

HOUSE RECORD

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Thursday, April 13, 2000

No. 35

HOUSE JOURNAL No. 12 (cont.)

Thursday, March 30, 2000

(Rep. Whalley in the Chair)

senate messages

concurrence

HB 568, establishing a program for performance evaluations of judges.

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

HB 630-FN-L, relative to the Skyhaven airport transfer plan.

HB 699-FN-A, establishing the granite state scholars program and making an appropriation therefor.

HB 1175, relative to license renewal for dental hygienists.

HB 1179, relative to final orders of the public utilities commission.

HB 1318, establishing a committee to study the instability of kerosene, gasoline, diesel fuel, and home heating fuel prices.

HB 1362-L, relative to the reconsideration of cost apportionment within a cooperative school district.

HB 1462, extending the report date and changing the membership and duties of the committee to study methods to promote the use of renewable energy sources.

HB 1613, exempting police officers on bicycles from certain motor vehicle laws and rules.

nonconcurrence

HB 273-FN-L, establishing a school building aid oversight committee.

HB 514-L, relative to change of school assignment and transfers of public school pupils.

concurrence with amendment

SB 357, extending the reporting date of the study committee reviewing field activities conducted by the department of health and human services in investigating reports of abuse and neglect.

enrolled bill amendment

HB 1374, extending the reporting date for the sex offender issues study committee.

Amendment (4014-EBA)

Amend RSA 1999, 89:2, I as inserted by section 2 of the bill by replacing line 2 with the following:

from the ~~(a) Four~~ 7 members of the house of representatives, one of whom shall be

Adopted.

RECESS

(Rep. McGuirk in the Chair)

senate messages

concurrence

HB 51, providing for the voluntary registration of commercial maple producers and maple packers.

HB 279-FN-A, relative to refinancing the cost and rehabilitation of the Cheshire Bridge.

HB 1110, establishing a committee to study landlord-tenant issues.

HB 1172, providing staggered terms for agricultural advisory board members.

HB 1199, establishing a study committee on funding for affordable housing.

HB 1234, relative to special commissions to perform marriages in New Hampshire.

HB 1235, relative to defining surface waters..

HB 1256, clarifying certain health care laws.

HB 1258-FN, relative to invasive plant, insect, and fungal species.

HB 1282, establishing a committee to study the possibility of self-insuring state employees.

HB 1311, relative to payment of employer contributions for unemployment compensation.

HB 1321, relative to certain funds collected by order of the public utilities commission.

HB 1326, relative to managed care programs under workers' compensation.

HB 1337, repealing the New Hampshire foundation for mental health.

HB 1416-FN, establishing a brownfields cleanup revolving loan fund.

HB 1502, relative to lead paint abatement.

HB 1512-FN, establishing a committee to study the feasibility of implementing a paid family and medical leave insurance program and potential funding sources to support it.

HCR 31, a resolution urging the New Hampshire congressional delegation to take action to keep the international border crossing between the United States and Canada, in the town of Pittsburg, New Hampshire, open 24 hours a day.

nonconcurrency

HB 1166, relative to confidentiality and information collection by the department of agriculture, markets, and food.

CACR 5, relating to vote and elective rights of incarcerated felons. Providing that any person who has been convicted of a felony may be denied the right to vote for any or all of the time between conviction and final discharge of sentence, as provided by law.

concurrency with amendments

SB 76-L, establishing a pilot program allowing certain economically depressed municipalities to offer tax exemptions to foster public accommodation and industrial construction.

SB 170-FN-A, establishing a Parents as Teachers Program in Sullivan county and making an appropriation therefor.

enrolled bill amendments

HB 699-FN-A, establishing the granite state scholars program and making an appropriation therefor.

Amendment (4028-EBA)

Amend RSA 188-D:42 as inserted by section 2 of the bill by replacing lines 1-7 with the following:

188-D:42 Investment of State Matching Funds. A participating institution shall invest all funds in the endowment fund provided that:

I. All earnings including interest, dividends, equity appreciation, and any other form of increased value shall be reinvested in the endowment fund or distributed to granite state scholars.

II. The historic dollar value of the endowment fund as defined in RSA 292-B:1-a, V shall not be invaded, transferred, or used for any purpose other than the program.

III. The funds are invested consistent with the provisions of RSA 292-B.

Adopted.

HB 1175, relative to license renewal for dental hygienists.

Amendment (3999-EBA)

Amend the bill by replacing sections 3 and 4 with the following:

3 Effective Date. This act shall take effect July 1, 2000 at 12:01 a.m.

Adopted.

SB 381, relative to registration fees for off-highway recreation vehicles. (Amendment printed SJ 4/6/00)

Adopted.

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 449, 568, 569, 617, 630, 1179, 1318, 1362, 1435, 1462, 1594 and 1613 and Senate Bills 331, 333, 336 and 357.

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

(Rep. L'Heureux in the Chair)

RESOLUTION

Rep. Gorman offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 132, 359, 401, 406, 413 and 436 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 132, requiring a review of public safety communications requirements regarding the summit of Mount Kearsarge, establishing an advisory committee regarding the review, and placing a moratorium until July 1, 2001 on new leases, use permits, or extensions of lease or permit terms for telecommunication facilities on the summit of Mount Kearsarge. (Resources, Recreation and Development)

SB 359, establishing a committee to study the issues relative to manufactured housing parks in New Hampshire. (Commerce)

SB 401-FN-A-L, establishing the New Hampshire land and community heritage investment program and making an appropriation therefor. (Resources, Recreation and Development)

SB 406-FN-L, prohibiting the use of reformulated gasoline with watercraft on or in bodies of water that provide public water supplies. (Resources, Recreation and Development)

SB 413-FN, relative to confidentiality of addresses for victims of domestic violence, stalking, or sexual assault. (Criminal Justice and Public Safety)

SB 436, relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated. (Criminal Justice and Public Safety)

RECESS

(Rep. Dickinson in the Chair)

HB 1110, establishing a committee to study landlord-tenant issues.

Amendment (4073-EBA)

Amend section 3 of the bill by replacing subparagraph I (d) with the following:

(d) Hotels, motels, lodges, inns, bed and breakfasts.

Adopted.

HB 1282, establishing a committee to study the possibility of self-insuring state employees.

Amendment (4061-EBA)

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

1 Committee Established. There is established a committee to study the possibility of self-insuring

Adopted.

RECESS

(Speaker Sytek in the Chair)

Rep. Chandler moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 13

Thursday, April 13, 2000

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

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

All embracing Creator, today we honor the tartan of New Hampshire as a symbol of our beloved state whose citizenry is, like the tartan, colorful, bright, and one of a kind. We cannot find adequate words of thank you for all the blessings we share. We thank You for the freedom of our democracy which demands our best efforts. We thank You for the freedom to speak openly and without fear which demands our courage. We thank You for the freedom to worship as our heart leads which demands that we be open to one another without judgment or fear. Above all we thank You for the men and women who founded our noble country. May the decisions and actions taken in this hallowed chamber today serve to enable every citizen of New Hampshire to grow to their highest and best potential for the common good of all. Amen.

Rep. Garrish led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Patricia Cote, Grassie, LaMott, Perkins and Searles, the day, illness.

Reps. Asplund, DePecol, Glines, Grant, Hansen, Holley, Maxfield, McDonough-Wallace, Mears, O'Keefe, Marsha Pelletier, Riley, Scanlan and Woodward, the day, important business.

Rep. Beaulieu, the day, death in the family.

INTRODUCTION OF GUESTS

Former NH Rep. Ann Torr, guest of the House. Du Shinn, guest of Rep. Arthur. Maureen Mooney, guest of Rep. Batula. Bill and Elizabeth Gabler, guests of Rep. Harmon. Louise Remington, guest of Rep. Alger. Jim Holland, guest of Rep. Stickney. Barbara Brewster and Audry Shaeffer, wife and guest of Rep. Brewster. Derek Kehoe, guest of Rep. Ham. Linda Hunt, wife of Rep. Hunt

special guests

Rep. Avery introduced Hon. George Fergusson, Her Majesty's Consul General for New England, guest of the House. Bagpiper Gordon Webster and New Hampshire Highland Dancers Hanna Carbonneau, Betsey Parke, Laura Caulder and Mariel Webster, who performed for the House in honor of New Hampshire Tartan Day.

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

Adopted.

remarks

Rep. Avery: Thank you, Madam Speaker. Today, my fellow representatives, as we have done for the past few years, we are celebrating New Hampshire Tartan Day. It is the day we recognize those achievements that Scots and Scottish Americans have made on behalf of the State of New Hampshire and the United States. The day, as I have mentioned before, that marks the anniversary of the Declaration of Arbroath, the document that was signed on April 6 in the year 1320 declaring Scottish Independence, and a document many credit as being a model for our own United State Declaration of Independence. It is also the first anniversary of the new Scottish Parliament that was dormant for over 250 years. Madam Speaker, the most important phrase of that historical document is especially important today, "It is in truth, not for glory nor riches nor honors that we are fighting, but for freedom. For that alone which no honest man gives up but with life itself." Today we take special note of the men and women of the American armed forces and other forces of all nationalities who are today fighting for these same principles of freedom for all people. They have our prayers and best wishes and our fervent hopes that someday all peoples on this earth shall be free.

Piper Gordon Webster piped "Flowers of the Forest" and "Amazing Grace" in memory of Sen. Clesson Blaisdell and Reps. Paul A. Golden, Kenneth J. MacDonald and Marie C. Hawkinson.

(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.

senate messages

requests concurrence with amendments

HB 1264-FN, relative to the unlawful use of theft detection shielding devices. (Amendment printed SJ 3/30/00)

Rep. Welch moved that the House concur.

Adopted by the necessary two-thirds.

HB 1583, increasing the education requirement for estheticians and manicurists and relative to the board of barbering, cosmetology, and esthetics. (Amendment printed SJ 4/6/00)

Rep. Mercer moved that the House concur.

Adopted by the necessary two-thirds.

HB 1301, relative to regional appointments to the state committee on aging. (Amendment printed SJ 3/30/00)

Rep. Emerton moved that the House concur.

Adopted by the necessary two-thirds.

HB 1413, relative to the rights of ownership of cemetery plots or burial spaces. (Amendment printed SJ 3/30/00)

Rep. Hess moved that the House concur.

Adopted by the necessary two-thirds.

(Clerk's Note)

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

HB 305-A, relative to a lease-purchase agreement between Cheshire county and the state for construction of a new district courthouse to be located in the town of Jaffrey. (Amendment printed SJ 4/6/00)

Rep. Edwin Smith moved that the House concur.

Adopted.

HB 1161, making technical changes to the New Hampshire Aeronautics Act and establishing a committee to study revisions to the state aeronautics laws. (Amendment printed SJ 3/30/00)

Rep. Packard moved that the House concur.

Adopted.

HB 1588, relative to the authority of the department of transportation regarding rail safety inspections. (Amendment printed SJ 3/30/00)

Rep. Packard moved that the House concur.

Adopted.

RESOLUTION

Its introduction having been approved by the Rules Committee:

Reps. Chandler and Burling offer the following: RESOLVED, that in accordance with the list in the, possession of the Clerk, House Resolution numbered 50 shall be by this resolution read a first and second time by the therein listed title.

Adopted.

INTRODUCTION OF HR

First and second reading

HR 50, authorizing and directing the house judiciary committee to investigate whether cause exists for the impeachment of David A. Brock, chief justice, and or any other justice of the New Hampshire supreme court. (Mirski, Graf 12; Chandler, Carr 1; ; Burling, Sull 1; Hess, Merr 11; Richardson, Ches 12).

consideration of hr 50

Rep. Mirski moved that **HR 50**, authorizing and directing the house judiciary committee to investigate whether cause exists for the impeachment of David A. Brock, chief justice, and or any other justice of the New Hampshire supreme court, be adopted.

Reps. Boyce and Simon moved that the debate on the consideration of House Resolution 50 be printed in the Journal.

Adopted.

Speaker Sytek: The Chair recognizes the member from Enfield, Rep. Mirski.

Rep. Mirski: Thank you, Madam Speaker. I think the events of the last couple of weeks beg the adoption of this resolution by this House. I think everyone here knows what my general sentiments are. I want to thank the leadership on both sides of the aisle here for their support. But, there is a person in this House who is a co-sponsor who I think deserves special notice and that is the representative from Richmond. When we served on Fairbanks II together, a number of individuals, the majority of the committee at one point, had reached such a state of frustration trying to get at the secret records of complaints against the court, that the representative from Richmond, in quite a bold move in the committee, moved to subpoena those records from the court. I don't know when

that's ever been done before in this institution, but it was certainly a remarkable event at the moment. While that effort initially failed, it was a spark for a lot of us to really make a resolve to continue working on this. My thanks to her in particular for supporting this resolution and, to the extent that you can, you ought to thank her for igniting the interest on this subject.

I don't want to take a lot of your time as I have been down here many times on this subject. I don't think as a practical matter that there is anything else that this institution can do as a public act that can begin the road to recovery, that is the road to recover, somehow, the status which the court really truly deserves. I think we are blessed to have an honorable Chairman of the Judiciary Committee where they have already begun some work which gives me great confidence in the selection of counsel. I can't believe that this entire process will be done in anything except in accordance with the highest ethical standards. I really do just simply say to you that this is a wonderful opportunity for us. We are watching the Constitutional protections in action. We are watching checks and balances in action. It gives us an historic opportunity to be a part of that and I urge you to vote "yes". Thank you, Madam Speaker.

Speaker Sytek: The question is on the adoption of the motion by Rep. Mirski. The Chair recognizes the member from Concord, Rep. Hager.

Rep. Hager: Thank you, Madam Speaker. I, too, rise in support of this resolution. I was going to say that I was coming to this with a completely different point of view than the distinguished gentleman who spoke ahead of me but we actually are saying very similar things this morning. I just would like to add, however, that over the years I have been proud of our judicial branch, just as I have been proud of this legislative branch and the executive. I was deeply hurt, just as the majority of the citizens in our state were, about what we learned two weeks ago. I, however, do not believe as many have tried to portray it in the media, that we have seen impeachable offenses. But, what I believe or what other individuals in this state believe is not the issue. The issue is that our branch of government is stepping forward today in a reasonable manner to address what has transpired. I commend you, Madam Speaker, for providing the leadership this past two weeks to bring this resolution to the floor today. I hope and believe that our Judiciary Committee, under the able leadership of Rep. Chairman Mock, who (is he still locked in his car somewhere?) will proceed as quickly and as openly as possible to respond to this resolution. After that has been completed and is behind us, I appeal to the entire judicial branch and the justices of the court to continue to work with this branch of government to open the conduct process as many of this body have tried to do in the past and to put this horrible episode behind us. I know that our judicial branch is respected throughout this nation and I think with what this branch of government can do, over hopefully the next very short period of time, that we can restore that respect throughout this nation. Thank you, Madam Speaker.

Speaker Sytek: Will the member yield to questions? Rep. Smith, you may inquire.

Rep. Marjorie Smith: Thank you very much, Madam Speaker. Madam Speaker, this is my concern and this is what my question is. I do not know if the behavior that has been referred to rises to an impeachable offense or if it is an unacceptable but not impeachable, my concern has to do with the outcome of this process. I would like to ask you what you think the choices are. If the Judiciary Committee, acting as I think we all know they will act, fairly, competently and carefully, were to decide that, in fact, this was an impeachable offense, would that then mean that we can all assume that everything is taken care of, and, by the same token, if the Judiciary Committee were to decide that it were [not] an impeachable offense would that mean that everything was taken care of? My concern is, is there anything in this resolution which would permit us to address systemic problems and we can have a long list of what those might be, including how we appoint judges, the judicial conduct committee, a unified bar, a whole series of issues, will this resolution in anyway close off the options to deal with systemic problems?

Rep. Hager: Rep. Smith, I have no idea. I would say, however, that I think this issue is as complex as one or more of the other issues we have been dealing in this biennium. I would hope that the Speaker and the other leadership would plan a briefing for this entire House like the ones that were held on other complex issues so that we all together know the answer to your question. I have been told that the Judiciary Committee has been meeting and they have been asking the kind of questions you asked and have been brought up to speed so you might want to ask one of them. Thank you.

Speaker Sytek: The Chair recognizes the member from Manchester, Rep. Vaillancourt.

Rep. Vaillancourt: Thank you, Madam Speaker. I, too rise in favor of this resolution and I think the previous question about the systemic nature of things brings us full circle back to where we were last year when we considered another action in this chamber, the Bill of Address, which 58 of us decided to vote in favor of then. My seatmate, way back in the back row got up and spoke and tried to blame some conduct on a systemic problem back then. I recall getting up here to point out some of the specifics because I did sit in on the hearings when the Bill of Address was brought by my dear colleague from the Enfield area and I think we learned that there was a lot more than systemic problems and I don't mean to say I-told-you-so, but I do mean to say that it was an indication a year ago that something was amiss as we sat through those hours of hearings. But, obviously it wasn't an indication that enough was amiss for many of us to vote for the Bill of Address. So, here we are now back here with more evidence and I guess I should start with a confession. I was travelling up through Vermont recently, it seems like it always happens when I go through Vermont, I speed occasionally and I got a ticket for speeding. I didn't say, "I'm a legislator so don't give me the ticket." We are responsible for the laws we make. We should live up to the responsibility that we put forward for other people. So as soon as I get a little money I will be paying that ticket, hopefully soon. You know what I was thinking about, I wasn't just speeding that one time when I was caught, I probably speed on a regular basis. Do I go to the judge and do I say that I want you to give me a ticket just for this one time, but for every other time I have been speeding? No, I don't. Am I saying that there are probably other indications of some wrong doing on the part of the Chief Justice or certain justices that weren't caught? Could be, could be. When I decided to enter government a few years ago the thing that was first and foremost in my mind and remains so today whether it be here in this Chamber or in Manchester where I also serve on the Mayor and Aldermen or anywhere else, if I do nothing else, I will try to shine the light of public scrutiny into actions that are taken. If the public knows what is going on we will be better served, they will be better served. One of the charges against this judicial system, these justices, that is most disturbing to me is the fact that they tried to use a veil of secrecy to shield potential misdeeds. Today we have the opportunity to shine that light very brightly and to serve us all better. As I say, no one is above the law, not those of us who make the laws, certainly the judges who swear to impartially uphold and interpret the laws. Because, what happens if we put one person above the laws? It leads to an erosion of our respect for the entire system of government. In fact, it can very easily lead to the social contract being broken and as you might recall, in this chamber, I've quoted the words of my favorite philosopher before, when the social contract is broken we are in danger of reverting to that state of pre-nature, that state of anarchy, when, to quote Thomas Hobbes, "Life was solitary, nasty, brutish and short." Crisis is not too inflammatory a word for what these justices have potentially placed us in. They have placed our society in the danger of reverting to pre-nature, of having respect for the rule of law destroyed and reverting to the state of anarchy. As guilty as this justice or these justices may be for doing that, we would be equally as guilty if we failed to hold him or them accountable. Thank you, Madam Speaker.

Speaker Sytek: The Chair recognizes the member from Cornish, Rep. Burling.

Rep. Burling: Thank you, Madam Speaker. Colleagues, I rise in support of the adoption of this resolution. In so doing, I want to say a few words of thanks to begin. Madam Speaker, to you for an extraordinary week of real leadership and dedication to the constitutional principals upon which this government stands. To the representative from Bartlett for a similar demonstration of real

leadership, collegiality and an opportunity to work together in a way that was productive and wise. To my fellow member of the bar, Rep. Hess, who has been a profound source of judgement, knowledge, information and appropriate advice. We came here to present you with a question and an opportunity for each of you to answer that question. Do we wish to continue an investigation into facts which may or may not, may or may not, prove to serve as grounds for a bill of impeachment on one or more counts? I choose not to prejudge. I will not prejudge. I do support the continuation of the process and I would ask each of you to remember as we decide whether or not to begin this voyage together, that this is a two-stage process. In the first instance, if we choose to vote "yes" by majority vote today, we will in so doing ask the Judiciary panel to act for us in taking on an extremely important investigation, a review of evidence, a review of facts, a searching for the truth. As they pursue that process, if we decide to ask them that, each and every one of us should remember that those members of the Judiciary Committee are acting for us. They are our designees. They are our colleagues and every single one of them is worthy of our support, our friendship, our advice, our collegiality. Only in that environment will their efforts succeed. I, for one, intend to give them that in any way I can. If they find grounds for further proceeding or other recommendations they choose to make, they will come back to us and we will be asked once again to decide. That decision lies in the future. I don't know how today's vote is going to go. I don't know what is going to happen. I just wanted to close by saying this to my colleagues who are members of the Judiciary Committee. I could not be prouder of a panel of people, I could not be more sure of your capacity for good judgement and I could not be more pleased to know that if this legislature votes in the affirmative today that you as a group of people are well-suited, well-equipped and thoroughly capable of doing this legislature proud. Thank you.

Speaker Sytek: Would the member yield to a question.? Rep. Keans, you may inquire.

Rep. Keans: Thank you, Madam Speaker. Rep. Burling, I am trying to match up what you have just said with what I thought I heard last week. As you know, the Judiciary Committee was called to a meeting in the Speaker's office. You were present. The Majority leader was present. But, at any rate, during part of that meeting.

Rep. Burling: May I just correct one thing? I am not aware that I was called to a meeting of the entire Judiciary Committee.

Rep. Keans: I don't know how you got there. I will be perfectly honest on that. But, I will tell you that the Judiciary Committee was called to a meeting over there. We had thought the Speaker was going to come to our committee room, it turns out some of us were late getting there because we had gone to the committee room and the meeting place had been changed to the Speaker's office. You were present. You stood behind me. I know you were there. I felt you breathing down my throat.

Rep. Burling: Sorry, now I've got the right meeting.

Rep. Keans: You see, that may be part of the problem here, too many meetings took place with too few of us present. At that meeting we were told, and I will say I heard it very loudly and clearly, by the leadership of both parties that they were committed to a fair proceeding. Where I get confused is, I believe the Speaker and then reinforced by the Majority Leader, said that it would be a two-step process. My confusion is, my understanding of that two-step process does not match up with what you just said. I don't understand how you can have a two-step process if the second step requires further authorization. I was under the understanding and belief that two-steps were going to be authorized by this resolution today and then if anything further than that, would come back to this House for further proceedings. If you could straighten me out on that, please.

Rep. Burling: Well, let me try to do that. I believe that the process we are deciding to start or not today, is a classic Anglo-American two-step process consistent with our legal traditions back 500 years. If we decide to go forward today, the Judiciary panel will be asked to serve in rough approximation as a grand jury to hear evidence, to take testimony, to issue subpoenas or *subpoenas duces tecum* to bring forth information which they will evaluate in deciding whether or not to recommend that this House exercise its powers of impeachment through an appropriate bill. That investigative process will take place over the next few weeks. It will be in the control of the Judiciary panel and the Committee will come back to us at some point with a recommendation. The recommendation may take a number of forms. It may be in a draft form of a bill of impeachment. It may be in some other recommendations. It may be in a recommendation that no further action proceed. I can't prejudge it. I don't think anybody in this room can prejudge what the panel will come back to us with. If there is a recommendation which includes one or more articles of a bill of impeachment, then it seems to me the second step is taken if this House chooses to accept such a bill. Then the process contemplated by our Constitution, i.e. a trial before the Senate, would be instigated. I think there has been much discussion of this in individual meetings. Perhaps no explicit description at large, but if this House were to vote to accept a recommendation involving the exercise of the impeachment power then a group of managers and a counsel for the House would carry that bill of impeachment to our colleagues across the wall in the Senate and there would be a trial in the Senate. That is the second part of the process, that is the "two" step. At that moment we become, through our delegates, essentially the prosecutors and we would prosecute a trial before the Senate sitting as judges. That is what I think we have always talked about. That is what we are contemplating today. That will be what we do if we decide to go forward.

Rep. Keans: So, there is no second step. There is no step two unless the committee recommends impeachment.

Rep. Burling: That is not entirely correct. It is entirely possible the committee would come back with a recommendation which did not contemplate the exercise of the impeachment power and this House has a whole could vote to not accept that recommendation. That is a possibility. Whether it is a practical likelihood I don't know. But, the second step that we are talking about begins when this House accepts or rejects a recommendation of the Judiciary Committee and takes further action. That is when the second step takes place.

Rep. Keans: Thank you, Rep. Burling. I think I'm getting a clearer picture of where we are at here, but, is it your understanding or is it anybody's understanding and I think it would be helpful for the full Judiciary Committee to understand, where we are at here. What happens to the subpoena authority and what happens to the outside counsel when we bring our recommendation back? Because it is my opinion, and I think it is the opinion across the state, that there are some fundamental problems in the court and I don't see how we get at that either with a "yes" impeach or a "no" impeach. Is it your opinion that the legal counsel and subpoena would be deauthorized after the recommendation either for or against an impeachment?

Rep. Burling: No I think this is a very important point and I would like to read the third paragraph from the bottom, it is a single sentence. After the discussion of the subpoena power and the impeachment recommendation the language is, and it's on the top of page 993 in your calendar, colleagues, "That the committee shall report to the house of representatives such resolutions, articles of impeachment, or other recommendations as it deems proper." Now, that language includes within it the power to make suggestions for legislation, the powers for systemic review, look at all the kinds of things that you as a committee member may feel is in need of work by this legislature. It is a large task that we ask of you, but, again, that is why I said I have such faith in each of you as individuals to do the job well.

Rep. Keans: With all due respect, I don't think that answered my question. Would there be an opportunity for the continuation of outside counsel and the continuation of subpoena power?

Rep. Burling: Oh, yes. I hate to be a lawyer –like in this, but

Rep. Keans: I think that is why you were a part of all those meetings. I wasn't a part of those.

Rep. Burling: I hope it had something to do with my status as Democratic leader. The issue of counsel becomes very important if this legislature decides to go to step two. We will require the presence of counsel to manage the prosecution of any article of impeachment before the Senate. We will require the continued availability of the subpoena power because in the context of a prosecution of a case before the Senate we'll have to be able to compel witnesses to show up and testify as to what they know. During the recent impeachment proceeding in Washington there was an agreement between House and Senate that they would proceed by offers of proof with written depositions. It is not at all clear that your committee and the Senate would agree to go that route. They might require actual physical testimony by people under subpoena. So, both the subpoena power and the advice of counsel would continue on into the second phase.

Rep. Keans: If we found impeachment. My question is if we find no reason for impeachment but there are systemic problems in the court system – in that situation?

Rep. Burling: Well, I can't prejudge that. Would you need the subpoena power to make an investigation of systemic problems which might have become obvious during the course of the investigation? Perhaps but I think that that would be a thing brought up appropriately at that time.

Speaker Sytek: Would the member yield to further questions? Rep. Avery, you may inquire.

Rep. Avery. Thank you, Madam Speaker and thank you for taking my question, Rep. Burling. In the recent investigation by the Attorney General, the Attorney General plea-bargained with Justice Thayer and in return for his resignation did not prosecute him, as I understand it, and my question is will the Judiciary Committee have the same kind of flexibility to do some kind of plea bargain with anybody that they find in jeopardy?

Rep. Burling: If I may, Madam Speaker, first let me say I don't have any knowledge that there was an explicit plea bargain between the Department of Justice and the justice who resigned. There are intimations in the press that such may have happened, but I know of no agreement and again this is a point in which I think we need to be very careful, I refuse to make conclusions without absolute proof. The mere fact that somebody said something on the front page of the state's largest newspaper doesn't do it. So, I don't draw the same conclusion you do. There was a very, I thought, explicit description by the Attorney General of why he had chosen not to prosecute and taken by itself that document, that statement, is, to me as a formerly practicing attorney, both clear and demonstrative of his extraordinary judgement. He made the right call. It was not a case which he could have tried in a criminal court and won. It certainly would have advanced nothing as far as I can see. Now, as to what powers the panel may have with regard to anybody in the future, I don't think there are any particular powers vested in them to reach an ultimate conclusion. We are all going to have cast a vote at the end and that is where we are. If we decide go forward today we are putting ourselves on the hook for making another vote. Thank you, Madam Speaker.

Speaker Sytek: The Chair recognizes the member from New London, Rep. Jacobson.

Rep. Jacobson: Thank you, Madam Speaker. I rise in support of this resolution which has its ultimate authority in Part II, Article 17 of the Constitution. What we are adopting by majority vote,

if we so do today, we are adopting an investigation and that investigation begins as a blank page and as we hear the witnesses we will develop what are the true facts. I do not know what the true facts are now but that will be the responsibility of the Judiciary Committee and the result may be one of many conclusions. There may be evidence for impeachment. There may be evidence only for an address. There may be evidence for a public reprimand and there may be evidence that we need to make very fundamental changes in what has been the process today. All of those elements and possibly more are, in fact, available as ultimate conclusions. Now, obviously we all are aware that secrecy and confidentiality has turned out to be a major problem. Ironically it is Woodbury Langdon who was the only person ever impeached who has illuminated for me what is the real meaning of independence and that is, as I have always believed, the independence to make judicial decisions. While he was impeached, they ultimately *nol-prossed* and then they tried an address and the Senate nonconcurred unanimously because in that particular instance there were a group of legislators who hated Woodbury Langdon because he criticized them for doing something what they should not have done and that is to nullify the decisions of the court and it is that independence that we must at all costs preserve. And so I urge you all to support this resolution. I have confidence in our distinguished Chairman and the members of the committee to do that which is right and what is always constitutional in the public interest. Thank you.

Speaker Sytek: Would the member yield to questions. Rep. Vaughn, you may inquire.

Rep. Vaughn: Thank you very much, indeed, Madam Speaker. The honorable member from New London, I know you are a country boy, but I have a question in transfer of power. The Judiciary Committee, acting as a whole, takes the power collectively of the House, the entire House, and it's placed on their shoulders. The current rules that we have, as I would understand, would possibly be set aside and the committee, the Judiciary Committee, would have to come up with their own set of rules. The question I have to you, having read this thoroughly and being a senior member of the House and President of the Senate at one time, do you see an opening for members of the House to suggest rules, specific rules, to the Judiciary Committee or do you see by this written declaration in House Bill 50, that that is up to the Judiciary Committee representing us? That is my question, thank you.

Rep. Jacobson: Well, I would agree that if members of the House have suggestions for rules that they be made to the Chairman. When I was Chairman of House Bill 1338 people did come to me with suggestions and we evaluated them. But, the ultimate decision must be made by the Committee.

Speaker Sytek: Would the member yield to another question? Rep. Wendelboe, you may inquire.

Rep. Wendelboe: Thank you, Madam Speaker. Rep. Jacobson, would you agree that, although the Judiciary Committee is charged with being responsible for this investigation, that is inherent upon the duties of all of us to be as involved as possible with that process by attending the hearings of the Judiciary Committee and that knowing our policy of public meetings that we encourage the members to attend those meetings, encourage the public to attend, history classes, our community TV and so on so that this truly will not be something in secrecy but will be done in the open and that we shouldn't be concerned with who is going to make the rules but we should be more concerned with that we all make sure to be as knowledgeable as possible as to their investigation as it progresses. Would you agree?

Rep. Jacobson: My understanding is that every meeting will be held in public. If all members of the House show up we may have to have the meetings here plus the gallery. But, I would be opposed to anything that is done in secret. I think everything should be out in the public.

Rep. Sytek: The Chair recognizes the final speaker, the member from Hooksett, Rep. Hess.

Rep. Hess: Thank you, Madam Speaker. This is a sad day for me just like I'm sure it is a sad day for all of you and, indeed, a sad day for the entire population of the state of New Hampshire. The revelations that have come to light over the last two weeks are troublesome but we have a process that is available to us to fully and completely and objectively scrutinize and investigate those allegations. It is not a decoration that is sitting up on the wall that can be admired but untouched or unused and it is not a museum piece although it is over 200 years old. It is process that was put into place in our constitution, our living constitution, so that when the situation called for it, it was there to be used. I'm going to ask you to join with me in simply asking yourself, or addressing the following four issues. If you, like me, were deeply disturbed and dismayed by the revelations that came out of the Attorney General's report just 13 days ago and even more so in the investigation file of some 120 pages, or if you, like me, were shocked to learn that Supreme Court Justices in the past, after having recused themselves from cases, thereafter participated in conferences and discussions and even the drafting of opinions in some way, on the very cases which they had recused themselves on contrary to the standards which that very same court has imposed on our planning boards, our zoning boards of adjustment, our boards of aldermen, our boards of selectmen, our city council, administrative boards of the state and state officials, and if you like me read the words of the spokesman for the court who one week ago stated, and I quote, "The appropriate time for the court to comment on the matter is as part of a legislative inquiry," and if you, like me believe that these revelations and these allegations need and must receive the scrutiny and the objective inquiry in open public under oath by one of our most respected standing committees which will be assisted by an outstanding special counsel, then fellow members, even if you don't share all those concerns with me, even if you don't share a majority of those concerns with me, if you share just one of those concerns with me, I urge you to join me in voting on this resolution so that the facts may become known and so that this House can make a decision, the right decision, when we have that information available. Thank you.

Reps. Chandler and Burling requested a roll call; sufficiently seconded.

The question being the adoption of the resolution.

YEAS 343 NAYS 7

YEAS 343

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Millham, Alida
Pilliod, James	Rice, Thomas	Rosen, Ralph	Russell, David
Salatiello, Thomas	Thomas, John	Turner, Robert	Wendelboe, Francine
Wood, Jane			

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	Blaisdell, Michael	Burnham, Daniel
Doucette, Richard	Hunt, John	Lerandean, Alfred	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meadar, David
Mitchell, McKim	Pratt, Irene	Richardson, Barbara	Roberts, William
Robertson, Timothy	Rose, William	Royce, H Charles	Russell, Ronald
Smith, Edwin	Zerba, Roger		

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Merrill, Gerald	Pratt, Leighton	Rodrigue, Robert
Tholl, John Jr			

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Cobb, John	Copenhaver, Marion	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Guest, Robert	Hall, David	Ham, Bonnie
Harmon, Hobart	Hinman, Harry	Johnson, Gary	MacNeil, Allen
Marshall, Gene	Mirski, Paul	Nordgren, Sharon	Phinney, William
Picconi, Al	Solow, Martha	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
Carlson, Donald	Chabot, Robert	Christiansen, Lars	Clegg, Robert Jr
Clemons, Jane	Cote, David	Cote, Peter	Coughlin, Pamela
Daigle, Robert	Daniels, Gary	Dawe, Eileen	Desmarais, Vivian
Desrosiers, William	Drabinowicz, A Theresa	Durham, Susan	Dyer, Merton
Emerton, Lawrence	Fenton, James	Fields, Dennis	Fletcher, Richard
Flora, Kathleen	Foster, Linda	Franks, Suzan	Gagnon, Eugene
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary

Goulet, Maurice	Haettenschwiller, Alphonse	Hall, Betty	Herman, Keith
Herman, Richard	Hunter, Bruce	Jean, Claudette	Jean, Loren
Johnson, Lionel	Keye, Harvey	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaPorte, George	LaRose, Richard	Lasky, Bette
Lefebvre, Roland	Leishman, Peter	Leonard, Peter	Lessard, Rudy
Lozeau, Donnalee	Lynde, Harold	MacGillivray, Jeffrey	Martel, Andre
McCarty, Winston	McColgan, Philip Jr	McDonald, James Sr	McGough, Tim
Melcher, Harold	Mendenhall, Leslie	Mercer, Robert	Messier, Irene
Milligan, Robert	Moran, Edward	Moriarty, Mary	Mosher, William
Murphy, Robert	O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Reidy, Frank	Sarette, John	Sargent, Maxwell	Simon, Anthony
Tate, Joan	Thulander, O Alan	Turgeon, Roland	Vaillancourt, Steve
Wall, Nancy	White, Donald	White, John	Williams, Carol
Withee, Dennis			

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	Fraser, Marilyn	French, Barbara	Gile, Mary
Hager, Elizabeth	Hess, David	Hoadley, Elizabeth	Jacobson, Alf
Kennedy, Richard	Langer, Ray	Larrabee, David Sr	Lavoie, Gerard
Leber, William	Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth
Moore, Carol	Nichols, Avis	Poulin, Dave	Reardon, Tara
Rodd, Beth	Rosenfield, Jay	Seldin, Gloria	Soltani, Tony
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Whalley, Michael	Whittemore, James	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Bishop, Franklin
Blanchard, MaryAnn	Bridle, Russell	Case, Margaret	Christie, Andrew Jr
Clark, Martha	Clark, Vivian	Cooney, Richard	Corbin, C David
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony

Dowling, Patricia	Downing, Michael	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Flanders, David	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, Jane	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'Neil, Michael	Packard, Sherman	Pantelakos, Laura
Pitts, Jacqueline	Priestley, Anne	Putnam, Ed II	Quandt, Marshall
Raynowska, Bernard	Reardon, Neil	Rubin, George	Ruffner, Walter
Sabella, Norma	Sapareto, Frank	Schanda, Frank	Shelton, Richard
Shultis, Elizabeth	Splaine, James	Stickney, Nancy	Stone, Joseph
Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas	Vaughn, Charles
Weare, Everett	Weatherspoon, Jackie	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		

STRAFFORD

Berube, Roger	Brennan, William	Brown, George	Cossette, Larry
DeChane, Marlene	Domingo, Baldwin	Estabrook, Iris	Gilmore, Gary
Heon, Richard	Johnson, Nancy	Kaen, Naida	Knowles, William
Lent, Donald	Lundborn, Raymond	McKinley, Robert	Musler, George
Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Torr, Franklin
Twardus, Joseph	Vachon, Dennis	Vincent, Francis	Wall, Janet
Woods, Phyllis			

SULLIVAN

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

BELKNAP
None

CARROLL
None

CHESHIRE
None

COOS
None

GRAFTON
None

HILLSBOROUGH
Dwyer, Paul Sr

MERRIMACK
Owen, Derek Potter, Frances

ROCKINGHAM
None

STRAFFORD
Brown, Julie Callaghan, Frank Dunlap, Patricia Keans, Sandra

SULLIVAN
None

and the resolution was adopted.

ordered to third reading.

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

Reps. Bickford, Holley, Martin and Scanlan did not vote and wished to be recorded in favor.

removed from the table

Rep. O'Hearn moved that ***HB 1521-FN-L***, relative to the definition and administration of an adequate education, be removed from the table.

Rep. O'Hearn requested a roll call; sufficiently seconded.

YEAS 203 NAYS 153

YEAS 203

BELKNAP

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

CARROLL

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	Hunt, John	Manning, Joseph	Roberts, William
Rose, William	Royce, H Charles	Smith, Edwin	

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Merrill, Gerald	Pratt, Leighton	Tholl, John Jr	

GRAFTON

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Ham, Bonnie
Hinman, Harry	MacNeil, Allen	Marshall, Gene	Phinney, William
Picconi, Al	Ward, Brien		

HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Batula, Peter
Beaupre, Roland	Belvin, William	Bergin, Peter	Brundige, Robert
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary
Dawe, Eileen	Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia
Durham, Susan	Dyer, Merton	Emerton, Lawrence	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Franks, Suzan
Gagnon, Eugene	Goulet, Maurice	Herman, Keith	Hunter, Bruce
Jean, Loren	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Lefebvre, Roland	Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee
Martel, Andre	McCarty, Winston	McGough, Tim	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	Mosher, William
O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Sargent, Maxwell
Tate, Joan	Thulander, O Alan	Vaillancourt, Steve	Wall, Nancy
Withee, Dennis			

MERRIMACK

Anderson, Eric	Brewster, Richard	Davis, Francis	Feuerstein, Martin
Hager, Elizabeth	Hess, David	Hoadley, Elizabeth	Jacobson, Alf
Kennedy, Richard	Langer, Ray	Larrabee, David Sr	Lavoie, Gerard
Leber, William	Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth
Nichols, Avis	Poulin, Dave	Soltani, Tony	Whalley, Michael
Whittemore, James			

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Case, Margaret	Christie, Andrew Jr	Cox, Russell	Dalrymple, Janeen

Dearborn, Bruce	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Dunham, Vivian	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John Sr	Francoeur, Sheila	Gleason, John	Griffin, Mary
Henderson, Warren	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Major, Norman	McKinney, Betsy	Mikowski, Walter	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	O'Neil, Michael
Packard, Sherman	Priestley, Anne	Putnam, Ed II	Quandt, Marshall
Raynowska, Bernard	Reardon, Neil	Ruffner, Walter	Sabella, Norma
Sapareto, Frank	Stickney, Nancy	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Varrell, Thomas	Vaughn, Charles	Weare, Everett
Welch, David	Whittier, John		

STRAFFORD

Bickford, David	Cossette, Larry	Dunlap, Patricia	Gilmore, Gary
McKinley, Robert	Musler, George	Torr, Franklin	Tsiros, William
Woods, Phyllis			

SULLIVAN

Flint, Gordon Sr	Jones, Constance	Kibbey, David	Leone, Richard
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NAYS 153

BELKNAP

Salatiello, Thomas	Wood, Jane
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CARROLL

Babson, David Jr

CHESHIRE

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	Doucette, Richard
Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John

Richardson, Barbara

Robertson, Timothy

Russell, Ronald

Zerba, Roger

COOS

Landers, Dana

Rodrigue, Robert

GRAFTON

Almy, Susan

Copenhaver, Marion

Guest, Robert

Hall, David

Harmon, Hobart

Johnson, Gary

Mirski, Paul

Nordgren, Sharon

Solow, Martha

Weber, Phil

HILLSBOROUGH

Ahern, Richard

Arthur, Rose

Baroody, Benjamin

Bergeron, Lucien

Bruno, Pierre

Buckley, Raymond

Burkush, James

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Daigle, Robert

Drabinowicz, A Theresa

Dwyer, Paul Sr

Fenton, James

Foster, Linda

Garrish, Linda

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Haettenschwiller,
Alphonse

Hall, Betty

Herman, Richard

Jean, Claudette

Johnson, Lionel

Keye, Harvey

Konys, Christine

LaPorte, George

Lasky, Bette

Leonard, Peter

Lynde, Harold

MacGillivray, Jeffrey

McColgan, Philip Jr

McDonald, James Sr

Melcher, Harold

Mendenhall, Leslie

Moriarty, Mary

Murphy, Robert

Reidy, Frank

Sarette, John

Simon, Anthony

Turgeon, Roland

White, Donald

White, John

Williams, Carol

MERRIMACK

Bouchard, Candace

Chase, George

Crosby, Toni

Daneault, Gabriel

Fortnam, Janet

Fraser, Marilyn

French, Barbara

Gile, Mary

Moore, Carol

Owen, Derek

Potter, Frances

Reardon, Tara

Rodd, Beth

Rosenfield, Jay

Seldin, Gloria

St Cyr, Gerard

Virtue, Carolyn

Wallin, Jean

Wallner, Mary Jane

Yeaton, Charles

ROCKINGHAM

Abbott, Dennis

Blanchard, MaryAnn

Clark, Martha

Clark, Vivian

Corbin, C David	Gibbons, Paul	Hamel, Albert	Hutchinson, Rebecca
Kane, Cecelia	Kelley, Jane	Kelley, William	Moore, Benjamin
Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline	Rubin, George
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Weatherspoon, Jackie	Weyler, Kenneth	Zolla, William	

STRAFFORD

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin	Estabrook, Iris
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	Pelletier, Arthur
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis
Vincent, Francis	Wall, Janet		

SULLIVAN

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

and the motion was adopted.

The pending question is Ought to Pass with Amendment.

Reps. Hoadley and Ward offered a floor amendment.

Floor Amendment (4052h)

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

1 Statement of Purpose. The general court finds that in order to implement New Hampshire's policy of providing all pupils with the opportunity to acquire an adequate education, it is necessary to monitor, evaluate, and publicly report the progress of pupils, schools, and districts. School improvement and accountability is best addressed at the local school district level with broad community participation in the development, implementation, and evaluation of locally developed education improvement and assessment plans. The state may provide support for accountability by implementing a process for identifying school districts that may not be meeting established quality standards and may be in need of assistance. The annual report card on the condition of education statewide and the resulting recommendations will provide the information necessary for identifying any specific problems that may exist and the remedies that may be desirable. It is the intent of the legislature during the 2003 session to revisit the issue of accountability in education by reviewing the progress and results of the policies implemented under RSA 193-E and to determine, by June 30,

2003, whether appropriate further remedies are needed to assist local school districts in meeting the quality standards and to further determine what those remedies might be.

2 New Subdivision; School District Comprehensive Improvement and Assessment Program. Amend RSA 193-E by inserting after section 3 the following new subdivision:

School District Comprehensive Improvement and Assessment Program

193-E:4 Definitions. In this subdivision:

- I. "Commissioner" means the commissioner of the department of education.
- II. "Department" means the department of education.
- III. "Plan" means the comprehensive improvement and assessment plan as defined in RSA 193-E:5.
- IV. "State board" means the state board of education.

193-E:5 School District Quality Standards; Comprehensive Improvement and Assessment Plan. In order to implement New Hampshire's policy of providing all pupils with the opportunity to acquire an adequate education, each school district shall implement the following quality standards:

I. By July 1, 2001, each district shall file its current plan with the department. Each school district shall prepare and implement its plan in accordance with a staggered schedule established by the department such that all plans shall be filed no later than June 1, 2007. Each plan shall be developed through a process involving parents, teachers, employers, and other community members. The department shall comment to the district on the plan in a timely fashion. Every 5 years following the filing of the initial plan, each school district shall file an updated plan developed through the process outlined in this paragraph. Districts may reference the statewide education improvement and assessment plan established in RSA 193-C:3, in preparing the plan. At a minimum, the plan shall include:

- (a) Curriculum and proficiency standards for all pupils.
- (b) School and district performance goals based on reported data on educational indicators listed in paragraph II of this section.
- (c) Procedures for aligning curriculum, instructional practices, and pupil and programmatic assessments, including annual reporting of results.
- (d) Local assessment measures which focus on individual pupil performance.
- (e) Role of support services and programs.
- (f) Role of instructional leadership.
- (g) Strategies to promote family and community involvement.
- (h) Staff supervision and evaluation and performance-based professional development.

- (i) Procedures for ongoing review and evaluation of the plan.
- (j) Pupil behavior and conduct codes.
- (k) Procedures detailing how the school district budget reflects the goals of the plan.
- (l) Provisions for addressing individual school needs.

II. By September 1, 2002, and annually thereafter, each school district shall report to the department its data for the previous school year on its school and district performance and demographic indicators. The requirements for data keeping and the form of the report shall be established in accordance with rules adopted by the state board.

(a) Performance and demographic indicators shall include the following areas:

- (1) Attendance, tardiness, truancy, transfer, and drop-out rates.
- (2) Length of school day and length of instructional time.
- (3) School environment indicators, such as safe-schools data.
- (4) Proportion of graduating pupils going on to post-secondary education, military service, and the workplace.
- (5) Performance on state tests administered pursuant to RSA 193-C and other standardized tests administered at local option.
- (6) Extent to which pupils meet behavior conduct codes.
- (7) Extent to which teachers are certified in all areas in which they teach.
- (8) Extent to which teachers and staff engage in performance-based professional development to promote pupil learning.
- (9) Frequency and resulting actions of staff supervision and evaluations.
- (10) Extent to which district schools implement components of effective family/community involvement standards including communicating, parenting, pupil learning, volunteering, school decision-making and advocacy, and collaborating with the community.
- (11) Frequency and resulting actions of supervision and evaluations of instructional and administrative leaders.
- (12) Teacher and administrator turnover rates reported by area of certification and by elementary, middle, junior high, and high school levels.

(b) In addition, local districts shall report on locally developed performance indicators and assessment measures.

III. Each elementary, middle, junior high, and high school in the school district shall meet the standards for school approval adopted by the state board.

IV. Beginning December 1, 2003, and annually thereafter, the commissioner, in accordance with rules adopted by the state board pursuant to RSA 541-A, shall determine whether each school district is meeting the quality standards established in paragraphs I–III of this section. The commissioner, annually, shall provide a report of such determinations to the governor and council, the speaker of the house, the senate president, the chairpersons of the house and senate education committees, the state board, and the attorney general.

V. No later than December 1, 2002, and annually thereafter, the department shall issue a report on the condition of education statewide and on a district-by-district and school-by-school basis. This report shall include demographic and pupil performance data including, but not limited to, school and district performance on state tests administered pursuant to RSA 193-C, other standardized tests administered at local option by at least 25 percent of school districts, and data provided under paragraph II of this section, as well as other relevant statistics including English as a second language pupils, special education pupils, and pupils eligible for free or reduced-price meals. Comparisons with state averages and with the condition of each district and school in comparison with previous years shall be provided, including, but not limited to, statewide rankings of each district and school on the state tests administered pursuant to RSA 193-C and on other standardized tests administered at local option by at least 25 percent of school districts. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local education improvement and assessment plan.

VI. Within 90 days of the issuance of the annual report on the condition of education as required in paragraph II of this section, each school district shall provide an opportunity for public discussion of the report at a meeting of the governing body called for the exclusive purpose of reviewing the report. If requested by a school district, a representative from the department of education or the state board of education shall make every reasonable effort to be in attendance at the public meeting to present the report to the public. Additionally, the department of education shall determine a priority list for districts that may have significant areas of concern based on the annual report on the condition of education and shall exercise every reasonable effort to attend the public meetings in those identified school districts within the 90 days on a priority basis. At least 7 days advance public notice shall be given. A written report of the public input and recommendations made at this meeting shall be made and retained by the school district governing body for future use. Within 60 days of the meeting, each school board shall issue a written response to the annual report at a regularly noticed and scheduled meeting and make any recommendations the board deems appropriate.

VII. Any school district, school, or teacher that demonstrates a best practice worthy of recognition shall also receive formal recognition from the state board and the governor. Such school districts, schools, or teachers shall be eligible to receive funds from any school improvement funds administered by the department. Such funds shall be used to disseminate best practices throughout the state.

I. A school district, in response to the annual report on the condition of education, may request from the department school improvement assistance on behalf of the district as a whole or on behalf of one or more schools in the district. Within 30 days of such request, the commissioner may, based on the availability of resources, provide appropriate assistance to the district. The commissioner shall prioritize any assistance based on the determinations made in the annual report on the condition of education. The commissioner shall work with local school board and school district officials in determining the assistance specific to the district's needs.

II. If any assistance provided by the department of education includes the use of a technical assistance advisor, the commissioner shall appoint a technical assistance advisor who shall be authorized to access any school improvement funds administered by the department of education, subject to rules adopted by the state board.

193-E:7 Request for Assistance by School District Legislative Body. If a school district has not submitted a request for assistance by the time of the annual school district meeting in a town, or by April 30 in a city, then the majority of the appropriate legislative body of the school district may vote to direct the governing body to submit a request for assistance pursuant to this section. If a majority of the legislative body votes in favor of requesting assistance, then that assistance shall be requested and provided in accordance with RSA 193-E:6.

193-E:8 School Improvement Funds. The department and the local school districts shall collaborate in an initiative to apply for grant money from any source that may be available to address school improvement issues. This collaborative effort should target funds which will be used to remedy specific areas at the local school district level identified as in need of improvement in the annual report on the condition of education.

193-E:9 Rulemaking. The state board shall, pursuant to RSA 541-A:

I. No later than July 1, 2001, adopt rules relative to data keeping, the form of the school district report required under RSA 193-E:5, II, the annual report on the condition of education statewide required under RSA 193-E:5, V, the scheduling of the local public meetings for the presentation of the annual reports under RSA 193-E:5, VI, and the access to any school improvement funds administered by the department of education under RSA 193-E:5 and 193-E:6. In developing these rules, the state board shall solicit advice and information from educators at all levels, including those within the university system, business people, government officials, legislators and legislative committees, community representatives, parents, and members of the public.

II. No later than July 1, 2002, adopt rules relative to the criteria and procedures for determining compliance with quality standards. In developing these rules, the state board shall solicit advice and information from educators at all levels, including those within the university system, business people, government officials, legislators and legislative committees, community representatives, parents, and members of the public.

193-E:10 Audit; Report. Beginning July 1, 2002, and every 2 years thereafter until July 1, 2006, the provisions of this subdivision, and all rules and procedures adopted by the department pursuant to the authority granted in this subdivision, shall be the subject of a performance audit, pursuant to RSA 14:31-a, IV, prepared by the audit division of the office of legislative budget assistant. After the July 1, 2006 audit, the joint legislative performance and audit committee established under RSA 17-N:1 shall determine and approve the scope and timing of any further audits of this program. A report of such audits shall be submitted to the speaker of the house, president of the senate, and the governor no later than December 1 of the year in which the audit is performed.

3 New Paragraph; Statewide Improvement and Assessment Plan; Review Required. Amend RSA 193-C by inserting after paragraph IV the following new paragraph:

V. By June 30, 2002, and every 5 years thereafter, the state board shall review and update the statewide education improvement plan developed in accordance with RSA 193-C that describes how the department will help schools and school districts improve pupil achievement, through a process that provides opportunities for public input from parents, employers, educators, and other citizens. The plan shall include goals and strategies for the delivery of technical assistance and professional development, the sharing of best practices, the modification or expansion of existing programs, and the establishment of new programs.

4 Statewide Improvement and Assessment Program; Legislative Oversight Committee; Duties Amended. Amend RSA 193-C:8 to read as follows:

193-C:8 Duties of the Legislative Oversight Committee; Report. ***The oversight committee shall:***

I. [The oversight committee shall review] Review the development and implementation of the program to ensure that they are in accordance with legislative policy. Implementation of the program shall be in conjunction with the committee's review.

II. Review all of the provisions of RSA 193-C and 193-E, relative to an adequate public education and school district accountability, and file a report of such review to the speaker of the house of representatives, the president of the senate, the governor, and the chairpersons of the house and senate education committees every 2 years.

III. Prepare any legislation that is needed as a result of the review of the progress and results of the policies implemented under RSA 193-E by the legislature during the 2003 legislative session.

5 New Paragraph; State Board of Education; Duties of the State Board; Review of School Approval Standards Inserted. Amend RSA 186:11 by inserting after paragraph XXXV the following new paragraph:

XXXVI. REVIEW OF SCHOOL APPROVAL STANDARDS. No later than June 30, 2003, and every 5 years thereafter, the state board of education shall review and update as necessary school approval standards based on input from parents, employers, educators, and other citizens. No later than 60 days from the date of each review, the state board of education shall submit a report of its findings, including recommendations for proposed legislation, to the chairpersons of the house and senate education committees. At the discretion of the committee chairpersons, a public hearing on the report may be scheduled.

6 Department of Education; Biennial Budget. The department of education shall include in its budget for the biennium ending June 30, 2003, the costs necessary to provide assistance to the school districts under RSA 193-E.

7 Review of School Accountability. During the 2003 legislative session, the legislature shall revisit the issue of accountability in education by reviewing the progress and results of the policies implemented under RSA 193-E. By June 30, 2003, the legislature shall determine whether appropriate further remedies are needed to assist local school districts in meeting the quality standards and shall further determine what those remedies might be. The legislature shall base its evaluation and determination of necessary further action on the results of the monitoring,

evaluating, and reporting procedures established in 193-E and reports by the department of education on the assistance that may have been provided to the school districts and the results thereof.

8 Repeal. RSA 194:23-d, relative to state financial aid to public elementary or high schools, is repealed.

9 Prospective Repeal. RSA 193-E:3, relative to the delivery of an adequate education, is repealed.

10 Effective Date.

I. Section 9 of this act shall take effect December 1, 2002.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Requires each school district to prepare and implement quality standards and a local education improvement and assessment plan.

II. Establishes procedures for the department of education to identify local school districts which are in need of assistance.

III. Requires the department of education and local school districts to collaborate to secure grant money from any source available to address school improvement issues.

IV. Requires the legislature to revisit the issue of school accountability in the 2003 legislative session.

Reps. Hoadley, Weyler, Hess and O'Hearn spoke in favor.

Rep. Estabrook spoke against and yielded to questions.

Rep. Jacobson spoke against.

Rep. Ward spoke in favor and yielded to questions.

Rep. Keith Herman requested a roll call; sufficiently seconded.

The question being the adoption of the Hoadley/Ward floor amendment.

YEAS 219 NAYS 138

YEAS 219

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Millham, Alida
Rice, Thomas	Rosen, Ralph	Russell, David	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	Hunt, John	Manning, Joseph	Roberts, William
Rose, William	Royce, H Charles	Smith, Edwin	

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Merrill, Gerald	Pratt, Leighton	Tholl, John Jr	

GRAFTON

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Ham, Bonnie	Harmon, Hobart	Hinman, Harry	MacNeil, Allen
Marshall, Gene	Mirski, Paul	Phinney, William	Picconi, Al
Ward, Brien	Weber, Phil		

HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Batula, Peter
Beaupre, Roland	Belvin, William	Bergin, Peter	Brundige, Robert
Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald	Chabot, Robert
Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela	Dalianis, Griffin
Daniels, Gary	Dawe, Eileen	Desmarais, Vivian	Desrosiers, William
Dokmo, Cynthia	Durham, Susan	Dyer, Merton	Emerton, Lawrence

Fenton, James	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Ford, Nancy	Gagnon, Eugene	Goulet, Maurice	Herman, Keith
Hunter, Bruce	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee
MacGillivray, Jeffrey	Martel, Andre	Martin, Mary Ellen	McCarty, Winston
McDonald, James Sr	McGough, Tim	McRae, Karen	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	Mosher, William
Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Sargent, Maxwell	Tate, Joan	Thulander, O Alan
Vaillancourt, Steve	Wall, Nancy	White, Donald	Withee, Dennis

MERRIMACK

Anderson, Eric	Brewster, Richard	Davis, Francis	Feuerstein, Martin
Hager, Elizabeth	Hess, David	Hoadley, Elizabeth	Kennedy, Richard
Langer, Ray	Larrabee, David Sr	Lavoie, Gerard	Leber, William
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Nichols, Avis
Poulin, Dave	Soltani, Tony	Whalley, Michael	

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Case, Margaret	Christie, Andrew Jr	Clark, Vivian	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dowling, Patricia	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John Sr	Francoeur, Sheila	Gibbons, Paul
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kelley, William
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Major, Norman	McKinney, Betsy	Mikowski, Walter	Moore, Benjamin
Morse, Charles	Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard
O'Neil, Michael	Packard, Sherman	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Raynowska, Bernard	Reardon, Neil	Rubin, George
Ruffner, Walter	Sabella, Norma	Sapareto, Frank	Stickney, Nancy
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas

Weare, Everett
Zolla, William

Welch, David

Weyler, Kenneth

Whittier, John

STRAFFORD

Bickford, David
McKinley, Robert
Woods, Phyllis

Cossette, Larry
Musler, George

Dunlap, Patricia
Torr, Franklin

Kaen, Naida
Tsiros, William

SULLIVAN

Flint, Gordon Sr

Jones, Constance

Kibbey, David

Leone, Richard

NAYS 138

BELKNAP

Pilliod, James

Salatiello, Thomas

Wood, Jane

CARROLL

None

CHESHIRE

Batchelder, Robert
Lerandeau, Alfred
Meador, David
Robertson, Timothy

Blaisdell, Michael
Lynch, Margaret
Mitchell, McKim
Russell, Ronald

Burnham, Daniel
Lynott, Margaret
Pratt, Irene
Zerba, Roger

Doucette, Richard
McGuirk, Paul
Richardson, Barbara

COOS

Landers, Dana

Rodrigue, Robert

GRAFTON

Almy, Susan
Nordgren, Sharon

Copenhaver, Marion
Solow, Martha

Guest, Robert

Johnson, Gary

HILLSBOROUGH

Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Bergeron, Lucien
Buckley, Raymond	Burkush, James	Clemons, Jane	Cote, David
Cote, Peter	Daigle, Robert	Drabinowicz, A Theresa	Dwyer, Paul Sr
Foster, Linda	Franks, Suzan	Garrish, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse	Hall, Betty
Herman, Richard	Jean, Claudette	Johnson, Lionel	Keye, Harvey
Konys, Christine	LaPorte, George	Lasky, Bette	Lefebvre, Roland
Leonard, Peter	Lynde, Harold	McColgan, Philip Jr	Melcher, Harold
Mendenhall, Leslie	Moriarty, Mary	Murphy, Robert	Reidy, Frank
Sarette, John	Simon, Anthony	Turgeon, Roland	White, John

MERRIMACK

Bouchard, Candace	Chase, George	Crosby, Toni	Daneault, Gabriel
Fortnam, Janet	Fraser, Marilyn	French, Barbara	Gile, Mary
Jacobson, Alf	Moore, Carol	Owen, Derek	Potter, Frances
Reardon, Tara	Rodd, Beth	Rosenfield, Jay	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Downing, Michael
Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Schanda, Frank	Shelton, Richard
Shultis, Elizabeth	Splaine, James	Vaughn, Charles	Weatherspoon, Jackie

STRAFFORD

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin	Estabrook, Iris
Gilmore, Gary	Heon, Richard	Johnson, Nancy	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	Pelletier, Arthur
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis

Vincent, Francis

Wall, Janet

SULLIVAN

Allison, David

Burling, Peter

Cloutier, John

Donovan, Thomas Jr

Phinizy, James

Robb-Theroux, Amy

Tuthill, John

Wiggins, Celestine

and the Hoadley/Ward floor amendment was adopted.

Rep. Estabrook offered a floor amendment.

Floor Amendment (4060h)

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

1 Statement of Purpose. The general court finds that in order to implement New Hampshire's policy of providing all pupils with the opportunity to acquire an adequate education, it is necessary to monitor, evaluate, and publicly report the progress of pupils, schools, and districts.

2 New Subdivision; School District Comprehensive Improvement and Assessment Program. Amend RSA 193-E by inserting after section 3 the following new subdivision:

School District Comprehensive Improvement and Assessment Program

193-E:4 Definitions. In this subdivision:

I. "Commissioner" means the commissioner of the department of education.

II. "Department" means the department of education.

III. "Plan" means the comprehensive improvement and assessment plan as defined in RSA 193-E:5.

IV. "State board" means the state board of education.

193-E:5 School District Quality Standards; Comprehensive Improvement and Assessment Plan. In order to implement New Hampshire's policy of providing all pupils with the opportunity to acquire an adequate education, each school district shall implement the following quality standards:

I. By July 1, 2001, each district shall file its current plan with the department. Each school district shall prepare and implement its plan in accordance with a staggered schedule established by the department such that all plans shall be filed no later than June 1, 2007. Each plan shall be developed through a process involving parents, teachers, employers, and other community members. The department shall comment to the district on the plan in a timely fashion. Every 5 years following the filing of the initial plan, each school district shall file an updated plan developed through the process outlined in this paragraph. Districts may reference the statewide education improvement and assessment plan established in RSA 193-C:3, in preparing the plan. At a minimum, the plan shall include:

- (a) Curriculum and proficiency standards for all pupils.
- (b) School and district performance goals based on reported data on educational indicators listed in paragraph II of this section.
- (c) Procedures for aligning curriculum, instructional practices, and pupil and programmatic assessments, including annual reporting of results.
- (d) Local assessment measures which focus on individual pupil performance.
- (e) Role of support services and programs.
- (f) Role of instructional leadership.
- (g) Strategies to promote family and community involvement.
- (h) Staff supervision and evaluation and performance-based professional development.
- (i) Procedures for ongoing review and evaluation of the plan.
- (j) Pupil behavior and conduct codes.
- (k) Procedures to ensure that the school district budget reflects the goals of the plan.
- (l) Provisions for addressing individual school needs.

II. By September 1, 2002, and annually thereafter, each school district shall report to the department its data for the previous school year on its school and district performance and demographic indicators. The requirements for data keeping and the form of the report shall be established in accordance with rules adopted by the state board.

(a) Performance and demographic indicators shall include the following areas:

- (1) Attendance, tardiness, truancy, transfer, and drop-out rates.
- (2) Length of school day and length of instructional time.
- (3) School environment indicators, such as safe-schools data.
- (4) Proportion of graduating pupils going on to post-secondary education, military service, and the workplace.
- (5) Performance on state tests administered pursuant to RSA 193-C and other standardized tests administered at local option.
- (6) Extent to which pupils meet or exceed behavior conduct codes.

(7) Extent to which teachers are certified in all areas in which they teach.

(8) Extent to which teachers engage in performance-based professional development to promote pupil learning.

(9) Frequency of and resulting actions from staff supervision and evaluations.

(10) Extent to which district schools implement components of effective family/community involvement standards including communicating, parenting, pupil learning, volunteering, school decision-making and advocacy, and collaborating with the community.

(11) Frequency of and resulting actions from supervision and evaluations of instructional and administrative leaders.

(12) Teacher and administrator turnover rates reported by area of certification and by elementary, middle, junior high, and high school levels.

(b) In addition, local districts shall report on locally developed performance indicators and assessment measures.

III. Each elementary, middle, junior high, and/or high school in the school district shall meet the standards for school approval adopted by the state board.

IV. Beginning December 1, 2003, and annually thereafter, the commissioner, in accordance with rules adopted by the state board pursuant to RSA 541-A, shall determine whether each school district is meeting the quality standards established in paragraphs I–III of this section. A school district that does not meet these quality standards shall be designated by the commissioner as a district in need of assistance. The commissioner, annually, shall provide a report of such determinations to the governor and council, the speaker of the house, the senate president, the chairpersons of the house and senate education committees, the state board, and the attorney general.

V. No later than December 1, 2002, and annually thereafter, the department shall issue a report on the condition of education statewide and on a district-by-district and school-by-school basis. This report shall include demographic and pupil performance data including, but not limited to, school and district performance on state tests administered pursuant to RSA 193-C, other standardized tests administered at local option by at least 25 percent of school districts, and data provided under paragraph II of this section, as well as other relevant statistics including English as a second language pupils, special education pupils, and pupils eligible for free or reduced-price meals. Comparisons with state averages and with the condition of each district and school in comparison with previous years shall be provided, including, but not limited to, statewide rankings of each district and school on the state tests administered pursuant to RSA 193-C and on other standardized tests administered at local option by at least 25 percent of school districts. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local education improvement and assessment plan.

VI. Within 45 days of the issuance of the annual report on the condition of education as required in paragraph II of this section, each school district shall provide an opportunity for public discussion of the report at a meeting of the governing body called for the exclusive purpose of reviewing the report. At least 7 days advance public notice shall be given.

VII. A school district that meets or exceeds the quality standards set forth in paragraphs I-III of this section shall receive formal recognition from the state board and the governor. Any school district, school, or teacher that demonstrates a best practice worthy of recognition shall also receive formal recognition from the state board and the governor. Such school districts, schools, or teachers shall be eligible to receive funds from a special projects and district improvement fund administered by the department. Such funds shall be used to disseminate best practices throughout the state.

193-E:6 Request for Assistance. A school district, in response to the annual report on the condition of education, may request from the department the assistance available under this subdivision on behalf of the district as a whole or on behalf of one or more schools in the district. Within 30 days of such request, the commissioner may, based on the availability of resources, provide appropriate assistance to the district. The commissioner shall work with local school board and school district officials in determining the assistance specific to the district's needs.

193-E:7 School District in Need of Assistance. If a school district has been designated as a district in need of assistance, then that school district shall receive assistance from the department as follows:

I. A school district shall have one year from the date of the designation as a district in need of assistance pursuant to RSA 193-E:5, IV to prepare a corrective action plan for approval by the state board. The school district may decide to implement its corrective action plan on its own, through the use of a technical assistance advisor, or a peer review team as provided in this section. Any such decision shall be included in the corrective action plan. A district's corrective action plan shall first examine and access the district's professional development resources and available state initiatives. After accessing district resources and available state initiatives, the district shall have access, with the consent of the commissioner, to the special projects and improvement fund, if necessary, in order to participate in workshops, conferences, seminars, courses, and other similar academic and professional development opportunities which may be available and which shall be related to the specific educational goals of a district as outlined in the plan.

II. If a school district has not developed and implemented an approved corrective action plan within one year of that designation, then on December 1 of the year following the designation, if that school district continues to be designated as a district in need of assistance, the commissioner may provide technical assistance to review the educational programming and effectiveness of the school district. In cooperation with local officials, the technical assistance advisor shall prepare and present a report at the beginning of a regularly scheduled public meeting of the local school board and to the state board. This report shall be issued within 4 months of the advisor's appointment. Based on this report, the local school board and superintendent shall, within 6 months of the issuance of the report, prepare a corrective action plan and submit it to the state board for approval. If the state board does not approve a corrective action plan, then the commissioner, in cooperation with the superintendent and the local school board, shall work with the school district to revise its corrective action plan. If the school district fails to revise its corrective action plan or the state board does not approve the revised corrective action plan, then the commissioner, in cooperation with the superintendent and the local school board, shall develop a corrective action plan, including methods for implementation. The commissioner shall, to the greatest extent possible, solicit advice and comment from the local community regarding the revised corrective action plan, at a special meeting called for the purpose, and submit the plan to the state board for approval without further action of the school district.

III. Any approved corrective action plan that includes the use of a technical assistance advisor, then the commissioner shall appoint a technical assistance advisor who shall be authorized to access the state special projects and district improvement fund, subject to rules

adopted by the state board, to provide assistance to the local school district staff in the implementation of the corrective action plan.

IV. Any approved corrective action plan that includes the use of a peer review team, then the commissioner shall name a peer review team consisting of an appointee of the local school district, an appointee of the state board, and a third member chosen by the local and state appointees to advise the school district's superintendent and the local school board relative to the implementation of the corrective action plan until the goals of the corrective action plan are met.

V. If a school district that has been designated a district in need of assistance pursuant to RSA 193-E:5, IV has not submitted a request for assistance by the time of the annual school district meeting in a town, or by April 30 in a city, then the legislative body of the school district may vote to direct the governing body to submit a request for assistance pursuant to this section. If a majority of the legislative body votes in favor of requesting assistance, then that assistance shall be requested and provided in accordance with this subdivision.

193-E:8 Appeals. A school district that has been designated as a district in need of assistance may file an appeal in writing with the state board no later than 30 days from the date of the designation. The scope of the appeal shall be limited to the basis for the school district's designation as a district in need of assistance. The state board shall expedite all school district appeals on this matter by scheduling a hearing and rendering a written decision no later than 30 days from the date on which the school district's request for appeal was received.

193-E:9 Special Projects and District Improvement Fund. A special projects and district improvement fund is hereby established in the department of education. Moneys in this fund shall be continually appropriated to the department. The department shall use moneys appropriated for this fund to provide grants pursuant to RSA 193-E:7. The department shall also use moneys appropriated for this fund to support the implementation of approved corrective action plans. The technical assistance advisor assigned to work in these school districts shall be authorized to access this fund in accordance with rules adopted by the state board.

193-E:10 Rulemaking. The state board shall, pursuant to RSA 541-A:

I. No later than July 1, 2001, adopt rules relative to data keeping and the form of the school district report required under RSA 193-E:5, II.

II. No later than June 30, 2003, adopt rules relative to the approval of corrective action plans as required in RSA 193-E:7. In developing these rules, the state board shall solicit advice and information from educators at all levels, including those within the university system, business people, government officials, legislators and legislative committees, community representatives, parents, and members of the public.

III. No later than July 1, 2003, adopt rules relative to procedures for access to and disbursement from the special projects and district improvement fund established pursuant to RSA 193-E:9.

IV. No later than July 1, 2002, adopt rules relative to the criteria and procedures for determining compliance with quality standards. In developing these rules, the state board shall solicit advice and information from educators at all levels, including those within the university system, business people, government officials, legislators and legislative committees, community representatives, parents, and members of the public.

193-E:11 Audit; Report. Beginning July 1, 2002, and every 2 years thereafter until July 1, 2006, the provisions of this subdivision, and all rules and procedures adopted by the department pursuant to the authority granted in this subdivision, shall be the subject of a performance audit, pursuant to RSA 14:31-a, IV, prepared by the audit division of the office of legislative budget assistant. After the July 1, 2006 audit, the joint legislative performance and audit committee established under RSA 17-N:1 shall determine and approve the scope and timing of any further audits of this program. A report of such audits shall be submitted to the speaker of the house, president of the senate, and the governor no later than December 1 of the year in which the audit is performed.

3 New Paragraph; Statewide Improvement and Assessment Plan; Review Required. Amend RSA 193-C by inserting after paragraph IV the following new paragraph:

V. By June 30, 2002, and every 5 years thereafter, the state board shall review and update the statewide education improvement plan developed in accordance with RSA 193-C that describes how the department will help schools and school districts improve pupil achievement, through a process that provides opportunities for public input from parents, employers, educators, and other citizens. The plan shall include goals and strategies for the delivery of technical assistance and professional development, the sharing of best practices, the modification or expansion of existing programs, and the establishment of new programs.

4 Statewide Improvement and Assessment Program; Legislative Oversight Committee; Duties Amended. Amend RSA 193-C:8 to read as follows:

193-C:8 Duties of the Legislative Oversight Committee; Report.

I. The oversight committee shall review the development and implementation of the program to ensure that they are in accordance with legislative policy. Implementation of the program shall be in conjunction with the committee's review.

II. To review the provisions of RSA 193-E, relative to an adequate public education and school district accountability, and file a report of such review to the speaker of the house of representatives, the president of the senate, the governor, and the chairpersons of the house and senate education committees every 2 years.

5 New Paragraph; State Board of Education; Duties of the State Board; Review of School Approval Standards Inserted. Amend RSA 186:11 by inserting after paragraph XXXV the following new paragraph:

XXXVI. REVIEW OF SCHOOL APPROVAL STANDARDS. No later than June 30, 2003, and every 5 years thereafter, the state board of education shall review and update as necessary school approval standards based on input from parents, employers, educators, and other citizens. No later than 60 days from the date of each review, the state board of education shall submit a report of its findings, including recommendations for proposed legislation, to the chairpersons of the house and senate education committees. At the discretion of the committee chairpersons, a public hearing on the report may be scheduled.

6 Repeal. RSA 194:23-d, relative to state financial aid to public elementary or high schools, is repealed.

7 Prospective Repeal. RSA 193-E:3, relative to the delivery of an adequate education, is repealed.

8 Effective Date.

I. RSA 193-E:9 as inserted by section 2 of this bill shall take effect July 1, 2003.

II. Section 7 of this act shall take effect December 1, 2002.

III. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Requires each school district to prepare and implement quality standards and a local education improvement and assessment plan.

II. Establishes procedures for the department of education to identify local school districts which are in need of assistance.

III. Establishes procedures for the department of education to assist in improving the overall quality of educational programs and services offered by such districts.

IV. Establishes a special projects and district improvement fund within the department of education.

Rep. Estabrook spoke in favor.

Rep Yeaton spoke in favor and yielded to questions.

Reps. Henderson and O'Hearn spoke against and yielded to questions.

Rep. O'Hearn requested a roll call; sufficiently seconded.

The question being the adoption of the Estabrook floor amendment.

YEAS 142 NAYS 217

YEAS 142

BELKNAP

Pilliod, James

Salatiello, Thomas

Wood, Jane

CARROLL

None

CHESHIRE

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	Doucette, Richard
Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret	McGuirk, Paul
Meader, David	Mitchell, McKim	Pratt, Irene	Richardson, Barbara
Robertson, Timothy	Russell, Ronald	Zerba, Roger	

COOS

Landers, Dana	Rodrigue, Robert
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GRAFTON

Almy, Susan	Copenhaver, Marion	Guest, Robert	Johnson, Gary
Nordgren, Sharon	Solow, Martha		

HILLSBOROUGH

Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Bergeron, Lucien
Bergin, Peter	Buckley, Raymond	Burkush, James	Clemons, Jane
Cote, David	Cote, Peter	Daigle, Robert	Dokmo, Cynthia
Drabinowicz, A Theresa	Dwyer, Paul Sr	Foster, Linda	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse
Hall, Betty	Herman, Richard	Jean, Claudette	Johnson, Lionel
Keye, Harvey	Konys, Christine	LaPorte, George	Lasky, Bette
Lefebvre, Roland	Leishman, Peter	Leonard, Peter	Lynde, Harold
Martin, Mary Ellen	McColgan, Philip Jr	Melcher, Harold	Mendenhall, Leslie
Moriarty, Mary	Murphy, Robert	Reidy, Frank	Sarette, John
Simon, Anthony	Turgeon, Roland	White, John	Williams, Carol

MERRIMACK

Bouchard, Candace	Chase, George	Crosby, Toni	Daneault, Gabriel
Fortnam, Janet	Fraser, Marilyn	French, Barbara	Gile, Mary
Jacobson, Alf	Moore, Carol	Owen, Derek	Potter, Frances
Reardon, Tara	Rodd, Beth	Rosenfield, Jay	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Downing, Michael
Gibbons, Paul	Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane
Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline	Sapareto, Frank
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Vaughn, Charles	Weatherspoon, Jackie		

STRAFFORD

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin	Estabrook, Iris
Gilmore, Gary	Heon, Richard	Johnson, Nancy	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis	Vincent, Francis
Wall, Janet			

SULLIVAN

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

NAYS 217

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Millham, Alida
Rice, Thomas	Rosen, Ralph	Russell, David	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	Hunt, John	Manning, Joseph	Roberts, William
Rose, William	Royce, H Charles	Smith, Edwin	

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Merrill, Gerald	Pratt, Leighton	Tholl, John Jr	

GRAFTON

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Ham, Bonnie	Harmon, Hobart	Hinman, Harry	MacNeil, Allen
Marshall, Gene	Mirski, Paul	Phinney, William	Picconi, Al
Ward, Brien	Weber, Phil		

HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Batula, Peter
Beaupre, Roland	Belvin, William	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary
Dawe, Eileen	Desmarais, Vivian	Desrosiers, William	Durham, Susan
Dyer, Merton	Emerton, Lawrence	Fenton, James	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Franks, Suzan
Gagnon, Eugene	Goulet, Maurice	Herman, Keith	Hunter, Bruce
Jean, Loren	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre
McCarty, Winston	McDonald, James Sr	McGough, Tim	McRae, Karen
Mercer, Robert	Messier, Irene	Milligan, Robert	Moran, Edward
Mosher, William	Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane
Ouellette, Dean	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sargent, Maxwell	Tate, Joan
Thulander, O Alan	Vaillancourt, Steve	Wall, Nancy	White, Donald

Withee, Dennis

MERRIMACK

Anderson, Eric	Brewster, Richard	Davis, Francis	Feuerstein, Martin
Hager, Elizabeth	Hess, David	Hoadley, Elizabeth	Kennedy, Richard
Langer, Ray	Larrabee, David Sr	Lavoie, Gerard	Leber, William
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Nichols, Avis
Poulin, Dave	Soltani, Tony	Whalley, Michael	Whittemore, James

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Case, Margaret	Christie, Andrew Jr	Clark, Vivian	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dowling, Patricia	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John Sr	Francoeur, Sheila	Gleason, John
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hutchinson, Karen
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kelley, William
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Major, Norman	McKinney, Betsy	Mikowski, Walter	Moore, Benjamin
Morse, Charles	Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard
O'Neil, Michael	Packard, Sherman	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Raynowska, Bernard	Reardon, Neil	Rubin, George
Ruffner, Walter	Sabella, Norma	Stickney, Nancy	Stone, Joseph
Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas	Weare, Everett
Welch, David	Weyler, Kenneth	Whittier, John	Zolla, William

STRAFFORD

Bickford, David	Cossette, Larry	Dunlap, Patricia	Kaen, Naida
McKinley, Robert	Musler, George	Pelletier, Arthur	Torr, Franklin
Tsiros, William	Woods, Phyllis		

SULLIVAN

Flint, Gordon Sr	Jones, Constance	Kibbey, David	Leone, Richard
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and the Estabrook floor amendment failed.

The question now being the adoption of the Committee report.

Rep. Arthur Pelletier spoke against.

Rep. O'Hearn spoke in favor.

Rep. O'Hearn requested a roll call; sufficiently seconded.

YEAS 216 NAYS 143

YEAS 216

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Millham, Alida	Pilliod, James
Rosen, Ralph	Russell, David	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	Blaisdell, Michael	Hunt, John	Manning, Joseph
Roberts, William	Rose, William	Royce, H Charles	Smith, Edwin
Zerba, Roger			

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Merrill, Gerald	Pratt, Leighton	Tholl, John Jr	

GRAFTON

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
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Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Ham, Bonnie
Harmon, Hobart	Hinman, Harry	MacNeil, Allen	Marshall, Gene
Picconi, Al	Ward, Brien		

HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Batula, Peter
Beaupre, Roland	Belvin, William	Bergin, Peter	Brundige, Robert
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary
Dawe, Eileen	Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia
Durham, Susan	Dyer, Merton	Emerton, Lawrence	Fenton, James
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Ford, Nancy
Gagnon, Eugene	Goulet, Maurice	Hall, Betty	Herman, Keith
Hunter, Bruce	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee
Martel, Andre	McCarty, Winston	McGough, Tim	McRae, Karen
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Moran, Edward	Mosher, William	Murphy, Robert	Nolan-Piteri, Dawn
O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Simon, Anthony	Tate, Joan	Thulander, O Alan
Wall, Nancy	White, Donald	Withee, Dennis	

MERRIMACK

Anderson, Eric	Brewster, Richard	Chase, George	Davis, Francis
Feuerstein, Martin	Hager, Elizabeth	Hess, David	Hoadley, Elizabeth
Langer, Ray	Larrabee, David Sr	Lavoie, Gerard	Leber, William
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Nichols, Avis
Poulin, Dave	Soltani, Tony	Whalley, Michael	Whittemore, James

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Case, Margaret	Christie, Andrew Jr	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony

Dowling, Patricia	Downing, Michael	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John Sr	Francoeur, Sheila
Gibbons, Paul	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kelley, William	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Major, Norman	McKinney, Betsy	Mikowski, Walter
Moore, Benjamin	Morse, Charles	Nowe, Mary Lou	Nowe, Ronald
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Priestley, Anne
Quandt, Marshall	Raynowska, Bernard	Reardon, Neil	Ruffner, Walter
Sabella, Norma	Sapareto, Frank	Stickney, Nancy	Stone, Joseph
Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas	Weare, Everett
Welch, David	Weyler, Kenneth	Whittier, John	

STRAFFORD

Bickford, David	Cossette, Larry	Dunlap, Patricia	Kaen, Naida
McKinley, Robert	Musler, George	Torr, Franklin	Tsiros, William
Wall, Janet	Woods, Phyllis		

SULLIVAN

Flint, Gordon Sr	Jones, Constance	Kibbey, David	Leone, Richard
Robb-Theroux, Amy			

NAYS 143

BELKNAP

Boyce, Robert	Rice, Thomas	Salatiello, Thomas	Wood, Jane
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CARROLL

None

CHESHIRE

Batchelder, Robert	Burnham, Daniel	Doucette, Richard	Lerandeau, Alfred
Lynch, Margaret	Lynott, Margaret	McGuirk, Paul	Meader, David

Mitchell, McKim
Russell, Ronald

Pratt, Irene

Richardson, Barbara

Robertson, Timothy

COOS

Landers, Dana

Rodrigue, Robert

GRAFTON

Almy, Susan

Copenhaver, Marion

Guest, Robert

Hall, David

Johnson, Gary

Mirski, Paul

Nordgren, Sharon

Phinney, William

Solow, Martha

Weber, Phil

HILLSBOROUGH

Ahern, Richard

Arthur, Rose

Baroody, Benjamin

Bergeron, Lucien

Bruno, Pierre

Buckley, Raymond

Burkush, James

Clemons, Jane

Cote, David

Cote, Peter

Daigle, Robert

Drabinowicz, A Theresa

Dwyer, Paul Sr

Foster, Linda

Franks, Suzan

Garrish, Linda

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Haettenschwiller,
Alphonse

Herman, Richard

Jean, Claudette

Johnson, Lionel

Keye, Harvey

Konys, Christine

LaPorte, George

Lasky, Bette

Lefebvre, Roland

Leonard, Peter

Lynde, Harold

MacGillivray, Jeffrey

Martin, Mary Ellen

McColgan, Philip Jr

McDonald, James Sr

Mendenhall, Leslie

Moriarty, Mary

Reidy, Frank

Sarette, John

Turgeon, Roland

Vaillancourt, Steve

White, John

Williams, Carol

MERRIMACK

Bouchard, Candace

Crosby, Toni

Daneault, Gabriel

Fortnam, Janet

Fraser, Marilyn

French, Barbara

Gile, Mary

Jacobson, Alf

Kennedy, Richard

Moore, Carol

Owen, Derek

Potter, Frances

Reardon, Tara

Rodd, Beth

Rosenfield, Jay

Seldin, Gloria

St Cyr, Gerard

Virtue, Carolyn

Wallin, Jean

Wallner, Mary Jane

Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn	Clark, Martha	Clark, Vivian	Hutchinson, Karen
Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Putnam, Ed II	Rubin, George
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Vaughn, Charles	Weatherspoon, Jackie	Zolla, William	

STRAFFORD

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin	Estabrook, Iris
Gilmore, Gary	Heon, Richard	Johnson, Nancy	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	Pelletier, Arthur
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis
Vincent, Francis			

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Phinizy, James	Tuthill, John	Wiggins, Celestine	

and the report was adopted.

Ordered to third reading.

RECESS

(Speaker Sytek in the Chair)

(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.

enrolled bill amendments

SB 170-FN-A, establishing a Parents as Teachers Program in Sullivan county and making an appropriation therefor. (Amendment printed SJ 4/13/00)

Adopted by the necessary two-thirds.

HB 1321, relative to certain funds collected by order of the public utilities commission.

Amendment (4094-EBA)

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

3 Authorization for Contingent Renumbering. If any other act of the 2000 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into paragraph I of such section becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any RSA sections inserted by this or any other act as necessary to conform said sections to proper RSA format. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 2000 session laws.

Adopted by the necessary two-thirds.

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 699, 1199, 1374 and 1512 and Senate Bill 76.

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

COMMITTEE REPORTS

CONSENT CALENDAR

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

SB 432-FN-A, relative to state assistance for teachers applying for national board certification, removed by Rep. O'Hearn.

Consent Calendar adopted by the necessary two-thirds.

SB 318-FN, relative to proposed joint maintenance agreements. OUGHT TO PASS

Rep. Russell N. Cox for Education: This bill is the product of a study committee and permits school districts to utilize joint maintenance agreements and to issue bonds and be eligible for school building aid grants. It also amends existing legislation by repealing a specific existing joint maintenance agreement that was never consummated. Vote 15-0.

Referred to Finance.

SB 319, relative to interstate school districts. OUGHT TO PASS

Rep. Elizabeth K. Hoadley for Education: All testimony in the hearing supported the bill. Elementary students in the Rivendale School District shall meet the standards established by one of the two states (New Hampshire and Vermont) with its passage. High school students have been addressed in earlier legislation. One result of this legislation is that students will not be required to take duplicate and time-consuming double assessments. Vermont state standards are both recent and rigorous. Vote 15-1.

SB 352, repealing the equipment challenge grant program within the New Hampshire community technical colleges. OUGHT TO PASS

Rep. Susan B. Durham for Education: The Equipment Challenge Grant Program was established in 1992 as a pilot program. It did good work for two years and has not been used since. The Technical Community College System is out-of-compliance, as shown by our audit, due to an inactive program. The Technical System continues to pursue this goal. Vote 16-0.

SB 313, establishing a commission to study the relationship between postsecondary education and recipients of temporary assistance to needy families. OUGHT TO PASS

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: The committee unanimously supported the creation of this commission to look at how successful New Hampshire's welfare reform program has been in helping recipients achieve long-term economic independence. This commission will attempt to evaluate education options and access to post-secondary programs for persons under New Hampshire's temporary assistance to needy families welfare system. Vote 14-0.

SB 377, relative to peer support programs within the department of health and human services. OUGHT TO PASS

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This legislation requires the Commissioner of Health and Human Services to establish peer support programs within the department. It also grants the Commissioner rulemaking authority for the purposes of this bill. It thereby, provides supporting legislation for one of the department's most responsive, innovative and cost effective programs. There will be no additional cost to the department, as this will validate a very popular program that is already occurring. Vote 13-1.

SB 400-L, relative to emergency medical and trauma services. INEXPEDIENT TO LEGISLATE

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: This bill would authorize the Commissioner of Health and Human Services to suspend or revoke a person's authority to operate under state and local protocols. The sole sponsor of this bill asked the committee to ITL the bill and this recommendation was also embraced by all those who came to testify before the committee on the bill. The situation this bill would address is being worked on by all those involved. Vote 14-0.

HB 1627, relative to the exchange of certain land in the town of Rindge. OUGHT TO PASS WITH AMENDMENT

Rep. William E. Leber for Public Works and Highways: This bill provides for equal exchange of approximately 0.11 acre of land between the town of Ridge and Cambridge Boy Scout Camp, Inc. with certain property rights possessed by the state pursuant to the Land Conservation Investment Program. The land would be used by the town of Rindge to straighten the road to provide a safer

travel lane on Old New Ipswich Road. The Office of State Planning supports the bill, and finds the impacts are not extensive and do not impair the value of the conservation easement. Legislative approval is needed to convert the use of land to non-conservation. The amendment only changed the acreage from "0.07" to "approximately 0.11" acre. The committee strongly supports the Ought to Pass with Amendment. Vote 16-0.

Amendment (4041h)

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

1 Certain Land in the Town of Rindge. Notwithstanding any other law to the contrary, an approximately 0.11 acre portion of land along Old New Ipswich Road now owned by Cambridge Boy Scout Camp, Inc., with certain property rights possessed by the state pursuant to the land conservation investment program under RSA 162-C, identified in the city's records as tax map 7, lot 27, may be exchanged with a like portion of land owned by the town of Rindge for the purpose of improving the road alignment of Old New Ipswich Road in Rindge, New Hampshire.

2 Findings. The general court hereby affirms its long-term commitment to preserving the natural beauty, landscape, rural character, and natural resources of New Hampshire consistent with the enabling legislation of the land conservation investment program. The general court, however, recognizes that in this specific instance, the exchange of an approximately 0.11 acre portion of protected land for the above described purposes will not impair any of the conservation values for which a conservation easement was purchased. The land used by the town of Rindge in connection with the relocation of the road will be compensated for by the town of Rindge deeding a parcel of equal size to the Cambridge Boy Scout Camp, Inc., subject to the terms of the existing conservation easement held by the state of New Hampshire. As such, the general court finds that in this instance, this legislation balances the public purposes of providing a safe travel lane along Old New Ipswich Road, with the need to ensure that the public's investment in conservation lands is not diminished over time.

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

AMENDED ANALYSIS

This bill authorizes the exchange of an approximately 0.11 acre portion of land currently owned by Cambridge Boy Scout Camp, Inc. with a like portion of land owned by the town of Rindge for the purpose of improving the road alignment of Old New Ipswich Road in Rindge.

HJR 26, urging Congress to pass legislation ensuring improved access to local television for households in unserved and underserved rural areas. **OUGHT TO PASS**

Rep. George R. Rubin for State-Federal Relations and Veterans Affairs: The testimony supported the need to ask Congress to respond to the needs of citizens in underserved rural areas of our state to improve access to local television. Vote 13-0.

SCR 4, urging the federal government to establish a new zip code for the town of Madbury. **OUGHT TO PASS**

Rep. Marshall E. Quandt for State-Federal Relations and Veterans Affairs: The small town of Madbury is under the zip code of the city of Dover and suffers from either delays or loss of mail. The two mismatched delivery areas share nothing in common, not schools, municipal departments, or governing authorities. Vote 13-0.

(Clerk's Note)

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

REGULAR CALENDAR

HB 1623, relative to the disclosure of customer financial information by financial institutions.
MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Martha Fuller Clark for the Majority of Commerce: In November of 1999 Congress passed a sweeping rewrite of financial law that will allow banks, insurance companies and stock brokerages to merge with one another. Known as the Financial Modernization Act, this legislation will take effect in November 2000. The legislation requires that banks provide their customers with an opt-out procedure annually beginning this November if they don't want their banks to disclose their financial information to outside companies. HB 1623 could pre-empt this requirement by legislating opt-in rather than opt-out for New Hampshire financial institutions, and their customers. This change in process would have both legal and financial implications that could result in increased costs, increased consumer solicitations and potential loss of businesses and services to New Hampshire consumers. While HB 1623 raises legitimate concerns surrounding this issue of privacy with regard to an individual's personal financial information, the committee believes it is premature to pass this legislation which could have unintended consequences for the state's economy. The committee also believes that the consumer is adequately protected by the opt-out requirement in federal legislation. The committee will continue to follow the very critical issue of privacy vs. the technology information revolution, and may very well file legislation to address this issue once the federal rules have been released (due out in June 2000); the Federal Modernization Act goes into effect (November); and more information is available. Vote 12-1.

Rep. Linda L. Garrish for the Minority of Commerce: HB 1623 would put in place significant and expanded consumer privacy protections regarding the sharing of personal information between financial institutions. The Financial Modernization Act addresses only a limited form of consumer protection. The premise of HB 1623 is that all consumers have the fundamental right of privacy and should have the first and final say about what happens to their personal information. It seeks to protect all consumers especially the most economically vulnerable. The federal act was purposely amended to provide the opportunity for states to enact stricter consumer protections to address only this issue. Twenty-three state attorney generals, including New Hampshire and all other New England states, opposed the Financial Modernization Act because it provided only that consumers could "opt-out" of disclosure in order to avoid having their personal information shared with non-affiliated parties, yet did not provide the same provision between affiliated institutions. The attorney generals further felt that an "opt-in" provision, such as provided in HB 1623, was a more affirmative protection for the consumer since the consumer could make such a choice prior to the institution using, sharing, or selling it for any purpose. Ultimately, this bill would allow our constituents and not financial institutions to decide whether and to what extent non-public personal information can be used by a financial institution. Seventeen other states are currently addressing this type of legislation.

Reps. Garrish and Keans spoke against.

Reps. Fuller Clark and Francoeur spoke in favor.

Rep. Kurk requested a Quorum Count. The Speaker declared a Quorum present.

Reps. Vachon and Kurk spoke against and yielded to questions.

Rep. Hunt spoke in favor and yielded to questions.

Rep. Gilman requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

YEAS 189 NAYS 151

YEAS 189

BELKNAP

Bartlett, Gordon	Czech, Stanley	Lawton, David	Rice, Thomas
Rosen, Ralph	Russell, David	Thomas, John	Turner, Robert
Wendelboe, Francine			

CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Howard, Godfrey
Kenney, Joseph	Mock, Henry	Patten, Betsey	Torressen, Gary

CHESHIRE

Avery, Stephen	Blaisdell, Michael	Hunt, John	Lerandeau, Alfred
Lynott, Margaret	McGuirk, Paul	Mitchell, McKim	Richardson, Barbara
Robertson, Timothy	Royce, H Charles	Smith, Edwin	

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Landers, Dana
Merrill, Gerald	Pratt, Leighton	Tholl, John Jr	

GRAFTON

Dudley, Terri	Hinman, Harry	MacNeil, Allen	Marshall, Gene
Nordgren, Sharon	Phinney, William	Picconi, Al	Ward, Brien

HILLSBOROUGH

Ahern, Richard	Alukonis, David	Arnold, Thomas Jr	Arthur, Rose
Batula, Peter	Beaupre, Roland	Belvin, William	Bergin, Peter

Brundige, Robert	Buckley, Raymond	Burkush, James	Christiansen, Lars
Clegg, Robert Jr	Cote, Peter	Daigle, Robert	Daniels, Gary
Desmarais, Vivian	Drabinowicz, A Theresa	Dyer, Merton	Emerton, Lawrence
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Goley, Jeffrey
Goulet, Maurice	Haettenschwiller, Alphonse	Herman, Keith	Herman, Richard
Jean, Claudette	Jean, Loren	Johnson, Lionel	Keye, Harvey
Konys, Christine	LaRose, Richard	Leishman, Peter	Leonard, Peter
Lozeau, Donnalee	Lynde, Harold	Martel, Andre	McCarty, Winston
McColgan, Philip Jr	McGough, Tim	Mendenhall, Leslie	Mercer, Robert
Milligan, Robert	Murphy, Robert	Nolan-Piteri, Dawn	O'Hearn, Jane
Ouellette, Dean	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Sarette, John	Sargent, Maxwell	Tate, Joan
Turgeon, Roland	Wall, Nancy	Withee, Dennis	

MERRIMACK

Brewster, Richard	Crosby, Toni	Daneault, Gabriel	Feuerstein, Martin
Fortnam, Janet	Fraser, Marilyn	French, Barbara	Gile, Mary
Hager, Elizabeth	Hess, David	Hoadley, Elizabeth	Jacobson, Alf
Kennedy, Richard	Langer, Ray	Lavoie, Gerard	Lockwood, Priscilla
Marshall, Kenneth	Moore, Carol	Nichols, Avis	Reardon, Tara
Seldin, Gloria	Soltani, Tony	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Whalley, Michael	

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bridle, Russell	Christie, Andrew Jr	Clark, Martha	Cooney, Richard
Cox, Russell	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Hamel, Albert
Henderson, Warren	Hutchinson, Rebecca	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kelley, William	Langley, Jane	Major, Norman
Morse, Charles	Norelli, Terie	Noyes, Richard	O'Neil, Michael
Priestley, Anne	Rubin, George	Schanda, Frank	Shelton, Richard
Shultis, Elizabeth	Splaine, James	Stickney, Nancy	Stone, Joseph

Stritch, C Donald
Weare, Everett

Tufts, J Arthur
Weyler, Kenneth

Varrell, Thomas
Zolla, William

Verani, Giovanni

STRAFFORD

Berube, Roger
DeChane, Marlene
Rogers, Rose Marie

Brennan, William
Domingo, Baldwin
Taylor, Kathleen

Callaghan, Frank
Estabrook, Iris
Torr, Franklin

Cossette, Larry
Kaen, Naida
Tsiros, William

SULLIVAN

Allison, David
Wiggins, Celestine

Burling, Peter

Flint, Gordon Sr

Robb-Theroux, Amy

NAYS 151

BELKNAP

Boriso, Thomas
Wood, Jane

Boyce, Robert

Johnson, James

Pilliod, James

CARROLL

Dickinson, Howard

Lyman, L Randy

Philbrick, Donald

Sullivan, P Judith

CHESHIRE

Batchelder, Robert
Meader, David
Rose, William

Burnham, Daniel
Pratt, Irene
Zerba, Roger

Lynch, Margaret
Pratt, John

Manning, Joseph
Roberts, William

COOS

Davis, Perley

Rodrigue, Robert

GRAFTON

Akins, Ralph
Cobb, John
Hall, David

Alger, John
Copenhaver, Marion
Ham, Bonnie

Almy, Susan
Gilman, G Michael
Johnson, Gary

Brothers, Richard
Guest, Robert
Mirski, Paul

Solow, Martha

Weber, Phil

HILLSBOROUGH

Andrews, Frederick

Baroody, Benjamin

Bergeron, Lucien

Bruno, Pierre

Calawa, Leon Jr

Carlson, Donald

Chabot, Robert

Cote, David

Craig, James

Dawe, Eileen

Dokmo, Cynthia

Durham, Susan

Dwyer, Paul Sr

Ford, Nancy

Foster, Linda

Franks, Suzan

Gagnon, Eugene

Garrish, Linda

Ginsburg, Ruth

Gorman, Mary

Hall, Betty

Hunter, Bruce

Kurk, Neal

L'Heureux, Robert

LaPorte, George

Lasky, Bette

Lefebvre, Roland

MacGillivray, Jeffrey

Martin, Mary Ellen

McDonald, James Sr

McRae, Karen

Melcher, Harold

Messier, Irene

Moran, Edward

Moriarty, Mary

Mosher, William

O'Connell, Timothy

Reidy, Frank

Rowe, Robert

Simon, Anthony

Thulander, O Alan

Vaillancourt, Steve

White, Donald

White, John

Williams, Carol

MERRIMACK

Anderson, Eric

Bouchard, Candace

Chase, George

Davis, Francis

Larrabee, David Sr

Leber, William

Marple, Richard

Owen, Derek

Potter, Frances

Poulin, Dave

Rodd, Beth

Rosenfield, Jay

Whittemore, James

Yeaton, Charles

ROCKINGHAM

Abbott, Dennis

Case, Margaret

Clark, Vivian

Dearborn, Bruce

Gibbons, Paul

Gleason, John

Griffin, Mary

Hutchinson, Karen

Johnson, Robert

Kelley, Jane

Kobel, Rudolph

Langone, John

Letourneau, Robert

McKinney, Betsy

Mikowski, Walter

Moore, Benjamin

Nowe, Mary Lou

Nowe, Ronald

Packard, Sherman

Pitts, Jacqueline

Putnam, Ed II

Quandt, Marshall

Raynowska, Bernard

Reardon, Neil

Ruffner, Walter

Sabella, Norma

Sapareto, Frank

Vaughn, Charles

Weatherspoon, Jackie

Welch, David

Whittier, John

STRAFFORD

Bickford, David	Brown, George	Brown, Julie	Dunlap, Patricia
Heon, Richard	Johnson, Nancy	Keans, Sandra	Knowles, William
Lent, Donald	McKinley, Robert	Pelletier, Arthur	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Twardus, Joseph
Vachon, Dennis	Vincent, Francis	Wall, Janet	Woods, Phyllis

SULLIVAN

Cloutier, John	Donovan, Thomas Jr	Jones, Constance	Leone, Richard
Phinizy, James	Tuthill, John		

and the majority report was adopted.

removed from the table

Rep. Mock moved that **CACR 2**, relating to supreme court rules. Providing that supreme court rules may not be inconsistent with statutes, be removed from the table.

On a division vote, 251 members having voted in the affirmative and 87 in the negative, the motion was adopted by the necessary three-fifths.

reconsideration

Having voted with the prevailing side, Rep. Mock moved that the House reconsider its action whereby it failed to adopt the committee report of Ought to Pass with Amendment by the necessary three-fifths on **CACR 2**, relating to supreme court rules. Providing that supreme court rules may not be inconsistent with statutes.

Rep. Mock spoke in favor and yielded to questions.

Reconsideration prevailed.

The question now being the adoption of the Committee report of Ought to Pass with Amendment on **CACR 2**, relating to supreme court rules. Providing that supreme court rules may not be inconsistent with statutes.

debate

Rep. Bickford moved that the debate on CACR 2 be printed in the Journal.

On a division vote, 152 members having voted in the affirmative and 150 in the negative, the motion was adopted.

Rep. Kennedy: Thank you, Madam Speaker. Many years ago I served on the first Fairbanks Committee. I thought that was the saddest thing I had ever been forced to do. I look over here and I see the distinguished representative who, in those days, put the bounty on a judge. I understand that he was just as sad as I was at that time. This all has gone down hill. We look at men and we blame men for what happens. Today we are investigating men and the hardest thing I ever did was to go after men I respect but I voted today to do so. I have in my hands the papers I have asked one of the most honorable men of this state to find for me. The Secretary of State has dug up the original papers when 73-a was put together. Let me read it to you very simply. This is what was asked of the voters. "Are you in favor of limiting the constitution provided that the Chief Justice of the Supreme Court shall be the administrative head of the state courts and he shall have, with concurrence of the majority of the supreme court justices, to make rules governing procedure in the courts." That is what the people were asked. When it came out they added to it, "and the rules so promulgated shall have the force and effect of law." The Constitution of the United States says that the republican form of government is where the elected people's representatives makes the law. No bureaucrat can make a law. They can make rules but those rules are subject to you, you and the people who are represented by you. Today these are the facts that this is out of line. It is my opinion that this is where the courts started to go downhill. This CACR will hopefully start the remedial actions so that we never again have to take honorable men who made mistakes or who possibly made mistakes, because of a foul system and none of us again will have to push the buttons that we did today. I thank you very much and I will hand this over. Madam Speaker will you give this to Judiciary, please.

Rep. Jacobson: Thank you, Madam Speaker. As the previous speaker has already read the question which happens to be question number 4 in 1978, I do want to say that it was the Constitutional Convention of 1974 that did adopt the amendment as it is now read in the constitution. There was a legitimate adoption but when it came to the voters to see the amendment in its fullness that was not present and the voters guide did not make a reference to it. I was chairman of House Bill 1338 committee in 1998 and we went over this with a great deal of care. We had only one problem that one of the justices who was most involved in this particular situation in 1978 refused to come so we didn't have his testimony. However, House Bill 1338 committee recommended that this change be put to the people again in such a way that at least they understand the full impact and that is what we hope you will support today. Thank you.

Speaker Sytek: Would the member yield to a question? Rep. Bickford, you may inquire.

Rep. Bickford: Thank you, Rep. Jacobson. My concern has been what will the impact be. I've been very concerned about whether if we start passing statutes that deal with the criminal aspect of law if we are going to interfere with rules of evidence. Could you tell me a little bit about the rule of impacts that this may have.

Rep. Jacobson: This will be a constitutional amendment which will put a limitation on the court's current authority for making rules that relate to confidentiality, that relate to secrecy and other rules. What this says is that the legislature will have an oversight in it and pass legislation that would, in some respects, nullify the rules or modify the rules. It has nothing to do with questions of substantial law.

Speaker Sytek: Would the member yield to another question? Rep. Burling, you may inquire.

Rep. Burling: Thank you, Madam Speaker. I am speaking truly from ignorance at this point. I just wanted to make them happy. The discussion has gone on for some time whether this state should move to what is called the federal system, in which rules of civil and criminal procedure are promulgated by the Supreme Court and then reviewed and accepted by a legislative panel. As I read the text of CACR 2, I cannot, myself, tell whether that's the end result we're aiming for or some other result is desired. I happen to be a believer in the notion of the federal approach to have rules promulgated by the court, approved by the legislative panel, if disapproved then re-written by the court. Can you tell me if CACR 2 were to pass is that where we would wind up or would we wind up in some other place?

Rep. Jacobson: I believe that is the fundamental thrust of this proposal in that there would be a degree of oversight on the making of rules by the legislature and we are dealing only with rules again and not with substantial law. So, the legislature could say if a rule was passed that they believed was not a proper law then they could provide the corrective or considering the corrective the court could correct it before we pass the law, but it relates only to rules and not to questions of substantial law.

Speaker Sytek: Will the member yield to another question? Rep. Lynde, you may inquire.

Rep. Lynde: Thank you, Madam Speaker. Thank you, Rep. Jacobson. Madam Speaker may I ask you a question first? You said to approve this as amended – I got a copy of that, is this what you mean, the thing that is in the outer chamber? Yes, thank you. Rep. Jacobson, I would like to ask you not so much to reassure me but maybe reassure the public in conjunction with this, earlier today we passed a resolution for the purpose of assuring a complete, fair and objective investigation under CACR 50. I recognize that this CACR was before the House much before the issues that brought CACR 50 before us occurred. There may be some that say well, are we now doing something that would appear to be inconsistent with the objectives of CACR 50 and I see this. Obviously we are bringing something forth that had been on the table and what would you say to those people that may bring that type of issue before us?

Rep. Jacobson: First let me say that the action this morning was a House Resolution, rather than a CACR. I don't believe there is a necessary intimate connection to this. The resolution that we passed is an investigation into questions that may result in impeachment or may not result in impeachment. This is a Constitutional proposal that will go before the people and it will require a two-thirds vote, so I do not see any connection and this has been an issue, interestingly enough, since 1978 when it was passed and it was revealed that there was more to the amendment than was in the voter's guide and what they voted on.

Speaker Sytek: Would the member yield to another question? The member yields.

Rep. Lynde: Just a quick question. The way I read this is that if there was rule that we were aware of that we didn't like, could we conceivably pass legislation essentially saying that rule is null and void?

Rep. Jacobson: Yes.

Speaker Sytek: Would the member yield to another question? Rep. Smith you may inquire.

Rep. Marjorie Smith: Greeted by boos. Thank you very much, Madam Speaker. This is what my question is. If we know what the problem is, the problem is that the last sentence, the one that says, "the rules promulgated shall have the force and effect of law," were omitted when the voters chose to approve what became article 73-a, if that is the problem, number one. Number two, if our goal, as

you have said to the previous questioner, is to perhaps move towards the procedure used in the federal courts where the courts prepared their rules and then submit them to the legislative body for approval, so if we know what the problem is and if we know what the desired solution is, why would we be confusing the issue by using language which says, and which the voter are supposed to understand, "providing that Supreme Court rules may not be inconsistent with statutes." Why don't we call a spade a spade if our goal is to make sure the voters know what we mean when we say it. How do we end up with this language?

Rep. Jacobson: I'm not sure there was a question in that. In any event there is only one way to deal with this and that is either to have someone kind of legislative oversight or as the court has interpreted this for the last 22 years, is that they have total control. In fact, Judge Brock told me himself that the only power that the legislature has at this moment, other than impeachment, is the budget. Because this has been so controversial over the last 22 years that this seemed to be the way in which the court can continue to make rules except if they become inconsistent with what the legislature believes.

Rep. Sytek: Would the member yield to another question? Rep. Peterson you may inquire.

Rep. Peterson: Thank you, Madam Speaker and thank you, Rep. Jacobson for yielding. Were this CACR to pass and the legislature were to move forward to pass a statute which overturned one of the court rules and there were say a couple hundred people up in the penitentiary who had been convicted under those rules, would they have cause to appeal and look for a mistrial?

Rep. Jacobson: First of all, let me say the only reason I'm answering all these questions is because I think it is a very important issue and I believe I should yield. Secondly, those people, as far as I know and remember I'm not a lawyer, as far as I know those people were put there by judicial decision and they would then have prove that the judicial decision violated the rules that were in existence at the time.

Speaker Sytek: Would the member yield to another question? Rep. Franks, you may inquire.

Rep. Franks: Thank you, Madam Speaker. Thank you, Rep. Jacobson. I guess I'm still unsure exactly where we are going with this and I'm a little bit concerned with the explanation thus far and I know everyone is trying very hard to understand this so we can make the right decision today. The rules that the Supreme Court – the rulings? – I guess that is what I am asking – when you are referring to the rules of the Supreme Court is making, are those the rulings that they make on specific laws we have passed? Is that what you are referring to?

Rep. Jacobson: No.

Rep. Franks: Then are you referring to their rules of operation in the court itself?

Rep. Jacobson: Yes.

Rep. Franks: If that is the case, and you have said it is, then I would ask if the Supreme Court has the same authority to make rulings on our rules of operation in the House?

Rep. Jacobson: It specifically says in the constitution that the house and senate may make its own rules of proceeding.

Rep. Franks: If I understand this, and I may not have it right yet, but if I understand this properly, what we are talking about doing is putting in legislative oversight for the rules of the Supreme Court of operation and yet they do not have the same ability to have an oversight committee over the house and senate.

Rep. Jacobson: Well, there is a huge difference between the rules that the court puts in because the rules of the court effect every single individual in the state of New Hampshire. Whereas the rules of this house are limited to the members of the legislature in their proceedings. Now, let me just give you one example of that. You will recall that in the Fairbanks case, millions of dollars were stolen by Fairbanks, so the legislature wanted to find a way to try to indemnify, at least in the future, the victims of this kind of activity so we proposed a rule in the Judiciary Committee by legislation. The Supreme Court came back and said, one, that we couldn't do it and secondly they wanted to do their own. O.K. that is what ultimately happened. But, the difference between the two was that they set up a fund that was far smaller then what the legislature had and we have to look to the public interest in these issues.

Rep. Franks: If I can say this, I'm caught between insuring the separation of powers in state government and weighing that with what we have before us today, would you believe?

Rep. Jacobson: The separation of powers is a totally different problem. The separation of powers as understood by our founding fathers goes to the heart of the matter in terms of the judicial decisions and you will recall this morning I mentioned Woodbury Langdon was condemned in the House for giving the judiciary independence in judicial decisions. That is what is their responsibility and we should not muddle in it as they did in the beginning stages. But we have now accepted the view of judicial review by the Supreme Court of the decisions that are made by the lower courts and we have not, since 1818, gotten in to nullifying judicial decisions.

Speaker Sytek: Will the member yield to another question? Rep. Simon, you may inquire.

Rep. Simon: Thank you, Madam Speaker. Thank you, representative and thank you members of the House. I appreciate your indulgence because I truly believe that this is one of the most critical issues that this legislature will address. My question, representative, is this. If I am concerned that perhaps the passage of Article 73-a back in 1978 I believe it was, was a mistake and it, indeed, set us on the road to the constitutional confrontation that we have acted on today, is not CACR 2 premature and does it not beg the question because perhaps shouldn't we be putting the question to the people of New Hampshire, should not 73-a be repealed in its entirety?

Rep. Jacobson: I think we are getting into the minutia of the issue. I have no problem with the court making rules. I do have a problem when there is no check and balance on those rules. That was the conclusion that the committee on House Bill 1338 came to after its investigation and this proposal was the result of it.

Speaker Sytek: Would the member yield to another question? Rep. Norelli.

Rep. Norelli: Thank you, Madam Speaker and again I'm happy that Rep. Jacobson has indulged me in a question because I happen to agree with the previous speaker that this is very important and I want to make the right decision. Rep. Jacobson, it is my understanding that what you want to do is to give the legislature oversight, checks and balances, oversight over the administrative rules that the Supreme Court makes and if, in fact, I agree with you on the issue, what I'm really not sure about is whether or not the language that is in here on the amendment that says, "simply provided, however, that such rules may not be inconsistent with statute", whether that actually accomplishes

the goal that you want and that is does that allow us to have the legislative oversight that you want to us to have, that language?

Rep. Jacobson: I might say two things. First of all, it is very important to know the difference between rules and rulings because rulings are the function of the court not of us. Now, the rules are ways in which there is an administration and that is the area where these procedures impact on the total population of the state. We are the ultimate body to make sure that they are in the public interest. Now, I cannot predict what is going to happen but, all we are doing now is to submit it and let the people vote on it. Maybe they are going to vote by two-thirds to have it the way it is or maybe it will fail by two-thirds and it will be back to exactly where it is now and the important point is to give the people of New Hampshire that opportunity which they did not clearly understand in 1978.

Speaker Sytek: Will the member yield to another question? Rep. Sabella, you may inquire.

Rep. Sabella: Thank you, Madam Speaker. Thank you, Rep. Jacobson. I'd like to go back, I think, to the area that Rep. Franks was calling. This is very crucial to the future of the House and the court system and the whole fabric of the state. It concerns me, having voted this morning to have the investigation go forward, that now we are doing this. I'm afraid of this House impinging on the other branch of government. We don't know what we are going to find from this investigation. Why should we act on this CACR again now when we have already decided to do something? Quite frankly, I'm not only worried about the integrity of the House, I'm really more concerned about the integrity of the court because I think that's the whole question.

Rep. Jacobson: As I indicated I believe that the issue that we dealt with this morning is a totally separate issue from the issue we are dealing with now.

Rep. Mock: Thank you, Madam Speaker. Representatives, let me make this very, very simple. If you think that the voters should be amending the Constitution of the state without seeing the constitution, it's wrong. That is what happened. The constitution got amended, changed without the people knowing exactly what they were voting on. All we are asking is that you give the Supreme Court that has been making rules some validity because they have been making rules since 1978 with authority that someone down in Concord wrote in. That is what's been happening. This proposition doesn't take that away, they can still make rules. You know what? You have oversight over the executive branch, we have a Rules Committee here. When the Fish and Game changes the length of a trout, it comes over here. When the Supreme Court makes a rule it doesn't come over here. All this is saying is that it ought to come over here. We ought to take a look at it. It's plain, it's simple, that's it in a nutshell. I ask you to approve this thing. Thank you and I will take no questions because I know it is a long day.

Rep. Mock requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 267 NAYS 62

YEAS 267

BELKNAP

Bartlett, Gordon
Johnson, James
Rosen, Ralph
Wendelboe, Francine

Boriso, Thomas
Lawton, David
Russell, David

Boyce, Robert
Pilliod, James
Thomas, John

Czech, Stanley
Rice, Thomas
Turner, Robert

CARROLL

Babson, David Jr
Howard, Godfrey
Patten, Betsey

Bradley, Jeb
Kenney, Joseph
Philbrick, Donald

Chandler, Gene
Lyman, L Randy
Sullivan, P Judith

Dickinson, Howard
Mock, Henry
Torressen, Gary

CHESHIRE

Avery, Stephen
Lerandeau, Alfred
Meador, David
Rose, William

Batchelder, Robert
Lynott, Margaret
Pratt, Irene
Royce, H Charles

Blaisdell, Michael
Manning, Joseph
Richardson, Barbara
Smith, Edwin

Hunt, John
McGuirk, Paul
Roberts, William

COOS

Davis, Perley
Landers, Dana

Gallus, John
Merrill, Gerald

Guay, Lawrence
Pratt, Leighton

Horton, Lynn
Tholl, John Jr

GRAFTON

Akins, Ralph
Dudley, Terri
Hinman, Harry
Nordgren, Sharon
Ward, Brien

Alger, John
Gilman, G Michael
MacNeil, Allen
Phinney, William
Weber, Phil

Brothers, Richard
Hall, David
Marshall, Gene
Picconi, Al

Cobb, John
Ham, Bonnie
Mirski, Paul
Solow, Martha

HILLSBOROUGH

Alukonis, David
Batula, Peter
Brundige, Robert
Carlson, Donald
Daigle, Robert

Andrews, Frederick
Beaupre, Roland
Bruno, Pierre
Chabot, Robert
Daniels, Gary

Arnold, Thomas Jr
Belvin, William
Buckley, Raymond
Christiansen, Lars
Dawe, Eileen

Baroody, Benjamin
Bergin, Peter
Calawa, Leon Jr
Clegg, Robert Jr
Desmarais, Vivian

Dokmo, Cynthia	Drabinowicz, A Theresa	Durham, Susan	Emerton, Lawrence
Fenton, James	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Ford, Nancy	Foster, Linda	Franks, Suzan	Gagnon, Eugene
Ginsburg, Ruth	Gorman, Mary	Goulet, Maurice	Haettenschwiller, Alphonse
Hunter, Bruce	Jean, Claudette	Jean, Loren	Keye, Harvey
Konys, Christine	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Lasky, Bette	Lefebvre, Roland	Leishman, Peter	Leonard, Peter
Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre	Martin, Mary Ellen
McCarty, Winston	McColgan, Philip Jr	McDonald, James Sr	McGough, Tim
McRae, Karen	Mendenhall, Leslie	Mercer, Robert	Messier, Irene
Milligan, Robert	Moran, Edward	Mosher, William	Nolan-Piteri, Dawn
O'Connell, Timothy	O'Hearn, Jane	Pepino, Leo	Reeves, Sandra
Reidy, Frank	Rowe, Robert	Sarette, John	Sargent, Maxwell
Tate, Joan	Thulander, O Alan	Turgeon, Roland	Vaillancourt, Steve
Wall, Nancy	White, Donald	White, John	Withee, Dennis

MERRIMACK

Anderson, Eric	Bouchard, Candace	Daneault, Gabriel	Davis, Francis
Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn	French, Barbara
Hager, Elizabeth	Hess, David	Jacobson, Alf	Kennedy, Richard
Larrabee, David Sr	Lavoie, Gerard	Leber, William	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Nichols, Avis	Owen, Derek
Potter, Frances	Rodd, Beth	Soltani, Tony	Virtue, Carolyn
Wallin, Jean	Whalley, Michael	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Case, Margaret	Christie, Andrew Jr	Clark, Martha
Clark, Vivian	Cooney, Richard	Cox, Russell	Dearborn, Bruce
Dowling, Patricia	Downing, Michael	Flanagan, Natalie	Flanders, John Sr
Francoeur, Sheila	Gibbons, Paul	Gleason, John	Hamel, Albert
Henderson, Warren	Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kelley, William

Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Major, Norman	McKinney, Betsy	Mikowski, Walter	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	O'Neil, Michael
Packard, Sherman	Priestley, Anne	Putnam, Ed II	Quandt, Marshall
Raynowska, Bernard	Rubin, George	Ruffner, Walter	Sapareto, Frank
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stickney, Nancy	Stone, Joseph	Stritch, C Donald	Tufts, J Arthur
Varrell, Thomas	Vaughn, Charles	Verani, Giovanni	Weare, Everett
Welch, David	Weyler, Kenneth	Whittier, John	Zolla, William

STRAFFORD

Berube, Roger	Bickford, David	Brown, George	Cossette, Larry
DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia	Gilmore, Gary
Heon, Richard	Johnson, Nancy	Kaen, Naida	Knowles, William
Lent, Donald	McKinley, Robert	Pelletier, Arthur	Rogers, Rose Marie
Rollo, Michael	Spang, Judith	Taylor, Kathleen	Torr, Franklin
Tsiros, William	Vincent, Francis	Wall, Janet	Woods, Phyllis

SULLIVAN

Burling, Peter	Donovan, Thomas Jr	Flint, Gordon Sr	Jones, Constance
Leone, Richard	Robb-Theroux, Amy		

NAYS 62

BELKNAP

None

CARROLL

None

CHESHIRE

Burnham, Daniel	Lynch, Margaret	Mitchell, McKim	Robertson, Timothy
Zerba, Roger			

COOS

None

GRAFTON

Almy, Susan Copenhaver, Marion Johnson, Gary

HILLSBOROUGH

Ahern, Richard	Arthur, Rose	Bergeron, Lucien	Burkush, James
Cote, David	Cote, Peter	Craig, James	Dwyer, Paul Sr
Garrish, Linda	Goley, Jeffrey	Hall, Betty	Herman, Richard
Johnson, Lionel	LaPorte, George	Lynde, Harold	Melcher, Harold
Moriarty, Mary	Murphy, Robert	Peterson, Andrew	Simon, Anthony
Williams, Carol			

MERRIMACK

Brewster, Richard	Chase, George	Crosby, Toni	Gile, Mary
Moore, Carol	Reardon, Tara	Rosenfield, Jay	Seldin, Gloria
St Cyr, Gerard	Wallner, Mary Jane	Whittemore, James	

ROCKINGHAM

Blanchard, MaryAnn	DiFruscia, Anthony	Kane, Cecelia	Norelli, Terie
Pitts, Jacqueline	Reardon, Neil	Sabella, Norma	Weatherspoon, Jackie

STRAFFORD

Brennan, William	Brown, Julie	Callaghan, Frank	Estabrook, Iris
Keans, Sandra	Smith, Marjorie	Snyder, Clair	Twardus, Joseph
Vachon, Dennis			

SULLIVAN

Allison, David	Cloutier, John	Phinizy, James	Tuthill, John
Wiggins, Celestine			

and the report was adopted by the necessary three-fifths.

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

suspension of rules

Rep. Chandler moved that the Rules be so far suspended as to permit third reading and final passage at the present time of **CACR 2**, relating to supreme court rules. Providing that supreme court rules may not be inconsistent with statutes.

Adopted by the necessary two-thirds.

motion on CACR 2

Rep. Chandler moved that, **CACR 2**, relating to supreme court rules. Providing that supreme court rules may not be inconsistent with statutes, be read a third time and passed.

Adopted by the necessary three-fifths.

Third reading and final passage

CACR 2, relating to supreme court rules. Providing that supreme court rules may not be inconsistent with statutes.

regular calendar (cont'd.)

SB 210-FN-L, relative to payment by the state for certain court-ordered placements of special education students. OUGHT TO PASS WITH AMENDMENT

Rep. Clair A. Snyder for Education: This bill requires the state to pay the cost of special education services provided for all court-ordered, out-of-district placements of special education pupils. The amendment requires that the sending district reimburse the Department of Education for either the average per pupil cost or for the actual pro-rated cost of the special education or educationally related services. Vote 16-0.

Amendment (4030h)

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

2 New Paragraph; Liability for Education of Children in Homes for Children or Health Care Facilities; Liability for Costs Amended. Amend RSA 193:29 by inserting after paragraph V the following new paragraph:

VI. For the purpose of determining liability for all costs of special education or special education and educationally related services pursuant to RSA 186-C:19-b, II, the sending district shall be liable to the department of education for either the average per pupil cost as estimated by the department of education or for the actual prorated cost of special education and any educationally related services as defined in RSA 186-C:2 provided by the receiving district, whichever is greater.

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

AMENDED ANALYSIS

This bill requires the state to pay the full cost of special education services provided to all court-ordered, out-of-district placements of special education pupils, and requires that the sending district reimburse the department of education for all such cost.

Adopted.

Rep. O'Hearn yielded to questions.

Report adopted and referred to Finance.

motion to special order

Rep. Burling moved that **SCR 3**, rescinding the 1979 call for a federal constitutional convention, be made a Special Order for Thursday, April 20, 2000 in the regular calendar order.

Adopted.

regular calendar (cont'd.)

SB 432-FN-A, relative to state assistance for teachers applying for national board certification.
OUGHT TO PASS WITH AMENDMENT

Rep. Iris W. Estabrook for Education: The amendment authorizes the Dept. of Education, through the Department's existing budgetary allocations, to reimburse costs associated with ten teachers becoming certified by the National Board for Professional Teaching Standards. These teachers are required to perform a minimum of three years teaching service in New Hampshire following National Board Certification. The bill recognizes teachers' applying for National Board Certification. Vote 16-0.

Amendment (4024h)

Amend RSA 189:14-f, I-a as inserted by section 2 of the bill by replacing it with the following:

I-a. Notwithstanding the provisions of paragraph I of this section, a teacher who submits written evidence to the state board of education demonstrating that he or she has successfully completed the National Board for Professional Teaching Standards certification course

and who has met the requirements of RSA 189:14-f, I(a) and (b) shall be granted the credential of master teacher. Teachers receiving the master teacher credential under this paragraph shall be subject to the provisions of paragraph III of this section.

Amend the bill by replacing section 3 with the following:

3 New Section; Teachers; National Board Certification Course. Amend RSA 189 by inserting after section 14-f the following new section:

189:14-g National Board for Professional Teaching Standards Certification.

I. A teacher possessing a valid professional standards certificate from the state board of education who has obtained a written recommendation from their local superintendent may apply, through the division of educational improvement, department of education, to take the National Board for Professional Teaching Standards certification course (NBPTS). A teacher applying through and selected by the division of educational improvement, department of education shall be eligible to receive reimbursement from the department of education for the course fee.

II. Beginning July 1, 2001, the department of education shall, from existing budgetary allocations, reimburse the course fee for a maximum of 10 teachers per fiscal year who successfully complete the NBPTS course. The department is hereby authorized to expend funds for the purpose of reimbursing NBPTS course fees in accordance with this section.

III. Nothing in this section shall be construed to prevent a teacher possessing a valid professional standards certificate from the state board of education from taking the NBPTS course as may be desired. Such teachers shall be financially responsible for all costs associated with obtaining the certification and shall be eligible to receive the master teacher credential pursuant to RSA 189:14-f, I-a.

IV. A teacher who successfully completes the NBPTS certification course shall be required to perform a minimum of 3 years of full-time teaching at a primary or secondary public school in New Hampshire.

Rep. O'Hearn spoke against.

The amendment failed.

Rep. O'Hearn offered a floor amendment.

Floor Amendment (4120h)

Amend RSA 189:14-f, I-a as inserted by section 2 of the bill by replacing it with the following:

I-a. Notwithstanding the provisions of paragraph I of this section, a teacher who submits written evidence to the state board of education demonstrating that he or she has successfully completed the National Board for Professional Teaching Standards certification course and who has met the requirements of RSA 189:14-f, I(a) and (b) shall be granted the credential of master teacher. Teachers receiving the master teacher credential under this paragraph shall be subject to the provisions of paragraph III of this section.

Amend the bill by replacing section 3 with the following:

3 New Section; Teachers; National Board Certification Course. Amend RSA 189 by inserting after section 14-f the following new section:

189:14-g National Board for Professional Teaching Standards Certification.

I. A teacher possessing a valid professional standards certificate from the state board of education who has obtained a written recommendation from their local superintendent may apply, through the division of educational improvement, department of education, to take the National Board for Professional Teaching Standards certification course (NBPTS). A teacher applying through and selected by the division of educational improvement, department of education shall be eligible to receive reimbursement from the department of education for the course fee.

II. Beginning July 1, 2001, the department of education shall, from existing budgetary allocations, reimburse the course fee for a maximum of 10 teachers per fiscal year who successfully complete the NBPTS course. The department is hereby authorized to expend funds for the purpose of reimbursing NBPTS course fees in accordance with this section.

III. Nothing in this section shall be construed to prevent a teacher possessing a valid professional standards certificate from the state board of education from taking the NBPTS course as may be desired. Such teachers shall be financially responsible for all costs associated with obtaining the certification and shall be eligible to receive the master teacher credential pursuant to RSA 189:14-f, I-a.

IV. A teacher who successfully completes the NBPTS certification course and receives funding under paragraph II of this section shall be required to perform a minimum of one year of full-time teaching at a primary or secondary public school in New Hampshire. In lieu of the one year of full-time teaching, a teacher may reimburse the department of education for any funds received in connection with the NBPTS course. Such reimbursement shall be completed within one year of the completion of the NBPTS course.

AMENDED ANALYSIS

This bill provides that the department of education shall pay the costs associated with 10 teachers annually taking the National Board for Professional Teaching Standards certification course, and provides that teachers who obtain such certification shall be automatically certified as master teachers in New Hampshire. The bill also establishes a one year teaching requirement for teachers who receive funds from the department of education to take the course.

Rep. O'Hearn spoke in favor.

Adopted.

Report adopted and referred to Finance.

removed from the table

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

Adopted.

Rep. Alukonis offered a floor amendment.

Floor Amendment (4110h)

Amend the title of the resolution to read as follows:

AN ACT affirming revenue estimates for fiscal years 2000 and 2001.

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

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

Resolved by the House of Representatives:

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

Committee estimates are based on current rates.

		(A)	(B)	(C)	(D)
FY 2000 FY 2001					
	GENERAL & ED TRUST FUNDS:	Official	Committee	Official	Committee
	(Dollars in Millions)	<u>Estimate</u>	<u>Estimate</u>	<u>Estimate</u>	<u>Estimate</u>
(1)	Business Profits Tax	\$194.400	\$194.400	\$190.800	\$190.800
(2)	Business Enterprise Tax	<u>\$127.200</u>	<u>127.200</u>	<u>113.900</u>	<u>113.900</u>
(3)	Subtotal	<u>321.600</u>	<u>321.600</u>	<u>304.700</u>	<u>304.700</u>
(4)	Meals & Rooms Tax	\$156.000	154.000	167.300	165.000
(5)	Liquor Sales	\$80.000	83.000	82.000	85.000
(6)	Interest & Dividends Tax	66.000	66.000	70.000	70.000
(7)	Insurance Tax	63.000	60.000	64.000	61.000
(8)	Tobacco Tax	102.600	96.000	102.600	96.000
(9)	Other	42.650	46.700	42.650	46.500
(10)	Communications Tax	49.000	47.000	53.000	49.000

(11)	Estate & Legacy Tax	52.000	55.000	56.000	59.000
(12)	Real Estate Transfer Tax	85.100	83.000	91.800	85.000
(13)	Court Fines & Fees	22.000	22.000	22.000	22.000
		(A)	(B)	(C)	(D)
FY 2000 FY 2001					
	GENERAL & ED TRUST FUNDS:	Official	Committee	Official	Committee
	(Dollars in Millions)	Estimate	Estimate	Estimate	Estimate
(14)	Utility Tax	10.500	9.500	10.500	9.500
(15)	Securities Revenue	22.500	23.000	22.500	23.000
(16)	Board & Care Revenue	10.700	12.000	10.700	11.000
(17)	Beer Tax	11.700	11.700	11.800	11.800
(18)	Horse Racing	2.500	2.500	2.500	2.500
(19)	Dog Racing	1.000	1.000	1.000	1.000
(20)	<u>Tobacco Settlement Funds</u>	<u>58.698</u>	<u>54.000</u>	<u>46.107</u>	<u>40.000</u>
(21)	SUBTOTAL	<u>\$1,157.548</u>	<u>\$1,148.000</u>	<u>\$1,161.157</u>	<u>\$1,142.000</u>
(22)	Other Medicaid Enhancement	10.000	10.000	10.000	10.000
(23)	Net Medicaid Enhance. Revenue	63.700	73.000	65.300	75.000
(24)	Utility Property Tax	32.400	32.600	23.900	17.500
(25)	State Property Tax	24.100	24.100	24.100	24.100
(26)	<u>Transfers from Sweepstakes</u>	<u>56.000</u>	<u>60.000</u>	<u>56.000</u>	<u>61.000</u>
(27)	<u>TOTAL GEN'L & ED TRUST FUNDS</u>	<u>\$1,343.748</u>	<u>\$1,347.700</u>	<u>\$1,340.457</u>	<u>\$1,329.600</u>
	HIGHWAY FUNDS:				
	(Dollars in Millions)				
(1)	Road Toll - Gross Total	\$142.600	\$137.600	\$147.000	\$141.200
(2)	Less Betterment	<u>(\$18.600)</u>	<u>(\$18.600)</u>	<u>(\$18.700)</u>	<u>(\$18.700)</u>

(3)	Road Toll - Net Total	\$124.000	\$119.000	\$128.300	\$122.500
(4)	Motor Vehicle Fees	68.000	68.000	69.000	69.000
(5)	<u>Miscellaneous</u>	<u>10.200</u>	<u>9.200</u>	<u>10.400</u>	<u>9.400</u>
(6)	TOTAL HIGHWAY FUNDS	\$202.200	\$196.200	\$207.700	\$200.900
	FISH & GAME FUNDS:				
	(Dollars in Millions)				
(7)	Fish & Game Licenses	\$6.800	\$6.800	\$6.900	\$6.900
(8)	<u>Miscellaneous</u>	<u>1.400</u>	<u>1.400</u>	<u>1.400</u>	<u>1.400</u>
(9)	<u>TOTAL FISH & GAME FUNDS</u>	<u>\$8.200</u>	<u>\$8.200</u>	<u>\$8.300</u>	<u>\$8.300</u>

Rep. Alukonis spoke in favor and yielded to questions.

Adopted.

laid on the table

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

Adopted.

enrolled bill amendments

HB 1258, relative to invasive plant, insect, and fungal species.

Amendment (4131-EBA)

Amend RSA 430:53, III as inserted by section 1 of the bill by replacing line 3 with the following:

health of native species, to the environment, to commercial agricultural or forest crop production, or to

Amend RSA 430:54, I(g) as inserted by section 1 of the bill by replacing line 2 with the following:

council who shall each serve for a term of 3 years. One shall represent horticultural interests,

Adopted.

HB 1502, relative to lead paint abatement.

Amendment (4133-EBA)

Amend RSA 130-A:1, XVI-b as inserted by section 2 of the bill by replacing line 2 with the following:
in HE-P 1602.44, develops lead hazard reduction plans, as defined in paragraph XVI-a, and issues

Adopted.

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 51, 279, 1110, 1172, 1175, 1234, 1235, 1256, 1311, 1326, 1337 and 1416 and Senate Bill 381.

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

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, April 20, 2000 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HR 50, authorizing and directing the house judiciary committee to investigate whether cause exists for the impeachment of David A. Brock, chief justice, and/or any other justice of the New Hampshire supreme court.

HB 1521-FN-L, relative to the definition and administration of an adequate education.

SB 319, relative to interstate school districts.

SB 352, repealing the equipment challenge grant program within the New Hampshire community-technical colleges.

SB 313, establishing a commission to study the relationship between postsecondary education and recipients of temporary assistance to needy families.

SB 377, relative to peer support programs within the department of health and human services.

HB 1627, relative to the exchange of certain land in the town of Rindge.

HJR 26, urging Congress to pass legislation ensuring improved access to local television for households in unserved and underserved rural areas.

SCR 4, urging the federal government to establish a new zip code for the town of Madbury.

unanimous consent

Reps. Vaillancourt and Kennedy addressed the House.

RECESS MOTION

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

Adopted.

The House recessed at 4:37 p.m.

RECESS

(Rep. Patten in the Chair)

RESOLUTION

Rep. Turner offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Concurrent Resolution 7 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SCR

First, second reading and referral

SCR 7, urging the federal government to consider the impacts on New Hampshire and the smaller states of interstate waste legislation. (State-Federal Relations and Veterans Affairs)

senate messages

cocurrence

HB 1127, establishing a committee to study the application and appeal procedures for excavating and dredging permits.

HB 1185, extending the report date of the committee established to study mercury source reduction and recycling issues to November 1, 2000.

HB 1268-FN, relative to certain vehicle registrations.

HB 1272, allowing school nurses to possess and administer epinephrine for certain emergency treatment.

HB 1334-L, relative to posting municipal roads.

HB 1368-FN, establishing a Civil War memorials commission for the construction and maintenance of New Hampshire Civil War monuments and memorials.

HB 1405, exempting 50/50 raffles from the laws regulating games of chance.

nonconcurrence

HJR 25, urging the United States Secretary of Agriculture, the Director of the Drug Enforcement Administration, and the Director of the Office of National Drug Control Policy to revise regulations to permit the controlled, experimental cultivation of industrial hemp in New Hampshire.

RECESS

(Rep. Mercer in the Chair)

enrolled bill amendments

HB 305-A, relative to a lease-purchase agreement between Cheshire county and the state for construction of a new district courthouse to be located in the town of Jaffrey and increasing a capital appropriation to the department of safety.

Amendment (4175-EBA)

Amend section 3 of the bill by replacing lines 3 and 4 with the following:

Total state appropriation paragraph II [~~\$1,194,000~~] **\$1,794,000**

\$9,419,000 Total state appropriation section 4 [~~\$8,819,000~~]

Amend section 4 of the bill by replacing it with the following:

4 Bonds Authorized Increased. Amend 1999, 226:8 to read as follows:

Adopted.

HB 1161, making technical changes to the New Hampshire Aeronautics Act and establishing a committee to study revisions to the state aeronautics laws.

Amendment (4147-EBA)

Amend paragraph III of section 4 of the bill by replacing line 1 with the following:

III. Legislative members of the committee shall receive mileage at the legislative rate when attending to

Adopted.

Amendment (4174-EBA)

Amend section 2 of the bill by replacing line 4 with the following:

VII. The governing body of a municipality which establishes maximum weight limits more

Adopted.

HB 1405, exempting 50/50 raffles from the laws regulating games of chance.

Amendment (4146-EBA)

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

2 Games of Chance; Definition of Games of Chance Amended. Amend RSA 287-D:1, II to read as follows:

Adopted.

HB 1583, increasing the education requirement for estheticians and manicurists and relative to the board of barbering, cosmetology, and esthetics.

Amendment (4151-EBA)

Amend RSA 313-A:2, III as inserted by section 1 of the bill by replacing line 1 with the following:

III. Each public member shall be a person who is not, and never was, a member of the

Adopted.

SB 313, establishing a commission to study the relationship between postsecondary education and recipients of temporary assistance to needy families. (Amendment printed SJ 4/20/00)

Adopted.

RECESS