

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 29, 2001

No. 28

HOUSE JOURNAL No. 9 (cont.)

Thursday, March 22, 2001

(Rep. Whalley in the Chair)

RESOLUTION

Rep. Henderson offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 769-FN-L, 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 RESOLUTION

First and second reading and referral

HB 769-FN-L, relative to fees paid by municipalities for excavating and dredging permit applications. (Gilmore, Straf 11; Wheeler, Dist 21: Resources, Recreation and Development)

RECESS

(Rep. Whalley in the Chair)

RESOLUTION

Rep. Henderson offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Resolution numbered 10, shall be by this resolution read a first and second time by the therein listed title.

Adopted.

INTRODUCTION OF HOUSE RESOLUTION

First and second reading

HR 10, affirming revenue estimates for fiscal years 2001, 2002 and 2003. (Alukonis, Hill 23)

RECESS

Rep. Scanlan moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 10

Thursday, March 29, 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 Guest Chaplain, The Reverend Frances D. Potter, from Concord.

Holy and Gracious God, Giver of all good things, we offer our praise and thanksgiving for the loveliness and great resources of our state, New Hampshire. Especially this day, we remember the men and women who have preceded us in this House. We are grateful for the example they have set for us in sustaining the liberties and justice of our life together. May we commit ourselves this morning to follow in their steps with thought and carefulness that we may honor Your creation in all that we do. Amen.

Rep. Mitchell led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Brennan, Cardin, Carson, Fields, Lyman, Nordgren, Owen, Irene Pratt and Carol Ann Williams, the day, illness.

Reps. Duval, Gabler, Gile, Stephen L'Heureux, Lessard, Martin and Burton Williams, the day, important business.

Rep Naro, the day, death in the family.

INTRODUCTION OF GUESTS

Anthony Curran, guest of Rep. Reid. Ken Sheffert, guest of Reps. Woekel and Saia. Former Representative Richard Doucette, guest of Rep. Batchelder. Jamie Rogers, daughter of Rep. Phyllis Woods. Michael Dodge, son of Rep. Dionne and nephew of Rep. Elliott. Members of the National Junior Honor Society from the Rochester Middle School and Superintendent Raymond Yeagle, guests of Rep. Grassie. Moultonborough Academy's 1999-2000 Girls Softball Class S Champions, 1999-2000 Boys Baseball Class S Champions and 2000-2001 Girls Volley Ball Class S Champions, guests of Rep. Patten.

committee reports

consent calendar

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

HB 563, requiring drivers to carry automobile insurance and permitting drivers to choose the amount of uninsured motorist insurance that they carry, removed by Rep. Arnold.

HB 355, relative to the contents of the department of education report on the condition of education statewide, removed by Rep. Arthur Pelletier.

HB 692, relative to the use of psychological testing and psychiatric drugs in schools, removed by Rep. Christiansen.

HB 428, relative to claims against the state by certain victims of Judge John C. Fairbanks, removed by Rep. Mirski.

HB 685-FN, allowing pregnant women to use parking spaces reserved for persons with disabilities, removed by Rep. Kenney.

HB 338-FN-A, increasing the rate of the meals and rooms tax, removed by Rep. Vaillancourt.

Consent Calendar adopted.

HB 210-FN, relative to the penalties for persons convicted of subsequent DWI offenses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill will increase the penalty for the 4th DWI conviction to a felony. The committee felt that a 4th DWI is definitely a public safety issue, and longer-term incarceration with mandated treatment during that incarceration should be an option for the courts. There were approximately 14 persons convicted of their 4th DWI in 2000. The committee also recognizes the seriousness of alcoholism as a disease, and the need for earlier intervention and better treatment programs to possibly even eliminate the incidences of 4th DWI convictions. There presently exists a legislative committee studying the complete issue of DWI, and the Criminal Justice and Public Safety Committee was assured that treatment intervention is a

significant and serious subject in that study committee. This bill also increases the time period which is considered for prior offenses from 7 to 10 years. Vote 13-1.

Amendment (0392h)

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-4 to read as 5-6, respectively:

3 Motor Vehicles; Rules of the Road; Serious Traffic Offenses; Penalties for Intoxication or Under Influence of Drug Offenses; Prior Convictions Considered. Amend RSA 265:82-b, III to read as follows:

III. If any person is convicted of a violation of RSA 215-A:11, RSA 265:82, or RSA 265:82-a, and the conviction is not based upon a complaint which alleges prior convictions as provided in RSA 265:82-b, II, but the person is found to have had one or more such prior convictions in this state or in an out-of-state jurisdiction within ~~[the 7-year period]~~ **10 years preceding the date of the offense**, the person's driver's license or privilege to drive shall be revoked for not less than 180 days nor more than 3 years. The license shall not be restored until the person has successfully completed a 7-day program at the state-operated multiple DWI offender intervention detention center program or an equivalent 7-day residential intervention program approved by the director of the office of alcohol and drug abuse prevention, as provided in RSA 172-B:2-b and RSA 263:65-a, at the person's own expense. The court may order attendance at a residential treatment center, for a period not to exceed 30 days, at the person's own expense.

4 Motor Vehicles; Habitual Offenders; Penalty. Amend RSA 262:23, III to read as follows:

III. Notwithstanding paragraph I, any person ~~[who qualifies under RSA 259:39, who does not have a conviction]~~ **under current certification as an habitual offender pursuant to RSA 262:19, and whose motor vehicle record from this state or any other state is void of any convictions** under RSA 265:82 **or under reasonably equivalent offenses in an out-of-state jurisdiction**, or any misdemeanor or felony motor vehicle convictions pursuant to RSA title XXI, shall not be subject to the minimum mandatory provisions of paragraph I; provided, however, that any such person shall be guilty of a class A misdemeanor and may be sentenced to one year or less. Any person incarcerated upon the effective date of this paragraph, pursuant to certification as an habitual offender under RSA 259:39, who does not have a conviction under RSA 265:82 or any misdemeanor or felony motor vehicle convictions pursuant to RSA title XXI, may apply immediately to the superior court for sentence review and reduction.

AMENDED ANALYSIS

This bill changes the penalty for fourth or subsequent violations of the intoxication or under the influence of drug laws from a misdemeanor to a felony. This bill also extends the period of time which may be considered in determining prior offenses from 7 years to 10 years, and clarifies the applicability of habitual offender penalties.

This bill is a request of the committee established by 1999, 334.

HB 271, relative to criminal liability for the conduct of another. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kathleen M. Flora for Criminal Justice and Public Safety: This bill specifically clarifies the legislative intent underlying RSA 626:8 IV, criminal liability for the conduct of another, to reflect the

purpose expressed in the model penal code upon which it is based. Under HB 271, an accomplice can be charged as such if the result of his or her actions was reasonably foreseeable and the accomplice acted with the state of mind required for the offense. Vote 15-1.

Amendment (0363h)

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

1 Criminal Code; Criminal Liability for the Conduct of Another. Amend RSA 626:8, IV to read as follows:

IV. ~~[When]~~ ***Notwithstanding the requirement of a purpose as set forth in paragraph III(a), when*** causing a particular result is an element of an offense, an accomplice in the conduct causing such result is an accomplice in the commission of that offense, if he acts with the kind of culpability, if any, with respect to that result that is sufficient for the commission of the offense. ***In other words, to establish accomplice liability under this section, it shall not be necessary that the accomplice act with a purpose to promote or facilitate the offense. An accomplice in conduct can be found criminally liable for causing a prohibited result, provided the result was a reasonably foreseeable consequence of the conduct and the accomplice acted purposely, knowingly, recklessly, or negligently with respect to that result, as required for the commission of the offense.***

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

AMENDED ANALYSIS

This bill clarifies the legislative intent underlying RSA 626:8, IV to reflect the purpose expressed in the model penal code, upon which it is based.

HB 475, establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: House Bill 475 is the result of a 2-year statutory study on sex offender issues. Prosecuting attorneys and defense attorneys, their clients, and advocates on both sides of the issue, agree that a statewide protocol for interviewing alleged victims is a necessity. This bill, as amended, establishes a commission representing the interests of all parties to establish that protocol, which will include: procedures for avoiding multiple interviews; requiring that interviews are conducted by a certified forensic interviewer; procedures to ensure the audio taping and videotaping of the interviews; and other details important to an effective system ensuring the rights and sensitivities of all concerned. The commission will develop and design a state certification policy for forensic interviewers. This protocol, when put into effect, will go a long way toward protecting the rights of the accused, and in protecting the alleged victim from further psychological 'abuse' at the hand of an inexperienced interviewer. When the commission has completed its work, legislation will be filed to implement it. Vote 16-0.

Amendment (0171h)

Amend paragraph I of section 2 of the bill by inserting after subparagraph (o) the following new subparagraphs:

(p) One therapist specializing in child development and child abuse assessment, appointed by the chairperson or other appointing authority of the attorney general's task force on child abuse and neglect.

a. One district court judge appointed by the administrative justice of the district court.

HB 349-L, relative to parental choice in public education. **INEXPEDIENT TO LEGISLATE**

Rep. Charles B. Yeaton for Education: The Education committee found several problems with this bill. There is the question as to whether it presents a 28-a problem. The bill also does not limit the abatements to non-sectarian schools, which could raise a question of constitutionality. By granting a fixed abatement of 10% of a resident's property tax, these abatements would give greater amounts to those who need it the least. There are others who object to providing public funds for private school education. Vote 16-0.

HB 594, establishing a committee to study the law on justification for the use of physical force and its implications for teachers or other persons entrusted with the care and supervision of minors. **OUGHT TO PASS**

Rep. Charles E. Sova for Education: The committee felt that further study of this matter was warranted, especially since it involves not only educational issues, but criminal justice and juvenile law issues as well. The committee recommends that the Speaker appoint one House member from each of the Education, Criminal Justice and Public Safety and Children and Family Law Committees to the study committee so that each point of view is represented. Vote 17-0.

HB 692, relative to the use of psychological testing and psychiatric drugs in schools. **INEXPEDIENT TO LEGISLATE**

Rep. Russell N. Cox for Education: The testimony on this bill mostly concerned the use of the prescription drug Ritalin for school children. This subject is best considered by the existing subcommittee on a similar bill before the Health and Human Services Committee. The remainder of the bill provided an inappropriate balance between parental rights and school administration relating to academic policy. Vote 17-0.

HB 726-L, relative to change of school assignment and transfers of public school pupils. **OUGHT TO PASS WITH AMENDMENT**

Rep. John R. Alger for Education: This bill allows flexibility for superintendents to agree on moving a few students (less than 1% of a district), with parental support, between school districts or SAU's where it is in the best interest of the student. There was strong bipartisan support for the bill to help resolve the few student placements expeditiously without public hearings. School Boards are free to control the practice and the bill is deliberately set to be law on January 1, 2002, to give superintendents and school boards time to learn of the law before it becomes effective. Vote 15-2.

Amendment (0305h)

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

1 Change of School or Assignment; Section Heading Amended. Amend the section heading in RSA 193:3 to read as follows:

193:3 Change of School or Assignment; ***Manifest Educational Hardship or Best Interest***; Excusing Attendance.

2 New Paragraph; Change of School or Assignment; Best Interest Standard Inserted. Amend RSA 193:3 by inserting after paragraph II the following new paragraph:

III.(a) Unless the school board of a school district adopts a policy to the contrary, a superintendent shall have the authority to reassign a pupil from the public school to which the pupil is assigned to another public school within the same school administrative unit, or to approve a request to accept the transfer of a pupil from another superintendent's school administrative unit, provided that the following conditions are met:

(1) The pupil's parent or legal guardian petitions the superintendent for a change of school assignment or consents to the superintendent's recommendation for such a change; and

(2) The superintendent determines that such a change would be in the pupil's best interest; and

(3) The total reassignments or transfers in any one school year shall not exceed one percent of the average daily membership in residence of a school district, or 5 percent of the average daily membership in residence of any single school, whichever is greater.

(b) In accordance with the number of pupils authorized in this paragraph, a superintendent may approve reassignment of a pupil:

(1) To another school within the same school district; or

(2) To another school district within the same school administrative unit; or

(3) To a school district in another school administrative unit, subject to the pupil meeting the admission requirements of such school, and subject to the agreement of the superintendent of the receiving school administrative unit.

(c) Where such reassignment exceeds the percentage limitations established in this paragraph, the approval of the school board shall be required.

(d) A pupil reassigned under this paragraph shall be counted in the average daily membership in residence of the pupil's resident school district. The pupil's resident district shall forward any tuition payment due to the district to which the pupil was reassigned.

(e) The superintendents involved in the reassignment of a pupil shall jointly establish a tuition rate for each such pupil. Notwithstanding any law to the contrary, some or all of the tuition may be waived by the superintendent of the receiving district for the good cause shown or pursuant to school board policy of the receiving district. The cost of transportation shall be the responsibility of the parent or legal guardian.

(f) The superintendent of the pupil's resident school administrative unit shall notify the department of education within 30 days of any reassignment of pupils under this paragraph.

(g) Nothing in this paragraph shall alter or impair the right of an educationally disabled child, as defined in RSA 186-C:2, to be accorded a due process review pursuant to rules adopted under RSA 186-C:16.

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

AMENDED ANALYSIS

This bill:

I. Authorizes superintendents of school districts, under certain circumstances, to approve requests for changes in school assignment where such changes are in the best interest of the pupil.

II. Authorizes superintendents to negotiate the apportionment of tuition costs associated with a change in school assignment to another school district.

III. Provides that pupils reassigned to another school district shall be counted in the average daily membership in residence in the pupil's resident district and that any tuition payment due to the receiving district shall be paid by the pupil's resident district.

CACR 18, relating to elections and elective franchises. Providing that the inhabitants having proper qualifications shall have an equal right to elect and be elected into office. **INEXPEDIENT TO LEGISLATE**

Rep. Michael S. Rollo for Election Law: This proposed constitutional amendment stated having the proper qualifications all inhabitants "shall have an equal right to elect and be elected into office." The committee felt that under Article 11 of the Part I of the NH Constitution guarantees that anyone eighteen and upwards the right to vote, providing they meet state qualifications. Accordingly, this matter would be better suited to statutory attention than changes to the State Constitution. Vote 18-0.

HB 309-FN, relative to the registration of radon testors and mitigators. **INEXPEDIENT TO LEGISLATE**

Rep. A. Theresa Drabinowicz for Executive Departments and Administration: This Bill requires the registration of radon testers and mitigators with the department of health and human services. The committee felt that this legislation would not accomplish the desired effect of the sponsor and would increase the cost to homeowners seeking to have their homes tested for the presence of radon. Vote 15-0.

HB 327-FN, relative to review of final proposed rules under the administrative procedures act. **INEXPEDIENT TO LEGISLATE**

Rep. Donald R. Lent for Executive Departments and Administration: This bill adds the recommendation of the legislative policy committee to possible objections to proposed administrative rules by the joint legislative committee on administrative rules. The bill also changes the procedure for objections or alternatives to objection used by the joint legislative committee on administrative rules. The subcommittee conferred at length with both informed legislators and agency representatives. We determined that the procedures proposed in this bill added an unnecessary burden to legislative committees as well as agencies. Flaws in intention can be avoided by writing

more explicit guidance for rule making. The committee will continue to work on these issues in its study of HB 688 Vote 16-1.

HB 453, establishing a 4-year term for the commissioner of the department of corrections. **OUGHT TO PASS**

Rep. Robert K. Dodge for Executive Departments and Administration: The committee felt that establishing four year terms for the commissioner of the department of corrections attracts more qualified candidates and brings the corrections commissioner in line with other appointed unclassified positions. Vote 12-1.

HB 585, relative to the membership and duties of the council on resources and development. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judson K. Dexter for Executive Departments and Administration: The committee is well aware of the logistical problem of getting the 12 statutory members to the same meeting at the same time. This bill, as amended, will allow the statutory members to name a designee to the council in their place. The amendment also adds a 13th member, "the executive director or designee of the New Hampshire housing finance authority" to the council. Vote 15-0.

Amendment (0377h)

Amend RSA 162-C:1, II as inserted by section 2 of the bill by replacing it with the following:

II. The commissioner *or appropriate division director*, department of resources and economic development.

Amend RSA 162-C:1, IV - V as inserted by section 2 of the bill by replacing it with the following:

IV. The commissioner *or appropriate division director*, department of agriculture, markets, and food.

V. The executive director *or appropriate division director*, fish and game department.

Amend RSA 162-C:1, XI - XII as inserted by section 2 of the bill by replacing it with the following:

XI. The commissioner *or appropriate division director*, department of cultural resources.

XII. The commissioner or appropriate division director, department of administrative services.

XIII. The executive director or chairman of the New Hampshire housing finance authority.

HB 598, adding the New Hampshire housing finance authority to the council on resources and development. **INEXPEDIENT TO LEGISLATE**

Rep. Judson K. Dexter for Executive Departments and Administration: HB 585 passage of which the committee has already recommended, with amendment, adds the New Hampshire housing finance authority to the council making this bill unnecessary. Vote 16-0.

HB 123-FN, relative to the retirement system classification for the director of the division of safety services, department of safety. **OUGHT TO PASS**

Rep. Robert G. Holbrook for Finance: In order to have the ability to attract qualified directors for Safety Services, it appears necessary to offer group II in the New Hampshire Retirement System for certified police officers. Safety Services is funded by the Navigation and Safety Fund. Vote 19-0.

HB 208-FN, changing the license requirement for operators collecting the meals and rooms tax. **OUGHT TO PASS**

Rep. O. Alan Thulander for Finance: This bill was requested by the Department of Revenue Administration and approved by the Ways and Means Committee unanimously. The language repeals the \$5 registration fee for operators collecting the rooms and meals tax and also the requirement to renew the license biennially. These paper transaction costs far exceed the fee. The loss of \$43,000 each biennium will be reflected in salary line reductions agreed to by the commissioner of revenue administration. Vote 18-0

HB 396, relative to the practice of physicians and surgeons. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert F. Chabot for Health, Human Services and Elderly Affairs: This bill closes a gap in present state statutes designed to encourage Quality Assurance programs in the health care field. "Quality Assurance" is a process in which health care providers critically examine their own activities to determine how care to patients can be improved, based on the best information available. The value of Quality Assurance programs has been recognized in New Hampshire law for over 20 years, in existing statutes that now cover such programs in hospitals, community mental health centers, home health care organizations, ambulatory care clinics and nursing homes. This bill would extend the same statutory recognition to Quality Assurance programs in physician practice groups. The amendment would assure access to original sources of information concerning medical care, while continuing to protect the records and proceedings of Quality Assurance programs reviewing such care. Vote 17-0.

Amendment (0389h)

Amend RSA 329:29-a, II as inserted by section 2 of the bill by replacing it with the following:

II. Records of a quality assurance program, including those of its functional components and committees, as defined by the physician practice's quality assurance plans, and testimony by persons participating in or appearing before the quality assurance program or its functional components or committees, relating to the activities of the quality assurance program shall be confidential and privileged and shall be protected from direct or indirect means of discovery, subpoena, or admission into evidence in any judicial or administrative proceeding. However, information, documents, or records otherwise available from original sources are not to be construed as immune from discovery or use in any such civil or administrative action merely because they were presented to a quality assurance program, and any person who supplies information or testifies as part of a quality assurance program, or who is a member of a quality assurance program committee, may not be prevented from testifying as to matters within his or her knowledge, but such witness may not be asked about his or her testimony before such program, or opinions formed by him or her,

as a result of committee participation. Further, a program's records shall be discoverable in either of the following cases:

(a) A judicial or administrative proceeding brought by a physician practice to revoke or restrict the license or certification of a member physician or staff member; or

(b) A proceeding alleging repetitive malicious action and personal injury brought against a physician practice.

HB 553-FN-L, requiring background checks for nursing home employees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephanie Micklon for Health, Human Services and Elderly Affairs: This bill, as amended, requires that all nursing homes check the criminal record of any new employees, including per diem and temporary employment agency employees. The committee agreed that our state needs to do all it can to protect our elderly and voted Ought to Pass With Amendment. Vote 14-0.

Amendment(0295h)

Amend RSA 151:27-a as inserted by section 1 of the bill by replacing it with the following:

151:27-a Criminal Records Check Required for Nursing Home Employees. Any facility licensed under this chapter as a nursing home shall conduct, through the appropriate law enforcement agency, a review of criminal convictions of any employee, including per diem and temporary employment agency employees, proposed to be hired after the effective date of this section.

AMENDED ANALYSIS

This bill requires that nursing homes check the criminal record of any new employees, including per diem and temporary employment agency employees.

HB 635, relative to family mutual support services. **OUGHT TO PASS**

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: This bill relates to family support groups that exist to help when mental illness strikes. Such mutual support reduces hospitalization, in-patient and out-patient treatment and out-of-home placements, thus saving money for state and local governments. The bill calls on the state to enhance, coordinate and encourage these efforts through its existing service system. Vote 14-0.

HB 737, relative to the possession and use of epinephrine auto-injector devices by emergency medical care providers. **INEXPEDIENT TO LEGISLATE**

Rep. Phyllis M. Katsakiores for Health, Human Services and Elderly Affairs: Possession and use of medications by emergency medical service providers is covered under rules and supervised by the Emergency Medical Services Control Board. HB 737 is not needed and would inappropriately assign medical services to too broad a category of providers. Vote 15-0.

HB 499, making state-appointed advisory committees subject to the right-to-know law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas Rice, Jr. for Judiciary: The intent of this bill is to ensure public access to the records of any advisory committees established by the General Court, the Governor and the Governor's Council, and any boards and commissions of state agencies under the right-to-know law. HB 499, as amended, does this by including a comprehensive definition section defining exactly what is meant by the term "advisory committee." The amendment also changes the effective date to January 1, 2002. Vote 14-0.

Amendment (0449h)

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

1 Advisory Committees Subject to the Right-to-Know Law. Amend RSA 91-A:1-a to read as follows:

91-A:1-a Definition of Public Proceedings.

I. The term "public proceedings" as used in this chapter means the transaction of any functions affecting any or all citizens of the state by any of the following:

~~[I.]~~**(a)** The general court including executive sessions of committees; ***and including any advisory committee established by the general court;***

~~[H.]~~**(b)** The governor's council and the governor with the governor's council; ***including any advisory committee established by the governor or the governor's council;***

~~[HH.]~~**(c)** Any board or commission of any state agency or authority, including the board of trustees of the university system of New Hampshire ***and including any advisory committee established by such entities;***

~~[IV.]~~**(d)** Any board, commission, agency or authority, of any county, town, municipal corporation, school district, school administrative unit, charter school, or other political subdivision, or any committee, subcommittee or subordinate body thereof, or advisory committee thereto.

II. For the purposes of this section, "advisory committee" means any committee, council, commission, or other like body whose primary purpose is to consider an issue or issues designated by the appointing authority so as to provide such authority with advice or recommendations concerning the formulation of any public policy or legislation that may be promoted, modified, or opposed by such authority.

2 Reference Change. Amend RSA 91-A:4, I-a to read as follows:

I-a. Records of any payment made to an employee of any public body or agency listed in RSA 91-A:1-a, ~~[I-IV]~~ ***I(a)-(d)***, or to the employee's agent or designee, upon the resignation, discharge, or retirement of the employee, paid in addition to regular salary and accrued vacation, sick, or other leave, shall immediately be made available without alteration for public inspection. All records of payments shall be available for public inspection notwithstanding that the matter may have been considered or acted upon in nonpublic session pursuant to RSA 91-A:3.

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

HB 704, relative to the applicability of the right-to-know law to certain governmental committees.
INEXPEDIENT TO LEGISLATE

Rep. Larry G. Elliott for Judiciary: HB 704 and HB 499 are parallel bills. The Judiciary Committee chose to use HB 499 as its vehicle to address the very same issues and concerns in the right-to-know law. The sponsor of the legislation, during his testimony, recognized that there are similar types of legislation already being considered by the Judiciary Committee and it did not matter to him which vehicle we used, so long as a suitable solution to his concerns was reached. The Judiciary Committee strongly feels that HB 499 meets those requirements. Vote 14-0.

HB 733, deleting references to "rebuttable presumption" from the laws of this state.
INEXPEDIENT TO LEGISLATE

Rep. John M. Pratt for Judiciary: The committee concluded that the question of "rebuttable presumptions" is one which ought to be examined by the relevant policy committees on a case-by-case basis rather than through a wholesale deletion of the term from "all" laws in the state, known and unknown. Vote 13-0.

HB 739, establishing a committee to study the application of the rule against perpetuities.
INEXPEDIENT TO LEGISLATE

Rep. Robert H. Rowe for Judiciary: This ancient law, the Rule Against Perpetuities, has been the common law in America since the 18th and possibly 17th century. It is a part of the English common law that we inherited, and is still the law in New Hampshire as much as the statutes we enact. The law was enacted in England to stop wealthy individuals from placing their property in trust for perpetuity, or hundreds of years, and thus removing it from the public interest. The typical example would be that of an extremely wealthy land owner dying and leaving his land, possibly hundreds of thousands of acres, in trust for the use of his children, grandchildren, great-grandchildren, great-great-grandchildren, etc., etc., and never vesting title, thus depriving the public of the land. England viewed this as a bad public policy, and thus the Rule Against Perpetuities. The law states that a grant in trust must vent (end) within a life in being plus 21 years. Though the law is nearly obsolete in the 21st century, it does no harm. The Judiciary Committee would probably express the view more succinctly, saying: "That dog is too old to hunt, but sure is a comforting old friend to have around." The Rule Against Perpetuities is like a monument to our juris prudence heritage - harmless, but a valuable reminder of our past. Vote 11-3.

HB 752, relative to certain revisions of the right-to-know law. **INEXPEDIENT TO LEGISLATE**

Rep. Christopher P. Reid for Judiciary: The committee is working on a number of bills that will increase the scope of the right-to-know law. The committee felt that this bill is not necessary, and may introduce new problems. This bill's addition of the court system to the right-to-know law was too broad and its language concerning employment security was not protective enough of individual privacy rights. Vote 13-1.

HB 164, relative to exceptions to the confidentiality of certain department of employment security records. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeffrey P. Goley for Labor, Industrial and Rehabilitative Services: This bill as amended allows the Department of Employment Security to share unemployment compensation records and reports with other state and federal agencies for the purpose of assessing governmental performance and accountability for compliance with state and federal law. The release of this information shall be

authorized by the commissioner when sufficient guarantees of continued confidentiality are in place. Vote 16-0.

Amendment (0034h)

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

1 New Paragraphs; Employment Security; Unemployment Compensation; Confidentiality of Reports or Statements. Amend RSA 282-A:118 by inserting after paragraph III the following new paragraphs:

IV. That authorized federal employees granted access as provided in paragraph III shall be granted access on a case-by-case basis. In no event shall access to or copies of any database, whether written, electronic or other, be provided to any agency, employee, or agent of the federal government except as required by federal or state law and duly authorized by the commissioner.

V. That for the purpose of assessing governmental performance and accountability, the commissioner may provide information to the Wage Record and Interchange System developed by the U.S. Department of Labor as administered by the National Association of State Workforce Agencies (NASWA) and utilized by each state's Performance Accountability and Customer Information Agency (PACIA). The use of the information shall be limited to the purposes contained in the federal Workforce Investment Act or the Wagner-Peyser Act. Information under this paragraph shall only be provided upon a finding by the commissioner that sufficient guarantees of continued confidentiality are in place.

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

AMENDED ANALYSIS

This bill allows for an exception to the confidentiality of certain unemployment compensation records and reports for the purpose of complying with federal or state law or for assessing governmental performance and accountability.

HB 347-FN, relative to terminal pay for certain state officials or employees. **OUGHT TO PASS**

Rep. G. Michael Gilman for Labor, Industrial and Rehabilitative Services: This bill clarifies that officials in non-classified or unclassified positions may not double dip upon termination of service with the state. Vote 16-0.

HB 448, relative to procedures for crews and provision of counseling services following a railway accident. **OUGHT TO PASS WITH AMENDMENT**

Rep. Corey E. Corbin for Labor, Industrial and Rehabilitative Services: This bill makes a provision for procedures following a railway accident. While many major rail services have internal policies, there are smaller rail services that do not. This legislation requires those services with no standing policy to adhere to the provisions contained in this bill. If enacted, this language would apply only to those rail services with no policy, or a policy that is less stringent than provided for. Vote 15-0.

Amendment (0387h)

Amend RSA 367:56-a as inserted by section 1 of the bill by replacing it with the following:

367:56-a After-Accident Counseling.

I. Every railroad corporation and railway company shall provide or make available to every member of an operating crew involved in an accident on its railway or right-of-way which results in loss of life or serious bodily injury, counseling services or other critical incident stress debriefing services within 48 hours. The engineer or other operating crew member involved in the accident shall be relieved from duty with compensation and applicable benefits at the site of the accident. The leave may be without compensation and benefit if the railroad corporation makes the affirmative showing that the accident was due to negligence of an engineer or other operating crew member. Any person who is otherwise eligible for the benefits provided by this paragraph and who has been found to have not acted negligently shall not be precluded from participation due to the negligence of a fellow crew member.

II. Any engineer returning to duty following leave provided pursuant to paragraph I shall, if he or she so requests, be assigned an assistant engineer or other qualified person who shall accompany him or her for such time as may be necessary to guarantee the public safety. Any engineer or crew member may be subject to an examination at the discretion of the employer pertaining to any mental or emotional impairment caused by the accident. Such examination shall occur during the period of leave or upon return of duty, and shall be by a qualified medical practitioner designated by the employer.

III. The provisions of paragraph I shall not apply to a railroad corporation or railway company that has a written policy approved by the commissioner incorporating personnel protections no less stringent than the requirements of paragraph I.

IV. The commissioner shall adopt rules, pursuant to RSA 541-A, for the implementation and enforcement of the provisions of this section.

HB 570-FN, relative to the unemployment compensation law. **OUGHT TO PASS**

Rep. Franklin C. Bishop for Labor, Industrial and Rehabilitative Services: This bill increases the weekly amounts collected by unemployed workers as recommended by the Department of Employment Security. It also allows for a small increase in fines for employers who refuse to file the proper reports on time and allows continued collection for administrative purposes. Vote 16-0.

HB 637-FN, requiring training for certain members of the workers' compensation appeals board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Corey E. Corbin for Labor, Industrial and Rehabilitative Services: This bill would require members of the workers' compensation appeals board to participate in 20 hours of training annually. The sponsor presented an amendment that would have training conducted in-house, thus eliminating the fiscal impact. Once the fiscal impact was removed, the Department of Labor was in support of the measure, as was the committee. Vote 15-0.

Amendment (0277h)

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

AN ACT requiring annual training for members of the workers' compensation appeals board.

Amend the bill by replacing section 1 with the following:

1 Training Required; Lay Members. Amend RSA 281-A:42-a, I to read as follows:

I. There is established a compensation appeals board. The board shall consist of a pool of 33 members, of which 11 members shall represent labor, 11 members shall represent employers or workers' compensation insurers and 11 members shall be attorneys who shall be neutral. Members of the board shall be appointed by the governor and council from a list of nominees submitted by the commissioner. The commissioner shall submit at least 2 nominees for each vacancy to be filled. Any person appointed by the governor and council who is not qualified or who ceases to be qualified in the capacity in which such person is serving on the appeals board shall be replaced by the governor and council. Terms of board members shall be 4 years, except the initial appointments shall be staggered so that no more than 1/3 of the members' terms shall expire in the same year. Members of the board shall have at least 5 years' experience in the area of workers' compensation. ***As a condition to maintaining eligibility to hear appeals, board members shall have at least 20 hours annually of training and briefing in the area of workers' compensation and relevant disciplines. The commissioner, or designee, with the assistance of the attorney general's staff shall supervise and approve the training. The commissioner shall have the authority to suspend the eligibility of any member of the board who is not in compliance with such annual training requirements, and to reinstate such member's eligibility upon compliance.*** Appeals from a decision of the commissioner or the commissioner's representative shall be heard de novo by a 3-member panel, composed of an attorney who shall serve as chair, one member representing labor and one member representing employers or workers' compensation insurers. At least 2 like votes shall be necessary for a decision by the panel. The board shall hear appeals, in accordance with RSA 281-A:43, I(b), from the decisions of the commissioner made pursuant to RSA 281-A:43. No person who is an interested party or an employee of an interested party shall participate as a member of the panel. The board shall conduct its proceedings in such a manner as to ensure a fair and impartial hearing.

AMENDED ANALYSIS

This bill requires members of the workers' compensation appeals board to have annual training.

HB 311-FN-A, increasing the fees under the laws relative to sewage disposal systems to support a position at the department of environmental services to advocate for and implement long-term septage disposal solutions in partnership with New Hampshire municipalities. **OUGHT TO PASS**

Rep. Robert W. Brundige for Municipal and County Government: HB's 207, 311 and 439 are all based on the findings and recommendations of the Septage Task Force which was established in 1999, because of concerns that municipalities are not meeting their responsibilities pertaining to septage disposal per RSA 485-A:5-b. The conclusion of the Task Force was that there is a severe problem facing New Hampshire pertaining to the handling and disposal of septage. There is a shortage of septage disposal facilities in New Hampshire. Many southern border towns deposit their septage in Lowell and Lawrence, Massachusetts facilities. Those cities could stop accepting New Hampshire septage at any time, which would exacerbate the problem, and northern towns already have a serious shortage of septic disposal facilities. For example, in 1996, 560,000 gallons of New Hampshire septage was processed at Lowell, Massachusetts waste water treatment facility, and in 2000, 3,928,000 gallons were processed out-of-state which is a 3,368,000-gallon increase in just 5 years. There were 8,870 septic applications in 2000 and this number increases every year and the majority of the septic applications are for private home. HB 311 recognizes the severe septage disposal problem by adding \$10 to the fee charged for septic design applications to support a position at Department of Environmental Services to advocate for and implement long-term septage disposal solutions in partnership with New Hampshire municipalities. Vote 13-0.

HB 516, relative to requirements for bidders on public construction projects. **INEXPEDIENT TO LEGISLATE**

Rep. Bernard L. Benn for Public Works and Highways: The committee heard testimony regarding construction problems on a particular project which prompted the proposed bill. The committee felt that the legislation as written would have done nothing to prevent the type of construction problems encountered. It felt, in addition, that adequately detailed construction contracts and existing law would protect against the type of problems encountered. Vote 16-1.

HCR 13, calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. **OUGHT TO PASS**

Rep. Robert R. Rodrigue for State-Federal Relations and Veterans Affairs: HCR 13 asks the President & Congress to fully fund the Individuals with Disabilities Education Act (IDEA). Congress promised to fund up to 40% of the average per pupil expenditures for special education services when IDEA became law in 1975. Today, the federal government still funds less than 15% of special education costs, creating substantial hardship for local taxpayers. In effect, by not funding this obligation, Congress has taken local control out of the hands of local voters & taxpayers. The committee agrees with the sponsor's belief that, in this age of surpluses, Congress should fund its obligations. Vote 14-0.

HJR 4, urging Congress to amend the Pipeline Safety Act. **INEXPEDIENT TO LEGISLATE**

Rep. Jonathan E. Hill for State-Federal Relations and Veterans Affairs: Whereas HJR 4 is almost identical to HCR 12, the committee decided to recommend HJR 4 as inexpedient and will take up the same subject in HCR 12, which the committee felt was more complete. Vote 14-0.

HB 369, relative to driving in highway construction and maintenance areas. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill requires drivers to obey flag persons in highway construction or maintenance areas. The committee felt that the intent of this bill has merit, particularly with the volume of construction going on in this state. Testimony from the New Hampshire Department of Transportation indicated that this problem is on the rise. The motoring public needs to be aware of workers in the road during construction and maintenance. Flag persons indicate danger ahead and their instructions need to be obeyed. The amendment clears up language in the original bill in regard to the type of violation and fine associated with this offense. Vote 16-0.

Amendment (0220h)

Amend the bill by replacing section 1 with the following:

1 New Section; Obedience to and Effect of Traffic Laws; Obedience to Flagpersons. Amend RSA 265 by inserting after section 3-a the following new section:

265:3-b Obedience to Flagpersons.

I. The driver of any vehicle shall obey the instructions of any flagperson in the act of directing, controlling, or regulating traffic within any construction or maintenance area indicated by official traffic control devices. If the flagperson is displaying a signal to stop, the driver of a vehicle

upon a way shall stop the vehicle at least 25 feet before reaching such flagperson. The driver shall not proceed until the flagperson indicates that traffic may proceed and until the driver may do so safely.

II. Any person who violates the provisions of this section shall be guilty of a violation and shall be fined not more than \$100 for the first offense and not more than \$250 for any subsequent offense committed during any calendar year.

AMENDED ANALYSIS

This bill requires drivers to obey flagpersons in highway construction or maintenance areas.

HB 459-FN, relative to inspection requirements for antique vehicles. OUGHT TO PASS WITH AMENDMENT

Rep. Lawrence A. Artz for Transportation: The intent of this bill is to allow antique vehicles and antique motorcycles to be inspected biennially instead of annually during the month of April. The Department of Safety expressed concerns regarding the number of vehicles being allowed this biennial inspection, mostly worn-out mid-1970s era vehicles still used on a daily basis. The subcommittee recommended and the committee unanimously adopted an amendment where the biennial inspection will instead apply only to those antique vehicles actually registered as an antique and have reached 40 years of age. This bill does not change the definition of an antique vehicle. Antique vehicles over 40 years of age are most likely to be infrequently driven and be true collector vehicles, for which their owners typically take exceptional care. A biennial inspection would increase convenience to those owners as well as reduce the frequency of the unnecessary repeated disassembly and reassembly of difficult to find parts that are inspected which could possibly cause needless damage or wear. The reduction of revenue (\$1.50 per sticker) for allowing 40 year old antique vehicles and motorcycles a biennial inspection will be minimal due to the relatively low number of these vehicles registered in the state. Vote 16-0.

Amendment (0388h)

Amend the bill by replacing section 1 with the following:

1 Motor Vehicles; Equipment of Vehicles; Inspections; Inspection Authorized; Biennial Inspections for Certain Antique Vehicles. Amend RSA 266:1, III to read as follows:

III. If the owner of the vehicle is a company or corporation or other than a natural person, the annual inspection shall be made during the month designated by the director as the registration month for such legal entity, and motorcycles ~~[and antique cars]~~ shall be inspected once a year. ***Vehicles registered as antique motor vehicles and motorcycles and which are 40 years old and over shall be inspected biennially.*** Antique ***motor*** vehicles shall be inspected ~~[annually]~~ in the month of April. Motorcycles shall be inspected ~~[annually]~~ by July 1.

AMENDED ANALYSIS

This bill changes the inspection requirement for certain antique vehicles 40 years old and over from annual to biennial.

HB 571, establishing a commission to study the feasibility of creating a statewide land value assessment system for the purpose of creating a revenue source for funding education.
INEXPEDIENT TO LEGISLATE

Rep. David W. Hess for Ways and Means: This bill would establish a commission to study the establishment of a statewide "assigned land value system." This is a property tax system based upon assigned property values rather than market or assessed values. Among other things, such a system would create a single, common rate for each land class across an entire taxing district. In the case of the statewide property tax, for example, a buildable lot in Hampton would be assigned the same value as a buildable lot in Pittsburg. The Ways and Means Committee felt the education-funding debate has proceeded beyond the point where study of such a radically different property tax system would be useful. Vote 16-0.

regular calendar

HB 246, relative to marriage between first cousins. **INEXPEDIENT TO LEGISLATE**

Rep. Carlos E. Gonzalez for Children and Family Law: The Children & Family Law Committee voted 15-2 against first cousin marriages. We feel that genetics statistics and facts provide strong arguments against allowing first cousin marriages. We recommend this bill as inexpedient to legislate. Vote 15-2.

Adopted.

HB 289-FN, implementing procedures for a hospital to assume care and custody of an abandoned child and creating an exception to the crime of endangering the welfare of a child. **OUGHT TO PASS**

Rep. Christine M. Furman for Children and Family Law: This bill allows mothers to place newborns under 72 hours old in the custody of a hospital rather than abandon them. In so doing, the mother shall not be guilty of the offense of abandonment. Vote 12-1.

Rep. Dowling moved Recommit to Committee.

Adopted.

HB 422, establishing a committee to study the prevention of unintended pregnancies
INEXPEDIENT TO LEGISLATE

Rep. Diane T. Palermo for Children and Family Law: This bill would establish a study committee utilizing certain methods of dealing with unwed and teen pregnancies. Besides serious concerns as to the controversial approach of the bill, it was felt such a study may be better left to a private/professional group. Further, the committee research indicates that while unwed births have increased, the age group of women reflected in the increase are those between the ages of 20-40. Therefore, the bill is unnecessary since its primary focus would target women under 20 years of age. Vote 12-2.

Adopted.

HB 454, relative to same-sex civil unions contracted outside of the state of New Hampshire.
MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Laura C. Pantelakos for the Majority of Children and Family Law: New Hampshire law recognizes marriages only between a man and a woman. In addition, the Federal Defense of Marriage Act provides that no state shall be required to give effect to a law of any other state with respect to a same sex "marriage." A marriage is defined in NH law as the legal union of a man and a woman. Therefore, the Committee found this bill to be unnecessary. Vote 13-3.

Rep. Daniel C. Itse for the Minority of Children and Family Law: Passage of this bill will re-affirm the sanctity of marriage in New Hampshire. Vermont recognizes same sex civil unions and while New Hampshire forbids same sex marriage, it is silent on civil unions or other forms of union. Same sex unions may be a subject of litigation in New Hampshire and HB 454 will send a clear message to the courts that we do not want such unions recognized, regardless of what they are called.

Reps. Itse spoke against and yielded to questions.

Rep. Panagopoulos spoke in favor and yielded to questions.

Reps. Balboni, Gonzalez and Giuda spoke against.

Reps. Moran and Dowling spoke in favor.

Rep. Lachance requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

YEAS 276 NAYS 88

YEAS 276

BELKNAP

Bartlett, Gordon	Dewhirst, Glenn	Flanders, Donald	Holbrook, Robert
Johnson, William	Millham, Alida	Nedeau, Stephen	Pilliod, James
Rice, Thomas Jr	Russell, David	Salatiello, Thomas	Thomas, John
Wood, Jane			

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Mock, Henry
Patten, Betsey	Philbrick, Donald	Quimby, Lee	Sullivan, P Judith

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
DePecol, Benjamin	Edwards, Dana	Espiefs, Peter	Hunt, John
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, John
Richardson, Barbara	Roberts, William	Royce, H Charles	Smith, Edwin
Weed, Charles	Zerba, Roger		

COOS

Bradley, Paula	Davis, Perley	Gallus, John	Horton, Lynn
Landers, Dana	Mears, Edgar	Pratt, Leighton	Rodrigue, Robert
Tholl, John Jr			

GRAFTON

Akins, Ralph	Almy, Susan	Barker, Robert	Benn, Bernard
Cooney, Mary	Eaton, Stephanie	Ham, Bonnie	Lovett, Sid
Marshall, Gene	Pawlek, Marion	Scanlan, David	Scovner, Nancy
Sokol, Hilda	Solow, Martha	Teschner, Douglass	Ward, Brien

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Andosca, Mary	Arnold, Thomas Jr
Balcom, John	Baroody, Benjamin	Bellavance, Paul	Bergin, Peter
Bragdon, Peter	Brundige, Robert	Buckley, Raymond	Calawa, Leon Jr
Chabot, Robert	Christensen, D L Chris	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Desrosiers, William	Dionne, Kimberley	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Dwyer, Paul	Dyer, Merton	Eaton, Richard
Elliott, Larry	Emerton, Lawrence Sr	Fletcher, Richard	Flora, Kathleen
Ford, Nancy	Foster, Linda	Furman, Christine	Gargasz, Carolyn
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Gorman, Mary
Goulet, Maurice	Graham, John	Greenberg, Gary	Guinta, Frank
Haley, Robert	Hall, Betty	Holden, Randolph	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	Lynde, Harold	McDonough-Wallace, Alice	Melcher, Harold
Messier, Irene	Moran, Edward	Movsesian, Lori	O'Connell, Timothy
Palangas, Eric	Panagopoulos, Nicholas	Pappas, Marc	Pepino, Leo
Peterson, Andrew	Rowe, Robert	Sargent, Maxwell	Schulze, Joan
Shaw, Barbara	Spiess, Paul	Sweeney, Cynthia	Tahir, Saghir
Tate, Joan	Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert
White, Donald	White, John		

MERRIMACK

Anderson, Eric	Bouchard, Candace	Clarke, Claire	Colcord, J D
Cummings, Raymond	Daneault, Gabriel	Feuerstein, Martin	Fraser, Leo Jr
Fraser, Marilyn	French, Barbara	Greco, Vincent	Hager, Elizabeth
Hess, David	Jacobson, Alf	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	Moore, Carol	Perkins, Randy	Potter, Frances
Poulin, David	Reardon, Tara	Rodd, Beth	Rush, Deanna
Seldin, Gloria	Swindlehurst, John	Wallner, Mary Jane	Whittemore, James
Yeaton, Charles			

ROCKINGHAM

Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn	Bowles, Raimond
Case, Margaret	Clark, Martha Fuller	Clark, Vivian	Coes, Betsy
Corbin, Corey	Dalrymple, Janeen	DiFruscia, Anthony	Dowling, Patricia
Downing, Michael	Fesh, Bob	Flanagan, Natalie	Flanders, John Sr
Francoeur, Sheila	Gilbert, Jeffrey	Giordano, Ronald	Gleason, John
Griffin, Mary	Henderson, Warren	Holland, James Jr	Johnson, Robert
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kobel, Rudolph	Langone, John	Major, Norman	McGuire, Robert
McKinney, Betsy	Micklon, Stephanie	Morse, Charles	Norelli, Terie
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne
Rausch, James	Reardon, Neil	Robertson, Carl	Saia, Pamela
Sapareto, Frank	Shultis, Elizabeth	Sloan, Stephen	Splaine, James
Stone, Joseph	Stritch, C Donald	Trueman, Raymond	Weatherspoon, Jacquelyne
Whittier, John	Woekel, Ralph	Zolla, William	

STRAFFORD

Berube, Roger	Bickford, David	Brown, Julie	Cossette, Larry
DeChane, Marlene	Gilmore, Gary	Goodwin, Earle	Grassie, Anne
Harrington, Michael	Heon, Richard	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	Taylor, Kathleen
Tsiros, William	Wall, Janet	Woodill, Rodney	Woods, Phyllis

SULLIVAN

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

NAYS 88

BELKNAP

Boyce, Laurie	Czech, Stanley	Rosen, Ralph	Wendelboe, Fran
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CARROLL

Kenney, Joseph	Stevens, Stanley	Torressen, Gary
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CESHIRE

Dexter, Judson	Emerson, Susan	Fairbanks, Chandler	Manning, Joseph
Russell, Ronald			

COOS

Rozek, Michael	Stohl, Eric	Woodward, David
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GRAFTON

Alger, John	Cobb, John	Dudley, Terri	Gilman, G Michael
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Giuda, Robert

Mirski, Paul

Sova, Charles

HILLSBOROUGH

Artz, Lawrence

Balboni, Michael

Batula, Peter

Bergeron, Jean-Guy

Bouchard, David

Bouldin, Michael

Bruno, Pierre

Carlson, Donald

Christiansen, Lars

Clegg, Robert Jr

Gonzalez, Carlos

Hall, Charles

Herman, Keith

Hopper, Gary

Martel, Andre

McHugh, Claire

Mercer, Robert

Milligan, Robert

Reeves, Sandra

Salts, Greg

Seibel, Christopher

Souza, Kathleen

Thompson, Rob

MERRIMACK

Brewster, Richard

Dunne, Christopher

Hutchinson, John

Kennedy, Richard

Langer, Ray

Leber, William

Soltani, Tony

Whalley, Michael

Winter, Steven

ROCKINGHAM

Arndt, Janet

Bridle, Russell

Camm, Kevin

Chalbeck, Kevin

Cooney, Richard

Cox, Russell

Dearborn, Bruce

Dodge, Robert

Gilbert, Karl

Hamel, Albert

Hill, Jonathan

Hutchinson, Karen

Introne, Robert

Itse, Daniel

Kelley, William

Langley, Jane

Letourneau, Robert

Moore, Benjamin

Nowe, Ronald

Packard, Sherman

Palermo, Diane

Power, Lucille

Putnam, Ed II

Quandt, Marshall

Quandt, Matthew

Ruffner, Walter

Varrell, Thomas

Welch, David

Weyler, Kenneth

STRAFFORD

Albert, Russell

Callaghan, Frank

Dunlap, Patricia

Lachance, Douglas

Twombly, James

SULLIVAN

None

and the majority report was adopted.

Rep. Emerson voted nay and intended to vote aye.

Reps. Pepino and Phyllis Woods voted aye and intended to vote nay.

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

HB 648-FN, designating certain child care agencies as homeless youth programs. OUGHT TO PASS WITH AMENDMENT

Rep. Edward P. Moran, Jr. for Children and Family Law: This bill authorizes certain agencies to accept 16- and 17-year-old homeless youths into a transitional residential program, and authorizes the appropriate state agency to inspect facilities and approve the program. Vote 14-0.

Amendment (0446h)

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

AN ACT authorizing licensing of homeless youth programs.

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

1 New Subparagraph; Residential Care and Child-Placing Agency Licensing; Homeless Youth Programs Added to Definition of Child Care Agency. Amend RSA 170-E:25, II by inserting after subparagraph (c) the following new subparagraph:

(d) "Homeless youth program" means a program, including any housing facilities utilized by such program, which receives any child for the purpose of providing services to facilitate independent living including all of the following program components: individual assessment, referral, housing, and case management. Such services may be provided directly by the agency or through one or more contracts for services.

2 New Section; Residential Care and Child-Placing Agency Licensing; Homeless Youth Programs. Amend RSA 170-E by inserting after section 27 the following new section:

170-E:27-a Homeless Youth Programs; Special Provisions. Any child care agency which receives children for the purpose of providing a homeless youth program, as defined in RSA 170-E:25, II(d), shall be subject to the following provisions:

I. When a child 16 or 17 years of age contacts a homeless youth program requesting emergency shelter or homeless services, the program shall:

(a) Assess the child's essential needs, physical and mental health condition, and the circumstances that led the child to seek services.

(b) Attempt to notify the child's parent or legal guardian that such child is present at the agency's facility upon completion of the assessment within 72 hours of the child's initial request for services. If compelling circumstances become evident during assessment which justify not notifying the parent or legal guardian, the program shall instead notify the department according to RSA 169-C:29. In this paragraph, the term "compelling circumstances" means circumstances which indicate that notifying the parent or legal guardian would subject the child to risk of abuse or neglect as defined in RSA 169-C:3.

(c) Notify the department no later than 30 days after the child's initial request for services if the program is unable to make contact with either of the child's parents or the legal guardian after reasonable attempts to do so.

II. Nothing in this section shall alter the legal relationship between parent or legal guardian and child, and in the absence of a court order directing otherwise, the program shall release the child to the custody of his or her parent or legal guardian upon request by the parent or guardian.

III. If the child is discharged from the program or voluntarily terminates participation in the program, the program shall immediately notify the parents or legal guardian; or the department if the parent or legal guardian has never consented to the child's placement in the program.

IV. A parent or legal guardian who consents in writing to the child's participation in a licensed homeless youth program shall not be deemed neglectful under RSA 169-C:3, XIX.

V. The agency may charge the child a reasonable fee for the services provided the child is working and/or has other regular income and such fee is within his or her ability to pay.

3 New Subparagraph; Residential Care and Child-Placing Agency Licensing; Penalties; Compliance With Homeless Youth Program Requirements. Amend RSA 170-E:45, I by inserting after subparagraph (e) the following new subparagraph:

(f) Fails to comply with the requirements for notifying parents, legal guardians, or the department under RSA 170-E:27-a, I.

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

AMENDED ANALYSIS

This bill defines homeless youth programs and establishes admissions, parental notification, and licensing requirements for homeless youth programs.

Adopted.

Report adopted and ordered to third reading.

HB 736-FN, establishing the consumer safety firearms protection act. **INEXPEDIENT TO LEGISLATE**

Rep. John R. Tholl, Jr. for Criminal Justice and Public Safety: This bill is a multi-faceted document that received overwhelming opposition during the public hearing. The bill impacts all aspects of firearms manufacturing, sale, possession and collection as well as radically altering New Hampshire's laws pertaining to concealed carry permits. The bill as written, as well as the proposed amendment, would have declared many quality handguns unsafe due to their failure to meet arbitrary standards that would do nothing to improve firearms safety, only increase cost and possibly result in the loss of jobs at the several companies that manufacture firearms in New Hampshire. Under the bill the Attorney General's office would have only a limited period to establish rules and contract with "independent testing laboratories", none of which exist in New Hampshire, for testing and certification of all concealable handguns. Anyone wishing to sell, trade, or transfer a

firearm, (rifle, pistol, or shotgun), would have to go to a licensed firearm dealer, fill out a form, and pay a fee to have the dealer perform a NICS check. The form shall contain name, birth date, gender, social security number and race. This form shall be retained by the dealer along with an approval number. The amount of the fee is set in the bill and currently dealers perform this function for gun owners who sell firearms to an individual who is not personally known to the seller, but set their own fees for the service. All firearm storage devices (gun lock/safe) must be approved by the Attorney General's office. The bill also changes the concealed carry permit from a single approving agency (local police) to a multi-approval requirement (local police & Dept. of Safety), and requires two photographs be provided by the applicant and a fee of \$20 be paid. Either agency can refuse to approve the permit application for any reason, and the current appeal process (RSA 159:6-c) would be removed from the statutes thus eliminating any redress by the applicant. Not one member of the committee could support this bill as written or the proposed amendment. The majority of the committee felt that the bill was overly intrusive and would restrict the rights of New Hampshire citizens as well as cost the taxpayers an excessive amount of money without contributing to increased safety, which was the stated purpose of the bill. At no time during the 6-1/2 hour public hearing was there an existing problem identified that this bill would solve. Vote 17-1.

Rep. Martha Fuller Clark spoke against.

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

The question being the adoption of the report.

YEAS 324 NAYS 35

YEAS 324

BELKNAP

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

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Mock, Henry	Patten, Betsey	Philbrick, Donald	Quimby, Lee
Stevens, Stanley	Sullivan, P Judith	Torressen, Gary	

CHESHIRE

Allen, Peter	Avery, Stephen	DePecol, Benjamin	Dexter, Judson
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Edwards, Dana
Hunt, John
Mitchell, McKim
Zerba, Roger

Emerson, Susan
Manning, Joseph
Pratt, John

Espieffs, Peter
McGuirk, Paul
Roberts, William

Fairbanks, Chandler
Meader, David
Smith, Edwin

COOS

Bradley, Paula
Landers, Dana
Stohl, Eric

Davis, Perley
Mears, Edgar
Tholl, John Jr

Gallus, John
Pratt, Leighton
Woodward, David

Horton, Lynn
Rozek, Michael

GRAFTON

Akins, Ralph
Cobb, John
Gilman, G Michael
Marshall, Gene
Scovner, Nancy

Alger, John
Cooney, Mary
Giuda, Robert
Mirski, Paul
Sova, Charles

Almy, Susan
Dudley, Terri
Ham, Bonnie
Pawlek, Marion
Teschner, Douglass

Barker, Robert
Eaton, Stephanie
Lovett, Sid
Scanlan, David
Ward, Brien

HILLSBOROUGH

Allan, Nelson
Artz, Lawrence
Batula, Peter
Bouchard, David
Bruno, Pierre
Chabot, Robert
Clegg, Robert Jr
Desrosiers, William
Drisko, Richard
Fletcher, Richard
Furman, Christine
Gonzalez, Carlos
Guinta, Frank
Holden, Randolph
Johnson, Lionel
L'Heureux, Robert

Alukonis, David
Balboni, Michael
Bellavance, Paul
Bouldin, Michael
Buckley, Raymond
Christensen, D L Chris
Cote, Peter
Dionne, Kimberley
Eaton, Richard
Flora, Kathleen
Gargas, Carolyn
Goulet, Maurice
Haley, Robert
Hopper, Gary
Kacavas, John
LaFlamme, Paul

Andosca, Mary
Balcom, John
Bergeron, Jean-Guy
Bragdon, Peter
Calawa, Leon Jr
Christiansen, Lars
Coughlin, Pamela
Dokmo, Cynthia
Elliott, Larry
Ford, Nancy
Golding, William
Graham, John
Hall, Charles
Jean, Claudette
Keye, Harvey
LaRose, Richard

Arnold, Thomas Jr
Baroody, Benjamin
Bergin, Peter
Brundige, Robert
Carlson, Donald
Clayton, William
Craig, James
Drabinowicz, A Theresa
Emerton, Lawrence Sr
Foster, Linda
Goley, Jeffrey
Greenberg, Gary
Herman, Keith
Jean, Loren
Kurk, Neal
Lasky, Bette

Leach, Edward	Lefebvre, Roland	Leishman, Peter	Martel, Andre
McDonough-Wallace, Alice	McHugh, Claire	Mercer, Robert	Messier, Irene
Milligan, Robert	Moran, Edward	Movsesian, Lori	O'Connell, Timothy
Palangas, Eric	Panagopoulos, Nicholas	Pappas, Marc	Pepino, Leo
Peterson, Andrew	Reeves, Sandra	Rowe, Robert	Salts, Greg
Sargent, Maxwell	Schulze, Joan	Seibel, Christopher	Shaw, Barbara
Souza, Kathleen	Spieß, Paul	Sweeney, Cynthia	Tahir, Saghir
Tate, Joan	Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve
Wheeler, Robert	White, Donald		

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Colcord, J D	Cummings, Raymond	Daneault, Gabriel	Dunne, Christopher
Feuerstein, Martin	Fraser, Leo Jr	French, Barbara	Greco, Vincent
Hager, Elizabeth	Hess, David	Hutchinson, John	Jacobson, Alf
Kennedy, Richard	Langer, Ray	Leber, William	Lockwood, Priscilla
MacKay, James	Maxfield, Roy	Perkins, Randy	Poulin, David
Rodd, Beth	Seldin, Gloria	Soltani, Tony	Swindlehurst, John
Whalley, Michael	Whittemore, James	Winter, Steven	Yeaton, Charles

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bowles, Raimond
Bridle, Russell	Camm, Kevin	Case, Margaret	Chalbeck, Kevin
Clark, Vivian	Coes, Betsy	Cooney, Richard	Corbin, Corey
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dodge, Robert	Dowling, Patricia	Downing, Michael	Fesh, Bob
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Giordano, Ronald	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hill, Jonathan	Holland, James Jr
Hutchinson, Karen	Introne, Robert	Itse, Daniel	Johnson, Robert
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kelley, William
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Major, Norman	McGuire, Robert	McKinney, Betsy	Micklon, Stephanie

Moore, Benjamin	Morse, Charles	Nowe, Ronald	O'Keefe, Patricia
Packard, Sherman	Palermo, Diane	Pitts, Jacqueline	Power, Lucille
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Rausch, James	Reardon, Neil	Robertson, Carl	Ruffner, Walter
Saia, Pamela	Sapareto, Frank	Shultis, Elizabeth	Sloan, Stephen
Stone, Joseph	Stritch, C Donald	Trueman, Raymond	Varrell, Thomas
Weatherspoon, Jacquelyne	Welch, David	Weyler, Kenneth	Whittier, John
Woekel, Ralph	Zolla, William		

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Brown, Julie
Callaghan, Frank	Cossette, Larry	Dunlap, Patricia	Goodwin, Earle
Grassie, Anne	Harrington, Michael	Heon, Richard	Hughes, Christopher
Johnson, Nancy	Kaen, Naida	Knowles, William	Lachance, Douglas
McCarthy, Gerald	Musler, George	Pelletier, Arthur	Reid, Christopher
Rollo, Michael	Spang, Judith	Taylor, Kathleen	Tsiros, William
Twombly, James	Wall, Janet	Woodill, Rodney	Woods, Phyllis

SULLIVAN

Burling, Peter	Ferland, Brenda	Flint, Gordon Sr	Franklin, Peter
Harris, Joseph	Harris, Sandra	Jones, Constance	Leone, Richard
Odell, Bob	Phinizy, James	Robb, Amy	Rodeschin, Beverly

NAYS 35

BELKNAP

None

CARROLL

None

CHESHIRE

Batchelder, Robert	Burnham, Daniel	Richardson, Barbara	Russell, Ronald
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Weed, Charles

COOS

Rodrigue, Robert

GRAFTON

Benn, Bernard

Sokol, Hilda

Solow, Martha

HILLSBOROUGH

Clemons, Jane

Cote, David

Ginsburg, Ruth

Gorman, Mary

Hall, Betty

Konys, Christine

Lynde, Harold

Melcher, Harold

White, John

MERRIMACK

Fraser, Marilyn

Moore, Carol

Potter, Frances

Reardon, Tara

Rush, Deanna

Wallner, Mary Jane

ROCKINGHAM

Blanchard, MaryAnn

Clark, Martha Fuller

Kelley, Jane

Norelli, Terie

Pantelakos, Laura

Splaine, James

STRAFFORD

Lent, Donald

Proulx, Raymond

Smith, Marjorie

Snyder, Clair

SULLIVAN

Allison, David

and the report was adopted.

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

special order

HB 552-FN-A-L, restructuring the delivery of a public elementary and secondary education and related educational services in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Brien L. Ward for Education: This bill would abolish the Department of Education and create 10 SAU's, one for each county. New Hampshire's tradition of local control of education would be undermined by this bill as the current 80 SAU's would also be abolished. Vote 18-0.

Rep. Dodge spoke against.

Rep. Alger spoke in favor and yielded to questions.

Adopted.

HB 645-FN-A-L, relative to state aid for provision of an adequate education, and for additional local education tax relief. **INEXPEDIENT TO LEGISLATE**

Rep. Steven J. Winter for Education: This bill would have ended the state's obligation to fund an adequate education at grade six. The committee felt that the adequacy determination should be applied to all students up through grade twelve. Vote 17-0.

Rep. Vivian Clark spoke against and yielded to questions.

Rep. Wheeler spoke against.

Rep. Yeaton and Henderson spoke in favor.

Rep. Burling requested a division vote.

On a division vote, 278 members having voted in the affirmative and 81 in the negative, the report was adopted.

regular calendar (cont'd)

HB 141-L, relative to regulation of junkyards. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard P. Brewster for Environment and Agriculture: This bill eliminates the exception for certain junk yards under the current solid waste management laws. Vote 16-0.

Amendment (0014h)

Amend RSA 236:112, I(c)(1) as inserted by section 3 of the bill by replacing it with the following:

(1) Motor vehicles which are no longer intended or in condition for legal use according to their original purpose including motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap; and/or

Adopted.

Report adopted and ordered to third reading.

HB 195, creating a committee to study amending the constitution to require that government decisions affecting the environment reflect consideration of the welfare of future generations. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John S. Cobb for the Majority of Environment and Agriculture: Rep. John S. Cobb for Environment and Agriculture: This bill would ensure to future generations the protection of our environment. The majority felt this was a good bill to guarantee that protection Vote 11-4.

Rep. Harold P. Melcher for the Minority of Environment and Agriculture: The minority of the committee felt that, in spite of the noble sentiments of the proponents of this bill, any time or money spent in the pursuit of such a constitutional amendment would be useless. For all members of this House already think about of the welfare of future generations in their acts as legislators. We have effectually sworn to do so. In fact that welfare is exactly what we daily debate here in this House, with vast and passionate differences of opinion. Since we cannot agree on what the welfare of future generations actually amounts to, no constitutional amendment could possibly quantify or identify what that welfare specifically is. And no court could interpret the constitutionality of a law in a case whose facts were not yet existent. Hence, it is futile work toward such a constitutional amendment.

Amendment (0047h)

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall consider:

I. Amending the New Hampshire constitution to include a provision regarding the state's responsibility to protect its agricultural and natural resources for the use of future generations.

II. Similar provisions in the constitutions and statutes of other states.

III. Draft language for a constitutional amendment-concurrent resolution.

Adopted.

Rep. Bruno spoke against and yielded to questions.

Rep. Allen spoke in favor and yielded to questions.

Rep. Hall requested a roll call; not sufficiently seconded.

On a division vote, 173 members having voted in the affirmative and 181 in the negative, adoption of the majority report failed.

Rep. Burling moved to lay the bill on the table

On a division vote, 151 members voting in the affirmative and 204 in the negative, the motion failed.

Rep. Mirski moved Inexpedient to Legislate.

Rep. Burling requested a roll call; sufficiently seconded.

The question now being Inexpedient to Legislate.

YEAS 212 NAYS 147

YEAS 212

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Rice, Thomas Jr
Rosen, Ralph	Russell, David	Thomas, John	Wendelboe, Fran

CARROLL

Dickinson, Howard	Kenney, Joseph	Mock, Henry	Patten, Betsey
Philbrick, Donald	Quimby, Lee	Stevens, Stanley	Sullivan, P Judith
Torressen, Gary			

CHESHIRE

Dexter, Judson	Edwards, Dana	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Manning, Joseph	Roberts, William	Royce, H Charles
Smith, Edwin			

COOS

Gallus, John	Horton, Lynn	Pratt, Leighton	Stohl, Eric
Holl, John Jr	Woodward, David		

GRAFTON

Alger, John	Almy, Susan	Barker, Robert	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Giuda, Robert
Ham, Bonnie	Marshall, Gene	Mirski, Paul	Scanlan, David
Sova, Charles	Ward, Brien		

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy	Bouldin, Michael
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Desrosiers, William	Dionne, Kimberley
Drisko, Richard	Dyer, Merton	Eaton, Richard	Emerton, Lawrence Sr
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Furman, Christine
Gargas, Carolyn	Golding, William	Gonzalez, Carlos	Goulet, Maurice
Graham, John	Greenberg, Gary	Hall, Charles	Herman, Keith
Holden, Randolph	Hopper, Gary	Jean, Loren	Kacavas, John
Kurk, Neal	LaFlamme, Paul	LaRose, Richard	Leach, Edward
Lefebvre, Roland	Martel, Andre	McHugh, Claire	McRae, Karen
Melcher, Harold	Mercer, Robert	Milligan, Robert	Moran, Edward
O'Connell, Timothy	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Salts, Greg	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
Dunne, Christopher	Feuerstein, Martin	Fraser, Leo Jr	Hager, Elizabeth
Hess, David	Hutchinson, John	Kennedy, Richard	Langer, Ray
Leber, William	Lockwood, Priscilla	MacKay, James	Maxfield, Roy
Soltani, Tony	Swindlehurst, John	Whalley, Michael	Winter, Steven

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Chalbeck, Kevin	Clark, Vivian	Cooney, Richard
Corbin, Corey	Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce
Dodge, Robert	Dowling, Patricia	Fesh, Bob	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Giordano, Ronald	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hill, Jonathan	Holland, James Jr	Introne, Robert
Itse, Daniel	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis

Kelley, William	Langone, John	Letourneau, Robert	Major, Norman
McKinney, Betsy	Moore, Benjamin	Morse, Charles	Packard, Sherman
Palermo, Diane	Power, Lucille	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Rausch, James	Reardon, Neil
Ruffner, Walter	Saia, Pamela	Sloan, Stephen	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Welch, David	Weyler, Kenneth
Zolla, William			

STRAFFORD

Albert, Russell	Bickford, David	Cossette, Larry	DeChane, Marlene
Harrington, Michael	Lachance, Douglas	Musler, George	Reid, Christopher
Tsiros, William	Twombly, James	Woods, Phyllis	

SULLIVAN

Harris, Joseph	Harris, Sandra	Jones, Constance	Leone, Richard
Odell, Bob	Rodeschin, Beverly		

NAYS 147

BELKNAP

Johnson, William	Millham, Alida	Pilliod, James	Salatiello, Thomas
Wood, Jane			

CARROLL

Babson, David Jr	Bradley, Jeb
------------------	--------------

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
DePecol, Benjamin	Espieffs, Peter	McGuirk, Paul	Meader, David
Mitchell, McKim	Pratt, John	Richardson, Barbara	Weed, Charles
Zerba, Roger			

COOS

Bradley, Paula
Rodrigue, Robert

Davis, Perley

Landers, Dana

Mears, Edgar

GRAFTON

Akins, Ralph
Pawlek, Marion
Teschner, Douglass

Benn, Bernard
Scovner, Nancy

Cooney, Mary
Sokol, Hilda

Lovett, Sid
Solow, Martha

HILLSBOROUGH

Andosca, Mary
Bergin, Peter
Clemons, Jane
Dokmo, Cynthia
Foster, Linda
Guinta, Frank
Johnson, Lionel
Lasky, Bette

Messier, Irene
Sargent, Maxwell
White, John

Balcom, John
Bouchard, David
Cote, David
Drabinowicz, A Theresa
Ginsburg, Ruth
Haley, Robert
Keye, Harvey
Leishman, Peter

Baroody, Benjamin
Buckley, Raymond
Cote, Peter
Dwyer, Paul
Goley, Jeffrey
Hall, Betty
Konys, Christine
Lynde, Harold

Bellavance, Paul
Clayton, William
Craig, James
Elliott, Larry
Gorman, Mary
Jean, Claudette
L'Heureux, Robert
McDonough-Wallace, Alice
Panagopoulos, Nicholas
Sweeney, Cynthia

MERRIMACK

Bouchard, Candace
French, Barbara
Perkins, Randy
Rodd, Beth
Whittemore, James

Clarke, Claire
Greco, Vincent
Potter, Frances
Rush, Deanna
Yeaton, Charles

Daneault, Gabriel
Jacobson, Alf
Poulin, David
Seldin, Gloria

Fraser, Marilyn
Moore, Carol
Reardon, Tara
Wallner, Mary Jane

ROCKINGHAM

Blanchard, MaryAnn
Coes, Betsy
Kelley, Jane
Micklon, Stephanie

Bowles, Raimond
DiFruscia, Anthony
Kobel, Rudolph
Norelli, Terie

Case, Margaret
Downing, Michael
Langley, Jane
Nowe, Ronald

Clark, Martha Fuller
Kane, Cecelia
McGuire, Robert
O'Keefe, Patricia

Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl	Shultis, Elizabeth
Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne	Whittier, John

STRAFFORD

Berube, Roger	Brown, Julie	Callaghan, Frank	Dunlap, Patricia
Gilmore, Gary	Grassie, Anne	Heon, Richard	Hughes, Christopher
Johnson, Nancy	Kaen, Naida	Knowles, William	Lent, Donald
McCarthy, Gerald	Pelletier, Arthur	Proulx, Raymond	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Wall, Janet	Woodill, Rodney		

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Phinizy, James	Robb, Amy

and the motion was adopted.

HB 426, relative to the voluntary scrapie flock certification program. **OUGHT TO PASS WITH AMENDMENT**

Rep. James G. Phinizy for Environment and Agriculture: The Scrapies Program is a federal program of voluntary certification. Scrapies is a disease similar to "mad cow". Federal administrative procedures call for establishing a state board. This bill achieves this end and keys the state program to USDA/APHIS administrative rules. There is no adverse impact on the Department of Agriculture. The state's sheep industry, herders and flocks will benefit as a result of establishing this program and enfranchising the certification board. Vote 13-0.

Amendment (0484h)

Amend RSA 436:118, II as inserted by section 1 of the bill by replacing it with the following:

II. The board shall consist of 9 members, including:

- (a) The Area Veterinarian-in-Charge (federal Veterinarian), or designee;
- (b) The state veterinarian, or designee;
- (c) One practicing accredited veterinarian;
- (d) One member of the university of New Hampshire cooperative extension;

and

(e) Five goat or sheep producers, with no more than 3 members from either industry.

Amend RSA 436:118 as inserted by section 1 of the bill by inserting after paragraph VIII the following new paragraph:

IX. The board shall submit a report to the house environmental and agriculture committee or its successor by February 15 of each year.

Adopted.

Report adopted and ordered to third reading.

HB 362-FN, regulating the practice of adjunctive therapy for animals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Maurice E. Goulet for the Majority of Executive Departments and Administration: The amendment replaces the entire bill. The state veterinarian has established rules that allow horse trainers and others to treat lameness. The bill, and the amendment proposed by the sponsor, continues to allow veterinarians to treat lameness but does not make it their exclusive domain. Vote 16-1.

Rep. Robert K. Dodge for the Minority of Executive Departments and Administration: This amendment would change the veterinary medicine law to allow anyone to treat lameness without a referral from a veterinarian. This will not set well with animal lovers who want the best treatment for their animals.

Amendment (0295h)

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

AN ACT relative to the practice of veterinary medicine.

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

1 Definition; Lameness Deleted . Amend RSA 332-B:1, III(a) to read as follows:

(a) To diagnose, treat, correct, change, relieve, or prevent animal disease, ~~[lameness,]~~ deformity, defect, injury, or other physical or mental conditions: including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, and the use of any manual or mechanical procedure for testing for pregnancy, or for correcting sterility, or infertility, or to render advice or recommendation with regard to any of the above.

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

AMENDED ANALYSIS

This bill deletes lameness from the definition regarding the practice of veterinary medicine.

Adopted.

Rep. Goulet yielded to questions.

Report adopted and ordered to third reading.

HB 408-FN, relative to the regulation of nursing by the board of nursing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judson K. Dexter for Executive Departments and Administration: This bill increases the membership of the board of nursing to include 2 licensed nursing assistants, and it increases the compensation of the board members from \$50 per day to \$100 per day for regular board meetings. Further, this bill repeals and revises various definition and terms concerning licensed nurses, licensed nursing assistants and the practice of nursing. Finally, it defines delegation of nursing tasks by licensed nurses to licensed nursing assistants and other health care workers, and clarifies the associated liabilities and disciplinary actions thereof. The committee recognizes the increased demands that are put on licensed nurses and licensed nursing assistants in today's health care environment. This bill allows licensed nurses to delegate nursing tasks, in compliance with these statutory provisions and administrative rules, which will improve the quality of patient care by increasing access. Further, it will reduce costs through better utilization of available resources, particularly in light of the severe nursing shortage we are faced with today. The subcommittee had difficulties with certain terms and definitions in the original bill. The amendment specifically defines those terms and responsibilities. The bill does not alter the civil or criminal responsibility of the licensed nurse for patient care. Vote 18-0.

Amendment (0453h)

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

1 Chapter Title. Amend the chapter title of RSA 326-B to read as follows:

REGISTERED NURSES ~~[AND]~~, **LICENSED PRACTICAL NURSES**
AND LICENSED NURSING ASSISTANTS

2 Purpose; Licensed Nursing Assistants Added. Amend RSA 326-B:1, I to read as follows:

I. In order to safeguard life, health, and the public welfare of the people of this state and in order to protect the people of the state of New Hampshire from the unauthorized, unqualified, and improper application of services by individuals in the practice of nursing, it is necessary that a regulatory authority be established and adequately funded. To further this policy the practice of nursing shall be regulated through the New Hampshire board of nursing, and said board shall have the power to enforce the provisions of this chapter. Any persons who practice or offer to practice nursing **or nursing related activities**, or who represent themselves as registered nurses ~~[or]~~, licensed practical nurses, **or licensed nursing assistants** without qualifying under this chapter endanger the public health.

3 Definition; Active in Practice. Amend RSA 326-B:2, I to read as follows:

I. "Active in ~~[the]~~ practice ~~[of nursing]~~" means to practice nursing **as an advanced registered nurse practitioner, registered nurse, or licensed practical nurse or nursing related activities as a licensed nursing assistant** for a minimum number of hours as set by the board.

4 Definition; Licensed Nursing Assistant. Amend RSA 326-B:2, III to read as follows:

III. "Assistant to nurses" or "~~certified~~ **licensed** nursing assistant" means a person who is authorized to provide ~~personal~~ care under the direction of a registered nurse or licensed practical nurse as defined by the board of nursing.

5 New Paragraph; Definition; Delegation. Amend RSA 326-B:2 by inserting after paragraph VIII the following new paragraph:

VIII-a. "Delegation" means the transfer of authority for the performance of a selected task from a licensed nurse authorized to perform the task to someone who does not have the authority, at the discretion of the licensed nurse. Licensed nursing assistants shall not have authority to delegate tasks. The administration of medications shall only be delegated to persons authorized in rules adopted by the board under RSA 541-A or who have successfully completed a board approved curriculum.

6 Definition; License; Licensed Nursing Assistant Added. Amend RSA 326-B:2, XII to read as follows:

XII. "License" means a current document issued by the board permitting the practice of nursing as a registered nurse ~~or~~, licensed practical nurse, **or nursing related activities as a licensed nursing assistant.**

7 New Paragraph; Definition; Licensed Nurse. Amend RSA 326-B:2 by inserting after paragraph XII the following new paragraph:

XII-a. "Licensed nurse" means an advanced registered nurse practitioner, registered nurse, or licensed practical nurse.

8 Definition; Practical Nursing. RSA 326-B:2, XVI is repealed and reenacted to read as follows:

XVI. "Practical nursing" means a scope of practice, directed by a registered nurse, advanced registered nurse practitioner, dentist, or physician, by a L.P.N. who is prepared to function as a member of the health care team by exercising sound nursing judgment based on preparation, knowledge, skills understanding, and past nursing experience. Practical nursing by a L.P.N. contributes to the assessment, planning, implementation and evaluation of patient care. Practical nursing includes the delegation of nursing tasks that may be performed by others and which do not conflict with this chapter.

9 Definition; Registered Nursing. RSA 326-B:2, XVIII is repealed and reenacted to read as follows:

XVIII. "Registered nursing" means the application of nursing knowledge, judgment and skill drawn from broad in-depth education in the biological, psychological, social and physical sciences in assessing, diagnosing, planning, implementing and evaluating care which promotes optimum health, wellness, and independence of the individual, family and/or community.

10 Board of Nursing; New Members; Certified Nursing Assistants. Amend RSA 326-B:3, I to read as follows:

I. The board of nursing shall be composed of ~~[9]~~ **11** members to be appointed by the governor with the consent of the council. Suggestions for appointment may be made to the governor by any interested individual, association or entity. The members of the board shall include 5 registered nurses, one of whom shall be an advanced registered nurse practitioner, 2 licensed practical nurses, **2 licensed nursing assistants**, and 2 representative members of the public. The terms of members ~~[appointed or reappointed after June 1, 1991,]~~ shall be staggered as determined by the governor and council ~~[, provided that the A.R.N.P. member shall be appointed to a 3 year term. Three members shall be appointed for a term of one year, 3 for a term of 2 years, and 3 for a term of 3 years].~~ All ~~[subsequent]~~ terms shall be for 3 years, and no member of the board shall be appointed to more than ~~[2]~~ **3** consecutive terms.

11 New Paragraph; Board of Nursing; Licensed Nursing Assistants. Amend RSA 326-B:3 by inserting after paragraph III the following new paragraph:

III-a. The licensed nursing assistant members of the board shall be residents of this state, licensed in good standing under the provisions of this chapter, currently engaged in nursing-related activities, and shall have had no less than 5 years of experience as a licensed nursing assistant, at least 3 of which shall have immediately preceded the date of appointment.

12 Board of Nursing; Compensation Increased. Amend RSA 326-B:3, VI to read as follows:

VI. Each member of the board shall be compensated at the rate of ~~[\$50]~~ **\$100 for attendance at a regular board meeting and \$50** for each **other** day actually engaged in official duties of the board, and shall be reimbursed for actual and necessary expenses incurred in the discharge of official duties, including travel at the state employee mileage rate.

13 Board of Nursing; Unexpired Terms. Amend RSA 326-B:3, VII to read as follows:

VII. An appointee to a full term on the board shall be appointed by the governor with the consent of the council before the expiration of the term of the member being succeeded and shall become a member of the board on the first day following the appointment expiration date of the previous appointee. Appointees to unexpired portions of full terms shall become members of the board on the day following such appointment, and shall **serve the unexpired term and then be eligible to** serve full 3-year terms.

14 Rulemaking; Nursing Assistants. Amend the introductory paragraph of RSA 326-B:4-a, XIII to read as follows:

XIII. Establishing standards for a basic assistant to nurses education, practice, ~~[certification]~~ **licensure**, and ~~[recertification]~~ **renewal of license** program and the issuance of evidence indicating satisfactory completion of such a program, including, but not limited to:

15 Rulemaking; Licensed Nursing Assistants. Amend RSA 326-B:4-a, XVI to read as follows:

XVI. Establishing standards for currently licensed registered and practical nurses' and ~~[certified]~~ **licensed** nursing assistants' education and scope of practice in primary and secondary school settings, and licensed practical nurses' and ~~[certified]~~ **licensed** nursing assistants' employment restrictions in elementary and secondary school settings.

16 New Paragraph; Rulemaking; Delegation. Amend RSA 326-B:4-a by inserting after paragraph XVI the following new paragraph:

XVII. Establishing standards of delegation by licensed nurses to licensed and unlicensed caregivers that shall apply to all health care settings, including but not limited to acute care facilities, long-term care facilities, home care, and schools.

17 Qualifications for License. Amend RSA 326-B:6, III to read as follows:

III. Have graduated from a board-approved nursing education program; or demonstrate comparable nursing educational preparation recognized by the board; or have graduated from a foreign nursing program and successfully completed the CGFNS examination **or a curriculum evaluation**; or have graduated from a recognized Canadian nursing education program; **or is a candidate who has applied for licensure in New Hampshire and who has practiced successfully for at least 2 years in the United States.**

18 Qualifications for License. Amend RSA 326-B:7, I(d) to read as follows:

(d) Have been active in ~~[the] practice [of nursing]~~ within a period of 4 years from the date of application or submit evidence of completion of a re-entry program acceptable to the board.

19 Renewal of Licenses. Amend RSA 326-B:8, I and II to read as follows:

I. Any person licensed under this chapter who intends to practice professional nursing ~~[or]~~, practical nursing, **or assistant to nursing** in this state shall renew his **or her** license ~~[prior to his]~~ **no later than the person's** birthday on a biennial schedule established by the board on a renewal application furnished by the board. At least one month before the **licensee's** birthday ~~[of all licensees currently licensed]~~, the board shall mail a renewal application, in the renewal year, to the ~~[last known]~~ **licensee's** address **on file with the board**. Failure to receive such application shall not excuse the licensee from the requirement to renew ~~[his]~~ **the** license **prior to his or her birthday. A completed application for renewal shall be required to be at the board's office no later than midnight on the licensee's birthday.**

II. Any license not renewed pursuant to paragraph I is considered to have lapsed; the licensee may have his **or her** lapsed license reinstated on satisfactory explanation and payment of the required fee.

20 Temporary Licensure. Amend the introductory paragraph of RSA 326-B:9 to read as follows:

A temporary ~~[licensure, not to exceed]~~ **license valid up to** 180 days, **with renewal approval at the board's discretion**, shall be granted to:

21 Temporary Licensure; Inactive. Amend RSA 326-B:9, III to read as follows:

III. Nurses inactive for 4 years **or more** who are enrolled in a re-entry program upon confirmation of ~~[most recent licensure]~~ **a license from another jurisdiction**. Applicants shall be restricted to practice under the supervision of a registered nurse.

22 Disciplinary Actions; Misconduct. Amend RSA 326-B:12, II(a)-(f) to read as follows:

(a) The practice of fraud or deceit in procuring or attempting to procure a license ~~[to practice nursing]~~;

(b) Conviction of a felony or any ~~[offense involving moral turpitude]~~ **criminal act, not including traffic offenses;**

(c) Dishonest or unprofessional conduct, including, but not limited to, ~~[intentionally]~~ harming, abusing or exploiting a patient, defrauding or harming the public in matters related to the practice of nursing **or nursing-related activities**, ~~[willfully]~~ failing to maintain accurate and complete nursing records, acts of omission or commission when practicing nursing **or nursing-related activities** as set forth in rules adopted by the board pursuant to RSA 541-A, ~~[and]~~ **or** violating disciplinary orders or settlement agreements approved by the board;

(d) ~~[Gross or repeated negligence when practicing nursing, activities ancillary to the practice of nursing, or any particular aspect or specialty thereof, or the]~~ Presence of a mental or physical deficiency, or an established behavior pattern which is incompatible with the basic knowledge and competence expected of persons licensed to practice nursing or any particular aspect or specialty thereof;

(e) Addiction to or abuse of alcohol or other habit-forming drugs or substances which render the licensee unfit to practice nursing **or nursing-related activities;**

(f) ~~[Willful or repeated]~~ Violations of any provision of this chapter, any substantive rule adopted by the board pursuant to RSA 541-A, or any other state or federal statute or substantive rule ~~[applicable to the practice of nursing]~~ **reasonably related to the licensee's ability to safely practice nursing or nursing-related activities.**

23 Reporting of Misconduct. Amend RSA 326-B:12, V to read as follows:

V. Every individual, agency, facility, institution or organization that employs ~~[nurses]~~ **licensed nursing personnel** within the state shall report to the board within 30 days any action by a nurse **or nursing assistant** that willfully violates paragraph II of this section. The board shall have authority, after notice and the opportunity for hearing, to impose civil penalties of up to \$1,000 per violation upon persons found to have willfully violated the reporting requirements of this paragraph.

24 Hearings; Presiding Officer. Amend RSA 326-B:13-a, I to read as follows:

I. The board may hold adjudicative hearings concerning allegations of misconduct or other matters within the scope of this chapter. Such hearings shall be public proceedings. Any member of the board **other than the public members**, or any other qualified person appointed by the board, shall have authority to preside at such a hearing and to issue oaths or affirmations to witnesses.

25 Gender Neutral. Amend RSA 326-B:17, IV to read as follows:

IV. Nursing services by any certified unlicensed graduate nurse who has been engaged in this state in nursing the sick for hire without assuming in any way to be a registered nurse, as ~~[his]~~ **a** bona fide occupation previous to July 1, 1959 and who was certified prior to January 1, 1975;

26 Gender Neutral. Amend RSA 326-B:24 to read as follows:

326-B:24 Continued Competence of Nurses. The board shall establish procedures by which the individual licensee maintains ~~[his]~~ continued competence for relicensure. Procedures to evaluate and ensure continued competence shall be established by rules adopted by the board pursuant to RSA 541-A.

27 Nursing Assistant; Rulemaking; Licensure. Amend RSA 326-B:29, I to read as follows:

I. The board shall adopt a schedule of fees, adopted by rule under RSA 541-A, for examination, ~~[registration]~~ **licensure**, renewal, ~~[recertification]~~ **relicensure**, endorsement, and verification of nursing assistants.

28 New Section; Liability for Delegated Duties. Amend RSA 326-B by inserting after section 32 the following new section:

326-B:33 Liability for Delegated Duties.

I. A nurse licensed under this chapter who delegates a specific nursing activity or task in compliance with the rules adopted pursuant to RSA 326-B:4-a, XVII shall not be subject to disciplinary action by the board of nursing for the performance of a person to whom the nursing activity or task is delegated.

II. Caregivers who properly follow delegation orders that are made in compliance with the rules adopted pursuant to RSA 326-B:4-a, XVII shall not be subject to disciplinary action by the board of nursing for the performance of their delegated duties.

III. No person may coerce a licensed nurse into compromising patient safety by requiring the licensed nurse to delegate if the licensed nurse determines that it is inappropriate to do so. Licensed nurses shall not be subject to disciplinary action by the board of nursing for refusing to delegate nursing activities or tasks or refusing to provide the required training for delegation if the nurse determines that delegation may compromise patient safety.

29 Repeal. The following are repealed:

I. RSA 326-B:2, IX, relative to definition of directing.

II. RSA 326-B:2, XIV, relative to definition of medical regimen.

III. RSA 326-B:2, XV, relative to definition of nursing regimen.

30 Effective Date. This act shall take effect July 1, 2001.

Adopted.

Report adopted and ordered to third reading.

HB 390, relative to the Born-Alive Infants Protection Act. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Daniel M. Burnham for the Majority of Health, Human Services and Elderly Affairs: By repeating in RSA 132 ("Protection for Maternity and Infancy") the definition of "live birth" now carried in the rules section of the Department of Health and Human Services Bureau of Vital

records, HB 390 as amended will codify the definition in statute. This will serve to enhance the protection of live born infants. The definition consists of this sentence: "In this subdivision, the term "live birth" means the complete expulsion or extraction from it's mother of a product of human conception, irrespective of the duration of the pregnancy, which after such expulsion or extraction breathes or shows any other evidence of live such as the beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles whether or not the umbilical cord has been cut or the placenta is attached." This definition, as proposed in the amendment, is similar to ones in at least thirty-one states. The amended bill eliminates a proposed application section, which would have applied the above definition to every NH statute, rule, regulation or application, in which the words "person", "child", "human being" or "individual" appear without any analysis of unintended consequences. Vote 11-7.

Rep. Fran Wendelboe for the Minority of Health, Human Services and Elderly Affairs: This bill in the original drafting included an application clause including the definition of "born alive". This amendment changes "born alive" to "live birth" and removes this definition from being applied anywhere specifically in law. Also, the term "product of human conception" is found nowhere else in state law and creates confusion as to the status of what "is" born by live birth - a baby, infant, child, person.

Amendment (0290h)

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

AN ACT relative to the Live-Birth Infants Protection Act.

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

1 New Subdivision; Live-Birth Infants Protection Act. Amend RSA 132 by inserting after section 21 the following new subdivision:

Live-Birth Infants Protection Act

132:22 This subdivision shall be known and may be cited as the Live-Birth Infants Protection Act.

132:23 Definition.

I. In this subdivision "live-birth" means the complete expulsion or extraction from its mother of a product of a human conception, irrespective of the duration of the pregnancy, which after such expulsion or extraction, breathes, or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

II. The definition under paragraph I shall apply whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

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

AMENDED ANALYSIS

This bill establishes the Live-Birth Infants Protection Act.

The question being the adoption of the majority amendment.

Reps. Wendelboe and Soltani spoke against the amendment and yielded to questions.

Reps. Craig and Pilliod spoke in favor of the amendment and yielded to questions.

Rep. Phyllis Woods spoke against.

Reps. Millham and Cecelia Kane spoke in favor.

Rep. Wendelboe requested a roll call; sufficiently seconded.

The question being the adoption of the majority amendment.

YEAS 188 NAYS 173

YEAS 188

BELKNAP

Bartlett, Gordon	Czech, Stanley	Flanders, Donald	Holbrook, Robert
Millham, Alida	Nedeau, Stephen	Pilliod, James	Rice, Thomas Jr
Russell, David	Salatiello, Thomas	Thomas, John	Wood, Jane

CARROLL

Babson, David Jr	Dickinson, Howard	Patten, Betsey	Philbrick, Donald
Sullivan, P Judith			

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
DePecol, Benjamin	Dexter, Judson	Emerson, Susan	Espieffs, Peter
Hunt, John	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, John	Richardson, Barbara	Roberts, William	Weed, Charles
Zerba, Roger			

COOS

Bradley, Paula	Davis, Perley	Gallus, John	Landers, Dana
Mears, Edgar	Rodrigue, Robert	Stohl, Eric	Tholl, John Jr
Woodward, David			

GRAFTON

Almy, Susan	Barker, Robert	Benn, Bernard	Cooney, Mary
Eaton, Stephanie	Lovett, Sid	Pawlek, Marion	Scovner, Nancy
Sokol, Hilda	Solow, Martha	Teschner, Douglass	

HILLSBOROUGH

Alukonis, David	Balcom, John	Buckley, Raymond	Calawa, Leon Jr
Christensen, D L Chris	Clayton, William	Clemons, Jane	Cote, David
Craig, James	Dokmo, Cynthia	Drisko, Richard	Dyer, Merton
Eaton, Richard	Fletcher, Richard	Ford, Nancy	Foster, Linda
Furman, Christine	Gargas, Carolyn	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gorman, Mary	Graham, John	Holden, Randolph
Johnson, Lionel	Kacavas, John	Keye, Harvey	Konys, Christine
Kurk, Neal	Lasky, Bette	Leishman, Peter	Lynde, Harold
Melcher, Harold	Messier, Irene	Movsesian, Lori	O'Connell, Timothy
Panagopoulos, Nicholas	Peterson, Andrew	Rowe, Robert	Sargent, Maxwell
Spieß, Paul	Thulander, O Alan	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Cummings, Raymond	Davis, Frank	Feuerstein, Martin	Fraser, Leo Jr
Fraser, Marilyn	French, Barbara	Greco, Vincent	Hager, Elizabeth
Hess, David	Hutchinson, John	Jacobson, Alf	Langer, Ray
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	Moore, Carol
Perkins, Randy	Potter, Frances	Reardon, Tara	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Swindlehurst, John	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Clark, Vivian	Coes, Betsy	Cooney, Richard	Downing, Michael
Flanders, John Sr	Francoeur, Sheila	Gleason, John	Hutchinson, Karen
Johnson, Robert	Kane, Cecelia	Kelley, Jane	Major, Norman

McGuire, Robert	Micklon, Stephanie	Morse, Charles	Norelli, Terie
Pantelakos, Laura	Reardon, Neil	Saia, Pamela	Shultis, Elizabeth
Sloan, Stephen	Splaine, James	Stone, Joseph	Stritch, C Donald
Trueman, Raymond	Weatherspoon, Jacquelyne	Whittier, John	

STRAFFORD

Brown, Julie	DeChane, Marlene	Dunlap, Patricia	Grassie, Anne
Hughes, Christopher	Johnson, Nancy	Kaen, Naida	Knowles, William
Lent, Donald	Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Wall, Janet	Woodill, Rodney	

SULLIVAN

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

NAYS 173

BELKNAP

Boyce, Laurie	Dewhirst, Glenn	Johnson, William	Lawton, David
Rosen, Ralph	Wendelboe, Fran		

CARROLL

Bradley, Jeb	Kenney, Joseph	Mock, Henry	Quimby, Lee
Stevens, Stanley	Torressen, Gary		

CHESHIRE

Edwards, Dana	Fairbanks, Chandler	Manning, Joseph	Royce, H Charles
Smith, Edwin			

COOS

Horton, Lynn

Pratt, Leighton

Rozek, Michael

GRAFTON

Akins, Ralph

Alger, John

Cobb, John

Dudley, Terri

Gilman, G Michael

Giuda, Robert

Marshall, Gene

Mirski, Paul

Scanlan, David

Sova, Charles

Ward, Brien

HILLSBOROUGH

Allan, Nelson

Andosca, Mary

Arnold, Thomas Jr

Artz, Lawrence

Balboni, Michael

Baroody, Benjamin

Batula, Peter

Bellavance, Paul

Bergeron, Jean-Guy

Bouchard, David

Bouldin, Michael

Bragdon, Peter

Brundige, Robert

Bruno, Pierre

Carlson, Donald

Chabot, Robert

Christiansen, Lars

Clegg, Robert Jr

Cote, Peter

Coughlin, Pamela

Desrosiers, William

Dionne, Kimberley

Drabinowicz, A Theresa

Dwyer, Paul

Elliott, Larry

Emerton, Lawrence Sr

Flora, Kathleen

Gonzalez, Carlos

Goulet, Maurice

Greenberg, Gary

Guinta, Frank

Haley, Robert

Hall, Charles

Herman, Keith

Hopper, Gary

Jean, Claudette

Jean, Loren

L'Heureux, Robert

LaFlamme, Paul

LaRose, Richard

Leach, Edward

Lefebvre, Roland

Martel, Andre

McDonough-Wallace,
Alice

McHugh, Claire

McRae, Karen

Mercer, Robert

Milligan, Robert

Moran, Edward

Palangas, Eric

Pappas, Marc

Pepino, Leo

Reeves, Sandra

Salts, Greg

Schulze, Joan

Seibel, Christopher

Shaw, Barbara

Souza, Kathleen

Sweeney, Cynthia

Tahir, Saghir

Tate, Joan

Thompson, Rob

Vaillancourt, Steve

White, Donald

White, John

MERRIMACK

Colcord, J D

Daneault, Gabriel

Dunne, Christopher

Kennedy, Richard

Leber, William

Poulin, David

Soltani, Tony

Whalley, Michael

Winter, Steven

ROCKINGHAM

Arndt, Janet

Belanger, Ronald

Bishop, Franklin

Bridle, Russell

Camm, Kevin	Chalbeck, Kevin	Corbin, Corey	Cox, Russell
Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony	Dodge, Robert
Fesh, Bob	Flanagan, Natalie	Gilbert, Jeffrey	Gilbert, Karl
Giordano, Ronald	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hill, Jonathan	Holland, James Jr	Introne, Robert	Itse, Daniel
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kelley, William
Kobel, Rudolph	Langlely, Jane	Langone, John	Letourneau, Robert
McKinney, Betsy	Moore, Benjamin	Nowe, Ronald	Packard, Sherman
Palermo, Diane	Pitts, Jacqueline	Power, Lucille	Priestley, Anne
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Rausch, James
Robertson, Carl	Ruffner, Walter	Sapareto, Frank	Varrell, Thomas
Welch, David	Weyler, Kenneth	Weekel, Ralph	Zolla, William

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Callaghan, Frank
Cossette, Larry	Harrington, Michael	Heon, Richard	Lachance, Douglas
McCarthy, Gerald	Reid, Christopher	Tsiros, William	Twombly, James
Woods, Phyllis			

SULLIVAN

Jones, Constance	Leone, Richard	Rodeschin, Beverly
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and the majority amendment was adopted.

The question being the adoption of the majority report.

Rep. Giuda requested a roll call; sufficiently seconded.

YEAS 196 NAYS 166

YEAS 196

BELKNAP

Bartlett, Gordon	Czech, Stanley	Flanders, Donald	Holbrook, Robert
Millham, Alida	Nedeau, Stephen	Pilliod, James	Rice, Thomas Jr
Russell, David	Salatiello, Thomas	Thomas, John	Wood, Jane

CARROLL

Babson, David Jr	Dickinson, Howard	Patten, Betsey	Philbrick, Donald
Quimby, Lee	Stevens, Stanley	Sullivan, P Judith	

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin
Emerson, Susan	Espieffs, Peter	Hunt, John	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Roberts, William	Royce, H Charles	Weed, Charles	Zerba, Roger

COOS

Bradley, Paula	Davis, Perley	Gallus, John	Horton, Lynn
Landers, Dana	Mears, Edgar	Rodrigue, Robert	Stohl, Eric
Tholl, John Jr	Woodward, David		

GRAFTON

Akins, Ralph	Almy, Susan	Barker, Robert	Benn, Bernard
Cooney, Mary	Eaton, Stephanie	Lovett, Sid	Pawlek, Marion
Scovner, Nancy	Sokol, Hilda	Solow, Martha	Teschner, Douglass

HILLSBOROUGH

Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence	Balcom, John
Buckley, Raymond	Calawa, Leon Jr	Carlson, Donald	Christensen, D L Chris
Clayton, William	Clemons, Jane	Cote, David	Coughlin, Pamela
Craig, James	Dokmo, Cynthia	Drisko, Richard	Dyer, Merton
Ford, Nancy	Foster, Linda	Furman, Christine	Gargasz, Carolyn
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Gorman, Mary
Graham, John	Guinta, Frank	Hall, Charles	Holden, Randolph
Johnson, Lionel	Kacavas, John	Keye, Harvey	Konys, Christine
Kurk, Neal	Lasky, Bette	Leishman, Peter	Lynde, Harold
Melcher, Harold	Messier, Irene	Movsesian, Lori	O'Connell, Timothy
Panagopoulos, Nicholas	Peterson, Andrew	Rowe, Robert	Sargent, Maxwell
Seibel, Christopher	Spieß, Paul	Thulander, O Alan	Wheeler, Robert

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Cummings, Raymond	Davis, Frank	Feuerstein, Martin	Fraser, Leo Jr
Fraser, Marilyn	French, Barbara	Greco, Vincent	Hager, Elizabeth
Hutchinson, John	Jacobson, Alf	Langer, Ray	MacKay, James
Maxfield, Roy	Moore, Carol	Perkins, Randy	Potter, Frances
Reardon, Tara	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Swindlehurst, John	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Camm, Kevin	Case, Margaret
Clark, Martha Fuller	Clark, Vivian	Coes, Betsy	Cooney, Richard
Downing, Michael	Flanders, John Sr	Francoeur, Sheila	Gleason, John
Hutchinson, Karen	Johnson, Robert	Kane, Cecelia	Kelley, Jane
Major, Norman	McGuire, Robert	Micklon, Stephanie	Morse, Charles
Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline	Rausch, James
Reardon, Neil	Saia, Pamela	Shultis, Elizabeth	Splaine, James
Stone, Joseph	Stritch, C Donald	Trueman, Raymond	Weatherspoon, Jacquelyne
Whittier, John			

STRAFFORD

Brown, Julie	DeChane, Marlene	Dunlap, Patricia	Gilmore, Gary
Grassie, Anne	Hughes, Christopher	Johnson, Nancy	Kaen, Naida
Knowles, William	Lent, Donald	Pelletier, Arthur	Pelletier, Marsha
Proulx, Raymond	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Wall, Janet	Woodill, Rodney

SULLIVAN

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

NAYS 166

BELKNAP

Boyce, Laurie	Dewhirst, Glenn	Johnson, William	Lawton, David
Rosen, Ralph	Wendelboe, Fran		

CARROLL

Bradley, Jeb	Kenney, Joseph	Mock, Henry	Torressen, Gary
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CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Fairbanks, Chandler
Manning, Joseph	Smith, Edwin		

COOS

Pratt, Leighton	Rozek, Michael
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GRAFTON

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

HILLSBOROUGH

Allan, Nelson	Andosca, Mary	Balboni, Michael	Baroody, Benjamin
Batula, Peter	Bellavance, Paul	Bergeron, Jean-Guy	Bouchard, David
Bouldin, Michael	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Chabot, Robert	Christiansen, Lars	Clegg, Robert Jr	Cote, Peter
Desrosiers, William	Dionne, Kimberley	Drabinowicz, A Theresa	Dwyer, Paul
Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr	Fletcher, Richard
Flora, Kathleen	Gonzalez, Carlos	Goulet, Maurice	Greenberg, Gary
Haley, Robert	Herman, Keith	Hopper, Gary	Jean, Claudette
Jean, Loren	L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard
Leach, Edward	Lefebvre, Roland	Martel, Andre	McDonough-Wallace, Alice

McHugh, Claire	McRae, Karen	Mercer, Robert	Milligan, Robert
Moran, Edward	Palangas, Eric	Pappas, Marc	Pepino, Leo
Reeves, Sandra	Salts, Greg	Schulze, Joan	Shaw, Barbara
Souza, Kathleen	Sweeney, Cynthia	Tahir, Saghir	Tate, Joan
Thompson, Rob	Vaillancourt, Steve	White, Donald	White, John

MERRIMACK

Colcord, J D	Daneault, Gabriel	Dunne, Christopher	Hess, David
Kennedy, Richard	Leber, William	Lockwood, Priscilla	Poulin, David
Soltani, Tony	Whalley, Michael	Winter, Steven	

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Chalbeck, Kevin	Corbin, Corey	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	DiFruscia, Anthony	Dodge, Robert	Fesh, Bob
Flanagan, Natalie	Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hill, Jonathan
Holland, James Jr	Introne, Robert	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, William	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	McKinney, Betsy
Moore, Benjamin	Nowe, Ronald	Packard, Sherman	Palermo, Diane
Power, Lucille	Priestley, Anne	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Robertson, Carl	Ruffner, Walter	Sapareto, Frank
Sloan, Stephen	Varrell, Thomas	Welch, David	Weyler, Kenneth
Woekel, Ralph	Zolla, William		

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Callaghan, Frank
Cossette, Larry	Harrington, Michael	Heon, Richard	Lachance, Douglas
McCarthy, Gerald	Reid, Christopher	Tsiros, William	Twombly, James
Woods, Phyllis			

SULLIVAN

Jones, Constance	Leone, Richard	Odell, Bob	Rodeschin, Beverly
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and the majority report was adopted.

Ordered to third reading

protest

Pursuant to Part 2, Article 24 of the New Hampshire constitution, Reps. Boyce, Flora, Giuda, Mirski, Phyllis Woods, Wendelboe, Palermo, Hopper, Balboni, Johnson, Sapareto, Marshall and Matthew Quandt requested that their protest be entered on the Journal.

We believe the bill should have been passed without the amendment supporting protection of live born infants.

HB 638, relative to certification of food protection managers. **INEXPEDIENT TO LEGISLATE**

Rep. Cecelia D. Kane for Health, Human Services and Elderly Affairs: HB 638 proposed requiring at least one full-time employee at most food service establishments to be assigned as a certified food protection manager. The bill defined the food protection manager as a person who has taken and passed a food protection manager certification program that meets the standards of the Conference For Food Protection. The committee was impressed by the obvious need for better food protection, but in the end believed this legislation would duplicate other programs and put too much of a burden on sandwich stands and other small facilities. Vote 13-4.

Adopted.

HB 550-FN, relative to remedies under the right-to-know law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Phyllis L. Woods for Judiciary: This bill prohibits destruction of any requested information subject to the right-to-know law prior to inspection. The bill was amended so that documents scheduled for destruction would have to be retained for 90 days pending any lawsuit. This would prohibit anyone from willfully or knowingly destroying documents after requested. Vote 18-2.

Amendment (0401h)

Amend the bill by replacing section 1 with the following:

1 New Section; Destruction of Information Prohibited. Amend RSA 91-A by inserting after section 8 the following new section:

91-A:9 Destruction of Information Prohibited; Penalty. Any information, electronic or written, which is requested for inspection, pursuant to this chapter, shall not be destroyed in any manner prior to such inspection. If a request for inspection is denied on the grounds that the information is exempt from the provisions of this chapter, the requested material shall be preserved for 90 days or while any lawsuit pursuant to RSA 91-A:7-8 is pending. In addition to other remedies under this chapter, any person who purposely and knowingly violates this section shall be guilty of a class A misdemeanor.

AMENDED ANALYSIS

This bill declares that any information requested pursuant to the right-to-know law shall not be destroyed prior to such inspection. This bill provides a procedure for when inspection is denied. Under this bill, any person who purposely and knowingly violates this provision shall be guilty of a class A misdemeanor.

Adopted.

Rep. John Pratt spoke against and yielded to questions.

Rep. Reid spoke in favor and yielded to questions.

Report adopted.

suspension of rules

Rep. Burling moved that the Rules be so far suspended as to permit referral of **HB 550-FN**, relative to remedies under the right-to-know law, to a second committee beyond the deadline.

Adopted by the necessary two-thirds.

Referred to Criminal Justice and Public Safety.

HB 101, relative to suspension of lobbyists for false statements or misrepresentation of material facts. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Scanlan for Legislative Administration: This bill, as amended, adds the following statement for lobbyists registering under RSA 15:1. "I hereby swear, under penalties of perjury, that I will not knowingly make any false statement or material misrepresentation before any joint, senate, or house committee or any chaptered or statutory committee on legislative matters, for the purpose of affecting the determination of that committee." The committee felt this statement reflects the importance and seriousness of the public testimony from lobbyists upon which important decisions will be based. Vote 11-0.

Amendment (0286h)

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

AN ACT requiring registered lobbyists to sign a statement concerning false statements or misrepresentation of material facts.

Amend the bill by replacing section 1 with the following:

1 New Section; Statement Required. Amend RSA 15 by inserting after section 1 the following new section:

15:1-a Statement Required. Any person registering under RSA 15:1 shall sign and submit to the secretary of state the following statement: "I hereby swear, under penalties of perjury, that I will not knowingly make any false statement or material misrepresentation before any joint, senate, or house committee or any chaptered or statutory committee on legislative matters, for the purpose of affecting the determination of that committee."

AMENDED ANALYSIS

This bill requires lobbyists registering with the secretary of state to sign and submit a statement concerning false statements or material misrepresentation.

Adopted.

Report adopted and ordered to third reading.

special orders

HB 292-FN, relative to the travel allowance for members of the general court. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Legislative Administration: The committee reviewed the sponsor's intent very carefully. It was revealed that under this bill, in order to receive mileage payments, all new legislators elected in the next term would be unable to car-pool to Concord and would be required to drive from their home each day for reimbursement. Furthermore, the committee has another bill under consideration for mileage reimbursement that may be considered more suitable. Vote 11-0.

Rep. Arnold spoke against.

Adopted.

HB 546-FN-A-L, relative to allowing cities and towns to permit slot machines and other games of chance. **INEXPEDIENT TO LEGISLATE**

Rep. William G. Johnson for Municipal and County Government: This bill and amendment would allow local municipalities to permit the operation of gambling ranging from single games of chance to major casino operations. While the committee recognized the funding needs of the state and its local governments, it felt that expanded gambling was not the solution to the problem. The committee received extensive testimony against the bill from a wide and diverse range of organizations that included law enforcement officials, church groups, business interests, taxpayer groups and representatives speaking for children and women. The committee concurred that the social and law enforcement costs of gambling negated the positive impact of additional revenues. Further, gambling would have a negative impact on the quality of life in New Hampshire leading to increased addiction, injury to children, and damage to family life and financial health. Expanded gambling is, in a sense, a highly regressive tax, falling on the poor in search of an instant remedy to their financial problems. Gambling would also hurt existing New Hampshire businesses involved in tourism. Furthermore, this particular bill could pit one town against another. A town that chose not to permit gambling activity would still be susceptible to the costs incurred from the activity of a neighboring municipality. Finally, except for application and licensing fees, all profits from the gambling activity would accrue to the gambling owners. Vote 16-0.

Rep. DiFruscia spoke against.

Reps. Lovett and William Johnson spoke in favor.

Rep. DiFruscia moved to lay the bill on the table.

Rep. Scanlan requested a roll call; sufficiently seconded.

The question being the adoption of motion to lay on the table.

YEAS 55 NAYS 290

YEAS 55

BELKNAP

Czech, Stanley

CARROLL

Dickinson, Howard

CHESHIRE

Dexter, Judson

Espieffs, Peter

Roberts, William

Smith, Edwin

COOS

Gallus, John

Horton, Lynn

Landers, Dana

Rodrigue, Robert

GRAFTON

Cobb, John

HILLSBOROUGH

Baroody, Benjamin

Bruno, Pierre

Calawa, Leon Jr

Christensen, D L Chris

Christiansen, Lars

Clemons, Jane

Drabinowicz, A Theresa

Dwyer, Paul

Eaton, Richard

Goley, Jeffrey

Gorman, Mary

Graham, John

Holden, Randolph

Keye, Harvey

McDonough-Wallace,
Alice

McRae, Karen

Milligan, Robert

Moran, Edward

Palangas, Eric

Shaw, Barbara

MERRIMACK

Langer, Ray

Seldin, Gloria

Whittemore, James

ROCKINGHAM

Belanger, Ronald	Camm, Kevin	Corbin, Corey	DiFruscia, Anthony
Giordano, Ronald	Griffin, Mary	Hutchinson, Karen	Kelley, William
Langley, Jane	Micklon, Stephanie	Priestley, Anne	Reardon, Neil
Weyler, Kenneth			

STRAFFORD

Berube, Roger	Brown, Julie	Callaghan, Frank	Proulx, Raymond
Rollo, Michael	Taylor, Kathleen	Tsiros, William	Woodill, Rodney

SULLIVAN

None

NAYS 290

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Dewhirst, Glenn	Flanders, Donald
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	Mock, Henry
Patten, Betsey	Philbrick, Donald	Quimby, Lee	Stevens, Stanley
Torressen, Gary			

CHESHIRE

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

COOS

Bradley, Paula	Davis, Perley	Mears, Edgar	Pratt, Leighton
Rozek, Michael	Stohl, Eric	Tholl, John Jr	Woodward, David

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Benn, Bernard	Cooney, Mary	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Giuda, Robert	Lovett, Sid	Marshall, Gene
Mirski, Paul	Pawlek, Marion	Scanlan, David	Scovner, Nancy
Sokol, Hilda	Sova, Charles	Teschner, Douglass	Ward, Brien

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Andosca, Mary	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Balcom, John	Batula, Peter
Bellavance, Paul	Bergeron, Jean-Guy	Bouchard, David	Bragdon, Peter
Brundige, Robert	Buckley, Raymond	Carlson, Donald	Chabot, Robert
Clayton, William	Clegg, Robert Jr	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Desrosiers, William	Dionne, Kimberley
Dokmo, Cynthia	Drisko, Richard	Dyer, Merton	Elliott, Larry
Emerton, Lawrence Sr	Fletcher, Richard	Flora, Kathleen	Ford, Nancy
Foster, Linda	Furman, Christine	Gargasz, Carolyn	Ginsburg, Ruth
Golding, William	Gonzalez, Carlos	Goulet, Maurice	Greenberg, Gary
Guinta, Frank	Haley, Robert	Hall, Charles	Herman, Keith
Jean, Claudette	Jean, Loren	Johnson, Lionel	Kacavas, John
Konys, Christine	Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul
LaRose, Richard	Lasky, Bette	Leach, Edward	Leishman, Peter
Lynde, Harold	McHugh, Claire	Melcher, Harold	Mercer, Robert
Messier, Irene	Movsesian, Lori	O'Connell, Timothy	Panagopoulos, Nicholas
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Salts, Greg	Sargent, Maxwell	Schulze, Joan
Seibel, Christopher	Souza, Kathleen	Spiess, Paul	Sweeney, Cynthia
Tahir, Saghir	Tate, Joan	Thompson, Rob	Thulander, O Alan
Vaillancourt, Steve	Wheeler, Robert	White, Donald	White, John

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Colcord, J D
Cummings, Raymond	Daneault, Gabriel	Davis, Frank	Feuerstein, Martin
Fraser, Leo Jr	Fraser, Marilyn	French, Barbara	Greco, Vincent
Hager, Elizabeth	Hess, David	Hutchinson, John	Jacobson, Alf
Kennedy, Richard	Leber, William	Lockwood, Priscilla	MacKay, James
Moore, Carol	Perkins, Randy	Potter, Frances	Poulin, David
Rodd, Beth	Rush, Deanna	Soltani, Tony	Swindlehurst, John
Wallner, Mary Jane	Whalley, Michael	Winter, Steven	Yeaton, Charles

ROCKINGHAM

Arndt, Janet	Blanchard, MaryAnn	Bowles, Raimond	Bridle, Russell
Case, Margaret	Chalbeck, Kevin	Clark, Martha Fuller	Clark, Vivian
Coes, Betsy	Cooney, Richard	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	Dodge, Robert	Dowling, Patricia	Downing, Michael
Fesh, Bob	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Gleason, John	Hamel, Albert
Henderson, Warren	Hill, Jonathan	Holland, James Jr	Introne, Robert
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph
Langone, John	Letourneau, Robert	Major, Norman	McGuire, Robert
McKinney, Betsy	Morse, Charles	Norelli, Terie	Nowe, Ronald
Packard, Sherman	Palermo, Diane	Pitts, Jacqueline	Power, Lucille
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Rausch, James
Robertson, Carl	Ruffner, Walter	Saia, Pamela	Sapareto, Frank
Shultis, Elizabeth	Sloan, Stephen	Splaine, James	Stone, Joseph
Stritch, C Donald	Trueman, Raymond	Varrell, Thomas	Weatherspoon, Jacquelyne
Welch, David	Whittier, John	Woekel, Ralph	Zolla, William

STRAFFORD

Albert, Russell	Bickford, David	Cossette, Larry	DeChane, Marlene
Dunlap, Patricia	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	McCarthy, Gerald
Pelletier, Arthur	Pelletier, Marsha	Reid, Christopher	Smith, Marjorie

Snyder, Clair

Twombly, James

Wall, Janet

Woods, Phyllis

SULLIVAN

Allison, David

Burling, Peter

Cloutier, John

Ferland, Brenda

Flint, Gordon Sr

Franklin, Peter

Harris, Joseph

Harris, Sandra

Jones, Constance

Leone, Richard

Odell, Bob

Phinizy, James

Robb, Amy

Rodeschin, Beverly

and the motion failed.

The report was adopted.

HCR 10, supporting the Electoral College. **OUGHT TO PASS**

Rep. Pamela D. Coughlin for State-Federal Relations and Veterans Affairs: This House Concurrent Resolution supports the election of President by the Electoral College and urges the defeat of any attempt to amend the constitution to abolish the Electoral College. The committee feels strongly that it is in the best interests of New Hampshire to continue this important process. Vote 14-0.

Rep. Melcher requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 251 NAYS 97

YEAS 251

BELKNAP

Bartlett, Gordon

Boyce, Laurie

Czech, Stanley

Dewhirst, Glenn

Flanders, Donald

Holbrook, Robert

Lawton, David

Millham, Alida

Nedeau, Stephen

Pilliod, James

Rice, Thomas Jr

Rosen, Ralph

Russell, David

Salatiello, Thomas

Thomas, John

Wendelboe, Fran

Wood, Jane

CARROLL

Babson, David Jr

Bradley, Jeb

Dickinson, Howard

Kenney, Joseph

Mock, Henry

Patten, Betsey

Philbrick, Donald

Quimby, Lee

Stevens, Stanley

Torressen, Gary

CHESHIRE

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

COOS

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

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Cobb, John	Dudley, Terri	Eaton, Stephanie	Gilman, G Michael
Giuda, Robert	Lovett, Sid	Marshall, Gene	Mirski, Paul
Scanlan, David	Sova, Charles	Teschner, Douglass	Ward, Brien

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	Bergeron, Jean-Guy
Bouchard, David	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela	Desrosiers, William
Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard	Dyer, Merton
Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr	Fletcher, Richard
Flora, Kathleen	Ford, Nancy	Furman, Christine	Gargasz, Carolyn
Golding, William	Gonzalez, Carlos	Goulet, Maurice	Graham, John
Greenberg, Gary	Guinta, Frank	Haley, Robert	Hall, Charles
Herman, Keith	Holden, Randolph	Jean, Loren	Johnson, Lionel
Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard
Leach, Edward	Leishman, Peter	Lynde, Harold	McDonough-Wallace, Alice
McHugh, Claire	McRae, Karen	Mercer, Robert	Messier, Irene

Milligan, Robert	Moran, Edward	O'Connell, Timothy	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Salts, Greg	Sargent, Maxwell	Seibel, Christopher	Shaw, Barbara
Souza, Kathleen	Spiess, Paul	Sweeney, Cynthia	Tahir, Saghir
Tate, Joan	Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve
Wheeler, Robert	White, Donald		

MERRIMACK

Anderson, Eric	Brewster, Richard	Colcord, J D	Cummings, Raymond
Davis, Frank	Feuerstein, Martin	Fraser, Leo Jr	Hager, Elizabeth
Hess, David	Hutchinson, John	Kennedy, Richard	Langer, Ray
Leber, William	Lockwood, Priscilla	MacKay, James	Poulin, David
Soltani, Tony	Swindlehurst, John	Whalley, Michael	Whittemore, James
Winter, Steven			

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bowles, Raimond	Bridle, Russell
Camm, Kevin	Case, Margaret	Chalbeck, Kevin	Clark, Vivian
Cooney, Richard	Corbin, Corey	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	Dodge, Robert	Dowling, Patricia	Downing, Michael
Fesh, Bob	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald	Gleason, John
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hill, Jonathan
Holland, James Jr	Hutchinson, Karen	Introne, Robert	Itse, Daniel
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kelley, William
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Major, Norman	McKinney, Betsy	Morse, Charles	Nowe, Ronald
Packard, Sherman	Palermo, Diane	Power, Lucille	Priestley, Anne
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Rausch, James
Reardon, Neil	Ruffner, Walter	Saia, Pamela	Sapareto, Frank
Sloan, Stephen	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Welch, David	Weyler, Kenneth	Whittier, John	Woekel, Ralph
Zolla, William			

STRAFFORD

Albert, Russell	Bickford, David	Brown, Julie	Cossette, Larry
Dunlap, Patricia	Harrington, Michael	Heon, Richard	Kaen, Naida
McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha	Reid, Christopher
Tsiros, William	Twombly, James	Woods, Phyllis	

SULLIVAN

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

NAYS 97

BELKNAP

Johnson, William

CARROLL

None

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Mitchell, McKim
Pratt, John	Richardson, Barbara	Weed, Charles	Zerba, Roger

COOS

Bradley, Paula	Landers, Dana	Mears, Edgar
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GRAFTON

Benn, Bernard	Cooney, Mary	Pawlek, Marion	Scovner, Nancy
Sokol, Hilda	Solow, Martha		

HILLSBOROUGH

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Buckley, Raymond
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Drabinowicz, A Theresa	Dwyer, Paul	Foster, Linda

Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Jean, Claudette
Kacavas, John	Keye, Harvey	Konys, Christine	Lasky, Bette
Melcher, Harold	Movsesian, Lori	Palangas, Eric	Panagopoulos, Nicholas
Schulze, Joan	White, John		

MERRIMACK

Bouchard, Candace	Daneault, Gabriel	Fraser, Marilyn	French, Barbara
Greco, Vincent	Jacobson, Alf	Moore, Carol	Perkins, Randy
Potter, Frances	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Wallner, Mary Jane	Yeaton, Charles		

ROCKINGHAM

Blanchard, MaryAnn	Clark, Martha Fuller	Coes, Betsy	DiFruscia, Anthony
Johnson, Robert	Kane, Cecelia	Kelley, Jane	McGuire, Robert
Micklon, Stephanie	Norelli, Terie	Pitts, Jacqueline	Robertson, Carl
Shultis, Elizabeth	Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne

STRAFFORD

Berube, Roger	Callaghan, Frank	DeChane, Marlene	Gilmore, Gary
Hughes, Christopher	Johnson, Nancy	Knowles, William	Lent, Donald
Proulx, Raymond	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Taylor, Kathleen	Wall, Janet	Woodill, Rodney	

SULLIVAN

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

adopted and ordered to third reading.

regular calendar (cont'd)

HCR 12, requesting that the federal government lift federal preemption of regulation of gas pipelines and pipelines carrying other hazardous substances. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Pamela D. Coughlin for the Majority of State-Federal Relations and Veterans Affairs: This house concurrent resolution requests that the federal government lift federal preemption of regulation of pipelines carrying gas and other hazardous substances. The committee has a great deal of respect for the concerns of the sponsor but feels that this resolution is premature as HB 166 which is a study committee to study gas and hazardous substance pipeline safety which has passed the house and is now in the senate is still pending. This resolution also may be a violation of the commerce clause because the state's interest has not been defined. Vote 8-6.

Rep. Lucille V. Power for the Minority of State-Federal Relations and Veterans Affairs: The minority felt that when public safety is potentially at risk, the legislature should act swiftly in protecting our citizens. This bill is in concert with HB166 asking that New Hampshire not only study the issue of pipeline safety but that we also be given "state control" to act upon the findings.

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

Adopted.

special orders

HB 283-FN, establishing a low-digit plate lottery for plates reacquired by the department of safety and for low-digit plates not yet issued by the department. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would establish a low-digit license plate lottery. At first blush this seems to be a good idea, however, consider the litigation possibilities. Hypothetical examples: A parent with a low-digit license plate that has been in the family for years passes away. Siblings would all want the plate. Which sibling would get the plate? The courts would have to try to render an unbiased opinion and family members would be fighting over a plate. A husband and wife who have one set of low-digit plates are involved in a divorce proceeding; both would want the plate, more litigation. The New Hampshire State Legislature has delegated the sole responsibility of all license plates to the Commissioner of Safety. All license plates and numbers assigned to them are the sole property of the state of New Hampshire. The Attorney General has successfully represented the state in several cases involving low-digit plates and has prevailed in each case. While this may not be a perfect system, overall it works well for the citizens of New Hampshire. Vote 15-0.

Adopted.

HB 473-FN, authorizing the department of safety to issue special amateur radio operator plates. **INEXPEDIENT TO LEGISLATE**

Rep. John W. Flanders for Transportation: Although submitted with good intentions, this bill will not sell enough plates to pay for the initial manufacturing costs. Already there is the ability for amateur radio operators to have their call letters on their license plates in the form of vanity plates. It was suggested in committee discussions that a sticker might be developed to be applied to the rear window of the vehicle for identification purposes. Vote 13-2.

Rep. Rosen spoke against.

Rep. John Flanders spoke in favor.

Adopted.

HB 474-FN, relative to motor vehicle plates for firefighters and emergency medical care providers.
INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: This bill would establish a special license plate for emergency medical care providers and firefighters that respond to calls. The committee recognizes the valuable work that these individuals provide for the citizens of New Hampshire. This bill, if passed, essentially would provide free license plates for these individuals. Additionally, minimum startup cost for any new plate issue is approximately \$25,000.00, including computer time, planning, artist fees and printing. The minimum number of plates to be manufactured for any new issue is 5,000 pairs at a cost of \$67,000.00. Committee research revealed that the neighboring states of Connecticut and Vermont have issued 39 and 239 sets of plates; Maine recorded 4421 plates from a population of 1.2 million. The committee felt first that this is the start of the slippery slope and would lead to many organizations requesting special plates. Furthermore, the committee felt that the number of plates that would be sold would not meet the minimum requirement for production, costing the state resources it can ill afford to lose. Also, the question of responsibility for these plates in the event the plate holder leaves the employ of the municipality is not addressed and in doubt. Vote 13-2.

Adopted.

regular calendar (cont'd)

HB 496, establishing a committee to study the method by which low-digit plates are issued by the department of safety and any alternatives to the presently-used method. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would establish a committee to study the method by which low-digit number plates are issued by the Department of Safety (DOS). The committee has seen the legislation many times and while some may believe that the system is unfair, committee members have spent considerable time looking into the issue. The end result is that the system we have in place, while not perfect, serves New Hampshire well. To establish a lottery would create an issue of property rights with endless litigation. Additionally, low-digit license plates (1 to 9999) are general issuance plates and are currently issued, many to older NH residents who have had them for decades. License plates and the numbers upon them are the property of the state of New Hampshire. This Legislature has delegated the duty of dealing with these plates to the Commissioner of Safety. The majority of the committee believes the Commissioner is doing a good job with this system, and there is no need to create another responsibility for the department, which could require an additional administrator. Vote 14-2.

Rep. Soltani spoke against and yielded to questions.

Rep. Letourneau spoke in favor and yielded to questions.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being the adoption of the committee report.

YEAS 275 NAYS 62

YEAS 275

BELKNAP

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

CARROLL

Babson, David Jr	Dickinson, Howard	Mock, Henry	Patten, Betsey
Philbrick, Donald	Quimby, Lee	Stevens, Stanley	

CHESHIRE

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

COOS

Bradley, Paula	Davis, Perley	Gallus, John	Horton, Lynn
Landers, Dana	Mears, Edgar	Pratt, Leighton	Rozek, Michael
Stohl, Eric	Tholl, John Jr	Woodward, David	

GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Cobb, John
Cooney, Mary	Dudley, Terri	Eaton, Stephanie	Lovett, Sid
Marshall, Gene	Pawlek, Marion	Scanlan, David	Scovner, Nancy
Sokol, Hilda	Teschner, Douglass	Ward, Brien	

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Andosca, Mary	Arnold, Thomas Jr
Artz, Lawrence	Balcom, John	Baroody, Benjamin	Batula, Peter
Bellavance, Paul	Bergeron, Jean-Guy	Bouchard, David	Bragdon, Peter

Brundige, Robert	Buckley, Raymond	Calawa, Leon Jr	Carlson, Donald
Chabot, Robert	Christensen, D L Chris	Clayton, William	Clegg, Robert Jr
Clemons, Jane	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Dionne, Kimberley	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Dwyer, Paul	Dyer, Merton	Eaton, Richard
Emerton, Lawrence Sr	Fletcher, Richard	Ford, Nancy	Foster, Linda
Gargas, Carolyn	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Graham, John	Greenberg, Gary
Guinta, Frank	Haley, Robert	Hall, Charles	Herman, Keith
Jean, Claudette	Jean, Loren	Johnson, Lionel	Kacavas, John
Keye, Harvey	Konys, Christine	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Lasky, Bette	Leach, Edward	Leishman, Peter
Lynde, Harold	McDonough-Wallace, Alice	Melcher, Harold	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	Spiess, Paul	Sweeney, Cynthia
Tahir, Saghir	Tate, Joan	Thulander, O Alan	Wheeler, Robert
White, John			

MERRIMACK

Anderson, Eric	Bouchard, Candace	Colcord, J D	Cummings, Raymond
Daneault, Gabriel	Davis, Frank	Fraser, Leo Jr	Fraser, Marilyn
Greco, Vincent	Hager, Elizabeth	Hess, David	Hutchinson, John
Jacobson, Alf	Kennedy, Richard	Langer, Ray	Lockwood, Priscilla
MacKay, James	Moore, Carol	Potter, Frances	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Swindlehurst, John	Wallner, Mary Jane
Whalley, Michael	Whittemore, James		

ROCKINGHAM

Belanger, Ronald	Blanchard, MaryAnn	Bowles, Raimond	Bridle, Russell
Camm, Kevin	Case, Margaret	Chalbeck, Kevin	Clark, Martha Fuller
Clark, Vivian	Coes, Betsy	Cooney, Richard	Corbin, Corey

Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	Dodge, Robert
Dowling, Patricia	Downing, Michael	Fesh, Bob	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Giordano, Ronald
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Holland, James Jr	Hutchinson, Karen	Johnson, Robert	Johnson, Rogers
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kelley, William
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Major, Norman	McKinney, Betsy	Micklon, Stephanie	Morse, Charles
Norelli, Terie	Nowe, Ronald	Packard, Sherman	Palermo, Diane
Pitts, Jacqueline	Priestley, Anne	Putnam, Ed II	Rausch, James
Reardon, Neil	Robertson, Carl	Ruffner, Walter	Saia, Pamela
Shultis, Elizabeth	Sloan, Stephen	Stone, Joseph	Stritch, C Donald
Weatherspoon, Jacquelyne	Welch, David	Whittier, John	Zolla, William

STRAFFORD

Berube, Roger	Bickford, David	Brown, Julie	Callaghan, Frank
Cossette, Larry	DeChane, Marlene	Dunlap, Patricia	Gilmore, Gary
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Kaen, Naida
Knowles, William	Lent, Donald	Pelletier, Arthur	Pelletier, Marsha
Reid, Christopher	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Taylor, Kathleen	Tsiros, William	Twombly, James	Wall, Janet

SULLIVAN

Allison, David	Burling, Peter	Ferland, Brenda	Flint, Gordon Sr
Harris, Joseph	Harris, Sandra	Jones, Constance	Leone, Richard
Odell, Bob	Robb, Amy	Rodeschin, Beverly	

NAYS 62

BELKNAP

Boyce, Laurie	Dewhirst, Glenn	Lawton, David	Salatiello, Thomas
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CARROLL

Bradley, Jeb

Kenney, Joseph

Torressen, Gary

CHESHIRE

Meador, David

Pratt, John

Weed, Charles

COOS

None

GRAFTON

Alger, John

Barker, Robert

Gilman, G Michael

Giuda, Robert

Mirski, Paul

Solow, Martha

Sova, Charles

HILLSBOROUGH

Balboni, Michael

Bruno, Pierre

Christiansen, Lars

Furman, Christine

Holden, Randolph

LaFlamme, Paul

McHugh, Claire

McRae, Karen

O'Connell, Timothy

Salts, Greg

Shaw, Barbara

Souza, Kathleen

Thompson, Rob

Vaillancourt, Steve

White, Donald

MERRIMACK

Brewster, Richard

Feuerstein, Martin

French, Barbara

Leber, William

Perkins, Randy

Poulin, David

Soltani, Tony

Winter, Steven

Yeaton, Charles

ROCKINGHAM

DiFruscia, Anthony

Gilbert, Karl

Itse, Daniel

Kelley, Jane

McGuire, Robert

Power, Lucille

Quandt, Marshall

Quandt, Matthew

Sapareto, Frank

Splaine, James

Trueman, Raymond

Varrell, Thomas

Weyler, Kenneth

STRAFFORD

Albert, Russell

Harrington, Michael

McCarthy, Gerald

Woodill, Rodney

Woods, Phyllis

SULLIVAN

Cloutier, John

Franklin, Peter

Phinizy, James

and the report was adopted.

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

HB 513, establishing a committee to study the disposition of revenue from fines for violations of the motor vehicle laws. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would establish a committee to study the disposition of revenue from fines from violations of the motor vehicle laws. While this would seem to be just another study committee, research revealed that all the revenue collected from motor vehicle fines are deposited into the general fund. This is the result of the unified court system developed by this Legislature a number of years ago. The exception to this is a small number of commercial truck violations, such as over-weight, over-width and over-length violations. The revenue from these violations is deposited into the highway fund. The majority of the committee felt that if the sponsors of this bill want to look at the disposition of these revenues they need a different vehicle, as the revenues and expenditures are part of the whole budget process. Furthermore, any representative or group of representatives may study an issue and request information from any department without creating a statutory study committee. Vote 11-4.

Adopted.

special orders

HB 584-FN-A, relative to the registration and licensure of OHRV dealers and rental agents. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill defines Off Highway Recreational Vehicle (OHRV) dealers and rental agents and creates a new section in RSA 215-A:1 that will be called an OHRV "Rental Agent" for those involved in the business of renting OHRVs to the general public. This bill also creates a new registration and license to accommodate these agents and defines the fees associated with this new section. This bill was introduced after discussion between the state and dealers to address the growing problem of unregistered OHRVs, and the lack of proper law to address the recent explosion of rental dealers. It is felt that this legislation is a public safety issue. All in attendance at the public hearing were in support. Vote 15-0.

Amendment (0225h)

Amend RSA 215-A:26, II as inserted by section 5 of the bill by replacing it with the following:

II. Any person ~~[may]~~ **shall** make application to the executive director to ~~[engage in the business of renting OHRVs]~~ **accept money or other valuable consideration for the temporary use of OHRVs provided to members of the general public.** The executive director shall assign a distinguishing number to the applicant and issue ~~[to him,]~~ appropriate ~~[registration plates]~~ **decals** which shall **not** be transferable between OHRVs owned by the ~~[registrant]~~ **rental agent** and **those** used ~~[by him]~~ for rental. When renting OHRVs, any person shall be required to use rental plates, if said machine is to be used off the rentor's land.

Amend RSA 215-A:26, IV as inserted by section 5 of the bill by replacing it with the following:

IV. Each dealer or rental agent shall be licensed by the fish and game department under this section and shall pay \$10 for each license. All license fees collected shall be nonlapsing and continually appropriated to the fish and game department to offset the administrative costs of this section.

Adopted.

Report adopted and referred to Executive Departments and Administration.

HB 151, excluding military pension payments and military survivor's benefit payments for certain persons from gross income under any income tax which may be enacted. **INEXPEDIENT TO LEGISLATE**

Rep. John S. Langone for Ways and Means: The committee understands the concern of veterans relative to military pension payments and military survivors' benefit payments being exempt from gross income if an income tax is enacted. The committee feels that this bill is unconstitutional and discriminating to non-military pensioners. This bill is premature because no income tax bill has passed at this juncture. Vote 13-0.

Rep. Rosen spoke against.

Rep. Langone spoke in favor.

Adopted.

HB 185-FN-L, repealing the prospective repeals of the education property tax and related laws. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert J. Guida for the Majority of Ways and Means: The majority of the committee recognizes that virtually each and every long-term solution to the current education funding crisis includes the continuation of the state-wide property tax system. As indicated in the report issued by the New Hampshire Commission on Education Funding (The Governor's Blue Ribbon Commission): "... placing such a full burden on any single tax option might exert a significantly negative impact on New Hampshire's economy and taxpayers." (Page 51 of the report). The majority agrees with the sponsor of this legislation that the state-wide property tax needs to be maintained. While some will argue that the tax is unconstitutional in its entirety, it should be noted that the recent opinion of the Rockingham Superior Court found constitutional infirmity not with the state-wide tax itself, but rather, with the methodologies and structures of valuation and equalization procedures. These procedures have recently been given significant review and substantial changes to the valuation and equalization procedures are being introduced under separate legislation. Removal of the sunset provision that this legislation provides is merely one step towards completing the process of adopting a permanent funding solution. Vote 9-5.

Rep. Susan W. Almy for the Minority of Ways and Means: This bill commits us to keep the statewide property tax at \$6.60, which will increase the number of donor towns and judicial complications related to this. The repeal of the repeal can be done in any of the bills coming forward to lower the statewide property tax and provide alternative funding, or even in the bills coming forward to fix the existing tax.

Rep. Whalley moved to lay the bill on the table.

Adopted.

HB 651-FN-A-L, authorizing the establishment of state-owned casino and convention center facilities and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. McRae for Ways and Means: This bill at this time is pre-emptive. The decision to support expanded gambling in the state has not been made. If and when that decision is made, then the concept of a state owned and operated casino, or casinos, should be explored further. Vote 15-1.

Rep. Vaillancourt spoke against.

Reps. Lovett and McRae spoke in favor.

Adopted.

regular calendar (cont'd)

HB 563, requiring drivers to carry automobile insurance and permitting drivers to choose the amount of uninsured motorist insurance that they carry. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: The committee has long recognized that the existing system of voluntary automobile coverage, mandatory uninsured/underinsured motorist coverage, and financial responsibility laws has provided highly competitive and affordable rates in New Hampshire. The number of uninsured motorists in New Hampshire is among the lowest in the country. The mandatory automobile insurance coverage required by this bill would impose substantial administrative and financial costs to the state and its citizens, and evidence has shown it would have little or no chance of lowering the percentage of uninsured motorists driving in New Hampshire. The second part of the bill related to the amount of uninsured motorist insurance and, despite the sponsor's intent, would not have a great effect in reducing premiums, but would create more confusion for consumers and potentially expose them to unnecessary lack of appropriate insurance coverage. Vote 13-0.

Rep. Arnold requested that the question be divided. The Speaker ruled that the question was divisible.

Rep. Arnold requested that Sect 2 of the bill be divided.

The question being the adoption of the committee report on Section 2.

Rep. Arnold spoke against.

Rep. Hunt spoke in favor.

Adopted.

The question now being the adoption of the committee report on the remainder of the bill.

Rep. Leo Fraser spoke in favor.

Adopted.

HB 355, relative to the contents of the department of education report on the condition of education statewide. **INEXPEDIENT TO LEGISLATE**

Rep. Brien L. Ward for Education: The committee in a bipartisan 16-2 vote believe the test scores of our school districts will be ranked by the media, even if the Department of Education is prohibited from doing so if this bill is enacted. School test scores should not be the only indicia considered in evaluating the quality of schools. However, the results should be disseminated to the communities our school districts serve. Vote 16-2.

Rep. Arthur Pelletier spoke against.

Rep. Gorman spoke against and yielded to questions.

Reps. Ward and Henderson spoke in favor.

Rep. Konys requested a roll call; sufficiently seconded.

The question being the adoption of the committee report.

YEAS 296 NAYS 34

YEAS 296

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Johnson, William	Lawton, David
Millham, Alida	Nedeau, Stephen	Pilliod, James	Rice, Thomas Jr
Russell, David	Wendelboe, Fran	Wood, Jane	

CARROLL

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

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
DePecol, Benjamin	Dexter, Judson	Edwards, Dana	Emerson, Susan

Fairbanks, Chandler	Hunt, John	Manning, Joseph	Mitchell, McKim
Richardson, Barbara	Roberts, William	Royce, H Charles	Smith, Edwin
Zerba, Roger			

COOS

Bradley, Paula	Davis, Perley	Gallus, John	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	Dudley, Terri	Eaton, Stephanie
Giiman, G Michael	Giuda, Robert	Ham, Bonnie	Lovett, Sid
Marshall, Gene	Mirski, Paul	Scanlan, David	Solow, Martha
Sova, Charles	Teschner, Douglass	Ward, Brien	

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	Bellavance, Paul
Bergeron, Jean-Guy	Bouchard, David	Bragdon, Peter	Brundige, Robert
Bruno, Pierre	Buckley, Raymond	Calawa, Leon Jr	Carlson, Donald
Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr	Cote, Peter
Coughlin, Pamela	Craig, James	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Dyer, Merton	Eaton, Richard	Elliott, Larry
Emerton, Lawrence Sr	Fletcher, Richard	Flora, Kathleen	Ford, Nancy
Foster, Linda	Furman, Christine	Gargasz, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Goulet, Maurice	Graham, John
Greenberg, Gary	Guinta, Frank	Hall, Charles	Herman, Keith
Holden, Randolph	Hopper, Gary	Jean, Claudette	Jean, Loren
Johnson, Lionel	Kacavas, John	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard	Lasky, Bette
Leach, Edward	Lefebvre, Roland	Leishman, Peter	Lynde, Harold
McHugh, Claire	McRae, Karen	Melcher, Harold	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	O'Connell, Timothy

Pappas, Marc	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Salts, Greg	Sargent, Maxwell	Seibel, Christopher	Spiess, Paul
Sweeney, Cynthia	Tahir, Saghir	Tate, Joan	Thompson, Rob
Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert	White, Donald

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Colcord, J D
Cummings, Raymond	Daneault, Gabriel	Davis, Frank	Feuerstein, Martin
Fraser, Leo Jr	Fraser, Marilyn	Hutchinson, John	Jacobson, Alf
Kennedy, Richard	Langer, Ray	Leber, William	Lockwood, Priscilla
MacKay, James	Moore, Carol	Potter, Frances	Poulin, David
Rodd, Beth	Rush, Deanna	Seldin, Gloria	Soltani, Tony
Swindlehurst, John	Wallner, Mary Jane	Whalley, Michael	Whittemore, James
Winter, Steven	Yeaton, Charles		

ROCKINGHAM

Belanger, Ronald	Blanchard, MaryAnn	Bowles, Raimond	Camm, Kevin
Case, Margaret	Chalbeck, Kevin	Clark, Martha Fuller	Clark, Vivian
Coes, Betsy	Cooney, Richard	Corbin, Corey	Cox, Russell
Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony	Dodge, Robert
Dowling, Patricia	Downing, Michael	Fesh, Bob	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Giordano, Ronald	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hill, Jonathan	Holland, James Jr	Hutchinson, Karen
Introne, Robert	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kelley, William	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Major, Norman	McGuire, Robert	McKinney, Betsy
Micklon, Stephanie	Morse, Charles	Norelli, Terie	Nowe, Ronald
Packard, Sherman	Palermo, Diane	Pitts, Jacqueline	Power, Lucille
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Rausch, James	Reardon, Neil	Ruffner, Walter	Saia, Pamela
Sapareto, Frank	Shultis, Elizabeth	Sloan, Stephen	Splaine, James

Stone, Joseph	Stritch, C Donald	Varrell, Thomas	Weatherspoon, Jacquelyne
Welch, David	Weyler, Kenneth	Whittier, John	Zolla, William

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Brown, Julie
Callaghan, Frank	Cossette, Larry	DeChane, Marlene	Dunlap, Patricia
Gilmore, Gary	Harrington, Michael	Hughes, Christopher	Johnson, Nancy
Lent, Donald	McCarthy, Gerald	Reid, Christopher	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Taylor, Kathleen	Tsiros, William
Twombly, James	Wall, Janet	Woods, Phyllis	

SULLIVAN

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

NAYS 34

BELKNAP

None

CARROLL

None

CHESHIRE

Weed, Charles

COOS

None

GRAFTON

Cooney, Mary	Sokol, Hilda
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HILLSBOROUGH

Andosca, Mary	Baroody, Benjamin	Clayton, William	Clemons, Jane
Cote, David	Dwyer, Paul	Gorman, Mary	Haley, Robert
Keye, Harvey	McDonough-Wallace, Alice	Movsesian, Lori	Palangas, Eric
Panagopoulos, Nicholas	Schulze, Joan	Shaw, Barbara	Souza, Kathleen
White, John			

MERRIMACK

French, Barbara	Greco, Vincent	Perkins, Randy
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ROCKINGHAM

Robertson, Carl	Trueman, Raymond
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STRAFFORD

Heon, Richard	Kaen, Naida	Pelletier, Arthur	Pelletier, Marsha
Proulx, Raymond	Spang, Judith	Woodill, Rodney	

SULLIVAN

Harris, Joseph	Phinizy, James
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and the report was adopted.

HB 692, relative to the use of psychological testing and psychiatric drugs in schools.
INEXPEDIENT TO LEGISLATE

Rep. Russell N. Cox for Education: The testimony on this bill mostly concerned the use of the prescription drug Ritalin for school children. This subject is best considered by the existing subcommittee on a similar bill before the Health and Human Services Committee. The remainder of the bill provided an inappropriate balance between parental rights and school administration relating to academic policy. Vote 17-0.

Adopted.

HB 428, relative to claims against the state by certain victims of Judge John C. Fairbanks.
INEXPEDIENT TO LEGISLATE

Rep. Robert G. Holbrook for Finance: Although the members of the Finance Committee are aware of the apparent loss of assets by law practice clients of a part-time judge, the structure of this bill opens

the threshold for many kinds of suits that might be brought against the State of New Hampshire. It is impossible to forecast the financial impact on the State of New Hampshire and the Finance Committee cannot pass a bill opening up such an unknown liability. Therefore it recommends this bill be reported so decided it is expedient to move this bill Inexpedient to Legislate. Vote 19-0.

Rep. Mirski spoke against and yielded to questions.

Rep. Phinizy spoke against.

Reps. Holbrook and Wheeler spoke in favor.

On a division vote, 218 members having voted in the affirmative and 106 in the negative, the report was adopted.

HB 685-FN, allowing pregnant women to use parking spaces reserved for persons with disabilities. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: The doctors today can give a pregnant woman, if she needs it, a temporary placard. Walking is good physical exercise and should be encouraged for everyone. With today's superstores and malls that require walking inside, a few more feet in the parking lot will not make a difference. The committee saw this bill as another reason handicapped parking will be abused more so than it is now. Vote 16-0.

Rep. Kenney spoke against.

Adopted.

HB 338-FN-A, increasing the rate of the meals and rooms tax. **INEXPEDIENT TO LEGISLATE**

Rep. Norman L. Major for Ways and Means: The committee is considering changes to the rooms and meals tax in another house bill (HB 558-FN-LOCAL) that recommend expanding the rooms and meals tax as well as increasing and adding certain other state taxes. This broader bill is being retained as a vehicle for generating additional revenues. Vote 13-0.

Adopted.

house resolution no. 10

Affirming revenue estimates for fiscal years 2001, 2002, and 2003.

Whereas , the House Ways and Means Committee has considered what the unrestricted revenue estimates should be for fiscal years 2001, 2002, and 2003 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 2001, 2002, and 2003.

Committee estimates are based on current rates.

	(A)	(B)	(C)	(D)
	FY 2001	FY 2001	FY 2002	FY 2003
GEN'L & ED TRUST FUNDS:	Official	Committee	Committee	Committee
(Dollars in Millions)	Estimate	Estimate	Estimate	Estimate
Business Profits Tax	\$190.800	\$187.000	\$246.000	\$254.000
Business Enterprise Tax	113.900	167.000	106.000	109.000
Subtotal	\$304.700	\$354.000	\$352.000	\$363.000
Meals & Rooms Tax	\$167.300	167.000	176.000	187.000
Liquor Sales	\$82.000	89.000	93.000	96.500
Interest & Dividends Tax	70.000	67.000	69.000	71.100
Insurance Tax	64.000	60.000	61.000	62.200
Tobacco Tax	102.600	88.000	85.400	83.700
Other	42.650	43.800	46.000	46.000
Communications Tax	53.000	50.000	53.000	56.200
Estate & Legacy Tax	56.000	55.000	58.000	60.000
Real Estate Transfer Tax	91.800	93.800	96.600	99.000
Court Fines & Fees	22.000	23.000	23.700	24.400
Utility Tax	10.500	12.000	7.600	7.700
Securities Revenue	22.500	26.500	27.500	28.500
	(A)	(B)	(C)	(D)
	FY 2001	FY 2001	FY 2002	FY 2003
Board & Care Revenue	10.700	12.000	10.400	10.800
Beer Tax	11.800	12.000	12.112	12.212
Horse Racing	2.500	2.550	2.550	2.550

Dog Racing	1.000	1.200	1.200	1.200
Tobacco Settlement Funds	46.107	40.810	47.000	47.400
SUBTOTAL	\$1,161.157	\$1,197.660	\$1,222.062	\$1,259.462
Other Medicaid Enhancement	10.000	13.000	13.000	13.000
Net Medicaid Enhance. Revenue	65.300	78.400	90.300	91.300
Utility Property Tax	23.900	17.200	18.000	22.500
State Property Tax	24.100	24.100	29.100	29.100
Transfers from Sweepstakes	56.000	59.000	64.000	66.000
TOTAL	\$1,340.457	\$1,389.360	\$1,436.462	\$1,481.362
HIGHWAY FUNDS:	Official	Committee	Committee	Committee
(Dollars in Millions)	Estimate	Estimate	Estimate	Estimate
Road Toll - Gross Total	\$147.000	\$143.000	\$147.000	\$150.000
Less Betterment	(18.700)	(24.310)	(24.990)	(25.500)
Road Toll - Net Total	\$128.300	\$118.690	\$122.010	\$124.500
Motor Vehicle Fees	69.000	73.000	75.190	77.450
Miscellaneous	10.400	9.100	8.400	8.900
TOTAL HIGHWAY FUNDS	\$207.700	\$200.790	\$205.600	\$210.850
FISH & GAME FUNDS:				
(Dollars in Millions)				
Fish & Game Licenses	\$6.900	\$6.585	\$6.701	\$6.603
Miscellaneous	1.400	1.515	1.564	1.591

TOTAL FISH & GAME FUNDS	\$8.300	\$8.100	\$8.265	\$8.194
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Rep. Alukonis moved Ought to Pass, spoke to the motion and yielded to questions.

laid on the table

Rep. Alukonis moved that **HR 10**, affirming revenue estimates for fiscal years 2001, 2002 and 2003 be laid on the table.

Adopted.

RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 5, 2001 at 10:00 a.m.

Adopted.

reconsideration

Having voted with the prevailing side, Rep. Dickinson moved that the House reconsider its action whereby it passed, **HB 390**, relative to the Live Birth Infants Protection Act, and spoke against.

Rep. Wendelboe spoke in favor.

On a division vote, 114 members having voted in the affirmative and 197 in the negative, the motion to reconsider failed.

Rep. Torressen moved that the debate on **HB 454**, relative to same-sex civil unions contracted outside of the state of New Hampshire, be printed in the Permanent Journal.

Motion failed.

unanimous consent

Rep. Stone addressed the House.

Without objection, the Speaker ordered the remarks of Rep. Stone be printed in the Permanent Journal.

I know it has been a long day, but I ask you to indulge for two minutes with me. This Sunday, April 1st, is April Fool's Day and all of us will be trying to pull all kinds of jokes and so forth on our friends and relatives, etc. But April 1st to many of us is the anniversary of one of the most savage battles that took place during World War II. I have been a member of this House for nine years and each year I have listened to the Honorable gentleman from New London eloquently explain the Battle of Iwo Jima. So I stand here today with you saying that on Sunday, April 1st, 56 years ago on April 1st, I, as a member of George Company, 2nd Battalion, 1st Marines, loaded with full combat gear, climbed over the rail of an LST, went down a landing, then into a Higgins boat and proceeded to be part of the invasion of Okinawa. As Rep. Jacobson said, "Iwo Jima was a bloody battle." Historians agree to this.

But, they also say that the most savage land, air and sea battle that took place during World War II was on the island of Okinawa. This 9-mile long, 4-mile wide island was taken inch by inch, foot by foot, cave by cave, hill by hill, captured one day lost the next, back again until three months later, on September 2nd, the island was declared secured.

Twenty-seven thousand American soldiers, marines, sailors, airmen were killed or missed in action. Ninety-one thousand Japanese were killed. One hundred fifty thousand Okinawans gave their lives on their homeland.

This Sunday, as I have done for 56 years, I will offer a silent prayer to those who gave their lives and also to thank the good Lord that I was one of the survivors. I ask you, many of you were not born then, but this Sunday say a silent prayer. The number of this generation are diminishing very fast. They are dying rapidly. In this body, I believe there are 3 or 4 members who participated there. I ask you to say a silent prayer, not only for those throughout the United States, and the Japanese and the Okinawans, but also the members of this body. So please join me on April 1st, say a silent prayer thanking them that you and I are able to be here today to discuss democracy as we see it; and to my fellow marines, "Semper Fi."

LATE SESSION

Third reading and final passage

HB 210-FN, relative to the penalties for persons convicted of subsequent DWI offenses.

HB 271, relative to criminal liability for the conduct of another.

HB 475, establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes.

HB 594, establishing a committee to study the law on justification for the use of physical force and its implications for teachers or other persons entrusted with the care and supervision of minors.

HB 726-L, relative to change of school assignment and transfers of public school pupils.

HB 453, establishing a 4-year term for the commissioner of the department of corrections.

HB 585, relative to the membership and duties of the council on resources and development.

HB 123-FN, relative to the retirement system classification for the director of the division of safety services, department of safety.

HB 208-FN, changing the license requirement for operators collecting the meals and rooms tax.

HB 396, relative to the practice of physicians and surgeons.

HB 553-FN-L, requiring background checks for nursing home employees.

HB 635, relative to family mutual support services.

HB 499, making state-appointed advisory committees subject to the right-to-know law.

HB 164, relative to exceptions to the confidentiality of certain department of employment security records.

HB 347-FN, relative to terminal pay for certain state officials or employees.

HB 448, relative to procedures for crews and provision of counseling services following a railway accident.

HB 570-FN, relative to the unemployment compensation law.

HB 637-FN, requiring annual training for members of the workers' compensation appeals board.

HB 311-FN-A, increasing the fees under the laws relative to sewage disposal systems to support a position at the department of environmental services to advocate for and implement long-term septage disposal solutions in partnership with New Hampshire municipalities.

HCR 13, calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act.

HB 369, relative to driving in highway construction and maintenance areas.

HB 459-FN, relative to inspection requirements for antique vehicles.

HB 648-FN, authorizing licensing of homeless youth programs.

HB 141-L, relative to regulation of junk yards.

HB 426, relative to the voluntary scrapie flock certification program.

HB 362-FN, relative to the practice of veterinary medicine.

HB 408-FN, relative to the regulation of nursing by the board of nursing.

HB 390, relative to the Live-Birth Infants Protection Act.

HB 101, requiring registered lobbyists to sign a statement concerning false statements or misrepresentation of material facts.

HCR 10, supporting the electoral college.

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 5:50 p.m.

RECESS