

HOUSE RECORD

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

Calendar and Journal of the 2003 Session

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Thursday, March 6, 2003

No. 21

HOUSE JOURNAL No. 7 (cont.)

Thursday, February 20, 2003

RECESS

(Rep. Hunt in the Chair)

RESOLUTION

Rep. Patten offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 22, 39, 42, 43, 44, 51, 53, 56, 57, 104 and 172 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 22, amending the duties of the public higher education study committee. (Education)

SB 39, relative to the results of a preliminary breath test as evidence in court. (Criminal Justice and Public Safety)

SB 41-FN, relative to the installation of airbags. (Transportation)

SB 43, relative to archives and records management. (Executive Departments and Administration)

SB 44, relative to penalties for vehicle dealers. (Transportation)

SB 51-FN, relative to membership on the New England Board of Higher Education. (Education)

SB 53, establishing an advisory board to the labor commissioner and relative to the terms of the members of the compensation appeals board. Labor, Industrial and Rehabilitative Services)

SB 56-FN, relative to parking for persons with disabilities. (Transportation)

SB 57-FN, relative to certain accounts within the fish and game fund. Fish and Game)

SB 104, relative to state administration of medicaid benefits and services for individuals who are deaf or hard of hearing. (Health and Human Services)

SB 172-FN, increasing certain fees charged by the secretary of state. (Ways and Means)

RECESS

Rep. Hess moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 8

Thursday, March 6, 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.

Good and gracious God, we especially remember before You today Rep. Natalie Flanagan and Rep. George Liebl's son, and ask for healing and comfort in their lives. We also remember with thanksgiving the life of Katharina Brundige, the wife of Rep. Robert Brundige, whose life is now embraced in Your nearer presence. We ask that Your loving hand be upon those who mourn.

May the legislative work accomplished today in this honorable House be done for the true benefit of all the citizens of our beloved New Hampshire, that all may share equally in the many blessings You continue to bestow upon us.

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. Robert J. Wiley led the Pledge of Allegiance.

The National Anthem was sung by Keith Veale, Josh Dennis and Rich Smith, students from Merrimack High School..

LEAVES OF ABSENCE

Reps. Flanagan and Rice, the day, illness.

Reps. Daniels, Dewhirst, Drisko, Donald Flanders, Flayhan, Hollinger, Lessard, Mooney, Musler, Perkins, Reed, Donald Smith, Jeffrey Sullivan, Tholl, Vellone and Winchell, the day, important business.

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

Reps. Brundige and Whalley, the day, death in the family.

INTRODUCTION OF GUESTS

James Peabody, Scibi Magor and Liviu Radu, guests of Rep. Dorsett. George Shultis and Ann Huntoon, husband and guest of Rep. Shultis. Marjorie Chaifery, John House-Myers, John Hall, Patrick McGrath and Davis Powell, guests of the Merrimack Delegation. Lydia Scott and Eileen Williams, wife and guest of Rep. Scott. Albert and Tim St. Pierre, guests of Reps. Phinizy and Ferland. Joshua Blanchard, grandson of Rep. Elizabeth Blanchard.

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 458, establishing a committee to study the health and environmental effects of using industrial-grade silicofluorides and industrial-grade sodium fluoride for water fluoridation in New Hampshire removed by Rep. Hagan.

Consent Calendar adopted.

HB 121, relative to grounds for modification of a permanent child custody order. **OUGHT TO PASS WITH AMENDMENT**

Rep. Margaret D. Hallyburton for Children and Family Law: This bill updates the existing law on modification of permanent custody in two ways. First, it adds language to address the situation when each parent has the children half the time, but neither is satisfied with the situation. The best interest standard is applied. Second, the bill lowers the threshold for intervention by a parent when a child's health or education is jeopardized. The amendment simply fine-tunes the wording. Vote 15-1.

Amendment (0320h)

Amend RSA 458:17, V(a)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) ~~[The circumstances affecting the welfare of the child have been so greatly altered that there is a strong possibility that the child will be harmed if the child continues to live under the present arrangement; or]~~ ***The child's present environment is detrimental to the child's physical, mental, or emotional health, or impedes the child's education under applicable law, and the advantage to the child outweighs the harm likely to be caused by a change in environment;***

HB 153-FN, relative to grounds for termination of parental rights. **OUGHT TO PASS**

Rep. Margaret D. Hallyburton for Children and Family Law: This bill corrects the anomaly in the Termination of Parental Rights statute whereby a parent's rights may be terminated for the murder of a sibling, but may not be terminated for the murder or attempted murder of the other parent. All testimony was in support of the bill. Vote 14-0.

HB 214, relative to discovery deposition of minors in criminal cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas I. Arnold Jr. for Children and Family Law: This bill as amended merely confirms in statute the expression "at the time of the deposition" which is already the Supreme Court's definition of the present language being, "at the time of the alleged offense." Vote 12-0.

Amendment (0180h)

Amend RSA 517:13, V as inserted by section 1 of the bill by replacing it with the following:

V. Notwithstanding this section, no party in a criminal case shall take the discovery deposition of a victim ~~[who was 16 years of age or under at the time of the alleged offense or of any witness who was 16 years of age or under at the time of the alleged offense]~~ ***or witness who has not achieved the age of 17 years at the time of the deposition.***

HB 323, relative to the task force on family law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary Stuart Gile for Children and Family Law: This bill proposed removing the requirement that house members on the Task Force on Family Law represent particular legislative committees and further, to extend the reporting date. The committee amended the bill to continue current membership of one member each from the Children and Family Law and Judiciary committees, and voted to extend the date for submitting the Task Force's final report to November 1, 2004. Vote 14-0.

Amendment (0331h)

Amend the bill by deleting section 1 and renumbering the original sections 2-3 to read as 1-2, respectively.

AMENDED ANALYSIS

This bill extends the task force on family law established in 2002, 250, to November 1, 2004.

HB 496, establishing a committee to study the inclusion of New Hampshire in the Amber Alert program. **INEXPEDIENT TO LEGISLATE**

Rep. Edward P. Moran Jr. for Children and Family Law: There was general agreement that the Amber Alert concept was a good one, but the sponsor of this bill decided that a resolution would be more productive than another study. Procedurally, the committee was advised that it was appropriate to find this bill inexpedient to legislate with a recommendation that the sponsor return in April with a resolution. The sponsor concurs with this. Vote 14-1.

HB 512, relative to disability parking enforcement. **INEXPEDIENT TO LEGISLATE**

Rep. James H. Oliver for Criminal Justice and Public Safety: This bill would allow holders of handicapped plates or placards to issue parking citations to persons parking in spaces reserved for those with disabilities. Although the committee agrees with the severity of these violations, it feels current statutes and local police enforcement is the most efficient way to deal with the problem. Vote 12-0.

HB 521-FN, relative to requiring treatment for persons convicted of DWI offenses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: This bill provides for the carrot and stick approach to entice persons convicted of DWI to enter treatment early. A person convicted of DWI will have the period of revocation extended. If the person enters the required treatment within 45 days of conviction, upon completion the court may suspend the additional portion of the license loss. Under no conditions shall the license loss be less than the loss required under current law. The bill further requires that upon conviction for first offense DWI a person who has been required to attend an Impaired Driver Intervention Program or any similar program in any jurisdiction shall be required to furnish proof of completion of the Multiple Offender Program. The committee felt that early entry into treatment programs offers the best means to prevent reoccurrence and foster rehabilitation. Vote 13-0.

Amendment (0370h)

Amend the bill by replacing section 2 with the following:

2 Penalties for Intoxication or Under Influence of Drugs Offenses; Impaired Driver Intervention Program. Amend RSA 265:82-b, I to read as follows:

I. Except as otherwise provided in this section:

(a) Any person who is convicted of any offense under RSA 215-A:11, I or RSA 265:82 shall be:

(1) Guilty of a violation;

(2) Fined not less than \$350;

(3) Required to furnish proof of successful completion of an impaired driver intervention program prior to the restoration of the person's driver's license or privilege to drive, provided that, if the person has previously completed, or been required by a court or motor vehicle bureau to complete, an impaired driver intervention

program or any similar program in any jurisdiction, the person shall be required to furnish proof of successful completion of the multiple DWI offender intervention detention center program or an equivalent 7-day residential intervention program approved by the commissioner of health and human services; and

~~[(3)]~~ **(4)** The person's driver's license or privilege to drive shall be revoked for not less than ~~[90 days]~~ **9 months** and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years. ***The court may suspend up to 6 months of this sentence, provided that the person has entered into the relevant driver intervention program required by subparagraph (3) within 45 days after conviction, or as soon thereafter as any extenuating circumstances approved by the department of health and human services allow.***

(b) Any person who is convicted of any aggravated DWI offense under RSA 215-A:11, II, or RSA 265:82-a, except as provided in subparagraph (c), shall be:

(1) Guilty of a misdemeanor;

(2) Fined not less than \$500;

(3) Required to furnish proof of successful completion of an impaired driver intervention program prior to the restoration of the person's driver's license or privilege to drive, provided that, if the person has previously completed, or been required by a court or motor vehicle bureau to complete, an impaired driver intervention program or any similar program in any jurisdiction, the person shall be required to furnish proof of successful completion of the multiple DWI offender intervention detention center program or an equivalent 7-day residential intervention program approved by the commissioner of health and human services; and

~~[(3)]~~ **(4)** The person's driver's license or privilege to drive shall be revoked for not less than ~~[1-year]~~ **18 months** and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years. ***Except for good cause found by the court and noted in writing, the court may suspend up to 6 months of this sentence, provided that the person has entered into the relevant driver intervention program required by subparagraph (3) within 45 days after conviction, or as soon thereafter as any circumstances approved by the department of health of human services allow.***

(c) Any person who is convicted of aggravated DWI under RSA 215-A:11, II(a)(1) or II(b)(1), or RSA 265:82-a, I(b) or II(b), shall be:

(1) Guilty of a class B felony;

(2) Fined not less than \$1,000;

(3) Required to furnish proof of successful completion of an impaired driver intervention program prior to the restoration of the person's driver's license or privilege to drive, provided that, if the person has previously completed, or been required by a court or motor vehicle bureau to complete, an impaired driver intervention program or any similar program in any jurisdiction, the person shall be required to furnish proof of successful completion of the multiple DWI offender intervention detention center program; and

~~[(3)]~~ (4) The person's driver's license or privilege to drive shall be revoked for not less than ~~[1-year]~~ **18 months** and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years. ***Except for good cause found by the court and noted in writing, the court may suspend up to 6 months of this sentence, provided that the person has entered into the relevant driver intervention program required by subparagraph (3) within 45 days after conviction, or as soon thereafter as any extenuating circumstances approved by the department of health and human services allow.***

Amend the bill by replacing section 6 with the following:

6 Penalties for Intoxication or Under Influence of Drugs Offenses; Persons With Prior Convictions. Amend RSA 265:82-b, III to read as follows:

III. If any person is convicted of a violation of RSA 215-A:11, RSA 265:82, or RSA 265:82-a, and the conviction is not based upon a complaint which alleges prior convictions as provided in RSA 265:82-b, II, but the person is found to have had one or more such prior convictions in this state or in an out-of-state jurisdiction within 10 years preceding the date of the offense, the person's driver's license or privilege to drive shall be revoked for not less than ~~[180 days]~~ **one year** nor more than 3 years. ~~[The license shall not be restored until the person has successfully completed a]~~ ***Except for good cause found by the court and noted in writing, the court may suspend up to 6 months of this sentence, provided that within 45 days after conviction the person has entered the 7-day program at the state-operated multiple DWI offender intervention detention center program or an equivalent 7-day residential intervention program approved by the [director of the office of alcohol and drug abuse prevention], commissioner of health and human services; as provided in RSA 172-B:2-b and RSA 263:65-a[~~at the person's own expense~~]. The person's license shall not be restored until the person has successfully completed the program.*** The court may ***further*** order attendance at a residential treatment center, for a period not to exceed 30 days, at the person's own expense.

HB 633-FN, establishing the interstate compact for adult offender supervision. **OUGHT TO PASS**

Rep. David A. Welch for Criminal Justice and Public Safety: HB 633 establishes the interstate compact for adult offender supervision, it replaces the original compact that was created in 1937 and is seriously outdated. As of this date, all but a handful of states have adopted the compact and the temporary authority of New Hampshire to operate under the compact will expire in November. Should New Hampshire fail to enact this legislation, there will be no mechanism to require that probationers/parolees that are transferred to New Hampshire be returned to their home state should they violate the terms of probation/parole. Conversely, the sending state could just "dump" their problem probationers/parolees with no recourse for the state of New Hampshire. The committee feels that this is an important and necessary piece of legislation to protect the people of the state of New Hampshire. Vote 13-0.

HB 766, relative to the information required for a license to carry a pistol or revolver. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: The purpose of this bill is to clarify the current law as it applies to information required for a license to carry a pistol or revolver. It comes about because some police chiefs require a photograph and/or fingerprints as part of the application process. There is no provision in the law that allows this and there was testimony that the legislative intent of the original bill was not to make such a requirement. Further, the Committee received a copy of a letter from the Attorney General's office rendering the opinion that the statute does not allow the issuing authority to require the photographing or fingerprinting of an

applicant. Recognizing that in a rare circumstance, such as an instance of mistaken identity, might cause difficulty for the applicant, a provision is made for the applicant to request that he or she be photographed or fingerprinted to bring a resolution to the question. Vote 13-0.

Amendment (0285h)

Amend RSA 159:6, II as inserted by section 1 of the bill by replacing it with the following:

II. No photograph or fingerprint shall be required or used as a basis to grant, deny, or renew a license to carry for a resident or nonresident, unless requested by the applicant.

AMENDED ANALYSIS

This bill prohibits the use of photographs or fingerprints as a basis for granting, denying, or renewing a license to carry for a resident or nonresident, unless requested by the applicant.

HB 499, expanding opportunities for teacher certification. OUGHT TO PASS WITH AMENDMENT

Rep. John R. M. Alger for Education: This bill will add certification of New Hampshire teachers through the American Board for Certification of Teacher Excellency (ABCTE), a part of the re-enacted Federal Elementary and Secondary School Act entitled "No Child Left Behind". The committee, the school board and the Superintendents' Association, along with the National Educators Association, supported the bill, as does the New Hampshire Department of Education, as amended. The committee heard an outstanding presentation on the program by Dr. Madigan, the President of ABCTE. It is especially aimed at encouraging people of other professions to obtain a teaching certification and offers "passport" certification across the various states. Vote 17-0.

Amendment (0227h)

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

2 New Paragraph; Master Teacher Certification. Amend RSA 189:14-f by inserting after paragraph III the following new paragraph:

IV. Any person possessing a valid certification from the American Board for Certification of Teacher Excellence as a master teacher shall be deemed to have fulfilled the requirements for the master teacher credential set forth in this section.

AMENDED ANALYSIS

This bill requires the state board of education to adopt rules:

I. Recognizing certification by the American Board for Certification of Teacher Excellence as equivalent to a credential issued by the department of education.

II. Allowing school districts to elect to follow the guidelines of the American Board for certification of Teacher Excellence in the hiring of school district staff and administrative personnel.

III. Recognizes master teacher certification issued by the American Board for Certification of Teacher Excellence as equivalent to the master teacher credential in this state.

HB 165, relative to the text of constitutional amendment questions. **INEXPEDIENT TO LEGISLATE**

Rep. Richard B. Drisko for Election Law: The intent of this bill was to have a proposed constitutional amendment presented on the ballot in both the current and the proposed form for the voter to view prior to voting. The committee felt that currently a pamphlet issued with the ballot provides this information and not only would the bill cause a duplication but also make the ballot itself unnecessarily cumbersome. Vote 12-1.

HB 309-L, relative to placement and removal of political advertising. **INEXPEDIENT TO LEGISLATE**

Rep. Andrew L. Dorsett for Election Law: This bill would enable the code enforcement officer as well as a law enforcement officer to remove improper political advertising. However, the committee felt that the current law possesses problems concerning constitutionality and that these problems should not be added to. Vote 11-0.

HB 391, requiring candidates to acknowledge restrictions on political advertising. **INEXPEDIENT TO LEGISLATE**

Rep. Raymond Buckley for Election Law: The committee strongly supports the intent of the sponsor to reinforce the awareness of the prohibition of placing political signs on public property. We feel, although, that adding such language on the form that candidates use to file for office is inappropriate and would most likely encourage many other equally important suggested additions making the form cumbersome. Vote 11-1.

HB 66-FN, relative to executive agency rulemaking authority. **OUGHT TO PASS WITH AMENDMENT**

Rep. John DeJoie for Executive Departments and Administration: This bill attempts to refine executive agency rulemaking authority, pursuant to RSA 541-A. The bill, as amended, prohibits agencies from adopting rules by reference to rules and statutes of another state government. Specific exceptions may be filed as a bill for review before a legislative policy committee. The committee reviewed concerns raised by agencies, most notably Department of Environmental Services and Department of Health and Human Services. The agencies stated that the original bill might require them to repeat scientific data gathering and copy accrediting manuals verbatim into their rules. The amendment to HB 66 was offered to address the concerns raised by the agencies. The fiscal note to this bill was issued to address the intent of the original bill. Since the amendment significantly limits the scope of this bill, it is the opinion of the committee that there is no longer a fiscal impact. Vote 20-0.

Amendment (0263h)

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

1 New Section; Administrative Procedure Act; Restriction on Rules Incorporating Documents by Reference. Amend RSA 541-A by inserting after section 3-a the following new section:

541-A:3-b Restriction on Rules Incorporating Documents by Reference. No agency may propose or adopt a rule under RSA 541-A:3 or RSA 541-A:19 that incorporates by reference any code, rule, or document from another state government without specific legislative approval for such a rule.

2 Applicability. RSA 541-A:3-b, as inserted by section 1 of this act, shall apply to rules adopted on or after January 1, 2004.

3 Effective Date. This act shall take effect January 1, 2004.

AMENDED ANALYSIS

This bill prohibits administrative agencies from adopting rules that incorporate by reference any code, rule, or document from another state without specific legislative approval.

HB 269-FN, relative to claims arising from clinical services provided to the department of health and human services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Beverly T. Rodeschin for Finance: This bill continues a practice that has been in place for fifteen years. Since 1988, the State has contracted with the Dartmouth Medical School to provide psychiatrists and other clinicians to treat patients at New Hampshire Hospital. Under that contract, the State has agreed to indemnify Dartmouth against claims arising from clinical services. In order to save the State the significant cost of malpractice insurance, the Legislature has chosen to assume liability for these claims under RSA 99-D. The legislative Oversight Committee established by RSA 541-B:23 retains control over these claims. Vote 15-0.

Amendment (0370h)

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

2 Claims Against the State; Claims Arising From the Clinical Services Provided to the Department of Health and Human Services. Amend RSA 541-B:21, III to read as follows:

III. This section shall apply only to claims arising out of incidents occurring on or after July 1, 1988[, and prior to July 1, 2004].

HB 671-FN-A, establishing a contributory defined benefit judicial retirement plan. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: After hearing this bill, the Finance Committee recognized the significant policy changes that were required. It therefore voted the bill Ought to Pass in the expectation that, after passage by the House, the Speaker could refer the bill to the Executive Departments and Administration Committee for policy review. Should the House approve the recommendation of ED&A, and if there are fiscal consequences, the Finance Committee would ask the bill be referred to it for a second time. Suspension of certain House rules may be required to allow this to happen. Vote 15-0.

Referred to Executive Departments and Administration.

HB 397, permitting towns and cities to deny a planning board application by a vote of the legislative body. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: This bill would have provided a procedure for towns and cities to disapprove certain applications to the planning board by a vote of the municipality's legislative body. The sponsors of the bill admitted that the bill was flawed and was introduced to begin discussion on the subject. Testimony given supported the belief that the bill would guarantee litigation and concerns with equal protection claims. Also, a mechanism presently existed in law to deal with the concerns this bill addresses. Vote 18-0.

HB 110-A, making a capital appropriation for the reconstruction and repair of the Monadnock Mill State Office Building in Claremont. **INEXPEDIENT TO LEGISLATE**

Rep. William E. Leber for Public Works and Highways: This bill proposes a capital project that is now included in the Governor's budget proposal, and will be considered during the Capital Budget deliberations. Therefore, this bill is not necessary. Vote 15-1.

HB 590-FN, relative to highway fund budget reporting requirements. **OUGHT TO PASS WITH AMENDMENT**

Rep. John A. Graham for Public Works and Highways: This bill allocates unrestricted revenue from the highway fund and requires any department that receives such funds submit a biennial report of expenditures to the State Treasurer. The amendment sets parameters for this allocation. The committee felt that establishing such parameters will result in a greater percentage of highway funds going to actual road work, and not being eroded by use of other agencies. The bill retains the Highway Block Grant Aid Program intact. Vote 15-0.

Amendment (0330h)

Amend 9:9-a as inserted by section 1 of the bill by replacing it with the following:

9:9-a Allocation of Unrestricted Revenue from Highway Fund. In each biennium, all unrestricted revenue from the highway fund, including any surplus but excluding any betterment funds, as estimated by the commissioner of the department of administrative services in RSA 9:6, and subject to the requirements of RSA 9:4-d, shall be allocated in the operating budget as follows:

- I. Department of transportation: Not less than 67 percent of unrestricted revenue.
- II. Department of safety: Not to exceed 18 percent of unrestricted revenue.
- III. Highway block grant aid: 12 percent of unrestricted revenue.
- I. Other projects that comply with the New Hampshire constitution, part 2, article 6-a, relative to the use of highway funds: Not to exceed 3 percent of unrestricted revenue.

Referred to Finance.

HB 833-L, relative to Shaker Road and Bay Hill Road in the town of Northfield. **OUGHT TO PASS**

Rep. John A. Graham for Public Works and Highways: This bill reclassifies two roads in the town of Northfield as Class V highways, thereby returning the roads to the town. Both the Department of Transportation and the town agree to this transfer Vote 17-0.

HB 834-L, relative to River Road and Nimble Hill Road in the town of Newington. **OUGHT TO PASS**

Rep. Candace C. W. Bouchard for Public Works and Highways: This bill reclassifies portions of the River Road and Nimble Hill Road by the town of Newington as Class V highways upon completion of reconstruction to be performed by the Department of Transportation. This bill was a request by DOT at the request of the town of Newington. Both Turnpike Funds and Betterment Funds will be used for the improvements to improve safety on these two roads. Class V highways are town maintained. Vote 16-0.

HB 818, relative to clearing land before plan approval. **INEXPEDIENT TO LEGISLATE**

Rep. David H. Russell for Resources, Recreation and Development: Along with the Department of Resources and Economic Development, the Associated General Contractors of New Hampshire, and the Association of New Hampshire Conservation Commissions, the committee felt unanimously that there are adequate current laws to regulate cutting of timber and the clearing of land before approval under RSA 227 and RSA 485. It was also agreed that local subdivision regulations and planning board site plan review ensure the protection of adverse impact of land clearing or terrain alteration. Vote 14-0.

HB 106-FN-L, implementing an education property tax homestead exemption. **INEXPEDIENT TO LEGISLATE**

Rep. Daniel M. Hughes for Ways and Means: The committee feels that although this particular bill has a worthy goal, there are eight other bills dealing with similar issues that will be considered by the committee. Vote 12-0.

HB 173, making technical corrections relative to the exception from the meals and rooms tax for gratuities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: Last year a correction was made to the rooms and meals tax law to ensure the continued exemption of gratuities included in package deals for motor tours. This bill completes the intent of that legislation by extending the exemption to gratuities in package deals offered by the hotels themselves, and allows the operator to offer a single price, provided that it is clearly stated that the tax is applied only to the rooms and meals portion of the bill. Vote 17-0.

Amendment (0225h)

Amend the bill by replacing section 1 with the following:

1 Exception from Meals and Rooms Tax; Gratuities. RSA 78-A:6-a, II-VI are repealed and reenacted to read as follows:

II. Gratuity charges added to the charge for a taxable meal or taxable room shall not be taxed under this chapter if:

(a) The gratuity is not used by the operator as a supplement to or in lieu of wages, or as a pool from which bonuses are paid to managerial personnel;

(b) The gratuity is paid to the service personnel providing the service for which the gratuity is charged;

(c) The amount of the gratuity does not exceed 18 percent of the charge for the taxable meal and/or rent imposed on each occupancy. If the amount of the gratuity is not separately stated, the purchaser's or occupant's contract or receipt shall include the following language:

"The 8 percent tax on meals and rooms is included for the costs of meals and lodging only;"

(d) If the gratuity exceeds the percentage specified in subparagraph (c) and the amount is not separately stated, the exception from tax shall be limited to the percentage enumerated and the additional gratuity shall be subject to tax. If the amount of the gratuity is not separately stated, the purchaser's or occupant's contract or receipt shall include the following language:

"The 8 percent tax on meals and rooms is included for the costs of meals and lodging only and the amount of any surplus gratuity above 18 percent;" and

(e) The payroll or other business records of the operator substantiate the distribution of the gratuity to the service employees as a payment that does not supplement wages or is not in lieu of wages.

III. Gratuity charges arranged by written contract between operators and motorcoach service providers or other businesses making group purchases on behalf of purchasers or occupants shall not be taxed under this chapter if the requirements of RSA 78-A:6-a, II are met.

IV. Gratuity charges included in package arrangements offered by hotels to purchasers or occupants, which are not arranged by written contract between operators and motorcoach service providers or other businesses making group purchases on behalf of purchasers or occupants, shall not be taxed under this chapter if the requirements of RSA 78-A:6-a, II are met.

V. The amount of any gratuity charge excepted from tax by RSA 78-A:6-a, II, III, or IV shall be limited to that amount actually received by the service personnel providing the service for which such gratuity is charged.

VI. Any auxiliary charges, not including gratuity charges, such as, but not limited to, service charges, house charges, management fees, or housekeeping charges, added to the charge for a taxable meal or taxable room, shall not be taxed under this chapter if:

(a) The taxable meal or taxable room rental may be purchased without such auxiliary charges at the option of the purchaser or occupant; and

(b) The amount of the auxiliary charge is separately stated on the contract or receipt.

VII. The portion of a single aggregate charge allocated to items which are not customarily associated with the purchase of a taxable room or taxable meal, including but not

limited to ski lift tickets, boat ride fees, amusement park admission tickets, theater tickets, or other similarly packaged items shall not be taxable if:

(a) The packaged item or service is not part of the operator's standard room rental or meal and the allocated cost of the package item or service is equal to the amount paid to an outside vendor or the allocated cost of the package item or service is the amount over and above the amount which a consumer would be ordinarily charged for the room rental and/or meal had the consumer purchased the room or meal without the packaged item or service;

(b) The allocated cost of the package for gratuities meets the requirements of RSA 78-A:6-a, II; and

(c) The operator's business records provide the documentation necessary for the department to determine the allocation of costs and the proper application of the tax.

HB 576-FN-A, increasing the rate of the meals and rooms tax. **INEXPEDIENT TO LEGISLATE**

Rep. Peyton B. Hinkle for Ways and Means: Testimony showed this bill would have a negative impact on the restaurant business throughout New Hampshire. Restaurants have already been adversely affected by the increase in the business enterprise tax. These businesses operate on a small margin, and any loss of business due to the tax increase would shrink those margins even further. Some surrounding states already have a lower meals tax, and any further increases in the New Hampshire tax would place them in an even more uncompetitive position. The only testimony in favor of the bill was from the sponsor. There was opposition to the bill from the Lakes Region Association, NH Lodging and Restaurant Association, Enterprise Car Rental and other business organizations. Vote 18-0.

HB 666-FN-A, expanding the meals and rooms tax to include a tax on admission charges for entertainment. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Giuda for Ways and Means: Expansion of existing taxes on business, especially to include entertainment businesses, is inconsistent with the state's efforts to expand tourism and encourage small business entrepreneurs. At the bill's public hearing, only the sponsor spoke in favor of the bill whereas the Dept. of Resources and Economic Development and a number of industry representatives spoke against the expansion of this tax. Vote 18-0.

HB 685-FN-A-L, exempting transfers of real property with conservation, preservation, or development restrictions from the real estate transfer tax. **INEXPEDIENT TO LEGISLATE**

Rep. Daniel M. Hughes for Ways and Means: The committee felt that this bill had good intentions but that its language was too broad and accordingly its fiscal impact could not be determined. One of the sponsors agreed the bill required more clarification and would work on the issues and resubmit legislation in the next session. Vote 18-0.

REGULAR CALENDAR

HB 445, relative to consideration of domestic violence in child custody and visitation decisions and relative to the time period in which a motion for protective order from domestic violence may be filed. **INEXPEDIENT TO LEGISLATE**

Rep. Gary C. Greenberg for Children and Family Law: The committee feels that this bill is unnecessary because the issue of custody by either parent can be raised in court. With regards to the second part of the bill, the committee agreed that the Supreme Court in Fillmore v. Fillmore was correct with respect to a timeframe for protective orders. Vote 11-1.

Adopted.

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

HB 518-FN-L, implementing changes to the amount of school building aid for school districts.
INEXPEDIENT TO LEGISLATE

Rep. John R. M. Alger for Education: The bill would have changed the method of distribution and amount of school building aid so as to greatly increase the amount of general fund aid required in the next few years. While the towns and cities might welcome payment of additional money, raising about \$75 million more annually during the next three years would place an onerous burden on the state in consideration of the current condition of state revenues and expenses. Vote 17-0.

Adopted.

HB 425, establishing the prescription drug cost task force. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Janeen Dalrymple for the Majority of Health, Human Services and Elderly Affairs: Although the committee agrees that this bill was an important piece of legislation, it was found unnecessary because another piece of legislation (HB 735-FN) will include portions of HB 425, which will address a prescription drug cost task force, and will study issues regarding cost of prescription drugs for New Hampshire citizens. Vote 11-7.

Rep. Hilda W. Sokol for the Minority of Health, Human Services and Elderly Affairs: We do not believe that this bill should have been voted Inexpedient to Legislate because of the uncertainty that prescription drug costs will be subject to continued study. The fate of several bills purported to address the topic of prescription drugs are in question.

Rep. Akins spoke against.

Rep. Dalrymple spoke in favor.

Rep. Akins requested a roll call; sufficiently seconded

The question being adoption of the majority committee report.

YEAS 218 NAYS 138

YEAS 218

BELKNAP

Allen, Janet

Bartlett, Gordon

Boyce, Laurie

Clark, Charles

Fitzgerald, James	Holbrook, Robert	Lawton, David	Nedeau, Stephen
Pilliod, James	Thomas, John	Wendelboe, Fran	

CARROLL

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

CHESHIRE

Dexter, Judson	Hunt, John	Laurent, John	Manning, Joseph
Royce, H Charles	Smith, Edwin		

COOS

Brady, Mark	Guay, Lawrence	King, Frederick	Richardson, Herbert
Stohl, Eric	Woodward, David		

GRAFTON

Dorsett, Andrew	Dudley, Terri	Eaton, Stephanie	Gilman, G Michael
Gionet, Edmond	Giuda, Robert	Ingbretson, Paul	Maybeck, Margie
Naro, Debra	Sorg, Gregory		

HILLSBOROUGH

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Balcom, John	Barry, J Gail
Batula, Peter	Beaton, William	Bergin, Peter	Bouchard, David
Bruno, Pierre	Buhlman, David	Carlson, Donald	Carter, Jeffrey
Carter, Mark	Cernota, Albert	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian
Dokmo, Cynthia	Elliott, Larry	Emerton, Larry	Fields, Dennis
Fletcher, Richard	Ford, Nancy	Gargasz, Carolyn	Gibson, John
Goulet, Maurice	Goyette, Peter Jr	Graham, John	Greenberg, Gary
Hagan, Barbara	Hall, Charles	Hallyburton, Margaret	Hansen, Ryan
Harrington, Paul	Hawkins, Ken	Haytayan, Harry Jr	Hinkle, Peyton

Hunter, Bruce	Jasper, Shawn	Johnson, Lionel	Kerns, J Edward
Kurk, Neal	L'Heureux, Robert	Laflamme, Charles	Luebkert, Bernard
McElroy, Henry Jr	McRae, Karen	Mercer, Robert	Messier, Irene
Milligan, Robert	Mosher, William	Ober, Russell III	Pappas, Marc
Pepino, Leo	Price, Pamela	Reeves, Sandra	Ross, Lawrence
Rowe, Robert	Scanlon, Michael	Slocum, Lee	Souza, Kathleen
Stepanek, Stephen	Tahir, Saghir	Vaillancourt, Steve	Wheeler, James
Wheeler, Robert			

MERRIMACK

Anderson, Eric	Colcord, J D	Dunne, Christopher	Field, William
Foley, Albert	Fraser, Leo Jr	Hess, David	Jacobson, Alf
Kenison, Leon	Kennedy, Richard	L'Heureux, Stephen	Langer, Ray
Leber, William	Lockwood, Priscilla	MacKay, James	Marple, Richard
Maxfield, Roy	McCormick, Tom	Nutter, Edward	Oliver, James
Ouellette, Robert			

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Cady, Harriet	Camm, Kevin	Carson, Sharon	Clark, Vivian
Cooney, Richard	Dalrymple, Janeen	Dearborn, Bruce	Doyle, Christopher
Duffy, James	Dumaine, Dudley	Dupuis, Roland	Fesh, Bob
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Gillick, Thomas	Gleason, John	Gould, Kenneth	Griffin, Mary
Hamel, Albert	Headd, James	Holland, James Jr	Hughes, Daniel
Ingram, Russell	Introne, Robert	Johnson, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph
Langone, John	Letourneau, Robert	Major, Norman	Manning, John
McCann, Richard	McKinney, Betsy	McMahon, Charles	Morris, Richard
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Priestley, Anne
Putnam, Ed II	Rausch, James	Roessner, Kurt	Ruffner, Walter
Scamman, Stella	Smith, Paul	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Varrell, Thomas	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman Jr	Weyler, Kenneth	Zolla, William

STRAFFORD

Albert, Russell	Bemis, Alan	Cataldo, Sam	Dunlap, Patricia
Easson, Timothy	Knowles, William	Newton, Clifford	Scott, David
Taylor, Kathleen	Twombly, James	Woods, Phyllis	

SULLIVAN

Flint, Gordon Sr	Jones, Constance	Leone, Richard	Rodeschin, Beverly
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NAYS 138

BELKNAP

Ahern, Omer Jr	Laflam, Robert	Russell, David
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CARROLL

Kenney, Bettie

CHESHIRE

Allen, Peter	Batchelder, Robert	Dunn, James	Eaton, Daniel
Espiefs, Peter	Fish, Douglas	Meader, David	Mitchell, McKim
Parkhurst, Henry	Pratt, Irene	Pratt, John	Richardson, Barbara
Robertson, Timothy	Slack, Pamela	Tilton, Anna	Webber, Amy
Weed, Charles			

COOS

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

Akins, Ralph	Alger, John	Almy, Susan	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Densmore, Edward	Diamond, Estelle
Ham, Bonnie	Hammond, Lee	Nordgren, Sharon	Scovner, Nancy
Sokol, Hilda	Solomon, Peter	Williams, Burton	

HILLSBOROUGH

Baroody, Benjamin	Bergeron, Jean-Guy	Brassard, Paul	Buckley, Raymond
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Dionne, Kimberley	Furman, Christine	Gorman, Mary	Haley, Robert
Holden, Randolph	Infantine, William	Irwin, Anne-Marie	Jean, Claudette
Konys, Christine	Kopka, Angeline	Kudalis, Debra	LaFlamme, Paul
Lasky, Bette	Leach, Edward	Lefebvre, Roland	Malloy, Chris
Movsesian, Lori	O'Brien, Lori	Pappas, Christopher	Pilotte, Maurice
Schulze, Joan	Sullivan, Francis	Sullivan, Peter	Sweeney, Cynthia
Tate, Joan			

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Davis, Frank	DeJoie, John	DeStefano, Stephen	French, Barbara
Gile, Mary	Hamm, Christine	Osborne, Jessie	Owen, Derek
Potter, Frances	Rush, Deanna	Seldin, Gloria	Soltani, Tony
Wallner, Mary Jane			

ROCKINGHAM

Bicknell, Elbert	Blanchard, MaryAnn	Casey, Kimberley	Coes, Betsy
Corbin, Corey	DiFruscia, Anthony	Dodge, Robert	Hutchinson, Karen
Langley, Jane	McEachern, Paul	Norelli, Terie	Pantelakos, Laura
Pitts, Jacqueline	Quandt, Matthew	Robertson, Carl	Shultis, Elizabeth
Splaine, James	Wiley, Robert		

STRAFFORD

Berube, Roger	Brown, Julie	Callaghan, Frank	Campbell, W Packy
Creteau, Irene	Grassie, Anne	Heon, Richard	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Miller, Joseph
Pelletier, Arthur	Rollo, Deanna	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Snyder, Clair	Spang, Judith	Vachon, Dennis
Wall, Janet			

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Franklin, Peter	Harris, Joseph	Harris, Sandra
Phinizy, James			

and the majority report was adopted.

HB 581-FN-L, requiring a death record for an aborted fetus. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra C. Harris for Health, Human Services and Elderly Affairs: The committee felt that fetal death statistics could be collected without the use of a fetal death certificate. Given the information currently asked on a fetal death certificate, the committee felt it was much too invasive. Testimony expressed a concern for the safety of those in the medical profession. Much work was done last session by this committee on this question of fetal statistics. While all agreed that such statistics would be helpful, the committee felt that there were too many questions regarding privacy and anonymity. Vote 13-3.

Rep. Hagan requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 292 NAYS 67

YEAS 292

BELKNAP

Allen, Janet	Bartlett, Gordon	Clark, Charles	Fitzgerald, James
Holbrook, Robert	Lawton, David	Nedeau, Stephen	Pilliod, James
Russell, David	Thomas, John		

CARROLL

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

CHESHIRE

Allen, Peter	Batchelder, Robert	Dexter, Judson	Dunn, James
Eaton, Daniel	Espieffs, Peter	Fish, Douglas	Hunt, John
Meader, David	Mitchell, McKim	Parkhurst, Henry	Pratt, Irene

Pratt, John	Richardson, Barbara	Robertson, Timothy	Royce, H Charles
Slack, Pamela	Smith, Edwin	Tilton, Anna	Webber, Amy
Weed, Charles			

COOS

King, Frederick	Mears, Edgar	Poulin, Richard	Stohl, Eric
Theberge, Robert	Woodward, David		

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Densmore, Edward	Diamond, Estelle
Dorsett, Andrew	Dudley, Terri	Eaton, Stephanie	Gionet, Edmond
Ham, Bonnie	Hammond, Lee	Maybeck, Margie	Naro, Debra
Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda	Solomon, Peter
Williams, Burton			

HILLSBOROUGH

Balcom, John	Baroody, Benjamin	Barry, J Gail	Beaton, William
Bergin, Peter	Bouchard, David	Bruno, Pierre	Buckley, Raymond
Carlson, Donald	Carter, Jeffrey	Carter, Mark	Cernota, Albert
Chabot, Robert	Christensen, D L Chris	Clemons, Jane	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Crane, Elenore Casey
Desmarais, Vivian	Dionne, Kimberley	Dokmo, Cynthia	Elliott, Larry
Emerton, Larry	Fields, Dennis	Fletcher, Richard	Ford, Nancy
Furman, Christine	Gargasz, Carolyn	Gorman, Mary	Goyette, Peter Jr
Graham, John	Greenberg, Gary	Hall, Charles	Hallyburton, Margaret
Hawkins, Ken	Haytayan, Harry Jr	Hinkle, Peyton	Holden, Randolph
Hunter, Bruce	Infantine, William	Irwin, Anne-Marie	Jasper, Shawn
Jean, Claudette	Johnson, Lionel	Konys, Christine	Kopka, Angeline
Kudalis, Debra	Kurk, Neal	Laflamme, Charles	LaFlamme, Paul
Lasky, Bette	Leach, Edward	Malloy, Chris	McRae, Karen
Mercer, Robert	Messier, Irene	Milligan, Robert	Movsesian, Lori
O'Brien, Lori	Ober, Russell III	Pappas, Christopher	Pappas, Marc
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Ross, Lawrence

Rowe, Robert	Scanlon, Michael	Schulze, Joan	Stepanek, Stephen
Sullivan, Francis	Sullivan, Peter	Tahir, Saghir	Tate, Joan
Vaillancourt, Steve	Wheeler, Robert		

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Colcord, J D	Davis, Frank	DeJoie, John
DeStefano, Stephen	Dunne, Christopher	Foley, Albert	Fraser, Leo Jr
French, Barbara	Gile, Mary	Hamm, Christine	Hess, David
Jacobson, Alf	Kenison, Leon	Kennedy, Richard	L'Heureux, Stephen
Langer, Ray	Leber, William	Lockwood, Priscilla	MacKay, James
Marple, Richard	Maxfield, Roy	McCormick, Tom	Nutter, Edward
Oliver, James	Osborne, Jessie	Ouellette, Robert	Owen, Derek
Potter, Frances	Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bridle, Russell	Camm, Kevin	Carson, Sharon	Casey, Kimberley
Clark, Vivian	Coes, Betsy	Cooney, Richard	Corbin, Corey
Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony	Dodge, Robert
Doyle, Christopher	Duffy, James	Fesh, Bob	Flanders, John Sr
Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl	Gillick, Thomas
Gleason, John	Gould, Kenneth	Griffin, Mary	Headd, James
Holland, James Jr	Hutchinson, Karen	Ingram, Russell	Introne, Robert
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Langone, John
Major, Norman	Manning, John	McCann, Richard	McEachern, Paul
McKinney, Betsy	McMahon, Charles	Morris, Richard	Norelli, Terie
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Pantelakos, Laura
Pitts, Jacqueline	Priestley, Anne	Rausch, James	Robertson, Carl
Roessner, Kurt	Ruffner, Walter	Scamman, Stella	Shultis, Elizabeth
Smith, Paul	Splaine, James	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Weare, E Albert	Welch, David	Weldy, Norman Jr
Weyler, Kenneth	Zolla, William		

STRAFFORD

Albert, Russell	Bemis, Alan	Berube, Roger	Bickford, David
Brown, Julie	Cataldo, Sam	Creteau, Irene	Dunlap, Patricia
Grassie, Anne	Heon, Richard	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Pelletier, Arthur
Rollo, Deanna	Rous, Emma	Schmidt, Peter	Scott, David
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Vachon, Dennis	Wall, Janet		

SULLIVAN

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

NAYS 67

BELKNAP

Ahern, Omer Jr	Boyce, Laurie	Laflam, Robert	Wendelboe, Fran
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CARROLL

Stevens, Stanley

CHESHIRE

Laurent, John	Manning, Joseph
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COOS

Brady, Mark	Guay, Lawrence	Pratt, Leighton	Richardson, Herbert
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GRAFTON

Gilman, G Michael	Giuda, Robert	Ingretson, Paul	Sorg, Gregory
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HILLSBOROUGH

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Brassard, Paul	Buhlman, David	Christiansen, Lars	Gibson, John
Goulet, Maurice	Hagan, Barbara	Haley, Robert	Hansen, Ryan
Harrington, Paul	Kerns, J Edward	L'Heureux, Robert	Lawrence, James
Lefebvre, Roland	Luebkert, Bernard	McElroy, Henry Jr	Mosher, William
Pepino, Leo	Slocum, Lee	Souza, Kathleen	Sweeney, Cynthia
Wheeler, James			

MERRIMACK

Field, William	Soltani, Tony
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ROCKINGHAM

Bicknell, Elbert	Cady, Harriet	Dumaine, Dudley	Dupuis, Roland
Hamel, Albert	Hughes, Daniel	Itse, Daniel	Letourneau, Robert
Putnam, Ed II	Quandt, Matthew	Varrell, Thomas	Waterhouse, Kevin
Wiley, Robert			

STRAFFORD

Callaghan, Frank	Campbell, W Packy	Easson, Timothy	Hofemann, Roland
Newton, Clifford	Twombly, James	Woods, Phyllis	

SULLIVAN

Donovan, Thomas

and the report was adopted.

HB 586-FN-A, relative to the infant deafness program and making an appropriation therefor.
INEXPEDIENT TO LEGISLATE

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: This bill would require all hospitals to acquire the appropriate equipment to fully implement infant hearing testing. The prime sponsor, after finding out the hospitals already have the equipment, withdrew his interest in pursuing this bill. Vote 16-1.

Adopted.

HB 824-FN-A, relative to services for persons with mental illness and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Pamela G. Price for the Majority of Health, Human Services and Elderly Affairs: As a majority, we appreciate the intent of the bill to add and fund services for persons with mental illness. In the new budget, unlike many line items, funding was not cut, which demonstrates the state's concern on this matter. This bill request was not made on behalf of the Department of Health and Human Services, nor did they present any testimony. This bill request was made on behalf of the Community Mental Health Centers, which presented a five-year program. This bill, if passed, would require an additional \$7,168,966 in the 2004-2005 fiscal year budget, according to the sponsor's presentation. The committee received no certification of these figures from the Health and Human Services Department. Significant discussion was centered on the prioritization of the program and how it could conflict with the allocation of their budget, which was presented to the state for approval. As a matter of fact, it appeared that some of the services in this bill may be duplications of the current Health and Human Services budget at some level. The state already recognizes that this is an illness that needs prioritization. We recognize the need, we will continue to monitor our progress, and we will do all we can to address this illness by early intervention methods. Although the committee felt the program appeared worthy, there was reluctance to add a serious new funding bill with a layer of financial implications without an understanding and confidence of how it would fit into the new Health and Human Services list of priority needs. Vote 11-5.

Rep. Barbara C. French for the Minority of Health, Human Services and Elderly Affairs: We recognize that support and follow-up treatment services for persons with mental illness and their families will enable such persons to further take responsibility for their own recovery from mental illness and to successfully maintain it. We further recognize that the earlier in the illness that treatment and family support is provided, the better the chances of achieving and maintaining recovery and minimizing the costs to individuals, families, and the state. In view of the financial savings that can be achieved by early intervention, we, the minority, strongly support passage of this bill.

Rep. Joseph Manning spoke against.

Reps. Price and Dalrymple spoke in favor.

On a division vote, 229 members having voted in the affirmative and 130 in the negative, the majority report on was adopted.

HB 826-FN, establishing a limited moratorium on the use of psychotropic drugs and requiring the attorney general to study the use of such drugs. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This is one of four bills this session dealing with the use of psychotropic drugs, including Ritalin. This also required a study by the Attorney General of use of psychotropic drugs by New Hampshire school children. The committee felt that issues related to the diagnosis and treatment of medical conditions is the responsibility of physicians. With the informed consent of the patient and his family. In addition, the committee learned that several professional studies of psychotropic medications are ongoing in New Hampshire. It was not felt that it was appropriate to ask the Office of the Attorney General to conduct a highly technical study of the use of psychotropic medications. The committee continues to believe that research into this subject is appropriate and necessary and is supportive of those studies. Vote 17-0.

Adopted.

**HCR 13, declaring the health rights of the citizens of New Hampshire. MAJORITY:
INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Eric M. Daniels for the Majority of Health, Human Services and Elderly Affairs: This resolution proposes the New Hampshire Legislature establish a declaration of Health Rights applicable for all citizens of New Hampshire and offers that all New Hampshire citizens should enjoy the benefits of a healthy life as a "right". The resolution goes on to include the establishment of additional citizen rights, which include, among others; food, housing, clothing, as well as medical care. The idea that all citizens should expect to be cared for by the Government via entitlement programs is not new yet continues to be offered for consideration through various measures and programs. This resolution seeks to do that by asking the New Hampshire House to declare a person's right to public resources to maintain an adequate standard of living, including a goal of universal health care. What that standard might be is undefined. The Committee felt the resolution would open up additional responsibilities and enormous funding demands on government. Even though the committee recognized that no health care system is perfect, we are proud of our ongoing efforts to make health care available, especially to the children of the state and in many circumstances to the people with disabilities and the elderly. In the New Hampshire Constitution, the Bill of Rights (Article 2) provides that each citizen has the natural right, among others, of "seeking and obtaining happiness" for themselves. This freedom is echoed in our country's Declaration of Independence in which it states we have the unalienable right to life, liberty and the pursuit of happiness. The committee felt the resolution proposed was far reaching and not attainable. As a result, the committee concluded this resolution, although well intended was only symbolic in nature. Vote 12-6.

Rep. Barbara C. French for the Minority of Health, Human Services and Elderly Affairs: This resolution made a statement of caring for our citizens by declaring health rights of the people of NH. The aim of this resolution is to enable people to obtain their optimum health status so that they may enjoy an equal quality of life with others.

Reps. French Espieffs spoke against.

Reps. McMahon and Batula spoke in favor.

Rep. French requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 248 NAYS 115

YEAS 248

BELKNAP

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Boyce, Laurie
Clark, Charles	Fitzgerald, James	Holbrook, Robert	Laflam, Robert
Lawton, David	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Wendelboe, Fran		

CARROLL

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

CHESHIRE

Dexter, Judson	Fish, Douglas	Hunt, John	Laurent, John
Manning, Joseph	Royce, H Charles	Smith, Edwin	

COOS

Brady, Mark	Guay, Lawrence	King, Frederick	Pratt, Leighton
Richardson, Herbert	Stohl, Eric	Woodward, David	

GRAFTON

Alger, John	Dorsett, Andrew	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Maybeck, Margie	Naro, Debra	Sorg, Gregory	Williams, Burton

HILLSBOROUGH

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Balcom, John	Barry, J Gail
Batula, Peter	Beaton, William	Bergeron, Jean-Guy	Bergin, Peter
Bouchard, David	Bruno, Pierre	Buhlman, David	Carlson, Donald
Carter, Jeffrey	Carter, Mark	Cernota, Albert	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	Dionne, Kimberley	Dokmo, Cynthia	Elliott, Larry
Emerton, Larry	Fields, Dennis	Fletcher, Richard	Ford, Nancy
Furman, Christine	Gargasz, Carolyn	Gibson, John	Gonzalez, Carlos
Goulet, Maurice	Goyette, Peter Jr	Graham, John	Greenberg, Gary
Hagan, Barbara	Hall, Charles	Hallyburton, Margaret	Hansen, Ryan
Harrington, Paul	Hawkins, Ken	Haytayan, Harry Jr	Hinkle, Peyton
Holden, Randolph	Hunter, Bruce	Infantine, William	Jasper, Shawn
Kerns, J Edward	Kurk, Neal	L'Heureux, Robert	Laflamme, Charles

LaFlamme, Paul	Lawrence, James	Leach, Edward	Luebkert, Bernard
McElroy, Henry Jr	McHugh, Claire	McRae, Karen	Mercer, Robert
Messier, Irene	Milligan, Robert	Mosher, William	O'Brien, Lori
Ober, Russell III	Pappas, Marc	Pepino, Leo	Price, Pamela
Reeves, Sandra	Ross, Lawrence	Rowe, Robert	Scanlon, Michael
Slocum, Lee	Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir
Tate, Joan	Vaillancourt, Steve	Wheeler, James	Wheeler, Robert

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Colcord, J D	Dunne, Christopher
Field, William	Foley, Albert	Fraser, Leo Jr	Hager, Elizabeth
Hess, David	Jacobson, Alf	Kenison, Leon	Kennedy, Richard
L'Heureux, Stephen	Langer, Ray	Leber, William	Lockwood, Priscilla
MacKay, James	Marple, Richard	Maxfield, Roy	McCormick, Tom
Nutter, Edward	Oliver, James	Ouellette, Robert	Soltani, Tony

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bicknell, Elbert	Bishop, Franklin
Bridle, Russell	Camm, Kevin	Carson, Sharon	Clark, Vivian
Cooney, Richard	Corbin, Corey	Dalrymple, Janeen	Dearborn, Bruce
DiFruscia, Anthony	Dodge, Robert	Doyle, Christopher	Duffy, James
Dumaine, Dudley	Dupuis, Roland	Fesh, Bob	Flanders, John Sr
Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl	Gillick, Thomas
Gleason, John	Griffin, Mary	Hamel, Albert	Headd, James
Holland, James Jr	Hughes, Daniel	Hutchinson, Karen	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	Morris, Richard
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Priestley, Anne
Putnam, Ed II	Quandt, Matthew	Rausch, James	Robertson, Carl
Roessner, Kurt	Ruffner, Walter	Scamman, Stella	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

Zolla, William

STRAFFORD

Albert, Russell

Bemis, Alan

Bickford, David

Brown, Julie

Campbell, W Packy

Cataldo, Sam

Dunlap, Patricia

Easson, Timothy

Newton, Clifford

Scott, David

Twombly, James

Woods, Phyllis

SULLIVAN

Flint, Gordon Sr

Jones, Constance

Leone, Richard

Rodeschin, Beverly

NAYS 115

BELKNAP

None

CARROLL

None

CHESHIRE

Allen, Peter

Batchelder, Robert

Dunn, James

Eaton, Daniel

Espiefs, Peter

Meader, David

Mitchell, McKim

Parkhurst, Henry

Pratt, Irene

Pratt, John

Richardson, Barbara

Robertson, Timothy

Slack, Pamela

Tilton, Anna

Webber, Amy

Weed, Charles

COOS

Mears, Edgar

Poulin, Richard

Theberge, Robert

GRAFTON

Akins, Ralph

Almy, Susan

Benn, Bernard

Bleyler, Ruth

Cooney, Mary

Densmore, Edward

Diamond, Estelle

Ham, Bonnie

Hammond, Lee

Nordgren, Sharon

Scovner, Nancy

Sokol, Hilda

Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin	Brassard, Paul	Buckley, Raymond	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Gorman, Mary
Haley, Robert	Irwin, Anne-Marie	Jean, Claudette	Johnson, Lionel
Konys, Christine	Kopka, Angeline	Kudalis, Debra	Lasky, Bette
Lefebvre, Roland	Malloy, Chris	Movsesian, Lori	Pappas, Christopher
Pilotte, Maurice	Schulze, Joan	Sullivan, Francis	Sullivan, Peter
Sweeney, Cynthia			

MERRIMACK

Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	Davis, Frank
DeJoie, John	DeStefano, Stephen	French, Barbara	Gile, Mary
Hamm, Christine	Osborne, Jessie	Owen, Derek	Potter, Frances
Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane	

ROCKINGHAM

Blanchard, MaryAnn	Casey, Kimberley	Coes, Betsy	Davidson, Robert
Gould, Kenneth	Kelley, Jane	McEachern, Paul	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Shultis, Elizabeth	Splaine, James

STRAFFORD

Berube, Roger	Callaghan, Frank	Creteau, Irene	Grassie, Anne
Heon, Richard	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Pelletier, Arthur
Rollo, Deanna	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Katherine	Taylor, Kathleen
Vachon, Dennis	Wall, Janet		

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Franklin, Peter	Harris, Joseph	Harris, Sandra
Phinizy, James			

and the majority report was adopted.

HB 127, establishing a committee to study the effectiveness and fairness of county government.
OUGHT TO PASS WITH AMENDMENT

Rep. Eric G. Stohl for Municipal and County Government: The concept of this bill has been before this committee in the past. The bill presented this time included two sections that dealt with assessments and equalization issues that are currently being addressed by the Assessing Standards Board and HB 681 relative to the allocation of a municipality's share of county taxes. The amendment simply removes these two sections from the bill. The bill lists the duties of the study committee as being 1) compare current functions originally intended in this state; 2) determine whether some county government tasks can be better accomplished by the state or vice-versa; and 3) analyze county government services for any duplication of services available elsewhere. Vote 10-6.

Amendment (0244h)

Amend section 3 of the bill by deleting paragraphs IV and V.

Adopted.

Report adopted and ordered to third reading.

HB 284, relative to the issuance of bonds in school districts and municipalities using the official ballot. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Nancy K. Johnson for the Majority of Municipal and County Government: The bill would change the 3/5 vote now required for the issuance of bonds in the official ballot form of governments, also known as Senate Bill 2 (SB 2) back to 2/3. The bipartisan vote reflects the committee's understanding of the substantial differences in the voting methods between the official ballot towns and school districts (SB 2) and towns and school districts governed by a traditional town meeting form of government. In 1999, the General Court voted to lower the percentage required for bond approval for SB 2 towns and a recent study by the New Hampshire Center for Public Policy confirms that SB 2 towns and school districts are not passing bonds more than the traditional town meetings. The bill would allow even a smaller minority to thwart the will of a vast majority, creating minority rule. The majority recognized that a 3/5 vote is still a super majority and finds no valid reason to change the status quo. Vote 11-7.

Rep. David L. Buhlman for the Minority of Municipal and County Government: When the official ballot form of government, also known as Senate Bill 2 (SB 2 passed in 1995), the margin of approval to issue bonds in school districts and municipalities was 2/3 (66.7%). In 1999, the margin necessary for approval was decreased to 3/5 (60%) via HB 487. The percentage for approving bonds in traditional municipalities was unaffected and remains at 2/3. According to data in the New Hampshire Public Policy's March 2002 publication, SB 2 @ 5: Bonds, Ballots, and the Deliberative Session, the decrease from 2/3 to 3/5 for bond approval in SB 2 communities has resulted in a total average property tax increase in the years 2000 and 2001 of nearly \$230 per capita. This is an additional burden on taxpayers that passing HB 284 would reduce or eliminate. If a project is truly worthwhile, and the project's proponents get the word out, 2/3 of the voters will approve spending their hard-earned money for it.

Reps. Slocum and McEachern spoke against and yielded to questions.

Reps. Nancy Johnson and Alger spoke in favor and yielded to questions.

Rep. Slocum requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 239 NAYS 120

YEAS 239

BELKNAP

Allen, Janet	Bartlett, Gordon	Clark, Charles	Fitzgerald, James
Holbrook, Robert	Laflam, Robert	Russell, David	Thomas, John

CARROLL

Brown, Carolyn	Derby, Mark	Kenney, Bettie	McConkey, Mark
Merrow, Harry	Olimpio, J Lisbeth		

CHESHIRE

Batchelder, Robert	Dexter, Judson	Dunn, James	Eaton, Daniel
Espiefs, Peter	Fish, Douglas	Laurent, John	Manning, Joseph
Meador, David	Mitchell, McKim	Parkhurst, Henry	Pratt, Irene
Pratt, John	Richardson, Barbara	Robertson, Timothy	Royce, H Charles
Slack, Pamela	Smith, Edwin	Tilton, Anna	Webber, Amy
Weed, Charles			

COOS

King, Frederick	Mears, Edgar	Poulin, Richard	Stohl, Eric
Theberge, Robert			

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Densmore, Edward	Dorsett, Andrew
Giuda, Robert	Hammond, Lee	Naro, Debra	Nordgren, Sharon
Scovner, Nancy	Sokol, Hilda	Solomon, Peter	Williams, Burton

HILLSBOROUGH

Arnold, Thomas Jr	Balcom, John	Baroody, Benjamin	Batula, Peter
Bergin, Peter	Brassard, Paul	Buckley, Raymond	Carter, Jeffrey
Carter, Mark	Cernota, Albert	Chabot, Robert	Christensen, D L Chris
Clemons, Jane	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Desmarais, Vivian	Dionne, Kimberley	Dokmo, Cynthia
Emerton, Larry	Fields, Dennis	Fletcher, Richard	Ford, Nancy
Gargas, Carolyn	Gonzalez, Carlos	Gorman, Mary	Graham, John
Greenberg, Gary	Haley, Robert	Hall, Charles	Hallyburton, Margaret
Hawkins, Ken	Haytayan, Harry Jr	Hinkle, Peyton	Infantine, William
Irwin, Anne-Marie	Jean, Claudette	Konys, Christine	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Laflamme, Charles	Lasky, Bette
Leach, Edward	Lefebvre, Roland	Malloy, Chris	McHugh, Claire
McRae, Karen	Messier, Irene	Milligan, Robert	Mosher, William
Movsesian, Lori	O'Brien, Lori	Pappas, Christopher	Pappas, Marc
Pepino, Leo	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Rowe, Robert	Scanlon, Michael	Schulze, Joan	Sullivan, Francis
Sullivan, Peter	Sweeney, Cynthia	Tahir, Saghir	Vaillancourt, Steve
Wheeler, Robert			

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Colcord, J D	Davis, Frank	DeJoie, John	Dunne, Christopher
Fraser, Leo Jr	French, Barbara	Gile, Mary	Hager, Elizabeth
Hamm, Christine	Hess, David	Jacobson, Alf	Kenison, Leon
L'Heureux, Stephen	MacKay, James	Maxfield, Roy	Osborne, Jessie
Potter, Frances	Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane

ROCKINGHAM

Belanger, Ronald	Blanchard, MaryAnn	Carson, Sharon	Casey, Kimberley
Coes, Betsy	Cooney, Richard	Dalrymple, Janeen	Davidson, Robert
Dearborn, Bruce	Dodge, Robert	Francoeur, Sheila	Gilbert, Jeffrey
Gillick, Thomas	Gleason, John	Gould, Kenneth	Griffin, Mary
Hamel, Albert	Headd, James	Hutchinson, Karen	Ingram, Russell

Introne, Robert	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Major, Norman	Manning, John	McCann, Richard	McKinney, Betsy
McMahon, Charles	Norelli, Terie	Noyes, Richard	O'Neil, Michael
Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne
Rausch, James	Robertson, Carl	Roessner, Kurt	Scamman, Stella
Shultis, Elizabeth	Smith, Paul	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Varrell, Thomas	Waterhouse, Kevin	

STRAFFORD

Bemis, Alan	Berube, Roger	Callaghan, Frank	Cataldo, Sam
Creteau, Irene	Dunlap, Patricia	Grassie, Anne	Heon, Richard
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Miller, Joseph	Pelletier, Arthur	Rollo, Deanna
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Katherine	Taylor, Kathleen	Twombly, James
Vachon, Dennis	Wall, Janet		

SULLIVAN

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

NAYS 120

BELKNAP

Ahern, Omer Jr	Boyce, Laurie	Lawton, David	Nedeau, Stephen
Pilliod, James	Wendelboe, Fran		

CARROLL

Babson, David Jr	Dickinson, Howard	Hatch, Paul	Mock, Henry
Patten, Betsey	Stevens, Stanley		

CESHIRE

Allen, Peter Hunt, John

COOS

Brady, Mark Guay, Lawrence Pratt, Leighton Richardson, Herbert
Woodward, David

GRAFTON

Diamond, Estelle Dudley, Terri Eaton, Stephanie Gilman, G Michael
Gionet, Edmond Ham, Bonnie Ingbretson, Paul Maybeck, Margie
Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis Allan, Nelson Allen, Timothy Artz, Lawrence
Balboni, Michael Barry, J Gail Beaton, William Bergeron, Jean-Guy
Bouchard, David Bruno, Pierre Buhlman, David Carlson, Donald
Christiansen, Lars Crane, Elenore Casey Elliott, Larry Furman, Christine
Gibson, John Goulet, Maurice Goyette, Peter Jr Hagan, Barbara
Hansen, Ryan Harrington, Paul Holden, Randolph Hunter, Bruce
Jasper, Shawn Johnson, Lionel LaFlamme, Paul Lawrence, James
Luebker, Bernard McElroy, Henry Jr Mercer, Robert Ober, Russell III
Ross, Lawrence Slocum, Lee Souza, Kathleen Stepanek, Stephen
Tate, Joan Wheeler, James

MERRIMACK

Anderson, Eric DeStefano, Stephen Field, William Foley, Albert
Kennedy, Richard Langer, Ray Leber, William Lockwood, Priscilla
Marple, Richard McCormick, Tom Nutter, Edward Oliver, James
Ouellette, Robert Owen, Derek Soltani, Tony

ROCKINGHAM

Allen, Mary Bicknell, Elbert Bishop, Franklin Bridle, Russell

Cady, Harriet	Camm, Kevin	Clark, Vivian	DiFruscia, Anthony
Doyle, Christopher	Duffy, James	Dumaine, Dudley	Dupuis, Roland
Fesh, Bob	Flanders, John Sr	Gilbert, Karl	Holland, James Jr
Hughes, Daniel	Itse, Daniel	Johnson, Rogers	Kelley, Jane
McEachern, Paul	Morris, Richard	Putnam, Ed II	Quandt, Matthew
Ruffner, Walter	Splaine, James	Weare, E Albert	Welch, David
Weldy, Norman Jr	Weyler, Kenneth	Wiley, Robert	Zolla, William

STRAFFORD

Albert, Russell	Bickford, David	Campbell, W Packy	Easson, Timothy
Newton, Clifford	Scott, David	Woods, Phyllis	

SULLIVAN

None

and the majority report was adopted.

HB 569-FN-A-L, relative to the dollar value of an adequate education. **INEXPEDIENT TO LEGISLATE**

Rep. Tom F. McCormick for Ways and Means: Funding the state's obligation to provide an adequate education requires a certain dollar amount. Since this bill calls for zero dollars for that purpose, it is clear the bill cannot meet the state's obligation. The sponsor was the only one to testify in favor of this bill. The New Hampshire School Board Association and the New Hampshire School Administrators' Association testified against the proposed legislation. Vote 16-1.

Adopted.

HB 623-FN-A, repealing RSA 77, relative to taxation of incomes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jeffrey D. Gilbert for the Majority of Ways and Means: This bill would repeal the dividends and interest tax which is anticipated to generate revenues over \$70 million in FY 2004 and nearly \$75 million in FY 2005. Since no new source has been identified to replace these monies and the state must maintain its present revenues, the committee could not consider this proposal. Vote 14-4.

Rep. Lee M. Hammond for the Minority of Ways and Means: The basic bill recognized the fundamental inequity of taxing interest and dividends: it is an income tax. Although a few wealthy may pay this tax, so do many more senior citizens of modest means and parents saving for their children's college education. The tax is discriminatory. Only one class of taxpayers is targeted: only 63,000 of the more than 600,000 who pay federal income tax.

Reps. Phinizy, Jacobson and John Pratt spoke against.

Reps. Hammond spoke against and yielded to questions.

Reps. Major, Jeff Gilbert and Hess spoke in favor.

Rep. Phinizy and requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 213 NAYS 133

YEAS 213

BELKNAP

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Boyce, Laurie
Clark, Charles	Fitzgerald, James	Holbrook, Robert	Lawton, David
Nedeau, Stephen	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	Stevens, Stanley	

CHESHIRE

Dexter, Judson	Fish, Douglas	Hunt, John	Laurent, John
Manning, Joseph	Meador, David	Robertson, Timothy	Royce, H Charles
Smith, Edwin			

COOS

Brady, Mark	King, Frederick	Pratt, Leighton	Stohl, Eric
Woodward, David			

GRAFTON

Alger, John	Dorsett, Andrew	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul

Naro, Debra

HILLSBOROUGH

Adams, Jarvis	Allan, Nelson	Arnold, Thomas Jr	Balboni, Michael
Batula, Peter	Beaton, William	Bergeron, Jean-Guy	Bergin, Peter
Bouchard, David	Bruno, Pierre	Carlson, Donald	Carter, Jeffrey
Carter, Mark	Cernota, Albert	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Coughlin, Pamela	Desmarais, Vivian	Dionne, Kimberley
Dokmo, Cynthia	Elliott, Larry	Emerton, Larry	Fields, Dennis
Fletcher, Richard	Ford, Nancy	Gargasz, Carolyn	Gibson, John
Gonzalez, Carlos	Goulet, Maurice	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Hall, Charles	Hallyburton, Margaret	Hansen, Ryan
Harrington, Paul	Hawkins, Ken	Haytayan, Harry Jr	Holden, Randolph
Hunter, Bruce	Infantine, William	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	Laflamme, Charles	LaFlamme, Paul	Lawrence, James
Leach, Edward	Lefebvre, Roland	Luebker, Bernard	McHugh, Claire
McRae, Karen	Mercer, Robert	Messier, Irene	Milligan, Robert
Mosher, William	Movsesian, Lori	O'Brien, Lori	Pappas, Marc
Pepino, Leo	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Rowe, Robert	Scanlon, Michael	Slocum, Lee	Souza, Kathleen
Stepanek, Stephen	Tahir, Saghir	Tate, Joan	Vaillancourt, Steve
Wheeler, James	Wheeler, Robert		

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Clarke, Claire	DeStefano, Stephen
Dunne, Christopher	Fraser, Leo Jr	Hager, Elizabeth	Hess, David
Kenison, Leon	Kennedy, Richard	L'Heureux, Stephen	Leber, William
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	McCormick, Tom
Nutter, Edward	Oliver, James	Soltani, Tony	

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bicknell, Elbert	Bishop, Franklin
Bridle, Russell	Camm, Kevin	Carson, Sharon	Clark, Vivian
Cooney, Richard	Dalrymple, Janeen	Dodge, Robert	Doyle, Christopher

Fesh, Bob	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Gillick, Thomas	Gleason, John	Griffin, Mary
Hamel, Albert	Headd, James	Holland, James Jr	Hughes, Daniel
Hutchinson, Karen	Ingram, Russell	Introne, Robert	Johnson, Robert
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Major, Norman
McCann, Richard	McKinney, Betsy	McMahon, Charles	Morris, Richard
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Priestley, Anne
Putnam, Ed II	Quandt, Matthew	Rausch, James	Roessner, Kurt
Scamman, Stella	Smith, Paul	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Varrell, Thomas	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman Jr	Weyler, Kenneth	Zolla, William

STRAFFORD

Albert, Russell	Berube, Roger	Cataldo, Sam	Dunlap, Patricia
Easson, Timothy	Knowles, William	Newton, Clifford	Scott, David
Twombly, James	Woods, Phyllis		

SULLIVAN

Jones, Constance	Leone, Richard	Rodeschin, Beverly
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NAYS 133

BELKNAP

Laflam, Robert	Pilliod, James
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CARROLL

Dickinson, Howard

CHESHIRE

Allen, Peter	Batchelder, Robert	Dunn, James	Eaton, Daniel
Espieffs, Peter	Mitchell, McKim	Parkhurst, Henry	Pratt, Irene
Pratt, John	Richardson, Barbara	Slack, Pamela	Tilton, Anna

Webber, Amy

Weed, Charles

COOS

Mears, Edgar

Poulin, Richard

Richardson, Herbert

Theberge, Robert

GRAFTON

Akins, Ralph

Almy, Susan

Benn, Bernard

Bleyler, Ruth

Cooney, Mary

Densmore, Edward

Diamond, Estelle

Ham, Bonnie

Hammond, Lee

Maybeck, Margie

Nordgren, Sharon

Scovner, Nancy

Sokol, Hilda

Solomon, Peter

Williams, Burton

HILLSBOROUGH

Allen, Timothy

Baroody, Benjamin

Barry, J Gail

Brassard, Paul

Buckley, Raymond

Buhlman, David

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Crane, Elenore Casey

Gorman, Mary

Haley, Robert

Hinkle, Peyton

Irwin, Anne-Marie

Jean, Claudette

Johnson, Lionel

Konys, Christine

Kopka, Angeline

Lasky, Bette

Malloy, Chris

McElroy, Henry Jr

Ober, Russell III

Pappas, Christopher

Ross, Lawrence

Schulze, Joan

Sullivan, Francis

Sullivan, Peter

Sweeney, Cynthia

MERRIMACK

Bouchard, Candace

Brueggemann, Donald

Colcord, J D

Davis, Frank

DeJoie, John

Field, William

Foley, Albert

French, Barbara

Gile, Mary

Hamm, Christine

Jacobson, Alf

Marple, Richard

Osborne, Jessie

Ouellette, Robert

Owen, Derek

Potter, Frances

Rush, Deanna

Seldin, Gloria

Wallner, Mary Jane

ROCKINGHAM

Blanchard, MaryAnn

Cady, Harriet

Casey, Kimberley

Coes, Betsy

Davidson, Robert

Dearborn, Bruce

DiFruscia, Anthony

Duffy, James

Dumaine, Dudley

Dupuis, Roland

Kelley, Jane

Manning, John

McEachern, Paul

Norelli, Terie

Pitts, Jacqueline

Robertson, Carl

Shultis, Elizabeth Splaine, James Wiley, Robert

STRAFFORD

Bickford, David	Callaghan, Frank	Creteau, Irene	Grassie, Anne
Heon, Richard	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Miller, Joseph	Pelletier, Arthur	Rollo, Deanna
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Snyder, Clair
Taylor, Katherine	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	Phinizy, James		

and the majority committee report was adopted.

HB 628-FN-A-L, modifying the funding and distribution of moneys for an adequate education. **INEXPEDIENT TO LEGISLATE**

Rep. Jeffrey D. Gilbert for Ways and Means: There are a number of bills before the committee addressing education funding and the statewide property tax. Since the committee will consider the concepts contained in this bill in its deliberations of the remaining proposals, the committee believes that it is more appropriate to proceed with one of the other bills to address the statewide property tax and education funding. Vote 16-2.

Adopted.

BILL REMOVED FROM CONSENT CALENDAR

HB 458, establishing a committee to study the health and environmental effects of using industrial-grade silicofluorides and industrial-grade sodium fluoride for water fluoridation in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Pierre W. Bruno for Resources, Recreation and Development: This bill is based upon the premise that fluoride in drinking water poses a danger to public health. None of the testimony heard by the committee – including "scientific" testimony offered in support of the bill – actually supported the concerns of the sponsors. The New Hampshire Department of Environmental Services testified that the US Environmental Protection Agency has on-going studies regarding the issues of fluoridation and drinking water quality; hence, the effect of this bill would be an inconclusive literature survey. The committee has continued confidence in the ability of the NHDES and USEPA to oversee drinking water quality. Vote 14-0.

Reps. Hagan and Paul Harrington spoke against.

Rep. Bruno spoke in favor and yielded to questions.

Rep. Royce spoke in favor.

Adopted.

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 Wednesday, March 12, 2003 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 121, relative to grounds for modification of a permanent child custody order.

HB 153-FN, relative to grounds for termination of parental rights.

HB 214, relative to discovery deposition of minors in criminal cases.

HB 323, relative to the task force on family law.

HB 521-FN, relative to requiring treatment for persons convicted of DWI offenses.

HB 633-FN, establishing the interstate compact for adult offender supervision.

HB 766, relative to the information required for a license to carry a pistol or revolver.

HB 499, expanding opportunities for teacher certification.

HB 66-FN, relative to executive agency rulemaking authority.

HB 269-FN, relative to claims arising from clinical services provided to the department of health and human services.

HB 833-L, relative to Shaker Road and Bay Hill Road in the town of Northfield.

HB 834-L, relative to River Road and Nimble Hill Road in the town of Newington.

HB 173, making technical corrections relative to the exception from the meals and rooms tax for gratuities.

HB 127, establishing a committee to study the effectiveness and fairness of county government.

UNANIMOUS CONSENT

Reps. McRae, Giuda and Burling addressed the House.

Rep. Tahir moved that the remarks of Rep. Giuda be printed in the Permanent Journal. Without objection, the Speaker so ordered.

REMARKS

Rep. Giuda: Thank you, Mr. Speaker. Members of the House, several weeks back this body passed House Concurrent Resolution 16 and passed it over to the Senate. They passed it unanimously 24-0,. That was a resolution that decries the atrocities being committed over on the other side of the world far out of sight and mind. A delegation, on our own expense, carried that resolution, in hand, to the people of Kashmir. I am happy to stand before you conveying a message back from their leadership and the people who are living behind a veil of terror and oppression that we have sent a message of hope that is totally consistent with the state's motto of "Live Free or Die." In so doing, New Hampshire once again leads the world because of your actions. I wanted to thank you for your support on that bill and convey to the Speaker and every member of this House the sincere gratitude of an oppressed people who look to us now for hope. Thank you.

RECESS MOTION

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

Adopted.

The House recessed at 3:55 p.m.

RECESS