

HOUSE RECORD

First Year of the 158th Session of the General Court Calendar and Journal of the 2003 Session

Vol. 25

Concord N.H.

Thursday, March 13, 2003 No. 24

HOUSE JOURNAL No. 9 (cont.)

Wednesday, March 12, 2003

Rep. Hess moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 10

Thursday, March 13, 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.

Compassionate Creator of all, in whom we live and move and have our being, You see us living in a broken and divided world; be present with the leaders of the nations who seek justice and peace among all people.

We especially remember Private Andrew Stevens and Sergeant William Tracy, citizens and soldiers of our beloved New Hampshire who have given their lives in the service of our country; receive them into larger life and comfort their love ones who mourn.

Bless the work of this honorable House today.

May Your protective blessing 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. Pamela Price led the Pledge of Allegiance.

The National Anthem was sung by Kathryn Ludwig, a senior at the University of New Hampshire.

LEAVES OF ABSENCE

Reps. Callaghan, Stephanie Eaton, Flanagan, Furman, Haley, Holland and Rice, the day, illness.

Reps. Ahern, Nelson Allan, Balcom, Cail, Daniels, Drisko, Duffy, Hollinger, Kaen, John Manning, Joseph Manning, McDonough-Wallace, Moore, Schulze, Paul Smith, Snyder, Jeffrey Sullivan and Tate, the day, important business.
Reps. Hagan and Langer, the day, illness in the family.
Rep. Itse, the day, death in the family.

INTRODUCTION OF GUESTS

Virginia and John Heald, daughter and son-in-law of Rep. Hinkle. Tracy Packard, Jeff Eastman, Dylan Gingles, Keith Arnesen, Chelsey Lizotte, Tina Jodoin, Carissa Houston, Kendra Truman, Chris Clough, Brendan Bell, students at Mascoma High School and teachers Deborah Tufts and Bridgette Fisher, guests of Reps. Scovner and Tufts. Sharon Guaraldi, Maryssa and Michelle Carman and Beverly Hall, guests of Rep. Dudley. Candace Cunha, guest of Rep. Claire Clarke. Nick Bauer, guest of Rep. Scamman.

SPECIAL ORDERS

BILLS REMOVED FROM CONSENT CALENDAR 3-12-03

HB 277-FN, relative to an extended term of imprisonment for manslaughter and relative to jury findings which warrant an extended term of imprisonment. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: As currently written the extended term statute applies to every crime except manslaughter. This legislation corrects that oversight. In addition, the United States Supreme Court held that any fact, other than a prior conviction, that increases the maximum statutory penalty, must be submitted to the jury and proven beyond a reasonable doubt before a court can impose an enhanced or extended term. This requirement is now put in place. Vote 12-0.

Amendment (0327h)

Amend RSA 656:6, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. As used in this section, a "law enforcement officer" is a sheriff or deputy sheriff of any county, a state police officer, a constable or police officer of any city or town, an official or employee of any prison, jail, or corrections institution, a probation-parole officer, a juvenile probation and parole officer, or a conservation officer.

Rep. Welch spoke against.

Amendment failed.

Rep. Welch offered floor amendment (0623h) and spoke in favor.

Floor Amendment (0623h)

Amend RSA 651:6, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. As used in this section, a "law enforcement officer" is a sheriff or deputy sheriff of any county, a state police officer, a constable or police officer of any city or town, an official or employee of any prison, jail, or corrections institution, a probation-parole officer, a juvenile probation and parole officer, or a conservation officer.

Floor amendment adopted.

Report adopted and ordered to third reading.

HB 51, apportioning state representative districts. **INEXPEDIENT TO LEGISLATE**

Rep. Steve Vaillancourt for Election Law: This bill is basically a re-write of HB 336 from the last session. The committee shares the sponsor's concern that more districts are desirable, and this bill does, in fact, create 218 districts as opposed to the court-mandated 88 districts. However, deviations in this plan were rather large in some of the districts and since the committee has numerous other redistricting bills to consider, we felt this would not be the ideal vehicle. Vote 12-0.

Rep. Leach spoke against.

Rep. Stritch spoke in favor and yielded to questions.

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

YEAS 275 NAYS 74

YEAS 275

BELKNAP

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

CARROLL

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

Batchelder, Robert	Dexter, Judson	Dunn, James	Fish, Douglas
Laurent, John	Liebl, George	Meader, David	Pratt, Irene
Pratt, John	Robertson, Timothy	Royce, H Charles	Slack, Pamela
Smith, Edwin	Tilton, Anna	Weed, Charles	

COOS

Mears, Edgar	Pratt, Leighton	Richardson, Herbert	Theberge, Robert
Tholl, John Jr	Woodward, David		

GRAFTON

Akins, Ralph	Barker, Robert	Benn, Bernard	Bleyler, Ruth
Densmore, Edward	Diamond, Estelle	Dorsett, Andrew	Gilman, G Michael
Gionet, Edmond	Giuda, Robert	Hammond, Lee	Nordgren, Sharon
Scovner, Nancy	Solomon, Peter	Sorg, Gregory	

HILLSBOROUGH

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
Brundige, Robert	Buckley, Raymond	Buhlman, David	Carlson, Donald
Carter, Jeffrey	Cernota, Albert	Christensen, D L	Christiansen, Lars
		Chris	
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Dionne, Kimberley	Dokmo, Cynthia
Elliott, Larry	Emerton, Larry	Fields, Dennis	Fletcher, Richard
Gibson, John	Gonzalez, Carlos	Gorman, Mary	Goyette, Peter Jr
Greenberg, Gary	Hall, Charles	Hallyburton, Margaret	Hansen, Ryan
Harrington, Paul	Hawkins, Ken	Haytayan, Harry Jr	Hinkle, Peyton
Holden, Randolph	Jasper, Shawn	Johnson, Lionel	Kerns, J Edward
Konys, Christine	Kopka, Angeline	Kudalis, Debra	Laflamme, Charles
Lasky, Bette	Lawrence, James	Lefebvre, Roland	Lessard, Rudy
Malloy, Chris	McElroy, Henry Jr	McHugh, Claire	McRae, Karen
Mercer, Robert	Milligan, Robert	Mosher, William	Movsesian, Lori
O'Brien, Lori	Ober, Russell III	Pappas, Christopher	Pappas, Marc
Pepino, Leo	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Rowe, Robert	Scanlon, Michael	Shaw, Barbara	Slocum, Lee
Souza, Kathleen	Stepanek, Stephen	Sullivan, Francis	Sweeney, Cynthia
Tahir, Saghir	Vaillancourt, Steve	Wheeler, James	

MERRIMACK

Clarke, Claire
DeStefano, Stephen
Fraser, Leo Jr
Kenison, Leon
Marple, Richard
Ouellette, Robert
Wallner, Mary Jane

Colcord, J D
Dunne, Christopher
Hamm, Christine
L'Heureux, Stephen
McCormick, Tom
Potter, Frances

Currier, David
Field, William
Hess, David
Lockwood, Priscilla
Nutter, Edward
Reed, Dennis

DeJoie, John
Foley, Albert
Jacobson, Alf
MacKay, James
Oliver, James
Soltani, Tony

ROCKINGHAM

Allen, Mary
Blanchard, MaryAnn
Carson, Sharon
Dalrymple, Janeen
Dodge, Robert
Fesh, Bob
Gilbert, Jeffrey
Griffin, Mary
Ingram, Russell
Katsakiores, Phyllis
Letourneau, Robert
McMahon, Charles
Packard, Sherman
Roessner, Kurt
Stone, Joseph
Waterhouse, Kevin
Weyler, Kenneth

Belanger, Ronald
Bridle, Russell
Casey, Kimberley
Davidson, Robert
Doyle, Christopher
Flanders, John Sr
Gilbert, Karl
Hamel, Albert
Introne, Robert
Kelley, Jane
Major, Norman
Norelli, Terie
Pantelakos, Laura
Ruffner, Walter
Stritch, C Donald
Weare, E Albert
Wiley, Robert

Bicknell, Elbert
Cady, Harriet
Clark, Vivian
Dearborn, Bruce
Dumaine, Dudley
Flayhan, Mary Lou
Gillick, Thomas
Headd, James
Johnson, Robert
Kobel, Rudolph
McCann, Richard
Noyes, Richard
Priestley, Anne
Scamman, Stella
Tufts, J Arthur
Welch, David
Winchell, George

Bishop, Franklin
Camm, Kevin
Coes, Betsy
DiFruscia, Anthony
Dupuis, Roland
Francoeur, Sheila
Gould, Kenneth
Hughes, Daniel
Johnson, Rogers
Langley, Jane
McKinney, Betsy
O'Neil, Michael
Rausch, James
Smith, Donald
Vallone, Matthew
Weldy, Norman Jr
Zolla, William

STRAFFORD

Albert, Russell
Campbell, W Packy
Grassie, Anne
Musler, George
Rous, Emma
Spang, Judith
Woods, Phyllis

Bemis, Alan
Cataldo, Sam
Johnson, Nancy
Newton, Clifford
Schmidt, Peter
Taylor, Kathleen

Berube, Roger
Dunlap, Patricia
Knowles, William
Pelletier, Arthur
Scott, David
Twombly, James

Brown, Julie
Easson, Timothy
Miller, Joseph
Rollo, Deanna
Smith, Marjorie
Wall, Janet

SULLIVAN

Burling, Peter
Franklin, Peter
Rodeschin, Beverly

Cloutier, John
Harris, Joseph

Ferland, Brenda
Harris, Sandra

Flint, Gordon Sr
Phinizy, James

NAYS 74

BELKNAP

None

CARROLL

Babson, David Jr

CHESHIRE

Allen, Peter
Mitchell, McKim

Eaton, Daniel
Parkhurst, Henry

Espieffs, Peter
Richardson, Barbara

Hunt, John
Webber, Amy

COOS

Brady, Mark

King, Frederick

GRAFTON

Alger, John
Ingbertson, Paul

Almy, Susan
Maybeck, Margie

Cooney, Mary
Naro, Debra

Dudley, Terri
Sokol, Hilda

Williams, Burton

HILLSBOROUGH

Adams, Jarvis	Bruno, Pierre	Carter, Mark	Crane, Elenore Casey
Ford, Nancy	Gargas, Carolyn	Goulet, Maurice	Graham, John
Hopper, Gary	Irwin, Anne-Marie	Jean, Claudette	Kurk, Neal
L'Heureux, Robert	Leach, Edward	Messier, Irene	Mooney, Maureen
Ross, Lawrence	Spiess, Paul	Sullivan, Peter	Wheeler, Robert

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Davis, Frank	French, Barbara	Gile, Mary	Leber, William
Maxfield, Roy	Osborne, Jessie	Owen, Derek	Perkins, Randy
Reardon, Tara	Rush, Deanna	Seldin, Gloria	

ROCKINGHAM

Cooney, Richard	Corbin, Corey	Langone, John	McEachern, Paul
Pitts, Jacqueline	Putnam, Ed II	Quandt, Matthew	Robertson, Carl
Shultis, Elizabeth	Varrell, Thomas		

STRAFFORD

Creteau, Irene	Heon, Richard	Hofemann, Roland	Keans, Sandra
Vachon, Dennis			

SULLIVAN

Allison, David	Donovan, Thomas	Jones, Constance	Leone, Richard
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and the report was adopted.

HB 564-FN, relative to access to information in proceedings of the judicial conduct commission. **OUGHT TO PASS WITH AMENDMENT**
Rep. Robert H. Rowe for Judiciary: This bill allows the Judicial Conduct Commission access to confidential information in order to process a complaint made against a judge. This bill was a request of the newly created Judicial Conduct Commission. The Commission discovered in processing a certain complaint against a judge for a breach of the Judicial Code of Ethics involving a juvenile matter, which was sealed in accordance with present statutes. This bill will allow the JCC access to the juvenile proceedings and other confidential information that would otherwise be unavailable in order to process a complaint against a judge. The JCC hearing relating to the confidential information would be non-public and the confidential information would remain confidential. Further, the bill provides that a member, staff or agent of the JCC who violates the confidentiality would be guilty of a misdemeanor. Vote 10-1.

Amendment (0522h)

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

1 New Section; Judicial Conduct Commission; Access to Information. Amend RSA 494-A by inserting after section 11 the following new section:

494-A:11-a Access to Information; Hearings on Confidential Cases.

I. Notwithstanding any other provision of law to the contrary, a person subject to the code of judicial conduct may provide to the members of the judicial conduct commission, its staff and agents, and in the performance of its official duties the judicial conduct commission may review, any tapes, transcripts, records of proceedings, information, files, and other documents which would otherwise be confidential. No member, staff, or agent of the judicial conduct commission shall disclose such information except in the course of official duty. Any member, staff, or agent of the judicial conduct commission who violates the provisions of this paragraph shall be guilty of a misdemeanor.

II. In a hearing under RSA 494-A:11, II if any part of the complaint involves the conduct of a person in a case required to be confidential by law, the commission may, by majority vote, conduct the hearing, or any part thereof, in a session not open to the public. In such circumstances the commission shall make available to the public a summary of the nature of the complaint, the names of the person complained against and the complainant, and the decision of the committee.

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

Rep. Mock spoke to an error in the committee report and requested the fourth sentence be deleted in the Permanent Journal.

The Speaker so ordered.

Amendment adopted.

Report adopted and ordered to third reading.

HB 673-FN-L, relative to municipal water system connection fees. **INEXPEDIENT TO LEGISLATE**

Rep. David L. Buhlman for Municipal and County Government: The committee realizes that the Copple Crown Village District, a water precinct in the town of Durham, faces a problem with paying for upgrades to water lines and that their \$12,000 hook-up fee is quite high, but is concerned that any remedy that might be proposed to address this particular situation could have unintended implications for other water supply systems. As stated in a letter from the Copple Crown Village District's Secretary/Treasurer, additional costs were incurred in response to a New Hampshire Department of Environmental Services Water Division mandate in 1995-1996 to upgrade the water system. Vote 13-0.

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

Adopted.

Recommitted to Municipal and County Government.

HB 454, relative to property rights and large groundwater withdrawals. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill would give municipalities veto power in the permitting process of large groundwater withdrawals. The veto power would extend to any municipality within the anticipated zone of contribution. It would therefore allow a municipality to veto a withdrawal in other municipalities. Past legislatures have rejected this measure several times in recent years because water is more than a local resource. Groundwater does not recognize municipal boundaries and is in reality a regional resource. It is for this reason that the state should have the final say in approving or disapproving large groundwater withdrawals, as they now have. However, the committee recognizes that local communities should have a strong voice in the process and should be given ample opportunity to present their concerns. The bill also asks for protection of existing water rights. Except for the veto power of municipalities, the committee plans to address the other concerns in a least one of the comprehensive study bills concerning groundwater presently before the committee. Vote 18-0.

Reps. Cady and Bicknell spoke against and yielded to questions.

Rep. Cooney spoke in favor and yielded to questions.

Rep. Cady requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 288 NAYS 74

YEAS 288

BELKNAP

Ahern, Omer Jr
Dewhirst, Glenn
Laflam, Robert

Allen, Janet
Fitzgerald, James
Lawton, David

Bartlett, Gordon
Flanders, Donald
Nedeau, Stephen

Clark, Charles
Holbrook, Robert
Pilliod, James

Russell, David

Thomas, John

Wendelboe, Fran

Whalley, Michael

CARROLL

Babson, David Jr
Hatch, Paul
Mock, Henry
Stevens, Stanley

Brown, Carolyn
Kenney, Bettie
Olimpio, J Lisbeth

Derby, Mark
McConkey, Mark
Patten, Betsey

Dickinson, Howard
Merrow, Harry
Philbrick, Donald

CHESHIRE

Dexter, Judson
Hunt, John
Mitchell, McKim
Royce, H Charles
Webber, Amy

Dunn, James
Laurent, John
Parkhurst, Henry
Slack, Pamela

Eaton, Daniel
Liebl, George
Pratt, Irene
Smith, Edwin

Fish, Douglas
Meador, David
Robertson, Timothy
Tilton, Anna

COOS

Brady, Mark
Poulin, Richard
Tholl, John Jr

Guay, Lawrence
Pratt, Leighton

King, Frederick
Richardson, Herbert

Mears, Edgar
Theberge, Robert

GRAFTON

Akins, Ralph
Benn, Bernard
Dorsett, Andrew
Giuda, Robert
Naro, Debra
Solomon, Peter

Alger, John
Bleyler, Ruth
Dudley, Terri
Hammond, Lee
Nordgren, Sharon
Sorg, Gregory

Almy, Susan
Cooney, Mary
Gilman, G Michael
Ingbretson, Paul
Scovner, Nancy
Williams, Burton

Barker, Robert
Densmore, Edward
Gionet, Edmond
Maybeck, Margie
Sokol, Hilda

HILLSBOROUGH

Allen, Timothy
Batula, Peter
Bouchard, David
Buckley, Raymond
Carter, Mark

Arnold, Thomas Jr
Beaton, William
Brassard, Paul
Buhlman, David
Cernota, Albert

Baroody, Benjamin
Bergeron, Jean-Guy
Brundige, Robert
Carlson, Donald
Christensen, D L
Chris

Barry, J Gail
Bergin, Peter
Bruno, Pierre
Carter, Jeffrey
Christiansen, Lars

Clayton, William
Craig, James
Elliott, Larry
Ford, Nancy
Goulet, Maurice
Hallyburton, Margaret
Haytayan, Harry Jr
Jean, Claudette
Kopka, Angeline
Laflamme, Charles
Leach, Edward
Mercer, Robert
Mosher, William
Pappas, Christopher
Reeves, Sandra
Spiess, Paul
Vaillancourt, Steve

Clemons, Jane
Desmarais, Vivian
Emerton, Larry
Gargas, Carolyn
Goyette, Peter Jr
Hansen, Ryan
Holden, Randolph
Johnson, Lionel
Kudalis, Debra
LaFlamme, Paul
Lessard, Rudy
Milligan, Robert
Movsesian, Lori
Pappas, Marc
Rowe, Robert
Stepanek, Stephen
Wheeler, James

Cote, David
Dionne, Kimberley
Fields, Dennis
Gonzalez, Carlos
Greenberg, Gary
Harrington, Paul
Irwin, Anne-Marie
Kerns, J Edward
Kurk, Neal
Lasky, Bette
Malloy, Chris
Mooney, Maureen
O'Brien, Lori
Pepino, Leo
Scanlon, Michael
Sullivan, Francis
Wheeler, Robert

Coughlin, Pamela
Dokmo, Cynthia
Fletcher, Richard
Gorman, Mary
Hall, Charles
Hawkins, Ken
Jasper, Shawn
Konys, Christine
L'Heureux, Robert
Lawrence, James
McElroy, Henry Jr
Moran, Edward
Ober, Russell III
Price, Pamela
Slocum, Lee
Tahir, Saghir

MERRIMACK

Anderson, Eric

Bouchard, Candace

Brueggemann,
Donald

Clarke, Claire

Colcord, J D
Dunne, Christopher

Currier, David
Field, William

DeJoie, John
Foley, Albert

DeStefano, Stephen
Fraser, Leo Jr

French, Barbara
Jacobson, Alf
Lockwood, Priscilla
Nutter, Edward
Wallner, Mary Jane

Gile, Mary
Kenison, Leon
MacKay, James
Reardon, Tara

Hager, Elizabeth
L'Heureux, Stephen
Maxfield, Roy
Reed, Dennis

Hess, David
Leber, William
McCormick, Tom
Seldin, Gloria

ROCKINGHAM

Allen, Mary
Camm, Kevin
Coes, Betsy
Davidson, Robert
Fesh, Bob
Gilbert, Karl
Griffin, Mary
Introne, Robert
Kelley, Jane
Major, Norman
McMahon, Charles
O'Neil, Michael
Quandt, Matthew
Ruffner, Walter
Stritch, C Donald
Weare, E Albert

Belanger, Ronald
Carson, Sharon
Cooney, Richard
Dearborn, Bruce
Flanders, John Sr
Gillick, Thomas
Hamel, Albert
Johnson, Rogers
Langley, Jane
McCann, Richard
Morris, Richard
Packard, Sherman
Rausch, James
Shultis, Elizabeth
Tufts, J Arthur
Welch, David

Blanchard, MaryAnn
Casey, Kimberley
Corbin, Corey
Doyle, Christopher
Francoeur, Sheila
Gleason, John
Hughes, Daniel
Katsakiores, George
Langone, John
McEachern, Paul
Norelli, Terie
Priestley, Anne
Robertson, Carl
Smith, Donald
Varrell, Thomas
Wiley, Robert

Bridle, Russell
Clark, Vivian
Dalrymple, Janeen
Dumaine, Dudley
Gilbert, Jeffrey
Gould, Kenneth
Ingram, Russell
Katsakiores, Phyllis
Letourneau, Robert
McKinney, Betsy
Noyes, Richard
Putnam, Ed II
Roessner, Kurt
Stone, Joseph
Waterhouse, Kevin
Zolla, William

STRAFFORD

Bemis, Alan
Campbell, W Packy
Hofemann, Roland
Rous, Emma
Taylor, Kathleen

Berube, Roger
Creteau, Irene
Johnson, Nancy
Schmidt, Peter
Vachon, Dennis

Bickford, David
Dunlap, Patricia
Keans, Sandra
Smith, Marjorie
Wall, Janet

Brown, Julie
Grassie, Anne
Pelletier, Arthur
Spang, Judith
Woods, Phyllis

SULLIVAN

Allison, David
Flint, Gordon Sr
Leone, Richard

Burling, Peter
Harris, Joseph
Rodeschin, Beverly

Donovan, Thomas
Harris, Sandra

Ferland, Brenda
Jones, Constance

NAYS 74

BELKNAP

Boyce, Laurie

CARROLL

None

CHESHIRE

Allen, Peter
Richardson, Barbara

Batchelder, Robert
Weed, Charles

Espieffs, Peter

Pratt, John

COOS

Woodward, David

GRAFTON

Diamond, Estelle

HILLSBOROUGH

Adams, Jarvis
Cote, Peter

Artz, Lawrence
Crane, Elenore
Casey

Balboni, Michael
Gibson, John

Chabot, Robert
Graham, John

Hinkle, Peyton
McRae, Karen

Hopper, Gary
Messier, Irene

Lefebvre, Roland
Pilotte, Maurice

McHugh, Claire
Ross, Lawrence

Shaw, Barbara	Souza, Kathleen	Sullivan, Peter	Sweeney, Cynthia
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MERRIMACK

Blanchard, Elizabeth	Davis, Frank	Hamm, Christine	Kennedy, Richard
Marple, Richard	Oliver, James	Osborne, Jessie	Ouellette, Robert
Owen, Derek	Perkins, Randy	Potter, Frances	Rush, Deanna
Soltani, Tony			

ROCKINGHAM

Bicknell, Elbert	Bishop, Franklin	Cady, Harriet	DiFruscia, Anthony
Dodge, Robert	Dupuis, Roland	Flayhan, Mary Lou	Headd, James
Johnson, Robert	Kobel, Rudolph	Pantelakos, Laura	Pitts, Jacqueline
Scamman, Stella	Splaine, James	Vallone, Matthew	Weldy, Norman Jr
Weyler, Kenneth	Winchell, George		

STRAFFORD

Albert, Russell	Cataldo, Sam	Easson, Timothy	Heon, Richard
Knowles, William	Miller, Joseph	Musler, George	Newton, Clifford
Rollo, Deanna	Scott, David	Twombly, James	

SULLIVAN

Cloutier, John	Franklin, Peter	Phinizy, James
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and the committee report was adopted.
Rep. Wall voted Yea and intended to vote Nay.

HB 330, relative to public utilities mergers and acquisitions. **INEXPEDIENT TO LEGISLATE**

Rep. Roy D. Maxfield for Science, Technology and Energy: The sponsors of HB 330 sought to change the standards for review by the Public Utilities Commission (PUC) of mergers and acquisitions. They would require the commission to send notices to all customers, shareholders and municipalities for such mergers etc. The current statute RSA 369:8 ll. (b), was the culmination of years of negotiating by all types of public utilities, the Public Utilities Commission and the consumer advocate, all under the leadership of the Science, Technology and Energy Committee. The provisions of RSA 369:8 were carefully crafted to specify for approval, i.e. specifically no adverse effect on rates, terms, conditions and operations of the New Hampshire utility. The committee agrees that the changes proposed by this bill would dramatically change the previously established consensus and adversely affect many of our utilities' ability to compete. In the recent past there have been several mergers and acquisitions considered by the PUC under this statute and the process has worked as intended. Vote 15-1.

Rep. McHugh spoke against.

Rep. Maxfield spoke in favor.

Rep. McHugh requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 308 NAYS 52

YEAS 308

BELKNAP

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

CARROLL

Babson, David Jr	Brown, Carolyn	Derby, Mark	Dickinson, Howard
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Hatch, Paul
Mock, Henry
Stevens, Stanley

Kenney, Bettie
Olimpio, J Lisbeth

McConkey, Mark
Patten, Betsey

Merrow, Harry
Philbrick, Donald

CHESHIRE

Allen, Peter
Eaton, Daniel
Laurent, John
Parkhurst, Henry
Royce, H Charles
Webber, Amy

Batchelder, Robert
Espieffs, Peter
Liebl, George
Pratt, Irene
Slack, Pamela

Dexter, Judson
Fish, Douglas
Meador, David
Pratt, John
Smith, Edwin

Dunn, James
Hunt, John
Mitchell, McKim
Robertson, Timothy
Tilton, Anna

COOS

Brady, Mark
Poulin, Richard
Woodward, David

Guay, Lawrence
Pratt, Leighton

King, Frederick
Richardson, Herbert

Mears, Edgar
Theberge, Robert

GRAFTON

Akins, Ralph
Benn, Bernard
Dorsett, Andrew
Giuda, Robert
Scovner, Nancy
Williams, Burton

Alger, John
Bleyler, Ruth
Dudley, Terri
Ingbretson, Paul
Sokol, Hilda

Almy, Susan
Cooney, Mary
Gilman, G Michael
Maybeck, Margie
Solomon, Peter

Barker, Robert
Densmore, Edward
Gionet, Edmond
Nordgren, Sharon
Sorg, Gregory

HILLSBOROUGH

Allen, Timothy
Barry, J Gail
Bouchard, David
Buckley, Raymond
Carter, Mark

Arnold, Thomas Jr
Batula, Peter
Brassard, Paul
Buhlman, David
Christensen, D L
Chris

Balboni, Michael
Beaton, William
Brundige, Robert
Carlson, Donald
Christiansen, Lars

Baroody, Benjamin
Bergin, Peter
Bruno, Pierre
Carter, Jeffrey
Clayton, William

Clemons, Jane
Dionne, Kimberley
Fields, Dennis
Goulet, Maurice
Hallyburton, Margaret
Holden, Randolph
Kerns, J Edward
Laflamme, Charles
Lessard, Rudy
Milligan, Robert
O'Brien, Lori
Pepino, Leo
Ross, Lawrence
Stepanek, Stephen
Wheeler, James

Coughlin, Pamela
Dokmo, Cynthia
Fletcher, Richard
Graham, John
Hansen, Ryan
Irwin, Anne-Marie
Konys, Christine
Lasky, Bette
Malloy, Chris
Mooney, Maureen
Ober, Russell III
Pilotte, Maurice
Rowe, Robert
Sullivan, Francis
Wheeler, Robert

Craig, James
Elliott, Larry
Gargas, Carolyn
Greenberg, Gary
Hawkins, Ken
Jasper, Shawn
Kurk, Neal
Lawrence, James
Mercer, Robert
Moran, Edward
Pappas, Christopher
Price, Pamela
Slocum, Lee
Tahir, Saghir

Desmarais, Vivian
Emerton, Larry
Gorman, Mary
Hall, Charles
Haytayan, Harry Jr
Johnson, Lionel
L'Heureux, Robert
Leach, Edward
Messier, Irene
Mosher, William
Pappas, Marc
Reeves, Sandra
Spiess, Paul
Vaillancourt, Steve

MERRIMACK

Anderson, Eric

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann,
Donald

Clarke, Claire
DeJoie, John
Foley, Albert
Hager, Elizabeth
Kenison, Leon
MacKay, James
Oliver, James

Colcord, J D
DeStefano, Stephen
Fraser, Leo Jr
Hamm, Christine
L'Heureux, Stephen
Maxfield, Roy
Ouellette, Robert

Currier, David
Dunne, Christopher
French, Barbara
Hess, David
Leber, William
McCormick, Tom
Owen, Derek

Davis, Frank
Field, William
Gile, Mary
Jacobson, Alf
Lockwood, Priscilla
Nutter, Edward
Perkins, Randy

Potter, Frances

Reardon, Tara

Reed, Dennis

Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
Bridle, Russell
Clark, Vivian
Dalrymple, Janeen
Dodge, Robert
Fesh, Bob
Gilbert, Karl
Griffin, Mary
Ingram, Russell
Katsakiores, George
Langley, Jane
McCann, Richard
Morris, Richard
Packard, Sherman
Putnam, Ed II
Ruffner, Walter
Splaine, James
Vallone, Matthew
Weyler, Kenneth

Belanger, Ronald
Camm, Kevin
Coes, Betsy
Davidson, Robert
Doyle, Christopher
Flanders, John Sr
Gillick, Thomas
Hamel, Albert
Introne, Robert
Katsakiores, Phyllis
Langone, John
McEachern, Paul
Norelli, Terie
Pantelakos, Laura
Rausch, James
Scamman, Stella
Stone, Joseph
Varrell, Thomas
Wiley, Robert

Bicknell, Elbert
Carson, Sharon
Cooney, Richard
Dearborn, Bruce
Dumaine, Dudley
Francoeur, Sheila
Gleason, John
Headd, James
Johnson, Robert
Kelley, Jane
Letourneau, Robert
McKinney, Betsy
Noyes, Richard
Pitts, Jacqueline
Robertson, Carl
Shultis, Elizabeth
Stritch, C Donald
Weare, E Albert
Winchell, George

Blanchard, MaryAnn
Casey, Kimberley
Corbin, Corey
DiFruscia, Anthony
Dupuis, Roland
Gilbert, Jeffrey
Gould, Kenneth
Hughes, Daniel
Johnson, Rogers
Kobel, Rudolph
Major, Norman
McMahon, Charles
O'Neil, Michael
Priestley, Anne
Roessner, Kurt
Smith, Donald
Tufts, J Arthur
Welch, David
Zolla, William

STRAFFORD

Bemis, Alan
Campbell, W Packy
Easson, Timothy
Johnson, Nancy
Newton, Clifford
Scott, David
Twombly, James

Berube, Roger
Cataldo, Sam
Grassie, Anne
Keans, Sandra
Pelletier, Arthur
Smith, Marjorie
Woods, Phyllis

Bickford, David
Creteau, Irene
Harrington, Michael
Knowles, William
Rous, Emma
Spang, Judith

Brown, Julie
Dunlap, Patricia
Hofemann, Roland
Musler, George
Schmidt, Peter
Taylor, Kathleen

SULLIVAN

Allison, David
Flint, Gordon Sr
Leone, Richard

Burling, Peter
Harris, Joseph
Phinizy, James

Cloutier, John
Harris, Sandra
Rodeschin, Beverly

Ferland, Brenda
Jones, Constance

NAYS 52

BELKNAP

None

CARROLL

None

CHESHIRE

Richardson, Barbara

Weed, Charles

COOS

None

GRAFTON

Diamond, Estelle

Hammond, Lee

Naro, Debra

HILLSBOROUGH

Adams, Jarvis
Chabot, Robert
Ford, Nancy
Hinkle, Peyton
Kudalis, Debra

Artz, Lawrence
Cote, David
Gibson, John
Hopper, Gary
LaFlamme, Paul

Bergeron, Jean-Guy
Cote, Peter
Gonzalez, Carlos
Jean, Claudette
Lefebvre, Roland

Cernota, Albert
Crane, Elenore Casey
Harrington, Paul
Kopka, Angeline
McElroy, Henry Jr

McHugh, Claire
Souza, Kathleen

McRae, Karen
Sullivan, Peter

Movsesian, Lori
Sweeney, Cynthia

Scanlon, Michael

MERRIMACK

Kennedy, Richard
Seldin, Gloria

Marple, Richard
Soltani, Tony

Osborne, Jessie

Rush, Deanna

ROCKINGHAM

Bishop, Franklin
Waterhouse, Kevin

Cady, Harriet
Weldy, Norman Jr

Flayhan, Mary Lou

Quandt, Matthew

STRAFFORD

Albert, Russell
Vachon, Dennis

Heon, Richard
Wall, Janet

Miller, Joseph

Rollo, Deanna

SULLIVAN

Donovan, Thomas Franklin, Peter
and the report was adopted.

HB 609-FN-A, relative to public interest payphones. **INEXPEDIENT TO LEGISLATE**
Rep. Elenore Casey Crane for Science, Technology and Energy: The committee recognizes the intent of the sponsors and concern of the community in areas where cell phone service is limited, and there is great reliance on public pay phones. However, it was suggested during discussions in committee that it may be dealt with on the local level as it provides, in some cases, an outlet for emergency services in those communities. The bill dealt mainly with a pay phone that was removed from a popular Acworth store. While there are concerns about the rising number of payphones being removed, a committee studying Public Interest Telephones (PIP's) found only five statewide, thus a statewide surcharge at this time was found inexpedient. Vote 12-2.

Rep. Gorman spoke against.

Rep. Thomas spoke in favor and yielded to questions.

On a division vote, 246 members having voted in the affirmative and 111 in the negative, the committee report was adopted.

HB 611-FN-A, establishing a choose life number plate trust fund, and a special motor vehicle license plate and associated fees, to support and promote New Hampshire adoptions. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: A few adult adoptees were offended that the bill was being used as an excuse for a pro life stance. If they were truly inspired for adoption, the plate would make the statement choose adoption not choose life. If the state is forced to provide a political forum for one group through the license plate then all groups have to be given the same opportunity. However offensive statements sound, they are a reality to demanding the Department of Safety, who actually owns these plates, to be the sponsor of a political message. The bill also states that no money goes for administrative fees. Isn't the state entitled to those fees if they collect and distribute the funds? The DOS estimates if they issue 5,000 special plates it costs \$97,500.00. Other states that have a population closest to New Hampshire's have seen very little financially coming in. In NH the conservation and veterans plates are slowly selling. People will more likely not be purchasing another special plate. The financial aspect of the bill divided the money 60% to agencies and centers for women in crisis pregnancies, 40% to agencies and centers for expenses, counseling, training and advertising. No money goes to any agency or center that even talks about abortion; unfair because clinics do tell women adoption is an option. Millions of children in the United States sit in foster homes because of neglect, abandonment and abuse, waiting to be adopted or even placed in a foster home. As was clearly stated, if this is about adoption, the plate should say choose adoption, not choose life, but both are political statements. This is not something the committee wants to do to force the DOS to

make a political statement regardless of our beliefs. It was suggested that the people would be better served if the money were donated to an agency or center of their choice, better yet become a foster parent. Vote 15-0.

Reps. Souza and Gonzalez spoke against.

Rep. Packard spoke in favor.

Rep. Souza requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 304 NAYS 48

YEAS 304

BELKNAP

Allen, Janet	Bartlett, Gordon	Clark, Charles	Dewhirst, Glenn
Fitzgerald, James	Holbrook, Robert	Lawton, David	Nedeau, Stephen
Pilliod, James	Russell, David	Whalley, Michael	

CARROLL

Babson, David Jr	Brown, Carolyn	Dickinson, Howard	Hatch, Paul
Kenney, Bettie	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	Liebl, George
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

Guay, Lawrence	King, Frederick	Mears, Edgar	Poulin, Richard
Pratt, Leighton	Richardson, Herbert	Theberge, Robert	Tholl, John Jr
Woodward, David			

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Benn, Bernard	Bleyler, Ruth	Cooney, Mary	Densmore, Edward
Diamond, Estelle	Dorsett, Andrew	Dudley, Terri	Gionet, Edmond
Giuda, Robert	Hammond, Lee	Ingbretson, Paul	Maybeck, Margie
Naro, Debra	Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda
Solomon, Peter	Sorg, Gregory	Williams, Burton	

HILLSBOROUGH

Arnold, Thomas Jr	Artz, Lawrence	Baroody, Benjamin	Barry, J Gail
Beaton, William	Bergeron, Jean-Guy	Bergin, Peter	Bruno, Pierre
Buckley, Raymond	Carlson, Donald	Carter, Mark	Cernota, Albert
Chabot, Robert	Christensen, D L	Clayton, William	Clemons, Jane
	Chris		
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Crane, Elenore	Desmarais, Vivian	Dionne, Kimberley	Dokmo, Cynthia
Casey			
Elliott, Larry	Emerton, Larry	Fields, Dennis	Fletcher, Richard
Ford, Nancy	Gargas, Carolyn	Gibson, John	Gorman, Mary
Goulet, Maurice	Goyette, Peter Jr	Graham, John	Greenberg, Gary
Hall, Charles	Hallyburton, Margaret	Hawkins, Ken	Haytayan, Harry Jr
Holden, Randolph	Hopper, Gary	Irwin, Anne-Marie	Jasper, Shawn
Jean, Claudette	Johnson, Lionel	Kerns, J Edward	Konys, Christine
Kopka, Angeline	Kudalis, Debra	Kurk, Neal	Laflamme, Charles

LaFlamme, Paul
 Lessard, Rudy
 Mercer, Robert
 Mosher, William
 Pappas, Christopher
 Ross, Lawrence
 Spiess, Paul
 Sweeney, Cynthia

Lasky, Bette
 Malloy, Chris
 Messier, Irene
 Movsesian, Lori
 Pappas, Marc
 Rowe, Robert
 Stepanek, Stephen
 Wheeler, Robert

Lawrence, James
 McElroy, Henry Jr
 Milligan, Robert
 O'Brien, Lori
 Pilotte, Maurice
 Scanlon, Michael
 Sullivan, Francis

Leach, Edward
 McRae, Karen
 Moran, Edward
 Ober, Russell III
 Price, Pamela
 Shaw, Barbara
 Sullivan, Peter

MERRIMACK

Anderson, Eric

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann,
 Donald

Clarke, Claire
 DeJoie, John
 Fraser, Leo Jr
 Hamm, Christine
 L'Heureux, Stephen
 Marple, Richard
 Oliver, James
 Perkins, Randy
 Rush, Deanna

Colcord, J D
 DeStefano, Stephen
 French, Barbara
 Hess, David
 Leber, William
 Maxfield, Roy
 Osborne, Jessie
 Potter, Frances
 Seldin, Gloria

Currier, David
 Dunne, Christopher
 Gile, Mary
 Jacobson, Alf
 Lockwood, Priscilla
 McCormick, Tom
 Ouellette, Robert
 Reardon, Tara
 Wallner, Mary Jane

Davis, Frank
 Foley, Albert
 Hager, Elizabeth
 Kenison, Leon
 MacKay, James
 Nutter, Edward
 Owen, Derek
 Reed, Dennis

ROCKINGHAM

Allen, Mary
 Bridle, Russell
 Clark, Vivian
 Dalrymple, Janeen
 Doyle, Christopher
 Francoeur, Sheila
 Gould, Kenneth
 Ingram, Russell
 Katsakiores, George
 Langley, Jane
 McCann, Richard
 Morris, Richard
 Pantelakos, Laura
 Robertson, Carl
 Shultis, Elizabeth
 Stritch, C Donald
 Weare, E Albert
 Winchell, George

Belanger, Ronald
 Camm, Kevin
 Coes, Betsy
 Davidson, Robert
 Dupuis, Roland
 Gilbert, Jeffrey
 Griffin, Mary
 Introne, Robert
 Katsakiores, Phyllis
 Langone, John
 McEachern, Paul
 Norelli, Terie
 Pitts, Jacqueline
 Roessner, Kurt
 Smith, Donald
 Tufts, J Arthur
 Welch, David
 Zolla, William

Bishop, Franklin
 Carson, Sharon
 Cooney, Richard
 Dearborn, Bruce
 Fesh, Bob
 Gillick, Thomas
 Headd, James
 Johnson, Robert
 Kelley, Jane
 Letourneau, Robert
 McKinney, Betsy
 O'Neil, Michael
 Priestley, Anne
 Ruffner, Walter
 Splaine, James
 Vallone, Matthew
 Weldy, Norman Jr

Blanchard, MaryAnn
 Casey, Kimberley
 Corbin, Corey
 Dodge, Robert
 Flanders, John Sr
 Gleason, John
 Hutchinson, Karen
 Johnson, Rogers
 Kobel, Rudolph
 Major, Norman
 McMahon, Charles
 Packard, Sherman
 Rausch, James
 Scamman, Stella
 Stone, Joseph
 Varrell, Thomas
 Weyler, Kenneth

STRAFFORD

Bemis, Alan
 Cataldo, Sam
 Harrington, Michael
 Keans, Sandra
 Rous, Emma
 Spang, Judith

Berube, Roger
 Creteau, Irene
 Heon, Richard
 Knowles, William
 Schmidt, Peter
 Taylor, Kathleen

Bickford, David
 Dunlap, Patricia
 Hofemann, Roland
 Musler, George
 Scott, David
 Vachon, Dennis

Brown, Julie
 Grassie, Anne
 Johnson, Nancy
 Rollo, Deanna
 Smith, Marjorie
 Wall, Janet

SULLIVAN

Allison, David
 Ferland, Brenda
 Harris, Sandra
 Rodeschin, Beverly

Burling, Peter
 Flint, Gordon Sr
 Jones, Constance

Cloutier, John
 Franklin, Peter
 Leone, Richard

Donovan, Thomas
 Harris, Joseph
 Phinizy, James

BELKNAP

Ahern, Omer Jr
Wendelboe, Fran

Boyce, Laurie

Flanders, Donald

Laflam, Robert

CARROLL

Derby, Mark

CHESHIRE

Laurent, John

COOS

None

GRAFTON

Gilman, G Michael

HILLSBOROUGH

Adams, Jarvis
Bouchard, David
Carter, Jeffrey
L'Heureux, Robert
Reeves, Sandra
Wheeler, James

Allen, Timothy
Brassard, Paul
Gonzalez, Carlos
McHugh, Claire
Slocum, Lee

Balboni, Michael
Brundige, Robert
Hansen, Ryan
Mooney, Maureen
Souza, Kathleen

Batula, Peter
Buhlman, David
Harrington, Paul
Pepino, Leo
Tahir, Saghir

MERRIMACK

Field, William

Kennedy, Richard

ROCKINGHAM

Bicknell, Elbert
Flayhan, Mary Lou
Putnam, Ed II

Cady, Harriet
Hamel, Albert
Quandt, Matthew

DiFruscia, Anthony
Hughes, Daniel
Waterhouse, Kevin

Dumaine, Dudley
Noyes, Richard
Wiley, Robert

STRAFFORD

Albert, Russell
Woods, Phyllis

Easson, Timothy

Newton, Clifford

Twombly, James

SULLIVAN

None

and the committee report was adopted.

HB 634-FN-L, establishing a limit on the applicable tax rate for local school district taxes
INEXPEDIENT TO LEGISLATE

Rep. Daniel M. Hughes for Ways and Means: This bill would limit municipalities from imposing local property taxes for support of local education at a rate at or below twice the equalized rate of the statewide education property tax. The Committee believes this would unduly interfere with municipalities' abilities to control their local education funding. Additionally, there were no alternative sources of revenue identified and implementation would not allow municipalities to address disparities created by different costs of their operations. Vote 18-0.
Adopted.

The House recessed at 12:20 p.m.

RECESS

(Speaker in the Chair)

The Speaker reconvened the House at 1:20 p.m.

REGULAR CALENDAR PART II

CACR 6, relating to the encouragement of literature. Providing that it shall be the duty of the legislators and magistrates to not hinder, impede or obstruct the interest of literature and the sciences. **INEXPEDIENT TO LEGISLATE**

Rep. Mark S. Carter for Education: The committee heard testimony on several CACR's concerning Article 83 of the second part of the New Hampshire Constitution. While all of the CACR's had some merit, the committee decided to retain CACR 2 and CACR 13 and to Inexpedient to Legislate CACR 6. Vote 17-0.
Adopted.

HB 232, repealing the one-year certificate of eligibility to teach. **INEXPEDIENT TO LEGISLATE**

Rep. Mark S. Carter for Education: This bill would have repealed RSA 189:39-b relative to one-year certificate of eligibility to teach. The majority of the committee felt that the existing law, passes just last year, appeared to be working and that a repeal was not warranted. Vote 13-4.
Adopted.

HB 405, authorizing school districts to authorize a period of time for silent individual reflection in public schools. **INEXPEDIENT TO LEGISLATE**

Rep. John Alger for Education: The majority of the committee feels this bill is not needed, since the law already provides for authorizing the pledge of allegiance (RSA 194.15-c) and a period of silent reflection (RSA 189:1-b). This piece of law was amended last year to its current form through passage of an earlier bill. Vote 16-1.
Adopted.

HB 202-FN, establishing an independent legislative redistricting commission. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Bernard J. Luebker for the Majority of Election Law: This bill would establish an independent legislative redistricting commission to prepare apportionment for the representatives and senators following each decennial census. The committee felt that this legislature should not bind a future legislature as to process. It further felt the representatives and senators would most likely prefer to do their own apportionment in their own way and at their own speed. Vote 10-6.

Rep. Charles F. Weed for the Minority of Election Law: An independent redistricting commission would remove the rancorous partisanship evident following the last decennial census. It would optimize the effectiveness that no district would be drawn for the purpose of favoring a political party, an incumbent, or any other group. Such a commission was to be established following the 2010 census.

Majority report adopted.

HB 745, relative to voters presenting identification to obtain a ballot. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael D. Whalley for the Majority of Election Law: This bill permits municipalities to require that voters present identification or sign an affidavit to obtain a ballot. The bill identifies a New Hampshire driver's license, armed services identification card, United States passport, or any other form of photographic identification as appropriate identification. When a municipality determines this is necessary for their community, all voters will be treated in the same manner. Vote 11-6.

Rep. Jane A. Clemons for the Minority of Election Law: This bill allows the legislative body of a municipality to adopt different procedures for elections. Some municipalities may require voters to offer photo identification while others will not. The minority believes voting procedures and laws in this state should be uniform. The minority also feels there is no voter

registration fraud on the radar screen in New Hampshire that would indicate the need for this form of ID, especially as there are some people that do not have a driver's license, passport, or armed services ID card. This would be discrimination.
Rep. Clemons requested a roll call; sufficiently seconded.
The question being adoption of the majority committee report.

YEAS 212 NAYS 94

YEAS 212

BELKNAP

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

CARROLL

Babson, David Jr	Brown, Carolyn	Derby, Mark	Dickinson, Howard
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
Liebl, George	Royce, H Charles	Smith, Edwin	

COOS

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

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Dorsett, Andrew
Dudley, Terri	Gilman, G Michael	Gionet, Edmond	Giuda, Robert
Ham, Bonnie	Ingbretson, Paul	Maybeck, Margie	Naro, Debra
Sorg, Gregory			

HILLSBOROUGH

Adams, Jarvis	Allen, Timothy	Arnold, Thomas Jr	Balboni, Michael
Barry, J Gail	Batula, Peter	Beaton, William	Bergeron, Jean-Guy
Bergin, Peter	Bouchard, David	Brundige, Robert	Bruno, Pierre
Carlson, Donald	Carter, Jeffrey	Carter, Mark	Cernota, Albert
Christensen, D L	Coughlin, Pamela	Desmarais, Vivian	Dionne, Kimberley
Chris			
Dokmo, Cynthia	Elliott, Larry	Emerton, Larry	Fields, Dennis
Fletcher, Richard	Ford, Nancy	Gibson, John	Gonzalez, Carlos
Goulet, Maurice	Greenberg, Gary	Hall, Charles	Hallyburton, Margaret
Hansen, Ryan	Hawkins, Ken	Haytayan, Harry Jr	Hopper, Gary
Jasper, Shawn	Kurk, Neal	L'Heureux, Robert	Laflamme, Charles
LaFlamme, Paul	Lessard, Rudy	Luebkert, Bernard	McElroy, Henry Jr
McHugh, Claire	McRae, Karen	Mercer, Robert	Messier, Irene
Milligan, Robert	Mooney, Maureen	Moran, Edward	Mosher, William
O'Brien, Lori	Ober, Russell III	Pepino, Leo	Price, Pamela
Reeves, Sandra	Rowe, Robert	Scanlon, Michael	Slocum, Lee
Souza, Kathleen	Spiess, Paul	Stepanek, Stephen	Sweeney, Cynthia
Tahir, Saghir	Wheeler, James		

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Colcord, J D	Currier, David
Field, William	Fraser, Leo Jr	Hess, David	Kenison, Leon
L'Heureux, Stephen	Leber, William	Lockwood, Priscilla	MacKay, James

Marple, Richard
Ouellette, Robert

Maxfield, Roy
Reed, Dennis

McCormick, Tom

Nutter, Edward

ROCKINGHAM

Allen, Mary
Cady, Harriet
Cooney, Richard
DiFruscia, Anthony
Flanders, John Sr
Gillick, Thomas
Headd, James
Johnson, Robert
Kobel, Rudolph
McCann, Richard
O'Neil, Michael
Roessner, Kurt
Stone, Joseph
Weare, E Albert
Wiley, Robert

Belanger, Ronald
Camm, Kevin
Corbin, Corey
Dodge, Robert
Flayhan, Mary Lou
Gould, Kenneth
Hughes, Daniel
Johnson, Rogers
Langley, Jane
McMahon, Charles
Priestley, Anne
Ruffner, Walter
Stritch, C Donald
Welch, David
Winchell, George

Bishop, Franklin
Carson, Sharon
Dalrymple, Janeen
Dumaine, Dudley
Francoeur, Sheila
Griffin, Mary
Ingram, Russell
Katsakiores, Phyllis
Langone, John
Morris, Richard
Putnam, Ed II
Scamman, Stella
Tufts, J Arthur
Weldy, Norman Jr
Zolla, William

Bridle, Russell
Clark, Vivian
Dearborn, Bruce
Dupuis, Roland
Gilbert, Karl
Hamel, Albert
Introne, Robert
Kelley, Jane
Major, Norman
Noyes, Richard
Rausch, James
Smith, Donald
Waterhouse, Kevin
Weyler, Kenneth

STRAFFORD

Albert, Russell
Easson, Timothy
Woods, Phyllis

Cataldo, Sam
Keans, Sandra

Creteau, Irene
Musler, George

Dunlap, Patricia
Twombly, James

SULLIVAN

Flint, Gordon Sr

Jones, Constance

Leone, Richard

Rodeschin, Beverly

NAYS 94

BELKNAP

None

CARROLL

Hatch, Paul

CHESHIRE

Allen, Peter
Mitchell, McKim
Slack, Pamela

Batchelder, Robert
Parkhurst, Henry
Tilton, Anna

Eaton, Daniel
Pratt, Irene
Webber, Amy

Espiefs, Peter
Richardson, Barbara
Weed, Charles

COOS

Poulin, Richard

GRAFTON

Almy, Susan
Densmore, Edward
Scovner, Nancy

Benn, Bernard
Diamond, Estelle
Sokol, Hilda

Bleyler, Ruth
Hammond, Lee
Solomon, Peter

Cooney, Mary
Nordgren, Sharon

HILLSBOROUGH

Brassard, Paul
Cote, Peter
Jean, Claudette
Kudalis, Debra
Pilotte, Maurice
Sullivan, Peter

Buckley, Raymond
Gorman, Mary
Johnson, Lionel
Lefebvre, Roland
Ross, Lawrence

Buhlman, David
Graham, John
Konys, Christine
Movsesian, Lori
Shaw, Barbara

Cote, David
Irwin, Anne-Marie
Kopka, Angeline
Pappas, Christopher
Sullivan, Francis

MERRIMACK

Bouchard, Candace

Brueggemann,
Donald

Clarke, Claire

Davis, Frank

DeJoie, John

French, Barbara

Hamm, Christine

Jacobson, Alf

Oliver, James
Potter, Frances

Osborne, Jessie
Rush, Deanna

Owen, Derek
Wallner, Mary Jane

Perkins, Randy

ROCKINGHAM

Blanchard, MaryAnn
McEachern, Paul
Robertson, Carl

Casey, Kimberley
Norelli, Terie
Shultis, Elizabeth

Coes, Betsy
Pantelakos, Laura
Splaine, James

Hutchinson, Karen
Pitts, Jacqueline

STRAFFORD

Berube, Roger
Johnson, Nancy
Rous, Emma
Taylor, Kathleen

Grassie, Anne
Knowles, William
Schmidt, Peter
Vachon, Dennis

Heon, Richard
Miller, Joseph
Smith, Marjorie
Wall, Janet

Hofemann, Roland
Rollo, Deanna
Taylor, Katherine

SULLIVAN

Allison, David
Franklin, Peter

Burling, Peter
Harris, Joseph

Cloutier, John
Harris, Sandra

Donovan, Thomas

and the majority report was adopted.

Ordered to third reading.

Reps. Clemons, Lasky and John Pratt did not vote and wish to be recorded against.

Rep. Artz did not vote and wish to be recorded in favor.

HB 772-FN-L, including undeveloped shoreline property in land granted tax relief under current use. **INEXPEDIENT TO LEGISLATE**

Rep. Donald R. Philbrick for Environment and Agriculture: This bill would provide tax relief for many landowners of shorefront property by allowing them to enroll their land in current use. Today, by law, you must have 10 or more acres to enroll in current use. This would be a major shift in policy and would be a large loss of tax revenue for communities, resulting in a tax benefit for a few who own land on a waterbody. This was reported to be for the purpose of improving water quality, but no evidence was presented that this would not do anything that the shoreline protection act now does. Vote 9-6.

Adopted.

HB 356-FN, relative to including medical benefits costs in the purchase of creditable service in the retirement system. **OUGHT TO PASS**

Rep. William R. Zolla for Executive Departments and Administration: This bill would require those members purchasing creditable service in the system and anticipating medical benefits upon retirement to make a contribution to the medical sub trust also. In so doing those members already eligible for these benefits upon retirement as well as those already receiving them will not have the sub trust's original terminal funding depreciated sooner than planned for. Vote 17-0.

Adopted and ordered to third reading.

HB 61, relative to the taking of migratory game birds in the Connecticut River zone.

OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. Laflam for Fish and Game: This bill provides for reciprocity with Vermont for the taking of migratory game birds by both New Hampshire and Vermont's residents in a "zone" that includes dry land on both sides of the river as defined by recognizable boundaries such as highways. Vote 10-4.

Amendment (0057h)

Amend the bill by replacing section 1 with the following:

1 New Section; Migratory Game Birds; Taking in Connecticut River Zone; Reciprocity.

Amend RSA 209 by inserting after section 5 the following new section:

209:5-a Connecticut River Zone.

I. A person holding a Vermont resident hunting license which allows the taking of migratory waterfowl and coots, may take migratory game birds except woodcock and snipe, as provided in RSA 209:5, from the Connecticut River zone, provided the state of Vermont grants the same right to a person holding a New Hampshire resident hunting license and waterfowl stamp which allows the taking of migratory game birds in the Connecticut River zone in Vermont pursuant to 10 VSA 4909.

II. The Connecticut River zone in New Hampshire shall include that portion of New Hampshire lying west of the line defined by New Hampshire Route 63 from the Massachusetts border north to Route 12; Route 12 north to Route 12-A; Route 12-A north to Route 10; Route 10 north to Route 135; Route 135 north to U.S. Route 3; U.S. Route 3 north to the intersection with the Connecticut River.

Adopted.

Report adopted and ordered to third reading.

HB 788-FN-A, repealing the certificate of need law. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Charles E. McMahon for the Majority of Health, Human Services and Elderly Affairs: The bill repeals the Certificate of Need (CON) board process which is the regulatory tool of the Health Services Planning and Review Board. The bill as amended creates a system that allows competition while protecting small hospitals and preventing an over supply of expensive new inpatient services or additional inpatient beds. The goal of the original CON process was to manage growth of health care Facilities State wide while reducing costs incurred by New Hampshire citizens. The committee believes the CON process has fallen short of this mission and has become protectionist of the existing structure at the expense of the New Hampshire health service consumer. Additionally, the committee found the CON process has less to do with the “quality” of care than it did with restricting the volume of choices available to citizens for care. The committee heard five hours of testimony both in support and opposition of the bill. It became apparent to the majority that the current system was restrictive and non-responsive to New Hampshire citizens. The amendment provides for the transfer of existing CON oversight to the Health and Human Services Office of Health, Planning and Medicare. Further, it provides improvements by instituting a review process of inpatient vs. outpatient care resulting in reduced bureaucracy, regulation and more efficient use of staff while guarding against over expansion of facilities in the state by certificate of review process. The committee agreed the bill, as amended, would provide for competition in the delivery and access to outpatient health services. The existing staff, relieved of the current over regulatory time drain, will be used to do more efficient long term health care planning and assessment as well as assuring improvements in quality of care issues. Based on consideration of the information received, the committee felt that the bill would help to ensure that all New Hampshire citizens have access to high quality, cost effective health care services. For years the Legislature has sought for oversight of this regulatory and planning process and this bill as amended allows for that. It also places inpatient and outpatient medical facilities on a level playing field, which is good for the citizens of New Hampshire. Vote 13-5.

Rep. Hilda W. Sokol for the Minority of Health, Human Services and Elderly Affairs: The bill repeals the Healthcare and Review Board (CON) which was designed to regulate growth costs and to avoid duplication of facilities and inpatient and outpatient medical services. Repealing the CON could lead to proliferation of costly facilities and major equipment. We firmly believe that healthcare is a service and not a business. Thus, we have great concern that private health providers may take the profitable services and leave the “money losers” to hospitals. In lieu of the certificate of need, this bill would replace it with a certificate of review establishing different procedures for inpatient and outpatient facilities.

Majority Amendment (0489h)

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

AN ACT transferring the duties of the health services planning and review board.

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

1 Certificate of Review. RSA 151-C is repealed and reenacted to read as follows:

CHAPTER 151-C

CERTIFICATE OF REVIEW OF PROPOSED NEW INSTITUTIONAL HEALTH SERVICES

151-C:1 Legislative Findings; Public Interest; Review and Assessment of New Health Services. It is declared to be the public policy of this state that:

I. The general welfare and protection of the lives, health, and property of the people of this state require that all new inpatient institutional health services be offered or developed in a manner which avoids unnecessary duplication, contains or reduces increases in the cost of delivering services, and promotes rational allocation of health care resources in the state;

II. The state has a compelling interest in working with the health care delivery system to set standards relative to the size, type, level, quality, and affordability of health services offered in New Hampshire; and

III. The state has an interest in promoting and stimulating collaboration among providers in the health care marketplace as a means of managing the increases in health care costs.

151-C:2 Definitions. In this chapter:

I. "Ambulatory surgical facility" means a health care facility or a portion of a health care facility which provides surgical treatment to patients not requiring hospitalization, and does not include the offices of private physicians or dentists, whether in individual or group practices.

II. "Applicant" means a person responding to a request for application for certificate of review.

III. "Bed capacity" means the total number of licensed beds in a facility licensed under RSA 151; or in the case of state facilities, it means the total number of beds in service (staffed).

IV. "Business day" includes any day, Monday through Friday, except legal holidays.

V. "Capital expenditure" means an expenditure which, under generally accepted accounting principles consistently applied, is not properly chargeable as an expense of operation or maintenance, and includes acquisition by purchase, by transfer, or by lease or comparable arrangement, or through donation, if the expenditure would have been considered a capital expenditure if acquisition had been by purchase.

VI. "Categories of service" means health services offered in or through a health care facility which were not offered on a regular basis in or through such health care facility within the 12-month period before the time such services would be offered.

VII. "Certificate of review" means a certificate issued by the state agency approving the offering or development of a proposed new inpatient institutional health service.

VIII. "Confidential commercial information" means any information filed either by a health care facility in an application for certificate of review or data disclosure under RSA 126:25 that contains either a trade secret or other commercial information:

(a) That has not yet been revealed to persons other than (i) employees, agents, or attorneys of the filing party; (ii) other persons or entities with which the filing party is engaging in a joint venture or other commercial action in concert; and (iii) other persons or entities with which the filing party is actively negotiating for the purchase or sale of goods or services; and

(b) That would, if revealed, substantially and adversely affect the ability of the filing party or its affiliated interests to compete with other entities offering or proposing to offer the same goods and services in the same market.

IX. "Confidential financial information" means any financial information filed by a health care facility in accordance with an application for certificate of review or data disclosure under RSA 126:25:

(a) That has not yet been revealed to persons other than (i) employees, agents, or attorneys of the health care facility; (ii) other persons or entities with which the health care facility is jointly participating in an effort to obtain financing; and (iii) other persons or entities to which the health care facility has applied for financing;

(b) That would, if revealed, substantially, predictably, and adversely affect the ability of the health care facility or its affiliated interests to obtain financing on reasonable terms in competition with others seeking similar types of capital; and

(c) That could lawfully be concealed under applicable laws governing financial transactions.

X. "Construction" includes actual commencement of any construction or fabrication of any new building, or addition to any existing facility, or any expenditure, relating to the alteration, remodeling, renovation, modernization, improvement, relocation, repair, or replacement of a health care facility or health maintenance organization which adds inpatient beds or is with the intent to add a new inpatient institutional service.

XI. "Consumer of health care" means a person who is not a provider of health care.

XII. "Conversion" means change of the distribution of existing beds in a health care facility affecting acute care, skilled nursing care, intermediate care, psychiatric care, and substance abuse care as defined in the applicable state or federal law.

XIII. "Days" means calendar days, unless otherwise specified.

XIV. "Health care facility" means hospitals, ambulatory surgical facilities, specialty hospitals and licensed nursing homes including all services and property owned by such. Health care facilities shall include facilities which are publicly or privately owned or for-profit or not-for-profit, and which are licensed or required to be licensed in whole or in part by the state.

XV. "Health maintenance organization" means a public or private organization, organized under the laws of any state or the federal government which:

(a) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: usual physician services, hospitalization, laboratory, x-ray, emergency and preventive services, and out-of-area coverage; and

(b) Is compensated, except for co-payments, for the provision of the basic health care services listed in subparagraph (a) to enrolled participants on a predetermined periodic basis without regard to the date on which health care services are provided; a predetermined periodic basis shall be fixed without regard to the frequency, extent, or kind of health care service actually provided; and

(c) Provides physician services primarily (1) directly through physicians who are either employees or partners of such organization, or (2) through arrangements with individual physicians or one or more groups of physicians organized in a group practice or individual basis, or (3) a combination of (1) and (2), as provided herein.

XVI. "Health services" means clinically related diagnostic, treatment, or rehabilitative services, as well as preventive services, and includes, without limitation, alcohol, drug abuse, and mental health services.

XVII. "Hospice" means a concept of care to assist dying patients to live their remaining weeks or months as free of symptoms and as much in control as possible. Such care can be provided in the individual's home, in a residential setting outside of the individual's home or in a hospital or long-term care facility.

XVIII. "Hospice house" means a free standing 24-hour residential setting licensed under RSA 151 as a supported residential care facility for terminally ill individuals with less than one year to live who no longer have a home or cannot remain safely there. Palliative care such as room, meals, personal care, medication monitoring and emotional support, is

provided. Additional health care services may be provided to residents through arrangements with outside organizations as is currently available if the resident was in his or her own home.

XIX. "Hospital" means an institution which is engaged in providing to patients, under supervision of physicians, diagnostic and therapeutic services for medical diagnosis, treatment and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of such persons. The term "hospital" includes psychiatric and substance abuse treatment hospitals.

XX. "Inpatient services" means all care delivered to patients staying more than 24 hours in a health care facility, including, but not limited to, alcohol and drug dependency, psychiatric services, physical rehabilitation, cardiology services, obstetrical services, and general medical and surgical services.

XXI. "Institutional health service" means any proposed project for which a standard must be developed under RSA 151-C:5, II.

XXII. "Intermediate care facility" means an institution which, on a regular basis, provides health-related care and services of a lower level than those provided by a hospital or skilled nursing facility but above the level of room and office.

XXIII. "Location" means service area.

XXIV. "Major new facilities" means the construction, development, or other establishment of a new inpatient health care facility.

XXV. "Nursing home or facility" means a place which shall provide, for 2 or more persons, basic domiciliary services (office, room, and laundry), continuing health supervision under competent professional medical and nursing direction, and continuous nursing care as may be individually required.

XXVI. "Office" means the office of planning and research, department of health and human services.

XXVII. "To offer", when used in connection with health services, means that a health care provider holds itself out as capable of providing, or as having the means for the provision of, specified health services.

XXVIII. "Outpatient services" means all care delivered to patients who are not required as a part of treatment to stay in excess of 24 hours from time of admission in a health care facility.

XXIX. "Person" means an individual, trust, state, partnership, committee, corporation, nonprofit health service corporation, association and other organizations such as joint stock companies and insurance companies, or a political subdivision or instrumentality of a state, including a municipal corporation.

XXX. "Physical facility or site" means the total buildings, structures, and land of a health care facility.

XXXI. "Provider of health care" means a person:

(a) Who is a direct provider of health care, including a physician, dentist, nurse, podiatrist, optometrist, physician assistant, or ancillary personnel employed under the supervision of a physician, in that the individual's primary current activity is the provision of health care to individuals or the administration of facilities or institutions, including hospitals, long-term care facilities, rehabilitation facilities, alcohol and drug abuse treatment facilities, outpatient facilities, and health maintenance organizations, in which such care is provided and, when required by the laws of this state, who has received professional training in the provision of such care or in such administration and is licensed or certified for such provision or administration;

(b) Who holds a fiduciary position with, or has a fiduciary interest in, any entity described in subparagraph (c)(2) or (c)(4) of this paragraph other than an entity described in either such subparagraph which is also an entity described in section 501(c)(3) of the Internal Revenue Code of 1954 and which does not have as its primary purpose the delivery

of health care, the conduct of research, the conduct of instruction for health professionals, or the production of drugs or articles described in subparagraph (c)(3) of this paragraph;

(c) Who receives (either directly or through the person's spouse) more than 1/5 of his gross annual income from any one or combination of the following:

(1) Fees or other compensation for research into or instruction in the provision of health care;

(2) Entities engaged in the provision of health care or in research or instruction in the provision of health care;

(3) Producing or supplying drugs or other articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care; or

(4) Entities engaged in producing drugs or such other articles;

(d) Who is the member of the immediate family of an individual described in subparagraph (a), (b), or (c); or

(e) Who is engaged in issuing any policy or contract of individual or group health insurance, hospital, or medical service benefits. An individual shall not be considered a provider of health care solely because the individual is a member of the governing office of an entity described in subparagraph (c)(2) or (c)(4).

XXXII. "Psychiatric hospital" means an institution which is primarily engaged in providing to inpatients, by or under the supervision of a physician, psychiatric services for the diagnosis, treatment, and rehabilitation of mentally ill and emotionally disturbed persons.

XXXIII. "Rehabilitation facility" means an inpatient facility which is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical and other services which are provided under competent professional supervision.

XXXIV. "Request for application" means a formal publication of need for a specific service based on an existing standard, revised standard, or new standard as developed pursuant to RSA 151-C:5 and 6.

XXXV. "Review" means the review of applications submitted in response to a request for application published by the office.

XXXVI. "Skilled nursing facility" means an institution or a distinct part of an institution which is primarily engaged in providing to injured, disabled, or sick inpatients skilled nursing care, and rehabilitative and related services.

XXXVII. "Standard" means a health policy guideline developed by the office and instituted under the provisions of RSA 541-A.

151-C:3 Ambulatory Surgical Facilities. An ambulatory surgical facility may provide beds or other accommodations for the overnight stay of up to 5 patients not to exceed 24 hours from the time of admission. Thereafter, an individual patient shall be discharged in an ambulatory condition or shall be transferred to an inpatient health care facility. The rules adopted pursuant to 1996, 299:4 regarding quality and safety standards for overnight beds in ambulatory surgical facilities shall remain in effect.

151-C:4 Prohibitions.

I. No new inpatient institutional health service shall be offered or developed within the state, nor shall any arrangement or commitment for financing the offering or developing of a new inpatient institutional health service be made, except pursuant to obtaining a certificate of review for such service.

II. No certificate of review shall be granted by the office unless a standard has been developed which delineates the need for the service and outlines the criteria which must be met by any person proposing such a service.

III.(a) No certificate of review shall be granted by the office for any nursing home, skilled nursing facility, intermediate care facility or rehabilitation facility from the effective date of chapter 310, laws of 1995, department of health and human services reorganization act, through the period ending June 30, 2003, except that a certificate of review shall be

issued for replacement or renovation of existing beds as necessary to meet life safety code requirements or to remedy deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification process pursuant to titles XVIII and XIX of the Social Security Act.

(b) No certificate of review shall be granted by the office for any nursing home, skilled nursing facility or intermediate care facility if it will result in the total number of licensed nursing facility beds in the region exceeding 40 beds per each 1,000 persons aged 65 and older living in the region.

IV. Any applications for certificates of review for nursing homes or facilities or rehabilitation facilities pending on the effective date of this paragraph shall be suspended pending revision of such standard of need.

V. The office shall apply the revised standard of review to any suspended pending applications.

151-C:5 Standard Development.

I. Prior to development or review of any new institutional health service the office shall publish in one or more newspapers of general circulation within each county, a description of the scope of coverage of its program for development and review of standards and the review of applications responding to requests for applications (RFA's) including the activities covered in RSA 151-C:5, II and 151-C:13. Whenever the scope of such coverage is revised, the office shall publish a revised description thereof, as provided in this paragraph.

II. The office shall develop standards for new inpatient institutional health services. These include the following:

(a) The transfer of ownership, in whole or in part, of an existing health care facility, or the acquisition of all or substantially all of its assets or stock, except where the transfer of ownership would be subject to the provisions of reevaluation of assets as outlined in the Federal Deficit Reduction Act of 1984;

(b) The development and offering of new inpatient services;

(c) The increase or conversion of inpatient beds resulting in an increase of more than 10 beds or 10 percent of the total bed complement, whichever is less, during a 2-year period;

(d) A threshold amount for construction of ambulatory surgical centers within the service area of a hospital with fewer than 70 general hospital beds licensed by the department of health and human services shall be \$500,000, which threshold shall be adjusted annually using an appropriate inflation index, unless there is an objection by such hospital, in which case the application shall be subject to review regardless of value. The office shall determine by rule the service areas of such hospitals.

III. The office shall develop, pursuant to rules adopted under RSA 541-A, standards of need on health care services listed in paragraph II of this section. All persons enumerated in paragraph I of this section shall receive notice of all the standards and public hearings relative to the standards. The office shall publish notice of proposed standards in a state-wide newspaper and at least one newspaper in each county of the state. Each notice shall include dates and locations of public hearings.

151-C:6 Procedures for Existing Standards; No Standards.

I. If a standard of need, which precludes additional services, has existed for longer than 24 months, any person may request that the standard be reviewed to determine whether the standard should be continued. The 24-month requirement may be waived if it can be demonstrated that there has been a change in technology, market, or price which would warrant review of the standard. Notwithstanding RSA 541-A:4, the procedure shall be as follows:

(a) A request for a standard review shall be submitted in writing to the office.

(b) Within 30 days of the receipt of the request, the office must notify, in writing, the person making the request of the commencement of the 120-day standard review process

or that the proposed project is not in accordance with RSA 151-C:5, II, and no standard review shall take place.

(c) The review of an existing standard shall take no longer than 120 days. Adoption of the standard shall be in accordance with RSA 541-A.

(d) The office shall notify persons, pursuant to RSA 151-C:5, I, of the beginning of the standard review period and the schedule for the review.

(e) If the office does not provide a standard allocating the new service or a statement on competition within the allotted 180 days, the proposed service shall not be required to obtain a certificate of review and shall not be subject to regulation under RSA 151-C.

II. In the case of a service for which there is no standard, any person may request, in writing, that the office develop a standard. Notwithstanding RSA 541-A:4, the procedure shall be as follows:

(a) A request for a standard development shall be submitted in writing to the office.

(b) Within 30 days of the receipt of the request, the office shall notify, in writing, the person making the request of the commencement of the 120-day standard development process or that the service is not in accordance with RSA 151-C:5, II, and no standard development shall take place.

(c) The development of a new standard shall take no longer than 120 days. Adoption of the standard shall be in accordance with RSA 541-A.

(d) The office shall notify persons, pursuant to RSA 151-C:5, I, of the beginning of the standard development period and the schedule for the review.

(e) The standard shall be either a standard allocating the new service by number, type, and location or a statement that the proposed new service is in the best competitive interest of health care in the state and shall not be subject to the provisions of RSA 151-C:8. The decision of the office shall be considered a final decision.

(f) If the office does not provide a standard allocating the new service or a statement on competition within the allotted 180 days, the proposed service shall not be required to obtain a certificate of review and shall not be subject to regulation under RSA 151-C.

III. In any standards for nursing facilities, the office shall provide that priority for a certificate of review for additional nursing facility beds shall be given to any facility which after January 1, 1999, has surrendered its certificate of review for the same or greater number of nursing facility beds. A facility may transfer to any other entity its priority status for a new certificate of review.

151-C:7 Criteria. Every standard developed by the office shall stipulate the criteria which must be met by any successful applicant applying to fill a need identified in the standard. At a minimum these shall include:

I. The immediate and long range financial feasibility of the proposed project, including the probable impact of costs and charges of the facility on health insurance premiums and personal health expenditures in the state or the region of the state.

II. The availability of resources for the proposed project including health and management personnel and funds, capital, and operating needs.

III. The degree to which the proposed project will be accessible to persons who are medically underserved, including, but not limited to, persons with a disability and indigent persons.

IV. In the case of existing facilities or entities with other facilities, records of the quality of care which may include records from state, federal, and private licensing and accreditation facilities. In the case of new entities, assurance of the quality of care stated in measurable terms.

151-C:8 Procedures for Certificate of Review.

I. If a standard developed through RSA 151-C:5 or 151-C:6 indicates a need for additional health services, the office shall issue a request for applications. The office shall publish, in other than the legal notices section, in a newspaper of statewide distribution and in at least one newspaper in every county, as well as notify all affected persons as defined in paragraph VI(b) of this section, a notice that the office is requesting applications for certificates of review for the specified service. At a minimum the notice shall include:

(a) A brief description of the service to be provided, including the amount, type, and location as established by the standard.

(b) The final date that applications are to be submitted which shall be no sooner than 60 days from the date of publication. An application in response to a request for application may be submitted prior to the deadline, but no review shall commence prior to the deadline.

(c) An address at which applicants may obtain copies of the application format as well as the minimum criteria and specifications which shall be the basis for judging the merits of each application.

II. The office shall be available to provide technical assistance to any applicant submitting an application in response to a request for applications.

III. All applications received in response to a single request for applications shall be reviewed simultaneously and shall be considered in relationship to each other.

IV. Every application shall contain such information as the office adopts by rule. The office shall not require any information which it has not adopted by rule. The information requirements established by the office may vary according to the purpose of the review or the type of health service being reviewed. In addition to the information required for submission to the office, any applicant may submit, and the office shall duly consider, any other information.

V.(a) The office shall examine every application for form and completeness, and the information required by RSA 151-C:7 as well as the specifications and standards outlined in the request for application. If an application is determined incomplete by the office, it shall notify the applicant by certified mail within 15 business days of receipt of the application. Such notification shall include a full explanation of the reasons for incompleteness. If no request for additional information is made by the office within the 15 business days, the application shall be considered complete.

(b) An applicant whose application is incomplete shall be allowed a maximum of 15 business days, from the date of receipt of notification of incompleteness, to provide the required additional information. The applicant shall not provide more than the required additional information. The office shall then review the additional information provided by the applicant; and, if satisfactory, the application shall be considered complete and the applicant shall be notified by certified mail. If the application is still found to be incomplete, the office shall mail the applicant a notification within 10 business days of receipt of the additional information. If no such notification is mailed to the applicant by the office within the 10 business days' period, the application shall be considered complete. Within 5 business days of the receipt of any information submitted pursuant to the second completeness notice, the office shall notify the applicant as to whether such information is satisfactory and the application shall be considered complete.

(c) Any applicant whose application is incomplete following the second completeness review under subparagraph (b) may, by certified mail, within 5 business days of receipt of the second notice of incompleteness:

(1) Provide the additional required information; or

(2) Stipulate that it wishes to have its application reviewed by the office notwithstanding its incompleteness. Any applicant whose application is incomplete and who fails to either provide the additional required information or stipulate that it wishes to have its application reviewed notwithstanding its incompleteness shall waive any right to have its application reviewed.

(d) The state agency shall review any application for which a stipulation has been filed pursuant to subparagraph (c).

(e) An applicant may withdraw an application at any time thereby terminating the review process.

VI.(a) Within 10 business days of completion of the completeness review under paragraph V of this section, the office shall mail, to any qualified applicant, a notice that formal review of the application has begun and shall publish the notice in other than the legal notice section of one or more newspapers of general circulation in the state and in one or more newspapers of general circulation in the service area of the facility to be reviewed. The office shall provide all affected persons, as defined in subparagraph (b), with written notification of the beginning of a review. The notice shall include a statement that review has begun and the proposed schedule for review by the office.

(b) For purposes of this paragraph, "affected persons" include organizations of health care providers and organizations of health care consumers, as defined by the office by rules adopted pursuant to RSA 541-A, and members of the public who are to be served by the proposed project. For purposes of this paragraph, notification of all qualified applicants in which the proposed project is to be offered or developed shall be by certified mail. Notification to all affected persons shall be by mail and notification to members of the public shall be by newspaper. Notification by newspaper shall serve as appropriate notice to all health care facilities located within the state.

(c) If an affected person fails to receive notification which was provided in accordance with this paragraph, such failure of notice shall not be grounds for reversal of a decision made by the office, defeat any jurisdiction of the office, or adversely affect the regularity of any proceedings before the office.

VII. The date on which notification is sent to qualified applicants or the date on which notification to the members of the public first appears in a newspaper published in the state, whichever occurs later, shall be the date of notification and shall be the beginning date of the review cycle of the office.

VIII. The office shall establish review schedules which provide that no review by the office shall, to the extent possible, take longer than 90 calendar days from the beginning of the review cycle to the date of a final decision of the office. In accordance with the requirements of RSA 151-C:11, the office shall adopt exception criteria for determining when it would not be practicable to complete a review within 90 calendar days. If an application clearly meets such exception criteria, the agency may provide for a single extension of the review period for a total of 30 calendar days beyond the initial 90-day period. The total review period for certificate of review shall not extend beyond 120 days from the beginning of review.

IX. Upon request, the office shall provide for access by the general public to all applications reviewed by the office and to all other written materials pertinent to office review.

X. The office shall provide in its review procedures for a public hearing. The office shall, prior to such hearing, provide notice of such hearing in accordance with the notification provisions in paragraph VI of this section. The procedures for a public hearing shall include an opportunity for any person to present testimony regarding the proposed project, the right of any persons testifying to be accompanied and advised by legal counsel, the right of any qualified applicant to cross-examine witnesses, and the establishment of a formal record of the hearing. The office shall not impose any fee for such a public hearing.

XI. During the course of review of any application for a certificate of review, the office shall take reasonable measures to prohibit and prevent all ex parte communication relating to the merits of such application.

XII.(a) After an application has been filed with the office, the applicant may file a request to amend the application only during the 45 days after the date of notification of the beginning of review. If the office grants the applicant's request, the application shall be filed

30 days after the office's approval. The office shall examine the amended application for form and completeness, for information required in RSA 151-C:7, and for conformity to all applicable standards in the request for applications. If an application is determined incomplete, the office shall notify the applicant by certified mail within 10 business days of receipt of the amended application. The applicant whose application is incomplete shall be allowed a maximum of 10 business days from the date of receipt of the office's notification of incompleteness to provide the required additional information. The amended application shall then be considered complete and processed in accordance with the provisions of paragraph VIII.

(b) When an application is filed with the office, an applicant shall be required by the office to file an amendment of the application when any supporting documentation or other material submitted to the office by the applicant indicates that:

(1) The nature, scope, or location of the project will differ substantially from those described in the application;

(2) The method of financing will differ substantially from that described in the application in that the estimated capital expenditure will exceed that proposed in the application by 15 percent plus the inflation factor, as specified in RSA 151-C:12, IV.

(3) The identity of the applicant has changed.

(4) The office may waive the requirements of subparagraph (b)(1), (2) or (3) if it is determined that the proposed amendment of the application is technical or otherwise insignificant.

(c) If an amendment is filed in accordance with subparagraph (a) or (b), the application shall return to the point in the review process defined in paragraph VI relative to the notification to the applicant that review of the application has begun.

XIII. Any action by the office or by an applicant pursuant to this section which results in a delay of the review process shall affect all applicants which filed under the same request for application and are considered by the office to be competing.

151-C:9 Decision Regarding Certificate of Review; Issuance of Certificate of Review; Reconsideration.

I. Upon completion of the review, the office shall render a decision on the applicant or applicants which filed in response to a request for application. The decision shall be in the form of an approval, denial, or an approval with conditions. An approval of a certificate of review shall be in conformance with the standard used as the basis for the request for application.

II. The office shall consider competing applicants in relationship to each other. The decision shall be based on the applicant who demonstrates superiority in cost effectiveness, quality, and affordability and who will best meet the specifications and criteria outlined in the standard.

III. If the office fails to issue a final decision within the time period specified for the review, a certificate of review shall be denied. The applicant may either request a reconsideration hearing under paragraph IV, or, within a reasonable time following the expiration of that period, petition the supreme court to require the office to render a final decision on the application.

IV.(a) Any person, for good cause shown, may request in writing a public hearing for purposes of reconsideration of a final decision of the office. The office shall adopt appropriate procedures for such a hearing. No fee may be imposed for the hearing. For purposes of this paragraph, a request for a reconsideration hearing, other than by an applicant denied a certificate of review, shall be good cause if it:

(1) Presents significant, relevant information not previously considered by the office;

(2) Demonstrates that there have been significant changes in factors or circumstances relied upon by the office in reaching its decision;

(3) Demonstrates that the office has materially failed to follow its adopted procedures in reaching its decision; or

(4) Provides such other basis for a public hearing as the office determines constitutes good cause.

(b) To be effective, a request for a reconsideration hearing shall be received by the office within 20 business days following the date of the office's decision. If granted, the hearing shall commence within 30 calendar days of receipt of the request. The applicant may waive the 30-day requirement. At least 14 calendar days prior to the reconsideration hearing, notification of the hearing shall be sent to the person requesting the hearing and to the persons proposing the new institutional health service and to others upon request. Within 25 business days after the conclusion of the hearing, the office shall make written findings which state the basis for its decision. The decision shall be considered the final decision of the office.

151-C:10 Appeals to the Supreme Court.

I. Any person submitting an application for a certificate of review, if aggrieved or dissatisfied with the decision of the office, shall have the right, upon a petition which provides a detailed statement of the grounds upon which the decision of the office is claimed to be erroneous and contrary to the facts and the law, to appeal from the decision to the supreme court pursuant to RSA 541.

II. The provisions of RSA 541 shall govern all appeals under this section.

III. The court shall affirm the decision of the office unless it finds it to be arbitrary or capricious or not made in compliance with applicable law.

151-C:11 Additional Rules.

I. The office shall adopt rules governing review of certificate of review applications consistent with and necessary to the proper administration of this chapter. All rules shall be adopted pursuant to RSA 541-A and as described in this section; except that, in the case of an irreconcilable conflict between the provisions of RSA 541-A and the provisions of this section, the provisions of this section shall control.

II. At least 45 days prior to adopting any rule, the office shall publish, in at least one newspaper of statewide circulation, a notice stating that rules for the review of certificate of review applications or any revisions thereof have been proposed for adoption and are available at specified addresses for inspection and copying by interested persons. Such notice shall appear in other than the legal notice section of such newspapers; in addition, notice may be given through other public information channels.

151-C:12 Validity of Certificates of Review; Compliance; Sanctions.

I. A certificate of review issued pursuant to this chapter shall expire upon failure to commence or complete the project authorized thereby within the time period specified in this section. The office's approval shall be terminated upon the expiration of such period, and the person proposing to offer or develop the new institutional health service shall be required to resubmit an application for certificate of review under RSA 151-C:8. In the event that only part of a project to offer or develop the new institutional health service has been commenced or completed within such period, the office's approval shall be terminated upon the expiration of such period solely with respect to the parts of the project which have not been commenced or completed. Project completion date requirements are as follows:

(a) In the case of construction projects, the following time periods apply:

(1) If the total estimated cost of the project is less than \$ 1,000,000, the project must be commenced within one year of, and completed within 3 years of, the date of issuance of a certificate of review.

(2) If the total estimated cost of the project is greater than \$1,000,000, then the project must be commenced within 18 months of, and completed within 5 years of, the date of issuance of a certificate of review.

(b) In the case of any plan for capital expenditures proposed by or on behalf of a health care facility, health maintenance organization, or health care provider under which a

series of obligations for capital expenditures for discrete components of the plan is to be incurred over a period longer than one year, the office may allow up to 3 years following the date of approval for incurring such capital expenditures.

II. Pursuant to a showing of good cause by the person proposing the project, the office shall extend by 6 months the period for commencement. A maximum of 2 such extensions shall be allowed. Upon a showing of substantial, diligent progress and good cause by the person proposing the project, the office shall grant up to a maximum of 2 extensions of 6 months each for completion of the project. For purposes of this paragraph, "good cause" includes delay resulting from unpreventable or unexpected occurrences, such as emergency, strike, disaster, unforeseen shortage of materials or other reasonably unforeseeable event.

III. For the purposes of this chapter, a project shall be commenced if:

(a) The applicant has submitted to the office a certified copy of a written agreement executed between the applicant and a registered general contractor to construct and complete the project within a designated time schedule in accordance with final architectural plans and specifications; or

(b) The applicant has submitted evidence to the office that there has been construction work on the project to justify and require a progress payment by the applicant to the general contractor under the terms of the construction agreement, or, if the construction agreement does not require progress payments, then construction has progressed to the state at which an initial progress payment would otherwise be required in accordance with the usual and customary practices of the building industry.

IV. For purposes of this chapter, completion shall mean when the approved proposed project is sufficiently complete so that it becomes operational for the purpose for which the certificate of review was issued. A certificate of review shall be valid only for the designated scope of the project and for the premises and geographical area named in the application. A certificate of review granted for a project shall not be considered as an approval of that portion of the total actual cost of such a project which is in excess of the sum of: (a) the anticipated cost designated in the application; (b) an additional 15 percent of the total cost; and (c) cost increases clearly attributable to inflation.

IV-a.(a) Prior to completion of the proposed project, the office may require any applicant to file a change of scope when any documentation or other material submitted to the office indicates that:

(1) The nature, scope, or location of the project will differ substantially in the opinion of the office from those described in the application.

(2) The method of financing will differ substantially because the estimated capital expenditure will exceed that proposed in the application by 15 percent plus the inflation factor, as specified in RSA 151-C:12, IV.

(3) The identity of the applicant has changed.

(b) The office may waive the requirements of subparagraph (a)(1), (2) or (3), if it is determined that the proposed change in scope of the project is technical or otherwise insignificant.

V. All applicants receiving a certificate of review or a certificate of review with conditions shall file, at least semi-annually during the development stage and annually once the project is commenced, a report indicating that the project is in compliance with information provided in the application, and with the conditions outlined in the certificate of review. A report shall only be necessary for the first 5 years after completion of the project.

VI. Any applicant found not to be in reasonable compliance with any statement in its certificate of review application or with the conditions of the certificate of review shall be fined not more than 1/2 of one percent of the previous year's revenue minus contractual allowances or, in the case of a new facility, not more than 1/2 of one percent of the projected first year revenue minus contractual allowances.

VII. Funds collected under the provisions of this section shall be deposited in the general fund.

151-C:13 Exemptions.

I. The following are excluded from this chapter:

(a) Private offices or private clinics of physicians, dentists, or other practitioners of the healing arts, meaning the physical places which are occupied by such providers on a regular basis in which such providers perform the range of diagnostic and treatment services usually performed by such providers on an outpatient basis.

(b) Dispensaries and first-aid stations, located within business or industrial establishments, maintained solely for the use of employees, provided that such a facility does not contain inpatient or resident beds for patients or employees who generally remain in the facility for more than 24 hours.

(c) Infirmaries owned or operated by education institutions.

(d) Institutions or homes which provide remedial care or treatment only to residents or patients who rely solely upon treatment by prayer or spiritual means in accordance with the creed or attendance of any recognized church or religious denomination.

(e) Facilities and services which are intended to serve only outpatients.

(f) Hospice houses.

(g) The increase or conversion of 9 beds or fewer or less than 10 percent of the bed complement, whichever is less.

II. Nothing in this chapter shall exempt hospice houses from the licensing standards established under RSA 151.

151-C:14 Enforcement.

I. Any person who offers or develops any new institutional health service within the meaning of this chapter without first obtaining a certificate of review as required in this chapter, or who otherwise violates any of the provisions of this chapter, shall be subject to the following sanctions:

(a) The state shall not issue a license to any health care facility or health maintenance organization to operate, offer, or develop any new institutional health service in violation of this chapter and without a certificate of review issued pursuant to this chapter. The provisions of RSA 151 notwithstanding, in the case of an increase in actual bed capacity in contravention of the requirements of this chapter, any license for such beds shall be deemed to be revoked.

(b) The state shall not furnish from any reimbursement program administered by the state, nor shall any entity chartered under the laws of New Hampshire or any person licensed and doing business in the state, provide reimbursement for any new institutional health service offered or developed in contravention of the requirements of this chapter.

(c) Any person who violates this chapter shall be fined not more than 1/2 of one percent of the total operating budget of the previous year, or, in the case of a new facility, not more than 1/2 of one percent of the projected annual operating budget for the first year of operation.

(d) In addition to all other sanctions, if any person offers or develops any new institutional health service without first having been issued a certificate of review, or violates any other provision of this chapter or any lawful rule adopted under this chapter, upon the posting of a bond or security, the office or health care facilities, health maintenance organizations, and health care providers located in the state shall have standing to maintain a civil action in the superior court of the county in which such alleged violation has occurred, or in which such person may be found, to enjoin, restrain, or prevent such violation. Upon written request by the office, it shall be the duty of the attorney general of the state to furnish such legal services as may be appropriate and to prosecute such action for injunctive relief to an appropriate conclusion.

151-C:15 Fees.

I. In addition to any other fees required of it, each acute care hospital, specialty hospital, and nursing home licensed under RSA 151 shall pay an annual administrative fee. The total amount collected shall be equal to the amount actually expended in that year for

the health services planning and review component of the department of health and human services or \$500,000, whichever is less. The amount to be collected shall be prorated at the end of each fiscal year among all health care facilities licensed under RSA 151, except those operated by county and municipal governments.

II. All persons filing an application in response to a request for applications shall pay a fee of one percent of the total capital cost of the project with a minimum fee of \$1,500, and a maximum of \$12,000. This paragraph shall not apply to health care facilities operated by counties or municipalities.

III. Persons requesting a standard development or standard review as outlined in RSA 151-C:6 shall pay a fee of \$1,000 if the office determines that a standard review or a standard development process shall occur.

IV. Funds collected under this section shall be deposited in the general fund.

2 Transfer of Functions, Powers, Duties and Staff. All functions, powers, duties and staff of the health services planning and review board are hereby transferred to the office of planning and research, department of health and human services.

3 Reference Change. Amend RSA 126:25, II to read as follows:

II. In addition to the data listed in paragraph I, the commissioner of health and human services shall require all providers, including ambulatory care facilities, licensed or certified to practice in the state of New Hampshire to submit ambulatory health care data pursuant to a plan to collect such data developed by the office of planning and research, department of health and human services. This plan shall be submitted to the commissioner of health and human services by December 1, 1990.

4 Data Review; Reference Change. Amend RSA 126:26 to read as follows:

126:26 Data Review. The department of health and human services shall provide access, without restriction, to the data collected under RSA 126:25 to the ~~[health services planning and review board]~~ **office of planning and research**. The department shall prepare a report on or before November 15, 1996, and annually thereafter, to the speaker of the house of representatives and president of the senate. The report shall contain, but not be limited to, an analysis and evaluation of the data collected and recommendations for improved efficiencies and for health care cost containment. The department of health and human services is also authorized to prepare periodic reports on price and utilization of health services for the purpose of encouraging competition.

5 Reference Change. Amend RSA 153-A:2, IX to read as follows:

XI. "Facility" means a hospital as defined in RSA 151-C:2, ~~[XX]~~ **XIX**.

6 Reference Change. Amend RSA 161-J:2, II(d) to read as follows:

(d) A hospital as defined in RSA 151-C:2, ~~[XX]~~ **XIX**.

7 Reference Change. Amend RSA 195-D:3, XII to read as follows:

XII. "Nursing home," notwithstanding any other provision of law to the contrary, means any nonprofit or charitable institution or organization, public or private, which is exempt from federal taxation pursuant to section 501 of the United States Internal Revenue Code of 1986 as amended, and which is engaged in the operation of, or formed for the purpose of operating, a facility in which nursing care, sheltered care, intermediate care, life-care or continuing care, and medical services are prescribed by or performed under the general direction of persons licensed to practice medicine or surgery in New Hampshire, and in whole or in part is, or shall be upon completion, (a) licensed as a residential care facility under RSA 151:2, I(e) or (b) can be upon receipt of a certificate of ~~[need]~~ **review** under RSA 151-C licensed as a nursing home under the laws of New Hampshire.

8 Reference Changes. Amend RSA 281-A:2, XII-b to read as follows:

XII-b. "Health care provider" as used in this chapter includes doctors, chiropractors, rehabilitation providers, health services as defined in RSA 151-C:2, ~~[XVIII]~~ **XVI**, health care facilities as defined in RSA 151-C:2, ~~[XV-a]~~ **XIV**, and health maintenance organizations as defined in RSA 151-C:2, ~~[XVI]~~ **XV**.

9 Reference Change. Amend RSA 318:29, XI to read as follows:

XI. "Facility" means a hospital as defined in RSA 151-C:2, ~~[XX]~~ **XIX**.

10 Reference Changes. Amend the introductory paragraph of RSA 326-B:17, IX(a) to read as follows:

(a) The administration of medications by any person employed or under contract to provide direct care to residents of a hospice house as defined in RSA 151-C:2, ~~[XIX-b]~~ **XVIII** and licensed under RSA 151 and rules adopted under that chapter as a hospice house under the supported residential care level of care by the New Hampshire department of health and human services who:

11 Reference Change. Amend RSA 508:18, II to read as follows:

II. For purposes of this section, "health care facility" means "health care facility" as defined in RSA 151-C:2, ~~[XV-a]~~ **XIV**.

12 Effective Date. This act shall take effect July 1, 2003.

AMENDED ANALYSIS

This bill transfers the duties of the health services planning and review board to the office of planning and research, department of health and human services. The bill increases the standard amounts for which a review is necessary.

Rep. Sokol requested that the Permanent Journal indicate Inexpedient to Legislate as the minority report.

The Speaker so ordered.

Majority amendment adopted.

Rep. Sokol spoke against.

Reps. McMahon and Price spoke in favor.

Reps. Miller spoke against and yielded to questions.

Rep. Wendelboe spoke in favor and yielded to questions.

Rep. Burling requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

YEAS 233 NAYS 122

YEAS 233

BELKNAP

Ahern, Omer Jr
Clark, Charles
Lawton, David
Thomas, John

Allen, Janet
Dewhirst, Glenn
Nedeau, Stephen
Wendelboe, Fran

Bartlett, Gordon
Fitzgerald, James
Pilliod, James
Whalley, Michael

Boyce, Laurie
Laflam, Robert
Russell, David

CARROLL

Babson, David Jr
McConkey, Mark
Patten, Betsey

Brown, Carolyn
Merrow, Harry
Philbrick, Donald

Dickinson, Howard
Mock, Henry
Stevens, Stanley

Hatch, Paul
Olimpio, J Lisbeth

CHESHIRE

Dexter, Judson
Liebl, George
Smith, Edwin

Fish, Douglas
Pratt, John

Hunt, John
Richardson, Barbara

Laurent, John
Royce, H Charles

COOS

Brady, Mark
Stohl, Eric

Guay, Lawrence
Tholl, John Jr

Pratt, Leighton
Woodward, David

Richardson, Herbert

GRAFTON

Barker, Robert
Giuda, Robert
Sorg, Gregory

Dorsett, Andrew
Ingbretson, Paul
Williams, Burton

Gilman, G Michael
Maybeck, Margie

Gionet, Edmond
Naro, Debra

HILLSBOROUGH

Adams, Jarvis

Allen, Timothy

Arnold, Thomas Jr

Artz, Lawrence

Balboni, Michael
Bergeron, Jean-Guy
Bruno, Pierre
Cernota, Albert

Coughlin, Pamela
Emerton, Larry
Gibson, John
Graham, John
Hansen, Ryan
Holden, Randolph
L'Heureux, Robert
Lessard, Rudy
McRae, Karen
Moran, Edward
Pepino, Leo
Scanlon, Michael
Stepanek, Stephen

Barry, J Gail
Bergin, Peter
Buhlman, David
Chabot, Robert

Crane, Elenore Casey
Fields, Dennis
Gonzalez, Carlos
Greenberg, Gary
Harrington, Paul
Hopper, Gary
Laflamme, Charles
Luebker, Bernard
Mercer, Robert
Mosher, William
Price, Pamela
Slocum, Lee
Tahir, Saghir

Batula, Peter
Bouchard, David
Carlson, Donald
Christensen, D L
Chris
Desmarais, Vivian
Fletcher, Richard
Goulet, Maurice
Hall, Charles
Haytayan, Harry Jr
Jasper, Shawn
LaFlamme, Paul
McElroy, Henry Jr
Messier, Irene
Ober, Russell III
Reeves, Sandra
Souza, Kathleen
Wheeler, James

Beaton, William
Brundige, Robert
Carter, Jeffrey
Christiansen, Lars

Dokmo, Cynthia
Gargas, Carolyn
Goyette, Peter Jr
Hallyburton, Margaret
Hinkle, Peyton
Kurk, Neal
Lawrence, James
McHugh, Claire
Milligan, Robert
Pappas, Marc
Rowe, Robert
Spiess, Paul
Wheeler, Robert

MERRIMACK

Anderson, Eric
Field, William
Kenison, Leon
Lockwood, Priscilla
McCormick, Tom
Soltani, Tony

Blanchard, Elizabeth
Foley, Albert
Kennedy, Richard
MacKay, James
Nutter, Edward

Colcord, J D
Fraser, Leo Jr
L'Heureux, Stephen
Marple, Richard
Oliver, James

Currier, David
Jacobson, Alf
Leber, William
Maxfield, Roy
Ouellette, Robert

ROCKINGHAM

Allen, Mary
Bridle, Russell
Clark, Vivian
Dearborn, Bruce
Dupuis, Roland
Francoeur, Sheila
Griffin, Mary
Hutchinson, Karen
Johnson, Rogers
Kobel, Rudolph
Major, Norman
McMahon, Charles
Packard, Sherman
Quandt, Matthew
Ruffner, Walter
Stritch, C Donald
Weare, E Albert
Wiley, Robert

Belanger, Ronald
Cady, Harriet
Cooney, Richard
DiFruscia, Anthony
Fesh, Bob
Gilbert, Karl
Hamel, Albert
Ingram, Russell
Katsakiores, George
Langley, Jane
McCann, Richard
Morris, Richard
Pitts, Jacqueline
Rausch, James
Smith, Donald
Tufts, J Arthur
Welch, David
Winchell, George

Bicknell, Elbert
Camm, Kevin
Corbin, Corey
Dodge, Robert
Flanders, John Sr
Gleason, John
Headd, James
Introne, Robert
Katsakiores, Phyllis
Langone, John
McEachern, Paul
Noyes, Richard
Priestley, Anne
Robertson, Carl
Splaine, James
Varrell, Thomas
Weldy, Norman Jr
Zolla, William

Bishop, Franklin
Carson, Sharon
Dalrymple, Janeen
Dumaine, Dudley
Flayhan, Mary Lou
Gould, Kenneth
Hughes, Daniel
Johnson, Robert
Kelley, Jane
Letourneau, Robert
McKinney, Betsy
O'Neil, Michael
Putnam, Ed II
Roessner, Kurt
Stone, Joseph
Waterhouse, Kevin
Weyler, Kenneth

STRAFFORD

Albert, Russell
Cataldo, Sam
Scott, David

Bickford, David
Easson, Timothy
Taylor, Kathleen

Brown, Julie
Musler, George
Twombly, James

Campbell, W Packy
Newton, Clifford
Woods, Phyllis

SULLIVAN

Donovan, Thomas
Rodeschin, Beverly

Flint, Gordon Sr

Jones, Constance

Leone, Richard

BELKNAP

Flanders, Donald Holbrook, Robert

CARROLL

Derby, Mark Kenney, Bettie

CHESHIRE

Allen, Peter	Batchelder, Robert	Dunn, James	Eaton, Daniel
Espieffs, Peter	Meader, David	Mitchell, McKim	Parkhurst, Henry
Pratt, Irene	Robertson, Timothy	Slack, Pamela	Tilton, Anna
Webber, Amy	Weed, Charles		

COOS

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

GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Brassard, Paul	Buckley, Raymond	Carter, Mark
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Dionne, Kimberley	Elliott, Larry	Ford, Nancy
Gorman, Mary	Hawkins, Ken	Irwin, Anne-Marie	Jean, Claudette
Johnson, Lionel	Konys, Christine	Kopka, Angeline	Lasky, Bette
Leach, Edward	Lefebvre, Roland	Malloy, Chris	Movsesian, Lori
O'Brien, Lori	Pappas, Christopher	Pilotte, Maurice	Ross, Lawrence
Shaw, Barbara	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	Perkins, Randy
Potter, Frances	Reed, Dennis	Rush, Deanna	Seldin, Gloria
Wallner, Mary Jane			

ROCKINGHAM

Blanchard, MaryAnn	Casey, Kimberley	Coes, Betsy	Davidson, Robert
Gillick, Thomas	Norelli, Terie	Pantelakos, Laura	Scamman, Stella
Shultis, Elizabeth	Vallone, Matthew		

STRAFFORD

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

SULLIVAN

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

and the majority report was adopted.
Referred to Finance.

HB 149, relative to patient rights and disclosures in quality assurance programs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert H. Rowe for the Majority of Judiciary: The purpose of this bill is to provide the patient with full information as to his or her condition and totally protects the present quality assurance program. The underlying issue brought by the original bill was that patients are not receiving information relating to the cause or contributing cause of the patient's injury or death. The committee was sympathetic with the sponsor's goals but believed that the goal of patient disclosure can be best served by amending the Patient's Bill of Rights under RSA 151:21. Vote 12-7.

Rep. Gregory M. Sorg for the Minority of Judiciary: While the minority of the committee agrees with the majority that a patient has a right to full disclosure, it also believes that the amendment to this bill adopted by the majority, which essentially replaced the original bill, was so materially different from it as to require a new public hearing to consider additional testimony that might have brought to light possible unintended consequences and give the committee an opportunity to ask questions addressing them.

Majority Amendment (0545h)

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

AN ACT relative to patient rights and disclosures.

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

1 New Paragraph; Patients' Bill of Rights; Disclosures Required. Amend RSA 151:21 by inserting after paragraph XX the following new paragraph:

XXI. The patient shall be entitled to know the cause or contributing cause of a patient injury. Such information shall be disclosed promptly to the patient or the patient's representative and shall be documented on the patient's record or chart.

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

AMENDED ANALYSIS

This bill requires that the cause or contributing cause of patient injury shall be disclosed to the patient or the patient's representative and documented on the patient's record or chart.

Adopted.

Majority report adopted and ordered to third reading.

HB 719-FN-A, relative to the duties, function, and operation of the Pease development authority. **OUGHT TO PASS WITH AMENDMENT**

Rep. William E. Leber for Public Works and Highways: This bill makes various corrections to the statute that governs the Pease Development Authority, Division of Ports and Harbors that will improve the operation of our ports and harbors. Since the reorganization of the old Port Authority into the Pease Development Authority, Division of Ports and Harbors in 2001, the PDA has experienced some areas in the statutes that need improvement to reflect the new organization and operations. Some changes include standardizing the terminology, providing for law enforcement training and responsibility for Chief and Assistant Chief Harbor Master, and provides for rulemaking authority for PDA for certain fees charged at the Ports and Harbors. This bill will have a positive effect on the efficient and improved operation of the Port and Harbors. Vote 14-2.

Amendment (0354h)

Amend RSA 12-G:2, XXII-a as inserted by section 3 of the bill by replacing it with the following:

XXII-a. "Slip" means a volume of water at least 25 feet long, 8 feet wide, and 3 feet deep as measured at normal high tide and located adjacent to a structure such as a dock, wharf, or pier to which a vessel may be secured.

Amend RSA 12-G:42, IV and V as inserted by section 10 of the bill by replacing them with the following:

IV. Be authorized and empowered to contract with and secure the services of a port terminal operating firm, subject to approval of governor and council, for the purpose of having such firm operate a part or all of the facilities of the authority, including piers, wharves, warehouses, parking and storage areas, or other facilities owned or leased by the authority acting through the division, with such operating firm having the exclusive right to operate the business of a port terminal operator and stevedore, including but not limited to the handling of cargo, the collection of fees from wharfage and dockage and other marine terminal operations, the maintenance and security of the premises, and the promotion, encouragement, and solicitation of business for such port facility or facilities. Such contract with an operating firm shall include the following provisions:

- (a) Said firm shall file with the division for its approval a tariff clearly defining the terms “wharfage” and “dockage” and the charges to be made therefor;
- (b) The amount of minimum payments per year satisfactory to the authority to be paid to it for the exclusive right to operate upon the marine terminal, as described in the contract, the business of a port terminal operator and stevedore;
- (c) The amount retained by said firm from all fees for which it is accountable, said amount being a percentage to cover administrative costs of collection;
- (d) Said firm to supply a ship's manifest for every vessel using said facilities;
- (e) Said firm to provide a performance bond in an amount and form acceptable to the authority, as well as insurance in amounts acceptable to the authority for fire and extended coverage, public liability, property damage, and other risks as required by the authority, the insurance company or companies to be licensed to do business in New Hampshire and to be acceptable to the authority;
- (f) Said firm to file quarterly reports with the division indicating the amount of all fees for which it is accountable to the authority, the amounts collected, and the amounts retained, with a certified audit prepared by a certified public accountant submitted annually;
- (g) Such other appropriate provisions which in the opinion of the attorney general will carry out the intent of this section and best protect the interest of the authority and of the state.

V. Be authorized and empowered, in lieu of the provisions set forth in paragraph IV, to undertake the business of a port terminal operator and stevedore as to any division property, including but not limited to the handling of cargo, the setting and collection of fees from wharfage and dockage and other marine terminal operations, the maintenance and security of the premises, and the promotion, encouragement, and solicitation of business for such port facility or facilities. In undertaking the business of a port terminal operator or stevedore on any division property the authority may exercise any of the powers granted it under this chapter. Notwithstanding any other provision of this chapter, any person granted by the authority a non-exclusive lease or license relative to division property who, pursuant to such lease or license, handles or manages or in any way participates in the handling or management, including but not limited to, the loading, unloading, stockpiling, storing, or other transfer, of cargo owned, controlled, or otherwise lawfully in the possession of or being delivered to or from any such non-exclusive lessee or licensee shall not be deemed to be operating the business of a port terminal operator and stevedore as set forth in paragraph IV.

Amend the bill by replacing section 17 with the following:

17 Pease Development Authority; Construction with Other Laws. Amend RSA 12-G:53, III - IV to read as follows:

III. Except for rules adopted pursuant to RSA 12-G:42, ~~[VIII]~~ **X, which shall be subject to the provisions of RSA 541-A:3 through RSA 541-A:15**, the authority shall be exempt from the provisions of RSA 541-A and may adopt rules and bylaws in accordance

with its own procedures, ***including, but not limited to, rules regulating the conduct of hearings***. Except for rules adopted pursuant to RSA 12-G:42, ~~[VIII]~~ ***X***, the authority shall file in the office of legislative services a copy of all rules and bylaws adopted, amended, or repealed by the authority. All such rules and bylaws shall be filed in the office of legislative services within 7 days of such adoption, amendment, or repeal.

IV. Any rule adopted by the authority pursuant to ~~[RSA 12-G:42, VIII or]~~ RSA 12-G:47 shall be adopted in accordance with the provisions of RSA 541-A; ***any rule adopted by the authority pursuant to RSA 12-G:42, X shall be adopted in accordance with the provisions of RSA 541-A:3 through RSA 541-A:15.***

Amend the bill by replacing all after section 18 with the following:

19 Administrative Procedure Act; Exemption of the Pease Development Authority.

Amend RSA 541-A:21, I(n) to read as follows:

(n) Except for rules adopted by the ***authority acting through the*** division of ports and harbors ***under RSA 12-G:42, X, which shall be subject to the provisions of RSA 541-A:3 through RSA 541-A:15,*** RSA 12-G, relative to the Pease development authority.

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

Adopted.

Rep. Pantelakos spoke against.

Rep. Leber spoke in favor.

Rep. Pantelakos requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 234 NAYS 109

YEAS 234

BELKNAP

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

CARROLL

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	Eaton, Daniel	Fish, Douglas	Hunt, John
Laurent, John	Liebl, George	Meador, David	Royce, H Charles
Smith, Edwin			

COOS

Brady, Mark	King, Frederick	Pratt, Leighton	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	Woodward, David

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Benn, Bernard
Diamond, Estelle	Dorsett, Andrew	Gilman, G Michael	Gionet, Edmond
Giuda, Robert	Ingbretson, Paul	Maybeck, Margie	Naro, Debra
Sorg, Gregory	Williams, Burton		

HILLSBOROUGH

Adams, Jarvis	Allen, Timothy	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Barry, J Gail	Batula, Peter	Beaton, William
Bergeron, Jean-Guy	Bergin, Peter	Bouchard, David	Brundige, Robert

Bruno, Pierre	Buhlman, David	Carlson, Donald	Carter, Jeffrey
Carter, Mark	Cernota, Albert	Chabot, Robert	Christensen, D L
			Chris
Christiansen, Lars	Crane, Elenore	Desmarais, Vivian	Dionne, Kimberley
	Casey		
Dokmo, Cynthia	Elliott, Larry	Fields, Dennis	Fletcher, Richard
Ford, Nancy	Gargas, Carolyn	Gibson, John	Gonzalez, Carlos
Goulet, Maurice	Goyette, Peter Jr	Graham, John	Greenberg, Gary
Hall, Charles	Hallyburton,	Harrington, Paul	Hawkins, Ken
	Margaret		
Haytayan, Harry Jr	Hinkle, Peyton	Hopper, Gary	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Laflamme, Charles	LaFlamme, Paul
Lawrence, James	Leach, Edward	Lessard, Rudy	Luebkert, Bernard
Malloy, Chris	McElroy, Henry Jr	Mercer, Robert	Milligan, Robert
Moran, Edward	Mosher, William	O'Brien, Lori	Ober, Russell III
Pappas, Marc	Pepino, Leo	Pilotte, Maurice	Price, Pamela
Reeves, Sandra	Ross, Lawrence	Rowe, Robert	Scanlon, Michael
Slocum, Lee	Spiess, Paul	Stepanek, Stephen	Tahir, Saghir
Wheeler, James	Wheeler, Robert		

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire
Colcord, J D	Currier, David	Field, William	Foley, Albert
Fraser, Leo Jr	Jacobson, Alf	Kenison, Leon	Kennedy, Richard
L'Heureux, Stephen	Leber, William	Lockwood, Priscilla	MacKay, James
Marple, Richard	Maxfield, Roy	McCormick, Tom	Nutter, Edward
Oliver, James	Reed, Dennis	Soltani, Tony	

ROCKINGHAM

Belanger, Ronald	Bicknell, Elbert	Camm, Kevin	Carson, Sharon
Clark, Vivian	Cooney, Richard	Corbin, Corey	Dalrymple, Janeen
Dearborn, Bruce	Dodge, Robert	Dumaine, Dudley	Dupuis, Roland
Fesh, Bob	Flanders, John Sr	Flayhan, Mary Lou	Francoeur, Sheila
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	Langone, John	Major, Norman
McCann, Richard	McKinney, Betsy	McMahon, Charles	Morris, Richard
O'Neil, Michael	Packard, Sherman	Priestley, Anne	Putnam, Ed II
Rausch, James	Robertson, Carl	Roessner, Kurt	Ruffner, Walter
Scamman, Stella	Smith, Donald	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Vallone, Matthew	Waterhouse, Kevin	Welch, David
Weldy, Norman Jr	Weyler, Kenneth	Wiley, Robert	Winchell, George
Zolla, William			

STRAFFORD

Albert, Russell	Bickford, David	Brown, Julie	Cataldo, Sam
Eason, Timothy	Johnson, Nancy	Knowles, William	Musler, George
Newton, Clifford	Scott, David	Twombly, James	Woods, Phyllis

SULLIVAN

Cloutier, John	Ferland, Brenda	Flint, Gordon Sr	Harris, Joseph
Harris, Sandra	Jones, Constance	Leone, Richard	Rodeschin, Beverly

NAYS 109

BELKNAP

None

CARROLL

Babson, David Jr

CHESHIRE

Allen, Peter
Mitchell, McKim
Richardson, Barbara
Weed, Charles

Batchelder, Robert
Parkhurst, Henry
Robertson, Timothy
Dunn, James
Pratt, Irene
Tilton, Anna

Espieffs, Peter
Pratt, John
Webber, Amy

COOS

Mears, Edgar

Poulin, Richard

GRAFTON

Almy, Susan
Ham, Bonnie
Sokol, Hilda

Bleyler, Ruth
Hammond, Lee
Solomon, Peter
Cooney, Mary
Nordgren, Sharon

Densmore, Edward
Scovner, Nancy

HILLSBOROUGH

Baroody, Benjamin
Clemons, Jane
Emerton, Larry
Johnson, Lionel
Lefebvre, Roland
Pappas, Christopher
Sweeney, Cynthia

Brassard, Paul
Cote, David
Gorman, Mary
Konys, Christine
McHugh, Claire
Shaw, Barbara
Buckley, Raymond
Cote, Peter
Irwin, Anne-Marie
Kopka, Angeline
Messier, Irene
Sullivan, Francis

Clayton, William
Craig, James
Jean, Claudette
Lasky, Bette
Movsesian, Lori
Sullivan, Peter

MERRIMACK

Brueggemann,
Donald
French, Barbara
Owen, Derek
Seldin, Gloria

Davis, Frank
Gile, Mary
Perkins, Randy
Wallner, Mary Jane

DeJoie, John
Hamm, Christine
Potter, Frances

DeStefano, Stephen
Osborne, Jessie
Rush, Deanna

ROCKINGHAM

Allen, Mary
Cady, Harriet
DiFruscia, Anthony
Langley, Jane
Quandt, Matthew
Weare, E Albert

Bishop, Franklin
Casey, Kimberley
Gilbert, Karl
Norelli, Terie
Shultis, Elizabeth
Blanchard, MaryAnn
Coes, Betsy
Hutchinson, Karen
Pantelakos, Laura
Splaine, James

Bridle, Russell
Davidson, Robert
Kelley, Jane
Pitts, Jacqueline
Varrell, Thomas

STRAFFORD

Berube, Roger
Grassie, Anne
Miller, Joseph
Schmidt, Peter
Taylor, Kathleen

Campbell, W Packy
Heon, Richard
Pelletier, Arthur
Smith, Marjorie
Vachon, Dennis
Creteau, Irene
Hofemann, Roland
Rollo, Deanna
Spang, Judith
Wall, Janet

Dunlap, Patricia
Keans, Sandra
Rous, Emma
Taylor, Katherine

SULLIVAN

Allison, David
and the committee report was adopted.

Burling, Peter

Donovan, Thomas

Phinizy, James

Referred to Finance

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

HB 82, to change the name of "Boott Spur" to Mount Reagan. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard T. Cooney for the Majority of Resources, Recreation and Development: As introduced, this bill would change the name of Boott Spur in the White Mountains to Mount

Reagan. The committee felt that it would be more appropriate to put the name of Mount Reagan on a peak that was really a mountain and not only a spur. After several suggestions, an amendment was approved which would change the name of Mt. Clay to Mt. Reagan. Mt. Clay was named after Henry Clay, 1777-1852, a Senator and Representative from Kentucky and unsuccessful presidential candidate. This mountain is in the White Mountains and in the North Presidential Range. The committee felt it would be appropriate to rename this mountain Mt. Reagan. This initiative is part of a national effort to have something in each state named after President Reagan. In New Hampshire, it is the custom to name a mountain in the presidential range after great presidents, and the committee felt that now is the appropriate time to take this action. The amendment also reaffirms the action of the 1913 NH Legislature in changing the name of Mt. Clinton to Mt. Pierce. We agree that naming this peak after the only President from New Hampshire is more appropriate than naming it after DeWitt Clinton, a governor of New York who had a major hand in the construction of the Erie Canal. The 1913 name change was not entirely successful and now there is confusion on its name. The committee wants to eliminate that confusion. Vote 10-4. Rep. Henry A. L. Parkhurst for the Minority of Resources, Recreation and Development: The minority feels that this bill is premature. Section 2 is proof of this. 90 years after renaming Mt. Clinton to Pierce, we're doing it again. No Public Hearing was held on the amendment to change the "mountainous elevation" from Henry Clay to Ronald Reagan.

Majority Amendment (0382h)

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

AN ACT to change the name of "Mount Clay" to Mount Reagan.

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

1 Mount Reagan. The mountainous elevation known as "Mount Clay" (5535') which is located in the White Mountains and is approximately one mile away from Mount Washington shall hereafter be called and known as Mount Reagan.

2 Reaffirmation. The general court hereby reaffirms the actions of the general court in 1913, 96 in renaming "Mount Clinton" as "Mount Pierce."

3 Effective Date.

I. Section 2 of this act shall take effect upon its passage.

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

AMENDED ANALYSIS

This bill changes the name of "Mount Clay" located in the White Mountains to Mount Reagan.

Adopted

Reps. Theberge and Spang spoke against and yielded to questions.

Rep. Weyler spoke in favor and yielded to questions.

Reps. Guay and McEachern spoke against.

Reps. Hughes and Cooney spoke in favor.

Rep Spang requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 213 NAYS 130

YEAS 213

BELKNAP

Ahern, Omer Jr
Clark, Charles
Holbrook, Robert
Pilliod, James
Whalley, Michael

Allen, Janet
Dewhirst, Glenn
Laflam, Robert
Russell, David

Bartlett, Gordon
Fitzgerald, James
Lawton, David
Thomas, John

Boyce, Laurie
Flanders, Donald
Nedeau, Stephen
Wendelboe, Fran

CARROLL

Derby, Mark

Dickinson, Howard

Hatch, Paul

McConkey, Mark

Merrow, Harry
Stevens, Stanley

Mock, Henry

Patten, Betsey

Philbrick, Donald

CHESHIRE

Dexter, Judson
Royce, H Charles

Fish, Douglas
Smith, Edwin

Laurent, John

Liebl, George

COOS

Brady, Mark
Stohl, Eric

King, Frederick
Tholl, John Jr

Pratt, Leighton
Woodward, David

Richardson, Herbert

GRAFTON

Akins, Ralph
Dudley, Terri
Ingbretson, Paul

Alger, John
Gilman, G Michael
Maybeck, Margie

Barker, Robert
Gionet, Edmond
Naro, Debra

Dorsett, Andrew
Giuda, Robert
Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis
Balboni, Michael
Bergeron, Jean-Guy
Bruno, Pierre
Chabot, Robert

Allen, Timothy
Barry, J Gail
Bergin, Peter
Carter, Jeffrey
Christensen, D L
Chris

Arnold, Thomas Jr
Batula, Peter
Bouchard, David
Carter, Mark
Christiansen, Lars

Artz, Lawrence
Beaton, William
Brundige, Robert
Cernota, Albert
Coughlin, Pamela

Crane, Elenore
Casey
Elliott, Larry
Ford, Nancy
Goyette, Peter Jr
Hallyburton,
Margaret
Holden, Randolph
L'Heureux, Robert
Lessard, Rudy
Messier, Irene
O'Brien, Lori
Price, Pamela
Slocum, Lee
Wheeler, Robert

Desmarais, Vivian

Emerton, Larry
Gargas, Carolyn
Graham, John
Harrington, Paul

Dionne, Kimberley

Fields, Dennis
Gibson, John
Greenberg, Gary
Hawkins, Ken

Dokmo, Cynthia

Fletcher, Richard
Gonzalez, Carlos
Hall, Charles
Hinkle, Peyton

Hopper, Gary
Laflamme, Charles
Luebker, Bernard
Milligan, Robert
Ober, Russell III
Reeves, Sandra
Souza, Kathleen

Jasper, Shawn
LaFlamme, Paul
McHugh, Claire
Moran, Edward
Pappas, Marc
Rowe, Robert
Stepanek, Stephen

Kurk, Neal
Lawrence, James
Mercer, Robert
Mosher, William
Pepino, Leo
Scanlon, Michael
Wheeler, James

MERRIMACK

Anderson, Eric
Foley, Albert
Leber, William
Nutter, Edward

Blanchard, Elizabeth
Kenison, Leon
MacKay, James
Ouellette, Robert

Colcord, J D
Kennedy, Richard
Marple, Richard
Reed, Dennis

Field, William
L'Heureux, Stephen
McCormick, Tom
Soltani, Tony

ROCKINGHAM

Allen, Mary
Bridle, Russell
Clark, Vivian
Dearborn, Bruce
Dupuis, Roland
Francoeur, Sheila
Griffin, Mary
Hutchinson, Karen
Johnson, Rogers
Langley, Jane
McKinney, Betsy
Packard, Sherman

Belanger, Ronald
Cady, Harriet
Cooney, Richard
DiFruscia, Anthony
Fesh, Bob
Gillick, Thomas
Hamel, Albert
Ingram, Russell
Katsakiores, George
Letourneau, Robert
McMahon, Charles
Priestley, Anne

Bicknell, Elbert
Camm, Kevin
Corbin, Corey
Dodge, Robert
Flanders, John Sr
Gleason, John
Headd, James
Introne, Robert
Katsakiores, Phyllis
Major, Norman
Morris, Richard
Putnam, Ed II

Bishop, Franklin
Carson, Sharon
Dalrymple, Janeen
Dumaine, Dudley
Flayhan, Mary Lou
Gould, Kenneth
Hughes, Daniel
Johnson, Robert
Kobel, Rudolph
McCann, Richard
O'Neil, Michael
Quandt, Matthew

Rausch, James
Smith, Donald
Varrell, Thomas
Weldy, Norman Jr

Roessner, Kurt
Stone, Joseph
Waterhouse, Kevin
Weyler, Kenneth

Ruffner, Walter
Stritch, C Donald
Weare, E Albert
Wiley, Robert

Scamman, Stella
Tufts, J Arthur
Welch, David
Winchell, George

STRAFFORD

Albert, Russell
Easson, Timothy
Woods, Phyllis

Brown, Julie
Musler, George

Campbell, W Packy
Newton, Clifford

Cataldo, Sam
Twombly, James

SULLIVAN

Flint, Gordon Sr

Jones, Constance

Leone, Richard

Rodeschin, Beverly

NAYS 130

BELKNAP

None

CARROLL

Babson, David Jr

Brown, Carolyn

Kenney, Bettie

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Meader, David
Richardson, Barbara
Weed, Charles

Batchelder, Robert
Mitchell, McKim
Robertson, Timothy

Dunn, James
Parkhurst, Henry
Tilton, Anna

Eaton, Daniel
Pratt, Irene
Webber, Amy

COOS

Guay, Lawrence

Mears, Edgar

Poulin, Richard

Theberge, Robert

GRAFTON

Almy, Susan
Densmore, Edward
Nordgren, Sharon

Benn, Bernard
Diamond, Estelle
Scovner, Nancy

Bleyler, Ruth
Ham, Bonnie
Sokol, Hilda

Cooney, Mary
Hammond, Lee
Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin
Carlson, Donald
Cote, Peter
Haytayan, Harry Jr
Konys, Christine
Lefebvre, Roland
Movsesian, Lori
Shaw, Barbara
Sweeney, Cynthia

Brassard, Paul
Clayton, William
Craig, James
Irwin, Anne-Marie
Kopka, Angeline
Malloy, Chris
Pappas, Christopher
Spiess, Paul
Tahir, Saghir

Buckley, Raymond
Clemons, Jane
Gorman, Mary
Jean, Claudette
Lasky, Bette
McElroy, Henry Jr
Pilotte, Maurice
Sullivan, Francis

Buhlman, David
Cote, David
Goulet, Maurice
Johnson, Lionel
Leach, Edward
McRae, Karen
Ross, Lawrence
Sullivan, Peter

MERRIMACK

Bouchard, Candace

Brueggemann,
Donald

Clarke, Claire

Currier, David

Davis, Frank
French, Barbara
Maxfield, Roy
Perkins, Randy
Wallner, Mary Jane

DeJoie, John
Gile, Mary
Oliver, James
Potter, Frances

DeStefano, Stephen
Hamm, Christine
Osborne, Jessie
Rush, Deanna

Fraser, Leo Jr
Jacobson, Alf
Owen, Derek
Seldin, Gloria

ROCKINGHAM

Blanchard, MaryAnn
Gilbert, Karl
Norelli, Terie
Shultis, Elizabeth

Casey, Kimberley
Kelley, Jane
Pantelakos, Laura
Splaine, James

Coes, Betsy
Langone, John
Pitts, Jacqueline
Vallone, Matthew

Davidson, Robert
McEachern, Paul
Robertson, Carl
Zolla, William

STRAFFORD

Berube, Roger	Bickford, David	Creteau, Irene	Dunlap, Patricia
Heon, Richard	Hofemann, Roland	Johnson, Nancy	Keans, Sandra
Knowles, William	Pelletier, Arthur	Rollo, Deanna	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Katherine	Taylor, Kathleen
Vachon, Dennis	Wall, Janet		

SULLIVAN

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

and the majority committee report was adopted.

HB 280-FN, relative to the poison information center. OUGHT TO PASS WITH AMENDMENT

Rep. Edward R. Leach for Science, Technology and Energy: This bill, the result of a legislative study committee, establishes a mechanism for funding a longstanding statutory obligation of the Commissioner of Health and Human Services to develop or designate a poison information center for the state. The New Hampshire Poison Information Center, which operates 24 hours-a-day and receives over 17,000 calls a year, has been run by Dartmouth Hitchcock Medical Center for a 22 years at virtually no cost to the state. A sustainable funding mechanism is necessary to support the continuation of a center that meets national standards. The bill as amended requires that a request for proposal (RFP) process be used to select the poison information center provider, thus keeping the cost of the program as low as possible. It also requires the use of funding from grants or donations, including federal grants like the bio-terrorism funds, and establishes a minimal surcharge on telephone lines, expected to be 2 or 3 cents per month, to supplement the funds obtained from other sources to pay for the program. Under the amendment the surcharge will expire in four years. This four-year period will allow the program to continue while other sustainable funding mechanisms are investigated. The legislative fiscal committee must approve the first budget for the program, which will be established after the department of health and human services selects the provider and establishes the cost for the program. There is also oversight by the Health and Human Services and Telecommunications Oversight Committee. The committee saw this amendment as the most practical way of continuing this important poison control telephone number for the state. Vote 11-1.

Amendment (0496h)

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

1 Purpose. The purpose of this act is to provide a sustainable and fiscally responsible funding mechanism to support the continuation of a statewide program for poison information that meets certification standards developed by the American Association of Poison Control Centers. The general court recognizes that the poison information center is an important emergency medical telephone service which complements and enhances the purposes of other emergency public health and safety efforts in New Hampshire.

2 New Section; Poison Information Center Surcharge. Amend RSA 378 by inserting after section 48 the following new section:

378:49 Poison Information Center Surcharge; Fund Established.

I. The poison information center, established pursuant to RSA 126-A:49, shall be funded through a surcharge to be levied upon each residence and business telephone exchange line, including PBX trunks and Centrex lines, each individual commercial mobile radio service number, and each semi-public and public coin and public access line. No such surcharge shall be imposed upon more than 25 business telephone exchange lines, including PBX trunks and Centrex lines, or more than 25 commercial mobile radio service exchange lines per customer billing account. In the case of local exchange telephone companies, the surcharge shall be contained within tariffs or rate schedules filed with the public utilities

commission and shall be billed on a monthly basis by each local exchange telephone company. In the case of an entity which provides commercial mobile radio service the surcharge shall be billed to each customer on a monthly basis and shall not be subject to any state or local tax; the surcharge shall be collected by the commercial mobile radio service provider, and shall be identified on the customer's bill. Each local exchange telephone company or entity which provides commercial mobile radio service shall remit the surcharge amounts on a monthly basis to the department of health and human services, which shall be forwarded to the state treasurer for deposit in the poison information center fund. Such fund shall be continually appropriated to the department of health and human services and shall not lapse. The moneys in the account shall not be used for any purpose other than the poison information center developed or designated pursuant to RSA 126-A:49. The public utilities commission shall establish the surcharge based on the budget that has been approved or modified, and if appropriate, new tariffs or rate schedules shall be filed with the public utilities commission reflecting the surcharge amount.

II. Imposition of the poison information center surcharge shall begin not later than 4 months from the approval of the budget, in order to provide adequate funding for the poison information center designated pursuant to RSA 126-A:49.

III. The surcharge authorized by this section shall be sufficient to cover the poison information center designated pursuant to RSA 126-A:49, net of any funds obtained from any other sources.

IV. The poison information center surcharge shall be separately identified on the telephone customer's bill.

3 New Subparagraph; State Treasurer; Poison Information Center Fund. Amend RSA 6:12, I by inserting after subparagraph (IIIIIIII) the following new subparagraph:

(mmmmmmmm) Moneys received under RSA 378:49, which shall be credited to the poison information center fund established in RSA 378:49.

4 Health and Human Services; Poison Information and Control. Amend RSA 125:9, IX to read as follows:

IX. Develop or designate a statewide ~~[program for]~~ poison information ~~[and treatment]~~ **center** under RSA 126-A:49 **by soliciting proposals and selecting a vendor.**

5 Health and Human Services; Poison Information and Control. RSA 126-A:49 is repealed and reenacted to read as follows:

126-A:49 Poison Information and Treatment. The commissioner shall develop or designate a statewide poison information center which meets certification standards developed by the American Association of Poison Control Centers. The poison information center so established and designated by the commissioner shall provide New Hampshire residents with information and emergency medical consultation on a daily, 24-hour basis. Funding for this program may be included in the budget for the department of health and human services, and shall be from the surcharge authorized by RSA 378:49. The commissioner shall file an annual report with the health and human services oversight committee established pursuant to RSA 126-A:13 and the chairperson of the oversight committee on telecommunications established pursuant to RSA 374:22-h as to whether the designated poison information center provides services in such manner as to ensure continued accreditation by the American Association of Poison Control Centers and on the department's efforts to identify and accept additional funds. The commissioner shall attempt to obtain and shall accept in the name of the state any and all donations, grants, or fees, both real and personal, from any governmental unit or public agency, or third-party payors, or from any institution, person, firm, or corporation given specifically for the purpose of funding this program and the commissioner shall receive, utilize, and dispose of all such donations and grants consistent with the purpose or conditions of the donation or grant. The health and human services oversight committee shall, no later than July 1, 2007, review the accreditation standards of the American Association of Poison Control Centers to determine

whether it is appropriate to continue to require the poison information center to meet such standards.

6 Initial Budget for Poison Information Center. For the purposes of initiating the budget for the poison information center, the commissioner of health and human services shall submit an initial budget to the legislative fiscal committee for final approval.

7 Health and Human Services; Poison Information and Control; References to Surcharge and Accreditation Review Eliminated. RSA 126-A:49 is repealed and reenacted to read as follows:

126-A:49 Poison Information and Treatment. The commissioner shall develop or designate a statewide poison information center which meets certification standards developed by the American Association of Poison Control Centers. The poison information center so established and designated by the commissioner shall provide New Hampshire residents with information and emergency medical consultation on a daily, 24-hour basis. Funding for this program may be included in the budget for the department of health and human services. The commissioner shall file an annual report with the health and human services oversight committee established pursuant to RSA 126-A:13 and the chairperson of the oversight committee on telecommunications established pursuant to RSA 374:22-h as to whether the designated poison information center provides services in such manner as to ensure continued accreditation by the American Association of Poison Control Centers and on the department's efforts to identify and accept additional funds. The commissioner shall attempt to obtain and shall accept in the name of the state any and all donations, grants, or fees, both real and personal, from any governmental unit or public agency, or third-party payors, or from any institution, person, firm, or corporation given specifically for the purpose of funding this program and the commissioner shall receive, utilize, and dispose of all such donations and grants consistent with the purpose or conditions of the donation or grant.

8 Repeal. The following are repealed:

I. RSA 378:49, relative to the poison information center surcharge.

II. RSA 6:12, I(mmmmmmmmm), relative to the poison information center fund.

9 Effective Date.

I. Sections 7 and 8 of this act shall take effect July 1, 2007.

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

AMENDED ANALYSIS

This bill establishes the poison information center surcharge as a funding mechanism to continue the statewide program for poison information and treatment which meets certification standards developed by the American Association of Poison Control Centers.

The surcharge is repealed in 2007.

Adopted.

Report adopted.

Referred to Ways and Means.

HCR 15, relative to relaxing air quality standards by the United States Environmental Protection Agency. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lawrence J. Guay for the Majority of State-Federal Relations and Veterans Affairs: The committee is very concerned about pollution but the majority feels that this resolution will not solve the problem. United States Senator Gregg voted to delay implementation of these rules so that the National Academy of Science can investigate the potential effect of these rules of air quality and human health, taking into consideration all the problems with the war and restoration of the economy. Electric power plants are very much needed for the use of other industries in New Hampshire. HCR 15 would not help new construction of coal power or the reconstruction of existing plants. This resolution appeared before the House and Senate for several years and was voted ITL. Vote 6-5.

Rep. J. Edward Kerns for the Minority of State-Federal Relations and Veterans Affairs: This

resolution opposes the relaxation of air quality standards by the EPA and supports the efforts of the Attorney's General of several northeastern states including our own, in a federal lawsuit against the EPA. The minority feels that the resolution as worded best expresses our desires and concerns in protecting the health of our citizens and the quality of our air. Compelling public testimony revealed the threat of relaxing air quality standards and illustrated the health risks such a move would have on the public. We deem these dangers significant enough to warrant a dissent.

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

Adopted.

Recommitted to State-Federal Relations & Veterans Affairs.

HB 733-FN, relative to drivers' licenses held by national guard members. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Robert J. Letourneau for the Majority of Transportation: This bill as amended would allow New Hampshire National Guard and Reserve military members to renew their driver's licenses at half the normal cost associated with renewal, if it expires while they are on active duty. Current law already provides this for regular service members. This bill would provide parity. Currently the makeup of our national forces is 52% guard and reserves. As this trend continues, the persons responsible for the protection of our country will be our friends and neighbors we work with each day. The majority of the committee felt that in this time of national crisis and uncertainty this bill would provide a small but meaningful measure to those who faithfully serve us. Vote 10-5.

Rep. Brenda L. Ferland for the Minority of Transportation: We all are thankful for the time that the National Guard and members of the armed forces give. But to allow them and their spouses to renew their licenses at one half the cost is not necessary. Some people belong to the reserves and the guard for years and never see active duty, all the while collecting two paychecks. They can well afford to renew their licenses at the full price.

Majority Amendment (0333h)

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

AN ACT relative to drivers' licenses held by members of the national guard or military reserve.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; License Expiration, Members of the Armed Forces, Spouses; National Guard or Military Reserve. Amend RSA 263:11 by inserting after paragraph II the following new paragraph:

III. Any person who is a member of the national guard or military reserve and who, at the time of a call to active duty of 30 days or greater duration, was a resident of this state and was a holder of a valid New Hampshire license to drive motor vehicles in this state, is entitled to renewal of such license at 1/2 cost by application to the division. The application shall be accompanied by a letter giving date of expiration of active duty, signed by a commissioned officer. Such a person while driving a motor vehicle shall carry upon his or her person the license issued. The privilege of this section remains in effect for 90 days after the discharge or release of such a person from active duty. Nothing in this section permits a person against whom a revocation or suspension of license is in force, or a person who has been refused a license by the director, to drive a motor vehicle.

AMENDED ANALYSIS

This bill entitles a member of the national guard or military reserve called to active duty to renew a driver's license at ½ cost.

Adopted.

Majority report adopted and ordered to third reading.

SENATE MESSAGE
REQUESTS CONCURRENCE WITH AMENDMENT

HB 517-L, relative to Keene Road and Main Street in the town of Hillsborough.

(Amendment printed SJ 3/13/03)

Rep. Edwin Smith moved that the House concur and spoke in favor.

Adopted.

RESOLUTION

Rep. Guida offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 20, 2003 at 1:00 p.m.

Adopted.

UNANIMOUS CONSENT

Reps. Robert J. Laflam and Burling addressed the House.

REMARKS

Rep. Guida requested that the remarks of Rep. Robert Laflam be printed in the Permanent Journal. Without objection, the Speaker so ordered.

Rep. Robert Laflam: Thank you, Mr. Speaker. About 54 years ago, in Belmont, a mill town not too far from here, the high school graduated twelve: 5 boys, 7 girls. One of those boys, or a young man, 17 years old, who had never ridden a train, never flown on an airplane, went off to a little school on the Hudson River named West Point. He was the first young man from Belmont to go from town. He went on to serve about 31 years in the Army, as a brand new second lieutenant in Germany with a bunch of fine troops all the way to become the Director of Force Modernization for Communications and Electronics in this last six years. During those years, I developed a tremendous bond for our soldiers. They are special. I think about them every day. I'm listening on the radio this morning to interviews from Kuwait. Having served in the middle East and in Iran for two years, I know it's crunch time. The good weather is about to end, the sand storms have picked up and that is followed by oppressive heat. It's tough to fight and to exist in those kind of conditions. Some of those men and women have been over there for six months, waiting. They're antsy, they're worried, they're concerned. They hear a lot of bad news on the radio about demonstrations and about stonewalling at the United Nations. I heard one PFC this morning ask a news reporter, "I wonder if the people back home still support us?" Well, I think we ought to send a message of support and love to those guys and gals. Thank you.

LATE SESSION

Third reading and final passage

HB 277-FN, relative to an extended term of imprisonment for manslaughter and relative to jury findings which warrant an extended term of imprisonment.

HB 564-FN, relative to access to information in proceedings of the judicial conduct commission.

HB 745, relative to voters presenting identification to obtain a ballot.

HB 356-FN, relative to including medical benefits costs in the purchase of creditable service in the retirement system.

HB 61, relative to the taking of migratory game birds in the Connecticut River zone.

HB 149, relative to patient rights and disclosures.

HB 82, to change the name of "Mount Clay" to Mount Reagan.

HB 733-FN, relative to drivers' licenses held by members of the national guard or military reserve.

RECESS MOTION

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

Adopted.

The House recessed at 3:50 p.m.

RECESS

(Rep. Francoeur in the Chair)

RESOLUTION

Rep. Movsesian offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 68, 76, 77, 82, 121, 123, 135, 147, 164, 171 and 188, Senate Joint Resolution numbered 1 and Senate Concurrent Resolution numbered 2, 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 68, authorizing electronic certification of educational credentials. (Education)

SB 76, relative to the process for nonrenewal of teacher contracts. (Education)

SB 77, relative to bond votes in school districts with official ballot voting procedures, and relative to adoption of revisions and the budget process in city charters. (Municipal and County Government)

SB 82-FN, relative to awards of fees and interest under workers' compensation. (Labor, Industrial and Rehabilitative Services)

SB 121-FN, relative to mortgage originator registration. (Commerce)

SB 123, establishing a commission to study structures for increased voter education and improved enforcement of campaign practices laws. (Election Law)

SB 135, relative to hotel keeper liability for personal care services. (Commerce)

SB 147, establishing a committee to study alternative strategies to relieve the property tax burden on private educational institutions and to encourage scholarships to New Hampshire students. (Ways and Means)

SB 164, relative to the unauthorized use of a financial institution's name. (Commerce)

SB 171, regulating non-agricultural activities which may cause the introduction and spread of infectious wildlife diseases. (Fish and Game)

SB 188-L, establishing a commission to study improving the enforcement of traffic laws in high traffic areas. (Transportation)

SJR 1, a resolution approving certain uses of Weeks state park. (Resources, Recreation and Development)

SCR 2, a resolution urging the United States Congress to act to rectify the science, research funding, and restrictions governing the Northeast multispecies fishing industry and its impact on New Hampshire fishermen. (State-Federal Relations and Veterans Affairs)

SENATE MESSAGE

CONCURRENCE

HB 171, establishing a commission to assess the operating efficiency of state government.

RECESS

(Rep. Bruno in the Chair)

RESOLUTION

Rep. Babson offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 36, 40, 47, 59, 74, 98, 113, 139, 143, 146, 152, 155, 157, 162, 165, 173, 176, 198, 206, 210, 219, and 223 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 36-FN, relative to protective custody of a person impaired by drugs and establishing a committee to study the issue of the applicability of the administrative license suspension laws to driving while under the influence of controlled drugs and ways to address the speed with which such cases are adjudicated in the district court. (Criminal Justice and Public Safety)

SB 40, relative to filing of complaints for violation-level offenses and making the electronic submission of a false statement chargeable as unsworn falsification. (Criminal Justice and Public Safety)

SB 47-FN, relative to refunds for tolls paid on account of shrinkage or loss by evaporation of motor fuel. (Public Works and Highways)

SB 59-FN, relative to administrative license suspension hearings. (Criminal Justice and Public Safety)

SB 74-FN-A-L, increasing certain motor vehicle registration fees and appropriating the funds for local government records management programs. (Municipal and County Government)

SB 98-FN, prohibiting telemarketers from contacting customers on a federal do-not-call registry. (Commerce)

SB 113, changing the name of Plymouth state college to Plymouth state university. (Executive Department and Administration)

SB 139, relative to exhibition fees charged by the boxing and wrestling commission. (Ways and Means)

SB 143, establishing a commission to study and review the regulation of the building trades. (Executive Department and Administration)

SB 146, relative to eligible costs for training grants in the job training program for economic growth. (Labor, Industrial and Rehabilitative Services)

SB 152, relative to health insurance coverage for prosthetic devices. (Commerce)

SB 155, establishing a commission to study issues relative to water withdrawals. (Resources, Recreation and Development)

SB 157, establishing a committee to study the vesting of development rights. (Municipal and County Government)

SB 162, establishing a committee to study water resources. (Resources, Recreation and Development)

SB 165, relative to the voluntary dissolution of nondepository trust companies. (Commerce)

SB 173, relative to certain historical and recreational facilities. (Public Works and Highways)

SB 176, relative to standards for plats recorded in the registry of deeds. (Municipal and County Government)

SB 198, relative to a certain highway sign in Concord. (Public Works and Highways)

SB 206-FN, relative to the registration of OHRVs used as grooming equipment for cross country ski trails. (Resources, Recreation and Development)

SB 210, relative to the administrative procedures of the real estate commission. (Executive Department and Administration)

SB 219, relative to superior court notice to health care regulatory boards of felony convictions of health care providers. (Judiciary)

SB 223-FN-A, relative to fees for copies of motor vehicle records and relative to the fire standards and training and emergency medical services fund. (Ways and Means)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 171.

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

RECESS