

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.

March 8, 2001

No. 23

HOUSE JOURNAL No. 7 (cont.)

Thursday, February 22, 2001

RECESS

(Rep. Wendelboe in the Chair)

RESOLUTION

Rep. Kurk offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 25, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE

First, second reading and referral

HB 25-FN-A, making appropriations for capital improvements. (E. Smith, Ches 6: Public Works and Highways)

RECESS

(Rep. Hess in the Chair)

RESOLUTION

Rep. Tholl offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 764 and 765 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 764-FN, relative to interference with custody. (Burnham, Ches 8; Avery, Ches 8: Criminal Justice and Public Safety)

HB 765-FN-A, establishing an historic homeownership mortgage credit program. (M. Fuller Clark, Rock 36; Melcher, Hills 11; Musler, Straf 6; Robb, Sull 11; D'Allesandro, Dist 20; Below, Dist 5; Disnard, Dist 8; Hollingworth, Dist 23: Commerce)

Rep. Scanlan moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 8

Thursday, March 8, 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. Blessed Creator and guardian of all, we give You thanks today for all the men and women of our beloved New Hampshire who answer the emergency call to duty as fire fighters, EMTs or rescue squad members.

Today we acknowledge, especially, Your servant, Leslie Townes. When the emergency tone is sounded, please be with all who respond in love and skill to bring Your compassion into difficult and often tragic circumstances; give them a calm spirit in the knowledge that You stand with them as they serve others; and when the final tone is sounded and they respond to their heavenly home, receive them into larger life where there is no pain or grief, and may they hear Your words, "Well done my good and faithful servant, inherit the Kingdom prepared for you." By the grace of God, we pray. Amen.

Rep. Robert F. Chabot led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. David Cote, Ford, Henderson, Tate and Whittemore, the day, illness.

Reps. Paula Bradley, Bouldin, Cardin, Cox, Crosby, DePecol, Dodge, Drisko, Duval, Flanagan, Flint, Grassie, Heon, Hill, Itse, O'Connell, O'Keefe, Marsha Pelletier, Robertson and Solow, the day, important business.

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

INTRODUCTION OF GUESTS

Charlie True, Shirley Bear, Alice Stevens, Daniel King, Bob Flying Eagle, Jimmy Thunderheart and his son Christopher, Kirk Maracle, Peter Newell, Linda and Don Newell, guests of Rep. Kenney.

Kerry Marsh, guest of Reps. Edwin Smith, Fairbanks and Edwards. Kristina Gerdt, guest of Rep. Boyce. Sean VanderVliet, guest of Reps. Burling and Scovner. Mrs. Janiak's 4th grade class from Reed Ferry School, guests of the Merrimack Delegation. Victoria and Malya Robinson, daughter and granddaughter of Rep. Schultz. Belmont, Hillsborough-Deering and Moultonborough Best Schools Initiative teams, guest of Reps. Patten and Thomas.

house resolution no. 9

Memorializing State Representative Bernard J. Lambert of West Swanzey

WHEREAS, it is with great sorrow that we have learned of the death of our colleague Bernard J. Lambert of West Swanzey, known to his friends as "Mickey"; and

WHEREAS, as a first term representative from Cheshire County District #11, Bernard J. Lambert served with great pride and enthusiasm on the Fish and Game Committee; and

WHEREAS, having been born in West Swanzey and spent his entire life there, he served his community as a Swanzey selectman, deputy Civil Defense director, deputy Fire Chief, and as a member of the West Swanzey Fire Department for almost forty years; and

WHEREAS, being a sports enthusiast, he was a member and past president of the governing board for the West Swanzey Athletic Association, a regular attendee at ball games at local fields and a fan of the Keene Swamp Bats baseball team; and

WHEREAS, those who knew him well say that for at least forty-eight years he annually planned well in advance to attend the Bradford, Vermont Game Supper, was in regular attendance at church suppers in Cheshire County, and diligently patrolled the restaurants on Route 10 from Winchester to Keene; and

WHEREAS, he had a knack for making people happy, whether by taking children to the fair or circus or by noticing little details like a need for picnic tables to make an area of town more enjoyable ; and

WHEREAS, when he laughed, his eyes closed like he really enjoyed the laughter; now, therefore, be it

RESOLVED, by the House of Representatives in Regular Session convened, that Bernard J. Lambert be saluted for his outstanding and dedicated service to his community and his state, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family and all who loved him, and that a copy of this Resolution be prepared for presentation to them.

Unanimously adopted by a rising vote.

Rep. Herman moved that remarks made by Rep. Burling be printed in the journal.

Adopted.

Rep. Burling addressed the House.

I wanted to take just a minute, not even that, to recognize the miracle of this man's life. You know, we are so many and so many of us don't get a chance to meet each other until four or five terms into this process, that sometimes we lose folks without ever knowing how really exceptional they were. Mickey was such a man and I didn't get to know that until this campaign season; until I had a chance to meet him; until I had a chance to attend his calling hours. It is incredible to me that the state of New Hampshire can continue to come up with such wonderful folks. Such dedicated public servants. People who will give so much of themselves. I'm sure every one of you has been in a similar circumstance but I wanted to share with you the notion that, standing in back of the calling hours watching as friends from Swanzey and Keene moved through, I listened to the stories people told about Mickey; and every one of them was characterized by a sense of marvel at the generosity of the man, the humor of the man, and the incredible fortitude with which he addressed everything that came before him. Thank you for listening. I just wanted to say one last time to the people of Swanzey, "Thank you for sharing, for just a moment, the exceptional man, Mickey Lambert".

COMMUNICATION

February 28, 2001

Gene G. Chandler, Speaker

Dear Mr. Speaker,

I, Roland O. Beaupre of 142 Brock Street, Manchester, NH, 03102, with much regret do submit my resignation from the New Hampshire General Court, House of Representatives, effective immediately. I was formally living at 2904 Brown Avenue, Manchester, NH 03103, Hillsborough County, District 44 which is in Ward 8.

Having been in the House for more than 8 years, I enjoyed my participation very much. Hopefully, I will be able to pursue this again in the near future.

Respectfully, Roland O. Beaupre, Hills. 44

The Speaker accepted the resignation with regret.

SUSPENSION OF RULES

Reps. Scanlan and Burling moved that rules be so far suspended so that March 15, 2001 shall be the deadline for reporting House FN bills referred to a second committee and to permit late reporting and action by April 19, 2001 on the following House Bills:

HB 336-FN-A, making capital appropriations to the university system of New Hampshire.

HB 604-FN, relative to increasing certain fees and making other changes to fish and game licenses.

HB 642-FN-L, abolishing county departments of corrections and authorizing the department of corrections to contract with the counties to utilize former county correctional facilities as state facilities.

HB 743, transfers the department of youth development services to the department of health and human services.

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.

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.

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.

HB 765-FN-A, establishing an historic homeownership mortgage credit program.

Reps. Herman and Burling spoke in favor.

Adopted by the necessary two-thirds.

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.

HR 6, recognizing the ancient and aboriginal claim of Indians in the state to hunt and fish, removed by Rep. Kenney.

HJR 2, directing the department of transportation not to proceed with construction of a new visitor's center at the Intervale scenic vista in North Conway without approval of the Conway design review committee and the Conway board of selectmen, removed by Rep. Dickinson.

HB 583, making certain changes to the underground utility damage prevention system, removed by Rep. Thomas.

HB 184-FN-A, establishing a 3 percent sales and use tax for the purpose of funding public education, removed by Rep. Benjamin Moore.

HB 297-FN-L, eliminating excess education property tax payments, removed by Rep. Pepino.

Consent Calendar adopted.

HB 407, establishing a committee to study the fair pricing of prescription drugs. **INEXPEDIENT TO LEGISLATE**

Rep. Kathleen N. Taylor for Commerce: This bill would create a study committee on a subject that is already being studied. There is also a Northeast Interstate Commission on Prescription Drug Prices that is working on this issue with representatives of all the New England states including New Hampshire. The sponsor has been encouraged to submit legislation to accomplish his intent, rather than for another study committee. Vote 15-0.

HB 180-FN, relative to criminal neglect of elderly, disabled, or impaired adults. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: This bill addresses the issue of criminal neglect of the elderly by a caregiver. This bill makes it a class B felony for a caregiver to knowingly or recklessly cause serious bodily injury by neglect of an elderly, disabled or impaired adult. Neglect is specifically defined as repeated conduct or a single incident which produces or could reasonably be expected to result in serious bodily injury. The committee heard of a horrifying case of neglect in Manchester, for which the authorities were in a quandary about what charges to bring forth. This bill is intended for those most serious and egregious cases of neglect. It also includes a provision to protect a person's right to self-determination or right to refuse treatment, and also a person's right to spiritual healing even if that conflicts with recommended medical treatment. Vote 14-0.

Amendment (0042h)

Amend RSA 631:8, I (g) as inserted by section 1 of the bill by replacing it with the following:

(g) "Neglect" means the failure or omission on the part of the caregiver to provide the care, supervision, and services necessary to maintain the health of an elderly, disabled, or impaired adult, including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services, that a prudent person would consider necessary for the well-being of an elderly, disabled, or impaired adult. The term "neglect" also means the failure of a caregiver to make a reasonable effort to protect a disabled adult or an elderly person from abuse, neglect, or exploitation

by others. "Neglect" is repeated conduct or a single incident which produces or could reasonably be expected to result in serious bodily injury.

Amend RSA 631:8 as inserted by section 1 of the bill by inserting after paragraph III the following new paragraphs:

IV. Nothing in this section shall be construed to alter or impair a person's right to self-determination or right to refuse medical treatment as described in RSA 151:21 and RSA 151:21-b.

V. Nothing in this section shall be construed to mean a person is abused, neglected, exploited, or in need of protective services for the sole reason that such person relies on or is being furnished treatment by spiritual means alone through prayer, in accordance with the tenets and practices of a church or religious denomination of which such person is a member or an adherent.

Amend the bill by replacing section 2 with the following:

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

HB 308-FN, relative to administrative fees added to restitution payments. **OUGHT TO PASS**

Rep. Patricia M. O'Keefe for Criminal Justice and Public Safety: This bill eliminates a provision of law that would have discontinued the 17 percent administrative fee to the total restitution payment ordered by the court. RSA 651:63, effective 7/1/97, added a seventeen percent (from 2 percent) administration fee to total restitution costs. 15 % of this fee is continually appropriated to the Dept. of Corrections Field Services. Out of the 15% \$22,500 lapses at the end of each quarter to the General Fund if that amount is received. Anything over and above \$22,500 each quarter is kept by the Department of Corrections. The Dept. of Corrections portion of the money has been considered invaluable to the Department and has been used to purchase equipment and to help cover additional probation/parole officer expenses. Vote 15-0.

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

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

HB 343-FN-L, relative to certain individuals taken into protective custody. **INEXPEDIENT TO LEGISLATE**

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: This bill addresses the need to return a person to the town in which they were taken into protective custody. Testimony revealed that numerous times a person is ready to be released but is not able to obtain transportation from the jail possibly resulting in the person being released in a remote area in bad weather. HB 442 being heard in Municipal and County Government proposes a study of the protective custody issue and will more

appropriately address that problem and possible answers. This bill also may create a 28-a problem. Vote 14-0.

HB 356, prohibiting persons convicted of any criminal offense or found guilty of violating any law governing gambling conducted by charitable organizations from participating in the conduct of lucky 7 or sale of lucky 7 tickets. **INEXPEDIENT TO LEGISLATE**

Rep. Robert M. Fesh for Criminal Justice and Public Safety: This bill is intrusive on business and charitable organizations. There appears to be no problem that needs fixing. Vote 14-0.

HB 361, establishing a committee to study certain policies and procedures in the department of corrections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Beth Rodd for Criminal Justice and Public Safety: This bill is a result of recommendations of a study committee that met throughout the spring, summer and fall of last year. In investigating allegations of harassment, misconduct and multiple levels of complaints throughout the Department of Corrections, the committee concluded that a more thorough investigation of the DOC's administrative and personnel issues was warranted. The Commissioner of Corrections is supportive of the bill and has agreed that the DOC will cooperate in the study. This study committee will also consider any recommendations that may be contained in a future performance audit of the Department of Corrections. Vote 15-0.

Amendment (0116h)

Amend the bill by replacing section 5 with the following:

5 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.

HB 437-FN, relative to certain changes to the child pornography statutes. **INEXPEDIENT TO LEGISLATE**

Rep. Patricia M. O'Keefe for Criminal Justice and Public Safety: This bill seeks to make the sale, publication and distribution of certain visual representations of unclothed children a felony. Constitutional issues were raised during the hearing as well as questions regarding the ambiguity and subjectivity of such matters. This bill is well intended but extremely broad in scope. There was testimony from law enforcement at the subcommittee meeting that the current statute is comprehensive and enforceable. The significant changes that this bill would enact could possibly jeopardize the constitutionality of the existing statute. Vote 14-0.

HB 322-FN-L, establishing a maximum per pupil amount for high school tuition contracts. **INEXPEDIENT TO LEGISLATE**

Rep. Charles Sova for Education: This bill would have capped the cost of tuition contracts for out-of-district placements of high school students. The committee felt this would not be fair to the receiving district(s). A school district which capped its tuition costs could find that no receiving district would agree to accept its school children. Vote 17-0.

HB 486, relative to vocational education alternatives for public school pupils. **INEXPEDIENT TO LEGISLATE**

Rep. John R.M. Alger for Education: The committee is reluctant to impose requirements on local schools, which this bill requires, especially since testimony from the Department of Education was that the state already has numerous vocational high schools serving about 25,000 students across the state. Also, the sponsor communicated with the committee chairman and suggested that the issue was important, but that the bill was premature. Vote 17-0.

HB 487, establishing a committee to study safety issues relating to the transportation of kindergarten students. **INEXPEDIENT TO LEGISLATE**

Rep. Iris W. Estabrook for Education: The transportation safety concerns raised in this bill will be incorporated into a wider discussion of school bus issues by a subcommittee of the Transportation Committee. The Education Committee supports this approach. Vote 17-0.

HB 165, relative to the requirement for including constitutional amendments in the warrant posted at the polling place before general elections. **INEXPEDIENT TO LEGISLATE**

Rep. Michael S. Rollo for Election Law: This bill would eliminate the requirement for local election officials to post constitutional amendments prior to state general elections. For many voters this is the first opportunity to see offered amendments that are not highly publicized. The committee believes it is very important to retain this procedure. Therefore, the committee recommends the bill be found Inexpedient to Legislate. Vote 18-0.

HB 188-FN, allowing veterans the right to purchase credit in the retirement system for certain service in the armed forces. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would allow members of the New Hampshire Retirement System to purchase up to 4 years of military service time to add to their creditable service time in the New Hampshire Retirement System. The New Hampshire Retirement System was established to provide employees of the state and political subdivisions with an additional benefit for the years they had worked for their employer. The committee respects the time that many have spent in defense of this country. However, military service is not related to the employment record with the state and should not be counted toward retirement. Vote 12-2.

HB 344-FN, establishing a state office of privacy. **INEXPEDIENT TO LEGISLATE**

Rep. Donald R. Lent for Executive Departments and Administration: In addition to creating a state office of privacy, the bill creates a new individual right of privacy which carries with it an opportunity to bring legal action for damages against the state for violations. This is one of two privacy bills the committee has heard. After two subcommittee meetings for both bills and consultation with various state offices, the subcommittee expects a more lengthy study of HB 314 which may prove to be a better vehicle for crafting privacy policy in the state. Vote 14-0.

HB 385, changing the name, membership and duties of the office of volunteerism. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nelson S. Allen for Executive Departments and Administration: Even though Tennessee has the motto, "Volunteer State," New Hampshire is the number one state in the nation for volunteer participation. The Office of Volunteerism was established in an earlier session of the legislature. This bill changes the name to Volunteer NH and describes the duties and supporting organizational structure. The amendment clarifies that the Governor and Executive Council appoint a 15-member board of directors and an executive director, that volunteers will be recognized for service and

removes the provision that Volunteer NH reports include recommendations for future legislation.
Vote 14-0.

Amendment (0192h)

Amend RSA 19-H:1, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) The following members, appointed by the governor and executive council:

(1) An individual with expertise in the educational, training, and developmental needs of youth, particularly disadvantaged youth.

(2) An individual with experience in promoting the involvement of adults 55 years of age or older in service and volunteerism.

(3) A representative from a community-based agency or community-based organization with volunteer participation.

(4) A representative from local government.

(5) A representative from a local labor organization.

(6) At least one representative from the business community.

(7) An individual between 16 and 25 years of age, inclusive, who is or has been a participant or supervisor in a service program.

(8) A representative of a national service program described in section 122(a) of the National and Community Service Act of 1990, as amended.

(9) A representative from the religious community.

(10) A representative from the philanthropic community.

(11) A representative from post-secondary education.

Amend RSA 19-H:4, I as inserted by section 1 of the bill by replacing it with the following:

I. The board may organize an advisory council and program committees to develop, promote, execute, sustain, and provide education and recognition to volunteer activities and programs in New Hampshire.

Amend RSA 19-H:6 as inserted by section 1 of the bill by replacing it with the following:

19-H:6 Report. The board shall submit an annual report of its activities to the governor and council, the senate president, and the speaker of the house of representatives.

HB 312-FN, increasing the agent fee for fish and game licenses. **INEXPEDIENT TO LEGISLATE**

Rep. Eric Stohl for Fish and Game: The intent of this bill is to increase the agent's fee from one dollar (\$1.00) to two dollars (\$2.00) per license issued. The majority of the committee found that the agent fee of one dollar (\$1.00) per license sold was a sufficient reimbursement for the services rendered by the agent. The license form itself is comprised of 17 different licenses and the agent receives one dollar (\$1.00) for each different license type sold. Vote 15-2.

HB 388, clarifying the rights of patients of nursing facilities in the event of a proposed transfer or discharge from the facility. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert F. Chabot for Health, Human Services and Elderly Affairs: This bill is basically a housekeeping bill in that the change in wording and meaning and intent is for compliance with federal statutes. The amendment was a result of subcommittee work. Vote 15-0.

Amendment (0194h)

Amend the bill by replacing section 3 with the following:

3 Transfer or Discharge of Patients. RSA 151:26 is repealed and reenacted to read as follows:

151:26 Transfer or Discharge of Patients.

I. A facility shall not transfer or discharge a patient except for those reasons listed under RSA 151:21, V.

II. (a) Transfer or discharge of a patient shall in all instances be preceded by written notice which shall contain the following:

(1) The reason for the proposed transfer or discharge;

(2) The effective date of the proposed transfer or discharge;

(3) The location to which the patient is transferred or discharged;

(4) The name, address and telephone number of the long-term care ombudsman, established under RSA 161-F:10, and the designated agency responsible for the protection and advocacy system for a developmentally disabled or mentally ill individual;

(5) A statement which shall read: "You have a right to appeal the facility's decision to transfer or discharge you. If you think you should not have to leave this facility, you may file an appeal in superior or probate court." If the patient is in a skilled nursing facility or nursing facility certified under Title XVIII or Title XIX of the Social Security Act, the statement shall inform the patient of his or her right to request an administrative hearing before the department of health and human services.

Except as specified in paragraph II(b) of this section, written notice of transfer or discharge shall be given at least 30 days before the resident is transferred or discharged. A copy of the notice shall be placed in the patient's clinical record and a copy shall be transmitted to the patient, the patient's next of kin, the patient's personal representative, legal guardian, the long-term ombudsman in the office of the ombudsman established under RSA 161-F:10, the designated agency responsible for the protection and advocacy system for a developmentally disabled or mentally ill individual, and the person or agency responsible for the patient's placement, maintenance, and care in the facility.

(b) Written notice as specified in subparagraph II(a) shall be given as soon as practicable before transfer or discharge in the following circumstances:

(1) If an emergency transfer or discharge is mandated by the patient's health care needs and is in accord with the written orders and medical justification of the patient's physician;

(2) If the transfer or discharge is mandated by the health or safety of other individuals in the facility, as documented in the patient's clinical record upon consultation with the patient's physician;

(3) If the transfer or discharge is requested by the patient or the patient's legal guardian, and notification is given to the next of kin and the person or agency responsible for the patient's placement, maintenance, and care in the facility;

(4) If the patient's health has improved sufficiently so the patient no longer needs the services provided by the facility, as documented in the patient's clinical record by the patient's physician; or

(5) If the patient has resided in the facility for less than 30 days.

(c) The basis for the transfer or discharge shall be documented in the patient's clinical record. The facility shall consult with the patient's physician prior to transferring or discharging the patient for medical reasons or for the patient's welfare or that of other patients. The documentation of the basis for the transfer or discharge shall be made by:

(1) The patient's physician if the transfer or discharge is necessary because the patient's needs cannot be met in the facility;

(2) The patient's physician if the transfer or discharge is appropriate because the patient's health has improved sufficiently so the patient no longer needs the services provided by the facility;

(3) A physician if the health of individuals in the facility would be endangered.

III. Transfer or discharge of a patient of a skilled nursing facility or nursing facility certified under Title XVIII or Title XIX of the Social Security Act shall take into account any additional rights and safeguards prescribed by the commissioner of the department of health and human services and the secretary of the United States Department of Health and Human Services.

IV. Upon notice, a patient may petition the superior or probate court to enjoin the facility's decision to transfer or discharge. This petition shall stay any transfer or discharge pending a decision.

HB 479, relative to dead bodies. OUGHT TO PASS WITH AMENDMENT

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: This bill allows persons to supply their coffins or urns in advance of death. The amendment allows their survivors to do so for them. Vote 17-0.

Amendment (0167h)

Amend the bill by replacing section 1 with the following:

1 New Section; Vessels for Burial or Cremation. Amend RSA 290 by inserting after section 3-b the following new section:

290:3-c Vessels for Burial or Cremation. Notwithstanding any provision of law to the contrary, a person, or the person's authorized representative, may provide a coffin or urn for burial or cremation purposes.

AMENDED ANALYSIS

This bill authorizes any person, or the person's authorized representative, to supply a coffin or urn for interment purposes.

HB 532, establishing a committee to study the adequacy of funding for the continued universal distribution of children's vaccines. **OUGHT TO PASS**

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: The committee has learned that the present funding mechanism (federal, state and private) is in jeopardy. The vaccine program has a significant role to play in our children's health. This bill simply establishes a study committee. Vote 16-0.

HB 357, relative to periodic payments of judgments **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Pratt for Judiciary: This bill requires the court to hold a hearing whenever the conditions of court ordered periodic payments of judgments are to be altered, unless the parties agree otherwise or no objection is filed. Vote 15-0.

Amendment (0218h)

Amend RSA 524:6-a as inserted by section 1 of the bill by replacing it with the following:

524:6-a Periodic Payment of Judgments. Whenever judgment is rendered against any person in this state, the court in which the judgment is rendered shall either at the time of rendition of the judgment inquire of the defendant as to the defendant's ability to pay the judgment in full or, upon petition of the plaintiff after judgment, order the defendant to appear in court for such inquiry. The court may at either time order the defendant to make such periodic payments as the court in its discretion deems appropriate. If the court orders the defendant to make periodic payments at the time of rendition of judgment, the order shall not provide for payments to begin until after the appeal period has expired. Failure to make such periodic payments shall constitute civil contempt of court. The court may order the appropriate agencies to make an investigation and recommendation as to the defendant's ability to pay the judgment. The judgment may be enforced against any property of any kind of the debtor, except such property as is now exempt from attachment or execution. ***If a defendant has not been found to be in contempt of court for noncompliance with an order, the court shall not review, revise, modify, suspend, or revoke the order for periodic payments except after a hearing before the court; unless the parties agree otherwise or no objection is filed.***

AMENDED ANALYSIS

This bill requires a hearing in order for a judge to change an order for periodic payments made against a judgment debtor, unless the parties agree otherwise or no objection is filed.

HB 377, permitting the State of New Hampshire to file petitions with the probate court seeking review of actions by a power of attorney **OUGHT TO PASS**

Rep. Robert H. Rowe for Judiciary: This bill is a name change in the existing statute, changing one of the authorized agencies from "Office of the Ombudsman under RSA 161-F:10" to "Department of Health and Human Services". The change was made at the request of the Department of Health and Human Services and the Office of the Attorney General. No material change in the law has been made. Vote 13-2.

HB 242, extending the reporting deadlines for certain study committees and commissions. **OUGHT TO PASS**

Rep. Maurice E. Goulet for Legislative Administration: This is a consolidated bill to extend the reporting deadlines for the following Study Committees: 1. Priority and Funding of Projects in the 10 Year Highway Plan Study (until November, 2001); 2. Relationship between Public Health and the Environment Study (until November, 2002); 3. Penalties for Driving under the Influence of Liquor or Drugs Study (until November 2001); 4. Land Use Management and Farmland Preservation Study (until November, 2002); and, 5. Women's Health Care Study (until November, 2001). The committee found no reason not to extend the reporting deadlines. Vote 13-0.

HB 244, establishing a commission to examine the size, compensation, and staff requirements of the legislature. **INEXPEDIENT TO LEGISLATE**

Rep. Marsha L. Pelletier for Legislative Administration: The size, compensation, and staff requirements of the legislature are being addressed in other bills separately. The committee felt redistricting should come before evaluating the membership of the House of Representatives. This bill spoke to reducing membership by a committee composed of members other than House Committee Members. The House Rules currently give power to the Speaker for staff requirements. Vote 13-1.

HB 149, naming the rest area at exit 6 on the F.E. Everett Turnpike the "Indian Head Rest Area." **INEXPEDIENT TO LEGISLATE**

Rep. Candace C. W. Bouchard for Public Works and Highways: At this time no Welcome Center (border rest area) or Information Center (interior rest area) is named. The committee understands the historic significance of the "Indian Head" symbol to the city of Nashua, but concurs the purpose of the Welcome/Information Centers are to welcome and inform visitors to the entire state, and best left generic as to not favor one community. There was also conflicting testimony from Nashua citizens as to "Indian Head" being the best name for the rest area at exit 6 on the F.E. Everett Turnpike. Vote 17-2.

HB 254, naming a certain bridge in the town of North Charlestown. **OUGHT TO PASS WITH AMENDMENT**

Rep. John P. Gleason for Public Works and Highways: The committee felt that it is most appropriate to recognize Brigadier General Ernest A. Bixby with the naming of the bridge on route 12A (River Road) over the New England Central Railroad in the town of Charlestown in his memory. Thanks to the General's generous foresight, students in the Charlestown area currently enjoy the benefit of a scholarship fund that he provided. Vote 19-0.

Amendment (0166h)

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

AN ACT naming a certain bridge in the town of Charlestown.

Amend the bill by replacing section 1 with the following:

1 The Brigadier General Ernest A. Bixby Memorial Bridge. Pursuant to RSA 4:43, the bridge located on route 12A also known as River Road, over the New England Central Railroad Bridge number 076/081, in the town of Charlestown is hereby named the Brigadier General Ernest A. Bixby Memorial Bridge in honor of Ernest A. Bixby who retired as a brigadier general in the United States Army, and left a scholarship fund for students in the Charlestown area which is active to this day.

AMENDED ANALYSIS

This bill authorizes the naming of a bridge located on route 12A also known as River Road in the town of Charlestown after Brigadier General Ernest A. Bixby.

HB 321-FN, relative to certain construction projects in Rollinsford. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth C. Shultis for Public Works and Highways: This bill requires the Department of Transportation to perform certain construction projects including the installation of a flashing yellow light before a fire station, and a sidewalk to replace a cinder path that has been removed. The committee agreed that the procedure for installing a traffic light should begin in the municipality that may have the need. Since sidewalk projects may be eligible for Federal Highway Enhancement funds, the committee recommended that this request go to the Regional Planning Commission for inclusion in 10-Year Plan requests. Vote 19-0.

HB 421, establishing a committee to study the procedure for sale of lands purchased with state funds. **INEXPEDIENT TO LEGISLATE**

Rep. Candace C. W. Bouchard for Public Works and Highways: The intent of the sponsor was not clear as to which lands or departments involved with land purchase proposed this committee should study. Our committee heard no testimony that the existing procedure for land purchase, as defined in RSA 4:40, was not working. Parcels being considered for sale are brought before the Council of Resources and Development for review. The review process includes sharing information about the parcel with the community, the county and the Regional Planning Commission in which the land is located. Vote 16-0.

HB 561-FN-A, abolishing tolls along state highways and increasing the gasoline tax. **INEXPEDIENT TO LEGISLATE**

Rep. Michael J. Rozek for Public Works and Highways: The committee found that state revenues needed to repay highway bonds would not be satisfied with a 2-cent increase in the state gasoline tax. A 2-cent increase would yield approximately \$13 million annually in revenue. The New Hampshire Highway Toll System currently collects approximately \$60 million annually. \$370 million is currently outstanding in highway bonds. The committee is waiting for the Wilbur-Smith study to be completed prior to any major changes to the NH Highway Toll System. Vote 19-0.

HB 367-L, relative to the establishment of a town forest in the town of Randolph. **OUGHT TO PASS**

Rep. Stanley E. Czech for Resources, Recreation and Development: This bill enables the town of Randolph to assign the management of the town forest to a management body as the town may establish. The bill also allows the town to establish a revolving fund for the management team, as outlined in the bill, to receive income from the forest and to deposit grants and gifts to be used in maintenance of the forest without having to wait for annual town meeting approval. An annual report to the town on this fund will be required. Vote 16-0.

HB 410, relative to the designation of a portion of the Merrimack river. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Cooney for Resources, Recreation and Development: By repealing the designation of the lower Merrimack River as a "Community River," this bill would effectively remove this river section from the Rivers Management and Protection Program (RMPP) (RSA 483). The intent of the proponents of this bill is to make this river section not subject to in-stream flow rules, now in preparation. The committee feels that the concerns with the potential in-stream flow rules are being addressed by HB 414 and HB 440, as well as by a study committee presently active. The removal of this river section from the RMPP has not been discussed with all the communities and associations that would be affected by this action. In fact, this bill would reverse the efforts of the many communities and individuals who worked to add this river section to the RMPP in 1990. Vote 16-0.

HB 480, relative to the divisions within the department of resources and economic development. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Lawton for Resources, Recreation and Development: This legislation is the recommendation of a statutory study committee established by the 1999 legislative session. Passage of this bill will simply clarify the purpose and function of the Department of Resources and Economic Development (DRED). Specifically, the new language emphasizes the fact that each of the four divisions of DRED should be treated as integral parts of the functioning of the whole department. Vote 16-0.

Amendment (0232h)

Amend the bill by replacing section 1 with the following:

1 Department of Resources and Economic Development; Role of Divisions Within the Department. Amend RSA 12-A:1 to read as follows:

12-A:1 Establishment. There shall be a department of resources and economic development under the executive direction of a commissioner of resources and economic development, consisting of a division of forests and lands, a division of economic development which shall include but not be limited to subdivisions of development and promotion, a division of travel and tourism development, and a division of parks and recreation. ***Its purpose shall be to ensure the efficient coordinated function of the 4 divisions, whereby the interests of economic development, protection and responsible management of natural resources, public enjoyment of state parks and forests, and promotion of travel and tourism development are each held to be of integral importance in the overall functioning of the department.***

AMENDED ANALYSIS

This bill describes the coordination of interests in economic development, protection of natural resources, public enjoyment of state parks and forests, and promotion of travel and tourism within the department of resources and economic development.

HB 612, relative to expenditures from the dam maintenance fund by the department of environmental services. **OUGHT TO PASS**

Rep. Pierre W. Bruno for Resources, Recreation and Development: The intent of this bill is to allow the Department of Environmental Services to use money from the dam maintenance fund for certain expenditures associated with repair and reconstruction of state-owned dams and property contiguous to those dams. The passage of this measure would recognize that the safe operation of a dam involves not only the dam itself, but, also the contiguous property. In addition to dam safety, HB 612 shows that the General Court recognizes that maintenance of state-owned dam sites is an integral component of the preservation of our New Hampshire heritage and character. Vote 16-0.

Referred to Finance.

HJR 3, encouraging the preservation of the system of locks on the Merrimack River. **OUGHT TO PASS**

Rep. Pierre W. Bruno for Resources, Recreation and Development: Passage of HJR 3, encouraging the preservation of the system of locks on the Merrimack River, is a measure that demonstrates the General Court's recognition that preservation of historic structures is integral to the cultural heritage of New Hampshire. HJR 3 does not involve any expenditure. Vote 16-0.

HB 374, establishing a committee to study the assessment of surcharges on pay telephone use. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jacqueline A. Pitts for Science, Technology and Energy: The committee recognized that surcharges on pay telephones and proper notification of such charges is of concern to many people in the state. This bill, as amended, adds the study of these charges and all applicable regulations to the duties of the existing Telecommunication Oversight Committee. Vote 16-0.

Amendment (0199h)

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

AN ACT relative to surcharges on pay telephone use.

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

1 New Paragraph; Duties of the Oversight Committee on Telecommunications. Amend RSA 374:22-j by inserting after paragraph XV the following new paragraph:

XVI. Examining the assessment of surcharges on pay telephone use.

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

AMENDED ANALYSIS

This bill adds examining the assessment of surcharges on pay telephone use to the duties of the oversight committee on telecommunications.

HB 403, relative to the effective date of special contracts for telephone utilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill modifies the filing requirements for special telephone services contracts. The Public Utilities Commission (PUC) and regulated telephone companies agreed that the expedited approval process provided by this legislation would benefit competition in the communications industry. The bill also provides for increased oversight by the PUC. Vote 15-0.

Amendment (0202h)

Amend the bill by replacing section 1 with the following:

1 Special Contracts for Telephone Utilities; Effective Date. Amend RSA 378:18-b to read as follows:

378:18-b Special Contracts; Telephone Utilities.

I. In this section:

(a) "Toll service" means switched telephone calls to locations outside of the local service area of the caller, as defined in the serving telephone utility's tariffs on file with the commission.

(b) "Incumbent local exchange carrier" means a local exchange carrier authorized to do business in the state prior to the passage of the federal Telecommunications Act of 1996.

II.(a) Except as provided in RSA 378:18-b, III, any special contracts for [telephone utilities] incumbent local exchange carriers providing telephone services shall be filed with the commission and shall become effective 30 days after filing, provided the rates are set not less than:

[H-] (1) The incremental cost of the relevant service; or

[H-] (2) Where the telephone utility's competitors must purchase access from the telephone utility to offer a competing service, the price of the lowest cost form of access that competitors could purchase to compete for customers with comparable volumes of usage, plus the incremental cost of related overhead.

(b) The commission may, in its discretion and with reasonable explanation, extend the effective date of the special contract by 30 days.

III. Notwithstanding any other law to the contrary, special contracts for toll service provided by incumbent local exchange carriers need not be filed with the commission for its approval in order for the special contract to take effect. Copies of such special contracts shall be filed with the commission within 7 business days after the special contract's effective date. The commission may investigate a special contract for toll

service to determine whether the rates are consistent with the cost considerations of this section. If the special contract for toll service is not consistent with the cost considerations of this section, the parties shall either cancel the special contract or agree to revise the rate.

AMENDED ANALYSIS

This bill modifies the filing requirements for special contracts for telephone services and the authority of the public utilities commission to review such contracts.

HB 613, establishing a task force relative to fuels. **INEXPEDIENT TO LEGISLATE**

Rep. Roy D. Maxfield for Science, Technology and Energy: The sponsor intends to achieve the goals of this legislation through other channels including the National Council of State Legislatures and the Council of State Governments. Vote 15-0.

HB 397, establishing a committee to study the status of veterans in New Hampshire. **OUGHT TO PASS**

Rep. Greg A. Salts for State-Federal Relations and Veterans Affairs: This committee strongly agrees that we should establish a committee to study various issues related to veterans living in New Hampshire. With 67 different veterans organizations registered in this state, we feel that the value of a committee to aggregate resources and ideas would be of immense value to the veterans of New Hampshire. Vote 15-0.

HCR 5, urging the federal government to consider the impacts on New Hampshire and the smaller states of interstate waste legislation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Frank C. Guinta for State-Federal Relations and Veterans Affairs: This bill, as amended, urges the federal government to consider the impacts on New Hampshire and other small states of interstate waste legislation and also would support legislation which creates incentives for each state to plan for processing and disposal of its municipal solid waste within its own borders. Official year 2000 data is not scheduled to be finalized by New Hampshire Department of Environmental Services until March 31st at which time the data is expected to reflect the decreases in waste imports. The committee agrees that this new information should be provided to the Senate at that time. The committee unanimously supports this resolution. Vote 16-0.

Amendment (0186h)

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

That New Hampshire's congressional delegation and the federal government are strongly urged to consider the impacts on and the needs of the smaller states, such as New Hampshire, when dealing with interstate waste legislation; and

Amend the resolution by deleting the third paragraph after the resolving clause.

AMENDED ANALYSIS

This house concurrent resolution urges the federal government and New Hampshire's congressional delegation to:

I. Consider the impacts on and the needs of the smaller states when dealing with interstate waste legislation.

II. Propose and support legislation which creates incentives for each state to plan for processing and disposal of its municipal solid waste within its own borders.

HCR 7, urging the federal government to allow a deduction for personal credit card interest from the federal income tax. **OUGHT TO PASS**

Rep. Pamela Saia for State-Federal Relations and Veterans Affairs: Prior to the Tax Reform Act of 1986, personal credit card interest was fully deductible on an individual's federal income tax return. The deduction was phased out over a period of 5 years and then eliminated by this Act. The reason for the deduction elimination was to raise revenue for the federal government. Since our federal government is currently dealing with a surplus and the raising of extra revenue is no longer needed, we feel that a tax deduction for credit card interest is appropriate and beneficial. Vote 13-2.

HCR 9, urging the President of the United States to increase the administration's efforts to mediate a peaceful resolution to the dispute in Cyprus between Turkey and the Republic of Cyprus. **OUGHT TO PASS WITH AMENDMENT**

Rep. Matthew J. Quandt for State-Federal Relations and Veterans Affairs: The committee feels that a resolution of the conflict between the Greek Cypriots and the Turkish Cypriots is important to many New Hampshire citizens. We feel that the United States should encourage the factions to resolve their differences and adhere to the United Nations Security Council resolutions. Vote 16-0.

Amendment (0191h)

Amend the resolution by replacing all after the title with the following:

Whereas, in 1974, Turkey sent armed forces to Cyprus and occupied over 36 percent of the land, creating widespread displacement of Greek Cypriots from the northern part of the island; and

Whereas, the international community and the United States Government have repeatedly called for the speedy withdrawal of all foreign forces from Cyprus; and

Whereas a peaceful, just, and lasting solution to the Cyprus problem would greatly benefit the security and the political, economic, and social well-being of all Cypriots, as well as contribute to improved relations between Greece and Turkey; and

Whereas the attention of the world will be focused on this region when the Olympics are held in Greece in 2002; and

Whereas United Nations Security Council Resolutions 1250 and 1251, adopted on June 26, 1999, and June 29, 1999, respectively, provided parameters for a solution and were supported by the United States; and

Whereas Resolution 1250 reaffirms all its earlier resolutions on Cyprus, particularly Resolution 1218 of December 22, 1998, and

Whereas Resolution 1251 reaffirms that the status quo is unacceptable and that negotiations on a final political solution to the Cyprus problem have been at an impasse for too long; and

Whereas Resolution 1251 also reiterates the United Nations' position that a Cyprus settlement must be based on a state of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising 2 politically equal communities as described in the relevant United Nations Security Council resolutions, in a bi-communal and bi-zonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession; and

Whereas, despite such resolutions, over 30,000 Turkish armed forces remain stationed on the island of Cyprus with no substantial progress toward the establishment of an independent, bicomunal federation; and

Whereas efforts by the United Nations and the United States to resolve this dispute remain unsuccessful; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the general court of New Hampshire hereby urges the President of the United States to increase the administration's efforts in mediating a peaceful resolution to the dispute in Cyprus; and

That the general court of New Hampshire hereby urges the President of the United States to persuade Turkey to comply with United Nations Security Council resolutions addressing Cyprus and to cooperate fully in achieving lasting peace and independence for the republic of Cyprus; and

That copies of this resolution, signed by the speaker of the house and the president of the senate, be forwarded by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, each member of the New Hampshire Congressional delegation, the President of the Republic of Cyprus, the American Ambassador to Cyprus, the Cypriot Ambassador to the United States, and the Turkish Ambassador to the United States.

HB 460-FN, relative to the form of drivers' licenses. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: New Hampshire already has one of the strictest privacy laws concerning the information on licenses. The prime sponsor was concerned about the public having access to home addresses. Law enforcement wants the home address maintained. There was no evidence that anyone has abused the home address data. You can get a picture identification from the Department of Motor Vehicles for identification purposes now and no address is listed. Vote 14-1.

committee reports

regular calendar

HB 405, establishing a committee to study the creation of an at-home infant child care program in New Hampshire. **OUGHT TO PASS**

Rep. Laura C. Pantelakos for Children and Family Law: This bill establishes a committee to study the Minnesota at-home infant child care program and solicit such information from program administrators as may be helpful in assessing the program. The committee will review program

structure, department administration and funding sources. A report will be due on or before November 1, 2001. Vote 12-4.

Rep. Furman spoke against.

Reps. Donald White and Lyman spoke in favor.

Adopted and ordered to third reading.

HB 545-FN, establishing the railroad trespass prevention act. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John E. Tholl, Jr. for the Majority of Criminal Justice and Public Safety: This bill establishes the crime of trespass on railroad property. The bill provides a clearer definition of the authority of local police in these matters. It adds the crime of railroad stowaway and defines the terms utilized in the new section. With the advent of high speed rail to NH (59-79 mph) the potential for fatalities is greatly increased, due to the higher speed and reduced noise. It takes more than 1 mile to stop a loaded train traveling at 35 mph. It has been years since railroad service has been common in NH and whole generations have been unaware of the dangers of utilizing railroad property as a playground or means of travel. The majority of the committee felt that this is a safety issue. Vote 11-3.

Rep. James R. Splaine for the Minority of Criminal Justice and Public Safety: Private trespass laws already apply to rail lines. We need not tag rail track walkers taking an evening stroll with their dog or cat as criminals.

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

Adopted.

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

CACR 1, relating to the rate of taxation of a tax dedicated to funding an adequate education. Providing that a two-thirds vote of the house of representatives and the senate shall be required to increase the rate of taxation of a tax dedicated to funding the state's obligation to provide an adequate education from the rate initially established. **INEXPEDIENT TO LEGISLATE**

Rep. Fran Wendelboe for Finance: The committee believes that the CACR as proposed is flawed and perhaps premature in concept. There was concern that a majority vote could be taken to undedicate a tax, increase it, and then re-dedicate the newly-increased tax. Vote 21-0.

Adopted.

HB 189-FN, increasing the facility funding limits under the oil discharge and disposal cleanup fund. **OUGHT TO PASS**

Rep. MaryAnn N. Blanchard for Finance: This bill increases from \$1,000,000 to \$1,500,000 the amount that eligible owners of facilities may apply for from the oil discharge and disposal cleanup fund created in 1988. This fund, created by fees on motor fuels (gasoline and diesel), is extremely successful as both an environmental cleanup and insurance program. It is available to corporations, small business owners, individuals and state, county and local governments. It is necessary to

broaden the amount of coverage due to increasing costs of cleanup, particularly anticipated MTBE remediation projects. Vote 19-0.

Adopted and ordered to third reading.

HB 286-FN-L, relative to the calculation of the adequate education grant amount. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Wheeler for Finance: This bill requires that the average daily membership in residence component of the adequate education grant amount be calculated on an annual basis. The committee felt that although the intent of this bill is laudable it does not fit well with the budgetary process and is premature to the whole educational funding discussion. Vote 21-0.

Reps. Sapareto and Mirski spoke against.

Reps. Wheeler and Kurk spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 252 NAYS 100

YEAS 252

BELKNAP

Dewhirst, Glenn	Holbrook, Robert	Johnson, William	Millham, Alida
Nedeau, Stephen	Pilliod, James	Rice, Thomas Jr	Russell, David
Salatiello, Thomas	Thomas, John	Wendelboe, Fran	

CARROLL

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

CHESHIRE

Allen, Peter	Avery, Stephen	Burnham, Daniel	Dexter, Judson
Edwards, Dana	Espieffs, Peter	Fairbanks, Chandler	Hunt, John
Manning, Joseph	McGuirk, Paul	Mitchell, McKim	Pratt, Irene
Richardson, Barbara	Roberts, William	Royce, H Charles	Smith, Edwin

COOS

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

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Benn, Bernard
Cooney, Mary	Dudley, Terri	Eaton, Stephanie	Marshall, Gene
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Scanlan, David
Scovner, Nancy	Sokol, Hilda	Teschner, Douglass	Ward, Brien

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Andosca, Mary	Artz, Lawrence
Balcom, John	Baroody, Benjamin	Batula, Peter	Bellavance, Paul
Bergin, Peter	Bouchard, David	Bragdon, Peter	Brundige, Robert
Bruno, Pierre	Buckley, Raymond	Calawa, Leon Jr	Carlson, Donald
Chabot, Robert	Christensen, D L Chris	Clayton, William	Clegg, Robert Jr
Clemons, Jane	Coughlin, Pamela	Craig, James	Daigle, Robert
Dokmo, Cynthia	Drabinowicz, A Theresa	Dwyer, Paul	Dyer, Merton
Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard
Foster, Linda	Furman, Christine	Gargasz, Carolyn	Golding, William
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Goulet, Maurice
Graham, John	Greenberg, Gary	Guinta, Frank	Hall, Charles
Herman, Keith	Holden, Randolph	Jean, Claudette	Jean, Loren
Johnson, Lionel	Kacavas, John	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lasky, Bette	Leach, Edward
Lefebvre, Roland	Leishman, Peter	Lessard, Rudy	Martel, Andre
Martin, Mary Ellen	McDonough-Wallace, Alice	Mercer, Robert	Moran, Edward
Movsesian, Lori	Palangas, Eric	Panagopoulos, Nicholas	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Schulze, Joan	Shaw, Barbara	Souza, Kathleen
Spiess, Paul	Sweeney, Cynthia	Tahir, Saghir	Thulander, O Alan
Wheeler, Robert	White, John	Williams, Carol	

MERRIMACK

Anderson, Eric	Brewster, Richard	Clarke, Claire	Colcord, J D
Cummings, Raymond	Daneault, Gabriel	Davis, Frank	Dunne, Christopher
Feuerstein, Martin	Fraser, Leo Jr	Fraser, Marilyn	French, Barbara
Gile, Mary	Greco, Vincent	Hess, David	Hutchinson, John
Jacobson, Alf	Leber, William	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	Moore, Carol	Owen, Derek	Potter, Frances
Reardon, Tara	Rush, Deanna	Swindlehurst, John	Wallner, Mary Jane
Whalley, Michael			

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bridle, Russell	Carson, Sharon	Case, Margaret	Clark, Martha Fuller
Clark, Vivian	Coes, Betsy	Cooney, Richard	Dalrymple, Janeen
Dearborn, Bruce	Dowling, Patricia	Downing, Michael	Flanders, John Sr
Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald
Gleason, John	Griffin, Mary	Hamel, Albert	Holland, James Jr
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Kelley, Jane
Kobel, Rudolph	Langone, John	Major, Norman	McGuire, Robert
McKinney, Betsy	Micklon, Stephanie	Moore, Benjamin	Morse, Charles
Norelli, Terie	Nowe, Ronald	Pantelakos, Laura	Pitts, Jacqueline
Priestley, Anne	Shultis, Elizabeth	Sloan, Stephen	Splaine, James
Stone, Joseph	Stritch, C Donald	Weatherspoon, Jacquelyne	Weyler, Kenneth
Zolla, William			

STRAFFORD

Berube, Roger	Brennan, William	Brown, Julie	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	Knowles, William	McCarthy, Gerald	Musler, George
Pelletier, Arthur	Proulx, Raymond	Reid, Christopher	Rollo, Michael
Smith, Marjorie	Spang, Judith	Tsiros, William	Twombly, James
Wall, Janet	Woods, Phyllis		

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Flint, Gordon Sr
Harris, Joseph	Leone, Richard	Phinizy, James	Robb, Amy
Rodeschin, Beverly			

NAYS 100

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Lawton, David
Rosen, Ralph	Wood, Jane		

CARROLL

Kenney, Joseph	Philbrick, Donald	Sullivan, P Judith
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CHESHIRE

Batchelder, Robert	Emerson, Susan	Meador, David	Pratt, John
Weed, Charles	Zerba, Roger		

COOS

Landers, Dana	Rodrigue, Robert	Woodward, David
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GRAFTON

Almy, Susan	Cobb, John	Gabler, William	Gilman, G Michael
Giuda, Robert	Ham, Bonnie	Lovett, Sid	Mirski, Paul
Sova, Charles	Williams, Burton		

HILLSBOROUGH

Arnold, Thomas Jr	Balboni, Michael	Bergeron, Jean-Guy	Christiansen, Lars
Cote, Peter	Desrosiers, William	Dionne, Kimberley	Eaton, Richard
Flora, Kathleen	Ginsburg, Ruth	Hall, Betty	Hopper, Gary
Keye, Harvey	LaFlamme, Paul	Lynde, Harold	McHugh, Claire
McRae, Karen	Melcher, Harold	Messier, Irene	Milligan, Robert

Salts, Greg	Seibel, Christopher	Thompson, Rob	Vaillancourt, Steve
White, Donald			

MERRIMACK

Bouchard, Candace	Kennedy, Richard	L'Heureux, Stephen	Langer, Ray
Perkins, Randy	Poulin, David	Soltani, Tony	Winter, Steven

ROCKINGHAM

Bowles, Raimond	Camm, Kevin	Chalbeck, Kevin	Corbin, Corey
DiFruscia, Anthony	Fesh, Bob	Introne, Robert	Katsakiores, Phyllis
Kelley, William	Langley, Jane	Letourneau, Robert	Packard, Sherman
Palermo, Diane	Power, Lucille	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Rausch, James	Ruffner, Walter	Saia, Pamela
Sapareto, Frank	Trueman, Raymond	Varrell, Thomas	Welch, David
Whittier, John	Woekel, Ralph		

STRAFFORD

Albert, Russell	Bickford, David	Cossette, Larry	Ferland, Paul
Goodwin, Earle	Harrington, Michael	Lent, Donald	Snyder, Clair
Woodill, Rodney			

SULLIVAN

Ferland, Brenda	Franklin, Peter	Jones, Constance	Odell, Bob
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and the report was adopted.

Rep. Emerson voted nay and intended to vote yea.

HB 291-FN-L, revising the procedure for determining the cost of an adequate education.
INEXPEDIENT TO LEGISLATE

Rep. Joseph E. Stone for Finance: This bill assumes that the cost of an adequate education is \$825,000,000. The cost of an adequate education is currently \$881,000,000, is still in flux, and may change during this session.

The committee concluded that any long-term inflexible formula involving a cap on education adequacy does not allow for population increases, inflation, the cost of commodities and utilities, the needs of staff and students – in essence, the educational needs of a community.

Moreover, the committee saw no mechanism for distributing these capped funds and does not believe that the legislation would pass the constitutional challenge that it invites. The bill would also remove the current stability in preparing municipal and school budgets that they have to date enjoyed. Vote 20-1.

Rep. Pepino spoke against.

Rep. Stone spoke in favor and yielded to questions.

Rep Pepino requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 296 NAYS 55

YEAS 296

BELKNAP

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

CARROLL

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

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Dexter, Judson	Edwards, Dana	Emerson, Susan	Espieffs, Peter
Fairbanks, Chandler	Hunt, John	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Royce, H Charles	Smith, Edwin	Weed, Charles
Zerba, Roger			

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
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Landers, Dana	Mears, Edgar	Pratt, Leighton	Rodrigue, Robert
Rozek, Michael	Stohl, Eric	Tholl, John Jr	Woodward, David

GRAFTON

Akins, Ralph	Almy, Susan	Barker, Robert	Benn, Bernard
Cooney, Mary	Dudley, Terri	Eaton, Stephanie	Gabler, William
Gilman, G Michael	Ham, Bonnie	Marshall, Gene	Naro, Debra
Nordgren, Sharon	Pawlek, Marion	Scanlan, David	Scovner, Nancy
Sokol, Hilda	Sova, Charles	Teschner, Douglass	Ward, Brien
Williams, Burton			

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Andosca, Mary	Artz, Lawrence
Balcom, John	Baroody, Benjamin	Batula, Peter	Bellavance, Paul
Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David	Bragdon, Peter
Brundige, Robert	Bruno, Pierre	Buckley, Raymond	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Christensen, D L Chris	Clayton, William
Clegg, Robert Jr	Clemons, Jane	Coughlin, Pamela	Craig, James
Daigle, Robert	Dionne, Kimberley	Dokmo, Cynthia	Drabinowicz, A Theresa
Dwyer, Paul	Dyer, Merton	Eaton, Richard	Elliott, Larry
Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Foster, Linda	Furman, Christine	Gargasz, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Gorman, Mary	Goulet, Maurice
Graham, John	Guinta, Frank	Hall, Betty	Hall, Charles
Holden, Randolph	Hopper, Gary	Jean, Claudette	Johnson, Lionel
Kacavas, John	Konys, Christine	Kurk, Neal	L'Heureux, Robert
LaFlamme, Paul	LaRose, Richard	Lasky, Bette	Leach, Edward
Leishman, Peter	Lessard, Rudy	Lynde, Harold	Martel, Andre
Martin, Mary Ellen	McDonough-Wallace, Alice	Melcher, Harold	Mercer, Robert
Messier, Irene	Movsesian, Lori	Palangas, Eric	Panagopoulos, Nicholas
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Schulze, Joan	Seibel, Christopher	Shaw, Barbara
Spieß, Paul	Sweeney, Cynthia	Thulander, O Alan	Wheeler, Robert

White, John

Williams, Carol

MERRIMACK

Anderson, Eric

Bouchard, Candace

Brewster, Richard

Clarke, Claire

Colcord, J D

Cummings, Raymond

Daneault, Gabriel

Davis, Frank

Dunne, Christopher

Feuerstein, Martin

Fraser, Leo Jr

Fraser, Marilyn

French, Barbara

Gile, Mary

Greco, Vincent

Hess, David

Hutchinson, John

Jacobson, Alf

L'Heureux, Stephen

Leber, William

Lockwood, Priscilla

MacKay, James

Maxfield, Roy

Moore, Carol

Owen, Derek

Potter, Frances

Poulin, David

Reardon, Tara

Rush, Deanna

Swindlehurst, John

Wallner, Mary Jane

Whalley, Michael

ROCKINGHAM

Arndt, Janet

Belanger, Ronald

Bishop, Franklin

Blanchard, MaryAnn

Bowles, Raimond

Bridle, Russell

Carson, Sharon

Case, Margaret

Clark, Martha Fuller

Clark, Vivian

Coes, Betsy

Cooney, Richard

Corbin, Corey

Dalrymple, Janeen

Dearborn, Bruce

DiFruscia, Anthony

Dowling, Patricia

Downing, Michael

Flanders, John Sr

Francoeur, Sheila

Gilbert, Jeffrey

Gilbert, Karl

Giordano, Ronald

Gleason, John

Griffin, Mary

Hamel, Albert

Holland, James Jr

Introne, Robert

Johnson, Robert

Katsakiores, George

Katsakiores, Phyllis

Kelley, Jane

Kobel, Rudolph

Langone, John

Letourneau, Robert

Major, Norman

McGuire, Robert

Micklon, Stephanie

Moore, Benjamin

Morse, Charles

Norelli, Terie

Nowe, Ronald

Pantelakos, Laura

Priestley, Anne

Quandt, Marshall

Quandt, Matthew

Rausch, James

Saia, Pamela

Shultis, Elizabeth

Sloan, Stephen

Splaine, James

Stone, Joseph

Stritch, C Donald

Weatherspoon,
Jacquelyne

Weyler, Kenneth

Whittier, John

Woekel, Ralph

Zolla, William

STRAFFORD

Berube, Roger

Bickford, David

Brennan, William

Brown, Julie

Cossette, Larry

DeChane, Marlene

Dunlap, Patricia

Estabrook, Iris

Ferland, Paul

Goodwin, Earle

Hughes, Christopher

Johnson, Nancy

Kaen, Naida	Knowles, William	Lent, Donald	McCarthy, Gerald
Musler, George	Pelletier, Arthur	Proulx, Raymond	Reid, Christopher
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Tsiros, William	Twombly, James	Wall, Janet	Woodill, Rodney
Woods, Phyllis			

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Leone, Richard
Odell, Bob	Phinizy, James	Robb, Amy	Rodeschin, Beverly

NAYS 55

BELKNAP

Bartlett, Gordon

CARROLL

Dickinson, Howard	Sullivan, P Judith
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CHESHIRE

Roberts, William

COOS

None

GRAFTON

Alger, John	Cobb, John	Giuda, Robert	Lovett, Sid
Mirski, Paul			

HILLSBOROUGH

Arnold, Thomas Jr	Balboni, Michael	Christiansen, Lars	Cote, Peter
Desrosiers, William	Gonzalez, Carlos	Greenberg, Gary	Herman, Keith
Jean, Loren	Keye, Harvey	McHugh, Claire	McRae, Karen

Milligan, Robert	Moran, Edward	Pappas, Marc	Salts, Greg
Souza, Kathleen	Tahir, Saghir	Thompson, Rob	Vaillancourt, Steve
White, Donald			

MERRIMACK

Kennedy, Richard	Langer, Ray	Perkins, Randy	Soltani, Tony
Winter, Steven			

ROCKINGHAM

Camm, Kevin	Chalbeck, Kevin	Fesh, Bob	Johnson, Rogers
Kelley, William	Langley, Jane	McKinney, Betsy	Packard, Sherman
Palermo, Diane	Pitts, Jacqueline	Power, Lucille	Putnam, Ed II
Ruffner, Walter	Sapareto, Frank	Trueman, Raymond	Varrell, Thomas
Welch, David			

STRAFFORD

Albert, Russell	Harrington, Michael
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SULLIVAN

Jones, Constance

and the report was adopted.

Rep. Green berg voted nay and intended to vote aye.

Rep. Pepino voted aye and intended to vote nay.

HB 310-FN-A, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2003. **OUGHT TO PASS**

Rep. Linda T. Foster for Finance: This bill continues the medicaid enhancement tax for the biennium ending June 30, 2003. This tax will generate approximately \$70 million in general fund revenues each year of the upcoming biennium. There is no change in rate from the current biennium. Vote 19-0.

Adopted and referred to the Committee on Ways and Means.

HB 351-FN-A-L, requiring the state to fully fund school building aid payments for fiscal year 2001 and making an appropriation therefor. **OUGHT TO PASS**

Rep. O. Alan Thulander for Finance: The Department of Education estimates the funding level of school building aid needed for the biennium, based upon information received from the school districts involved in construction projects. This data is subject to adjustments. The estimate for FY2001 was \$19.5 million, but the final amount owed to school districts was \$21.5 million. The legislature has historically funded any shortfall in school building aid, and the committee recommends continuing this practice. The additional \$2 million appropriated under this bill will come from the projected surplus of the current biennium. Vote 21-0.

Adopted and ordered to third reading.

HB 536-FN-A-L, making an appropriation to the town of Conway for the purpose of burying utility lines. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Wheeler for Finance: This bill makes an appropriation to the town of Conway for the purpose of burying utility lines. The funds are to be non-lapsing. The committee felt that from a fiscal point of view both the PUC and the Department of Transportation have denied this aspect of the project and dealt with Conway consistently with state policy. As a result, the committee voted unanimously Inexpedient to Legislate. Vote 19-0.

Adopted.

HB 345, requiring hospitals to maintain permanent medical records of stillborn infants. **INEXPEDIENT TO LEGISLATE**

Rep. Hilda W. Sokol for Health, Human Services and Elderly Affairs: After careful deliberation and much testimony, the committee overwhelmingly came to the conclusion that hospitals currently maintain records of fetal demise and stillborn births for an average of one year in length. If a parent requests a record, a handwritten record is provided to them. The record is also on file at the Bureau of Vital Records and, in many cases, at the funeral directors office if one was utilized. In New Hampshire, a record of all births and deaths are also kept in file at the local town hall. Because a record is somewhere on file and a copy can be obtained under current statutes, the committee felt this bill was not necessary. **Vote 11-2.**

Adopted.

HB 350-FN, relative to persons with disabilities participating in the work incentive program. **OUGHT TO PASS**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: In 1999 the legislature directed the Health and Human Services Department to investigate how to create better options for that segment of the population with severe disabilities who currently qualify for Medicaid cash assistance and insurance coverage. This Medicaid program, as good as it is, also acts as a disincentive for the person to seek employment. Should one of these persons get a job, they automatically lose their personal care insurance. Through this process, the state is saying, "If you stay home, we will send you a check and pay for your insurance." This bill allows the individual to make plans, set goals, regain their dignity and become a working member of our society. The person with disabilities, once gainfully employed, will pay part of the insurance premium that was once no cost to them. In addition, the person now becomes a part of our taxpaying society and all look forward to sharing in that great American principle. In life, a waste of time is the most extravagant and costly of all expenses. Vote 18-0.

Adopted and referred to the Committee on Finance.

HB 406, prohibiting electro-convulsive therapy on children under 16 years of age. **INEXPEDIENT TO LEGISLATE**

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This bill would prohibit use of certain treatments including electro-convulsive therapy for children under 16. The committee heard testimony from those concerned about the misuse of these treatments in the past. The committee also heard from physicians who described how ECT is used by modern medicine as a last resort when other alternatives are ineffective. The committee determined that adequate safeguards are in place to ensure that the treatments described in the bill are only used when necessary and appropriate and only with informed consent. Medical decisions regarding treatments described in the bill should be made by patients, their families and health professionals. For those reasons, the committee thought the bill inappropriate. Vote 14-1.

Rep. Albert spoke against.

Reps. Burnham and MacKay spoke in favor and yielded to questions.

Adopted.

HB 463-FN, relative to protective services to adults. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: The language in the statute protecting the elderly and certain others from exploitation, neglect or abuse, uses the term "incapacitated." "Incapacitated" as defined elsewhere in our laws has meanings other than what is intended in the adult protection section. For that reason, the more appropriate term "vulnerable" is proposed by this bill. In addition, immunity from liability is given to those who provide certain information regarding a case. The amendment clarifies requirements to report to law enforcement and corrects a minor typing error. Vote 13-0.

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

Adopted.

HB 485, relative to physicians employed by hospitals. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fran Wendelboe for Health, Human Services and Elderly Affairs: This bill, as amended, will prevent hospitals and insurers from channeling patient referrals only to the hospital which employs the physician who provided the initial services. For example, some hospitals required their employee physicians to only refer patients to certain specialists who then only do future treatments such as operations at the hospital employing the initial physician. Many times the same system is used for referral of ancillary services, such as physical therapy, radiation treatments, laboratory tests and so on. This is often at the expense of the convenience of the patient. It also totally takes away the choice of provider to people who pay cash or pay significantly extra premiums to be able to use out-of-network physicians and services. This clearly is a patient's protection piece of legislation, as well as a means to prevent the potential of anti-trust or monopolistic practices of any hospital. Vote 10-6.

Amendment (0216h)

Amend the bill by replacing section 1 with the following:

1 New Section; Physicians Employed by Hospitals. Amend RSA 329 by inserting after section 31 the following new section:

329:32 Physicians Employed by Hospitals; Prohibition. A hospital, required to be licensed under RSA 151, shall not require any physician employed by it to refer only to other physicians who use the hospital's facilities for surgeries and ancillary procedures.

AMENDED ANALYSIS

This bill prohibits a hospital from requiring physicians employed by it to refer only to other physicians who use the hospital's facilities for surgeries and ancillary procedures.

Adopted.

Report adopted and ordered to third reading.

HB 202, relative to the legislative ethics committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald R. Philbrick for Legislative Administration: This bill makes several changes in RSA 14-B concerning membership, procedures and the attempts to balance the protection of the member and the public's right-to-know law. It establishes procedures from an initial review to determine if the committee has jurisdiction and if the complaint is without merit or unfounded. After the initial review is completed, all records other than work product and internal memoranda will be available for public inspection on any complaint it does not dismissed. All subsequent proceedings, other than deliberations, will be in public session. With respect to disciplinary action against a member, the committee may recommend one or more of the following: A) Reprimand; B) Censure; C) Expulsion from Senate or House of Representatives; D) Denial or limitation of any right, power, privilege or immunity of the legislature that the Constitution of New Hampshire permits the General Court to deny or limit. Before any action is taken against a legislator or officer of the legislature, the report must be ratified by the legislators' respective body. The amendment reversed the order of reprimand and censure and deleted a controversial assessment of related costs of the proceedings. It also changes the effective date to upon passage. Vote 14-0.

Amendment (0082h)

Amend RSA 14-B:3, II as inserted by section 3 of the bill by replacing it with the following:

II. Before guidelines or amendments thereto become effective, the committee shall distribute such guidelines or amendments to the members of the senate and the house of representatives. Specific guidelines or amendments shall be brought to a vote and approved by a majority vote of both houses within a period of 3 legislative days after distribution before they shall become effective.

Amend RSA 14-B:4, VIII(d)(1) and (2) as inserted by section 4 of the bill by replacing it with the following:

(d)(1) There was improper conduct based upon clear and convincing evidence, and the improper conduct was of a serious nature so as to warrant formal disciplinary action by the general court in the case of a legislator or officer of the legislature, or formal disciplinary action by the joint committee on legislative facilities in the case of an employee of the legislature, except in the case of an employee of the legislature employed by the legislative budget assistant, in which case the

formal disciplinary action shall be taken by the fiscal committee of the general court. The committee shall submit to the speaker of the house and senate president in the case of a legislator or officer of the legislature, to the joint committee on legislative facilities in the case of an employee of the legislature, or to the fiscal committee of the general court in the case of an employee of the legislature employed by the legislative budget assistant, a summary report of the deliberations regarding the complaint and of its findings. The report shall contain any specific recommendations concerning disciplinary actions to be imposed. ~~[Such recommendations may include reprimand, censure, or expulsion.]~~ ***With respect to any recommendations for disciplinary actions against a legislator, the committee may recommend one or more of the following:***

(A) Reprimand.

(B) Censure.

(C) Expulsion from the senate or house of representatives.

(D) Denial or limitation of any right, power, privilege, or immunity of the legislator that the constitution of New Hampshire permits the general court to deny or limit.

(2) Before any disciplinary action may be taken against a legislator or against an officer of the legislature, the report shall be ratified by the legislator's or by the officer's respective body of the general court. Such ratification need not occur during the biennium in which the complaint was submitted, but may be considered and acted upon by the general court in the next succeeding session; provided that no action shall be taken against an individual who is no longer a member of the general court.

Amend the bill by replacing section 6 with the following:

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

Adopted.

Report adopted and ordered to third reading.

HB 337-FN, relative to the administration of the public utilities commission and establishing the position of executive director of the public utilities commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald B. White for Science, Technology and Energy: This bill makes the position of Executive Director unclassified. This allows the Public Utilities Commission (PUC) to make the position more attractive with respect to remuneration so as to attract better-qualified people. The bill also increases the salary grade of the PUC General Counsel for the same reason. The bill changes the restriction or employment prohibition from two to one years, consistent with the state administration's ethics rule. The bill also allows alteration of orders made in cases where no public hearing was required by law, and it deletes a requirement of PUC oversight of removal of railroad lines since this is no longer the PUC's responsibility. Vote 14-1.

Amendment (0217h)

Amend RSA 363:12-b as inserted by section 3 of the bill by replacing it with the following:

363:12-b Prohibition on Future Employment. No commissioner, executive director, finance director, general counsel, ~~[ombudsman]~~ or chief engineer of the commission shall accept any employment with any utility under the control of the commission until ~~[2 years]~~ **one year** after he **or she** shall become separated from the commission.

Amend RSA 365:28 as inserted by section 5 of the bill by replacing it with the following:

365:28 Altering Orders. At any time after the making and entry thereof, the commission may, after notice and hearing, alter, amend, suspend, annul, set aside, or otherwise modify any order made by it. ***This hearing shall not be required when any prior order made by the commission was made under a provision of law that did not require a hearing and a hearing was, in fact, not held.***

AMENDED ANALYSIS

This bill:

- I. Establishes the unclassified position of executive director of the public utilities commission.
- II. Increases the salary grade for the general counsel of the public utilities commission.
- III. Permits the public utilities commission to exempt water companies with less than 75 consumers.
- IV. Reduces the public utilities commission future employment prohibition from 2 years to one year.
- V. Provides that a hearing shall not be required prior to alteration of an order made by the public utilities commission pursuant to a provision of law not requiring a hearing.
- VI. Repeals the requirement that the public utilities commission approve the tearing up or removal of railroad lines.

Adopted.

Rep. Jeb Bradley yielded to questions.

On a division vote, 240 members having voted in the affirmative and 112 in the negative, the committee report was adopted and referred to the Committee on Executive Departments and Administration.

HCR 6, urging New Hampshire to use the "precautionary principle" when determining the safety and feasibility of using products, techniques, and technologies. **INEXPEDIENT TO LEGISLATE**

Rep. Terie T. Norelli for Science, Technology and Energy: The "precautionary principle" has been introduced by environmental groups in Europe. The language appears in several treaties. The principal calls for using precaution prior to introducing any substance into the environment which might have a harmful impact. The committee was very mindful of the sponsor's goal in introducing

this resolution, which would have applied to activities undertaken by the state. Nevertheless, the committee was concerned that adhering to the principal would be difficult, as it is vague. The Department of Environmental Services (DES) and the Department of Health and Human Services testified against the bill. Furthermore, DES has adopted policies over the years designed to prevent pollution. Vote 16-0.

Reps. Owen and Betty Hall spoke against and yielded to questions.

Reps. Jeb Bradley and Harrington spoke in favor.

Rep. Owen requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 286 NAYS 67

YEAS 286

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Holbrook, Robert	Lawton, David	Millham, Alida	Nedeau, Stephen
Pilliod, James	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Salatiello, Thomas	Thomas, John	Wendelboe, Fran	Wood, Jane

CARROLL

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

CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Roberts, William
Royce, H Charles	Smith, Edwin	Zerba, Roger	

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Pratt, Leighton	Rodrigue, Robert

Rozek, Michael	Stohl, Eric	Tholl, John Jr	Woodward, David
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GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Cobb, John	Cooney, Mary	Dudley, Terri	Gabler, William
Gilman, G Michael	Giuda, Robert	Marshall, Gene	Mirski, Paul
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Scanlan, David
Sova, Charles	Teschner, Douglass	Ward, Brien	Williams, Burton

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Andosca, Mary	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Balcom, John	Batula, Peter
Bellavance, Paul	Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clayton, William	Clegg, Robert Jr	Cote, Peter
Coughlin, Pamela	Daigle, Robert	Dionne, Kimberley	Dokmo, Cynthia
Dwyer, Paul	Dyer, Merton	Eaton, Richard	Elliott, Larry
Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Foster, Linda	Furman, Christine	Gargasz, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Gonzalez, Carlos	Goulet, Maurice
Graham, John	Greenberg, Gary	Guinta, Frank	Hall, Charles
Herman, Keith	Holden, Randolph	Hopper, Gary	Jean, Loren
Johnson, Lionel	Kacavas, John	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard	Leach, Edward
Lefebvre, Roland	Leishman, Peter	Lessard, Rudy	Lynde, Harold
Martel, Andre	McDonough-Wallace, Alice	McHugh, Claire	McRae, Karen
Melcher, Harold	Mercer, Robert	Milligan, Robert	Moran, Edward
Palangas, Eric	Pappas, Marc	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Salts, Greg	Sargent, Maxwell	Seibel, Christopher
Shaw, Barbara	Souza, Kathleen	Spiess, Paul	Tahir, Saghir
Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert
White, Donald			

MERRIMACK

Anderson, Eric	Brewster, Richard	Colcord, J D	Cummings, Raymond
Daneault, Gabriel	Davis, Frank	Feuerstein, Martin	Fraser, Leo Jr
Greco, Vincent	Hager, Elizabeth	Hess, David	Hutchinson, John
L'Heureux, Stephen	Langer, Ray	Leber, William	Lockwood, Priscilla
MacKay, James	Maxfield, Roy	Poulin, David	Reardon, Tara
Rush, Deanna	Soltani, Tony	Swindlehurst, John	Wallner, Mary Jane
Whalley, Michael	Winter, Steven		

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bowles, Raimond	Bridle, Russell	Camm, Kevin	Carson, Sharon
Case, Margaret	Chalbeck, Kevin	Clark, Vivian	Coes, Betsy
Cooney, Richard	Corbin, Corey	Dalrymple, Janeen	Dearborn, Bruce
Dowling, Patricia	Downing, Michael	Fesh, Bob	Flanders, John Sr
Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl	Gleason, John
Griffin, Mary	Hamel, Albert	Holland, James Jr	Introne, Robert
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kelley, William	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Major, Norman	McGuire, Robert
McKinney, Betsy	Micklon, Stephanie	Moore, Benjamin	Morse, Charles
Norelli, Terie	Nowe, Ronald	Packard, Sherman	Palermo, Diane
Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Rausch, James	Ruffner, Walter
Saia, Pamela	Sloan, Stephen	Stone, Joseph	Stritch, C Donald
Trueman, Raymond	Varrell, Thomas	Welch, David	Weyler, Kenneth
Whittier, John	Woekel, Ralph	Zolla, William	

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Brown, Julie
Cossette, Larry	Dunlap, Patricia	Estabrook, Iris	Ferland, Paul
Goodwin, Earle	Harrington, Michael	Hughes, Christopher	Kaen, Naida
Knowles, William	Lent, Donald	Musler, George	Reid, Christopher

Rollo, Michael
Wall, Janet

Smith, Marjorie
Woods, Phyllis

Tsiros, William

Twombly, James

SULLIVAN

Allison, David
Harris, Joseph
Rodeschin, Beverly

Burling, Peter
Jones, Constance

Ferland, Brenda
Leone, Richard

Flint, Gordon Sr
Odell, Bob

NAYS 67

BELKNAP

Johnson, William

CARROLL

Dickinson, Howard

CHESHIRE

Allen, Peter
Pratt, Irene

Batchelder, Robert
Richardson, Barbara

Burnham, Daniel
Weed, Charles

Espieffs, Peter

COOS

None

GRAFTON

Benn, Bernard
Sokol, Hilda

Eaton, Stephanie

Lovett, Sid

Scovner, Nancy

HILLSBOROUGH

Baroody, Benjamin
Drabinowicz, A Theresa
Keye, Harvey
Movsesian, Lori

Clemons, Jane
Gorman, Mary
Lasky, Bette
Panagopoulos, Nicholas

Craig, James
Hall, Betty
Martin, Mary Ellen
Pepino, Leo

Desrosiers, William
Jean, Claudette
Messier, Irene
Schulze, Joan

Sweeney, Cynthia

White, John

Williams, Carol

MERRIMACK

Bouchard, Candace

Clarke, Claire

Dunne, Christopher

Fraser, Marilyn

French, Barbara

Gile, Mary

Jacobson, Alf

Kennedy, Richard

Moore, Carol

Owen, Derek

Potter, Frances

Rodd, Beth

ROCKINGHAM

Clark, Martha Fuller

DiFruscia, Anthony

Giordano, Ronald

Power, Lucille

Sapareto, Frank

Shultis, Elizabeth

Splaine, James

Weatherspoon,
Jacquelyne

STRAFFORD

Brennan, William

DeChane, Marlene

Gilmore, Gary

Johnson, Nancy

McCarthy, Gerald

Pelletier, Arthur

Proulx, Raymond

Snyder, Clair

Spang, Judith

Woodill, Rodney

SULLIVAN

Cloutier, John

Franklin, Peter

Phinizy, James

Robb, Amy

and the report was adopted.

HB 333-FN-A, relative to the rate of the real estate transfer tax. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Giuda for Ways and Means: The Ways & Means Committee felt it was necessary to evaluate all tax changes in the larger context of the entire budget and revenue debate. The Real Estate Transfer tax provides approximately \$65 million to the General Fund and \$26.8 million to the Education Trust Fund. Accordingly, the committee felt it was appropriate to leave the Real Estate Transfer tax as is, particularly in light of the fact that the committee has numerous other pending bills to which this matter can be appended by amendment. Vote 16-0.

Adopted.

HR 6, recognizing the ancient and aboriginal claim of Indians in the state to hunt and fish.
INEXPEDIENT TO LEGISLATE

Rep. Gary S. Hopper for Fish and Game: After careful consideration the committee felt that to recognize special hunting and fishing rights of the aboriginal peoples would be inconsistent with Article I of the New Hampshire Constitution. As New Hampshire has no recognized tribe, a workable method to determine who was or wasn't a Native American and the problem of enforcement were

major concerns. Furthermore, any such acknowledgement could only serve to divide our citizens. Vote 15-1.

Rep. Kenney spoke against.

Rep. McKinney spoke in favor.

On a division vote, 257 members having voted in the affirmative and 84 in the negative, the report was adopted.

HJR 2, directing the department of transportation not to proceed with construction of a new visitor's center at the Intervale scenic vista in North Conway without approval of the Conway design review committee and the Conway board of selectmen. **INEXPEDIENT TO LEGISLATE**

Rep. William E. Leber for Public Works and Highways: This resolution would require the New Hampshire Department of Transportation (NHDOT) to seek approval of an unofficial committee in a local community. The NHDOT conducted public hearings and held meetings with town and regional officials to review the initial design of the new visitor's center. The design had major problems relative to the size and height of the proposed structure. The NHDOT acknowledged these issues and gave testimony that the NHDOT would satisfy these issues in question prior to any construction. The committee has heard no other evidence that the current hearing process is not working and concluded that the NHDOT did follow the established protocol. Vote 18-0.

Rep. Leber yielded to questions.

Adopted.

HB 583, making certain changes to the underground utility damage prevention system. **OUGHT TO PASS WITH AMENDMENT**

Rep. John H. Thomas for Science, Technology and Energy: This bill exempts certain landscaping and maintenance from the definition of "excavate" and from the notification requirements under the so-called "Dig Safe" Law. The bill also exempts the homeowner excavating on his or her property from civil penalties and also clarifies the responsibilities of the operator relative to the marking of facilities for purposes of complying with the dig safe provisions. Vote 16-0.

Amendment (0198h)

Amend the bill by replacing section 1 with the following:

1 Definitions; Excavate; Exclusions. Amend RSA 374:48, III to read as follows:

III. "Excavate", "excavating", or "excavation" means any operation conducted in a public way, right-of-way, easement, public street, or other public place, in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of any tools, equipment, or explosive, and includes but is not limited to drilling, grading, boring, milling, trenching, tunneling, scraping, tree and root removal, cable or pipe plowing, fence or sign post installation, pile driving, wrecking, razing, rending, or moving any structure or mass material, but does not include the tilling of soil for agricultural purposes, ***landscaping and maintenance of residential property performed with non-mechanized equipment, landscaping activities performed with mechanized equipment that are intended to cut vegetation, including lawn edging,***

aeration, and de-thatching, excavations permitted or grandfathered under RSA 155-E, or replacement of department-of-transportation-installed delineator posts in the same location.

Amend the bill by replacing section 3 with the following:

3 Notification by Excavator; Limitation. Amend RSA 374:51, I to read as follows:

I. No person shall perform an excavation ***within 100 feet of an underground facility***, except in an emergency, without first giving notification as required by this section.

Adopted.

Rep. Thomas offered a floor amendment and spoke in favor.

Floor Amendment (0248h)

Amend the bill by replacing section 1 with the following:

1 Definitions; Excavate. Amend RSA 374:48, III to read as follows:

III. "Excavate", "excavating", or "excavation" means any operation conducted ***on private property or*** in a public way, right-of-way, easement, public street, or other public place, in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of any tools, equipment, or explosive, and includes but is not limited to drilling, grading, boring, milling, trenching, tunneling, scraping, tree and root removal, cable or pipe plowing, fence or sign post installation, pile driving, wrecking, razing, rending, or moving any structure or mass material, but does not include the tilling of soil for agricultural purposes, ***landscaping and maintenance of residential property performed with non-mechanized equipment, landscaping activities performed with mechanized equipment that are intended to cut vegetation, including lawn edging, aeration, and de-thatching, excavations permitted or grandfathered under RSA 155-E***, or replacement of department-of-transportation-installed delineator posts in the same location.

AMENDED ANALYSIS

This bill amends the underground utility damage prevention system laws to:

I. Included operations on private property in the definition of "exempt."

II. Exempt certain landscaping and maintenance activities from the definition of "excavate."

III. Exempt certain excavation activity from the notification requirements.

IV. Clarify the responsibilities of the operator relative to marking of facilities.

V. Exempt from the civil penalty provisions a homeowner excavating on his or her own property or a legal occupant of residential property excavating on the property of his or her primary residence with the permission of the owner.

Floor amendment adopted.

Committee report adopted and ordered to third reading.

HB 184-FN-A, establishing a 3 percent sales and use tax for the purpose of funding public education. **INEXPEDIENT TO LEGISLATE**

Rep. Jeffrey D. Gilbert for Ways and Means: The committee believes that this bill is premature. Several similar bills, including the Governor's proposed sales tax, will be before the committee in due course when they can be more appropriately considered in the context of proposed budgets and other revenue alternatives. Vote 16-0.

Rep. Benjamin Moore moved that HB 184-FN-A be laid upon the table.

Rep. Herman requested a roll call; sufficiently seconded.

The question being the motion to table HB 184-FN-A.

YEAS 42 NAYS 308

YEAS 42

BELKNAP

Dewhirst, Glenn

Johnson, William

Wood, Jane

CARROLL

Sullivan, P Judith

CHESHIRE

Manning, Joseph

Weed, Charles

COOS

Pratt, Leighton

Rodrigue, Robert

GRAFTON

Nordgren, Sharon

Scovner, Nancy

Sokol, Hilda

HILLSBOROUGH

Arnold, Thomas Jr

Daigle, Robert

Eaton, Richard

Gonzalez, Carlos

Hall, Betty

Kacavas, John

McHugh, Claire

Melcher, Harold

Salts, Greg

Sweeney, Cynthia

MERRIMACK

Bouchard, Candace

Gile, Mary

Langer, Ray

Lockwood, Priscilla

Reardon, Tara

Rodd, Beth

Rush, Deanna

ROCKINGHAM

Langley, Jane

Moore, Benjamin

Pitts, Jacqueline

Ruffner, Walter

Weatherspoon,
Jacquelyne

STRAFFORD

DeChane, Marlene

Ferland, Paul

Goodwin, Earle

Johnson, Nancy

Kaen, Naida

Lent, Donald

Woodill, Rodney

SULLIVAN

Franklin, Peter

Harris, Joseph

NAYS 308

BELKNAP

Bartlett, Gordon

Boyce, Laurie

Czech, Stanley

Holbrook, Robert

Lawton, David

Millham, Alida

Nedeau, Stephen

Pilliod, James

Rice, Thomas Jr

Rosen, Ralph

Russell, David

Salatiello, Thomas

Thomas, John

Wendelboe, Fran

CARROLL

Babson, David Jr

Bradley, Jeb

Dickinson, Howard

Kenney, Joseph

Lyman, L Randy

Mock, Henry

Patten, Betsey

Philbrick, Donald

Quimby, Lee

Stevens, Stanley

CHESHIRE

Allen, Peter

Avery, Stephen

Batchelder, Robert

Burnham, Daniel

Dexter, Judson	Edwards, Dana	Emerson, Susan	Espieffs, Peter
Fairbanks, Chandler	Hunt, John	McGuirk, Paul	Meader, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Roberts, William	Royce, H Charles	Smith, Edwin	Zerba, Roger

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Rozek, Michael	Stohl, Eric
Tholl, John Jr	Woodward, David		

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Benn, Bernard	Cobb, John	Cooney, Mary	Dudley, Terri
Eaton, Stephanie	Gabler, William	Gilman, G Michael	Giuda, Robert
Lovett, Sid	Marshall, Gene	Mirski, Paul	Naro, Debra
Scanlan, David	Sova, Charles	Teschner, Douglass	Ward, Brien
Williams, Burton			

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Andosca, Mary	Artz, Lawrence
Balboni, Michael	Balcom, John	Baroody, Benjamin	Batula, Peter
Bellavance, Paul	Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clayton, William	Clegg, Robert Jr	Clemons, Jane
Cote, Peter	Coughlin, Pamela	Craig, James	Desrosiers, William
Dionne, Kimberley	Dokmo, Cynthia	Drabinowicz, A Theresa	Dwyer, Paul
Dyer, Merton	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Foster, Linda	Furman, Christine
Gargas, Carolyn	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Graham, John	Greenberg, Gary
Guinta, Frank	Hall, Charles	Herman, Keith	Holden, Randolph
Hopper, Gary	Jean, Claudette	Jean, Loren	Johnson, Lionel
Keye, Harvey	Konys, Christine	Kurk, Neal	L'Heureux, Robert

LaFlamme, Paul	LaRose, Richard	Lasky, Bette	Leach, Edward
Lefebvre, Roland	Leishman, Peter	Lessard, Rudy	Lynde, Harold
Martel, Andre	Martin, Mary Ellen	McDonough-Wallace, Alice	McRae, Karen
Mercer, Robert	Messier, Irene	Milligan, Robert	Moran, Edward
Movsesian, Lori	Palangas, Eric	Panagopoulos, Nicholas	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Schulze, Joan	Seibel, Christopher	Shaw, Barbara
Souza, Kathleen	Spiess, Paul	Tahir, Saghir	Thompson, Rob
Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert	White, Donald
White, John	Williams, Carol		

MERRIMACK

Anderson, Eric	Brewster, Richard	Clarke, Claire	Colcord, J D
Cummings, Raymond	Daneault, Gabriel	Davis, Frank	Dunne, Christopher
Feuerstein, Martin	Fraser, Leo Jr	Fraser, Marilyn	French, Barbara
Greco, Vincent	Hager, Elizabeth	Hess, David	Hutchinson, John
Jacobson, Alf	Kennedy, Richard	L'Heureux, Stephen	Leber, William
MacKay, James	Maxfield, Roy	Moore, Carol	Potter, Frances
Poulin, David	Swindlehurst, John	Wallner, Mary Jane	Whalley, Michael
Winter, Steven			

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bowles, Raimond	Bridle, Russell	Camm, Kevin	Carson, Sharon
Case, Margaret	Chalbeck, Kevin	Clark, Martha Fuller	Clark, Vivian
Coes, Betsy	Cooney, Richard	Corbin, Corey	Dalrymple, Janeen
Dearborn, Bruce	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Fesh, Bob	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Giordano, Ronald	Gleason, John	Griffin, Mary
Hamel, Albert	Holland, James Jr	Introne, Robert	Johnson, Robert
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kelley, William	Kobel, Rudolph	Langone, John	Letourneau, Robert
Major, Norman	McGuire, Robert	McKinney, Betsy	Micklon, Stephanie

Morse, Charles	Norelli, Terie	Nowe, Ronald	Packard, Sherman
Palermo, Diane	Pantelakos, Laura	Power, Lucille	Priestley, Anne
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Rausch, James
Saia, Pamela	Sapareto, Frank	Shultis, Elizabeth	Sloan, Stephen
Splaine, James	Stone, Joseph	Stritch, C Donald	Trueman, Raymond
Varrell, Thomas	Welch, David	Weyler, Kenneth	Whittier, John
Woekel, Ralph	Zolla, William		

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Brennan, William
Brown, Julie	Cossette, Larry	Dunlap, Patricia	Estabrook, Iris
Gilmore, Gary	Harrington, Michael	Hughes, Christopher	Knowles, William
McCarthy, Gerald	Musler, George	Pelletier, Arthur	Proulx, Raymond
Reid, Christopher	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Tsiros, William	Twombly, James	Wall, Janet
Woods, Phyllis			

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Jones, Constance	Leone, Richard	Odell, Bob
Phinizy, James	Robb, Amy	Rodeschin, Beverly	

and the motion failed.

Rep. Sullivan voted yea and intended to vote nay.

Committee report adopted.

HB 297-FN-L, eliminating excess education property tax payments. **INEXPEDIENT TO LEGISLATE**

Rep. Christine M. Konys for Ways and Means: The committee feels that this bill is not constitutionally viable. Additionally, we feel that the question of eliminating donor towns should not be addressed separately, but needs to be part of a comprehensive school funding solution. Vote 16-0.

Rep. Pepino requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 327 NAYS 23

YEAS 327

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
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

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

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Dexter, Judson	Edwards, Dana	Emerson, Susan	Espiefs, Peter
Fairbanks, Chandler	Hunt, John	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Roberts, William	Royce, H Charles	Smith, Edwin
Weed, Charles	Zerba, Roger		

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Pratt, Leighton	Rodrigue, Robert
Rozek, Michael	Stohl, Eric	Tholl, John Jr	Woodward, David

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Benn, Bernard	Cobb, John	Cooney, Mary	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Giuda, Robert	Lovett, Sid
Marshall, Gene	Naro, Debra	Nordgren, Sharon	Scanlan, David
Scovner, Nancy	Sokol, Hilda	Sova, Charles	Teschner, Douglass

Ward, Brien

Williams, Burton

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Andosca, Mary	Arnold, Thomas Jr
Artz, Lawrence	Balcom, John	Baroody, Benjamin	Batula, Peter
Bellavance, Paul	Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clayton, William	Clegg, Robert Jr	Clemons, Jane
Cote, Peter	Coughlin, Pamela	Craig, James	Daigle, Robert
Dionne, Kimberley	Dokmo, Cynthia	Drabinowicz, A Theresa	Dwyer, Paul
Dyer, Merton	Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Foster, Linda
Furman, Christine	Gargas, Carolyn	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Goulet, Maurice
Graham, John	Greenberg, Gary	Guinta, Frank	Hall, Betty
Hall, Charles	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Claudette	Jean, Loren	Johnson, Lionel	Kacavas, John
Keye, Harvey	Konys, Christine	Kurk, Neal	L'Heureux, Robert
LaFlamme, Paul	LaRose, Richard	Lasky, Bette	Leach, Edward
Lefebvre, Roland	Leishman, Peter	Lessard, Rudy	Lynde, Harold
Martel, Andre	Martin, Mary Ellen	McDonough-Wallace, Alice	McRae, Karen
Mercer, Robert	Messier, Irene	Milligan, Robert	Movsesian, Lori
Palangas, Eric	Panagopoulos, Nicholas	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Sargent, Maxwell	Schulze, Joan	Seibel, Christopher
Shaw, Barbara	Spiess, Paul	Sweeney, Cynthia	Tahir, Saghir
Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert
White, Donald	White, John	Williams, Carol	

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Colcord, J D	Cummings, Raymond	Daneault, Gabriel	Davis, Frank
Dunne, Christopher	Feuerstein, Martin	Fraser, Leo Jr	Fraser, Marilyn

French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Hess, David	Hutchinson, John	Jacobson, Alf	Kennedy, Richard
L'Heureux, Stephen	Langer, Ray	Leber, William	Lockwood, Priscilla
MacKay, James	Maxfield, Roy	Moore, Carol	Potter, Frances
Poulin, David	Reardon, Tara	Rodd, Beth	Rush, Deanna
Swindlehurst, John	Wallner, Mary Jane	Whalley, Michael	Winter, Steven

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bowles, Raimond	Bridle, Russell	Camm, Kevin	Carson, Sharon
Case, Margaret	Chalbeck, Kevin	Clark, Martha Fuller	Clark, Vivian
Coes, Betsy	Cooney, Richard	Corbin, Corey	Dalrymple, Janeen
Dearborn, Bruce	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Fesh, Bob	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Giordano, Ronald	Gleason, John	Griffin, Mary
Hamel, Albert	Holland, James Jr	Introne, Robert	Johnson, Robert
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kelley, William	Kobel, Rudolph	Langone, John	Letourneau, Robert
Major, Norman	McGuire, Robert	Micklon, Stephanie	Morse, Charles
Norelli, Terie	Nowe, Ronald	Packard, Sherman	Palermo, Diane
Pantelakos, Laura	Power, Lucille	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Rausch, James	Sapareto, Frank
Shultis, Elizabeth	Sloan, Stephen	Splaine, James	Stone, Joseph
Stritch, C Donald	Trueman, Raymond	Varrell, Thomas	Weatherspoon, Jacquelyne
Welch, David	Weyler, Kenneth	Whittier, John	Zolla, William

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Brennan, William
Brown, Julie	Cossette, Larry	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Ferland, Paul	Gilmore, Gary	Goodwin, Earle
Harrington, Michael	Hughes, Christopher	Johnson, Nancy	Kaen, Naida
Knowles, William	Lent, Donald	McCarthy, Gerald	Musler, George
Pelletier, Arthur	Proulx, Raymond	Reid, Christopher	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Tsiros, William

Twombly, James

Wall, Janet

Woodill, Rodney

Woods, Phyllis

SULLIVAN

Allison, David

Burling, Peter

Cloutier, John

Ferland, Brenda

Flint, Gordon Sr

Franklin, Peter

Harris, Joseph

Jones, Constance

Odell, Bob

Phinizy, James

Robb, Amy

Rodeschin, Beverly

NAYS 23

BELKNAP

Lawton, David

CARROLL

Dickinson, Howard

Patten, Betsey

Sullivan, P Judith

CHESHIRE

None

COOS

None

GRAFTON

Gabler, William

Mirski, Paul

HILLSBOROUGH

Balboni, Michael

Desrosiers, William

McHugh, Claire

Melcher, Harold

Moran, Edward

Pappas, Marc

Pepino, Leo

Salts, Greg

Souza, Kathleen

MERRIMACK

None

ROCKINGHAM

Langley, Jane	McKinney, Betsy	Moore, Benjamin	Pitts, Jacqueline
Ruffner, Walter	Saia, Pamela	Woekel, Ralph	

STRAFFORD

None

SULLIVAN

Leone, Richard

and the report was adopted.

vacate

Rep. Gilman moved that the House vacate the reference of ***HB 229***, relative to third person liability under the workers' compensation law, to the Committee on Labor, Industrial and Rehabilitative Services.

Adopted.

The Speaker referred HB 229 to the Committee on Commerce.

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 22, 2001 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 180-FN, relative to criminal neglect of elderly, disabled, or impaired adults.

HB 308-FN, relative to administrative fees added to restitution payments.

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

HB 361, establishing a committee to study certain policies and procedures in the department of corrections.

HB 385, changing the name, membership and duties of the office of volunteerism.

HB 388, clarifying the rights of patients of nursing facilities in the event of a proposed transfer or discharge from the facility.

HB 479, relative to dead bodies.

HB 532, establishing a committee to study the adequacy of funding for the continued universal distribution of children's vaccines.

HB 357, relative to periodic payments of judgments.

HB 377, permitting the state of New Hampshire to file petitions with the probate court seeking review of actions by a power of attorney.

HB 242, extending the reporting deadlines for certain study committees and commissions.

HB 254, naming a certain bridge in the town of Charlestown.

HB 367-L, relative to the establishment of a town forest in the town of Randolph.

HB 480, relative to the divisions within the department of resources and economic development.

HJR 3, encouraging the preservation of the system of locks on the Merrimack river.

HB 374, relative to surcharges on pay telephone use.

HB 403, relative to the effective date of special contracts for telephone utilities.

HB 397, establishing a committee to study the status of veterans in New Hampshire.

HCR 5, urging the federal government to consider the impacts on New Hampshire and the smaller states of interstate waste legislation

HCR 7, urging the federal government to allow a deduction for personal credit card interest from the federal income tax.

HCR 9, urging the President of the United States to increase the administration's efforts to mediate a peaceful resolution to the dispute in Cyprus between Turkey and the Republic of Cyprus.

HB 405, establishing a committee to study the creation of an at-home infant child care program in New Hampshire.

HB 189-FN, increasing the facility funding limits under the oil discharge and disposal cleanup fund.

HB 351-FN-A-L, requiring the state to fully fund school building aid payments for fiscal year 2001 and making an appropriation therefor.

HB 485, relative to physicians employed by hospitals

HB 202, relative to the legislative ethics committee.

HB 583, making certain changes to the underground utility damage prevention system.

RECESS MOTION

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

Adopted.

The House recessed at 12:45 p.m.

RECESS