

HOUSE RECORD

First Year of the 156th Session of the General Court

Calendar and Journal of the 1999 Session

Vol. 21

Concord N.H.

Thursday, July 1, 1999

No. 77

HOUSE JOURNAL No. 24 (cont.)

Tuesday, June 29, 1999

(Speaker Sytek in the Chair)

conferee changes

HB 25-FN-A, making appropriations for capital improvements

Rep. Leber was added as an alternate member.

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

Rep. Taylor replaced Rep. Tara Reardon. Rep. Francoeur replaced Rep. Avery

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.

Rep. Taylor replaced Rep. Hawkinson.

HB 369, establishing a committee on educational programs on tobacco use for minors.

Rep. Keith Herman replaced Rep. Langley.

HB 408, relative to drug formularies under managed care entities.

Rep. Dalianis replaced Rep. McGough.

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

Rep. Bradley replaced Rep. Kurk.

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

Rep. Burling replaced Rep. Hawkinson.

Rep. Daniels moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 25

Thursday, July 1, 1999

The House assembled at 11:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

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

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

Lord God Almighty, in whose name the founders of this country won liberty for themselves and for us, and lit the torch of freedom for nations then unborn: grant that we and all the people of this land may have grace to maintain our liberties in righteousness and peace.

And mindful of the responsibilities placed before each representative here, and in great thanksgiving for our liberties, may God's' blessing be upon each of you this day. Amen.

Reps. Boyce and French led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Julie Brown, Courchesne, DePecol, Golden, Cecelia Kane, Major, McColgan, James McDonald, Rice, Schanda and Searles, the day, illness.

Reps. Belvin, Blaisdell, Bridle, Downing, David Flanders, Fletcher, Flint, Fuller Clark, Glines, Hamel, Richard Heon, Richard Herman, Hoadley, Gary Johnson, Lionel Johnson, Langone, Leone, Lefebvre, MacNeil, McRae, Musler, O'Keefe, Owen, Perkins, Piteri, Tara Reardon, Rowe, Tufts and Wiggins, the day, important business.

Reps. Dawe, Emerton, Karen Hutchinson and Mendenhall, the day, illness in the family.

INTRODUCTION OF GUESTS

Barbara Brewster and Audrey Schaeffer, wife and guest of Rep. Richard Brewster. Charlene Takesian, Zachary Lynde and Michael Swiderski, wife, son and guest of Rep. Lynde. Donald Fowler,

nephew of Rep. Jones. Tom Veinote, guest of Pembroke-Allenstown Delegation. Bonnie Patria, guest of Rep. Leonard.

CLERK' NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 89-FN-A, making an appropriation for a department of transportation study of the state house complex to evaluate space needs. (Amendment printed SJ 26, 6/29/99)

Rep. Edwin Smith moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

HB 626-FN, relative to revising the laws regulating accountancy. (Amendment printed SJ 26, 6/29/99)

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

Adopted by the necessary two-thirds.

HB 666, relative to the taxation of sand, gravel, loam and other similar substances. (Amendment printed SJ 26, 6/29/99)

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

Adopted by the necessary two-thirds.

HB 721-FN, relative to procedures regarding delinquent children under RSA169-B. (Amendment printed SJ 23, 6/17/99)

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

Adopted by the necessary two-thirds.

CLERK'S NOTE

The constitutionally required two-thirds of the membership was declared present.

senate messages (cont'd.)

HB 525-FN, relative to special number plates for certain veterans. (Amendment printed SJ 26, 6/29/99)

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

Adopted.

consent calendar

committee of conference reports on senate bills

Rep. Chandler moved that the Consent Calendar of Senate Bills Committee of Conference Reports as printed and distributed, be adopted.

Adopted.

committee of conference report on sb 101

Committee of Conference Report on SB 101, an act relative to landlord-tenant obligations.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

Conferees: Sens. Trombly, Dist. 7; Disnard, Dist. 8 and Russman, Dist. 19.

Conferees: Reps. Bergin, Hills. 16; Woods, Straf. 11; Janet Wall, Straf. 9 and Craig, Hills. 38.

committee of conference report on sb 158

Committee of Conference Report on SB 158-FN, an act relative to indecent exposure.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Pignatelli, Dist. 13; John King, Dist. 18 and Gordon, Dist. 2.

Conferees: Reps. Christie, Rock. 22; Welch, Rock. 18; Weare, Rock. 21 and Knowles, Straf. 11.

committee of conference report on sb 183

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

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend subparagraph I(e) as inserted by section 6 of the bill by replacing it with the following:

(e) One member appointed by the New Hampshire HMO Association.

Conferees: Sens. Squires, Dist. 12; Fernald, Dist. 11 and Pignatelli, Dist. 13.

Conferees: Reps. Hunt, Ches. 10; Keith Herman, Hills. 13; Dalianis, Hills.35 and Taylor, Straf. 11.

committee of conference report on sb 204

Committee of Conference Report on SB 204, an act establishing the New Hampshire excellence in higher education endowment trust fund.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 6:40, VI as inserted by section 1 of the bill by replacing it with the following:

VI. Requiring disclosure regarding any administrative fees, or portion thereof, which are or may be returned to the trust fund.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect 90 days after its passage.

Conferees: Sens. Larsen, Dist. 15; Gordon, Dist. 2 and Cohen, Dist. 24.

Conferees: Reps. Hoadley, Merr. 24; Alger, Graf. 9; Perley Davis, Coos 1 and Snyder, Straf. 14.

committee of conference report on sb 214

Committee of Conference Report on SB 214-FN, an act relative to ambulatory surgical facilities and establishing a committee to study the health services planning and review board.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

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

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

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

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

(b) The commissioner of the department of health and human services or designee shall serve as the only permanent member of the board. All other members of the board shall serve ~~[only for one]~~ 3-year ~~[term]~~ **terms**, provided that of the initial members, the representative of health care insurers and one consumer shall serve for one year, one consumer and one provider shall serve for 2 years and one consumer and one provider shall serve for 3 years. ***Members of the board shall not serve more than 2 full consecutive terms.***

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

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

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

4 Ambulatory Surgical Facility; Definition. Amend RSA 151-C:2, I to read as follows:

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

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

AMENDED ANALYSIS

This bill requires the health services planning and review board to meet on government property owned by the state of New Hampshire. The bill also provides that members of the health services planning and review board shall not serve more than 2 full consecutive terms.

Conferees: Sens. Wheeler, Dist. 21; Fernald, Dist. 11 and Gordon, Dist. 2.

Conferees: Reps. Batula, Hills. 18; Pilliod, Belk. 3; Wendelboe, Belk. 2 and Donovan, Sull. 11.

regular calendar

committee of conference reports on senate bills

committee of conference report on sb 47

Committee of Conference Report on SB 47-FN, an act relative to compensation for time lost by fish and game conservation officers for injuries received in the line of duty, and restoring certain leave time for a conservation officer injured while on duty on August 19, 1997.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Disnard, Dist. 8; Trombly, Dist. 7; and Frederick King, Dist. 1.

Conferees: Reps. Dyer, Hills. 8; Langer, Merr. 11.; Stickney, Rock. 26 and Reidy, Hills. 46.

Rep. Dyer spoke in favor.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 70

Committee of Conference Report on SB 70, an act changing the safe drinking water standard for MTBE.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing paragraph V(c) of section 1 with the following:

(c) The department of environmental services in consultation with the department of health and human services adopt primary and secondary drinking water standards and ambient groundwater quality standards designed to protect the public health. The general court urges the department of environmental services as part of their review on MTBE to examine the scientific record that led California to adopt a public health goal of 13 parts per billion for MTBE for drinking water and to adopt a secondary drinking water standard of 5 parts per billion for MTBE.

Amend the bill by replacing section 2 with the following:

2 New Subdivision; Methyl Tertiary Butyl Ether (MTBE). Amend RSA 485 by inserting after section 16 the following new subdivision:

Methyl Tertiary Butyl Ether (MTBE)

485:16-a Drinking Water Standards and Notification.

I. The commissioner, in consultation with the commissioner of health and human services, shall adopt primary and secondary drinking water standards pursuant to RSA 485:3, and ambient groundwater quality standards pursuant to RSA 485-C:6, applicable to MTBE. The commissioner shall not commence rulemaking for these standards until after the department has reviewed the scientific record on the risks posed by the presence of MTBE in drinking water supplies. Such review shall be completed at the earliest possible date, but no later than January 1, 2000. The commissioner shall commence rulemaking no later than January 1, 2000.

II. Any public water system delivering water with greater than 5 parts per billion of MTBE shall notify each customer of the MTBE content.

485:16-b Authority to Limit MTBE in Gasoline; Penalties.

I. The commissioner shall seek all necessary waivers from the Environmental Protection Agency such that conventional gasoline, or some other substitute gasoline that is readily available and reasonably priced, may immediately replace reformulated gasoline in Strafford, Rockingham, Hillsborough, and Merrimack counties. The waivers shall expire on January 1, 2002. The temporary waivers shall not be predicated upon the state implementing substitute air emissions reduction strategies in order to comply with the state implementation plan.

II. In addition to the authority to seek waivers under paragraph I, the commissioner, after consultation with the commissioner of health and human services, may limit, with the approval of the governor and council, the concentration of MTBE allowed in any gasoline sold in all or part of the state after first holding a public hearing on the issue and certifying to the air pollution advisory committee established in RSA 125-J:11 that gasolines which meet such limit are:

(a) Readily available to New Hampshire consumers at a reasonable price;

(b) Less hazardous overall to humans and the environment than gasoline having higher MTBE concentrations taking into account all exposure routes, including air and water; and

(c) Approved for use in New Hampshire by the Environmental Protection Agency without a requirement to substitute additional air emissions reductions.

III. Nothing in this section shall prohibit the commissioner from phasing in any limitations approved under paragraph II.

IV. Retail sellers of gasoline and the suppliers to such retail sellers shall comply with the provisions of paragraph II or be subject to the enforcement provisions of RSA 485:58.

V. The limitations on MTBE concentrations established under the provisions of this section shall be exempt from the requirements of RSA 541-A, the administrative procedure act. The department shall file, however, in the office of legislative services a copy of all rules adopted, amended, or repealed under this section by the department.

Amend the bill by replacing section 3 with the following:

3 New Subparagraph; Proceedings in Special Cases; Administrative Procedure Act; Exceptions; Limits on Methyl Tertiary Butyl Ether. Amend RSA 541-A:21, I by inserting after subparagraph (u) the following new subparagraph:

(v) RSA 485:16-b, II relative to limits on the concentration of methyl tertiary butyl ether in gasoline.

AMENDED ANALYSIS

I. Requires that the commissioner of environmental services adopt primary and secondary drinking water and ambient groundwater quality standards applicable to MTBE.

II. Authorizes the commissioner to limit the concentration of MTBE allowed in gasoline.

III. Requires that public water systems delivering water with a certain concentration of MTBE notify each customer of the MTBE content.

IV. Requires that the commissioner seek waivers from the Environmental Protection Agency so that reformulated gasoline may be replaced in Strafford, Rockingham, Hillsborough, and Merrimack counties.

Conferees: Sens. Wheeler, Dist. 21; Cohen, Dist. 24 and Russman, Dist. 19.

Conferees: Reps. Bradley, Carr.8; Norelli, Rock. 31; Maxfield, Merr. 9 and Densmore, Graf. 3.

Rep. Bradley spoke in favor and yielded to questions.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 124

Committee of Conference Report on SB 124, an act establishing a committee to study the integration of technology at the state and municipal level.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

2 Membership and Compensation.

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

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

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

Amend the bill by replacing section 3 with the following:

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

Conferees: Sens. D'Allesandro, Dist. 20; McCarley, Dist. 6 and Klemm, Dist. 22.

Conferees: Reps. Lynde, Hills. 24; Guay, Coos 6; Maxfield, Merr. 9 and Bergeron, Hills.32.

Rep. Lynde spoke in favor.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 140

Committee of Conference Report on SB 140, an act relative to ear and body piercing.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Chapter; Ear Piercing. Amend RSA by inserting after chapter 141-H the following new chapter:

CHAPTER 141-I

EAR PIERCING

141-I:1 Ear Piercing. All ear piercing devices, including but not limited to earrings, needles, and associated parts, that come in direct contact with the client's skin during the ear piercing process shall be single-use prepackaged sterilized units. Reusable stabilizing devices used in ear piercing that come in direct contact with the client's skin shall be cleaned and sterilized after each use in accordance with rules adopted pursuant to RSA 314-A.

AMENDED ANALYSIS

This bill requires persons engaged in piercing the ears of the human body to use single-use prepackaged sterilized units.

Conferees: Sens. Wheeler, Dist. 21; Squires, Dist. 12 and McCarley, Dist.6.

Conferees: Reps. Dalrymple, Rock. 26; Manning, Ches.9; Seldin, Merr. 17 and Batula, Hills. 18.

Rep. Dalrymple spoke in favor.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 224

Committee of Conference Report on SB 224, an act relative to stenographic records and availability of transcripts of adjudicative hearings before licensing boards.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

1 Emergency Action Against Licensees; Certified Shorthand Court Reporter Added. Amend RSA 541-A:30, III to read as follows:

III. If the agency finds that public health, safety or welfare requires emergency action and incorporates a finding to that effect in its order, immediate suspension of a license may be ordered pending an adjudicative proceeding. The agency shall commence this adjudicative proceeding not later than 10 working days after the date of the agency order suspending the license. ***A record of the proceeding shall be made by a certified shorthand court reporter provided by the agency.*** Unless expressly waived by the licensee, agency failure to commence an adjudicative proceeding within 10 working days shall mean that the suspension order is automatically vacated. The agency shall not again suspend the license for the same conduct which formed the basis of the vacated suspension without granting the licensee prior notice and an opportunity for an adjudicative proceeding.

2 New Subparagraphs; Contested Cases in Adjudicative Proceedings; Notice Requirements. Amend RSA 541-A:31, III by inserting after subparagraph (d) the following new subparagraphs:

(e) A statement that each party has the right to have an attorney present to represent the party at the party's expense.

(f) For proceedings before an agency responsible for occupational licensing as provided in paragraph VII-a, a statement that each party has the right to have the agency provide a certified shorthand court reporter at the party's expense and that any such request be submitted in writing at least 10 days prior to the proceeding.

3 Contested Cases; Record of Oral Proceedings. Amend RSA 541-A:31, VII to read as follows:

VII. The entirety of all oral proceedings shall be recorded verbatim ***by the agency.*** Upon the request of any party or upon the agency's own initiative, such record shall be transcribed ***by the agency*** if the requesting party or agency shall ~~first~~ pay all reasonable costs for such transcription. ***If a transcript is not provided within 60 days of a request by a person who is a respondent party in a disciplinary hearing before an agency responsible for occupational licensing, the proceeding shall be dismissed with prejudice. Any party may record an oral proceeding, have a transcription made at the party's expense, or both, but only the transcription made by the agency from its verbatim record shall be the official transcript of the proceeding.***

4 New Paragraph; Occupational Licensing Proceeding; Certified Shorthand Court Record. Amend RSA 541-A:31 by inserting after paragraph VII the following new paragraph:

VII-a. At the request of a party in any oral proceeding involving disciplinary action before an agency responsible for occupational licensing except for an emergency action under RSA 541-A:30, III, the record of the proceeding shall be made by a certified shorthand court reporter provided by the agency at the requesting party's expense. A request shall be submitted to the agency in writing at least 10 days prior to the day of the proceeding.

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

AMENDED ANALYSIS

This bill adds notice requirements and provides that a stenographic record shall be made by a certified shorthand court reporter in an emergency action and in an agency adjudicative proceeding

on occupational licensing upon the request of a party to the proceeding, and requires dismissal of a complaint if a transcript is not provided.

Conferees: Sens. Gordon, Dist.2; Pignatelli, Dist. 13 and Cohen, Dist. 24.

Conferees: Reps. Goulet, Hills. 15; Millham, Belk. 4; Stickney, Rock. 26 and Virtue, Merr.9.

Rep Goulet spoke in favor.

Adopted.

SUSPENSION OF RULES

Reps. Chandler and Burling moved that House Rule 44 (b) be so far suspended as to permit consideration at the present time, without the required notice of the committee report on **HB 747-FN-A-L**, relative to the education property tax and adequate education grants.

Adopted by the necessary two-thirds.

consideration of hb 747

HB 747-FN-A-L, relative to the education property tax and adequate education grants. RE-REFER TO COMMITTEE

Rep. Vivian R. Clark for Finance: This bill, admitted through Rules in the waning days of this session, had its public hearing on June 29. It contains some elements which have already been rejected by the House, some which correct technical errors in the education funding process, and others which may or may not make improvements. The Finance Committee would like the time to get firm numbers on the effects of the various changes. Vote 9-6.

Adopted.

Report of the Joint Committee on Address

For the Removal of Chief Justice Brock

HA 1

The committee has voted unanimously not to recommend the address for the removal of Chief Justice Brock. Part II, Article 73 of the New Hampshire Constitution provides that the:

Governor with consent of the council may remove any commissioned officer for reasonable cause upon the address of both houses of the legislature, provided nevertheless that the cause for removal shall be stated fully and substantially in the address and shall not be a cause which is sufficient ground for impeachment, and provided further that no officer shall be so removed unless he shall have had an opportunity to be heard in his defense by a joint committee of both houses of the legislature.

The committee does not believe that HA 1 meets the criteria established in the constitution. The conduct described by the 5 items listed in HA 1 does not rise to the level of conduct that requires

removal. The members do not believe that HA 1 either stated a reasonable cause for removal or that the causes in HA 1 were fully and substantially stated.

The committee began by examining Part II, Article 73 in the New Hampshire Constitution. The provision was included in our original constitution and was amended in 1966 to spell out certain requirements for the address and to provide due process for the respondent. The committee held several organizational meetings to develop clear rules of committee procedure. This was particularly important because there have been no addresses before the legislature since the adoption of the 1966 amendment. The committee believes that based on the 1966 amendment to Article 73, the address is a legislative procedure to be used with great care and in circumstances where there is reasonable cause for removal. The committee discussed and formally adopted Special Rules of Procedure. Two separate days of hearings were held to provide the sponsors of the bill, the public, and the Chief Justice opportunities to testify.

The Special Rules of Procedure included the 1966 amendments in the Constitution which require the address to:

- a)state a reasonable cause for removal;
- b)be fully and substantially stated; and
- c)not be a cause which is sufficient ground for impeachment.

Members believe that there is a certain level of misperception about both the independence of each of the three branches of government as well as the level of cooperation that is necessary between the branches. The committee believes that a priority should be placed on establishing a better working relationship between the judiciary and the public and an improved relationship between the three branches.

Vote 12-0. Ought Not to Pass.

Rep. Henry Mock, Chair Sen. Debora Pignatelli, Vice-Chair

Rep. Sheila Francoeur Sen. Lou D'Allesandro

Rep. Betsy Patten Sen. Carl Johnson

Rep. John Pratt Sen. Frederick King

Rep. John Thomas Sen. John King

Rep. Janet Wall Sen. James Squires

Rep. Mirski spoke against and yielded to questions.

Rep. Kennedy spoke in favor and yielded to questions.

Rep. Alger spoke against.

Reps. Welch and Mock spoke in favor.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

Rep. Vaillancourt withdrew his request for a roll call; seconds withdrawn.

Rep. Carol Moore requested a roll call; sufficiently seconded.

The question being the adoption of the report by the Joint Committee on Address.

YEAS 256 NAYS 58			
YEAS 256			
BELKNAP			
Bartlett, Gordon	Holbrook, Robert	Lawton, Robert	Millham, Alida
Pilliod, James	Thomas, John	Turner, Robert	Wood, Jane
CARROLL			
Bradley, Jeb	Chandler, Gene	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Burnham, Daniel	Doucette, Richard
Hunt, John	Lerandeau, Alfred	Lynch, Margaret	Manning, Joseph
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Royce, H Charles	Russell, Ronald	Smith, Edwin	Zerba, Roger
COOS			
Davis, Perley	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Landers, Dana	Mears, Edgar	Rodrigue, Robert	Tholl, John, Jr
Woodward, David			
GRAFTON			
Akins, Ralph	Almy, Susan	Copenhaver, Marion	Dudley, Terri
Eaton, Stephanie	Guest, Robert	Ham, Bonnie	Marshall, Gene
Nordgren, Sharon	Phinney, William	Scanlan, David	Solow, Martha
HILLSBOROUGH			
Ahern, Richard	Andrews, Frederick	Arthur, Rose	Batula, Peter
Bergeron, Lucien	Bergin, Peter	Brundige, Robert	Bruno, Pierre

Buckley, Raymond	Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert
Clemons, Jane	Cote, David	Coughlin, Pamela	Craig, James
Daigle, Robert	Daniels, Gary	Desmarais, Vivian	Dokmo, Cynthia
Durham, Susan	Dwyer, Paul, Sr	Dyer, Merton	Fields, Dennis
Flora, Kathleen	Ford, Nancy	Foster, Linda	Franks, Suzan
Gagnon, Eugene	Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Goulet, Maurice	Haettenschwiller, Alphonse
Hall, Betty	Hansen, Herbert	Herman, Keith	Holley, Sylvia
Keye, Harvey	Konys, Christine	Kurk, Neal	L'Heureux, Robert
LaPorte, George	LaRose, Richard	Lasky, Bette	Leonard, Peter
Lessard, Rudy	Lozeau, DonnaLee	Lynde, Harold	MacGillivray, Jeffrey
Martel, Andre	Martin, Mary	McCarty, Winston	McDonough-Wallace, Alice
McGough, Tim	Melcher, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	Moran, Edward	Moriarty, Mary	Mosher, William
Murphy, Robert	O'Connell, Timothy	O'Hearn, Jane	Reeves, Sandra
Reidy, Frank	Sargent, Maxwell	Simon, Anthony	Tate, Joan
Thulander, O Alan	Turgeon, Roland	White, John	Withee, Dennis
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Chase, George
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Jacobson, Alf	Kennedy, Richard	Langer, Ray
Lavoie, Gerard	Leber, William	Lockwood, Priscilla	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Nichols, Avis	Potter, Frances
Poulin, Dave	Rodd, Beth	Seldin, Gloria	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Whalley, Michael	Whittemore, James
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Bishop, Franklin
Blanchard, MaryAnn	Case, Margaret	Christie, Andrew, Jr	Cooney, Richard

Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	Dowling, Patricia
Fesh, Robert	Flanders, John, Sr	Francoeur, Sheila	Gibbons, Paul
Gleason, John	Grant, Kenneth	Griffin, Mary	Henderson, Warren
Hutchinson, Rebecca	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Letourneau, Robert
Lovejoy, Marian	McKinney, Betsy	Morse, Charles	Norelli, Terie
Nowe, Mary Lou	Nowe, Ronald	O'Neil, Michael	Pantelakos, Laura
Pitts, Jacqueline	Priestley, Anne	Rabideau, Marie	Reardon, Neil
Rubin, George	Ruffner, Walter	Sabella, Norma	Sapareto, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Stone, Joseph
Stritch, C Donald	Vaughn, Charles	Verani, Giovanni	Weare, Everett
Weatherspoon, Jackie	Welch, David	Whittier, John	Zolla, William
STRAFFORD			
Berube, Roger	Brennan, William	Callaghan, Frank	Cossette, Larry
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	Spear, Barbara	Taylor, Kathleen	Torr, Franklin
Twardus, Joseph	Vachon, Dennis	Vincent, Francis	Wall, Janet
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Jones, Constance	Kibbey, David	Robb-Theroux, Amy	
NAYS 58			
BELKNAP			
Boyce, Robert	Czech, Stanley	Johnson, James	Lawton, David
Rosen, Ralph	Wendelboe, Francine		
CARROLL			
Babson, David, Jr	Dickinson, Howard	Howard, Godfrey	Sullivan, P Judith
CHESHIRE			

Roberts, William	Rose, William		
COOS			
None			
GRAFTON			
Alger, John	Brothers, Richard	Cobb, John	Gilman, G Michael
Hall, David	Harmon, Hobart	Mirski, Paul	Weber, Phil
HILLSBOROUGH			
Arnold, Thomas, Jr	Beaupre, Roland	Christiansen, Lars	Clegg, Robert, Jr
Desrosiers, William	Drabinowicz, A	Fenton, James	Hunter, Bruce
Jean, Loren	Ouellette, Dean	Pappas, Marc	Pepino, Leo
Vaillancourt, Steve	Wall, Nancy	White, Donald	Williams, Carol
MERRIMACK			
Brewster, Richard	Larrabee, David, Sr	Marple, Richard	
ROCKINGHAM			
Beaulieu, Jon	Clark, Vivian	Corbin, C David	Cote, Patricia
Dolan, Richard	Flanagan, Natalie	Mikowski, Walter	Moore, Benjamin
Noyes, Richard	Packard, Sherman	Putnam, Ed, II	Quandt, Marshall
Raynowska, Bernard	Stickney, Nancy	Weyler, Kenneth	
STRAFFORD			
McKinley, Robert	Woods, Phyllis		
SULLIVAN			
Phinizy, James	Tuthill, John		

and the report was adopted.

Reps. Dalianis, DiFruscia, Varrell and Ward declared conflicts of interest and did not participate.

motion to print remarks

Rep. Wendelboe moved that the remarks made during the debate on **HA 1**, for the removal of David A. Brock, chief justice of the New Hampshire supreme court, from his said office, be printed in the Journal.

On a division vote, 136 members having voted in the affirmative and 174 in the negative, the motion failed.

unanimous consent

Rep. Copenhaver addressed the House.

Rep. Manning moved that the remarks made by Rep. Copenhaver be printed in the Journal.

Adopted.

Rep. Copenhaver: I am here, and I thank you, members of the House, today is the last day of a very contentious, tumultuous session. I think we would be remiss, however, if we did not recognize, the long, dedicated service of the House Nurse, Lois Spearman. The 21 years she has quietly tended to the various ills of this body should be noteworthy. I fortunately have not needed her expertise but have been comforted knowing that she was there. Those of you with asthma, heart conditions, post surgery needs know all too well what a fine, supportive human being Lois has been. So, Madame Speaker, I ask this House to salute Lois Spearman for her 21 years in keeping us fit and able to push the buttons on our voting machines. Thank you.

RECESS

(Speaker Sytek in the Chair)

CONSENT CALENDAR

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

Rep. Chandler moved that the Consent Calendar of House Bills Committee of Conference Reports as printed and distributed, be adopted.

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, removed by Rep. Keith Herman..

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

Adopted.

HB 69, relative to the definition of employee under certain labor laws and relative to overtime pay for hourly employees. (Report printed in SJ 27, 7/1/99)

HB 333, relative to contracts between participating providers and managed care entities. (Report printed in SJ 27, 7/1/99)

HB 369, establishing a committee on educational programs on tobacco use for minors. (Report printed in SJ 27, 7/1/99)

HB 408, relative to drug formularies under managed care entities. (Report printed in SJ 27, 7/1/99)

HB 428, relative to school administrative units. (Report printed in SJ 27, 7/1/99)

HB 463, relative to local regulation of junk yards and altering the definition of federal aid primary system for purposes of the laws regarding highways regulations, protection and control regulations. (Report printed in SJ 27, 7/1/99)

HB 562, relative to the date of decision for appeals of zoning matters. (Report printed in SJ 27, 7/1/99)

HB 563, relative to names of limited liability partnerships and companies and cooperative associations. (Report printed in SJ 27, 7/1/99)

HB 584, relative to administrative license suspensions. (Report printed in SJ 27, 7/1/99)

RECONSIDERATION

Rep. Dalrymple moved that the House reconsider its action whereby it adopted the Committee of Conference Report on **SB 140**, relative to ear and body piercing, spoke in favor and yielded to questions.

Reconsideration prevailed.

Rep. Dalrymple spoke against the Committee of Conference Report on SB 140 and yielded to questions.

The Committee of Conference Report failed.

CONFERENCE COMMITTEE DISCHARGED REQUESTS NEW CONFERENCE

Rep. Dalrymple moved that the House discharge the Committee of Conference on **SB 140**, relative to ear and body piercing, and request a new Committee of Conference.

Adopted.

The Speaker appointed Reps. Dalrymple, Manning, Sullivan and Batula.

REGULAR CALENDAR

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

hb 25-fn-a, making appropriations for capital improvements. (Report printed in SJ 27, 7/1/99)

Rep. Edwin Smith spoke in favor.

Adopted.

HB 112-FN-A, increasing the tobacco tax and imposing the tax on all types of tobacco products. (Report printed in SJ 27, 7/1/99)

Rep. Eaton spoke against and yielded to questions.

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

Rep. Mirski requested a roll call; sufficiently seconded.

YEAS 217 NAYS 96			
YEAS 217			
BELKNAP			
Czech, Stanley	Holbrook, Robert	Millham, Alida	Rosen, Ralph
Thomas, John	Turner, Robert	Wood, Jane	
CARROLL			
Bradley, Jeb	Chandler, Gene	Howard, Godfrey	Lyman, L Randy
Patten, Betsey	Philbrick, Donald		
CHESHIRE			
Batchelder, Robert	Burnham, Daniel	Doucette, Richard	Hunt, John
Lerandeau, Alfred	Lynch, Margaret	Manning, Joseph	Meadar, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Roberts, William	Rose, William	Royce, H Charles
Russell, Ronald	Smith, Edwin	Zerba, Roger	
COOS			
Davis, Perley	Hawkinson, Marie	Horton, Lynn	Landers, Dana
Mears, Edgar	Pratt, Leighton	Tholl, John, Jr	Woodward, David
GRAFTON			
Akins, Ralph	Almy, Susan	Brothers, Richard	Copenhaver, Marion
Densmore, Jessica	Dudley, Terri	Guest, Robert	Harmon, Hobart
Marshall, Gene	Nordgren, Sharon	Phinney, William	Solow, Martha
HILLSBOROUGH			
Ahern, Richard	Andrews, Frederick	Bergeron, Lucien	Bergin, Peter
Brundige, Robert	Bruno, Pierre	Buckley, Raymond	Calawa, Leon, Jr
Carlson, Donald	Chabot, Robert	Clegg, Robert, Jr	Clemons, Jane
Cote, David	Coughlin, Pamela	Craig, James	Dalianis, Griffin
Desmarais, Vivian	Dokmo, Cynthia	Durham, Susan	Dwyer, Paul, Sr
Dyer, Merton	Fenton, James	Fields, Dennis	Flora, Kathleen
Ford, Nancy	Foster, Linda	Franks, Suzan	Gagnon, Eugene

Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Haettenschwiller, Alphonse	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Konys, Christine	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Lasky, Bette	Lozeau, Donnalee	Lynde, Harold
Melcher, Harold	Mercer, Robert	Messier, Irene	Moran, Edward
Moriarty, Mary	Mosher, William	O'Connell, Timothy	O'Hearn, Jane
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Reidy, Frank	Sarette, John	Sargent, Maxwell	Simon, Anthony
Tate, Joan	Thulander, O Alan	Turgeon, Roland	White, John
Withee, Dennis			
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Brewster, Richard	Chase, George
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Jacobson, Alf	Kennedy, Richard
Langer, Ray	Lavoie, Gerard	Leber, William	Moore, Carol
Potter, Frances	Poulin, Dave	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	Belanger, Ronald	Blanchard, MaryAnn
Case, Margaret	Clark, Vivian	Cooney, Richard	Cote, Patricia
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dolan, Richard	Flanders, John, Sr	Francoeur, Sheila	Gibbons, Paul
Gleason, John	Griffin, Mary	Henderson, Warren	Hutchinson, Rebecca
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Langley, Jane	Letourneau, Robert	Lovejoy, Marian	Mikowski, Walter
Norelli, Terie	Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard
O'Neil, Michael	Reardon, Neil	Ruffner, Walter	Sabella, Norma
Shelton, Richard	Shultis, Elizabeth	Stone, Joseph	Stritch, C Donald
Vaughn, Charles	Weare, Everett	Weatherspoon, Jackie	Whittier, John

Zolla, William			
STRAFFORD			
Cossette, Larry	DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Keans, Sandra	Knowles, William
Lundborn, Raymond	McKinley, Robert	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Spear, Barbara	Taylor, Kathleen	Vachon, Dennis
Wall, Janet	Woods, Phyllis		
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Jones, Constance	Robb-Theroux, Amy		
NAYS 96			
BELKNAP			
Bartlett, Gordon	Boyce, Robert	Johnson, James	Lawton, David
Pilliod, James	Wendelboe, Francine		
CARROLL			
Babson, David, Jr	Dickinson, Howard	Kenney, Joseph	MacDonald, Kenneth
Mock, Henry	Sullivan, P Judith		
CHESHIRE			
Avery, Stephen	McGuirk, Paul	Robertson, Timothy	
COOS			
Guay, Lawrence	Rodrigue, Robert		
GRAFTON			
Cobb, John	Eaton, Stephanie	Gilman, G Michael	Hall, David
Ham, Bonnie	Hinman, Harry	Mirski, Paul	Scanlan, David
Ward, Brien	Weber, Phil		
HILLSBOROUGH			
Arnold, Thomas, Jr	Arthur, Rose	Batula, Peter	Beaupre, Roland
Christiansen, Lars	Daniels, Gary	Drabinowicz, A	Goulet, Maurice
Hall, Betty	Jean, Loren	Keye, Harvey	LaPorte, George

Leonard, Peter	Lessard, Rudy	MacGillivray, Jeffrey	Martel, Andre
Martin, Mary	McCarty, Winston	McDonough-Wallace, Alice	McGough, Tim
Murphy, Robert	Ouellette, Dean	Vaillancourt, Steve	Wall, Nancy
White, Donald	Williams, Carol		
MERRIMACK			
Bouchard, Candace	Gile, Mary	Hess, David	Larrabee, David, Sr
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Maxfield, Roy
Nichols, Avis			
ROCKINGHAM			
Beaulieu, Jon	Bishop, Franklin	Corbin, C David	Fesh, Robert
Flanagan, Natalie	Grant, Kenneth	Kobel, Rudolph	McKinney, Betsy
Morse, Charles	Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline
Priestley, Anne	Putnam, Ed, II	Quandt, Marshall	Rabideau, Marie
Raynowska, Bernard	Rubin, George	Sapareto, Frank	Stickney, Nancy
Varrell, Thomas	Verani, Giovanni	Welch, David	Weyler, Kenneth
STRAFFORD			
Brennan, William	Callaghan, Frank	Johnson, Nancy	Kaen, Naida
Lent, Donald	Torr, Franklin	Twardus, Joseph	
SULLIVAN			
Kibbey, David	Phinizy, James	Tuthill, John	

and the report was adopted.

Rep. Letourneau voted Yea and intended to vote Nay.

MOTION TO PRINT REMARKS

Rep. Foster moved that the remarks made by Rep. Buckley during the debate on the Committee of Conference Report on ***SB 112***, be printed in the Journal.

The motion failed.

senate message

ACCEDES TO REQUEST FOR NEW COMMITTEE OF CONFERENCE

SB 140, an act relative to ear and body piercing.

The President appointed Sens. Wheeler, Squires and McCarley.

COMMITTEE CONFERENCE REPORT ON SB 140

Committee of Conference Report on SB 140, an act relative to ear and body piercing.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Chapter; Ear Piercing. Amend RSA by inserting after chapter 141-H the following new chapter:

CHAPTER 141-I

EAR PIERCING

141-I:1 Ear Piercing. All ear piercing devices, including but not limited to earrings, needles, and associated parts, that come in direct contact with the client's skin during the ear piercing process shall be single-use prepackaged sterilized units. Reusable stabilizing devices used in ear piercing that come in direct contact with the client's skin shall be cleaned and sterilized after each use in accordance with rules adopted pursuant to RSA 314-A. Any person violating the provisions of this chapter shall be guilty of a violation. Nothing in this chapter shall be construed to affect persons operating in compliance with the New Hampshire code of administrative rules, HE-P1103.02.

AMENDED ANALYSIS

This bill requires persons engaged in piercing the ears of the human body to use single-use prepackaged sterilized units.

Conferees: Sens. Wheeler, Dist. 21; Squires, Dist. 12 and McCarley, Dist. 6.

Conferees: Dalrymple, Rock. 26; Manning, Ches. 9; Seldin, Merr. 17 and Batula, Hills. 18.

Adopted.

REGULAR CALENDAR

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS (CONT'D.)

HB 291, establishing a study committee for seed sterilization technology or "terminator" technology. (Report printed in SJ 27, 7/1/99)

Rep. Babson spoke in favor.

Adopted.

HB 341, relative to the process for non-renewal of teacher contracts. (Report printed in SJ 27, 7/1/99)

Rep. O'Hearn spoke in favor.

Adopted.

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

HB 491, relative to qualifying examinations for individuals seeking driver's licenses, and driver education course requirements. (Report printed in SJ 27, 7/1/99)

Rep. Packard spoke in favor and yielded to questions.

Rep. Rodrigue spoke against.

Rep. LaPorte spoke in favor.

Rep. Packard requested a roll call; sufficiently seconded.

YEAS 211 NAYS 98			
YEAS 211			
BELKNAP			
Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Millham, Alida	Pilliod, James	Thomas, John
Turner, Robert	Wendelboe, Francine	Wood, Jane	
CARROLL			
Bradley, Jeb	Chandler, Gene	Howard, Godfrey	Kenney, Joseph
Lyman, L Randy	MacDonald, Kenneth	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith		
CHESHIRE			
Batchelder, Robert	Lerandeau, Alfred	Manning, Joseph	Pratt, Irene
Richardson, Barbara	Roberts, William	Royce, H Charles	Smith, Edwin
COOS			
Davis, Perley	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn

Mears, Edgar	Pratt, Leighton	Tholl, John, Jr	
GRAFTON			
Akins, Ralph	Brothers, Richard	Cobb, John	Copenhaver, Marion
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Harmon, Hobart
Hinman, Harry	Marshall, Gene	Nordgren, Sharon	Phinney, William
Scanlan, David	Weber, Phil		
HILLSBOROUGH			
Arnold, Thomas, Jr	Arthur, Rose	Batula, Peter	Beaupre, Roland
Bergin, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert	Clegg, Robert, Jr
Clemons, Jane	Cote, David	Coughlin, Pamela	Craig, James
Dalianis, Griffin	Daniels, Gary	Dokmo, Cynthia	Drabinowicz, A
Durham, Susan	Dwyer, Paul, Sr	Dyer, Merton	Fenton, James
Fields, Dennis	Flora, Kathleen	Ford, Nancy	Foster, Linda
Gagnon, Eugene	Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth
Goley, Jeffrey	Goulet, Maurice	Haettenschwiller, Alphonse	Hall, Betty
Hansen, Herbert	Holley, Sylvia	Keye, Harvey	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaPorte, George	LaRose, Richard
Lasky, Bette	Leishman, Peter	Leonard, Peter	Lessard, Rudy
Lozeau, DonnaLee	MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston
Melcher, Harold	Messier, Irene	Moriarty, Mary	Mosher, William
Murphy, Robert	O'Hearn, Jane	Pappas, Marc	Pepino, Leo
Peterson, Andrew	Reeves, Sandra	Sargent, Maxwell	Simon, Anthony
Tate, Joan	Thulander, O Alan	Turgeon, Roland	White, Donald
White, John	Withee, Dennis		
MERRIMACK			
Asplund, Bronwyn	Bouchard, Candace	Daneault, Gabriel	Feuerstein, Martin
Fortnam, Janet	Fraser, Marilyn	French, Barbara	Gile, Mary
Hess, David	Jacobson, Alf	Langer, Ray	Larrabee, David, Sr
Marshall, Kenneth	Moore, Carol	Potter, Frances	Wallner, Mary Jane

Whalley, Michael			
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Blanchard, MaryAnn	Case, Margaret	Christie, Andrew, Jr
Clark, Vivian	Cooney, Richard	Cote, Patricia	Cox, Russell
Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony	Flanagan, Natalie
Flanders, John, Sr	Francoeur, Sheila	Gibbons, Paul	Gleason, John
Grant, Kenneth	Griffin, Mary	Henderson, Warren	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Langley, Jane	Letourneau, Robert
Lovejoy, Marian	McKinney, Betsy	Mikowski, Walter	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Pitts, Jacqueline	Priestley, Anne	Quandt, Marshall	Rabideau, Marie
Reardon, Neil	Rubin, George	Ruffner, Walter	Shelton, Richard
Shultis, Elizabeth	Stritch, C Donald	Varrell, Thomas	Vaughn, Charles
Verani, Giovanni	Weare, Everett	Weatherspoon, Jackie	Welch, David
Weyler, Kenneth	Whittier, John	Zolla, William	
STRAFFORD			
Callaghan, Frank	Cossette, Larry	Dunlap, Patricia	Gilmore, Gary
Kaen, Naida	Knowles, William	McKinley, Robert	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Snyder, Clair	Spear, Barbara
Torr, Franklin	Wall, Janet	Woods, Phyllis	
SULLIVAN			
Burling, Peter	Cloutier, John	Donovan, Thomas, Jr	Jones, Constance
NAYS 98			
BELKNAP			
Lawton, David	Rosen, Ralph		
CARROLL			
Babson, David, Jr	Dickinson, Howard		
CHESHIRE			
Avery, Stephen	Burnham, Daniel	Doucette, Richard	Hunt, John

Lynch, Margaret	McGuirk, Paul	Meader, David	Mitchell, McKim
Pratt, John	Riley, William	Robertson, Timothy	Russell, Ronald
Zerba, Roger			
COOS			
Landers, Dana	Rodrigue, Robert	Woodward, David	
GRAFTON			
Almy, Susan	Densmore, Jessica	Guest, Robert	Hall, David
Ham, Bonnie	Mirski, Paul	Solow, Martha	Ward, Brien
HILLSBOROUGH			
Ahern, Richard	Andrews, Frederick	Bergeron, Lucien	Christiansen, Lars
Desmarais, Vivian	Franks, Suzan	Herman, Keith	Jean, Loren
Lynde, Harold	Martin, Mary	McDonough-Wallace, Alice	McGough, Tim
Mercer, Robert	Moran, Edward	O'Connell, Timothy	Ouellette, Dean
Reidy, Frank	Sarette, John	Vaillancourt, Steve	Wall, Nancy
Williams, Carol			
MERRIMACK			
Anderson, Eric	Brewster, Richard	Chase, George	Davis, Francis
Kennedy, Richard	Lavoie, Gerard	Leber, William	Lockwood, Priscilla
Marple, Richard	Maxfield, Roy	Nichols, Avis	Poulin, Dave
Rodd, Beth	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Whittemore, James	Yeaton, Charles	
ROCKINGHAM			
Corbin, C David	Dolan, Richard	Fesh, Robert	Hutchinson, Rebecca
Kelley, Jane	Kobel, Rudolph	Norelli, Terie	Putnam, Ed, II
Raynowska, Bernard	Sabella, Norma	Sapareto, Frank	Stickney, Nancy
STRAFFORD			
Brennan, William	DeChane, Marlene	Domingo, Baldwin	Estabrook, Iris
Johnson, Nancy	Keans, Sandra	Lent, Donald	Lundborn, Raymond
Rollo, Michael	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Twardus, Joseph	Vachon, Dennis		

SULLIVAN			
Kibbey, David	Phinizy, James	Robb-Theroux, Amy	Tuthill, John

and the report was adopted.

HB 265, relative to the student trustees on the university system of New Hampshire board of trustees. (Report printed in SJ 27, 7/1/99)

Reps. Chandler and Burling spoke in favor

Rep. Jacobson spoke against and yielded to questions.

Rep. Lockwood spoke against.

Rep. Hess spoke in favor and yielded to questions.

motion to special order

Rep. Chandler moved that Committee of Conference report on **HB 265**, relative to the student trustees on the university system of New Hampshire board of trustees, be made a Special Order for the end of the day's calendar.

Adopted.

regular calendar

committee of conference reports on house bills (cont'd.)

HB 616-FN-A, establishing a house study committee to consider issues related to the driver training fund. (Report printed SJ 27, 7/1/99)

Rep. Packard spoke in favor.

Adopted.

HB 664, establishing a study committee on rights of ownership to cemetery plots. (Report printed SJ 27, 7/1/99)

Rep. Patten spoke in favor.

Adopted.

HB 676-FN-A, increasing fees for motor vehicle inspection stickers and establishing motor vehicle inspector positions and making an appropriation therefor. (Report printed SJ 27, 7/1/99)

Rep. Packard spoke in favor.

Adopted.

HB 684, requiring a 2/3 vote of both houses of the general court to increase the rate of the business enterprise tax and making technical corrections to 1999, HB 117. (Report printed SJ 27, 7/1/99)

Rep. Hess spoke in favor and yielded to questions.

Rep. Sapareto spoke against and yielded to questions.

Rep. Vaillancourt spoke against.

On a division vote, 187 members having voted in the affirmative and 101 in the negative, the report was adopted.

HB 689-FN, establishing a committee to study campaign contributions and expenditures. (Report printed SJ 27, 7/1/99)

Rep. Horton spoke in favor.

Adopted.

HB 685-FN-A, relative to the duties of the New Hampshire land and community heritage commission. (Report printed SJ 27, 7/1/99)

Rep. Whalley spoke in favor.

Adopted.

HB 252, establishing a committee to study all aspects of the condominium act established under RSA 356-B. (Report printed SJ 27, 7/1/99)

Rep. Keith Herman spoke in favor and yielded to questions.

Rep. Vachon spoke against.

Rep. DiFruscia spoke against and yielded to questions.

Rep. McGough spoke in favor.

On a division vote, 76 members having voted in the affirmative and 210 in the negative, the report failed.

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. (Report printed SJ 27, 7/1/99)

Rep. Herman spoke in favor.

Rep. Arthur spoke against.

Rep. Chandler spoke in favor and yielded to questions.

Rep. Chandler requested a roll call; sufficiently seconded.

YEAS 210 NAYS 81			
YEAS 210			
BELKNAP			
Bartlett, Gordon	Czech, Stanley	Holbrook, Robert	Johnson, James
Millham, Alida	Pilliod, James	Thomas, John	Turner, Robert
Wood, Jane			
CARROLL			
Bradley, Jeb	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Lyman, L Randy	MacDonald, Kenneth	Patten, Betsey	Sullivan, P Judith
CHESHIRE			
Batchelder, Robert	Burnham, Daniel	Doucette, Richard	Hunt, John
Lerandeau, Alfred	Lynch, Margaret	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Royce, H Charles	Russell, Ronald	Smith, Edwin	Zerba, Roger
COOS			
Davis, Perley	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Mears, Edgar	Tholl, John, Jr	Woodward, David	
GRAFTON			
Akins, Ralph	Almy, Susan	Brothers, Richard	Cobb, John
Copenhaver, Marion	Densmore, Jessica	Dudley, Terri	Eaton, Stephanie
Guest, Robert	Ham, Bonnie	Hinman, Harry	Marshall, Gene
Nordgren, Sharon	Phinney, William	Solow, Martha	Ward, Brien
HILLSBOROUGH			
Ahern, Richard	Andrews, Frederick	Arnold, Thomas, Jr	Beaupre, Roland
Bergin, Peter	Bruno, Pierre	Buckley, Raymond	Calawa, Leon, Jr
Chabot, Robert	Christiansen, Lars	Cote, David	Coughlin, Pamela
Dalianis, Griffin	Dokmo, Cynthia	Durham, Susan	Dwyer, Paul, Sr
Dyer, Merton	Fenton, James	Fields, Dennis	Flora, Kathleen
Ford, Nancy	Foster, Linda	Franks, Suzan	Gagnon, Eugene

Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Goulet, Maurice
Haettenschwiller, Alphonse	Herman, Keith	Holley, Sylvia	Konys, Christine
Kurk, Neal	LaPorte, George	LaRose, Richard	Leishman, Peter
Lessard, Rudy	Lozeau, Donnalee	Martel, Andre	Martin, Mary
McCarty, Winston	McDonough-Wallace, Alice	McGough, Tim	Melcher, Harold
Mercer, Robert	Messier, Irene	Moran, Edward	Mosher, William
Murphy, Robert	O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean
Pappas, Marc	Reidy, Frank	Sarette, John	Sargent, Maxwell
White, Donald	White, John	Withee, Dennis	
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
French, Barbara	Gile, Mary	Hess, David	Leber, William
Lockwood, Priscilla	Maxfield, Roy	Moore, Carol	Nichols, Avis
Poulin, Dave	Rodd, Beth	Wallin, Jean	Wallner, Mary Jane
Whalley, Michael	Whittemore, James	Yeaton, Charles	
ROCKINGHAM			
Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Case, Margaret	Clark, Vivian	Cote, Patricia	Dearborn, Bruce
Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr	Francoeur, Sheila
Gleason, John	Grant, Kenneth	Griffin, Mary	Henderson, Warren
Hutchinson, Rebecca	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Letourneau, Robert
Lovejoy, Marian	McKinney, Betsy	Mikowski, Walter	Morse, Charles
Norelli, Terie	Nowe, Mary Lou	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Pitts, Jacqueline	Priestley, Anne	Rabideau, Marie
Reardon, Neil	Sabella, Norma	Shultis, Elizabeth	Stritch, C Donald
Varrell, Thomas	Vaughn, Charles	Verani, Giovanni	Weatherspoon, Jackie
Welch, David	Whittier, John		
STRAFFORD			

Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
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	Spear, Barbara	Vachon, Dennis	Wall, Janet
Woods, Phyllis			
SULLIVAN			
Burling, Peter	Cloutier, John	Donovan, Thomas, Jr	Jones, Constance
Tuthill, John			

and the report was adopted.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 464, relative to electric rate reduction financing. (Amendment printed SJ 27, 7/1/99)

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

Rep. Norelli spoke in favor.

Adopted.

REMARKS

Rep. Chandler moved that the remarks made by Reps. Norelli and Bradley be printed in the Journal.

Adopted.

Rep. Norelli: Thank you, Madam Speaker. A couple of weeks ago I spent an afternoon testifying on behalf of the Science, Technology and Energy Committee before the Finance Committee and after that a couple of my colleagues on the Finance Committee said to me, "Boy, we don't understand all that stuff you guys do in Science and Technology. We aren't really interested in that, but thank goodness somebody's doing it." I think that view is probably shared by a lot of people, other members of the House, and that's probably the reason that the Speaker has asked Rep. Bradley and myself to do two things with regard to this bill that we're addressing now. One is to put in your seat pockets a summary of House Bill 464 and the second is to give you all the information we can give you this afternoon. Keeping in mind it is late in the day, the last day, this bill deals with an issue that potentially is as significant as Claremont and which has received a lot of media play but almost no attention in the House. Given the time, but also given the significance of the issue in front of us, I'm going to try to make it as pleasant as possible and as clear as possible what it is we would like to accomplish this afternoon.

Back in the mid-90's, as it is today, New Hampshire had the highest electric rates in the country. Consequently, this legislature enacted HB 1392, which was the restructuring legislation, with the intent to bring New Hampshire to competition in electric generation to customer choice. Consequently, we hoped to lower rates in the near term and in the long term. In February, 1997, the Public Utilities Commission issued its final order on restructuring and within a couple of days Public Service of New Hampshire was in court to sue the state.

Rep. Bradley, I believe, is going to give you an update on what the status of that litigation that's currently in federal court in Rhode Island is. But there is one issue that I have heard a couple of people say to me over the last couple of days that they really don't understand and that issue is at the very base of moving from, transitioning from, a monopoly situation that we are in to a competitive situation and that is the concept of stranded costs.

Under a monopoly situation, a utility is guaranteed to recover their prudent investments with a certain rate of return. If it's determined that a utility should invest, let's say \$100,000, in a certain generating asset, then they are guaranteed to recover that \$100,000 with whatever the rate of return is. Over time, the book value of that asset would go down and let's say it gets down to \$60,000, and at that time, for whatever reason, the actual market value of that asset is only \$40,000. Under a regulated, monopoly situation that we have now, the utility would still recover the entire \$60,000. But, as we move to competition, they can only recover the \$40,000 of actual market value, so there is \$20,000 once we get to competition that that utility was told they would recover and all of a sudden there is no place to recover it. That \$20,000 difference in this particular instance is what is known as stranded costs. And that's sort of at the base of all the settlement negotiations and the litigation that's going on.

While this litigation has been going on, simultaneously there have been settlement negotiations. Granite State Electric Company met with various parties to see if they could reach sort of a settlement agreement that would get them in their territory to restructuring. Likewise, Unitil was meeting with various parties to see if they could reach a settlement agreement and PSNH off and on over the last couple of years has been meeting with various parties to see if they could reach a settlement agreement. Granite State Electric and other parties did eventually sign off on a proposed settlement that was filed with the Public Utilities Commission. After that, the PUC held a lengthy, several months, adjudicatory hearing process and at the end of that process approved the settlement agreement with conditions. In other words, they said there are certain changes that you have to make to this settlement in order for us to approve it. In the case of Granite State, they said, "OK, we will accept those changes" and they moved forward with restructuring and customer choice in the Granite State territory. In the case of Unitil, the process was similar; they reached an agreement, filed a proposed settlement with PUC, there was a subsequent hearing process over several months at the end of which the PUC said, "We'll approve this settlement with conditions."

But in the case of Unitil, Unitil did not accept those conditions and that was the end of the settlement. In the case of Public Service of New Hampshire, as I said, over the last couple of year, we have been in and out of negotiations with Public Service of New Hampshire and as probably most of you know, because there has been a lot of press about it lately, they've been in negotiations with the state team for several months and have at last come to some agreement about settling the restructuring.

One thing a lot of people may not recognize is that in the case of Granite State Electric and in the case of Unitil, the legislature played absolutely no part in that process in the sense that there wasn't any legislation that we had to vote on, there wasn't any approval that the legislature had to give either to the Granite State settlement or to the Unitil settlement. But in the case of Public Service of New Hampshire, a lot of people are saying, "What about this settlement? Should we approve it?"

So the question is, what makes the Public Service of New Hampshire settlement any different from the Granite State or the Unitil settlement? And that is, that the Public Service settlement includes, as part of that settlement, a refinancing mechanism that's known as securitization. And again, I believe, Rep. Bradley is going to talk a little bit more about what that exactly is. But the key point here is that it requires legislation by this body. That process is not going to take place today. That's not what we are voting on today. That process will, in fact, take place, the consideration of whether or not to pass securitization won't take place until early next session.

In a sense, because securitization is intimately tied to the settlement agreement, voting on securitization, in essence, is a vote on the settlement agreement. So, in the case of Public Service of New Hampshire, in fact, the legislature will play a very significant role.

So, I just want to take a second and let you know what the process is that we will be going through. Currently, the parties have filed with the Public Utilities Commission, a memorandum of understanding. That's a document that is roughly 25 pages and it outlines in broad respect the settlement agreement that the parties have reached. By August, it is anticipated that the parties will file with the Public Utilities Commission a very detailed settlement agreement. After that, just as in the case of Granite State and Unitil, there will be a long hearing process at the end of which the Public Utilities Commission will have three options. They can approve the settlement, they can reject the settlement or they can approve the settlement with certain conditions. If the last case happens to be what happens, then Public Service would be able to accept or reject those conditions. At the end of that, if there is an agreement, then the legislature would have to consider, at that time, whether or not to authorize securitization. The question that we will have to answer, each and every one of us at that time, is, "Is the deal (that's presented to us at that time) good enough for us to say yes to securitization or is it not good enough?" Consequently, that's what House Bill 464 is all about. House Bill 464 does several things. The first is it sets out some legislative principles about what we think should happen in terms of customer benefits, before we would approve securitization. And again, I think Rep. Bradley is going to go over those principles - what they are and why we think they are important. The second thing that it does is to authorize the legislature to hire an independent consultant that would review and analyze both the settlement and securitization, and report back to the legislature through the Electric Utilities Restructuring Oversight Committee, as well as the House Science committee and the Senate Energy committee; make a report back to us about their analysis of the settlement and securitization. The legislation authorizes up to \$50,000 to do that; that money does not come out of the General Fund. It would be an assessment against the electric utilities. The third thing that this legislation does has to do with the fact the parties to the memorandum of understanding have asked the Public Utilities Commission to suspend various dockets that are currently pending before the Public Utilities Commission. These have to do with the FPPAC agreement and the rate base case. In this legislation, what we have said to the Commission is just not to be so quick to do that. To please encourage all the participants to file testimony and exhibits and data requests; and the reason for doing this is so that the Commission can build up a factual record that both the Commission and we in the legislature, come January or so, can use as a benchmark to compare the settlement agreement against other options. For instance, the option of what happens if there is no settlement agreement. The fourth thing that HB 464 does is to allow the Commission to hold hearings relative to securitization simultaneously as they are holding the hearings on settlement. It also allows them to issue a conditional securitization order which would have to be, at some future time if the legislature so chooses to do so, approved by the legislature. This would happen, as I said, probably in January and we would actually have four different options at that time. At that time there would be a settlement, there might be an issue on securitization, an order on securitization issued by the Commission and we would have four options.

One option would be to approve securitization; the second option would be to reject securitization; and then we have a couple of options somewhere in between. One, as I see it, is similar to what the Commission has done in the Granite State and Unitil settlement agreements and that is we could

approve securitization with some conditions on it. We get to decide the dollar amount so, for example, one condition might be a different dollar amount than the Commission has recommended. The last option that the legislature would have at that time would be to say back to the Public Utilities Commission, "Well, you know what? We are not happy with the information you have given us; we really think you need to take another look at this; go ahead and hold some more hearings."

So, I think that in January, once we have had an opportunity to have all of this information, we have four options at our disposal at that time. We will be in good shape. The question that I have been asked by many people since the memorandum of understanding has come out is, "Is this a good deal?", and that's something I think is still to be determined; and that's exactly why we need to pass HB 464 today because we need to let the Commission know what the principles are that the legislature thinks are important before we pass securitization. We need to have the input of an independent consultant who can analyze the settlements securitization and report back to the House. And we need to have as much information about the pending rate case to be able to have a benchmark against which each and every one of us can compare the settlement agreement to know whether or not it's a good deal. Without HB 464, I don't believe we would be in as good a position to make the best judgement that we can make, and I don't believe the Commission would be in the best position to obtain the most concessions that they can on behalf of the ratepayers. So, I would ask each and every one of you, please, to support the concurrence with Senate amendments on HB 464. I tried to get Rep. Bradley to let me field only the easiest of questions but I think what we will do is defer questions until after he had a chance to fill you in on the rest of the details. But I would remind everybody that this is a very, very important issue that has potential, significant consequences for electric ratepayers in New Hampshire and that not only today, but between now and January when we have to vote on this, to talk to as many members of the Science, Technology and Energy Committee with as many questions as you have, get them all answered, keep asking them between now and January. Thank you, Madam Speaker

Rep. Bradley: Thank you, Madam Speaker. I know that at 4:45 p.m. on a hot day, I am taking my life in my hands when I get up here and I thank you very much for your attention. As Rep. Norelli indicated, I was going to speak about the history of this situation. We know it has been awful for 25 years so I don't think I need to go into that any more. The impact that having the highest average electric rate in the nation in New Hampshire – trust me, it's bad – and talk about the litigation, it's going terribly, I ought to move concurrence right now, Madam Speaker, but let me just say a couple of things to reiterate what Rep. Norelli said.

This bill does not approve this settlement or securitization. It sets up a process where all 400 of us and our 24 colleagues in the Senate will have ample opportunity and information to decide if the way that the settlement is proceeding is good and should be approved or needs to be approved, which I happen to believe it does, or should be rejected. The principles lay out the quid pro quos that we expect, the concessions from Public Service of New Hampshire. For you legislators who represent New Hampshire Electric Cooperative customers, there is a very key ingredient in here on an offer that has to be submitted from PSNH to resolve the Cooperative situation. As Rep. Norelli said, there are strong benchmark provisions in this legislation that we will have that adequate information so that our experts at the commission can look at this and advise us and we'll know where we are proceeding. There is language in here for a consultant that will help us in the independent review that's absolutely necessary. Madam Speaker, I'll just include by saying the process, the involvement, the public hearings that this bill seeks to create, as the color of our extensive handout shows, is designed to shed some sunshine and the light of ample discussion and debate by all New Hampshire citizens. That's what this bill is about and I would maintain it differs completely from the process of 1989. I believe that members of the legislature have learned from that process and will not repeat it again. Thank you.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 729, adding social clubs recognized by the Internal Revenue Service to the definition of "charitable organization" for purposes of the laws governing raffles. (Amendment printed SJ 27, 7/1/99)

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

Adopted.

HB 601, allowing the assistant commissioner of corrections to assume the duties of the commissioner in the event that the commissioner is unable to perform such duties, correcting out-of-date references and phraseology pertaining to the department of corrections, adding the position of warden of the Northern New Hampshire Correctional Facility to the unclassified system, and changing the personnel group status of the warden of the lakes region facility. (Amendment printed SJ 27, 7/1/99)

Rep. Goulet moved that the House concur, spoke in favor and yielded to questions.

On a division vote, 150 members voting in the affirmative and 118 in the negative, the motion was adopted.

HB 208-FN, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to deter sprawl. (Amendment printed SJ 27, 1/7/99)

Rep. Hess moved that the House nonconcur and spoke in favor.

Adopted.

NONCONCURRENCES

HB 603, relative to the performance audit and oversight committee

HB 661-L, relative to the scope of abatement appeals.

REREFERRED TO COMMITTEE

HB 75, changing the number required for a quorum on the commission for human rights

HB 448, relative to the board of dental examiners and the regulation of dentists and dental hygienists.

CONCURRENCES

HB 653-FN-A, increasing the personal needs allowance of nursing home residents and residents of residential care facilities and community residences and making an appropriation therefor.

HB 709-FN-A-L, relative to the railroad tax.

AMENDMENT TO HOUSE RULES

Reps. Chandler and Burling offered the following:

Amendment (1957h)

Amend House Rule 64 by inserting the following after the July 1, 1999 entry:

September 7, 1999, Tuesday

First day that requests for drafting of bills for introduction in the second year session may be filed with the Office of Legislative Services.

October 7, 1999, Thursday

Last day to file bill drafting requests.

November 1, 1999, Monday

Last day to report all re-referred bills from the first year session.

November 10, 1999, Wednesday

Last day to file legislation relating to subject matter of study committees.

November 22, 1999, Monday

Last day to sign off all bills requiring fiscal notes (FNs) and study committee bills. Sign off shall be 10 calendar days after receipt by the sponsor of the draft legislation or November 22, whichever day is earlier.

December 6, 1999, Monday

Last day to sign off all other bills. Sign-off shall be 10 calendar days after receipt by the sponsor of the draft legislation or December 6, whichever day is earlier.

December 21, 1999, Tuesday

Availability of chairmen's copies of all bills and resolutions.

Rep. Lozeau spoke in favor.

Adopted.

governor's veto message on house bill 527

June 25, 1999

To the Honorable Members of the General Court:

I have this day vetoed House Bill 527, An Act relative to the duties of the public utilities commission.

Section 2 of H.B. 527 repeals the existing state ethics law prohibiting the members of the Public Utilities Commission and senior staff of the commission from future employment with regulated utilities for two years and replaces it with a less rigorous restriction that covers fewer commission employees.

Under existing state law, "[n]o commissioner, executive director, finance director, general counsel, ombudsman or chief engineer of the commission shall accept any employment with any utility under the control of the commission until 2 years after he shall become separated from the commission." RSA 363:12-b.

Section 2 of H.B. 527 would replace that law with the following less restrictive provision: "For one year after leaving the employment of the commission, the commissioners and general counsel shall not appear as a lobbyist or as an advocate in any matter over which the commissioner or general counsel had direct responsibility while with the commission."

It is incumbent on public servants at all times to avoid both real and perceived conflicts between their personal financial interests and the interests of the people they serve. To make an ethics law covering the Public Utilities Commission less rigorous, particularly now, when two industries regulated by the Public Utilities Commission - the electric industry and the telecommunications industry - are currently undergoing significant structural changes that have immense financial implications, threatens to diminish people's faith in the integrity of government.

I would support the enactment into law of the remaining sections of H.B. 527 and have so advised the sponsor of this legislation, who has indicated his support for this veto.

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto shall **HB 527**, relative to the duties of the public utilities commission, become law?

Rep. Bradley spoke against.

As required by the State Constitution, a roll call was taken.

YEAS 19 NAYS 261			
YEAS 19			
BELKNAP			
Pilliod, James	Turner, Robert		
CARROLL			
Lyman, L Randy			
CHESHIRE			
Smith, Edwin			
COOS			

None			
GRAFTON			
Akins, Ralph	Scanlan, David		
HILLSBOROUGH			
Christiansen, Lars	Dyer, Merton		
MERRIMACK			
Asplund, Bronwyn	Whalley, Michael	Whittemore, James	
ROCKINGHAM			
Christie, Andrew, Jr	Grant, Kenneth	Mikowski, Walter	Quandt, Marshall
Ruffner, Walter	Sapareto, Frank	Stritch, C Donald	Weyler, Kenneth
STRAFFORD			
None			
SULLIVAN			
None			
NAYS 261			
BELKNAP			
Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Millham, Alida	Rosen, Ralph	Thomas, John
Wendelboe, Francine	Wood, Jane		
CARROLL			
Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Mock, Henry	Patten, Betsey
Philbrick, Donald			
CHESHIRE			
Batchelder, Robert	Burnham, Daniel	Doucette, Richard	Hunt, John
Lerandeau, Alfred	Lynch, Margaret	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	Guay, Lawrence	Horton, Lynn	Landers, Dana
Mears, Edgar	Tholl, John, Jr	Woodward, David	
GRAFTON			
Almy, Susan	Brothers, Richard	Cobb, John	Copenhaver, Marion
Densmore, Jessica	Dudley, Terri	Eaton, Stephanie	Gilman, G Michael
Guest, Robert	Hall, David	Ham, Bonnie	Harmon, Hobart
Hinman, Harry	Marshall, Gene	Nordgren, Sharon	Phinney, William
Solow, Martha	Ward, Brien	Weber, Phil	
HILLSBOROUGH			
Ahern, Richard	Andrews, Frederick	Arnold, Thomas, Jr	Arthur, Rose
Batula, Peter	Beaupre, Roland	Bergeron, Lucien	Bergin, Peter
Brundige, Robert	Bruno, Pierre	Buckley, Raymond	Calawa, Leon, Jr
Carlson, Donald	Chabot, Robert	Clegg, Robert, Jr	Clemons, Jane
Cote, David	Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Dokmo, Cynthia	Drabinowicz, A	Durham, Susan
Dwyer, Paul, Sr	Fenton, James	Fields, Dennis	Flora, Kathleen
Ford, Nancy	Foster, Linda	Franks, Suzan	Gagnon, Eugene
Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth	Gorman, Mary
Goulet, Maurice	Haettenschwiller, Alphonse	Hall, Betty	Herman, Keith
Holley, Sylvia	Jean, Loren	Keye, Harvey	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaPorte, George	LaRose, Richard
Lasky, Bette	Leishman, Peter	Leonard, Peter	Lozeau, Donnalee
MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston	McDonough-Wallace, Alice
McGough, Tim	Melcher, Harold	Mercer, Robert	Messier, Irene
Moran, Edward	Moriarty, Mary	Mosher, William	Murphy, Robert
O'Hearn, Jane	Ouellette, Dean	Pappas, Marc	Peterson, Andrew
Reeves, Sandra	Reidy, Frank	Sarette, John	Sargent, Maxwell
Simon, Anthony	Thulander, O Alan	Turgeon, Roland	Vaillancourt, Steve
Wall, Nancy	White, Donald	White, John	Williams, Carol
MERRIMACK			

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Hess, David
Jacobson, Alf	Kennedy, Richard	Langer, Ray	Larrabee, David, Sr
Leber, William	Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth
Moore, Carol	Nichols, Avis	Potter, Frances	Poulin, Dave
Rodd, Beth	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Blanchard, MaryAnn	Case, Margaret	Clark, Vivian
Cooney, Richard	Cote, Patricia	Cox, Russell	Dearborn, Bruce
DiFruscia, Anthony	Dolan, Richard	Fesh, Robert	Flanagan, Natalie
Flanders, John, Sr	Francoeur, Sheila	Gibbons, Paul	Gleason, John
Griffin, Mary	Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph
Langley, Jane	Letourneau, Robert	Lovejoy, Marian	Morse, Charles
Norelli, Terie	Nowe, Mary Lou	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Pitts, Jacqueline	Priestley, Anne	Putnam, Ed, II
Rabideau, Marie	Raynowska, Bernard	Reardon, Neil	Sabella, Norma
Shelton, Richard	Shultis, Elizabeth	Stickney, Nancy	Varrell, Thomas
Vaughn, Charles	Verani, Giovanni	Weare, Everett	Weatherspoon, Jackie
Welch, David	Whittier, John	Zolla, William	
STRAFFORD			
Brennan, William	Cossette, Larry	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Lent, Donald	McKinley, Robert
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Spear, Barbara
Torr, Franklin	Twardus, Joseph	Vachon, Dennis	Wall, Janet
Woods, Phyllis			

SULLIVAN			
Burling, Peter	Cloutier, John	Donovan, Thomas, Jr	Jones, Constance
Kibbey, David	Phinizy, James		

and lacking the necessary two-thirds, the veto was sustained.

Reps. Pilliod, Stritch and Whalley voted Yea and intended to vote Nay.

special order

committee of conference report on house bill 265

HB 265, relative to the student trustees on the university system of New Hampshire board of trustees. (Report printed SJ 27, 7/1/99)

Reps. O'Hearn, Burling, Lockwood and Chandler spoke in favor.

Reps. Rabideau and Peterson spoke against and yielded to questions.

Rep. Jacobson spoke against.

Rep. John Pratt spoke in favor and yielded to questions.

Rep. Zolla requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 232 NAYS 47			
YEAS 232			
BELKNAP			
Bartlett, Gordon	Czech, Stanley	Holbrook, Robert	Johnson, James
Millham, Alida	Pilliod, James	Rosen, Ralph	Thomas, John
Turner, Robert	Wood, Jane		
CARROLL			
Babson, David, Jr	Chandler, Gene	Dickinson, Howard	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	
CHESHIRE			
Batchelder, Robert	Burnham, Daniel	Doucette, Richard	Hunt, John
Lerandeau, Alfred	Lynch, Margaret	McGuirk, Paul	Meador, David

Pratt, Irene	Pratt, John	Riley, William	Roberts, William
Robertson, Timothy	Rose, William	Royce, H Charles	Russell, Ronald
Smith, Edwin	Zerba, Roger		
COOS			
Davis, Perley	Guay, Lawrence	Horton, Lynn	Landers, Dana
Mears, Edgar	Tholl, John, Jr	Woodward, David	
GRAFTON			
Akins, Ralph	Almy, Susan	Cobb, John	Copenhaver, Marion
Densmore, Jessica	Dudley, Terri	Eaton, Stephanie	Gilman, G Michael
Ham, Bonnie	Hinman, Harry	Marshall, Gene	Nordgren, Sharon
Phinney, William	Solow, Martha	Ward, Brien	
HILLSBOROUGH			
Ahern, Richard	Andrews, Frederick	Arnold, Thomas, Jr	Arthur, Rose
Batula, Peter	Bergeron, Lucien	Bergin, Peter	Brundige, Robert
Bruno, Pierre	Buckley, Raymond	Calawa, Leon, Jr	Carlson, Donald
Chabot, Robert	Clegg, Robert, Jr	Cote, David	Coughlin, Pamela
Dalianis, Griffin	Desmarais, Vivian	Dokmo, Cynthia	Drabinowicz, A
Durham, Susan	Dwyer, Paul, Sr	Fenton, James	Fields, Dennis
Flora, Kathleen	Ford, Nancy	Foster, Linda	Franks, Suzan
Gagnon, Eugene	Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth
Gorman, Mary	Goulet, Maurice	Haettenschwiller, Alphonse	Herman, Keith
Holley, Sylvia	Jean, Loren	Keye, Harvey	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lasky, Bette
Leonard, Peter	Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre
McCarty, Winston	McDonough-Wallace, Alice	McGough, Tim	Melcher, Harold
Mercer, Robert	Messier, Irene	Moran, Edward	Moriarty, Mary
Mosher, William	Murphy, Robert	O'Hearn, Jane	Pappas, Marc
Reeves, Sandra	Reidy, Frank	Sarette, John	Sargent, Maxwell
Thulander, O Alan	Turgeon, Roland	White, Donald	White, John

MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Chase, George	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
French, Barbara	Gile, Mary	Hager, Elizabeth	Hess, David
Langer, Ray	Larrabee, David, Sr	Leber, William	Lockwood, Priscilla
Marshall, Kenneth	Moore, Carol	Nichols, Avis	Potter, Frances
Poulin, Dave	Rodd, Beth	Seldin, Gloria	St Cyr, Gerard
Wallin, Jean	Wallner, Mary Jane	Whalley, Michael	Whittemore, James
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Bishop, Franklin
Blanchard, MaryAnn	Case, Margaret	Christie, Andrew, Jr	Clark, Vivian
Cooney, Richard	Cote, Patricia	Cox, Russell	Dearborn, Bruce
Fesh, Robert	Flanders, John, Sr	Francoeur, Sheila	Gleason, John
Griffin, Mary	Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph
Langley, Jane	Letourneau, Robert	Mikowski, Walter	Morse, Charles
Norelli, Terie	Nowe, Mary Lou	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Pitts, Jacqueline	Priestley, Anne	Reardon, Neil
Ruffner, Walter	Shelton, Richard	Shultis, Elizabeth	Stickney, Nancy
Stritch, C Donald	Varrell, Thomas	Vaughn, Charles	Verani, Giovanni
Weatherspoon, Jackie	Welch, David	Whittier, John	
STRAFFORD			
Brennan, William	Cossette, Larry	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Kaen, Naida	Keans, Sandra
Knowles, William	Lent, Donald	McKinley, Robert	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Spear, Barbara	Torr, Franklin
Twardus, Joseph	Vachon, Dennis	Wall, Janet	Woods, Phyllis
SULLIVAN			
Burling, Peter	Cloutier, John	Donovan, Thomas, Jr	Jones, Constance

Kibbey, David	Phinizy, James	Tuthill, John	
NAYS 47			
BELKNAP			
Wendelboe, Francine			
CARROLL			
Bradley, Jeb	Howard, Godfrey	Kenney, Joseph	
CHESHIRE			
Mitchell, McKim	Richardson, Barbara		
COOS			
None			
GRAFTON			
Hall, David	Harmon, Hobart	Scanlan, David	Weber, Phil
HILLSBOROUGH			
Beaupre, Roland	Christiansen, Lars	Clemons, Jane	Daniels, Gary
Dyer, Merton	Hall, Betty	LaPorte, George	Leishman, Peter
Martin, Mary	Peterson, Andrew	Simon, Anthony	Vaillancourt, Steve
Wall, Nancy	Williams, Carol		
MERRIMACK			
Fortnam, Janet	Fraser, Marilyn	Jacobson, Alf	Kennedy, Richard
Marple, Richard	Virtue, Carolyn		
ROCKINGHAM			
Beaulieu, Jon	DiFruscia, Anthony	Dolan, Richard	Flanagan, Natalie
Gibbons, Paul	Grant, Kenneth	Lovejoy, Marian	Putnam, Ed, II
Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard	Sabella, Norma
Sapareto, Frank	Weare, Everett	Weyler, Kenneth	Zolla, William
STRAFFORD			
Johnson, Nancy			
SULLIVAN			
None			

and the report was adopted.

RESOLUTION

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

Adopted.

unanimous consent

Reps. Buckley, Kennedy and Dickinson addressed the House.

personal privilege

Rep. Fields addressed the House.

RECESS MOTION

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

Adopted.

The House recessed at 6:10 p.m.

RECESS

(Speaker Sytek in the Chair)

ENROLLED BILL AMENDMENT

HB 112-FN-A, increasing the cigarette tax.

Amendment (1967-EBA)

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

AN ACT increasing the tobacco tax and dedicating a portion of tobacco settlement funds to a tobacco use prevention fund.

Adopted.

RECESS

(Rep. Jacobson in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 112, 225, 231, 263, 270, 301, 324, 356, 364, 381, 421, 473, 485, 486, 546, 574, 606, 675, 688, 720, 742 and House Joint Resolution 2; and Senate Bills numbered 103, 107, 110, 118, 159, 164, 168, 220 and 230.

Rep. Ronald J. Nowe and Sen. D'Allesandro for the Committee

ENROLLED BILL AMENDMENTS

SB 27, relative to assessment fee schedules for trust companies and banks. (Amendment printed in SJ 27, 7/1/99).

Adopted.

SB 177, allowing marriage and family therapists to obtain third party payment for services rendered which would otherwise qualify for such payments. (Amendment printed in SJ 27, 7/1/99)

Adopted.

SB 223-FN-A, establishing a wellness and primary prevention council. (Amendment printed in SJ 27, 7/1/99)

Adopted.

RECESS

(Rep. Bradley in the Chair)

ENROLLED BILL AMENDMENTS

HB 25-FN-A, making appropriations for capital improvements.

Amendment (1976-EBA)

Amend subparagraph II, A, 15 of section 1 of the bill by replacing line 1 with the following:

15. Light replacement – health and human services building*
389,050

Amend paragraph I of section 6 of the bill by replacing line 5 with the following:

been published at least once in each of 2 successive calendar weeks in a newspaper of general

Amend section 13 of the bill by replacing line 5 with the following:

appropriation of state funds therefor shall be reduced by the same proportion as the proportion by

Amend section 17 of the bill by replacing lines 1-3 with the following:

17 Appropriation; Payment of Bonds and Notes; Department of Regional Community-Technical Colleges; Early Childhood Laboratory School.

I. The sum of \$427,400 is appropriated to the department of regional community-technical colleges for the

Amend section 20 of the bill by replacing line 2 with the following:

Amend 1995, 309:1, XII, A, 2 as extended by 1997, 349:34, XXVIII to read as follows:

Amend section 23 of the bill by replacing line 2 with the following:

as amended by 1998, 226:2 to read as follows:

Amend section 26 of the bill by replacing line 1 with the following:

26 Capital Budget; 1997 HB 25-A; Amounts Increased; Department of

Amend section 27 of the bill by replacing line 1 with the following:

27 Capital Budget; 1997 HB 25-A; Total Appropriation Section 1, Paragraph II, Subparagraph A Increased.

Amend section 29 of the bill by replacing lines 2-3 with the following:

Added. Amend 1995, 310:191, as amended by 1997, 349:31 and 1998, 276:2, as extended by 1997, 349:34, XXXVII and 1998, 276:3 to read as follows:

Amend paragraph I of section 32 of the bill by replacing lines 1-2 with the following:

I. The appropriation made to the department of transportation in 1989, 367:1, XII, A, 1, as extended by 1991, 351:27, II(l), 1992, 289:60, VII, 1993, 359:20, V, 1995, 309:32, VII,

Amend paragraph III of section 32 of the bill by replacing line 2 with the following:

B as extended by 1994, 171:1 for the state revolving fund match.

Amend paragraph VII of section 32 of the bill by replacing line 2 with the following:

II, A, 10 and 11, as amended by section 26 of this act, for parking garage repairs at the legislative office building and Storrs Street

Amend paragraph IX of section 32 of the bill by replacing lines 1-2 with the following:

IX. The appropriation made to the department of corrections in 1995, 309:1, IV, L as extended by 1997, 349:34, XVIII for the construction of boilers, N.H. state prison for women,

Amend paragraph XVI of section 32 of the bill by replacing lines 2-3 with the following:

310:191, as amended by 1997, 349:31 and 1998, 276:2, as extended by 1997, 349:34, XXXVII and 1998, 276:3, and as amended by section 29 of this act for design and renovation of APS-B-wing, M

Amend paragraph XXXIII of section 32 of the bill by replacing line 2 with the following:

commissioner's office in 1997, 349:1, VII, F, as amended by 1998, 276:1, for the Brown Building

Amend paragraph XL of section 32 of the bill by replacing line 2 with the following:

1998, 226:2 and as amended by section 23 of this act for Dover Point substation addition, warehouse/Epping station.

Amend the bill by inserting after section 32 the following and renumbering the original section 33 to read as 34:

33 Capital Budget; 1997 HB 25-A; Total Appropriation Section 1, Paragraph II Increased.

Amend the total state appropriation for 1997, 349:1, II to read as follows:

Total state appropriation paragraph II [~~\$7,971,000~~] **\$8,081,500.**

Adopted.

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

Amendment (1969-EBA)

Amend RSA 227-C:29, I as inserted by section 1 of the bill by replacing line 2 with the following:

any other matter necessary to the administration of this subdivision, an advisory committee to the division of

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

3 Authorization for Contingent Renumbering. If any other act of the 1999 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into paragraph I of such section becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any RSA sections inserted by this or any other act as necessary to conform said sections to proper RSA format. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1999 session laws.

Adopted.

Amendment (1980-EBA)

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

AN ACT establishing a committee to study the date of decision for appeals of zoning matters.

Adopted.

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

Amendment (1968-EBA)

Amend RSA 261:64, I as inserted by section 3 of the bill by replacing lines 9-12 with the following:

for equipment that weighs up to 7,500 lbs., the fee shall be \$25; for equipment from 7,501 lbs. to 15,000 lbs., the fee shall be \$50; for equipment from 15,001 lbs. to 50,000 lbs., the fee shall be \$100; for equipment from 50,001 lbs. to 80,000 lbs., the fee shall be \$200; and for all equipment over 80,000 lbs., the fee shall be \$300.

Adopted.

SB 28, relative to food production and distribution and food service licensure. (Amendment printed SJ 27, 7/1/99)

Adopted.

SB 58, allowing clinical mental health counselors to obtain third party payment for services rendered which would otherwise qualify for such payments. (Amendment printed SJ 27, 7/1/99)

Adopted.

SB 67, limiting liability resulting from the use of automatic external defibrillation. (Amendment printed SJ 27, 7/1/99)

Adopted.

SB 189, relative to the establishment of civil rights act. (Amendment printed SJ 27, 7/1/99)

Adopted.

SB 201-FN, reclassifying non-support as a felony under certain circumstances. (Amendment printed SJ 27, 7/1/99)

Adopted.

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills 2, 94, 213, 216, 272, 331, 367, 369, 410, 451, 498, 492, 545, 559, 608, 626, 650, 652, 664, 670, 685, 687, 722, 738, 739 and 741, and Senate Bills 12, 20, 27, 32, 37, 53, 62, 78, 99, 102, 104, 131, 172, 175, 177, 182, 187, 191, 192, 195, 197, 198, 217 and 223.

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

RECESS

(Rep. Christie in the Chair)

enrolled bill amendments

HB 69, relative to the definition of employee under certain labor laws and relative to overtime pay for hourly employees.

Amendment (1973-EBA)

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

AN ACT relative to the definition of employee under certain labor laws.

Adopted.

HB 265, relative to the student trustees on the University System of New Hampshire board of trustees.

Amendment (1987-EBA)

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

AN ACT relative to the student trustees on the university system of New Hampshire board of trustees, adequate education grants in cooperative school districts, kindergarten program funding, and the adequate education grant in the town of Stratford.

Adopted.

HB 291, establishing a study committee for seed sterilization technology or "terminator" technology.

Amendment (1990-EBA)

Amend section 2 of the bill by replacing line 7 with the following:

members of the senate environment committee and one member of the senate energy and economic development

Adopted.

HB 491, relative to qualifying examinations for individuals seeking driver's licenses, and driver education course requirements.

Amendment (1978-EBA)

Amend the bill by replacing section 4 with the following:

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

263:19 Driver Education.

I. A driver's license may be issued subject to the provisions of this chapter to a person under the age of 18 years who has attained his sixteenth birthday, if such person shall present a certificate of successful completion of a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety or given by a motor vehicle drivers' school licensed under the provisions of this chapter. An approved driver education course, whether conducted by a secondary school or by a school licensed under this chapter, shall consist of both classroom instruction and behind the wheel driver training **of not less than 10 hours**, in accordance with rules adopted pursuant to RSA 541-A, published jointly by the commissioner of education and the commissioner of safety, such standards to be not less than those presently required. The department of safety, by the nature of its function, shall be held ultimately responsible for setting and maintaining the quality standards for driver education in the state, aided and facilitated by the department of education. This authority shall apply uniformly over both secondary school courses and private motor vehicle drivers' school courses.

II. *To qualify for a driver's license under this section, a person under the age of 18 shall also certify the completion of 20 hours of additional supervised driving time under the supervision of a licensed parent or guardian, or, if there is no licensed parent or guardian, under the supervision of a licensed adult over the age of 25. The commissioner shall adopt rules relative to the method of certification.*

III. *Any person who wishes to obtain a motorcycle endorsement shall not be required to complete the 20 hours of practice driving time specified in paragraph II, but shall successfully complete a program authorized pursuant to RSA 263:34-b and shall be exempt from RSA 263:14, II(c) while operating a motorcycle.*

Adopted.

HB 563, relative to names of limited liability partnerships and companies and cooperative associations.

Amendment (1972-EBA)

Amend RSA 293-A:4.01(b) as inserted by section 2 of the bill by replacing line 17 with the following:

[40] **(6)** the name of any political party recognized under RSA652:11, unless written

Adopted.

HB 576-FN-A, establishing additional staff positions for statewide child custody and support impact seminars, and making an appropriation therefor.

Amendment (1979-EBA)

Amend the bill by replacing section 2 with the following:

2 Child Custody and Support Impact Seminars; Positions Created. There are hereby created 3 full-time court assistant III positions and one-part-time court assistant III position within the child custody and support impact program for the purpose of managing statewide child custody and support impact seminars pursuant to RSA 458-D.

Adopted.

HB 601, allowing the assistant commissioner of corrections to assume the duties of the commissioner in the event that the commissioner is unable to perform such duties, correcting out-of-date references and phraseology pertaining to the department of corrections, adding the position of warden of the Northern New Hampshire Correctional Facility to the unclassified system, replacing the superintendent of the lakes region facility with a warden in the salary classification table and replacing the superintendent of the New Hampshire state prison for women with a warden in the salary classification table.

Amendment (1984-EBA)

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

AN ACT allowing the assistant commissioner of corrections to assume the duties of the commissioner in the event that the commissioner is unable to perform such duties, correcting out-of-date references and phraseology pertaining to the department of corrections, changing the salary group of the warden of the northern New Hampshire correctional facility in the unclassified system, replacing the superintendent of the lakes region facility with a warden in the salary classification table and replacing the superintendent of the New Hampshire state prison for women with a warden in the salary classification table.

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Clarification of Term. Amend RSA 651:6 by inserting after paragraph I the following new paragraph:

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

Amend section 5 of the bill by inserting after paragraph III the following new paragraph:

IV. Deleting in group N:

Warden, northern New Hampshire correctional facility, department of corrections

Amend the bill by replacing section 6 with the following:

6 Applicability of Salary Classifications. The warden of the northern New Hampshire correctional facility (formerly the Berlin prison facility) on the effective date of this act shall become the unclassified warden at the salary step in group O which is not less than step 4 in group N.

Amend RSA 622:2-a as inserted by section 8 of the bill by replacing line 1 with the following:

622:2-a ~~[Warden]~~ **Wardens**. The ~~[warden]~~ **wardens** of the New Hampshire state ~~[prison for men]~~ **prisons** shall

Adopted.

HB 616-FN-A, establishing a house study committee to consider issues related to the driver training fund and exempting persons covered under the Americans with Disabilities Act from certain drivers's license requirements.

Amendment (1982-EBA)

Amend the bill by replacing all after section 6 with the following:

7 Waiver of Certain License Requirements; Version Incorporating HB 566. RSA 263:19 is repealed and reenacted to read as follows:

263:19 Driver Education.

I. A driver's license may be issued subject to the provisions of this chapter to a person under the age of 18 years who has attained his sixteenth birthday, if such person shall present a certificate of successful completion of a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety or given by a motor vehicle drivers' school licensed under the provisions of this chapter. An approved driver education course, whether conducted by a secondary school or by a school licensed under this chapter, shall consist of both classroom instruction and behind the wheel driver training, in accordance with rules adopted pursuant to RSA 541-A, published jointly by the commissioner of education and the commissioner of safety, such standards to be not less than those presently required. The department of safety, by the nature of its function, shall be held ultimately responsible for setting and maintaining the quality standards for driver education in the state, aided and facilitated by the department of education. This authority shall apply uniformly over both secondary school courses and private motor vehicle drivers' school courses.

II. Any person wishing to qualify for a driver's license who submits proof that the person has a disability covered by the Americans with Disabilities Act may request a waiver of a requirement of this section from the commissioner. The commissioner or his or her agents may approve such requests at their discretion.

8 Waiver of License Requirements; Contingent Version for HB 491. RSA 263:19 is repealed and reenacted to read as follows:

263:19 Driver Education.

I. A driver's license may be issued subject to the provisions of this chapter to a person under the age of 18 years who has attained his sixteenth birthday, if such person shall present a certificate of successful completion of a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety or given by a motor vehicle drivers' school licensed under the provisions of this chapter. An approved driver education course, whether conducted by a secondary school or by a school licensed under this chapter, shall consist of both classroom instruction and behind the wheel driver training of not less than 10 hours, in accordance with rules adopted pursuant to RSA 541-A, published jointly by the commissioner of education and the commissioner of safety, such standards to be not less than those presently required. The department of safety, by the nature of its function, shall be held ultimately responsible for setting and maintaining the quality standards for driver education in the state, aided and facilitated by the department of education. This authority shall apply uniformly over both secondary school courses and private motor vehicle drivers' school courses.

II. To qualify for a driver's license under this section, a person under the age of 18 shall also certify the completion of 20 hours of additional supervised driving time under the supervision of a licensed parent or guardian, or, if there is no licensed parent or guardian, under the supervision of a licensed adult over the age of 25. The commissioner shall adopt rules relative to the method of certification.

III. Any person who wishes to obtain a motorcycle endorsement shall not be required to complete the 20 hours of practice driving time specified in paragraph II, but shall successfully complete a program authorized pursuant to RSA 263:34-b and shall be exempt from RSA 263:14, II(c) while operating a motorcycle.

IV. Any person wishing to qualify for a driver's license who submits proof that the person has a disability covered by the Americans with Disabilities Act may request a waiver of a requirement of this section from the commissioner. The commissioner or his or her agents may approve such requests at their discretion.

9 Contingency. If HB 491 of the 1999 legislative session becomes law, section 8 of this act shall take effect at 12:01 a.m. on the day that HB 491 takes effect. If HB 491 does not become law, section 8 of this act shall not take effect.

10 Effective Date.

I. Section 7 of this act shall take effect August 27, 1999 at 12:01 a.m..

II. Section 8 of this act shall take effect as provided in section 9 of this act.

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

Adopted.

HB 684, requiring a 2/3 vote of both houses of the general court to increase the rate of the business enterprise tax and making technical corrections to 1999, HB 117.

Amendment (1983-EBA)

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

3 Utility Property Tax; Definitions. Amend RSA 83-F:1, IV and V to read as follows:

IV. [~~"Utility property owner" means any person, partnership, limited liability company,~~

Amend RSA 83-F:1, V(b) as inserted by section 3 of the bill by replacing line 2 with the following:

public utilities commission under RSA 362:4; and

Amend section 16 of the bill by replacing line 2 with the following:

provisions of RSA 188-E:8 and RSA 188-E:9, for fiscal year 2001, the state shall reimburse a sending

Amend section 19 of the bill by replacing paragraph I with the following:

I. Section 9 of this act shall take effect July 1, 1999 at 12:02 a.m.

Adopted.

SB 70, relative to prevention of MTBE contamination of drinking water and groundwater. (Amendment printed SJ 27, 7/1/99)

Adopted.

SB 83, relative to the regulation of the practice of veterinary medicine. (Amendment printed SJ 27, 7/1/99)

Adopted.

SB 93, relative to self-storage facility liens. (Amendment printed SJ 27, 7/1/99)

Adopted.

SB 105, relative to continuation of coverage of health insurance. (Amendment printed SJ 27, 7/1/99)

Adopted.

SB 158-FN, relative to definitions and penalties for indecent exposure and inclusion in certain sexual offender registry classifications. (Amendment printed SJ 27, 7/1/99)

Adopted.

SB 163, establishing a commission to study methods for reducing violent incidents involving children and guns. (Amendment printed SJ 27, 7/1/99)

Adopted.

SB 167, relative to off-label prescription drugs. (Amendment printed SJ 27, 7/1/99)

Adopted.

SB 200, relative to child day care licensing procedures. (Amendment printed SJ 27, 7/1/99)

Adopted.

SB 204, establishing the New Hampshire excellence in higher education endowment trust fund. (Amendment printed SJ 27, 7/1/99)

Adopted.

SB 214-FN, relative to ambulatory surgical facilities and establishing a committee to study the health services planning and review board. (Amendment printed SJ 27, 7/1/99)

Adopted.

RECESS

(Rep. Welch in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills examined and found correctly enrolled the following House Bills 25, 689, 698 and 719, CACR 6 and Senate Bill 227.

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

RECESS

(Rep. Burling in the Chair)

ENROLLED BILL AMENDMENTS

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

Amendment (1992-EBA)

Amend RSA 108:2, I as inserted by section 1 of the bill by replacing line 3 with the following:

same as "party state" in United States P.L. 104-321; as to NAEMAC, party jurisdiction means

Amend Article IV of RSA 108:3 as inserted by section 1 of the bill by replacing line 15 with the following:

long as the exercises or training for mutual aid are in progress, the state of

Amend Article VII of RSA 108:3 as inserted by section 1 of the bill by replacing line 6 with the following:

jurisdictions. Supplementary agreements may include, but shall not be limited to, provisions for

Amend Article IX of RSA 108:3 as inserted by section 1 of the bill by replacing line 5 with the following:

jurisdiction may assume in whole or in part such loss, damage, expense, or other costs, or may loan

Amend Article X(a) of RSA 108:3 as inserted by section 1 of the bill by replacing line 6 with the following:

evacuees come shall assume the responsibility for the ultimate support of repatriation of such

Amend Article X(b) of RSA 108:3 as inserted by section 1 of the bill by replacing line 6 with the following:

in of additional materials, supplies, and all other relevant factors. Such plans shall provide that

Amend Article XI(b) of RSA 108:3 as inserted by section 1 of the bill by replacing line 3 with the following:

party jurisdiction withdrawing has given notice in writing of such withdrawal to the governors of all

Adopted.

SJ 113, establishing a division of travel and tourism development within the department of resources and economic development. (Amendment printed in SJ 27, 7/1/99)

RECESS

Rep. Buckley in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled the following entitled House Bills 69, 89, 265, 291, 333, 395, 408, 428, 463, 464, 491, 525, 562, 563, 576, 584, 601, 616, 653, 658, 665, 666, 676, 684, 709, 721 and 729 and Senate Bills 28, 30, 47, 58, 67, 69, 70, 83, 93, 105, 113, 114, 124, 140, 158, 163, 167, 183, 189, 200, 201, 204, 209, 214 and 244.

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

RECESS