

# HOUSE RECORD

## Second Year of the 156<sup>th</sup> Session of the General Court

### Calendar and Journal of the 2000 Session

Vol. 22

Concord N.H.

Thursday, January 6, 2000

No. 6

## HOUSE JOURNAL No. 1 (cont.)

**Wednesday, January 5, 2000**

Rep. Lozeau moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 2

**Thursday, January 6, 2000**

The House assembled at 1:30 p.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 M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

O God, Creator of all that is, seen and unseen, by the leading of a star You manifested love to all the peoples of the earth; lead us, by this light, as we give thanks for those people in our community who are true lights of Your love. May Your presence be with any among us who are in special need or distress. Guide the work done in this hallowed chamber today. And may our decisions work only to increase the light in which we find true community, freedom and peace. Amen.

Rep. Carol Moore led the Pledge of Allegiance.

### **LEAVES OF ABSENCE**

Reps. Carlson, Patricia Cote, Curran, Dalrymple, Franks, Goulet, Hawkinson, James Johnson, Jane Kelley, Lefebvre, Lovejoy, Lynott, Merrill, Moran, Moriarty, Nichols, Perkins, Searles, Shultis and Stone, the day, illness.

Reps. Boriso, Crosby, DeChane, Eaton, David Flanders, Ham, LaMott, Lundborn, McDonough-Wallace, Nolan-Piteri, Dean Ouellette, John Pratt, Priestley, Salatiello, Solow, Tsiros, Vincent, Williams and Woodward, the day, important business.

Reps. Haettenschwiller and Tate, the day, death in the family.

### **INTRODUCTION OF GUESTS**

Elissa and Emily Arndt, daughters of Rep. Arndt. Dana Spang, guest of Rep. Spang. Raymond and Sandra Hill, guests of Rep. Herman. Dave MacLaughlin, guest of Rep. Withee. Fred Walsh, guest of Rep. Asplund.

### **regular calendar**

**HB 628**, relative to the relocation of the principal residence of a child. OUGHT TO PASS WITH AMENDMENT

Rep. Edward P. Moran for Children and Family Law: This bill simply requires that the issue of relocation be addressed in the final divorce decree and that the standard is in the best interest of the child. Vote 16-1.

### **Amendment (2060h)**

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

1 New Paragraph; Relocation of the Principal Residence of a Minor Child. Amend RSA 458:17 by inserting after paragraph VI the following new paragraph:

VI-a. (a) In cases involving one or more minor children, the final decree of divorce shall address the subject of the possible future relocation of the principal residence of such minor children.

(b) No permanent stipulation shall be approved unless it addresses the subject of the possible future relocation of the principal residence of any minor children involved.

(c) The court may approve the relocation of the principal residence of a minor child if the court determines that such relocation would be in the best interest of such minor child or children. In making its determination, the court shall consider the following factors:

(1) The age of each child involved.

(2) The developmental maturity and needs of each child.

(3) The possible impact that relocation may have on the physical, educational, emotional, and developmental well-being of the child or children, taking into consideration the nature of the relationship of the child to each parent and any special needs that the child may have.

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

#### AMENDED ANALYSIS

This bill establishes criteria governing the relocation of the principal residence of a child.

Adopted.

Rep. McIntyre offered a floor amendment.

#### Floor Amendment (3013h)

Amend RSA 458:17, VI-a as inserted by section 1 of the bill by inserting after subparagraph (c) the following new subparagraph:

(d) In cases where there has been a finding under RSA 173-B in which a court has issued an order for temporary relief pursuant to RSA 173-B:4, or an order for permanent relief pursuant to RSA 173-B:5, no relocation information relative to the principal residence of a minor child shall be disclosed in any permanent stipulation or final decree of divorce.

Rep. McIntyre spoke in favor.

Rep. Bickford spoke against and yielded to questions.

Rep. Dowling spoke against.

The floor amendment failed.

Report adopted and ordered to third reading.

#### remarks

Gray Bauer, Republican candidate for President, addressed the House.

#### regular calendar (cont'd.)

**HB 693-FN**, limiting access to certain business records. REFER FOR INTERIM STUDY

Rep. Stephen G. Avery for Commerce: This is a bill the committee wants to keep on the table to help prevent harassment from out-of-state tax departments on New Hampshire businesses. New

legislation will be introduced next session to create a regional compact to take care of the problem. Vote 16-1.

Adopted.

**SB 52**, requiring insurance coverage for infertility treatments. REFER FOR INTERIM STUDY

Rep. Martha Fuller Clark for Commerce: The issue of how to resolve lack of access for New Hampshire residents who need coverage for the treatment of infertility and at the same time control rising premium costs for health insurance continues to confound the committee. Finding an equitable solution necessitates returning Senate Bill 52 to the House Commerce Committee. Vote 16-1.

Adopted.

**HB 427**, relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes. OUGHT TO PASS

Rep. Patricia M. O'Keefe for Criminal Justice and Public Safety: The committee heard considerable testimony in favor of removing the prescription requirement for hypodermic syringes. Of greatest concern presently in many states, is the disposal of used syringes/needles. When a consumer purchases a needle today, there is no literature accompanying the product speaking to disposal. This legislation would provide that information. In states where the prescription requirement has been lifted, transmission rates of hepatitis and the HIV virus has gone down, and the disposal problem has actually lessened. In fact, needle stick incidents to police officers dropped in Connecticut after Connecticut removed their prescription requirement. A criticism of this type of legislation in the past has been that "it sends the wrong message – that drug use is okay." The committee feels that the message is actually one of health, saving lives, and increasing the incidence of proper disposal of needles and syringes. Health professionals who agree include the American Medical Association, the American Pharmaceutical Association, the Association of State and Territorial Health Officials, the National Alliance of State and Territorial AIDS Directors, the National Association of Boards of Pharmacy, the New Hampshire Medical Society, the New Hampshire Nurses' Association, the New Hampshire Board of Pharmacy, and the New Hampshire Department of Health and Human Services. Vote 11-2.

Adopted and ordered to third reading.

#### **motion to Special order**

Rep. Welch moved that **SB 143-FN**, relative to penalties for incest be made a Special Order for today at 2:30 p.m.

Adopted.

#### **special order**

**HB 304**, relative to the confidentiality of criminal history records checks. OUGHT TO PASS WITH AMENDMENT

Rep. Brien L. Ward for Education: The amendment replaces the bill and streamlines the process of a criminal history check for school personnel. This bill, as amended, increases the offense that an individual, if convicted of specific violations or attempted violations, would be prohibited from being

employed by or volunteering in a New Hampshire school district. The bill also designates the Division of State Police as the sole repository for criminal records required for educational hiring procedures. The State Police shall be required to notify the State Department of Education if any applicant for hire or volunteer has been convicted of any of the enumerated offenses. The school district is required to destroy within 30 days any criminal history record information that indicates a criminal record. Vote 18-0.

#### **Amendment (2190h)**

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

AN ACT           relative to school employee and volunteer background investigations.

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

1 Education; School Boards, Transportation and Instruction of Pupils; School Employee and Volunteer Background Investigation; Criminal History Records Information. RSA 189:13-a, II-III is repealed and reenacted to read as follows:

II. The selected applicant for employment or designated volunteer with a school administrative unit, school district, or charter school shall submit to the employer a notarized criminal history records release form, as provided by the division of state police, which authorizes the release of information regarding the presence or absence of any record of convictions of the applicant of felonies or of the crimes listed in paragraph V. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the school administrative unit, school district, or charter school. In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the school administrative unit, school district, or charter school may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where an applicant has lived during the past 5 years.

III. The school administrative unit, school district, or charter school shall submit the criminal history records release form to the New Hampshire state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the state police shall examine the list of crimes constituting grounds for non-approval of employment, or non-acceptance of volunteer services in that school administrative unit, school district, or charter school, and shall report the presence or absence of any such crime to the school administrative unit, school district, or charter school. Under no circumstances shall the criminal records be released to the school administrative unit, school district, or charter school. The school administrative unit, school district, or charter school shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph. If the criminal history records information indicates no criminal record, the school administrative unit, school district, or charter school shall destroy the information received immediately following its review of the information. If the criminal history records information indicates that the applicant has been convicted of a felony or of a crime listed in paragraph V, the school administrative unit, school district, or charter school shall review the information for a hiring decision, and the division of state police shall notify the department of education of any such convictions. The school administrative unit, school district, or charter school shall destroy any criminal history record information that indicates a criminal record within 30 days of receiving such information.

2 Education; School Boards, Transportation and Instruction of Pupils; School Employee and Volunteer Background Investigation; Crimes Changed. Amend RSA 189:13-a, V to read as follows:

V. Any person who has been convicted of [~~murder, child pornography, aggravated felonious sexual assault, felonious sexual assault, or kidnapping~~] ***any violation or attempted violation of RSA 630:1, 630:1-a, 630:1-b, 630:2, 632-A:2, 632-A:3, 632-A:4 633:1, 639:2, 639:3, 645:1, I(b), 645:2, 649-A:3, 649-B:3, or 649-B:4, or any violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed obscene***, in this state, or under any statute prohibiting the same conduct in another state, territory, or possession of the United States, shall not be hired by a school administrative unit, school district, or charter school. By decision of the appropriate governing body, a school administrative unit, school district, or charter school may deny a selected applicant a final offer of employment if such person has been convicted of any felony in addition to those listed above. The governing body may adopt a policy stating that any person who has been convicted of any felony, or any of a list of felonies, shall not be hired.

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

#### AMENDED ANALYSIS

This bill modifies the crimes that prevent a person from being hired by a school administrative unit, school district, or charter school. This bill also modifies the procedures for criminal history records checks by school administrative units, school districts, and charter schools.

Adopted.

Rep. Ward spoke in favor.

Report adopted and ordered to third reading.

#### regular calendar (cont'd.)

**HB 466**, establishing a commission to study education options in school districts not maintaining a high school. INEXPEDIENT TO LEGISLATE

Rep. Bruce L. Dearborn for Education: The committee agreed that the work of an oversight committee to review pupil placements and related issues was not the immediate solution to a possible problem in some of our school districts. The Education Committee requested that these issues be studied by the State Board of Education with recommendations to be made to the full committee. More work is needed before legislation can be introduced. Also, we recognize that legislation may require policy changes. Therefore the committee will ask that the bill be recommitted to adopt an amendment to address our needs and conduct needed hearings. Vote 14-0.

Adopted.

**HB 310**, repealing the authority of the department of agriculture, markets, and food to conduct meat inspections and poultry products inspections. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth R. Marshall for Environment and Agriculture: The committee voted to amend RSA 427 which is the section dealing with inspection of slaughterhouses. Inspection is currently being conducted by the Food Safety and Inspectors Services Division of USDA. RSA 427 mandates that the

NH Department of Agriculture, Markets and Food conduct the inspections. The amendment states that the chapter will not apply unless or until the Feds withdraw from inspections, thereby maintaining the chapter for possible future use. The poultry section, RSA 428, is amended because of its close relationship to RSA 427 and the current provisions and authority of NH Department of Agriculture, Markets and Food is maintained. Vote 16-2.

#### **Amendment (2096h)**

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

AN ACT providing that the department of agriculture, markets, and food shall not conduct meat inspections unless and until such time as the United States Department of Agriculture withdraws its meat inspection program from the state.

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

1 New Section; Livestock and Meat Inspection; Applicability of Meat Inspection Subdivision. Amend RSA 427 by inserting after section 1 the following new section:

427:1-a Applicability. The provisions of this subdivision shall not apply or be in effect unless and until such time as the Food Safety and Inspection Service Division of the United States Department of Agriculture withdraws its meat inspection program from the state.

2 Poultry Inspection; Applicability of Other Provisions. Amend RSA 428:1 to read as follows:

428:1 Applicability of Other Provisions. The procedure for poultry inspection, as well as the rights and duties of those parties involved in such inspection, shall be substantially that prescribed by RSA 427, *with the exception of RSA 427:1-a*, provided that the applicability of said chapter shall be subject to any contrary provision contained in this chapter.

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

#### **AMENDED ANALYSIS**

This bill provides that the department of agriculture, markets, and food shall not conduct meat inspections unless and until such time as the United States Department of Agriculture withdraws its meat inspection program from the state.

Adopted.

Report adopted and ordered to third reading.

**HB 335**, prohibiting the land application of sludge in reclamation areas. INEXPEDIENT TO LEGISLATE

Rep. William R. Phinney for Environment and Agriculture: After frank and earnest discussion, it was determined that the complexities of the issue, the potential ramifications of a total ban, and the need for more information precluded support for passage at this time. Vote 10-8.

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

Adopted.

**HB 235-FN-A**, increasing the exemption amount under the interest and dividends tax.  
INEXPEDIENT TO LEGISLATE

Rep. Charles L. Vaughn for Finance: This bill was re-referred to the Finance Committee. Members in several subcommittee meetings listened to suggestions for modifying the tax such as: increased exemptions, exemptions for those over 65, exemptions for those on limited income. Still the Department of Revenue Administration suggests that state revenues would decline from \$8.5 million to \$10.5 million whichever exemption is included. The truth is revenues are increasing from this tax due in part to increased compliance, increasing value of securities and improved income earnings. Percentages of filers over 65, 42% out of 64,870 tax returns. Percent of revenue from filers over 65: 45.8%. A political promise of revenue neutrality was made for a point in time, markets are dynamic and cannot be frozen. The Finance Committee after due deliberation recommends this legislation be turned over to the Tax Equity and Efficiency Commission as it examines the state's revenue structure. Vote 21-1

.

Reps. Jacobson and Young spoke against and yielded to questions.

Rep. Vaughn spoke in favor.

Rep. Alukonis spoke in favor and yielded to questions.

Rep. Jacobson requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 118 NAYS 222**

**YEAS 118**

**BELKNAP**

|                |                     |                  |              |
|----------------|---------------------|------------------|--------------|
| Boyce, Robert  | Czech, Stanley      | Holbrook, Robert | Thomas, John |
| Turner, Robert | Wendelboe, Francine |                  |              |

**CARROLL**

|                |                |                |             |
|----------------|----------------|----------------|-------------|
| Bradley, Jeb   | Chandler, Gene | Lyman, L Randy | Mock, Henry |
| Patten, Betsey |                |                |             |

**CHESHIRE**

|                     |                   |                  |                 |
|---------------------|-------------------|------------------|-----------------|
| Hunt, John          | Lerandeau, Alfred | Lynch, Margaret  | Mitchell, McKim |
| Richardson, Barbara | Roberts, William  | Royce, H Charles | Smith, Edwin    |

### COOS

|              |                |                 |                |
|--------------|----------------|-----------------|----------------|
| Gallus, John | Guay, Lawrence | Merrill, Gerald | Tholl, John Jr |
|--------------|----------------|-----------------|----------------|

### GRAFTON

|               |               |                   |                |
|---------------|---------------|-------------------|----------------|
| Almy, Susan   | Dudley, Terri | Gilman, G Michael | Harmon, Hobart |
| Hinman, Harry | Mirski, Paul  | Nordgren, Sharon  | Picconi, Al    |

### HILLSBOROUGH

|                   |                  |                   |                   |
|-------------------|------------------|-------------------|-------------------|
| Ahern, Richard    | Alukonis, David  | Belvin, William   | Burkush, James    |
| Calawa, Leon Jr   | Chabot, Robert   | Clegg, Robert Jr  | Cote, David       |
| Daniels, Gary     | Durham, Susan    | Dwyer, Paul Sr    | Emerton, Lawrence |
| Fields, Dennis    | Ford, Nancy      | Foster, Linda     | Gagnon, Eugene    |
| Ginsburg, Ruth    | Goley, Jeffrey   | Gorman, Mary      | Hansen, Herbert   |
| Herman, Keith     | Holley, Sylvia   | Hunter, Bruce     | Jean, Loren       |
| Johnson, Lionel   | Kurk, Neal       | L'Heureux, Robert | LaRose, Richard   |
| Lozeau, Donnalee  | McCarty, Winston | McGough, Tim      | Mercer, Robert    |
| O'Hearn, Jane     | Pappas, Marc     | Reeves, Sandra    | Sargent, Maxwell  |
| Thulander, O Alan | White, John      |                   |                   |

### MERRIMACK

|                  |                  |                   |              |
|------------------|------------------|-------------------|--------------|
| Anderson, Eric   | Asplund, Bronwyn | Daneault, Gabriel | Langer, Ray  |
| Leber, William   | Moore, Carol     | Seldin, Gloria    | Wallin, Jean |
| Whalley, Michael |                  |                   |              |

### ROCKINGHAM

|                     |                   |                     |                    |
|---------------------|-------------------|---------------------|--------------------|
| Arndt, Janet        | Beaulieu, Jon     | Belanger, Ronald    | Blanchard, MaryAnn |
| Christie, Andrew Jr | Clark, Vivian     | Cooney, Richard     | Cox, Russell       |
| Dowling, Patricia   | Dunham, Vivian    | Flanagan, Natalie   | Flanders, John Sr  |
| Griffin, Mary       | Henderson, Warren | Hutchinson, Rebecca | Johnson, Robert    |
| Katsakiores, George | Kelley, William   | Major, Norman       | Mikowski, Walter   |
| Moore, Benjamin     | Morse, Charles    | Norelli, Terie      | Nowe, Mary Lou     |
| Nowe, Ronald        | Packard, Sherman  | Reardon, Neil       | Vaughn, Charles    |

Weyler, Kenneth

#### **STRAFFORD**

Cossette, Larry  
Knowles, William  
Torr, Franklin

Dunlap, Patricia  
Musler, George  
Vachon, Dennis

Estabrook, Iris  
Smith, Marjorie

Keans, Sandra  
Snyder, Clair

#### **SULLIVAN**

Burling, Peter

#### **NAYS 222**

#### **BELKNAP**

Bartlett, Gordon  
Rice, Thomas

Lawton, David  
Rosen, Ralph

Millham, Alida  
Wood, Jane

Pilliod, James

#### **CARROLL**

Babson, David Jr  
Philbrick, Donald

Dickinson, Howard  
Sullivan, P Judith

Howard, Godfrey  
Torressen, Gary

Kenney, Joseph

#### **CHESHIRE**

Avery, Stephen  
Manning, Joseph  
Riley, William  
Zerba, Roger

Batchelder, Robert  
McGuirk, Paul  
Robertson, Timothy

DePecol, Benjamin  
Meader, David  
Rose, William

Doucette, Richard  
Pratt, Irene  
Russell, Ronald

#### **COOS**

Davis, Perley  
Mears, Edgar

Glines, Sara  
Pratt, Leighton

Horton, Lynn  
Rodrigue, Robert

Landers, Dana

#### **GRAFTON**

Akins, Ralph

Alger, John

Brothers, Richard

Cobb, John

|                    |                   |                  |                |
|--------------------|-------------------|------------------|----------------|
| Copenhaver, Marion | Densmore, Jessica | Hall, David      | Johnson, Gary  |
| MacNeil, Allen     | Marshall, Gene    | Phinney, William | Scanlan, David |
| Ward, Brien        | Weber, Phil       |                  |                |

### HILLSBOROUGH

|                     |                   |                        |                     |
|---------------------|-------------------|------------------------|---------------------|
| Andrews, Frederick  | Arnold, Thomas Jr | Arthur, Rose           | Baroody, Benjamin   |
| Batula, Peter       | Beaupre, Roland   | Bergeron, Lucien       | Bergin, Peter       |
| Brundige, Robert    | Bruno, Pierre     | Buckley, Raymond       | Christiansen, Lars  |
| Clemons, Jane       | Cote, Peter       | Coughlin, Pamela       | Craig, James        |
| Daigle, Robert      | Dalianis, Griffin | Dawe, Eileen           | Desmarais, Vivian   |
| Desrosiers, William | Dokmo, Cynthia    | Drabinowicz, A Theresa | Dyer, Merton        |
| Fenton, James       | Fletcher, Richard | Flora, Kathleen        | Garrish, Linda      |
| Hall, Betty         | Herman, Richard   | Jean, Claudette        | Keye, Harvey        |
| Konys, Christine    | LaPorte, George   | Lasky, Bette           | Leishman, Peter     |
| Leonard, Peter      | Lessard, Rudy     | MacGillivray, Jeffrey  | Martel, Andre       |
| Martin, Mary        | McCarthy, William | McColgan, Philip Jr    | McDonald, James Sr  |
| McRae, Karen        | Melcher, Harold   | Mendenhall, Leslie     | Messier, Irene      |
| Milligan, Robert    | Mosher, William   | Murphy, Robert         | O'Connell, Timothy  |
| Pepino, Leo         | Peterson, Andrew  | Reidy, Frank           | Rowe, Robert        |
| Sarette, John       | Simon, Anthony    | Turgeon, Roland        | Vaillancourt, Steve |
| Wall, Nancy         | White, Donald     | Withee, Dennis         |                     |

### MERRIMACK

|                    |                    |                     |                   |
|--------------------|--------------------|---------------------|-------------------|
| Bouchard, Candace  | Brewster, Richard  | Chase, George       | Davis, Francis    |
| Feuerstein, Martin | Fortnam, Janet     | Fraser, Marilyn     | Gile, Mary        |
| Hager, Elizabeth   | Hoadley, Elizabeth | Jacobson, Alf       | Kennedy, Richard  |
| Larrabee, David Sr | Lavoie, Gerard     | Lockwood, Priscilla | Marple, Richard   |
| Marshall, Kenneth  | Maxfield, Roy      | Owen, Derek         | Potter, Frances   |
| Poulin, Dave       | Reardon, Tara      | Rodd, Beth          | Rosenfield, Jay   |
| Soltani, Tony      | St Cyr, Gerard     | Virtue, Carolyn     | Whittemore, James |
| Yeaton, Charles    |                    |                     |                   |

### ROCKINGHAM

|                |                  |                 |                |
|----------------|------------------|-----------------|----------------|
| Abbott, Dennis | Bishop, Franklin | Bridle, Russell | Case, Margaret |
|----------------|------------------|-----------------|----------------|

|                   |                    |                      |                      |
|-------------------|--------------------|----------------------|----------------------|
| Clark, Martha     | Dearborn, Bruce    | DiFruscia, Anthony   | Downing, Michael     |
| Fesh, Robert      | Francoeur, Sheila  | Gibbons, Paul        | Gleason, John        |
| Hamel, Albert     | Hutchinson, Karen  | Kane, Cecelia        | Katsakiores, Phyllis |
| Kobel, Rudolph    | Langley, Jane      | Langone, John        | Letourneau, Robert   |
| McKinney, Betsy   | Noyes, Richard     | O'Keefe, Patricia    | O'Neil, Michael      |
| Pantelakos, Laura | Pitts, Jacqueline  | Putnam, Ed II        | Quandt, Marshall     |
| Rabideau, Marie   | Raynowska, Bernard | Rubin, George        | Ruffner, Walter      |
| Sabella, Norma    | Sapareto, Frank    | Schanda, Frank       | Shelton, Richard     |
| Splaine, James    | Stritch, C Donald  | Tufts, J Arthur      | Varrell, Thomas      |
| Verani, Giovanni  | Weare, Everett     | Weatherspoon, Jackie | Welch, David         |
| Whittier, John    | Zolla, William     |                      |                      |

#### STRAFFORD

|                 |                  |                   |                    |
|-----------------|------------------|-------------------|--------------------|
| Berube, Roger   | Bickford, David  | Brennan, William  | Brown, George      |
| Brown, Julie    | Callaghan, Frank | DeChane, Marlene  | Domingo, Baldwin   |
| Gilmore, Gary   | Heon, Richard    | Johnson, Nancy    | Kaen, Naida        |
| Lent, Donald    | McKinley, Robert | Pelletier, Arthur | Rogers, Rose Marie |
| Rollo, Michael  | Spang, Judith    | Spear, Barbara    | Taylor, Kathleen   |
| Twardus, Joseph | Wall, Janet      | Woods, Phyllis    |                    |

#### SULLIVAN

|                  |                   |                    |                    |
|------------------|-------------------|--------------------|--------------------|
| Allison, David   | Cloutier, John    | Donovan, Thomas Jr | Flint, Gordon Sr   |
| Jones, Constance | Kibbey, David     | Leone, Richard     | McIntyre, Sara     |
| Phinizy, James   | Robb-Theroux, Amy | Tuthill, John      | Wiggins, Celestine |
| Young, David     |                   |                    |                    |

and the report failed.

Rep. Jacobson moved Ought to Pass with Amendment.

#### **motion to special order**

Rep. Jacobson moved that ***HB 235-FN-A***, increasing the exemption amount under the interest and dividends tax, be made a Special Order for Thursday, January 13, 2000 in the regular calendar order.

Adopted.

**special order**

**SB 143-FN**, relative to penalties for incest. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill removes the statute of limitations for incest and increases the penalties for incest. The penalty is no more than 20 years or less than 10 years, except that any person under 18 years shall not be subject to the minimum. The previous penalty was 3-1/2 to 7 years. The reasons for removing the statute of limitations are (1) the age of people who are able to report incest are usually in the middle 40's. They are in many cases not emotionally or psychologically able to do so earlier; (2) the average pedophile has about 100 victims – the incestuous behavior can not be stopped if charges can't be brought against them; (3) the act of prosecution not only acknowledges a crime and protects society, but can be an integral part of the healing process for a survivor; (4) lack of prosecution can allow a perpetrator to continue the cycle of violence; (5) because victims of incest often suffer low self-esteem, drug abuse and alcohol abuse, and the inability to report, their children often become victims. All this and much more testimony convinced us to make a rare exception to our statute of limitations. Vote 13-3.

**Amendment (2101h)**

Amend the bill by replacing section 1 with the following:

1 No Statute of Limitations for Prosecuting Acts of Incest Involving Victims Under the Age of 16. Amend RSA 639:2, II to read as follows:

II. In cases of alleged incest where the victim is under the age of ~~[18, the statute of limitations shall not begin to run until the victim reaches the age of 18]~~ **16 when the alleged offense occurred, there shall be no statute of limitations, notwithstanding RSA 625:8, III(a).**

**AMENDED ANALYSIS**

This bill eliminates the statute of limitations when an incest victim is under age 16 at the time of the offense alleged, and establishes a maximum and minimum sentence for incest when the victim is under age 16. Defendants under the age of 18 will not be subject to any minimum sentence of imprisonment.

Reps. Welch and Flora spoke against.

Reps. Robertson, Rodd and Rabideau spoke in favor.

Reps. Tholl and Lozeau spoke against and yielded to questions.

Rep. Rodd request a roll call; sufficiently seconded.

The question being the adoption of the amendment.

**YEAS 145 NAYS 191**

## **YEAS 145**

### **BELKNAP**

|               |                |                |              |
|---------------|----------------|----------------|--------------|
| Lawton, David | Millham, Alida | Pilliod, James | Rosen, Ralph |
| Wood, Jane    |                |                |              |

### **CARROLL**

Bradley, Jeb

### **CHESHIRE**

|                    |                     |                   |                    |
|--------------------|---------------------|-------------------|--------------------|
| Batchelder, Robert | DePecol, Benjamin   | Lerandean, Alfred | Lynch, Margaret    |
| Manning, Joseph    | McGuirk, Paul       | Meador, David     | Mitchell, McKim    |
| Pratt, Irene       | Richardson, Barbara | Riley, William    | Robertson, Timothy |
| Rose, William      | Russell, Ronald     | Zerba, Roger      |                    |

### **COOS**

|              |               |              |                  |
|--------------|---------------|--------------|------------------|
| Glines, Sara | Landers, Dana | Mears, Edgar | Rodrigue, Robert |
|--------------|---------------|--------------|------------------|

### **GRAFTON**

|               |                |                    |                   |
|---------------|----------------|--------------------|-------------------|
| Akins, Ralph  | Almy, Susan    | Copenhaver, Marion | Densmore, Jessica |
| Hinman, Harry | Marshall, Gene | Nordgren, Sharon   | Phinney, William  |

### **HILLSBOROUGH**

|                     |                   |                        |                  |
|---------------------|-------------------|------------------------|------------------|
| Ahern, Richard      | Baroody, Benjamin | Batula, Peter          | Beaupre, Roland  |
| Bergeron, Lucien    | Bergin, Peter     | Buckley, Raymond       | Clemons, Jane    |
| Cote, David         | Cote, Peter       | Coughlin, Pamela       | Craig, James     |
| Daigle, Robert      | Dokmo, Cynthia    | Drabinowicz, A Theresa | Dwyer, Paul Sr   |
| Dyer, Merton        | Foster, Linda     | Garrish, Linda         | Ginsburg, Ruth   |
| Gorman, Mary        | Hall, Betty       | Herman, Richard        | Jean, Claudette  |
| Keye, Harvey        | Konys, Christine  | Lasky, Bette           | Leishman, Peter  |
| Leonard, Peter      | Lynde, Harold     | Martin, Mary           | McCarty, Winston |
| McColgan, Philip Jr | Melcher, Harold   | Mendenhall, Leslie     | Peterson, Andrew |
| Reidy, Frank        | Sarette, John     | White, John            |                  |

### **MERRIMACK**

|                    |                 |                    |                   |
|--------------------|-----------------|--------------------|-------------------|
| Bouchard, Candace  | Chase, George   | Daneault, Gabriel  | Davis, Francis    |
| Fortnam, Janet     | Fraser, Marilyn | Gile, Mary         | Hager, Elizabeth  |
| Hoadley, Elizabeth | Jacobson, Alf   | Larrabee, David Sr | Marshall, Kenneth |
| Maxfield, Roy      | Moore, Carol    | Owen, Derek        | Potter, Frances   |
| Reardon, Tara      | Rodd, Beth      | Rosenfield, Jay    | Seldin, Gloria    |
| St Cyr, Gerard     | Virtue, Carolyn | Wallin, Jean       | Yeaton, Charles   |

### **ROCKINGHAM**

|                    |                     |                      |                   |
|--------------------|---------------------|----------------------|-------------------|
| Blanchard, MaryAnn | Christie, Andrew Jr | Clark, Martha        | Henderson, Warren |
| Hutchinson, Karen  | Hutchinson, Rebecca | Kobel, Rudolph       | Langley, Jane     |
| Norelli, Terie     | O'Keefe, Patricia   | O'Neil, Michael      | Pantelakos, Laura |
| Pitts, Jacqueline  | Quandt, Marshall    | Rabideau, Marie      | Ruffner, Walter   |
| Sabella, Norma     | Vaughn, Charles     | Weatherspoon, Jackie |                   |

### **STRAFFORD**

|                  |                   |                   |                    |
|------------------|-------------------|-------------------|--------------------|
| Brennan, William | Brown, George     | Brown, Julie      | Callaghan, Frank   |
| DeChane, Marlene | Estabrook, Iris   | Gilmore, Gary     | Johnson, Nancy     |
| Lent, Donald     | Pelletier, Arthur | Pelletier, Marsha | Rogers, Rose Marie |
| Rollo, Michael   | Smith, Marjorie   | Spang, Judith     | Taylor, Kathleen   |
| Torr, Franklin   | Twardus, Joseph   | Wall, Janet       |                    |

### **SULLIVAN**

|                  |                    |                |                    |
|------------------|--------------------|----------------|--------------------|
| Allison, David   | Burling, Peter     | Cloutier, John | Donovan, Thomas Jr |
| Jones, Constance | Leone, Richard     | McIntyre, Sara | Phinizy, James     |
| Tuthill, John    | Wiggins, Celestine | Young, David   |                    |

### **NAYS 191**

### **BELKNAP**

|                  |               |                |                     |
|------------------|---------------|----------------|---------------------|
| Bartlett, Gordon | Boyce, Robert | Czech, Stanley | Holbrook, Robert    |
| Rice, Thomas     | Thomas, John  | Turner, Robert | Wendelboe, Francine |

### **CARROLL**

|                   |                    |                   |                 |
|-------------------|--------------------|-------------------|-----------------|
| Babson, David Jr  | Chandler, Gene     | Dickinson, Howard | Howard, Godfrey |
| Kenney, Joseph    | Lyman, L Randy     | Mock, Henry       | Patten, Betsey  |
| Philbrick, Donald | Sullivan, P Judith | Torressen, Gary   |                 |

### **CHESHIRE**

|                  |                   |            |                  |
|------------------|-------------------|------------|------------------|
| Avery, Stephen   | Doucette, Richard | Hunt, John | Roberts, William |
| Royce, H Charles | Smith, Edwin      |            |                  |

### **COOS**

|                 |                |                |              |
|-----------------|----------------|----------------|--------------|
| Davis, Perley   | Gallus, John   | Guay, Lawrence | Horton, Lynn |
| Pratt, Leighton | Tholl, John Jr |                |              |

### **GRAFTON**

|              |                |                |                   |
|--------------|----------------|----------------|-------------------|
| Alger, John  | Cobb, John     | Dudley, Terri  | Gilman, G Michael |
| Hall, David  | Harmon, Hobart | Johnson, Gary  | MacNeil, Allen    |
| Mirski, Paul | Picconi, Al    | Scanlan, David | Ward, Brien       |
| Weber, Phil  |                |                |                   |

### **HILLSBOROUGH**

|                     |                       |                    |                   |
|---------------------|-----------------------|--------------------|-------------------|
| Alukonis, David     | Andrews, Frederick    | Arnold, Thomas Jr  | Arthur, Rose      |
| Belvin, William     | Brundige, Robert      | Bruno, Pierre      | Burkush, James    |
| Calawa, Leon Jr     | Chabot, Robert        | Christiansen, Lars | Clegg, Robert Jr  |
| Dalianis, Griffin   | Daniels, Gary         | Dawe, Eileen       | Desmarais, Vivian |
| Desrosiers, William | Durham, Susan         | Emerton, Lawrence  | Fenton, James     |
| Fields, Dennis      | Fletcher, Richard     | Flora, Kathleen    | Ford, Nancy       |
| Gagnon, Eugene      | Goley, Jeffrey        | Hansen, Herbert    | Herman, Keith     |
| Holley, Sylvia      | Hunter, Bruce         | Jean, Loren        | Johnson, Lionel   |
| Kurk, Neal          | LaPorte, George       | LaRose, Richard    | Lessard, Rudy     |
| Lozeau, Donnalee    | MacGillivray, Jeffrey | Martel, Andre      | McCarthy, William |
| McDonald, James Sr  | McGough, Tim          | McRae, Karen       | Mercer, Robert    |
| Messier, Irene      | Milligan, Robert      | Mosher, William    | Murphy, Robert    |

|                    |                 |                     |                |
|--------------------|-----------------|---------------------|----------------|
| O'Connell, Timothy | O'Hearn, Jane   | Pappas, Marc        | Pepino, Leo    |
| Reeves, Sandra     | Rowe, Robert    | Sargent, Maxwell    | Simon, Anthony |
| Thulander, O Alan  | Turgeon, Roland | Vaillancourt, Steve | Wall, Nancy    |
| White, Donald      | Withee, Dennis  |                     |                |

#### **MERRIMACK**

|                     |                   |                   |                    |
|---------------------|-------------------|-------------------|--------------------|
| Anderson, Eric      | Asplund, Bronwyn  | Brewster, Richard | Feuerstein, Martin |
| Kennedy, Richard    | Langer, Ray       | Lavoie, Gerard    | Leber, William     |
| Lockwood, Priscilla | Marple, Richard   | Poulin, Dave      | Soltani, Tony      |
| Whalley, Michael    | Whittemore, James |                   |                    |

#### **ROCKINGHAM**

|                     |                      |                    |                    |
|---------------------|----------------------|--------------------|--------------------|
| Abbott, Dennis      | Arndt, Janet         | Beaulieu, Jon      | Belanger, Ronald   |
| Bridle, Russell     | Case, Margaret       | Clark, Vivian      | Cooney, Richard    |
| Cox, Russell        | Dearborn, Bruce      | DiFruscia, Anthony | Dowling, Patricia  |
| Downing, Michael    | Dunham, Vivian       | Fesh, Robert       | Flanagan, Natalie  |
| Flanders, John Sr   | Francoeur, Sheila    | Gibbons, Paul      | Gleason, John      |
| Griffin, Mary       | Hamel, Albert        | Johnson, Robert    | Kane, Cecelia      |
| Katsakiores, George | Katsakiores, Phyllis | Kelley, William    | Langone, John      |
| Letourneau, Robert  | Major, Norman        | McKinney, Betsy    | Mikowski, Walter   |
| Moore, Benjamin     | Morse, Charles       | Nowe, Mary Lou     | Nowe, Ronald       |
| Noyes, Richard      | Packard, Sherman     | Putnam, Ed II      | Raynowska, Bernard |
| Reardon, Neil       | Rubin, George        | Sapareto, Frank    | Schanda, Frank     |
| Shelton, Richard    | Splaine, James       | Stritch, C Donald  | Tufts, J Arthur    |
| Varrell, Thomas     | Verani, Giovanni     | Weare, Everett     | Welch, David       |
| Weyler, Kenneth     | Zolla, William       |                    |                    |

#### **STRAFFORD**

|                  |                  |                 |                  |
|------------------|------------------|-----------------|------------------|
| Berube, Roger    | Bickford, David  | Cossette, Larry | Domingo, Baldwin |
| Dunlap, Patricia | Heon, Richard    | Kaen, Naida     | Keans, Sandra    |
| Knowles, William | McKinley, Robert | Musler, George  | Spear, Barbara   |
| Vachon, Dennis   | Woods, Phyllis   |                 |                  |

SULLIVAN

Flint, Gordon Sr

Kibbey, David

Robb-Theroux, Amy

and the amendment failed.

Rep. Welch offered a floor amendment.

**Floor Amendment (3020h)**

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

1 Statute of Limitations. Amend RSA 625:8, III(d) to read as follows:

(d) For any offense under RSA 632-A *or for an offense under RSA 639:2*, where the victim was under 18 years of age when the alleged offense occurred, within 22 years of the victim's eighteenth birthday.

2 Statute of Limitations. Amend RSA 639:2, II to read as follows:

II. In cases of alleged incest where the victim is under the age of 18 *when the alleged offense occurred*, the statute of limitations shall ~~[not begin to run until the victim reaches the age of 18]~~ *run pursuant to RSA 625:8, III(d)*.

3 New Paragraph; Maximum and Minimum Sentences for Incest Involving Victims Under the Age of 16. Amend RSA 639:2 by inserting after paragraph II the following new paragraph:

III. Notwithstanding the provisions of paragraph I, a person convicted of incest where the victim is under the age of 18 shall be sentenced to a maximum sentence which is not to exceed 20 years and a minimum which is not to exceed ½ the maximum. Notwithstanding the provision of this paragraph, no person under 18 years of age shall be subject to any minimum sentence of imprisonment for a conviction of incest under this section.

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

AMENDED ANALYSIS

This bill changes the statute of limitations for prosecuting acts of incest when the victim is under age 18, and establishes a maximum and minimum sentence for incest when the victim is under age 18. Defendants under the age of 18 will not be subject to any minimum sentence of imprisonment.

Rep. Welch spoke in favor.

Rep. Belanger requested a roll call; sufficiently seconded.

The question being the adoption of the floor amendment.

**YEAS 323 NAYS 12**

## **YEAS 323**

### **BELKNAP**

|                  |                |                |                     |
|------------------|----------------|----------------|---------------------|
| Bartlett, Gordon | Boyce, Robert  | Czech, Stanley | Holbrook, Robert    |
| Lawton, David    | Millham, Alida | Pilliod, James | Rice, Thomas        |
| Rosen, Ralph     | Thomas, John   | Turner, Robert | Wendelboe, Francine |

### **CARROLL**

|                  |                   |                    |                   |
|------------------|-------------------|--------------------|-------------------|
| Babson, David Jr | Bradley, Jeb      | Chandler, Gene     | Dickinson, Howard |
| Howard, Godfrey  | Kenney, Joseph    | Lyman, L Randy     | Mock, Henry       |
| Patten, Betsey   | Philbrick, Donald | Sullivan, P Judith | Torressen, Gary   |

### **CHESHIRE**

|                     |                    |                   |                    |
|---------------------|--------------------|-------------------|--------------------|
| Avery, Stephen      | Batchelder, Robert | DePecol, Benjamin | Doucette, Richard  |
| Hunt, John          | Lerandeau, Alfred  | Lynch, Margaret   | Manning, Joseph    |
| McGuirk, Paul       | Meador, David      | Mitchell, McKim   | Pratt, Irene       |
| Richardson, Barbara | Riley, William     | Roberts, William  | Robertson, Timothy |
| Rose, William       | Royce, H Charles   | Russell, Ronald   | Smith, Edwin       |
| Zerba, Roger        |                    |                   |                    |

### **COOS**

|                 |                  |                |                 |
|-----------------|------------------|----------------|-----------------|
| Davis, Perley   | Gallus, John     | Glines, Sara   | Guay, Lawrence  |
| Horton, Lynn    | Landers, Dana    | Mears, Edgar   | Merrill, Gerald |
| Pratt, Leighton | Rodrigue, Robert | Tholl, John Jr |                 |

### **GRAFTON**

|                    |                   |                |                   |
|--------------------|-------------------|----------------|-------------------|
| Akins, Ralph       | Alger, John       | Almy, Susan    | Cobb, John        |
| Copenhaver, Marion | Densmore, Jessica | Dudley, Terri  | Gilman, G Michael |
| Hall, David        | Harmon, Hobart    | Hinman, Harry  | Johnson, Gary     |
| MacNeil, Allen     | Marshall, Gene    | Mirski, Paul   | Nordgren, Sharon  |
| Phinney, William   | Picconi, Al       | Scanlan, David | Ward, Brien       |
| Weber, Phil        |                   |                |                   |

### HILLSBOROUGH

|                    |                        |                       |                     |
|--------------------|------------------------|-----------------------|---------------------|
| Ahern, Richard     | Alukonis, David        | Andrews, Frederick    | Arnold, Thomas Jr   |
| Arthur, Rose       | Baroody, Benjamin      | Batula, Peter         | Beaupre, Roland     |
| Belvin, William    | Bergeron, Lucien       | Bergin, Peter         | Brundige, Robert    |
| Bruno, Pierre      | Buckley, Raymond       | Burkush, James        | Calawa, Leon Jr     |
| Chabot, Robert     | Clegg, Robert Jr       | Cote, David           | Cote, Peter         |
| Coughlin, Pamela   | Craig, James           | Daigle, Robert        | Dalianis, Griffin   |
| Daniels, Gary      | Dawe, Eileen           | Desmarais, Vivian     | Desrosiers, William |
| Dokmo, Cynthia     | Drabinowicz, A Theresa | Durham, Susan         | Dwyer, Paul Sr      |
| Dyer, Merton       | Emerton, Lawrence      | Fenton, James         | Fields, Dennis      |
| Fletcher, Richard  | Flora, Kathleen        | Ford, Nancy           | Foster, Linda       |
| Gagnon, Eugene     | Garrish, Linda         | Ginsburg, Ruth        | Goley, Jeffrey      |
| Hansen, Herbert    | Herman, Keith          | Herman, Richard       | Holley, Sylvia      |
| Hunter, Bruce      | Jean, Claudette        | Jean, Loren           | Johnson, Lionel     |
| Keye, Harvey       | Konys, Christine       | Kurk, Neal            | LaPorte, George     |
| LaRose, Richard    | Lasky, Bette           | Leishman, Peter       | Leonard, Peter      |
| Lozeau, Donnalee   | Lynde, Harold          | MacGillivray, Jeffrey | Martel, Andre       |
| Martin, Mary       | McCarthy, William      | McCarty, Winston      | McColgan, Philip Jr |
| McDonald, James Sr | McGough, Tim           | McRae, Karen          | Melcher, Harold     |
| Mendenhall, Leslie | Mercer, Robert         | Messier, Irene        | Milligan, Robert    |
| Mosher, William    | Murphy, Robert         | O'Connell, Timothy    | O'Hearn, Jane       |
| Pappas, Marc       | Pepino, Leo            | Peterson, Andrew      | Reeves, Sandra      |
| Reidy, Frank       | Rowe, Robert           | Sarette, John         | Sargent, Maxwell    |
| Simon, Anthony     | Thulander, O Alan      | Turgeon, Roland       | Vaillancourt, Steve |
| Wall, Nancy        | White, Donald          | White, John           | Withee, Dennis      |

### MERRIMACK

|                   |                   |                     |                    |
|-------------------|-------------------|---------------------|--------------------|
| Anderson, Eric    | Asplund, Bronwyn  | Bouchard, Candace   | Brewster, Richard  |
| Chase, George     | Daneault, Gabriel | Davis, Francis      | Feuerstein, Martin |
| Fraser, Marilyn   | Gile, Mary        | Hager, Elizabeth    | Hoadley, Elizabeth |
| Jacobson, Alf     | Kennedy, Richard  | Langer, Ray         | Larrabee, David Sr |
| Lavoie, Gerard    | Leber, William    | Lockwood, Priscilla | Marple, Richard    |
| Marshall, Kenneth | Maxfield, Roy     | Owen, Derek         | Potter, Frances    |

|                   |                 |              |                  |
|-------------------|-----------------|--------------|------------------|
| Poulin, Dave      | Reardon, Tara   | Rodd, Beth   | Seldin, Gloria   |
| Soltani, Tony     | Virtue, Carolyn | Wallin, Jean | Whalley, Michael |
| Whittemore, James | Yeaton, Charles |              |                  |

#### ROCKINGHAM

|                    |                     |                      |                      |
|--------------------|---------------------|----------------------|----------------------|
| Abbott, Dennis     | Arndt, Janet        | Beaulieu, Jon        | Belanger, Ronald     |
| Blanchard, MaryAnn | Bridle, Russell     | Case, Margaret       | Christie, Andrew Jr  |
| Clark, Martha      | Clark, Vivian       | Cooney, Richard      | Cox, Russell         |
| Dearborn, Bruce    | DiFruscia, Anthony  | Dowling, Patricia    | Downing, Michael     |
| Dunham, Vivian     | Fesh, Robert        | Flanagan, Natalie    | Flanders, John Sr    |
| Francoeur, Sheila  | Gibbons, Paul       | Gleason, John        | Griffin, Mary        |
| Hamel, Albert      | Henderson, Warren   | Hutchinson, Rebecca  | Johnson, Robert      |
| Kane, Cecelia      | Katsakiores, George | Katsakiores, Phyllis | Kelley, William      |
| Kobel, Rudolph     | Langley, Jane       | Langone, John        | Letourneau, Robert   |
| Major, Norman      | McKinney, Betsy     | Mikowski, Walter     | Moore, Benjamin      |
| Morse, Charles     | Norelli, Terie      | Nowe, Mary Lou       | Nowe, Ronald         |
| Noyes, Richard     | O'Keefe, Patricia   | O'Neil, Michael      | Packard, Sherman     |
| Pantelakos, Laura  | Pitts, Jacqueline   | Putnam, Ed II        | Quandt, Marshall     |
| Rabideau, Marie    | Raynowska, Bernard  | Rubin, George        | Ruffner, Walter      |
| Sabella, Norma     | Sapareto, Frank     | Schanda, Frank       | Shelton, Richard     |
| Splaine, James     | Stritch, C Donald   | Tufts, J Arthur      | Varrell, Thomas      |
| Vaughn, Charles    | Verani, Giovanni    | Weare, Everett       | Weatherspoon, Jackie |
| Welch, David       | Weyler, Kenneth     | Zolla, William       |                      |

#### STRAFFORD

|                    |                  |                   |                   |
|--------------------|------------------|-------------------|-------------------|
| Berube, Roger      | Brennan, William | Brown, George     | Brown, Julie      |
| Callaghan, Frank   | Cossette, Larry  | DeChane, Marlene  | Domingo, Baldwin  |
| Dunlap, Patricia   | Estabrook, Iris  | Gilmore, Gary     | Heon, Richard     |
| Kaen, Naida        | Keans, Sandra    | Knowles, William  | Lent, Donald      |
| McKinley, Robert   | Musler, George   | Pelletier, Arthur | Pelletier, Marsha |
| Rogers, Rose Marie | Rollo, Michael   | Smith, Marjorie   | Spang, Judith     |
| Spear, Barbara     | Taylor, Kathleen | Torr, Franklin    | Twardus, Joseph   |
| Vachon, Dennis     | Wall, Janet      | Woods, Phyllis    |                   |

**SULLIVAN**

|                    |                  |                   |                    |
|--------------------|------------------|-------------------|--------------------|
| Allison, David     | Burling, Peter   | Cloutier, John    | Donovan, Thomas Jr |
| Flint, Gordon Sr   | Jones, Constance | Kibbey, David     | Leone, Richard     |
| McIntyre, Sara     | Phinizy, James   | Robb-Theroux, Amy | Tuthill, John      |
| Wiggins, Celestine | Young, David     |                   |                    |

**NAYS 12**

**BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

None

**COOS**

None

**GRAFTON**

None

**HILLSBOROUGH**

|                    |               |              |             |
|--------------------|---------------|--------------|-------------|
| Christiansen, Lars | Clemons, Jane | Gorman, Mary | Hall, Betty |
| Lessard, Rudy      |               |              |             |

**MERRIMACK**

|                |                 |                |
|----------------|-----------------|----------------|
| Fortnam, Janet | Rosenfield, Jay | St Cyr, Gerard |
|----------------|-----------------|----------------|

**ROCKINGHAM**

|                   |               |
|-------------------|---------------|
| Hutchinson, Karen | Reardon, Neil |
|-------------------|---------------|

**STRAFFORD**

Bickford, David

Johnson, Nancy

**SULLIVAN**

None

and the floor amendment was adopted.

Report adopted and ordered to third reading.

**SB 134-FN**, relative to medicaid reimbursement rates and dental care. INEXPEDIENT TO LEGISLATE

Rep. Robert K. Boyce for Finance: The intent of this bill was to increase the percentage of medicaid-assisted children receiving dental care. According to testimony we heard, it was not clear increasing the reimbursement rates was the answer. Vote 16-8.

Adopted.

**SB 153-FN-A**, requiring that a percentage of profits derived by the liquor commission be placed into and continually appropriated to a special fund for alcohol education and abuse prevention and treatment programs. INEXPEDIENT TO LEGISLATE

Rep. Robert K. Boyce for Finance: This bill would have perpetually dedicated up to 5% of the gross profits of the Liquor Commission to an undefined set of programs to treat and prevent alcoholism. This is the cart before the horse. If indeed there are worthy programs that should be funded, then a bill establishing them and providing funding should be proposed. This bill would reduce general funds for programs yet to be devised by \$2 million in this biennium and \$6.8 million in the next biennium. Vote 16-8.

Rep. Kurk spoke against and yielded to questions.

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

Reps. Kurk, Leber and Avery spoke against.

On a division vote, 60 members having voted in the affirmative and 259 against, the motion failed.

Rep. Kurk spoke against the report.

The report failed.

Rep. Kurk moved Ought to Pass with Amendment and offered a floor amendment.

**Floor Amendment (3021h)**

Amend RSA 176:16, II as inserted by section 2 of the bill by replacing it with the following:

***II. Fifty percent of the amount by which the current year gross profit exceed fiscal year 2001 actual gross profit, but not more than 5 percent of the current year gross profits derived by the commission from the sale of liquor and other revenues, shall be deposited into the alcohol abuse prevention and treatment fund established by RSA 176-A:1.***

Amend the bill by replacing section 4 with the following:

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

Rep. Kurk spoke in favor and yielded to questions.

Rep. Vaillancourt spoke against and yielded to questions.

Rep. Burling spoke in favor.

Rep. Harmon requested a roll call; sufficiently seconded.

The question being the adoption of the floor amendment.

**YEAS 206 NAYS 111**

**YEAS 206**

**BELKNAP**

|                  |                |                     |                |
|------------------|----------------|---------------------|----------------|
| Bartlett, Gordon | Czech, Stanley | Holbrook, Robert    | Millham, Alida |
| Pilliod, James   | Thomas, John   | Wendelboe, Francine | Wood, Jane     |

**CARROLL**

|                |                |                   |                |
|----------------|----------------|-------------------|----------------|
| Bradley, Jeb   | Chandler, Gene | Dickinson, Howard | Kenney, Joseph |
| Patten, Betsey |                |                   |                |

**CHESHIRE**

|                   |                    |                   |                     |
|-------------------|--------------------|-------------------|---------------------|
| Avery, Stephen    | Batchelder, Robert | DePecol, Benjamin | Doucette, Richard   |
| Lerandeau, Alfred | Lynch, Margaret    | Manning, Joseph   | McGuirk, Paul       |
| Meader, David     | Mitchell, McKim    | Pratt, Irene      | Richardson, Barbara |
| Roberts, William  | Robertson, Timothy | Royce, H Charles  | Smith, Edwin        |

Zerba, Roger

#### COOS

|                 |                  |                |              |
|-----------------|------------------|----------------|--------------|
| Davis, Perley   | Guay, Lawrence   | Landers, Dana  | Mears, Edgar |
| Pratt, Leighton | Rodrigue, Robert | Tholl, John Jr |              |

#### GRAFTON

|                   |                  |                |                    |
|-------------------|------------------|----------------|--------------------|
| Akins, Ralph      | Alger, John      | Almy, Susan    | Copenhaver, Marion |
| Densmore, Jessica | Dudley, Terri    | Hall, David    | Harmon, Hobart     |
| Hinman, Harry     | MacNeil, Allen   | Marshall, Gene | Mirski, Paul       |
| Nordgren, Sharon  | Phinney, William | Scanlan, David | Ward, Brien        |

#### HILLSBOROUGH

|                  |                        |                  |                       |
|------------------|------------------------|------------------|-----------------------|
| Ahern, Richard   | Baroody, Benjamin      | Batula, Peter    | Bergeron, Lucien      |
| Bergin, Peter    | Brundige, Robert       | Buckley, Raymond | Calawa, Leon Jr       |
| Chabot, Robert   | Clemons, Jane          | Cote, David      | Cote, Peter           |
| Coughlin, Pamela | Craig, James           | Daigle, Robert   | Desrosiers, William   |
| Dokmo, Cynthia   | Drabinowicz, A Theresa | Durham, Susan    | Dwyer, Paul Sr        |
| Dyer, Merton     | Emerton, Lawrence      | Fields, Dennis   | Flora, Kathleen       |
| Ford, Nancy      | Foster, Linda          | Gagnon, Eugene   | Garrish, Linda        |
| Ginsburg, Ruth   | Goley, Jeffrey         | Gorman, Mary     | Herman, Keith         |
| Herman, Richard  | Jean, Claudette        | Johnson, Lionel  | Keye, Harvey          |
| Konys, Christine | Kurk, Neal             | LaRose, Richard  | Lasky, Bette          |
| Leonard, Peter   | Lozeau, Donnalee       | Lynde, Harold    | MacGillivray, Jeffrey |
| Martel, Andre    | Martin, Mary           | McCarty, Winston | McColgan, Philip Jr   |
| McGough, Tim     | Mendenhall, Leslie     | Murphy, Robert   | O'Hearn, Jane         |
| Peterson, Andrew | Reidy, Frank           | Sarette, John    | Sargent, Maxwell      |
| Simon, Anthony   | Thulander, O Alan      | Turgeon, Roland  | White, John           |
| Withee, Dennis   |                        |                  |                       |

#### MERRIMACK

|                    |                    |                |                     |
|--------------------|--------------------|----------------|---------------------|
| Anderson, Eric     | Bouchard, Candace  | Chase, George  | Davis, Francis      |
| Feuerstein, Martin | Fortnam, Janet     | Gile, Mary     | Hoadley, Elizabeth  |
| Jacobson, Alf      | Larrabee, David Sr | Leber, William | Lockwood, Priscilla |

Marshall, Kenneth  
Seldin, Gloria

Maxfield, Roy  
Virtue, Carolyn

Potter, Frances  
Whalley, Michael

Rodd, Beth

#### **ROCKINGHAM**

Abbott, Dennis  
Clark, Martha  
Flanagan, Natalie  
Griffin, Mary  
Kane, Cecelia  
Langley, Jane  
O'Neil, Michael  
Schanda, Frank  
Welch, David

Beaulieu, Jon  
Cooney, Richard  
Flanders, John Sr  
Henderson, Warren  
Katsakiores, George  
Norelli, Terie  
Pantelakos, Laura  
Tufts, J Arthur  
Weyler, Kenneth

Blanchard, MaryAnn  
Cox, Russell  
Gibbons, Paul  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Nowe, Mary Lou  
Pitts, Jacqueline  
Vaughn, Charles

Case, Margaret  
Downing, Michael  
Gleason, John  
Johnson, Robert  
Kobel, Rudolph  
Nowe, Ronald  
Ruffner, Walter  
Weare, Everett

#### **STRAFFORD**

Berube, Roger  
Brown, Julie  
Estabrook, Iris  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Twardus, Joseph

Bickford, David  
Cossette, Larry  
Gilmore, Gary  
Knowles, William  
Pelletier, Marsha  
Spang, Judith  
Vachon, Dennis

Brennan, William  
DeChane, Marlene  
Heon, Richard  
Lent, Donald  
Rogers, Rose Marie  
Spear, Barbara  
Wall, Janet

Brown, George  
Dunlap, Patricia  
Johnson, Nancy  
McKinley, Robert  
Rollo, Michael  
Taylor, Kathleen

#### **SULLIVAN**

Allison, David  
Flint, Gordon Sr  
Phinizy, James

Burling, Peter  
Jones, Constance  
Robb-Theroux, Amy

Cloutier, John  
Leone, Richard  
Wiggins, Celestine

Donovan, Thomas Jr  
McIntyre, Sara  
Young, David

#### **NAYS 111**

#### **BELKNAP**

Boyce, Robert  
Turner, Robert

Lawton, David

Rice, Thomas

Rosen, Ralph

### **CARROLL**

|                   |                    |                 |             |
|-------------------|--------------------|-----------------|-------------|
| Babson, David Jr  | Howard, Godfrey    | Lyman, L Randy  | Mock, Henry |
| Philbrick, Donald | Sullivan, P Judith | Torressen, Gary |             |

### **CHESHIRE**

|            |               |                 |  |
|------------|---------------|-----------------|--|
| Hunt, John | Rose, William | Russell, Ronald |  |
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### **COOS**

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| Gallus, John | Horton, Lynn | Merrill, Gerald |  |
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### **GRAFTON**

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| Cobb, John | Gilman, G Michael | Johnson, Gary | Picconi, Al |
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### **HILLSBOROUGH**

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|-------------------|--------------------|--------------------|---------------------|
| Alukonis, David   | Andrews, Frederick | Arnold, Thomas Jr  | Arthur, Rose        |
| Beaupre, Roland   | Belvin, William    | Bruno, Pierre      | Christiansen, Lars  |
| Clegg, Robert Jr  | Dalianis, Griffin  | Daniels, Gary      | Dawe, Eileen        |
| Desmarais, Vivian | Fenton, James      | Fletcher, Richard  | Hall, Betty         |
| Hansen, Herbert   | Holley, Sylvia     | Hunter, Bruce      | Jean, Loren         |
| LaPorte, George   | Leishman, Peter    | McCarthy, William  | McDonald, James Sr  |
| McRae, Karen      | Melcher, Harold    | Mercer, Robert     | Messier, Irene      |
| Milligan, Robert  | Mosher, William    | O'Connell, Timothy | Pappas, Marc        |
| Pepino, Leo       | Reeves, Sandra     | Rowe, Robert       | Vaillancourt, Steve |
| Wall, Nancy       | White, Donald      |                    |                     |

### **MERRIMACK**

|                   |                   |                   |                  |
|-------------------|-------------------|-------------------|------------------|
| Asplund, Bronwyn  | Brewster, Richard | Daneault, Gabriel | Kennedy, Richard |
| Langer, Ray       | Lavoie, Gerard    | Marple, Richard   | Owen, Derek      |
| Poulin, Dave      | Soltani, Tony     | St Cyr, Gerard    | Wallin, Jean     |
| Whittemore, James | Yeaton, Charles   |                   |                  |

### **ROCKINGHAM**

|                  |                    |                     |                    |
|------------------|--------------------|---------------------|--------------------|
| Arndt, Janet     | Belanger, Ronald   | Christie, Andrew Jr | Clark, Vivian      |
| Dearborn, Bruce  | DiFruscia, Anthony | Dowling, Patricia   | Dunham, Vivian     |
| Fesh, Robert     | Francoeur, Sheila  | Hamel, Albert       | Hutchinson, Karen  |
| Kelley, William  | Langone, John      | Letourneau, Robert  | Major, Norman      |
| McKinney, Betsy  | Mikowski, Walter   | Moore, Benjamin     | Morse, Charles     |
| Packard, Sherman | Putnam, Ed II      | Quandt, Marshall    | Raynowska, Bernard |
| Reardon, Neil    | Sapareto, Frank    | Shelton, Richard    | Stritch, C Donald  |
| Varrell, Thomas  | Verani, Giovanni   | Zolla, William      |                    |

#### STRAFFORD

|                  |                  |               |                |
|------------------|------------------|---------------|----------------|
| Callaghan, Frank | Domingo, Baldwin | Keans, Sandra | Woods, Phyllis |
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#### SULLIVAN

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| Kibbey, David | Tuthill, John |
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and the floor amendment was adopted.

Report adopted and ordered to third reading.

**SB 205-FN**, expanding medical coverage to pay dental assistance for adults on medicaid.  
INEXPEDIENT TO LEGISLATE

Rep. Robert K. Boyce for Finance: This bill would expand dental services provided to adults on medicaid. In light of other state obligations, the committee believes this is not the time to add to entitlements. The cost to the general fund would have been \$242,000 in FY 00 and \$1.3 million in FY 01. In addition, this would have added to county medicaid costs. Vote 17-7.

Adopted.

**HB 53**, establishing a process for reviewing judges. OUGHT TO PASS WITH AMENDMENT

Rep. Henry P. Mock for Judiciary: This bill originally proposed a "process for reviewing judges," a subject matter thoroughly studied and ultimately addressed in HB 568. During the evaluation review consideration and as a part of the broad judicial reform study, the evaluation and selection of marital masters was an ever-present subject; a subject thoroughly discussed at public hearings. Consequently, a decision was made to attach this subject matter to HB 53, with the knowledge and permission of the bill's sponsors. The committee felt that because of the tremendous impact which marital masters can have on the family, including the children thereof, that their selection should be equally scrutinized and subject to the same procedures as the selection of judges. This issue passed in the 1999 session as a component of the Family Court bill (HB 707-FN) and at this time is in limbo in the state Senate. Vote 14-1.

#### Amendment (2121h)

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

AN ACT           relative to qualifications and appointments of marital masters.

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

1 New Section; Qualifications and Appointments of Marital Masters. Amend RSA 491 by inserting after section 25 the following new section:

491:26 Marital Masters.

I. Marital masters selected to serve in the marital master program, pursuant to New Hampshire superior court rule, shall possess the following qualifications:

(a) Professional experience in family law matters.

(b) Legal and personal qualities including, but not limited to:

(1) Knowledge of family matters, including related matters such as tax and pension law;

(2) Personal maturity so as to understand and make decisions on matters before the court; and

(3) Personal qualities of patience and understanding of the difficult personal matters which are the subject of divorce and a willingness to deal with complex family matters in a non-adversarial manner.

II. The governor shall nominate and the council shall confirm all new marital masters. The governor and council shall approve those seeking a renewed contract term and the terms and conditions of the marital master contract.

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

#### AMENDED ANALYSIS

This bill establishes certain qualifications for marital masters. The bill requires marital masters to be nominated by the governor and confirmed by the executive council. The bill also requires the governor and council to approve marital master contracts.

Adopted.

Report adopted and ordered to third reading.

**HB 579-FN**, relative to eligibility for unemployment benefits for certain persons commensurate with their attachment to the workforce. REFER FOR INTERIM STUDY

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: The Department of Employment Security is currently studying the issue of unemployment benefit eligibility for part-

time workers. The Labor, Industrial and Rehabilitative Services Committee wishes to review this study and may offer a different motion when the bill comes to the floor. Vote 16-0.

Adopted.

**HB 595-L**, enabling municipalities to grant the elderly property tax exemption to an additional person in a household. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Priscilla P. Lockwood for the Majority of Municipal and County Government: It was the opinion of the Committee that the objectives of this bill could be accomplished by procedures already in place at the local level Vote 14-2.

Rep. Ralph L. Akins for the Minority of Municipal and County Government: The statutory minimum amounts established by the State of New Hampshire for income recognizes the difference between a single person and a married couple (ref. \$13,400 single, \$20,400 married). The statutory amount for assets is "\$35,000 or less," but makes no allowance for a married couple. Municipalities can and do allow higher asset limits, but they too give no consideration for married couples.

Rep. Akins spoke against.

Rep. Simon spoke in favor and yielded to questions.

On a division vote, 238 members having voted in the affirmative and 44 in the negative, the majority report was adopted.

**SB 76-L**, allowing certain municipalities to offer tax exemptions to foster commercial and industrial construction. OUGHT TO PASS WITH AMENDMENT

Rep. Betsey L. Patten for Municipal and County Government: Coos County is made up of one city and 43 towns and unincorporated places and wants help to foster economic growth. The Municipal and County Government Committee worked on this issue and is bringing forth the idea of a pilot program that would sunset April 1, 2005. There are three criteria that Coos County meets – it has the lowest equalized taxable valuation per person, the highest unemployment rate for the last three years, and has the lowest population growth for the past five years of all the other nine counties in New Hampshire. Because of these three economically-depressed criteria, the committee recognizes a need to encourage new construction, rehabilitation and improvement of property for commercial and industrial uses. We are proposing the ability to adopt a very specific and focused tax exemption, at the local level, by any of Coos County municipalities. If the city or one of the 43 towns or unincorporated places meets two of the three economically-depressed criteria, which Coos County meets in totality, then it would be able to enact incentives provided. The local legislative body would determine the amount and new construction property tax exemption for commercial or industrial uses or both, as defined in SB 76. The exemption may run for a maximum period of 10 years, provided that for all years the exemption is in place, the dollar amount shall not exceed 500 percent of the increased assessed value. This exemption would not shift their current tax burden to other residents of the city or towns/unincorporated places since the current tax exemption would only apply to the increased assessed value that the new construction would generate. The committee also wants to ensure that if an exemption, as described, was adopted, all other requests for like exemptions would be uniformly administered within the city or town/unincorporated places. We urge our fellow members of the House to agree with us in adopting a needed economic tool for the citizens of the North Country and vote Ought to Pass as Amended. Vote 13-1.

## **Amendment (2026h)**

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

AN ACT            establishing a pilot program allowing certain municipalities in Coos county to offer tax exemptions to foster public accommodation and industrial construction.

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

1 Statement of Intent. As of May 1999, Coos county had the highest rate of unemployment in the state of New Hampshire. Between 1960 and 1999, Coos was the only county in the state to have a net decrease in population. Based on 1997 projections by the office of state planning, Coos county will continue to see the current trend of outward migration and decrease in numbers of its citizens under 40 years of age over the next 15 years, a more precipitous population decrease than that of its overall population. Therefore, it is the purpose of this act to foster the economic development of Coos county by enabling eligible, economically-depressed municipalities to encourage new construction, rehabilitation, and improvement of property for public accommodation and industrial use through the adoption of tax exemptions. It is the further purpose of this act to ensure that, once adopted, such exemptions shall be administered uniformly within the taxing districts so as to avoid the risk of unconstitutional ad hoc or discriminatory tax benefits.

### 2 Definitions. In this act:

I. "Eligible municipality" shall mean any city or town located in Coos county which meets 2 of the following 3 criteria as established by the director of the office of state planning:

(a) Is within the lowest 30 percent of municipalities based on equalized taxable valuation per person for the most recent year available prior to the vote taken pursuant to section 4 of this act;

(b) Is within the highest 30 percent of municipalities based on unemployment rate for the average of the 3 most recent years available prior to the vote taken pursuant to section 4 of this act;

(c) Is within the lowest 30 percent of municipalities based on population growth for the most recent 5-year-period available prior to the vote taken pursuant to section 4 of this act.

II. "Industrial uses" shall include all manufacturing, production, assembling, warehousing, or processing of goods or materials for sale or distribution, research and development activities, or processing of waste materials.

III. "Public accommodation" shall mean any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than 100 rooms for rent or hire.

3 Property Tax Exemption. An eligible municipality may, by vote of the local legislative body pursuant to section 4 of this act, adopt a new construction property tax exemption for public accommodation or industrial uses, or both. The exemption shall apply only for property taxes assessed by the municipality which shall exclude state education property taxes under RSA 76:3 and shall be a specified percentage on an annual basis of the increase in assessed value attributable to

construction of new structures, and additions, renovations or improvements to existing structures. The exemption may run for a maximum period of 5 years following the new construction; provided, however, that the exemption for all years shall cumulatively not exceed 200 percent of the increased assessed value. Once adopted by the local legislative body, the percentage rate and duration of the exemption shall be granted uniformly within that municipality to all new construction for which a proper application is filed.

4 Procedure for Adoption. A municipality desiring to adopt the provisions of section 3 of this act shall do so in the following manner:

I. In a town which is an eligible municipality, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition pursuant to RSA 39:3, and shall be voted upon by official ballot if that town has adopted the official ballot for the election of officers. A public hearing shall be held at least 15 but not more than 60 days prior to the vote.

II. In a city which is an eligible municipality, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such city may vote to place the question on the official ballot for any regular municipal election.

III. The vote shall specify the percentage of new assessed value to be exempted, the number of years duration of the exemption following new construction, and a reference to zoning use category definitions, if applicable. The exemption shall take effect in the tax year beginning April 1 following its adoption.

IV. A vote adopting section 3 of this act shall remain in effect for a maximum of 2 tax years; provided, however, that for any application which has already been granted prior to expiration of such 2 tax-year period, the exemption shall continue to apply at the rate and for the duration in effect at the time it was granted.

#### 5 Application for Exemption.

I. On or before March 1 following the date of notice of tax under RSA 72:1-d for any year for which the exemption is claimed, a person qualified for an exemption under section 3 of this act shall file an application with the selectmen or assessors, on an application form prepared by them, signed by the applicant under penalty of perjury, which contains adequate information to demonstrate that the applicant is qualified for the exemption.

II. The selectmen or assessors shall notify the applicant of their decision on or before July 1 following the date of notice of tax under RSA 72:1-d. The decision shall specify the amount of the exemption, that it is effective beginning the prior April 1, and the number of years for which the exemption applies to qualified construction. The decision of the selectmen or assessors may be appealed in the manner set forth in RSA 72:34-a.

III. An owner may apply for the exemption prior to construction, but in no case more than 12 months before the beginning of the tax year for which the exemption is sought. In such cases the selectmen or assessors may anticipatorily grant the exemption, subject to adjustment when the actual increase in assessed value becomes known. If construction is partially complete on April 1 of any year, the exemption for that year shall be based on the increased assessed value attributable to the partial construction, but the duration of the exemption shall be adjusted such that the

cumulative amount of exemptions received, based on the construction as completed, is proportional to that received by other eligible properties.

IV. The selectmen or assessors may request such additional or updated information as is necessary to determine eligibility. If they are satisfied that the applicant has willfully made any false statement, or has refused to provide information after such a request, they may refuse to grant the exemption.

V. If the municipality completes a revaluation during the period for which an exemption has been granted, the amount of the exemption shall be adjusted by the difference in equalization ratios applicable in the municipality before and after the revaluation.

6 Repeal. Sections 1-5 of this act, relative to a program allowing economically depressed municipalities in Coos county to offer tax exemptions to foster public accommodation and industrial construction, are repealed.

#### 7 Effective Date.

I. Section 6 of this act shall take effect April 1, 2006.

II. The remainder of this act shall take effect April 1, 2001.

#### AMENDED ANALYSIS

This bill establishes a pilot program allowing economically depressed municipalities in Coos county to offer tax exemptions applicable to non-statewide property taxes to foster growth in new and existing public accommodation and industrial construction.

Adopted.

Reps. MacGillivray and Mirski spoke against.

Reps. Foster, Guay and Gallus spoke in favor.

Rep. Ward spoke in favor and yielded to questions.

#### CLERK'S 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.

On a division vote 191 members having voted in the affirmative and 71 in the negative, the report was adopted by the necessary two-thirds and referred to Finance.

**HB 387**, relative to local telephone calling areas, access charges, and competitive telephone services.  
**OUGHT TO PASS WITH AMENDMENT**

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: This bill, as amended, addresses the size of local telephone calling areas and intrastate access charges for in-state toll calls. (1) While the Public Utilities Commission has liberalized the procedure for expanding local telephone calling

areas in the last two years, certain requests for expansion of calling areas are still automatically denied if there are currently few toll calls being made. The bill encourages the Commission to consider the likelihood of significant increases in the number of calls if these calls become local calls, especially where students attending the same public school would be able to make local calls to each other instead of toll calls. (2) The Science, Technology and Energy Committee supports the Public Utilities Commission's past efforts to reduce in-state toll call access charges to the level of interstate access charges. However, New Hampshire's in-state access charges are now well above interstate access charges and are higher than most other states in the region. The bill encourages the Public Utilities Commission to consider further decreases in in-state access charges even if customer monthly service charges would need to be increased. Reduction of these in-state access charges should produce greater competition for in-state toll calls and lower rates. The bill also encourages that these in-state access charges not vary greatly between Bell Atlantic customers and independent telephone customers, to reduce subsidies among groups of customers. Vote 18-0.

#### Amendment (2083h)

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

##### 1 Findings.

I. The general court finds that significant benefits have been obtained by increasing the size of local telephone calling areas. The general court finds that, in general, it is desirable for municipalities that send most of their students to the same public school district to have at least most of those students' homes within each other's local calling areas. The general court therefore finds that the public utilities commission, if it continues to use a community of interest standard as a first step in determining whether to proceed with requests to add additional exchanges to a local calling area, should not reject requests for larger calling areas solely because the existing volume of calls between exchanges that would become local calls is small. If few calls are currently being made, the commission should consider the likely increase in number should such calls become local calls, especially where students attending the same public school would acquire the opportunity to make local calls to each other instead of toll calls. However, while the general court urges the commission not to reject requests solely on the basis of a low current number of calls, the general court finds that the commission should continue to require an affirmative vote from the requesting exchange before expanding a local calling area.

II.(a) The general court finds that it is desirable for intrastate access charges, which local telephone exchange carriers charge to long distance providers for telephone calls outside local calling areas, not to exceed interstate access charges. The general court supports the public utilities commission's efforts in recent years to reduce intrastate access charges to the approximate level of interstate access charges.

(b) The general court finds that since the reductions in interstate access charges by federal regulators have often been accompanied by increases in customer charges for basic monthly telephone service, and since similar reductions in intrastate access charges may require similar increases in customer charges for basic monthly telephone service, the public utilities commission may consider decreases in intrastate access charges even if customer charges for basic monthly telephone service would need to be increased.

(c) The general court finds that the public utilities commission, when setting intrastate access charges, should consider both the disadvantages to customers of intrastate access charges that exceed interstate access charges and the disadvantages to customers of increases in charges for basic monthly services.

III. The general court finds that it is desirable for intrastate access charges not to vary greatly among local exchange carriers. Competitive long distance providers are unlikely to adopt different rates in different areas to compensate for these differences, and are likely, instead, to set their rates at a level that results in low-access-charge areas continuing to subsidize high-access-charge areas. The general court finds that, for local exchange carrier telephone utilities with relatively high intrastate access charges, the public utilities commission should consider increasing basic monthly service charges in order to decrease intrastate access charges.

2 New Sections; Public Utilities; Equality of Rates; Local Telephone Calling Areas and Intrastate Access Charges, Competitive Telephone Services Information. Amend RSA 378 by inserting after section 17 the following new sections:

378:17-a Local Telephone Calling Areas and Intrastate Access Charges.

I. In this section, "local calling area" means the area which may be called from a telephone calling exchange without paying toll charges or access charges.

II. If the commission uses a community of interest standard to limit requests to add additional exchanges to a local calling area, the commission should not reject requests solely because few calls are currently being made between the exchanges that would become local calls if the request were granted. If few calls are currently being made, the commission should consider the likelihood of significant increases in the number of calls between the exchanges if the request is granted and these calls become local calls, especially where public school district boundaries indicate that this is likely to occur.

III.(a) The commission should, as soon as possible after each significant decrease of interstate access charges by the federal government, consider corresponding reductions in intrastate access charges, taking into account both the disadvantages to customers of intrastate access charges that exceed interstate access charges and the disadvantages to customers of increases in charges for basic services.

(b) The commission should consider reducing intrastate access charges and increasing basic monthly service charges for local exchange carrier telephone utilities that have both a higher intrastate access charge than the state median intrastate access charge and a lower basic monthly service charge than the state median basic monthly service charge for exchanges with similar numbers of telephones within the local calling area.

378:17-b Competitive Telephone Services Information.

I. The commission is authorized to require telephone utilities that are also providers of competitive telephone services within New Hampshire or outside of New Hampshire to provide information to the commission concerning potential separation or divestiture. The information shall include the costs and other adverse consequences of requiring the separation of these businesses into 2 separate subsidiaries or the divestiture of one or the other into a completely separate corporate entity. This information may be required of any telephone utility which is engaged in any competitive business and which is also engaged either in any non-competitive business, or in any competitive business in which it has a market share exceeding 80 percent.

II. The commission is authorized to require telephone utilities that are required to make services available to competitive resellers to provide information to the commission concerning potential separation or divestiture. The information shall include the costs and other adverse consequences of requiring the separation or divestiture of the competitive portion of their business

which competes with the competitive resellers. It should be assumed that the separated or divested portion would then be removed from price regulation.

III. The commission may require information pursuant to this section from all telephone utilities, or from telephone utilities larger than a specified size with or without a representative sample of telephone utilities smaller than that size, at the commission's discretion.

IV. The commission shall not mandate separation or divestiture without legislative approval unless so required by federal law.

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

#### AMENDED ANALYSIS

This bill establishes standards for the determination of local telephone calling areas and intrastate access charges by local telephone providers. This bill also authorizes the public utilities commission to require telephone utilities to provide information to the commission regarding competitive services and possible separation or divestiture.

Adopted.

Report adopted and ordered to third reading by the necessary two-thirds.

**HB 457**, extending the committee to study electric rate reduction financing. OUGHT TO PASS WITH AMENDMENT

Rep. Jeb E. Bradley for Science, Technology and Energy: This bill extends the date for the Committee to Study Electric Rate Reduction Financing (securitization) from November 1998 to May 2000. The only purpose of this bill is to study this issue. Vote 18-0.

#### Amendment (2138h)

Amend the bill by replacing section 1 with the following:

1 Committee to Study Electric Rate Reduction Financing; Report; Date Extended. Amend 1998, 263:5 to read as follows:

263:5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before [~~November 1, 1998~~] **May 1, 2000**.

#### AMENDED ANALYSIS

This bill extends to May 1, 2000 the report date for the committee to study electric rate reduction financing established by 1998, 263.

Adopted.

Report adopted and ordered to third reading by the necessary two-thirds.

**HB 733**, relative to a state master plan for the deployment of personal wireless service facilities.  
**OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Science, Technology and Energy: The bill, as amended, attempts to rationally deal with the increase of telecommunication towers and their visual effect on New Hampshire landscape. The bill balances aesthetic concerns with the need for orderly development of telecommunications sites. The bill allows the Office of State Planning to develop a model zoning ordinance which local planning and zoning boards may use if they choose to adopt local zoning ordinances. The committee believes development of such a model ordinance will give invaluable assistance to local officials trying to develop coherent ordinances consistent with federal law. Such a model ordinance is strictly advisory in nature and does not establish or supersede any existing local ordinances. The bill further allows for regional notification to other New Hampshire municipalities and their residents when a tower would be visible within a radius of 20 miles. Residents from other municipalities would be allowed to comment on a particular tower installation but would not be given legal standing under the proposed bill. The bill also instructs the Office of State Planning to create a statewide map of visible tower facilities in order to encourage orderly deployment of facilities as well as opportunities for co-location of facilities. There is no fiscal note attached to this bill, and the committee believes any fiscal impact will be very, very limited. The committee worked extensively with the bill's proponents as well as representatives of the wireless telecommunications industry. The committee believes that this bill will assist local communities that are struggling to understand both their opportunities and responsibilities under federal law with regard to the siting of telecommunication towers. This bill does not affect towers owned by amateur radio operators. Vote 18-0.

**Amendment (2086h)**

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

1 New Chapter; Deployment of Personal Wireless Service Facilities. Amend RSA by inserting after RSA 12-I the following new chapter:

**DEPLOYMENT OF PERSONAL WIRELESS**

**SERVICE FACILITIES**

**12-J:1 Goals; Purpose.**

I. The federal Telecommunications Act of 1996 regulates the deployment of wireless services in the United States. Its purpose is to make these services available to the American people quickly and in a very competitive manner.

II. The visual effects of tall antenna mounts or towers may go well beyond the physical borders between municipalities, and should be addressed so as to require that all affected parties have the opportunity to be heard.

III. Carriers wishing to build personal wireless service facilities (PWSFs) in New Hampshire should consider commercially available alternative PWSFs to tall cellular towers, which may include the use of the following:

(a) Lower antenna mounts which do not protrude as far above the surrounding tree canopies.

(b) Disguised PWSFs such as flagpoles, artificial tree poles, light poles, and traffic lights, which blend in with their surroundings.

(c) Camouflaged PWSFs mounted on existing structures and buildings.

(d) Custom designed PWSFs to minimize the visual impact of a PWSF on its surroundings.

(e) Other available technology.

IV. A PWSF map is necessary to allow for the orderly and efficient deployment of wireless communication services in New Hampshire, and so that local communities have adequate information with which to consider appropriate siting and options to mitigate the visual effects of PWSFs.

12-J:2 Definitions. In this chapter:

I. "Antenna" means the equipment from which wireless radio signals are sent and received by a PWSF.

II. "Average tree canopy height" means the average height found by inventorying the height above ground level of all trees over 20 feet in height for a radius of 150 feet.

III. "Camouflaged" means for a personal wireless service facility one that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure.

IV. "Carrier" means a person that provides personal wireless services.

V. "Director" means the director of the office of state planning.

VI. "Disguised" means, for a PWSF, designed to look like a structure which may commonly be found in the area surrounding a proposed PWSF such as, but not limited to, flagpoles, light poles, traffic lights, or artificial tree poles.

VII. "Equipment shelter" means an enclosed structure, cabinet, shed vault, or box near the base of a mount within which are housed equipment for PWSFs such as, batteries and electrical equipment.

VIII. "Height" means the height above ground level from the natural grade of a site to the highest point of a structure.

IX. "Mount" means the structure or surface upon which antennas are mounted and include roof-mounted, side-mounted, ground-mounted, and structure-mounted types.

X. "Municipality" means any city, town, unincorporated town, or unorganized place within the state.

XI. "Personal Wireless Service Facility" or "PWSF" or "facility" means any "PWSF" as defined in the federal Telecommunications Act of 1996, 47 U.S.C. section 332(c)(7)(C)(ii), including facilities used or to be used by a licensed provider of personal wireless services.

XII. "Personal Wireless Services" means any wireless telecommunications services, and commercial mobile services including cellular telephone services, personal communications services, and mobile and radio paging services as defined in the federal Telecommunications Act of 1996, 47 U.S.C. section 332 (c)(7)(C)(i).

XIII. "Radio frequency radiation" means the emissions from personal wireless service facilities.

12-J:3 Wireless Carriers Doing Business in this State. All wireless carriers or their appointed agents doing business, or seeking to do business, in this state shall:

I. Be allowed to construct new ground-mounted PWSFs, provided that these PWSFs comply with municipal regulations for maximum height or maximum allowed height above the average tree canopy height, subject to any exceptions allowed or variances granted by the municipality.

II. Comply with all applicable state and municipal land use regulations.

III. Comply with all federal, state and municipal statutes, rules and regulations, including federal radio frequency radiation emission regulations and the National Environmental Policy Act of 1969, as amended.

IV. Provide information at the time of application to construct an externally visible PWSF, or prior to construction if no approval is required, to the office of state planning, to the municipality in which the facility is to be constructed, and to each other municipality notified in accordance with RSA 12-J:7, as follows:

(a) A copy of their license from the Federal Communications Commission (FCC) proving that they are eligible to deploy their systems in this geographical area and that this deployment falls under the jurisdiction of the federal Telecommunications Act of 1996; or a copy of their contract with a person with such a license, and a copy of that license.

(b) Upon request, detailed maps showing all of the carrier's current externally visible tower and monopole PWSF locations in the state within a 20 mile radius, both active and inactive.

(c) Upon request, site descriptions for each of the above locations showing the antenna height and diameter, and showing all externally visible structures.

(d) Upon request, a description of why less visually intrusive alternatives for this facility were not proposed.

12-J:4 Payment of Costs. A wireless carrier seeking approval to deploy a wireless communication facility may be required to pay reasonable fees, including regional notification costs, imposed by the municipality in accordance with RSA 676:4, I(g).

12-J:5 Fall Zones. In order to provide protection from tower collapses and from falling debris including hardware, collapsing material, and ice, fall zones should be established, which ensure public safety at or near the base of tall antenna mounts or cellular towers. The radius of the fall zone should be equal to the height of the highest point of the facility including any antennae or appurtenances, unless a smaller radius is demonstrated to be appropriate based on the design of the

specific structure. The radius of the fall zone should be the minimum distance from the base of any new ground mount PWSF to any property line, public road, habitable residential or business dwelling, or public recreational area, unless easements are obtained from all other property owners within the radius.

12-J:6 Personal Wireless Services Facilities Map. The director of the office of state planning shall develop a personal wireless service facilities map for the state. This map shall include all externally visible tower and monopole PWSF locations in the state, both active and inactive, for all carriers. This map shall also include for each of the above locations a site description as described in RSA 12-J:3, IV(c). Upon request of the director, any wireless carrier or its appointed agent doing business in this state shall provide a map of all of its existing externally visible tower and monopole PWSF locations in the state and a site description of each as described in RSA 12-J:3, IV(c).

#### 12-J:7 Regional Notification.

I.(a) Any municipality or state authority or agency which receives an application to construct a PWSF which will be visible from any other New Hampshire municipality within a 20 mile radius shall provide written notification of such application and pending action to such other municipality. Such municipalities within the 20 mile radius and their residents shall be allowed to comment at any public hearing related to the application. Regional notification and comments from other municipalities or their residents shall not be construed to imply legal standing to challenge any decision.

(b) This notification shall include sending a letter to the governing body of the municipality detailing the pending action on the application and shall also include publishing a notice in a newspaper customarily used for legal notices by such municipality, stating the specifics of the application, the pending action, and the date of the next public hearing on the application. Such notice shall be published not less than 7 days nor more than 21 days prior to the public hearing date.

II.(a) Any person, prior to constructing a new PWSF in any location where no approval is required but which will be visible from any other New Hampshire municipality within a 20 mile radius, shall provide written notification of such planned construction to such other municipality.

(b) This notification shall include sending a letter to the governing body of the municipality detailing the planned construction and shall also include publishing a notice in a newspaper customarily used for legal notices by such municipality within a 20 mile radius, outlining the planned construction.

12-J:8 Rulemaking. The director of the office of state planning shall adopt rules under RSA 541-A as necessary to implement this act and to provide sufficient information to municipalities, other state agencies, wireless companies doing business or seeking to do business in this state, and the public. The director, after holding a public hearing, may also adopt rules proposing a model ordinance for municipalities relative to the deployment of wireless communications facilities.

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

Adopted.

Report adopted and ordered to third reading by the necessary two-thirds.

**SB 71** , prohibiting the use of MTBE as an additive in gasoline. INEXPEDIENT TO LEGISLATE

Rep. Jeb E. Bradley for Science, Technology and Energy: This bill seeks to impose a legislative ban on the use of MtBE (methyl tertiary butyl ether) in gasoline by 2003. MtBE is an additive which is widely used in reformulated gasoline. Reformulated gasoline is designed to reduce air pollution. Reformulated gasoline has been required for use in Hillsborough, Rockingham, Merrimack, and Strafford Counties as part of New Hampshire's compliance with the federal Clean Air Act. While reformulated gasoline has reduced emissions of known carcinogens such as benzene, MtBE is water-soluble. Gasoline spills have contaminated wells with MtBE. In the 1999 session, Senate Bill 70 passed. It called for the Department of Environmental Services (DES) to set maximum contamination levels and remediation standards for MtBE. DES should propose this rule by the January deadline of the statute. Senate Bill 70 also required DES to seek a waiver from the EPA so that gasoline with a far lower MtBE content (though higher benzene content) could be used in New Hampshire on an interim basis. The EPA's initial response did not approve this waiver request. Governor Shaheen has resubmitted the request, this time directly to the Administrator of the EPA. As of this writing, Governor Shaheen has not received a reply. In the meantime, an EPA blue ribbon panel has recommended phasing out use of MtBE in gasoline however. Federal law currently severely limits states' flexibility in determining the components of gasoline, and the federal law may need to be changed to allow states more flexibility. The EPA has not recommended immediate removal of MtBE as it is likely there would be a corresponding increase of air emissions. Other additives such as ethanol are used in the mid-west. There is not enough ethanol currently available to supply areas of the country where reformulated is required such as the northeast and California. If cost and supply issues are solved, ethanol could replace MtBE. Ethanol does not have the same water quality problems as MtBE. Ethanol may increase some air emissions however. Senate Bill 70 gave authority to DES (with approval of Governor and Council) to limit or ban MtBE if a gasoline with less or no MtBE was readily available at a reasonable price and decreased public health risks. Compared to other states, New Hampshire has taken a very proactive stand in an attempt to protect water supplies. In addition, a statutory study committee created in 1999 by House Bill 592 has recommended new legislation which would encourage efforts already underway by northeastern states to work with gasoline refiners and EPA to create a regional gasoline with less or no MtBE that protects water quality and that provides equivalent air quality benefits. A check of other states showed that only California has enacted significant legislation. Even in that state, a bill just recently signed into law allows postponement of a MtBE ban originally proposed to take place through an Executive Order by the Governor of California by 2003. Maine and Connecticut have also passed legislation that studies MtBE. The Science, Technology and Energy Committee believes it has done everything it can to reduce the threat of MtBE to water supplies in the short run. Legislation banning MtBE in 2003 would not improve the water quality situation in that interim. A ban could lead to lawsuits under existing federal law and could undermine efforts to work collaboratively on a regional gasoline solution. Unfortunately, it will take time to develop alternative gasolines with less or no MtBE that have less of an environmental and human health impact and are readily available in adequate supplies. The proponents of Senate Bill 71 believe passage of the bill at this time will increase pressure to act. The Committee believes that passage last session of Senate Bill 70 has already created that pressure and that it will be far more advantageous to pursue creation of a regional gasoline solution than proposing a ban which does little to protect water quality in the short run. Vote 15-1.

Adopted by the necessary two-thirds.

**vacate**

Rep. Edwin Smith moved that the House vacate the reference of **HB 1555-FN-L**, requiring the state to rebuild and maintain the dam controlling Russell Reservoir in the town of Harrisville and

requiring the department of transportation to convey a certain parcel of land to the town of Harrisville., to the Committee on Public Works and Highways.

Adopted by the necessary two-thirds and referred to Resources, Recreation and Development.

## **RESOLUTION**

Rep. Chandler offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 13, 2000 at 1:30 p.m.

Adopted by the necessary two-thirds.

## **LATE SESSION**

### **Third reading and final passage**

**HB 628**, relative to the relocation of the principal residence of a child.

**HB 427**, relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes.

**HB 304**, relative to school employee and volunteer background investigations.

**HB 310**, providing that the department of agriculture, markets, and food shall not conduct meat inspections unless and until such time as the United States Department of Agriculture withdraws its meat inspection program from the state.

**SB 143**, relative to penalties for incest.

**SB 153-FN-A**, requiring that a percentage of profits derived by the liquor commission be placed into and continually appropriated to a special fund for alcohol education and abuse prevention and treatment programs.

**HB 53**, relative to qualifications and appointments of marital masters.

**HB 387**, relative to local telephone calling areas, access charges, and competitive telephone services.

**HB 457**, extending the committee to study electric rate reduction financing.

**HB 733**, relative to a state master plan for the deployment of personal wireless service facilities.

## **unanimous consent**

Rep. Buckley addressed the House.

## **RECESS MOTION**

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

Adopted by the necessary two-thirds.

The House recessed at 5:40 p.m.

RECESS