

HOUSE RECORD

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Court

Calendar and Journal of the 2002 Session

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January 24, 2002

No. 11

HOUSE JOURNAL No. 3(cont.)

January 17, 2002

RECESS

(Rep. Thomas in the Chair)

RESOLUTION

Rep. Elliott offered the following: RESOLVED, that their late drafting and introduction having been approved by the Rules committee, in accordance with the list in the possession of the Clerk, House Bill numbered 1422 and House Concurrent Resolution 28 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILL and HCR

First, second reading and referral

HB 1422, establishing certain positions in the insurance department. (Kurk, Hills 5; Hunt, Ches 10; Burns, Dist 1; Wheeler, Dist 21: Commerce)

HCR 28, urging increased federal funding for quality breast cancer research. (Pepino, Hills 40; Foster, Hills 10; Langley, Rock 24; M Fuller Clark, Rock 36; Wheeler, Dist 21; Pignatelli, Dist 13; Roberge, Dist 9; O'Hearn, Dist 12; Hollingworth, Dist 23: State-Federal Relations and Veterans Affairs)

RECESS

(Speaker in the Chair)

COMMITTEE ASSIGNMENTS

Rep. Marie N. Rabideau on Labor, Industrial and Rehabilitative Services.

Rep. Julie M. Brown, on Children and Family Law; off Legislative Administration.

Rep. Christopher J. Seibel on Legislative Administration; off Children and Family Law.

Rep. Lars T. Christiansen on State-Federal Relations; off Labor, Industrial and Rehabilitative Services.

Rep. Matthew J. Quandt on Municipal and County Government; off State-Federal Relations.

senate messages

referred to interim study

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

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

concurrences

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

HB 393-FN, relative to plant nurseries and nursery stock.

HB 622, relative to the time period for the executive council to confirm nominees to the supreme court.

nonconcurrences

HB 154, relative to candidates of parties nominated by nomination papers and relative to vacancies for office on a party ticket.

HB 252, relative to rules promulgated by the supreme court.

HB 270-FN, increasing the mileage reimbursement rate for members of the legislature.

HB 485, relative to physicians employed by hospitals.

HB 495, relative to judicially appointed officials.

HB 512, relative to off-site improvements imposed on applicants to a planning board.

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

HB 669, requiring certain safety devices on freight locomotives.

RECESS

(Rep. Tholl in the Chair)

RESOLUTION

Rep. John Flanders offered the following: RESOLVED, that their late drafting and introduction having been approved by the Rules committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1423 and 1424 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 1423-FN, relative to state or local government security issues under the right-to-know law and relative to threats of biological or chemical substances. (Clegg, Hills 23; Burling, Sull 1; Welch, Rock 18; Kurk, Hills 5; Craig, Hills 38; Francoeur, Dist 14; Hollingworth, Dist 23: Criminal Justice and Public Safety)

HB 1424, prohibiting the acceptance of certain funds within the university system of New Hampshire. (Pappas, Hills 48; Palangas, Hills 41; Tsiros, Straf 3; Kacavas, Hills 37; Buckley, Hills 44: Education)

RECESS

(Rep. Tholl in the Chair)

RESOLUTION

Rep. John Flanders offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 186 and 385 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 186-FN, relative to the powers of and classification for criminal justice and consumer protection investigators of the department of justice and for county attorney investigators. (Criminal Justice and Public Safety)

SB 385, relative to electric personal assistive mobility devices. (Transportation)

RECESS

(Rep. Welch in the Chair)

RESOLUTION

Rep. Stevens offered the following: RESOLVED, that their late drafting and introduction having been approved by the Rules committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1425 through 1427 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 1425-FN, relative to protective custody for intoxicated or incapacitated persons. (Welch, Rock 18; Nedeau, Belk 1; Rodd, Merr 3; Knowles, Straf 11; R. Cooney, Rock 26: Criminal Justice and Public Safety)

HB 1426-FN, relative to the availability of information on the registration of certain sexual offenders. (Knowles, Straf 11; K. Gilbert, Rock 19: Criminal Justice and Public Safety)

HB 1427-FN-A-L, establishing a property tax relief program for low income homeowners. (Peterson, Hills 8; J. Bradley, Carr 8; Craig, Hills 38; Flanders, Dist 7; D'Allesandro, Dist 20: Ways and Means)

RECESS

(Rep. Burling in the Chair)

RESOLUTION

Rep. Martha Fuller Clark offered the following: RESOLVED, that their late drafting and introduction having been approved by the Rules committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1428 through 1430 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 1428-FN-L, relative to the formation of statewide cooperative purchasing agreements within school administrative units. (Peterson, Hill 8; Moran, Hills 15; Leishman, Hills 13: Education)

HB 1429, relative to the scope of the consumer protection act (Marshall Quandt, Rock 20; Keye, Hills 30; M. Fuller Clark, Rock 36; Spiess, Hills 14; Marshall, Graf 2; D'Allesandro, Dist 20; Flanders, Dist 7: Commerce)

HB 1430, relative to appeals in actions against tenants. (Rowe, Hills 14; Wall, Straf 9; Gordon, Dist 2: Judiciary)

RECESS

(Rep. Herman in the Chair)

RESOLUTION

Rep. Thulander offered the following: RESOLVED, that their late drafting and introduction having been approved by the Rules committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1431 through 1434 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 1431, relative to the required term of service for jurors. (DiFruscia, Rock 27; Ford, Hills 28; Bergin, Hills 16; Roberge, Dist 9; Fernald, Dist 11: Judiciary)

HB 1432, establishing a committee to study the use of drug concentration levels to enforce prohibitions against driving under the influence of drugs. (Tholl, Coos 5; Almy, Graf 14; Welch, Rock 18; Below, Dist 5; Pignatelli, Dist 13: Criminal Justice and Public Safety)

HB 1433, prohibiting constructive possession of alcohol by minors. (Tholl, Coos 5; Almy, Graf 14; Welch, Rock 18; Below, Dist 5; Pignatelli, Dist 13; Gordon, Dist 2: Criminal Justice and Public Safety)

HB 1434, lowering the minimum medical cost coverage for motor vehicle liability policies. (Phinizy, Sull 7; DiFruscia, Rock 27; Hunt, Ches 10; Dickinson, Carr 2: Commerce)

RECESS

Rep. Scanlan moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 4

January 24, 2002

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

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

Let us pray. Ever gracious Creator, we lift up to You today the citizens of each of our communities who have honored the members of this House by sending them here to be their voices as democracy's riches are employed. May each be protected from harm today and may each experience the many blessings of life in our beloved New Hampshire. Bless also the work that is done today in this, the people's House, so that those who most need the assistance of government may be supported and comforted.

As always, we ask that Your protection be with those who serve our state and country by risking their lives to defend and preserve our precious freedom. Amen.

Rep. Margaret Case led the Pledge of Allegiance.

The National Anthem was sung by Katie Magoon, student from Pittsfield High School.

LEAVES OF ABSENCE

Reps. Arnold, Bruno, Crosby, Dudley, Flanagan, Ginsburg, Guay, Landers, Lyman, Owen, Pilliod, Judith Sullivan and Zerba, the day, illness.

Reps. Arndt, Balcom, Barker, Bridle, Dexter, Dunne, Edwards, Flora, Marilyn Fraser, Letourneau, O'Keefe, Pantelakos, Marsha Pelletier, Salts, Seldin, Taylor, Wallner, Weatherspoon and Zolla, the day, important business.

Reps. Paula Bradley and Flint, the day, illness in the family.

Reps. Mock, Robertson and Thompson, the day, death in the family.

INTRODUCTION OF GUESTS

Bob and Tracy Magoon, Susan Hipkiss, Amber Carr, guests of the Speaker. Rep.-elect Carol Burney, guest of the Merrimack County Delegation. Julie Larochelle and Tom Autis, guests of Rep. Emerson.

The House of Representatives offered the following:

HOUSE RESOLUTION NO. 23

Memorializing State Representative James A. Whittemore of Franklin

WHEREAS, we have learned with great sorrow of the death of our friend and colleague James A. Whittemore of Franklin, who was serving his eleventh consecutive term as a dedicated member of the House of Representatives; and

WHEREAS, having been a member of the Committees on Executive Departments & Administration and Ways & Means for one term each, and Resources, Recreation and Development for six terms, Jim Whittemore was currently serving his fourth term as a valued and respected member of the Committee on Public Works and Highways; and

WHEREAS, having been born in Andover, Jim grew up in New Hampshire, graduated from Proctor Academy and Keene State College, and taught school in Sanbornton, Boscawen and Concord before serving with the United States Army in the North African and Italian campaigns during World War II, attaining the rank of Regimental Sergeant Major; and

WHEREAS, upon settling in Franklin, Jim Whittemore served his community in a myriad of ways, helping to organize Dollars for Scholars, chairing the March of Dimes fund drive and the Franklin Red Cross, being active in Little League and Boy Scouts, serving on the Planning Board and School Board, and serving for thirteen years as Director and President of the Trustees of Franklin Regional Hospital; and

WHEREAS, Jim Whittemore served for over ten years on the Joint Legislative Historical Committee, helping to oversee the care, restoration and preservation of the many paintings and other objects of an historical nature in the State House, Legislative Office Building and Upham Walker House; now, therefore, be it

RESOLVED, by the House of Representatives in Regular Session convened, that James A. Whittemore be granted high praise for his outstanding service to his community and state, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to members of his family, and that a suitable copy of this Resolution be prepared for presentation to them.

Unanimously adopted by a rising vote.

enrolled bill report

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill 141.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

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 1297, exempting land which is subject to a governmental conservation easement or development restriction from property taxation, removed by Rep. Patten.

HB 1315, relative to requiring revaluation of property, removed by Rep. DiFruscia.

HB 1280-FN, raising the maximum speed limit on all New Hampshire interstate highways from 65 to 70 miles per hour and on portions of the interstate specifically posted currently at 55 miles per hour to 60 miles per hour, removed by Rep. Vaillancourt.

Consent Calendar adopted.

HB 1212, relative to certain disclosures in real estate sales. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This bill would require sellers of real estate to disclose potentially offensive off-site conditions that may be considered offensive to the buyer, and the buyer in turn must acknowledge receipt thereof of the notice. This proposed bill would be almost impossible to regulate and it would require the seller to determine what is offensive. Further, most, if not all of what is proposed in the bill is already codified in RSA 477:4-d. Vote 13-0.

HB 756, relative to the penalty for certain acts of theft, destruction, or violence in a safe school zone. **INEXPEDIENT TO LEGISLATE**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: This bill provided that bomb threats made in a safe school zone would be reported to a local law enforcement agency and that any person convicted of making a bomb threat could be subjected to an enhanced penalty. Addressing the second issue first, RSA 631:4 already provides an extended penalty. The committee is aware that a senate bill will be coming forward that is comprehensive and covers the concerns expressed requiring the reporting of bomb threats. For these reasons the committee recommends inexpedient to legislate. Vote 13-0.

HB 1122, establishing a committee to study statistical patterns of DWI offenses. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill would establish a committee to study statistical patterns of DWI offenses and whether there is statistical justification for an enhanced penalty for DWI offenses committed during the nighttime. The sole person testifying addressed only a general opinion that it was important to gather statistics and the person testifying was not the sponsor. The committee was not convinced that DWI occurring during the day was any less serious than DWI committed at night. Vote 14-0.

HB 1222, exempting ice-out contests from the laws regulating games of chance. **OUGHT TO PASS**

Rep. Robert M. Fesh for Criminal Justice and Public Safety: 50/50 events were originally defined as games of chance under NH law. The law was amended effective July 7, 2000, under Chapter 115 of the Laws of 2000 and now specifically defines 50/50 games as a raffle, removing it from the jurisdiction of the games of chance statute. Similarly, this bill will remove ice-out contests from the definition of games of chance under RSA Chapter 287-D and no permit will be required to conduct these games. Vote 14-0.

HB 1261-FN, relative to penalties for DWI offenses. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill would have increased certain penalties for operating a motor vehicle while under the influence of drugs or alcohol. No testimony was presented in support or opposition to this bill. The accompanying fiscal note estimated an increased cost to the state because of an anticipated decrease in guilty pleas and a resulting increase in the number of trials. For these reasons it was the unanimous vote of the committee to recommend this bill inexpedient to legislate. Vote 14-0.

HB 1309, prohibiting arrests for violation-level offenses. **INEXPEDIENT TO LEGISLATE**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: After careful consideration, the sponsor of this bill concluded that this bill should not be considered at this time. The sponsor after research and conversations with the Department of Safety and Police Standards and Training, concluded that as attractive as this bill is on its surface, there are far too many violations that are, or could be, problematic if arrest was not an option. It would further hamstring the police department's ability to act on potentially dangerous situations. Vote 14-0.

HB 1110, relative to the sale of ferrets. **OUGHT TO PASS**

Rep. John R. Swindlehurst for Environment and Agriculture: The committee received extensive testimony from ferret owners, shelter volunteers and others. The testimony indicated that by increasing the minimum shipping age to 8 weeks the consumers could expect a much healthier animal. Vote 15-0.

HB 1143, establishing a committee to study self-certification of hazardous waste small quantity generators. **INEXPEDIENT TO LEGISLATE**

Rep. George T. Musler for Environment and Agriculture: The committee feels that it can carry out the purpose of the study committee without this bill and can propose legislation, if necessary, for the 2003 session. Vote 15-0.

HB 404, relative to rulemaking by the board of licensing for alcohol and other drug abuse professionals. **OUGHT TO PASS**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill came to our committee as a second committee referral after amendment and positive action by the Commerce Committee and the full house. We concurred with the change made by the Commerce Committee which makes the existing statute consistent with itself on the issue of rulemaking authority for the board of licensing for alcohol and drug abuse professionals. Vote 15-0.

HB 1241-FN, relative to salaries for the wardens of department of corrections facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: The sponsor at the request of the department of corrections introduced this bill. The purpose of the bill was to equalize the salary of the wardens at the lakes region and the northern correctional facilities. The sponsor indicated that this bill was no longer needed as the implementation of the Hay Group report on unclassified salaries has made the changes that the bill addressed. The representatives from the department of corrections and administrative services confirmed this fact. Vote 16-0.

HB 1248-FN, requiring the notification of renewal prior to expiration to holders of professional licenses issued by state agencies. **INEXPEDIENT TO LEGISLATE**

Rep. Judson K. Dexter for Executive Departments and Administration: The committee looked at this bill from two major points of view. First, was there a problem? Secondly, what agencies would be effected? We heard no testimony in either the public hearing or subcommittee of any problems of notification for any reason, i.e. change of address, divorce, etc. Therefore, there does not seem to be a problem with members being notified. The detrimental effect on all agencies was a major concern. This bill would require not only all professional agencies but also all occupation agencies to provide notice to each licensee. All agencies currently send renewal to all of their members. To send a 2nd notice to reference the renewal notice would cost thousands of dollars and hundreds of labor hours. This adds a level of bureaucracy to solve a problem that does not seem to exist. Additionally, the bill would allow a licensee to continue to work after their license had expired by simply stating that they did not receive their notification, which could potentially have a negative impact on public safety. Vote 14-0.

SB 128, relative to stress injuries under the workers' compensation law and relative to disability retirement benefits and mental injury. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This bill would have placed the burden of medical expense and resulting disability expense on the retirement system in cases of "injury" or "personal injury" to include a mental injury resulting from any disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or any similar action taken in good faith by an employer. Vote 14-0.

SB 158-FN, relative to payment of medical benefits for certain retirement system members retiring with combined creditable service or for certain members who have dependent children. **INEXPEDIENT TO LEGISLATE**

Rep. Ray F. Langer for Executive Departments and Administration: This bill would allow creditable service in group I and group II to be combined to meet the minimum requirements of the health insurance subsidy provided to retired members. The bill would also provide additional benefits to divorced or widowed retirees who have dependent children. The bill would cost \$6,648,000 to terminally fund from the special account and require \$80,000 from the retirement to establish the data base and a yearly cost of \$30,000 for maintenance of the data base. If a member had spent most of their time in group II, then transferred to group I, all of the cost would come from the appropriate group I medical sub trust while most of the contributions were made to the group II sub trust. With the cost and complexity of the withdrawal of the funds for the individual from the various medical sub trusts, the committee voted to recommend this bill inexpedient to legislate. Vote 13-0.

HB 1131, establishing a committee to study increasing the number of physicians who are New Hampshire residents. **OUGHT TO PASS**

Rep. Sandra C. Harris for Health, Human Services and Elderly Affairs: This bill creates a study committee to look at ways to increase access to medical schools for qualified New Hampshire

residents and to decrease the loan obligation of new doctors who choose to work in rural areas of New Hampshire. Currently New Hampshire residents who want to become physicians have limited access to Dartmouth Medical School and are discriminated against in state medical schools, which give their own residents preference for admission. If a New Hampshire resident is admitted to another state's medical school, as an out-of-state student, he or she currently pays a much higher tuition. This bill proposes studying the many ways to remedy New Hampshire residents having to pay much higher tuition or having to become residents of other states to gain admission to medical schools. By decreasing medical school tuition for New Hampshire residents through contracted seats and encouraging students to maintain their residences in New Hampshire, the study committee will look at ways to decrease the loan obligation of new doctors who choose to work in rural areas of New Hampshire, facilitating an increase in the number of physicians in the underserved North Country. Vote 14-0.

HB 1168, relative to ambulatory surgical facilities owned in whole or in part by a hospital.
INEXPEDIENT TO LEGISLATE

Rep. Andre A. Martel, for Health, Human Services and Elderly Affairs: This bill proposed to allow certain ambulatory surgical facilities to provide recovery care until the patient could be discharged in an ambulatory condition. The committee received additional information making the issue more complex and feels the subject could be better addressed by the certificate of need bill. The prime sponsor agreed and requested that the committee recommend the bill inexpedient. Vote 13-0.

HB 1257, relative to oaths by public employees. **INEXPEDIENT TO LEGISLATE**

Rep. Peter E. Franklin for Judiciary: This bill increases the number of people who would be required to take an oath to support and defend the Constitution without clearly defining who would be in that group. Elected public officials already are required to take that oath, and they are responsible for the work of their subordinates. The committee feels that statutes already exist that cover the concerns of the sponsor. Vote 12-0.

HB 1278, establishing an abortion waiting period. **INEXPEDIENT TO LEGISLATE**

Rep. Loren J. Jean for Judiciary: At the request of the sponsor who had intended to withdraw this bill, the committee voted inexpedient to legislate. This vote by the committee in no way reflects the sentiments of the members on the merits of the bill. Vote 16-0.

HB 1368-FN, adopting the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure as law. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Craig for Judiciary: The prime sponsor of this bill asked that the committee find this bill inexpedient to legislate. The sponsor and the Judiciary Committee felt that the idea has some merit, but it requires a major study which has not been done. The committee heard testimony that many aspects of Federal procedure do not conform to New Hampshire practice and rules and that imposing the Federal rules on the New Hampshire court system would cause far more harm than benefit. Vote 12-0.

HB 1379-FN, affirming the state's sovereignty and revising the state's labor laws application to elected and appointed officials. **INEXPEDIENT TO LEGISLATE**

Rep. Peter F. Bergin for Judiciary: This bill, if passed, would mean that all statutes, rules, regulations and orders that do not conform strictly to Part I, Article 7 of the New Hampshire Constitution, shall be deemed void and unenforceable. Under our current system, if the legislature

passes a law, its constitutionality can be challenged before the judiciary. This bill would not allow such a review. In addition, this bill would remove all elected and appointed officials and members of their personal staffs from State laws on deferred compensation, labor law protection, payment of wages, whistleblowers protection act, safety and health of employees, toxic substances in the workplace, minimum wage law, and workers compensation. The committee found the bill to be too encompassing, complex and would cause confusion if passed. Vote 13-0.

HB 1142, relative to the advisory council on unemployment compensation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Randolph Holden for Labor, Industrial and Rehabilitative Services: The amended bill would require the council to meet on a regular basis. This change would encourage greater public attendance. Vote 15-0.

Amendment (211h)

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

1 Advisory Council. Amend RSA 282-A:128 to read as follows:

282-A:128 Advisory Council. There is hereby created within the unemployment compensation bureau an advisory council on unemployment compensation, hereinafter called the advisory council. The advisory council shall consist of 9 members to be appointed, with the exception of the legislative members, ~~[upon recommendations of the commissioner]~~ by the governor with the consent and advice of the governor's council. Three of the appointees of this advisory council shall be persons who, because of their vocations, employment or affiliations, shall be classed as representing the point of view of employers; 3 shall be persons who, because of their vocations, employment or affiliations, shall be classed as representing the point of view of employees; one shall be a senator from the insurance committee appointed by the senate president; one shall be a representative from the labor, industrial and rehabilitative services committee appointed by the speaker of the house; the remaining appointee, who shall be designated as chairman, shall be a person whose training and experience qualify him to deal with the problems of unemployment compensation. Such advisory council shall ***meet no later than 45 days after each calendar quarter and*** aid the commissioner in formulating policies and discussing problems related to the administration of this chapter and in assuring impartiality and freedom from political influence in the solution of such problems. ***Advisory council meetings shall provide opportunity for public comment.***

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

AMENDED ANALYSIS

This bill deletes the requirement that the commissioner of labor recommend to the governor potential appointees to the advisory council on unemployment compensation.

HB 1161, relative to youth employment. **INEXPEDIENT TO LEGISLATE**

Rep. Russell D. Bridle for Labor, Industrial and Rehabilitative Services: As per the sponsor's request, this bill is recommended as inexpedient. Vote 14-0.

HB 1384, making certain technical changes to the workers' compensation law. **OUGHT TO PASS**

Rep. Russell D. Bridle for Labor, Industrial and Rehabilitative Services: This bill was introduced at the request of the Labor Department and makes certain reference changes in the workers' compensation laws. Vote 14-0.

HB 673, relative to a net asset qualification for the elderly property tax exemption for married persons, and relative to the availability of the elderly exemption for persons who reestablish residency. **OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Twombly for Municipal and County Government: This amendment allows for the adoption of an additional elderly net asset qualification for an elderly resident by the local municipality. Currently, there is only one amount allowed (no less than \$35,000) for net assets in the elderly exemption statute (RSA 72:39). Once the municipality votes to include this net asset qualification it shall apply to a surviving spouse until sale or transfer of the property or until the remarriage of the surviving spouse. This bill also clarifies references to consecutive years of residence and marriage of persons in certain property tax exemption statutes. Vote 15-0.

Amendment (2102h)

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

AN ACT relative to a net asset qualification for the elderly property tax exemption for married persons.

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

1 Property Taxation; Conditions for Elderly Exemption; Consecutive Years of Residence.
Amend RSA 72:39-a, I(a) to read as follows:

(a) Has resided in this state for at least **5 *consecutive*** years preceding April 1 in the year in which the exemption is claimed.

2 Property Taxation; Conditions for Elderly Exemption; Net Assets for Married Persons.
Amend RSA 72:39-a, I(c) to read as follows:

(c) Owns net assets not in excess of the amount determined by the city or town for purposes of RSA 72:39-b, excluding the value of the person's actual residence and the land upon which it is located up to the greater of 2 acres or the minimum single family residential lot size specified in the local zoning ordinance. The amount determined by the city or town shall not be less than \$35,000 ***or, if married, combined net assets in such greater amount as may be determined by the town or city.*** "Net assets" means the value of all assets, tangible and intangible, minus the value of any good faith encumbrances. "Residence" means the housing unit, and related structures such as an unattached garage or woodshed, which is the person's principal home, and which the person in good faith regards as home to the exclusion of any other places where the person may temporarily live. "Residence" shall exclude attached dwelling units and unattached structures used or intended for commercial or other nonresidential purposes.

3 New Paragraph; Exemption for Surviving Spouse; Combined Net Asset Amount. Amend RSA 72:39-a by inserting after paragraph II the following new paragraph:

III. Upon the death of an owner residing with a spouse pursuant to paragraph II(b) or II(d), the combined net asset amount for married persons determined by the city or town shall

continue to apply to the surviving spouse for the purpose of the exemption granted under RSA 72:39-b until the sale or transfer of the property by the surviving spouse or until the remarriage of the surviving spouse.

4 Property Taxation; Adoption or Modification of Elderly Exemption; Net Assets for Married Persons. Amend RSA 72:39-b, I(c) to read as follows:

(c) The wording of the question shall be: "Shall we modify the elderly exemptions from property tax in the town (city) of _____, based on assessed value, for qualified taxpayers, to be as follows: for a person 65 years of age up to 75 years, (here insert dollar amount); for a person 75 years of age up to 80 years, (here insert dollar amount); for a person 80 years of age or older (here insert dollar amount). To qualify, the person must have been a New Hampshire resident for at least 5 **consecutive** years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married **to each other** for at least 5 **consecutive** years. In addition, the taxpayer must have a net income of not more than (here insert a dollar amount not less than \$13,400) or, if married, a combined net income of less than (here insert a dollar amount not less than \$20,400); and own net assets not in excess of (here insert a dollar amount not less than \$35,000 excluding the value of the person's residence) **or, if married, combined net assets not in excess of (here insert a dollar amount of \$35,000 or greater) excluding the value of the residence.**" Under no circumstances shall the amounts of the exemption for any age category be less than \$5,000. **The combined net asset amount for married persons shall apply to a surviving spouse until the sale or transfer of the property by the surviving spouse or until the remarriage of the surviving spouse.**

5 Exemption for the Disabled; Qualifications Clarified. Amend RSA 72:37-c, I(c) to read as follows:

(c) The wording of the question shall be: "Shall we adopt an exemption for the disabled? The exemption, based on assessed value, for qualified taxpayers shall be (here insert dollar amount). To qualify, the person must have been a New Hampshire resident for at least 5 **consecutive** years and own and occupy the real estate individually or jointly, or if the real estate is owned by a spouse, they must have been married **to each other** for at least 5 **consecutive** years. In addition, the taxpayer must have a net income of not more than (here insert dollar amount) or, if married, a combined net income of not more than (here insert dollar amount); and own net assets not in excess of (here insert dollar amount) excluding the value of the person's residence."

6 Tax Deferral for the Elderly and Disabled; Qualifications Clarified. Amend RSA 72:38-a, I(b) to read as follows:

(b) Has owned the homestead for at least 5 **consecutive** years; and

7 Effective Date. This act shall take effect April 1, 2002.

AMENDED ANALYSIS

This bill allows for the adoption by municipalities of a married persons' net asset qualification for purposes of the elderly exemption. Such combined net asset qualification shall apply to a surviving spouse until the sale or transfer of the property, or until the remarriage of the surviving spouse.

This bill also clarifies references to consecutive years of residence and married persons in certain property tax exemption statutes.

HB 1369, requiring cities and towns to complete valuations of property and relative to the implementation of education property tax hardship relief provisions. **INEXPEDIENT TO LEGISLATE**

Rep. William Johnson for Municipal and County Government: While the spirit of this bill may be well intentioned, it is redundant and would disrupt a process that the legislature already put into motion by virtue of legislation passed in 2001. SB 193, signed into law last July, set up administrative procedures relative to the changes in the property tax system, established assessing and equalization standards boards, prescribed an appeal process through the Board of Tax and Land Appeals, and requires assessors to be certified by the Department of Revenue Administration. The aforementioned Assessment Standards Board is currently in the process of determining appropriate assessing standards to be used by local municipalities. SB 193 also gave DRA the power to audit assessors and contract with them for evaluation independent of the municipality in the event of non-compliance. Furthermore, the legislature passed HB 170 which incorporated provisions developed by the Property Tax Working Group to address the issues of revaluation. In response to this bill, the DRA has already initiated a property tax schedule of certification. Representatives from both the DRA and the New Hampshire Municipal Association testified that both the department and the municipalities could not comply with the deadline for property valuations proscribed by HB 1369, thereby creating a 28-a issue. The committee found that HB 1369 would create an environment of legislative micro-management, conflict between state departments, and disruption of a process already in progress. Finally, the ability to remove state officials for cause is already set in New Hampshire Statutes under RSA 4:1. The committee was unanimous in its recommendation. Vote 15-0.

HB 1397, relative to the annual salary of police commissioners of the town of Wolfeboro. **OUGHT TO PASS**

Rep. William Johnson for Municipal and County Government: Currently, compensation for the police commissioners of the Town of Wolfeboro is determined in Chapter Law. Last amended in 1979, Chapter 7:1 sets this compensation at \$100 per year. The sponsor of HB 1397 proposes that this decision should be made at the local level through the towns own budget process approved at the annual town meeting. The committee unanimously concurred. Vote 13-0.

HB 1235, relative to operation of motorized vessels and safe boater education. **OUGHT TO PASS WITH AMENDMENT**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: This bill clarifies sections of RSA 270-D to provide that a person must be at least 16 years of age both to obtain a safe boater certificate and to operate a motorized vessel having more than 25 horsepower. It also directs that fees charged by the Department of Safety for courses, exams or certificates go to the navigation safety fund. The Department of Safety and the NH Lakes Association both supported the bill. There was no testimony heard in opposition. To date, courses offered by the department have been free. With the introduction of internet/online courses, additional costs are incurred. The law currently states that a fee may be charged, not to exceed costs. The amendment adds that the commissioner shall establish a uniform fee that its agents may charge for safe boater education courses, and stipulates that the total fee for course, exam and certificate may not exceed \$50.00. It allows a person age 15 to take the exam in anticipation of receiving a certificate upon turning 16. The amendment also provides that the bill is effective upon passage. Vote 16-0.

Amendment (2132h)

Amend the bill by replacing all after section 4 with the following:

5 New Paragraph; Issuance of Safe Boater Education Certificate; Issuance Upon Attaining Age 16. Amend RSA 270-D:13 by inserting after paragraph III the following new paragraph:

IV. Any person who successfully completes a safe boater education course or safe boater equivalency examination after reaching the age of 15 shall be issued a safe boater education certificate upon attaining the age of 16.

6 Safe Boater Education; Temporary Certificate; Age Inserted. Amend RSA 270-D:14 to read as follows:

270-D:14 Temporary Certificate. The commissioner, or designee, shall issue a temporary certificate of safe boating education to a person **16 years of age or older** who passes a temporary safe boater examination administered by the department or its agents and approved by the commissioner. The temporary certificate of safe boater education shall be valid for up to 14 days and shall entitle the holder only to operate a vessel on the public waters of New Hampshire. Any dealer or renter of boats or employee thereof, who has passed the boating safety education course as provided in RSA 270-D:13, I(a) and is approved by the commissioner, may administer the temporary safety examination and issue a temporary certificate.

7 Safe Boater Education; Course Fee; Navigation Safety Fund. Amend RSA 270-D:17 to read as follows:

270-D:17 ~~[Course Fee]~~ **Fees.**

I. The department may charge a reasonable fee for issuing a safe boater education certificate.

II.(a) The department~~[-or its agents,]~~ ***may charge a fee for*** offering a safe boater education course or exam ~~[may charge a fee]~~. The fee shall not exceed the costs incurred by the department~~[-or its agents,]~~ in offering the course or exam ~~[and shall not exceed \$50]~~.

(b) Agents of the department may charge a fee for offering a safe boater education course or exam. The commissioner shall establish in rules a uniform fee to be charged by agents for offering a safe boater education course or exam.

III. The total of all fees that a person may be required to pay under this section shall not exceed \$50.

IV. Fees collected by the department under this section shall be paid into the navigation safety fund established under RSA 270-E:6-a.

8 Safe Boater Education; Voluntary Attendance. Amend RSA 270-D:19 to read as follows:

270-D:19 Voluntary Attendance. Nothing in this ~~[section]~~ ***chapter*** shall prohibit any person ***who is 16 years of age or older*** from attending a safe boater education course approved by the commissioner under this subdivision and obtaining a safe boater education certificate upon successful completion of the safe boater education course, prior to dates indicated on the phase-in schedule.

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

Referred to Ways and Means.

HB 1132, relative to grip height on motorcycles. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill will amend RSA 266:77 to allow motorcycle riders to have their handlebars up to shoulder height. Current law was written in 1967, thirty-five years ago. Motorcycle design has changed dramatically since that time. The demographics and number of riders has also changed dramatically. There are many riders well in excess of six feet, many over six feet four inches. People come in all sizes and shapes and it is reasonable to expect that a person would be allowed to custom fit his or her handlebar height to fit body size and shape. Many other states have already amended their laws to reflect a similar change. Vote 17-0.

Amendment (2127h)

Amend the bill by replacing section 2 with the following:

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

HB 1283, establishing a committee to study state and local regulation of helicopter landings.
INEXPEDIENT TO LEGISLATE

Rep. Robert H. Milligan for Transportation: The bill parallels a study which was to be taken by a committee charged with recodifying aviation laws and associated activities which has not been done since 1941. House Bills 317 and 424 have also addressed these issues. Vote 17-0.

REGULAR CALENDAR

HB 1332-FN-A, requiring an audit of New Hampshire housing finance authority programs and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Martha Fuller Clark for Commerce: The committee heard no compelling testimony to justify legislating an audit of the New Hampshire Housing Finance Authority (NHHFA). Since the authority is a separate entity, unlike a state agency, compliance and oversight is really the responsibility of the federal government. Committee members received adequate documentation substantiating that appropriate performance and financial review are already in place. Even if it were appropriate for the legislature to conduct such an audit, it should be initiated by the Legislative Audit Review Committee and would most likely cost over \$100,000 in contrast to the \$1.00 fiscal note. The committee did agree with the sponsors that we have an affordable housing crisis, but an audit of NHHFA would not solve that problem. Vote 12-1.

Adopted.

HB 1170, extending the environmental audit program. **OUGHT TO PASS**

Rep. Harold P. Melcher for Environment and Agriculture: Extending the repeal allows us to accumulate more data on results of the program. Vote 13-3.

Adopted and ordered to third reading.

HB 1197-FN, relative to providing notice of invasive species to New Hampshire citizens.
INEXPEDIENT TO LEGISLATE

Rep. Peter H. Allen for Environment and Agriculture: This bill would require the Commissioner of the Department of Agriculture and Marketing to annually provide every household in New Hampshire a complete list of invasive species and fines and penalties for harboring such species. No funds were provided and the committee found it inexpedient to legislate. Vote 15-0.

Adopted.

HB 1265-FN, permitting certain gaming enforcement officers to be group II members of the New Hampshire retirement system. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: The committee determined that this group of gaming inspectors did not qualify for group II status due to the characteristics and responsibilities associated with their jobs as stipulated by the New Hampshire Department of Administrative Services, Division of Personnel. Vote 12-3.

Adopted.

CACR 7, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Francine Wendelboe for the Majority of Finance: This proposed constitutional amendment would establish a rational basis standard for Supreme Court review of education funding laws. The committee recommends the adoption of this standard in recognition of the constitutional authority and duty of the legislature to establish policy. What this means is that when the legislature adopts a statute, any Supreme Court review is limited to the question of whether a reasonable connection can be shown between the purpose of the law and the method adopted to meet that objective. A higher strict scrutiny standard of review by the Court intrudes on the legislature's policy-making authority by requiring that the legislature prove that the law adopted is the best way to achieve the objective.

The New Hampshire Supreme Court has stated many times, throughout the line of Claremont decisions, that the legislature has "wide latitude" to establish education policy and education funding policy. The proposed amendment to CACR 7 simply expresses both the policy-making authority of the legislature and the appropriate limited review authority of the court in the education funding area to reflect the "wide latitude" established by the Court. Vote 12-8.

Rep. Marjorie K. Smith for the Minority of Finance: The minority believes adoption of this bill as amended would eliminate, as a practical matter, the New Hampshire Constitution, as a protection against unequal treatment in the access to or quality of education, as well as the manner in which it is funded. Passage would also mean injury, if not death, to the principles of judicial review that have governed this nation and this state for two hundred years.

This significant, constitutional change in the power of the judiciary has been proposed, not by the Judiciary Committee, but by the Finance Committee.

The concept of the separation of powers of each of the three branches is central to our government. So too, however, is the right, indeed the obligation, of the judicial branch to review and resolve questions concerning the actions of the legislative and executive branches. This concept reflects the core values of our founding fathers.

The federal case establishing the principles of judicial review is Marbury vs. Madison. In New Hampshire, Levi Woodbury, one of the states most distinguished jurists, articulated the same principles in Merrill vs. Sherburne in 1818.

A review of every state constitution has uncovered very few references to judicial review. In two states, Georgia and North Dakota, there are express provisions granting courts the power of judicial review.

Michigan's constitution makes reference to limiting judicial involvement in the recall process for elected officers. California limits the power of the courts in certain criminal matters, something that we in New Hampshire have accomplished through statute, without tampering with our constitution.

We should not be tampering with our constitution because some of us don't like a particular decision made by a particular court, confronting a particular set of circumstances.

No state, nor the United States, has put into its constitution a standard, named but not defined, of judicial scrutiny. No state, nor the United States, has effectively removed the power of the judiciary to review acts of the legislature which directly effect the lives – and the fortunes – of every citizen. New Hampshire should not be the first.

Amendment (1909h)

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

RELATING TO: the standard for judicial review of all legislative determinations concerning the content, extent, beneficiaries, and level of funding of public education.

PROVIDING THAT: judicial review of all legislative determinations concerning the content, extent, beneficiaries, and level of funding of public education shall be limited to whether or not they have a rational basis.

Amend the resolution by replacing all after the resolving clause with the following:

I. That the second part of the constitution be amended by inserting after article 83 the following new article:

[Art.] 83-a. [Standard of Judicial Review.] Judicial review of all legislative determinations concerning the content, extent, beneficiaries, and level of funding of public education shall be limited to whether or not they have a rational basis.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2002.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2002 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2001 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the constitution to provide that the second part of the constitution be amended by inserting after article 83 the following new article:

[Art.] 83-a. [Standard of Judicial Review.] Judicial review of all legislative determinations concerning the content, extent, beneficiaries, and level of funding of public education shall be limited to whether or not they have a rational basis.

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 2001 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

AMENDED ANALYSIS

This constitutional amendment concurrent resolution limits the judicial review of all legislative determinations concerning the content, extent, beneficiaries, and level of funding of public education to whether or not they have a rational basis.

laid on the table

Rep. Whalley moved that **CACR 7**, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education, be laid on the table.

Adopted.

regular calendar (cont'd.)

HB 1135, establishing a study committee to reevaluate the health benefits and risks from fluoridation of water in New Hampshire. **OUGHT TO PASS**

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: The health benefits and risks of fluoridation of water have come under question. Some research has shown that the addition of chemicals, for example hydrofluosilicic acid or sodium silicofluoride, to the public drinking water have toxic effects which were not observed with sodium fluoride. Since topical application of sodium fluoride to the teeth seems to be effective in preventing tooth decay, the committee recommends a re-evaluation of the health benefits and risks of adding these fluorides to the public water supply. There were enough questions about the fluoridation process to warrant further study. Vote 13-0.

Adopted and ordered to third reading.

HB 1136, proclaiming February 14 as Congenital Heart Defect Awareness Day. **OUGHT TO PASS**

Rep. Phyllis M. Katsakiores for Health, Human Services and Elderly Affairs: The fact that congenital heart defects are the number one killer of children, the committee majority was convinced that by naming that special day – Congenital Heart Defect Day on February 14 this would bring new attention to this disorder. It would also show support to the affected children and their parents by making this awareness. It is also the hope of the majority that by proclaiming this awareness day that indeed more medical attention would be given to this subject matter. The Governor, by proclaiming this special day every year would tend to focus on this problem. Vote 7-6.

Adopted and ordered to third reading.

HB 1149, establishing a committee to study the efficiency of the long-term care facility survey process. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The Committee did recognize that there is merit in reviewing the long term care facility survey process. However, it was felt that the existing Oversight Committee or the Department of Health and Human Services (DHHS) would be more appropriate to review the survey process. This would eliminate the involvement of DHHS staff in a study that can be reviewed by the existing Oversight Committee. The consensus of the committee was that indeed the intention of this bill was on the mark and was recognized as such, but that there are existing avenues of study and a vehicle to make corrective recommendations. Vote 11-3.

Adopted.

HB 1269-FN, requiring the department of health and human services to compile and maintain abortion statistics. **INEXPEDIENT TO LEGISLATE**

Rep. Susan Emerson for Health, Human Services and Elderly Affairs: The sponsor requested that the committee recommend this bill inexpedient because there is another pending bill which addresses this issue in a more comprehensive manner. Vote 12-0.

Adopted.

HB 1372-FN, relative to certain residential care facilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: HB 1372-FN, as amended, authorizes the Commissioner of Health and Human Services to establish rules that would allow certification of facilities that provide services to one individual beyond room and board care, in a residential setting as an alternative to nursing home care. It is currently two or more. The intent is to be able to offer to Medicaid eligible individuals an option consistent with the SB 409 legislation of several years ago. The amendment eliminates a clause that was inconsistent with federal regulations. Because Medicaid eligibility triggers this program and is already financially accounted for there is not judged to be any financial impact. Vote 12-0.

Amendment (2126h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Rulemaking; Certification of Certain Facilities. Amend RSA 151:9 by inserting after paragraph VII the following new paragraph:

VIII. The commissioner of the department of health and human services shall establish a program, by rule, to certify facilities that provide services to one individual, beyond room and board care, in a residential setting, as an alternative to nursing facility care, which offers residents a home-like living arrangement, social, health, or medical services, including, but not limited to, medical or nursing supervision, medical care or treatment by appropriately trained or licensed individuals, assistance in daily living, or protective care.

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to establish a certification program by rule to certify facilities offering services beyond room and board to one individual in a residential setting.

Adopted.

Report adopted and referred to Executive Departments and Administration.

HB 1130, increasing the rate of workers' compensation. **INEXPEDIENT TO LEGISLATE**

Rep. Randolph Holden for Labor, Industrial and Rehabilitative Services: The majority of the committee felt an increase was premature. In addition, a 28-a issue arose regarding the expansion of programs. Vote 9-7.

Adopted.

HB 1335, excluding the services of a broker-dealer agent from the definition of employment for unemployment compensation purposes. **INEXPEDIENT TO LEGISLATE**

Rep. Ronald A. Giordano for Labor, Industrial and Rehabilitative Services: This bill excludes the services of a broker-dealer agent from the definition of employment for unemployment compensation purposes. The department is opposed to this legislation and the committee opposed expanding the expansion of the commission definition. Vote 10-6.

Adopted.

HB 1297, exempting land which is subject to a governmental conservation easement or development restriction from property taxation. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: At the present time, if a property has an easement, the municipality usually assesses the property with the easement at a lower rate than full market value. The committee felt that if the bill were passed as written, there would be many unintended consequences because most of the focus on property easements seemed to center around the property's development value. However, a shoreline easement would dramatically affect shoreline use and would increase taxes on other land such as timberland. This would constitute a cost shift to other properties within the municipality. Testimony throughout the hearing indicated

that this bill would interrupt a system that has been working well. Furthermore, as introduced the bill did not include any buffer zones that the sponsor felt should have been included. Vote 13-0.

motion to special order

Rep. Patten moved that **HB 1297**, exempting land which is subject to a governmental conservation easement or development restriction from property taxation, be made a Special Order for Thursday, January 31, 2002 in the regular calendar order.

Adopted.

regular calendar (cont'd.)

HB 1315, relative to requiring revaluation of property. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill requires the Attorney General to request a writ of mandamus against the Commissioner of Revenue Administration (DRA) at any time there is property in the state that has not been revalued within the preceding five years. This bill is premature because the House passed SB193 in 2001 to set up assessing standards that will be followed by assessors, selectmen and boards of assessors. Until those standards are established, the procedures are in limbo and no definitive action can be compelled by the Attorney General. Vote 15-0.

Rep. DiFruscia spoke against and yielded to questions.

Rep. Brundige spoke in favor.

motion to lay on the table

Rep. Weyler moved that **HB 1315**, relative to requiring revaluation of property, be laid on the table.

The motion failed.

The motion now being adoption of the report.

Adopted.

regular calendar (cont'd.)

HB 1280-FN, raising the maximum speed limit on all New Hampshire interstate highways from 65 to 70 miles per hour and on portions of the interstate specifically posted currently at 55 miles per hour to 60 miles per hour. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This general idea has been before the House Transportation Committee a number of times over the past several years. Although committee members understand the sponsors' intent the committee heard no new information that would warrant increasing the current speed limits. As the population has increased so has the traffic on New Hampshire highways. The vast majority of New Hampshire's interstate and turnpike system is two lanes in one direction. Additionally, New Hampshire highways experience sudden and dramatic weather changes during winter months. New Hampshire is a tourist state and there are many tour buses and out-of-state travelers who may not have extreme weather driving skills. Higher speeds in these conditions would put the driving public at risk. The committee felt the current interstate and turnpike speed limits are proper, reasonable and overall in the best interest of public safety. Vote 16-1.

Rep. Vaillancourt spoke against.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

YEAS 240 NAYS 105

YEAS 240

BELKNAP

Bartlett, Gordon	Flanders, Donald	Holbrook, Robert	Johnson, William
Millham, Alida	Nedeau, Stephen	Rosen, Ralph	Russell, David
Thomas, John	Wendelboe, Fran	Wood, Jane	

CARROLL

Bradley, Jeb	Dickinson, Howard	Kenney, Joseph	Patten, Betsey
Philbrick, Donald	Quimby, Lee	Stevens, Stanley	

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espieffs, Peter
Fairbanks, Chandler	Hunt, John	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, Irene	Richardson, Barbara	Roberts, William
Royce, H Charles	Slack, Pamela Russell	Smith, Edwin	Weed, Charles

COOS

Gallus, John	Horton, Lynn	Pratt, Leighton	Rodrigue, Robert
Stohl, Eric	Tholl, John Jr	Woodward, David	

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Benn, Bernard
Cooney, Mary	Eaton, Stephanie	Lovett, Sid	Marshall, Gene
Naro, Debra	Nordgren, Sharon	Scanlan, David	Scovner, Nancy
Sokol, Hilda	Solow, Martha	Teschner, Douglass	Ward, Brien
Williams, Burton			

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Baroody, Benjamin	Batula, Peter	Bellavance, Paul	Bergin, Peter
Brundige, Robert	Calawa, Leon Jr	Carlson, Donald	Christiansen, Lars
Clayton, William	Cote, David	Cote, Peter	Coughlin, Pamela
Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard
Dyer, Merton	Eaton, Richard	Emerton, Lawrence Sr	Fields, Dennis
Fletcher, Richard	Ford, Nancy	Foster, Linda	Furman, Christine
Gargas, Carolyn	Gleneck, David	Goley, Jeffrey	Gonzalez, Carlos
Goulet, Maurice	Greenberg, Gary	Guinta, Frank	Haley, Robert
Hall, Charles	Holden, Randolph	Hopper, Gary	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lasky, Bette	Lefebvre, Roland
Leishman, Peter	Lessard, Rudy	Lynde, Harold	Martin, Mary Ellen
McHugh, Claire	Melcher, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	O'Connell, Timothy	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Sargent, Maxwell	Schulze, Joan	Sullivan, Peter
Tahir, Saghir	Tate, Joan	Thulander, O Alan	Wheeler, Robert
White, Donald	Williams, Carol		

MERRIMACK

Anderson, Eric	Bouchard, Candace	Clarke, Claire	Colcord, J D
Cummings, Raymond	Daneault, Gabriel	Davis, Frank	Feuerstein, Martin
Fraser, Leo Jr	French, Barbara	Gile, Mary	Hager, Elizabeth
Hutchinson, John	Jacobson, Alf	Langer, Ray	Leber, William
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	Moore, Carol
Perkins, Randy	Potter, Frances	Rodd, Beth	Rush, Deanna

Swindlehurst, John

Whalley, Michael

Yeaton, Charles

ROCKINGHAM

Belanger, Ronald

Bishop, Franklin

Blanchard, MaryAnn

Bowles, Raimond

Carson, Sharon

Case, Margaret

Chalbeck, Kevin

Clark, Martha Fuller

Coes, Betsy

Cooney, Richard

Dalrymple, Janeen

Dearborn, Bruce

Dowling, Patricia

Downing, Michael

Dumaine, Dudley

Flanders, John Sr

Francoeur, Sheila

Gilbert, Jeffrey

Gilbert, Karl

Giordano, Ronald

Gleason, John

Griffin, Mary

Hamel, Albert

Henderson, Warren

Holland, James Jr

Johnson, Robert

Johnson, Rogers

Kane, Cecelia

Katsakiores, George

Katsakiores, Phyllis

Kobel, Rudolph

Langley, Jane

Langone, John

Major, Norman

McKinney, Betsy

Micklon, Stephanie

Morse, Charles

Norelli, Terie

Nowe, Ronald

O'Neil, Michael

Packard, Sherman

Power, Lucille

Priestley, Anne

Putnam, Ed II

Rausch, James

Ruffner, Walter

Saia, Pamela

Shultis, Elizabeth

Sloan, Stephen

Splaine, James

Stone, Joseph

Stritch, C Donald

Varrell, Thomas

Welch, David

STRAFFORD

Berube, Roger

Cossette, Larry

DeChane, Marlene

Dunlap, Patricia

Estabrook, Iris

Gilmore, Gary

Goodwin, Earle

Grassie, Anne

Johnson, Nancy

Knowles, William

Musler, George

Pelletier, Arthur

Reid, Christopher

Rollo, Michael

Snyder, Clair

Tsiros, William

Twombly, James

Wall, Janet

Woodill, Rodney

Woods, Phyllis

SULLIVAN

Allison, David

Burling, Peter

Cloutier, John

Ferland, Brenda

Harris, Joseph

Harris, Sandra

Jones, Constance

Leone, Richard

Odell, Bob

Robb, Amy

Rodeschin, Beverly

NAYS 105

BELKNAP

Boyce, Laurie
Rice, Thomas Jr

Czech, Stanley

Dewhirst, Glenn

Lawton, David

CARROLL

Babson, David Jr

Torressen, Gary

CHESHIRE

Avery, Stephen
Pratt, John

Emerson, Susan

Liebl, George

Manning, Joseph

COOS

Mears, Edgar

GRAFTON

Cobb, John
Ham, Bonnie

Gabler, William
Mirski, Paul

Gilman, G Michael
Pawlek, Marion

Giuda, Robert
Sova, Charles

HILLSBOROUGH

Andosca, Mary
Cardin, Lori
Clemons, Jane
Dwyer, Paul
Graham, John
Kacavas, John
McDonough-Wallace,
Alice
Murphy, Robert
Pepino, Leo
Spiess, Paul

Bergeron, Jean-Guy
Chabot, Robert
Craig, James
Elliott, Larry
Hall, Betty
LaFlamme, Paul
McRae, Karen
Palangas, Eric
Seibel, Christopher
Sweeney, Cynthia

Bouchard, David
Christensen, D L Chris
Desrosiers, William
Golding, William
Herman, Keith
Leach, Edward
Moran, Edward
Panagopoulos, Nicholas
Shaw, Barbara
Vaillancourt, Steve

Buckley, Raymond
Clegg, Robert Jr
Dionne, Kimberley
Gorman, Mary
Jean, Loren
Martel, Andre
Movsesian, Lori
Pappas, Marc
Souza, Kathleen
White, John

MERRIMACK

Brewster, Richard
Reardon, Tara

Greco, Vincent
Winter, Steven

Kennedy, Richard

L'Heureux, Stephen

ROCKINGHAM

Camm, Kevin	Clark, Vivian	Corbin, Corey	Cox, Russell
DiFruscia, Anthony	Fesh, Bob	Hill, Jonathan	Hutchinson, Karen
Introne, Robert	Itse, Daniel	Kelley, Jane	Kelley, William
McGuire, Robert	Moore, Benjamin	Palermo, Diane	Pitts, Jacqueline
Quandt, Marshall	Quandt, Matthew	Sapareto, Frank	Trueman, Raymond
Weyler, Kenneth	Whittier, John		

STRAFFORD

Albert, Russell	Bickford, David	Brennan, William	Brown, Julie
Callaghan, Frank	Ferland, Paul	Harrington, Michael	Heon, Richard
Hughes, Christopher	Kaen, Naida	McCarthy, Gerald	Proulx, Raymond
Smith, Marjorie	Spang, Judith		

SULLIVAN

Franklin, Peter	Phinizy, James
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and the report was adopted.

suspension of rules

Reps. Scanlan and Burling moved that Rules be so far suspended as to permit reporting after the January 24, 2002 deadline and to permit consideration and referral to a second committee after the January 31, 2002 deadline for the following House Bills:

HB 1100-FN-A, requiring review of judges by the judicial conduct commission and relative to staffing of the judicial conduct commission and making an appropriation therefor.

HB 1414-FN-A-L, relative to the valuation method in the excavation activity tax.

HB 1417-FN-A, eliminating the payment of the business enterprise tax on interest paid by business enterprises.

HB 1421-FN-L, relative to criminal extradition expenses and making an appropriation therefor.

HB 1422, establishing certain positions in the insurance department.

HB 1427-FN-L, establishing a property tax relief program for low income homeowners.

Adopted by the necessary two-thirds.

RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 31, 2002 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1222, exempting ice-out contests from the laws regulating games of chance.

HB 1110, relative to the sale of ferrets.

HB 404, relative to rulemaking by the board of licensing for alcohol and other drug abuse professionals.

HB 1131, establishing a committee to study increasing the number of physicians who are New Hampshire residents.

HB 1142, relative to the advisory council on unemployment compensation.

HB 1384, making certain technical changes to the workers' compensation law.

HB 673, relative to a net asset qualification for the elderly property tax exemption for married persons.

HB 1397, relative to the annual salary of police commissioners of the town of Wolfeboro.

HB 1132, relative to grip height on motorcycles.

HB 1170, extending the environmental audit program.

HB 1135, establishing a study committee to reevaluate the health benefits and risks from fluoridation of water in New Hampshire.

HB 1136, proclaiming February 14 as Congenital Heart Defect Awareness Day.

unanimous COnsent

Reps. Hager and Stone addressed the House.

special guests

Benny and Elve Chen, Ivy Wong, Chip Gardner, John Gibson, Frances Sidley, Cecelia Deschambault, Kathy Bartholdi, AnaMaria Greenberg, special guests of Rep. Gary Greenberg.

RECESS MOTION

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

Adopted.

The House recessed at 11:20 a.m.

RECESS