

HOUSE RECORD

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Court

Calendar and Journal of the 2001 Session

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February 15, 2001

No. 19

HOUSE JOURNAL No. 5 (cont.)

Thursday, February 8, 2001

(Rep. Mercer in the Chair)

RESOLUTION

Rep. Kurk offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 623 through 674, 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

First, second reading and referral

HB 623, relative to the registration of criminal offenders. (Kurk, Hills 5: Criminal Justice and Public Safety)

HB 624, establishing a committee to study requiring mandatory ethics seminars for judges. (Alger, Graf 9; Sova, Graf 11; J. Pratt, Ches 2; Soltani, Merr 10; Wheeler, Dist 21; Roberge, Dist 9: Judiciary)

HB 625-FN, establishing a moratorium on the land application of class B biosolids. (B. Hall, Hills 20: Environment and Agriculture)

HB 626, relative to an override of the limitation on appropriations by a local legislative body. (Melcher, Hills 11: Municipal and County Government)

HB 627-FN, establishing a market-based water pollutant trading program. (B. Hall, Hills 20: Municipal and County Government)

HB 628, relative to disclosure of cost of services by medical providers and relative to cost of medical services charged to uninsured consumers. (Dickinson, Carr 2; Seldin, Merr 17: Health, Human Services and Elderly Affairs)

HB 629-FN-A, relative to equipment upgrades, improvements, or purchases at the regional vocational education centers and making an appropriation therefor. (Snyder, Straf 14; Spang, Straf 8; J. White, Hills 46; McCarley, Dist 6; O'Hearn, Dist 12: Education)

HB 630, establishing a committee to study ayurvedic health care. (Nowe, Rock 3; Robb, Sull 11; Millham, Belk 4; Wall, Straf 9; Dalrymple, Rock 26; Wheeler, Dist 21: Executive Departments and Administration)

HB 631-L, relative to access to public school programs by home educated pupils. (B. Hall, Hills 20; Arnold, Hills 20; Giuda, Graf 3: Education)

HB 632, allowing the sale of collectible beer without a license. (Lawton, Belk 1; Packard, Rock 29; Johnson, Dist 3: Commerce)

HB 633, relative to the order of names on ballots. (Vaillancourt, Hills 44; Foster, Hills 10: Election Law)

HB 634, relative to public/private partnership projects in the department of transportation. (Gleason, Rock 13; G. Katsakiores, Rock 13; Major, Rock 16; Nowe, Rock 3; Barnes, Dist 17: Public Works and Highways)

HB 635, relative to family mutual support services. (Manning, Ches 9; Emerson, Ches 13; Leach, Hills 9; Wheeler, Dist 21: Health, Human Services and Elderly Affairs)

HB 636, enabling municipalities to enact "organic zones" that exclude commercial farmers that are not organic certified. (Rabideau, Rock 16; Lynde, Hills 24: Municipal and County Government)

HB 637-FN, requiring training for certain members of the workers' compensation appeals board. (Espieffs, Ches 19; Wall, Straf 9; J. Pratt, Ches 2; K. Gilbert, Rock 19; Eaton, Dist 10: Labor, Industrial and Rehabilitative Services)

HB 638, relative to certification of food protection managers. (Emerton, Hills 7; P. Katsakiores, Rock 13; Millham, Belk 4: Health, Human Services and Elderly Affairs)

HB 639, relative to the preparation of town ballots and relative to the nomination of presidential electors. (Gilmore, Straf 11: Election Law)

HB 640, establishing a committee to study changing the Hooksett liquor store into a family hospitality center. (Leishman, Hills 13: Public Works and Highways)

HB 641-FN-A, relative to a study by the legislature of gender bias in the New Hampshire court system and making an appropriation therefor. (Wendelboe, Belk 2: Legislative Administration)

HB 642-FN-L, abolishing county departments of corrections and authorizing the department of corrections to contract with the counties to utilize former county correctional facilities as state facilities. (Cloutier, Sull 8; Burling, Sull 1; Leone, Sull 2: Criminal Justice and Public Safety)

HB 643-FN, establishing a committee to study a long-term care protection plan and extending the moratorium on new nursing home beds. (Kurk, Hills 5: Health, Human Services and Elderly Affairs)

HB 644-FN-A-L, requiring the sweepstakes commission to hold a sealed bid auction for permits to operate slot machines and providing municipalities the option of allowing the operation of slot machines. (V. Clark, Rock 17: Ways and Means)

HB 645-FN-A-L, relative to state aid for provision of an adequate education, and for additional local education tax relief. (V. Clark, Rock 17: Education)

HB 646, relative to an exemption for pupils scoring at the advanced level on the verbal portion of the state assessment test. (V. Clark, Rock 17: Education)

HB 647-FN-L, relative to the power of governmental entities to appropriate public money. (Souza, Hills 40; Albert, Straf 17; D. White, Hills 25; Boyce, Dist 4: Municipal and County Government)

HB 648-FN, designating certain child care agencies as homeless youth programs. (Emerton, Hills 7; Panagopoulos, Hills 47; Chabot, Hills 48; Gile, Merr 16; Roberge, Dist 9; D'Allesandro, Dist 20; O'Hearn, Dist 12; Johnson, Dist 3: Children and Family Law)

HB 649-FN, relative to compensation for time lost by state employees injured in the line of duty. (Langer, Merr 11; Dyer, Hills 8; R. L'Heureux, Hills 18; Gorman, Hills 29; Stohl, Coos 1: Executive Departments and Administration)

HB 650-FN, relative to master plans. (M. Fuller Clark, Rock 36; Melcher, Hills 11; Brundige, Hills 18; Dokmo, Hills 14; Spang, Straf 8; Fernald, Dist 11; Below, Dist 5: Municipal and County Government)

HB 651-FN-A-L, authorizing the establishment of state-owned casino and convention center facilities and making an appropriation therefor. (R. L'Heureux, Hills 18; Lessard, Hills 23: Ways and Means)

HB 652, relative to the penalties for reckless or negligent operation of a motor vehicle. (R. L'Heureux, Hills 18; Letourneau, Rock 13; C. Hall, Hills 18; Tholl, Coos 5; Roberge, Dist 9; Wheeler, Dist 21; Gordon, Dist 2: Transportation)

HB 653-FN, relative to certain signs within highway rights-of-way. (Kurk, Hills 5; Hopper, Hills 5; Teschner, Graf 5; Packard, Rock 29; Avery, Ches 8; Eaton, Dist 10; Flanders, Dist 7; Gordon, Dist 2: Public Works and Highways)

HB 654-FN-L, establishing a presorting program to remove mercury from waste prior to incineration at certain facilities. (Phinizy, Sull 7; Gilmore, Straf 11; Franklin, Sull 4; Robb, Sull 11; D. White, Hills 25: Environment and Agriculture)

HB 655-FN-A-L, establishing an advance disposal fee to fund local mercury presorting and recycling programs. (Phinizy, Sull 7; Gilmore, Straf 11; Franklin, Sull 4; Robb, Sull 11; D. White, Hills 25: Environment and Agriculture)

HB 656-FN-L, relative to the formula for distributing school building aid grants. (Alger, Graf 9; Letourneau, Rock 13; Ward, Graf 1; Johnson, Dist 3: Education)

HB 657, relative to bail recovery agents. (Dickinson, Carr 2; Gilmore, Straf 11; Fields, Hills 18; Dokmo, Hills 14: Executive Departments and Administration)

HB 658-FN-A, relative to the homeless prevention fund and making an appropriation therefor. (Potter, Merr 24; M. Smith, Straf 8: Health, Human Services and Elderly Affairs)

HB 659-FN, relative to penalties for attempting to purchase firearms illegally. (Pepino, Hills 40; Dickinson, Carr 2; Buckley, Hills 44; D'Allesandro, Dist 20; Roberge, Dist 9: Criminal Justice and Public Safety)

HB 660, relative to out-of-home placements in juvenile abuse and neglect cases. (Lyman, Carr 5; Pantelakos, Rock 30: Children and Family Law)

HB 661, relative to hearing timelines in abuse and neglect cases. (Lyman, Carr 5: Children and Family Law)

HB 662, relative to the voluntary merger of contiguous lots. (V. Clark, Rock 17: Municipal and County Government)

HB 663, relative to lights on school buses. (P. Bradley, Coos 6; Stohl, Coos 1; L. Pratt, Coos 4; Mears, Coos 7: Transportation)

HB 664, relative to disqualification for violating election laws. (Mirski, Graf 12: Election Law)

HB 665, protecting licensed professionals from retaliation from their licensing boards for criticism of board practices. (Mirski, Graf 12: Executive Departments and Administration)

HB 666, permitting the placement of political advertising on highway rights-of-way. (Leber, Merr 1: Election Law)

HB 667, relative to certain reporting requirements and relative to meetings of the board of medicine. (Pilliod, Belk 3: Executive Departments and Administration)

HB 668, prohibiting the use of genetic testing for certain insurance purposes. (Kurk, Hills 5; Gilmore, Straf 11; Below, Dist 5: Commerce)

HB 669, requiring certain safety devices on freight locomotives. (Baroody, Hills 42; M. Fuller Clark, Rock 36; O'Neil, Dist 18: Transportation)

HB 670, establishing an international trade commission to investigate and report on the effects of international trade agreements on New Hampshire self-governance. (Weed, Ches 19; Potter, Merr 24; J. Bradley, Carr 8; Boyce, Dist 4: Commerce)

HB 671, enabling municipalities to adopt a property tax credit based on income for blind, disabled, or elderly taxpayers receiving Social Security income. (Burnham, Ches 8; Melcher, Hills 11: Municipal and County Government)

HB 672, relative to coverage for mental and nervous conditions. (Crosby, Merr 20; Taylor, Straf 11; Manning, Ches 9; Peterson, Hills 8; Wheeler, Dist 21: Commerce)

HB 673, relative to a net asset qualification for the elderly property tax exemption for married persons, and relative to the availability of the elderly exemption for persons who reestablish residency. (Akins, Graf 14; Dudley, Graf 14: Municipal and County Government)

HB 674, enabling towns and school districts to adopt a policy for the removal of local elected officials for cause. (V. Clark, Rock 17: Municipal and County Government)

RECESS

(Rep. Linda Foster in the Chair)

RESOLUTION

Rep. Gorman offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 675 through 686 and House Joint 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 and HJR

First, second reading and referral

HB 675, relative to mercury source reduction. (Lynde, Hills 24; Melcher, Hills 11; Musler, Straf 6; Cobb, Graf 5; Below, Dist 5: Environment and Agriculture)

HB 676-L, establishing a committee to study the creation of a regional program for collection and marketing certain components of the municipal solid waste stream. (Phinizy, Sull 7; Franklin, Sull 4; Bergeron, Hills 24; Odell, Sull 5; Gilmore, Straf 11; Cohen, Dist 24: Environment and Agriculture)

HB 677, relative to certification and filing of nomination papers. (Gilmore, Straf 11; Alger, Graf 9: Election Law)

HB 678, relative to notice of release of an inmate from state prison. (Fairbanks, Ches 18; Edwards, Ches 19; Eaton, Dist 10: Criminal Justice and Public Safety)

HB 679, establishing a commission to examine models of out-of-school care for children in kindergarten through grade 12. (Potter, Merr 24; M. Fuller Clark, Rock 36; Wheeler, Dist 21: Education)

HB 680, relative to foreign insurers. (Avery, Ches 8: Commerce)

HB 681, relative to imposition of fines for anti-competitive acts by electric utilities and relative to billing by electric and gas utilities. (J. Bradley, Carr 8; Below, Dist 5: Science, Technology and Energy)

HB 682, relative to accidental disability income benefits. (Bickford, Straf 1: Executive Departments and Administration)

HB 683, relative to the prescription of Methylphenidate (Ritalin) to minors. (Albert, Straf 17; Salts, Hills 41: Health, Human Services and Elderly Affairs)

HB 684, relative to the occupational therapy practice act. (Millham, Belk 4: Executive Departments and Administration)

HB 685-FN, allowing pregnant women to use parking spaces reserved for persons with disabilities. (Kenney, Carr 6; Rabideau, Rock 16: Transportation)

HB 686, relative to the scope of discovery in abuse and neglect cases. (Mirski, Graf 12; Bickford, Straf 1; Soltani, Merr 10: Children and Family Law)

HJR 5, encouraging the use of renewable energy systems in new or rehabilitated state buildings. (D. White, Hills 25: Public Works and Highways)

Rep. Scanlan moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 6

(Thursday, February 15, 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.

Set us free, O God of all creation, that Your holy and life-giving Spirit may so move every human heart, and especially the hearts of the people of this land that barriers which divide us may crumble, suspicions disappear, and hatreds cease; that our divisions being healed, we may live in safety and peace, and truly become a nation under Your care, indivisible, with liberty and justice for all. Amen.

Rep. Margaret A. Case led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Brown, French and Cecelia Kane, the day illness.

Reps. Bartlett, Bergeron, Cardin, Stephanie Eaton, Emerson, Fletcher, Marilyn Fraser, George Katsakiores, Phyllis Katsakiores, Lessard, Mirski, Musler, Marsha Pelletier, Scovner and Torressen, the day, important business.

Reps. Thomas and Winter, the day, death in the family.

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

INTRODUCTION OF GUESTS

Donald and Geraldine Bellavance, brother and sister-in-law of Rep. Bellavance. Christopher Dodge, son of Rep. Dionne. Barbara Brewster, wife of Rep. Brewster. Former Rep. Mary Lou Nowe, wife of Rep. Nowe.

RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 687 through 707 and Constitutional Amendment Concurrent Resolutions numbered 17 and 18 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 and CACRs

First, second reading and referral

HB 687-FN, relative to labeling requirements of genetically engineered foods. (Lynde, Hills 24; Rabideau, Rock 16; Owen, Merr 6; Wheeler, Dist 21: Commerce)

HB 688, relative to legislative standing committee review of rules adopted after final objection by the joint legislative committee on administrative rules. (Gilman, Graf 1; Wendelboe, Belk 2; Herman, Hills 13: Executive Departments and Administration)

HB 689, establishing a committee to study the effectiveness and fairness of county government. (Leone, Sull 2; Leishman, Hills 13; Robb, Sull 11; Jones, Sull 3; Langley, Rock 24; Below, Dist 5: Municipal and County Government)

HB 690, adopting the "Financial Information Privacy Protection Model Act." (L. Fraser, Merr 9: Commerce)

HB 691-FN-A, relative to Area Health Education Centers in New Hampshire and making an appropriation therefor. (Emerton, Hills 7; Rogers Johnson, Rock 25; Ward, Graf 1; Martel, Hills 45; Chabot, Hills 48; Cohen, Dist 24; D'Allesandro, Dist 20; Hollingworth, Dist 23: Health, Human Services and Elderly Affairs)

HB 692, relative to the use of psychological testing and psychiatric drugs in schools. (L. Christiansen, Hills 23; Bruno, Hills 4; Kennedy, Merr 7: Education)

HB 693, rescinding the prohibition on the possession and use of tobacco products by minors and making tobacco use prevention programs in secondary schools the priority of the tobacco use prevention fund. (L. Christiansen, Hills 23: Finance)

HB 694, establishing a separate high school civics graduation requirement. (Estabrook, Straf 8; Dickinson, Carr 2: Education)

HB 695, relative to net energy metering. (Pitts, Rock 35; Taylor, Straf 11; Gilmore, Straf 11; Keye, Hills 30: Science, Technology and Energy)

HB 696, requiring certain waterfront property to have an approved septic system. (Hager, Merr 18: Resources, Recreation and Development)

HB 697, extending the reporting date for the healthy kids subcommittee and clarifying the mission statement of the healthy kids corporation. (Hunt, Ches 10; Larsen, Dist 15: Commerce)

HB 698, relative to verification of checklists. (Gilmore, Straf 11; Flanagan, Rock 14: Election Law)

HB 699, relative to the rights of non-offending parents in the context of abuse and neglect cases. (Mirski, Graf 12; Soltani, Merr 10: Children and Family Law)

HB 701, relative to municipal regulation of renewable energy systems. (D. White, Hills 25: Municipal and County Government)

HB 702, making revisions to the consumer protection act. (Kennedy, Merr 7: Commerce)

HB 703, relative to durable powers of attorney. (Dokmo, Hills 14; Rowe, Hills 14; Leone, Sull 2: Judiciary)

HB 704, relative to the applicability of the right-to-know law to certain governmental committees. (Splaine, Rock 34; A. Pelletier, Straf 12: Judiciary)

HB 705, exempting certain disclosures by town officers from confidentiality requirements. (Splaine, Rock 34; A. Pelletier, Straf 12: Municipal and County Government)

HB 706, requiring alternative dispute resolution prior to adjudication by the court in divorce proceedings. (Gilmore, Straf 11: Children and Family Law)

HB 707, establishing a committee to study the usage of 211 as a uniform community service information and referral number. (Hager, Merr 18; Rodeschin, Sull 4; Gordon, Dist 2: Science, Technology and Energy)

CACR 17, Relating to: restricting the use of a statewide property tax and all funds deposited into the education trust fund to education funding. Providing that: all revenues resulting from a statewide property tax and all funds deposited into the education trust fund shall be used exclusively for elementary and secondary education. (Sapareto, Rock 13; D. White, Hills 25: Finance)

CACR 18, Relating to: elections and elective franchises. Providing that: the inhabitants having proper qualifications shall have an equal right to elect and be elected into office. (Reid, Straf 12:Election Law)

suspension of rules

Rep. Burling moved that the Rules be so far suspended as to permit late filing and introduction of a Resolution.

Reps. Burling and Millham spoke in favor.

Rowe spoke against.

Rep. Scanlan spoke against and yielded to questions.

Rep. Buckley requested a roll call; sufficiently seconded.

YEAS 146 NAYS 208

YEAS 146

BELKNAP

Johnson, William

Millham, Alida

Salatiello, Thomas

Wood, Jane

CARROLL

None

CHESHIRE

Allen, Peter

Batchelder, Robert

Burnham, Daniel

Espiefs, Peter

Lambert, Bernard

Manning, Joseph

McGuirk, Paul

Meader, David

Mitchell, McKim

Pratt, Irene

Pratt, John

Richardson, Barbara

Russell, Ronald

Weed, Charles

Zerba, Roger

COOS

Bradley, Paula

Landers, Dana

Mears, Edgar

GRAFTON

Almy, Susan
Naro, Debra
Solow, Martha

Benn, Bernard
Nordgren, Sharon
Williams, Burton

Cooney, Mary
Pawlek, Marion

Lovett, Sid
Sokol, Hilda

HILLSBOROUGH

Andosca, Mary
Clayton, William
Craig, James
Dwyer, Paul
Gorman, Mary
Johnson, Lionel
Lasky, Bette

Baroody, Benjamin
Clemons, Jane
Daigle, Robert
Foster, Linda
Haley, Robert
Kacavas, John
Leishman, Peter

Bellavance, Paul
Cote, David
Drabinowicz, A Theresa
Ginsburg, Ruth
Hall, Betty
Keye, Harvey
Lynde, Harold

Buckley, Raymond
Cote, Peter
Duval, Jeffrey
Goley, Jeffrey
Jean, Claudette
Konys, Christine
McDonough-Wallace,
Alice

Melcher, Harold
Panagopoulos, Nicholas
Shaw, Barbara

Movsesian, Lori
Patria, Bonnie
Sweeney, Cynthia

O'Connell, Timothy
Peterson, Andrew
White, John

Palangas, Eric
Schulze, Joan
Williams, Carol

MERRIMACK

Bouchard, Candace
Daneault, Gabriel
Lockwood, Priscilla
Perkins, Randy
Seldin, Gloria

Brewster, Richard
Gile, Mary
Maxfield, Roy
Potter, Frances
Wallner, Mary Jane

Clarke, Claire
Greco, Vincent
Moore, Carol
Rodd, Beth
Whittemore, James

Crosby, Toni
Hager, Elizabeth
Owen, Derek
Rush, Deanna
Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn
Downing, Michael
Norelli, Terie
Sapareto, Frank
Weatherspoon,
Jacquelyne

Chalbeck, Kevin
Langley, Jane
O'Keefe, Patricia
Shultis, Elizabeth

Clark, Martha Fuller
McGuire, Robert
Pantelakos, Laura
Splaine, James

Coes, Betsy
Micklon, Stephanie
Pitts, Jacqueline
Trueman, Raymond

STRAFFORD

Berube, Roger
Estabrook, Iris

Brennan, William
Ferland, Paul

Callaghan, Frank
Gilmore, Gary

DeChane, Marlene
Goodwin, Earle

Grassie, Anne	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	McCarthy, Gerald
Pelletier, Arthur	Proulx, Raymond	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Wall, Janet
Woodill, Rodney			

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Leone, Richard	Phinizy, James	Robb, Amy

NAYS 208

BELKNAP

Boyce, Laurie	Czech, Stanley	Flanders, Donald	Holbrook, Robert
Nedeau, Stephen	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Wendelboe, Fran			

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Quimby, Lee	Stevens, Stanley		

CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Fairbanks, Chandler
Hunt, John	Roberts, William	Royce, H Charles	Smith, Edwin

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Pratt, Leighton	Rozek, Michael	Stohl, Eric	Tholl, John Jr
Woodward, David			

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Gabler, William	Gilman, G Michael	Giuda, Robert
Marshall, Gene	Scanlan, David	Sova, Charles	Teschner, Douglass

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	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	Clegg, Robert Jr	Coughlin, Pamela
Desrosiers, William	Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard
Dyer, Merton	Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Flora, Kathleen	Ford, Nancy	Furman, Christine
Golding, William	Gonzalez, Carlos	Goulet, Maurice	Graham, John
Greenberg, Gary	Guinta, Frank	Hall, Charles	Herman, Keith
Holden, Randolph	Hopper, Gary	Jean, Loren	Kurk, Neal
L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard	Leach, Edward
Martel, Andre	McHugh, Claire	McRae, Karen	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	Pappas, Marc
Pepino, Leo	Reeves, Sandra	Rowe, Robert	Salts, Greg
Sargent, Maxwell	Seibel, Christopher	Souza, Kathleen	Spiess, Paul
Tahir, Saghir	Tate, Joan	Thompson, Rob	Thulander, O Alan
Vaillancourt, Steve	White, Donald		

MERRIMACK

Anderson, Eric	Colcord, J D	Cummings, Raymond	Davis, Frank
Dunne, Christopher	Feuerstein, Martin	Fraser, Leo Jr	Hess, David
Hutchinson, John	Jacobson, Alf	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	Leber, William	MacKay, James	Poulin, David
Soltani, Tony	Swindlehurst, John	Whalley, Michael	

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bowles, Raimond
Bridle, Russell	Camm, Kevin	Carson, Sharon	Case, Margaret

Clark, Vivian	Cooney, Richard	Corbin, Corey	Cox, Russell
Dalrymple, Janeen	Dearborn, Bruce	Dodge, Robert	Fesh, Bob
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Giordano, Ronald	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hill, Jonathan	Holland, James Jr	Hutchinson, Karen
Introne, Robert	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Kelley, Jane	Kelley, William	Kobel, Rudolph	Langone, John
Letourneau, Robert	Major, Norman	McKinney, Betsy	Mikowski, Walter
Moore, Benjamin	Morse, Charles	Nowe, Ronald	Packard, Sherman
Palermo, Diane	Power, Lucille	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Rausch, James	Robertson, Carl	Ruffner, Walter
Saia, Pamela	Sloan, Stephen	Stone, Joseph	Stritch, C Donald
Varrell, Thomas	Welch, David	Weyler, Kenneth	Whittier, John
Woekel, Ralph	Zolla, William		

STRAFFORD

Albert, Russell	Bickford, David	Cossette, Larry	Dunlap, Patricia
Lachance, Douglas	Twombly, James	Woods, Phyllis	

SULLIVAN

Odell, Bob	Rodeschin, Beverly
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Lacking the necessary two-thirds vote, the motion failed.

Rep. Norelli moved that the debate on the suspension of rules be printed in the Journal.

Rep. Soltani requested a roll call; sufficiently seconded.

YEAS 178 NAYS 179

YEAS 178

BELKNAP

Flanders, Donald	Johnson, William	Millham, Alida	Salatiello, Thomas
Wood, Jane			

CARROLL

Bradley, Jeb Quimby, Lee

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Dexter, Judson
Edwards, Dana	Espieffs, Peter	Lambert, Bernard	Manning, Joseph
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Russell, Ronald	Weed, Charles
Zerba, Roger			

COOS

Bradley, Paula	Davis, Perley	Guay, Lawrence	Landers, Dana
Mears, Edgar	Stohl, Eric	Woodward, David	

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Lovett, Sid
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Sokol, Hilda
Solow, Martha			

HILLSBOROUGH

Andosca, Mary	Artz, Lawrence	Balcom, John	Baroody, Benjamin
Bellavance, Paul	Buckley, Raymond	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daigle, Robert
Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey
Dwyer, Paul	Dyer, Merton	Flora, Kathleen	Ford, Nancy
Foster, Linda	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Graham, John	Haley, Robert	Hall, Betty
Jean, Claudette	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	L'Heureux, Robert	Lasky, Bette	Leach, Edward
Leishman, Peter	Lynde, Harold	McDonough-Wallace, Alice	Melcher, Harold
Messier, Irene	Moran, Edward	Movsesian, Lori	Palangas, Eric
Panagopoulos, Nicholas	Patria, Bonnie	Peterson, Andrew	Salts, Greg

Schulze, Joan	Shaw, Barbara	Spiess, Paul	Sweeney, Cynthia
White, John	Williams, Carol		

MERRIMACK

Bouchard, Candace	Clarke, Claire	Colcord, J D	Crosby, Toni
Daneault, Gabriel	Davis, Frank	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Jacobson, Alf	Moore, Carol	Owen, Derek
Perkins, Randy	Potter, Frances	Rodd, Beth	Rush, Deanna
Seldin, Gloria	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Chalbeck, Kevin
Clark, Martha Fuller	Coes, Betsy	Corbin, Corey	Downing, Michael
Francoeur, Sheila	Itse, Daniel	Johnson, Robert	Langone, John
McGuire, Robert	Micklon, Stephanie	Norelli, Terie	O'Keefe, Patricia
Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl	Sapareto, Frank
Shultis, Elizabeth	Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne
Woekel, Ralph			

STRAFFORD

Albert, Russell	Berube, Roger	Brennan, William	Callaghan, Frank
DeChane, Marlene	Estabrook, Iris	Ferland, Paul	Gilmore, Gary
Goodwin, Earle	Grassie, Anne	Heon, Richard	Hughes, Christopher
Johnson, Nancy	Kaen, Naida	Knowles, William	Lachance, Douglas
Lent, Donald	McCarthy, Gerald	Pelletier, Arthur	Proulx, Raymond
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Wall, Janet	Woodill, Rodney	

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Leone, Richard	Phinizy, James	Robb, Amy

NAYS 179

BELKNAP

Boyce, Laurie	Czech, Stanley	Holbrook, Robert	Nedeau, Stephen
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Wendelboe, Fran

CARROLL

Babson, David Jr	Dickinson, Howard	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
Sullivan, P Judith			

CHESHIRE

Avery, Stephen	Fairbanks, Chandler	Hunt, John	Roberts, William
Royce, H Charles	Smith, Edwin		

COOS

Gallus, John	Horton, Lynn	Pratt, Leighton	Rozek, Michael
Tholl, John Jr			

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Gabler, William	Gilman, G Michael	Giuda, Robert
Marshall, Gene	Scanlan, David	Sova, Charles	Teschner, Douglass
Williams, Burton			

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Balboni, Michael
Batula, Peter	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
Clegg, Robert Jr	Coughlin, Pamela	Desrosiers, William	Dionne, Kimberley
Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Furman, Christine	Gonzalez, Carlos	Goulet, Maurice	Greenberg, Gary

Guinta, Frank	Hall, Charles	Herman, Keith	Holden, Randolph
Hopper, Gary	Jean, Loren	Kurk, Neal	LaFlamme, Paul
LaRose, Richard	Martel, Andre	McHugh, Claire	McRae, Karen
Mercer, Robert	Milligan, Robert	O'Connell, Timothy	Pappas, Marc
Pepino, Leo	Reeves, Sandra	Rowe, Robert	Sargent, Maxwell
Seibel, Christopher	Souza, Kathleen	Tahir, Saghir	Tate, Joan
Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve	White, Donald

MERRIMACK

Anderson, Eric	Brewster, Richard	Cummings, Raymond	Dunne, Christopher
Feuerstein, Martin	Fraser, Leo Jr	Hess, David	Hutchinson, John
Kennedy, Richard	L'Heureux, Stephen	Langer, Ray	Leber, William
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	Poulin, David
Soltani, Tony	Swindlehurst, John	Whalley, Michael	

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Carson, Sharon	Clark, Vivian	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	Dodge, Robert
Dowling, Patricia	Fesh, Bob	Flanagan, Natalie	Flanders, John Sr
Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hill, Jonathan	Holland, James Jr
Hutchinson, Karen	Introne, Robert	Johnson, Rogers	Kelley, Jane
Kelley, William	Kobel, Rudolph	Langley, Jane	Letourneau, Robert
Major, Norman	McKinney, Betsy	Mikowski, Walter	Moore, Benjamin
Morse, Charles	Nowe, Ronald	Packard, Sherman	Palermo, Diane
Power, Lucille	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Rausch, James	Ruffner, Walter	Saia, Pamela	Sloan, Stephen
Stone, Joseph	Stritch, C Donald	Varrell, Thomas	Welch, David
Weyler, Kenneth	Whittier, John	Zolla, William	

STRAFFORD

Bickford, David	Cossette, Larry	Dunlap, Patricia	Tsiros, William
Twombly, James	Woods, Phyllis		

SULLIVAN

Odell, Bob

Rodeschin, Beverly

and the motion failed.

committee reports

consent calendar

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

HB 211-FN, establishing a restricted probationary permit to drive and correcting the ignition interlock program laws, removed by Rep. Sullivan.

HB 296-FN, relative to receiving stolen property, removed by Rep. John Pratt.

HB 325-FN, relative to certain acts of sexual assault, removed by Rep. Welch.

HB 232, relative to compensability of work-related stress injuries under the workers' compensation act, removed by Rep. Pitts.

HB 187-FN-L, relative to the Manchester airport authority security force, removed by Rep. Dodge.

Consent Calendar adopted.

HB 238, relative to interstate banking. OUGHT TO PASS

Rep. Leo W. Fraser, Jr. for Commerce: When interstate banking (SB 75) was adopted in 1995, included in the legislation was a five-year aging requirement of new acquisitions of financial institutions. This was included in the law to prevent purchase of financial institutions for the sole purpose of re-sale. In the year 2000, the General Court passed de novo banking (SB 310) which made the five-year requirement unnecessary. The committee was unanimous in recommending that the bill be reported out with a recommendation of ought to pass. Vote 15-0.

HB 103, relative to the possession of double-edged knives by convicted felons or during the commission or attempted commission of a violent crime. OUGHT TO PASS WITH AMENDMENT

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: The committee felt that rather than adding a possible laundry list of weapons to the current statute, it was more desirable to clarify the existing statute by replacing "dangerous weapon", which doesn't have a definition in current law with the phrase "deadly weapon as defined in RSA 265:11, V." This change will allow all jurisdictions to work from the same definition with a better chance of consistency when dealing with felons who are armed with a varying assortment of weapons. Vote 13-0.

Amendment (0021h)

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

AN ACT relative to the possession of deadly weapons by convicted felons or during the commission or attempted commission of a violent crime.

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

1 Pistols and Revolvers; Convicted Felons; Prohibition on Deadly Weapons Added. Amend RSA 159:3, I (a) to read as follows:

(a) Owns or has in his possession or under his control, a pistol, revolver, or other firearm, or slung shot, metallic knuckles, billies, stiletto, switchblade knife, sword cane, pistol cane, blackjack, dagger, dirk-knife, [~~or any other dangerous weapon~~] **or other deadly weapon as defined in RSA 625:11, V**; and

2 Pistols and Revolvers; Possession of Dangerous Weapon While Committing a Violent Crime; Double Edged Knives Added. Amend RSA 159:15, I to read as follows:

I. A person shall be guilty of a class A misdemeanor if that person uses or employs slung shot, metallic knuckles, billies, or other [~~dangerous weapons~~] **deadly weapon as defined in RSA 625:11, V** during the commission or attempted commission of a violent crime.

3 Effective Date. This act shall take effect January 1, 2002. 2001-0021h

AMENDED ANALYSIS

This bill prohibits a convicted felon from possessing any deadly weapon, as defined in statute, during the commission or attempted commission of a violent crime.

HB 132-FN, relative to the damage or destruction of an emergency vehicle or emergency services equipment. OUGHT TO PASS WITH AMENDMENT

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: The original bill, as introduced, would have created a class B felony for recklessly causing damage or destruction to emergency equipment under certain circumstances. It was not clear what amount of damage would initiate the felony. The committee felt that the subject should be included in the criminal mischief statute. The amendment adds to RSA 634:2, II, making the reckless damage to an emergency vehicle that it places "out of service" (unable to respond to an emergency) a class B felony, requires a minimum fine of \$1,000, and requires that restitution be made for the damages. There was testimony that a town suffered considerable monetary loss (in the thousands of dollars) that was not reimbursable as well as extensive loss of the use of the vehicles resulting in a potential public safety issue due to the unavailability of fire and ambulance vehicles. The loss of emergency equipment can greatly affect the public safety and in extreme cases prevent the saving of lives. Vote 15-0.

Amendment (0070h)

Amend the bill by replacing section 1 with the following:

1 Criminal Mischief; Damage to an Emergency Vehicle or Emergency Equipment. Amend RSA 634:2, II to read as follows:

II. **(a)** Criminal mischief is a class B felony if the actor purposely causes or attempts to cause:

~~[(a)]~~ **(1)** Pecuniary loss in excess of \$1,000; or

~~[(b)]~~ **(2)** A substantial interruption or impairment of public communication, transportation, supply of water, gas or power or other public service; or

~~[(c)]~~ **(3)** Discharge of a firearm at an occupied structure, as defined in RSA 635:1, III; or

~~[(d)]~~ **(4)** Damage to private or public property, real or personal, when the actor knows that the property has historical, cultural, or sentimental value that cannot be restored by repair or replacement.

(b) Criminal mischief is a class B felony if the actor recklessly causes or attempts to cause:

(1) Damage to any emergency vehicle, emergency, apparatus, or private vehicle containing emergency equipment which causes the vehicle, equipment, or apparatus to be taken out of service. In this subparagraph, "emergency vehicle" means any land, air, or water vehicle of a fire department or police department, and any similar ambulance or emergency vehicle of a municipal or state department or private organization, company, or corporation contracted to perform emergency services. "Emergency equipment" means any equipment used by emergency personnel in the performance of their official duties. "Out of service" means any condition that by rule, regulation, or actual damage which renders the vehicle, equipment, or apparatus unusable or unable, in whole or in part, to perform its intended function.

(2) A person found guilty under subparagraph (b)(1) shall be fined not less than \$1,000 and shall be liable for full restitution to the injured party.

(3) Nothing in this subparagraph shall be construed to prohibit prosecution for manslaughter under RSA 630:2, negligent homicide under 630:3, or both.

HB 193, establishing a committee to study state payments for court-ordered placements of special education pupils. OUGHT TO PASS

Rep. P. Judith Sullivan for Education: This bill establishes a committee to study the efficiency of New Hampshire's current system of state payments for the court-ordered placements of our special education pupils. The testimony given before the Education Committee was unanimously in support of this bill. Vote 16-0.

HB 267, relative to increasing the membership on the retirement system board of trustees. INEXPEDIENT TO LEGISLATE

Rep. William R. Zolla for Executive Departments and Administration: The committee felt that the current board, as constituted, is adequate. In addition, it felt that having the party represented to also be the fiduciary presented a potential conflict of interest and was likely not in consonance with IRS policy. The board as constituted with non-retired members has a good check and balance. The

minority in disagreement felt that group I being the largest number of the retirement contributors should have greater representation on the board and that the board membership should have been increased. Vote 12-1.

HB 143, establishing a committee to study the shortage of health care providers in New Hampshire.
OUGHT TO PASS WITH AMENDMENT

Rep. Walter D. Ruffner for Health, Human Services and Elderly Affairs: Because of the critical problem involving the shortage of healthcare personnel and support staff, the need for a committee to address this problem is self-evident. This committee will place special consideration on methods to encourage persons to enter the areas of the medical profession where a critical shortage of personnel exists. Vote 19-0.

Amendment (0067h)

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

AN ACT establishing a committee to address the problem created by the shortage of health care personnel and support staff in New Hampshire.

Amend the bill by replacing sections 1-4 with the following:

1 Purpose. The general court recognizes that there exists an acute shortage of health care personnel, in particular nurses and other health care workers, in New Hampshire. This bill establishes a committee to study and develop approaches to encourage persons to prepare to enter and continue serving in such professions and vocations.

2 Committee Established. There is established a committee to address the problem created by the shortage of health care personnel and other health care workers in the state of New Hampshire.

3 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, 2 of whom shall be from the house health, human services and elderly affairs committee, appointed by the speaker of the house.

(b) Up to 2 members of the senate, one of whom shall be from the senate public institutions, health and human services committee, appointed by the president of the senate.

II. The committee may solicit information from the following:

(a) The New Hampshire Nurses Association.

(b) The New Hampshire Hospital Association.

(c) The New Hampshire Medical Society.

(d) State of New Hampshire State Employees Association.

- (e) New Hampshire Association of Home Care Facilities.
- (f) Business and Industry Association of New Hampshire.
- (g) New Hampshire Health Care Association.
- (h) Granite State Home Health Care Association.
- (i) The commissioner of the department of health and human services, or designee.
- (j) The New Hampshire board of nursing.
- (k) The New Hampshire Association of Counties.
- (l) Any other person or entity the committee deems relevant to its quest.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties. The committee's study shall include, but not be limited to the following:

- I. How to encourage persons to enter health care personnel professions, especially the nursing profession.
- II. How to expand the educational facilities in nursing.
- III. Whether to give tax credits to hospitals, nursing homes, and other appropriate facilities.
- IV. Whether to award scholarships to health care personnel candidates.
- V. Other methods of increasing the availability of health care personnel in New Hampshire.
- VI. Whether to establish a statutory advisory committee on the shortage of health care personnel in New Hampshire and determine the nature and scope of such committee.

AMENDED ANALYSIS

This bill establishes a committee to address the problem created by the shortage of health care personnel and support staff in New Hampshire.

HB 233, amending the duties of the oversight committee for the severely developmentally disabled.
OUGHT TO PASS

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This bill poised the question of whether the responsibilities of the oversight committee for the severely developmentally disabled should be expanded to include review of the allocation of funds to persons with acquired brain disorders. The committee heard compelling testimony concerning the increasing number of

people impacted by brain injuries, the expenses of treatment for such disorders and the problems connected with medicaid funding. The committee overwhelmingly voted to include the brain injured among the oversight committee's responsibility. Vote 16-0.

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. OUGHT TO PASS WITH AMENDMENT

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This bill, as amended, requires the Department of Health and Human Services to develop a plan to eliminate lists of those with developmental disabilities who, today, wait for extended periods of time for housing, daycare and counseling services. The bill asks the Department to reduce such wait lists to less than 90 days, over a five-year period. Vote 18-0.

Amendment (0037h)

Amend paragraph I(a)(1) as inserted by section 1 of the bill by replacing it with the following:

(1) A method to reduce the waitlist over a period of 5 years and to reduce the waiting period to 90 days.

HB 433, clarifying the duties of the oversight committee on health and human services. OUGHT TO PASS

Rep. Andre A. Martel for Health, Human Services and Elderly Affairs: This bill continues the Health and Human Services and Elderly Affairs oversight committee. This bill simply clarifies the duties of the oversight committee, which oversees the various programs of the Health and Human Services Commission and makes recommendations from a legislative prospective. The committee meets at least quarterly and makes their recommendations accordingly. Vote 16-0.

HB 119, relative to exemptions and credits to property taxes when the property is sold. INEXPEDIENT TO LEGISLATE

Rep. William G. Johnson for Municipal and County Government: The current assessment practice is to value all properties in a municipality as of April 1 each year. Exemptions and credits are also determined as of April 1 every year. If a change of ownership happens during the ensuing year and the new owner is not eligible for the exemption or credit, no added property tax is collected by the municipality based on the ownership change. This bill would require that any exemption or credit that applied to a certain parcel of land expire with a change of ownership. No mechanism for the additional collection of taxes or policy change for addressing mid-year eligibility was addressed in the bill. The committee views the April 1 assessing date as providing stability to the tax rate. Given that the entire system of property assessment is under scrutiny and may be changed, the committee found overwhelmingly that this idea should not be implemented now. Vote 13-1.

HB 168, relative to transfers of ownership of cemetery plots or burial spaces. OUGHT TO PASS

Rep. Richard S. Eaton for Municipal and County Government: The bill expands the current law in RSA 289 to include municipal cemetery trustees in the process of determining ownership of cemetery lots or burial spaces. Whenever there is a transfer of ownership the new owner will need to comply with the local municipal regulations. This legislation is by no means a total solution to all cemetery issues brought up during the hearing. However, according to cemetery trustees testifying before the

committee, this is a major improvement and will contribute to building a more effective law. Vote 11-0.

HB 216-FN-L, requiring a permit for ownership of a pit bull, rottweiler, or doberman. INEXPEDIENT TO LEGISLATE

Rep. Mary E. Griffin for Municipal and County Government: The purpose of this bill was to require owners of a doberman, rottweiler, or pit bull to obtain a permit to keep them in their homes as pets. The bill also required the governing body to hold a hearing and grant a permit to own these specific dogs. The committee heard testimony from approximately 50 people who were in opposition. The sponsor was the only person in favor. Committee members also received numerous calls and e-mails from the public expressing their opposition as most every person had a concern that this bill was "breed specific" and was unfair. They further stated that if their dogs are targeted, all dogs should be targeted. The message heard at the hearing was that much of the problem was due to negligence of owners' relative to dog care. This would include the need for obedience training, education, adherence to current laws on the books, and minimizing or eliminating the abusive use of these dogs, such as in programmed dog fights and drug trafficking. It was also suggested that there is a need to train dog owners, even to the extent that it might be considered as part of the school curriculum. Although the committee opted to recommend this bill be found inexpedient to legislate, partly based on possible Article 28-a unfunded mandates issues, it acknowledged that the issues raised by the sponsor should not be overlooked. Rather, these awareness issues need to be reviewed and addressed by the current Pet Overpopulation Committee. Vote 13-0.

HB 148, establishing a committee to study the feasibility and value of encouraging the construction and operation on state park lands of publicly or privately-owned hotels, conference centers, and other resort facilities. INEXPEDIENT TO LEGISLATE

Rep. Richard T. Cooney for Resources, Recreation and Development: The committee appreciates that the goal of the sponsors was to investigate the possibility of generating revenue by encouraging the Department of Resources and Economic Development (DRED) to allow private resort type operations on state park land. However, it was the overwhelming conclusion of the committee that such a policy would be contrary to the traditional intent of the state park program. The department also stated that a process is already in place to allow such operations if a suitable opportunity presents itself. Examples are special agreements with the Division of Parks for the New Hampshire Audubon Society to operate the Science Center at Odiorne State Park, also, a portion of White Island in the Isles of Shoals to Atlantic Aqua Sports of Rye, New Hampshire. Vote 18-0.

HB 278, naming Langmaid Brook in the town of Pembroke. INEXPEDIENT TO LEGISLATE

Rep. David M. Lawton for Resources, Recreation and Development: HB 278 seeks to solidify a local initiative to name a small, previously unnamed brook in Pembroke, New Hampshire. After the U.S. Board on Geographic Names rejected an attempt to name the brook "Dykeman Creek" a local group organized and proposed the name "Langmaid Brook." This brook was to be so named to honor the memory of Josie Langmaid, a student at Pembroke Academy, who was the victim of the famous Pembroke Murder of 1875. Although the committee was in general agreement that the brook should be named for Josie Langmaid, they also found that the Pembroke Selectmen have the authority to take such action without legislative approval. Vote 16-2.

HB 104, relative to dial-up Internet service providers. INEXPEDIENT TO LEGISLATE

Rep. Roy D. Maxfield for Science, Technology and Energy: The committee reviewed various Internet Service Provider concerns raised by this bill. Expansion of Internet Service Providers to all areas of

the state has been realized and the focus now has shifted to quality. The committee recognizes the sponsor's intent with his proposal, however in a competitive market such as this, quality and speed will determine customer choice and their satisfaction will determine which Providers succeed. Information regarding modem ratios and speed of connection are available on various Web sites. Vote 13-0.

HB 166, establishing a committee to study gas and hazardous substance pipeline safety. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. Introne, Jr. for Science, Technology and Energy: This bill establishes a committee to study gas and hazardous substance pipeline safety. This bill also requires the Gas Utility Restructuring Oversight Committee to study gas and hazardous substance pipeline safety after this study committee completes its final report. The committee determined the establishment of this study committee was both timely and appropriate given the concerns expressed regarding recent catastrophic pipeline explosions in the United States and elsewhere, and the impending gas pipeline construction in New Hampshire. Vote 14-0.

Amendment (0075h)

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.

I. The members of the committee shall be as follows:

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

(b) Up to 5 members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

Amend the bill by replacing sections 4-6 with the following:

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Five members of the committee shall constitute a quorum.

5 Report.

I. The committee shall submit an interim report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2001.

II. The committee shall submit its final report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

6 New Subparagraph; Gas Utility Restructuring Oversight Committee; Duties; Pipeline Safety. Amend RSA 374:60, IV by inserting after subparagraph (b) the following new subparagraph:

(c) Study gas and hazardous substance pipeline safety.

7 Effective Date.

I. Section 6 of this act shall take effect November 1, 2002.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill creates a committee to study gas and hazardous substance pipeline safety. This bill also requires the gas utility restructuring oversight committee to study gas and hazardous substance pipeline safety after the study committee has submitted its final report.

HB 167, relative to the authority of the consumer advocate. OUGHT TO PASS

Rep. Harold V. Lynde for Science, Technology and Energy: This bill adds the authority to promote and further consumer knowledge and education to the Office of Consumer Advocate (OCA). This authority was part of the predecessor organization to the OCA and its absence was likely an oversight when the OCA legislation was created. The committee felt consumer education was an appropriate function of the OCA. Vote 12-1.

HCR 4, encouraging New Hampshire Public Radio to extend its broadcast signal to all of Coos county including the Connecticut River Valley area. OUGHT TO PASS

Rep. Michael D. Harrington for Science, Technology and Energy: New Hampshire Public Radio has been contacted on this issue. They are working on expanding their broadcast signal to this area and support this resolution. Vote 13-0.

HB 146, requiring any driver to have headlights on when continuously operating windshield wipers during inclement weather. OUGHT TO PASS WITH AMENDMENT

Rep. Brenda L. Ferland for Transportation: When this bill was first presented, the committee was made aware of other RSAs pertaining to headlights. A subcommittee was assigned to review headlights RSAs and add an amendment for windshield wiper use. The subcommittee decided to take existing RSA 266:31, and in the first paragraph add "when windshield wipers are on in continuous use because of inclement weather." This bill would take effect on January 1, 2002. Vote 10-4.

Amendment (0066h)

Amend the bill by replacing section 1 with the following:

1 Front Lights; Lights Required During Windshield Wiper Use. Amend RSA 266:31 to read as follows:

266:31 Front Lights. Every motor vehicle driven during the period from 1/2 hour after sunset to 1/2 hour before sunrise, and whenever rain, snow, or fog shall interfere with the proper view of the

road so that persons and vehicles on the way are not clearly discernible at a distance of 1000 feet ahead, ***or when windshield wipers are on in continuous use because of inclement weather,*** shall display at least 2 lighted lamps on the front; provided, however, that one suitable lighted lamp on the front of a motorcycle shall be sufficient. The headlamp shall throw sufficient light ahead within the traveled portion of the way to make clearly visible all vehicles, persons, or substantial objects within a distance of 200 feet, except that the headlamps of motorcycles shall be sufficient if they make clearly visible objects within a distance of 150 feet. No headlamp shall be used unless it is approved by the director and is equipped with a proper lens or other device designed to prevent glaring rays. All headlamps on every motor vehicle shall be located at a height of not more than 54 inches nor less than 24 inches from the ground on an unladen vehicle. The measurement shall be made from the ground to the center of the lens. No device which obstructs, reflects, or alters the beam of such headlamp shall be used in connection therewith unless approved by the director. Every lens or other device to prevent glaring rays, the use of which on motor vehicles has been approved by the director, shall be arranged, adjusted, and operated in accordance with the requirements of the certificate approving the use thereof. Every lamp, bulb, or light used in any headlamp shall be of such candle power as may be specified for the approved device in the certificate approving the use thereof. Every reflector which is used as a part of such headlamp shall have a reflecting surface approved by the director after satisfactory tests have been made, and every reflecting surface shall be free from dents, rust, and other imperfections. The driver of every motor vehicle shall permit any properly authorized person to inspect the headlighting equipment of such motor vehicle and to make such tests as he ***or she*** may deem necessary to determine whether the provisions of this section are being complied with.

AMENDED ANALYSIS

This bill requires that headlamps be displayed on a vehicle when windshield wipers are in continuous use because of inclement weather.

HB 174-FN, relative to license plates for deaf and hard-of-hearing drivers. INEXPEDIENT TO LEGISLATE

Rep. Brenda L. Ferland for Transportation: This was an interesting bill in the fact that some deaf drivers spoke against the bill. The committee was informed that the Department of Safety was willing to work with people to design a decal to be placed on the back window instead of on current plates. We felt that the department would handle this fairly if there was enough public interest. Vote 13-0.

HB 287-FN-L, relative to provision of a drivers training program before certain persons can be required to undergo drivers license reexamination. INEXPEDIENT TO LEGISLATE

Rep. Brenda L. Ferland for Transportation: Part of what this bill requested is currently being done by the American Association of Retired People (AARP) and the American Automobile Association (AAA). Also, something is being looked at in a subcommittee on graduating licenses for repeat offenders. There is no financial backing for these courses, and currently there are no other courses being taught or given. Vote 18-0.

HB 335-FN, relative to the uniform fine schedule for motor vehicle violations. INEXPEDIENT TO LEGISLATE

Rep. Brenda L. Ferland for Transportation: This bill was a request to add the demerit point system to the existing fine schedule. It was noted that since there are two point systems, both would have to be added. The New Hampshire Department of Safety currently has boxes full of current forms and

said they would take it under consideration when it is time to reorder. They also informed us that the demerit point system is now listed on the web site. Vote 18-0.

HB 340-FN, requiring parental notification when a person under the age of 18 receives a penalty for a traffic law violation. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: This bill would require parental notification when a person under the age of 18 receives a penalty for a traffic violation. Testimony revealed that this bill was brought forward because a parent received incorrect information from a clerk at the New Hampshire Department of Safety (DOS) in regards to the Driver Privacy Act. License suspensions, revocations and driving violations are not protected by this act. A parent may request information from the DOS. Additionally, committee members felt that parents should be able to acquire that information from their minor children. Testimony also revealed that there were 12,000 license suspensions last year for under the age of 20 alone. That number doesn't include other violations. The cost far outweighs any benefit this bill could realize. Vote 17-2.

regular calendar

HB 122-FN-L, relative to euthanizing repeatedly vicious dogs. OUGHT TO PASS WITH AMENDMENT

Rep. Robert M. Fesh for Criminal Justice and Public Safety: This bill, as amended, clarifies current law RSA 466:31, which states what courts may order. It was unclear to some if euthanizing was a court option. This bill, as amended, clarifies current law by adding that a court may upon satisfaction that the vicious dog (described in current law) has committed vicious acts, order the dog euthanized. Providing such dog was "at large", running loose, not under control, and committed 2 or more such vicious attacks within a 12-month period. Disposal cost shall be borne by the owner or keeper. The behavior of the dogs presents a threat to public safety. Vote 12-3.

Amendment (0038h)

Amend RSA 466:31, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Upon 2 or more vicious attacks upon humans or domestic animals, as provided in RSA 466:31, II(g), that result in death or injury to humans or domestic animals, the local law enforcement authority shall recommend to the district or municipal court that the dog causing such injuries or death be euthanized, and upon satisfaction by the court that the dog has committed such vicious acts, the court may then so order that the dog be taken into custody by local law enforcement and euthanized. Costs for such euthanization and disposal shall be borne by the owner or keeper.

AMENDED ANALYSIS

This bill provides:

I. After 2 or more vicious attacks by a dog causing injury or death to domestic animals or humans, and with a recommendation by the local law enforcement authority, a court may, upon satisfaction that the dog has committed such vicious acts, order the dog euthanized. Costs for such euthanization and disposal shall be borne by the owner or keeper.

II. Any person owning or keeping a dog that commits a second or subsequent vicious attack shall be liable for a civil forfeiture of \$200, notwithstanding when the vicious attacks occurred.

III. In the case of a vicious dog presenting a threat to public safety, court proceedings may be initiated regardless of payment of the civil forfeiture.

Adopted.

Report adopted and ordered to third reading.

HB 190, relative to prayer in the public schools. INEXPEDIENT TO LEGISLATE

Rep. Russell N. Cox for Education: The committee had considerable discussion encompassing the entire spectrum of permissive direction to school boards relating to school prayer, pledge of allegiance and silent reflection and considered four amendments to the bill. It became obvious that this issue generated more heat than light and since the existing legislation is permissive only, is utilized fully by very few school districts and the proposed modification was not a substantive improvement, the present law was best left undisturbed. Vote 12-5.

Adopted.

HB 217-FN, prohibiting the courts from charging fees. INEXPEDIENT TO LEGISLATE

Rep. Rep. Tony F. Soltani for Judiciary: The committee recognized the value of the ideological support for this bill. The New Hampshire system of government requires the courts to be readily accessible to the public. Presently, the courts charge a flat fee to all litigants regardless of their economic position. The committee is mindful that the system needs to be changed in order to make courts more accessible. However, the complete abolition of all fees is, at this point, impractical and inexpedient. Vote 11-4.

Rep. Jacobson spoke against.

Rep. Mock spoke in favor.

Adopted.

HB 218-FN, relative to the motor vehicle road toll law and motor vehicle registration fees. OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. Letourneau for Transportation: This bill makes several changes to the road toll statutes: first, it deletes the maximum amount for road toll bonds required of licensed distributors of motor fuels; permits the Commissioner of the Department of Safety to waive interest assessed for road toll violations; requires the Commissioner of Safety to establish the interest rate assessed on road toll violations; requires special fuel users to retain records necessary for purposes of administering to road toll laws and; repeals road toll provisions relating to heating oil suppliers. This bill also increases the motor vehicle registration fee by \$6.00. This would increase the highway fund by approximately \$6 million (six million dollars). Additionally, \$720,000 would be distributed to the cities and towns by statutory requirement. The New Hampshire Highway Fund badly needs this increase to maintain current services. The last registration increase was in 1989, and the cost of services has increased dramatically since that time. This bill also establishes a Motor Vehicle Safety and Inspection Fund. This would be used to fund Motor Vehicle Inspectors pursuant to RSA 266:1-a.

This bill has the support of the New Hampshire Department of Transportation, New Hampshire Department of Safety, New Hampshire Department of Environmental Services, New Hampshire Motor Transport Association, American Automobile Association and the Governor's office. Vote 14-0.

Amendment(0025h)

Amend the bill by replacing section 6 with the following:

6 Motor Vehicles; Certificates of Title and Registration of Vehicles; Registration Fees; Fees to be Collected; Prorated Fees for Motor Vehicles. Amend RSA 261:141, III(g) to read as follows:

(g)(1) For all motor vehicles other than those in RSA 261:141, I:

0-3000 lbs. [~~\$19.20 (\$1.60)~~] **\$25.20 (\$2.10** per month)

3001-5000 lbs. [~~\$31.20 (\$2.60)~~] **\$37.20 (\$3.10** per month)

5001-8000 lbs. [~~\$43.20 (\$3.60)~~] **\$49.20 (\$4.10** per month)

8001-73,280 lbs. \$.84 per hundred lbs. gross weight.

(2) \$1.00 of each annual registration fee collected under this subparagraph shall be appropriated to the motor vehicle safety and inspection fund established pursuant to RSA 21-P:8-a.

Amend the bill by inserting after section 6 the following and renumbering the original sections 7-8 to read as 9-10, respectively:

7 New Subparagraph; General Revenue Exceptions; Motor Vehicle Safety and Inspection Fund. Amend RSA 6:12, I by inserting after subparagraph (dddd) the following new subparagraph:

(eeee) Moneys deposited in the motor vehicle safety and inspection fund established in RSA 21-P:8-a.

8 New Section; Department of Safety; Motor Vehicle Safety and Inspection Fund. Amend RSA 21-P by inserting after section 8 the following new section:

21-P:8-a Motor Vehicle Safety and Inspection Fund. There is established in the office of the state treasurer a separate nonlapsing and continually appropriated fund to be known as the motor vehicle safety and inspection fund from which the state treasurer shall pay expenses as determined by the commissioner of safety for the purposes of employing motor vehicle inspectors pursuant to RSA 266:1-a.

AMENDED ANALYSIS

I. Deletes the maximum amount for road toll bonds required of licensed distributors of motor fuel.

II. Permits the commissioner of safety to waive interest assessed for road toll violations.

III. Requires the commissioner of safety to establish the interest rate assessed on road toll violations.

IV. Requires special fuel users to retain records necessary for purposes of administering the road toll laws.

V. Repeals road toll provisions relating to heating oil suppliers.

VI. Increases registration fees for motor vehicles and dedicates a portion of each annual fee collected to a special fund established to pay for the employment of motor vehicle inspectors.

This bill is a request of the department of safety.

Adopted.

Rep. Packard yielded to questions.

Rep. Karen Hutchinson requested a roll call; not sufficiently seconded.

On a division vote, 252 members having voted in the affirmative, and 107 in the negative, the report was adopted.

Referred to Ways and Means.

resolution

Reps. Scanlan and Burling offered the following:

RESOLVED, that the Honorable Senate be notified that the House of Representatives is ready to meet in Joint Convention for the purpose of hearing Governor Jeanne Shaheen deliver her budget message.

Adopted.

RECESS

senate messate

The Senate is ready to meet with the House of Representatives in Joint Convention for the purpose of hearing the budget message by Her Excellency, Governor Jeanne Shaheen.

joint convention

(Speaker Chandler presiding)

Her Excellency, Governor Jeanne Shaheen, addressed the Joint Convention:

Mr. Speaker, Mr. President, Honorable Members of the House, Senate and the Governor's Council, my fellow citizens of New Hampshire:

Under state law, the Governor must present a budget to the Legislature by February 15. After months of careful work assessing the needs of our state and how to best meet those needs in a way that is fiscally responsible, I am proud to once again present you with a balanced budget.

The law requires me to present you with a budget. My commitment to the people of New Hampshire and the future of our great state compels me to present you as well with a clear picture of just what's at stake as you review and act on this budget. This budget is not just about numbers, it is about people. It is a blueprint of our values, our priorities and our vision.

Make no mistake, we face two great and equally important challenges this year: enacting a responsible two-year budget and a long-term school funding law. We must meet both these challenges. That's our obligation under the law and our duty as elected officials. The people of New Hampshire deserve responsible action.

This budget is honest, it is balanced and it is fiscally responsible. It holds the rate of general fund growth to less than the rate of inflation. It meets the challenges we face and it reflects the values and priorities of our great state and its people.

We value the safety of our citizens and our neighborhoods, so this budget provides for the highest quality in law enforcement.

We value our quality of life, so this budget helps protect the clean air, clean water and open spaces that make New Hampshire such a special place.

We value our people, so this budget protects our most vulnerable citizens and invests in providing all our citizens with the tools they need to succeed.

We value opportunity, so this budget invests in education.

We recognize that a strong economy is essential to everything else we want to do, so this budget invests where we must to keep our economy strong.

In the last decade, we've seen a revolutionary change in our economy here in New Hampshire. We have the second-highest concentration of high-tech workers in the nation. We now have more than 1,000 software companies. We have one of the fastest-growing export rates in the country.

The hard work and entrepreneurial spirit of our citizens are the prime forces behind our amazing economic success. But, as public officials, we also have a responsibility to foster economic growth.

Small businesses are the backbone of our state's economy, employing most of our people. So this budget invests in the Small Business Development Centers, which provide comprehensive technical and planning assistance to small businesses. Our businesses need access to research and development to remain leaders in an innovation-based economy, so this budget invests in the Industrial Research Center at the University of New Hampshire and Dartmouth College. The customers for New Hampshire goods and services now come from across the world, so this budget

continues our international marketing efforts to keep New Hampshire a leader in the global economy.

A high-quality infrastructure is essential to our state's economy and the safety of our citizens. This budget provides the state investment we need to secure \$145 million in federal transportation funding over the next two years. It increases grants to cities and towns for road repair and improvements, and allows us to pave more than 800 miles of highway as well as making our roads safer. It allows us to remove 34 municipal bridges from the red list and replace or rehabilitate an additional 15 deficient town bridges.

From our working farms and forests, to our lakes and rivers, New Hampshire's environment plays an important part in our economic growth. In the 21st century economy, where businesses can go anywhere, the industries of the future are choosing New Hampshire because this is a place their workers want to live and work.

As our state's economy and population grows, we must protect our environment. That's why this budget fully funds grants to cities and towns for wastewater treatment, public drinking water supplies, source water protection, and landfill closures. That is why this budget will help us implement Grow Smart New Hampshire, an initiative that's aimed at combating the sprawl that is destroying our open spaces and changing the character of our small towns.

We must make sure we give every child in New Hampshire a healthy start. Healthy children do better in school and we know it costs less to provide preventive health care than to treat children in emergency rooms. Children's health care is one of the best investments we can make for New Hampshire.

In the gallery are seven-year-old Ryan, 10-year-old Tyler, and 13-year-old Stephen Hurst, of Nashua. Since 1999, their self-employed parents, Robyn and Stephen, have been able to purchase affordable health insurance for their sons through our Children's Health Insurance Program. Twelve thousand New Hampshire children now have health coverage because of that initiative. I've set a goal of enrolling virtually every eligible child within the next two years, and this budget provides the state match we need to meet that goal. We can do it, and we should do it.

Just as we owe our children a healthy start, we owe our seniors a healthy and dignified retirement. That's why this budget funds Meals on Wheels, home health care and other services that help seniors stay healthy and independent and remain in their homes and communities longer.

Too many seniors struggle every day to pay for their prescription drugs. This budget includes the creation of a revolving fund to launch our SenioRx program, which, once it receives federal approval, will provide real savings on the costs of prescription drugs. Our seniors deserve no less.

We have an obligation to provide opportunities to all our citizens, including those with disabilities. Through the state-funded Community Bridges program, Todd Rossetti of Concord, who just turned 21, is receiving the assistance he needs to live his life to the fullest and to participate in work development training. Thank you for joining us today, Todd. This budget provides funding to move more people off the developmental disabilities and acquired brain disorders waiting lists. That is the right thing to do.

We must continue to improve the efficiency of government, so we can provide the services and convenience our citizens demand in the 21st century. This budget makes a modest investment in the technology we need to provide more and better services on-line to our citizens.

Today, the major limit to our state's economic growth is a shortage of skilled workers. If we are to meet the demand for skilled workers, we must make sure we give all citizens the tools they need to compete in the workforce.

In the last four years, we've helped almost 10,000 people go from welfare to work. We have removed obstacles to work by providing services such as child care, children's health insurance and job training. Through the New Hampshire Employment Program, Sherry Hastings of Nashua received child care assistance and job training. Now she is working as a certified nursing assistant and she's able to support her three children. This budget makes the necessary investments to give more people the opportunity to enter and to stay in the workforce.

Our economy increasingly depends on brainpower, not horsepower. In this economy, success is built on ideas, innovation and information and the foundation for this new economy is education. Education is the single-most important investment we can make in our future.

That is why this budget invests in improving student performance and school accountability. It also meets our commitments to cities and towns by fully funding school building aid, transportation and tuition aid, catastrophic aid and kindergarten aid.

Fifty percent of New Hampshire's high school seniors leave the state for college and never come back. We must change that.

This budget provides modest funding for the Granite State Scholars Program created by this legislature last year. Matched by private donations, this program will provide scholarships to New Hampshire students who excel in high school and who choose to attend one of our public institutions of higher education.

This budget moderately increases funding for both the University System and the Community Technical College System. These investments help us hold the line on tuition increases and keep higher education affordable for middle-class families.

Now we must do more to meet the capital needs of the University System. We must improve its science and engineering facilities if we are to have the high tech jobs of the future. While we cannot afford the full \$185 million they have requested, I am committed to increasing our level of capital support to the University System. The two-year capital budget I have submitted is low. I have done that deliberately to allow us to help address, in separate legislation, the capital needs of the University System.

It is our responsibility to ensure that all our children, no matter where they live, get a good education. We must meet that responsibility not just because of the Supreme Court's Claremont II decision, but because it is the right thing to do for the future of our children and the future of our state.

We can't go back to a system of unequal schools and unequal opportunity. We must keep moving forward. New Hampshire is at a crossroads. This year, we can take the road that leads to progress, by solving school funding for the long term and enacting a balanced budget that meets our state's responsibilities. To do any less puts us on a road to fiscal disaster, more lawsuits, higher property taxes, unequal schools and broken promises.

Cutting the services we provide to Sherry Hastings, to Todd Rossetti, or to Tyler, Ryan and Stephen Hurst is not the solution for school funding. That is not a practical solution. That is not an honest solution. And that is not a long-term solution.

Putting off school funding to another year will only make the challenge more difficult.

Last week, joined by a bipartisan group of legislators, I presented a long-term school-funding plan Excellence in Learning for New Hampshire, or EXCEL New Hampshire is the name of my plan.

EXCEL New Hampshire is a comprehensive solution that meets our commitment to our schools, makes sure all our children receive a good education and helps secure a bright economic future for our state.

And, because we developed EXCEL in conjunction with the operating budget, we were able to address other issues that are of great importance to the members of this legislature.

Through my plan, we can free up part of the existing real estate transfer tax to fund important tourism promotion and the Land and Community Heritage Investment Program.

Through my plan, we can reduce the interest and dividends tax and we can completely eliminate the legacies and succession tax. (Gee, I thought getting rid of taxes was something you Republicans liked to do, too.)

I believe EXCEL New Hampshire is the best choice for New Hampshire and I will fight to make it law. I am ready to work with all of you, Democrats, Republicans and Libertarians, to enact a long-term school funding solution. Time and time again, we have achieved the best results for the people of New Hampshire when we put partisanship aside and when we work together.

This is no time for budget gimmicks or tricks. Too much is at stake. So let me be very clear: I will not consider school-funding legislation that merely puts off solving this challenge to another year. Now is the time for us to act.

This year we must pass a fiscally responsible, balanced budget that meets the real needs of our state and its people; and this year we must pass a long-term school-funding law.

That is the only road to a bright and prosperous future for our state and its people.

It is a road that I hope you will choose to take with me.

Thank you.

Sen. Francoeur and Rep. Scanlan moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

RECESS

(Speaker Chandler in the Chair)

regular calendar (cont'D.)

HB 211-FN, establishing a restricted probationary permit to drive and correcting the ignition interlock program laws. OUGHT TO PASS

Rep. Beth Rodd for Criminal Justice and Public Safety: This bill gives the Department of Safety the discretion to issue a restricted, probationary permit to an offender who has had a license suspended or revoked but has completed all criminal penalties associated with the revocation/suspension. The probationary permit applies only to the certain Administrative License Suspension (ALS) penalties, those penalties added to the criminal penalties associated with the suspension/revocation. ALS penalties result from the refusal of the driver to submit to breathalyzer tests at the time of arrest and must be served in addition to criminal penalties. The committee believes that giving this discretion to the Department will allow offenders to work and become productive members of society. Vote 14-1.

Rep. Tholl yielded to questions.

Adopted and ordered to third reading.

HB 296-FN, relative to receiving stolen property. OUGHT TO PASS

Rep. Stephen H. Nedeau for Criminal Justice and Public Safety: This bill adds two provisions to RSA 637:7, the theft statutes. It establishes the offense of "receiving stolen property" for situations where an undercover law enforcement officer or his agent sells stolen property to an individual or entity where such property has explicitly been represented as stolen. Additionally, the bill provides for penalty of a Class B felony when property or services are stolen from 3 separate business establishments within a 72 hour period. The bill provides support for law enforcement in combating organized theft rings and fencing operations which have become more and more prevalent in our state. This problem has cost millions of dollars in losses to retail establishments across the state. These issues ultimately impact all of our constituents. Vote 13-0.

Rep. John Pratt spoke against and yielded to questions.

Rep. Tholl spoke in favor and yielded to questions.

On a division vote 218 members having voted in the affirmative, and 137 in the negative, the report was adopted.

Ordered to third reading.

HB 325-FN, relative to certain acts of sexual assault. OUGHT TO PASS

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: This bill is the result of a study committee of legislation submitted last session. This bill reduces the penalty from a Class B felony to a Class B misdemeanor for underage persons having consensual sex. It provides an exception to the statutory rape laws by placing an age differential of 4 years or less between the actor and a person who is between the ages of 13 and 16, where there is no evidence of coercion, force or intimidation on the part of the actor. This age differential is mirrored in the laws of other states. Much of the wording in the bill was provided by a county prosecutor supporting this change. The philosophy in the bill also has the support of the director of the Sexual Offender Program at the Dept. of Corrections and the NH Coalition Against Sexual and Domestic Violence. Vote 15-0.

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

Adopted.

HB 232, relative to compensability of work-related stress injuries under the workers' compensation act. OUGHT TO PASS

Rep. Gary P. Torressen for Labor, Industrial and Rehabilitative Services: This bill simply closes a loophole in the New Hampshire Workers Compensation statute relating to the definition of the word "injury" in regards to stress. Stress is a common occurrence in the workplace and should be recognized. This bill does not restrict an employee to file a stress-related claim. This bill does protect the Workers Compensation Act from fraudulent stress claims. The loophole is closed by excluding stress that results from a lawful reprimand by an employer. Vote 16-1.

Rep. Pitts spoke against.

Rep. Weed moved Recommit to Committee and spoke in favor.

Rep. Clegg spoke against.

Rep. Weed requested a roll call; sufficiently seconded.

The question being Recommit to Committee.

YEAS 123 NAYS 240

YEAS 123

BELKNAP

Salatiello, Thomas

Wood, Jane

CARROLL

None

CHESHIRE

Allen, Peter

Batchelder, Robert

Burnham, Daniel

Espieffs, Peter

Lambert, Bernard

McGuirk, Paul

Meador, David

Mitchell, McKim

Pratt, Irene

Pratt, John

Richardson, Barbara

Russell, Ronald

Weed, Charles

COOS

Bradley, Paula

Landers, Dana

Mears, Edgar

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Lovett, Sid
Naro, Debra	Pawlek, Marion	Sokol, Hilda	Solow, Martha

HILLSBOROUGH

Andosca, Mary	Balcom, John	Bellavance, Paul	Clayton, William
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Daigle, Robert	Drabinowicz, A Theresa	Duval, Jeffrey	Dwyer, Paul
Furman, Christine	Ginsburg, Ruth	Gonzalez, Carlos	Gorman, Mary
Haley, Robert	Hall, Betty	Jean, Claudette	Johnson, Lionel
Kacavas, John	Keye, Harvey	Lasky, Bette	Lynde, Harold
Martin, Mary Ellen	McDonough-Wallace, Alice	McHugh, Claire	Melcher, Harold
Messier, Irene	Movsesian, Lori	Patria, Bonnie	Schulze, Joan
Shaw, Barbara	Souza, Kathleen	Sweeney, Cynthia	White, John
Williams, Carol			

MERRIMACK

Bouchard, Candace	Clarke, Claire	Crosby, Toni	Daneault, Gabriel
Gile, Mary	Jacobson, Alf	Moore, Carol	Owen, Derek
Perkins, Randy	Potter, Frances	Rodd, Beth	Rush, Deanna
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

ROCKINGHAM

Blanchard, MaryAnn	Clark, Martha Fuller	Coes, Betsy	Downing, Michael
Johnson, Robert	McGuire, Robert	Norelli, Terie	Pantelakos, Laura
Pitts, Jacqueline	Power, Lucille	Robertson, Carl	Shultis, Elizabeth
Splaine, James			

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	DeChane, Marlene
Estabrook, Iris	Ferland, Paul	Gilmore, Gary	Goodwin, Earle
Grassie, Anne	Heon, Richard	Hughes, Christopher	Johnson, Nancy

Kaen, Naida
Proulx, Raymond
Spang, Judith

Knowles, William
Rollo, Michael
Taylor, Kathleen

Lent, Donald
Smith, Marjorie
Wall, Janet

Pelletier, Arthur
Snyder, Clair
Woodill, Rodney

SULLIVAN

Allison, David
Franklin, Peter

Burling, Peter
Harris, Joseph

Cloutier, John
Harris, Sandra

Ferland, Brenda
Robb, Amy

NAYS 240

BELKNAP

Boyce, Laurie
Holbrook, Robert
Nedeau, Stephen
Wendelboe, Fran

Czech, Stanley
Johnson, William
Rice, Thomas Jr

Dewhirst, Glenn
Lawton, David
Rosen, Ralph

Flanders, Donald
Millham, Alida
Russell, David

CARROLL

Babson, David Jr
Lyman, L Randy
Quimby, Lee

Bradley, Jeb
Mock, Henry
Stevens, Stanley

Dickinson, Howard
Patten, Betsey
Sullivan, P Judith

Kenney, Joseph
Philbrick, Donald

CHESHIRE

Avery, Stephen
Hunt, John
Smith, Edwin

Dexter, Judson
Manning, Joseph
Zerba, Roger

Edwards, Dana
Roberts, William

Fairbanks, Chandler
Royce, H Charles

COOS

Davis, Perley
Pratt, Leighton
Woodward, David

Gallus, John
Rozek, Michael

Guay, Lawrence
Stohl, Eric

Horton, Lynn
Tholl, John Jr

GRAFTON

Akins, Ralph

Alger, John

Barker, Robert

Cobb, John

Dudley, Terri	Gabler, William	Gilman, G Michael	Giuda, Robert
Marshall, Gene	Nordgren, Sharon	Scanlan, David	Sova, Charles
Teschner, Douglass	Ward, Brien	Williams, Burton	

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Batula, Peter	Bergin, Peter	Bouchard, David
Bouldin, Michael	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Buckley, Raymond	Calawa, Leon Jr	Carlson, Donald	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela
Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard	Dyer, Merton
Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Flora, Kathleen	Ford, Nancy	Foster, Linda	Gargasz, Carolyn
Golding, William	Goley, Jeffrey	Goulet, Maurice	Graham, John
Greenberg, Gary	Guinta, Frank	Hall, Charles	Herman, Keith
Holden, Randolph	Hopper, Gary	Jean, Loren	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard
Leach, Edward	Lefebvre, Roland	Leishman, Peter	Martel, Andre
McRae, Karen	Mercer, Robert	Milligan, Robert	Moran, Edward
O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Salts, Greg	Sargent, Maxwell	Seibel, Christopher	Spiess, Paul
Tahir, Saghir	Tate, Joan	Thompson, Rob	Thulander, O Alan
Vaillancourt, Steve	White, Donald		

MERRIMACK

Anderson, Eric	Brewster, Richard	Colcord, J D	Cummings, Raymond
Davis, Frank	Dunne, Christopher	Feuerstein, Martin	Fraser, Leo Jr
Greco, Vincent	Hager, Elizabeth	Hess, David	Hutchinson, John
Kennedy, Richard	L'Heureux, Stephen	Langer, Ray	Leber, William
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	Poulin, David
Soltani, Tony	Swindlehurst, John	Whalley, Michael	

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	Fesh, Bob	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Giordano, Ronald	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hill, Jonathan	Holland, James Jr	Hutchinson, Karen
Introne, Robert	Itse, Daniel	Johnson, Rogers	Kelley, Jane
Kelley, William	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Major, Norman	McKinney, Betsy	Micklon, Stephanie
Mikowski, Walter	Moore, Benjamin	Morse, Charles	Nowe, Ronald
O'Keefe, Patricia	Packard, Sherman	Palermo, Diane	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Rausch, James	Ruffner, Walter
Saia, Pamela	Sapareto, Frank	Sloan, Stephen	Stone, Joseph
Stritch, C Donald	Trueman, Raymond	Varrell, Thomas	Welch, David
Weyler, Kenneth	Whittier, John	Woekel, Ralph	Zolla, William

STRAFFORD

Albert, Russell	Callaghan, Frank	Cossette, Larry	Dunlap, Patricia
Harrington, Michael	Lachance, Douglas	McCarthy, Gerald	Reid, Christopher
Tsiros, William	Twombly, James	Woods, Phyllis	

SULLIVAN

Flint, Gordon Sr	Jones, Constance	Leone, Richard	Odell, Bob
Phinizy, James	Rodeschin, Beverly		

And the motion failed.

Committee report adopted.

Ordered to third reading.

HB 187-FN-L, relative to the Manchester airport authority security force. INEXPEDIENT TO LEGISLATE

Rep. Ronald A. Giordano for Municipal and County Government: The Rockingham County Delegation reviews the Sheriff's budget which includes the contract for the security force at the

Manchester Airport. According to RSA 24:1, the county convention consists of "the State Representatives of the representative districts of the county." RSA 23:1 allows the counties, as a body corporate, to make contracts. The proposed bill required that the Manchester Airport Authority organize a separate security force that is not comprised of the Rockingham County Sheriff's deputies to patrol the airport. The Manchester Airport Authority was not included in any discussions of the proposal and sees no reason to alter the current contract. The majority of the Rockingham County Delegation is not in favor of this change. The committee realizes that this contract between the Rockingham County Sheriff's Office and the Manchester Airport Authority is viable and under the jurisdiction of the Rockingham County Delegation and voted unanimously to report this bill Inexpedient To Legislate. Vote 13-0.

Rep. Dodge spoke in against and yielded to questions.

Reps. Giordano and Welch spoke in favor.

Adopted.

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

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 22, 2001 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 238, relative to interstate banking

HB 103, relative to the possession of deadly weapons by convicted felons or during the commission or attempted commission of a violent crime.

HB 132-FN, relative to the damage or destruction of an emergency vehicle or emergency services equipment.

HB 193, establishing a committee to study state payments for court-ordered placements of special education pupils.

HB 143, establishing a committee to study the shortage of health care providers in New Hampshire.

HB 233, amending the duties of the oversight committee for the severely developmentally disabled.

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.

HB 433, clarifying the duties of the oversight committee on health and human services

HB 168, relative to transfers of ownership of cemetery plots or burial spaces.

HB 166, establishing a committee to study gas and hazardous substance pipeline safety.

HB 167, relative to the authority of the consumer advocate.

HCR 4, encouraging New Hampshire Public Radio to extend its broadcast signal to all of Coos county including the Connecticut River Valley area.

HB 146, requiring any driver to have headlights on when continuously operating windshield wipers during inclement weather.

HB 122-FN-L, relative to euthanizing repeatedly vicious dogs.

HB 211-FN, establishing a restricted probationary permit to drive and correcting the ignition interlock program laws.

HB 296-FN, relative to receiving stolen property.

HB 232, relative to compensability of work-related stress injuries under the workers' compensation act.

unanimous consent

Rep. Alf Jacobson addressed the House.

Without objection, the Speaker ordered that Rep. Jacobson's remarks be printed in the Journal.

Thank you, Mr. Speaker. Monday, February 19th, will mark the sixth anniversary of the battle of Iwo Jima. That was a battle in which I did participate beginning with the fifth assault wave at 9:17 in the morning, and I remember that event as though it were this morning. It was anticipated that it would be a seventy-two to ninety-six hour operation. It turned out to be 35 days. We had the highest casualties of any given piece of territory, eight square miles, throughout the war.

I was a lucky one. I lived through the 35 days and will have lived, if I survive through Monday, for 56 years. I come not because of myself, but to remember every one of my buddies who served with me for that time and gave the ultimate sacrifice. You know, it was a very different war. We fought it on top of the ground. The Japanese fought it under the ground. They had 11 miles of tunnels and it was as dangerous in regimental or division headquarters as it was on the front line. And so, those guys who came and gave their lives so that we, and me, can enjoy this freedom that I have enjoyed. I just wanted to salute them. Thank you.

UNANIMOUS CONSENT

Rep. Fields addressed the House.

RECESS MOTION

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

Adopted.

The House recessed at 12:30 p.m.

RECESS