

HOUSE RECORD

First Year of the 155th Session of the General Court

Calendar and Journal of the 1997 Session

Vol. 19 Concord N.H. Wednesday, February 5, 1997 No. 19

HOUSE JOURNAL No. 4 (cont.)

Wednesday, January 29, 1997

Rep. Lozeau moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 5

Wednesday, February 5, 1997

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

We give thanks, O God, that You are alive and at large in the world, helping us to become a people of passion for the common good. Hear our prayers on this day for each of these representatives, and especially for Representative Beverly Gage, for the Speaker of the House, Donna Sytek, and for all the staff members who support and enable their work. May their combined efforts further Your will, so that future generations may look upon the legacy of their labors and call them blessed. Amen.

Rep. John Flanders led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. George Brown, Dwyer, Beverly Gage, Gosselin, Hawkinson, Lefebvre, Lovejoy and Ralph Torr, the day, illness.

Reps. Ameen, Bickford, Boriso, Julie Brown, Cloutier, Thomas Colburn, Connolly, David Cote, Crosby, Dolan, Doucette, Gile, Grassie, Griffin, Heath, Holt, Lamach, Lundborn, Lynch, James McDonald, O'Rourke, Arthur Pelletier, Marsha Pelletier, Veazey and Vincent, the day, important business.

Rep. Allison, the day, illness in the family.

INTRODUCTION OF GUESTS

Christopher Weber, son of Rep. Weber. Kelley Ordway and Abram Claude, guests of the Merrimack Delegation.

COMMITTEE REPORTS CONSENT CALENDAR

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

CACR 3, relating to authorizing counties to implement an income tax. Providing that a county may implement an income tax, provided that there is a binding referendum of the voters of the county and approval by the legislature, removed by Rep. Robertson.

Consent Calendar adopted.

HB 130, clarifying the authority of county commissioners to arrange for work by prisoners. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill allows county commissioners to authorize the superintendent of the county correctional facility to arrange for uncompensated public service by prisoners at municipal or nonprofit owned grounds or property. Current law allows arrangements to be made for work by prisoners only at municipally owned recreational facilities or conservation projects. Vote 17-0.

Amendment (0048h)

Amend the bill by replacing section 1 with the following:

1 Uncompensated Public Service by Prisoners. Amend RSA 651:36-a to read as follows:

651:36-a [Work] Uncompensated Public Service by Prisoners. The county commissioners of any county may authorize the superintendent of the county correctional facility to make arrangements with officials of a city [or], town, or nonprofit agency to [work] have prisoners from the county correctional facilities perform uncompensated public service at [municipally] municipal or nonprofit owned [recreational facilities or conservation projects] grounds or property. Prisoners [so worked] sent from the county correctional facility shall be in the custody of the superintendent of county correctional facilities or designee.

AMENDED ANALYSIS

This bill allows county commissioners to authorize the superintendent of the county correctional facility to arrange for uncompensated public service by prisoners at municipal or nonprofit owned grounds or property. Current law allows arrangements to be made for work by prisoners only at municipally owned recreational facilities or conservation projects.

HB 152, relative to permissible fireworks. **RE-REFER TO COMMITTEE**

Rep. Walter J. Mikowski for Criminal Justice and Public Safety: This bill would exempt the Department of Safety from RSA 541-A, Administrative Rules, relative to fireworks. The reason for the bill was to shorten the time for approval of the current listing of permissible fireworks, submitted by the permissible fireworks review committee, RSA 160-B:23,III. The Department of Safety has committed itself to expediting the existing approval process without providing an exemption through law at this time. The committee decided to re-refer to give the department this opportunity. Vote 17-0.

HB 146, relative to gifts by agents under general powers of attorney. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra B. Keans for Judiciary and Family Law: It was unclear to the committee why this legislation is needed. Currently, many estate attorneys write in provisions for gifting. We fear that the individual situation that was cited as being disallowed may be for reasons other than what came out in testimony. This legislation is not needed. Vote 15-0.

HB 153, exempting emergency medical technicians from jury duty. INEXPEDIENT TO LEGISLATE

Rep. Carol H. Holden for Judiciary and Family Law: This bill would exempt emergency medical technicians from jury duty. Testimony before the committee indicated that to do this it would be to further drain the pool of people eligible for jury duty. Vote 15-0.

HB 122, relative to the operation of games of chance conducted by charitable organizations. INEXPEDIENT TO LEGISLATE

Rep. Robert N. Kelley for Local and Regulated Revenues: This bill was loosely drawn and the committee felt that an opening was created for the professionalization of games of chance. This flies in the face of our regard for charitable operations of this ilk. No charity appeared in support of this bill - one individual appeared in support. Vote 16-1.

HB 227, relative to the North Hampton property taxes. OUGHT TO PASS

Rep. Stephen G. Avery for Local and Regulated Revenues: This is basically a housekeeping bill that legitimizes the adjustments to the North Hampton property tax rate. There was no opposition to this bill. Vote 16-0.

HB 216, relative to municipal budgets. OUGHT TO PASS

Rep. Katherine H Metzger for Municipal and County Government: Whenever a governing body or a budget committee fails to make a notation of whether or not to make recommendation on a special warrant article, a problem arises with the Department of Revenue Administration. This bill corrects this problem by providing that defects or deficiencies in these notations shall not affect the legal validity of any appropriations otherwise legally made. Vote 14-0.

HB 251-FN-L, reclassifying a portion of North Main Street in the town of Farmington from a class II to a class V highway. OUGHT TO PASS WITH AMENDMENT

Rep. Henry P. Sullivan for Public Works and Highways: This bill was a request of the Department of Transportation and the town of Farmington, to reclassify a portion of North Main Street in Farmington from a class II to a class V highway. The DOT has rebuilt this section of road and the highway will become a class V road, maintained by the town. The amendment adds a section of Passaconaway Road in Albany under the same stipulations as the original bill. Vote 18-0.

Amendment (0092h)

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

AN ACT reclassifying a portion of North Main Street in the town of Farmington and a portion of Passaconaway Road in the town of Albany.

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

2 Classification Changed. Passaconaway Road, in the town of Albany, beginning at the Albany-Conway town line westerly for a distance of 1.24 miles to the existing class V highway shall be classified as a class V highway 60 days after completion of repaving and drainage work to be performed by the department of transportation.

AMENDED ANALYSIS

This bill reclassifies a portion of North Main Street in the town of Farmington from a class II to a class V highway. The bill also reclassifies a portion of Passaconaway Road in the town of Albany.

HB 115-FN, relative to payment from state funds for damage to cultivated blueberries caused by game.
INEXPEDIENT TO LEGISLATE

Rep. Ronald Nowe for Wildlife and Marine Resources: The Committee felt that the subject matter contained in this bill deserved some comprehensive study which will be incorporated into a pending bill to study the entire subject contained in the game damage statutes. Vote 15-0.

HB 139, relative to fishing in a certain portion of the Pemigewasset river. INEXPEDIENT TO LEGISLATE

Rep. Dennis F. Abbott for Wildlife and Marine Resources: This bill attempts to establish special fishing regulations for a portion of the Pemigewasset River. There are presently sufficient rules which adequately control fishing on all bodies of water. This bill could lead to establishing laws which are better dealt with through the rulemaking process. The Committee did not wish to interfere with the rule making process at this time. Vote 15-0.

HB 159-FN, granting free hunting and fishing licenses to New Hampshire residents that are members of a federally recognized Indian tribe. INEXPEDIENT TO LEGISLATE

Rep. Robert L'Heureux for Wildlife and Marine Resources: Since there was no support for this legislation, the sponsor asked that the bill be voted ITL. Vote 15-0.

REGULAR CALENDAR

HB 112, requiring that all changes in state taxes be passed by a 60 percent majority of each house of the general court. INEXPEDIENT TO LEGISLATE

Rep. Charles L. Vaughn for Finance: This bill as amended could hinder the functioning of the three branches of government. The committee believes that a 50+1 percent majority should remain the margin for the passage of legislation except constitutional amendments. Passage of this bill would empower 41% of this legislature with control. A further requirement that no new taxes on real estate be enacted would put government in an insupportable position if a financial crisis required legislative action. Vote 17-5.

Reps. Vaillancourt and Cobbin spoke against.

Reps. Vaughn and Kurk spoke in favor.

Rep. Cobbin requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 318 NAYS 26

YEAS 318

BELKNAP

Bartlett, Gordon

Boyce, Robert

Clark, Charles

Golden, Paul

Holbrook, Robert

Hurt, George

Lawton, David

Rice, Thomas, Jr.

Rosen, Ralph

Salatiello, Thomas

Thomas, John

Turner, Robert

Ziegra, Alice

CARROLL

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Foster, Robert	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
MacDonald, Kenneth	Patten, Betsey	Philbrick, Donald	

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Champagne, Richard
DePecol, Benjamin	Hunt, John	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	McNamara, Wanda	Meadar, David	Metzger, Katherine
O'Connell, John	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Robertson, Timothy	Royce, H. Charles	Russell, Ronald
Smith, Edwin	Steere, Myron, III	Vogl, John	

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Guay, Lawrence	Horton, Lynn	Mears, Edgar	Merrill, Gerald
Moynihan, Wayne	Pratt, Leighton	St. Hilaire, Paul	Tholl, John, Jr.

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Brown, Channing
Chase, Paul, Jr.	Copenhaver, Marion	Eaton, Stephanie	Guaraldi, Lawrence
Guest, Robert	Hill, Richard	Hinman, Harry	LaMott, Paul
Lovett, Sidney	Luker, Elsa	MacNeil, Allen	Mirski, Paul
Nordgren, Sharon	Phinney, William	Root, John	Teschner, Douglass
Trelfa, Richard	Williams, William, Jr.		

HILLSBOROUGH

Ackerman, Philip	Allen, W. Gordon	Alukonis, David	Amidon, Eleanor
Arnold, Thomas, Jr.	Asselin, Robert	Barry, William, III	Batula, Peter
Belvin, William	Bergin, Peter	Bernier, Shannon	Boutin, David
Briefs, Geoffrey	Brundige, Robert	Calawa, Leon, Jr.	Cardin, Lori
Carlson, Donald	Carney, Lauren	Chabot, Robert	Christiansen, Lars
Clay, Susan	Clemons, Jane	Cote, Peter	D'Allesandro, Lou
Daigle, Robert	Dawe, Eileen	Desrosiers, William	Dokmo, Cynthia
Drabinowicz, A. Theresa	Durham, Susan	Emerton, Lawrence, Sr.	Fenton, James
Ferguson, Charles	Fields, Dennis	Flora, Kathleen	Foster, Joseph
Foster, Linda	Franks, Suzan	Gage, Ruth	Gagnon, Eugene
Ginsburg, Ruth	Golding, William	Goulet, Maurice	Haettenschwiller, Alphonse
Haley, Robert	Hall, Betty	Hansen, Herbert	Herman, Keith
Holden, Carol	Holley, Sylvia	Hunter, Bruce	Jean, Claudette

Johnson, Lionel	Kelley, Robert	Kelly, Michael	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Leishman, Peter	Leonard, Peter
Lessard, Rudy	Lozeau, Donnalee	Luebker, Bernard	Lynde, Harold
MacAuslan, Rita	MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael
McCarthy, William	McCarty, Winston	McGough, Tim	McRae, Karen
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Mittelman, David	Morello, Michael	Murch, George	Murphy, Robert
O'Hearn, Jane	Pepino, Leo	Peterson, Andrew	Piteri, Dawn
Reidy, Frank	Sargent, Maxwell	Searles, Stanley, Sr.	Sullens, Joan
Taylor, Paul	Thulander, O. Alan	Turgeon, Roland	Vaillancourt, Steve
Welch, Donald	Wheeler, Robert	White, Jay	Williams, Carol
Wright, George			

MERRIMACK

Adams, Stephen	Anderson, Eric	Burney, Carol	Colburn, Kathleen
Crowell, Peter	Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam
Feuerstein, Martin	Fraser, Marilyn	French, B.rbara	Hess, David
Hoadley, Elizabeth	Jacobson, Alf	Krueger, Patricia	Langer, Ray
Larrabee, David	Lavoie, Gerard	Leber, William	Lockwood, Robert
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Morrill, Olive
Owen, Derek	Pfaff, Terence	Reardon, Tara	Rogers, Katherine
Seldin, Gloria	St. Cyr, Gerard	Wallin, Jean	Whalley, Michael
Whittemore, James	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Aranda, M. Kathryn	Arndt, Janet	Battles-Peirce, Marjorie
Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn	Carson, Gregory
Case, Margaret	Cegelis, Mark	Christie, Andrew, Jr.	Clark, Martha
Coes, Betsy	Cooney, Richard	Cushing, Robert	Dearborn, Bruce
Dowd, Sandra	Dowling, Patricia	Downing, Michael	Dube, LeRoy
Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John, Sr.	Francoeur, Sheila	Frechette, Joseph	Gibbons, Paul
Gleason, John	Guthrie, Joseph	Henderson, Warren	Hutchinson, Rebecca
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Klemm, Arthur, Jr.	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Major, Norman	Malcolm, Kenneth
McCarthy, John, Jr.	McKinney, Betsy	Micklon, Stephanie	Mikowski, Walter
Millard, Ralph	Moore, Benjamin	Norelli, Terie	Nowe, Ronald
Noyes, Richard	O'Keefe, Patricia	Packard, Sherman	Pantelakos, Laura
Raynowska, Bernard	Reardon, Neil	Rubin, George	Schanda, Frank

Simmons, John Anthony	Smith, Kevin	Stickney, Nancy	Stritch, Charles
Syracusa, Anthony	Varrell, Thomas	Vaughn, Charles	Verani, Giovanni
Weatherspoon, Jackie	Welch, David	Weyler, Kenneth	Woods, Deborah

STRAFFORD

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Hemon, Roland	Hilliard, Dana
Kaen, Naida	Keans, Sandra	Knowles, William	Merrill, Amanda
Merritt, Deborah	Musler, George	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Sullivan, Henry	Taylor, Kathleen	Torr, Ann
Torr, Franklin	Tsiros, William	Twardus, Joseph	Vachon, Dennis
Wall, Janet			

SULLIVAN

Adler, Rudolf	Burling, Peter	Donovan, Thomas	Ferland, Brenda
Krueger, Richard	Leone, Richard	Palmer, Lorraine	Schotanus, Merle
Wiggins, Celestine			

NAYS 26 BELKNAP

Laflam, Robert

CARROLL

Dickinson, Howard, Jr.

CHESHIRE

None

COOS

None

GRAFTON

Cobbin, Philip	Ham, Bonnie	Weber, Phil
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HILLSBOROUGH

Buckley, Raymond	Burke, M. Virginia	Clegg, Robert, Jr.	Clemons, Kevin, Sr.
Daniels, Gary	Feng, David	Hart, Nick	Jean, Loren
Letendre, Evelyn	Martin, Mary	Perkins, Paul	Riley, Frances
White, Donald			

MERRIMACK

Brown, Mary

ROCKINGHAM

Beaulieu, Jon
Morris, Debbie

Camm, Kevin
Stone, Joseph

Dodge, Robert

Dunham, Vivian

STRAFFORD

McCann, William, Jr.

SULLIVAN

None

and the report was adopted.

Rep. Stone voted nay and intended to vote yea.

Rep. Spear did not vote and wished to be recorded in favor.

CACR 5, relating to the status of supreme court rules. Providing that the supreme court rules shall no longer have the force and effect of law. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Sandra Balomenos Keans for the Majority of Judiciary and Family Law: It appears that even the supporters of this legislation agree that if passed this would have no impact. As a co-equal branch of government the courts have the right to set their own administrative rules, just as the legislature sets its own rules. Whether that was fully a part of the question that the voters acted on in 1978 does not change the system. No constitutional question is ever written in its entirety. It was passed by the voters 19 years ago. No evidence was presented that showed any problems directly attributed to the wording of the question. Vote 15-3.

Rep. Paul M. Mirski for the Minority of Judiciary and Family Law: Twelve words. Following approval, in November of 1978, by two thirds of New Hampshire voters, of an amendment unifying New Hampshire's court system, twelve words were added to the text presented on the ballot. The sentence added proclaimed that "The rules so promulgated shall have the force and effect of law". "Shall", "force", "effect" and "law" are words which have powerful connotations when used in contracts, in legislation and in language. The addition of the language "the rules so promulgated shall have the force and effect of law", whether proponents thought it was sympathetic to the amendment or not, put words in the mouths of voters which there is no evidence that they intended to express. Advocates of passage of CACR 5 simply seek to correct an act of voter disenfranchisement perpetrated upon the people of New Hampshire by individuals who believed that they, and not the people, had the right to define and hone the context and constitutional law in New Hampshire.

Reps. Mirski, Adams and Pepino spoke against.

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

Rep. Holden spoke in favor.

Rep. Adams requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 282 NAYS 69
YEAS 282

BELKNAP

Bartlett, Gordon	Boyce, Robert	Clark, Charles	Golden, Paul
Holbrook, Robert	Hurt, George	Lawton, David	Rice, Thomas, Jr.
Rosen, Ralph	Salatiello, Thomas	Thomas, John	Turner, Robert
Ziegra, Alice			

CARROLL

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Foster, Robert	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
MacDonald, Kenneth	Mock, Henry	Patten, Betsey	Philbrick, Donald

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Champagne, Richard
DePecol, Benjamin	Hunt, John	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	Meador, David	Metzger, Katherine	O'Connell, John
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Royce, H. Charles	Russell, Ronald	Smith, Edwin
Vogl, John			

COOS

Bradley, Paula	Davis, Perley	Guay, Lawrence	Horton, Lynn
Mears, Edgar	Moynihan, Wayne	Pratt, Leighton	Tholl, John, Jr.

GRAFTON

Alger, John	Almy, Susan	Below, Clifton	Brown, Channing
Chase, Paul, Jr.	Copenhaver, Marion	Eaton, Stephanie	Guest, Robert
Hill, Richard	LaMott, Paul	Lovett, Sidney	Luker, Elsa
MacNeil, Allen	Nordgren, Sharon	Teschner, Douglass	Williams, William, Jr.

HILLSBOROUGH

Ackerman, Philip	Allen, W. Gordon	Alukonis, David	Amidon, Eleanor
Asselin, Robert	Baroody, Benjamin	Barry, William, III	Batula, Peter
Belvin, William	Bergin, Peter	Briefs, Geoffrey	Brundige, Robert
Calawa, Leon, Jr.	Cardin, Lori	Carlson, Donald	Carney, Lauren
Chabot, Robert	Clay, Susan	Clemons, Jane	Clemons, Kevin, Sr.
Cote, Peter	D'Allesandro, Lou	Daigle, Robert	Daniels, Gary
Dawe, Eileen	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A. Theresa
Durham, Susan	Emerton, Lawrence, Sr.	Feng, David	Ferguson, Charles
Fields, Dennis	Foster, Joseph	Foster, Linda	Franks, Suzan
Gage, Ruth	Gagnon, Eugene	Ginsburg, Ruth	Golding, William
Goulet, Maurice	Haettenschwiller, Alphonse	Hall, Betty	Hansen, Herbert
Hart, Nick	Herman, Keith	Holden, Carol	Holley, Sylvia
Jean, Claudette	Johnson, Lionel	Kelley, Robert	Kelly, Michael
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Leishman, Peter

Leonard, Peter	Lozeau, Donnalee	Luebker, Bernard	Lynde, Harold
MacAuslan, Rita	MacGillivray, Jeffrey	MacIntyre, Doris	McCarty, Winston
McGough, Tim	McRae, Karen	Melcher, Harold	Mercer, Robert
Messier, Irene	Milligan, Robert	Mittelman, David	Murphy, Robert
O'Hearn, Jane	Perkins, Paul	Peterson, Andrew	Piteri, Dawn
Reidy, Frank	Sargent, Maxwell	Searles, Stanley, Sr.	Sullens, Joan
Thulander, O. Alan	Turgeon, Roland	Vaillancourt, Steve	Welch, Donald
Wheeler, Robert	White, Jay	Williams, Carol	Wright, George

MERRIMACK

Anderson, Eric	Burney, Carol	Daneault, Gabriel	DeStefano, Stephen
Dunn, Miriam	Feuerstein, Martin	Fraser, Marilyn	French, B.rbara
Hager, Elizabeth	Hess, David	Hoadley, Elizabeth	Jacobson, Alf
Krueger, Patricia	Lavoie, Gerard	Leber, William	Lockwood, Robert
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Morrill, Olive
Nichols, Avis	Owen, Derek	Pfaff, Terence	Reardon, Tara
Rogers, Katherine	St. Cyr, Gerard	Wallin, Jean	Wallner, Mary Jane
Whalley, Michael	Whittemore, James	Yeaton, Charles	

ROCKINGHAM

Arndt, Janet	Battles-Peirce, Marjorie	Blanchard, MaryAnn	Carson, Gregory
Case, Margaret	Christie, Andrew, Jr.	Clark, Martha	Coes, Betsy
Cooney, Richard	Cushing, Robert	Dearborn, Bruce	Dowd, Sandra
Dowling, Patricia	Downing, Michael	Felch, Charles, Sr.	Flanagan, Natalie
Flanders, John, Sr.	Francoeur, Sheila	Frechette, Joseph	Gleason, John
Guthrie, Joseph	Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Klemm, Arthur, Jr.	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Major, Norman	Malcolm, Kenneth	McCarthy, John, Jr.
McGovern, Cynthia	McKinney, Betsy	Mikowski, Walter	Moore, Benjamin
Norelli, Terie	Nowe, Ronald	Noyes, Richard	O'Keefe, Patricia
Packard, Sherman	Pantelakos, Laura	Raynowska, Bernard	Reardon, Neil
Rubin, George	Sabella, Norma	Schanda, Frank	Simmons, John Anthony
Smith, Kevin	Stickney, Nancy	Stone, Joseph	Syracusa, Anthony
Tufts, J. Arthur	Vaughn, Charles	Verani, Giovanni	Weatherspoon, Jackie
Weyler, Kenneth	Woods, Deborah		

STRAFFORD

Callaghan, Frank	Dunlap, Patricia	Estabrook, Iris	Hilliard, Dana
Kaen, Naida	Keans, Sandra	Knowles, William	Merrill, Amanda
Merritt, Deborah	Musler, George	Rogers, Rose Marie	Rollo, Michael

Smith, Marjorie
Taylor, Kathleen
Twardus, Joseph

Snyder, Clair
Torr, Ann
Vachon, Dennis

Spear, Barbara
Torr, Franklin
Wall, Janet

Sullivan, Henry
Tsiros, William

SULLIVAN

Burling, Peter
Leone, Richard

Donovan, Thomas
Palmer, Lorraine

Ferland, Brenda
Schotanus, Merle

Krueger, Richard
Wiggins, Celestine

NAYS 69 BELKNAP

Laflam, Robert

CARROLL

Dickinson, Howard, Jr.

CHESHIRE

Steere, Myron, III

COOS

Coulombe, Henry

Coulombe, Yvonne

Merrill, Gerald

St. Hilaire, Paul

GRAFTON

Akins, Ralph
Mirski, Paul
Weber, Phil

Cobbin, Philip
Phinney, William

Ham, Bonnie
Root, John

Hinman, Harry
Trelfa, Richard

HILLSBOROUGH

Arnold, Thomas, Jr.
Burke, M. Virginia
Flora, Kathleen

Bernier, Shannon
Christiansen, Lars
Haley, Robert

Boutin, David
Clegg, Robert, Jr.
Hunter, Bruce
Marcinkowski,
Michael

Buckley, Raymond
Fenton, James
Jean, Loren

Lessard, Rudy

Letendre, Evelyn

Marcinkowski,
Michael

Martin, Mary

McCarthy, William
Taylor, Paul

Murch, George
White, Donald

Pepino, Leo

Riley, Frances

MERRIMACK

Adams, Stephen
Langer, Ray

Brown, Mary
Larrabee, David

Colburn, Kathleen
Seldin, Gloria

Crowell, Peter

ROCKINGHAM

Aranda, M. Kathryn
Camm, Kevin
Dunham, Vivian
Micklon, Stephanie

Beaulieu, Jon
Cegelis, Mark
Fesh, Robert
Millard, Ralph

Belanger, Ronald
Dodge, Robert
Flanders, David
Morris, Debbie

Bishop, Franklin
Dube, LeRoy
Gibbons, Paul
Stritch, Charles

Varrell, Thomas

Welch, David

STRAFFORD

Brennan, William

DeChane, Marlene

Hemon, Roland

McCann, William, Jr.

McKinley, Robert

SULLIVAN

Adler, Rudolf

and the report was adopted.

HB 201-L, allowing municipalities to apply the amount of a property tax abatement refund to outstanding taxes owed by the taxpayer. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Douglass P. Teschner for the Majority of Local and Regulated Revenues: This bill, which is supported by the NH Municipal Association, allows local selectmen or assessors to apply funds from property tax abatements to overdue taxes then owed to that municipality by the taxpayer. Under a 1993 rule by the Board of Land and Tax Appeals, rebates awarded on appeal must be repaid to the taxpayer by check or cash. The bill arose out of a case in which taxpayers took such abatements in cash and then failed to make overdue tax payments to their community. This bill will reduce the possibility of this occurring in the future. The bill only applies to outstanding taxes, not to future taxes, and is enabling only. Vote 12-5.

Rep. Jean R. Wallin for the Minority of Local and Regulated Revenues: If an abatement has been granted to a taxpayer, taxes were judged to have been wrongfully collected. The minority feels that the individual taxpayer should have the freedom to decide how that money should be used. If someone has not paid their taxes, it is possible that the abatement amount needs to be used for mortgage payments, medical treatment, or food. Further, the minority feels there is no standard procedure for the local officials to follow when deciding who receives the cash and who has their abatement applied to back taxes.

Reps. Boutin and Linda Foster spoke against and yielded to questions.

Reps. Teschner and Pantelakos spoke in favor.

Reps. Coes and Wallin spoke against.

Rep. Hess spoke in favor and yielded to questions.

Rep. Teschner requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 198 NAYS 146

YEAS 198

BELKNAP

Bartlett, Gordon

Boyce, Robert

Clark, Charles

Golden, Paul

Holbrook, Robert

Hurt, George

Lawton, David

Rosen, Ralph

Thomas, John

Ziegra, Alice

CARROLL

Babson, David, Jr.

Bradley, Jeb

Chandler, Gene

Cooper, Kipp

Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy	MacDonald, Kenneth	Mock, Henry	Patten, Betsey
Philbrick, Donald			

CHESHIRE

Avery, Stephen	Hunt, John	Manning, Joseph	Metzger, Katherine
Royce, H. Charles	Smith, Edwin		

COOS

Coulombe, Yvonne	Davis, Perley	Guay, Lawrence	Tholl, John, Jr.
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GRAFTON

Akins, Ralph	Alger, John	Brown, Channing	Chase, Paul, Jr.
Eaton, Stephanie	Guaraldi, Lawrence	Hill, Richard	Hinman, Harry
Teschner, Douglass	Trelfa, Richard	Williams, William, Jr.	

HILLSBOROUGH

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Bergin, Peter	Bernier, Shannon	Briefs, Geoffrey
Brundige, Robert	Burke, M. Virginia	Calawa, Leon, Jr.	Carlson, Donald
Carney, Lauren	Chabot, Robert	Clay, Susan	Daigle, Robert
Daniels, Gary	Dawe, Eileen	Desrosiers, William	Dokmo, Cynthia
Durham, Susan	Emerton, Lawrence, Sr.	Feng, David	Fenton, James
Fields, Dennis	Flora, Kathleen	Franks, Suzan	Gagnon, Eugene
Ginsburg, Ruth	Golding, William	Goulet, Maurice	Hansen, Herbert
Herman, Keith	Holden, Carol	Johnson, Lionel	Kelley, Robert
Kelly, Michael	Kurk, Neal	L'Heureux, Robert	Leishman, Peter
Leonard, Peter	Letendre, Evelyn	Lozeau, Donnalee	Luebker, Bernard
MacAuslan, Rita	MacGillivray, Jeffrey	MacIntyre, Doris	McCarty, Winston
McGough, Tim	McRae, Karen	Mercer, Robert	Milligan, Robert
Mittelman, David	O'Hearn, Jane	Peterson, Andrew	Piteri, Dawn
Riley, Frances	Sargent, Maxwell	Searles, Stanley, Sr.	Sullens, Joan
Thulander, O. Alan	Wheeler, Robert	White, Donald	Wright, George

MERRIMACK

Adams, Stephen	Anderson, Eric	Crowell, Peter	DeStefano, Stephen
Feuerstein, Martin	Fraser, Marilyn	Hager, Elizabeth	Hess, David
Jacobson, Alf	Krueger, Patricia	Langer, Ray	Larrabee, David
Leber, William	Lockwood, Robert	Marshall, Kenneth	Maxfield, Roy
Morrill, Olive	Nichols, Avis	Pfaff, Terence	Reardon, Tara
Whalley, Michael	Whittemore, James		

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Battles-Peirce, Marjorie	Belanger, Ronald
Bishop, Franklin	Camm, Kevin	Carson, Gregory	Case, Margaret
Christie, Andrew, Jr.	Cooney, Richard	Dearborn, Bruce	Dowd, Sandra
Dube, LeRoy	Dunham, Vivian	Felch, Charles, Sr.	Flanders, David
Flanders, John, Sr.	Francoeur, Sheila	Frechette, Joseph	Gleason, John
Guthrie, Joseph	Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert
Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph	Langone, John
Letourneau, Robert	Major, Norman	Malcolm, Kenneth	McCarthy, John, Jr.
McKinney, Betsy	Mikowski, Walter	Norelli, Terie	Nowe, Ronald
Noyes, Richard	Packard, Sherman	Pantelakos, Laura	Raynowska, Bernard
Reardon, Neil	Sabella, Norma	Simmons, John Anthony	Smith, Kevin
Stickney, Nancy	Stone, Joseph	Tufts, J. Arthur	Varrell, Thomas
Vaughn, Charles	Verani, Giovanni	Welch, David	Weyler, Kenneth
Woods, Deborah			

STRAFFORD

Brennan, William	Callaghan, Frank	Dunlap, Patricia	Kaen, Naida
Keans, Sandra	McKinley, Robert	Merritt, Deborah	Spear, Barbara
Torr, Ann	Torr, Franklin	Tsiros, William	

SULLIVAN

Adler, Rudolf	Krueger, Richard	Leone, Richard	Schotanus, Merle
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NAYS 146

BELKNAP

Laflam, Robert	Rice, Thomas, Jr.	Salatiello, Thomas	Turner, Robert
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CARROLL

CHESHIRE

Bonneau, Sarah	Burnham, Daniel	Champagne, Richard	DePecol, Benjamin
Lynott, Margaret	McGuirk, Paul	Meadar, David	O'Connell, John
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Steere, Myron, III	Vogl, John

COOS

Bradley, Paula	Coulombe, Henry	Horton, Lynn	Mears, Edgar
Moynihan, Wayne	Pratt, Leighton	St. Hilaire, Paul	

GRAFTON

Almy, Susan	Below, Clifton	Cobbin, Philip	Copenhaver, Marion
Guest, Robert	Ham, Bonnie	LaMott, Paul	Lovett, Sidney
Luker, Elsa	MacNeil, Allen	Nordgren, Sharon	Phinney, William
Root, John	Weber, Phil		

HILLSBOROUGH

Ackerman, Philip	Allen, W. Gordon	Asselin, Robert	Baroody, Benjamin
Barry, William, III	Boutin, David	Buckley, Raymond	Cardin, Lori
Christiansen, Lars	Clegg, Robert, Jr.	Clemons, Jane	Clemons, Kevin, Sr.
Cote, Peter	D'Allesandro, Lou	Drabinowicz, A. Theresa	Ferguson, Charles
Foster, Joseph	Foster, Linda	Gage, Ruth	Haettenschwiller, Alphonse
aley, Robert	Hall, Betty	Hart, Nick	Holley, Sylvia
Hunter, Bruce	Jean, Claudette	Jean, Loren	LaRose, Richard
Lessard, Rudy	Lynde, Harold	Marcinkowski, Michael	Martin, Mary
McCarthy, William	Melcher, Harold	Messier, Irene	Murch, George
Murphy, Robert	Pepino, Leo	Perkins, Paul	Reidy, Frank
Taylor, Paul	Turgeon, Roland	Vaillancourt, Steve	Welch, Donald
Williams, Carol			

MERRIMACK

Brown, Mary	Burney, Carol	Daneault, Gabriel	Dunn, Miriam
French, B.rbara	Hoadley, Elizabeth	Moore, Carol	Owen, Derek
Rogers, Katherine	Seldin, Gloria	St. Cyr, Gerard	Wallin, Jean
Yeaton, Charles			

ROCKINGHAM

Beaulieu, Jon	Blanchard, MaryAnn	Cegelis, Mark	Coes, Betsy
Cushing, Robert	Dodge, Robert	Dowling, Patricia	Downing, Michael
Fesh, Robert	Flanagan, Natalie	Gibbons, Paul	Kane, Cecelia
Katsakiores, George	Kelley, Jane	McGovern, Cynthia	Micklton, Stephanie
Millard, Ralph	Moore, Benjamin	Morris, Debbie	O'Keefe, Patricia
Rubin, George	Schanda, Frank	Stritch, Charles	Syracusa, Anthony
Weatherspoon, Jackie			

STRAFFORD

DeChane, Marlene	Estabrook, Iris	Hemon, Roland	Hilliard, Dana
Knowles, William	McCann, William, Jr.	Merrill, Amanda	Musler, George
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Sullivan, Henry	Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis
Wall, Janet			

SULLIVAN

Burling, Peter	Donovan, Thomas	Ferland, Brenda	Palmer, Lorraine
Wiggins, Celestine			

and the report was adopted.

Ordered to third reading.

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

Amendment (0028h)

HB 186-FN, relative to fees for number plates. OUGHT TO PASS WITH AMENDMENT

Rep. Roland M. Turgeon for Transportation: Due to the increase in the cost of material, manufacturing and mailing of reflectorized plates, the committee found it was necessary to increase the fee from \$1.50 to \$2.50 per plate on the issuance of the original plates to cover the cost on the new reflectorized plates. Vote 18-0.

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

AN ACT relative to fees for number plates and reducing the amount of the inventory fund in the department of safety.

Amend the bill by replacing section 1 with the following:

1 Fee Increased. Amend RSA 228:25, I to read as follows:

I. There is hereby established an inventory fund in the department of safety in the amount of [~~\$2,000,000~~] **\$1,000,000** which sum is hereby authorized as a revolving fund comprised of funds in the highway fund that are not otherwise appropriated. The prison shall purchase such raw materials as may be required and agreed to by the commissioner of safety in order for the commissioner of safety to issue fully reflectorized motor vehicle number plates. This purchase shall be a charge against the inventory fund and the prison shall be responsible for the control and accountability of the raw materials so charged. Said number plates shall be manufactured at the state prison. The prison shall be furnished out of said inventory account the raw materials necessary to manufacture said plates and upon receipt of the finished plates by the department of safety shall be reimbursed for their direct and indirect costs. The commissioner of safety shall, annually, request the commissioner of administrative services to review and approve said cost rates. Notwithstanding any other provision of law, the commissioner of safety shall charge in addition to the regular motor vehicle registration fee the sum of [~~\$1.50~~] **\$2.50** per plate at the time of issuing said reflectorized motor vehicle number plates or replacement reflectorized number plates. Said additional charge shall not give the registrant any title or other property interest in said plates. The commissioner of safety or [~~his~~] deputy may request from time to time delivery of [~~said~~] **the** number plates from the prison and shall reimburse [~~said~~] **the** inventory fund by a transfer from revenue. At least 6 months prior to subsequent general issue, a transfer from revenue shall be made for all remaining finished plates in inventory.

AMENDED ANALYSIS

This bill increases the annual registration fee for number plates from \$1.50 to \$2.50.

The bill also reduces the amount of the inventory fund in the department of safety from \$2,000,000 to \$1,000,000.

Adopted.

Report adopted and referred to Finance.

CACR 3, relating to authorizing counties to implement an income tax. Providing that a county may implement an income tax, provided that there is a binding referendum of the voters of the county and approval by the legislature. INEXPEDIENT TO LEGISLATE

Rep. Stephen G. Avery for Local and Regulated Revenues: While the committee was sympathetic to the cause of lowering property taxes, there was no support for the concept of instituting county income taxes. The sponsor was the only person to testify on this bill. Vote 16-0.

Rep. Robertson spoke against.

Rep. Avery spoke in favor.

Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 107.

Rep. Pfaff, Sen. Barnes for the Committee

PRESENTATION

Rep. Hill presented to the House the State flag flown for the State of New Hampshire aboard the United States Space Shuttle Columbia between June 20, 1996 and July 7, 1996 by Richard M. Linnehan, D.V.M., Mission Specialist Astronaut, and the Certificate of Authenticity, and requested that the flag and certificate be given to the Christa McAuliff Planetarium.

Without objection, the Speaker ordered that the flag and certificate be given to the planetarium.

UNANIMOUS CONSENT

Rep. Laflam addressed the House.

RESOLUTION

Rep. Wheeler offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 12, 1997 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 130, clarifying the authority of county commissioners to arrange for work by prisoners.

HB 227-L, relative to North Hampton property taxes.

HB 216, relative to municipal budgets.

HB 251, reclassifying a portion of North Main Street in the town of Farmington and a portion of Passaconaway Road in the town of Albany.

HB 201-L, allowing municipalities to apply the amount of a property tax abatement refund to outstanding taxes owed by the taxpayer.

RECESS MOTION

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

Adopted.

The House recessed at 3:35 p.m.

RECESS (Speaker Sytek in the Chair) ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 160.

Rep. Henderson, Sen. Barnes for the Committee