

HOUSE RECORD

**First Year of the 158th Session of the General
Court**

Calendar and Journal of the 2003 Session

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Concord N.H.

February 20, 2003

No. 18

HOUSE JOURNAL No. 6 (cont.)

Thursday, February 13, 2003

Rep. Hess moved that the House adjourn.

Adopted.

HOUSE JOURNAL No.7

Thursday, February 20, 2003

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

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

Creator of all, we ask Your blessing upon the work of this honorable House today as the blended voices of citizens in our beloved New Hampshire rise to govern fairly and compassionately.

In a world of tension and uncertainty, help us to keep our eyes clear and our hearts open as we seek to follow the prophet's admonition "to do justice, and to love kindness, and to walk humbly" with You.

As always, we especially ask Your protective blessing to be with those who serve in the armed forces, police and fire service, and their loved ones, who stand in harm's way today in the defense of our country and our communities. Amen

Rep. Judson Dexter led the Pledge of Allegiance.

The National Anthem was sung by a quartet composed of Kathleen MacNeil, Janet Lee, Jeff Pavaglio and Michael Kinson, seniors from Bow High School.

LEAVES OF ABSENCE

Reps. Bleyler, Callaghan, Carlson, Clemons, David Cote, Dalrymple, Hutchinson, Lefebvre, O'Brien, Timothy Robertson and Tate, the day, illness.

Reps. Buckley, Jeffrey Carter, Creteau, Fitzgerald, Gargas, Jasper, Jones, Morris, Priestley, Reardon, Slack, Stepanek and Sweeney, the day, important business.

Reps. Julie Brown, Brundige and Langer, the day, illness in the family.

Rep. Souza, the day, death in the family.

INTRODUCTION OF GUESTS

Patricia Barker, Crystal and Erica Skye Schaaf, wife, daughter and granddaughter of Rep. Barker. Eugene and Joan Mooney, Margaret and Elise Roy, Loretta and Jessica Edmonds, Sharon, Gregory, Diane and Alfred Porcaro III, Dean, Patricia, Ethan, Emily and Erick Christian, guests of Rep. Mooney. Fourth grade class from Newmarket Elementary School, guests of Rep. Karl Gilbert.

COMMITTEE REPORTS

CONSENT CALENDAR

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

HB 288-FN, imposing a criminal penalty for the dissemination of certain materials without consent, removed by Rep. Welch.

HB 337-FN-A-L, relative to state funding of county correctional facilities, removed by Rep. Cloutier.

HB 428, relative to limiting liability of vendors and property owners during the operation of a farmers' market, removed by Rep. Ahern.

HB 574-FN, relative to retail vehicle dealer registrations, removed by Rep. Greenberg.

HB 579-FN, abolishing all requirements for certificates of title for motor vehicles, removed by Rep. Marple.

Consent Calendar adopted.

HB 131, relative to enforcement of negotiable instruments under Article 3 of the Uniform Commercial Code. **OUGHT TO PASS**

Rep. Paul D. Spiess for Commerce: The purpose of this bill is to clarify the intent of one section of the Universal Commercial Code (UCC) pertaining to the enforceability of lost, destroyed or stolen documents. Recent court decisions have created uncertainty over the ability of lenders to enforce loan agreements when documents have been lost, or ownership of the loan has been transferred. This bill clearly establishes the validity and enforceability of the obligation so long as there is clear evidence that the transaction was consummated and documented. Vote 13-0.

HB 430, relative to the scope of family health insurance policies. **INEXPEDIENT TO LEGISLATE**

Rep. Matthew J. Quandt for Commerce: This bill would mandate health insurance companies to cover unmarried children under the age of 28 who are part-time students. The bill does not define what a part-time student is. Current law defines full-time students as those who do not exceed 18 years of age. This bill would increase the age by a decade. There is another bill, HB 317, that will raise the age to 25, which is current practice of health insurance companies in New Hampshire, and will define full-time students. Age 28 would create problems because it splits the age banding law. The committee feels the greatest flaw in this bill, however, is that it would include part-time students covering part-time students creates numerous problems. Vote 15-0.

HB 178, relative to detention for violations of protective orders. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill originally came about as the result of an incident that resulted in a police department contacting the court for assistance on a unique violation of a protective order. The department and the officer(s) responding used great restraint and took more than reasonable caution in the execution and subsequent arrest of the defendant who is blind, confined to a wheelchair and was scheduled for medical treatment at 6:00 a.m. the following morning. The judge on call could have ordered an alternative to incarceration, but either did not feel it was necessary or felt that the law was silent on his ability to act. The amendment clearly indicates that under certain circumstances when there is a violation of a restraining order, a judge may order an alternative to detention upon request by the arresting officer when the health of the defendant would be jeopardized by incarceration. Vote 19-0.

Amendment (0159h)

Amend RSA 173-B:9, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) When the defendant violates either a temporary or permanent protective order issued or enforced under this chapter, peace officers shall arrest the defendant and ensure that the defendant is detained until arraignment, ***provided that in extreme circumstances, such as when the health of the defendant would be jeopardized by the temporary detention, a judge in response to a request by the arresting law enforcement officer or agency, may order an alternative to detention pending arraignment.*** Such arrests may be made within 12 hours without a warrant upon probable cause, whether or not the violation is committed in the presence of a peace officer.

AMENDED ANALYSIS

This bill allows a judge to order an alternative to detention pending arraignment if such detention would jeopardize the health of the defendant.

HB 192, relative to disposal of controlled drugs in possession of law enforcement officers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill permits the district court to order the destruction of drugs in possession of a police officer, and requires the same record and reporting back to the district court as is required for the superior court, with the exception of the notification to the Drug Enforcement Administration as our district courts deal with misdemeanor drug offenses. Vote 19-0.

Amendment (0160h)

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; District Court; Disposal of Drugs in Misdemeanor Controlled Drug Offenses. Amend RSA 318-B:17 by inserting after paragraph I the following new paragraphs:

I-a. The district court having jurisdiction over a misdemeanor controlled drug offense may order such controlled drugs forfeited and destroyed upon written motion. Such order shall not be entered until after the period for appeal of the offense has expired.

I-b. The district court shall require the same record and reporting of the officer who is destroying the controlled drugs as is required under paragraph I for the superior court, with the exception of notification to the Drug Enforcement Administration.

AMENDED ANALYSIS

This bill permits the district court to order the destruction of drugs in possession of law enforcement officers following the disposition of a misdemeanor controlled drug offense, after the period for appeal has expired and upon written motion.

HB 215, relative to expungement of records contained in the DNA database. **OUGHT TO PASS**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill was submitted as a housekeeping measure for the Department of Safety. This will provide for the expungement of the DNA record of a person whose criminal conviction has been reversed and the case dismissed unless the person already has a record in the database as a result of a criminal conviction for an offense which would require inclusion in the database. Vote 13-0.

HB 291-FN, establishing an enhanced penalty for assaults, sexual assaults, and related offenses against the elderly. **INEXPEDIENT TO LEGISLATE**

Rep. Robert M. Fesh for Criminal Justice and Public Safety: The sponsors' concern is already covered in RSA 631:8 passed last July 16, 2002 after two years of study to offenses against the elderly 60 years old and older. The abuser can be charged with a Class B felony. RSA 651:6 allows for an extended term of imprisonment if the crime committed against a person with the intention of taking advantage of the victim's age or physical disability. There is no need for this bill. Vote 20-0.

HB 333, relative to sentences for first time offenders. **INEXPEDIENT TO LEGISLATE**

Rep. E. Albert Weare for Criminal Justice and Public Safety: Present law, RSA 651:2, allows the presiding judge wide discretionary powers in sentencing all offenders for most crimes regardless if the individual is a first-time offender or not. To limit or require judges to give a specific sentence for first-time offenders would severely limit the discretionary powers judges possess in awarding sentences and would be a questionable conflict of the separation of powers of the three branches of government. Vote 20-0.

HB 374, relative to a petition by an inmate for a suspended sentence. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen H. Nedeau for Criminal Justice and Public Safety: This bill, relative to a petition by an inmate for a suspended sentence, was requesting to do something that is covered by RSA 651:20 now. The bill, although well intended, makes sweeping changes that are not necessary as indicated by testimony from the Attorney General's Office, the Department of Corrections, and the Victims Assistance Office. The Committee felt strongly that this bill is not necessary. Vote 20-0.

HB 416, requiring reciprocal discovery in criminal cases. **INEXPEDIENT TO LEGISLATE**

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: This bill as drafted would violate Part 1 of the New Hampshire Constitution as well as the 5th Amendment of the United States Constitution. The sponsor was the only person to testify in favor of the bill while the Attorney General's office and the NH Trial Lawyers Association both indicated that if passed, the bill would almost immediately result in an appeal to the Supreme Court on constitutional grounds. The committee felt that the bill would create a constitutional issue that would be impossible to support and recommended inexpedient to legislate. Vote 18-0.

HB 487, relative to protective custody of a person impaired by drugs. **OUGHT TO PASS**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill is a direct result of a recent NH Supreme Court Decision where it ruled that a peace officer did not have the authority to place in protective custody a person under the influence of drugs, as he would have, if that person was under the influence of alcohol. Quoting from the opinion itself, "by its plain language, the statute therefore does not authorize the police to take individuals into protective custody if, in the police officer's judgment, the individual is under the influence of drugs." This bill rectifies the problem and places the protective custody bill for persons under the influence of drugs in the RSA's that deal with drugs. Vote 16-1.

HB 678-FN, relative to penalties for operation of OHRVs after suspension of driving privileges for certain motor vehicle offenses. **OUGHT TO PASS**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This is a housekeeping bill designed to mirror the motor vehicle law and makes operation of an OHRV after suspension of a person's driving privileges a misdemeanor if the suspension was for reckless driving, driving under the influence or negligent (vehicular) homicide. Vote 11-0.

HB 336-L, relative to the development and adoption of the school administrative unit budget. **OUGHT TO PASS WITH AMENDMENT**

Rep. John R.M. Alger for Education: After extensive development over a period of years this bill offers a straightforward and simple manner for the budget off multi-town school administrative units

(SAUs) to be voted on by the people after recommendation by the SAU board. Single district SAUs already have this opportunity so this bill allows votes of multi-town SAUs the same opportunity. Vote 18-1.

Amendment (0253h)

Amend RSA 194-C:9, III (a) as inserted by section 1 of the bill by replacing it with the following:

III.(a) For school administrative units composed of 2 or more town school districts, the budget adopted in paragraph I shall be placed before the voters of each school district of that school administrative unit at the annual school district meeting in a separate warrant article and adopted by majority vote of all the districts. Notwithstanding RSA 32 and RSA 40:13, the budget adopted by the school administrative unit board shall not be amended or changed in any way prior to the vote. If the budget is not adopted, the amount accepted shall be that of the previous year adjusted for continuing contracts. The vote of each town school district on this warrant shall be given by the respective town clerks to the superintendent of the school administrative unit who shall accumulate the total vote for all the towns and announce the result. Wording of the warrant article shall be as follows:

Shall the voters of ____ (name of town) _____ adopt a school administrative unit budget of \$ _____ for the forthcoming fiscal year in which \$ _____ is assigned to the school budget of this school district.

This year's adjusted budget of \$ _____, with \$ _____ assigned to the school budget of this town, will be adopted if the article does not receive the weighted majority vote of the school district voters in this school administrative unit.

HB 363, relative to the funding formula for cooperative school districts. **INEXPEDIENT TO LEGISLATE**

Rep. Richard C. Leone for Education: This bill advocated a change in the method of apportioning costs in a particular cooperative school district. The committee felt this was more of a local matter which can be more appropriately addressed in the articles of agreement pursuant to current state law. Vote 14-0.

HB 297, establishing an alternative nomination process for political organizations. **INEXPEDIENT TO LEGISLATE**

Rep. Howard C. Dickinson for Election Law: This bill offers an alternative process to nomination by a political organization. It decreases the threshold from 4% to 2% required to be a political party and decreases the requirement of 3% of voters in the last general election to just 7000 voters out of 500,000-600,000 voters to nominate an entire list of candidates for office in the state election. The present system requires 3% petitions. The committee feels the present laws have served us well and should be continued. Vote 13-4.

HB 408, relative to the definition of political "party". **INEXPEDIENT TO LEGISLATE**

Rep. Richard B. Drisko for Election Law: The intent of this bill is to repeal the current definition of what constitutes a "political party". This repeal would relax the requirements now in statute. The majority of the committee felt that the current definition is fair and adequate. Presently, 4% of the last general election votes for governor or senator is required. This is fair and should be continued.

This bill would eliminate all political parties and allow all groups to petition for the general election. Vote 13-4.

HB 128, relative to the treatment of horses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Albert C. Cernota for Environment and Agriculture: This bill, supported by the Department of Agriculture, Markets and Food, is intended to address problems that have arisen due to misunderstanding and misinterpretation of RSA 435. This bill clarifies the duties of horse owners relating to the care, shelter and feeding of horses. The effective date has been amended to take effect upon passage. Vote 13-0.

Amendment (0170h)

Amend the bill by replacing section 4 with the following:

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

HB 95, establishing a committee to study the procedures of the state board of claims.
INEXPEDIENT TO LEGISLATE

Rep. Maurice L. Pilotte for Executive Departments and Administration: The sponsor did not appear at the hearing nor any other persons in support or opposition. Therefore, the committee did not feel this legislation was necessary at this time. Vote 17-0.

HB 117-FN, relative to the purchase of permissive service credit in the retirement system
INEXPEDIENT TO LEGISLATE

Rep. Anne Marie Irwin for Executive Departments and Administration: In anticipation of federal legislation, which will resolve all portability issues, the committee unanimously voted to kill this bill. Another house bill is being retained which will address portability issue if enabling legislation is needed. Vote 17-0.

HB 166, relative to employees of the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael O'Neil for Executive Departments and Administration: House Bill 166 is a housekeeping bill for the retirement system. Since the mid 1980's, it has been clear that the retirement system is not an executive branch agency. Subsequent case law, statutory amendments and a constitutional amendment (36-a) have continually reaffirmed this. The Board of Trustees of the New Hampshire Retirement System has had full compensation authority for nearly two years and they have not abused it. Instead, they have used it judiciously and sparingly. The retirement system continues to work with the state director of personnel on all compensation issues and all retirement system employees continue to be compensated according to the classified employee pay scale. The sole intent of this bill is to resolve a conflict between RSA 100, which gives the board full power to hire and compensate classified employees and RSA 273, which grants the authority for collective bargaining with classified state employees exclusively to the executive branch of government. Passage of House Bill 166 will resolve the conflict between RSA 100 and RSA 273 that is created by the misuse of the word "classified". Like employees of the legislature, the court system, and the Pease Development Authority, employees of the retirement system will remain state employees, entitled to all the benefits to which state employees are entitled. This bill has no fiscal impact on retirement system funds, special account funds, general funds, or any other state funds. Vote 18-0.

Amendment (0135h)

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

1 Retirement System; Administration; Employees. Amend RSA 100-A:14, V to read as follows:

V. The board of trustees shall have the full power to employ and compensate such ~~[classified]~~ employees on such terms as may be necessary as charges upon the funds of the retirement system, ***and establish personnel policies without regard to any personnel or civil service law or personnel or civil service rule of the state. The employees of the retirement system shall not be classified employees of the state within the meaning of RSA 21-I:49. Notwithstanding, any individual employed by the retirement system whose employment calls for 30 hours or more work in a normal calendar week, and whose position is anticipated to have a duration of 6 months or more, shall be entitled to elect to receive such health, dental, life insurance, deferred compensation, and retirement benefits as are afforded to classified employees of the state. Upon election by such individual, the retirement system shall pay from its funds the state's share of such benefits. Any remaining costs of health, dental, and life insurance benefits which an individual elects to receive pursuant to this paragraph, shall be withheld from such individual's salary as a payroll deduction. Written notice of the availability of these benefit options shall be provided to each individual upon employment by the retirement system.*** It may also engage such actuarial, medical, and like services as may be required to transact the business of the system. The compensation for such special services, and all other expenses of the board necessary, hereto, shall be paid at such rates and in such amounts as the board shall approve.

2 New Paragraph; Administrative Services; Personnel; Exception Added. Amend RSA 21-I:49 by inserting after paragraph VII the following new paragraph:

VIII. Personnel of the New Hampshire retirement system.

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

HB 201, relative to the definition of the practice of dentistry. **INEXPEDIENT TO LEGISLATE**

Rep. Joan H. Schulze for Executive Departments and Administration: The sponsoring organizations have requested that this bill be reported out as inexpedient to legislate so that they can work on another bill, which would better define their needs. Vote 18-0.

HB 279, relative to the licensure of emergency medical dispatchers. **INEXPEDIENT TO LEGISLATE**

Rep. Charles Q. Hall for Executive Departments and Administration: This bill would have required the licensure of emergency medical dispatchers. The sub-committee was presented with the fact that existing language already appears in law, stating that the director shall: license emergency medical care providers, emergency medical service units, emergency medical service instructor coordinators, emergency medical service training agencies, emergency medical service dispatchers and emergency medical service vehicles. The Commissioner is also directed to adopt rules, under RSA 541-A, relative to licensing. The subcommittee was assured by the director that rules would be promulgated in a timely fashion based on existing law. Vote 16-0.

HB 320, relative to permitting additional contributions in the city of Manchester employees contributory retirement system. **OUGHT TO PASS**

Rep. Albert W. Hamel for Executive Departments and Administration: This bill is enabling legislation allowing the city of Manchester to pursue their efforts to improve the Manchester retirement system. The provisions of the bill are subject to a referendum vote in the city of Manchester. Vote 15-0.

HB 321, relative to ordinary and accidental death benefits in the city of Manchester employees contributory retirement system. **OUGHT TO PASS**

Rep. Albert W. Hamel for Executive Departments and Administration: This bill is enabling legislation allowing the city of Manchester to pursue their efforts to improve the Manchester retirement system. The provisions of the bill are subject to a referendum vote in the city of Manchester. Vote 15-0.

HB 322, relative to the commission on the status of men. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Executive Departments and Administration: The committee was informed, at the time of the public hearing, that the sponsor wished to withdraw the bill. The committee therefore killed the bill. Vote 14-0.

HB 480-FN, requiring the use of state credit cards for reimbursable expenses. **INEXPEDIENT TO LEGISLATE**

Rep. Michael O'Neil for Executive Departments and Administration: This bill requires departments to develop and implement a plan for employees to use credit cards for reimbursable expenses. While we understand the sponsor's frustration with antiquated case reimbursement procedures, there exist credit card purchasing processes currently in some state departments. The bill to study efficiency in state government may address this issue, eliminating the need for this "narrowly" focused bill. Other bills in committee provide a vehicle to insure any remaining credit cards issues may be addressed if needed. Vote 19-0.

HB 536, relative to the name of the department of resources and economic development. **INEXPEDIENT TO LEGISLATE**

Rep. Peter E. Bergin for Executive Departments and Administration: The intention of the sponsor was to change the name in order to make the agency image come into the 21st century. The governor, in his budget address to the legislature, referred to DRED under the 21st century state government. This agency would come under the review of the central information office. Therefore, this bill is not necessary. Vote 18-0.

HB 702-FN, relative to payment of medical benefits costs for disabled group II members of the retirement system. **OUGHT TO PASS**

Rep. William R. Zolla for Executive Departments and Administration: This bill extends the disability benefit for new employees in group II hired after July 1, 2003 through July 1, 2004. Ordinarily this is done in two-year increments. However, due to the lack of funds in the special accounts, the committee went to one-year increments in 2002. This is essentially a housekeeping bill. Vote 18-0.

Referred to Finance.

HB 327, establishing a committee to study the use of state vehicles. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: The committee felt that the use of state vehicles, the capital to purchase vehicles, and the expense of operating vehicles represented a significant demand on tax dollars and certainly should be studied. This study, unlike the three similar studies over the past two decades, will produce recommendations for legislation. Vote 18-1.

HB 510, relative to public inspection of fish and game information on landowner permissions for hunting. **INEXPEDIENT TO LEGISLATE**

Rep. Randy J. Perkins for Fish and Game: The primary sponsor did not want to proceed with this bill. There was no testimony for or against this bill. Vote 16-0.

HB 461, establishing a commission to study financial exploitation of the elderly and persons with disabilities. **OUGHT TO PASS**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: Frequently, vulnerable elderly and disabled individuals are cheated out of their savings by a variety of scams. Most often the money or other valuables are never retrieved. Individuals often do not report the crimes due to feelings of shame and fear, or because of confusion. The attorney general's office strongly supports this legislation as it allows for an opportunity to strengthen laws that deal with elderly and disabled individuals who are exploited. This bill provides for a commission that includes legislators, representatives of major departments, judiciary, law enforcement, banking and public guardianship. The commission will focus on preventive and educational efforts, as well as legal and ethical issues. Vote 17-0.

HB 475, establishing a committee to study possible oversight of alternative health care practitioners. **INEXPEDIENT TO LEGISLATE**

Rep. Pamela G. Price for Health, Human Services and Elderly Affairs: The intent of this bill is to study alternative health care practices which are becoming more common as a means of treatment. The committee was presented with over 20 alternative care measures which might fall under the scope of this study, many of which were unknown to the members. Some of the alternative providers are gradually becoming licensed, and thus are regulated. The committee was concerned with the scope of the study, and the lack of standards of operation and protocols on which to provide oversight. Thus, although the intent of the legislation is honorable, the committee felt that with the FDA closely monitoring the needed regulations, including a growing list of alternative care groups, the committee was not convinced that an oversight committee was appropriate at this time. Vote 15-0.

HB 549, relative to parking for disabled persons. **INEXPEDIENT TO LEGISLATE**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: With due respect to the sponsor of this bill, we as a committee agree that certain policies regarding the verification of walking disabilities placards, is a very important matter. Because further investigation and testimony given to the committee, we were convinced that these concerns and matters were currently being reviewed and discussed by the Governors commission on disabilities and the bill would duplicate their efforts. This was explained to the sponsor and he was fine with our decision to I.T.L. Vote 16-0.

HB 113, relative to payment of attorneys' fees by the losing party in tort actions. **INEXPEDIENT TO LEGISLATE**

Rep. Janet G. Wall for Judiciary: This bill would amend RSA 507 by adding a section requiring the losing party in a tort action to pay the prevailing party's attorney's fees. The committee voted unanimously to find this bill inexpedient to legislate because it shares the same basic deficiencies as each of the nearly identical such bills introduced regularly since 1989. The sponsor did not present any evidence showing that in the countries in which this rule is followed there is any reduction in caseloads or that the rule is in any way superior to the current American rule. The bill failed to allay concerns that only the wealthy will be in a position to pursue claims; and that all others with legitimate claims may be afraid to pursue them out of fear that even in meritorious cases, they may risk paying double attorneys fees. The committee believes that RSA 507:15 and court rules already adequately address the issue. Judges may use their discretion in awarding fees as justice may require. Vote 18-0.

HB 324, relative to the Jaffrey-Peterborough district court and the Henniker-Hillsborough district court. **INEXPEDIENT TO LEGISLATE**

Rep. Peter E. Franklin for Judiciary: This bill changed the district court in which the town of Hancock would be located from Jaffrey-Peterborough to Henniker-Hillsborough district court. The sponsor reported that the town's selectman would not like to change at the present time and requested that the bill be voted inexpedient to legislate. Vote 15-0.

HB 338, requiring the suspension of attorneys who do not abide by a client's decision whether to accept an offer of settlement. **INEXPEDIENT TO LEGISLATE**

Rep. Bette R. Lasky for Judiciary: This bill would require attorneys to abide by a client's decision in regard to accepting a settlement offer. While the committee agrees with the bill's intent, the need for this is currently addressed in the Rules of Professional Conduct. This bill also requested a fine for the first offense and a six-month suspension for subsequent offenses. The committee had testimony that the Professional Conduct Committee would give a far more serious disciplinary action which the committee felt was more appropriate. In addition, most members felt attorneys are obligated in their own code of conduct to abide by their client's decision and do so. Vote 15-0.

HB 348-FN, relative to the compensation of jurors. **INEXPEDIENT TO LEGISLATE**

Rep. Richard W. Morris for Judiciary: This committee is unable to support or guarantee a uniform schedule of pay for jurors other than the flat fee of \$10 per half day, which presently exists. We do not favor one juror receiving more pay than another as was put forward in this proposed legislation. Already there is some disparity in compensation depending on whether a juror's employers continue one's salary or not as well as other juror-employer arrangements. We feel strongly that by allowing this particular legislation to go forward as presented that it would inevitably create additional inconsistencies in the current juror compensation package. We would prefer a simple approach minus this extensive schedule of formulas and calculations. Therefore we would recommend inexpedient to legislate. Vote 18-0.

HB 449, relative to disclosure of the amount of property taxes paid by a tenant's rent. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Rowe for Judiciary: The purpose of this bill was to ensure that tenants were aware that a portion of their rent is used by the landlord to pay the property tax assessed on the property. The bill mandates that the landlord notify the tenant of his or her share of the rent going towards

the property tax. The bill requires that standard accounting practices be used and the allocated property tax be proportional to the square footage of the rental unit. The bill does not take into consideration common property, garages or other elements associated with the rental unit in setting the amount. This bill offers some benefit but is overshadowed by the burden to the landlord. Vote 17-1.

HB 484, providing immunity for law enforcement officers who participate in state mentoring programs. **INEXPEDIENT TO LEGISLATE**

Rep. Phyllis L. Woods for Judiciary: The bill would grant immunity specifically for law enforcement personnel participating in the Department of Safety's mentoring program. The committee felt this was unnecessary and heard no testimony of any prior litigation that this would have addressed. Furthermore there were serious problems with the bill including immunity for criminal as well as civil acts. The committee has never granted immunity for criminal activity. The committee certainly supports the efforts of all mentoring programs but felt that their concerns relative to this bill were not warranted. Vote 18-0.

HB 111-FN, prohibiting employee polygraph examinations. **INEXPEDIENT TO LEGISLATE**

Rep. Lars T. Christiansen for Labor, Industrial and Rehabilitative Services: The sponsor requested that the Labor Committee kill the bill. The concerns that motivated the proposed legislation are largely addressed under the Federal Employee Polygraph Protection Act, US Code, Title 29, Chapter 22. The committee agreed with the sponsor's request. Vote 18-0.

HB 108, increasing the optional veterans' property tax credit. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Theberge for Municipal and County Government: The veterans standard and optional credit currently is somewhat confusing. The committee reorganized the language by repealing RSA 72:28, setting a clear "Standard Veterans" definition and increasing the "Optional Veterans" tax credit to the amount of no less than \$51.00 and no greater than \$500.00 upon adoption by a town and city where the current optional credit is \$100.00. No deletions were made to the current law, RSA 72:28. A member of the committee believed that no limit or caps, i.e., \$500.00, should be imposed on a municipality. However, the committee as a body, felt otherwise. Vote 14-1.

Amendment (0115h)

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

AN ACT relative to the adoption of an optional veterans' property tax credit.

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

1 Veterans' Tax Credit; Optional Credit Changed. RSA 72:28 is repealed and reenacted to read as follows:

72:28 Standard and Optional Veterans' Tax Credit.

I. The standard veterans' tax credit shall be \$50.

II. The optional veterans' tax credit, upon adoption by a city or town pursuant to RSA 72:28-a, shall be an amount from \$51 up to \$500. The optional veterans' tax credit shall replace the standard veterans' tax credit in its entirety and shall not be in addition thereto.

III. Either the standard veterans' tax credit or the optional veterans' tax credit shall be subtracted each year from the property tax on the veteran's residential property. However, the surviving spouse of a resident who suffered a service-connected death may have the amount subtracted from the property tax on any real property in the same municipality where the surviving spouse is a resident.

IV. The following persons shall qualify for the standard veterans' tax credit or the optional veterans' tax credit:

(a) Every resident of this state who served not less than 90 days in the armed forces of the United States in any qualifying war or armed conflict listed in this section and was honorably discharged or an officer honorably separated from service; or the spouse or surviving spouse of such resident;

(b) Every resident of this state who was terminated from the armed forces because of service-connected disability; or the surviving spouse of such resident; and

(c) The surviving spouse of any resident who suffered a service-connected death.

V. Service in a qualifying war or armed conflict shall be as follows:

(a) "Spanish War" between April 21, 1898 and April 11, 1899;

(b) "Philippine Insurrection" between April 12, 1899 and July 4, 1902, extended to July 15, 1903 for service in the Moro Provinces;

(c) "Boxer Rebellion" between June 16, 1900 and May 2, 1901;

(d) "World War I" between April 6, 1917 and November 11, 1918, extended to April 1, 1920 for service in Russia; provided that military or naval service on or after November 12, 1918 and before July 2, 1921, where there was prior service between April 6, 1917 and November 11, 1918 shall be considered as World War I service;

(e) "World War II" between December 7, 1941 and December 31, 1946;

(f) "Korean Conflict" between June 25, 1950 and January 31, 1955;

(g) "Vietnam Conflict" between December 22, 1961 and May 7, 1975;

(h) "Vietnam Conflict" between July 1, 1958 and December 22, 1961, if the resident earned the Vietnam service medal or the armed forces expeditionary medal, and

(i) Any other war or armed conflict that has occurred since May 8, 1975, and in which the resident earned an armed forces expeditionary medal or theater of operations service medal.

2 Procedure for Adoption. Amend RSA 72:28-a to read as follows:

72:28-a Procedure for Adoption.

I. Any town or city may adopt the provisions of RSA ~~[72:28, V and VI]~~ **72:28, II** for an optional veterans' tax credit in the following manner:

(a) In a town, the question shall be placed on the warrant of a special or annual town meeting under the procedures set out in RSA 39:3, and shall be voted on by ballot. In a city, the legislative body may consider and act upon the question in accordance with their normal procedures for passage of resolutions, ordinances, and other legislation. The legislative body of a city may vote to place the question on the official ballot for any regular municipal election, or, in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(b) The selectmen or city council shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(c) The wording of the question shall be: "Shall we adopt the provisions of RSA ~~[72:28, V and VI]~~ **72:28, II** for an optional veterans' tax credit ~~[and an expanded qualifying war service for veterans seeking the tax credit]~~? The optional veterans' tax credit ~~[is \$100, rather than \$50]~~ **shall be (here insert amount from \$51 up to \$500).**"

II. If a majority of those voting on the question vote "Yes", RSA ~~[72:28, V and VI]~~ **72:28, II** shall apply within the city or town on April 1 next following such vote for the tax year beginning on that date.

III. If the question is not approved, the question may later be voted upon according to the provisions of RSA 72:28-a, I.

IV.(a) Any town or city which has adopted RSA ~~[72:28, V and VI]~~ **72:28, II** may consider rescinding its action in the manner described in RSA 72:28-a, I(a) and (b). The wording of the question shall be the same as set out in RSA 72:28-a, I(c), except the word "adopt" shall be changed to "rescind."

(b) If a majority of those voting on the question vote "Yes", then as of April 1 next following the action taken to rescind, RSA ~~[72:28, V and VI]~~ **72:28, II** shall not apply within the town or city.

3 Reference Changed; Proration of Credit. Amend RSA 72:30 to read as follows:

72:30 Proration of Tax Credit. If any entitled person or persons shall own a fractional interest in residential real estate each such entitled person shall be granted a tax credit in proportion to his **or her** interest therein with other persons so entitled, but in no case shall the total tax credit exceed the tax credit allowed under RSA 72:28, **I or II** ~~[or V]~~, except as provided in RSA 72:31.

4 Reference Changed; Husband and Wife. Amend RSA 72:31 to read as follows:

72:31 Husband and Wife. A husband and wife, each qualifying for a tax credit, shall each be granted a tax credit upon their residential real estate as provided under RSA 72:28, **I or II** ~~[and V]~~.

5 Reference Changed; Special Number Plates. Amend RSA 261:86, I(c) and (d) to read as follows:

(c) Is a former prisoner of war and was captured and incarcerated while serving in a qualifying war or armed conflict as defined in RSA ~~[72:28, IV]~~ **72:28, V**, and who was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances. The plates shall be transferable upon death to the surviving spouse of the prisoner of war. The surviving spouse shall be entitled to the plate as long as he or she lives, unless he or she remarries.

(d) Was awarded the Purple Heart medal in a qualifying war or armed conflict as defined in RSA ~~[72:28, IV]~~ **72:28, V**, and who was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances.

6 Reference Changed; Motor Vehicles; Exemption for Prisoners of War. Amend RSA 261:157-a to read as follows:

261:157-a Exemption for Prisoners of Wars. The legislative body of a city or town may adopt an ordinance waiving the fee to be charged for a permit to register one motor vehicle owned by any person who was captured and incarcerated for 30 days or more while serving in a qualifying war or armed conflict as defined in RSA ~~[72:28, IV]~~ **72:28, V**, and who was honorably discharged, provided the person has provided the city or town clerk with satisfactory proof of these circumstances.

7 Reference Changed; Veterans Preference. Amend RSA 283:8, I and II to read as follows:

I. The term "armed forces" shall include those forces listed in RSA ~~[72:28, I]~~ **72:28, IV**.

II. The terms "in time of war" and "during any war" shall include all the terms used in RSA ~~[72:28, III]~~ **72:28, V**.

8 Effective Date. This act shall take effect April 1, 2003.

AMENDED ANALYSIS

This bill allows towns and cities to adopt an amount of the optional veterans' property tax credit from \$51 to \$500.

HB 209, relative to municipal budget committees. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: This bill would take away the voting privileges of certain members of a municipal budget committee. The members eliminated would be the members of the governing body, the member of the school board, and the member of each village district, if applicable. The committee did not see any compelling reason to change this law. There doesn't appear to be a universal problem with the present arrangement. Vote 14-1.

HB 295, relative to information filed with the regional planning commissions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy K. Johnson for Municipal and County Government: Currently, when a local land use board determines that an application has regional impact, all affected municipalities and the regional planning commission are notified at least 14 days prior to the public hearing by certified mail. There is no requirement that the initial set of plans be forwarded to the regional planning commission. This bill, as amended, will require the applicant to submit an initial set of plans to each regional planning commission within the region of impact. Vote 16-0.

Amendment (0116h)

Amend the bill by replacing section 1 with the following:

1 Review Required; Initial Set of Plans. Amend RSA 36:56 to read as follows:

36:56 Review Required. A local land use board, as defined in RSA 672:7, upon receipt of an application for development, shall review it promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact. ***Upon determining that the development could reasonably be construed as having the potential for regional impact, the local land use board shall require the applicant to submit an initial set of plans to each regional planning commission within the region of impact.*** Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact.

AMENDED ANALYSIS

This bill requires a local land use board reviewing a development of regional impact to require the applicant to submit an initial set of plans to each regional planning commission within the region of impact.

HB 345, relative to qualifications of elected town officers. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth H. Gould for Municipal and County Government: This bill allows an elected town official who changes domicile to another New Hampshire town to remain in office for the duration of his or her term of office. The tradition of having an elected official be domiciled in the town or district one represents is strong in New Hampshire and one that the committee did not want to change. The committee also felt this would cause lack of interest, lack of participation and problems with quorums. Vote 15-0.

HB 354-FN, relative to dog license fees. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: This bill would more than double the registration fees of all dogs, whether spayed, neutered, or not. It would also double the fees for companion animal population control and for the support for the operation of the veterinary diagnostic laboratory. The original intent for licensing dogs was to cover the costs of "dog damage." Dr. McGinnis, the state veterinarian, testified that there was more than sufficient funds to support the companion animal population control measures and the veterinary diagnostic laboratory, both of which he interacts with. Vote 17-1.

HB 438-L, relative to charging a disposal fee for temporary signs. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: This bill would have allowed a municipality to charge a fee for removing temporary signs, including political campaign signs, placed along highway rights-of-way within the municipality. The committee felt that the creation of a "sign police" by municipalities would create more problems than the bill was intending to solve. Vote 17-0.

HB 556, establishing a committee to study highway safety issues on New Hampshire Route 101 from Bedford to Keene. **INEXPEDIENT TO LEGISLATE**

Rep. Bernard L. Benn for Public Works and Highways: The committee heard testimony regarding serious safety concerns relative to Route 101 from Bedford to Keene. Several previous studies by the towns of Bedford, Amherst, Milford and others by the Nashua and the Southern Regional Planning Commission, clearly set out both long and short-term improvement recommendations for this road segment. It was unanimously agreed that another study would not improve safety, and that only implementation of prior recommendations should be pursued. Vote 17-0.

HB 560, making technical corrections to the New Hampshire Aeronautics Act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Candace C. W. Bouchard for Public Works and Highways: The Division of Aeronautics, Department of Transportation, requested amending RSA 422 in order to eliminate confusion regarding enforcement authority between state and federal authorities. There were other changes in prior legislation and this change was inadvertently left out. Vote 16-0.

Amendment (0264h)

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

AN ACT relative to penalties for operating an aircraft while under the influence of alcohol or drugs and making a technical correction.

Amend the bill by replacing all after section 1 with the following:

2 New Section; Implied Consent of Operator of Aircraft to Submit to Testing to Determine Alcohol Concentration. Amend RSA 422 by inserting after section 28 the following new section:

422:28-a Implied Consent of Operator of Aircraft to Submit to Testing to Determine Alcohol Concentration. Any person who operates or attempts to operate an aircraft on the ground, on the public waters, or in the air in this state shall be deemed to have given consent to physical tests and examinations for the purpose of determining whether the person is under the influence of intoxicating liquor or controlled drugs, and to a chemical, infrared molecular absorption or gas chromatograph test or tests of any or all of any combination of the following: blood, urine, or breath for the purpose of determining the controlled drug consent of the person's blood or alcohol concentration if arrested for any offense arising out of acts alleged to have been committed while the person was operating, attempting to operate, or in actual physical control of an aircraft while under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of 0.04 or more. The test or tests shall be administered at the direction of a peace officer having reasonable grounds to believe the person to have been operating, attempting to operate, or in actual physical control of an aircraft in this state while under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of 0.04 or more. A copy of the report of any such test shall be furnished by the law enforcement agency to the person tested within 48 hours of receipt of the report by the agency by certified mail directed to the address shown on identification

furnished by the person. Results of a test of the breath shall be furnished immediately in writing to the person tested by the law enforcement officer conducting the test.

3 Penalties. Amend RSA 422:29, VI to read as follows:

VI. Any person who operates *or attempts to operate an aircraft* while under the influence of intoxicating liquor or of any controlled drug as prohibited by this chapter or 14 C.F.R. ~~[section 91.11]~~ **Part 91** as amended shall be guilty of a class B felony *and be subject to the same penalties as a person convicted of a violation of RSA 265:82 as specified in RSA 265:82-b, I(c). Any conviction under this section shall be reported to the department of safety, division of motor vehicles and shall become a part of the motor vehicle driving record of the person convicted.*

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

AMENDED ANALYSIS

This bill establishes implied consent to alcohol concentration testing and penalties for persons who operate or attempt to operate aircraft while under the influence of alcohol or controlled drugs. The bill also makes a technical correction to the prohibitions provision of the New Hampshire Aeronautics Act.

HB 561, repealing the Uniform Aircraft Financial Responsibility Act. **OUGHT TO PASS**

Rep. Edmond D. Gionet for Public Works and Highways: This bill as introduced at the request of the New Hampshire Department of Transportation, Division of Aeronautics, was discussed at length. Discussion revealed that the previous legislature had removed the important features of RSA 422-A, involving aircraft accidents, and was placed in the revised version of RSA 422. In addition, it has no teeth for enforcement, and as a matter of good housekeeping should be removed. Vote 16-1.

HB 565-FN-A, establishing a commission to implement the Hampton Beach Master Plan. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sandra B. Keans for Public Works and Highways: This bill sets up a commission that will work together to implement the Master Plan that was developed over the last two years. The state is responsible for maintaining the beach area and the Hampton State Park which is the second largest revenue generator in the park system. The purpose is to keep all the various groups at the table talking and heading in the same direction while the plan gets implemented. As the major seacoast area in the state, Hampton Beach contributes a great deal of revenue for the general fund. As written, this bill would not require any state funding. Vote 18-0.

Amendment (0300h)

Amend RSA 216-J:5 as inserted by section 1 of the bill by replacing it with the following:

216-J:5 Hampton Beach Master Plan Fund. There is hereby established in the office of the state treasurer a fund to be known as the Hampton Beach Master Plan Fund which shall be kept separate and distinct from all other funds and shall be continually appropriated to the commission. Such fund shall be the depository of all gifts, grants or donations made to the commission pursuant to RSA 216-J:4. Implementation expenses, the expenses of the commission, its commissioners and

any employees of the commission shall be paid from such fund. Any moneys in such fund shall not lapse into the general fund of the state.

Referred to Finance.

HB 571-FN-L, relative to Old Newport Road and the end of Main Street in the town of Marlow.
OUGHT TO PASS

Rep. Matthew J. Vallone for Public Works and Highways: This bill would reclassify Old Newport Road and the end of Main Street in the town of Marlow as Class V highways, transferring these two road segments to town road status. Both sections serve mostly local traffic, and it is, therefore, appropriate that they will be added to the town highway system. Both the town of Marlow and the Department of Transportation approve of this bill. Vote 17-0.

HB 624-FN-A, relative to appropriations to and revenues from the division of ports and harbors.
INEXPEDIENT TO LEGISLATE

Rep. Saghir A. Tahir for Public Works and Highways: This bill would have required an appropriation of \$4 million dollars to purchase or lease certain equipment to load and unload ships at Portsmouth port from a fund appropriated in 1991 for the expansion of the port. The Pease Development Authority (PDA) and the Division of Ports and Harbors did not support this bill. The legislature gave authority to the PDA to manage ports and harbors only about a year ago. Committee members felt that the legislature should not interfere with the management of the affairs of the PDA and try to micromanage its business. Vote 18-0.

HB 802-FN-A, requiring the department of transportation to retrofit a highway rest stop to be a solar powered facility and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bernard L. Benn for Public Works and Highways: This bill as amended encourages the Department of Transportation to install a solar voltaic power system as a demonstration of state-of-the-art renewable energy technology at a highway rest stop. A significant educational display is anticipated as part of the project. This legislation authorizes the DOT to solicit and accept private funding and equipment contributions for the project. No state funds are allocated. Vote 17-0.

Amendment (0306h)

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

AN ACT encouraging the department of transportation to retrofit a highway rest stop to be a solar powered facility.

Amend the bill by replacing section 1 with the following:

1 Highway Rest Stop; Solar Power Retrofit. The department of transportation is hereby encouraged to retrofit a highway rest stop to make it a solar facility for electric power and to make it a model facility to encourage energy efficiency and the use of renewable energy sources.

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

AMENDED ANALYSIS

This bill encourages the department of transportation to retrofit a highway rest stop with certain equipment to utilize the sun's energy for the electric power used at the facility.

HB 462, relative to the operation of ski craft within navigation channels. **INEXPEDIENT TO LEGISLATE**

Rep. Pierre W. Bruno for Resources, Recreation and Development: The sponsor introduced this bill primarily for the purpose of insuring safety on New Hampshire waterways. Changes to boating laws made during the 2002 Session, including phased-in boater education requirements, with proper enforcement, should achieve the safety concerns expressed by the sponsor. Vote 14-0.

HB 539, relative to dredging and filling in wetlands. **INEXPEDIENT TO LEGISLATE**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: The intent of HB 539 was to allow Boards of Selectmen and other community officials to issue cease and desist orders for wetlands violations thus relieving Department of Environmental Services (DES) personnel of some of their burden, and reacting more quickly to stop wetlands damage. Testimony indicated that DES was routinely able to investigate infractions with same day service, putting a qualified person on site. Since selectmen and others such as conservation commissions cannot act without a minimum 24 hour meeting notice, they could not act in a fashion more timely than DES. Questions were also raised about Article 28-a issues and ability of local officials to enforce, or oversee, remediation. It was noted that wetlands violations would most often involve a site plan violation, under which a code enforcement official could already issue a cease and desist order if necessary. Vote 11-4.

HB 96, relative to eligibility as a customer-generator. **INEXPEDIENT TO LEGISLATE**

Rep. Roy D. Maxfield for Science, Technology and Energy: The subcommittee found during discovery that though biofuel is another alternative in energy production, a mix with diesel would create other concerns with environmental issues and qualifications as to net-metering and marketing issues. Vote 16-0.

HB 233, relative to the nuclear planning and response program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sam A. Cataldo for Science, Technology and Energy: This bill amends RSA 6:12, I (e) changing the state agency which collects fees for nuclear planning and response from the Public Utilities Commission (PUC) to the Department of Safety. The PUC no longer has jurisdiction in the facility as a result of deregulation. The committee agreed that the Department of Safety and the state Fire Marshal's Office were the appropriate groups to provide this function going forward. The committee also clarified interaction between interested parties involved in planning and response for the facility. Vote 18-0.

Amendment (0210h)

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

1 General Revenue Exceptions; Nuclear Planning and Response Fund. Amend RSA 6:12, I(e) to read as follows:

(e) Fees ~~[certified]~~ **collected** by the ~~[chairman of the public utilities commission]~~ **department of safety** under RSA 107-B, which shall be credited to the New Hampshire nuclear planning and response fund.

2 Nuclear Planning and Response Program. Amend RSA 107-B:1 - 107-B:4 to read as follows:

107-B:1 Nuclear Emergency Response Plan.

I. The director of **fire safety and** emergency management shall, in cooperation with affected local units of government, initiate and carry out a nuclear emergency response plan as specified in the licensing regulations of each nuclear electrical generating plant. The ~~[chairman of the public utilities commission]~~ **commissioner of safety** shall assess a fee ~~[from the utility]~~, as necessary, to pay for the cost of preparing, **maintaining, and operating** ~~[the]~~ **each** plan and providing equipment and materials to implement it.

II. The director of **fire safety and** emergency management shall conduct an annual review of ~~[the]~~ **each** nuclear emergency response ~~[plans]~~ **plan** for those municipalities located in ~~[the]~~ **an** emergency planning zone, as defined in Nuclear Regulatory Commission regulation Title 10, Code of Federal Regulations, Part 50.

107-B:1-a Definition. In this chapter, "assessed entity" means the entity or entities which have applied to the Nuclear Regulatory Commission for a license to operate or are licensed to operate a nuclear electrical generating facility which affects municipalities under RSA 107-B:1, II.

107-B:2 Annual Emergency Response Budget. The municipalities **in each emergency planning zone** shall submit annually their emergency response budget to the director of **fire safety and** emergency management who shall provide a reasonable opportunity for public comment and consideration. The director shall also receive and review the appropriateness of any budget request from any other state agency necessary for radiological emergency preparedness as outlined in the **relevant** plan. The director shall then submit an approved total annual budget to the ~~[chairman of the public utilities commission]~~ **commissioner of safety** for assessment ~~[against the utility or utilities]~~ **under RSA 107-B:3 and RSA 107-B:4. Prior to assessing the annual budget, the commissioner shall consult with the assessed entity and obtain its input into the budget.**

107-B:3 Assessment **and Reporting**.

I. The cost of preparing, maintaining, and operating ~~[the nuclear planning and response program]~~ **a nuclear emergency response plan** shall be assessed against each ~~[utility which has applied for a license to operate or is licensed to operate a nuclear generating facility which affects municipalities under RSA 107-B:1, II.]~~ **assessed entity** in such proportions as the ~~[chairman of the public utilities commission]~~ **commissioner of safety** determines to be fair and equitable.

II. ~~[Assessments under this section shall not be charged to the normal operating costs of any company before the issuance of an operating license]~~ **The commissioner of safety shall enter into a memorandum of understanding with each assessed entity that contains mechanisms to address budget compliance and periodic reporting, performance standards to ensure compliance with federal emergency preparedness requirements, and other topics as the parties deem appropriate.**

III. Within 60 days after the close of the fiscal year, the commissioner of safety shall cause a report to be prepared and provided to the assessed entity detailing the use of the fees assessed during the prior fiscal year.

107-B:4 Collection of Assessment. The ~~[chairman of the public utilities commission]~~ **department of safety** ~~[shall certify to the office of emergency management the amount to be assessed against each utility, and the office of emergency management]~~ shall bill each ~~[utility]~~ **assessed entity** for the amount assessed against it. The bill shall be sent by registered mail, and shall constitute notice of assessment and demand for payment. Payment shall be made to the ~~[office of emergency management]~~ **department of safety** within 30 days after the receipt of the bill. If any ~~[utility]~~ **assessed entity** shall fail or refuse to pay the assessed fee within 30 days, the ~~[chairman]~~ **commissioner** shall add to the fee a late penalty fee and certify the amount of the delinquent fee and penalty to the attorney general for collection.

3 Authority in Radiological Emergency. Amend RSA 107-B:6 to read as follows:

107-B:6 Authority in Radiological Emergency. In the event of a radiological emergency at a nuclear electric generating facility where the ~~[responsible utility]~~ **operator** is unable to control the situation as necessary to protect public health and safety, the governor shall regulate the ~~[utility]~~ **facility** under RSA ~~[107:6]~~ **4:45-4:47**.

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

AMENDED ANALYSIS

This bill transfers the responsibility for assessing fees under the nuclear planning and response program from the chairman of the public utilities commission to the department of safety. This bill also changes references to the director of emergency management to the director of fire safety and emergency management, and makes various other changes to the nuclear planning and response program.

HB 239, prohibiting the disclosure of certain information by a public utility. **INEXPEDIENT TO LEGISLATE**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill proposed limiting a public utility from releasing confidential customer information without customer permission. The committee learned that New Hampshire Public Utilities Commissions rule # 2004:08 meets all privacy parameters of the proposed legislation for electric and gas utilities. Telephone utilities are restricted by FCC's 1996 Telecommunications Act section 702 which states in part: that except as required by law or with written permission from the customer, a telecommunications carrier that receives or obtains customer proprietary network information by virtue of its provision of a telecommunications service shall only use, disclose or permit access to individual identifiable customer proprietary network information in its provision of, (A) the telecommunication service from which such information is derived, or (B) services necessary to, or used in, the provision of such telecommunications service, including the publishing of a directory. Telephone subscribers can further restrict the listing or publishing of name and number if they choose. The committee concluded that existing rules and statutes meet or exceed the sponsor's goals with this legislation. Vote 18-0.

HB 436, relative to the acquisition of Connecticut Valley Electric Company and electric utility restructuring. **OUGHT TO PASS**

Rep. John H. Thomas for Science, Technology and Energy: This bill makes changes to existing law necessary to facilitate the acquisition of Connecticut Valley Electric Company, Inc. (CVEC) by Public Service Company of New Hampshire. The State Of New Hampshire and CVEC have been in litigation concerning the implementation of industry restructuring for CVEC, which is the only non-municipal electric utility in New Hampshire that has not achieved a deregulation plan. CVEC customers pay some of the highest rates in the state as result of long-term power purchase contracts. The sale of CVEC assets and its franchise will resolve both issues. CVEC, Central Vermont Public Service, the Governor's Office, PSNH, PUC, City of Claremont and many New Hampshire agencies such as the Office of Consumer Advocate, Governor's Energy Office, Legal Assistance, and Community Services have all supported this acquisition. Upon acquisition, the benefits to CVEC customers will be a 20% rate decrease for residential, 19% rate decrease for small business and 12% decrease for large business customers. Financial and legal uncertainties will end for CVEC customers and the right to chose an independent energy supplier will be realized. PSNH rates will not rise as a result of the acquisition. The stranded costs absorbed by the acquisition will be recovered in approximately three months via the existing stranded cost recovery charge. The economic benefits of this acquisition are substantial and were a major consideration of the committee. Vote 13-0.

HCR 8, urging the United States Congress to improve the prescription drug program provided to veterans. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard F. Heon for State-Federal Relations and Veterans Affairs: The majority of the committee felt that the New Hampshire General Court should hereby urge the United States Congress to make the necessary changes concerning the co-payment of \$7.00 per prescription rather than each prescription refill and return to the \$2.00 co-payment pursuant to the Veterans Millennium Health Care and Benefits Act of 1999. Vote 14-0.

Amendment (0250h)

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

That the general court of New Hampshire hereby urges that the Congress of the United States make the necessary changes concerning the copayment of \$7 per prescription, rather than each prescription refill, and return to the \$2 copayment pursuant to the Veterans Millennium Health Care and Benefits Act of 1999; and

That copies of this resolution signed by the speaker of the house of representatives and the president of the senate be forwarded by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the Department of Veterans Affairs, and to each member of the New Hampshire congressional delegation.

HB 477, establishing a 55 mile per hour speed limit on New Hampshire Route 9 from the Stoddard/Nelson town line to the Apple Hill road intersection in the town of Sullivan. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill establishes a 55 mile per hour speed limit on New Hampshire Route 9 from ½ mile east of the Stoddard/Nelson town line to the intersection of Route 9 and Apple Hill Road in the town of Sullivan. This bill establishes a 45 miles per hour speed limit on Route 9 for ½ mile west of the Route 9 and Apple Hill Road intersection. This bill also increases the speed limit on New Hampshire Route 114 from north of Henniker to Bradford Village from 50 to 55 miles per hour. The sponsors of this measure made a compelling case for increasing the

speed limit on this section of road. Photographs of the section of road in question revealed that after recent reconstruction the view is greatly enhanced and this section of road has been widened to increase both safety and visibility. Vote 15-0.

Amendment (0249h)

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

AN ACT establishing certain speed limits.

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

1 Speed Limit Established; New Hampshire Route 9 East of the Stoddard/Nelson Town Line to the Apple Hill Road Intersection in the Town of Sullivan. Notwithstanding the provisions of RSA 265:60, II and RSA 265:62, I, the speed limit on New Hampshire Route 9 from ½ mile east of the Stoddard/Nelson town line continuing westerly to the intersection of Route 9 and Apple Hill road in the town of Sullivan shall be 55 miles per hour.

2 Speed Limit Established; A Portion of New Hampshire Route 9 in the Town of Sullivan. Notwithstanding the provisions of RSA 265:60, II and RSA 265:62, I, the speed limit on New Hampshire Route 9 in the town of Sullivan from the intersection of Route 9 and Apple Hill road westerly for ½ mile shall be 45 miles per hour.

3 Speed Limit Increased; New Hampshire Route 114 Between Henniker and Bradford Village. Notwithstanding the provisions of RSA 265:60, II and RSA 265:62, I, the speed limit on New Hampshire Route 114 from the north of Henniker to Bradford Village shall be increased from 50 to 55 miles per hour.

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

AMENDED ANALYSIS

This bill establishes a 55 mile per hour speed limit on New Hampshire Route 9 from ½ mile east of the Stoddard/Nelson town line to the intersection of Route 9 and Apple Hill road in the town of Sullivan. The bill establishes a 45 mile per hour speed limit on Route 9 for ½ mile west of the Route 9 and Apple Hill road intersection. This bill also increases the speed limit on New Hampshire Route 114 from north of Henniker to Bradford Village from 50 to 55 miles per hour.

HB 602-FN, relative to vehicles with plow attachments. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: The prime sponsor testified that he wrote this bill in error because of freshman enthusiasm, and further recommended that the committee not pass the bill. The committee concurred. Vote 14-0.

HB 687-FN, establishing adoption services number plates. **INEXPEDIENT TO LEGISLATE**

Rep. Lawrence A. Artz for Transportation: This bill establishes a special plate to promote adoption services. The reason for the inexpedient motion has nothing to do whether this committee supports adoption services or not. Passage of this bill would open up the door to each and every organization imaginable requesting special license plates. License plates serve one purpose only, and that is for law enforcement to properly identify the motor vehicle and its owner. States like Florida,

Pennsylvania and Illinois have license plates for countless organizations that, in many cases, it is extremely difficult for law enforcement to properly identify the vehicle, and even the state in which the vehicle is registered. In addition, the sponsors of this bill have asked us to kill this bill for these reasons. Vote 15-0.

HB 721-FN, establishing a marine preservation number plate. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would establish a marine preservation number plate to benefit habitat programs. The committee recognizes that there are many worthwhile organizations that could benefit from new revenue sources. However, the committee felt strongly that this is not the correct avenue to achieve this goal. The state of New Hampshire would become a pass through and bill collector for nonprofit organizations. This would be a strain on state resources for the benefit of a private nonprofit organization. Additionally, there would be no end of worthy organizations lining up to participate in number plate programs. The committee also recognizes that any additional special plates would greatly affect the sale of the conservation license plate (moose plate). Vote 15-0.

REGULAR CALENDAR

HB 248, requiring the disclosure of information to victims in juvenile delinquency cases.
MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.

Rep. Gary C. Greenberg for the Majority of Children and Family Law: The committee majority felt that a victim should have the absolute right to know who the perpetrator was in a juvenile delinquency proceeding at the time of arraignment. The majority felt that arrest was not an appropriate time for such required disclosure because the presumption of innocence still remained. Vote 11-4.

Rep. Karen K. McRae for the Minority of Children and Family Law: The minority feels that the victim's rights to information outweigh the privacy rights of the perpetrator with respect to the victim. The current laws of confidentiality with respect to the public remain in force.

Amendment (0243h)

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

1 Delinquent Children; Court Sessions; Access to Information; Disclosure to Victim. Amend RSA 169-B:34, III to read as follows:

III.~~(a)~~ At any time after the ~~[arrest]~~ **arraignment** of a juvenile ~~[or the service of a juvenile petition]~~, the following information regarding the juvenile ~~[may]~~ **shall** be disclosed to the victim, upon the victim's request, by a law enforcement agency or the prosecution:

- (1) Name.
- (2) Age.
- (3) Address.
- (4) Gender.

(5) Offense charged.

(6) Custody status.

(7) *Adjudicatory status and disposition.*

~~[(b) The information under subparagraph (a) shall not be unreasonably withheld.]~~

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

Adopted.

Majority report adopted and ordered to third reading.

HB 299, removing judicial discretion to order a divorced parent to contribute to an adult child's college expenses. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Thomas I. Arnold Jr. for the Majority of Children and Family Law: This bill removes the court's discretion to make orders regarding the children's post-secondary education at the time of their parent's divorce. This would simply put these divorced parents on an equal footing with married parents as to exercise of discretion regarding funding of post-secondary education of their children. Vote 10-6.

Rep. Margaret D. Hallyburton for the Minority of Children and Family Law: The majority feels that the obligation to provide for a child's education after high school is not a proper consideration for the divorce proceeding. The minority feels that since financial planning for your children's college education occurs while they are still young, it is an appropriate subject area for court order at the time of divorce.

On a division vote, 279 members having voted in the affirmative and 66 in the negative, the majority report was adopted.

Ordered to third reading.

HB 310, establishing a commission to study child support issues. **OUGHT TO PASS**

Rep. David A. Bickford for Children and Family Law: The last comprehensive child support study was completed in 1995. While a departmental review was done with public comment in the interim, the federal government requires states to review their child support guidelines every four years in order to continue to receive matching funds. Vote 14-1.

Adopted and ordered to third reading.

HB 135-FN-L, relative to charter schools. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John R. M. Alger for the Majority of Education: This bill creates a 10-year pilot program of up to 2 charter schools per year with charter approval by the state board of education. It simplifies the existing law so we finally may get charter schools started to serve educational niches on either a

local or regional basis without immediate cost to the local school districts because state grants are awarded on delayed attendance. The charter school can receive a bankable reimbursement anticipation note for early student payable in three years until attendance records catch up with the students. The local school board must approve transfers to a charter school of more than 5% of resident pupils in each grade. Vote 13-6.

Rep. Deanna P. Rush for the Minority of Education: The minority feels this bill needs additional work and could be considered an unfunded mandate under RSA 28-a. The lack of a fiscal note for this bill sets a dangerous precedent. The Department of Education indicates this bill may increase local expenditures by an indeterminable amount in FY 2004, and each year thereafter. The state also becomes the LEA (Local Education Authority) for special education students. This bill eliminates the local approval process and does not even provide for informational hearings. In addition, there is the issue of the 3 year log in the transfer of funds from the state.

Rep. Rush spoke against.

Reps. Hunt and Alger spoke in favor.

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

Rep. Peter Sullivan spoke in favor and yielded to questions.

Rep. Rush requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 242 NAYS 121

YEAS 242

BELKNAP

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Boyce, Laurie
Dewhirst, Glenn	Holbrook, Robert	Laflam, Robert	Lawton, David
Nedeau, Stephen	Rice, Thomas	Russell, David	Thomas, John
Wendelboe, Fran	Whalley, Michael		

CARROLL

Babson, David Jr	Brown, Carolyn	Derby, Mark	Dickinson, Howard
Hatch, Paul	Kenney, Bettie	McConkey, Mark	Morrow, Harry
Mock, Henry	Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley

CHESHIRE

Dexter, Judson
Liebl, George
Smith, Edwin

Fish, Douglas
Manning, Joseph

Hunt, John
Meader, David

Laurent, John
Royce, H Charles

COOS

Brady, Mark
Stohl, Eric

Guay, Lawrence
Tholl, John Jr

King, Frederick
Woodward, David

Richardson, Herbert

GRAFTON

Akins, Ralph
Dorsett, Andrew
Gionet, Edmond
Naro, Debra

Alger, John
Dudley, Terri
Giuda, Robert
Sorg, Gregory

Barker, Robert
Eaton, Stephanie
Ingbretson, Paul
Williams, Burton

Cooney, Mary
Gilman, G Michael
Maybeck, Margie

HILLSBOROUGH

Adams, Jarvis
Artz, Lawrence
Beaton, William
Brassard, Paul
Carter, Mark
Coughlin, Pamela
Dokmo, Cynthia
Fields, Dennis
Gonzalez, Carlos
Hagan, Barbara
Harrington, Paul
Hopper, Gary
L'Heureux, Robert
Lessard, Rudy
McRae, Karen
Moran, Edward
Pepino, Leo
Rowe, Robert
Sullivan, Peter

Allan, Nelson
Balboni, Michael
Bergeron, Jean-Guy
Bruno, Pierre
Cernota, Albert
Crane, Elenore Casey
Drisko, Richard
Fletcher, Richard
Goulet, Maurice
Hall, Charles
Haytayan, Harry Jr
Hunter, Bruce
Laflamme, Charles
Luebker, Bernard
Mercer, Robert
Mosher, William
Price, Pamela
Scanlon, Michael
Vaillancourt, Steve

Allen, Timothy
Barry, J Gail
Bergin, Peter
Buhlman, David
Christensen, D L Chris
Desmarais, Vivian
Elliott, Larry
Furman, Christine
Goyette, Peter Jr
Hallyburton, Margaret
Hinkle, Peyton
Infantine, William
LaFlamme, Paul
McElroy, Henry Jr
Milligan, Robert
Ober, Russell III
Reeves, Sandra
Slocum, Lee
Wheeler, James

Arnold, Thomas Jr
Batula, Peter
Bouchard, David
Cail, Kenneth
Christiansen, Lars
Dionne, Kimberley
Emerton, Larry
Gibson, John
Greenberg, Gary
Hansen, Ryan
Holden, Randolph
Kurk, Neal
Lawrence, James
McHugh, Claire
Mooney, Maureen
Pappas, Marc
Ross, Lawrence
Spiess, Paul
Wheeler, Robert

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Colcord, J D	Currier, David
Daniels, Eric	Dunne, Christopher	Field, William	Foley, Albert
Hager, Elizabeth	Hess, David	Kenison, Leon	Kennedy, Richard
L'Heureux, Stephen	Leber, William	MacKay, James	Marple, Richard
Maxfield, Roy	McCormick, Tom	Nutter, Edward	Oliver, James
Ouellette, Robert	Soltani, Tony		

ROCKINGHAM

Belanger, Ronald	Bicknell, Elbert	Bishop, Franklin	Bridle, Russell
Cady, Harriet	Camm, Kevin	Carson, Sharon	Clark, Vivian
Dearborn, Bruce	DiFruscia, Anthony	Dodge, Robert	Doyle, Christopher
Duffy, James	Dumaine, Dudley	Dupuis, Roland	Fesh, Bob
Flanagan, Natalie	Flanders, John Sr	Flayhan, Mary Lou	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Griffin, Mary	Hamel, Albert
Headd, James	Holland, James Jr	Hughes, Daniel	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Langley, Jane	Letourneau, Robert
Major, Norman	Manning, John	McCann, Richard	McKinney, Betsy
McMahon, Charles	Moore, Benjamin	Noyes, Richard	O'Neil, Michael
Packard, Sherman	Putnam, Ed II	Quandt, Matthew	Rausch, James
Roessner, Kurt	Ruffner, Walter	Scamman, Stella	Smith, Donald
Smith, Paul	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Waterhouse, Kevin	Weare, E Albert	Welch, David	Weldy, Norman Jr
Weyler, Kenneth	Wiley, Robert	Winchell, George	Zolla, William

STRAFFORD

Albert, Russell	Bemis, Alan	Berube, Roger	Bickford, David
Campbell, W Packy	Cataldo, Sam	Dunlap, Patricia	Easson, Timothy
Harrington, Michael	Hollinger, Jeffrey	Kaen, Naida	Musler, George
Newton, Clifford	Scott, David	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Twombly, James	Woods, Phyllis	

SULLIVAN

Donovan, Thomas	Flint, Gordon Sr	Leone, Richard	Rodeschin, Beverly
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NAYS 121

BELKNAP

Pilliod, James

CARROLL

Philbrick, Donald

CHESHIRE

Allen, Peter	Batchelder, Robert	Dunn, James	Eaton, Daniel
Espiefs, Peter	Mitchell, McKim	Parkhurst, Henry	Pratt, Irene
Pratt, John	Richardson, Barbara	Tilton, Anna	Webber, Amy
Weed, Charles			

COOS

Mears, Edgar	Poulin, Richard	Pratt, Leighton	Theberge, Robert
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GRAFTON

Almy, Susan	Benn, Bernard	Densmore, Edward	Ham, Bonnie
Hammond, Lee	Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda
Solomon, Peter			

HILLSBOROUGH

Balcom, John	Baroody, Benjamin	Clayton, William	Cote, Peter
Craig, James	Ford, Nancy	Gorman, Mary	Graham, John
Haley, Robert	Hawkins, Ken	Irwin, Anne-Marie	Jean, Claudette
Johnson, Lionel	Konys, Christine	Kopka, Angeline	Kudalis, Debra
Lasky, Bette	Leach, Edward	Malloy, Chris	McDonough-Wallace, Alice
Messier, Irene	Movsesian, Lori	Palangas, Eric	Pappas, Christopher

Pilotte, Maurice
Sullivan, Jeffrey

Schulze, Joan
Tahir, Saghir

Shaw, Barbara

Sullivan, Francis

MERRIMACK

Bouchard, Candace
DeJoie, John
Gile, Mary
Osborne, Jessie
Reed, Dennis

Brueggemann, Donald
DeStefano, Stephen
Hamm, Christine
Owen, Derek
Rush, Deanna

Clarke, Claire
Fraser, Leo Jr
Jacobson, Alf
Perkins, Randy
Seldin, Gloria

Davis, Frank
French, Barbara
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
Cooney, Richard
Gould, Kenneth
McEachern, Paul
Robertson, Carl
Vallone, Matthew

Blanchard, MaryAnn
Corbin, Corey
Kelley, Jane
Norelli, Terie
Shultis, Elizabeth

Casey, Kimberley
Davidson, Robert
Kobel, Rudolph
Pantelakos, Laura
Splaine, James

Coes, Betsy
Gillick, Thomas
Langone, John
Pitts, Jacqueline
Tufts, J Arthur

STRAFFORD

Grassie, Anne
Keans, Sandra
Rollo, Deanna
Vachon, Dennis

Heon, Richard
Knowles, William
Rous, Emma
Wall, Janet

Hofemann, Roland
Miller, Joseph
Schmidt, Peter

Johnson, Nancy
Pelletier, Arthur
Smith, Marjorie

SULLIVAN

Allison, David
Franklin, Peter

Burling, Peter
Harris, Joseph

Cloutier, John
Harris, Sandra

Ferland, Brenda
Phinizy, James

and the majority report was adopted.

Referred to Finance.

HB 378, prohibiting employees of any government agency from recommending the administration of psychotropic drugs for school children. **INEXPEDIENT TO LEGISLATE**

Rep. Mark S. Carter for Education: The education committee was generally sympathetic to the concerns raised by HB 378. However, there was no testimony heard in support of it. The committee

felt that the NH Medical establishment should deal with the issues raised but the proposed legislation was inexpedient. HB 378 may raise question of equal enforcement under state law by delegating "policy" to each local school board. Further the bill would place a prohibition upon any non "health personnel" from recommending the use of psychotropic drugs for a pupil. It was felt that this prohibition would be unenforceable. Vote 13-5.

Adopted.

HR 6, relative to criteria for establishing house representative districts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Charles F. Weed for the Majority of Election Law: This resolution clearly expresses the sentiment of the General Court regarding the goal of maximizing the number of single member districts in future redistricting within the parameters established by the New Hampshire Constitution. In so far as circumstance permit, small towns and villages shall not be combined in electoral districts with substantially larger cities or towns. Electoral districts should reflect common interests and interaction in order to maintain the closeness of the people to their elected representatives. Vote 9-5.

Rep. Raymond Buckley for the Minority of Election Law: The bi-partisan minority believes that HR 6 is premature. The committee currently has several bills in its possession regarding redistricting. We believe that any redistricting should be handled as a package and not piece meal.

Amendment (0248h)

Amend the resolution by replacing the first paragraph after the title with the following:

Whereas, under part II, article 9 of the New Hampshire constitution, "There shall be in the legislature of this state a house of representatives, biennially elected and founded on principles of equality, and representation therein shall be as equal as circumstances will admit. The whole number of representatives to be chosen from the towns, wards, places, and representative districts thereof established hereunder, shall be not less than three hundred seventy-five or more than four hundred. As soon as possible after the convening of the next regular session of the legislature, and at the session in 1971, and every ten years thereafter, the legislature shall make an apportionment of representatives according to the last general census of the inhabitants of the state taken by authority of the United States or of this state. In making such apportionment, no town, ward or place shall be divided nor the boundaries thereof altered"; and

Adopted.

Reps. Weed and Dickinson spoke in favor.

Majority report adopted and ordered to third reading.

HB 55, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the regional community-technical colleges, and the postsecondary education commission. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Peter E. Bergin for the Majority of Executive Departments and Administration: This bill claims that the university system, the regional community-technical colleges, and the postsecondary education commission are giving preferential treatment to the recruiting, hiring, promotion and

admission based on race, creed, color, sex or national origin. In 1974 the New Hampshire Constitution was amended to include the following wording in Part I Article 2 {Natural Right} "Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex or national origin." It was put into the Constitution to make sure that any citizen of New Hampshire was not discriminated against. If a person was discriminated against based on Part I, Article 2, they could go to court under this article and be given legal due process. The sponsor of this bill claims that HB 55 would codify Part I, Article 2. We disagree as the Constitution already protects these inherent rights. Since 1974, there has not been one complaint or court case filed against the university system. In addition, during testimony and during subcommittee work, no evidence was given that showed preferential treatment was being given to admission of students in the state's university system, nor in the hiring and promotion of personnel in state agencies based on race, creed, color sex or national origin. Under the current federal executive order 11246 all public and private companies, institutions and university systems receiving federal funds must have an affirmative action plan. Currently, the University of New Hampshire has a diversity goal to recruit people of color in order to make its environment reflect society as a whole. It is not a quota system nor is it similar to the University of Michigan Law School weighted point system. It is a goal similar to the one currently being used by the Military Academy at West Point. HB 55 is trying to undermine Part I, Article 2 by using the words prohibiting preference. The Court could say that this is not the intention of Part II, Article 2 and declare HB 55 as unconstitutional. In addition, the words prohibiting preference could be applied to athletic scholarships, academic scholarships, legacies, financial aid, and in state versus out of state admissions. Presently, the US Supreme Court has the University of Michigan Law School case before it. When the decision is handed down in June it will clarify the equal protection clause. If at this time the legislature deems it necessary to clarify this decision, then legislation could be introduced. Over the last ten years New Hampshire has become a more diverse state and this will continue in the future. It would be unfortunate to deny students in the university system the opportunity to be prepared for the diverse world that they will enter into upon graduation. After reviewing the above, the committee voted inexpedient to legislate. Vote 17-2.

Rep. Margie Maybeck for the Minority of Executive Departments and Administration: This bill would codify Article 2 of the New Hampshire State Constitution, which states in part "Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex or national origin." This article was passed by the house, senate and the voters in 1974. The bill also expands existing law by providing "No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified service because of the person's political opinions, religious beliefs or affiliations, age, sex, or race. In addition, no person shall have any such employment action taken on account of such person's sexual orientation." This bill would extend the law to ensure these constitutional rights were also applied to other state agencies, the university system, the regional community-technical colleges, and the postsecondary education commission. It simply extends the law to ensure these groups receive the constitutional rights to which they are entitled.

Rep. Sorg spoke against.

Reps. Dexter, Gonzalez, DeJoie and Bergin spoke in favor.

Reps. Weyler and Harrington spoke against and yielded to questions.

Rep. Harrington requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

YEAS 267 NAYS 97

YEAS 267

BELKNAP

Allen, Janet	Bartlett, Gordon	Dewhirst, Glenn	Flanders, Donald
Holbrook, Robert	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Whalley, Michael		

CARROLL

Babson, David Jr	Brown, Carolyn	Derby, Mark	Dickinson, Howard
McConkey, Mark	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald

CHESHIRE

Allen, Peter	Batchelder, Robert	Dexter, Judson	Dunn, James
Eaton, Daniel	Espieffs, Peter	Fish, Douglas	Hunt, John
Liebl, George	Manning, Joseph	Meador, David	Mitchell, McKim
Parkhurst, Henry	Pratt, Irene	Pratt, John	Richardson, Barbara
Royce, H Charles	Smith, Edwin	Tilton, Anna	Webber, Amy
Weed, Charles			

COOS

Brady, Mark	Guay, Lawrence	King, Frederick	Mears, Edgar
Poulin, Richard	Stohl, Eric	Theberge, Robert	Tholl, John Jr

GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Cooney, Mary
Densmore, Edward	Dorsett, Andrew	Dudley, Terri	Gionet, Edmond
Giuda, Robert	Hammond, Lee	Naro, Debra	Nordgren, Sharon
Scovner, Nancy	Sokol, Hilda	Solomon, Peter	Williams, Burton

HILLSBOROUGH

Allan, Nelson	Arnold, Thomas Jr	Balcom, John	Baroody, Benjamin
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Barry, J Gail	Beaton, William	Bergin, Peter	Brassard, Paul
Cail, Kenneth	Carter, Mark	Cernota, Albert	Christensen, D L Chris
Clayton, William	Cote, Peter	Coughlin, Pamela	Craig, James
Desmarais, Vivian	Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard
Elliott, Larry	Emerton, Larry	Fields, Dennis	Fletcher, Richard
Ford, Nancy	Furman, Christine	Gonzalez, Carlos	Gorman, Mary
Goulet, Maurice	Graham, John	Greenberg, Gary	Haley, Robert
Hall, Charles	Hawkins, Ken	Hunter, Bruce	Infantine, William
Irwin, Anne-Marie	Jean, Claudette	Johnson, Lionel	Konys, Christine
Kopka, Angeline	Kudalis, Debra	Kurk, Neal	L'Heureux, Robert
LaFlamme, Paul	Lasky, Bette	Leach, Edward	Lessard, Rudy
Malloy, Chris	McDonough-Wallace, Alice	McElroy, Henry Jr	Mercer, Robert
Messier, Irene	Milligan, Robert	Mooney, Maureen	Moran, Edward
Mosher, William	Movsesian, Lori	Palangas, Eric	Pappas, Christopher
Pappas, Marc	Pepino, Leo	Pilotte, Maurice	Reeves, Sandra
Ross, Lawrence	Rowe, Robert	Scanlon, Michael	Schulze, Joan
Shaw, Barbara	Spiess, Paul	Sullivan, Francis	Sullivan, Jeffrey
Sullivan, Peter	Tahir, Saghir	Vaillancourt, Steve	Wheeler, Robert

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Colcord, J D	Currier, David	Daniels, Eric
Davis, Frank	DeJoie, John	DeStefano, Stephen	Dunne, Christopher
Fraser, Leo Jr	French, Barbara	Gile, Mary	Hager, Elizabeth
Hamm, Christine	Hess, David	Jacobson, Alf	Kenison, Leon
L'Heureux, Stephen	Lockwood, Priscilla	MacKay, James	McCormick, Tom
Nutter, Edward	Osborne, Jessie	Owen, Derek	Perkins, Randy
Potter, Frances	Reed, Dennis	Rush, Deanna	Seldin, Gloria
Wallner, Mary Jane			

ROCKINGHAM

Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn	Bridle, Russell
Carson, Sharon	Casey, Kimberley	Coes, Betsy	Cooney, Richard

Davidson, Robert	Dearborn, Bruce	Dodge, Robert	Doyle, Christopher
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Gillick, Thomas	Gleason, John	Gould, Kenneth	Griffin, Mary
Hamel, Albert	Holland, James Jr	Hughes, Daniel	Ingram, Russell
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Major, Norman	Manning, John	McCann, Richard
McEachern, Paul	McKinney, Betsy	McMahon, Charles	Moore, Benjamin
Norelli, Terie	Noyes, Richard	O'Neil, Michael	Pantelakos, Laura
Pitts, Jacqueline	Rausch, James	Robertson, Carl	Roessner, Kurt
Ruffner, Walter	Scamman, Stella	Shultis, Elizabeth	Smith, Donald
Smith, Paul	Splaine, James	Stone, Joseph	Stritch, C Donald
Vallone, Matthew	Weare, E Albert	Welch, David	Winchell, George
Zolla, William			

STRAFFORD

Bemis, Alan	Berube, Roger	Dunlap, Patricia	Grassie, Anne
Heon, Richard	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Musler, George
Pelletier, Arthur	Rollo, Deanna	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Vachon, Dennis	Wall, Janet		

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Flint, Gordon Sr	Franklin, Peter	Harris, Joseph
Harris, Sandra	Leone, Richard	Phinizy, James	Rodeschin, Beverly

NAYS 97

BELKNAP

Ahern, Omer Jr	Boyce, Laurie	Laflam, Robert	Lawton, David
Rice, Thomas	Wendelboe, Fran		

CARROLL

Hatch, Paul	Kenney, Bettie	Merrow, Harry	Mock, Henry
Stevens, Stanley			

CHESHIRE

Laurent, John

COOS

Pratt, Leighton	Richardson, Herbert	Woodward, David
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GRAFTON

Alger, John	Barker, Robert	Eaton, Stephanie	Gilman, G Michael
Ham, Bonnie	Ingbretson, Paul	Maybeck, Margie	Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis	Allen, Timothy	Artz, Lawrence	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Bouchard, David	Bruno, Pierre
Buhlman, David	Christiansen, Lars	Crane, Elenore Casey	Gibson, John
Hagan, Barbara	Hallyburton, Margaret	Hansen, Ryan	Harrington, Paul
Haytayan, Harry Jr	Hinkle, Peyton	Holden, Randolph	Hopper, Gary
Laflamme, Charles	Lawrence, James	Luebkert, Bernard	McHugh, Claire
McRae, Karen	Ober, Russell III	Price, Pamela	Slocum, Lee
Wheeler, James			

MERRIMACK

Field, William	Foley, Albert	Kennedy, Richard	Leber, William
Marple, Richard	Maxfield, Roy	Oliver, James	Ouellette, Robert
Soltani, Tony			

ROCKINGHAM

Allen, Mary	Bicknell, Elbert	Cady, Harriet	Camm, Kevin
Clark, Vivian	Corbin, Corey	DiFruscia, Anthony	Duffy, James

Dumaine, Dudley	Dupuis, Roland	Fesh, Bob	Flayhan, Mary Lou
Gilbert, Karl	Headd, James	Introne, Robert	Itse, Daniel
Packard, Sherman	Putnam, Ed II	Quandt, Matthew	Tufts, J Arthur
Varrell, Thomas	Waterhouse, Kevin	Weldy, Norman Jr	Weyler, Kenneth
Wiley, Robert			

STRAFFORD

Albert, Russell	Bickford, David	Campbell, W Packy	Cataldo, Sam
Easson, Timothy	Harrington, Michael	Hollinger, Jeffrey	Newton, Clifford
Scott, David	Twombly, James	Woods, Phyllis	

SULLIVAN

None

and the majority report was adopted.

RECESS

(Speaker Chandler in the Chair)

The Speaker reconvened the House at 1:10 p.m.

CACR 8, relating to the attorney general. Providing that the attorney general be elected for the same term as the governor. **INEXPEDIENT TO LEGISLATE**

Rep. Peter E. Bergin for Executive Departments and Administration: This constitutional amendment would make the attorney general an elected office similar to the governor serving a two-year term. The committee felt that this would politicize the position, as the candidates would have to raise monies to campaign. This could erode the impartiality of the position. Over the last 30 years, the state has had a number of outstanding attorney generals, one of which became a governor, another a justice on the US Supreme Court and another, a distinguished US senator. If it is not broken, why try to fix it. Vote 17-0.

Reps. Weyler and Phinizy spoke against.

Reps. Bergin and Hess spoke in favor.

Reps. Burling and DiFruscia spoke against and yielded to questions.

On a division vote, 273 members having voted in the affirmative and 74 in the negative, the committee report was adopted.

HB 677-FN, increasing the number of reserved student slots in medical programs, and establishing a loan forgiveness program for physicians who practice in underserved areas, and making an appropriation therefor. **OUGHT TO PASS**

Rep. Sandra C. Harris for Health, Human Services and Elderly Affairs: This bill is a request of the study committee established in Chapter 37, laws of 2002 (HB 1131). It increases from 5 to 20 the number of preferred access seats for New Hampshire residents seeking to attend medical school, and allows individuals who have completed their medical education to reduce their outstanding medical education loan indebtedness for each year of practice in a medically underserved area of the state. Currently, New Hampshire residents who want to become physicians have access to 5 seats at Dartmouth Medical School. While the General Court is to be commended for reserving those 5 seats in the late 1970's, the committee felt that number should be increased to 20 to keep pace with New Hampshire's growing population and to address the growing physician shortage, particularly in the North Country. This bill is intended to provide preference for New Hampshire students by reserving a total of 20 seats divided among 3 medical schools. This includes retaining seats at the Dartmouth Medical School. The committee feels that this increase in reserved seats will provide easier access for all residents seeking entrance to medical school and will also alleviate the need of NH residents to become residents of other states to gain an edge as an in-state student for admission to medical schools. This legislation also provides for hospitals to pool Hospital Community Benefits monies, if hospitals so choose, to extend existing state and federal monies in providing for recruitment and for a loan repayment program. The committee was very impressed by the number of people and expertise of those who spoke in favor of this bill, and by the testimony presented from the joint study. That testimony, the success of a similar program in Maine that combines reserved seats with clinical rotations in family practice and rural health, and a loan repayment program for physicians who want to practice in underserved area, convinced the committee to unanimously vote ought to pass. Vote 17-0.

Adopted.

Referred to Finance.

HB 194, relative to appeals in landlord/tenant actions **OUGHT TO PASS**

Rep. James W. Craig for Judiciary: This bill allows a limited appeal from the district court to the superior court in a landlord/tenant case. Currently such appeals are forwarded directly to the Supreme Court. That court takes a very small amount of these cases and only on issues of law. The superior court has to consider the findings of the district court to be "prima facie lawful and reasonable" and the court must use the district court record unless the judge, in his/her discretion, needs additional evidence to correct the absence of the district court record. Any tenant appealing would be required to pay rent, in full, when due, during pendency of the appeal. Vote 15-4.

Adopted and ordered to third reading.

HB 224, granting immunity from liability to law enforcement officers executing involuntary emergency mental health admissions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James E. Wheeler for the Majority of Judiciary: During the hearing there was no testimony that there is a problem. There have been no suits, and no disciplinary action because of an officer executing an involuntary mental health admission. While we are in support of the police in their extremely difficult job we felt this bill is totally unnecessary. We are hesitant to hand out immunity when there is no problem. We also have concerns about giving a whole patchwork of specific

immunities that the general immunity, which the police already enjoy, will be compromised. We therefore recommend inexpedient to legislate. Vote 16-3.

Rep. Terri C. Dudley for the Minority of Judiciary: Director Sweeney of Police Standards and Training testified that his agency has recently been working with representatives from the mental health community to try to improve the training and response of police of police officers to the mentally ill. It is noted by Director Sweeney, "that under New Hampshire's laws on alcoholism and drug abuse, that a law enforcement officer taking a person into protective custody for public drunkenness, is immune from civil and criminal liability as long as their actions are reasonable and they are following the laws on public intoxication. We feel it is a serious gap in our laws that this protection is extended to an officer who brings someone in for detention or treatment for public intoxication, but not an officer who takes protective custody of a mentally ill person to bring them in for a mental status examination or serve an Involuntary Emergency Admission or Involuntary Non-Emergency Admission order issued through the mental health system. The passage of this bill will rectify that situation, place New Hampshire on par with other states that are taking enlightened efforts to encourage the police to deal sensitively with the needs of persons with mental illnesses." Police put their lives on the line each time they don a uniform. It is a fact that mental patients can sometimes become violent. A law that can further protect these public servants should be passed by this legislature.

Majority committee report adopted.

HB 308, adopting the uniform mediation act. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Rowe for Judiciary: The mediation process in New Hampshire has been most successful in reducing the disputes that go to court. It is used in civil cases including marital matters. The purpose of this bill is to have us adopt a Uniform Mediation Act. To date, no other state has adopted this act. In reviewing this extensive bill, the committee found that the major part of the bill was devoted to the issue of confidentiality of the testimony offered by witnesses. The committee was not convinced that any big problems now exist in the area of confidentiality that needed to be addressed at this time. Further, this bill specifically states that a mediator need not have any special qualifications. This bill, if passed, would void any contradictory provisions of any existing New Hampshire mediation law. Vote 14-2.

Rep. Jacobson moved Recommit to committee, spoke in favor and yielded to questions.

Rep. Rowe spoke against recommit.

Motion failed.

Report adopted.

HB 343, establishing a boundary commission to determine the boundary between New Hampshire and Maine. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter B. Schmidt for the Majority of Municipal and County Government: This bill establishes a boundary commission to determine the boundary between New Hampshire and Maine, with special focus on the portion thereof constituted by the Piscataqua River. The bill's proponents offered persuasive testimony that, notwithstanding the U.S. Supreme Court decision of May 29, 2001, there are significant and substantive issues that remain unresolved. The amendment includes solicitation of information and testimony from Maine authorities. HB 343 does not seek further redress through

the courts, nor does it expend additional state monies. The Municipal and County Government Committee believes the boundary commission can contribute to public awareness and understanding of the unresolved issues and possibly to a resolution acceptable to, and in the best interests of the people of the State of New Hampshire. Vote 10-2.

Rep. Nancy K. Johnson for the Minority of Municipal and County Government: While the committee heard passionate testimony concerning the boundary between Maine and New Hampshire, with a particular focus on the Piscataqua River boundary, the minority did not believe a boundary commission was likely to settle the issue. The State Attorney General's Office told the committee that there is no way this could get back before the U.S. Supreme Court. The only way the current boundary line could be changed is if New Hampshire and Maine reached agreement and then went to the U.S. Congress. The intent of this bill is admirable, but we cannot legislate Maine to go to the bargaining table with a New Hampshire commission.

Amendment (0245h)

Amend paragraphs III-V of section 3 of the bill by replacing them with the following:

III. Solicit information and testimony from the proper authorities in the state of Maine relative to the boundary between the 2 states.

IV. Provide recommendations regarding the perambulation of the boundary, as required under RSA 1.

V. Solicit such additional information and testimony as the commission deems necessary in the performance of its duties.

Adopted.

Majority report adopted and ordered to third reading.

HB 361-L, permitting municipalities to form regional water districts. OUGHT TO PASS WITH AMENDMENT

Rep. James E. Twombly for Municipal and County Government: This bill, as amended, would allow communities to form regional water districts. This is local enabling legislation. It creates a new political subdivision called a regional water district. The reason for formation of a regional water district is to permit the issuing of revenue bonds to the subdivision and establishing agreement language through a charter. RSA 53-A, "Agreements between Government Units" has been modified to include "regional water districts" along with RSA 33-B and specifically allows the newly formed district to issue revenue bonds or notes. There was some concern that there would not be any oversight of this new political subdivision and therefore there were no safeguards in place for the municipalities that make up this new district. The committee wanted to have some Public Utility Commission (PUC) oversight, at least at the beginning of the new district. Therefore the amendment has added that the regional water district will be considered a municipal corporation and for the first four years PUC will have rate oversight. The regional water district will also have to adopt and enforce quality of water standards always. This bill permits municipalities to form regional water districts and obtain municipal bonding, and subjects the entity to regulation by the public utilities commission. Vote 17-1.

Amendment (0282h)

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

1 Definitions. Amend RSA 33-B:1, I to read as follows:

I. "Authorized officers" means the treasurer of a municipality ***or regional water district*** and the mayor or city manager of a city, the selectmen of a town, and the commissioners or comparable officers of a village district, ***and the directors, commissioners, or other officers of a regional water district.***

2 New Paragraph; Definitions. Amend RSA 33-B:1 by inserting after paragraph III the following new paragraph:

III-a. "Governing body" means the board of selectmen in a town, the board of aldermen or council in a city or town with a council, the village commissioners in a village district, or the directors of a regional water district.

3 Definitions. Amend RSA 33-B:1, IV to read as follows:

IV. "Legislative body" means the city council of a city, and the voters present and voting at an annual or special meeting of a town or village district, ***or the directors of a regional water district.***

4 Definitions. Amend RSA 33-B:1, VI and VII to read as follows:

VI. "Revenue-producing facilities" means water works, sewerage systems, sewage treatment or disposal facilities, solid waste disposal or resource recovery facilities, parking facilities, facilities for the production, generation, transmission, or distribution of electricity or gas and any other real or personal property or interests in a municipality ***or regional water district*** owned or controlled by the municipality ***or regional water district***, from the operation of which revenues are or are expected to be derived by the municipality, ***or regional water district..***

VII. "Revenues" means any rates, rents, fees, charges and other receipts and moneys held or to be received by or on behalf of a municipality ***or regional water district*** from or with respect to the construction, financing, operation and disposition of a revenue-producing facility and all rights to receive the same including, without limitation, rates, rents, fees, charges and other moneys received for the use or occupancy of the facility or any part thereof or any service provided thereby, repayments of loans made in respect of the cost of the facility, grants, loans and other contributions from any governmental unit or any other person for or in respect of proceeds of the lease, sale or other disposition of the facility or any interest therein; revenues shall not include any ad valorem taxes on the real estate and personal property comprising any revenue-producing facility.

5 New Paragraph; Definitions. Amend RSA 33-B:1 by inserting after paragraph V the following new paragraph:

V-a. "Regional water district" means an entity formed by agreement between government units pursuant to RSA 53-A, for the purpose of providing and assuring the provision of an adequate and sustainable supply of clean water.

6 Issuance of Revenue Bonds. Amend RSA 33-B:2 to read as follows:

33-B:2 Issuance of Revenue Bonds. A municipality **or regional water district** may issue bonds or notes under this chapter for construction of revenue-producing facilities. Bonds issued by a municipality **or regional water district** under this chapter shall not be deemed to be a pledge of the faith and credit of the state or of the municipality **or municipalities that are members of a regional water district**. Except as otherwise provided in this chapter, the principal of, premium, if any, and interest on all bonds shall be payable solely from the particular funds provided therefor under this chapter. ~~[The bonds]~~ **Bonds issued by a municipality** shall be issued in such amounts as the legislative body may authorize by a ~~[2/3]~~ vote as required under RSA 33:8 or 9, as applicable. **Bonds issued by regional water districts shall be issued in such amounts as the governing body may authorize pursuant to the regional water districts charter.** Bonds of each issue shall be dated, shall bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate or other method as may be determined by the authorized officers, and shall mature at such time or times as may be determined by the authorized officers, except that no bond shall mature more than 40 years from the date of its issue or beyond the expiration of the expected useful life of the facilities being financed by the bonds as determined by the authorized officers. Bonds may be made redeemable before maturity at the option of the municipality **or regional water district** at such price or prices and under such terms and conditions as may be fixed by the authorized officers prior to the issue of bonds. The authorized officers shall determine the form and details and the manner of execution of bonds. The municipality **or regional water district** may sell its bonds in such manner, either at public or private sale, for such price, at such rate or rates of interest, or at such discount in lieu of interest, as the authorized officers may determine. The provisions of RSA 33:11-a, 14 and 15 shall apply to bonds issued under this chapter.

7 Definition. Amend RSA 35-A:3, VI to read as follows:

VI. "Governmental unit" means any county, city, town, school district, village district or other body corporate and politic having the power either to levy taxes, or to provide for rates, charges, or assessments, whether established by general law or by special statute.

8 New Paragraph; Definition. Amend RSA 38:1 by inserting after paragraph IV the following new paragraph:

V. "Regional water district" means any regional water district formed pursuant to RSA 53-A, for the purpose of providing and assuring the provision of an adequate and sustainable supply of clean water.

9 Establishment, Acquisition, and Expansion of Plants. Amend the introductory paragraph of RSA 38:2 to read as follows:

Any municipality **or regional water district** may:

10 New Section; Regional Water Districts. Amend RSA 38 by inserting after section 3 the following new section:

38:3-a By Regional Water Districts. Any regional water district may initially establish such a plant after 2/3 of the members of the governing body of the district shall have voted affirmatively, and a majority of the constituent municipalities of the district by a majority vote of their legislative bodies have confirmed that vote. Such confirming vote shall create a rebuttable presumption that such action is in the public interest. If the vote is unfavorable, the question shall not be again submitted to the constituent municipalities within 2 years thereafter.

11 Public Agency Defined. Amend RSA 53-A:2 to read as follows:

53-A:2 Public Agency Defined. For the purposes of this chapter, the term "public agency" shall mean any political subdivision of this state or of any adjoining state and any quasi-municipal corporation, including but not limited to school districts, village districts, ***regional water districts***, and special districts.

12 New Paragraph; Public Utility; Definitions. Amend RSA 362:4 by inserting after paragraph V the following new paragraph:

VI.(a) For purposes of this chapter, a municipal corporation shall include a regional water district.

(b) During the initial 4 years of its operation, if a regional water district seeks to alter rates other than in a manner that uniformly impacts all customers within the district, any municipality that is a member of the regional water district may seek commission review of the proposed rate change. In order for the proposed rate change to take effect, the commission must determine that the proposed rates are cost-based and that they are not unduly discriminatory.

(c) A regional water district shall adopt and enforce quality of water service standards consistent with the commission's administrative rules.

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

AMENDED ANALYSIS

This bill permits municipalities to form regional water districts and obtain municipal bonding, and subjects the entity to regulation by the public utilities commission.

Adopted.

Rep. Boyce spoke against.

Rep. Patten spoke in favor.

Report adopted and ordered to third reading.

HR 7, urging increased consideration and preservation of local authority in international trade and investment agreements. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Timothy E. Easson for the Majority of State-Federal Relations and Veterans Affairs: While the concern for state and local sovereignty is noteworthy, this resolution jumps to a conclusion while seeking a committee to study the issue further. The majority also felt that states and localities are protected by the Eleventh Amendment and that previous decisions by international bodies have no teeth in the United States. Vote 12-1.

Rep. Cynthia P. Sweeney for the Minority of State-Federal Relations and Veterans Affairs: The minority believes that this resolution addresses many valid concerns raised by the expansion of international trade agreements. The needs and concerns of the people affected must be heard in all trade agreement negotiations.

Reps. Weed and Hinkle spoke against.

Reps. Easson and Peter Sullivan spoke in favor.

Rep. Weed requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 297 NAYS 42

YEAS 297

BELKNAP

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Boyce, Laurie
Dewhirst, Glenn	Flanders, Donald	Holbrook, Robert	Laflam, Robert
Lawton, David	Nedeau, Stephen	Pilliod, James	Rice, Thomas
Russell, David	Thomas, John	Wendelboe, Fran	Whalley, Michael

CARROLL

Babson, David Jr	Brown, Carolyn	Derby, Mark	Dickinson, Howard
Hatch, Paul	Kenney, Bettie	McConkey, Mark	Merrrow, Harry
Mock, Henry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			

CHESHIRE

Dexter, Judson	Eaton, Daniel	Fish, Douglas	Hunt, John
Laurent, John	Liebl, George	Manning, Joseph	Meador, David
Mitchell, McKim	Parkhurst, Henry	Royce, H Charles	Smith, Edwin
Tilton, Anna	Webber, Amy		

COOS

Brady, Mark	Guay, Lawrence	Mears, Edgar	Poulin, Richard
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	Woodward, David

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
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Benn, Bernard	Cooney, Mary	Densmore, Edward	Dudley, Terri
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Maybeck, Margie	Naro, Debra	Scovner, Nancy	Sokol, Hilda
Solomon, Peter	Sorg, Gregory	Williams, Burton	

HILLSBOROUGH

Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Baroody, Benjamin	Barry, J Gail	Batula, Peter
Beaton, William	Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David
Brassard, Paul	Bruno, Pierre	Cail, Kenneth	Carter, Mark
Cernota, Albert	Christensen, D L Chris	Christiansen, Lars	Cote, Peter
Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian	Dionne, Kimberley
Dokmo, Cynthia	Drisko, Richard	Elliott, Larry	Emerton, Larry
Fields, Dennis	Fletcher, Richard	Ford, Nancy	Furman, Christine
Gibson, John	Gonzalez, Carlos	Goulet, Maurice	Graham, John
Greenberg, Gary	Haley, Robert	Hall, Charles	Hallyburton, Margaret
Hansen, Ryan	Hawkins, Ken	Haytayan, Harry Jr	Holden, Randolph
Hopper, Gary	Hunter, Bruce	Jean, Claudette	Johnson, Lionel
Konys, Christine	Kurk, Neal	L'Heureux, Robert	Laflamme, Charles
LaFlamme, Paul	Lawrence, James	Leach, Edward	Lessard, Rudy
Malloy, Chris	McDonough-Wallace, Alice	McElroy, Henry Jr	McHugh, Claire
McRae, Karen	Mercer, Robert	Messier, Irene	Milligan, Robert
Mooney, Maureen	Moran, Edward	Mosher, William	Movsesian, Lori
Ober, Russell III	Palangas, Eric	Pappas, Marc	Pepino, Leo
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Ross, Lawrence
Rowe, Robert	Scanlon, Michael	Schulze, Joan	Shaw, Barbara
Slocum, Lee	Sullivan, Francis	Sullivan, Peter	Tahir, Saghir
Vaillancourt, Steve	Wheeler, James	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Bouchard, Candace	Colcord, J D	Currier, David
Daniels, Eric	Davis, Frank	DeJoie, John	DeStefano, Stephen
Field, William	Fraser, Leo Jr	Gile, Mary	Hager, Elizabeth

Hamm, Christine	Hess, David	Jacobson, Alf	Kenison, Leon
Kennedy, Richard	L'Heureux, Stephen	Leber, William	Lockwood, Priscilla
MacKay, James	Marple, Richard	McCormick, Tom	Nutter, Edward
Oliver, James	Ouellette, Robert	Reed, Dennis	Seldin, Gloria
Soltani, Tony	Wallner, Mary Jane		

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bicknell, Elbert	Bishop, Franklin
Bridle, Russell	Cady, Harriet	Camm, Kevin	Carson, Sharon
Casey, Kimberley	Clark, Vivian	Coes, Betsy	Cooney, Richard
Corbin, Corey	Davidson, Robert	Dearborn, Bruce	Dodge, Robert
Duffy, James	Dumaine, Dudley	Dupuis, Roland	Fesh, Bob
Flanagan, Natalie	Flanders, John Sr	Flayhan, Mary Lou	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Gillick, Thomas	Gleason, John
Gould, Kenneth	Griffin, Mary	Hamel, Albert	Headd, James
Hughes, Daniel	Ingram, Russell	Introne, Robert	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Major, Norman	Manning, John	McCann, Richard	McEachern, Paul
McKinney, Betsy	McMahon, Charles	Norelli, Terie	Noyes, Richard
O'Neil, Michael	Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline
Putnam, Ed II	Quandt, Matthew	Rausch, James	Robertson, Carl
Roessner, Kurt	Ruffner, Walter	Scamman, Stella	Smith, Donald
Smith, Paul	Splaine, James	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Vallone, Matthew	Varrell, Thomas	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weldy, Norman Jr	Wiley, Robert
Winchell, George	Zolla, William		

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Campbell, W Packy
Cataldo, Sam	Dunlap, Patricia	Easson, Timothy	Grassie, Anne
Harrington, Michael	Heon, Richard	Hollinger, Jeffrey	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Musler, George
Newton, Clifford	Pelletier, Arthur	Schmidt, Peter	Scott, David

Snyder, Clair
Woods, Phyllis

Taylor, Katherine

Taylor, Kathleen

Twombly, James

SULLIVAN

Allison, David
Leone, Richard

Ferland, Brenda
Phinizy, James

Flint, Gordon Sr
Rodeschin, Beverly

Harris, Sandra

NAYS 42

BELKNAP

None

CARROLL

None

CHESHIRE

Allen, Peter
Pratt, Irene

Batchelder, Robert
Pratt, John

Dunn, James
Richardson, Barbara

Espieffs, Peter
Weed, Charles

COOS

None

GRAFTON

Hammond, Lee

Nordgren, Sharon

HILLSBOROUGH

Adams, Jarvis
Harrington, Paul
Kudalis, Debra

Buhlman, David
Hinkle, Peyton
Lasky, Bette

Craig, James
Irwin, Anne-Marie
Luebker, Bernard

Gorman, Mary
Kopka, Angeline

MERRIMACK

Blanchard, Elizabeth

Brueggemann, Donald

French, Barbara

Owen, Derek

Perkins, Randy

Potter, Frances

Rush, Deanna

ROCKINGHAM

DiFruscia, Anthony

Shultis, Elizabeth

Weyler, Kenneth

STRAFFORD

Hofemann, Roland

Rollo, Deanna

Rous, Emma

Smith, Marjorie

Spang, Judith

Vachon, Dennis

Wall, Janet

SULLIVAN

Burling, Peter

Cloutier, John

Donovan, Thomas

Harris, Joseph

and the majority committee report was adopted.

BILLS REMOVED FROM CONSENT CALENDAR

HB 288-FN, imposing a criminal penalty for the dissemination of certain materials without consent. **OUGHT TO PASS**

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation makes it a Class A misdemeanor for a person to without the specific consent of the person or persons entitled to privacy, disseminate any material acquired as a result of the violation of such privacy. Vote 15-0.

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

Adopted.

Recommitted to Criminal Justice and Public Safety.

HB 337-FN-A-L, relative to state funding of county correctional facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Frederick W. King for Finance: The committee heard compelling testimony of the impact on county budgets for costs associated with inmates serving time for infractions of state laws. Given the fiscal impact and the uncertainty of state revenues the committee voted against passage of this legislation. Vote 20-0.

Rep. Cloutier spoke against.

Rep. Wheeler spoke in favor.

Rep. Nordgren requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 239 NAYS 96

YEAS 239

BELKNAP

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Boyce, Laurie
Dewhirst, Glenn	Flanders, Donald	Holbrook, Robert	Laflam, Robert
Lawton, David	Nedeau, Stephen	Rice, Thomas	Russell, David
Thomas, John	Wendelboe, Fran	Whalley, Michael	

CARROLL

Babson, David Jr	Brown, Carolyn	Derby, Mark	Hatch, Paul
Kenney, Bettie	McConkey, Mark	Merrow, Harry	Mock, Henry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Dexter, Judson	Eaton, Daniel	Fish, Douglas	Hunt, John
Laurent, John	Liebl, George	Manning, Joseph	Meader, David
Mitchell, McKim	Parkhurst, Henry	Royce, H Charles	Smith, Edwin

COOS

Brady, Mark	Guay, Lawrence	Richardson, Herbert	Stohl, Eric
Tholl, John Jr	Woodward, David		

GRAFTON

Alger, John	Barker, Robert	Densmore, Edward	Dudley, Terri
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Maybeck, Margie	Naro, Debra	Solomon, Peter	Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Batula, Peter	Beaton, William
Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David	Brassard, Paul

Bruno, Pierre	Buhlman, David	Cail, Kenneth	Carter, Mark
Cernota, Albert	Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela
Crane, Elenore Casey	Dokmo, Cynthia	Drisko, Richard	Elliott, Larry
Emerton, Larry	Fields, Dennis	Fletcher, Richard	Ford, Nancy
Furman, Christine	Gibson, John	Gonzalez, Carlos	Goulet, Maurice
Graham, John	Greenberg, Gary	Haley, Robert	Hall, Charles
Hallyburton, Margaret	Hansen, Ryan	Hawkins, Ken	Haytayan, Harry Jr
Hinkle, Peyton	Holden, Randolph	Hopper, Gary	Hunter, Bruce
Johnson, Lionel	Konys, Christine	Kurk, Neal	L'Heureux, Robert
Laflamme, Charles	LaFlamme, Paul	Lawrence, James	Leach, Edward
Lessard, Rudy	Luebker, Bernard	McElroy, Henry Jr	McRae, Karen
Mercer, Robert	Messier, Irene	Mooney, Maureen	Moran, Edward
Mosher, William	Movsesian, Lori	Ober, Russell III	Palangas, Eric
Pappas, Marc	Pepino, Leo	Price, Pamela	Reeves, Sandra
Ross, Lawrence	Rowe, Robert	Scanlon, Michael	Shaw, Barbara
Slocum, Lee	Sullivan, Francis	Tahir, Saghir	Vaillancourt, Steve
Wheeler, James	Wheeler, Robert		

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Currier, David	Daniels, Eric
Field, William	Fraser, Leo Jr	Hager, Elizabeth	Hess, David
Kenison, Leon	Kennedy, Richard	L'Heureux, Stephen	Leber, William
Lockwood, Priscilla	MacKay, James	Marple, Richard	McCormick, Tom
Nutter, Edward	Oliver, James	Ouellette, Robert	Soltani, Tony
Wallner, Mary Jane			

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bishop, Franklin	Camm, Kevin
Carson, Sharon	Clark, Vivian	Coes, Betsy	Cooney, Richard
Corbin, Corey	Dearborn, Bruce	Dodge, Robert	Doyle, Christopher
Duffy, James	Dumaine, Dudley	Dupuis, Roland	Fesh, Bob
Flanagan, Natalie	Flanders, John Sr	Flayhan, Mary Lou	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Gillick, Thomas	Gleason, John
Griffin, Mary	Hamel, Albert	Headd, James	Hughes, Daniel

Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Robert
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Major, Norman
Manning, John	McCann, Richard	McKinney, Betsy	McMahon, Charles
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Quandt, Matthew
Rausch, James	Robertson, Carl	Roessner, Kurt	Ruffner, Walter
Scamman, Stella	Smith, Donald	Smith, Paul	Stone, Joseph
Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weldy, Norman Jr	Weyler, Kenneth
Wiley, Robert			

STRAFFORD

Albert, Russell	Bickford, David	Campbell, W Packy	Cataldo, Sam
Dunlap, Patricia	Easson, Timothy	Harrington, Michael	Hollinger, Jeffrey
Johnson, Nancy	Keans, Sandra	Knowles, William	Musler, George
Newton, Clifford	Scott, David	Smith, Marjorie	Twombly, James
Woods, Phyllis			

SULLIVAN

Rodeschin, Beverly

NAYS 96

BELKNAP

Pilliod, James

CARROLL

Dickinson, Howard

CHESHIRE

Allen, Peter	Batchelder, Robert	Dunn, James	Espiefs, Peter
Pratt, Irene	Pratt, John	Richardson, Barbara	Tilton, Anna
Webber, Amy	Weed, Charles		

COOS

Mears, Edgar	Poulin, Richard	Theberge, Robert
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GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Cooney, Mary
Hammond, Lee	Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda
Williams, Burton			

HILLSBOROUGH

Baroody, Benjamin	Barry, J Gail	Cote, Peter	Craig, James
Desmarais, Vivian	Dionne, Kimberley	Gorman, Mary	Irwin, Anne-Marie
Jean, Claudette	Kopka, Angeline	Kudalis, Debra	Lasky, Bette
Malloy, Chris	McDonough-Wallace, Alice	McHugh, Claire	Milligan, Robert
Pilotte, Maurice	Schulze, Joan	Sullivan, Peter	

MERRIMACK

Bouchard, Candace	Brueggemann, Donald	Colcord, J D	Davis, Frank
DeJoie, John	DeStefano, Stephen	French, Barbara	Gile, Mary
Hamm, Christine	Jacobson, Alf	Osborne, Jessie	Owen, Derek
Perkins, Randy	Potter, Frances	Reed, Dennis	Rush, Deanna
Seldin, Gloria			

ROCKINGHAM

Casey, Kimberley	Davidson, Robert	DiFruscia, Anthony	Gould, Kenneth
McEachern, Paul	Norelli, Terie	Pitts, Jacqueline	Putnam, Ed II
Shultis, Elizabeth	Splaine, James	Vallone, Matthew	Zolla, William

STRAFFORD

Berube, Roger	Grassie, Anne	Heon, Richard	Hofemann, Roland
Kaen, Naida	Pelletier, Arthur	Rollo, Deanna	Rous, Emma
Schmidt, Peter	Snyder, Clair	Taylor, Katherine	Taylor, Kathleen

Vachon, Dennis

Wall, Janet

SULLIVAN

Allison, David

Burling, Peter

Cloutier, John

Donovan, Thomas

Ferland, Brenda

Flint, Gordon Sr

Harris, Joseph

Harris, Sandra

Leone, Richard

Phinizy, James

and the committee report was adopted.

HB 428, relative to limiting liability of vendors and property owners during the operation of a farmers' market. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This bill would limit the liability of property owners during the operation of farmers' markets to intentionally caused injury or damage, and that of vendors to willful, wanton or reckless conduct. In voting this bill inexpedient to legislate, the committee noted that all witnesses conceded that the liability concerns that inspired it are not based on any actual adverse experience, but on generalized fears of a perceived litigious environment. The committee believes it to be unwise to carve out areas of immunity where no actual problem has been shown to exist, and thereby tempt the gods of unintended consequences. The witnesses also expressed an inability to obtain insurance coverage. They also testified, however, that farmers' markets are a spreading and expanding phenomenon, and this, together with their acknowledged history of safe operation and an absence of lawsuits can confidently be expected to lead to the creation of a market for reasonably priced insurance, as it always has for new commercial enterprises. Vote 13-4.

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

Rep. Allen spoke in favor.

Rep. Sorg spoke in against and yielded to questions.

On a division vote, 92 members having voted in the affirmative and 241 in the negative, the motion failed.

Report adopted.

HB 574-FN, relative to retail vehicle dealer registrations. **INEXPEDIENT TO LEGISLATE**

Rep. Sherman A. Packard for Transportation: This bill would disassemble a good portion of the work that the Transportation committee has spent two years working on. During the 1997-1998 legislative session, the committee revised the dealer plate, transport, wholesale, utility and repair plate laws. Those revisions were done to contain the gross abuse that was happening in the car business. The Transportation Committee, Department of Safety and the New Hampshire Auto Dealers Association crafted a good set of laws that was fair to everyone in the business of selling cars. It protects both the large and small dealers. Repeal of the 1200 square feet rule would allow anyone who sells more than five cars a year the ability to obtain dealer slot. This could conceivably cost the cities and towns tens of thousands of dollars in registration fees, and again open up the automobile business to massive abuse once more. Vote 14-0.

Rep. Packard spoke in favor.

Adopted.

HB 579-FN, abolishing all requirements for certificates of title for motor vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would abolish all requirements for certificates of title for motor vehicles. In addition to not being able to know for sure if you are buying a stolen car or at the very least know the past history of your vehicle, the state would see a revenue loss of over 14 million dollars in the general fund and over 21 million dollars in the highway fund from Fiscal Year 2004 to Fiscal Year 2007. Vote 15-0.

Rep. Marple spoke against and requested a roll call; sufficiently seconded.

Rep. Letourneau spoke in favor.

The question being adoption of the committee report.

YEAS 298 NAYS 35

YEAS 298

BELKNAP

Allen, Janet	Bartlett, Gordon	Dewhirst, Glenn	Holbrook, Robert
Laflam, Robert	Lawton, David	Nedeau, Stephen	Russell, David
Thomas, John	Wendelboe, Fran	Whalley, Michael	

CARROLL

Babson, David Jr	Brown, Carolyn	Derby, Mark	Hatch, Paul
McConkey, Mark	Morrow, Harry	Mock, Henry	Olimpio, J Lisbeth
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

CHESHIRE

Allen, Peter	Batchelder, Robert	Dexter, Judson	Dunn, James
Eaton, Daniel	Espiefs, Peter	Fish, Douglas	Hunt, John
Laurent, John	Liebl, George	Meador, David	Mitchell, McKim
Parkhurst, Henry	Pratt, Irene	Richardson, Barbara	Royce, H Charles
Smith, Edwin	Tilton, Anna	Webber, Amy	Weed, Charles

COOS

Brady, Mark	Guay, Lawrence	Mears, Edgar	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	Woodward, David

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Benn, Bernard	Cooney, Mary	Densmore, Edward	Dudley, Terri
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Hammond, Lee
Maybeck, Margie	Naro, Debra	Nordgren, Sharon	Scovner, Nancy
Sokol, Hilda	Solomon, Peter	Sorg, Gregory	Williams, Burton

HILLSBOROUGH

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Baroody, Benjamin	Barry, J Gail
Batula, Peter	Beaton, William	Bergeron, Jean-Guy	Bergin, Peter
Bouchard, David	Brassard, Paul	Bruno, Pierre	Carter, Mark
Cernota, Albert	Christensen, D L Chris	Cote, Peter	Coughlin, Pamela
Craig, James	Crane, Elenore Casey	Desmarais, Vivian	Dionne, Kimberley
Dokmo, Cynthia	Drisko, Richard	Elliott, Larry	Fields, Dennis
Fletcher, Richard	Ford, Nancy	Furman, Christine	Gibson, John
Gonzalez, Carlos	Gorman, Mary	Goulet, Maurice	Graham, John
Greenberg, Gary	Hall, Charles	Hallyburton, Margaret	Hansen, Ryan
Hawkins, Ken	Haytayan, Harry Jr	Hinkle, Peyton	Holden, Randolph
Hopper, Gary	Hunter, Bruce	Irwin, Anne-Marie	Jean, Claudette
Johnson, Lionel	Konys, Christine	Kopka, Angeline	Kudalis, Debra
Kurk, Neal	L'Heureux, Robert	Laflamme, Charles	LaFlamme, Paul
Lasky, Bette	Leach, Edward	Lessard, Rudy	Malloy, Chris
McHugh, Claire	Mercer, Robert	Messier, Irene	Milligan, Robert
Mooney, Maureen	Moran, Edward	Mosher, William	Movsesian, Lori
Palangas, Eric	Pappas, Marc	Pepino, Leo	Pilotte, Maurice
Price, Pamela	Reeves, Sandra	Ross, Lawrence	Rowe, Robert
Scanlon, Michael	Schulze, Joan	Shaw, Barbara	Sullivan, Francis
Sullivan, Peter	Tahir, Saghir	Vaillancourt, Steve	Wheeler, James

Wheeler, Robert

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Colcord, J D	Currier, David	Daniels, Eric	Davis, Frank
DeJoie, John	DeStefano, Stephen	Field, William	Fraser, Leo Jr
French, Barbara	Gile, Mary	Hager, Elizabeth	Hamm, Christine
Hess, David	Jacobson, Alf	Kenison, Leon	L'Heureux, Stephen
Leber, William	Lockwood, Priscilla	MacKay, James	McCormick, Tom
Nutter, Edward	Oliver, James	Osborne, Jessie	Ouellette, Robert
Owen, Derek	Perkins, Randy	Potter, Frances	Reed, Dennis
Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane	

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bishop, Franklin	Cady, Harriet
Carson, Sharon	Casey, Kimberley	Clark, Vivian	Coes, Betsy
Cooney, Richard	Corbin, Corey	Davidson, Robert	Dearborn, Bruce
Dodge, Robert	Doyle, Christopher	Duffy, James	Dumaine, Dudley
Dupuis, Roland	Fesh, Bob	Flanagan, Natalie	Flanders, John Sr
Flayhan, Mary Lou	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Gillick, Thomas	Gleason, John	Gould, Kenneth	Griffin, Mary
Hamel, Albert	Headd, James	Hughes, Daniel	Ingram, Russell
Introne, Robert	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Major, Norman	Manning, John	McEachern, Paul
McKinney, Betsy	McMahon, Charles	Norelli, Terie	Noyes, Richard
O'Neil, Michael	Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline
Rausch, James	Robertson, Carl	Roessner, Kurt	Ruffner, Walter
Scamman, Stella	Shultis, Elizabeth	Smith, Paul	Splaine, James
Stone, Joseph	Stritch, C Donald	Vallone, Matthew	Varrell, Thomas
Waterhouse, Kevin	Weare, E Albert	Welch, David	Weldy, Norman Jr
Zolla, William			

STRAFFORD

Albert, Russell
Dunlap, Patricia
Hofemann, Roland
Keans, Sandra
Pelletier, Arthur
Smith, Marjorie
Taylor, Kathleen
Woods, Phyllis

Berube, Roger
Easson, Timothy
Hollinger, Jeffrey
Knowles, William
Rollo, Deanna
Snyder, Clair
Twombly, James

Bickford, David
Harrington, Michael
Johnson, Nancy
Musler, George
Rous, Emma
Spang, Judith
Vachon, Dennis

Cataldo, Sam
Heon, Richard
Kaen, Naida
Newton, Clifford
Schmidt, Peter
Taylor, Katherine
Wall, Janet

SULLIVAN

Allison, David
Ferland, Brenda
Leone, Richard

Burling, Peter
Flint, Gordon Sr
Rodeschin, Beverly

Cloutier, John
Harris, Joseph

Donovan, Thomas
Harris, Sandra

NAYS 35

BELKNAP

Ahern, Omer Jr

Boyce, Laurie

Pilliod, James

Rice, Thomas

CARROLL

Dickinson, Howard

Kenney, Bettie

CHESHIRE

Pratt, John

COOS

Poulin, Richard

GRAFTON

Ingbretson, Paul

HILLSBOROUGH

Buhlman, David

Cail, Kenneth

Christiansen, Lars

Lawrence, James

Luebker, Bernard	McDonough-Wallace, Alice	McRae, Karen	Ober, Russell III
Slocum, Lee			

MERRIMACK

Kennedy, Richard	Marple, Richard	Soltani, Tony
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ROCKINGHAM

Bicknell, Elbert	Camm, Kevin	DiFruscia, Anthony	Itse, Daniel
McCann, Richard	Putnam, Ed II	Quandt, Matthew	Smith, Donald
Tufts, J Arthur	Weyler, Kenneth	Wiley, Robert	

STRAFFORD

Campbell, W Packy	Scott, David
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SULLIVAN

Phinzy, James

and the committee report was adopted.

RESOLUTION

Rep. Hess offered the following: **RESOLVED**, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bill numbered 25-FN-A, shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 25-FN-A, making appropriations for capital improvements. (E. Smith, Ches 26: Public Works and Highways)

Adopted.

RESOLUTION

Rep. Hess offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 62 and 67 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 62, relative to the application and enforcement of the state building code. (Municipal and County Government)

SB 67, relative to a report on municipal water needs. (Resources, Recreation and Development)

SENATE MESSAGE

CONCURRENCE

HCR 16, a resolution urging increased diplomacy to achieve a just, peaceful, and rapid resolution of the conflict between India and Pakistan relative to the state of Jammu and Kashmir.

SUSPENSION OF RULES

Reps. Hess and Burling moved that House Rule 43a be so far suspended as to allow public hearings and meetings to be held Friday, February 21, 2003 for the following Bills:

HB 70, establishing a commission to study government actions that contribute to involuntary homelessness.

HB 342, restricting the use and display of social security numbers and establishing a private right of action under the right to privacy act.

HB 384, relative to financial affidavits in domestic relations cases, and establishing a private right of action under the right to privacy act.

HB 507, relative to certain statutes that set minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations.

HB 431, eliminating application of the rule against perpetuities to instruments that contain safeguards relative to the continued alienability of property.

HB 711-FN, relative to the regulation of retail installment sales of motor vehicles.

HB 506, establishing a committee to study the retention of membership fees in health clubs.

HB 481, prohibiting unfair trade practices in the production and sale of milk and dairy products.

HB 613-FN-L, relative to incineration and air quality.

HB 609-FN-A, relative to public interest payphones.

HB 330, relative to public utilities mergers and acquisitions.

HB 331-FN, relative to discovery in public utilities commission proceedings.

Reps. Burling, Owen and Phinizey spoke to the motion.

Adopted by the necessary two-thirds.

RESOLUTION

Rep. Hess 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 at the Call of the Chair.

Adopted.

LATE SESSION

Third reading and final passage

HB 131, relative to enforcement of negotiable instruments under Article 3 of the Uniform Commercial Code.

HB 178, relative to detention for violations of protective orders.

HB 192, relative to disposal of controlled drugs in possession of law enforcement officers.

HB 215, relative to expungement of records contained in the DNA database.

HB 487, relative to protective custody of a person impaired by drugs.

HB 678-FN, relative to penalties for operation of OHRVs after suspension of driving privileges for certain motor vehicle offenses.

HB 336-L, relative to the development and adoption of the school administrative unit budget.

HB 128, relative to the treatment of horses.

HB 166, relative to employees of the New Hampshire retirement system

HB 320, relative to permitting additional contributions in the city of Manchester employees contributory retirement system.

HB 321, relative to ordinary and accidental death benefits in the city of Manchester employees contributory retirement system.

HB 327, establishing a committee to study the use of state vehicles.

HB 461, establishing a commission to study financial exploitation of the elderly and persons with disabilities.

HB 108, relative to the adoption of an optional veterans' property tax credit.

HB 295, relative to information filed with the regional planning commissions.

HB 560, relative to penalties for operating an aircraft while under the influence of alcohol or drugs and making a technical correction.

HB 561, repealing the Uniform Aircraft Financial Responsibility Act.

HB 571-FN-L, relative to Old Newport Road and the end of Main Street in the town of Marlow.

HB 802-FN-A, encouraging the department of transportation to retrofit a highway rest stop to be a solar powered facility.

HB 233, to the nuclear planning and response program.

HB 436, relative to the acquisition of Connecticut Valley Electric Company and electric utility restructuring.

HCR 8, urging the United States Congress to improve the prescription drug program provided to veterans.

HB 477, establishing certain speed limits.

HB 248, requiring the disclosure of information to victims in juvenile delinquency cases.

HB 299, removing judicial discretion to order a divorced parent to contribute to an adult child's college expenses.

HB 310, establishing a commission to study child support issues.

HR 6, relative to criteria for establishing house representative districts..

HB 194, relative to appeals in landlord/tenant actions.

HB 343, establishing a boundary commission to determine the boundary between New Hampshire and Maine.

HB 361-L, permitting municipalities to form regional water districts.

UNANIMOUS CONSENT

Reps. Jacobson and Wendelboe addressed the House

Rep. Thomas moved that their remarks be printed in the Permanent Journal. The Speaker so ordered.

Rep. Jacobson: Thank you, Mr. Speaker. Yesterday marked the 58th anniversary of the Battle of Iwo Jima and I come again to honor those who served with me in the Battle of Iwo Jima. You know, we live in a changing world that may not necessarily be for the better. One of the things that I discovered the other day was that there were sixteen and a half million who served in the armed services; now there are less than 5 million. So more than 70 percent of our veterans have now gone to their reward and every day the number grows. As some of you know, I like pretty girls. As a young Marine, along with other Marines, we used to whistle at them and they would smile and wave back. Not today. I just read an article that in New York, a bunch of guys whistled at a girl and she promptly went to the police station and accused them of sexual harassment. Indeed, our structure is changing. Last night there was a claim made that we are becoming a nation that fears, be it biological war, chemical war, nuclear war. Now that would have been strange to my fellow Marines because they did, and I do, believe in a vibrant, strong, free and independent United States of America. And with that in mind, I simply want to say that I give all due honor to those more than 7,000 Marines who, on Iwo Jima, gave of the total of their lives and today, you and I still enjoy the benefits that they preserved for us, and I hope we can continue to do the same. Thank you.

Speaker Chandler: The Chair recognizes Rep. Wendelboe.

Rep. Wendelboe: Thank you, Mr. Speaker. I would like to, on behalf of the entire body, and I think everybody will agree with me, this is my seventh time hearing Rep. Jacobson's comments about Iwo Jima. I hope I hear him many more years to come. But I have to tell you, last summer in my travels, I came across, at a veterans' conference, a memorial commemorative pin of Iwo Jima. I would like you to join with me today in acknowledging our thanks. I wasn't at Iwo Jima and I think most of, probably all of you weren't there, but I would like to thank Rep. Jacobson for keeping us aware and making us remember and I hope he wears this with honor.

Rep. Jacobson: I just want to say that this pin is a pin that was made famous on Iwo Jima on the top of Mount Suribachi. Thank you all.

RECESS MOTION

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

Adopted.

The House recessed at 3:35 p.m.

RECESS

(Rep. Alger in the Chair)

RESOLUTION

Rep. Lars Christiansen offered the following: RESOLVED, that the late drafting and introduction having been approved by the Rules Committee , in accordance with the list in the possession of the Clerk, House Bill numbered 1 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2004, and June 30, 2005. (Kurk, Hills 48; Green, Dist 6: Finance)

RECESS

(Rep. MacKay in the Chair)

RESOLUTION

Rep. Peter Sullivan offered the following: RESOLVED, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bill numbered 2 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 2-FN-A, relative to state fees, funds, revenues, and expenditures. (Kurk, Hills 48; Green, Dist 6: Finance)

RECESS