

HOUSE RECORD

First Year of the 156th Session of the General Court

Calendar and Journal of the 1999 Session

Vol. 21

Concord N.H.

Wednesday, June 9, 1999

No. 62

HOUSE JOURNAL No. 19 (cont.)

Tuesday, May 25, 1999

(Rep. Mercer in the Chair)

RESOLUTION

Rep. Hess offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 85 and 191 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 85-FN, including the judiciary as a public employer under the public employee labor relations act. (Judiciary)

SB 191, relative to the New Hampshire higher educational and health facilities authority. (Commerce)

RECESS

(Rep. Buckley in the Chair)

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills 55, 61, 68, 278, 318, 362, 388, 441, 477, 488, 494, 538, 552, 554, 573, 593, 619 and 624 and Senate Bills 13, 21, 22, 64, 77, 80, 165 and 215.

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

RECESS

(Rep. Hess in the Chair)

RESOLUTION

Rep. Foster offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Resolution numbered 12, shall be by this resolution read a first and second time by the therein listed title.

Adopted.

INTRODUCTION OF HR

First and second reading

HR 12, requesting an opinion of the justices on the constitutionality of HB 536, as amended. (Hess, Merr 11; Bradley, Carr 8)

RESOLUTION

Rep. Foster offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 227 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 227-FN, establishing a gambling business felony. (Criminal Justice and Public Safety)

RECESS

(Rep. Withee in the Chair)

senate messages

concurrence

HB 245-FN, relative to fees and appropriations to the division of safety services.

HB 262-L, relative to emergency expenditures and overexpenditures by school boards.

HB 438, relative to certain changes to the membership of the advisory committee on child care.

HB 727-FN, establishing a committee to study the problems and possible regulation of outdoor lighting.

HJR 9, a resolution urging the United States Congress and federal Environmental Protection Agency to eliminate federal requirements for oxygenate additives for gasoline.

HCR 5, a resolution encouraging New Hampshire Public Radio to extend its broadcast signal to northern areas of New Hampshire.

concurrence with amendments

SB 16, relative to revocation of wills by divorce.

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

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

SB 26, establishing a committee to study trustee process.

SB 111, relative to requirements for acknowledgments and jurats by justices of the peace.

SB 112, relative to the guardianship of minors.

RECESS

(Rep. Phinney in the Chair)

RESOLUTION

Rep. Buckley offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 746, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 746, relative to emergency police assistance. (Welch, Rock 18; Cohen, Dist 24: Criminal Justice and Public Safety)

RECESS

(Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 20

Wednesday, June 9, 1999

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

Prayer was offered by Guest Chaplain, Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Compassionate God, on this wonderfully cooler New Hampshire day, we give You thanks for our many blessings. We ask that You bless the members of this General Court as they seek to represent the people of their communities. Bless their families and those they love. Be present today, we pray, with those Representatives who are facing any personal pain or illness. Especially, we remember Robert Milligan, Norma Sabella, Phil McColgan and Sharon Nordgren. Today's House Calendar brings many issues before this historic Legislature, and most importantly, issues which will help to shape New Hampshire's state budget for the coming year. Enable, O Lord, each of the peoples' Representatives to make the best decision possible, knowing that the way they spend the revenues of our beloved state will affect the quality of life for all our citizens. Bless the people of our beloved state and all who serve the public good. May we not rest until all the people of this land share the benefits of true freedom and gladly accept its disciplines. Amen.

Rep. McKinley led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Courchesne, Crosby, Golden, Heon, McColgan, Milligan, Nordgren, Sabella and Searles, the day, illness.

Reps. Alukonis, Bishop, Burling, Chabot, Vivian Clark, Domingo, Doucette, Dowling, Dunham, Ford, Grassie, Haettenschwiller, Harmon, Hawkinson, Konys, Langer, William McCarthy, Perkins, Tara Reardon, Rubin, Solow, Spear, Nancy Wall and Weatherspoon, the day, important business.

INTRODUCTION OF GUESTS

Former NH Rep. Janet Pelley, guest of Rep. Julie Brown. Nellie Searle, guest of Rep. Avery. Laurie, Lindsey and John Hayden, guests of Rep. Coughlin. Robin Read, guest of Rep. Seldin. Students from the Wilson School in Manchester and their teacher Mr. Gilman, guests of Reps. LaPorte, Leonard and Garrish. Kara Vigneault, grandniece of Rep. Hoadley. Barbara Brewster and Audry Shaefer, wife and guest of Rep. Brewster. Maria Tsiros and Mathias Nilson, guests of Rep. Tsiros. Sara Ann Sarette and Pauline and Robert Ingersol, wife, sister and brother-in-law of Rep. Sarette. Lynda Horsley, guest of Rep. Hunt.

special guests

The 1999 Odyssey of the Mind Division Two World Champions from the Londonderry Middle School, guests of the House.

recognition and presentation

Secretary of State William M. Gardner introduced Alcide E. Valliere, Berlin Supervisor of the Checklist from 1932 to 1998; Howard W. Zea, Plainfield Town Clerk from 1943 to the present and Robert A. Johnson, Northwood Moderator, 1938 to 1998.

Speaker Sytek presented Declarations of Recognition and Appreciation to Mr. Valliere, Mr. Zea and Rep. Robert Johnson.

senate messages

NONCONCURS WITH AMENDMENTS

REQUESTS COMMITTEES OF CONFERENCE

SB 101, relative to landlord-tenant obligation.

The President appointed Sens. Trombly, Disnard and Russman.

Rep. Mock moved that the House accede.

Adopted.

The Speaker appointed Reps. Bergin, Phyllis Woods, Janet Wall and Craig.

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

The President appointed Sens. D'Allesandro, McCarley and Klemm.

Rep. Bradley moved that the House accede.

Adopted.

The Speaker appointed Reps. Lynde, Guay, Maxfield and Bergeron.

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

The President appointed Sens. Larsen, Gordon and Cohen.

Rep. O'Hearn moved that the House accede.

Adopted.

The Speaker appointed Reps. Hoadley, Alger, Perley Davis and Snyder.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 204-FN, relative to driving after license revocation or suspension. (Amendments printed SJ 21, 5/27/99)

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

Adopted.

HB 215, placing restrictions on name changes for certain felons. (Amendment printed SJ 18, 5/13/99)

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

Adopted.

HB 313-FN, relative to the regulation of the practice of optometry. (Amendment printed SJ 21, 5/27/99)

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

Adopted.

HB 325, prohibiting "cramming" in telecommunications billing. (Amendment printed SJ 18, 5/13/99)

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

Adopted.

HB 345-FN, relative to harassment via the computer. (Amendment printed SJ 21, 5/27/99)

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

Adopted.

HB 428, relative to school administrative units. (Amendment printed SJ 21, 5/27/99)

Rep. O'Hearn moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. McKinley, Ward, Larrabee and Claudette Jean.

HB 431, establishing a committee to study methods and processes necessary to retain the traditional uses of White Mountain National Forest land, the impact of any change in designation, and relative to promoting the continual multiple use management of such land. (Amendment printed SJ 18, 5/15/99)

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

Adopted.

HB 444, relative to establishing a study committee to review reestablishing passenger rail service on the Eastern Line between Newburyport, Massachusetts and Kittery, Maine. (Amendment printed SJ 21, 5/27/99)

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

Adopted.

HB 456, establishing a committee to study issues relating to the deaf community in New Hampshire. (Amendment printed SJ 19, 5/18/99)

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

Adopted.

HB 491, relative to qualifying examinations for individuals seeking driver's licenses, and driver education course requirements. (Amendment printed SJ 21, 5/27/99)

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

Adopted.

The Speaker appointed Reps. Packard, Letourneau, LaPorte and Gleason.

HB 527, relative to the duties of the public utilities commission. (Amendment printed SJ 22, 6/8/99)

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

Adopted.

HB 541, establishing a committee to study the upgrade of Routes 11 and 140. (Amendment printed SJ 21, 5/27/99)

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

Adopted.

HB 566, relative to the supervision of the driver education program. (Amendment printed SJ 21, 5/27/99)

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

Adopted.

HB 689-FN, establishing a committee to study campaign contributions and expenditures. (Amendment printed SJ 21, 5/27/99)

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

Adopted.

The Speaker appointed Reps. Horton, Francis Davis, Splaine and Clegg.

HB 714-FN, changing the potential penalties for certain acts of solicitation and conspiracy to commit murder and attempted murder to life in prison. (Amendment printed SJ 21, 5/27/99)

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

Adopted.

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.

SB 29-L, relative to the proper sheltering of dogs, removed by Rep. Dickinson.

HB 744, ratifying the Plainfield Village Water District annual meeting held on March 27, 1999, removed by Rep. Hess.

HCRA 10, requesting Congress to give priority to preserving Social Security and ensuring that it continues as universal and mandatory for all workers, removed by Rep. Buckley.

Consent Calendar adopted.

HB 200-FN-L, relative to restructuring the juvenile justice system in New Hampshire. RE-REFER TO COMMITTEE

Rep. Laura G. Pantelakos for Children and Family Law: The committee feels this bill has a lot of merit, but it needs a lot of work. If we are able to refer this back to committee we would be able to work on it this summer and bring it back next session. Vote 13-0.

SB 137-FN, relative to use of social security numbers in child support enforcement and in the issuance of driver's licenses. RE-REFER TO COMMITTEE

Rep. Edward P. Moran for Children and Family Law: The majority of the committee had serious reservations about privacy issues presented by the bill. As 1 October 2000 is the federal deadline for state implementation of the use of social security numbers on all driver's license applications, the committee felt there was time to explore limiting the scope of this bill as well as ascertain the success of federal efforts to modify this requirement in the interim. Vote 11-2.

SB 150, making certain reference changes to the department of youth development services.
OUGHT TO PASS

Rep. Thomas I. Arnold, Jr. for Children and Family Law: This bill makes a number of technical changes to be consistent with current law and enhances the ability to correct certain shortcomings revealed in the November '98 Performance Audit of the Juvenile Justice Organization. Vote 13-0.

HB 252, establishing a procedure for separation of condominium units at the Commons at Merrimack. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tara G. Reardon for Commerce: This bill creates a statutory study committee to study all aspects of the condominium statute, including contraction and/or division of a condominium. The constituent problem that gave rise to this legislation can be addressed at that time. Vote 17-0.

Amendment (1364h)

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

AN ACT establishing a committee to study all aspects of the condominium act established under RSA 356-B.

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

1 Committee Established. There is established a committee to study all aspects of the condominium act established under RSA 356-B.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study all aspects of the condominium act established under RSA356-B, soliciting input from organizations including but not limited to the attorney general's office and the Community Associations Institute-New Hampshire (C.A.I). Measures to be considered will include, but not be limited to, enabling legislation to allow condominium associations to adopt provisions in their bylaws to provide for contraction or division by an 80 percent affirmative vote by condominium owners.

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

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

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

AMENDED ANALYSIS

This bill creates a committee to study all aspects of the condominium act established under RSA356-B.

HB 331, relative to auto leasing. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman for Commerce: The bill requires further disclosure to consumers of leased vehicles. We are adding to the list of fees to be disclosed when signing an auto lease any settlement costs expected. The amendment adds to this requirement a new disclosure to any lessee or buyer of a vehicle that installation of equipment or parts after it leaves the factory may void the factory warranty. Failure to provide this disclosure will result in the auto dealer being held responsible for the remainder of the warranty and any loss in residual value of a leased vehicle. Vote 17-0.

Amendment (1394h)

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

AN ACT relative to voiding warranties on leased or purchased motor vehicles where any additional equipment is installed after leaving the factory, and creating penalties for failure to disclose this information to consumers.

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

1 New Section; Restriction on Certain Fees to be Collected at Culmination of Lease. Amend RSA 361-D by inserting after section 28 the following new section:

361-D:29 Restriction on Certain Fees to be Collected at Culmination of Lease. No final settlement costs shall be assessed to the lessee at the culmination of the lease other than those attributable to excessive wear or damage, or depreciation costs in early lease terminations or any other final settlement costs as disclosed to the lessee at the inception of the lease, in accordance with RSA 361-D:17, III. All such final settlement costs shall be itemized and disclosed in plain 12-point type on a separate disclosure statement included in the lease contract and signed by the lessee at the inception of the lease.

2 Lease Agreement; Form and Contents; Requirement for Disclosure Concerning Void of Warranties Where Any Equipment is Added to Leased Vehicle. Amend RSA 361-D:3, III(l) to read as follows:

(l) A statement identifying all express warranties and guarantees made by the manufacturer or lessor with respect to the leased motor vehicle, except when the standard manufacturer's warranty applies, then the warranty may be identified by a reference to the standard manufacturer's warranty, and identifying the party responsible for maintaining or servicing the leased property together with a description of the responsibility. The lease agreement shall also include a disclosure statement which notifies the lessee that warranties on the motor vehicle may be void in the event of installation of any equipment after the vehicle leaves the factory. Failure to notify the lessee shall result in the lessor being made responsible for the loss of any residual value assessed at the outset of the lease.

3 New Paragraph; Enforcement of Warranties; Requirement for Disclosure Concerning Void of Warranties Where Any Equipment is Added to Purchased Vehicle. Amend RSA 357-D:3 by inserting after paragraph II the following new paragraph:

II-a. Sellers or lessors of motor vehicles shall disclose to the consumer that warranties on purchased or leased motor vehicles may be void in the event of installation of any equipment installed after the vehicle leaves the factory. Failure to notify purchasers or lessees shall subject the dealer to the following penalties:

(a) The motor vehicle dealer shall be responsible for honoring the remainder of the warranty.

(b) Lessors shall be responsible for the loss of any residual value, as defined in RSA361-D:1, XII, assessed for the vehicle.

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

AMENDED ANALYSIS

This bill provides for voiding warranties on leased or purchased motor vehicles where any additional equipment is installed after leaving the factory and provides penalties for failure to disclose this information to consumers.

SB 59-L, relative to bonding of animal owners convicted of animal cruelty. OUGHT TO PASS

Rep. Everett A. Weare for Criminal Justice and Public Safety: This bill adds a paragraph to RSA 644:8IV which says the following: "If a person convicted of cruelty to animals appeals the conviction and any confiscated animal remains in the custody of the arresting officer or the officer's designee pending disposition of the appeal, in order for the appellant to maintain a future interest in the animal, the trial court may require the appellant to post a bond or other security in an amount not exceeding \$2,000 for each animal in custody for costs expected to be incurred for the board and care of the animal during appeal. If the conviction is affirmed on appeal, the costs incurred for the board and care of the animal shall be paid to the custodian from the posted security and the balance, if any, returned to the person who posted it". As you can see from this new paragraph, we are talking about 3 issues. One, if the person appeals a conviction, two, if the person wants to maintain an interest in the animal and third they pay for the custodial costs during the appeal. The committee felt this was appropriate relief because the person who appeals has already been convicted and some offenders are using the present law as a tool to rack up expenses so a prosecutor will strike a deal to save the department money it really does not have. There was no testimony against the bill. Vote 13-1.

SB 163, establishing a commission to study methods for reducing violent incidents involving children and guns. OUGHT TO PASS WITH AMENDMENT

Rep. Frank D. Callaghan for Criminal Justice and Public Safety: This bill was heard on May 12, 1999. The bill establishes a commission to study the issues of violent incidents involving children and firearms. There are many members included on this commission to study an issue that has become front-page news during the last few months. The committee amendment adds a representative of a firearms manufacturer, a federally licensed firearms dealer, five members of the general public, three of whom shall be mental health practitioners specializing in child and adolescent mental health, and four additional members of an organized sportsman's club to represent each executive councilor district. (5) An extreme effort has been made to have members of all stakeholders in the issue represented as well as regional areas within the State of New Hampshire. The duty of the commission is to identify the problems associated with violent incidents involving our children, suggest programs that would help to reduce or minimize the causes of the extreme violence manifesting itself in our youthful society. The committee believes that to focus merely on the objects used by violent children does not begin to solve the underlying behavioral patterns that have been the central point of shocking news accounts of incidents in our state's schools. The committee further believes that there are programs in place elsewhere that can be identified as successful and might be replicated in our state. The commission will report its findings after extensive study of violent incidents and suggest methods to reduce such violent behavior that may or may not necessitate legislation. The commission is constituted of professionals and lay persons from a cross section of our society and can invite others to participate. There is no quorum requirement, which means that those members of the commission that make an effort to attend and participate will not be hindered when some appointees fail to attend. This commission is focused on producing results that can be translated into action to identify sources of problems and sources of solutions. In the past the general court has had legislation before it that would have made parents criminally responsible for the actions of their children. This has usually been unsuccessful. Children need to be accountable for their actions and realize that there are consequences to bad behavior. Parents need to know that their responsibility is to prepare children to be responsible citizens and that they are responsible for some of the poor choices that their children make. It is hoped that this commission will succeed in bringing all parties together to work toward a common solution Vote 14-0.

Amendment (1461h)

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

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

(a) Two members of the senate, who shall be selected from the judiciary committee, appointed by the president of the senate.

(b) Two members of the house of representatives, who shall be selected from the criminal justice and public safety committee, appointed by the speaker of the house.

(c) The commissioner of the department of safety, or designee.

(d) The commissioner of the department of education, or designee.

(e) The attorney general, or designee.

(f) The president of the County Attorneys Association, or designee.

(g) A representative of a sportsman's club from each executive councilor district, appointed by the governor.

(h) The president of Gun Owners of New Hampshire, or designee.

(i) A representative of the Injury Prevention Center at Lahey-Hitchcock Medical Center.

(j) A representative of the New Hampshire School Boards Association.

(k) A representative from the New Hampshire School Administrators Association.

(l) A representative from the New Hampshire Association of School Principals.

(m) A representative from the New Hampshire Congress of Parents and Teachers, Inc.

(n) A pediatrician from the New Hampshire Medical Society.

(o) A representative from the New Hampshire Firearms Safety Coalition.

(p) A representative from New Hampshire Cease Fire.

(q) A high school student from each of the 5 regions of the New Hampshire School Administrators Association, selected by the chairperson of that region.

(r) A representative from New Hampshire Educators for Social Responsibility.

(s) A representative of a firearms manufacturer, appointed by the governor.

(t) A federally licensed firearm dealer, appointed by the governor.

(u) Five members of the general public, 3 of whom shall be mental health practitioners specializing in child and adolescent mental health, and one of whom shall be a representative of the New Hampshire Council of Churches, all to be appointed by the governor.

SB 92-FN, relative to education grants funded by the companion animal neutering fund.
INEXPEDIENT TO LEGISLATE

Rep. Suzan L.R. Franks for Environment and Agriculture: This act would dedicate funds presently used to spay and neuter cats and dogs towards heightening public awareness of the need for animal neutering.

Currently, the state veterinarian provides brochures covering the program, and testified that he believes that these dollars would be best maintained for spaying and neutering cats and dogs. Therefore, the Committee believes this bill should be found inexpedient to legislate at the present time. Vote 15-0.

SB 57, permitting challenges to judges. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Rowe for Judiciary: This bill would permit each party in a court case one challenge to the justice assigned to the case for any reason whatsoever. Presently, statutes allow for a request of recusal for cause. Judges may recuse themselves whenever a conflict arises. The committee feels that were this bill to pass it would be disruptive to the justice system particularly in less populated areas of the state where the number of judges is limited. It would also cause delays in trials thus inconveniencing litigants and greater expense to the public and the judicial system. The committee feels that a more narrowly structured bill may be the appropriate route to pursue on this subject matter. Vote 14-1.

SB 67, limiting liability resulting from the use of automatic external defibrillation. **OUGHT TO PASS WITH AMENDMENT**

Rep. James W. Craig for Judiciary: It is the intent of this legislation to encourage the use and availability of automatic external defibrillators (AED's). AED's are medical devices which are capable of determining if defibrillation should be performed and then automatically delivering an electric impulse which hopefully restarts the heart. The bill provides immunity for any person using an AED in an emergency situation absent gross negligence. It also requires those expecting to use AED's to receive training in CPR (cardiopulmonary resuscitation) and AED operation. The committee basically rewrote the senate version to include an "intent" section, a concise definition of "automatic external defibrillation", and a section requiring training in CPR and AED operation. Vote 12-1.

Amendment (1431h)

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

1 New Subdivision; Automatic External Defibrillation. Amend RSA 151-B by inserting after section 24 the following new subdivision:

Automatic External Defibrillation

151-B:25 Intent.

I. The use of automatic external defibrillators addresses an important public health problem in New Hampshire. It is the intent of the legislature to encourage the use and availability of automatic external defibrillators, along with training in the use of automatic external defibrillators, for the purpose of saving the lives of people in cardiac arrest.

II. Further, the legislature strongly encourages dissemination of educational information regarding automatic external defibrillators and encourages that access to these lifesaving devices be made widely available to businesses, schools, fire and police departments, and other public and private organizations throughout the state.

151-B:26 Definitions. For purposes of this subdivision, "automatic external defibrillator" means a medical device which combines a heart monitor and defibrillator and:

I. Has been approved by the United States Food and Drug Administration;

II. Is capable of recognizing the presence or absence of ventricular fibrillation;

III. Is capable of determining whether defibrillation should be performed; and

IV. Automatically charges and requests delivery of an electrical impulse to an individual's heart, upon determination that defibrillation should be performed.

151-B:27 Every person, association, corporation or other organization that acquires an automatic external defibrillator shall require every individual expected to use the automatic external defibrillator to receive training in cardiopulmonary resuscitation and automatic external defibrillator use.

151-B:28 Liability Limited. Any person who, in good faith and without compensation, renders emergency care by the use of an automatic external defibrillator shall not be liable for civil damages for any acts or omissions unless the acts or omissions were grossly negligent or willful and wanton. Any person, association, corporation or other organization that acquires and maintains an automatic external defibrillator for emergency care shall not be liable for civil damages other than for gross negligence or willful and wanton acts or omission. This section does not limit civil liability protection provided by any other law.

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

SB 146, granting district courts exclusive jurisdiction over actions involving certain real estate purchase deposits held in escrow accounts. INEXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Judiciary: The Real Estate Commission worked with the courts to come to a solution that does not require new legislation. The anecdotal evidence suggests that some escrow cases involving real estate were automatically being moved up to superior court even though only those needing a jury trial or with title disputes have to be. Other cases can and should be handled in district court. The administrative judge of the district courts has agreed to issue instructional materials to all court personnel explaining the circumstances when cases need to be sent to superior court. Vote 14-0.

SB 159, relative to early reduction of greenhouse gases. OUGHT TO PASS WITH AMENDMENT

Rep. Jeb E. Bradley for Science, Technology and Energy: This bill authorizes the New Hampshire Department of Environmental Services (DES) to establish a registry for sources of greenhouse emissions that voluntarily wish to reduce such emissions. Use of a registry would allow emissions sources to receive credit for voluntary emissions reductions in the event there are national greenhouse gas standards in the future. Use of a registry would establish an emissions baseline, which would quantify and document achieved reductions. In the event of national controls on greenhouse gases, a source would be able to receive credit for reductions already made voluntarily. In the public hearing there was no opposition to the bill due to its strictly voluntary nature and the fact that a registry offers protection for quantified emission reductions. It was indeed supported by both the environmental and business communities. DES testified that creation of this registry could be accomplished within existing departmental resources. Vote 13-0.

Amendment (1467h)

Amend paragraph I of section 1 of the bill by replacing it with the following:

I. The general court assumes that, based on numerous ongoing scientific studies being conducted worldwide, there exists a possible human influence on global climatic change. The general court finds that it is in the best interest of the state of New Hampshire, the United States of America, and the earth as a whole, to encourage the voluntary undertaking of economically beneficial reductions of greenhouse gas emissions from New Hampshire sources.

Amend paragraph III of section 1 of the bill by replacing it with the following:

III. The general court further finds that, although New Hampshire sources contribute only a minute proportion of the total greenhouse gases emitted annually in the United States and the world, the state's past initiative in undertaking early and responsible action to reduce its similarly minor contribution to other air pollution problems, including but not limited to acid rain, toxic air pollution, and ozone smog, has demonstrated political, economic, and technological leadership, which has served the state well in subsequent negotiations with other, more culpable jurisdictions and with the Environmental Protection Agency. The general court finds that the state's tradition of environmental leadership should be continued through the establishment of a registry to provide state recognition of early greenhouse gas emissions reductions voluntarily achieved by New Hampshire sources.

Amend RSA 125-L:1, IV as inserted by section 2 of the bill by replacing it with the following:

IV. "Greenhouse gas" means but is not limited to such gases as carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride.

Amend RSA 125-L:2 as inserted by section 2 of the bill by replacing it with the following:

125-L:2 Registry. In order to help protect the interests of New Hampshire sources and the state's economy under a future federal regulatory scheme relating to greenhouse gas emissions, and to help encourage the voluntary reduction of greenhouse gas emissions by New Hampshire sources, the department shall establish and administer a registry whereby sources of greenhouse gas emissions may record and register early, voluntary greenhouse gas emissions reductions made after 1990. The purpose of this registry shall be to help sources establish a baseline against which any future federal greenhouse gas emissions reduction requirements may apply.

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

3 Particulate Matter Registry Study. The commissioner of environmental services shall conduct a study to determine whether creating a particulate matter registry similar to the greenhouse gas registry established by RSA 125-L:2 as inserted by section 2 of this act would provide an overall benefit to the state. The commissioner shall report the results of this study, along with any recommendations for legislation, to the state library, the house science, technology and energy committee, and the senate environment committee on or before November 1, 1999.

AMENDED ANALYSIS

This bill establishes a registry for voluntary greenhouse gas emission reductions in order to create an incentive for and reward those greenhouse gas sources which voluntarily reduce such emissions before being required to do so.

This bill also requires the commissioner of environmental services to conduct a study to determine whether creating a particulate matter registry similar to the greenhouse gas emissions registry would provide an overall benefit to the state.

HB 301, relative to burials and funerals at the New Hampshire state veterans cemetery. OUGHT TO PASS WITH AMENDMENT

Rep. Dennis H. Fields for State-Federal Relations and Veterans Affairs: This is a policy stating a veteran shall be entitled to burial within a reasonable time after notification to appropriate cemetery personnel by a funeral director or a family member of the veteran, provided weather conditions permit the burial. This bill gives the family of the deceased veteran the option of a chapel service or graveside service. The state shall not be responsible for any costs associated with a funeral service not offered by any federal cemetery. The amendment solely changes the effective date from 60 days after passage to immediately upon passage. Vote 18-0.

Amendment (1428h)

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

1 New Paragraph; State Veterans Cemetery; Burials and Funeral Services. Amend RSA110-B:77 by inserting after paragraph II the following new paragraph:

III. A veteran shall be entitled to burial within a reasonable time after notification to appropriate cemetery personnel by a funeral director or a family member of the veteran, provided that weather conditions permit the burial. The family of the deceased veteran shall have the option of a chapel service or graveside service. The service may contain any or all customs and practices usual at a military funeral, including but not limited to, gun salutes, honor guards, and the playing of taps. The state shall not be responsible for any costs associated with a funeral service that is not offered by any federal cemetery.

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

HB 665, relative to the New Hampshire emergency management compact with other jurisdictions. OUGHT TO PASS

Rep. Margaret E. Lynott for State-Federal Relations and Veterans Affairs: This bill makes laws governing the state's emergency management compact consistent with laws of cooperating jurisdictions for the purpose of providing mutual assistance between jurisdictions when a disaster or emergency occurs. This emergency management assistance compact would, when entered into by and between the participating party jurisdictions, include 13 articles of compliance. Vote 18-1.

HCR 7, urging the federal government not to adopt certain proposed rules requiring financial institutions to monitor their customers' banking habits. OUGHT TO PASS WITH AMENDMENT

Rep. Margaret E. Lynott for State-Federal Relations and Veterans Affairs: This resolution sends a message to the federal government that the citizens of New Hampshire do not want rules implemented that would require the financial institutions to monitor customer's banking habits based on their deposit and withdrawal patterns in its attempt to identify illegal sources of funds. Such a role is unnecessary and interferes with private contractual relationships. It is an invasion of privacy. It amounts to an illegal search and seizure and is a violation of the fourth amendment of the United States Constitution. The amendment changes the language in the resolution from present to the future as this proposal was withdrawn at the federal level. Vote 18-1.

Amendment (0867h)

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

A RESOLUTION urging the federal government not to adopt rules requiring financial institutions to monitor their customers' banking habits.

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

Whereas, the federal government was proposing to adopt rules requiring financial institutions first to monitor their customers' banking habits by determining their deposit and withdrawal patterns and second to attempt to identify the source of funds of some customers' deposits; and

Whereas, financial institutions might have been required not to do business with customers who out of concern for the privacy of their financial transactions refuse to provide information about their account activity; and

Whereas, the purpose of these proposed rules was to uncover illegal money laundering activities; and

Whereas, these proposed rules would have compelled private financial institutions to become investigative arms of the federal government; and

Whereas, these proposed rules could have been readily circumvented by those engaged in illegal money laundering, leaving honest customers to bear unnecessarily their continuing burden; and

Whereas, the federal government would have then been in possession of information to which it had no right and which it might find itself tempted to use for other purposes without the account holders' knowledge or permission; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That such proposed involvement in the future by the federal government in the financial lives of the residents of our state:

- (a) Is an unnecessary interference in private contractual relationships;
- (b) Is an inappropriate and unacceptable invasion of privacy of the residents of this state that far outweighs any law enforcement objectives;
- (c) Is an illegal search and seizure in violation of the Fourth Amendment of the United States Constitution; and

That such or any similar involvement in the future by the federal government in the lives of the residents of our state must never be allowed to occur; and

That copies of this resolution be forwarded by the house clerk to the President of the United States, the Vice President of the United States, the members of the New Hampshire congressional delegation, and the Federal Deposit Insurance Corporation.

AMENDED ANALYSIS

This house concurrent resolution urges the federal government not to adopt rules requiring financial institutions to monitor their customers' banking habits.

HCR 11, urging Congress and the Internal Revenue Service to modify tax laws to broaden the ability of taxpayers to make tax-deductible contributions to Nuclear Decommissioning Reserve Funds. OUGHT TO PASS

Rep. Dennis H. Fields for State-Federal Relations and Veterans Affairs: This resolution urges the Internal Revenue Service to change its regulations with regard to use of a qualified trust for purposes of funding nuclear plant decommissioning. Currently there would be a tax penalty if a state chose to accelerate funding for nuclear decommissioning to a period shorter than the expected life of the plant. This possible tax penalty would discourage state efforts to accelerate decommissioning if a state chooses to do so. Many of the nation's nuclear plants have closed prematurely while several are seeking permit extensions. The committee believes states should be able to control the decommissioning process without facing tax penalties. The committee is also aware that utilities throughout the nation are urging the adoption of this common sense policy by the Internal Revenue Service. Vote 15-0.

HJR 4, urging the federal government to support telephone number conservation. INEXPEDIENT TO LEGISLATE

Rep. Dean Ouellette for State-Federal Relations and Veterans Affairs: A similar bill has already passed the House and is before the Senate. The committee felt this bill would be a duplicate and is not needed. Vote 15-2.

SJR 1, supporting the reduction of the sulfur content of gasoline. OUGHT TO PASS

Rep. Griffin Dalianis for State-Federal Relations and Veterans Affairs: This resolution seeks to persuade the US Congress to support reducing sulfur content in gasoline. Sulfur is harmful because it renders a car's catalytic converter inactive. Sulfur also is a major contributor to haze and acid rain,

which causes impacts to our tourism and natural resource industry. DES testimony stated that sulfur reduction would cost one to two cents. Vote 16-0.

REGULAR CALENDAR

HB 399, allowing the secretary of state to have flexibility in moving the date of New Hampshire's presidential primary. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. Splaine for Election Law: After several hours of discussion and public hearings, the committee unanimously recommends this important bill for passage. The bill, as amended, will do four (4) things that will contribute toward preserving the integrity and credibility of the NH First-In-The-Nation Presidential Primary for Year 2000 and beyond: 1.) It gives additional flexibility to the Secretary of State to move the NH presidential primary to a date that is "7 days or more immediately preceding the date on which any other state shall hold a similar election." This provision gives a clear message to presidential candidates, their organizations and the other states that New Hampshire is ready and willing to move its primary ahead as necessary to protect our "first" status. 2.) It gives greater flexibility to the Secretary of State by allowing the NH presidential primary to be held in "the year previous" to the year in which the president is chosen. The current law restricts the primary to the year in which the president is chosen. This provision makes it clear to other states that should they try to set a primary or similar election prior to our scheduled date, that we would be ready and willing to move our primary, as needed, to protect our "first" status. 3.) It moves the filing period for candidates running for president up a month and expands the filing period by a week, to the first Monday in November for a three-week filing period. Current law begins the filing period at the first Monday in December for a two-week filing period. 4.) Perhaps most important, the bill creates a "Findings and Purpose" opening clause, which encourages all presidential candidates to honor the tradition of the NH First-In-The-Nation Presidential Primary by asking that they not participate in any primary which is held by another state within seven days after New Hampshire. The Findings and Purpose clause states: "The general court finds that it is imperative to support the tradition of the New Hampshire first-in-the-nation presidential primary and to encourage candidates to honor the law which requires that New Hampshire's primary precede any similar election by 7 days. New Hampshire has held its presidential primary 7 or more days before the primary of any other state since at least 1920, and has statutorily required such precedence since 1976. However, recent efforts by other states to usurp New Hampshire's first-in-the-nation primary status necessitates legislative action to preserve the history, integrity and tradition of the New Hampshire primary. In lieu of substantial changes to the law of this state, however, the general court prefers to rely on the cooperation of candidates willing to declare their support for the first-in-the-nation primary tradition by pledging not to file or campaign in any state that holds its primary within 7 days of New Hampshire. It is, therefore, the intent of the general court to encourage candidates to honor the New Hampshire primary tradition, while establishing greater flexibility for the secretary of state in determining the presidential primary state." By providing for this unique "Findings and Purpose" clause, this bill will encourage candidates not to take part in the primary of another state that may choose to come within 7 days of our primary. It was the consensus of the committee that the New Hampshire First-In-The-Nation Presidential Primary could become meaningless and irrelevant unless we are able to get the cooperation of other states and candidates in the way detailed by this bill. If we encourage presidential candidates not to participate in other primaries that come with 7 days of New Hampshire's primary, we will protect the integrity, credibility and tradition of our "first" status. Vote 19-0.

Amendment (1304h)

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

AN ACT allowing the secretary of state to have flexibility in moving the date of New Hampshire's presidential primary and changing the filing period for declarations of candidacy for candidates for president and vice-president at the presidential primary.

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

1 Findings and Purpose. The general court finds that it is imperative to support the tradition of the New Hampshire first-in-the-nation presidential primary and to encourage candidates to honor the law which requires that New Hampshire's primary precede any similar election by 7 days. New Hampshire has held its presidential primary 7 or more days before the primary of any other state since at least 1920, and has statutorily required such precedence since 1976. However, recent efforts by other states to usurp New Hampshire's first-in-the-nation primary status necessitate legislative action to preserve the history, integrity, and tradition of the New Hampshire primary. In lieu of substantial changes to the law of this state, however, the general court prefers to rely on the cooperation of candidates willing to declare their support for the first-in-the-nation primary tradition by pledging not to file or campaign in any state that holds its primary within 7 days of New Hampshire. It is therefore the intent of the general court to encourage candidates to honor the New Hampshire primary tradition, while establishing greater flexibility for the secretary of state in determining the presidential primary date.

2 Elections; Election of Officers and Delegates; Election Dates; Presidential Primary Election; Selection by Secretary of State. Amend RSA 653:9 to read as follows:

653:9 Presidential Primary Election. The presidential primary election shall be held on the second Tuesday in March or on [the] a Tuesday selected by the secretary of state which is [at least] 7 days or more immediately preceding the date on which any other state shall hold a similar election, whichever is earlier, of each year when a president of the United States is to be elected or the year previous. Said primary shall be held in connection with the regular March town meeting or election or, if held on any other day, at a special election called by the secretary of state for that purpose.

3 Elections; Nominations; Presidential Nominations; Declaration of Candidacy; Filing Period. Amend RSA 655:47, II to read as follows:

II. Declarations of candidacy shall be filed between the first Monday in [December and the Friday of the following week] November and the third Friday in November.

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

AMENDED ANALYSIS

This bill permits the secretary of state to select a date for the presidential primary which is on a Tuesday 7 days or more prior to a similar election in any other state and provides that the presidential primary may be held in the year prior to a presidential election year. This bill also changes the filing period for declarations of candidacy for candidates for president and vice-president at the presidential primary election from December to November.

Adopted.

Reps. Splaine, Guay and Arndt spoke in favor.

Rep. Flanagan requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 329 NAYS 5			
YEAS 329			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Lawton, Robert
Millham, Alida	Rice, Thomas	Rosen, Ralph	Salatiello, Thomas
Thomas, John	Turner, Robert	Wendelboe, Francine	
CARROLL			
Bradley, Jeb	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	Torressen, Gary
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Hunt, John	Lerandean, Alfred	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meader, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Roberts, William	Robertson, Timothy	Rose, William
Royce, H Charles	Russell, Ronald	Zerba, Roger	
COOS			
Davis, Perley	Glines, Sara	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Merrill, Gerald	Pratt, Leighton
Rodrigue, Robert	Tholl, John, Jr	Woodward, David	
GRAFTON			
Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Cobb, John	Copenhaver, Marion	Densmore, Jessica	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Guest, Robert	Hall, David
Ham, Bonnie	Hinman, Harry	LaMott, Paul	MacNeil, Allen
Marshall, Gene	Mirski, Paul	Phinney, William	Picconi, Al
Scanlan, David	Weber, Phil		

HILLSBOROUGH			
Ahern, Richard	Andrews, Frederick	Arnold, Thomas, Jr	Arthur, Rose
Baroody, Benjamin	Batula, Peter	Beaupre, Roland	Belvin, William
Bergeron, Lucien	Bergin, Peter	Bruno, Pierre	Buckley, Raymond
Burkush, James	Calawa, Leon, Jr	Carlson, Donald	Christiansen, Lars
Clegg, Robert, Jr	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Daigle, Robert	Dalianis, Griffin
Daniels, Gary	Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia
Drabinowicz, A	Durham, Susan	Dyer, Merton	Emerton, Lawrence
Fenton, James	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Foster, Linda	Franks, Suzan	Gagnon, Eugene	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Goulet, Maurice
Hall, Betty	Hansen, Herbert	Herman, Keith	Herman, Richard
Holley, Sylvia	Hunter, Bruce	Jean, Claudette	Jean, Loren
Johnson, Lionel	Keye, Harvey	Kurk, Neal	L'Heureux, Robert
LaPorte, George	LaRose, Richard	Lasky, Bette	Lefebvre, Roland
Leishman, Peter	Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee
Lynde, Harold	MacGillivray, Jeffrey	Martel, Andre	Martin, Mary
McCarty, Winston	McDonald, James, Sr	McDonough-Wallace, Alice	McGough, Tim
McRae, Karen	Mendenhall, Leslie	Mercer, Robert	Messier, Irene
Moran, Edward	Moriarty, Mary	Mosher, William	Murphy, Robert
O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Reidy, Frank
Rowe, Robert	Sarette, John	Sargent, Maxwell	Simon, Anthony
Tate, Joan	Thulander, O Alan	Turgeon, Roland	Vaillancourt, Steve
White, Donald	White, John	Williams, Carol	Withee, Dennis
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Chase, George	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	French, Barbara	Gile, Mary	Hager, Elizabeth

Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Kennedy, Richard
Larrabee, David, Sr	Lavoie, Gerard	Leber, William	Marple, Richard
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Nichols, Avis
Owen, Derek	Potter, Frances	Rodd, Beth	Seldin, Gloria
Soltani, Tony	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whalley, Michael	Whittemore, James	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Blanchard, MaryAnn	Bridle, Russell	Case, Margaret	Clark, Martha
Cox, Russell	Dalrymple, Janeen	DiFruscia, Anthony	Dolan, Richard
Downing, Michael	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John, Sr	Francoeur, Sheila	Gleason, John	Grant, Kenneth
Griffin, Mary	Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Lovejoy, Marian	Major, Norman	McKinney, Betsy	Mikowski, Walter
Moore, Benjamin	Morse, Charles	Norelli, Terie	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	O'Keefe, Patricia	O'Neil, Michael
Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne
Putnam, Ed, II	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	Tufts, J Arthur	Varrell, Thomas	Vaughn, Charles
Verani, Giovanni	Weare, Everett	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		
STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Cossette, Larry	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Lent, Donald	Lundborn, Raymond	McKinley, Robert
Musler, George	Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael

Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Torr, Franklin	Twardus, Joseph	Vincent, Francis	Wall, Janet
Woods, Phyllis			
SULLIVAN			
Allison, David	Cloutier, John	Donovan, Thomas, Jr	Flint, Gordon, Sr
Jones, Constance	Kibbey, David	Leone, Richard	Phinizy, James
Robb-Theroux, Amy	Wiggins, Celestine	Young, David	
NAYS 5			
BELKNAP			
Wood, Jane			
CARROLL			
None			
CHESHIRE			
None			
COOS			
None			
GRAFTON			
None			
HILLSBOROUGH			
Dwyer, Paul, Sr	Melcher, Harold		
MERRIMACK			
Lockwood, Priscilla			
ROCKINGHAM			
None			
STRAFFORD			
None			
SULLIVAN			
Tuthill, John			

and the report was adopted.

Ordered to third reading.

remarks

Rep. Letourneau moved that the remarks made by Reps. Splaine, Guay and Arndt on House Bill 399 be printed in the Journal.

Adopted.

Rep. Splaine: Thank you, Madam Speaker and members of the House. This, I think, will be a rather quick debate and dialogue. The committee has done some tremendous work on this during the past several months. In over six hours of discussion and public hearing, we tried to figure out how we could maintain, preserve and protect the "First-in-the-Nation" status for New Hampshire. Because it is so important that we give a positive message to other states with this bill or whatever we may pass, the committee is taking an unusual step in asking, as a committee, for a roll call so that we can let after this legislation passes, should it pass, other states know of New Hampshire's determination to protect and preserve our "First-in-the-Nation" status. I just have a couple of things to say about this legislation. First, to bring you up-to-date with something very important is how we got here from there. The New Hampshire Primary is part of New Hampshire's tradition. As we saw people recognized earlier today, it is something that sets us apart from the rest of the country, the rest of this nation. We have had a primary that has come first since 1920 when we started sending delegates to the national Democratic and Republican conventions. In 1952, a second important date in the New Hampshire Presidential Primary history, we had a process whereby the names of candidates running for President would now be placed on the ballot. That is the modern-day primary process that we experience. A third important time came in 1976 when legislation I sponsored guaranteed New Hampshire's "First-in-the-Nation" status by saying that we would indeed be one week ahead of any other state. If we had not done that in 1976 as a Legislature, I think we would have lost the primary during the past 25 years. 1999 is a fourth important step. By passage of this legislation, that the Committee is recommending, we are going to be able to negotiate with the other states and give our Secretary of State the flexibility he needs and the tools he needs to be able to keep New Hampshire first. This legislation does four things and we put it in the blurb so I didn't have to repeat it all to you. Number one, it lets the Secretary of State be able to move the primary seven days or more ahead of any other state. Right now, he is limited by law, the 1976 law I had sponsored, to seven days. Secondly, it allows the Secretary of State to be able to move it into the previous year, i.e. December, in order to be able to respond to other states that might try to predate us. Third, it changes the filing period from a current first Monday in December to the first Monday in November. This allows the candidates to get out there sooner and it also allows the Secretary of State to be able to adjust the primary date quicker should he need to. Fourth it encourages with, I think, an interesting approach, the "Findings and Purpose" clause at the beginning, it encourages the cooperation of all the presidential candidates to appreciate, recognize and accept the tradition of the New Hampshire "First-in-the-Nation" primary by agreeing not to participate or campaign in any other state that holds a similar election within seven days of New Hampshire. We are not asking them to pledge. We are not asking them to sign anything. We are asking through this legislation to respect our tradition. Let me close by saying that there are certainly plenty of reasons, I think all of us appreciate, that we remain first in the election process. It is good for democracy. As Hugh Gregg has told us a number of times, and he has been here today working on behalf of this legislation and Governor Shaheen supports this legislation and she said the same thing, too, that it provides a way for the candidates themselves to become a little bit educated as well as voters to become educated to the candidacies. When it gets beyond New Hampshire we don't have that luxury. They end up on airport campaigns. They end up hiding behind podiums. They end up in motorcades, but in New Hampshire they have to come onto our streets and sidewalks and into our living rooms and that is vitally important. By passage of this legislation we can encourage states like Delaware not to try to come within the seven day period of New Hampshire. Not saying that no other state should have a

primary, but that there are other things that they can do such as caucuses and straw polls and respect the long-held, 80-year tradition of the New Hampshire "First-in-the-Nation" presidential primary. Thank you very much.

Rep. Guay: Thank you, Madam Speaker. Members of the House, I think that the primary in this state is very important for us in many categories. The reasons that I appear here before you today is relative to the three persons that you saw that served for a long, long time in the state as elected officials that we honored today. There is a gentleman Alcide Valliere, that wanted me to read a little message to you because he wanted to say so himself. But before I do that, I wanted to let you in on a little secret. When you get your Red Book and you see the picture where Alcide Valliere is and you look at the flag of the City of Berlin, on one side of the flag is my hand which you don't see holding that flag and on the other side of it is the ex-governor Gregg that's pulling on the other side and I'm telling him, "Hold it tight, hold it tight." So, this is the little secret that's in this picture that you don't see. So we were making history there. Alcide Valliere has been honored to serve for 66 years. He wanted me to tell you, "I have worked as an election official in every presidential primary since the 1930's." He wants you to remember these words, "Long live the 'First-in-the-Nation' presidential primary." I hope today when we have a vote we have a good solid vote on this issue to show the rest of the nation that we mean business and we want to keep it here. Thank you.

Rep. Arndt: Thank you, Madam Speaker. Today the Election Law Committee is asking you to join them in supporting House Bill 399 to help keep New Hampshire the "First-in-the-Nation" presidential primary. The committee has listened to hours of testimony from past as well as present participants in making New Hampshire "first". The citizens of our great state have done a commendable job for the nation, asking the tough questions and gleaning an accurate picture of candidates from which to choose. Much discussion ensued around ways to keep New Hampshire "first" as other states have and continue to challenge our position. When the final solution was agreed upon, the Election Law Committee unanimously supported the bill that you have before you. We are in a historic session. Let your vote today, to keep New Hampshire as the "First-in-the-Nation" presidential primary state, be historic in preserving our position for our citizens in the years to come. Please join our committee in the 19-0 vote of Ought to Pass.

regular calendar (cont'd.)

HB 493-FN, relative to alteration of sample ballots. RE-REFER TO COMMITTEE

Rep. Janet S. Arndt for Election Law: This bill prohibits the alteration of "official" sample ballots. The committee would like this bill re-referred in order to find a solution that will be enforceable and constitutional. Vote 9-3.

Adopted.

SB 195-FN-A, appropriating funds for sludge testing. OUGHT TO PASS

Rep. Betty B. Hall for Environment and Agriculture: Testing the quality of sludge is an important part of the new sludge rules and this bill will help the municipalities with costs. It does not require new money. Vote 16-0.

Adopted and referred to Finance.

HB 684, allowing the department of health and human services to accept and expend federal reimbursement funds. OUGHT TO PASS WITH AMENDMENT

Rep. Neal M. Kurk for Finance: The amendment replaces the bill. The amendment provides for supplemental appropriations to the Department of Health and Human Services for FY 99 to deal with shortfalls in several accounts. These include (1) additional provider payments for hospital, medical and pharmaceutical products and services for people on Medicaid; (2) additional payments for court-ordered placements of children in foster and residential care; and (3) additional payments for departmental computer and data services provided by Administrative Services. The cost of these appropriations is partially offset by additional federal funds for covered services provided by the department in prior years and by reductions in personnel services and benefits. These appropriations are necessary so that providers and others may be promptly paid.

Finally, the amendment also provides for increased contributions to retired state employees' health insurance premiums which have risen faster than anticipated.

The net cost to the general fund of this amendment is approximately \$7.6 million. Vote 20-1.

Amendment (1504h)

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

AN ACT making adjustments to the fiscal year 1999 budget for the department of health and human services.

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

1 Funds Lapsed; Department of Health and Human Services. Notwithstanding any other provision of law, the following amounts shall lapse to the general fund from the department of health and human services.

I. \$558,317 in state fiscal year 1999 from PAU 05-01-03-02-05, class 000, revenue account 3881 (Federal Funds, Title IV-E, Foster Care).

II. \$939,137 in state fiscal year 1999 from PAU 05-01-03-02-05 class 000, revenue account 0230 (Federal Funds, Title XIX, Medicaid).

III. \$3,944,108 in state fiscal year 1999 from PAU 05-01-02-04-10, class 000, revenue account 3951 (Federal Funds, Medicaid System Certification).

2 Supplemental Appropriations. In addition to any other sums for the fiscal year ending June 30, 1999, the following appropriations and charges are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

FY 1999

05 Health and Social Services

01 Dept of Health and Human Services

04 Div of Human Services

04 Financial Grants

05 Medical Grants

Provider Payments 19,648,718

Total 19,648,718

Estimated Source of Funds For Medical Grants

00 Federal Funds 9,824,343

05 Private Local Funds (290,671)

09 Agency Income 3,198,242

General Fund 6,916,804

Total 19,648,718

05 Health and Social Services

01 Dept of Health and Human Services

04 Division of Human Services

04 Financial Grants

06 Nursing Services

90 Nursing Services (386,992)

91 Home Nursing Services (124,683)

93 Other Nursing Services (508,341)

95 Mid Level Care (375,000)

Total (1,395,016)

Estimated Source of Funds For Nursing Services

00 Federal Funds (675,057)

05 Private Local Fund (4,441,226)

General Fund 3,721,267

Total (1,395,016)

01 General Government

10 NH Retirement System

02 State Contributions

92 Retirees Health Insurance 3,250,000

 Total 3,250,000

Estimated Source of Fund for State Contributions

 General Fund 3,250,000

 Total 3,250,000

05 Health and Social Services

01 Dept of Health and Human Services

03 Division of Children Youth and Families

02 Bureau of Children's Services

05 DCYF – Settlement Services

90 Foster care IV-E 893,183

93 Residential 1,785,882

 Total 2,679,065

Estimated Source of Funds For Settlement Services

00 Federal Funds 4,073,667

05 Private Local Funds (348,228)

 General Fund (1,046,374)

 Total 2,679,065

05 Health and Social Services

01 Dept of Health and Human Services

09 Office of Information Systems

01 Management Systems

29 Transfers to Data Center 2,500,000

Total 2,500,000

Estimated Source of Funds For Management Systems

00 Federal Funds 1,250,000

General Fund 1,250,000

Total 2,500,000

3 Personnel Appropriations and Reductions; General Fund Appropriation Reduction; Health and Human Services. Amend 1997, 350:10, I to read as follows:

I. The commissioner of the department of health and human services shall provide the commissioner of the department of administrative services a list of general fund reductions for permanent, temporary, and unclassified personnel services and related fringe benefits on July 31, 1997, and for whatever period is necessary to result in a total general fund appropriation reduction of \$3,250,000 in each year of the biennium ending June 30, 1999. ***The commissioner of the department of health and human services shall provide the commissioner of administrative services with a list of additional reductions of \$1,250,000 for the fiscal year ending June 30, 1999.*** Such reductions shall limit the aggregate number of permanent, temporary, and unclassified positions in pay status to those in aggregate positions funded by remaining appropriations in the department of health and human services. Upon receipt of the commissioner's list, the commissioner of the department of administrative services shall make the appropriate reductions.

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

AMENDED ANALYSIS

This bill makes adjustments to the budget for the department of health and human services for fiscal year 1999.

Adopted.

Report adopted and ordered to third reading.

senate message

requests concurrence with amendment

HB 374, relative to the order of names on presidential primary election ballots. (Amendment printed SJ 22, 6/8/99)

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

motion to lay on the table

Rep. Rice moved that the request for concurrence with amendment on **HB 374**, relative to the order of names on presidential primary election ballots, be laid on the table.

Rep. Buckley requested a roll call; sufficiently seconded.

YEAS 62 NAYS 273			
YEAS 62			
BELKNAP			
Boyce, Robert	Czech, Stanley	Johnson, James	Rice, Thomas
Rosen, Ralph			
CARROLL			
Howard, Godfrey	Lyman, L Randy	Mock, Henry	Sullivan, P Judith
Torressen, Gary			
CHESHIRE			
Roberts, William	Robertson, Timothy	Rose, William	
COOS			
None			
GRAFTON			
Alger, John	Cobb, John	Hall, David	Hinman, Harry
Mirski, Paul	Picconi, Al		
HILLSBOROUGH			
Beaupre, Roland	Bruno, Pierre	Calawa, Leon, Jr	Carlson, Donald
Christiansen, Lars	Desmarais, Vivian	Desrosiers, William	Hall, Betty
Hansen, Herbert	Jean, Loren	Kurk, Neal	McDonough-Wallace, Alice
McRae, Karen	Melcher, Harold	Mosher, William	Ouellette, Dean
Rowe, Robert	Thulander, O Alan		
MERRIMACK			
Asplund, Bronwyn	Brewster, Richard	Kennedy, Richard	Lavoie, Gerard
Leber, William	Marple, Richard	Soltani, Tony	
ROCKINGHAM			
Dolan, Richard	Fesh, Robert	Flanders, David	Grant, Kenneth

Hutchinson, Karen	Johnson, Robert	Langone, John	Noyes, Richard
Putnam, Ed, II	Reardon, Neil	Ruffner, Walter	Stickney, Nancy
Stritch, C Donald	Weare, Everett	Weyler, Kenneth	
STRAFFORD			
Bickford, David	Woods, Phyllis		
SULLIVAN			
Kibbey, David			
NAYS 273			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Holbrook, Robert	Lawton, David
Lawton, Robert	Millham, Alida	Salatiello, Thomas	Thomas, John
Turner, Robert	Wendelboe, Francine	Wood, Jane	
CARROLL			
Bradley, Jeb	Chandler, Gene	Dickinson, Howard	Kenney, Joseph
MacDonald, Kenneth	Patten, Betsey	Philbrick, Donald	
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Hunt, John	Lerandeau, Alfred	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meader, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Royce, H Charles	Russell, Ronald	Zerba, Roger
COOS			
Davis, Perley	Glines, Sara	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Merrill, Gerald	Pratt, Leighton
Rodrigue, Robert	Tholl, John, Jr	Woodward, David	
GRAFTON			
Akins, Ralph	Almy, Susan	Brothers, Richard	Copenhaver, Marion
Densmore, Jessica	Dudley, Terri	Eaton, Stephanie	Gilman, G Michael
Guest, Robert	Ham, Bonnie	LaMott, Paul	MacNeil, Allen
Marshall, Gene	Phinney, William	Scanlan, David	Weber, Phil

HILLSBOROUGH			
Ahern, Richard	Andrews, Frederick	Arnold, Thomas, Jr	Arthur, Rose
Baroody, Benjamin	Batula, Peter	Belvin, William	Bergeron, Lucien
Bergin, Peter	Buckley, Raymond	Burkush, James	Clegg, Robert, Jr
Clemons, Jane	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Daigle, Robert	Dalianis, Griffin	Daniels, Gary
Dokmo, Cynthia	Drabinowicz, A	Durham, Susan	Dwyer, Paul, Sr
Dyer, Merton	Emerton, Lawrence	Fenton, James	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Foster, Linda	Franks, Suzan
Gagnon, Eugene	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Herman, Keith	Herman, Richard
Holley, Sylvia	Hunter, Bruce	Jean, Claudette	Johnson, Lionel
Keye, Harvey	L'Heureux, Robert	LaPorte, George	LaRose, Richard
Lasky, Bette	Lefebvre, Roland	Leishman, Peter	Leonard, Peter
Lessard, Rudy	Lozeau, Donnalee	Lynde, Harold	MacGillivray, Jeffrey
Martel, Andre	McCarty, Winston	McDonald, James, Sr	McGough, Tim
Mendenhall, Leslie	Mercer, Robert	Messier, Irene	Moran, Edward
Moriarty, Mary	Murphy, Robert	O'Connell, Timothy	O'Hearn, Jane
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Reidy, Frank	Sarette, John	Sargent, Maxwell	Simon, Anthony
Tate, Joan	Turgeon, Roland	Vaillancourt, Steve	White, Donald
White, John	Williams, Carol	Withee, Dennis	
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Chase, George	Daneault, Gabriel
Davis, Francis	Feuerstein, Martin	Fortnam, Janet	French, Barbara
Gile, Mary	Hager, Elizabeth	Hess, David	Hoadley, Elizabeth
Jacobson, Alf	Larrabee, David, Sr	Lockwood, Priscilla	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Nichols, Avis	Owen, Derek
Potter, Frances	Rodd, Beth	Seldin, Gloria	St Cyr, Gerard
Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane	Whalley, Michael
Whittemore, James	Yeaton, Charles		

ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Blanchard, MaryAnn	Bridle, Russell	Case, Margaret	Clark, Martha
Cox, Russell	Dalrymple, Janeen	DiFruscia, Anthony	Downing, Michael
Flanagan, Natalie	Flanders, John, Sr	Francoeur, Sheila	Gibbons, Paul
Gleason, John	Griffin, Mary	Henderson, Warren	Hutchinson, Rebecca
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Letourneau, Robert	Lovejoy, Marian
Major, Norman	McKinney, Betsy	Mikowski, Walter	Morse, Charles
Norelli, Terie	Nowe, Mary Lou	Nowe, Ronald	O'Keefe, Patricia
O'Neil, Michael	Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline
Priestley, Anne	Quandt, Marshall	Raynowska, Bernard	Sapareto, Frank
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stone, Joseph	Tufts, J Arthur	Vaughn, Charles	Verani, Giovanni
Welch, David	Whittier, John	Zolla, William	
STRAFFORD			
Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Cossette, Larry	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Gilmore, Gary	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	McKinley, Robert
Musler, George	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Torr, Franklin	Twardus, Joseph	Vincent, Francis
Wall, Janet			
SULLIVAN			
Allison, David	Cloutier, John	Donovan, Thomas, Jr	Flint, Gordon, Sr
Jones, Constance	Leone, Richard	Phinizy, James	Robb-Theroux, Amy
Tuthill, John	Wiggins, Celestine	Young, David	

and the motion failed.

The question now being the adoption of the motion to concur.

Adopted.

regular calendar (cont'd.)

SB 176-FN-A, relative to technology support for individuals and making an appropriation therefor.
OUGHT TO PASS WITH AMENDMENT

Rep. Peter Batula for Health, Human Services and Elderly Affairs: This bill, as amended, establishes a fund of \$500,000 to provide technology support, assistive devices, information and training programs to individuals with disabilities. This bill would positively impact in excess of 20,000 people with disabilities in the state of New Hampshire and would in the long run, save millions of dollars by the cost savings related to remaining in the home, instead of a nursing home. The benefits derived from this piece of legislation are numerous. Having said that, the committee majority agreed to an amendment that would fund the program from the states' general fund instead of funding by a 911 reserved fund and that's what the amendment does. Vote 14-0.

Amendment (1485h)

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$500,000 is hereby appropriated, for the fiscal year ending June 30, 2000, to the department of health and human services, for the purposes of this act. The governor is authorized to draw a warrant for said sum from any moneys in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill makes an appropriation of \$500,000, from the general fund to the department of health and human services to provide technology support, assistive devices, information, and training programs to individuals with disabilities.

Adopted.

Report adopted and referred to Finance.

SB 192, relative to vital records. **OUGHT TO PASS WITH AMENDMENT**

Rep. Francine Wendelboe for Health, Human Services and Elderly Affairs: This bill addresses the improvement of the registration, certification, preservation and management of the state's vital records concerning birth, death, marriage and divorce. An increase in copy fees (not increased since 1991) will provide funds to be allocated for software applications and development, preservation efforts, hardware, communications and technical support needed. There were also additional members added to the Vital Records Advisory Committee: two additional town clerks, a Health Information Specialist appointed by the NH Hospital Association, the Director of the Division of Information Technology Management or designee and the state archivists or designee. Vote 13-2.

Amendment (1454h)

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

1 Fees Increased. Amend RSA 126:15 to read as follows:

126:15 Fees for Copies and Verifications.

I. A town clerk or the registrar of vital records and health statistics shall be paid in advance, by any person requesting any copy or verification as provided in RSA126:14, the sum of ~~[\$10]~~ **\$12** for making search, which sum shall include payment for the issuance of such copy or verification, and ~~[\$6]~~ **\$8** for each subsequent copy, provided that the fee to town clerks for examination of documents and issuance of a delayed birth certificate shall be \$25.

II. The town clerk shall forward ~~[\$6]~~ **\$8** of each search fee collected under this section to the department of health and human services for deposit in the vital records improvement fund established under RSA 126:31 and shall retain the remaining \$4 as ~~[his]~~ **the clerk's** for issuing such a copy. For subsequent copies issued at the same time, the town clerk shall forward ~~[\$3]~~ **\$5** of the fee collected for each subsequent copy under this section to the department of health and human services for deposit in the vital records improvement fund established under RSA 126:31, and the town clerk shall retain the remaining \$3 as ~~[his]~~ **the clerk's** fee for issuing such a copy. The town clerk shall retain the \$25 fee for a delayed birth certificate as ~~[his]~~ **the clerk's** fee for examining documents and issuing the delayed birth certificate.

2 Purpose of Fund; Approval Required. Amend RSA 126:31 to read as follows:

126:31 Vital Records Improvement Fund. There is hereby established a special fund for the improvement and automation of vital records at the state and local levels. The sole purpose of the fund shall be to provide revenues for ***the improvement of the registration, certification, preservation and management of the state's*** vital records ~~[improvement]~~, and said money shall not be used for any other purpose. ***Moneys in the fund shall be allocated for software applications and development, preservation efforts, hardware, communications and technical support associated with these purposes. Said moneys shall not be used for rent or electricity expenses or for general clerical or administrative personnel of the bureau of vital records.*** Moneys in the fund shall be allocated by the commissioner of the department of health and human services with the assistance of the advisory committee established under RSA 126:32. The fund ***shall accrue interest and*** shall be nonlapsing and ~~[shall be]~~ continually appropriated to the commissioner of the department of health and human services.

3 Membership of Committee. Amend RSA 126:32 to read as follows:

126:32 Advisory Committee.

I. There is established an advisory committee to assist the commissioner of the department of health and human services in administering the fund established under RSA126:31. The advisory committee shall also determine the need for improvement and automation of the processing of vital records ***upon recommendations from representatives of the financial data management unit, the office of community and public health, the New Hampshire City and Town Clerk's Association, and the division of information technology management.*** The members of the committee shall be appointed ~~[by the commissioner of the department of health and human services]~~ as follows:

(a) ~~[A]~~ ***Two*** town ~~[clerk]~~ ***clerks, appointed by the New Hampshire City and Town Clerks' Association.***

(b) ~~[A]~~ ***Two*** city ~~[clerk]~~ ***clerks, appointed by the New Hampshire City and Town Clerks' Association.***

(c) A funeral director, ***appointed by the New Hampshire Funeral Directors' Association.***

(d) A physician licensed under RSA 329 ***from the office of chief medical examiner, or designee.***

~~[(e) A nurse licensed under RSA 326-B.]~~

~~[(f)]~~ (e) A public member, who shall have a direct interest in the registration of vital records, ***appointed by the commissioner of health and human services.***

~~[(g)]~~ (f) The registrar of vital records, or designee.

(g) ***A health information specialist, appointed by the New Hampshire Hospital Association.***

(h) The director of the division of information technology management, department of administrative services, or designee.

(i) ***The state archivist, or designee.***

II. The members of the committee shall choose a chairperson by majority vote. Members of the advisory committee shall serve 2-year terms and no member shall serve more than 2 consecutive terms. ***The city and town clerk members shall serve staggered terms and initially one town clerk and one city clerk shall serve for 2 years and one town clerk and one city clerk shall serve for 3 years.***

4 New Sections; Reports. Amend RSA 126 by inserting after section 32 the following new sections:

126:33 Quarterly Reports. The department of health and human services shall file a financial report for the vital records improvement fund for the preceding quarter showing the summary of receipts and expenditures, according to the uniform classifications.

126:34 Annual Report. The department of health and human services shall prepare and file a report on the uses of the vital records improvement fund and shall submit the report to the vital records improvement advisory committee no later than December 31 of each year. The report shall contain the following:

I. The gross revenue received by the fund.

II. A summary of receipts and expenditures, according to uniform classifications.

III. Accomplishments achieved pursuant to RSA 126 during the preceding fiscal year.

IV. An outline of the projects and programs to be conducted in the ensuing fiscal year with proceeds from the funds.

V. Any recommendations for additional legislation, and other relevant matters.

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

AMENDED ANALYSIS

This bill clarifies the purpose of the vital records improvement fund. The bill also changes the membership of the advisory committee established to assist in the administration of the fund.

The bill also increases fees for copies and verification of vital records.

Adopted.

Report adopted and ordered to third reading.

SB 141, relative to information not subject to the right-to-know law. OUGHT TO PASS

Rep. Peter F. Bergin for Judiciary: This bill makes information or records provided by a telephone utility in support of a filing with the Public Utilities Commission or placed in the record during a telephone utility proceeding confidential and not subject to the right-to-know law if they meet certain requirements. The requirements are that the telephone utility shall represent to the PUC that the information or records are not general public knowledge or published elsewhere, due to trade secrets, research, development, financial, or commercial information, including customer's geographic markets, vendor or product – specific data, such as pricing, usage, costing, forecasting, revenue, earnings, or technology information not reflected in tariffs of general application. However, if the PUC subsequently determines on its own motion or on request of another party, after notice and an opportunity for a hearing, that the telephone utility's representation is incorrect or records do not satisfy the requirements, it shall be subject to disclosure under RSA-91A (Right-to-Know Law). Before permitting public disclosure, the PUC shall afford the telephone utility 30 days from issuance of its written decision, to request reconsideration. Vote 11-4.

Adopted and ordered to third reading.

SB 172, relative to representation by a citizen in a court proceeding. OUGHT TO PASS WITH AMENDMENT

Rep. Martha S. Solow for Judiciary: This bill, as amended, accomplishes two purposes. First, it clarifies the statute entitling persons in causes or proceedings to represent themselves (pro se), or to be represented by a citizen of good character (not necessarily an attorney). Second, because the existing statute is silent on the matter, it presumes that the person representing another is of good character unless demonstrated otherwise, thereby putting the burden of proof on the challenger. Vote 9-5.

Amendment (1433h)

Amend RSA 311:1 as inserted by section 1 of the bill by replacing it with the following:

311:1 Right to Appear, etc. A party in any cause or proceeding may appear, plead, prosecute or defend in his or her proper person, that is, pro se, or ***may be represented*** by any citizen of good character. ***For the purposes of this section, a citizen shall be presumed to be of good character unless demonstrated otherwise.***

Adopted.

Report adopted and ordered to third reading.

HB 314, relative to universal service. OUGHT TO PASS WITH AMENDMENT

Rep. Gary R. Gilmore for Science, Technology and Energy: As part of the 1989 rate agreement with Northeast Utilities, Public Service Company of New Hampshire (PSNH) was to return to traditional ratemaking in 1997. The rate case to determine PSNH's appropriate electric rates has been repeatedly postponed, most recently when PSNH went to Federal Court in Rhode Island and implied that this rate case was part of electric restructuring. This legislation allows the Governor, under certain circumstances, to establish an escrow account withholding up to 15% of the utility's electric bill. Upon such action by the Governor, other ratepayers of that utility may also escrow the same percentage of moneys due to that utility. It is hoped by the committee that this legislation will be unnecessary, that either PSNH will enter into a settlement with the state or that the rate case will occur and be adhered to. However, the committee feels that it is prudent and necessary that this legislation be enacted to prevent past delays from occurring once again. Vote 16-0.

Amendment (1388h)

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

AN ACT relative to the escrowing of certain utility payments.

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

1 Findings. The general court finds that:

I. New Hampshire has the highest average electric rates in the nation and such rates are unreasonably high. The general court also finds that electric rates for most citizens may further increase during the remaining years of the Public Service Company of New Hampshire rate agreement and that there is a wide rate disparity in electric rates both within New Hampshire and as compared to the region. The general court finds that this combination of facts has a particularly adverse impact on a majority of New Hampshire citizens.

II. New Hampshire's extraordinarily high electric rates disadvantage all classes of customers: industries, small businesses, and captive residential and institutional ratepayers and do not reflect an efficient industry structure. The general court further finds that these high rates are causing businesses to consider relocating or expanding out of state and are a significant impediment to economic growth and new job creation in this state.

III. In 1997, Public Service Company of New Hampshire was scheduled to return to traditional ratemaking and was directed by the public utilities commission to participate in a rate case proceeding pursuant to the agreement between the state of New Hampshire and Northeast Utilities.

IV. Although a rate case proceeding was commenced, such rate case proceeding has not been concluded and is presently enjoined by a Federal Court at the request of Public Service Company of New Hampshire, thereby preventing the state from exercising its appropriate police powers to protect the citizens of New Hampshire from the abuse of monopoly practices.

V. Authority to escrow certain moneys due to Public Service Company of New Hampshire is an appropriate exercise of the power granted to the general court by Part II, Article 83 of the New Hampshire constitution to "enact laws to prevent the operations within the state of all persons and associations, and all trusts and corporations, foreign or domestic, and the officers thereof, who endeavor to raise the price of any article of commerce or to destroy free and fair

competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts, and officials doing business within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against."

2 New Subdivision; Escrow of Utility Payments. Amend RSA 9 by inserting after section 28 the following new subdivision:

Escrow of Utility Payments

9:29 Withholding of Utility Payments.

I. The governor shall direct the treasurer to withhold up to 15 percent of moneys due to a utility for electric power supply to the state if:

(a) The utility's rates are the subject of a proceeding before the public utilities commission that was commenced more than 12 months previously;

(b) Such proceeding has not concluded due to events outside the control of the public utilities commission and the state;

(c) The public utilities commission has ordered temporary rate reductions pursuant to RSA 378:27;

(d) The governor, based upon information submitted to the public utilities commission relating to the rate case proceeding, finds that the utility has requested only a minor increase in rates or no increase in rates whereas intervenors have represented that the public good requires a substantial additional decrease in rates; and

(e) The amount withheld does not, in the opinion of the governor based upon the considerations in subparagraph (d), put at risk normal operations of the utility in serving its customers.

II. Withholding moneys pursuant to paragraph I shall be presumed to be a matter of sound business practice and in the interest of protecting New Hampshire taxpayers.

III. Upon the withholding of moneys pursuant to paragraph I and the establishment of an escrow account pursuant to RSA 9:30, I, municipalities, businesses, and individual ratepayers may withhold the same percentage of moneys due for electric power supply to the utility designated by the governor pursuant to paragraph I.

9:30 Escrow of Withholdings.

I. The treasurer shall deposit moneys withheld under RSA 9:29, I in a segregated escrow account.

II. Money to be withheld by a ratepayer pursuant to RSA 9:29, III shall be escrowed on a monthly basis either by:

(a) The ratepayer depositing the money in an interest bearing, segregated escrow account established by the ratepayer and notifying the utility of the establishment of the account; or

(b) Upon agreement of the utility and the ratepayer, the utility depositing the money into one segregated escrow account established by the treasurer for the collective withholdings of ratepayers. The utility shall derive such moneys from bill payments made by the participating ratepayers.

III. No utility shall take any action, such as disrupting or threatening to disrupt electric power supply, against a ratepayer because the ratepayer escrows money pursuant to this subdivision.

9:31 Payments From Escrow. Upon conclusion of the rate case proceeding before the public utilities commission or pursuant to a settlement between the utility and the state, payments shall be made, consistent with the rate case or settlement, in the following manner from the specified escrow accounts:

I. RSA 9:30, I, the governor is authorized to draw a warrant for any money in the account to pay any moneys due and owing to the utility; any moneys remaining after payment to the utility shall be deposited into the general fund;

II. RSA 9:30, II(a), the ratepayer shall pay from the account any moneys due and owing to the utility and shall retain the remainder; and

III. RSA 9:30, II(b), the governor is authorized to draw a warrant up to the total amount in the account to be paid over to the utility. The utility shall retain any moneys due and owing to the utility and shall credit the electric bills of participating ratepayers that amount which is due and owing to them.

3 Severability. If any provision of this act or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect any other provision or the application of such provision to other persons or circumstances, and to this end the provisions of this act are severable.

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

AMENDED ANALYSIS

This bill requires the governor, under certain circumstances, to direct the treasurer to place up to 15 percent of moneys due to a utility for electric power supply to the state in an escrow account. Upon such action by the governor, other ratepayers may also escrow a percentage of moneys due to the utility.

Adopted.

Report adopted and ordered to third reading.

Rep. MacGillivray wished to be recorded against.

suspension of rules

Rep. Chandler moved that the Rules be so far suspended as to permit consideration at the present time, without the required notice, of **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.

Adopted by the necessary two-thirds.

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. OUGHT TO PASS

Rep. Betsey L. Patten for Municipal and County Government: During an audit of the Town of Ashland a general fund deficit was discovered. In order to avoid receivership, the selectmen requested through their Representatives and Senator, the General Court to allow them to hold a special meeting without seeking court permission. The committee voted unanimously OTP. Vote 16-0.

Rep. Patten spoke in favor.

Adopted and ordered to third reading.

SB 29-L, relative to the proper sheltering of dogs. OUGHT TO PASS

Rep. Frank M. Schanda for Criminal Justice and Public Safety: This bill creates a new statute that describes minimum standards for the sheltering of dogs. The standards are in common sense language and should put no burden on anyone who keeps dogs. The standard for sanitary conditions, for example, are to periodically clean the area where the animal is kept of excrement and any other waste materials that could adversely affect the animals' health. The penalty for not responding to a warning that a violation exists is a violation. The response has to take place within 48 hours of a written notice that a violation exists. The bill is an attempt to provide those who keep or shelter dogs in unsanitary conditions an opportunity to be put on notice that such conditions are not lawful and should be corrected. Vote 14-0.

Rep. Welch moved Re-commit to Committee, spoke in favor and yielded to questions.

Adopted.

HB 744, ratifying the Plainfield Village Water District annual meeting held on March 27, 1999. OUGHT TO PASS

Rep. Paul A. McGuirk for Municipal and County Government: The Plainfield Village Water District voted to authorize a bond to install a new water system to replace their old dug-well water supply. The District made a few procedural errors – improper positing and failing to place the bond article first on the agenda. The committee voted unanimously to ratify the meeting to allow the Plainfield Valley Water District to move forward with their project. Vote 13-0.

Rep. Hess spoke against.

The report failed.

Rep. Hess moved Ought to Pass with Amendment and spoke in favor.

Rep. Hess offered a floor amendment.

Floor Amendment (1473h)

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

AN ACT ratifying the Plainfield Village Water District annual meeting held on March 27, 1999, and the Alton annual town meeting held on March 10, 1999.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Ratification of the March 10, 1999 Alton Annual Town Meeting. To cure the defect in the actions taken on Article 20 at the Alton annual town meeting held on March 10, 1999, specifically appropriation and authorization to purchase a six-wheel dump truck for the Alton highway department, all acts, votes, notices, and proceedings of the Alton annual town meeting held on March 10, 1999 are hereby legalized, ratified, and confirmed.

AMENDED ANALYSIS

This bill ratifies all acts, votes, notices, and proceedings of the Plainfield Village Water District annual meeting held on March 27, 1999.

This bill also ratifies all acts, votes, notices, and proceedings of the Alton annual town meeting held on March 10, 1999.

Adopted.

Rep. Hess offered an additional floor amendment.

Floor Amendment (1511h)

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

AN ACT ratifying the Plainfield Village Water District annual meeting held on March 27, 1999, and the Gilford School District annual meeting held on March 17, 1999.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Ratification of the March 17, 1999 Gilford School District Annual Meeting. All acts, votes, notices, and proceedings of the Gilford School District annual meeting held on March 17, 1999 and the related public hearing held on February 11, 1999 are hereby legalized, ratified, and confirmed.

AMENDED ANALYSIS

This bill ratifies all acts, votes, notices, and proceedings of the Plainfield Village Water District annual meeting held on March 27, 1999.

This bill also ratifies all acts, votes, notices, and proceedings of the Gilford School District annual meeting held on March 17, 1999.

Adopted.

Report adopted and ordered to third reading.

motion to special order

Rep. Buckley moved that **HCR 10**, requesting Congress to give priority to preserving Social Security and ensuring that it continues as universal and mandatory for all workers, be made a Special Order for the next session day in regular calendar order.

Rep. Buckley spoke in favor.

Adopted.

Reps. Hess and Bradley offered the following:

house resolution no. 12

requesting an opinion of the justices on the constitutionality of HB 536, as amended.

Whereas, there is presently pending before the House of Representatives HB 536, as amended by document number 1999-1063h, authorizing municipalities to exempt from the local property tax personal property employed in the generation and production of electric power; and

Whereas, section 2 of HB 536 as amended provides that the governing body of a town or city may make the determination to exempt from local property taxation so much of the equipment for the generation and production of electric power and for such a term of years as the governing body determines will attract new construction of electric generation facilities, retain existing electric generation facilities, or foster economic development; and

Whereas, section 2 of HB 536 as amended further provides that the determination, including but not limited to the fair market value of the equipment exempted, the term of the exemption, any agreement for payment of taxes, and/or any agreement for payment in lieu of taxes, shall be subject to approval of the legislative body of the municipality; and

Whereas, legislation proposing new tax exemptions should be scrutinized to determine its constitutionality; now, therefore, be it

Resolved by the House of Representatives:

That the Justices of the Supreme Court be respectfully requested to give their opinion on the following questions of law:

1. Do the provisions of HB 536 as amended, which exempt from local property taxes so much of the equipment for the generation and production of electric power and for such a term of years as may be determined by the municipality, violate constitutional requirements of uniformity and equality governing the assessment and collection of property taxes and the constitutional prohibition against authorizing gifts to corporations organized for profit, as provided by part II, article 5 of the New Hampshire constitution?

2. Do the provisions of HB 536 as amended, which exempt from local property taxes so much of the equipment for the generation and production of electric power and for such a term of years as may be determined by the municipality, violate the constitutional provision that government is instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one man, family, or class of men under part I, article 10 of the New Hampshire constitution?

3. Is the classification of taxable property provided for in HB 536 as amended based on a reasonable distinction which promotes a proper object of public welfare and does not require any taxpayer to pay more than his or her fair share of the tax burden as required by part I, article 12 of the New Hampshire constitution?

That the clerk of the House of Representatives transmit copies of this resolution and copies of HB 536, as amended by document number 1999-1063h, to the justices of the New Hampshire supreme court.

Rep. Hess moved Ought to Pass and spoke in favor.

Rep. Mirski spoke against and yielded to questions.

Rep. Bradley spoke in favor.

On a division vote, 256 members having voted in the affirmative and 75 in the negative, the resolution was adopted.

Ordered to third reading.

RESOLUTION

Rep. Chandler offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 153, 197 and 209 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 153-FN-A, requiring that a percentage of profits derived by the liquor commission be placed into and continually appropriated to a special fund for alcohol education and abuse prevention and treatment programs. (Finance)

SB 197-FN-A, establishing a pilot program for opioid agonist therapy of addiction and making an appropriation therefor. (Health, Human Services and Elderly Affairs)

SB 209-FN-L, establishing a study committee on certain matters concerning superior court justices. (Judiciary)

reconsideration

Having voted with the prevailing side, Rep. Abbott moved that the House reconsider its action whereby it voted **HB 337**, requiring that the order of candidate names on the ballot be determined by a random drawing, Inexpedient to Legislate.

Rep. Potter spoke in favor and yielded to questions.

Rep. Young spoke against and yielded to questions.

Rep. Arndt spoke against.

Rep. MacGillivray requested a roll call; not sufficiently seconded.

On a division vote, 132 members having voted in the affirmative and 200 in the negative, reconsideration failed.

reconsideration

Having voted with the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby it voted **HB 497-FN-A**, relative to family literacy planning grants and making an appropriation therefor, Inexpedient to Legislate and spoke in favor.

Rep. Major spoke against.

Rep. Gile spoke in favor and yielded to questions.

Rep. Belvin spoke against and yielded to questions.

Rep. Lozeau requested a roll call; sufficiently seconded.

The question being the motion to reconsider.

YEAS 161 NAYS 176			
YEAS 161			
BELKNAP			
Millham, Alida	Pilliod, James	Salatiello, Thomas	Wood, Jane
CARROLL			
None			
CHESHIRE			
Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy

Russell, Ronald	Zerba, Roger		
COOS			
Davis, Perley	Glines, Sara	Landers, Dana	Mears, Edgar
Rodrigue, Robert			
GRAFTON			
Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Ham, Bonnie	Hinman, Harry	Scanlan, David	
HILLSBOROUGH			
Arthur, Rose	Baroody, Benjamin	Bergeron, Lucien	Buckley, Raymond
Burkush, James	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daigle, Robert	Dawe, Eileen	Desmarais, Vivian
Drabinowicz, A	Durham, Susan	Dwyer, Paul, Sr	Foster, Linda
Franks, Suzan	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Hall, Betty	Herman, Richard	Jean, Claudette
Johnson, Lionel	Keye, Harvey	L'Heureux, Robert	LaPorte, George
Lasky, Bette	Lefebvre, Roland	Leishman, Peter	Leonard, Peter
Lynde, Harold	Martin, Mary	McDonough-Wallace, Alice	Melcher, Harold
Mendenhall, Leslie	Messier, Irene	Moran, Edward	Moriarty, Mary
Pepino, Leo	Peterson, Andrew	Reidy, Frank	Sarette, John
Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve	White, John
Williams, Carol			
MERRIMACK			
Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard	Chase, George
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Jacobson, Alf	Moore, Carol	Owen, Derek	Potter, Frances
Poulin, Dave	Rodd, Beth	Seldin, Gloria	St Cyr, Gerard
Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Case, Margaret	Clark, Martha

DiFruscia, Anthony	Gibbons, Paul	Hutchinson, Rebecca	Kane, Cecelia
Kelley, Jane	Lovejoy, Marian	Norelli, Terie	O'Keefe, Patricia
O'Neil, Michael	Pantelakos, Laura	Pitts, Jacqueline	Sapareto, Frank
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Vaughn, Charles			
STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Gilmore, Gary	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Twardus, Joseph
SULLIVAN			
Allison, David	Cloutier, John	Donovan, Thomas, Jr	Flint, Gordon, Sr
Leone, Richard	Phinizy, James	Robb-Theroux, Amy	Tuthill, John
Wiggins, Celestine			
NAYS 176			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Lawton, Robert
Rice, Thomas	Rosen, Ralph	Thomas, John	Turner, Robert
Wendelboe, Francine			
CARROLL			
Bradley, Jeb	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	Torressen, Gary
CHESHIRE			
Avery, Stephen	Hunt, John	Roberts, William	Rose, William
Royce, H Charles			
COOS			

Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr	Woodward, David		
GRAFTON			
Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
LaMott, Paul	MacNeil, Allen	Marshall, Gene	Mirski, Paul
Phinney, William	Picconi, Al	Weber, Phil	
HILLSBOROUGH			
Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter	Beaupre, Roland
Belvin, William	Bergin, Peter	Bruno, Pierre	Calawa, Leon, Jr
Carlson, Donald	Christiansen, Lars	Clegg, Robert, Jr	Coughlin, Pamela
Dalianis, Griffin	Daniels, Gary	Dokmo, Cynthia	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
LaRose, Richard	Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey
Martel, Andre	McCarty, Winston	McDonald, James, Sr	McGough, Tim
McRae, Karen	Mercer, Robert	Mosher, William	Murphy, Robert
O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean	Pappas, Marc
Reeves, Sandra	Rowe, Robert	Sargent, Maxwell	Tate, Joan
Thulander, O Alan	White, Donald	Withee, Dennis	
MERRIMACK			
Anderson, Eric	Hess, David	Kennedy, Richard	Larrabee, David, Sr
Lavoie, Gerard	Leber, William	Lockwood, Priscilla	Marple, Richard
Marshall, Kenneth	Maxfield, Roy	Nichols, Avis	Soltani, Tony
Whalley, Michael	Whittemore, James		
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Bridle, Russell	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dolan, Richard	Downing, Michael
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John, Sr

Francoeur, Sheila	Gleason, John	Grant, Kenneth	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Karen	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Major, Norman	McKinney, Betsy
Mikowski, Walter	Morse, Charles	Nowe, Mary Lou	Nowe, Ronald
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
Verani, Giovanni	Weare, Everett	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		
STRAFFORD			
Cossette, Larry	McKinley, Robert	Musler, George	Torr, Franklin
Vincent, Francis	Wall, Janet	Woods, Phyllis	
SULLIVAN			
Jones, Constance	Kibbey, David	Young, David	

and reconsideration failed.

RESOLUTION

Rep. Chandler offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, June 16, 1999 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 150, making certain reference changes to the department of youth development services.

HB 252, establishing a committee to study all aspects of the condominium act established under RSA 356-B.

HB 331, relative to voiding warranties on leased or purchased motor vehicles where any additional equipment is installed after leaving the factory, and creating penalties for failure to disclose this information to consumers.

SB 59-L, relative to bonding of animal owners convicted of animal cruelty.

SB 163, establishing a commission to study methods for reducing violent incidents involving children and guns.

SB 67, limiting liability resulting from the use of automatic external defibrillation.

SB 159, relative to early reduction of greenhouse gases.

HB 301, relative to burials and funerals at the New Hampshire state veterans cemetery.

HB 665, relative to the New Hampshire emergency management compact with other jurisdictions.

HCR 7, urging the federal government not to adopt rules requiring financial institutions to monitor their customers' banking habits.

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

SJR 1, a resolution supporting the reduction of the sulfur content of gasoline.

HB 399, allowing the secretary of state to have flexibility in moving the date of New Hampshire's presidential primary and changing the filing period for declarations of candidacy for candidates for president and vice-president at the presidential primary.

HB 684, making adjustments to the fiscal year 1999 budget for the department of health and human services.

SB 192, relative to vital records.

SB 141, relative to information not subject to the right-to-know law.

SB 172, relative to representation by a citizen in a court proceeding.

HB 314, relative to the escrowing of certain utility payments.

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.

HB 744, ratifying the Plainfield Village Water District annual meeting held on March 27, 1999, and the Gilford School District annual meeting held on March 17, 1999.

HR 12, requesting an opinion of the justices on the constitutionality of HB 536, as amended.

personal privilege

Reps. Weber and Loren Jean addressed the House.

Rep. Mock moved that the remarks made by Rep. Loren Jean be printed in the Journal.

Adopted.

Rep. Loren Jean: Since 1979, for a period of 20 years now, we've been voting on whether or not to have a Martin Luther King Day. We all went at it for different reasons. Those of us that were opposed to it, the reasons varied from genuine concerns about the man, others thought others more fitting and others with a strong sense of history. I had all three. But to dismiss such motives as a cover for bigotry and racism is beyond the pale. Never, never in that 20 years or in the time that I have been here and talked to people that are opposed to that holiday did I ever hear anything remotely being construed as being bigoted or racist. Half way through that 20 years the opponents were rather magnanimous in that they offered a compromise and that compromise was on a holiday called Civil Rights Day on the birthday of that slain civil rights leader. To dismiss all that out of hand and characterize someone as having the basest of human instincts, that of bigotry and racism, is very wounding. We have won for 18 of those 20 years. This is the 20th year. But, we have been magnanimous in our victory. But, over the years I have heard "beacon for bigotry" hollered from that podium. "Everyone that voted against this is a racist." And, this last one, "I feel bad for some of those who spoke against this. They have severe racism in their hearts and it must feel terrible." The author of that knows who she is. There is to me hardly a more severe, if you will, label to place on somebody that they would be guilty of these base instincts. The very core of what humanity should be and that is magnanimous to each other and to love one another and to be accused of just the opposite for noble reasons given to the opposition to that holiday. I feel that person owes an apology to this House and especially to those people that spoke against this for reasons that were true to their heart and not on those base instincts.

unanimous consent

Rep. Rosen addressed the House.

Rep. Weyler moved that the remarks made by Rep. Rosen be printed in the Journal.

Adopted.

Rep. Rosen: Thank you, Madam Speaker. I'd like to, very briefly, report on last week. This last week saw June 4th and June 6th. June 6th was the anniversary of the D-Day landings in Normandy and June 4th was the anniversary of the Battle of Midway. Probably two of the most memorable days in the history of this country. We all know about D-Day. This was the beginning of the end of the war in Europe and led to the vast changes that have come over Europe and the United States since then. June 4th was the anniversary of the Battle of Midway, certainly the most significant naval battle of all time and probably one of the most important battles in the history of this country. The Japanese attempted to seize Midway. They came out with four aircraft carriers, dozens of ships, thousands of men to make a landing. We opposed them with three aircraft carriers, a number of ships and some very fine pilots. It was not an easy victory. We lost a lot that time but we did prevent the landings at Midway. If that had not happened, the Japanese probably would have taken Hawaii and the whole scene of the war in the Pacific would have been vastly different. Whether we would have ever gotten into a position where we could launch an atomic bomb or not, I don't know, probably not. It might have led to a negotiated peace and we would have continuing struggles as we always have when we don't settle a war finally. So, let's remember today the people in the battle on D-Day and let's remember those that fought at Midway and the glorious victories that were achieved in those days. Thank you, Madam Speaker.

recognition

The Speaker and the House recognized all its members who served in the armed forces.

RECESS MOTION

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

Adopted.

The House recessed at 3:50 p.m.

RECESS

bills signed by the governor

Chap. 65, **HB 300**, making technical corrections to 1999, HB 117. (eff. 5/28/99)

Chap. 66, **HB 79**, relative to reports to the bank commissioner and to safe deposit box openings. (eff. varied)

Chap. 67, **HB 292**, relative to ballot procedures for constitutional amendments. (eff. 7/27/99)

Chap. 68, **HB 442**, relative to charitable gift annuities. (eff. 5/28/99)

Chap. 69, **HB 513**, relative to approved permissible fireworks. (eff. varied)

Chap. 70, **HB 426**, relative to clean indoor air in state buildings. (eff. 7/27/99)

Chap. 71, **HB 340**, establishing a committee to study mercury source reduction and recycling issues. (eff. 7/27/99)

Chap. 72, **HB 258**, establishing a Gold Star Mothers's Day honoring mothers who lost sons or daughters while on duty in the armed forces. (eff. 7/27/99)

Chap. 73, **HB 651**, revising the speed limit law. (eff. 7/27/99)

Chap. 74, **HB 583**, extending the reporting date for the committee studying the issue of updating New Hampshire laws related to fences. (eff. 7/21/99)

Chap. 75, **SB 38**, relative to the optional term for election of a cooperative school district moderator. (eff. 7/27/99)

Chap. 76, **SB 56**, amending the law relative to who may adopt. (eff. 7/27/99)

Chap. 77, **SB 109**, deleting the witnessing requirement for notices of lease. (eff. 7/27/99)

Chap. 78, **SB 160**, establishing a committee to study and identify or establish the duties of the fish and game commission. (eff. 5/28/99)

Chap. 79, **SB 138**, relative to joint tenancy with rights of survivorship. (eff. 1/1/00)

Chap. 80, **HB 240**, prohibiting the introduction of wolf populations to the state of New Hampshire. (eff. 7/31/99)

Chap. 81, **HB 672**, relative to creating a master plan for Hampton Beach and Hampton Beach state park to deal with growth. (eff. 7/1/99)

Chap. 82, **SB 18**, relative to the rulemaking authority of the state board of education regarding certain educational personnel. (eff. 7/31/99)

Chap. 83, **SB 180**, establishing a committee to study the improvement of employment opportunities offered by the state of New Hampshire for persons with disabilities. (eff. 7/31/99)

Chap. 84, **HB 60**, relative to meetings of the ballot law commission. (eff. 8/2/99)

Chap. 85, **HB 206**, relative to restrooms in restaurants. (eff. 6/3/99)

Chap. 86, **HB 261**, relative to the official ballot option. (eff. 8/2/99)

Chap. 87, **HB 306**, relative to discoverability of environmental audit reports. (eff. 6/3/99)

Chap. 88, **HB 322**, relative to funds provided by a mortgagee at real estate closings. (eff. 1/1/00)

Chap. 89, **HB 357**, establishing a committee to study and investigate issues related to investigations, trials, convictions, and sentencing of sex offenders. (eff. 8/2/99)

Chap. 90, **HB 373**, making technical corrections to the securities laws. (eff. 7/1/99)

Chap. 91, **HB 420**, relative to orders for spousal support in domestic relations cases. (eff. 1/1/00)

Chap. 92, **HB 535**, establishing a committee to study the department of resources and economic development. (eff. 6/3/99)

Chap. 93, **HB 736**, ratifying the 1999 Allenstown annual town meeting. (eff. 6/3/99)

Chap. 94, **SB 14**, establishing a committee to study the impact of federal welfare reform on the cities and town of New Hampshire. (eff. 6/3/99)

Chap. 95, **SB 42**, establishing a committee to study safety improvements at the U.S. Route 1 traffic circle in the city of Portsmouth. (eff. 8/2/99)

Chap. 96, **SB 60**, establishing a committee to study the licensure of radiographers and radiologic technologists. (eff. 8/2/99)

Chap. 97, **SB 75**, establishing a committee to study the establishment of a permit system for vessels registered in another state temporarily using the waters of New Hampshire. (eff. 8/2/99)

Chap. 98, **SB 81**, permitting the city of Manchester to issue bonds to finance unfunded liability of the city's employee pension system. (eff. 6/3/99)

Chap. 99, **SB 117**, relative to the duties of the board of trustees of the community-technical college system and relative to reports made to the commissioner of the regional community-technical college system. (eff. 8/2/99)

Chap. 100, **SB 139**, relative to self-proved wills and making reference changes. (eff. 1/1/00)

Chap. 101, **SB 152**, relative to the procedure for establishing a charter school. (eff. 8/2/99)

Chap. 102, **SB 155**, relative to the naming of certain bridges in the city of Concord. (eff. 8/2/99)

Chap. 103, **SB 161**, relative to amending the contributory pension system for employees of the city of Manchester and authorizing the town of Salem's pension plan. (eff. 6/3/99)

Chap. 104, **HJR 3**, urging ISO-New England to adopt policies furthering the state's interest in electric utility restructuring. (eff. 6/3/99)