

HOUSE RECORD

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

Calendar and Journal of the 2002 Session

Vol. 24

Concord N.H.

May 2, 2002

No. 40

HOUSE JOURNAL No. 14 (cont.)

Thursday, April 25, 2002

RECESS

(Rep. Burling in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 209, 295, 380, 522, 1102, 1107, 1112, 1118, 1121, 1135, 1148, 1153, 1164, 1167, 1190, 1246, 1251, 1274, 1286, 1308, 1314, 1336, 1372, 1373, 1398, 1402, 1414, 1439, 1447, 1453, 1465 and 1473, and Senate Bills numbered 187, 313, 316, 319, 320, 371, 381, 398, 404, 409, 418, 426, 433, 435, 446 and 453.

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

senate messages

nonconcurrence

HB 226, relative to instructions to voters for straight-ticket voting.

HB 1207, relative to the regulation of the installation and servicing of fire suppression systems.

HB 1328, defining instructional time in public elementary and secondary schools.

HCR 14, a resolution declaring it to be wrongful for the judiciary, either directly or indirectly, to define an adequate education or the cost of an adequate education.

referred for interim study

HB 1259, relative to the base cost for calculating adequate education grants.

HB 1343, relative to processing excavating and dredging permits.

HB 1370, relative to establishing a 6-year capital budget.

HB 1405, relative to the Memorial Day holiday.

concurrence

HB 284-FN, relative to additional emissions reductions from existing fossil fuel burning steam electric power plants.

HB 329-FN-L, establishing a committee to study indoor air quality and fire safety in public schools.

HB 386, relative to the relocation of the principal residence of a child.

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

HB 592-FN-A, relative to a milfoil and other exotic aquatic plants prevention program.

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

HB 1159, relative to substituting generic drugs for legend and non-legend drugs.

HB 1208, relative to real estate broker liens.

HB 1302-FN, relative to the purchase of certain prior service credit by members of the retirement system, relative to legislative review of retirement fund investment practices, and relative to the payment of medical benefits costs for retired state employees.

HB 1318, relative to the regulation of the use of pharmaceutical agents and the treatment of glaucoma by licensed optometrists.

HB 1388, relative to respiratory care.

HB 1437-FN-A, relative to increasing the staff in the consumer protection and antitrust bureau of the department of justice.

HB 1441, relative to the availability of records of the joint committee on legislative facilities.

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

concurrence with amendments

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

SB 64-FN-A, establishing a fund to pay mediators in the probate courts.

SB 112, relative to election day registration.

SB 124, relative to the confidentiality of abuse and neglect proceedings and establishing a pilot project relative to abuse and neglect hearings in the Grafton county court.

SB 133-FN-A, relative to Skyhaven airport.

SB 140-FN-L, relative to the formula for free and reduced-price lunches.

SB 155-L, establishing penalties for frivolous actions against teachers and other education employees.

SB 201-FN, relative to the job training program for economic growth.

SB 309-FN, relative to payment of medical benefits costs for disabled group II members of the retirement system.

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

SB 321-L, establishing a committee to study statutory and administrative requirements regarding the legal residency of homeless children in certain educational and institutional settings, and relative to the appeal of decisions made regarding change of school or assignment.

SB 326, establishing a committee to study the workers' compensation hearings and appeals process at the department of labor.

SB 331-FN, 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.

enrolled bill amendments

HB 424, establishing a committee to study the exemption from property taxes for not-for-profit hospitals.

Amendment (3621 -EBA)

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

Adopted.

HB 581-FN, relative to the authority of the commissioner of agriculture, markets, and food to search for invasive species.

Amendment (3624 -EBA)

Amend line 2 of RSA 430:55, I(c) as inserted by section 1 of the bill to read as follows:

under such conditions as the owner may consent to

Adopted.

HB 1109, establishing a commission to study problems related to the delivery of local assistance.

Amendment (3656 -EBA)

Amend the bill by replacing section 6 with the following:

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

Adopted.

HB 1170, extending the environmental audit program.

Amendment (3620 -EBA)

Amend 1996, 4:5, I as inserted by section 1 of the bill by replacing it with the following:

I. Section 4 of this act shall take effect July 1, [2002] **2003**

Adopted.

HB 1203, relative to retroactive health insurance denials.

Amendment (3653 -EBA)

Amend RSA 420-A:17-e, I as inserted by section 3 of the bill by replacing line 2 with the following:

health service corporation to retroactively collect payments already made to a health care provider

Amend RSA 420-J:8-b, II(b)(3) as inserted by section 4 of the bill by replacing line 2 with the following:

physician/provider;

Adopted.

HB 1352-FN-L, relative to establishing a hazardous duty classification in the length of service awards program.

Amendment (3652 -EBA)

Amend RSA 100-B:4-a, I as inserted by section 2 of the bill by replacing line 2 with the following:

program in this chapter according to the procedure for adoption provided in RSA 100-B:3. Upon

Adopted.

HB 1419-FN-A, increasing the capital appropriation made to the fish and game department for the Barry conservation camp building replacement.

Amendment (3655 -EBA)

Amend section 4 of the bill by replacing line 4 with the following:

credit of the state not exceeding the sum of [~~\$61,325,314~~] **\$61,425,314** and for said purposes may

Adopted.

HB 1438-FN-A, relative to registration of health clubs.

Amendment (3622 -EBA)

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

1 Health Clubs; Registration; Fee. Amend RSA 358-I:2, I to read as follows:

Adopted.

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

Amendment (3638-EBA)

Amend section 1 of the bill by replacing line 3 with the following:

programs to function, provides officials with a basis for making decisions, and ensures continuity with

Amend RSA 5:48, II as inserted by section 2 of the bill by replacing line 1 with the following:

II. Use of the fund shall be solely for the development and continuance of a full-time

Amend RSA 5:50, II as inserted by section 2 of the bill by replacing line 6 with the following:

shall be for one year from the date of appointment, but that individual shall continue to serve in said

Amend section 4 of the bill by replacing line 3 with the following:

(jjjj) Moneys received pursuant to RSA 5:48, which shall be credited to the New Hampshire local government

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Authorization for Contingent Renumbering. If any other act of the 2002 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into paragraph I of such section becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any RSA sections inserted by this or any other act as necessary to conform said sections to proper RSA format. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 2002 session laws.

Adopted.

HB 1455-FN-L, establishing portability of a person's qualifying retirement funds for the purchase of permissive service credit in the New Hampshire retirement system.

Amendment (3635-EBA)

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

1 Retirement System; Political Subdivision; Modification. Amend RSA 100-A:22 to read as

Adopted.

HCR 22, encouraging multiple use management and access for future land transfers to the White Mountain National Forest.

Amendment (3606-EBA)

Amend the second paragraph after the title of the resolution by replacing line 2 with the following:

people of New Hampshire, through their elected representatives, for multiple use management in

Amend the fourth paragraph after the title of the resolution by replacing line 2 with the following:

management in considerable areas of the White Mountain National Forest, especially with respect to

Amend the eighth paragraph after the title of the resolution by replacing line 3 with the following:

the intent of Congress in approving the funding for additional land acquisitions; now, therefore, be it

Adopted.

HCR 23, urging Congress to abolish the Recreational Fee Demonstration Program on public lands including the White Mountain National Forest.

Amendment (3582-EBA)

Amend the resolution by replacing line 10 with the following:

recreation including hiking, hunting, fishing, snowmobiling, wildlife observation, or picnicking; and

Adopted.

enrolled bill amendments

SB 414, relative to the committee allowing the use of business logo signing on the mainline of limited access and divided highways. (Amendment printed SJ 04/25/02)

Adopted.

SB 440, relative to rules for water conservation. (Amendment printed SJ 04/25/02)

Adopted.

RECESS

(Speaker Chandler in the Chair)

senate messages

NONCONCURS WITH AMENDMENTS

REQUESTS COMMITTEE OF CONFERENCE

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

The President appointed Sens. Eaton, Gatsas and D'Allesandro.

Rep. Edwin Smith moved that the House accede.

Adopted.

The Speaker appointed Reps. Hess, Jeffrey Gilbert, Lasky and Almy.

SB 430, allowing towns or cities to increase the property tax credit for service-connected total disability and to add income limits for age groups in the elderly exemption.

The President appointed Sens. Gatsas, Barnes and D'Allesandro.

Rep. Edwin Smith moved that the House accede.

Adopted.

The Speaker appointed Reps. Patten, Brundige, Sova and William Johnson.

SB 442-FN, establishing a committee to study revising the statutes relative to the state militia and the state guard.

The President appointed Sens. Barnes, Prescott and D'Allesandro.

Rep. Edwin Smith moved that the House accede.

Adopted.

The Speaker appointed Reps. Avery, Coughlin, LaFlamme and Heon.

SB 352, establishing a committee to study alternative regional public school programs for children who are at-risk

The President appointed Sens. O'Hearn, McCarley and Gordon.

Rep. Edwin Smith moved that the House accede.

Adopted.

The Speaker appointed Reps. Henderson, Ward, Kurk and Naro.

RECESS

(Rep. Hess in the Chair)

senate messages

REFUSES TO ACCEDE TO REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1193-L, relative to local enforcement of junk yards and motor vehicle recycling yards.

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

ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE

HB 213-FN, establishing a study committee on education property tax hardship relief.

The President appointed Sens. Barnes, Gatsas and D'Allesandro.

HB 447, establishing a task force on family law.

The President appointed Sens. Gordon, Roberge and Fernald.

HB 465, relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association.

The President appointed Sens. Gordon, Fernald and Prescott.

HB 589, relative to eligibility for unemployment benefits for part-time workers.

The President appointed Sens. Francoeur, Burns and Hollingworth.

HB 617, relative to additional exceptions to junk yard regulation.

The President appointed Sens. Roberge, Barnes and Disnard.

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

The President appointed Sens. Gatsas, D'Allesandro and Barnes.

HB 757, establishing an early literacy and reading improvement program and making an appropriation therefor.

The President appointed Sens. O'Hearn, Disnard and Gordon.

HB 1134, relative to lighting requirements for motor vehicles and trailers.

The President appointed Sens. Flanders, Gatsas and Hollingworth.

HB 1172, relative to the adoption of rules for certain wetland permits.

The President appointed Sens. Francoeur, Cohen and Gatsas.

HB 1194, relative to medical records.

The President appointed Sens. Burns, Francoeur and Hollingworth.

HB 1196, enabling municipalities to adopt a property tax exemption for deaf or severely hearing impaired persons.

The President appointed Sens. Barnes, Roberge and O'Neil.

HB 1235, relative to operation of motorized vessels and safe boater education.

The President appointed Sens. Disnard, Francoeur and Burns.

HB 1270-FN, making technical corrections due to the repeal of the legacies and succession tax.

The President appointed Sens. Boyce, Klemm and D'Allesandro.

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

The President appointed Sens. Disnard, Flanders and Gatsas.

HB 1298, relative to signage for the sponsor-a-highway program and naming that portion of the New Hampshire hospital campus which has been converted to offices for state agencies and others, the Hugh Gallen State Office Complex.

The President appointed Sens. Klemm, Flanders and O'Neil.

HB 1311, relative to certain mental health records and establishing a committee to study the protection of certain medical information.

The President appointed Sens. Roberge, Fernald and Prescott.

HB 1344-L, establishing a village plan alternative subdivision in zoning and land use planning laws.

The President appointed Sens. Francoeur, Roberge and O'Neil.

HB 1365-FN, requiring that the county departments of correction be charged 110 percent of the Medicare rate for inmates who need medical services within the community.

The President appointed Sens. Klemm, Barnes and Hollingworth.

HB 1406, permitting the nomination of a guardian for the children of activated members of the armed services or for incapacitated persons for whom the activated member is the guardian, and creating a committee to study the New Hampshire national guard education assistance act.

The President appointed Sens. Prescott, Barnes and Pignatelli.

HB 1410-L, ratifying the 2001 Amherst annual town meeting, and the 2001 Pembroke town meeting.

The President appointed Sens. Roberge, Flanders and O'Neil.

HB 1420, relative to exceptions to the prohibition on persons practicing as attorneys when not admitted to practice by the supreme court.

The President appointed Sens. Gordon, Fernald and Roberge.

HB 1426-FN, relative to the availability of information on the registration of certain sexual offenders.

The President appointed Sens. Prescott, Roberge and Pignatelli.

HB 1433, prohibiting constructive possession of alcohol by minors.

The President appointed Sens. Gordon, Pignatelli and Prescott.

HB 1436-FN, relative to requiring treatment for persons convicted of DWI offenses.

The President appointed Sens. Barnes, Pignatelli and Gordon.

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

The President appointed Sens. Gordon, Fernald and Roberge.

HB 1483, relative to municipal budget committees.

The President appointed Sens. O'Hearn, Disnard and Boyce.

HB 2000, relative to the state 10-year transportation improvement program, relative to proposed toll booths in the city of Nashua, and relative to the Troy Village bypass.

The President appointed Sens. Klemm, Eaton and O'Neil.

enrolled bill amendments

HB 212-FN, providing an alternative method of calculating state education property tax hardship relief and authorizing the commissioner of the department of revenue administration to establish certain positions.

Amendment (3663-EBA)

Amend subparagraph V(d) of section 2 of the bill by replacing line 2 with the following:

determined in subparagraph (c), whichever is less, by the local rate increase computed in

Amend paragraph VIII of section 2 of the bill by replacing line 3 with the following:

Claimants who were not required to file a federal income tax return for the 2000 tax year may submit an

Adopted.

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

Amendment (3660-EBA)

Amend RSA 149-M:42, III as inserted by section 1 of the bill by replacing line 10 with the following:

disposal activities, but not by benevolent gifts received from third party sources having no

Adopted.

HB 1310, relative to the city of Manchester's contributory retirement system.

Amendment (3617-EBA)

Amend 1973, 218:4, X as inserted by section 1 of the bill by replacing lines 1-2 with the following:

X. "Final average earnings" means the greater of (a) the average annual earnings received by a member during the 3 highest calendar years during the 10 years preceding the

Amend 1973, 218:4, X as inserted by section 1 of the bill by replacing line 10 with the following:

during the greater of the highest 36 consecutive months or the 3 highest calendar years. This

Amend 1973, 218:6, I(b) as inserted by section 1 of the bill by replacing line 2 with the following:

section or to delegate to any corporate fiduciary or an insurance company within or without the

Amend 1973, 218:6, III as inserted by section 1 of the bill by replacing line 1 with the following:

III. The retirement board shall administer the retirement system in accordance with this act

Amend 1973, 218:6, VII as inserted by section 1 of the bill by replacing line 2 with the following:

employees of the retirement system for liability they incur in administering the retirement system and

Adopted.

HB 1354-FN, licensing body art practitioners.

Amendment (3662-EBA)

Amend RSA 314-A:9 as inserted by section 1 of the bill by replacing line 2 with the following:

revoke or suspend any license issued under this chapter if the licensee:

Amend RSA 314-A:11 as inserted by section 1 of the bill by replacing line 1 with the following:

314-A:11 Actions by Department. The department may, in accordance with applicable law, maintain an

Adopted.

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

Amendment (3661-EBA)

Amend section 2 of the bill by replacing lines 1-3 with the following:

2 Drivers' Licenses; Revocation or Denial for Drugs or Alcohol Involvement. Amend RSA 263:56-b to read as follows:

263:56-b Revocation or Denial for Drugs or Alcohol Involvement.

I. Any person who is [~~15 years of age or older and~~] not yet [~~18~~] **21** years of age on the date of

Adopted.

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

Amendment (3665-EBA)

Amend the bill by replacing all after section 3 with the following:

4 Definitions; Normal Retirement Date; HB 1310 Contingency Provision. 1973, 218:4, XIII, as amended by HB 1310 of the 2002 legislative session, is repealed and reenacted to read as follows:

XIII. "Normal retirement date" shall mean the first day of the month coinciding with or next following a member's sixtieth birthday.

5 Retirement Benefits; HB 1310 Contingency Provision. 1973, 218:12, I, as amended by HB 1310 of the 2002 legislative session, is repealed and reenacted to read as follows:

I. Any member who either has attained the age of 60 years or having been in the service of the city on January 1, 1974, has completed at least 20 years of service, shall be eligible for a normal retirement benefit under the provisions of this act. Any such member may retire by filing with the retirement board a written statement duly attested setting forth at what time subsequent to the date of filing thereof, the member desires to be retired, or the retirement board may, at its option, retire any such eligible member, furnishing written notice thereof at least 60 calendar days in advance of the specified date of such retirement.

6 Early Retirement Option; HB 1310 Contingency Provision. 1973, 218:14, I, as amended by HB 1310 of the 2002 legislative session, is repealed and reenacted to read as follows:

I. Each member whose age plus years of service equal 80, or who attains age 55 with a minimum of 20 years of service, may have the option, to be exercised by a written notice to the retirement board, to retire at any time thereafter, prior to the member's normal retirement date. The amount of retirement benefits payable to such retired member shall be computed as provided in section 12 of this act, except that the date of such early retirement shall be used in determining the member's service, and the amount thus obtained will be reduced for each month by which the date on which benefits commence precedes the month after which the member attains 60 years of age by 1/6 of one percent.

7 Referendum. At the election to be held in the city in November, 2002, the city clerk then in office shall cause to be included on the ballot the following statement and question: "A contributory retirement plan for city employees was adopted by the voters of Manchester at the November 1973 election. The plan became effective in January 1974, and now, benefit improvements are requested. Are you in favor of the passage of an act of the General Court of 2002, amending sections 1, 7, and 12 of the city of Manchester employees contributory retirement system to lower the normal retirement age to 60, and to reduce the early retirement penalty?" Beneath this statement and question shall be printed the word "Yes" and the word "No" with a square immediately opposite such word in which the voter may indicate his or her choice. If a majority of the voters present and voting on the question shall signify their approval thereof, this act shall be declared adopted and effective July 1, 2003, except as otherwise provided within the act. The city clerk shall, within 10 days after said election, certify to the secretary of state the result of the vote on the question.

8 Contingency.

I. If HB 1310 of the 2002 legislative session becomes law and the referendum contained in section 2 of said HB 1310 is duly approved as provided therein, then sections 4-6 of this act shall take effect on the date the referendum in section 7 of this act is approved, and sections 1-3 of this act shall not take effect.

II. If HB 1310 of the 2002 legislative session does not become law, or if the referendum contained in section 2 of said HB 1310 is not approved as provided therein, then sections 1-3 of this act shall take effect as provided in section 7 of this act, and sections 4-6 of this act shall not take effect.

9 Effective Date.

I. Section 7 of this act, relative to the referendum, shall take effect upon its passage.

II. The remainder of this act shall take effect as provided in section 8.

Adopted.

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

Amendment (3659-EBA)

Amend section 1 of the bill by replacing lines 1-2 with the following:

1 Motor Oil Discharge Cleanup Fund; Date Changed. Amend 1995, 282:12, as amended by 1999, 164:1, to read as follows:

Amend section 2 of the bill by replacing line 1 with the following:

2 Effective Date of Repeal Changed. Amend 1995, 282:14, I, as amended by 1999, 164:2, to read as

Adopted.

CACR 5, the rulemaking authority of the supreme court.

Amendment (3664-EBA)

Amend paragraph III of the resolution by replacing line 3 with the following:

whether the amendments of the constitution proposed by the 2002 session of the general court shall

Amend paragraph V of the resolution by replacing line 6 with the following:

Amendments Proposed by the 2002 General Court" shall be printed in bold type at the top of the

Adopted.

RECESS

(Rep. Herman in the Chair)

senate message

concurrence with amendments

SB 334, relative to grounds for refusal or denial of hotel accommodations.

SB 336, establishing a committee to study campaign finance reform and apportioning state representative districts.

SB 337, relative to consent orders in abuse and neglect cases.

SB 339, relative to approval of contingent fee agreements by the courts.

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

SB 354, authorizing foster parents to act as educational advocates for foster children with educational disabilities.

SB 358, relative to the authority to assess administrative fines to ophthalmic dispensers.

SB 360-FN, establishing criminal penalties for the introduction of computer contaminants.

SB 367, relative to the guardian ad litem board.

SB 386, relative to automated external defibrillators.

SB 388, relative to bingo game operation.

SB 392, relative to the regulation of revolving credit plans.

SB 395, making certain changes to the laws pertaining to special education.

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

SB 403-FN, 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.

SB 405, relative to special number plates for veterans.

SB 406, relative to animal control.

SB 408, governing records management of abuse or neglect reports.

SB 412, relative to the licensure of dietitians.

SB 419, relative to notification of groundwater contamination and repealing certain MTBE notification requirements for public water systems.

SB 422-FN, relative to the insurance laws.

SB 423-FN-A, relative to fees collected by the department of safety, certificates of title, and disclosure of information for the development, maintenance, and updating of the tax policy modeling system, and making an appropriation to the governor's office of emergency management.

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

SB 437, relative to the protection of public water supplies during emergency conditions and establishing a committee to study the formation of regional water systems and the eligibility of such systems for state construction grants.

SB 439, relative to the membership of the information technology management advisory board.

SB 441-FN-A, establishing the position of hazardous materials response coordinator and making an appropriation therefor, establishing a committee to study the interoperability of state agency communications, authorizing the position of deputy director of state police, and repealing the division of enforcement in the department of safety.

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

SB 445, relative to a limited right to a jury trial for certain minors prior to commitment to an adult correctional facility.

SB 451, relative to the shoreland protection act.

SB 452, relative to fines for violations of the shoreland protection act.

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

RECESS

(Speaker Chandler in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 701, 1305 and 1437 and Senate Bill numbered 336.

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

enrolled bill amendments

SB 124, relative to confidentiality of abuse and neglect proceedings and establishing a pilot project relative to abuse and neglect hearings in the Grafton county court. (Amendment printed SJ 05/02/02)

Adopted.

SB 155-L, establishing penalties for frivolous actions against teachers and other education employees. (Amendment printed SJ 05/02/02)

Adopted.

SB 326, establishing a committee to study the workers' compensation hearings and appeals process at the department of labor. (Amendment printed SJ 05/02/02)

Adopted.

SB 331-FN, 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. (Amendment printed SJ 05/02/02)

Adopted.

enrolled bill amendment

HB 329-FN-L, establishing a committee to study indoor air quality and fire safety in public schools.

Amendment (3674-EBA)

Amend paragraph I of section 2 of the bill by replacing subparagraph (e) with the following:

(e) The state fire marshal, or designee.

Adopted.

RECESS

conferee changes

HB 134, permitting challenges to judges.

Rep. Phyllis Woods moved to first-named member.

Rep. Reid moved to Rep. Phyllis Woods' former position.

HB 180-FN, relative to criminal neglect of elderly, disabled, or impaired adults.

Rep. Hess replaced Rep. Phyllis Katsakiores.

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

Rep. Patten replaced Rep. Holbrook.

HB 617, relative to additional exceptions to junk yard regulation.

Rep. Brundige replaced Rep. William Johnson.

HB 1210, relative to training to be a licensed esthetician, and relative to experience required for shop licensure of barbers, cosmetologists, or estheticians.

Rep. Robertson replaced Rep. Dexter.

HB 1270-FN, making technical corrections due to the repeal of the legacies and succession tax.

Rep. Royce replaced Rep. Jeffrey Gilbert.

HB 1396, authorizing the state veterinarian to provide wildlife disease prevention and treatment.

Rep. Major replaced Rep. Carlson.

HCR 28, urging increased federal funding for quality breast cancer research.

Rep. LaFlamme replaced Rep. Pepino.

SB 161-FN-A, relative to treatment for individuals with disabilities and making an appropriation therefor.

Rep. Kurk replaced Rep. Wendelboe.

SB 300, relative to the calculation of the 3/5 majority in certain votes under official ballot voting procedures.

Rep. Sova replaced Rep. Lockwood.

Rep. Mary Cooney replaced Rep. William Johnson.

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

Rep. Major replaced Rep. Jeffrey Gilbert.

SB 430, allowing towns or cities to increase the property tax credit for service-connected total disability and to add income limits for age groups in the elderly exemption.

Rep. Mary Cooney replaced William Johnson.

RECESS

Rep. Scanlan moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 15

Thursday, May 2, 2002

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

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

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

Blessed Creator of all, we pause this morning to give grateful thanks for the recent rain that relieves our drought and replenishes our reservoirs and wells. We also give thanks for those who work among us to sustain our natural resources and to provide the daily nourishment that sustains communities both near and far. Remind us never to take these gifts for granted, and help us to use them for the good of all the citizens of our beloved New Hampshire. As always, we ask Your blessing upon the work of this honorable House and we ask that Your protective hand be upon those who bravely defend the freedoms we share. Amen.

Rep. Dennis H. Fields led the Pledge of Allegiance.

The National Anthem was sung by Andrea Crocker, a student from Souhegan High School.

LEAVES OF ABSENCE

Reps. Chabot, Frank Davis, Dunne, Feuerstein, Jane Kelley, Kobel, Langer, Lent, Pepino and Zolla, the day, illness.

Reps. Bellavance, Bergin, Bruno, Callaghan, Dexter, Dowling, Dumaine, Flint, Giuda, Introne, Lasky, Lessard, Mitchell, Musler, Marsha Pelletier, Robb, Salatiello, Torressen, Wheeler and Woodill, the day, important business.

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

INTRODUCTION OF GUESTS

Rick, Lib and Kim Crocker, parents and sister of singer Andrea Crocker, guests of Rep. Dokmo. Daniel and Marianne Artz, son and wife of Rep. Artz. Maarij Kirmani, guest of Rep. Tahir. Tammy Baillargeon, Steven Knapp and Ashley Tozier, guests of Rep. Lyman. Ernesto Pina-Valade, Oleg Moskalev, Myung Soo Han, Urzalla Razmowar, Jack Wells-Bougue, Cristian Costa-Cue, Jas-Paul Singh, Mary Lou Lotterhand and Deana Romero, guests of Rep. Scovner. The participants in Democracy Engaged Program, a delegation from the Republic of Armenia, guests of the Speaker. Five winter sports teams, all Class L State Champions from Nashua Senior High School: Girls indoor track team and Coach Jason Robie; Girls gymnastic team and Coach Stacey Mareno; Girls Alpine ski team and Coach Peter Darrgo; Boys hockey team and Coach Scott Sanders; Boys basketball team and Coach Nate Mazzerolle; Jim Davis, Athletic Director, Richard Burpee, Assistant Principal, guests of the Nashua delegation. Wendy and Meggan Mills, Judy Yokley and JoAnne Brulotte, guests of Reps. Wendelboe, Dewhirst, Holbrook, Donald Flanders and Jane Wood. Cynthia Herman, wife of Rep. Herman.

special guest

Peter Thorndike of Meredith, a member of the Winter Olympic Snowboard team and recent winner of the North America Cup Competition, joined the Speaker on the podium as guest of the House.

PRESENTATION

Rep. Rausch addressed the House and presented the New Hampshire State flag that was carried on a recent NASA space shuttle.

The Speaker announced that, without objection, the remarks of Rep. Rausch would be printed in the Journal.

Rep. Rausch: Thank you, Mr. Speaker. Dr. Richard Linnehan graduated from Pelham High School in 1975 and from the University of New Hampshire in 1980 with a Bachelor of Science degree in animal science. He received the degree of Doctor of Veterinary Medicine from the Ohio State University College of Veterinary Medicine in 1985.

As a token of his appreciation and with permission from NASA, he brought a New Hampshire State flag on Columbia STS 109. This was the fourth Hubble space telescope servicing mission. Dr. Linnehan is a veteran of three space flights. He has logged over 43 days in space and, on this mission, he performed three space walks totaling 21 hours and 9 minutes in repairing the telescope. The New Hampshire Veterinary Medical Association, wishing to recognize the accomplishments of Dr. Linnehan, gave this flag to him and coordinated the efforts for this presentation. This state flag orbited the earth 165 times and covered 3.9 million miles in over 262 hours in space.

Mr. Speaker, on behalf of the New Hampshire Veterinary Medical Association and astronaut and fellow veterinarian, Dr. Richard Linnehan, I would like to present to the New Hampshire House of Representatives this State flag flown aboard the Columbia space shuttle on its STS-109 mission.

The House of Representatives offered the following:

house resolution 25

Memorializing State Representative Raymond E. Proulx of Dover

WHEREAS, it is with great sorrow that we have learned of the death of our friend and colleague Raymond E. Proulx of Dover; and

WHEREAS, as a first term representative from Strafford County District #12, Raymond E. Proulx served with great pride and enthusiasm on the Labor, Industrial and Rehabilitative Services Committee; and

WHEREAS, Raymond E. Proulx was serving his community as a member of the Train Sub-Station Committee, having formerly served as a member of the Zoning Board of Adjustment and the School Board; and

WHEREAS, while a member of the Dover School Board, Ray Proulx gained a reputation as a champion of students' rights and privacy, and, having been concerned for students' safety while

walking to school, worked to get a road paved to help ensure that safety – a walkway now known as the Honorable Raymond Proulx Lane; and

WHEREAS, Raymond E. Proulx was employed by the New Hampshire Liquor Commission for over twenty-five years, most recently serving as an assistant manager, and during his service as a state employee was an active participant in the State Employees' Association, serving as a board member and Chapter President as well as serving on the Executive Committee of the New Hampshire AFL-CIO; and

WHEREAS, Ray Proulx cared about his friends' health, making donations to various office "food funds" only if assured that his contribution would be spent on fresh fruit; and

WHEREAS, Raymond E. Proulx was a family man, being the father of twelve and grandfather of thirteen, who genuinely cared about people, demonstrated as much by his daily forays to a certain Dover fast food restaurant to talk local and state political issues with his constituents as by his regular stops in certain offices in the State House to visit with his friends on the staff; now, therefore, be it

RESOLVED, by the House of Representatives in Regular Session convened, that Raymond E. Proulx be saluted for his outstanding and dedicated service to his community and his state, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family and all who loved him, and that a copy of this Resolution be prepared for presentation to them.

Unanimously adopted by a rising vote.

The Speaker announced that, without objection, the remarks of Rep. Burling would be printed in the Journal.

Rep. Burling: Thank you, Mr. Speaker. Mr. Speaker, you and I both know these are the hardest moments in the House and I apologize up front, my friends, if my words fail me from time to time. Presidents John Fitzgerald Kennedy and George W. Bush both called upon Americans to honor their country through a commitment to public service. Ray Proulx was an extraordinary American who did not need their calls to understand the importance of serving his country and the community in which he lived. In Ray, the principle of service to and for his fellow citizens was something ingrained and fundamental. Ray Proulx was a man of the American labor movement. He believed in the dignity of organized labor and he moved through life with faith in collective action and concern for one's fellow workers as guideposts on the road to every destination. There was no element of the New Hampshire labor movement which did not flourish just that much more because Ray Proulx was a member. Ray was a man who never shrank from helping out, on the school board, in the union hall, in the community of Dover. Ray was never afraid of taking a principle stand. Time and time again, Ray put the liberties and rights of his fellow citizens ahead of the convenience of an easy, more popular decision. And here in this House, Ray was, simply, a natural. He was with us just this term but all of us who worked with him knew him to be a steady hand. A person who understood intuitively what the House is about and how to make it function for the people of this State. His was a tireless advocacy of the causes he believed in. His home town has truly lost a great voice. Ray Proulx was a man who left this world a more beautiful place than it was when he entered it. One need only look at his twelve wonderful, and, I might say gorgeous, children to understand the truth of that statement. We have lost a good friend and a gifted colleague, but I believe that we have gained the example of his patience and determination in service of the people of our State. All of us who labored closely with him will remember his days among us with pleasure and respect, and we will feel gratitude for

the chance to have worked shoulder to shoulder with a man like Ray for the people of New Hampshire.

consent calendar

committee of conference reports on senate bills

Rep. Scanlan moved that the Consent Calendar of Committee of Conference Reports on Senate Bills, as printed and distributed, be adopted.

Adopted.

committee of conference report on SB 300

Committee of Conference Report on SB 300, an act relative to the calculation of the 3/5 majority in certain votes under official ballot voting procedures.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Roberge, Dist 9; Boyce, Dist 4 and Disnard, Dist 8.

Reps. Patten, Carr 9; Brundige, Hills 18; Sova, Graf 11 and Mary Cooney, Graf 7.

committee of conference report on sb 301

Committee of Conference Report on SB 301, an act relative to an innovation initiative within the division of economic development.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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 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.

V. The exercise of the taxing powers of the state of New Hampshire in relation to emerging Internet and computer on-line services could impede the future accessibility, viability, and enhancement of such services in New Hampshire.

Amend RSA 12-M:2, I as inserted by section 3 of the bill by replacing it with the following:

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

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

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

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

Amend RSA 12-M:2, III as inserted by section 3 of the bill by replacing it with the following:

III. Legislative members of the commission shall serve a term which is coterminous with their elected office.

Amend RSA 12-M:3, V as inserted by section 3 of the bill by replacing it with the following:

V. Assessing state policy options to encourage rapidly developing technological innovation and deployment, including the imposition of New Hampshire's communications services

tax on Internet access given the enactment of the federal Internet Tax Freedom Act, Public Law 105-277, and the extension of the Internet tax moratorium imposed pursuant to Public Law 107-75, and related tax policies.

Amend the bill by replacing all after section 3 with the following:

4 Repeal. RSA 12-M, relative to the New Hampshire e-commerce advisory commission, is repealed.

5 Effective Date.

I. Section 4 of this act shall take effect December 31, 2003.

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

Conferees: Sens. Below, Dist 5; Eaton, Dist 10 and Gatsas, Dist 16.

Conferees: Reps. Major, Rock 16; Alukonis, Hills 22; Thomas, Belk 3 and Norelli, Rock 31.

committee of conference report on SB 318

Committee of Conference Report on SB 318, an act relative to transfers of funds from the sweepstakes fund for sweepstakes purposes.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 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 retirement and health benefits.

Conferees: Sens. Eaton, Dist 10; Gatsas, Dist 16 and D'Allesandro, Dist 20.

Conferees: Reps. Hess, Merr 11; Major, Rock 16; Lasky, Hills 33 and Almy, Graf 14.

committee of conference report on SB 366

Committee of Conference Report on SB 366, an act relative to biennial reports of the public utilities commission.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sen. Prescott, Dist 19; Gatsas, Dist 16 and D'Allesandro, Dist 20.

Conferees: Reps. Alukonis, Hills 23; Major, Rock 16; Gabler, Graf 8 and N. Kaen, Straf 7.

regular calendar

committee of conference reports on senate bills

committee of conference report on sb 161

Committee of Conference Report on SB 161-FN-A, an act relative to treatment for individuals with disabilities and making an appropriation therefor.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Secure Facility Required; Approvals Required.

I. The department of health and human services may construct an architecturally-secure facility with a maximum of 12 beds in Laconia for treatment of individuals with significant intellectual limitations as well as affective or thought disorders, severe emotional disturbances, and significant functional limitations who engage in behavior that potentially endangers their community.

II. The funds appropriated in 2001, 202:1, IX, E as amended by section 2 of this act shall not be spent, obligated, or encumbered until the department has developed an implementation plan for the 12-bed facility and received the approval of such plan from the capital budget overview committee.

III. The funds appropriated in 2001, 202:1, IX, E as amended by section 2 of this act, other than those for the design of the facility, shall not be spent, obligated, or encumbered until the department obtains reasonable assurance from the Centers for Medicare and Medicaid Services for participation of this program in the state medicaid program, in the facility constructed under the authority of paragraph I. The department shall provide such assurance to the capital budget overview committee.

IV. The security components of the facility design and implementation plan shall be developed in consultation with a committee of 3 individuals from Laconia selected by the city council.

Conferees: Sens. Wheeler, Dist 21; O'Hearn and Dist.12; Gordon, Dist 2.

Conferees: Reps. Kurk, Hills 5; Batula, Hills 18; MacKay, Merr 24 and Sokol, Graf 10.

Adopted.

committee of conference report on sb 430

Committee of Conference Report on SB 442-FN, an act establishing a committee to study revising the statutes relative to the state militia and the state guard.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 12 with the following:

12 Repeal. The following are repealed:

I. RSA 110-B:30, relative to use of armories by veterans.

II. RSA 110-B:31, relative to use of armories for public meetings.

III RSA 110-B:32, relative to rent for use of armory.

Conferees: Sens. Barnes, Dist 17; Prescott, Dist 19 and D'Allesandro, Dist 20.

Conferees: Reps. Avery, Ches 8; Coughlin, Hills 12; LaFlamme, Hills 35 and Heon, Straf 14.

Adopted.

committee of conference report on sb 442

Committee of Conference Report on SB 430, an act allowing towns or cities to increase the property tax credit for service-connected total disability and to add income limits for age groups in the elderly exemption.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

Conferees: Sens. Gatsas, Dist 16; Barnes, Dist 17 and D'Allesandro, Dist 20.

Conferees: Reps. Patten, Carr 9; Brundige, Hills 18, Sova, Graf 11 and Mary Cooney, Graf 7.

Adopted.

amendment to house rules

Rep. Herman offered the following:

Amendment (3524)

Amend House Rule 64 by inserting after the Friday, May 3, 2002 deadline the following:

Monday,
September 16,
2002 First
day for
incumbents
running for re-
election to file
LSR's with
complete
information.

Friday,
October 4,
2002 Last
day for
incumbents
running for re-

election to file
LSR's with
complete
information.

Friday,
November 1,
2002 Last
day to file 2002
Interim Study
reports.

Wednesday,
November 13,
2002 First
day for all
Representative
s-elect to file
LSR's with
complete
information.
15-day sign-off
period begins.

Friday,
December 13,
2002, 3:00 p.m.
Last
day to file
LSR's with
complete
information.

Friday,
January 17,
2003, 12:00
p.m. Last
day to sign-off
on all House
bills, including
redraft
requests.

Thursday,
January 30,
2003 Last
day to
introduce all
House bills.

Reps. Herman and Burling spoke in favor.

Adopted.

revenue estimates

Rep. Alukonis moved Ought to Pass with Amendment on ***HR 24***, affirming revenue estimates for fiscal years 2002 and 2003, and offered a floor amendment (3658h).

Floor Amendment (3658h)

Amend the resolution by replacing all after the title with the following:

Whereas, the House Ways and Means Committee has considered what the unrestricted revenue estimates should be for fiscal years 2002 and 2003 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 2002 and 2003.

Committee estimates are based on current rates.

	(A)	(B)	(C)	(D)
	FY 2002	FY 2002	FY 2003	FY 2003
GEN'L & ED TRUST FUNDS:	Official	Committee	Official	Committee
(Dollars in Millions)	Estimate	Estimate	Estimate	Estimate
Business Profits Tax	\$275.900	\$235.000	\$267.600	\$234.000
Business Enterprise Tax	168.000	145.000	162.000	144.000
Subtotal	\$443.900	\$380.000	\$429.600	\$378.000
Meals & Rooms Tax	\$176.000	172.000	193.400	189.400
Liquor Sales	\$93.000	95.250	96.500	98.750
Interest & Dividends Tax	77.000	68.800	79.000	70.200
Insurance Tax	62.000	74.000	63.000	76.000
Tobacco Tax	86.000	86.000	85.000	85.000

Other	46.000	48.000	46.000	48.000
Communications Tax	67.700	63.700	70.900	65.600
Estate & Legacy Tax	58.000	61.000	54.800	56.000
Real Estate Transfer Tax	99.500	96.500	102.500	111.000
Court Fines & Fees	23.700	25.000	24.400	26.000
	(A)	(B)	(C)	(D)
	FY 2002	FY 2002	FY 2003	FY 2003
Utility Tax	5.400	5.900	5.500	6.100
Securities Revenue	27.500	25.000	28.500	26.000
Board & Care Revenue	10.400	10.400	10.800	10.800
Beer Tax	12.112	12.112	12.212	12.212
Horse Racing	2.600	2.600	2.700	2.700
Dog Racing	1.200	1.200	1.200	1.200
Tobacco Settlement Funds	44.000	44.600	44.400	44.400
SUBTOTAL	\$1,336.012	\$1,272.062	\$1,350.412	\$1,307.362
Other Medicaid Enhancement	13.400	16.400	13.400	16.300
Net Medicaid Enhance. Revenue	95.000	101.200	94.000	100.100
Utility Property Tax	18.800	18.800	20.500	21.500
State Property Tax - Not Retained Local	29.100	29.100	32.680	32.680
State Property Tax – Retained Locally	454.000	454.000	453.045	453.045

Transfers from Sweepstakes	64.000	68.500	66.000	68.500
TOTAL	\$2,010.312	\$1,960.062	\$2,030.037	\$1,999.487
HIGHWAY FUNDS:	Official	Committee	Official	Committee
(Dollars in Millions)	Estimate	Estimate	Estimate	Estimate
Road Toll - Gross Total	\$144.600	\$141.600	\$149.220	\$145.720
Less Betterment	(\$20.600)	(\$20.600)	(\$21.220)	(\$21.220)
Road Toll - Net Total	\$124.000	\$121.000	\$128.000	\$124.500
Motor Vehicle Fees	84.357	84.357	86.626	88.400
Miscellaneous	8.400	6.500	8.900	6.500
TOTAL HIGHWAY FUNDS	\$216.757	\$211.857	\$223.526	\$219.400
	(A)	(B)	(C)	(D)
	FY 2002	FY 2002	FY 2003	FY 2003
FISH & GAME FUNDS:				
(Dollars in Millions)				
Fish & Game Licenses	\$7.681	\$6.981	\$9.094	\$9.094
Miscellaneous	1.564	1.164	1.591	1.591
TOTAL FISH & GAME FUNDS	\$9.245	\$8.145	\$10.685	\$10.685

The question being adoption of floor amendment (3658h).

Rep. Alukonis spoke in favor and yielded to questions.

Adopted.

laid on the table

Rep. Alukonis moved that **HR 24**, affirming revenue estimates for fiscal years 2002 and 2003, be laid on the table.

Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 212, 560, 1109, 1111, 1119, 1220, 1236, 1310, 1354 and 1482 and Senate Bills numbered 414 and 440, and Constitutional Amendment Concurrent Resolution 5.

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

suspension of rules

Reps. Scanlan and Burling moved that the Rules be so far suspended as to allow introduction and consideration after the deadlines of ***SB 456-FN-A***, making appropriations to the department of health and human services, without the required referral to a committee, public hearing and report.

Adopted by the necessary two-thirds.

resolution

Reps. Scanlan and Burling moved that ***SB 456-FN-A***, making appropriations to the department of health and human services, be by this resolution read a first and second time by the herein listed title.

Adopted.

introduction of senate bill 456

First and second reading

SB 456-FN-A, making appropriations to the department of health and human services. (Sens. Barnes, Dist 17; Hollingworth, Dist 23; Burns, Dist 1; Gordon, Dist. 2; Johnson, Dist 3; Below, Dist 5; McCarley, Dist 6; Flanders, Dist 7; Disnard, Dist 8; Roberge, Dist 9; Eaton, Dist 10; Fernald, Dist 11; O'Hearn, Dist 12; Pignatelli, Dist 13; Francoeur, Dist 14; Larsen, Dist 15; Gatsas, Dist 16; O'Neil, Dist 18; Prescott, Dist 19; D'Allesandro, Dist 20; Wheeler, Dist 21; Klemm, Dist 22; Cohen, Dist 24; Reps. Scanlan, Graf 11; Burling, Sull 1)

CONSIDERATION OF SB 456

SB 456-FN-A, making appropriations to the department of health and human services.

Rep. Scanlan moved Ought to Pass.

Rep. Rogers Johnson spoke in favor and yielded to questions.

Rep. Burling spoke in favor.

Adopted.

regular calendar

committee of conference reports on house bills

HB 134, permitting challenges to judges. (Report printed in SJ 05/02/02)

Rep. Mock yielded to questions.

Adopted.

HB 180-FN, relative to criminal neglect of elderly, disabled, or impaired adults. (Report printed in SJ 05/02/02)

Adopted.

HB 213-FN, establishing a study committee on education property tax hardship relief. (Report printed in SJ 05/02/02)

Adopted.

HB 447, establishing a task force on family law. (Report printed in SJ 05/02/02)

Adopted

HB 465 relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association. (Report printed in SJ 05/02/02)

Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 284, 386, 404, 424, 581, 1142, 1159, 1170, 1203, 1208, 1302, 1352, 1419, 1438, 1440, 1441, 1455, 1460, 1469 and 1476 and Senate Bills numbered 52, 112, 133, 201, 309, 314, 321 and 455.

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

regular calendar (cont'd.)

committee of conference reports on house bills

HB 559-FN, relative to the procedures for assignment of income from child or spousal support orders. (Report printed in SJ 05/02/02)

Adopted.

HB 617, relative to additional exceptions to junk yard regulation. (Report printed in SJ 05/02/02)

Adopted.

HB 673, relative to a net asset qualification for the elderly property tax exemption for married persons. (Report printed in SJ 05/02/02)

Adopted.

HB 712-FN, relative to the coordination of state, regional, and local planning efforts. (Report printed in SJ 05/02/02)

Adopted.

HB 1106, repealing the water pollution control revolving loan fund advisory committee, the local government advisory committee, the New Hampshire industrial heritage commission, and the environmental research advisory committee. (Report printed in SJ 05/02/02)

Adopted.

HB 1134, relative to lighting requirements for motor vehicles and trailers. (Report printed in SJ 05/02/02)

Adopted

HB 1235, relative to operation of motorized vessels and safe boater education. (Report printed in SJ 05/02/02)

Reps. Martin and Soltani spoke against.

Rep. Spang yielded to questions.

Reps. Royce and Dickinson spoke in favor and yielded to questions.

lay on the table

Rep. Vaillancourt moved that **HB 1235**, relative to operation of motorized vessels and safe boater education, 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 105 NAYS 214

YEAS 105

BELKNAP

Bartlett, Gordon	Holbrook, Robert	Johnson, William	Rice, Thomas Jr
------------------	------------------	------------------	-----------------

CARROLL

None

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Emerson, Susan	Liebl, George	McGuirk, Paul	Meadar, David
Slack, Pamela Russell	Weed, Charles	Zerba, Roger	

COOS

None

GRAFTON

Cooney, Mary	Gabler, William	Lovett, Sid	Marshall, Gene
Naro, Debra	Pawlek, Marion	Scovner, Nancy	Sova, Charles
Williams, Burton			

HILLSBOROUGH

Balboni, Michael	Bergeron, Jean-Guy	Bergin, Peter	Dokmo, Cynthia
Drabinowicz, A Theresa	Drisko, Richard	Eaton, Richard	Ford, Nancy
Furman, Christine	Graham, John	Haley, Robert	Hall, Betty
Holden, Randolph	Hopper, Gary	Jean, Claudette	Keye, Harvey
LaFlamme, Paul	Martin, Mary Ellen	McHugh, Claire	McRae, Karen
Melcher, Harold	Messier, Irene	Milligan, Robert	Panagopoulos, Nicholas
Salts, Greg	Schulze, Joan	Shaw, Barbara	Souza, Kathleen
Sullivan, Peter	Tahir, Saghir	Vaillancourt, Steve	Williams, Carol

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Cummings, Raymond
Gile, Mary	Kennedy, Richard	Perkins, Randy	Potter, Frances
Soltani, Tony	Wallner, Mary Jane	Winter, Steven	Yeaton, Charles

ROCKINGHAM

Bowles, Raimond	Coes, Betsy	Cooney, Richard	DiFruscia, Anthony
Fesh, Bob	Hamel, Albert	Hill, Jonathan	Hutchinson, Karen
Kane, Cecelia	Kelley, William	Langley, Jane	Langone, John
McGuire, Robert	Pitts, Jacqueline	Power, Lucille	Putnam, Ed II
Quandt, Marshall	Quandt, Matthew	Robertson, Carl	Trueman, Raymond
Weatherspoon, Jacquelyne	Weyler, Kenneth		

STRAFFORD

Dunlap, Patricia	Ferland, Paul	Goodwin, Earle	Harrington, Michael
Heon, Richard	Hughes, Christopher	Kaen, Naida	McCarthy, Gerald
Twombly, James	Woods, Phyllis		

SULLIVAN

Franklin, Peter	Harris, Joseph	Jones, Constance	Leone, Richard
Phinizy, James			

NAYS 214

BELKNAP

Boyce, Laurie	Czech, Stanley	Flanders, Donald	Lawton, David
Nedeau, Stephen	Pilliod, James	Rosen, Ralph	Russell, David
Thomas, John	Wendelboe, Fran	Wood, Jane	

CARROLL

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

Sullivan, P Judith

CHESHIRE

Fairbanks, Chandler	Hunt, John	Manning, Joseph	Pratt, Irene
Richardson, Barbara	Roberts, William	Royce, H Charles	Smith, Edwin

COOS

Bradley, Paula	Davis, Perley	Gallus, John	Guay, Lawrence
Horton, Lynn	Mears, Edgar	Pratt, Leighton	Rozek, Michael
Stohl, Eric	Tholl, John Jr	Woodward, David	

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Benn, Bernard	Cobb, John	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Nordgren, Sharon	Scanlan, David	Sokol, Hilda
Ward, Brien			

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Andosca, Mary	Arnold, Thomas Jr
Artz, Lawrence	Balcom, John	Baroody, Benjamin	Batula, Peter
Bouchard, David	Brundige, Robert	Buckley, Raymond	Calawa, Leon Jr
Carlson, Donald	Christensen, D L Chris	Christiansen, Lars	Clayton, William
Clegg, Robert Jr	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Dionne, David	Dionne, Kimberley	Dyer, Merton
Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard
Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Goulet, Maurice
Greenberg, Gary	Guinta, Frank	Hall, Charles	Herman, Keith
Jean, Loren	Johnson, Lionel	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Leach, Edward	Lefebvre, Roland
Leishman, Peter	Lynde, Harold	McDonough-Wallace, Alice	Mercer, Robert
Movsesian, Lori	Murphy, Robert	O'Connell, Timothy	Peterson, Andrew
Reeves, Sandra	Sargent, Maxwell	Spiess, Paul	Sweeney, Cynthia

Tate, Joan

Thulander, O Alan

White, John

MERRIMACK

Anderson, Eric

Burney, Carol

Colcord, J D

Daneault, Gabriel

Fraser, Leo Jr

Fraser, Marilyn

French, Barbara

Hess, David

Hutchinson, John

Jacobson, Alf

L'Heureux, Stephen

Leber, William

Lockwood, Priscilla

MacKay, James

Moore, Carol

Owen, Derek

Rodd, Beth

Rush, Deanna

Seldin, Gloria

Swindlehurst, John

Whalley, Michael

ROCKINGHAM

Belanger, Ronald

Bishop, Franklin

Blanchard, MaryAnn

Boynton, James

Bridle, Russell

Camm, Kevin

Carson, Sharon

Case, Margaret

Chalbeck, Kevin

Clark, Martha Fuller

Clark, Vivian

Corbin, Corey

Cox, Russell

Dalrymple, Janeen

Dearborn, Bruce

Downing, Michael

Flanagan, Natalie

Flanders, John Sr

Francoeur, Sheila

Gilbert, Jeffrey

Gilbert, Karl

Giordano, Ronald

Gleason, John

Griffin, Mary

Henderson, Warren

Holland, James Jr

Itse, Daniel

Johnson, Robert

Johnson, Rogers

Katsakiores, George

Katsakiores, Phyllis

Letourneau, Robert

Major, Norman

McKinney, Betsy

Micklon, Stephanie

Morse, Charles

Norelli, Terie

Nowe, Ronald

O'Neil, Michael

Packard, Sherman

Palermo, Diane

Pantelakos, Laura

Priestley, Anne

Rausch, James

Ruffner, Walter

Saia, Pamela

Sapareto, Frank

Shultis, Elizabeth

Sloan, Stephen

Splaine, James

Stone, Joseph

Varrell, Thomas

Welch, David

Whittier, John

STRAFFORD

Albert, Russell

Berube, Roger

Bickford, David

Brennan, William

Cossette, Larry

DeChane, Marlene

Estabrook, Iris

Gilmore, Gary

Johnson, Nancy

Knowles, William

Pelletier, Arthur

Rollo, Michael

Smith, Marjorie

Snyder, Clair

Spang, Judith

Taylor, Kathleen

Tsiros, William

Wall, Janet

SULLIVAN

Allison, David	Cloutier, John	Ferland, Brenda	Harris, Sandra
Odell, Bob	Rodeschin, Beverly		

and the motion to Lay on the Table failed.

Rep. Martin requested a roll call; sufficiently seconded.

The question being adoption of the committee of conference report.

YEAS 169 NAYS 150

YEAS 169

BELKNAP

Flanders, Donald	Holbrook, Robert	Lawton, David	Nedean, Stephen
Pilliod, James	Rosen, Ralph	Russell, David	Thomas, John
Wendelboe, Fran			

CARROLL

Bradley, Jeb	Dickinson, Howard	Kenney, Joseph	Mock, Henry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

CHESHIRE

Fairbanks, Chandler	Hunt, John	Manning, Joseph	Pratt, Irene
Richardson, Barbara	Roberts, William	Royce, H Charles	Smith, Edwin

COOS

Bradley, Paula	Davis, Perley	Gallus, John	Guay, Lawrence
Horton, Lynn	Mears, Edgar	Pratt, Leighton	Rozek, Michael
Stohl, Eric	Tholl, John Jr	Woodward, David	

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Cobb, John	Dudley, Terri	Eaton, Stephanie	Gilman, G Michael

Nordgren, Sharon

Scanlan, David

Ward, Brien

HILLSBOROUGH

Alukonis, David

Andosca, Mary

Artz, Lawrence

Balcom, John

Baroody, Benjamin

Batula, Peter

Bouchard, David

Brundige, Robert

Buckley, Raymond

Calawa, Leon Jr

Christensen, D L Chris

Clegg, Robert Jr

Clemons, Jane

Cote, Peter

Coughlin, Pamela

Dionne, David

Dionne, Kimberley

Emerton, Lawrence Sr

Fields, Dennis

Foster, Linda

Gargasz, Carolyn

Ginsburg, Ruth

Golding, William

Goley, Jeffrey

Gonzalez, Carlos

Goulet, Maurice

Greenberg, Gary

Guinta, Frank

Hall, Charles

Herman, Keith

Holden, Randolph

Jean, Loren

Konys, Christine

Kurk, Neal

L'Heureux, Robert

LaRose, Richard

Leishman, Peter

Mercer, Robert

Messier, Irene

Movsesian, Lori

Peterson, Andrew

Reeves, Sandra

Sargent, Maxwell

Spiess, Paul

Tate, Joan

Thulander, O Alan

MERRIMACK

Anderson, Eric

Burney, Carol

Cummings, Raymond

Daneault, Gabriel

Fraser, Leo Jr

French, Barbara

Gile, Mary

Hess, David

L'Heureux, Stephen

Leber, William

Lockwood, Priscilla

MacKay, James

Moore, Carol

Rodd, Beth

Rush, Deanna

Seldin, Gloria

Swindlehurst, John

Whalley, Michael

ROCKINGHAM

Belanger, Ronald

Bishop, Franklin

Blanchard, MaryAnn

Boynnton, James

Bridle, Russell

Camm, Kevin

Case, Margaret

Chalbeck, Kevin

Clark, Martha Fuller

Clark, Vivian

Corbin, Corey

Dalrymple, Janeen

Dearborn, Bruce

Fesh, Bob

Flanagan, Natalie

Flanders, John Sr

Francoeur, Sheila

Gilbert, Jeffrey

Giordano, Ronald

Gleason, John

Griffin, Mary

Henderson, Warren

Holland, James Jr

Itse, Daniel

Johnson, Rogers

Katsakiores, George

Katsakiores, Phyllis

Letourneau, Robert

Major, Norman

McKinney, Betsy

Micklon, Stephanie

Morse, Charles

Norelli, Terie

Nowe, Ronald

O'Neil, Michael

Palermo, Diane

Pantelakos, Laura

Priestley, Anne

Rausch, James

Saia, Pamela

Sapareto, Frank
Whittier, John

Stone, Joseph

Varrell, Thomas

Welch, David

STRAFFORD

Albert, Russell
Gilmore, Gary
Spang, Judith

Berube, Roger
Johnson, Nancy
Tsiros, William

DeChane, Marlene
Rollo, Michael
Wall, Janet

Estabrook, Iris
Smith, Marjorie

SULLIVAN

Allison, David

Odell, Bob

Rodeschin, Beverly

NAYS 150

BELKNAP

Bartlett, Gordon
Rice, Thomas Jr

Boyce, Laurie
Wood, Jane

Czech, Stanley

Johnson, William

CARROLL

Babson, David Jr

Sullivan, P Judith

CHESHIRE

Allen, Peter
Emerson, Susan
Slack, Pamela Russell

Avery, Stephen
Liebl, George
Weed, Charles

Batchelder, Robert
McGuirk, Paul
Zerba, Roger

Burnham, Daniel
Meador, David

COOS

None

GRAFTON

Benn, Bernard
Marshall, Gene
Sokol, Hilda

Cooney, Mary
Naro, Debra
Sova, Charles

Gabler, William
Pawlek, Marion
Williams, Burton

Lovett, Sid
Scovner, Nancy

HILLSBOROUGH

Allan, Nelson	Arnold, Thomas Jr	Balboni, Michael	Bergeron, Jean-Guy
Bergin, Peter	Carlson, Donald	Christiansen, Lars	Clayton, William
Cote, David	Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard
Dyer, Merton	Eaton, Richard	Elliott, Larry	Fletcher, Richard
Ford, Nancy	Furman, Christine	Gorman, Mary	Graham, John
Haley, Robert	Hall, Betty	Hopper, Gary	Jean, Claudette
Johnson, Lionel	Keye, Harvey	LaFlamme, Paul	Leach, Edward
Lefebvre, Roland	Lynde, Harold	Martin, Mary Ellen	McDonough-Wallace, Alice
McHugh, Claire	McRae, Karen	Melcher, Harold	Milligan, Robert
Murphy, Robert	O'Connell, Timothy	Panagopoulos, Nicholas	Salts, Greg
Schulze, Joan	Shaw, Barbara	Souza, Kathleen	Sullivan, Peter
Sweeney, Cynthia	Tahir, Saghir	Vaillancourt, Steve	White, John
Williams, Carol			

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Colcord, J D
Fraser, Marilyn	Hutchinson, John	Jacobson, Alf	Kennedy, Richard
Owen, Derek	Perkins, Randy	Potter, Frances	Soltani, Tony
Wallner, Mary Jane	Winter, Steven	Yeaton, Charles	

ROCKINGHAM

Bowles, Raimond	Carson, Sharon	Coes, Betsy	Cooney, Richard
Cox, Russell	DiFruscia, Anthony	Downing, Michael	Gilbert, Karl
Hamel, Albert	Hill, Jonathan	Hutchinson, Karen	Johnson, Robert
Kane, Cecelia	Kelley, William	Langley, Jane	Langone, John
McGuire, Robert	Packard, Sherman	Pitts, Jacqueline	Power, Lucille
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Robertson, Carl
Ruffner, Walter	Shultis, Elizabeth	Sloan, Stephen	Splaine, James
Trueman, Raymond	Weatherspoon, Jacquelyne	Weyler, Kenneth	

STRAFFORD

Bickford, David	Brennan, William	Cossette, Larry	Dunlap, Patricia
Ferland, Paul	Goodwin, Earle	Harrington, Michael	Heon, Richard
Hughes, Christopher	Kaen, Naida	Knowles, William	McCarthy, Gerald
Pelletier, Arthur	Snyder, Clair	Taylor, Kathleen	Twombly, James
Woods, Phyllis			

SULLIVAN

Cloutier, John	Ferland, Brenda	Franklin, Peter	Harris, Joseph
Harris, Sandra	Jones, Constance	Leone, Richard	Phinizy, James

and the committee of conference report was adopted.

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

senate message

REFUSES TO ADOPT COMMITTEE OF CONFERENCE REPORT

REQUESTS NEW COMMITTEE OF CONFERENCE

HB 1426-FN, relative to the availability of information on the registration of certain sexual offenders.

The President appointed Sens. Gordon, Fernald and Barnes.

suspension of rules

Rep. Welch moved that the Rules be so far suspended to permit forming a new Committee of Conference on **HB 1426-FN**, relative to the availability of information on the registration of certain sexual offenders after the deadlines for reporting and signing off, spoke in favor and yielded to questions.

On a division vote, 258 members having voted in the affirmative and 58 in the negative, the motion was adopted by the necessary two-thirds.

ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 1426-FN, relative to the availability of information on the registration of certain sexual offenders.

Rep. Welch moved that the House accede to the request for a new Committee of Conference.

Adopted.

The Speaker appointed Reps. Knowles, Kurk, Nedeau and Stevens.

senate message

REQUESTS NEW COMMITTEE OF CONFERENCE

HB 1210, relative to training to be a licensed esthetician, and relative to experience required for shop licensure of barbers, cosmetologists, or estheticians.

The President appointed Sens. Eaton, Flanders and Larsen.

CLERK'S NOTE

The original Committee of Conference report on **HB 1210**, relative to training to be a licensed esthetician, and relative to experience required for shop licensure of barbers, cosmetologists, or estheticians, was not signed off by all conferees.

suspension of rules

Rep. Goulet moved that the Rules be so far suspended to permit forming a new Committee of Conference on **HB 1210**, relative to training to be a licensed esthetician, and relative to experience required for shop licensure of barbers, cosmetologists, or estheticians, after the deadlines for reporting and signing off, spoke in favor and yielded to questions.

On a division vote, 256 members having voted in the affirmative and 44 in the negative, the motion was adopted by the necessary two-thirds.

ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 1210, relative to training to be a licensed esthetician, and relative to experience required for shop licensure of barbers, cosmetologists, or estheticians.

Rep. Peterson moved that the House accede to the request for a new Committee of Conference.

Adopted.

The Speaker appointed Reps. Peterson, Goulet, Robertson and Schulze.

senate message

REQUESTS NEW COMMITTEE OF CONFERENCE

HB 1420, relative to exceptions to the prohibition on persons practicing as attorneys when not admitted to practice by the supreme court.

The President appointed Sens. Prescott, Francoeur and Larsen.

CLERK'S NOTE

The original Committee of Conference report on **HB 1420**, relative to exceptions to the prohibition on persons practicing as attorneys when not admitted to practice by the supreme court, was not signed off by all conferees.

suspension of rules

Rep. Phyllis Woods moved that the Rules be so far suspended to permit forming a new Committee of Conference on **HB 1420**, relative to exceptions to the prohibition on persons practicing as attorneys when not admitted to practice by the supreme court, after the deadlines for reporting and signing off, spoke in favor.

On a division vote, 241 members having voted in the affirmative and 65 in the negative, the motion was adopted by the necessary two-thirds.

ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 1420, relative to exceptions to the prohibition on persons practicing as attorneys when not admitted to practice by the supreme court.

Rep. Mock moved that the House accede to the request for a new Committee of Conference.

Adopted.

The Speaker appointed Reps. Jacobson, Loren Jean, Phyllis Woods and Franklin.

regular calendar (cont'd.)

committee of conference reports on house bills

HB 1270-FN, making technical corrections due to the repeal of the legacies and succession tax.
(Report printed in SJ 05/02/02)

Adopted.

HB 1273-FN, relative to planning and procedures for state-owned or leased trails for all-terrain vehicles and relative to registration fees for certain off highway recreational vehicles. (Report printed in SJ 05/02/02)

Adopted.

HB 1298, relative to signage for the sponsor-a-highway program and naming that portion of the New Hampshire hospital campus which has been converted to offices for state agencies and others, the Hugh Gallen State Office Complex. (Report printed in SJ 05/02/02)

Adopted.

HB 1311, relative to certain mental health records and establishing a committee to study the protection of certain medical information. (Report printed in SJ 05/02/02)

Adopted.

HB 1344-L, establishing a village plan alternative subdivision in zoning and land use planning laws. (Report printed in SJ 05/02/02)

Adopted.

HB 1365-FN, requiring that the county departments of correction be charged 110 percent of the Medicare rate for inmates who need medical services within the community. (Report printed in SJ 05/02/02)

Adopted.

HB 1396, authorizing the state veterinarian to provide wildlife disease prevention and treatment. (Report printed in SJ 05/02/02)

Adopted.

HB 1406, permitting the nomination of a guardian for the children of activated members of the armed services or for incapacitated persons for whom the activated member is the guardian, and creating a committee to study the New Hampshire national guard education assistance act. (Report printed in SJ 05/02/02)

Rep. Edwin yielded to questions.

Adopted.

HB 1413, relative to disclosure of information by hospitals. (Report printed in SJ 05/02/02)

Adopted.

HB 1429, relative to the scope of the consumer protection act. (Report printed in SJ 05/02/02)

Adopted.

HB 1433, prohibiting intoxication and constructive possession of alcohol by minors. (Report printed in SJ 05/02/02)

Rep. Tholl yielded to questions.

On a division vote, 199 members having voted in the affirmative and 101 in the negative, the committee of conference report was adopted.

HB 1436-FN, relative to requiring treatment for persons convicted of DWI offenses. (Report printed in SJ 05/02/02)

Adopted.

HB 1478-FN-A, relative to public health emergency preparation and response. (Report printed in SJ 05/02/02)

Adopted.

HB 2000, relative to the state 10-year transportation improvement program, relative to proposed toll booths in the city of Nashua, and relative to the Troy Village bypass. (Report printed in SJ 05/02/02)

Adopted.

HCR 28, urging increased federal funding for quality breast cancer research. (Report printed in SJ 05/02/02)

Adopted.

HB 439-FN-A, establishing a position of septage coordinator and making an appropriation therefor. (Report printed in SJ 05/02/02)

Adopted.

enrolled bill amendments

HB 179-FN, relative to the scope of RSA 169-B, the juvenile delinquency statute, and establishing a task force on juvenile justice service capacity.

Amendment (3753-EBA)

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 9:

8 Contingent Renumbering. If SB 445-FN of the 2002 legislative session becomes law, then RSA 169-B:19, III-b as inserted by section 1 of that act shall be renumbered as RSA 169-B:19, III-c.

Adopted.

HB 298-FN-L, relative to charter schools.

Amendment (3744-EBA)

Amend RSA 194-B:3-a, II as inserted by section 1 of the bill by replacing line 2 with the following:

state board of education by the applicant for the prospective charter school no later than June 15 of

Amend RSA 194-B:11, I as inserted by section 2 of the bill by replacing line 13 with the following:

such other terms as ~~[the school and the funding source may find]~~ **are** mutually acceptable.

Amend RSA 194-B:11, IX(a) as inserted by section 3 of the bill by replacing line 9 with the following:

the date of issue or may be redeemable by the charter school at such time as the charter school or

Adopted.

HB 523, relative to filing fees and legislative approval of certain settlements by the attorney generals.

Amendment (3754-EBA)

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

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

Adopted.

HB 556-FN-A, relative to responsibilities of the department of cultural resources and the department of safety regarding building preservation and rehabilitation, and allowing the commissioner of the department of cultural resources to accept donations for purposes stipulated by the donor.

Amendment (3745-EBA)

Amend RSA 21-K:4-a as inserted by section 3 of the bill by replacing it with the following:

21-K:4-a Donations. The commissioner may receive and accept at any time such sums of money as may be donated for any purpose related to cultural resources. Money so received shall be converted into a continuous fund or funds, which shall not lapse, to be held by the state treasurer from which payments shall be made in accordance with the stipulations of the donor.

Adopted.

HB 557-FN-A, relative to victims' assistance programs and the victims' assistance fund.

Amendment (3759-EBA)

Amend section 3 of the bill by replacing line 1 with the following:

3 Department of Justice; Administration of Victims' Assistance Fund. Amend RSA 21-M:8-i, II to

Adopted.

HB 678, relative to notice of release of an inmate from state prison.

Amendment (3737-EBA)

Amend the bill by replacing section 3 with the following:

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

Adopted.

HB 718-FN, relative to renewable-energy-source electricity generation and transition service.

Amendment (3757-EBA)

Amend RSA 374-F:3, V(f)(1) as inserted by section 4 of the bill by replacing line 1 with the following:

(f)(1) A utility may, at its discretion, allow its customers to choose a renewable energy

Amend RSA 29:14, II as inserted by section 6 of the bill by replacing line 1 with the following:

II. Any restructured utility under RSA 374-F may, at its discretion, propose

Adopted.

HB 768-FN, relative to DNA testing of criminal offenders.

Amendment (3693-EBA)

Amend RSA 651-C:1, V as inserted by section 1 of the bill by replacing line 2 with the following:

database or CODIS for the purpose of generating investigative leads or supporting statistical

Amend RSA 651-C:1, VIII(b) as inserted by section 1 of the bill by replacing line 1 with the following:

(b) "Sexual offender" also means a juvenile who has been found delinquent because

Amend RSA 651-C:4, III as inserted by section 1 of the bill by replacing line 2 with the following:

entry of a DNA sample into the database where the collection and entry were made in good faith

Amend RSA 651-C:5, II as inserted by section 1 of the bill by replacing line 2 with the following:

shall not be automatically expunged from the database upon that individual's reaching the age of

Adopted.

HB 1180, establishing a task force to research revenue streams to fund intermodal transportation systems in New Hampshire and relative to exemption from local property taxes for leases of state-owned railroad properties.

Amendment (3750-EBA)

Amend section 1 of the bill by replacing lines 1-7 with the following:

1 Task Force Established; Membership.

I. There is established a task force to research revenue streams to fund intermodal transportation systems in New Hampshire.

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

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

(b) Two members representing rail interests, one nominated by the New Hampshire Railroad Revitalization Association and appointed by the governor and one designated by the

Amend subparagraph II(d) of section 1 of the bill by replacing line 1 with the following:

(d) The director of the division of aeronautics, department of transportation,
or

Adopted.

HB 1388, relative to respiratory care.

Amendment (3747-EBA)

Amend RSA 326-E:6, III as inserted by section 2 of the bill by replacing line 2 with the following:

under the supervision of a licensed respiratory care practitioner in this state, and:

Amend RSA 326-E:6, IV(g) and (h) as inserted by section 2 of the bill by replacing them with the following:

(g) An out of state license validation reveals information that would cause the board not to issue a license; or

(h) Actions are taken pursuant to RSA 328-F:18, V or RSA 328-F:26.

Amend RSA 326-E:7, I(g) as inserted by section 2 of the bill by replacing line 1 when the following:

(g) Keep all information confidential relating to receiving and investigating complaints

Amend RSA 326-E:8, II as inserted by section 2 of the bill by replacing line 1 with the following:

II. This chapter shall not restrict a person licensed under any other law of this state from

Amend RSA 326-E:9, IV as inserted by section 2 of the bill by replacing line 3 with the following:

without the prior written consent of the patient. This privilege shall not extend to cases in which the

Amend RSA 326-E:10, II as inserted by section 2 of the bill by replacing it with the following:

II. The respiratory care practitioner shall be aware of and abide by the laws of this chapter and related chapters and the regulations concerning the performance and practice of respiratory care.

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

3 Allied Health Professionals; Respiratory Care. Amend RSA 328-F:2, VII to read as follows:

VII. "Respiratory care" means "respiratory care" as defined in RSA 326-E:1, ~~[VI]~~ V.

4 Allied Health Professionals; Governing Boards; Rulemaking. Amend RSA 328-F:11, IV to read as follows:

IV. The governing board of respiratory care practitioners shall adopt rules as provided in RSA ~~[326-E:3]~~ **326-E:2**.

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

Adopted.

SB 64-FN-A, establishing a fund to pay mediators in the probate courts. (Amendment printed in SJ 05/02/02)

Adopted.

SB 140-FN-L, relative to the formula for free and reduced-price lunches. (Amendment printed in SJ 05/02/02)

Adopted.

SB 354, authorizing foster parents to act as educational advocates for foster children with educational disabilities. (Amendment printed in SJ 05/02/02)

Adopted.

SB 367, relative to the guardian ad litem board. (Amendment printed in SJ 05/02/02)

Adopted.

SB 403-FN, 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. (Amendment printed in SJ 05/02/02)

Adopted.

SB 425-FN-L, revising the formula used to calculate the cost of an adequate education. (Amendment printed in SJ 05/02/02)

Adopted.

SB 437-FN-L, relative to the protection of public water supplies during emergency conditions and establishing a committee to study the formation of regional water systems and the eligibility of such systems for state construction grants. (Amendment printed in SJ 05/02/02)

Adopted.

SB 441-FN-A, establishing the position of hazardous materials response coordinator and making an appropriation therefor, establishing a committee to study the interoperability of state agency communications, authorizing the position of deputy director of state police, and repealing the division of enforcement in the department of safety. (Amendment printed in SJ 05/02/02)

Adopted.

SB 451, relative to the shoreland protection act. (Amendment printed in SJ 05/02/02)

Adopted.

suspension of rules

Rep. Scanlan moved that Rules be so far suspended to permit consideration of Committee of Conference reports without the 24-hour advance distribution and without a printing in the Calendar.

Adopted by the necessary two-thirds vote.

regular calendar (cont'd.)

committee of conference reports on house bills

HB 1210, relative to training to be a licensed esthetician, and relative to experience required for shop licensure of barbers, cosmetologists, or estheticians. (Report printed in SJ 05/02/02)

Rep. Goulet yielded to questions.

Adopted.

HB 1420, relative to exceptions to the prohibition on persons practicing as attorneys when not admitted to practice by the supreme court. (Report printed in SJ 05/02/02)

Adopted.

HB 1426-FN, relative to the availability of information on the registration of certain sexual offenders. (Report printed in SJ 05/02/02)

Adopted.

RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 22, 2002 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 456-FN-A, making appropriations to the department of health and human services.

RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purpose of enrolled bill amendments, enrolled bill reports, receiving Senate messages and veto messages from the Governor.

Adopted.

The House recessed at 4:00 p.m.

RECESS

(Rep. Clegg in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 179, 253, 298, 329, 517, 523, 550, 557, 592, 631, 650, 660, 661, 678, 706, 768, 1000, 1139, 1151, 1175,

1180, 1217, 1281, and 1471, and Senate Bills numbered 64, 155, 326, 331, 334, 337, 339, 353, 358, 386, 388, 395, 399, 405, 406, 408, 412, 419, 423, 425, 437, 439, 443, 445 and 452.

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

enrolled bill amendments

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.

Amendment (3781-EBA)

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

AN ACT 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

Adopted.

HB 587-FN-A, establishing a commission on the status of men.

Amendment (3772-EBA)

Amend section 1 of the bill by replacing line 6 with the following:

juvenile services. In addition, men whose average life expectancy was formerly on a

Adopted.

HB 672, relative to insurance coverage for mental and nervous conditions and for treatment for chemical dependency.

Amendment (3776-EBA)

Amend RSA 415:18-a, III(a) as inserted by section 1 of the bill by replacing line 4 with the following:

counselor, licensed alcohol and drug counselor, licensed marriage and family therapist, or licensed clinical social worker who

Adopted.

HB 1147, relative to the annulment of certain criminal offenses committed under the laws of another jurisdiction.

Amendment (3770-EBA)

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

VI-a. A conviction for an offense committed under the laws of

Adopted.

HB 1156, relative to the issuance of building permits on private roads, relative to the building code for modular housing, and relative to the membership of the state building code review board.

Amendment (3767-EBA)

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Erection of Buildings on Class VI Highways. Amend RSA 674:41, I(c)(3) to read as follows:

(3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds[-]; *or*

Adopted.

HB 1231-FN, implementing a pre-engineering technology curriculum in the public high schools in the state and relative to the naming of the regional community-technical college system.

Amendment (3771-EBA)

Amend RSA 188-E:14, IV as inserted by section 1 of the bill by replacing lines 2 and 3 with the following:

for the planning, construction, and renovation of equipment necessary for the operation of pre-engineering technology curriculum in the regional vocational education centers.

Amend RSA 188-E:16, I (d) as inserted by section 1 of the bill by replacing it with the following:

- a. The president of the New Hampshire technical institute, or designee.

Adopted.

HB 1299-FN, establishing a committee to study the creation of a marriage education and enhancement program.

Amendment (3764-EBA)

Amend section 6 of the bill by replacing it with the following:

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

Adopted.

HB 1318, relative to the regulation of the use of pharmaceutical agents and the treatment of glaucoma by licensed optometrists.

Amendment (3769-EBA)

Amend RSA 327:1, III(k) as inserted by section 1 of the bill by replacing line 1 with the following:

(k) Anti-glaucoma agents which are topically applied provided that an optometrist

Amend RSA 327:6-b, I as inserted by section 2 of the bill by replacing line 12 with the following:

the committee shall be filed in writing with the chairperson at least 30 days prior to the scheduled

Amend RSA 327:6-c, I(b) as inserted by section 3 of the bill by replacing line 2 with the following:

educational components listed in subparagraph (a). Upon passage of such exam, an optometrist

Amend RSA 327:6-c, II(b) as inserted by section 3 of the bill by replacing line 1 with the following:

- a. Except as provided in paragraph III, therapeutic pharmaceutical agent certified

Adopted.

HB 1348, clarifying the law regarding title-exempted vehicles, permitting owners of antique motor vehicles to obtain certificates of title, relative to farm tractor plates, and relative to registration fees for certain off highway recreational vehicles.

Amendment (3775-EBA)

Amend section 5 of the bill by replacing lines 3 and 4 with the following:

III. Individual nonresident registration-[\$36] **\$61** for each 2-wheeled trail bike registration, [\$60] \$90 for each snow traveling vehicle registration, or [\$45] **\$70** for each other OHRV registration

Adopted.

HB 1366-FN, establishing a state employee recognition and award program.

Amendment (3774-EBA)

Amend RSA 99-E:3, II as inserted by section 2 of the bill by replacing line 2 with the following:

the legislative budget assistant in writing whether it intends to implement the proposal or whether

Amend RSA 99-E:4, II as inserted by section 2 of the bill by replacing line 3 with the following:

shall be paid from the general fund, and the governor is authorized to draw a warrant for the award

Amend RSA 99-E:6 as inserted by section 2 of the bill by replacing line 1 with the following:

99-E:6 Entitlement. No person shall have any vested rights to recognition or award under

Adopted.

HB 1423-FN, relative to state or local government security issues under the right-to-know law and relative to threats of biological or chemical substances.

Amendment (3777-EBA)

Amend RSA 631:4, I (e) as inserted by section 7 of the bill by replacing line 2 with the following:

use of a biological or chemical substance, with a purpose to cause evacuation of a building, place

Amend RSA 644:3, I as inserted by section 8 of the bill by replacing line 5 with the following:

~~false reports under RSA 158:38]~~; ***except if the report concerns the presence of a biological or***

Adopted.

HB 1446, relative to the recitation of the pledge of allegiance in the public schools.

Amendment (3765-EBA)

Amend section 2 of the bill by replacing lines 2 and 3 with the following:

inserting after section 15-b the following new section:

194:15-c New Hampshire School Patriot Act.

Adopted.

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.

Amendment (3749-EBA)

Amend subparagraph II(e) as inserted by section 3 of the bill by replacing line 2 with the following:

report regarding its progress and findings on or before November 1 of each year of their existence

Amend subparagraph III(a) as inserted by section 3 of the bill by replacing line 7 with the following:

period of an additional 30 days. The department shall consider the public comments received in any

Adopted.

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

Amendment (3766-EBA)

Amend RSA 126-Q:4, III as inserted by section 2 of the bill by replacing line 1 with the following:

the III. For any year in which the total non-federal program cost exceeds 50 percent of

Adopted.

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

Amendment (3768-EBA)

Amend RSA 158:29, XI as inserted by section 4 of the bill by replacing line 1 with the following:

XI. "Explosives", *"high explosive or explosive substance"* shall mean any
[chemical

Adopted.

SB 360-FN, establishing criminal penalties for the introduction of computer contaminants.
(Amendment printed SJ 05/02/02)

Adopted.

SB 392, relative to the regulation of revolving credit plans. (Amendment printed SJ 05/02/02)

Adopted.

RECESS

(Rep. Estabrook in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 207, 1252, 1268, 1349, 1356, 1357, 1361, 1390, 1393, 1407, 1415, 1420, 1451, 1456, and Senate Bills numbered 354, 367, 422, 441 and 456.

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

enrolled bill amendment

HB 1377-FN, relative to the regulation of physical therapists.

Amendment (3785-EBA)

Amend RSA 328-A:5, I(e) as inserted by section 1 of the bill by replacing line 1 with the following:

(e) Have maintained a current level of professional knowledge in physical therapy for a

Amend RSA 328-A:5, IV(e) as inserted by section 1 of the bill by replacing it with the following:

(e) Have maintained a current level of professional knowledge in physical therapy for a period of one year prior to filing.

Amend RSA 328-A:9, VI as inserted by section 1 of the bill by replacing line 2 with the following:

administered upon the prescription of an appropriately licensed health care practitioner, as part of the

Amend RSA 328-A:12, I as inserted by section 1 of the bill by replacing line 5 with the following:

description of services that incorporates one or more of the terms, designations, or abbreviations in

Amend RSA 328-A:15, VIII as inserted by section 1 of the bill by replacing lines 1-4 with the following:

VIII. The board shall keep all information relating to receiving and investigating complaints filed against licensees confidential until the information becomes public record or as required by law. Patient records, including clinical records, files, any other report or oral statement relating to diagnostic findings or treatment of patients, any information from which a patient or the patient's

Amend section 2 of the bill by replacing line 1 with the following:

2 Definition; Physical Therapy. Amend RSA 328-F:2, V to read as follows:

Amend section 5 of the bill by replacing line 2 with the following:

who, prior to the effective date of this act, legally used the terms, designations, or abbreviations listed

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

under RSA 328-A:10, II or RSA 328-A:12, I as inserted by this act. Following the one-year period,

Adopted.

RECESS