

HOUSE RECORD

**Second Year of the 157th Session of the General
Court**

Calendar and Journal of the 2002 Session

Vol. 24

Concord N.H.

March 21, 2002

No. 28

HOUSE JOURNAL No. 9 (cont.)

Thursday, March 7, 2002

RECESS

(Speaker in the Chair)

committee assignment

Rep. Boynton on Public Works and Highways.

RECESS

(Rep. Francoeur in the Chair)

RESOLUTION

Rep. Welch offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 330, 435, 439, 442 and 446 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 300, relative to the calculation of the 3/5 majority in certain votes under official ballot voting procedures. (Municipal and County Government)

SB 435-FN, requiring the supreme court to establish a mental health court pilot program in the Keene District Court. (Judiciary)

SB 439, relative to the membership of the information technology management advisory board. (Executive Departments and Administration)

SB 442-FN, establishing a committee to study revising the statutes relative to the state militia and the state guard. (State-Federal Relations and Veterans Affairs)

SB 446, relative to rights and protections for New Hampshire national guard members called to state active duty. (State-Federal Relations and Veterans Affairs)

senate messages

concurrences

HB 137, establishing a committee to study the definition of domicile for voting purposes.

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

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

HB 1223, establishing a committee to study the model insurance rating laws.

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

nonconcurrences

HB 162-FN-L, ratifying the school board meetings and elections for Mascoma Valley Regional and Bartlett School Districts.

HB 658-FN-A, relative to the homeless prevention fund.

RECESS

Rep. Scanlan moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 10

March 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.

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

Divine Creator, maker of all things seen and unseen, we thank You this day for our beloved New Hampshire. We ask Your blessing upon her citizens and upon those who they have sent here, especially the Governor, the members of this House and of the Senate, to perform the honorable tasks of government service. Today we also especially remember the men and women of New Hampshire in state offices and agencies who work tirelessly behind the scenes for our benefit and care.

We thank You also for the many liberties we enjoy and for those who sacrificed so much in the day of decision that we might continue to be free citizens of this beautiful state. Awaken us when we take our liberties too lightly. Arouse us when we share not in liberty's defense. Forgive us, when in cynicism, laziness or ignorance, we fail to participate in the sacred responsibilities of democracy.

Bless the work that is done in these chambers and may each decision serve to empower the citizens of this fair state to embrace the joy of freedom and gladly, with compassion, accept the responsibilities which maintain our founders' dreams. Amen.

Rep. Terri Dudley led the Pledge of Allegiance.

The National Anthem was sung by Doria Bramante, a student attending Oyster River High School.

LEAVES OF ABSENCE

Reps. Arnold, Cardin, Clemons, Dearborn, Dunne, Fletcher, Griffin, Lyman, Palermo, Irene Pratt, Snyder, Stohl, John White and Carol Ann Williams, the day, illness.

Reps. Bellavance, Case, David Cote, Crosby, DePecol, Dewhirst, Flora, Marilyn Fraser, Jeffrey Gilbert, Giordano, Ham, Itse, William Johnson, Langer, Marsha Pelletier, Rausch, Roberts, Weed and Jane Wood, the day, important business.

Rep. William Kelley, the day, illness in the family.

INTRODUCTION OF GUESTS

Fred, Bette and Candace Bramante, guests of the Speaker and Rep. Sapareto. Jennifer Starr and Jette Klinger, guests of Reps. Gargasz and Drisko. Mary Ann Cooper and Fran Witcomb, guests of Rep. Phyllis Woods. Tim Jungmichel, guest of Rep. Francoeur. Nicholas, Jennifer and Judy Jacobetz and Connie Adams, guests of Rep. McGuirk. Fourth grade students from Manchester's Weston School, guests of the Manchester delegation.

senate messages

requests concurrence with amendments

HB 266, establishing a committee to study recodification of the election laws. (Amendment printed SJ 03/14/02)

Rep. Arndt moved that the House concur and spoke in favor.

Adopted.

HB 141-FN, relative to regulation of junk yards. (Amendment printed SJ 01/24/02)

Rep. Babson moved that the House concur and spoke in favor.

Adopted.

HB 463, relative to protective services to adults. (Amendment printed SJ 01/24/02)

Rep. Batula moved that the House concur and spoke in favor.

Adopted.

HB 1131, establishing a committee to study increasing the number of physicians who are New Hampshire residents. (Amendment printed SJ 03/14/02)

Rep. Batula moved that the House concur and spoke in favor.

Adopted.

HB 498, relative to standards for records filed with a registry of deeds. (Amendment printed SJ 03/14/02)

Rep. Patten moved that the House concur and spoke in favor.

Adopted.

HB 180-FN, relative to criminal neglect of elderly, disabled, or impaired adults. (Amendment printed SJ 01/24/02)

Rep. Welch moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sargent, Phyllis Katsakiores, O'Keefe, and Knowles.

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

SB 342, relative to the purpose of the certificate of need law, removed by Rep. Millham.

HB 1481-FN-L, relative to a highway construction project in Nashua, removed by Rep. Gleneck.

Consent Calendar adopted.

HB 1467-FN, relative to the cost of vaccines. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: The basic components to this bill as amended are the following: First of all it establishes the New Hampshire Vaccine Association which will be comprised of insurance companies writing health insurance in the state of New Hampshire. The Department of Health & Human Services is charged with the responsibility of purchasing the vaccine at a discount. The funding sources for the program will be a combination of contributions from the federal government, funds provided by the insurance companies through an assessment process, and funds from the state. The beneficiaries are all children, residents of the state under the age of 19. If there is a penalty assessed against an insurer who failed to pay the assessment, the minimum fine will be \$5000 and up to the maximum of 125% of the delinquency. As a formula for assessing insurers it will be based on the number of covered lives. The calculation will be accomplished by multiplying the ratio of the number of resident children with non-public health benefits to the total number of children by the estimated vaccine costs. Vote 11-0.

Amendment (2947h)

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

1 Statement of Intent.

I. The general court finds that the reduction or elimination of diseases due to the introduction of vaccines is one of the most significant achievements of modern medicine and is vital to maintaining the public health and the health of New Hampshire residents. New Hampshire is one of 15 states that is a universal provider of vaccine. As a universal provider state, New Hampshire purchases federally-approved vaccines at the federal discount rate and makes them available free of charge to any child from birth through 18 years of age.

II. The general court further finds that future funding for vaccines is in jeopardy due to the increasing costs of existing vaccines, the expected introduction of new and more costly products, and the unpredictability of financial participation by insurers. Therefore, it shall be the responsibility of the department of health and human services to purchase vaccines at the most economical price using a combination of general funds, federal funds, and funds provided by insurers through the New Hampshire vaccine association, and it shall be the responsibility of insurers to reimburse the state for the cost of vaccines that are provided to New Hampshire resident children with non-public health benefits.

2 New Chapter; Assessment of Fees For Vaccine Costs. Amend RSA by inserting after chapter 126-P the following new chapter:

CHAPTER 126-Q

NEW HAMPSHIRE VACCINE ASSOCIATION

126-Q:1 Definitions. In this chapter:

I. "Association" means the New Hampshire vaccine association.

II. "Commissioner" means the commissioner of the department of health and human services.

III. "Covered lives" shall have the same meaning as defined in RSA 404-G:2, V.

IV. "Estimated vaccine cost" means the estimated cost to the state over the course of a state fiscal year of the purchase, distribution, and administration of vaccines purchased at the federal discount rate by the department of health and human services.

V. "Health insurance" shall have the same meaning as defined in RSA 404-G:2, VII.

VI. "Licensed insurer" means any entity licensed pursuant to RSA 402, RSA 420-A, or RSA 420-B. "Licensed insurer" shall not include the New Hampshire Individual Health Plan Benefit Association.

VII. "Vaccine" means any preparations of killed microorganisms, living attenuated organisms, or living fully virulent organisms that are approved by the federal Food and Drug Administration and recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention and have been authorized by the commissioner of the department of health and human services for administration to children of the state of New Hampshire under the age of 19 years for the purposes of producing or artificially increasing immunity to particular life-threatening and disabling diseases.

126-Q:2 Creation of Association. There is hereby created a nonprofit corporation to be known as the New Hampshire vaccine association. The association is formed to assess insurers for the cost of vaccines provided to certain children in New Hampshire.

126-Q:3 Membership, Powers, and Duties of the New Hampshire Vaccine Association.

I. The New Hampshire vaccine association shall be comprised of all licensed insurers currently writing or maintaining health insurance in New Hampshire.

II. The New Hampshire vaccine association shall be a not-for-profit, voluntary corporation under RSA 292 and shall possess all general powers of a not-for-profit corporation.

III. The board of directors shall include:

(a) Three representatives selected from the licensed insurers having the most covered lives in New Hampshire.

(b) Two health care provider representatives appointed by the commissioner.

(c) The commissioner of the department of health and human services, who shall serve as an ex-officio member.

(d) The commissioner of the department of insurance who shall serve as an ex-officio member.

IV. The directors' terms and appointments shall be specified in the plan of operation adopted by the New Hampshire vaccine association.

V. The board of directors of the association shall:

(a) Prepare and adopt articles of association and bylaws.

(b) Prepare and adopt a plan of operation.

(c) Submit the plan of operation to the commissioner of insurance for approval after the consultation with the commissioner.

(d) Conduct all activities in accordance with the approved plan of operation.

(e) On an annual basis, no later than November 1 of each year, establish the amount of the assessment.

(f) Enter into contracts as necessary or proper to collect and disburse the assessment.

(g) Enter into contracts as necessary or proper to administer the plan of operation.

(h) Sue or be sued, including taking any legal action necessary or proper for the recovery of any assessment for, on behalf of, or against members of the association or other participating person.

(i) Appoint from among its directors, committees as necessary to provide technical assistance in the operation of the association, including the hiring of independent consultants as necessary.

(j) Notify, in writing, each licensed insurer of the insurer's assessment by November 15 of each year.

(k) Submit an annual report to the commissioner of insurance listing those licensed insurers that failed to remit their assessments.

(l) Allow each insurer up to 90 days after the notification required by subparagraph (j) to remit its assessment or submit an assessment payment plan, subject to approval by the association and initial payment under an approved assessment payment plan.

(m) Deposit annual assessments collected by the association less the association's administrative costs with the state treasurer to the credit of the vaccine purchase fund established pursuant to RSA 141-C:17-a.

(n) Perform any other functions as may be necessary or proper to carry out the plan of operation.

126-Q:4 Assessment Determination.

I. The commissioner shall calculate the estimated vaccine cost no later than October 1 of each year.

II. The board shall determine the amount of the potential assessment by multiplying the ratio of the number of New Hampshire resident children with non-public health benefits to the total number of New Hampshire resident children by the estimated vaccine cost. The aggregate amount assessed shall include credits for any surplus assessments from prior years, as well as reasonable costs for administering the assessment.

III. Each licensed insurer shall be assessed in proportion to the number of its covered lives.

126-Q:5 Powers and Duties. In addition to the duties and powers enumerated elsewhere in this chapter:

I. The commissioner of insurance shall fine any licensed insurer that fails to pay an assessment within 6 months of notification under RSA 126-Q:3, V(j). The fine shall be at least \$5,000 and no more than 125 percent of the amount of the delinquent assessment. Fines so levied shall be deposited with the state treasurer to the credit of the vaccine purchase fund established pursuant to RSA 141-C:17-a.

II. The commissioner and the commissioner of insurance may adopt rules, pursuant to RSA 541-A, as necessary to carry out the purposes of this chapter.

126-Q:6 Examinations and Annual Reports. The board of directors shall submit to the commissioner, no later than 120 days after the close of the association's fiscal year, a financial report in a form approved by the commissioner.

126-Q:7 Exemption from Taxes. The association shall be exempt from payment of all fees and all taxes levied by this state or any of its subdivisions, except taxes levied on real property.

126-Q:8 Immunity from Liability. There shall be no liability on the part of and no cause of action of any nature shall arise against any association member or its agents or employees, the association or its agents or employees, members of the board of directors, or the commissioner or the

commissioner's representatives, for any action or omission by them in the performance of their powers and duties under this chapter.

126-Q:9 Severability of Chapter. If any provisions of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

3 Effective Date. This act shall take effect 30 days after its passage.

AMENDED ANALYSIS

This bill establishes the New Hampshire vaccine association which shall assess insurers for the cost of vaccines provided to certain children in New Hampshire. Under this bill, these funds are to be used by the commissioner of the department of health and human services to purchase vaccines.

This bill resulted from the study committee established under 2001, 94.

SB 362, relative to the membership and duties of the New Hampshire film and television commission. **OUGHT TO PASS**

Rep. Stephen G. Avery for Commerce: This bill reestablishes the New Hampshire Film and Television Commission of the Department of Cultural Resources. Through a glitch in some previous legislation, the commission has actually lapsed. The Department of Travel and Tourism Development is ready to appoint new commission members as soon as this bill is passed. The committee was unanimous that this was an important function that needed to be addressed quickly. Vote 13-0.

SB 394, relative to the duties of the advisory committee on international trade. **OUGHT TO PASS**

Rep. Stephen G. Avery for Commerce: This bill adds reporting duties to the advisory committee on international trade. International trade is worth 2 to 3 billion dollars to the economy of New Hampshire, which is an increase of 23% over the last year. Under this bill the committee will report to the Senate Energy and Economic Development Committee, the House Commerce Committee, the Senate President, the Speaker of the House, the Governor and others. Vote 13-0.

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

Rep. Michael O'Neil for Executive Departments and Administration: The subcommittee scheduled two work sessions on this bill. There remain considerable questions between the two agencies involved (Department of Revenue Administration and Liquor Commission) that remain unanswered. For example: what will the impact be on changing the licensure cycle to each year as opposed to a current two year term? Also, interest was raised because this bill increases vending machine fees by twenty times. These and other issues were sufficient for the committee to recommend interim study. Vote 14-0.

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

Rep. Maryann N. Blanchard for Finance: The amendment to HB 1305-FN extends a sunset provision to 2010. This program was due to sunset in July 2002. It provides assistance to businesses, towns and schools to reduce hazardous waste using alternative processes or materials. (For example: oil based parts washer to water based parts washer.) The funding to sustain the program and the present two positions was budgeted for FY 2002-2003 from the Hazardous Waste Clean-Up Fund. No general funds are necessary. Vote 20-0.

Amendment (2893h)

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

3 Prospective Repeal Date Extended. Amend 1996, 8:10, I to read as follows:

I. Section 9 of this act shall take effect July 1, ~~[2002]~~ **2010**.

4 Repeal. The following are repealed:

I. RSA 147-B:7, V, relative to the authorized use of the hazardous waste cleanup fund.

II. 1996, 8:9, II, relative to the repeal of the pollution prevention program.

5 Effective Date. This act shall take effect June 30, 2002.

AMENDED ANALYSIS

This bill extends the prospective repeal date of the pollution prevention program to 2010, and allows the use of hazardous waste cleanup funds for the pollution prevention program, and eliminates the \$115,000 cap on the use of those funds.

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 WITH AMENDMENT**

Rep. Linda T. Foster for Finance: This bill as amended establishes a non-lapsing fund to be used for the development and continuance of a full-time local government records management component in the state records management and archives program, and for grants to local governments for records management improvement. The fund may receive moneys from state appropriations, federal and other non-state source grants or other funds received for this purpose.

The bill also establishes the position of Local Government Records Manager and sets forth the duties and responsibilities for this position. The amendment removes the appropriation in the original bill, and provides that if non-state appropriated funds are received prior to that date, those funds may be expended for the costs of this new position. Beginning July 1, 2003, this position shall be included in the operating budget of the department of state. Vote 19-0.

Amendment (2886h)

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

AN ACT establishing a New Hampshire local government records management improvement program and fund.

Amend RSA 5:48 and RSA 5:49 as inserted by section 2 of the bill by replacing them with the following:

5:48 Fund Established.

I. There is hereby established a special fund to be known as the New Hampshire local government records management improvement fund. The fund shall consist of such moneys as may be appropriated or federal and other non-state source grants or funds received for the purposes of this subdivision. The fund shall be managed by the state treasurer, shall be nonlapsing, and shall be continually appropriated for the purposes of this subdivision.

II. Use of the fund shall be used solely for the development and continuance of a full-time local government records management component in the state records management and archives program, and for grants to local governments for records management improvement as provided under RSA 5:51. Such programs shall be responsible for providing aid, advice, and assistance to local governments concerning the proper management and preservation of the public records in their custody and care, as state law requires. Funds shall be expended to support grants for local government records management improvement, and for administrative and other costs associated with the provision of consultative and technical services, including, but not limited to, education programming, technical publications, website development, and micrographics and digitization services.

5:49 Duties of Local Government Records Manager; Position Established. There is established in the division of records management and archives, department of state, the position of local government records manager who shall be a classified state employee. The local government records manager shall have the following duties:

I. It shall be the responsibility of the local government records manager to advise local governments on planning and administering programs for the creation, maintenance, preservation, reproduction, retention, and disposition of their records; to advise local governments on the development of micrographics systems, automated data processing systems, and other systems that rely on technology to create, store, manage, and reproduce information or records; and to advise local governments on the preservation and use of vital records with enduring value for historical or other research purposes.

II. It shall be the responsibility of the local government records manager to advise the municipal records board concerning local government records policies and procedures, state services and financial support needed to assist or advise local officials, regulations pertaining to local government records, and grants for local government records management improvement pursuant to RSA 5:51.

III. The local government records manager is authorized to employ specialists in records management, archives, and administration, and other specialists necessary to provide advisory, consultative, and technical assistance to local governments from moneys available for this purpose in the fund.

IV. The local government records manager shall provide a quarterly financial statement of the fund to members of the municipal records board and an annual financial and narrative report of the program to the state archivist for incorporation in the annual report of the

division of records management and archives submitted to the secretary of state. Each year the municipal records board shall review and make recommendations on a proposed operational and expenditure plan for the fund prior to its adoption by the state archivist. The annual expenditure plan shall be subject to the approval of the secretary of state.

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

5 Applicability of New Position; Funding. The position of local government records manager established in RSA 5:49 as inserted by section 2 of this act shall not be filled prior to July 1, 2003 unless sufficient moneys are received in the fund established in RSA 5:48 as inserted by section 2 of this act to cover the full cost of filling the position. The use of the local government records management improvement fund for the costs of the new position prior to July 1, 2003 is hereby authorized. Beginning July 1, 2003, the local government records manager position shall be included in the operating budget of the department of state.

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

AMENDED ANALYSIS

This bill establishes a New Hampshire local government records management improvement program in the department of state. The bill also establishes a fund to provide grants to local governments for the purpose of records management.

SB 413, establishing a committee to study background checks for nursing home employees. **OUGHT TO PASS**

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This bill establishes a committee to study whether background checks for nursing home employees are necessary and should be conducted or implemented. Vote 13-0.

SB 306, extending the reporting date of the commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload. **OUGHT TO PASS**

Rep. Alf E. Jacobson for Judiciary: This bill extends the reporting from the original date November 1, 2001 to November 1, 2002 for the commission to study the state's increasing appellate caseload. Vote 11-2.

SB 383, relative to the location of district courts within judicial districts and changing the names of certain judicial districts. **REFER FOR INTERIM STUDY**

Rep. Larry G. Elliott for Judiciary: After an extensive hearing on this bill and discussion by the committee, we felt that the bill in its present form could not be recommended to the House for passage. However, we did not want to recommend the bill as inexpedient to legislate because we felt that there were some significant issues that warranted further study by the committee. The reason we were unable to pass the legislation is that it is a significant departure from the current mechanisms for siting district courts in the state of New Hampshire. After an exhaustive study in 1991 created by Chapter Law 288, the legislature came up with a court consolidation plan which can be found in RSA 501-a (the results of SB 452 of 1992). Within this law, the legislature has designated which town(s) shall host the district courthouse. This legislation proposes to allow the Office of Administrative Services determine which town within the district the court will be located. The bill also states that there will be a district courthouse in each district. The committee was unable to reconcile this statement with the current plan because some districts have more than one

court facility/satellite courts, and it was unclear that if we pass this legislation we would be eliminating some district court facilities inadvertently. Since we are in the second year of a biennium, and want to give our full attention to the concept of how district courts should be cited, we felt it would be best to study this legislation and its impacts over the summer. We would then be able to come back next year with a comprehensive understanding of the impact such a transfer of responsibilities would have on the citizens of our state. Vote 14-0.

HB 1471-FN, establishing a committee for the design and construction of a memorial to the victims of the September 11 tragedy. **OUGHT TO PASS WITH AMENDMENT**

Rep. Candace C. W. Bouchard for Public Works and Highways: The committee, recognizing the importance of September 11, 2001, and the tragic results, voted that it is appropriate to commemorate victims of terrorism and their families, especially those New Hampshire citizens who lost their lives. The committee will consist of three members of the House, three members of the Senate, the Commissioner of Cultural Resources and the Commissioner of Administrative Services. The committee will select the design and location of the memorial subject to the approval of the Long Range Capital Planning and Utilization Committee. The committee will also advise and inform the governing body of the city or town in which the memorial is located as to its design and construction plans. The memorial will be privately funded. Vote 13-0.

Amendment (2944h)

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

1 New Sections; Powers of the Governor and Council; September 11 Memorial. Amend RSA 4 by inserting after section 9-d the following new sections:

4:9-e September 11 Memorial.

I. There shall be a memorial to commemorate the victims and families of the September 11 tragedy especially New Hampshire citizens who lost their lives, and to commemorate other victims of terrorism. The governor is authorized to accept in the name of the state the September 11 memorial as a private gift upon its completion.

II.(a) The director of the division of plant and property management, subject to the direction and supervision of the commissioner of administrative services, shall act as the custodian of the September 11 memorial, and shall have charge of all matters relating to the care, maintenance, repair, and additions to the memorial.

(b) The director of the division of plant and property management, subject to the direction and supervision of the commissioner of administrative services, shall administer and disburse to the committee established in RSA 4:9-f the moneys in the special account established under RSA 4:9-f. No money other than necessary expenses prior to construction shall be disbursed until the governor and council approve and award the contract for the construction of the September 11 memorial.

4:9-f Committee Established; Special Account.

I. A committee is established to select the location and design for a September 11 memorial, to oversee the construction of the memorial, to privately raise all the funds which shall be necessary for its construction, and to expend the funds which are raised. The selection of the location and design of the memorial shall be subject to the approval of the long range capital planning and

utilization committee established in RSA 17-M:1. The governor is authorized to accept for the committee, in the name of the state, the gifts of money which are donated to construct the memorial.

II. The gifts of money which are donated to construct the memorial shall be placed in a special nonlapsing account in the state treasury, to be expended for the purposes of the September 11 memorial. Any money remaining in the special account after construction of the memorial is completed shall be used for the care, maintenance, repair, and additions to the memorial, or for any other purpose deemed appropriate by the committee.

III. The committee shall remain in existence upon the completion of the September 11 memorial for the purpose of approving any changes in the memorial, such as the addition of names to the memorial. Any site changes in the memorial shall be made under the supervision of the director of the division of plant and property management, according to the provisions of RSA 4:9-e, II.

4:9-g Committee Membership.

I. The members of the committee established in RSA 4:9-f shall be as follows:

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

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

(c) The commissioner of cultural resources, or designee.

(d) The commissioner of administrative services, or designee.

II. The members of the committee shall elect a chairperson from among its members. The first meeting of the committee shall be called by the first-named house member. Ten members of the committee shall constitute a quorum.

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

4:9-h Duties of the Committee. The duties of the committee established in RSA 4:9-f shall be as follows:

I. The committee shall select the design and location, subject to the approval of the long range capital planning and utilization committee established in RSA 17-M:1, for the September 11 memorial.

II.(a) The committee shall oversee the construction of the September 11 memorial.

(b) The award of the contract for the construction of the September 11 memorial shall be subject to the approval of the governor and council.

III. The committee shall advise and inform the governing body of the city or town in which the memorial is located as to the design and construction plans for the memorial.

IV. The committee shall privately raise all the money necessary for the planning, design, and construction of the September 11 memorial. Notwithstanding subparagraph II(b), the committee shall have the authority to expend the money which is raised without the approval of governor and council.

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

AMENDED ANALYSIS

This bill establishes a committee to design and construct a memorial to the victims of the September 11 tragedy and to other victims of terrorism. The bill requires that the location and design of the memorial shall be subject to the approval of the long range capital planning and utilization committee. The bill also establishes a special non-lapsing account in the state treasury for the purpose of the September 11 memorial.

SB 328, establishing a committee to study the establishment of a permit system for vessels registered in another state temporarily using the waters of New Hampshire. **OUGHT TO PASS**

Rep. Robert J. Letourneau for Transportation: This bill sets up a committee to study the problems that New Hampshire is having with establishing a permit system for out of state vessels using NH lakes. This is a continuation of a past study committee. Vote 11-1.

SB 405, relative to special number plates for veterans. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill is a clarification to the veterans plate legislation that will allow the Director of Motor Vehicles to accept any honorable discharge papers from the different branches of the armed services. Vote 12-0.

Amendment (2824h)

Amend RSA 261:87-b as inserted by section 1 of the bill by replacing it with the following:

261:87-b Special Number Plates for Veterans. The director is hereby authorized to issue special number plates to be used on motor vehicles owned by veterans of the United States armed services, in lieu of other number plates. The design of these special plates shall be determined by the commissioner, and shall be distinct from the design or designs of those plates issued under RSA 261:86. Such plates shall be issued only upon application, ~~[and] proof of honorable discharge from the armed services~~ **as deemed appropriate by the director**, ~~[as evidenced by submission of a copy of the applicant's DD214 verification of service form,]~~ and ~~[upon]~~ payment of a one time \$25 fee to recover production and administrative costs that shall be in addition to the regular motor vehicle registration fee and any other number plate fees otherwise required. Renewals of such special number plates shall be charged the fee assessed for standard motor vehicles as prescribed under RSA 261:141. The plates furnished pursuant to this section are non-transferable and shall expire upon the death of the veteran.

AMENDED ANALYSIS

This bill requires that the proof of honorable discharge required for issuance of special number plates for veterans be deemed appropriate by the director of the division of motor vehicles.

REGULAR CALENDAR

HB 1483, relative to filling vacancies occurring on school boards. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen R. L'Heureux for Education: In its original form, HB 1483 would have dictated in state law how cities and towns must fill vacancies on school boards. The bill would have rejected language in city charters across the state that was in conflict with the legislation. The committee felt the bill would have created more problems than it solved. In fact, there was so little support for the bill that one amendment was withdrawn and another failed for lack of a second. Rather than simply recommend "ITL", however, the committee adopted an amendment to address a different aspect of how we vote on school issues. After a separate public hearing as required by House Rules, the committee adopted an amendment clarifying that voters who wish to apply the provisions of the Municipal Budget Act to their local schools must place a warrant on the school ballot, rather than on the town ballot as is stated in present law. The committee felt that this change would help assure that voters were more fully informed as to how their vote would affect their schools. Consistent with current law, only one budget committee would be formed, which would cover the town and/or local school. All towns and all school districts currently subject to the Municipal Budget Act would continue to be covered by it unless the citizens vote to withdraw in a manner consistent with current law. Vote 9-4.

Amendment (2943h)

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

AN ACT relative to municipal budget committees.

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

1 Municipal Budget Law; Application; Budget Committee; School Districts. Amend RSA 32:2 to read as follows:

32:2 Application. RSA 32:1-13, shall apply to all towns, school districts, cooperative school districts, village districts, and any other municipal entities, including those created pursuant to RSA 53-A or 53-B, which adopt their budgets at an annual meeting of their voters. RSA 32:14-23, concerning budget committees, shall apply only in those towns or districts adopting that subdivision pursuant to RSA 32:14, I, and shall apply automatically in ~~[school districts or]~~ village districts located wholly within towns adopting that subdivision.

2 Municipal Budget Law; Budget Committee; Adoption; School District or Village District. Amend RSA 32:14, I(d) to read as follows:

(d) By any school district or village district which adopts its budget at an annual meeting of its voters~~[-but which lies wholly within a municipality that lacks authority to adopt this subdivision]~~.

3 Municipal Budget Law; Budget Committee Membership; School Board Members. Amend RSA 32:15, I(b) to read as follows:

(b) One member of the governing body of the municipality and, if the municipality is a town, one member of the school board of each school district ***which has adopted***

the provisions of this subdivision and which is wholly within the town and one member of each village district wholly within the town, all of whom shall be appointed by their respective boards to serve for a term of one year and until their successors are qualified. Each such member may be represented by an alternate member designated by the respective board, who shall, when sitting, have the same authority as the regular member.

4 Municipal Budget Law; Budget Committee; Duties, Authority, and Limitations; School Districts. Amend RSA 32:16 through 32:18-a to read as follows:

32:16 Duties and Authority of the Budget Committee. In any town ***or school district*** which has adopted the provisions of this subdivision, the budget committee shall have the following duties and responsibilities:

I. To prepare the budget as provided in RSA 32:5 for submission to each annual or special meeting of the voters of the municipality ***or school district***, and, if the municipality is a town, the budgets of any school district ***to which this subdivision applies*** or village district wholly within the town, unless the warrant for such meeting does not propose any appropriation.

II. To confer with the governing body or bodies and with other officers, department heads, and other officials, relative to estimated costs, revenues anticipated, and services performed to the extent deemed necessary by the budget committee. It shall be the duty of all such officers and other persons to furnish such pertinent information to the budget committee.

III. To conduct the public hearings required under RSA 32:5, I.

IV. To forward copies of the final budgets to the clerk or clerks, as required by RSA 32:5, VI, and, in addition, to deliver 2 copies of such budgets and recommendations upon special warrant articles to the respective governing body or bodies at least 20 days before the date set for the annual or special meeting, to be posted with the warrant.

32:17 Duties of Governing Body and Other Officials. The governing bodies of municipalities ***or school districts*** adopting this subdivision, or of ***village*** districts which are wholly within towns adopting this subdivision, shall review the statements submitted to them under RSA 32:4 and shall submit their own recommendations to the budget committee, together with all information necessary for the preparation of the annual budget, including each purpose for which an appropriation is sought and each item of anticipated revenue, at such time as the budget committee shall fix. In the case of a special meeting calling for the appropriation of money, the governing body shall submit such information not later than 5 days prior to the required public hearing. Department heads and other officers shall submit their departmental statements of estimated expenditures and receipts to the budget committee, if requested.

32:18 Limitation of Appropriations. In any municipality ***or school district*** electing this subdivision, or any ***village*** district wholly within a town electing this subdivision, the total amount appropriated at any annual meeting shall not exceed by more than 10 percent the total amount recommended by the budget committee for such meeting. These totals shall include appropriations contained in special warrant articles. Money may be raised and appropriated for purposes included in the budget or in the warrant and not recommended by the budget committee, but not to an amount which would increase the total appropriations by more than the 10 percent allowed under this paragraph. The 10 percent increase allowable under this paragraph shall be computed on the total amount recommended by the budget committee less that part of any appropriation item which constitutes fixed charges. Fixed charges shall include appropriations for:

I. Bonds, and all interest and principal payments thereon.

II. Notes, except tax anticipation notes, and all interest and principal payments thereon.

III. Mandatory assessments imposed on towns by the county, state, or federal governments.

32:18-a Legislative Body Override of Limitation of Appropriations.

I. Notwithstanding any other provision of law, in any municipality **or school district** electing this subdivision, or any **village** district wholly within a town electing this subdivision, if a bond request is not recommended in its entirety by the budget committee, the governing body of such municipality **or school district**, after a majority vote by the governing body of the municipality **or school district** in favor of the bond request at a duly posted meeting, shall place the bond request on the warrant.

II. The legislative body of any municipality **or school district** described in RSA 32:18-a, I, may approve a bond request despite the 10 percent limitation provided in RSA 32:18 in the following manner:

(a) The governing body shall place the following statement at the beginning of the warrant article for such bond request: "Passage of this article shall override the 10 percent limitation imposed on this appropriation due to the non-recommendation of the budget committee." Immediately below the bond request on the warrant shall be displayed (1) the recommendation of the governing body and (2) the recommendation of the budget committee, as included in the budget forms for the annual meeting pursuant to RSA 32:5, IV.

(b) If those voting "Yes" on the bond request satisfy the requirements of RSA 33:8, the bond request is thereby approved.

III. If the bond request is approved pursuant to RSA 32:18-a, the governing body of such municipality **or school district** shall forward a copy of the minutes of the duly posted meeting described in RSA 32:18-a, I to the commissioner of the department of revenue administration.

5 Municipal Budget Law; Budget Committee; At Special Meetings; School District. Amend RSA 32:20 to read as follows:

32:20 At Special Meetings. So long as the provisions of this subdivision remain in force in any municipality **or school district**, no appropriation shall be made at any special meeting for any purpose not approved by the budget committee, unless it is within the allowable 10 percent increase if RSA 32:18 has been adopted, except as provided in RSA 32:19 or 32:18-a.

6 Municipal Budget Law; Budget Committee; Exceptions; Village District. Amend RSA 32:21 to read as follows:

32:21 Exceptions. In cases where the town or a **village** district wholly within the town has been ordered by the department of environmental services, under the provisions of RSA 147, 485, or 485-A, to install, enlarge, or improve waterworks or to install, enlarge, or improve sewerage, sewage, or waste treatment facilities, the 10 percent limitation of RSA 32:18 and 20, shall not apply.

7 Municipal Budget Law; Budget Committee; Initiation of Removal Proceedings; School District. Amend RSA 32:23 to read as follows:

32:23 Initiation of Removal Proceedings. Upon receipt of the reports provided for by RSA 32:22, the budget committee shall examine the same promptly, and if it shall be found that the governing body or town manager have failed to comply with the provisions of this chapter concerning expenditures, a majority of the committee, at the expense of the municipality ***or school district***, may petition the superior court for removal as provided in RSA 32:12.

8 Applicability. The provisions of RSA 32:14-23 shall continue to apply to school districts to which the provisions of RSA 32:14-23 applied prior to the effective date of this act by virtue of their being wholly within a town adopting the provisions of RSA 32:14-23. Any such school district may rescind the applicability of the provisions of RSA 32:14-23 pursuant to RSA 32:14.

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

AMENDED ANALYSIS

This bill eliminates the automatic applicability of the municipal budget committee laws to school districts located wholly within towns adopting those provisions.

Adopted.

Rep. Sova spoke against.

Rep. Foster spoke in favor.

Rep. Henderson spoke in favor and yielded to questions.

Rep. Judith Sullivan requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 181 NAYS 157

YEAS 181

BELKNAP

Bartlett, Gordon	Czech, Stanley	Nedeau, Stephen	Rice, Thomas Jr
Russell, David	Thomas, John		

CARROLL

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

CHESHIRE

Allen, Peter	Avery, Stephen	Burnham, Daniel	Dexter, Judson
Espiefs, Peter	Fairbanks, Chandler	Manning, Joseph	Mitchell, McKim
Richardson, Barbara	Royce, H Charles	Slack, Pamela Russell	Zerba, Roger

COOS

Bradley, Paula	Horton, Lynn	Landers, Dana	Rodrigue, Robert
Tholl, John Jr	Woodward, David		

GRAFTON

Almy, Susan	Barker, Robert	Benn, Bernard	Cooney, Mary
Eaton, Stephanie	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scanlan, David	Scovner, Nancy	Sokol, Hilda	Ward, Brien

HILLSBOROUGH

Andosca, Mary	Balcom, John	Baroody, Benjamin	Buckley, Raymond
Calawa, Leon Jr	Carlson, Donald	Clayton, William	Cote, Peter
Coughlin, Pamela	Craig, James	Desrosiers, William	Emerton, Lawrence Sr
Foster, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gonzalez, Carlos
Gorman, Mary	Guinta, Frank	Hall, Betty	Herman, Keith
Holden, Randolph	Jean, Claudette	Johnson, Lionel	Kacavas, John
Konys, Christine	L'Heureux, Robert	LaRose, Richard	Lasky, Bette
Leach, Edward	Lefebvre, Roland	Leishman, Peter	Lessard, Rudy
Martin, Mary Ellen	McDonough-Wallace, Alice	Melcher, Harold	Moran, Edward
Movsesian, Lori	Palangas, Eric	Panagopoulos, Nicholas	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sargent, Maxwell	Schulze, Joan
Seibel, Christopher	Sullivan, Peter	Sweeney, Cynthia	Tahir, Saghir
Thulander, O Alan			

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Colcord, J D
Fraser, Leo Jr	French, Barbara	Gile, Mary	Greco, Vincent

Hess, David	Hutchinson, John	Jacobson, Alf	L'Heureux, Stephen
Leber, William	MacKay, James	Moore, Carol	Owen, Derek
Potter, Frances	Reardon, Tara	Rodd, Beth	Rush, Deanna
Seldin, Gloria	Wallner, Mary Jane	Whalley, Michael	Yeaton, Charles

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn	Boynton, James
Bridle, Russell	Clark, Martha Fuller	Coes, Betsy	Cooney, Richard
Corbin, Corey	Cox, Russell	Fesh, Bob	Flanagan, Natalie
Flanders, John Sr	Gleason, John	Hamel, Albert	Henderson, Warren
Johnson, Rogers	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Langley, Jane	Major, Norman	McGuire, Robert
McKinney, Betsy	Norelli, Terie	O'Keefe, Patricia	O'Neil, Michael
Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline	Ruffner, Walter
Saia, Pamela	Shultis, Elizabeth	Sloan, Stephen	Splaine, James
Stritch, C Donald	Weatherspoon, Jacquelyne	Welch, David	Zolla, William

STRAFFORD

Brennan, William	Cossette, Larry	DeChane, Marlene	Estabrook, Iris
Ferland, Paul	Goodwin, Earle	Grassie, Anne	Hughes, Christopher
Kaen, Naida	Musler, George	Smith, Marjorie	Spang, Judith
Tsiros, William	Wall, Janet	Woodill, Rodney	

SULLIVAN

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

NAYS 157

BELKNAP

Boyce, Laurie	Flanders, Donald	Holbrook, Robert	Lawton, David
Millham, Alida	Pilliod, James	Rosen, Ralph	Salatiello, Thomas

Wendelboe, Fran

CARROLL

Bradley, Jeb

Dickinson, Howard

Kenney, Joseph

Sullivan, P Judith

Torressen, Gary

CHESHIRE

Batchelder, Robert

Edwards, Dana

Emerson, Susan

Liebl, George

McGuirk, Paul

Meader, David

Pratt, John

Smith, Edwin

COOS

Gallus, John

Pratt, Leighton

Rozek, Michael

GRAFTON

Akins, Ralph

Alger, John

Cobb, John

Dudley, Terri

Gabler, William

Gilman, G Michael

Giuda, Robert

Lovett, Sid

Marshall, Gene

Mirski, Paul

Sova, Charles

Williams, Burton

HILLSBOROUGH

Allan, Nelson

Alukonis, David

Artz, Lawrence

Balboni, Michael

Batula, Peter

Bergeron, Jean-Guy

Bergin, Peter

Bouchard, David

Bragdon, Peter

Brundige, Robert

Bruno, Pierre

Chabot, Robert

Christensen, D L Chris

Christiansen, Lars

Clegg, Robert Jr

Dionne, Kimberley

Dokmo, Cynthia

Drabinowicz, A Theresa

Drisko, Richard

Dwyer, Paul

Eaton, Richard

Elliott, Larry

Fields, Dennis

Furman, Christine

Gargasz, Carolyn

Gleneck, David

Golding, William

Goulet, Maurice

Graham, John

Greenberg, Gary

Haley, Robert

Hall, Charles

Hopper, Gary

Jean, Loren

Keye, Harvey

Kurk, Neal

LaFlamme, Paul

Martel, Andre

McHugh, Claire

Mercer, Robert

Messier, Irene

Milligan, Robert

Murphy, Robert

O'Connell, Timothy

Pappas, Marc

Pepino, Leo

Salts, Greg

Shaw, Barbara

Souza, Kathleen

Spiess, Paul

Tate, Joan

Vaillancourt, Steve

Wheeler, Robert

White, Donald

MERRIMACK

Clarke, Claire	Cummings, Raymond	Daneault, Gabriel	Davis, Frank
Feuerstein, Martin	Kennedy, Richard	Lockwood, Priscilla	Maxfield, Roy
Perkins, Randy	Soltani, Tony	Swindlehurst, John	Winter, Steven

ROCKINGHAM

Bishop, Franklin	Bowles, Raimond	Camm, Kevin	Carson, Sharon
Chalbeck, Kevin	Clark, Vivian	DiFruscia, Anthony	Dowling, Patricia
Downing, Michael	Dumaine, Dudley	Francoeur, Sheila	Gilbert, Karl
Hill, Jonathan	Holland, James Jr	Hutchinson, Karen	Introne, Robert
Johnson, Robert	Kobel, Rudolph	Langone, John	Letourneau, Robert
Micklon, Stephanie	Moore, Benjamin	Morse, Charles	Nowe, Ronald
Power, Lucille	Priestley, Anne	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Robertson, Carl	Sapareto, Frank	Stone, Joseph
Varrell, Thomas	Weyler, Kenneth	Whittier, John	

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Brown, Julie
Callaghan, Frank	Dunlap, Patricia	Harrington, Michael	Heon, Richard
Johnson, Nancy	Knowles, William	McCarthy, Gerald	Pelletier, Arthur
Proulx, Raymond	Rollo, Michael	Twombly, James	Woods, Phyllis

SULLIVAN

Jones, Constance	Leone, Richard	Odell, Bob
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and the committee report was adopted.

Ordered to third reading.

SB 1, apportioning state senate districts. **OUGHT TO PASS**

Rep. Robert E. Clegg, Jr. for Election Law: SB 1 is the Senate proposal for redistricting state senate districts. The NH Constitution requires that "the legislature shall divide the state into single-member districts, as nearly equal as may be in population, each consisting of contiguous towns, city wards and unincorporated places, without dividing any town, city ward or unincorporated place." The overall state population has increased dramatically since the last federal census. The average population requirement for each of the 24 senate districts increased from 46,219 to 51,491.

Additionally population grew in the southern part of the state, decreased in the northern part of the state and decreased in many of the state's cities. So, given the population increase and shift, any redistricting plan would of necessity be significantly different from the current plan. The Committee heard testimony that a specific set of criteria was adopted by the Senate Redistricting Committee in order to ensure that the final proposed plan meets constitutional mandates and provides for fair representation for the citizens of the state. There is no one characteristic that makes a plan more perfect than another plan, including lower deviation. Although this plan represents the lowest average deviation and range of deviation than the 1980 and 1990 plans, the plan that has the lowest deviation isn't necessarily the best plan because additional requirements must be taken into account. It appears that many of the proposed plans meet the proposed criteria. It is also clear that many of the proposed plans meet constitutional requirements. It is inevitable that there are going to be new districts in every plan that some member does not like and that change is difficult. The Committee believes that the Senate created redistricting plan proposed in SB 1 clearly meets constitutional requirements and should be adopted. Vote 10-5.

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

Reps. Arndt and Clegg spoke against.

Reps. Marshall Quandt and Spiess spoke in favor.

Rep. Scanlan spoke against and yielded to questions.

Rep. Scanlan requested a roll call; sufficiently seconded.

The question being adoption of the motion to Recommit.

YEAS 155 NAYS 189

YEAS 155

BELKNAP

Rosen, Ralph

Salatiello, Thomas

CARROLL

Sullivan, P Judith

CHESHIRE

Allen, Peter

Batchelder, Robert

Burnham, Daniel

Espieffs, Peter

McGuirk, Paul

Meader, David

Mitchell, McKim

Pratt, John

Richardson, Barbara

Slack, Pamela Russell

Zerba, Roger

COOS

Bradley, Paula	Landers, Dana	Rodrigue, Robert
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GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Cooney, Mary
Lovett, Sid	Mirski, Paul	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scovner, Nancy	Sokol, Hilda	Sova, Charles

HILLSBOROUGH

Andosca, Mary	Baroody, Benjamin	Bergin, Peter	Buckley, Raymond
Christiansen, Lars	Clayton, William	Cote, Peter	Craig, James
Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Dwyer, Paul
Foster, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Hall, Betty	Hopper, Gary	Jean, Claudette
Johnson, Lionel	Kacavas, John	Keye, Harvey	Konys, Christine
L'Heureux, Robert	LaFlamme, Paul	Lasky, Bette	Lefebvre, Roland
Leishman, Peter	Lynde, Harold	Martin, Mary Ellen	McDonough-Wallace, Alice
Melcher, Harold	Movsesian, Lori	Murphy, Robert	O'Connell, Timothy
Palangas, Eric	Panagopoulos, Nicholas	Salts, Greg	Schulze, Joan
Shaw, Barbara	Spiess, Paul	Sullivan, Peter	Sweeney, Cynthia
Vaillancourt, Steve			

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Daneault, Gabriel
Davis, Frank	French, Barbara	Gile, Mary	Greco, Vincent
Jacobson, Alf	Moore, Carol	Owen, Derek	Perkins, Randy
Potter, Frances	Reardon, Tara	Rodd, Beth	Rush, Deanna
Seldin, Gloria	Soltani, Tony	Wallner, Mary Jane	Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn	Clark, Martha Fuller	Clark, Vivian	Coes, Betsy
Downing, Michael	Kane, Cecelia	Kobel, Rudolph	Langley, Jane
McGuire, Robert	Micklon, Stephanie	Norelli, Terie	O'Keefe, Patricia

Pantelakos, Laura
Quandt, Marshall
Shultis, Elizabeth

Pitts, Jacqueline
Quandt, Matthew
Splaine, James

Power, Lucille
Robertson, Carl
Weatherspoon,
Jacquelyne

Putnam, Ed II
Sapareto, Frank
Weyler, Kenneth

STRAFFORD

Albert, Russell
Callaghan, Frank
Ferland, Paul
Heon, Richard
Knowles, William
Rollo, Michael
Tsiros, William

Berube, Roger
DeChane, Marlene
Goodwin, Earle
Hughes, Christopher
McCarthy, Gerald
Smith, Marjorie
Wall, Janet

Bickford, David
Dunlap, Patricia
Grassie, Anne
Johnson, Nancy
Pelletier, Arthur
Spang, Judith
Woodill, Rodney

Brennan, William
Estabrook, Iris
Harrington, Michael
Kaen, Naida
Proulx, Raymond
Taylor, Kathleen
Woods, Phyllis

SULLIVAN

Allison, David
Franklin, Peter
Robb, Amy

Burling, Peter
Harris, Joseph

Cloutier, John
Harris, Sandra

Ferland, Brenda
Phinizy, James

NAYS 189

BELKNAP

Bartlett, Gordon
Holbrook, Robert
Pilliod, James
Wendelboe, Fran

Boyce, Laurie
Lawton, David
Rice, Thomas Jr

Czech, Stanley
Millham, Alida
Russell, David

Flanders, Donald
Nedeau, Stephen
Thomas, John

CARROLL

Babson, David Jr
Mock, Henry
Stevens, Stanley

Bradley, Jeb
Patten, Betsey
Torressen, Gary

Dickinson, Howard
Philbrick, Donald

Kenney, Joseph
Quimby, Lee

CHESHIRE

Avery, Stephen

Dexter, Judson

Edwards, Dana

Emerson, Susan

Fairbanks, Chandler
Smith, Edwin

Liebl, George

Manning, Joseph

Royce, H Charles

COOS

Gallus, John

Guay, Lawrence

Horton, Lynn

Pratt, Leighton

Rozek, Michael

Tholl, John Jr

Woodward, David

GRAFTON

Alger, John

Barker, Robert

Cobb, John

Dudley, Terri

Eaton, Stephanie

Gabler, William

Gilman, G Michael

Giuda, Robert

Marshall, Gene

Scanlan, David

Teschner, Douglass

Ward, Brien

Williams, Burton

HILLSBOROUGH

Allan, Nelson

Alukonis, David

Artz, Lawrence

Balboni, Michael

Balcom, John

Batula, Peter

Bergeron, Jean-Guy

Bouchard, David

Bragdon, Peter

Brundige, Robert

Bruno, Pierre

Calawa, Leon Jr

Carlson, Donald

Chabot, Robert

Christensen, D L Chris

Clegg, Robert Jr

Coughlin, Pamela

Desrosiers, William

Dionne, Kimberley

Dyer, Merton

Eaton, Richard

Elliott, Larry

Emerton, Lawrence Sr

Fields, Dennis

Furman, Christine

Gargasz, Carolyn

Gleneck, David

Golding, William

Gonzalez, Carlos

Goulet, Maurice

Graham, John

Greenberg, Gary

Guinta, Frank

Hall, Charles

Herman, Keith

Holden, Randolph

Jean, Loren

Kurk, Neal

LaRose, Richard

Leach, Edward

Lessard, Rudy

Martel, Andre

McHugh, Claire

Mercer, Robert

Messier, Irene

Milligan, Robert

Moran, Edward

Pappas, Marc

Pepino, Leo

Peterson, Andrew

Reeves, Sandra

Rowe, Robert

Sargent, Maxwell

Seibel, Christopher

Souza, Kathleen

Tahir, Saghir

Tate, Joan

Thulander, O Alan

Wheeler, Robert

White, Donald

MERRIMACK

Anderson, Eric

Colcord, J D

Cummings, Raymond

Feuerstein, Martin

Fraser, Leo Jr

Hess, David

Hutchinson, John

Kennedy, Richard

L'Heureux, Stephen

Leber, William

Lockwood, Priscilla

MacKay, James

Maxfield, Roy

Swindlehurst, John

Whalley, Michael

Winter, Steven

ROCKINGHAM

Arndt, Janet

Belanger, Ronald

Bishop, Franklin

Bowles, Raimond

Boynton, James

Bridle, Russell

Camm, Kevin

Carson, Sharon

Chalbeck, Kevin

Cooney, Richard

Corbin, Corey

Cox, Russell

DiFruscia, Anthony

Dowling, Patricia

Dumaine, Dudley

Fesh, Bob

Flanagan, Natalie

Flanders, John Sr

Francoeur, Sheila

Gilbert, Karl

Gleason, John

Hamel, Albert

Henderson, Warren

Hill, Jonathan

Holland, James Jr

Hutchinson, Karen

Introne, Robert

Johnson, Robert

Johnson, Rogers

Katsakiores, George

Katsakiores, Phyllis

Kelley, Jane

Langone, John

Letourneau, Robert

Major, Norman

McKinney, Betsy

Moore, Benjamin

Morse, Charles

Nowe, Ronald

O'Neil, Michael

Packard, Sherman

Priestley, Anne

Ruffner, Walter

Saia, Pamela

Sloan, Stephen

Stone, Joseph

Stritch, C Donald

Varrell, Thomas

Welch, David

Whittier, John

Zolla, William

STRAFFORD

Brown, Julie

Cossette, Larry

Musler, George

Reid, Christopher

Twombly, James

SULLIVAN

Flint, Gordon Sr

Jones, Constance

Leone, Richard

Odell, Bob

Rodeschin, Beverly

and the motion to Recommit failed.

Reps. Weyler and Marshall Quandt spoke against.

Reps. Stritch, Clegg and Mirski spoke in favor.

Reps. Soltani and Jacobson spoke against and yielded to questions.

Rep. Vaillancourt spoke in favor and yielded to questions.

Rep. Herman requested a roll call; sufficiently seconded.

The question now being adoption of the committee report.

YEAS 203 NAYS 146

YEAS 203

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Flanders, Donald
Holbrook, Robert	Lawton, David	Millham, Alida	Nedeau, Stephen
Pilliod, James	Rice, Thomas Jr	Russell, David	Thomas, John
Wendelboe, Fran			

CARROLL

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

CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Liebl, George	Royce, H Charles	Smith, Edwin

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Rozek, Michael	Tholl, John Jr	Woodward, David	

GRAFTON

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

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Artz, Lawrence	Balboni, Michael
Balcom, John	Batula, Peter	Bouchard, David	Bragdon, Peter
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald

Chabot, Robert	Christensen, D L Chris	Clegg, Robert Jr	Coughlin, Pamela
Desrosiers, William	Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard
Dyer, Merton	Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Furman, Christine	Gargas, Carolyn	Gleneck, David
Golding, William	Gonzalez, Carlos	Goulet, Maurice	Graham, John
Greenberg, Gary	Guinta, Frank	Hall, Charles	Herman, Keith
Holden, Randolph	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Leach, Edward	Lessard, Rudy	Martel, Andre
McHugh, Claire	McRae, Karen	Mercer, Robert	Messier, Irene
Milligan, Robert	Moran, Edward	O'Connell, Timothy	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Souza, Kathleen	Spiess, Paul	Tahir, Saghir
Tate, Joan	Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert
White, Donald			

MERRIMACK

Anderson, Eric	Colcord, J D	Cummings, Raymond	Feuerstein, Martin
Fraser, Leo Jr	Hager, Elizabeth	Hess, David	Hutchinson, John
Kennedy, Richard	L'Heureux, Stephen	Leber, William	Lockwood, Priscilla
MacKay, James	Maxfield, Roy	Swindlehurst, John	Whalley, Michael
Winter, Steven			

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bowles, Raimond
Boynton, James	Bridle, Russell	Camm, Kevin	Carson, Sharon
Chalbeck, Kevin	Clark, Vivian	Cooney, Richard	Corbin, Corey
Cox, Russell	Dalrymple, Janeen	DiFruscia, Anthony	Dowling, Patricia
Dumaine, Dudley	Fesh, Bob	Flanagan, Natalie	Flanders, John Sr
Francoeur, Sheila	Gilbert, Karl	Gleason, John	Hamel, Albert
Henderson, Warren	Hill, Jonathan	Holland, James Jr	Hutchinson, Karen
Introne, Robert	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Langone, John	Letourneau, Robert
Major, Norman	McKinney, Betsy	Moore, Benjamin	Morse, Charles
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Priestley, Anne

Putnam, Ed II	Ruffner, Walter	Saia, Pamela	Sapareto, Frank
Sloan, Stephen	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Welch, David	Whittier, John	Zolla, William	

STRAFFORD

Bickford, David	Brown, Julie	Cossette, Larry	Harrington, Michael
Musler, George	Reid, Christopher	Twombly, James	Woods, Phyllis

SULLIVAN

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

NAYS 146

BELKNAP

Rosen, Ralph	Salatiello, Thomas
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CARROLL

Babson, David Jr

CHESHIRE

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

COOS

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

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

HILLSBOROUGH

Andosca, Mary	Baroody, Benjamin	Bergeron, Jean-Guy	Bergin, Peter
Buckley, Raymond	Christiansen, Lars	Clayton, William	Cote, Peter
Craig, James	Drabinowicz, A Theresa	Dwyer, Paul	Foster, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Haley, Robert
Hall, Betty	Hopper, Gary	Jean, Claudette	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	LaFlamme, Paul
Lasky, Bette	Lefebvre, Roland	Leishman, Peter	Lynde, Harold
Martin, Mary Ellen	McDonough-Wallace, Alice	Melcher, Harold	Movsesian, Lori
Murphy, Robert	Palangas, Eric	Panagopoulos, Nicholas	Salts, Greg
Schulze, Joan	Seibel, Christopher	Shaw, Barbara	Sullivan, Peter
Sweeney, Cynthia			

MERRIMACK

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Daneault, Gabriel	Davis, Frank	French, Barbara	Gile, Mary
Greco, Vincent	Jacobson, Alf	Moore, Carol	Owen, Derek
Perkins, Randy	Potter, Frances	Reardon, Tara	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Soltani, Tony	Wallner, Mary Jane
Yeaton, Charles			

ROCKINGHAM

Blanchard, MaryAnn	Clark, Martha Fuller	Coes, Betsy	Downing, Michael
Kane, Cecelia	Kobel, Rudolph	Langley, Jane	McGuire, Robert
Micklon, Stephanie	Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura
Pitts, Jacqueline	Quandt, Marshall	Quandt, Matthew	Robertson, Carl
Shultis, Elizabeth	Splaine, James	Weatherspoon, Jacquelyne	Weyler, Kenneth

STRAFFORD

Albert, Russell	Berube, Roger	Brennan, William	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Ferland, Paul
Gilmore, Gary	Goodwin, Earle	Grassie, Anne	Heon, Richard
Hughes, Christopher	Johnson, Nancy	Kaen, Naida	Knowles, William

McCarthy, Gerald	Pelletier, Arthur	Proulx, Raymond	Rollo, Michael
Smith, Marjorie	Spang, Judith	Taylor, Kathleen	Tsiros, William
Wall, Janet	Woodill, Rodney		

SULLIVAN

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

and the report was adopted.

Ordered to third reading.

SB 3, apportioning congressional districts. **OUGHT TO PASS**

Rep. Robert E. Clegg, Jr. for Election Law: SB 3 is the Senate proposal for redistricting the congressional districts. With the increased population in the state, each congressional district should have a population of 617,893. The lines were redrawn to meet the new population requirements, criteria adopted by the Senate, and constitutional requirements. There was no testimony in opposition to SB 3. Vote 13-2.

Report adopted.

Ordered to third reading.

Rep. Jeb Bradley declared a conflict of interest and did not participate.

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. **OUGHT TO PASS**

Rep. John S. Cobb for Environment and Agriculture: The bill presented to the committee would extend the date for transfer of funds from the motor oil discharge cleanup fund to the oil pollution control fund. It will also establish new full time temporary positions for conducting compliance inspections and processing claims. Vote 13-1.

Report adopted.

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. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rogers J. Johnson for Finance: This bill requires the Judicial Conduct Commission to review every judge once every seven years, and it establishes the process to accomplish this goal. The

amendment changes the date the reviews are to start to January 1, 2004. The amendment also requires additional support for the Commission from the Department of Administrative Services and the State Library. The Commission is further empowered to come before the Fiscal Committee for legal expenses. Finally, the lapse date in the Commission's current appropriation is changed to the end of the current biennium, rather than annually. Vote 14-6.

Amendment (2953h)

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

AN ACT relative to the judicial conduct commission and making an appropriation therefor.

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

3 New Sections; Administrative Support; Legal Costs. Amend RSA 494-A by inserting after section 17 the following new sections:

494-A:18 Administrative Support. Notwithstanding RSA 494-A:1, upon request of the commission, the department of administrative services shall assist the commission in matters related to personnel and benefits administration, purchasing, telecommunications, financial data management, and property management. Upon request of the commission, the state library shall assist the commission in development and maintenance of a web page on the official state website.

494-A:19 Legal Costs. With the approval of the joint legislative fiscal committee, the commission may employ counsel, attorneys, and other assistants, in case of reasonable necessity, and may pay them reasonable compensation. The governor is authorized to draw a warrant for the costs of such compensation out of any money in the treasury not otherwise appropriated.

4 Appropriation Made Non-lapsing. Amend 2001, 267:8 to read as follows:

267:8 Appropriation. The sum of [~~\$125,000 for the fiscal year ending June 30, 2002 and the sum of \$250,000 for the fiscal year~~] **\$375,000 for the biennium** ending June 30, 2003 [~~are~~] **is** hereby appropriated to the judicial conduct commission established by this act, for the purposes of the administration of the provisions of this act. The governor is authorized to draw a warrant for said [~~sums~~] **sum** out of any moneys in the treasury not otherwise appropriated.

5 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 2004.

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

AMENDED ANALYSIS

This bill requires each judge to be reviewed by the judicial conduct commission every 7 years.

The bill authorizes the department of administrative services and the state library to assist the judicial conduct commission in certain areas. The bill permits the commission, with the approval of the legislative fiscal committee, to employ counsel, attorneys, and other assistants, in case of reasonable necessity, and makes a continual appropriation for such purpose.

The bill also makes an appropriation to the judicial conduct commission for the 2002 fiscal year non-lapsing.

Adopted.

Rep. Espiefs spoke against and yielded to questions.

Rep. Rogers Johnson spoke in favor.

Rep. Herman requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 219 NAYS 112

YEAS 219

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Flanders, Donald
Holbrook, Robert	Lawton, David	Millham, Alida	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	Torressen, Gary		

CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Liebl, George	Manning, Joseph	Pratt, John
Smith, Edwin			

COOS

Davis, Perley	Gallus, John	Horton, Lynn	Pratt, Leighton
Rozek, Michael	Tholl, John Jr	Woodward, David	

GRAFTON

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

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Andosca, Mary	Artz, Lawrence
Balboni, Michael	Baroody, Benjamin	Batula, Peter	Bergeron, Jean-Guy
Bouchard, David	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Buckley, Raymond	Calawa, Leon Jr	Carlson, Donald	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr	Cote, Peter
Coughlin, Pamela	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	Gleneck, David	Golding, William	Gonzalez, Carlos
Goulet, Maurice	Graham, John	Greenberg, Gary	Guinta, Frank
Hall, Charles	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Claudette	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaFlamme, Paul	LaRose, Richard	Lasky, Bette	Lessard, Rudy
Martel, Andre	Martin, Mary Ellen	McRae, Karen	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	O'Connell, Timothy
Palangas, Eric	Panagopoulos, Nicholas	Pappas, Marc	Pepino, Leo
Reeves, Sandra	Rowe, Robert	Salts, Greg	Sargent, Maxwell
Souza, Kathleen	Sullivan, Peter	Sweeney, Cynthia	Tahir, Saghir
Tate, Joan	Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert
White, Donald			

MERRIMACK

Anderson, Eric	Fraser, Leo Jr	Greco, Vincent	Hess, David
Hutchinson, John	Kennedy, Richard	L'Heureux, Stephen	Leber, William
MacKay, James	Swindlehurst, John	Whalley, Michael	Winter, Steven

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bowles, Raimond
Boynton, James	Bridle, Russell	Camm, Kevin	Carson, Sharon
Chalbeck, Kevin	Clark, Martha Fuller	Clark, Vivian	Corbin, Corey
Cox, Russell	Dalrymple, Janeen	DiFruscia, Anthony	Dowling, Patricia
Downing, Michael	Dumaine, Dudley	Fesh, Bob	Flanagan, Natalie
Francoeur, Sheila	Gleason, John	Hamel, Albert	Henderson, Warren
Hill, Jonathan	Hutchinson, Karen	Introne, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Major, Norman	McGuire, Robert
McKinney, Betsy	Micklon, Stephanie	Morse, Charles	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Priestley, Anne	Putnam, Ed II
Robertson, Carl	Ruffner, Walter	Saia, Pamela	Sapareto, Frank
Sloan, Stephen	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Welch, David	Weyler, Kenneth	Whittier, John	

STRAFFORD

Albert, Russell	Bickford, David	Cossette, Larry	Ferland, Paul
Gilmore, Gary	Grassie, Anne	Harrington, Michael	Heon, Richard
Hughes, Christopher	McCarthy, Gerald	Reid, Christopher	Rollo, Michael
Smith, Marjorie	Twombly, James	Wall, Janet	Woods, Phyllis

SULLIVAN

Cloutier, John	Jones, Constance	Leone, Richard	Odell, Bob
Rodeschin, Beverly			

NAYS 112

BELKNAP

Pilliod, James

CARROLL

Quimby, Lee

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espieffs, Peter
McGuirk, Paul	Meador, David	Mitchell, McKim	Richardson, Barbara
Zerba, Roger			

COOS

Bradley, Paula	Landers, Dana	Rodrigue, Robert
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GRAFTON

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

HILLSBOROUGH

Bergin, Peter	Clayton, William	Craig, James	Dokmo, Cynthia
Drabinowicz, A Theresa	Dwyer, Paul	Eaton, Richard	Goley, Jeffrey
Gorman, Mary	Hall, Betty	Johnson, Lionel	Kacavas, John
Keye, Harvey	Konys, Christine	Leach, Edward	Lefebvre, Roland
Leishman, Peter	Lynde, Harold	McDonough-Wallace, Alice	Melcher, Harold
Movsesian, Lori	Murphy, Robert	Peterson, Andrew	Schulze, Joan
Spiess, Paul			

MERRIMACK

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Colcord, J D	Cummings, Raymond	Daneault, Gabriel	Davis, Frank
Feuerstein, Martin	French, Barbara	Gile, Mary	Hager, Elizabeth
Jacobson, Alf	Lockwood, Priscilla	Maxfield, Roy	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Rodd, Beth
Rush, Deanna	Seldin, Gloria	Soltani, Tony	Wallner, Mary Jane
Yeaton, Charles			

ROCKINGHAM

Blanchard, MaryAnn	Cooney, Richard	Gilbert, Karl	Holland, James Jr
Johnson, Robert	Kane, Cecelia	Kelley, Jane	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Quandt, Marshall	Quandt, Matthew
Shultis, Elizabeth	Splaine, James	Weatherspoon, Jacquelyne	Zolla, William

STRAFFORD

Berube, Roger	Brennan, William	Brown, Julie	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Goodwin, Earle	Johnson, Nancy
Kaen, Naida	Knowles, William	Pelletier, Arthur	Proulx, Raymond
Spang, Judith	Taylor, Kathleen	Tsiros, William	Woodill, Rodney

SULLIVAN

Allison, David	Ferland, Brenda	Harris, Joseph	Harris, Sandra
Phinizy, James	Robb, Amy		

and the report was adopted.

Ordered to third reading.

Reps. Burling, John Flanders and Royce declared a conflict of interest and did not participate.

HB 1102, establishing a hazardous waste coordinator certificate program and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. MaryAnn N. Blanchard for Finance: This bill as amended establishes a hazardous waste coordinator certification program and makes a supplemental one-time \$40,625 appropriation from the existing hazardous waste fund. No general funds required. The amendment makes technical corrections, grammatical changes and reallocates funds to match the program's need and adjusts start-up dates to allow for program development prior to full implementation. Vote 20-0.

Amendment (2883h)

Amend the bill by replacing section 2 with the following:

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

III.(a) 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.

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

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

FY 2003

10 PERSONAL SERVICES – PERMANENT	[~~1,160,459~~]	1,199,069
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
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	
94 TUITION	7,000	
95 TECH ASSIST HW COORD		10,385
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

6 New Position. The department of environmental services is authorized to establish one waste management specialist IV, salary grade 26.

7 Effective Date.

I. Sections 1-4 of this act shall take effect January 1, 2003.

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

Adopted.

Report adopted and ordered to third reading.

HB 1464-FN, prohibiting human cloning in New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Alida I. Millham for the Majority of Health, Human Services and Elderly Affairs: Human cloning is an important issue for all of us to consider. The majority of the committee agrees, but felt

HB 1464-FN is not a response that would offer an adequate policy statement for New Hampshire at this time. The whole committee expressed opposition to cloning for the purpose of producing a human live birth, but the majority of the committee felt the bill went too far in restricting/preventing research. The possibility of a study committee was discussed. The majority agreed that human cloning, (including definitions and determining where the issue of cloning begins) is a complex subject and requires work and understanding that goes beyond the capability of a legislative interim study. There was no evidence presented to the committee that any New Hampshire organization has cloned or is planning to clone for reproduction. Nor was there evidence presented that any other organization in this country has produced anything beyond several cell divisions. The debate surrounds the difference between appropriate valid, ethical medical research and cloning for reproduction. HB 1464, as written, would not allow any research on any human cells that may be considered "cloned". We are on the frontier of many aspects of biotechnology research. It is important that any legislation defining the parameters of that research be carefully crafted to include the kinds of research that can be supported ethically and prevent those activities that cannot be supported. Therefore, the majority of the Health and Human Services and Elderly Affairs Committee recommends Inexpedient to Legislate. Vote 10-7.

Rep. Fran Wendelboe for the Minority of Health, Human Services and Elderly Affairs: This legislation is not intended to prevent stem cell research, tissue regeneration or grafting. This bill would prohibit a research firm from producing human embryo clones. All clones so produced whether for "reproductive cloning" or "therapeutic cloning" always result in the destruction of human beings at the embryonic stage of life when their stem cells are harvested. While the abortion issue tends to be mixed into this debate, it should be noted that the termination of an unintended pregnancy is far different from the purposeful creation of a human embryo with the clear intention of killing it after or during harvest. The Council for Responsible Genetics stated, "we are an organization who unequivocally support a woman's right to make her own reproductive decisions... Our organization's position against technologies that manipulate, clone, and genetically alter human embryos does not derive from any notion of the sanctity of the embryo, nor from attributing to its status of a human being." Their concern centers on the over-hyping of another scientifically questionable biotechnology driven by investor's hopes and will inevitably lead to calls to extend the lifespan of clonal embryos so as to permit harvesting developmentally more advanced embryos up to demands to use full-term clones from which to harvest organs. The prospect of creating new human life solely to be exploited (reproductive cloning) or destroyed (therapeutic cloning) in these ways is wrong to many on moral grounds and thought to display a profound disrespect for life. This is a slippery slope that our state should not embark on.

Reps. Souza and Mirski spoke against.

Reps. Millham and Sandra Harris spoke in favor.

Rep. Gonzalez spoke against and yielded to a question.

Rep. Corbin spoke in favor and yielded to questions.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 233 NAYS 100

YEAS 233

BELKNAP

Czech, Stanley	Flanders, Donald	Holbrook, Robert	Millham, Alida
Nedeau, Stephen	Pilliod, James	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Salatiello, Thomas	Thomas, John	

CARROLL

Babson, David Jr	Bradley, Jeb	Mock, Henry	Patten, Betsey
Quimby, Lee	Sullivan, P Judith		

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Dexter, Judson	Emerson, Susan	Espieffs, Peter	Liebl, George
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, John
Richardson, Barbara	Royce, H Charles	Slack, Pamela Russell	Smith, Edwin
Zerba, Roger			

COOS

Bradley, Paula	Davis, Perley	Gallus, John	Horton, Lynn
Landers, Dana	Rodrigue, Robert	Rozek, Michael	Tholl, John Jr
Woodward, David			

GRAFTON

Akins, Ralph	Almy, Susan	Barker, Robert	Benn, Bernard
Cooney, Mary	Lovett, Sid	Marshall, Gene	Naro, Debra
Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy	Sokol, Hilda
Ward, Brien	Williams, Burton		

HILLSBOROUGH

Alukonis, David	Andosca, Mary	Baroody, Benjamin	Bergin, Peter
Bouchard, David	Buckley, Raymond	Calawa, Leon Jr	Carlson, Donald
Christensen, D L Chris	Christiansen, Lars	Clayton, William	Cote, Peter

Coughlin, Pamela	Craig, James	Dionne, Kimberley	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Dwyer, Paul	Dyer, Merton
Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr	Ford, Nancy
Foster, Linda	Furman, Christine	Gargasz, Carolyn	Ginsburg, Ruth
Gleneck, David	Golding, William	Goley, Jeffrey	Gorman, Mary
Graham, John	Greenberg, Gary	Hall, Betty	Hall, Charles
Holden, Randolph	Jean, Claudette	Johnson, Lionel	Kacavas, John
Keye, Harvey	Konys, Christine	Kurk, Neal	LaRose, Richard
Lasky, Bette	Lefebvre, Roland	Leishman, Peter	Lessard, Rudy
Lynde, Harold	Melcher, Harold	Mercer, Robert	Messier, Irene
Moran, Edward	Movsesian, Lori	O'Connell, Timothy	Palangas, Eric
Panagopoulos, Nicholas	Pepino, Leo	Rowe, Robert	Sargent, Maxwell
Schulze, Joan	Spiess, Paul	Sweeney, Cynthia	Thulander, O Alan
Wheeler, Robert			

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Burney, Carol
Clarke, Claire	Colcord, J D	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	Owen, Derek	Perkins, Randy	Potter, Frances
Reardon, Tara	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Swindlehurst, John	Wallner, Mary Jane	Yeaton, Charles	

ROCKINGHAM

Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn	Bowles, Raimond
Clark, Martha Fuller	Clark, Vivian	Cooney, Richard	Corbin, Corey
Cox, Russell	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Gilbert, Karl
Gleason, John	Hutchinson, Karen	Kane, Cecelia	Katsakiores, George
Kelley, Jane	Kobel, Rudolph	Langone, John	Major, Norman
McGuire, Robert	McKinney, Betsy	Micklon, Stephanie	Morse, Charles
Norelli, Terie	Nowe, Ronald	O'Neil, Michael	Pantelakos, Laura

Pitts, Jacqueline
Sapareto, Frank
Stritch, C Donald

Robertson, Carl
Shultis, Elizabeth
Weatherspoon,
Jacquelyne

Ruffner, Walter
Sloan, Stephen
Whittier, John

Saia, Pamela
Splaine, James

STRAFFORD

Bickford, David
DeChane, Marlene
Gilmore, Gary
Hughes, Christopher
Pelletier, Arthur
Smith, Marjorie
Woodill, Rodney

Brennan, William
Dunlap, Patricia
Goodwin, Earle
Johnson, Nancy
Proulx, Raymond
Spang, Judith

Brown, Julie
Estabrook, Iris
Grassie, Anne
Kaen, Naida
Reid, Christopher
Taylor, Kathleen

Cossette, Larry
Ferland, Paul
Heon, Richard
Knowles, William
Rollo, Michael
Wall, Janet

SULLIVAN

Allison, David
Franklin, Peter
Leone, Richard

Burling, Peter
Harris, Joseph
Odell, Bob

Cloutier, John
Harris, Sandra
Phinizy, James

Ferland, Brenda
Jones, Constance
Robb, Amy

NAYS 100

BELKNAP

Bartlett, Gordon

Boyce, Laurie

Lawton, David

Wendelboe, Fran

CARROLL

Dickinson, Howard
Torressen, Gary

Kenney, Joseph

Philbrick, Donald

Stevens, Stanley

CHESHIRE

Edwards, Dana

Fairbanks, Chandler

Manning, Joseph

COOS

Guay, Lawrence

Pratt, Leighton

GRAFTON

Alger, John	Cobb, John	Dudley, Terri	Eaton, Stephanie
Gabler, William	Gilman, G Michael	Giuda, Robert	Mirski, Paul
Scanlan, David	Sova, Charles		

HILLSBOROUGH

Allan, Nelson	Artz, Lawrence	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Brundige, Robert	Bruno, Pierre	Chabot, Robert
Clegg, Robert Jr	Desrosiers, William	Fields, Dennis	Gonzalez, Carlos
Goulet, Maurice	Guinta, Frank	Herman, Keith	Hopper, Gary
Jean, Loren	L'Heureux, Robert	LaFlamme, Paul	Martel, Andre
Martin, Mary Ellen	McDonough-Wallace, Alice	McHugh, Claire	McRae, Karen
Milligan, Robert	Murphy, Robert	Pappas, Marc	Reeves, Sandra
Salts, Greg	Souza, Kathleen	Sullivan, Peter	Tahir, Saghir
Tate, Joan	Vaillancourt, Steve	White, Donald	

MERRIMACK

Hutchinson, John	Leber, William	Soltani, Tony	Whalley, Michael
Winter, Steven			

ROCKINGHAM

Arndt, Janet	Boynton, James	Bridle, Russell	Camm, Kevin
Carson, Sharon	Chalbeck, Kevin	Dalrymple, Janeen	Dumaine, Dudley
Fesh, Bob	Hamel, Albert	Henderson, Warren	Hill, Jonathan
Holland, James Jr	Introne, Robert	Johnson, Robert	Johnson, Rogers
Katsakiores, Phyllis	Langley, Jane	Letourneau, Robert	Packard, Sherman
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Stone, Joseph	Varrell, Thomas	Welch, David	Weyler, Kenneth
Zolla, William			

STRAFFORD

Albert, Russell	Berube, Roger	Harrington, Michael	McCarthy, Gerald
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Twombly, James

Woods, Phyllis

SULLIVAN

Rodeschin, Beverly

and the majority committee report was adopted.

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

HB 1478-FN-A, relative to public health emergency preparation and response. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: September 11, 2001 frighteningly erased our hopes that bioterrorism would not strike this country. Now we are being warned that we may well be subject to further and more devastating attacks. This bill both enables the state to prepare for and respond to a potential bioterrorism event in New Hampshire. This amendment to HB 1478 amends existing statutes: Chapter 141-C regarding communicable disease and the Chapter 107-C which deals with the state's emergency response structure. This bill clarifies communicable disease reporting requirements to allow the Office of Community and Public Health to more quickly identify and respond to diseases that threaten public health. It defines the duties of the Department of Health and Human Services in identifying communicable diseases that could pose a threat to our citizens, providing prevention services and conducting such public health services as are needed prior to the declaration of an emergency. Also, it provides additional protections for confidential information reported to the state. The existing and new statutes, both before and during a declared emergency by the governor, attempt to protect New Hampshire citizens during a variety of public health emergencies without abrogating civil rights. A number of protections have been added, including a due process clause (141-C: 14(a)). Individuals ordered to undergo examinations, vaccinations, treatment, isolation or quarantine have the right to contest such an order utilizing a simple form provided to the person to be presented to the superior court which must act within 48 hours. This legislation also contains a sunset provision. The governor's authority to declare an emergency is terminated automatically unless the general court approves its extension. A joint legislative oversight committee is established so that the legislature can monitor the activities required by this bill and to study needed refinements to the statute and to recommend new legislation. A section is added to RSA 125-F establishing the Radiation User and Laboratory Fees Fund. Finally, it provides for legislative approval by legislative fiscal committee of new positions required to carry out the activities under this act. Federal funds will cover 100% of the costs of new positions. Vote 16-0.

Amendment (2954h)

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

1 Statement of Purpose. Following the terrorist attacks of September 11, 2001 and in the aftermath of the anthrax bioterrorism attacks, it is hereby recognized that additional steps must be taken to assure homeland security. The United States Government has recognized that homeland security is dependent on state and local emergency response and public health entities and the critical role they fulfill in responding to natural and man-made disasters, bioterrorist attacks, and infectious disease outbreaks. As evidenced in the wake of the 2001 terrorist attacks, comprehensive and coordinated statewide emergency response systems are crucial to New Hampshire's security.

New Hampshire's constitution reinforces the roles that the governor, legislature and other state officials and agencies have in assuring the health, safety, and well-being of the citizens of New Hampshire. It is therefore the purpose of this act to:

I. Improve state and local capacity to plan and respond to natural and man-made disasters and public health emergencies by developing state specific, comprehensive emergency plans.

II. Upgrade core public health functions at the state and local level such as infectious disease surveillance and investigation and enhancing public health laboratory capacity to stay current with the latest scientific and technological advances that would assist in mitigating the destructive impact of a bioterrorist attack or other emergency.

III. Improve connectivity and timely communication among hospitals, emergency responders, local officials, and state departments to assure rapid detection and deployment of resources to respond to an emergency.

IV. Assess and enhance the readiness of hospital and other medical, community-based systems to deal with large numbers of casualties by creating regional hospital mutual aid agreements and clinical laboratory network agreements.

V. Assist in identifying and securing qualified, highly skilled personnel to participate in all levels of emergency preparation and response.

2 State of Emergency Declaration; Powers. Amend RSA 107-C:5 to read as follows:

~~107-C:5 State of Emergency Powers. [The provisions of this section shall be operative only during the existence of a state of emergency. Such state of emergency may be proclaimed by the governor or by a joint resolution of the house and senate if the governor or the legislature in such resolution finds that a natural, technological or man-made disaster of major proportions is imminent or has occurred within this state, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section. During such period as such state of emergency exists or continues]~~

I. The governor shall have the power to declare a state of emergency if the governor finds that a natural, technological or man-made disaster of major proportions is imminent or has occurred within this state, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section. A state of emergency shall be declared by an executive order that specifies the:

(a) Nature of the emergency;

(b) Political subdivisions or geographic areas subject to the declaration;

(c) Conditions that have brought about the emergency; and

(d) Duration of the state of emergency, if less than 7 days.

II. The state of emergency shall terminate as follows:

(a) The governor shall terminate a state of emergency by executive order on finding that it is no longer justified.

(b) Notwithstanding any other provision of this chapter, a state of emergency shall be terminated automatically after 7 days unless within that period its extension is approved by the legislature or, if either the senate president or the speaker of the house determines that the senate or the house of representatives is unable to meet, by the joint legislative facilities committee.

III. During the existence of a state of emergency, and only for so long as such state of emergency shall exist, the governor shall have and may exercise the following additional emergency powers:

~~[I.]~~ **(a)** To enforce all laws, rules, and regulations relating to emergency management and to assume control of any or all emergency management forces and helpers in the state.

~~[II.]~~ **(b)** To sell, lend, lease, give, transfer, receive, or deliver materials or perform services for emergency management purposes on such terms and conditions as the governor shall prescribe and without regard to the limitations of any existing law, and to account to the state treasurer for any funds received for such property.

~~[III.]~~ **(c)** To provide for and compel the evacuation of all or part of the population from any stricken or threatened area or areas within the state and to take such steps as are necessary for the receipt and care of such evacuees.

~~[IV.]~~ **(d)** Subject to the provisions of the state constitution, to remove from office any public officer having administrative responsibilities under this chapter. Such removal shall be upon charges after service upon such person of a copy of such charges and after giving him an opportunity to be heard in his defense. Pending the preparation and disposition of charges, the governor may suspend such person for a period not exceeding 30 days. A vacancy resulting from removal or suspension pursuant to this section shall be filled by the governor until it is filled as otherwise provided by law.

~~[V.]~~ **(e)** To perform and exercise such other functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population.

~~[VI.]~~ **(f)** To declare an emergency temporary location or locations for the seat of state government at such place or places within this state as the governor may deem advisable under the circumstances and to take such action and issue such orders as may be necessary for an orderly transaction of the affairs of state government to such emergency temporary location or locations. Such emergency temporary location or locations shall remain the seat of government until the legislature shall by law establish a new location or locations or until the state of emergency is declared to be ended by the governor and the seat of government is returned to its normal location.

3 New Sections; Public Health Powers and Duties; Safe Disposal of Corpses; Oversight Committee. Amend RSA 107-C by inserting after section 16 the following new sections:

107-C:17 Public Health Powers and Duties. During the existence of a state of emergency under this chapter, the commissioner of health and human services shall have the following powers and duties which are in addition to those set forth in RSA 141-C:

I. Subject to the direction and control of the governor, the commissioner shall have the responsibility and authority to carry out all public health activities within the state in cooperation and collaboration with the office of emergency management.

II. The commissioner may, with or without the approval of the governor's council, purchase and distribute anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents that the commissioner deems in the interest of public health.

III. If there is a statewide or regional shortage or threatened shortage of any anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, the commissioner may control, restrict and ration the use, sale, dispensing, distribution, or transportation of such products as necessary to best protect the health, safety, and welfare of the people of this state. In making rationing or other supply and distribution decisions, the commissioner may give preference to health care providers, disaster response personnel, and mortuary staff.

107-C:18 Safe Disposal of Corpses. The commissioner of health and human services, with the assistance of the chief medical examiner, may exercise the following powers relative to the safe disposal of corpses:

I. Adopt and enforce such measures to provide for the safe disposal of corpses as may be necessary for emergency response.

II. Take possession and control of any corpse and direct the embalming, burial, cremation, interment, disinterment, transportation, and disposal of corpses.

III. Compel any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses under the laws of this state to accept any corpse or provide the use of its business or facility if such actions are necessary for emergency response.

IV. Procure, by condemnation or otherwise, any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses as may be necessary for emergency response.

V. Compel any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses under the laws of this state to clearly label any corpse with all available information necessary to identify the decedent and the cause of death.

VI. Compel any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses under the laws of this state having custody of a corpse of a person known or believed to have had an infectious disease to clearly label the corpse with a tag indicating that the corpse is so infected and indicating, if known, the infectious disease.

VII. Compel every person in charge of disposing of any corpse to maintain a written record of each corpse and all available information to identify the decedent.

107-C:19 Joint Legislative Oversight Committee.

I. A joint legislative oversight committee on the emergency management system is hereby established.

II. The committee shall consist of 9 members:

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

(b) Three senators, appointed by the senate president.

III. The committee shall elect from its membership a chairperson, a vice-chairperson and a clerk. All members shall be appointed to serve on the committee for a term coterminous with the term of their elected legislative office, and may be reappointed if reelected to the same office. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee shall:

(a) Provide legislative oversight and serve as the legislative liaison for the emergency management system.

(b) Develop, with the assistance of the department of health and human services and other appropriate agencies, a grid which outlines a gradation of emergency conditions and describes the powers authorized for each level of emergency.

(c) Conduct a continuing study of the major problems and concerns regarding planning, testing, and implementation of states of emergency.

(d) Hold such public hearings as may be necessary on matters pertaining to the emergency management system.

V. 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 of each year, beginning November 1 of 2003.

4 Fees. Amend RSA 125-F:8, III to read as follows:

III. ***Except as provided in paragraph IV***, all fees collected under this section shall be forwarded to the state treasurer to be deposited in the general fund.

IV. Any increase in fees after the effective date of this paragraph and collected under this section shall be deposited in the radiation user and laboratory fees fund established in RSA 125-F:8-b and shall be used solely for the administration of the department's responsibilities under this chapter.

5 New Section; Radiation User and Laboratory Fees Fund. Amend RSA 125-F by inserting after section 8-a the following new section:

125-F:8-b Radiation User and Laboratory Fees Fund. There is hereby established the radiation user and laboratory fees fund to be used to carry out the provisions of this chapter. The fund shall be composed of fees collected in accordance with RSA 125-F:8, IV. The fund shall be

nonlapsing and shall be continually appropriated to the commissioner for the purposes of this chapter.

6 Definition; Communicable Disease. RSA 141-C:2, VI is repealed and reenacted to read as follows:

VI. "Communicable disease" means illness due to a microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, which may be transmitted directly or indirectly to any person from an infected person, animal or arthropod (including insecta or arachnida) or through the vehicle of an intermediate host, vector, or inanimate environment.

7 New Paragraph; Definition Added; Health Care Provider. Amend RSA 141-C:2 by inserting after paragraph X the following new paragraph:

X-a. "Health care provider" means any person who or entity which provides health care services including, but not limited to, hospitals, medical clinics and offices, clinical laboratories, physicians, naturopaths, chiropractors, pharmacists, dentists, registered and other nurses, and nurse practitioners, paramedics, and emergency medical technicians.

8 New Paragraph; Definition Added; Protected Health Information. Amend RSA 141-C:2 by inserting after paragraph XII the following new paragraph:

XII-a. "Protected health information" means any information, whether in oral, written, electronic visual, or any other form, that relates to an individual's physical or mental health status, condition, treatment, service, products purchased, or provision of care, and that reveals the identify of the individual whose health care is the subject of the information, or where there is a reasonable basis to believe such information could be utilized (either alone or with other information that is, or should reasonably be known to be, available to predictable recipients of such information) to reveal the identify of that individual.

9 Rulemaking. Amend RSA 141-C:6, III to read as follows:

III. Reporting [~~communicable diseases~~] **required** under RSA 141-C:7.

10 New Paragraphs; Rulemaking Added. Amend RSA 141-C:6 by inserting after paragraph XVIII the following new paragraphs:

XIX. Identifying laboratory isolates of reportable microorganisms to be retained or forwarded to the public health laboratories.

XX. Establishing a registry of biological agents present in New Hampshire.

11 Reporting of Communicable Disease. RSA 141-C:7 is repealed and reenacted to read as follows:

141-C:7 Reporting of Communicable Disease. Upon the appearance of any communicable disease listed under RSA 141-C:8, any health care provider, clinical laboratory director, the superintendent or other person in charge of any hospital, or other health care facility, or any other person having under his or her care or observation a person afflicted with a communicable disease,

or who has reason to believe that a person was or might have been afflicted with a communicable disease at the time of death, shall report the communicable disease immediately to the commissioner, and shall provide such additional information and periodic reports as required under RSA 141-C:9, I.

II. Any veterinarian, livestock owner, veterinary diagnostic laboratory director, or other person engaged in the care of animals shall report animals having or suspected of having any disease that may cause a communicable disease in humans.

III. Any clinical laboratory director shall forward to the department's public health laboratory isolates of reportable infectious microorganisms as specified by the commissioner. In addition, any clinical laboratory director performing any testing for reportable diseases shall retain the original patient specimens for 7 days after issuing a final test result for diseases specified by the commissioner and shall submit such specimens to the public health laboratories upon request.

IV. In addition to the foregoing requirements for health care providers, a pharmacist shall report, if required under rulemaking procedures by the commissioner, any unusual or increased types of prescriptions, or unusual trends in pharmacy visits that may be caused by a communicable disease. Prescription-related events that require a report may include, but are not limited to:

(a) An unusual increase in the number of prescriptions to treat fever, respiratory, or gastrointestinal complaints.

(b) An unusual increase in the number of prescriptions for antibiotics.

(c) An unusual increase in the number of requests for information on over-the-counter pharmaceuticals to treat fever, respiratory, or gastrointestinal complaints.

12 Reportable Information. Amend RSA 141-C:8 to read as follows:

141-C:8 List of Diseases; Report Forms. The commissioner shall compile a list of reportable communicable diseases necessary to protect the citizenry. The commissioner shall develop and provide a form for the reporting of communicable diseases under this section. The form shall include, at a minimum, the name, age, address, occupation, and place of occupation of the person.

Reportable information shall not include psychiatric, psychological, or other mental health records or information.

13 New Paragraph; Specimens or Samples. Amend RSA 141-C:9 by inserting after paragraph II the following new paragraph:

III. Any specimens or samples acquired or collected by the commissioner under this chapter shall be destroyed when they are no longer needed for the purpose for which they were acquired or collected. No such sample or specimen shall be subject to genetic testing as defined in RSA 141-H.

14 Disclosure; Confidentiality. RSA 141-C:10 is repealed and reenacted to read as follows:

141-C:10 Disclosure; Confidentiality.

I. Any protected health information provided to or acquired by the department under this chapter shall be released only with the informed, written consent of the individual or to those

authorized persons having a legitimate need to acquire or use the information and then only so much of the information as is necessary for such persons to provide care and treatment to the individual who is the subject of the protected health information, investigate the causes of disease transmission in the particular case, or control the spread of the disease in the particular case. Any release of information under this section without the informed, written consent of the individual shall be conditioned upon the protected health information remaining confidential.

II. Analyses and compilations of data which do not disclose protected health information shall be available to the public under RSA 91-A.

III. The physician-patient privilege shall not apply to information required to be reported or provided to the commissioner under this chapter.

IV. Protected health information acquired or disclosed by the commissioner pursuant to this chapter shall be expunged by the commissioner and any person possessing such information when such information is no longer needed for the purpose for which it was acquired or disclosed.

15 Orders. RSA 141-C:12, III is repealed and reenacted to read as follows:

III. When an individual subject to an order for isolation or quarantine refuses to cooperate with such order, the commissioner may issue a complaint, which shall be sworn to before a justice of the peace. Such complaint shall set forth the reasons for the order imposing isolation or quarantine and the place or facility where the individual shall be isolated or quarantined. Upon being presented with such an order, any law enforcement officer shall take such individual into custody and transport the individual to the place or facility where the individual is to be isolated or quarantined.

16 New Paragraph; Evading Quarantine; Breaking Quarantine. Amend RSA 141-C:13 by inserting after paragraph II the following new paragraph:

III. When an individual subject to an order for isolation or quarantine refuses to cooperate with such order, the commissioner may issue a complaint, which shall be sworn to before a justice of the peace. Such complaint shall set forth the reasons for the order imposing isolation or quarantine and the place or facility where the individual shall be isolated or quarantined. Upon being presented with such an order, any law enforcement officer shall take such individual into custody and transport the individual to the place or facility where the individual is to be isolated or quarantined.

17 New Section; Due Process. Amend RSA 141-C by inserting after section 14 the following new section:

141-C:14-a Due Process.

I. Any person subject to an order for examination, vaccination, treatment, isolation, or quarantine, or any other order of the commissioner under this chapter may request a hearing in the superior court to contest such order. The commissioner shall provide, or cause to be provided, to the person both oral and written notice of the right to contest the order and the form for making the request, which form shall require no more than the person's name, address, and signature and the time and date of the signature.

II. Submission of the completed form to the law enforcement officer or other individual serving the order shall be considered a filing with the superior court and such officer or other individual shall promptly deliver the form to the superior court.

III. The superior court shall schedule a hearing and render a decision upon the request within 48 hours of the time the request was made. If the court determines that exigencies related to protection of the health of the public preclude a hearing and decision within the 48-hour period, the hearing and decision may take place within a suitable time as determined by the court, but in no event later than 120 hours after the time the request was made.

IV. No examination, vaccination, treatment, or other action shall be provided against the will of a person who has filed a request for a hearing until the court has issued a decision upholding the commissioner's order; however, the person may be held in isolation or quarantine pending the outcome of the court hearing, but may no longer be held if the court fails to render its decision within the time period required under paragraph III.

V. At the hearing the burden of proof shall be on the commissioner to prove by clear and convincing evidence that the person poses a threat to public health and the order issued by the commissioner is thereby warranted to alleviate such threat.

VI. All orders issued under this chapter shall be in writing and a copy shall be provided to the person subject to the order at the time it is served. Every person who contests an order of the commissioner under this chapter shall be given a copy of the executed form contesting such order.

18 New Paragraph; Treatment, Care of Sick; Costs. Amend RSA 141-C:15 by inserting after paragraph V the following new paragraph:

VI. When an individual subject to an order for treatment by the commissioner refuses to undergo such ordered treatment, the commissioner may issue a complaint, which shall be sworn to before a justice of the peace. Such complaint shall set forth the reasons for the order imposing treatment, the nature of the treatment to be provided, and the place or facility where the treatment shall be provided. Upon being presented with such an order, any law enforcement officer shall take such individual into custody and transport the individual to the place or facility where the treatment is to be provided.

19 New Section; Decontamination. Amend RSA 141-C by inserting after section 16 the following new section:

141-C:16-a Decontamination. The commissioner may close, direct and compel the evacuation of or decontamination of any facility where there is reasonable cause to believe that there is a danger to the public health. The commissioner may also decontaminate, or cause to be decontaminated, or destroy any material of which there is reasonable cause to believe may present imminent danger to the public health. Destruction of any material under this chapter shall be considered a taking of private property and shall be subject to the compensation provisions of RSA 107-C:7.

20 Provisions for Personnel Subject to Legislative Approval. The federal government has provided and will provide funds to support states in their preparation for and response to bioterrorism attacks, man-made disasters, and other emergencies. Upon acceptance and receipt, and in accordance with the regulations governing the use of such funds, the commissioner of health and human services may establish one or more classified and unclassified positions to enable the department to carry out the activities necessary to meet the purposes for which the funds are

provided. The establishment and the salary levels and labor grades of any such positions shall be subject to the approval of the legislative fiscal committee. No general funds shall be used to pay the salaries and benefits for the positions created under this section.

21 Repeal. The following are repealed:

- I. RSA 107-C:17, relative to public health powers and duties.
- II. RSA 107-C:18, relative to safe disposal of corpses.

22 Effective Date.

- I. Section 21 shall take effect July 1, 2004.
- II. The remainder of this act shall take effect July 1, 2002.

AMENDED ANALYSIS

This bill:

- I. Grants public health emergency authority to the commissioner of the department of health and human services which shall be exercised only when a state of emergency has been declared.
- II. Establishes a fund to be used for the administration of the radiological health program.
- III. Amends the communicable disease law to accommodate any illness or health condition that may be caused by a public health emergency.

Adopted.

Report adopted and ordered to third reading.

HB 1449-A, relative to the New Hampshire rivers management and protection program and making an appropriation therefor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard T. Cooney for the Majority of Resources, Recreation and Development: This bill, as amended, provides for a pilot program to move forward the development of Instream Flow Rules. The pilot program consists of the Lamprey and the Souhegan rivers. These rules will, in effect, determine who can draw water from our rivers, and how much they can draw, and when they can draw water, during low flow conditions. They will affect public water suppliers, agriculture, recreation, wildlife habitat, businesses, dam owners and our environment. The rules are designed to provide a fair and equitable process for all interests to "share the pain" of water restrictions during low flow conditions. These draft rules have had many public hearings and several major revisions over the past few years. It is now time to put them to the test. This bill requires an instream flow study and water management plan be developed for these two rivers. Two advisory committees are established for each river. Each committee consists of 11 members that include legislative members and members of each interest group. However, before these studies and plans are implemented, they must be approved by the legislature to allow for a public hearing with input from all interested parties and the public. Additional legislative oversight is maintained by extending the reporting date of the Committee to Study the Impact of Water Withdrawals on Instream Flows to December 1, 2004. This

is necessary because the draft rules employ an innovative process where all water users on the river reach a consensus on how each should adapt to the low flow conditions. There is a concern that there may be problems with this approach and this legislature needs to be involved in setting these very important water policies. A report from the Department of Environmental Services (DES) to the legislature is required by July 1, 2005. This bill also provides \$660,000 for the fiscal year ending June 30, 2003 for this pilot program. Vote 10-5.

Rep. Judith T. Spang for the Minority of Resources, Recreation and Development: This bill is unnecessary. After over a decade of study and negotiations among conservationists, regulatory agencies and water users, from hydroelectric plants to public water suppliers, the Department of Environmental Services (DES) has drawn up Instream Flow Rules which do a much better job than this bill. Through significant compromise, these rules now reduce the Rivers Management and Protection Program to a pilot study of two rivers. However, under HB 1449-A, technical and scientific experts on advisory committees proposed by the rules are replaced by politicians and interest groups. The water management advisory committees no longer include local municipalities, nor the local river management advisory committees, appointed for just such responsibilities. But worst of all, both the scientific work and the water allocation negotiations achieved with the river's water users can be vetoed by the legislature. The minority feels that this jeopardizes local decision-making on the local rivers in the pilot. Federal funding sources have also indicated a reluctance to support the pilot program if HB 1449-A is adopted, since there would be no assurance that lengthy and expensive work would lead to actual implementation of balanced water management and conservation of river resources.

Amendment (2881h)

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

AN ACT establishing a pilot program to study instream flow on the Lamprey River and the Souhegan River, and making an appropriation therefor.

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

1 Findings. The general court finds that it is in the interests of the state to do a comprehensive study regarding the establishment of protected instream flows and water management plans for 2 designated rivers and their tributary drainage areas. The general court finds that it is in the interests of the state to initially restrict instream flow rules to 2 rivers to ensure that adequate funding is available to develop the necessary protected instream flows and water management plans and to ensure that the department of environmental services will devote adequate attention to the effective and fair administration of the first application of instream flow regulation under the provisions of RSA 483. The general court also finds that the proposed protected instream flow and water management plan for each river should be approved by the legislature to allow for a public hearing with input from affected water users and the public.

2 Pilot Program Established; Instream Flow Rules for the Lamprey River and the Souhegan River.

I. There is established a pilot program for the purpose of studying instream flow on the Lamprey River and the Souhegan River, and their respective tributary drainage areas.

II. The commissioner of the department of environmental services shall adopt instream flow rules pursuant to RSA 541-A relative to the Lamprey River, as designated in RSA 483:15, I, and the Souhegan River, as designated in RSA 483:15, XIII. For each of the designated

rivers, the instream flow rules shall require that a protected instream flow study be conducted prior to the commissioner of the department of environmental services adopting a protected instream flow and a water management plan.

III. The commissioner of the department of environmental services shall not adopt rules relative to protected instream flows pursuant to RSA 483:9-c, or water management plans or rules relative to any other rivers designated in RSA 483:15 until the expiration of the pilot program.

3 Instream Flow Technical Review Committees; Establishment; Duties.

I.(a) There are established instream flow technical review committees to assist in implementing the provisions of the pilot program for the Lamprey River and the Souhegan River. Prior to beginning a protected instream flow study for each river, an instream flow technical review committee shall be appointed and convened. There shall be 11 members of the committee appointed as described by this paragraph.

(b) The duty of the committee shall be to advise the department on the preparation and conduct of the protected instream flow study. The committee may seek input from appropriate state and federal agencies as necessary.

(c) The committee shall serve until the department formally adopts and the legislature approves the protected instream flow for the river for which the committee was appointed.

(d) A committee member shall have either education or experience in instream flow protection. The members shall be as follows:

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

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

(3) Seven members, appointed by the governor and council, nominated by and representing the following interests: conservation, business interests on the river, recreational interests on the river, agricultural interests on the river, and dam owners on the river. There shall be at least one representative of each listed interest group, where applicable, provided that no interest group is represented by more than 2 members.

(e) The members of the committee shall elect a chairperson and vice-chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. Legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

(f) The instream flow technical review committee shall make annual reports regarding its progress and findings on or before November 11 of each year of its existence to the senate president, the speaker of the house of representatives, the governor, the commissioner of the department of environmental services, and the state library.

II.(a) There are established water management planning area advisory committees to assist in implementing the provisions of the pilot program for the Lamprey River and the Souhegan River. Prior to beginning a protected instream flow study for each river, a water management

planning area advisory committee shall be appointed and convened. There shall be 11 members of the committee appointed as described in this paragraph.

(b) The committee shall, with respect to the river for which the committee was appointed:

(1) Provide information towards the development of the protected instream flow and the water management plan;

(2) Review and comment on the water management plan; and

(3) Assist the department in hearings, negotiations, and public meetings related to the adoption of the protected instream flow and the water management plan.

(c) The committee shall serve until the department formally adopts and the legislature approves the water management plan relative to the river for which the committee was appointed.

(d) The members shall be as follows:

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

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

(3) Seven members, appointed by the governor and council, nominated by and representing the following interests: conservation, business interests on the river, recreational interests on the river, agricultural interests on the river, and dam owners on the river. There shall be at least one representative of each listed interest group, where applicable, provided that no interest group is represented by more than 2 members.

(e) The members of the committee shall elect a chairperson and vice-chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. Legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

(f) A water management planning area advisory committee shall make an interim report regarding its progress and findings on or before November 11 of each year of its existence to the senate president, the speaker of the house of representatives, the governor, the commissioner of the department of environmental services, and the state library.

III. The commissioner of the department of environmental services shall by November 1, 2005:

(a) Conduct protected instream flow studies and adopt protected instream flows and water management plans relative to the Lamprey River and the Souhegan River; and

(b) Submit a report that details the activities and results of the pilot program, including any recommendations for proposed legislation, to the senate president, the speaker of the house of representatives, the governor, and the state library. The report shall include the completed instream flow studies and the adopted protected instream flows and water management plans. No

protected instream flows or water management plans shall take effect until approved by the legislature.

4 Position Established. There is established in the department an instream flow protection coordinator, who shall be a classified employee qualified by reason of education and experience, and who shall administer the pilot program. The instream flow protection coordinator shall serve as secretary and staff to the instream flow technical review committees and the water management planning area advisory committees.

5 Appropriation. There is hereby appropriated the sum of \$660,000 for fiscal year ending June 30, 2003 to the department of environmental services for the pilot program established in this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Committee to Study the Impact of Water Withdrawals on Instream Flows; Report Date Extended. Amend 2000, 242:5 to read as follows:

242:5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, ~~[2002]~~ **2004**.

7 Repeal. Sections 1-4 of this act, relative to a pilot program for instream flow studies on the Lamprey River and the Souhegan River, is repealed.

8 Effective Date.

I. Section 7 of this act shall take effect July 1, 2006.

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

AMENDED ANALYSIS

This bill establishes a pilot program in the department of environmental services to study instream flows for the Lamprey River and the Souhegan River, and makes an appropriation for the pilot program. The bill also establishes an instream flow technical review committee and a water management planning area advisory committee for each river designated for an instream flow and river management plan under RSA 483.

Reps. O'Connell and Spang spoke against.

Reps. Bruno and Lawton spoke in favor and yielded to questions.

Rep. Herman requested a roll call; sufficiently seconded.

The question being adoption of the majority amendment.

YEAS 153 NAYS 180

YEAS 153

BELKNAP

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

CARROLL

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

CHESHIRE

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

COOS

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

GRAFTON

Barker, Robert	Cobb, John	Dudley, Terri	Eaton, Stephanie
Gabler, William	Gilman, G Michael	Giuda, Robert	Marshall, Gene
Mirski, Paul	Scanlan, David	Sova, Charles	Ward, Brien

HILLSBOROUGH

Alukonis, David	Andosca, Mary	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Bouchard, David	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	Furman, Christine	Gleneck, David
Graham, John	Greenberg, Gary	Guinta, Frank	Hall, Charles
Herman, Keith	Holden, Randolph	Hopper, Gary	Jean, Loren
Johnson, Lionel	Kurk, Neal	LaFlamme, Paul	LaRose, Richard

Lefebvre, Roland	Lessard, Rudy	Martel, Andre	McHugh, Claire
McRae, Karen	Mercer, Robert	Milligan, Robert	Moran, Edward
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Salts, Greg	Sargent, Maxwell	Tahir, Saghir	Thulander, O Alan
Vaillancourt, Steve	Wheeler, Robert		

MERRIMACK

Feuerstein, Martin	Fraser, Leo Jr	Hess, David	Hutchinson, John
Jacobson, Alf	Kennedy, Richard	Leber, William	MacKay, James
Soltani, Tony	Whalley, Michael	Winter, Steven	

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Camm, Kevin	Carson, Sharon	Cooney, Richard	Corbin, Corey
Dalrymple, Janeen	DiFruscia, Anthony	Dowling, Patricia	Flanders, John Sr
Francoeur, Sheila	Gleason, John	Henderson, Warren	Introne, Robert
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Letourneau, Robert	Major, Norman	McKinney, Betsy	Morse, Charles
O'Neil, Michael	Packard, Sherman	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Ruffner, Walter	Stritch, C Donald
Varrell, Thomas	Welch, David	Weyler, Kenneth	Zolla, William

STRAFFORD

Albert, Russell	Bickford, David	Brown, Julie	Cossette, Larry
Harrington, Michael	McCarthy, Gerald	Taylor, Kathleen	Twombly, James
Woods, Phyllis			

SULLIVAN

Odell, Bob	Rodeschin, Beverly
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NAYS 180

BELKNAP

Millham, Alida

Pilliod, James

Salatiello, Thomas

CARROLL

Babson, David Jr

Philbrick, Donald

CHESHIRE

Allen, Peter

Avery, Stephen

Batchelder, Robert

Burnham, Daniel

Dexter, Judson

Espieffs, Peter

Liebl, George

McGuirk, Paul

Meador, David

Mitchell, McKim

Pratt, John

Richardson, Barbara

Slack, Pamela Russell

Zerba, Roger

COOS

Bradley, Paula

Davis, Perley

Landers, Dana

Pratt, Leighton

Rodrigue, Robert

GRAFTON

Akins, Ralph

Alger, John

Almy, Susan

Benn, Bernard

Cooney, Mary

Lovett, Sid

Naro, Debra

Nordgren, Sharon

Pawlek, Marion

Scovner, Nancy

Sokol, Hilda

Teschner, Douglass

Williams, Burton

HILLSBOROUGH

Allan, Nelson

Artz, Lawrence

Baroody, Benjamin

Bergin, Peter

Bragdon, Peter

Buckley, Raymond

Chabot, Robert

Clayton, William

Cote, Peter

Craig, James

Dionne, Kimberley

Dokmo, Cynthia

Drabinowicz, A Theresa

Drisko, Richard

Dwyer, Paul

Eaton, Richard

Ford, Nancy

Foster, Linda

Gargasz, Carolyn

Ginsburg, Ruth

Golding, William

Goley, Jeffrey

Gonzalez, Carlos

Gorman, Mary

Goulet, Maurice

Hall, Betty

Jean, Claudette

Kacavas, John

Keye, Harvey

Konys, Christine

L'Heureux, Robert

Lasky, Bette

Leach, Edward

Leishman, Peter

Lynde, Harold

Martin, Mary Ellen

McDonough-Wallace,
Alice

Melcher, Harold

Messier, Irene

Movsesian, Lori

Murphy, Robert

O'Connell, Timothy

Palangas, Eric

Panagopoulos, Nicholas

Rowe, Robert
Sullivan, Peter

Schulze, Joan
Sweeney, Cynthia

Souza, Kathleen
Tate, Joan

Spiess, Paul
White, Donald

MERRIMACK

Anderson, Eric
Clarke, Claire
Davis, Frank
Hager, Elizabeth
Owen, Derek
Rodd, Beth
Wallner, Mary Jane

Bouchard, Candace
Colcord, J D
French, Barbara
L'Heureux, Stephen
Perkins, Randy
Rush, Deanna
Yeaton, Charles

Brewster, Richard
Cummings, Raymond
Gile, Mary
Lockwood, Priscilla
Potter, Frances
Seldin, Gloria

Burney, Carol
Daneault, Gabriel
Greco, Vincent
Moore, Carol
Reardon, Tara
Swindlehurst, John

ROCKINGHAM

Blanchard, MaryAnn
Clark, Martha Fuller
Dumaine, Dudley
Hamel, Albert
Kane, Cecelia
McGuire, Robert
Pitts, Jacqueline
Sloan, Stephen

Whittier, John

Bowles, Raimond
Clark, Vivian
Fesh, Bob
Holland, James Jr
Kobel, Rudolph
Micklon, Stephanie
Robertson, Carl
Splaine, James

Boynton, James
Cox, Russell
Flanagan, Natalie
Hutchinson, Karen
Langley, Jane
Norelli, Terie
Sapareto, Frank
Stone, Joseph

Chalbeck, Kevin
Downing, Michael
Gilbert, Karl
Johnson, Robert
Langone, John
Nowe, Ronald
Shultis, Elizabeth
Weatherspoon,
Jacquelyne

STRAFFORD

Berube, Roger
Estabrook, Iris
Heon, Richard
Knowles, William
Rollo, Michael
Woodill, Rodney

Brennan, William
Ferland, Paul
Hughes, Christopher
Pelletier, Arthur
Smith, Marjorie

DeChane, Marlene
Gilmore, Gary
Johnson, Nancy
Proulx, Raymond
Spang, Judith

Dunlap, Patricia
Goodwin, Earle
Kaen, Naida
Reid, Christopher
Wall, Janet

SULLIVAN

Allison, David

Burling, Peter

Cloutier, John

Ferland, Brenda

Franklin, Peter
Leone, Richard

Harris, Joseph
Phinizy, James

Harris, Sandra
Robb, Amy

Jones, Constance

and the majority amendment failed.

Motion of Ought to Pass failed.

Rep. Blanchard moved Inexpedient to Legislate.

Adopted.

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

Rep. John H. Thomas for Science, Technology and Energy: The committee recognizes the potential loss of some jobs in the forest products industry, and the majority of the committee felt that the viability of the wood plants is questionable. The committee also had questions as to whether or not funding from the systems benefit charge was the most fair and equitable solution for all rate-payers in the state. Because of these, and other concerns, the committee felt that a study committee, as proposed by the original legislation, was the best solution at this time. Vote 10-2.

Adopted and ordered to third reading.

HB 1273-FN, relative to planning and procedures for state owned or leased trails for all-terrain vehicles and relative to registration fees for certain off highway recreational vehicles. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: This bill was passed by the Resources, Recreation and Development Committee and then the House two weeks ago. The Ways and Means amendment cuts the fee increases proposed in the bill by \$13 per registration. It includes an amendment brought in after discussions between the sponsor, Resources members and snowmobile and ATV representatives, which clearly separates funding for, and use of, trails intended for snowmobiles, ATV's or trail bikes. Multi-use trails will still be permitted. The effect of the separation is to reduce the money needed for grants in aid to present levels for the foreseeable future. The money for trail right purchases is reduced in recognition of the fact that the total necessary will not be known until a five-year plan is available from the Bureau of Trails at the end of 2003. At that time the Bureau is directed to recommend any further fee increases (or decreases) to the legislature. The fee increases retained are \$4 for Bureau of Trails development of ATV trail plans and their execution; \$2 for purchase of easements; \$1 for the private agent who fills out the forms for the registrant; and \$10 for enforcement, compensating local police departments for the expense of acting on ATV-related complaints. A final item requested by the policy committee allows the local police to use the money to pay off-duty sheriffs and troopers for this purpose, also. Although the Ways and Means Committee is reasonably comfortable that the participating agencies do not now have a surplus that could be used for these purposes, it does have significant concerns with the methods and assumptions they use in budgeting their use of registration fees. Cooperation and coordination must be improved between the Department of Resources and Economic Development and the Fish and Game Department in order to budget the funds in a more appropriate and realistic manner. Vote 9-4.

Amendment (2969h)

Amend RSA 215-A:3, IX as inserted by section 5 of the bill by replacing it with the following:

IX. The commissioner of the department of resources and economic development and the executive director of the department of fish and game shall each submit an annual report to the ~~[chairperson]~~ **chairpersons** of the ~~[wildlife and marine resources]~~ **fish and game committee, the resource, recreation and development committee, the transportation committee, the ways and means committee, and any other appropriate committee** of the house of representatives, ~~[and to]~~ the chairperson of the wildlife and recreation committee, **the ways and means committee, and any other appropriate committee** of the senate, **and the state library** which details their agency's ~~[performance]~~ **activities** relating to OHRV programs during the previous year. **Such report shall include, but not be limited to, as applicable to each agency's responsibility, registration revenues received by type of vehicle, an accounting of all existing OHRV-related funds, accounts, and subaccounts, disbursements made from each fund, account, or subaccount by type of vehicle, where applicable, and use of disbursed funds, condition of trails by type of vehicle use, results of the continuing study on environmental damage by type of vehicle under RSA 215-A:3, IV, and state and contracted or otherwise known local enforcement actions taken by type of vehicle.** Each report shall be submitted on or before January 15 of each year **and shall be made available to the public in a manner deemed appropriate by each reporting agency.**

Amend RSA 215-A:23, I as inserted by section 7 of the bill by replacing it with the following:

I. Individual resident registration-~~[\$26]~~ **\$42** for each 2-wheeled trail bike registration, \$45 for each snow traveling vehicle registration, or ~~[\$35]~~ **\$51** for each other OHRV registration upon presentation of **a** resident tax receipt, or a valid ~~[New Hampshire]~~ driver's license issued to a ~~[person]~~ **New Hampshire resident** 18 years of age or older.

(a) The first \$7 of each 2-wheeled trail bike registration, \$25 for each snow traveling vehicle registration, or \$16 of each other OHRV registration shall be appropriated to the department of resources and economic development for ~~[administration of]~~ the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$10.30 from each snow traveling vehicle registration or ~~[\$9.30]~~ **\$15.30** from each 2-wheeled trail bike or other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$9.70 **from each snow traveling vehicle registration or \$19.70 from each 2-wheeled trail bike or other OHRV registration** shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

Amend RSA 215-A:23, III as inserted by section 8 of the bill by replacing it with the following:

III. Individual nonresident registration-~~[\$36]~~ **\$63** for each 2-wheeled trail bike registration, \$60 for each snow traveling vehicle registration, or ~~[\$45]~~ **\$72** for each other OHRV registration.

(a) The first \$13 of each 2-wheeled trail bike registration, \$36 of each snow traveling vehicle registration, or \$22 of each other OHRV registration shall be appropriated to the department of resources and economic development for ~~[administration of]~~ the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$12.10 from each snow traveling vehicle registration or ~~[\$11.10]~~ **\$17.10** from each 2-wheeled trail bike or other OHRV registration shall be appropriated to

the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$11.90 ***from each snow traveling vehicle registration or \$30.90 from each 2-wheeled trail bike or other OHRV registration*** shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

Amend RSA 215-A:23, VI (b) as inserted by section 9 of the bill by replacing it with the following:

(b) Grants-in-aid shall be granted to ~~[organized nonprofit]~~ OHRV clubs and political subdivisions for the construction and maintenance of OHRV trails and facilities. The bureau shall make grants on such terms as it deems necessary and shall determine what trails and facilities shall be eligible. ~~[All trails and facilities developed and maintained under this grant-in-aid program shall be open to the general public]~~. Notwithstanding the provisions of this subparagraph, a landowner who grants permission for a grant-in-aid trail to be located on his property shall retain the right to establish the inclusive dates during which OHRV operation shall be permitted. ~~[The private landowner shall also retain the right to post any grant in aid trail located on his property against trespass by any specific activity or specific type of OHRV]~~. ***Use of trails on private land shall extend only to the specific type of OHRV permitted by the landowner.***

Amend RSA 215-A:23, VII (c) as inserted by section 10 of the bill by replacing it with the following:

(c) ***Land purchases, easements, and rights-of-way. A separate account shall be established into which \$2 of each resident trail bike and other OHRV registration fee appropriated for administration of the bureau under RSA 215-A:23, I(b) and \$2 of each nonresident trail bike and other OHRV registration fee appropriated for administration of the bureau under RSA 215-A:23, III(b) shall be deposited to be used only for land purchases, easements and rights-of-way for ATV or trail bike trail and facility development.***

Amend RSA 215-A:23, VIII (f) as inserted by section 11 of the bill by replacing it with the following:

(f) ***Contracting with state, county, and local law enforcement agencies to enforce the provisions of this chapter relative to ATV use. Ten dollars of each resident trail bike and other OHRV registration fee appropriated to the department of fish and game under RSA 215-A:23, I(b), and \$19 of each nonresident trail bike and other OHRV registration fee appropriated to the department of fish and game under RSA 215-A:23, III(b) shall be used exclusively for such contracting and shall not be transferred or diverted to any other purpose.***

Amend paragraph I of section 22 of the bill by inserting after subparagraph (d) the following new subparagraph:

(e) Assess the level of funding necessary for grants-in-aid and purchases of land, easements, and rights-of-way for the purposes of the 5-year plan, and make recommendations for fee structure changes to the legislature.

Adopted.

Rep. Phinizy requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 256 NAYS 70

YEAS 256

BELKNAP

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

CARROLL

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

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Dexter, Judson	Edwards, Dana	Espieffs, Peter	Fairbanks, Chandler
Liebl, George	Manning, Joseph	Mitchell, McKim	Richardson, Barbara
Royce, H Charles	Slack, Pamela Russell	Smith, Edwin	Zerba, Roger

COOS

Bradley, Paula	Davis, Perley	Horton, Lynn	Tholl, John Jr
Woodward, David			

GRAFTON

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

HILLSBOROUGH

Alukonis, David	Balboni, Michael	Baroody, Benjamin	Batula, Peter
Bergeron, Jean-Guy	Bergin, Peter	Bragdon, Peter	Brundige, Robert
Bruno, Pierre	Buckley, Raymond	Calawa, Leon Jr	Carlson, Donald
Chabot, Robert	Christensen, D L Chris	Clegg, Robert Jr	Cote, Peter
Coughlin, Pamela	Craig, James	Dokmo, Cynthia	Dwyer, Paul
Dyer, Merton	Emerton, Lawrence Sr	Fields, Dennis	Ford, Nancy
Foster, Linda	Furman, Christine	Ginsburg, Ruth	Gleneck, David
Golding, William	Gonzalez, Carlos	Goulet, Maurice	Graham, John
Greenberg, Gary	Guinta, Frank	Hall, Betty	Hall, Charles
Herman, Keith	Holden, Randolph	Hopper, Gary	Jean, Claudette
Jean, Loren	Keye, Harvey	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard	Lasky, Bette
Leach, Edward	Lefebvre, Roland	Leishman, Peter	Lessard, Rudy
Martel, Andre	McDonough-Wallace, Alice	McHugh, Claire	Melcher, Harold
Mercer, Robert	Messier, Irene	Milligan, Robert	Moran, Edward
Movsesian, Lori	Murphy, Robert	O'Connell, Timothy	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Schulze, Joan	Souza, Kathleen	Spiess, Paul
Sullivan, Peter	Sweeney, Cynthia	Tahir, Saghir	Thulander, O Alan
Vaillancourt, Steve	Wheeler, Robert	White, Donald	

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Burney, Carol
Clarke, Claire	Colcord, J D	Feuerstein, Martin	Fraser, Leo Jr
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Hess, David
Hutchinson, John	Jacobson, Alf	Kennedy, Richard	L'Heureux, Stephen
Leber, William	Lockwood, Priscilla	MacKay, James	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Seldin, Gloria
Swindlehurst, John	Wallner, Mary Jane	Whalley, Michael	Winter, Steven
Yeaton, Charles			

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn	Bowles, Raimond
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Boynton, James	Bridle, Russell	Carson, Sharon	Clark, Martha Fuller
Clark, Vivian	Cooney, Richard	Corbin, Corey	Cox, Russell
Dalrymple, Janeen	Dowling, Patricia	Downing, Michael	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Karl	Gleason, John
Hamel, Albert	Henderson, Warren	Holland, James Jr	Introne, Robert
Johnson, Robert	Johnson, Rogers	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Langley, Jane	Major, Norman
McGuire, Robert	McKinney, Betsy	Morse, Charles	Norelli, Terie
Nowe, Ronald	O'Neil, Michael	Pitts, Jacqueline	Priestley, Anne
Robertson, Carl	Ruffner, Walter	Shultis, Elizabeth	Sloan, Stephen
Splaine, James	Stritch, C Donald	Varrell, Thomas	Weatherspoon, Jacquelyne
Welch, David	Whittier, John	Zolla, William	

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Brennan, William
Dunlap, Patricia	Estabrook, Iris	Ferland, Paul	Harrington, Michael
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Kaen, Naida
Knowles, William	McCarthy, Gerald	Pelletier, Arthur	Proulx, Raymond
Reid, Christopher	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Twombly, James	Wall, Janet	Woods, Phyllis	

SULLIVAN

Burling, Peter	Cloutier, John	Franklin, Peter	Harris, Joseph
Harris, Sandra	Jones, Constance	Leone, Richard	Odell, Bob
Rodeschin, Beverly			

NAYS 70

BELKNAP

Boyce, Laurie	Salatiello, Thomas
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CARROLL

Babson, David Jr	Kenney, Joseph	Torressen, Gary
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CHESHIRE

Emerson, Susan	McGuirk, Paul	Meadar, David	Pratt, John
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COOS

Gallus, John	Guay, Lawrence	Pratt, Leighton	Rodrigue, Robert
Rozek, Michael			

GRAFTON

Gilman, G Michael

HILLSBOROUGH

Allan, Nelson	Andosca, Mary	Artz, Lawrence	Bouchard, David
Clayton, William	Dionne, Kimberley	Drabinowicz, A Theresa	Drisko, Richard
Eaton, Richard	Elliott, Larry	Gargas, Carolyn	Goley, Jeffrey
Gorman, Mary	Johnson, Lionel	Kacavas, John	Lynde, Harold
Martin, Mary Ellen	McRae, Karen	Palangas, Eric	Panagopoulos, Nicholas
Salts, Greg	Tate, Joan		

MERRIMACK

Cummings, Raymond	Daneault, Gabriel	Davis, Frank	Reardon, Tara
Rush, Deanna	Soltani, Tony		

ROCKINGHAM

Bishop, Franklin	Camm, Kevin	Chalbeck, Kevin	DiFruscia, Anthony
Dumaine, Dudley	Fesh, Bob	Hutchinson, Karen	Kobel, Rudolph
Langone, John	Letourneau, Robert	Micklon, Stephanie	Packard, Sherman
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Sapareto, Frank
Stone, Joseph	Weyler, Kenneth		

STRAFFORD

Brown, Julie	Cossette, Larry	DeChane, Marlene	Gilmore, Gary
Goodwin, Earle	Rollo, Michael	Woodill, Rodney	

SULLIVAN

Ferland, Brenda

Phinizy, James

and the report was adopted.

Ordered to third reading.

HB 1343, relative to processing excavating and dredging permits. **OUGHT TO PASS**

Rep. Howard C. Dickinson for Ways and Means: The report of the Ways and Means Committee agrees with the unanimous report of the Resources, Recreation and Development Committee on HB 1343 which passed the House on March 6th. This bill will insure the timely processing of permits for excavation and dredging permits by increasing fees to pay for the five existing positions. In the past year the backlog in application has been reduced only by using funds received from fines and fees related to the interstate gas pipeline project and others. Clearly, these resources will not be available in the future. The department is attempting to reduce its reliance on fines, an uncertain source, to fund approval of wetlands projects using a realistic fee structure. If the necessary administrative personnel are not available because fees are inadequate and the department fails to render a decision within the timeframes provided, the application will be deemed to be approved, RSA 482-A:3 XIV (e), then a major project is no longer covered by the State's agreement with the U. S. Corps of Engineers. The applicants will then need to apply to the U. S. Corps of Engineers, and this will extend the permit approval time to 12 to 18 months. Vote 11-5.

Rep. Dickinson yielded to questions.

Adopted and ordered to third reading.

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. **OUGHT TO PASS**

Rep. Howard C. Dickinson for Ways and Means: The Ways and Means Committee gives its strong support to the unanimous recommendation of the Criminal Justice and Public Safety Committee whose committee amendment was adopted by the House on March 6th. It is extremely important that fees concerning explosives handling be increased to a realistic level to cover the cost of administration of this program which regards the license application, renewal and inspection of those dealing with explosives. The bill calls for improved procedures regarding acquisition, transportation and storage of explosive material in the state of New Hampshire. The fees generated by this bill will total less than \$16,000 and in most cases, will be less than those charged in surrounding areas. Vote 15-1.

Adopted and ordered to third reading.

Rep. Paul Ferland declared a conflict of interest and did not participate.

HB 1469-FN, relative to eligibility and requirements for state employees to receive a retirement allowance while in service. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill deals with a retirement allowance while employed. The committee voted to repeal RSA 100-A, Section 3(c), which was passed last year. Those who have applied and received an allowance shall continue to receive his or her allowance. Vote 13-1.

Amendment (2950h)

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

AN ACT repealing the provision allowing certain state employees to receive a retirement allowance while in service.

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

1 Repeal. RSA 100-A:3, I(c), relative to retirement allowance granted to members while in service, is repealed.

2 Application. Any member granted a retirement allowance under the provisions of RSA 100-A:3, I(c) prior to repeal by this act shall continue to receive his or her allowance.

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

2002-2950h

AMENDED ANALYSIS

This bill repeals the provision allowing unclassified or nonclassified state employees to receive a retirement allowance while in service as a state employee.

Rep. Dyer spoke against.

The amendment failed.

Rep. Dyer offered a floor amendment (3048h).

Floor Amendment (3048h)

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

AN ACT establishing a committee to study the eligibility of state employees to receive a retirement system benefit while in service, establishing a moratorium on eligibility for electing such benefit, and prospectively repealing the provision allowing certain state employees to receive a retirement allowance while in service.

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

1 Committee Established. There is established a committee to study the eligibility of state employees to receive a retirement system benefit while in service.

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 of representatives.

(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 benefits and concerns of allowing unclassified, nonclassified, and classified state employees, or other retirement system members, to elect to receive a retirement system allowance while remaining in service.

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, 2002.

6 Repeal; 2003. RSA 100-A:3, I(c), relative to retirement allowance granted to members while in service, is repealed.

7 Application. Any member granted a retirement allowance under the provisions of RSA 100-A:3, I(c) prior to repeal by section 6 of this act shall continue to receive his or her allowance.

8 Moratorium. The provisions of RSA 100-A:3, I(c), allowing retirement allowances to be granted to members while in service, shall not apply to retirement system members who first become eligible to elect to receive a retirement allowance under such statutory provision after the effective date of this section.

9 Effective Date.

I. Sections 6 and 7 of this act shall take effect July 1, 2003.

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

AMENDED ANALYSIS

This bill establishes a committee to study the eligibility of state employees to receive a retirement system benefit while in service. The bill also establishes a moratorium on eligibility for unclassified and nonclassified employees to elect to receive such a retirement allowance, and repeals in 2003 the provision allowing certain state employees to receive a retirement allowance while in service.

Adopted.

Report adopted and ordered to third reading.

SB 342, relative to the purpose of the certificate of need law. **OUGHT TO PASS WITH AMENDMENT**

Rep. James P. Pilliod for Health, Human Services and Elderly Affairs: After a request by the Certificate of Need Board that monetary thresholds for purchase of equipment and facilities be increased in order to reduce the number of requests for Certificate of Need review, the Health and Human Services and Elderly Affairs Committee unanimously voted to approve SB 342 as amended. Vote 16-0.

Amendment (2824h)

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

AN ACT relative to medical equipment under the certificate of need law.

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

1 Major Medical Equipment; Increase in Amount. Amend RSA 151-C:2, XXIV to read as follows:

XXIV. "Major medical equipment" means a single unit of medical equipment or a single system of components with related functions which is used to provide medical and other health services and which costs more than [~~\$400,000~~] **\$1,500,000**. In determining whether medical equipment costs more than [~~\$400,000~~] **\$1,500,000**, the cost of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to acquiring the equipment shall be included. If the equipment is acquired for less than fair market value, the term "cost" includes the fair market value.

2 Standards; Equipment; Increase in Amount. Amend RSA 151-C:5, II(d) to read as follows:

(d) The purchase, lease, donation, transfer, or other comparable arrangement by or on behalf of a health care provider of diagnostic or therapeutic equipment for which the cost or, in the case of donation, the value is in excess of [~~\$400,000~~] **\$1,500,000** including standards for one or more articles of diagnostic or therapeutic equipment which are necessarily interdependent in the performance of their ordinary functions as determined by the board. The board shall not develop standards for the purchase of equipment which is substantially similar to equipment owned by the provider within the preceding 12 months, provided the equipment will not result in a substantial increase in operating costs above that of the existing or replaced equipment.

3 Exemptions; Equipment. Amend RSA 151-C:13, I(f) to read as follows:

(f) Facilities and services which are intended to serve only outpatients and which do not require construction of greater than the appropriate threshold level, as determined under RSA 151-C:5, II(a) or RSA 151-C:5, II(f) or new equipment costing [~~more~~] **less** than [~~\$400,000~~] **\$1,500,000**. 4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill increases the amount for major medical equipment from \$400,000 to \$1,500,000.

Rep. Millham spoke against.

Rep. Batula spoke in favor.

Adopted.

Report adopted and ordered to third reading

HB 1481-FN-L, relative to a highway construction project in Nashua. **INEXPEDIENT TO LEGISLATE**

Rep. John A. Graham for Public Works and Highways: This bill would have required the city of Nashua to hold public hearings and conduct special elections on a purely local issue. The committee feels that all possible local remedies, such as bringing suit under the state's Right To Know Law, forcing the issue through a local referendum or election of new city officials, have not been exhausted. This bill would set a dangerous precedent and should not be approved. The Ten Year Highway Plan addresses issues such as this. We heard some residents of Nashua unhappy with a planned project, knowing how difficult it is to have a project added to the Ten Year Plan. Some support from Nashua must exist for this project. Vote 16-0.

Reps. Gleneck and Drabinowicz spoke against.

Reps. Candace White Bouchard and Edwin Smith spoke in favor.

Adopted.

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 1223.

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

RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 4, 2002 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

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

SB 362`, relative to the membership and duties of the New Hampshire film and television commission.

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

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.

SB 413, establishing a committee to study background checks for nursing home employees.

SB 306, extending the reporting date of the commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload.

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

SB 328, establishing a committee to study the establishment of a permit system for vessels registered in another state temporarily using the waters of New Hampshire.

SB 405, relative to special number plates for veterans.

HB 1483, relative to municipal budget committees.

SB 1, apportioning state senate districts.

SB 3, apportioning congressional districts.

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 1100-FN-A, relative to the judicial conduct commission and making an appropriation therefor.

HB 1102, establishing a hazardous waste coordinator certificate program and making an appropriation therefor

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

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

HB 1273-FN, relative to planning and procedures for state owned or leased trails for all-terrain vehicles and relative to registration fees for certain off highway recreational vehicles.

HB 1343, relative to processing excavating and dredging permits.

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 1469-FN, establishing a committee to study the eligibility of state employees to receive a retirement system benefit while in service, establishing a moratorium on eligibility for electing such benefit, and prospectively repealing the provision allowing certain state employees to receive a retirement allowance while in service.

SB 342, relative to medical equipment under the certificate of need law.

unanimous consent

Reps Lefebvre and Lawton addressed the House.

Without objection, the Speaker ordered that the remarks of Reps. Lefebvre and Lawton be printed in the Permanent Journal.

Rep. Lefebvre: Thank you, Mr. Speaker and honorable members. So very strange how our numbers do reflect we have 144 veterans that I counted here on this veteran's list and it was in 1944, just at this time, that 34 of our bombers left with 10 aboard on each bomber and 28 never returned. I stand before you to give you an idea of what this newspaper here has done. It is called *The Wiers Times*. On November 8th, before our Veterans Day, this wonderful paper, out of 44 pages, devoted almost half of this paper with veteran's stories and issues and poems and letters by mothers, etc. etc. It was beautiful. I couldn't leave that standing, I had to do something about it and I did. I approached some of the veterans in this House and asked, and this is what we have come up with.

I have a little letter here I would like to read first, Mr. Speaker and honorable members of this House, on behalf of our 135 veterans in this House, and it's more, 144, I checked the list, and their friends and families and all our wonderful counterparts we left all over the world. This shouldn't be so difficult. We wish with all our hearts to thank the publishers and you, the editors of *The Wiers Times*, for the most moving tribute we have ever seen in a media rendered to all veterans of our state and those who are presently giving lives for our glorious freedom. We wholeheartedly are thankful for you and for many future generations to come.

We have here a State of New Hampshire, House of Representatives Declaration:

"Let it be known by all the House of Representatives on this occasion publicly does recognize and does grant its heartfelt congratulations to *The Wiers Times* in recognition of its Volume 10 Number 45 edition honoring the many contributions made by the veterans across the state; and be it further known that the New Hampshire House of Representatives, by virtue by the Speaker's signature inscribed below, also does duly extend its highest accolades." signed, Speaker of the House, Gene G. Chandler.

I would like to call David Lawton, who is the chief editor, to receive this.

Speaker: The Chair recognizes Rep. David Lawton who desires unanimous consent of the House.

Rep. Lawton: Thank you, Mr. Speaker, I appreciate that. I just wanted to make a couple of quick remarks, obviously to thank Rep. Lefebvre. This is a big surprise and a real honor for the publication, but I don't think it would be appropriate unless we heard from the members here who are also veterans. I know *The Wiers Times*, in our ten years now of publishing the paper, has long had a coexistence with veterans and a connection right on the masthead, which Roland has brought for me today. On that masthead, that view is from the similar view that you would see from the veterans' encampment right in the Wiers. So *The Wiers Times* has always had a strong connection with veterans and it was just natural for us to recognize those folks on such an important day. I don't know if anyone recognized right on the front cover is a former member of the Resources committee, Bob LaFlamme from Sanbornton, who I obviously look up to on a lot of veterans' issues.

So, Mr. Speaker, if I could request a round of applause for the veterans in the House that would be appropriate.

Speaker: Could all the veterans please stand.

Rep. Lawton: Mr. Speaker, if I could also say that I wish that my father were still in the House. As everyone probably knows who's a friend of my father's, he's enjoying himself back at work. I am asked regularly, "How's your Dad doing?" and I assure you he's having a ball and he really enjoys work and that's where he is today. He's going to be thrilled to see this. I know he's going to appreciate this and I thank you on his behalf as well.

unanimous consent

Rep. Donald White addressed the House.

Without objection, the Speaker ordered that the remarks of Rep. Donald White be printed in the Permanent Journal.

Rep. Donald White: Thank you, Mr. Speaker. You know, I like speaking before this body in favor of things, and in opposition, which I really enjoy, as I guessed you've noticed; but not this time. What I'm going to do, I guess, is tell you that within the week I will resign my position in this House. I just didn't think it would be this hard. I assure you I'm doing this for the best of reasons and even though I will miss this immensely, this is something I feel I absolutely must do because finally, after a long period of time, since I left New York City and saw in Quincy, Massachusetts, a young girl with a bunch of boys playing touch football about 1942. A fellow threw a pass to an end, and another fellow ran up to make a tag and this young girl blocked him. It wasn't a block. It was a magnificent clip and I was really impressed. I didn't know at the time that was the lady I was going to marry some years hence and I've loved that woman for more than the 50 years we have been married. She's done quite a bit for me. When the families were in trouble years ago when the children were affected by the RH factor, these ladies, while we were away sometimes in Korea and Vietnam, banded together to raise, lead and guide those children to where most of them are doing quite well. The other children are doing extremely well. In the past eight years this lady has taken care of her mother in her home and the sad, poor old woman ran into a situation where she could no longer be cared for in the house. Advanced dementia really took her away as the person we all knew. So, now, together after all this time, we have no responsibilities that we can see. She supported me here for years, encouraging me to do these things even though she had done so much for me over this period of time and supported me in everything I've done. But this is her time and so we decided that I would do what she needed to do, what would be good for her in the years we have remaining together. We will leave here probably in about ten days. I know it's quick, but everything that we tried to do to sell the house

happened so rapidly, it was very hard to grasp the fact that we would actually be going. But naturally, as is her way, we are not leaving this place because she wants a rest or to relax and do things. She wants to be with her grandchildren and that's not to be totally unexpected and that she will do. We will move and relocate from our home in Hudson to Littleton, Colorado, so she can be near the people she loves the most,--- aside from me, of course.

But being here in a place with this number of people for eight years has given me much more than I could possibly have given. I served on a great committee, one that I believe has given to this House honorable statements, accurate, a bipartisan group of people who were determined that what was presented to their fellow representatives was something that they could respect, something that they could vote for and something that they could trust. And that to me is a honor that I never received in any form at all during my lifetime because I simply didn't know how to do it before. I was taught that here by my fellow representatives. So, this is unique, this place. I've been in 44 states, traveling. I've been in different countries and I've never seen a legislative body as great as this one. I don't think we realize what is here. I hope that all of you in succeeding days think about this, this unruly bunch, as you walk through the corridors and you see people leaning against the wall with the different badges, crowded committee rooms, there are no creature comforts. There are just people here to do their job and nowhere else that you could possibly imagine people doing this as well as they do in this state.

I only have one request of all of you. I was born in Quincy, Massachusetts, raised in New York, back to Massachusetts, to South Carolina, until I finally came to New Hampshire. With your permission, in the future, if people ask me where I'm from, I will say I'm from New Hampshire. Thank you.

unanimous consent

Rep. Holden addressed the House.

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

Rep. Holden: Thank you, Mr. Speaker. Thank you, members of the House. Today this House passed a bill, House Bill 1471, which would create a memorial for those innocent people who were murdered on September 11th. I'm not here to discuss House Bill 1471, but rather to simply say, thank you. Thank you to my colleagues who co-sponsored this on both sides of the aisle; thank you to the Public Works committee whose only concern was that this bill be done properly; and most importantly, thank you to you, every member of this House. I'm sure that our colleagues on the other side of this wall will work as quickly and conscientiously as we have to get the Governor to sign this so that we can say to our country and to the world, and most importantly, to the families and friends of the victims, that we will always remember and we shall never forget what happened. Thank you, again.

RECESS MOTION

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

Adopted.

The House recessed at 4:15 p.m.

RECESS