

HOUSE RECORD

Second Year of the 157th Session of the General
Court

Calendar and Journal of the 2002 Session

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Concord N.H.

February 21, 2002

No. 21

HOUSE JOURNAL No. 6 (cont.)

Thursday, February 14, 2002

RECESS

(Rep. Mercer in the Chair)

ENROLLED BILL AMENDMENT

SB 385, relative to electric personal assistive mobility devices. (Amendment printed SJ 2/14/02)

Adopted.

RECESS

(Rep. Lee Quandt in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill 385.

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

RECESS

(Rep. Mercer in the Chair)

RESOLUTION

Rep.Goulet offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1481 through 1483 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

First, second reading and referral

HB 1481-FN-L, relative to a highway construction project in Nashua. (Gleneck, Hills 29; Albert, Straf 17; Drabinowicz, Hills 36: Public Works and Highways)

HB 1482-FN-A, re-authorizing the motor oil discharge cleanup fund established under RSA 146-F, and establishing new positions at the department of environmental services and making appropriations therefor. (Holbrook, Belk 7; Downing, Rock 26; Rodeschin, Sull 4; Barnes, Dist 17: Environment and Agriculture)

HB 1483, relative to filling vacancies occurring on school boards. (Gleneck, Hills 29; Albert, Straf 17; Drabinowicz, Hills 36; Artz, Hills 34: Education)

RECESS

(Rep. Martel in the Chair)

RESOLUTION

Rep. Chandler offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 177, 313, 318, 319, 320, 324, 330, 331, 342, 351, 353, 361, 363, 366, 367, 368, 369, 380, 383, 386, 392, 394, 398, 399, 400, 410, 411, 413, 414, 419 and 425 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 177-FN-L, relative to computation of tax increments in municipal economic development and revitalization districts. (Municipal and County Government)

SB 313, relative to penalties for misrepresenting age for the purpose of procuring liquor or beverage. (Commerce)

SB 318, relative to transfers of funds from the sweepstakes fund for sweepstake purposes. (Ways and Means)

SB 319, relative to participation in international lotteries. (Ways and Means)

SB 320, establishing a study committee to review independent living retirement communities. (Health, Human Services and Elderly Affairs)

SB 324, urging a study of the operating efficiency of state government. (Executive Departments and Administration)

SB 330, relative to the administration of a patient's own prescription by emergency medical care providers. (Executive Departments and Administration)

SB 331-FN, relative to the purchase of certain prior service credit by members of the retirement system. (Executive Departments and Administration)

SB 342, relative to the purpose of the certificate of need law. (Health, Human Services and Elderly Affairs)

SB 351, establishing a commission to study the expansion of projects eligible for financial assistance under RSA 486-A. (Municipal and County Government)

SB 353, relative to the definition of "sugar orchard" for purposes of the timber yield tax. (Environment and Agriculture)

SB 361-FN, establishing a committee to study developing computerized emergency warning systems that use the enhanced 911 data base to provide telephone subscribers with a telephone warning of an emergency situation. (Science, Technology and Energy)

SB 363, establishing a committee to study economic distortions associated with property taxation. (Ways and Means)

SB 366, relative to the biennial reports of the public utilities commission. (Science, Technology and Energy)

SB 367, relative to the guardian ad litem board. (Children and Family Law)

SB 368, granting probate courts the power to issue attachments and levies of execution. (Judiciary)

SB 369, relative to compensation of guardians and conservators for administrative expenses. (Judiciary)

SB 380, establishing a committee to study the space needs of the division of safety services within the department of safety. (Public Works and Highways)

SB 383, relative to the location of district courts within judicial districts and changing the names of certain judicial districts. (Judiciary)

SB 386, relative to automated external defibrillators. (Criminal Justice and Public Safety)

SB 392, establishing a committee to study certification of mortgage loan originators. (Commerce)

SB 394, relative to the duties of the advisory committee on international trade. (Commerce)

SB 398-FN, authorizing an increase in admission fees for the Seacoast Science Center at Odiorne Point state park in Rye, New Hampshire. (Resources, Recreation and Development)

SB 399, regulating demand drafts under the New Hampshire Uniform Commercial Code. (Commerce)

SB 400, establishing a committee to study issues concerning the Poison Information and Control Center. (Health, Human Services and Elderly Affairs)

SB 410, relative to large groundwater withdrawals. (Resources, Recreation and Development)

SB 411, extending the reporting dates of certain study committees. (Legislative Administration)

SB 413, establishing a committee to study background checks for nursing home employees. (Health, Human Services and Elderly Affairs)

SB 414, relative to the committee allowing the use of business logo signing on the mainline of limited access and divided highways. (Public Works and Highways)

SB 419, relative to notification of groundwater contamination. (Resources, Recreation and Development)

SB 425-FN-L, revising the formula used to calculate the cost of an adequate education. (Finance)

SENATE MESSAGE

CONCURRENCE

HB 295-FN, relative to medicaid recoveries from third party settlements.

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

HB 681, relative to billing by local exchange carriers, electric distribution companies, and gas distribution companies.

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

Rep. Scanlan moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 7

Thursday, February 21, 2002

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 Guest Chaplain, The Reverend Anna C. Beach, Pastor of Bow Mills United Methodist Church in Bow.

Holy Creator God, we come before You with our prayers of thanksgiving for the beginning of this new day. We thank You for the blessings that You have bestowed upon us as Your people in this corner of Your world. You have created a world of wonder and natural beauty in New Hampshire that continues to amaze us. We thank You for the grandeur of Your lofty mountain peaks from Mount Monadnock to the Presidential Range. We marvel at Your footsteps that created the valleys and notches. We stand by the seacoast hearing the roar of the surf and seeing the breaking waves that had their origins far from our shores. We test Your pristine lakes and ponds with our toes and fingers until we feel the urge to immerse our whole selves in the refreshing waters.

From our large cities to our small towns and villages we enjoy the beauty of the four seasons that You have placed before us. You have, indeed, given us a wide bounty of gifts for our pleasure and recreation, and we thank You each day that they are ours to enjoy.

However, there are many persons in New Hampshire who are unable to take in the beauty of the world about them because their lives have become so unsettled. They face the loss of jobs as mills close and companies downsize. Others find their lives filled with abuse, both physical and emotional. There are youth who find themselves living on the street oft shuffling from one friend's home to another because their families have turned their backs on them. Young children are left alone or with siblings that are not much older than themselves because their parents or parent must hold down multiple jobs just to make ends meet. In this land of beauty and plenty, help us to remember that there are those who are just managing to live day to day and hour to hour. Protect those who are oppressed in any way and help us to find ways that will bring justice and wholeness to their lives. In this world of uncertainty, where there are those who would look for ways to destroy the very lifestyles and freedoms we enjoy, we would ask for your Guard and guide each and every day. Let each one of us take hold of what it means to be free to assemble together, be it as a legislative body, religious congregation, fraternal organization, at a school event, or as family, friends and neighbors gathered together in community.

Lord God, we also thank You for the privilege of serving the people of this state that has been bestowed upon the members of this chamber. We thank You for their dedication, patience, and perseverance as they gather to bring forth and debate the issues facing New Hampshire.

We ask Your special blessing upon Governor Jeanne Shaheen, the Speaker of the House, the State Senate, the Executive Council and all those who serve New Hampshire here in Concord, in our cities and towns, and President Bush as he leads our nation. Be with each one of us today and everyday. We thank You and ask all these things in Your holy name. Amen.

Rep. Robert Giuda led the Pledge of Allegiance.

The National Anthem was sung by Lindsey Clayton, a student from Manchester West High School.

LEAVES OF ABSENCE

Reps. Arnold, Bishop, Callaghan, Flanagan, Palangas, Rodrigue, Royce and Taylor, the day, illness.

Reps. Balcom, Bartlett, Fletcher, Flora, Marilyn Fraser, Gonzalez, LaFlamme, Leber, Lyman, McRae, O'Keefe, Palermo, Pappas, Priestley, Robb, Rodd, Saia, Marjorie Smith, Tahir, Teschner and Torressen, the day, important business.

INTRODUCTION OF GUESTS

Rene, Elizabeth, Ralph and Karyl Larson, granddaughter, daughter-in-law and guests of Rep. Gabler. Bob and Paula Ferguson, guests of Reps. Sandra Harris and Emerson. Lin Westberg and Jana Stopas, guests of Reps. Gargas and Drisko. Betty and Bob Clayton, Tom Clayton, parents and brother of Rep. Clayton. Cynthia Herman, wife of Rep. Herman.

communication

February 20, 2002

Karen O. Wadsworth, Clerk of the House:

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Rockingham 4, James R. Boynton, r, Epping (86 Meadowbrook Drive) 03042

William M. Gardner, Secretary of State

suspension of rules

Reps. Scanlan and Burling moved that Rules be so far suspended as to permit referral to a second committee beyond the deadline on **HB 1102**, establishing a committee to study a hazardous waste coordinator certification program, and **HB 1305-FN**, relative to the pollution prevention program, and reporting and final action beyond deadlines with final action no later than March 21, 2002 on 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 1102, establishing a committee to study a hazardous waste coordinator certification program.

HB 1305-FN, relative to the pollution prevention program.

HB 1440-FN-A-L, establishing a New Hampshire local government records management improvement program and fund and making an appropriation therefor.

HB 1447, establishing a committee to study methods of supporting the continued operation of wood-fired electrical generating facilities.

HB 1449-A, relative to the New Hampshire rivers management and protection program and making an appropriation therefor.

HB 1454-FN, requiring hepatitis testing and vaccination of department of corrections' employees and inmates in the state prison system.

HB 1455-FN-L, relative to allowing political subdivision employees who are members of the retirement system to make payment for prior service with other retirement assets.

HB 1458-FN-L, allowing emergency medical service personnel to be group II members of the New Hampshire retirement system.

HB 1459-FN-A, making an appropriation to the Alan B. Shepard discovery center.

HB 1460-FN, relative to penalties for alcohol- and drug-related offenses.

HB 1461-FN, transferring the office of emergency management to the department of safety, division of fire safety.

HB 1462-FN-A-L, eliminating the statewide education property tax as a source of funding adequate education.

HB 1464-FN, prohibiting human cloning in New Hampshire.

HB 1466-FN-L, providing for the assignment to the state of the collection of certain state education property taxes deemed uncollectible due to bankruptcy or disaster.

HB 1467-FN, relative to the cost of vaccines.

HB 1469-FN, relative to eligibility and requirements for state employees to receive a retirement allowance while in service.

HB 1470-FN, transferring tobacco products sales licensing authority to the liquor commission and increasing tobacco products sales license fees.

HB 1471-FN, establishing a committee for the design and construction of a memorial to the victims of the September 11 tragedy.

HB 1472-FN, amending the definitions, applications, and fees relating to explosives and explosive substances, and relative to background investigations and criminal records checks for applicants for private detective or security services.

HB 1476, relative to the age of retirement or early retirement in the city of Manchester employees contributory retirement system.

HB 1477, relative to the use of the real property of counties.

HB 1478-FN-A, relative to public health emergency preparation and response.

HB 1481-FN-L, relative to a highway construction project in Nashua.

HB 1482-FN-A, re-authorizing the motor oil discharge cleanup fund established under RSA 146-F, and establishing new positions at the department of environmental services and making appropriations therefor.

HB 1483, relative to filling vacancies occurring on school boards.

Reps. Herman and Burling spoke in favor.

Adopted by the necessary two-thirds.

committee reports

consent calendar

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

HB 1187-FN, relative to criminal penalties for possession of a firearm in a safe school zone, removed by Rep. Wendelboe.

HB 1394, establishing a committee to study entering into the nurse licensure compact for interstate reciprocity for nurses, removed by Rep. Wendelboe.

HB 1165, establishing a committee to study issues arising from State v. Laurie, removed by Rep. Marshall Quandt.

HB 1311, relative to expunging certain mental health records, removed by Rep. Manning.

Consent Calendar adopted.

HB 1125, extending insurance coverage by health service corporations to certain call firefighters and emergency medical technicians employed by municipalities. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: The provisions of this proposed legislation would have allowed call firefighters to access health insurance of the community in which they reside if the

municipalities agreed. Because of some unresolved issues, such as cost implications and eligibility, etc., the sponsor of the bill requested that this bill be reported out as inexpedient to legislate. The bill, if it had been adopted, would have waived the 15-hour week to qualify as part time. Vote 13-0.

HB 1153, relative to the jurisdiction of the board of manufactured housing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marshall E. Quandt for Commerce: This bill, as amended, establishes a committee to study the jurisdiction of the Board of Manufactured Housing and also addresses the location of the records of the Board of Manufactured Housing. The committee felt that due to the volume and nature of the manufactured housing bills, a committee should be formed to study these issues and any other similar issues that the committee feels necessary to review. Vote 14-0.

Amendment (2498h)

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

AN ACT establishing a committee to study the jurisdiction of the board of manufactured housing, and relative to addressing the location of the records of the board of manufactured housing.

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

1 Committee Established. There is established a committee to study the jurisdiction of the board of manufactured housing.

2 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.

3 Duties. The committee shall study the jurisdiction of the board of manufactured housing and shall consider expanding the jurisdiction of the board over manufactured housing park disputes. The committee, at its discretion, may also consider other issues relevant to manufactured housing.

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, 2003.

6 Board of Manufactured Housing; Meetings and Records; Records Maintained at Board Office. Amend RSA 205-A:29 to read as follows:

205-A:29 Meetings and Records. The board shall hold meetings in Concord, New Hampshire or in any other location deemed appropriate by the board. The records of the board shall be maintained at the office of the ~~[consumer protection and antitrust bureau of the department of justice]~~ **board of manufactured housing**.

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

AMENDED ANALYSIS

This bill establishes a study committee to study the scope of jurisdiction of the board of manufactured housing. The bill also states that the board's records shall be maintained at the office of the board of manufactured housing.

HB 1162, relative to unsolicited electronic email. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This is an ever-increasing problem for all of us: unwanted and unsolicited email. Like telemarketers, most of the onerous communications we receive originates in other states, or for that matter, in other countries as a result of which we in New Hampshire have little or no control. The sponsor agreed with the committee that a better course of action would be to prepare a House Concurrent Resolution directed to our New Hampshire Attorney General, the US Attorney General and our congressional delegation. Based on the foregoing, the committee was unanimous in reporting the bill out as inexpedient to legislate. Vote 14-0.

HB 1166, relative to sign restrictions regarding alcoholic beverages. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Avery for Commerce: This bill allows brand advertising of liquor and beverages sold in the state through the use of internally illuminated signs inside licensed premises. The amendment excludes the use of neon signs and signs outside the licensed premise. Vote 11-3.

Amendment (2611h)

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

AN ACT relative to alcoholic product advertising.

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

1 Holders of Beverage Manufacturer, Beverage Vendor Importer, Wholesale Distributor, Beverage Vendor, Beverage Representative, and Other Licenses; Prohibited Interests; Applicability. Amend RSA 179:11, VI to read as follows:

VI. The provisions of ~~[this section]~~ **paragraphs IV through V** shall also apply to liquor and wine manufacturers, liquor and wine vendors, liquor and wine representatives, and liquor and wine salespersons.

2 Alcoholic Beverages; Enforcement, Requirements, and Penalties; Sign Restrictions. Amend RSA 179:25 to read as follows:

I. No **brand** advertising of liquor or beverages sold in this state shall be allowed through the use of internally illuminated signs~~[-inside or]~~ outside the licensed premises. ***Brand advertising of liquor or beverages sold in this state shall be allowed through the use of internally illuminated signs inside the licensed premises.*** Notwithstanding the above, beverage manufacturers and wholesale distributors may advertise on the site of their licensed premises through the use of internally illuminated signs.

II. For the purposes of this section, internally illuminated signs shall include ~~[neon,]~~ back lighted, ~~[flashing,]~~ or similar signs, ***but shall not include neon signs.***

III. All exterior signs shall be in conformance with city or town requirements.

IV. For purposes of this section only, "brand advertising" means advertising that includes a name, trademark, symbol, logo, slogan, or other distinguishing mark or device that identifies any product or manufacturer.

3 Alcoholic Beverages; Product Advertisement. Amend the introductory paragraph of RSA 179:28 to read as follows:

An industry member may furnish, give, rent, loan, or sell product displays ***or other things of value*** to a retailer, subject to the following conditions and limitations:

4 Effective Date. This act shall take effect July 1, 2002.

AMENDED ANALYSIS

This bill limits the applicability of certain prohibitions on the advertising of alcoholic beverages. This bill also modifies the applicability of certain interest prohibitions on certain persons licensed by the liquor commission.

HB 1167, relative to wine tasting. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Avery for Commerce: This bill will allow New Hampshire wine manufacturers to sell their products at farmers' markets. It also, through rules adopted by the liquor commission, will allow manufacturers to transport their products to farmers' market and to sell such products at retail in their original container. Vote 14-0.

Amendment (2602h)

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

AN ACT permitting wine manufacturers to sell their products at farmers' markets.

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

1 New Paragraph; Alcoholic Beverages; Definitions; Farmers' Market. Amend RSA 175:1 by inserting after paragraph XXXI the following new paragraph:

XXXI-a. "Farmers' market" means an event or series of events at which 2 or more vendors of agricultural commodities gather for purposes of offering for sale such commodities to the public. Commodities offered for sale must include, but are not limited to, products of agriculture, as

defined in RSA 21:34-a. "Farmers' market" shall not include any event held upon any premises owned, leased, or otherwise controlled by any individual vendor selling therein.

2 Liquor Licenses and Fees; Wine Manufacturer License; Sale of Wine; Farmers' Markets.
Amend RSA 178:6, III to read as follows:

III. Each manufacturer shall have the right to sell at retail or wholesale at its winery for off-premises consumption any of its domestic wines. Visitors at said premises may be provided with reasonable samples of wine for tasting. ***Pursuant to rules adopted by the commission, a wine manufacturer may transport its products to a farmers' market, and may sell such products at retail in the original container.***

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

AMENDED ANALYSIS

This bill permits wine manufacturers to sell their products at farmers' markets.

HB 1176, limiting the hours available for telephone solicitation. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This bill, if adopted, would give telemarketers the opportunity to call only between the hours of 9 am and 5 pm Monday through Friday. This bill, although well intentioned, would be pre-empted by federal law that allows for calling during the hours of 8 am and 9 p.m. As most all of the telemarketers are located out-of-state, they are engaged in interstate commerce and would therefore be regulated by the federal government FCC and FTC. Vote 13-1.

HB 1220, relative to assisted living residences and housing for older persons. **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Hunt for Commerce: The bill requires that all assisted living residences must disclose all costs and services for any new elderly resident. The amended bill requires the Department of Health and Human Services to draft the standardized form that would be used. Vote 13-0.

Amendment (2603h)

Amend RSA 161-J:2, III as inserted by section 1 of the bill by replacing it with the following:

III. "Housing for older persons" means housing which provides or holds itself out as providing on-site personal assistance services over and above service coordination and housing which is:

(a) Provided under any state or federal program that the Secretary of the United States Department of Housing and Urban Development determines is specifically designed and operated to assist elderly persons as defined in the state or federal program; or

(b) Intended for, and solely occupied by, persons 62 years of age or older; or

(c) Intended and operated for occupancy by at least one person 55 years or older per unit.

161-J:3 Applicability. This chapter shall apply to assisted living residences as defined in RSA 161-J:2, II and housing for older persons as defined in RSA 161-J:2, III.

Amend RSA 161-J:5 as inserted by section 1 of the bill by replacing it with the following:

161-J:5 Standard Disclosure Summary. The standard disclosure summary, which shall accompany a residential services agreement, shall be in a form adopted by the commissioner of the department of health and human services by rule pursuant to RSA 541-A.

HB 1290, relative to genetic information. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser for Commerce: During the course of the public hearing, it was claimed that entities that are recipients of blood donations use that sample (without permission of the donor) for purposes other than what was ascribed. In the course of our review a representative of the committee discussed with one of the state's leading laboratories about what the blood that is taken is used for. This entity as well as all other similar endeavors, does test the blood for exactly what the doctor prescribes, no more, no less. The findings of the lab are provided to the physician and that report becomes part of the confidential record of the patient. Further, we learned that state law requires the blood to be held by the lab for seven days after which it is incinerated. A representative of the committee was in touch with management of one of our leading hospitals and essentially the same process takes place when a blood sample is taken by a hospital in that it is tested for whatever the physician prescribes, nothing more, nothing less. After that the blood sample is also incinerated. The third entity that was contacted was the American Red Cross. We learned that the first thing that happens is that a "Whole Blood Number" is assigned to the donation. We further learned that if a person should be a frequent donor a different "Whole Blood Number" is assigned to each donation. For safety purposes a three-page description of the tests are completed on a donor's blood before the blood is distributed to hospitals. Pheresis-donated blood is for leukemia, chemotherapy and other patients who need to increase their platelet count. This test is a genetic test to assure a close match between donor and patient. The closer the match, the more likely the patient's platelet count will improve. Informed consent forms for Pheresis donors is completed and three pages relating to Red Cross policies and procedures to ensure confidentiality of blood donor information is provided. The confidential records of the donor are stored in Dedham, MA. Further, the only record that is sent to the hospital with the whole blood is the "Whole Blood Number". Although legislation was well intentioned, the confidentiality of the donor and what the blood is used for is extremely well safeguarded. Vote 12-1.

HB 1336-FN, permitting wine manufacturers to maintain restaurants or catering facilities.
OUGHT TO PASS WITH AMENDMENT

Rep. Stephen G. Avery for Commerce: This bill permits the holder of a wine manufacturer license to be issued a restaurant or a full service restaurant with lounge license by the Liquor Commission. Currently beverage (beer) manufacturers are permitted to have restaurant licenses and this bill gives the same privilege to the three wine manufacturers in the state. Vote 12-0.

Amendment (2413h)

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

AN ACT permitting wine manufacturers to be issued restaurant licenses.

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

1 New Paragraph; Wine Manufacturer License; Restaurant. Amend RSA 178:6 by inserting after paragraph VIII the following new paragraph:

IX. The holder of a wine manufacturer license, or designee, may be issued a restaurant or a full service restaurant with lounge license at the discretion of the commission. The annual fee for each license issued under this section shall be as required under RSA 178:27.

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

AMENDED ANALYSIS

This bill permits the holder of a wine manufacturer license to be issued a restaurant or a full service restaurant with lounge license.

HB 1361-FN, relative to the regulation of business practices between off highway recreational vehicle manufacturers, distributors, and dealers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: The original proposed legislation would have adopted language addressing the relationship between manufactures and dealers in the sale of off-highway recreational vehicles (OHRV). However, if the original version had been embraced it would have created an entire new section of the law. Because of the similarities in many of the sections of the RSA's between automobile dealers and manufacturers, and OHRV's and manufacturers, it made more sense to incorporate in current law the issue addressing the relationship between dealers of OHRV's and the manufacturers. There are actually five amendments that needed to be addressed. The first would change RSA 367-C: 7 which currently says that a motor vehicle dealer can be terminated for not performing in sales or service, but only after the manufacturer gives the dealer 180 days to cure the defective performance. The second, RSA 357-C: 3, provides that a manufacturer must deliver product to a dealer within a reasonable time after receiving the order. However, OHRV manufacturers usually have only one time of the year when dealers place orders for the entire season. Third, RSA 357-C: 31-B places disclosure requirements on a dealer who offers a direct import for sales. This section would impose the disclosure requirements on most OHRV's because they technically would be considered direct imports. Fourth, RSA 357-C: 9 places restrictions on a manufacturer adding or relocating a dealer. The key to the section is the dealer's relevant market area. Automobile franchisees have the relevant market area stated in their franchise agreements by town or zip code. OHRV franchise agreements usually do not have such specific designations of market area. Therefore this section of RSA 357 probably would be rendered meaningless to OHRV dealers. One solution would be to require OHRV manufacturers to specify the relevant market area in OHRV franchise agreements. The fifth and last change adds to the automobile "lemon law" (RSA 259:60) to the private passenger or station wagon type vehicle, any OHRV as defined in RSA 250-A. Vote 12-0.

Amendment (2597h)

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

1 New Motor Vehicle Arbitration; Off Highway Recreational Vehicle Added to Definition of Motor Vehicle. Amend RSA 357-D:2, X to read as follows:

X. "Motor vehicle" means:

(a) A motor vehicle, as defined in RSA 259:60, of the private passenger or station wagon type with a gross weight not exceeding 9,000 pounds that is purchased or leased by a consumer; or

(b) Any other 4-wheel motor vehicle with a gross weight not exceeding 9,000 pounds, except tractors, [~~off highway recreational vehicles,~~] and mopeds; or

(c) Motorcycles; **or**

(d) Any off highway recreational vehicle as defined in RSA 215-A:1,

VI.

2 New Motor Vehicle Arbitration; Enforcement of Warranties; OHRV Added. Amend RSA 357-D:3, V to read as follows:

V. If, after a reasonable number of attempts, the manufacturer, its agent or authorized dealer or its delegate is unable to conform the motor vehicle to any express warranty by repairing or correcting any defect or condition covered by the warranty which substantially impairs the use, market value, or safety of the motor vehicle to the consumer, the manufacturer shall, at the option of the consumer within 30 days of the effective date of the board's order, replace the motor vehicle with a new motor vehicle from the same manufacturer, if available, of comparable worth to the same make and model with all options and accessories with appropriate adjustments being allowed for any model year differences or shall accept return of the vehicle from the consumer and refund to the consumer the full purchase price or to the lessee, in the case of leased vehicles, as provided in paragraph IX. In those instances in which a refund is tendered, the manufacturer shall refund to the consumer the full purchase price as indicated in the purchase contract and all credits and allowances for any trade-in or down payment, license fees, finance charges, credit charges, registration fees, and any similar charges and incidental and consequential damages or, in the case of leased vehicles, as provided in paragraph IX. Refunds shall be made to the consumer and lienholder, if any, as their interests may appear, or to the motor vehicle lessor and lessee as provided in paragraph IX. A reasonable allowance for use shall be that amount directly attributable to use by the consumer prior to the first repair attempt and shall be calculated by multiplying the full purchase price of the vehicle by a fraction having as its denominator 100,000, or for a motorcycle **or OHRV** with an engine size of 250 cubic centimeters or smaller 20,000, or for a motorcycle **or OHRV** with an engine size greater than 250 cubic centimeters 40,000, and having as its numerator the number of miles that the vehicle traveled prior to the first attempt at repairing the vehicle.

3 New Motor Vehicle Arbitration; Enforcement of Warranties; OHRV Added. Amend RSA 357-D:3, IX (a) to read as follows:

(a) The manufacturer shall provide to the lessee the aggregate deposit and rental payments previously paid to the motor vehicle lessor by the lessee, and incidental and consequential damages, if applicable, minus a reasonable allowance for use. The aggregate deposit shall include, but not be limited to, all cash payments and trade-in allowances tendered by the lessee to the motor vehicle lessor under the lease agreement. The reasonable allowance for use shall be calculated by multiplying the aggregate deposit and rental payments made by the lessee on the motor vehicle by a fraction having as its denominator 100,000 or for a motorcycle **or OHRV** 20,000, and having as its numerator the number of miles that the vehicle traveled prior to the first attempt to repair the vehicle.

4 Regulation of Business Practices Between Motor Vehicle Manufacturers, Distributors and Dealers; Definition of Motor Vehicle Amended. Amend RSA 357-C:1, I to read as follows:

I. "Motor vehicle" means every self-propelled vehicle manufactured and designed primarily for use and operation on the public highways and required to be registered and titled under the laws of New Hampshire, not including farm tractors and other machines and tools used in the production, harvesting, and care of farm products. ***Except for RSA 357-C:3, I-b, and where otherwise specifically exempted from the provisions of this chapter, "motor vehicle" shall include off highway recreational vehicles.***

5 Regulation of Business Practices Between Motor Vehicle Manufacturers, Distributors and Dealers; Definition of New Motor Vehicle Amended. Amend RSA 357-C:1, XV to read as follows:

XV. "New motor vehicle" means a ***motor*** vehicle which is in the possession of the manufacturer or distributor, or has been sold only to the holders of a valid sales and service agreement, franchise or contract granted by the manufacturer or distributor for the sale of that make of new motor vehicle and which is in fact new and on which the original title, ***to the extent a title is required by the state of New Hampshire***, has not been issued from the franchised dealer.

6 New Paragraphs; Regulation of Business Practices Between Motor Vehicle Manufacturers, Distributors and Dealers; Definition of OHRV added. Amend RSA 357-C:1 by inserting after paragraph XXIII the following new paragraphs:

XXIV. "OHRV" means off highway recreational vehicle.

XXV. "Off highway recreational vehicle" means any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires, belts, cleats, tracks, skis, or cushioned air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ice or snow or not, where the operator sits in or on the vehicle. All legally registered motorized vehicles when used for off highway recreational purposes shall fall within the meaning of this definition; provided that, when said OHRV is being used for transportation purposes only, it shall be deemed that said OHRV is not being used for recreational purposes. For purposes of this chapter OHRVs shall also include: "all terrain vehicles" as defined in RSA 215-A:1, I-b, "snow traveling vehicle" as defined in RSA 215-A:1, XIII, and "trail bike" as defined in RSA 215-A:1, XIV.

7 Regulation of Business Practices Between Motor Vehicle Manufacturers, Distributors and Dealers; Prohibited Conduct Relative to Disclosure Prior to Sale of Direct Import Vehicle; OHRVs Excluded. Amend the introductory paragraph of RSA 357-C:3, I-b to read as follows:

I-b. Distributor or motor vehicle dealer, in offering for sale a direct import vehicle ***other than an OHRV***, not to disclose to the prospective buyer in writing the following:

8 Regulation of Business Practices Between Motor Vehicle Manufacturers, Distributors and Dealers; Prohibited Conduct Relative to Delivery of Motor Vehicles; Exception Added. Amend RSA 357-C:3, III(a) to read as follows:

(a) Refuse to deliver in reasonable quantities, and within a reasonable time after receipt of dealer's order, to any motor vehicle dealer having a franchise or contractual arrangement for the retail sale of new motor vehicles sold or distributed by such manufacturer, distributor, distributor branch or division, or factory branch or division, any motor vehicles covered by such franchise or contract and specifically advertised by such manufacturer, distributor, distributor branch or division, or factory branch or division to be available for immediate delivery; provided, however, that the failure to deliver any motor vehicle shall not be considered a violation of this subparagraph if such failure is due to an act of God, work stoppage or delay due to strike or labor difficulty, shortage of materials, ***the seasonal nature of the production and ordering of***

the new motor vehicles, freight embargo, or other cause over which the manufacturer, distributor, or any agent thereof, shall have no control;

9 Regulation of Business Practices Between Motor Vehicle Manufacturers, Distributors and Dealers; Limitations on Cancellations, Terminations and Nonrenewals; Failure of Performance Under Franchise Agreement. Amend RSA 357-C:7, II(b)(2) to read as follows:

(2)(A) ***Except with regard to OHRV dealers***, such failure thereafter continued within the period which began not more than 180 days before the date notification of termination, cancellation, or nonrenewal was given pursuant to paragraph V; and

(B) ***With regard to OHRV dealers, such failure thereafter continued within the period which began not more than 365 days before the date notification of termination, cancellation, or nonrenewal was given pursuant to paragraph V; and***

10 Effective Date. This act shall take effect January 1, 2003.

AMENDED ANALYSIS

This bill includes off highway recreational vehicles (OHRVs) in RSA 357-C, which regulates business practices between motor vehicle manufacturers, distributors, and dealers, and RSA 357-D, the state "lemon law."

HB 1392, relative to mediation before the board of manufactured housing. **INEXPEDIENT TO LEGISLATE**

Rep. Marshall E. Quandt for Commerce: This bill requires the Board of Manufactured Housing to attempt to resolve manufactured housing park rules through mediation prior to scheduling an administrative hearing before the board by forcing mediation in each complaint. The committee felt that mediation should be dealt with on a voluntary basis and on a case by case basis. Vote 13-1.

HB 1108, relative to personal appearance by law enforcement officers at administrative license suspension hearings. **OUGHT TO PASS WITH AMENDMENT**

Rep. Constance A. Jones for Criminal Justice and Public Safety: Defense attorneys often use administrative license suspension (ALS) hearings as a discovery tool and the cost of law enforcement agencies is high in both dollars and the loss of man-hours required when the officer has to attend the hearings, often on his/her day off and on overtime. HB 1108, with amendment, allows for telephonically conducted hearings for administrative license suspension (ALS) at the request of either the person or the law enforcement officer. Vote 13-1.

Amendment (2454h)

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

AN ACT relative to administrative license suspension hearings.

Amend the bill by replacing section 1 with the following:

1 Administrative Review and Hearings; Conduct of Hearings. Amend RSA 265:91-b, I(c) to read as follows:

(c) If the request is for a hearing, ~~[the request shall also indicate whether or not the person desires to have the law enforcement officer present.]~~ the hearing shall be held within 20 days after the filing of the request unless the person requests a continuance. A request for a continuance by the person shall not stay the order of suspension or revocation. The hearing shall be recorded, and be conducted by the department's designated agent. The hearing ~~[may]~~ **shall** be conducted upon a review of the law enforcement officer's report ~~[if there is no request to have the officer present. If there is a request that the law enforcement officer be present at the hearing and the officer fails to appear without good cause shown, the case shall be dismissed and the order rescinded].~~ If the person requesting the hearing fails to appear without good cause shown, the right to a hearing shall be waived and the order sustained. ***The hearing may be held by telephone or other electronic means at the request of either the person or the law enforcement officer, provided that the request is received by the department within 30 days of the service of notice under RSA 265:91-a. The director may adopt rules relative to telephonic hearings conducted pursuant to this subparagraph.***

AMENDED ANALYSIS

This bill eliminates the requirement that a law enforcement officers appear at the administrative license suspension hearings when requested by the person arrested. This bill also permits administrative license suspension hearings to be held by telephone or other electronic means.

HB 1137, relative to the crime of resisting arrest. **OUGHT TO PASS**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: RSA 642:2 provides that a person is guilty of a misdemeanor when the person knowingly, purposely or physically interferes with a person recognized to be a law enforcement official seeking to make an arrest or detention. This bill adds "protective custody" to the definition of "detention". RSA 172-B:3 provides implied authority for a law enforcement officer to use necessary and reasonable force to take a person into protective custody. Adding "protective custody" to RSA 642:2 extends this same authority to a law enforcement officer who is taking a person into custody pursuant to an order for emergency hospitalization under RSA 135-C:29, where such officer is required to take custody of the person to be admitted. Vote 14-1.

HB 1147, relative to the annulment of certain criminal offenses committed under the laws of another jurisdiction. **OUGHT TO PASS WITH AMENDMENT**

Rep. Patricia M. O'Keefe for Criminal Justice and Public Safety: This bill deals with the annulment of criminal records by providing that convictions under the laws of another state must be considered reasonably equivalent to violations under New Hampshire law in the consideration of an annulment petition. The bill also gives judicial discretion in whether a violation, other than those under RSA 265:82 (the Driving Under the Influence statute), shall bar annulment after the required time period has expired. Vote 14-0.

Amendment (2492h)

Amend RSA 651:5, VI-a as inserted by section 1 of the bill by replacing it with the following:

VI-a. A conviction for an offense committed under the laws of another state which would not be considered reasonably equivalent to a violation of New Hampshire law, shall not count as a conviction for the purpose of obtaining an annulment under this section.

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

2 New Paragraph; Annulment of Criminal Records; Discretion of Court. Amend RSA 651:5 by inserting after paragraph III the following new paragraph:

III-a. For a conviction for another crime or offense committed during the time period specified in paragraph III, other than driving while intoxicated under RSA 265:82, and those offenses set forth in paragraph V of this section, the court in its discretion, shall determine if such conviction shall bar annulment after the time period specified in paragraph III has expired, and shall issue its decision in writing.

AMENDED ANALYSIS

This bill provides that a conviction under the laws of another state of an offense which would not be considered reasonably equivalent to a violation of New Hampshire law, shall not count as a conviction for the purposes of obtaining an annulment of a criminal record in this state. The bill also gives the court discretion to determine whether a conviction for another crime or offense committed during the specified time period shall bar annulment after the time period has expired.

HB 1185-FN, relative to the possession of deadly weapons in a safe school zone. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill would create a class A misdemeanor for the possession of certain deadly weapons in a safe school zone, and create certain exceptions. In essence the bill used RSA 625:11,V to define deadly weapons. It was the unanimous feeling of the committee that this is too broad a definition to make mere possession of a "deadly weapon" a class A misdemeanor. RSA 625:11,V includes any "firearm, knife or other substance or thing which, in the manner used, intended to be used, or threatened to be used, is known to be capable of producing death or serious bodily injury." Under this bill possessing a pocketknife would be a crime. Almost any object can be classified as a deadly weapon when considering "the manner in which it is used, intended to be used or threatened to be used, is known to be capable of producing death or serious injury". The school may make administrative rules to ban specific types of weapons as it deems appropriate. Vote 13-0.

HB 1186-FN, relative to penalties for flag desecration. **INEXPEDIENT TO LEGISLATE**

Rep. Lori A. Movsesian for Criminal Justice and Public Safety: The charge for desecration of the United States flag is already an existing statutory provision. This bill would add the New Hampshire flag to the existing statute. The committee understands that the sponsors intent was to recognize the men and women of the New Hampshire National Guard and Reserves who are serving in the war on terrorism and to protect the flag of the state their units hail from. The majority of the committee felt that no flag should be held to an equal degree of respect as the United States flag. The consequence of this bill would be to elevate the status of the New Hampshire flag to be equal to the status of the United States flag. Vote 11-3.

HB 1258-FN, relative to post-conviction DNA testing. **REFER FOR INTERIM STUDY**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill would permit a person to petition the court for post-conviction Deoxyribonucleic Acid (DNA) testing on biological material under certain circumstances. Our current state DNA lab is relatively new and is facing a backlog of several months. The lab is seeking accreditation and expects to achieve that status by the end of this year. The requirement of HB 1258 would increase the work of the lab and require infrastructure for storage of samples that simply do not presently exist. Previous legislation has set up a commission that will look at these same issues and therefore the committee, while sympathetic to the issue, have agreed to the further study of the issues and to stay involved in the subject matter. Vote 13-0.

HB 1285, relative to the applicability of the stalking statute to minors. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation provides that the minority of a plaintiff or defendant shall not prohibit the court from issuing a protective order under the stalking statute. Criminal violations of an order by a minor would result in an appearance before juvenile court. Vote 12-2.

Amendment (2443h)

Amend section 1 of the bill by replacing it with the following:

1 New Paragraph; Stalking; Protective Orders Involving Minors. Amend RSA 633:3-a by inserting after paragraph III-a the following new paragraph:

III-b. The minority of a plaintiff or defendant shall not preclude the court from issuing protective orders under this section.

AMENDED ANALYSIS

This bill provides that the minority of a plaintiff or defendant shall not prohibit the court from issuing a protective order under the stalking statute.

HB 1286, increasing the time period during which warrantless arrests for violations of the stalking law and violations of restraining orders in domestic cases are permitted. **OUGHT TO PASS**

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation extends the period of time that peace officers are allowed to make warrantless arrests upon probable cause from 6 hours to 12 hours in cases involving violation of protective or restraining orders under the domestic violence, divorce, and stalking statutes. Small town police departments testified that the current statute allowing 6 hours is insufficient to allow protecting the victim as well as tracking down and arresting the perpetrator. Vote 11-0.

HB 1356-FN, establishing the criminal offense of felony pursuit. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jonathan E. Hill for Criminal Justice and Public Safety: Under current state law if a person, while being knowingly pursued by the police, is involved in an accident that causes the death of another they can only be charged with a class B felony. The committee believes that this offense is of a similar gravity to that of causing the death of another while operating a vehicle under the

influence of alcohol or drugs which is a class A felony. This bill, as amended, will bring causing death while being pursued up to a class A felony. Vote 11-1.

Amendment (2510h)

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

1 Rules of the Road; Disobeying an Officer; Felony Offense. Amend RSA 265:4, II to read as follows:

II. Any person who violates the provisions of ~~[paragraphs]~~ **subparagraphs I(a), (b), (d), (e), or (f)** of this section shall be guilty of a **class A** misdemeanor and may have his **or her** license or privilege to drive and any registrations issued in his **or her** name suspended. If any person other than the driver of the pursued vehicle sustains personal injury in a collision resulting from the driving of a vehicle which is evading pursuit by a law enforcement officer, the driver of such pursued vehicle shall be ~~[guilty of a class B felony]~~ **charged pursuant to paragraph III of this section.**

2 New Paragraph; Rules of the Road; Disobeying an Officer; Felony Pursuit. Amend RSA 265:4 by inserting after paragraph II the following new paragraph:

III.(a) Any person who violates the provisions of subparagraph I (c) shall be guilty of a class A misdemeanor and shall be fined not less than \$500.

(b) Any person who violates the provisions of subparagraph I (c) and is involved in a motor vehicle accident which causes serious bodily injury as defined in RSA 625:11, VI while being pursued shall be guilty of a class B felony.

(c) Any person who violates the provisions of subparagraph I(c) and is involved in a motor vehicle accident which causes the death of another while being pursued shall be guilty of a class A felony

3 Effective Date. This act shall take effect January 1, 2003. Amend the bill by replacing all after the enacting clause with the following:

HB 1385, relative to trespassing on certain rail lines. **REFER FOR INTERIM STUDY**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: The committee has recommended that this bill be referred for interim study to allow the railroad representatives an opportunity to meet with opposing groups in an attempt to gain consensus. When legislation was proposed in the state of Maine, the parties representing the railroad met with various organizations that have used, or thought they had the right to use railroad rights-of-way. This has not taken place in New Hampshire and the committee feels that the owners of the railroad need to pursue that route in New Hampshire. The representative of the railroad agreed to meet with New Hampshire organizations and the committee has agreed to stay involved in this issue Vote 13-0.

HB 1418, establishing a committee to study the cost of telephone calls from state prison inmates to their families. **REFER FOR INTERIM STUDY**

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: HB 1418 would have established a study committee to look at the cost of inmate phone calls with both Senate and House members. The

committee determined that the issue could be studied with the Criminal Justice and Public Safety Committee as several members already have a degree of familiarity with this issue. Vote 12-0.

HB 1425-FN, relative to protective custody for intoxicated or incapacitated persons. **REFER FOR INTERIM STUDY**

Rep. Beth Rodd for Criminal Justice and Public Safety: This bill is a result of a study committee recommendation. During the public hearings, members of the police department, attorney general's office, county jail administration and New Hampshire Civil Liberties Union agreed that several areas of the bill, as written, would have negative, unintentional consequences. There was consensus that additional work is needed to address the problem of public intoxication and the associative protective custody issues. Continued study would help address the valid concerns raised during the hearings. Vote 12-0.

HB 1432, establishing a committee to study the use of drug concentration levels to enforce prohibitions against driving under the influence of drugs. **INEXPEDIENT TO LEGISLATE**

Rep. John E. Tholl for Criminal Justice and Public Safety: HB 1432 was submitted at the request of the Dept. of Health and Human Services. The bill was requested to establish a study committee to study the use of bodily substances other than blood, breath, or urine to establish drug and alcohol concentrations for enforcement of Driving Under the Influence of Alcohol or Drugs. While the committee feels that this is an area that should be investigated, there was very little in the way of information presented to the committee to indicate that this study would be able to produce results at this time. The committee feels that this issue should be reevaluated in the future when more information becomes available. Vote 14-0.

HB 1281, establishing a commission to study public educational choice initiatives. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sharon M. Carson for Education: The Committee unanimously agreed that, while public school choice alternatives have been examined in years passed, new information and innovation in education make a new study commission timely and relevant. Vote 15-0.

Amendment (2402h)

Amend section 2 of the bill by replacing paragraph II with the following:

II. The commission shall consist of the following non-voting members:

- (a) The commissioner of the department of education, or designee.
- (b) One representative from the New Hampshire School Administrators Association, appointed by the executive director or designee.
- (c) One member from the New Hampshire School Boards Association, appointed by the president or designee.
- (d) One member from the National Education Association-New Hampshire, appointed by the president of that organization.

(e) The administrator of the bureau of school approval, department of education, or designee, appointed by the commissioner of the department of education.

Amend the bill by replacing sections 3-4 with the following:

3 Duties. The commission shall consider the work of previous commissions in developing the focus of the study. In addition, the commission shall study:

I. The feasibility of various public school choice initiatives in New Hampshire including, but not limited to, charter schools, open enrollment schools, magnet schools, and alternative public schools.

II. Whether such initiatives can be implemented within the existing framework of the New Hampshire public educational system.

III. The effect of public school choice programs on children, schools, and communities in New Hampshire.

IV. Any other issue deemed relevant to its purpose.

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

HB 1144, establishing a committee to study access to the polls by disabled persons and the use of new technology to accommodate disabled voters. **REFER FOR INTERIM STUDY**

Rep. Jane A. Clemons for Election Law: The committee feels this bill brings new handicapped voter issues that should be studied further. There are many new technologies available for the hearing and visually impaired. We also heard testimony regarding access to polling booths not meeting standards for all wheelchair equipment as that technology has changed also. By studying this issue now we will be ready to apply for federal money when it becomes available in the fall. Vote 16-0.

HB 1181, requiring registration of political parties. **INEXPEDIENT TO LEGISLATE**

Rep. Michael S. Rollo for Election Law: This bill would have eliminated the percentage of votes that an organization would have to receive to become a party. An amendment would have set up three separate classifications: 1) a major party, 2) a minor party, and 3) party "organizations". The majority of the committee believes that the current system of party recognition is both fair and working well. Vote 16-0.

HB 581-FN, relative to the authority of the commissioner of agriculture, markets, and food to search for invasive species. **OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy D. O'Connell for Environment and Agriculture: The bill as amended allows for inspection of certified plant dealers, plant nurseries, and unposted land for invasive species. Posted land, private buildings and vehicles would require the consent of the owner, or the acquisition of a search warrant. Vote 16-0.

Amendment (2442h)

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

1 Administrative Authority; Inspection; Rulemaking. RSA 430:55 is repealed and reenacted to read as follows:

430:55 Administrative Authority; Inspection; Rulemaking.

I. The commissioner of agriculture, markets, and food shall adopt rules in accordance with RSA 541-A for carrying out provisions of this subdivision. For the purpose of inspecting for, or eradicating prohibited species, the commissioner shall, in person or by deputy or agent, have access to:

(a) Land, places, buildings, or vehicles of a licensed or certified plant dealer or nursery, at all reasonable hours.

(b) Land not posted pursuant to RSA 635:4 at any time, but unposted land shall not include buildings, vehicles, or areas considered to be curtilage.

(c) Land posted pursuant to RSA 635:4, places, buildings, or vehicles at such time and under such conditions as the owner may consent.

(d) Land posted pursuant to RSA 635:4, places, buildings, or vehicles upon obtaining a search warrant pursuant to RSA 595-A, if the owner does not consent.

II. The commissioner shall have general authority to administer and enforce the provisions of this subdivision and the rules adopted under this subdivision, and to prosecute violations thereof.

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

HB 1171, establishing a committee to study the state's role in supporting organic agriculture.
OUGHT TO PASS WITH AMENDMENT

Rep. Derek Owen for Environment and Agriculture: The committee felt a study, as the original bill called for, was unnecessary. The committee believes recommending that the NH Department of Agriculture, Markets and Food to adopt the National Organic Standards and Certification program is a more appropriate action at this time. Vote 16-0.

Amendment (2571h)

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

AN ACT relative to organic food production.

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

1 Definition. RSA 426:6 is repealed and reenacted to read as follows:

426:6 Definition. In this chapter, "organic" means an agricultural plant, animal, food, or fiber commodity produced in accordance with the Organic Food Production Act of 1990, Public Law 101-624, and the United States Department of Agriculture's National Organic Program, Final Rule, 7 CFR Part 205.

2 Labeling and Advertising. RSA 426:6-a is repealed and reenacted to read as follows:

426:6-a Labeling and Advertising. An agricultural plant, animal, food, or fiber commodity shall not be sold or labeled as organic unless it meets the requirements set forth in the Organic Food Production Act of 1990, Public Law 101-624, and the United States Department of Agriculture's National Organic Program, Final Rule, 7 CFR Part 205.

3 Certification. RSA 426:6-b is repealed and reenacted to read as follows:

426:6-b Certification.

I. Any producer, processor, or handler of agricultural plant, animal, food, or fiber commodities that are sold, labeled, or represented as "100 percent organic," "organic," "made with organic," or similar terms, shall be enrolled in a certification program which includes an inspection made no less than annually, by a certifying agency accredited by the United States Department of Agriculture in accordance with the Organic Food Production Act of 1990, Public Law 101-624, and the United States Department of Agriculture's National Organic Program, Final Rule, 7 CFR Part 205, unless such producer, processor, or handler is exempted therein.

II. The commissioner may enter into a cooperative agreement with the United States Department of Agriculture to become an accredited certifying agency as provided for by the Organic Food Production Act of 1990, Public Law 101-624, and the United States Department of Agriculture's National Organic Program, Final Rule, 7 CFR Part 205, and to implement the provisions thereof.

III. The commissioner may employ inspectors to certify agricultural producers, processors and handlers in this state, and to determine whether or not agricultural plant, animal, food, or fiber commodities are marked, branded, or labeled in accordance with the labeling requirements set forth in this chapter and in the Organic Food Production Act of 1990, Public Law 101-624, and the United States Department of Agriculture's National Organic Program, Final Rule, 7 CFR Part 205.

4 Rulemaking; Fees. Amend RSA 426:8 to read as follows:

426:8 Rulemaking; Fees. The commissioner may adopt rules, pursuant to RSA 541-A, for carrying out the provisions of this chapter, including the fixing of fees for inspections *and certifications* authorized by **RSA 426:6-b and** RSA 426:7. Such fees shall be credited to the general funds of the state.

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

AMENDED ANALYSIS

This bill provides for New Hampshire standards on organic food to conform with federal standards.

HB 1399-L, relative to assessment of the land use change tax. **REFER FOR INTERIM STUDY**

Rep. Donald R. Philbrick for Environment and Agriculture: This bill was in response to a problem which was reported by the assessors for the city of Dover. The problem is complex and involves change of use tax for current land use. The committee feels it needs more time to make a recommendation and avoid unintended consequences. Vote 16-0.

HB 1140, providing for the nomination and appointment of a "state treasure." **INEXPEDIENT TO LEGISLATE**

Rep. Charles Q. Hall for Executive Departments and Administration: This proposed legislation would provide for up to 5 appointments per year to a lifetime appointment as a "state treasure" appointed by the governor and council. The committee heard no strong support for consideration of this bill and felt that there was sufficient means by which to recognize a worthy citizen. Therefore, this was an unnecessary piece of legislation. Vote 15-0.

HB 1224, adopting the nurse licensure compact. **INEXPEDIENT TO LEGISLATE**

Rep. Mary L. Andosca for Executive Departments and Administration: At present this bill is premature for the State of New Hampshire. If implemented, it would not address the nursing shortage, as it does not create more nurses for the state. New Hampshire would have no recourse in dealing with nurses from other states that may have lower requirements, i.e. the state would have to honor other state's licenses as well as their continuing education standards. Therefore, we feel this bill is not appropriate at this time. Vote 16-0.

HB 1373-FN, relative to the participation in the New Hampshire retirement system by certain school district employees. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: This bill as amended allows these paraprofessionals and support positions into the system provided they meet the minimum participation standards for full time teachers as provided in rules adopted by the board of trustees of the retirement system. Specific positions and functions are outlined in the bill. It was the intention of the committee to allow all school districts present and future the option of including such additional employees into the retirement system. The amendment makes the bill enabling legislation allowing the incorporation of the specific paraprofessional and support positions on a negotiated or voluntary basis by the school district into the retirement system thus avoiding any 28-a constitutional issues. Vote 15-0.

Amendment (2587h)

Amend RSA 100-A:20, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. The governing body of any school district that has elected pursuant to paragraph I to have its employees participate in the retirement system may also elect to have employees participate in the New Hampshire retirement system who are employed in paraprofessional or support positions requiring direct involvement with students, such as the positions of classroom, academic, teacher, special education, library, or health aide/assistant, and who meet the minimum participation standards for full-time teachers as provided in rules adopted by the board of trustees.

AMENDED ANALYSIS

This bill allows school districts currently in the retirement system or those electing to join the retirement system to include certain additional paraprofessional and support positions employees.

HB 1377-FN, relative to the regulation of physical therapists. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael O'Neil for Executive Departments and Administration: This bill was amended so that we could strengthen the statutes of physical therapy. We have finally equalized physical therapy practice and all practices now have equal status. The bill also insures that physical therapy assistants will have direct supervision so that their work can be monitored by a licensed physical therapist. The bill, as amended, has the support of the New Hampshire Chiropractic Profession and the New Hampshire Medical Society Vote 14-0.

Amendment (2513h)

Amend RSA 328-A:2, XI(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Alleviating impairments, movement dysfunctions, and disabilities by designing and implementing, and modifying interventions that include, but are not limited to therapeutic exercise; training related to movement dysfunctions in self care and in home, community or work integration or reintegration; manual therapy including soft tissue and joint mobilization; therapeutic massage; assistive and adaptive orthotic, prosthetic, protective and supportive devices and equipment related to movement dysfunctions; airway clearance techniques; integumentary protection and repair techniques; debridement and wound care; physical agents or modalities; mechanical and electrotherapeutic modalities; and patient-related instruction.

Amend RSA 328-A:7, II as inserted by section 1 of the bill by replacing it with the following:

II. A physical therapist applicant may take the examination for licensure after the application process has been completed. The National Physical Therapy Exam shall test competency related to physical therapy theory, examination and evaluation, diagnosis, prognosis, treatment intervention, prevention, and consultation.

Amend RSA 328-A:7, IV as inserted by section 1 of the bill by replacing it with the following:

IV. An applicant for licensure who does not pass the examination after the first attempt may retake the examination 3 additional times. An applicant shall be ineligible for licensure if he or she fails to pass after 4 attempts. Before the board may approve an applicant for subsequent testing, the applicant shall reapply for licensure and shall demonstrate evidence satisfactory to the board, pursuant to rules adopted by the board under RSA 541-A, of successful completion of additional clinical training or course work, or both, as determined by the board.

Amend RSA 328-A:8, I as inserted by section 1 of the bill by replacing it with the following:

I. Nothing in this chapter shall be construed to restrict a person licensed under any other law of this state from engaging in the profession or practice for which that person is licensed.

Amend RSA 328-A:9, II as inserted by section 1 of the bill by replacing it with the following:

II. A physical therapist shall refer a patient or client to appropriate health care practitioners when:

(a) The physical therapist has reasonable cause to believe symptoms or conditions are present that require services beyond the scope of practice; or

(b) Physical therapy is contraindicated; or

(c) There is no documented improvement within 25 calendar days of the initiation of treatment.

Amend RSA 328-A:9, VI as inserted by section 1 of the bill by replacing it with the following:

VI. A physical therapist may purchase and store topical and aerosol medications, to be administered upon the prescription of a appropriately licensed health care practitioner, as part of the practice of physical therapy as defined herein. A physical therapist shall comply with any regulation duly adopted by the New Hampshire pharmacy board specifying protocols for storage of medications.

Amend RSA 328-A:9 as inserted by section 1 of the bill by inserting after paragraph VI the following new paragraph:

VII. Nothing in this chapter shall be construed as authorizing a licensed physical therapist to practice medicine, osteopathy, chiropractic, naturopathy, or any other form or method of healing, except physical therapy. The use of roentgen rays and radium for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes including cauterization, shall not be authorized under the term "physical therapy" as used in this chapter.

Amend RSA 328-A:10, II as inserted by section 1 of the bill by replacing it with the following:

II. A person or business entity, its employees, agents or representatives shall not use in connection with that person's name or the name or activity of the business, the words "physical therapy," "physical therapist," "physiotherapy," "physiotherapist" or "registered physical therapist," the letters "PT," "LPT," "RPT," "CPT," "MPT," "DPT," or any other words, abbreviations or insignia indicating or implying directly or indirectly that physical therapy is provided or supplied, including the billing of services labeled as physical therapy, unless such services are provided by or under the direction of a physical therapist licensed pursuant to this chapter. A person or entity that violates this paragraph is guilty of a violation for a first offense, and guilty of a misdemeanor for any subsequent violations of this paragraph.

Amend RSA 328-A:11, IV as inserted by section 1 of the bill by replacing it with the following:

IV. A physical therapist assistant shall work under a physical therapist's general supervision. A physical therapist assistant shall document care provided with the co-signature of the supervising physical therapist.

Amend the bill by inserting after section 3 the following and renumbering the original section 3 to read as 6:

4 Application; Reissuance of Licenses.

I. Any person licensed by the physical therapy governing board prior to the effective date of this act and who either presently holds a physical therapist II license, or presently holds a physical therapist I license and has held the physical therapist I license for at least 2 years shall be reissued a license by the board, notwithstanding any further requirements provided in section 1 of this act.

II. A person who presently holds a physical therapist I license and has held the physical therapist I license for less than 2 years shall be reissued a license if the person either shows proof of 2 years experience and completion of continuing education deemed sufficient as defined in rules adopted by the board, or evidences graduation, after May 1, 1999, from a masters level physical therapy educational program accredited by a national agency approved by the board.

5 Application of Penalties. A person who is not licensed as a physical therapist by the board but who, prior to the effective date of this act, legally used the terms, designation, or abbreviations listed in RSA 328-A:10, II, shall be permitted to continue the use of such terms, designations, or abbreviations for one year following the effective date of this act, and shall not be subject to penalties under RSA 327-A:10, II or RSA 328-A:12, I as inserted by this act. Following the one-year period, such persons shall be subject to the penalties for unlawful practice.

SB 347, establishing a study committee on public building access and the disabled. **OUGHT TO PASS**

Rep. Andre A. Martel for Health, Human Services and Elderly Affairs: The entire committee thought that SB 347 focuses on the major problems which will plague a portion of the disabled community here in New Hampshire which are not covered by the A.D.A. (American Disabilities Act). Testimony was heard regarding the needs and problems facing the people with disabilities every day. If this bill was not properly studied, it could, on the surface, have major negative financial impact on business owners, and owners of public institutions. Recognizing the need to do something to assist the people with disabilities to have access to public bathrooms or even family rooms, the committee voted unanimously that this needed more study to identify those areas which were not even brought up in testimony. Vote 15-0.

HB 1431, relative to the required term of service for jurors. **INEXPEDIENT TO LEGISLATE**

Rep. Larry G. Elliott for Judiciary: This bill, as proposed, would amend RSA 500-A:8 which states that "any person who is summoned to serve as a juror on the petit or grand jury shall not be required to serve a term longer than 30 days." The goal of the sponsor was to shorten the term for which a person is called for jury service to 14 days. The committee received testimony that presently the average person serves 3.5 days as a juror when called. It is possible for individuals to be called to sit on more than one case during their 30 days of service. However, we heard no testimony of anyone who was adversely affected by the length of time that they were called for jury service. Most individuals who cannot participate in jury service are quickly relieved by the judicial system, whether it is service in the State Legislature, a hardship at work, military service, etc. The committee did find that twice as many people would have to be called for jury service if there were to be two separate juror pools and that this would have an increased cost to the judiciary because a \$20 per day per diem is paid to each juror plus mileage, and all prospective jurors are required to show up at the courthouse to find out if they have been selected for a case and to receive instructions. There being no fiscal note on the bill explaining what the fiscal impact would be and no person appearing before the committee who was adversely affected by being called for jury duty, the majority of the committee felt that it was in the best interest of fiscal and public policy to remain with the current system. Vote 10-2.

HB 1101, relative to the payment date for county taxes. **INEXPEDIENT TO LEGISLATE**

Rep. William G. Johnson for Municipal and County Government: This bill addresses interest charges assessed by a county on a town for late payment of county taxes under RSA 29:11. However, the committee heard testimony that the bill would negatively impact many municipalities by forcing them to pay county taxes earlier than current statute allows. The sponsor offered an amendment

that would extend the due date for payment of county taxes. However, this would have cost the counties significant interest and placed them at risk of non-compliance with payment of bond debt service. Furthermore, RSA 29:12 provides a remedy by allowing towns to petition the county convention for an abatement of interest. The committee recommended that the town remedy their situation in that manner. Vote 16-0.

HB 1141, relative to the adoption of innovative land use zoning. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill would require a 2/3 affirmative vote by ballot to adopt any innovative land use zoning ordinance or amendment that is not recommended by the planning board. Innovative land use planning is one of the tools provided for our communities to shape their growth and development. The committee opposed this bill because it would hinder the ability of communities to adopt innovative measures by requiring a 2/3 vote for any such proposed measures not supported by the planning board. Vote 15-0.

HB 1154, relative to appeals of historic district commissions. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy M. Scovner for Municipal and County Government: The purpose of this bill was to require the Zoning Board of Adjustment(ZBA), when hearing historic District commission appeals, to give more weight to that Commission's decision by requiring the higher standard of burden of proof "unlawful or unreasonable" instead of "de novo". This would have limited the authority of the ZBA in those specific appeals. The committee recognized the fact that the ZBA has a broader picture of the community and is in the position to be able to weigh all pertinent facts in an impartial manner, which is the ultimate goal of the appeal process at the local level. Therefore, the members of the Municipal and County Government Committee voted against reducing the authority of the ZBA. Vote 15-1.

HB 1156, relative to the issuance of building permits on private roads. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: This bill allows a building permit to be issued for a lot on a private road if the local governing body has voted to allow development on private roads. It relieves the municipality of any responsibility for maintaining private roads and relieves it from liability from damages caused resulting from the use of such roads. This bill also requires the applicant to show that a notice of the limits of municipal responsibility and liability has been recorded in the county registrar of deeds before the building permit may be issued. Vote 15-0.

Amendment (2540h)

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

1 New Subparagraph; Erection of Buildings on Private Roads.. Amend RSA 674:41, I by inserting after subparagraph (c) the following new subparagraph:

(d) Is a private road, provided that:

(1) The local governing body, after review and comment by the planning board, has voted to authorize the issuance of building permits for the erection of buildings on said private road or portion thereof;

(2) The municipality neither assumes responsibility for maintenance of said private roads nor liability for any damages resulting from the use thereof; and

(3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds for the lot for which the building permit is sought.

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

AMENDED ANALYSIS

This bill allows a building permit to be issued for a lot on a private road if the local governing body has voted to allow development on that private road. It relieves the municipality of any responsibility for maintaining private roads and relieves it from liability for damages resulting from the use of such roads. The bill also requires the applicant to show that a notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds before the building permit may be issued.

HB 1215, relative to county delegations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary R. Cooney for Municipal and County Government: The bill as written is intended to set up a separate elected position of county delegate. This would result in 400 additional elected officials. Since the committee felt that the intent of the sponsor was to educate state representative candidates to the fact that they are also county delegates, an amendment to RSA 655:29, I which changed the affidavit for Candidate for Representative form to include that duty is sufficient to fulfill that purpose. Vote 16-0.

Amendment (2501h)

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

1 Qualifications of Candidates; Affidavit for Candidate for Representative. Amend RSA 655:29, IV to read as follows:

IV. (For use by candidate for state representative): I, _____, candidate for the office of representative from district no. _____ of _____ county, hereby swear (or affirm) that I have been an inhabitant of the state of New Hampshire for at least 2 years immediately preceding the election for which I am a candidate, that I am now domiciled in district no. _____ of _____ county, the district I seek to represent, that I will be at least 18 years of age on the day of said election, that I am not a candidate for incompatible offices as defined in RSA 655:10, and that I am not a federal employee. ***I further recognize that, if elected, I will serve as a delegate to the county convention.***

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

AMENDED ANALYSIS

This bill amends the affidavit that must be filed by candidates for state representative to include an acknowledgment of the duty to serve as a county convention member.

HB 1254, relative to the budget preparation procedures of municipalities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy K. Johnson for Municipal and County Government: This bill allows the governing body to post its proposed budget if the budget committee fails to deliver a budget. Currently, without this bill as amended, there is nothing in the RSA's regarding any consequence if the budget committee fails to deliver a budget. Vote 13-1.

Amendment (2536h)

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

1 New Paragraph; Budget Preparation. Amend RSA 32:5 by inserting after paragraph VIII the following new paragraph:

IX. If the budget committee fails to deliver a budget prepared in accordance with this section, the governing body shall post its proposed budget with a notarized statement indicating that the budget is being posted pursuant to this paragraph in lieu of the budget committee's proposed budget. This alternative budget shall then be the basis for the application of the provisions of this chapter.

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

AMENDED ANALYSIS

This bill provides that the budget prepared by the governing body of a municipality shall become the proposed budget if the budget committee fails to provide a new proposed budget.

HB 1284, relative to the time frame for petitions for zoning changes submitted to local planning boards. **OUGHT TO PASS**

Rep. William. Johnson for Municipal and County Government: This bill would increase the leadtime for filing petitions for zoning changes by 30 days. The committee heard testimony that such an increase was warranted to allow planning boards adequate time to give due diligence to such important matters. This becomes especially true given the time of the year, the year-end holiday season and the required notification for public meetings. Vote 14-0.

HB 1288, relative to regular meetings of local planning boards. **OUGHT TO PASS**

Rep. James E. Twombly for Municipal and County Government: This bill allows a planning board to cancel its monthly meeting in any month when there is not regular business scheduled before it, in accordance with RSA 673:10. All testimony favored passing this bill because, at present, boards must meet, even though in the previous month, the board may have had numerous meetings and finished all business. The passage of this bill would save municipalities money by not requiring permanent staff to attend a meeting that is opened and then closed as a formality. The board must give a notice of cancellation to the general public by publishing the notice in a paper of general circulation in the municipality and posting it at least two public places at least 10 days before the meeting. Vote 14-0.

HB 1195, relative to the comprehensive shoreland protection act. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill would change the method of determining the order classification of fourth order or higher waters. The committee recognized the need for changes in this area as pointed out by the sponsors. However, it was learned that the Office of State Planning and UNH are presently working on this issue and will soon present their recommendations. The committee felt that this would satisfy the sponsors concerns. Therefore, this bill is not necessary. Vote 12-0.

HB 1247, establishing a study committee to determine the feasibility of assessing land transfer fees on land bought by public agencies from private entities for conservation purposes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley E. Czech for Resources, Recreation and Development: This bill establishes a committee to see if transfer fees could be levied on land purchases, for conservation purposes, by federal, state, and other public agencies which might hurt the town or towns in which that land is located. The committee will also explore the idea of designating these fees to aid the schools in the affected town or towns in which this land is located. The amendment increases the scope of the committee's review to include the study of payment in lieu of taxes to a town for land that has been purchased for conservation and to assess its impact on the town by the removal of that land from the tax base. Vote 12-0.

Amendment (2576h)

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

AN ACT establishing a study committee to review the impact on revenue flows to municipalities from lands being bought by federal, state, and other public agencies from private entities for conservation purposes.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to review the impact on revenue flows to municipalities from lands being bought by federal, state, and other public agencies from private entities for conservation purposes.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall review the impact on revenue flows to municipalities from lands being bought by federal, state, and other public agencies from private entities for conservation purposes. The committee shall also study the feasibility of assessing a land transfer fee on each such land transfer and designating the fee for public education in the school district or districts affected by that land transfer.

AMENDED ANALYSIS

This bill establishes a committee to review the impact on revenue flows to municipalities from lands being bought by federal, state, and other public agencies from private entities for conservation purposes.

HB 1402, designating segments of the Isinglass River as protected under the rivers management and protection program. **OUGHT TO PASS**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill would incorporate the entire 18 mile length of the Isinglass River into the Rivers Management Protection Program per RSA 483. The river would then become the 14th river so protected. The process for this designation originates at the local level where local organizations in the communities along the river present a proposal for protection to the Department of Environmental Services (DES). The Department of Environmental Services (DES) then analyzes the proposal and, if approved, presents a nomination to the legislature. The Isinglass River has gone through this process and has received the support of many individuals and organizations in the abutting communities. At the public hearing, a group of students from the 7th grade at Barrington Jr. High School made a strong presentation for protecting this special river. Vote 14-0.

HB 1444, prohibiting the commemoration of groups who take up arms against United States policies. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard F. Heon for State-Federal Relations and Veterans Affairs: As amended, the bill requires not only the consent of the governor and council but includes a majority vote of the legislature prior to placing memorials on certain state grounds. The unanimous vote of the committee feels that legislative oversight is needed. Vote 16-0.

Amendment (2563h)

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

AN ACT requiring a majority vote of the legislature prior to placing memorials on certain state grounds.

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

1 Portraits or Other Memorials; Majority Vote of Legislature Required. Amend RSA 4:9 to read as follows:

4:9 Portraits or Other Memorials. No portraits, busts, statues, or other memorial objects shall be placed in or on the state house, state house annex, state library, Hannah Dustin monument, Franklin Pierce homestead, Daniel Webster birthplace, or grounds connected with each without the consent of the governor and council ***and a majority vote by the house of representatives and the senate***. The director, division of historical resources, shall be responsible for the location and care of such memorial objects at any of these sites.

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

AMENDED ANALYSIS

This bill requires a majority vote of the legislature to place a memorial on certain state grounds.

HB 1453, extending the committee studying the status of veterans in New Hampshire and relative to the membership of the state veterans' advisory committee. **OUGHT TO PASS**

Rep. Stephen G. Avery for State-Federal Relations and Veterans Affairs: This bill extends the committee studying the status of Veterans in New Hampshire. It also changes the membership in the "State Veterans Advisory Committee" to include 2 house members and 2 senators along with 10

representatives of the various veterans organizations. It also changes the term from "Armed Forces" to Uniformed Forces". Vote 16-0.

HB 1163, relative to child passenger restraints. **REFER FOR INTERIM STUDY**

Rep. Robert J. Letourneau for Transportation: While the committee understands the sponsor's intent, we were made aware of a Federal study concerning this very issue. The committee would like to wait until the data from this study is available before continuing with this legislation. Vote 12-0.

HB 1180, establishing a task force to research revenue streams to fund intermodal transportation systems in New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brenda L. Ferland for Transportation: This bill would establish a task force to research revenue streams to fund intermodal transportation systems in New Hampshire. When the bill was first introduced, it was geared toward railroads. The prime sponsor said he expected to find other streams of revenue that aren't being utilized. There was concern that the makeup of the task force did not include other forms of transportation, and the reporting date drew some confusion. The bill was amended to include a member of the Department of Resources and Economic Development, Director of Aeronautics from the Department of Transportation, a representative of the trucking industry, besides members of the House and Senate, a financial consultant, the State Treasurer and the Commissioner of the Department of Transportation. The first reporting date was clarified, and the final reporting date was moved to the year 2006, allowing for plenty of time for the task force to find revenue streams. Vote 14-0.

Amendment (2525h)

Amend the bill by replacing section 1 with the following:

1 Task Force Established; Membership. There is established a task force to research revenue streams to fund intermodal transportation systems in New Hampshire.

I. The task force shall be composed of the following members:

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

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

(c) The commissioner of the department of resources and economic development, or designee.

(d) The director of the division of aeronautics in the department of transportation or designee.

(e) A representative of the trucking industry, nominated by the New Hampshire Motor Transport Association and appointed by the governor.

(f) One financial consultant, appointed by the governor.

(g) The state treasurer, or designee.

(h) The commissioner of the department of transportation, or designee.

II. The task force members may solicit input or recommendations from other individuals, groups, or organizations as necessary.

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

5 Report. The task force shall issue the first report of its progress and findings to the speaker of the house of representatives, the senate president, and the governor and council, on or before December 1, 2002 and provide a copy of its report to the New Hampshire state library. The task force shall issue the final report of its progress and findings to the speaker of the house of representatives, the senate president, and the governor and council, on or before December 1, 2006 and provide a copy of the final report to the New Hampshire state library. The final report shall conclude the work of the task force.

6 Repeal. Sections 1-5 of this act, relative to the task force to research revenue streams to fund intermodal transportation systems in New Hampshire, are repealed.

7 Effective Date.

I. Section 6 of this act shall take effect December 1, 2006.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a task force to research revenue streams to fund intermodal transportation systems in New Hampshire. The task force shall dissolve on December 1, 2006.

HB 1327, establishing a committee to study the recodification of railroad statutes in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill would have formed a committee to study the recodification of railroad statutes. This is a monumental task and not a job for three House and Senate members according to a representative from the Department of Transportation. He informed the subcommittee that they are looking at a four-year task at least, and that they would prefer to do the job on their own along with someone from the Attorney General's Office. Therefore, the Transportation committee will agree to let the Bureau of Rail and Transit to commence this task on their own. Vote 12-0.

HB 1442, relative to eligibility for special number plates for former prisoners of war. **OUGHT TO PASS**

Rep. Robert J. Letourneau for Transportation: During testimony from the prime sponsor it was revealed that if a New Hampshire resident was shot down in Somalia, while on active duty serving the United States Army Rangers, and applied for a Prisoner Of War (POW) number plate, he would not be entitled under current law. This minor change in our statutes would correct this oversight. The committee investigated the standard of proof needed for this plate, and is satisfied that the Commissioner of the Department of Safety has the authority to be certain that only qualified individuals receive this prestigious plate. Vote 12-0.

HB 710-FN, relative to liquor licenses and fees. **REFER FOR INTERIM STUDY**

Rep. Christine M. Konys for Ways and Means: Over the past few weeks, the committee received numerous calls and letters from small businesses that would be adversely affected by large increases in some of the fees proposed by this bill. While the committee applauds the extensive work done by the Commerce Committee in developing a streamlined fee system, we felt that the concerns raised need to be addressed. We feel HB 710 has considerable merit, and so chose to put the bill into interim study to address the fee issues, rather than vote the bill inexpedient to legislate. Vote 14-0.

HB 1414-FN-A-L, relative to the valuation method in the excavation activity tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: The excavation tax was enacted in 1997 as a special methodology for property tax assessment of sand and gravel pits and quarries with two goals: to encourage reclamation of depleted pits, and to facilitate the assessment process for less-trained assessors. It was a double tax, one part on earth removal and another on the area from which the earth came. After revision in 1999, it was challenged in court and the second element, the tax on the excavation area, was declared unconstitutional. There is still dispute as to how to recreate the original balance, but none on the need to correct the statute because, otherwise, the towns will be unable to assess these properties at all. HB 1414, as amended, replaces the excavation activity tax with an assessment according to the industrial activity of excavation, minus the value of the earth; leaves the two cent per cubic yard tax on removed earth intact; and, creates a study committee to resolve the remaining questions of encouragement of reclamation and true value. The amendment replaces the original bill. Vote 14-0.

Amendment (2613h)

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

AN ACT relative to taxation of excavation areas.

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

1 Purpose; Intent.

I. In 1999, the general court enacted Chapter 301, Laws of 1999, amending RSA 72-B, and clarifying the process of taxation of property containing earth as defined in RSA 155-E:1, and establishing a new method of taxation for the excavation of earth as defined in RSA 155-E:1, and for the area of excavation activity.

II. In November 2001, after upholding the constitutionality of its classification of property, the New Hampshire supreme court ruled that one of said chapter's provisions, RSA 72-B:12, III, was not constitutional because it did not provide for a methodology for assessment of the excavation activity area at its "true value."

III. The general court recognizes that although the remainder of RSA 72-B was left undisturbed by the court's decision: that the methodology of assessment for the area of excavation activity must be revised to meet the court's tests for its assessment methodology; that the cities and towns are now clearly directed regarding the taxation of property containing earth, the excavation tax and the excavation area; that there continues to be an incentive for reclamation of excavated areas to preserve the environment; and that the general court must act in a timely fashion to enable the cities and towns to assess the excavation area in a manner that is clearly constitutional.

2 Chapter Name. Amend the chapter heading of RSA 72-B to read as follows:

CHAPTER 72-B

EXCAVATION TAX [~~AND EXCAVATION ACTIVITY TAX~~]

3 Excavation Tax; Excavation Area. RSA 72-B:1 is repealed and reenacted to read as follows:

72-B:1 Excavation Tax and Taxation of Excavation Area.

I. Earth, as defined in RSA 155-E:1, I, shall be exempt from taxation as real property under RSA 72:6 and RSA 72:13. An excavation tax shall be assessed upon the excavation of earth against an owner as defined in RSA 72-B:2, VIII. Such tax shall be assessed at the rate of \$.02 per cubic yard of earth excavated. The following are exempt from the excavation tax:

(a) Any excavation of earth from a parcel of land that is put back on the parcel, or other parcel that is contiguous and in common ownership, in the construction, reclamation, reconstruction, or alteration of such parcel of land within the same tax year.

(b) Any excavation of earth that is used exclusively for agricultural or forest management by the owner of the land within the state of New Hampshire.

(c) Any excavation upon a parcel of land which does not exceed 1,000 cubic yards within any tax year; however, the owner of such excavation shall be required to file a notice of intent to excavate pursuant to RSA 72-B:8, but such owner shall not be subject to the enforcement fee under RSA 72-B:16 and such parcel shall not be subject to the excavation tax lien under RSA 72-B:7, I.

(d) Any excavation which is solely necessary to construct a foundation, septic disposal system, or which is incidental to other construction projects and does not result in the removal from the parcel of more than 1,000 cubic yards of earth within the tax year.

II. Excavations, as defined in RSA 155-E:1, II, and excavation areas as defined in RSA 155-E:1, VI, shall be taxed as real property pursuant to RSA 72:6 independent of any earth contained therein. The following shall not be considered to be included within the excavation area:

(a) An excavation that has been reclaimed in accordance with RSA 155-E.

(b) An excavation area that is exposed rock ledge not subject to reclamation under RSA 155-E:5, I and III or RSA 155-E:5-a and has not been excavated during the preceding tax year, provided that exposed rock ledge that is the subject of intents or modifications thereof filed pursuant to RSA 72-B:8 during the preceding tax year and exposed rock ledge that is the subject of a permit granted pursuant to the provisions of RSA 155-E shall be included within the excavation area.

(c) An excavation that has ceased commercially useful operation prior to August 24, 1977, as set forth in RSA 155-E:2, II(c).

(d) Areas that are ancillary to the excavation.

III. The owner shall furnish to the assessing officials for the jurisdiction in which the excavation is located such information as the assessing officials may require to determine the area constituting a taxable excavation including, if requested, any material differences between excavation activity and excavation intents filed the previous tax year.

4 Renumbering of Provision of Prior Act; Exemption from Excavation Tax. New subparagraph (j) as inserted into RSA 72-B:1, IV pursuant to the provisions of 2001, 211:1 shall be renumbered as RSA 72-B:1, I(e) in order to conform to the reenactment of that RSA section by section 3 of this act.

5 New Paragraph; Definitions; Excavation Area. Amend RSA 72-B:2 by inserting after paragraph VII the following new paragraph:

VII-a. "Excavation Area" means excavation area as defined in RSA 155-E:1, VI.

6 Section Heading Changed. Amend the section heading of RSA 72-B:4 to read as follows:

72-B:4 Assessment of the Excavation Tax [~~and the Excavation Activity Tax~~].

7 Lien. RSA 72-B:7 is repealed and reenacted to read as follows:

72-B:7 Lien. Unless a bond or other security is required pursuant to RSA 72-B:5[-

~~I-], excavation tax assessments levied under RSA 72-B:4 shall, on the date the excavating commences, create a lien upon the land on account of which it is made and against the owner of record of such land[-~~

~~II. Excavation activity tax assessments levied under RSA 72-B:12 shall, on April 1, create a lien upon the land on account of which it is made and against the owner of record of such land.~~

~~III. Liens created under RSA 72-B:7, I and II]~~ **and** shall continue for a period of 18 months following the date of assessment by the local assessing officials. All excavation tax [~~and excavation activity tax~~] assessments shall be subject to statutory collection proceedings against real estate as prescribed by RSA 80.

8 Disposition of Tax. Amend RSA 72-B:11 to read as follows:

72-B:11 Disposition of the Excavation Tax [~~and Excavation Activity Tax~~].

I. The excavation tax[~~, and the excavation activity tax,~~] collected in the incorporated towns and cities under RSA 72-B:4 shall be paid by the tax collectors into their respective treasuries for the general use of the city or town.

II. The taxes assessed under RSA 72-B:4 in any unincorporated place shall be collected by the county commissioners of the county in which the place is located and paid by them to the county treasurer. The county commissioners shall have the same powers in collecting the taxes as provided under RSA 80 and RSA 81. All taxes collected by the counties under RSA 72-B:4 shall be credited to the unincorporated place from which the excavation tax [~~and the excavation activity tax~~] was collected and shall be used against the unincorporated place's share for the county tax for the ensuing year.

9 Local Regulation Excavation; Excavation Area; Definition. Amend RSA 155-E:1, VI to read as follows:

VI. "Excavation area" means the **surface** area within an excavation site where excavation has occurred or is eligible to occur under the provisions of this chapter.

10 Reference Deleted. Amend RSA 72-B:5, I to read as follows:

I. If an owner does not own land in the town where such owner intends to excavate and has filed an intent to excavate form with respect to any parcel of land, the assessing officials shall, within 30 days of the receipt of that filing, notify the owner in writing of the amount and conditions of any bond or other security deemed necessary to secure the payment of the excavation tax to be due from the excavation described in the notice of intent to excavate. The owner shall provide the bond within 30 days of notice or be guilty of a misdemeanor. No owner who owns land in the town where the owner intends to excavate shall be required to post a bond or other security as a condition for filing an intent to excavate or receiving a permit to excavate, unless the owner is delinquent on town timber taxes~~[-excavation activity taxes,]~~ or property taxes.

11 Study Committee Established.

I. There is hereby established a committee to study all issues affecting the taxation of earth as defined in RSA 155-E:1, I; the taxable value of such materials before and after excavation; and methods of taxation.

II. 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.

III. The committee also shall solicit input from the department of revenue administration and from the public, as needed.

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

V. 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.

VI. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

12 Repeal. The following are repealed:

I. RSA 72-B:4, II, relative to assessment of the excavation activity tax.

II. RSA 72-B:5, II, relative to bond requirement.

III. RSA 72-B:12, relative to taxation of excavation activity.

IV. RSA 72-B:12-a, relative to excavation activity tax appeal and abatement.

13 Effective Date.

I. Section 10 of this act shall take effect April 1, 2002, at 12:01 a.m.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes the method of taxation for an excavation area and repeals provisions relating to the excavation activity tax. The bill also establishes a committee to study the taxation of earth.

HB 1451-FN-A, implementing the Mobile Telecommunications Sourcing Act. OUGHT TO PASS WITH AMENDMENT

Rep. Norman L. Major for Ways and Means: The amended bill provides legislation that will conform the New Hampshire statutes governing taxes on wireless telecommunication services, the Communications Services Tax (CST), to the provision of Public Law 106-252, the federal Mobile Telecommunications Sourcing Act (MTSA). The Department of Revenue Administration requested this bill. Because of the mobile nature of wireless telecommunications, it has become more difficult to determine the State's ability to tax such calls. Furthermore, as customers increasingly select single-rate and fixed-usage plans, it became more complicated for the industry to determine which jurisdiction has the authority to tax the calls. The MTSA solves these problems. It creates the concept that the customer has a "place of primary use", which is the jurisdiction with the right to tax wireless calls, even if the call neither originates nor terminates in that jurisdiction. Thus, the federal law allows states and localities to tax calls that they could not have taxed under the old rules and precludes their ability to tax other calls that they have historically taxed. The Department estimates that this simplification of the law will be revenue neutral. Vote 14-0.

Amendment (2596h)

Amend RSA 82-A:2, XVIII–XXI as inserted by section 4 of the bill by replacing them with the following:

XVIII. "Home service provider" means the facilities-based carrier or reseller with which the taxpayer contracts for the provision of mobile telecommunications services.

XIX. "Licensed service area" means the geographic area in which the home service provider is authorized by law or contract to provide commercial mobile radio services to the taxpayer.

XX. "Mobile telecommunications service" means commercial mobile radio service, as defined in section 20.3 of title 47 of the Code of Federal Regulations as in effect on June 1, 1999.

XXI. "Place of primary use" means the street address representative of where the taxpayer's use of the mobile telecommunications service primarily occurs, which must be:

(a) Either the residential street address or the primary business street address of the taxpayer; and

(b) Within the licensed service area of the home service provider.

Amend RSA 82-A:4-b, III-V as inserted by section 6 of the bill by replacing it with the following:

III. In order to assign the place of primary use for mobile telecommunications services pursuant to the Mobile Telecommunications Sourcing Act, Public Law 106-252, the commissioner may choose whether to furnish home service providers with a database that matches addresses with taxing jurisdictions or to allow home service providers to employ an enhanced zip code in lieu of providing a database. A home service provider that uses a database furnished by the commissioner or, if no database is provided, an enhanced zip code shall be held harmless from any tax, charge, or fee liability that otherwise would be due solely as a result of reliance of on such database or enhanced zip code, provided that the provisions of 4 U.S.C. sections 119, 120, and 121 are followed by the home service provider.

IV.(a) A home service provider shall be responsible for obtaining and maintaining the taxpayer's place of primary use.

(b) If the home service provider relies, in good faith, on the information provided by the taxpayer such home service provider shall not be liable for any additional taxes, charges or fees based on a different determination by the department of the place of primary use. The home service provider shall change the place of primary use determined by the department on a prospective basis commencing on the date of notification by the department.

(c) Subject to subparagraph (b), a home service provider may treat the address used by the home service provider for tax purposes for any taxpayer under a service contract or agreement in effect prior to July 28, 2002 as the place of primary use for the remaining term of such service contract, excluding any extension or renewal of such service contract or agreement.

V.(a) Any taxpayer who alleges that an amount of tax, or the assignment of the place of primary use or taxing jurisdiction included in the billing is erroneous shall notify the home service provider in writing of the error. The taxpayer shall include the street address for the taxpayer's place of primary use, the account name and number for which the correction is sought, a description of the alleged error, and any other information requested by the home service provider necessary to process the request.

(b) The home service provider shall conduct a review of its records and the electronic database or enhanced zip code used to determine the place of primary use within 60 days of receiving the notice from the taxpayer. If it is determined that the amount of tax or the assignment of the place or primary use or taxing jurisdiction is in error, the home service provider shall correct the error and refund or credit the amount of tax erroneously collected from the taxpayer for a period of 3 years. If it is determined that the amount of tax or the assignment of the place of primary use or taxing jurisdiction is correct, the home service provider shall provide a written explanation to the taxpayer.

(c) A taxpayer seeking correction of assignment of place of primary use or taxing jurisdiction, or a refund or credit of taxes erroneously collected by the home service provider shall seek to have the error corrected pursuant to these provisions before any cause of action arises as a result of such error.

Amend the bill by replacing sections 7 and 8 with the following:

7 Nonseverability. If a court of competent jurisdiction enters a final judgment on the merits that is based on federal law, is no longer subject to appeal, and substantially limits or impairs the essential elements of sections 116 through 126 of Title 4 U.S.C., then all provisions and applications of this act are declared invalid and shall have no legal effect as of the date of entry of such judgment.

8 Applicability. The provisions of this act shall apply to taxpayer invoices issued by home service providers after August 1, 2002.

regular calendar

HB 1363-FN-L, requiring the state to reimburse counties for the costs of incarcerating certain prisoners. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Maxwell D. Sargent for the Majority of Criminal Justice and Public Safety: This bill would require the state to reimburse each county for every inmate sentenced to and incarcerated in a county jail for a misdemeanor offense. The rationale was that the state creates the offense and legislates the sentence, and thus may be incurring costs on the county – a 28-a issue. Although many members on the committee sympathized with that belief, the majority agreed that the transition and resulting record keeping would be a costly and monumental task. Superintendents from 5 different county jails indicated no interest in this bill. The representative for the Association of Counties also expressed no interest and none of those attended the second subcommittee meeting. Vote 9-5.

Rep. James R. Splaine for the Minority of Criminal Justice and Public Safety: This is an important bill that asks a serious question: what is the financial obligation of the state when passing laws which cause additional costs to cities, towns, and counties? This issue of unfunded mandates has been discussed before; this legislation allows us to consider it again. The state has an obligation to the counties in this matter.

Reps. Splaine, Cloutier and Burling spoke against.

Reps. William Kelley and Sargent spoke in favor.

Rep. Cloutier requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

YEAS 166 NAYS 179

YEAS 166

BELKNAP

Boyce, Laurie

Czech, Stanley

Holbrook, Robert

Lawton, David

Millham, Alida

Nedeau, Stephen

Rice, Thomas Jr

Rosen, Ralph

Russell, David

Thomas, John

Wendelboe, Fran

CARROLL

Babson, David Jr

Bradley, Jeb

Kenney, Joseph

Mock, Henry

Patten, Betsey

Philbrick, Donald

Stevens, Stanley

CHESHIRE

Dexter, Judson

Edwards, Dana

Emerson, Susan

Fairbanks, Chandler

Hunt, John

Liebl, George

Manning, Joseph

Meader, David

Roberts, William

Smith, Edwin

COOS

Horton, Lynn

Pratt, Leighton

Stohl, Eric

Tholl, John Jr

GRAFTON

Akins, Ralph

Alger, John

Cobb, John

Dudley, Terri

Eaton, Stephanie

Gilman, G Michael

Giuda, Robert

Marshall, Gene

Mirski, Paul

Scanlan, David

Sova, Charles

Ward, Brien

Williams, Burton

HILLSBOROUGH

Allan, Nelson

Alukonis, David

Artz, Lawrence

Balboni, Michael

Batula, Peter

Bergeron, Jean-Guy

Brundige, Robert

Bruno, Pierre

Calawa, Leon Jr

Carlson, Donald

Christensen, D L Chris

Clegg, Robert Jr

Coughlin, Pamela

Dyer, Merton

Elliott, Larry

Emerton, Lawrence Sr

Fields, Dennis

Ford, Nancy

Gargasz, Carolyn

Gleneck, David

Golding, William

Goulet, Maurice

Graham, John

Greenberg, Gary

Guinta, Frank

Hall, Charles

Herman, Keith

Hopper, Gary

Jean, Loren

Kurk, Neal

LaRose, Richard

Leach, Edward

Lessard, Rudy

Martel, Andre

Mercer, Robert

Messier, Irene

Moran, Edward

Murphy, Robert

O'Connell, Timothy

Peterson, Andrew

Reeves, Sandra

Rowe, Robert

Sargent, Maxwell

Seibel, Christopher

Souza, Kathleen

Thompson, Rob

Thulander, O Alan

MERRIMACK

Anderson, Eric	Cummings, Raymond	Dunne, Christopher	Feuerstein, Martin
Fraser, Leo Jr	Hager, Elizabeth	Hess, David	Hutchinson, John
L'Heureux, Stephen	MacKay, James	Soltani, Tony	Swindlehurst, John
Whalley, Michael			

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Boynton, James	Bridle, Russell
Camm, Kevin	Carson, Sharon	Case, Margaret	Clark, Vivian
Coes, Betsy	Cooney, Richard	Corbin, Corey	Dalrymple, Janeen
DiFruscia, Anthony	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hill, Jonathan
Holland, James Jr	Hutchinson, Karen	Introne, Robert	Itse, Daniel
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kelley, William
Kobel, Rudolph	Letourneau, Robert	Major, Norman	McKinney, Betsy
Moore, Benjamin	Morse, Charles	Nowe, Ronald	Packard, Sherman
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Rausch, James
Ruffner, Walter	Sloan, Stephen	Stone, Joseph	Stritch, C Donald
Varrell, Thomas	Welch, David	Weyler, Kenneth	

STRAFFORD

Albert, Russell	Berube, Roger	Brown, Julie	Cossette, Larry
Harrington, Michael	Knowles, William	Musler, George	Tsiros, William
Twombly, James	Woods, Phyllis		

SULLIVAN

None

NAYS 179

BELKNAP

Dewhirst, Glenn	Johnson, William	Pilliod, James	Salatiello, Thomas
Wood, Jane			

CARROLL

Dickinson, Howard	Quimby, Lee	Sullivan, P Judith
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CHESHIRE

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

COOS

Bradley, Paula	Gallus, John	Guay, Lawrence	Landers, Dana
Woodward, David			

GRAFTON

Almy, Susan	Barker, Robert	Benn, Bernard	Cooney, Mary
Gabler, William	Ham, Bonnie	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	Chabot, Robert	Christiansen, Lars
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daigle, Robert	Desrosiers, William	Dionne, Kimberley
Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Dwyer, Paul
Eaton, Richard	Foster, Linda	Furman, Christine	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haley, Robert	Hall, Betty
Holden, Randolph	Jean, Claudette	Johnson, Lionel	Keye, Harvey
Konys, Christine	L'Heureux, Robert	Lefebvre, Roland	Leishman, Peter
Lynde, Harold	Martin, Mary Ellen	McDonough-Wallace, Alice	McHugh, Claire

Melcher, Harold	Milligan, Robert	Movsesian, Lori	Panagopoulos, Nicholas
Pepino, Leo	Salts, Greg	Schulze, Joan	Shaw, Barbara
Spiess, Paul	Sullivan, Peter	Sweeney, Cynthia	Tate, Joan
Vaillancourt, Steve	White, Donald	White, John	

MERRIMACK

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Colcord, J D	Crosby, Toni	Daneault, Gabriel	Davis, Frank
French, Barbara	Gile, Mary	Greco, Vincent	Jacobson, Alf
Kennedy, Richard	Langer, Ray	Lockwood, Priscilla	Maxfield, Roy
Moore, Carol	Owen, Derek	Potter, Frances	Reardon, Tara
Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane	Winter, Steven
Yeaton, Charles			

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Chalbeck, Kevin	Clark, Martha Fuller
Cox, Russell	Dearborn, Bruce	Downing, Michael	Gleason, John
Johnson, Robert	Kane, Cecelia	Langley, Jane	Langone, John
McGuire, Robert	Micklon, Stephanie	Norelli, Terie	O'Neil, Michael
Pitts, Jacqueline	Power, Lucille	Robertson, Carl	Sapareto, Frank
Shultis, Elizabeth	Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne
Whittier, John	Zolla, William		

STRAFFORD

Bickford, David	Brennan, William	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Ferland, Paul	Gilmore, Gary	Goodwin, Earle
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Kaen, Naida
McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond
Rollo, Michael	Snyder, Clair	Spang, Judith	Wall, Janet
Woodill, Rodney			

SULLIVAN

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

and the majority report failed.

Rep. Burling moved Ought to Pass.

Rep. Thompson requested a roll call; sufficiently seconded.

The question being adoption of the motion Ought to Pass..

YEAS 188 NAYS 158

YEAS 188

BELKNAP

Dewhirst, Glenn	Johnson, William	Pilliod, James	Rosen, Ralph
Salatiello, Thomas	Wood, Jane		

CARROLL

Dickinson, Howard	Quimby, Lee	Sullivan, P Judith
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CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Emerson, Susan	Espieffs, Peter	McGuirk, Paul	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Slack, Pamela Russell
Weed, Charles	Zerba, Roger		

COOS

Bradley, Paula	Gallus, John	Guay, Lawrence	Landers, Dana
Woodward, David			

GRAFTON

Almy, Susan	Barker, Robert	Benn, Bernard	Cooney, Mary
Gabler, William	Ham, Bonnie	Lovett, Sid	Naro, Debra

Nordgren, Sharon
Solow, Martha

Pawlek, Marion
Williams, Burton

Scovner, Nancy

Sokol, Hilda

HILLSBOROUGH

Andosca, Mary
Buckley, Raymond

Baroody, Benjamin
Cardin, Lori

Bellavance, Paul
Chabot, Robert

Bergin, Peter
Clayton, William

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Daigle, Robert

Desrosiers, William

Dionne, Kimberley

Dokmo, Cynthia

Drabinowicz, A Theresa

Drisko, Richard

Dwyer, Paul

Eaton, Richard

Foster, Linda

Furman, Christine

Gargasz, Carolyn

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Haley, Robert

Hall, Betty

Holden, Randolph

Jean, Claudette

Johnson, Lionel

Keye, Harvey

Konys, Christine

L'Heureux, Robert

Leach, Edward

Lefebvre, Roland

Leishman, Peter

Lynde, Harold

Martin, Mary Ellen

McDonough-Wallace,
Alice

McHugh, Claire

Melcher, Harold

Milligan, Robert

Movsesian, Lori

Panagopoulos, Nicholas

Pepino, Leo

Schulze, Joan

Shaw, Barbara

Spiess, Paul

Sullivan, Peter

Sweeney, Cynthia

Tate, Joan

Vaillancourt, Steve

White, Donald

White, John

MERRIMACK

Bouchard, Candace

Brewster, Richard

Burney, Carol

Clarke, Claire

Colcord, J D

Crosby, Toni

Cummings, Raymond

Daneault, Gabriel

Davis, Frank

Feuerstein, Martin

Fraser, Leo Jr

French, Barbara

Gile, Mary

Greco, Vincent

Jacobson, Alf

Kennedy, Richard

Langer, Ray

Lockwood, Priscilla

Maxfield, Roy

Moore, Carol

Owen, Derek

Potter, Frances

Reardon, Tara

Rush, Deanna

Seldin, Gloria

Wallner, Mary Jane

Winter, Steven

Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn

Bowles, Raimond

Boynton, James

Chalbeck, Kevin

Clark, Martha Fuller

Corbin, Corey

Cox, Russell

Dearborn, Bruce

Downing, Michael

Gleason, John

Itse, Daniel

Johnson, Robert

Kane, Cecelia

Langley, Jane

Langone, John

McGuire, Robert

Micklon, Stephanie	Norelli, Terie	O'Neil, Michael	Pitts, Jacqueline
Power, Lucille	Robertson, Carl	Sapareto, Frank	Shultis, Elizabeth
Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne	Whittier, John
Zolla, William			

STRAFFORD

Bickford, David	Brennan, William	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Ferland, Paul	Gilmore, Gary	Goodwin, Earle
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Kaen, Naida
McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond
Rollo, Michael	Snyder, Clair	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	Odell, Bob	Phinizy, James
Rodeschin, Beverly			

NAYS 158

BELKNAP

Boyce, Laurie	Czech, Stanley	Holbrook, Robert	Lawton, David
Millham, Alida	Nedeau, Stephen	Rice, Thomas Jr	Russell, David
Thomas, John	Wendelboe, Fran		

CARROLL

Babson, David Jr	Bradley, Jeb	Kenney, Joseph	Mock, Henry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

CHESHIRE

Dexter, Judson	Edwards, Dana	Fairbanks, Chandler	Hunt, John
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Liebl, George
Smith, Edwin

Manning, Joseph

Meador, David

Roberts, William

COOS

Horton, Lynn

Pratt, Leighton

Stohl, Eric

Tholl, John Jr

GRAFTON

Akins, Ralph

Alger, John

Cobb, John

Dudley, Terri

Eaton, Stephanie

Gilman, G Michael

Giuda, Robert

Marshall, Gene

Mirski, Paul

Scanlan, David

Sova, Charles

Ward, Brien

HILLSBOROUGH

Allan, Nelson

Alukonis, David

Artz, Lawrence

Balboni, Michael

Batula, Peter

Bergeron, Jean-Guy

Brundige, Robert

Bruno, Pierre

Calawa, Leon Jr

Carlson, Donald

Christensen, D L Chris

Christiansen, Lars

Clegg, Robert Jr

Coughlin, Pamela

Dyer, Merton

Elliott, Larry

Emerton, Lawrence Sr

Fields, Dennis

Ford, Nancy

Gleneck, David

Golding, William

Goulet, Maurice

Graham, John

Greenberg, Gary

Guinta, Frank

Hall, Charles

Herman, Keith

Hopper, Gary

Jean, Loren

Kurk, Neal

LaRose, Richard

Lessard, Rudy

Martel, Andre

Mercer, Robert

Messier, Irene

Moran, Edward

Murphy, Robert

O'Connell, Timothy

Peterson, Andrew

Reeves, Sandra

Rowe, Robert

Salts, Greg

Sargent, Maxwell

Seibel, Christopher

Souza, Kathleen

Thompson, Rob

Thulander, O Alan

MERRIMACK

Anderson, Eric

Dunne, Christopher

Hager, Elizabeth

Hess, David

Hutchinson, John

L'Heureux, Stephen

MacKay, James

Soltani, Tony

Swindlehurst, John

Whalley, Michael

ROCKINGHAM

Arndt, Janet

Belanger, Ronald

Bridle, Russell

Camm, Kevin

Carson, Sharon

Case, Margaret

Clark, Vivian

Coes, Betsy

Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony	Dumaine, Dudley
Fesh, Bob	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Giordano, Ronald	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hill, Jonathan	Holland, James Jr	Hutchinson, Karen
Introne, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kelley, William	Kobel, Rudolph	Letourneau, Robert	Major, Norman
McKinney, Betsy	Moore, Benjamin	Morse, Charles	Nowe, Ronald
Packard, Sherman	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Rausch, James	Ruffner, Walter	Sloan, Stephen	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Welch, David	Weyler, Kenneth

STRAFFORD

Albert, Russell	Berube, Roger	Brown, Julie	Cossette, Larry
Harrington, Michael	Knowles, William	Musler, George	Reid, Christopher
Tsiros, William	Twombly, James	Woods, Phyllis	

SULLIVAN

None

and the motion of Ought to Pass was adopted.

Referred to Finance.

senate message

concurrence

HB 1411-FN-A, making an appropriation to the judicial branch for district and probate court security.

enrolled bill report

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill 1411.

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

regular calendar (cont'd.)

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. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY INEXPEDIENT TO LEGISLATE.**

Rep. Jonathan E. Hill for the Majority Criminal Justice and Public Safety: Following the events of September 11, 2001, as state and local public safety and emergency management personnel were gathering information to assess potential safety and security risks in order to protect the citizens of the state of New Hampshire, it became apparent that this information would be subject, in many instances, to release pursuant to the state's right to know law, RSA 91-A. The majority of the committee fully believes that openness in the conduct of the public business is the bedrock of our democratic society. We acknowledge that RSA 91-A is an important part of that openness and approached this bill with a resolve to make sure that any exemptions to RSA 91-A were narrow and limited to issues affecting the ability to protect New Hampshire's citizens from deliberate acts of violence. A diverse range of interested parties worked with the committee and contributed to the drafting of the amendment. It included representatives from the Governor's office, the Attorney General, the New Hampshire Civil Liberties Union (NHCLU), the Municipal Association, the House Counsel and the Office of Emergency Management. The majority believes that the result of this collaboration is a bill that balances the protection of the safety and security of New Hampshire citizens with maintaining an open and accessible government. The language drafted is clear in stating that the exemptions are limited and that the General Court does not intend to exempt from release under RSA 91-A information relative to the routine or daily operations of state and local public safety or emergency management departments, including information regarding budgeting, planning, and staffing that would otherwise be properly subject to disclosure. The second part of the bill addresses the need to put into law a serious penalty for perpetrating false alarms, threats or the actual release of biological or chemical substances. In the months following September 11, 2001 our emergency services and state lab facilities were stretched to the breaking point by scores of false reports and hoax substances arriving in the mail or left in public places. Such activities present a serious drain on emergency resources and create substantial public fear and uncertainty. This portion of the bill would allow these offenses to be treated as the serious offenses that they are. Vote 11-3.

Rep. James R. Splaine for the Minority of Criminal Justice and Public Safety: The New Hampshire right-to-know law is an important set of statutes that protects the openness of our government and preserves our state's unique brand of democracy. By adding a somewhat broad "exception" to the right-to-know law allowing more secrecy and discussion of matters of interest to citizens of state and local government behind closed doors further removes our government from the governed. This bill, even as amended, can allow too many public matters to be secret to the detriment of the public interest. Current law allows for enough secrecy and confidentiality for our public safety to be guarded.

Amendment (2606h)

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

1 Statement of Purpose. Following the events of September 11, 2001, as state and local public safety and emergency management personnel were gathering information to assess potential safety and security risks in order to protect the citizens of the state of New Hampshire, it became apparent that this information would be subject, in many instances, to release pursuant to the state's right to know law, RSA 91-A. The general court fully supports the concept that openness in the conduct of public business is essential to a democratic society and that RSA 91-A was enacted to ensure both

the greatest possible public access to the actions, discussions, and records of all public bodies, and their accountability to the people. The general court finds, however, that certain information should not be subject to disclosure in order to protect the safety and security of New Hampshire citizens and their property against threats or deliberate acts of violence which could result in widespread or severe damage to property or widespread injury or loss of life. The general court therefore adopts this act which exempts certain information gathered in order to determine security risks and to implement measures necessary to protect against those risks, with the intent that this exemption is to be interpreted narrowly and only for the purpose of protecting against widespread damage to property, injury, or loss of life. The general court does not intend to exempt from release under RSA 91-A information relative to the routine or daily operations of state and local public safety or emergency management departments, including information regarding budgeting, planning, and staffing which would otherwise be properly subject to disclosure.

2 New Subparagraph; Matters Relating to State or Local Government Security Added. Amend RSA 91-A:3, II by inserting after subparagraph (h) the following new subparagraph:

(i) Consideration of matters relating to the preparation for and the carrying out of all emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that could result in widespread or severe damage to property or widespread injury or loss of life.

3 Nonpublic Sessions; Minutes. Amend RSA 91-A:3, III to read as follows:

III. Minutes of proceedings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the body or agency itself, or render the proposed action ineffective, ***or pertain to matters relating to the preparation for and the carrying out of all emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that could result in widespread or severe damage to property or widespread injury or loss of life.*** In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.

4 New Paragraph; Records Pertaining To Matters of State or Local Government Security Exempted. Amend RSA 91-A:5 by inserting after paragraph V the following new paragraph:

VI. Records pertaining to matters relating to the preparation for and the carrying out of all emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that could result in widespread or severe damage to property or widespread injury or loss of life.

5 New Section; Limited Purpose Release. Amend RSA 91-A by inserting after section 5 the following new section:

91-A:5-a Limited Purpose Release. Records from non-public sessions under RSA 91-A:3, II(i) or that are exempt under RSA 91-A:5, VI may be released to local or state safety officials. Records released under this section shall be marked "limited purpose release" and shall not be redisclosed by the recipient.

6 Biological or Chemical Threats. Amend RSA 106-H:13 to read as follows:

106-H:13 Penalty for False Information.

I. Any person who dials or otherwise causes 911 to be called for the purpose of making a false alarm or complaint or purposely reports false information which could result in the dispatch of emergency services shall be guilty of a misdemeanor.

II. Any person who dials and otherwise causes 911 to be called and purposely reports false information concerning the existence of a biological or chemical substance which could result in the dispatch of emergency services shall be guilty of a class B felony.

7 Criminal Threatening; Biological or Chemical Threats. Amend RSA 631:4, I to read as follows:

I. A person is guilty of criminal threatening when:

(a) By physical conduct, the person purposely places or attempts to place another in fear of imminent bodily injury or physical contact; or

(b) The person places any object or graffiti on the property of another with a purpose to coerce or terrorize any person; or

(c) The person threatens to commit any crime against the property of another with a purpose to coerce or terrorize any person; or

(d) The person threatens to commit any crime against the person of another with a purpose to terrorize any person; or

(e) The person threatens to commit any crime of violence, ***or threatens the delivery or use of biological or chemical substance***, with a purpose to cause evacuation of a building, place of assembly, facility of public transportation or otherwise to cause serious public inconvenience, or in reckless disregard of causing such fear, terror or inconvenience; ***or***

(f) The person delivers, threatens to deliver, or causes the delivery of any substance the actor knows could be perceived as a biological or chemical substance, to another person with the purpose of causing fear or terror, or in reckless disregard of causing such fear or terror.

8 False Reports of Biological or Chemical Substances. Amend RSA 644:3 to read as follows:

644:3 False Public Alarms.

I. Any person who directly or indirectly communicates to any governmental agency that commonly deals with emergencies involving danger to life or property a report known by him to be false regarding a fire, explosion, or other catastrophe or emergency, shall be guilty of a misdemeanor~~[- This section shall not apply to false alarms subject to RSA 644:3 a, RSA 644:3 b, or false reports under RSA 158:38]~~, ***except if the report concerns the presence of a biological or chemical substance, the offense shall constitute a class B felony.***

II. Any person who directly or indirectly communicates to any school, business, office building, hospital, or similar facility open to the public, a report concerning the presence of a biological or chemical substance, knowing such report is false, shall be guilty of a class B felony.

III. Any person who knowingly delivers, or causes the delivery of any substance the actor knows could reasonably be perceived as a biological or chemical substance, with reckless disregard for the risk that emergency services will be dispatched as a result of such delivery, shall be guilty of a class B felony.

IV. This section shall not apply to false alarms subject to RSA 644:3-a or RSA 644:3-b, or false reports under RSA 158:38.

9 New Section; Exposing the Public to Toxic Biological or Chemical Substances. Amend RSA 644 by inserting after section 2 the following new section:

644:2-a Exposing the Public to Toxic Biological or Chemical Substances. Any person who knowingly delivers or causes the delivery of a biological or chemical substance to a governmental facility, school, business, hospital, office building, or similar facility open to the public, with the purpose of causing bodily injury or evacuation of such facility, shall be guilty of a class A felony.

10 Effective Date. This act shall take effect January 1, 2003.

Rep. Kennedy spoke against.

Reps. Splaine, Mirski and Soltani spoke against and yielded to questions.

Reps. Hill and Clegg spoke in favor and yielded to questions.

Rep. Alger moved that the amendment be divided and that Sections 1 through 5 be voted upon separately from the rest of the amendment.

The Speaker ruled the amendment was divisible and, without objection, so ordered..

Rep. Clegg requested a roll call; sufficiently seconded.

The question now being the adoption of Sections 1, 2, 3, 4, and 5 of the majority amendment.

YEAS 191 NAYS 164

YEAS 191

BELKNAP

Czech, Stanley
Nedeau, Stephen

Holbrook, Robert
Pilliod, James

Johnson, William
Russell, David

Lawton, David
Thomas, John

CARROLL

Bradley, Jeb	Dickinson, Howard	Mock, Henry	Patten, Betsey
Philbrick, Donald	Quimby, Lee	Stevens, Stanley	

CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Espieffs, Peter	Hunt, John	Liebl, George	Manning, Joseph
Pratt, Irene	Roberts, William	Smith, Edwin	

COOS

Bradley, Paula	Davis, Perley	Gallus, John	Horton, Lynn
Pratt, Leighton	Stohl, Eric	Tholl, John Jr	Woodward, David

GRAFTON

Benn, Bernard	Dudley, Terri	Eaton, Stephanie	Gilman, G Michael
Marshall, Gene	Nordgren, Sharon	Scanlan, David	Ward, Brien
Williams, Burton			

HILLSBOROUGH

Allan, Nelson	Artz, Lawrence	Baroody, Benjamin	Batula, Peter
Bouchard, David	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Christensen, D L Chris	Clayton, William
Clegg, Robert Jr	Clemons, Jane	Cote, David	Coughlin, Pamela
Craig, James	Desrosiers, William	Dionne, Kimberley	Drisko, Richard
Dyer, Merton	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Ford, Nancy	Foster, Linda	Furman, Christine	Gargasz, Carolyn
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Goulet, Maurice
Greenberg, Gary	Guinta, Frank	Hall, Charles	Herman, Keith
Holden, Randolph	Jean, Claudette	Jean, Loren	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	Kurk, Neal
LaRose, Richard	Lessard, Rudy	McDonough-Wallace, Alice	McHugh, Claire
Mercer, Robert	Messier, Irene	Milligan, Robert	Moran, Edward
Movsesian, Lori	Panagopoulos, Nicholas	Peterson, Andrew	Reeves, Sandra

Rowe, Robert
Wheeler, Robert

Sargent, Maxwell

Seibel, Christopher

Thulander, O Alan

MERRIMACK

Anderson, Eric

Cummings, Raymond

Dunne, Christopher

Feuerstein, Martin

Fraser, Leo Jr

Hess, David

Hutchinson, John

Jacobson, Alf

L'Heureux, Stephen

Lockwood, Priscilla

Maxfield, Roy

Reardon, Tara

Rush, Deanna

Swindlehurst, John

Whalley, Michael

Winter, Steven

ROCKINGHAM

Arndt, Janet

Belanger, Ronald

Bowles, Raimond

Boynton, James

Bridle, Russell

Camm, Kevin

Carson, Sharon

Case, Margaret

Chalbeck, Kevin

Clark, Martha Fuller

Clark, Vivian

Coes, Betsy

Cooney, Richard

Corbin, Corey

Cox, Russell

Dalrymple, Janeen

Fesh, Bob

Flanders, John Sr

Gilbert, Jeffrey

Gilbert, Karl

Giordano, Ronald

Griffin, Mary

Hamel, Albert

Henderson, Warren

Hill, Jonathan

Introne, Robert

Johnson, Robert

Johnson, Rogers

Katsakiores, George

Katsakiores, Phyllis

Kelley, Jane

Kelley, William

Kobel, Rudolph

Langley, Jane

Langone, John

Letourneau, Robert

Major, Norman

McKinney, Betsy

Morse, Charles

Nowe, Ronald

O'Neil, Michael

Packard, Sherman

Pantelakos, Laura

Power, Lucille

Putnam, Ed II

Quandt, Marshall

Rausch, James

Ruffner, Walter

Sapareto, Frank

Stone, Joseph

Stritch, C Donald

Varrell, Thomas

Welch, David

Whittier, John

STRAFFORD

Brown, Julie

Cossette, Larry

Dunlap, Patricia

Estabrook, Iris

Grassie, Anne

Heon, Richard

Johnson, Nancy

Knowles, William

Musler, George

Reid, Christopher

Twombly, James

Wall, Janet

SULLIVAN

Burling, Peter

Flint, Gordon Sr

Jones, Constance

Leone, Richard

Rodeschin, Beverly

NAYS 164

BELKNAP

Boyce, Laurie	Dewhirst, Glenn	Millham, Alida	Rice, Thomas Jr
Rosen, Ralph	Salatiello, Thomas	Wendelboe, Fran	Wood, Jane

CARROLL

Babson, David Jr	Kenney, Joseph	Sullivan, P Judith
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CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Fairbanks, Chandler
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, John
Richardson, Barbara	Slack, Pamela Russell	Weed, Charles	Zerba, Roger

COOS

Guay, Lawrence	Landers, Dana
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GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Cobb, John	Cooney, Mary	Gabler, William	Giuda, Robert
Ham, Bonnie	Lovett, Sid	Mirski, Paul	Naro, Debra
Pawlek, Marion	Scovner, Nancy	Sokol, Hilda	Solow, Martha
Sova, Charles			

HILLSBOROUGH

Alukonis, David	Andosca, Mary	Balboni, Michael	Bellavance, Paul
Bergeron, Jean-Guy	Bergin, Peter	Bragdon, Peter	Buckley, Raymond
Cardin, Lori	Christiansen, Lars	Cote, Peter	Daigle, Robert
Dokmo, Cynthia	Drabinowicz, A Theresa	Dwyer, Paul	Eaton, Richard
Gleneck, David	Gorman, Mary	Graham, John	Haley, Robert
Hall, Betty	Hopper, Gary	L'Heureux, Robert	Leach, Edward
Lefebvre, Roland	Leishman, Peter	Lynde, Harold	Martel, Andre

Martin, Mary Ellen	Melcher, Harold	Murphy, Robert	O'Connell, Timothy
Pepino, Leo	Salts, Greg	Schulze, Joan	Shaw, Barbara
Souza, Kathleen	Spiess, Paul	Sullivan, Peter	Sweeney, Cynthia
Tate, Joan	Thompson, Rob	Vaillancourt, Steve	White, Donald
White, John			

MERRIMACK

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Colcord, J D	Crosby, Toni	Daneault, Gabriel	Davis, Frank
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Kennedy, Richard	Langer, Ray	MacKay, James	Moore, Carol
Owen, Derek	Potter, Frances	Seldin, Gloria	Soltani, Tony
Wallner, Mary Jane	Yeaton, Charles		

ROCKINGHAM

Blanchard, MaryAnn	Dearborn, Bruce	DiFruscia, Anthony	Downing, Michael
Dumaine, Dudley	Francoeur, Sheila	Gleason, John	Holland, James Jr
Hutchinson, Karen	Itse, Daniel	Kane, Cecelia	McGuire, Robert
Micklon, Stephanie	Moore, Benjamin	Norelli, Terie	Pitts, Jacqueline
Quandt, Matthew	Reardon, Neil	Robertson, Carl	Shultis, Elizabeth
Sloan, Stephen	Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne
Weyler, Kenneth	Zolla, William		

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Brennan, William
DeChane, Marlene	Ferland, Paul	Gilmore, Gary	Goodwin, Earle
Harrington, Michael	Hughes, Christopher	Kaen, Naida	McCarthy, Gerald
Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond	Rollo, Michael
Snyder, Clair	Spang, Judith	Tsiros, William	Woodill, Rodney
Woods, Phyllis			

SULLIVAN

Allison, David	Cloutier, John	Ferland, Brenda	Franklin, Peter
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Harris, Joseph

Harris, Sandra

Odell, Bob

Phinizy, James

and Sections 1 through 5 of the majority amendment were adopted.

Sections 6 through 9 of the majority amendment adopted.

Section 10 of the majority amendment adopted.

Rep. Pitts requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

YEAS 208 NAYS 147

YEAS 208

BELKNAP

Czech, Stanley

Holbrook, Robert

Johnson, William

Lawton, David

Nedeau, Stephen

Pilliod, James

Russell, David

Thomas, John

Wood, Jane

CARROLL

Babson, David Jr

Bradley, Jeb

Mock, Henry

Patten, Betsey

Philbrick, Donald

Quimby, Lee

Stevens, Stanley

CHESHIRE

Avery, Stephen

Dexter, Judson

Edwards, Dana

Emerson, Susan

Espieffs, Peter

Hunt, John

Liebl, George

Manning, Joseph

Pratt, Irene

Roberts, William

Smith, Edwin

COOS

Bradley, Paula

Davis, Perley

Gallus, John

Guay, Lawrence

Horton, Lynn

Pratt, Leighton

Stohl, Eric

Tholl, John Jr

Woodward, David

GRAFTON

Benn, Bernard	Dudley, Terri	Eaton, Stephanie	Gilman, G Michael
Marshall, Gene	Nordgren, Sharon	Scanlan, David	Ward, Brien
Williams, Burton			

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Andosca, Mary	Artz, Lawrence
Baroody, Benjamin	Batula, Peter	Bouchard, David	Brundige, Robert
Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald	Chabot, Robert
Christensen, D L Chris	Clayton, William	Clegg, Robert Jr	Clemons, Jane
Cote, David	Coughlin, Pamela	Craig, James	Desrosiers, William
Dionne, Kimberley	Drabinowicz, A Theresa	Drisko, Richard	Dyer, Merton
Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis	Ford, Nancy
Foster, Linda	Furman, Christine	Gargasz, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Goulet, Maurice	Greenberg, Gary
Guinta, Frank	Hall, Charles	Herman, Keith	Holden, Randolph
Jean, Claudette	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Lefebvre, Roland	Lessard, Rudy	Martel, Andre	McDonough-Wallace, Alice
McHugh, Claire	Mercer, Robert	Messier, Irene	Milligan, Robert
Moran, Edward	Movsesian, Lori	Panagopoulos, Nicholas	Pepino, Leo
Peterson, Andrew	Reeves, Sandra	Rowe, Robert	Sargent, Maxwell
Seibel, Christopher	Sullivan, Peter	Thulander, O Alan	Wheeler, Robert

MERRIMACK

Anderson, Eric	Clarke, Claire	Colcord, J D	Cummings, Raymond
Dunne, Christopher	Feuerstein, Martin	Fraser, Leo Jr	Hager, Elizabeth
Hess, David	Jacobson, Alf	L'Heureux, Stephen	Lockwood, Priscilla
Maxfield, Roy	Reardon, Tara	Rush, Deanna	Swindlehurst, John
Whalley, Michael	Winter, Steven		

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn	Bowles, Raimond
Boynton, James	Bridle, Russell	Carson, Sharon	Case, Margaret

Chalbeck, Kevin	Clark, Martha Fuller	Clark, Vivian	Coes, Betsy
Cooney, Richard	Corbin, Corey	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	Downing, Michael	Fesh, Bob	Flanders, John Sr
Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hill, Jonathan
Introne, Robert	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kelley, William	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Major, Norman
McGuire, Robert	McKinney, Betsy	Morse, Charles	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Pantelakos, Laura	Putnam, Ed II
Quandt, Marshall	Rausch, James	Ruffner, Walter	Sapareto, Frank
Sloan, Stephen	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Welch, David	Whittier, John		

STRAFFORD

Brown, Julie	Cossette, Larry	Dunlap, Patricia	Estabrook, Iris
Grassie, Anne	Heon, Richard	Johnson, Nancy	Knowles, William
Musler, George	Reid, Christopher	Rollo, Michael	Twombly, James
Wall, Janet			

SULLIVAN

Burling, Peter	Cloutier, John	Flint, Gordon Sr	Jones, Constance
Leone, Richard	Rodeschin, Beverly		

NAYS 147

BELKNAP

Boyce, Laurie	Dewhirst, Glenn	Millham, Alida	Rice, Thomas Jr
Rosen, Ralph	Salatiello, Thomas	Wendelboe, Fran	

CARROLL

Dickinson, Howard	Kenney, Joseph	Sullivan, P Judith
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CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Fairbanks, Chandler
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, John
Richardson, Barbara	Slack, Pamela Russell	Weed, Charles	Zerba, Roger

COOS

Landers, Dana

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Cobb, John	Cooney, Mary	Gabler, William	Giuda, Robert
Ham, Bonnie	Lovett, Sid	Mirski, Paul	Naro, Debra
Pawlek, Marion	Scovner, Nancy	Sokol, Hilda	Solow, Martha
Sova, Charles			

HILLSBOROUGH

Balboni, Michael	Bellavance, Paul	Bergeron, Jean-Guy	Bergin, Peter
Bragdon, Peter	Buckley, Raymond	Cardin, Lori	Christiansen, Lars
Cote, Peter	Daigle, Robert	Dokmo, Cynthia	Dwyer, Paul
Eaton, Richard	Gleneck, David	Gorman, Mary	Graham, John
Haley, Robert	Hall, Betty	Hopper, Gary	Jean, Loren
Leach, Edward	Leishman, Peter	Lynde, Harold	Martin, Mary Ellen
Melcher, Harold	Murphy, Robert	O'Connell, Timothy	Salts, Greg
Schulze, Joan	Shaw, Barbara	Souza, Kathleen	Spiess, Paul
Sweeney, Cynthia	Tate, Joan	Thompson, Rob	Vaillancourt, Steve
White, Donald	White, John		

MERRIMACK

Bouchard, Candace	Brewster, Richard	Burney, Carol	Crosby, Toni
Daneault, Gabriel	Davis, Frank	French, Barbara	Gile, Mary
Greco, Vincent	Hutchinson, John	Kennedy, Richard	Langer, Ray
MacKay, James	Moore, Carol	Owen, Derek	Potter, Frances
Seldin, Gloria	Soltani, Tony	Wallner, Mary Jane	Yeaton, Charles

ROCKINGHAM

Camm, Kevin	DiFruscia, Anthony	Dumaine, Dudley	Gleason, John
Holland, James Jr	Hutchinson, Karen	Itse, Daniel	Kane, Cecelia
Micklon, Stephanie	Moore, Benjamin	Norelli, Terie	Pitts, Jacqueline
Power, Lucille	Quandt, Matthew	Reardon, Neil	Robertson, Carl
Shultis, Elizabeth	Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne
Weyler, Kenneth	Zolla, William		

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Brennan, William
DeChane, Marlene	Ferland, Paul	Gilmore, Gary	Goodwin, Earle
Harrington, Michael	Hughes, Christopher	Kaen, Naida	McCarthy, Gerald
Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond	Snyder, Clair
Spang, Judith	Tsiros, William	Woodill, Rodney	Woods, Phyllis

SULLIVAN

Allison, David	Ferland, Brenda	Franklin, Peter	Harris, Joseph
Harris, Sandra	Odell, Bob	Phinizy, James	

and the majority report was adopted.

Ordered to third reading.

HB 1426-FN, relative to the availability of information on the registration of certain sexual offenders. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William V. Knowles for the Majority of Criminal Justice and Public Safety: This bill allows information on the registration of sex offenders whose victims are under the age of 13 and offenders against children under the age of 18 as outlined under 651-8:1, V, to be provided to law enforcement agencies through the use of electronic mail or other electronic formats and provides that registration information may be made available to the public through the Dept. of Safety's official internet web site. The bill also authorizes local law enforcement agencies to photograph individuals registered as sex offenders or offenders against children and to use such photographs in the performance of any valid law enforcement function. Vote 10-2.

Rep. Maxwell D. Sargent for the Minority of Criminal Justice and Public Safety: The minority of the committee opposed passage of this bill for several reasons: making publicly available on the internet the names, addresses and photographs of convicted sex offenders who have served their sentence,

also punished the children, parents, siblings and friends of that person on the list. Setting families of offenders up for derision, further victimization and targets for harassment and possibilities of violence. The list also provides no differentiation between a person who may be at high risk of re-offending and one who may be at little or no risk of re-offending. Courts in some states have struck down their sex offender list because of this lack of assessing the likelihood of re-offending. Also, as the majority of pedophiles offend against a family member or someone well known to the offender, this public list does little to serve the interest of the public safety. In fact it may give a false sense of security.

Amendment (2595h)

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

1 Registration of Criminal Offenders; Availability of Information to the Public; Photographs by Local Law Enforcement Agencies Authorized. Amend RSA 651-B:7, IV to read as follows:

IV.(a) The division shall provide a copy of the list described in this section to each local law enforcement agency at periodic intervals, ***through electronic, computerized, or other accessible means***, but in no event less frequently than once each month. The list shall be made available to interested members of the public upon request to the local law enforcement agency ***and may be made available by the department to interested members of the public through the use of the department's official public Internet access site***. The department shall adopt rules, pursuant to RSA 541-A, establishing procedures for the collection of information described in this section, the transmission of the information from the division to the local law enforcement agencies, and the conditions under which the list shall be made available to the public. These rules shall enable the public to request information about a named individual or about all listed individuals residing or confined in the state. The rules shall also include provisions for identifying and maintaining a record of the parties to whom information from the list has been disclosed, and may also provide for the imposition of a reasonable fee to defray the administrative costs of collecting the information and making the information available to the public.

(b) Local law enforcement agencies may photograph any individual who is required to be registered pursuant to this chapter. The consent of the registrant shall not be necessary. Such photographs may be used in the performance of any valid law enforcement function, distributed to any interested individual upon request, and posted on the local law enforcement agency's official public Internet access site.

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

AMENDED ANALYSIS

This bill allows information on the registration of certain sexual offenders to be provided to law enforcement agencies through the use of electronic mail or other electronic formats and provides that registration information would be made available to the public through the department of safety's official Internet website. The bill also authorizes local law enforcement agencies to photograph individuals registered as sex offenders and to use such photographs in the performance of any valid law enforcement function.

motion to lay on the table

Rep. Vaillancourt moved that **HB 1426-FN**, relative to the availability of information on the registration of certain sexual offenders, be laid on the table.

On a division vote, 137 members having voted in the affirmative and 208 in the negative, the motion failed.

The question now being the adoption of the majority amendment.

Rep. Knowles yielded to questions.

Adopted.

Majority report adopted and ordered to third reading.

HB 1191, establishing a committee to study the expansion of opportunities for teacher certification and the election of members of the state board of education. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Bruce L. Dearborn for the Majority of Education: HB 1191 opportunities for expansion of teacher certification is being studied by a subcommittee on HB 1260 which covers this subject. The question of a study committee for the election of State Board of Education members was moved during the executive session and defeated by the majority who felt that campaigning costs would eliminate good candidates and that the Governor recommends and the Governors' Council approves the appointees. Presently, members of the state school board come from both parties and have excellent credentials. Vote 10-6.

Rep. John R. M. Alger for the Minority of Education: An amendment to the bill was introduced to require election of the members of the State Board of Education as a means to enhance public involvement and interest in public education and the purpose and activities of the State Board of Education. The rationale for the amendment was also to recognize that with the state raising about one billion dollars annually for public education; and, with the State Board under RSA 186:5 having the powers over public schools the same as the directors of a business corporation, that the people should have a direct say by vote as to the "directors" of our public education hierarchy. The amendment, and a very similar alternative amendment, were defeated on tie votes and so the full House deserves to hear debate and vote on ought to pass with amendment.

Reps. Alger and Sova spoke against.

Reps. Claire Clarke and Dearborn spoke in favor.

On a division vote, 260 members having voted in the affirmative and 87 in the negative, the majority report was adopted.

HB 1328, establishing a committee to define "instructional hour" and "instructional time" for the purposes of primary and secondary education. **OUGHT TO PASS WITH AMENDMENT**

Rep. P. Judith Sullivan for Education: Throughout the Department of Education's rules, including the "minimum standards" for public schools, there are references to "instructional time." Even so, there is no definition of this key term. This bill, as amended, simply defines "instructional time" to make clear that it includes time spent learning but not time spent at lunch, in the halls between classes, on the bus, etc. Vote 10-5.

Amendment (2094h)

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

AN ACT defining instructional time in public elementary and secondary schools.

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

1 New Section; Instruction of Pupils; Definition of Instructional Time. Amend RSA 189 by inserting after section 1-e the following new section:

189:1-f Instructional Time. In the elementary and secondary schools of this state, instructional time shall mean the time spent in the instruction of pupils in each of the program areas established in rules adopted by the department of education. Instructional time shall not include any time spent in lunch, recess, class break time, passing time, homeroom period, transportation, or detention.

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

AMENDED ANALYSIS

This bill sets forth a definition of instructional time in the public elementary and secondary schools.

Adopted.

Report adopted and ordered to third reading.

HB 1345, relative to sex education instruction in public schools. **INEXPEDIENT TO LEGISLATE**

Rep. Claire D. Clarke for Education: This bill would have substantially limited organizations which provide sex education materials and lectures in public schools. The majority of the committee felt that these decisions are best left up to the communities and local school boards. The principle of applying community standards to matters of this nature is well established and has proven effective. School boards may control how their sex education curriculum is taught and may provide parents with the right to "opt out" their children if they so desire. Vote 9-5.

Rep. Souza spoke against.

Rep. Henderson spoke in favor.

Adopted.

HB 1446, relative to the recitation of the pledge of allegiance in the public schools. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen R. L'Heureux for Education: The committee unanimously shares the sense of pride and patriotism expressed by those who testified on this legislation. But while the intent of the sponsors is clear, its practical impact is not. Some members were concerned that the bill, having no penalties for non-compliance, would have no binding effect. Other members were concerned that, if school districts were sued for non-compliance, court-imposed penalties could include fines or worse. Even schools

which comply may face legal costs if they are sued on a constitutional challenge to the mandate that all children must stand for the pledge. Some members were concerned that the bill amends existing statute that essentially codifies the Lord's Prayer and leaves it on the books as the prayer of "our pilgrim fathers" although New Hampshire is a state of many religious faiths. Many members believed that it is inconsistent to force children to honor freedom. The sense of the committee was that patriotism is best expressed freely from the heart, not mandated by government. Vote 13-2.

Rep. Henderson moved Recommit to committee and spoke in favor..

Rep. Sapareto spoke in favor.

Adopted and recommitted to the Education committee.

HB 380, apportioning county commissioner districts. OUGHT TO PASS WITH AMENDMENT

Rep. Steve Vaillancourt for Election Law: This bill is for the redistricting of county commissioner boundaries in the nine counties, which have such districts (Strafford County stands alone in electing its three commissioners at large). With one exception, the Election Law Committee accepted the recommendation of the special House redistricting panel. The exception, as noted in the amendment, is for Rockingham County. The Election Law Committee decided that the plan submitted by the three county commissioners results in a much smaller deviation between the three districts and was therefore more in keeping with the "one man, one vote" concept. Vote 19-0.

Amendment (2371h)

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

1 County Commissioner Districts. RSA 662:4 is repealed and reenacted to read as follows:

662:4 County Commissioner Districts. Except for Strafford county where 3 county commissioners shall be elected at large, for the purposes of choosing county commissioners, the counties shall be divided into districts as follows:

I. Belknap: District 1, the city of Laconia and the town of Sanbornton; District 2, the towns of Barnstead, Belmont, Gilmanston, and Tilton; District 3, the towns of Alton, Center Harbor, Gilford, Meredith, and New Hampton.

II. Carroll: District 1, the unincorporated place of Hale's Location and the towns of Bartlett, Chatham, Conway, Eaton, Hart's Location, Jackson, and Madison; District 2, the towns of Albany, Freedom, Moultonborough, Ossipee, Sandwich, and Tamworth; District 3, the towns of Brookfield, Effingham, Tuftonboro, Wakefield, and Wolfeboro.

III. Cheshire: District 1, the towns of Chesterfield, Hinsdale, Surry, Swanzey, Walpole, Westmoreland, and Winchester; District 2, the town of Marlborough and the city of Keene; District 3, the towns of Alstead, Dublin, Fitzwilliam, Gilsum, Harrisville, Jaffrey, Marlow, Nelson, Richmond, Rindge, Roxbury, Stoddard, Sullivan, and Troy.

IV. Coos: District 1, the unincorporated place of Success, the town of Shelburne, and the city of Berlin; District 2, the unincorporated places of Bean's Grant, Bean's Purchase, Chandler's Purchase, Crawford's Purchase, Cutt's Grant, Green's Grant, Kilkenny, Low and Burbank's Grant, Martin's Location, Pinkham's Grant, Sargent's Purchase, and Thompson and

Meserve's Purchase and the towns of Carroll, Dalton, Gorham, Jefferson, Lancaster, Randolph, and Whitefield; District 3, the unincorporated places of Atkinson and Gilmanton Academy Grant, Cambridge, Dix's Grant, Dixville, Erving's Location, Odell, and Second College Grant and the towns of Clarksville, Colebrook, Columbia, Dummer, Errol, Milan, Millsfield, Northumberland, Pittsburg, Stark, Stewartstown, Stratford, and Wentworth's Location.

V. Grafton: District 1, the towns of Enfield, Hanover, and Lebanon; District 2, the unincorporated place of Livermore and the towns of Bath, Benton, Bethlehem, Easton, Franconia, Haverhill, Landaff, Lincoln, Lisbon, Littleton, Lyman, Lyme, Monroe, Orford, Piermont, Sugar Hill, Warren, Wentworth, and Woodstock; District 3, the towns of Alexandria, Ashland, Bridgewater, Bristol, Campton, Canaan, Dorchester, Ellsworth, Grafton, Groton, Hebron, Holderness, Orange, Plymouth, Rumney, Thornton, and Waterville Valley.

VI. Hillsborough: District 1, the town of Bedford and the city of Manchester; District 2, the towns of Hollis, Hudson, and Pelham and the city of Nashua; District 3, the towns of Amherst, Antrim, Bennington, Brookline, Deering, Francestown, Goffstown, Greenfield, Greenville, Hancock, Hillsborough, Litchfield, Lyndeborough, Mason, Merrimack, Milford, Mont Vernon, New Boston, New Ipswich, Peterborough, Sharon, Temple, Weare, Wilton, and Windsor.

VII. Merrimack: District 1, the towns of Boscawen and Webster, and the city of Concord; District 2, the towns of Allenstown, Andover, Canterbury, Chichester, Epsom, Hill, Loudon, Northfield, Pembroke, Pittsfield, Salisbury, and the city of Franklin; District 3, the towns of Bradford, Bow, Danbury, Dunbarton, Henniker, Hooksett, Hopkinton, New London, Newbury, Sutton, Warner, and Wilmont.

VIII. Rockingham: District 1, the towns of Danville, East Kingston, Greenland, Hampton, Hampton Falls, Kensington, Kingston, New Castle, Newington, Newton, North Hampton, Plaistow, Rye, Seabrook, South Hampton, and Stratham, and the city of Portsmouth; District 2, the towns of Atkinson, Brentwood, Epping, Exeter, Fremont, Hampstead, Newfields, Newmarket, Raymond, Salem, and Sandown; District 3, the towns of Auburn, Candia, Chester, Deerfield, Derry, Londonderry, Northwood, Nottingham, and Windham.

IX. Sullivan: District 1, the city of Claremont; District 2, the towns of Cornish, Croyden, Grantham, Newport, Plainfield, and Springfield; District 3, the towns of Acworth, Charlestown, Goshen, Langdon, Lempster, Sunapee, Unity, and Washington.

2 Application. No provision of this act shall be construed as affecting the constituencies or terms of office of county commissioners presently in office. If there shall be a vacancy in a county commissioner district for any reason prior to the 2002 state general election, the vacancy shall be filled under the terms of RSA 661:9 from the same county commissioner district that existed for the 2000 state general election. The nomination and election of county commissioners at the 2002 state general election shall be by districts as provided in this act.

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

Adopted.

Report adopted and ordered to third reading.

HB 1158, relative to the definition of "party". **INEXPEDIENT TO LEGISLATE**

Rep. Steve Vaillancourt for Election Law: This bill would lower the threshold for "third parties" obtaining ballot status from four percent of the total number of votes cast in the preceding election to three percent. The majority believes that access is important but that some percentage of support must be shown. It then becomes a question of which percent. Some in the minority actually favored an increase to five percent which would, of course, have made ballot access more difficult. In opting to keep the number at four percent, the committee took into account that a change down to three percent would not have made a difference for the Libertarian Party in the post election cycles when it failed to achieve ballot status. In other words, it failed to attain three percent as well as four percent. Current legislation also allows for the office of governor and US senate to be considered in attaining the four percent. There was some consideration to go up to the three percent but of having only the office of governor be considered. This, however, would seem to provide less of a chance of "third party" ballot access, so the status quo option seemed best. Vote 11-5.

Adopted.

HB 654-FN-L, establishing a presorting program to remove mercury from waste prior to incineration at certain facilities. **REFER FOR INTERIM STUDY**

Rep. John S. Cobb for Environment and Agriculture: This bill was moved for interim study to allow a review of the basic content as amended and provide for the possible creation of a new bill for consideration in the next house session. Vote 16-0.

Adopted.

HB 1102, establishing a committee to study a hazardous waste coordinator certification program. **OUGHT TO PASS WITH AMENDMENT**

Rep. John R. Swindlehurst for Environment and Agriculture: The committee went beyond the need for study and amended the bill to allow the Department of Environmental Services (DES) to move forward with a program of certification for all individuals who coordinate the processing of hazardous waste. Vote 13-0.

Amendment (2451h)

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

AN ACT establishing a hazardous waste coordinator certificate program and making an appropriation therefor.

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

1 Section Heading. Amend the section heading of RSA 147-A:5 to read as follows:

147-A:5 Terms and Conditions of Operator Permits; Facility Personnel; ***Certified Hazardous Waste Coordinator Program.***

2 New Paragraph; Certified Hazardous Waste Coordinator Program. Amend RSA 147-A:5 by inserting after paragraph II the following new paragraph:

III. Each hazardous waste generator that generates more than 220 pounds of hazardous waste per month shall have on staff at the facility where the hazardous waste is

generated a hazardous waste coordinator certified by the department. The certified hazardous waste coordinator shall be responsible for ensuring that the generator is aware of and in compliance with applicable requirements relating to hazardous waste management, including but not limited to storage, transportation, and disposal certification shall not be transferable. Initial certification shall be valid for one year and may be renewed for subsequent one-year terms. The department may charge a reasonable fee to cover expenses for education and training programs that fulfill the initial certification and continuing education requirements.

(b) Each application for initial or renewal of a hazardous waste coordinators certification shall be accompanied by a non-refundable fee of \$125 per year to cover department expenses for conducting the certification program.

3 New Paragraph; Rulemaking. Amend RSA 147-A:3 by inserting after paragraph XXV the following new paragraph:

XXVI. Administration of a hazardous waste coordinator certification program pursuant to RSA 147-A:5, III, including criteria relating to education and experience and the procedures for initial certification of hazardous waste coordinators as well as continuing education requirements for renewals, and associated fees.

4 New Paragraph; Purpose and Use of Fund. Amend RSA 147-B:6 by inserting after paragraph I-e the following new paragraph:

I-f. Fees collected in accordance with RSA 147-A:5, III(b) and deposited in the hazardous waste cleanup fund shall be accounted for separately and used to process hazardous waste coordinator certification applications, provide technical training and assistance to coordinators, and hire personnel.

5 Supplemental Appropriation to the Department of Environmental Services. Amend 2001, 130.1, 03, 04, 04, 01, 01 for fiscal year 2003 to read as follows:

03 RESOURCE PROTECT' N & DEVELOP' T

04 DEPT OF ENVIRONMENTAL SERVICES

04 DIVISION OF WASTE MANAGEMENT

01 HAZARDOUS WASTE PROGRAMS

01 HAZARDOUS WASTE CLEANUP FUND

	<u>FY 2003</u>
10 PERSONAL SERVICES – PERMANENT	1,160,459
18 OVERTIME	[68,074] 69,074
20 CURRENT EXPENSES	[72,002] 82,002
22 RENT & LEASES OTHER THAN STATE	8,000

24 MAINT. OTHER THAN BUILD. & GRNDS		10,800	
28 TRANSFERS TO GENERAL SERVICES	D	~~[61,001]~~	63,401
30 EQUIPMENT NEW/REPLACEMENT		[33,000]	36,000
49 TRANSFERS TO OTHER STATE AGENCS	D	[240,854]	241,854
50 PERSONAL SERVICE – TEMP/APPOINTE			27,659
51 CONSULTANTS-BENEFITED		1,052	
59 PART –TIME – BENEFITED		~~[346,059]~~	384,669
60 BENEFITS		~~[506,066]~~	518,421
70 IN-STATE TRAVEL		~~[15,000]~~	16,000
80 OUT-OF STATE TRAVEL		~~[20,000]~~	21,500
90 HHW COLLECTION		250,000	
91 REMEDIAL ACTION		10,000	
92 CONTRACTS		100,000	
93 USED OIL GRANTS		~~[100,000]~~	110,385
94 TUITION		7,000	
96 MEDICAL MONITORING		12,100	
97 DISPOSAL – TAINTED OIL		10,000	
TOTAL		~~[3,059,125]~~	3,140,376

ESTIMATED SOURCE OF FUNDS FOR
HAZARDOUS WASTE CLEANUP FUND

03 REVOLVING FUNDS	I	~~[3,059,125]~~	3,140,376
TOTAL		~~[3,059,126]~~	3,140,376

THE FUNDS IN THESE APPROPRIATIONS SHALL NOT BE
TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE

5 Effective Date. This act shall take effect January 1, 2003.

AMENDED ANALYSIS

This bill establishes a hazardous waste coordinator certification program. The bill also makes a supplemental appropriation for such program to the department of environmental services for FY 2003.

Adopted.

Report adopted and referred to Finance.

HB 1119-FN-L, relative to landfill closing costs reimbursed by the department of environmental services. **OUGHT TO PASS**

Rep. Richard P. Brewster for Environment and Agriculture: The committee felt the state grant to a community for the cost of closing a landfill should not be affected by gift to the community for that purpose. The bill does allow reduction of the state grant for receipt of insurance, federal assistance and similar receipt by the community. Vote 13-0.

Adopted and ordered to third reading.

HB 1199-FN, providing for the certification of septage haulers. **INEXPEDIENT TO LEGISLATE**

Rep. Richard P. Brewster for Environment and Agriculture: A majority of the committee feels that those in the septage hauling industry would find it to their benefit to insure that those employees who operate their equipment are properly trained within the industry. Vote 7-6.

Adopted.

HB 1305-FN, relative to the pollution prevention program. **OUGHT TO PASS**

Rep. John R. Swindlehurst for Environment and Agriculture: This program is on going and the committee believes it should continue. Vote 14-1.

Adopted.

Referred to Finance.

HB 1183, establishing a committee to study the conformity of administrative rules to statutory authority. **REFER FOR INTERIM STUDY**

Rep. Raymond C. Cummings for Executive Departments and Administration: Executive Departments and Administration Committee received four bills, which pertained to studying conformity of administrative rules to statutory authority. This bill has merits but there is not enough time to make the necessary amendments. For this reason, the committee is recommending interim study. Vote 14-0.

Adopted.

HB 1204, relative to administrative rulemaking of the sweepstakes commission. **INEXPEDIENT TO LEGISLATE**

Rep. Raymond C. Cummings for Executive Departments and Administration: This bill would eliminate rule making authority from the sweepstakes commission and take away \$325,000 used to enhance purses at the horse and dog tracks. If the horse track lost the extra purse money, they would cease selling sweepstake tickets, which would be a considerable loss to the state. Horse racing revenue has showed an alarming decline over the past few years. It was felt this bill might hasten the closure of the track in Salem. This bill should be studied in the interim study of HB 1183. Vote 15-0.

Adopted.

HB 1210, relative to training to be a licensed esthetician. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael O'Neil for Executive Departments and Administration: This bill, as amended, still retains the original intent of allowing an esthetician the opportunity of substituting a board-approved apprenticeship for the required training for licensure. The amendment recognized that needing one year of employment was difficult to accomplish because most barbers, cosmetologists, etc. are paid by commissions and therefore are not truly employees under the Department of Labor interpretation. The amendment finally provides a clearer meaning of pedicure services by estheticians. Both subjects of the amendment met with no objection from the Board of Barbering, Cosmetology and Esthetics. Vote 15-1.

Amendment (2584h)

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

AN ACT relative to training to be a licensed esthetician, and relative to experience required for shop licensure of barbers, cosmetologists, or estheticians.

Amend the bill by replacing section 2 with the following:

2 Barbering, Cosmetology and Esthetics; Shop Licensure; Experience Required. Amend RSA 313-A:19, II(a) to read as follows:

II.(a) Any licensed barber, cosmetologist, manicurist, or esthetician who has completed one year of actual [~~employment~~] **experience** in a salon or barbershop shall, upon written application accompanied by the required fees, receive a license to operate a salon, barbershop, or mobile barbershop in this state, provided that the salon, barbershop, or mobile barbershop meets all requirements established in the rules of the board.

3 Barbering, Cosmetology and Esthetics; Shop Licensure; Experience Required. Amend RSA 313-A:19, IV to read as follows:

IV. In addition to licenses issued under paragraph II, the board may issue a license to an owner of a salon or barbershop who does not personally engage in cosmetology, barbering, or esthetics, provided the salon or barbershop shall fulfill all requirements set forth in the rules of the board and provided further that the owner has paid the required license fee for such salon or barbershop and employs a licensed cosmetologist, barber, manicurist, or esthetician as manager who has previously completed one year of actual [~~employment~~] **experience** in a licensed salon or barbershop. However, this section shall not authorize such owner to practice cosmetology, barbering, manicuring, or esthetics unless the owner has a cosmetologist, barber, or esthetician license.

4 Definitions. Amend RSA 313-A:1, VIII to read as follows:

VIII. "Esthetics" means:

(a) Giving facials, applying makeup, giving therapeutic skin care treatments, removing superfluous hair, or applying eyelashes to any person;

(b) Beautifying the face, neck, arms, and shoulders, by use of cosmetic preparations, antiseptics, tonics, lotions, or creams; ~~or~~

(c) Massaging, cleansing, or stimulating the face, neck, arms, and shoulders, by means of the hands, devices, apparatus, or appliances, with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams; **or**

(d) Providing pedicure services, including therapeutic skin and nail care treatments for the foot, beautifying the foot and massaging, cleansing or stimulating the foot by means of the hands, devices, apparatus, or appliances, with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams, trimming or filing the toenails, and polishing the toenail.

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

AMENDED ANALYSIS

This bill allows persons who have apprenticed as an esthetician to substitute such apprenticeship for the required training for purposes of licensure as an esthetician.

The bill also allows for one year of actual experience, rather than employment, for a barber, cosmetologist, or esthetician to apply for shop licensure.

Adopted.

Report adopted and ordered to third reading.

HB 1276, permitting pharmacists to dispense emergency contraception. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Nelson S. Allan for the Majority of Executive Departments and Administration: This bill permits pharmacists to dispense emergency contraception if the pharmacists meet certain criteria established by the board of pharmacy. A pharmacist through a collaborative agreement established with a licensed practitioner would dispense this medication. This emergency contraception pill (ECP's) may help prevent unwanted pregnancy by preventing implantation of a fertilized egg to the lining of the uterus, or delaying release of an egg from the ovary, or preventing egg fertilization from occurring. This medication has a limited time frame of effectiveness (72 hours after "unsafe sex"), requiring quick ECP access from the pharmacist. The time pressure raises issues of providing for parental consultation/physician's intervention before dispensing this powerful medication. There is little experience in the state regulation of this process, only one state has a similar program. The recommendation of inexpedient to legislate (ITL) was supported by a large majority of the committee. Some committee members felt New Hampshire should not be the second state in the nation to implement this pioneering and controversial program Vote 12-3.

Rep. Marion J. Pawlek for the Minority of Executive Departments and Administration: HB 1276 would enable the creation of an advisory committee that would work with the board of pharmacy to develop protocols allowing pharmacists to dispense emergency contraception pill (ECP's). The emergency contraception involved are elevated hormone levels of the standard birth control pill which need to be taken within 72 hours of unprotected intercourse. The protocols would outline collaborative agreements between medical providers and pharmacists who voluntarily choose to participate in the program. Use of the program would increase access for those in rural areas, those who have limited access to medical care, and those in crisis situations. The American Medical Association considers emergency contraception pills so safe that they have urged the federal government to make ECPs available without a prescription as over the counter medication. The minority felt that this bill ought to pass. This would reduce unwanted pregnancies and reduce the number of abortions performed in our state. In addition, this bill as amended was supported by the New Hampshire Medical Society, New Board of Pharmacy and the New Hampshire Board of Nursing.

Majority report adopted.

HB 1295, establishing an environmental services review commission. **INEXPEDIENT TO LEGISLATE**

Rep. Joan H. Schulze for Executive Departments and Administration: The bill would have established a commission to review the administrative rules of the department of environmental services and adopt a plan for a mediation board to arbitrate non-compliance issues. The committee felt that there is already an effective system in place, the Joint Legislative Committee on Administrative Rules (JLCAR). The new commission would be redundant. The committee also heard HB 1183 on the conformity of administrative rules to statutory authority, which we have recommended for interim study. The committee felt that it would be appropriate to include the issues contained within HB 1295 as well as HB 1204 and HB 1416 in this study. Vote 14-0.

Adopted.

HB 1416-FN, relative to the extent of the authority of agencies to adopt administrative rules. **INEXPEDIENT TO LEGISLATE**

Rep. Raymond C. Cummings for Executive Departments and Administration: Executive Departments and Administration Committee received four bills, which pertained to studying conformity of administrative rules to statutory authority. Health and Human Services and other agencies expressed concern that this bill would constitute a significant and unnecessary burden in their rule making. The committee has recommended that HB 1183 be referred to interim study and intends to further consider the issues raised in this bill as part of that process Vote 15-1.

Rep. Clegg spoke against and yielded to questions.

Reps. Cummings and Dyer spoke in favor.

Rep. Clegg requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 190 NAYS 150

YEAS 190

BELKNAP

Flanders, Donald	Holbrook, Robert	Johnson, William	Millham, Alida
Russell, David	Salatiello, Thomas	Wood, Jane	

CARROLL

Patten, Betsey	Stevens, Stanley
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CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Dexter, Judson	Espieffs, Peter	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Slack, Pamela Russell	Weed, Charles	Zerba, Roger

COOS

Bradley, Paula	Davis, Perley	Guay, Lawrence	Horton, Lynn
Landers, Dana	Rozek, Michael	Stohl, Eric	

GRAFTON

Almy, Susan	Benn, Bernard	Cobb, John	Cooney, Mary
Ham, Bonnie	Lovett, Sid	Marshall, Gene	Naro, Debra
Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy	Sokol, Hilda
Solow, Martha	Ward, Brien		

HILLSBOROUGH

Allan, Nelson	Andosca, Mary	Bellavance, Paul	Bergeron, Jean-Guy
Bergin, Peter	Buckley, Raymond	Cardin, Lori	Carlson, Donald
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Dokmo, Cynthia	Drabinowicz, A Theresa	Dwyer, Paul	Dyer, Merton
Eaton, Richard	Ford, Nancy	Foster, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Graham, John	Guinta, Frank

Hall, Betty	Hall, Charles	Holden, Randolph	Jean, Claudette
Johnson, Lionel	Kacavas, John	Keye, Harvey	Konys, Christine
L'Heureux, Robert	Leach, Edward	Leishman, Peter	Lynde, Harold
Martin, Mary Ellen	McDonough-Wallace, Alice	Melcher, Harold	Movsesian, Lori
Murphy, Robert	Panagopoulos, Nicholas	Pepino, Leo	Peterson, Andrew
Schulze, Joan	Shaw, Barbara	Spiess, Paul	Sullivan, Peter
Sweeney, Cynthia	Tate, Joan	Vaillancourt, Steve	Wheeler, Robert
White, John			

MERRIMACK

Bouchard, Candace	Burney, Carol	Clarke, Claire	Colcord, J D
Crosby, Toni	Cummings, Raymond	Daneault, Gabriel	Davis, Frank
Feuerstein, Martin	French, Barbara	Gile, Mary	Greco, Vincent
Jacobson, Alf	Kennedy, Richard	Langer, Ray	Lockwood, Priscilla
Moore, Carol	Owen, Derek	Potter, Frances	Reardon, Tara
Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane	Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Carson, Sharon	Case, Margaret
Clark, Martha Fuller	Coes, Betsy	Cooney, Richard	Cox, Russell
Dearborn, Bruce	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Flanders, John Sr	Griffin, Mary	Hamel, Albert	Johnson, Robert
Kane, Cecelia	Katsakiores, George	Kobel, Rudolph	Langley, Jane
McGuire, Robert	Micklton, Stephanie	Morse, Charles	Norelli, Terie
O'Neil, Michael	Pantelakos, Laura	Pitts, Jacqueline	Reardon, Neil
Robertson, Carl	Sapareto, Frank	Shultis, Elizabeth	Sloan, Stephen
Splaine, James	Weatherspoon, Jacquelyne	Whittier, John	Zolla, William

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, Julie
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Ferland, Paul
Goodwin, Earle	Grassie, Anne	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	Knowles, William	Pelletier, Arthur	Pelletier, Marsha

Proulx, Raymond
Twombly, James

Rollo, Michael
Wall, Janet

Snyder, Clair
Woodill, Rodney

Spang, Judith

SULLIVAN

Allison, David
Flint, Gordon Sr

Burling, Peter
Franklin, Peter

Cloutier, John
Harris, Joseph

Ferland, Brenda
Harris, Sandra

NAYS 150

BELKNAP

Boyce, Laurie
Pilliod, James
Wendelboe, Fran

Czech, Stanley
Rice, Thomas Jr

Lawton, David
Rosen, Ralph

Nedeau, Stephen
Thomas, John

CARROLL

Babson, David Jr
Mock, Henry

Bradley, Jeb
Philbrick, Donald

Dickinson, Howard
Quimby, Lee

Kenney, Joseph
Sullivan, P Judith

CHESHIRE

Edwards, Dana
Liebl, George

Emerson, Susan
Roberts, William

Fairbanks, Chandler
Smith, Edwin

Hunt, John

COOS

Gallus, John

Pratt, Leighton

Woodward, David

GRAFTON

Akins, Ralph
Eaton, Stephanie
Mirski, Paul

Alger, John
Gabler, William
Scanlan, David

Barker, Robert
Gilman, G Michael
Sova, Charles

Dudley, Terri
Giuda, Robert
Williams, Burton

HILLSBOROUGH

Alukonis, David
Bouchard, David

Artz, Lawrence
Bragdon, Peter

Balboni, Michael
Brundige, Robert

Batula, Peter
Bruno, Pierre

Calawa, Leon Jr	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Desrosiers, William	Dionne, Kimberley
Drisko, Richard	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Furman, Christine	Gargas, Carolyn	Gleneck, David	Golding, William
Goulet, Maurice	Herman, Keith	Hopper, Gary	Jean, Loren
Kurk, Neal	LaRose, Richard	Lefebvre, Roland	Lessard, Rudy
Martel, Andre	McHugh, Claire	Mercer, Robert	Messier, Irene
Milligan, Robert	O'Connell, Timothy	Reeves, Sandra	Rowe, Robert
Salts, Greg	Sargent, Maxwell	Souza, Kathleen	Thompson, Rob
Thulander, O Alan	White, Donald		

MERRIMACK

Anderson, Eric	Brewster, Richard	Fraser, Leo Jr	Hess, David
Hutchinson, John	L'Heureux, Stephen	MacKay, James	Maxfield, Roy
Soltani, Tony	Swindlehurst, John	Whalley, Michael	Winter, Steven

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Boynton, James	Bridle, Russell
Camm, Kevin	Chalbeck, Kevin	Clark, Vivian	Corbin, Corey
Dalrymple, Janeen	Dumaine, Dudley	Fesh, Bob	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald	Gleason, John
Henderson, Warren	Holland, James Jr	Hutchinson, Karen	Introne, Robert
Itse, Daniel	Johnson, Rogers	Katsakiores, Phyllis	Kelley, Jane
Kelley, William	Langone, John	Letourneau, Robert	Major, Norman
McKinney, Betsy	Nowe, Ronald	Packard, Sherman	Power, Lucille
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Rausch, James
Ruffner, Walter	Stone, Joseph	Stritch, C Donald	Trueman, Raymond
Varrell, Thomas	Welch, David	Weyler, Kenneth	

STRAFFORD

Albert, Russell	Cossette, Larry	Harrington, Michael	Heon, Richard
Woods, Phyllis			

SULLIVAN

Jones, Constance
Rodeschin, Beverly

Leone, Richard

Odell, Bob

Phinizy, James

and the report was adopted.

HB 1448-FN, relative to the salaries of unclassified state officers. **INEXPEDIENT TO LEGISLATE**

Rep. Michael O'Neil for Executive Departments and Administration: This bill proposes placing all unclassified employees covered by the 2001 Hay Study of the Unclassified Salary Structure on either the minimum step in the newly adopted salary range or on the next highest step if the employee's salary prior to the change was already within the new range. This placement was the recommendation included in the Hay Group Final Report. However, when HB 170 was adopted last year and the new Hay Study salary ranges were approved, there was still a law in place that required employees to be placed in a new salary range "as their length of service justifies." (RSA 94:1-a,III) Therefore when the new ranges went into effect on December 28, 2001, virtually all employees were placed at a higher range than the Hay Study recommended pursuant to the current law. This bill would decrease those salaries by placing the employees at lower steps in the new range. The Committee doesn't support lowering the salaries contrary to current law. Additionally the committee received testimony that the Governor and Council have recently approved starting salaries for new unclassified employees at the maximum step in the new range. The Committee does not think it is fair for new state employees to be treated better than current loyal and dedicated state employees. The Committee concludes that the unclassified employees should continue at the higher steps in the new ranges as required by the current law. The second section of the bill regarding employees receiving a higher current salary than recommended by the Hay Study has been addressed by the Fiscal Committee and is not therefore needed Vote 13-2.

Adopted.

special order

HB 294-FN, excluding certain pension income from household income for purposes of determining low and moderate income homeowners property tax relief. **REFER FOR INTERIM STUDY**

Rep. Robert L. Wheeler for Finance: The Committee felt that an indeterminable fiscal impact statement was unavoidable, given the missing detail in this bill on the nature of pensions. Since the Finance Committee is thus not able to do its work, and since the Ways & Means Committee, the Policy Committee in this case, will be studying property tax hardship relief over the interim, we felt that interim study is the most appropriate path to take Vote 18-0.

Adopted.

regular calendar (cont'd.)

HB 439-FN-A, establishing a position of septage coordinator and making an appropriation therefor. **OUGHT TO PASS**

Rep. Robert G. Holbrook for Finance: Last session, we passed HB 311, increasing fees for sewerage or waste disposal permits, in order to fund a new position of septage coordinator to address an increasing septage problem. This bill establishes that position. It will cost \$28,992 for FY03. Vote 18-0.

Adopted and ordered to third reading.

HB 592-FN-A, relative to a milfoil and other exotic plants prevention and research grant program and fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maryann N. Blanchard for Finance: The committee supports the intent of this bill and its \$3.00 increase in boat registration fees to fund milfoil prevention and research activities. The amendment clarifies some statutory citations and other definitions. Further, it includes the Department of Safety in the approval of grants for milfoil prevention only. Also, it includes state agencies as well as non-profits as eligible grant applicants. Grant applicants from higher education institutions are exempted from the 50/50-match requirement. The fee increase should produce revenues of \$294,600 (\$3 x 98,200) per year. The program costs are tied to the revenue received. Vote 19-0.

Amendment (2445h)

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

AN ACT relative to a milfoil and other exotic aquatic plants prevention program.

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

1 Increase in Boat Registration Fee for Lakes Restoration and Preservation Fund. Amend RSA 270-E:5, II (a) to read as follows:

(a) ~~[\$2]~~ **\$5** for each registration specified in paragraph I. The fees collected under this subparagraph shall be paid into the lake restoration and preservation fund established under RSA 487:25.

2 Lake Restoration and Preservation Fund; Milfoil and Other Exotic Aquatic Plants Prevention Program. Amend RSA 487:25, I to read as follows:

I. ~~[An additional]~~ **The** fee of ~~[\$2]~~ **\$5** ~~[to those already]~~ collected under the provisions of RSA 270-E:5, **II(a)** ~~[for each private boat registered]~~ shall be paid to the director of the division of motor vehicles. The director of the division of motor vehicles shall pay over said ~~[additional fees]~~ **fee** to the state treasurer who shall keep ~~[said fees]~~ **the fee** in a special fund to be expended by the department of environmental services. The department shall use \$.50 of the fee for lake restoration and preservation measures, exclusive of exotic aquatic weed control, ~~[and]~~ \$1.50 of the fee for the control of exotic aquatic weeds, **and \$3 of the fee for the milfoil and other exotic aquatic plants prevention program. The department shall deposit the \$3 into a special account within the lake restoration and preservation fund which shall be used to administer the milfoil and other exotic aquatic plants prevention program.** The special fund shall be nonlapsing. All funds received under this section are continually appropriated to the department for the purposes of this subdivision.

3 New Subdivision; Milfoil and Other Exotic Aquatic Plants Prevention. Amend RSA 487 by inserting after section 25 the following new subdivision:

Milfoil and Other Exotic Aquatic Plants Prevention

487:26 Grant Program Established. There is hereby established a grant program to be administered by the department of environmental services for the allocation of money to state agencies, non-profit organizations, and municipalities or political subdivisions of the state which seek to administer a milfoil and other exotic aquatic plants prevention program, and to institutions of higher learning which seek to conduct research on milfoil and other exotic aquatic plants remediation techniques. The grant program shall be funded by the portion of the lake restoration and preservation fund, established in RSA 487:25, and allocated to the milfoil and other exotic aquatic plants prevention program. Up to 2/3 of the moneys distributed from the fund to the milfoil and other exotic aquatic plants prevention program shall be allocated for the purposes of milfoil and other exotic aquatic plants prevention and the remainder shall be allocated to milfoil and other exotic aquatic plants remediation research. Of the moneys in the milfoil and other exotic aquatic plants prevention program, the moneys allocated specifically for the purposes of the milfoil and other exotic aquatic plants prevention shall be distributed upon approval of the commissioner of the department of environmental services and the commissioner of safety. Of the moneys in the milfoil and other exotic aquatic plants prevention program, the moneys allocated specifically for the purposes of milfoil and other exotic aquatic plants remediation research shall be distributed upon approval of the commissioner of the department of environmental services.

487:27 Management Plan. The commissioner of the department of environmental services, or designee, in consultation with the commissioner of safety, or designee, shall establish a management plan to implement the grant program. The management plan shall include, but not be limited to:

I. Eligibility determination criteria and procedures.

II. Application requirements and procedures.

III. Project selection and prioritization requirements and procedures.

IV. Stewardship requirements and procedures, including annual reporting to the department by the grantee.

487:28 Eligible Applicants; Matching Funds.

I. The department of environmental services shall distribute funds for projects to further the purposes of this program only to eligible applicants. Eligible applicants shall include:

(a) Publicly-supported nonprofit corporations exempt from federal income taxation under section 501(c) of the Internal Revenue Code.

(b) Municipalities or other political subdivisions of the state.

(c) Institutions of higher learning.

(d) State agencies.

II. All eligible applicants shall provide a minimum level of matching resources equal to 50 percent of the proposed program budget. The department may exempt institutions of higher learning from the required match. The cost-sharing match may be met through the use of in-kind services. Qualifying matching funds from the applicant may include, but are not limited to,

municipal appropriations, private donations, federal funds, and the value of goods and services provided by the applicant.

487:29 Milfoil and Other Exotic Aquatic Plants Prevention; Grant Fund Report and Budget. The department of environmental services shall submit an annual report, beginning on January 1, 2004, to the speaker of the house, president of the senate, and the governor and council which shall include, but not be limited to, a description of prevention and research projects funded by the milfoil and other exotic aquatic plants prevention program and the extent of aid to municipalities or subdivisions of the state, non-profit corporations, and research institutions.

4 Exotic Aquatic Weeds; Control. Amend RSA 487:17, II to read as follows:

II. The department is directed to prevent the introduction and further dispersal of exotic aquatic weeds and to manage or ~~[eradicate]~~ **control** exotic aquatic weed infestations in the surface waters of the state. The department is authorized to:

(a) Display and distribute promotional material and engage in educational efforts informing boaters of the problems with exotic aquatic weed control.

(b) ~~[Eradicate]~~ **Control** small new infestations of exotic aquatic weeds, according to the following criteria:

(1) The waterbody had been free, within the previous 5 years, of the exotic aquatic weed to be treated.

(2) The infestation is not widespread in the waterbody, and the department shall have determined that the exotic aquatic weed can in fact be ~~[eradicated from]~~ **controlled in** the waterbody.

(3) The most environmentally sound treatment technique relative to the specific infestation will be used, which also meets the requirements of state rules, including rules adopted under RSA 430.

(c) Develop an emergency response protocol to ~~[eradicate]~~ **control** small new infestations. The protocol may include contractual agreements with one or more licensed pesticide applicators that would enable the prompt treatment of exotic aquatic weeds with herbicides consistent with the criteria provided in subparagraph (b).

(d) Designate, in consultation with the department of fish and game and the division of safety services, department of safety, restricted use of exotic aquatic weed control areas.

5 Project Prioritization; Control of Exotic Aquatic Weeds. Amend RSA 487:18 to read as follows:

487:18 Project Prioritization. Project approval shall be based upon prioritization factors to be established by rules adopted under RSA 541-A. Such rules shall give first priority for expenditure of available funds to the ~~[eradication of]~~ **control of** new infestations of exotic aquatic weeds pursuant to RSA 487:17, II(b) ~~[and second priority to all reasonable measures to control exotic aquatic weeds]~~. Otherwise, preference shall be given to lakes that have public access or that serve as a public drinking water supply. Implementation measures shall be based upon an assessment of potential success, technical feasibility, practicability, and cost effectiveness. Restoration and preservation

projects shall include watershed management plans to control and reduce incoming nutrients wherever possible through best management practices. Repeated short-term solutions shall be discouraged where long-term solutions are feasible and cost effective. Treatments shall be designed to minimize any adverse effect upon fish and wildlife, their habitats, and the environment.

6 Cost Sharing; New Infestations of Exotic Aquatic Weeds. Amend RSA 487:21, III to read as follows:

III. For water quality maintenance programs, the department may provide an amount of funding not to exceed 80 percent of the total eligible costs, as determined by the department, except that for the ~~[eradication]~~ **control** of new infestations of exotic aquatic weeds the state may assume 100 percent of the cost.

7 Prospective Repeal; January 1, 2008. RSA 487:26-29, relative to the milfoil and other exotic aquatic plants prevention program is repealed.

8 Decrease in Boat Registration Fee for Lakes Restoration and Preservation Fund. RSA 270-E:5, II (a) is repealed and reenacted to read as follows:

(a) \$2 for each registration specified in paragraph I. The fees collected under this subparagraph shall be paid into the lake restoration and preservation fund established under RSA 487:25.

9 Lake Restoration and Preservation Fund; Addition to Boat Fee; Reduced Amount. RSA 487:25, I is repealed and reenacted to read as follows:

I. The fee of \$2 collected under the provisions of RSA **270-E:5, II(a)** shall be paid to the director of the division of motor vehicles. The director of the division of motor vehicles shall pay over said fee to the state treasurer who shall keep the fee in a special fund to be expended by the department of environmental services. The department shall use \$.50 of the fee for lake restoration and preservation measures, exclusive of exotic aquatic weed control, and \$1.50 of the fee for the control of exotic aquatic weeds. The special fund shall be nonlapsing. All funds received under this section are continually appropriated to the department for the purposes of this subdivision.

10 Effective Date.

I. Sections 7-9 of this act shall take effect January 1, 2008.

II. The remainder of this act shall take effect January 1, 2003.

AMENDED ANALYSIS

This bill creates a program administered by the department of environmental services and the department of safety to aid state agencies, non-profit organizations, and municipalities or political subdivisions of the state which seek to administer a milfoil and other exotic aquatic plants prevention program, and by the department of environmental services for institutions of higher learning which seek to conduct research on milfoil and other exotic aquatic plants remediation. Eligible applicants are required to provide a minimum resource match of 50 percent of the proposed program budget.

This bill also creates a special account in the lake restoration and preservation fund to provide money for the milfoil and other exotic aquatic plants prevention program. Funding for the prevention program account is provided by an increase to the boat registration fee.

The milfoil and other exotic aquatic plants prevention program and the increase to the boat registration fee will expire on January 1, 2008.

Adopted.

Report adopted and ordered to third reading.

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. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert H. Rowe for Majority of Judiciary: The purpose of this bill is to establish a procedure for the review of the performance of each judge every 7 years. Criteria for review includes factors such as integrity, legal knowledge and ability, judicial temperament, impartiality, commitment to justice and adherence to the judicial code of conduct and administrative and communicative skills. This bill will help insure that New Hampshire will continue to have a quality and professional judicial branch. The review will go far in dispelling much of the negative public perception that New Hampshire does not have quality and well-performing justices. Two separate amendments, blended into the final one, made technical corrections to the original bill plus determining that the Judicial Conduct Committee (JCC) would take one majority "vote" that the judge under review ought to be removed from office. The commission shall present its findings in the form either of a draft bill of particulars for an address or draft articles of impeachment, to the Speaker of the House and the President of the Senate for such action as the Legislature, pursuant to its constitutional authority, shall deem appropriate. Reviewing two judges a month should add little workload to the JCC, since staff, funded in this bill, should handle most, if not all, investigatory work. This REVIEW is not a duplication of evaluations conducted internally under RSA 490:32. It must be pointed out that those evaluations are conducted by the judicial branch themselves with no public input. This 7-year review is a consideration of those evaluation results and in addition has input from the public, who by the way, are the users of the courts. Further, this review panel is totally independent of all branches of government and is a citizen majority commission. All state employees by statute are required to be evaluated annually; all elected persons are evaluated biennially; should there not be an independent performance review for lifetime appointees? The majority says, "YES". Vote 12-6.

Rep. Peter F. Bergin for the Minority of Judiciary: With about 140 full and part time judges, the Judicial Conduct Committee would have to conduct a hearing and evaluation on two judges each month in addition to their current workload. Currently, the JCC regularly considers complaints under the judicial code of conduct, which judges live under. This addresses integrity, impartiality, administrative and communicative skills, judicial temperament and a commitment to justice. In addition, the legislature three years ago passed RSA 490:32, a judicial evaluation process. If the JCC was involved in judicial reviews it would have to maintain a staff which would be costly, but also would duplicate the efforts of RSA 490:32. This bill also requires the JCC to hold a public hearing and receive testimony to determine the ability of a judge. Since the bill has no requirement for sworn testimony, the JCC could not solely rely on the validity of this testimony. It also could turn into a gripe session for unhappy litigants. HB 1100 amends the enabling legislation, which created the JCC in June 2001. The commission is still in the process of developing rules and procedures. Many of its newly appointed volunteers have stated that they would not have the time to devote to such a large additional responsibility. This may result in the loss of a number of excellent volunteers. Also, the bill does not give the commission enough funding and guidelines to be an effective review board.

Finally, HB 1100, as currently written, is an ineffective way to conduct oversight of judicial performance. In the end, it will cost the state money because it is labor intensive, expensive, time consuming for everyone involved, duplicates a process already in existence and needlessly involves judges who are effective on a daily basis. It would be similar to the police setting up a speed trap and stopping everyone, the police may catch a few more, but at a great inconvenience and expense.

Amendment (2598h)

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

1 Section Heading; Reference Added. Amend the section heading to RSA 494-A:10 to read as follows:

494-A:10 Duties; Proceedings; Review of Judges.

2 New Section; Periodic Review of Judges. Amend RSA 494-A by inserting after section 11 the following new section:

494-A:11-a Periodic Review of Judges.

I. The commission shall review all judges, as defined in RSA 494-A:2, III, every 7 years. For judges who have served less than 7 years on the effective date of this section or who are appointed after the effective date of this act, a review shall be held every 7 years after the date of the judge's initial appointment. For any judge who has served for more than 14 years on the effective date of this section, a review shall be held prior to January 1, 2005 and every 7 years from the date of such initial review. For any judge who has served for 7 years or more but 14 years or less on the effective date of this act, a review shall be held prior to January 1, 2007, and every 7 years from the date of such initial review.

II. In conducting the review, the commission shall hold at least one public hearing, receive testimony, and examine pertinent documents to determine the fitness of the judge. The supreme court shall make available to the commission judicial performance evaluations required by RSA 490:32.

III. In reviewing judges, the commission shall consider factors such as integrity, legal knowledge and ability, judicial temperament, impartiality, commitment to justice, adherence to the code of judicial conduct, and administrative and communicative skills.

IV. If the commission determines by a majority vote that the judge under review ought to be removed from office, the commission shall present its findings in the form either of a draft bill of particulars for an address or draft articles of impeachment to the speaker of the house and the president of the senate for such action as the Legislature, pursuant to its constitutional authority, shall deem appropriate.

3 Appropriation. The sum of \$150,000 for the fiscal year ending June 30, 2003 is hereby appropriated to the judicial conduct commission, for the purposes of hiring staff as authorized under RSA 494-A:17. The governor is authorized to draw a warrant for said sum out of any moneys in the treasury not otherwise appropriated.

4 Effective Date.

I. Section 3 of this act shall take effect July 1, 2002.

II. The remainder of this act shall take effect January 1, 2003.

Adopted.

Reps. Espieffs, Jacobson and Bergin spoke against.

Rep. Soltani spoke against and yielded to questions.

Rep. John Pratt, Rowe and Mock spoke in favor.

Rep. Scanlan requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

YEAS 192 NAYS 143

YEAS 192

BELKNAP

Boyce, Laurie	Czech, Stanley	Flanders, Donald	Holbrook, Robert
Lawton, David	Nedeau, Stephen	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Salatiello, Thomas	Thomas, John	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	Batchelder, Robert	Dexter, Judson	Edwards, Dana
Emerson, Susan	Fairbanks, Chandler	Hunt, John	Liebl, George
Pratt, John	Roberts, William	Smith, Edwin	

COOS

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

GRAFTON

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

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Batula, Peter	Bouchard, David	Bragdon, Peter	Brundige, Robert
Bruno, Pierre	Buckley, Raymond	Calawa, Leon Jr	Carlson, Donald
Christensen, D L Chris	Clegg, Robert Jr	Coughlin, Pamela	Craig, James
Desrosiers, William	Dionne, Kimberley	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Ford, Nancy	Foster, Linda	Ginsburg, Ruth
Gleneck, David	Golding, William	Goulet, Maurice	Graham, John
Guinta, Frank	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Claudette	Jean, Loren	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Leach, Edward	Lefebvre, Roland
Lessard, Rudy	Martel, Andre	McHugh, Claire	Mercer, Robert
Milligan, Robert	O'Connell, Timothy	Pepino, Leo	Reeves, Sandra
Rowe, Robert	Salts, Greg	Sargent, Maxwell	Souza, Kathleen
Sullivan, Peter	Sweeney, Cynthia	Tate, Joan	Thompson, Rob
Thulander, O Alan	Wheeler, Robert	White, Donald	

MERRIMACK

Anderson, Eric	Cummings, Raymond	Feuerstein, Martin	Fraser, Leo Jr
Hess, David	Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	MacKay, James	Swindlehurst, John	Whalley, Michael
Winter, Steven			

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bowles, Raimond	Boynton, James
Bridle, Russell	Camm, Kevin	Carson, Sharon	Chalbeck, Kevin
Clark, Martha Fuller	Clark, Vivian	Corbin, Corey	Dalrymple, Janeen

Dearborn, Bruce	Downing, Michael	Dumaine, Dudley	Fesh, Bob
Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Holland, James Jr	Introne, Robert	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, William	Kobel, Rudolph
Langone, John	Letourneau, Robert	Major, Norman	McKinney, Betsy
Micklon, Stephanie	Morse, Charles	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Power, Lucille	Putnam, Ed II	Rausch, James
Reardon, Neil	Ruffner, Walter	Sapareto, Frank	Stone, Joseph
Stritch, C Donald	Trueman, Raymond	Varrell, Thomas	Welch, David

STRAFFORD

Albert, Russell	Bickford, David	Cossette, Larry	DeChane, Marlene
Gilmore, Gary	Grassie, Anne	Harrington, Michael	Hughes, Christopher
Reid, Christopher	Rollo, Michael	Wall, Janet	Woods, Phyllis

SULLIVAN

Flint, Gordon Sr	Leone, Richard	Odell, Bob
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NAYS 143

BELKNAP

Johnson, William	Millham, Alida	Pilliod, James	Wood, Jane
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CARROLL

Quimby, Lee

CHESHIRE

Allen, Peter	Burnham, Daniel	Espiefts, Peter	Manning, Joseph
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, Irene
Richardson, Barbara	Slack, Pamela Russell	Weed, Charles	Zerba, Roger

COOS

Bradley, Paula

Guay, Lawrence

Landers, Dana

GRAFTON

Almy, Susan

Benn, Bernard

Cooney, Mary

Eaton, Stephanie

Ham, Bonnie

Lovett, Sid

Naro, Debra

Nordgren, Sharon

Pawlek, Marion

Scovner, Nancy

Sokol, Hilda

Solow, Martha

HILLSBOROUGH

Andosca, Mary

Bellavance, Paul

Bergeron, Jean-Guy

Bergin, Peter

Chabot, Robert

Christiansen, Lars

Clayton, William

Clemons, Jane

Cote, David

Dokmo, Cynthia

Drabinowicz, A Theresa

Drisko, Richard

Dwyer, Paul

Dyer, Merton

Eaton, Richard

Furman, Christine

Gargas, Carolyn

Goley, Jeffrey

Gorman, Mary

Hall, Betty

Hall, Charles

Johnson, Lionel

Kacavas, John

Keye, Harvey

Leishman, Peter

Lynde, Harold

Martin, Mary Ellen

McDonough-Wallace,
Alice

Melcher, Harold

Messier, Irene

Movsesian, Lori

Murphy, Robert

Panagopoulos, Nicholas

Peterson, Andrew

Schulze, Joan

Shaw, Barbara

Spiess, Paul

Vaillancourt, Steve

White, John

MERRIMACK

Bouchard, Candace

Brewster, Richard

Burney, Carol

Clarke, Claire

Crosby, Toni

Daneault, Gabriel

Davis, Frank

French, Barbara

Gile, Mary

Greco, Vincent

Jacobson, Alf

Lockwood, Priscilla

Maxfield, Roy

Moore, Carol

Owen, Derek

Potter, Frances

Reardon, Tara

Rush, Deanna

Seldin, Gloria

Soltani, Tony

Wallner, Mary Jane

Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn

Case, Margaret

Coes, Betsy

Cooney, Richard

Cox, Russell

DiFruscia, Anthony

Dowling, Patricia

Johnson, Robert

Kane, Cecelia

Kelley, Jane

Langley, Jane

McGuire, Robert

Norelli, Terie

Pantelakos, Laura

Pitts, Jacqueline

Quandt, Marshall

Quandt, Matthew

Robertson, Carl

Shultis, Elizabeth

Sloan, Stephen

Splaine, James

Weatherspoon,
Jacquelyne

Weyler, Kenneth

Whittier, John

Zolla, William

STRAFFORD

Berube, Roger

Brown, Julie

Dunlap, Patricia

Estabrook, Iris

Ferland, Paul

Goodwin, Earle

Heon, Richard

Johnson, Nancy

Kaen, Naida

Knowles, William

Pelletier, Arthur

Pelletier, Marsha

Proulx, Raymond

Snyder, Clair

Spang, Judith

Twombly, James

Woodill, Rodney

SULLIVAN

Allison, David

Cloutier, John

Ferland, Brenda

Franklin, Peter

Harris, Joseph

Harris, Sandra

Jones, Constance

Phinizy, James

and the majority report was adopted.

Referred to Finance.

Reps. Burling and John Flanders declared conflicts of interest and did not participate.

protest

Pursuant to Part 2,, Article 24 of the New Hampshire Constitution, Rep. Soltani requested that his protest be entered on the Journal.

This was a well-intentioned effort to introduce some accountability into the judicial branch. The recently-created Judicial Conduct Commission was to periodically review and evaluate the performance of all New Hampshire judges based on objective criteria. The Commission was to report its findings to the legislature for further action. Unfortunately, the process was undermined by a series of unfriendly amendments to emasculate the effectiveness of the bill. The Commission as of now has no choice but to give the stamp of approval to every judge subject of the review. The proposal has been perverted from a judicial review process into a judicial validation rubber stamp.

Moreover, the Commission has declared itself incapable of performing the proposed task through an untimely written communication presented to the House Judiciary Committee. The Commission is, thus, by definition, prevented from criticizing any action by the judicial branch or tendering an adverse report to the legislature regardless of the severity of the underlying conduct. This bill carries a price tag of \$150,000. In a time of pressing budgetary deficit, it is wrong to force a board to take on a function which it is unwilling, and by admission incapable of, doing. There are far better ways of spending the hard-earned taxpayers' dollars.

For these reasons I protest the action of the House on this bill.

regular calendar (cont'd.)

HB 1321-L, permitting municipalities to reimburse persons who assist applicants in obtaining social security benefits. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: At the present time, there are many private advocates in New Hampshire who accept social security appeal cases on a contingency basis. The towns are advised to refer clients to such individuals or legal assistance when a client receives a first denial letter. There is a process in place for advocates and attorneys to receive a part of the reimbursement coming back to the town. The committee believes that this bill is not necessary because currently the advocates and attorneys negotiate with the town to receive a portion of the settlement received by the town from the Social Security Administration. Vote 13-3.

Adopted.

HB 1440-FN-A-L, establishing a New Hampshire local government records management improvement program and fund and making an appropriation therefor. **OUGHT TO PASS**

Rep. Robert W. Brundige for Municipal and County Government: This bill establishes a local government records management improvement program and establishes a special fund to finance it. This program was recommended by the study committee established by HB 1151(2000). That study clearly established that there is an urgent need to educate personnel responsible for maintaining official records at the local level. These records contain all the history and vital statistics of the individual towns. Most N. H. towns are more than 225 years old. All of the older records are fragile and many are damaged. It is imperative that these records be preserved. Testimony was received that many towns and cities do not have proper facilities to store and protect these vital records, consequently, many have been damaged or lost. Many of these records must be stored permanently according to the standards set by the state, therefore it is imperative that they be appropriately stored. Funds can be used for hiring and salaries of qualified personnel who shall be responsible for administering the program. It shall be the responsibility of the individual filling this position to advise local government records managers on administering programs to better maintain and preserve the records. The bill appropriates \$250,000 to carry out the purpose of this program. The committee, while endorsing this bill and the program is well aware that the funds required for the grants established in the bill may not be available in the current biennium. It is hoped that funds may be available through federal grant programs.

This bill establishes the policy and the procedures for this program. Funding for the program may become available at a later date. Vote 11-3.

Rep. Harrington spoke against.

Rep. Brundige spoke in favor.

Adopted and referred to Finance.

HB 1296, relative to ambient groundwater quality standards. **INEXPEDIENT TO LEGISLATE**

Rep. David M. Lawton for Resources, Recreation and Development: HB 1296 would prohibit the Commissioner of the Department of Environmental Services (DES) from either establishing an ambient groundwater quality standard for contaminants which are not already federally-regulated or from establishing a state standard for contaminants which is more restrictive than an existing federal standard. Without an amendment to specifically exempt all of the pre-existing state standards on contaminants which are not regulated by the federal government New Hampshire could lose federal funding for environmental cleanups. Vote 13-1.

Adopted.

HB 1405, relative to the Memorial Day holiday. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard C. Leone for State-Federal Relations and Veterans Affairs: The intent of the sponsor was to put more credence in the importance of the meaning of Memorial Day. They advocate a day "to mourn" in respect to all who have served or died for his/her country as a precedent rather than designate a "Monday" so everyone can have a long weekend. Although the committee acknowledges that this can create possible conflict in the schools, it hopes that New Hampshire businesses can be encouraged to respect the May 30th date. No one testified against the bill and the State Department of Education saw no problems with it. Vote 14-0.

Amendment (2362h)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 2003.

Adopted.

Rep. Marsha Pelletier spoke against.

Rep. Avery spoke in favor.

Rep. Sapareto requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 231 NAYS 95

YEAS 231

BELKNAP

Boyce, Laurie	Czech, Stanley	Flanders, Donald	Holbrook, Robert
Johnson, William	Nedeau, Stephen	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Thomas, John	Wendelboe, Fran	

CARROLL

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

CHESHIRE

Avery, Stephen	Batchelder, Robert	Dexter, Judson	Edwards, Dana
Emerson, Susan	Espieffs, Peter	Fairbanks, Chandler	Liebl, George
Meadar, David	Pratt, John	Roberts, William	Smith, Edwin
Zerba, Roger			

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Pratt, Leighton	Stohl, Eric	

GRAFTON

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

HILLSBOROUGH

Allan, Nelson	Artz, Lawrence	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	Clayton, William	Clegg, Robert Jr	Cote, David
Coughlin, Pamela	Dionne, Kimberley	Drisko, Richard	Dyer, Merton
Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis	Ford, Nancy
Foster, Linda	Gargas, Carolyn	Gleneck, David	Golding, William
Goley, Jeffrey	Goulet, Maurice	Graham, John	Guinta, Frank
Hall, Charles	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Loren	Johnson, Lionel	Kacavas, John	Keye, Harvey

Kurk, Neal	L'Heureux, Robert	Leach, Edward	Lessard, Rudy
Martel, Andre	Martin, Mary Ellen	McDonough-Wallace, Alice	Mercer, Robert
Messier, Irene	Milligan, Robert	Murphy, Robert	O'Connell, Timothy
Pepino, Leo	Reeves, Sandra	Rowe, Robert	Sargent, Maxwell
Shaw, Barbara	Souza, Kathleen	Spiess, Paul	Sullivan, Peter
Sweeney, Cynthia	Tate, Joan	Thompson, Rob	Thulander, O Alan
White, Donald			

MERRIMACK

Anderson, Eric	Bouchard, Candace	Cummings, Raymond	Feuerstein, Martin
Fraser, Leo Jr	Gile, Mary	Hess, David	Hutchinson, John
Jacobson, Alf	Kennedy, Richard	L'Heureux, Stephen	Langer, Ray
MacKay, James	Reardon, Tara	Rush, Deanna	Soltani, Tony
Swindlehurst, John	Winter, Steven		

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bowles, Raimond	Boynton, James
Bridle, Russell	Camm, Kevin	Carson, Sharon	Case, Margaret
Chalbeck, Kevin	Clark, Martha Fuller	Clark, Vivian	Coes, Betsy
Corbin, Corey	Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce
Dowling, Patricia	Downing, Michael	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Francoeur, Sheila	Gilbert, Karl	Giordano, Ronald
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Holland, James Jr	Introne, Robert	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, William	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Major, Norman
McGuire, Robert	McKinney, Betsy	Morse, Charles	Norelli, Terie
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Pantelakos, Laura
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Reardon, Neil
Robertson, Carl	Ruffner, Walter	Sapareto, Frank	Splaine, James
Stone, Joseph	Stritch, C Donald	Trueman, Raymond	Varrell, Thomas
Weatherspoon, Jacquelyne	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			

STRAFFORD

Albert, Russell	Berube, Roger	Cossette, Larry	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Ferland, Paul	Harrington, Michael
Heon, Richard	Hughes, Christopher	Reid, Christopher	Rollo, Michael
Twombly, James	Woodill, Rodney	Woods, Phyllis	

SULLIVAN

Allison, David	Ferland, Brenda	Flint, Gordon Sr	Harris, Joseph
Jones, Constance	Leone, Richard	Odell, Bob	Phinizy, James

NAYS 95

BELKNAP

Lawton, David	Pilliod, James	Wood, Jane
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CARROLL

None

CHESHIRE

Allen, Peter	Burnham, Daniel	Hunt, John	Manning, Joseph
McGuirk, Paul	Mitchell, McKim	Pratt, Irene	Richardson, Barbara
Slack, Pamela Russell	Weed, Charles		

COOS

Bradley, Paula	Woodward, David
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GRAFTON

Benn, Bernard	Ham, Bonnie	Nordgren, Sharon	Pawlek, Marion
Sokol, Hilda	Solow, Martha	Williams, Burton	

HILLSBOROUGH

Alukonis, David	Andosca, Mary	Bellavance, Paul	Bergin, Peter
Buckley, Raymond	Clemons, Jane	Craig, James	Dokmo, Cynthia
Drabinowicz, A Theresa	Dwyer, Paul	Eaton, Richard	Furman, Christine
Ginsburg, Ruth	Gorman, Mary	Hall, Betty	Jean, Claudette
Konys, Christine	LaRose, Richard	Lefebvre, Roland	Leishman, Peter
Lynde, Harold	McHugh, Claire	Melcher, Harold	Panagopoulos, Nicholas
Peterson, Andrew	Salts, Greg	Schulze, Joan	Vaillancourt, Steve
White, John			

MERRIMACK

Brewster, Richard	Burney, Carol	Clarke, Claire	Crosby, Toni
Daneault, Gabriel	Davis, Frank	French, Barbara	Greco, Vincent
Lockwood, Priscilla	Moore, Carol	Owen, Derek	Potter, Frances
Seldin, Gloria	Wallner, Mary Jane	Whalley, Michael	Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn	Cooney, Richard	DiFruscia, Anthony	Gilbert, Jeffrey
Johnson, Robert	Kane, Cecelia	Kelley, Jane	Micklon, Stephanie
Pitts, Jacqueline	Rausch, James	Shultis, Elizabeth	Sloan, Stephen

STRAFFORD

Bickford, David	Brown, Julie	Gilmore, Gary	Grassie, Anne
Johnson, Nancy	Kaen, Naida	Knowles, William	Pelletier, Arthur
Pelletier, Marsha	Proulx, Raymond	Snyder, Clair	Wall, Janet

SULLIVAN

Burling, Peter	Cloutier, John	Franklin, Peter	Harris, Sandra
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and the report was adopted.

Ordered to third reading.

Rep. Burney voted nay and intended to vote aye.

HB 1452-FN, establishing the New Hampshire homeland defense service ribbon. **REFER FOR INTERIM STUDY**

Rep. Peter M. Sullivan for State-Federal Relations and Veterans Affairs: The committee recognizes the need to honor the citizen-soldiers and citizen-airmen who were called to active duty in the aftermath of the September 11th attacks. By referring this bill to Interim Study, the committee will have the opportunity to resolve ambiguities related to the service ribbons impact on the veteran's tax credit and to coordinate this effort with any existing proposals being developed by the Adjutant General's Office. Vote 15-1.

Rep. Peter Sullivan spoke in favor.

Adopted.

HB 1383, relative to lucky 7. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Howard C. Dickinson for the Majority of Ways and Means: HB 1383 is sent to interim study because nearly 2/3 of the committee believe that a number of unanswered questions exist surrounding the subject of electronic Lucky 7 vending machines. At present, no other state utilizes this system. We believe that cities and towns should have the opportunity to approve this new technology in the same manner that they presently authorize the manual dispensing of Lucky 7 tickets. This approval is uncertain in the present legislation. Time and further study can answer these and other questions that the committee has. It may turn out that this new technology is worth accepting. Only an interim study of HB 1383 will produce the answers that we need. Vote 9-5.

Rep. Vivian R. Clark for the Minority of Ways and Means: Although proponents of this bill insist that the machines merely simplify the Lucky 7 experience, in fact the machine shown to the committee looks like a video lottery terminal, sounds like a video lottery terminal, and operates like a video lottery terminal. If we want the state to study permitting Video Lottery Terminal's (VLT'S), we should do so in the context of the gaming study previously recommended, not in the context of Bingo and Lucky 7.

Rep. Vivian Clark spoke against.

Reps. Dickinson and Heon spoke in favor.

On a division vote, 199 members having voted in the affirmative and 124 in the negative, the majority report was adopted.

HB 1187-FN, relative to criminal penalties for possession of a firearm in a safe school zone. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: The main thrust of this bill is to prohibit students in grades K through 12 from having a firearm in school. While it does prohibit the possession of firearms by others, the bill provides specific exemptions for anyone who is not a student but does have a valid permit to carry a concealed weapon when the individual is participating in an approved program within a school and an exemption for law enforcement officers. It addresses the concern of sportsmen who might be crossing school property to gain access to hunting areas while still allowing the individual schools to prohibit such crossing if they choose. Vote 13-0.

Amendment (2465h)

Amend RSA 193-D:3 as inserted by section 2 of the bill by replacing it with the following:

193-D:3 Criminal Penalties.

I. Any person convicted of an act of theft, destruction, or violence as defined in RSA 193-D:1 committed in a safe school zone at any time of year may be subject to an extended term of imprisonment as provided in RSA 651:6.

II.(a) Any person who knowingly possesses a firearm in a place which the person knows or has reasonable cause to believe is a safe school zone shall be guilty of a class A misdemeanor.

(b) This paragraph shall not apply to the possession of a firearm:

(1) By an individual who holds a valid permit under RSA 159:6 and who is over 18 years of age and not a pupil currently enrolled in grades K through 12.

(2) Which is locked in a motor vehicle, and is not loaded, and is not visible within such vehicle.

(3) By an individual as part of a program approved by a school located in a safe school zone.

(4) By an individual in accordance with a contract entered into between a school in the safe school zone and the individual or an employer of the individual.

(5) By any law enforcement officer, as defined in RSA 630:1, II.

(6) That is unloaded and is possessed by an individual while traversing school property for the purpose of gaining access to public or private lands open to hunting, provided the entry upon school property is not prohibited by school authorities. In circumstances where school authorities have prohibited the conduct described in this subparagraph, it shall be a defense, as defined in RSA 626:7, I(a), to any prosecution under this section that there was no notice of such prohibition by school authorities posted in conspicuous locations on school property.

AMENDED ANALYSIS

This bill creates class A misdemeanor offenses for possession of a firearm in a safe school zone. The bill also creates various exceptions to the offenses.

Rep. Itse spoke against and yielded to questions..

Reps. William Johnson spoke in favor.

Rep. Stevens spoke in favor and yielded to questions.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the committee amendment.

YEAS 235 NAYS 80

YEAS 235

BELKNAP

Czech, Stanley	Flanders, Donald	Holbrook, Robert	Johnson, William
Nedeau, Stephen	Pilliod, James	Russell, David	Thomas, John
Wood, Jane			

CARROLL

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

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Dexter, Judson	Edwards, Dana	Emerson, Susan	Espiefs, Peter
Liebl, George	Manning, Joseph	McGuirk, Paul	Meader, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Roberts, William	Slack, Pamela Russell	Smith, Edwin	Weed, Charles
Zerba, Roger			

COOS

Davis, Perley	Horton, Lynn	Pratt, Leighton	Stohl, Eric
Woodward, David			

GRAFTON

Akins, Ralph	Almy, Susan	Barker, Robert	Benn, Bernard
Cooney, Mary	Eaton, Stephanie	Lovett, Sid	Naro, Debra
Nordgren, Sharon	Pawlek, Marion	Scanlan, David	Scovner, Nancy
Sokol, Hilda	Solow, Martha	Ward, Brien	Williams, Burton

HILLSBOROUGH

Andosca, Mary	Artz, Lawrence	Batula, Peter	Bellavance, Paul
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Bergin, Peter	Bouchard, David	Buckley, Raymond	Calawa, Leon Jr
Carlson, Donald	Clayton, William	Clemons, Jane	Cote, David
Craig, James	Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard
Dwyer, Paul	Dyer, Merton	Emerton, Lawrence Sr	Fields, Dennis
Ford, Nancy	Foster, Linda	Furman, Christine	Gargasz, Carolyn
Ginsburg, Ruth	Gleneck, David	Golding, William	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Graham, John	Guinta, Frank
Hall, Betty	Hall, Charles	Holden, Randolph	Jean, Claudette
Jean, Loren	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Leach, Edward	Lefebvre, Roland	Leishman, Peter	Lessard, Rudy
Lynde, Harold	Martin, Mary Ellen	McDonough-Wallace, Alice	McHugh, Claire
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Murphy, Robert	Panagopoulos, Nicholas	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sargent, Maxwell	Schulze, Joan
Spiess, Paul	Sullivan, Peter	Tate, Joan	Thulander, O Alan
Vaillancourt, Steve	White, John		

MERRIMACK

Anderson, Eric	Bouchard, Candace	Burney, Carol	Crosby, Toni
Cummings, Raymond	Daneault, Gabriel	Davis, Frank	Feuerstein, Martin
Fraser, Leo Jr	French, Barbara	Gile, Mary	Greco, Vincent
Hess, David	Jacobson, Alf	Kennedy, Richard	L'Heureux, Stephen
Lockwood, Priscilla	MacKay, James	Moore, Carol	Potter, Frances
Reardon, Tara	Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane
Whalley, Michael	Yeaton, Charles		

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn	Bowles, Raimond
Boynton, James	Carson, Sharon	Case, Margaret	Chalbeck, Kevin
Clark, Martha Fuller	Clark, Vivian	Coes, Betsy	Cooney, Richard
Corbin, Corey	Cox, Russell	Dearborn, Bruce	Dowling, Patricia
Downing, Michael	Fesh, Bob	Flanders, John Sr	Francoeur, Sheila

Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald	Gleason, John
Griffin, Mary	Henderson, Warren	Holland, James Jr	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kelley, William	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	McGuire, Robert
McKinney, Betsy	Micklon, Stephanie	Morse, Charles	Norelli, Terie
O'Neil, Michael	Pitts, Jacqueline	Rausch, James	Reardon, Neil
Robertson, Carl	Ruffner, Walter	Shultis, Elizabeth	Sloan, Stephen
Splaine, James	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Weatherspoon, Jacquelyne	Welch, David	Whittier, John	Zolla, William

STRAFFORD

Albert, Russell	Berube, Roger	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Grassie, Anne	Hughes, Christopher
Johnson, Nancy	Kaen, Naida	Pelletier, Arthur	Pelletier, Marsha
Proulx, Raymond	Reid, Christopher	Rollo, Michael	Spang, Judith
Twombly, James	Wall, Janet	Woodill, Rodney	

SULLIVAN

Burling, Peter	Cloutier, John	Ferland, Brenda	Franklin, Peter
Harris, Sandra	Jones, Constance	Leone, Richard	

NAYS 80

BELKNAP

Boyce, Laurie	Lawton, David	Rice, Thomas Jr	Rosen, Ralph
Wendelboe, Fran			

CARROLL

Babson, David Jr	Dickinson, Howard	Kenney, Joseph	Sullivan, P Judith
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CHESHIRE

Fairbanks, Chandler	Hunt, John
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COOS

Gallus, John

Guay, Lawrence

GRAFTON

Alger, John

Cobb, John

Dudley, Terri

Gabler, William

Gilman, G Michael

Giuda, Robert

Ham, Bonnie

Marshall, Gene

Mirski, Paul

Sova, Charles

HILLSBOROUGH

Allan, Nelson

Balboni, Michael

Bergeron, Jean-Guy

Bragdon, Peter

Brundige, Robert

Bruno, Pierre

Christensen, D L Chris

Christiansen, Lars

Clegg, Robert Jr

Coughlin, Pamela

Drabinowicz, A Theresa

Eaton, Richard

Elliott, Larry

Herman, Keith

Hopper, Gary

Martel, Andre

O'Connell, Timothy

Salts, Greg

Shaw, Barbara

Souza, Kathleen

Sweeney, Cynthia

Thompson, Rob

White, Donald

MERRIMACK

Brewster, Richard

Clarke, Claire

Hutchinson, John

Langer, Ray

Soltani, Tony

Swindlehurst, John

Winter, Steven

ROCKINGHAM

Camm, Kevin

DiFruscia, Anthony

Dumaine, Dudley

Hamel, Albert

Introne, Robert

Itse, Daniel

Johnson, Robert

Johnson, Rogers

Kelley, Jane

Major, Norman

Nowe, Ronald

Packard, Sherman

Putnam, Ed II

Quandt, Marshall

Quandt, Matthew

Sapareto, Frank

Trueman, Raymond

Weyler, Kenneth

STRAFFORD

Brown, Julie

Cossette, Larry

Ferland, Paul

Harrington, Michael

Snyder, Clair

Woods, Phyllis

SULLIVAN

Harris, Joseph

Odell, Bob

Phinizy, James

and the amendment was adopted.

Report adopted and ordered to third reading.

HB 1394, establishing a committee to study entering into the nurse licensure compact for interstate reciprocity for nurses. **INEXPEDIENT TO LEGISLATE**

Rep. Mary L. Andosca for Executive Departments and Administration: The committee strongly supports a careful and thoughtful study of the nurse licensure compact for interstate reciprocity of nurses. Yet, at this juncture, we feel much more time would be needed for such a careful review to adequately and appropriately study all of its implications. By doing this in a larger time frame, New Hampshire would be able to continue the high standards that are presently in place for nurses. Vote 16-0.

Rep. Wendelboe requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 225 NAYS 88

YEAS 225

BELKNAP

Czech, Stanley

Flanders, Donald

Holbrook, Robert

Johnson, William

Nedeau, Stephen

Pilliod, James

Rice, Thomas Jr

Rosen, Ralph

Russell, David

Thomas, John

Wood, Jane

CARROLL

Babson, David Jr

Bradley, Jeb

Dickinson, Howard

Mock, Henry

Patten, Betsey

Philbrick, Donald

Quimby, Lee

Stevens, Stanley

CHESHIRE

Allen, Peter

Avery, Stephen

Batchelder, Robert

Burnham, Daniel

Dexter, Judson

Edwards, Dana

Espiefs, Peter

Fairbanks, Chandler

Liebl, George

Manning, Joseph

McGuirk, Paul

Meador, David

Pratt, Irene

Pratt, John

Richardson, Barbara

Roberts, William

Slack, Pamela Russell

Smith, Edwin

Weed, Charles

COOS

Davis, Perley	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Stohl, Eric	Woodward, David		

GRAFTON

Akins, Ralph	Almy, Susan	Barker, Robert	Benn, Bernard
Cooney, Mary	Dudley, Terri	Eaton, Stephanie	Gabler, William
Marshall, Gene	Naro, Debra	Pawlek, Marion	Scanlan, David
Solow, Martha	Ward, Brien	Williams, Burton	

HILLSBOROUGH

Allan, Nelson	Andosca, Mary	Artz, Lawrence	Batula, Peter
Bellavance, Paul	Bergin, Peter	Bouchard, David	Bragdon, Peter
Brundige, Robert	Calawa, Leon Jr	Christensen, D L Chris	Clemons, Jane
Cote, David	Coughlin, Pamela	Dionne, Kimberley	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Dwyer, Paul	Dyer, Merton
Eaton, Richard	Fields, Dennis	Ford, Nancy	Furman, Christine
Gargas, Carolyn	Ginsburg, Ruth	Gleneck, David	Golding, William
Gorman, Mary	Goulet, Maurice	Graham, John	Hall, Betty
Hall, Charles	Herman, Keith	Jean, Claudette	Jean, Loren
Johnson, Lionel	Kacavas, John	Keye, Harvey	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Leach, Edward	Leishman, Peter
Lessard, Rudy	Lynde, Harold	Martin, Mary Ellen	McDonough-Wallace, Alice
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Murphy, Robert	O'Connell, Timothy	Panagopoulos, Nicholas	Pepino, Leo
Peterson, Andrew	Reeves, Sandra	Rowe, Robert	Sargent, Maxwell
Schulze, Joan	Shaw, Barbara	Sweeney, Cynthia	Thompson, Rob
Thulander, O Alan	Vaillancourt, Steve	White, Donald	White, John

MERRIMACK

Clarke, Claire	Cummings, Raymond	Daneault, Gabriel	Davis, Frank
Feuerstein, Martin	Fraser, Leo Jr	French, Barbara	Greco, Vincent

Hess, David	Hutchinson, John	Jacobson, Alf	L'Heureux, Stephen
Langer, Ray	Lockwood, Priscilla	MacKay, James	Potter, Frances
Reardon, Tara	Rush, Deanna	Swindlehurst, John	Yeaton, Charles

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn	Bowles, Raimond
Boynton, James	Camm, Kevin	Carson, Sharon	Case, Margaret
Clark, Vivian	Coes, Betsy	Cooney, Richard	Cox, Russell
Dearborn, Bruce	Dowling, Patricia	Downing, Michael	Dumaine, Dudley
Fesh, Bob	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Giordano, Ronald	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Holland, James Jr	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kelley, William
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Major, Norman	McGuire, Robert	McKinney, Betsy	Morse, Charles
Norelli, Terie	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Rausch, James	Reardon, Neil	Robertson, Carl	Ruffner, Walter
Sapareto, Frank	Shultis, Elizabeth	Sloan, Stephen	Splaine, James
Stone, Joseph	Stritch, C Donald	Varrell, Thomas	Welch, David
Whittier, John	Zolla, William		

STRAFFORD

Albert, Russell	Berube, Roger	Brown, Julie	Cossette, Larry
Dunlap, Patricia	Estabrook, Iris	Ferland, Paul	Gilmore, Gary
Kaen, Naida	Reid, Christopher	Rollo, Michael	Snyder, Clair
Twombly, James	Wall, Janet	Woodill, Rodney	

SULLIVAN

Ferland, Brenda	Jones, Constance	Leone, Richard	Odell, Bob
Phinizy, James			

BELKNAP

Boyce, Laurie	Lawton, David	Wendelboe, Fran
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CARROLL

Kenney, Joseph	Sullivan, P Judith
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CHESHIRE

Emerson, Susan	Hunt, John	Mitchell, McKim	Zerba, Roger
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COOS

Gallus, John

GRAFTON

Alger, John	Cobb, John	Gilman, G Michael	Giuda, Robert
Ham, Bonnie	Lovett, Sid	Mirski, Paul	Nordgren, Sharon
Scovner, Nancy	Sokol, Hilda	Sova, Charles	

HILLSBOROUGH

Balboni, Michael	Bergeron, Jean-Guy	Bruno, Pierre	Buckley, Raymond
Carlson, Donald	Christiansen, Lars	Clayton, William	Clegg, Robert Jr
Craig, James	Elliott, Larry	Emerton, Lawrence Sr	Foster, Linda
Goley, Jeffrey	Guinta, Frank	Holden, Randolph	Hopper, Gary
Konys, Christine	Lefebvre, Roland	Martel, Andre	McHugh, Claire
Salts, Greg	Souza, Kathleen	Sullivan, Peter	Tate, Joan

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Burney, Carol
Crosby, Toni	Gile, Mary	Kennedy, Richard	Moore, Carol
Seldin, Gloria	Soltani, Tony	Wallner, Mary Jane	Whalley, Michael
Winter, Steven			

ROCKINGHAM

Chalbeck, Kevin	Clark, Martha Fuller	Corbin, Corey	DiFruscia, Anthony
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Introne, Robert	Itse, Daniel	Johnson, Rogers	Kane, Cecelia
Micklton, Stephanie	Pitts, Jacqueline	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Trueman, Raymond	Weatherspoon, Jacquelyne	Weyler, Kenneth

STRAFFORD

DeChane, Marlene	Harrington, Michael	Hughes, Christopher	Johnson, Nancy
Pelletier, Arthur	Pelletier, Marsha	Proulx, Raymond	Spang, Judith
Woods, Phyllis			

SULLIVAN

Burling, Peter	Cloutier, John	Franklin, Peter	Harris, Joseph
Harris, Sandra			

and the report was adopted.

HB 1165, establishing a committee to study issues arising from State v. Laurie. **INEXPEDIENT TO LEGISLATE**

Rep. John M. Pratt for Judiciary: While fully supportive of the intent of the sponsor, the Judiciary Committee concluded that the disclosure issues raised by State v. Laurie could best be handled by the court holding training sessions, working with judges, and Police Standards and Training. It is the intent of the committee that mutual training sessions could protect the personal information pertaining to law enforcement officers. If that should fail, a statute can be initiated to accomplish the intentions of the sponsor and those who testified. Nevertheless, the committee saw no need to study the issue. The committee will communicate in writing to the Chief Justice of the Superior Court and the Administrative Judge of the District Court urging this course of action. Vote 13-3.

Adopted.

protests

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Reps. Soltani, Hopper and Marshall Quandt requested that their protests be entered on the Journal.

The Supreme Court in State v. Laurie flung open the door into the private lives of police officers serving the people of New Hampshire. This vague and unprecedented decision has since been used by defendants, prisoners and some defense lawyers to engage in some perverted voyeurism into the officers' private lives and to torment these public servants and their families. Because the decision is literally incomprehensible, some members of the judiciary have become unwitting participants in this assault on our law enforcement officials because of what they perceive to be a mandate from a higher court.

It is well settled and well accepted by the law enforcement community that a criminal defendant is entitled to receive all exculpatory evidence. However, this sacred constitutional right should not be abused to peep into the personnel files of our officers where this continuing peepshow has no bearing on the culpability of the criminal defendant and only serves as a vehicle to humiliate our officers.

The General Court should move to study the issue and stop further abuse of our police officers by drafting and passing clear, concise and comprehensive rules governing police officers personnel files. For these reasons, I protest the action of the House on this bill.

regular calendar (cont'd.)

HB 1311, relative to expunging certain mental health records. OUGHT TO PASS WITH AMENDMENT

Rep. Larry G. Elliott for Judiciary: The original request of the sponsor of this legislation was to have mental health records expunged from a person's medical and judicial files six months after treatment. After the public hearing and two work sessions by the subcommittee, the bill, as amended, has been recommended. The amendment allows for the judicial part of the record to be automatically expunged, which allows an individual to truthfully, under oath, state that they have never been admitted to a psychiatric facility against their will; the expungement occurs only when the involuntary emergency admission (IEA) is unfounded. However, the receiving facility shall maintain a medical record and the original petition for the IEA. The IEA is when a person is taken to a facility that provides psychiatric services against their will because a member of a community believes that the individual is in imminent danger of harming themselves or others. The third piece to this legislation is that it establishes a study committee to look at the appropriate ways to protect the medical files that have been developed as a result of the IEA. Vote 12-0.

Amendment (2625h)

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

AN ACT relative to certain mental health records and establishing a committee to study the protection of certain medical information.

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

1 New Section; Annulment of Certain Records. Amend RSA 135-C by inserting after section 31 the following new section:

135-C:31-a Annulment of Certain Records.

I. If the district court finds that the petitioner has failed to meet the burden specified in RSA 135-C:31, I, all legal documents pertaining to the petition, including the physician's or A.R.N.P's certificate, the complaint and the involuntary emergency admission shall be annulled.

II. Upon entry of an order of annulment:

(a) The person whose record is annulled shall be treated in all respects as if the person had never been the subject of an involuntary emergency admission.

(b) In any application for employment, license or other civil right or privilege, or in any appearance as a witness in any proceeding or hearing, a person may be questioned about a previous involuntary emergency admission only in terms such as "Have you ever been the subject of an involuntary emergency admission that has not been annulled by a court?"

2 Discharge. Amend RSA 135-C:33 to read as follows:

135-C:33 Discharge.

I. At any time during the period of involuntary emergency admission the administrator of the receiving facility or ~~his~~ designee in such facility shall discharge the person admitted if the administrator decides that the person no longer meets the criteria established by RSA 135-C:27. If a discharge occurs, under this section or pursuant to a finding of no probable cause by the court, the receiving facility shall, with the consent of the person admitted, return such person to the place where ~~he~~ ***the person*** resided at the time the petition and physician's certificate were completed and signed. ***Unless the discharge is pursuant to a finding of no probable cause by the court,*** the receiving facility shall give notice of the discharge to the community mental health program in the region from which the person was admitted and to the community mental health program in the region to which the person is being discharged. The person discharged or ~~his~~ ***the person's*** guardian shall be given written notice of such action taken by the receiving facility.

II. The petition and medical record established as a result of the involuntary emergency admission shall remain with the accepting agency.

III. The receiving facility shall either arrange the transportation within 24 hours of such notice or shall be liable for the cost of such transportation.

3 Committee Established. There is established a committee to study the protection from subpoena of all medical information obtained as a result of an involuntary emergency admission which has been annulled by the court.

4 Membership and Compensation.

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

(a) Five members of the house judiciary committee, appointed by the chair of such committee.

(b) Five members of the senate judiciary committee, appointed by the chair of such committee.

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

5 Duties. The committee shall obtain information from all parties concerning the impact of protecting from subpoena or any other access, medical records obtained as a result of an involuntary emergency admission which has been annulled. The committee shall invite comment from the psychiatric community, administrators at New Hampshire hospital, New Hampshire Legal Assistance, advocates for the mentally ill, and other interested parties.

6 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. Six members of the committee shall constitute a quorum.

7 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

8 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 2003.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a procedure for the annulment of certain medical records. The bill also establishes a committee to study the protection from subpoena of all medical information obtained as a result of an involuntary emergency admission which has been annulled by the court.

Adopted.

Rep. Manning spoke against.

Rep. Loren Jean spoke in favor.

Report adopted and ordered to third reading.

amendment to house rule 64

Rep. Herman moved that House Rule 64 be amended by inserting after the Thursday, March 7, 2002 deadline the following:

Thursday, March 21, 2002	Last day to introduce Senate bills
Thursday, April 18, 2002	Last day to act on Senate bills
Thursday, April 25, 2002	Last day to form committees of conference.

Rep. Herman spoke in favor.

Adopted.

RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 6, 2002 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1153, establishing a committee to study the jurisdiction of the board of manufactured housing, and relative to addressing the location of the records of the board of manufactured housing.

HB 1166, relative to alcoholic product advertising.

HB 1167, permitting wine manufacturers to sell their products at farmers' markets.

HB 1220, relative to assisted living residences and housing for older persons.

HB 1336-FN, permitting wine manufacturers to be issued restaurant licenses.

HB 1361-FN, relative to the regulation of business practices between off highway recreational vehicle manufacturers, distributors, and dealers.

HB 1108, relative to administrative license suspension hearings.

HB 1137, relative to the crime of resisting arrest.

HB 1147, relative to the annulment of certain criminal offenses committed under the laws of another jurisdiction.

HB 1285, relative to the applicability of the stalking statute to minors.

HB 1286, increasing the time period during which warrantless arrests for violations of the stalking law and violations of restraining orders in domestic cases are permitted.

HB 1356-FN, establishing the criminal offense of felony pursuit.

HB 1281-FN, establishing a commission to study public educational choice initiatives.

HB 581-FN, relative to the authority of the commissioner of agriculture, markets, and food to search for invasive species.

HB 1171, relative to organic food production.

HB 1373-FN, relative to the participation in the New Hampshire retirement system by certain school district employees.

HB 1377, relative to the regulation of physical therapists.

SB 347, establishing a study committee on public building access and the disabled.

HB 1156, relative to the issuance of building permits on private roads.

HB 1215, relative to county delegations.

HB 1254, relative to the budget preparation procedures of municipalities.

HB 1284, relative to the time frame for petitions for zoning changes submitted to local planning boards.

HB 1288, relative to regular meetings of local planning boards.

HB 1247, establishing a study committee to review the impact on revenue flows to municipalities from lands being bought by federal, state, and other public agencies from private entities for conservation purposes.

HB 1402, designating segments of the Isinglass River as protected under the rivers management and protection program.

HB 1444, requiring a majority vote of the legislature prior to placing memorials on certain state grounds.

HB 1453, extending the committee studying the status of veterans in New Hampshire and relative to the membership of the state veterans' advisory committee.

HB 1180, establishing a task force to research revenue streams to fund intermodal transportation systems in New Hampshire.

HB 1442, relative to eligibility for special number plates for former prisoners of war.

HB 1414-FN-A-L, relative to taxation of excavation areas.

HB 1451-FN-A, , implementing the Mobile Telecommunications Sourcing Act.

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.

HB 1426-FN, relative to the availability of information on the registration of certain sexual offenders.

HB 1328, defining instructional time in public elementary and secondary schools.

HB 380, apportioning county commissioner districts.

HB 1119-FN-L, relative to landfill closing costs reimbursed by the department of environmental services.

HB 1210, relative to training to be a licensed esthetician, and relative to experience required for shop licensure of barbers, cosmetologists, or estheticians.

HB 439-FN-A, establishing a position of septage coordinator and making an appropriation therefor.

HB 592-FN-A, relative to a milfoil and other exotic aquatic plants prevention program.

HB 1405, relative to the Memorial Day holiday.

HB 1187-FN, relative to criminal penalties for possession of a firearm in a safe school zone.

HB 1311, relative to certain mental health records and establishing a committee to study the protection of certain medical information.

personal privilege

Rep. Jacobson addressed the House.

Rep. Soltani requested that Rep. Jacobson's remarks be printed in the Journal.

Adopted.

Rep. Jacobson: Thank you, Mr. Speaker. Sometime ago in the *Union Leader*, I wrote an article that related to the impeachment proceedings and to the Senate trial. In that article I had said what I had witnessed was that some members of the bar were actively engaged in seeking to make sure that, the Chief Justice David Brock would be exonerated from the charges. Sometime after that there appeared in an article in the *Concord Monitor* by Gregory Robbins, an attorney, and he charged me with first, making a blatantly false statement and then he went on to say that the bar had deliberately distanced itself from the trial and from the impeachment proceedings. I did some more research, wrote an article and sent it in. The editor of the *Concord Monitor* refused to publish it. So I asked the editor and he said, well, he didn't want to be bothered anymore with the issue. Apparently, the *Monitor's* proclivity for preserving error outweighed the regard for accuracy. You know, the *Monitor* makes a lot of mistakes. I have here a picture that appeared on the front page of the *Concord Monitor* and in the picture is one of the best known Republican members of the House. Guess how that member is described. Democrat. They commonly misspell my name but be that as it may, in any event I did further research on the issue and I could not find in the New Hampshire news any discussion about the bar deliberately distancing itself from those proceedings. What I did find was a plethora of information, most of it highly negative, attacking this House for having the proceedings in the first place.

Now, just let me take that one issue and show you a few indications. For example, there's an article in the September 8, 2000 on pages 12 and 13 where it says that this House is characterized by frenzy and hysteria. Now, I don't have any recollection of that at all. And then it goes on and says that the House made a spectacle of the justices parading and humbling them as though they were prisoners in the dock. That the evidence before the House was especially contradictory, ambivalent and equivocal. That the charges against Justice Brock by the House were hollow and misbegotten demonstrably grounded on inadequate causes. Now, that's just one example. If that is being deliberately distancing oneself or the bar from any participation, then I have to say that I'm totally confused. As I read through this material, I discovered that I was attacked by another member of the

bar in the New Hampshire bar news and I began to think to myself, "Why should a mite of a little country boy become an issue in the New Hampshire bar news?" In any event, I was charged with two untruths. One, that I had said that the bar was opposed to the reform of Part II, Article 73a which as you know passed the Senate yesterday 19 to 4, passed this House by an 86%. Well, one of the principal authors of the anti-article resolution was in fact this lawyer, Peter Hutchins. I admit that I said that but it certainly is not untrue. Then, he went on to say, and I'd like to quote this, he attacked me because I said secrecy was one of the characteristics of the court system and that the bar has supported the court in these actions. Now, I have been a strong supporter of the court in terms of its decisional, but I strongly believe that secrecy has been a problem. Let me give you just one illustration. Last term a man from the administrative committee of the supreme court came before and in the course of the conversation he was asked whether these committee meetings are open and he said "yes" and he specifically invited me to come to the meetings. A few days later he came back and apologized. He said, "I was mistaken. The meetings are secret and Rep. Jacobson can't come." So, all I wanted to do was explain my position on this issue and I thank you for listening.

UNANIMOUS CONSENT

Reps. Scanlan, Jacobson, Foster, Stephanie Eaton and Mirski addressed the House.

remarks

Without objection, the Speaker ordered the remarks of Rep. Jacobson to be printed in the Journal.

Rep. Jacobson: I apologize for coming a second time today but today is D-2 day, 57 years ago on Iwo Jima, and as all of you know, I want to remember my fellow Marines who gave their lives on Iwo Jima that all of us may have liberty, and freedom to live our lives. Thank you very much.

RECESS MOTION

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

Adopted.

The House recessed at 4:45 p.m.

RECESS