

HOUSE RECORD

First Year of the 157th Session of the General
Court

Calendar and Journal of the 2001 Session

Vol. 23

Concord N.H.

Thursday, April 5, 2001

No. 30

HOUSE JOURNAL No. 10 (cont.)

Thursday, March 29, 2001

RECESS

(Rep. Scanlan in the Chair)

senate message

concurrence

HB 106, relative to honey products.

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

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

HB 163, establishing a committee to study opening the state house to the public on weekends.

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

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

HJR 1, urging Congress to expand for membership in the American Legion.

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

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

nonconcurrence

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

introduction of senate bills

First, second reading and referral

SB 11, extending the reporting date of the committee to study and identify or establish the duties of the fish and game commission. (Fish and Game)

SB 12, relative to applications for the cooperative fencing program and the depredation permit program in the fish and game department. (Fish and Game)

SB 13, relative to the duties of a school nurse and relative to school food and nutrition programs. (Education)

SB 14, relative to the definition of "school" for the purpose of the universal service fund for schools and libraries. (Education)

SB 15, extending the reporting date for the commission on the status of community-technical education. (Education)

SB 17-FN, relative to accidental disability retirement benefits upon the death of a retired group II member. (Executive Departments and Administration)

SB 18, relative to termination of small trusts. (Judiciary)

SB 19, establishing a committee to study prevention of voter fraud. (Election Law)

SB 20, relative to possessory actions instituted on the basis of nonpayment of rent. (Judiciary)

SB 21, establishing a commission to develop recommendations for legislation to reduce regulatory barriers to the creation of affordable housing. (Commerce)

SB 23, relative to the amount of interest on late paid property taxes which may be waived by the tax collector. (Municipal and County Government)

SB 25, relative to preliminary breath tests. (Criminal Justice and Public Safety)

SB 26, relative to probate court procedures regarding adoptions. (Children and Family Law)

SB 27, allowing the state to apply for review of a state prison sentence by the superior court's review division. (Criminal Justice and Public Safety)

SB 28, permitting disclosure of final decisions of the commissioner of revenue administration. (Ways and Means)

SB 33, relative to the definition of "campsite." (Resources, Recreation and Development)

SB 37, extending the reporting date for the committee studying prescription drug access. (Health, Human Services and Elderly Affairs)

SB 40, changing the method by which the insurance department assesses insurers to fund its administration fund. (Commerce)

SB 41, relative to technical corrections for life, accident and health insurance. (Commerce)

SB 42, relative to charges for access to medical records. (Health, Human Services and Elderly Affairs)

SB 44, relative to false academic documentation. (Criminal Justice and Public Safety)

SB 46, relative to payments of scheduled awards under the workers' compensation law. (Labor, Industrial and Rehabilitative Services)

SB 47, relative to ownership of certified public accounting firms. (Commerce)

SB 49, establishing a committee to study the creation of a landlord-tenant mediation project. (Judiciary)

SB 50, relative to the abatement of taxes in unincorporated towns or unorganized places. (Municipal and County Government)

SB 54, relative to the transfer of funds in the community-technical college system. (Finance)

SB 55, creating a commission to study the need for and location of architecturally secure facilities and community shelter care facilities to service juveniles. (Children and Family Law)

SB 56, relative to health care providers discontinuing service in New Hampshire. (Commerce)

SB 57, relative to the economic development matching grants program. (Commerce)

SB 58, revising the requirements for a license as a bingo supplies or lucky 7 tickets distributor. (Ways and Means)

SB 59, relative to the inclusion of a signature declaration and verification statement on teacher certification applications. (Education)

SB 61, establishing a procedure for summary administration of estates. (Judiciary)

SB 63, relative to administration of estates and filing of wills by executors. (Judiciary)

SB 66-FN-A, relative to appropriations to the port authority for dredging projects. (Public Works and Highways)

SB 68, relative to school district placements of children living in foster homes. (Education)

SB 72-FN, relative to payment of medical benefits costs for group II members of the retirement system. (Executive Departments and Administration)

SB 73-FN, relative to benefits awarded a surviving spouse of a police officer or firefighter killed in the line of duty. (Executive Departments and Administration)

SB 74, relative to providing services under the Child Protection Act. (Children and Family Law)

SB 75, relative to physicians who make a report when a person is unfit to drive a motor vehicle. (Judiciary)

SB 78-FN-L, relative to the distribution of special education records to certain educationally disabled pupils. (Education)

SB 84, relative to funeral processions. (Transportation)

SB 85, relative to collateralization of municipal trust funds. (Municipal and County Government)

SB 89, establishing a committee to study methods of strengthening and clarifying the comprehensive shoreland protection act and its application. (Resources, Recreation and Development)

SB 92, relative to the distribution of special education funds. (Education)

SB 93, establishing a committee to study the public health and environmental benefit of requiring stationary and mobile sources that burn virgin petroleum products or coal to comply with the requirements of the air toxic control act. (Science, Technology and Energy)

SB 98, relative to notice requirements prior to the sale of manufactured housing parks. (Commerce)

SB 99, relative to the exemption from the community benefits law for charitable trusts. (Commerce)

SB 100, establishing a committee to study the feasibility of creating a mental health court division. (Judiciary)

SB 103, changing the qualification requirements for charitable organizations that conduct bingo or lucky 7. (Commerce)

SB 107-FN, relative to violations of motor vehicle laws by foreign diplomatic and consular officers. (Transportation)

SB 108, relative to the definition of "funeral home." (Commerce)

SB 115-FN, granting a cost of living adjustment to certain retired group II firefighters. (Executive Departments and Administration)

SB 120, relative to tip pooling for certain hourly employees. (Labor, Industrial and Rehabilitative Services)

SB 121, relative to the advisory committee on international trade. (Commerce)

SB 123, establishing a committee to study how information regarding private individuals is obtained, maintained, and employed by the division of children, youth and families. (Children and Family Law)

SB 130-FN, extending the period in which an expired electrician's license may be renewed. (Executive Departments and Administration)

SB 136, establishing a committee to study the use of multi-disciplinary team investigations of child abuse and neglect allegations. (Children and Family Law)

SB 141, relative to proof of qualifications for voter registration. (Election Law)

SB 144-L, increasing bail commissioners' fees. (Judiciary)

SB 156, relative to the suspension of drivers licenses of persons under 20 years of age. (Transportation)

SB 157, relative to state government information dissemination and access. (Executive Departments and Administration)

SB 169, relative to the procedure for appeal of a timber yield tax assessment and relative to the notice of intent to cut. (Municipal and County Government)

SCR 2, calling on the President and the Congress to fully fund the federal government's share of the average per pupil expenditure in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. (State-Federal Relations and Veterans Affairs)

RECESS

Rep. Scanlan moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 11

Thursday, April 5, 2001

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

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Almighty God, we commend to Your gracious care and keeping all the men and women of our armed forces at home and abroad, especially remembering today those being held in China. Defend them day by day with Your heavenly grace; strengthen them in their trials and temptations. Give them courage to face the perils which beset them and grant them a sense of Your abiding presence wherever they may be. Amen.

Rep. Seldin led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Bouldin, Brennan, Clemons, Paul Ferland, Fields, Lyman, Mikowski, Patria, Schulze and Carol Ann Williams, the day, illness.

Reps. Brown, Martha Fuller Clark, Crosby, DePecol, Greco, Lessard, Mears, Torressen and Wallner, the day, important business

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

INTRODUCTION OF GUESTS

Helen Holbrook, wife of Rep. Holbrook. Diane and Marrisah Gallien, daughter and granddaughter of Rep. Letourneau. Erika Johnson, wife of Rep. William Johnson. Former Representative Gladys Cox, mother of Rep. Gargas. Linda Orosky, guest of Rep. Gargas

Cheryl Fish, guest of Rep. Phinizy. Lynda Hunt, wife of Rep. Hunt. Malissa Young, Rebecca Mann and the 4th class from Bow Elementary School, guests of Reps. Anderson and Whalley.

special guests

Rep. Avery introduced The Right Honorable Lord and Lady Provost of Glasgow, Scotland, Alex and Maureen Mosson; Clerk of the Lieutenancy, Ian Easton; Her Majesty's Deputy Consul General for New England, Hon. Geoff Plant; Senior Council Officer, Gary Campbell;

Principal Advisor International Trade, Harry Baxter; Glasgow City Council US Representative, Bob Creighton; Pipe Major Gordon Webster; National Junior Scottish Fiddle Champion, Brendan Carey Block and the New Hampshire Highland Dancers who performed for the House in honor of New Hampshire Tartan Day.

Rep. Rosen moved that the remarks made by Rep. Avery and Lord Provost Alec Mosson be printed in the Journal.

Adopted.

remarks

Rep. Avery: Thank you, Mr. Speaker. Today, my fellow Representatives, as we have done for the past four years, we are celebrating New Hampshire Tartan Day. It is the day we recognize those achievements that Scots and Scottish Americans have made on behalf of the State of New Hampshire and the United States. The day, as I have mentioned before, that marks the anniversary of the Declaration of Arbroath, the document that was signed on April 6 in the year 1320 declaring Scottish Independence, and a document many credit as being a model for our own United States Declaration of Independence. It is also the second anniversary of the new Scottish Parliament that was dormant for over 250 years.

Mr. Speaker, the most important phrase of that historical document is especially important today, "It is in truth, not for glory nor riches nor honors that we are fighting, but for freedom. For that alone which no honest man gives up but with life itself." Today we take special note of the men and women of the American armed forces, especially the 24 men and women who are being held in China, and other forces of all nationalities who are today fighting for these same principles of freedom for all people. They have our prayers and best wishes and our fervent hopes that someday all peoples on this earth shall be free.

Mr. Speaker, on behalf of the St. Andrew's Society of New Hampshire and the over 50,000 people of New Hampshire who claim some Scottish ancestry, it is my pleasure to introduce Pipe Major Gordon Webster, formerly Pipe Major of the Scots Guards and piper to Her Majesty Queen Elizabeth; Highland Dancers and National Junior Scottish Fiddler, Brendan Carey Block who are students and teachers from the New Hampshire School of Scottish Arts.

Lord Provost Mosson: Thank you very much. I'm absolutely delighted and overwhelmed to be here with you today to celebrate Tartan Day. I bring you the best wishes from the people of Glasgow to the people of New Hampshire. Thank you for having us here on this wonderful day. God bless.

Pipe Major Gordon Webster played "Flowers of the Forest" and "Amazing Grace" in remembrance of Reps. Frank M. Schanda and Bernard J. Lambert.

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 529, relative to advertisements for sweepstakes and gambling, removed by Rep. Splaine.

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

HB 411, requiring that New Hampshire's presidential electors be bound to vote for the candidates of the party which nominated the electors, removed by Rep. Arndt.

HB 339, prohibiting the taking of deer by baiting, removed by Rep. Mock.

CACR 10, relating to term of office for judges and judicial retirement age. Providing that all judges appointed on or after January 1, 2003 shall serve a 5-year term which may be renewed by vote of the governor and council, and that the mandatory judicial retirement age shall be repealed, removed by Rep. Kennedy.

HB 429, relative to dispute resolution within the context of public employee labor relations, removed by Rep. Pepino.

Consent Calendar adopted.

HB 155, relative to the initial appearance in CHINS cases. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas I Arnold, Jr. for Children and Family Law: The committee believes this portion of the CHINS (Children In Need of Services) procedure should be reviewed during the broader study of CHINS under House Bill 144. Vote 14-0.

HB 269, requiring parental consent for tongue piercing. **INEXPEDIENT TO LEGISLATE**

Rep. Carolyn M. Gargas for Children and Family Law: This bill requiring parental consent for tongue piercing is unnecessary because the Health, Human Services and Elderly Affairs Committee is recommending a study committee on tongue piercing, body piercing and tattooing that will deal with this issue. Vote 16-0.

HB 446, relative to spousal and child support enforcement **OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Bickford for Children and Family Law: This bill makes technical corrections to three child support statutes. #1. The Department can begin to make child support payable through the Department when a restraining order exists in a domestic action. #2. The application for services from the Department to collect on behalf of the obligee made reference to the wrong statute in 1996. This corrects that. #3. The Divorce in Another Jurisdiction statute "adopts" the Uniform Interstate Family Support Act (UIFSA), effective in New Hampshire since 1/1/98, which governs the Court's jurisdiction to establish, enforce and modify out-of-state support orders. Vote 14-0.

Amendment (0405h)

Amend the bill by replacing section 3 with the following:

3 Divorce in Another Jurisdiction. Amend RSA 458:19-a to read as follows:

458:19-a Divorce in Another Jurisdiction. The superior court shall have a jurisdiction to make such orders or temporary orders of alimony to a divorced wife or divorced husband, or of support to the children of divorced parents as justice shall require in cases where the decree of divorce was not granted in this jurisdiction, even though said divorce decree makes provision for alimony and support, ~~[provided the wife and the children or the husband and children are domiciled in this jurisdiction and the husband or wife, as the case may be, is served with process in this jurisdiction]~~ **subject to the provisions of RSA 546-B.**

HB 501, relative to licensure of foster homes and the duties of the department of health and human services advisory board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Daniel C. Itse for Children and Family Law: This bill resolves two conflicts in our child protective services laws. It deletes a reference in RSA 169-B:19 to a foster home license that does not exist. It also eliminates the potential conflict of interest when an individual who sits on a board setting compensation rates for foster care would also sit on the rate appeals board. Vote 16-0.

Amendment (0275h)

Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

AMENDED ANALYSIS

This bill removes language suggesting that foster homes are licensed specifically for either delinquent children or for children in need of services.

The bill eliminates the requirement that the department of health and human services consult with its advisory board in setting rates for services, placements, and programs paid for by the department.

This bill is a request of the department of health and human services.

HB 620, relative to arrangements between birth parents and adoptive parents **OUGHT TO PASS**

Rep. Christine M. Furman for Children and Family Law: This bill encourages but does not mandate adoptive and birth parents to exchange information. Vote 16-0.

HB 147-FN-A, requiring annual registration by condominium unit owners' associations.
INEXPEDIENT TO LEGISLATE

Rep. Tara G. Reardon for Commerce: The subcommittee met four times to receive information from the industry, the attorney general's office and the secretary of state's office, to determine the need for registration of condominium associations. The subcommittee heard testimony that the attorney general's office has no further contact with a condominium development after its completion. Although the secretary of state's office has experience with other registrations and renewals, they had many issues with how to implement this registration. The industry did not respond to those concerns and the subcommittee did not hear from any public members that the registration was needed. Vote 14-0.

HB 257, relative to disclosure of injuries, medical information, and insurance coverage in claims for bodily injury. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: Since 1969 we have had in our law language that enables a judge, if it would help to settle a matter, to require an insurance company to disclose the amount of insurance that a driver may have had when he or she was involved in a motor vehicle accident. HB 257 if adopted would make it easier for the claimant or his attorney to obtain such coverage information. The bill was patterned after the Massachusetts law and the committee felt it has no place in New Hampshire. A major issue being debated across the United States is privacy. HB 257 flies in the face of anything we in New Hampshire are doing to accomplish a balance between the protection of the privacy of an individual versus a need to know. In HB 257, an injured party, could

upon demand, require the listing of the names of the medical providers, as well as require the insurer's company to disclose the limits that the policyholder had at the time of the accident. Vote 14-0.

HB 497, prohibiting banks from charging customers fees for accessing funds from their own accounts. **INEXPEDIENT TO LEGISLATE**

Rep. Jane S. Langley for Commerce: Broadly interpreted, the bill would prohibit banks from assessing charges or fees for checking account services, ATM services, Travelers' checks, and other banking services provided to customers. According to the sponsor, the bill was intended to address fees charged for debit transactions versus credit transactions. The committee has dealt with bank fee bills in the past and has supported legislation requiring full disclosure of service charges and fees especially in connection with ATM credit and debit cards. The committee agreed that consumers have several choices in accessing their funds, and believe that the user of a service should incur the cost rather than having the cost spread amongst all other customers. Vote 14-0.

HB 528, relative to rental vehicle insurance disclosure. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph D. Kenney for Commerce: This bill would require a notice at motor vehicle rental counters that consumers may have auto coverage for the rental vehicle under their own individual auto policy. Although the committee believes this is valuable information for the consumer, standing at the rental counter is too late for the consumer to determine whether or not they already have sufficient coverage. Additionally, the notice may cause a consumer to decline coverage and leave them without any coverage. This information should be provided by the insurance agent at the time a consumer purchases their individual auto policy. Vote 14-0.

HB 593, requiring that bingo and lucky 7 distributors only distribute bingo and lucky 7 supplies to recipients licensed to conduct bingo games or lucky 7. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Commerce: The sponsor never showed up for this bill. No one could figure out a need for this legislation, and the present system seems to be working well. Vote 14-0.

HB 605-FN, prohibiting televised advertisements of lottery games and prohibiting self-serve lottery game vending machines. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Commerce: This legislation would have effectively put the lottery out of business. There were some concerns over publicizing the odds on lottery games and the commission has agreed to run a trailer on their TV ads directing customers to their web site where all of the odds are posted. There was also some concern about minors purchasing lottery tickets from vending machines so the commission is sending out bulletins for stricter enforcement. Vote 13-1.

HB 697, extending the reporting date for the healthy kids subcommittee and clarifying the mission statement of the healthy kids corporation. **OUGHT TO PASS**

Rep. Stephen G. Avery for Commerce: This bill has two parts. First, it updates the mission of Healthy Kids by removing language about pilot projects now that the program is statewide. The bill also continues the task force created to pursue methods to help every New Hampshire citizen in acquiring affordable health insurance. Vote 14-0.

HB 363, relative to buildings damaged or destroyed by arson. **INEXPEDIENT TO LEGISLATE**

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: The purpose of this bill was to ensure that the owner of a property would not have his or her property held as evidence for an indefinite period, thus preventing restoration or rebuilding of the home or business. However, RSA 595-A:6 already controls the release of evidence of all kinds, including buildings. The committee was not convinced that there were sufficient problems experienced to warrant mandating a 6-month time period for release. Vote 14-0.

HB 521, relative to an exception for hunter safety instruction to negligent storage of firearms. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill seeks to provide an exemption from RSA 650-C:1 for instructors in a certified hunter safety training course. RSA 650-C:1, III requires that "any person who stores or leaves on premises under that person's control a loaded firearm, and who knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or guardian, is guilty of a violation if a child gains access to a firearm and (a) the firearm is used in a reckless or threatening manner; (b) the firearm is used during the commission of any misdemeanor or felony; or (c) the firearm is negligently or recklessly discharged. Any person who violates section III shall be fined not more than \$1,000." Hunter safety courses do not utilize a loaded firearm and parental permission is required to participate in the course. The committee felt that since the requirements of RSA 650-C:1 include a loaded firearm w/o parental permission to constitute a violation of RSA 650-C:1 and neither apply to hunter safety training courses as well as a requirement that any one of the listed actions (a, b, or c) must occur that the negligent storage of firearms statute (RSA 650-C:1) does not apply in this instance and the bill is not needed. Vote 15-0.

HB 623, relative to the registration of criminal offenders. **INEXPEDIENT TO LEGISLATE**

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: The bill reduces from 10 days to 7 days the time period under the sexual offender registration law for an offender to notify a local law enforcement agency of an address change and provides that upon release from incarceration, a criminal offender shall not reside within 1000 feet of a school, day care center, park, playground, or other site where children gather on a regular basis. The committee felt that, although well intentioned, the elements in this bill would not further public safety. While a sex offender is on parole, the restrictions placed on him or her is even more stringent than those in this bill. Every convicted sex offender in New Hampshire already must register under current law. Further statistics show that nearly all pedophiles offend relatives or someone known to him or her. Proximity to schools or playgrounds has not figured statistically into re-offense rates. A law like this, also, as a victim's advocate testified, might even engender a false sense of security in the public. It is better that the public be educated to the real facts and danger signs of sexual assault. Vote 15-0.

HB 131, relative to the retention and disposal of certain financial disclosure forms. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter E. Bragdon for Election Law: This bill would establish timelines for the secretary of state to retain and dispose of certain financial disclosure forms. The committee heard testimony that the statutes of limitations concerning these forms varied from 3 to 6 years. The amendment sets the retention time at 6 years for all forms, rather than the varying times in the original bill in order to ease compliance. The amendment also eliminates the requirement that one form, the statement of gifts, testimonials and honorariums, be kept in electronic form for an additional 20 years, due to the

committee's belief that the whole issue of electronic document storage and retrieval needs more research. Vote 17-0.

Amendment (0416h)

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

1 New Paragraph; Lobbyists; Statements; Retention of Statement of Fees and Expenditures. Amend RSA 15:3 by inserting after paragraph IV the following new paragraph:

V. The secretary of state shall maintain the statements required by this section for 6 years from the date of filing, after which time the statements may be destroyed.

2 Financial Disclosure; Form of Disclosure; Retention of Declaration of Candidacy Form. Amend RSA 15-A:3 to read as follows:

15-A:3 Form of Disclosure. The secretary of state shall determine the forms required under this chapter, which shall appear as part of the acceptance of nomination form and the declaration of candidacy form. The forms shall include the definitions which appear in RSA 15-A:1, and adequate space to provide the required information. ***The secretary of state shall maintain the declaration of candidacy form for 6 years from the date of filing, after which time it may be destroyed.***

3 Gifts, Testimonials, and Honorariums; Forms; Place of Filing; Retention of Statement of Gifts, Testimonials, and Honorariums. Amend RSA 15-B:4 to read as follows:

15-B:4 Forms; Place of Filing. The secretary of state shall furnish all forms required under this chapter. All persons filing a statement under this chapter shall file with the secretary of state. ***The statements shall be held in the original form for 6 years from the date of filing, after which time they may be destroyed.***

4 New Paragraph; Organization of Executive Branch; Statements of Financial Interest for Board and Commission Members; Retention of Statement of Financial Interest. Amend RSA 21-G:5-a by inserting after paragraph IV the following new paragraph:

V. The secretary of state shall maintain the statement of financial interests for 6 years, after which time the statement may be destroyed.

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

HB 226, relative to instructions to voters for straight-ticket voting. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lynn C. Horton for Election Law: This bill, as amended, clarifies the language explaining the straight-ticket directions on the ballot. Vote 19-0.

Amendment (0475h)

Amend RSA 659:17, III as inserted by section 1 of the bill by replacing it with the following:

III. In a state general election, the following instructions to voters for straight ticket voting shall be printed on the ballot: Make the appropriate mark for the political party of your choice if you wish to vote for all candidates running in that party. If you vote a straight ticket **for a party**, but wish to vote for ~~[one or more individual candidates]~~ **a candidate of a different party or write in a candidate for any office**, you may do so **by making the appropriate mark for such candidate or writing the name of the person in the space provided for that purpose**, and your vote ~~[for an individual candidate will]~~ **so appropriately marked or so written on the lines for write-in votes shall be counted and shall** override the straight **ticket** party vote for that office. However, if you ~~[vote]~~ **mark your ballot** for one candidate **for an office or write a person in** for an office where more than one candidate is to be elected, be sure to vote individually for all candidates of your choice for that office, because your straight ticket **party** vote will not be counted for that office.

HB 234, relative to the jurisdiction of the ballot law commission. **INEXPEDIENT TO LEGISLATE**

Rep. Natalie S. Flanagan for Election Law: This bill would have limited the jurisdiction of the ballot law commission to appeals from recounts. It was the feeling of the committee that the ballot law commission should continue with their current duties and that the responsibility in the office of the secretary of state should not increase. The ballot law commission is critical to the election process and the appeal process is working. Vote 19-0.

HB 368, relative to the time for processing absentee ballots. **INEXPEDIENT TO LEGISLATE**

Rep. Peter E. Bragdon for Election Law: This bill would change the earliest time at which absentee ballots can be processed from the current 1:00p.m. to 10:00a.m. There was testimony indicating this would give more time to process ballots. However, the committee felt that this change would adversely affect the right of citizens to challenge absentee ballots, since they usually can no longer be challenged once processed. Also, polls in some locations do not open until 11:00am. Vote 19-0.

HB 376, allowing county commissioners serving 4-year terms to vote at state party conventions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Douglass P. Teschner for Election Law: This narrow bill makes incumbent county commissioners serving 4-year terms eligible to vote at state party conventions. Vote 19-0.

Amendment (0427h)

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

1 State Party Conventions; Date, Call and Purposes; County Commissioners Serving 4-Year Terms. Amend RSA 667:21, I to read as follows:

I. Not earlier than the third Tuesday of September following any primary, and not later than the last Tuesday of October, upon the call of the chairman of the state committee of the party, the nominees of each party for the offices of governor, United States senator, United States representative, executive councilors, state senators, county officers, representatives, state delegates elected, the incumbent United States senator or senators **and the incumbent county commissioners serving 4-year terms, if any**, whose term or terms shall not expire during the January following that year's general election, shall meet in state convention for the purpose of adopting the platform of their party, nominating presidential electors and effecting an organization for the following 2 years. The names and domiciles of the presidential electors nominated by such convention shall be forthwith certified to the secretary of state by the chairman and the clerk of the

convention. Upon receipt of the foregoing certifications, the secretary of state shall publish in some paper of general circulation the names of the persons found by him to have been chosen as candidates for presidential electors by the several parties.

2 State Party Conventions; Party Organization; County Commissioners Serving 4-Year Terms. Amend RSA 667:22 to read as follows:

667:22 Party Organization. The nominees from a party, state delegates of each county, the incumbent United States senator or senators ***and the incumbent county commissioners serving 4-year terms, if any***, if they have met the requirements of RSA 667:21, shall determine the membership of a county committee for their party either in said state convention or in county convention upon call of the chairman of the state committee. The county committee shall consist of such number of persons as the nominees from a party, the state delegates of each county, the incumbent United States senator or senators ***and the incumbent county commissioners serving 4-year terms, if any***, if they have met the requirements of RSA 667:21, shall determine to apportion to each county. The members of several committees thus chosen shall constitute the state committee of the party. Resignations from the state committee shall be received by the state committee and the state committee shall set a place and time and manner for filling such vacancies. A state committee may choose as its officers persons not members of the committee and such officers shall be ex officio members of the committee. The party members in each town, ward or city may effect such an organization as they may deem expedient for advancing the purposes of their party.

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

HB 484, relative to disclosure of presidential election results. **INEXPEDIENT TO LEGISLATE**

Rep. Michael S. Rollo for Election Law: This bill prohibits the announcement by the secretary of state of persons elected as electors for president and vice president until after the polls close on the West Coast. Unfortunately, the bill did not take into account varying times of closures in California, as well as Hawaii and Alaska. Vote 18-0.

HB 531, establishing a committee to study ballot reform. **INEXPEDIENT TO LEGISLATE**

Rep. Jackie K. Weatherspoon for Election Law: The sponsor advocates a system called "instant runoff voting". Under this system, voters mark, for example, their 1st and 2nd choices among 3 candidates and if one of the three candidates fails to get a majority (50% plus one), the low vote getter is dropped and the ballots recounted with those voters who preferred the low vote getter having their second choice counted. This voting system is currently used in other parts of the world i.e., England, Ireland and Australia but not the U.S. The committee feels we have enough difficulties getting voters to understand our much simpler system. Vote 17-0.

HB 575, relative to absentee voter affidavits. **INEXPEDIENT TO LEGISLATE**

Rep. Jackie K. Weatherspoon for Election Law: This bill amends the affidavit that a voter must execute to obtain an absentee ballot because of absence to require certification that the person may be absent and unable to vote. Currently a person requesting an absentee ballot must certify that he or she "shall" be absent on election day or unable to vote in person. This bill would change "shall" to "may". While the committee is sympathetic to the concerns raised by the sponsor, it is concerned that this bill could create de facto "vote by mail". Oregon is the only state that has adopted this and the committee feels that such a decision is premature. Vote 17-0.

HB 597, relative to the duties of inspectors of elections. **INEXPEDIENT TO LEGISLATE**

Rep. Peter E. Bragdon for Election Law: This bill would authorize inspectors of elections to request that the Superior Court halt an election if election law procedures are violated and the moderator does not correct the matter or acts in a manner in violation of election laws. The committee believes that there are too many logistical problems to make this idea practical and also that remedies currently exist through the secretary of state and the ballot law commission. Vote 17-0.

HB 639, relative to the preparation of town ballots and relative to the nomination of presidential electors. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard B. Drisko for Election Law: The bill as originally submitted would eliminate from RSA 667:21 the requirement for the secretary of state to publish in a "newspaper of general circulation," the names of those candidates for presidential electors. The amendment retains the requirement and leaves RSA 667:21 intact as originally written. The bill adds language clarifying the number of candidates to be voted upon for an office. For example, current language is "vote for two" or "vote for one", etc. This bill inserts a maximum number i.e. vote for not more than a given number for an office as in "vote for not more than two." Vote 17-1.

Amendment (0461h)

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

AN ACT relative to the preparation of town ballots.

Amend the bill by deleting section 1 and renumbering the original sections 2-3 to read as 1-2, respectively.

AMENDED ANALYSIS

This bill amends certain instructions to be printed on town ballots consistently with instructions required to be printed on state ballots.

HB 664, relative to disqualification for violating election laws. **INEXPEDIENT TO LEGISLATE**

Rep. Jackie K. Weatherspoon for Election Law: While it agreed with the intent to strengthen the election laws, the committee felt that this legislation would create more problems than it would solve. HB 664 would permanently disqualify from voting any person who willfully violated the election laws. The committee felt that additional education and training would be preferable to severe punishment for minor violations. Vote 17-0.

CACR 11, relating to mandatory retirement age for sheriffs. Providing that the mandatory retirement age for sheriffs shall be abolished. **INEXPEDIENT TO LEGISLATE**

Rep. Donald R. Lent for Executive Departments and Administration: This bill would amend Part II, Article 78 of the constitution to allow county sheriffs to serve beyond the age of 70. The constitution, also includes the same age 70 limitation for judges. The committee does not believe there is sufficient justification for the proposed amendment. Vote 14-0.

HB 302-FN, relative to an optional retirement allowance for certain spouses upon a retiree's remarriage. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: This bill allows for a retired member who has remarried due to the death of a former spouse to elect to nominate the member's new spouse as a beneficiary for an optional allowance. There will be no additional cost to the New Hampshire retirement system because the newly elected option allowance shall be determined on an actuarial equivalent basis. The amendment simply clarifies some language in affected sections of the bill and introduces gender neutral language. Vote 14-0.

Amendment (0072h)

Amend the bill by replacing section 2 with the following:

2 Optional Allowances; References Added. Amend RSA 100-A:13, III to read as follows:

III. The options, each of which shall be of equivalent actuarial value to the allowance payable in the absence of election of an option, are:

Option 1. A reduced retirement allowance payable during the retired member's life, with the provision that at ~~[his]~~ **the member's** death a lump sum equal in amount to the difference between ~~[his]~~ **the** accumulated contributions at the time of ~~[his]~~ retirement and the sum of the member annuity payments made to ~~[him]~~ **the member** during ~~[his]~~ lifetime shall be paid to the beneficiaries or contingent beneficiaries, if any, nominated ~~[by him]~~ by written designation duly acknowledged and filed with the board of trustees if such beneficiaries or contingent beneficiaries survive ~~[him]~~ **the member**, otherwise to the retired member's estate.

Option 2. A reduced retirement allowance payable during the retired member's life, with the provision that it shall continue after ~~[his]~~ **the member's** death for the life of, and to, the beneficiary nominated ~~[by him]~~ by written designation duly acknowledged and filed with the board of trustees at the time of retirement, **or as provided in subparagraph II(a)(2).**

Option 3. A reduced retirement allowance payable during the retired member's life, with the provision that it shall continue after ~~[his]~~ death at 1/2 the rate paid to ~~[him]~~ **the member** and be paid for the life of, and to, the beneficiary nominated ~~[by him]~~ by written designation duly acknowledged and filed with the board of trustees at the time of retirement, **or as provided in subparagraph II(a)(2).**

Option 4. A reduced retirement allowance payable during the retired member's life, with some other benefit payable after ~~[his]~~ death, provided that such other benefit shall be approved by the board of trustees, **or a reduced retirement allowance payable during the retired member's life, with some other benefit payable after death, pursuant to the provisions of subparagraph II(a)(2).**

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

Rep. Merton S. Dyer for Executive Departments and Administration: The Executive Department and Administration Committee is a second committee on this bill relative to the public utilities commission. The committee has reviewed the new position of executive director and upgrade of the general counsel to group Q of the unclassified system. The committee felt these positions to be at the proper level based on the duties and responsibilities. Vote 14-0.

HB 458-FN-L, establishing a defined contribution retirement option in the New Hampshire retirement system. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would establish a defined contribution retirement option within the New Hampshire retirement system. The committee felt that the presence of two types of plans, defined benefit and defined contribution plan, available to present and future members of the retirement system would weaken both plans. All testimony was in opposition to the proposal. Vote 14-0.

HB 493, relative to exemptions from the New Hampshire real estate practice act and relative to the definition of a short term rental. **OUGHT TO PASS WITH AMENDMENT**

Rep. David G. Poulin for Executive Departments and Administration: This bill, as amended, adds unit owner associations to the exempted classes of the real estate practice act when performing certain rental services. The rental shall be for less than 30 days and the rental service shall be provided by an on-site rental office that is operated and controlled by the unit owners' association. Vote 13-0.

Amendment (0264h)

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

AN ACT exempting certain short term condominium unit owners' association rentals from the New Hampshire real estate practice act.

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

1 Real Estate Practice Act; Exemption of Certain Short Term Rentals by Condominium Unit Owners' Associations. Amend RSA 331-A:4, VII - VIII to read as follows:

VII. Any person owning or operating a park, including the person's regular employees, in which manufactured housing to be sold or leased is located, who may, for a fee or commission or other valuable consideration, list, sell, purchase, exchange or lease such manufactured housing without a license of a broker or salesperson; ~~or~~

VIII. A corporate consultant who receives a fee from a client based on site searching services rendered in accordance with a written contract, rather than on the completion of any particular transaction and who does not hold himself or herself out as a real estate broker; **or**

IX. A unit owners' association that rents condominium and townhouse units for periods of 30 days or less for the exclusive benefit of the unit owners and the unit owners' association provided such rentals are managed through an on-site rental office that is operated and controlled exclusively by the unit owners' association.

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

AMENDED ANALYSIS

This bill exempts a unit owners' association that rents condominium and townhouse units for 30 days or less from the real estate practice act, if the rentals are for the exclusive benefit of the unit owners and if they are managed through an on-site rental office operated by the unit owners' association.

HB 523, establishing a commission to investigate the possibility of setting up a division of hearings within the department of justice. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: The amendment, which replaces the bill, addresses filing fees and legislative approval of certain settlements by the attorney generals office. It also increases the fees for reports submitted by the trustees of charitable trusts from \$50.00 to \$75.00 for each submission. The bill now also requires legislative approval of any settlement of a claim in which the state through it's attorneys agrees to a commitment with financial consequences in excess of ¼ of one percent of more of total reported general fund unrestricted revenues from the previous fiscal year as reported by the legislative budget assistant. Vote 12-1.

Amendment (0563h)

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

AN ACT relative to filing fees and legislative approval of certain settlements by the attorney generals.

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

1 Director of Charitable Trusts; Increase in Filing Fees for Reports by Trustees of Charitable Trusts. Amend RSA 7:28-a, II to read as follows:

II. Any periodic written report required by RSA 7:28, II to be filed with the attorney general shall be accompanied by a filing fee of [~~\$50~~] **\$75**.

2 Legislative Approval of Court Claims Against the State; Clarification of Reference to General Fund Unrestricted Revenues. Amend RSA 14:35-b, I to read as follows:

I. Any settlement of a claim against the state in which the state through its attorneys agrees to a commitment with financial consequences in excess of 1/4 of one percent or more of total reported general fund ***unrestricted*** revenues for the previous fiscal year as reported by the legislative budget assistant pursuant to paragraph II shall be subject to the approval of the legislature.

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

AMENDED ANALYSIS

This bill:

I. Increases the filing fees for reports by trustees of charitable trusts.

II. Clarifies that legislative approval is required to settle a claim against the state that exceeds a percentage of the total reported general fund unrestricted revenues for the previous fiscal year.

Referred to Ways and Means.

HB 554-FN, establishing a division of information technology within the department of safety. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: This bill establishes within the department of safety a division of information technology. The committee felt that the amount of data being collected by this department required this formal status to interact within the department and with other agencies. Testimony insured that gender and age for statistical purposes could be separated within the data being collected. The amendment to this bill specifies clearly that the general court intends, where appropriate, that information within the department of safety would be accessible to other departments, including motor vehicle records by specific request and that the department of safety should be able to access other departments' information databases. Vote 13-0.

Amendment (0538h)

Amend the bill by replacing section 1 with the following:

1 Purpose. The New Hampshire department of safety is a large agency operating under the direction of a commissioner, assistant commissioner, and directors of the various divisions. The various divisions provide emergency service and training of emergency personnel and administrative functions in the division of motor vehicles to the residents and visitors to New Hampshire. The information needs of the department are complex and vary greatly between the divisions. All divisions need their information in a timely fashion, and in some instances they need to communicate with each other and with other agencies. They also need to provide certain technologically dependent services to the general public, such as motor vehicle on-line registration and relicensure or payment of motor vehicle violations. Some department information is confidential; some information is provided on a need-to-know basis; and some information is public. The purpose of the office of information technology established in this act is to advise the commissioner and assistant commissioner on how to meet the needs of the agency and the public in a coherent and unified manner. The general court also intends that, where appropriate, information within the department of safety, including information derived from motor vehicle records on a case-by-case basis, should be accessible to other departments, and the department of safety should be able to access other departments' information databases.

HB 665, protecting licensed professionals from retaliation from their licensing boards for criticism of board practices. **INEXPEDIENT TO LEGISLATE**

Rep. Carl G. Robertson for Executive Departments and Administration: The committee feels very strongly that an individual must be protected from retaliation by boards that govern their license. When the committee reviewed existing statutes, it was felt that RSA 275-E:2 provided this protection and that this bill was not necessary. The protection of whistle blowers and the process of each case are already in place. Vote 13-0.

HB 667, relative to certain reporting requirements and relative to meetings of the board of medicine. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maurice E. Goulet for Executive Departments and Administration: The amendment replaces the entire bill and increases the membership of the board of medicine by one member: the commissioner or medical director of health and human services. It changes the annual re-licensure cycle to a biennial basis. Failure to renew the licensure by June 30 of each two year will result in a doubling of the renewal fee. It also requires facilities (i.e., hospitals, health clinics, etc.) to report to the board of medicine within 30 days any disciplinary action against any person licensed by the board of medicine. Vote 14-0.

Amendment (0562h)

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

1 New Section; Residential Care and Health Facility Licensing; Disciplinary Action. Amend RSA 151 by inserting after section 6-a the following new section:

151:6-b Report of Disciplinary Action. Every facility administrator, or designee, for any health care facility licensed under this chapter shall report to the board of medicine any disciplinary or adverse action, within 30 days after such action is taken, including situations in which allegations of misconduct are settled by voluntary resignation without adverse action, against a person licensed by the board.

2 Board of Medicine; Membership. Amend RSA 329:2, I to read as follows:

I. There shall be a board of medicine consisting of ~~[8]~~ **9** members; including 5 members selected from among physicians and surgeons, one member selected to represent physician assistants regulated by the board, ***the commissioner or the medical director of the department of health and human services***, and ~~[two]~~ **2** public members~~[- each to be appointed by the governor with the approval of the council, to a term of 5 years. No member shall be appointed to more than 2 consecutive terms].~~ Only board members provided for in this paragraph shall have the authority to vote in board determinations. Any public member of the board shall be a person who is not, and never was, a member of the medical profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of medical services or an activity directly related to medicine, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

3 Board of Medicine; Commissioner of Health and Human Services as Voting Member. RSA 329:4 is repealed and reenacted to read as follows:

I. The commissioner or the medical director of the department of health and human services shall serve as a voting member of the board. The commissioner and the medical director are exempt from the provisions of RSA 329:4 II.

II. The remaining 8 members of the board shall be appointed, as their terms expire, by the governor with the advice and consent of the council. Their terms of office shall be 5 years and until their successors are appointed and qualified. No member shall be appointed to more than 2 consecutive terms. Appointments to fill vacancies shall be for the unexpired term. The governor and council may remove any appointed member of the board for malfeasance, misfeasance, or nonfeasance.

4 Board of Medicine; Meetings. Amend RSA 329:7 to read as follows:

329:7 Meetings; Officers. The board shall meet monthly, or more often as its business requires. A president and such other officers as the board deems necessary shall be chosen annually from the membership of the board. ~~[The commissioner of the department of health and human services shall be a nonvoting member.]~~ ***The president of the board may call an emergency meeting when required by an imminent peril to the public health or safety, and may conduct such meeting telephonically, with a quorum of board members eligible to vote with respect to the subject matter of the emergency. Any vote resulting from such meetings shall have the same effect as votes resulting from other meetings of the board, if such vote is ratified at the next regularly scheduled board meeting.*** The duties of the officers of the board shall be those usually pertaining to such officers. ***Elected board officers shall not serve more than 5 years in such elected positions.***

5 Reference to Annual Renewal Removed. Amend RSA 329:13-b, V(b) to read as follows:

(b) The board shall allocate [~~\$10~~] **\$20** from each physician [~~annual~~] license renewal fee it collects to provide funding for the physician effectiveness program as set forth in subparagraph V(a).

6 Physicians and Surgeons; Renewal of Licenses. Amend RSA 329:16-a to read as follows:

329:16-a Renewal. Every person licensed to practice under this chapter, except as provided in RSA 329:16-c, shall apply to the board [~~for annual~~] **on a biennial basis for** renewal of license on forms provided by the board and shall pay a renewal fee as established by the board. ***If a person applies to the board for a renewal of license by June 30 of the year in which the licensee's renewal is set to occur, the person's license shall not expire until July 1 of such year.***

7 Physicians and Surgeons; Notice of Renewal. Amend RSA 329:16-d to read as follows:

329:16-d Notice of Renewal. On or before [~~May~~] **February** 1 of each **licensee's renewal** year, the board shall mail each licensee, except those on the inactive list, an application for renewal of license.

8 Physicians and Surgeons; Neglect to Renew. Amend RSA 329:16-e to read as follows:

329:16-e Neglect to Renew. Any licensee who fails to [~~file an application for renewal~~] **renew his or her license** by June 30 **of the year in which the licensee's renewal is set to occur** shall be required to pay double the renewal fee. Any failure, neglect or refusal on the part of any person licensed by the board to renew the license as provided in RSA 329:16-a shall automatically lapse such license. Licenses lapsed under this section shall not be restored except upon payment of a restoration fee as established by the board, and a showing of such evidence of professional competence as the board may reasonably require.

9 Physicians and Surgeons; Disciplinary Action. Amend RSA 329:17, IV to read as follows:

IV. Every **facility administrator, or designee, for any** licensed hospital, **health clinic, ambulatory surgical center** or other health care facility within the state shall report to the board any disciplinary or adverse action, **within 30 days after such action is taken**, including situations in which allegations of misconduct are settled by voluntary resignation without adverse action, against a person licensed by the board [~~within 30 days after such action is taken~~].

10 New Paragraph; Physicians and Surgeons; Persons Excepted. Amend RSA 329:21 by inserting after paragraph XV the following new paragraph:

XVI. To such physician assistants as have been approved and certified by the board while under the supervision and control of a physician licensed in this state, but only if such person:

(a) Is a student in an established program which has been approved by the board; or

(b) Is a graduate of such a program and has passed, or has received temporary certification for the period pending the results of any examination for physician assistants required by the board.

11 Effective Date.

I. Sections 5 and 6 of this act shall take effect July 1, 2002.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Changes the membership of the board of medicine, by including the commissioner as a voting member.

II. Allows the president of the board to call an emergency meeting when required by an imminent peril to the public health or safety.

III. Requires every facility director, or designee, for any licensed hospital, health clinic, ambulatory surgical center, medical training school or facility, or other health care facility, to report to the board any adverse action.

IV. Changes the requirement for license renewal from an annual basis to a biennial basis.

V. Provides an exception to the requirements of RSA 329 for physician assistants who meet certain requirements.

VI. Requires certain medical and health care professionals to report to the board of medicine any adverse action.

HB 682, relative to accidental disability income benefits. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: The sponsor indicated, in a letter to the chairman, that he did not wish to pursue this bill. House rules 43 (a) states that a hearing will be held on each bill in the possession of the committee. A member of the committee introduced the bill. The bill would establish income entitlement in place of the disability retirement or pension. This change would call into question the tax qualified status of the present plan, as the treasury regulations do not authorize an income entitlement or income benefit in a qualified pension plan. Given this information, the committee recommends inexpedient to legislate. Vote 14-0.

HB 684, relative to the occupational therapy practice act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judson K. Dexter for Executive Departments and Administration: This bill updates definitions, treatment authorization procedures, licensure, supervision, and delegation of duties of occupational therapists and occupational therapy assistants. The amendment deals with specific duties the board shall perform regarding continuing education that will be accepted and defines the extent of the board's authority in rule-making. Additionally, the amendment protects patient safety by preventing delegation of duties to anyone beyond their level of licensure or training. Vote 13-0.

Amendment (0577h)

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

1 Definitions; Occupational Therapy. RSA 326-C:1, IV is repealed and reenacted to read as follows:

IV. "Occupational therapy" means the therapeutic use of purposeful and meaningful occupations (goal-directed activities) to evaluate and treat individuals who have a disease or disorder, impairment, activity limitation, or participation restriction which interferes with their ability to function independently in daily life roles, and to promote health and wellness.

(a) Occupational therapy intervention may include:

(1) Remediation or restoration of performance abilities that are limited due to impairment in biological, physiological, psychological, or neurological processes.

(2) Adaptation of task, process or the environment, or the teaching of compensatory techniques, in order to enhance performance.

(3) Disability prevention methods and techniques which facilitate the development or safe application of performance skills.

(4) Health promotion strategies and practices which enhance performance abilities.

(b) Occupational therapy services include, but are not limited to:

(1) Evaluating, developing, improving, sustaining or restoring skills in activities of daily living (ADLs), work or productive activities, including instrumental activities of daily living (IADLs), and play and leisure activities.

(2) Evaluating, developing, remediating, or restoring sensorimotor, cognitive, or psychosocial components of performance.

(3) Designing, fabricating, applying, or training in the use of assistive technology or orthotic devices, and training in the use of prosthetic devices.

(4) Adaptation of environments and processes, including the application of ergonomic principles, to enhance performance and safety in daily life roles.

(5) Application of physical agent modalities as an adjunct to or in preparation for engagement in occupations when applied by a practitioner who has documented evidence of possessing the theoretical background and technical skills for safe and competent use.

(6) Evaluating and providing intervention in collaboration with the client, family, caregiver, or others.

(7) Educating the client, family, caregiver, or others in carrying out appropriate non-skilled interventions.

(8) Consulting with groups, programs, organizations, or communities to provide population-based services.

2 Evaluation and Treatment Authorization. RSA 326-C:2 is repealed and reenacted to read as follows:

326-C:2 Evaluation and Treatment Authorization.

I. Consultation and evaluation by an occupational therapist may be performed without a referral. Initiation of occupational therapy services to individuals with medically related conditions shall be based on a referral from a physician or physician assistant licensed by the state board of medicine, an advanced registered nurse practitioner licensed under RSA 326-B:10, a chiropractor licensed under RSA 316-A, an optometrist licensed under RSA 327, or any other qualified health care professional who, within the scope of the professional's licensure, is authorized to refer for health care services.

II. Prevention, wellness and education related services shall not require a referral. These services may be provided in a variety of settings such as educational, work, recreational, and residential settings and community centers for adults and children.

3 License Required. Amend RSA 326-C:3 to read as follows:

326-C:3 License Required.

I. No person, not licensed under this chapter and RSA 328-F, shall practice or hold oneself out as being able to practice occupational therapy ~~[without obtaining a license]~~ **or assist in the practice of occupational therapy or provide occupational therapy services in this state unless the person is licensed** under this chapter and RSA 328-F. Holding oneself out shall include the use of **any word, title, letters, abbreviations, or insignia** intended to designate an individual as a licensed occupational therapist or occupational therapy assistant.

~~[(a)]~~ Nothing in this ~~[section]~~ **paragraph** shall be construed to prohibit students enrolled in schools or courses in occupational therapy, approved by the board in cooperation with the American Occupational Therapy Association, from performing occupational therapy which is incidental to their respective courses of study or supervised field work.

~~[(b) [Repealed.]]~~

II. The board shall license each applicant who satisfies the requirements of RSA 326-C:4. Upon payment of a license fee, the board shall issue to such person a certificate of licensure, which shall be prima facie evidence of the right to practice as an "occupational therapist ~~[registered]~~" or "~~[certified]~~ occupational therapy assistant." Licensed occupational therapists may use the letters "~~O.T.R.~~" or "~~O.T.R./L.~~" **"OT" or "OT/L"** and occupational therapy assistants may use the letters "~~C.O.T.A.~~" or "~~C.O.T.A./L.~~" **"OTA" or "OTAL"** in connection with their names or places of business to denote their licensure under this chapter and RSA 328-F.

4 New Section; Coercion Prohibited. Amend RSA 326-C by inserting after section 3 the following new section:

326-C:3-a Coercion Prohibited. No person shall coerce a licensed occupational therapist or occupational therapy assistant into compromising patient safety by requiring the licensed occupational therapist or occupational therapy assistant to delegate if the licensed occupational therapist or occupational therapy assistant determines that it is inappropriate to do so. Licensed occupational therapists or occupational therapy assistants shall not be subject to disciplinary action by the board for refusing to delegate activities or tasks or refusing to provide the required training

for delegation if the licensed occupational therapist or occupational therapy assistant determines that delegation may compromise patient safety.

5 Conditions for Licensure; Examination. RSA 326-C:4, II(e) is repealed and reenacted to read as follows:

(e) Successfully complete the entry level certification examination for occupational therapists or occupational therapy assistants approved by the board, such as the examination administered by the National Board for Certification in Occupational Therapy, Inc. or by another nationally recognized credentialing body.

6 Conditions for Licensure; Professional Knowledge. Amend RSA 326-C:4, V to read as follows:

V. The board may, upon notice and opportunity for a hearing, deny an application or impose probationary conditions upon any applicant who fails to establish such applicant's qualifications to the satisfaction of the board. Conditions imposed ~~may~~ **shall** include requiring continuing education or practice under supervision of a licensed occupational therapist. ***The board shall require such applicants to demonstrate efforts to maintain a current level of professional knowledge for the period of one year prior to issuing a license.***

7 Rulemaking. Amend RSA 326-C:11, VI and VII to read as follows:

VI. Requirements for continuing ~~[professional education and]~~ competency ***and continuing professional education as a condition of license renewal, initial licensure, license reinstatement, or endorsement licensing. Programs approved through the American Occupational Therapy Association's approved provider program shall be approved by the board. Other programs shall be approved by the board provided they meet the established requirements.***

VII. ~~[Any other matter necessary for the administration of this chapter and the board's duties and responsibilities under RSA 328-F.]~~ ***Requirements for the training and documentation of training for the application of physical agent modalities as an adjunct to or in preparation for engagement in occupations.***

VIII. Requirements for the supervision of occupational therapy assistants.

IX. Requirements for the use and supervision of non-licensed personnel who provide supportive services to licensed occupational therapists or occupational therapy assistants.

8 Repeal. RSA 326-C:4, II(f), relative to demonstration of professional knowledge prior to application, is repealed.

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

HB 688, relative to legislative standing committee review of rules adopted after final objection by the joint legislative committee on administrative rules. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would require the standing committees of the house and senate to issue a joint resolution to any rules to which the joint legislative committee on administrative rules had issued a final objection. The Supreme Court issued an opinion on June 23, 1981 stating that the shifting of this power to such a small group

cannot fairly be said to represent the "legislative will." The joint legislative committee on administrative rules has the power of a joint resolution, to send a rule to the full legislature, at this time. This change would remove their authority to issue a joint resolution. Vote 12-2.

HB 714-FN, requiring the disclosure by a governor or councilor of certain gifts. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would require the governor or a councilor who has received a gift from a person being nominated, appointed or approved by the council, to file a report with the attorney general if the value of the "gift" exceeds \$100.00. The committee felt that this was not needed as the governor and council has a strict code of ethics in place. Vote 14-0.

HB 719, relative to the removal of public officials for cause. **OUGHT TO PASS**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill modifies RSA 4:1 on the removal of public officials for cause. Upon the receipt of a petition to remove an official and three positive votes by the council, the council shall hold a public hearing on the subject of the petition. Three votes for removal by the council and the concurrence of the governor are required for removal. The aggrieved party may appeal to the superior court within 30 days of the date of the order. Vote 14-0.

HB 370, relative to the regulation of the trapping by the fish and game department. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric G. Stohl for Fish and Game: The purpose of this bill, as amended, is to make it easier to trap nuisance wildlife. The bill takes two avenues to accomplish this task. First, it repeals the bulk of the snaring law (RSA 210:17) as well as the report of catch law (210:21) and allows the Executive Director of the Fish and Game Department to adopt rules, under RSA 541-A, governing these activities. Second, the bill allows the Executive Director to adopt rules, under RSA 541-A, for the licensure and regulation of wildlife control operators engaged in the practice of the trapping of nuisance animals. This bill was sponsored by the New Hampshire Trappers Association and has the support of the New Hampshire Fish and Game Department, Northeast Wildlife Services, DeBow Wildlife Service, and the New Hampshire Wildlife Federation. Vote 14-0.

Amendment (0410h)

Amend RSA 210:17 as inserted by section 1 of the bill by replacing it with the following:

210:17 Snares. The executive director may adopt rules, under RSA 541-A, relative to the use of snares for the taking of wildlife.

HB 445, relative to hunting in the town of Bow. **INEXPEDIENT TO LEGISLATE**

Rep. Paul M. Mirski for Fish and Game: The majority felt that proponents provided insufficient cause for further limiting the opportunity to hunt in Bow. Proponents also failed to provide the majority with sufficient cause to limit the means of taking game in Bow. Vote 7-6.

HB 471-FN, relative to fish and game licenses issued to resident and nonresident minors. **OUGHT TO PASS WITH AMENDMENT**

Rep. Vincent E. Greco for Fish and Game: This bill as amended allows a child 12-16 to accompany a parent or grandparent when hunting. Current law only allows resident children and is a burden to families with children living out of state. This also makes fishing licenses for legally blind people reciprocal between New Hampshire and other states with the same privileges. Vote 13-0.

Amendment (0568h)

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

AN ACT relative to fish and game licenses issued to resident and nonresident minors and relative to complimentary fishing licenses for legally blind persons.

Amend RSA 214:2, I and II as inserted by section 5 of the bill by replacing them with the following:

I. The provisions of RSA 214:1 shall not apply to resident ***land*** owners ~~[of farmlands and their minor children]~~ while upon their own land ***or to the owner's children under 16 years of age when accompanied by the owner or another licensed person 18 years of age or over on such land***, to persons fishing in ponds operated and maintained ~~[by a duly licensed fish or game breeder, to resident children]~~ ***in an aquaculture operation, to persons hunting on a regulated shooting area, to persons*** under 16 years of age while fishing, to ~~[resident children]~~ ***persons*** under 16 years of age while hunting when accompanied by a licensee 18 years of age or over, or to ~~[resident children]~~ ***residents*** under 16 years of age while trapping when accompanied by a licensee 18 years of age or over.

II. Fishing licenses may be issued without charge to resident ***legally*** blind persons, but no hunting licenses shall be issued to ~~[blind]~~ ***such*** persons. A fishing license issued to a resident blind person shall be effective during the remainder of ~~[his]~~ ***the person's*** life unless sooner suspended or revoked by the executive director. ***The executive director may issue complimentary nonresident fishing licenses to legally blind persons if the state in which the person is a resident provides a reciprocal privilege for legally blind residents of this state. The executive director shall determine the form of such complimentary licenses. A complimentary nonresident fishing license under this paragraph shall be effective for the lifetime of the applicant unless sooner suspended or revoked by the executive director.***

AMENDED ANALYSIS

This bill changes the application of special deer permits, black bear tags, falconry permits, wild turkey permits or licenses, and general fish and game license exceptions to resident and nonresident persons under the age of 16.

This bill also provides for complimentary nonresident fishing licenses for legally blind persons if the state the person is a resident of provides a reciprocal privilege.

HB 604-FN, relative to increasing certain fees and making other changes to fish and game licenses.
OUGHT TO PASS WITH AMENDMENT

Rep. Eric G. Stohl for Fish and Game: This bill as amended will increase the fee structure for certain licenses that are issued by the New Hampshire Fish and Game Department over a two year period. The last time the Fish and Game Department raised their license fees was in 1989. The projection at the time was that this increase would last until 1995, however it is still in effect today. The committee unanimously feels that with the rise in costs of everything today, this increase is justified. This bill also creates a non-resident one-day fishing license and repeals a non-resident small game 3-

day license and a nonresident 15-day fishing license as well as the one-day family fishing license. In addition to having the support of the Fish and Game Department and the Fish and Game Commission, this bill has the support of the New Hampshire Wildlife Federation. Vote 13-0.

Amendment (0266h)

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

1 Bow and Arrow; Resident and Nonresident; 2002 Fee Increase. Amend RSA 208:5, I to read as follows:

I. Any resident 16 years of age or older, upon the payment of [~~\$14.50~~] **\$19**, or any nonresident 16 years of age or older, upon the payment of a fee of [~~\$49~~] **\$64**, shall be issued an archery license.

2 Bow and Arrow; Resident and Nonresident; 2003 Fee Increase. Amend RSA 208:5, I to read as follows:

I. Any resident 16 years of age or older, upon the payment of [~~\$19~~] **\$21**, or any nonresident 16 years of age or older, upon the payment of a fee of [~~\$64~~] **\$72**, shall be issued an archery license.

3 Muzzleloader; Resident and Nonresident; 2002 Fee Increase. Amend RSA 208:5-a to read as follows:

208:5-a Muzzleloaders. A person who has complied with the licensing requirements relative to hunting deer pursuant to RSA 214, upon payment of a fee of [~~\$10~~] **\$13** by residents or a fee of [~~\$27~~] **\$35** by nonresidents, shall be issued a license. A muzzleloading license shall not be required for residents less than 16 years of age, but such person while hunting with a muzzleloading firearm shall be accompanied by a properly licensed person who is 18 years of age or over and must also comply with all provisions of this chapter. The license shall entitle the holder to hunt deer with a single shot muzzleloading firearm.

4 Muzzleloader; Resident and Nonresident; 2003 Fee Increase. Amend RSA 208:5-a to read as follows:

208:5-a Muzzleloaders. A person who has complied with the licensing requirements relative to hunting deer pursuant to RSA 214, upon payment of a fee of [~~\$13~~] **\$15** by residents or a fee of [~~\$35~~] **\$40** by nonresidents, shall be issued a license. A muzzleloading license shall not be required for residents less than 16 years of age, but such person while hunting with a muzzleloading firearm shall be accompanied by a properly licensed person who is 18 years of age or over and must also comply with all provisions of this chapter. The license shall entitle the holder to hunt deer with a single shot muzzleloading firearm.

5 Special Deer Permits; Rulemaking; Maximum 2002 Fee. Amend RSA 208:5-b to read as follows:

208:5-b Special Deer Permits. The executive director may issue special deer permits to a licensee licensed under RSA 214:9, 208:5, or 208:5-a. Such special deer permits shall allow the taking of additional deer. The executive director shall adopt rules pursuant to RSA 541-A relative to fixing the number and sex limitations for wild deer and any other conditions governing the location,

method, and manner of taking as well as the issuance and fee for special deer permits. The executive director may charge a fee not to exceed [~~\$10~~] **\$13** for all applications for special deer permits.

6 Special Deer Permits; Rulemaking; Maximum 2003 Fee. Amend RSA 208:5-b to read as follows:

208:5-b Special Deer Permits. The executive director may issue special deer permits to a licensee licensed under RSA 214:9, 208:5, or 208:5-a. Such special deer permits shall allow the taking of additional deer. The executive director shall adopt rules pursuant to RSA 541-A relative to fixing the number and sex limitations for wild deer and any other conditions governing the location, method, and manner of taking as well as the issuance and fee for special deer permits. The executive director may charge a fee not to exceed [~~\$13~~] **\$15** for all applications for special deer permits.

7 Oyster License; 2002 Fee Increase. Amend RSA 211:62-a to read as follows:

211:62-a License for Taking. No person shall at any time take oysters unless the person is a resident of the state and has been duly licensed as provided in this section. Any resident of this state shall, upon application to the executive director of the fish and game department, be granted a license to take oysters upon payment of a fee of [~~\$20~~] **\$26**. Such license shall be issued for the current calendar year. The executive director of the fish and game department shall make readily available such licenses as are covered by this section through its regular outlets. A person who furnishes to another person or permits another person to have or use the person's oyster license or the license of any other person, or changes or alters such license or uses a license issued to another person, or makes a false statement in an application to obtain said license shall be subjected to the penalty under RSA 211:64.

8 Oyster License; 2003 Fee Increase. Amend RSA 211:62-a to read as follows:

211:62-a License for Taking. No person shall at any time take oysters unless the person is a resident of the state and has been duly licensed as provided in this section. Any resident of this state shall, upon application to the executive director of the fish and game department, be granted a license to take oysters upon payment of a fee of [~~\$26~~] **\$29**. Such license shall be issued for the current calendar year. The executive director of the fish and game department shall make readily available such licenses as are covered by this section through its regular outlets. A person who furnishes to another person or permits another person to have or use the person's oyster license or the license of any other person, or changes or alters such license or uses a license issued to another person, or makes a false statement in an application to obtain said license shall be subjected to the penalty under RSA 211:64.

9 Clam License; 2002 Fee Increase. Amend RSA 211:64-b to read as follows:

211:64-b License For Recreational Taking of Clams. No person shall at any time take clams for such person's own use unless the person is a resident of the state and has been duly licensed as provided in this section. Any person 6 years of age or older shall, upon application to the executive director of the fish and game department, be granted a license to take clams for recreational purposes upon payment of a fee of [~~\$20~~] **\$26**. Such license shall be issued for the current calendar year. A resident of the state may take up to one quart of clamworms during any one day for such person's own use without a license. A person who furnishes to another person or permits another person to have or use the person's recreational clam license or the license of any other person, or changes or alters such license or uses a license issued to another person, or makes a false statement in an application to obtain said license shall be subjected to the penalty under RSA 211:64.

10 Clam License; 2003 Fee Increase. Amend RSA 211:64-b to read as follows:

211:64-b License For Recreational Taking of Clams. No person shall at any time take clams for such person's own use unless the person is a resident of the state and has been duly licensed as provided in this section. Any person 6 years of age or older shall, upon application to the executive director of the fish and game department, be granted a license to take clams for recreational purposes upon payment of a fee of [~~\$26~~] **\$29**. Such license shall be issued for the current calendar year. A resident of the state may take up to one quart of clamworms during any one day for such person's own use without a license. A person who furnishes to another person or permits another person to have or use the person's recreational clam license or the license of any other person, or changes or alters such license or uses a license issued to another person, or makes a false statement in an application to obtain said license shall be subjected to the penalty under RSA 211:64.

11 Hunting; Resident; 2002 Fee Increase. Amend RSA 214:9, I to read as follows:

I. If the applicant is a resident of this state and wishes to hunt, [~~\$14.50~~] **\$19**, and the agent shall thereupon issue a resident hunting license which shall entitle the licensee to hunt, shoot, kill or take, except by the use of traps, and to transport wild birds and wild animals under the restrictions of this title.

12 Hunting; Resident; 2003 Fee Increase. Amend RSA 214:9, I to read as follows:

I. If the applicant is a resident of this state and wishes to hunt, [~~\$19~~] **\$21**, and the agent shall thereupon issue a resident hunting license which shall entitle the licensee to hunt, shoot, kill or take, except by the use of traps, and to transport wild birds and wild animals under the restrictions of this title.

13 Fishing; Resident; 2002 Fee Increase. Amend RSA 214:9, II to read as follows:

II. If the applicant is a resident of this state and wishes to fish, [~~\$22.25~~] **\$29**, and the agent shall thereupon issue a resident fishing license, which shall entitle the licensee to kill, take and transport all species of freshwater fish, saltwater smelt, saltwater shad, and saltwater salmonoids under the restrictions of this title.

14 Fishing; Resident; 2003 Fee Increase. Amend RSA 214:9, II to read as follows:

II. If the applicant is a resident of this state and wishes to fish, [~~\$29~~] **\$33**, and the agent shall thereupon issue a resident fishing license, which shall entitle the licensee to kill, take and transport all species of freshwater fish, saltwater smelt, saltwater shad, and saltwater salmonoids under the restrictions of this title.

15 Combined Hunting and Fishing; Resident; 2002 Fee Increase. Amend RSA 214:9, III to read as follows:

III. If the applicant is a resident of this state and wishes to hunt and fish, [~~\$29.50~~] **\$39**, and the agent shall thereupon issue a resident hunting and fishing license, which shall entitle the licensee to hunt, shoot, kill or take, except by use of traps, and to transport wild birds, wild animals, all species of freshwater fish, saltwater smelt, saltwater shad, and saltwater salmonoids under the restrictions of this title.

16 Combined Hunting and Fishing; Resident; 2003 Fee Increase. Amend RSA 214:9, III to read as follows:

III. If the applicant is a resident of this state and wishes to hunt and fish, [~~\$39~~] **\$44**, and the agent shall thereupon issue a resident hunting and fishing license, which shall entitle the licensee to hunt, shoot, kill or take, except by use of traps, and to transport wild birds, wild animals, all species of freshwater fish, saltwater smelt, saltwater shad, and saltwater salmonoids under the restrictions of this title.

17 Hunting; Nonresident; 2002 Fee Increase. Amend RSA 214:9, VI to read as follows:

VI. If the applicant is a nonresident, including a nonresident minor, and wishes to hunt, [~~\$69.50~~] **\$91**, and the agent shall thereupon issue a nonresident hunting license which shall entitle the licensee to hunt, shoot, kill and take, except by the use of traps, and to transport wild birds and wild animals under the restrictions of this title.

18 Hunting; Nonresident; 2003 Fee Increase. Amend RSA 214:9, VI to read as follows:

VI. If the applicant is a nonresident, including a nonresident minor, and wishes to hunt, [~~\$91~~] **\$102**, and the agent shall thereupon issue a nonresident hunting license which shall entitle the licensee to hunt, shoot, kill and take, except by the use of traps, and to transport wild birds and wild animals under the restrictions of this title.

19 Combined Hunting and Fishing; Nonresident; 2002 Fee Increase. Amend RSA 214:9, VI-a to read as follows:

VI-a If the applicant is a nonresident and wishes to hunt and fish, [~~\$95~~] **\$125**, and the agent shall thereupon issue a nonresident hunting and fishing license, which shall entitle the licensee to hunt, shoot, kill, or take, except by use of traps, and to transport wild birds, wild animals, all species of freshwater fish, saltwater smelt, saltwater shad, and saltwater salmonids under the restrictions of this title.

20 Combined Hunting and Fishing; Nonresident; 2003 Fee Increase. Amend RSA 214:9, VI-a to read as follows:

VI-a If the applicant is a nonresident and wishes to hunt and fish, [~~\$125~~] **\$139**, and the agent shall thereupon issue a nonresident hunting and fishing license, which shall entitle the licensee to hunt, shoot, kill, or take, except by use of traps, and to transport wild birds, wild animals, all species of freshwater fish, saltwater smelt, saltwater shad, and saltwater salmonids under the restrictions of this title.

21 Small Game; Nonresident; 2002 Fee Increase. Amend RSA 214:9, VII-a to read as follows:

VII-a. If the applicant is a nonresident and wishes to take small game as defined in RSA 207:1, XXVI, [~~\$35.50~~] **\$46**, and the agent shall thereupon issue a nonresident small game license which shall entitle the licensee to hunt, shoot or take small game; provided, however, this license shall not authorize the taking of fur-bearing animals as defined in RSA 207:1, VIII.

22 Small Game; Nonresident; 2003 Fee Increase. Amend RSA 214:9, VII-a to read as follows:

VII-a. If the applicant is a nonresident and wishes to take small game as defined in RSA 207:1, XXVI, [~~\$46~~] **\$52**, and the agent shall thereupon issue a nonresident small game license which shall entitle the licensee to hunt, shoot or take small game; provided, however, this license shall not authorize the taking of fur-bearing animals as defined in RSA 207:1, VIII.

23 Fishing; Nonresident; 2002 Fee Increase. Amend the introductory paragraph of RSA 214:9, VIII to read as follows:

VIII. If the applicant is a nonresident, 16 years of age or older, and wishes to take any species of freshwater fish, saltwater smelt, saltwater shad, or saltwater salmonoids, [~~\$34.50~~] **\$45**, and the agent shall thereupon issue a nonresident fishing license which shall entitle the licensee to kill, take and transport all species of freshwater fish, saltwater smelt, saltwater shad, and saltwater salmonoids, under the restrictions of this title, provided that:

24 Fishing; Nonresident; 2003 Fee Increase. Amend the introductory paragraph of RSA 214:9, VIII to read as follows:

VIII. If the applicant is a nonresident, 16 years of age or older, and wishes to take any species of freshwater fish, saltwater smelt, saltwater shad, or saltwater salmonoids, [~~\$45~~] **\$51**, and the agent shall thereupon issue a nonresident fishing license which shall entitle the licensee to kill, take and transport all species of freshwater fish, saltwater smelt, saltwater shad, and saltwater salmonoids, under the restrictions of this title, provided that:

25 Fishing; 7-Day; Nonresident; 2002 Fee Increase. Amend RSA 214:9, VIII(b) to read as follows:

(b) If the applicant wishes to take said fish for 7 consecutive days, [~~\$22.50~~] **\$30**, and the agent shall thereupon issue a 7-day nonresident fishing license for said time only under the restrictions of this title;

26 Fishing; 7-Day; Nonresident; 2003 Fee Increase. Amend RSA 214:9, VIII(b) to read as follows:

(b) If the applicant wishes to take said fish for 7 consecutive days, [~~\$30~~] **\$33**, and the agent shall thereupon issue a 7-day nonresident fishing license for said time only under the restrictions of this title;

27 Fishing; 3-Day; Nonresident; 2002 Fee Increase. Amend RSA 214:9, VIII(c) to read as follows:

(c) If the applicant wishes to take said fish for 3 consecutive days, [~~\$17.50~~] **\$23**, and the agent shall thereupon issue a 3-day nonresident fishing license for said time only under the restrictions of this title; and

28 Fishing; 3-Day; Nonresident; 2003 Fee Increase. Amend RSA 214:9, VIII(c) to read as follows:

(c) If the applicant wishes to take said fish for 3 consecutive days, [~~\$23~~] **\$26**, and the agent shall thereupon issue a 3-day nonresident fishing license for said time only under the restrictions of this title; and

29 New Subparagraph; Nonresident One-day Fishing License. Amend RSA 214:9, VIII by inserting after subparagraph (d) the following new subparagraph:

(e) If the applicant wishes to take said fish for one day, \$13, and the agent shall thereupon issue a one-day nonresident fishing license for said time only under the restrictions of this title;

30 Repeal. The following are repealed:

I. RSA 214:9, VII-b, relative to the nonresident small game 3-day license.

II. RSA 214:9, VIII(a), relative to the nonresident 15-day fishing license.

III. RSA 214:9, VIII-b, relative to the one-day family fishing license.

31 Effective Date.

I. Sections 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, and 28 of this act shall take effect January 1, 2003.

II. The remainder of this act shall take effect January 1, 2002.

Referred to Ways and Means.

HB 248, extending for one year the pilot program relative to the administration of medications in residential care facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Margaret A. Case for Health, Human Services and Elderly Affairs: When originally heard, the motion was made to RETAIN this bill, as a vehicle to address the dispensing of medications in residential care facilities by unlicensed personnel who had been trained. It was agreed by the sponsors that HB 248 was no longer necessary and the issues raised would be addressed through HB 408. Vote 14-0.

HB 255, requiring that body piercing be performed by a licensed physician. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: The issue of body piercing is one of strong public health interest. The committee decision to recommend a study committee will make it possible to combine the issues regarding "body works", (including tattooing, body piercing, marking, tongue piercing and branding). The study shall include, but not be limited to client safety and public protection, education and training for persons practicing "body works" and the practice environment. The committee makes this proposal so the recommendation for future legislation will be coordinated to better serve the public and public protection and address the public health concerns raised by these practices. Vote 15-0.

Amendment (0524h)

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

AN ACT establishing a committee to study the practice of "body works."

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

1 Statement of Purpose. The general court recognizes the public health and safety concerns regarding "body works", including branding, body piercing, tongue piercing, tattooing, and marking. Therefore, the committee recommends the formation of a committee to study the practice of "body works" and to recommend appropriate legislation.

2 Committee Established. There is established a committee to study the practice of "body works", including branding, body piercing, tongue piercing, tattooing, and marking.

3 Membership and Compensation.

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

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

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

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

4 Duties. The committee shall study the practice of "body works", including branding, body piercing, tongue piercing, tattooing, cosmetic tattooing, and marking. The committee's study shall include, but not be limited to client safety and public protection, education and training for persons practicing "body works", and the practice environment.

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

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

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

AMENDED ANALYSIS

This bill establishes a committee to study the practice of "body works."

HB 569, establishing a committee to study the education of family caregivers in New Hampshire.
OUGHT TO PASS WITH AMENDMENT

Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: The changes in long-term care needs have increased the participation of families in the care and support of family members. There are few opportunities available to address the support, information and training needs of family caregivers. As this caregiving rule changes, it becomes important to plan for ways to enhance the capability of family members in the valuable caregiving they are giving. Vote 13-0.

Amendment (0528h)

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

AN ACT establishing a committee to study the information, training, and support needs of family caregivers in New Hampshire.

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

1 Statement of Purpose. The general court recognizes that the increasing number of elderly in New Hampshire necessitate more family caregivers. In an effort to provide the seniors in our state the best possible care, it is important to provide educational opportunities in both public and private educational institutions. Therefore, the general court hereby establishes a committee to investigate the potential for informative educational opportunities for family caregivers and to study other issues relative to caregiving.

2 Committee Established. There is established a committee to study the information, training, and support needs of and other issues relative to family caregivers.

3 Membership and Compensation.

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

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

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

II. The committee shall solicit information from the following:

(a) The commissioner of the department of health and human services, or designee.

(b) The director of elderly and adult services, department of health and human services.

(c) A representative from the state council on aging.

(d) The director of developmental services, department of health and human services.

(e) The Foundation for Health Communities.

(f) The New Hampshire Medical Society.

(g) The Home Care Association of New Hampshire.

(h) The commissioner of regional community-technical colleges, or designee.

- (i) The New Hampshire Nurses Association.
- (j) The Alliance for the Mentally Ill of New Hampshire.
- (k) The New Hampshire Association of Counties.
- (l) The New Hampshire Health Care Association.
- (m) A representative of consumers of health care.
- (n) Any other person or entity the committee deems relevant.

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

4 Duties. The committee shall investigate ways to improve and educate family caregivers in New Hampshire. The committee's study shall include, but not be limited to, the feasibility of:

- I. Offering informative educational opportunities for family caregivers.
- II. Amending the state statutes to include family caregivers.
- III. Establishing caregiver networks and support groups.
- IV. Providing respite care for caregivers.

AMENDED ANALYSIS

This bill establishes a committee to study the information, training, and support needs of family caregivers in New Hampshire.

HB 573, relative to the role of advanced registered nurse practitioners in the state mental health services system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Janeen Dalrymple for Health, Human Services and Elderly Affairs: This bill authorizes and describes the role of the Psychiatric Mental Health Advanced Registered Nurse Practitioner in the state mental health system in designated state facilities. This bill is restricted to emergency treatment, including involuntary admissions, physical and mental evaluations and the degree of security and treatment required. The education and preparation of the Psychiatric Mental Health Advanced Registered Nurse Practitioner has evolved to meet the increasing needs in emergency mental health situations. This also addresses the shortage of psychiatrists in New Hampshire, particularly in rural areas. Vote 14-0.

Amendment (0537h)

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

AN ACT relative to the role of certain advanced registered nurse practitioners in the state mental health services system.

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

1 Emergency Treatment. Amend the introductory paragraph and paragraph I of RSA 135:21-b to read as follows:

135:21-b Emergency Treatment. A physician licensed in the state, ***a psychiatric mental health advanced registered nurse practitioner***, or a person acting under ~~[his]~~ such ***physician's or advanced registered nurse practitioner's*** direction may administer a recognized and approved form of medical or psychiatric treatment which the physician ***or the psychiatric mental health advanced registered nurse practitioner*** reasonably believes will tend to promote the physical and mental health of a patient of the New Hampshire hospital, Laconia developmental services, Glencliff home for the elderly, any community mental health or mental retardation program or treatment facility receiving state grants under ~~[RSA 126-B or]~~ RSA 171-A, or any other treatment facility designated as a receiving facility under RSA 135-C, when:

I. The physician ***or psychiatric mental health advanced registered nurse practitioner*** reasonably believes that a medical or psychiatric emergency exists; and

2 New Paragraph; Definition Added; Advanced Registered Nurse Practitioner. Amend RSA 135-C:2 by inserting after paragraph II the following new paragraph:

II-a. "Advanced registered nurse practitioner" or "A.R.N.P." means an advanced registered nurse practitioner licensed by the board of nursing who is a psychiatric mental health specialist and who has at least 2 years' experience as an advanced registered nurse practitioner working with individuals who have mental illness, as defined in paragraph X of this section, and who meet any other criteria specified in rules adopted by the department.

3 Involuntary Emergency Admission; Advanced Registered Nurse Practitioners. Amend RSA 135-C:28 to read as follows:

135-C:28 Involuntary Emergency Admission Examination.

I. The involuntary emergency admission of a person shall be to the state mental health services system under the supervision of the commissioner. The admission may be ordered upon the certificate of a physician ***or A.R.N.P., as defined in RSA 135-C:2, II-a***, who is approved by either a designated receiving facility or a community mental health program approved by the commissioner, provided that within 3 days of the completion of the petition the physician ***or A.R.N.P.*** has conducted, or has caused to be conducted, a physical examination if indicated and circumstances permit, and a mental examination. The physician ***or A.R.N.P.*** must find that the person to be admitted meets the criteria of RSA 135-C:27. The certificate shall state the time and, in detail, the nature of the examinations conducted. The certificate shall also state a specific act or actions the physician ***or A.R.N.P.*** has actually observed or which have been reported to him ***or her*** by the petitioner or a reliable witness who shall be identified in the certificate, and which in the physician's ***or A.R.N.P.'s*** opinion satisfy the criteria set forth in RSA 135-C:27. The physician ***or A.R.N.P.*** shall identify in the certificate the facility in the state mental health services system to which the person shall be admitted. The admission shall be made to the facility which can best provide the degree of security and treatment required by the person and shall be consistent with the placement principles set forth in RSA 135-C:15. As used in RSA 135-C:27-33, "petitioner" means any individual, including a physician ***or A.R.N.P.*** completing a certificate, who has requested that a physician ***or A.R.N.P.*** conduct or who has conducted an examination for purposes of involuntary emergency admission. Every certificate shall be accompanied by a written petition signed by a petitioner.

II. Upon request for involuntary emergency admission by a petitioner, if the person sought to be admitted refuses to consent to a mental examination, a petitioner or a law enforcement officer may sign a complaint which shall be sworn to before a justice of the peace. The complaint shall be submitted to the justice of the peace with the petition. The petition shall state in detail the acts or actions of the person sought to be admitted which the petitioner has personally observed or which have been personally reported to ~~him~~ **the petitioner** and in his **or her** opinion require a compulsory mental examination. If the justice of the peace finds that a compulsory mental examination is necessary, the justice may order the examination.

III. When a peace officer observes a person engaging in behavior which gives the peace officer reasonable suspicion to believe that the person may be suffering from a mental illness and probable cause to believe that unless the person is placed in protective custody the person poses an immediate danger of bodily injury to himself or others, the police officer may place the person in protective custody. Any person taken into protective custody under this paragraph shall be transported directly to an emergency room of a licensed general hospital or to another site designated by the community mental health program serving the area, for the purpose of determining if an involuntary emergency admission shall be ordered in accordance with RSA 135-C:28, I. The period of protective custody shall end when a physician **or A.R.N.P.** makes a determination as to whether involuntary emergency admission shall be ordered or at the end of 6 hours, whichever event occurs first.

4 Involuntary Admission; Advanced Registered Nurse Practitioners. Amend RSA 135-C:32 to read as follows:

135-C:32 Ten-Day Limitation; Petition for Involuntary Admission. No person shall be admitted for an involuntary emergency admission under RSA 135-C:27-33 for longer than a 10-day period, unless a subsequent petition for involuntary emergency admission which contains allegations of specific acts or actions which occurred subsequent to the initial involuntary emergency admission is completed and the admission is ordered by a physician **or A.R.N.P., as defined in RSA 135-C:2, II-a**, in accordance with RSA 135-C:28, or unless a petition requesting a judicial hearing on the issue of involuntary admission under RSA 135-C:34-54 has been filed with the appropriate probate court within the involuntary admission period. Upon the filing of the petition with the probate court, the period of involuntary emergency admission may be extended until the issuance of the order of the probate court pursuant to RSA 135-C:45.

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

HB 576, establishing a committee to study the manner in which certain drugs are prescribed to children with behavior disorders. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee recognized that a number of bills relating to the writing and dispensing of prescription medications, including accuracy of writing prescriptions, provision of facts about medications, including adverse effects and several bills that relate to the use of Ritalin by children with behavioral disorders have been introduced this session. The committee felt that a study committee with a comprehensive approach to the study of the many like issues involved in regarding laws, protocols, rules and regulations pertaining to the various state agencies that have responsibilities for all aspects of the utilization of drug prescriptions in New Hampshire would be appropriate. The committee duties would include a review of laws to ensure the safe, accurate and secure dispensation of drugs. The committee would study methods used to assure that prescriptions are clearly written and that complete descriptions of drugs' effects and side effects are provided and that the public be informed of "hot line" service to answer urgent questions regarding drugs. Specifically, the committee would review the frequency

under which drugs are prescribed for children to see if they are prescribed inconsistent with the physicians' desk reference. The committee also would review the degree to which children, who are prescribed Ritalin or a similar medication, are monitored by physicians and other mental health professionals, as well as the frequency with which drug therapy is combined with other mental health treatment. Vote 18-0.

Amendment (0527h)

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

AN ACT establishing a committee to study laws, protocols, rules, and regulations pertaining to the various state agencies that have responsibilities relative to all aspects of the utilization of drug prescriptions in New Hampshire.

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

1 Committee Established. There is established a committee to study laws, protocols, rules, and regulations pertaining to the various state agencies that have responsibilities relative to all aspects of the utilization of drug prescriptions in New Hampshire.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, including one member of the health, human services and elderly affairs committee and one member of the children and family law committee, appointed by the speaker of the house.

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

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

III. The committee may solicit such information and testimony from physicians, mental health professionals, other licensed professionals who write prescriptions, parents of children with behavior disorders, pharmacists, and any other person designated by the committee to be helpful to the committee in the performance of its duties. The committee shall use the current volume of the Diagnostic and Statistical Manual of Mental Disorders, American Psychiatric Association as a guide in defining diagnostic criteria for childhood and adult disorders.

3 Duties. The committee shall:

I. Review the state of New Hampshire laws and policy that ensure the safe, accurate, and secure dispensation of drugs.

II. Ensure that the state of New Hampshire has the necessary laws, protocols, rules, and regulations to ensure that prescriptions are transmitted accurately and in a timely way from prescriber to dispensing agent, that prescriptions are clearly written, and that complete descriptions of the drugs' effects and side effects are provided.

III. Review the provision of emergency "hot line" services in the state of New Hampshire to answer urgent questions and the availability to the public of new information regarding drugs which includes newly discovered side effects.

IV. Gather information relative to the practice of prescribing Ritalin and similar medications to children with behavior disorders, and including:

(a) The frequency and circumstances under which drugs that the Physicians Desk Reference does not recommend for children who are less than 6 years old are prescribed to children who are less than 6 years old.

(b) The degree to which children who are prescribed Ritalin or similar medications are monitored by physicians and other mental health professionals, as well as the frequency with which drug therapy is combined with other mental health treatment.

(c) The feasibility of requiring a diagnostic evaluation prior to prescribing drug therapy to children with behavior disorders.

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

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

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

AMENDED ANALYSIS

This bill establishes a committee to study laws, protocols, rules, and regulations pertaining to the various state agencies that have responsibilities relative to all aspects of the utilization of drug prescriptions in New Hampshire.

HB 621, relative to the form of prescriptions. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The Committee on Health and Human Services and Elderly Affairs voted unanimously to recommend Inexpedient to Legislate. The committee was sympathetic to the content of HB 621, but felt that the content and objective of the bill is covered by the HB 576 study committee recommended by this committee. Vote 17-0.

HB 683, relative to the prescription of Methylphenidate (Ritalin) to minors. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The Committee on Health and Human Services and Elderly Affairs voted unanimously on HB 683 for Inexpedient to Legislate. The committee supported the concepts of HB 683, but felt that all of the issues involved are included in the study committee proposed in HB 576 as amended. Vote 16-0.

HB 751, authorizing an advisory committee and establishing a conflict of interest policy regarding grant awards from the health care fund. **INEXPEDIENT TO LEGISLATE**

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This bill states that "no person with a substantial investment in an organization requesting funding or applying for a grant.... shall be appointed" to the grant advisory committee of the Department of Health and Human Services. This committee makes recommendations to the Commissioner about grants generated from the interest earned by the Department Transition Fund. The committee heard convincing testimony that the bill was counter-productive on two grounds: 1) the advisory committee's current conflict of interest policy made further restrictions unnecessary and 2) further restrictions on the advisory committee measures would hinder its effectiveness. Thus, the committee voted unanimously to recommend the bill Inexpedient to Legislate. Vote 14-0.

CACR 6, relating to proceedings for impeachment of judges. Providing that certain procedures shall be established in the house and senate for the impeachment of a judge. **INEXPEDIENT TO LEGISLATE**

Rep. Tony F. Soltani for Judiciary: CACR 6 proposes a constitutional amendment which would place into the Constitution the procedures adopted by the House and Senate in the impeachment proceedings last year. The Committee determined that such constitutional enshrinement is unnecessary and would prohibit future legislatures from structuring impeachment rules to adequately address future impeachment proceedings. Vote 18-0.

CACR 8, relating to the term of office for judges. Providing that the tenure of judges shall be during good behavior except as otherwise provided by the general court. **INEXPEDIENT TO LEGISLATE**

Rep. Tony F. Soltani for Judiciary: This proposed Constitutional amendment relates to terms of judges. The Committee has established a subcommittee to explore this very idea. However, the Committee has retained an alternative vehicle which could accomplish the objectives of this amendment should the Committee find them most advantageous. Vote 17-1.

HB 360, establishing terms for the offices of administrative judges of the court. **INEXPEDIENT TO LEGISLATE**

Rep. Tony F. Soltani for Judiciary: This bill seeks to impose a term limit for "administrative" or "chief justices" of the various courts. The terms for these particular offices are not prescribed by the Constitution and can be created statutorily. The Committee has created a subcommittee to study this topic and has retained a more flexible bill which could be used to implement this bill should it be found advisable. Vote 17-0.

HB 444, relative to mental health services and records. **OUGHT TO PASS WITH AMENDMENT**

Rep. James W. Craig for Judiciary: This bill clarifies and broadens the due process protections afforded to people whose conditional discharges from the New Hampshire Hospital are revoked and to those who are found to be incompetent to stand trial in criminal cases. The bill will likely save the state money by releasing people with mental illness from the hospital who do not need to be there while at the same time safeguarding the rights of the individual as well as the safety and rights of society at large. Vote 15-0.

Amendment (0138h)

Amend the bill by replacing all after section 2 with the following:

3 Reference Change. Amend RSA 135:17-a, II to read as follows:

II. If the defendant is to undergo treatment to restore competency, he or she may be treated in the state mental health system or at the secure psychiatric unit ~~[if the criteria set forth in RSA 135-C:27 are met]~~ **only in accordance with RSA 135-C**. In all other cases, the accused shall, if otherwise qualified, be admitted to bail. The court may order bail supervision by the division of field services and impose such conditions, in addition to the appropriate course of treatment to restore competency, as the court deems necessary to ensure the appearance of the defendant for further proceedings in the case, and the safety of the defendant and the community.

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

HB 466, relative to the selection of replacement justices for supreme court justices who are disqualified to hear cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. Loren J. Jean for Judiciary: The intent of this bill is to broaden the pool of available and qualified justices to serve as alternates on the Supreme Court in the event of disqualification or temporary vacancies. This is to help ensure that any chief justice does not "get two votes" by choosing someone they know is on the same philosophical or ideological path as they. Vote 16-0.

Amendment 0579(h)

Amend the bill by replacing section 1 with the following:

1 Supreme Court Justices; Method for Choosing Replacement Justices for Disqualified Justices. RSA 490:3, II and III are repealed and reenacted to read as follows:

II. Upon the retirement, disqualification, or inability to sit of a justice or justices of the supreme court, the chief justice or senior associate justice of the supreme court shall determine, taking into consideration the requirements of RSA 490:7, whether a replacement justice or justices are needed and if so, the number of replacement justices required. The chief justice or senior associate justice may determine that, for purposes of administrative efficiency, a single replacement justice should serve in more than one case during an argument session rather than using different replacement judges during the session. If the determination is made that a replacement justice or justices are needed, the chief justice or senior associate justice shall notify the clerk of the supreme court that a replacement justice or justices will be selected. The following procedure shall be followed in selecting a replacement justice:

(a) The clerk of the supreme court shall determine whether any retired supreme or superior court justice is available and qualified to serve as a replacement justice. If more than one retired justice is available and qualified to serve, the replacement justice shall be chosen by lot by the clerk from those available and qualified to serve.

(b) If no retired justice is available and qualified to serve as a replacement justice, the clerk of the supreme court shall request that the chief justice of the superior court prepare a list of all active superior court justices available and qualified to serve as a replacement justice. The replacement justice shall be chosen by lot by the clerk of the supreme court from the active superior court justices available and qualified to serve.

(c) The lots shall be drawn publicly in the chamber of the supreme court, after reasonable notice to the parties and to the public to the extent practicable.

(d) After the replacement justice or justices are selected, the clerk of the supreme court shall certify that the above procedure was followed.

III. A justice assigned to sit temporarily on the supreme court pursuant to paragraph II of this section shall have all the authority of a supreme court justice to hear arguments, render decisions, and file opinions. No justice shall be assigned to sit on the supreme court in the determination of any cause or matter upon which the justice has previously sat or for which such justice is otherwise disqualified nor without such justice's consent.

HB 467, relative to a term for the chief justice of the supreme court. **INEXPEDIENT TO LEGISLATE**

Rep. John M. Pratt for Judiciary: The Committee has voted to retain HB 566 as the vehicle to consider term limits for the administrative heads of each of the courts. The Committee will consider the issues contained in HB 467 under that bill. Vote 17-0.

HB 624, establishing a committee to study requiring mandatory ethics seminars for judges. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Rowe for Judiciary: The Committee has received duplicate bills on this subject. One of the major subcommittees on judicial reform has retained the subject matter of ethical seminars and judicial ethics generally. The vote of Inexpedient to Legislate on this bill should not be interpreted as a lack of interest by the Committee, but rather the elimination of a duplicate bill. We assure the sponsor that the subject will certainly be seriously considered by the judicial reform subcommittee. Vote 16-0.

HB 482 relative to airport zoning. **OUGHT TO PASS**

Rep. Marilyn A. Fraser for Municipal and County Government: This bill is the result of HB 1161 of the 2000 session to study revisions to the State Aeronautic Laws, RSA 422-424. HB 482 is a simple straightforward bill to clarify that local airport zoning regulation and procedures are subject to the current provisions of laws regarding planning and zoning relative to the adoption, enforcement, rehearing and appeals procedures. This bill has the support of the committee along with the Division of Aeronautics and the Department of Transportation. Vote 13-0.

HB 491, establishing a procedure for zoning boards of adjustment to give notice of violation of zoning ordinances. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: This bill would allow a zoning board of adjustment to file a notice of violation at the Registry of Deeds when there was a violation of a land use ordinance by a property that has not been resolved. Prior to the notice being filed, the board would be required to file a petition and have a hearing. The action of filing notice would in effect place a "cloud" on the title, which the committee felt presented many unanswered questions. Other concerns that were raised ranged from the unknown administrative burden that would be created by this legislation on the municipality and the Registry of Deeds to the fact that the bill might encourage overzealous citizens or officials to report violations of land use ordinances which could result in an increased number of neighborhood feuds. Finally, unanswered questions arose as to the ramifications of obtaining release when the violations had either been corrected or when the ordinance had been changed making the violation mute. Vote 15-0.

regular calendr

HB 530, relative to the grounds for termination of the parent-child relationship. **INEXPEDIENT TO LEGISLATE**

Rep. Christopher J. Seibel for Children and Family Law: The Committee felt that this bill would give a parent the right to prevent their child from receiving mental health counseling even if mental health counseling was mandated by the Courts during a CHINS/Diversion hearing. The Committee also felt that HB 576 out of Health and Human Services and Elderly Affairs would address all aspects of the utilization of prescription drugs in New Hampshire. Vote 11-5.

Rep. Albert spoke against.

Rep. Dowling spoke in favor and yielded to questions.

Rep. Rob Thompson requested a roll call; sufficiently seconded.

The question being the adoption of the committee report.

YEAS 291 NAYS 62

YEAS 291

BELKNAP

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

CARROLL

Babson, David Jr	Bradley, Jeb	Mock, Henry	Patten, Betsey
Philbrick, Donald	Quimby, Lee	Stevens, Stanley	

CHESHIRE

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

COOS

Bradley, Paula	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Rodrigue, Robert	Stohl, Eric	Tholl, John Jr
Woodward, David			

GRAFTON

Akins, Ralph	Almy, Susan	Barker, Robert	Benn, Bernard
Cooney, Mary	Eaton, Stephanie	Gabler, William	Gilman, G Michael
Ham, Bonnie	Lovett, Sid	Marshall, Gene	Naro, Debra
Nordgren, Sharon	Pawlek, Marion	Scanlan, David	Scovner, Nancy
Sokol, Hilda	Solow, Martha	Ward, Brien	Williams, Burton

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Andosca, Mary	Arnold, Thomas Jr
Artz, Lawrence	Baroody, Benjamin	Batula, Peter	Bellavance, Paul
Bergin, Peter	Bouchard, David	Brundige, Robert	Buckley, Raymond
Calawa, Leon Jr	Cardin, Lori	Carlson, Donald	Chabot, Robert
Christensen, D L Chris	Clayton, William	Clegg, Robert Jr	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Daigle, Robert
Dionne, Kimberley	Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard
Duval, Jeffrey	Dyer, Merton	Eaton, Richard	Elliott, Larry
Emerton, Lawrence Sr	Fletcher, Richard	Flora, Kathleen	Ford, Nancy
Foster, Linda	Furman, Christine	Gargasz, Carolyn	Golding, William
Goley, Jeffrey	Gorman, Mary	Goulet, Maurice	Graham, John
Guinta, Frank	Hall, Betty	Hall, Charles	Herman, Keith
Holden, Randolph	Jean, Claudette	Johnson, Lionel	Kacavas, John
Konys, Christine	Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul
LaRose, Richard	Lasky, Bette	Leach, Edward	Lynde, Harold
Martel, Andre	Martin, Mary Ellen	McDonough-Wallace, Alice	Melcher, Harold
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	Sargent, Maxwell	Seibel, Christopher	Spiess, Paul
Sweeney, Cynthia	Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert
White, John			

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Colcord, J D	Cummings, Raymond	Daneault, Gabriel	Davis, Frank
Dunne, Christopher	Feuerstein, Martin	Fraser, Leo Jr	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Hess, David
Hutchinson, John	Jacobson, Alf	L'Heureux, Stephen	Leber, William
Lockwood, Priscilla	MacKay, James	Moore, Carol	Perkins, Randy
Potter, Frances	Poulin, David	Reardon, Tara	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Swindlehurst, John	Whalley, Michael
Yeaton, Charles			

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn	Bridle, Russell
Camm, Kevin	Carson, Sharon	Case, Margaret	Clark, Vivian
Coes, Betsy	Cooney, Richard	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	DiFruscia, Anthony	Dodge, Robert	Dowling, Patricia
Downing, Michael	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gilbert, Karl	Giordano, Ronald	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Holland, James Jr	Johnson, Robert
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Langone, John	Major, Norman
McGuire, Robert	McKinney, Betsy	Micklon, Stephanie	Morse, Charles
Norelli, Terie	Nowe, Ronald	O'Keefe, Patricia	Packard, Sherman
Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne	Rabideau, Marie
Rausch, James	Reardon, Neil	Robertson, Carl	Ruffner, Walter
Saia, Pamela	Shultis, Elizabeth	Sloan, Stephen	Splaine, James
Stone, Joseph	Stritch, C Donald	Trueman, Raymond	Weatherspoon, Jacquelyne
Welch, David	Whittier, John	Woekel, Ralph	Zolla, William

STRAFFORD

Berube, Roger	Cossette, Larry	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Kaen, Naida
Knowles, William	Lent, Donald	Pelletier, Arthur	Proulx, Raymond
Reid, Christopher	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Tsiros, William	Wall, Janet	Woodill, Rodney

SULLIVAN

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

NAYS 62

BELKNAP

Boyce, Laurie	Rosen, Ralph	Wendelboe, Fran
---------------	--------------	-----------------

CARROLL

Dickinson, Howard	Kenney, Joseph	Sullivan, P Judith
-------------------	----------------	--------------------

CHESHIRE

None

COOS

Rozek, Michael

GRAFTON

Alger, John	Cobb, John	Dudley, Terri	Giuda, Robert
Mirski, Paul	Sova, Charles		

HILLSBOROUGH

Balboni, Michael	Balcom, John	Bergeron, Jean-Guy	Bragdon, Peter
Bruno, Pierre	Christiansen, Lars	Dwyer, Paul	Greenberg, Gary
Haley, Robert	Hopper, Gary	Jean, Loren	Lefebvre, Roland
McHugh, Claire	McRae, Karen	Salts, Greg	Shaw, Barbara
Tahir, Saghir	Tate, Joan	Thompson, Rob	White, Donald

MERRIMACK

Kennedy, Richard	Langer, Ray	Maxfield, Roy	Winter, Steven
------------------	-------------	---------------	----------------

ROCKINGHAM

Bishop, Franklin	Bowles, Raimond	Chalbeck, Kevin	Fesh, Bob
Hill, Jonathan	Hutchinson, Karen	Introne, Robert	Itse, Daniel
Johnson, Rogers	Kelley, William	Letourneau, Robert	Palermo, Diane
Power, Lucille	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Varrell, Thomas	Weyler, Kenneth		

STRAFFORD

Albert, Russell	Callaghan, Frank	Harrington, Michael	Lachance, Douglas
McCarthy, Gerald	Twombly, James	Woods, Phyllis	

SULLIVAN

None

and the report was adopted.

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

HB 743, transfers the department of youth development services to the department of health and human services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Laura C. Pantelakos for Children and Family Law: This bill places the Department of Youth Development Services (DYDS) under the Department of Health and Human Services under a separate unit, the unit of Juvenile Justice Services. In addition to dealing with all juveniles currently under DYDS, it will transfer the juvenile parole and probation officers from the Division for Children, Youth and Families (DCYF) and Family Services into this unit. It is the hope of this committee that this change will offer a wide array of comprehensive services at sustainable costs. Vote 15-0.

Amendment (0516h)

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

1 Purpose. All functions, powers, duties, personnel, records, property and funds of the department of youth development services under RSA 621 and RSA 621-A, including the youth development center in Manchester and the youth services center in Concord, are hereby transferred to the department of health and human services. The commissioner of health and human services shall establish a division, office, or unit within the department for the administration of juvenile justice services, including but not limited to the administration of the youth development center and the youth services center. Any such division, office, or unit shall have the same status within the department as the unit of the department currently responsible for the administration of services to children and youth under RSA 170-G.

2 Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention, and Treatment; Commission Established; Membership Changed. Amend RSA 12-J:1, III (a)(6) to read as follows:

(6) The ~~[commissioner of the department of youth development services]~~ **director of the unit of juvenile justice services, department of health and human services.**

3 New Paragraph; Department of Health and Human Services; Juvenile Justice Services. Amend RSA 126-A:4 by inserting after paragraph II the following new paragraph:

II-a. Notwithstanding any other provision of law to the contrary, the commissioner shall establish a division, office, or unit within the department for the administration of all juvenile justice services, including but not limited to the administration of the youth development center under RSA 621, the youth services center under RSA 621-A, and the supervision of juvenile probation and parole officers under RSA 170-G. Such division, office, or unit shall have the same status within the department as the unit of the department responsible for the administration of services to children and youth under RSA 170-G.

II-b. The commissioner shall administer the youth development center as provided in RSA 621 and the youth services center as provided in RSA 621-A.

4 New Paragraph; Rulemaking. Amend RSA 126-A:16 by inserting after paragraph II the following new paragraph:

II-a. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the management of the youth development center, the youth services center, and all other juvenile justice facilities and programs operated by the department and all persons connected with the youth development center, the youth services center, and all other juvenile justice facilities and programs operated by the department, and for the admission and care of children at the youth development center, the youth services center, and all other juvenile justice facilities and programs operated by the department.

5 Delinquent Children; Dispositional Hearing; Extended Jurisdiction. Amend RSA 169-B:19, III-a(a) to read as follows:

(a) Prior to the seventeenth birthday of a minor who had been adjudicated delinquent for committing a violent crime as defined in RSA 169-B:35-a, I(c), or who had been petitioned to court on 4 or more occasions and adjudicated delinquent in 4 separate adjudicator hearings which alleged misdemeanor or felony offenses, the prosecutor or the department of health

and human services may file a motion with the court to extend jurisdiction pursuant to RSA 169-B:4, V. [~~The department of youth development services may file a motion to extend jurisdiction for any minor committed to its custody pursuant to RSA 169-B:19, I(j).~~] The department of corrections shall be served a copy of the motion and be a party to the proceeding.

6 Review of Dispositional Orders in Juvenile Cases; Application for Review; Reference Removed. Amend RSA 169-G:2, I to read as follows:

I. The department of health and human services [~~or department of youth development services~~] may file with the clerk of the district court where the dispositional order was issued an application for review of the order by the review panel. The application shall be filed within 7 days after the date of the dispositional order, but not thereafter except for good cause shown. The filing of an application for review shall stay the implementation of the dispositional order.

7 Commission on Juvenile Justice; Commission Established; Reference to Department of Youth Development Services Removed. Amend RSA 169-H:1 to read as follows:

169-H:1 Commission Established. A commission on juvenile justice shall be established to receive certain reports from the department of health and human services [~~and from the department of youth development services~~]. The commission shall have the power to conduct hearings and to call witnesses and receive testimony regarding reports received from [~~either~~] **the** department. The commission shall consist of 5 members, one appointed by the governor, 2 members of the house of representatives, appointed by the speaker of the house, and 2 members of the senate, appointed by the senate president. No member of the commission shall be a state employee or a contractor with the state of New Hampshire.

8 Commission on Juvenile Justice; Quarterly Reports Replaced With Annual Report. RSA 169-H:2 is repealed and reenacted to read as follows:

169-H:2 Annual Report. The commissioner of the department of health and human services shall, no later than November 1 of each year, submit an annual report to the commission on juvenile justice, established for the purpose of receiving such reports, containing statistical analysis on the use of RSA 169-B, RSA 169-D, RSA 621, and RSA 621-A, and voluntary services programs. Such report shall include but not be limited to analysis of the youths served by the department during the year categorized by age, race, gender, petition type, and offense (for youth served pursuant to RSA 169-B, RSA 621, or RSA 621-A), the costs including transaction costs incurred for services, programs, and placements provided, parental reimbursement collected, the number of out-of-state placements and the cost and duration of such placement, the recidivism rates of youth committed to the youth development center, an analysis of staffing issues in relation to the ability of the department to deliver necessary services, and an identification of areas where services, programs, and placements for youth served pursuant to RSA 169-B, RSA 169-D, RSA 621, and RSA 621-A can be improved. The first such report shall be due September 1, 2001.

9 Parole of Delinquents; Purpose of Juvenile Parole. Amend RSA 170-H:1 to read as follows:

170-H:1 Purpose of Juvenile Parole. It is the intent of the general court that the juvenile parole system provide a means of rehabilitating delinquents who have been committed to the custody of the [~~administrator of the~~] department of [~~youth development services~~] **health and human services**, without continued incarceration. It is also the intent of the general court that the juvenile parole board and the [~~department of youth development services~~] **department of health and**

human services, when administering this system, demonstrate recognition of the need to protect the public from criminal acts by juvenile parolees.

10 Parole of Delinquents; Eligibility for Release; Reference Change. Amend RSA 170-H:6, I(a) to read as follows:

(a) The ~~[administrator]~~ **commissioner** has determined that parole is in the best interest of the delinquent and the public and that further incarceration will be of no benefit; and

11 New Chapter Title; Youth Development Services Changed to Youth Services Center. Amend the title of RSA 621-A to read as follows:

CHAPTER 621-A

YOUTH ~~[DEVELOPMENT]~~ SERVICES **CENTER**

12 Youth Services Center; Definitions Amended. Amend RSA 621-A:1 to read as follows:

621-A:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of ~~[youth development services]~~ **health and human services**.

II. "Department" means the department of ~~[youth development services]~~ **health and human services**.

III. "Detention" means the care of a child in a physically restricted facility while awaiting further action by a court.

13 Youth Services Center; Powers and Duties of Commissioner. RSA 621-A:4 is repealed and reenacted to read as follows:

621-A:4 Powers and Duties of Commissioner.

I. The commissioner shall maintain the youth services center for such purposes as the commissioner shall determine, which may include, but are not limited to, the purposes described in RSA 621-A:5.

II. The commissioner shall adopt rules under RSA 541-a relative to:

(a) The discharge of any child admitted to the center when further detention is either unnecessary or undesirable.

(b) The return of the child to such custody as may be determined appropriate or as ordered by the court.

14 Youth Services Center; Admission. Amend RSA 621-A:6 to read as follows:

621-A:6 Admission~~[- Discharge From Youth Services Center]~~.

[~~F~~] Children, subject to proceedings in juvenile court, may be admitted to the youth services center for temporary detention while awaiting disposition of the court pursuant to RSA 169-B:14, for educational services pursuant to RSA 186-C, **RSA 169-B, RSA 169-C, or RSA 169-D**, only upon prior approval of the commissioner.

[~~H. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:~~

~~(a) The discharge of any child admitted to the center when further detention is either unnecessary or undesirable; and~~

~~(b) The return of the child to such custody as may be determined appropriate or as ordered by the court.]~~

15 Youth Development Services; Advisory Board Name Change to Juvenile Justice Advisory Board. Amend RSA 621-A:9, I to read as follows:

621-A:9 [~~Department of Youth Development Services~~] **Juvenile Justice** Advisory Board Established.

I. There is hereby established a [~~department of youth development services~~] **juvenile justice** advisory board. The board shall act in an advisory capacity and make recommendations to the commissioner relative to programs and services provided to children [~~referred to the department pursuant to RSA 169-B~~] **at the youth development center and the youth services center.**

16 Juvenile Justice Advisory Board; Membership Changed. Amend RSA 621-A:9, II (c) to read as follows:

(c) The [~~commissioner~~] **director** of the [~~department~~] **unit** of [~~youth development~~] **juvenile justice** services [~~or designee~~] **within the department**, who shall serve as an ex officio member.

17 New Subparagraphs; Juvenile Justice Advisory Board; Members Added. Amend RSA 621-A:9, II by inserting after subparagraph (h) the following new subparagraphs:

(i) One member of the house children and family law committee, appointed by the speaker of the house.

(j) A juvenile probation and parole officer appointed by the commissioner of the department of health and human services.

18 Duties of the Juvenile Justice Advisory Board; Reference Change. Amend RSA 621-A:11 to read as follows:

621-A:11 Duties of the Advisory Board.

I. The advisory board shall act in an advisory capacity to assist the commissioner of the department of [~~youth development~~] **health and human** services relative to **juvenile justice** programs and services provided to children [~~who are referred to the department~~] **at the youth development center and the youth services center.** The board may also provide advice and input on fiscal and budgetary matters [~~within the department~~] **related to such facilities**, the availability

of state and federal grants, business partnerships, and other funding sources available to the department *for such facilities*.

II. Beginning in December 2000, and annually thereafter, the board shall submit a written report to the speaker of the house, the president of the senate, and the governor detailing the activities of the board and any recommendations made by the board to the department *relative to juvenile justice services*.

19 Change from Department of Youth Development Services to Department of Health and Human Services. Amend the following RSA provisions by replacing "department of youth development services" with "department of health and human services": 169-B:19, I(j); 169-B:19, VI; 169-D:17, V(c); 170-H:2, IV-a; 170-H:2, V-a; 170-H:7; 170-H:13; 186-C:3-b, II(o); 186-C:19-a, I; 186-C:19-b, I(a); 186-C:20, I; 621:1, II; 621:3, II-a; 621:3, V-a.

20 Salary Deleted. Amend RSA 94:1-a, I, group O by deleting "commissioner, department of youth development services."

21 Repeal. The following are repealed:

I. RSA 169-B:3, III (c), relative to department of youth development services' access to department of health and human services records.

II. RSA 169-H:3, relative to the annual report of the department of youth development services to the commission on juvenile justice.

III. RSA 621-A:2, relative to the establishment of the department of youth development services.

IV. RSA 621-A:3, relative to the appointment, qualifications, and compensation of the commissioner of youth development services.

V. The subdivision heading "Youth Services Center" preceding RSA 621-A:5

VI. RSA 621-A:8, relative to the rulemaking authority of the department of youth development services.

22 Applicability. The restructuring of the department of youth development services as a unit of the department of health and human services shall occur within 60 days of the effective date of this act.

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

Adopted.

Report adopted and ordered to third reading.

HB 171-FN, an act abolishing the death penalty. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James R. Splaine for the Majority of Criminal Justice and Public Safety: The committee held a five-hour public hearing and heard much testimony on each side of this issue, with most of those

attending in favor of abolishment of the death penalty. It was the belief of the majority of the committee that evidence does not indicate that there is any deterrent from having the death penalty, and most nations, including virtually all of Europe, have abolished the death penalty without any increase in violent crime. Testimony was presented that prosecuting a crime where a death penalty would be given is much more costly than other prosecutions, and that life in prison without any chance of parole, as this legislation provides, would be less costly than the required appeals process leading to an execution. Members of the committee also considered the impact of executions on our youth, and the message that sends. Whether they are televised or not, all executions are "public" in that they receive much publicity, and our youth see that a state government can take someone's life, short of war. Is that a message we want to give to young, immature minds? In essence, adoption of this bill replaces one death penalty with another. Instead of a costly appeals process for several years leading to an execution, the inmate spends the rest of his or her natural life in prison without any chance of parole, and then dies. Vote 9-6.

Rep. Stanley E. Stevens for the Minority of Criminal Justice and Public Safety: New Hampshire has a very carefully crafted capital murder statute. Unlike many other states, it is narrow in application, reserved only for crimes so horrible that anything less than execution of the offender is incomprehensible. It is so restrictive that rarely does a crime rise to that level. The last time this occurred is familiar to most of here in the legislature. The defendant avoided the ultimate penalty by pleading guilty to a lesser charge. However, whether you are for or against the death penalty, can there be any doubt that this crime fell within the definition of our capital punishment statute? Now ask yourself, when was the last time you can recall a crime rising to that level occurring here in New Hampshire? Except the killing of the two troopers a couple of weeks earlier, I can't recall one since back in the 60's. Our current law is a good law. We believe it does have a deterrent effect in that seldom does it have to be applied and even less often implemented. For these, and many other reasons, our minority report members urge you to defeat this bill.

Reps. Stevens spoke against.

Reps. Sargent, Rowe, William Johnson, Jean and DiFruscia spoke in favor.

Reps. Kennedy and Kacavas spoke against and yielded to questions.

Rep. Pilliod spoke in favor and yielded to questions.

Rep. Pitts requested a roll call; sufficiently seconded.

The question being the adoption of the majority committee report of Ought To Pass.

YEAS 180 NAYS 188

YEAS 180

BELKNAP

Boyce, Laurie

Johnson, William

Millham, Alida

Pilliod, James

Rice, Thomas Jr

Salatiello, Thomas

Wood, Jane

CARROLL

Bradley, Jeb

Quimby, Lee

CHESHIRE

Allen, Peter

Batchelder, Robert

Burnham, Daniel

Espiefs, Peter

Manning, Joseph

McGuirk, Paul

Meador, David

Mitchell, McKim

Pratt, John

Richardson, Barbara

Russell, Ronald

Smith, Edwin

Weed, Charles

Zerba, Roger

COOS

Bradley, Paula

Gallus, John

Horton, Lynn

Landers, Dana

Rodrigue, Robert

GRAFTON

Akins, Ralph

Almy, Susan

Benn, Bernard

Cooney, Mary

Dudley, Terri

Eaton, Stephanie

Giuda, Robert

Ham, Bonnie

Lovett, Sid

Naro, Debra

Nordgren, Sharon

Pawlek, Marion

Scovner, Nancy

Sokol, Hilda

Solow, Martha

HILLSBOROUGH

Andosca, Mary

Arnold, Thomas Jr

Baroody, Benjamin

Bellavance, Paul

Bergin, Peter

Carlson, Donald

Chabot, Robert

Clayton, William

Cote, David

Cote, Peter

Craig, James

Dokmo, Cynthia

Drabinowicz, A Theresa

Drisko, Richard

Duval, Jeffrey

Dyer, Merton

Elliott, Larry

Flora, Kathleen

Ford, Nancy

Gargasz, Carolyn

Golding, William

Gonzalez, Carlos

Gorman, Mary

Greenberg, Gary

Haley, Robert

Hall, Betty

Herman, Keith

Jean, Claudette

Jean, Loren

Johnson, Lionel

Konys, Christine

LaRose, Richard

Lasky, Bette

Leach, Edward

Leishman, Peter

Lynde, Harold

Martin, Mary Ellen

McRae, Karen

Messier, Irene

Milligan, Robert

Moran, Edward

Movsesian, Lori

Palangas, Eric

Panagopoulos, Nicholas

Peterson, Andrew

Rowe, Robert

Sargent, Maxwell

Souza, Kathleen

Spiess, Paul

Tahir, Saghir

Tate, Joan

Vaillancourt, Steve

Wheeler, Robert

White, Donald

White, John

MERRIMACK

Bouchard, Candace

Clarke, Claire

Colcord, J D

Daneault, Gabriel

Davis, Frank

Feuerstein, Martin

Fraser, Leo Jr

Fraser, Marilyn

French, Barbara

Gile, Mary

Hager, Elizabeth

Jacobson, Alf

MacKay, James

Moore, Carol

Owen, Derek

Potter, Frances

Reardon, Tara

Rodd, Beth

Seldin, Gloria

Whittemore, James

Winter, Steven

Yeaton, Charles

ROCKINGHAM

Bishop, Franklin

Blanchard, MaryAnn

Bowles, Raimond

Case, Margaret

Coes, Betsy

Dalrymple, Janeen

Dearborn, Bruce

DiFruscia, Anthony

Dowling, Patricia

Fesh, Bob

Flanagan, Natalie

Giordano, Ronald

Gleason, John

Kane, Cecelia

Kelley, Jane

Kelley, William

Langley, Jane

Langone, John

Major, Norman

Micklon, Stephanie

Norelli, Terie

O'Keefe, Patricia

Pitts, Jacqueline

Power, Lucille

Rabideau, Marie

Ruffner, Walter

Shultis, Elizabeth

Sloan, Stephen

Splaine, James

Trueman, Raymond

Weatherspoon,
Jacquelyne

Zolla, William

STRAFFORD

Berube, Roger

Bickford, David

DeChane, Marlene

Dunlap, Patricia

Estabrook, Iris

Gilmore, Gary

Goodwin, Earle

Grassie, Anne

Heon, Richard

Hughes, Christopher

Johnson, Nancy

Kaen, Naida

Lachance, Douglas

Lent, Donald

Pelletier, Arthur

Proulx, Raymond

Smith, Marjorie

Snyder, Clair

Spang, Judith

Wall, Janet

Woods, Phyllis

SULLIVAN

Allison, David

Burling, Peter

Cloutier, John

Flint, Gordon Sr

Franklin, Peter

Phinizy, James

Robb, Amy

BELKNAP

Bartlett, Gordon	Czech, Stanley	Dewhirst, Glenn	Flanders, Donald
Holbrook, Robert	Lawton, David	Nedeau, Stephen	Rosen, Ralph
Russell, David	Thomas, John	Wendelboe, Fran	

CARROLL

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

CHESHIRE

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

COOS

Guay, Lawrence	Rozek, Michael	Stohl, Eric	Tholl, John Jr
Woodward, David			

GRAFTON

Alger, John	Barker, Robert	Cobb, John	Gabler, William
Gilman, G Michael	Marshall, Gene	Mirski, Paul	Scanlan, David
Sova, Charles	Teschner, Douglass	Ward, Brien	Williams, Burton

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Balcom, John	Batula, Peter	Bergeron, Jean-Guy	Bouchard, David
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon Jr	Cardin, Lori	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Daigle, Robert	Dionne, Kimberley
Dwyer, Paul	Eaton, Richard	Emerton, Lawrence Sr	Fletcher, Richard
Foster, Linda	Furman, Christine	Goley, Jeffrey	Goulet, Maurice
Graham, John	Guinta, Frank	Hall, Charles	Holden, Randolph
Hopper, Gary	Kacavas, John	Kurk, Neal	L'Heureux, Robert

LaFlamme, Paul	Lefebvre, Roland	Martel, Andre	McDonough-Wallace, Alice
McHugh, Claire	Melcher, Harold	Mercer, Robert	O'Connell, Timothy
Pappas, Marc	Pepino, Leo	Reeves, Sandra	Salts, Greg
Seibel, Christopher	Shaw, Barbara	Sweeney, Cynthia	Thompson, Rob
Thulander, O Alan			

MERRIMACK

Anderson, Eric	Brewster, Richard	Cummings, Raymond	Dunne, Christopher
Hess, David	Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	Leber, William	Lockwood, Priscilla	Maxfield, Roy
Perkins, Randy	Poulin, David	Rush, Deanna	Soltani, Tony
Swindlehurst, John	Whalley, Michael		

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bridle, Russell	Camm, Kevin
Carson, Sharon	Chalbeck, Kevin	Clark, Vivian	Cooney, Richard
Corbin, Corey	Cox, Russell	Dodge, Robert	Downing, Michael
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hill, Jonathan
Holland, James Jr	Hutchinson, Karen	Introne, Robert	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Letourneau, Robert	McGuire, Robert	McKinney, Betsy
Moore, Benjamin	Morse, Charles	Nowe, Ronald	Packard, Sherman
Palermo, Diane	Pantelakos, Laura	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Rausch, James	Reardon, Neil
Robertson, Carl	Saia, Pamela	Sapareto, Frank	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Welch, David	Weyler, Kenneth
Whittier, John	Woekel, Ralph		

STRAFFORD

Albert, Russell	Callaghan, Frank	Cossette, Larry	Harrington, Michael
Knowles, William	McCarthy, Gerald	Reid, Christopher	Rollo, Michael
Taylor, Kathleen	Tsiros, William	Twombly, James	Woodill, Rodney

SULLIVAN

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

and the majority report failed.

Rep. Avery moved Inexpedient to Legislate.

motion to lay on the table

Rep. Flora moved that **HB 171-FN**, an act abolishing the death penalty, be laid on the table

On a division vote, 169 members having voted in the affirmative and 199 in the negative, the motion failed.

The question now being Inexpedient to Legislate.

Adopted.

indefinite postponement

Rep. Dickinson moved that **HB 171-FN**, an act abolishing the death penalty, be indefinitely postponed.

On a division vote, 212 members having voted in the affirmative and 155 in the negative, the bill was indefinitely postponed.

special orders

HB 290-FN-L, relative to eliminating adequate education grant weighting for free and reduced-price meals and relative to modifying the formula for weighting certain home scheduled pupils.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Charles B. Yeaton for the Majority of Education: This bill would eliminate weighting, which provides additional funds for communities with large numbers of pupils, who apply for free and reduced meals. Testimony was given that children from low-income families demand more services in order for them to receive an adequate education. Therefore, the committee determined that such a measure would work a considerable hardship on communities with a high proportion of low-income pupils. **Vote 11-7.**

Rep. P. Judith Sullivan for the Minority of Education: The minority of the Education Committee believes that the current education grant weighting for free and reduced meals does not accurately target the additional funds to those schools and programs that are truly in need of them. The minority also believes that home-schooled students who do not attend their local school should not be given the same weight as those students who do attend.

Rep. Weyler spoke against.

The majority report was adopted.

HB 298-FN-L, relative to charter schools. **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Alger for Education: This bill authorizes creation of two charter schools annually, chartered directly by the State Board of Education. Students entering the charter school will be funded for two years from a revolving loan fund established at the Department of Education, thereafter from the Education Trust Fund. The revolving loan fund is required because average daily membership in residence is reported two years in arrears. The revolving fund is reimbursed in the third year from the Education Trust Fund. **Vote 10-4**

Amendment (0351h)

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

AN ACT relative to charter schools and establishing a charter school revolving fund.

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

1 New Section; Charter Schools and Open Enrollment Schools; Alternative Procedure for Approval of Charter Schools. Amend RSA 194-B by inserting after section 3 the following new section:

194-B:3-a Charter School Approval by State Board of Education.

I. Notwithstanding RSA 194-B:3, III or RSA 194-B:4, a proposed application and contract to establish a charter school may be presented by July 1 of the year preceding intended operation of a charter school by its prospective board of trustees directly to the state board of education. The content of such application shall conform to the requirements set forth in RSA 194-B:3, II. An applicant shall be notified of any missing information within 10 days of the initial filing.

II. The state board of education is hereby authorized to grant charter status to charter school applicants qualifying under this chapter. By September 15 of the given year, the state board of education shall have completed its review of the application and shall either grant or deny its approval in accordance with the requirements set forth in RSA 194-B:3, II.

III. The state board of education shall forward the proposed application, along with its approval or denial, and a written statement specifying any areas deemed deficient to the applicant. The state board of education is authorized to suggest amendments or alterations to the proposed application.

IV. An applicant whose proposed application is not approved by the state board of education shall be granted the opportunity to present a revised application for reconsideration. The state board of education may provide technical assistance to improve a charter school's application or to speed the approval process.

V. A charter school approved in accordance with this section shall be subject to, and in compliance with, the provisions of this chapter, except as provided in paragraph I.

VI. Beginning January 1, 2002, and for the next 10 years thereafter, the state board of education shall be authorized to grant no more than 2 state charter school applications each year under the provisions of this section.

2 Charter Schools and Open Enrollment Schools; Funding Amended. Amend RSA 194-B:11, I is repealed and reenacted to read as follows:

I.(a) There shall be no tuition charge for any pupil attending an open enrollment or charter conversion school located in and approved by a pupil's resident school district. Funding limitations in this chapter shall not be applicable to charter conversion or open enrollment schools located in a pupil's resident district.

(b) For any pupil enrolled in a charter school or open enrollment school pursuant to this chapter, the pupil's resident district shall notify the department of education of the pupil's enrollment. Adequate education grant amounts made under RSA 198:40 and 198:41 shall be paid to the pupil's resident school district from the date of the pupil's enrollment in a charter school or open enrollment school until such time as the pupil is deemed by the department of education to be counted in the average daily membership in residence in the charter school or open enrollment school. At such time as a pupil enrolled in a charter school or open enrollment school is counted in the average daily membership in residence of the charter school or open enrollment school, adequate education grant payments shall be made directly to the charter school or open enrollment school.

(c) A charter school or open enrollment school may request funds from the charter school revolving fund established in RSA 194-B:11-a for the purpose of covering the tuition costs of those pupils enrolled in a charter school or open enrollment school for the period of time such pupils continue to be counted in the average daily membership in residence of the pupil's resident school district. At such time as a pupil enrolled in a charter school or open enrollment school is counted in the average daily membership in residence of the charter school or open enrollment school and the charter school or open enrollment school is receiving adequate education grant payments, the charter school or open enrollment school shall reimburse the charter school revolving fund for any amounts received. The department of education shall maintain an accounting of all moneys disbursed from the charter school revolving fund.

(d) The adequate education grant amounts shall be equal to the per pupil adequate education cost as determined under RSA 198:40 and 198:41. Such amounts shall be prorated on a per diem basis for pupils attending a charter school or open enrollment school for less than a full school year. To the extent permitted by law, funding for a pupil attending charter or open enrollment school shall be paid on the same time schedule as the resident district, or on such other terms as the school and the funding source may find mutually acceptable.

3 New Section; Charter and Open Enrollment School; Charter School Fund Established. Amend RSA 194-B by inserting after section 11 the following new section:

194-B:11-a Charter School Revolving Fund Established. There is hereby established the charter school revolving fund to be administered by the department of education. Moneys in the fund shall be non lapsing and shall be used exclusively for the purpose of funding the tuition payments of pupils enrolled in a charter school or open enrollment school for the period of time during which a pupil enrolled in a charter or open enrollment school continues to be counted in the average daily membership in residence of the pupil's resident school district.

3 Appropriation. There is hereby appropriated the sum of \$250,000 for the fiscal year ending June 30, 2002, to the charter school revolving fund established in RSA 194-B:11-a for the purposes

established in section 3 of this act The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

This bill establishes a charter school revolving fund in the amount of \$250,000 for the purpose of providing tuition payments for pupils enrolled in a charter school or open enrollment school for the period of time during which such pupil continues to be counted in the average daily membership in residence of the pupil's resident school district. The bill also provides that once a pupil enrolled in a charter school or open enrollment school is counted in the average daily membership in residence of the charter school or open enrollment school, all adequate education payments shall be made directly to the charter school or open enrollment school.

Adopted.

Rep. Claire Clarke spoke against.

Rep. Dearborn spoke in favor.

Rep. Estabrook spoke against and yielded to questions.

Reps. Alger and Henderson spoke in favor and yielded to questions.

Rep. Henderson requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 215 NAYS 145

YEAS 215

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Holbrook, Robert
Johnson, William	Lawton, David	Pilliod, James	Rice, Thomas Jr
Rosen, Ralph	Russell, David	Wendelboe, Fran	

CARROLL

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

CHESHIRE

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

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Rozek, Michael
Stohl, Eric	Tholl, John Jr	Woodward, David	

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Cooney, Mary	Dudley, Terri	Eaton, Stephanie	Gabler, William
Gitman, G Michael	Giuda, Robert	Marshall, Gene	Mirski, Paul
Scanlan, David	Sova, Charles	Teschner, Douglass	Ward, Brien

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Bouchard, David	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela
Daigle, Robert	Dokmo, Cynthia	Dyer, Merton	Elliott, Larry
Emerton, Lawrence Sr	Fletcher, Richard	Flora, Kathleen	Furman, Christine
Gargas, Carolyn	Golding, William	Gonzalez, Carlos	Goulet, Maurice
Greenberg, Gary	Guinta, Frank	Haley, Robert	Hall, Charles
Herman, Keith	Holden, Randolph	Hopper, Gary	Jean, Loren
Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul	Leach, Edward
Lefebvre, Roland	Martel, Andre	Martin, Mary Ellen	McHugh, Claire
McRae, Karen	Mercer, Robert	Milligan, Robert	Moran, Edward
Pappas, Marc	Pepino, Leo	Reeves, Sandra	Rowe, Robert
Salts, Greg	Sargent, Maxwell	Seibel, Christopher	Souza, Kathleen
Tahir, Saghir	Tate, Joan	Thompson, Rob	Thulander, O Alan
Wheeler, Robert	White, Donald		

MERRIMACK

Anderson, Eric	Colcord, J D	Dunne, Christopher	Feuerstein, Martin
Fraser, Leo Jr	Hess, David	Hutchinson, John	Kennedy, Richard
L'Heureux, Stephen	Langer, Ray	Leber, William	MacKay, James
Maxfield, Roy	Rodd, Beth	Soltani, Tony	Swindlehurst, John
Whalley, Michael	Winter, Steven		

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bowles, Raimond
Bridle, Russell	Camm, Kevin	Carson, Sharon	Chalbeck, Kevin
Clark, Vivian	Corbin, Corey	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	DiFruscia, Anthony	Dodge, Robert	Dowling, Patricia
Fesh, Bob	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald	Gleason, John
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hill, Jonathan
Holland, James Jr	Introne, Robert	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph
Langley, Jane	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	Rabideau, Marie	Rausch, James	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	Berube, Roger	Bickford, David	Cossette, Larry
Dunlap, Patricia	Goodwin, Earle	Harrington, Michael	Kaen, Naida
Lachance, Douglas	Pelletier, Arthur	Reid, Christopher	Snyder, Clair
Taylor, Kathleen	Tsiros, William	Twombly, James	Woods, Phyllis

SULLIVAN

Odell, Bob	Rodeschin, Beverly
------------	--------------------

BELKNAP

Dewhirst, Glenn	Millham, Alida	Salatiello, Thomas	Wood, Jane
-----------------	----------------	--------------------	------------

CARROLL

Quimby, Lee

CHESHIRE

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

COOS

Bradley, Paula	Davis, Perley	Landers, Dana	Rodrigue, Robert
----------------	---------------	---------------	------------------

GRAFTON

Almy, Susan	Benn, Bernard	Ham, Bonnie	Lovett, Sid
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy
Sokol, Hilda	Solow, Martha	Williams, Burton	

HILLSBOROUGH

Andosca, Mary	Balcom, John	Baroody, Benjamin	Bellavance, Paul
Bragdon, Peter	Buckley, Raymond	Cardin, Lori	Carlson, Donald
Clayton, William	Cote, David	Cote, Peter	Craig, James
Dionne, Kimberley	Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey
Dwyer, Paul	Eaton, Richard	Ford, Nancy	Foster, Linda
Goley, Jeffrey	Gorman, Mary	Graham, John	Jean, Claudette
Johnson, Lionel	Kacavas, John	Konys, Christine	LaRose, Richard
Lasky, Bette	Leishman, Peter	Lynde, Harold	McDonough-Wallace, Alice
Melcher, Harold	Messier, Irene	Movsesian, Lori	O'Connell, Timothy
Palangas, Eric	Panagopoulos, Nicholas	Peterson, Andrew	Shaw, Barbara
Spieß, Paul	Sweeney, Cynthia	Vaillancourt, Steve	White, John

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Cummings, Raymond
Daneault, Gabriel	Davis, Frank	Fraser, Marilyn	French, Barbara
Gile, Mary	Jacobson, Alf	Lockwood, Priscilla	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Poulin, David
Reardon, Tara	Rush, Deanna	Seldin, Gloria	Whittemore, James
Yeaton, Charles			

ROCKINGHAM

Blanchard, MaryAnn	Case, Margaret	Coes, Betsy	Cooney, Richard
Downing, Michael	Hutchinson, Karen	Johnson, Robert	Kane, Cecelia
Kelley, William	Langone, John	McGuire, Robert	Micklon, Stephanie
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Robertson, Carl	Shultis, Elizabeth	Splaine, James	Trueman, Raymond
Weatherspoon, Jacquelyne			

STRAFFORD

Callaghan, Frank	DeChane, Marlene	Estabrook, Iris	Grassie, Anne
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Knowles, William
Lent, Donald	McCarthy, Gerald	Proulx, Raymond	Rollo, Michael
Smith, Marjorie	Spang, Judith	Wall, Janet	Woodill, Rodney

SULLIVAN

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

and the report was adopted.

Referred to Finance.

HB 515-FN-L, establishing parental choice scholarships. **MAJORITY: OUGHT TO PASS.**
MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. John R. Alger for the Majority of Education: This bill creates opportunity for lower income parents to receive 80% of the adequate education grant amount for use in either a public or non-public (non-sanctioned) school, of the parents' choice, if the public school to which the child has been assigned has average scores in the bottom half on a statewide basis on the state assessment tests for two years preceding the parent's initial application for a scholarship. Twenty percent of the grant remains with the public schools to which the child was previously assigned, even though the child is no longer in attendance. **Vote 8-7.**

Rep. Charles B. Yeaton for the Minority of Education: The minority of the committee opposed this bill because of 1) lack of available private schools, especially in the North Country 2) insufficient funds for parents with low incomes 3) ability of private schools to reject any student they do not wish accept 4) money taken from local public schools for scholarships for parents.

Reps. Brewster and John White spoke against.

Rep. Henderson spoke in favor.

Rep. Yeaton spoke in favor and yielded to questions.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 182 NAYS 173

YEAS 182

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Flanders, Donald	Lawton, David
Nedeau, Stephen	Pilliod, James	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Thomas, John	Wendelboe, Fran	

CARROLL

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

CHESHIRE

Avery, Stephen	Emerson, Susan	Fairbanks, Chandler	Hunt, John
Manning, Joseph	Roberts, William	Royce, H Charles	Smith, Edwin

COOS

Gallus, John
Tholl, John Jr

Guay, Lawrence
Woodward, David

Horton, Lynn

Rozek, Michael

GRAFTON

Akins, Ralph
Dudley, Terri
Giuda, Robert
Ward, Brien

Alger, John
Eaton, Stephanie
Scanlan, David

Barker, Robert
Gabler, William
Sova, Charles

Cobb, John
Gilman, G Michael
Teschner, Douglass

HILLSBOROUGH

Allan, Nelson
Balboni, Michael
Brundige, Robert
Christiansen, Lars
Dyer, Merton
Flora, Kathleen
Gonzalez, Carlos
Guinta, Frank
Jean, Loren
Martin, Mary Ellen
Milligan, Robert
Reeves, Sandra
Seibel, Christopher
Tate, Joan
White, Donald

Alukonis, David
Batula, Peter
Bruno, Pierre
Clegg, Robert Jr
Elliott, Larry
Furman, Christine
Goulet, Maurice
Hall, Charles
Kurk, Neal
McHugh, Claire
Moran, Edward
Rowe, Robert
Souza, Kathleen
Thompson, Rob

Arnold, Thomas Jr
Bergeron, Jean-Guy
Calawa, Leon Jr
Coughlin, Pamela
Emerton, Lawrence Sr
Gargasz, Carolyn
Graham, John
Herman, Keith
L'Heureux, Robert
McRae, Karen
Pappas, Marc
Salts, Greg
Spiess, Paul
Thulander, O Alan

Artz, Lawrence
Bouchard, David
Christensen, D L Chris
Dionne, Kimberley
Fletcher, Richard
Golding, William
Greenberg, Gary
Hopper, Gary
Lefebvre, Roland
Mercer, Robert
Pepino, Leo
Sargent, Maxwell
Tahir, Saghir
Wheeler, Robert

MERRIMACK

Anderson, Eric
Hess, David
Langer, Ray
Soltani, Tony

Colcord, J D
Hutchinson, John
Leber, William
Swindlehurst, John

Fraser, Leo Jr
Kennedy, Richard
MacKay, James
Whalley, Michael

Hager, Elizabeth
L'Heureux, Stephen
Maxfield, Roy
Winter, Steven

ROCKINGHAM

Arndt, Janet

Belanger, Ronald

Bishop, Franklin

Bridle, Russell

Camm, Kevin	Carson, Sharon	Chalbeck, Kevin	Clark, Vivian
Corbin, Corey	Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce
DiFruscia, Anthony	Dodge, Robert	Flanagan, Natalie	Flanders, John Sr
Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald	Gleason, John
Griffin, Mary	Henderson, Warren	Hill, Jonathan	Introne, Robert
Itse, Daniel	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	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	Rabideau, Marie	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	Lachance, Douglas	McCarthy, Gerald	Tsiros, William
Twombly, James	Woods, Phyllis		

SULLIVAN

Odell, Bob	Robb, Amy	Rodeschin, Beverly
------------	-----------	--------------------

NAYS 173

BELKNAP

Czech, Stanley	Holbrook, Robert	Johnson, William	Millham, Alida
Salatiello, Thomas	Wood, Jane		

CARROLL

Quimby, Lee

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Dexter, Judson
Edwards, Dana	Espieffs, Peter	McGuirk, Paul	Meader, David

Mitchell, McKim
Weed, Charles

Pratt, John
Zerba, Roger

Richardson, Barbara

Russell, Ronald

COOS

Bradley, Paula
Stohl, Eric

Davis, Perley

Landers, Dana

Rodrigue, Robert

GRAFTON

Almy, Susan
Marshall, Gene
Pawlek, Marion
Williams, Burton

Benn, Bernard
Mirski, Paul
Scovner, Nancy

Cooney, Mary
Naro, Debra
Sokol, Hilda

Lovett, Sid
Nordgren, Sharon
Solow, Martha

HILLSBOROUGH

Andosca, Mary
Bergin, Peter
Carlson, Donald
Daigle, Robert
Dwyer, Paul
Ginsburg, Ruth
Hall, Betty
Kacavas, John
Leach, Edward
O'Connell, Timothy
Shaw, Barbara

Balcom, John
Bragdon, Peter
Cote, David
Dokmo, Cynthia
Eaton, Richard
Goley, Jeffrey
Holden, Randolph
Konys, Christine
Lynde, Harold
Palangas, Eric
Sweeney, Cynthia

Baroody, Benjamin
Buckley, Raymond
Cote, Peter
Drabinowicz, A Theresa
Ford, Nancy
Gorman, Mary
Jean, Claudette
LaRose, Richard
Melcher, Harold
Panagopoulos, Nicholas
Vaillancourt, Steve

Bellavance, Paul
Cardin, Lori
Craig, James
Drisko, Richard
Foster, Linda
Haley, Robert
Johnson, Lionel
Lasky, Bette
Movsesian, Lori
Peterson, Andrew
White, John

MERRIMACK

Bouchard, Candace
Daneault, Gabriel
French, Barbara
Moore, Carol
Poulin, David
Seldin, Gloria

Brewster, Richard
Davis, Frank
Gile, Mary
Owen, Derek
Reardon, Tara
Whittemore, James

Clarke, Claire
Feuerstein, Martin
Jacobson, Alf
Perkins, Randy
Rodd, Beth
Yeaton, Charles

Cummings, Raymond
Fraser, Marilyn
Lockwood, Priscilla
Potter, Frances
Rush, Deanna

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Coes, Betsy
Cooney, Richard	Downing, Michael	Fesh, Bob	Francoeur, Sheila
Hamel, Albert	Holland, James Jr	Hutchinson, Karen	Johnson, Robert
Kane, Cecelia	Kelley, Jane	Kelley, William	Kobel, Rudolph
Langone, John	McGuire, Robert	Micklon, Stephanie	Norelli, Terie
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Rausch, James
Robertson, Carl	Shultis, Elizabeth	Splaine, James	Trueman, Raymond
Weatherspoon, Jacquelyne			

STRAFFORD

Berube, Roger	Bickford, David	Callaghan, Frank	Cossette, Larry
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary
Goodwin, Earle	Grassie, Anne	Harrington, Michael	Heon, Richard
Hughes, Christopher	Johnson, Nancy	Kaen, Naida	Knowles, William
Lent, Donald	Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond
Reid, Christopher	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Taylor, Kathleen	Wall, Janet	Woodill, Rodney	

SULLIVAN

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

and the majority report was adopted.

Referred to Finance.

Rep. Robb voted aye and intended to vote nay.

HB 629-FN-A, relative to equipment upgrades, improvements, or purchases at the regional vocational education centers and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Clair A. Snyder for Education: This bill establishes a fund to upgrade and improve equipment and purchase new equipment for the regional vocational schools. The items needed to train these high school students are generally big-ticket items and are beyond the ability of the district to fund.

Some of these schools go back to the 70's and we need to train these students on state-of-the-art materials to meet the requirements of future employers. Vote 18-0.

Amendment (0354h)

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

1 Regional Vocational Education; Equipment and Instruction Program Revolving Fund; Criteria Established. Amend RSA 188-E:11, I to read as follows:

I. **(a)** There is established an equipment and instruction program in which any regional vocational center may establish a revolving fund to be used for capital improvement costs for the replacement or upgrading of equipment, or for aiding instruction in the various vocational programs offered by the center. The fund shall be used to pay necessary costs of equipment **replacement or upgrades** and ~~related~~ **for providing** instructional materials which are required to provide up-to-date adult, business and industry training, re-training or customized programs.

(b) The commissioner of the department of education shall distribute funds from this program according to the following criteria including but not limited to:

(1) The age of the regional vocational education center with priority of funds given to older centers.

(2) The size of the population served by the regional vocational education center.

(3) The priority of need demonstrated by the regional vocational education center.

2 Appropriation; Regional Vocational Education Centers. The sum of \$1,300,000 for the fiscal year ending June 30, 2002, and the sum of \$1,300,000 for the fiscal year ending June 30, 2003 are hereby appropriated to the equipment and instruction program established in RSA 188-E:11 to be used solely for the purposes set forth therein. Appropriations to this program shall be non-lapsing and any amounts not used in the first fiscal year shall carry forward into the following fiscal year and shall be in addition to any other appropriations made; provided that no regional vocational education center may receive more than \$200,000 during the biennium. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

This bill makes an appropriation of \$2,600,000 for the biennium ending June 30, 2003 to the department of education to the regional vocational education centers for equipment upgrades, improvements, or purchases according to the criteria set forth in the equipment and instruction program revolving fund.

Adopted.

Rep. Harrington spoke against.

Rep. Henderson spoke in favor and yielded to questions.

The report was adopted.

Referred to Finance.

HB 656-FN-L, relative to the formula for distributing school building aid grants. **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Alger for Education: This bill offers a targeted building aid option based on the average of median family income and equalized valuation of a community. In addition, the current law formula of aid, independent of income or valuation is retained so that a choice of this proposed option or current law is allowed. In this way, anticipated aid under current law is retained while offering a "targeted aid" option for less wealthy towns. While the adequacy commission may eventually develop another formula for building aid, the committee felt it is important after three years of study to have a formula on targeted building aid in law. Vote 14-4.

Amendment (0310h)

Amend RSA 198:15-a as inserted by section 2 of the bill by replacing it with the following:

198:15-a Annual Grant for the Payment of Debt Service for School Construction. To aid local school districts in meeting the costs of the payment of debt for school buildings and educational administration buildings, including office facilities for school administrative units, the state board of education shall, from funds appropriated by the general court to carry out the provisions of this subdivision, pay annually to the school districts of the state, sums in accordance with the provisions of this subdivision ***or the alternative school building aid provisions under RSA 198:15-u through RSA 198:15-w, depending on which option a school district elects.***

Amend RSA 198:15-v, III as inserted by section 3 of the bill by replacing it with the following:

III. A cooperative school district or area school's grant amount shall be determined by calculating the percentage of the average daily membership in residence represented by each municipality within the cooperative school district and multiplying this percentage by each municipality's percentage of annual building aid awarded under subparagraph I(b) of this section. The resulting product shall be multiplied by the projected cost of the building project. The sum of the individual municipality's entitlement of annual building aid shall be the annual grant for the cooperative school district.

Amend the bill by replacing section 4 with the following:

4 Applicability. The provisions of sections 1-3 of this act shall apply to the total of approved costs of construction of school buildings for which loans are approved as of July 1, 2003 and thereafter.

AMENDED ANALYSIS

This bill creates an optional school building aid grant formula which shall be available to school districts beginning in the 2003-2004 school year.

Adopted.

Report adopted.

Referred to Finance.

HB 747-FN-L, relative to increases in the cost of an adequate education. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brien L. Ward for Education: The majority of the committee supported this amended bill to prospectively use a two (2) year average of the implicit price deflator calculated by the Bureau of Economic Analysis, United States Department of Commerce to determine the revised cost of an adequate education for each biennium. The amount each school district shall receive will be revised to reflect changes in the average daily membership (ADMR) of the state's school districts. This bill will also allow the state to budget adequacy grants for a biennium and insure our school districts that a set amount of aid can be incorporated into their budget on a yearly basis. Vote 10-9.

Amendment (0358h)

Amend RSA 198:40, IV as inserted by section 2 of the bill by replacing it with the following:

IV. The per pupil cost of an adequate education as calculated in a given biennium shall be equal in each year of such biennium.

AMENDED ANALYSIS

This bill:

I. Makes changes to the formula for calculating adequate education grants by using 3 years of statewide assessment program results administered in the third and sixth grades.

II. Provides that for each fiscal year the statewide cost of an adequate education for all pupils shall be adjusted by the 3-year average change in the implicit price deflator as calculated by the Bureau of Economic Analysis, United States Department of Commerce.

III. Provides that the per pupil cost of an adequate education shall be equal in each year of such biennium.

IV. Repeals the January 2, 2003 repeal of the education property tax and the calculation of adequate education grant amounts, and the July 1, 2003 repeal of the education property tax hardship relief provisions.

The question being the adoption of the committee amendment.

Reps. Jacobson and Spiess spoke against.

Rep. Bowles spoke against and yielded to questions.

Reps. Hess and Woekel spoke in favor and yielded to questions.

laid on the table

Rep. Langley moved that ***HB 747-FN-L***, relative to increases in the cost of an adequate education, be laid on the table.

Rep. Scanlan requested a roll call; sufficiently seconded.

The question being the motion to lay upon the table.

YEAS 190 NAYS 166

YEAS 190

BELKNAP

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

CARROLL

Babson, David Jr	Dickinson, Howard	Philbrick, Donald	Quimby, Lee
------------------	-------------------	-------------------	-------------

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espieffs, Peter
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, John	Richardson, Barbara	Russell, Ronald	Weed, Charles
Zerba, Roger			

COOS

Bradley, Paula	Davis, Perley	Landers, Dana	Rodrigue, Robert
----------------	---------------	---------------	------------------

GRAFTON

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

HILLSBOROUGH

Allan, Nelson	Andosca, Mary	Artz, Lawrence	Balcom, John
---------------	---------------	----------------	--------------

Baroody, Benjamin	Bellavance, Paul	Bergin, Peter	Buckley, Raymond
Cardin, Lori	Clayton, William	Cote, David	Cote, Peter
Craig, James	Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A Theresa
Drisko, Richard	Duval, Jeffrey	Dwyer, Paul	Eaton, Richard
Flora, Kathleen	Ford, Nancy	Foster, Linda	Furman, Christine
Gargas, Carolyn	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Hall, Betty	Jean, Claudette	Johnson, Lionel
Kacavas, John	Konys, Christine	Lasky, Bette	Leach, Edward
Lefebvre, Roland	Lynde, Harold	Martin, Mary Ellen	Melcher, Harold
Milligan, Robert	Moran, Edward	Movsesian, Lori	O'Connell, Timothy
Palangas, Eric	Panagopoulos, Nicholas	Peterson, Andrew	Rowe, Robert
Seibel, Christopher	Shaw, Barbara	Spiess, Paul	Sweeney, Cynthia
Vaillancourt, Steve	White, John		

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Colcord, J D
Daneault, Gabriel	Davis, Frank	Feuerstein, Martin	Fraser, Leo Jr
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Jacobson, Alf	Lockwood, Priscilla	Maxfield, Roy	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Reardon, Tara
Rodd, Beth	Rush, Deanna	Seldin, Gloria	Whittemore, James
Yeaton, Charles			

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Coes, Betsy
Cooney, Richard	Cox, Russell	Dearborn, Bruce	DiFruscia, Anthony
Dodge, Robert	Downing, Michael	Giordano, Ronald	Hutchinson, Karen
Johnson, Robert	Kane, Cecelia	Kelley, Jane	Kobel, Rudolph
Langley, Jane	Langone, John	McGuire, Robert	Micklon, Stephanie
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Priestley, Anne	Robertson, Carl	Saia, Pamela	Sapareto, Frank
Shultis, Elizabeth	Sloan, Stephen	Splaine, James	Trueman, Raymond
Weatherspoon, Jacquelyne	Whittier, John	Woekel, Ralph	

STRAFFORD

Berube, Roger	Bickford, David	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Kaen, Naida
Knowles, William	Lent, Donald	McCarthy, Gerald	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
Jones, Constance	Leone, Richard	Phinizy, James	Robb, Amy

NAYS 166

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Holbrook, Robert
Lawton, David	Nedeau, Stephen	Rosen, Ralph	Russell, David
Thomas, John	Wendelboe, Fran		

CARROLL

Bradley, Jeb	Mock, Henry	Patten, Betsey	Stevens, Stanley
Sullivan, P Judith			

CHESHIRE

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

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Rozek, Michael
--------------	----------------	--------------	----------------

Stohl, Eric

Tholl, John Jr

Woodward, David

GRAFTON

Akins, Ralph

Alger, John

Barker, Robert

Cobb, John

Dudley, Terri

Eaton, Stephanie

Gabler, William

Gilman, G Michael

Giuda, Robert

Marshall, Gene

Mirski, Paul

Scanlan, David

Sova, Charles

Teschner, Douglass

Ward, Brien

HILLSBOROUGH

Alukonis, David

Arnold, Thomas Jr

Balboni, Michael

Batula, Peter

Bergeron, Jean-Guy

Bouchard, David

Bragdon, Peter

Brundige, Robert

Bruno, Pierre

Calawa, Leon Jr

Carlson, Donald

Christensen, D L Chris

Christiansen, Lars

Clegg, Robert Jr

Coughlin, Pamela

Dionne, Kimberley

Dyer, Merton

Elliott, Larry

Emerton, Lawrence Sr

Fletcher, Richard

Golding, William

Gonzalez, Carlos

Goulet, Maurice

Graham, John

Guinta, Frank

Hall, Charles

Herman, Keith

Holden, Randolph

Hopper, Gary

Jean, Loren

Kurk, Neal

L'Heureux, Robert

LaRose, Richard

McHugh, Claire

McRae, Karen

Mercer, Robert

Pappas, Marc

Pepino, Leo

Reeves, Sandra

Salts, Greg

Sargent, Maxwell

Souza, Kathleen

Tahir, Saghir

Tate, Joan

Thompson, Rob

Thulander, O Alan

Wheeler, Robert

White, Donald

MERRIMACK

Anderson, Eric

Cummings, Raymond

Hess, David

Hutchinson, John

Kennedy, Richard

L'Heureux, Stephen

Langer, Ray

Leber, William

MacKay, James

Poulin, David

Soltani, Tony

Swindlehurst, John

Whalley, Michael

Winter, Steven

ROCKINGHAM

Arndt, Janet

Belanger, Ronald

Bridle, Russell

Camm, Kevin

Carson, Sharon

Chalbeck, Kevin

Clark, Vivian

Corbin, Corey

Dalrymple, Janeen

Dowling, Patricia

Fesh, Bob

Flanagan, Natalie

Flanders, John Sr

Francoeur, Sheila

Gilbert, Jeffrey

Gilbert, Karl

Gleason, John

Griffin, Mary

Hamel, Albert

Henderson, Warren

Hill, Jonathan	Holland, James Jr	Introne, Robert	Itse, Daniel
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kelley, William
Letourneau, Robert	Major, Norman	McKinney, Betsy	Morse, Charles
Nowe, Ronald	Packard, Sherman	Palermo, Diane	Power, Lucille
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Rabideau, Marie
Rausch, James	Ruffner, Walter	Stone, Joseph	Stritch, C Donald
Varrell, Thomas	Welch, David	Weyler, Kenneth	Zolla, William

STRAFFORD

Albert, Russell	Cossette, Larry	Harrington, Michael	Lachance, Douglas
Reid, Christopher	Tsiros, William	Twombly, James	Woods, Phyllis

SULLIVAN

Odell, Bob	Rodeschin, Beverly
------------	--------------------

and the motion to lay on the table was adopted.

HB 748-FN-A-L, relative to school building aid grants in the determination of adequate education grants. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brien L. Ward for Education: The bill as amended, modifies the weight given for pupils who are eligible to receive a free or reduced meal in the education adequacy distribution formula, school districts whose eligible enrollment is over 25% shall receive an additional weight per pupil of .33. This bill is consistent with the recommendation of the MAP report to the Adequacy Commission, except that it also gives additional aid to districts who have between 15% to 24% enrollment of pupils who are eligible to receive free or reduced meals. This bill also insures through a "Hold Harmless" provision, that no school district shall receive a decrease in their current education adequate grant as a result of this formula revision. The committee vote of 14-2 in favor of this amended bill reflected bipartisan support. Vote 14-2.

Rep. Hess spoke against.

The committee amendment failed.

Rep. Hess offered a floor amendment.

Floor Amendment (0655h)

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

AN ACT relative to the distribution of aid to pupils eligible for free or reduced-price meals.

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

1 School Money; Definition of Weighted Pupil Amended. RSA 198:38, VII (d) is repealed and reenacted to read as follows:

(d) Additional weights based on pupils eligible to receive a free or reduced-price meal shall be calculated by multiplying each municipality's elementary average daily membership in residence by the fraction of the pupils from each school in the school district eligible to receive a free or reduced-price meal multiplied by:

(1) If less than 15 percent of a school's pupils are eligible to receive a free or reduced-price meal, zero.

(2) For those pupils representing between 15 percent and 19 percent of each school's enrollment who are eligible to receive a free or reduced-price meal, 0.11.

(3) For those pupils representing between 20 percent and 24 percent of each school's enrollment who are eligible to receive a free or reduced-price meal, 0.22.

(4) For those pupils representing 25 percent or more of each school's enrollment who are eligible to receive a free or reduced-price meal, 0.33.

Nothing in this subparagraph shall result in a decrease in the adequate education grant amount calculated and distributed under RSA 198:40 and 198:41 to a municipality in the fiscal year ending June 30, 2002. Nothing in this subparagraph shall result in a decrease in the adequate education grant amount calculated and distributed under RSA 198:40 and 198:41 to a municipality in any fiscal year after June 30, 2002.

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

AMENDED ANALYSIS

This bill amends the formula for weighted pupils based on eligibility to receive a free or reduced-price lunch based on the percentage of pupils in each school who are eligible to receive a free or reduced-price meal.

Rep. Estabrook spoke against and yielded to questions.

Rep. John White spoke against.

Reps. Hess and Ward spoke in favor.

Motion to lay on the table

Rep. Nordgren moved that ***HB 748-FN-A-L***, relative to school building aid grants in the determination of adequate education grants, be laid upon the table.

Rep. Zolla requested a roll call; sufficiently seconded.

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

YEAS 172 NAYS 187

YEAS 172

BELKNAP

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

CARROLL

Quimby, Lee

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espieffs, Peter
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, John	Richardson, Barbara	Russell, Ronald	Weed, Charles
Zerba, Roger			

COOS

Bradley, Paula	Davis, Perley	Landers, Dana	Rodrigue, Robert
----------------	---------------	---------------	------------------

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Lovett, Sid
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy
Sokol, Hilda	Solow, Martha	Teschner, Douglass	Williams, Burton

HILLSBOROUGH

Andosca, Mary	Artz, Lawrence	Baroody, Benjamin	Bellavance, Paul
Bergin, Peter	Buckley, Raymond	Cardin, Lori	Clayton, William
Cote, David	Cote, Peter	Craig, James	Daigle, Robert
Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey
Dwyer, Paul	Eaton, Richard	Flora, Kathleen	Foster, Linda
Furman, Christine	Gargas, Carolyn	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Haley, Robert	Hall, Betty	Jean, Claudette

Johnson, Lionel	Kacavas, John	Konys, Christine	LaFlamme, Paul
Lasky, Bette	Leach, Edward	Lefebvre, Roland	Leishman, Peter
Lynde, Harold	Martin, Mary Ellen	Melcher, Harold	Movsesian, Lori
O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas	Rowe, Robert
Seibel, Christopher	Shaw, Barbara	Spiess, Paul	Sweeney, Cynthia
Vaillancourt, Steve	White, John		

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Daneault, Gabriel
Davis, Frank	Feuerstein, Martin	Fraser, Marilyn	French, Barbara
Gile, Mary	Hager, Elizabeth	Jacobson, Alf	Lockwood, Priscilla
Maxfield, Roy	Moore, Carol	Perkins, Randy	Potter, Frances
Reardon, Tara	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Whittemore, James	Yeaton, Charles		

ROCKINGHAM

Blanchard, MaryAnn	Case, Margaret	Coes, Betsy	Cooney, Richard
DiFruscia, Anthony	Downing, Michael	Hutchinson, Karen	Kane, Cecelia
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Langone, John
McGuire, Robert	Micklon, Stephanie	Norelli, Terie	O'Keefe, Patricia
Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl	Shultis, Elizabeth
Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne	Whittier, John

STRAFFORD

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

SULLIVAN

Allison, David
Flint, Gordon Sr
Jones, Constance

Burling, Peter
Franklin, Peter
Leone, Richard

Cloutier, John
Harris, Joseph
Phinizy, James

Ferland, Brenda
Harris, Sandra
Robb, Amy

NAYS 187

BELKNAP

Bartlett, Gordon
Holbrook, Robert
Thomas, John

Boyce, Laurie
Lawton, David
Wendelboe, Fran

Czech, Stanley
Nedeau, Stephen

Flanders, Donald
Russell, David

CARROLL

Babson, David Jr
Mock, Henry
Sullivan, P Judith

Bradley, Jeb
Patten, Betsey

Dickinson, Howard
Philbrick, Donald

Kenney, Joseph
Stevens, Stanley

CHESHIRE

Avery, Stephen
Fairbanks, Chandler
Smith, Edwin

Dexter, Judson
Hunt, John

Edwards, Dana
Roberts, William

Emerson, Susan
Royce, H Charles

COOS

Gallus, John
Stohl, Eric

Guay, Lawrence
Tholl, John Jr

Horton, Lynn
Woodward, David

Rozek, Michael

GRAFTON

Akins, Ralph
Dudley, Terri
Giuda, Robert
Sova, Charles

Alger, John
Eaton, Stephanie
Marshall, Gene
Ward, Brien

Barker, Robert
Gabler, William
Mirski, Paul

Cobb, John
Gilman, G Michael
Scanlan, David

HILLSBOROUGH

Allan, Nelson

Alukonis, David

Arnold, Thomas Jr

Balboni, Michael

Balcom, John	Batula, Peter	Bergeron, Jean-Guy	Bouchard, David
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr
Coughlin, Pamela	Dionne, Kimberley	Dyer, Merton	Elliott, Larry
Emerton, Lawrence Sr	Fletcher, Richard	Ford, Nancy	Golding, William
Gonzalez, Carlos	Goulet, Maurice	Graham, John	Greenberg, Gary
Guinta, Frank	Hall, Charles	Herman, Keith	Holden, Randolph
Hopper, Gary	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	McHugh, Claire	McRae, Karen	Mercer, Robert
Milligan, Robert	Moran, Edward	Pappas, Marc	Pepino, Leo
Peterson, Andrew	Reeves, Sandra	Salts, Greg	Sargent, Maxwell
Souza, Kathleen	Tahir, Saghir	Tate, Joan	Thompson, Rob
Thulander, O Alan	Wheeler, Robert	White, Donald	

MERRIMACK

Anderson, Eric	Colcord, J D	Cummings, Raymond	Fraser, Leo Jr
Hess, David	Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	Leber, William	MacKay, James	Poulin, David
Whalley, Michael	Winter, Steven		

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bowles, Raimond	Bridle, Russell
Camm, Kevin	Carson, Sharon	Chalbeck, Kevin	Clark, Vivian
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	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kelley, William	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	Rabideau, Marie	Rausch, James
Ruffner, Walter	Saia, Pamela	Sapareto, Frank	Sloan, Stephen

Stone, Joseph
Weyler, Kenneth

Stritch, C Donald
Woekel, Ralph

Varrell, Thomas
Zolla, William

Welch, David

STRAFFORD

Albert, Russell
Lachance, Douglas

Bickford, David
Reid, Christopher

Cossette, Larry
Twombly, James

Harrington, Michael
Woods, Phyllis

SULLIVAN

Odell, Bob

Rodeschin, Beverly

and the motion failed.

The question being the adoption of the Hess/Ward floor amendment.

Rep. McGuirk requested a roll call; sufficiently seconded.

YEAS 201 NAYS 158

YEAS 201

BELKNAP

Bartlett, Gordon
Flanders, Donald
Russell, David

Boyce, Laurie
Holbrook, Robert
Thomas, John

Czech, Stanley
Lawton, David
Wendelboe, Fran

Dewhirst, Glenn
Nedeau, Stephen

CARROLL

Babson, David Jr
Mock, Henry
Sullivan, P Judith

Bradley, Jeb
Patten, Betsey

Dickinson, Howard
Philbrick, Donald

Kenney, Joseph
Stevens, Stanley

CHESHIRE

Avery, Stephen
Fairbanks, Chandler
Smith, Edwin

Dexter, Judson
Hunt, John

Edwards, Dana
Roberts, William

Emerson, Susan
Royce, H Charles

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Rozek, Michael
Stohl, Eric	Tholl, John Jr	Woodward, David	

GRAFTON

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

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	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Dionne, Kimberley	Dyer, Merton
Elliott, Larry	Emerton, Lawrence Sr	Fletcher, Richard	Ford, Nancy
Golding, William	Gonzalez, Carlos	Goulet, Maurice	Graham, John
Greenberg, Gary	Guinta, Frank	Hall, Charles	Herman, Keith
Holden, Randolph	Hopper, Gary	Jean, Loren	Kurk, Neal
L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard	Leach, Edward
McHugh, Claire	McRae, Karen	Mercer, Robert	Milligan, Robert
Moran, Edward	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Salts, Greg	Sargent, Maxwell
Seibel, Christopher	Souza, Kathleen	Tahir, Saghir	Tate, Joan
Thompson, Rob	Thulander, O Alan	Wheeler, Robert	White, Donald

MERRIMACK

Anderson, Eric	Colcord, J D	Cummings, Raymond	Fraser, Leo Jr
Hess, David	Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	Leber, William	MacKay, James	Maxfield, Roy
Poulin, David	Whalley, Michael	Winter, Steven	

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bowles, Raimond	Bridle, Russell
Camm, Kevin	Carson, Sharon	Chalbeck, Kevin	Clark, Vivian
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, Robert
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kelley, William	Kobel, Rudolph	Langley, Jane	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	Rabideau, Marie
Rausch, James	Ruffner, Walter	Saia, Pamela	Sapareto, Frank
Sloan, Stephen	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Welch, David	Weyler, Kenneth	Whittier, John	Zolla, William

STRAFFORD

Albert, Russell	Bickford, David	Cossette, Larry	Harrington, Michael
Lachance, Douglas	Reid, Christopher	Twombly, James	Woods, Phyllis

SULLIVAN

Odell, Bob	Rodeschin, Beverly
------------	--------------------

NAYS 158

BELKNAP

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

CARROLL

Quimby, Lee

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espieffs, Peter
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, John	Richardson, Barbara	Russell, Ronald	Weed, Charles
Zerba, Roger			

COOS

Bradley, Paula	Davis, Perley	Landers, Dana	Rodrigue, Robert
----------------	---------------	---------------	------------------

GRAFTON

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

HILLSBOROUGH

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Bergin, Peter
Buckley, Raymond	Cardin, Lori	Clayton, William	Cote, David
Cote, Peter	Craig, James	Daigle, Robert	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Duval, Jeffrey	Dwyer, Paul
Eaton, Richard	Flora, Kathleen	Foster, Linda	Furman, Christine
Gargas, Carolyn	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Hall, Betty	Jean, Claudette	Johnson, Lionel
Kacavas, John	Konys, Christine	Lasky, Bette	Lefebvre, Roland
Leishman, Peter	Lynde, Harold	Martin, Mary Ellen	Melcher, Harold
Movsesian, Lori	O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas
Shaw, Barbara	Spiess, Paul	Sweeney, Cynthia	Vaillancourt, Steve
White, John			

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Daneault, Gabriel
Davis, Frank	Feuerstein, Martin	Fraser, Marilyn	French, Barbara
Gile, Mary	Hager, Elizabeth	Jacobson, Alf	Lockwood, Priscilla
Moore, Carol	Perkins, Randy	Potter, Frances	Reardon, Tara
Rodd, Beth	Rush, Deanna	Seldin, Gloria	Whittemore, James

Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn	Case, Margaret	Coes, Betsy	Cooney, Richard
DiFruscia, Anthony	Kane, Cecelia	Langone, John	McGuire, Robert
Micklon, Stephanie	Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura
Pitts, Jacqueline	Robertson, Carl	Shultis, Elizabeth	Splaine, James
Trueman, Raymond	Weatherspoon, Jacquelyne	Woekel, Ralph	

STRAFFORD

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

SULLIVAN

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

and the floor amendment was adopted.

On a division vote, 203 members having voted in the affirmative and 156 in the negative, the report was adopted.

Referred to Finance.

regular calendar (cont'd)

CACR 14, relating to the election of the attorney general and the appointment of county attorneys. Providing that the attorney general shall be elected by the general court and county attorneys shall be nominated and appointed by the governor and executive council. **INEXPEDIENT TO LEGISLATE**

Rep. Janet S. Arndt for Election Law: This CACR would have the attorney general elected by the legislature. The committee felt that the election by the legislature would make the attorney general

indebted to the legislators and it would overly politicize the position. Allowing the governor to make the appointment with approval of the executive councilors as it is presently done gives more options for changing the attorney general. The CACR would also have the governor appoint and the executive council approve all county attorneys. This would drastically change present practice and is unwarranted at this time. Vote 16-2.

Adopted.

HB 633, relative to the order of names on ballots. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Natalie S. Flanagan for the Majority of Election Law: The committee felt that the random drawing by the secretary of state for the order of names on the ballot was not necessary. Although the sponsors intent is laudable, it would add to the ballot confusion instead of the simple alphabetical order system we have presently. This bill will only affect elections in multi-seat legislative districts. Vote 13-6.

Rep. Steve Vaillancourt for the Minority of Election Law: The tri-partisan minority (that means that members of all three parties were included) believes this bill is a simple matter of fairness. Currently, names are placed on the ballot in alphabetical order. The bill would mandate the secretary of state to choose a letter at random the day prior to the filing for an election cycle. In other words, if "M" were chosen, names beginning with "M" would appear first on the ballot, then "N", etc. until we get to "L" which would be the 26th and last letter. National surveys have shown that placement on the ballot can provide an advantage of as much as five percent. The minority (whose names begin with letters ranging from B to K to V) believes that, although such placement would affect the outcome of only a few elections, fairness dictates that every effort be made to remove even such a small advantage. The random drawing provides fairness without any great amount of confusion or effort. The minority also wishes to stress that this bill does not alter the current system of all members of the Republican Party being listed first, then the Democratic Party, then any third party candidates. The randomization would be in effect for primaries as well as general elections and would be most applicable in multi-seat state representative districts such as Derry, Londonderry, Goffstown or other towns where many names appear in the same ballot slot.

The majority report was adopted.

HB 324-FN, relative to the classification of certain service of correctional line personnel as group II service and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This bill is quite complex relative to the classification of certain service of correctional line personnel as group II service and making an appropriation therefor. In the past, a long state dispute over group I-group II status was finally resolved and this bill now asks that the state pay for the total buy-back for the affected personnel that were reassigned from group II to group I status over a period of several years. Due to the complexity for the situation, the legal questions involved and the fact that all administrative procedures in the courts have not been resolved, the committee felt that the bill was neither in the best interest of the employees involved or the state. The cost to resolve the situation is between \$1,000,000.00 and \$2,535,000.00 which would be paid from the general fund. Vote 11-3.

Adopted.

HB 746, authorizing citizen suits to assure enforcement of New Hampshire's environmental statutes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert H. Rowe for the Majority of Judiciary: An overwhelming majority of the Judiciary Committee found this proposal of citizen lawsuits – initiated against their neighbors and communities – a dangerous proposition. The Legislature enacted most of our environmental laws with the assumption and expectation that the Department of Environmental Services, a state agency, with the Attorney General, would exercise significant DISCRETION in its enforcement of those laws. This proposal totally destroys that expectation of reasonableness. The majority believes that the role of enforcement should be the responsibility of the state agencies that administer the law and implement the rules. If DES is unable in its efforts (and some of us believe that it may be) it is the responsibility of the Legislature to take the necessary steps to correct the problems – not a citizen with the support of a well financed environmental action organization to do so. This bill would throw common sense out the window in dealing with our environmental issues – and in its place there would be unreasonable expense to citizens and businesses, posting of privately owned lands, delayed and/or prohibited lumbering operations, and certainly a clear sense that New Hampshire will no longer be the "Live Free or Die" state. Vote 16-1.

Rep. Peter S. Espie for the Minority of Judiciary: HB 746 gives a citizen the opportunity to bring an action where the Department of Environmental Services (DES) is indifferent to or unable to protect the public interest. The citizen's right to sue arises only after the DES has been notified and has failed to act within 60 days. If the citizen's lawsuit is deemed trivial, the court may assess attorneys' fees against the citizen. The bill is supported by the Attorney General of New Hampshire because enforcement of the environmental laws by the DES has been deficient. It is critical that the State's environmental laws be capable of enforcement by its citizens in order to support the authority and integrity of the State's environmental policy. The bill needs some technical fine tuning, and ought to be referred to committee for further consideration.

The majority report was adopted.

HB 25-FN-A, making appropriations for capital improvements. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Edwin O. Smith for the Majority of Public Works and Highways: The Committee worked very hard to get this Capital Budget to the final stage. The funding for capital projects for the University System was the major point of discussion. The majority and the minority agree that the total amount of the appropriation for renovations should be \$100 million. This would be one of the largest funding commitments ever made by the legislature. In fact, it is unprecedented in our capital budget history. The majority of the committee determined that it is in the best interest of the state and the entire capital budget process that the \$100 million commitment should actually be spread out over the next 3 bienniums (6 years) rather than appropriating the entire amount up front as the minority would like. As such the majority proposes to appropriate \$34 million for the biennium ending June 30, 2003, \$33 million for the biennium ending June 30, 2005, and \$33 million for the biennium ending June 30, 2007. The top priorities of the University are still addressed in the same order as the requests. This funding plan provides the type of accountability expected of all other state agencies for capital budget appropriations and spending while still providing the University with the money needed over time to meet its demonstrated need to renovate certain buildings. In addition to the University System portion, the committee looked at life safety issues. Many projects included in the budget were directed to protecting the public who visit our buildings regularly, and employees who serve the needs of government. We also looked seriously at the high school vocational education system, approving a major upgrade to a facility. The Community Technical College System received funding allowing them to expand some programs. We added an item for the Department of Cultural Resources to install a statewide catalog system for local libraries and their local citizens to use. In addition, we continued many ongoing programs for various state buildings, including completing the renovations of the state laboratory on Hazen Drive, a new court facility in Carroll County, and the

learning center for the Community Technical College System at Stratham. All of these projects were more than \$1,000,000 each, and all from General Fund bonds. Vote 12-5.

Rep. John R. Cloutier for the Minority of Public Works and Highways: Overall, the capital budget included in this bill makes some worthwhile investments to improve our state's infrastructure. But, the minority respectfully cannot support the bill in its present form as amended by the majority, because it fails to include a long-term six-year \$100 million plan of renovations to the University System's academic buildings. Such a plan should help the System design and construct such buildings more efficiently, thus saving the taxpayers money in the long run. The majority's plan of renovating the buildings piecemeal biennium by biennium for the next six years would not produce such savings in the minority's opinion. Instead the minority supports an amendment which includes a long-term six-year \$100 million plan.

Majority Amendment (0582h)

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

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

I. Adjutant General.

	A. Armory Renovations - Statewide	\$ 400,000
210,000	B. Reroofing Plymouth and Franklin Armories and SMR building "F"	
	C. Army Aviation Support Facility Construction - Concord	30,600,000
	Less Federal	<u>-30,600,000</u>
	Net state appropriation subparagraph C	0
	D. NHSVC Administration Building	514,000
	Less Federal	<u>-514,000</u>
	Net state appropriation subparagraph D	0
	E. NHSVC Grave Locator and Public Restroom	94,000
	Less Federal	<u>-94,000</u>
	Net state appropriation subparagraph E	0
	F. NHSVC Columbarium Expansion	305,000
	Less Federal	<u>-305,000</u>
	Net state appropriation subparagraph F	0

G. NHSVC Irrigation	141,000	
Less Federal	<u>-141,000</u>	
Net state appropriation subparagraph G		0
H. NHSVC Foot Bridge	210,000	
Less Federal	<u>-210,000</u>	
Net state appropriation subparagraph H		0
I. USPFO Addition and Renovation	4,036,700	
Less Federal	<u>-4,036,700</u>	
Net state appropriation subparagraph I		0
J. NHNG Training Site Range-Center Strafford	2,280,800	
Less Federal	<u>-2,280,800</u>	
Net state appropriation subparagraph J		<u>0</u>
Total state appropriation paragraph I	\$610,000	

II. Administrative Services.

A. Bureau of General Services.

1. State Laboratory - Complete HVAC Repairs	\$ 8,552,200	
2. E-911 Install Ventilation Unit	133,000	
3. 6 Hazen Drive - Install Fire Suppression System	807,500	
4. State Library - Install Fire Suppression System	310,000	
5. State House Annex - Life Safety Code Improvements		
6. State House Annex - Upgrade Elevators	198,000	
7. 6 Hazen Drive - Replace State Laboratory Roof	160,000	
8. State House - Upgrade Elevators	198,000	
9. State House - Repoint Exterior Granite & Caulk Windows		
106,500		
205,000		

	10. State House – Dome	300,000	
	11. State House Annex – Mailroom Lift	93,500	
229,576	12. Johnson Hall Renovations - State Office Park South		
	13. Storrs Street Garage - Parking Garage Repairs	<u>513,000</u>	
	Total state appropriation subparagraph A		\$11,806,276

B. Bureau of Court Facilities.

	1. Carroll County Courthouse Construction	\$ 6,250,000	
	2. Roof - Nashua	<u>115,700</u>	
	Total state appropriation subparagraph B		<u>\$ 6,365,700</u>

Total state appropriation paragraph II \$18,171,976

III. Agriculture, Markets, and Food.

	A. NH Bldg. At Eastern States Exposition	<u>\$200,000</u>	
--	--	------------------	--

Total state appropriation paragraph III \$200,000

IV. Community-Technical College System.

	A. Learning Resource Center - Stratham	\$1,584,000	
	B. System Maintenance - Statewide	705,000	
	C. Machine Tool Lab - Nashua	350,000	
	D. New Academic Building - Laconia (Design)	700,000	
	E. Mezzanine Instruction Renovation - Manchester	739,850	
	F. Computer System Upgrades *	600,000	
	G. Computer System Upgrades – Claremont*	350,000	
	H. Mobile Equipment Center Design/Child Care – Berlin	250,000	
	I. Christa McAuliffe Planetarium – Alan B. Shepard Memorial Wing		

100,000

Total state appropriation paragraph IV \$ 5,378,850

V. Department Of Corrections.

A. Upgrade Electronic Perimeter Fence Phase 2 - Concord \$100,000

Total state appropriation paragraph V \$100,000

VI. Department of Cultural Resources.

A. Statewide Union Catalog Hardware* \$225,000

Total state appropriation paragraph VI \$225,000

VII. Department Of Education.

A. Education Statistics System * \$200,000

B. Grants Management * 650,000

Less Federal -500,000

Net state appropriation subparagraph B 150,000

C. Vocational Rehabilitation Case Management System * 170,000

Less Federal -140,000

Net state appropriation subparagraph C 30,000

D. Career Development System (Phase 2) * 227,500

Less Federal -98,000

Net state appropriation subparagraph D 129,500

E. Regional Vocational Center Renovation - Keene 4,500,000

Total state appropriation paragraph VII \$5,009,500

VIII. Department Of Environmental Services.

A. Drinking Water SRF Matching Funds \$721,400

B. Wastewater SRF Matching Funds 5,361,274

Total state appropriation paragraph VIII \$6,082,674

IX. Department Of Health & Human Services.

A. Patient Res. ADA & Fire Sys/Transitional Housing

– State Office Park South	\$433,750	
B. Asbestos Abatement - State Office Park South	996,250	
C. Main Building - ADA, Fire/Life Safety Renovations	265,000	
D. MOP Roof Replacement/Wiring, Phone, Alarm - Laconia	210,000	
E. Laconia MR Offenders New Building	500,000	
F. Patient Care Network *	700,000	
G. LITS (Lab Information Tracking System) *	250,000	
H. Bridges Enhancement *	\$3,000,000	
Less Federal	<u>-1,500,000</u>	
Net state appropriation subparagraph H	1,500,000	
I. DFA New Heights Enhancements *	3,100,000	
Less Federal	<u>-1,550,000</u>	
Net state appropriation subparagraph I	<u>1,550,000</u>	
Total state appropriation paragraph IX	\$6,405,000	

X. Liquor Commission.

A. Renovate Store #38 & Parking Lot - Portsmouth	\$685,000	
B. Renovate Store #34 - Salem & New HVAC	<u>593,000</u>	
Total state appropriation paragraph X	\$1,278,000	

XI. Department Of Resources and Economic Development.

A. Statewide Radio System	\$582,200	
B. Exterior Repairs, Roofing - Statewide	200,000	
C. Road Repairs/Parking Lot Maintenance - Statewide	200,000	
D. Cannon Mt. Aerial Tram-Upgrade Drive & Control Sys.	995,000	
Less Park Fund	<u>-995,000</u>	
Net state appropriation subparagraph D	<u>0</u>	

Total state appropriation paragraph XI \$982,200

XII. Supreme Court.

A. Computer System Upgrade * \$1,100,000

Total state appropriation paragraph XII \$1,100,000

XIII. Department Of Transportation.

A. 5-10 percent match for FAA Projects \$2,800,000

B. Repair State Rail Lines 2,000,000

Less Federal -1,000,000

Net state appropriation subparagraph B 1,000,000

C. Public Transit Bus Replacement 1,000,000

Less Federal -800,000

Less Other -100,000

Net state appropriation subparagraph C 100,000

Total state appropriation paragraph XIII \$3,900,000

XIV. Veterans Home.

A. 100 Electric Beds \$150,000

B. Parker Tubs 40,000

Total state appropriation paragraph XIV \$190,000

XV. Youth Development Services.

A. King Cottage Renovations - Const. YDS \$415,000

B. ADA Compliance and Sprinkler/Fire Detection - Const. 500,000

Total state appropriation paragraph XV \$915,000

Total state appropriation section 1 \$50,548,200

* The bonds issued for these projects shall be 5 year bonds.

2 Appropriation; University System of New Hampshire.

I. The general court intends to appropriate a total of \$100,000,000 during the bienniums ending June 30, 2003, June 30, 2005, and June 30, 2007 to fund capital improvement projects at the university system of New Hampshire. The legislature intends to appropriate \$33,000,000 for the biennium ending June 30, 2005; and \$33,000,000 for the biennium ending June 30, 2007.

II. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Murkland Hall renovation	\$ 8,500,000
B. Mason Library renovation	\$ 4,600,000
C. Boyd Hall renovation and expansion	\$16,000,000
D. Kingsbury Hall design	\$ 3,000,000
E. NHPTV equipment	<u>\$ 1,900,000</u>
Total state appropriation section 2	\$34,000,000

III. Requests by the university system of New Hampshire submitted in the capital budget request in accordance with RSA 9 for the bienniums ending June 30, 2005 and June 30, 2007 shall specify which projects the university system intends to include in the \$33,000,000 to be appropriated for that biennium.

3 Appropriation; Fish and Game Department. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Statewide Fish Hatchery Capital Improvement Study	<u>\$200,000</u>
Total state appropriation section 3	\$200,000

4 Appropriation; Department of Safety and Department of Transportation. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Department Of Safety.

A. Hayes Building Sprinkler System	\$424,500
B. Radio System – County Tie-in	<u>1,000,000</u>
Total state appropriation paragraph I	\$1,424,500

II. Department Of Transportation.

A. Security & Building Modifications - Traffic	\$ 626,000
B. Energy/Environmental Renovations/Replacements	
and Emergency Repairs - Statewide	1,000,000

407,000 C. Replacement of Shop Cranes - Mechanical Services - Statewide

D. New Garage & Testing Lab Facility	\$18,423,000
Less Other (Sale of existing garage)	<u>-4,000,000</u>
Net state appropriation subparagraph D	<u>14,423,000</u>
Total state appropriation paragraph II	<u>\$16,456,000</u>
Total state appropriation section 4	\$17,880,500

5 Expenditures: General. The appropriation made for the purpose mentioned in sections 1, 3, and 4 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

6 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said buildings or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees, in its discretion, may wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees and subject to the provisions of section 13 of this act.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of

applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

7 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, and 4 of this act, except such land, if any, as may be acquired under the appropriation for the department of environmental services, shall be purchased by the commissioner of the department of transportation with the approval of governor and council.

8 Bond Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$102,628,700 and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

9 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds in the state.

II. The payment of principal and interest on bonds issued for the projects in:

(a) Section 3 shall be made from the fish and game fund.

(b) Section 4 shall be made from the highway fund.

10 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1, 3, and 4 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 8 shall be reduced by the same amount.

11 Transfers. The individual project appropriations provided in sections 1, 2, 3, and 4 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by governor and council, or for expenditures made pursuant to section 6 by the trustees of the university system, to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source, provided that prior approval of the capital budget overview committee is obtained.

12 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 3 and 4 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such projects and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by

which federal, local, or other funds are reduced. The amount of bonding authorized by section 8 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

13 Oversight and Reporting Required; University System. The legislative budget assistant shall provide a report every 90 days to the governor and legislative capital budget overview committee on the progress of each of the capital projects funded from the sum appropriated and authorized in section 2 beginning September 30, 2001 until the funds appropriated in section 2 are fully expended. Said reports shall include the method of selecting contractors, the current total project cost, funds encumbered, actual expenditures, and estimated completion date for each project. The board of trustees of the university system of New Hampshire shall provide information necessary for the reports upon request of the legislative budget assistant.

14 Appropriation; Office of the Legislative Budget Assistant. The sum of \$50,000 for the biennium ending June 30, 2003, is hereby appropriated to the office of the legislative budget assistant for the purpose of preparing the reports required by section 13 of this act. This appropriation shall be in addition to any other sums appropriated to the office of the legislative budget assistant. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

15 Information Technology Equipment and Software. Individual project appropriations for information technology equipment provided for by sections 1, 3, or 4, or for any other agency in any budget bill enacted during the 2001 legislative session, shall not be spent, obligated, or encumbered until such time as the agency's information technology plans are reviewed by the division of information technology management pursuant to RSA 21-I:67 and approved by the capital budget overview committee. The division of information technology management shall review any such agency technology plans within 90 days. An agency may request an extension of time from the capital budget overview committee.

16 Appropriation; Payment of Bonds and Notes; Department of Regional Community-Technical Colleges; Addition to Student Center; Concord.

I. The sum of \$1,500,00 is appropriated to the department of regional community-technical colleges for the purpose of the construction of an addition to the Dr. Goldie Crocker Wellness Center on the Concord campus.

II. To provide funds for the appropriation made in paragraph I the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,500,00 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the technical institute private fund.

17 Appropriation Purpose Amended; Department of Transportation; Salt Sheds; Exeter, Gonic, Moultonborough. Amend 1999, 226:4, I, B to read as follows:

B. [~~Roof repair/Stickney Ave.~~] ***Salt Sheds – Exeter Patrol Shed,***

Gonic, Moultonborough

630,000

18 Lapse Dates Extended to June 30, 2003. The following appropriations are hereby extended to June 30, 2003.

I. The appropriation made to the department of corrections in 1995, 309:1, IV, K, as amended by 1997, 349:29, and as extended by 1997, 349:34, XVII and 1999, 226:32, VIII, for preliminary design of expanded correctional facilities, including land acquisition, in accordance with federal crime bill grants.

II. The appropriation made to the department of corrections in 1998, 223:2, as extended by 1999, 226:32, XLII, for the design and construction of the new medium security prison and for furnishings and equipment for inmates of the new prison.

III. The appropriation made to the department of corrections in 1999, 226:1, V, D, for a new halfway house.

IV. The appropriation made to the department of resources and economic development in 1997, 349:1, X, B, C, as extended by 1999, 226:32, XXXVI, for rocky bend seawall repairs and replacement of the Sunapee bathhouse.

V. The appropriation made to the department of resources and economic development in 1999, 226:1, XII, A, C, D, E, for ADA compliance for parks facilities, new toilet facilities – Hampton, septic gray water system – Mount Washington, and install power – Crawford Notch.

VI. The appropriation made to the department of administrative services in 1999, 226:I, II, A, 1, for Johnson Hall stair tower.

VII. The appropriation made to the department of administrative services in 1995, 309:1, II, A, 1, as extended by 1997, 349:34, XI and 1999, 226:32, V, for health and human services building and laboratory HVAC renovations.

VIII. The appropriation made to the department of administrative services in 1999, 226:1, II, A, 2, for state lab electrical wiring/panel replacement.

IX. The appropriation made to the department of administrative services in 1999, 226:I, II, A, 4, for health and human services flash and recoat stair tower.

X. The appropriation made to the department of administrative services in 2000, 283:2, for renovation to the Walker building.

XI. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 3, as extended by 1999, 226:32, XIX, for roof repairs – Supreme Court.

XII. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 12, as extended by 1999, 226:32, XXII, for emergency repairs, contingency fund.

XIII. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 13, as extended by 1999, 226:32, XXIII, for the life safety, renovations – health and human services building.

XIV. The appropriation made to the department of administrative services in 1999, 226:1, II, A, 8, for executive/legislative budget system.

XV. The appropriation made to the department of administrative services, bureau of court facilities in 1993, 359:1, II, B, 2, as extended by 1994, 171:1, 1996, 257:5 and 1998, 226:4, and as amended by 2000, 283:4, for the Plaistow district court.

XVI. The appropriation made to the department of administrative services in 1995, 309:1, II, B, 3, as amended by 1997, 349:34, XIV, and as extended by 1999, 226:32, VI, for the study and design of court facility on county donated land – Carroll County Superior Court.

XVII. The appropriation made to the department of administrative services in 1997, 349:1, II, C, 1, as extended by 1999, 226:32, XXV, for the bureau of court facilities Dover/Durham/Somersworth District Court.

XVIII. The appropriation made to the department of administrative services in 1999, 226:1, II, A, 9, for information technology plan consultants.

XIX. The appropriation made to the department of safety in 1999, 226:4, II, A, as amended by 2000, 132:2, for design and construct troop D barracks/DMC training.

XX. The appropriation made to the department of safety in 1999, 226:4, II, D, for carpeting at 10 Hazen Drive, Concord

XXI. The appropriation made to the department of safety in 1999, 226:4, II, B, for paving and roof replacement at troop stations.

XXII. The appropriation made to the department of education in 1999, 226:1, VI, A, for computer applications expansion/replacement.

XXIII. The appropriation made to the department of transportation in 1993, 359:1, XII, A, 1, as extended by 1994, 171:1, 1996, 215:3, III, 1997, 349:34, X and 1999, 226:32, IV, for land acquisition for navigation beacons.

XXIV. The appropriation made to the department of transportation in 1997, 349:1, XIV, A, as extended by 1999, 226:32, XXXVII, for 5-10 percent match FAA airport projects.

XXV. The appropriation made to the department of transportation in 1999, 226:1, XIII, A, for match for FAA projects.

XXVI. The appropriation made to the department of transportation in 1999, 226:1, XIII, B, for match for public transit bus replacement.

XXVII. The appropriation made to the department of transportation in 1999, 226:1, XIII, C, for acquisition for railroad and airport properties.

XXVIII. The appropriation made to the department of transportation in 1999, 226:1, XIII, E, for compliance, governor's commission on disability.

XXIX. The appropriation made to the department of transportation in 1999, 226:4, I, E, for energy and environmental renovations-statewide.

XXX. The appropriation made to the department of transportation in 1999, 226:4, I, F, for Conway rest area.

XXXI. The appropriation made to the department of transportation in 1999, 226:1, XIII, D for the Concord rail bridge.

XXXII. The appropriation made to the department of transportation in 1999, 226:4, I, B, as amended by section 17 of this act, for salt sheds - Exeter patrol shed, Gonic, Moultonborough.

XXXIII. The appropriation made to the department of health and human services in 1995, 309:1, VII, B, I, as extended by 1997, 349:34, XXIII and 1999, 226:32, XI, for RSA 171-B mentally retarded criminal offenders.

XXXIV. The appropriation made to the department of health and human service by 1995, 310:191, as amended by 1997, 349:31 and 1998, 276:2, as extended by 1997, 349:34, XXXVII and 1998, 276:3, and as amended by 1999, 226:29 and extended by 1999, 226:32, XVI for design and renovation of APS-B-wing, M and S building and Thayer building improvements, Glencliff home improvements, and improvements to the Brown building.

XXXV. The appropriation made to the department of health and human services in 1999, 226:1, VIII, A for laboratory safety improvements.

XXXVI. The appropriation made to the department of health and human services in 1999, 226:1, VIII, F for Laconia developmental services campus-designated receiving facility renovations- developmental services.

XXXVII. The appropriation made to the department of health and human services in 1999, 226:1, VIII, H for information technology.

XXXVIII. The appropriation made to the New Hampshire port authority in 1999, 226:1, XI, A, for building improvements.

XXXIX. The appropriation made to the New Hampshire veterans' home in 1999, 226:1, XIV, A, to design and build a new facility.

XL. The appropriation made to the adjutant general in 1999, 226:1, I, C, for renovation of state armories.

XLI. The appropriation made to the community technical college system in 1999, 226:1, IV, C, for maintenance/critical repairs.

XLII. The appropriation made to the community technical college system in 1999, 226:1, IV, D, for general science laboratory upgrades.

XLIII. The appropriation made to the department of environmental services in 1999, 226:1, VII, D, for storage building for emergency response equipment.

XLIV. The appropriation made to the department of health and human services in 1999, 226:1, VIII, F, for Laconia developmental services campus-designated receiving facility renovations-developmental services.

19 Contingency; Department of Transportation. Sections 17 of this act and paragraph XXXII of section 18 of this act shall only take effect if the 2001 capital budget includes the appropriation to

the department of transportation for a new garage and testing lab facility, as provided in paragraph II, D of section 4 of this act.

20 Effective Date.

I. Section 18 of this act shall take effect June 30, 2001.

II. The remainder of this act shall take effect on July 1, 2001.

The question being the adoption of the majority committee amendment.

Rep. Marjorie Smith spoke against and yielded to questions.

Rep. Edwin Smith spoke in favor and yielded to questions.

Adopted.

Report adopted.

Referred to Finance.

Rep. Jeb Bradley moved that Rep. Edwin Smith's remarks on **HB 25**, making appropriations for capital improvements, be printed in the Journal.

Adopted.

Rep. Edwin Smith: Thank you Mr. Speaker. While the previous speaker and I share the same name, we don't always agree, but we always disagree agreeably. The Public Works and Highways Committee spent a long time on this budget and I think we have a good product that came out of that deliberation. There was a copy of the handout in your mailbox outside for everyone to have and you can look up and see where the changes were that we made. The biggest area of disagreement on the budget was the University System. We felt that there have been some times in the past when the two did not see eye to eye, that being the University System and the legislature, as far as where the appropriations were spent. We felt that if we appropriated or agreed to the one hundred million dollars with the very strong intent, and that is what we are doing, we are saying we will appropriate, we intend to appropriate one hundred million dollars over the next six years. The intent of the legislature goes a long way; the court decisions in a lot of things that we do, the intent is the primary focus of what goes on in the future and what was intended at the time of legislation. There is no question in my mind but what a majority, unanimously, on the committee, think that the one hundred million dollars should be spent to improve the University System's buildings. The building that seems to be getting the most attention is Kingsbury Hall. Kingsbury Hall is the engineering building and, as many of you have heard, there is a question about the accreditation of the facility. In that light, when we were talking with the University people who were presenting the budget to us, we asked them if they would like to change the priority and make that the number one priority so that something could be done sooner. They said "no", that they wanted to keep with their priorities from prior years and not make any changes. But as far as doing something sooner, when you look at that the planning money is in the current appropriation, the planning time to get that from where it is now to having specs to go out to bid is 15 to 18 months, if everything goes well without any hitches. We're going to be in the next biennium at that time. We have the intent, and I would hope that everyone here who votes for the capital budget has the same intent. That when we look at this capital budget two years from now, we made a commitment that we would do the next funding phase

of this. But to go back to Kingsbury again, that building should go on seamlessly, the appropriation that comes in two years will allow them to continue to move forward with the construction of that building and it should be realized as soon as it would be if we did the whole project for one hundred million dollars.

The other problem we had appropriating one hundred million dollars at one time over six years, there are a couple of other agencies who had the same needs as far as buildings and we felt if we treated one appropriation differently than we treated the others, that wouldn't be fair and to accommodate the University to do what they need to do, we realized that we had to go the one hundred million dollar route, but we certainly give the intent that we will continue to fund this and we will do it as flexibly as we feel we can. We do think that this process should work the way we have it lined out and we do give our word we will continue to do this and as I said earlier, I hope the whole House does this when we vote on the capital budget -- that we remember that there is a commitment here and we will be coming back in two years to fulfill that commitment and two years in the future after that we will also be looking for the same commitment from this body.

Rep. Jeb Bradley: Thank you, Mr. Speaker, Thank you for yielding, Rep. Smith. I appreciate, as the prime sponsor of HB 336, your strong commitment to funding in the capital budget process on an ongoing basis the one hundred million dollars. This is my question. I'm sure that you are still aware of the concern that while the capital budget this year has a 34 million dollar rough appropriation for the University and the intent of the remaining 66 million dollars is not cast in stone and is there some way, Rep. Smith, that you can assure myself, as a sponsor of this bill, and all of the other supporters of the University that this intent will be met?

Rep. Edwin Smith: If you read the amendment that is in the bill, it does say it is the intent of the legislature to fund the full 100 million dollars. Also, the part of the public record that is in the committee folder says statement of intent; the "blurb" is written after that and we say in the "blurb" we intend to do that. Certainly the commitment is there from those of us who are here, we all know that not all of us are going to be returning in two years, but have talked about this and I think that we have made our intentions well known.. I don't think that anyone out there is going to forget that we are standing up here saying that's the intent of the committee.

HB 402, relative to the establishment of a state universal service fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. John H. Thomas for Science, Technology and Energy: The committee found that universally available and affordable basic telephone services are essential to the prosperity and development of the state, and authorizes the Public Utilities Commission (PUC) to establish draft rules in relation to a state universal service fund. The intent is to authorize the PUC to develop draft rules and to assess costs and services associated with a universal service program in order to assist the General Court in considering the enactment of a state universal service program. After the rules, costs and services have been drafted and statutorily approved by the General Court in subsequent legislation, the PUC shall require every provider of intrastate telephone service to contribute to a state universal services fund to support the programs and goals of this act. It is not the intent of the legislature that this act is to be used to subsidize rates. Vote 14-0.

Amendment (0532h)

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

1 Declaration of Purpose and Findings. The general court finds that universally available and affordable telephone services are essential to the prosperity and economic development of the

state. This act authorizes the public utilities commission to establish rules in relation to a state universal service fund to provide affordable basic service consistent with federal law to low-income users and comparability of service and rates for affordable basic telephone service in high cost service areas. This act further provides the public utilities commission the authority to develop draft rules in relation to public interest pay telephones.

2 Intent. Passage of this act is not intended to establish or to authorize the establishment of a state universal service fund. The intent of the general court is to authorize the public utilities commission to develop draft rules consistent with the standards established in this act and to require the public utilities commission to assess the costs and services associated with a universal service program in order to assist the general court in considering the enactment of a comprehensive universal service program.

3 New Section; Affordable Telephone Service. Amend RSA 374 by inserting after section 22-o the following new section:

374:22-p Affordable Telephone Service; Rulemaking; Standards.

I. For the purposes of this section, "Federal Telecommunications Act" means the federal Telecommunications Act of 1996, Public Law 104-458, 110 Stat. 56.

II. Subject to RSA 362:6, the commission shall require every provider of intrastate telephone service to participate in outreach programs designed to increase the number of low-income telephone customers on the network through increased participation in any universal service program approved by the commission and statutorily established by the legislature. Statewide outreach programs shall continue until further order of the commission.

III. The commission shall seek to ensure that affordable basic telephone services are available to consumers throughout all areas of the state at reasonably comparable rates.

IV.(a) The commission shall develop draft rules to implement this section and shall, after the statutory establishment of a universal service fund, require every provider of intrastate telephone services to contribute to a state universal service fund to support programs consistent with the goals of applicable provisions of this title and the Federal Telecommunications Act.

(b) If the commission, upon statutory establishment of a universal service program, establishes a state universal service fund pursuant to this section, the commission shall contract with an appropriate independent fiscal agent that is not a state entity to serve as administrator of the state universal service fund. Program administration shall be designed in the most cost-effective manner possible. Funds contributed to a state universal service fund are not state funds and therefore are not subject to provisions of law relating to the general fund. Rules and any state universal service fund requirements established by legislative enactment and by the commission pursuant to this section shall:

(1) Be reasonably designed to maximize federal assistance available to the state for universal service purposes.

(2) Meet the state's obligations under the Federal Telecommunications Act.

(3) Be consistent with the goals of the Federal Telecommunications Act.

(4) Ensure that any requirements regarding contributions to a state universal service fund be nondiscriminatory and competitively neutral.

(5) Require explicit identification on customer's bills of contributions to and in the event of fund termination, refunds from, any state universal service fund established pursuant to the section.

(6) Allow consideration in appropriate rulemaking proceedings of contributions to and in the event of fund termination, refunds from, any state universal service fund established pursuant to this section.

(c) For purposes of this section, "providers of intrastate telephone services" includes providers of radio paging service and, subject to the provisions of the Federal Communications Act as amended and codified at 47 U.S.C. sec. 332(c)(3)(A), mobile telecommunications services.

(d) Prior to requiring that providers of intrastate telephone service contribute to a state universal service fund and prior to statutory establishment of a universal service fund, the commission shall report to the general court its determination of the expected program costs, the amount and type of the funding mechanism, the number of people proposed to be served, the level of proposed service, and the administrative design of the proposed fund.

V. The commission, annually, shall assess the penetration rate of basic telephone services. If this penetration rate ever falls below the national average penetration rate, the commission shall commence an investigation and take steps to enhance telephone market penetration. The commission, annually, shall assess the success of any action taken by the commission to achieve the purpose of this section. The public policy goal should be to raise the low income penetration level as close as reasonably possible to the statewide average.

VI. The commission shall have the authority to permit funding from the universal service fund of fair compensation to providers of public interest pay telephones, as defined by the commission, that are provided in the interest of public health, safety, and welfare in locations where there otherwise would not be a payphone.

VII. Funding of public interest payphones shall be fair and equitable, shall be competitively neutral, and shall not involve the use of subsidies prohibited by the Federal Telecommunications Act or rely on federal universal service support.

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

AMENDED ANALYSIS

This bill requires the public utilities commission to develop draft rules regarding a state universal service fund. This bill also establishes requirements for a state universal service fund which provide that, if the legislature establishes a universal service program, the universal service program shall:

I. Require providers of intrastate telephone service to participate in outreach programs to low-income telephone customers.

II. Require providers of intrastate telephone service to contribute to a state universal service fund.

III. Permit the public utilities commission to fund, from a universal service fund, public interest pay telephones.

Adopted.

Report adopted and ordered to third reading.

**HB 489, relative to the regulation of rural electric cooperatives by the public utilities commission.
OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Science, Technology and Energy: This legislation was requested by the New Hampshire Electric Cooperative (NHEC). The legislation would allow the NHEC to be exempted from Public Utility Commission (PUC) regulations concerning Transition Service. Transition Service is competitively procured wholesale electricity for customers who have not chosen a competitive electricity supplier. NHEC requested the bill so that the Cooperative could exceed the 4-year statutory limitation on providing Transition Service. The committee believed this change was necessary, as the competitive retail electricity market has been slow in developing in New England, particularly for residential customers. Allowing the NHEC this flexibility is consistent with a law that was enacted several years ago which allows NHEC to be exempted from some PUC regulations provided that NHEC members actually vote for self governance. Ninety-four percent of NHEC members voted for self-governance in June 2000. The committee amendment also allows an additional 5 years in which Transition Service is available for all New Hampshire utilities that have already, or are about to move into deregulation. This change is particularly needed for Granite State Electric (GSE) customers who are near the end of their third year of Transition Service. The five-year time provision would also apply to PSNH customers. The amendment also gives the PUC greater flexibility in procuring Transition Service. The committee believes these changes in the electric restructuring law are necessary given the volatility in the energy commodity markets, notably oil and natural gas. The upward pressure of higher commodity prices has increased wholesale electricity prices in New England for the last several months. Vote 14-0.

Amendment (0512h)

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

AN ACT relative to the regulation of rural electric cooperatives by the public utilities commission and relative to transition and default service.

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

1 Purpose and Findings. The general court finds that:

I. Rural electric cooperatives are owned by, and operated for the benefit of, their ratepayer members.

II. The business and affairs of rural electric cooperatives are managed by boards of directors chosen by and from the membership through annual elections in which each member is entitled to one vote.

III. A primary task of the public utilities commission in its regulatory function is to balance the competing interests of ratepayers and investor owners.

IV. The ratepayers of rural electric cooperatives are also the investor owners of those organizations.

V. Regulation by the public utilities commission imposes upon rural electric cooperatives certain transactional expenses, delays, and operational restrictions which are inherent in the regulatory process.

VI. In 1997, the general court amended RSA 301:57, finding that members of rural electric cooperatives should be empowered to elect, through a vote of the membership, to limit the scope of regulation imposed upon the organization which they own and from which they purchase electricity. The general court amended RSA 362:2 to limit the public utilities commission's jurisdiction over many aspects of the business and affairs of rural electric cooperatives whose members elect limited regulation, treating such member-controlled cooperatives in a manner consistent with the regulatory treatment of municipal utilities. All rural electric cooperatives, however, remained subject to public utilities commission regulation for certain matters, including those matters addressed in New Hampshire's restructuring statute, RSA 374-F.

VII. Subsequent to the amendment of RSA 301:57 and RSA 362:2, the provisions of RSA 374-F were amended to include specific requirements concerning the provisions of transition and default service. The public utilities commission has implemented the amended provisions by issuing orders which limit the ability of all utilities, with the exception of municipal utilities, to aggregate on behalf of, or otherwise make electric energy available to, their distribution ratepayers, except pursuant to the provisions of RSA 374-F:3, V and RSA 374-F:7.

VIII. The restrictions contained in RSA 374-F:3, V and RSA 374-F:7 impose upon rural electric cooperatives certain transactional expenses, delays, and operational restrictions which contribute to higher electric costs and hinder a cooperative's ability to fulfill its mission of making affordable electric service available to its membership on a not-for-profit basis.

IX. A rural electric cooperative whose membership has elected to limit the scope of regulation imposed upon the cooperative should be subject to the provisions of RSA 374-F concerning transition service and the retail supply of electricity to the same extent as those provisions apply to a municipal utility.

2 Public Utility; Regulation of Rural Electric Cooperatives. Amend RSA 362:2, II to read as follows:

II. For the purposes of this title only, rural electric cooperatives for which a certificate of deregulation is on file with the public utilities commission pursuant to RSA 301:57 shall not be considered public utilities; provided, however, that the provisions of RSA 362-A, 363-B, 371, 374:2-a, 374:26, 374:26-a, **374-A**, 374-C, 374-F, and 378:37-39 shall, ***unless otherwise provided herein***, be applicable to rural electric cooperatives, without regard to whether a certificate of regulation or deregulation is on file with the public utilities commission. The provisions of RSA 374-A ***and the provisions of RSA 374-F:3, V(b) and RSA 374-F:7*** shall ~~apply~~ ***be applicable*** to rural electric cooperatives for which a certificate of deregulation is on file with the public utilities commission to the same extent as municipal utilities.

3 New Section; Rural Electrification Associations; Financial Responsibility. Amend RSA 301 by inserting after section 61 the following new section:

301:62 Financial Responsibility. A rural electric cooperative which has filed a certificate of deregulation with the public utilities commission shall not, without prior authorization of the commission, after consent to jurisdiction pursuant to RSA 301:60, notice, and hearing, charge, through its stranded cost recovery charge, delivery services rates, or any other rate or surcharge, any member who does not purchase generation services provided by or acquired through such rural electric cooperative, for any costs of generation services incurred by such rural electric cooperative after retail competition is certified to exist pursuant to RSA 38:36, except for electric power consumed directly by the rural electric cooperative. Nothing in this paragraph shall prevent any member or members from entering contracts of any duration with such rural electric cooperative for the purchase of generation services and being bound by their terms, including damages for termination.

4 Findings. The general court finds that:

I. Commodity prices for oil and natural gas have substantially increased in the past year, resulting in higher wholesale electricity prices in New Hampshire and throughout the New England region. The higher wholesale electricity prices have prevented competitive electricity suppliers from being able to compete with standard transition service, causing them to exit the market or not even enter it in the first place.

II. Given the increase in wholesale electricity prices and the potential lack of a significant number of viable competitive suppliers, it is important that measures be taken to protect customers from the potential of a non-competitive and volatile electricity market. For these reasons, the public utilities commission should be given ample authority and flexibility in determining the appropriate length and terms of transition and default service for each electric utility.

5 Electric Utility Restructuring Policy Principles; Transition Service. Amend RSA 374-F:3, V(b) to read as follows:

(b) As competitive markets emerge, customers should have the option of stable and predictable ceiling electricity prices through a reasonable transition period, consistent with the near term rate relief principle of RSA 374-F:3, XI. Upon the implementation of retail choice, transition service should be available for at least one but not more than [4] 5 years after ~~the start of~~ competition ***has been certified to exist in at least 70 percent of the state pursuant to RSA 38:36***, for customers who have not yet chosen a competitive electricity supplier. Transition service should be procured through competitive means and may be administered by independent third parties. The price of transition service should increase over time to encourage customers to choose a competitive electricity supplier during the transition period. Such transition service should be separate and distinct from default service.

6 New Subparagraph; Electric Utility Restructuring Policy Principles; Alternative Transition or Default Services. Amend RSA 374-F:3, V by inserting after subparagraph (d) the following new subparagraph:

(e) Notwithstanding any provision of subparagraphs (b) and (c), as competitive markets develop, the commission may approve alternative means of providing transition or default services which are designed to minimize customer risk, not unduly harm the development of competitive markets, and mitigate against price volatility without creating new deferred costs, if the commission determines such means to be in the public interest.

7 New Section; Electric Utility Restructuring Policy Principles; Competitive Market Enhancement. Amend RSA 374-F by inserting after section 7 the following new section:

374-F:8 Competitive Market Enhancement. The commission shall take an active role in advocating for nondiscriminatory open access to the electric system for wholesale and retail transactions. The commission shall participate in the activities of all regional bodies that control the transmission of electricity and shall advocate for needed structural changes that will enhance competitive markets.

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

AMENDED ANALYSIS

This bill makes certain provisions relating to transition service and competitive electricity supplier requirements applicable, to the same extent as for municipal utilities, to rural electric cooperatives for which a certificate of deregulation is on file with the public utilities commission. This bill limits the charges that may be assessed by certain rural electric cooperatives against members who do not purchase generation services by or through the cooperative. This bill also grants the public utilities commission greater discretion regarding transition and default electricity services.

Adopted.

Report adopted and ordered to third reading.

HB 707, establishing a committee to study the usage of 211 as a uniform community service information and referral number. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jacqueline A. Pitts for Science, Technology and Energy: This bill establishes a committee to study the use of 211 as a statewide information and referral line. The 211 line would provide uniform information about community services similar to 911, which provides emergency information. The Telecommunication Act of 1996 allows states to establish the 211 service. Issues that the committee will have to address include the funding mechanism and who will own data lists of information and referral providers. Vote 14-0.

Amendment (0428h)

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

1 Committee Established. There is established a committee to study the usage of 211 as a uniform community service information and referral number.

2 Membership and Compensation.

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

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

(b) Up to 3 members of the senate, appointed by the president of the senate.

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

3 Duties. The committee shall study the usage of 211 as a uniform community service information and referral number.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2001. The committee may file an interim report by November 1, 2001 and a final report on or before November 1, 2002.

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

Adopted.

Report adopted and ordered to third reading.

HB 529, relative to advertisements for sweepstakes and gambling. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Commerce: This bill reflects some of the same concerns as HB 172. The commission addressed the sponsor's concerns by putting ads on the web site as well as on the back of scratch tickets. The commission has also agreed to put trailers on all of their future TV ads. Vote 14-0.

Adopted.

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

Rep. William J. Kelley for Criminal Justice and Public Safety: This bill would abolish county departments of corrections and authorize the department of corrections to contract with the counties to utilize former county correctional facilities as state facilities. Testimony from the department of corrections indicated that the current system works well. Further, the Corrections Population Management Study of January 1995 ("Corrigan Report") reached at the same conclusion that there would be little increase in efficiency or cost-savings. Vote 14-1.

Rep. Burling spoke against and yielded to questions.

Rep. Welch spoke in favor.

On a division vote, 225 members having voted in the affirmative and 107 in the negative, the report was adopted.

HB 411, requiring that New Hampshire's presidential electors be bound to vote for the candidates of the party which nominated the electors. **INEXPEDIENT TO LEGISLATE**

Rep. Lynn C. Horton for Election Law: Currently, the presidential electors must vote for the candidates of the party which nominated the electors. The committee felt there has been no problem in New Hampshire and this bill was not needed. Vote 16-2.

Rep. Arndt moved Recommit to Committee.

Adopted.

Recommitted to Election Law.

HB 339, prohibiting the taking of deer by baiting. INEXPEDIENT TO LEGISLATE

Rep. Paul M. Mirski for Fish and Game: Baiting is currently allowed on one's own property, or on the property of another with written permission of the landowner and notification of the area conservation officer. The majority could find no reason to limit or eliminate this particular and presently available method of taking deer in New Hampshire. In the opinion of the committee, to do away with this age old practice would be difficult to enforce and a hardship for some hunters. The admirable sentiment of the sponsor of this well meaning bill was opposed by New Hampshire Wildlife Federation, Fish and Game Commission, Fish and Game Department, bow hunters, and citizens' petitions. Vote 15-0.

Rep. Mock spoke against.

Rep. Stohl spoke in favor and yielded to questions.

Rep. Herman requested a roll call; sufficiently seconded.

The question being the adoption of the committee report.

YEAS 155 NAYS 174

YEAS 155

BELKNAP

Flanders, Donald

Holbrook, Robert

Lawton, David

Nedeau, Stephen

Thomas, John

CARROLL

Dickinson, Howard

Kenney, Joseph

Patten, Betsey

Philbrick, Donald

Sullivan, P Judith

CHESHIRE

Allen, Peter

Emerson, Susan

Espieffs, Peter

Fairbanks, Chandler

Hunt, John	Meader, David	Roberts, William	Royce, H Charles
Smith, Edwin	Zerba, Roger		

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Rozek, Michael
Stohl, Eric	Woodward, David		

GRAFTON

Akins, Ralph	Alger, John	Benn, Bernard	Cobb, John
Eaton, Stephanie	Gabler, William	Gilman, G Michael	Giuda, Robert
Marshall, Gene	Mirski, Paul	Scanlan, David	Sova, Charles
Teschner, Douglass	Ward, Brien	Williams, Burton	

HILLSBOROUGH

Artz, Lawrence	Balboni, Michael	Baroody, Benjamin	Batula, Peter
Bergeron, Jean-Guy	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Christiansen, Lars	Clayton, William
Clegg, Robert Jr	Coughlin, Pamela	Drisko, Richard	Duval, Jeffrey
Dwyer, Paul	Dyer, Merton	Eaton, Richard	Fletcher, Richard
Gargas, Carolyn	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Graham, John	Greenberg, Gary	Guinta, Frank	Herman, Keith
Hopper, Gary	Johnson, Lionel	Kurk, Neal	McRae, Karen
Melcher, Harold	Mercer, Robert	Palangas, Eric	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Souza, Kathleen
Tahir, Saghir	Tate, Joan	Thompson, Rob	Thulander, O Alan
White, John			

MERRIMACK

Brewster, Richard	Clarke, Claire	Daneault, Gabriel	Feuerstein, Martin
Fraser, Leo Jr	Hager, Elizabeth	Hess, David	Hutchinson, John
Jacobson, Alf	L'Heureux, Stephen	Leber, William	Lockwood, Priscilla
Perkins, Randy	Potter, Frances	Rush, Deanna	Whalley, Michael
Whittemore, James	Winter, Steven		

ROCKINGHAM

Arndt, Janet	Bowles, Raimond	Bridle, Russell	Camm, Kevin
Clark, Vivian	Cooney, Richard	Dodge, Robert	Dowling, Patricia
Downing, Michael	Fesh, Bob	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Giordano, Ronald	Holland, James Jr	Introne, Robert
Itse, Daniel	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Letourneau, Robert	Major, Norman	McKinney, Betsy
Morse, Charles	Nowe, Ronald	Packard, Sherman	Palermo, Diane
Quandt, Marshall	Quandt, Matthew	Rabideau, Marie	Rausch, James
Saia, Pamela	Shultis, Elizabeth	Sloan, Stephen	Stone, Joseph
Trueman, Raymond	Varrell, Thomas	Welch, David	Woekel, Ralph
Zolla, William			

STRAFFORD

Berube, Roger	Bickford, David	Harrington, Michael	Twombly, James
---------------	-----------------	---------------------	----------------

SULLIVAN

Burling, Peter	Flint, Gordon Sr	Odell, Bob	Phinizy, James
Robb, Amy	Rodeschin, Beverly		

NAYS 174

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Johnson, William	Pilliod, James	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Wendelboe, Fran	Wood, Jane	

CARROLL

Babson, David Jr	Mock, Henry	Quimby, Lee	Stevens, Stanley
------------------	-------------	-------------	------------------

CHESHIRE

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	Edwards, Dana
----------------	--------------------	-----------------	---------------

Manning, Joseph
Richardson, Barbara

McGuirk, Paul

Mitchell, McKim

Pratt, John

COOS

Bradley, Paula

Davis, Perley

Tholl, John Jr

GRAFTON

Almy, Susan

Barker, Robert

Cooney, Mary

Dudley, Terri

Lovett, Sid

Naro, Debra

Nordgren, Sharon

Pawlek, Marion

Scovner, Nancy

Sokol, Hilda

Solow, Martha

HILLSBOROUGH

Allan, Nelson

Alukonis, David

Andosca, Mary

Arnold, Thomas Jr

Balcom, John

Bellavance, Paul

Buckley, Raymond

Cardin, Lori

Cote, David

Cote, Peter

Craig, James

Daigle, Robert

Dionne, Kimberley

Dokmo, Cynthia

Drabinowicz, A Theresa

Elliott, Larry

Emerton, Lawrence Sr

Flora, Kathleen

Ford, Nancy

Foster, Linda

Furman, Christine

Golding, William

Haley, Robert

Hall, Betty

Hall, Charles

Holden, Randolph

Jean, Claudette

Jean, Loren

Kacavas, John

Konys, Christine

LaFlamme, Paul

LaRose, Richard

Lasky, Bette

Leach, Edward

Lefebvre, Roland

Leishman, Peter

Lynde, Harold

Martin, Mary Ellen

McHugh, Claire

Milligan, Robert

Moran, Edward

Movsesian, Lori

O'Connell, Timothy

Panagopoulos, Nicholas

Rowe, Robert

Salts, Greg

Seibel, Christopher

Shaw, Barbara

Spiess, Paul

Sweeney, Cynthia

Vaillancourt, Steve

Wheeler, Robert

White, Donald

MERRIMACK

Anderson, Eric

Bouchard, Candace

Colcord, J D

Cummings, Raymond

Davis, Frank

Fraser, Marilyn

French, Barbara

Gile, Mary

Kennedy, Richard

Langer, Ray

MacKay, James

Moore, Carol

Poulin, David

Rodd, Beth

Seldin, Gloria

Yeaton, Charles

ROCKINGHAM

Belanger, Ronald	Blanchard, MaryAnn	Chalbeck, Kevin	Coes, Betsy
Corbin, Corey	Cox, Russell	Dalrymple, Janeen	DiFruscia, Anthony
Flanagan, Natalie	Gilbert, Karl	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hill, Jonathan	Hutchinson, Karen
Johnson, Rogers	Kane, Cecelia	Kelley, Jane	Kelley, William
Kobel, Rudolph	McGuire, Robert	Micklon, Stephanie	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Power, Lucille	Putnam, Ed II
Robertson, Carl	Ruffner, Walter	Sapareto, Frank	Splaine, James
Stritch, C Donald	Weatherspoon, Jacquelyne	Weyler, Kenneth	

STRAFFORD

Albert, Russell	Cossette, Larry	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Kaen, Naida
Knowles, William	Lachance, Douglas	McCarthy, Gerald	Pelletier, Arthur
Pelletier, Marsha	Proulx, Raymond	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Tsiros, William
Wall, Janet	Woodill, Rodney	Woods, Phyllis	

SULLIVAN

Allison, David	Cloutier, John	Ferland, Brenda	Jones, Constance
Leone, Richard			

and the committee report failed.

Rep. Mock moved Ought to Pass.

Adopted and ordered to third reading.

CACR 10, relating to term of office for judges and judicial retirement age. Providing that all judges appointed on or after January 1, 2003 shall serve a 5-year term which may be renewed by vote of the governor and council, and that the mandatory judicial retirement age shall be repealed.

INEXPEDIENT TO LEGISLATE

Rep. John M. Pratt for Judiciary: The Committee decided to consider the matter of judicial term limits contained in this CACR under CACR 3, which has been retained by the Committee. Vote 17-1.

Rep. Kennedy spoke against.

Rep. John Pratt spoke in favor.

motion to lay on the table

Rep. Mirski moved that **CACR 10**, relating to term of office for judges and judicial retirement age. Providing that all judges appointed on or after January 1, 2003 shall serve a 5-year term which may be renewed by vote of the governor and council, and that the mandatory judicial retirement age shall be repealed, be laid upon the table.

The motion failed.

Committee report adopted.

HB 429, relative to dispute resolution within the context of public employee labor relations. **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Whittier for Labor, Industrial and Rehabilitative Services: The unanimous vote was a reflection of the strong support of the committee. This bill provides a method where law enforcement, firefighters, and EMTs who are engaged in a labor relations dispute can go to an appointed neutral party for resolution. Vote 13-0.

Amendment (0491h)

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

1 New Paragraph; Labor Relations; Resolution of Disputes Involving Law Enforcement Employees or Firefighters. Amend RSA 273-A:12 by inserting after paragraph I the following new paragraph:

I-a. If the dispute involves law enforcement employees or firefighters, the parties shall accept the neutral party's findings and recommendation. Cost items associated with the neutral party's recommendation shall be submitted to the legislative body of the public employer, which shall vote to accept or reject the cost items. In those communities where the governing body and the legislative body are the same, cost items shall be deemed to have been approved. Nothing in this section shall be construed to prohibit the parties from providing for such lawful procedures for resolving impasses as the parties may agree upon, provided that no such procedures shall bind the legislative body on matters regarding cost items. The parties shall share equally all fees and costs of such procedures. The provisions of paragraphs II - IV shall not apply to dispute resolutions covered by this paragraph.

2 Labor Relations; Resolution of Disputes. Amend RSA 273-A:12, II to read as follows:

II. **For all other employees**, if either negotiating team rejects the neutral party's recommendations, his **or her** findings and recommendations shall be submitted to the full membership of the employee organization and to the board of the public employer, which shall vote to accept or reject so much of ~~his~~ **the** recommendations as is otherwise permitted by law.

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

AMENDED ANALYSIS

This bill requires that law enforcement employees or firefighters who are engaged in a labor relations dispute accept the recommendation of the appointed neutral party. Cost items associated with the neutral party's recommendation are then submitted to the legislative body of the public employer.

Adopted.

Reps. Pepino, Lachance and Rice spoke against.

Rep. Holbrook spoke against and yielded to questions.

Reps. Jane Kelley, Baroody and Gilman spoke in favor.

Rep. Pepino requested a roll call; sufficiently seconded.

The question being the adoption of the committee report.

YEAS 192 NAYS 111

YEAS 192

BELKNAP

Boyce, Laurie	Dewhirst, Glenn	Johnson, William	Nedeau, Stephen
Thomas, John	Wood, Jane		

CARROLL

Dickinson, Howard	Kenney, Joseph	Mock, Henry	Quimby, Lee
Stevens, Stanley			

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espieffs, Peter
Hunt, John	Manning, Joseph	McGuirk, Paul	Mitchell, McKim
Pratt, John	Richardson, Barbara	Royce, H Charles	

COOS

Guay, Lawrence	Horton, Lynn	Stohl, Eric
----------------	--------------	-------------

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Eaton, Stephanie
Gabler, William	Gilman, G Michael	Lovett, Sid	Naro, Debra
Nordgren, Sharon	Scanlan, David	Scovner, Nancy	Sokol, Hilda
Solow, Martha	Teschner, Douglass	Ward, Brien	

HILLSBOROUGH

Alukonis, David	Andosca, Mary	Baroody, Benjamin	Bruno, Pierre
Buckley, Raymond	Cardin, Lori	Clayton, William	Clegg, Robert Jr
Cote, Peter	Coughlin, Pamela	Craig, James	Daigle, Robert
Dionne, Kimberley	Drabinowicz, A Theresa	Duval, Jeffrey	Dwyer, Paul
Elliott, Larry	Emerton, Lawrence Sr	Fletcher, Richard	Foster, Linda
Furman, Christine	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Hall, Betty	Hall, Charles	Herman, Keith
Holden, Randolph	Hopper, Gary	Jean, Claudette	Jean, Loren
Johnson, Lionel	Kacavas, John	Konys, Christine	LaFlamme, Paul
Lefebvre, Roland	Leishman, Peter	Martin, Mary Ellen	McHugh, Claire
Milligan, Robert	Movsesian, Lori	Palangas, Eric	Panagopoulos, Nicholas
Pappas, Marc	Peterson, Andrew	Rowe, Robert	Salts, Greg
Seibel, Christopher	Shaw, Barbara	Spieß, Paul	Vaillancourt, Steve
White, John			

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Colcord, J D
Daneault, Gabriel	Fraser, Leo Jr	Fraser, Marilyn	French, Barbara
Gile, Mary	L'Heureux, Stephen	Moore, Carol	Perkins, Randy
Potter, Frances	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Whalley, Michael	Whittemore, James	Winter, Steven	Yeaton, Charles

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn	Bridle, Russell
Chalbeck, Kevin	Clark, Vivian	Coes, Betsy	Corbin, Corey
Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert	Dowling, Patricia
Downing, Michael	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey

Giordano, Ronald	Griffin, Mary	Hill, Jonathan	Holland, James Jr
Introne, Robert	Kelley, Jane	Kobel, Rudolph	Langley, Jane
McGuire, Robert	Micklton, Stephanie	Morse, Charles	Norelli, Terie
Nowe, Ronald	Packard, Sherman	Palermo, Diane	Pitts, Jacqueline
Power, Lucille	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Rabideau, Marie	Robertson, Carl	Saia, Pamela	Shultis, Elizabeth
Sloan, Stephen	Splaine, James	Stritch, C Donald	Trueman, Raymond
Varrell, Thomas	Weatherspoon, Jacquelyne	Welch, David	Weyler, Kenneth
Woekel, Ralph			

STRAFFORD

Berube, Roger	Cossette, Larry	DeChane, Marlene	Estabrook, Iris
Gilmore, Gary	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha
Proulx, Raymond	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Tsiros, William	Wall, Janet
Woodill, Rodney			

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Jones, Constance	Leone, Richard	Odell, Bob	Phinizy, James
Robb, Amy			

NAYS 111

BELKNAP

Bartlett, Gordon	Czech, Stanley	Flanders, Donald	Holbrook, Robert
Lawton, David	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Wendelboe, Fran			

CARROLL

Babson, David Jr	Patten, Betsey	Philbrick, Donald	Sullivan, P Judith
------------------	----------------	-------------------	--------------------

CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Fairbanks, Chandler
Meador, David	Roberts, William	Smith, Edwin	Zerba, Roger

COOS

Davis, Perley	Gallus, John	Rozek, Michael	Tholl, John Jr
Woodward, David			

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Giuda, Robert	Marshall, Gene	Sova, Charles

HILLSBOROUGH

Allan, Nelson	Arnold, Thomas Jr	Artz, Lawrence	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Bragdon, Peter	Brundige, Robert
Calawa, Leon Jr	Carlson, Donald	Christiansen, Lars	Dokmo, Cynthia
Drisko, Richard	Dyer, Merton	Eaton, Richard	Flora, Kathleen
Ford, Nancy	Gargas, Carolyn	Golding, William	Graham, John
Greenberg, Gary	Kurk, Neal	LaRose, Richard	Leach, Edward
Lynde, Harold	McRae, Karen	Mercer, Robert	Moran, Edward
O'Connell, Timothy	Pepino, Leo	Reeves, Sandra	Souza, Kathleen
Tahir, Saghir	Thompson, Rob	Thulander, O Alan	Wheeler, Robert
White, Donald			

MERRIMACK

Anderson, Eric	Cummings, Raymond	Davis, Frank	Feuerstein, Martin
Hager, Elizabeth	Hutchinson, John	Langer, Ray	Leber, William
Lockwood, Priscilla	MacKay, James	Poulin, David	

ROCKINGHAM

Bowles, Raimond	Camm, Kevin	Cooney, Richard	Cox, Russell
Fesh, Bob	Flanagan, Natalie	Gilbert, Karl	Gleason, John
Hamel, Albert	Henderson, Warren	Itse, Daniel	Johnson, Robert

Johnson, Rogers
Major, Norman
Zolla, William

Katsakiores, George
McKinney, Betsy

Katsakiores, Phyllis
Rausch, James

Letourneau, Robert
Stone, Joseph

STRAFFORD

Albert, Russell
Lachance, Douglas

Dunlap, Patricia
Twombly, James

Grassie, Anne
Woods, Phyllis

Harrington, Michael

SULLIVAN

Rodeschin, Beverly

and the report was adopted.

Ordered to third reading.

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

suspension of rules

Reps. Scanlan and Burling moved that the Rules be so far suspended as to allow report deadline for House Bills of Wednesday, April 11th be moved to Thursday, April 12th at 2:00 p.m. and that also be the deadline for committees to report their lists of retained bills.

Adopted by the necessary two-thirds.

(Rep. Whalley in the Chair)

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 Wednesday, April 18, 2001 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 446, relative to spousal and child support enforcement.

HB 501, relative to licensure of foster homes and the duties of the department of health and human services advisory board.

HB 620, relative to arrangements between birth parents and adoptive parents.

HB 697, extending the reporting date for the healthy kids subcommittee and clarifying the mission statement of the healthy kids corporation.

HB 131, relative to the retention and disposal of certain financial disclosure forms.

HB 226, relative to instructions to voters for straight-ticket voting.

HB 376, allowing county commissioners serving 4-year terms to vote at state party conventions.

HB 639, relative to the preparation of town ballots.

HB 302-FN, relative to an optional retirement allowance for certain spouses upon a retiree's remarriage.

HB 337-FN, relative to the administration of the public utilities commission and establishing the position of executive director of the public utilities commission.

HB 493, exempting certain short term condominium unit owners' association rentals from the New Hampshire real estate practice act.

HB 554-FN, establishing a division of information technology within the department of safety.

HB 667, relative to certain reporting requirements and relative to meetings of the board of medicine.

HB 684, relative to the occupational therapy practice act.

HB 719, relative to the removal of public officials for cause.

HB 370, relative to the regulation of the trapping by the fish and game department.

HB 471-FN, relative to fish and game licenses issued to resident and nonresident minors and relative to complimentary fishing licenses for legally blind persons.

HB 255, establishing a committee to study the practice of "body works."

HB 569, establishing a committee to study the information, training, and support needs of family caregivers in New Hampshire.

HB 573, relative to the role of certain advanced registered nurse practitioners in the state mental health services system.

HB 576, establishing a committee to study laws, protocols, rules, and regulations pertaining to the various state agencies that have responsibilities relative to all aspects of the utilization of drug prescriptions in New Hampshire.

HB 444, relative to mental health services and records.

HB 466, relative to the selection of replacement justices for supreme court justices who are disqualified to hear cases.

HB 482, relative to airport zoning.

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

HB 402, relative to the establishment of a state universal service fund.

HB 489, relative to the regulation of rural electric cooperatives by the public utilities commission and relative to transition and default service.

HB 707, establishing a committee to study the usage of 211 as a uniform community service information and referral number.

HB 339, prohibiting the taking of deer by baiting.

HB 429, relative to dispute resolution within the context of public employee labor relations.

unanimous consent

Rep. Burling addressed the House:

Rep. David Cote requested the remarks made by Rep. Burling be printed in the Journal.

Adopted.

Rep. Burling: Thank you, Mr. Speaker. This is one of these moments when I get to have a broad smile. How meet it is that when we talk about education two of our members are recognized for the extraordinary educational achievement that they managed to pull in just a short while ago. I'm speaking of Bob Daigle and Peter Cote, whose high school educations were temporarily interrupted by that little unpleasantness called either World War II or Korea. Both left high school, both went off to defend their country and both honored this House and their hometowns by receiving their high school diplomas just a few short days ago. I would ask you all to join me in a round of applause for our colleagues.

(Speaker in the Chair)

RECESS MOTION

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

Adopted.

The House recessed at 6:35 p.m.

RECESS