve the construction of a restricted use driveway onto a public highway in Canterbury and creating a legislative study committee to consider options for addressing the development of major projects which have statewide or significant regional impacts, such as the New Hampshire International Speedway. (Public Works and Highways)

SB 183-FN-A, establishing a New Hampshire health access corporation and continually appropriating a special fund and making an appropriation therefor, requiring the department of health and human services to make a biennial report on the health status of New Hampshire residents, relative to certain transfers to the health care fund, and relative to rates for pharmaceutical services. (Commerce)

SB 199, establishing certain standards of accountability for health maintenance organizations and other entities providing health insurance through a managed care system. (Commerce)

SB 214-FN, relative to ambulatory surgical facilities and establishing a committee to study the health services planning and review board. (Health, Human Services and Elderly Affairs)

SB 220-FN, relative to the disclosure of child abuse and neglect information. (Children and Family Law)

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 at the call of the Chair.

Adopted.

LATE SESSION

Third reading and final passage

SB 24, extending the application of certain provisions of the child protection act to all children in out-of-home placements.

SB 112, relative to the guardianship of minors.

HB 375, relative to substitutions for disqualified and deceased candidates.

HB 395-FN-A, establishing a program of matching grants to preserve historic agricultural structures in New Hampshire.

HB 685-FN-A, relative to the duties of the New Hampshire land and community heritage commission.

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

SB 64, relative to powers of appointment.

SB 101, relative to landlord-tenant obligations.

SB 165, relative to the Uniform Trustees' Powers Act.

SB 124, establishing a committee to study the integration of technology at the state, county, and municipal levels.

HB 657-FN, relative to the health services planning and review board and the certificate of need process.

HB 411, requiring voters to present identification.

HB 68, adding the name of Martin Luther King, Jr. to Civil Rights Day.

SB 80, adding the name of Martin Luther King, Jr. to Civil Rights Day.

HB 666-FN-A-L, relative to the taxation of sand, gravel, loam, and other similar substances.

HB 676-FN-A, increasing fees for motor vehicle inspection stickers and establishing motor vehicle inspector positions and making an appropriation therefor.

HB 300, making technical corrections to 1999, HB 117.

SB 14, establishing a committee to study the impact of federal welfare reform on the cities and towns of New Hampshire.

SB 22, relative to the pilot program relative to the administration of medication in residential care facilities.

HB 468, relative to the home rule powers of municipalities.

unanimous consent

Reps. Haettenschwiler and Letourneau addressed the House.

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 6:10 p.m.

RECESS

(Rep. Hunt in the Chair)

RESOLUTION

Rep. Keith Herman offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 745 and House Concurrent Resolution numbered 13, 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 BILL and HCR

First, second reading and referral

HB 745-L, authorizing the town of Ashland to call a special meeting for the purpose of raising money to address a general fund deficit. (Harmon, Graf 8; Phinney, Graf. 8; Gordon, Dist 2: Municipal and County Government)

HCR 13, urging the selection of a final design for the New Hampshire commemorative quarter which includes the state motto "live free or die." (McGough, Hills 18; Kurk, Hills 5; Letourneau, Rock 13; R. Lawton, Belk. 7; K. Herman, Hills 13; Klemm, Dist 22; Krueger, Dist 16; F. King, Dist 1; Wheeler, Dist 21; J.King, Dist 18: State-Federal Relations and Veterans Affairs

enrolled bill amendments

SB 60, establishing a committee to study the licensure of radiographers and radiologic technologists. (Amendment printed SJ 20, 5/20/99)

Adopted.

SB 161-L, relative to amending the contributory pension system for employees of the city of Manchester and authorizing the town of Salem pension plan. (Amendment printed SJ 20, 5/20/99)

Adopted.

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills 240, 258 and 672 and Senate Bills 18 and 180.

Rep. Lozeau, Sen. D'Allesandro for the Committee

RECESS

(Rep. Vaughn in the Chair)

enrolled bill amendment

SB 77, relative to authorized regional enrollment area schools. (Amendment printed SJ 20, 5/20/99)

Adopted.

RECESS

(Rep. Foster in the Chair)

SB 42-L, establishing a committee to study safety improvements at the U.S. Route 1 traffic circle in the city of Portsmouth. (Amendment printed SJ 21, 5/27/99)

Adopted.

RECESS

(Rep. Lozeau in the Chair)

senate messages

concurrence

HB 55-FN-A, setting the rate for the medicaid enhancement tax for the biennium ending June30, 2001.

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

HB 68, adding the name of Martin Luther King, Jr. to Civil Rights Day.

HB 205, relative to the requirement for posting of bond by an applicant for a writ of replevin.

HB 278, relative to scheduling of district court sessions.

HB 300, making technical corrections to 1999, HB 117.

HB 318, relative to recovery of costs in utility proceedings and relative to the appointment of public utilities commissioners.

HB 362, relative to dam safety program violations.

HB 388, relative to telephone number conservation and area code implementation.

HB 441, relative to a mother's right to breast-feed.

HB 477-FN, changing certain requirements for temporary plates on motor vehicles.

HB 488, relative to the definition of a developmentally delayed child in the provision of special education services.

HB 494-FN-A, making an appropriation to the department of cultural resources for the purpose of funding participation of the state in the Smithsonian Festival of American Folklife.

HB 538, establishing a committee to study the new construction and repair of New Hampshire commemorative monuments at certain Civil War battle sites.

HB 552, relative to the issuance of crossbow permits to persons with a permanent physical disability.

HB 554, relative to driver education reciprocity.

HB 573, clarifying the status of class VI highways.

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

HB 619-FN, requiring the commissioner of health and human services to produce certain annual reports.

HB 624-FN, establishing a committee relative to health care quality.

concurrence with amendments

SB 13, establishing a committee to study joint maintenance agreements in school districts.

SB 21, relative to domestic animals.

SB 215, transferring certain responsibilities for shellfish harvesting and regulation.

RESOLUTION

Rep. Whalley offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 201 and 223 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 201-FN, reclassifying non-support as a felony under certain circumstances. (Criminal Justice and Public Safety)

SB 223-FN-A, establishing a wellness and primary prevention council and making an appropriation therefor. (Health, Human Services and Elderly Affairs)

RECESS

(Rep. Clegg in the Chair)

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills 60, 206, 261, 300, 306, 322, 357, 373, 420, 535 and 736, House Joint Resolution 3 and Senate Bills 14, 42, 60, 75, 81, 117, 139, 152, 155 and 161.

Rep. Thomas, Sen. D'Allesandro for the Committee

RECESS

bills signed by the governor

Chap. 40, ***HB 58***, establishing a committee to study open adoption in New Hampshire. (eff. 7/20/99)

Chap. 41, ***HB 41***, exempting permanently disabled veterans from the requirement of reestablishing their disability status for the division of motor vehicles every 4 years to prove eligibility for special license plates. (eff. 7/20/99)

Chap. 42, ***HB 214***, changing the membership of and extending the reporting date for the committee to study women's health care. (eff. 5/21/99)

Chap. 43, **HB 23**, clarifying the waste reduction goals for the state of New Hampshire. (eff. 7/20/99)

Chap. 44, **HB 302**, relative to paint ball guns. (eff. 1/1/00)

Chap. 45, **HB 358**, relative to the term of office for members of the state board of education.

Chap. 46, **HB 383**, relative to the authority of the department of environmental services to assign air pollution allowances and credits. (eff. 5/21/99)

Chap. 47, **HB 402**, establishing a committee to study methods to promote the use of renewable energy sources. (eff. 5/20/99)

Chap. 48, **HB 403**, relative to speed limits on Turtle Town Pond in Concord. (eff. 5/20/99)

Chap. 49, **HB 435**, relative to disclosure by sellers of consumer goods and services. (eff. 1/1/00)

Chap. 50, **HB 515**, extending the idemnification of persons providing clinical services to the department of health an human services. (eff. 6/30/99)

Chap. 51, **HB 530**, establishing a committee to review the policies and procedures of the joint health council. (eff. 7/20/99)

Chap. 52, **HB 556-FN**, relative to transporting hazardous waste. (eff. 7/20/99)

Chap. 53, **HB 557-FN**, relative to hazardous waste permitting and container identification. (eff. 7/20/99)

Chap. 54, **HB 558-FN**, relative to solid waste management. (eff. 7/20/99)

Chap. 55, **HB 592**, creating a study committee regarding requirements for and usage of methyl tbutyl ether. (eff. 6/21/99)

Chap. 56, **HB 620-FN**, relative to election of vested deferred retirement status for inactive members of the retirement system. (eff. 7/1/99)

Chap. 57, **HB 634-FN**, eliminating the requirement that retirement system disability recipients notify the board of trustees of unreduced social security disability benefits. (eff. 7/20/99)

Chap. 58, **HB 638-FN**, authorizing a limited license for certain travel agents. (eff. 7/1/99)

Chap. 59, **HB 671**, adding a member to the council on resources and development. (eff. 7/20/99)

Chap. 60, **HB 686-FN**, defining the state heritage collections committee's responsibilities and the process for acquiring or disposing of items and collections. (eff. 7/20/99)

Chap. 61, **HB 710-FN**, relative to expanding the availability of lifetime licenses for hunting and fishing. (eff. 7/1/99)

Chap. 62, **SB 17**, relative to funeral arrangements. (eff. 1/1/00)

Chap. 63, ***SB 41***, clarifying references in provisions relating to hunting and fishing licenses for members of the United States army, navy, marines, airforce, and coast guard. (eff. 7/20/99)

Chap. 64, ***SB 91***, designating segments of the Cold River as protected under the rivers management and protection program. (eff. 7/20/99)