

HOUSE RECORD

Second Year of the 158th General Court Calendar and Journal of the 2004 Session

Vol. 26

Concord, N.H.

Thursday, January 15, 2004

No.

HOUSE JOURNAL No. 1 (cont.)

Wednesday, January 7, 2004

RECESS

SENATE MESSAGES CONCURRENCE

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

NONCONCURRENCE

HB 167, relative to complaints against judges.

REFERRED FOR INTERIM STUDY

HB 134-FN, relative to recommendations, appointments, and qualifications of marital masters and procedures for cases heard by marital masters

HB 630-FN, relative to enhanced penalties for assault on law enforcement officers, firefighters, emergency medical care providers, and national guard members.

RECESS

(Rep. Royce in the Chair)

RESOLUTION

Rep. John Flanders offered the following: RESOLVED, that the late filing and drafting of the following bills having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1420 and 1421 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.
Adopted.

INTRODUCTION OF SUPPLEMENTAL HOUSE BILLS First, second reading and referral

HB 1420, relative to requirements of the fish and game department before a coastal area may be closed to fishing of marine species. (Morris, Rock 84; Goyette, Hills 66; Gibson, Hills 58; Gilman, Graf 9; L. Christiansen, Hills 66: Fish and Game)

HB 1421-FN, relative to solid waste incineration. (Kennedy, Merr 34; Owen, Merr 34; French, Merr 34; Currier, Merr 34; C. Hamm, Merr 34: Science, Technology and Energy)

RECESS

Rep. Hess moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 2

Thursday, January 15, 2004

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

His Excellency, Governor Craig Benson, joined the Speaker on the rostrum for the day's opening ceremonies.

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

Bitter weather, cold and below zero wind chill temperatures remind us, O Lord, that we are dependent upon one another for our lives and our futures. Warm the conscience of our hearts to be open to those most in need of government's protective hand, and may all that is accomplished in this honorable House today benefit all the citizens of our beloved New Hampshire.

Protect and defend the men and women of our military who defend us daily, as we especially remember those who have given their lives for our freedom and their loved ones who mourn. Protect and defend also those who stand on guard to protect us at home, especially those who serve in law enforcement and in emergency services. May our service be worth of their daily sacrifice. Amen.

Rep. Stephen H. Nedeau led the Pledge of Allegiance.

The National Anthem was sung by Holly Winchell, daughter of Rep. George Winchell and a senior at Timberlane Regional High School.

LEAVES OF ABSENCE

Reps. Mary Allen, Crane, Doyle, Flanagan, Goyette, Hunter, Karen Hutchinson, Keans, Robert LaFlam, McElroy, Milligan, Palangas, Scamman and Snyder, the day, illness.

Reps. Cail, Lars Christiansen, Flayhan, Hollinger, Lawrence, Lessard, Michon, Packard, Pantelakos, Marc Pappas, Poulin, Priestley, Rollo and Webber, the day, important business.

INTRODUCTION OF GUESTS

Eugena and Chris Winchell, wife and son of Rep. Winchell. Lydia Scott, Surin and Delores Banta, wife and guests of Rep. Scott. Kate Price and John Bartolo, daughter and guest of

Rep Price. Adrienne Downing, guest of Rep. Paul Smith. Yvonne Cyr Bresnahan, guest of Rep. Pilotte. J. David Knox, guest of Rep. Derby. Connie and Sebastian Rosemont, guests of Rep. Owen.

COMMUNICATION

January 7, 2004

Karen Wadsworth, Clerk of the House

It is with regret that I find it necessary to resign my position as representative for the Town of Greenland, New Hampshire. This is necessitated because of personal reasons and other commitments.

I consider it a great honor to have been able to learn and participate in our State Government.

My best wishes to all my colleagues, especially those on the Education Committee.

Bruce L. Dearborn, Rock 87

REGULAR CALENDAR

HB 563, relative to the emancipation of minors. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Elizabeth D. Blanchard for the Majority of Children and Family Law: This bill would establish the criteria and procedure by which a minor who is 16 years of age and older may be emancipated. The committee learned that other states that have an emancipation statute, unfortunately, have no follow-up information as to its success. We also discovered that in New Hampshire, an emancipated minor would not be eligible for programs and services, such as worker's compensation, health care, etc., which are already available to individuals age 18 years and older. By the same token, they would no longer be eligible for juvenile services. Therefore, because of the unintended consequences of emancipation in New Hampshire, the committee does not recommend this bill. Vote 10-7.

Rep. Thomas I Arnold for the Minority of Children and Family Law: The minority had two positions: (1) We cannot afford to delay relief for parents who have children over whom they can effect no control; and (2) the belief that we should set up a study committee to find help for homeless children.

Majority report adopted.

HB 755, relative to the burden of proof in child abuse and neglect proceedings. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Karen K. McRae for the Majority of Children and Family Law: The committee does not recommend this bill because the definition of "clear and convincing" has a different meaning to the various stakeholders in child abuse and neglect proceedings, and crafting a cogent, coherent, commonly agreed upon definition that would unequivocally advance the intent of the bill was not possible. Vote 15-2.

Rep. Daniel C. Itse for the Minority of Children and Family Law: The act of intervening in a family is generally destabilizing to the children. Therefore, it is imperative to ensure that the action is warranted. This bill would raise that level of surety from preponderance of the evidence to clear and convincing for a finding of abuse and neglect.

Rep. Itse spoke against.

Rep. McRae spoke in favor and yielded to questions.

Rep. James Wheeler requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

YEAS 268 NAYS 74

YEAS 268

BELKNAP

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

CARROLL

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

CHESHIRE

Allen, Peter	Dexter, Judson	Dunn, James	Eaton, Daniel
Espiefs, Peter	Fish, Douglas	Hunt, John	Liebl, George
Manning, Joseph	Meador, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Robertson, Timothy	Royce, H Charles
Slack, Pamela	Smith, Edwin	Tilton, Anna	Weed, Charles

COOS

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

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Densmore, Edward	Diamond, Estelle
Giuda, Robert	Hammond, Lee	Maybeck, Margie	Naro, Debra
Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda	Solomon, Peter

HILLSBOROUGH

Allan, Nelson	Artz, Lawrence	Barry, J Gail	Batula, Peter
Beaton, William	Bergin, Peter	Brassard, Paul	Brundige, Robert
Bruno, Pierre	Buckley, Raymond	Carter, Jeffrey	Carter, Mark
Chabot, Robert	Christensen, D L	Clayton, William	Clemons, Jane
	Chris		
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Desmarais, Vivian	Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard
Elliott, Larry	Emerton, Larry	Fields, Dennis	Fletcher, Richard
Ford, Nancy	Gargas, Carolyn	Gorman, Mary	Graham, John
Greenberg, Gary	Haley, Robert	Hall, Charles	Hallyburton, Margaret
Hawkins, Ken	Haytayan, Harry Jr	Holden, Randolph	Infantine, William
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Johnson, Lionel
Katsiantonis, Thomas	Kerns, J Edward	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	Laflamme, Charles	LaFlamme, Paul	Lasky, Bette
Leach, Edward	Malloy, Chris	Martin, Mary Ellen	McRae, Karen
Mercer, Robert	Messier, Irene	Mooney, Maureen	Moran, Edward
Movsesian, Lori	O'Brien, Lori	Pappas, Christopher	Pepino, Leo
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Ross, Lawrence
Rowe, Robert	Scanlon, Michael	Schulze, Joan	Shaw, Barbara
Spiess, Paul	Sullivan, Francis	Sullivan, Peter	Sweeney, Cynthia
Tahir, Saghir	Vaillancourt, Steve	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann,
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Clarke, Claire
DeJoie, John
French, Barbara
Jacobson, Alf
Langer, Ray
Marple, Richard
Osborne, Jessie
Reed, Dennis

Currier, David
DeStefano, Stephen
Gile, Mary
Kenison, Leon
Leber, William
Maxfield, Roy
Owen, Derek
Rush, Deanna

Daniels, Eric
Dunne, Christopher
Hamm, Christine
Kennedy, Richard
Lockwood, Priscilla
McCormick, Tom
Perkins, Randy
Seldin, Gloria

Donald
Davis, Frank
Fraser, Leo Jr
Hess, David
L'Heureux, Stephen
MacKay, James
Oliver, James
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Belanger, Ronald
Carson, Sharon
Corbin, Corey
Francoeur, Sheila
Gleason, John
Headd, James
Introne, Robert
Katsakiores, Phyllis
Langone, John
Noyes, Richard
Robertson, Carl
Splaine, James
Waterhouse, Kevin
Zolla, William

Bishop, Franklin
Casey, Kimberley
Duffy, James
Gilbert, Jeffrey
Gould, Kenneth
Holland, James Jr
Johnson, Robert
Kelley, Jane
Major, Norman
O'Neil, Michael
Roessner, Kurt
Stone, Joseph
Weare, E Albert

Blanchard, MaryAnn
Coes, Betsy
Fesh, Bob
Gilbert, Karl
Griffin, Mary
Hughes, Daniel
Johnson, Rogers
Kobel, Rudolph
McKinney, Betsy
Pitts, Jacqueline
Shultis, Elizabeth
Tufts, J Arthur
Welch, David

Bridle, Russell
Cooney, Richard
Flanders, John Sr
Gillick, Thomas
Hamel, Albert
Ingram, Russell
Katsakiores, George
Langley, Jane
Norelli, Terie
Rausch, James
Smith, Paul
Vallone, Matthew
Winchell, George

STRAFFORD

Berube, Roger
Dunlap, Patricia
Kaen, Naida
Rous, Emma
Taylor, Katherine

Brown, Julie
Grassie, Anne
Knowles, William
Schmidt, Peter
Twombly, James

Callaghan, Frank
Heon, Richard
Musler, George
Smith, Marjorie
Vachon, Dennis

Creteau, Irene
Johnson, Nancy
Pelletier, Arthur
Spang, Judith
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

NAYS 74

BELKNAP

Ahern, Omer Jr

Boyce, Laurie

Clark, Charles

Wendelboe, Fran

CARROLL

Mock, Henry

CHESHIRE

Laurent, John

Parkhurst, Henry

COOS

Pratt, Leighton

GRAFTON

Dorsett, Andrew
Gionet, Edmond

Dudley, Terri
Ingbretson, Paul

Eaton, Stephanie
Sorg, Gregory

Gilman, G Michael
Williams, Burton

HILLSBOROUGH

Adams, Jarvis
Balcom, John
Gonzalez, Carlos
Hopper, Gary
Ober, Russell III
Tate, Joan

Allen, Timothy
Bouchard, David
Hagan, Barbara
Luebker, Bernard
Slocum, Lee
Wheeler, James

Arnold, Thomas Jr
Buhlman, David
Harrington, Paul
McHugh, Claire
Souza, Kathleen

Balboni, Michael
Cernota, Albert
Hinkle, Peyton
Mosher, William
Stepanek, Stephen

MERRIMACK

Field, William

Foley, Albert

Nutter, Edward

ROCKINGHAM

Bicknell, Elbert
Dodge, Robert
Manning, John
Moore, Benjamin
Smith, Donald
Wiley, Robert

Cady, Harriet
Dumaine, Dudley
McCann, Richard
Morris, Richard
Varrell, Thomas

Camm, Kevin
Itse, Daniel
McEachern, Paul
Putnam, Ed II
Weldy, Norman Jr

Clark, Vivian
Letourneau, Robert
McMahon, Charles
Quandt, Matthew
Weyler, Kenneth

STRAFFORD

Albert, Russell
Easson, Timothy
Newton, Clifford

Bemis, Alan
Harrington, Michael
Scott, David

Campbell, W Packy
Hofemann, Roland
Taylor, Kathleen

Cataldo, Sam
Miller, Joseph
Woods, Phyllis

SULLIVAN

None

and the majority report was adopted.

HB 115, relative to nonrenewal of homeowner's insurance policies. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser Jr. for Commerce: This bill would have disallowed an insurance company from non-renewing a homeowner's policy if the sole reason for non-renewal was that the policyholder had filed three or fewer valid claims during a previous policy term. The committee kept in mind that currently we are in a "hard market" (i.e., homeowner's insurance is becoming more difficult to obtain) and as such, this legislation could in all likelihood, if adopted, have an unanticipated result in that companies would be even more reluctant to write new policies in New Hampshire. All renewals would also see an even larger increase in premium to account for this mandate. To quote the Union Leader Sunday News on October 12, 2002, "... both in New Hampshire and nationally, consumers are facing a hardened market for property and casualty insurance as insurers try to stem a decade of losses...". During the past ten years, insurers paid out \$1.18 in homeowners' claims for every \$1.00 they collected in premiums. For that reason, the Commerce Committee believes that this was not the time to take any action as proposed in the legislation. Vote 9-4. Adopted.

HB 265, relative to the health care delivery system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul D. Spiess for Commerce: The purpose of this bill is to institute a pilot program that encourages health insurers to develop health benefit plans and provider payment policies that promote efficiency, reduce medical errors, instill care standards, and improve the overall quality of care. The bill allows health insurers to apply to the Insurance Department for a waiver of statutory or regulatory requirements provided the proposed health benefit plan meets at least four measurement standards. The committee amended the bill to require a public hearing on the proposed plan, to limit the waiver to a period not to exceed three years, and to “sunset” the authority to grant waivers on July 1, 2007. Vote 7-6.

Amendment (2430h)

Amend RSA 420-K:1 as inserted by section 1 of the bill by replacing it with the following:

420-K:1 Purpose of Chapter. The purpose of this chapter is to reduce waste, medical errors, inconsistent care, and misallocation of resources in the state’s health care delivery system by instituting a pilot program that encourages health carriers to develop health benefit plans and provider payment policies that promote a better alignment of financial incentives with health care quality improvement and efficiency.

Amend RSA 420-K:4 through 420-K:6 as inserted by section 1 of the bill by replacing them with the following:

420-K:4 Eligibility for Waiver of Statutory or Regulatory Requirements. A health carrier seeking to offer a health benefit plan that will promote a better alignment of financial incentives with health care quality improvement and efficiency shall be eligible, pursuant to RSA 420-K:5, to apply to the commissioner for a waiver or modification of specified statutory or regulatory requirements relating to such health benefit plan. To be eligible for the waiver, the carrier shall demonstrate to the commissioner that the design of the health benefit plan and the provider payment policies associated with the health benefit plan will meet at least 4 of the following standards:

I. Encourages providers to actively manage the care of patients with chronic health conditions or more complicated conditions and to treat such patients in accordance with evidence-based best practice guidelines.

II. Provides an opportunity for providers to share in the benefits of quality improvement and efficiency enhancements.

III. Provides the opportunity and incentive for covered persons and purchasers to recognize cost and quality differences in health care and make their decisions accordingly.

IV. Aligns financial incentives with the implementation of care processes based on evidence-based best practices and the achievement of better patient outcomes.

V. Aligns financial incentives with the implementation of programs for reducing medical errors and improving patient safety that are based on evidence-based best practices.

VI. Enables providers to coordinate care for patients across settings and over time.

VII. Creates financial incentives for providers to make resource allocation decisions based on established practice benchmarks.

420-K:5 Waiver Authority.

I. A health carrier offering or intending to offer a health benefit plan that meets the requirements of RSA 420-K:4 may apply to the commissioner for a waiver or modification of specified statutory or regulatory provisions concerning mandatory coverage requirements or network adequacy standards as they apply to such health benefit plan. The commissioner shall hold a public hearing on the proposed plan and after public hearing may grant such waiver or modification request upon a determination that:

(a) The health benefit plan and associated provider payment policies meet the requirements of RSA 420-K:4;

(b) The waiver or modification is a significant component of, and integral to, the effort to better align financial incentives with health care quality improvement and efficiency; and

(c) The health benefit plan establishes qualitative and quantitative benchmarks for measuring provider performance and the success of the payment mechanism in increasing compliance with evidenced-based practice guidelines.

II. The authority to grant waivers under this section on newly issued policies shall cease on July 1, 2007.

420-K:6 Rulemaking Authority. The commissioner may, in accordance with RSA 541-A, adopt rules as are necessary or proper to implement the waiver provisions of RSA 420-K:5. Amend the bill by replacing all after section 1 with the following:

2 Repeal. RSA 420-K, relative to aligning health care payment policies with quality improvement, is repealed.

3 Effective Date.

I. Section 2 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 a pilot program to allow health benefit plans which offer better alignment of financial incentives with health care quality improvement to apply to the commissioner for a waiver of certain requirements. The pilot program is repealed on July 1, 2007.

This bill is a request of the insurance department.

Adopted.

Report adopted and ordered to third reading.

HB 652-FN, relative to qualified wellness or disease management programs. OUGHT TO PASS

Rep. Leo W. Fraser Jr. for Commerce: This legislation allows health insurers in the small group and individual markets to use a rating factor (subject to the approval of the Insurance Department) to discount the premium rate for health benefit plans that include financial incentives to the employer and employee. It is hoped that this wellness program which addresses chronic disease such as diabetes, asthma and chronic heart disease, will accomplish three things: (1) Reduce medical claims costs; (2) Provide the employer with a reduced premium cost; (3) Target the individual in the group, and not the group itself. The federal law, HIPAA, already covers all of the primary issues that may be related to this legislation. Also, it is intended to encompass the quality of life of the patient. Vote 11-2. Report adopted.

Ordered to third reading.

MOTION TO SPECIAL ORDER

Rep. Hess moved that **CACR 2**, relating to the standard for judicial review of all legislative determinations concerning the content, extent, beneficiaries, and level of funding of public education. Providing that judicial review of all legislative determinations concerning the content, extent, beneficiaries, and level of funding of public education shall be limited to whether or not they have a rational basis, be made a Special Order for January 22, 2004 as the first order of business.

Adopted.

CACR 13, relating to defining the extent of state responsibility to provide aid for public elementary and secondary education. Providing that the state shall provide aid to school districts with a fiscal capacity that is less than their education need and the aid shall be a minimum of 31 percent of the state average expenditure per public elementary and secondary pupil, calculated at least once in every 5 years. **INEXPEDIENT TO**

LEGISLATE

Rep. Mark S. Carter for Education: The committee voted in a bipartisan manner to recommend ITL to the House. This amendment was originally a “companion” to HB 717 which was rejected in the Senate last session . It was the view of the committee that CACR 13 would more properly be a bill, as it seeks to establish education policy. Casting today’s specific education policy imperatives into constitutional stone was considered unwise as a two-thirds popular vote would be required to make any changes in the future. Vote 15-2. Adopted.

HB 133-L, relative to amending certain articles of agreement in the Fall Mountain regional cooperative school district. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard C. Leone for Education: This bill enables the Fall Mountain School District to correct an issue relative to articles of agreement for budgeting purposes. A correction was needed because the voters of the five towns had inaccurate information when they voted. Rather than require the district to wait the customary five years to correct the mistake, the committee agreed that the enabling legislation was in order under the circumstances. It was agreed that a remedy can be obtained by allowing the voters to decide. Vote 15-3.

Amendment (0288h)

Amend the bill by replacing section 2 with the following:

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

Adopted.

Report adopted and ordered to third reading.

HB 492, establishing a statement of parental rights relative to school disciplinary measures, the content of educational materials and surveys, and the use of psychological testing and psychiatric drugs in schools. **REFER FOR INTERIM STUDY**

Rep. Michael A. Balboni for Education: This bill supports parental rights by requiring informed consent of the parent or legal guardian prior to the administration of psychiatric drugs to school children. New Hampshire is the No. 1 state in the nation in administering the psychotropic drug Ritalin to our school children. We heard testimony that Ritalin is a synthetic cocaine and its withdrawal symptoms include violent outbursts. Once a student is placed on Ritalin, it is very difficult to take the child off the drug. We also learned that students given Ritalin after age 12 are prevented from receiving scholarships and cannot be admitted to the country’s military academies. Often, parents do not know of these future consequences when allowing their children to be given Ritalin or other mind-altering drugs. This bill would require full disclosure of the 1997 Department of Defense directive limiting military academy admittance. The bill would also require a parent or legal guardian to receive information concerning the pros and cons of such drugs and require such informed consent before the child can receive such drugs. We also heard testimony that the State of Connecticut passed a bill that is essentially the informed consent section of HB 492 (Paragraph IV). Most recognize the importance of this bill. Then why did the committee recommend interim study? The committee believes the bill can be made even better by focusing on the “informed consent” section of the bill. Therefore, an amendment is planned to be offered. Vote 12-5. Adopted.

HB 612-FN-L, increasing state appropriations to school districts for certain special education costs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Barbara J. Hagan for Education: The committee unanimously agreed that this bill will go a long way to ensure that communities that struggle with catastrophic aid will be able to receive funds sooner without putting an additional constraint on New Hampshire budget resources. It also sets up mechanisms to prevent districts from “double dipping” and gives an

important flow of information to the House and Senate Finance Committees so that future budgets can encompass the true picture of the districts' needs. The bill further does instruct the Department of Education to disburse all catastrophic money at the end of each fiscal year after court-ordered placements, to further lessen the burden on local school districts. Vote 18-0.

Amendment (2482h)

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

AN ACT making certain changes to the allocation of catastrophic aid expenditures.

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

1 Special Education; State Aid. Amend RSA 186-C:18, III-IV to read as follows:

III.(a) The state board of education through the commissioner, department of education, shall distribute aid available under this paragraph as entitlement to such school districts as have a special education pupil for whose costs they are responsible, for whom the costs of special education in the fiscal year ~~[exceed 3-1/2]~~ **exceeds the sum of 3** times the estimated state average expenditure per pupil for the school year preceding the year of distribution ***plus any additional federal funds received by a school district for educationally disabled children, or court-ordered placements, or both.*** If in any year, the amount appropriated for distribution as catastrophic special education 186-C:18 aid in accordance with this section is insufficient therefor, the appropriation shall be prorated proportionally based on entitlement among the districts entitled to a grant. If there are unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall be distributed for court-ordered placements under RSA 186-C:19-b. ***Any funds remaining after distribution for court-ordered placements shall be distributed to school districts in proportion to the number of educationally disabled pupils in each school district.*** The state may designate up to \$250,000 of the funds which are appropriated as required by this paragraph, for each fiscal year, to assist those school districts which, under guidelines established by rules of the state board of education, may qualify for emergency assistance for special education costs. Upon application to the commissioner of education, and approval by the commissioner, such funds may be accepted and expended by school districts in accordance with this chapter; provided, however, that if a school district has received emergency assistance funds for certain educationally disabled children, it shall not receive catastrophic special education aid for those same educationally disabled children. If any of the funds designated for emergency assistance under this paragraph are not used for such emergency assistance purposes, the funds shall be used to assist school districts in meeting catastrophic cost increases in their special education programs as provided by this paragraph.

(b) The school district shall be liable for ~~[3-1/2]~~ **3** times the estimated state average expenditure per pupil for the school year preceding the year of distribution, ***plus any additional federal funds received by a school district for educationally disabled children, or court-ordered placements, or both*** plus 20 percent of the additional cost, up to ~~[10]~~ **8** times the estimated state average expenditure per pupil for the school year preceding the year of distribution.

(c) The department of education shall be liable for 80 percent of the cost above the ~~[3-1/2]~~ **3** times the estimated state average expenditure per pupil for the school year preceding the year of distribution, ***plus any additional federal funds received by a school district for educationally disabled children, or court-ordered placements, or both,*** up to ~~[10]~~ **8** times the estimated state average expenditure per pupil for the school year preceding the year of distribution. The department of education shall be liable for all costs in excess of ~~[10]~~ **8** times the estimated state average expenditure per pupil for the school year preceding the year of distribution.

(d) Upon the effective date of this subparagraph, any additional federal special education funds received by school districts shall be dedicated for distribution as catastrophic aid in accordance with this paragraph.

(e) Beginning November 1, 2004, and annually thereafter, the governing body of the school district shall submit a report to the house and senate finance committees detailing all federal special education funds received in the immediately preceding school year including an accounting of how such funds were expended.

IV. The state shall appropriate \$300,000 for each fiscal year to assist special education programs that are statewide in their scope, and that meet the standards for such programs established by the state board of education. Funds under this paragraph shall be administered and distributed by the state board of education through the commissioner.

2 Special Education; State Aid. Amend RSA 186-C:18, VIII to read as follows:

VIII. A school district shall raise, appropriate and expend funds, reflecting the total cost in meeting catastrophic special education student costs as provided under RSA 186-C:18, including the school district and department of education liability. A school district may issue reimbursement anticipation notes as provided for in RSA 198:20-d to be redeemed upon receipt of reimbursement from the state. The department of education shall be liable for the cost of the school districts borrowing of any funds for special education student costs over [~~3~~ $\frac{3}{4}$] 3 times the estimated state average expenditure per pupil for the school year preceding the year of distribution ***plus any additional federal funds received by a school district for educationally disabled children, or court-ordered placements, or both.***

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

AMENDED ANALYSIS

This bill changes the formula used to determine liability for catastrophic aid expenses.
Adopted.

Report adopted.

Referred to Finance.

HB 641-FN-A-L, targeting aid for education to certain school districts. INEXPEDIENT TO LEGISLATE

Rep. John R.M. Alger for Education: The committee retained this bill in case it would be needed. However, with the passage of HB 608 into law, the bill is not needed, and the prime sponsor agrees. Vote 17-0.

Adopted.

HB 754-FN-L, establishing an education certificate program to allow parental choice in the selection of schools for children. REFER FOR INTERIM STUDY

Rep. Stephen R. L'Heureux for Education: After months of work, the Education Committee was still not able to come to a majority consensus on HB 754. We applaud the work of all of those involved in the process, from the public hearings and subcommittee work to the numerous e-mails and phone calls. It seems that the question is not if – but how – to best institute choice. The bipartisan vote reflects the committee's desire to continue to study this issue for New Hampshire's children. Vote 16-1.

Rep. Weyler spoke against and yielded to questions.

Reps. Ingbretson and Scott spoke against.

Reps. Rush, Kurk and Stephen L'Heureux spoke in favor.

Rep. Albert requested a roll call, sufficiently seconded.

The question being adoption of the committee report.

YEAS 233 NAYS 118

YEAS 233

BELKNAP

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

CARROLL

Babson, David Jr	Brown, Carolyn	Hatch, Paul	Kenney, Bettie
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Allen, Peter	Dunn, James	Eaton, Daniel	Espieffs, Peter
Liebl, George	Manning, Joseph	Meador, David	Mitchell, McKim
Parkhurst, Henry	Pratt, Irene	Pratt, John	Richardson, Barbara
Robertson, Timothy	Royce, H Charles	Slack, Pamela	Smith, Edwin
Tilton, Anna	Weed, Charles		

COOS

Mears, Edgar	Richardson, Herbert	Stohl, Eric	Theberge, Robert
Tholl, John Jr	Woodward, David		

GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Densmore, Edward	Diamond, Estelle	Eaton, Stephanie
Giuda, Robert	Hammond, Lee	Nordgren, Sharon	Scovner, Nancy
Sokol, Hilda	Solomon, Peter		

HILLSBOROUGH

Allan, Nelson	Balcom, John	Batula, Peter	Bergin, Peter
Bouchard, David	Brassard, Paul	Brundige, Robert	Buckley, Raymond
Carter, Jeffrey	Carter, Mark	Chabot, Robert	Clayton, William
Clemons, Jane	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard
Emerton, Larry	Fields, Dennis	Fletcher, Richard	Ford, Nancy
Gargas, Carolyn	Gorman, Mary	Graham, John	Greenberg, Gary
Haley, Robert	Hall, Charles	Haytayan, Harry Jr	Holden, Randolph
Infantine, William	Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette
Johnson, Lionel	Katsiantonis, Thomas	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	LaFlamme, Paul	Lasky, Bette	Leach, Edward
Lefebvre, Roland	Malloy, Chris	Messier, Irene	Moran, Edward
Mosher, William	Movsesian, Lori	Pappas, Christopher	Pepino, Leo
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Ross, Lawrence
Rowe, Robert	Scanlon, Michael	Schulze, Joan	Shaw, Barbara
Spiess, Paul	Sullivan, Francis	Sullivan, Peter	Sweeney, Cynthia
Tahir, Saghir	Tate, Joan	Vaillancourt, Steve	Wheeler, Robert

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	Daniels, Eric	Davis, Frank	DeJoie, John
DeStefano, Stephen	Foley, Albert	Fraser, Leo Jr	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Hess, David

Jacobson, Alf
MacKay, James
Osborne, Jessie
Reardon, Tara
Wallner, Mary Jane

Kenison, Leon
Marple, Richard
Owen, Derek
Reed, Dennis

L'Heureux, Stephen
Maxfield, Roy
Perkins, Randy
Rush, Deanna

Lockwood, Priscilla
Oliver, James
Potter, Frances
Seldin, Gloria

ROCKINGHAM

Belanger, Ronald
Coes, Betsy
Flanders, John Sr
Gleason, John
Johnson, Robert
Kobel, Rudolph
Major, Norman
Noyes, Richard
Robertson, Carl
Tufts, J Arthur
Zolla, William

Blanchard, MaryAnn
Cooney, Richard
Francoeur, Sheila
Gould, Kenneth
Katsakiores, George
Langley, Jane
Manning, John
O'Neil, Michael
Shultis, Elizabeth
Vallone, Matthew

Bridle, Russell
Corbin, Corey
Gilbert, Jeffrey
Griffin, Mary
Katsakiores, Phyllis
Langone, John
McEachern, Paul
Pitts, Jacqueline
Splaine, James
Welch, David

Casey, Kimberley
Duffy, James
Gillick, Thomas
Holland, James Jr
Kelley, Jane
Letourneau, Robert
Norelli, Terie
Rausch, James
Stone, Joseph
Winchell, George

STRAFFORD

Berube, Roger
Creteau, Irene
Hofemann, Roland
Miller, Joseph
Schmidt, Peter
Taylor, Kathleen

Bickford, David
Dunlap, Patricia
Johnson, Nancy
Musler, George
Smith, Marjorie
Wall, Janet

Brown, Julie
Grassie, Anne
Kaen, Naida
Pelletier, Arthur
Spang, Judith

Callaghan, Frank
Heon, Richard
Knowles, William
Rous, Emma
Taylor, Katherine

SULLIVAN

Allison, David
Flint, Gordon Sr
Jones, Constance

Burling, Peter
Franklin, Peter
Leone, Richard

Cloutier, John
Harris, Joseph
Phinizy, James

Ferland, Brenda
Harris, Sandra
Rodeschin, Beverly

NAYS 118

BELKNAP

Ahern, Omer Jr
Wendelboe, Fran

Boyce, Laurie

Clark, Charles

Flanders, Donald

CARROLL

Derby, Mark
Mock, Henry

Dickinson, Howard

McConkey, Mark

Merrow, Harry

CHESHIRE

Dexter, Judson

Fish, Douglas

Hunt, John

Laurent, John

COOS

Brady, Mark

Guay, Lawrence

King, Frederick

Pratt, Leighton

GRAFTON

Alger, John
Gionet, Edmond

Dorsett, Andrew
Ingbretson, Paul

Dudley, Terri
Maybeck, Margie

Gilman, G Michael
Naro, Debra

Sorg, Gregory

Williams, Burton

HILLSBOROUGH

Adams, Jarvis
Balboni, Michael
Buhlman, David

Allen, Timothy
Barry, J Gail
Cernota, Albert

Arnold, Thomas Jr
Beaton, William
Christensen, D L
Chris

Artz, Lawrence
Bruno, Pierre
Dionne, Kimberley

Elliott, Larry

Gonzalez, Carlos

Hagan, Barbara

Hallyburton,
Margaret

Hansen, Ryan
Hopper, Gary
Martin, Mary Ellen
Mooney, Maureen
Souza, Kathleen

Harrington, Paul
Kerns, J Edward
McHugh, Claire
O'Brien, Lori
Stepanek, Stephen

Hawkins, Ken
Laflamme, Charles
McRae, Karen
Ober, Russell III
Wheeler, James

Hinkle, Peyton
Luebker, Bernard
Mercer, Robert
Slocum, Lee

MERRIMACK

Anderson, Eric
Langer, Ray
Soltani, Tony

Dunne, Christopher
Leber, William

Field, William
McCormick, Tom

Kennedy, Richard
Nutter, Edward

ROCKINGHAM

Bicknell, Elbert
Carson, Sharon
Dumaine, Dudley
Headd, James
Itse, Daniel
McMahon, Charles
Quandt, Matthew
Varrell, Thomas
Weyler, Kenneth

Bishop, Franklin
Clark, Vivian
Fesh, Bob
Hughes, Daniel
Johnson, Rogers
Moore, Benjamin
Roessner, Kurt
Waterhouse, Kevin
Wiley, Robert

Cady, Harriet
DiFruscia, Anthony
Gilbert, Karl
Ingram, Russell
McCann, Richard
Morris, Richard
Smith, Donald
Weare, E Albert

Camm, Kevin
Dodge, Robert
Hamel, Albert
Introne, Robert
McKinney, Betsy
Putnam, Ed II
Smith, Paul
Weldy, Norman Jr

STRAFFORD

Albert, Russell
Easson, Timothy
Twombly, James

Bemis, Alan
Harrington, Michael
Vachon, Dennis

Campbell, W Packy
Newton, Clifford
Woods, Phyllis

Cataldo, Sam
Scott, David

SULLIVAN

Donovan, Thomas

and the committee report was adopted.

HB 264, establishing state representative districts. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Howard C. Dickinson for the Majority of Election Law: The committee retained HB 264 to examine the court-established House districts to determine if it was possible to create smaller districts with acceptable deviations. The committee will be receiving at least five bills concerning the subject of House redistricting next year (2004). HB 264, as amended, rennumbers each district by county and divides the following existing House districts: Belknap County #31 (into two districts), Grafton County #17 (into two districts), Cheshire County #26 (into two districts), Merrimack County #34 (into three districts), Rockingham County #79 (into two districts), and Strafford County #67 (into two districts). We were also able to increase the number of districts in the City of Manchester from eight to ten districts. Vote 10-4.

Rep. James R. Splaine for the Minority of Election Law: The minority wonders how often we're going to redistrict this state? Are we going to do it as the Constitution allows – every ten years after a thorough census – which was done last year? Or, are we going to do it after every election, when one party in power determines that it can redistrict itself even more legislative seats? Let's be fair to one another, and stop the gamespersonship.

Majority Amendment (2458h)

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

1 State Representative Districts. RSA 662:5 is repealed and reenacted to read as follows:

662:5 State Representative Districts. The state is divided into districts for the choosing of state representatives, each of which may elect the number of representatives set forth opposite the district, as follows:

	I. Belknap County	
District No. 1	Center Harbor New Hampton Sanbornton Tilton	3
District No. 2	Laconia Wards 1-6 Meredith	7
District No. 3	Alton Barnstead Belmont Gilford	7
District No. 4	Gilmanton	1
	II. Carroll County	
District No. 1	Bartlett Chatham Conway Hale's Location Hart's Location Jackson	4
District No. 2	Albany Eaton Madison	1
District No. 3	Freedom Ossipee Sandwich Tamworth	3
District No. 4	Moultonborough Tuftonboro Wolfeboro	4
District No. 5	Brookfield Effingham Wakefield	2
	III. Cheshire County	
District No. 1	Alstead Gilsum Marlow Nelson Roxbury Stoddard Sullivan	

	Surry	
	Walpole	
District No. 2	Westmoreland	4
District No. 3	Keene Wards 1-5	7
	Chesterfield	
	Hinsdale	
District No. 4	Winchester	4
	Fitzwilliam	
District No. 5	Richmond	1
	Harrisville	
	Marlborough	
	Swanzey	
	Troy	
	4	
District No. 6	Dublin	
	Jaffrey	
	Rindge	4
District No. 1	IV. Coos County	
	Atkinson & Gilmanton Academy Grant	
	Cambridge	
	Clarksville	
	Colebrook	
	Columbia	
	Dix's Grant	
	Dixville	
	Dummer	
	Errol	
	Erving's Location	
	Millsfield	
	Odell	
	Pittsburg	
	Second College Grant	
	Stewartstown	
District No. 2	Wentworth's Location	2
	Bean's Grant	
	Carroll	
	Chandler's Purchase	
	Crawford's Purchase	
	Cutt's Grant	
	Dalton	
	Gorham	
	Green's Grant	
	Hadley's Purchase	
	Jefferson	
	Kilkenny	
	Lancaster	
	Low and Burbank's Grant	
	Martin's Location	
	Northumberland	
	Pinkham's Grant	
	Randolph	
	Sargent's Purchase	
	Stark	

	Stratford	
	Thompson and Meserve's Purchase	
	Whitefield	5
District No. 3	Bean's Purchase	
	Berlin Wards 1-4	
	Milan	
	Shelburne	
	Success	4
	V. Grafton County	
District No. 1	Littleton	
	Lyman	2
District No. 2	Bethlehem	
	Franconia	1
District No. 3	Bath	
	Easton	
	Landaff	
	Lincoln	
	Lisbon	
	Livermore	
	Monroe	
	Sugar Hill	
	Waterville Valley	2
District No. 4	Thornton	
	Woodstock	1
District No. 5	Benton	
	Haverhill	
	Piermont	
	Warren	2
District No. 6	Campton	
	Ellsworth	
	Orford	
	Rumney	
	Wentworth	2
District No. 7	Hebron	
	Plymouth	2
District No. 8	Alexandria	
	Ashland	
	Bridgewater	
	Bristol	
	Groton	
	Holderness	3
District No. 9	Hanover	
	Lyme	4
District No. 10	Canaan	
	Dorchester	
	Enfield	
	Grafton	
	Orange	3
District No. 11	Lebanon Wards 1-3	4
	VI. Hillsborough County	
District No. 1	Antrim	
	Hancock	
	Hillsborough	

District No. 2	Windsor	3
	Bennington	
	Deering	
	Francestown	
District No. 3	Greenfield	2
	Greenville	
	New Ipswich	
	Peterborough	
District No. 4	Sharon	4
	Lyndeborough	
	Mont Vernon	
	New Boston	
	Temple	
District No. 5	Wilton	4
	Brookline	
	Hollis	
District No. 6	Mason	4
	Amherst	
	Milford	8
District No. 7	Goffstown	
	Weare	8
District No. 8	Manchester Ward 1	3
District No. 9	Manchester Ward 2	3
District No. 10	Manchester Ward 3	3
District No. 11	Manchester Ward 4	3
District No. 12	Manchester Ward 5	3
District No. 13	Manchester Ward 6	3
District No. 14	Manchester Ward 7	3
District No. 15	Manchester Ward 8	3
District No. 16	Manchester Ward 9	3
District No. 17	Manchester Wards 10, 11, and 12	8
District No. 18	Bedford	6
District No. 19	Litchfield	
	Merrimack	11
District No. 20	Nashua Ward 1	3
District No. 21	Nashua Ward 2	3
District No. 22	Nashua Ward 3	3
District No. 23	Nashua Wards 4 and 6	6
District No. 24	Nashua Ward 5	3
District No. 25	Nashua Wards 7 and 8	6
District No. 26	Nashua Ward 9	3
District No. 27	Hudson	
	Pelham	11
	VII. Merrimack County	
District No. 1	Danbury	
	New London	
	Wilmot	2
District No. 2	Franklin Wards 1-3	
	Hill	3
District No. 3	Newbury	
	Sutton	1
District No. 4	Hopkinton	
	Warner	

District No. 5	Webster	3
	Bradford	
District No. 6	Henniker	2
	Andover	
	Boscawen	
	Canterbury	
	Loudon	
	Northfield	
District No. 7	Salisbury	6
	Chichester	
District No. 8	Pembroke	3
	Allenstown	
	Epsom	
	Hooksett	
	Pittsfield	8
District No. 9	Concord Wards 1, 2, and 3	4
District No. 10	Concord Wards 4, 8, 9, and 10	5
District No. 11	Concord Wards 5, 6, and 7	4
District No. 12	Bow	
	Dunbarton	3
	VIII. Rockingham County	
District No. 1	Candia	
	Deerfield	
	Northwood	
	Nottingham	5
District No. 2	Raymond	3
District No. 3	Auburn	
	Londonderry	9
District No. 4	Salem	
	Windham	12
District No. 5	Derry	11
District No. 6	Atkinson	2
District No. 7	Chester	
	Danville	
	Sandown	4
District No. 8	Hampstead	
	Kingston	
	Plaistow	7
District No. 9	Brentwood	
	Epping	
	Fremont	4
District No. 10	East Kingston	
	Newton	2
District No. 11	Newfields	
	Newmarket	3
District No. 12	Exeter	
	North Hampton	
	Stratham	8
District No. 13	Hampton Falls	
	Kensington	
	Seabrook	
	South Hampton	4
District No. 14	Hampton	5

District No. 15	Newington	
	Portsmouth Wards 1-5	7
District No. 16	Greenland	1
District No. 17	New Castle	
	Rye	2
	IX. Strafford County	
District No. 1	Rochester Wards 1-6	9
District No. 2	Rollinsford	
	Somersworth Wards 1-5	
	5	
District No. 3	Barrington	
	Farmington	
	Middleton	
	Milton	
	New Durham	
	Strafford	8
District No. 4	Dover Wards 1 and 2	3
District No. 5	Dover Wards 3 and 4	3
District No. 6	Dover Wards 5 and 6	3
District No. 7	Durham	
	Lee	
	Madbury	6
	X. Sullivan County	
District No. 1	Cornish	
	Grantham	
	Plainfield	2
District No. 2	Croydon	
	Goshen	
	Newport	
	Springfield	
	Washington	3
District No. 3	Sunapee	1
District No. 4	Claremont Wards 1-3	
	Lempster	
	Unity	5
District No. 5	Acworth	
	Charlestown	
	Langdon	2

2 Application. The changes in state representative districts established by this act shall not affect constituencies or terms of office of representatives presently in office. The state representative districts established by this act shall be in effect for the purpose of electing representatives at the 2004 state general election. If there shall be a vacancy in a state representatives district for any reason prior to the 2004 state general election, the vacancy shall be filled by and from the same state representative district that existed for the 2002 state general election. No provision of this act shall affect in any manner any of the proceedings of the membership of the house of representatives of the general court that assembled for a biennial session in January 2003.

3 Effective Date. This act shall take effect 60 days after its passage.
Majority amendment adopted.
Rep. Whalley offered floor amendment (0036h).

Floor Amendment (0036h)

Amend the bill by replacing section 1 with the following:

1 State Representative Districts. RSA 662:5 is repealed and reenacted to read as follows:

662:5 State Representative Districts. The state is divided into districts for the choosing of state representatives, each of which may elect the number of representatives set forth opposite the district, as follows:

I. Belknap County

District No. 1	Center Harbor	
	New Hampton	
	Sanbornton	
	Tilton	3
District No. 2	Laconia Wards 1-6	
	Meredith	7
District No. 3	Alton	
	Barnstead	
	Belmont	
	Gilford	7
District No. 4	Gilmanton	1

II. Carroll County

District No. 1	Bartlett	
	Chatham	
	Conway	
	Hale's Location	
	Hart's Location	
	Jackson	4
District No. 2	Albany	
	Eaton	
	Madison	1
District No. 3	Freedom	
	Ossipee	
	Sandwich	
	Tamworth	3
District No. 4	Moultonborough	
	Tuftonboro	
	Wolfeboro	4
District No. 5	Brookfield	
	Effingham	
	Wakefield	2

III. Cheshire County		
District No. 1	Gilsum	
	Surry	
	Westmoreland	1
District No. 2	Alstead	
	Marlow	
	Nelson	
	Roxbury	
	Stoddard	
	Sullivan	
	Walpole	3
District No. 3	Keene Wards 1-5	7
District No. 4	Chesterfield	
	Hinsdale	
	Winchester	4
District No. 5	Fitzwilliam	
	Richmond	1
District No. 6	Harrisville	
	Marlborough	
	Swanzey	
	Troy	
	4	
District No. 7	Dublin	
	Jaffrey	
	Rindge	4
IV. Coos County		
District No. 1	Atkinson & Gilmanton Academy Grant	
	Cambridge	
	Clarksville	
	Colebrook	
	Columbia	
	Dix's Grant	
	Dixville	
	Dummer	
	Errol	
	Erving's Location	

	Millsfield	
	Odell	
	Pittsburg	
	Second College Grant	
	Stewartstown	
	Wentworth's Location	2
District No. 2	Bean's Grant	
	Carroll	
	Chandler's Purchase	
	Crawford's Purchase	
	Cutt's Grant	
	Dalton	
	Gorham	
	Green's Grant	
	Hadley's Purchase	
	Jefferson	
	Kilkenny	
	Lancaster	
	Low and Burbank's Grant	
	Martin's Location	
	Northumberland	
	Pinkham's Grant	
	Randolph	
	Sargent's Purchase	
	Stark	
	Stratford	
	Thompson and Meserve's Purchase	
	Whitefield	5
District No. 3	Bean's Purchase	
	Berlin Wards 1-4	
	Milan	
	Shelburne	
	Success	4
	V. Grafton County	
District No. 1	Littleton	
	Lyman	2

District No. 2	Bethlehem	
	Franconia	1
District No. 3	Bath	
	Easton	
	Landaff	
	Lincoln	
	Lisbon	
	Livermore	
	Monroe	
	Sugar Hill	
District No. 4	Waterville Valley	2
	Thornton	
District No. 5	Woodstock	1
	Benton	
	Haverhill	
District No. 6	Piermont	
	Warren	2
	Campton	
	Ellsworth	
	Orford	
	Rumney	
District No. 7	Wentworth	2
	Hebron	
	Plymouth	2
District No. 8	Alexandria	
	Ashland	
	Bridgewater	
	Bristol	
	Groton	
	Holderness	3
District No. 9	Hanover	
	Lyme	4
District No. 10	Canaan	
	Dorchester	
	Enfield	
	Grafton	

	Orange	3
District No. 11	Lebanon Wards 1-3	4
VI. Hillsborough County		
District No. 1	Antrim	
	Hancock	
	Hillsborough	
	Windsor	3
District No. 2	Bennington	
	Deering	
	Francestown	
	Greenfield	2
District No. 3	Greenville	
	New Ipswich	
	Peterborough	
	Sharon	4
District No. 4	Lyndeborough	
	Mont Vernon	
	New Boston	
	Temple	
	Wilton	4
District No. 5	Brookline	
	Hollis	
	Mason	4
District No. 6	Amherst	
	Milford	8
District No. 7	Goffstown	
	Weare	8
District No. 8	Manchester Ward 1	3
District No. 9	Manchester Ward 2	3
District No. 10	Manchester Ward 3	3
District No. 11	Manchester Ward 4	3
District No. 12	Manchester Ward 5	3
District No. 13	Manchester Ward 6	3
District No. 14	Manchester Ward 7	3
District No. 15	Manchester Ward 8	3
District No. 16	Manchester Ward 9	3

District No. 17	Manchester Wards 10, 11, and 12	8
District No. 18	Bedford	6
District No. 19	Litchfield	
	Merrimack	11
District No. 20	Nashua Ward 1	3
District No. 21	Nashua Ward 2	3
District No. 22	Nashua Ward 3	3
District No. 23	Nashua Wards 4 and 6	6
District No. 24	Nashua Ward 5	3
District No. 25	Nashua Wards 7 and 8	6
District No. 26	Nashua Ward 9	3
District No. 27	Hudson	
	Pelham	11
	VII. Merrimack County	
District No. 1	Danbury	
	New London	
	Wilmot	2
District No. 2	Franklin Wards 1-3	
	Hill	3
District No. 3	Newbury	
	Sutton	1
District No. 4	Hopkinton	
	Warner	
	Webster	3
District No. 5	Bradford	
	Henniker	2
District No. 6	Andover	
	Boscawen	
	Canterbury	
	Loudon	
	Northfield	
	Salisbury	6
District No. 7	Chichester	
	Pembroke	3
District No. 8	Allenstown	
	Epsom	

	Hooksett	
	Pittsfield	8
District No. 9	Concord Wards 1, 2, and 3	4
District No. 10	Concord Wards 4, 8, 9, and 10	5
District No. 11	Concord Wards 5, 6, and 7	4
District No. 12	Bow	
	Dunbarton	3
	VIII. Rockingham County	
District No. 1	Candia	
	Deerfield	
	Northwood	
	Nottingham	5
District No. 2	Raymond	3
District No. 3	Auburn	
	Londonderry	9
District No. 4	Salem	
	Windham	13
District No. 5	Derry	11
District No. 6	Atkinson	2
District No. 7	Chester	
	Danville	
	Sandown	4
District No. 8	Hampstead	
	Kingston	
	Plaistow	7
District No. 9	Brentwood	
	Epping	
	Fremont	4
District No. 10	East Kingston	
	Newton	2
District No. 11	Newfields	
	Newmarket	3
District No. 12	Exeter	
	North Hampton	
	Stratham	8
District No. 13	Hampton Falls	

	Kensington	
	Seabrook	
	South Hampton	4
District No. 14	Hampton	5
District No. 15	Newington	
	Portsmouth Wards 1-5	7
District No. 16	Greenland	1
District No. 17	New Castle	
	Rye	2
	IX. Strafford County	
District No. 1	Rochester Wards 1-6	9
District No. 2	Rollinsford	
	Somersworth Wards 1-5	
	5	
District No. 3	Barrington	
	Farmington	
	Middleton	
	Milton	
	New Durham	
	Strafford	8
District No. 4	Dover Wards 1 and 2	3
District No. 5	Dover Wards 3 and 4	3
District No. 6	Dover Wards 5 and 6	3
District No. 7	Durham	
	Lee	
	Madbury	6
	X. Sullivan County	
District No. 1	Cornish	
	Grantham	
	Plainfield	2
District No. 2	Croydon	
	Goshen	
	Newport	
	Springfield	
	Washington	3
District No. 3	Sunapee	1

District No. 4	Claremont Wards 1-3	
	Lempster	
	Unity	5
District No. 5	Acworth	
	Charlestown	
	Langdon	2

Reps. Whalley and Berube spoke in favor.
Floor amendment (0036h) adopted.

Rep. Buckley offered floor amendment (0099h).

Floor Amendment (0099h)

Amend RSA 662:5, V as inserted by section 1 of the bill by replacing it with the following:

V. Grafton County

District No. 1	Littleton	
	Lyman	2
District No. 2	Bethlehem	
	Franconia	1
District No. 3	Bath	
	Easton	
	Landaff	
	Lincoln	
	Lisbon	
	Livermore	
	Monroe	
	Sugar Hill	
	Waterville Valley	2
District No. 4	Thornton	
	Woodstock	1
District No. 5	Benton	
	Haverhill	
	Piermont	
	Warren	2
District No. 6	Campton	
	Ellsworth	
	Orford	
	Rumney	

	Wentworth	2
District No. 7	Hebron	
	Plymouth	2
District No. 8	Alexandria	
	Ashland	
	Bridgewater	
	Bristol	
	Groton	
	Holderness	3
District No. 9	Hanover	
	Lyme	4
District No. 10	Canaan	
	Dorchester	
	Enfield	
	Grafton	
	Orange	3
District No. 11	Lebanon Wards 1-3	4

Rep. Buckley spoke against.

Rep. Buckley requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (0099h)

YEAS 6 NAYS 342

YEAS 6

BELKNAP

None

CARROLL

None

CHESHIRE

None

COOS

None

GRAFTON

None

HILLSBOROUGH

Adams, Jarvis

Johnson, Lionel

MERRIMACK

Leber, William

ROCKINGHAM

Waterhouse, Kevin

STRAFFORD

Berube, Roger

Creteau, Irene

SULLIVAN

None

NAYS 342

BELKNAP

Ahern, Omer Jr
Clark, Charles
Holbrook, Robert
Rice, Thomas

Allen, Janet
Dewhirst, Glenn
Lawton, David
Russell, David

Bartlett, Gordon
Fitzgerald, James
Nedeau, Stephen
Wendelboe, Fran

Boyce, Laurie
Flanders, Donald
Pilliod, James
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

Allen, Peter
Espieffs, Peter
Liebl, George
Parkhurst, Henry
Robertson, Timothy
Tilton, Anna

Dexter, Judson
Fish, Douglas
Manning, Joseph
Pratt, Irene
Royce, H Charles
Weed, Charles

Dunn, James
Hunt, John
Meador, David
Pratt, John
Slack, Pamela

Eaton, Daniel
Laurent, John
Mitchell, McKim
Richardson, Barbara
Smith, Edwin

COOS

Brady, Mark
Pratt, Leighton
Tholl, John Jr

Guay, Lawrence
Richardson, Herbert
Woodward, David

King, Frederick
Stohl, Eric

Mears, Edgar
Theberge, Robert

GRAFTON

Akins, Ralph
Bleyler, Ruth
Dorsett, Andrew
Gionet, Edmond
Maybeck, Margie
Sokol, Hilda

Alger, John
Cooney, Mary
Dudley, Terri
Giuda, Robert
Naro, Debra
Solomon, Peter

Almy, Susan
Densmore, Edward
Eaton, Stephanie
Hammond, Lee
Nordgren, Sharon
Sorg, Gregory

Benn, Bernard
Diamond, Estelle
Gilman, G Michael
Ingbertson, Paul
Scovner, Nancy
Williams, Burton

HILLSBOROUGH

Allan, Nelson
Balcom, John

Arnold, Thomas Jr
Barry, J Gail

Artz, Lawrence
Batula, Peter

Balboni, Michael
Beaton, William

Bergin, Peter	Bouchard, David	Brassard, Paul	Brundige, Robert
Bruno, Pierre	Buckley, Raymond	Buhlman, David	Carlson, Donald
Carter, Jeffrey	Carter, Mark	Cernota, Albert	Chabot, Robert
Christensen, D L	Clayton, William	Clemons, Jane	Cote, David
Chris			
Cote, Peter	Coughlin, Pamela	Desmarais, Vivian	Dionne, Kimberley
Dokmo, Cynthia	Drisko, Richard	Elliott, Larry	Emerton, Larry
Fields, Dennis	Fletcher, Richard	Ford, Nancy	Gargasz, Carolyn
Gibson, John	Gonzalez, Carlos	Gorman, Mary	Graham, John
Greenberg, Gary	Hagan, Barbara	Haley, Robert	Hall, Charles
Hallyburton, Margaret	Hansen, Ryan	Harrington, Paul	Hawkins, Ken
Haytayan, Harry Jr	Hinkle, Peyton	Holden, Randolph	Hopper, Gary
Infantine, William	Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette
Katsiantonis, Thomas	Kopka, Angeline	Kurk, Neal	L'Heureux, Robert
Laflamme, Charles	LaFlamme, Paul	Lasky, Bette	Leach, Edward
Lefebvre, Roland	Luebker, Bernard	Malloy, Chris	Martin, Mary Ellen
McHugh, Claire	McRae, Karen	Mercer, Robert	Messier, Irene
Mooney, Maureen	Moran, Edward	Mosher, William	Movsesian, Lori
O'Brien, Lori	Ober, Russell III	Pappas, Christopher	Pepino, Leo
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Rowe, Robert
Scanlon, Michael	Schulze, Joan	Shaw, Barbara	Slocum, Lee
Souza, Kathleen	Spiess, Paul	Stepanek, Stephen	Sullivan, Francis
Sullivan, Peter	Sweeney, Cynthia	Tahir, Saghir	Tate, Joan
Vaillancourt, Steve	Wheeler, James	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	Daniels, Eric	Davis, Frank
DeJoie, John	DeStefano, Stephen	Dunne, Christopher	Field, William
Foley, Albert	Fraser, Leo Jr	French, Barbara	Gile, Mary
Hager, Elizabeth	Hamm, Christine	Hess, David	Jacobson, Alf
Kenison, Leon	Kennedy, Richard	L'Heureux, Stephen	Langer, Ray
Lockwood, Priscilla	MacKay, James	Marple, Richard	McCormick, Tom
Nutter, Edward	Oliver, James	Osborne, Jessie	Owen, Derek
Perkins, Randy	Potter, Frances	Reardon, Tara	Reed, Dennis
Rush, Deanna	Seldin, Gloria	Soltani, Tony	Wallner, Mary Jane

ROCKINGHAM

Belanger, Ronald	Bicknell, Elbert	Bishop, Franklin	Blanchard, MaryAnn
Bridle, Russell	Cady, Harriet	Camm, Kevin	Carson, Sharon
Casey, Kimberley	Clark, Vivian	Coes, Betsy	Cooney, Richard
Corbin, Corey	DiFruscia, Anthony	Dodge, Robert	Duffy, James
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gillick, Thomas	Gleason, John	Gould, Kenneth
Griffin, Mary	Hamel, Albert	Headd, James	Holland, James Jr
Hughes, Daniel	Ingram, Russell	Introne, Robert	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Major, Norman	Manning, John	McCann, Richard
McEachern, Paul	McKinney, Betsy	McMahon, Charles	Moore, Benjamin
Morris, Richard	Norelli, Terie	Noyes, Richard	O'Neil, Michael
Pitts, Jacqueline	Putnam, Ed II	Quandt, Matthew	Rausch, James
Robertson, Carl	Roessner, Kurt	Ruffner, Walter	Shultis, Elizabeth
Smith, Donald	Smith, Paul	Splaine, James	Stone, Joseph

Tufts, J Arthur
Welch, David
Winchell, George

Vallone, Matthew
Weldy, Norman Jr
Zolla, William

Varrell, Thomas
Weyler, Kenneth

Weare, E Albert
Wiley, Robert

STRAFFORD

Albert, Russell
Callaghan, Frank
Easson, Timothy
Hofemann, Roland
Miller, Joseph
Rous, Emma
Spang, Judith
Vachon, Dennis

Bemis, Alan
Campbell, W Packy
Grassie, Anne
Johnson, Nancy
Musler, George
Schmidt, Peter
Taylor, Katherine
Wall, Janet

Bickford, David
Cataldo, Sam
Harrington, Michael
Kaen, Naida
Newton, Clifford
Scott, David
Taylor, Kathleen
Woods, Phyllis

Brown, Julie
Dunlap, Patricia
Heon, Richard
Knowles, William
Pelletier, Arthur
Smith, Marjorie
Twombly, James

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

and floor amendment (0099h) failed.

Rep. Buckley offered floor amendment (0101h).

Floor Amendment (0101h)

Amend RSA 662:5, VI as inserted by section 1 of the bill by replacing it with the following:

VI. Hillsborough County

District No. 1	Antrim	
	Hancock	
	Hillsborough	
	Windsor	3
District No. 2	Bennington	
	Deering	
	Francestown	
	Greenfield	2
District No. 3	Greenville	
	New Ipswich	
	Peterborough	
	Sharon	4
District No. 4	Lyndeborough	
	Mont Vernon	
	New Boston	
	Temple	
	Wilton	4

District No. 5	Brookline	
	Hollis	
	Mason	4
District No. 6	Amherst	
	Milford	8
District No. 7	Goffstown	
	Weare	8
District No. 8	Manchester Ward 1	3
District No. 9	Manchester Ward 2	3
District No. 10	Manchester Ward 3	3
District No. 11	Manchester Ward 4	3
District No. 12	Manchester Ward 5	3
District No. 13	Manchester Ward 6	3
District No. 14	Manchester Ward 7	3
District No. 15	Manchester Ward 8	3
District No. 16	Manchester Ward 9	3
District No. 17	Manchester Wards 10, 11, and 12	8
District No. 18	Bedford	6
District No. 19	Litchfield	
	Merrimack	11
District No. 20	Nashua Ward 1	3
District No. 21	Nashua Ward 2	3
District No. 22	Nashua Ward 3	3
District No. 23	Nashua Wards 4 and 6	6
District No. 24	Nashua Ward 5	3
District No. 25	Nashua Wards 7 and 8	6
District No. 26	Nashua Ward 9	3
District No. 27	Hudson	
	Pelham	11

Rep. Buckley spoke in favor.
Floor amendment (0101h) failed.

Rep. Buckley offered floor amendment (0102h).

Floor Amendment 0102h)

Amend RSA 662:5, IX as inserted by section 1 of the bill by replacing it with the following:

IX. Strafford County

District No. 1	Rochester Wards 1-6	9
District No. 2	Rollinsford	
	Somersworth Wards 1-5	
	5	
District No. 3	Barrington	
	Farmington	
	Middleton	
	Milton	
	New Durham	
	Strafford	8
District No. 4	Dover Wards 1 and 2	3
District No. 5	Dover Wards 3 and 4	3
District No. 6	Dover Wards 5 and 6	3
District No. 7	Durham	
	Lee	
	Madbury	6

Rep. Buckley spoke in favor; and requested a roll call; sufficiently seconded.
The question being adoption of floor amendment (0102h).

YEAS 58 NAYS 292

YEAS 58

BELKNAP

None

CARROLL

None

CHESHIRE

Dunn, James
Richardson, Barbara

Eaton, Daniel
Robertson, Timothy

Meador, David
Tilton, Anna

Pratt, Irene
Weed, Charles

COOS

Theberge, Robert

GRAFTON

Bleyler, Ruth

Densmore, Edward

Diamond, Estelle

HILLSBOROUGH

Brassard, Paul
Craig, James
Lasky, Bette

Buckley, Raymond
Gorman, Mary
Malloy, Chris

Clayton, William
Haley, Robert
Movsesian, Lori

Clemons, Jane
Katsiantonis, Thomas
Pappas, Christopher

Schulze, Joan

Shaw, Barbara

Sullivan, Francis

Sullivan, Peter

MERRIMACK

Davis, Frank
Hamm, Christine
Rush, Deanna

DeStefano, Stephen
Perkins, Randy
Seldin, Gloria

French, Barbara
Potter, Frances

Gile, Mary
Reardon, Tara

ROCKINGHAM

Cady, Harriet
Shultis, Elizabeth

Casey, Kimberley
Vallone, Matthew

Corbin, Corey

Pitts, Jacqueline

STRAFFORD

Berube, Roger
Hofemann, Roland
Schmidt, Peter

Brown, Julie
Knowles, William
Spang, Judith

Callaghan, Frank
Newton, Clifford
Taylor, Katherine

Grassie, Anne
Rous, Emma

SULLIVAN

Allison, David

Donovan, Thomas

Franklin, Peter

NAYS 292

BELKNAP

Ahern, Omer Jr
Clark, Charles
Holbrook, Robert
Rice, Thomas

Allen, Janet
Dewhirst, Glenn
Lawton, David
Russell, David

Bartlett, Gordon
Fitzgerald, James
Nedeau, Stephen
Wendelboe, Fran

Boyce, Laurie
Flanders, Donald
Pilliod, James
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
Morrow, Harry
Philbrick, Donald

CHESHIRE

Allen, Peter
Hunt, John
Mitchell, McKim
Slack, Pamela

Dexter, Judson
Laurent, John
Parkhurst, Henry
Smith, Edwin

Espieffs, Peter
Liebl, George
Pratt, John

Fish, Douglas
Manning, Joseph
Royce, H Charles

COOS

Brady, Mark
Pratt, Leighton
Woodward, David

Guay, Lawrence
Richardson, Herbert

King, Frederick
Stohl, Eric

Mears, Edgar
Tholl, John Jr

GRAFTON

Akins, Ralph
Cooney, Mary
Gilman, G Michael
Ingbretson, Paul
Scovner, Nancy

Alger, John
Dorsett, Andrew
Gionet, Edmond
Maybeck, Margie
Sokol, Hilda

Almy, Susan
Dudley, Terri
Giuda, Robert
Naro, Debra
Solomon, Peter

Benn, Bernard
Eaton, Stephanie
Hammond, Lee
Nordgren, Sharon
Sorg, Gregory

Williams, Burton

HILLSBOROUGH

Adams, Jarvis	Allan, Nelson	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Barry, J Gail	Batula, Peter
Beaton, William	Bergin, Peter	Bouchard, David	Brundige, Robert
Bruno, Pierre	Buhlman, David	Carlson, Donald	Carter, Jeffrey
Carter, Mark	Cernota, Albert	Chabot, Robert	Christensen, D L
			Chris
Cote, David	Cote, Peter	Coughlin, Pamela	Desmarais, Vivian
Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard	Elliott, Larry
Emerton, Larry	Fields, Dennis	Fletcher, Richard	Ford, Nancy
Gargas, Carolyn	Gibson, John	Gonzalez, Carlos	Graham, John
Greenberg, Gary	Hagan, Barbara	Hall, Charles	Hallyburton, Margaret
Hansen, Ryan	Harrington, Paul	Hawkins, Ken	Haytayan, Harry Jr
Hinkle, Peyton	Holden, Randolph	Hopper, Gary	Infantine, William
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Johnson, Lionel
Kopka, Angeline	Kurk, Neal	L'Heureux, Robert	Laflamme, Charles
LaFlamme, Paul	Leach, Edward	Lefebvre, Roland	Luebkert, Bernard
Martin, Mary Ellen	McHugh, Claire	McRae, Karen	Mercer, Robert
Messier, Irene	Mooney, Maureen	Moran, Edward	Mosher, William
O'Brien, Lori	Ober, Russell III	Pepino, Leo	Pilotte, Maurice
Price, Pamela	Reeves, Sandra	Rowe, Robert	Scanlon, Michael
Slocum, Lee	Souza, Kathleen	Spiess, Paul	Stepanek, Stephen
Sweeney, Cynthia	Tahir, Saghir	Tate, Joan	Vaillancourt, Steve
Wheeler, James	Wheeler, Robert		

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
			DeJoie, John
Clarke, Claire	Currier, David	Daniels, Eric	Fraser, Leo Jr
Dunne, Christopher	Field, William	Foley, Albert	Kenison, Leon
Hager, Elizabeth	Hess, David	Jacobson, Alf	Leber, William
Kennedy, Richard	L'Heureux, Stephen	Langer, Ray	Maxfield, Roy
Lockwood, Priscilla	MacKay, James	Marple, Richard	Osborne, Jessie
McCormick, Tom	Nutter, Edward	Oliver, James	Wallner, Mary Jane
Owen, Derek	Reed, Dennis	Soltani, Tony	

ROCKINGHAM

Belanger, Ronald	Bicknell, Elbert	Bishop, Franklin	Blanchard, MaryAnn
Bridle, Russell	Camm, Kevin	Carson, Sharon	Clark, Vivian
Coes, Betsy	Cooney, Richard	DiFruscia, Anthony	Dodge, Robert
Duffy, James	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Francoeur, Sheila	Gilbert, Jeffrey	Gillick, Thomas	Gleason, John
Gould, Kenneth	Griffin, Mary	Hamel, Albert	Headd, James
Holland, James Jr	Hughes, Daniel	Ingram, Russell	Introne, Robert
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Major, Norman	Manning, John
McCann, Richard	McEachern, Paul	McKinney, Betsy	McMahon, Charles
Moore, Benjamin	Morris, Richard	Norelli, Terie	Noyes, Richard
O'Neil, Michael	Putnam, Ed II	Quandt, Matthew	Rausch, James
Robertson, Carl	Roessner, Kurt	Ruffner, Walter	Smith, Donald
Smith, Paul	Splaine, James	Stone, Joseph	Tufts, J Arthur

Varrell, Thomas
Weldy, Norman Jr
Zolla, William

Waterhouse, Kevin
Weyler, Kenneth

Weare, E Albert
Wiley, Robert

Welch, David
Winchell, George

STRAFFORD

Albert, Russell
Cataldo, Sam
Harrington, Michael
Miller, Joseph
Smith, Marjorie
Wall, Janet

Bemis, Alan
Creteau, Irene
Heon, Richard
Musler, George
Taylor, Kathleen
Woods, Phyllis

Bickford, David
Dunlap, Patricia
Johnson, Nancy
Pelletier, Arthur
Twombly, James

Campbell, W Packy
Easson, Timothy
Kaen, Naida
Scott, David
Vachon, Dennis

SULLIVAN

Burling, Peter
Harris, Joseph
Phinizy, James
and floor amendment (0102h) failed.

Cloutier, John
Harris, Sandra
Rodeschin, Beverly

Ferland, Brenda
Jones, Constance

Flint, Gordon Sr
Leone, Richard

Rep. Buckley offered floor amendment (0103h).

Floor Amendment (0103h)

Amend RSA 662:5, VII as inserted by section 1 of the bill by replacing it with the following:

VII. Merrimack County

District No. 1	Danbury	
	New London	
	Wilmot	2
District No. 2	Franklin Wards 1-3	
	Hill	3
District No. 3	Newbury	
	Sutton	1
District No. 4	Hopkinton	
	Warner	
	Webster	3
District No. 5	Bradford	
	Henniker	2
District No. 6	Andover	
	Boscawen	
	Canterbury	
	Loudon	
	Northfield	
	Salisbury	6
District No. 7	Chichester	

	Pembroke	3
District No. 8	Allenstown	
	Epsom	
	Hooksett	
	Pittsfield	8
District No. 9	Concord Wards 1, 2, and 3	4
District No. 10	Concord Wards 4, 8, 9, and 10	5
District No. 11	Concord Wards 5, 6, and 7	4
District No. 12	Bow	
	Dunbarton	3

Rep. Buckley spoke in favor and yielded to questions.
Rep. Buckley requested a roll call; sufficiently seconded.
The question being adoption of floor amendment (0103h).

YEAS 26 NAYS 324

YEAS 26

BELKNAP

None

CARROLL

None

CHESHIRE

Allen, Peter Meader, David Richardson, Barbara Robertson, Timothy

COOS

Woodward, David

GRAFTON

Solomon, Peter

HILLSBOROUGH

Adams, Jarvis Clemons, Jane Craig, James Gorman, Mary
Lasky, Bette

MERRIMACK

Anderson, Eric DeStefano, Stephen French, Barbara Hamm, Christine
Leber, William Owen, Derek Potter, Frances

ROCKINGHAM

Cady, Harriet Casey, Kimberley Coes, Betsy

STRAFFORD

Berube, Roger
Knowles, William

Callaghan, Frank

Creteau, Irene

Grassie, Anne

SULLIVAN

None

NAYS 324

BELKNAP

Ahern, Omer Jr
Clark, Charles
Holbrook, Robert
Rice, Thomas

Allen, Janet
Dewhirst, Glenn
Lawton, David
Russell, David

Bartlett, Gordon
Fitzgerald, James
Nedeau, Stephen
Wendelboe, Fran

Boyce, Laurie
Flanders, Donald
Pilliod, James
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
Fish, Douglas
Manning, Joseph
Pratt, John
Tilton, Anna

Dunn, James
Hunt, John
Mitchell, McKim
Royce, H Charles
Weed, Charles

Eaton, Daniel
Laurent, John
Parkhurst, Henry
Slack, Pamela

Espieffs, Peter
Liebl, George
Pratt, Irene
Smith, Edwin

COOS

Brady, Mark
Pratt, Leighton
Tholl, John Jr

Guay, Lawrence
Richardson, Herbert

King, Frederick
Stohl, Eric

Mears, Edgar
Theberge, Robert

GRAFTON

Akins, Ralph
Bleyler, Ruth
Dorsett, Andrew
Gionet, Edmond
Maybeck, Margie
Sokol, Hilda

Alger, John
Cooney, Mary
Dudley, Terri
Giuda, Robert
Naro, Debra
Sorg, Gregory

Almy, Susan
Densmore, Edward
Eaton, Stephanie
Hammond, Lee
Nordgren, Sharon
Williams, Burton

Benn, Bernard
Diamond, Estelle
Gilman, G Michael
Ingbretson, Paul
Scovner, Nancy

HILLSBOROUGH

Allan, Nelson
Balcom, John
Bergin, Peter
Bruno, Pierre
Carter, Jeffrey
Christensen, D L
Chris
Coughlin, Pamela
Drisko, Richard
Fletcher, Richard
Gonzalez, Carlos

Arnold, Thomas Jr
Barry, J Gail
Bouchard, David
Buckley, Raymond
Carter, Mark
Clayton, William
Desmarais, Vivian
Elliott, Larry
Ford, Nancy
Graham, John

Artz, Lawrence
Batula, Peter
Brassard, Paul
Buhlman, David
Cernota, Albert
Cote, David
Dionne, Kimberley
Emerton, Larry
Gargas, Carolyn
Greenberg, Gary

Balboni, Michael
Beaton, William
Brundige, Robert
Carlson, Donald
Chabot, Robert
Cote, Peter
Dokmo, Cynthia
Fields, Dennis
Gibson, John
Hagan, Barbara

Haley, Robert
Harrington, Paul
Holden, Randolph
Jasper, Shawn
Kopka, Angeline
LaFlamme, Paul
Malloy, Chris
Mercer, Robert
Mosher, William
Pappas, Christopher
Reeves, Sandra
Shaw, Barbara
Stepanek, Stephen
Tahir, Saghir
Wheeler, Robert

Hall, Charles
Hawkins, Ken
Hopper, Gary
Jean, Claudette
Kurk, Neal
Leach, Edward
Martin, Mary Ellen
Messier, Irene
Movsesian, Lori
Pepino, Leo
Rowe, Robert
Slocum, Lee
Sullivan, Francis
Tate, Joan

Hallyburton, Margaret
Haytayan, Harry Jr
Infantine, William
Johnson, Lionel
L'Heureux, Robert
Lefebvre, Roland
McHugh, Claire
Mooney, Maureen
O'Brien, Lori
Pilotte, Maurice
Scanlon, Michael
Souza, Kathleen
Sullivan, Peter
Vaillancourt, Steve

Hansen, Ryan
Hinkle, Peyton
Irwin, Anne-Marie
Katsiantonis, Thomas
Laflamme, Charles
Luebker, Bernard
McRae, Karen
Moran, Edward
Ober, Russell III
Price, Pamela
Schulze, Joan
Spiess, Paul
Sweeney, Cynthia
Wheeler, James

MERRIMACK

Blanchard, Elizabeth

Currier, David
Dunne, Christopher
Gile, Mary
Kenison, Leon
Lockwood, Priscilla
McCormick, Tom
Perkins, Randy
Seldin, Gloria

Bouchard, Candace

Daniels, Eric
Field, William
Hager, Elizabeth
Kennedy, Richard
MacKay, James
Nutter, Edward
Reardon, Tara
Soltani, Tony

Brueggemann, Donald
Davis, Frank
Foley, Albert
Hess, David
L'Heureux, Stephen
Marple, Richard
Oliver, James
Reed, Dennis
Wallner, Mary Jane

Clarke, Claire

DeJoie, John
Fraser, Leo Jr
Jacobson, Alf
Langer, Ray
Maxfield, Roy
Osborne, Jessie
Rush, Deanna

ROCKINGHAM

Belanger, Ronald
Bridle, Russell
Cooney, Richard
Duffy, James
Francoeur, Sheila
Gould, Kenneth
Holland, James Jr
Itse, Daniel
Katsakiores, Phyllis
Langone, John
McCann, Richard
Moore, Benjamin
O'Neil, Michael
Rausch, James
Shultis, Elizabeth
Stone, Joseph
Waterhouse, Kevin
Weyler, Kenneth

Bicknell, Elbert
Camm, Kevin
Corbin, Corey
Dumaine, Dudley
Gilbert, Jeffrey
Griffin, Mary
Hughes, Daniel
Johnson, Robert
Kelley, Jane
Letourneau, Robert
McEachern, Paul
Morris, Richard
Pitts, Jacqueline
Robertson, Carl
Smith, Donald
Tufts, J Arthur
Weare, E Albert
Wiley, Robert

Bishop, Franklin
Carson, Sharon
DiFruscia, Anthony
Fesh, Bob
Gillick, Thomas
Hamel, Albert
Ingram, Russell
Johnson, Rogers
Kobel, Rudolph
Major, Norman
McKinney, Betsy
Norelli, Terie
Putnam, Ed II
Roessner, Kurt
Smith, Paul
Vallone, Matthew
Welch, David
Winchell, George

Blanchard, MaryAnn
Clark, Vivian
Dodge, Robert
Flanders, John Sr
Gleason, John
Headd, James
Introne, Robert
Katsakiores, George
Langley, Jane
Manning, John
McMahon, Charles
Noyes, Richard
Quandt, Matthew
Ruffner, Walter
Splaine, James
Varrell, Thomas
Weldy, Norman Jr
Zolla, William

STRAFFORD

Albert, Russell
Campbell, W Packy
Harrington, Michael
Kaen, Naida
Pelletier, Arthur

Bemis, Alan
Cataldo, Sam
Heon, Richard
Miller, Joseph
Rous, Emma

Bickford, David
Dunlap, Patricia
Hofemann, Roland
Musler, George
Schmidt, Peter

Brown, Julie
Easson, Timothy
Johnson, Nancy
Newton, Clifford
Scott, David

Smith, Marjorie
Twombly, James

Spang, Judith
Vachon, Dennis

Taylor, Katherine
Wall, Janet

Taylor, Kathleen
Woods, Phyllis

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

and floor amendment (0103h) failed.

The question now being adoption of the majority report as amended.

Rep. Burling spoke against and yielded to questions.

Rep. Giuda requested a roll call; sufficiently seconded.

The question being adoption of the majority report as amended.

YEAS 231 NAYS 119

YEAS 231

BELKNAP

Ahern, Omer Jr
Clark, Charles
Neddeau, Stephen
Wendelboe, Fran

Allen, Janet
Flanders, Donald
Pilliod, James
Whalley, Michael

Bartlett, Gordon
Holbrook, Robert
Rice, Thomas

Boyce, Laurie
Lawton, David
Russell, David

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
Liebl, George

Fish, Douglas
Manning, Joseph

Hunt, John
Royce, H Charles

Laurent, John
Smith, Edwin

COOS

Brady, Mark
Richardson, Herbert

Guay, Lawrence
Stohl, Eric

King, Frederick
Tholl, John Jr

Pratt, Leighton
Woodward, David

GRAFTON

Akins, Ralph
Eaton, Stephanie
Ingbretson, Paul
Sorg, Gregory

Alger, John
Gilman, G Michael
Maybeck, Margie
Williams, Burton

Dorsett, Andrew
Gionet, Edmond
Naro, Debra

Dudley, Terri
Giuda, Robert
Solomon, Peter

HILLSBOROUGH

Adams, Jarvis
Balboni, Michael
Beaton, William
Brundige, Robert
Carter, Mark

Allan, Nelson
Balcom, John
Bergin, Peter
Bruno, Pierre
Cernota, Albert

Arnold, Thomas Jr
Barry, J Gail
Bouchard, David
Buhlman, David
Chabot, Robert

Artz, Lawrence
Batula, Peter
Brassard, Paul
Carter, Jeffrey
Christensen, D L
Chris
Dionne, Kimberley

Clemons, Jane

Coughlin, Pamela

Desmarais, Vivian

Dokmo, Cynthia
Fields, Dennis
Gonzalez, Carlos
Hall, Charles
Hawkins, Ken
Hopper, Gary
L'Heureux, Robert
Luebker, Bernard
Moran, Edward
Pepino, Leo
Scanlon, Michael
Stepanek, Stephen
Wheeler, James

Drisko, Richard
Fletcher, Richard
Graham, John
Hallyburton, Margaret
Haytayan, Harry Jr
Infantine, William
Laflamme, Charles
McHugh, Claire
Mosher, William
Price, Pamela
Slocum, Lee
Tahir, Saghir
Wheeler, Robert

Elliott, Larry
Ford, Nancy
Greenberg, Gary
Hansen, Ryan
Hinkle, Peyton
Jasper, Shawn
LaFlamme, Paul
McRae, Karen
O'Brien, Lori
Reeves, Sandra
Souza, Kathleen
Tate, Joan

Emerton, Larry
Gargasz, Carolyn
Hagan, Barbara
Harrington, Paul
Holden, Randolph
Kurk, Neal
Lasky, Bette
Mercer, Robert
Ober, Russell III
Rowe, Robert
Spiess, Paul
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Field, William
Hess, David
L'Heureux, Stephen
MacKay, James
Nutter, Edward

Currier, David
Foley, Albert
Jacobson, Alf
Langer, Ray
Marple, Richard
Oliver, James

Daniels, Eric
Fraser, Leo Jr
Kenison, Leon
Leber, William
Maxfield, Roy
Reed, Dennis

Dunne, Christopher
Hager, Elizabeth
Kennedy, Richard
Lockwood, Priscilla
McCormick, Tom

ROCKINGHAM

Belanger, Ronald
Cady, Harriet
Cooney, Richard
Dumaine, Dudley
Gilbert, Jeffrey
Griffin, Mary
Hughes, Daniel
Johnson, Robert
Kelley, Jane
Letourneau, Robert
McKinney, Betsy
O'Neil, Michael
Ruffner, Walter
Tufts, J Arthur
Weldy, Norman Jr

Bicknell, Elbert
Camm, Kevin
Dalrymple, Janeen
Fesh, Bob
Gillick, Thomas
Hamel, Albert
Ingram, Russell
Johnson, Rogers
Kobel, Rudolph
Major, Norman
McMahon, Charles
Putnam, Ed II
Smith, Donald
Waterhouse, Kevin
Weyler, Kenneth

Bishop, Franklin
Carson, Sharon
DiFruscia, Anthony
Flanders, John Sr
Gleason, John
Headd, James
Introne, Robert
Katsakiores, George
Langley, Jane
Manning, John
Moore, Benjamin
Rausch, James
Smith, Paul
Weare, E Albert
Wiley, Robert

Bridle, Russell
Clark, Vivian
Dodge, Robert
Francoeur, Sheila
Gould, Kenneth
Holland, James Jr
Itse, Daniel
Katsakiores, Phyllis
Langone, John
McCann, Richard
Noyes, Richard
Roessner, Kurt
Stone, Joseph
Welch, David
Winchell, George

STRAFFORD

Albert, Russell
Campbell, W Packy
Harrington, Michael
Scott, David

Bemis, Alan
Cataldo, Sam
Heon, Richard
Twombly, James

Berube, Roger
Dunlap, Patricia
Musler, George
Woods, Phyllis

Brown, Julie
Easson, Timothy
Newton, Clifford

SULLIVAN

Donovan, Thomas

Rodeschin, Beverly

NAYS 119

BELKNAP

Dewhirst, Glenn

Fitzgerald, James

CARROLL

None

CHESHIRE

Allen, Peter
Meador, David
Pratt, John
Tilton, Anna

Dunn, James
Mitchell, McKim
Richardson, Barbara
Weed, Charles

Eaton, Daniel
Parkhurst, Henry
Robertson, Timothy

Espiefs, Peter
Pratt, Irene
Slack, Pamela

COOS

Mears, Edgar

Theberge, Robert

GRAFTON

Almy, Susan
Densmore, Edward
Scovner, Nancy

Benn, Bernard
Diamond, Estelle
Sokol, Hilda

Bleyler, Ruth
Hammond, Lee

Cooney, Mary
Nordgren, Sharon

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Gorman, Mary
Johnson, Lionel
Malloy, Chris
Movsesian, Lori
Shaw, Barbara

Buckley, Raymond
Cote, Peter
Haley, Robert
Katsiantonis, Thomas
Martin, Mary Ellen
Pappas, Christopher
Sullivan, Francis

Carlson, Donald
Craig, James
Irwin, Anne-Marie
Kopka, Angeline
Messier, Irene
Pilotte, Maurice
Sullivan, Peter

Clayton, William
Gibson, John
Jean, Claudette
Lefebvre, Roland
Mooney, Maureen
Schulze, Joan
Sweeney, Cynthia

MERRIMACK

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann,
Donald
DeStefano, Stephen
Osborne, Jessie
Reardon, Tara
Wallner, Mary Jane

Clarke, Claire

Davis, Frank
Gile, Mary
Perkins, Randy
Seldin, Gloria

DeJoie, John
Hamm, Christine
Potter, Frances
Soltani, Tony

French, Barbara
Owen, Derek
Rush, Deanna

ROCKINGHAM

Blanchard, MaryAnn
Duffy, James
Pitts, Jacqueline
Splaine, James

Casey, Kimberley
McEachern, Paul
Quandt, Matthew
Vallone, Matthew

Coes, Betsy
Morris, Richard
Robertson, Carl
Varrell, Thomas

Corbin, Corey
Norelli, Terie
Shultis, Elizabeth
Zolla, William

STRAFFORD

Callaghan, Frank
Johnson, Nancy
Pelletier, Arthur
Spang, Judith
Wall, Janet

Creteau, Irene
Kaen, Naida
Rous, Emma
Taylor, Katherine

Grassie, Anne
Knowles, William
Schmidt, Peter
Taylor, Kathleen

Hofemann, Roland
Miller, Joseph
Smith, Marjorie
Vachon, Dennis

SULLIVAN

Allison, David
Flint, Gordon Sr

Burling, Peter
Franklin, Peter

Cloutier, John
Harris, Joseph

Ferland, Brenda
Harris, Sandra

Jones, Constance Leone, Richard Phinizy, James
and the majority report was adopted.
Ordered to third reading.

MOTION TO PRINT REMARKS

Rep. Phinizy moved that the debate on **HB 264**, establishing state representative districts, be printed in the Journal.
On a division vote, 184 members having voted in the affirmative and 166 in the negative, the motion was adopted.

DEBATE ON HB 264

Debate on floor amendment (0036h)

Rep. Whalley: Thank You, Mr. Speaker. Mr. Speaker, my floor amendment is virtually the same as the committee amendment with one small change. The effort of the committee was to create smaller districts wherever possible by subdividing the existing districts that we all ran under almost two years ago. The other change the committee has made is that we have renumbered the districts by county, which is the way we are most familiar with that and that is how it will be reflected in statutes. So when we come to register, if we file again to run for re-election, we will run from our county and a district number. But the small change in my floor amendment to the committee amendment is one in Cheshire County. It is one that we overlooked as a committee, but it certainly follows the parameters that we established in having as many smaller districts as possible. If you will look on page 198 under Cheshire County, you will see that there is District 1 and District 2. In the committee amendment those ten towns form a district and that is what is existing today. In my floor amendment I have subdivided Gilsom, Surry and Westmoreland from the other seven remaining towns. There would be one seat for the three towns I just mentioned. There would be three seats for the seven remaining towns, thereby creating another district which would bring us from the 88 districts that we know presently to 98 districts that you would find in the floor amendment. Thank you, Mr. Speaker.

Rep. Berube: Mr. Speaker, Honorable members of the House, I rise in favor and support of HB 264. The reason for it is, I think it's the right thing to do. If we look at the numbers, for instance, District 67, I represent the City of Rochester, the City of Somersworth and the Town of Rollinsford, which is almost 40,000 people. It makes it very difficult, very difficult to represent that many people. If we believe in direct representation in this House which a majority of the people do, than I ask that you support this piece of legislation. There was a lot of work done, I've attended the committee meetings, I gave testimony. Some people may be in disagreement but I would like to point out that when the courts, their reason for creating such a large district, such as District 67, was that the boundaries were not set up properly. So, I urge all of you to support this legislation. I would like to thank you, and thank you, Mr. Speaker.

Debate on floor amendment (0099h)

Rep. Buckley: Thank you, Mr. Speaker. During this morning's prayer, I was doing an extra prayer. I was praying that God would bless me with the ability that the chair of the Judiciary Committee has to explain in some pithy way something that is very complicated and difficult for the House to understand in a way to clarify it in a manner that makes it so simple those who aren't really listening get it. Unfortunately, He hasn't answered my call yet, so please bear with me. I authored this amendment along with the other four, as a way of subdividing HB 264. HB 264 could not have been divided.
I want to first start off by setting aside the issue whether or not you believe that we should actually even be dealing with the issue of redistricting. You are going to hear that later on in

this debate. So let's set aside the issue of whether or not we should be dealing with redistricting and whether it's even constitutional.

Why I subdivided HB 264 into five amendments was so that we could actually have specific votes on specific districts. The point is we could not divide, we could not have a vote in any other way. So simply what happened is we took the bill apart, and made it into separate amendments. The amendments are exactly the same as the what the committee amendment said. So in an attempt to not complicate things, it in a round-about way made it even more complicated.

The point is, there are some people who so strongly oppose the specific in some of these changes that they wanted to have a specific vote. As luck would have it, the first vote we have is the most egregious. Now, just a few moments ago we took a vote on the committee amendment that the Deputy Speaker moved. What was interesting about that is that there was no actual committee action on that, that was not part of the package that we discussed for the months that we were here this fall working on it. What happened is a member of this House ran into the sponsor of the amendment and had a casual conversation. That is essentially is how this whole process on "re- redistricting" has worked. It has been a very frustrating process where there were specific districts for specific purposes that people wanted to have divided. We did not do a comprehensive statewide assessment of how these districts worked. Once again, set aside the issue of whether or not we should even be involved in redistricting but what we have before us is a very arbitrary piece-meal redistricting process.

But there was one guiding theory that was supposed to have governed the committee action. That's what the majority voted on in this amendment 0099 with HB 264 and why I think it is so critical that this be specifically a roll call vote, Mr. Speaker. I am going to ask for a roll call on this. In no other section of HB 264 does the committee amendment specifically target a sitting member of the House. One of the things we heard over and over again at every hearing and at every meeting throughout the fall is that if we are going to try to fix this let's make sure that we do not disrupt the incumbent members. So we bent over backwards, we even set aside some districts, the committee did, because this person or that person would not be able to get reelected because they would be eliminated. What happens in 0099 is in Grafton County, it takes 5 members who represent one town and creates a four member district. So five members who represent a certain area are now being replaced by four. So we are essentially eliminating a member of this body, even though that was supposed to be one of our guiding theories as we looked at this piece-meal process, that let's not go after any incumbent member of this House. Some people did not think that was an appropriate guideline to have but that was something we had reached some consensus on in committee. So, Mr. Speaker, I stand here with the confusing motion of, "I offer this amendment but I urge the House to vote 'no'", in an effort to communicate to our constituents, to the people of New Hampshire and, hopefully, to the committee that we object to what occurs in 0099. So I want to urge you to vote "NO".

Rep. Whalley: Thank you, Mr. Speaker. I must suggest to you that I am confused.

Speaker Chandler: I offer this help to you,. Just in case other people are. Rep. Buckley offered floor amendment (0099h) and has urged members to vote in opposition to that and spoke in opposition.

Rep. Whalley: And I will ask a parliamentary inquiry of the chair when I finish. But I need to address a couple of things. Number one when we went through this last fall we really put months of work into this. We had real consensus within our committee as to how we should approach this and that was to establish smaller districts as best as we can without the use of floterials. Although we were certainly concerned that we didn't create a musical chair situation, that was not one of the conditions of what we did. In fact, if Rep. J.D.Colcord had

not resigned to run for county commissioner in Merrimack County, he, as a Republican, would have tripped us into a situation where we would have potentially had incumbents running against incumbents in another district and at this moment and time, because we didn't pay enough attention to that, I can't even tell you if we would have had Republicans running against Republicans or not. But I can suggest to you that there have been three additional redistricting bills heard before the Election Law Committee and you may see me back here again or you may see others and we may be proposing to you again to subdivide some existing districts with the proper deviation and it may impact members of one party or another. Although I'm the first to admit I would not like to create districts that would force incumbents to run against incumbents. The most important principle that our committee adopted in its look at HB 264 was to create smaller districts and to bring the representation closer to the people of New Hampshire and we always put the people of New Hampshire first and not the incumbents that are sitting in this House even if it impacted some of us who are on the Election Law Committee.

The other thing I would like to suggest to you is this was not a request of a member of the chair of the Election Law Committee, temporary acting as I may be. It was a situation where somebody brought to light something that we had overlooked and we had a committee caucus, I guess I would call it, we polled the committee, it was an 11 to 3 vote to support this particular amendment and that is why we are here today with the Whalley floor amendment. It follows the trend and the established parameters that this committee followed in the fall. It does not deviate from that one bit and when I finish if there are no questions I would like to make a parliamentary inquiry.

Debate on floor amendment (0101h)

Rep. Buckley: Thank you, Mr. Speaker and members of the House. I would once again apologize for having to go through this process and just remind the House that we were told that HB 264 could not be divided, so we could not have separate bills on the separate components of the committee amendment to HB 264. So I apologize for the vast confusion on this but it is a way of creating a record, it is a way of people being able to have their votes heard. At this time, I would like to move adoption of floor amendment (0101h). I am still waiting for God to give me Rep. Mock's ability to explain the difficult in the most simplistic terms. Once again, setting aside the issue of whether or not it is even constitutional or appropriate for us to redistrict in a piece meal manner and also in an annual manner. This particular issue specifically deals with the redistricting of the City of Manchester which the Manchester delegation supports. So I would encourage a "yes" vote on this.

Rep. Whalley: Just to be consistent, I would urge you all to vote "no". Thank you, Mr. Speaker.

Debate on floor amendment (0102h)

Rep. Buckley: Thank you, Mr. Speaker. I think if there was any one district that created heartache last year when we saw the report from the Supreme Court, it was that district over in Strafford County. There is great consensus that something needs to be done to divide that 14 member district that currently includes the entire City of Rochester, Rollinsford and Somersworth. Although once again, setting aside of the issue whether or not we should even be doing redistricting, I do wish to be recorded in favor of this particular component and Mr. Speaker, I encourage the House to vote "yes".

Debate on floor amendment (0103h)

Rep. Buckley: Thank you, Mr. Speaker. In lieu of the member from Epsom's question, I want to begin once again with the explanation. The reason we are in this very complicated situation is because the committee amendment to 264 cannot be divided. Specific members of the House wanted a specific vote on a piece. The only way parliamentarily, that we could find a way to allow those members to either vote "yes" or "no" and then a "yes" or "no" on the

final passage of 264 as amended, was to come forward with separate amendments, piece by piece, because we could not divide, it was melded together because of the renumbering and redistricting. So it was very complicated, but for those who wish to have a vote on record in favor or opposed to a specific portion of this, that's why this is coming up piece by piece. Mr. Speaker, I rise in opposition to the amendment I have offered, amendment (0103h) and I think it goes without saying, that for many of us we found this particular piece not something we could support and we wished the committee had divided, subdivided up the districts in a more appropriate manner. So I wish to be recorded in opposition to this specific piece. I encourage the House to vote "no" on the passage of amendment (0103h).

Rep. Vaillancourt: Thank you, Mr. Chairman. This whole thing is an exercise in futility it seems to me, but you've mentioned that this was the only way it could be done. Is it not true, however, that back on the Hanover section of the bill you could have introduced your amendment which would have kept Hanover and the towns together, therefore it would have offered a clear difference to the committee proposal. Then we would have had something to vote on that was a differentiation, whereas now we don't have that? Could you not have done that?

Rep. Buckley: Well, my colleague from Manchester, you certainly know that I've got about six file drawers full of redistricting information. I could have brought up enough information to keep us here until next New Years. In a manner of making it as simplistic and as easy as possible where members of this House requested the ability to vote "yes" or "no" on specific portions of the committee amendment, this was the cleanest and easiest way. Instead of trying to replace it and trying to make it more complicated where people would sit there with their calculators trying to figure out the deviation, trying to figure out how does it affect this person, how does it affect that person; we simply wanted a vote recorded in favor or in opposition to specific pieces of the committee amendment to House Bill 264 and this was the only way we felt was available in a cleaner way instead of bringing forward very complicated, we understand the House does not wish to debate redistricting on and on, we just simply wanted to be able to have an up or down vote on specific pieces to the committee amendment to HB 264.

Speaker Chandler: Rep. Vaillancourt has a question of Rep. Buckley.

Rep. Vaillancourt: No, it's of you, Mr. Speaker. I realize that every member has a right to propose amendments but I would ask that since these amendments are already part of the amendment that is already passed and that nothing can change of this, that the Speaker would be entitled to rule that amendments which simply affirm a part of another amendment are out of order.

Speaker Chandler: You are absolutely correct and had I realized we were going to enter this process, I probably would have done that. However, we were under the impression that only one amendment was going to be adopted and then the others came along. Where that mistake arose I'm not sure so there was just going to be an effort to deal with the first one and that was it. Then it was decided.... So we kind of got into the middle of the game... so here we are at the end of the game. Your thought is duly noted.

Debate on adoption of majority report.

Rep. Burling: Thank you, Mr. Speaker. Let me apologize at the start, my colleagues, I have the head cold from hell and I'm going to try and get this clear and clean, but frankly there's a lot of fuzziness going on. There are a couple of points I want to make. Believe it or not, in a legislature like ours there are two broad, and maybe more than two, broad views or opinions, and we work back and forth, majority leadership and minority leadership trying to get a

clear record so our people can have a chance to vote as best they can. That's what we've been about so far. I wanted to give the membership of the minority caucus a chance to vote clearly on their preferences. When, if you care, you look at my record, you'll see that I have voted "no" on each of the votes to this point and I do so for a very important reason. I believe, and I can say this with an absolutely clear frame of mind, that everything that we have done to this point on this bill is unconstitutional. I believe that when the appropriate review takes place on the passage of this bill, and I have every reason to expect that you're going to pass it, you have an overwhelming majority and you intend to do this; but when that action is reviewed at the appropriate time and place, people will look to our founding document and they will say "This doesn't pass muster." Why does it not pass muster? It doesn't pass muster because our constitution speaks of decennial redistricting. We do it once every decade. If this bill passes and becomes law, we will have adopted a dramatic, and I would submit very anxiety provoking, new standard. That standard will be that the majority of this House, whoever that may be, will have the power to redistrict every year. I ask you to just think about that for a minute. It is the kind of concern that the minority leader would focus on. But you know something, it is the kind of concern that everybody else in this legislature ought to focus on, too. Because political fracture lines do not always follow the Democrat, Republican, Libertarian distinction. If it is possible that a majority of this House can redistrict this House every year, then it's also possible to think of a circumstance in which some subgroup of the majority party will have taken a position so unpopular with its majority leadership, that the majority leadership may say in a moment of anger, "Listen, you either tow the mark on this or we're going to find some new district lines." Anybody familiar with our history as a nation knows that that's what used to go on early in our history when redistricting did in fact take place every year and sometimes even in a fragment of a year when the majority leadership decided that it had a need to get rid of somebody or a need to get somebody else in. Let me talk about the prospect of getting somebody else in. This is the first redistricting effort that I've been familiar with in which a clear effort is underway to substitute somebody who isn't in here for somebody who is in here. District 17 is a personal effort. It is about somebody who is not here. I think it is wrong to do redistricting that way. I think it's a mistake. I think it ought to tell each and every one of you who's a member of the majority party that when you wake up one morning at 2:30 having a nightmare about your legislative future in the New Hampshire House, you ought to remember that on this day a step was taken that established the principle that you can redistrict for the purpose of substituting reps. It's not a good idea. Redistricting, as difficult, as cumbersome, and as brutal a process as it is, and I think it's all those things, is a process which ought to serve a higher purpose. The purpose ought to be to give the citizens of this state the best possible series of districts, so that the best possible result reflecting their votes can appear in the membership of the House. Put simply, it ought to be about fundamental fairness and direct competition over opposing ideas and ideologies. If we change the standard, and if we go to an annual redistricting proposal which is what passage of this bill will create, we'll be making a big mistake and we will regret it at some point in the future. How many of us will find our way out of this institution before we regret it, I can't tell you. But it is a serious concern on my part. I make this argument, I hope and pray that some of you have heard what I've had to say. I have no doubt about your power to do it, but the power you're about to exercise, I'll say it one more time and then I'll take questions, is a power to do to each other. As the minority party since 1857, you all remember my comment about we lost the majority because that man backed the extension of slavery to the Kansas territories, what you're about to do to each other is create the power to bump each other out of this legislature year in and year out. I think if you really think about that, you won't be thrilled with the prospect. I thank you, Mr. Speaker. I particularly thank you, Mr. Speaker, for allowing us the privilege of trying to get our votes clear on the record. I know it was cumbersome. We would have preferred a bill that was subdivisible so that we could have had our individual votes but we were not given that opportunity.

Rep. Hagan: Thank you, Mr. Speaker. Thank you, Representative for taking my question.

Rep. Burling: My pleasure.

Rep. Hagan: I'm new in this chamber and so I just want to understand your explanation of our setting a precedent to do a redistricting vote. It is my understanding that the last redistricting was done by the court of this state. So I'm just wondering if this vote by the legislature is now our opportunity to set the record straight as to how the people would like to see the districts be formed?

Rep. Burling: Well, Ma'am, I will say that I think that is an argument and it is an argument that I'm sure I will hear made at the right forum. My answer to it is: what happened last year was essentially a default exercise of a legislative function. I don't want to go through the bad feelings and rancor that last year's redistricting effort generated. The fact of the matter is that ultimately the court, in order to get a redistricting plan in place that met the deviation requirements of our own constitution, exercised our power. I believe in so doing they simply substituted themselves for us. I don't think that changes the New Hampshire Constitution's requirement that redistricting take place once a decade. In making that argument, I would simply like to point out, if this happens, this bill becomes law, in the year 2004 we will have made a substantive redistricting of the State of New Hampshire for the second time in the decade based on numbers that were taken in 2000. Some of them were actually numbers taken in 1999. Those numbers are midway through the process of change and I think it's a mistake to keep doing this. Thank you for your question.

Rep. Hagan: I just have a follow-up question. I'm sorry and again I'm new and so I'm trying to understand this process. Is it not true that this House has on perhaps thirteen other occasions taken an opportunity to have a redistricting vote?

Rep. Burling: I believe the answer to your question is, "Yes, but..." I believe the history of redistricting voting in this state would show that from time to time the legislature has moved boundaries or made other truly minor adjustments to individual districts. This is a redistricting bill, particularly in its consolidated form 264, which is a comprehensive but incomplete redistricting of the entire state. And it is a redistricting plan in which for the first time we take five incumbents, put them in a district where only four can run again, and we substantially readjust the power of the majority party relative to the minority party. I don't believe that's a good idea.

Rep. Cady: Rep. Burling, there is probably no one that cares more about our constitution than I do. But the constitution clearly states that the legislature shall redistrict, and the legislature has not redistricted in that ten years. They were not allowed to by a court decision. It further states Would you believe that it states that also it will be by the commonality of the towns and the, in the original statements, that those towns would be represented as closely as possible. In fact, do you not know that at one time, the constitution stated every town would have a legislator? So we have not redistrict, have we? The legislature has not redistrict.

Rep. Burling: Representative, I would profoundly disagree as elegantly as I can with you on that point. You and I just utterly disagree about the legal effect and impact of what happened last year. I understand your argument, I expect to see that argument made before the appropriate forum, but I do not agree with it. Thank you for asking it.

Rep. Dickinson: Thank you, Mr. Speaker. Mr. Speaker, I rise in support of the motion of

Ought to Pass as Amended on House Bill 264. What we've tried to do in the Election Law Committee is to examine what the court had done. The court had clearly overlooked five or six different districts where they could have made a division and chose not to. Could have made a division and still the parts of which would have been within acceptable deviations. So we had a long conversation within the committee and we agreed that it would make sense to make whatever corrections we could to the court ruling. And the intent was, if we could do this without using floterials and still remain within the accepted deviations thereby creating more districts. And we achieved, with your help this morning, the creation of ten more districts. Now we have just heard from the Honorable Minority Leader that this is a terrible thing to do in "mid-decade," I guess that is the way to put it. But I would like to remind the members and the previous speaker that in the last, well, since 1970, I suppose, we have redistricted midterm or mid-decade five or six times. And in fact, in 1997, the honorable member from Manchester who sits behind the minority leader filed House Bill 374 which sought to redistrict the whole state. I don't know why we are taking such a odd view of this at the moment because what we have tried to do, or why some people are, is tried to improve on what the court did. The court didn't do too bad a job in a way, although I wished they'd used floterials but they didn't. And now we just been able to achieve the creation of ten more districts thereby bringing the whole process a little bit closer to the people. We do not feel that we have crossed any lines and I hope you will support the committee report and the floor amendment, and the motion of Ought to Pass as Amended by pressing the green button at the appropriate time. Thank you.

Rep. Buckley: Thank you, Mr. Speaker. My colleague on Election Law, a two-part question. In fact, those redistricting plans that have come before this House that have passed this House and become enacted law over the last couple decades were they not, in fact, consensus plans that were brought forward together and the reason that they stood is that nobody brought them to the court to question their constitutionality? So to suggest that well, the House has redistricted in the past and so therefore it must be legal, that part of the constitution has never been brought forward. And the second part, not to try to confuse the House even further, my bill that you referenced in 1997 did not change a single physical boundary of a district, it was internal. Is that not true?

Rep. Dickinson: Excuse me, Rep. Buckley, I did not hear the last words you said before you said "Is that not true?"

Rep. Buckley: Thank you, Mr. Speaker. Rep. Dickinson, in an attempt to try to suggest that I have participated in redistricting, you brought forward a bill that I sponsored in 1997. The bill that I sponsored, Rep. Dickinson, in 1997 did not change a single district's physical boundaries. It was an attempt to create one-on-one districts within the single member districts. It's very complicated, we're not going to get into it, but I think it was unfair for you to bring forward to this House information that would in some way confuse the House members that I was attempting to change the boundaries of districts.

Rep. Dickinson: Thank you. All I can say is that to the first part of your question was that it didn't go to court because nobody chose to take it to court. I don't recall, and I don't have the details of every bill, I have merely a summary before me and I don't think that changes my argument at all. Thank you.

REGULAR CALENDAR (CONT'D.)

HB 359, establishing a procedure for apportioning state senate and representative districts.
MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Howard C. Dickinson for the Majority of Election Law: This bill, as amended, states

that redistricting of the House and Senate shall be accomplished by concurrent resolutions developed by each body. The original bill stated that this should be done simply by a Senate and House resolution, but the majority of the committee strongly supports the idea that this should be accomplished by concurrent resolutions, not only because each body is then a check on the other, but also to enable last-minute changes to be made in the second body. The approach is consistent with Articles 9 (second part) and 26 (second part) of the New Hampshire Constitution, which states that the Legislature shall redistrict itself. Vote 9-5. Rep. James R. Splaine for the Minority of Election Law: The minority believes that each House member has to answer one question before voting on this bill: Do we really need yet another procedure for apportioning state Senate and Representative districts? Even worse, this bill essentially excludes the Executive Branch from redistricting, and that further increases the chances of political games and personal retribution. Why are we doing this to ourselves, and to future Legislatures? Let's be fair to one another, and stop playing an annual game of political paint-by-numbers mapmaking.

Majority Amendment (2438h)

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

1 State Senate Districts. RSA 662:3 is repealed and reenacted to read as follows:

662:3 State Senate Districts. The senate shall divide the state into 24 districts for the choosing of state senators, each of which may elect one senator. The districts shall be adopted by senate concurrent resolution, which shall be forwarded by the senate to the secretary of state for implementation at the next biennial election.

2 State Representative Districts. RSA 662:5 is repealed and reenacted to read as follows:

662:5 State Representative Districts. The house of representatives shall divide the state into districts for the choosing of state representatives, each of which may elect the number of representatives designated by the house for the district. The districts shall be adopted by house concurrent resolution, which shall be forwarded by the house of representatives to the secretary of state for implementation at the next biennial election.

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

AMENDED ANALYSIS

This bill requires the senate and house of representatives to apportion their districts by resolution.

Majority amendment adopted.

Reps. Marjorie Smith and Vaillancourt spoke against.

Reps. Dickinson and Whalley spoke in favor.

Rep. Burling requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 170 NAYS 174

YEAS 170

BELKNAP

Ahern, Omer Jr
Clark, Charles
Lawton, David
Russell, David

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

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

Boyce, Laurie
Holbrook, Robert
Rice, Thomas

CARROLL

Derby, Mark
McConkey, Mark
Stevens, Stanley

Dickinson, Howard
Morrow, Harry

Hatch, Paul
Mock, Henry

Kenney, Bettie
Patten, Betsey

CHESHIRE

Dexter, Judson
Liebl, George

Fish, Douglas
Manning, Joseph

Hunt, John
Royce, H Charles

Laurent, John
Smith, Edwin

COOS

Brady, Mark
Woodward, David

Pratt, Leighton

Stohl, Eric

Tholl, John Jr

GRAFTON

Akins, Ralph
Dudley, Terri
Ingbretson, Paul

Alger, John
Eaton, Stephanie
Naro, Debra

Barker, Robert
Gilman, G Michael
Sorg, Gregory

Dorsett, Andrew
Giuda, Robert
Williams, Burton

HILLSBOROUGH

Adams, Jarvis
Batula, Peter
Buhlman, David

Allan, Nelson
Beaton, William
Cernota, Albert

Artz, Lawrence
Brundige, Robert
Christensen, D L
Chris

Balboni, Michael
Bruno, Pierre
Desmarais, Vivian

Elliott, Larry
Gonzalez, Carlos
Hawkins, Ken
Jasper, Shawn
McHugh, Claire
O'Brien, Lori
Slocum, Lee
Wheeler, Robert

Emerton, Larry
Greenberg, Gary
Haytayan, Harry Jr
L'Heureux, Robert
McRae, Karen
Price, Pamela
Stepanek, Stephen

Fields, Dennis
Hansen, Ryan
Holden, Randolph
Laflamme, Charles
Mercer, Robert
Reeves, Sandra
Tahir, Saghir

Fletcher, Richard
Harrington, Paul
Hopper, Gary
Luebkert, Bernard
Mooney, Maureen
Scanlon, Michael
Wheeler, James

MERRIMACK

Anderson, Eric
Fraser, Leo Jr
L'Heureux, Stephen
Maxfield, Roy
Soltani, Tony

Currier, David
Hess, David
Leber, William
McCormick, Tom

Dunne, Christopher
Jacobson, Alf
MacKay, James
Nutter, Edward

Foley, Albert
Kennedy, Richard
Marple, Richard
Reed, Dennis

ROCKINGHAM

Belanger, Ronald
Camm, Kevin
Dodge, Robert
Gilbert, Jeffrey
Headd, James
Johnson, Robert
Kelley, Jane
Manning, John
Moore, Benjamin
Quandt, Matthew
Smith, Donald
Waterhouse, Kevin
Winchell, George

Bicknell, Elbert
Carson, Sharon
Fesh, Bob
Gillick, Thomas
Ingram, Russell
Johnson, Rogers
Kobel, Rudolph
McCann, Richard
Morris, Richard
Rausch, James
Stone, Joseph
Welch, David
Zolla, William

Bishop, Franklin
Dalrymple, Janeen
Flanders, John Sr
Griffin, Mary
Introne, Robert
Katsakiores, George
Langone, John
McKinney, Betsy
Noyes, Richard
Roessner, Kurt
Tufts, J Arthur
Weyler, Kenneth

Bridle, Russell
DiFruscia, Anthony
Francoeur, Sheila
Hamel, Albert
Itse, Daniel
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Putnam, Ed II
Ruffner, Walter
Varrell, Thomas
Wiley, Robert

STRAFFORD

Albert, Russell

Bemis, Alan

Berube, Roger

Cataldo, Sam

Easson, Timothy
Scott, David

Harrington, Michael
Woods, Phyllis

Musler, George

Newton, Clifford

SULLIVAN

Flint, Gordon Sr

Leone, Richard

Rodeschin, Beverly

NAYS 174

BELKNAP

Flanders, Donald

CARROLL

Babson, David Jr

Brown, Carolyn

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Meador, David
Pratt, John
Tilton, Anna

Dunn, James
Mitchell, McKim
Richardson, Barbara
Weed, Charles

Eaton, Daniel
Parkhurst, Henry
Robertson, Timothy

Espiefs, Peter
Pratt, Irene
Slack, Pamela

COOS

King, Frederick

Mears, Edgar

Richardson, Herbert

Theberge, Robert

GRAFTON

Almy, Susan
Densmore, Edward
Maybeck, Margie
Solomon, Peter

Benn, Bernard
Diamond, Estelle
Nordgren, Sharon

Bleyler, Ruth
Gionet, Edmond
Scovner, Nancy

Cooney, Mary
Hammond, Lee
Sokol, Hilda

HILLSBOROUGH

Arnold, Thomas Jr
Bergin, Peter
Carter, Jeffrey
Clemons, Jane
Craig, James
Gargas, Carolyn
Hagan, Barbara
Hinkle, Peyton
Johnson, Lionel
LaFlamme, Paul
Malloy, Chris
Mosher, William
Pilotte, Maurice
Souza, Kathleen
Sweeney, Cynthia

Balcom, John
Brassard, Paul
Carter, Mark
Cote, David
Dokmo, Cynthia
Gibson, John
Haley, Robert
Infantine, William
Katsiantonis, Thomas
Lasky, Bette
Martin, Mary Ellen
Movsesian, Lori
Rowe, Robert
Spiess, Paul
Tate, Joan

Baroody, Benjamin
Buckley, Raymond
Chabot, Robert
Cote, Peter
Drisko, Richard
Gorman, Mary
Hall, Charles
Irwin, Anne-Marie
Kopka, Angeline
Leach, Edward
Messier, Irene
Ober, Russell III
Schulze, Joan
Sullivan, Francis
Vaillancourt, Steve

Barry, J Gail
Carlson, Donald
Clayton, William
Coughlin, Pamela
Ford, Nancy
Graham, John
Hallyburton, Margaret
Jean, Claudette
Kurk, Neal
Lefebvre, Roland
Moran, Edward
Pappas, Christopher
Shaw, Barbara
Sullivan, Peter

MERRIMACK

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann,
Donald

Clarke, Claire

Daniels, Eric
Field, William

Davis, Frank
French, Barbara

DeJoie, John
Gile, Mary

DeStefano, Stephen
Hager, Elizabeth

Hamm, Christine
Oliver, James
Potter, Frances
Wallner, Mary Jane

Kenison, Leon
Osborne, Jessie
Reardon, Tara

Langer, Ray
Owen, Derek
Rush, Deanna

Lockwood, Priscilla
Perkins, Randy
Seldin, Gloria

ROCKINGHAM

Blanchard, MaryAnn
Coës, Betsy
Dumaine, Dudley
Langley, Jane
Pitts, Jacqueline
Splaine, James

Cady, Harriet
Cooney, Richard
Gleason, John
Letourneau, Robert
Robertson, Carl
Vallone, Matthew

Casey, Kimberley
Corbin, Corey
Gould, Kenneth
McEachern, Paul
Shultis, Elizabeth
Weare, E Albert

Clark, Vivian
Duffy, James
Hughes, Daniel
Norelli, Terie
Smith, Paul

STRAFFORD

Bickford, David
Creteau, Irene
Hofemann, Roland
Miller, Joseph
Spang, Judith
Vachon, Dennis

Brown, Julie
Dunlap, Patricia
Johnson, Nancy
Rous, Emma
Taylor, Katherine
Wall, Janet

Callaghan, Frank
Grassie, Anne
Kaen, Naida
Schmidt, Peter
Taylor, Kathleen

Campbell, W Packy
Heon, Richard
Knowles, William
Smith, Marjorie
Twombly, James

SULLIVAN

Allison, David
Ferland, Brenda
Jones, Constance

Burling, Peter
Franklin, Peter
Phinizy, James

Cloutier, John
Harris, Joseph

Donovan, Thomas
Harris, Sandra

and the majority committee report failed.

Rep. Marjorie Smith moved Inexpedient to Legislate.

Rep. Soltani requested a roll call; sufficiently seconded.

LAID ON THE TABLE

Rep. Bruno moved that **HB 359**, establishing a procedure for apportioning state senate and representative districts, be laid on the table and requested a roll call; sufficiently seconded.

The question being adoption of the motion to Lay on the Table.

YEAS 193 NAYS 151

YEAS 193

BELKNAP

Ahern, Omer Jr
Clark, Charles
Nedeau, Stephen
Wendelboe, Fran

Allen, Janet
Flanders, Donald
Pilliod, James
Whalley, Michael

Bartlett, Gordon
Holbrook, Robert
Rice, Thomas

Boyce, Laurie
Lawton, David
Russell, David

CARROLL

Brown, Carolyn
Mock, Henry

Dickinson, Howard
Patten, Betsey

Kenney, Bettie
Stevens, Stanley

Merrow, Harry

CHESHIRE

Dexter, Judson
Smith, Edwin

Hunt, John

Liebl, George

Royce, H Charles

COOS

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

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Giuda, Robert	Ingbretson, Paul
Naro, Debra	Sorg, Gregory	Williams, Burton	

HILLSBOROUGH

Adams, Jarvis	Allan, Nelson	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	Beaton, William
Brundige, Robert	Bruno, Pierre	Buhlman, David	Carter, Jeffrey
Cernota, Albert	Chabot, Robert	Christensen, D L	Coughlin, Pamela
		Chris	
Desmarais, Vivian	Drisko, Richard	Elliott, Larry	Emerton, Larry
Fields, Dennis	Fletcher, Richard	Gargasz, Carolyn	Gonzalez, Carlos
Graham, John	Greenberg, Gary	Hagan, Barbara	Hall, Charles
Hallyburton, Margaret	Hansen, Ryan	Harrington, Paul	Hawkins, Ken
Haytayan, Harry Jr	Hinkle, Peyton	Holden, Randolph	Hopper, Gary
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Laflamme, Charles	LaFlamme, Paul	Luebkert, Bernard	McHugh, Claire
McRae, Karen	Mercer, Robert	Messier, Irene	Mooney, Maureen
Moran, Edward	Mosher, William	O'Brien, Lori	Price, Pamela
Reeves, Sandra	Rowe, Robert	Scanlon, Michael	Slocum, Lee
Spiess, Paul	Stepanek, Stephen	Tahir, Saghir	Tate, Joan
Wheeler, James	Wheeler, Robert		

MERRIMACK

Anderson, Eric	Currier, David	Dunne, Christopher	Field, William
Foley, Albert	Fraser, Leo Jr	Hager, Elizabeth	Hess, David
Kenison, Leon	Kennedy, Richard	L'Heureux, Stephen	Leber, William
Lockwood, Priscilla	MacKay, James	Marple, Richard	Maxfield, Roy
Nutter, Edward	Soltani, Tony		

ROCKINGHAM

Belanger, Ronald	Bicknell, Elbert	Bishop, Franklin	Bridle, Russell
Cady, Harriet	Camm, Kevin	Carson, Sharon	Dalrymple, Janeen
DiFruscia, Anthony	Dodge, Robert	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gould, Kenneth
Griffin, Mary	Headd, James	Ingram, Russell	Introne, Robert
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Major, Norman	Manning, John
McCann, Richard	McKinney, Betsy	Morris, Richard	Noyes, Richard
Putnam, Ed II	Quandt, Matthew	Rausch, James	Robertson, Carl
Roessner, Kurt	Ruffner, Walter	Smith, Donald	Smith, Paul
Stone, Joseph	Tufts, J Arthur	Varrell, Thomas	Weare, E Albert
Welch, David	Weyler, Kenneth	Wiley, Robert	Winchell, George
Zolla, William			

STRAFFORD

Albert, Russell
Dunlap, Patricia
Newton, Clifford

Bickford, David
Easson, Timothy
Scott, David

Campbell, W Packy
Harrington, Michael
Twombly, James

Cataldo, Sam
Musler, George
Woods, Phyllis

SULLIVAN

Flint, Gordon Sr

Jones, Constance

Leone, Richard

Rodeschin, Beverly

NAYS 151

BELKNAP

Dewhirst, Glenn

Fitzgerald, James

CARROLL

Babson, David Jr
Olimpio, J Lisbeth

Derby, Mark

Hatch, Paul

McConkey, Mark

CHESHIRE

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

Dunn, James
Laurent, John
Parkhurst, Henry
Robertson, Timothy

Eaton, Daniel
Manning, Joseph
Pratt, Irene
Slack, Pamela

Espiefs, Peter
Meador, David
Pratt, John
Tilton, Anna

COOS

Mears, Edgar

Theberge, Robert

GRAFTON

Almy, Susan
Densmore, Edward
Hammond, Lee
Sokol, Hilda

Benn, Bernard
Diamond, Estelle
Maybeck, Margie
Solomon, Peter

Bleyler, Ruth
Dorsett, Andrew
Nordgren, Sharon

Cooney, Mary
Gionet, Edmond
Scovner, Nancy

HILLSBOROUGH

Baroody, Benjamin
Buckley, Raymond
Clemons, Jane
Dokmo, Cynthia
Haley, Robert
Katsiantonis, Thomas
Lefebvre, Roland
Ober, Russell III
Shaw, Barbara
Sweeney, Cynthia

Barry, J Gail
Carlson, Donald
Cote, David
Ford, Nancy
Irwin, Anne-Marie
Kopka, Angeline
Malloy, Chris
Pappas, Christopher
Souza, Kathleen
Vaillancourt, Steve

Bergin, Peter
Carter, Mark
Cote, Peter
Gibson, John
Jean, Claudette
Lasky, Bette
Martin, Mary Ellen
Pilotte, Maurice
Sullivan, Francis

Brassard, Paul
Clayton, William
Craig, James
Gorman, Mary
Johnson, Lionel
Leach, Edward
Movsesian, Lori
Schulze, Joan
Sullivan, Peter

MERRIMACK

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann,
Donald

Clarke, Claire

Daniels, Eric
French, Barbara

Davis, Frank
Gile, Mary

DeJoie, John
Hamm, Christine

DeStefano, Stephen
Jacobson, Alf

Langer, Ray
Owen, Derek
Reed, Dennis

McCormick, Tom
Perkins, Randy
Rush, Deanna

Oliver, James
Potter, Frances
Seldin, Gloria

Osborne, Jessie
Reardon, Tara
Wallner, Mary Jane

ROCKINGHAM

Blanchard, MaryAnn
Cooney, Richard
Gleason, John
McMahon, Charles
Shultis, Elizabeth

Casey, Kimberley
Corbin, Corey
Hamel, Albert
Moore, Benjamin
Splaine, James

Clark, Vivian
Duffy, James
Hughes, Daniel
Norelli, Terie
Vallone, Matthew

Coes, Betsy
Gillick, Thomas
McEachern, Paul
Pitts, Jacqueline
Waterhouse, Kevin

STRAFFORD

Bemis, Alan
Creteau, Irene
Johnson, Nancy
Rous, Emma
Taylor, Katherine

Berube, Roger
Grassie, Anne
Kaen, Naida
Schmidt, Peter
Taylor, Kathleen

Brown, Julie
Heon, Richard
Knowles, William
Smith, Marjorie
Vachon, Dennis

Callaghan, Frank
Hofemann, Roland
Miller, Joseph
Spang, Judith
Wall, Janet

SULLIVAN

Allison, David
Ferland, Brenda
Phinizy, James

Burling, Peter
Franklin, Peter

Cloutier, John
Harris, Joseph

Donovan, Thomas
Harris, Sandra

and HB 359 was laid on the table.

The House recessed at 12:35 p.m.

RECESS

(Speaker Chandler in the Chair)

The House reconvened at 1:40 p.m.

HB 695-FN, making placement of political advertising on public property subject to state litter laws. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard B. Drisko for the Majority of Election Law: The intent of this bill was to amend RSA 163-B:2, RSA 207:36-b, RSA 265:102,I, and RSA 485-A:15 (the State Litter Laws) to include “political advertising as defined in RSA 664:2,VI” placed on public property in the definitions of “litter” and hence subject to the penalties of those statutes applicable to littering. It was the opinion of the majority that although the aim of the bill was to curb indiscriminate placement of political advertising, there are adequate laws, both state and local, that currently deal with such violations. (Ref: RSA 664:17) Vote 8-5.

Rep. James R. Splaine for the Minority of Election Law: The excessive placement of political signs on public property throughout the state is a growing problem that can see no end. “How many signs are enough?” is a question that comes to mind for many voters, and many campaigns with increasing and sometimes seemingly inexhaustible campaign dollars to spend are answering by saying, “As many as we can put up!”. This bill is a simple statement – it makes political signage that is placed and thus abandoned on public property subject to the state litter laws. Among other things, that allows those signs to be taken down by cleanup crews and residents in the area who believe the signs litter their neighborhood. This is not a “free speech” issue – campaigns can find many places to place signs on private property. But no one has the right to litter with their brochures, their advertising, or their signs. If someone is standing next to their sign on public property waving to voters passing by, that’s not an abandoned sign. That’s not litter. What is litter is to place a sign on public property and drive off, as many campaigns do. It’s not unlike throwing a coffee cup out of

your car, and it should stop. By passing this bill, campaigns will cease putting up signs on public locations because they know they can be fined under the state litter laws. Let's get 'em.

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

Rep. Drisko spoke in favor.

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

Rep. Whalley spoke against.

Motion to Recommit to committee failed.

Majority report adopted.

HB 767-FN, relative to political advertising not authorized by the candidate. **OUGHT TO PASS WITH AMENDMENT**

Rep. Howard C. Dickinson for Election Law: This bill redefines the definition of "communication" to include internet sites, and transmission by telephone and facsimile, as well as posters, cards, pamphlets, leaflets, flyers, etc. This bill further emphasizes that political advertising sponsored by political committees must so state. Vote 10-5.

Amendment (1897h)

Amend RSA 664:14, VI as inserted by section 2 of the bill by replacing it with the following:

VI. Notwithstanding any other provision of this section, any advertising in support of or in opposition to a candidate by a political committee ***shall comply with this paragraph. If the advertising is*** not authorized by the candidate or candidate committee, ***the advertising*** shall so state and shall identify the sponsor of the advertisement. All such political advertising [~~broadcast on television~~] shall include the statement: "This advertisement has been paid for by (name of sponsor) and has not been authorized by any candidate." Such statement shall be made both aurally and visually ***if broadcast on television***. The visual presentation ***on television*** shall be clearly legible and shall use letters equal to or greater than 12 percent of the vertical picture height and shall be broadcast for not less than 4 seconds at the conclusion of the advertisement.

Amend the bill by replacing section 4 with the following:

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

AMENDED ANALYSIS

This bill expands the definition of "communication" for purposes of political advertising to include Internet, telephone, and facsimile, and requires a disclaimer for advertising that is not political advertising, but which mentions or depicts a candidate.

Adopted.

Report adopted and ordered to third reading.

HB 72, granting authority to impose administrative fines for the violation of certain laws or rules of the department of agriculture, markets and food. **OUGHT TO PASS WITH AMENDMENT**

Rep. Omer C. Ahern, Jr. for Environment and Agriculture: The problem this bill proposes to solve is the reluctance of local law enforcement to pursue violations of the law as a misdemeanor, which the Commissioner cannot pursue without the assistance of local law enforcement. This bill provides the Department of Agriculture, Markets & Food with more flexibility in pursuing violations of existing state law as to the sale of animals and pets, in that the Commissioner of the Department, or his designee, may impose an administrative fine of up to \$1,000 per violation of the law. The Commissioner has the same authority to impose the same fines in many other state statutes. Vote 15-3.

Amendment (1353h)

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

1 Sale of Animals and Pets; Administrative Fines. RSA 437:9 is repealed and reenacted to read as follows:

437:9 Penalty.

I. Any person who violates this subdivision shall be guilty of a misdemeanor.

II. Any person or owner who violates any of the provisions of this subdivision or rule adopted under it may also be subject to an administrative fine levied by the commissioner not to exceed \$1,000 for each violation.

III. In addition, once a license has been revoked under the provisions of RSA 437:3, the department may require that all animals and birds located on the premises for which such license was revoked shall be removed by the licensee from such premises within 3 working days after the revocation and be relocated to a safe and sanitary place approved by the department.

2 Health Certificate for Cats; Administrative Fines. RSA 437:13-a, VI is repealed and reenacted to read as follows:

VI.(a) Any person who violates this subdivision shall be guilty of a misdemeanor.

(b) In addition, any person or owner who violates any of the provisions of this subdivision or rule adopted under it may be subject to an administrative fine levied by the commissioner not to exceed \$1,000 for each violation.

3 Breeder's Health Certificate; Administrative Fines. RSA 466:6-a, VI is repealed and reenacted to read as follows:

VI.(a) Any person who violates this subdivision shall be guilty of a misdemeanor.

(b) In addition, any person or owner who violates any of the provisions of this subdivision or rule adopted under it may be subject to an administrative fine levied by the commissioner not to exceed \$1,000 for each violation.

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

AMENDED ANALYSIS

This bill provides uniform penalties for violations of animal health certificate law.

Adopted.

Report adopted and ordered to third reading.

HB 220, creating a committee to study amending the constitution to require that government decisions affecting the environment reflect consideration of the welfare of future generations. **OUGHT TO PASS**

Rep. Peter H. Allen for Environment and Agriculture: Passage of this bill would require the Speaker of the House and the Senate President to appoint three members each to study amending the New Hampshire Constitution by adding language to require state consideration of future generations when deciding questions regarding agricultural and natural resources. Vote 10-3.

Rep. Harrington spoke against and yielded to questions.

Rep. Diamond spoke in favor and yielded to questions.

Rep. Peter Allen spoke in favor.

LAID ON THE TABLE

Rep. Soltani moved that **HB 220**, creating a committee to study amending the constitution to require that government decisions affecting the environment reflect consideration of the welfare of future generations, be laid on the table.

Rep. Peter Allen spoke in favor and requested a roll call; sufficiently seconded.

The question being adoption of the motion to Lay on the Table.

YEAS 183 NAYS 150

YEAS 183

BELKNAP

Allen, Janet
Fitzgerald, James
Russell, David

Bartlett, Gordon
Flanders, Donald
Wendelboe, Fran

Boyce, Laurie
Pilliod, James
Whalley, Michael

Clark, Charles
Rice, Thomas

CARROLL

Babson, David Jr
Kenney, Bettie
Patten, Betsey

Brown, Carolyn
McConkey, Mark
Philbrick, Donald

Dickinson, Howard
Merrow, Harry
Stevens, Stanley

Hatch, Paul
Mock, Henry

CHESHIRE

Laurent, John
Royce, H Charles

Liebl, George
Smith, Edwin

Pratt, Irene

Pratt, John

COOS

Brady, Mark
Richardson, Herbert
Woodward, David

Guay, Lawrence
Stohl, Eric

King, Frederick
Theberge, Robert

Pratt, Leighton
Tholl, John Jr

GRAFTON

Almy, Susan
Gionet, Edmond
Naro, Debra

Barker, Robert
Giuda, Robert
Sokol, Hilda

Dorsett, Andrew
Hammond, Lee
Sorg, Gregory

Gilman, G Michael
Ingbretson, Paul

HILLSBOROUGH

Adams, Jarvis
Balboni, Michael
Carlson, Donald
Chabot, Robert

Allan, Nelson
Brundige, Robert
Carter, Jeffrey
Christensen, D L
Chris

Arnold, Thomas Jr
Bruno, Pierre
Carter, Mark
Coughlin, Pamela

Artz, Lawrence
Buhlman, David
Cernota, Albert
Drisko, Richard

Elliott, Larry
Ford, Nancy
Hallyburton,
Margaret
Hinkle, Peyton
Johnson, Lionel
Lefebvre, Roland
Messier, Irene
O'Brien, Lori
Rowe, Robert
Sweeney, Cynthia
Wheeler, James

Emerton, Larry
Gargasz, Carolyn
Harrington, Paul

Fields, Dennis
Gibson, John
Hawkins, Ken

Fletcher, Richard
Hagan, Barbara
Haytayan, Harry Jr

Hopper, Gary
Kurk, Neal
Luebker, Bernard
Mooney, Maureen
Pepino, Leo
Scanlon, Michael
Tahir, Saghir
Wheeler, Robert

Infantine, William
L'Heureux, Robert
McRae, Karen
Moran, Edward
Price, Pamela
Slocum, Lee
Tate, Joan

Jasper, Shawn
Laflamme, Charles
Mercer, Robert
Mosher, William
Reeves, Sandra
Souza, Kathleen
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Foley, Albert
Langer, Ray
Marple, Richard
Soltani, Tony

Bouchard, Candace
Hess, David
Leber, William
McCormick, Tom

Currier, David
Kenison, Leon
Lockwood, Priscilla
Nutter, Edward

Daniels, Eric
Kennedy, Richard
MacKay, James
Oliver, James

ROCKINGHAM

Bicknell, Elbert
Carson, Sharon
Fesh, Bob
Griffin, Mary
Ingram, Russell
Johnson, Rogers
Kobel, Rudolph
Manning, John
Morris, Richard
Ruffner, Walter
Varrell, Thomas
Wiley, Robert

Bishop, Franklin
Clark, Vivian
Francoeur, Sheila
Hamel, Albert
Introne, Robert
Katsakiores, George
Langley, Jane
McCann, Richard
Noyes, Richard
Smith, Donald
Weare, E Albert
Zolla, William

Cady, Harriet
DiFruscia, Anthony
Gilbert, Jeffrey
Headd, James
Itse, Daniel
Katsakiores, Phyllis
Langone, John
McKinney, Betsy
Putnam, Ed II
Smith, Paul
Welch, David

Camm, Kevin
Dumaine, Dudley
Gleason, John
Holland, James Jr
Johnson, Robert
Kelley, Jane
Letourneau, Robert
McMahon, Charles
Quandt, Matthew
Vallone, Matthew
Weyler, Kenneth

STRAFFORD

Albert, Russell
Cataldo, Sam
Newton, Clifford
Woods, Phyllis

Bemis, Alan
Easson, Timothy
Scott, David

Bickford, David
Harrington, Michael
Twombly, James

Campbell, W Packy
Knowles, William
Wall, Janet

SULLIVAN

Rodeschin, Beverly

NAYS 150

BELKNAP

Ahern, Omer Jr

Dewhirst, Glenn

Lawton, David

Nedeau, Stephen

CARROLL

Derby, Mark

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Espieffs, Peter
Meader, David
Robertson, Timothy

Dexter, Judson
Fish, Douglas
Mitchell, McKim
Tilton, Anna

Dunn, James
Hunt, John
Parkhurst, Henry
Weed, Charles

Eaton, Daniel
Manning, Joseph
Richardson, Barbara

COOS

Mears, Edgar

GRAFTON

Akins, Ralph
Cooney, Mary
Maybeck, Margie

Alger, John
Densmore, Edward
Nordgren, Sharon

Benn, Bernard
Diamond, Estelle
Scovner, Nancy

Bleyler, Ruth
Dudley, Terri
Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Clemons, Jane
Desmarais, Vivian
Graham, John
Hansen, Ryan

Barry, J Gail
Brassard, Paul
Cote, David
Dokmo, Cynthia
Greenberg, Gary
Irwin, Anne-Marie

Batula, Peter
Buckley, Raymond
Cote, Peter
Gonzalez, Carlos
Haley, Robert
Jean, Claudette

Beaton, William
Clayton, William
Craig, James
Gorman, Mary
Hall, Charles
Katsiantonis, Thomas

Kopka, Angeline
Malloy, Chris
Ober, Russell III
Shaw, Barbara
Sullivan, Peter

LaFlamme, Paul
Martin, Mary Ellen
Pappas, Christopher
Spiess, Paul

Lasky, Bette
McHugh, Claire
Pilotte, Maurice
Stepanek, Stephen

Leach, Edward
Movsesian, Lori
Schulze, Joan
Sullivan, Francis

MERRIMACK

Blanchard, Elizabeth

DeJoie, John
French, Barbara
Maxfield, Roy
Potter, Frances
Wallner, Mary Jane

Brueggemann,
Donald
DeStefano, Stephen
Hager, Elizabeth
Osborne, Jessie
Reardon, Tara

Clarke, Claire

Field, William
Hamm, Christine
Owen, Derek
Rush, Deanna

Davis, Frank

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

ROCKINGHAM

Belanger, Ronald
Coes, Betsy
Flanders, John Sr
Major, Norman
Robertson, Carl
Stone, Joseph

Blanchard, MaryAnn
Cooney, Richard
Gillick, Thomas
McEachern, Paul
Roessner, Kurt
Tufts, J Arthur

Bridle, Russell
Dalrymple, Janeen
Gould, Kenneth
Norelli, Terie
Shultis, Elizabeth
Waterhouse, Kevin

Casey, Kimberley
Dodge, Robert
Hughes, Daniel
Pitts, Jacqueline
Splaine, James
Winchell, George

STRAFFORD

Berube, Roger
Dunlap, Patricia
Kaen, Naida
Rous, Emma
Taylor, Kathleen

Brown, Julie
Heon, Richard
Miller, Joseph
Schmidt, Peter
Vachon, Dennis

Callaghan, Frank
Hofemann, Roland
Musler, George
Smith, Marjorie

Creteau, Irene
Johnson, Nancy
Pelletier, Arthur
Taylor, Katherine

SULLIVAN

Allison, David
Ferland, Brenda
Harris, Sandra

Burling, Peter
Flint, Gordon Sr
Jones, Constance

Cloutier, John
Franklin, Peter
Leone, Richard

Donovan, Thomas
Harris, Joseph
Phinizy, James

and HB 220 was laid on the table..

HB 482, establishing a committee to study certification of organic products.

INEXPEDIENT TO LEGISLATE

Rep. Omer C. Ahern, Jr. for Environment and Agriculture: The content of this bill is already covered under existing law. Accordingly, there is no need for this bill. Vote 13-0.
Adopted.

HB 520-FN, relative to maintaining records of greyhounds used in pari-mutuel racing.

INEXPEDIENT TO LEGISLATE

Rep. Derek Owen for Environment and Agriculture: This bill was found through testimony to be unnecessary. The State Veterinarian testified that there are existing statutes addressing the problems presented in the bill. Further, new rules by the Greyhound Commission support the existing law. Therefore, we moved Inexpedient to Legislate. Vote 12-5.

Rep. Paul LaFlamme spoke against.

Reps. Owen and Babson spoke in favor.

Rep. Putnam request a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 166 NAYS 168

YEAS 166

BELKNAP

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Boyce, Laurie
Clark, Charles	Fitzgerald, James	Flanders, Donald	Nedeau, Stephen
Pilliod, James	Whalley, Michael		

CARROLL

Babson, David Jr	Derby, Mark	Hatch, Paul	McConkey, Mark
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Allen, Peter	Dexter, Judson	Hunt, John	Laurent, John
Liebl, George	Manning, Joseph	Meador, David	Mitchell, McKim
Royce, H Charles	Smith, Edwin	Weed, Charles	

COOS

Guay, Lawrence	King, Frederick	Mears, Edgar	Pratt, Leighton
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	Woodward, David

GRAFTON

Alger, John	Almy, Susan	Barker, Robert	Bleyler, Ruth
Dudley, Terri	Gilman, G Michael	Gionet, Edmond	Giuda, Robert
Hammond, Lee	Ingbretson, Paul	Sokol, Hilda	Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis	Beaton, William	Bergin, Peter	Brundige, Robert
Carlson, Donald	Carter, Mark	Clemons, Jane	Coughlin, Pamela
Craig, James	Dokmo, Cynthia	Emerton, Larry	Fletcher, Richard
Hansen, Ryan	Hawkins, Ken	Hinkle, Peyton	Hopper, Gary
Jasper, Shawn	Katsiantonis, Thomas	Kurk, Neal	Lasky, Bette
Luebker, Bernard	McRae, Karen	Messier, Irene	Mooney, Maureen
Moran, Edward	Mosher, William	Pepino, Leo	Rowe, Robert
Scanlon, Michael	Slocum, Lee	Tahir, Saghir	Wheeler, James
Wheeler, Robert			

MERRIMACK

Anderson, Eric	Clarke, Claire	Currier, David	Foley, Albert
Fraser, Leo Jr	French, Barbara	Hager, Elizabeth	Hess, David
Jacobson, Alf	Kennedy, Richard	Leber, William	Marple, Richard
Maxfield, Roy	McCormick, Tom	Nutter, Edward	Oliver, James
Owen, Derek	Perkins, Randy	Potter, Frances	Reardon, Tara
Seldin, Gloria			

ROCKINGHAM

Belanger, Ronald	Bicknell, Elbert	Bishop, Franklin	Blanchard, MaryAnn
Cady, Harriet	Camm, Kevin	Clark, Vivian	Coes, Betsy
Cooney, Richard	Corbin, Corey	Dalrymple, Janeen	Dodge, Robert

Fesh, Bob
Gillick, Thomas
Johnson, Robert
Kobel, Rudolph
Major, Norman
Robertson, Carl
Tufts, J Arthur
Welch, David

Flanders, John Sr
Gleason, John
Johnson, Rogers
Langley, Jane
McEachern, Paul
Shultis, Elizabeth
Varrell, Thomas
Wiley, Robert

Francoeur, Sheila
Griffin, Mary
Katsakiores, George
Langone, John
McKinney, Betsy
Smith, Donald
Waterhouse, Kevin
Zolla, William

Gilbert, Jeffrey
Holland, James Jr
Katsakiores, Phyllis
Letourneau, Robert
Noyes, Richard
Stone, Joseph
Weare, E Albert

STRAFFORD

Berube, Roger
Creteau, Irene
Musler, George
Vachon, Dennis

Brown, Julie
Dunlap, Patricia
Newton, Clifford
Wall, Janet

Campbell, W Packy
Harrington, Michael
Schmidt, Peter

Cataldo, Sam
Johnson, Nancy
Scott, David

SULLIVAN

Cloutier, John
Leone, Richard

Donovan, Thomas
Rodeschin, Beverly

Flint, Gordon Sr

Jones, Constance

NAYS 168

BELKNAP

Dewhirst, Glenn
Wendelboe, Fran

Lawton, David

Rice, Thomas

Russell, David

CARROLL

Brown, Carolyn
Mock, Henry

Dickinson, Howard

Kenney, Bettie

Merrow, Harry

CHESHIRE

Dunn, James
Parkhurst, Henry
Robertson, Timothy

Eaton, Daniel
Pratt, Irene
Tilton, Anna

Espieffs, Peter
Pratt, John

Fish, Douglas
Richardson, Barbara

COOS

Brady, Mark

Theberge, Robert

GRAFTON

Akins, Ralph
Diamond, Estelle
Nordgren, Sharon

Benn, Bernard
Dorsett, Andrew
Scovner, Nancy

Cooney, Mary
Maybeck, Margie
Solomon, Peter

Densmore, Edward
Naro, Debra

HILLSBOROUGH

Allan, Nelson
Baroody, Benjamin
Bruno, Pierre
Cernota, Albert

Arnold, Thomas Jr
Barry, J Gail
Buckley, Raymond
Chabot, Robert

Artz, Lawrence
Batula, Peter
Buhlman, David
Christensen, D L
Chris
Desmarais, Vivian
Ford, Nancy
Gorman, Mary

Balboni, Michael
Brassard, Paul
Carter, Jeffrey
Clayton, William

Cote, David
Elliott, Larry
Gibson, John

Cote, Peter
Fields, Dennis
Gonzalez, Carlos

Drisko, Richard
Gargasz, Carolyn
Graham, John

Greenberg, Gary
Hallyburton, Margaret
Irwin, Anne-Marie
Laflamme, Charles
Malloy, Chris
Movsesian, Lori
Pilotte, Maurice
Shaw, Barbara
Sullivan, Francis
Vaillancourt, Steve

Hagan, Barbara
Harrington, Paul
Jean, Claudette
LaFlamme, Paul
Martin, Mary Ellen
O'Brien, Lori
Price, Pamela
Souza, Kathleen
Sullivan, Peter

Haley, Robert
Haytayan, Harry Jr
Johnson, Lionel
Leach, Edward
McHugh, Claire
Ober, Russell III
Reeves, Sandra
Spiess, Paul
Sweeney, Cynthia

Hall, Charles
Infantine, William
Kopka, Angeline
Lefebvre, Roland
Mercer, Robert
Pappas, Christopher
Schulze, Joan
Stepanek, Stephen
Tate, Joan

MERRIMACK

Blanchard, Elizabeth

Davis, Frank
Hamm, Christine
MacKay, James
Wallner, Mary Jane

Bouchard, Candace

DeJoie, John
Kenison, Leon
Osborne, Jessie

Brueggemann,
Donald
DeStefano, Stephen
Langer, Ray
Rush, Deanna

Daniels, Eric

Field, William
Lockwood, Priscilla
Soltani, Tony

ROCKINGHAM

Bridle, Russell
Dumaine, Dudley
Hughes, Daniel
Kelley, Jane
Morris, Richard
Quandt, Matthew
Splaine, James

Carson, Sharon
Gould, Kenneth
Ingram, Russell
Manning, John
Norelli, Terie
Roessner, Kurt
Vallone, Matthew

Casey, Kimberley
Hamel, Albert
Introne, Robert
McCann, Richard
Pitts, Jacqueline
Ruffner, Walter
Weyler, Kenneth

DiFruscia, Anthony
Headd, James
Itse, Daniel
McMahon, Charles
Putnam, Ed II
Smith, Paul
Winchell, George

STRAFFORD

Albert, Russell
Easson, Timothy
Knowles, William
Smith, Marjorie
Twombly, James

Bemis, Alan
Heon, Richard
Miller, Joseph
Spang, Judith
Woods, Phyllis

Bickford, David
Hofemann, Roland
Pelletier, Arthur
Taylor, Katherine

Callaghan, Frank
Kaen, Naida
Rous, Emma
Taylor, Kathleen

SULLIVAN

Allison, David
Harris, Joseph
and the report failed.
Rep. Paul LaFlamme moved Ought to Pass.

Burling, Peter
Harris, Sandra

Ferland, Brenda
Phinizy, James

Franklin, Peter

MOTION TO LAY ON THE TABLE

Rep. Owen moved that **HB 520-FN**, relative to maintaining records of greyhounds used in pari-mutuel racing, be laid on the table.

Rep. Owen requested a roll call, sufficiently seconded.

YEAS 142 NAYS 193

YEAS 142

BELKNAP

Ahern, Omer Jr
Clark, Charles

Allen, Janet
Fitzgerald, James

Bartlett, Gordon
Flanders, Donald

Boyce, Laurie
Whalley, Michael

CARROLL

Babson, David Jr
Olimpio, J Lisbeth

Derby, Mark
Patten, Betsey

Hatch, Paul
Stevens, Stanley

McConkey, Mark

CHESHIRE

Allen, Peter
Liebl, George
Royce, H Charles

Dexter, Judson
Manning, Joseph
Smith, Edwin

Hunt, John
Meador, David
Weed, Charles

Laurent, John
Mitchell, McKim

COOS

Guay, Lawrence
Richardson, Herbert

King, Frederick
Stohl, Eric

Mears, Edgar
Tholl, John Jr

Pratt, Leighton
Woodward, David

GRAFTON

Alger, John
Dudley, Terri
Sokol, Hilda

Almy, Susan
Gionet, Edmond
Sorg, Gregory

Barker, Robert
Hammond, Lee

Diamond, Estelle
Ingbretson, Paul

HILLSBOROUGH

Bergin, Peter
Craig, James
Hansen, Ryan
Jasper, Shawn
Messier, Irene
Pepino, Leo
Tahir, Saghir

Brundige, Robert
Dokmo, Cynthia
Hawkins, Ken
Kurk, Neal
Mooney, Maureen
Rowe, Robert
Wheeler, James

Carter, Mark
Emerton, Larry
Hinkle, Peyton
L'Heureux, Robert
Moran, Edward
Scanlon, Michael
Wheeler, Robert

Coughlin, Pamela
Fletcher, Richard
Hopper, Gary
Luebkert, Bernard
Mosher, William
Slocum, Lee

MERRIMACK

Anderson, Eric
Foley, Albert
Jacobson, Alf
McCormick, Tom

Bouchard, Candace
French, Barbara
Kennedy, Richard
Nutter, Edward

Currier, David
Hager, Elizabeth
Leber, William
Owen, Derek

DeJoie, John
Hess, David
Marple, Richard
Seldin, Gloria

ROCKINGHAM

Bicknell, Elbert
Camm, Kevin
Fesh, Bob
Griffin, Mary
Johnson, Rogers
Langley, Jane
McCann, Richard
Robertson, Carl
Tufts, J Arthur
Wiley, Robert

Bishop, Franklin
Clark, Vivian
Francoeur, Sheila
Ingram, Russell
Katsakiores, George
Langone, John
McEachern, Paul
Shultis, Elizabeth
Varrell, Thomas
Zolla, William

Blanchard, MaryAnn
Coes, Betsy
Gilbert, Jeffrey
Introne, Robert
Katsakiores, Phyllis
Letourneau, Robert
McKinney, Betsy
Smith, Donald
Waterhouse, Kevin

Cady, Harriet
Dodge, Robert
Gleason, John
Johnson, Robert
Kobel, Rudolph
Major, Norman
Norelli, Terie
Stone, Joseph
Weare, E Albert

STRAFFORD

Berube, Roger
Harrington, Michael
Scott, David

Brown, Julie
Johnson, Nancy
Smith, Marjorie

Campbell, W Packy
Musler, George
Vachon, Dennis

Creteau, Irene
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Rodeschin, Beverly

Flint, Gordon Sr

Jones, Constance

Leone, Richard

NAYS 193

BELKNAP

Dewhirst, Glenn
Rice, Thomas

Lawton, David
Russell, David

Nedeau, Stephen
Wendelboe, Fran

Pilliod, James

CARROLL

Brown, Carolyn
Mock, Henry

Dickinson, Howard
Philbrick, Donald

Kenney, Bettie

Merrow, Harry

CHESHIRE

Dunn, James
Parkhurst, Henry
Robertson, Timothy

Eaton, Daniel
Pratt, Irene
Tilton, Anna

Espieffs, Peter
Pratt, John

Fish, Douglas
Richardson, Barbara

COOS

Brady, Mark

Theberge, Robert

GRAFTON

Akins, Ralph
Densmore, Edward
Maybeck, Margie
Solomon, Peter

Benn, Bernard
Dorsett, Andrew
Naro, Debra

Bleyler, Ruth
Gilman, G Michael
Nordgren, Sharon

Cooney, Mary
Giuda, Robert
Scovner, Nancy

HILLSBOROUGH

Adams, Jarvis
Balboni, Michael
Beaton, William
Buhlman, David
Chabot, Robert

Allan, Nelson
Baroody, Benjamin
Brassard, Paul
Carlson, Donald
Christensen, D L
Chris

Arnold, Thomas Jr
Barry, J Gail
Bruno, Pierre
Carter, Jeffrey
Clayton, William

Artz, Lawrence
Batula, Peter
Buckley, Raymond
Cernota, Albert
Clemons, Jane

Cote, David
Elliott, Larry
Gibson, John
Greenberg, Gary
Hallyburton,
Margaret

Cote, Peter
Fields, Dennis
Gonzalez, Carlos
Hagan, Barbara
Harrington, Paul

Desmarais, Vivian
Ford, Nancy
Gorman, Mary
Haley, Robert
Haytayan, Harry Jr

Drisko, Richard
Gargasz, Carolyn
Graham, John
Hall, Charles
Infantine, William

Irwin, Anne-Marie
Kopka, Angeline
Leach, Edward
McHugh, Claire
O'Brien, Lori
Price, Pamela
Souza, Kathleen
Sullivan, Peter

Jean, Claudette
Laflamme, Charles
Lefebvre, Roland
McRae, Karen
Ober, Russell III
Reeves, Sandra
Spiess, Paul
Sweeney, Cynthia

Johnson, Lionel
LaFlamme, Paul
Malloy, Chris
Mercer, Robert
Pappas, Christopher
Schulze, Joan
Stepanek, Stephen
Tate, Joan

Katsiantonis, Thomas
Lasky, Bette
Martin, Mary Ellen
Movsesian, Lori
Pilotte, Maurice
Shaw, Barbara
Sullivan, Francis
Vaillancourt, Steve

MERRIMACK

Blanchard, Elizabeth	Brueggemann, Donald	Clarke, Claire	Daniels, Eric
Davis, Frank	DeStefano, Stephen	Field, William	Fraser, Leo Jr
Hamm, Christine	Kenison, Leon	Langer, Ray	Lockwood, Priscilla
MacKay, James	Maxfield, Roy	Oliver, James	Osborne, Jessie
Perkins, Randy	Potter, Frances	Reardon, Tara	Rush, Deanna
Soltani, Tony	Wallner, Mary Jane		

ROCKINGHAM

Belanger, Ronald	Bridle, Russell	Carson, Sharon	Casey, Kimberley
Cooney, Richard	Corbin, Corey	Dalrymple, Janeen	DiFruscia, Anthony
Dumaine, Dudley	Flanders, John Sr	Gillick, Thomas	Gould, Kenneth
Hamel, Albert	Headd, James	Holland, James Jr	Hughes, Daniel
Itse, Daniel	Kelley, Jane	Manning, John	McMahon, Charles
Morris, Richard	Noyes, Richard	Pitts, Jacqueline	Putnam, Ed II
Quandt, Matthew	Roessner, Kurt	Ruffner, Walter	Smith, Paul
Splaine, James	Vallone, Matthew	Welch, David	Weyler, Kenneth
Winchell, George			

STRAFFORD

Albert, Russell	Bemis, Alan	Bickford, David	Callaghan, Frank
Cataldo, Sam	Dunlap, Patricia	Easson, Timothy	Heon, Richard
Hofemann, Roland	Kaen, Naida	Knowles, William	Miller, Joseph
Newton, Clifford	Pelletier, Arthur	Rous, Emma	Spang, Judith
Taylor, Katherine	Taylor, Kathleen	Twombly, James	Woods, Phyllis

SULLIVAN

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

and the motion failed.

The question now being the motion of Ought to Pass.
Rep. Belanger requested a roll call, sufficiently seconded.

YEAS 186 NAYS 149

YEAS 186

BELKNAP

Dewhirst, Glenn	Fitzgerald, James	Lawton, David	Pilliod, James
Rice, Thomas	Russell, David	Wendelboe, Fran	

CARROLL

Brown, Carolyn	Dickinson, Howard	Hatch, Paul	Kenney, Bettie
Morrow, Harry	Mock, Henry		

CHESHIRE

Dunn, James	Eaton, Daniel	Espieffs, Peter	Fish, Douglas
Parkhurst, Henry	Pratt, Irene	Pratt, John	Richardson, Barbara
Robertson, Timothy	Tilton, Anna		

COOS

Brady, Mark

Mears, Edgar

Pratt, Leighton

Theberge, Robert

GRAFTON

Akins, Ralph
Diamond, Estelle
Nordgren, Sharon

Benn, Bernard
Dorsett, Andrew
Scovner, Nancy

Cooney, Mary
Maybeck, Margie
Solomon, Peter

Densmore, Edward
Naro, Debra

HILLSBOROUGH

Allan, Nelson
Baroody, Benjamin
Brassard, Paul
Carlson, Donald
Christensen, D L
Chris
Desmarais, Vivian
Fields, Dennis
Gibson, John
Greenberg, Gary
Hallyburton, Margaret
Irwin, Anne-Marie
Kopka, Angeline
Lefebvre, Roland
Mercer, Robert
Ober, Russell III
Reeves, Sandra
Spiess, Paul
Sweeney, Cynthia

Arnold, Thomas Jr
Barry, J Gail
Bruno, Pierre
Carter, Jeffrey
Clayton, William

Dokmo, Cynthia
Fletcher, Richard
Gonzalez, Carlos
Hagan, Barbara
Harrington, Paul
Jean, Claudette
Laflamme, Charles
Malloy, Chris
Mosher, William
Pappas, Christopher
Schulze, Joan
Stepanek, Stephen
Tate, Joan

Artz, Lawrence
Batula, Peter
Buckley, Raymond
Cernota, Albert
Cote, David

Drisko, Richard
Ford, Nancy
Gorman, Mary
Haley, Robert
Haytayan, Harry Jr
Johnson, Lionel
LaFlamme, Paul
Martin, Mary Ellen
Movsesian, Lori
Pilotte, Maurice
Shaw, Barbara
Sullivan, Francis
Vaillancourt, Steve

Balboni, Michael
Bergin, Peter
Buhlman, David
Chabot, Robert
Cote, Peter

Elliott, Larry
Gargasz, Carolyn
Graham, John
Hall, Charles
Infantine, William
Katsiantonis, Thomas
Leach, Edward
McHugh, Claire
O'Brien, Lori
Price, Pamela
Souza, Kathleen
Sullivan, Peter

MERRIMACK

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann,
Donald

Daniels, Eric

Davis, Frank
Kenison, Leon
Osborne, Jessie

DeStefano, Stephen
Langer, Ray
Rush, Deanna

Field, William
Lockwood, Priscilla
Soltani, Tony

Hamm, Christine
MacKay, James
Wallner, Mary Jane

ROCKINGHAM

Bridle, Russell
Cooney, Richard
Gould, Kenneth
Hughes, Daniel
Johnson, Robert
Letourneau, Robert
Norelli, Terie
Quandt, Matthew
Splaine, James

Camm, Kevin
Corbin, Corey
Griffin, Mary
Ingram, Russell
Katsakiores, George
Manning, John
Noyes, Richard
Roessner, Kurt
Vallone, Matthew

Carson, Sharon
DiFruscia, Anthony
Hamel, Albert
Introne, Robert
Katsakiores, Phyllis
McMahon, Charles
Pitts, Jacqueline
Ruffner, Walter
Weyler, Kenneth

Casey, Kimberley
Dumaine, Dudley
Headd, James
Itse, Daniel
Kelley, Jane
Morris, Richard
Putnam, Ed II
Smith, Paul
Winchell, George

STRAFFORD

Albert, Russell
Easson, Timothy
Knowles, William
Smith, Marjorie
Twombly, James

Bemis, Alan
Heon, Richard
Miller, Joseph
Spang, Judith
Woods, Phyllis

Bickford, David
Hofemann, Roland
Pelletier, Arthur
Taylor, Katherine

Callaghan, Frank
Kaen, Naida
Rous, Emma
Taylor, Kathleen

SULLIVAN

Allison, David
Harris, Joseph

Burling, Peter
Harris, Sandra

Ferland, Brenda
Phinizy, James

Franklin, Peter

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BELKNAP

Ahern, Omer Jr
Clark, Charles

Allen, Janet
Flanders, Donald

Bartlett, Gordon
Nedeau, Stephen

Boyce, Laurie
Whalley, Michael

CARROLL

Babson, David Jr
Patten, Betsey

Derby, Mark
Philbrick, Donald

McConkey, Mark
Stevens, Stanley

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Liebl, George
Royce, H Charles

Dexter, Judson
Manning, Joseph
Smith, Edwin

Hunt, John
Meader, David
Weed, Charles

Laurent, John
Mitchell, McKim

COOS

Guay, Lawrence
Tholl, John Jr

King, Frederick
Woodward, David

Richardson, Herbert

Stohl, Eric

GRAFTON

Alger, John
Dudley, Terri
Hammond, Lee

Almy, Susan
Gilman, G Michael
Ingbreton, Paul

Barker, Robert
Gionet, Edmond
Sokol, Hilda

Bleyler, Ruth
Giuda, Robert
Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis
Clemons, Jane
Hansen, Ryan
Jasper, Shawn
Luebker, Bernard
Moran, Edward
Slocum, Lee

Beaton, William
Coughlin, Pamela
Hawkins, Ken
Kurk, Neal
McRae, Karen
Pepino, Leo
Tahir, Saghir

Brundige, Robert
Craig, James
Hinkle, Peyton
L'Heureux, Robert
Messier, Irene
Rowe, Robert
Wheeler, James

Carter, Mark
Emerton, Larry
Hopper, Gary
Lasky, Bette
Mooney, Maureen
Scanlon, Michael
Wheeler, Robert

MERRIMACK

Anderson, Eric
Foley, Albert
Hess, David
Marple, Richard
Oliver, James
Reardon, Tara

Clarke, Claire
Fraser, Leo Jr
Jacobson, Alf
Maxfield, Roy
Owen, Derek
Seldin, Gloria

Currier, David
French, Barbara
Kennedy, Richard
McCormick, Tom
Perkins, Randy

DeJoie, John
Hager, Elizabeth
Leber, William
Nutter, Edward
Potter, Frances

ROCKINGHAM

Belanger, Ronald
Cady, Harriet
Dodge, Robert

Bicknell, Elbert
Clark, Vivian
Fesh, Bob

Bishop, Franklin
Coes, Betsy
Flanders, John Sr

Blanchard, MaryAnn
Dalrymple, Janeen
Francoeur, Sheila

Gilbert, Jeffrey
Johnson, Rogers
Major, Norman
Robertson, Carl
Tufts, J Arthur
Welch, David

Gillick, Thomas
Kobel, Rudolph
McCann, Richard
Shultis, Elizabeth
Varrell, Thomas
Wiley, Robert

Gleason, John
Langley, Jane
McEachern, Paul
Smith, Donald
Waterhouse, Kevin
Zolla, William

Holland, James Jr
Langone, John
McKinney, Betsy
Stone, Joseph
Weare, E Albert

STRAFFORD

Berube, Roger
Creteau, Irene
Musler, George
Vachon, Dennis

Brown, Julie
Dunlap, Patricia
Newton, Clifford
Wall, Janet

Campbell, W Packy
Harrington, Michael
Schmidt, Peter

Cataldo, Sam
Johnson, Nancy
Scott, David

SULLIVAN

Cloutier, John
Leone, Richard

Donovan, Thomas
Rodeschin, Beverly

Flint, Gordon Sr

Jones, Constance

and the motion of Ought to Pass was adopted.

Ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Elliott moved that the House reconsider its action whereby it voted **HB 520-FN**, relative to maintaining records of greyhounds used in pari-mutuel racing, Ought to Pass.

Rep. Elliott spoke against.

The reconsideration motion failed.

HB 653-FN-A, authorizing the production of industrial hemp. **REFER FOR INTERIM STUDY**

Rep. Burton W. Williams for Environment and Agriculture: The committee feels that industrial hemp production has merit and is important to the furtherance of agriculture in New Hampshire. This study is needed to keep this topic alive and educate the public on this important issue. Vote 14-0.

Adopted.

HB 116-FN, granting group II retirement system status to certain positions in the department of corrections. **REFER FOR INTERIM STUDY**

Rep. Michael O'Neil for Executive Departments and Administration: This bill would move certain positions in the department of corrections from group I to group II in the New Hampshire Retirement System. After thorough discussion, the committee decided that a study of all positions within the corrections system needed to be undertaken. In performing this comprehensive study, the committee agreed that the state director of personnel, members of the criminal justice committee as well as correctional personnel should be involved to determine the correct classification and definitions for group I and II employees.

Vote 13-3.

Adopted.

HB 227, establishing a committee to study the feasibility of consolidating the administrative functions of regulatory boards and commissions into a single agency. **REFER FOR INTERIM STUDY**

Rep. Michael O'Neil for Executive Departments and Administration: The committee agrees that the idea has some merit. However, more time is needed to work with Efficiency Commission on this issue. Vote 13-0.

Adopted.

HB 585-FN, allowing teachers of private academies which provide public education to be included in the retirement system. **INEXPEDIENT TO LEGISLATE**
Rep. William R. Zolla for Executive Departments and Administration: Chapter 358 was enacted in 1991. It required the New Hampshire Retirement System to cease acceptance of contributions from non-governmental employers and employees, and to cease accrual of benefits of such non-governmental employees not later than June 30, 1991. It further required the withdrawal of all non-governmental employees and employers from the retirement system. This was done to protect the tax-exempt status of the system. While other considerations of a financial nature were considered in the legislation, this was the most important to the current bill. HB 585-FN would be in conflict with IRS Regulation Section 414(d) of the Internal Revenue Code and beyond the jurisdiction of this legislature. This bill, if implemented at this time, would jeopardize the tax-exempt status of the New Hampshire Retirement System. However, should a private employer on an individual basis apply for and receive a Private Letter Ruling from the Internal Revenue Service specifying that they did qualify under Section 414(d) of the code as a public employer due to some extenuating circumstances, then with the acceptance of the Board of Trustees of the retirement system, they could enter the system without affecting its tax exempt status. Thus this legislation is unnecessary. Vote 12-1.
Adopted.

HB 729-FN, relative to the regulation of tanning facilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael O'Neil for Executive Departments and Administration: The bill as amended requires every indoor tanning facility to register with the NH Board of Barbering, Cosmetology and Estheticians. The committee found the Barbering Board to be the logical choice for regulation because many facilities currently licensed by the Board also contain indoor tanning devices. Overexposure to ultraviolet light is a recognized health risk and the committee believes that the bill represents an important public safety measure that will provide certain minimum standards for indoor tanning facilities. The bill does prohibit use of indoor tanning facilities by minors under the age of 14 without an order from a NH licensed physician. Vote 16-2.

Amendment (2396h)

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

1 New Paragraph; Barbering, Cosmetology and Estheticians; Definition Added. Amend RSA 313-A:1 by inserting after paragraph VIII the following new paragraph:

VIII-a. "Fitzpatrick scale" means the following scale for classifying the 6 skin types, based on the skin's reaction to the first 10 to 45 minutes of sun exposure after the winter season:

Skin Type Sunburning and Tanning History

- 1 Always burns easily; never tans
- 2 Always burns easily; tans minimally
- 3 Burns moderately; tans gradually
- 4 Burns minimally; always tans well
- 5 Rarely burns; tans profusely
- 6 Never burns; deeply pigmented.

2 New Paragraphs; Barbering, Cosmetology and Estheticians; Definitions Added. Amend RSA 313-A:1 by inserting after paragraph IX the following new paragraphs:

XI-a. "Operator" means a person age 18 or older who has received training through a program approved by the board in the safe operation of tanning devices, operates the tanning device, controls the length of the exposure to UV light, and instructs the consumer in the proper use of the device.

XI-b. "Phototherapy device" means equipment that emits UV radiation and is used by licensed health care professionals in the treatment of disease.

3 New Paragraphs; Barbering, Cosmetology and Estheticians; Definition Added. Amend RSA 313-A:1 by inserting after paragraph XIII the following new paragraphs:

XIV. "Tanning device" includes any equipment, including a sunlamp, tanning booth, and tanning bed, that emits electromagnetic radiation with wavelengths in the air between 200 and 400 nanometers and is used for the tanning of human skin. The term also includes any accompanying equipment, including protective eyewear, timers, and handrails.

XV. "Tanning facility" means any location, place, area, structure or business which provides access to a tanning device for a fee, membership dues or any other compensation.

XVI. "Ultraviolet (UV) radiation" means electromagnetic radiation with wavelengths between 200 nanometers and 400 nanometers.

4 Board Member Changed. Amend RSA 313-A:2, I to read as follows:

I. There shall be a board of barbering, cosmetology, and esthetics consisting of 7 members as follows: one licensed barber, one licensed cosmetologist, one licensed esthetician, one licensed manicurist, one licensed cosmetology school owner who shall be a resident of New Hampshire or a designee of such owner who shall be a licensed cosmetologist and a resident of New Hampshire, **one owner of a registered tanning facility** and [2] 1 public ~~[members]~~ **member**; each to be appointed by the governor with the consent of the council to a term of 5 years. No board member shall be appointed to more than 2 consecutive terms. Only board members provided for in this paragraph shall have the authority to vote in board determinations.

5 New Paragraph; Board Duties; Complaints. Amend RSA 313-A:7 by inserting after paragraph II the following new paragraph:

II-a. Maintain a telephone line or an electronic mail address for the purpose of accepting consumer complaints;

6 Board Rulemaking; Ethical Violations. Amend RSA 313-A:8, VI to read as follows:

VI. Ethical and professional standards required to be met by each holder of a license to practice under this chapter and how disciplinary actions by the board shall be implemented for violations of these standards **or for any violation of this chapter**;

7 Rulemaking; Reference Added. Amend RSA 313-A:8, XVII to read as follows:

XVII. A schedule of administrative fines for violations of this chapter under RSA 313-A:22, III(e) **and (f)** and procedures for the payment of such fines.

8 New Paragraph; Rulemaking Added; Tanning Facilities. Amend RSA 313-A:8 by inserting after paragraph X the following new paragraph:

X-a. The regulation of tanning facilities including:

(a) Sanitation and hygiene standards to be met and maintained by tanning facilities.

(b) Standards for approving the training curricula and programs used for training tanning device operators.

(c) Registering tanning facilities.

(d) Standards for the inspection of tanning facilities.

(e) Standards for the consumer consent form required under RSA 313-A:30, IV.

9 New Subparagraph; Disciplinary Proceedings. Amend RSA 313-A:22, I by inserting after subparagraph (b) the following new subparagraph:

(c) In an action concerning a registered tanning facility, upon written complaint from any person which charges a registered tanning facility or operator has violated any provision of RSA 313-A:26-34.

10 Administrative Fines. Amend RSA 313-A:22, III(e) to read as follows:

(e) By imposing an administrative fine not to exceed \$500 for each offense **committed by a licensee of the board**. Each violation shall constitute a separate offense. The fine shall be paid to the board which shall forward it to the state treasurer to be deposited into the general fund.

11 New Subparagraph; Administrative Fines; Tanning Facility Operation. Amend RSA 313-A:22, III by inserting after subparagraph (e) the following new subparagraph:

(f) In an action concerning a registered tanning facility, by imposing an administrative fine not to exceed \$250 for each offense upon any person who violates any provision of RSA 313-A:26-34 or rules adopted pursuant to such subdivision. Any administrative fine imposed under this subparagraph shall not preclude the imposition of further penalties or administrative actions under this chapter. The fine shall be paid to the board which shall forward it to the state treasurer to be deposited into the general fund.

12 New Paragraph; Disciplinary Proceedings; Appeals. Amend RSA 313-A:22 by inserting after paragraph III the following new paragraph:

IV. Appeals and rehearings from a decision of the board shall be made pursuant to RSA 541-A.

13 New Subdivision; Registration of Tanning Facilities. Amend RSA 313-A by inserting after section 25 the following new subdivision:

Registration of Tanning Facilities

313-A:26 Advisory Committee Established. There is hereby established the tanning facility advisory committee. The committee shall consist of 2 physicians, licensed under RSA 329, appointed by the New Hampshire Medical Society, 2 tanning facility owners, appointed by the Indoor Tanning Association of America or its successor organization, and one member of the board, appointed by the chairman of the board, who shall serve as the chairman of the advisory committee. Members shall serve without compensation. The committee shall meet at least twice a year. The committee shall:

I. Advise the board relative to matters pertaining to the regulation of tanning facilities.

II. Advise and assist the board in the development of administrative rules necessary for the implementation of this division;

III. Make recommendations on methods for the appropriate inspection of tanning facilities and methods to monitor compliance with state and federal regulations; and

IV. Advise and assist the board in identifying programs and curricula available in the state for the training of operators and developing standards for the approval of such programs.

313-A:27 Compliance with Law.

I. Every tanning device used by a tanning facility shall comply with all applicable federal and state laws and regulations, including those promulgated by the Federal Trade Commission and the US Food and Drug Administration.

II. The board shall enforce this chapter against a person who adulterates or misbrands a tanning device. The board may investigate a person accused of adulterating or misbranding a tanning device.

313-A:28 Registration of Tanning Facility.

I. It shall be unlawful for any person to engage in the business of operating a tanning facility unless the facility is registered in accordance with this chapter and the registration of such facility is current and valid.

II. Any person, corporation, partnership, association, or other entity operating or intending to open or operate a tanning facility within this state shall file registration statement annually with the board in accordance with rules adopted under RSA 541-A. Such registration statement shall be required for each facility location, shall be duly signed and verified, and shall be posted in a prominent location at the tanning facility. Such registration statement shall include, but not be limited to, the name and the business address of the applicant; if an individual, the name under which the business will be conducted; if a partnership, the name and business address of each member thereof; the name under which the business is to be conducted; if a corporation, the name of the corporation and the name and business address of each of the officers of the corporation; and the place, including the complete mailing address and physical address, where the business

is to be conducted. Registration statements shall also list the number and type of tanning devices at each tanning facility location.

313-A:29 Registration Fee Required. No person shall operate a tanning facility without paying an annual registration fee established by the board. Registration fees received from each tanning facility shall be deposited into the general fund.

313-A:30 Operational Requirements.

I. Operators shall have sufficient knowledge in the operation of the tanning devices, including but not limited to:

- (a) Requirements of this section and of 21 CFR 1040.20;
- (b) Proper use of U.S.F.D.A. Recommended Exposure Schedule;
- (c) Procedures for correct operation of the tanning facility/device;
- (d) Recognition of injuries and the facility's procedures for handling such injuries from overexposure to ultraviolet radiation;
- (e) Manufacturer's procedures for operation and maintenance of the tanning device;
- (f) Proper use of protective eyewear;
- (g) Emergency procedures in case of injury;
- (h) Effects of UV radiation, acute and chronic exposure, biological effects and health risks;
- (i) Photosensitizing agents; and
- (j) Recognition of the 6 skin types and the Fitzpatrick Scale.

II. Operators shall be trained in all of the areas listed in paragraph I. Training shall be received through curricula and programs approved by the board. A tanning facility shall maintain a list of the facility's operators who have been trained in accordance with this section. Such list shall include the date of the training and shall be available for inspection by the board.

III. Operators shall obtain proof of age from each tanning device user pursuant to RSA 313-A:31, I.

IV. Operators shall read aloud and shall provide each tanning device user with a written consent statement containing the wording listed below and the Fitzpatrick Scale. In the event that the user is under the age of 18, this wording shall be read to the user's parent or guardian. Operators shall obtain the signature of the user or parent or guardian on the written consent prior to the initial exposure to the tanning device. The consumer consent form shall include the following wording in at least size 12 font:

"DANGER - ULTRAVIOLET RADIATION

Follow instructions.

Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions.

Repeated exposure may cause premature aging of the skin and skin cancer.

Wear protective eyewear. Failure to use protective eyewear may result in severe burns or long-term injury to the eyes.

Medication or cosmetics may increase your sensitivity to the ultraviolet radiation.

Consult a physician before using sunlamp or tanning equipment if you are using medications or have a history of skin problems or believe yourself to be especially sensitive to sunlight."

V. Upon notification by a consumer of a complaint or an alleged tanning injury, a registrant shall provide information to the consumer about how complaints may be filed with the board.

VI. The tanning facility registrant shall maintain a record for each individual tanning device user which shall include dates exposed, length of exposure and signed consent form. Records shall be maintained for a minimum of 3 years or 3 years past the age of majority of the client.

313-A:31 Tanning of Minors.

I. No person under the age of 18 shall be allowed to utilize a tanning device at a tanning facility without the written consent of that person's parent or legal guardian. Proof of age shall be satisfied with a driver license or other government issued identification containing date of birth and a photograph of the individual. This consent requirement shall be satisfied only if the parent or legal guardian is physically present at the time of the initial use of the tanning device; the responsible adult signs a document declaring that they are the parent or legal guardian of the minor and attesting to the age of the minor. The consent of the parent or legal guardian shall be valid for 12 subsequent uses of the tanning device by the minor.

II. No minors under the age of 14 shall be allowed to utilize a tanning device at a tanning facility without a written order from a physician licensed under RSA 329. Persons using a tanning facility under the provisions of this paragraph shall be accompanied by a parent or legal guardian for every use of the tanning facility.

313-A:32 Suspension of Operation. Upon finding a facility in violation of any of the provisions of RSA 313-A:26-34, the board may order the owner of a tanning facility to suspend operation of the facility. Such suspension shall remain in effect until the owner submits proof of compliance with any deficiencies identified by the board. Failure to suspend operation of a tanning facility in accordance with a board order shall be subject to a civil penalty of up to \$500 for each day that the facility remains in operation after issuance of the board order.

313-A:33 Exemption. This subdivision shall not apply to a phototherapy device used by or under the supervision of a licensed health care professional for treatment of disease.

313-A:34 Unregistered Tanning Facilities. Upon notification by the board, operating an unregistered tanning facility shall result in a fine of \$100 per day, for every day the facility remains in operation after 7 business days from the date notification was issued.

14 Repeal RSA 313-A:8, VII, relative to rulemaking authority for matters of administration.

15 Prospective Repeal. RSA 313-A:26, relative to the tanning facility advisory committee, is repealed.

16 Effective Date.

I. Section 15 of this act shall take effect January 1, 2008.

II. The remainder of this act shall take effect January 1, 2005.

AMENDED ANALYSIS

This bill requires the board of barbering, cosmetology and esthetics to regulate tanning facilities.

Adopted.

Report adopted and ordered to third reading.

SB 199, revising the nurse practice act. OUGHT TO PASS WITH AMENDMENT

Rep. Judson K. Dexter for Executive Departments and Administration: The amendment to revises the Nurse Practice Act (RSA 326-B) while making few substantive changes to the law. The most significant difference between current law and the proposed amendment is a shift of some important provisions from rule to statute. The amendment adds a scope of practice section for each of the categories of nursing (ARNP, RN, LPN and LNA) to RSA 326-B. Currently, the scope of practice of ARNPs is outlined in the administrative rules drafted by the Board of Nursing and approved by the Joint Legislative Committee on Administrative Rules. There is currently no scope of practice for the other categories of nursing in rule or in law. As is common with the regulatory statutes in place for other health care professions, the committee feels it is important to clearly designate the scope of practice for each category of nursing in statute. The scope of practice language included in the proposed amendment was submitted to the committee by the Board of Nursing. If there is a need to change any of this language in the future, further legislation will be required. Along the same vein, the proposed amendment contains an extensive provision designating how nursing activities may

be delegated. The language in the amendment has been taken verbatim from the current rules. The amendment also adds a provision noting that continuing education is required for license renewal and specifies the number of hours of education required for each of the nurse practice categories. Currently, continuing education is addressed only in the nursing rules. The proposed amendment also contains changes to the manner in which fees are adopted by the Board of Nursing and makes a number of changes designed to make the statute easier to read. Vote 17-1.

Amendment (2432h)

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

1 Nurse Practice Act. RSA 326-B is repealed and reenacted to read as follows:

CHAPTER 326-B

NURSE PRACTICE ACT

326-B:1 Purpose. In order to safeguard life, health and public welfare of the people of New Hampshire and in order to protect the people of the state from the unauthorized, unqualified, and improper application of services by individuals in the practice of nursing, it is necessary that a regulatory authority be established and adequately funded. To further this policy, the practice of nursing shall be regulated through the New Hampshire board of nursing, and such board shall have the power to enforce the provisions of this chapter.

326-B:2 Definitions.

I. "Advanced registered nurse practitioner (ARNP)" means a registered nurse currently licensed in New Hampshire who is additionally licensed by the board in one or more practice specialties pursuant to RSA 326-B:13.

II. "Board" means the New Hampshire board of nursing established in RSA 326-B:3.

III. "Certified graduate nurse (CGN)" means those graduate nurses exempted by chapter 265, laws of 1959 and certified prior to January 1, 1975.

IV. "Contact hour" means a minimum of 50 minutes of organized learning.

V. "Continuing competence" means integrated learning designed to enhance nursing knowledge, judgment and skills beyond those achieved during the education or other preparation required to qualify for initial licensing.

VI. "Delegation" means the transfer of authority for the performance of a specific task from a licensed nurse authorized to perform the task to someone who does not have that authority when such transfer is authorized by this chapter or the rules adopted by the board.

VII. "Licensed nursing assistant" means an individual who holds a current license to provide client care under the direction of a registered nurse or licensed practical nurse.

VIII. "Licensed practical nurse (LPN)" means an individual who holds a current license to practice practical nursing as defined in paragraph XII.

IX. "Medication nursing assistant" means a licensed nursing assistant holding a currently valid certificate authorizing the delegation to the nursing assistant of tasks of medication administration.

X. "Nursing" means assisting clients or groups of clients to attain or maintain optimal health by implementing a strategy of care to accomplish defined goals and by evaluating responses to nursing care and medical treatment. Nursing includes basic health care that helps both clients and groups of clients cope with difficulties in daily living associated with their actual or potential health or illness status and also those nursing activities that require a substantial amount of scientific knowledge or technical skill. Nursing also includes, but is not limited to:

(a) Promoting an environment conducive to well being.

(b) Planning and implementing independent nursing strategies and prescribed treatment in the prevention and management of illness, injury, disability and achievement of a dignified death.

(c) Providing health counseling and teaching.

(d) Collaborating on aspects of the health regimen.

(e) Advocating for the client.

XI. "Nursing-related activities" means client care provided by a licensed nursing assistant directed by an ARNP, an RN, or an LPN.

XII. "Practical nursing" means the practice of nursing as defined in paragraph VIII by a nurse who:

(a) Uses sound nursing judgment based on preparation, knowledge, skills, understanding, and past nursing experience.

(b) Works under the direction of a registered nurse, advanced registered nurse practitioner, dentist or physician.

(c) Functions as a member of a health care team and contributing to the assessment, planning, implementation and evaluation of client care.

XIII. "Registered nurse (RN)" means an individual who holds a current license to practice registered nursing as defined in paragraph XIV.

XIV. "Registered nursing" means the application of nursing knowledge, judgment, and skill drawn from broad in-depth education in the biological, psychological, social, and physical sciences in assessing and diagnosing the health status of a client, and in planning, implementing and evaluating client care which promotes the optimum health, wellness and independence of the individual, the family and the community.

326-B:3 Board of Nursing.

I. The board of nursing shall be composed of 11 members to be appointed by the governor with the consent of the council. Any interested individual, association, or entity may make recommendation to the governor. The members of the board shall include 5 registered nurses, one of whom shall be an advanced registered nurse practitioner, 2 licensed practical nurses, 2 licensed nursing assistants, and 2 representative members of the public. The terms of members shall be staggered as determined by the governor and council. All terms shall be for 3 years, and no member of the board shall be appointed to more than 2 consecutive terms.

II. Each registered nurse member shall be a resident of this state, licensed in good standing under the provisions of this chapter, currently engaged in the practice of nursing as a registered nurse, and shall have had no fewer than 5 years of experience as a registered nurse, at least 3 of which shall have immediately preceded appointment. Registered nurse members of the board shall represent the various areas of nursing practice including education, administration, and clinical practice.

III. The licensed practical nurse members of the board shall be residents of this state, licensed in good standing under the provisions of this chapter, currently engaged in the practice of nursing, and shall have had no fewer than 5 years of experience as a licensed practical nurse, at least 3 of which shall have immediately preceded the date of appointment.

IV. The licensed nursing assistant members of the board shall be residents of, and licensed in good standing in, New Hampshire, and currently engaged in nursing-related activities. These members shall have a minimum of 5 years of experience as a licensed nursing assistant, at least 3 of which shall have immediately preceded the date of their appointment.

V. The public members shall be residents of the state of New Hampshire who are not, and never have been, members of the nursing profession or the spouse of any such person. The public members shall not have, and shall never have had, a material financial interest in either the provision of nursing services or an activity directly related to nursing, including the representation of the board or its predecessor or the profession for a fee at any time during the 5 years preceding the date of appointment.

VI. No more than one board member shall be associated with a particular agency, corporation or other enterprise or subsidiary at one time.

VII. Each member of the board shall be compensated at the rate of \$100 for attendance at a regular board meeting and \$50 for each other day actually engaged in official

duties of the board, and shall be reimbursed for actual and necessary expenses incurred in the discharge of official duties, including travel at the state employee mileage rate.

VIII. An appointee to a full term on the board shall be appointed by the governor with the consent of the council before the expiration of the term of the member being succeeded and shall become a member of the board on the first day following the appointment expiration date of the previous appointee. Appointees to unexpired portions of full terms shall become members of the board on the day following such appointment, and shall serve the unexpired term and then be eligible to serve 2 full 3-year terms.

IX. The governor may remove any member from the board for neglect of any duty under RSA 326-B:4 or for incompetence or unprofessional or dishonorable conduct. Any person may file a complaint against a board member with the department of health and human services. The provisions of RSA 4:1 controlling the removal of public officials from office shall be followed in dismissing board members.

X. All members of the board and its agents or employees shall enjoy immunity from individual civil liability while acting within the scope of their duties as board members, agents or employees, as long they are not acting in a wanton or reckless manner.

XI. Board meetings shall be open to the public. In accordance with RSA 91-A:3 the board may conduct part of a meeting in nonpublic session.

XII. The New Hampshire board of nursing shall be administratively attached, under RSA 21-G:10, to the department of health and human services.

326-B:4 Powers and Duties of the Board.

I. The board shall have the power to:

(a) Regulate the practice of nursing and take disciplinary action authorized by this chapter.

(b) Adopt, amend, and repeal administrative rules as authorized by this chapter.

(c) Appoint and employ a qualified registered nurse to serve as executive director.

(d) Delegate to the executive director those activities which expedite the functions of the board, including the employment of professional and support staff, investigators, legal counsel, and other personnel necessary for the board to carry out its functions.

(e) Employ or contract with any entity for the purpose of administering examinations authorized by this chapter.

(f) Gather and report to the public statistical information regarding, but not limited to, the education and licensure of nurses and nursing assistants.

(g) Maintain membership in national organizations advancing the practice of nursing.

(h) Provide consultation and conduct conferences, forums, studies, and research on nursing education and practice.

II. The board shall have the duty to:

(a) Interpret and enforce the provisions of this chapter and of the rules implementing it.

(b) Maintain a record of all persons and education programs regulated by the board.

(c) Determine and collect reasonable fees authorized by this chapter.

(d) Administer the state registry for nursing assistants in compliance with the Omnibus Budget Reconciliation Act of 1987, sections 1819 and 1919 of the Social Security Act.

326-B:5 Criminal Record Checks.

I. Every applicant for initial licensure or license renewal or reinstatement under this chapter shall submit to the board a notarized criminal conviction record release authorization form, as provided by the division of state police, which authorizes the release of his or her criminal conviction record to the board pursuant to RSA 106-B:14.

II. Upon receipt of a notarized criminal conviction record release authorization form from the board or from an applicant for licensure or license renewal or reinstatement under this chapter, the division of state police shall conduct a criminal conviction record check pursuant to RSA 106-B:14 and provide the results to the board.

III. The board shall review the criminal record information prior to making a licensing decision and shall maintain the confidentiality of all criminal conviction records received pursuant to this section.

326-B:6 Administration By Executive Director.

I. The executive director shall have at least the following qualifications:

(a) Be eligible for licensure to practice as a registered nurse in this state; and
(b) Hold a master's degree in nursing or hold a master's degree in a related field and a baccalaureate degree in nursing.

II. The executive director shall be responsible for:

(a) The performance of the administrative responsibilities of the board.
(b) Employment of personnel needed to carry out the functions of the board.
(c) The performance of any other duties the board may direct.

326-B:7 Collection and Expenditure of Funds. The board shall receive and expend funds provided such funds are received and expended for the pursuit of the objectives authorized by this chapter. Fees, fines and administrative charges other than those collected pursuant to RSA 326-B:8 shall be deposited in the general fund.

326-B:8 Nursing Assistant Fees and Fines; Continual Appropriation.

I. The nursing assistant fund is established in the state treasury and continually appropriated to the board of nursing which shall administer the fund. The fund shall be used only for administration of the nursing assistant component and expenses relating to that component.

II. All fees, charges, and fines relating to nursing assistants shall be credited to the fund.

326-B:9 Fees; Charges.

I. The board shall charge fees for the issuance, renewal, and reinstatement of all licenses, specialty licenses and certificates authorized by this chapter. The board shall recover at least 125 percent of its direct expenses through licensee fees, fines and administrative charges.

II. The board may provide the following services and make administrative charges for them:

(a) The administration of examinations required by this chapter.
(b) Verification of licensure status.
(c) The sale of lists of licensees who have given their written authorization to have their names included on such lists.
(d) The actual costs of a criminal conviction record check required pursuant RSA 326-B:5.

326-B:10 Public Hearings on Fees.

I. The board shall be exempt from the requirements, procedures and provisions of RSA 541-A with respect to the establishment of fees.

II. The board shall review all fees established under this chapter on a biannual basis. The board shall hold at least one public hearing on all proposed changes to such fees. All interested parties shall be afforded reasonable opportunity to testify and to submit data, views or arguments in writing or in electronic format, relative to proposed fee changes. All materials submitted in writing shall be signed by the person who submits them. The board shall post the date, time and location of the public hearing and the cut-off date for the submission of written testimony at least 20 days prior to the hearing date. Such posting shall be on the board's website and in the newsletter published by the board. Copies of the proposed fee changes shall be available to the public at least 5 days prior to the hearing. A

period of at least 10 days after the hearing shall be provided for the submission of materials in writing or electronic format.

III. Each hearing shall be attended by a quorum of the board. A public comment hearing on fees may be postponed in the event of inclement weather or a lack of a quorum of the board. If such hearing is postponed, the board shall provide at least 5 days' notice of the rescheduled hearing.

IV. The board shall consider all public input that has been submitted under the provisions of this section when voting on any changes to fees established under this chapter.

326-B:11 Rulemaking Authority.

I. The board shall adopt rules in accordance with RSA 541-A on the following topics:

(a) Application procedures and eligibility requirements, in addition to those set forth in this chapter, for the issuance of all initial, temporary and renewal licenses, specialty licenses and certificates issued by the board, including the issuance of such licenses to applicants holding a currently valid license or other authorization to practice in another jurisdiction.

(b) Application procedures and eligibility requirements, in addition to those set forth in this chapter, for the reinstatement of licenses after lapse and after disciplinary action.

(c) Approval of national certifying bodies issuing specialty certifications required for licensure as an advanced registered nurse practitioner.

(d) The standards to be met by education programs designed to prepare applicants to qualify for licensure or certification in any of the disciplines regulated by the board, including the time period within which noncompliance must be corrected before such approval is withdrawn.

(e) The standards to be met by education programs designed to prepare LPNs in intravenous therapy and by programs designed to prepare LNAs to perform tasks not addressed in the basic curriculum required for licensure.

(f) The determination of disciplinary sanctions authorized by this chapter, including the determination of administrative fines.

(g) The administration of examinations authorized by this chapter, and the manner in which information regarding the contents of any licensing examinations may be disclosed, solicited, or compiled.

(h) Ethical standards for the practice of nursing and nursing-related activities.

(i) Continuing competence requirements.

(j) Designations that may be used by persons regulated by the board and retired persons regulated by the board.

326-B:12 Scope of Practice; Advanced Registered Nurse Practitioner.

I. Only those licensees duly authorized under RSA 326-B:13 shall perform those common customary advanced nursing practices noted in this section. ARNPs are authorized to prescribe medications in the ARNP formulary established by the joint health council. The ARNP shall be competent as set forth below to practice independently in accordance with a scope of practice established by national standards in the following specialty areas:

(a) Certified nurse midwife.

(b) Pediatric nurse practitioner.

(c) Family nurse practitioner.

(d) Women's health nurse practitioner.

(e) Adult nurse practitioner.

(f) Geriatric nurse practitioner.

(g) School nurse practitioner.

(h) Psychiatric/mental health nurse practitioner.

(i) Emergency/trauma nurse practitioner.

(j) Neo-natal nurse practitioner.

(k) Certified registered nurse anesthetist.

- (l) Acute care nurse practitioner.
- (m) Community health nurse practitioner.
- (n) Reproductive health nurse practitioner.
- (o) Oncology nurse practitioner.
- (p) Palliative care nurse practitioner.
- (q) Wound care nurse practitioner.

II. The ARNP shall have the ability to:

- (a) Elicit and record physical and mental health status, psychosocial history, including review of bodily systems.
- (b) Perform physical examination.
- (c) Initiate appropriate diagnostic tests to screen or evaluate the care-recipient's current health status.
- (d) Assess findings of history, review of systems, physical examination and diagnostic tests, and formulate a diagnosis prior to implementing a treatment regimen.
- (e) Identify health problems and learning needs of the care recipient.
- (f) Plan, teach, promote, and manage physical and mental health-care in a continuous program.
- (g) Implement and manage treatment regimens and administer, prescribe, dispense and procure pharmacological agents.
- (h) Arrange appropriate referrals.
- (i) Initiate appropriate emergency treatment in life-threatening or unusual situations in order to stabilize the care-recipient.
- (j) Provide other functions within the ARNPs scope of practice for which the ARNP is educationally and experientially prepared.

326-B:13 Advanced Registered Nurse Practitioner; Specialty License.

I. The board may issue one or more specialty licenses to applicants meeting the qualifications stated in paragraph III. Holding one or more currently valid specialty licenses qualifies the holder as an advanced registered nurse practitioner.

II. An applicant for licensure in a specialty shall:

- (a) Hold a currently valid license as a registered nurse;
- (b) Submit a completed application for specialty licensure and pay the specialty license fee;
- (c) Have graduated after July 1, 2004 with a master's degree earned in an advanced registered nurse practitioner education program accredited by a national accrediting body or have graduated before July 1, 2004 from an advanced registered nurse practitioner education program accredited by a national accrediting body; and
- (d) Be currently certified by a board-approved national certifying body in the specialty for which the applicant was educated.

III. An applicant for renewal of a specialty license issued after September 30, 1984 shall:

- (a) Submit a completed application for renewal and pay the renewal fee;
- (b) Hold, and have since first specialty licensure maintained, a currently valid license as a registered nurse;
- (c) Be, and have since first specialty licensure continued to be, certified by a board-approved national certifying body;
- (d) Meet any continuing competence requirements set by the board; and
- (e) Meet any continuing education requirements established under this chapter.

IV. An applicant for renewal of a specialty license issued before September 30, 1984 shall meet the requirements of paragraph III except that the applicant shall not be required to be and continue to have been certified by a board-approved national certifying body.

V.(a) An advanced registered nurse practitioner shall have plenary authority to possess, compound, prescribe, administer, and dispense and distribute to clients controlled

and non-controlled drugs in accordance with the formulary established by the joint health council and within the scope of the ARNP's practice as defined by this chapter.

(b) Such plenary authority may be denied, suspended, or revoked by the board after notice and the opportunity for hearing, upon proof that the authority has been abused.

326-B:14 Joint Health Council.

I.(a) The joint health council shall consist of 9 members as follows: 3 licensed, practicing advanced registered nurse practitioners, appointed by the board of nursing; 3 licensed, practicing physicians who work with advanced registered nurse practitioners, appointed by the board of medicine; and 3 licensed clinical pharmacists who are practicing clinical pharmacists, appointed by the board of pharmacy. In no case shall a member of the joint health council be a member of the member's appointing board.

(b) The chairmanship of the council shall rotate annually among the appointees of the 3 respective boards. Administrative expenses shall be assumed, and administrative support services provided, by the board of nursing.

(c) Members of the council shall be appointed for 3-year terms and shall serve no more than 2 terms.

II. The council shall meet not less than once every 3 months to discuss matters pertinent to the ARNP formulary and matters of mutual concern to the board of medicine, the board of nursing and the board of pharmacy, unless there are no agenda items. Any council member may submit items to be considered by the council. Any council member may request that an item submitted for consideration by the council include relevant scientific information from recognized professional publications. A denial of a request to include a drug in the formulary or a decision to further restrict a drug already approved by the council shall be issued in writing and shall include relevant scientific information from recognized professional publications.

III. The duties of the joint health council shall include, but not be limited to, determining the type of ARNP formulary, exclusionary, inclusionary or other, and adding to or altering the list of controlled and non-controlled molecular entities in the ARNP formulary. The council shall render decisions on such additions or alterations within 3 months of initial consideration unless there is a request for additional scientific information. Appeals of decisions shall be submitted to the council in writing for further deliberation by the council. The ARNP formulary shall be updated at least annually and shall be available in paper and electronic format from the board of nursing, the board of medicine, and the board of pharmacy.

IV. Meetings of the joint health council shall be open to the public and conducted in accordance with the provisions of RSA 91-A. Meetings shall be conducted in a building owned or leased by the state and situated in Concord. Notice of the time and place of each meeting shall be posted in the house and senate calendars at least 30 days prior to the meeting date.

326-B:15 Scope of Practice; Registered Nurse.

I. Practice as a registered nurse means the full scope of nursing, with or without compensation or personal profit, that incorporates caring for all clients in all settings; is guided by nursing standards and evidence-based practice guidelines developed by a nationally-recognized authority and approved by the board, and shall be limited to:

(a) Providing comprehensive nursing assessment of the health status of clients, families, groups and communities.

(b) Collaborating with a health care team to develop an integrated client-centered plan of health care.

(c) Developing a plan of nursing strategies to be integrated within the client-centered health care plan that establishes nursing diagnoses, setting goals to meet identified health care needs, prescribing nursing interventions, and implementing nursing care through the execution of independent nursing strategies and prescribed medical regimen.

- (d) Delegating and assigning nursing interventions to implement the plan of care.
 - (e) Providing for the maintenance of safe and effective nursing care rendered directly or indirectly.
 - (f) Promoting a safe and therapeutic environment.
 - (g) Providing health teaching and counseling to promote, attain and maintain the optimum health level of clients, families, groups and communities.
 - (h) Advocating for clients, families, groups and communities by attaining and maintaining what is in the best interest of the client or group.
 - (i) Evaluating responses to interventions and the effectiveness of the plan of care.
 - (j) Communicating and collaborating with other health care professionals in the management of health care and the implementation of the total health care regimen within and across care settings.
 - (k) Acquiring and applying critical new knowledge and technologies to practice domain.
 - (l) Managing, supervising and evaluating the practice of nursing.
 - (m) Teaching the theory and practice of nursing.
 - (n) Participating in the development of policies, procedures and systems to support the client.
 - (o) Other nursing services that require education and training prescribed by the board and in conformance with national nursing standards.
- Additional nursing services shall be commensurate with the registered nurse's experience, continuing education and demonstrated competencies.

III. Each registered nurse is accountable to clients, the nursing profession and the board for complying with the requirements of this act and the quality of nursing care rendered, and for recognizing limits of knowledge and experience and planning for management of situations beyond the nurse's experience.

326-B:16 Scope of Practice; Licensed Practical Nurse.

I. Practice as a licensed practical nurse means a directed scope of nursing practice, with or without compensation or personal profit, under the supervision of a registered nurse, advance registered nurse practitioner, licensed physician or other health care provider authorized by the state to delegate health care activities and functions. Such practice is guided by nursing standards developed by a nationally-recognized authority and approved by the board, and shall be limited to:

- (a) Collecting data and conducting focused nursing assessments of the health status of clients.
- (b) Planning nursing care episode for clients with stable conditions.
- (c) Participating in the development and modification of the comprehensive plan of care for all types of clients.
- (d) Implementing appropriate aspects of the strategy of care within the LPN scope of practice.
- (e) Participating in nursing care management through delegating, assigning and directing nursing interventions that may be performed by others, including other LPNs, that do not conflict with this chapter.
- (f) Maintaining safe and effective nursing care rendered directly or indirectly.
- (g) Promoting a safe and therapeutic environment.
- (h) Participating in health teaching and counseling to promote, attain and maintain the optimum health level of clients.
- (i) Serving as an advocate for the client by communicating and collaborating with other health service personnel.
- (j) Participating in the evaluation of client responses to interventions.
- (k) Communicating and collaborating with other health care professionals.

(l) Providing input into the development of policies and procedures.

(m) Other nursing services that require education and training prescribed by the board and in conformance with national nursing standards.

Additional nursing services shall be commensurate with the licensed practical nurse's experience, continuing education and demonstrated licensed practical nurse competencies.

II. Each nurse is accountable to clients, the nursing profession, and the board for complying with the requirements of this chapter and the quality of nursing care rendered and for recognizing limits of knowledge and experience and planning for management of situations beyond the nurse's expertise.

III. Licensed practical nurses who have successfully completed the curriculum of a board-approved LPN intravenous therapy course may administer intravenous solutions under the direction of a physician or dentist, or as delegated by a registered nurse. LPNs shall be instructed that they are accountable and responsible for activities delegated to them. LPNs shall only perform intravenous therapy for clients that are 13 years old or older.

326-B:17 Qualifications for Licensure to Practice as a Registered Nurse or a Licensed Practical Nurse.

I. An applicant for licensure to practice as a registered nurse or a licensed practical nurse who has never been licensed or who holds a currently valid license issued by a foreign jurisdiction other than a Canadian jurisdiction shall:

(a) Submit a completed application and pay the license fee.

(b) Be a graduate of a board-approved nursing education program or a program that is determined by the board to be comparable to a board-approved nursing education program.

(c) Pass a national examination approved by the board.

(d) Be of a good character as character relates to the practice of nursing.

(e) Have complied with continuing competence requirements, if applicable.

II. An applicant for licensure to practice as a registered nurse or a licensed practical nurse who holds or has held a license issued by another state shall meet the requirements of paragraph I, except that an applicant who has passed a national examination approved by the board shall not be required to take the examination again.

III. An applicant for licensure to practice as a registered nurse or a licensed practical nurse who received nursing education in Canada and was never licensed by any state shall:

(a) Meet the requirements of paragraph I; or

(b) Meet the requirements of paragraph I (a), (d) and (e), have graduated from a Canadian nursing education program, and demonstrate that:

(1) Between the years 1939 and 1970 the applicant passed the English version of the National League for Nursing Board Test Pool Examination;

(2) Between the years 1970 and 1980 the applicant took the English version of the Canadian Nurses' Association testing service 5-part examination and received a minimum passing score of 350 in each of the following topics: medical nursing, surgical nursing, pediatric nursing, maternity nursing, and psychiatric nursing; or

(3) Since the year 1980 the applicant took the English version of the Canadian Nurses' Association testing service comprehensive examination and received a minimum passing score of 400.

326-B:18 Scope of Practice; Licensed Nursing Assistant. Practice as a licensed nursing assistant means a scope of nursing assistant practice, with or without compensation or personal profit, under the supervision of the RN, ARNP, or LPN, as defined in RSA 326-B.

I. A licensed nursing assistant is responsible for competency in the nursing assistant curriculum approved by the board. Licensed nursing assistants are authorized to administer medication when they hold a currently valid certificate of medication administration and under the circumstances established by the board through rules adopted pursuant to RSA 541-A.

II. Following successful completion of the curriculum, a nursing assistant shall be able to:

- (a) Form a relationship, communicate, and interact effectively with individuals and groups.
- (b) Demonstrate comprehension related to individuals' emotional, mental, physical, and social health needs through skillful, direct nursing-related activities.
- (c) Assist individuals to attain and maintain functional independence in a home or health-care facility.
- (d) Exhibit behaviors supporting and promoting care-recipients' rights.
- (e) Demonstrate observational and documenting skills required for reporting of people's health, safety, welfare, physical and mental condition, and general well-being.
- (f) Provide safe nursing-related activities under the supervision of a registered or licensed practical nurse.

III. Licensed nursing assistants may perform tasks not addressed in the basic curriculum required for licensure if they obtain additional training in the performance of such tasks through programs approved by the board. Additional tasks can be delegated provided:

- (a) The task has been properly delegated to the nursing assistant by the supervising licensed nurse pursuant to RSA 326-B:22.
- (b) The task has not been made exempt from nursing assistant practice under this chapter.
- (c) The policies of the employing health care facility allow the delegation of the task to a LNA.

326-B:19 Qualifications for Licensure to Practice as a Licensed Nursing Assistant.

I. An applicant for licensure to practice as a licensed nursing assistant who is not licensed in any other state shall:

- (a) Submit a completed application and pay the license fee established by the board;
- (b) Be a graduate of a board-approved nursing assistant education program or a program that is determined by the board to be comparable to a board-approved nursing assistant education program;
- (c) Pass a national or regional examination approved by the board;
- (d) Be of a good character as character relates to the practice of nursing-related activities; and
- (e) Have complied with continuing competence requirements, if applicable.

II. An applicant for licensure to practice as a licensed nursing assistant who holds a current and valid license or other authorization to practice nursing-related activities in another state shall meet the requirements of paragraph I, except that the applicant shall either have passed a national or regional examination approved by the board or passed the last examination taken for licensure or other authorization to practice in any other state. The applicant shall submit verification of current and valid licensure or other authorization to practice issued by another state. The applicant shall not have committed in any other state acts or omissions which are grounds for disciplinary action under this chapter and for which the board determines that insufficient restitution was made or insufficient disciplinary action taken by the disciplining state.

326-B:20 Qualifications; Medication Nursing Assistant.

I. Practice as a medication nursing assistant means a scope of nursing assistant practice, with or without compensation or personal profit, as a licensed nursing assistant who holds a currently valid certification authorizing the delegation of medication administration under the supervision of the RN, ARNP or LPN as defined in RSA 326-B.

II. A medication nursing assistant shall be proficient in the following methods of medication administration:

- (a) Topical.

- (b) Oral.
- (c) Nasal.
- (d) Ocular.
- (e) Auricular.
- (f) Vaginal.
- (g) Rectal.
- (h) Gastrostomy or jejunostomy tube.

326-B:21 Certificate of Medication Administration for Licensed Nursing Assistants.

I. The board may issue a certificate of medication administration to a currently licensed nursing assistant who:

- (a) Has participated in and completed a board-approved medication administration education program;
- (b) Has passed an examination approved by the board; and
- (c) Has paid the certification fee.

II. Certification may be renewed on a biennial basis in accordance with RSA 326-B:26.

326-B:22 Delegation of Nursing Activities and Tasks.

I. A nurse holding a currently valid license as a registered nurse or a practical nurse may delegate specific nursing activities and tasks under the circumstances, and in accordance with the constraints, set forth in this section. The following licensees shall have the authority to delegate tasks of client care:

- (a) Any currently licensed registered nurse or advanced registered nurse when practicing registered nursing; and
- (b) Any currently licensed practical nurse when practicing practical nursing directed by an ARNP, RN, dentist, or physician.

II. Licensed nursing assistants shall not delegate tasks of client care.

III. This section applies to the delegation of tasks of client care by all licensees except for licensees exempted by RSA 326-B:43.

IV. Any individual shall be eligible to receive the delegation of a task of client care not involving the administration of medication only if such individual has competence to perform the specific task. For tasks of client care involving the administration of medication, the following persons shall be eligible to be delegates:

- (a) Currently licensed registered nurses and advanced registered nurse practitioners;
- (b) Currently licensed practical nurses when:
 - (1) The method of medication administration is not intravenous; or
 - (2) The method of medication administration is intravenous, only in compliance with RSA 326-B:16, III;
- (c) Unlicensed assistive personnel who have competence to perform the specific task to be delegated;
- (d) Currently licensed nursing assistants when they hold a certificate of medication administration issued in accordance with the provisions of this chapter.

V. The following limitations on the delegation of tasks of client care shall apply:

- (a) No delegation shall be made of any task of client care which is not within the competence of the delegating licensee.
- (b) A registered nurse or licensed practical nurse shall not delegate any task of client care for which the delegate does not have competence.
- (c) A delegation of a task of client care involving the administration of medication shall specify:
 - (1) The medication to be administered.
 - (2) The dosage, route, and time of the medication to be administered.
 - (3) The client to whom the medication is to be administered.

VI. Before delegating a task of client care, a delegating licensee shall determine:

- (a) The intended delegate's competence to perform the task; and
- (b) In the case of an intended delegation to a licensed nursing assistant of a task involving the administration of medication, the status of the nursing assistant's license and certificate of medication administration.

VII. In exercising such discretion in delegation as is permitted by this chapter a licensee intending to delegate a task of client care shall take into account:

- (a) The degree of the intended delegate's competence to perform the task;
- (b) Whether the client is stable; and
- (c) Whether the client's nursing needs are currently changing.

VIII. A delegating licensee shall introduce the delegate to the client.

IX. A delegating licensee shall supervise the delegate's performance of the delegated task. Such supervision shall be continual or intermittent as warranted by the following:

- (a) The complexity of the delegated task of client care.
- (b) The condition of the client.
- (c) The degree of the competence of the delegate.
- (d) The familiarity of the delegate with the environment in which the task is to be performed.

X. A delegating licensee shall reevaluate the nature of the supervision as often as the condition of the client changes.

XI. A delegating licensee shall rescind a delegation if:

- (a) An evaluation shows that the client's condition has changed in a way that renders the delegation no longer safe or appropriate;
- (b) The delegate proves unwilling or incompetent to perform the delegated task;
- (c) The client objects to the delegation; or
- (d) The delegating licensee is no longer able to supervise the performance of the delegated task.

XII. When rescinding a delegation, the licensee shall communicate the rescission clearly to the delegate to whom the task was originally delegated and to the administrative supervisor of the delegate, if any.

XIII. A licensee shall report to the board the fact of anyone's attempting to coerce the delegation of a task of client care in violation of RSA 326-B:24, II.

XIV. A licensee to whom a specific task of client care has been delegated shall:

- (a) Perform that task in accordance with this chapter and its implementing rules.
- (b) Wear a badge showing the delegate's name and title when performing the delegated task of client care; and
- (c) Report to the board the fact of any delegation which the delegate believes to be beyond the competence of the delegate.

326-B:23 Delegation; Administration of Medication.

I. A nurse holding a currently valid license as a registered nurse or a practical nurse may delegate tasks involving the administration of medication to a licensed nursing assistant holding a currently valid certificate as a medication nursing assistant under the circumstances, and in accordance with the constraints, set forth in this section.

II. A licensed nursing assistant shall perform a task involving the administration of medication if:

- (a) The task has been delegated to the licensed nursing assistant by a licensed nurse in accordance with the provisions of this chapter; and
- (b) The delegation is not prohibited by this section.

III. A licensed nursing assistant shall not perform a task involving the administration of medication if:

- (a) The task requires the determination of the client's need for the medication, the calculation of the dosage of the medication, or the conversion of dosage;

(b) The delegating nurse is unavailable to monitor the progress of the client and the effect on the client of the medication; or

(c) The client is not stable or has changing nursing needs.

IV. A licensee intending to delegate, or having delegated, a task involving medication administration to a licensed nursing assistant shall comply with the requirements of this chapter.

V. A licensee who, having delegated a task involving medication administration to a licensed nursing assistant, has any reason to believe that the delegate may have made an error in the administration of medication shall:

(a) Immediately ascertain whether the error occurred; and

(b) If the error occurred or its occurrence can not be immediately ascertained, take the following steps:

(1) Inform the administrator of the facility, institution, or agency in which the error occurred;

(2) Document the error in the client's clinical record;

(3) Complete any report required by the policies or rules of the facility, institution, or agency within the required time period;

(4) Determine whether immediate action is required to be taken with respect to the delegation of tasks to the licensed nursing assistant who made the error; and

(5) Maintain a record of errors in medication administration and actions taken by the delegating licensee for medication nursing assistant program site review.

VI. A licensed nursing assistant who has any reason to believe that he or she has made an error in the administration of medication shall:

(a) Immediately report to the following people a possible or known error in the administration of medication:

(1) The licensee who delegated the task involving the administration of medication; and

(2) The licensed nursing assistant's immediate supervisor in the facility, institution or agency in which the error occurred, if such supervisor is someone other than the delegating licensee; and

(b) Assist the delegating licensee and the immediate supervisor in the setting in which the error occurred in the completion of any document for reporting error which may be required to be completed.

326-B:24 Delegation; Circumstances Not Subject to Disciplinary Action.

I. A licensee who delegates or has delegated a specific nursing activity or task in compliance with this chapter shall not be subject to disciplinary action because of the performance of the person to whom the nursing activity or task is or was delegated.

II. No person may coerce a registered nurse or licensed practical nurse into compromising client safety by requiring the nurse to delegate a nursing activity or task when the nurse determines that it is inappropriate to do so. A licensee shall not be subject to disciplinary action for refusing to delegate nursing activities or tasks or refusing to provide training related to such delegation when the licensee has determined that such delegation may compromise client safety.

326-B:25 Duration of Initial Licenses. All initial licenses, other than temporary licenses, are valid from the date of issuance until midnight of the date of birth of the licensee in the year following the year in which the license was issued unless their validity has been continued in accordance with RSA 326-B:26, III.

326-B:26 Biennial Renewal of Licenses; Lapsed Licenses.

I. All license renewals shall be on a biennial basis.

II. Any person licensed under this chapter who intends to continue practicing nursing or nursing-related activities shall, by midnight on his or her date of birth in the renewal year, complete continuing education requirements, complete continuing competence requirements, pay the renewal fee and submit a completed application for license renewal.

The payment of the renewal fee and the completed application must be at the board's office no later than midnight on the applicant's date of birth in the renewal year. The board shall mail a renewal application form with instructions to each licensee at the address on file with the board at least 30 days before the licensee's application deadline. However, failure by the licensee to receive the application form with instructions shall not relieve the licensee of the obligation to meet the deadline. The board shall not renew any license issued under this chapter unless it is satisfied that the applicant for renewal is of good character, as character relates to nursing or nursing-related activities.

III. If an applicant for license renewal has met the requirements of paragraph II, a license previously issued to the applicant under this or a predecessor chapter shall continue valid and in effect pending the decision by the board on the application for renewal.

IV. If an applicant for license renewal has not met the requirements of paragraph II, any license previously issued to the applicant under this or a predecessor chapter shall lapse at midnight of the applicant's date of birth in the renewal year. A holder of a lapsed license shall not practice nursing or nursing-related activities until the license has been reinstated.

V. Application for reinstatement of a license lapsed under this section shall include payment of a reinstatement fee and be made, and granted or denied, in accordance with rules adopted by the board pursuant to RSA 541-A.

326-B:27 Temporary Licensure.

I. The board may issue temporary licenses valid for no more than 180 days to applicants described in paragraph II, and may renew such temporary licenses in accordance with rules adopted pursuant to RSA 541-A. A temporary license shall become void on the date the board denies the permanent license sought by the holder of the temporary license.

II. The following applicants for licensure as registered nurses or practical nurses may be issued temporary licenses:

(a) Unlicensed applicants for licensure under paragraph I and applicants for licensure under RSA 326-B:17, III who have met all requirements for licensure except that they have not yet taken the required examination or the results of the examination are not yet available to the board.

(b) If they can demonstrate proficiency in English, currently foreign-licensed applicants for licensure under RSA 326-B:17, I who have met all requirements for licensure except that they have not yet taken the required examination or the results of the examination are not yet available to the board.

(c) Applicants for licensure under RSA 326-B:17, II who have met all of the requirements of that paragraph and are awaiting the board's decision on their application for permanent licensure.

(d) Applicants for licensure under RSA 326-B:17, II who have met all requirements except for any continuing competence requirements applicable to them.

III. Applicants described in paragraph II who have received temporary licenses shall practice only under the supervision of a registered nurse currently licensed in New Hampshire.

326-B:28 Obligations of Licensees.

I. In response to board inquiries relevant to a licensee's status or practice of nursing or nursing-related activities, each licensee shall provide complete and truthful information.

II. Each licensee shall notify the board if a license is lost or stolen.

III. Each licensee shall notify the board of a change of name or address as soon as such change occurs.

IV. Each licensee shall report to the board those acts or omissions which are violations of this chapter or grounds for disciplinary action.

326-B:29 Continuing Education. Applicants for license renewal and license reinstatement after lapse shall complete continuing education as follows:

(a) An LNA, shall complete 12 contact hours of continuing education in programs approved by the board each year; provided that licensees who hold a certificate of medication

administration, shall complete at least 4 hours of those 12 contact hours in medication administration.

(b) An LPN or an RN, shall complete 30 contact hours of continuing education every 2 years; or

(c) An ARNP, in addition to the continuing education requirements to renew or reinstate a license as an RN, shall complete 30 contact hours of continuing education every 2 years; 20 contact hours of which shall be specific to the specialty for which renewal or reinstatement is sought, and 5 contact hours of which shall be training in pharmacology appropriate to the specialty for which license renewal or reinstatement is sought.

326-B:30 Continuing Competence.

I. Applicants for first licensure, license renewal, or license reinstatement after lapse shall have or maintain continuing competence in their area of licensure and may be required to achieve and demonstrate such competence as a condition of licensure, license renewal or license reinstatement.

II. In addition, individuals seeking reinstatement of their licenses after disciplinary denial of license renewal, disciplinary suspension or disciplinary revocation or seeking the removal of disciplinary limitations placed on their licenses may be required to achieve and demonstrate continuing competence as a condition of license reinstatement or the removal of limitations.

326-B:31 Education Programs.

I. The board shall approve, disapprove, and withdraw approval for education programs intended to prepare students for licensure or for certification. An educational institution or other entity conducting such an education program shall comply with rules consistent with paragraphs II and III and adopted by the board pursuant to RSA 541-A.

II. With respect to the education programs named in paragraph I, the board is authorized to establish:

- (a) Minimum qualification of faculty and administrators.
- (b) The content of the curriculum.
- (c) The minimum number of hours of instruction and clinical work.
- (d) Any standards to be met for successful completion of the programs which may be additional to any required by the entities conducting the programs.
- (e) Procedures for initial, full, and conditional approval of the programs by the board.
- (f) Qualifications for entrance into education programs intended to prepare licensed nursing assistants to become medication nursing assistants, which qualifications may be additional to any required by the entities conducting the programs.
- (g) Application procedures for entrance into education programs intended to prepare licensed nursing assistants to become medication nursing assistants, which procedures may be additional to any required by the entities conducting the programs.
- (h) Administrative organization of education programs intended to prepare licensed nursing assistants to become medication nursing assistants.
- (i) The content of, and standards for passing, examinations administered by education programs intended to prepare licensed nursing assistants to become medication nursing assistants.

III. Education programs shall include:

- (a) Curricular topics consistent with the knowledge and skills required for the licensure or certification and for the practice for which they are designed to prepare.
- (b) Instruction administered and organized in accordance with established educational principles.
- (c) Content relating to the biological, physical, social, behavioral and nursing and medical sciences.

IV. The board shall periodically survey all education programs intended to prepare students for licensure or certification under this chapter to determine compliance with this

section and the rules adopted by the board. If an education program is in overall compliance, the board shall grant initial, full or conditional approval.

V. If the board determines that an education program does not comply with the requirements of this section and the rules adopted by the board, the board shall notify the education program of the specific areas of non-compliance.

VI. The board shall withdraw approval from any education program failing to correct specified areas of non-compliance within a time period established by rules adopted by the board, provided that such action shall be taken only after consultation with representatives of the program.

VII. Any education program conducted in another state shall be deemed to be an education program approved by the board if that program meets the requirements for approval established by this section and the boards, rules and the program has been approved by the regulatory authority of its state.

326-B:32 Duty to Warn of Violent Acts of Client; Civil Liability.

I. Any licensee, or person working under the supervision of a licensee to provide services that are customary and necessary for diagnosis or treatment, has a duty to warn of, or to take reasonable precautions to provide protection from, a client's violent behavior when the client has communicated to the registered nurse practitioner or the person working under an advanced registered nurse licensee, or person working under the supervision of a licensee, a serious threat of physical violence against a clearly identified or reasonably identifiable victim or victims, or a serious threat of substantial damage to real property.

II. The duty may be discharged by the licensee, or a person working under the supervision of a licensee to provide services that are customary and necessary for diagnosis or treatment by making reasonable efforts to communicate the threat to the victim or victims, notifying the police department closest to the client's or potential victim's residence, or obtaining civil commitment of the client to the state mental health system.

III. No monetary liability or cause of action based on breach of client privacy, confidentiality or any other ground shall arise from an act or communication done in a good faith effort to discharge a duty in accordance with paragraph II.

326-B:33 Duties of Licensees Relating to Reports of Sexual Relations.

I. In this section:

(a) "Former client" means a person who was diagnosed or treated by a licensee of the board within the 2 years prior to the sexual relations in question.

(b) "Sexual relations" means the intentional touching of any part of the client's body, or any verbal or non-verbal communication, for the purpose of sexual arousal or gratification of either party.

II. If, during the course of diagnosis or treatment by a licensee, a client alleges that another counselor or health care practitioner licensed by the board of nursing or any other state licensing or certifying agency has engaged with the client in sexual relations, the licensee shall have a duty to inform the client that the act reported by the client may be unprofessional or unethical and may subject the actor to disciplinary action by the actor's licensing or certifying agency.

III. No liability for breach of client confidentiality, slander or defamation, or other civil or criminal liability, shall arise from the disclosure by a licensee of information related to reported sexual relations between a client and any licensee of a state licensing or certifying agency when the disclosure is made in good faith and made to the board of nursing or any other state licensing or certifying agency.

IV. If the client of a licensee on the client's own initiative reports to the board of nursing sexual relations with a licensee of another state agency, the licensee shall provide support and advocacy to the client, either directly or indirectly through referral.

326-B:34 Privileged Communications Between Licensees and Their Clients.

I. Confidential communications between licensees and their clients are placed on the same basis as those provided by law between physician and patient, and, except as otherwise

provided by law, no licensee shall be required to disclose such privileged communications. Confidential communications between a client of a licensee and any person working under the supervision of such licensee to provide services that are customary and necessary for diagnosis and treatment are privileged to the same extent as would be the same communications between the supervising licensee and the client.

II. This section shall not apply to disciplinary proceedings conducted by:

- (a) The board under this chapter;
- (b) The board of examiners of nursing home administrators under RSA 151-A:11;

or

(c) Any other statutorily created health care occupational licensing board conducting disciplinary proceedings.

III. This section shall not apply to hearings conducted pursuant to RSA 135-C or RSA 464-A.

IV. This section shall also not apply to the release of blood samples and the results of laboratory tests for blood alcohol content taken from a person who is under investigation for driving a motor vehicle while such person was under the influence of intoxicating liquors or controlled drugs. The use and disclosure of such information shall be limited to the official criminal proceedings.

326-B:35 Confidentiality of Information. Any reports, information or records provided to the board by an individual, agency, facility, institution, or organization pursuant to this chapter shall be confidential insofar as the reports, information or records identify or permit identification of any client. However, the board may disclose confidential information:

I. When required to do so by this chapter or any other law.

II. When the information is relevant, during an adjudicative hearing or informal conference before the board.

III. In an agreement to settle a matter subject to adjudicative hearing, when the information constitutes or pertains to the basis of board action.

326-B:36 Emergency Treatment; Assisting the Board; Immunity From Civil Liability.

I. No person authorized to practice under this chapter or under the laws of any other state who, in good faith, renders emergency care at the scene of an emergency, which occurs both outside the place and the course of employment, shall be liable for any civil damages as a result of acts or omissions in rendering such emergency care, or as a result of any act or failure to act to provide or arrange for further medical treatment or care.

II. Any person acting in good faith shall be immune from civil liability to a licensee or an applicant for licensure for making any report or other information available to the board or assisting the board in carrying out any of its duties.

326-B:37 Disciplinary Action; Misconduct.

I. In order to assure the citizens of New Hampshire a reasonable standard of nursing care the board may undertake investigations and disciplinary proceedings:

(a) Upon its own initiative.

(b) Upon written complaint of any person which charges that a licensee has committed any acts of misconduct under paragraph III of this section and which specifies the grounds for such complaint.

(c) Upon notification by the licensing authority of another jurisdiction that a licensee's license has been disciplined in that jurisdiction.

II. The board shall conduct an investigation of any person licensed by the board who has had brought against him or her 3 reservable claims, written complaints, or actions for medical injury, or any combination thereof, which pertain to 3 different acts or events within any consecutive 5-year period. For the purpose of this paragraph, medical injury means any adverse, untoward or undesired consequences arising out of or sustained in the course of professional services rendered by a licensee, whether resulting from negligence, error or omission in the performance of such services; from rendition of such services without informed consent or in breach of warranty or in violation of contract; from failure to

diagnose; from premature abandonment of a patient or of a course of treatment; from failure properly to maintain equipment or appliances necessary to the rendition of such services; or otherwise arising out of or sustained in the course of such services.

III. Misconduct sufficient to support disciplinary proceedings under this section shall include:

(a) Knowingly or negligently, whether or not intentionally, providing inaccurate material information to the board or failing to provide complete and truthful material information upon inquiry by the board, including during the process of license application.

(b) Conviction of a felony or any criminal act, not including traffic offenses, or failure to report such conviction within 30 days.

(c) Unethical or unprofessional conduct, including sexual relations with a client as defined in RSA 326-B:33.

(d) Failure to provide care with reasonable skill, safety and regard for patient rights, with or without actual patient injury.

(e) Actual or potential inability to render care with reasonable skill and safety by reason of illness, use of alcohol, drugs, chemicals, or any other material, or as a result of mental or physical conditions.

(f) Disciplinary action by a licensing authority in another jurisdiction.

(g) Failure to take appropriate action to safeguard individuals from incompetent counselors and health care practitioners, whether or not they are licensed in this state.

(h) Violations of any provision of this chapter, any substantive rule adopted by the board pursuant to RSA 541-A, or any other state or federal statute or substantive rule reasonably related to the licensee's ability to safely practice nursing or nursing-related activities.

IV. The board may refuse to renew or reinstate a license on disciplinary grounds, or take disciplinary action in any one or more of the following ways:

(a) By reprimand or by suspension, limitation, conditions or probation of a license for a period of time as determined reasonable by the board.

(b) By revocation of a license.

(c) By requiring licensees to participate in educational or rehabilitative programs in the area or areas in which they have been found deficient or incompetent.

(d) By requiring the licensee to submit to the care, counseling, or treatment of a physician, counseling service, health care facility, professional assistance program, or any comparable person or facility approved by the board.

(e) By requiring the person to practice under the direct supervision of a registered nurse for a period of time specified by the board.

(f) By imposition, after notice and the opportunity for hearing, of fines not to exceed \$1,000 for each violation or, in the case of a continuing violation, \$100 for each day the violation continues.

V. In cases involving imminent danger to public health, safety, or welfare, the board may order the immediate suspension of a license pending an adjudicative proceeding. The board shall commence this adjudicative proceeding not later than 10 working days after the date of the board order suspending the license. The licensee may waive the 10-day commencement requirement to allow for additional time to prepare for a hearing. If the licensee waives the requirement, the license shall remain suspended until the completion of the hearing. A record of the proceeding shall be made by a certified shorthand court reporter provided by the board. Unless expressly waived by the licensee, board failure to commence an adjudicative proceeding within 10 working days shall mean that the suspension order is automatically vacated. The board shall not again suspend the license for the same conduct which formed the basis of the vacated suspension without granting the licensee prior notice and an opportunity for an adjudicative proceeding.

VI. Every individual, agency, facility, institution or organization that employs licensed nursing personnel within the state shall report to the board within 30 days any

action by a licensee that willfully violates paragraph II. The board shall have authority, after notice and the opportunity for hearing, to impose civil penalties of up to \$1,000 per violation upon persons found to have willfully violated the reporting requirements of this paragraph.

326-B:38 Investigations and Hearings.

I. The board shall investigate possible misconduct by licensees and other matters governed by the provisions of this chapter. Investigations shall be conducted with or without the issuance of a board order setting forth the general scope of the investigation. Board investigations and any information obtained by the board pursuant to such investigations shall be exempt from the public disclosure provisions of RSA 91-A, unless such information subsequently becomes part of a public disciplinary hearing. However, the board may disclose information acquired in an investigation to law enforcement or health licensing agencies in this state or any other jurisdiction, or in accordance with specific statutory requirements or court orders.

II. The board may appoint legal counsel, health care advisors or other investigators to assist with any investigation and with adjudicative hearings.

III. The form taken by an investigation is a matter within the discretion of the board. The board may conduct investigations on an ex parte basis.

IV.(a) The board may administer oaths or affirmations, preserve testimony, and issue subpoenas for witnesses, documents and things, relative to investigations or adjudicative hearings, except that subpoenas for records issued pursuant to paragraph V may be issued at any time.

(b) The board may serve a subpoena on any licensee by certified mail, but shall serve a subpoena on any other person in accordance with the procedures and the fee schedules established by the superior court.

(c) A person licensed by the board shall not be entitled to a witness fee or mileage expenses for travel within the state related to his or her appearance at a hearing or investigatory proceeding.

(d) In order to be valid any subpoenas issued by the board, except one issued to a licensee, shall be annotated "Fees guaranteed by the New Hampshire board of nursing."

(e) A minimum of 48 hours notice shall be given for compliance with a subpoena issued under this paragraph.

V. The board may at any time subpoena a licensee's health care records, employment records and nursing education academic records in the possession of its licensees, nursing education programs licensed by the board or hospitals, and other health care providers and facilities regulated in this state, except that it may not subpoena quality assurance records of health facilities licensed under RSA 151. Subpoenas shall be served by certified mail or personal delivery to the address currently on file with the board in the case of delivery to a licensee. No witness or other fee shall be required. A minimum of 15 days' advance notice shall be allowed for complying with a subpoena issued under this paragraph.

VI. Complaints of licensee misconduct shall be in writing and shall be treated as petitions for the commencement of a disciplinary hearing. The board shall determine whether a complaint alleges misconduct sufficient to support disciplinary proceedings. If the board determines that it does, the board shall forward a copy of the complaint to the licensee complained against within 5 business days of its determination. If the board determines that it does not, the board shall send the complainant a written notice of dismissal of the complaint. Some or all of the allegations in a complaint may be consolidated with another complaint or with issues the board wishes to investigate or hear on its own motion. If an investigation of a complaint results in an offer of settlement by the licensee, the board may settle the allegations against the licensee without the consent of a complainant, provided that material facts are not in dispute.

VII. At any time during an investigation of a complaint, and without issuing a subpoena, the board may mail a copy of a complaint to the licensee named in the complaint,

and may require in a written request that the licensee and the licensee's employer provide detailed and good faith written responses to allegations identified by the board and also provide copies of all records concerning any client identified in the complaint. The licensee and others receiving inquiries from the board shall respond within a reasonable time period of not less than 15 days as the board may specify. This procedure may also be used in connection with matters the board has undertaken to investigate on its own motion.

VIII. The board may hold adjudicative hearings concerning allegations of misconduct or other matters within the scope of this chapter. Such hearings shall be public proceedings. Any member of the board other than the public members, or any other qualified person appointed by the board, shall have authority to preside at such a hearing and to issue oaths or affirmations to witnesses.

IX. The board shall give the respondent and the complainant, if any, at least 15 days' written notice of the date, time and place of a hearing, except as otherwise provided in this chapter. Such notice shall comply with RSA 541-A and include an itemization of the issues to be heard, and, in the case of a disciplinary hearing, a statement as to whether the action has been initiated by a written complaint or upon the board's own motion, or both. If a written complaint is involved, the notice shall provide the complainant with a reasonable opportunity to intervene as a party. Such notice shall be sent by certified mail return receipt requested to the complainant and to the respondent at the address provided by respondent currently on file at the board offices. Notice mailed in compliance with this section shall be deemed served.

X. The board may at any time dispose of allegations in a complaint, investigation, or disciplinary hearing by settlement, default or consent order, by issuing an order of dismissal for failing to state a proper basis for disciplinary action or by summary judgment order based upon undisputed material facts. In disciplinary hearings, the board may hold pre-hearing conferences which shall be exempt from the provisions of RSA 91-A, but any final disciplinary action or decision which occurs without holding a public hearing shall be publicly released at the time it is served upon the parties.

XI. Final disciplinary actions and other adjudicative decisions made by the board shall be reduced to writing and served upon the parties. Such decisions shall not be released to the public until they are served upon the parties.

XII. Any person appearing at a board hearing or investigation may be represented by legal counsel, or other representative but the board shall have no obligation or authority to appoint or provide such representation.

XIII. The board shall hear any complaint not resolved at or prior to a preliminary hearing.

XIV. In the case of sanctions for discipline in another jurisdiction, the decision of the other jurisdiction's disciplinary authority may not be collaterally attacked and the board may impose any of the sanctions set forth in this chapter, but shall provide notice and an opportunity to be heard if it intends to impose sanctions above those imposed by the other jurisdiction.

326-B:39 Rehearing; Appeals.

I. Any person who has been refused a license by the board or has been disciplined by the board shall have the right to petition for a rehearing within 30 days after the original decision.

II. Appeals from a decision on rehearing shall be by appeal pursuant to RSA 541.

III. No sanction shall be stayed by the board during an appeal.

326-B:40 Injunctive Relief. The attorney general, the board of nursing, any citizen, or the prosecuting attorney of any county or municipality where the act occurs may maintain an action to enjoin a person not currently licensed to do so from practicing, or purporting to practice, nursing or nursing-related activities. The action to enjoin shall not replace any other civil, criminal, or regulatory remedy. An injunction without bond is available to the board.

326-B:41 Unlawful Acts. It shall be unlawful for any person or entity to:

I. Sell or fraudulently obtain or furnish any nursing diploma, license or record, or to aid and abet in such an act;

II. Practice as a licensee under this chapter when the license to do so has been revoked or suspended or when the license to do so has lapsed;

III. Use, in connection with the individual's name, any designation tending to imply licensure as a registered nurse, practical nurse or nursing assistant unless so licensed under this chapter; or

IV. Represent or imply that the person or entity is conducting a nursing education program or a program for the education of nursing assistants which has been approved by the board when the program has not been so approved.

V. Disclose, solicit or compile information regarding the contents of any licensing examinations relative to this chapter except as authorized by the board.

326-B:42 Persons Licensed Under Previous Laws. Any person, including a CGN, authorized to practice nursing by authority of this state as of the effective date of this section shall continue to be licensed under the provisions of this chapter and shall be eligible for license renewal pursuant to this chapter.

326-B:43 Exemptions. The provisions of this chapter shall not prohibit or limit:

I. The employment in federal government institutions and agencies of nurses who are members of federal agencies and are currently licensed in some state of the United States;

II. The practice of nursing by persons enrolled in nursing programs acceptable to the board when such practice is part of their program of study;

III. The furnishing of nursing assistance in an emergency;

IV. Nursing services by any certified unlicensed graduate nurse who has been engaged in this state in nursing the sick for hire without assuming in any way to be a registered nurse, as a bona fide occupation previous to July 1, 1959 and who was certified prior to January 1, 1975;

V. Nursing services by any one when done in accordance with the practice of the religious principles or tenets of any well-recognized church or denomination which relies upon prayer or spiritual means alone for healing;

VI. The practice of nursing in this state by any currently licensed nurse of another state engaged to accompany and care for a person passing through or temporarily residing in this state, during the period of one engagement not to exceed 2 months.

VII. The administration of medications, by any person employed, or under contract, to provide direct care to clients receiving community-based services pursuant to RSA 135-C or RSA 171-A, provided that persons delivering such care who administer medications shall have successfully completed a medication administration educational program conducted by a registered nurse and approved by the board under rules adopted pursuant to RSA 541-A. The commissioner of health and human services, in consultation with the board, shall adopt rules establishing criteria for the administration of medications, and for the process of approving a registered nurse to conduct the medication administration educational program.

326-B:44 Midwifery Not the Practice of Nursing. Midwives certified under RSA 326-D, and practicing midwifery as defined by RSA 326-D:2, V, shall not be construed as practicing nursing under this chapter.

326-B:45 Direct Care in Community-Based Services. The administration of medications, by non-licensees to individuals receiving community-based services pursuant to RSA 135-C or RSA 171-A shall not be construed as practicing nursing.

2 Nursing Assistant Fund. Amend RSA 6:12, I(bb), to read as follows:

(bb) Money received under RSA [~~326-B:29~~] **326-B:8**, which shall be credited to the board of nursing's nursing assistant fund.

3 Residential Care and Facility Licensing; Disciplinary Actions; Report to Board of Nursing Added.

151:6-b Report of Disciplinary Action. Every facility administrator, or designee, for any health care facility licensed under this chapter shall report to the board of medicine **or the board of nursing** any disciplinary or adverse action~~[-]~~ **taken against a licensee of the board. Such report shall be made** within 30 days after such action is taken~~[-, including]~~. **Actions reported shall only involve misconduct sufficient to support disciplinary proceedings by the board and shall include all** situations in which allegations of misconduct are settled by voluntary resignation without adverse action~~[-, against a person licensed by the board]~~.

4 Residential Care and Facility Licensing; Rules. Amend RSA 151:9, I(k) to read as follows:

(k) Procedures for reviewing documentation of the mandatory completion of a state approved program under RSA ~~[326-B:4-a]~~ **326-B** for assistants to nurses in facilities licensed under RSA 151:2, who may not assume the responsibility of the position of an assistant to nurses prior to completion of the appropriate course required by this chapter.

5 Privileged Communication. Amend RSA 316-A:27 to read as follows:

316-A:27 Privileged Communications. The confidential relations and communications between any person licensed under provisions of this chapter and such licensed person's patient are placed on the same basis as those provided by law between attorney and client, and, except as otherwise provided by law, no such doctor of chiropractic shall be required to disclose such privileged communications. Confidential relations and communications between a patient and any person working under the supervision of a doctor of chiropractic that are customary and necessary for diagnosis and treatment are privileged to the same extent as though those relations or communications were with such supervising doctor of chiropractic. This section shall not apply to disciplinary hearings or actions conducted under RSA 316-A:22, relative to the board of chiropractic examiners, RSA ~~[326-B:12]~~ **326-B**, relative to the board of nursing, RSA 151-A:11, relative to the board of examiners of nursing home administrators, or any other statutorily created medical occupational licensing board conducting disciplinary proceedings. This section shall not apply to hearings conducted pursuant to RSA 135-C:27-54.

6 Pharmacies; Definitions. Amend RSA 318:1, I-a to read as follows:

I-a. "Advanced registered nurse practitioner" means a person licensed to practice as an advanced registered nurse practitioner in this state pursuant to RSA ~~[326-B:10]~~ **326-B:13**.

7 Pharmacies; Possessing Prescription Drugs. Amend RSA 318:42, VII (b) to read as follows:

(b) The drugs appear on the current formulary approved pursuant to RSA ~~[326-B:10, II]~~ **326-B**.

8 Controlled Drug Act; Definitions. Amend RSA 318-B:1, I-b to read as follows:

I-b. "Advanced registered nurse practitioner" means a person licensed to practice as an advanced registered nurse practitioner in this state pursuant to RSA ~~[326-B:10]~~ **326-B:13**.

9 Occupational Therapists; Authorizations. Amend RSA 326-C:2, I to read as follows:

I. Consultation and evaluation by an occupational therapist may be performed without a referral. Initiation of occupational therapy services to individuals with medically related conditions shall be based on a referral from a physician or physician assistant licensed by the state board of medicine, an advanced registered nurse practitioner licensed under RSA ~~[326-B:10]~~ **326-B:13**, a chiropractor licensed under RSA 316-A, an optometrist licensed under RSA 327, or any other qualified health care professional who, within the scope of the professional's licensure, is authorized to refer for health care services.

10 Respiratory Care Practice Act; Definitions. Amend RSA 326-E:1, V to read as follows:

V. "Nurse practitioner" means a person licensed to practice as an advanced registered nurse practitioner in this state pursuant to RSA ~~[326-B]~~ **326-B:13**.

11 Mental Health Practice; Definitions. Amend RSA 330-A:2, VIII to read as follows:

VIII. "Psychotherapist" means a psychologist, clinical social worker, pastoral psychotherapist, clinical mental health counselor, or marriage and family therapist licensed

under this chapter who performs or purports to perform psychotherapy. This definition shall include psychiatrists licensed as physicians under RSA 329 and advanced registered nurse practitioners licensed under RSA ~~[326-B:10]~~ **326-B:13** as psychiatric nurse practitioners.

12 Mental Health Practice; Penalties. Amend RSA 330-A:23, I to read as follows:

I. Except as provided in RSA 330-A:34, it shall be unlawful for any person to be engaged in mental health practice unless that person is licensed by the board, working as a candidate under the direct supervision of a person licensed by the board, or engaged in the practice of other mental health services as an alternative provider as defined in RSA 330-A:2, I. The license or the registration of such person shall be current and valid. It shall be unlawful for any person to practice as or to refer to oneself as a psychologist, a pastoral psychotherapist, a clinical social worker, a clinical mental health counselor, or a marriage and family therapist, or use the word "psychotherapist," or any variation thereof, in such person's title unless that person is licensed by the board or working as a candidate under the direct supervision of a person licensed by the board. Psychiatrists licensed under RSA 329 and psychiatric nurse practitioners licensed under RSA ~~[326-B:10]~~ **326-B:13** may refer to themselves as psychotherapists.

13 Mental Health Practice; Persons Exempted. Amend RSA 330-A:34, I (e) to read as follows:

(e) The psychotherapy activities and services of physicians licensed under RSA 329, and advanced registered nurse practitioners, licensed under RSA ~~[326-B:10]~~ **326-B:13**.

14 Insurance; Coverage for Mental or Nervous Conditions. Amend RSA 415:18-a, V (d) to read as follows:

(d) "Psychiatric/mental health advanced registered nurse practitioner" means an individual who is licensed as an advanced registered nurse practitioner in psychiatric mental health nursing under RSA ~~[326-B:10]~~ **326-B:13**, who is defined by and whose scope of practice is described under the rules adopted pursuant to RSA 326-B, and who is a licensed registered nurse, educationally prepared in nursing at a minimum of the master's level, and certified in the specialty by a recognized national certifying agency, such as the American Nurses Credentialing Center.

15 Effective Date. This act shall take effect July 1, 2004.

AMENDED ANALYSIS

This bill revises the law governing the occupational regulation of nurses by the board of nursing.

Adopted.

Report adopted and ordered to third reading.

HB 421-FN-A, relative to the waiting list for services for people with developmental disabilities and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**
Rep. Rogers J. Johnson for Finance: The committee once again heard testimony about the need to provide additional funds to the Department of Health and Human Services to reduce the wait list. However, the committee noted that the original intent of the bill was largely accomplished by the budget just approved by the legislature. Vote 14-7.
Rep. Malloy requested a roll call; sufficiently seconded.
The question being adoption of the committee report.

YEAS 188 NAYS 142

YEAS 188

BELKNAP

Ahern, Omer Jr
Clark, Charles
Lawton, David

Allen, Janet
Dewhurst, Glenn
Nedeau, Stephen

Bartlett, Gordon
Fitzgerald, James
Rice, Thomas

Boyce, Laurie
Flanders, Donald
Russell, David

Wendelboe, Fran

Whalley, Michael

CARROLL

Babson, David Jr
Morrow, Harry
Stevens, Stanley

Brown, Carolyn
Mock, Henry

Hatch, Paul
Patten, Betsey

Kenney, Bettie
Philbrick, Donald

CHESHIRE

Dexter, Judson
Parkhurst, Henry

Hunt, John
Royce, H Charles

Laurent, John
Smith, Edwin

Liebl, George

COOS

Guay, Lawrence
Stohl, Eric

King, Frederick
Tholl, John Jr

Pratt, Leighton
Woodward, David

Richardson, Herbert

GRAFTON

Alger, John
Giuda, Robert

Barker, Robert
Ingbertson, Paul

Dudley, Terri
Maybeck, Margie

Gilman, G Michael
Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis
Balboni, Michael
Brundige, Robert
Carter, Jeffrey

Allan, Nelson
Barry, J Gail
Bruno, Pierre
Cernota, Albert

Arnold, Thomas Jr
Beaton, William
Buhlman, David
Chabot, Robert

Artz, Lawrence
Bergin, Peter
Carlson, Donald
Christensen, D L
Chris
Drisko, Richard
Fletcher, Richard
Graham, John
Hallyburton, Margaret
Hinkle, Peyton
L'Heureux, Robert
Luebker, Bernard
Mercer, Robert
Ober, Russell III
Scanlon, Michael
Stepanek, Stephen
Wheeler, James

Coughlin, Pamela
Elliott, Larry
Ford, Nancy
Greenberg, Gary
Hansen, Ryan
Jasper, Shawn
Laflamme, Charles
Martin, Mary Ellen
Moran, Edward
Pepino, Leo
Slocum, Lee
Tahir, Saghir
Wheeler, Robert

Desmarais, Vivian
Emerton, Larry
Gibson, John
Hagan, Barbara
Hawkins, Ken
Johnson, Lionel
LaFlamme, Paul
McHugh, Claire
Mosher, William
Price, Pamela
Souza, Kathleen
Tate, Joan

Dokmo, Cynthia
Fields, Dennis
Gonzalez, Carlos
Hall, Charles
Haytayan, Harry Jr
Kurk, Neal
Leach, Edward
McRae, Karen
O'Brien, Lori
Rowe, Robert
Spiess, Paul
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Hess, David
Leber, William
Maxfield, Roy
Soltani, Tony

Field, William
Jacobson, Alf
Lockwood, Priscilla
McCormick, Tom

Foley, Albert
Kenison, Leon
MacKay, James
Nutter, Edward

Hager, Elizabeth
Langer, Ray
Marple, Richard
Oliver, James

ROCKINGHAM

Belanger, Ronald
Cady, Harriet
Dodge, Robert
Gillick, Thomas
Headd, James

Bicknell, Elbert
Camm, Kevin
Flanders, John Sr
Gleason, John
Hughes, Daniel

Bishop, Franklin
Clark, Vivian
Francoeur, Sheila
Gould, Kenneth
Ingram, Russell

Bridle, Russell
DiFruscia, Anthony
Gilbert, Jeffrey
Hamel, Albert
Introne, Robert

Itse, Daniel
Kobel, Rudolph
McCann, Richard
Putnam, Ed II
Smith, Donald
Waterhouse, Kevin
Wiley, Robert

Johnson, Rogers
Langley, Jane
McKinney, Betsy
Quandt, Matthew
Stone, Joseph
Weare, E Albert
Zolla, William

Katsakiores, George
Letourneau, Robert
Morris, Richard
Rausch, James
Tufts, J Arthur
Welch, David

Katsakiores, Phyllis
Major, Norman
Noyes, Richard
Roessner, Kurt
Varrell, Thomas
Weyler, Kenneth

STRAFFORD

Albert, Russell
Cataldo, Sam
Harrington, Michael
Twombly, James

Bemis, Alan
Creteau, Irene
Musler, George
Woods, Phyllis

Bickford, David
Dunlap, Patricia
Newton, Clifford

Campbell, W Packy
Easson, Timothy
Scott, David

SULLIVAN

Rodeschin, Beverly

NAYS 142

BELKNAP

Pilliod, James

CARROLL

Derby, Mark

Dickinson, Howard

McConkey, Mark

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Fish, Douglas
Pratt, Irene
Tilton, Anna

Dunn, James
Manning, Joseph
Pratt, John
Weed, Charles

Eaton, Daniel
Meader, David
Richardson, Barbara

Espieffs, Peter
Mitchell, McKim
Robertson, Timothy

COOS

Mears, Edgar

GRAFTON

Akins, Ralph
Cooney, Mary
Gionet, Edmond
Scovner, Nancy

Almy, Susan
Densmore, Edward
Hammond, Lee
Sokol, Hilda

Benn, Bernard
Diamond, Estelle
Naro, Debra
Solomon, Peter

Bleyler, Ruth
Dorsett, Andrew
Nordgren, Sharon

HILLSBOROUGH

Baroody, Benjamin
Carter, Mark
Cote, Peter
Haley, Robert
Jean, Claudette
Lefebvre, Roland
Movsesian, Lori
Schulze, Joan
Sweeney, Cynthia

Batula, Peter
Clayton, William
Craig, James
Hopper, Gary
Katsiantonis, Thomas
Malloy, Chris
Pappas, Christopher
Shaw, Barbara

Brassard, Paul
Clemons, Jane
Gargas, Carolyn
Infantine, William
Kopka, Angeline
Messier, Irene
Pilotte, Maurice
Sullivan, Francis

Buckley, Raymond
Cote, David
Gorman, Mary
Irwin, Anne-Marie
Lasky, Bette
Mooney, Maureen
Reeves, Sandra
Sullivan, Peter

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	Daniels, Eric	Davis, Frank	DeJoie, John
DeStefano, Stephen	Fraser, Leo Jr	French, Barbara	Hamm, Christine
Kennedy, Richard	Osborne, Jessie	Owen, Derek	Perkins, Randy
Potter, Frances	Reardon, Tara	Rush, Deanna	Seldin, Gloria
Wallner, Mary Jane			

ROCKINGHAM

Blanchard, MaryAnn	Carson, Sharon	Casey, Kimberley	Coes, Betsy
Cooney, Richard	Corbin, Corey	Dalrymple, Janeen	Dumaine, Dudley
Griffin, Mary	Holland, James Jr	Johnson, Robert	Kelley, Jane
Langone, John	Manning, John	McEachern, Paul	McMahon, Charles
Norelli, Terie	Pitts, Jacqueline	Robertson, Carl	Shultis, Elizabeth
Splaine, James	Vallone, Matthew	Winchell, George	

STRAFFORD

Berube, Roger	Brown, Julie	Callaghan, Frank	Heon, Richard
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Knowles, William
Miller, Joseph	Pelletier, Arthur	Rous, Emma	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	Flint, Gordon Sr	Franklin, Peter	Harris, Joseph
Harris, Sandra	Jones, Constance	Leone, Richard	Phinizy, James

and the report was adopted.

HB 610-FN-L, relative to reimbursement of public safety expenditures made by the town of Plymouth on behalf of Plymouth state college. **INEXPEDIENT TO LEGISLATE**
Rep. Robert K. Dodge for Finance: The sponsors of this bill are to be commended for organizing a presentation that shows how the rising cost of safety services to our university and college campuses is affecting the host municipalities. The committee listened to hours of testimony in Concord and at the Plymouth Town Hall. Copies of the testimony are being provided to the Board of Trustees of the University System of New Hampshire and the Public Higher Education Study Committee. During the current legislative session the legislature has passed SB 22, an amendment to RSA 187-A:28-c, I. The bill has been signed by the governor and was effective May 9, 2003. The amendment adds to the charge of the Public Higher Education Study Committee the responsibility to address all of the issues contained in HB 610, study possible solutions and recommend legislation. The committee urges the Board of Trustees and the municipalities affected by higher education campuses to work with the Public Higher Education Study Committee to arrive at an equitable solution. Vote 14-6. Rep. Naro spoke in favor.
Adopted.

HB 793-FN-A, relative to reimbursement rates for home health services and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**
Rep. Rogers J. Johnson for Finance: The committee heard testimony requesting additional funds for home health services. While the information presented indicated a need for increased rates, the overriding concern was the source of funds. In addition, the Executive

Departments and Administration Committee is currently reviewing HB 712 that will provide guidelines from which future legislation may follow. Therefore we find this bill inexpedient to legislate. Vote 14-6.
Adopted.

HB 736, relative to duties of the fish and game commission and complaints against fish and game commissioners. **OUGHT TO PASS**

Rep. Robert J. L'Heureux for Fish and Game: This bill more clearly specifies certain duties of the Fish and Game Commission and establishes a complaint and discipline procedure for prohibited acts by any Fish and Game Commissioner, and clearly defines the Commission's involvement in personnel matters. There is nothing in this bill that would preclude an employee of the Department from contacting or reporting any issue they may wish to any Commission member. Vote 9-7.
Adopted and ordered to third reading.

CACR 5, relating to the rulemaking authority of the supreme court. Providing that the supreme court may adopt rules that have the force and effect of law, and that the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court, and that in the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall supersede the rule. **OUGHT TO PASS WITH AMENDMENT**

Rep. James W. Craig for Judiciary: This CACR clarifies the rulemaking authority of the Supreme Court. It preserves the power of the Supreme Court to make rules relative to court administration and the practice, procedure, and admissibility of evidence. It also gives the Legislature concurrent power to regulate these issues by statute and provides that when, and if, a rule and a statute conflict on these issues, the statute prevails. The committee was careful to ensure that the CACR preserves the court's constitutional decisional making powers, or "necessary adjudicatory functions", as they are called. The committee is of the opinion that this CACR makes clear that elected officials should, and shall, have final authority of "non-decisional" issues of the courts while preserving the separation of powers required by the New Hampshire Constitution. Vote 16-2.

Amendment (2504h)

Amend the resolution by replacing the title of the resolution with the following:

RELATING TO: the rulemaking authority of the supreme court.

PROVIDING THAT: the supreme court may adopt rules, that the general court may regulate these matters by statute, and that in the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall prevail over the rule.

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

I. That part II, article 73-a of the constitution be repealed and reenacted in order to clarify that both the judiciary and the legislature have the authority to regulate court practices and procedures and to resolve potential conflicts that may arise, so that it reads as follows:

[Art.] 73-a. [Court Practices and Procedures.] The chief justice of the supreme court shall be the administrative head of all the courts in the state. The chief justice shall have the power, with the concurrence of a majority of the other supreme court justices, to make rules of general application regulating court administration and the practice, procedure, and admissibility of evidence, in all courts in the state. The legislature shall have a concurrent power to regulate the same matters by statutes of general application, except that such legislative enactments may not abridge the judiciary's necessary adjudicatory functions. In the event of a conflict between a rule promulgated by the judiciary and a statute enacted by the legislature, the statute, if not otherwise contrary to this constitution shall prevail over the rule.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2004.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2004 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2004 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be: "Are you in favor of repealing and reenacting part II, article 73-a of the constitution in order to clarify that both the judiciary and legislature have the authority to regulate court practices and procedures and to resolve potential conflicts that may arise so that it reads as follows:

[Art.] 73-a. [Court Practices and Procedures.] The chief justice of the supreme court shall be the administrative head of all the courts in the state. The chief justice shall have the power, with the concurrence of a majority of the other supreme court justices, to make rules of general application regulating court administration and the practice, procedure, and admissibility of evidence, in all courts in the state. The legislature shall have a concurrent power to regulate the same matters by statutes of general application, except that such legislative enactments may not abridge the judiciary's necessary adjudicatory functions. In the event of a conflict between a rule promulgated by the judiciary and a statute enacted by the legislature, the statute, if not otherwise contrary to this constitution shall prevail over the rule."

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 2004 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that the supreme court may adopt rules of general application and that the general court may also regulate these matters by statutes of general application, provided that the general court may not abridge the judiciary's necessary adjudicatory functions. The resolution also provides that in the event of a conflict between a statute and a rule, the statute shall prevail over the rule, if not contrary to the provisions of the constitution.

Adopted.

Rep. Craig spoke in favor.

Rep. Phyllis Woods spoke in favor and yielded to questions.

Rep. Mock requested a roll call; sufficiently seconded.'

The question being adoption of the committee report.

YEAS 256 NAYS 69

YEAS 256

BELKNAP

Ahern, Omer Jr
Clark, Charles
Lawton, David
Wendelboe, Fran

Allen, Janet
Dewhirst, Glenn
Nedeau, Stephen
Whalley, Michael

Bartlett, Gordon
Fitzgerald, James
Rice, Thomas

Boyce, Laurie
Flanders, Donald
Russell, David

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
Laurent, John
Pratt, Irene

Eaton, Daniel
Liebl, George
Richardson, Barbara

Fish, Douglas
Manning, Joseph
Royce, H Charles

Hunt, John
Meader, David
Smith, Edwin

COOS

Brady, Mark
Richardson, Herbert

King, Frederick
Stohl, Eric

Mears, Edgar
Tholl, John Jr

Pratt, Leighton
Woodward, David

GRAFTON

Akins, Ralph
Dorsett, Andrew
Giuda, Robert
Solomon, Peter

Alger, John
Dudley, Terri
Ingbretson, Paul
Sorg, Gregory

Barker, Robert
Gilman, G Michael
Maybeck, Margie

Densmore, Edward
Gionet, Edmond
Naro, Debra

HILLSBOROUGH

Adams, Jarvis
Balboni, Michael
Bergin, Peter
Buckley, Raymond
Carter, Mark

Allan, Nelson
Barry, J Gail
Brassard, Paul
Buhlman, David
Cernota, Albert

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

Artz, Lawrence
Beaton, William
Bruno, Pierre
Carter, Jeffrey
Clayton, William

Coughlin, Pamela
Drisko, Richard
Fletcher, Richard
Gonzalez, Carlos
Haley, Robert
Hawkins, Ken
Infantine, William
Kurk, Neal
Leach, Edward
Martin, Mary Ellen
Messier, Irene
Movsesian, Lori
Pepino, Leo
Rowe, Robert
Souza, Kathleen
Sweeney, Cynthia
Wheeler, James

Craig, James
Elliott, Larry
Ford, Nancy
Graham, John
Hall, Charles
Haytayan, Harry Jr
Jasper, Shawn
L'Heureux, Robert
Lefebvre, Roland
McHugh, Claire
Mooney, Maureen
O'Brien, Lori
Pilotte, Maurice
Scanlon, Michael
Spiess, Paul
Tahir, Saghir
Wheeler, Robert

Desmarais, Vivian
Emerton, Larry
Gargasz, Carolyn
Greenberg, Gary
Hallyburton, Margaret
Hinkle, Peyton
Johnson, Lionel
Laflamme, Charles
Luebker, Bernard
McRae, Karen
Moran, Edward
Ober, Russell III
Price, Pamela
Shaw, Barbara
Stepanek, Stephen
Tate, Joan

Dokmo, Cynthia
Fields, Dennis
Gibson, John
Hagan, Barbara
Hansen, Ryan
Hopper, Gary
Katsiantonis, Thomas
Lasky, Bette
Malloy, Chris
Mercer, Robert
Mosher, William
Pappas, Christopher
Reeves, Sandra
Slocum, Lee
Sullivan, Francis
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
DeJoie, John
Fraser, Leo Jr
Jacobson, Alf
Leber, William

Blanchard, Elizabeth
DeStefano, Stephen
Hager, Elizabeth
Kenison, Leon
Lockwood, Priscilla

Currier, David
Field, William
Hamm, Christine
Kennedy, Richard
MacKay, James

Daniels, Eric
Foley, Albert
Hess, David
Langer, Ray
Marple, Richard

Maxfield, Roy
Reardon, Tara

McCormick, Tom
Soltani, Tony

Nutter, Edward

Oliver, James

ROCKINGHAM

Belanger, Ronald
Cady, Harriet
Coes, Betsy
DiFruscia, Anthony
Gilbert, Jeffrey
Hamel, Albert
Ingram, Russell
Katsakiores, George
Langone, John
McCann, Richard
Morris, Richard
Rausch, James
Stone, Joseph
Waterhouse, Kevin
Wiley, Robert

Bicknell, Elbert
Camm, Kevin
Cooney, Richard
Dodge, Robert
Gillick, Thomas
Headd, James
Introne, Robert
Katsakiores, Phyllis
Letourneau, Robert
McEachern, Paul
Noyes, Richard
Roessner, Kurt
Tufts, J Arthur
Weare, E Albert
Winchell, George

Bishop, Franklin
Carson, Sharon
Corbin, Corey
Dumaine, Dudley
Gleason, John
Holland, James Jr
Itse, Daniel
Kelley, Jane
Major, Norman
McKinney, Betsy
Putnam, Ed II
Smith, Donald
Vallone, Matthew
Welch, David
Zolla, William

Bridle, Russell
Clark, Vivian
Dalrymple, Janeen
Francoeur, Sheila
Griffin, Mary
Hughes, Daniel
Johnson, Rogers
Kobel, Rudolph
Manning, John
McMahon, Charles
Quandt, Matthew
Splaine, James
Varrell, Thomas
Weyler, Kenneth

STRAFFORD

Albert, Russell
Cataldo, Sam
Hofemann, Roland
Scott, David
Wall, Janet

Bemis, Alan
Dunlap, Patricia
Kaen, Naida
Taylor, Katherine
Woods, Phyllis

Bickford, David
Easson, Timothy
Musler, George
Taylor, Kathleen

Campbell, W Packy
Harrington, Michael
Newton, Clifford
Twombly, James

SULLIVAN

Cloutier, John
Leone, Richard

Flint, Gordon Sr
Rodeschin, Beverly

Franklin, Peter

Jones, Constance

NAYS 69

BELKNAP

Pilliod, James

CARROLL

None

CHESHIRE

Allen, Peter
Parkhurst, Henry
Weed, Charles

Dunn, James
Pratt, John

Espieffs, Peter
Robertson, Timothy

Mitchell, McKim
Tilton, Anna

COOS

None

GRAFTON

Almy, Susan
Diamond, Estelle
Sokol, Hilda

Benn, Bernard
Hammond, Lee

Bleyler, Ruth
Nordgren, Sharon

Cooney, Mary
Scovner, Nancy

HILLSBOROUGH

Baroody, Benjamin	Chabot, Robert	Clemons, Jane	Cote, David
Cote, Peter	Gorman, Mary	Irwin, Anne-Marie	Jean, Claudette
Kopka, Angeline	Schulze, Joan	Sullivan, Peter	

MERRIMACK

Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	Davis, Frank
French, Barbara	Osborne, Jessie	Perkins, Randy	Potter, Frances
Rush, Deanna	Seldin, Gloria	Wallner, Mary Jane	

ROCKINGHAM

Blanchard, MaryAnn	Casey, Kimberley	Gould, Kenneth	Johnson, Robert
Norelli, Terie	Pitts, Jacqueline	Robertson, Carl	Shultis, Elizabeth

STRAFFORD

Berube, Roger	Brown, Julie	Callaghan, Frank	Creteau, Irene
Johnson, Nancy	Knowles, William	Miller, Joseph	Pelletier, Arthur
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Vachon, Dennis			

SULLIVAN

Allison, David	Burling, Peter	Donovan, Thomas	Ferland, Brenda
Harris, Joseph	Harris, Sandra	Phinzy, James	

and the committee report was adopted by the constitutionally required three-fifths.
Ordered to third reading.

MOTION TO PRINT REMARKS

Rep. Espieffs moved that the debate on **CACR 5**, relating to the rulemaking authority of the supreme court. Providing that the supreme court may adopt rules that have the force and effect of law, and that the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court, and that in the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall supersede the rule, be printed in the Journal.
Adopted.

REMARKS ON CACR 5

Rep. Craig: Thank you, Mr. Speaker. I rise in support of the Judiciary Committee's 16 to 2 vote of Ought to Pass on CACR 5. The first thing I would like to do is state what this CACR does not do. Our constitution gives the judicial branch of the government the absolute and unfettered right to interpret the constitution and the laws and the constitutionality of the laws that we pass in the legislature. It also gives them the unfettered right to determine and make orders on disputes between citizens and the state itself. This CACR does nothing to change that essential power. I will defend that to the death, preferably not my own, while I am here.

What this CACR does is it concerns the rulemaking power that the judiciary has. There is no question that they do have it right now. What that means is, what this bill really does is concern itself with a limited area that is in dispute right now between the legislature and the court. It concerns the rulemaking power on the issues of court administration, the practice, the procedure, and the admissibility of evidence. That's what this CACR is going to alter a bit. The courts, in talking about these issues, rely on Part I, Article 37 of the Constitution,

the Separation of Powers. If you read that Article, the Constitution does not list three separate kingdoms: legislative, executive and judicial. It certainly does make a distinction, and there is a distinction, however, it says that the three branches, "to wit, the legislative, executive and judicial, ought to be kept as separate from, and independent of, each other, as the nature of a free government will admit, or as is consistent with that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of unity and amity." That's different than saying there are three separate kingdoms. The Judiciary Committee believes that this CACR will preserve that constitutional mandate in a way that is much more friendly to the people who elected us to make the laws.

This issue has really come up in the court in the past. I'll give you a few examples. There was one issue where the legislature intended to pass a law to make it easier to convict people accused of sexually assaulting children, and the judiciary said, "You can't do that, and that's our bailiwick and that conflicts with our rules, and so it's unconstitutional." So the elected body here was not allowed to give its input into that issue. Another issue that has come up is the issue of court security and the court has said, "That's not the legislative bailiwick, that's our bailiwick, keep your nose out of it." Another issue that has come up is that of criminal rules where the court has just said you have no business altering the rules of evidence. Now, I will admit that my opinion is the rules of evidence are best interpreted by the people who have to live with them, the court. But I strongly feel, and the Judiciary Committee strongly feels, that there are certain instances where the people should directly have input into those rules. So I feel confident that this body has enough integrity to work, and the judiciary has enough integrity to work together so the people have more say in these kinds of limited issues.

This has come up before, and in the last election this CACR failed to pass in the general election by about two or three percentage votes. It needed 66% of the entire vote of the citizens of New Hampshire. It missed by a few percentage points. But one of the issues that the courts brought last time is that the courts have their own rulemaking authority, and that they have their own democratic process to determine these issues so they don't need, that's how the people are heard because they have their own democratic rulemaking process. That's true, but there have been two or three cases that have come down where the courts themselves, one of the judges once was Justice Duggan, and once it was Justice Delanis, where the court bypassed their own rulemaking authority entirely and just dictated that we are going to change the rules by judicial fiat. We just said we are changing the rules and there were two dissents, by those two justices who say we understand what you are saying, it's not a bad idea what you are saying but you have this rulemaking procedure, you ought to use it and they didn't do that. So, the argument that there is already a democratic process is not entirely persuasive. But what the mechanics of this CACR does is it does not take away the rulemaking powers of the court. The court has the rulemaking power to make these decisions right now. It will retain those rulemaking powers under this CACR. What will change that if the legislature decides that one of the rules that is promulgated by the court is improper for whatever reason, the legislature can enact a statute by the same way we do it now and if it conflicts with an existing court rule, the statute will take precedence over the rule. So the court will retain, and I suspect that in 95 to 99% of the time the courts will continue to make their own rules and the legislature won't have anything to say about it, because most of these things are just conventional rules. But in that small instance where there is, and there is some debate on where our authority ends, and where theirs starts, and in those small instances where those issues are presented, the legislature can overrule the court's rules.

I as well, and probably better than anyone in here, understand some of the bitterness and rancor over the last few years between the legislature and the courts. But I also have sat here and I see the people in here and how the sausage is made. I am 98% certain that with the cooperation of the courts, and the cooperation of the legislature that this CACR will allow the people more say in the running of the judiciary without interfering with the decisional,

adjudicatory powers of the judiciary. So for that reason, the Judiciary Committee strongly feels that this CACR better fits the mandates of the constitution and that the citizens of New Hampshire, as well as the attorneys, the legislators, everyone will have a better judiciary, if we pass this constitutional amendment. Thank you.

Rep. Phyllis Woods: Thank you, Mr. Speaker. Thank you, members of the House. I am going to be very brief and give you the “Readers Digest,” non-lawyer version of what CACR 5 is about. Right now, our courts have the power to make rules to govern the practices and procedures to be used in all of the courts in this state, and these are extensive. We are talking about hundreds of rules. These are not mere suggestions. These have the force and effect of law and they pertain to you and I. The legislature, also, can make laws that govern the practices and procedures to be used in courts. Article 5, Part II, of the constitution gives full power and authority to the legislature to make all manner of rules, laws, ordinances and statutes.”

However, a problem has arisen in recent years where some decisions of the courts have said that they have “alone” the exclusive power to make rules over certain situations, thereby stripping away some of the power of the legislature to make rules in those areas. Here’s the problem with the separation of powers being thrown slightly out of kilter. And this why we need CACR 5. The purpose is to bring the branches of government back into balance. It does two things, as my previous colleague mentioned. It maintains the powers of the courts that they currently have to make rules of practice and procedure. But it also restores and reaffirms the constitutional power of the legislature to make the same type of laws. It does not take away or limit the power the courts now have, but it says that the courts cannot, however, limit the power that the legislature has.

Further, if the courts try to write a rule that overturns a law that we passed, we’ve inserted in the amendment a conflict resolution which says that in the event of a conflict between a court rule and a law, that the law will prevail unless it is deemed to be unconstitutional. This will guarantee that the final lawmaking authority resides with the elected representatives of the people who are accountable to the people and restores the balance of power to our government. That’s all it does. Please vote “yes” on Ought to Pass with Amendment as recommended by the Judiciary Committee. Thank you, Mr. Speaker.

Rep. Boyce: Thank you, Mr. Speaker and thank you, Rep. Woods. I just have a question. If it’s deemed unconstitutional, who makes it unconstitutional, the lawyers, the judges? Who makes the decision whether it’s unconstitutional?

Rep. Woods: Thank you for that question, Rep. Boyce. This CACR 5 will not change the current situation and the current situation is that if challenged by anyone with standing, the courts are allowed to determine whether or not a law is constitutional, and they will still have that same power if we pass this Constitutional Amendment.

REGULAR CALENDAR (CONT'D.)

MOTION TO SPECIAL ORDER

Rep. Mock moved that **CACR 9**, relating to 7-year terms for state judges. Providing that all state judges appointed on or after January 1, 2005 be commissioned for 7-year terms, which may be renewed, be made a Special Order for January 22, 2004 in the regular calendar order.
Adopted.

CACR 10, relating to gender neutral language in the constitution. Providing that all references to persons in part 2 of the constitution shall be gender neutral. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Terri C. Dudley for the Majority of Judiciary: The majority of the committee felt that the constitution is a historical document. Its language is all encompassing and must be read in its historical context. Wholesale revision of the entire document would be unwieldy and impractical because the entire constitution would, by statute, have to be published in full on the ballot. The citizens must see each and every change. Vote 13-4.

Rep. Maureen C. Mooney for the Minority of Judiciary: The New Hampshire State Constitution is a living, all-inclusive document that outlines the fundamental rights of each resident. The modernization of constitutional language provides for an up-to-date, legitimate and fully accurate foundation upon which our rights are based. Part I, Art. 2 states that equality of rights under the law shall not be denied on account of race, creed, color, sex or national origin. By replacing the masculine language with gender neutral references throughout the Form of Government section of the document, our state's commitment to guarantee equal protection for all is expressly confirmed in writing to favor all citizens. The minority in the committee feels that achieving this explicit confirmation of rights outweighs the burden of overcoming the technicalities of amending our state constitution.

Rep. Dudley spoke in favor.

Majority committee report adopted.

HB 369, relative to the Henniker and Hillsborough district courts. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE**

Rep. Tony F. Soltani for the Majority of Judiciary: This bill would divide the present Henniker-Hillsborough judicial district into a separate Henniker and a separate Hillsborough district, and specify the towns to be included in each. Presently, there is a district courthouse facility in each of the Towns of Henniker and Hillsborough, and this bill would ensure that these facilities continue to serve their communities. This bill was supported by the local justices and many local officials. Vote 9-7.

Rep. John M. Pratt for the Minority of Judiciary: By splitting the now-unified Henniker-Hillsborough judicial district into two districts, this bill would surely result in a situation where there would be no winners. Both towns would continue into the indefinite future to hold court in buildings which fail to meet state standards. Ultimately, the state would be faced with additional capital and operating costs. The real tragedy is that, at present, a new court building, to be located probably four miles from beautiful downtown Henniker and three miles from the center of Hillsborough at the northern end of the new Route 9 bypass, has neared the top of the Court Accreditation Commission's priority list. It would go by the boards. The towns lose, the state loses, and justice is not well served.

Rep. John Pratt spoke against and yielded to questions.

Rep. Rowe spoke in favor and yielded to questions.

Majority committee report adopted.

Referred to Finance.

RESOLUTION

Rep. Hess offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 22, 2004 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 265, relative to the health care delivery system.

HB 652-FN, relative to qualified wellness or disease management programs.

HB 133-L, relative to amending certain articles of agreement in the Fall Mountain regional cooperative school district.

HB 264, establishing state representative districts

HB 767-FN, relative to political advertising not authorized by the candidate.

HB 72, granting authority to impose administrative fines for the violation of certain laws or rules of the department of agriculture, markets and food.

HB 520-FN, relative to maintaining records of greyhounds used in pari-mutuel racing.

HB 729-FN, relative to the regulation of tanning facilities.

SB 199, revising the nurse practice act.

HB 736, relative to duties of the fish and game commission and complaints against fish and game commissioners.

CACR 5, relating to: the rulemaking authority of the supreme court. Providing that the supreme court may adopt rules, that the general court may regulate these matters by statute, and that in the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall prevail over the rule.

UNANIMOUS CONSENT

Reps. Barry and Kennedy addressed the House.

Speaker Chandler addressed the House.

Rep. Burling requested the Speaker's remarks be printed in the Journal.

Without objection, the remarks will be printed in the Journal.

Speaker Chandler: I have something to say. It will only take a minute but it's something I've become more and more concerned about, as I know certain members of the House have, from listening to their comments. That certainly is not so much attributed to what goes on in the House, because I think things have been fairly well controlled. The issue, generally speaking, is the lack of decorum and civility to certain members from not only members, but members of the public, too. I think this is intolerable and it needs to stop. We are here to do the business of the State of New Hampshire in a respectful and business-like fashion. We can have disagreements, and we can do that, but our disagreements should be on a high plane and I hope that we can continue to do that. We need to be tolerant of our fellow members and discuss the issues but refrain from personal attacks. We must not, can not, allow members of this House to hold any member of any committees of this House, especially the Ethics Committee of which I'm very proud, subject to any unwanted and unwarranted personal attacks on the business they are doing on behalf of the State of New Hampshire. I hope you will stand with me on that and I appreciate that. Thank you.

RECESS MOTION

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

Adopted.

The House recessed at 3:55 p.m.

RECESS

(Rep. Batula in the Chair)

RESOLUTION

Rep. MacKay offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 109 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 109, adopting the model Drug Dealer Liability Act. (Judiciary)

ENROLLED BILL AMENDMENT

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

Amendment (0098-EBA)

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.
in amendment)
Adopted.

RECESS

(Rep. Graham in the Chair)

RESOLUTION

Rep Liebl offered the following: RESOLVED, that the late filing and drafting of the following bill having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bill numbered 1422, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.
Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1422, relative to qualifications for persons who negotiate on behalf of the state. (Rep. Burling, Sull 19; Rep. Norelli, Rock 86; Rep. Nordgren, Graf 17; Rep. Keans, Straf 67; Rep. D. Eaton, Ches 2)4

RECESS