

HOUSE RECORD

First Year of the 157th Session of the General Court

Calendar and Journal of the 2001 Session

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Thursday, January 25, 2001

No. 15

HOUSE JOURNAL No. 3 (cont.)

Thursday, January 4, 2001

(Rep. Herman in the Chair)

RESOLUTION

Rep. Gleason offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 150 through 188, Constitutional Amendment Concurrent Resolution 2, House Concurrent Resolutions numbered 3 and 4 and House Resolution numbered 5 and shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, HCR and HJR

First, second reading and referral

HB 150, relative to voter checklist information. (Buckley, Hills 44: Election Law)

HB 151, excluding military pension payments and military survivor's benefit payments for certain persons from gross income under any income tax which may be enacted. (Rosen, Belk 7; Weyler, Rock 18; Guay, Coos 6; Griffin, Rock. 27: Ways and Means)

HB 152-FN, relative to expanding the legal methods of taking game animals. (R. L'Heureux, Hills 18; Carlson, Hills 19; Nowe, Rock 3; Gorman, Hills 29; Fletcher, Hills 7; Disnard, Dist 8: Fish and Game)

HB 153, lowering the minimum medical cost coverage for motor vehicle liability policies. (Phinizy, Sull 7: Commerce)

HB 154, relative to candidates of parties nominated by nomination papers. (Stritch, Rock 5; G. Katsakiores, Rock 13; Alger, Graft 9; Dodge, Rock 4; Case, Rock 2; Barnes, Dist 17: Election Law)

HB 155, relative to the initial appearance in CHINS cases. (Dowling, Rock 13: Children and Family Law)

HB 156, relative to the detention of juveniles in delinquency proceedings. (Dowling, Rock 13: Children and Family Law)

HB 157, clarifying the immunity from liability of police officers, firefighters, and bystanders who apply lifesaving measures in emergencies. (J. Flanders, Rock 18; Leach, Hills 9: Judiciary)

HB 158, relative to the use of an artificial light to locate moose. (Gallus, Coos 7; Roberts, Ches 4; Ham, Graf 4; Burns, Dist. 1: Fish and Game)

HB 159, relative to removal of political advertising. (Marshall Quandt, Rock 20: Election Law)

HB 160, establishing a committee to study the issue of one-day/one-trial jurors. (DiFruscia, Rock 27: Judiciary)

HB 161, establishing a committee to study the use of jurors 16 years of age or younger in criminal trials where the defendant is a juvenile. (DiFruscia, Rock 27: Judiciary)

HB 162-FN-LOCAL, ratifying articles 28, 29 and 30 of the 2000 Hudson annual town meeting. (Alukonis, Hills 23; Clegg, Hills 23; L. Christiansen, Hills 23; Tate, Hills 23; Lessard, Hills 23; Francoeur, Dist 14: Municipal and County Government)

HB 163, establishing a committee to study opening the state house to the public on weekends. (Lynde, Hills. 24: Legislative Administration)

HB 164, relative to exceptions to the confidentiality of certain department of employment security records. (Dickinson, Carr 2; Batchelder, Ches 2; Millham, Belk 4; Kurk, Hills 5: Labor, Industrial and Rehabilitative Services)

HB 165, relative to the requirement for including constitutional amendments in the warrant posted at the polling place before general elections. (Dodge, Rock 4: Election Law)

HB 166, establishing a committee to study gas and hazardous substance pipeline safety. (Hill, Rock 29; K. Hutchinson, Rock 29; Introne, Rock 29; Francoeur, Dist 14: Science, Technology and Energy)

HB 167, relative to the authority of the consumer advocate. (Gilmore, Straf 11; Barnes, Dist 17: Science, Technology and Energy)

HB 168, relative to transfers of ownership of cemetery plots or burial spaces. (L. Foster, Hills 10; Patten, Carr 9: Municipal and County Government)

HB 169-FN, repealing the certificate of need law. (Marshall Quandt, Rock 20; Weyler, Rock 18: Health, Human Services & Elderly Affairs)

HB 170-FN-A, repealing the legacies and succession tax. (McGuirk, Ches 1; Almy, Graf 14; Dokmo, Hills 14; J. Pratt, Ches 2; Mock, Carr 3; Gordon, Dist 2; Roberge, Dist 9; Below, Dist 5; Pignatelli, Dist 13; Disnard, Dist 8: Ways and Means)

HB 171-FN, abolishing the death penalty. (Splaine, Rock 34; Shultis, Rock 33; Weatherspoon, Rock 20; L. Jean, Hills 17; Pitts, Rock 35; Cohen, Dist 24; Below, Dist 5: Criminal Justice and Public Safety)

HB 172-FN-A, to construct a noise barrier along a portion of I-95 and making an appropriation therefor. (Pantelakos, Rock 30; C. Kane, Rock 32; Splaine, Rock 34: Public Works and Highways)

HB 173-FN, relative to the place and time of detention. (Rowe, Hills 14: Judiciary)

HB 174-FN, relative to license plates for deaf and hard-of-hearing drivers. (Emerton, Hills 7: Transportation)

HB 175-FN-LOCAL, relative to the amount and scope of the homestead right. (Melcher, Hills 11: Judiciary)

HB 176-FN-LOCAL, relative to the port in the city of Portsmouth, New Hampshire. (Pantelakos, Rock 30; C. Kane, Rock 32; Splaine, Rock 34: Public Works and Highways)

HB 177-FN-A, relative to the purchase of a wheelchair van for the veterans' home in Tilton and making an appropriation therefor. (Lessard, Hills 23; Mock, Carr 3; Welch, Rock 18; Nowe, Rock 3; Bartlett, Belk 6; Gordon, Dist 2: State-Federal Relations and Veterans Affairs)

HB 178-FN, permitting certain village districts to become eligible for state highway aid apportionment. (Philbrick, Carr 4: Public Works and Highways)

HB 179-FN, relative to raising the age of minority for the purposes of juvenile delinquency proceedings from 17 to 18 years of age. (Bickford, Straf 1; Brown, Straf 17; K. Hutchinson, Rock 29; Richardson, Ches 12; Allison, Sull 10: Children and Family Law)

HB 180-FN, relative to criminal neglect of elderly, disabled, or impaired adults. (Flora, Hills 15; Sargent, Hill 3; P. Katsakiores, Rock 13; O'Keefe, Rock 21; D'Allesandro, Dist 20: Criminal Justice and Public Safety)

HB 181-FN, allowing police and corrections officers who have been group II members for 5 years to maintain group II membership in the retirement system when they become police trainers. (J. Flanders, Rock 18: Executive Departments and Administration)

HB 182-FN, increasing the number of supreme court justices. (Buckley, Hills 44: Judiciary)

HB 183-FN, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system. (Poulin, Merr 14; Proulx, Straf 12; Marshall Quandt, Rock 20; DeChane, Straf 6; Woodill, Straf 2: Executive Departments and Administration)

HB 184-FN-A, establishing a 3 percent sales and use tax for the purpose of funding public education. (B. Moore, Rock 21: Ways and Means)

HB 185-FN-LOCAL, repealing the prospective repeals of the education property tax and related laws. (Hunt, Ches 10: Ways and Means)

HB 186-FN-A, establishing a pesticides training program. (Melcher, Hills 11; Babson, Carr 5: Environment and Agriculture)

HB 187-FN-LOCAL, relative to the Manchester airport authority security force. (Dodge, Rock 4: Municipal and County Government)

HB 188-FN, allowing veterans the right to purchase credit in the retirement system for certain service in the armed forces. (Dwyer, Hills 43; Disnard, Dist 8; D'Allesandro, Dist 20: Executive Departments and Administration)

CACR 2, relating to: the nomination and appointment of judicial officers. providing that: the governor shall nominate and, by and with the advice and consent of the senate, shall appoint judges of the supreme, superior, and district courts, the chief justice of the supreme court, chief justice of the superior court, and the administrative justice of the district court. (Phinizy, Sull 7; DiFruscia, Rock 27: Judiciary)

HCR 3, rescinding all requests by the New Hampshire legislature for a federal constitutional convention and urging other states to withdraw similar requests. (Arndt, Rock 27; Wheeler, Dist 21: State-Federal Relations and Veterans Affairs)

HCR 4, encouraging New Hampshire Public Radio to extend its broadcast signal to all of Coos county including the Connecticut River Valley area. (L. Pratt, Coos 4: Science, Technology and Energy)

RECESS

(Rep. Herman in the Chair)

RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 189 through 204, and Constitutional Amendment Concurrent Resolutions numbered 3 and 4 and by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS and CACRs

First, second reading and referral

HB 189-FN, increasing the facility funding limits under the oil discharge and disposal cleanup fund. (Holbrook, Belk 7; Downing, Rock 26; Below, Dist 5: Finance)

HB 190, relative to prayer in the public schools. (Itse, Rock 11; Matthew Quandt, Rock 20; Marshall Quandt, Rock 20; G. Katsakiores, Rock 13; Nowe, Rock 3: Education)

HB 191, permitting unmarried adults to adopt jointly. (Buckley, Hills 44; M. Fuller Clark, Rock 36; DeChane, Straf 6; Pantelakos, Rock 30; Wheeler, Dist 21; Cohen, Dist 24: Children and Family Law)

HB 192-A, making a capital appropriation for the reconstruction and repair of the Monadnock Mill State Office Building in Claremont. (Cloutier, Sull 8; Allison, Sull 10; S. Harris, Sull 9; Robb, Sull 11; J. Harris, Sull 11; Disnard, Dist 8: Public Works and Highways)

HB 193, establishing a committee to study state payments for court-ordered placements of special education pupils. (Foster, Hills 10; Alger, Graf 9: Education)

HB 194, relative to municipal budget hearings, recommendations, and reports. (Patten, Carr 9: Municipal and County Government)

HB 195, creating a committee to study amending the constitution to require that government decisions affecting the environment reflect consideration of the welfare of future generations. (Allen, Ches 7: Environment and Agriculture)

HB 196-LOCAL, relative to civil forfeiture for failure to license or renew a dog license. (Wendelboe, Belk 2; Wheeler, Dist 21: Municipal and County Government)

HB 197, extending the reporting date of the commission to study methods for reducing violent incidents involving children and guns. (Welch, Rock 18; Cohen, Dist 24: Criminal Justice and Public Safety)

HB 198-FN, relative to state imposed time limits on public assistance eligibility. (Rosen, Belk 7; Vaillancourt, Hills 44; Dickinson, Carr 2; D. White, Hills 25; Boyce, Dist 4: Health, Human Services and Elderly Affairs)

HB 199, relative to the collection of property taxes assessed on manufactured housing. (Arnold, Hills 20; R. Eaton, Hills 21: Municipal and County Government)

HB 201, requiring voters to present identification to obtain a ballot. (Nowe, Rock 3; Reeves, Hills 37; G. Katsakiores, Rock 13; Griffin, Rock 27; Marshall Quandt, Rock 20; Francoeur, Dist 14; Boyce, Dist 4; Roberge, Dist 9; Eaton, Dist 10: Election Law)

HB 202, relative to the legislative ethics committee. (J. Bradley, Carr 8; Wall, Straf 9; Gordon, Dist 2: Legislative Administration)

HB 203, allowing a psychiatric/mental health nurse practitioner employed under contract with the department of corrections to be indemnified and defended by the state under the same conditions as psychiatrists. (Knowles, Straf 11; Rodd, Merr 3: Judiciary)

HB 204-FN, relative to loan guarantees by the business finance authority. (Scanlan, Graf 11; Tholl, Coos 5; Alukonis, Hills 23; Gallus, Coos 7; Francoeur, Dist 14: Finance)

CACR 3, Relating to: 7-year terms for state judges. Providing that: all state judges appointed on or after January 1, 2003 be commissioned for 7-year terms, which may be renewed. (Pepino, Hills 40; Buckley, Hills 44; Soltani, Merr 10; Boyce, Belk 5; L. Christiansen, Hills 23; Roberge, Dist 9; Francoeur, Dist 14: Judiciary)

CACR 4, Relating to: the administrative head of the courts. Providing that: article 73-a of the second part of the New Hampshire constitution, relative to the chief justice of the supreme court as the administrative head of all the courts, be repealed. (Bergin, Hills 16: Judiciary)

RECESS

RESOLUTION

(Rep. Hess in the Chair)

Rep. Mercer offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 205 through 223, Constitutional Amendment Concurrent Resolution numbered 5 and, House Joint Resolution numbered 1, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, CACRs, HCRs, HRs and HBIs

First, second reading and referral

HB 205-FN-LOCAL, relative to creditable service for eligibility by retired teachers for payment of medical benefits. (C. Jean, Hills 32; O'Hearn, Dist 12: Executive Departments and Administration)

HB 206-FN-A, establishing an equipment depository and disabled person's employment fund in the department of administrative services. (Whittier, Rock 18: Labor, Industrial and Rehabilitative Services)

HB 207-FN-LOCAL, increasing the state aid contribution to municipalities that expand, upgrade, or develop new wastewater treatment facilities to provide for expanded septage handling and disposal capacity. (Philbrick, Carr 4; Patten, Carr 9; Below, Dist 5: Environment and Agriculture)

HB 208-FN, changing the license requirement for operators collecting the meals and rooms tax. (Major, Rock 16; Stone, Rock 7; Avery, Ches 8: Ways and Means)

HB 209-FN, relative to original and youth operators' licenses. (Packard, Rock 29: Transportation)

HB 210-FN, relative to the penalties for persons convicted of subsequent DWI offenses. (Tholl, Coos 5; Almy, Graf 14: Criminal Justice and Public Safety)

HB 211-FN, establishing a restricted probationary permit to drive and correcting the ignition interlock program laws. (Tholl, Coos 5; Almy, Graf 14: Criminal Justice and Public Safety)

HB 212-FN, expanding income eligibility limits for education property tax hardship relief. (Cox, Rock 24; Langley, Rock 24; Alger, Graf 9; Leone, Sull 2; Shultis, Rock 33: Ways and Means)

HB 213-FN, increasing the allowable amount of education property tax relief. (Cox, Rock 24; Langley, Rock 24; Alger, Graf 9; Leone, Sull 2; Shultis, Rock 33: Ways and Means)

HB 214-FN, requiring transcription of grand jury proceedings. (DiFruscia, Rock 27; Phinizy, Sull 7: Judiciary)

HB 215, relative to publication of status of cases before the supreme court. (Wendelboe, Belk 2: Judiciary)

HB 216-FN-LOCAL, requiring a permit for ownership of a pit bull, rottweiler, or doberman. (Brewster, Merr 1: Municipal and County Government)

HB 217-FN, prohibiting the courts from charging fees. (Christiansen, Hills 23: Judiciary)

HB 218-FN, relative to the motor vehicle road toll law and motor vehicle registration fees. (Packard, Rock 29; Letourneau, Rock 13: Transportation)

HB 219, relative to the rules of the road involving school buses. (Sullivan, Carr 2; McRae, Hills 7; Johnson, Dist 3: Transportation)

HB 220, relative to primary election candidates. (Brewster, Merr 1; Dickinson, Carr 2; Reeves, Hills 37; Buckley, Hills 44; Reid, Straf 12; Barnes, Dist 17: Election Law)

HB 221, establishing a right to work act which provides for freedom of choice on whether to join a labor union. (Itse, Rock 11; Nowe, Rock 3; Souza, Hills 40; Boyce, Dist 4: Labor, Industrial and Rehabilitative Services)

HB 222-FN, relative to lighting and light pollution. (Rabideau, Rock 16: Municipal and County Government)

HB 223, allowing a state resident to obtain a license for a pistol or revolver for life. (Gilman, Graf 1: Criminal Justice and Public Safety)

HJR 1, urging Congress to expand eligibility for membership in the American Legion. (Dickinson, Carr 2; Fields, Hills 18; Graham, Hills 15; Jacobson, Merr 2; Rosen, Belk 7; Johnson, Dist 3; Disnard, Dist 8; Burns, Dist 1: State-Federal Relations and Veterans Affairs)

CACR 5, Relating to: the rulemaking authority of the supreme court. **Providing that:** supreme court rules are effective only when not inconsistent with statute. (Pepino, Hills 40; Jacobson, Merr 2; Salts, Hills 41; Roberge, Dist 9; Francoeur, Dist 14; Boyce, Dist 4: Judiciary)

RECESS

RESOLUTION

(Rep. Whalley in the Chair)

Rep. Scanlan offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 224 through 238, Constitutional Amendment Concurrent Resolution numbered 6 and, House Concurrent Resolution numbered 5, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, CACRs, HCRs, HRs and HBIs

First, second reading and referral

HB 224, relative to persons who may sign nomination papers. (Arndt, Rock 27: Election Law)

HB 225, relative to applications for recounts. (Arndt, Rock 27: Election Law)

HB 226, relative to instructions to voters for straight-ticket voting. (Arndt, Rock 27; Weatherspoon, Rock 20; Clemons, Hills 31; Herman, Hills 13: Election Law)

HB 227, clarifying certain definitions relating to emergency medical and trauma services. (Dyer, Hills 8: Health, Human Services and Elderly Affairs)

HB 228, relative to dealing in and possessing prescription drugs by podiatrists. (Emerton, Hills 7; McGuire, Rock 26; Wheeler, Dist 21: Health, Human Services and Elderly Affairs)

HB 229, relative to third person liability under the workers' compensation law. (Herman, Hills 13: Labor, Industrial and Rehabilitative Services)

HB 230, relative to scheduled permanent impairment awards under the workers' compensation law. (Clegg, Hills 23; Lasky, Hills 33; Boyce, Belk 5; Boyce, Dist 4: Labor, Industrial and Rehabilitative Services)

HB 231, relative to assignment of judges. (Mirski, Graf 12; Bergeron, Hills 24; Dudley, Graf 14; Woods, Straf 11; Salts, Hills 41; Roberge, Dist 9: Judiciary)

HB 232, relative to compensability of work-related stress injuries under the workers' compensation act. (Clegg, Hills 23; Hess, Merr 11; Buckley, Hills 44; S. L'Heureux, Merr 11; Francoeur, Dist 14; Eaton, Dist 10; Barnes, Dist 17; Burns, Dist 1; Flanders, Dist 7: Labor, Industrial and Rehabilitative Services)

HB 233, amending the duties of the oversight committee for the severely developmentally disabled. (Burnham, Ches 8; Batula, Hills 18; Seldin, Merr 17; Manning, Ches 9; McCarley, Dist 6; Gordon, Dist 2; Wheeler, Dist 21: Health, Human Services and Elderly Affairs)

HB 234, relative to the jurisdiction of the ballot law commission. (Dodge, Rock 4; Case, Rock 2; Barnes, Dist 17: Election Law)

HB 235, establishing a committee to study certain mental health systems to address the needs of mentally ill persons in New Hampshire. (Mitchell, Ches 3; Manning, Ches 9; Nordgren, Graf 10: Health, Human Services & Elderly Affairs)

HB 236, relative to the registration of deer. (Royce, Ches 9; Leach, Hills 9: Fish and Game)

HB 237, relative to filling a vacancy in an alumni trustee position on the board of trustees of the university system. (M. Smith, Straf 8; Estabrook, Straf 8; Wheeler, Dist 21; Eaton, Dist 10; Gordon, Dist 2: Education)

HB 238, relative to interstate banking. (T. Reardon, Merr 23; Johnson, Dist 3: Commerce)

CACR 6, Relating to: proceedings for impeachment of judges. Providing that: certain procedures shall be established in the house and senate for the impeachment of a judge. (DiFruscia, Rock 27; Phinizy, Sull 7; Solow, Graf 10: Judiciary)

HCR 5, urging the federal government to consider the impacts on New Hampshire and the smaller states of interstate waste legislation. (Patten, Carr 9: State-Federal Relations and Veterans Affairs)

RECESS

RESOLUTION

(Rep. Whalley in the Chair)

Rep. Varrell offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered HB 239 through 249, Constitutional Amendment Concurrent Resolution numbered 7 and House Concurrent Resolution numbered 6 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, CACRs, HCRs, HRs and HBIs

First, second reading and referral

HB 239, relative to certain vehicle stops made by police officers. (Dickinson, Carr 2: Criminal Justice and Public Safety)

HB 240, requiring the department of health and human services to develop a plan reducing the number of persons awaiting certain services for developmental disabilities. (Burnham, Ches 8; Batula, Hills. 18; Seldin, Merr 17; Manning, Ches 9; McCarley, Dist 6; Gordon, Dist 2; Wheeler, Dist 21: Health, Human Services and Elderly Affairs)

HB 241, establishing the offense of careless and negligent driving. (Milligan, Hills 18; P. Cote, Hills 32; Bartlett, Belk 6; Gleason, Rock 13; Langer, Merr 11; Roberge, Dist 9: Transportation)

HB 242, extending the reporting deadlines for certain study committees and commissions. (E. Smith, Ches 6; Leber, Merr 1; Cloutier, Sull 8; Alukonis, Hills 23; Gordon, Dist 2; McCarley, Dist 6: Legislative Administration)

HB 243, relative to school bus operation. (O'Connell, Hills 13; Leishman, Hills 13: Transportation)

HB 244, establishing a commission to examine the size, compensation, and staff requirements of the legislature. (Lovett, Graf 6; J. Pratt, Ches 2; Sapareto, Rock 13; R. L'Heureux, Hills 18: Legislative Administration)

HB 245, relative to the duties and staff of the state geologist. (Dyer, Hills 8; Millham, Belk 4; Cohen, Dist 24: Executive Departments and Administration)

HB 246, relative to marriage between first cousins. (Grassie, Straf 19: Children and Family Law)

HB 247, relative to the election of county commissioners in Carroll county. (Patten, Carr 9: Municipal and County Government)

HB 248, extending for one year the pilot program relative to the administration of medications in residential care facilities. (Stone, Rock 7; Case, Rock 2; Dodge, Rock 4; Chalbeck, Rock 8; Barnes, Dist 17: Health, Human Services and Elderly Affairs)

HB 249-LOCAL, relative to the records of property tax abatements. (Burnham, Ches 8: Municipal and County Government)

CACR 7, Relating to: the state's responsibility to provide to all citizens the opportunity for a public education. Providing that: the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education. (Pepino, Hills 40; Soltani, Merr 10; L. Christiansen, Hills 23; Roberge, Dist 9; Boyce, Dist 4; Johnson, Dist 3: Finance)

HCR 6, urging New Hampshire to use the "precautionary principle" when determining the safety and feasibility of using products, techniques, and technologies. (Owen, Merr 6: Science, Technology and Energy)

RECESS

RESOLUTION

(Rep. Herman in the Chair)

Rep. John W. Flanders, Jr. offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered HB 250 through 264 and House Resolution numbered 6, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, CACRs, HCRs, HRs and HBIs

First, second reading and referral

HB 250, prohibiting managed care organizations from disqualifying certain entities from their networks. (Martel, Hills 45; P. Katsakiores, Rock 13; Ruffner, Rock 25: Commerce)

HB 251, establishing that local zoning ordinances regulating location are applicable to community living facilities. (Pepino, Hills 40; Vaillancourt, Hills 44; L. Johnson, Hills 40; Souza, Hills 40; Buckley, Hills 44; D'Allesandro, Dist 20; O'Neil, Dist 18; Gatsas, Dist 16: Municipal and County Government)

HB 252, establishing a committee to study the administrative functions and procedures of the state court system. (Mirski, Graf 12; Guinta, Hills 39; Sova, Graf 11; Alger, Graf 9; Winter, Merr 2; Roberge, Dist 9: Judiciary)

HB 253-FN, relative to mercury reductions. (J. Bradley, Carr 8; Norelli, Rock 31; Rodeschin, Sull 4; J. Harris, Sull 11; D. White, Hills 25; Below, Dist 5; Johnson, Dist 3; Disnard, Dist 8; Cohen, Dist 24; Eaton, Dist 10: Environment and Agriculture)

HB 254, naming a certain bridge in the town of North Charlestown. (B. Ferland, Sull 6; Phinizy, Sull 7; Disnard, Dist 8: Public Works)

HB 255, requiring that body piercing be performed by a licensed physician. (Dalrymple, Rock 26; Emerton, Hills 7: Health, Human Services and Elderly Affairs)

HB 256, limiting the liability of law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work. (Clegg, Hills 23; Pepino, Hills 40; Thomas, Belk 3; Francoeur, Dist 14: Judiciary)

HB 257, relative to disclosure of injuries, medical information, and insurance coverage in claims for bodily injury. (DiFruscia, Rock 27; Bruno, Hills 4; Phinizy, Sull 7; M. Fuller Clark, Rock 36: Commerce)

HB 258, establishing a task force to conduct an ongoing study of the feasibility of re-establishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon northern passenger rail service line. (G. Katsakiores, Rock 13; Whittemore, Merr 13; Nowe, Rock 3; J. Flanders, Rock 18; Below, Dist 5; Larsen, Dist 15; Prescott, Dist 19: Transportation)

HB 259, relative to holding sessions for correction of checklists. (F. Davis, Merr 12; Horton, Coos 3; Daneault, Merr 12; Rush, Merr 12: Election Law)

HB 260, establishing a commission to examine child care resources for parents who work hours other than first shift. (Elliott, Hills 2; Wallner, Merr 24; Gile, Merr 16; McCarley, Dist 6; Wheeler, Dist 21: Children and Family Law)

HB 261-FN, including the judiciary as a public employer under the public employee labor relations act. (J. Pratt, Ches 2; Craig, Hills 38; Larsen, Dist 15; O'Neil, Dist 18: Labor, Industrial and Rehabilitative Services)

HB 262, establishing a commission to study the status of the relationship between physician hospital organizations and independent provider associations. (Bruno, Hills 4: Commerce)

HB 263, naming a sidewalk in Wolfeboro the Kenneth J. MacDonald Memorial Sidewalk. (J. Bradley, Carr 8; Stevens, Carr 7: Public Works and Highways)

HB 264, relative to the state treasurer and relative to certain unclaimed or abandoned property. (Dyer, Hills 8: Commerce)

HR 6, recognizing the ancient and aboriginal claim of Indians in the state to hunt and fish. (Kenney, Carr 6: Fish and Game)

RECESS

RESOLUTION

(Rep. Mirski in the Chair)

Rep. Sapareto. offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered HB 265 through 279 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, CACRs, HCRs, HRs and HBIs

First, second reading and referral

HB 265, prohibiting the sale of rolling papers to minors. (Knowles, Straf 11: Commerce)

HB 266, establishing a committee to study recodification of the election laws. (Arndt, Rock 27; F. Davis, Merr 12; Clemons, Hills 31; Weatherspoon, Rock 20: Election Law)

HB 267, relative to increasing the membership on the retirement system board of trustees. (Sova, Graf 11; Scovner, Graf 13; Leber, Merr 1: Executive Departments and Administration)

HB 268, relative to apportioning presidential electors. (Brewster, Merr 1; Dickinson, Carr 2: Election Law)

HB 269, requiring parental consent for tongue piercing. (P. Katsakiores, Rock 13; Emerton, Hills 7; G. Katsakiores, Rock 13: Children and Family Law)

HB 270-FN, increasing the mileage reimbursement rate for members of the legislature. (Dickinson, Carr 2; Guay, Coos 6; Burns, Dist 1: Legislative Administration)

HB 271, relative to criminal liability for the conduct of another. (Knowles, Straf 11: Criminal Justice and Public Safety)

HB 272, requiring bottled water labels to indicate the source of the water. (Pitts, Rock 35: Commerce)

HB 273, relative to the purpose of state jurisdiction of fish and game regulation. (Mock, Carr 3; Dickinson, Carr 2; Nowe, Rock 3; Royce, Ches 9; D'Allesandro, Dist 20; Flanders, Dist 7; Disnard, Dist 8; Gatsas, Dist 16: Fish and Game)

HB 274-FN, banning the residential open burning of trash and relative to a dioxin emissions reduction and control program. (J. Bradley, Carr 8; Norelli, Rock 31; D. White, Hills 25; N. Kaen, Straf 7; Lynde, Hills 24; Below, Dist 5; Johnson, Dist 3; Cohen, Dist 24; Eaton, Dist 10; Larsen, Dist 15: Science, Technology and Energy)

HB 275, relative to the expenditure of funds received pursuant to the Workforce Investment Act. (Clegg, Hills 23; Sullivan, Carr 2; Francoeur, Dist 14; Eaton, Dist 10: Labor, Industrial and Rehabilitative Services)

HB 276-FN-A, relative to reimbursement of legal fees of supreme court employees who retained counsel during the impeachment proceedings regarding chief justice David A. Brock and making an appropriation therefor. (Hager, Merr 18; Owen, Merr 6: Finance)

HB 277-LOCAL, clarifying the penalties for violations of statutes or ordinances where no penalty is specified. (Rodeschin, Sull 4; Gordon, Dist 2: Municipal and County Government)

HB 278, naming Langmaid Brook in the town of Pembroke. (F. Davis, Merr 12; Rush, Merr 12; Greco, Merr 12; Daneault, Merr 12: Resources, Recreation and Development)

HB 279-FN-A-LOCAL, relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor. (Dyer, Hills 8: Executive Departments and Administration)

COMMITTEE ASSIGNMENT

Rep. William G. Johnson on Municipal & County Government; off Fish & Game.

Rep. Scanlan moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 4

January 25, 2001

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

Prayer was offered by House Chaplain Reverend Hays M. Junkin.

Blessed are You, O God of our fathers and mothers. We acknowledge before You that beginnings aren't all they're cracked up to be, especially if what we end up with doesn't measure up to the dreams with which we began. We ask Your blessing upon this honorable House and upon all the citizens of our beloved New Hampshire. May You give each legislator here both the vision to dream and the wisdom to create a better community for all Your people. Amen.

Rep. Carolyn M. Gargas led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Kennedy and Rabideau, the day illness.

Reps. Artz, Candace W. Bouchard, Craig, French, Jeff Gilbert, Hager, Ham, Hamel, Kacavas, Lawton, Letourneau, O'Keefe, Marsha Pelletier, Irene Pratt, Robb, Solow, Teschner, Tholl, Whittemore and Jane Wood, the day, important business.

Reps. Martel and Priestly, the day, illness in the family.

INTRODUCTION OF GUESTS

Elaine and Gordon Burton, guests of Rep. Ford. Juan Pablo Torres, Juan Pablo Dalmahz, Anna Elizabeth Fotheringham, Maria Eugenia Echazu, Rodrigo Casabella, Yesica Betancourt and Ellen Chase, guests of Rep. Owen. Lynda Hunt, wife of Rep. Hunt.

communication

January 10, 2001

William M. Gardner, Secretary of State

Gene G. Chandler, Speaker of the House

This is to inform you that I am resigning my seat as State Representative from Hillsborough County District 29, Ward 4 effective 11:59 p.m. on this day.

Tom Alciere, Hills. 29

VACATE

Rep. Musler moved that the House vacate the reference of **HB 253, FN**, relative to mercury reductions, to the Committee on Environment and Agriculture.

Adopted.

Referred to the Committee on Science, Technology and Energy.

committee reports

consent calendar

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

HB 140, relative to interest on judgments, removed by Rep. Mock.

Consent Calendar adopted.

HB 144, establishing a committee to study the CHINS process. OUGHT TO PASS

Rep. Christine M. Furman for Children and Family Law: This is a bill to establish a committee to Study the "CHINS", Children in Need of Services, process. The Children and Family Law Committee feels that this process is important enough to the welfare of New Hampshire's children to warrant the establishment of a committee to study and recommend any changes to the current "CHINS" process. Vote 15-0.

HB 109, establishing a committee to study the consumer protection effort in New Hampshire. OUGHT TO PASS

Rep. Leo W. Fraser, Jr. for Commerce: The Consumer Protection Office is contained within the Justice Department. This legislation will allow for a review of the actual needs of the agency in order to provide speedier and more efficient responses to New Hampshire citizens. Vote 12-0.

HB 142, establishing a committee to study encryption of confidential information. OUGHT TO PASS

Rep. Leo W. Fraser, Jr. for Commerce: Privacy of information is one of the most difficult and important issues facing the General Court at this time. This legislation will provide a study of the propriety of implementing encoding or enciphering of confidential information. Vote 11-0.

HB 197, extending the reporting date of the commission to study methods for reducing violent incidents involving children and guns. OUGHT TO PASS WITH AMENDMENT

Rep. James R. Splaine for Criminal Justice and Public Safety: HB 197 extends the report date for the commission to study methods for reducing violent incidents involving children and guns from November 1, 2000 to June 30, 2001. The committee has amended the bill to extend the date until November 1, 2001. Vote 16-0.

Amendment (0016h)

Amend 1999, 322:5 as inserted by section 1 of the bill by replacing it with the following:

322:5 Report. The commission shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before ~~November 1, 2000~~ **November 1, 2001**.

AMENDED ANALYSIS

This bill extends from November 1, 2000 to November 1, 2001 the reporting date of the commission to study methods for reducing violent incidents involving children and guns established in 1999, 322 (SB 163).

HB 111, relative to paper purchased by or for state agencies. OUGHT TO PASS

Rep. David G. Poulin for Executive Departments and Administration: The majority of the committee felt that the current RSA, requiring that all specially coated paper purchased for use by state agencies contain 30% post consumer waste, had proven unworkable and created the necessity for a waiver on almost all purchases of these products. This type of product is rarely produced and when available the quality does not meet the standards needed for most copiers and printers. This bill reduces the required content of all coated paper to 10% of post consumer waste, but leaves the requirement for uncoated paper at 30% of post consumer waste. Vote 17-0.

HB 126-FN, relative to the board of pharmacy and the regulation of pharmacists. OUGHT TO PASS

Rep. Robert K. Dodge for Executive Departments and Administration: The committee overwhelmingly supported the clarification of certain definitions allowing graduates of Canadian colleges of pharmacy to apply directly for examination and licensure. The increase for the per diem compensation was approved and is in compliance with the 125% rule. Vote 17-0.

HB 204-FN, relative to loan guarantees by the business finance authority. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Finance: The Business Finance Authority (BFA) of the State of New Hampshire was organized to encourage business development and job creation in parts of the state that are suffering from a lack thereof. Their main tool is credit enhancement for the businesses willing to locate in the target areas. They use the credit of the state to guarantee part of the business loan required. Many of the qualifying projects are also eligible for other loans and guarantees through such agencies as the Small Business Administration (SBA) and the Granite State Development Council. In working with the SBA a problem arose as to the length of a loan guarantee. SBA and the participating bank wanted a ten-year guarantee. RSA's allowed only five years for the BFA. This bill will allow BFA to extend credit guarantees to ten years as needed, and will enable BFA and SBA to partner in more projects. Some concern was expressed as to the likelihood of this bill increasing demand for BFA help. Since BFA has used only about one third of its \$95 million authority, it is more likely that current rules are too stringent for the agency to fulfill its potential. Passage of this bill will enhance BFA's mission. The bill is fast tracked for a resort in Whitefield where plans need to be finalized soon. Exposure for the state will be \$3 million of a \$12.8 million project. Vote 22-0.

Amendment (0023h)

Amend the bill by replacing section 2 with the following:

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

HB 118, authorizing physicians who practice medicine in certain states other than the state of New Hampshire to complete certifications exempting children residing in the state of New Hampshire from immunization. OUGHT TO PASS WITH AMENDMENT

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: The committee was asked to solve the issue of cross-state border exemption from an immunization requirement due to a medical contraindication. The result: because the bill includes limitations and safeguards, the committee passed HB 118 which allows a physician from a border state to notify the appropriate school board of an exemption, for a limited time, for one disease. Vote 14-0.

Amendment (0006h)

Amend the bill by replacing section 1 with the following:

1 Exemptions From Immunization. Amend RSA 141-C:20-c, I to read as follows:

I. A physician licensed under RSA 329, *or a physician exempted under RSA 329:21, III*, certifies that immunization against a particular disease may be detrimental to the child's health. The exemption shall exist only for the length of time, in the opinion of the physician, such

immunization would be detrimental to the child. An exemption from immunization for one disease shall not affect other required immunizations.

HB 117, establishing a committee to study the adoption of the uniform common interest ownership act. OUGHT TO PASS

Rep. Jane Wood for Judiciary: The predecessor to the uniform common interest ownership act was the uniform condominium act, and NH's condominium act is an early version of that. The legislature passed HB 1457 last term to create the same study committee as this bill does; but, because of the senate trial this past summer, the committee was unable to complete the task. This study will thoroughly review our current law in relation to the uniform (nationally recognized) act. It will deal with homeowner association and cooperative planned unit development as well as condominiums. This is a consumer protection issue as well as good planning for future development. Vote 17-0.

HB 121, establishing a committee to study methods of reducing the cost of obtaining justice for low-income citizens. OUGHT TO PASS

Rep. Peter F. Bergin for Judiciary: Everyone who testified was in support of this study bill. There are a number of people in the state who are economically deprived due to circumstances including disabilities, mental illness or single-parent income who are in need of legal representation. In addition, the legal assistance fund has been decreasing over the last several years according to testimony received. For these reasons the committee felt it was timely and a legitimate use of resources to study this issue. Vote 13-5.

HB 128, prohibiting the right to pass and re-pass from being assigned to successive land owners unless the deed or conveyance specifically provides for reassignment of the right. INEXPEDIENT TO LEGISLATE

Rep. Peter R. Leishman for Judiciary: The committee was sympathetic with the sponsor's intentions. However, the bill would radically change the customary and traditional real property deed drafting practices. In existing statute (RSA 477:26), all rights, easements and privileges are transferred with land ownership, unless specifically excluded in the deed. The common granting clause in a deed transferring an interest in real estate, title to land, easements or rights-of-way etc. is that the right will run with the title. This allows subsequent owners to convey by deed or estate what he or she received from the prior owner. If an owner desires to grant a right-of-way to a specified person for his or her use only, or for life, or for a term of years, this provision is commonly written in the document and the right will be limited. Further, HB 128 would be contrary to conventional conveyancing standards adopted throughout the United States. The committee believes this bill is unnecessary. Vote 16-0.

HCR 1, urging the federal government to allow military retirees to receive service-connected disability compensation benefits without requiring them to waive an equal amount of retirement pay. OUGHT TO PASS

Rep. Richard F. Heon for State-Federal Relations and Veterans Affairs: The committee was unanimous in supporting this House Concurrent Resolution. The committee heard testimony from veterans groups all favoring this resolution. The committee also agrees that because no other federal employees face a reduction of civil service retirement benefits if they receive compensation for a service-connected disability that our military retirees should be treated like other federal retirees and permit them to receive their service-connected disability compensation without a concurrent deduction from their retirement pay. Vote 15-0.

HCR 2, urging the federal government to establish a new zip code for the town of Kensington.
OUGHT TO PASS WITH AMENDMENT

Rep. Gregory A. Salts for State-Federal Relations and Veterans Affairs: The committee found compelling evidence that the residents of Kensington would be best served by having their own zip code. In the past, the lack of a zip code has created confusion amongst letter carriers. Therefore, important packages have been late upon arrival...including medication. Although Kensington has been denied a zip code in the past, the committee felt that due to the rapid growth the community now warrants their own zip code. The committee unanimously passed this resolution with an amendment to also include a copy of the resolution to the President of the United States. Vote 15-0.

Amendment (0013)

Amend the resolution by replacing the second paragraph after the resolving clause with the following:

That copies of this resolution be forwarded by the house clerk to each member of the New Hampshire congressional delegation, the President of the United States, and the United States Postmaster General in Washington, D.C.

committee reports

regular calendar

HB 135, creating a commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Peter F. Bergin for the Majority of Judiciary: Last year HB 1535 and SB 209 were sponsored in response to a conference held by the NH Bar Association at which it was recognized that changes are needed to address the issues of ever increasing appellate cases. Because of the Supreme Court investigation and subsequent trial, both the House and the Senate agreed that a bill would be better addressed this year when more attention could be given to the issue. The Commission will be made up of 13 members. Composition of the committee will be 3 members each from the House and Senate, 2 from the Judiciary, a member of the NH Bar, a member from the Attorney General's office, 2 members appointed by the Governor and a designee of the NH Appellate Defender. The committee has a balance of persons from the legal profession and members of the general public. Vote 14-3.

Rep. Peter R. Leishman for the Minority of the Judiciary: The minority strongly supports judicial reform. However, an amendment that excludes members of the House or Senate because of their particular training or profession as lawyers (members of the Bar) was unacceptable. We feel that all members of the House, whatever their profession, would be of great value to this important issue.

Amendment (0020h)

Amend subparagraphs I(a)-(d) as inserted by section 2 of the bill by replacing them with the following:

(a) Three house members, only one of whom may be a member of the bar, appointed by the speaker of the house.

(b) Three senate members, only one of whom may be a member of the bar, appointed by the senate president.

(c) Two members representing the judicial branch: one from the supreme court appointed by the chief justice of the supreme court and one from the superior court appointed by the chief justice of the superior court.

d. One member of the New Hampshire Bar Association, appointed by the association's president.

Adopted.

Rep. Leishman spoke against and yielded to questions.

Rep. Jacobson spoke in favor.

Rep. Mock spoke in favor and yielded to questions.

Rep. Alger requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

YEAS 296 NAYS 62			
YEAS 296			
BELKNAP			
Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Johnson, William	Millham, Alida
Nedeau, Stephen	Pilliod, James	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Salatiello, Thomas	Thomas, John	Wendelboe, Fran
CARROLL			
Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Mock, Henry	Patten, Betsey	Philbrick, Donald	Quimby, Lee
Stevens, Stanley	Sullivan, P Judith	Torressen, Gary	
CHESHIRE			
Allen, Peter	Avery, Stephen	Batchelder, Robert	Dexter, Judson
Edwards, Dana	Emerson, Susan	Fairbanks, Chandler	Hunt, John

Lambert, Bernard	Manning, Joseph	McGuirk, Paul	Meador, David
Pratt, John	Richardson, Barbara	Roberts, William	Royce, H Charles
Smith, Edwin	Weed, Charles	Zerba, Roger	
COOS			
Bradley, Paula	Davis, Perley	Gallus, John	Guay, Lawrence
Horton, Lynn	Landers, Dana	Mears, Edgar	Pratt, Leighton
Stohl, Eric	Woodward, David		
GRAFTON			
Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Cobb, John	Cooney, Mary	Dudley, Terri	Eaton, Stephanie
Gabler, William	Gilman, G Michael	Giuda, Robert	Lovett, Sid
Marshall, Gene	Mirski, Paul	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scanlan, David	Scovner, Nancy	Sokol, Hilda
Sova, Charles	Ward, Brien	Williams, Burton	
HILLSBOROUGH			
Allan, Nelson	Alukonis, David	Andosca, Mary	Arnold, Thomas Jr
Balboni, Michael	Balcom, John	Baroody, Benjamin	Batula, Peter
Bellavance, Paul	Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David
Bouldin, Michael	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clayton, William	Clegg, Robert Jr	Cote, Peter
Daigle, Robert	Desrosiers, William	Dionne, Kimberley	Drisko, Richard
Dyer, Merton	Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Ford, Nancy
Foster, Linda	Furman, Christine	Gargasz, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Graham, John	Greenberg, Gary
Guinta, Frank	Haley, Robert	Hall, Charles	Herman, Keith

Holden, Randolph	Hopper, Gary	Jean, Claudette	Jean, Loren
Johnson, Lionel	Konys, Christine	Kurk, Neal	L'Heureux, Robert
LaFlamme, Paul	LaRose, Richard	Lasky, Bette	Leach, Edward
Lessard, Rudy	Lynde, Harold	Martin, Mary Ellen	McDonough-Wallace, Alice
Mercer, Robert	Messier, Irene	Milligan, Robert	Moran, Edward
O'Connell, Timothy	Palangas, Eric	Pappas, Marc	Patria, Bonnie
Pepino, Leo	Reeves, Sandra	Salts, Greg	Sargent, Maxwell
Seibel, Christopher	Shaw, Barbara	Spiess, Paul	Sweeney, Cynthia
Tahir, Saghir	Tate, Joan	Thompson, Rob	Thulander, O Alan
Vaillancourt, Steve	White, Donald	White, John	
MERRIMACK			
Anderson, Eric	Brewster, Richard	Colcord, J D	Cummings, Raymond
Daneault, Gabriel	Davis, Frank	Feuerstein, Martin	Fraser, Leo Jr
Gile, Mary	Greco, Vincent	Hutchinson, John	Jacobson, Alf
L'Heureux, Stephen	Langer, Ray	Leber, William	Lockwood, Priscilla
MacKay, James	Maxfield, Roy	Poulin, David	Rodd, Beth
Rush, Deanna	Soltani, Tony	Swindlehurst, John	Whalley, Michael
Winter, Steven			
ROCKINGHAM			
Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bowles, Raimond
Bridle, Russell	Camm, Kevin	Carson, Sharon	Case, Margaret
Chalbeck, Kevin	Clark, Vivian	Cooney, Richard	Corbin, Corey
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dodge, Robert	Dowling, Patricia	Downing, Michael	Fesh, Bob
Flanders, John Sr	Francoeur, Sheila	Gilbert, Karl	Giordano, Ronald
Gleason, John	Griffin, Mary	Henderson, Warren	Hill, Jonathan
Holland, James Jr	Hutchinson, Karen	Introne, Robert	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis

Kelley, Jane	Kelley, William	Kobel, Rudolph	Langley, Jane
Langone, John	Major, Norman	McGuire, Robert	McKinney, Betsy
Mikowski, Walter	Moore, Benjamin	Morse, Charles	Nowe, Ronald
Packard, Sherman	Pitts, Jacqueline	Power, Lucille	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Rausch, James	Robertson, Carl
Ruffner, Walter	Sapareto, Frank	Shultis, Elizabeth	Sloan, Stephen
Stone, Joseph	Stritch, C Donald	Trueman, Raymond	Varrell, Thomas
Weatherspoon, Jacquelyne	Welch, David	Weyler, Kenneth	Whittier, John
Woekel, Ralph	Zolla, William		
STRAFFORD			
Albert, Russell	Brennan, William	Callaghan, Frank	Cossette, Larry
Dunlap, Patricia	Ferland, Paul	Goodwin, Earle	Grassie, Anne
Harrington, Michael	Heon, Richard	Johnson, Nancy	Kaen, Naida
Lachance, Douglas	McCarthy, Gerald	Pelletier, Arthur	Proulx, Raymond
Reid, Christopher	Rollo, Michael	Snyder, Clair	Taylor, Kathleen
Tsiros, William	Twombly, James	Wall, Janet	Woods, Phyllis
SULLIVAN			
Burling, Peter	Cloutier, John	Ferland, Brenda	Flint, Gordon Sr
Franklin, Peter	Harris, Joseph	Harris, Sandra	Jones, Constance
Leone, Richard	Odell, Bob	Rodeschin, Beverly	
NAYS 62			
BELKNAP			
None			
CARROLL			
Lyman, L Randy			

CHESHIRE			
Burnham, Daniel	Espiefs, Peter	Mitchell, McKim	Russell, Ronald
COOS			
Rodrigue, Robert	Rozek, Michael		
GRAFTON			
Benn, Bernard			
HILLSBOROUGH			
Buckley, Raymond	Cardin, Lori	Clemons, Jane	Cote, David
Coughlin, Pamela	Dokmo, Cynthia	Drabinowicz, A Theresa	Duval, Jeffrey
Dwyer, Paul	Gorman, Mary	Goulet, Maurice	Hall, Betty
Keye, Harvey	Lefebvre, Roland	Leishman, Peter	McHugh, Claire
McRae, Karen	Melcher, Harold	Movsesian, Lori	Panagopoulos, Nicholas
Peterson, Andrew	Rowe, Robert	Schulze, Joan	Wheeler, Robert
Williams, Carol			
MERRIMACK			
Clarke, Claire	Moore, Carol	Owen, Derek	Potter, Frances
Reardon, Tara	Seldin, Gloria	Wallner, Mary Jane	Yeaton, Charles
ROCKINGHAM			
Blanchard, MaryAnn	Clark, Martha Fuller	Coes, Betsy	Kane, Cecelia
Micklon, Stephanie	Norelli, Terie	Pantelakos, Laura	Saia, Pamela
Splaine, James			
STRAFFORD			
Berube, Roger	Brown, Julie	DeChane, Marlene	Estabrook, Iris

Hughes, Christopher	Knowles, William	Lent, Donald	Musler, George
Smith, Marjorie	Spang, Judith	Woodill, Rodney	
SULLIVAN			
Phinizy, James			

and the majority report was adopted.

Ordered to third reading.

Reps. Lyman and Rowe voted yea and intended to vote nay.

BILL OFF CONSENT CALENDAR

HB 140, relative to interest on judgments. OUGHT TO PASS

Rep. James W. Craig for Judiciary: In civil lawsuits in New Hampshire, interest is awarded to a winning party from the date that the suit is filed. This is to compensate a prevailing party for the loss of the use of that money and to encourage settlement. The award of interest is codified in two statutes, RSA 524:1-B and RSA 527:10. These statutes create a gap in the award of interest between the time of verdict and the time of judgment. This bill simply closes that gap and is meant to be a technical correction. Vote 17-1.

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

Adopted.

RESOLUTION

The late filing having been approved by the Rules Committee, Reps. Scanlan and Burling offered the following: RESOLVED, that in accordance with the list in the possession of the clerk, House Resolution 7 shall be by this resolution read a first and second time by the therein listed title.

Adopted.

suspension of rules

Reps. Scanlan and Burling moved that the Rules be so far suspended as to permit consideration at the present time, without the proper printing, referral and hearing of **HR 7**, relative to the Society for the Protection of New Hampshire Forests.

Reps. Scanlan and Burling spoke in favor.

Adopted by the necessary two-thirds.

consideration of hr 7

HR 7, relative to the Society for the Protection of New Hampshire Forests.

Rep. Scanlan moved Ought to Pass.

Reps. Scanlan and Burling spoke in favor.

Motion adopted and ordered to third reading.

amendment to house rules

Rep. Herman offered the following floor amendment:

Floor Amendment (0039h)

Amend House Rule 35 as follows:

35. (a) Rule 64 shall set the first day to file requests for drafting of bills with the Office of Legislative Services, including all supplementary or necessary drafting information[, for introduction in the first-year or second-year session]. The Office of Legislative Services shall identify LSRs in language which makes clear the intent of the bill. LSRs, with the name(s) of the sponsor(s), shall be published by the Office of Legislative Services. The Speaker of the House shall adjudicate any disagreement concerning the publication of LSRs that may arise between bill sponsors and the Office of Legislative Services.

(b) The Office of Legislative Services shall not accept a request to draft any bill which is the same, or essentially the same, as any other drafting request already accepted[~~in the same session~~]. If duplicate or similar legislation is requested, the Director of Legislative Services shall notify the sponsors of each filing request and mediate an agreement for the filing of a single bill. Filing requests resulting from legislative committee work shall take precedence over all other duplicate or similar filings. The name of the House member whose LSR request is denied due to duplication may be substituted on request for that of the original sponsor if the original sponsor withdraws the drafting request prior to the sign-off deadline.

(c) Notwithstanding (a) and (b), ~~[any member may have]~~ legislation **may be** drafted and introduced upon receiving approval of a majority vote of the House Rules Committee **on the request of any member based on urgent or compelling need or events unforeseen prior to the filing deadline, or on the request of the majority of any policy committee**, or by a two-thirds vote of those House members present and voting.

(d) First-year session:

In the first-year session, there shall be no limitation on the subject matter of legislation introduced. As soon as possible after the end of the first-year session, the Clerk shall publish in the House Calendar those bills voted inexpedient to legislate[, **or** indefinitely postponed ~~[or re-referred in the first-year session, and]~~ those bills which created study committees with November 1 reporting deadlines **and those bills retained in committee for action**. The listings shall be in numerical order by bill number/title, and in committee order by bill number/title.

(e) Second-year session:

In the second-year session, no bill or resolution shall be introduced if it is substantially similar to any legislation which was indefinitely postponed or voted inexpedient to legislate by the House in the first-year session, unless it has been approved by a majority of the House Rules Committee or a two-thirds vote of those House members present and voting, whether as a bill, an amendment, a committee of conference report or in any other manner. A request shall not be accepted to draft any bill which is the same, or essentially the same, as any bill voted inexpedient to legislate, indefinitely postponed, ~~[re-referred, or]~~ made the subject of a statutory study committee in the first-year session, **or retained in committee for action**, unless approved for drafting and introduction by a majority vote of the House Rules Committee or a two-thirds vote of those House members present and voting.

Amend House Rule 44 as follows:

44.(a) All bills in the possession of committees shall be reported out by the date specified in Rule 64 with one of the following recommendations: Ought to Pass, Ought to Pass with Amendment, ~~[Re-refer to Committee,]~~ Inexpedient to Legislate, Refer for Interim Study, or Recommended but to be Laid Upon the Table Because of Funding. ~~[Re-refer to Committee shall be a committee report only in the first year session;]~~ **All bills retained by a vote of the committee for action in the second year session shall be included on a list provided to the House Clerk on or prior to the deadlines specified in Rule 64.** Refer for Interim Study shall be a committee report only in the second-year session. The Committee, as its Interim Study final report, shall submit its findings and any recommendations.

(b) All committee reports on bills shall be printed in the House Calendar at least once prior to the date listed for floor action. If a bill is reported favorably with an amendment, the committee report shall describe the bill as amended. The amendment shall be printed in the House Calendar.

(c) ~~[If a bill is reported Re-refer to Committee, it shall read Re-refer to Committee for action in the second year session. The report on a re-referred bill shall contain an explanation of the issue(s) which require(s) review. Bills which have been re-referred to the Finance Committee may be referred by the Speaker to the original committee to which it was assigned when the House adjourned from the first session. All bills re-referred in the first year session.]~~ **All bills retained in committee for action** shall be acted on ~~[by the third legislative day of]~~ **during** the second-year session.

(d) No committee shall report with a positive recommendation any bill or resolution which would, if enacted, be a violation of Part I, Article 28-a of the N.H. Constitution. The vice chairman or another member of each committee shall review all pending legislation and shall advise the chairman and the members of all legislation before the committee which should be reviewed in terms of this Rule.

Amend House Rule 64 to read as follows:

64. Legislative action in the first-year session shall be subject to the following deadlines:

December 22, 2000, Friday,	Last day to file LSRs with complete information.by 3:00 p.m.
January 19, 2001, Friday	Last day to sign-off all bills with fiscal notes.
January 26, 2001, Friday	Last day to sign-off all other House bills.
February 8, 2001, Thursday	Last day to introduce all House bills.

March 14, 2001, Wednesday	Last day to report House FN bills referred to a second committee.
March 22, 2001, Thursday	Last day to act on House FN bills being referred to a second committee.
April 11, 2001, Wednesday	Last day to report all House FN bills and budgets
April 19, 2001, Thursday	Last day to act on all House FN bills and budgets.
	Last day to hold public hearings on all House bills retained in committee.
	Last day for committees to report list of retained House bills.
April 23, 2001, Monday	Supplemental LSR filing period opens.
April 27, 2001, Friday, by noon	Last day to file supplemental LSRs with complete committee information.
May 9, 2001, Wednesday	Last day to report Senate bills referred to a second committee.
May 17, 2001, Thursday	Last day to act on Senate bills being referred to a second committee.
May 25, 2001, Friday	Last day to sign-off all supplemental bills.
May 30, 2001, Wednesday	Last day to report all Senate bills for action in the first-year session.
	Last day for committees to report list of retained Senate bills.
June 7, 2001, Thursday	Last day to act on all Senate bills in the first-year session.
	Supplemental day to amend House Rules by Majority vote.
June 13, 2001, Wednesday	Last day to form committees of conference.
June 20, 2001, Wednesday	Last day to sign committee of conference reports.by 5:00 p.m.
June 26, 2001, Tuesday	Last day to act on committee of conference reports
	Last day to introduce supplemental bills.

Rep. Herman spoke in favor and yielded to questions.

Reps. Betty B. Hall and Vaillancourt spoke against.

Rep. Phinizy spoke against and yielded to questions.

Reps. Avery, Mirski and Jacobson spoke in favor.

Adopted.

RESOLUTION

Rep. Scanlan 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 8, 2001 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 144, establishing a committee to study the CHINS process.

HB 109, establishing a committee to study the consumer protection effort in New Hampshire.

HB 142, establishing a committee to study encryption of confidential information.

HB 197, extending the reporting date of the commission to study methods for reducing violent incidents involving children and guns.

HB 111, relative to paper purchased by or for state agencies.

HB 126-FN, relative to the board of pharmacy and the regulation of pharmacists.

HB 204-FN, relative to loan guarantees by the business finance authority.

HB 118, authorizing physicians who practice medicine in certain states other than the state of New Hampshire to complete certifications exempting children residing in the state of New Hampshire from immunization.

HB 117, establishing a committee to study the adoption of the uniform common interest ownership act

HB 121, establishing a committee to study methods of reducing the cost of obtaining justice for low-income citizens.

HCR 1, urging the federal government to allow military retirees to receive service-connected disability compensation benefits without requiring them to waive an equal amount of retirement pay.

HCR 2, urging the federal government to establish a new zip code for the town of Kensington.

HB 135, creating a commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload.

HR 7, relative to the Society for the Protection of New Hampshire Forests.

unanimous consent

Rep. Jacobson addressed the House.

The Chair ordered that the remarks made by Rep. Jacobson be printed in the Journal.

Adopted.

Thank you, Mr. Speaker. I want to guarantee you that I don't come here three times every day. I did want to say a word of thanks for Sandy Guinan who worked up on the fourth floor of the LOB for 18 years. She was a Colby Sawyer graduate, but more than that she was of great assistance to me and to many others; and I wanted to simply thank her publicly for her long term service to the members of the House. Thank you.

RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 12:10 p.m.

RECESS