

HOUSE RECORD

First Year of the 157th Session of the General
Court

Calendar and Journal of the 2001 Session

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Concord N.H.

Thursday, February 22, 2001

No. 20

HOUSE JOURNAL No. 6 (cont.)

Thursday, February 15, 2001

RECESS

(Rep. Patten in the Chair)

RESOLUTION

Rep. Goulet offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 708 through 757, House Concurrent Resolution numbered 14 and Constitutional Amendment Concurrent Resolutions numbered 19 through 21 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, HCR, and CACRs

First, second reading and referral

HB 708-FN, relative to the definition of "child" for the purposes of home education and relative to access to public school programs by home educated pupils. (Weyler, Rock 18; Rabideau, Rock 16: Education)

HB 709-FN-A-L, relative to the cigarette tax and prescription drugs for the elderly and continually appropriating a special fund. (Emerton, Hills 7; Alger, Graf 9; M. Fuller Clark, Rock 36; Pilliod, Belk 3; Larsen, Dist 15: Ways and Means)

HB 710-FN, relative to liquor licenses and fees. (Hunt, Ches 10: Commerce)

HB 711, relative to reporting by candidates. (Clemons, Hills 31; Buckley, Hills 44; Clegg, Hills 23: Election Law)

HB 712-FN, relative to the coordination of state, regional, and local planning efforts. (Melcher, Hills 11; M. Fuller Clark, Rock 36; Wall, Straf 9: Municipal and County Government)

HB 713-FN, addressing public health issues relative to indoor smoking. (Manning, Ches 9; M. Fuller Clark, Rock 36; Dokmo, Hills 14; Gile, Merr 16; Ford, Hills 28; Wheeler, Dist 21: Commerce)

HB 714-FN, requiring the disclosure by a governor or councilor of certain gifts. (Splaine, Rock 34: Executive Departments and Administration)

HB 715-FN, relative to the New Hampshire port authority. (M. Fuller Clark, Rock 36; Norelli, Rock 31; Pantelakos, Rock 30; Splaine, Rock 34; Blanchard, Rock 33; Cohen, Dist 24; Hollingworth, Dist 23: Public Works and Highways)

HB 716-FN, relative to minimum wages of employees in public works. (Heon, Straf 14: Public Works and Highways)

HB 717, establishing a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes, and establishing a temporary moratorium on new all terrain vehicle and trail bike trails. (Alger, Graf 9; Dickinson, Carr 2; Babson, Carr 5; Scanlan, Graf 11; Gilmore, Straf 11; Gordon, Dist 2: Resources, Recreation and Development)

HB 718-FN, establishing minimum renewable standards for energy portfolios. (Gilmore, Straf 11; Leone, Sull 2: Science, Technology and Energy)

HB 719, relative to the removal of public officials for cause. (Poulin, Merr 14; Zolla, Rock 13; P. Katsakiores, Rock 13; Landers, Coos 2; Millham, Belk 4: Executive Departments and Administration)

HB 720, relative to permitting the use of certain firearms for hunting deer. (Hopper, Hills 5: Fish and Game)

HB 721-FN, relative to the use of marijuana for medicinal purposes. (Vaillancourt, Hills 44; Sapareto, Rock 13; Clemons, Hills 31; Splaine, Rock 34: Health, Human Services and Elderly Affairs)

HB 722, relative to town elections. (Leber, Merr 1: Election Law)

HB 723, relative to vacancies in county offices. (Leber, Merr 1; Whalley, Merr 5; E. Smith, Ches 6; Emerton, Hills 7; Flanders, Dist 7: Municipal and County Government)

HB 724, relative to pooled risk management programs for public employers. (Wheeler, Hills 7; Anderson, Merr 7: Labor, Industrial and Rehabilitative Services)

HB 725, relative to titles to destroyed vehicles. (Pepino, Hills 40: Transportation)

HB 726-L, relative to change of school assignment and transfers of public school pupils. (Alger, Graf 9; Gilmore, Straf 11; Cox, Rock 24; Winter, Merr 2; Giuda, Graf 3; Roberge, Dist 9; Gordon, Dist 2; Francoeur, Dist 14; Prescott, Dist 19: Education)

HB 727, making certain changes concerning the authority and operation of the port authority. (Leber, Merr 1; Calawa, Hills 17; Hamel, Rock 10; Morse, Rock 28; Barnes, Dist 17; Hollingworth, Dist 23: Executive Departments and Administration)

HB 728-FN-A-L, assessing a surcharge on waste disposed at solid waste landfills and incinerators, and making an appropriation therefor. (Gilmore, Straf 11; B. Hall, Hills 20: Environment and Agriculture)

HB 729, permitting a person charged with a felony or misdemeanor to access the medical and psychiatric records of the alleged victim. (L. Jean, Hills 17; DiFruscia, Rock 27: Criminal Justice and Public Safety)

HB 730, establishing a committee to study the transfer of the Goffstown district court to a new location. (Emerton, Hills 7; Wheeler, Hills 7; McRae, Hills 7; Holden, Hills 7; D'Allesandro, Dist 20: Public Works and Highways)

HB 731-FN, relative to securities laws. (Gilmore, Straf 11; Fields, Hills 18; Teschner, Graf 5: Commerce)

HB 732, relative to the regulation of land use by the Pease development authority. (Splaine, Rock 34; Blanchard, Rock 33; C. Kane, Rock 32; Shultis, Rock 33; Pantelakos, Rock 30: Public Works and Highways)

HB 733, deleting references to "rebuttable presumption" from the laws of this state. (Mirski, Graf 12: Judiciary)

HB 734, eliminating the teen assessment project in the university system of New Hampshire. (Albert, Straf 17; Salts, Hills 41: Education)

HB 735-L, permitting towns and cities to deny a planning board application by a vote of the legislative body. (K. Hutchinson, Rock 29; Introne, Rock 29; Packard, Rock 29: Municipal and County Government)

HB 736-FN, establishing the consumer safety firearms protection act. (M. Fuller Clark, Rock 36; Konys, Hills 33; Clemons, Hills 31; Robb, Sull 11; Cohen, Dist 24; Wheeler, Dist 21: Criminal Justice and Public Safety)

HB 737, relative to the possession and use of epinephrine auto-injector devices by emergency medical care providers. (M. Fuller Clark, Rock 36; French, Merr 3; Emerton, Hills 7; Wheeler, Dist 21: Health, Human Services and Elderly Affairs)

HB 738, establishing a commission to assess the operating efficiency of state government. (Moran, Hills 15; Peterson, Hills 8: Executive Departments and Administration)

HB 739, establishing a committee to study the application of the rule against perpetuities. (Moran, Hills 15: Judiciary)

HB 740, relative to decommissioning of nuclear electric generating facilities. (J. Bradley, Carr 8; Norelli, Rock 31; D. White, Hills 25; N. Kaen, Straf 7; Maxfield, Merr 9; Below, Dist 5; Hollingworth, Dist 23; Francoeur, Dist 14; Cohen, Dist 24: Science, Technology and Energy)

HB 741-FN-A-L, relative to supplemental grants to certain municipalities to cap tax effort per pupil. (Sapareto, Rock 13; Odell, Sull 5; D. White, Hills 25: Finance)

HB 742-FN-L, relative to collection of the education property tax and establishing a program to rebate certain excessive property tax payments of eligible taxpayers. (Sapareto, Rock 13; J. Bradley, Carr 8; Weyler, Rock 18; Hess, Merr 11; Johnson, Dist 3: Ways and Means)

HB 743, transfers the department of youth development services to the department of health and human services. (Lyman, Carr 5; Pantelakos, Rock 30; Wallner, Merr 24; McCarley, Dist 6; Wheeler, Dist 21: Children and Family Law)

HB 744-FN-A, establishing a family and disability leave program. (Gile, Merr 16; Seldin, Merr 17; M. Fuller Clark, Rock 36; Wheeler, Dist 21: Labor, Industrial and Rehabilitative Services)

HB 745-FN, revising Article 9 of the Uniform Commercial Code and related statutes. (Hunt, Ches 10; Gordon, Dist 2: Commerce)

HB 746, authorizing citizen suits to assure enforcement of New Hampshire's environmental statutes. (Leishman, Hills 13; DiFruscia, Rock 27; M. Fuller Clark, Rock 36; Messier, Hills 46; Cohen, Dist 24: Judiciary)

HB 747-FN-L, relative to increases in the cost of an adequate education. (Hess, Merr 11: Education)

HB 748-FN-A-L, relative to school building aid grants in the determination of adequate education grants. (Hess, Merr 11: Education)

HB 749-FN-A-L, relative to the transportation cost component in the determination of adequate education grants. (Hess, Merr 11: Finance)

HB 750-L, relative to the development and adoption of the school administrative unit budget. (Kurk, Hills 5; Alger, Graf 9; Clegg, Hills 23: Education)

HB 751, authorizing an advisory committee and establishing a conflict of interest policy regarding grant awards from the health care fund. (Gorman, Hills 29; Clemons, Hills 31; D. Cote, Hills 29: Health, Human Services and Elderly Affairs)

HB 752, relative to certain revisions of the right-to-know law. (Souza, Hills 40; Chalbeck, Rock 8: Judiciary)

HB 753, relative to exemptions from issuer dealer licenses for the sale of securities. (Hess, Merr 11: Commerce)

HB 754, relative to the testing and certification of fluorine-bearing chemicals injected into the public water supply. (Richardson, Ches 12; Seldin, Merr 17; Espieffs, Ches 19; M. Fuller Clark, Rock 36; French, Merr 3; O'Hearn, Dist 12, Prescott, Dist 19; Francoeur, Dist 14: Resources, Recreation and Development)

HB 755, relative to groundwater contamination and gasoline sampling. (Martin, Hills 34; R. Cooney, Rock 26; Downing, Rock 26; McGuire, Rock 26; Goulet, Hills 15; Wheeler, Dist 21; Cohen, Dist 24: Science, Technology and Energy)

HB 756, relative to the penalty for certain acts of theft, destruction, or violence in a safe school zone. (K. Hutchinson, Rock 29: Criminal Justice and Public Safety)

HB 757, revising the definition of an adequate education; establishing an education improvement fund, and implementing a professional development program and an early literacy initiative within the department of education; and revising the formula to calculate the cost of an adequate education. (Kurk, Hills 5; Estabrook, Straf 8; McCarley, Dist 6; O'Hearn, Dist 12; Larsen, Dist 15: Education)

HCR 14, declaring the New Hampshire supreme court's Claremont decisions to be an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution. (Pepino, Hills 40; Mirski, Graf 12; L. Christiansen, Hills 23; Boyce, Belk 5; Salts, Hills 41; Boyce, Dist 4; Roberge, Dist 9: Ways and Means)

CACR 19, Relating to: supreme court rules. Providing that: supreme court rules may be reviewed by the general court. (Jacobson, Merr 2: Judiciary)

CACR 20, Relating to: a personal income tax. Providing that: any personal income tax enacted by the general court shall be dedicated exclusively for the purposes of public education. (Hager, Merr 18; Pilliod, Belk 3; McGuirk, Ches 1; P. Davis, Coos 1; Messier, Hills 46; Below, Dist 5; Fernald; Dist 11; Cohen, Dist 24: Finance)

CACR 21, Relating to: compensation for members of the general court. Providing that: members of the general court shall be reimbursed for actual and reasonable expenses incurred for legislative business. (Arnold, Hills 20: Legislative Administration)

RECESS

(Rep. Patten in the Chair)

RESOLUTION

Rep. Goulet offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1 and 2 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 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2002, and June 30, 2003. (Kurk, Hills 5: Finance)

HB 2-FN-A, relative to state fees, funds, revenues, and expenditures. (Kurk, Hills 5: Finance)

RECESS

(Rep. Whalley in the Chair)

RESOLUTION

Rep. Clegg offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 758 through 762 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 758, relative to the sale of gasoline containing ethers. (Kurk, Hills 5; Downing, Rock 26; Martin, Hills 34; R. Cooney, Rock 26; McGuire, Rock 26; Prescott, Dist 19; Hollingworth, Dist 23; Wheeler, Dist 21; Klemm, Dist 22; Flanders, Dist 7: (Science, Technology and Energy)

HB 759-FN-A-L, establishing a flat rate education income tax, relative to the state education property tax and certain other taxes, and relative to other sources of funding for education. (Hager, Merr 18; McGuirk, Ches 1; Messier, Hills 46; Pilliod, Belk 3; P. Davis, Coos 1; Cohen, Dist 24; Below, Dist 5; Fernald, Dist 11: Ways and Means)

HB 760-FN, relative to the possession of silencing devices and relative to the use of silencing devices for taking game. (Patten, Carr 9; Dickinson, Carr 2; Rozek, Coos 7: Fish and Game)

HB 761-FN-A-L, relative to a statewide school tax on income for purposes of funding a constitutionally adequate education and making an appropriation therefor. (Jacobson, Merr 2: Ways and Means)

HB 762-FN-A, increasing the tobacco tax to allow for a healthy families trust fund and for increased funding for the tobacco use prevention fund. (M. Fuller Clark, Rock 36; Buckley, Hills 44; Wheeler, Dist 21: Ways and Means)

Rep. Scanlan moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 7

Thursday, February 22, 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.

Let us pray. Ever gracious Creator, our days are precious in Your sight. Receive Bernard and all our loved ones into larger life and comfort all who mourn for them.

May the work of this honorable House be blessed by Your spirit today, and may all that is done here advance the cause of freedom, peace and safety for the citizens of our beloved New Hampshire. Amen.

The House observed a moment of silence in remembrance of Rep. Bernard Lambert.

Rep. Mercer led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Carlson, Clemons, Emerson, Flora, Sandra Harris, William Kelley, Lessard, Robert L'Heureux, Mikowski, Naro, Ruffner and Tate, the day, illness.

Reps Bartlett, Case, Corbin, David Cote, Stephanie Eaton, Fletcher, Marilyn Fraser, Introne, LaFlamme, Melcher, Mirski, O'Keefe, Perkins, Reeves, Scovner, Marjorie Smith, Stone, Thulander and Torressen, the day, important business.

Rep. Chalbeck, the day, death in the family.

INTRODUCTION OF GUESTS

Morgan Smith Guinta, wife of Rep. Guinta. Katherine Nicole McCrum, granddaughter of Rep. Proulx. Albert Ventee, brother of Rep. Power. Kim Winslow, Justin Norcross, Lieutenant Colonel Michael Moffett, US Marine Corps Reserve, Chief Master Sergeant William Houghton, US Air Force, Chief Mark Cutter, US Coast Guard, Petty Officer Louis Coleman, US Coast Guard, Petty Officer John Murphy, US Naval Reserve and Captain Craig Blackwell, US Army, guests of Rep. Kenney.

INTRODUCTION OF special GUEST

New Hampshire Teacher of the Year 2001, Suzanne Lull, 1st and 2nd grade teacher from Washington Elementary School, guest of the House.

The House of Representatives offered the following:

HOUSE RESOLUTION NO. 8

Recognizing and marking the ten year anniversary of the February 28, 1991 Persian Gulf War cease fire

WHEREAS, approximately three thousand New Hampshire men and women were among the over one-half million Americans who served in the Southwest Theater of Operations during Operations Desert Shield and Desert Storm; and

WHEREAS, under U.S. Allied Commander Norman Schwarzkopf these men and women participated and fought with Allied Forces to liberate the sovereign country of Kuwait; and

WHEREAS, members of New Hampshire reserve units, including the Army 744th Transportation Company, 1159th Medical Company, 94th Military Police Company, elements of the Air Force 157th Refueling Wing, 157th Security Forces Squadron, 157th Medical Squadron, the Navy Mobile Inshore Undersea Warfare Unit 202, Ashore Mobile Communications Contingency Unit 4, Fleet Hospital 7, Naval Dental and Medical Service 101, Military Sealift Command, Mediterranean, and Company B, 1st Battalion, 25th Marine Regiment and individual New Hampshire reserve volunteers participated in and outside of the Southwest Theater of Operations with inspired duty and honorable service; and

WHEREAS, we wish to honor those American men and women who gave their lives during hostile and non-hostile activities as the ultimate price of freedom during Operations Desert Shield and Desert Storm, including New Hampshire's Army Warrant Officer David G. Plasch, Army Private Second Class Todd C. Ritch, Army Specialist Wade E. Hector, Marine Captain Gary S. Dillon and Air Force Captain Michael L. Chinburg; and

WHEREAS, the State of New Hampshire has recognized the Persian Gulf veterans by enacting the Persian Gulf Veterans Service Bonus and by dedicating a state bridge in Concord in their honor; now, therefore, be it

RESOLVED, by the House of Representatives, in regular session convened, that heartfelt thanks be given to Persian Gulf veterans and their families in commemoration of the tenth anniversary of the Persian Gulf War Cease Fire.

Unanimously adopted by a rising vote.

Rep. Kenney addressed the House.

Rep. Weyler moved that the remarks of Rep. Kenney be printed in the Journal.

Adopted.

Thank you, Mr. Speaker, members of the House, military and honored guests. Next week will mark the tenth year cessation of the Persian Gulf War. In the gallery today, we are honored to have members of each branch of the services: the Army, the Navy, the Marine Corps, the Air Force and members of the United States Coast Guard, many who served during the Persian Gulf War. This resolution before us today allows us to reflect on the service of our Persian Gulf veterans and their commitment to liberate the sovereign country of Kuwait. This decisive victory could not have been achieved without great leadership, proper training, necessary equipment and home front support for our service men and women. This support came in all forms from gift packages, yellow ribbons, prayers and, of course, letters.

In the gallery today, I would like to recognize two of these letter writers who wrote to me ten years ago while I was a Marine Lieutenant in Saudi Arabia. They are Kim Winslow, a junior at the University of New Hampshire and a former third grader at the Central School in Moultonborough and, also, Justin Norcross, a junior at the Laconia Community Technical College and a former third grader at the Brett School in Tamworth. I thank you for your help in time of need. Thank you, guys.

Finally, it has often been said that our men and women in uniform are our national treasures. With your support and confidence they will always shine when called to duty. God bless the State of New Hampshire. Thank you.

resolution

Late filing and introduction having been approved by the Rules Committee,

Reps. Scanlan and Burling offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, **HB 763-L**, relative to obligations of county governments, shall be by this resolution read a first and second time by the therein listed title.

Adopted.

introduction of house bill

First and second reading

HB 763-L, relative to obligations of county governments. (Chandler, Carr 1; Burling, Sull 1)

suspension of rules

Reps. Scanlan and Burling moved that the Rules be so far suspended as to permit consideration at the present time of **HB 763-L**, relative to obligations of county governments, without the required referral to committee, proper hearing and notice.

Adopted by the necessary two-thirds.

consideration of hb 763

HB 763-L, relative to obligations of county governments.

Rep. Whalley moved OUGHT TO PASS and spoke in favor.

Rep. Burling spoke in favor.

Adopted.

suspension of rules

Reps. Scanlan and Burling moved that the Rules be so far suspended as to permit third reading and final passage at the present time of **HB 763-L**, relative to obligations of county governments.

Adopted by the necessary two-thirds.

motion on house bill 763

Rep. Scanlan moved that **HB 763-L**, relative to obligations of county governments, be read a third time and passed.

Adopted.

Third reading and final passage

HB 763-L, relative to obligations of county governments.

committee reports

consent calendar

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

HB 303-FN-A-L, relative to funding of training and certification of fire fighters and emergency medical service providers programs in the department of safety, extending certain motor vehicle license expiration dates, and increasing certain motor vehicle license fees, removed by Rep. McRae.

HB 326-FN-A, relative to the continuation of the New Hampshire task force on deafness and hearing loss and making an appropriation therefor, removed by Rep. Sullivan.

HB 173-FN, relative to the place and time of detention, removed by Rep. Sullivan.

HB 214-FN, requiring transcription of grand jury proceedings, removed by Rep. Sullivan.

HB 320-FN, relative to leasing certain portions of railroad properties, removed by Rep. Sullivan.

HB 434, relative to persons who die in nursing homes, removed by Rep. Brennan.

Consent Calendar adopted.

HB 120, making the commissioner of the department of youth development services a member of the department of youth development advisory board. OUGHT TO PASS WITH AMENDMENT

Rep. Daniel C. Itse for Children and Family Law: This bill makes three changes to the Department of Youth Development Services Advisory Board, as follows: 1. It requires that the Commissioner of the Department of Youth Development Services and not a designee serve on the board. 2. It broadens the committee membership by adding an additional state representative. 3. It broadens the committee membership by adding a juvenile probation and parole officer. Vote 19-0.

Amendment (0030h)

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

AN ACT relative to the membership of the department of youth development advisory board.

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

2 Department of Youth Development Services Advisory Board; Membership. Amend RSA 621-A:9, II(a) to read as follows:

(a) [~~Two~~] **Three** members from the house of representatives, one of whom shall be a member of the house finance committee, appointed by the speaker of the house.

3 New Subparagraph; Department of Youth Development Services Advisory Board Established; Membership; Juvenile Probation and Parole Officer Added. Amend RSA 621-A:9, II by inserting after subparagraph h the following new subparagraph:

(i) One juvenile probation and parole officer, appointed by the commissioner of the department of health and human services.

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

AMENDED ANALYSIS

This bill requires the commissioner of the department of youth development services to be a member of the department of youth development services advisory board. The bill also expands the membership of the advisory board to include three members of the house of representatives and a juvenile probation and parole officer.

HB 265, prohibiting the sale of rolling papers to minors. OUGHT TO PASS

Rep. Kathleen N. Taylor for Commerce: This bill was introduced at the request of a group of Dover students. They feel that there is no reason for anyone under the age of 18 to use rolling papers and that it should be illegal for under 18 year olds to purchase them. The committee agrees with them. This is already the law in Dover. Vote 13-0.

HB 307-FN-A, increasing the tax on beer and wine. INEXPEDIENT TO LEGISLATE

Rep. Martha Fuller Clark for Commerce: The Sponsor admitted that increasing the tax by one cent would not generate a lot of money, but because the beer tax is based on "gallonage" and not price, it does not increase with inflation. The sponsor felt it was time to increase the tax to reflect inflation.

New Hampshire already has the second highest tax per gallon on wine and beer in New England, and testimony presented stressed that even a one-cent increase would make a difference to purchasers. Vote 13-0.

HB 372, requiring prepaid home heating oil delivery companies to be bonded. INEXPEDIENT TO LEGISLATE

Rep. Leo W. Fraser, Jr. for Commerce: It has become fairly common that fuel customers pre-pay for their fuel for the following year. This method of obtaining a firm price has worked well both for the purchaser and the vender. Unfortunately, one new fuel dealer came into the business and commenced obtaining pre-paid contracts at a price even lower than wholesale. The dealers sought assistance from the Attorney General. Rightfully, the AG's office said that until someone was harmed, they couldn't do anything. When this dealer defaulted, the Attorney General did step in. The testimony by all of the fuel dealers (especially the smaller mom and pop vendors) showed that the cost of purchasing a bond would, in all likelihood, put them out of business. The committee was unanimous in recommending that this legislation was not appropriate, and should be reported as Inexpedient to Legislate. Vote 13-0.

HB 237, relative to filling a vacancy in an alumni trustee position on the board of trustees of the university system. OUGHT TO PASS

Rep. Claire D. Clarke for Education: This bill retains existing law, which says that the appointment of successors for the filling of vacancies for unexpired terms shall be by appointment or election in the same manner as the original appointment. An exception is created so that a vacancy in an alumni trustee position shall be filled in accordance with the bylaws of the alumni association at the institution with which the position is associated. The committee overwhelmingly voted to accept this bill as recommended. Vote 15-0.

HB 124, establishing a committee to study on-line voting. OUGHT TO PASS WITH AMENDMENT

Rep. Raymond Buckley for Election Law: The committee supports a study of on-line voting. It amended the bill to include studying electronic voting as well. We feel this committee will provide valuable information as we address the changing modes of voting. Vote 19-1.

Amendment (0114h)

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

AN ACT establishing a committee to study on-line and electronic voting.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study on-line and electronic voting.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the feasibility of on-line and electronic voting as a supplement to or substitute for existing voting procedures. The committee's study shall include the likely effect of on-line and electronic voting on voter turnout.

AMENDED ANALYSIS

This bill establishes a committee to study on-line voting.

HB 245, relative to the duties and staff of the state geologist. OUGHT TO PASS

Rep. Nelson S. Allan for Executive Departments and Administration: This bill gives real meaning to "New Hampshire is the Granite State". The activities of geological survey are collected under the director of the New Hampshire geological survey, and under this bill geologic functions will be centralized under the supervision of the state geologist. Resources are drawn from existing functions within the agency. Data collection and research are performed and disseminated through maps, reports, and other publications. Vote 16-0.

HB 279-FN-A-L, relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor. OUGHT TO PASS

Rep. William R. Zolla for Executive Departments and Administration: This bill authorizes the state treasurer to borrow upon the credit of the state not exceeding the sum of \$5,250,000, and issue bonds and notes in the name of and on behalf of the State of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the new bonds and notes shall be made from the general fund of the state. The proceeds of this bond issue shall be paid to the New Hampshire retirement system to satisfy a note incurred in the 1992-94 biennium and which is costing the state 9% per annum with a 40-year amortization. The bond issue, if authorized by this bill, will have an interest rate of approximately 4.5%. This bill is similar to refinancing a home mortgage to a lower interest rate. Vote 17-0.

Referred to Finance.

HB 371, relative to fiscal impact statements for proposed administrative rules prepared by the legislative budget assistant. OUGHT TO PASS WITH AMENDMENT

Rep. Robert K. Dodge for Executive Departments and Administration: This bill will reduce the workload of the legislative budget office. It allows state agencies to forgo the currently required step of receiving an amended fiscal statement on an amendment to a rule change request, even in the case where the amendment is purely clerical or carries no fiscal impact. Administrative rules are constantly being proposed and if changes do not affect the fiscal statement, this bill will allow savings in time and effective date of the proposed administrative rules. Vote 17-0.

Amendment (0145h)

Amend the bill by replacing section 2 with the following:

2 Amended Fiscal Impact Statements. Amend RSA 541-A:12, II(d) to read as follows:

(d) *If required pursuant to RSA 541-A:5, VI*, an amended fiscal impact statement from the legislative budget assistant stating ~~[either]~~ that ~~[the rule did not change]~~ as a result of notice and hearing ~~[or, if it]~~ *the rule* did change~~;~~ *and* explaining how this change affects the original fiscal impact statement.

HB 236, relative to the registration of deer. OUGHT TO PASS

Rep. Robert J. L'Heureux for Fish and Game: This change in the present law would bring us into uniformity with our neighboring states. This change would accommodate the successful deer hunter who gets his deer late in the day, but cannot register it because of the early closing of some registration stations. This bill has the support of the New Hampshire Fish and Game Department. Vote 17-0.

HB 227, clarifying certain definitions relating to emergency medical and trauma services.
INEXPEDIENT TO LEGISLATE

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: After conferring with the subcommittee and the principals involved, the sponsor feels the best course at this time is to report this bill Inexpedient To Legislate. The committee concurs. Vote 11-0.

HB 389, establishing a committee to study the nursing home industry in New Hampshire. OUGHT TO PASS

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee felt that scrutiny into the number of critical issues existing now is needed. There is a shortage of health care personnel in New Hampshire. More than one-third of nursing homes are operating under bankruptcy protection. As the elderly population increases in size, state policy should ensure that nursing home facilities are available and providing quality care. Vote 11-0.

HB 157, clarifying the immunity from liability of police officers, firefighters, and bystanders who apply lifesaving measures in emergencies. OUGHT TO PASS WITH AMENDMENT

Rep. Christopher P. Reid for Judiciary: This bill as amended is a technical clarification of RSA 153-A:11. In passing RSA 153-A:11 last year, the legislature did not intend to in any way limit the protection afforded by RSA 508:12, the Good Samaritan Law. This bill simply clarifies the law. Vote 17-0.

Amendment (0137h)

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

AN ACT clarifying the immunity from liability of persons providing emergency care.

Amend the bill by replacing section 1 with the following:

1 Liability Limitation; Emergency Care. Amend RSA 153-A:11, I to read as follows:

I. Except for automatic external defibrillation pursuant to RSA 153-A:28-31 ***or emergency care as described in RSA 508:12***, a person shall not provide emergency medical services as a paid or volunteer member of a public or private emergency medical services unit in this state, or as a paid or volunteer member of any police or fire department who, as a condition of employment, may be expected to routinely provide emergency medical services in the line of duty, without being licensed by the commissioner.

AMENDED ANALYSIS

This bill clarifies the immunity from liability of persons who provide emergency care at scenes of emergency or to victims of crime.

HB 203, allowing a psychiatric/mental health nurse practitioner employed under contract with the department of corrections to be indemnified and defended by the state under the same conditions as psychiatrists. OUGHT TO PASS WITH AMENDMENT

Rep. John M. Pratt for Judiciary: In the last session, the legislature enacted a law granting immunity to certain medical and psychiatric professionals working under contract with the Department of Corrections. This bill extends that coverage to psychiatric/mental health nurse practitioners working under contract with the Department of Corrections. Vote 15-0.

Amendment (0076h)

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

2 Claims Arising From Clinical Services Provided to Department of Corrections. Amend RSA 541-B:21-a, I to read as follows:

I. Without otherwise limiting or defining the sovereign immunity of the state and its agencies, this chapter shall apply to all claims against any nonprofit entity, or any employee, trustee, or director of such nonprofit entity when acting in the scope of such person's elected or appointed capacity, providing clinical services of psychiatrists ~~[or]~~, other medical doctors, ***or psychiatric/mental health nurse practitioners*** in accordance with any contract limited to such services entered into by the department of corrections.

HB 215, relative to publication of status of cases before the supreme court. OUGHT TO PASS WITH AMENDMENT

Rep. Robert H. Rowe for Judiciary: This bill requires the Supreme Court to report records of appeals to the court. The legislature found during the impeachment hearings that documentation of appeals filed were not available. This bill requires the court to provide annual records for review by the legislature and public on a quarterly basis. Vote 19-0.

Amendment (0163h)

Amend RSA 490:8-a as inserted by section 1 of the bill by replacing it with the following:

490:8-a Publication of the Status of Cases.

I. Beginning with notices of appeal filed on January 1, 2002, the supreme court shall make available to the public a record of cases pending before the court. The record shall be by calendar year, with the current year recording all cases filed with the court in that year. The record for prior years shall only document cases pending. Cases pending shall be those cases in which a decision has not been made as to accepting the notice of appeal or the accepted appeal has not been decided. The record shall be updated and printed quarterly and shall be available not later than 15 days after the end of each quarter. This report shall be by date of each notice of appeal for each appeal shall list the following data:

(a) Name and number.

(b) Date of acceptance or rejection of the notice of appeal and if the appeal was accepted or rejected.

(c) Date of oral argument.

(d) Date of decision.

II. At the end of each calendar year, all cases for which the notice of appeal was rejected and all cases decided shall be removed from the list.

HB 382, relative to the office of the governor and the right-to-know law. INEXPEDIENT TO LEGISLATE

Rep. Peter F. Bergin for Judiciary: Although this bill was well intended, its wording was inadequate to accomplish the intentions of the sponsor. The committee believes strongly that there may be areas in the Governor's Office that should fall under the right-to-know law. However, the entire subject matter is of such magnitude that other priorities should take precedence at this time. Vote 14-0.

HB 194, relative to municipal budget hearings, recommendations, and reports. OUGHT TO PASS

Rep. Kimberly O.M. Dionne for Municipal and County Government: This bill reflects a request from the Department of Revenue Administration to make technical corrections relative to certain laws administered by the department. It changes the final date for posting notice of bond hearings in municipalities operating under the official ballot referendum form of meeting (in March, April, and May). The bill also clears up reporting procedures for those municipalities that are not under the Municipal Budget Act. The committee determined that these changes would make an improvement upon the present law. Vote 15-0.

HB 263, naming a sidewalk in Wolfeboro the Kenneth J. MacDonald Memorial Sidewalk. OUGHT TO PASS WITH AMENDMENT

Rep. Lawrence J. Guay for Public Works and Highways: Ken MacDonald served in both the House and Senate for almost two decades after retiring from the New Hampshire State Police. Ken also served on the Wolfeboro Board of Selectmen and the Carroll County Delegation. Ken was extremely well read and respected by all who knew him for his dedication, honesty, common sense and humor. Naming a sidewalk on Route 28 in Wolfeboro for Ken is a fitting tribute to his memory. Ken's efforts were instrumental in creating this sidewalk. Vote 16-0.

Amendment (0142h)

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

2 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers resulting from this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers resulting from this act shall be approved by the department of transportation.

3 Effective Date. This act shall take effect January 1, 2002.

HB 417, requiring bidders for state contracts to have completed a training program of the Occupational Safety and Health Administration. INEXPEDIENT TO LEGISLATE

Rep. James B. Rausch for Public Works and Highways: The committee recommends this bill Inexpedient to Legislate. This bill would require bidders for state contracts whose estimated cost is

more than \$50,000.00, to have completed a ten hour construction safety program from the Occupational Safety and Health Administration (OSHA). The committee overwhelmingly considered this legislation unnecessary, as requirements for training programs already exist in state law and OSHA regulations. Additionally, many other concerns were raised. Vote 17-0.

HB 177-FN-A, relative to the purchase of a wheelchair van for the veterans' home in Tilton and making an appropriation therefor. OUGHT TO PASS

Rep. Matthew J. Quandt for State-Federal Relations and Veterans Affairs: The committee feels that providing a wheelchair van for the Veteran's Home in Tilton is a paramount need for the residents so that they can get around to doctors appointments and for recreational trips. The sponsor had looked into trying to get a van donated but that effort was not successful. The committee feels strongly that this is an important need for those who made many sacrifices for their state and country. Vote 12-1.

Referred to Finance.

HR 5, directing the New Hampshire attorney general to report to the house of representatives on the feasibility of filing a class action lawsuit against the federal government to recover special education funding promised by the federal government under the Individuals with Disabilities Education Act. INEXPEDIENT TO LEGISLATE

Rep. Frank C. Guinta for State-Federal Relations and Veterans Affairs: The committee recognizes the importance of the federal government's funding of special education. However, it strongly supports other legislation, HCR 13 which proposes that the House, Senate, and the Office of the Governor that urges the federal government to adequately fund the program for the State of New Hampshire. Because of HCR13, we report this bill as inexpedient to legislate. Vote 10-2.

HB 366, relative to antique former military vehicles. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: This bill as written would allow antique military vehicles to operate on a public way without displaying New Hampshire registration plates. The committee felt that the general public would not recognize the difference between current military vehicles and antique military vehicles. A second consideration is law enforcement being able to identify these vehicles. Testimony revealed that a major concern for the owners of these vehicles was that during parades and demonstrations these vehicles be as authentic as possible. The Commissioner of Safety is willing to accommodate these concerns through rule-making. This would alleviate the need for legislation. Vote 11-0.

HCR 8, encouraging more direct flights and international flights from the Manchester airport. INEXPEDIENT TO LEGISLATE

Rep. Brenda L. Ferland for Transportation: The committee hears a bill or resolution concerning the Manchester airport on a regular basis. The legislative body has no authority over the airport. The committee finds that the current airport director has been doing a good job concerning what flights are appropriate for the Manchester airport. The airport also runs under Federal Aviation Authority (FAA) rules and regulations. Vote 11-0.

regular calendar

HB 260, establishing a commission to examine child care resources for parents who work hours other than first shift. OUGHT TO PASS WITH AMENDMENT

Rep. Laura C. Pantelakos for Children and Family Law: This bill establishes a commission to study the issue of resources available and the need for second and third shift child care services. It is the Committee's hope that creative and innovative solutions will be discovered. Vote 15-4.

Amendment (0089h)

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.

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

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

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

(c) A current provider of child care services, appointed by the governor.

(d) A representative of an industry operating on a multi-shift basis, appointed by the governor.

(e) A representative of an industry that has experience with in-house children's services, appointed by the governor.

(f) The commissioner of health and human services, or designee with professional responsibilities associated with child care.

(g) Two parents who work hours other than first shift, one from an urban area and one from a rural area, appointed by the governor.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

Adopted.

Report adopted and ordered to third reading.

HB 272, requiring bottled water labels to indicate the source of the water. INEXPEDIENT TO LEGISLATE

Rep. Paul D. Spiess for Commerce: This bill would require that water, which is bottled, packaged or sold in the state, include information on the label identifying the specific location from which the water was obtained, and the name and address of the purveyor. The committee did not feel that the inclusion of this information provided any direct benefit to the consumer or served a useful public purpose. The committee learned that bottled water can come directly from municipal water systems, as long as it meets clean water standards. Under federal law any water labeled "spring water" must identify the source. However, the courts found there is no compelling health reason to require bottled

water companies to label the sources as long as they meet clean water standards. The committee does urge members who desire more information on the sources of bottled water to read the August 2000 issue of Consumer Reports. Vote 10-3.

Rep. Pitts spoke against.

Rep. Avery spoke in favor.

Adopted.

HB 425-FN, establishing a practical living skills course for certain high school pupils.
INEXPEDIENT TO LEGISLATE

Rep. Bruce L. Dearborn for Education: The committee is very sensitive to the issue of high school dropouts and is sympathetic to the sponsors' concerns. This bill is an effort to provide a certificate program for job survival skills. The committee felt the technical high schools, the technical colleges and the state Department of Education have many developmental programs which are better suited to address students' needs. Consequently, the committee voted to report the bill inexpedient to legislate. Vote 15-0.

Adopted.

HB 159, relative to removal of political advertising. INEXPEDIENT TO LEGISLATE

Rep. Richard B. Drisko for Election Law: The intent of the sponsor was to address situations where signs in front of residences were removed from highway rights of way. While the committee was sympathetic with the view that public land in front of private land could present a conflict, testimony from the Department of Transportation and others suggested that more difficulties would arise than problems would be solved. Vote 15-4.

Adopted.

HB 273, relative to the purpose of state jurisdiction of fish and game regulation. OUGHT TO PASS WITH AMENDMENT

Rep. Michael A. Balboni for Fish and Game: The original bill, as introduced, expands the purpose of the fish and game department to recognize, preserve, and promote our special heritage of recreational hunting, fishing, trapping, and wildlife viewing by providing opportunities to hunt, fish, trap, and view wildlife in accordance with Title XVIII of the Fish and Game laws. The amendment simply removes the word "recreational" from the bill. This bill has the support of the New Hampshire Fish and Game Department, the New Hampshire Wildlife Federation, and the New Hampshire Fish and Game Commission. Vote 16-1.

Amendment (0086h)

Amend RSA 207:58 as inserted by section 1 of the bill by replacing it with the following:

207:58 Purpose. The legislature finds it is in the best interests of the state and its citizens to regulate, protect, restore, and conserve the wildlife resources of the state under a uniform scheme of management through the fish and game department. It is the intent of the general court to explicitly reaffirm the state's long-standing exclusive authority and jurisdiction over the wildlife of the state as

established by title XVIII. *The general court further finds that it is in the best interest of the state and its citizens that the fish and game department recognize, preserve, and promote our special heritage of hunting, fishing, trapping, and wildlife viewing by providing opportunities to hunt, fish, trap, and view wildlife in accordance with title XVIII.*

Adopted.

Report adopted and ordered to third reading.

HB 133, relative to an informed jury. **WITHOUT RECOMMENDATION**

Rep. Giuda moved OUGHT TO PASS, spoke in favor and yielded to questions.

Reps. Millham and Rowe spoke against.

Rep. Craig spoke against and yielded to questions.

Reps. Phinizy and Jean spoke in favor and yielded to questions.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being on the motion of ought to pass.

YEAS 129 NAYS 226

YEAS 129

BELKNAP

Boyce, Laurie	Lawton, David	Thomas, John
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CARROLL

Babson, David Jr	Bradley, Jeb	Kenney, Joseph	Mock, Henry
Patten, Betsey	Sullivan, P Judith		

CHESHIRE

Dexter, Judson	Emerson, Susan	Fairbanks, Chandler	Hunt, John
Weed, Charles			

COOS

Gallus, John	Rozek, Michael	Woodward, David
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GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Gilman, G Michael	Giuda, Robert	Marshall, Gene
Scanlan, David	Sova, Charles	Ward, Brien	Williams, Burton

HILLSBOROUGH

Alukonis, David	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Bouchard, David	Bruno, Pierre	Calawa, Leon Jr	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Desrosiers, William	Dionne, Kimberley
Elliott, Larry	Gonzalez, Carlos	Gorman, Mary	Greenberg, Gary
Guinta, Frank	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Loren	Lefebvre, Roland	Leishman, Peter	Lynde, Harold
Martin, Mary Ellen	McHugh, Claire	McRae, Karen	Mercer, Robert
Milligan, Robert	Moran, Edward	Pepino, Leo	Salts, Greg
Sargent, Maxwell	Seibel, Christopher	Souza, Kathleen	Tahir, Saghir
Thompson, Rob	Vaillancourt, Steve	White, Donald	

MERRIMACK

Kennedy, Richard	Leber, William	Poulin, David	Soltani, Tony
Winter, Steven			

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Clark, Vivian	Dalrymple, Janeen	DiFruscia, Anthony
Dodge, Robert	Dowling, Patricia	Fesh, Bob	Gilbert, Jeffrey
Giordano, Ronald	Griffin, Mary	Hamel, Albert	Hill, Jonathan
Hutchinson, Karen	Itse, Daniel	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Letourneau, Robert	Major, Norman
McKinney, Betsy	Moore, Benjamin	Nowe, Ronald	Pitts, Jacqueline
Power, Lucille	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Reardon, Neil	Saia, Pamela	Sapareto, Frank	Stritch, C Donald
Varrell, Thomas	Welch, David	Weyler, Kenneth	Zolla, William

STRAFFORD

Albert, Russell	Bickford, David	Cossette, Larry	Gilmore, Gary
Goodwin, Earle	Harrington, Michael	Lachance, Douglas	McCarthy, Gerald
Proulx, Raymond	Tsiros, William	Twombly, James	Woods, Phyllis

SULLIVAN

Franklin, Peter	Odell, Bob	Phinizy, James	Rodeschin, Beverly
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NAYS 226

BELKNAP

Czech, Stanley	Dewhirst, Glenn	Flanders, Donald	Holbrook, Robert
Johnson, William	Millham, Alida	Nedeau, Stephen	Pilliod, James
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Salatiello, Thomas
Wendelboe, Fran	Wood, Jane		

CARROLL

Dickinson, Howard	Lyman, L Randy	Philbrick, Donald	Quimby, Lee
Stevens, Stanley			

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
DePecol, Benjamin	Edwards, Dana	Espieffs, Peter	Manning, Joseph
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Roberts, William	Royce, H Charles
Russell, Ronald	Smith, Edwin	Zerba, Roger	

COOS

Bradley, Paula	Davis, Perley	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Pratt, Leighton	Rodrigue, Robert
Stohl, Eric	Tholl, John Jr		

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Gabler, William
Ham, Bonnie	Lovett, Sid	Nordgren, Sharon	Pawlek, Marion
Sokol, Hilda	Solow, Martha	Teschner, Douglass	

HILLSBOROUGH

Allan, Nelson	Andosca, Mary	Arnold, Thomas Jr	Artz, Lawrence
Balcom, John	Baroody, Benjamin	Bellavance, Paul	Bergin, Peter
Bouldin, Michael	Bragdon, Peter	Brundige, Robert	Buckley, Raymond
Cardin, Lori	Chabot, Robert	Christensen, D L Chris	Clayton, William
Cote, Peter	Craig, James	Daigle, Robert	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey	Dwyer, Paul
Dyer, Merton	Eaton, Richard	Fields, Dennis	Ford, Nancy
Foster, Linda	Furman, Christine	Gargasz, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Goulet, Maurice	Graham, John
Hall, Betty	Hall, Charles	Jean, Claudette	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	Kurk, Neal
LaRose, Richard	Lasky, Bette	Leach, Edward	Martel, Andre
McDonough-Wallace, Alice	Messier, Irene	Movsesian, Lori	O'Connell, Timothy
Palangas, Eric	Panagopoulos, Nicholas	Pappas, Marc	Patria, Bonnie
Peterson, Andrew	Rowe, Robert	Schulze, Joan	Shaw, Barbara
Spiess, Paul	Sweeney, Cynthia	Wheeler, Robert	White, John
Williams, Carol			

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Colcord, J D	Crosby, Toni	Cummings, Raymond	Daneault, Gabriel
Davis, Frank	Dunne, Christopher	Feuerstein, Martin	Fraser, Leo Jr
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Hess, David	Hutchinson, John	Jacobson, Alf	L'Heureux, Stephen
Langer, Ray	Lockwood, Priscilla	MacKay, James	Maxfield, Roy
Moore, Carol	Owen, Derek	Potter, Frances	Reardon, Tara
Rodd, Beth	Rush, Deanna	Seldin, Gloria	Swindlehurst, John
Wallner, Mary Jane	Whalley, Michael	Yeaton, Charles	

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Carson, Sharon	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	Cox, Russell	Dearborn, Bruce
Downing, Michael	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gilbert, Karl	Gleason, John	Henderson, Warren	Holland, James Jr
Johnson, Robert	Kobel, Rudolph	Langley, Jane	Langone, John
McGuire, Robert	Micklon, Stephanie	Morse, Charles	Norelli, Terie
Packard, Sherman	Palermo, Diane	Pantelakos, Laura	Rausch, James
Robertson, Carl	Shultis, Elizabeth	Sloan, Stephen	Splaine, James
Trueman, Raymond	Weatherspoon, Jacquelyne	Whittier, John	

STRAFFORD

Berube, Roger	Brennan, William	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Ferland, Paul
Grassie, Anne	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	Pelletier, Arthur
Pelletier, Marsha	Reid, Christopher	Rollo, Michael	Snyder, Clair
Taylor, Kathleen	Wall, Janet	Woodill, Rodney	

SULLIVAN

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

The motion failed.

Rep. Craig moved INEXPEDIENT TO LEGISLATE.

Rep. Pitts requested a roll call; sufficiently seconded.

The question now being on the motion of inexpedient to legislate.

YEAS 242 NAYS 114

YEAS 242

BELKNAP

Czech, Stanley	Dewhirst, Glenn	Flanders, Donald	Holbrook, Robert
Johnson, William	Millham, Alida	Nedeau, Stephen	Pilliod, James
Rice, Thomas Jr	Rosen, Ralph	Russell, David	Salatiello, Thomas
Thomas, John	Wendelboe, Fran	Wood, Jane	

CARROLL

Dickinson, Howard	Lyman, L Randy	Philbrick, Donald	Quimby, Lee
Stevens, Stanley			

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
DePecol, Benjamin	Espieffs, Peter	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Roberts, William	Royce, H Charles	Russell, Ronald
Smith, Edwin	Zerba, Roger		

COOS

Bradley, Paula	Davis, Perley	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Pratt, Leighton	Rodrigue, Robert
Stohl, Eric	Tholl, John Jr		

GRAFTON

Almy, Susan	Barker, Robert	Benn, Bernard	Cooney, Mary
Gabler, William	Ham, Bonnie	Lovett, Sid	Nordgren, Sharon
Pawlek, Marion	Sokol, Hilda	Solow, Martha	Teschner, Douglass
Williams, Burton			

HILLSBOROUGH

Allan, Nelson	Andosca, Mary	Arnold, Thomas Jr	Artz, Lawrence
Balcom, John	Baroody, Benjamin	Bellavance, Paul	Bergin, Peter
Bouldin, Michael	Bragdon, Peter	Brundige, Robert	Buckley, Raymond

Cardin, Lori	Chabot, Robert	Christensen, D L Chris	Clayton, William
Cote, Peter	Craig, James	Daigle, Robert	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey	Dwyer, Paul
Dyer, Merton	Eaton, Richard	Fields, Dennis	Ford, Nancy
Foster, Linda	Furman, Christine	Gargasz, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Goulet, Maurice	Graham, John
Hall, Betty	Hall, Charles	Jean, Claudette	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	Kurk, Neal
LaRose, Richard	Lasky, Bette	Leach, Edward	Martel, Andre
McDonough-Wallace, Alice	Messier, Irene	Movsesian, Lori	O'Connell, Timothy
Palangas, Eric	Panagopoulos, Nicholas	Pappas, Marc	Patria, Bonnie
Peterson, Andrew	Rowe, Robert	Schulze, Joan	Shaw, Barbara
Spiess, Paul	Sweeney, Cynthia	Thompson, Rob	Wheeler, Robert
White, John	Williams, Carol		

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Colcord, J D	Crosby, Toni	Cummings, Raymond	Daneault, Gabriel
Davis, Frank	Dunne, Christopher	Feuerstein, Martin	Fraser, Leo Jr
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Hess, David	Hutchinson, John	Jacobson, Alf	L'Heureux, Stephen
Langer, Ray	Lockwood, Priscilla	MacKay, James	Maxfield, Roy
Moore, Carol	Owen, Derek	Potter, Frances	Poulin, David
Reardon, Tara	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Swindlehurst, John	Wallner, Mary Jane	Whalley, Michael	Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Carson, Sharon	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	Cox, Russell	Dearborn, Bruce
Downing, Michael	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gilbert, Karl	Giordano, Ronald	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Holland, James Jr	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane

Langone, John	Major, Norman	McGuire, Robert	Micklon, Stephanie
Morse, Charles	Norelli, Terie	Packard, Sherman	Palermo, Diane
Pantelakos, Laura	Pitts, Jacqueline	Rausch, James	Robertson, Carl
Shultis, Elizabeth	Sloan, Stephen	Splaine, James	Stritch, C Donald
Trueman, Raymond	Weatherspoon, Jacquelyne	Welch, David	Whittier, John

STRAFFORD

Berube, Roger	Brennan, William	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Ferland, Paul
Goodwin, Earle	Grassie, Anne	Heon, Richard	Hughes, Christopher
Johnson, Nancy	Kaen, Naida	Knowles, William	Lachance, Douglas
Lent, Donald	Musler, George	Pelletier, Arthur	Pelletier, Marsha
Reid, Christopher	Rollo, Michael	Snyder, Clair	Taylor, Kathleen
Wall, Janet	Woodill, Rodney		

SULLIVAN

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

NAYS 114

BELKNAP

Boyce, Laurie	Lawton, David
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CARROLL

Babson, David Jr	Bradley, Jeb	Kenney, Joseph	Mock, Henry
Patten, Betsey	Sullivan, P Judith		

CHESHIRE

Dexter, Judson	Edwards, Dana	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Weed, Charles		

COOS

Gallus, John	Rozek, Michael	Woodward, David
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GRAFTON

Akins, Ralph	Alger, John	Cobb, John	Dudley, Terri
Gilman, G Michael	Giuda, Robert	Marshall, Gene	Scanlan, David
Sova, Charles	Ward, Brien		

HILLSBOROUGH

Alukonis, David	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Bouchard, David	Bruno, Pierre	Calawa, Leon Jr	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Desrosiers, William	Dionne, Kimberley
Elliott, Larry	Gonzalez, Carlos	Gorman, Mary	Greenberg, Gary
Guinta, Frank	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Loren	Lefebvre, Roland	Leishman, Peter	Lynde, Harold
Martin, Mary Ellen	McHugh, Claire	McRae, Karen	Mercer, Robert
Milligan, Robert	Moran, Edward	Pepino, Leo	Salts, Greg
Sargent, Maxwell	Seibel, Christopher	Souza, Kathleen	Tahir, Saghir
Vaillancourt, Steve	White, Donald		

MERRIMACK

Kennedy, Richard	Leber, William	Soltani, Tony	Winter, Steven
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ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Clark, Vivian	Dalrymple, Janeen	DiFruscia, Anthony
Dodge, Robert	Dowling, Patricia	Fesh, Bob	Gilbert, Jeffrey
Hill, Jonathan	Hutchinson, Karen	Itse, Daniel	Johnson, Rogers
Kelley, Jane	Letourneau, Robert	McKinney, Betsy	Moore, Benjamin
Nowe, Ronald	Power, Lucille	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Reardon, Neil	Saia, Pamela	Sapareto, Frank
Varrell, Thomas	Weyler, Kenneth	Zolla, William	

STRAFFORD

Albert, Russell	Bickford, David	Cossette, Larry	Gilmore, Gary
Harrington, Michael	McCarthy, Gerald	Proulx, Raymond	Tsiros, William
Twombly, James	Woods, Phyllis		

SULLIVAN

Franklin, Peter	Odell, Bob	Phinizy, James	Rodeschin, Beverly
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And the motion was adopted.

Rep. Thompson voted yea and meant to vote nay.

HB 134, permitting challenges to judges. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Tony F. Soltani for the Majority of Judiciary: Presently, there is no requirement that a judge disqualify himself/herself from a case for any reason. The discretion to remain on the case remains with the judge even in the most egregious cases. This bill allows a party to request that a single judge not be assigned to the case. Additionally, the notice must be filed within thirty days of the return date in the initial stage of the legal action. This notice requirement allows more than an adequate opportunity to accommodate a citizen's request through administrative assignment. The judicial system is well capable of accommodating the needs of the people, judges and litigation to ensure that the notion of justice, and the appearance of justice, is well preserved. Vote 9-8.

Rep. Christopher P. Reid for the Minority of Judiciary: Parties to legal actions currently have the right to move to recuse a judge where the judge has a real or apparent conflict of interest. This bill would encourage forum shopping and would create serious administrative burdens and delay justice, especially in the smaller counties, where only one or two judges may be sitting.

Rep. Brewster spoke in favor and yielded to questions.

Rep. Soltani spoke in favor and requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

YEAS 202 NAYS 147

YEAS 202

BELKNAP

Boyce, Laurie	Czech, Stanley	Flanders, Donald	Holbrook, Robert
Lawton, David	Nedeau, Stephen	Russell, David	Thomas, John

Wendelboe, Fran

CARROLL

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

CHESHIRE

Avery, Stephen	Burnham, Daniel	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Roberts, William	Royce, H Charles
Russell, Ronald	Smith, Edwin		

COOS

Davis, Perley	Gallus, John	Horton, Lynn	Pratt, Leighton
Rozek, Michael	Woodward, David		

GRAFTON

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

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Balcom, John	Batula, Peter	Bergeron, Jean-Guy	Bouchard, David
Bouldin, Michael	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Chabot, Robert	Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr
Coughlin, Pamela	Desrosiers, William	Dionne, Kimberley	Drisko, Richard
Elliott, Larry	Fields, Dennis	Furman, Christine	Gargasz, Carolyn
Ginsburg, Ruth	Golding, William	Gonzalez, Carlos	Goulet, Maurice
Hall, Charles	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Loren	Kurk, Neal	LaRose, Richard	Leach, Edward
Lefebvre, Roland	Leishman, Peter	Martel, Andre	Martin, Mary Ellen

McHugh, Claire	McRae, Karen	Mercer, Robert	Messier, Irene
Milligan, Robert	Moran, Edward	Pappas, Marc	Pepino, Leo
Salts, Greg	Sargent, Maxwell	Seibel, Christopher	Souza, Kathleen
Tahir, Saghir	Thompson, Rob	Vaillancourt, Steve	Wheeler, Robert
White, Donald	Williams, Carol		

MERRIMACK

Anderson, Eric	Brewster, Richard	Colcord, J D	Cummings, Raymond
Fraser, Leo Jr	Greco, Vincent	Hager, Elizabeth	Hutchinson, John
Jacobson, Alf	Kennedy, Richard	Langer, Ray	Leber, William
Lockwood, Priscilla	Poulin, David	Seldin, Gloria	Soltani, Tony
Whalley, Michael	Winter, Steven		

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bowles, Raimond
Bridle, Russell	Camm, Kevin	Carson, Sharon	Clark, Vivian
Cooney, Richard	Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce
DiFruscia, Anthony	Dodge, Robert	Dowling, Patricia	Downing, Michael
Fesh, Bob	Flanders, John Sr	Giordano, Ronald	Gleason, John
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hill, Jonathan
Itse, Daniel	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Langone, John	Letourneau, Robert	Major, Norman
McKinney, Betsy	Micklon, Stephanie	Morse, Charles	Nowe, Ronald
Packard, Sherman	Palermo, Diane	Power, Lucille	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Reardon, Neil	Saia, Pamela
Sapareto, Frank	Stritch, C Donald	Trueman, Raymond	Varrell, Thomas
Welch, David	Weyler, Kenneth	Whittier, John	Zolla, William

STRAFFORD

Albert, Russell	Bickford, David	Brennan, William	Cossette, Larry
Ferland, Paul	Gilmore, Gary	Harrington, Michael	Hughes, Christopher
McCarthy, Gerald	Musler, George	Pelletier, Arthur	Pelletier, Marsha
Proulx, Raymond	Tsiros, William	Twombly, James	Woods, Phyllis

SULLIVAN

Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Jones, Constance
Leone, Richard	Odell, Bob	Phinizy, James	Rodeschin, Beverly

NAYS 147

BELKNAP

Dewhirst, Glenn	Johnson, William	Millham, Alida	Pilliod, James
Rice, Thomas Jr	Rosen, Ralph	Salatiello, Thomas	Wood, Jane

CARROLL

Stevens, Stanley

CHESHIRE

Allen, Peter	Batchelder, Robert	DePecol, Benjamin	Dexter, Judson
Espiefs, Peter	Manning, Joseph	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Weed, Charles	Zerba, Roger		

COOS

Bradley, Paula	Guay, Lawrence	Landers, Dana	Mears, Edgar
Rodrigue, Robert	Stohl, Eric	Tholl, John Jr	

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Ham, Bonnie
Nordgren, Sharon	Pawlek, Marion	Sokol, Hilda	Solow, Martha

HILLSBOROUGH

Andosca, Mary	Arnold, Thomas Jr	Baroody, Benjamin	Bellavance, Paul
Bergin, Peter	Bragdon, Peter	Buckley, Raymond	Cardin, Lori
Clayton, William	Cote, Peter	Craig, James	Daigle, Robert
Dokmo, Cynthia	Drabinowicz, A Theresa	Duval, Jeffrey	Dwyer, Paul
Ford, Nancy	Foster, Linda	Goley, Jeffrey	Gorman, Mary

Graham, John	Guinta, Frank	Hall, Betty	Jean, Claudette
Johnson, Lionel	Kacavas, John	Keye, Harvey	Konys, Christine
Lasky, Bette	Lynde, Harold	McDonough-Wallace, Alice	Movsesian, Lori
Palangas, Eric	Panagopoulos, Nicholas	Patria, Bonnie	Peterson, Andrew
Rowe, Robert	Schulze, Joan	Shaw, Barbara	Spiess, Paul
Sweeney, Cynthia	White, John		

MERRIMACK

Bouchard, Candace	Clarke, Claire	Crosby, Toni	Daneault, Gabriel
Davis, Frank	Dunne, Christopher	Feuerstein, Martin	French, Barbara
Gile, Mary	Hess, David	L'Heureux, Stephen	MacKay, James
Maxfield, Roy	Moore, Carol	Owen, Derek	Potter, Frances
Reardon, Tara	Rodd, Beth	Rush, Deanna	Swindlehurst, John
Yeaton, Charles			

ROCKINGHAM

Blanchard, MaryAnn	Clark, Martha Fuller	Coes, Betsy	Flanagan, Natalie
Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl	Holland, James Jr
Hutchinson, Karen	Johnson, Robert	Kobel, Rudolph	Langley, Jane
McGuire, Robert	Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline
Rausch, James	Robertson, Carl	Shultis, Elizabeth	Sloan, Stephen
Weatherspoon, Jacquelyne			

STRAFFORD

Berube, Roger	Brown, Julie	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Goodwin, Earle	Grassie, Anne
Heon, Richard	Johnson, Nancy	Kaen, Naida	Knowles, William
Lachance, Douglas	Lent, Donald	Reid, Christopher	Rollo, Michael
Snyder, Clair	Taylor, Kathleen	Wall, Janet	Woodill, Rodney

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
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Robb, Amy

and the majority report was adopted.

Ordered to third reading.

HB 256, limiting the liability of law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work. OUGHT TO PASS WITH AMENDMENT

Rep. Peter F. Bergin for Judiciary: This bill was filed to strengthen the limits on liability for law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work. The amendment requires a law enforcement agency using a dog to adopt a written policy on the necessary and appropriate use of a dog. Said written policy shall be available for public inspection at any time. Vote 18-1.

Amendment (0164h)

Amend RSA 508:18-a as inserted by section 1 of the bill by replacing it with the following:

508:18-a Law Enforcement Agencies; Limitation on Liability for Injuries Caused by Dogs Used in Law Enforcement Work.

I. No law enforcement officer or agency shall be held liable for damages resulting from injuries caused by a dog used in law enforcement work provided that:

(a) The officer and the dog have completed training and received certification from a nationally recognized organization required for police work or other law enforcement work;

(b) The injury arises out of law enforcement conduct within the provisions of RSA 627:5, I and II; and

(c) The law enforcement agency using a dog in enforcement work has adopted a written policy on the necessary and appropriate use of a dog for the work enumerated in subparagraphs (a) and (b). Said written policy shall be available for public inspection at any time.

Adopted.

Report adopted and ordered to third reading.

HB 383, making the state courts subject to the right-to-know law. INEXPEDIENT TO LEGISLATE

Rep. Robert H. Rowe for Judiciary: The committee felt that the intent of the bill was good, but it was too vague to accomplish the intent of the sponsor. There are areas of the court system that should be more open to public view. This bill may be flawed in that it could be interpreted as giving the public access to judicial functions such as jury deliberations, judges' deliberative sessions, etc. Vote 12-2.

Adopted.

Rep. DePecol wished to be recorded as having voting against.

HB 199, relative to the collection of property taxes assessed on manufactured housing.
INEXPEDIENT TO LEGISLATE

Rep. William Johnson for Municipal and County Government: Manufactured housing is an essential component of the mix of housing options available in New Hampshire. Both "stick built" homes and manufactured housing are considered real estate for the purpose of taxation. The main difference between "stick built" and manufactured housing is the ownership of the land under the structure. Manufactured housing is organized in three types of locations – individually owned lots, investor-owned parks, and cooperatively owned parks. This bill would shift the responsibility of paying taxes from the property owner to the landowner. During the public hearing, Greenville officials and representatives talked about the burdensome problem posed by owners of manufactured housing who "walked away" from their homes. While the committee recognizes that abandoned manufactured housing presents a problem for certain municipalities, the committee felt that the bill did not specifically address this problem. In addition, the bill would create an adversarial relationship between park owners and housing owners, shift an unfair burden for tax collection on to park owners, and reduce the real estate nature of manufactured housing under existing statutes. Vote 14-2.

Adopted.

Rep. DePecol wished to be recorded as having voted nay.

HB 176-FN-L, relative to the port in the city of Portsmouth, New Hampshire. MAJORITY:
INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Michael J. Rozek for the Majority of Public Works and Highways: The committee studied both the bill and the amendment offered by the sponsor. In dealing with the bill as proposed, the committee was not in support of the transfer of state owned property from the Port Authority to the city of Portsmouth. The committee studied the amendment offered by the sponsor. This amendment would have created another study committee for the Port Authority. There is currently a study committee whose members encompass numerous representatives from the city of Portsmouth. This committee is working closely with the city of Portsmouth on this sensitive issue. Over the past several years numerous studies have been conducted, and the latest study has presented legislation, which our committee will be hearing in the near future. Another study committee would only delay and confuse the issue. If legislation proposed by the study committee under HB 1559, Laws of 2000, Chapter 153:2 is successful, the surrounding area, as well as the city of Portsmouth, would benefit. Our committee did not feel that another study committee is needed at this time. Vote 11-5.

Rep. Elizabeth C. Shultis for the Minority of Public Works and Highways: The New Hampshire Port Authority's Marine Terminal occupies 11 acres of prime property in the city of Portsmouth's "Northern Tier District". Recognizing the problems the Port has had generating activity in the past few years, and the unfavorable audit of the Port Authority, this bill would have transferred the Marine Terminal land to the city of Portsmouth. The minority supported an amendment to change this requirement and establish a committee to study the relationship of the Port to the city.

Amendment (0015h)

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

AN ACT establishing a committee to study the relationship between the city of Portsmouth and the state port authority regarding the use and future of the port in the city of Portsmouth.

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

1 Purpose. The city of Portsmouth recognizes the importance of the state port authority terminal to the economic vitality of the city, region, and state. However, ways to create more local input from the city in the operation of the port terminal would create increased local satisfaction that the vision of the Portsmouth community is being considered and incorporated into the future use of the port terminal. Therefore, this act creates a committee to study the relationship between the city of Portsmouth and the state port authority regarding the use and future of the port terminal.

2 Committee Established. There is established a committee to study the relationship between the city of Portsmouth and the state port authority regarding the use and future of the port in the city of Portsmouth.

3 Membership and Compensation.

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

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

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

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

4 Duties. The committee shall:

I. Examine the structure, organization, goals, and responsibilities of the state port authority.

II. Develop a long-range 20-year vision for the port in the city of Portsmouth that considers quality of life for the city of Portsmouth and environmental protection.

III. Create a way for more local input from the city of Portsmouth in the state port authority's operation and vision as it relates to the port in the city of Portsmouth.

IV. Solicit input from the Portsmouth city manager.

5 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. Three members of the committee shall constitute a quorum.

6 Report. The committee shall report 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.

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

AMENDED ANALYSIS

This bill establishes a committee to study the relationship between the city of Portsmouth and the state port authority regarding the use and future of the port in the city of Portsmouth. The committee shall report its findings by November 1, 2002.

Rep. Shultis spoke against.

Reps. Splaine and Pantelakos spoke against and yielded to questions.

Rep. Leber spoke in favor.

Reps. Morse and Smith spoke in favor and yielded to questions.

Rep. Herman requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

YEAS 229 NAYS 121

YEAS 229

BELKNAP

Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn	Flanders, Donald
Holbrook, Robert	Lawton, David	Millham, Alida	Nedeau, Stephen
Pilliod, James	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Thomas, John	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	Sullivan, P Judith	

CHESHIRE

Avery, Stephen	DePecol, Benjamin	Dexter, Judson	Edwards, Dana
Emerson, Susan	Fairbanks, Chandler	Hunt, John	Manning, Joseph
Meador, David	Roberts, William	Royce, H Charles	Smith, Edwin

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
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Pratt, Leighton
Woodward, David

Rozek, Michael

Stohl, Eric

Tholl, John Jr

GRAFTON

Akins, Ralph
Dudley, Terri
Ham, Bonnie
Sova, Charles

Alger, John
Gabler, William
Lovett, Sid
Teschner, Douglass

Barker, Robert
Gilman, G Michael
Marshall, Gene
Ward, Brien

Cobb, John
Giuda, Robert
Scanlan, David
Williams, Burton

HILLSBOROUGH

Allan, Nelson
Balcom, John
Bouchard, David
Bruno, Pierre
Christiansen, Lars
Dionne, Kimberley
Eaton, Richard
Gargas, Carolyn
Graham, John
Holden, Randolph
LaRose, Richard
McHugh, Claire
Moran, Edward
Peterson, Andrew
Seibel, Christopher
Thompson, Rob

Alukonis, David
Batula, Peter
Bouldin, Michael
Calawa, Leon Jr
Clegg, Robert Jr
Dokmo, Cynthia
Elliott, Larry
Golding, William
Guinta, Frank
Hopper, Gary
Leach, Edward
McRae, Karen
O'Connell, Timothy
Rowe, Robert
Souza, Kathleen
Vaillancourt, Steve

Arnold, Thomas Jr
Bergeron, Jean-Guy
Bragdon, Peter
Chabot, Robert
Coughlin, Pamela
Drisko, Richard
Fields, Dennis
Gonzalez, Carlos
Hall, Charles
Jean, Loren
Leishman, Peter
Mercer, Robert
Pappas, Marc
Salts, Greg
Spiess, Paul
Wheeler, Robert

Artz, Lawrence
Bergin, Peter
Brundige, Robert
Christensen, D L Chris
Desrosiers, William
Dwyer, Paul
Furman, Christine
Goulet, Maurice
Herman, Keith
Kurk, Neal
Martel, Andre
Milligan, Robert
Pepino, Leo
Sargent, Maxwell
Tahir, Saghir
White, Donald

MERRIMACK

Anderson, Eric
Davis, Frank
Hager, Elizabeth
L'Heureux, Stephen
MacKay, James
Swindlehurst, John

Brewster, Richard
Dunne, Christopher
Hess, David
Langer, Ray
Maxfield, Roy
Whalley, Michael

Colcord, J D
Feuerstein, Martin
Hutchinson, John
Leber, William
Poulin, David
Winter, Steven

Cummings, Raymond
Fraser, Leo Jr
Jacobson, Alf
Lockwood, Priscilla
Soltani, Tony

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Carson, Sharon	Clark, Vivian	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dodge, Robert	Dowling, Patricia	Downing, Michael	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
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Major, Norman	McGuire, Robert	McKinney, Betsy
Micklon, Stephanie	Moore, Benjamin	Morse, Charles	Nowe, Ronald
Packard, Sherman	Palermo, Diane	Power, Lucille	Putnam, Ed II
Rausch, James	Reardon, Neil	Saia, Pamela	Sapareto, Frank
Sloan, Stephen	Stritch, C Donald	Varrell, Thomas	Welch, David
Weyler, Kenneth	Whittier, John	Zolla, William	

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Brown, Julie
Cossette, Larry	Dunlap, Patricia	Harrington, Michael	Hughes, Christopher
Knowles, William	Lachance, Douglas	McCarthy, Gerald	Musler, George
Reid, Christopher	Tsiros, William	Twombly, James	Woods, Phyllis

SULLIVAN

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

NAYS 121

BELKNAP

Johnson, William	Salatiello, Thomas	Wood, Jane
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CARROLL

None

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espiefs, Peter
McGuirk, Paul	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Russell, Ronald	Weed, Charles	Zerba, Roger

COOS

Bradley, Paula	Landers, Dana	Mears, Edgar	Rodrigue, Robert
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GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Nordgren, Sharon
Pawlek, Marion	Sokol, Hilda	Solow, Martha	

HILLSBOROUGH

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Buckley, Raymond
Cardin, Lori	Clayton, William	Cote, Peter	Craig, James
Daigle, Robert	Drabinowicz, A Theresa	Duval, Jeffrey	Foster, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Hall, Betty
Jean, Claudette	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	Lasky, Bette	Lefebvre, Roland	Lynde, Harold
Martin, Mary Ellen	McDonough-Wallace, Alice	Messier, Irene	Movsesian, Lori
Palangas, Eric	Panagopoulos, Nicholas	Patria, Bonnie	Schulze, Joan
Shaw, Barbara	Sweeney, Cynthia	White, John	Williams, Carol

MERRIMACK

Bouchard, Candace	Clarke, Claire	Crosby, Toni	Daneault, Gabriel
French, Barbara	Gile, Mary	Greco, Vincent	Moore, Carol
Owen, Derek	Potter, Frances	Reardon, Tara	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane	Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Clark, Martha Fuller	Coes, Betsy
Hutchinson, Karen	Kelley, Jane	Norelli, Terie	Pantelakos, Laura
Pitts, Jacqueline	Quandt, Marshall	Quandt, Matthew	Robertson, Carl
Shultis, Elizabeth	Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne

STRAFFORD

Brennan, William	Callaghan, Frank	DeChane, Marlene	Estabrook, Iris
Ferland, Paul	Gilmore, Gary	Grassie, Anne	Heon, Richard
Johnson, Nancy	Kaen, Naida	Lent, Donald	Pelletier, Arthur
Pelletier, Marsha	Proulx, Raymond	Rollo, Michael	Snyder, Clair
Taylor, Kathleen	Wall, Janet	Woodill, Rodney	

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Phinizy, James	Robb, Amy

and the majority report was adopted.

HB 303-FN-A-L, relative to funding of training and certification of fire fighters and emergency medical service providers programs in the department of safety, extending certain motor vehicle license expiration dates, and increasing certain motor vehicle license fees. OUGHT TO PASS WITH AMENDMENT

Rep. Richard E. Kennedy for Criminal Justice and Public Safety: The purpose of this bill is to establish a non-lapsing, dedicated, funding source for the training and certification of firefighters and emergency medical service (EMS) providers in the state of New Hampshire. We recognize the important roles that fire and EMS responders play in the maintenance of the health and safety of our citizens and visitors to New Hampshire. We are also aware of the ever-increasing requirements placed upon emergency response personnel for enhancing their training in the use of sophisticated fire-fighting and life-saving technologies, which are essential to the health and safety of all citizens. On a daily basis, firefighters and emergency medical service providers respond to and extinguish residential, commercial and industrial fires; extricate victims; provide basic and advanced life support and medical care; investigate the causes of fires; and respond to motor vehicle crashes, car fires, hazardous materials spills, and other medical emergencies on the state's roadway system. Firefighter and EMS professionals are present throughout the state, and it is the responsibility of the divisions of fire standards and training and EMS to provide these professions with training programs and certification services at a regional level. It is estimated local communities may pay up to 25% of the costs associated with the training programs. Currently, the communities may pay 100% of the costs. The commissioner will have the authority to waive fees for tuition, services and licenses, for good cause shown. The drivers license fee will increase from \$32 to \$50 under the provisions of this bill and the term of the license will increase from four years to five years. The increase will go to the highway fund. Funding for the firefighter academy has not been sufficient to allow outreach programs to bring training and certification classes to the regional departments as

had been promised when the academy was first established. The direct funding of the academy will come from depositing the \$7 fee for motor vehicle records paid by insurance carriers into the fire standards and training and emergency medical services fund established in RSA 21-P:12-d. Vote 16-0.

Amendment (0058h)

Amend the bill by inserting after section 5 the following and renumbering the original section 6 - 14 to read as 7 – 15, respectively:

6 Administration of Motor Vehicle Laws; Records and Certification; Copy Fees Deposited in Fire Standards and Training and Emergency Medical Services Fund. Amend RSA 260:14, XIII to read as follows:

XIII. Notwithstanding the provisions of RSA 91-A, the department may charge reasonable fees for the release of information under this section. In determining a reasonable fee, the department shall consider factors such as labor and production costs, as well as the market value of the information. ***All such fees shall be deposited in the fire standards and training and emergency medical services fund established in RSA 21-P:12-d.***

Adopted.

Rep. McRae spoke against.

Rep. Welch spoke in favor and yielded to questions..

Report adopted and referred to Ways and Means.

HB 326-FN-A, relative to the continuation of the New Hampshire task force on deafness and hearing loss and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: HB 326-FN-A will extend the task force on deafness and hearing loss established in 2000 so it can complete work on behalf of the needs of the deaf and hard of hearing. The task force would remain in effect until November 1, 2001 when a report and recommendations will be submitted to the Speaker of the House and the President of the Senate. In addition, the task force membership was increased to include state department representation (Attorney General, Dept. of Corrections, Dept. of Safety, and Commissioner on Disability), as well as, Granite State Independent Living and Northeast Deaf and Hard of Hearing Services, Inc. \$10.00 is appropriated to support the designated non-profit organization being developed to enhance interpreter referral and related services. Vote 12-0.

Amendment (0159h)

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

1 Purpose. The New Hampshire task force on deafness and hearing loss, established in 2000, 234, determined that the needs of the deaf and hard of hearing community are complex and will require sustained effort to address, including ongoing support for effective interpreter referral services. The task force also determined that access to qualified interpreters in executive, legislative, and judicial proceedings is a significant concern in the administration of justice and the execution of other critical government functions. The task force has not had the opportunity to include several

key state agencies in its discussions of those issues. The task force has identified additional steps that should be taken over the next year to ensure that the work it has begun will continue. It is the intent of the general court that each state department make use of interpreters, utilizing interpreter referral services through Northeast Deaf and Hard of Hearing Services, Inc. or other qualified deaf and hard of hearing consumer governed organizations, to facilitate the scheduling of appropriately qualified interpreters for citizens who are deaf or hard of hearing.

2 New Subparagraphs; Task Force Established; Membership Enlarged. Amend 2000, 234:2, I by inserting after subparagraph (l) the following new subparagraphs:

- (m) The attorney general, or designee.
- (n) The commissioner of the department of safety, or designee.
- (o) The commissioner of the department of corrections, or designee.
- (p) The executive director of Granite State Independent Living, or designee.
- (q) The executive director of the governor's commission on disability.
- (r) The executive director of Northeast Deaf and Hard of Hearing Services, Inc.
- (s) Any other appropriate person designated by the task force.

3 New Paragraphs; Task Force Duties Expanded. Amend 2000, 234:4 by inserting after paragraph V the following new paragraphs:

VI. Advise and support the enhancement of interpreter referral and related services offered to state agencies, businesses, and other entities that interact with citizens who are deaf and hard of hearing through Northeast Deaf and Hard of Hearing Services, Inc. or other qualified deaf and hard of hearing consumer governed organizations.

VII. Consider how Northeast Deaf and Hard of Hearing Services, Inc., or other qualified deaf and hard of hearing consumer governed organizations can assist state agencies, particularly those involved in the administration of justice, to fulfill their obligations to individuals who are deaf or hard of hearing, consistent with state and federal law.

VIII. Encourage all state departments to utilize the interpreter referral services made available through Northeast Deaf and Hard of Hearing Services, Inc. or other qualified deaf and hard of hearing consumer governed organizations.

4 New Section; Extension of Task Force; Final Report. Amend 2000, 234 by inserting after section 5 the following new section:

234:5-a Extension of Task Force; Final Report. The task force shall remain in effect until November 1, 2001, and its members shall continue to serve until November 1, 2001. The task force shall submit its final report and recommendations, including proposals for legislation, to the governor and council, the speaker of the house, and the president of the senate on or before November 1, 2001.

5 Appropriation. To foster the stability and effectiveness of the newly established Northeast Deaf and Hard of Hearing Services, Inc., or other qualified deaf and hard of hearing consumer governed organizations, an appropriation in the amount of \$10 is made for each year of the biennium to the governor's commission on disability for the purpose of supporting the designated non-profit organization's development and to assist it in securing contracts, private and public grants, and other funding sources for the organization's continued operation.

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

Adopted.

Rep. Millham yielded to questions.

Report adopted and ordered to third reading.

HB 434, relative to persons who die in nursing homes. INEXPEDIENT TO LEGISLATE

Rep. Phyllis M. Katsakiores for Health, Human Services and Elderly Affairs: The committee strongly felt that circumstances surrounding the death of a person in a nursing home is best left up to the nursing home and its staff, who are trained to handle these situations. The committee also recognizes that the family, surviving residents and facility staff need an opportunity to say good-bye and should not be denied their need and right to grieve. Removing a recently deceased nursing home resident should be treated with dignity and respect. Implementation of this bill would seriously compromise the situation. With all due respect to the sponsors, testimony heard by the committee does not support the need for this legislation. Vote 17-0.

Rep. Brennan spoke against.

Rep. Micklon spoke in favor.

Rep. Phyllis Katsakiores spoke in favor and yielded to questions.

Adopted.

HB 173-FN, relative to the place and time of detention. INEXPEDIENT TO LEGISLATE

Rep. Larry G. Elliott for Judiciary: The majority of the committee found that the elimination of Saturday arraignments would disproportionately impact indigent defendants. This would be a poor policy for the state to enter into because of its potential effects. The bill also could have an economic impact on individuals who work weekends and were unable to afford bail. Vote 11-5.

Adopted.

HB 214-FN, requiring transcription of grand jury proceedings. INEXPEDIENT TO LEGISLATE

Rep. Thomas Rice, Jr. for Judiciary: Many committee members sympathized with and supported the concept of this bill – that any person secretly indicted by a grand jury should have a transcript in order to defend oneself. However, the compelling objections to this proposition were: (1) destroying the secrecy of the inquiry could inhibit a thorough and conclusive investigation, including jeopardizing the anonymity of witnesses; and (2) the additional cost to the counties for transcriptions was considered a definite violation of Article 28-a. Vote 18-1.

Rep. Mock yielded to questions.

Rep. DiFruscia moved RE-COMMIT TO COMMITTEE, spoke in favor and yielded to questions.

Rep. Mock spoke against.

Without objection, Rep. DiFruscia withdrew the motion.

The committee report was adopted.

HB 320-FN, relative to leasing certain portions of railroad properties. OUGHT TO PASS

Rep. John W. Flanders for Transportation: The committee felt that this bill was necessary and it has wide support. The Department of Transportation supported it. This income from such leases will be deposited into the special railroad fund, which is used for rail upkeep. Vote 11-0.

Rep. John Flanders yielded to questions.

Adopted and referred to Ways and Means.

Rep. Leishman filed a Conflict of Interest and did not participate.

senate message

concurrence

HB 763-L, relative to obligations of county governments.

enrolled bill report

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill 763-L.

Rep. Ronald J. Nowe, Sen. Pignatelli for the Committee.

suspension of rules

Reps. Scanlan and Burling moved that the Rules be so far suspended as to permit the deadline date for introduction of House Bills be extended until March 8, 2001.

Adopted by the necessary two-thirds.

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, March 8, 2001.

Adopted.

LATE SESSION

Third reading and final passage

HB 120, relative to the membership of the department of youth development advisory board.

HB 265, prohibiting the sale of rolling papers to minors.

HB 237, relative to filling a vacancy in an alumni trustee position on the board of trustees of the university system.

HB 124, establishing a committee to study on-line voting and electronic voting.

HB 245, relative to the duties and staff of the state geologist.

HB 371, relative to fiscal impact statements for proposed administrative rules prepared by the legislative budget assistant.

HB 236, relative to the registration of deer.

HB 389, establishing a committee to study the nursing home industry in New Hampshire.

HB 157, clarifying the immunity from liability of persons providing emergency care.

HB 203, allowing a psychiatric/mental health nurse practitioner employed under contract with the department of corrections to be indemnified and defended by the state under the same conditions as psychiatrists.

HB 215, relative to publication of status of cases before the supreme court.

HB 194, relative to municipal budget hearings, recommendations, and reports.

HB 263, naming a sidewalk in Wolfeboro the Kenneth J. MacDonald Memorial Sidewalk.

HB 260, establishing a commission to examine child care resources for parents who work hours other than first shift.

HB 273, relative to the purpose of state jurisdiction of fish and game regulation.

HB 134, permitting challenges to judges.

HB 256, limiting the liability of law enforcement agencies and their employees for injuries caused by dogs used in law enforcement work

HB 326-FN-A, relative to the continuation of the New Hampshire task force on deafness and hearing loss and making an appropriation therefor.

personal privilege

Rep. Carlos Gonzales addressed the House.

unanimous consent

Reps. Betty Hall, Donald White and DiFruscia addressed the House.

RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purposes of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 1:45 p.m.

RECESS