

HOUSE RECORD

Second Year of the 155th Session of the General
Court

Calendar and Journal of the 1998 Session

Vol. 20

Concord N.H.

Thursday, January 29, 1998 No. 10

HOUSE JOURNAL No. 2(cont.)

Thursday, January 15, 1998

(Rep. Franks in the Chair)

RESOLUTION

Its introduction having been approved by the Rules Committee:

Rep. Burling offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 1658, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1658-FN, relative to prohibiting the cloning of human beings in New Hampshire. (Cushing, Rock 22: Health, Human Services and Elderly Affairs)

RECESS

(Rep. David Welch in the Chair)

RESOLUTION

Its introduction having been approved by the Rules Committee:

Rep. Lyman offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 1025, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1025-FN, relative to capital murder, first degree murder, and second degree murder. (Lozeau, Hills 30; Knowles, Straf 11; Lyman, Carr 5; Simmons, Rock 25; Pepino, Hills 40; Russman, Dist 19; J. King, Dist 18: Criminal Justice and Public Safety)

RECESS

(Rep. Hess in the Chair)

RESOLUTION

Its introduction having been approved by the Rules Committee:

Rep. Noyes offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 1659, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1659, prohibiting the use of eminent domain powers by public utilities to take private property for the construction and operation of electric generating plants. (Cushing, Rock 22; Buckley, Hills 44; Hollingworth, Dist 23: Science, Technology and Energy)

RECESS

(Rep. Searles in the Chair)

RESOLUTION

Its introduction having been approved by the Rules Committee:

Rep. Ameen offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 1660, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1660-FN-L, relative to defining educational adequacy within the public school system. (Searles, Hills 23; Guest, Graf 10: Education)

RECESS

Rep. Lozeau moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 3

Thursday, January 29, 1998

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

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

Prayer was offered by Guest Chaplain, Reverend Hays Junkin from St. Andrews Episcopal Church in Hopkinton.

Compassionate God, on this beautiful New Hampshire day, we give You thanks for our many blessings. We ask that You bless the members of this General Court as they seek to represent the peoples of their communities. Bless their families and those they love. Be present today with those Representatives who are facing any personal pain or illness. Before we continue the work of this busy day, lift the eyes of our hearts to see the faces of all New Hampshire citizens: the young and the elderly, the powerful and the weak, the well connected and the disconnected, those in the majority and those in the minority. We especially lift up to Your care those communities damaged by severe winter weather. May the decisions made here today be for the common good of all Your people, and may Your commandments that we love You with all our heart, soul and mind, and our neighbors as ourselves, be the guiding lights of this chamber. Amen.

Rep. McCarty led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Brennan, George Brown, Champagne, Patricia Cote, Fenton, Ferguson, Robert Foster, Gagnon, Golden, Gosselin, Healy, Metzger, Pepino, Root, Russell, Paul Taylor and Turner, the day, illness.

Reps. Mary Brown, Colburn, Connolly, Copenhaver, Donovan, David Flanders, Haley, Kenneth MacDonald, Simmons and Veazey, the day, important business.

Reps. Horton and O'Keefe, the day illness in the family.

INTRODUCTION OF GUESTS

Jeanne Wheeler, wife of Rep. Wheeler. Former NH Rep. Walter Stiles, guest of the House.

SPECIAL GUESTS

Claire and Roland Jutras from Peterborough, National Parents of the Year.

COMMITTEE ASSIGNMENT

Rep. Lawrence V. Guaraldi on Wildlife and Marine Resources.

ENROLLED BILL AMENDMENT

SB 84, revising the uniform simultaneous death act. (Amendment printed SJ 2, 1/29/98)

Adopted.

REVENUE ESTIMATES

Rep. Weyler spoke to the Revenue Estimates and yielded to questions.

The Revenue Estimates dated January 29, 1998 are printed below.

****(Insert Pages 1 and 2 of Finance Committee Report here)****

LEGISLATIVE ETHICS COMMITTEE
SPECIAL REPORT TO THE SPEAKER OF THE
HOUSE OF REPRESENTATIVES

I. Introduction

The Legislative Ethics Committee received nine separate complaints in March of 1997 regarding the actions of Representative Roland E. Hemon in filing House Resolution 16, a resolution urging that impeachment proceedings be instituted against Strafford County Probate Court Judge Gary R. Cassavechia.

Following a review of the complaints, the Committee conducted a preliminary investigation, in accordance with its procedural rules, and voted unanimously to institute formal proceedings to inquire into the complaint. A formal statement of charges and notice of hearing was first sent by certified mail to Representative Hemon on April 10, 1997. Representative Hemon refused receipt of the mail on three different occasions. On April 24, 1997, Representative Hemon was served by the Strafford County Sheriff's Department with the Notice of Hearing and Formal Statement of Charges. Because of the delay in service, the Committee rescheduled the hearing to May 27, 1997. On May 20, 1997, Rep. Hemon requested that the hearing again be rescheduled pending an appeal to the Governor and Council on his request for representation by the Attorney General's Office. The Committee granted his request on May 21, 1997. His appeal was subsequently denied by the Governor and Council and the Committee opened the hearing on June 2, 1997 and received evidence on June 2, June 4, and June 9. Midway through the first day of the hearing, the Ethics Committee granted Representative Hemon's request that he be represented by Representative William McCann.

II. Complaints

The complaints alleged that Rep. Hemon violated the principles set forth in the Ethics Guidelines, Section 1, I, Principles of Public Service, relating to the legislative office as a public trust and engaged in the prohibited activities set forth in Section 4, II (c) and III of the Ethics Guidelines.

III. Findings of Fact

House Resolution 16 was filed by Representative Hemon for consideration by the New Hampshire House of Representatives during its 1997 session. This resolution is the first step required in the process established under the Constitution for removing a current judge from office (Part II, Articles 17 and 38).

The House Committee on Judiciary and Family Law held a hearing on House Resolution 16 on February 24, 1997 and voted 13-0 to report it as inexpedient to legislate on March 6, 1997. On March 19, 1997, the House voted 286-51 against recommitting the bill. The committee report of inexpedient to legislate was then adopted by voice vote.

House Resolution 16 is the third attempt by Representative Hemon to seek the impeachment of Judge Cassavechia in the last 4 years. All of these resolutions result from rulings which Judge Cassavechia has issued in a Strafford County Probate Court case involving the guardianship and subsequent administration of the estate of Representative Hemon's mother.

At some time after the Probate Court proceedings began, Representative Hemon raised the question of the Court's personal jurisdiction over his mother, contending that she was a resident of Maine at the time the guardianship proceedings commenced. The Court ruled against him. Representative Hemon has filed at least thirteen appeals with the New Hampshire Supreme Court on this matter as well as seeking review in the Federal Court system. On the twelve occasions in which the New Hampshire Supreme Court has ruled, it has found no error in Judge Cassavechia's finding that the Probate Court had personal jurisdiction over Mrs. Hemon. The thirteenth appeal was filed this spring and is currently being considered by the Court. The Federal Court also found no error.

IV. Rulings

Section 1, Principles of Public Service, Section I, Public Office as a Public Trust, provides that :

Legislators should treat their office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.

In filing House Resolution 16, Representative Hemon has again used his public office to pursue a private interest, that of penalizing the judge who made rulings unfavorable to Representative Hemon, in a manner incompatible with the public good. Although review of the judicial process and proposed court reforms are appropriate matters for consideration by this legislature, the continual filing of the same resolution based on the same set of facts against the same judge constitutes both harassment and retaliation by Representative Hemon. The power to file such a resolution derives directly from Rep. Hemon's membership in the House and is a clear conflict of interest due to the personal involvement of Representative Hemon in this matter.

Section 4, II (c) provides:

In dealing with state agencies, legislators shall not....threaten a state agency or its employees with reprisals or promised inducements of any kind to influence agency decisions so as to obtain special personal benefits for the legislator, the legislator's immediate family, or for certain constituents which would not be available to others under similar conditions.

Although Representative Hemon contended that the Court would not be considered a state agency under these rules, the Committee found that this provision was intended to prevent the exertion of undue influence against any state agency regardless of the branch of government. Because the legislature has control over the appropriation of money to the judicial branch and indeed the power to remove judges from office, the application of this provision must necessarily extend to the courts.

Filing this resolution constitutes a reprisal against the judge who presided over the matter involving Representative Hemon's mother. Representative Hemon's unhappiness with the Court's order denying his request to be appointed his mother's guardian has resulted in over a decade of litigation and a protracted effort by Representative Hemon to seek retribution against Judge Cassavechia. Such actions clearly violate the prohibited activities provisions of the Guidelines.

Section 4, III provides:

Legislators shall not use their public position or office to obtain anything of value for the private benefit of the legislator or the legislator's immediate family.

Although Representative Hemon argued that he would obtain nothing of value if House Resolution 16 were to pass, it is the Committee's finding that the value to him of the retribution might well

outweigh any conceivable monetary benefit he might have received had he been appointed guardian. Because of his position as a legislator, Representative Hemon has been able to continually threaten Judge Cassavechia with impeachment based for the most part on actions which Judge Cassavechia took in 1984. Such a continued abuse of power is clearly violative of our Ethics Guidelines.

V. Conclusion

House Resolution 16 seeks the same result as the resolutions which Representative Hemon filed in 1996 and 1994. In 1994, the Committee recommended that Rep. Hemon be reprimanded, an action which the House took on June 18, 1994. In 1996, this Committee recommended that Representative Hemon be censured. Because that ruling was issued after the House had adjourned for the biennium, the recommendation was never taken up by the House. The Ethics Committee finds by clear and convincing evidence that House Resolution 16 again violates the very same provisions of the Ethics Guidelines for which Representative Hemon was cited before.

In determining our recommendation for action based on these repeated violations, the committee has considered not only the repeated warnings of this committee, but also the effect of the continual filings of this resolution on Judge Cassavechia. (The Ethics Committee notes the advice which Representative Hemon received this session from the House Democratic Leader that if Representative Hemon persisted in this conduct, he might face expulsion by the House of Representatives. The Democratic Leader was called by Representative Hemon as a witness in the proceeding before the Ethics Committee with no notice and apparently to specifically address the advice he gave to Representative Hemon about the possible result of his actions.)

No State or Federal Court has found any ruling of Judge Cassavechia in Representative Hemon's matter to be in error; indeed, the rulings of Judge Cassavechia have been sustained at every appeal. The Ethics Committee does not have to reach the issue of what sort of ruling could be so wantonly and egregiously erroneous as to warrant impeachment. Accordingly, it appears to this Committee that the impeachment legislation is groundless.

The conduct of Representative Hemon in 1994 might charitably be viewed as misguided. Representative Hemon is not a lawyer and perhaps did not fully understand the case in which he is involved or the role of the judiciary in our form of government. He may have seen himself, as did some of his witnesses, as taking an appeal to another, perhaps more friendly forum. The Ethics Committee viewed his actions as an abuse of legislative power for personal ends and acted accordingly.

The subsequent actions of Representative Hemon have demonstrated that he has no intention of abating his involvement in legislation to impeach Judge Cassavechia, nor even of waiting until a federal or state court has found Judge Cassavechia in error in the underlying matter. Accordingly, given the uncontroverted evidence of Representative Hemon's conflict of interest in this matter, the Committee has been left with little choice but to recommend the following course of action:

If Representative Hemon were to represent to the Ethics Committee, Speaker of the House and Senate President in writing by 10:00 a.m. on January 29, 1998 that he would not introduce, sponsor or co-sponsor legislation to impeach Judge Cassavechia the Ethics Committee would recommend that he be censured by the House. Failing such a written commitment, however, the Ethics Committee recommends the expulsion of Representative Hemon from the New Hampshire House of Representatives.²

Dated at Concord, New Hampshire, this first day of July, 1997.

Respectfully submitted,

Representative Jeb E. Bradley

Chairman

Rep. Jeb Bradley spoke in favor and yielded to questions.

Rep. Cobbin spoke against.

Rep. Woods spoke in favor.

Rep. Paula Bradley requested a roll call; sufficiently seconded.

The question being the ratification, as per RSA 14-B:4, VI of the Ethics Committee report.

YEAS 282 NAYS 61

YEAS 282

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Calvert, Alice	Clark, Charles
Holbrook, Robert	Laflam, Robert	Lawton, David	Lawton, Robert
Pilliod, James	Rice, Thomas, Jr.	Rosen, Ralph	Salatiello, Thomas
Thomas, John			

CARROLL

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

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Hunt, John	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	McNamara, Wanda	O'Connell, John
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Royce, H. Charles	Smith, Edwin		

COOS

Bradley, Paula	Coulombe, Yvonne	Davis, Perley	Hawkinson, Marie
Mears, Edgar	Moynihan, Wayne	Pratt, Leighton	Tholl, John, Jr.

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Below, Clifton
Brown, Channing	Chase, Paul, Jr.	Eaton, Stephanie	Guaraldi, Lawrence
Guest, Robert	Hill, Richard	Hinman, Harry	LaMott, Paul
Luker, Elsa	MacNeil, Allen	Nordgren, Sharon	Phinney, William
Teschner, Douglass	Williams, William, Jr.		

HILLSBOROUGH

Alukonis, David	Ameen, W.	Amidon, Eleanor	Arnold, Thomas, Jr.
Baroody, Benjamin	Batula, Peter	Belvin, William	Bergin, Peter
Boutin, David	Briefs, Geoffrey	Brundige, Robert	Calawa, Leon, Jr.
Cardin, Lori	Carlson, Donald	Carney, Lauren	Chabot, Robert
Clay, Susan	Cote, David	Cote, Peter	D'Allesandro, Lou
Daigle, Robert	Daniels, Gary	Dawe, Eileen	Desrosiers, William
Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.
Dyer, Merton	Emerton, Lawrence, Sr.	Flora, Kathleen	Foster, Joseph
Foster, Linda	Ginsburg, Ruth	Golding, William	Goulet, Maurice
Haettenschwiller, Alphonse Hansen, Herbert	Hart, Nick	Herman, Keith	
Holley, Sylvia	Jean, Claudette	Johnson, Lionel	Kelley, Robert
Konys, Christine	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Leishman, Peter	Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee
Lynde, Harold	MacAuslan, Rita	MacGillivray, Jeffrey	MacIntyre, Doris
McCarthy, William	McCarty, Winston	McDonald, James, Sr.	McGough, Tim

McRae, Karen	Melcher, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	Mittelman, David	Morello, Michael	Murphy, Robert
O'Hearn, Jane	O'Rourke, Thomas	Perkins, Paul	Peterson, Andrew
Piteri, Dawn	Reidy, Frank	Riley, Frances	Rowe, Robert
Sargent, Maxwell	Searles, Stanley, Sr.	Thulander, O. Alan	Turgeon, Roland
Welch, Donald	Wheeler, Robert	White, Jay	Wright, George

MERRIMACK

Anderson, Eric	Burney, Carol	Crosby, Toni	Crowell, Peter
Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Lamach, Bernard	Larrabee, David
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
Wallner, Mary Jane	Whalley, Michael	Whittemore, James	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Battles-Peirce, Marjorie	Bishop, Franklin
Blanchard, MaryAnn	Camm, Kevin	Case, Margaret	Cegelis, Mark
Christie, Andrew, Jr.	Clark, Martha	Coes, Betsy	Cooney, Richard
Dalrymple, Janeen	Dodge, Robert	Dolan, Richard	Dowd, Sandra
Dowling, Patricia	Downing, Michael	Felch, Charles, Sr.	Flanagan, Natalie
Flanders, John, Sr.	Francoeur, Sheila	Frechette, Joseph	Gibbons, Paul
Gleason, John	Griffin, Mary	Guthrie, Joseph	Heath, John
Henderson, Warren	Hutchinson, Rebecca	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph	Langone, John
Letourneau, Robert	Lovejoy, Marian	Major, Norman	Malcolm, Kenneth
McCarthy, John, Jr.	McKinney, Betsy	Moore, Benjamin	Morris, Debbie
Norelli, Terie	Nowe, Ronald	Noyes, Richard	Packard, Sherman
Pantelakos, Laura	Pitts, Jacqueline	Rabideau, Marie	Sabella, Norma
Sapareto, Frank	Schanda, Frank	Stone, Joseph	Syracusa, Anthony
Tufts, J. Arthur	Vaughn, Charles	Weatherspoon, Jackie	Welch, David

Weyler, Kenneth Woods, Deborah

STRAFFORD

Berube, Roger	Brown, Julie	Callaghan, Frank	Cossette, Larry
Dunlap, Patricia	Estabrook, Iris	Grassie, Anne	Kaen, Naida
Keans, Sandra	Knowles, William	Lundborn, Raymond	McCann, William, Jr.
McKinley, Robert	Merrill, Amanda	Merritt, Deborah	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spear, Barbara
Sullivan, Henry	Torr, Ann	Torr, Franklin	Tsiros, William
Wall, Janet			

SULLIVAN

Adler, Rudolf	Allison, David	Burling, Peter	Cloutier, John
Flint, Gordon	Kibbey, David	Lindblade, Eric	Palmer, Lorraine
Robb-Theroux, Amy	Schotanus, Merle	Wiggins, Celestine	

NAYS 61

BELKNAP

Boyce, Robert Hurt, George

CARROLL

None

CHESHIRE

Meador, David	Robertson, Timothy	Steere, Myron, III
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COOS

Coulombe, Henry	Guay, Lawrence	Merrill, Gerald	St. Hilaire, Paul
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GRAFTON

Cobbin, Philip	Lovett, Sidney	Mirski, Paul	Trelfa, Richard
Weber, Phil			

HILLSBOROUGH

Ackerman, Philip	Buckley, Raymond	Burke, M. Virginia	Christiansen, Lars
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Clegg, Robert, Jr.	Clemons, Jane	Fields, Dennis	Hall, Betty
Hunter, Bruce	Jean, Loren	Lefebvre, Roland	Letendre, Evelyn
Luebker, Bernard	Marcinkowski, Michael	Vaillancourt, Steve	White, Donald
Williams, Carol			

MERRIMACK

Adams, Stephen	Jacobson, Alf	Krueger, Patricia	Langer, Ray
Lavoie, Gerard	Seldin, Gloria	Wallin, Jean	

ROCKINGHAM

Beaulieu, Jon	Belanger, Ronald	Cushing, Robert	Dearborn, Bruce
Dunham, Vivian	Fesh, Robert	Langley, Jane	Micklon, Stephanie
Mikowski, Walter	Raynowska, Bernard	Smith, Kevin	Stickney, Nancy
Stritch, C. Donald	Varrell, Thomas		

STRAFFORD

Bickford, David	DeChane, Marlene	Musler, George	Pelletier, Arthur
Taylor, Kathleen	Twardus, Joseph	Vincent, Francis	

SULLIVAN

Ferland, Brenda	Leone, Richard
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and the report was ratified.

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

CENSURE

Speaker Sytek: Rep. Hemon is hereby censured and a copy of the Ethics Committee Report will be printed in the House Journal.

REMARKS

Rep. Bonneau moved that the remarks made regarding the Special Report from the Ethics Committee be printed in the Journal.

Adopted.

Rep. Jeb Bradley. Thank you very much, Madam Speaker. Let me very briefly, if I might, try to recapitulate the facts in the case. They are not really in dispute but should be made known to the membership. In 1994, 1996 and 1997, Rep. Hemon filed similar resolutions urging the impeachment of the Strafford County Probate Court judge. In the 1980s, Rep. Hemon had had a case in front of that judge. In 1994, after a complaint to the Ethics Committee, the Committee recommended a reprimand and the House overwhelmingly voted to back the Ethics Committee report. In 1996, the

Ethics Committee, after Rep. Hemon filed a similar resolution, voted to censure him. As the House was not in session, that report could not be taken up. In 1997, a similar resolution was filed. Nine members of the Judiciary Committee filed a complaint with the Ethics Committee. There was a proceeding held in June and July. The hearing went on over three days. There were 250 pages of transcript. You have before you the report that is in today's calendar. Rep. Hemon, when he testified, claimed that he was pursuing this action based on what he perceived his rights to be under Article I, Part 30 of our Constitution, the free speech section of the constitution, which he claimed gave him the ability to pursue this action. Rep. Hemon further testified that as he was receiving no monetary benefit from this action that there was, in fact, no conflict of interest. The nine members of the Judiciary Committee who filed the complaint held, in their testimony, that we, as members of the General Court, need to treat our office as a public trust and that Rep. Hemon had broken that public trust because he was pursuing a private agenda in a public forum. Those members of the Judiciary Committee who filed the complaint indicated that Rep. Hemon was seeking retribution and that was the benefit that he was receiving. Rep. Hemon asked Rep. Burling to testify in his behalf. I believe Rep. Burling's testimony was telling. Rep. Burling stated that we, as members of the legislature, have broad latitude under the Constitution for free speech but that that does not allow us to settle personal disputes and private interests as members of the Legislature. Finally, the nine members of the Judiciary Committee who filed the complaint asked, in their testimony, that we do everything that we could as an Ethics Committee to prevent Rep. Hemon from filing this particular resolution against this particular judge should he continue to be a member of the legislature. When we questioned both Rep Hemon and the members who filed the complaint, we asked Rep. Hemon to show how the administration of this judge was corrupt which is what he had expressed in the 1997 resolution. His answer was the particulars of his case wherein Rep. Hemon alleged that this judge had broken the law, were proof that this judge deserved an impeachment proceeding. The Committee made note of the fact that through 13 separate appeals, in not only the New Hampshire Supreme Court but the federal court venue, not once had the Probate Court Judge in Strafford County decisions ever been overturned. The Committee is also well aware that the Supreme Court has, as of last week, decided the latest appeal against Rep. Hemon. Lastly, the most salient point that the Ethics Committee, I believe, asked was of Rep. Hemon, would he at some point agree to cease filing an impeachment resolution, this particular one against this particular judge. As of yesterday afternoon, I have a letter from Rep. Hemon copied to the Speaker and the Senate President, wherein he agrees to not file this resolution against this particular judge concerning the jurisdiction of his mother's estate which was the court case that had been in front of that judge. Those of you who have read the decision, I don't think I need to further elaborate on that, it is fairly clear. In conclusion, Madam Speaker, I would say that it is my opinion and the opinion of the other members of the Ethics Committee, by a majority, that Rep. Hemon, by virtue of having written that letter to me yesterday, has complied with the request, not only of the Ethics Committee but also the members of the Judiciary Committee who asked that he stop filing these impeachment resolutions. Madam Speaker, I would recommend and ask that the Legislature adopt the report of the Ethics Committee with the motion of that report being to censure Rep. Hemon and not expel Rep. Hemon.

Speaker Sytek. The question before the House is the adoption of Rep. Jeb Bradley's motion that the House ratify the report of the Ethics Committee under RSA 14-B:4 VI. The Chair recognizes the member from Canaan, Rep. Cobbin.

Rep. Cobbin. Thank you, Madam Speaker. Good morning. When I came to this House I saw a tail slithering out a door. It was a rat's tail. There was only one person trying to close the door on that rat's tail and that was Rep. Hemon. I took Rep. Hemon under my wing because I had seen some of the fur of that rat when I was an intern in the Senate and how the fur of that rat would go in the cloak room and blackjack and libel and defame citizens who come and bring their issues to the legislature. I have defended Rep. Hemon and I'm the reason why you never got to vote on that 1996 complaint because I make people who stamp on people's rights pay for the ground they take. What we found in the last tribunal, that Ethics tribunal, it was being chaired by a lobbyist. We had a

lobbyist who was going to decide what was ethical and what wasn't. Let's cut to the chase. A week or so ago the New Hampshire Court, after a long period of tortuous whining, had finally, supposedly, accepted Rep. Hemon's case for judicial review. They had used all their procedural gimmicks that lawyers are trained to use to avoid looking at the merits. I've read that opinion. It is a very interesting judicial opinion. When I went to law school, the expectation was taught that a good judicial opinion would lay out the facts and analyze them and apply the law. The key facts in Rep. Hemon's mother's estate is whether or not the court had jurisdiction. It is a very serious matter when courts behave without jurisdiction. I have seen the transcript where the reference is made to where the mother, if she were asked where her residence would be, said the state of Maine. I waited to see how the Supreme Court was going to find some evidence in the record and teach us how Rep. Hemon was mistaken and the evidence was somewhere in the record. I had actually hoped that they would do that. If it is there, show me. They didn't do that. What they did was a slight of hand that occurs in judicial opinions from time to time. They merely cite to the record, but nothing specific in the record, and say we agree with the trial judge. It is a conclusory statement. You have no way of independently verifying whether or not that opinion should be criticized or supported. The way the game is played here in this House, is the House Judiciary and the Ethics Committee will come up here and jingle jangle that a series of courts have refused appeal. Ipso facto, Roland Hemon is wrong. I submit to you that is a bunch of bunk. But there is something a lot more dangerous here. I believe even the folks pursuing this have realized they have a brinkmanship problem. They originally wanted to throw Roland out. There is a real serious question about power. As I have continued to testify before the Ethics Committee, if you don't like what Roland Hemon files move to Dover. The people of Dover have overwhelmingly continued to re-elect him irregardless of the state press hounding him, the democratic and republican leaderships hounding him, the people he represents agree and send him back. It is their choice. What this is all about is denying the people in that district the representation they elected because many of you people don't like who they elected or you don't like what his views are or the legislation he files. Everybody has been passing on these perfunctory censure motions, supposedly on the first time, on the second one you never had a chance. You have got to think that if you go down this road you are destroying this institution. There is not a collegial body when one group of legislators can generate a complaint against another group of legislators and attack them. This is a poison in this well. Not by Representative Hemon, but by people on the Judiciary Committee. They don't like him. They view anyone who says something about a judge must be wrong. I don't mind them having that opinion. That is their right. It is also Representative Hemon's right to file legislation. This House affirmed that when the original blackjack attempt was made, it was at the beginning of this session. I couldn't be here for that vote because I had a status conference over in federal district court on some matters associated with your election laws that are being contested. I was quite proud of the House when I came back to find that the House had realized the danger of not allowing Representative Hemon's filing to get past the first reading. I have put a lot of bills in. I have a little bit of a hard time remembering which ones I have been on and which ones I haven't after awhile. But, I do seem to recall both Representatives from Grafton District 11 co-sponsored the original bill. What I testified to when it was before House Judiciary is, all I've ever wanted to see is Representative Hemon to get a fair hearing on his allegations. I have never seen that. I am well aware, particularly now that I know some people on the committee better, of all the cat-calling and name-calling that goes on under the breath of people on House Judiciary. So, we are asked again to just continue rubber-stamping the efforts of some people in this House to restrain speech of other people in this House. What you do today to Roland Hemon, tomorrow may be done to you. Beware the words of Cromwell and Brutus, "He who swings the sword to silence dissent is a fool." Those who seek to silence Representative Hemon...

Rep. Dunn. Point of Order.

Speaker Sytek. Would the member suspend? What is your Point of Order.

Rep. Dunn. Thank you, Madam Speaker. As a member of the House I find it against the generally accepted rules of decorum to be talking about libel and rats and slight of hand. I think the language being used is pushing freedom of speech a little bit too far. I would ask for a ruling on continuing this type of presentation.

Thank you, Madam Speaker. I am going to withdraw my Point of Order. I have been assured that perhaps the member, whose name you are not supposed to mention because it says in this little box you have to be very careful, will conclude his remarks as soon as possible and will try to stick to the motion at hand.

Rep. Cobbin. Thank you. I am speaking to the motion at hand. Unfortunately, one of the problems is with little decorum, we have put a representative's name in play. We put Representative Hemon's name in play. That is the problem when you go down this road. Selectively trying to open it up on some and not others. This is a Pandora's Box that continues to be open if you close it. I am going to close with the same little speech I gave in the last biennium. If you have some personal animus toward me or someone else and you want to vote one way because of who the speaker is, go right ahead. I took an oath of office to uphold the Constitution of the United States Government of these United States and the State Constitution. I campaigned on reform, free speech and the problems that this House has with blackjacking its own members. I took out the 12-year incumbent doing that. People out there, they get it. I would urge you to take a long, cold moment of thought before voting one way or the other on this motion. I close in suggesting to you that if the Ethics Committee was so sure of its resolve, it would have pushed through and tried to remove Representative Hemon and provoke the constitutional challenge. I believe the Ethics Committee would ultimately lose. Thank you, Madam Speaker. I apologize if people find my remarks offensive, but it is best to be blunt.

Speaker Sytek. Would the member yield to questions? The member yields. Rep. McCann you may inquire.

Rep. McCann. Thank you, Madam Speaker. Thank you, Rep. Cobbin for yielding. Would you believe that when Representative Hemon was before the Ethics Committee, I acted as his lay counsel and defended him on the basis of Part I, Article 30 and all the other parts that Rep. Bradley mentioned a few minutes ago?

Rep. Cobbin. Yes, I do. I seem to recall you also relied on some of the United States Supreme Court precedents on free speech issues related to the legislatures.

Speaker Sytek. Would the member yield to a further question?

Rep. McCann. Would you further believe that after the Ethics Committee made its determination that, acting again on behalf of Representative Hemon, recognizing that he wants to continue pursuing judicial reform, I attempted to do what I could to see that he was not thrown out of this House? Would you believe that?

Rep. Cobbin. Yes, I do, Representative, and I believe you ably discharged that mission and I compliment you on your advocacy.

Speaker Sytek. Would the member yield to a further question? The member yields.

Rep. McCann. Would you believe that when the vote comes on censure, I will be voting for it?

Rep. Cobbin. You will be voting for it? That is your choice.

Speaker Sytek. Will the member yield to further questions? The member yields. Rep. Weber, you may inquire.

Rep. Weber. Thank you, Madam Speaker. I am not a lawyer, so my question is a question to the honorable member who is, who just spoke. I'm not sure that the Ethics Committee had a right to do this because members of this Ethics Committee served on the previous Ethics Committee that made this ruling so they were biased. I know that at the school board level, one cannot do that and I assume that the same holds true for other committees in the State of New Hampshire. I was wondering if this was a legal opinion based on the fact that members of the committee were biased?

Rep. Cobbin. I certainly question the bias of the committee. When you look at the history of its makeup you'll find that it has a very close allegiance with some of the complainants and offhand I seem to recall that even some of the complainants with some of these complaints have been members of that committee. I could be wrong on that. It has been a while since I looked at the file. I would agree with you, Representative Weber, that one of the problems that has continued to occur here is rather than have people satisfy a jury standard who haven't seen any of this stuff before, look at these ethics complaints. We seem to be retreading issues. What was more disturbing here also was that we were retreading issues when there was subject matter jurisdiction problems in the original complaints. The Ethics Committee instituted proceedings the first time without a sworn complaint as required by the statute. It then created a committee generated complaint. I don't really see where they have the authority to do that. Now we are back to the same old issue. If they are doing the complaining and the hearing, I think citizens out there can see that for what it is. Those are kangaroo courts.

Speaker Sytek. The Chair recognizes the member from Stratham, Rep. Woods.

Rep. Woods. Thank you, Madam Speaker. I simply rise in support of the Ethics Committee and their decision. But, more importantly, I rise in support of the tradition and the integrity of the House. If any one of you even thinks that there might be some credence to the remarks of the previous speaker, just come and sit in on a Judiciary and Family Law hearing. Come and sit in when we are hearing some of Rep. Cobbin's or Rep. Hemon's bills. Judge for yourself how fair and equitable the committee can be. I invite all of you. It is fun anyway. You should at least do it once. Thank you, Madam Speaker.

Speaker Sytek. The question before the House is on the adoption of Rep. Bradley's motion to ratify the report of the Ethics Committee. Are you ready for the question? Rep. Bradley would you yield to a question? The member yields. Rep. Dolan, you may inquire.

Rep. Dolan. Thank you, Madam Speaker. Could you please explain the findings of the three sections in the rules and what the punishment or ramifications are of each one of the three findings so that I can understand what I am voting for?

Rep. Jeb Bradley. Thank you, representative. I am looking at Calendar 7. Some of you may have today's calendar. The three sections are Principals of Public Service, not threatening a state agency and not using ones position as a member of the legislature to obtain anything of value for the private benefit of the legislator or his or her immediate family. I believe, representative, if you read the paragraphs on Calendar 7 on page 327 and 328 that it is quite clear what the Ethics Committee found. With regard to the second part of the question, that being, I believe, what constitutes censure, the Ethics RSA allows for three separate sanctions, if you will, reprimand, censure and expulsion. There are no specific sanctions that come with either reprimand or censure. So there is no specific loss of privilege that comes with either of those two penalties. I hope I have answered that question.

Speaker Sytek. The question before the House is Representative Bradley's motion to ratify the report of the Ethics Committee which recommends censure of Representative Hemon. Representative Paula Bradley has requested a roll call. Is that sufficiently seconded? It does not appear to be sufficiently seconded. It is sufficiently seconded. All members please take their seats. The question before the House is the adoption of Representative Bradley's motion to ratify the report of the Ethics Committee recommending that Representative Hemon be censured. A roll call has been requested. If you are in favor of that motion you will be pressing the green button. If you are opposed to that you will be pressing the red button. Are you ready for the question? Voting stations are open for 30 seconds. The House will be attentive to the state of the vote. 282 voting in the affirmative, 61 in the negative, the motion is adopted. Representative Hemon is hereby censured and a copy of the Ethics Committee report will be printed in the House Journal.

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.

HB 736-FN, increasing jurors' fees, removed by Rep. MacGillivray.

HB 1194, prohibiting a minor child from being forced to have visitation with an incarcerated parent, removed by Rep. Cushing.

HB 1342, allowing members of the house of representatives and senate to take courses at no cost, and for no credit at any state institution of higher education, removed by Rep. Burke.

HB 1206, affirming that it is the legislature's intent that new court facility construction costs reflect the needs and usage of the judiciary, removed by Rep. Rosen.

HB 1211-FN-A, appropriating startup funds for Governors state park in Laconia, removed by Rep. Rosen.

Consent Calendar adopted.

HB 1110, prohibiting telemarketers from blocking their telephone numbers. INEXPEDIENT TO LEGISLATE

Rep. Keith R. Herman for Commerce: The sponsor of the bill was unaware that this committee has already passed this legislation last session and that bill is now in the possession of the Senate. This bill is currently not necessary. Vote 16-0.

HB 1205-FN, making technical corrections to the securities laws. OUGHT TO PASS

Rep. David T. Mittelman for Commerce: This bill clarifies the language and framework of transaction exemptions and fee structures under the securities laws. Vote 17-0.

Referred to Finance.

HB 1108, relative to authority of the state fire marshal to adopt rules concerning permissible fireworks. REFER FOR INTERIM STUDY

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill transfers the authority to make rules relative to further classification of permissible fireworks from the commissioner of safety to the state fire marshal. It has been two years since the Department of Safety has presented the list of permissible fireworks to the Joint Legislative Committee on Administrative Rules as required under the present statute, RSA 160-B:23. The permissible fireworks review committee is made up of fire service personnel and members of the fireworks industry. There are voting members from the senate and house of representatives on the committee. During the last session and again during the present session the list of approved "safe and sane" permissible fireworks has been approved by passage of legislation which will sunset upon passage of the rules. The committee wants to find a better way to approve those firework devices that have been demonstrated to be safe and found to be permissible for sale to the public. This bill would have transferred the rule making authority to the fire marshal's office which has no personnel to fulfill this new responsibility. The commissioner of safety and the fire marshal have agreed to assist the committee in the writing of a new statute to better serve the public safety. Vote 17-0.

HB 1199, requiring that applicants for a concealed weapons license complete a gun safety course. INEXPEDIENT TO LEGISLATE

Rep. Walter J. Mikowski for Criminal Justice and Public Safety: This bill if enacted would require that applicants for a concealed weapons license complete a gun safety course. The sponsor was the lone support for the bill which drew hundreds of phone calls and over 150 citizens who were opposed to passage. The committee recognizes the value of instruction and training but courses of this type are currently available through a number of sporting clubs and many hundreds of firearms owners have taken the Hunter Safety Course offered through the state. This course teaches safe handling of firearms as part of its curriculum. The NRA and its affiliated sporting clubs offer courses for a minimum fee in most areas of the state. The National Safety Council reports that in 1950, there were 950 home accident deaths involving firearms out of 29,000 home accidental deaths reported for the entire nation. In 1994 the National Safety Council reported 900 home accident deaths involving firearms out of a total of 26,700 for the entire nation. The leading causes of home accidental deaths in each year were falls in the home, which for 1994 totaled 8,500. This is more than 9 times the total for firearm related deaths. The committee encourages all applicants for carry permits to seek training or instruction if they have had none, but does not feel that mandating a solution to a non existing problem is necessary. Vote 18-0.

HB 1200, prohibiting the manufacture, possession, or transfer of large capacity ammunition magazines. INEXPEDIENT TO LEGISLATE

Rep. Walter J. Mikowski for Criminal Justice and Public Safety: This bill would mandate that owners of pistol magazines that have a capacity in excess of ten rounds give up their property with no provision for compensation. There is no provision in the bill for law enforcement personnel to possess these devices although they are presently in use in some law enforcement agencies. The public hearing on this bill drew hundreds of phone calls expressing opposition and over 150 citizens, including law enforcement personnel, testified against passage. The sponsor was the only witness in favor. The committee saw no benefit from passage of such an all encompassing restriction. Vote 18-0.

HB 1306, adopting a conditional post-conviction release act. INEXPEDIENT TO LEGISLATE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill would create a private "probation" entity. The new provisions call for conditional early release. Upon the decision of the

releasing authority to return an inmate to society, the releasing authority may release a participant by requiring the posting of an early release bond by a surety. The releasing authority may set conditions of release, which conditions shall be appended and made part of the bond. Testimony from the Attorney General, the director of probation and parole, the state employees union representative and the Department of Corrections all agreed that this bill should not go forward. The sponsor, after hearing all testimony, agreed that the bill should not be passed. The committee agreed and voted Inexpedient to Legislate. Vote 14-0.

HB 1394, extending the reporting date for the school building aid system study committee. OUGHT TO PASS

Rep. Susan B. Durham for Education: The study of school building aid is a joint effort of the Finance Committee and the Education Committee. This joint study committee found that the state building aid service needs more time than anticipated. The Education Committee endorses this effort and would like this effort continued. This legislation extends the reporting time for the study committee from November 1, 1997 to November 1, 1998. Vote 15-0.

HB-1502, extending the reporting date for the statewide school technology plan study committee. OUGHT TO PASS

Rep. William A. Riley for Education: This bill merely extends the reporting date for the study committee. The Education Committee felt that the study committee genuinely needed more time. It extends the time from November 1, 1997 to November 1, 1998. Vote 14-0.

HB 1634, relative to amending the definition of "educational institution" under the New Hampshire municipal bond bank educational institutions bond financing act. OUGHT TO PASS

Rep. Bernard J. Luebker for Education: This bill was requested by the state treasurer to enable the municipal bond bank to provide bonding services. "Educational institution" includes public and non-profit institutions. The bill will amend "educational institution" to include any New Hampshire institution which provides an educational program that is preparatory for secondary, postsecondary, or higher education. Vote 14-1.

HB 1103-L, relative to the state representative districts of towns. OUGHT TO PASS

Rep. Raymond C Buckley for Election Law : This bill corrects an inconsistency that exists in a law passed last year. It clarifies the selection of town redistricting commissions. Vote 17-0.

HB 1151-FN, relative to the testing of certain domestic animals. OUGHT TO PASS

Rep. Kenneth Marshall for Environment and Agriculture: The purpose of this bill is to authorize current practices of testing and establish fees for such testing. Vote 15-0.

HB 1142, making technical corrections on behalf of the department of revenue administration. OUGHT TO PASS

Rep. Merton S. Dyer for Executive Departments and Administration: The purpose of the bill is make changes to bring the state into compliance with the United States Internal Revenue Code of 1986, which became effective December 31, 1997. Section 1 amends 21-J:5 to specify that the director of document processing is an unclassified position as listed in 94:1-a, group N. Vote 18-0.

HB 1244-FN, relative to collusive bidding at auctions. OUGHT TO PASS

Rep. Merton S. Dyer for Executive Departments and Administration: This bill more accurately defines the practice of collusive bidding at auctions and makes it a class A misdemeanor for a person found guilty of collusive bidding or a felony if other than a natural person. Vote 18-0.

HB 1271-FN, relative to the board of acupuncture licensing. OUGHT TO PASS

Rep. Miriam D. Dunn for Executive Departments and Administration: This bill makes corrections to the board of acupuncture by having the board members nominated by the governor and confirmed by the executive council. The bill also changes the mileage payments to the state employees rate, which is the norm for all boards and commissions receiving mileage. Vote 18-0.

HB 1283, establishing a 4-year term for the commissioner of the department of corrections. OUGHT TO PASS WITH AMENDMENT

Rep. Ray F. Langer for Executive Departments and Administration: This bill will standardize the term of the commissioner of the Department of Corrections by making it a specific term, as are the terms of most commissioners, in lieu of "at the pleasure of the governor". Vote 13-0.

Amendment (0368h)

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

2 Applicability; Incumbent Commissioner. The commissioner in office on the effective date of this act shall be deemed to have a term of 4 years, such term commencing on the effective date of this act.

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

HB 256-FN, establishing uniform adjudicative proceedings for state agencies. OUGHT TO PASS

Rep. Mary E. Brown for Finance: This bill establishes uniform adjudicative proceedings for state agencies. A pilot program was eliminated from this bill and the resulting costs were removed. Vote 19-0.

HB 579-FN-L, providing that a person who, having made all reasonable efforts to preserve employment, leaves a job in order to protect himself or herself from domestic abuse, shall not be denied unemployment compensation. OUGHT TO PASS WITH AMENDMENT

Rep. William S. Belvin for Finance: This bill allows the payment of unemployment compensation to those persons who become unemployed as a result of required relocation to protect themselves from domestic abuse. Unemployment pay requires that the individual be in active job search in his or her new location. The amendment is to correct a gender neutral reference only. Payments, which are expected to be minimal, would be made from the Unemployment Trust Fund account, and will not be assessed against any individual employer. The Trust Account has more than adequate funds for this purpose. As there is no direct impact on state revenues or expenses the committee voted unanimously Ought to Pass as Amended. Vote 19-0.

Amendment (0302h)

Amend the introductory paragraph of RSA 282-A:32, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) ~~[He]~~ ***The individual*** left ~~[his]~~ work voluntarily without good cause in accordance with rules of the commissioner. This section shall not apply and benefits shall be paid without regard thereto where:

HB 627-FN, establishing a conservation number plate trust fund, and a special motor vehicle license plate and associated fees, to support New Hampshire's natural and cultural resources. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill establishes a conservation number plate trust fund and a special motor vehicle license plate to support New Hampshire's natural and cultural resources. The bill establishes a \$25 fee that will be paid in addition to the regular motor vehicle registration fee. The monies raised above the actual cost of the vanity plate will be placed in a fund for the promotion, protection and investment in the state's natural, cultural and historic resources. On July 1 of each year the fund will distribute the money to the Department of Transportation, the Department of Cultural Affairs, the Department of Fish and Game, and the Department of Resources and Economic Development as well as the state Conservation Committee. The bill will raise around \$825,000 annually. The amendment makes some technical corrections in the bill as well as limits the amount of money going to the Department of Safety to the actual cost of producing the plate and related administrative costs, all of which must be approved by the Fiscal Committee. Vote 19-0.

Amendment (0303h)

Amend RSA 261:91-a, I as inserted by section 2 of the bill by replacing it with the following:

I. The director is hereby authorized to issue special conservation number plates, in lieu of other number plates. The design of these special plates shall be determined as provided in RSA 261:91-d. The plates shall retain the "live free or die" logo. Such plates shall be issued only upon application and upon payment of a \$25 fee that shall be in addition to the regular motor vehicle registration fee and any other number plate fees otherwise required.

Amend RSA 261:91-a, III as inserted by section 2 of the bill by replacing it with the following:

III. Plates shall be renewed on an annual basis for \$25 per set. Of this sum, the department shall retain an amount as is necessary to recover production and administrative costs as approved by the fiscal committee of the general court. The remaining funds shall be paid to the state treasurer and distributed as provided in RSA 261:91-b. The cost of replacement number plates shall be identical to the cost of initial number plates and the revenue from replacement number plates shall be distributed in the same manner as revenue derived from initial number plates.

Amend the bill by replacing section 4 with the following:

4 Date for Implementation; Issuance of Conservation Number Plates. The director shall begin issuing special conservation number plates under RSA 261:91-a on or before January 1, 1999.

HB 774-FN, relative to child support, custodial rights, and visitation. OUGHT TO PASS

Rep. O. Alan Thulander for Finance: The intent of this legislation is to better define RSA 458-C, Child Support Guidelines. This bill as amended expedites court hearings on issues of rights of physical custody, visitation and non-payment of child support. It also clarifies the definitions of "Adjusted Gross Income", allowable child care expenses to include work-related costs and "net income." The child support formula has also been revised. The Department of Health and Human Services testified that the computer and printing costs associated with this initiative can be absorbed within the parameters of the current agency budget. In that the financial impact was minimal and required no additional appropriation, the majority of the committee support an "Ought to Pass" motion. Vote 18-1.

HB 1657, extending the consultant's reporting date for surveying the department of youth development services' facilities. OUGHT TO PASS

Rep. O. Alan Thulander for Finance: The amount of \$50,000 was appropriated under the terms of RSA 351:67 to engage a consultant to perform a site feasibility, architectural, and long-range needs survey of the Department of Youth Development Services' facilities. This bill merely extends the deadline for the submission of the consultant's report from January 1, 1998 to March 30, 1998. Vote 18-0.

SB 53-FN, relative to payment by the retirement system of certain medical benefits for group II members and for certain permanent firemen on disability retirement. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill as sent to Finance extended medical benefits to group II members through June 30, 1995. It was determined in the committee after receiving an updated actuary's report that the policemen only had sufficient funds to fund their benefit through June 30, 1993 but the firemen had sufficient funding through June 30, 1995. The amendment changes the policemen's eligibility date to June 30, 1993. Vote 19-0.

Amendment (0404h)

Amend the bill by replacing section 1 with the following:

1 Additional Medical Benefits. 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, ~~[1988]~~ **1993, except for active or retired permanent firemen members to whom the additional benefits shall apply as of June 30, 1995;** 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, ~~[1991]~~ **1993 or permanent firemen members of group II after June 30, 1988, but before July 1, 1995.** Such additional benefits shall not apply to other persons who become members of group II after June 30, ~~[1991]~~ **1993, or in the case of permanent firemen members, after June 30, 1995,** 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).

AMENDED ANALYSIS

This bill extends the payment of medical benefits to certain persons who were active or retired group II members as of June 30, 1993, to permanent firemen members as of June 30, 1995, and to permanent firemen on disability retirement who became permanent firemen after June 30, 1988, but before July 1, 1995.

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

SB 68-FN-L, providing health care coverage for the spouse and dependents of any group I or group II retirement system member who is killed in the line of duty. OUGHT TO PASS WITH AMENDMENT

Rep. Margaret A. Lynch for Finance: This bill provides health care coverage for the spouse and dependents of any group I or group II retirement system member, whether a state or local employee, who is killed in the line of duty. The amendment specifies that an opportunity to buy health insurance set forth under federal law (COBRA) not be considered a disqualifying event in the exclusion section of the bill. The funding to pay the premium for the benefits will come from the benefit adjustment fund, already appropriated in the budget. There may be a minor but indeterminable effect on general fund lapses. Vote 19-0.

Amendment (0405h)

Amend RSA 21-I:30-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The additional benefits provided under this section shall not be available to any employee, teacher, police officer, or firefighter of a political subdivision of the state if the political subdivision belongs to an organization or association that offers, through the organization or association or its affiliate, insurance coverage with the exception of insurance coverage required to be offered by the Consolidated Omnibus Budget Reconciliation Act (COBRA).

SB 96-FN, relative to the priority of charges in probate of estates. OUGHT TO PASS

Rep. W. Gordon Allen for Finance: The Committee determined that the clarification and change in the order of charges against estates had no significant impact on recoveries by the Department of Health and Human Services and therefore no significant fiscal impact. Vote 19-0.

SB 197-FN, relative to final dispositional orders in child protection cases. OUGHT TO PASS WITH AMENDMENT

Rep. William S. Belvin for Finance: This bill provides an appeal process relative to administrative hearings in children's neglect and abuse cases. The amendment provides that any guardian ad litem appointed in the de novo hearing would be from CASA (Court Approved Special Advocate) at no cost to the state. The effective date was changed to July 1, 1998. Vote 20-0.

Amendment (0402h)

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

1 New Paragraph; Attorneys and Guardians ad Litem; Appointment and Representation.
Amend RSA 169-C:10 by inserting after paragraph III the following new paragraph:

IV. Any provision of law notwithstanding, no attorney shall be appointed by the court to represent any individual in connection with any administrative hearing, or any de novo hearing pursuant to RSA 169-C:28 arising out of an administrative hearing. Any guardian ad litem appointed in connection with a de novo hearing arising from an administrative hearing shall be a CASA guardian ad litem.

2 Appeals; Dispositional Orders; Administrative Hearings Included. Amend RSA 169-C:28 to read as follows:

169-C:28 Appeals. An appeal under this chapter may be taken to the superior court by the child or ~~his~~ ***the child's*** authorized representative or any party having an interest, including the state, within 30 days of the final dispositional order; but an appeal shall not suspend the order or decision of the court unless the court so orders. The superior court shall hear the matter de novo, and shall give an appeal under this chapter priority on the court calendar. For purposes of this chapter, a "final dispositional order" includes a dismissal of a petition for abuse and neglect by the district court. ***Final dispositional order shall also include any ruling or order arising from an administrative hearing held or initiated by any administrative agency, including the department, in which a finding of child abuse or neglect is made.***

3 Effective Date. This act shall take effect July 1, 1998.

CACR 35, relating to the nomination and appointment of judicial officers. Providing that all judicial officers shall be nominated and appointed by the governor with the advice and consent of the senate. INEXPEDIENT TO LEGISLATE

Rep. Susan J. Clay for Judiciary and Family Law: The majority of the committee believes that the current system of having the governor and the governor's council nominate and appoint all officers, including judges, provides for a check and balance system that works. This bill would require the governor to get the advice and consent of the senate, and would leave the governor's council completely out of the loop. Vote 15-2.

CACR 36, relating to probate and district court judges. Providing that all probate and district court judges shall be full-time employees and have no administrative functions. INEXPEDIENT TO LEGISLATE

Rep. Marjorie K. Smith for Judiciary and Family Law: This CACR provides that all probate and district court judges shall be full-time employees and have no administrative functions. This CACR has two parts. As to the first, converting to full-time judges, the committee believes that there is merit in this proposal; however, we currently have 15 full time and 60 part-time judges. The implications of this proposal are complex and costly. For example, in rural areas which could not justify the assignment of a full-time judge, how would we maintain meaningful contact between the community and the courts? The committee hopes that a thorough study of this proposal be undertaken by an appropriate legislative (or other) body. As to the issue of administrative functions, the committee concluded in this and several related CACRs that separation of powers appropriately affords to the courts the power to establish and administer their own rules as is the case in the legislative and executive branches. Vote 19-0.

CACR 38, relating to the state judiciary. Providing that abolishing the current method for selecting state judges and establishing the New Hampshire Bar as a pool from which state judges are chosen by lot. INEXPEDIENT TO LEGISLATE

Rep. David C. Allison for Judiciary and Family Law: The committee deems judicial experience to be important to the effective performance of New Hampshire judges, and that the alternative method of judicial selection proposed in this amendment will cause conflict, confusion, and chaos within our courts. Vote 19-0.

CACR 41, relating to clerks of court. Providing that beginning in 1999, clerks of the superior and district courts shall be elected instead of appointed and an elected clerk shall be removable upon petition by the governor with the advice and consent of the council. INEXPEDIENT TO LEGISLATE

Rep. Susan J. Clay for Judiciary and Family Law: The majority of the committee believes that the current system of judges appointing clerks works well. The committee sees no advantage to electing clerks as this CACR would require. Vote 19-0.

HB 1105, providing a cause of action for agricultural disparagement. INEXPEDIENT TO LEGISLATE

Rep. Andrew R. Peterson for Judiciary and Family Law: The committee, while sympathetic to those in the agricultural industry whose business is dependent on many unforeseeable conditions such as weather, market conditions and the like, believes this bill to constitute an attack on the First Amendment rights basic to our democracy. Particularly chilling was the comment of the Texas attorney in the "Oprah Winfrey" case relayed to our committee by the Farm Bureau representative in testimony before our committee that free speech must be "correct" speech based on scientific proof. Although the admirable concern of the sponsors that a farmer may be wiped out due to an unfounded "scare" campaign was not lost on the committee, the majority found that other remedies to that extreme situation already exist in law. The fundamental right of freedom of speech must, in this case, be our preeminent concern. Vote 14-1.

HB 1116, relative to division of property in no-fault divorces. INEXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Judiciary and Family Law: The court currently has broad discretion to look at all the issues involving the division of property during divorce proceedings. That is only one item the court considers. The property settlement is balanced by all other considerations including pensions, trusts and other assets. Vote 13-0.

HB 1202, establishing a study committee on probate court administration and procedures. INEXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Judiciary and Family Law: The sponsor testified that he proposed this legislation on behalf of a constituent who has been in court since 1989. The committee believes that it is inappropriate for the legislature to investigate an on-going court case while the parties still have many procedural remedies ahead of them. Vote 17-0.

HB 1422-FN, changing unemployment compensation benefits. OUGHT TO PASS

Rep. Edgar H Mears for Labor, Industrial and Rehabilitative Services: This bill raises benefit levels significantly and adjusts the level at which employers receive reductions to their contribution rate. This bill is a request of the Department of Employment Security and is unanimously supported by the Advisory Council on Unemployment Security Compensation . Vote 17-0.

Referred to Finance.

CACR 39, relating to the subject matter of legislation which can be introduced by the general court in a second year session. Providing that the subject matter of legislation which can be introduced by the general court in a second year session be limited to proposed constitutional amendments, budget matters in the event of a fiscal emergency, and re-referred bills that have received a 2/3 vote for consideration in the second year session. INEXPEDIENT TO LEGISLATE

Rep. Peter H. Burling for Legislative Administration: The committee voted Inexpedient to Legislate. The sense of the committee was that, however one might feel about limiting bills in the second year, it is not appropriate to do the limitation through our constitution. Vote 13-0.

HB 1402-FN, allowing the members of the general court dental insurance and relative to excess appropriations for state employee health insurance benefits for fiscal year 1998. OUGHT TO PASS

Rep. Robert L. Wheeler for Legislative Administration: This bill would allow members of the general court to participate in a group dental program afforded full time state employees as long as they cover their full expense. It also provides that the department of administrative services transfers excess appropriations for benefits to the employee benefit adjustment account for proper attention. Vote 13-0.

Referred to Finance.

HB 1410-FN, relative to administrative control and transferring the budget of the state law library. INEXPEDIENT TO LEGISLATE

Rep. Ronald J. Nowe for Legislative Administration: This bill would require that the House Legislative Administration Committee oversee the operation of the state law library. The committee, although flattered, found that determinations as to purchases of law-related materials could be more appropriately reviewed by the supreme court. In the event that the legislature feels that additional materials should be provided at the law library, the legislature can make its recommendations known. Vote 11-0.

HB 1413, relative to the membership and compensation of the general court. INEXPEDIENT TO LEGISLATE

Rep. Robert L. Wheeler for Legislative Administration: This bill would reduce the membership of the House of Representatives to 375 and would put into statute the current language of the constitution concerning legislative compensation. The committee found no compelling reason to reduce the size of the House. Placing the language of the constitution in statute seemed redundant and unnecessary. The committee therefore, recommended that the bill be found inexpedient to legislate. Vote 12-0.

HB 1264, requiring legislative approval before lotteries and horse or dog race sweepstakes may be authorized by the sweepstakes commission. INEXPEDIENT TO LEGISLATE

Rep. Stephen G. Avery for Local and Regulated Revenues: The committee had no desire to start micro-managing the sweepstakes commission. The commission assured the committee that any major innovations such as keno or others, if any, will be coming before the legislature. Vote 14-0.

HB 1468, clarifying the legal status of home brewers of beer. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen G. Avery for Local and Regulated Revenues: This bill allows home brewers to produce and transport beer to organized home brewing meetings, competitions, and exhibitions such as contests, tastings, and judgments. It limits production and prohibits sales of said products. It also has the support of the State Liquor Commission. Vote 17-0.

Amendment (0393h)

Amend RSA 175:5-b, III as inserted by section 1 of the bill by replacing it with the following:

III. Beer produced under the provisions of paragraph I may be removed from the premises where made for personal or family use for use at organized home brewing meetings, exhibitions, or competitions, such as homebrewer's contests, tastings, or judgments. Beer used under this paragraph shall not be sold or offered for sale.

Amend the bill by replacing section 2 with the following:

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

AMENDED ANALYSIS

This bill allows persons to produce a limited amount of beer for personal or family use without a license from or payment of fees to the liquor commission. The bill permits such persons to remove beer from the premises where it was made for personal or family use for use at organized home brewing meetings, exhibitions, or competitions.

HB 1601-FN, authorizing simulcast off-track betting races at the town of Salem bingo hall.
INEXPEDIENT TO LEGISLATE

Rep. Laura C. Pantelakos for Local and Regulated Revenues: The committee felt this bill is inappropriate because it would allow off-track betting for the first time. Vote 14-0.

HB 1641-FN, requiring the sweepstakes commission to receive prior approval from the legislative fiscal committee and governor and council before advertising for lottery ticket and other sweepstakes ticket sales and reducing advertising expenditures. INEXPEDIENT TO LEGISLATE

Rep. Robert N. Kelley for Local and Regulated Revenues: The committee did not feel that this bill was necessary to further the operation of the Sweepstakes Commission. One part of this bill would add the Fiscal Committee to the approval authority of the governor and council for any advertising of other than routine ticket sales. The Fiscal Committee already must approve any advertising contracts for ticket sales. The other part of the bill places a cap on advertising fund appropriations. The performance, to date, of the Sweepstakes Commission has certainly enhanced the funds that continue to flow into our education coffers. The committee did not want to limit the productivity of the commission by restricting its advertising capability, especially since the commission has a prime responsibility, according to the statutes, of "maximizing revenues". Vote 14-0.

HB 529, relative to excluding from the definition of subdivision the placement and maintenance of wireless communication facilities. OUGHT TO PASS WITH AMENDMENT

Rep. Cynthia J. Dokmo for Municipal and County Government: This bill permits municipalities to amend their zoning ordinances to provide that the rental, lease, development or grant of an easement for the purpose of placing and maintaining wireless communications facilities shall be

excluded from the definition of subdivision. The amendment also adds the word "unstaffed" to structure and increases the square footage from 200 to 500 square feet. Vote 12-0.

Amendment (0392h)

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Wireless Communication Facilities. Amend RSA 672:14 by inserting after paragraph III the following new paragraph:

IV. The zoning ordinances of a municipality may provide that the rent, lease, development, or grant of easement to a person for the purpose of placing and maintaining a wireless communications facility shall not be construed as a subdivision, and shall not be deemed to create any new division of land for any other purpose. For purposes of this paragraph, "wireless communications facilities" means any towers, poles, antennas, or other unstaffed structure of less than 500 square feet intended for use in connection with licensed transmission or receipt of radio or television signals, or any other licensed spectrum-based transmissions or receptions.

AMENDED ANALYSIS

This bill permits municipal zoning ordinances to allow property owners to rent, lease, develop, or grant easements for the purpose of constructing wireless communication facilities without having the interest in the land considered a subdivision. This bill also increases the square footage allowed for unstaffed structures of a public utility.

HB 1119, relative to the town line between the towns of Groton and Plymouth, New Hampshire. OUGHT TO PASS

Rep. Robert A. Lockwood for Municipal and County Government: Enactment of this bill will allow voters in the towns of Groton and Plymouth to adjust their common boundary by 2/3 votes at respective town meetings. The adjustments have been deemed necessary because modern surveying techniques have shown prior boundaries were inaccurate. Vote 13-0.

HB 1424, relative to the method for filling a vacancy in the position of county commissioner. OUGHT TO PASS WITH AMENDMENT

Rep. Robert A. Lockwood for Municipal and County Government: The committee determined that there is no compelling reason to change the appointment process for filling vacancies in the position of county commissioner based on testimony at its public hearing. The sponsor stated that he wanted the county delegation to make appointments instead of the Superior Court because he believed a new system would work better. The amendment deletes the language that would change the appointment process and updates language that would eliminate two uses of the word "commissioner" with different definitions. Vote 12-0.

Amendment (0308h)

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

AN ACT relative to filling a vacancy in the position of a county officer.

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

1 Vacancy in Office of County Officers. Amend RSA 661:9 to read as follows:

661:9 County Officers. If a vacancy occurs in the office of county commissioner, sheriff, county attorney, register of deeds, or county treasurer, the superior court shall ~~appoint a commissioner to~~ fill the vacancy for the unexpired term. If any person holding a county office enumerated above becomes temporarily absent or incapacitated, the superior court may, upon application of the county attorney or county commissioners, declare a temporary absence and fill the same for a limited period of time expressed in the appointment. Any officer of a county, including the register of probate, may be removed by the superior court for official misconduct.

2 Layout of Highways; Gender Neutral. Amend RSA 232:3 to read as follows:

232:3 Disqualification of County Commissioner. If any commissioner is interested in the petition ~~he~~ **the commissioner** shall not serve; and the vacancy shall be filled, upon motion or petition, by any judge of the superior court.

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

AMENDED ANALYSIS

This bill clarifies the authority of the superior court to fill a vacancy in the office of a county officer.

HB 1460, allowing counties to establish capital reserve funds to be funded with unencumbered surplus funds for the purpose of extraordinary legal fees and expenses related to present or foreseeable litigation involving the county or its officers. INEXPEDIENT TO LEGISLATE

Rep. Robert W. Brundige for Municipal and County Government: This bill would have allowed counties, by majority vote of the county delegation, to establish capital reserve funds utilizing unencumbered surplus funds to reimburse a member town for legal expenses based on disparity of assessed valuation. Testimony was received that the intent of the sponsor was to establish a mechanism to reimburse towns if the assessed valuation changed during the budget year. This committee has an already established county study committee to study county government. This issue will be considered by that committee. Vote 14-0.

HB 1518, increasing the minimum purchase amount by a county requiring competitive bidding. OUGHT TO PASS

Rep. Thomas E. Rice for Municipal and County Government: This bill increases the maximum limit from \$1,000 to \$5,000 that the County Commissioners can spend without going through the competitive bidding process. The \$5,000 limit brings the \$1,000 limit into line with inflation since the present limit was approved in 1979, almost 20 years ago. The County Delegation still has the authority to set a lower figure for the bidding process, if they so choose. Vote 10-2.

HB 1569, relative to voter approval for the issuance of bonds or notes for the operating and capital costs of the Gunstock recreation area. INEXPEDIENT TO LEGISLATE

Rep. Robert A. Lockwood for Municipal and County Government: The committee found that the stated purpose of the bill, to have a county-wide referendum in which two-thirds of the votes would have to approve capital improvement bond issue for the Gunstock Ski/Recreation Area, instead of a majority vote of the Belknap County Delegation would be contrary to efficient business practice

primarily because the votes could be taken only every two years. The committee was persuaded that Gunstock operations had improved significantly in recent years and believes the county delegation should continue to provide close oversight on all operations at Gunstock because it is funded primarily by property taxpayers in Belknap County. Vote 12-0.

HCR 20, recognizing the 100th anniversary of Old Home Day in New Hampshire OUGHT TO PASS

Rep. Joseph E. Stone for Municipal and County Government: This House concurrent resolution recognizes Gov. Frank W. Rollins's proclamation establishing Old Home Day in 1899. It requests the governor issue a proclamation and declare far and wide that August 1999 will be celebrated as the 100th anniversary of the origination of "Old Home Day", that the Governor use and develop the history and tradition of "Old Home Day" to the best possible effect in promoting the image of New Hampshire, enhancing the quality and quantity of tourism in the state and that those towns with the largest record of offering "Old Home Day" be widely recognized. Vote 12-0.

HB 1177-FN, relative to increasing the minimum amount of a state capital improvement project requiring competitive bidding. INEXPEDIENT TO LEGISLATE

Rep. Winston H. McCarty for Public Works and Highways: After addressing the concerns of this bill and HB 1374, the committee voted to combine the provisions of both bills into HB 1374, thereby making this bill unnecessary. The amendment to HB 1374 includes all the provisions of HB 1177. Vote 18-0.

HB 1272-L, requiring the long range capital planning and utilization committee and the Skyhaven airport operation commission to develop a plan to transfer the Skyhaven airport to a local public entity. OUGHT TO PASS

Rep. William E. Leber for Public Works and Highways: This legislation would provide that the Long Range Capital Planning and Utilization Committee (RSA 17M) and the Skyhaven Airport Operations Committee (RSA 422:47), which has membership from Rochester, Somersworth, Dover and local airport community, shall develop a plan to transfer land and buildings, contract obligations and benefits to a local public entity that will maintain the airport in satisfactory manner in accordance with federal and state statutes and regulations. Further, the new owner shall be one that is eligible for federal funding under the Airport Improvement Program and other federal programs. All income currently collected by the state from the property such as hanger rentals and contract fees shall accrue to the new owners who will be responsible for the airport maintenance and operations. Data provided the committee indicates the revenue from all airport sources is currently sufficient to cover operating expenses and the revenues are expected to improve as bonds are paid off. Skyhaven Airport shall continue to be eligible for state grants to match federal grants in the capital improvement program in the same manner as other major airports in the state. The effort to initiate action to develop the plan shall begin upon passage with completion and report due by July 1, 1999. Skyhaven Airport, the only state-owned airport, is an important part of the State Airport System and the transfer to local control will be beneficial to the future development of both the airport and the community. Vote 18-0.

HB 1335-FN, authorizing the department of administrative services to accept donations, gifts, and grants for the purpose of funding a design to expand the veterans' home in the town of Tilton and establishing the patients' needs committee. OUGHT TO PASS

Reps. William E. Leber and Marlene M. DeChane for Public Works and Highways : This bill is the result of a study committee in the Laws of 1997, Chapter 349:16. It provides authorization for the acceptance of donations, gifts and grants up to \$300,000.00 for funding a design for expansion of the

Veterans' Home over the next decade with emphasis on construction of a fifty bed dementia ward in the fiscal year 2000 capital budget. The study committee is re-established as the patients' needs committee to oversee progress of expansion of the veterans' home. Vote 19-0.

HB 1292-FN-LOCAL, relative to payment by public utilities for output of limited electrical energy producers. INEXPEDIENT TO LEGISLATE

Rep. Jeb E Bradley for Science, Technology and Energy: The sponsor of the legislation requested that it be found inexpedient as the subject matter has been dealt with in re-referred HB 485 already approved by the House. As it relates to this bill, HB 485 proposes to repeal the mandatory requirements for new electricity purchases from qualifying generation facilitates once competition exists in electricity markets. Vote 14-0.

HB 1334-FN, establishing the position of deputy adjutant general. OUGHT TO PASS

Rep. Rita G. MacAuslan for State-Federal Relations and Veterans Affairs: The position of Deputy Adjutant General is part of a reorganization involving many positions within the Adjutant General's office. This reorganization will not affect currently staffed positions. The new Deputy Adjutant General position will require little or no budgetary increase. Currently, there is no one to take over for the Adjutant General in his absence. The committee, taking into account the precedent for the position throughout New England and other states, votes unanimously Ought To Pass. Vote 12-0.

Referred to Finance.

HB 1216-FN, relative to motorcycle registration for drivers and riders who wear approved helmets. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: This bill was crafted as an insurance provision for un-helmeted motorcyclists claiming that they were a burden to the government for their care and substance and that motorcyclists were disproportionately underinsured, more so than the rest of society. The committee heard no testimony, nor saw any data that supported that claim. The committee found that this bill discriminated against motorcyclists by asking that they purchase \$1,000,000 (one million) worth of liability insurance, while exempting all other vehicles from the requirement to have comparable insurance. Testimony indicated that two thirds of all crashes involving motorcycles and other vehicles are the consequence of the operator of the other vehicle violating the motorcyclist's right-of-way, that resulted in the motorcyclist's being injured or killed, yet this bill has no provision for other drivers to carry this exorbitant liability insurance. Further testimony from those in the insurance business indicated that this type of insurance may not be available to everyone and is considerably expensive. Additionally the committee heard testimony from an attorney, whose expertise is personal injury accident claims, that this type of insurance (liability) would not insure the policy holder, but rather the other party, thereby asking the victim to bear the cost of the liability, accordingly this bill would not achieve its goal. The penalty clause of a class B misdemeanor for first offense and a class A misdemeanor for a second offense would only be exceeded by a DWI for what is now a legal activity, seemed out of touch with reality. Other provisions in the bill such as a tiered registration, insurance cards, and inspection station training have an unknown fiscal impact on both the state and private companies. Finally the constitutionality of this bill is in doubt, due to its discriminatory language. Vote 16-0.

HB 1363-FN, relative to special license plates and related fees for emergency personnel with 2-way radio equipment in their vehicles. INEXPEDIENT TO LEGISLATE

Rep. John W. Flanders, Sr. for Transportation: This bill is almost identical to a bill killed by the committee last year. The ability for this group to apply and start the process to receive a plate already exists in RSA 261-A. The bill does nothing but ask that these plates be given a reduced price as compared to other affinity plates granted under RSA 261-A, which process this group can apply through. Vote 16-0.

HB 1620, relative to the issuance of walking disability placards. INEXPEDIENT TO LEGISLATE

Rep. Brenda L. Ferland for Transportation: The sponsor asked that people receive as many placards as they request. The commissioner already has the authority to grant extra placards to a person who has shown that he/she needs them. The committee felt that this privilege has been greatly abused by people who borrow the cards from other family or friends and do not need them. An excess of cards does not need to be in the public. Vote 16-0.

REGULAR CALENDAR

SB 66, allowing a state resident to obtain a license for a pistol or revolver for life. OUGHT TO PASS WITH AMENDMENT

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill as it came to the committee would have established a "Lifetime Carry Permit" for concealed weapons. There was no support from the law enforcement community as it required a licensing entity, usually the chief of police at the local level, to declare that a person is a "suitable person" for the duration of the license, which under SB 66, would be the rest of that person's life. Would a licensing entity or a police chief who may be uneasy granting a four year permit be likely to embrace liability for a lifetime? Comments were made that the Vermont system, which has no provisions for a carry permit in its statutes, had experienced no problems and would be preferable to a permitting system for a lifetime. It is assumed that only law abiding citizens would avail themselves of a legal method of carrying a concealed weapon, therefore, the only persons affected by such laws are not the problem that the law is created to control. The committee was offered an amendment to repeal the current system of requiring a police chief to affirm that an applicant is a suitable person. Again, there was little support for a complete repeal of the concealed carry statutes. During the original testimony citizens were commenting about the penalty for carrying after the license expired which currently is a misdemeanor for the first offense and a class B felony for a subsequent offense. It was agreed by the committee to support a repeal of the current penalties to be replaced by a lesser penalty. The amendment offered today changes the penalty for carrying a concealed weapon with an expired permit to a violation and leaves the rest of the carry statutes intact. Vote 13-0.

Amendment (0356h)

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

AN ACT relative to the penalty for carrying a loaded pistol or revolver without a license.

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

1 Penalty; Carrying Without License. Amend RSA 159:4 to read as follows:

159:4 Carrying Without License. No person shall carry a loaded pistol or revolver in any vehicle or concealed upon his person, except in his dwelling, house or place of business, without a valid license therefor as hereinafter provided. A loaded pistol or revolver shall include any pistol or revolver with a magazine, cylinder, chamber or clip in which there are loaded cartridges. Whoever violates the provisions of this section shall ~~[-for the first such offense,] be guilty of a [misdemeanor]~~ **violation**. ~~[For the second and for each subsequent violation of the provisions of this section, such person shall be guilty of a class B felony, provided such second or subsequent violation has occurred within 7 years of the previous conviction.]~~

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

AMENDED ANALYSIS

This bill changes the penalty for carrying a loaded pistol or revolver from a misdemeanor for a first offense and a class B felony for a subsequent offense to a violation for both first and subsequent offenses.

Rep. Manning spoke against and yielded to questions

Reps. David Welch and Cobbin spoke in favor and yielded to questions.

Rep. Cobbin requested a roll call; sufficiently seconded.

The question being the adoption of the amendment.

YEAS 202 NAYS 141

YEAS 202

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Clark, Charles	Holbrook, Robert	Hurt, George	Laflam, Robert
Lawton, David	Lawton, Robert	Pilliod, James	Rice, Thomas, Jr.
Rosen, Ralph	Salatiello, Thomas	Thomas, John	

CARROLL

Bradley, Jeb	Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

CHESHIRE

Burnham, Daniel	Hunt, John	O'Connell, John	Royce, H. Charles
Smith, Edwin	Steere, Myron, III		

COOS

Coulombe, Henry	Coulombe, Yvonne	Davis, Perley	Guay, Lawrence
Merrill, Gerald	Pratt, Leighton	St. Hilaire, Paul	

GRAFTON

Akins, Ralph	Alger, John	Brown, Channing	Chase, Paul, Jr.
Cobbin, Philip	Eaton, Stephanie	Guaraldi, Lawrence	Hill, Richard
MacNeil, Allen	Mirski, Paul	Phinney, William	Teschner, Douglass
Trelfa, Richard	Weber, Phil	Williams, William, Jr.	

HILLSBOROUGH

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Baroody, Benjamin
Belvin, William	Briefs, Geoffrey	Brundige, Robert	Burke, M. Virginia
Calawa, Leon, Jr.	Carlson, Donald	Carney, Lauren	Christiansen, Lars
Daniels, Gary	Dawe, Eileen	Desrosiers, William	Drabinowicz, A. Theresa
Durham, Susan	Dyer, Merton	Emerton, Lawrence, Sr.	Fields, Dennis
Franks, Suzan	Golding, William	Goulet, Maurice	Haettenschwiller, Alphonse
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Hunter, Bruce
Jean, Claudette	Jean, Loren	Kelley, Robert	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland	Letendre, Evelyn
Lozeau, Donnalee	Luebker, Bernard	MacGillivray, Jeffrey	Martin, Mary
McCarthy, William	McCarty, Winston	McGough, Tim	McRae, Karen
Mercer, Robert	Messier, Irene	Milligan, Robert	Mittelman, David
Morello, Michael	Murphy, Robert	O'Hearn, Jane	Peterson, Andrew
Piteri, Dawn	Riley, Frances	Rowe, Robert	Sargent, Maxwell
Thulander, O. Alan	Turgeon, Roland	Vaillancourt, Steve	Wheeler, Robert
White, Donald	Wright, George		

MERRIMACK

Adams, Stephen	Anderson, Eric	Crowell, Peter	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Krueger, Patricia	Lamach, Bernard
Langer, Ray	Larrabee, David	Lavoie, Gerard	Leber, William
Marshall, Kenneth	Maxfield, Roy	Nichols, Avis	Pfaff, Terence
Whalley, Michael	Whittemore, James		

ROCKINGHAM

Arndt, Janet	Battles-Peirce, Marjorie	Beaulieu, Jon	Bishop, Franklin
Camm, Kevin	Cegelis, Mark	Christie, Andrew, Jr.	Dearborn, Bruce
Dodge, Robert	Dowd, Sandra	Dowling, Patricia	Dunham, Vivian
Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr.

Francoeur, Sheila	Frechette, Joseph	Gleason, John	Griffin, Mary
Guthrie, Joseph	Henderson, Warren	Katsakiores, George	Katsakiores, Phyllis
Klemm, Arthur, Jr.	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Lovejoy, Marian	Major, Norman	Malcolm, Kenneth
McCarthy, John, Jr.	McKinney, Betsy	Mikowski, Walter	Moore, Benjamin
Morris, Debbie	Nowe, Ronald	Noyes, Richard	Packard, Sherman
Pitts, Jacqueline	Rabideau, Marie	Raynowska, Bernard	Smith, Kevin
Stickney, Nancy	Stone, Joseph	Tufts, J. Arthur	Varrell, Thomas
Weatherspoon, Jackie	Welch, David	Weyler, Kenneth	Woods, Deborah

STRAFFORD

Bickford, David	Brown, Julie	Cossette, Larry	Kaen, Naida
McKinley, Robert	Merritt, Deborah	Musler, George	Spear, Barbara
Torr, Ann	Torr, Franklin	Tsiros, William	Twardus, Joseph
Vincent, Francis	Wall, Janet		

SULLIVAN

Ferland, Brenda	Flint, Gordon	Kibbey, David	Leone, Richard
Schotanus, Merle			

NAYS 141

BELKNAP

None

CARROLL

Babson, David, Jr.

CHESHIRE

Bonneau, Sarah	DePecol, Benjamin	Doucette, Richard	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	McNamara, Wanda
Meador, David	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Robertson, Timothy		

COOS

Bradley, Paula	Hawkinson, Marie	Mears, Edgar	Moynihan, Wayne
Tholl, John, Jr.			

GRAFTON

Almy, Susan	Below, Clifton	Guest, Robert	Hinman, Harry
LaMott, Paul	Lovett, Sidney	Luker, Elsa	Nordgren, Sharon

HILLSBOROUGH

Ackerman, Philip	Ameen, W.	Barry, William, III	Batula, Peter
Bergin, Peter	Boutin, David	Buckley, Raymond	Cardin, Lori
Chabot, Robert	Clay, Susan	Clegg, Robert, Jr.	Clemons, Jane
Cote, David	Cote, Peter	D'Allesandro, Lou	Daigle, Robert
Dokmo, Cynthia	Dwyer, Paul, Sr.	Flora, Kathleen	Foster, Joseph
Foster, Linda	Gage, Ruth	Ginsburg, Ruth	Hall, Betty
Hart, Nick	Johnson, Lionel	Konys, Christine	Leishman, Peter
Leonard, Peter	Lessard, Rudy	Lynde, Harold	MacAuslan, Rita
MacIntyre, Doris	McDonald, James, Sr.	Melcher, Harold	O'Rourke, Thomas
Perkins, Paul	Reidy, Frank	Welch, Donald	White, Jay

MERRIMACK

Burney, Carol	Crosby, Toni	Daneault, Gabriel	DeStefano, Stephen
Dunn, Miriam	Feuerstein, Martin	Fraser, Marilyn	French, Barbara
Gile, Mary	Jacobson, Alf	Lockwood, Robert	Moore, Carol
Morrill, Olive	Owen, Derek	Reardon, Tara	Rogers, Katherine
Seldin, Gloria	St. Cyr, Gerard	Wallin, Jean	Wallner, Mary Jane
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Belanger, Ronald	Blanchard, MaryAnn	Case, Margaret
Clark, Martha	Coes, Betsy	Cooney, Richard	Cushing, Robert
Dalrymple, Janeen	Dolan, Richard	Downing, Michael	Gibbons, Paul
Heath, John	Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane
Micklon, Stephanie	Norelli, Terie	Pantelakos, Laura	Sabella, Norma
Sapareto, Frank	Schanda, Frank	Stritch, C. Donald	Syracusa, Anthony
Vaughn, Charles			

STRAFFORD

Berube, Roger	Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Grassie, Anne	Keans, Sandra	Knowles, William
Lundborn, Raymond	McCann, William, Jr.	Merrill, Amanda	Pelletier, Arthur
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Sullivan, Henry	Taylor, Kathleen	Vachon, Dennis	

SULLIVAN

Adler, Rudolf	Allison, David	Burling, Peter	Cloutier, John
Lindblade, Eric	Palmer, Lorraine	Robb-Theroux, Amy	Wiggins, Celestine

and the amendment was adopted.

Rep. Knowles offered a floor amendment.

Floor Amendment (0480h)

Amend the bill by replacing section 1 with the following:

1 Penalty; Expired License; Carrying Without License. Amend RSA 159:4 to read as follows:

159:4 Carrying Without License.

I. No person shall carry a loaded pistol or revolver in any vehicle or concealed upon his person, except in his dwelling, house or place of business, without a valid license therefor as hereinafter provided. A loaded pistol or revolver shall include any pistol or revolver with a magazine, cylinder, chamber or clip in which there are loaded cartridges. ***Except as provided in paragraph II,*** whoever violates the provisions of this section shall, for the first such offense, be guilty of a misdemeanor[-] ***and*** for the second and for each subsequent violation of the provisions of this section, [~~such person~~] shall be guilty of a class B felony, provided such second or subsequent violation has occurred within 7 years of the previous conviction.

II. Notwithstanding the provisions of paragraph I, a person whose license has expired for not more than 60 days shall be guilty only of a violation. Such a violation shall not be considered a first offense under this section.

AMENDED ANALYSIS

This bill provides an exception from the penalty for carrying a loaded pistol or revolver without a license for a person whose license has expired for less than 60 days.

Rep. Knowles spoke in favor and yielded to questions.

Rep. William Riley spoke against.

Rep. Lyman yielded to questions.

Rep. Burling moved Recommit to Committee and withdrew his motion

MOTION TO SPECIAL ORDER

Rep. Burling moved that ***SB 66***, allowing a state resident to obtain a license for a pistol or revolver for life, be made a Special Order for the last item on the day's calendar.

Rep. Lozeau spoke in favor.

Reps. Avery and David Welch spoke against.

On a division vote, 162 members having voted in the affirmative and 173 in the negative, the motion failed.

The question now being the adoption of the Knowles floor amendment.

Rep. MacGillivray requested a roll call; sufficiently seconded.

YEAS 173 NAYS 163

YEAS 173

BELKNAP

Boriso, Thomas

Calvert, Alice

Salatiello, Thomas

CARROLL

Babson, David, Jr.

CHESHIRE

Bonneau, Sarah

Burnham, Daniel

Doucette, Richard

Lynch, Margaret

Lynott, Margaret

Manning, Joseph

McGuirk, Paul

Meador, David

Pratt, Irene

Pratt, John

Richardson, Barbara

Riley, William

Robertson, Timothy

Smith, Edwin

Vogl, John

COOS

Bradley, Paula

Davis, Perley

Hawkinson, Marie

Mears, Edgar

Moynihan, Wayne

Pratt, Leighton

Tholl, John, Jr.

GRAFTON

Almy, Susan

Below, Clifton

Brown, Channing

Guest, Robert

Hinman, Harry

Lovett, Sidney

Luker, Elsa

Nordgren, Sharon

HILLSBOROUGH

Ackerman, Philip

Ameen, W.

Baroody, Benjamin

Barry, William, III

Batula, Peter

Bergin, Peter

Brundige, Robert

Cardin, Lori

Clemons, Jane

Cote, David

Cote, Peter

D'Allesandro, Lou

Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.
Fields, Dennis	Flora, Kathleen	Foster, Joseph	Foster, Linda
Gage, Ruth	Ginsburg, Ruth	Golding, William	Haettenschwiller, Alphonse
Hall, Betty	Hart, Nick	Jean, Claudette	Johnson, Lionel
Konys, Christine	L'Heureux, Robert	Leishman, Peter	Leonard, Peter
Lessard, Rudy	Lynde, Harold	MacAuslan, Rita	MacIntyre, Doris
Martin, Mary	McCarty, Winston	McDonald, James, Sr.	Melcher, Harold
Milligan, Robert	Murphy, Robert	O'Rourke, Thomas	Perkins, Paul
Piteri, Dawn	Reidy, Frank	Rowe, Robert	Turgeon, Roland
Wheeler, Robert	White, Jay		

MERRIMACK

Burney, Carol	Crosby, Toni	Daneault, Gabriel	DeStefano, Stephen
Dunn, Miriam	Feuerstein, Martin	Fraser, Marilyn	French, Barbara
Gile, Mary	Hager, Elizabeth	Hess, David	Jacobson, Alf
Lockwood, Robert	Marshall, Kenneth	Moore, Carol	Morrill, Olive
Owen, Derek	Pfaff, Terence	Reardon, Tara	Seldin, Gloria
St. Cyr, Gerard	Wallin, Jean	Whalley, Michael	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Battles-Peirce, Marjorie	Belanger, Ronald	Blanchard, MaryAnn
Case, Margaret	Clark, Martha	Cooney, Richard	Cushing, Robert
Dalrymple, Janeen	Dolan, Richard	Downing, Michael	Francoeur, Sheila
Frechette, Joseph	Gibbons, Paul	Gleason, John	Heath, John
Henderson, Warren	Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane
McCarthy, John, Jr.	McKinney, Betsy	Micklon, Stephanie	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Sabella, Norma	Sapareto, Frank
Schanda, Frank	Stritch, C. Donald	Syracusa, Anthony	Vaughn, Charles
Weatherspoon, Jackie			

STRAFFORD

Berube, Roger	Brown, Julie	Callaghan, Frank	Dunlap, Patricia
Estabrook, Iris	Grassie, Anne	Kaen, Naida	Keans, Sandra
Knowles, William	Lundborn, Raymond	McCann, William, Jr.	Merrill, Amanda
Merritt, Deborah	Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Sullivan, Henry	Taylor, Kathleen
Torr, Franklin	Twardus, Joseph	Vachon, Dennis	Wall, Janet

SULLIVAN

Adler, Rudolf	Allison, David	Burling, Peter	Cloutier, John
Lindblade, Eric	Palmer, Lorraine	Robb-Theroux, Amy	Wiggins, Celestine

NAYS 163

BELKNAP

Bartlett, Gordon	Boyce, Robert	Clark, Charles	Holbrook, Robert
Hurt, George	Laflam, Robert	Lawton, David	Lawton, Robert
Pilliod, James	Rice, Thomas, Jr.	Rosen, Ralph	Thomas, John

CARROLL

Bradley, Jeb	Chandler, Gene	Dickinson, Howard, Jr.	Howard, Godfrey
Kenney, Joseph	Lyman, L. Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald			

CHESHIRE

Avery, Stephen	Hunt, John	McNamara, Wanda	O'Connell, John
Royce, H. Charles	Steere, Myron, III		

COOS

Coulombe, Henry	Coulombe, Yvonne	Guay, Lawrence	St. Hilaire, Paul
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GRAFTON

Akins, Ralph	Alger, John	Chase, Paul, Jr.	Cobbin, Philip
Eaton, Stephanie	Guaraldi, Lawrence	LaMott, Paul	Mirski, Paul
Phinney, William	Teschner, Douglass	Trelfa, Richard	Weber, Phil
Williams, William, Jr.			

HILLSBOROUGH

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Belvin, William
Boutin, David	Briefs, Geoffrey	Buckley, Raymond	Burke, M. Virginia
Calawa, Leon, Jr.	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clay, Susan	Clegg, Robert, Jr.	Daniels, Gary	Dawe, Eileen
Durham, Susan	Dyer, Merton	Emerton, Lawrence, Sr.	Franks, Suzan
Goulet, Maurice	Hansen, Herbert	Herman, Keith	Holley, Sylvia
Hunter, Bruce	Jean, Loren	Kelley, Robert	Kurk, Neal
LaRose, Richard	Lefebvre, Roland	Letendre, Evelyn	Lozeau, Donnalee
Luebker, Bernard	MacGillivray, Jeffrey	McCarthy, William	McGough, Tim
McRae, Karen	Mercer, Robert	Messier, Irene	Mittelman, David
O'Hearn, Jane	Peterson, Andrew	Riley, Frances	Sargent, Maxwell
Thulander, O. Alan	Vaillancourt, Steve	Welch, Donald	White, Donald
Wright, George			

MERRIMACK

Adams, Stephen	Anderson, Eric	Crowell, Peter	Hoadley, Elizabeth
Krueger, Patricia	Lamach, Bernard	Langer, Ray	Larrabee, David
Lavoie, Gerard	Leber, William	Maxfield, Roy	Nichols, Avis
Wallner, Mary Jane	Whittemore, James		

ROCKINGHAM

Arndt, Janet	Bishop, Franklin	Camm, Kevin	Carson, Gregory
Cegelis, Mark	Dearborn, Bruce	Dodge, Robert	Dowd, Sandra
Dowling, Patricia	Dunham, Vivian	Felch, Charles, Sr.	Fesh, Robert
Flanagan, Natalie	Flanders, John, Sr.	Griffin, Mary	Guthrie, Joseph
Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Lovejoy, Marian
Major, Norman	Malcolm, Kenneth	Mikowski, Walter	Morris, Debbie
Nowe, Ronald	Noyes, Richard	Packard, Sherman	Rabideau, Marie
Raynowska, Bernard	Reardon, Neil	Smith, Kevin	Stickney, Nancy
Stone, Joseph	Tufts, J. Arthur	Varrell, Thomas	Welch, David
Weyler, Kenneth	Woods, Deborah		

STRAFFORD

Bickford, David	Cossette, Larry	DeChane, Marlene	McKinley, Robert
Musler, George	Spear, Barbara	Torr, Ann	Tsiros, William
Vincent, Francis			

SULLIVAN

Ferland, Brenda

Flint, Gordon

Kibbey, David

Leone, Richard

Schotanus, Merle

and the Knowles floor amendment was adopted.

Rep Cegelis offered a floor amendment.

Floor Amendment (0466h)

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

AN ACT eliminating the license requirement for state residents to carry a pistol or revolver and establishing criminal penalties for unlawful use of a loaded pistol or revolver.

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

1 Reference Change; Bow and Arrow. Amend RSA 208:5, V to read as follows:

V. The licensee shall not be entitled to carry any firearms while hunting under the provisions of this section, unless such licensee also possesses a valid firearms hunting license or, *if a nonresident*, a valid license to carry firearms issued pursuant to RSA 159.

2 Carrying Without License; Penalties for Unlawful Use. RSA 159:4 is repealed and reenacted to read as follows:

159:4 Carrying Without License; Penalties for Unlawful Use.

I. In this section, a loaded pistol or revolver includes any pistol or revolver with a magazine, cylinder, chamber or clip in which there are loaded cartridges.

II. No person who is a nonresident of this state shall carry a loaded pistol or revolver in any vehicle or concealed upon his person, except in his dwelling, house or place of business, without obtaining a valid license pursuant to RSA 159:6. A nonresident who violates the provisions of this paragraph shall, for the first such offense, be guilty of a misdemeanor. For the second and for each subsequent violation of the provisions of this section, such person shall be guilty of a class B felony, provided such second or subsequent violation has occurred within 7 years of the previous conviction.

III. It shall be unlawful for any person to use a loaded pistol or revolver to commit a felony which includes the use of violence against another person and results in severe bodily harm to that person. A person who violates the provisions of this paragraph shall be guilty of a class B felony for a first offense and a class A felony for a subsequent offense.

IV. No person shall have or carry, on or about his or her person, openly or concealed, with the intent to unlawfully injure another person or commit a crime of violence, a loaded pistol or revolver. A person who violates the provisions of this paragraph shall be guilty of a class A misdemeanor.

3 Resident Requirement for License to Carry Eliminated. Amend RSA 159:6 to read as follows:

159:6 ***Nonresidents***, License to Carry. ~~[The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of such town or city, or]~~ The director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not less than 4 years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, and that the applicant is a suitable person to be licensed. Hunting, target shooting, or self-defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was originally issued. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the ~~[people issuing the same]~~ ***director of state police*** for 4 years. When required, license renewal shall take place within the month of the fourth anniversary of the license holder's date of birth following the date of issuance. The license shall be issued within 14 days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the ~~[person to whom the application was made. The fee for licenses issued to residents of the state shall be \$10, which fee shall be for the use of the law enforcement department of the town granting said licenses;]~~ ***director of state police***. The fee for licenses ~~[granted to out-of-state residents]~~ shall be \$20, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses ~~[and to supply the same to officials of the cities and towns authorized to issue the licenses. No other forms shall be used by officials of cities and towns]~~. The cost of the forms shall be paid out of the fees received from ~~[nonresident]~~ ***the*** licenses.

4 Repeal. The following are repealed:

- I. RSA 159:6-a, relative to confidentiality of licenses.
- II. RSA 159:6-b, relative to suspension or revocation of license.
- III. RSA 159:6-c, relative to appeal from denial, suspension or revocation.
- IV. RSA 159:6-e, relative to violations of licensing provisions.
- V. RSA 159:6-f, relative to remedies.

5 Effective Date. This act shall take effect January 1, 1999.

AMENDED ANALYSIS

This bill eliminates the license requirement for a New Hampshire resident to carry a loaded pistol or revolver. The bill retains the license requirement for nonresidents.

The bill also establishes new criminal penalties for unlawful use of a loaded pistol or revolver.

Rep. Cegelis spoke in favor.

Rep. Cegelis requested a roll call; sufficiently seconded.

The question being the adoption of the Cegelis floor amendment.

YEAS 87 NAYS 248

YEAS 87

BELKNAP

Boyce, Robert	Hurt, George	Lawton, David	Rice, Thomas, Jr.
Rosen, Ralph			

CARROLL

Babson, David, Jr.	Chandler, Gene	Dickinson, Howard, Jr.	Howard, Godfrey
Kenney, Joseph			

CHESHIRE

Avery, Stephen	McNamara, Wanda	Royce, H. Charles	Steere, Myron, III
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COOS

Coulombe, Henry	Davis, Perley	Guay, Lawrence	St. Hilaire, Paul
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GRAFTON

Alger, John	Cobbin, Philip	Guaraldi, Lawrence	Mirski, Paul
Phinney, William	Teschner, Douglass	Weber, Phil	

HILLSBOROUGH

Arnold, Thomas, Jr.	Batula, Peter	Boutin, David	Briefs, Geoffrey
Burke, M. Virginia	Carlson, Donald	Christiansen, Lars	Clay, Susan
Clegg, Robert, Jr.	Daniels, Gary	Emerton, Lawrence, Sr.	Herman, Keith
Jean, Loren	L'Heureux, Robert	Lefebvre, Roland	Leonard, Peter
Lessard, Rudy	Lozeau, Donnalee	Luebker, Bernard	MacGillivray, Jeffrey
McGough, Tim	McRae, Karen	Messier, Irene	Mittelman, David
Riley, Frances	Wright, George		

MERRIMACK

Adams, Stephen	Crowell, Peter	Langer, Ray	Larrabee, David
Lavoie, Gerard			

ROCKINGHAM

Belanger, Ronald	Camm, Kevin	Carson, Gregory	Cegelis, Mark
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Dowling, Patricia	Dunham, Vivian	Felch, Charles, Sr.	Fesh, Robert
Flanders, John, Sr.	Griffin, Mary	Guthrie, Joseph	Letourneau, Robert
Major, Norman	Mikowski, Walter	Morris, Debbie	Nowe, Ronald
Noyes, Richard	Packard, Sherman	Rabideau, Marie	Reardon, Neil
Sapareto, Frank	Smith, Kevin	Varrell, Thomas	Welch, David
Weyler, Kenneth			

STRAFFORD

Bickford, David	Brown, Julie	Cossette, Larry	McKinley, Robert
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SULLIVAN

Adler, Rudolf	Kibbey, David
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NAYS 248

BELKNAP

Bartlett, Gordon	Calvert, Alice	Clark, Charles	
Holbrook, Robert	Laflam, Robert	Lawton, Robert	Pilliod, James
Salatiello, Thomas	Thomas, John		

CARROLL

Bradley, Jeb	Lyman, L. Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald			

CHESHIRE

Bonneau, Sarah	Burnham, Daniel	Doucette, Richard	Hunt, John
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	O'Connell, John	Pratt, Irene	Pratt, John
Richardson, Barbara	Riley, William	Robertson, Timothy	Smith, Edwin
Vogl, John			

COOS

Bradley, Paula	Coulombe, Yvonne	Hawkinson, Marie	Mears, Edgar
Moynihan, Wayne	Pratt, Leighton	Tholl, John, Jr.	

GRAFTON

Akins, Ralph	Almy, Susan	Below, Clifton	Brown, Channing
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Eaton, Stephanie	Guest, Robert	Hinman, Harry	LaMott, Paul
Lovett, Sidney	Luker, Elsa	Nordgren, Sharon	Trelfa, Richard
Williams, William, Jr.			

HILLSBOROUGH

Ackerman, Philip	Allen, W. Gordon	Alukonis, David	Ameen, W.
Amidon, Eleanor	Baroody, Benjamin	Barry, William, III	Belvin, William
Bergin, Peter	Brundige, Robert	Buckley, Raymond	Calawa, Leon, Jr.
Cardin, Lori	Chabot, Robert	Clemons, Jane	Cote, David
Cote, Peter	D'Allesandro, Lou	Daigle, Robert	Dawe, Eileen
Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.
Dyer, Merton	Fields, Dennis	Flora, Kathleen	Foster, Joseph
Foster, Linda	Franks, Suzan	Gage, Ruth	Ginsburg, Ruth
Golding, William	Goulet, Maurice	Haettenschwiller, Alphonse Hall, Betty	
Hansen, Herbert	Hart, Nick	Holley, Sylvia	Hunter, Bruce
Jean, Claudette	Johnson, Lionel	Kelley, Robert	Konys, Christine
Kurk, Neal	LaRose, Richard	Leishman, Peter	Letendre, Evelyn
Lynde, Harold	MacAuslan, Rita	MacIntyre, Doris	Martin, Mary
McCarthy, William	McCarty, Winston	McDonald, James, Sr.	Melcher, Harold
Mercer, Robert	Milligan, Robert	Murphy, Robert	O'Hearn, Jane
O'Rourke, Thomas	Perkins, Paul	Peterson, Andrew	Piteri, Dawn
Reidy, Frank	Rowe, Robert	Sargent, Maxwell	Thulander, O. Alan
Turgeon, Roland	Vaillancourt, Steve	Welch, Donald	Wheeler, Robert
White, Donald	White, Jay		

MERRIMACK

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

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Battles-Peirce, Marjorie	Bishop, Franklin
Blanchard, MaryAnn	Case, Margaret	Christie, Andrew, Jr.	Clark, Martha
Cooney, Richard	Cushing, Robert	Dearborn, Bruce	Dodge, Robert
Dolan, Richard	Dowd, Sandra	Downing, Michael	Flanagan, Natalie
Francoeur, Sheila	Frechette, Joseph	Gibbons, Paul	Gleason, John
Heath, John	Henderson, Warren	Hutchinson, Rebecca	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Klemm, Arthur, Jr.
Kobel, Rudolph	Langley, Jane	Langone, John	Lovejoy, Marian
Malcolm, Kenneth	McKinney, Betsy	Micklon, Stephanie	Moore, Benjamin
Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline	Raynowska, Bernard
Sabella, Norma	Schanda, Frank	Stickney, Nancy	Stone, Joseph
Stritch, C. Donald	Syracusa, Anthony	Tufts, J. Arthur	Vaughn, Charles
Weatherspoon, Jackie	Woods, Deborah		

STRAFFORD

Berube, Roger	Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Grassie, Anne	Kaen, Naida	Keans, Sandra
Knowles, William	Lundborn, Raymond	McCann, William, Jr.	Merrill, Amanda
Merritt, Deborah	Musler, George	Pelletier, Arthur	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spear, Barbara	Sullivan, Henry
Taylor, Kathleen	Torr, Ann	Torr, Franklin	Tsiros, William
Twardus, Joseph	Vachon, Dennis	Vincent, Francis	Wall, Janet

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon	Leone, Richard	Lindblade, Eric	Palmer, Lorraine
Robb-Theroux, Amy	Schotanus, Merle	Wiggins, Celestine	

and the Cegelis floor amendment failed.

MOTION TO LAY ON THE TABLE

Rep. Dolan moved that **SB 66**, allowing a state resident to obtain a license for a pistol or revolver for life, be laid upon the table.

The motion failed.

The question now being the adoption of the amended committee report.

Adopted and ordered to third reading.

RECESS

(Speaker Sytek in the Chair)

HB 1350, relative to vocational student organizations, the appointment of a vocational student organization advisor, and making an appropriation therefor. OUGHT TO PASS

Rep. Richard L. Hill for Education: There is a need for Vocational Service Organizations' (VSO's) advisors to provide opportunities in leadership development in nationally recognized vocational service organizations. The appropriation is necessary to continue the program to support the advisors. The Carl Perkins Act provides federal money for this program and the Department of Education will supply money to this program. Vote 15-0.

Adopted and referred to Finance.

HB 1134, relative to the voting hours for the town of Sugar Hill. INEXPEDIENT TO LEGISLATE

Rep. Raymond C Buckley for Election Law: This legislation is similar to bills the committee heard last year. Following the passage of uniform voting hours by an overwhelming margin in the Town of Sugar Hill, this bill would repeal the voters' action. The committee supports uniform voting hours and the majority vote of Sugar Hill. Vote 16-1.

Adopted.

HB 1430, relative to political expenditure limitation amounts. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Thomas I Arnold, Jr for the Majority of Election Law: This bill increases the voluntary limitation on campaign expenditures to \$625,000 (for each, primary and general election) for governor and for US Senator and to \$350,000 for Representative to Congress. The amendment establishes the effective date. This is intended to compensate for inflation and increase cost of advertising over the four (4) years since the previous figure was set. This committee believes that this increases the viability of our spending limits. Vote 12-5.

Rep. Raymond C Buckley for the Minority of Election Law: This bill fails to address the basic reason why the voluntary spending limit has failed. The dramatic and uncontrolled rise in independent expenditures has caused candidates to forego the voluntary limit option. While the sponsors may believe raising the limit by the arbitrary amount proposed will dissuade independent expenditures, no testimony was given to prove their position.

Amendment (0316h)

Amend the bill by replacing section 2 with the following:

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

Adopted.

Majority report adopted and ordered to third reading.

HB 616-FN, relative to jury selection reforms. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill changes the method for compiling the master jury list. The voter lists as well as the drivers' license list will both be used annually by the Administrative Office of the Courts (AOC) to form a master jury list. The bill also repeals most jury exemptions, a decision of the policy committee. The amendment states that the voter lists and the Department of Safety lists as well as the master jury list are confidential documents and are to be used for purposes of jury selection only. The AOC indicated that it will absorb any costs required to implement this bill. As a result, there will be no impact on the general fund. Vote 15-4.

Amendment (0359h)

Amend RSA 500-A:1, VI as inserted by section 2 of the bill by replacing it with the following:

VI. "Voter lists" means the official record of persons registered to vote in the most recent state general election and town lists, which are the combined and alphabetically arranged lists prepared by the selectmen and city wards for their respective jurisdictions made up of all adults listed on the voter registration lists, and provided to the office by the selectmen and city wards.

Amend RSA 500-A:2 as inserted by section 3 of the bill by replacing it with the following:

500-A:2 Preparation of Master Jury List. The ~~[department]~~ **office** shall annually prepare and deliver to the clerk of court a master jury list for each county or judicial district thereof. A duplicate list shall be retained by the ~~[department]~~ **office**. ***Voter lists and department of safety lists, as well as the master jury list, are confidential documents to be used by the office and the respective trial courts only for purposes of jury selection.***

AMENDED ANALYSIS

This bill changes the method for compiling the master jury list. The voter lists and the driver's license list will be blended annually into a master jury list by the administrative office of the courts.

The bill specifies that the master jury list, voter lists, and driver's license list are confidential documents.

The bill also repeals the most jury exemptions. The bill prohibits a convicted felon whose conviction has not been annulled or is not eligible for annulment under New Hampshire law from serving on juries.

Adopted.

Report adopted and ordered to third reading.

HB 686-FN-A, relative to financing of child day care facilities and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Frances L. Riley for Finance: This bill preserves the intent of the Health and Human Services Committee and the wishes of the House regarding assistance to day care centers. The amendment (a) eliminates the appropriation from the general fund and (b) permits \$17,500 of already appropriated funds plus loan repayments under the current program to be used for interest rate subsidies on future loans for child day care facilities. Vote 20-0.

Amendment (0403h)

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

AN ACT relative to financing child day care facilities.

Amend the bill by deleting section 3 and renumbering the original sections 4-7 to read as sections 3-6 respectively.

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect [~~July 1, 1998~~] ***upon its passage.***

AMENDED ANALYSIS

This bill establishes a non-profit child day care loan program through the department of health and human services.

Adopted.

Report adopted and ordered to third reading.

HB 1324, requiring parental notification before abortions may be performed on certain minors.
MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Marjorie K. Smith for the Majority of Judiciary and Family Law: This bill would not result in improving communication within families. More than 70% of minors do inform their parents. Those who do not, often have sound reasons. Finally the bill does not protect the constitutional right of a minor to have an abortion without the notice of both parents if she is mature enough to make her own decision or an abortion is in her best interests. Vote 12-4.

Rep. Evelyn S. Letendre for the Minority of Judiciary and Family Law: The minority of the committee believes that at the most critical time in a woman's life she should have the support and guidance of a family member. In addition, since there are numerous things that a minor cannot do or have done to her without parental permission, it seems absurd to us that a minor can have an abortion without even so much as notification. This bill provides for parental notification not permission. In the event that the minor is a victim of sexual abuse, physical abuse, or neglect, notification can be made to a sibling over the age of 21, a stepparent or grandparent.

Rep. Adams spoke against and yielded to questions.

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

Rep. Adams requested a roll call; sufficiently seconded.

The question being the adoption of the Majority report.

YEAS 232 NAYS 103

YEAS 232

BELKNAP

Bartlett, Gordon	Calvert, Alice	Holbrook, Robert	Lawton, Robert
Pilliod, James	Salatiello, Thomas	Thomas, John	

CARROLL

Babson, David, Jr.	Bradley, Jeb	Dickinson, Howard, Jr.	Howard, Godfrey
Patten, Betsey	Philbrick, Donald		

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Doucette, Richard
Hunt, John	Lynch, Margaret	Lynott, Margaret	McGuirk, Paul
Meador, David	O'Connell, John	Pratt, Irene	Pratt, John
Richardson, Barbara	Riley, William	Robertson, Timothy	Smith, Edwin
Vogl, John			

COOS

Bradley, Paula	Davis, Perley	Hawkinson, Marie	Mears, Edgar
Merrill, Gerald	Moynihan, Wayne	Pratt, Leighton	

GRAFTON

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

HILLSBOROUGH

Ackerman, Philip	Allen, W. Gordon	Alukonis, David	Amidon, Eleanor
Barry, William, III	Belvin, William	Bergin, Peter	Briefs, Geoffrey
Buckley, Raymond	Calawa, Leon, Jr.	Cardin, Lori	Carlson, Donald
Chabot, Robert	Christiansen, Lars	Clay, Susan	Clemons, Jane
Cote, David	Cote, Peter	D'Allesandro, Lou	Daigle, Robert
Dawe, Eileen	Dokmo, Cynthia	Durham, Susan	Dyer, Merton

Emerton, Lawrence, Sr.	Fields, Dennis	Foster, Joseph	Foster, Linda
Franks, Suzan	Gage, Ruth	Ginsburg, Ruth	Golding, William
Haettenschwiller, Alphonse Hall, Betty	Hansen, Herbert	Hart, Nick	
Herman, Keith	Jean, Loren	Johnson, Lionel	Konys, Christine
Kurk, Neal	Leishman, Peter	Leonard, Peter	Lozeau, Donnalee
Lynde, Harold	MacAuslan, Rita	MacIntyre, Doris	McCarthy, William
McCarty, Winston	McRae, Karen	Melcher, Harold	Mercer, Robert
Messier, Irene	Milligan, Robert	Mittelman, David	Morello, Michael
Murphy, Robert	O'Hearn, Jane	O'Rourke, Thomas	Perkins, Paul
Peterson, Andrew	Reidy, Frank	Rowe, Robert	Sargent, Maxwell
Thulander, O. Alan	Welch, Donald		

MERRIMACK

Anderson, Eric	Burney, Carol	Chandler, Earle	Crosby, Toni
Crowell, Peter	DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Lamach, Bernard
Langer, Ray	Lockwood, Robert	Maxfield, Roy	Moore, Carol
Morrill, Olive	Nichols, Avis	Owen, Derek	Reardon, Tara
Seldin, Gloria	Wallin, Jean	Whalley, Michael	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Battles-Peirce, Marjorie	Beaulieu, Jon	Belanger, Ronald
Blanchard, MaryAnn	Camm, Kevin	Case, Margaret	Cegelis, Mark
Christie, Andrew, Jr.	Clark, Martha	Cushing, Robert	Dearborn, Bruce
Dowling, Patricia	Flanagan, Natalie	Flanders, John, Sr.	Francoeur, Sheila
Frechette, Joseph	Gleason, John	Griffin, Mary	Heath, John
Henderson, Warren	Hutchinson, Rebecca	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Klemm, Arthur, Jr.	Langone, John
Lovejoy, Marian	Major, Norman	Malcolm, Kenneth	McCarthy, John, Jr.
McKinney, Betsy	Micklon, Stephanie	Norelli, Terie	Nowe, Ronald
Pitts, Jacqueline	Sabella, Norma	Sapareto, Frank	Schanda, Frank
Stone, Joseph	Syracusa, Anthony	Tufts, J. Arthur	Vaughn, Charles
Verani, Giovanni	Weatherspoon, Jackie	Weyler, Kenneth	Woods, Deborah

STRAFFORD

Bickford, David	Brown, Julie	Cossette, Larry	Dunlap, Patricia
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Estabrook, Iris	Grassie, Anne	Heon, Richard	Kaen, Naida
Keans, Sandra	Knowles, William	Lundborn, Raymond	Merrill, Amanda
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spear, Barbara	Sullivan, Henry
Taylor, Kathleen	Torr, Ann	Torr, Franklin	Vachon, Dennis
Vincent, Francis	Wall, Janet		

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon	Kibbey, David	Leone, Richard	Lindblade, Eric
Palmer, Lorraine	Robb-Theroux, Amy	Wiggins, Celestine	

NAYS 103

BELKNAP

Boriso, Thomas	Boyce, Robert	Clark, Charles	Hurt, George
Laflam, Robert	Lawton, David	Rice, Thomas, Jr.	Rosen, Ralph

CARROLL

Chandler, Gene	Kenney, Joseph	Lyman, L. Randy	Mock, Henry
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CHESHIRE

Manning, Joseph	McNamara, Wanda	Royce, H. Charles	Steere, Myron, III
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COOS

Coulombe, Henry	Coulombe, Yvonne	Guay, Lawrence	St. Hilaire, Paul
Toll, John, Jr.			

GRAFTON

Cobbin, Philip	Guaraldi, Lawrence	Ham, Bonnie	Hinman, Harry
Mirski, Paul	Phinney, William	Weber, Phil	

HILLSBOROUGH

Arnold, Thomas, Jr.	Batula, Peter	Brundige, Robert	Burke, M. Virginia
Clegg, Robert, Jr.	Daniels, Gary	Desrosiers, William	Drabinowicz, A. Theresa
Flora, Kathleen	Goulet, Maurice	Holley, Sylvia	Hunter, Bruce
Jean, Claudette	Kelley, Robert	LaRose, Richard	Lefebvre, Roland
Lessard, Rudy	Letendre, Evelyn	Luebker, Bernard	MacGillivray, Jeffrey

Marcinkowski, Michael	Martin, Mary	McDonald, James, Sr.	McGough, Tim
Riley, Frances	Turgeon, Roland	Vaillancourt, Steve	Wheeler, Robert
White, Donald	Wright, George		

MERRIMACK

Adams, Stephen	Daneault, Gabriel	Krueger, Patricia	Larrabee, David
Lavoie, Gerard	Leber, William	Marshall, Kenneth	Pfaff, Terence
St. Cyr, Gerard	Whittemore, James		

ROCKINGHAM

Arndt, Janet	Bishop, Franklin	Carson, Gregory	Cooney, Richard
Dalrymple, Janeen	Dodge, Robert	Dolan, Richard	Dowd, Sandra
Downing, Michael	Dunham, Vivian	Fesh, Robert	Gibbons, Paul
Guthrie, Joseph	Kobel, Rudolph	Langley, Jane	Letourneau, Robert
Mikowski, Walter	Morris, Debbie	Noyes, Richard	Packard, Sherman
Rabideau, Marie	Raynowska, Bernard	Reardon, Neil	Smith, Kevin
Stickney, Nancy	Stritch, C. Donald	Varrell, Thomas	Welch, David

STRAFFORD

Berube, Roger	Callaghan, Frank	McCann, William, Jr.	McKinley, Robert
Tsiros, William	Twardus, Joseph		

SULLIVAN

Adler, Rudolf

and the Majority report was adopted.

Reps. Cooper and Merritt did not vote and wished to be recorded in favor.

SPECIAL ORDER

Rep. Mirski moved that **HB 1587-FN**, creating the woman's right to know law, be made a Special Order for Thursday, February 12, 1998 and spoke in favor.

Rep. Peterson spoke in favor.

Adopted.

REGULAR CALENDAR (Cont'd.)

CACR 43, relating to compensation for members of the general court. Providing that that members of the general court shall receive the annual sum of 5 cents per citizen of the state per week, multiplied by the most recent decennial federal census figure for the state of New Hampshire, divided by the number of legislators for the term elected. INEXPEDIENT TO LEGISLATE

Rep. Gregory G. Carson for Legislative Administration: While this legislation as written presents a new and interesting twist on increasing pay for the members of the General Court, it is most blatantly flawed by lack of a funding mechanism. Using the formula contemplated in this CACR each member would receive approximately \$7,400 per year - a \$6,000,000 appropriation over the biennium. At present, we potentially face raising millions in new revenues to fund education, the majority of the committee felt asking our constituents for additional pay was both untimely and unfair. The sponsor's intent in proposing said CACR was to open up the possibility of more citizens running for House seats by paying a reasonable wage. The committee discussed the basic premise of a citizen legislature and the majority of the committee did not want to change the basis of what has been a two century tradition. The committee also wants to place some historical perspective on this issue and remind each member of the General Court the last salary treatment effected by the citizens was a decrease in pay, albeit more than 100 years ago. Vote 11-2.

Adopted.

HB 1180, relative to the composition of the legislative ethics committee. INEXPEDIENT TO LEGISLATE

Rep. Ronald J. Nowe for Legislative Administration: This bill would remove the requirement that one member of the legislative ethics committee be an attorney. There was no evidence presented to the committee that a problem existed with the current statute. The legislative administration committee found that the ethics committee would benefit from having an attorney on the committee to insure that the rights of the complainant and the individual complained against were protected. In the past, the Attorney General or his designee had been a member of the committee, but that office expressed concerns about possible conflicts of interest and they are no longer statutory members. Vote 11-1.

Adopted.

HB 1289-FN, relative to meals for legislators on session days. INEXPEDIENT TO LEGISLATE

Rep. Donnalee Lozeau for Legislative Administration: It would be tempting to dismiss this bill solely on the basis of the well-known expression "there is no such thing as a free lunch". While that expression certainly applies in this case, the bill has other problems as well. The bill requires the state house cafeteria to offer a free lunch to legislators on session days. Such a benefit would seem to conflict with the New Hampshire Constitution which limits legislative compensation to our \$100 annual salary and mileage. In addition, the expense of providing paid lunches for legislators could cost \$53,000 or more per year. Further, such a practice would clearly represent unfair competition for area businesses providing noontime meals. For these and other reasons, the committee voted Inexpedient to Legislate. Vote 7-4.

Adopted.

HB 1366, establishing a committee to study the possibility of televising sessions and selected hearings of the house of representatives. INEXPEDIENT TO LEGISLATE

Rep. Gregory G. Carson for Legislative Administration: The committee reviewed this legislation along with a historical review of similar legislation and found HR48 located on page 534 of the House Journal from the consent calendar dated 15 March 1994. HR 48 of 1994 encouraged the Speaker of the House to establish a study committee to review the feasibility and cost of televising sessions and committee meetings. A representative of this committee discussed HR 48 of 1994 with the Speaker and she stated she would follow the spirit and intent of the resolution. Vote 9-4.

Adopted.

HB 1375, establishing a legislative accountability act, requiring that certain laws apply to the legislature. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Warren C. Henderson for the Majority of Legislative Administration: This bill has very broad implications. While it is called the Legislative Accountability Act, it would apply laws which are not currently applicable to state employees to legislative employees. It would also allow an executive branch official to determine the rules under which legislative employees would work. If the legislature at some point in the future wished to establish other rules to apply to its own employees, it would require the approval of the Governor to enact a law permitting this. Finally, this bill could restrict the rights of some of our current legislative employees. We should act deliberately when we look at the rules which govern our employees. Vote 9-4.

Rep. Amanda A. Merrill for the Minority of Legislative Administration: This legislation sets out basic areas of employee protection that should be available in all work places, including the New Hampshire Legislature. While the Legislative Personnel Manual addresses issues unique to legislative employees, it does not cover the areas of protection currently available to other New Hampshire workers through existing state law.

Reps. Buckley and McCann spoke against.

Rep. Cushing spoke against and yielded to questions.

Reps. Henderson and Ann Torr spoke in favor and yielded to questions.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the adoption of the Majority report.

YEAS 206 NAYS 130

YEAS 206

BELKNAP

Bartlett, Gordon

Boriso, Thomas

Boyce, Robert

Calvert, Alice

Clark, Charles

Holbrook, Robert

Hurt, George

Laflam, Robert

Lawton, David
Rosen, Ralph

Lawton, Robert
Thomas, John

Pilliod, James

Rice, Thomas, Jr.

CARROLL

Babson, David, Jr.
Howard, Godfrey
Patten, Betsey

Bradley, Jeb
Kenney, Joseph
Philbrick, Donald

Chandler, Gene
Lyman, L. Randy

Dickinson, Howard, Jr.
Mock, Henry

CHESHIRE

Avery, Stephen
Royce, H. Charles

Hunt, John
Smith, Edwin

Manning, Joseph
Steere, Myron, III

McNamara, Wanda

COOS

Davis, Perley
St. Hilaire, Paul

Guay, Lawrence
Tholl, John, Jr.

Merrill, Gerald

Pratt, Leighton

GRAFTON

Akins, Ralph
Guaraldi, Lawrence
MacNeil, Allen
Trelfa, Richard

Alger, John
Ham, Bonnie
Mirski, Paul
Williams, William, Jr.

Brown, Channing
Hinman, Harry
Phinney, William

Eaton, Stephanie
LaMott, Paul
Teschner, Douglass

HILLSBOROUGH

Alukonis, David
Belvin, William
Burke, M. Virginia
Christiansen, Lars
Dawe, Eileen
Dyer, Merton
Foster, Linda
Herman, Keith
Johnson, Lionel
Lefebvre, Roland
Luebkert, Bernard
McCarty, Winston
Messier, Irene
Peterson, Andrew
Thulander, O. Alan

Amidon, Eleanor
Bergin, Peter
Calawa, Leon, Jr.
Clay, Susan
Desrosiers, William
Emerton, Lawrence, Sr.
Golding, William
Holley, Sylvia
Kelley, Robert
Lessard, Rudy
MacGillivray, Jeffrey
McGough, Tim
Milligan, Robert
Riley, Frances
Wheeler, Robert

Arnold, Thomas, Jr.
Briefs, Geoffrey
Carlson, Donald
Clegg, Robert, Jr.
Dokmo, Cynthia
Fields, Dennis
Goulet, Maurice
Hunter, Bruce
Kurk, Neal
Letendre, Evelyn
MacIntyre, Doris
McRae, Karen
Morello, Michael
Rowe, Robert
White, Donald

Batula, Peter
Brundige, Robert
Chabot, Robert
Daniels, Gary
Durham, Susan
Flora, Kathleen
Hansen, Herbert
Jean, Loren
LaRose, Richard
Lozeau, Donnalee
Marcinkowski, Michael
Mercer, Robert
O'Hearn, Jane
Sargent, Maxwell
Wright, George

MERRIMACK

Adams, Stephen	Anderson, Eric	Chandler, Earle	Crowell, Peter
Feuerstein, Martin	Hager, Elizabeth	Hess, David	Hoadley, Elizabeth
Jacobson, Alf	Krueger, Patricia	Lamach, Bernard	Langer, Ray
Larrabee, David	Lavoie, Gerard	Leber, William	Lockwood, Robert
Marshall, Kenneth	Maxfield, Roy	Morrill, Olive	Nichols, Avis
Pfaff, Terence	Whalley, Michael	Whittemore, James	

ROCKINGHAM

Arndt, Janet	Battles-Peirce, Marjorie	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Camm, Kevin	Carson, Gregory	Case, Margaret
Cegelis, Mark	Christie, Andrew, Jr.	Dalrymple, Janeen	Dearborn, Bruce
Dodge, Robert	Dowd, Sandra	Dowling, Patricia	Dunham, Vivian
Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr.
Francoeur, Sheila	Gleason, John	Griffin, Mary	Guthrie, Joseph
Henderson, Warren	Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.
Langley, Jane	Langone, John	Letourneau, Robert	Lovejoy, Marian
Major, Norman	Malcolm, Kenneth	McCarthy, John, Jr.	McKinney, Betsy
Mikowski, Walter	Morris, Debbie	Nowe, Ronald	Noyes, Richard
Packard, Sherman	Rabideau, Marie	Raynowska, Bernard	Reardon, Neil
Sapareto, Frank	Stickney, Nancy	Stone, Joseph	Stritch, C. Donald
Tufts, J. Arthur	Varrell, Thomas	Verani, Giovanni	Welch, David
Weyler, Kenneth	Woods, Deborah		

STRAFFORD

Berube, Roger	Brown, Julie	Cossette, Larry	Dunlap, Patricia
Kaen, Naida	Keans, Sandra	McKinley, Robert	Spear, Barbara
Torr, Ann	Torr, Franklin	Tsiros, William	Vincent, Francis

SULLIVAN

Adler, Rudolf	Ferland, Brenda	Flint, Gordon	Kibbey, David
Leone, Richard	Lindblade, Eric		

NAYS 130

BELKNAP

Salatiello, Thomas

CARROLL

None

CHESHIRE

Bonneau, Sarah	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Lynch, Margaret	Lynott, Margaret	McGuirk, Paul	Meador, David
O'Connell, John	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Robertson, Timothy	Vogl, John	

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Hawkinson, Marie
Mears, Edgar	Moynihan, Wayne		

GRAFTON

Almy, Susan	Below, Clifton	Guest, Robert	Lovett, Sidney
Luker, Elsa	Nordgren, Sharon		

HILLSBOROUGH

Ackerman, Philip	Allen, W. Gordon	Barry, William, III	Buckley, Raymond
Cardin, Lori	Clemons, Jane	Cote, David	Cote, Peter
D'Allesandro, Lou	Daigle, Robert	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.
Foster, Joseph	Franks, Suzan	Gage, Ruth	Ginsburg, Ruth
Haettenschwiller, Alphonse Hall, Betty	Hart, Nick	Jean, Claudette	
Konys, Christine	Leishman, Peter	Leonard, Peter	Lynde, Harold
MacAuslan, Rita	Martin, Mary	McCarthy, William	McDonald, James, Sr.
Melcher, Harold	Mittelman, David	Murphy, Robert	O'Rourke, Thomas
Perkins, Paul	Reidy, Frank	Turgeon, Roland	Vaillancourt, Steve
Welch, Donald			

MERRIMACK

Burney, Carol	Crosby, Toni	Daneault, Gabriel	DeStefano, Stephen
Dunn, Miriam	Fraser, Marilyn	French, Barbara	Gile, Mary
Moore, Carol	Owen, Derek	Reardon, Tara	Seldin, Gloria
St. Cyr, Gerard	Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Cushing, Robert
Dolan, Richard	Downing, Michael	Frechette, Joseph	Gibbons, Paul

Heath, John	Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane
Kobel, Rudolph	Micklon, Stephanie	Norelli, Terie	Pitts, Jacqueline
Sabella, Norma	Schanda, Frank	Syracusa, Anthony	Vaughn, Charles
Weatherspoon, Jackie			

STRAFFORD

Bickford, David	Callaghan, Frank	DeChane, Marlene	Estabrook, Iris
Grassie, Anne	Heon, Richard	Knowles, William	Lundborn, Raymond
McCann, William, Jr.	Merrill, Amanda	Merritt, Deborah	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Sullivan, Henry	Taylor, Kathleen	Twardus, Joseph
Vachon, Dennis	Wall, Janet		

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Palmer, Lorraine
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Robb-Theroux, Amy Wiggins, Celestine

and the Majority report was adopted.

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

HB 1405-FN, including the legislature and judiciary as public employers under the public employees labor relations act. INEXPEDIENT TO LEGISLATE

Rep. Donnalee Lozeau for of Legislative Administration: This bill would establish a collective bargaining process for legislative and judicial employees. Unlike the law governing other bargaining units of public employees, this bill does not establish an election process to determine whether legislative or judicial employees would like to unionize but rather establishes a bargaining committee on their behalf. The bill also does not appear to allow for individual administration of House and Senate employees by their respective bodies. It would therefore require Senate approval to establish certain conditions or salaries for House employees. It is important to consider that the membership of the House and Senate change every two years. The collective bargaining process could then produce an agreement which would bind future legislatures. We should give flexibility to each legislature to determine the conditions under which its employees will work. Vote 9-4.

Reps. McCann and Cushing spoke against.

Reps. Lozeau and Kurk spoke in favor.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 213 NAYS 119

YEAS 213

BELKNAP

Bartlett, Gordon	Boyce, Robert	Calvert, Alice	Clark, Charles
Holbrook, Robert	Hurt, George	Laflam, Robert	Lawton, David
Lawton, Robert	Pilliod, James	Rice, Thomas, Jr.	Rosen, Ralph
Thomas, John			

CARROLL

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

CHESHIRE

Avery, Stephen	Hunt, John	McNamara, Wanda	Royce, H. Charles
Smith, Edwin	Steere, Myron, III		

COOS

Bradley, Paula	Davis, Perley	Guay, Lawrence	Merrill, Gerald
Pratt, Leighton	St. Hilaire, Paul	Tholl, John, Jr.	

GRAFTON

Akins, Ralph	Alger, John	Brown, Channing	Eaton, Stephanie
Guaraldi, Lawrence	Ham, Bonnie	Hinman, Harry	LaMott, Paul
Mirski, Paul	Phinney, William	Teschner, Douglass	Trelfa, Richard
Williams, William, Jr.			

HILLSBOROUGH

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Bergin, Peter	Briefs, Geoffrey	Brundige, Robert
Calawa, Leon, Jr.	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clay, Susan	Clegg, Robert, Jr.	Daniels, Gary	Dawe, Eileen
Desrosiers, William	Dokmo, Cynthia	Durham, Susan	Dyer, Merton
Emerton, Lawrence, Sr.	Fields, Dennis	Flora, Kathleen	Franks, Suzan
Ginsburg, Ruth	Golding, William	Goulet, Maurice	Herman, Keith
Holley, Sylvia	Hunter, Bruce	Jean, Loren	Kelley, Robert
Kurk, Neal	LaRose, Richard	Leishman, Peter	Lessard, Rudy
Letendre, Evelyn	Lozeau, Donnalee	Luebker, Bernard	MacAuslan, Rita

MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael	McCarty, Winston
McGough, Tim	McRae, Karen	Melcher, Harold	Mercer, Robert
Messier, Irene	Milligan, Robert	Mittelman, David	Morello, Michael
O'Hearn, Jane	Peterson, Andrew	Reidy, Frank	Riley, Frances
Rowe, Robert	Sargent, Maxwell	Thulander, O. Alan	Wheeler, Robert
White, Donald	Wright, George		

MERRIMACK

Adams, Stephen	Anderson, Eric	Burney, Carol	Chandler, Earle
Feuerstein, Martin	Hager, Elizabeth	Hess, David	Hoadley, Elizabeth
Jacobson, Alf	Krueger, Patricia	Lamach, Bernard	Langer, Ray
Larrabee, David	Lavoie, Gerard	Leber, William	Lockwood, Robert
Marshall, Kenneth	Maxfield, Roy	Morrill, Olive	Nichols, Avis
Pfaff, Terence	Whalley, Michael	Whittemore, James	

ROCKINGHAM

Arndt, Janet	Battles-Peirce, Marjorie	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Camm, Kevin	Carson, Gregory	Case, Margaret
Cegelis, Mark	Christie, Andrew, Jr.	Cooney, Richard	Dalrymple, Janeen
Dearborn, Bruce	Dodge, Robert	Dolan, Richard	Dowd, Sandra
Dowling, Patricia	Dunham, Vivian	Felch, Charles, Sr.	Fesh, Robert
Flanagan, Natalie	Flanders, John, Sr.	Francoeur, Sheila	Frechette, Joseph
Gleason, John	Griffin, Mary	Guthrie, Joseph	Henderson, Warren
Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Lovejoy, Marian
Major, Norman	Malcolm, Kenneth	McCarthy, John, Jr.	McKinney, Betsy
Mikowski, Walter	Morris, Debbie	Nowe, Ronald	Noyes, Richard
Packard, Sherman	Rabideau, Marie	Raynowska, Bernard	Reardon, Neil
Sapareto, Frank	Schanda, Frank	Stickney, Nancy	Stone, Joseph
Stritch, C. Donald	Tufts, J. Arthur	Varrell, Thomas	Verani, Giovanni
Welch, David	Weyler, Kenneth	Woods, Deborah	

STRAFFORD

Bickford, David	Brown, Julie	Cossette, Larry	Dunlap, Patricia
Kaen, Naida	Keans, Sandra	McKinley, Robert	Spear, Barbara
Sullivan, Henry	Torr, Ann	Torr, Franklin	Tsiros, William
Vincent, Francis			

SULLIVAN

Adler, Rudolf	Ferland, Brenda	Flint, Gordon	Kibbey, David
Leone, Richard	Lindblade, Eric		

NAYS 119

BELKNAP

Boriso, Thomas	Salatiello, Thomas
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CARROLL

None

CHESHIRE

Bonneau, Sarah	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	O'Connell, John	Pratt, Irene	Pratt, John
Richardson, Barbara	Riley, William	Robertson, Timothy	Vogl, John

COOS

Coulombe, Henry	Coulombe, Yvonne	Hawkinson, Marie	Mears, Edgar
Moynihan, Wayne			

GRAFTON

Almy, Susan	Below, Clifton	Guest, Robert	Lovett, Sidney
Luker, Elsa	Nordgren, Sharon		

HILLSBOROUGH

Ackerman, Philip	Allen, W. Gordon	Barry, William, III	Buckley, Raymond
Cardin, Lori	Clemons, Jane	Cote, David	Cote, Peter
D'Allesandro, Lou	Daigle, Robert	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.
Foster, Joseph	Foster, Linda	Gage, Ruth	Haettenschwiller, Alphonse
Hall, Betty	Hart, Nick	Jean, Claudette	Johnson, Lionel
Konys, Christine	Leonard, Peter	Lynde, Harold	Martin, Mary
McCarthy, William	McDonald, James, Sr.	Murphy, Robert	O'Rourke, Thomas
Perkins, Paul	Turgeon, Roland	Vaillancourt, Steve	Welch, Donald
White, Jay			

MERRIMACK

Crosby, Toni	Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam
Fraser, Marilyn	French, Barbara	Gile, Mary	Moore, Carol
Owen, Derek	Reardon, Tara	Seldin, Gloria	St. Cyr, Gerard
Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Cushing, Robert
Downing, Michael	Gibbons, Paul	Heath, John	Hutchinson, Rebecca
Kane, Cecelia	Kelley, Jane	Micklon, Stephanie	Norelli, Terie
Pitts, Jacqueline	Sabella, Norma	Syracusa, Anthony	Vaughn, Charles
Weatherspoon, Jackie			

STRAFFORD

Berube, Roger	Callaghan, Frank	DeChane, Marlene	Estabrook, Iris
Grassie, Anne	Heon, Richard	Knowles, William	Lundborn, Raymond
McCann, William, Jr.	Merrill, Amanda	Merritt, Deborah	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Twardus, Joseph	Vachon, Dennis	Wall, Janet

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Palmer, Lorraine
Wiggins, Celestine			

and the report was adopted.

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

HB 1625-FN, relative to financial disclosure by elected officials. INEXPEDIENT TO LEGISLATE

Rep. Loren J. Jean for Legislative Administration: This bill would have required a twice annually disclosure of gifts, testimonials and honoraria. The majority of the committee felt the requirements in place were adequate and to further burden the legislators and facilities of the Secretary of State's office is unwarranted. Vote 8-5.

Rep. Almy spoke against.

Rep. Channing Brown spoke in favor and yielded to questions.

Adopted.

HB 1645, to eliminate secrecy in the handling of complaints by any state ethics committee or conduct board or commission. INEXPEDIENT TO LEGISLATE

Rep. Robert L. Wheeler for Legislative Administration: This bill would provide that all complaints and investigations before any state ethics committee or conduct board or commission are public and open, except during a related criminal investigation. This bill would allow an individual to file a complaint against another which would become public before the subject of the complaint even knew of its existence. The harm to an individual's reputation might not be repaired if the complaint was later determined to be unfounded. For these reasons of fairness and equity, the committee recommended that this bill be voted Inexpedient to Legislate. Vote 12-1.

Adopted.

LAID ON THE TABLE

Rep. Guay moved that **HB 643-FN**, establishing an industry average performance system for air pollution control and establishing certain pollution control funds, be laid on the table.

Adopted.

REGULAR CALENDAR (cont'd.)

HB 736-FN, increasing the mileage rate for jurors. INEXPEDIENT TO LEGISLATE

Rep. Margaret A. Lynch for Finance: The intention of this bill, as amended by the House, was to increase grand and petit jurors' mileage rate from \$.20 to \$.31 per mile, when the juror is required to leave the town or city in which he/she resides. The change in mileage fees would increase state general fund expenditures by \$200,000. It is the belief of the Finance Committee that it is a citizen's civic duty, if called upon, to serve on a jury and that given the demands on the general fund at this point in time the \$.20 mileage fee should remain unchanged. Vote 15-2.

Rep. MacGillivray spoke against.

Rep. Lynch spoke in favor.

Adopted.

Rep. MacGillivray wished to be recorded against.

HB 1194, prohibiting a minor child from being forced to have visitation with an incarcerated parent. INEXPEDIENT TO LEGISLATE

Rep. David C. Allison for Judiciary and Family Law: As drafted, the bill seems to be all-encompassing, i.e., that the incarcerated parent may be imprisoned for a relatively minor offense. In such a circumstance, it seems to the committee excessive punishment to prevent this incarcerated parent from visits with his or her child. Vote 14-0.

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

Adopted.

SPECIAL ORDER

Rep. Wheeler moved that **HB 1342**, allowing members of the house of representatives and senate to take courses at no cost, and for no credit at any state institution of higher education, be made a Special Order for Thursday, February 12, 1998 and spoke in favor.

Adopted.

REGULAR CALENDAR (CONT'D.)

HB 1206, affirming that it is the legislature's intent that new court facility construction costs reflect the needs and usage of the judiciary. INEXPEDIENT TO LEGISLATE

Rep. Steve Vaillancourt for Public Works and Highways: This bill would affirm the legislature's intent that new court construction costs reflect the needs and usage of the judiciary. The committee believes this bill is not necessary. We are already aware of the public desire not to construct "overly lavish structures" and have not abused that trust. The committee received and reviewed information regarding court construction costs in the last four years, ranging from \$94.15 per square foot for Rockingham Superior Court in 1994-95 to \$119.69 per square foot for Franklin District Court in 1997. These costs were deemed appropriate. Vote 18-0.

Rep. Rosen spoke in favor.

Adopted.

HB 1211-FN-A, appropriating startup funds for the Governors State Park in Laconia. OUGHT TO PASS WITH AMENDMENT

Rep. Gene G. Chandler for Public Works and Highways: This bill, as presented, involved an appropriation of \$750,000 for Governors State Park located near the Laconia Correctional Facility, for the purpose of development of said park. One of the sponsors testified that a much lower figure, perhaps \$160,000, would suffice and subsequent to the hearing the prime sponsor submitted a revised request of \$220,000. The committee felt that since the whole issue of the park and the correctional facility is being discussed in other venues it would not be appropriate to make any appropriation at this time. The amendment replaces all of the original bill with language renaming Governors State Park to Ahern Park, which was the original dedicated name of the park from 1937 until 1983, when for whatever reason the name was changed to Governors State Park. William Ahern, a former Speaker of the House and highly recognized civic leader of his time, was appropriately and suitably honored with the original naming of the park, and the committee feels very strongly that we should correct this historical injustice. Vote 20-0.

Amendment (0381h)

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

AN ACT re-designating Governors state park in Laconia as Ahern state park.

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

1 Ahern State Park. Amend the chapter heading of RSA 216-H to read as follows:

[Governors] **Ahern** State Park

2 Ahern State Park. Amend RSA 216-H:3 to read as follows:

216-H:3 ~~[Governors]~~ **Ahern** State Park. Pursuant to RSA 4:43, the general court~~[, in honor of all former governors of the state,]~~ hereby designates and names this tract of land, upon its availability and development as a park under RSA 216-H:2, ~~[the Governors]~~ **Ahern** state park.

3 Ahern State Park Advisory Committee. Amend the section heading and paragraph I of RSA 216-H:5 to read as follows:

216-H:5 ~~[Governors]~~ **Ahern** State Park Advisory Committee.

I. There is established an advisory committee to advise the department of resources and economic development on the development of ~~[the Governors]~~ **Ahern** state park.

4 Effective Date. This act shall take effect July 1, 1998.

AMENDED ANALYSIS

This bill re-designates Governors state park in Laconia as Ahern state park.

Adopted.

Reps. Rosen and Gene Chandler spoke in favor.

Report adopted and ordered to third reading.

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 Thursday, February 12, 1998 at 10:00 a.m..

Adopted.

LATE SESSION

Third reading and final passage

HB 1394, extending the reporting date for the school building aid system study committee.

HB 1502, extending the reporting date for the statewide school technology plan study committee.

HB 1634, relative to amending the definition of "educational institution" under the New Hampshire municipal bond bank educational institutions bond financing act.

HB 1103-L, relative to the state representative districts of towns.

HB 1151-FN, relative to the testing of certain domestic animals.

HB 1142, making technical corrections on behalf of the department of revenue administration.

HB 1244-FN, relative to collusive bidding at auctions.

HB 1271-FN, relative to the board of acupuncture licensing.

HB 1283, establishing a 4-year term for the commissioner of the department of corrections.

HB 256-FN, establishing uniform adjudicative proceedings for state agencies.

HB 579-FN-L, providing that a person who, having made all reasonable efforts to preserve employment, leaves a job in order to protect himself or herself from domestic abuse, shall not be denied unemployment compensation.

HB 627-FN, establishing a conservation number plate trust fund, and a special motor vehicle license plate and associated fees, to support New Hampshire's natural and cultural resources.

HB 774-FN, relative to child support, custodial rights, and visitation.

HB 1657, extending the consultant's reporting date for surveying the department of youth development services' facilities.

SB 53-FN, relative to payment by the retirement system of certain medical benefits for group II members and for certain permanent firemen on disability retirement.

SB 68-FN-L, providing health care coverage for the spouse and dependents of any group I or group II retirement system member who is killed in the line of duty.

SB 96-FN, relative to the priority of charges in probate of estates.

SB 197-FN, relative to final dispositional orders in child protection cases.

HB 1468, clarifying the legal status of home brewers of beer.

HB 529, relative to excluding from the definition of subdivision the placement and maintenance of wireless communication facilities.

HB 1119, relative to the town line between the towns of Groton and Plymouth, New Hampshire.

HB 1424, relative to filling a vacancy in the position of a county officer.

HB 1518-L, increasing the minimum purchase amount by a county requiring competitive bidding.

HCR 20, recognizing the 100th anniversary of Old Home Day in New Hampshire.

HB 1272-L, requiring the long range capital planning and utilization committee and the Skyhaven airport operation commission to develop a plan to transfer the Skyhaven airport to a local public entity.

HB 1335-FN, authorizing the department of administrative services to accept donations, gifts, and grants for the purpose of funding a design to expand the veterans' home in the town of Tilton and establishing the patients' needs committee.

SB 66, relative to the penalty for carrying a loaded pistol or revolver without a license.

HB 1430, relative to political expenditure limitation amounts.

HB 616-FN, relative to jury selection reforms.

HB 686-FN-A, relative to financing child day care facilities.

HB 1211-FN-A, re-designating Governors state park in Laconia as Ahern state park.

PERSONAL PRIVILEGE

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

Adopted.

Rep. Felch addressed the House.

Thank you, Madam Speaker. When I got here to the House this morning and opened up by pages to the Union Leader, I found that I was in the news. Much to my surprise, my chin kind of dropped down, I said, "For God's sake, this isn't true. Where is this coming from"? It seems that my town and one of the places of business in my town are in Superior Court in Rockingham County and they are battling it out over leather and lace as you have probably all heard. According to the writer of the article, correspondent Peg Warner, and I have been in contact with the Clerk of the Court, Ray Taylor, and they have read the records of the court of yesterday's testimony and I have received correspondence from the writer of the piece - it seems that - my gripe is this, they referred to me as Rep. Charles Felch. The proprietor of Leather and Lace also testified at a Rockingham County Superior Court hearing that oil wrestling, mud wrestling and bachelor parties featuring nude women, including some attended by selectman Oliver Carter and Rep. Charles Felch. You know, having to have to come out here and face 400 of you people, plus 24 on the other side of the wall, I kind of felt like how the hell do I explain myself for this one. Well, I went through the necessary movements and I talked with the Court. I've talked with the Union Leader and they have assured me that Peg Warner did call after talking with the Clerk of the Court and she has asked them to put something in there correcting the piece that was put in. What happened, she said, was that when she heard the name of Charles Felch, and there are seven in the town of Seabrook, five of them are Charles H. Felch and the other two are Charles W., cousins. She said, "that is a prominent name, that must be Rep. Felch," so that is the way she wrote it. She has apologized to me and the correction is being made. I did receive a call from Ivan Eaton, Jr. because I had called there to find out what are you trying to tell the Court about me that isn't so. He did call back and I went and called him and he said, "Charles, I did not say that. It was Fireman Charles Felch." "Well," I said, "I'm, glad of

that, but there is only one thing, Ivan, that I have to tell you right now, I feel slighted that I wasn't invited."

UNANIMOUS CONSENT

Rep. French addressed the House.

Rep. Stone moved that the remarks made by Rep. D'Allesandro be printed in the Journal

Adopted.

Rep. D'Allesandro addressed the House.

Thank you very much Madam Speaker. I requested Unanimous Consent to talk to you about a rather tragic event, but I think an event that is worth sharing with members of this House, and I know 70 of you are graduates of the University of New Hampshire. About two weeks ago, a wonderful coach at the University of New Hampshire who became Assistant Director of Athletics died in the gymnasium. He was 46 years of age. He left a wife and two young children. He had given 17 years of his life to the University of New Hampshire and to the athletes who he coached as the head wrestling coach and the head lacrosse coach. They were times when he took money out of his own pocket to buy equipment for his teams. He was the kind of individual who made everyone around him a little bit better, a little bit happier. I stood in line at St. Thomas Church in Durham with over 1,000 people who came to pay their respects to Jim Urquhart. It just seems to me that if we take a moment to think about the wonderful things we have in New Hampshire, one of the things that is preeminent in my mind is great people. Jim Urquhart was a wonderful athlete in college. He was a wonderful coach, a great father, a great husband and great addition to the University of New Hampshire. We, as legislators, have the privilege and pleasure of supporting our university and witnessing the works of these fine people. Jim Urquhart isn't with us but he gave 17 years of his life so that our lives and the lives of our children could be better. There is no greater tribute we can pay to a man then to say, "Jim, it was a job well done. Your memory will live in our minds and our hearts forever. Our deepest sympathy go to your wife and family." Thank you very much.

Rep. David Welch addressed the House.

RECESS MOTION

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

Adopted.

The House recessed at 4:00 p.m.

RECESS