

HOUSE RECORD

**Second Year of the 156th Session of the General
Court**

Calendar and Journal of the 2000 Session

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Concord N.H.

Thursday, April 20, 2000

No. 37

HOUSE JOURNAL No. 13 (cont.)

Thursday, April 13, 2000

(Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 14

Thursday, April 20, 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.

Liberating and Life-giving Creator, during these holy days of our earthly calendar, we give You thanks for our blessings too numerous to count, for our beautiful New Hampshire, and for the exhilarating joy and demands of participating in a healthy democracy. We ask Your blessing upon the deliberations and actions of this the, "peoples' House," so that in all that is accomplished today Your Spirit of urgency, which has beckoned our ancestors to freedom and our foreparents to the

home of life beyond all darkness, may uphold and sustain each and every citizen of our beloved home. Amen.

Rep. Flanagan led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Patricia Cote, Mikowski, Ronald Nowe, Perkins, Searles and Withee, the day, illness.

Reps. Blanchard, Estabrook, Ginsburg, Ham, Lent, Lundborn, Martin, Mears, Nolan-Piteri, O'Keefe, Robertson, Rogers, Salatiello, Thulander, Torressen and Weber, the day, important business.

Reps. Copenhaver and Rubin, the day, illness in the family.

INTRODUCTION OF GUESTS

John, Nancy, Kevin and Sheri Brisebois, Lov, Karen and Michael Monfreda, Bobby Comer and Lindsay Howard, guests of Rep. Thomas. Rev. Keta Jones, Mary Jane Marsden, Connie Varnum and Dr. Helen Johnston, guests of Rep. Riley. Daniel Weeks, Marisa Westheimer and Jamie Richardson, guests of Rep. Garrish. David Soloman and David Sullivan, son and husband of Rep. Sullivan. Jean, and John Lane, Arlene Johnson, June Bell, Perry and Evelyn Richardson, Robert Grant, Robert and Joann Bailey, Dr. George Rogers and Ginny Rogers, guests of Rep. Robert Johnson. Theresa, Sue and Jake Clesson Blaisdell and Ralph Wanlass, wife, mother, son and father-in-law of Rep. Blaisdell. Senor Jose Ordonez, guest of Reps. Rodd and Dickinson. Doris Haddock, known as "Granny D", guest of Reps. Avery and Burnham.

special guests

The Coe-Brown Northwood Academy Girls' Class I Champion Varsity Basketball Team, guests of the House.

Don Winn, Chris Mazzone, Art Mclean, Gary Frost, David Parker, Michael Goodwin, Mario Pena and Aaron Lopez, representatives of the New Hampshire Alliance of Boys' and Girls' Clubs, guests of the House.

(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 message

requests concurrence with amendment

HB 1212, relative to extending the reporting date of the open adoption study committee.
(Amendment printed SJ 4/6/00)

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

Adopted.

The Speaker appointed Reps. Lyman, Gile, Arnold and Bickford.

committee of conference report on sb 186

Committee of Conference Report on SB 186-FN, an act relative to additional cost of living adjustments and increased minimum allowances for certain retired group II members, and relative to requiring spousal acknowledgement of a member's election of an optional retirement allowance.

Recommendation:

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

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

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

1 New Paragraph; Definition Added; Spousal Acknowledgment. Amend RSA 100-A:1 by inserting after paragraph XXX the following new paragraph:

XXXI. "Spousal acknowledgment" means a written recognition, signed by a member's spouse, of the benefit payment plan selected by the member under the provisions of RSA 100-A:5, RSA 100-A:6, RSA 100-A:10, or RSA 100-A:19-a - 19-h that is filed with the retirement system on a form prescribed by the board of trustees at the time of retirement and when the member elects a change in benefit payment as allowed under RSA 100-A:13.

2 Service Retirement; Group II; Minimum Allowance Increased. Amend RSA 100-A:5, II (c) (1) to read as follows:

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who has retired on ~~[a full service retirement allowance]~~ **or after the effective date of this subparagraph after attaining the age of 45 with at least 20 years of creditable service** shall receive a minimum **annual** service retirement allowance of ~~[\$5,200]~~ **\$10,000**. ~~[In comparing the minimum service retirement allowance and the full service retirement allowance, the full service retirement allowance shall be the sum of the basic allowance plus COLA's. The provisions of this subparagraph shall not apply to a group II member who has retired on a reduced or on a vested deferred retirement allowance. In the case of a group II member who has retired on a full service retirement allowance, and who]~~ **If such group II member** has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving

spouse shall be entitled to a proportional share of the [~~\$5,200 which shall be based upon the optional allowance which the surviving spouse is receiving. Under no circumstances shall the provisions of this subparagraph be construed to reduce the retirement benefits being paid to a group II member as of the effective date of this subparagraph~~] **\$10,000**.

3 Optional Allowances; Spousal Acknowledgement of Election. Amend RSA 100-A:13, I to read as follows:

I. Any member who has reached service retirement age as provided in RSA 100-A:5, I(a), or II(a), or RSA 100-A:19-b, or any retiree within 120 days after the effective date of retirement, may elect to receive, instead of the retirement allowance otherwise payable, a retirement allowance of equivalent actuarial value under one of the options named in paragraph III, or to redesignate any such option previously elected. When the member elects to receive an optional retirement allowance under paragraph III, the beneficiary or beneficiaries whom the member nominates may include the member's spouse and/or children. The notice of ***non-election***, election, or change of retirement option shall be on a form designated by the board, ***which, if the member is married, shall include a spousal acknowledgment***. The optional allowance shall be effective upon retirement if the election is made before the effective date of retirement, and on the first day of the month following receipt by the board of the notice of election or change of option if made during the 120-day grace period. When an election or change of option is made during the 120-day grace period, no retroactive adjustments will be made in payments already received by the retiree. After expiration of the 120-day grace period no change in option selection shall be permitted except as provided in paragraph II. If a retiree dies after filing notice of election or change of option during the 120-day grace period but before the effective date, the election or change shall be effective as of the date of death. If a member dies after filing an election for a survivorship retirement option and before the effective date of retirement, whether or not the member has filed for retirement, the beneficiary who was nominated by the member in the election of the option may elect to receive either the optional survivor benefit which the member had elected or the ordinary death benefit provided under RSA 100-A:9, whichever is more advantageous to the beneficiary; provided that, in the case of the member's death before retirement, if the beneficiary named in the survivorship option election is not the same person as the beneficiary under RSA 100-A:9, then the death benefit under RSA 100-A:9, II, and not the survivorship option shall apply.

4 New Section; Supplemental Allowances for Certain Retired Group II Members. Amend RSA 100-A by inserting after section 41-a the following new section:

100-A:41-b Supplemental Allowances for Certain Retired Group II Members.

I. An eligible retired group II member of the New Hampshire retirement system whose annual retirement allowance is less than an amount specified in paragraph II and who retired on or before June 30, 1998, shall receive a one-time supplemental allowance. An eligible retired group II member shall be a member, or beneficiary of such member, who retired with at least 20 years of creditable service under RSA 100-A:5, II, or member, or beneficiary of such member, who retired under RSA 100-A:6, II.

II. The one-time supplemental retirement allowance payable to the member shall be the percentage of the member's annual retirement allowance as follows:

(a) Annual retirement allowance less than \$9,300, the applicable percentage to reach a \$10,000 annual retirement allowance;

(b) Annual retirement allowance greater than or equal to \$9,300 and less than \$11,700, 7 ½ percent;

(c) Annual retirement allowance greater than or equal to \$11,700 and less than \$13,700, 5 ½ percent;

(d) Annual retirement allowance greater than or equal to \$13,700 and less than \$15,700, 4 percent;

(e) Annual retirement allowance greater than or equal to \$15,700 and less than or equal to \$17,700, 3 percent.

III. The one-time supplemental retirement allowance payable to each beneficiary of the member shall be determined as described in paragraph II except the specified amounts of \$9,300, \$10,000, \$11,700, \$13,700, \$15,700, and \$17,700 shall be multiplied by the ratio of the beneficiary's annual retirement allowance to the member's annual retirement. The provisions of this section shall not apply to a group II member who has retired on a reduced or vested deferred retirement allowance. The additional allowance shall become a permanent addition to each member or beneficiary's base retirement allowance, as provided in RSA 100-A:41-a.

5 Funding of Supplemental Allowances. The total actuarial cost of the additional allowances provided in RSA 100-A:41-b as inserted by section 4 of this act shall be funded on a terminal basis from the special account established in RSA 100-A:16, II(h).

6 Repeal. RSA 100-A:5, II(c)(2) and (3), relative to the reduction in minimum service retirement allowance due to federal social security benefits or other benefits, are repealed.

7 Applicability. The changes to retirement system benefit amounts in sections 2 and 4 of this act shall apply as of the effective date of this act, but payment of the benefit amounts accruing to any member or beneficiary as of the effective date may be delayed by the retirement system until such time as necessary administrative and system upgrades are accomplished provided such payment is by September 30, 2000.

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

Conferees: Sens. J. King, Dist. 18; F. King, Dist. 1 and Wheeler, Dist. 21

Conferees: Reps. Dyer, Hills. 8; Holbrook, Belk. 7; Mercer, Hills. 27 and Lynch, Ches. 19

Adopted by the necessary two-thirds.

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 320, relative to ballot counting in cooperative school districts and relative to ratifying the Inter-Lakes cooperative school district meeting held on March 8, 2000, removed by Rep. Christiansen.

SB 416-FN, relative to licensure of dietitians, removed by Rep. Stickney.

Consent Calendar adopted by the necessary two-thirds.

SB 325, relative to denial, revocation or suspension of a child care provider license, permit or registration for a felony conviction. OUGHT TO PASS WITH AMENDMENT

Rep. Ruth Ginsburg for Children and Family Law: This bill permits the denial, revocation or suspension of child care licenses, permits or registrations for felony convictions deemed directly or indirectly harmful to children in child day care. Vote 14-0.

Amendment (4010h)

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

AN ACT relative to denial, revocation or suspension of a child care provider license, permit or registration for certain felony convictions.

Amend the bill by replacing section 1 with the following:

1 Denial, Revocation or Suspension of Child Care Licenses, Permits or Registrations for Felony Convictions. Amend RSA 170-E:7, IV to read as follows:

IV. If any individual whose name has been submitted for this check has been convicted of **a felony offense deemed directly or indirectly harmful to children in child day care**, crimes against minors or adults, except crimes as provided in paragraph III, or is the subject of a founded complaint of child abuse or neglect, the department may deny, revoke, or suspend a license, permit, or registration pending the development and implementation of a corrective action plan approved by the department. In addition, the department may, upon a finding of criminal activity or a founded complaint of child abuse or neglect as described in this paragraph, withhold state funding to registered child day care providers that are exempt from the licensing requirements of RSA 170-E:4 pending the development and implementation of a corrective action plan approved by the department. The department shall conduct an investigation in accordance with rules adopted under this subdivision to determine whether the individual poses a present threat to the safety of children. The investigation shall include an opportunity for the individual to present evidence on his behalf to show that the individual does not pose a threat to the safety of children.

AMENDED ANALYSIS

This bill requires denial, revocation or suspension of child care licenses, permits or registrations for felony convictions deemed directly or indirectly harmful to children in child day care.

SB 448, establishing a guardians ad litem board. OUGHT TO PASS WITH AMENDMENT

Rep. Patricia A. Dowling for Children and Family Law: After a great deal of discussion concerning some possible deficiencies with the lack of rules or regulations in regard to guardians ad litem, a subcommittee was established to begin the process of establishing a special board which would

oversee the process of training, teaching and measuring the guardians ad litem field be they court approved or volunteers from CASA. This new board would allow oversight of the procedures enforced to protect the children and their guardians. Vote 13-0.

Amendment (4089h)

Amend section 1 of the bill by inserting after RSA 463:36 the following:

463:37 Court Appointed Special Advocates. Court Appointed Special Advocates (CASA) of New Hampshire shall be accountable to the guardian ad litem board for complying with the training requirements established by the board under RSA 463:36, and for the actions of its volunteer members who are appointed by the court as guardians ad litem in child abuse and neglect cases.

Referred to Finance.

SB 394-FN, making miscellaneous changes in the insurance laws. OUGHT TO PASS WITH AMENDMENT

Rep. Sheila T. Francoeur for Commerce: This bill makes several technical corrections to the insurance laws and was requested by the insurance department. The amendment relates to rules relative to insurance regulations and grants exemptions under RSA 541:A. This exemption will allow reference to National Association of Insurance Commissioners national formats that contain formulas, tables and forms that are industry specific and date sensitive. It is not the intention of the committee for the department to avoid the ratemaking process for NAIC models, but only to exempt those models from the drafting and procedures manual requirements. Vote 12-0.

Amendment (4114h)

Amend the bill by replacing section 5 with the following:

5 New Paragraph; Rulemaking. Amend RSA 541-A:21 by inserting after paragraph V the following new paragraph:

VI. Rules adopted under Title XXXVII, relative to insurance regulation, shall be exempt from the uniform system of numbering and drafting rules required by RSA 541-A:8. These rules shall be in compliance with RSA 541-A:7 if the wording is consistent with the language of the corresponding National Association of Insurance Commissioners regulations.

AMENDED ANALYSIS

This bill:

- (1) Makes a technical correction to the law regulating foreign insurance companies.
- (2) Clarifies the procedure pertaining to books, records, and other documents when an insurance company is undergoing examination.
- (3) Changes the appeal procedure for persons aggrieved under RSA 401-B.
- (4) Creates an exemption from certain provisions of RSA 541-A for certain insurance regulations.

(5) Adjusts the salary of the health care statistician.

This bill was requested by the insurance department.

HCR 35, urging the United States Food and Drug Administration to defer its proposed rules requiring pasteurization for apple cider and consider adoption of alternative processing standards. OUGHT TO PASS

Rep. Leighton C. Pratt for Environment and Agriculture: The New Hampshire Apple Producers of cider has a safe product and are following the Department of Agriculture Markets and Foods guidelines. Thus, this resolution requests the USFDA to defer its proposed rules requiring pasteurization. There has NEVER been an incidence of illness from non-pasteurized New Hampshire cider in 200 years of cider production. Vote 16-0.

SB 407-FN-L, relative to dog licensure. OUGHT TO PASS

Rep. David L. Babson for Environment and Agriculture: This bill adds the words "failed to license" to the statute. This closes a loophole which allowed people who had not licensed their dogs to ultimately avoid penalties. Vote 15-0.

SB 443-FN, relative to veterinarian reimbursement for the animal population control program. OUGHT TO PASS

Rep. David L. Babson for Environment and Agriculture: This bill allows veterinarians who participate in the Pet Over Population Neutering Program to be paid for presurgical exams. In the past, the veterinarians absorbed the cost of the exam as well as discounting the cost of their procedures by 20%. The Committee felt that this is an unjust, additional financial burden for those who participate in the program and that it is time to compensate them for their additional costs. Vote 16-0.

SB 136-FN, allowing certain state employees to take paid leave to participate in disaster relief service work. OUGHT TO PASS WITH AMENDMENT

Rep. Carolyn A. Virtue for Executive Departments and Administration: This bill, as amended, will allow certain state employees to take paid leave to participate in disaster relief service work. Training and expenses for participating employees will be provided for by the American Red Cross. The leave will be granted only with the approval of the employee's supervisor and any other person authorized to approve leave, according to the existing leave procedures. Forty other states have passed similar legislation and as no one state has the human resources to adequately respond to a disaster, it is important for New Hampshire to participate and reciprocate. The amendment changes the effective date to July 1, 2000 and the disaster designation to level III according to the American Red Cross procedure and regulations. Vote: 17-2.

Amendment (3879h)

Amend RSA 94:3-c, I(b) as inserted by section 2 of the bill by replacing it with the following:

(b) The disaster is designated as level III or above according to the American National Red Cross regulations and procedures.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect July 1, 2000.

Referred to Finance.

SB 372, relative to certain engineering businesses. OUGHT TO PASS WITH AMENDMENT

Rep. Nancy C. Stickney for Executive Departments and Administration: This bill as amended allows an individual firm that has legally been in business for many years with the words "Engineer or Engineering" in its business name and was registered with the Secretary of State prior to January 1, 1999 to continue to do business under the same name, notwithstanding the 1998 rule change. Vote 13-1.

Amendment (3430h)

Amend RSA 310-A:20, V as inserted by section 1 of the bill by replacing it with the following:

V. The secretary of state shall not issue a certificate of incorporation to an applicant for incorporation or for registration as a foreign business organization which includes the words "Engineer" or "Engineering" or any modification or derivative thereof in its corporate or business name or which includes the practice of engineering among the objects for which it is established unless the board shall have issued, with respect to such applicant, a certificate of authorization or eligibility for authorization, a copy of which shall have been presented to the secretary of state. Similarly, the secretary of state, after a reasonable transition period, shall decline to register any trade name or service mark which includes such words or modifications or derivatives thereof in its firm or business name except to partnerships, sole proprietorships and associations holding certificates of registration or authorization issued under the provisions of this subdivision, a copy of which shall likewise have been presented to the secretary of state. ***However, the requirements of this subdivision shall not apply to any business formed and registered with the secretary of state prior to January 1, 1999, which uses the words "Engineer" or "Engineering" or any modification or derivative thereof in its corporate or business name, and which does not perform or require the services of a professional engineer.***

AMENDED ANALYSIS

This bill provides that the laws regulating engineering shall not apply to any business formed and registered with the secretary of state prior to January 1, 1999, which uses the words "Engineer" or "Engineering" or any modification or derivative thereof in its corporate or business name, and which does not perform or require the services of a professional engineer.

SB 389-FN, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill adds 2 more years to those eligible for the post retirement medical benefit. The bill will provide medical benefits to those injured in the line of duty who became permanent policemen or permanent firemen before July 1, 2000. This will be a one-time cost to the respective special accounts of the police and fire members. The actuary indicates that the cost will be \$8.32 million for the police component, and \$2.81 million for the fire component. The actuary states that there are sufficient funds in each of the special accounts for this bill. The committee removed the senate amendment to provide benefits to those that die before submitting their papers for retirement. The actuary indicated that this would cause an increase in the employers' contribution rate. This increase was an unintended consequence of the

amendment. Additional work must be done on this subject matter before it is ready for final consideration by the house and senate. Vote 17-0.

Amendment (4015h)

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

AN ACT relative to medical benefits for group II members of the retirement system.

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

1 New Hampshire Retirement System; Medical Benefits; Application. Amend RSA 100-A:55, I to read as follows:

I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are active or retired members of group II as of June 30, ~~1995~~ **1997**; to persons who prior to July 1, 1988, had completed no less than 20 years of group II creditable service, but who for reasons other than retirement or death ceased to be a group II member prior to attaining the age of 45, and who, as of July 1, 1993, are eligible for vested deferred retirement benefits; and to persons who are group II permanent policemen or permanent firemen members on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty who become permanent policemen members of group II after June 30, 1988, but before July 1, ~~1995~~ **2000** or permanent firemen members of group II after June 30, 1988, but before July 1, ~~1995~~ **2000**. Such additional benefits shall not apply to other persons who become members of group II after June 30, ~~1995~~ **2000**, without future legislation to include them. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be funded by reimbursement from the special account established under RSA 100-A:16, II(h).

2 Effective Date. This act shall take effect July 1, 2000.

AMENDED ANALYSIS

This bill updates the year of eligibility of active and retired group II members for the payment of medical benefits costs by the retirement system.

Referred to Finance.

SB 390-FN, relative to vested deferred retirement benefits for group II members. OUGHT TO PASS

Rep. Robert C. Batchelder for Executive Departments and Administration: SB 390-FN makes a technical correction in RSA 100-A:10 that will permit certain fire and police members of the New Hampshire Retirement System, who have earned a vested deferred retirement benefit by virtue of ten years of service, to begin collecting that benefit at the age of 60. Without this correction, a quirk in current law requires some members, even though vested, to wait several years after age 60 before beginning to draw the benefit they have earned. The New Hampshire Retirement System has determined that this correction will have no negative fiscal impact on the system since it assumed in its original actuarial calculations that members entitled to a vested benefit will begin drawing their allowance at age 60. Vote 12-0.

SB 414-FN, reorganizing the divisions of the department of corrections. REFER FOR INTERIM STUDY

Rep. Michael O'Neil for Executive Departments and Administration: In light of the recent appointment of a new commissioner for the Department of Corrections, the committee felt it would be appropriate to hold off on any reorganizational structure and allow the newly appointed commissioner time to acquaint himself with the current correctional operations. The interim study will also allow the Executive Department and Administrative Committee to work with the Criminal Justice and Public Safety Committee who has similar legislation scheduled for interim study. Vote 17-0.

SB 415-FN-L, relative to payment of group health insurance premiums for eligible retired members of the retirement system. OUGHT TO PASS WITH AMENDMENT

Rep. Robert C. Batchelder for Executive Departments and Administration: This bill provides that retired non-teacher employees of the state's political subdivisions (counties, cities, towns and school districts) who are members of the New Hampshire Retirement System shall, when they retire, be eligible to receive a subsidy toward paying for continuing health care insurance for themselves and their dependents. This will put these employees on the same footing as retired teachers, policemen and firemen who already receive this benefit. There will be no additional cost to the state or to the political subdivisions, since the benefit will be paid out of the New Hampshire Retirement Special Account. (\$36.4 million for non-teacher employees and \$16.8 million for teachers.) If the cost of the insurance is higher than the maximum subsidy paid by the retirement system under this legislation, the retiree is required to pay the difference. Vote 19-0.

Amendment (4091h)

Amend the bill by replacing section 8 with the following:

8 Funding.

I. The sum of \$34,817,000 is hereby transferred from the group I employee special account balance existing on June 30, 2000 for the purpose of funding RSA 100-A:52-a and RSA 100-A:53-c as inserted by this act.

II. The sum of \$14,742,000 is hereby transferred from the group I teacher special account balance existing on June 30, 2000 for the purpose of funding RSA 100-A:52-a as inserted by this act.

Referred to Finance.

SB 417-FN-L, allowing a beneficiary of an optional allowance under the New Hampshire retirement system to renounce his or her benefits. OUGHT TO PASS

Rep. Merton S. Dyer for Executive Departments and Administration: This bill will allow a beneficiary to voluntarily renounce his or her right to a benefit provided by the retirees elected retirement benefit option. This must be voluntary and requested on a form designated by the board of trustees. The actuary determines that there will be no impact on state or local funds and will be cost neutral to the retirement system. Vote 12-2.

HB 735-FN-A, establishing a contributory judicial retirement plan. REFER FOR INTERIM STUDY

Rep. Joseph E. Stone for Finance: This recommendation of the subcommittee studying this bill was based on a question of time and fairness. It was felt there was not sufficient time left to do a

comprehensive study and furthermore, due to the current turmoil existing in the Supreme Court, it was felt it would not be fair to conduct further hearings which required one of the Justices to be present, until a future date when full attention could be again given to this important matter. Vote 25-0.

HB 1628-FN-A-L, establishing a reformed public school financing system for ensuring educational adequacy for all children, establishing a state public education assistance system funded solely with state tax revenues, and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. O. Alan Thulander for Finance: After a full public hearing and further investigation by the sponsors, it became apparent that the bill was no longer needed and they requested that the bill be found Inexpedient to Legislate. Vote 25-0.

SB 322, extending the needle exchange pilot program. OUGHT TO PASS

Rep. Cecelia D. Kane for Health, Human Services and Elderly Affairs: This bill extends the needle exchange pilot program for four years in one community with the Commissioner of the Department of Health and Human Services directed to establish guidelines and to monitor the pilot program with the assistance of an advisory committee. The free exchange of new syringes and hypodermic needles for used hypodermic needles, is a means to prevent the transmission of Human Immunodeficiency Virus (HIV), among intravenous drug users. Any individual who either administers or participates in the needle exchange program established under this act, shall be immune from prosecution for violating RSA 318:52. The overwhelming majority of the committee was in agreement that this program needs an extension to make this worthwhile program a success, needed by the public. Vote 15-1.

SB 324, relative to personal care services and providers. OUGHT TO PASS WITH AMENDMENT

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This legislation allows certain individuals and families the option of receiving personal care services from either a home health agency or from another qualified community agency. With passage of this landmark bill, individuals requiring personal care services will have a variety of these services to choose from, subject to federal and state laws. After extensive hearings and work by all involved, this bill will allow for consumer-directed services and offer much needed support for individuals and families in their home or chosen environment. In addition, it will help to lessen the chronic shortages of providers in this healthcare function. Vote 16-0.

Amendment (4116h)

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

1 New Chapter; Personal Care Services. Amend RSA by inserting after chapter 161-H the following new chapter:

CHAPTER 161-I

PERSONAL CARE SERVICES

161-I:1 Purpose.

I. Many individuals require assistance with eating, bathing, dressing, personal hygiene, and activities of daily living to maintain their independence and dignity. Personal care services are non-medical, hands-on supports that substitute for the loss of an individual's physical or cognitive functioning.

II. Many individuals requiring personal care services and families who have children with special health care needs want to choose who delivers personal care services and how and when these services are delivered.

III. This chapter provides individuals and families with the option of receiving personal care services, including consumer-directed services, from a home health agency or other qualified agency.

161-I:2 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of health and human services.

II. "Consumer-directed services" means personal care services under which the eligible consumer or his or her representative is responsible for:

(a) Participating in the development of the eligible consumer's service plan;

(b) Selecting the eligible consumer's personal care services provider;

(c) Setting the terms and conditions of work;

(d) Training, supervising, and evaluating the personal care services provider;
and

(e) Terminating his or her relationship with the personal care services provider.

III. "Department" means the department of health and human services.

IV. "Eligible consumer" means a person eligible for department programs that authorize personal care services.

V. "Eligible setting" means a home, apartment, residential facility, day program, or other community setting, but does not include a hospital, nursing facility, or other institutional setting.

VI. "Home health agency" means a home health care provider licensed under RSA 151.

VII. "Intermediary services" means an array of fiscal and supportive services to facilitate the delivery of consumer-directed services. Such services shall include:

(a) Fiscal intermediary services, including but not limited to:

(1) Computing of tax withholdings.

- (2) Filing and depositing employment taxes.
- (3) Preparing and disbursing payroll checks.
- (4) Collecting and verifying worker timesheets.
- (5) Processing and paying non-labor related invoices.
- (6) Processing criminal background checks on prospective workers.
- (7) Overseeing the verification of workers' citizenship/legal alien status.
- (8) Generating standardized reports depending on program design.

(b) Supportive services, including but not limited to:

- (1) Skills and advocacy training for the eligible consumer or representative.
- (2) Assistance with recruiting, screening, hiring, and training personal care services providers.
- (3) Creating and maintaining work registries.
- (4) Assessing and reassessing service needs.
- (5) Counseling and support.
- (6) Monitoring consumer satisfaction.

VIII. "Legally responsible relative" means a parent of a minor child or a spouse.

IX. "Other qualified agency" means those entities authorized to offer personal care services and/or intermediary services by the department in accordance with rules adopted pursuant to RSA 541-A.

X. "Plan of care" means a state-authorized guide to the provision of services to an eligible consumer.

XI. "Personal care services" means services furnished by a personal care services provider that assist an eligible consumer in maintaining himself or herself in an eligible setting. Such services may include, but are not limited to, basic personal care and grooming, assistance with basic toileting and toileting hygiene measures, assistance with oral and topical medications, assistance with nutrition, including meal preparation, and essential household services.

XII. "Personal care services provider" means a person who:

- (a) Is selected by:

- (1) The eligible consumer;
- (2) The eligible consumer's legal guardian;
- (3) The eligible consumer's representative; or
- (4) A person granted power of attorney by the eligible consumer; and

(b) Is employed by a home health agency or other qualified agency to provide personal care services; and

(c) Is not:

- (1) The eligible consumer's legally responsible relative;
- (2) The eligible consumer's legal guardian;
- (3) The eligible consumer's representative; or
- (4) A person granted power of attorney by the eligible consumer.

XIII. "Representative" means a person:

(a) Chosen by:

- (1) The eligible consumer;
- (2) The eligible consumer's legal guardian; or
- (3) A person granted power of attorney by the eligible consumer; and

(b) Deemed appropriate by the department to act on behalf of the eligible consumer; and

(c) Who:

- (1) Is not the personal care services provider; and
- (2) Does not have a financial relationship with a home health agency or other qualified agency providing intermediary services to the eligible consumer.

161-I:3 Consumer Choice. An eligible consumer in need of personal care services shall have the option to receive personal care services, including consumer-directed services, through a home health agency or other qualified agency. An individual not eligible for department programs shall have the option to receive personal care services, including consumer-directed services, through a home health care provider or other facility licensed under RSA 151, or through a private arrangement between individuals. Such choice shall be subject to those limitations imposed by federal and state laws, rules, and regulations.

161-I:4 Department Responsibilities.

I. The department shall develop personal care services for department programs that authorize personal care services. Eligible consumers shall be afforded the option to receive their personal care services through a home health agency or other qualified agency and/or a consumer-directed services program.

II. The department shall develop a process for allowing a representative to act on the behalf of an eligible consumer.

III. The department shall develop intermediary services for eligible consumers using consumer-directed services.

IV. Coverage of personal care services under department programs shall be subject to the availability of appropriated funds.

V. Nothing in this section shall be construed to change the personal care program for the severely disabled as set forth in RSA 161-E.

161-I:5 Personal Care Services Provider Training. Any personal care services provider serving an eligible consumer shall be required to undergo training as required by rule, pursuant to RSA 541-A.

161-I:6 Plans of Care and Service Delivery Oversight. All eligible consumers shall have a plan of care that details the provision of personal care services. The delivery of personal care services, as outlined in the plan of care, to an eligible consumer shall be monitored by a case manager either employed or contracted by the department. Should the delivery of personal care services to an eligible consumer necessitate specialized oversight, this shall be outlined in the plan of care and such oversight of the personal care services provider shall be arranged by the case manager.

161-I:7 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. Criteria for approving home health or other qualified agencies to offer personal care services, including but not limited to:

- (a) Qualifications and training of providers.
- (b) Oversight of providers.
- (c) Service definition.
- (d) Reporting requirements.
- (e) Record-keeping.
- (f) Personnel requirements.
- (g) Care planning.
- (h) Service delivery oversight.
- (i) Scope of service.

(j) Quality assurance measures.

(k) Structure of the business entity.

II. The provision of personal care services by personal care services providers, including the provision of consumer-directed personal care services.

III. The provision of intermediary services by a home health agency or other qualified agency to facilitate the delivery of consumer-directed personal care services.

IV. The use of a representative in consumer-directed services.

V. Guidelines for state-authorized plans of care.

2 Continued Authorization; Rules. Notwithstanding the repeal by section 3 of this act, the authority for home health care providers to provide personal care services under rules adopted pursuant to RSA 326-B:17, X shall continue until the effective date of rules adopted pursuant to RSA 161-I:7 and RSA 151:9-a.

3 Repeal. RSA 326-B:17, X, relative to personal care services is repealed.

4 Residential Care and Health Facility Licensing; Home Health Care Provider. Amend RSA 151:2-b, III to read as follows:

III. *Home health care providers that provide only personal care services and no other health care services as listed in paragraph I of this section shall be issued a license limiting their services to personal care services.*

IV. "Home health care provider" does not include any organization or agency providing only services pursuant to the provisions of Title III, Part C, of the Older Americans Act; *authorized by the department of health and human services pursuant to RSA 161-I;* operating only a nutrition program under a federal social services block grant, or under the auspices of a private charity; or volunteer hospices that do not provide, directly or through contract arrangements, home health care services as defined in RSA 151:2-b, I.

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

AMENDED ANALYSIS

This bill allows certain individuals and families of these individuals the option of receiving personal care services, including consumer-directed services, from a home health agency or other qualified agency. This bill also gives the commissioner of health and human services rulemaking authority relative to requirements for the use of consumer-directed services for department programs and the provision of personal care services.

This bill is a request of the department of health and human services.

Referred to Finance.

SB 456, relative to testing newborns for deafness. OUGHT TO PASS

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This bill requires the Commissioner of the Department of Health and Human Services to develop standards for testing newborns for deafness and to make a report with recommendations to the legislature and Governor. These standards are needed as hospital after hospital in New Hampshire institutes varying testing programs. Vote 15-0.

SB 327, relative to responsibility of the employee and perjury under workers' compensation. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: This bill adds the crime of perjury under RSA 641:1 as a potential penalty for the false statement or representation by any party in a workers compensation claim. Vote 16-0.

Amendment (4118h)

Amend RSA 281-A:53-a, III as inserted by section 1 of the bill by replacing it with the following:

III. In the event that the employee fails to return a completed form within 30 days of the carrier or self-insured's request, the carrier or self-insured may send a notice of intent to suspend compensation benefits to the employee and to the commissioner. If within 15 days of such notice the carrier, self-insured, or the commissioner has not received a completed form, the carrier or self-insured may petition the commissioner to suspend compensation benefits until such time as the form is filed. Upon receipt of a petition to suspend compensation, the commissioner may order compensation payments suspended until such time as the employee files the form. Upon receipt of the form, benefits shall be paid retroactive to the date of suspension.

Amend the bill by replacing section 2 with the following:

2 Perjury Added. Amend RSA 281-A:56 to read as follows:

281-A:56 Penalty for False Representation.

I. A person who makes a false statement or representation for the purpose of obtaining any benefit or payment under this chapter, whether for himself or herself or for any other person, and who does not believe the statement or representation to be true, shall be subject to prosecution and punishment for false swearing under RSA 641:2, ~~[or]~~ unsworn falsification under RSA 641:3, **or perjury under RSA 641:1**, as the case may be, and, upon conviction, the court may order forfeit all of the person's rights to the compensation sought. In addition to any other remedy, the employer or insurance carrier providing the benefit or payment shall be entitled to restitution as authorized in RSA 651:63.

II. An employer or insurance carrier, or any employee, agent, or person acting on behalf of an employer or insurance carrier, who makes a false statement or representation in the course of reporting, investigating or adjusting a claim for any benefit or payment under this chapter and who does not believe the statement or representation to be true shall be subject to prosecution and punishment for false swearing under RSA 641:2, ~~[or]~~ unsworn falsification under RSA 641:3, **or perjury under RSA 641:1**, as the case may be.

SB 364, relative to benefits for permanent bodily losses under workers' compensation. OUGHT TO PASS

Rep. Rebecca C. Hutchinson for Labor, Industrial and Rehabilitative Services: This bill requires that the balance of an unpaid weekly scheduled permanent impairment award under workers' compensation be paid to the estate of the employee in the event of the employee's death. Vote 17-1.

SB 402-FN, relative to employee reimbursement for work-related expenses. OUGHT TO PASS WITH AMENDMENT

Rep. John M. Whittier for Labor, Industrial and Rehabilitative Services: This bill provides that an employee who incurs expenses in connection with his or her employment and at the request of his employer shall be reimbursed within 30 days. Vote 15-0.

Amendment (3853h)

Amend RSA 275: 57, I as inserted by section 1 of the bill by replacing it with the following:

I. An employee who incurs **expenses** in connection with his or her employment and at the request of the employer, except those expenses normally borne by the employee as a precondition of employment, which are not paid for by wages, cash advance, or other means from the employer, shall be reimbursed for the payment of the expenses within 30 days of the presentation by the employee of proof of payment.

SB 442-FN, establishing an equipment depository and disabled person's employment fund in the department of administrative services. REFER FOR INTERIM STUDY

Rep. Philip J. McColgan, Jr. for Labor, Industrial and Rehabilitative Services: Establishing an equipment depository and disabled person's employment fund in the department of administrative services would set a good example of non-discrimination in state employment but questions about interpreters and political subdivisions will require further study. Vote 14-1.

SB 387-FN-L, relative to proposed toll booths in the city of Nashua and relative to alternatives to the statewide toll booth system. REFER FOR INTERIM STUDY

Rep. Candace W. Bouchard for Public Works and Highways: The committee is very sensitive to the issue of adding toll booths to the turnpike system. With House Bill 1485 already in study at the Finance Committee, the Public Works & Highway Committee felt this bill should be furthered studied. Vote 18-0.

SB 370, relative to reflectors on bicycle pedals. OUGHT TO PASS

Rep. George A. LaPorte for Transportation: This bill helps fill a hole concerning clipless bicycle pedals that do not have reflectors mounted on them as other bicycle pedals have. Vote 12-0.

SB 399-FN-A, making an appropriation to the fish and game department for the purposes of the wildlife damage control program. OUGHT TO PASS

Rep. Rose Marie Rogers for Wildlife and Marine Resources: This bill appropriates one dollar for crop damage done by wildlife. It preserves the line item in the budget so that when an appropriation of state funds is possible the state will assume financial responsibility of crop damage and Fish and Game will distribute the funds according to rules. Vote 12-0.

Referred to Finance.

(Clerk's Note)

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

SUSPENSION OF RULES

Reps. Chandler and Burling moved that the Rules be suspended as to permit reporting, consideration and referral to and reporting from a second committee after the deadline on **HB 1469**, establishing a committee to study the feasibility of making the division of children, youth, and families an independent state agency.

Adopted by the necessary two-thirds.

REGULAR CALENDAR

HB 1469, establishing a committee to study the feasibility of making the division of children, youth, and families an independent state agency. OUGHT TO PASS WITH AMENDMENT

Rep. Barbara Hull Richardson for Children and Family Law: The bill provides that responsibility for juvenile services and juvenile program, probation, and parole officers, formerly known as juvenile service officers, shall be transferred from the department of health and human services to the department of youth development services and makes an appropriation for these purposes. This bill also establishes a Board of Trustees within the department of youth development services to make recommendations to the commissioner relative to programs and services. Vote 10-3.

Amendment (4097h)

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

AN ACT relative to the organization of the juvenile justice system in New Hampshire and making an appropriation therefor.

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

1 Youth Development Services; Powers and Duties of Commissioner Amended. RSA 621-A:4, III is repealed and reenacted to read as follows:

III. The commissioner shall engage an administrator who shall be a full-time classified employee who shall be responsible for all placements of juveniles involving the youth development center pursuant to RSA 621, the youth services center pursuant to RSA 621-A:5, and group home, crisis home, or shelter care facility placements pursuant to RSA 169-B or RSA 169-D.

2 New Paragraph; Department of Youth Development Services; Powers and Duties of Commissioner Amended. Amend RSA 621-A:4 by inserting after section V the following new paragraph:

VI. The commissioner shall provide, through juvenile program, probation, and parole officers, services for all children and youth referred by the district courts pursuant to RSA 169-B, RSA 169-D, and for all children who are at risk of placement with the department of youth development services in connection with proceedings under RSA 169-B, RSA 169-D, or other applicable provisions of law. The commissioner shall engage a juvenile services administrator, who shall be a full-time classified employee. The administrator shall be responsible for the administration and supervision of juvenile services as set forth in RSA 621-A:9 through RSA 621-A:11 and for the management of all juvenile program, probation, and parole officers in the department.

3 New Subdivisions; Department of Youth Development Services; Juvenile Services Officers Transferred. Amend RSA 621-A by inserting after section 8 the following new subdivisions:

Juvenile Services

621-A:9 Purpose of Juvenile Services. Establishment of field services under the direction of the juvenile services administrator within the department of youth development services for children in need of services and juvenile delinquents will support the state's continuing efforts to consolidate in one agency the field services provided to children and youth.

621-A:10 Assignment of Juvenile Program, Probation, and Parole Officers. The commissioner shall, through rules adopted pursuant to RSA 541-A, assign permanent juvenile program, probation, and parole officers to each judicial district consistent with the workload formula established by the department in consultation with the New Hampshire Judges Association.

621-A:11 Juvenile Program, Probation, and Parole Officers; Powers and Duties. Juvenile program, probation, and parole officers under the administration of the department of youth development services shall have the power and duty:

I. To serve as officers of the court and investigate at the request of any justice of the district courts which they serve, any pending case, matter, or questions, and to report the results of such investigation with recommendations to the authority which ordered the investigation.

II. To take charge of and provide supervision of juveniles, attempting to assist them in establishing law-abiding lives while monitoring their behavior through school, home, work, office, and other contacts to insure that they comply with court orders and diversion agreements.

III. To report promptly to the appropriate district court violations of court orders and conditions which are required by statute, the district court, or which, in the opinion of the officer, are serious enough to warrant consideration. Such reports shall include recommendations as to actions which the officer believes to be appropriate.

IV. To arrest and take into custody any minor who is found violating any law, or who is reasonably believed to be a fugitive from justice, or whose circumstances are such as to endanger his person or welfare, unless immediate action is taken.

V. To participate in community service activities, diversion programs, and other duties as may be assigned by the commissioner of the department of youth development services, or designee.

Board of Trustees

621-A:12 Board of Trustees Established; Membership.

I. There is hereby established a board of trustees within the department of youth development services. The board shall act in an advisory capacity and make recommendations to the commissioner relative to programs and services provided to children referred to the department pursuant to RSA 169-B and RSA 169-D.

II. The board shall be composed of the following members:

(a) One member from the house of representatives, appointed by the speaker of the house.

(b) One member from the senate, appointed by the president of the senate.

(c) The commissioner of the department of youth development services, or designee who shall be an individual with decision-making authority.

(d) The commissioner of the department of health and human services, or designee who shall be an individual with decision-making authority.

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

(f) One district or family court judge, appointed by the administrative justice of the district courts.

(g) Two human services administrators, one from an urban county and one from a rural county, appointed by the executive director or other appropriate appointing authority of the New Hampshire Association of Counties.

(h) Seven members, appointed by the governor with the advice and consent of the council, which shall include 2 members representing the interests of business and industry, 2 parents of children who have been adjudicated as delinquent or in need of services, one member of state or local law enforcement, one member representing the interests of providers of diversionary programs or services for children, and one member from the general public.

III. Members of the board of trustees shall serve without compensation provided that legislative members shall receive mileage at the legislative rate while attending to the duties of the board.

621-A:13 Terms of Office; Organization.

I. The legislative members and the members listed in RSA 621-A:12, II(c) – (f) shall serve terms which are coterminous with their terms in office. The members listed in RSA 621-A:12, II(g) shall serve for 3 years. Four of the members listed in RSA 621-A:13, II(h) shall serve for 4 years, and 3 members shall serve for 3 years.

II. Each appointed member of the board shall hold office until a successor is appointed and qualified. The appointment of successors for the filling of vacancies for unexpired terms shall be by appointment or election in the same manner as the original appointment.

III. The board shall elect its own chairperson and officers annually. The board shall meet monthly, or as deemed necessary, provided that the board shall meet at least once every 3 months.

621-A:14 Duties of the Board. The board shall act in an advisory capacity to assist the commissioner of the department of youth development services relative to programs and services provided to children who are referred to the department. The board may also provide advice and input on fiscal and budgetary matters within the department, the availability of state and federal grants, business partnerships, and other funding sources available to the department.

4 Delinquent Children; Definitions; Reference Amended. Amend RSA 169-B:2, VII (c) to read as follows:

(c) The supervision of a juvenile ~~[services]~~ **program, probation, and parole** officer, as authorized by RSA ~~[170-G:16]~~ **621-A:11**; and

5 Children in Need of Services; Definitions; Reference Amended. Amend RSA 169-D:2, VI (c) to read as follows:

(c) The supervision of juvenile ~~[service]~~ **program, probation, and parole** officers as authorized by RSA ~~[170-G:16]~~ **621-A:11**.

6 Transition.

I. There is hereby established a transition team for the purpose of administering the transition of specific powers, duties, functions, and responsibilities between the departments of health and human services and youth development services as provided in this act. The transition team shall consider any personnel, records, property, funds, programs, and related operations, including but not limited to, legal and administrative operations, and the functions and duties of juvenile justice specialist and jail compliance monitor, required to effect the transition of services for delinquent children under RSA 169-B and children in need of services under RSA 169-D from the department of health and human services to the department of youth development services. The transition team may solicit input and advice from individuals who are deemed to have access to information necessary to properly effect the transition.

II. The transition team shall consist of the following members:

(a) Two members of the house of representatives, appointed by the speaker of the house.

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

(c) The commissioner of the department of youth development services, or designee.

(d) The commissioner of the department of health and human services, or designee.

(e) The commissioner of the department of administrative services, or designee.

(f) The director of the division of children, youth, and families, department of health and human services.

(g) The juvenile justice administrator from the department of health and human services.

(h) Two human services administrators, one from an urban county, and one from a rural county, appointed by the executive director or other appropriate appointing authority of the New Hampshire Association of Counties.

III. The first-named house member shall call the first meeting of the team which shall occur no later than 45 days after the effective date of this section.

7 Position Transferred.

I. All powers, duties, functions, and responsibilities, and all costs including salary and benefits associated with the position of juvenile justice administrator in the department of health and human services, are hereby transferred to the position of juvenile services administrator within the department of youth development services. Nothing in this transfer shall affect the term of employment of the existing juvenile justice administrator in the department of health and human services.

II. All powers, duties, functions, and responsibilities, and all costs including salary and benefits associated with the existing juvenile services officers positions within the department of health and human services, and all personnel employed in these positions, are hereby transferred to the department of youth development services and shall be called juvenile program, probation, and parole officers.

8 Reference Changes. Amend the following RSA provisions by replacing "department of health and human services" with "department of youth development services": RSA 169-D:4-a; 169-D:5-a; 169-D:14, III; 169-D:17, I; 169-D:18-a, I; and 169-D:29, I(a).

9 Appropriation. The sum of \$1 is hereby appropriated to the department of youth development services for the fiscal year ending June 30, 2001, for the purposes of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

10 Repeal. The following are repealed:

I. RSA 170-G:3, III, relative to the powers and duties of the commissioner of health and human services.

II. RSA 170-G:4, II-a, relative to juvenile services officers in the department of health and human services.

III. RSA 170-G:14 through 170-G:16, relative to juvenile services in the department of health and human services.

11 Effective Date.

I. Section 6 of this act shall take effect upon its passage.

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

AMENDED ANALYSIS

This bill transfers functions, duties, and responsibilities for delinquent children under RSA 169-B and children in need of services under RSA 169-D from the department of health and human services to the department of youth development services. The bill also provides that responsibility for juvenile services and juvenile program, probation, and parole officers, formerly known as juvenile services officers, shall be transferred from the department of health and human services to the department of youth development services and makes an appropriation for these purposes.

Reps. Irene Pratt, Wallner and Allison spoke against.

Rep. Hager spoke against and yielded to questions.

Reps. Lionel Johnson, Arnold, Hess and Dowling spoke in favor.

Rep. Dowling requested a roll call; sufficiently seconded.

The question being the adoption of the amendment.

YEAS 206 NAYS 142

YEAS 206

BELKNAP

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	

CHESHIRE

Doucette, Richard	Hunt, John	Lynott, Margaret	Manning, Joseph
Pratt, John	Richardson, Barbara	Roberts, William	Rose, William

Royce, H Charles

Smith, Edwin

COOS

Gallus, John

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

Pratt, Leighton

Tholl, John Jr

Woodward, David

GRAFTON

Akins, Ralph

Alger, John

Brothers, Richard

Cobb, John

Dudley, Terri

Eaton, Stephanie

Gilman, G Michael

Hall, David

Harmon, Hobart

Hinman, Harry

Marshall, Gene

Mirski, Paul

Phinney, William

Picconi, Al

Scanlan, David

Ward, Brien

HILLSBOROUGH

Alukonis, David

Andrews, Frederick

Arnold, Thomas Jr

Baroody, Benjamin

Batula, Peter

Beaupre, Roland

Belvin, William

Bergin, Peter

Brundige, Robert

Bruno, Pierre

Burkush, James

Calawa, Leon Jr

Chabot, Robert

Christiansen, Lars

Clegg, Robert Jr

Coughlin, Pamela

Dalianis, Griffin

Daniels, Gary

Dawe, Eileen

Desrosiers, William

Dokmo, Cynthia

Durham, Susan

Dwyer, Paul Sr

Dyer, Merton

Emerton, Lawrence

Fields, Dennis

Fletcher, Richard

Flora, Kathleen

Franks, Suzan

Gagnon, Eugene

Goley, Jeffrey

Goulet, Maurice

Hansen, Herbert

Herman, Keith

Holley, Sylvia

Hunter, Bruce

Jean, Loren

Johnson, Lionel

Kurk, Neal

L'Heureux, Robert

LaPorte, George

LaRose, Richard

Lefebvre, Roland

Lessard, Rudy

Lozeau, Donnalee

MacGillivray, Jeffrey

Martel, Andre

McCarthy, William

McCarty, Winston

McDonough-Wallace,
Alice

McGough, Tim

McRae, Karen

Melcher, Harold

Mercer, Robert

Milligan, Robert

Moran, Edward

Mosher, William

Murphy, Robert

O'Connell, Timothy

O'Hearn, Jane

Pepino, Leo

Peterson, Andrew

Reeves, Sandra

Rowe, Robert

Sargent, Maxwell

Simon, Anthony

Tate, Joan

Turgeon, Roland

Vaillancourt, Steve

Wall, Nancy

White, Donald

MERRIMACK

Anderson, Eric	Asplund, Bronwyn	Feuerstein, Martin	Hess, David
Hoadley, Elizabeth	Kennedy, Richard	Larrabee, David Sr	Lavoie, Gerard
Leber, William	Lockwood, Priscilla	Marple, Richard	Maxfield, Roy
Nichols, Avis	Whalley, Michael		

ROCKINGHAM

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Clark, Vivian	Cooney, Richard	Cox, Russell
Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony	Dowling, Patricia
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John Sr
Francoeur, Sheila	Gibbons, Paul	Grant, Kenneth	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Karen	Katsakiores, George
Katsakiores, Phyllis	Kelley, William	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Lovejoy, Marian	Major, Norman
Moore, Benjamin	Morse, Charles	Nowe, Mary Lou	Noyes, Richard
Packard, Sherman	Putnam, Ed II	Quandt, Marshall	Rabideau, Marie
Raynowska, Bernard	Reardon, Neil	Ruffner, Walter	Sapareto, Frank
Stickney, Nancy	Stone, Joseph	Stritch, C Donald	Tufts, J Arthur
Varrell, Thomas	Weare, Everett	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		

STRAFFORD

Bickford, David	Cossette, Larry	McKinley, Robert	Musler, George
Spear, Barbara	Torr, Franklin	Woods, Phyllis	

SULLIVAN

Jones, Constance	Kibbey, David	Young, David
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NAYS 142

BELKNAP

Bartlett, Gordon	Pilliod, James	Wood, Jane
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CARROLL

None

CHESHIRE

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Lerandeau, Alfred	Lynch, Margaret	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Riley, William
Russell, Ronald	Zerba, Roger		

COOS

Davis, Perley	Landers, Dana	Rodrigue, Robert
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GRAFTON

Almy, Susan	Densmore, Jessica	Guest, Robert	Johnson, Gary
Nordgren, Sharon	Solow, Martha		

HILLSBOROUGH

Ahern, Richard	Arthur, Rose	Bergeron, Lucien	Buckley, Raymond
Carlson, Donald	Cote, David	Cote, Peter	Curran, James
Daigle, Robert	Drabinowicz, A Theresa	Fenton, James	Ford, Nancy
Foster, Linda	Garrish, Linda	Gorman, Mary	Haettenschwiller, Alphonse
Hall, Betty	Jean, Claudette	Keye, Harvey	Konys, Christine
Lasky, Bette	Leishman, Peter	Leonard, Peter	Lynde, Harold
McColgan, Philip Jr	McDonald, James Sr	Messier, Irene	Moriarty, Mary
Reidy, Frank	Sarette, John	White, John	Williams, Carol

MERRIMACK

Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Jacobson, Alf
Langer, Ray	Marshall, Kenneth	Moore, Carol	Owen, Derek
Potter, Frances	Poulin, Dave	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

Case, Margaret

Clark, Martha

Downing, Michael

Gleason, John

Hutchinson, Rebecca

Johnson, Robert

Kane, Cecelia

Kelley, Jane

McKinney, Betsy

Norelli, Terie

O'Neil, Michael

Pantelakos, Laura

Pitts, Jacqueline

Sabella, Norma

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

Dunlap, Patricia

Gilmore, Gary

Grassie, Anne

Heon, Richard

Johnson, Nancy

Kaen, Naida

Keans, Sandra

Knowles, William

Pelletier, Arthur

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

Flint, Gordon Sr

Leone, Richard

Phinizy, James

Robb-Theroux, Amy

Tuthill, John

Wiggins, Celestine

and the amendment was adopted.

The question now being the adoption of the report.

Rep. Dowling requested a roll call; sufficiently seconded.

YEAS 214 NAYS 135

YEAS 214

BELKNAP

Boriso, Thomas
Johnson, James
Rosen, Ralph
Wendelboe, Francine

Boyce, Robert
Lawton, David
Russell, David

Czech, Stanley
Millham, Alida
Thomas, John

Holbrook, Robert
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

CHESHIRE

Avery, Stephen
Manning, Joseph
Rose, William

Doucette, Richard
Pratt, John
Royce, H Charles

Hunt, John
Richardson, Barbara
Smith, Edwin

Lynott, Margaret
Roberts, William

COOS

Davis, Perley
Merrill, Gerald

Gallus, John
Pratt, Leighton

Guay, Lawrence
Tholl, John Jr

Horton, Lynn
Woodward, David

GRAFTON

Akins, Ralph
Dudley, Terri
Harmon, Hobart
Phinney, William

Alger, John
Eaton, Stephanie
Hinman, Harry
Picconi, Al

Brothers, Richard
Gilman, G Michael
Marshall, Gene
Scanlan, David

Cobb, John
Hall, David
Mirski, Paul
Ward, Brien

HILLSBOROUGH

Alukonis, David
Batula, Peter
Brundige, Robert
Chabot, Robert
Dalianis, Griffin
Dokmo, Cynthia
Emerton, Lawrence

Andrews, Frederick
Beaupre, Roland
Bruno, Pierre
Christiansen, Lars
Daniels, Gary
Durham, Susan
Fenton, James

Arnold, Thomas Jr
Belvin, William
Burkush, James
Clegg, Robert Jr
Dawe, Eileen
Dwyer, Paul Sr
Fields, Dennis

Baroody, Benjamin
Bergin, Peter
Calawa, Leon Jr
Coughlin, Pamela
Desrosiers, William
Dyer, Merton
Fletcher, Richard

Flora, Kathleen	Franks, Suzan	Gagnon, Eugene	Goley, Jeffrey
Goulet, Maurice	Hall, Betty	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Hunter, Bruce	Jean, Loren	Johnson, Lionel
Kurk, Neal	L'Heureux, Robert	LaPorte, George	LaRose, Richard
Lefebvre, Roland	Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey
Martel, Andre	McCarthy, William	McCarty, Winston	McGough, Tim
McRae, Karen	Melcher, Harold	Mercer, Robert	Milligan, Robert
Moran, Edward	Mosher, William	Murphy, Robert	O'Connell, Timothy
O'Hearn, Jane	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Sargent, Maxwell	Simon, Anthony	Tate, Joan
Turgeon, Roland	Vaillancourt, Steve	Wall, Nancy	White, Donald

MERRIMACK

Anderson, Eric	Asplund, Bronwyn	Feuerstein, Martin	Hess, David
Hoadley, Elizabeth	Kennedy, Richard	Larrabee, David Sr	Lavoie, Gerard
Leber, William	Lockwood, Priscilla	Marple, Richard	Maxfield, Roy
Nichols, Avis	Whalley, Michael		

ROCKINGHAM

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Case, Margaret	Clark, Vivian	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John Sr	Francoeur, Sheila	Gibbons, Paul
Grant, Kenneth	Griffin, Mary	Hamel, Albert	Henderson, Warren
Katsakiores, George	Katsakiores, Phyllis	Kelley, William	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Lovejoy, Marian
Major, Norman	Moore, Benjamin	Morse, Charles	Nowe, Mary Lou
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Putnam, Ed II
Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard	Reardon, Neil
Ruffner, Walter	Sapareto, Frank	Stickney, Nancy	Stone, Joseph
Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas	Weare, Everett
Welch, David	Weyler, Kenneth	Whittier, John	Zolla, William

STRAFFORD

Bickford, David	Cossette, Larry	Gilmore, Gary	McKinley, Robert
Musler, George	Spear, Barbara	Torr, Franklin	Tsiros, William
Wall, Janet	Woods, Phyllis		

SULLIVAN

Jones, Constance	Kibbey, David	Young, David
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NAYS 135

BELKNAP

Bartlett, Gordon	Pilliod, James	Wood, Jane
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CARROLL

None

CHESHIRE

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Lerandean, Alfred	Lynch, Margaret	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, Irene	Riley, William	Russell, Ronald
Zerba, Roger			

COOS

Landers, Dana	Rodrigue, Robert
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GRAFTON

Almy, Susan	Densmore, Jessica	Guest, Robert	Johnson, Gary
Nordgren, Sharon	Solow, Martha		

HILLSBOROUGH

Ahern, Richard	Arthur, Rose	Bergeron, Lucien	Buckley, Raymond
Carlson, Donald	Cote, David	Cote, Peter	Curran, James

Daigle, Robert	Drabinowicz, A Theresa	Ford, Nancy	Foster, Linda
Garrish, Linda	Gorman, Mary	Haettenschwiller, Alphonse	Jean, Claudette
Keye, Harvey	Konys, Christine	Lasky, Bette	Leishman, Peter
Leonard, Peter	Lynde, Harold	McColgan, Philip Jr	McDonald, James Sr
McDonough-Wallace, Alice	Messier, Irene	Moriarty, Mary	Reidy, Frank
Sarette, John	White, John	Williams, Carol	

MERRIMACK

Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Jacobson, Alf
Langer, Ray	Marshall, Kenneth	Moore, Carol	Owen, Derek
Potter, Frances	Poulin, Dave	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	Clark, Martha	Gleason, John	Hutchinson, Karen
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Kelley, Jane
McKinney, Betsy	Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline
Sabella, Norma	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	Dunlap, Patricia
Grassie, Anne	Heon, Richard	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Pelletier, Arthur	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
Flint, Gordon Sr	Leone, Richard	Phinizy, James	Robb-Theroux, Amy
Tuthill, John	Wiggins, Celestine		

and the report was adopted.

Referred to Finance.

SB 431, relative to certain secondary vocational education programs. OUGHT TO PASS WITH AMENDMENT

Rep. Robert H. Guest for Education: The committee finds that representation of the membership on the Workforce Opportunity Council was not balanced by county. This bill, as amended, proposes that at least one member of the General Court and at least two members of the general public of each county be included. Vacancies will be filled by appointment by the Governor with consent of the Executive Council. This amendment will solve the problem of lack of representation by each county. The bill will include secondary vocational programs to be included under the Workforce Opportunity Council. Vote 12-3.

Amendment (4103h)

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

1 New Subdivision; Secondary Vocational Education Programs. Amend RSA 188-E by inserting after section 11 the following new subdivision:

Secondary Vocational Education Programs

188-E:12 Secondary Vocational Education Programs; Federal Authorization. In accordance with 20 U.S.C. sec. 9271, the state shall include in its unified plan, all secondary vocational education programs authorized under 20 U.S.C. 2301 et seq., known as the Carl D. Perkins Vocational and Applied Technology Education Act of 1998.

188-E:13 Legislative Membership on Youth Council. The following legislative members shall be appointed to the youth council which has been established as a subgroup within the workforce opportunity council formed by the governor pursuant to the Workforce Investment Act of 1998:

I. The chair of the house labor, industrial and rehabilitative services committee, or designee.

II. The chair of the house education committee, or designee.

III. One member of the senate education committee, appointed by the senate president.

IV. One member of the senate executive departments and administration committee, appointed by the senate president.

2 Membership on Local Workforce Investment Boards.

I. In addition to the members specified under 29 U.S.C. sec. 2832, each local workforce investment board established in New Hampshire shall include at least one member of the general court and at least 2 members of the general public who reside in the county in which such board is established.

II. To the extent consistent with federal law, in cases where the governor has authority to nominate or appoint members to a local workforce investment board, such nominations or appointments shall be by the governor with the consent of the executive council.

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

AMENDED ANALYSIS

Federal law requires prior approval of the state legislature in order to include certain secondary vocational educational programs in the state's unified vocational education plan. This bill fulfills that requirement by authorizing the inclusion of the relevant secondary vocational educational programs in the state's unified plan. The bill also specifies certain membership changes on the local workforce investment boards.

Adopted.

Report adopted and ordered to third reading.

SB 447-FN, relative to campaign contributions and expenditures. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Raymond Buckley for the Majority of Election Law: Earlier this year voters of both political parties loudly cried out for campaign finance reform across New Hampshire and the country. The bipartisan majority of the Committee heard that cry and responded by voting for SB 477 as amended. During the hearing for this bill, the Committee heard over three hours testimony supporting SB 447 from New Hampshire residents of every walk of life. Those appearing included an Executive Councilor, a Republican gubernatorial candidate, supporters of a presidential candidate and everyday citizens concerned about this very serious issue. The bill addressed the concern that candidates are spending too much time trying to raise ever increasing amounts of funds and being forced to sell themselves to special interests by establishing the New Hampshire Clean Elections Fund. Although SB 447 will only be implemented when a funding mechanism is created at some future date, it sends a powerful message to the voters that we take their concerns about campaign finance reform seriously by setting up the structure for clean elections Vote 12-7

Rep. Robert E. Clegg, Jr. for the Minority of Election Law: This bill does nothing to reform campaign financing. This bill is a public financing bill. The committee heard from many whom had lost political races and believed it was due to money, not message. Yet, those who won believe they won because of their message. While not funded this year, the bill looks for \$6 million in the next budget. That is \$6 million public dollars to potentially support messages you may even find offensive. This bill would publicly fund any and all so-called candidates for governor who can find 5000 people to give them \$5. Anyone with a political message to spread can raise \$25000 this way and would receive \$625,000 in taxpayer funds in the primary to help spread their message, whether or not a serious candidate for governor. If this bill were ever funded, some "candidates" could receive over \$20 in matching funds for every \$1 they raise on their own. In addition, advertising by any group opposed to the hate message would entitle the "candidate" to additional public funding equal to that spent by any group opposed to the hate message. Similar provisions would apply to Senate races.

Amendment (4093h)

Amend RSA 664-A:1, VIII as inserted by section 9 of the bill by replacing it with the following:

VIII. "Qualifying period" means the period beginning January 1 of the year of the state general election and ending 60 days from the date on which the candidate files for office.

Amend RSA 664-A:6, IV as inserted by section 9 of the bill by replacing it with the following:

IV. Participating candidates shall not accept any non-monetary contributions except the volunteer donations permitted by this paragraph. A volunteer may donate up to \$100 worth of goods and services to a participating candidate per month. A volunteer's time or voluntary use of personal vehicles shall not be considered a donation for purposes of this paragraph.

Amend RSA 664-A:8, II as inserted by section 9 of the bill by replacing it with the following:

II.(a) A participating candidate may receive additional funding from the fund to match expenditures by the participating candidate's opponent above the voluntary expenditure limitation amount in RSA 664:5-b. The amount of such additional funding shall not exceed 200 percent of the amount allocated to the candidate for the election period pursuant to paragraph I.

(b) A participating candidate may receive additional funding from the fund to match expenditures by any independent expenditure, as defined by RSA 664:2, XI, that reasonably can be described as either in support of the candidate's opponent or the opposition of the candidate. The amount of such additional funding shall not exceed 200 percent of the amount allocated to the candidate for the election period pursuant to paragraph I.

Amend RSA 664-A:8, III (a) as inserted by section 9 of the bill by replacing it with the following:

(a) Fifteen percent of the funding for the primary election period by the close of the business day immediately following fulfillment of the qualification requirements and certification of such by the secretary of state.

AMENDED ANALYSIS

This bill establishes a fund to provide campaign financing for eligible candidates for governor, councilor, and state senator. Candidates qualify for the financing by collecting a requisite number of \$5 contributions and complying with other provisions of the financing law. The candidate will then use money received from the fund instead of private contributions to finance the candidate's campaign.

On a division vote, 198 members having voted in the affirmative and 144 in the negative, the majority amendment was adopted to questions.

Rep. MacGillivray spoke against and yielded to questions.

Reps. Jacobson and Arnold spoke in favor and yielded to questions.

Reps. Stritch and Clegg spoke against.

Rep. Buckley requested a quorum count. The Speaker declared a quorum present.

Rep. Buckley spoke in favor.

Rep. Buckley requested roll call; sufficiently seconded.

The question being the adoption of the majority report.

YEAS 160 NAYS 192

YEAS 160

BELKNAP

Millham, Alida Wood, Jane

CARROLL

Howard, Godfrey Kenney, Joseph

CHESHIRE

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Lerandean, Alfred	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Russell, Ronald	Zerba, Roger		

COOS

Davis, Perley Horton, Lynn Landers, Dana Rodrigue, Robert

GRAFTON

Akins, Ralph	Almy, Susan	Brothers, Richard	Densmore, Jessica
Guest, Robert	Johnson, Gary	Nordgren, Sharon	Solow, Martha

HILLSBOROUGH

Ahern, Richard	Arnold, Thomas Jr	Arthur, Rose	Baroody, Benjamin
Buckley, Raymond	Burkush, James	Cote, David	Cote, Peter
Curran, James	Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A Theresa
Dyer, Merton	Foster, Linda	Franks, Suzan	Garrish, Linda

Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse	Hall, Betty
Jean, Claudette	Johnson, Lionel	Keye, Harvey	Konys, Christine
LaPorte, George	Lasky, Bette	Lefebvre, Roland	Leishman, Peter
Leonard, Peter	Lynde, Harold	McColgan, Philip Jr	McDonald, James Sr
McDonough-Wallace, Alice	Melcher, Harold	Messier, Irene	Moriarty, Mary
Murphy, Robert	Reidy, Frank	Sarette, John	Simon, Anthony
Turgeon, Roland	White, John	Williams, Carol	

MERRIMACK

Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Jacobson, Alf
Maxfield, Roy	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	Case, Margaret	Clark, Martha	Flanagan, Natalie
Gibbons, Paul	Grant, Kenneth	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Kelley, Jane	Norelli, Terie	Pantelakos, Laura
Pitts, Jacqueline	Sabella, Norma	Sapareto, Frank	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Vaughn, Charles
Weatherspoon, Jackie	Whittier, John		

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Gilmore, Gary	Grassie, Anne	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Pelletier, Arthur
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
Flint, Gordon Sr	Jones, Constance	Phinizy, James	Robb-Theroux, Amy
Tuthill, John	Wiggins, Celestine	Young, David	

NAYS 192

BELKNAP

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

CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Sullivan, P Judith			

CHESHIRE

Hunt, John	Meader, David	Roberts, William	Rose, William
Royce, H Charles	Smith, Edwin		

COOS

Gallus, John	Guay, Lawrence	Merrill, Gerald	Pratt, Leighton
Tholl, John Jr	Woodward, David		

GRAFTON

Alger, John	Cobb, John	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Hall, David	Harmon, Hobart	Hinman, Harry
Marshall, Gene	Mirski, Paul	Phinney, William	Picconi, Al
Scanlan, David	Ward, Brien		

HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Batula, Peter	Beaupre, Roland
Belvin, William	Bergeron, Lucien	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
Durham, Susan	Emerton, Lawrence	Fenton, James	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Gagnon, Eugene
Goulet, Maurice	Hansen, Herbert	Herman, Keith	Holley, Sylvia
Hunter, Bruce	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey
Martel, Andre	McCarthy, William	McCarty, Winston	McGough, Tim
McRae, Karen	Mercer, Robert	Milligan, Robert	Moran, Edward
Mosher, William	O'Connell, Timothy	O'Hearn, Jane	Pepino, Leo
Peterson, Andrew	Reeves, Sandra	Rowe, Robert	Sargent, Maxwell
Tate, Joan	Vaillancourt, Steve	Wall, Nancy	White, Donald

MERRIMACK

Anderson, Eric	Asplund, Bronwyn	Feuerstein, Martin	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	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Christie, Andrew Jr	Clark, Vivian	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Fesh, Robert	Flanders, David
Flanders, John Sr	Francoeur, Sheila	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Karen	Katsakiores, George
Katsakiores, Phyllis	Kelley, William	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Lovejoy, Marian	Major, Norman

McKinney, Betsy	Moore, Benjamin	Morse, Charles	Nowe, Mary Lou
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Priestley, Anne
Putnam, Ed II	Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard
Reardon, Neil	Ruffner, Walter	Stickney, Nancy	Stone, Joseph
Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas	Weare, Everett
Welch, David	Weyler, Kenneth	Zolla, William	

STRAFFORD

Cossette, Larry	Heon, Richard	McKinley, Robert	Musler, George
Spear, Barbara	Torr, Franklin	Tsiros, William	Woods, Phyllis

SULLIVAN

Kibbey, David	Leone, Richard
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and the majority report failed.

Rep. Keith Herman moved Inexpedient to Legislate.

Rep. Buckley requested a roll call; sufficiently seconded.

YEAS 190 NAYS 162

YEAS 190

BELKNAP

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

CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Sullivan, P Judith			

CHESHIRE

Hunt, John	Meader, David	Roberts, William	Rose, William
Royce, H Charles	Smith, Edwin		

COOS

Gallus, John	Guay, Lawrence	Merrill, Gerald	Pratt, Leighton
Tholl, John Jr	Woodward, David		

GRAFTON

Alger, John	Cobb, John	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Hall, David	Harmon, Hobart	Hinman, Harry
Marshall, Gene	Mirski, Paul	Phinney, William	Picconi, Al
Scanlan, David	Ward, Brien		

HILLSBOROUGH

Alukonis, David	Andrews, Frederick	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	Durham, Susan
Emerton, Lawrence	Fenton, James	Fields, Dennis	Fletcher, Richard
Flora, Kathleen	Ford, Nancy	Gagnon, Eugene	Goulet, Maurice
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Hunter, Bruce
Jean, Loren	Johnson, Lionel	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey
Martel, Andre	McCarthy, William	McCarty, Winston	McGough, Tim
McRae, Karen	Mercer, Robert	Milligan, Robert	Moran, Edward
Mosher, William	O'Connell, Timothy	O'Hearn, Jane	Pepino, Leo
Peterson, Andrew	Reeves, Sandra	Rowe, Robert	Sargent, Maxwell
Tate, Joan	Vaillancourt, Steve	Wall, Nancy	White, Donald

MERRIMACK

Anderson, Eric	Asplund, Bronwyn	Feuerstein, Martin	Hess, David
Hoadley, Elizabeth	Kennedy, Richard	Langer, Ray	Larrabee, David Sr

Lavoie, Gerard
Marshall, Kenneth
Whalley, Michael

Leber, William
Nichols, Avis

Lockwood, Priscilla
Poulin, Dave

Marple, Richard
Soltani, Tony

ROCKINGHAM

Arndt, Janet
Bridle, Russell
Cox, Russell
Dowling, Patricia
Francoeur, Sheila
Henderson, Warren
Katsakiores, Phyllis
Langone, John
McKinney, Betsy
Noyes, Richard
Putnam, Ed II
Reardon, Neil
Stritch, C Donald
Welch, David

Beaulieu, Jon
Christie, Andrew Jr
Dalrymple, Janeen
Fesh, Robert
Gleason, John
Hutchinson, Karen
Kelley, William
Letourneau, Robert
Moore, Benjamin
O'Neil, Michael
Quandt, Marshall
Ruffner, Walter
Tufts, J Arthur
Weyler, Kenneth

Belanger, Ronald
Clark, Vivian
Dearborn, Bruce
Flanders, David
Griffin, Mary
Johnson, Robert
Kobel, Rudolph
Lovejoy, Marian
Morse, Charles
Packard, Sherman
Rabideau, Marie
Stickney, Nancy
Varrell, Thomas
Zolla, William

Bishop, Franklin
Cooney, Richard
DiFruscia, Anthony
Flanders, John Sr
Hamel, Albert
Katsakiores, George
Langley, Jane
Major, Norman
Nowe, Mary Lou
Priestley, Anne
Raynowska, Bernard
Stone, Joseph
Weare, Everett

STRAFFORD

Cossette, Larry
Torr, Franklin

McKinley, Robert
Tsiros, William

Musler, George
Woods, Phyllis

Spear, Barbara

SULLIVAN

Kibbey, David

Leone, Richard

NAYS 162

BELKNAP

Millham, Alida

Wood, Jane

CARROLL

Howard, Godfrey

Kenney, Joseph

CHESHIRE

Avery, Stephen

Batchelder, Robert

Blaisdell, Michael

Burnham, Daniel

DePecol, Benjamin

Doucette, Richard

Lerandean, Alfred

Lynch, Margaret

Lynott, Margaret

Manning, Joseph

McGuirk, Paul

Mitchell, McKim

Pratt, Irene

Pratt, John

Richardson, Barbara

Riley, William

Russell, Ronald

Zerba, Roger

COOS

Davis, Perley

Horton, Lynn

Landers, Dana

Rodrigue, Robert

GRAFTON

Akins, Ralph

Almy, Susan

Brothers, Richard

Densmore, Jessica

Guest, Robert

Johnson, Gary

Nordgren, Sharon

Solow, Martha

HILLSBOROUGH

Ahern, Richard

Arnold, Thomas Jr

Arthur, Rose

Baroody, Benjamin

Bergeron, Lucien

Buckley, Raymond

Burkush, James

Cote, David

Cote, Peter

Curran, James

Daigle, Robert

Dokmo, Cynthia

Drabinowicz, A Theresa

Dyer, Merton

Foster, Linda

Franks, Suzan

Garrish, Linda

Goley, Jeffrey

Gorman, Mary

Haettenschwiller,
Alphonse

Hall, Betty

Jean, Claudette

Keye, Harvey

Konys, Christine

LaPorte, George

Lasky, Bette

Lefebvre, Roland

Leishman, Peter

Leonard, Peter

Lynde, Harold

McColgan, Philip Jr

McDonald, James Sr

McDonough-Wallace,
Alice

Melcher, Harold

Messier, Irene

Moriarty, Mary

Murphy, Robert

Reidy, Frank

Sarette, John

Simon, Anthony

Turgeon, Roland

White, John

Williams, Carol

MERRIMACK

Bouchard, Candace

Brewster, Richard

Chase, George

Crosby, Toni

Daneault, Gabriel

Davis, Francis

Fortnam, Janet

Fraser, Marilyn

French, Barbara	Gile, Mary	Hager, Elizabeth	Jacobson, Alf
Maxfield, Roy	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	Case, Margaret	Clark, Martha	Downing, Michael
Flanagan, Natalie	Gibbons, Paul	Grant, Kenneth	Hutchinson, Rebecca
Kane, Cecelia	Kelley, Jane	Norelli, Terie	Pantelakos, Laura
Pitts, Jacqueline	Sabella, Norma	Sapareto, Frank	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Vaughn, Charles
Weatherspoon, Jackie	Whittier, John		

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Gilmore, Gary	Grassie, Anne	Heon, Richard
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Pelletier, Arthur	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
Flint, Gordon Sr	Jones, Constance	Phinizy, James	Robb-Theroux, Amy
Tuthill, John	Wiggins, Celestine	Young, David	

and the motion was adopted.

Rep. Nordgren moved that the debate on Senate Bill 447 be printed in the Journal.

Rep. Buckley requested a roll call; sufficiently seconded.

YEAS 196 NAYS 156

YEAS 196

BELKNAP

Czech, Stanley	Millham, Alida	Pilliod, James	Russell, David
Turner, Robert	Wendelboe, Francine	Wood, Jane	

CARROLL

Bradley, Jeb	Kenney, Joseph	Lyman, L Randy	
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CHESHIRE

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Mitchell, McKim
Pratt, Irene	Richardson, Barbara	Riley, William	Russell, Ronald
Zerba, Roger			

COOS

Davis, Perley	Landers, Dana	Rodrigue, Robert	Woodward, David
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GRAFTON

Akins, Ralph	Almy, Susan	Brothers, Richard	Densmore, Jessica
Gilman, G Michael	Guest, Robert	Hall, David	Johnson, Gary
Mirski, Paul	Nordgren, Sharon	Solow, Martha	

HILLSBOROUGH

Andrews, Frederick	Arnold, Thomas Jr	Arthur, Rose	Baroody, Benjamin
Beaupre, Roland	Bergeron, Lucien	Buckley, Raymond	Burkush, James
Christiansen, Lars	Cote, David	Cote, Peter	Curran, James
Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A Theresa	Fenton, James
Fields, Dennis	Flora, Kathleen	Ford, Nancy	Foster, Linda
Franks, Suzan	Garrish, Linda	Goley, Jeffrey	Gorman, Mary

Haettenschwiller, Alphonse	Hall, Betty	Jean, Claudette	Jean, Loren
Johnson, Lionel	Keye, Harvey	Konys, Christine	L'Heureux, Robert
LaPorte, George	LaRose, Richard	Lasky, Bette	Lefebvre, Roland
Leishman, Peter	Leonard, Peter	Lynde, Harold	MacGillivray, Jeffrey
McCarthy, William	McCarty, Winston	McColgan, Philip Jr	McDonald, James Sr
McDonough-Wallace, Alice	Melcher, Harold	Messier, Irene	Moran, Edward
Moriarty, Mary	Peterson, Andrew	Reidy, Frank	Sarette, John
Sargent, Maxwell	Simon, Anthony	Turgeon, Roland	White, Donald
White, John	Williams, Carol		

MERRIMACK

Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Jacobson, Alf	Kennedy, Richard	Moore, Carol
Owen, Derek	Potter, Frances	Reardon, Tara	Rodd, Beth
Rosenfield, Jay	Seldin, Gloria	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Beaulieu, Jon	Case, Margaret	Clark, Martha
Cox, Russell	Dowling, Patricia	Downing, Michael	Fesh, Robert
Flanagan, Natalie	Flanders, David	Griffin, Mary	Hutchinson, Rebecca
Kane, Cecelia	Kelley, Jane	Kelley, William	Norelli, Terie
O'Neil, Michael	Pantelakos, Laura	Pitts, Jacqueline	Raynowska, Bernard
Reardon, Neil	Sabella, Norma	Schanda, Frank	Shelton, Richard
Shultis, Elizabeth	Splaine, James	Vaughn, Charles	Weatherspoon, Jackie
Weyler, Kenneth	Whittier, John		

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	Cossette, Larry	DeChane, Marlene

Domingo, Baldwin
Heon, Richard
Knowles, William
Snyder, Clair
Vachon, Dennis

Dunlap, Patricia
Johnson, Nancy
Pelletier, Arthur
Spang, Judith
Vincent, Francis

Gilmore, Gary
Kaen, Naida
Rollo, Michael
Taylor, Kathleen
Wall, Janet

Grassie, Anne
Keans, Sandra
Smith, Marjorie
Twardus, Joseph
Woods, Phyllis

SULLIVAN

Allison, David
Flint, Gordon Sr
Tuthill, John

Burling, Peter
Leone, Richard
Wiggins, Celestine

Cloutier, John
Phinizy, James
Young, David

Donovan, Thomas Jr
Robb-Theroux, Amy

NAYS 156

BELKNAP

Bartlett, Gordon
Johnson, James
Thomas, John

Boriso, Thomas
Lawton, David

Boyce, Robert
Rice, Thomas

Holbrook, Robert
Rosen, Ralph

CARROLL

Babson, David Jr
Mock, Henry

Chandler, Gene
Patten, Betsey

Dickinson, Howard
Philbrick, Donald

Howard, Godfrey
Sullivan, P Judith

CHESHIRE

Hunt, John
Rose, William

Meader, David
Royce, H Charles

Pratt, John
Smith, Edwin

Roberts, William

COOS

Gallus, John
Pratt, Leighton

Guay, Lawrence
Tholl, John Jr

Horton, Lynn

Merrill, Gerald

GRAFTON

Alger, John
Harmon, Hobart

Cobb, John
Hinman, Harry

Dudley, Terri
Marshall, Gene

Eaton, Stephanie
Phinney, William

Picconi, Al

Scanlan, David

Ward, Brien

HILLSBOROUGH

Ahern, Richard

Alukonis, David

Batula, Peter

Belvin, William

Bergin, Peter

Brundige, Robert

Bruno, Pierre

Calawa, Leon Jr

Carlson, Donald

Chabot, Robert

Clegg, Robert Jr

Coughlin, Pamela

Dalianis, Griffin

Daniels, Gary

Dawe, Eileen

Desmarais, Vivian

Desrosiers, William

Durham, Susan

Dyer, Merton

Emerton, Lawrence

Fletcher, Richard

Gagnon, Eugene

Goulet, Maurice

Hansen, Herbert

Herman, Keith

Holley, Sylvia

Hunter, Bruce

Kurk, Neal

Lessard, Rudy

Lozeau, Donnalee

Martel, Andre

McGough, Tim

McRae, Karen

Mercer, Robert

Milligan, Robert

Mosher, William

Murphy, Robert

O'Connell, Timothy

O'Hearn, Jane

Pepino, Leo

Reeves, Sandra

Rowe, Robert

Tate, Joan

Vaillancourt, Steve

Wall, Nancy

MERRIMACK

Anderson, Eric

Feuerstein, Martin

Hoadley, Elizabeth

Langer, Ray

Larrabee, David Sr

Lavoie, Gerard

Leber, William

Lockwood, Priscilla

Marple, Richard

Marshall, Kenneth

Maxfield, Roy

Nichols, Avis

Poulin, Dave

Soltani, Tony

St Cyr, Gerard

Whalley, Michael

ROCKINGHAM

Arndt, Janet

Belanger, Ronald

Bishop, Franklin

Bridle, Russell

Christie, Andrew Jr

Clark, Vivian

Cooney, Richard

Dalrymple, Janeen

Dearborn, Bruce

DiFruscia, Anthony

Flanders, John Sr

Francoeur, Sheila

Gibbons, Paul

Gleason, John

Grant, Kenneth

Hamel, Albert

Henderson, Warren

Hutchinson, Karen

Johnson, Robert

Katsakiores, George

Katsakiores, Phyllis

Kobel, Rudolph

Langley, Jane

Langone, John

Letourneau, Robert

Lovejoy, Marian

Major, Norman

McKinney, Betsy

Moore, Benjamin

Morse, Charles

Nowe, Mary Lou

Noyes, Richard

Packard, Sherman

Priestley, Anne

Putnam, Ed II

Quandt, Marshall

Rabideau, Marie

Ruffner, Walter

Sapareto, Frank

Stickney, Nancy

Stone, Joseph

Stritch, C Donald

Tufts, J Arthur

Varrell, Thomas

Weare, Everett

Welch, David

Zolla, William

STRAFFORD

McKinley, Robert

Musler, George

Spear, Barbara

Torr, Franklin

Tsiros, William

SULLIVAN

Jones, Constance

Kibbey, David

and the motion was adopted.

debate

Rep. MacGillivray: Thank you very much, Madam Speaker. Ladies and gentlemen, I rise in opposition to the committee report of Ought to Pass with Amendment on Senate Bill 447. There are many things wrong with this bill, but at the beginning of the debate Rep. Clegg has asked me to correct an error in his blurb. So, if you would please turn to page 1007 of the calendar it should read: "This bill would publicly fund any and all so-called candidates for governor who can find 5,000 (not 1,000) people to give them \$5.00. Anyone with a political message to spread can raise \$25,000 this way..." and then in the next sentence "If this bill were ever funded, some "candidates" could receive over \$20.00 in matching funds for every \$1 they raise on their own." That correction having been made I will now start with my remarks. I have four points. It is a very bad idea to make people pay taxes to fund speech they disagree with. Second, it is a very bad idea to match funds at a ratio of much more than a dollar for every dollar they collect themselves. Third, it is a very bad idea to start requiring \$5.00 contributors to list their names publicly to make retaliation easier against contributors to politically incorrect candidates. And, fourth, it is a bad idea to promise that there will be funding in the future for something that we aren't putting in money for and don't have any idea how much it is going to cost. Let me go quickly through these four points. It is a bad idea to make people pay taxes to fund speech they disagree with. Jefferson understood this. He said that you should never require anyone to fund the speech of someone else that they violently disagree with. People have changed, the issue has not and Jefferson is still right. Second, thanks to the potential for matching funds of greater than one for one there may not be enough money in the state of New Hampshire to fully fund all of the candidates that might start to appear if this bill ever were supposedly fully funded. Just look at what is necessary. An organized group with a few thousand members who are really vehement about their cause, and I can think of many in this state, may easily raise \$5.00 apiece for not just one but potentially several candidates, given that they are going to get \$10.00 in matching funds for every dollar of qualifying contributions or \$20.00 in governors' races. In a governor's race you have to have 5,000 people chip in \$5.00, that is \$25,000, you get \$625,000. I've heard people talk about getting grants and taking small contributions and having them leveraged with government grants but I don't usually hear of ratios like twenty-to-one. For the Council or the Senate the numbers aren't quite as good. For Council you are talking 1,000 contributions of \$5.00, you raise \$5,000 and the taxpayers will contribute \$50,000, a leveraging of ten-to-one. In the Senate you only need to find 300 people willing to give \$5.00 and that \$1500 becomes \$20,000, quite an amount of leverage if you ask me. Even the federal Presidential election funds only give you \$1.00 for every dollar of matchable funds you collect during the primary season

and most Americans don't contribute to that fund and the number, I understand, has been going down just about every year and certainly is going down in a long, long term trend. Now, what happens when more candidates sign up than this bill had envisioned? Well, there is a shortfall and then the money in the pot is prorated. So, maybe some of these folks don't get as much of a leveraging as they had hoped for originally, but the real candidates, who had avoided fund raising because they were supposed to be able to avoid it thanks to this bill, now have to start running out and raising money in June and July when they are supposed to be campaigning to make up the difference. The need to raise this money with speed again goes back to giving the advantage to the people that are better organized, better institutionalized and against the rebels that this was supposed to help. My third point is one of confidentiality in the political process. We all think it is reasonable, we all know it's reasonable for big contributors to be listed publicly so that we can know who the candidates might be influenced by, but I find it hard to believe that any of us would ever be influenced by the fact that somebody had given us a \$5.00 contribution. Yet, we are going to require that those people that give those \$5.00 contributions be required to make their names public. Now, we have tried to keep things away from open balloting and toward secret balloting in this country for a couple of hundred years now. This has been a good trend in my opinion. This point was reinforced to me by one of the finest volunteers in my town, a fairly apolitical man who I don't think has ever stood for public office, he is just somebody that's there on a substantial fraction of the volunteer committees in town. In our school district discussion of Senate Bill 2, he stood up and said, "one of the reasons I like it is that I've cast my vote in public at a school district meeting and had people come up to me and tell me I had lost their business." That's why we adopted secret ballots nationwide in the 19th century. That's why we've moved towards keeping small contributors and individual voters' names out of the public press in terms of who's contributing to who. This requirement would not be an asset to the public voting process. And then, of course, you have the final point, there is no funding in this bill, so what we're doing is we're saying if we ever figure out how much this costs and if we ever find a way to fund everything else we'd like to fund in this state, we might try to make an appropriation for it and then you can match the appropriation against the bill. So, what it really is, is a no-action bill that does nothing but feels good because there isn't any money in it, so it isn't going to happen. When people bring back a funding bill in the future and this bill comes in with funding attached, then we'll be able to debate its merits compared to its costs, but what we're doing today is passing a bill that does nothing. These are all good reasons to vote against the committee report of Ought to Pass with Amendment but I'd like you to, one last time, think back to Jefferson who understood that you should never have anybody required to have money taken out of their pocket involuntarily and used to fund the speech of another. Even the federal government check-off scheme, somebody's got to check the "yes" box and most people don't. I thank you.

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

Rep. Daniels: Thank you, Madam Speaker. Rep. MacGillivray, in 1988 a gentleman by the name of Harry Beck won his Supreme Court case against his union because they had taken money out of his union dues to pay for support of presidential candidates. Would you not think that if any amount, whatsoever, of public funds was used to give to presidential candidates from this bill would also be considered a violation of our first amendment rights?

Rep. MacGillivray: That is a very good question, Rep. Daniels. I'm not sure that I'd want to venture a guess this week as to how the future Supreme Court of this state might rule on much of anything, but given that Supreme Court precedent I think it is important to note that in the federal campaign financing all the money comes from people who voluntarily look at their tax form and check the "yes" box and voluntarily say "some of my money will go to this." It doesn't come from anybody's totally involuntarily contribution even though it is still coming from taxpayer money. I think someone would have a very good case if they brought that to either the state or federal supreme court and you may well be right I think the parallel is good.

Rep. Jacobson: Thank you, Madam Speaker. One of the images that always makes me nervous is that of Senator McConnell of Kentucky and his argument always is that you can spend as much money as you want to, you can be as much obligated as you want to to the candidates and it all comes under the arena of free speech. I did a little looking into that and I found that that kind of idea simply didn't exist in 1791 when that amendment was adopted. I am of the opinion that the way we are spending today is not good for the public interest of the state and of its citizens. I've been a supporter of public financing. More than 20 years ago, I had a very simple idea and I know that the distinguished person who spoke before me would object to it but my idea was that we add \$1.00 to the old \$10.00 residence tax and (tape change) could run for office. Do you know that I spent ten years in the Senate and I spent \$1500, I got \$1100 in contributions and \$400 that I paid out and a lot of shoe leather. Today, I ride my bicycle. I think that there are good people who could become candidates if a proposal like this were in fact in place. I think we ought to move in that direction and see what it does. It may very well improve our political life. So, I urge you to support Senate Bill 447 as amended, thank you.

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

Rep. Mirski: Thank you, Madam Speaker. If Joe Stalin, Adolph Hitler and the grand wizard of the Ku Klux Klan are running for office and I am a voter, a taxpayer who perhaps had a relative sent to the Gulag by Joe, another one gassed and burned in an incinerator at Buchenwald, or perhaps a third strung up from a tree in Alabama at a Klan meeting, why would you expect that I should be compelled in any way to support the candidacy of those individuals?

Rep. Jacobson: I see no reason why you should support them.

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

Rep. Vaillancourt: Thank you, Madam Speaker. On the yellow sheet we were handed as we came in today there is a reference to 74% of New Hampshire voters supporting this but by way of getting empirical data, the representative from New Ipswich alluded to it, but rather than accept the fact that 74% support this, I thought it might be better to find out what percentage of New Hampshire people check off that \$3 box on their IRS return. While we can't necessarily have the percentage of New Hampshire people per se, do you know what percentage of Americans check off that \$3 box, which would give us a better idea of what percentage support this than the 74%, because actions speak louder than words? Do you know what percent that would be?

Rep. Jacobson: I can only tell you that there are two people who check it off and we contribute \$6 to it.

Rep. Vaillancourt: I'm trying to get an accurate percentage. Maybe somebody else knows, but I've been told it is about 15%. Does that sound right?

Rep. Jacobson: I have no idea.

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

Rep. Brothers: Thank you. Representative, would you believe that several times a year I receive campaign propaganda in the mail. It is under the guise of a newsletter from my Senators and my Congressmen and it comes to my attention that my tax dollars are already paying for that. That, in fact, we are, right now, supporting at least four people's reelection come next election.

Rep. Jacobson: Absolutely, you'll notice that there is a plethora of these notices that come out the closer you get to the election.

Rep. Arnold: Thank you, Madam Speaker. You have been told that this is an imperfect proposal and, I'm going to agree, it is. Probably some of the numbers in the blurb deserve to be changed and it occurs to me that we may want, in the future with a little experience, to change some of the numbers in the bill. It is true that in our neighboring state of Maine, I believe 78% of the people voted for such a bill and only 34% check it off on their income tax. I'm not going to propose that we put in an income tax to find out how many check it off. I am going to take the occasion to tell you that I'm cheaper than that country kid from New London. I only check one box and pay \$3, but that is what the law lets me do. The problem we're approaching are not these details of the bill. The problem we have to look at is today, in this state, where the money is spent on senatorial, executive councilor, governor's jobs, are substantial amounts of money. Are we building ourselves a situation where large contributors will control those people? I think we are and I think that's a danger. I think the danger of involuntary extraction of money for a candidate is much less than the danger that the individual with the large funds can buy the election. As far as that extraction goes, the only analogy we have is the federal government and people check off to support a candidate and, yes, you can say they are supporting the candidate they disagree with, but people who disagree with both candidates are checking it off and I'm not sure I'd want to go to the cost of figuring out which one was giving the money to whom. Lastly, as you put that money on your federal income tax, the remarks you heard that it is entirely voluntarily and doesn't extract money from the taxpayer is not literally true, because if you and you and you and you and I check it off than our \$3 go to campaign funds and assuming the taxation reasonably approximates the cost of running the government, everybody else has to make up some fraction of that \$3 to run the government, so it really is coming from everybody who pays taxes. That is an imperfect law, but it is better than the alternative. Now, we have three areas that we can attack in campaign financing. The first one is full disclosure and I think that the Election Law Committee did a pretty good job a couple of years ago of addressing that issue. The second area is limiting the amount of money you can give to candidates and New Hampshire and other states have played with that for years, but what we are actually faced with is the decision of the United States Supreme Court that money is speech and is therefore protected under the first amendment. Now, I personally disagree with the Supreme Court. I think the founding fathers thought that speech was exercising your vocal cords. They knew that was hazardous if you disagreed with the establishment so they put in an amendment that said, "Hey, you had this right to speak freely." I don't think they thought giving money to a political candidate was speech. I don't think they thought that burning the American flag was speech and I don't think that they thought Bill Gates ought to have 37 billion times as much free speech as you or I. So, although I disagree with the Supreme Court, I recognize the fact we are limited by their decision and we can't do much about that aspect of it. The only other way to attack money is not to require as much effort, time and large sums from candidates who are either relatively unknown or unpopular and the answer to that is some sort of subsidization. Now, this particular bill provides a form of public financing. It doesn't fund it. It has some flaws but I think that now is the time for us to take a positive action and do something about the problem which I believe all of us can see.

Speaker Sytek: Rep. Arnold, would you yield to a question? Rep. Peterson, you may inquire.

Rep. Peterson: Thank you, Madam Speaker. Thank you. Rep. Arnold. If the cost of this bill over the next biennium were \$6 million and we have 1.2 million people, approximately, in this state, would not the practical effect of the passage of this bill and funding it be to require a \$5 donation from every man, woman and child in the state of New Hampshire toward this fund?

Rep. Arnold: If it were, and if every man, woman and child were a taxpayer, it would.

Rep. Stritch: Thank you, Madam Speaker. Somewhere over the rainbow, there is a pot of gold. Oh, I'm sorry, Madam Speaker, that is House Bill 1939, Wizard of Oz. We're discussing Senate Bill 447, but there is still a rainbow with the cookie jar at the end of it. The stealth cookie jar which is not yet full, so let me try to explain some of the intricacies and the clevernesses of Senate Bill 447 so that you may make a decision based on your feeling of which candidate should run for office and whether or not those candidates should have to take the test of the magic of the marketplace. We have a presidential check-off list for anyone that files an income tax of \$1, to begin with, and it was raised to \$3 because they weren't getting enough dollars. This money is distributed among presidential candidates and each year that amount of money drops lower and lower so that today in the year 2000 12½% of all those who pay an income tax are willing to contribute \$3. This tactic was not explored for New Hampshire. Why not ask the taxpayers, "Would you like to have \$1 deducted from your dividends and interest tax to go to the candidates? Would you like to have \$1 deducted from your \$6.60 of the statewide property tax and spend it on candidates that are not of the same persuasion that you are?" That's voluntary. Those are state taxes. But, it wouldn't fill the cookie jar. The cookie jar would be filled by donations, contributions, interest on the money that has been received and then by the stealth clause of this bill that will fill the cookie jar by a state appropriation to the tune of \$6 million for beginners. In four years, ten million, in ten years, 20 million and who did they leave out of this cookie jar but you and I? We're candidates for office, the senators are going to get some of the cookies, the councilors will, the governor will. Hark back to yesteryear one moment for me, please, if this bill were in existence in yesteryear, the "Forty-niners" wouldn't have bothered to go to Sutter's Mill, Jesse James would have left the trains alone and Ma Barker and her boys would have stayed home and crocheted doilies. Why put yourself in jeopardy when you have a goody cookie jar? All you have to do is become a candidate, sign up, run for governor. This is a presidential year. There are two major parties in the state of New Hampshire, recognized. One wonders? The Republicans and that other one – oh, the Democrats, of course and I have great respect for them, my wife is a member of the Democratic party. However, I am a Republican as my mother and father before me were Republicans. But, these two major parties are eligible in the primary season for the contribution \$5 member petition contributions to receive \$625,000 for governor or however many thousands of dollars for councilor and \$20,000 for senator. When it comes to the general election, the two parties that have received the \$625,000, or whatever, for governor are eligible for another chunk of cookie but now come into play in September and November, all those other political organizations that can make themselves eligible simply by gaining the number of petitions and asking to be placed on the ballot. Watch this November, you will see on your ballot, Republican, Democratic, Natural Law Party, Socialist Party, Independent Party, Independence Party, Reform Party, etc., etc. If these people wish to file candidates for the offices for state funding, they would be eligible under this bill for the state funding. Those organizations do not have to file until August and then their names are put on the ballot. That is present state law. The long and the short of this bill is, do you really, you the chosen 400, want to take \$6 million of taxpayer's money and give it to candidates who don't share your beliefs? There should be another method of funding this bill. We all want reform. We all want change. We all know the present system is not perfect. Democracy is not perfect, it is sloppy and messy, expensive and often rude. But, it is a lot better than all the others. Reform means change for the better. It means evil to good. It means correcting the faults. All of us want campaign finance reform, but we don't want to reform it by sending the bill to every taxpayer in the state of New Hampshire. Now for the stealth clause of the bill. I would refer you to Senate Bill 447, section 664-A:2, line g (for Good God) this is a non-lapsing funding mechanism. The monies that arrive and are put into the clean election fund are non-lapsing, that means they can go on from term to term to term, an appropriation is made out of the budgetary appropriations of each year and there is a legal question as to whether these funds are automatically appropriated and go into this clean election fund to the tune of \$6 million and no more, each biennium and if there is a surplus at the end of the biennium, as we have a rainy day fund, and it takes a number of the millions of dollars, the legal question here is, and if you read that section I just mentioned to you, and you read the methodology of this bill, the money is automatically appropriated. You will pay this funding. So, with your

nervousness about all this money that I portrayed before you today, and you suffer from the headache, neuritis and neuralgia, press the red button for relief.

Rep. Avery: Thank you, Madam Speaker. I don't know who made up the list but I want to thank them for letting me follow the distinguished gentleman who spoke before me. I rise in support of the committee report on Senate Bill 447. The campaign finance issue is here to stay until the problem is solved. This bill may not solve them all, but it is a step in the right direction. As many of you are aware, I was a supporter for Sen. John McCain for President and I'm sure you are also aware that that issue was the linchpin of his campaign and he carried New Hampshire by a wide margin. What many of you may not know is that ten years ago an 80-year old woman from Dublin ran against me for my House seat. Her son thought that she was too old and, as a matter of fact, put up one of my campaign signs in his yard. She took it down. But, the ironic thing is that ten years later she flew to California and walked across America for campaign finance reform. I'm speaking about Granny D, Doris Haddock, and if she can do that at age 90, she'll probably run against me when she's 100. I want to be on the right side of this issue. Please support the committee report. Thank you.

Rep. Clegg: Thank you, Madam Speaker. I'm not as eloquent as Rep. Stritch, so I'll be really quick. This bill is not about campaign finance reform. This bill is about nothing more than publicly financing candidates. For those of you who didn't get a chance to read the amendment, let me point out that if you take the \$625,000 to run for governor, while it appears that you wouldn't be allowed to take any more money, in the amendment it says, "a volunteer may donate up to \$100 worth of goods and services to a participating candidate per month." Since the average campaign runs 10 months, that means anyone that wants to claim that they are a volunteer on the campaign can give an additional \$1000, so special interest money doesn't go away, it just comes from volunteers. There will never be enough money in the fund. If you say that you can get \$625,000 if you get 5,000 people to give you \$5, I can get \$5 from people just to go away. So what happens? Do we have the people for marijuana go out and find 5,000 smokers and get \$625,000? What a party they'll have. Since there is no money in the bill, people think, well let's pass it. It is budget season coming up. I'll guarantee you there will be a big push to put \$6 million in the budget. I wonder how they are going to do that? Since the last time we had a budget, the very same people said, "Look at all the people on the waiting list, we need money." Are we going to take \$6 million from them and give it to the politicians? I ask you to support the minority of the committee and vote Inexpedient to Legislate and let's do some campaign finance reform properly. We have House Bill 1478 on the table. It's similar, but instead of the money coming from you, the taxpayer, it came from voluntary contributions that people checked off on their business enterprise tax or their interest and dividends tax. Of course, interest and dividends tax is going away, but... So there is another method. We've been studying this, we know we need campaign finance reform, but campaign finance reform is not public financing for any one who wants some money to spread a message. Thank you.

Rep. Buckley: Thank you, Madam Speaker. It is with great pride and an awesome sense of hope that I rise today in support of the position of the bi-partisan majority of the House Election Law Committee for Senate Bill 447. The House Election Law Committee supports Senate Bill 447 which creates the mechanism for the New Hampshire Clean Elections Fund. Senate Bill 447 is about cleaning up our elections. Senate Bill 447 is about the dreams of our children and Senate Bill 447 is about the hope of one elderly New Hampshire woman. Senate Bill 447 does not call the expenditure of state funds. I question seriously if the speakers before me, one of whom actually sits on the committee, read the bill. Senate Bill 447 does not call for the expenditure of state funds. Maybe I'll say that one more time, because obviously those who sat through the 3 1/2 hour hearing, didn't hear that. Senate Bill 447 doesn't call for the expenditure of state funds. It doesn't call for the expenditure of funds of any kind. And, please do not be fooled by the wild theatrics and speculation of the opponents of scare tactics. Those are the same people that oppose every campaign finance reform bill that comes before this House. It simply creates the mechanism for the establishment of a fund for qualifying candidates for governor, executive council and state senate. It's not simply, go down to

town hall or secretary of state and sign up and you get your check. If any of you have tried to raise 5,000 \$5 contributions and think that is an easy thing, you think just willy-nilly anyone is going to come out and be able to do that, that's simply not true. This would strictly be a voluntary choice for candidates to make and not every candidate would be able to meet the stringent qualifying conditions. But, the bottom line, folks, you are either for campaign finance reform or you're not. You are either for it or you're not. This is the most significant vote that this House has taken on campaign finance reform since 1989, eleven years. Earlier this year, the overwhelming majority of New Hampshire's voters of both political parties sent a message loud and clear and strong, not only across the Granite State but across the nation, that campaign finance reform is an issue that they care very much about. It may not be on your radar screen, but folks it's on theirs. In fact, a recent poll showed that more than 74% of New Hampshire citizens support Senate Bill 447 style campaign finance reform. The people know that we must act to stop the unbridled influence of special interests and we must stop the ever-increasing huge amounts of money needed simply to serve in public office in New Hampshire. This vote will be the only recorded campaign finance vote of this term. This vote will be the only recorded campaign finance reform vote this term. I ask you to think long and hard before you vote against your constituents. The House Election Law Committee heard nearly 3 hours of testimony favoring Senate Bill 447 and only one person opposed. We heard from Executive Councilor Peter Spaulding, former Republican Candidate for Governor and State Senator, Jim Rubens and many leaders of Senator John McCain's presidential campaign. Senate Bill 447 draws support from people from all corners of the state and all walks of life. This issue has broad bi-partisan support and I ask my colleagues of both parties to put aside their partisan politics for the day and let us join together as one in support of campaign finance reform. Senate Bill 447 wipes the undue influence of the special interests as best we can. Senate Bill 447 will allow our candidates to campaign with the people and discuss the issues that matter to them and not have to spend endless hours every day pandering to simply the wealthy and influence peddlers. Senate Bill 447 is about the dreams of New Hampshire's children. For generations, New Hampshire's young people, while learning about democracy in their classroom, dream that someday they, too, could seek public office and help the citizens of New Hampshire. But, no longer. Instead, today they learn that the wealthy and the special interests control the system. They learn that being wealthy, well-connected or willing to sell your soul is now the real qualifier for public office in New Hampshire. No wonder young people, in a recent poll, ranked serving in public office dead last in career choices. During our hearing we heard from Dan Weeks, a high school junior from Temple. In his remarks, Dan stated, "Why would young people be inspired to run for political office when they see all around them that many of the candidates for higher office who lack political connections or large personal wealth have no real chance of really competing?" Dan called on us to restore the voice of the people to its rightful place as the primary influence in politics. Dan Weeks joins us today and is in the gallery. Let us start today to return that dream to New Hampshire's young people and restore their trust and belief in democracy by supporting Senate Bill 447. You know, over the years I've had many opportunities to stand at this podium and look across this great hall and look up into the gallery, but today is a first because today as I look up in the gallery, I see a true New Hampshire hero. Our special guest today, Doris Haddock of Dublin, better known as Granny D, has joined us for this historic vote. In her 14-month long trek across this beautiful country, this great-grandmother drew national attention to the issue of campaign finance reform and rallied the people of America behind her. I ask each of you, I ask each of you take a second and look at your feet, then take a look at your index finger. Think about Granny D at 90 years of age, that's 90 years of age, there is nobody in this House that's 90 years of age, 90 years of age, walking across this nation from the Pacific to the Atlantic for 14 months, think about her feet and then think about the fact that with a simple action of taking your index finger and pushing the green button you can show this New Hampshire hero, Granny D, that her walk across the nation was not in vain. I ask you to join the bi-partisan majority of the both the House Election Law Committee and the state Senate in voting for the passage of Senate Bill 447 by pushing the green button. Thank you, and Madam Speaker, in the name of Granny D, I ask for a roll call.

RECESS

(Speaker Sytek in the Chair)

committee of conference report on hb 1200

HB 1200-FN, relative to the application of education property tax hardship relief to estate planning trusts and relative to eligibility for hardship relief. (Report printed SJ 4/20/00)

Adopted.

enrolled bill report

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 1127, 1185, 1258, 1264, 1268, 1272, 1282, 1301, 1321, 1413, 1502 and 1588 and Senate Bills 319, 352 and 377.

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

regular calendar (cont'd.)

SB 307, relative to biosolids and short paper fiber. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Suzan L. Franks for the Majority of Environment and Agriculture: After much discussion, the majority of the Environment and Agriculture Committee believes it is of vital importance to provide further clarity to the public on this issue. This bill defines biosolids and short paper fiber as the sludge residues that have been treated, tested and stabilized, in accordance with state and federal regulations into a product that can be recycled and reused. By identifying this category of residuals as "biosolids" they will comply with RSA 485 and meet the standards for beneficial reuse specified by the Department of Environmental Services. Typical uses of these residuals were for fertilizer and landscape material. Vote 12-5.

Rep. Betty B. Hall for the Minority of Environment and Agriculture: SB 307 is another attempt to put into statute a "beneficial" context for sludge. A similar effort was defeated just two weeks ago by this House by a large margin. It is still the wrong time and the wrong place. DES has the authority to define terms under its current authority and does not need this bill. The jury is still out on the beneficial use of sludge.

Rep. Gary Johnson requested a Quorum Count. The Speaker declared a quorum present.

Rep. Gary Johnson spoke against.

Rep. Franks spoke in favor.

motion to lay on the table

Rep. McGuirk moved that **SB 307**, relative to biosolids and short paper fiber, be laid on the table.

Rep. Musler requested a roll call; sufficiently seconded.

YEAS 137 NAYS 197

YEAS 137

BELKNAP

Wood, Jane

CARROLL

Dickinson, Howard

CHESHIRE

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret
Lynott, Margaret	McGuirk, Paul	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Zerba, Roger	

COOS

Davis, Perley	Glines, Sara	Guay, Lawrence	Landers, Dana
Rodrigue, Robert			

GRAFTON

Akins, Ralph	Densmore, Jessica	Gilman, G Michael	Guest, Robert
Johnson, Gary	Mirski, Paul	Nordgren, Sharon	Solow, Martha

HILLSBOROUGH

Arthur, Rose	Bruno, Pierre	Buckley, Raymond	Burkush, James
Chabot, Robert	Cote, David	Curran, James	Daigle, Robert
Drabinowicz, A Theresa	Fields, Dennis	Ford, Nancy	Foster, Linda
Gagnon, Eugene	Garrish, Linda	Goley, Jeffrey	Gorman, Mary

Hall, Betty	Johnson, Lionel	Keye, Harvey	Konys, Christine
Lynde, Harold	McCarthy, William	McColgan, Philip Jr	McDonald, James Sr
McDonough-Wallace, Alice	Messier, Irene	Murphy, Robert	Reidy, Frank
Sarette, John	Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve
White, John	Williams, Carol		

MERRIMACK

Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Fraser, Marilyn	French, Barbara
Gile, Mary	Jacobson, Alf	Langer, Ray	Moore, Carol
Owen, Derek	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Case, Margaret	Clark, Martha	Downing, Michael
Grant, Kenneth	Hutchinson, Karen	Johnson, Robert	Kane, Cecelia
Kelley, Jane	Lovejoy, Marian	Moore, Benjamin	Norelli, Terie
Noyes, Richard	Pitts, Jacqueline	Quandt, Marshall	Rabideau, Marie
Reardon, Neil	Sapareto, Frank	Shultis, Elizabeth	Splaine, James
Tufts, J Arthur	Varrell, Thomas	Vaughn, Charles	Weatherspoon, Jackie
Weyler, Kenneth			

STRAFFORD

Bickford, David	Brennan, William	Brown, George	Callaghan, Frank
DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia	Gilmore, Gary
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Pelletier, Arthur	Smith, Marjorie	Snyder, Clair
Twardus, Joseph	Vachon, Dennis	Vincent, Francis	Wall, Janet

SULLIVAN

Allison, David	Cloutier, John	Donovan, Thomas Jr	Flint, Gordon Sr
Phinizy, James	Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine

NAYS 197

BELKNAP

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

CARROLL

Babson, David Jr	Chandler, Gene	Howard, Godfrey	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	Sullivan, P Judith

CHESHIRE

Hunt, John	Manning, Joseph	Meader, David	Roberts, William
Rose, William	Royce, H Charles	Russell, Ronald	Smith, Edwin

COOS

Gallus, John	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John Jr	Woodward, David		

GRAFTON

Alger, John	Almy, Susan	Brothers, Richard	Cobb, John
Dudley, Terri	Hall, David	Harmon, Hobart	Marshall, Gene
Phinney, William	Picconi, Al	Scanlan, David	Ward, Brien

HILLSBOROUGH

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Batula, Peter	Beaupre, Roland	Belvin, William	Bergeron, Lucien
Bergin, Peter	Brundige, Robert	Calawa, Leon Jr	Carlson, Donald
Christiansen, Lars	Clegg, Robert Jr	Cote, Peter	Craig, James
Dalianis, Griffin	Daniels, Gary	Dawe, Eileen	Dokmo, Cynthia
Durham, Susan	Dwyer, Paul Sr	Dyer, Merton	Emerton, Lawrence
Fenton, James	Fletcher, Richard	Flora, Kathleen	Franks, Suzan

Goulet, Maurice	Haettenschwiller, Alphonse	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Hunter, Bruce	Jean, Claudette	Jean, Loren
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lasky, Bette
Leishman, Peter	Leonard, Peter	Lozeau, Donnalee	MacGillivray, Jeffrey
Martel, Andre	McCarty, Winston	McGough, Tim	McRae, Karen
Melcher, Harold	Mercer, Robert	Milligan, Robert	Moran, Edward
Moriarty, Mary	Mosher, William	O'Connell, Timothy	O'Hearn, Jane
Ouellette, Dean	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sargent, Maxwell	Tate, Joan
Wall, Nancy	White, Donald		

MERRIMACK

Anderson, Eric	Asplund, Bronwyn	Feuerstein, Martin	Fortnam, Janet
Hess, David	Hoadley, Elizabeth	Kennedy, Richard	Larrabee, David Sr
Lavoie, Gerard	Leber, William	Lockwood, Priscilla	Marple, Richard
Marshall, Kenneth	Maxfield, Roy	Potter, Frances	Poulin, Dave
Rodd, Beth	Rosenfield, Jay	Soltani, Tony	Whalley, Michael

ROCKINGHAM

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Christie, Andrew Jr	Clark, Vivian	Cooney, Richard
Cox, Russell	Dearborn, Bruce	DiFruscia, Anthony	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John Sr	Francoeur, Sheila
Gibbons, Paul	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Katsakiores, George	Katsakiores, Phyllis	Kelley, William
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Major, Norman	McKinney, Betsy	Morse, Charles	Nowe, Mary Lou
O'Neil, Michael	Packard, Sherman	Priestley, Anne	Putnam, Ed II
Raynowska, Bernard	Ruffner, Walter	Sabella, Norma	Schanda, Frank
Shelton, Richard	Stickney, Nancy	Stone, Joseph	Stritch, C Donald
Weare, Everett	Welch, David	Whittier, John	Zolla, William

STRAFFORD

Berube, Roger	Cossette, Larry	McKinley, Robert	Musler, George
Rollo, Michael	Spang, Judith	Spear, Barbara	Taylor, Kathleen
Torr, Franklin	Tsiros, William	Woods, Phyllis	

SULLIVAN

Jones, Constance	Kibbey, David	Leone, Richard	Young, David
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and the motion failed.

The question now being the adoption of the majority report.

Rep. Owen spoke against.

Rep. Tuthill spoke against and yielded to questions.

Rep. Melcher spoke in favor and yielded to questions.

Rep. Musler requested a roll call; sufficiently seconded.

YEAS 219 NAYS 130

YEAS 219

BELKNAP

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

CARROLL

Babson, David Jr	Chandler, Gene	Howard, Godfrey	Mock, Henry
Patten, Betsey	Philbrick, Donald		

CHESHIRE

Avery, Stephen	Doucette, Richard	Hunt, John	Lerandeau, Alfred
Lynott, Margaret	Manning, Joseph	Meador, David	Roberts, William
Rose, William	Royce, H Charles	Russell, Ronald	Smith, Edwin

Zerba, Roger

COOS

Davis, Perley

Horton, Lynn

Merrill, Gerald

Pratt, Leighton

Tholl, John Jr

Woodward, David

GRAFTON

Alger, John

Almy, Susan

Brothers, Richard

Cobb, John

Dudley, Terri

Harmon, Hobart

Marshall, Gene

Phinney, William

Picconi, Al

Scanlan, David

Ward, Brien

HILLSBOROUGH

Ahern, Richard

Alukonis, David

Andrews, Frederick

Arthur, Rose

Batula, Peter

Belvin, William

Bergeron, Lucien

Bergin, Peter

Brundige, Robert

Calawa, Leon Jr

Christiansen, Lars

Clegg, Robert Jr

Cote, Peter

Craig, James

Dalianis, Griffin

Daniels, Gary

Dawe, Eileen

Desmarais, Vivian

Dokmo, Cynthia

Drabinowicz, A Theresa

Durham, Susan

Dwyer, Paul Sr

Dyer, Merton

Emerton, Lawrence

Fenton, James

Fields, Dennis

Fletcher, Richard

Flora, Kathleen

Foster, Linda

Franks, Suzan

Gagnon, Eugene

Goley, Jeffrey

Gorman, Mary

Goulet, Maurice

Haettenschwiller,
Alphonse

Hansen, Herbert

Herman, Keith

Holley, Sylvia

Hunter, Bruce

Jean, Claudette

Jean, Loren

Kurk, Neal

L'Heureux, Robert

LaRose, Richard

Lasky, Bette

Lefebvre, Roland

Leishman, Peter

Leonard, Peter

Lozeau, DonnaLee

MacGillivray, Jeffrey

Martel, Andre

McCarty, Winston

McDonald, James Sr

McGough, Tim

McRae, Karen

Melcher, Harold

Mercer, Robert

Milligan, Robert

Moran, Edward

Moriarty, Mary

Mosher, William

O'Connell, Timothy

O'Hearn, Jane

Ouellette, Dean

Pappas, Marc

Pepino, Leo

Peterson, Andrew

Reeves, Sandra

Rowe, Robert

Sargent, Maxwell

Simon, Anthony

Tate, Joan

Wall, Nancy

White, Donald

MERRIMACK

Anderson, Eric	Asplund, Bronwyn	Chase, George	Crosby, Toni
Davis, Francis	Feuerstein, Martin	Fraser, Marilyn	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Kennedy, Richard	Langer, Ray
Larrabee, David Sr	Lavoie, Gerard	Leber, William	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Nichols, Avis
Potter, Frances	Poulin, Dave	Rosenfield, Jay	Soltani, Tony
Wallner, Mary Jane	Whalley, Michael	Whittemore, James	

ROCKINGHAM

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Case, Margaret	Christie, Andrew Jr	Clark, Vivian
Cooney, Richard	Cox, Russell	Dearborn, Bruce	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John Sr	Francoeur, Sheila	Gleason, John
Griffin, Mary	Henderson, Warren	Hutchinson, Rebecca	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Major, Norman	McKinney, Betsy	Morse, Charles
Nowe, Mary Lou	Noyes, Richard	O'Neil, Michael	Packard, Sherman
Priestley, Anne	Raynowska, Bernard	Ruffner, Walter	Schanda, Frank
Shelton, Richard	Splaine, James	Stone, Joseph	Stritch, C Donald
Varrell, Thomas	Vaughn, Charles	Verani, Giovanni	Weare, Everett
Welch, David			

STRAFFORD

Berube, Roger	Bickford, David	Brown, Julie	Cossette, Larry
Domingo, Baldwin	Kaen, Naida	McKinley, Robert	Musler, George
Spear, Barbara	Taylor, Kathleen	Torr, Franklin	Tsiros, William
Vincent, Francis	Wall, Janet	Woods, Phyllis	

SULLIVAN

Flint, Gordon Sr	Kibbey, David	Leone, Richard	Young, David
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BELKNAP

Czech, Stanley Wood, Jane

CARROLL

Bradley, Jeb Dickinson, Howard Kenney, Joseph Lyman, L Randy
Sullivan, P Judith

CHESHIRE

Batchelder, Robert Blaisdell, Michael Burnham, Daniel DePecol, Benjamin
Lynch, Margaret McGuirk, Paul Mitchell, McKim Pratt, Irene
Pratt, John Richardson, Barbara Riley, William

COOS

Gallus, John Glines, Sara Guay, Lawrence Landers, Dana
Rodrigue, Robert

GRAFTON

Akins, Ralph Densmore, Jessica Gilman, G Michael Guest, Robert
Hall, David Hinman, Harry Johnson, Gary Mirski, Paul
Nordgren, Sharon Solow, Martha

HILLSBOROUGH

Arnold, Thomas Jr Baroody, Benjamin Beaupre, Roland Bruno, Pierre
Buckley, Raymond Burkush, James Carlson, Donald Chabot, Robert
Cote, David Curran, James Daigle, Robert Ford, Nancy
Garrish, Linda Hall, Betty Johnson, Lionel Keye, Harvey
Konys, Christine LaPorte, George Lynde, Harold McCarthy, William
McColgan, Philip Jr McDonough-Wallace, Alice Messier, Irene Murphy, Robert
Reidy, Frank Sarette, John Turgeon, Roland Vaillancourt, Steve
White, John Williams, Carol

MERRIMACK

Bouchard, Candace	Brewster, Richard	Daneault, Gabriel	Fortnam, Janet
French, Barbara	Gile, Mary	Jacobson, Alf	Moore, Carol
Owen, Derek	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Clark, Martha	Gibbons, Paul	Grant, Kenneth
Hamel, Albert	Hutchinson, Karen	Johnson, Robert	Kane, Cecelia
Kelley, Jane	Kelley, William	Lovejoy, Marian	Moore, Benjamin
Norelli, Terie	Pitts, Jacqueline	Putnam, Ed II	Quandt, Marshall
Rabideau, Marie	Reardon, Neil	Sabella, Norma	Sapareto, Frank
Shultis, Elizabeth	Stickney, Nancy	Tufts, J Arthur	Weatherspoon, Jackie
Weyler, Kenneth	Whittier, John	Zolla, William	

STRAFFORD

Brennan, William	Brown, George	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Gilmore, Gary	Heon, Richard	Johnson, Nancy
Keans, Sandra	Knowles, William	Pelletier, Arthur	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Twardus, Joseph
Vachon, Dennis			

SULLIVAN

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

and the majority report was adopted.

Ordered to third reading.

SB 374, relative to the duties of the study committee on land management, protection of farmland, rural character, environmental quality, and sprawl. **INEXPEDIENT TO LEGISLATE**

Rep. Harold P. Melcher for Environment and Agriculture: The Committee agreed that the bill was unnecessary since the sprawl committee already has the ability and has the intention to do what the bill says. Vote 17-0.

Adopted.

SB 384, establishing a committee to study pollution prevention and pretreatment programs for reducing pollutant levels in sewage sludge. REFER FOR INTERIM STUDY

Rep. Suzan L. Franks for Environment and Agriculture: Due to the lack of time, the committee was not able to give this bill proper review. However, the Environment and Agriculture Committee feels that the subject of pollution prevention and pretreatment of sewage sludge is important to our State and urges the House to support the vote of Interim Study on this matter. Vote 14-3.

Adopted.

SB 403-FN-A, making an appropriation to the department of agriculture, markets, and food for the inspection of apiaries and honeybee swarms. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth R. Marshall for Environment and Agriculture: This legislation appropriates \$6,000 for hiring temporary and part time inspectors to check on the health of beehives. A fee will be charged to help offset the cost. Inspections have not been conducted for years and beehives are at risk of the disease foulbrood or are infected with two kinds of mites, which weakens the hive and all without the owner of the hive realizing the problem. It is critical that we start this program now because we must not lose the pollinators of our crops. The amendment appropriates the money annually and changes the effective date to "upon passage". Vote 16-0.

Amendment (3987h)

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

1 Appropriation; Department of Agriculture, Markets, and Food; Inspection of Apiaries and Honeybee Swarms. The sum of \$6,000 is appropriated annually to the department of agriculture, markets, and food for the biennium ending June 30, 2001, and each year thereafter, for the purpose of inspection of apiaries and honeybee swarms. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

This bill appropriates funds annually to the department of agriculture, markets, and food for the purpose of inspection of apiaries and honeybee swarms.

Adopted.

Report adopted and ordered to third reading.

SB 408, establishing a committee to study the application of non-conventional veterinary procedures for domestic animals. REFER FOR INTERIM STUDY

Rep. James Phinizy for Environment and Agriculture: The companion bill, HB 1483, which established a study committee to review alternative practices on domestic animals, is currently in the Senate. It is felt that this bill can act as a vehicle for legislation as a result of that study committee's findings. Vote 13-3.

Adopted.

SB 434-FN-L, exempting soil that is contaminated by lead due to use as a police training shooting range from hazardous waste cleanup fund fees. OUGHT TO PASS WITH AMENDMENT

Rep. Harold P. Melcher for Environment and Agriculture: The problem of fairness in the Department of Environmental Services fees for shooting range cleanup will be examined by an Environment and Agriculture study committee. In the meantime, this bill will prevent what the Committee felt was an unjust fee. Vote 14-2.

Amendment (3955h)

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

AN ACT exempting soil that is contaminated by lead due to use as a shooting range from hazardous waste cleanup fund fees, provided cleanup is initiated and completed in accordance with applicable laws and requirements, and exempting the town of Tilton from hazardous waste cleanup fund fees associated with the removal of the municipal target range.

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

1 New Paragraph; Hazardous Waste Cleanup Fund; Exemptions. Amend RSA 147-B:9 by inserting after paragraph IV the following new paragraph:

V. Soil that is a hazardous waste due to lead contamination resulting from the use of the area as a shooting range, provided that clean-up is initiated and completed by the owner in accordance with all applicable laws and department requirements.

2 Hazardous Waste Cleanup Fund Fees; Exemption for Town of Tilton for Removal of Target Range. The town of Tilton shall not be subject to the hazardous waste cleanup fund fees established in RSA 147-B:8 associated with its removal of the municipal target range initiated or completed before the effective date of this act.

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

AMENDED ANALYSIS

This bill exempts soil that is contaminated by lead due to use as a shooting range from hazardous waste cleanup fund fees, provided that cleanup is initiated and completed by the owner in accordance with all applicable laws and department requirements. This bill also exempts the town of Tilton from such fees regarding removal of its municipal target range already initiated or completed before the effective date of this act.

Adopted.

Report adopted and ordered to third reading.

HB 1624, relative to administrative rules concerning sales of pari-mutuel pools. MAJORITY: REFER FOR INTERIM STUDY. MINORITY I: OUGHT TO PASS. MINORITY II: INEXPEDIENT TO LEGISLATE.

Rep. Michael O'Neil for the Majority of the Executive Departments and Administration: The majority of the committee strongly supports the position for interim study. During the deliberations on this bill, it was pointed out by several individuals that some eighteen plus departments, agencies and commissions currently have exemptions to administrative rulemaking, i.e. Sweepstakes Commission, New Hampshire Health and Education Authority to name just a few. The committee believes it would be more prudent to look at the issue of exemptions as it relates to all departments and commissions than to single out one state agency. Although an exemption from the administrative rulemaking process may have been in the public interest at the time, the need may no longer exist. Clearly, this issue is extremely important for legislative oversight, but the task cannot be accomplished in the limited time available. Vote 14-5.

Rep. David G. Poulin for Minority I of the Executive Departments and Administration: Three of the five minority members of the committee felt that this bill had merit. They felt that the pari-mutuel commission had overstepped its bounds by establishing a policy under their exempt rulemaking status that directly conflicted with a vote of the House of Representatives on February 18, 1998. This 1998 vote was on a motion of ought to pass regarding HB 1296 which would have allowed telephone-betting accounts at the racetracks. The ought to pass motion was defeated on the house floor by 50 votes. The pari-mutuel commission established a policy in 1999 to allow telephone accounts instead of coming back to the legislature for approval. HB 1624 would have provided an opportunity to reaffirm the policy making role of the legislature and would have corrected the exempt status on rulemaking that allowed the commission to usurp the policy making decisions of the legislature under their exemption from rulemaking status.

Rep. Carolyn A. Virtue for Minority II of the Executive Departments and Administration: This bill proposes the elimination of an exception to the rulemaking requirements of RSA 541:A granted to the pari-mutuel commission. This exception is limited to wagers on horse and dog racing. Several state agencies enjoy similar (or broader) exceptions to RSA 541:A and this bill singles out only the pari-mutuel commission. This limited exemption streamlines the administrative and operational procedures of the racing commission only as they relate to the pari-mutuel pools on horse and dog racing. The pari-mutuel commission does participate in the administrative rulemaking process for all other issues; furthermore, the commission currently has rules that have been approved through that process. The minority believes that this bill could cause a significant negative fiscal impact by reducing revenues received from simulcast wagering which would be limited if this bill were passed. Given the looming budget deficit, we do not believe legislation with a negative fiscal impact should be considered at this time.

Majority report adopted.

SB 181-FN, relative to the licensure of geologists. OUGHT TO PASS WITH AMENDMENT

Rep. Alida I. Millham for Executive Departments and Administration: This bill establishes the board of professional geologists and authorizes the regulations of the practice, examination, licensure, and discipline of professional geologists. The professional geologists will become part of the joint board of professional engineers, architects, land surveyors, foresters and natural scientists. The amendment reflects a carefully crafted approach to "grandfathering" of geologists. The amendment was agreed to by the professional engineers and the professional geologists Vote 11-2.

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

Adopted.

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

CACR 23, relating to the responsibility and authority of the general court to determine the content, extent, and funding of a public education and the use of monies received from the enactment of a new personal income tax. Providing that (a) If the general court enacts a new personal income tax, all monies received from such income tax and all the interest received on such monies shall, after deducting the necessary costs of administration, be appropriated and used exclusively to fulfill the state's duty to cherish the interest of public schools under article 83 of part second, and no part of such monies shall be transferred or diverted to any other purpose whatsoever. (b) The general court shall have the authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education by exercising its power to levy assessments, rates, and taxes, or by delegating this power, in whole or part, to a political subdivision; provided that upon delegation, such assessments, rates, and taxes are proportional and reasonable throughout the state or the political subdivision in which they are imposed. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Avis B. Nichols for the Majority of Finance: This CACR contains two, independent constitutional amendments, each of which would be put separately to voters. The first is relatively straight-forward. It would dedicate all revenue from a new personal income tax to pay for public education IF such a tax were enacted. It would not, however, require that a new personal income tax be adopted.

The second is more complex. It would (1) acknowledge the state's responsibility to provide a public education; (2) grant to the legislature the power to determine the content, extent and funding of that public education; (3) limit judicial review of these issues to the traditional "rational basis" test, not the new "strict scrutiny" standard imposed by the court in the *Claremont* cases; (4) authorize the legislature to fund education in part with real estate taxes at locally set rates that might vary between municipalities; and (5) ensure that Art. 28-a. governs state education requirements.

The sponsors put the CACR forward in an effort to break the *Claremont* funding deadlock that divides the legislature. In the Senate, the CACR's dual provisions garnered votes from right and left. The thinking seemed to be that a new voice, the voice of the people, needed to be heard, and this CACR was a reasonable way for that to occur. The committee acknowledges with appreciation the extraordinary efforts that were required to bring forth this CACR.

However, other concerns prevailed in Finance. Some members felt that we are not a referendum state and that it would not be appropriate to conduct a referendum in the guise of a constitutional amendment. Indeed, it appeared that, as a referendum, the results would not be illuminating. It was unclear whether an affirmative vote on the first question would indicate support for an income tax or support for restricting the use of income tax revenues.

Other members felt that conditional amendments were inappropriate – that an amendment dedicating a tax to a specific purpose should be adopted only after, not before, the tax is imposed. Still others objected to restricting a major revenue source to any particular purpose, believing its use should be directed as future legislatures deem desirable to meet future needs. Members also doubted the wisdom of returning to the prior system of funding education through local property taxes at rates that varied between districts. A number did not wish to change the judicial review standard. Several members were unable to support even presenting to the voters the "other side's" position.

Although none of these or other concerns that were voiced appeared to be supported by a majority of the committee, there was concurrence that for a variety of reasons the CACR should not go forward. Therefore, after rejecting an amendment that simplified the language, the committee voted to recommend that the bill be Inexpedient to Legislate. Further motions to reconsider and table were defeated. Vote 17-8.

Rep. Jean R. Wallin for the Minority of Finance: Once again the House has a chance to move forward in the school funding debate, and once again, if the majority report from the Finance Committee prevails, we will have lost the chance. Passing CACR 23 means that we take two very important questions to the voters, and inject an essential voice – the voice of the people – into what has become a deadlocked debate in the legislature. Defeating CACR 23 means that we once again tell the voters that we are simply unwilling to break out of deadlock and stalemate, that we would prefer to stand still rather than to allow them the opportunity to make their views known directly. It is true that New Hampshire is not a referendum state as far as our statutes are concerned. However, the Claremont decision invokes serious constitutional issues. Given the fact that constitutional issues are at stake, it is entirely appropriate for the two questions contained in CACR 23 to be put before the voters.

Rep. Hager spoke against and yielded to questions.

Reps. Vaillancourt and Kurk spoke in favor.

Reps. Weyler and Wallin spoke against.

Reps. Major and Foster spoke in favor and yielded to questions.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

YEAS 254 NAYS 91

YEAS 254

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Rice, Thomas	Rosen, Ralph
Russell, David	Thomas, John	Turner, Robert	Wood, Jane

CARROLL

Babson, David Jr	Chandler, Gene	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Sullivan, P Judith

CHESHIRE

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Hunt, John	Lerandeau, Alfred	Lynch, Margaret
Lynott, Margaret	Meader, David	Mitchell, McKim	Pratt, Irene
Richardson, Barbara	Riley, William	Roberts, William	Rose, William

Royce, H Charles

Smith, Edwin

Zerba, Roger

COOS

Davis, Perley

Gallus, John

Glines, Sara

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

Pratt, Leighton

Rodrigue, Robert

Tholl, John Jr

Woodward, David

GRAFTON

Akins, Ralph

Densmore, Jessica

Dudley, Terri

Gilman, G Michael

Guest, Robert

Hall, David

Hinman, Harry

Marshall, Gene

Mirski, Paul

Nordgren, Sharon

Phinney, William

Picconi, Al

Solow, Martha

HILLSBOROUGH

Ahern, Richard

Alukonis, David

Andrews, Frederick

Arthur, Rose

Baroody, Benjamin

Batula, Peter

Beaupre, Roland

Belvin, William

Bergeron, Lucien

Bergin, Peter

Brundige, Robert

Buckley, Raymond

Burkush, James

Calawa, Leon Jr

Carlson, Donald

Clegg, Robert Jr

Cote, David

Cote, Peter

Craig, James

Curran, James

Daigle, Robert

Dalianis, Griffin

Daniels, Gary

Dawe, Eileen

Desmarais, Vivian

Dokmo, Cynthia

Drabinowicz, A Theresa

Durham, Susan

Dwyer, Paul Sr

Dyer, Merton

Emerton, Lawrence

Fields, Dennis

Fletcher, Richard

Flora, Kathleen

Ford, Nancy

Foster, Linda

Garrish, Linda

Goley, Jeffrey

Gorman, Mary

Haettenschwiller,
Alphonse

Hall, Betty

Hansen, Herbert

Herman, Keith

Holley, Sylvia

Hunter, Bruce

Jean, Claudette

Jean, Loren

Konys, Christine

Kurk, Neal

L'Heureux, Robert

LaPorte, George

LaRose, Richard

Lasky, Bette

Leishman, Peter

Leonard, Peter

Lozeau, Donnalee

MacGillivray, Jeffrey

McCarthy, William

McDonald, James Sr

McDonough-Wallace,
Alice

McGough, Tim

Melcher, Harold

Mercer, Robert

Messier, Irene

Milligan, Robert

Moran, Edward

Moriarty, Mary

Mosher, William

Murphy, Robert

O'Hearn, Jane

Pappas, Marc

Pepino, Leo

Peterson, Andrew	Reeves, Sandra	Reidy, Frank	Rowe, Robert
Sargent, Maxwell	Simon, Anthony	Tate, Joan	Turgeon, Roland
Vaillancourt, Steve	Wall, Nancy	White, John	Williams, Carol

MERRIMACK

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Chase, George
Davis, Francis	Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Hess, David	Hoadley, Elizabeth	Jacobson, Alf
Kennedy, Richard	Larrabee, David Sr	Lavoie, Gerard	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Moore, Carol
Nichols, Avis	Potter, Frances	Seldin, Gloria	St Cyr, Gerard
Wallner, Mary Jane	Whalley, Michael	Whittemore, James	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Bishop, Franklin
Case, Margaret	Christie, Andrew Jr	Clark, Martha	Clark, Vivian
Cooney, Richard	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John Sr
Francoeur, Sheila	Gibbons, Paul	Hamel, Albert	Henderson, Warren
Hutchinson, Karen	Katsakiores, George	Katsakiores, Phyllis	Kelley, William
Kobel, Rudolph	Letourneau, Robert	Major, Norman	McKinney, Betsy
Morse, Charles	Norelli, Terie	Nowe, Mary Lou	Noyes, Richard
Packard, Sherman	Priestley, Anne	Raynowska, Bernard	Reardon, Neil
Ruffner, Walter	Sabella, Norma	Schanda, Frank	Shelton, Richard
Stone, Joseph	Tufts, J Arthur	Varrell, Thomas	Verani, Giovanni
Weatherspoon, Jackie	Welch, David	Whittier, John	Zolla, William

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Cossette, Larry	Domingo, Baldwin	Dunlap, Patricia	Heon, Richard
Johnson, Nancy	Keans, Sandra	Knowles, William	Musler, George
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Spear, Barbara	Taylor, Kathleen	Torr, Franklin	Tsiros, William
Twardus, Joseph	Vachon, Dennis	Vincent, Francis	Wall, Janet

Woods, Phyllis

SULLIVAN

Burling, Peter

Cloutier, John

Flint, Gordon Sr

Kibbey, David

Phinizy, James

Robb-Theroux, Amy

Wiggins, Celestine

NAYS 91

BELKNAP

Boyce, Robert

Millham, Alida

Pilliod, James

Wendelboe, Francine

CARROLL

Bradley, Jeb

Howard, Godfrey

Philbrick, Donald

CHESHIRE

Doucette, Richard

Manning, Joseph

McGuirk, Paul

Pratt, John

Russell, Ronald

COOS

Landers, Dana

GRAFTON

Alger, John

Almy, Susan

Brothers, Richard

Johnson, Gary

Scanlan, David

Ward, Brien

HILLSBOROUGH

Arnold, Thomas Jr

Bruno, Pierre

Chabot, Robert

Christiansen, Lars

Fenton, James

Franks, Suzan

Gagnon, Eugene

Goulet, Maurice

Johnson, Lionel

Keye, Harvey

Lefebvre, Roland

Lynde, Harold

Martel, Andre

McCarty, Winston

McColgan, Philip Jr

McRae, Karen

O'Connell, Timothy

Ouellette, Dean

Sarette, John

White, Donald

MERRIMACK

Brewster, Richard	Daneault, Gabriel	Gile, Mary	Hager, Elizabeth
Langer, Ray	Leber, William	Owen, Derek	Poulin, Dave
Rosenfield, Jay	Soltani, Tony	Virtue, Carolyn	Wallin, Jean

ROCKINGHAM

Beaulieu, Jon	Cox, Russell	Dearborn, Bruce	Gleason, John
Grant, Kenneth	Griffin, Mary	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Kelley, Jane	Langley, Jane	Langone, John
Lovejoy, Marian	O'Neil, Michael	Pitts, Jacqueline	Putnam, Ed II
Quandt, Marshall	Rabideau, Marie	Sapareto, Frank	Shultis, Elizabeth
Splaine, James	Stickney, Nancy	Stritch, C Donald	Vaughn, Charles
Weare, Everett	Weyler, Kenneth		

STRAFFORD

Brown, Julie	Callaghan, Frank	DeChane, Marlene	Gilmore, Gary
Kaen, Naida	McKinley, Robert	Pelletier, Arthur	Pelletier, Marsha

SULLIVAN

Allison, David	Donovan, Thomas Jr	Jones, Constance	Leone, Richard
Tuthill, John	Young, David		

and the majority report was adopted.

CACR 39, relating to the funding of public education. Providing that the state shall fund an amount not less than 30 percent of the total annual statewide cost of public education for kindergarten through grade 12 and that the general court shall have the power to apportion this amount by statute; that the state shall support access to a continuum of educational opportunities including early childhood and post secondary education at a financial level to be deemed appropriate by statute; and that beginning April 1, 2001, no property tax in any form shall be used to fund the state's obligation to cherish and support public education. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth L. Weyler for Finance: The general structure of the NH Constitution provides general guidelines for government with legislation providing details. This gives the legislature flexibility to make changes when it deems it necessary. This proposal does not increase the ability of the legislature to solve educational funding problems, but, in fact restricts action in two important areas. The state would be responsible for not less than 30% of K-12 education funding. This is an area of spending by local school districts where growth has been 8 to 10% annually for many of the past twenty years. The proposal also forbids the legislature the use of a statewide property tax for

education funding. The committee saw no advantage to restricting options while we are all seeking solutions. Vote 21-4.

Rep. Peterson spoke against.

Rep. Weyler spoke in favor.

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

On a division vote, 276 members having voted in the affirmative and 51 in the negative, the report was adopted.

HB 1626-FN, establishing a program to rebate certain excessive property tax payments of eligible taxpayers. INEXPEDIENT TO LEGISLATE

Rep. Linda T. Foster for Finance: The committee has previously reviewed the substantive provisions of this bill. The members support the bill's ultimate goal which is to provide uniform hardship property tax relief through a circuit-breaker process. However, the Department of Revenue Administration, the New Hampshire Municipal Association and the New Hampshire Tax Collectors' Association all expressed concern with the mechanics and the administration of the bill. Moreover, with decreasing revenue projections, the sponsor's estimated \$10 million cost was found to be ill-timed. The committee believes that this policy should form the basis for future legislation during the next biennium when we are in a position to fund it. Vote 21-4.

Rep. Sapareto spoke against and yielded to questions.

Rep. Foster spoke in favor.

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

On a division vote, 255 members having voted in the affirmative and 69 in the negative, the report was adopted.

SB 311, relative to the recovery of public assistance. OUGHT TO PASS WITH AMENDMENT

Rep. Alphonse A. Haettenschwiler for Health, Human Services and Elderly Affairs: This bill was passed to bring state law into compliance with federal law and clarifies the method by which liens are placed by the Department of Health and Human Services for the recovery of certain categories of assistance. The committee also made several additional minor changes to further clarify the intent of this legislation. Vote 10-4.

Amendment (4109h)

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

3 Recovery for Assistance Furnished. Amend RSA 167:13 to read as follows:

167:13 Recovery for Assistance Furnished.

I. Except as provided in paragraph II, if at any time during the continuance of assistance, the recipient or the husband or wife of the recipient becomes possessed of any property or

income in excess of the amount stated in the application, it shall be the duty of the recipient within 10 calendar days to notify the commissioner of the department of health and human services of the receipt or possession of such property or income. On the death of a recipient of old age assistance or aid to the permanently and totally disabled, the total amount of assistance paid under this chapter or RSA 161 shall be allowed as a claim against the estate of such person after payment of the charges in the priority set forth in RSA 554:19. No claim shall be imposed against the real estate of a recipient of old age assistance or aid to the permanently and totally disabled while it is occupied as a home by a surviving spouse, or against any personal property of less than \$100 in value. The federal government shall be entitled, as long as required as a condition to federal financial participation, to such proportion of the net amount collected from the estate of a recipient of old age assistance or aid to the permanently and totally disabled as the federal participation bears to the total amount of assistance granted said recipient.

II. Notwithstanding paragraph I, for medical assistance, no resources of the community spouse shall be deemed available to the institutionalized spouse during the continuous period in which an institutionalized spouse is in an institution, and after the month in which an institutionalized spouse is determined to be eligible for medical assistance benefits.

III. The department may waive adjustment or recovery in cases in which:

(a) It is not cost-effective to recover from an individual's estate;

or

(b) Recovery would result in an undue hardship as determined in accordance with rules adopted pursuant to RSA 541-A.

4 Claims and Liens. RSA 167:14 is repealed and reenacted to read as follows:

I. The estate of every recipient and the estate of a recipient's spouse, if any, owned severally or as joint tenants, shall be liable for all financial old age assistance or aid to the permanently and totally disabled granted to the recipient; provided, however, that the estate of a recipient's spouse shall be liable only for such financial assistance as was granted to the recipient during the time that the recipient and the recipient's spouse were neither legally separated nor divorced. After providing all owners of the real property known to the department with prior notice and an opportunity for a hearing, the commissioner of the department of health and human services shall file with the register of deeds of the county in which the recipient, or the spouse of the recipient, if any, owns real property, notice of the lien. Such notice of lien shall contain the names of the recipient and the recipient's spouse, if any. All such liens shall continue during the lifetime of the recipient and of the spouse of the recipient, if any, and until enforced as provided in this section, unless sooner released by the commissioner of the department of health and human services. The register of deeds shall keep a suitable record of such notices of lien without charging any fee therefore and enter on the record an acknowledgment of satisfaction or release upon written request from the commissioner of the department of health and human services.

II. Subject to RSA 167:16-a, the estate of every recipient shall be liable for all medical assistance granted to the recipient, and the commissioner of the department of health and human services shall file a claim for recovery against the recipient's estate. No notice of lien may be filed against real property with respect to medical assistance except in conformance with RSA 167:16-a.

Rep. Emerton spoke against.

The amendment failed.

Rep. Emerton offered a floor amendment.

Floor Amendment (4186h)

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

1 Responsibility for Public Medical Assistance. Amend RSA 167:3-b to read as follows:

167:3-b Responsibility for Public Medical Assistance. The provisions of RSA 167:2, 3 and 3-a, do not apply to the administration of medical assistance~~[-except with respect to the spouse of the individual who needs medical care or services, or the parent of such individual, if said individual is under 21 or is either blind or permanently and totally disabled].~~

2 New Paragraph; Definitions. Amend RSA 167:6 by inserting after paragraph VII the following new paragraph:

VIII. For purposes hereof, the terms "spouse" and "surviving spouse" shall include anyone currently legally married to a recipient, or who was legally married to a recipient at the time of the recipient's death, and shall not include those to whom a legal separation has been granted by a court of competent jurisdiction.

3 Recovery for Assistance Furnished. Amend RSA 167:13 to read as follows:

167:13 Recovery for Assistance Furnished.

I. Except as provided in paragraph II, if at any time during the continuance of assistance, the recipient or the husband or wife of the recipient becomes possessed of any property or income in excess of the amount stated in the application, it shall be the duty of the recipient within 10 calendar days to notify the commissioner of the department of health and human services of the receipt or possession of such property or income. On the death of a recipient of old age assistance or aid to the permanently and totally disabled, the total amount of assistance paid under this chapter or RSA 161 shall be allowed as a claim against the estate of such person after payment of the charges in the priority set forth in RSA 554:19. No ~~[claim]~~ ***lien filed in accordance with RSA 167:14*** shall be ~~[imposed]~~ ***extended to enforce recovery nor shall any sale be forced*** against the real estate of a recipient of old age assistance or aid to the permanently and totally disabled while it is occupied as a home by a surviving spouse~~[-or against any personal property of less than \$100 in value]~~. The federal government shall be entitled, as long as required as a condition to federal financial participation, to such proportion of the net amount collected from the estate of a recipient of old age assistance or aid to the permanently and totally disabled as the federal participation bears to the total amount of assistance granted said recipient.

II. Notwithstanding paragraph I, for medical assistance, no resources of the community spouse shall be deemed available to the institutionalized spouse during the continuous period in which an institutionalized spouse is in an institution, and after the month in which an institutionalized spouse is determined to be eligible for medical assistance benefits.

III. The department may waive adjustment or recovery in cases in which:

(a) It is not cost-effective to recover from an individual's estate; or

(b) Recovery would result in an undue hardship as determined in accordance with rules adopted pursuant to RSA 541-A.

4 Claims and Liens. RSA 167:14 is repealed and reenacted to read as follows:

I. The estate of every recipient and the estate of a recipient's spouse, if any, owned severally or as joint tenants, shall be liable for all financial old age assistance or aid to the permanently ***and totally*** disabled granted to the recipient; provided, however, that the estate of a recipient's spouse shall be liable only for such financial assistance as was granted to the recipient during the time that the recipient and the recipient's spouse were neither legally separated nor divorced. After providing all owners of the real property ***known to the department*** with prior notice and an opportunity for a hearing, the commissioner of the department of health and human services shall file with the register of deeds of the county in which the recipient, or the spouse of the recipient, if any, owns real property, notice of the lien. Such notice of lien shall contain the names of the recipient and the recipient's spouse, if any. All such liens shall continue during the lifetime of the recipient and of the spouse of the recipient, if any, and until enforced as provided in this section, unless sooner released by the commissioner of the department of health and human services. The register of deeds shall keep a suitable record of such notices of lien without charging any fee therefore and enter on the record an acknowledgment of satisfaction or release upon written request from the commissioner of the department of health and human services.

II. Subject to RSA 167:16-a, the estate of every recipient shall be liable for all medical assistance granted to the recipient, and the commissioner of the department of health and human services shall file a claim for recovery against the recipient's estate. No notice of lien may be filed against real property with respect to medical assistance except in conformance with RSA 167:16-a.

5 Enforcement of Assistance Liens; Restricted to Recipient Assets. Amend RSA 167:16, I-III to read as follows:

I. Assistance liens arising under this chapter or RSA 161 may be enforced by a bill in equity, or, in the case of liens against real estate which have been duly filed under RSA 167:14, by filing a timely and verified notice of lien with the probate court with jurisdiction over the estate of the recipient [~~or recipient spouse~~] and mailing a copy of said notice and a verified claim for recovery of assistance payments to the administrator of the estate.

II. The commissioner may enforce the liquidated amount of an assistance lien against real estate by filing a timely and verified notice with the probate court and submitting a timely and verified claim against the estate of the recipient [~~or recipient spouse~~], which sets forth the dates and amounts of assistance paid. Such claims shall be timely if filed within 6 months from the initial grant of administration for the estate in question.

III. ***Notwithstanding RSA 556:5 and any other provision of law to the contrary***, the administrator of a recipient's estate [~~or the estate of a recipient's spouse~~] shall be conclusively presumed to have accepted a claim for recovery of assistance which is [~~the subject of a lien against real estate~~] subject to the jurisdiction of the probate court unless, within 12 months from the initial grant of administration, the administrator commences an equitable action in the superior court challenging the validity or amount of the commissioner's claim and lien.

6 Limitations on Recovery of Assistance. RSA 167:16-a, IV is repealed and reenacted to read as follows:

IV. Notwithstanding any provision of law to the contrary, there shall be no adjustment or recovery of medical assistance correctly paid on behalf of such an individual, except from the estate of an individual who was 55 years of age or older when the individual received such assistance, and then only after the death of the surviving spouse, if any, and only at a time when:

(a) The individual has no surviving child who is under 21 years of age or is blind or permanently and totally disabled.

(b) In the case of a lien on an individual's home under subparagraph I(b):

(1) No sibling of the individual who was residing in the individual's home for a period of at least one year immediately before the date of the individual's admission to the medical institution, nursing facility, or intermediate care facility for the mentally retarded and is lawfully residing in such home on a continuous basis since the date of the individual's admission to the medical institution, nursing facility, or intermediate care facility for the mentally retarded.

(2) No son or daughter of the individual who was residing in the individual's home for a period of at least 2 years immediately before the date of the individual's admission to the medical institution, nursing facility, or intermediate care facility for the mentally retarded and who establishes to the satisfaction of the state that he or she provided care to such individual which permitted such individual to reside at home rather than in an institution and is lawfully residing in such home and has done so on a continuous basis since the date of the individual's admission to the medical institution, nursing facility, or intermediate care facility for the mentally retarded.

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

Rep. Emerton spoke in favor.

Adopted.

Report adopted and ordered to third reading.

HB 1452, establishing a committee to study the recodification of laws relating to the joint committee on legislative facilities. OUGHT TO PASS WITH AMENDMENT

Rep. Peter H. Burling for Legislative Administration: Following the recommittal of this bill to committee, a good deal of effort was expended trying to perfect this codification of existing powers of the legislative facilities committee. The members of the committee believe that the current form of the bill as amended properly consolidates the powers of legislative facilities. The bill does not intend an expansion of those powers, nor a contraction of them. It just tells the people what those powers are so the public can know. Vote 13-0.

Amendment (4048h)

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

AN ACT codifying the powers and duties of the joint committee on legislative facilities.

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

1 New Section; Joint Committee on Legislative Facilities; Powers and Duties. Amend RSA 17-E by inserting after section 5 the following new section:

17-E:6 Powers and Duties. The committee shall have the following powers and duties:

I. To enter into contracts and hire consultants.

II. To review and approve all joint legislative budgets.

III. To hire the personnel of all joint legislative service agencies, except the legislative budget assistant and the employees of the legislative budget assistant governed by RSA 14:30 and RSA 14:34 and the additional employees appointed by the director of legislative services pursuant to RSA 17-A:4.

IV. To establish salary schedules and benefits for all employees of all joint legislative service agencies or departments, except the legislative budget assistant and the employees of the legislative budget assistant governed by RSA 14:30 and RSA 14:34 and the additional employees appointed by the director of legislative services pursuant to RSA 17-A:4. The house subcommittee shall establish salary schedules and benefits for all house employees. The senate subcommittee shall establish salary schedules and benefits for all senate employees.

V. To provide necessary furniture, stationery, and other supplies and equipment for the use of the committees and offices of the general court.

VI. To study ways and means to improve legislative operation, organization, procedures, facilities, and working conditions.

VII. To designate the use of the facilities under control of the legislature in the state house and to designate the use of the legislative office building and the Upham Walker house.

VIII. To establish rules of procedure for the conduct of the business of the committee.

IX. To perform such other duties and responsibilities as may be assigned to the committee from time to time by the house or the senate.

2 Repeal. The following are repealed:

I. 1973, 368, relative to establishing a legislative facilities committee.

II. 1974, 38:23 and 24, relative to the legislative parking facility.

III. 1975, 308, relative to legislative printing.

IV. 1975, 430:2, relative to renovating the Old Post Office in Concord.

V. 1975, 465:1, relative to duties of the legislative facilities committee.

VI. 1975, 479:4, relative to a legislative parking facility.

VII. 1975, 491, 1 and 2, relative to state house renovations.

VIII. 1981, 568:79, relative to legislative branch employee fringe benefits.

IX. 1983, 469:110, relative to the office of legislative accounting.

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

AMENDED ANALYSIS

This bill codifies the powers and duties of the joint committee on legislative facilities.

Adopted.

Report adopted and ordered to third reading.

HB 1625, requiring the attorney general to initiate a declaratory judgment action concerning record title matters related to the Green Hills subdivision in the town of Raymond. REFER FOR INTERIM STUDY

Rep. Betsey L. Patten for Municipal and County Government: Approximately 340 property owners at Green Hills Estates in Raymond live with an apparent injustice, which stems from a paper subdivision that was not properly laid out many years ago. The Municipal and County Government Committee previously studied the issue, created a process to address the injustice and HB 160 was passed and enacted in February 1997. Some of the title and mortgage companies still refuse to insure or lend money to the current owners. The insurers and lenders continue to maintain there are title problems regarding this property and question the legislatures' ability to effect the solution. The sponsors felt that a declaratory judgement by the Attorney General would resolve the issue. However, there are potential constitutional issues involving the legislature requiring the Attorney General to act in any specific manner. After the public hearing, an alternative method was explored which would involve asking the New Hampshire Bar Association, the offices of the Attorney General and the Speaker of the House to work together with the Raymond property owners at Green Hills Estates to find a way to "quiet title" and/or issue "corrective deeds." A meeting is presently being scheduled to discuss this approach and if successful the proposal would be presented to the Raymond property owners. A majority of the Committee felt that Interim Study would give the alternative method a chance to work. Vote 11-5.

laid on the table

Rep. Patten moved that **HB 1625**, requiring the attorney general to initiate a declaratory judgment action concerning record title matters related to the Green Hills subdivision in the town of Raymond, be laid on the table.

Adopted.

regular calendar (cont'd.)

SB 339-FN, relative to conducting a feasibility study of various alternatives to enhance safety at the traffic circle in the city of Portsmouth. OUGHT TO PASS

Rep. Elizabeth C. Shultis for Public Works and Highways: This bill directs the Department of Transportation to conduct a feasibility study of various alternative designs to enhance safety at the traffic circle in Portsmouth. Recognizing the traffic volume and safety concerns at this junction of I-95, Spaulding Turnpike, Route 1-A and Route 4, a circle that was designed for traffic in the 1940's, the committee voted to ask the DOT, using existing budgetary allocations, for funding. Vote 11-7.

Adopted and ordered to third reading.

SB 455, relative to campgrounds. OUGHT TO PASS

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill closes a loophole in campground wastewater statutes. Presently, recreation camping cabins are not included in regulations concerning test sites and recreational vehicle sites. This bill includes recreational cabins in the requirements for approved sewage disposal system. It also requires a minimum of 1,000 square feet be provided for new cabin campsites. Vote 13-1.

Adopted and ordered to third reading.

HB 1618, relative to requiring legislative approval for mergers, acquisitions, or restructuring of certain electric utility corporations. MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.

Rep. Jeb E. Bradley for the Majority of Science, Technology and Energy: As introduced, HB 1618 would have required the legislature to approve any merger involving an electric utility in New Hampshire that serves 50% or more of the customers in the state. Legislative approval of such a merger would be required in addition to the normal review process at the Public Utilities Commission (PUC). As introduced, the bill would apply only to Public Service of New Hampshire. There were three long work sessions on this bill and several amendments introduced. One amendment would have expanded the requirement of legislative approval of mergers to all electric utilities in the state. A second amendment would also have required legislative approval of any merger when a utility was requesting securitization as PSNH has in the proposed Settlement. During a second public hearing these amendments, and two others, were discussed. In executive session the sponsor moved ought to pass on the amendment which would have required legislative approval of a merger only for utilities requesting securitization. That motion failed 5-15. A subsequent motion of Refer for Interim Study passed 17-3. Despite having sympathy for the sponsor's goals, the majority of the committee believes Interim Study is a more appropriate action. The amendment turned down by the committee, and the bill as introduced, all applied only to PSNH – the only electric utility serving more than 50% of the customers in New Hampshire, or that has requested securitization. The majority is concerned about the obvious constitutional issues raised by legislation intended to apply to only one company, regardless of how it is worded. To be constitutional, the bill would likely need to apply to all electric utilities, and perhaps to other regulated utilities such as gas, water and telecommunications. It was also the intent of the sponsor that if HB 1618 became law, legislative approval would be required for the proposed merger between PSNH's parent company Northeast Utilities and Consolidated Edison. Since that merger application was filed with the PUC on January 18, 2000, enacting HB 1618 and having it apply to the already filed merger would raise serious questions of retroactive application of a new statute and would almost surely lead to further litigation. In addition to constitutional issues, the majority was also concerned that requiring the legislature to approve prospective utility mergers would have a negative business effect on the state's regulated utilities. New Hampshire would become the only state that required a legislative vote to approve an electric utility merger. The committee also discussed whether the bill could be replaced with additional authority for the PUC. A key question examined by the committee was whether the PUC's current statutory authority over utility mergers

was adequate. RSA 369, updated in 1999, provides expedited review of mergers that will cause no net harm, while still allowing the PUC complete authority to examine whether a merger is in the public interest, a more rigorous standard, if there is any possibility that the merger may cause future harm to consumers. The PUC had no difficulty requiring that the more stringent test be met in the 1999 Granite State Electric merger. Finally, the majority did not agree with the argument that legislative approval of mergers was necessary for customers to get the benefits of the cost savings such a merger would provide. The PUC has sufficient authority to open a rate case at any time such benefits are available. As a result, the majority believes that existing statutes give the PUC sufficient regulatory authority to protect the interests of New Hampshire customers in the proposed PSNH merger. The PUC also has the necessary technical expertise to review mergers. The PUC can and should apply the public interest standard to any merger involving PSNH, including the proposed merger with Consolidated Edison. The majority of the committee also believes that the proposed PSNH merger must be reviewed under existing law, not prospective law, in order to avoid legitimate issues of retroactive application of a new statute. Interim study will allow the committee to review all issues raised in this discussion. Vote 17-3.

Rep. Gary R. Gilmore for the Minority of Science, Technology and Energy: The minority will seek to amend this bill to require that in the event of a merger of an electric utility receiving the proceeds of securitization, that the legislature would have to approve the merger through appropriate legislative action. If a utility does not wish to have a merger of their company needing the approval of the legislature, they do not have to seek or receive securitization. The minority believes that failure to approve this legislation would represent a missed opportunity by the legislature to improve savings for New Hampshire ratepayers.

Rep. Howard spoke against.

Reps. Gilmore and Donald White spoke against and yielded to questions.

Reps. MacGillivray, Norelli and Bradley spoke in favor.

Rep. Gilmore requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

YEAS 252 NAYS 42

YEAS 252

BELKNAP

Boyce, Robert	Holbrook, Robert	Johnson, James	Lawton, David
Millham, Alida	Pilliod, James	Rice, Thomas	Rosen, Ralph
Russell, David	Turner, Robert	Wendelboe, Francine	Wood, Jane

CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Kenney, Joseph
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Lyman, L Randy
Sullivan, P Judith

Mock, Henry

Patten, Betsey

Philbrick, Donald

CHESHIRE

Batchelder, Robert

Blaisdell, Michael

Burnham, Daniel

Doucette, Richard

Lynch, Margaret

Manning, Joseph

McGuirk, Paul

Meador, David

Mitchell, McKim

Pratt, Irene

Richardson, Barbara

Riley, William

Royce, H Charles

Zerba, Roger

COOS

Davis, Perley

Gallus, John

Guay, Lawrence

Horton, Lynn

Pratt, Leighton

Rodrigue, Robert

Tholl, John Jr

Woodward, David

GRAFTON

Almy, Susan

Densmore, Jessica

Dudley, Terri

Hall, David

Hinman, Harry

Marshall, Gene

Nordgren, Sharon

Phinney, William

Picconi, Al

Scanlan, David

Ward, Brien

HILLSBOROUGH

Ahern, Richard

Alukonis, David

Andrews, Frederick

Arnold, Thomas Jr

Arthur, Rose

Batula, Peter

Beaupre, Roland

Belvin, William

Bergeron, Lucien

Bergin, Peter

Brundige, Robert

Bruno, Pierre

Buckley, Raymond

Calawa, Leon Jr

Carlson, Donald

Chabot, Robert

Christiansen, Lars

Clegg, Robert Jr

Cote, David

Cote, Peter

Craig, James

Curran, James

Daigle, Robert

Dalianis, Griffin

Daniels, Gary

Dawe, Eileen

Desmarais, Vivian

Dokmo, Cynthia

Drabinowicz, A Theresa

Durham, Susan

Dyer, Merton

Emerton, Lawrence

Fields, Dennis

Fletcher, Richard

Flora, Kathleen

Ford, Nancy

Foster, Linda

Gagnon, Eugene

Goulet, Maurice

Herman, Keith

Holley, Sylvia

Hunter, Bruce

Jean, Claudette

Jean, Loren

Johnson, Lionel

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	McCarty, Winston	McDonough-Wallace, Alice	McGough, Tim
McRae, Karen	Melcher, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	Moran, Edward	Moriarty, Mary	Mosher, William
Murphy, Robert	O'Connell, Timothy	O'Hearn, Jane	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Reidy, Frank
Rowe, Robert	Sarette, John	Sargent, Maxwell	Simon, Anthony
Turgeon, Roland	Vaillancourt, Steve	Wall, Nancy	

MERRIMACK

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Chase, George	Daneault, Gabriel	Davis, Francis	Fortnam, Janet
Gile, Mary	Hager, Elizabeth	Hess, David	Kennedy, Richard
Larrabee, David Sr	Leber, William	Lockwood, Priscilla	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Nichols, Avis	Potter, Frances
Poulin, Dave	Seldin, Gloria	Soltani, Tony	Wallner, Mary Jane
Whalley, Michael	Whittemore, James		

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Case, Margaret	Christie, Andrew Jr	Clark, Martha
Clark, Vivian	Cooney, Richard	Cox, Russell	Dearborn, Bruce
Downing, Michael	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John Sr	Francoeur, Sheila	Gibbons, Paul	Gleason, John
Grant, Kenneth	Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kelley, William
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Lovejoy, Marian	Major, Norman	McKinney, Betsy	Norelli, Terie
Nowe, Mary Lou	Noyes, Richard	O'Neil, Michael	Pitts, Jacqueline
Priestley, Anne	Putnam, Ed II	Rabideau, Marie	Raynowska, Bernard
Reardon, Neil	Ruffner, Walter	Sabella, Norma	Sapareto, Frank
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Weare, Everett	Weatherspoon, Jackie	Welch, David	Whittier, John

Zolla, William

STRAFFORD

Brennan, William	Brown, Julie	Cossette, Larry	DeChane, Marlene
Domingo, Baldwin	Dunlap, Patricia	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	McKinley, Robert	Pelletier, Arthur
Pelletier, Marsha	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spear, Barbara	Taylor, Kathleen	Twardus, Joseph	Wall, Janet
Woods, Phyllis			

SULLIVAN

Burling, Peter	Cloutier, John	Flint, Gordon Sr	Jones, Constance
Kibbey, David	Leone, Richard	Young, David	

NAYS 42

BELKNAP

None

CARROLL

Dickinson, Howard	Howard, Godfrey
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CHESHIRE

Pratt, John	Rose, William
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COOS

None

GRAFTON

Akins, Ralph	Alger, John	Guest, Robert	Johnson, Gary
Mirski, Paul			

HILLSBOROUGH

Dwyer, Paul Sr	Fenton, James	Franks, Suzan	Garrish, Linda
Gorman, Mary	Hall, Betty	McColgan, Philip Jr	White, Donald
White, John	Williams, Carol		

MERRIMACK

Fraser, Marilyn	French, Barbara	Jacobson, Alf	Langer, Ray
Marple, Richard	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Yeaton, Charles			

ROCKINGHAM

DiFruscia, Anthony	Hamel, Albert	Packard, Sherman	Quandt, Marshall
Stickney, Nancy	Vaughn, Charles	Verani, Giovanni	Weyler, Kenneth

STRAFFORD

Gilmore, Gary	Vachon, Dennis
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SULLIVAN

Donovan, Thomas Jr	Phinizy, James	Tuthill, John	Wiggins, Celestine
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and the majority report was adopted.

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

debate

Rep. Tuthill moved that the debate on House Bill 1618 be printed in the Journal.

On a division vote, 150 members having voted in the affirmative and 137 in the negative, the motion was adopted.

Rep. Howard: Thank you, Madam Speaker. I rise in opposition to the committee report and in support of the minority recommendation, Ought to Pass. This bill began life as a vehicle to insert the legislature into merger approvals in the electric utility business. As it wound its way through the hearing and work session process it was progressively amended, almost to death, to the point where most committee members just wanted to go back to the drawing board and start again from ground zero. We in the minority ask your indulgence to explain why we think the basic idea is a good one, partly because we believe the subject of mergers will become before the legislature again. Those of

you who took the time to read the very extended blurb will have noted one objection raised was that the bill was unconstitutional. As a Jeffersonian conservative myself, I believe the elective branch of government has every right and even the duty to pass legislation which is right and in the best interests of its constituents. We in the legislature have no expertise to decide constitutional issues. They can best be left to the courts later on if someone wishes to bring suit. A more serious objection also in the blurb was that such a statute would have a negative business effect on regulated companies in New Hampshire. This was the industry argument. They argued that an already poor business climate would be chilled even more by this bill. I was lobbied hard on this subject, but I can't escape the feeling that such an argument is nothing more than self-serving propaganda. It's hard to argue today that the business climate in this state is negative at a time when New Hampshire leads all New England and much of the rest of the country, in most measures of economic activity, including kilowatt hour sales of electric power, which are up 8.6% year-over-year with our closest competition up only 4.6%. But, why did the sponsor zero in on mergers and want to provide another avenue for review other than the Public Utilities Commission? What's wrong with mergers anyway? Actually, mergers are neither good nor bad intrinsically, but my 35 years in the investment business have taught me that many of them bring more harm, especially to the average consumer, then they bring good. I ask you, who will be more watchful over the interests of consumers and ratepayers, three appointed regulators or the voters' representatives whom they elect every two years? If all a citizen has to defend his or her best interest is the Public Utilities Commission and us, why not have the legislature in the loop? There have been many studies made of takeovers and they have all reached the same conclusion, namely the majority of mergers, 65% or more, do not deliver the benefits the partners claimed they would, but damage the interests of those they were supposed to benefit. Some of them even turn into disasters and have to be unwound. One extensive study of mergers by an economics professor at NYU was turned into a book called The Synergy Trap. In it he asked why managers should pay a big premium to make an acquisition when their shareholders could invest in the target company themselves at market prices? How sure are the managers that the cost-saving from the merger will compensate for the size of the acquisition premium? In the case of utility mergers, management hopes the premium will be recovered from ratepayers' bills. Given how heavily the odds are stacked against successful mergers, top management enthusiasm for them is curious. Of course, right now they are easier to pull off than normally because hyper-inflated stock values enable the use of what I call "bongo bucks" as the acquiring tool. But still, shouldn't managers consider whether the time and expense could be employed better elsewhere, say in improving customer service? Even in countries with high divorce rates, marriages have a better success rate than mergers. My duty as a member of the House is to look after, as best I can, the welfare of my constituents. If I'm presented with a merger on a take-it-or-leave-it basis, I'm denied that opportunity. There is a world-class money manager out in Omaha, Warren Buffett, whose long-term investment record is unparalleled. I'd like to close by sharing with you his thoughts on this subject. He refers to the myth of the princess and the toad. "Many acquisitive managers," he says, "see themselves as princesses whose kisses could turn toads into handsome princes, but investors can always buy toads at the going price for toads. If, instead, they bankrolled princesses who want to pay high prices for the right to kiss the toads, those kisses better pack some real dynamite, but managerial princesses remain serenely confident about the potency of their kisses even after their corporate backyards are knee deep in unresponsive toads." Thank you, Madam Speaker.

Rep. MacGillivray: Thank you, Madam Speaker. Ladies and gentlemen, I rise in support of the majority committee report of Refer for Interim Study on House Bill 1618. The subject matter of this bill is simple. First, should the legislature be required to approve mergers or other restructurings of large electric utility corporations? Second, should we make sure that when mergers occur and cost savings result, that the cost savings go to our rate payers and not stockholders and how should we make that happen? I suggest that the answers to these questions are, no, the first isn't necessary and, yes, the second can be done in other ways. Rep. Bradley will later discuss the history of this subject matter, but Rep. Norelli and I will focus just on basic principles. First, legislative approval of mergers is a really bad idea. It's not our expertise. We don't know anything about it. One of the

principles of deciding issues like this is that there should be one standard for all companies. That is something that works fairly well when a judicial body looks at a standard and decides does this merger meet this standard or not. If the standard is it needs 201 voted here, 13 next door and the signature of the governor, it's not clear that this standard applies. There is a possibility of unequal treatment to different companies. The Public Utilities Commission is a much better place for examining and approving mergers. They look at a judicial standard, does this meet it, does this not, they are a quasi judicial process, they hear testimony and they can adopt an even standard. We'd be the only state in the country that says don't handle this in front of a utility commission, handle it in front of a legislature. Then you have the problem of the sponsors want this to apply retroactively to a merger already under way and already filed for and they want it to apply to just one company. There are constitutional impediments for a good reason for retroactive laws and laws that single out one company. My second point is that we can handle the problem of making sure that the cost savings go to the ratepayers in a much easier way. Without any additional legislation, the Public Utilities Commission can open a rate case at any time as the merger benefits unfold, get implemented, get seen, they can drag the company in for a rate case, look at their costs and demand that rates be lowered. It is really that easy. If we don't like the frequency they are doing it, we can write laws that tell them to do it more often and, indeed, I proposed an amendment to this bill that would have done just that and ordered that rate cases occur, not more than a certain length of time after a major merger, but the committee decided, I believe justly, that studying this over the summer rather than doing it in a hurry was a better idea. The PUC will have this authority. And finally, we've been asked to enact some legislation that will have something to do with this merger. It is in the process of being introduced, the Senate hearing will be a little more than a week from now and it will occur just after yesterday's PUC order relative to this whole deal with Public Service of New Hampshire. Our consultants have urged us to put in provisions regarding, if this company merges, some additional lowering of rates will be required. It was urged by the consultants, it was spoken of by Representative Bradley in his testimony to the PUC. It was supported by the oversight committee, it was supported by the House committee, it was supported by the Senate committee. My strong hunch is that by the time that bill leaves the Senate and hits us, the issue is going to be taken care of there and if it doesn't, the House Science, Technology and Energy Committee will make sure that it does. So, I don't think this is necessary. I don't think this is desirable and I urge you to support the recommendation of the 17 to 3 majority of the House Science, Technology and Energy Committee of Refer for Interim Study. Thank you.

Rep. Gilmore: Thank you, Madam Speaker. I'm a little bit perplexed in listening to the previous remarks. Obviously, you know, we've embarked on a path, a path that now has New Hampshire and will continue to have New Hampshire, almost certainly, with the highest rates in the nation. This bill represents an opportunity, it is an opportunity we can turn our back on, but it is an opportunity and an opportunity that will not come again for another 10, 15 or 20 years. We're talking about a company whose revenue exceeds this state's, whose revenue will exceed this states' by a factor of 5 or 6. We are talking about a company that will focus all its resources upon this state to extract what it needs and will likely prevail. It is only at the time of merger that you have some leverage. Maybe you agree with the previous speakers and all speakers that legislative approval of mergers is ridiculous and a bad idea. Maybe you believe you don't have a voice and you deserve a voice. Folks, if you believe that than you should vote as the majority does. But, if you want to try to make a difference, if you want to try to say, stop we can do something because you can. If you want to empower yourself, because you are a sovereign state, because you have the power to pass laws, this is your opportunity. This is your opportunity to be heard as a legislature, as something, as a body that wishes to respond to what is the reality in this world. Our laws governing the PUC date back to the 1920's when we dealt with small local companies and the state had the resources to counter those, to look at those and to achieve reasonable returns and satisfy all parties. That is not the case anymore. We are talking about mega-huge corporations that are now able to focus on individual states and extract what they need. You might think that we are asking for too much but the state of Connecticut doesn't believe that and they are opposed to this merger. They believe they are being taken over the

barrel by this corporation. They don't believe the residents of Connecticut are getting a fair deal and it isn't likely the residents of New Hampshire will either. All this bill does, and it is a very, very simple bill as we propose to amend it, all this bill does is say that if you securitize, if you get the proceeds from securitization, if the state gives you that guarantee, that irrevocable guarantee, irrevocable, if we securitize we are guaranteeing that our residents will pay those rates for 12 years. It is a guarantee, it is irrevocable. The residents will pay, those who stay on the grid will pay those rates. Under that circumstance, and only under that circumstance will the legislature need to approve a merger. To get to securitization to have to pass legislation, and in this case we are talking about a company that is asking for legislation that gives them, up front, \$725 million, up front, cash payment, up front. If we are willing to do that to our residents, if we are willing to say you must pay those costs for the next 10 to 12 years, why can't we also say, if you merge we want to have that approval process, we want to look at it. Which is the historical nature of the legislature. The legislature did have to, historically was involved in the corporations, was involved in this area. This isn't that beyond our ken, this isn't beyond our expertise. If a corporation can come in here and convince us that we should give them up front, \$700, \$800 million dollars, I bet they can come in here and get legislation that says hey, this merger is a good deal too. All the bill asks for is a very simple thing, that if we are going to mandate securitization upon our residents than we also should have a say as to their merger also so that we can have a fair deal, something the people of New Hampshire will benefit from. That is all we are seeking, in those unique circumstances would this bill be applicable. Thank you for your attention.

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

Rep. Rose: Thank you, Madam Speaker. Gary, don't you think we ought to tell the people how long its going to be before they pay for stranded costs?

Rep. Gilmore: Well, we'll be paying for the next 12 years or longer, certainly.

Rep. Rose: I read it is going to be before stranded costs are all paid up, it's going to be 2024.

Rep. Gilmore: That's before all stranded costs are paid. It would be 2024.

Rep. Rose: Do you think that if we let this happen, that Northeast Utilities and PSNH get their way, do you think they are going to give up their generating plants, really?

Rep. Gilmore: I'm sure Northeast Utilities, Consolidated Edison out of New York/New Jersey, will do what's in the best interests of their stockholders, not in the best interests of the ratepayers of New Hampshire. Whatever they determine it to be, they will certainly do that.

Rep. Rose: Do you think that really the governor's aim is going to come, that there is going to be competition here in New Hampshire electric when we see that Northeast Utilities is going to merge and they will be the biggest electric company in the country. Isn't that right?

Rep. Gilmore: I believe ConEd already is the biggest distribution electric utility in the nation. Certainly with this merger they will become far greater, their headquarters will move farther away and yes, we will be dealing much more with a foreign then we do with the local.

Rep. Rose: Do you really think that the biggest electric company in New England and the country after they get power, do you think they will give up that power by giving up their generating facilities without going to court down in Rhode Island and seeing that friendly judge and have him say that they don't have to give it up?

Rep. Gilmore: It's hard to guess what they will do. The certainty is they will do what they think they will make the greatest profit from. If they can make greater profit from unregulated sale of energy in a not competitive market they will do that and we will pay higher rates as a result.

Rep. Rose: Didn't Teddy Roosevelt do a good thing when he attacked the big trusts and the big mergers back in 1904.

Rep. Gilmore: I believe he did.

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

Rep. George Brown: Rep. Gilmore, we talk about mergers but isn't there a federal law, the Sherman Anti-Trust, that should be investigating these problems with large companies overcoming some of the territories?

Rep. Gilmore: That is certainly true. The unfortunate thing is these mergers are so large that they are sort out of the ken of what we can fight anymore. When you think of the resources that they can spend freely, and that the state cannot, we're talking about companies with assets that are unimaginable for us. That is certainly not a level playing field any longer. The playing field has long been tipped.

Rep. Norelli: Thank you, Madam Speaker and members of the House who have hung in here with us. I rise in support of the committee report of Interim Study. With respect to utility mergers, it has been the tradition in New Hampshire, as well as in other states, for the legislature to have the role of setting the standard by which a particular merger is judged to be a good one or not for the ratepayers of that state. It has been the legislatures that have delegated this authority to the Public Utilities Commission to actually make the determination whether or not a particular merger meets that standard. I believe that the reason that we do this is because the skills that are necessary to make these determinations fall appropriately under the regulatory function of something like the Commission. Unlike the legislature, the Commission has the staff and the time and the special expertise in these areas to efficiently, effectively and appropriately investigate and analyze all of the consequences of a particular merger in terms of what it would mean to the ratepayers of the state in terms of their rates, services, reliability, issues that I have to say I'm not sure that I feel comfortable making those kinds of determinations. In fact there are no other states in the country that provide legislative approval for utility mergers. Generally speaking, in other states the standard that is set is that of public interest or public good, although in a few states, usually those with deregulation in place, some additional criteria may also be added to that and most states also provided for an expedited review process. In New Hampshire what we have, first of all, is an expedited review process under RSA 369:8. If the Public Utilities Commission determines that there is any possibility of an adverse affect to the rates, terms, services or operations after a particular merger then the standard that they would refer to is the standard set under RSA 374:33 that of Public Interest. There have been two recent utility mergers in this state, Energy North and Granite State Electric. Under both of these utility mergers the Public Utilities Commission has analyzed these and made the determination under 374:33 which is the public interest standard. If we have all of this in place and it seems to work, I have to ask myself what is the goal of this legislation, what would be accomplished by doing this? Well, if the supporters believe that the standard that we have set in place, which, by the way, we set in place at the end of the last legislative session, is too low than perhaps they should have come in with legislation that changed the standard. If they think that the Public Utilities Commission is not doing their job than I have to wonder why it would only apply to PSNH, why would not Granite State Electric customers and Unitil customers be expected to benefit from the same kind of legislative approval process? Ultimately I believe that we have the appropriate process in place, contrary to what Rep. Gilmore said, I believe that we do have a voice

and our voice is, we have set the standard, Public Utilities Commission, you need, when you are making your determination you have to make sure that this merger lives up to the standard that we set and, Public Utilities Commission do your job and make that determination. There were a few issues that arose as Rep. MacGillivray told you about that standard and therefore the committee determined that perhaps we should take a little bit more time to consider those issues and voted 18-3, Interim Study. I would ask that you support the committee report of Interim Study. Thank you.

Rep. White: Thank you, Madam Speaker. Ladies and gentlemen I am speaking in favor of the amendment that is going to be presented to HB 1618. For those who do not know me, we have had quite a bit of turnover in the last six years, my background is basically technical, I'm a machine designer, but I have had extensive experience operating a business, long enough to recognize imprudent and even stupid decisions. So, when I look at a situation with respect to the deal concerning ConEd, PSNH and Northeast Utilities, it is not satisfactory because it clears the way for a lucrative merger with no apparent value to residential ratepayers and I also think that the words of another pretty fair technician, Albert Einstein, guided me somewhat in this approach. He said, "Significant problems we face now, cannot be solved at the same level of thinking we were at when we created them." In this case, the "we" before "created" is PSNH. From 1972 to 1980 they persisted in the financing of an already hopelessly expensive undertaking called Seabrook. The unsuspecting victims, residential ratepayers, were soon to be responsible for bad business practice at considerable cost to them. There was considerable handwringing and much howling when the travesty unfolded and was made worse by questionable, political decisions here and in the swamp down at the Potomac. But the source and the guilt rests with PSNH and no one else. PSNH and others did take losses, as they should have, but any stranded costs related to Seabrook is still their responsibility. Seabrook is the key to securitization for PSNH and makes any merger deal attractive. What's in it for us? An article by Edward O. Wells in a July, 1990 issue of the *New England Monthly* is part of the reason for my support of HB 1618 or, as we want to amend it on the floor of the House, and I quote, "One can allow that Public Service's executives didn't intend to preside over a debacle and that the financiers only did what was expected of them, and they made a lot of money. But Public Service's managers avowed publicly that they would borrow at any cost to get Seabrook built." It seems unlikely that rational people would have pursued such a reckless, uneconomic course if they hadn't known they could always move on and let others pay for the mess they left behind, and they have paid, all \$6.5 billion of it. I have a lot of reference material that I picked up that substantiates what I just told you. Now comes the ConEd/Northeast Utilities merger which could show, in their words, a billion-to-a-billion-and-a-half dollar savings over a 10-year period when they finally combine, and securitization for PSNH at \$725 million would include in a merger a partner with a low-cost source of cash guaranteed by someone else, and that's all of us, if I may remind you. This merger will allow further expansion of a vast transmission and distribution system from Pennsylvania to New Hampshire with the added and attractive prospect for entry into the burgeoning telecom field. ConEd has a telecom infrastructure company. There will be real financial gain for the merger partners now and even more in the profitable future. There is nothing unreasonable in this, neither is profit, but we must profit, too. But, with this bill, New Hampshire can negotiate a bite instead of a nibble by tying securitization to merger approval. ConEd is not disturbed by this, they would do the same thing, they are good businessmen. If no other state does this, why would it preclude New Hampshire since we're the only ones who have ever been in a situation such as this since the early 1970s. It has been a horror show ever since then and I think New Hampshire deserves the opportunity to try to rectify some of the past. [tape damaged, section lost] ...of a securitized bond by voting to provide a private company with special treatment that our constituents will have to guarantee. On April 24, for your information, there is a forum at the Concord Holiday Inn, I won't comment on the set-up but Bob Backus is going to be there to keep a sense of reality. I recommend every representative who can, should attend to really hear a lot more details than you'll get in this place. But, I would suggest for the \$50,000 we have paid for consultants, you should be able to also hear and understand what brought me to this podium. I would suggest they have a forum, in this building, in this place, for all the representatives so that

you can examine and hear their thoughts regarding legislative power in the public interest, hear their comments regarding the court case, have the illusive rate agreement explained, if it exists, hear about of transfer of assets by PSNH to Northeast Utilities, hear about Northeast Utilities breach of the energy sharing agreement and a lot more. We deserve all this information. I've got it. I was on the oversight committee, but none of you have, so you haven't heard the entire story. Let me repeat, securitization is special treatment offered by this state to a private company be paid for by private citizens who are bound to pay regardless of their circumstances. It is for these people that I ask you to overturn the committee report. Interim Study, in this case, is the graveyard of hope. Support the minority, overturn the committee and allow us to present a simple amendment that will give us leverage, we hope, to gain a better deal for our constituents. Don't pay for Seabrook again. You know, as an individual I have been looking at this since 1994 and it is a very sad story if you look at the whole thing in its entirety that we should have gotten into this in the first place and that so many people have been hurt, so many careers set aside and so much desperation on the part of individuals which in this little state we really didn't deserve that. So I was looking at a statement that is over 2,000 years old it comes from Cicero where he tells us, "The good of the people is the highest law." That is what I am appealing to when I ask you to support the minority. Thank you very much, thank you, Madam Speaker.

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

Rep. Rollo: Thank you, Madam Speaker. Now that I am throughly confused, it doesn't take much to do that, you mentioned an oversight committee that was formed to study this, and you alluded to documents you that you had, can you share those with me so I can look at them?

Rep. White: I'd be glad to. Some of them that I use – we are talking 50,000 pages, but I'll give you what I think are the best ones. I'm sure the chairman of the oversight committee would be overcome with joy to give you copies of it. This is called "Sunk Costs" and it is listed as item 27 that was given to the oversight committee and it is pretty good if you read it, I think you would get some value from it. You could also read about the marvelous return on investments to financiers in an item appropriately described as "The Vulture Investors", that's listed as item 29. Fascinating reading but you'll lose a lot of sleep when you do.

Rep. Rollo: Would you mind lending it to me before we take the vote so I can read it?

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

Rep. DiFruscia: Thank you, representative, for yielding. What do you think would be a good offer of benefit to us in terms of a rate relief?

Rep. White: Excellent question. I expect the merger to succeed. It would be good business practice on the part of those individuals to do that and this device is merely to earn more of a return for our citizens than to stop a merger. It would take, I think, about three years after the merger some settles and they reorganize to the extent that they have begun to realize the return that they expect over then ten-year period. People from Northeast Utilities and others will have already descended somewhere in their parachutes and I think probably a lot of lower level people will be thrown out in the street, but anyway they will have a direction. The good people at business, I know they are probably going to do well with income. From that point, looking at \$2 billion in stranded costs that is apparently being given away, most of us may have to pay, let me make that clear. The component of \$600 million that belongs to Seabrook, I firmly do not believe belongs to the citizens of the state, that is their problem. That would leave nine years if we securitized and if they began to see this return I would expect to see, on a basis from at least the first four years, 25% of what they realize go to the ratepayers and from that point on, one-third of what they realized because you get a little bit of an

ascending scale. So during that period of time, our ratepayers will be enjoying a stabilized rate and the reason I'm saying that is that the agreement says that the use of electricity will rise by two percent a year during the course of the securitization deal. If you look at ten years, you are talking, compounded, in excess of 25%. That is kind of a reach, we maybe bringing in 15,000 or so people a year and as we move through people are taking more time to save the use of energy by buying energy-saving equipment, people may opt out of the system so that don't have to pay the stranded costs. So, that is a risk. Now, if we handle it in this manner and get income from the synergy that they describe in their merger, our residential ratepayers will achieve some degree of stabilization and I think they'll make a few bucks as well and I think that's fair. It may be crazy, but I think it's fair

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

Rep. Dickinson: Thank you, Madam Speaker. Rep. White, is the floor amendment you are alluding to the one that is found on the bottom of page 1025?

Rep. White: Yes, it is.

Rep. Dickinson: Well, for the life of me, I see no reason why the legislature shouldn't be authorized to approve mergers and the question I guess I have, is should the legislature approve mergers only after the PUC has an opportunity to thoroughly check them out?

Rep. White: I agree, this is why the amendment was written the way it was to precipitate a constitutional question with respect to interfering and saying we're going to approve the merger when PUC has very capable people. I would wait upon that decision, but I need this tool in place to be able to use it to further convince our combatants that we would appreciate a greater return as a result of the merger, so certainly I would give the PUC all the opportunity that they require.

Rep. Bradley: Thank you, Madam Speaker and members of the House. I think it is safe to say that the members of the majority of the Science, Technology and Energy Committee are very, very sympathetic to the goals and the desires expressed by the three co-sponsors of this bill who have spoken prior to myself. Quite frankly, it's hard not to be sympathetic to the goals that they expressed given the fact that we have had the history that we have had with Public Service for 25 years and we've ended up with the highest rates in the nation. Indeed, throughout that history efforts, efforts in fact in this room, to fight back have drawn great favor and this bill, quite frankly, is no different from that. But, it is important to look dispassionately at some of the facts. The prior speaker raised the specter of the Seabrook power plant being built on borrowed money and indeed, it was. But a dispassionate look at that and the facts of that, people will recall, that it was in 1979 that this legislature passed a law that banned construction works and financing designed to stop the construction work of Seabrook, but, what I would contend it really did was force the building of it on borrowed money and let us also not forget that when that money was borrowed, it was with the blessing of the political leadership at that time. So I would maintain to you that it could be attractive, as Rep. Gilmore said, to feel empowered and to pass this legislation and to feel as if we were fighting back, but, as important as it is to look at the facts of history, it is important to look at the facts of this bill. Number one, this merger that has raised the hair on lot of people's necks, including my own, was filed in January of this year. This bill is not yet law, clearly, in my opinion, that's retroactive. Whether a court would side with that remains a question, but let's ask ourselves about our success rate on this issue in court. Last year, the PUC faced a similar situation with regard to the parent company merger of Granite State Electric. There was a pending piece of legislation, the Commission knew that, but in its order approving that merger, it was very clear that it was considering the merger based on the statutes in effect at that time, not on pending statutes. The other significant problem that other speakers have outlined in this bill is that, in fact, it singles

out one utility in this state, whether it is the amendment or the bill as proposed. So, I would maintain that on a constitutional basis, if it is challenged, and indeed it will be, that we are on dubious grounds. A key issue that we looked at is if we can't pass a bill such as this because of constitutional problems, are we protected from mergers, from some of the monolithic forces, not just in the regulative world but the non-regulative world, and I believe that we are. Last year, with passage of House Bill 464 we plugged a fairly significant loophole that the Commission itself had created. Two mergers, as Rep. Norelli talked about, have been approved on a public interest standard and I would maintain that based on the precedent established in the Granite State merger and the Energy North merger, the Commission has no choice but to look at this merger on a public interest standard. And, what are some of the potential problems that the Commission has authority to either reject this merger or condition it if they find, based on their review, that it harms New Hampshire. Clearly issue number one is reliability. ConEd has had some problems in that arena. A second major issue is control of PSNH. PSNH has a large impact on the state's economy, but, as other speakers have said, it will be a small portion of this combined utility. The Commission has ample authority to look at the effect that it will have on rates and to capture these so-called merger synergy savings and quite frankly, the securitization legislation that we are going to introduce shortly will also capture those merger efficiency savings. There are several other issues that the Commission can look at; the effect on competitive generation, transmission constraints, the rights of PSNH employees, whether there will be other mergers, and environmental effects. The last question, does this merger potentially allow us to improve the proposed settlement with PSNH? That is a little bit more difficult issue. But, with the PUC's order yesterday, approving the settlement but with another \$100 million of sharing with customers of PSNH's stranded costs, the Commission, in my opinion, has taken a significant step forward in approving the settlement. It is our job to make sure that sticks and it is our job, yours and mine, to make sure that if a merger is approved by the Commission, that we, indeed, as customers capture those synergy savings that should flow from the combined company. Interim Study, I would contend, is useful to look at all of the generic issues, but I don't believe that we need to pass a merger review by this legislature, which would be the only one of its kind in the country, to impact the proposed merger that is before the Commission today. We don't need a bill that is retroactive, that singles out one company when our Commission already has more than ample regulatory authority to do everything necessary to protect New Hampshire customers.

SPECIAL ORDER

SCR 3, rescinding the 1979 call for a federal constitutional convention. INEXPEDIENT TO LEGISLATE

Rep. Dennis H. Fields for State-Federal Relations and Veterans Affairs: The legislature of NH since 1979 has always reaffirmed its original decision for a federal constitutional convention and continues to support the many other state legislatures who wish to improve the federal budget. Former United States Senator from New Hampshire Warren Rudman succeeded some distance toward that goal. Vote 11-3.

Reps. Marple and Riley spoke against.

Reps. Fields and Dickinson spoke in favor.

Rep. Dickinson requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 192 NAYS 90

YEAS 192

BELKNAP

Boyce, Robert	Holbrook, Robert	Johnson, James	Lawton, David
Millham, Alida	Rice, Thomas	Rosen, Ralph	Russell, David
Turner, Robert	Wendelboe, Francine	Wood, Jane	

CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith		

CHESHIRE

Blaisdell, Michael	Doucette, Richard	Manning, Joseph	Royce, H Charles
Zerba, Roger			

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Tholl, John Jr	Woodward, David		

GRAFTON

Akins, Ralph	Alger, John	Dudley, Terri	Hinman, Harry
Marshall, Gene	Phinney, William	Picconi, Al	Scanlan, David
Ward, Brien			

HILLSBOROUGH

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Batula, Peter	Beaupre, Roland	Belvin, William	Bergeron, Lucien
Bergin, Peter	Brundige, Robert	Buckley, Raymond	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Clegg, Robert Jr	Cote, Peter
Craig, James	Daigle, Robert	Dalianis, Griffin	Dawe, Eileen

Desmarais, Vivian	Dokmo, Cynthia	Drabinowicz, A Theresa	Durham, Susan
Emerton, Lawrence	Fenton, James	Fields, Dennis	Fletcher, Richard
Gagnon, Eugene	Goulet, Maurice	Herman, Keith	Holley, Sylvia
Hunter, Bruce	Jean, Claudette	Johnson, Lionel	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lasky, Bette	Leishman, Peter
Leonard, Peter	Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre
McCarty, Winston	McColgan, Philip Jr	McDonough-Wallace, Alice	McGough, Tim
Mercer, Robert	Milligan, Robert	Moran, Edward	Mosher, William
O'Connell, Timothy	O'Hearn, Jane	Pappas, Marc	Rowe, Robert
Sarette, John	Sargent, Maxwell	Simon, Anthony	Turgeon, Roland
Vaillancourt, Steve	Wall, Nancy	White, Donald	Williams, Carol

MERRIMACK

Anderson, Eric	Asplund, Bronwyn	Brewster, Richard	Daneault, Gabriel
Davis, Francis	Fortnam, Janet	Hager, Elizabeth	Hess, David
Jacobson, Alf	Kennedy, Richard	Larrabee, David Sr	Leber, William
Lockwood, Priscilla	Marshall, Kenneth	Nichols, Avis	Poulin, Dave
St Cyr, Gerard	Virtue, Carolyn	Whalley, Michael	Whittemore, James

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Bishop, Franklin
Case, Margaret	Christie, Andrew Jr	Clark, Vivian	Cooney, Richard
Cox, Russell	Dearborn, Bruce	DiFruscia, Anthony	Downing, Michael
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John Sr
Gibbons, Paul	Gleason, John	Grant, Kenneth	Hamel, Albert
Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Lovejoy, Marian	Major, Norman
McKinney, Betsy	Noyes, Richard	O'Neil, Michael	Priestley, Anne
Putnam, Ed II	Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard
Reardon, Neil	Ruffner, Walter	Sabella, Norma	Schanda, Frank
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Verani, Giovanni	Weare, Everett	Zolla, William	

STRAFFORD

Brown, Julie	Cossette, Larry	Domingo, Baldwin	Dunlap, Patricia
Johnson, Nancy	Rollo, Michael	Spear, Barbara	Taylor, Kathleen
Twardus, Joseph	Vachon, Dennis	Wall, Janet	

SULLIVAN

Jones, Constance	Kibbey, David	Leone, Richard	Phinizy, James
Young, David			

NAYS 90

BELKNAP

Pilliod, James

CARROLL

Mock, Henry

CHESHIRE

Batchelder, Robert	Burnham, Daniel	Lynch, Margaret	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Riley, William	Rose, William	

COOS

Rodrigue, Robert

GRAFTON

Almy, Susan	Densmore, Jessica	Guest, Robert	Hall, David
Mirski, Paul	Nordgren, Sharon	Solow, Martha	

HILLSBOROUGH

Arthur, Rose	Bruno, Pierre	Christiansen, Lars	Cote, David
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Curran, James	Daniels, Gary	Dwyer, Paul Sr	Ford, Nancy
Foster, Linda	Franks, Suzan	Garrish, Linda	Gorman, Mary
Hall, Betty	Jean, Loren	Keye, Harvey	Konys, Christine
Lefebvre, Roland	McRae, Karen	Messier, Irene	Moriarty, Mary
Murphy, Robert	Peterson, Andrew	Reidy, Frank	White, John

MERRIMACK

Bouchard, Candace	Chase, George	Fraser, Marilyn	French, Barbara
Gile, Mary	Langer, Ray	Marple, Richard	Moore, Carol
Potter, Frances	Seldin, Gloria	Soltani, Tony	Wallin, Jean
Wallner, Mary Jane	Yeaton, Charles		

ROCKINGHAM

Beaulieu, Jon	Clark, Martha	Francoeur, Sheila	Kelley, William
Packard, Sherman	Pitts, Jacqueline	Sapareto, Frank	Shelton, Richard
Shultis, Elizabeth	Splaine, James	Stickney, Nancy	Vaughn, Charles
Weatherspoon, Jackie	Welch, David	Weyler, Kenneth	

STRAFFORD

Brennan, William	Kaen, Naida	Keans, Sandra	Knowles, William
McKinley, Robert	Pelletier, Arthur	Pelletier, Marsha	Smith, Marjorie
Snyder, Clair	Woods, Phyllis		

SULLIVAN

Burling, Peter	Cloutier, John	Donovan, Thomas Jr	Flint, Gordon Sr
Tuthill, John	Wiggins, Celestine		

and the report was adopted.

SB 426-FN, relative to boat dealers and repairers. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Sherman A. Packard for the Majority of Transportation: This bill is adding a third section to the use of utility plates. The original Senate version created a new plate. The House Transportation Committee felt that it was unnecessary to do that. The majority felt that just expanding the current use of utility plates to accommodate the needs of those that use utility plates was more practicable. This is what the amendment does. Vote 7-6.

Rep. William W. Mosher for the Minority of Transportation: The minority of the committee felt the amended bill did not adequately address the needs of boat dealers or manufacturers in regards to transportation of customer owned equipment that needs to be repaired, serviced or evaluated. This amended bill would require all trailers to be registered to the owner before the dealer could move the trailer. In our opinion, this would cause a hardship on the business community.

Amendment (4082h)

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

1 New Paragraph; Use of Utility Dealer Plate by Boat Manufacturers or Dealers. Amend RSA 261:121 by inserting after paragraph II the following new paragraph:

III. A utility plate may be used by a manufacturer or dealer of boats or boat trailers, or his or her employees or agents for the transportation of boats in the ordinary course of business, which shall include the sale, delivery, and repair of such boats, provided, however, that the boat trailer is owned or leased by the manufacturer or dealer of boats or boat trailers, or his or her employees or agents.

2 Effective Date. This act shall take effect July 1, 2000.

AMENDED ANALYSIS

This bill permits boat manufacturers or dealers to use dealer utility plates when transporting boats in the ordinary course of business.

Rep. Packard spoke against.

The amendment failed.

Rep. Packard offered a floor amendment.

Floor Amendment (4169h)

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

1 New Paragraphs; Use of Utility Plates by Boat Manufacturers and Dealers. Amend RSA 261:121 by inserting after paragraph II the following new paragraphs:

III. A utility plate may be used by a manufacturer or dealer of boats or boat trailers, or his or her employees or agents contracted by the manufacturer or dealer, for the transportation of boats in the ordinary course of business, which shall include the sale, demonstration, delivery, and repair of such boats.

IV. A utility plate may be used by a manufacturer or dealer of boats or boat trailers, or his or her employees or agents contracted by the manufacturer or dealer, on a boat trailer not owned or leased by the manufacturer or dealer if used for the purpose of transporting a boat or boat trailer to and from his or her place of business for repair or service.

2 Effective Date. This act shall take effect July 1, 2000.

AMENDED ANALYSIS

This bill permits boat manufacturers and dealers to use utility plates when transporting boats in the ordinary course of business.

Rep. Packard spoke in favor.

Adopted.

Report adopted and ordered to third reading.

SB 320, relative to ballot counting in cooperative school districts and relative to ratifying the Inter-Lakes cooperative school district meeting held on March 8, 2000. OUGHT TO PASS WITH AMENDMENT

Rep. Warren C. Henderson for Education: As amended, SB 320 ratifies the March 8, 2000 Inter-Lakes School District annual meeting and the March 10, 2000 Plainfield School District annual meeting. A substantial element of the original bill, requiring co-operative school districts to count ballots and report results for each town within the co-operative district separately, was eliminated when the committee could not get a clear sense of the current state of the law or the demonstrated need for that portion of the bill. Vote 18-0.

Amendment (4098h)

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

AN ACT relative to ratifying the Inter-Lakes cooperative school district meeting held on March 8, 2000; and relative to ratifying the Plainfield school district annual meeting held on March 10, 2000.

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

1 Ratification of the March 8, 2000 Inter-Lakes Cooperative School District Annual Meeting. All acts, votes, notices, and proceedings of the Inter-Lakes cooperative school district annual meeting held on March 8, 2000 are hereby legalized, ratified, and confirmed.

2 Ratification of the March 10, 2000 Plainfield School District Annual Meeting. All acts, votes, notices, and proceedings of the Plainfield school district annual meeting held on March 10, 2000, and the related public hearing held on February 15, 2000, are hereby legalized, ratified, and confirmed.

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

AMENDED ANALYSIS

This bill also ratifies all acts, votes, notices, and proceedings of the Inter-Lakes cooperative school district meeting held on March 8, 2000 and the Plainfield school district meeting held on March 10, 2000.

Rep. Christiansen spoke against.

Rep. Durham spoke in favor.

Adopted.

Report adopted and ordered to third reading.

SB 416-FN, relative to licensure of dietitians. OUGHT TO PASS WITH AMENDMENT

Rep. Nancy C. Stickney for Executive Departments and Administration: This bill licenses only the dietitians but has no impact on those individuals who practice as nutritionists. This bill sets a standard that insures that everyone practicing as a dietitian shall have met the requirements set forth for education, training and experience necessary to be qualified to meet the provisions of the bill and to protect their consumers and patients. It establishes a board which will have the powers and duties relative to their practice as well as penalties for violations of the laws that are relative to their practice. Vote 16-1.

Amendment (4050h)

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

1 New Chapter; Licensed Dietitians. Amend RSA by inserting after chapter 326-G the following new chapter:

CHAPTER 326-H

Licensed Dietitians

326-H:1 Short Title. This chapter may be cited as the "Dietitians Licensure Act."

326-H:2 Purpose. The general court recognizes that dietitians play an important role in treating illness, injury, and other medical conditions; and in improving the quality of life of seriously ill patients; all of which can result in cost savings to the health care system. The general court finds and declares that the practices of dietitians in the state of New Hampshire affect public health, safety, and welfare; these practices make important and distinct contributions to patient care, and it is in the public's best interest to have qualified individuals who practice in this profession. In doing so, the general court recognizes that there are many aspects of nutrition and it is not the purpose of this act to restrict the ability of any person to provide advice, counseling, or assessments in matters of food, diet, or nutrition and to receive compensation for such services, thereby assuring that all persons can obtain nutrition and dietary information, dietary counseling, and information regarding food, food products, dietary supplements, and their proper use, from any source of that person's choosing. The purpose of this act, therefore, is to establish regulations and standards of qualification, training, and experience for individuals who are practicing dietitians.

326-H:3 Definitions. In this chapter:

I. "Board" means the board of licensed dietitians.

II. "Commission on Dietetic Registration" means the national autonomous credentialing body.

III. "Dietitian" means a person who is a food and nutrition professional who meets the minimum academic and professional requirements that have enabled that individual to be credentialed by the Commission on Dietetic registration as a registered dietitian.

326-H:4 Exceptions.

I. This chapter shall not apply to a dietitian who is:

- (a) Serving in the armed forces of the United States;
- (b) Engaged in a state or federally funded public health program;
- (c) Employed by the Veterans Administration, provided such dietetic activities are related to such service or employment; or
- (d) Licensed, certified, or registered under other laws of this state who is performing services within his or her authorized scope of practice.

II. Nothing in this chapter shall be construed to restrict, prevent, or otherwise interfere with a person who does not hold himself or herself out as a licensed dietitian from providing advice, counseling or assessments in matters of food, diet or nutrition; or from marketing or distributing food products, including dietary supplements as defined by the federal Dietary Supplement Health and Education Act; or from providing explanations to or communicating with customers with regard to the uses of such products.

326-H:5 License Required; License Title.

I. No person shall practice or represent himself or herself as a dietitian in this state without first applying for and receiving a license from the board to practice as a licensed dietitian.

II. Licensees shall use the title "licensed dietitian" and the recognized abbreviation "LD".

326-H:6 Scope of Practice. Licensed dietitians shall be authorized to practice applications from food, nutrition, biochemistry, physiology, management, behavioral, and social sciences used in the treatment of illness, injury and other medical conditions, and the maintenance of human health.

326-H:7 Board of Licensed Dietitians; Removal; Expenses.

I. There is established a board of licensed dietitians, consisting of 5 members. Initial appointments shall be made pursuant to RSA 326-H:8. Thereafter, the board shall be appointed by the governor with consent of the executive council and shall consist of 4 licensed dietitians and one public member.

II. Members of the board shall serve 3-year terms, shall hold office until successors are appointed and qualified, and shall serve no more than 2 consecutive terms.

III. The board may remove a member for malfeasance, misfeasance, or nonfeasance.

IV. Each member of the board shall be reimbursed for in-state actual and necessary travel expenses incurred in the discharge of official duties at the state employee mileage rate.

V. All members of the board shall have been residents of this state for at least 3 years immediately preceding appointment to the board. The public member shall not be, nor ever have been, a member of the dietitian profession nor have or have had a material, financial interest in either the provision of dietitian services or an activity directly related to the dietitian profession, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

VI. The commissioner of the department of health and human services shall provide administrative services to the board. All administrative services shall be at a cost to the board and shall be reimbursed by fees collected by the board through rules adopted under RSA 326-H:10.

326-H:8 Initial Appointments; Meeting; Election of Initial Chairperson.

I. The initial appointments to the board shall be made by the governor with the consent of the executive council and shall serve initial terms as follows: 2 practicing dietitians who shall serve a term of one year; and 2 practicing dietitians and one public member who shall serve a term of 2 years.

II. The initial board members shall be appointed within 6 months of January 1, 2001. The initial chairperson shall be elected from among the board members no later than the second meeting of the board.

326-H:9 Duties of the Board. The board shall:

I. Conduct meetings as required.

II. Select a chairperson and officers from the members of the board.

III. Maintain a true record of the board's official acts which shall be public and open to inspection at all reasonable times, except for records compiled in connection with disciplinary proceedings.

IV. Adopt a code of ethics for the practices of licensed dietitians in this state.

326-H:10 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. The application procedures for licensure or temporary licensure to practice as a licensed dietitian in this state.

II. The renewal, suspension, revocation, and reinstatement of licenses.

III. The establishment of license fees.

IV. Educational qualifications for licensure.

V. The conditions and fees for licensing out-of-state dietitians.

VI. Continuing education requirements.

VII. Procedures for investigations and hearings held under this chapter.

VIII. Procedures for appealing hearing board decisions.

326-H:11 Immunity from Civil Action. No civil action shall be maintained against the board or any member of the board or its agents or employees, against any organization or its members, or against any other person for or by reason of any statement, report, communication, or testimony to the board or determination by the board in relation to proceedings under this chapter.

326-H:12 Requirements for Licensure. To be eligible to be a licensed dietitian under this chapter, an applicant shall:

I. Hold a baccalaureate or higher degree from a regionally accredited college or university in the United States and have completed a major course of study in human nutrition, nutrition education, food and nutrition, dietetics, public health nutrition, or food systems management;

II. Have successfully completed a dietetic internship of no less than 900 hours, pre-professional practice program, or coordinated program with documented experience in the practice of dietetics under supervision of a registered, certified, or licensed dietitian;

III. Have successfully passed the examination administered by the Commission on Dietetic Registration; and

IV. Maintain continuing professional education requirements as determined by the board.

326-H:13 Reciprocity. The board may, in its discretion, grant a license under this chapter to an individual certified or licensed in another state if it determines that the requirements or standards for certification or licensure in that state are equivalent to, or greater than, those established by this chapter.

326-H:14 Issuance, Expiration, and Renewal of License.

I. The board shall license as a dietitian each applicant who proves to the satisfaction of the board his or her qualifications under this chapter and under rules adopted by the board under RSA 326-H:10. The board shall issue to each person qualified a license, which shall be prima facie evidence of the right of the person to whom it is issued to represent himself or herself as a licensed dietitian subject to the conditions and limitations of this chapter.

II. All licenses issued by the board shall be valid for 2 years from the date of issuance and shall be renewed biennially or reissued pursuant to rules adopted and upon payment of fees established by the board. The board shall cause notification of impending license expiration to be sent to each licensed person at least 60 days prior to the expiration of the license.

III. Any person licensed under this chapter who seeks to renew his or her license shall provide to the board satisfactory documentation of the required continuing professional education.

IV. Any person who fails to renew a license issued under this chapter may be issued a license only upon reapplication for licensure.

326-H:15 Continuing Professional Education. It shall be deemed sufficient for the renewal of a license issued under this chapter for an applicant for renewal to have completed 20 hours of continuing professional education related to the relevant practice in the previous 24 months. Continuing education programs shall be approved by the board.

326-H:16 Suspension and Revocation of License. The board, after a hearing, may suspend or revoke the license of any person who:

- I. Has obtained the license by fraudulent or deceitful means.
- II. Has been convicted of a class A felony or found guilty of malpractice or gross misconduct in practice as a dietitian.
- III. Has engaged in dishonest or unethical conduct which the board has specified in rules adopted under RSA 326-H:10 as sufficient to merit suspension or revocation.
- IV. By reason of negligent habits, neglect, willful action, or other causes engaged in actions inconsistent with the health of the person or persons under the care of the licensee.
- V. Has violated any provision of this chapter.

326-H:17 Hearings.

I. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by registered mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within 3 months of the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

II. The board may administer oaths or affirmations, preserve testimony, and issue subpoenas, upon the approval of the attorney general, for witnesses and for documents relative to formal investigations or adjudicatory hearings.

III. Witnesses summoned before the board shall be paid the same fees as witnesses summoned to appear before the superior court, and such summons issued by any justice of the peace shall have the same effect as though issued for appearance before such court.

IV. All notice and hearing procedures shall comply with RSA 541-A.

326-H:18 Reinstatement. Any person whose license has been suspended or revoked by the board may apply to the board, in writing, to request a hearing for reinstatement. Upon a hearing, the board may issue a new license or modify the suspension or revocation of the license.

326-H:19 Offenses. It shall be a class B misdemeanor for any person to:

I. Sell, fraudulently obtain, or furnish any license established under this chapter or aid and abet such conduct.

II. Practice as a licensed dietitian under the guise of any diploma, permit, certificate, license, or record illegally or fraudulently obtained or issued.

III. Impersonate in any manner a licensed dietitian by use of any title that contains the word "dietitian", use of the abbreviation "LD", or use any words, signs, symbols, or devices which represent a person licensed under this chapter.

IV. Fail to notify the board of the suspension, probation, or revocation of any past or present license, certification, or registration required to practice as a dietitian in this or any other jurisdiction.

V. Make false representations or impersonate or act as proxy for another person or allow or aid any person to impersonate him or her in connection with any examination or application for licensure or request to be licensed.

VI. Violate any other provision of this chapter.

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

Adopted.

Rep. Stickney offered a floor amendment.

Floor Amendment (4180h)

Amend RSA 326-A:10 as inserted by section 1 of the bill by replacing it with the following:

326-H:10 Rulemaking.

I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The application procedures for licensure or temporary licensure to practice as a licensed dietitian in this state.

(b) The renewal, suspension, revocation, and reinstatement of licenses.

(c) The establishment of license fees.

(d) Educational qualifications for licensure.

(e) The conditions and fees for licensing out-of-state dietitians.

(f) Continuing education requirements.

(g) Procedures for investigations and hearings held under this chapter.

(h) Procedures for appealing hearing board decisions.

II. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.

Rep. Stickney spoke in favor.

Adopted.

Report adopted and ordered to third reading.

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, May 4, 2000 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 325, relative to denial, revocation or suspension of a child care provider license, permit or registration for a felony conviction.

SB 394-FN, making miscellaneous changes in the insurance laws.

HCR 35, urging the United States Food and Drug Administration to defer its proposed rules requiring pasteurization for apple cider and consider adoption of alternative processing standards.

SB 407, relative to dog licensure.

SB 443-FN, relative to veterinarian reimbursement for the animal population control program.

SB 372, relative to certain engineering businesses.

SB 390-FN, relative to vested deferred retirement benefits for group II members.

SB 417, allowing a beneficiary of an optional allowance under the New Hampshire retirement system to renounce his or her benefits.

SB 322, extending the needle exchange pilot program.

SB 456, relative to testing newborns for deafness.

SB 327, relative to responsibility of the employee and perjury under workers' compensation.

SB 364, relative to benefits for permanent bodily losses under workers' compensation.

SB 402-FN, relative to employee reimbursement for work-related expenses.

SB 370, relative to reflectors on bicycle pedals.

SB 431, relative to certain secondary vocational education programs.

SB 307, relative to biosolids and short paper fiber.

SB 403-FN-A, making an appropriation to the department of agriculture, markets, and food for the inspection of apiaries and honeybee swarms.

SB 434, exempting soil that is contaminated by lead due to use as a police training shooting range from hazardous waste cleanup fund fees.

SB 311, relative to the recovery of public assistance.

HB 1452, codifying the powers and duties of the joint committee on legislative facilities.

SB 339-FN, relative to conducting a feasibility study of various alternatives to enhance safety at the traffic circle in the city of Portsmouth.

SB 455, relative to campgrounds.

SB 426-FN, relative to boat dealers and repairer.

SB 320, relative to ballot counting in cooperative school districts and relative to ratifying the Inter-Lakes cooperative school district meeting held on March 8, 2000.

SB 416-FN, relative to licensure of dietitians.

unanimous consent

Rep. Wendelboe requested Unanimous Consent.

Rep. Knowles objected.

The Speaker called for a vote. On a voice vote, Rep. Wendelboe was granted permission to address the House.

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

Adopted.

Rep. Wendelboe: Thank you, Madam Speaker and fellow House members. This House often recognizes the passing of historic anniversaries. For example, as long as the good member from New London remains in this House, I will always be moved by his comments about Iwo Jima. Five years ago, I came to this well for the first time as a freshman and spoke about a very bittersweet anniversary of my generation. Next week is the 25th anniversary of the fall of Saigon. It was the end of a period of great turmoil in our country. It brought to close protesting, dissent over the war, a change in our actual involvement with war. It was the first time that war actually came into our living rooms. Our evenings were capped watching the news and hearing the new phrase of the daily body count. And, finally, that view of the helicopters frantically trying to evacuate Saigon. In light of this anniversary, I'd like to recognize the service and sacrifice of the men and women who did serve our country in Southeast Asia. In 1975, after Saigon fell and Ho Chi Minh City arose, there was no joyous victory parade, there were no tickertape parades, there were no outpourings of national pride in victory. The honor of one's service and sacrifice should not be diminished by the outcome or the political opinion of that war, whether it is a war of the past, the present or one in the future. I hope this body will join with me in reiterating that the Vietnam Veterans are welcome home and that we appreciate the service and sacrifice that they gave just as their fathers and grandfathers gave in earlier wars. This summer "The Moving Wall" is coming to our state again, to Rochester, and I hope you'll all take the opportunity to visit that memorial, to take our families, and to make them as aware of Vietnam as my parents made me aware of the service of my ancestors in prior wars, from World War I to Korea and World War II. Thank you, Madam Speaker and thank you for your indulgence at this late hour.

Rep. Mock addressed the House.

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

Adopted.

Rep. Mock: Madam Speaker and members of the House, I rise today because I think it is important that in view of your tremendous support given to my committee last week, that I stand here today to sort of defend ourselves in one sense and in another sense to let you know what is happening. We have been accused in the last few hours of carrying on secret meetings. I am standing here today to tell you that you asked us to do an investigation. You did not ask us to carry on a legislative hearing. If we are going to do the investigation that you asked us to do, there must absolutely be secrecy and confidentiality. I cannot stress that too much. We will be accused of making errors, we have been. I used the wrong word in a news conference yesterday. That's called heat. My committee and I are prepared to take that heat. I bring this to you because we need your cooperation. I don't need things like an E-mail that was sent to every single republican in this House, apparently, and it says, the very first paragraph, it says, "I have heard that the Judiciary Committee has decided to hold their House Resolution 50 investigation in secret. I have a serious problem with this action." Please, don't take us for being unlearned. This investigation, and that is what it will be, is an investigation, and that means not telling anyone what we learn. Now, everything that can possibly be open will be open. And, so, the question arises, what did you have to go into a secret meeting, with your attorney, and incidentally that was all done in accordance with the Right to Know Law. Why? The best way I can put it is this way. Yesterday the Judiciary Committee first met in public, in public first, to discuss a time line for the investigation and incidentally we've got that pretty hammered out and it looks like we will not be done until the end of June, and then, upon advice of its counsel, we exercised our right, under the law, to meet with counsel behind closed doors to discuss matters of general legal strategy. You don't tell the other camp what you're going to do, especially, we talked about people. We named some names, a list of names, is it fair to those people to have their names splashed all over the place? No, it isn't. That isn't fair. It must be confidential. As soon as it can be let out, it will be let out. Among the items we discussed yesterday, were issues about confidentiality, communication between the members and our counsel, attorney/client privilege and witnesses. Many

issues are a blend between confidential issues, between the attorney and the client and we're the client, about legal strategy and issues of committee procedure. That's the way it has to be. I'm sorry, but you asked us to do it and we will not let you down and we will make everything as public as we possibly can and when this thing is over everything will be public. I thank you, Madam Speaker and I thank you at this later hour.

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 5:35 p.m.

RECESS