

HOUSE RECORD

Second Year of the 157th Session of the General Court
Calendar and Journal of the 2002 Session

Vol. 24

Concord N.H.

Thursday, April 4, 2002

No. 32

HOUSE JOURNAL No. 10 (cont.)

Thursday, March 21, 2002

RECESS

(Rep. Clegg in the Chair)

ENROLLED BILL AMENDMENT

HB 498, exempting the Connecticut Lakes Headwaters Tract from the real estate transfer tax.

Amendment (3072-EBA)

Amend section 1 of the bill by replacing line 7 with the following:
organization. Any non-exempt seller, grantor, assignor, transferor, or purchaser of any real estate or
Adopted.

RECESS

(Rep. Millham in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 498, 1136, 1222, and 1384.

Rep. Clegg, Sen. Wheeler for the Committee

RECESS

(Rep. Calawa in the Chair)

RESOLUTION

Rep. Edwin Smith offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 433, 436, 437, 440, 441, 443, 444, 445, 447, 451, 452, 453, , and Senate Concurrent Resolutions numbered 3 and 4 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 433, establishing a standardized protocol for the investigation and assessment of child abuse and neglect cases and relative to grant applications for the investigation and assessment of child abuse cases. (Children and Family Law)

SB 436, allowing municipalities to adopt a lower interest rate charged on property tax payments made for property redemptions. (Municipal and County Government)

SB 437-FN-L, relative to the protection of public water supplies during emergency conditions and making certain changes to encourage the formation of regional water systems. (Resources, Recreation and Development)

SB 440, relative to rules for water conservation. (Resources, Recreation and Development)

SB 441-FN-A, establishing the position of hazardous materials response coordinator and making an appropriation therefor, and establishing a committee to study the interoperability of state agency communications. (Executive Departments and Administration)

SB 443-FN, relative to the division of condominiums. (Commerce)

SB 444, relative to parents in the classroom. (Education)

SB 445-FN, relative to a limited right to a jury trial for certain minors prior to commitment to an adult correctional facility. (Children and Family Law)

SB 447, requiring the real estate commission to create an agency disclosure form and an agency informational brochure. (Commerce)

SB 451, relative to the shoreland protection act. (Resources, Recreation and Development)

SB 452, relative to fines for violations of the shoreland protection act. (Resources, Recreation and Development)

SB 453, relative to setbacks in the shoreland protection act. (Resources, Recreation and Development)

SCR 3, a resolution expressing the fundamental importance of public health to the people of New Hampshire. (State-Federal Relations and Veterans Affairs)

SCR 4, relative to prescription drug patient assistance programs. (State-Federal Relations and Veterans Affairs)

RECESS

(Rep. John Flanders in the Chair)

SENATE MESSAGES

CONCURRENCE

HB 419, apportioning delegates to state party conventions.

HB 420, apportioning state representative districts.

HB 494, establishing a committee to study the permitting and hearing processes for proposed highways.

HB 567, extending the reporting date of the commission for the development of a statewide protocol for interviewing victims of sexual assault crimes.

HB 1120, relative to naming a certain island in Lake Winnepesaukee in the town of Moultonborough.

HB 1132, relative to grip height on motorcycles.

HB 1171, relative to organic food production.

HB 1256, relative to Clark Pond Road in the town of Haverhill.

HB 1337, establishing a study committee to review and determine steps to fully implement the infant deafness program.

HB 1434, lowering the minimum medical cost coverage for motor vehicle liability policies.

CONCURRENCE WITH AMENDMENTS

SB 102-A, making a capital appropriation to support affordable housing solutions in the state of New Hampshire, and increasing capital appropriations for the Concord rail bridge and veterans' home.

SB 182-FN-A, establishing a brain injury program and making an appropriation therefor

ENROLLED BILL AMENDMENT

Amendment (3041-EBA)

HB 137, establishing a committee to study the definition of domicile for voting purposes. Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the definition of domicile for voting purposes and making a technical correction.

Amend section 5 of the bill by replacing line 3 with the following:

senate clerk, the governor, and the state library on or before November 1, 2002.

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 8:

6 Aeronautics Act; Effective Date Amended. Amend 2002, 6:5 to read as follows:

6:5 Effective Date. This act shall take effect July 1, ~~2001~~ **2002**.

7 Aeronautics Act; Effective Date; Legislative Intent. The legislature intended HB 317-FN (2002, 6), relative to the New Hampshire Aeronautics Act, to take effect on July 1, 2002. There was no legislative intent that the act apply retroactively to July 1, 2001 or to any period of time between July 1, 2001 and July 1, 2002.

Adopted.

RECESS

(Rep. Foster in the Chair)

ENROLLED BILL AMENDMENT

SB 102-A, making a capital appropriation to support affordable housing solutions in the state of New Hampshire, and increasing capital appropriations for the Concord rail bridge and veterans' home. (Amendment printed SJ 3-21-02)

Adopted.

RECESS

(Rep. O'Neil in the Chair)

RESOLUTION

Rep. Morse offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 455 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 455-FN-A, relative to funding for district and probate court security. (Finance)

RECESS

(Rep. Peter Sullivan in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 137, 266, 420, 494, 1120, 1256 and 1337 and Senate Bills numbered 1, 102, 328 and 413.

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

RECESS
(Rep. Herman in the Chair)
SENATE MESSAGE
CONCURRENCE

HB 379, apportioning delegates to state party conventions.

ENROLLED BILL AMENDMENTS

HB 463-FN, relative to protective services to adults.

Amendment (3150-EBA)

Amend RSA 161-F:57 as inserted by section 7 of the bill by replacing lines 6-10 with the following:

devise or implement a service plan, ~~[or]~~ ***to a facility and the appropriate licensing authority or authorities for an incident occurring within a facility, as defined in RSA 151, to the extent necessary to protect the victim or other facility residents or to comply with state or federal law, to local law enforcement, the department of justice, or a county attorney, pursuant to RSA 161-F:51, II, or to any court in any proceeding where the welfare of the alleged victim or***

Adopted.

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

Amendment (3152-EBA)

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

1 Statement of Purpose. It is the intent of this act to assure, to the greatest extent possible, the

Amend section 1 of the bill by replacing line 5 with the following:

residents equal opportunities to become physicians. Further, it is the intent of this act to decrease

Amend the bill by replacing section 8 with the following:

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

Adopted.

HB 1171, relative to organic food production.

Amendment (3145-EBA)

Amend RSA 426:6 as inserted by section 1 of the bill by replacing lines 2-4 with the following:

commodity produced in accordance with the Organic Foods Production Act of 1990, Public Law 101-624, and the United States Department of Agriculture's National Organic Program, Final Rule, 7 CFR part 205.

Amend RSA 426:6-a as inserted by section 2 of the bill by replacing lines 2-4 with the following:

not be sold or labeled as organic unless it meets the requirements set forth in the Organic Foods Production Act of 1990, Public Law 101-624, and the United States Department of Agriculture's National Organic Program, Final Rule, 7 CFR part 205.

Amend RSA 426:6-b, I as inserted by section 3 of the bill by replacing lines 5-6 with the following:

Agriculture in accordance with the Organic Foods Production Act of 1990, Public Law 101-624, and the United States Department of Agriculture's National Organic Program, Final Rule, 7 CFR part

Amend RSA 426:6-b, II as inserted by section 3 of the bill by replacing lines 3-4 with the following:

Foods Production Act of 1990, Public Law 101-624, and the United States Department of Agriculture's National Organic Program, Final Rule, 7 CFR part 205, and to implement the provisions thereof.

Amend RSA 426:6-b, III as inserted by section 3 of the bill by replacing it with the following:

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

SB 362, relative to the membership and duties of the New Hampshire film and television commission. (Amendment printed SJ 3/21/02)
Adopted.

RECESS

(Rep. Pilliod in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 141, 419, 567, 1132 and 1434 and Senate Bills numbered 3, 306 and 394.

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

RECESS

(Rep. Whalley in the Chair)

Rep. Scanlan moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 11

Thursday, April 4, 2002

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

Prayer was offered by Guest Chaplain, The Reverend Dr. Robert E. deWetter, Assistant to the Rector of Saint Paul's Episcopal Church in Concord.

Dear God, give us strength to live another day. Let us not turn coward before its difficulties or prove recreant to its duties. Let us not lose faith in other people. Keep us sweet and sound of heart, in spite of ingratitude, treachery or meanness. Preserve us from minding little stings or giving them. Help us to keep our hearts clean and to live so honestly and

fearlessly that no outward failure can dishearten us or take away the joy of conscious integrity. Open wide the eyes of our souls that we may see good in all things. Grant us this day some new vision of thy truth. Inspire us with the spirit of joy and gladness and make us the cup of strength to suffering souls. And finally, dear God, we pray this day especially for our University of New Hampshire hockey team, in your name. Amen.

Rep. Alf Jacobson led the Pledge of Allegiance.

The National Anthem was sung by Lydia Parison of New Ipswich.

LEAVES OF ABSENCE

Reps. Chabot, Lyman, Owen, Quimby, Rowe and Stohl, the day, illness.

Reps. Arndt, Crosby, DePecol, Edwards, Hopper, William Johnson, Lessard, Knowles, Martin, Marsha Pelletier, Rodrigue, Rozek, Tholl, Torressen and Ward, the day, important business.

Reps. Chandler, Estabrook, Flint, Jane Kelley, Landers and Carol Moore, the day, illness in the family.

INTRODUCTION OF GUESTS

Ruth Ann Williams, guest of Rep. Burt Williams. Lt. Robert Boyce, guest of Rep. Boyce. Estelle and Daryl Czech, mother and wife of Rep. Czech. Charles Bowen, guest of Rep. Power. Diane Swasey, guest of Rep. Carol Williams. Christine Dasey, guest of Rep. Marilyn Fraser. Katlyn Dasey, guest of Rep. Bouchard. Joe Leddy, Cathy Creed, Jeff Osborne and Lyn Rowell, guests of Rep. Burney. Judy LaForrest, Brenda Hogan, Patricia Banard and Kathy Dodge, guests of Rep. Dyer. James, Margaret, Matthew, Jim, David and Philip Parison, son, daughter-in-law and grandchildren; Lynda, Amanda, Joel and Seth Ryan, grandchildren; Christian and Cobe Lassar, grandchildren; Steven, Daniel and Tricia Spaulding, nephews and niece; Elaine Cates, sister, Jennifer Gosseling, Shirley Jean, wife; all guests of Rep. Loren Jean. Members of North Conway Boy Scout Troop 150, guests of Speaker Chandler.

SPECIAL GUESTS

Delegation from the Republic of Azerbaijan, participants in The Democracy Engaged Program sponsored by United State Department of Defense and University of New Hampshire, guests of the House.

Rep. Avery introduced Hon. George Ferguson, Her Majesty's Consul General for New England, and Ralf Hartwell, designer of the New Hampshire Tartan, guests of the House. Pipe Major Gordon Webster, his son, Campbell Webster, pipers Alexander Aird, Stuart Calder, William Allen and Andrew Chasse and Highland dancers from the New Hampshire School of Scottish Arts, guests of the House.

Rep. Rosen moved that the remarks made by Rep. Avery be printed in the Journal. Adopted.

REMARKS

Rep. Avery: Thank you, Mr. Speaker. Today, my fellow representatives, as we have done for the past five years, we are celebrating New Hampshire Tartan Day. It is the day we recognize those achievements that Scots and Scottish Americans have made on behalf of the State of New Hampshire and the United States. The day, as I have mentioned before, that marks the anniversary of the Declaration of Arbroath, the document that was signed on

April 6th in the year 1320 declaring Scottish Independence and a document many credit as being a model for our own United States Declaration of Independence. It is also the second anniversary of the new Scottish Parliament that was dormant for over 250 years.

Mr. Speaker, the most important phrase of that historical document is especially important today. "It is in truth, not for glory nor riches nor honors that we are fighting, but for freedom. For that alone which no honest man gives up but with life itself." After September 11th, these words take on a new and special meaning for all Americans. Today we take special note of the men and women of the American and allied armed forces, especially those who are fighting in the war against terrorism, and other forces of all nationalities who are today fighting for these same principles of freedom from terrorism and freedom for all people. They have our prayers and best wishes and our fervent hopes that someday all peoples on this earth shall be free.

Pipe Major Gordon Webster piped "Flowers of the Forest" and "Amazing Grace" in memory of Reps. Bonnie L. Patria, Walter J. Mikowski, Ronald G. Russell, David G. Poulin and James A. Whittemore.

COMMUNICATION

March 22, 2002

Gene Chandler, Speaker of the House

With deep regret I must offer my resignation from the New Hampshire House as of March 29, 2002.

This date indicated will allow me to finish business I have in committee and the obligation to testify before Senate committees.

My wife and I will relocate to Colorado on March 30th, but leave with you and the members of the legislature our best wishes for the future as they guide this great state.

Kindest regards, Donald B. White, Hills 25

UNANIMOUS CONSENT

Without objection, Rep. Teschner requested unanimous consent of the House.

Rep. Salts requested that the remarks of Rep. Teschner be entered into the Journal.

Without objection, the Chair ordered the remarks of Reps. Teschner, Burling and Scanlan to be printed in the Journal.

Rep. Teschner: Thank you, Mr. Speaker. Four years ago, after five terms, I gave a speech up here and I announced that I wasn't going to run again. After two years out, when I did, there were quite a few members here who remembered that speech and gave me kind of a hard time about being back so soon. Well, this kind of falls into the déjà vu category, too, particularly because this will probably be my last session day. I got a call in October asking me if I would consider going to Rwanda, which is a small country in east central Africa, to work with the parliament over there as part of the United States government's foreign aid democracy building initiative. My first reaction was, of course, I'm not going to go. But they called me back and I started thinking about it, particularly after September 11th, and I took a trip out there in December and I was there last month, also. To make a long story short, we're going --- the whole family for a year. Rwanda is a small country, it's a very poor African country, it has a very difficult history. There was genocide there in 1994, a million people were killed. When you think about trying to create democracy in that kind of a climate, it's a pretty challenging situation. The parliament building is still bombed out from the 1994 war, parts of it, and there are still shell holes. People there are trying to rebuild the country with very limited resources. They have three Internet connections at the parliament, for example, and they are trying to develop bill tracking systems, research capability. They're trying to figure out how they're going to analyze the budget and be able to really act - not as a rubberstamp for what the government is doing. So those are some of

the things I'm going to be working on. I'm delighted to see our guests from Azerbaijan. I think for our country to be supporting democracy in the world is very, very important. You know, we have 200 years of history and I'll be bringing all that history with me, as well as, you're all coming with me - whether you realize it or not. If you can put the airfare together, you have a place to stay. So, this being the US government, you never quite know... we are supposed to leave on Saturday, but we are missing a signature so we're not really sure when we are leaving. I just want to say thank you to everyone and I'll keep you posted on what's going on in Rwanda on the assumption that we actually get that signature and I actually do leave. So, thank you and we'll be in touch.

Rep. Burling: Thank you, Mr. Speaker. I know I speak for each and every member of this House when I wish our colleague godspeed and good luck. We wish you a safe journey and I can't tell you how proud of you we all are. This is an extra special effort and thank you for making it.

Rep. Scanlan: Thank you, Mr. Speaker. I want to echo the words of my colleague across the aisle. This is emotional for me because, Doug, you have been a great friend. He has done outstanding things for his district in Haverhill. When you think of the Glenclyff Home, Bedell State Park, Lake Tarlton, his constituents are very proud of him. I think as a House we should be proud of him also because of the great things he has done quietly with this House in small and in big ways in trying to educate us in how to become better legislators, as coordinator of the Continuing Education committee and his past experience with new legislator orientation. Doug, all I can say is godspeed and come back quickly.

MOTION TO VACATE

Rep. Gilman moved that the House vacate the reference of **SB 381**, relative to the employee benefits of employees of the Pease development authority, to the Committee on Labor, Industrial and Rehabilitative Services.

Adopted.

The Chair referred the bill to the Committee on Executive Departments and Administration.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 463, 1131, 1171, and Senate Bill numbered 362.

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

ENROLLED BILL AMENDMENTS

HB 379, apportioning the executive council districts.

Amendment (3220-EBA)

Amend RSA 662:2, I as inserted by section 1 of the bill by replacing lines 1 and 2 with the following:

I. Councilor district number 1 is constituted of the counties of Coos and Grafton, the unincorporated place of Hale's Location, the towns of Albany, Alton, Bartlett, Belmont, Center

Amend RSA 662:2, I as inserted by section 1 of the bill by replacing line 6 with the following: Wakefield, and Wolfeboro and the cities of Claremont and Laconia.

Amend RSA 662:2, II as inserted by section 1 of the bill by replacing line 8 with the following:

Washington, Weare, Webster, Westmoreland, Wilmot, and Windsor and the cities of Concord, Franklin,

Adopted.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 462-FN, requiring state regulatory boards, commissions, advisory boards, advisory committees, and authorities to provide an orientation information for new members.

(Amendment printed SJ 03/14/02)

Rep. Peterson moved that the House concur.

Adopted.

HB 1414-FN-L, relative to taxation of excavation areas.(Amendment printed SJ 3/21/02)

Rep. Alukonis moved that the House concur.

Adopted.

HB 134, requiring the supreme court to establish a pilot program in the superior and district courts of one county which allows each party in a civil case one challenge to the justice assigned to the case, and changing a budget footnote relative to district and probate court security. (Amendment printed SJ 1-31-02)

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

Adopted.

The Chair appointed Reps. Reid, Loren Jean, Wall and Phyllis Woods.

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.

Consent Calendar adopted.

SB 338, relative to ex parte orders in domestic relations cases. **OUGHT TO PASS**

Rep. David A. Bickford for Children and Family Law: This bill requires those seeking a restraining order in domestic relations cases to present specific facts about the expected harm. It also requires the party seeking the order to show an attempt to notify the affected party of a hearing. Vote 13-0.

SB 370, removing an exemption to a limitation on service by a trustee, director, or officer at more than one financial institution. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: RSA 384:5-A II (a) addresses certain exceptions to the basic concept of who can serve in dual roles in the financial community. The exception, among others, is one who holds office in more than one financial institution as of July 1, 1971. By the terms of SB 370 this exception to the conflict of interest law would now be repealed. Vote 11-0.

SB 399, regulating demand drafts under the New Hampshire Uniform Commercial Code. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tara G. Reardon for Commerce: The bill adds a definition of "demand draft" to Article 3 of the Uniform Commercial Code, and extends the presentment and transfer warranties in Articles 3 and 4 to include persons who transfer or present demand drafts for payment. The change effectively shifts the burden of loss in demand draft fraud cases from the payer bank to the depository bank. Vote 11-0.

Amendment (2982h)

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1 - 10 to read as 2 - 11, respectively:

1 Negotiable Instruments; Definitions; Demand Draft Added. Amend RSA 382-A:3-103(b) to read as follows:

(b) Other definitions applying to this Article and the sections in which they appear are:

- “Acceptance” Section 3-409.
- “Accommodated party” Section 3-419.
- “Accommodation party” Section 3-419.
- “Alteration” Section 3-407.
- “Anomalous indorsement” Section 3-205.
- “Blank indorsement” Section 3-205.
- “Cashier’s check” Section 3-104.
- “Certificate of deposit” Section 3-104.
- “Certified check” Section 3-409.
- “Check” Section 3-104.
- “Consideration” Section 3-303.
- “Demand Draft” Section 3-104
- “Draft” Section 3-104.
- “Holder in due course” Section 3-302.
- “Incomplete instrument” Section 3-115.
- “Indorsement” Section 3-204.
- “Indorser” Section 3-204.
- “Instrument” Section 3-104.
- “Issue” Section 3-105.
- “Issuer” Section 3-105.
- “Negotiable instrument” Section 3-104.
- “Negotiation” Section 3-201.
- “Note” Section 3-104.
- “Payable at a definite time” Section 3-108.
- “Payable on demand” Section 3-108.
- “Payable to bearer” Section 3-109.
- “Payable to order” Section 3-109.
- “Payment” Section 3-602.
- “Person entitled to enforce” Section 3-301.
- “Presentment” Section 3-501.
- “Reacquisition” Section 3-207.
- “Special indorsement” Section 3-205.
- “Teller’s check” Section 3-104.
- “Transfer of instrument” Section 3-203.
- “Traveler’s check” Section 3-104.
- “Value” Section 3-303.

SB 186-FN, relative to the powers of and classification for criminal justice and consumer protection investigators of the department of justice and for county attorney investigators.

REFER FOR INTERIM STUDY

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: SB 186-FN would allow county attorneys to grant police powers to their investigators. This is currently done by the county sheriff. Should a county attorney investigator make a felony arrest, the investigator makes a report to the deputizing sheriff. The testimony from the county attorney indicated that the sheriff does not need to be included in the report. The sheriffs disagree. It raised a number of concerns from the law enforcement community and there were a large number of people in attendance at the hearing voicing their positions both pro and con. Likewise, the sub-committee meeting drew a large group of people expressing their views. Given the time constraints and the complexity of the issues, it was the unanimous vote of the Committee to refer this bill to interim study so that all of the issues can be addressed and given the full consideration they deserve. Vote 11-0.

SB 353, relative to the definition of "sugar orchard" for purposes of the timber yield tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy D. O'Connell for Environment and Agriculture: With input from sugar producers, the Division of Forests and Lands, and the Department of Revenue Administration, this bill more precisely defines a sugar orchard and clarifies taxation of such sugar orchards. Vote 14-0.

Amendment (3089h)

Amend the bill by replacing section 3 with the following:

3 Release From Taxes Clarified. Amend RSA 79:2 to read as follows:

79:2 Release From Taxes. All growing wood and timber except fruit trees, sugar orchards, nursery stock, Christmas trees, and trees maintained only for shade or ornamental purposes or for genetically-engineered short rotation tree fiber, ~~[which shall not be subject to the yield tax,]~~ shall be released from the general property tax ~~[and the school tax in unincorporated places provided for in RSA 198:16]~~, but the land on which such growing wood and timber stands shall be assessed. ***Fruit trees, nursery stock, Christmas trees, trees maintained only for shade or ornamental purposes or for genetically-engineered short rotation tree fiber, and trees harvested from sugar orchards for the purpose of enhancing maple sap production, shall not be subject to the yield tax under RSA 79:3.***

SB 309-FN, relative to payment of medical benefits costs for disabled group II permanent firemen members of the retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: This bill, as amended, will provide for medical benefits for all Group II members of the retirement system injured in the line of duty who became members of their respective group up to and including July 1, 2003. While this bill is usually submitted every two years, the amendment extends it for a single year to accommodate police in addition to firemen and the reduced funding level available for the respective special accounts. Vote 15-0.

Amendment (3005h)

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

AN ACT relative to payment of medical benefits costs for disabled group II members of the retirement system.

Amend the bill by replacing section 1 with the following:

1 Group II Disabled Members; Medical Benefits; Application. Amend RSA 100-A:55, I to read as follows:

- I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are active or retired members of group II as of June 30, 2000; to persons who prior to July 1, 1988, had completed no less than 20 years of group II creditable service, but who for reasons other than retirement or death ceased to be a group II member prior to attaining the age of 45, and who, as of July 1, 1993, are eligible for vested deferred retirement benefits; and to persons who are group II permanent policemen or permanent firemen members on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty who become permanent policemen members of group II before July 1, ~~[2002]~~ **2003** or permanent firemen members of group II before July 1, ~~[2002]~~ **2003**. Such additional benefits shall not apply to other persons who become members of group II after ~~[June 30, 2002]~~ **the dates stated in this paragraph**, without future legislation to include them. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be funded by

reimbursement from the special account established under RSA 100-A:16, II(h).

AMENDED ANALYSIS

This bill extends the years of eligibility of group II disabled members for the payment of medical benefits costs by the retirement system.
Referred to Finance.

SB 331-FN, relative to the purchase of certain prior service credit by members of the retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: The subject matter in senate bill was covered in HB 1203 with amendment; therefore, this bill was not needed. The committee had been approached about 2 non-germane amendments that dealt with Executive Departments and Administration subject matter. These two subjects were combined into one amendment and after a public hearing on both amendments were attached to SB 331-FN. The first amendment dealt with increasing the number of alternates on the Joint Legislative Committee on Administrative Rules. The amendment increased the alternates from two to five from both the house and senate. This will insure a quorum being present for each monthly hearing. The second portion of the amendment deals with change in nomenclature for certain positions in the Department of Health and Human Services. The fiscal committee had the power to make technical changes in the "Hay Group" salary structure of the unclassified members. The committee felt this change was beyond their authority to do and should be done through legislation. The amendment changes the present position designations to the new system. There is not fiscal effect on the budget of state, county or local funds. Vote 12-0.

Amendment (3112h)

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

AN ACT changing the titles and pay grades for certain department of health and human services unclassified positions, granting authority for technical corrections to the unclassified salary structure, and increasing the number of alternates appointed to the joint legislative committee on administrative rules.

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

1 Unclassified Officers; Health and Human Services Position Titles Removed. Amend RSA 94:1-a, I(c) by deleting the following from:

I. Grade CC:		
CC	Department of health and human services, office of administration	service specialist
II. Grade DD:		
DD	Department of health and human services	program specialist
DD	Department of health and human services planning	administrator, strategic
III. Grade EE:		
EE	Department of health and human services	assistant director
IV. Grade GG:		
GG	Department of health and human services, office of the commissioner	director of special projects
GG	New Hampshire hospital	assistant superintendent professional SE
V. Grade HH:		
HH	Department of health and human services, division of behavioral health	physician in charge

2 Unclassified Officers; Health and Human Services Position Titles Added. Amend RSA 94:1-a, I(c) by inserting the following in:

I. Grade DD:

DD	Department of health and human services	systems analyst
DD	Department of health and human services	legal services director
II. Grade EE:		
EE	Department of health and human services	administrator of finance
EE	Department of health and human services	senior systems analyst
III. Grade FF:		
FF	Department of health and human services	director of MMIS
IV. Grade HH:		
HH	Department of health and human services	director of application management
HH	New Hampshire hospital	director

3 Application. Any increase in salary for a person holding a position amended by sections 1 and 2 of this act shall have such new salary made applicable retroactive to December 28, 2001.

4 Salary Structure for State Officers; Codification of Technical Corrections. Amend 2001, 158:107 to read as follows:

158:107 Authority for New or Omitted Positions or Technical Corrections. The commissioner of the department of administrative services shall have the authority to submit any unclassified positions created in any act which becomes law during the 2001 legislative session or any existing unclassified position omitted from RSA 94:1-a as amended by this act, or technical corrections to agree with the final report of the consultant, after consultation with the consultant on employee compensation for state officers, to the fiscal committee for approval of the proper placement of the unclassified position in the salary structure for state officers. ***The director of legislative services is hereby authorized to make changes to RSA 94:1-a, I(b) to include new positions, existing positions which were omitted, or other technical corrections, as approved by the fiscal committee pursuant to this section. The authority for the director of legislative services to make such changes to RSA 94:1-a, I(b) shall expire upon the printing of the 2002 supplements to the Revised Statutes Annotated.***

5 Joint Legislative Committee on Administrative Rules; Appointment of Alternates. Amend RSA 541-A:2, I to read as follows:

I. There is hereby created a joint legislative committee to be known as the joint legislative committee on administrative rules. The committee shall be composed of 10 members of the general court and [4] **10** alternates to be appointed for 2-year terms ending on the first Wednesday in December of even-numbered years as follows: 5 members of the house of representatives, appointed by the speaker of the house in consultation with the minority leader, not more than 3 of whom shall be from the same party; 5 members of the senate, appointed by the senate president in consultation with the minority leader, not more than 3 of whom shall be from the same party; [2] **5** alternate members of the house of representatives appointed by the speaker of the house in consultation with the minority leader, not more than ~~one~~ **3** of whom shall be from the same party; and [2] **5** alternate members of the senate, appointed by the senate president in consultation with the minority leader, not more than ~~one~~ **3** of whom shall be from the same party. If a member of the committee is unable, for any reason, to attend a meeting or a portion of a meeting of the committee, the chair shall designate an alternate member to serve regardless of the number of other senators or representatives who attend the meeting. The committee shall elect a chair and a vice-chair from among its members, provided that the chair shall rotate biennially between the house and senate members.

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

AMENDED ANALYSIS

This bill makes changes to position titles and salary grades for certain department of health and human services unclassified positions.

This bill allows the director of legislative services to add positions for unclassified state

officers which were newly created or omitted from the revised salary structure for state officers or make other technical corrections submitted by the commissioner of administrative services and approved by the fiscal committee.

This bill also increases the number of alternates to the joint legislative committee on administrative rules.
Referred to Finance.

SB 420-FN-A, making an appropriation for the purpose of hiring a recreational ride and lift investigator. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles Q. Hall for Executive Departments and Administration: The bill, as amended, adds one full time inspector to the division of safety services for the purpose of inspecting recreational rides and lifts as well as investigating problems involving those rides and lifts. With our 138 lifts in 30 ski areas and 420 amusement rides owned by 55 companies, the committee felt that the present staff of 1.5 persons was not adequate to protect the public. Vote 14-0.

Amendment (3023h)

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

AN ACT making an appropriation for the purpose of hiring a recreational ride and lift inspector.

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

1 Position Established. The position of recreational ride and lift inspector, labor grade 16, is established in the department of safety, division of safety services.

2 Appropriation. The sum of \$1 is hereby appropriated for the fiscal year ending June 30, 2003 to the department of safety, division of safety services for the purposes of this act. This appropriation is in addition to any other funds appropriated to the department of safety, division of safety services. The commissioner of safety shall furnish suitable equipment to the recreational ride and lift inspector out of the sum appropriated herein. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

This bill makes an appropriation to the department of safety, division of safety services for the purpose of hiring a recreational ride and lift inspector.

This bill is a request of the department of safety.

Referred to Finance.

SB 434, establishing the duties of the fish and game commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. Vincent E. Greco for Fish and Game: This bill as amended describes the duties of the Fish and Game Commission. Bill is the result of a three year Senate Study Committee and a Managerial Study on Policies and Procedures by the Fish and Game Commission. The Commission has instituted a new Policy Manual and intends to further establish a method of budget review that makes the original bill redundant and inflexible. Vote 15-0.

Amendment (2986h)

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

1 New Section; Fish and Game Commission; Duties and Responsibilities. Amend RSA 206 by inserting after section 7 the following new section:

206:7-a Duties and Responsibilities.

I. In addition to other duties provided by law, it shall be the duty of the fish and game commission as the citizens' representatives to be the steward of the fish, wildlife, and marine resources of the state of New Hampshire and to set broad policy which will guide the fish and game department in the following matters:

(a) Conserving, protecting, and managing wildlife populations and habitat, collecting necessary scientific information and enforcing fish and game laws for the purpose of sustaining healthy populations of fish, wildlife, and marine resources.

(b) Developing, funding, and implementing a long range strategic plan to direct the operation of the fish and game department.

(c) Acquiring, developing, and maintaining public access to lands and waters for recreational use consistent with New Hampshire laws and rules.

(d) Educating the public, building awareness, and encouraging support for department programs and objectives.

(e) Establishing positions on all proposed legislation that directly affects fish and wildlife resources and the overall management of the fish and game department.

II. It shall be the duty of the commission to nominate the executive director in accordance with RSA 206:8, I(a).

2 Technical Changes; Subparagraphs Designated. Amend RSA 206:8, I to read as follows:

I.(a) The commission, following a comprehensive and equitable search, shall nominate, and the governor and council shall appoint, an executive director of the fish and game department. If the governor and council fail to appoint the nominee, the commission shall nominate another person. Each nominee shall be a person with knowledge of, and experience in, the requirements for the protection, conservation, and restoration of the wildlife resources of the state and shall be a competent administrator.

(b) The executive director shall hold office for a term of 4 years from the date of appointment and until a successor is appointed and qualified. Notwithstanding RSA 21:33-a, a vacancy in such office shall be filled for a 4-year term from the date of appointment. The governor and council shall have the authority to remove the executive director at any time, but only for just cause pursuant to RSA 4:1. In such case, the governor and council shall deliver to the executive director a copy of the charges and afford an opportunity of being heard publicly in person or by counsel after being given not less than 15 days notice.

(c) The executive director shall not hold any other public office, and shall be entirely devoted to the service of the state in the discharge of the official duties of the position. The executive director shall receive the compensation prescribed in RSA 94:1-4, and shall be reimbursed for all actual and necessary traveling and other expenses incurred in the discharge of official duties. Before entering upon the duties of the office, the executive director shall take the oath prescribed by the constitution, and shall, in addition thereto, swear that no other public office is held nor any position under any political committee or party is held. Such oath shall be filed with the secretary of state.

(d) The executive director shall have general supervision and control of all activities, functions, and employees of the fish and game department, and shall enforce all the provisions of the laws of this state relating to fish, wildlife resources, and marine species, and shall exercise all necessary powers incident thereto.

3 References to Committees Changed. Amend RSA 206:9-b to read as follows:

206:9-b Annual Report; Moose and Bear Management Funds. The executive director shall submit an annual report by October 1 beginning with fiscal year 1995, to the fiscal committee, the chairperson of the **appropriate** house [~~wildlife and marine resources~~] committee, and the chairperson of the **appropriate** senate [~~fish and game/recreation~~] committee relative to all receipts and disbursements in the moose management fund established in RSA 208:1-a, III and the bear management fund established in RSA 208:24, IV. Each report shall be in such detail with sufficient information to be fully understood by the general court and the public summarizing the receipts and disbursements regarding such funds. After submission to the general court, the report shall be available to the public.

4 Hearings; Commission References Added. Amend RSA 206:11 to read as follows:

206:11 Hearings to Receive Suggestions From the Public. Once each biennium, in the odd-numbered year, the executive director **and the commission** shall hold public hearings

to hear suggestions from the public on changes in the fishing rules or on any other subject with respect to ~~his~~ **the department's** duties. Such hearing shall be held in Concord and in Lancaster. Public notice of said hearings shall be published at least twice in 2 newspapers having general circulation throughout the state, and in such other newspapers, magazines, or circulars as the executive director **or the commission** may deem desirable. It shall be the duty of the members of the commission to be in attendance at such hearings. The executive director may ~~in his discretion~~ conduct other public or private hearings throughout the year upon petition of interested parties. At the biennial hearings held at Concord and Lancaster and at other public hearings that ~~the executive director shall hold~~ **are held** in accordance with the provisions of this section, any person having any testimony to present which bears upon the power and authority of the executive director under the provisions of this title shall be given full opportunity to be heard, and the executive director shall cause a complete record to be kept of all testimony taken.

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

AMENDED ANALYSIS

This bill establishes the duties of the fish and game commission as the steward of the fish, wildlife, and marine resources of the state.

SB 320, establishing a study committee to review independent living retirement communities. **OUGHT TO PASS**

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This bill establishes a study committee to review independent living retirement communities. Its duties would be to review the operations of the retirement communities to determine: if there is a need for an oversight committee; if a better definition is required; if advertising and marketing strategies are appropriate; if written guarantees to seniors are required; and, if formulas used to establish entrance fees need revision. Vote 17-0.

SB 400, establishing a committee to study issues concerning the Poison Information and Control Center. **OUGHT TO PASS**

Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: This bill establishes a study committee to address issues confronting the Poison Information and Control Center at Dartmouth Hitchcock Medical Center. The study shall include, but not be limited to, these three areas: (1) should the Center become certified; (2) should a clinical toxicologist be hired solely for the Center; and (3) to examine sustainable funding mechanisms for the Center. Last year the Center had 17,141 contacts and the Health and Human Services and Elderly Affairs Committee finds this to be an important service in the state and warrants a study committee to examine these issues. Vote 16-0.

SB 368, granting probate courts the power to issue attachments and levies of execution. **OUGHT TO PASS**

Rep. Larry G. Elliott for Judiciary: This bill gives Probate Courts the same powers that Superior Courts now have to issue attachments and levies of execution on real and personal property in cases within their jurisdiction. The Probate Courts were given many of the powers of the Superior Courts in the past and these necessary powers were inadvertently omitted in prior legislation. The procedures for levies and attachments exist in other statutes already on the books. Vote 16-0.

SB 369, relative to compensation of guardians and conservators for administrative expenses. **OUGHT TO PASS**

Rep. Peter S. Espieffs for Judiciary: Under RSA 554:19, "Priority of Charges", the estate of a decedent is first chargeable with "the just expenses of the administration". This assures that the administrator or executor of the decedent will be reasonably compensated for his or her services in performing the necessary task of administering a decedent's estate. However, there

is no similar provision of law protecting the services performed by guardians or conservators of incapacitated or disabled persons under RSA 464-A, which addresses guardianships and conservatorships. Consequently there are many instances where the funds of the incapacitated or disabled ward are expended to a degree that little or nothing remains for payment of the guardian or conservator. This situation has discouraged many from undertaking guardianships and conservatorships, with resulting hardship to persons needing these services. This bill is good public policy because it encourages persons to undertake the necessary administration of the affairs of incapacitated and disabled individuals by providing assurance that compensation for their services will be considered a priority charge of the ward's estate. Further, the estate is protected because all guardian and conservator compensation is routinely subject to Probate Court approval. Vote 16-0.

SB 435-FN, requiring the supreme court to establish a mental health court pilot program in the Keene District Court. **OUGHT TO PASS**

Rep. James W. Craig for Judiciary: This bill requires the Supreme Court to set up a pilot program in the Keene District Court which would allow for people facing misdemeanor charges who have been identified as mentally ill to be diverted from the criminal justice system into an appropriate mental health treatment program or service. The term "mentally ill" would include drug and alcohol addiction for the purpose of this program. The rules under which the program will function will be made by a committee reporting to the Supreme Court and it is intended that input will be obtained from the District Court and law enforcement, and the local mental health provider community. The bill also creates a legislative oversight committee consisting of three members of the House and three members of the Senate who will make recommendations on continuing, funding and expansion of the program to other counties. Vote 15-0.

Referred to Finance.

SB 411, extending the reporting dates of certain study committees. **OUGHT TO PASS**

Rep. Maurice E. Goulet for Legislative Administration: The committee recognized the need to extend the reporting dates of the following study committees: Affordable Housing Commission; Juvenile Shelter Care Facilities Commission; and the Temporary Assistance to Needy Families and Post Secondary Education Study Committee. This bill extends the report date to November 1, 2002. Vote 14-0.

SB 177-FN-L, relative to computation of tax increments in municipal economic development and revitalization districts. **REFER FOR INTERIM STUDY**

Rep. James E. Twombly for Municipal and County Government: Tax Increment Finance Plan (TIF's) districts authorized in RSA 162 have been successful in revitalizing and encouraging economic development in towns and cities that have adopted them. As the property in a TIF district is improved, the property value increases and the tax on this increased value is dedicated to pay off the bonded debt incurred by the community to finance the improved infrastructure. The Statewide Property Tax eliminates the local incentive to adopt a TIF district. This bill was introduced to rectify the situation. Working closely with the Department of Revenue Administration and interested communities, it was determined that this bill as written needs work. The committee did not have the time to develop the correct bill and is therefore, recommending Interim Study. Vote 12-0.

SB 406, relative to animal control and animal population control fees for cats. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: Any resident of the state that has adopted a dog or cat from an animal shelter as defined in RSA 437:2 is eligible to participate in the spay/neuter program. This bill increases the fee from \$10.00 to \$15.00 for eligible participants who are enrolled in various non-profit programs. Vote 12-1.

Amendment (3095h)

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

AN ACT relative to animal control.

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

1 Eligibility of Owner of Dog or Cat to Participate. Amend RSA 437-A:3 to read as follows:

437-A:3 Eligibility of Owner of Dog or Cat to Participate.

I. A resident of the state who has adopted a dog or cat from an animal shelter facility, as defined in RSA 437:2, I, shall be eligible to participate in the program if the owner signs a consent form certifying that the person is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the operation, **and such person pays a fee of \$30.** The sterilization shall be performed by a participating veterinarian, ~~and the fee for the operation shall be \$25.~~

II. A resident of the state who owns a dog or cat and who is eligible for one of the following programs shall also be eligible to participate in a reduced fee companion animal population control program if the owner signs a consent form certifying that the person is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the procedure and such person pays a fee of ~~[\$10]~~ **\$15:**

(a) The Food Stamp Program authorized by Title XIII of the Food and Agriculture Act of 1977 (7 U.S.C. section 2011 et seq.) and RSA 161:2, XIII.

(b) The Supplemental Security Income Program established pursuant to Title XVI of the Social Security Act (42 U.S.C. section 1381 et seq.).

(c) The ~~[Aid to Families with Dependent Children]~~ **Temporary Assistance for Needy Families** Act established pursuant to 42 U.S.C. section 601 et seq. and RSA 161-B.

(d) The aid to the needy blind program established under RSA 161:2, V.

(e) The medicaid program established under RSA 167.

(f) The old age assistance program established under RSA 167.

(g) The aid to the permanently and totally disabled program established under RSA 167.

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

AMENDED ANALYSIS

This bill raises the fee for animal sterilization for animals adopted from animal shelters.

SB 356, relative to naming a certain body of water in Lake Winnepesaukee in the town of Meredith. **OUGHT TO PASS**

Rep. David M. Lawton for Resources, Recreation and Development: SB 356 will authorize a presently nameless body of water in Lake Winnepesaukee to be named "Hubbard Bay." The name "Hubbard" appears on several other landmarks in the vicinity of the bay and is attributed to the historic farm estate owned by the Hubbard family. All testimony at the hearing was in support of this legislation. Vote 15-0.

SB 361-FN, establishing a committee to study developing computerized emergency warning systems that use the enhanced 911 data base to provide telephone subscribers with a telephone warning of an emergency situation. **OUGHT TO PASS**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill establishes a committee to study the feasibility of developing a computerized emergency warning system using the enhanced 911 database. The system could provide telephone subscribers with early emergency warnings. The committee agreed with the concepts involved and feels that a study committee would evaluate among other things, the cost/benefit scenarios of such a system. Vote 14-0.

SB 446, relative to rights and protections for New Hampshire national guard members called to state active duty. **OUGHT TO PASS**

Rep. Paul G. LaFlamme for State-Federal Relations and Veterans Affairs: As a result of the attacks on this country on 9/11 some changes are needed to keep whole those citizen soldiers who are protecting us. Those members of the guard who are called to duty by the state currently are not offered the same benefits, privileges and protections in employment as if they were called by the federal government when members are called for a period longer than thirty (30) days. This bill will protect these soldiers as provided by the Uniformed Services Employment and Re-employment Act. Vote 14-0.

SB 403-FN, relative to special motorcycle number plates for veterans who were awarded the purple heart medal, special motorcycle licenses, and motor vehicle inspectors. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill allows a person who was awarded a purple heart to be issued an additional special number plate for a motorcycle. Additionally, this bill corrects the fees for special motorcycle licenses and motorcycle endorsements. Last year when we passed the added fees for driver licenses, we overlooked the impact on first time motorcycle endorsement. The amendment corrects this issue. This bill also changes the title of the Motor Vehicles Inspectors to Highway Patrol and Enforcement Officers. These amendments are at the request of the Department of Safety. Vote 12-0.

Amendment (2987h)

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

AN ACT relative to special motorcycle number plates for veterans who were awarded the purple heart medal, special motorcycle licenses and motorcycle endorsements, and motor vehicle inspectors.

Amend the bill by replacing sections 2-3 with the following:

2 Registration of Vehicles; Special Number Plates for Veterans; Veterans Awarded the Purple Heart. Amend RSA 261:86, II to read as follows:

II. Plates furnished pursuant to subparagraphs I(a)-(c) shall be issued without charge. Plates furnished pursuant to subparagraphs I(d) and (e) shall be issued upon payment of the regular registration and number plate fees. Notwithstanding RSA 265:73 or any other law, any person who is issued a plate pursuant to subparagraphs I(c)-(e) shall not be entitled to free parking privileges provided for disabled veterans. Individuals who qualify for special plates for certain veterans shall only be issued one set of plates pursuant to this section, ***except that a person who qualifies for special plates pursuant to subparagraph I(d) may be issued an additional special plate for a motorcycle.***

3 Driver's License Fees; Special Motorcycle License and Motorcycle Endorsement.

Amend RSA 263:42 to read as follows:

- I. For each youth operator's or original driver's license and examination or driver's license renewal, other than for a commercial vehicle ***or motorcycle-*** \$50; for each original commercial driver license and examination or commercial driver license renewal- \$60; for each commercial driver license reexamination in a one-year period- \$20; for each commercial vehicle endorsement, renewal of an endorsement, or removal of a restriction- \$10; ***for each special motorcycle original license and examination or special motorcycle license renewal- \$50; for each original motorcycle endorsement- \$25; for each motorcycle endorsement renewal- no charge.*** For each original driver's license issued, \$5 shall be credited to the driver training fund established by RSA 263:52. Every license shall expire on the licensee's birthdate in the fifth year following the issuance of such license. No fee collected under this paragraph shall be refunded once an examination has been taken or a license issued, except as provided in RSA 263:43.

AMENDED ANALYSIS

This bill:

- I. Changes the title of motor vehicle inspectors to highway patrol and enforcement officers.
- II. Establishes fees for special motorcycle licenses and motorcycle endorsements.
- III. Allows a person who was awarded a purple heart to be issued an additional special number plate for a motorcycle.

SB 312, relative to quarterly payment of estimated interest and dividends tax. **OUGHT TO PASS**

Rep. Vivian R. Clark for Ways and Means: This bill increases the threshold annual tax liability for which quarterly payments of estimated interest and dividends tax are required, from \$200 to \$500. Doing so will reduce paperwork for both the taxpayers and the Dept. of Revenue Administration. Vote 16-0.

SB 318, relative to transfers of funds from the sweepstakes fund for sweepstakes purposes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: The Sweepstakes Commission is perhaps unique in not being able to transfer funds for unexpected personnel expenses with approval of the Fiscal Committee during the biennium. The latest salary and insurance cost raises made this situation untenable. This bill provides them this ability. The amendment limits these transfers to salary and retirement benefits, making the solution fit the problem. Vote 16-0.

Amendment (3071h)

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

AN ACT relative to transfers of funds from the sweepstakes fund for salary and retirement benefits.

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

- 1 Sweepstakes Fund. Amend RSA 284:21-j to read as follows:
284:21-j Establishment.

I. The state treasurer shall credit all moneys received from the sweepstakes commission, and interest received on such moneys, to a special fund from which the treasurer shall pay all expenses of the commission incident to the administration of this subdivision and RSA 287-E. Any balance left in such fund after such expenses are paid shall be deposited in the education trust fund established under RSA 198:39.

II. Notwithstanding any other provision of law, if the expenditure of additional funds over budget estimates is necessary for the proper functioning of the sweepstakes commission, the commission may request, with prior approval of the legislative fiscal committee, that the governor and council authorize the transfer of funds from the sweepstakes fund for expenses related to salary and retirement benefits.

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

AMENDED ANALYSIS

This bill permits certain transfers from the sweepstakes fund to pay for expenses related to salary and retirement benefits, if approved by the legislative fiscal committee and the governor and council.

SB 388, relative to bingo game operation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: This bill encourages the restoration of traditional bingo games to the local church and firehouse by allowing bingo volunteers to play bingo only after finishing their work, following a 15-year prohibition on playing at all. It maintains a ban on playing by bingo chairs (callers), treasurers and providers of facilities or equipment. Vote 14-0.

Amendment (3127h)

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

1 Bingo and Lucky 7; Operation of Bingo Games. Amend RSA 287-E:7, V to read as follows:

V. No ~~[person operating a bingo game and no]~~ **bingo chairperson, bingo treasurer, or** person who has leased out a facility or sold or leased bingo paraphernalia or related equipment to a charitable organization for use during bingo games shall participate or play in any game conducted at that location on that date.

2 New Paragraph; Operation of Bingo Games; Exception. Amend RSA 287-E:7 by inserting after paragraph V the following new paragraph:

V-a. A person who volunteers to assist in the operation of a bingo game may play bingo after assisting with the operation of the game; provided that once a person has played bingo on a given date, that person may no longer assist with the operation of the bingo game on that date.

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

REGULAR CALENDAR

SB 52, relative to liquor liability insurance coverage and relative to liquor licensee training. OUGHT TO PASS WITH AMENDMENT

Rep. Leo W. Fraser, Jr. for Commerce: The bill as amended allows the Liquor Commission to require vendors of alcoholic beverages to purchase insurance or sufficient security in a minimum amount of \$100,000 for any one person or \$300,000 for all persons per incident. This requirement may be imposed only if a licensee has been found guilty of selling alcohol to a person under the age of 21 or to an intoxicated person twice within a 24-month period. The bill also requires the Liquor Commission to issue a report by July 1, 2005 summarizing the instances in which liability insurance was required and evaluating the effectiveness of this law. Finally, the bill addresses training requirements for one-day licensees and the suspension of licenses when the training requirement is not adhered to. Vote 12-0.

Amendment (3117h)

Amend the bill by replacing section 1 with the following:

1 New Section; Alcoholic Beverages; Liquor Licenses and Fees; Insurance for Liquor Liability.

Amend RSA 178 by inserting after section 2 the following new section:

178:2-a Insurance for Liquor Liability.

I. If the commission finds that a licensee or applicant has twice within 24 months violated RSA 179:5 under circumstances not involving enforcement activity initiated solely for the purpose of verifying noncompliance with RSA 179:5, the commission may require, as a condition of the issuance, renewal, or reinstatement of any license that the licensee or applicant furnish sufficient security for liquor liability of the licensee of up to a limit of \$100,000 for any one person and \$300,000 for all persons per incident. Such security may be provided by:

(a) A continuous certificate of an insurance company or surety company authorized to transact business in this state, attesting to such coverage, which shall remain in effect unless cancelled or non-renewed in accordance with RSA 417-C, with a copy of notice of cancellation or non-renewal provided to the commission; or

(b) The deposit with the commission of money or securities satisfactory to the commission. Such securities shall be of a type which may be legally purchased by a savings bank or trust funds. Money or securities so deposited shall be subject to execution to satisfy judgment for liquor liability, but otherwise shall not be subject to attachment or execution.

II. The commission shall adopt rules, pursuant to RSA 541-A, relative to procedures

and criteria necessary for a certificate of insurance for liquor liability to be required for the issuance of a liquor license.

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

3 Liquor Licenses and fees; Training Required; License Suspension. Amend RSA 178:2, V to read as follows:

V. The commission ~~[shall]~~ **may** suspend, **pursuant to RSA 541-A:30, III**, the license of any person who holds a license under the provisions of this chapter for failure to comply with the requirements of paragraph IV. The license shall not be reissued until the required training is completed.

4 Applicability; Insurance for Liquor Liability. No violations of RSA 179:5 occurring prior to the effective date of this act shall be considered by the liquor commission in determining whether to require a licensee or applicant to furnish security pursuant to RSA 178:2-a.

5 Insurance for Liquor Liability; Report by Liquor Commission. The liquor commission shall submit a report by July 1, 2005 to the speaker of the house of representatives, the president of the senate, and the chairpersons of house and senate committees having jurisdiction over liquor licensing summarizing the commission's implementation of RSA 178:2-a. The report shall include, but not be limited to, a summary of violations of RSA 179:5 during the 3-year periods preceding and following the enactment of RSA 178:2-a, a summary of those cases where the commission has required licensees to furnish security pursuant to RSA 178:2-a including the type of security provided, a description of each type of security available to licensees required to furnish security pursuant to RSA 178:2-a including the cost of each, and an evaluation of the effectiveness of requiring security pursuant to RSA 178:2-a.

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

AMENDED ANALYSIS

This bill permits the liquor commission to require, as a condition of the issuance, renewal, or reinstatement of any license that the licensee or applicant provide security for liquor liability of the licensee if the licensee or applicant has twice within 24 months violated the prohibition on serving minors or intoxicated persons. The liquor commission is required to file a report by July 1, 2005 summarizing its implementation of this requirement. This bill also requires that a management representative of an applicant for a one-day liquor license attend a training program prior to the effective date of the license, and modifies the provision relating to license suspension for persons failing to complete the required training. Adopted.

Report adopted and ordered to third reading.

SB 402-FN-A, establishing a committee to study long-term care funding and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Sheila T. Francoeur for Commerce: This bill would create a committee to study the issue of long-term care funding and whether long-term care insurance is a viable option for the state of New Hampshire. The committee recognizes that long-term care is and will continue to be a concern for our senior citizens and an expense for the state, but the committee does not believe that this bill is the proper vehicle nor would it allow enough time to study the many complex facets of this important issue. Vote 11-1. Adopted.

SB 422-FN, relative to the insurance laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: The bill was introduced at the request of the New Hampshire Insurance Department. As amended it has seven sections including provisions relative to the premium tax; life, accident and health; property and casualty; and sales of insurance by financial institutions. In order to be consistent with current market conditions, an additional change reduces the annual annuity interest rate from 3% to 1 1/2%. This is effective only to July 1, 2004 when it will sunset. In the interim, the insurance industry is

attempting to find a permanent solution. Beyond what has been reported above, the next section addresses rulemaking authority and finally the concluding sections involves unauthorized/unlicensed insurance and credentialing. Vote 12-0.

Amendment (3028h)

Amend the bill by replacing section 9 with the following:

9 Continuing Care Communities; Audits. Amend RSA 420-D:23 to read as follows:

420-D:23 Audits. The commissioner or ~~[his]~~ **the commissioner's** agent shall audit the books and records of a facility subject to this chapter ~~[as]~~ **once every 5 years, or more** frequently as ~~[he]~~ **the commissioner** deems necessary to assure the accuracy of reports to him **or her** taking into consideration other independent audits required under this chapter. Amend the bill by replacing section 14 with the following:

14 Liability Insurance; Rates for Workers' Compensation Insurance; Prohibitions.

Amend RSA 412:10 to read as follows:

412:10 Prohibitions.

I. Subject to paragraph II, no such insurer shall issue, renew, or carry any insurance against liability under the workers' compensation law at premium rates which are greater or less than or different from those so approved by the commissioner.

II. Upon the written petition of an insured whose workers' compensation premium prior to the application of this paragraph is at least \$25,000, the commissioner may, for good cause, approve a premium for that insured only which is in excess of the premium the insured would pay in the New Hampshire workers' compensation assigned risk plan. The petition shall specify the reasons why it should be granted and shall include a statement that the insured is aware that coverage could be obtained at a lower rate, in the assigned risk plan. The petition shall be filed no less than 30 days after the effective date of coverage to be provided by the policy rated under this paragraph. The petition shall be deemed approved unless the commissioner, or designee, denies the same within 30 days of filing. The premium approved or deemed approved hereunder shall not exceed the maximum which would be charged based on application of the insurer's highest loss cost multiplier, schedule debit or other approved rating mechanism. Failure to secure approval hereunder shall enable the insurer to cancel the policy upon 30 days notice to the insured, the provisions of RSA 281-A:9 notwithstanding. If the petition is denied, the insurer shall charge no more than the premium rates which would have applied had the insured been written in the assigned risk plan.

III. Refusal by a risk to be placed into the assigned risk pool, for whatever reason is not sufficient for consent to rate the insured.

Amend the bill by replacing sections 26 through 30 with the following:

26 Sales of Insurance By Financial Institutions; Confidential Customer Information.

RSA 406-C:9 is repealed and reenacted to read as follows:

406-C:9 Confidential Customer Information. The financial institution shall not disclose any nonpublic customer information, unless such disclosure is consistent with the provisions of the federal Gramm-Leach-Bliley Act and any applicable laws or rules adopted pursuant to RSA 400-A:15, I.

27 Sales of Insurance by Financial Institutions; Separation of Activities. RSA 406-C:7, I is repealed and reenacted to read as follows:

I. A financial institution shall, to the extent practicable, keep the area where the bank conducts transactions involving insurance products or annuities physically segregated from areas where retail deposits are routinely accepted from the general public or credit transactions are conducted, identify the areas where insurance product or annuity sales activities occur, and clearly delineate and distinguish those areas from the areas where the bank's retail deposit-taking activities or credit transactions occur; provided that this section shall not apply to the sale of credit life insurance, credit accident and health insurance,

mortgage life insurance and mortgage disability insurance, credit involuntary unemployment insurance, and private mortgage insurance issued under a certificate of a bank policy.

28 Insurance Companies and Agents; Rulemaking Authority. Amend the introductory paragraph of RSA 402:30-a to read as follows:

The commissioner ~~[shall]~~ **may** adopt rules, under RSA 541-A, ***which are reasonable and necessary for the implementation and administration of this chapter*** relative to:

29 Reinsurance Intermediaries; Rulemaking. Amend the introductory paragraph of RSA 402-F:11 to read as follows:

The commissioner ~~[shall]~~ **may** adopt rules, under RSA 541-A ***which are reasonable and necessary for the implementation and administration of this chapter***, relative to:

30 Preferred Provider Agreements; Rulemaking. Amend the introductory paragraph of RSA 420-C:6, I to read as follows:

I. The commissioner ~~[shall]~~ **may** adopt rules under RSA 541-A ***necessary for the implementation and administration of this chapter***, relative to:
Amend the bill by replacing section 42 with the following:

42 Eligibility; High Risk Pool. Amend RSA 404-G:5-e, VI(e) to read as follows:

(e) After the second of 2 successive inquiries made by the plan concerning the person's ~~[eligibility or]~~ place of residence to which the person does not reply, provided the person has 90 days to respond to each inquiry.

43 Application of Provisions of the Insurance Code. Amend RSA 404-G:5-f, II to read as follows:

II. The following provisions of title 37 shall apply to the pool to the extent applicable and ***not*** inconsistent with the express provisions of this chapter: RSA 415:5, 415:6, 415:6-a, 415:6-b, 415:6-c, 415:6-f, 415:6-g, 415:6-h, 415:7, 415:9--415:13, 415:22, 415:22-a, 415:22-b, 415:23, RSA 415-A, RSA 417, RSA 420-B:8, 420-B:8-b, 420-B:8-d, 420-B:8-e, 420-B:8-ee, 420-B:8-f, 420-B:8-ff, 420-B:8-g, 420-B:8-gg, 420-B:8-h, 420-B:8-i, 420-B:8-j, 420-B:8-k, 420-B:8-m, 420-B:11-12, RSA 420-C, RSA 420-E:4, RSA 420-G:7, 420-G:8, 420-G:11, RSA 420-H, RSA 420-I, and RSA 420-J:3. For the purposes of this chapter, the pool shall be deemed an insurer, pool coverage shall be deemed individual health insurance, and pool coverage contracts shall be deemed policies.

44 New Paragraph; Minimum Nonforfeiture Amounts; Individual Annuities. Amend RSA 409-A:4 by inserting after paragraph I the following new paragraph:

I-a. Notwithstanding any other provisions of this section, for contracts providing flexible considerations issued on or after July 1, 2002 and before July 1, 2004, the rate of interest referred to in paragraph I shall be 1.5 percent per annum of percentages of the net considerations, adjusted in the manner set forth in paragraph I.

45 Rulemaking; Managing General Agents. Amend RSA 402-E:7 to read as follows:

402-E:7 Rulemaking. The commissioner of the insurance department ~~[shall]~~ **may** adopt rules, under RSA 541-A, necessary for the implementation and administration of this chapter.

46 Rulemaking; Disposal of Assets. Amend RSA 403-A:12 to read as follows:

403-A:12 Rules and Regulations. The insurance commissioner ~~[shall]~~ **may**, by regulation, prescribe the rules necessary for the administration of this chapter.

47 Rulemaking; Conversion of Mutual Insurers. Amend RSA 403-B:9 to read as follows:

403-B:9 Rules. The commissioner ~~[shall]~~ **may** adopt rules, pursuant to RSA 541-A, as may be necessary for the administration of this chapter.

48 Rulemaking; Legal Services Insurance. Amend RSA 415-C:7 to read as follows:

415-C:7 Rulemaking. The commissioner ~~[shall]~~ **may** adopt under RSA 541-A such rules as are necessary to implement the mandates of this chapter.

49 Rulemaking; Delta Dental Plan. Amend RSA 420-F:17 to read as follows:

420-F:17 Rulemaking Authority. The commissioner ~~[shall]~~ **may** adopt rules in accordance with RSA 541-A, which are reasonable and necessary to administer and enforce the provisions of this chapter.

50 Rulemaking; Portability, Availability and Renewability of Health Coverage. Amend RSA 420-G:14 to read as follows:

420-G:14 Rulemaking Authority. The commissioner ~~[shall]~~ **may** adopt rules, under RSA 541-A, necessary to the proper administration of this chapter.

51 New Subparagraph; Privacy Task Force; Member Added. Amend 2001, 256:8, I(k) by inserting after subparagraph (9) the following new subparagraph:

(10) Retail merchants.

52 Effective Date.

I. Sections 3, 4, 7, 8, 10, 11, 18-23, 44, and 51 shall take effect upon its passage.

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

Adopted.

Report adopted and ordered to third reading.

SB 429, relative to the community technical college system. **REFER FOR INTERIM STUDY**
Rep. Steven J. Winter for Education: This bill had considerable support after its initial hearing but it was later discovered that the Executive Departments and Administration Committee has serious concern over some of the provisions contained in it. Although the concept of HB 429 has been the subject of previous studies, it appears that these issues have not been fully resolved. An interim study committee with members from both the Education and ED&A Policy Committees could resolve the conflict and produce a "clean" bill for next session. Vote 7-6.

Adopted.

SB 332-FN, relative to the payment of medical benefits costs for certain group II permanent firemen members injured in the performance of duty. **REFER FOR INTERIM STUDY**
Rep. Michael O'Neil for Executive Departments and Administration: This bill would provide a health insurance subsidy to minor children of firefighters retired on a disability pension. This subsidy is presently available only to a certifiably dependant child with a disability living in the household and being cared for by the qualified member, the member's spouse, or the qualified spouse. The funds for this program come from the medical sub trust. The effect of this bill on the medical sub trust is unknown at this time so the committee wished to study the impact upon the medical trust. Vote 9-3.

Rep. Burling spoke against.

Rep. Zolla spoke in favor and yielded to questions.

Rep. Burling requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 199 NAYS 151

YEAS 199

BELKNAP

Bartlett, Gordon
Holbrook, Robert
Pilliod, James
Thomas, John

Boyce, Laurie
Lawton, David
Rice, Thomas Jr

Czech, Stanley
Millham, Alida
Rosen, Ralph

Flanders, Donald
Nedeau, Stephen
Russell, David

CARROLL

Babson, David Jr
Mock, Henry
Sullivan, P Judith

Bradley, Jeb
Patten, Betsey

Dickinson, Howard
Philbrick, Donald

Kenney, Joseph
Stevens, Stanley

CHESHIRE

Avery, Stephen
Hunt, John
Royce, H Charles

Dexter, Judson
Liebl, George
Smith, Edwin

Emerson, Susan
Manning, Joseph

Fairbanks, Chandler
Roberts, William

COOS

Gallus, John	Horton, Lynn	Pratt, Leighton	Woodward, David
--------------	--------------	-----------------	-----------------

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gabler, William	Giuda, Robert
Ham, Bonnie	Marshall, Gene	Mirski, Paul	Scanlan, David
Sova, Charles	Teschner, Douglass	Williams, Burton	

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	Bergeron, Jean-Guy
Bergin, Peter	Bouchard, David	Bragdon, Peter	Brundige, Robert
Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald	Christensen, D L
			Chris
Christiansen, Lars	Coughlin, Pamela	Dionne, Kimberley	Dokmo, Cynthia
Drisko, Richard	Dyer, Merton	Elliott, Larry	Fletcher, Richard
Flora, Kathleen	Ford, Nancy	Furman, Christine	Gargas, Carolyn
Gleneck, David	Golding, William	Gonzalez, Carlos	Goulet, Maurice
Graham, John	Greenberg, Gary	Guinta, Frank	Hall, Charles
Herman, Keith	Jean, Loren	Kurk, Neal	LaFlamme, Paul
Leach, Edward	Leishman, Peter	McRae, Karen	Mercer, Robert
Messier, Irene	Moran, Edward	O'Connell, Timothy	Pappas, Marc
Peterson, Andrew	Reeves, Sandra	Salts, Greg	Sargent, Maxwell
Seibel, Christopher	Souza, Kathleen	Tate, Joan	Thulander, O Alan
Vaillancourt, Steve	Wheeler, Robert		

MERRIMACK

Anderson, Eric	Colcord, J D	Cummings, Raymond	Dunne, Christopher
Feuerstein, Martin	Hager, Elizabeth	Hess, David	Langer, Ray
Leber, William	Lockwood, Priscilla	Maxfield, Roy	Soltani, Tony
Swindlehurst, John	Winter, Steven		

ROCKINGHAM

Belanger, Ronald	Bishop, Franklin	Bowles, Raimond	Boynton, James
Camm, Kevin	Carson, Sharon	Case, Margaret	Chalbeck, Kevin
Clark, Vivian	Cooney, Richard	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	Dumaine, Dudley	Fesh, Bob	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Giordano, Ronald	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hill, Jonathan	Holland, James Jr	Introne, Robert
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Katsakiores, Phyllis
Kelley, William	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Major, Norman	McKinney, Betsy	Moore, Benjamin
Morse, Charles	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Palermo, Diane	Priestley, Anne	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Rausch, James	Robertson, Carl	Saia, Pamela
Sloan, Stephen	Stritch, C Donald	Varrell, Thomas	Welch, David
Weyler, Kenneth	Whittier, John	Zolla, William	

STRAFFORD

Albert, Russell	Bickford, David	Callaghan, Frank	Cossette, Larry
Dunlap, Patricia	Harrington, Michael	Heon, Richard	Kaen, Naida
Musler, George	Reid, Christopher	Tsiros, William	Twombly, James

SULLIVAN

Jones, Constance	Leone, Richard	Odell, Bob	Rodeschin, Beverly
------------------	----------------	------------	--------------------

NAYS 151

BELKNAP

Dewhirst, Glenn	Wendelboe, Fran	Wood, Jane
-----------------	-----------------	------------

CARROLL

None

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espieffs, Peter
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Slack, Pamela	Weed, Charles

Zerba, Roger

COOS

Bradley, Paula	Guay, Lawrence
----------------	----------------

GRAFTON

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

HILLSBOROUGH

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Buckley, Raymond
Cardin, Lori	Clayton, William	Clegg, Robert Jr	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Desrosiers, William
Dionne, David	Drabinowicz, A Theresa	Dwyer, Paul	Eaton, Richard
Fields, Dennis	Foster, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Haley, Robert	Hall, Betty	Holden, Randolph
Jean, Claudette	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	L'Heureux, Robert	Lasky, Bette	Lefebvre, Roland
Lynde, Harold	Martel, Andre	McDonough-Wallace, Alice	McHugh, Claire
Melcher, Harold	Movsesian, Lori	Murphy, Robert	Palangas, Eric
Panagopoulos, Nicholas	Pepino, Leo	Schulze, Joan	Shaw, Barbara
Spiess, Paul	Sullivan, Peter	Sweeney, Cynthia	Tahir, Saghir
White, John	Williams, Carol		

MERRIMACK

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Daneault, Gabriel	Davis, Frank	Fraser, Leo Jr	Fraser, Marilyn
French, Barbara	Gile, Mary	Hutchinson, John	Jacobson, Alf
L'Heureux, Stephen	MacKay, James	Perkins, Randy	Potter, Frances
Reardon, Tara	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Wallner, Mary Jane	Yeaton, Charles		

ROCKINGHAM

Blanchard, MaryAnn	Bridle, Russell	Clark, Martha Fuller	Coes, Betsy
Corbin, Corey	DiFruscia, Anthony	Downing, Michael	Kane, Cecelia
McGuire, Robert	Micklon, Stephanie	Norelli, Terie	O'Keefe, Patricia
Pantelakos, Laura	Pitts, Jacqueline	Power, Lucille	Ruffner, Walter
Shultis, Elizabeth	Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne

STRAFFORD

Berube, Roger
Ferland, Paul
Hughes, Christopher
Pelletier, Arthur
Snyder, Clair
Woodill, Rodney

Brennan, William
Gilmore, Gary
Johnson, Nancy
Proulx, Raymond
Spang, Judith

Brown, Julie
Goodwin, Earle
Lent, Donald
Rollo, Michael
Taylor, Kathleen

DeChane, Marlene
Grassie, Anne
McCarthy, Gerald
Smith, Marjorie
Wall, Janet

SULLIVAN

Allison, David
Franklin, Peter
Robb, Amy

Burling, Peter
Harris, Joseph

Cloutier, John
Harris, Sandra

Ferland, Brenda
Phinizy, James

and the report was adopted.

SB 396-FN, relative to group II retirement status for criminalists employed by the department of safety. **REFER FOR INTERIM STUDY**

Rep. Michael O'Neil for Executive Departments and Administration: Group II was originally established to recognize the hazards that police officers and firefighters encounter on the job. The criteria for Group II eligibility has been gradually expanded beyond the hazardous duty positions such of police officers and firefighters. Further analysis of Group II eligibility requirements is needed before the committee can act on the proposal to add criminalists to Group II. Vote 12-3.
Adopted.

SB 393, relative to expiration of contact lens and corrective lens prescriptions **INEXPEDIENT TO LEGISLATE**

Rep. Andre A. Martel for Health, Human Services and Elderly Affairs: The sponsors of this bill came before our committee with urgent issues which seemed to be relevant to the prescription of contact and corrective lenses plus the expiration dates for those prescriptions. During the debate it became clear that the majority who opposed the bill did so, for fear of both anti-consumerism and competition for consumers but more importantly the possibility of an anti-trust activity because consumers would not have a choice as to where they could refill their prescriptions. Due to all the confusion on both sides of the bill, the committee majority felt it was inappropriate to pass this legislation. Vote 11-7.
Adopted.

SB 187-FN, establishing a committee to study eminent domain proceedings. **OUGHT TO PASS**

Rep. John M. Pratt for Judiciary: This bill establishes a joint House/Senate Committee to study the issues relating to eminent domain which is that process by which the state takes private property. Vote 15-1.
Report adopted and ordered to third reading.

SB 351, establishing a commission to study the expansion of projects eligible for financial assistance under RSA 486-A. **OUGHT TO PASS**

Rep. Robert W. Brundige for Municipal and County Government: RSA 486-A currently provides public water supplies with financial aid in the form of a 20% or 30% state grant to provide water system upgrades for compliance with the Federal surface Water Treatment Rules. The Department of Environmental services believes that this study to determine if there is a need to expand this program by making hydrogeological investigation costs eligible for state aid grant funding is prudent and may provide long term protection for public water sources. The committee agrees. Vote 11-2.
Report adopted and ordered to third reading.

SB 315-FN, relative to requiring payment of a club assistance program fee by persons registering snow traveling vehicles who are not members of an organized snowmobile club.
OUGHT TO PASS WITH AMENDMENT

Rep. Bob Odell for Resources, Recreation and Development: The original legislation would have required non-members of organized snowmobile clubs to pay an additional registration fee of \$30. This would have required resident non-club members to pay an annual registration fee of \$77 per machine, non-resident non-club members would pay \$92 per year per machine. Registration fees for current club members would not increase. The objectives of the original legislation are laudatory: to increase volunteer participation in trail maintenance and development, and to raise funds for the clubs. The committee reviewed options for collecting different levels of fees for club members and non-members, methods insuring integrity in the sale of memberships by registering agents or by remitting a credit to club members from an across the board fee increase, and means by which to increase revenue at the club level. The majority of the committee believes that charging different registration fees based on whether a person is a club member or not was inappropriate and that the collection of fees and sale of club memberships by registering agents would be difficult to manage. To help meet the immediate financial needs of the clubs, the committee recommends a \$10 fee increase on all snowmobile registrations. The estimated \$650,000 of new revenue would be used 100% to lower match percentages required of snowmobile clubs to receive funds from the grant-in-aid program for snowmobile trails development and maintenance. Vote 11-4.

Amendment (3126h)

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

AN ACT increasing the OHRV registration fee for snow traveling vehicles.

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

1 OHRV Registration Fees; Resident Individuals; Snow-traveling Vehicles Fees. Amend RSA 215-A:23, I to read as follows:

I. Individual resident registration-\$26 for each 2-wheeled trail bike registration, [~~\$45~~] **\$55** for each snow traveling vehicle registration, or \$35 for each other OHRV registration upon presentation of resident tax receipt, or a valid New Hampshire driver's license issued to a person 18 years of age or older.

(a) The first \$7 of each 2-wheeled trail bike registration, [~~\$25~~] **\$35** 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 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 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

2 OHRV Registration Fees; Nonresident Individuals; Snow-traveling Vehicles Fees. Amend RSA 215-A:23, III to read as follows:

III. Individual nonresident registration-\$36 for each 2-wheeled trail bike registration, [~~\$60~~] **\$70** for each snow traveling vehicle registration, or \$45 for each other OHRV registration.

(a) The first \$13 of each 2-wheeled trail bike registration, [~~\$36~~] **\$46** 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 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 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

3 Grant-in-aid Program; Bureau of Trails; Fee Increase Designation. The bureau of trails in the department of resources and economic development shall initially use the \$10 fee increase for snow traveling vehicles under sections 1 and 2 of this act for the purpose of lowering the match percentages required of OHRV clubs to receive money under the grant-in-aid program for costs related to developing, improving, or maintaining trails or facilities used by snow traveling vehicles. The commissioner of the department of resources and economic development shall adopt or amend the grant-in-aid program rules as appropriate.

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

AMENDED ANALYSIS

This bill increases the OHRV registration fee for snow traveling vehicles and initially designates the revenue to the grant-in-aid program of the bureau of trails in order to lower the match percentages of OHRV clubs receiving money for snow traveling vehicle trail work. On a division vote, 156 members having voted in the affirmative and 182 in the negative, the amendment failed.

Rep. Roberts offered a floor amendment (3140h)

Floor Amendment (3140h)

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

AN ACT increasing the OHRV registration fee for snow traveling vehicles and exempting persons who are members of an organized snowmobile club from the increased fee.

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

1 OHRV Registration Fees; Resident Individuals; Snow-traveling Vehicles Fees. Amend RSA 215-A:23, I to read as follows:

I. Individual resident registration-\$26 for each 2-wheeled trail bike registration, [~~\$45~~] **\$75** for each snow traveling vehicle registration, or \$35 for each other OHRV registration upon presentation of resident tax receipt, or a valid New Hampshire driver's license issued to a person 18 years of age or older. ***An individual resident registering a snow traveling vehicle, who provides proof at the time of registration that the individual is a member of an organized New Hampshire nonprofit snowmobile club which is a member of the New Hampshire Snowmobile Association, shall pay \$45 for each snow traveling vehicle.***

(a) The first \$7 of each 2-wheeled trail bike registration, [~~\$25~~] **\$55** 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 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 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

2 OHRV Registration Fees; Nonresident Individuals; Snow-traveling Vehicles Fees. Amend RSA 215-A:23, III to read as follows:

III. Individual nonresident registration-\$36 for each 2-wheeled trail bike registration, [~~\$60~~] **\$90** for each snow traveling vehicle registration, or \$45 for each other OHRV registration. ***An individual nonresident registering a snow traveling vehicle, who provides proof at the time of registration that the individual is a member of an organized New Hampshire nonprofit snowmobile club, which is a member of the New Hampshire Snowmobile Association, shall pay \$60 for each snow traveling vehicle.***

(a) The first \$13 of each 2-wheeled trail bike registration, [~~\$36~~] **\$66** 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 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 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

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

AMENDED ANALYSIS

This bill increases the OHRV registration fee for snow traveling vehicles but exempts persons who are members of an organized snowmobile club from the increased fee.

Reps. Roberts, McGuirk and Guay spoke in favor.

Reps. Odell, Royce, and McGuire spoke against and yielded to questions.

Rep. Soltani spoke in favor and yielded to questions.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (3140h).

YEAS 176 NAYS 180

YEAS 176

BELKNAP

Czech, Stanley Wendelboe, Fran Wood, Jane

CARROLL

Bradley, Jeb Patten, Betsey

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Emerson, Susan
Espiefs, Peter	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Roberts, William
Slack, Pamela	Smith, Edwin	Weed, Charles	Zerba, Roger
Russell			

COOS

Bradley, Paula Gallus, John Guay, Lawrence Horton, Lynn

GRAFTON

Alger, John	Almy, Susan	Barker, Robert	Benn, Bernard
Cooney, Mary	Gabler, William	Ham, Bonnie	Lovett, Sid
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Sokol, Hilda
Solow, Martha			

HILLSBOROUGH

Balcom, John	Baroody, Benjamin	Bellavance, Paul	Bergeron, Jean-Guy
Bergin, Peter	Buckley, Raymond	Cardin, Lori	Christiansen, Lars
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Dionne, David	Dionne, Kimberley	Dokmo, Cynthia
Drabinowicz, A	Elliott, Larry	Emerton, Lawrence	Fields, Dennis
Theresa		Sr	
Foster, Linda	Furman, Christine	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Haley, Robert	Hall, Betty
Holden, Randolph	Jean, Claudette	Johnson, Lionel	Kacavas, John
Keye, Harvey	Konys, Christine	L'Heureux, Robert	LaFlamme, Paul
Lasky, Bette	Leishman, Peter	Lynde, Harold	Martel, Andre
McDonough-Wallace,	McHugh, Claire	McRae, Karen	Milligan, Robert
Alice			
Movsesian, Lori	Murphy, Robert	O'Connell, Timothy	Palangas, Eric
Panagopoulos,	Pappas, Marc	Pepino, Leo	Sargent, Maxwell

Nicholas
Schulze, Joan
Sweeney, Cynthia

Shaw, Barbara
White, John

Spiess, Paul
Williams, Carol

Sullivan, Peter

MERRIMACK

Brewster, Richard
Daneault, Gabriel
French, Barbara
Leber, William
Rodd, Beth
Wallner, Mary Jane

Burney, Carol
Davis, Frank
Gile, Mary
Perkins, Randy
Rush, Deanna
Yeaton, Charles

Clarke, Claire
Fraser, Leo Jr
Greco, Vincent
Potter, Frances
Seldin, Gloria

Cummings, Raymond
Fraser, Marilyn
Jacobson, Alf
Reardon, Tara
Soltani, Tony

ROCKINGHAM

Belanger, Ronald
Coes, Betsy
Johnson, Rogers
O'Keefe, Patricia
Quandt, Marshall
Saia, Pamela
Weatherspoon,
Jacquelyne

Blanchard, MaryAnn
DiFruscia, Anthony
Kane, Cecelia
Pantelakos, Laura
Quandt, Matthew
Shultis, Elizabeth
Weyler, Kenneth

Clark, Martha Fuller
Flanagan, Natalie
Langone, John
Pitts, Jacqueline
Reardon, Neil
Splaine, James

Clark, Vivian
Johnson, Robert
Norelli, Terie
Power, Lucille
Ruffner, Walter
Trueman, Raymond

STRAFFORD

Berube, Roger
DeChane, Marlene
Grassie, Anne
Pelletier, Arthur
Smith, Marjorie
Wall, Janet

Bickford, David
Dunlap, Patricia
Hughes, Christopher
Proulx, Raymond
Snyder, Clair
Woodill, Rodney

Brennan, William
Ferland, Paul
Kaen, Naida
Reid, Christopher
Spang, Judith

Callaghan, Frank
Goodwin, Earle
McCarthy, Gerald
Rollo, Michael
Taylor, Kathleen

SULLIVAN

Allison, David
Harris, Joseph
Robb, Amy

Burling, Peter
Harris, Sandra

Cloutier, John
Leone, Richard

Ferland, Brenda
Phinzy, James

NAYS 180

BELKNAP

Bartlett, Gordon
Holbrook, Robert
Pilliod, James
Thomas, John

Boyce, Laurie
Lawton, David
Rice, Thomas Jr

Dewhirst, Glenn
Millham, Alida
Rosen, Ralph

Flanders, Donald
Nedeau, Stephen
Russell, David

CARROLL

Babson, David Jr
Philbrick, Donald

Dickinson, Howard
Stevens, Stanley

Kenney, Joseph
Sullivan, P Judith

Mock, Henry

CHESHIRE

Avery, Stephen
Liebl, George

Dexter, Judson
Manning, Joseph

Fairbanks, Chandler
Royce, H Charles

Hunt, John

COOS

Pratt, Leighton

Woodward, David

GRAFTON

Akins, Ralph
Gilman, G Michael
Scanlan, David

Cobb, John
Giuda, Robert
Scovner, Nancy

Dudley, Terri
Marshall, Gene
Sova, Charles

Eaton, Stephanie
Mirski, Paul
Williams, Burton

HILLSBOROUGH

Allan, Nelson

Alukonis, David

Andosca, Mary

Arnold, Thomas Jr

Artz, Lawrence	Balboni, Michael	Batula, Peter	Bouchard, David
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Christensen, D L	Clegg, Robert Jr	Coughlin, Pamela
	Chris		
Desrosiers, William	Drisko, Richard	Dwyer, Paul	Dyer, Merton
Eaton, Richard	Fletcher, Richard	Flora, Kathleen	Ford, Nancy
Gargas, Carolyn	Gleneck, David	Golding, William	Gonzalez, Carlos
Graham, John	Greenberg, Gary	Guinta, Frank	Hall, Charles
Herman, Keith	Jean, Loren	Kurk, Neal	Leach, Edward
Lefebvre, Roland	Melcher, Harold	Mercer, Robert	Messier, Irene
Moran, Edward	Peterson, Andrew	Reeves, Sandra	Salts, Greg
Seibel, Christopher	Souza, Kathleen	Tahir, Saghir	Tate, Joan
Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Bouchard, Candace	Colcord, J D	Dunne, Christopher
Feuerstein, Martin	Hager, Elizabeth	Hess, David	Hutchinson, John
L'Heureux, Stephen	Langer, Ray	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	Swindlehurst, John	Winter, Steven	

ROCKINGHAM

Bishop, Franklin	Bowles, Raimond	Boynton, James	Bridle, Russell
Camm, Kevin	Carson, Sharon	Case, Margaret	Chalbeck, Kevin
Cooney, Richard	Corbin, Corey	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	Downing, Michael	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Giordano, Ronald	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hill, Jonathan	Holland, James Jr	Introne, Robert
Itse, Daniel	Katsakiores, George	Katsakiores, Phyllis	Kelley, William
Kobel, Rudolph	Langley, Jane	Letourneau, Robert	Major, Norman
McGuire, Robert	McKinney, Betsy	Micklon, Stephanie	Moore, Benjamin
Morse, Charles	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Palermo, Diane	Priestley, Anne	Putnam, Ed II	Rausch, James
Robertson, Carl	Sapareto, Frank	Sloan, Stephen	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Welch, David	Whittier, John
Zolla, William			

STRAFFORD

Albert, Russell	Brown, Julie	Cossette, Larry	Gilmore, Gary
Harrington, Michael	Heon, Richard	Johnson, Nancy	Lent, Donald
Musler, George	Tsiros, William	Twombly, James	Woods, Phyllis

SULLIVAN

Franklin, Peter	Jones, Constance	Odell, Bob	Rodeschin, Beverly
-----------------	------------------	------------	--------------------

and floor amendment (3140h) failed.
The question now being Ought to Pass.
Rep. Royce spoke against.

MOTION TO LAY ON THE TABLE

Rep. McGuirk moved that **SB 315-FN**, relative to requiring payment of a club assistance program fee by persons registering snow traveling vehicles who are not members of an organized snowmobile club, be laid on the table.

Rep. Herman requested a roll call; sufficiently seconded.

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

YEAS 177 NAYS 179

YEAS 177

BELKNAP

Bartlett, Gordon
Wendelboe, Fran

Czech, Stanley
Wood, Jane

Dewhirst, Glenn

Holbrook, Robert

CARROLL

Bradley, Jeb

CHESHIRE

Allen, Peter
McGuirk, Paul
Pratt, John

Batchelder, Robert
Meador, David
Richardson, Barbara

Burnham, Daniel
Mitchell, McKim
Roberts, William

Espieffs, Peter
Pratt, Irene
Slack, Pamela
Russell

Smith, Edwin

Weed, Charles

Zerba, Roger

COOS

Bradley, Paula
Woodward, David

Gallus, John

Guay, Lawrence

Horton, Lynn

GRAFTON

Alger, John
Lovett, Sid
Pawlek, Marion

Almy, Susan
Mirski, Paul
Sokol, Hilda

Benn, Bernard
Naro, Debra
Solow, Martha

Cooney, Mary
Nordgren, Sharon

HILLSBOROUGH

Andosca, Mary
Bergin, Peter
Clegg, Robert Jr
Craig, James

Baroody, Benjamin
Buckley, Raymond
Clemons, Jane
Dionne, David

Bellavance, Paul
Cardin, Lori
Cote, David
Dokmo, Cynthia

Bergeron, Jean-Guy
Clayton, William
Cote, Peter
Drabinowicz, A
Theresa

Drisko, Richard
Ginsburg, Ruth
Hall, Betty
Kacavas, John
Lasky, Bette

Eaton, Richard
Goley, Jeffrey
Holden, Randolph
Keye, Harvey
Leishman, Peter

Foster, Linda
Gorman, Mary
Jean, Claudette
Konys, Christine
McDonough-Wallace,
Alice

Gargasz, Carolyn
Haley, Robert
Johnson, Lionel
L'Heureux, Robert
McHugh, Claire

Movsesian, Lori

Murphy, Robert

Palangas, Eric

Panagopoulos,
Nicholas
Spiess, Paul
Williams, Carol

Pepino, Leo
Sullivan, Peter

Schulze, Joan
Sweeney, Cynthia

Shaw, Barbara
White, John

MERRIMACK

Bouchard, Candace
Cummings, Raymond
Fraser, Marilyn
Hager, Elizabeth
Potter, Frances
Seldin, Gloria

Brewster, Richard
Daneault, Gabriel
French, Barbara
Jacobson, Alf
Reardon, Tara
Soltani, Tony

Burney, Carol
Davis, Frank
Gile, Mary
Kennedy, Richard
Rodd, Beth
Wallner, Mary Jane

Clarke, Claire
Fraser, Leo Jr
Greco, Vincent
Perkins, Randy
Rush, Deanna
Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn
Coes, Betsy
Johnson, Robert
Moore, Benjamin
Pitts, Jacqueline
Quandt, Matthew
Splaine, James

Bridle, Russell
DiFruscia, Anthony
Kane, Cecelia
Norelli, Terie
Power, Lucille
Reardon, Neil
Trueman, Raymond

Carson, Sharon
Downing, Michael
Langone, John
O'Keefe, Patricia
Putnam, Ed II
Saia, Pamela
Weatherspoon,
Jacquelyne

Clark, Martha Fuller
Dumaine, Dudley
McGuire, Robert
Pantelakos, Laura
Quandt, Marshall
Shultis, Elizabeth
Weyler, Kenneth

Whittier, John

STRAFFORD

Berube, Roger
Callaghan, Frank
Gilmore, Gary
Hughes, Christopher
McCarthy, Gerald
Smith, Marjorie
Twombly, James

Bickford, David
DeChane, Marlene
Goodwin, Earle
Johnson, Nancy
Pelletier, Arthur
Snyder, Clair
Wall, Janet

Brennan, William
Dunlap, Patricia
Grassie, Anne
Kaen, Naida
Proulx, Raymond
Spang, Judith
Woodill, Rodney

Brown, Julie
Ferland, Paul
Harrington, Michael
Lent, Donald
Reid, Christopher
Taylor, Kathleen

SULLIVAN

Allison, David
Franklin, Peter
Leone, Richard

Burling, Peter
Harris, Joseph
Phinizy, James

Cloutier, John
Harris, Sandra
Robb, Amy

Ferland, Brenda
Jones, Constance

NAYS 179

BELKNAP

Boyce, Laurie
Nedeau, Stephen
Russell, David

Flanders, Donald
Pilliod, James
Thomas, John

Lawton, David
Rice, Thomas Jr

Millham, Alida
Rosen, Ralph

CARROLL

Babson, David Jr
Patten, Betsey

Dickinson, Howard
Philbrick, Donald

Kenney, Joseph
Stevens, Stanley

Mock, Henry
Sullivan, P Judith

CHESHIRE

Avery, Stephen
Hunt, John

Dexter, Judson
Liebl, George

Emerson, Susan
Manning, Joseph

Fairbanks, Chandler
Royce, H Charles

COOS

Pratt, Leighton

GRAFTON

Akins, Ralph
Eaton, Stephanie
Marshall, Gene
Williams, Burton

Barker, Robert
Gabler, William
Scanlan, David

Cobb, John
Gilman, G Michael
Scovner, Nancy

Dudley, Terri
Giuda, Robert
Sova, Charles

HILLSBOROUGH

Allan, Nelson
Balboni, Michael
Bragdon, Peter
Carlson, Donald

Alukonis, David
Balcom, John
Brundige, Robert
Christensen, D L
Chris

Arnold, Thomas Jr
Batula, Peter
Bruno, Pierre
Christiansen, Lars

Artz, Lawrence
Bouchard, David
Calawa, Leon Jr
Coughlin, Pamela

Desrosiers, William
Elliott, Larry

Dionne, Kimberley
Emerton, Lawrence
Sr

Dwyer, Paul
Fields, Dennis

Dyer, Merton
Fletcher, Richard

Flora, Kathleen
Golding, William
Greenberg, Gary
Jean, Loren
Lefebvre, Roland
Melcher, Harold
Moran, Edward
Reeves, Sandra
Souza, Kathleen
Vaillancourt, Steve

Ford, Nancy
Gonzalez, Carlos
Guinta, Frank
Kurk, Neal
Lynde, Harold
Mercer, Robert
O'Connell, Timothy
Salts, Greg
Tahir, Saghir
Wheeler, Robert

Furman, Christine
Goulet, Maurice
Hall, Charles
LaFlamme, Paul
Martel, Andre
Messier, Irene
Pappas, Marc
Sargent, Maxwell
Tate, Joan

Gleneck, David
Graham, John
Herman, Keith
Leach, Edward
McRae, Karen
Milligan, Robert
Peterson, Andrew
Seibel, Christopher
Thulander, O Alan

MERRIMACK

Anderson, Eric
Hess, David
Leber, William
Swindlehurst, John

Colcord, J D
Hutchinson, John
Lockwood, Priscilla
Winter, Steven

Dunne, Christopher
L'Heureux, Stephen
MacKay, James

Feuerstein, Martin
Langer, Ray
Maxfield, Roy

ROCKINGHAM

Belanger, Ronald
Camm, Kevin
Cooney, Richard
Dearborn, Bruce
Francoeur, Sheila
Gleason, John
Hill, Jonathan
Johnson, Rogers
Kobel, Rudolph
McKinney, Betsy
O'Neil, Michael
Rausch, James
Sloan, Stephen
Welch, David

Bishop, Franklin
Case, Margaret
Corbin, Corey
Fesh, Bob
Gilbert, Jeffrey
Griffin, Mary
Holland, James Jr
Katsakiores, George
Langley, Jane
Micklon, Stephanie
Packard, Sherman
Robertson, Carl
Stone, Joseph
Zolla, William

Bowles, Raimond
Chalbeck, Kevin
Cox, Russell
Flanagan, Natalie
Gilbert, Karl
Hamel, Albert
Introne, Robert
Katsakiores, Phyllis
Letourneau, Robert
Morse, Charles
Palermo, Diane
Ruffner, Walter
Stritch, C Donald

Boynton, James
Clark, Vivian
Dalrymple, Janeen
Flanders, John Sr
Giordano, Ronald
Henderson, Warren
Itse, Daniel
Kelley, William
Major, Norman
Nowe, Ronald
Priestley, Anne
Sapareto, Frank
Varrell, Thomas

STRAFFORD

Albert, Russell
Rollo, Michael

Cossette, Larry
Tsiros, William

Heon, Richard
Woods, Phyllis

Musler, George

SULLIVAN

Odell, Bob
and the motion to lay on the table failed.
The question now being adoption of Ought to Pass.
Rep. Royce spoke against.
The motion failed.
Rep. Royce moved Interim Study and spoke in favor.
Rep. Lawton requested a roll call; sufficiently seconded.
The question being adoption of Interim Study.

Rodeschin, Beverly

YEAS 292 NAYS 64

YEAS 292

BELKNAP

Bartlett, Gordon
Flanders, Donald
Nedeau, Stephen
Russell, David

Boyce, Laurie
Holbrook, Robert
Pilliod, James
Thomas, John

Czech, Stanley
Lawton, David
Rice, Thomas Jr
Wood, Jane

Dewhirst, Glenn
Millham, Alida
Rosen, Ralph

CARROLL

Babson, David Jr
Mock, Henry
Sullivan, P Judith

Bradley, Jeb
Patten, Betsey

Dickinson, Howard
Philbrick, Donald

Kenney, Joseph
Stevens, Stanley

CHESHIRE

Allen, Peter
Dexter, Judson
Liebl, George
Roberts, William

Avery, Stephen
Emerson, Susan
Manning, Joseph
Royce, H Charles

Batchelder, Robert
Fairbanks, Chandler
Mitchell, McKim
Slack, Pamela
Russell

Burnham, Daniel
Hunt, John
Pratt, Irene
Smith, Edwin

Weed, Charles

COOS

Bradley, Paula

Horton, Lynn

Pratt, Leighton

Woodward, David

GRAFTON

Akins, Ralph
Benn, Bernard
Gabler, William
Mirski, Paul
Sokol, Hilda

Alger, John
Cobb, John
Gilman, G Michael
Nordgren, Sharon
Solow, Martha

Almy, Susan
Dudley, Terri
Giuda, Robert
Pawlek, Marion
Sova, Charles

Barker, Robert
Eaton, Stephanie
Marshall, Gene
Scanlan, David
Williams, Burton

HILLSBOROUGH

Alukonis, David
Balcom, John
Bragdon, Peter
Carlson, Donald

Arnold, Thomas Jr
Batula, Peter
Brundige, Robert
Christensen, D L
Chris

Artz, Lawrence
Bellavance, Paul
Bruno, Pierre
Christiansen, Lars

Balboni, Michael
Bergeron, Jean-Guy
Calawa, Leon Jr
Clayton, William

Clegg, Robert Jr
Dionne, David

Cote, Peter
Dionne, Kimberley

Coughlin, Pamela
Drabinowicz, A
Theresa

Desrosiers, William
Drisko, Richard

Dyer, Merton

Eaton, Richard

Elliott, Larry

Emerton, Lawrence
Sr

Fields, Dennis
Furman, Christine
Golding, William
Graham, John
Herman, Keith
Johnson, Lionel
LaFlamme, Paul
Martel, Andre
Mercer, Robert
Murphy, Robert

Flora, Kathleen
Gargas, Carolyn
Goley, Jeffrey
Greenberg, Gary
Holden, Randolph
Kacavas, John
Leach, Edward
McHugh, Claire
Messier, Irene
O'Connell, Timothy

Ford, Nancy
Ginsburg, Ruth
Gonzalez, Carlos
Guinta, Frank
Jean, Claudette
Kurk, Neal
Lefebvre, Roland
McRae, Karen
Milligan, Robert
Palangas, Eric

Foster, Linda
Gleneck, David
Goulet, Maurice
Hall, Charles
Jean, Loren
L'Heureux, Robert
Lynde, Harold
Melcher, Harold
Moran, Edward
Panagopoulos,
Nicholas

Pappas, Marc
Salts, Greg
Souza, Kathleen
Tahir, Saghir
Wheeler, Robert

Pepino, Leo
Sargent, Maxwell
Spiess, Paul
Tate, Joan
White, John

Peterson, Andrew
Schulze, Joan
Sullivan, Peter
Thulander, O Alan

Reeves, Sandra
Seibel, Christopher
Sweeney, Cynthia
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Clarke, Claire
Feuerstein, Martin
Greco, Vincent
Kennedy, Richard
Lockwood, Priscilla
Potter, Frances
Swindlehurst, John

Bouchard, Candace
Colcord, J D
Fraser, Leo Jr
Hager, Elizabeth
L'Heureux, Stephen
MacKay, James
Reardon, Tara
Winter, Steven

Brewster, Richard
Davis, Frank
Fraser, Marilyn
Hess, David
Langer, Ray
Maxfield, Roy
Seldin, Gloria
Yeaton, Charles

Burney, Carol
Dunne, Christopher
Gile, Mary
Hutchinson, John
Leber, William
Perkins, Randy
Soltani, Tony

ROCKINGHAM

Belanger, Ronald
Boynton, James
Case, Margaret
Corbin, Corey
DiFruscia, Anthony
Flanagan, Natalie
Gilbert, Karl
Hamel, Albert
Introne, Robert
Katsakiores, George

Bishop, Franklin
Bridle, Russell
Chalbeck, Kevin
Cox, Russell
Downing, Michael
Flanders, John Sr
Giordano, Ronald
Henderson, Warren
Itse, Daniel
Katsakiores, Phyllis

Blanchard, MaryAnn
Camm, Kevin
Coes, Betsy
Dalrymple, Janeen
Dumaine, Dudley
Francoeur, Sheila
Gleason, John
Hill, Jonathan
Johnson, Rogers
Kelley, William

Bowles, Raimond
Carson, Sharon
Cooney, Richard
Dearborn, Bruce
Fesh, Bob
Gilbert, Jeffrey
Griffin, Mary
Holland, James Jr
Kane, Cecelia
Kobel, Rudolph

Langley, Jane
McGuire, Robert
Norelli, Terie
Palermo, Diane
Putnam, Ed II
Reardon, Neil
Sapareto, Frank
Trueman, Raymond
Whittier, John

Langone, John
McKinney, Betsy
Nowe, Ronald
Pantelakos, Laura
Quandt, Marshall
Robertson, Carl
Sloan, Stephen
Varrell, Thomas
Zolla, William

Letourneau, Robert
Micklon, Stephanie
O'Neil, Michael
Power, Lucille
Quandt, Matthew
Ruffner, Walter
Stone, Joseph
Welch, David

Major, Norman
Morse, Charles
Packard, Sherman
Priestley, Anne
Rausch, James
Saia, Pamela
Stritch, C Donald
Weyler, Kenneth

STRAFFORD

Albert, Russell
Brown, Julie
Harrington, Michael
Lent, Donald
Smith, Marjorie
Tsiros, William
Woods, Phyllis

Berube, Roger
Callaghan, Frank
Heon, Richard
Musler, George
Snyder, Clair
Twombly, James

Bickford, David
Ferland, Paul
Hughes, Christopher
Pelletier, Arthur
Spang, Judith
Wall, Janet

Brennan, William
Goodwin, Earle
Johnson, Nancy
Rollo, Michael
Taylor, Kathleen
Woodill, Rodney

SULLIVAN

Allison, David
Harris, Joseph
Odell, Bob

Cloutier, John
Harris, Sandra
Robb, Amy

Ferland, Brenda
Jones, Constance
Rodeschin, Beverly

Franklin, Peter
Leone, Richard

NAYS 64

BELKNAP

Wendelboe, Fran

CARROLL

None

CHESHIRE

Espieffs, Peter
Richardson, Barbara

McGuirk, Paul
Zerba, Roger

Meador, David

Pratt, John

COOS

Gallus, John

Guay, Lawrence

GRAFTON

Cooney, Mary

Lovett, Sid

Naro, Debra

Scovner, Nancy

HILLSBOROUGH

Allan, Nelson
Bouchard, David
Cote, David
Fletcher, Richard
Keye, Harvey
McDonough-Wallace,
Alice

Andosca, Mary
Buckley, Raymond
Craig, James
Gorman, Mary
Konys, Christine
Movsesian, Lori

Baroody, Benjamin
Cardin, Lori
Dokmo, Cynthia
Haley, Robert
Lasky, Bette
Shaw, Barbara

Bergin, Peter
Clemons, Jane
Dwyer, Paul
Hall, Betty
Leishman, Peter
Williams, Carol

MERRIMACK

Cummings, Raymond
Rodd, Beth

Daneault, Gabriel
Rush, Deanna

French, Barbara
Wallner, Mary Jane

Jacobson, Alf

ROCKINGHAM

Clark, Martha Fuller
O'Keefe, Patricia
Weatherspoon,
Jacquelyne

Clark, Vivian
Pitts, Jacqueline

Johnson, Robert
Shultis, Elizabeth

Moore, Benjamin
Splaine, James

STRAFFORD

Cossette, Larry
Grassie, Anne
Reid, Christopher

DeChane, Marlene
Kaen, Naida

Dunlap, Patricia
McCarthy, Gerald

Gilmore, Gary
Proulx, Raymond

SULLIVAN

Burling, Peter
Phinizy, James
and the motion of Interim Study was adopted.

SB 398-FN, authorizing an increase in admission fees for the Seacoast Science Center at Odiorne Point state park in Rye, New Hampshire. **OUGHT TO PASS**

Rep. Judith T. Spang for Resources, Recreation and Development: This increase from \$1.00 to \$3.00 will enable the state Division of Parks and Science Center to accommodate the 80,000 yearly visitors. Current fees are inadequate for funding necessary capital improvements. The change in center management reflects the recent withdrawal of the Audubon Society from that function. Vote 14-1.

Adopted and ordered to third reading.

SB 419, relative to notification of groundwater contamination. **OUGHT TO PASS WITH AMENDMENT**

Rep. John T. Gallus for Resources, Recreation and Development: The committee felt this was Public Safety issue. SB 419 requires notification of property owners within 500 feet of a contaminated well. During hearings the Department of Environmental Services (DES) Representatives stated they will notify abutters as soon as possible, but amendment requires notification within 30 days. Bill also brings RSA's into line with current federal MTBE drinking water standards. Vote 14-1.

Amendment (3091h)

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

AN ACT relative to notification of groundwater contamination and repealing certain MTBE notification requirements for public water systems.

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

1 New Section; Notification of Groundwater Contamination Required. Amend RSA 485-C by inserting after section 14-a the following new section:

485-C:14-b Notification of Groundwater Contamination Required.

I. Upon the discovery of groundwater contamination where one or more regulated chemical or radiological contaminants exceeds ambient groundwater quality standards, the commissioner shall require notification of the presence of the contamination to the following:

(a) The owners of all property which contains a water supply well and is within 500 horizontal feet of the well where the contamination is discovered.

(b) Public water suppliers, when the groundwater contamination falls within the wellhead protection area of the public water supply.

(c) The health officer of any municipality which contains property being notified.

II. Notification shall be made in writing within 30 days following confirmation of the contamination. Each property owner or public water supplier shall be notified at least once upon the discovery of contamination in an area. The commissioner may require additional notification as the extent of contamination at a site is further determined and remediation occurs. Where the cause of the contamination is known, the person responsible shall provide the notification required by this section. Where the cause of the contamination is unknown, the commissioner shall provide the notification. This section shall apply only to groundwater contamination confirmed by sampling conducted by the department or at its direction.

2 Repeal. RSA 485:16-a, II, relative to notifying customers about MTBE content in public water systems is repealed.

3 Applicability. Section 1 of this act shall apply only to groundwater contamination discovered on or after the effective date of this act.

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

AMENDED ANALYSIS

This bill requires notification of certain property owners, public water suppliers, and health officers when groundwater contamination is discovered. It also repeals the requirement that public water systems notify each customer about the MTBE content of the water if there is greater than 5 parts per billion of MTBE in the water the system is delivering.

Adopted.

Report adopted and ordered to third reading.

SB 301, relative to an innovation initiative within the division of economic development.

ought to pass with amendment

Rep. Jeb E. Bradley for Science, Technology and Energy: After conducting a second public hearing the committee added a non-germane amendment to bar taxation of Internet and computer online services in New Hampshire. This amendment mirrors a similar federal moratorium on Internet taxation in effect through November 2003. The committee believes taxing Internet services would impede access to and enhancement of these increasingly important services. The Communications Services Tax had been applied to one provider since 1997 and there was in the committee's mind a very real question if this tax had been collected legally because the tax did not apply to all providers. The provider in question is not seeking restitution of taxes already paid (\$1.4million). Revenue loss in this budget cycle is estimated to be \$1.6 million; however litigation in the absence of this amendment is virtually certain so the revenue is in question in any case. The Commissioner of the Department of Revenue Administration testified in support of the bill. Vote 14-0.

Amendment (3002h)

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

AN ACT relative to an innovation initiative within the division of economic development, the creation of the New Hampshire e-commerce advisory commission, and a moratorium on Internet taxation.

Amend the bill by replacing section 1 with the following:

1 Findings. The general court finds that:

I. In October 1998, the United States Congress enacted Public Law 105-277, the Internet Tax Freedom Act, which imposed a 3-year moratorium on certain Internet-related taxes. In November 2001, the United States Congress enacted Public Law 107-75, extending that moratorium through November 1, 2003.

II. Social, educational, and economic benefits result from creating and expanding free and unfettered access to the Internet and computer on-line services.

III. New Hampshire is committed to studying and encouraging through its public policy electronic commerce and the development, growth, and deployment of high-speed Internet access to its citizens and businesses.

IV. Technology-based innovations are critical to the growth and economic development of the state. Rapidly developing technological innovation and deployment will be encouraged by a state public policy restraining government intervention, including taxation.

V. The exercise of the taxing powers of the state of New Hampshire in relation to emerging Internet and computer on-line services will impede the future

accessibility, viability, and enhancement of such services in New Hampshire, to the detriment of the citizens of the state.

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

3 Communications Services Tax; Definition of Communications Services; Certain Internet Services Excluded. Amend RSA 82-A:2, III(b) and (c) to read as follows:

(b) Purchases of communications services by a communications services provider for use as a component part of the service provided by ~~him~~ *the communications services provider* to the ultimate retail consumer who originates or terminates the taxable end-to-end communications, including carrier access charges, right of access charges, charges for use of inter-company facilities, and all communications services resold in the subsequent provision of, used as a component of, or integrated into end-to-end communications services; ~~or~~

(c) The one-way transmission of radio or television programming, by cable, broadcast, satellite, microwave, or similar facility, which is made available generally to any person able to receive such transmission, together with the interaction, if any, of such person required for the selection of such programming other than by use of the same facility by which such transmission was received~~;~~ *or*

(d) *Internet services and computer on-line services delivered over a cable television system or any other medium so long as a federal moratorium on Internet taxes is in effect, including the moratorium imposed by the Internet Tax Freedom Act enacted by Public Law 105-277, and extended until November 1, 2003 by Public Law 107-75.*

4 New Paragraph; Communications Services Tax; Definition of On-line Services Added. Amend RSA 82-A:2 by inserting after paragraph III the following new paragraph:

III-a. "Computer on-line services" means the offering or provision of information, information processing, and products or services to a user via the Internet, whether or not they are offered as part of a package of services that are combined with Internet access and offered to the user for a single price, or provided and billed separately. "Online computer services" does not include telephone service or telecommunications services to the extent that the amounts paid for those services are determined by the Internal Revenue Service to be subject to tax under 26 U.S.C. section 4251.

5 New Paragraph; Communications Services Tax; Definition of Internet Services Added. Amend RSA 82-A:2 by inserting after paragraph V the following new paragraph:

V-a. "Internet services" means the offering or provision of the storage, computer processing, and transmission of information that enables the user to make use of the resources found via the Internet. "Internet services" does not include telephone service or telecommunications services to the extent that the amounts paid for those services are determined by the Internal Revenue Service to be subject to tax under 42 U.S.C. section 4251.

6 New Chapter; New Hampshire E-Commerce Advisory Commission. Amend RSA by inserting after chapter 12-L the following new chapter:

CHAPTER 12-M

NEW HAMPSHIRE E-COMMERCE ADVISORY COMMISSION

12-M:1 Commission Established. There is hereby established the New Hampshire e-commerce advisory commission.

12-M:2 Membership and Compensation.

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

(a) Two members of the house of representatives, at least one of whom shall be a member of the committee having jurisdiction over the telecommunications matters, appointed by the speaker of the house of representatives.

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

(c) The commissioner of the department of revenue administration, or designee.

(d) One member representing the New Hampshire Municipal Association, appointed by that organization.

(e) Three public members, one representing the cable television industry, one representing the telephone industry, and one economist, appointed by the governor.

(f) Three public members, one representing the cable television industry, one representing the telephone industry, and one economist, appointed by the president of the senate.

(g) Three public members, one representing the cable television industry, one representing the telephone industry, and one economist, appointed by the speaker of the house of representatives.

II. Members of the commission shall serve without compensation except that legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. Legislative members of the commission shall serve a term which is coterminous with their elected office. The appointed members of the commission shall serve 3-year terms.

12-M:3 Duties. The commission's duties shall include, but not be limited to:

I. Studying the current use of electronic commerce in New Hampshire.

II. Studying the current trends in the development, growth, and deployment of high-speed Internet access to New Hampshire's citizens and businesses.

III. Identifying issues related to electronic commerce to be addressed at the federal level by Congress and the Federal Communications Commission.

IV. Analyzing potential incentives under New Hampshire law to encourage deployment of electronic commerce-related technology.

V. Assessing state policy options to encourage rapidly developing technological innovation and deployment, including tax policy.

VI. Adopting recommendations relating to electronic commerce policies under New Hampshire law.

12-M:4 Chairperson; Clerk. The members of the commission shall elect a chairperson and a clerk from among the members. The first meeting of the commission shall be called by the first-named house member and shall be held within 45 days of the effective date of this section.

12-M:5 Report. On or before November 1 of each year, the commission shall submit an annual report outlining the commission's activities and recommendations to the chairperson of the house committee having jurisdiction over telecommunications matters, the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, and the governor.

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

AMENDED ANALYSIS

This bill directs the New Hampshire council on applied technology and innovation to collaborate with the division of economic development in creating the division's technology-based innovation initiative.

The bill also establishes a state moratorium on Internet taxes and establishes an e-commerce advisory commission.

Adopted.

Report adopted and referred to Ways and Means.

SB 366, relative to biennial reports of the public utilities commission. OUGHT TO PASS WITH AMENDMENT

Rep. Jeb E. Bradley for Science, Technology and Energy: The Science, Energy & Technology Committee amended SB 366 by first of all increasing the distribution of the Public Utilities biennial reports by adding the President of the Senate, the Speaker of the House of

Representatives, and appropriate standing committees of the House and Senate. This information would facilitate ideas, suggestions and recommendations for such legislation deemed necessary. The bill adds a staff engineer designated by the commissioners of the Public Utilities Commission to the site evaluation committee as a helpful addition. The bill also repeals the sunset of the energy consumption tax because the loss at this time of six million dollars per annum was not a wise option. Vote 11-3.

Amendment (3104h)

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

AN ACT relative to biennial reports of the public utilities commission relative to membership of the site evaluation committee, and relative to the electricity consumption tax. Amend the bill by replacing all after the enacting clause with the following:

1 Reports of Public Utilities Commission; Biennial; Recipients. Amend RSA 363:24 to read as follows:

363:24 Biennial. The commission shall publish and file with the governor and council, *the president of the senate, the speaker of the house of representatives, and the appropriate standing committees of the senate and the house of representatives* a report not later than December 1 of each odd numbered year. Such report shall contain such account of its proceedings for the 2 years last preceding, and such suggestions and recommendations as to needed legislation or as to other matters affecting public utilities as the commission may desire to submit.

2 Energy Facility Evaluation, Siting, Construction, and Operation; Site Evaluation Committee; Membership. Amend RSA 162-H:3 to read as follows:

162-H:3 Site Evaluation Committee. The site evaluation committee shall consist of the commissioner of the department of environmental services or assistant commissioner as designee, the director of the division of water, the commissioner of the department of resources and economic development or the director of the division of economic development as designee, the commissioner of the department of health and human services or one of the 2 most senior administrators within the department responsible for management of public health services as designee, the executive director of the fish and game department, the director of the office of state planning, the director of the division of parks and recreation, the director of the division of forests and lands, the director of the division of air resources, the director of the governor's office of energy and community services or deputy director as designee, the commissioner of the department of transportation or assistant commissioner as designee, ~~and~~ the commissioners ~~and chief engineer~~ of the public utilities commission, *and a staff engineer designated by the commissioners of the public utilities commission*. The commissioner of the department of environmental services shall be chairperson of the committee, and the chairperson of the public utilities commission shall be vice-chairperson.

3 Repeal. 1997, 347:5, II, repealing the electricity consumption tax, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect June 29, 2002.

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

AMENDED ANALYSIS

This bill:

I. Requires that the public utilities commission file its biennial reports with the speaker of the house of representatives and the president of the senate.

II. Permits the public utilities commissioners to designate a staff engineer for membership on the site evaluation committee.

III. Repeals the prospective repeal of the electricity consumption tax.

Adopted.

Report ordered and referred to Ways and Means.

SB 372, prohibiting the sale of reformulated gasoline in certain counties of the state.

INEXPEDIENT TO LEGISLATE

Rep. Jacqueline A. Pitts for Science, Technology and Energy: At the request of the prime sponsor the committee voted ITL on SB 372. The problem of the MTBE additive in gasoline continues to be of deep concern in the state and nation. The committee continues to actively pursue a resolution to the problem, however, at this time this particular bill was not the vehicle to do that. Vote 13-1.

Adopted.

SB 314-FN, relative to Selective Service Act Compliance through driver's license applications. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert J. Letourneau for the Majority of Transportation: This bill came to the House Transportation Committee with a complicated and confusing Senate amendment. The subcommittee listened to all concerned parties and brought forward a simplified amendment. This amended bill provides that a person who is required under Federal law to be registered with the Selective Service System may authorize the Department of Safety to forward to the Selective Service System the necessary information for such registration. An opt-in check box to the driver's license application form with clear language to what the applicant was agreeing to would accomplish this. In regard to the Social Security numbers, this would not affect the DOS's ability to collect Social Security numbers under current law for driver's license purposes. The majority of the committee felt that this bill, as written, would provide another useful avenue for those who are required to register under Federal law that has many sanctions attached to it if one fails to comply. The Commissioner of Safety is allowed to charge reasonable fees for the implementation of this service, to which the Selective Service System has agreed. Vote 9-3.

Rep. Brenda L. Ferland for the Minority of Transportation: Most New Hampshire males are in compliance in filing with the Selective Service. As a matter of fact about 96% do so. Let's talk about the 4% that don't. Unfortunately, a large portion of these young men are the homeless and high school dropouts. Another group are the ones serving time in prisons. Then we have the ones that don't want the government telling them what to do. And last, there are the ones that object to any military action. What is left is a very small percentage of 18-year-old males that forget. The Selective Service Board does admit that they do not now or don't ever plan on getting 100% compliance. After getting the original bill and other amendments that came to the committee, we now have one amendment to have the Department of Safety supply the Selective Service with the names of young men, and they automatically assume they are now in compliance. The DOS already supplies these names. Why pass a bill for something they are already doing. An initial driver's license applicant most likely will be 16 or 17 years of age. At that time those applicants cannot by law register for Selective Service. Pending legislation requiring the applicant to provide a Social Security number will be able to immediately opt-out. They would not be required to provide Social Security numbers upon renewal when they will be between 21 – 22 years of age, the age window when they are required to register for the Selective Service.

Majority Amendment (3099h)

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

1 State College and University System; Selective Service Registration Awareness and Compliance Act; Application; Driver's License Added. Amend RSA 187-A:39 to read as follows:

187-A:39 Application.

I. No person who is not in compliance with the Military Selective Service Act as provided in 50 U.S.C. *app.* section 451 et seq. shall:

(a) Be permitted to enroll in a state-supported institution of postsecondary or higher education.

(b) Be eligible to receive a loan, grant, scholarship, or other financial assistance for postsecondary higher education supported by state revenue, including federal funds, gifts, or grants accepted by the state, or to receive a student loan guaranteed by the state.

(c) Having attained the age of 18 years, be eligible for employment by or service to the state or any political subdivision of the state, including all state boards, commissions, departments, agencies, and institutions.

II. A person who has authorized the department of safety to submit information to the Selective Service System pursuant to RSA 263:5-c shall be considered to be in compliance with the Selective Service Act for purposes of this section.

2 New Section; Drivers' Licenses; Issuance of Licenses; Compliance With Federal Selective Service Requirements. Amend RSA 263 by inserting after section 5-b the following new section:

263:5-c Compliance With Federal Selective Service Requirements.

I. When applying for a driver's license or driver's license renewal, any male United States citizen or immigrant who is at least 18 years of age but less than 26 years of age may authorize the department to register him with the Selective Service System in compliance with the requirements of section 3 of the "Military Selective Service Act", 50 U.S.C. app. section 451 et seq., as amended.

II. The application form for a driver's license or driver's license renewal shall include a box to check off if the applicant is 18 years of age and wishes to authorize the department to submit the necessary information to the Selective Service System to register the applicant with the Selective Service System in compliance with federal law. The applicant shall not be required to provide his social security number for Selective Service registration purposes. The department shall not release any information pursuant to this section unless the Selective Service System has provided assurance to the department that the Selective Service System shall not transfer to any non-governmental agency; any information which the applicant submitted to the department for registration purposes.

III. Failure to authorize Selective Service registration as provided in this section shall not be a basis for denying driving privileges to the applicant.

IV. The commissioner may charge reasonable fees pursuant to RSA 260:14, XIII, for the collection and release of information to the Selective Service System under this section, provided that no such fee shall be charged to the applicant authorizing registration.

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

AMENDED ANALYSIS

This bill provides that a person who is required to be registered with the Selective Service System may authorize the department of safety to forward to the Selective Service System the necessary information for such registration.

On a division vote, 182 members having voted in the affirmative and 118 in the negative, the amendment was adopted.

Rep. Letourneau yielded to questions.

Report adopted and ordered to third reading.

SB 319, relative to participation in international lotteries. **OUGHT TO PASS**

Rep. Christine M. Konys for Ways and Means: Current law allows New Hampshire to engage in powerball games within the United States. Mexico has expressed an interest in joining powerball, and as the law currently exists, we would have to withdraw from powerball should Mexico join, thus losing us substantial revenue. This bill adds the word

"international" to the description of lotteries in which we can engage. Vote 10-6.

Rep. Konys yielded to questions.

Rep. Elliott requested a roll call; sufficiently seconded.
The question being adoption of the committee report.

YEAS 251 NAYS 87

YEAS 251

BELKNAP

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

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Mock, Henry	Patten, Betsey	Philbrick, Donald	

CHESHIRE

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	Dexter, Judson
Emerson, Susan	Espiefs, Peter	Fairbanks, Chandler	Hunt, John
Liebl, George	Manning, Joseph	McGuirk, Paul	Meador, David
Pratt, Irene	Pratt, John	Royce, H Charles	Slack, Pamela
			Russell
Smith, Edwin	Weed, Charles	Zerba, Roger	

COOS

Bradley, Paula	Davis, Perley	Gallus, John	Guay, Lawrence
Horton, Lynn	Pratt, Leighton	Woodward, David	

GRAFTON

Alger, John	Benn, Bernard	Cobb, John	Cooney, Mary
Dudley, Terri	Gilman, G Michael	Giuda, Robert	Marshall, Gene
Mirski, Paul	Naro, Debra	Nordgren, Sharon	Pawlek, Marion
Scanlan, David	Scovner, Nancy	Sokol, Hilda	Sova, Charles
Teschner, Douglass	Williams, Burton		

HILLSBOROUGH

Allan, Nelson	Andosca, Mary	Baroody, Benjamin	Batula, Peter
Bellavance, Paul	Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon Jr	Christensen, D L	Clayton, William	Clegg, Robert Jr
	Chris		
Clemons, Jane	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Dionne, David	Dwyer, Paul	Eaton, Richard
Emerton, Lawrence	Fields, Dennis	Fletcher, Richard	Foster, Linda
Sr			
Furman, Christine	Golding, William	Goley, Jeffrey	Gonzalez, Carlos
Gorman, Mary	Goulet, Maurice	Graham, John	Greenberg, Gary
Guinta, Frank	Haley, Robert	Hall, Betty	Holden, Randolph
Jean, Claudette	Johnson, Lionel	Keye, Harvey	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul	Lasky, Bette
Leach, Edward	Leishman, Peter	Lynde, Harold	Martel, Andre
McDonough-Wallace,	McRae, Karen	Mercer, Robert	Messier, Irene
Alice			
Milligan, Robert	Moran, Edward	Murphy, Robert	O'Connell, Timothy
Palangas, Eric	Panagopoulos,	Pappas, Marc	Pepino, Leo
	Nicholas		
Reeves, Sandra	Sargent, Maxwell	Schulze, Joan	Shaw, Barbara
Souza, Kathleen	Spiess, Paul	Sweeney, Cynthia	Tate, Joan

Thulander, O Alan
Williams, Carol

Vaillancourt, Steve

Wheeler, Robert

White, John

MERRIMACK

Bouchard, Candace

Burney, Carol

Colcord, J D

Cummings,
Raymond

Daneault, Gabriel
Greco, Vincent
Leber, William
Rush, Deanna

Davis, Frank
Hutchinson, John
Lockwood, Priscilla
Seldin, Gloria

Fraser, Leo Jr
Jacobson, Alf
Perkins, Randy
Swindlehurst, John

Fraser, Marilyn
Langer, Ray
Reardon, Tara
Winter, Steven

ROCKINGHAM

Belanger, Ronald
Bridle, Russell
Cooney, Richard
Dowling, Patricia
Flanders, John Sr
Gleason, John
Kane, Cecelia
Langley, Jane
McGuire, Robert
O'Keefe, Patricia
Priestley, Anne
Rausch, James
Sloan, Stephen
Welch, David

Blanchard, MaryAnn
Case, Margaret
Corbin, Corey
Downing, Michael
Francoeur, Sheila
Griffin, Mary
Katsakiores, George
Langone, John
McKinney, Betsy
O'Neil, Michael
Putnam, Ed II
Robertson, Carl
Stone, Joseph
Weyler, Kenneth

Bowles, Raimond
Chalbeck, Kevin
Cox, Russell
Fesh, Bob
Gilbert, Jeffrey
Hamel, Albert
Katsakiores, Phyllis
Letourneau, Robert
Micklon, Stephanie
Packard, Sherman
Quandt, Marshall
Saia, Pamela
Stritch, C Donald
Whittier, John

Boynton, James
Clark, Vivian
Dalrymple, Janeen
Flanagan, Natalie
Giordano, Ronald
Introne, Robert
Kobel, Rudolph
Major, Norman
Morse, Charles
Pantelakos, Laura
Quandt, Matthew
Sapareto, Frank
Trueman, Raymond
Zolla, William

STRAFFORD

Berube, Roger
Callaghan, Frank
Gilmore, Gary
Heon, Richard
McCarthy, Gerald
Taylor, Kathleen

Bickford, David
Cossette, Larry
Goodwin, Earle
Hughes, Christopher
Proulx, Raymond
Twombly, James

Brennan, William
DeChane, Marlene
Grassie, Anne
Kaen, Naida
Rollo, Michael
Wall, Janet

Brown, Julie
Ferland, Paul
Harrington, Michael
Lent, Donald
Snyder, Clair
Woodill, Rodney

SULLIVAN

Burling, Peter
Harris, Sandra
Robb, Amy

Cloutier, John
Jones, Constance
Rodeschin, Beverly

Ferland, Brenda
Leone, Richard

Harris, Joseph
Odell, Bob

NAYS 87

BELKNAP

Rice, Thomas Jr

Wood, Jane

CARROLL

Stevens, Stanley

Sullivan, P Judith

CHESHIRE

Allen, Peter

Mitchell, McKim

Richardson, Barbara

Roberts, William

COOS

None

GRAFTON

Akins, Ralph
Gabler, William

Almy, Susan
Lovett, Sid

Barker, Robert
Solow, Martha

Eaton, Stephanie

HILLSBOROUGH

Arnold, Thomas Jr
Christiansen, Lars

Artz, Lawrence
Dionne, Kimberley

Balboni, Michael
Dokmo, Cynthia

Carlson, Donald
Drabinowicz, A

Drisko, Richard
Gargas, Carolyn
Jean, Loren
Salts, Greg

Dyer, Merton
Ginsburg, Ruth
McHugh, Claire
Sullivan, Peter

Elliott, Larry
Gleneck, David
Melcher, Harold
Tahir, Saghir

Theresa
Ford, Nancy
Hall, Charles
Movsesian, Lori

MERRIMACK

Anderson, Eric
Feuerstein, Martin
Kennedy, Richard
Rodd, Beth

Brewster, Richard
French, Barbara
L'Heureux, Stephen
Soltani, Tony

Clarke, Claire
Gile, Mary
MacKay, James
Wallner, Mary Jane

Dunne, Christopher
Hager, Elizabeth
Potter, Frances
Yeaton, Charles

ROCKINGHAM

Camm, Kevin
DiFruscia, Anthony
Holland, James Jr
Kelley, William
Pitts, Jacqueline
Splaine, James

Carson, Sharon
Dumaine, Dudley
Itse, Daniel
Norelli, Terie
Power, Lucille
Varrell, Thomas

Clark, Martha Fuller
Gilbert, Karl
Johnson, Robert
Nowe, Ronald
Reardon, Neil
Weatherspoon,
Jacquelyne

Coes, Betsy
Henderson, Warren
Johnson, Rogers
Palermo, Diane
Ruffner, Walter

STRAFFORD

Albert, Russell
Reid, Christopher

Dunlap, Patricia
Smith, Marjorie

Johnson, Nancy
Spang, Judith

Pelletier, Arthur

SULLIVAN

Allison, David

Franklin, Peter

Phinzy, James

and the report was adopted.

Ordered to third reading.

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

SB 350-FN-A, creating a business profits tax credit for certain donations made for science and technology equipment and facilities to the department of regional community-technical colleges or the university system of New Hampshire or any component institutions, authorizing the Berlin campus of the New Hampshire regional community-technical college system to upgrade and modernize its equipment and programs, and authorizing manufacturing technology training in the town of Littleton. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Giuda for Ways and Means: There are many flaws with the proposal in this senate bill which would provide for the creation and use of business tax credits in return for certain donations to the Berlin Community Technical College. Despite many attempts to address the flaws as they were identified, more problems surfaced. Although the committee clearly agreed with the intent of the bill, the technical issues of the tax credit were simply too great to be addressed by the committee in the time available. The University system, as well as the Community Technical College System, are in agreement with the committee's report of inexpedient to legislate. Vote 14-1.
Adopted.

SB 423-FN-A, relative to fees collected by the department of safety and certificates of title. **OUGHT TO PASS**

Rep. Michael W. Downing for Ways and Means: This bill meets one of the important recommendations of the Governor's Commission on Domestic Terrorism by adding 5 motor vehicle inspectors for each of the next two fiscal years for needed commercial vehicle enforcement at the borders and during the evenings. The federal Highway Administration has asked all states to increase the vigilance over the movement of hazardous materials. Truck inspections are currently below desirable levels due to limited resources. The bill

increases the title fee by \$5.00 which will raise approximately \$1 million per year for the highway fund, which would provide for approximately \$213,000 in increased highway fund revenue distributed to cities and towns. It also increases the salvage decal fee which would bring an additional \$175,000 to the highway fund and \$175,000 to the general fund. Due to the skyrocketing construction costs, additional funding is needed to complete the Dept. of Motor Vehicle testing building, which was approved by the Legislature in 1999, to reduce the congestion at the Department's main building at 10 Hazen Drive and for much needed commercial testing. This bill will allow for the construction to be completed without any additional charge to highway or general funds. Vote 14-1.

Adopted.

Referred to Finance.

SUSPENSION OF RULES

Reps. Scanlan and Burling moved that the Rules be so far suspended as to allow the House to reconsideration and further consideration of **HB 1449-A**, relative to the New Hampshire rivers management and protection program and making an appropriation therefor. On a division vote, 228 members having voted in the affirmative and 105 in the negative, the motion was adopted by the necessary two-thirds.

RECONSIDERATION

Having voted on the prevailing side, Rep. Sapareto moved that the House reconsider its action whereby **HB 1449-A**, relative to the New Hampshire rivers management and protection program and making an appropriation therefor was found Inexpedient to Legislate.

Reconsideration prevailed.

The question before the House being Inexpedient to Legislate.

Rep. O'Connell spoke against.

The motion failed.

Rep. Spang moved Ought to Pass with Amendment and offered a floor amendment (3236h).

Floor Amendment (3236h)

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

AN ACT establishing a pilot program to study and establish protected instream flows and water management plans on the Lamprey River and the Souhegan River.

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 information is available to develop the necessary protected instream flows and water management plans and to ensure effective and fair administration of the first application of instream flow regulation under the provisions of RSA 483.

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 and establishing protected instream flows and water management plans for 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 and RSA 483:9-c 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 level and a water management plan.

III. The commissioner of the department of environmental services shall initiate and adopt rules pursuant to RSA 541-A for other rivers designated under RSA 483:15 only after the adoption and implementation of the rules relative to protected instream flows pursuant to RSA 483:9-c for the Lamprey and Souhegan rivers and completion of the report required under section 3, III(b) of this act, but not before October 1, 2006.

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 for each river shall be appointed and convened. There shall be 14 members of each committee appointed as described by this paragraph.

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

(c) A committee member shall have either education or experience in water resources management or protection. The members shall be appointed by the commissioner of the department of environmental services in consultation with the rivers management advisory committee, as follows:

- (1) One representative from New Hampshire fish and game department;
- (2) One representative of the United States Environmental Protection Agency;
- (3) One representative of the United States Fish and Wildlife Service;
- (4) One representative of the United States Geological Survey;
- (5) Four technical representatives of business interests, one of whom shall be a municipal water supplier;
- (6) Four technical representatives of conservation interests; and

(7) Two ex officio representatives of the New Hampshire general court; the chairperson of the senate environment committee, or designee, and the chairperson of the house resources, recreation and development committee, or designee.

(d) The members of each committee shall elect a chairperson and vice-chairperson from among the members. The first meeting of each committee shall be called by the commissioner of the department of environmental services. Legislative members of each committee shall receive mileage at the legislative rate when attending to the duties of the committee.

(e) The instream flow technical review committees shall make annual reports regarding their progress and findings on or before November 1 of each year of their 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 (WMPA) 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 for each river shall be appointed and convened. There shall be up to 20 members of each 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 toward the development of the water management plan and the implementation of the protected instream flow;

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

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

(c) The members shall be appointed by the commissioner of the department of environmental services in consultation with the rivers management advisory committee, as follows:

representatives;

(1) Two local rivers management advisory committee

(2) Four affected business water users in the WMPA;

in the WMPA;

(3) One conservation commission member from a town or city

or city in the WMPA;

(4) Up to 3 government official representatives from a town

WMPA;

(5) One representative of recreational interests in the

in the WMPA;

(6) One community citizen representative from a town or city

WMPA;

(7) One representative of conservation interests in the

WMPA;

(8) One representative of business in a town or city in the

(9) One state senator in a town or city in the WMPA;

(10) One state representative in a town or city in the WMPA;

any;

(11) One representative of a lake association in the WMPA, if

(12) One public water supplier in the WMPA, if any;

(13) One affected dam owner in the WMPA, if any; and

any.

(14) One affected agricultural water user in the WMPA, if

(d) The members of each committee shall elect a chairperson and vice-chairperson from among the members. The first meeting of each committee shall be called by the commissioner of the department of environmental services. Legislative members of each committee shall receive mileage at the legislative rate when attending to the duties of the committees.

(e) Each water management planning area advisory committee shall make an interim report regarding their progress and findings on or before November 1 of each year of their 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) By October 1, 2005, 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) One year after the adoption and implementation of the protected instream flow levels and water management plans for the Lamprey River and the Souhegan River, the department shall hold a public hearing and open a 30-day public comment period. The department shall consider the public comments received in any revisions to the protected instream flow levels and water management plans for the Lamprey River and the Souhegan River.

(c) By December 1, 2006, submit a report that details the activities and results of the pilot program, including the impacts of the protected instream flows and water management plans on water users, wildlife, recreation, and other interests along the rivers and any recommendations for proposed legislation. The report shall also include a summary of public comments received and the completed instream flow studies and the adopted protected instream flow levels and water management plans and shall be submitted to the senate president, the speaker of the house of representatives, the governor, and the state library.

4 Position Established. There is established in the department one hydrogeologist III position, to be known as the instream flow protection coordinator, who shall be a classified employee at labor grade 27, 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 Applicability of New Position; Funding. The position of instream flow protection coordinator established in section 4 of this act shall not be filled unless sufficient moneys are received from grants, gifts, or donations, from any non-general fund public or private sources, to cover the full cost of filling the position. Any sums designated to cover the full cost of filling the position are hereby appropriated.

6 Committee to Study the Impact of Water Withdrawals on Instream Flows; Report Date Extended. Amend 2000, 242:5 as amended by 2001, 138:6 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] **2006**.

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

AMENDED ANALYSIS

This bill establishes a pilot program in the department of environmental services to study and establish protected instream flows and water management plans for the Lamprey River and the Souhegan River. 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. Spang and Blanchard spoke in favor and yielded to questions.

Rep. Cooney spoke against and yielded to questions.

Rep. Blanchard requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (3236h).

YEAS 212 NAYS 126

YEAS 212

BELKNAP

Flanders, Donald

Millham, Alida

Pilliod, James

Wood, Jane

CARROLL

Babson, David Jr

Bradley, Jeb

Philbrick, Donald

Stevens, Stanley

CHESHIRE

Allen, Peter

Batchelder, Robert

Burnham, Daniel

Dexter, Judson

Espiefs, Peter

Liebl, George

McGuirk, Paul

Meador, David

Mitchell, McKim

Pratt, Irene

Pratt, John

Richardson, Barbara

Roberts, William

Slack, Pamela

Weed, Charles

Zerba, Roger

Russell

COOS

Bradley, Paula

Davis, Perley

GRAFTON

Alger, John
Gabler, William
Pawlek, Marion
Solow, Martha

Almy, Susan
Lovett, Sid
Scanlan, David
Teschner, Douglass

Benn, Bernard
Naro, Debra
Scovner, Nancy

Cooney, Mary
Nordgren, Sharon
Sokol, Hilda

HILLSBOROUGH

Andosca, Mary
Bergin, Peter
Christensen, D L
Chris

Cote, Peter
Dokmo, Cynthia

Eaton, Richard
Furman, Christine
Golding, William
Guinta, Frank
Jean, Claudette
Konys, Christine
Lasky, Bette
Lynde, Harold

Movsesian, Lori
Panagopoulos,
Nicholas
Schulze, Joan
Sweeney, Cynthia

Artz, Lawrence
Bragdon, Peter
Clayton, William

Craig, James
Drabinowicz, A
Theresa

Elliott, Larry
Gargas, Carolyn
Goley, Jeffrey
Haley, Robert
Johnson, Lionel
Kurk, Neal
Leach, Edward
McDonough-Wallace,
Alice

Murphy, Robert
Pepino, Leo

Shaw, Barbara
Vaillancourt, Steve

Baroody, Benjamin
Buckley, Raymond
Clemons, Jane

Dionne, David
Drisko, Richard

Fletcher, Richard
Ginsburg, Ruth
Gorman, Mary
Hall, Betty
Kacavas, John
L'Heureux, Robert
Lefebvre, Roland
Melcher, Harold

O'Connell, Timothy
Peterson, Andrew

Spiess, Paul
White, John

Bellavance, Paul
Carlson, Donald
Cote, David

Dionne, Kimberley
Dwyer, Paul

Foster, Linda
Gleneck, David
Graham, John
Hall, Charles
Keye, Harvey
LaFlamme, Paul
Leishman, Peter
Messier, Irene

Palangas, Eric
Sargent, Maxwell

Sullivan, Peter
Williams, Carol

MERRIMACK

Anderson, Eric
Clarke, Claire
Davis, Frank
Gile, Mary
L'Heureux, Stephen
Perkins, Randy
Rush, Deanna
Yeaton, Charles

Bouchard, Candace
Colcord, J D
Fraser, Leo Jr
Greco, Vincent
Langer, Ray
Potter, Frances
Seldin, Gloria

Brewster, Richard
Cummings, Raymond
Fraser, Marilyn
Hager, Elizabeth
Lockwood, Priscilla
Reardon, Tara
Swindlehurst, John

Burney, Carol
Daneault, Gabriel
French, Barbara
Jacobson, Alf
MacKay, James
Rodd, Beth
Wallner, Mary Jane

ROCKINGHAM

Bishop, Franklin
Clark, Martha Fuller
DiFruscia, Anthony
Gilbert, Karl
Kobel, Rudolph
Micklon, Stephanie
Pantelakos, Laura
Robertson, Carl
Splaine, James

Blanchard, MaryAnn
Clark, Vivian
Downing, Michael
Hamel, Albert
Langley, Jane
Norelli, Terie
Pitts, Jacqueline
Ruffner, Walter
Trueman, Raymond

Bowles, Raimond
Coes, Betsy
Flanagan, Natalie
Johnson, Robert
Langone, John
O'Keefe, Patricia
Power, Lucille
Sapareto, Frank
Weatherspoon,
Jacquelyne

Case, Margaret
Cox, Russell
Gilbert, Jeffrey
Kane, Cecelia
McGuire, Robert
O'Neil, Michael
Putnam, Ed II
Sloan, Stephen
Whittier, John

STRAFFORD

Berube, Roger
DeChane, Marlene
Grassie, Anne
Kaen, Naida
Proulx, Raymond

Brennan, William
Dunlap, Patricia
Heon, Richard
Lent, Donald
Reid, Christopher

Brown, Julie
Gilmore, Gary
Hughes, Christopher
McCarthy, Gerald
Rollo, Michael

Callaghan, Frank
Goodwin, Earle
Johnson, Nancy
Pelletier, Arthur
Smith, Marjorie

Snyder, Clair
Wall, Janet

Spang, Judith
Woodill, Rodney

Taylor, Kathleen

Twombly, James

SULLIVAN

Allison, David
Franklin, Peter
Leone, Richard
Rodeschin, Beverly

Burling, Peter
Harris, Joseph
Odell, Bob

Cloutier, John
Harris, Sandra
Phinizy, James

Ferland, Brenda
Jones, Constance
Robb, Amy

NAYS 126

BELKNAP

Bartlett, Gordon
Nedeau, Stephen
Thomas, John

Boyce, Laurie
Rice, Thomas Jr
Wendelboe, Fran

Czech, Stanley
Rosen, Ralph

Lawton, David
Russell, David

CARROLL

Dickinson, Howard
Sullivan, P Judith

Kenney, Joseph

Mock, Henry

Patten, Betsey

CHESHIRE

Avery, Stephen
Manning, Joseph

Emerson, Susan
Royce, H Charles

Fairbanks, Chandler
Smith, Edwin

Hunt, John

COOS

Gallus, John
Woodward, David

Guay, Lawrence

Horton, Lynn

Pratt, Leighton

GRAFTON

Akins, Ralph
Gilman, G Michael
Sova, Charles

Barker, Robert
Giuda, Robert
Williams, Burton

Cobb, John
Marshall, Gene

Dudley, Terri
Mirski, Paul

HILLSBOROUGH

Allan, Nelson
Batula, Peter
Bruno, Pierre
Coughlin, Pamela

Alukonis, David
Bergeron, Jean-Guy
Calawa, Leon Jr
Dyer, Merton

Arnold, Thomas Jr
Bouchard, David
Christiansen, Lars
Emerton, Lawrence Sr

Balboni, Michael
Brundige, Robert
Clegg, Robert Jr
Fields, Dennis

Gonzalez, Carlos
Jean, Loren
Mercer, Robert
Reeves, Sandra
Tate, Joan

Goulet, Maurice
Martel, Andre
Milligan, Robert
Salts, Greg
Thulander, O Alan

Greenberg, Gary
McHugh, Claire
Moran, Edward
Souza, Kathleen
Wheeler, Robert

Holden, Randolph
McRae, Karen
Pappas, Marc
Tahir, Saghir

MERRIMACK

Dunne, Christopher
Leber, William

Feuerstein, Martin
Soltani, Tony

Hutchinson, John
Winter, Steven

Kennedy, Richard

ROCKINGHAM

Belanger, Ronald
Carson, Sharon
Dowling, Patricia
Francoeur, Sheila
Henderson, Warren
Johnson, Rogers
Letourneau, Robert
Nowe, Ronald
Quandt, Marshall
Stone, Joseph

Boynton, James
Chalbeck, Kevin
Dumaine, Dudley
Giordano, Ronald
Holland, James Jr
Katsakiores, George
Major, Norman
Packard, Sherman
Quandt, Matthew
Stritch, C Donald

Bridle, Russell
Cooney, Richard
Fesh, Bob
Gleason, John
Introne, Robert
Katsakiores, Phyllis
McKinney, Betsy
Palermo, Diane
Rausch, James
Varrell, Thomas

Camm, Kevin
Dalrymple, Janeen
Flanders, John Sr
Griffin, Mary
Itse, Daniel
Kelley, William
Morse, Charles
Priestley, Anne
Reardon, Neil
Welch, David

Weyler, Kenneth

Zolla, William

STRAFFORD

Albert, Russell
Woods, Phyllis

Bickford, David

Cossette, Larry

Harrington, Michael

SULLIVAN

None

and floor amendment (3236h) was adopted.

Motion of Ought to Pass with Amendment adopted.

Ordered to third reading.

RESOLUTION

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 17, 2002 at 10:00 a.m.
Adopted.

LATE SESSION

Third reading and final passage

SB 338, relative to ex parte orders in domestic relations cases.

SB 370, removing an exemption to a limitation on service by a trustee, director, or officer at more than one financial institution.

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

SB 353, relative to the definition of "sugar orchard" for purposes of the timber yield tax.

SB 434, establishing the duties of the fish and game commission.

SB 320, establishing a study committee to review independent living retirement communities.

SB 400, establishing a committee to study issues concerning the Poison Information and Control Center.

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

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

SB 411, extending the reporting dates of certain study committees.

SB 406, relative to animal control and animal population control fees for cats.

SB 356, relative to naming a certain body of water in Lake Winnepesaukee in the town of Meredith.

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

SB 446, relative to rights and protections for New Hampshire national guard members called to state active duty.

SB 403-FN, relative to special motorcycle number plates for veterans who were awarded the purple heart medal, special motorcycle licenses, and motor vehicle inspectors.

SB 312, relative to quarterly payment of estimated interest and dividends tax.

SB 318, relative to transfers of funds from the sweepstakes fund for sweepstakes purposes.

SB 388, relative to bingo game operation.

SB 52, relative to liquor liability insurance coverage and relative to liquor licensee training.

SB 422-FN, relative to the insurance laws.

SB 187-FN, establishing a committee to study eminent domain proceedings.

SB 351, establishing a commission to study the expansion of projects eligible for financial assistance under RSA 486-A.

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

SB 419, relative to notification of groundwater contamination.

SB 314-FN, relative to Selective Service Act Compliance through driver's license applications.

SB 319, relative to participation in international lotteries.

HB 1449-A, establishing a pilot program to study and establish protected instream flows and water management plans on the Lamprey River and the Souhegan River.

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 2:45 p.m.

RECESS