

HOUSE RECORD

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

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January 29, 2004

No. 11

HOUSE JOURNAL No. 3(cont.)

Thursday, January 22, 2004

RECESS

SENATE MESSAGES

(Rep. Elliott in the Chair)

RESOLUTION

Rep. MacKay offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 314, 316, 325, 332, 342, 344, 360, 380, 390, 412, 415, 458, 497, 498, 500, 521 and Senate Joint Resolution 2 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS AND SJR

First, second reading and referral

SB 314, relative to access to medical records. (Judiciary)

SB 316, relative to the payment of salaried employees. (Labor, Industrial and Rehabilitative Services)

SB 325-FN-L, relative to penalties for a false report to a law enforcement officer. (Criminal Justice and Public Safety)

SB 332-FN, relative to tolls for disabled veterans. (Public Works and Highways)

SB 342-FN, relative to payment of utility assessments and relative to regulation of electric generation companies. (Science, Technology and Energy)

SB 344, relative to the use of gifts and donations to the fish and game department and relative to off highway recreational vehicle fees. (Fish and Game)

SB 360, requiring written notification concerning certain offenders against children. (Criminal Justice and Public Safety)

SB 380, establishing a statewide incident command system. (Executive Departments and Administration)

SB 390, relative to liability of third person under workers' compensation. (Labor, Industrial and Rehabilitative Services)

SB 412, extending a public trust grant for the Gunstock Area ski resort's snowmaking. (Resources, Recreation and Development)

SB 415-FN, continuing and expanding to all counties the Grafton county court pilot project relative to abuse and neglect hearings. (Children and Family Law)

SB 458, relative to private driving instruction and exhibition facilities. (Transportation)
SB 497-FN, relative to renewal of electrician's licenses. (Executive Departments and Administration)
SB 498-FN, relative to the regulation of debt adjustment services. (Commerce)
SB 500-FN, relative to certain procedures of financial institutions. (Commerce)
SB 521-FN, increasing the penalty for identity fraud. (Criminal Justice and Public Safety)
SJR 2, a resolution designating a Purple Heart Trail in New Hampshire. (Resources, Recreation and Development)

NONCONCURRENCE

HB 304-A, relative to state acquisition of certain acreage in the Connecticut Lakes headwaters tract and making an appropriation therefor.

RECESS

Rep. Hess moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 4

Thursday, January 29, 2004

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

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

O Lord of life and the gridiron, in the midst of a complicated and often dangerous world, we give You thanks for the entertaining distraction of competitive sports, and humbly lift up to You the New England Patriots for Your support in lieu of a long overdue World Series appearance. Though the long passes may get all the attention, remind us that, as in life, the small accomplishments often win the game, and that integrity and fairness are the goals we all strive to reach whether we win or lose. May the members of this honorable House find their accomplishments in the integrity and compassion they bring to the game of politics and may all they do make winners of each and every citizen of our beloved New Hampshire. As always, we ask that You protect and defend all the men and women of our military, local law enforcement and emergency services whose sacrifice is our defense and the protection of our precious freedom. Amen.

Rep. Christopher H. Dunne led the Pledge of Allegiance.

The National Anthem was sung by Kaycee Sawyer, a third grade student at Holy Trinity School in Laconia.

LEAVES OF ABSENCE

Reps. Corbin, Dennis Fields, Flanagan, Ford, Fraser, Goyette, Joseph Harris, Hutchinson, Lionel Johnson, Kerns, Robert L'Heureux, Milligan, Norelli, Owen, Pelletier, Irene Pratt, John Pratt, Reed, Rice, Ruffner, Scamman, Seldin and Tate, the day, illness.

Reps. Timothy Allen, Barry, Bergin, Callaghan, Chris Christensen, Currier, Daniels, Fitzgerald, Flayhan, Franklin, Jeffrey Gilbert, Hagan, Sandra Harris, Heon, Katsiantonis, Lessard, McCann, Morris, Poulin, Priestley, Rollo, Rowe, Shaw, Paul Smith and Zolla, the day, important business.

Reps. Charles Laflamme and Joseph Manning, the day, illness in the family.

INTRODUCTION OF GUESTS

Chip and Laurie Sawyer, Claire Boucher and Marilyn Sawyer, parents and grandmothers of today's singer, guests of Reps. Ahern, Robert LaFlam and Wendelboe. Don Dyer, guest of Rep. Nelson Allan. Pauline Sullivan, Beth Sullivan, Deb Capistrat and John Sullivan, wife, daughters and brother of Rep. Francis Sullivan. Deb Hogencamp, guest of Rep. Ed Smith.

Doorkeepers for the 2004 House session were recognized: Walter Sword, Lee Mason, Bill McNamee, Lou LeBreck and Heather Welch.

COMMITTEE REPORTS

CONSENT CALENDAR

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

HB 1268, relative to bank reserve and lending procedures, removed by Rep. Marple.

HB 1287, establishing a study committee to review insurance statutes and rules to assure conformity with the mission statement published by the insurance department, removed by Rep. Lars Christiansen.

HB 1206, establishing a committee to study the appropriateness of designating corporations as legal persons, removed by Rep. DeJoie.
Consent Calendar adopte.

HB 1144, establishing a committee to study banning alcohol sales at youth and family-oriented community events. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. McRae for Children and Family Law: The committee voted to ITL this study committee because the New Hampshire Liquor Commission is taking a pro-active position in enforcement and in the education of alcohol servers. The New Hampshire Lodging and Restaurant Association is committed to a public/private partnership to make certain that liquor is served appropriately at youth and family-oriented community events. Therefore, because all parties are working to improve communications and performance in this sensitive area, the committee felt that a study committee was unnecessary at this time. Vote 13-0.

HB 1169, relative to child support calculations based on one-time or irregular income.

OUGHT TO PASS WITH AMENDMENT

Rep. Margaret D. Hallyburton for Children and Family Law: This bill allows the court necessary discretion in its handling of one-time or irregular income in the calculation of child support. All testimony was in support of the bill, and the amendment makes the bill effective on passage. Vote 13-0.

Amendment (0028h)

Amend the bill by replacing section 2 with the following:

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

HB 1212, relative to the circumstances under which a juvenile may be committed to the youth development center until the age of 18. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary Stuart Gile for Children and Family Law: In 2002 the General Court enacted

legislation to permit a juvenile committed to the Youth Development Center to remain committed beyond the juvenile's 17th birthday following a motion and determination by the court that the juvenile would benefit from additional supervision and services. This bill, as amended, affirms the legislature's intent that the motion must be filed by DHHS within 90 days prior to the juvenile's birthday. Because this bill simply clarifies existing law, it has no fiscal impact. Vote 11-0.

Amendment (0059h)

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-2 to read as 2-3:

1 Statement of Purpose. The general court acknowledges that current law requires the case of a juvenile committed to the youth development center (YDC) to be closed and the juvenile released no later than the juvenile's seventeenth birthday. The general court recognizes that circumstances may exist under which a juvenile committed to YDC may benefit from the ongoing jurisdiction of the court. The general court wishes to authorize the department of health and human services to determine whether a committed juvenile who is approaching his or her seventeenth birthday could benefit from the ongoing jurisdiction of the court and, if so, to authorize the department to file a motion requesting that the court retain jurisdiction over the committed juvenile until his or her eighteenth birthday. The general court also wishes to clarify that such motions may be brought only by the department and only relative to committed juveniles approaching their seventeenth birthdays.

HB 1332, relative to child support in cases of shared custody. INEXPEDIENT TO LEGISLATE

Rep. Mary Stuart Gile for Children and Family Law: The committee appreciates the sponsor's interest in presenting an important issue in cases of shared physical custody and proposing that child support decisions be adjusted based on the amount of time that the child spends with the obligor's parent. This issue is already under study in the Commission on Child Support, so the committee decided to wait for the commissioner's report before further consideration of this matter. Vote 14-0.

HR 22, relative to fathers' rights. INEXPEDIENT TO LEGISLATE

Rep. Karen K. McRae for Children and Family Law: The committee voted inexpedient because the issue of fathers' rights is actively being studied by the Commission on the Status of Men as well as other groups concerned with the father's role in the life of children. With regard to child support and visitation, the committee has other bills which can be used to address these matters. Vote 11-1.

HB 1145, prohibiting commercial faxes. INEXPEDIENT TO LEGISLATE

Rep. Leo W. Fraser, Jr. for Commerce: In 1991 Congress adopted the Telephone Consumer Protection Act (TCPA). The act was designed to provide some protection against unsolicited telemarketing calls, automated and pre-recorded phone calls and unsolicited facsimile advertising. The latter portion (facsimile advertising) was addressed by the Federal Communications Commission (FCC) in 1992 by (A) Prohibiting unsolicited advertisements being sent by FAX machines (B) Defining "unsolicited advertisements" (C) Requiring the sender to identify themselves to recipients and (D) Setting penalties from \$500 to \$1500 per violation for private rights of action and up to \$11,000 per violation for FCC billed fines. No one appeared before the committee either in favor of or opposed to the legislation. Vote 12-0.

HB 1204-FN-A, establishing an historic homeownership mortgage credit program. INEXPEDIENT TO LEGISLATE

Rep. Paul D. Spiess for Commerce: This bill would establish a tax credit program to promote and support the restoration and rehabilitation of designated historic properties. The sponsor requested that the bill be withdrawn. Consequently the committee recommends ITL. Vote 12-0.

HB 1382, relative to liens filed with public servants. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: The original bill as introduced would have required a judicial proceeding that must ensue before a lien could be filed. The sponsor offered an amendment that, if adopted, would have restrained the Secretary of State, town clerk or any city clerk from accepting or recording any federal liens unless it is as a result of an enforceable federal court order, and unless it complies with Part 2, Article 87 of the New Hampshire Constitution. The committee understood the entire basis of this proposed legislation was to disallow the Internal Revenue Service from establishing liens unless and until the issue had been adjudicated. Vote 11-1.

HB 1195-FN, increasing the penalty assessment on fines imposed by the courts.

INEXPEDIENT TO LEGISLATE

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: This bill was filed with the intent to assure adequate funds for law enforcement training. Since the bill was filed circumstances have arisen that would make HB 1195 moot. Vote 15-0.

HB 1414, establishing a commission to study issues regarding the women's prison facility.

OUGHT TO PASS

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: HB 1414 establishes a commission to study issues regarding the women's prison facility. It will be comprised of legislative members, representatives on the Department of Corrections and Transportation, and an appointee of the Governor. The members will have expertise relative to the subject matter. This commission is established to study the adequacy of the current women's facility in Goffstown and make recommendations on whether to renew the current lease and further, to investigate the feasibility of renovating a state-owned building as a women's facility or some other alternative to the current facility in Goffstown. Vote 13-0.

HB 1288-FN, reducing the membership of the fish and game commission. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Laflam for Fish and Game: The committee saw no merit in the bill. There was no evidence provided to show that it was necessary. No one testified in favor. Vote 17-0.

HB 1327-FN, relative to allowing persons to be bonded for search and rescue costs in hiking and climbing in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Mary J. Gorman for Fish and Game: The majority of the committee felt most hikers and climbers are responsible individuals. Those who become stranded do so because of inexperience or lack of knowledge. Their intent is to enjoy the sport and not place themselves in a life and threatening situation. Bonding hikers seemed to be a paperwork and enforcement nightmare. Therefore, the bill is unnecessary. Vote 16-1.

HB 1334, relative to retention of records of fish and game law violations by the fish and game department. **OUGHT TO PASS**

Rep. David S. Woodward for Fish and Game: The passage of this bill will allow violations of New Hampshire Fish and Game Laws to be purged from the record after seven years. This is consistent with other similar violations in the state of New Hampshire. There was no opposition to this bill and Fish and Game thought it would save them money. Vote 16-1.

HB 1192, relative to psychotropic drug recommendations by public employees.

INEXPEDIENT TO LEGISLATE

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: New Hampshire has been cited by the Federal Drug Enforcement agency, as the state with the highest per capita use of various types of psychostimulants. Ritalin use has been a matter of concern for many particularly as it has been used by school children to help manage behavior problems. Legislators have filed considerable legislation over recent years indicating their concern. Very recently the newly appointed Commissioner of Health and Human Services has appointed an Advisory Committee regarding the use of Psychostimulants. This is a 19 member committee. The committee has broad membership including a representative from the legislature and the Governor's Office. The committee on Health, Human Services and Elderly Affairs looks forward to the findings of this group to enlighten them as to what legislative action should be taken. This bill specifically requires that "Any employee of state or local governments or any political subdivision thereof, who, in the performance of his or her official duties, recommends to a parent that his or her minor child receive psychotropic medication shall also disclose the potential side effects of such medication." The committee believes that unless a public employee has appropriate training and licensing, they should not be making suggestions as to use of medications or medical care. Therefore, it is also logical that public employees should not be providing medication side effects. Vote 15-0.

HB 1234, establishing a study committee to examine ways to prevent and address homelessness in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra Harris for Health, Human Services and Elderly Affairs: As part of the White House Domestic Policy Council, the goal of the NH State Interagency Council on Homelessness is to develop and implement a comprehensive national approach to end homelessness in the US. The sponsor asked the committee to find this bill Inexpedient to Legislate since he wishes to form an ad hoc committee to study the homelessness in New Hampshire as part of the work of the Interagency Council, of which he is a member. Vote 13-0.

HB 1266, relative to the long-term care ombudsman. **OUGHT TO PASS**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill essentially is a rewrite and update of the law pertaining to the Office of the Long-Term Ombudsman. This office is a program established by the Federal Older Americans Act, which generally provides financial support for its operation. The bill emphasizes the autonomy of this office, which is essential to its proper functioning. The office is now administratively attached to the Department of Health and Human Services. There is no current intention to change that arrangement. However, the bill does allow for a transfer outside the department in the future if needed. This legislation also uses the term resident throughout instead of patient or client and incorporates gender neutral language. This bill brings the New Hampshire statute into congruency with federal statute. In addition, it specifically identifies the office of the Long Term Care Ombudsman as distinguished from the Ombudsman Office of the Department of Health and Human Services. Vote 14-0.
Referred to Finance.

HB 1290, establishing a time limit on the receipt of Temporary Assistance for Needy Families. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill provoked considerable concern and discussion. Three legislators spoke in favor of the bill. Ten individuals representing a variety of organizations spoke against it. The DHHS took a neutral position. Temporary Assistance for Needy Families is probably best known as the Welfare to Work Program. The general consensus is that this is a much needed and significant operation. TANF is now continuing to operate on a continuing resolution. Hopefully, Congress will vote to reauthorize TANF. Since this is an important subject, the

committee felt that it should be studied to review some of the recommendations contained in the bill and to make suggestions for NH legislative changes when TANF is reauthorized. The committee voted unanimously to support the amendment authorizing further study on this complex matter. Vote 14-0.

Amendment (0048h)

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

AN ACT establishing a study committee to examine time limits on eligibility for Temporary Assistance for Needy Families.

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

1 Committee Established. There is established a committee to study time limits on eligibility for Temporary Assistance for Needy Families (TANF).

2 Membership and Compensation.

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

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

(b) Two members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study eligibility periods for TANF. Specifically, the committee shall consider the feasibility and consequences of amending the state plan to provide that an individual may receive TANF for a maximum of 24 months during any consecutive 60-month period. The committee also may compare eligibility periods in New Hampshire with those of neighboring states, and may solicit such information and testimony as may be necessary to assist the committee in the performance of its duties.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2004.

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

AMENDED ANALYSIS

This bill establishes a committee to examine time limits on eligibility for Temporary Assistance for Needy Families.

HB 1294, establishing a committee to study the effect of the federal reauthorization of the Temporary Aid to Needy Families Program and its effect on the state of New Hampshire.

INEXPEDIENT TO LEGISLATE

Rep. Janeen Dalrymple for Health, Human Services and Elderly Affairs: Although the sponsor was concerned that TANF may be discontinued, at this time TANF is operating on a continuing resolution and will continue until TANF is reauthorized by congress. Therefore consistent with the recommendation of DHHS a study of the TANF program is not needed. The Health, Human Services and Elderly Affairs Committee will send a copy of this document to the NH Congressional Delegation asking for their support of TANF reauthorization. All members of Health, Human Services and Elderly Affairs support the continuation of the TANF program in NH. At this time, this bill is completely unnecessary. Vote 14-0.

HB 1322, relative to the rules for the operation and regulation of supported residential care facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra C. Harris for Health, Human Services and Elderly Affairs: At a full committee hearing the prime sponsor requested that the bill be killed. Since this legislation was first requested, action has been taken and this bill would be redundant to rules being addressed through administration of the Department of Health and Human Services. Further legislation on this matter is no longer needed. Vote 14-0.

HB 1323, relative to the rules for the operation and regulation of residential care facilities.
INEXPEDIENT TO LEGISLATE

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill and HB 1322 were introduced to encourage the DHHS to proceed with the writing of administrative rules, pertaining to health care facilities. Legislation was recently passed requiring the DHHS to write separate rules for the several types of health care services and discontinue the writing of omnibus rules. In response, NH ARCH (Home Care Association of NH) has submitted to DHHS proposed revisions of 804/805 regulations. These rules are currently being drafted. In addition, the committee in a bill acted on very recently, gave specific advice on personal safety issues. The committee is satisfied that the rule making process is progressing. DHHS is responsive to legislative concern about past slowness in producing rules. The Commissioner of DHHS is clear that he will only authorize administrative rules that are based on clear legislative intent. The long impasse of legislative rules expiring without new rules being adopted appears to be ending. Therefore, this bill has served a good purpose and is not now needed. Vote 14-0.

HB 1397, relative to youth suicide prevention. **OUGHT TO PASS WITH AMENDMENT**

Rep. Janeen Dalrymple for Health, Human Services and Elderly Affairs: This bill expands the duties of the Health Education Review Committee to include specific consideration of youth suicide prevention initiatives. It is suggested an additional committee member include a school guidance counselor. Vote 13-0.

Amendment (0070h)

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 New Subparagraph; Health Education Review Committee; Membership; School Guidance Counselor Added. Amend RSA 186:67-a, II by inserting after subparagraph (o) the following new subparagraph:

(p) One member who is a school guidance counselor, appointed by the New Hampshire School Counselor Association.

AMENDED ANALYSIS

This bill expands the duties of the health education review committee to include specific consideration of youth suicide prevention initiatives. The bill also provides for the appointment of a school guidance counselor to the committee.

This bill is a request of the youth suicide prevention committee, 2003, 142 (HB 240).

CACR 23, relating to oaths of civil officers. Providing that all officers, department heads in the executive branch, and town officers shall take an oath before executing the duties of their office. **INEXPEDIENT TO LEGISLATE**

Rep. Alf E. Jacobson for Judiciary: The committee view is that there were no urgent reasons to put this CACR to the people. Statutory law already requires those persons not constitutionally listed, such as selectmen and school board members, to take the oath of office. Vote 11-2.

HB 1154, relative to the Hanover-Lebanon district court and the Plymouth-Lincoln district court. **OUGHT TO PASS**

Rep. Robert H. Rowe for Judiciary: The small town of Dorchester (350 citizens) requested that it be removed from the Plymouth-Lincoln District Court District and be incorporated in the Hanover-Lebanon District Court. This will allow the town to be served by the Lebanon District Court rather than the Plymouth District Court. The committee believes that the citizens of Dorchester will be best served by this transfer. The town is currently served by the rescue services from Canaan and is negotiating with Canaan to assume police duties in Dorchester. Canaan is already affiliated with the Lebanon District Court. The change in jurisdiction was requested by the town and the judiciary branch concurs with the request. Vote 12-0.

HB 1238-FN, requiring interpreters for persons with limited English proficiency in court and administrative proceedings. **INEXPEDIENT TO LEGISLATE**

Rep. Tony F. Soltani for Judiciary: This is a well-intentioned bill. Presently, under the mandates of federal and state Constitutions, a criminal defendant is entitled to the assistance of an interpreter so as to enable the defendant to understand the proceedings, participate in the proceedings and to meaningfully assist in their own defense. This bill would expand this right to all civil and administrative matters, at state, court, or municipal expense. This bill is too expansive and too complex and could be very expensive to implement. The state already expends approximately \$400,000 annually for English interpreters as pre-trial and trial costs. The several subjects raised should be studied independently, and individually. Vote 13-0.

HB 1247-FN, relative to a statewide law library network. **REFER FOR INTERIM STUDY**

Rep. Peter E. Franklin for Judiciary: This bill would establish a statewide law library network for the benefit of the public, particularly pro se litigants. The committee needs to determine such matters as the basic contents of each library (both print and electronic), the training of librarians, the locations of libraries, any 28-a issues, and whatever else may be needed to establish the network. Vote 13-0.

HB 1381, relative to the rights of citizens. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Wheeler for Judiciary: No one on the committee can understand this bill or its purpose. However, it appears that if this bill were passed people could elect not to get drivers licenses, hunting licenses, pay tax or a host of other things that could constitute “compelled performance” mandated by the government. With that quagmire of possibilities the committee unanimously voted this legislation Inexpedient to Legislate. Vote 13-0.

HB 1383, relative to full faith and credit in judicial proceedings. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This bill would create a new chapter of the statutes, RSA 524-B, that would establish rules for registering and recognizing the decisions of the highest courts of sister states under the Full Faith and Credit clause of the federal constitution. It was the view of the committee that the testimony at the hearing indicated a fundamental misunderstanding of the scope of that clause, which undermined both the purpose of and necessity for this bill. The sponsors believed that any such decision automatically acquired standing as binding precedent, required to be enforced in all other states against all other persons. In fact, Full Faith and Credit jurisprudence seems clear that such a precedent is binding only in the state in which it was rendered, unless changed subsequently by statute or a superceding decision. What the Full Faith and Credit clause accomplishes is to make the result of that particular case binding upon the specific parties to the litigation, enforceable against them – and no one else – in any other state that may later acquire jurisdiction over them. Vote 18-0.

HB 1384, relative to challenges to statutes. **INEXPEDIENT TO LEGISLATE**

Rep. Harry M. Haytayan, Jr. for Judiciary: This bill would allow state laws to be challenged by the preparation of an affidavit. If passed, it would create disruption in the enforcement of state law and would lead to unintended consequences. The current system for challenging state statutes has worked efficiently and continues to do so. Vote 18-0.

HB 1140, relative to the disposal of surplus real estate. **INEXPEDIENT TO LEGISLATE**
Rep. Chris S. Malloy for Public Works and Highways: A working system is already in place to deal with surplus real estate. RSA 4:40 addresses the disposal of surplus property. Many of these land parcels were purchased for construction of highway projects. If we sell properties for \$1.00 the State would be liable to return all federal funds used for the original purchase of the property. Any surplus land should be sold so that the funds received could be used for the intended purpose of improving the highway system. Vote 13-0.

HB 1196-FN-A-L, relative to leasing a certain parcel of state-owned property to the town of Hopkinton. **INEXPEDIENT TO LEGISLATE**
Rep. Mark E. McConkey for Public Works and Highways: Action on this bill is no longer necessary. The Town of Hopkinton has an agreement to purchase a certain parcel of state owned property for the construction of athletic fields. Vote 13-0.

HB 1197-FN-A-L, relative to selling a certain parcel of state-owned property to the town of Hopkinton. **INEXPEDIENT TO LEGISLATE**
Rep. Mark E. McConkey for Public Works and Highways: Action on this bill is no longer necessary. The Town of Hopkinton has an agreement to purchase a certain parcel of state owned property for the construction of athletic fields. Vote 13-0.

HB 1354-FN, relative to certain tolls on the Everett Turnpike. **INEXPEDIENT TO LEGISLATE**
Rep. Saghir A. Tahir for Public Works and Highways: The sponsor of this bill recommended that this bill should be Inexpedient to Legislate. The committee agreed. Vote 13-0.

HB 1186-FN, relative to registration stickers issued to nonresidents operating snowmobiles in New Hampshire. **INEXPEDIENT TO LEGISLATE**
Rep. Henry A. L. Parkhurst for Resources, Recreation and Development: This bill would have required out-of-state owners to pay an additional fee to register their snowmobiles. Realizing this may not be the appropriate way to go the committee and the sponsor have agreed on the ITL recommendation. Vote 13-0.

HB 1273, relative to the use of trails managed by OHRV clubs. **INEXPEDIENT TO LEGISLATE**
Rep. Dennis H. Fields for Resources, Recreation and Development: The Attorney General determined this bill as introduced could be in conflict with state liability laws regarding OHRVs trails. Sponsor requested to ITL the bill. Vote 11-2.

HB 1207-FN-A, relative to an Operation Iraqi Freedom service bonus payment. **OUGHT TO PASS WITH AMENDMENT**
Rep. James Headd for State-Federal Relations and Veterans Affairs: This bill establishes a bonus payment of \$300.00 for NH Veterans who served in active duty during the Global War on Terrorism and who earned the expeditionary medal provided they were discharged under honorable conditions. The effective date of this program was 9/11/01 and with a terminal date to be determined. This bonus program is in keeping with the traditions of prior awards to our servicemen. Vote 13-0.

Amendment (0152h)

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

AN ACT relative to a Global War on Terrorism operations service bonus payment.

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

1 New Subdivision; Global War on Terrorism Operations Service Bonus Payments.

Amend RSA 115-A by inserting after section 15 the following new subdivision:

Global War on Terrorism Operations Service Bonus Payments

115-A:16 Qualifications for Bonus. Each person who actively served in any capacity as a member of the uniformed forces of the United States on or after September 11, 2001 and on or before a date to be determined by the Secretary of Defense, and who earned the expeditionary medal for Global War on Terrorism operations; and who was discharged, released or has a certificate of service therefrom, under honorable conditions, or who is missing in action or who was killed in action; and who at the time of entry on such active service, and at the time of such service was a bona fide resident of this state shall be entitled to the benefits provided under this subdivision. A person shall demonstrate bona fide residency under this section through such person's home of record at time of entry as listed on a DD Form 214 or a written verification from a town or city clerk that such person was a resident of a New Hampshire town or city at the time of active service. No individual who has received a Global War on Terrorism operations bonus payment from another state shall be qualified to receive the benefits provided under this subdivision.

115-A:17 Roster. The director of the veterans council shall from time to time prepare a roster of the names of persons who have qualified for the bonus under RSA 115-A:16, and shall certify the same to the state treasurer, and prepare a manifest to authorize the state treasurer to make payments from funds not otherwise appropriated. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

115-A:18 Bonus Payment. In recognition of the services performed by the persons designated as eligible under RSA 115-A:16, the state treasurer, when such names are certified to the state treasurer as provided in RSA 115-A:17, and when application is made therefor, shall pay to each such qualified person the sum of \$300; and shall take such formal receipt as the state treasurer shall prescribe.

115-A:19 Payment in Cases of Incompetence or Death. If an eligible person is legally incompetent, payment shall be made to his or her legally appointed representative. If an eligible person dies before payment has been made to him or her, payment shall be made to such person's surviving spouse or, if none, to his or her child or children in equal shares; and if he or she has no surviving spouse or children, then in equal shares to his or her surviving parents. Payment shall not be made to more than 2 parents. Preference shall be given to the parent or parents who actually exercised parental control at the time of or most nearly prior to date of the qualified person's entry into service. Proof of relationship in loco parentis shall be established by sworn statement of the applicant, together with supporting affidavits of 2 disinterested persons.

115-A:20 Written Evidence Required in Certain Circumstances. No applications shall be certified for payment unless written evidence is presented indicating that any person or persons herein described as having a prior right to benefits has died; and provided further that if, prior to the date upon which this subdivision takes effect, benefits have been paid to the father or mother of a qualified person, who at the time had a child or children, the rights or benefits shall not in addition accrue to said child or children as a result of the provisions of this subdivision.

115-A:21 Time Limit; Late Applications. No bonus payment shall be made under this subdivision unless application for the bonus payment is submitted within 5 years after the effective date of this subdivision. Any claim for bonus payment after such 5-year period shall be made to the director of the veterans council, and if approved by the director shall be submitted to the state treasurer and shall be a charge upon the general fund.

115-A:22 Forfeiture of Bonus. Any person who obtains a bonus payment under this subdivision by fraud shall forfeit such bonus to the state.

2 Contingency. In keeping with the tradition of paying veterans benefits only after the cessation of operations as declared by the Secretary of Defense, this act shall take effect 6 months following the date on which such declaration is made.

3 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2 of this act.

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

AMENDED ANALYSIS

This bill establishes a bonus payment for New Hampshire veterans of Global War on Terrorism operations.
Referred to Finance.

HB 1378-FN-A, relative to New Hampshire service medals for veterans of World War II, the Korean Conflict, and the Vietnam Conflict and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Barbara Shaw for State-Federal Relations and Veterans Affairs: In order to duly recognize the contributions of New Hampshire residents in service to their country, this bill establishes New Hampshire Service Medals for veterans of World War II, the Korean War, and the Vietnam War who were residents of New Hampshire at the time of their entrance into military service. Vote 13-0.

Amendment (0117h)

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

AN ACT relative to New Hampshire service medals for veterans of World War II, the Korean War, and the Vietnam War and making an appropriation therefor.

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Service Medals for Veterans of World War II, the Korean War, and the Vietnam War. Amend RSA 115-A by inserting after section 15 the following new subdivision:

New Hampshire Service Medals

115-A:16 New Hampshire Service Medals.

I. The adjutant general shall, with the cooperation and advice of the director of the state veteran's council and the state veterans advisory committee, design and cause to be manufactured service medals for service in World War II, the Korean War, and the Vietnam War.

II. The medals shall be bronze and shall be designed in a manner which:

(a) Indicates the major branches of the armed forces, which are the army, navy, air force, marine corps, and coast guard.

(b) Displays the seal of the state of New Hampshire and a likeness of the "Old Man of the Mountain."

© Displays an inscription stating that the medal is a "New Hampshire Award for Service," the name of the war in which the recipient served and the beginning and ending dates of the war.

115-A:17 Eligibility for Medal. Any person who served in any of the following wars; who, if deemed necessary by the adjutant general, earned the appropriate service medal; and who was honorably discharged, or who is missing in action, or who was killed in action; and who, at the time of entry on such active service, and at the time of such service was a bona fide resident of this state shall be eligible for the medal provided under this subdivision. Eligible service is service in:

I. "World War II" between December 7, 1941 and December 31, 1946.

II. The "Korean War" between June 27, 1950 and January 31, 1955.

III. The “Vietnam War” between August 5, 1964 and May 7, 1975 or between February 28, 1961 and May 7, 1975 for persons who served in Vietnam prior to August 5, 1964.

115-A:18 Application for Service Medal. Any person eligible for a service medal under this subdivision, or if such person is incapacitated or deceased, the surviving spouse or child of such eligible person, may apply to the adjutant general for such service medal during 2-year application time periods established by the adjutant general for each war. The adjutant general shall establish application forms and procedures.

115-A:19 Rulemaking. The adjutant general shall adopt rules, pursuant to RSA 541-A, relative to:

I. The dates for the 2-year application time period for each war for which a service medal may be awarded under this subdivision.

II. Application forms and procedures under RSA 115-A:18.

III. Any other matter deemed necessary by the adjutant general relative to the design, manufacture, or distribution of service medals under this subdivision.

115-A:20 Gifts, Grants, and Donations. Notwithstanding any other provision of law, the adjutant general may solicit and receive monetary gifts, grants, or donations for the purpose of paying costs of the design, manufacture, and distribution of New Hampshire service medals under this subdivision.

115-A:21 New Hampshire Service Medal Fund. There is established in the office of the state treasurer a fund to be known as the New Hampshire service medal fund. All monetary gifts, grants, and donations received by the adjutant general pursuant to RSA 115-A:20 shall be deposited in such fund. The fund is established to pay the costs of the design, manufacture, and distribution of New Hampshire service medals under this subdivision. The money in this fund shall be nonlapsing and shall be continually appropriated to the department of the adjutant general.

AMENDED ANALYSIS

This bill establishes New Hampshire service medals for veterans of World War II, the Korean War, and the Vietnam War who were residents of New Hampshire at their time of entrance into military service. An appropriation is made to the adjutant general for purposes of design, manufacture, and distribution of the medals.

HR 20, supporting Taiwan’s participation in the World Health Organization. OUGHT TO PASS

Rep. Richard A. McCann for State-Federal Relations and Veterans Affairs: Whereas Taiwan has enjoyed a cross collaboration with the U.S. Centers for Disease Control and a willingness to assist financially and technically in international health activities supported by World Health Organization, the committee voted unanimously to support this House Resolution. Vote 12-0.

HR 23, urging the President and Congress to amend federal selective service and immigration laws to grant the right of citizenship to all immigrants honorably discharged from United States military service. OUGHT TO PASS

Rep. Cynthia P. Sweeney for State-Federal Relations and Veterans Affairs: The committee believes that after honorable service in the United States Armed Forces an immigrant veteran deserves the full benefits of citizenship as soon as possible. Vote 11-2.

HB 1139, relative to vehicles stopping in travel lanes. INEXPEDIENT TO LEGISLATE

Rep. Brenda L. Ferland for Transportation: This bill was about vehicles stopping in travel lanes and upon departing a vehicle without first activating the emergency lights. The prime sponsor was the only speaker who related one incident where a vehicle hit a truck that was parked in or near the travel lane. The committee felt that there are enough laws to cover standing, disabled, or parked vehicles without enacting this one. Vote 11-0.

HB 1259, relative to the medical certification required for a walking disability plate or placard. **OUGHT TO PASS**

Rep. Brenda L. Ferland for Transportation: Passage of this bill will give a licensed podiatrist the ability to issue a certification for someone to apply for the walking disability placard or plate. Under current law, physicians are the only ones allowed to do this. But upon testimony given it was learned that some people go to a podiatrist and have surgery done and do not go to their regular doctors. This would lessen the burden on the patient. The only opposition was concern of opening the door for other medical people. Nothing in this legislation does that. Vote 11-0.

CACR 20, relating to the conservation of the gravel and water resources of the state. Providing that the general court may provide for special assessments, rates and taxes on gravel and water extracted from the resources of the state. **INEXPEDIENT TO LEGISLATE**

Rep. Susan W. Almy for Ways and Means: The sponsors of this amendment have the laudable goal of protecting our water resources for the future. However, they have not yet worked out a plan on how to use the resulting constitutional language, if passed by the people. When the timber tax language was entered into our constitution, there was a clear plan and justification available for us and other citizens to judge. The constitution should only be amended after full consideration of the practical consequences as well as the goal. Vote 14-0.

CACR 21, relating to state education property tax exemption for certain disabled veterans. Providing that veterans with certain service connected disabilities shall be exempt from the state education property tax. **INEXPEDIENT TO LEGISLATE**

Rep. Kurt J. Roessner for Ways and Means: The sponsor of this CACR requested that it be designated inexpedient to legislate since its subject matter would be included in HB 1370. Vote 18-0.

HB 1168, establishing a committee to study the effects of the current business tax structure on New Hampshire's economy. **INEXPEDIENT TO LEGISLATE**

Rep. Kurt J. Roessner for Ways and Means: The subject matter of this bill is included in two other interim studies being recommended for HB 1387 and HB 1388. Vote 15-0.

HB 1213-FN-L, exempting persons age 70 and older from the state and local education portion of property taxes. **INEXPEDIENT TO LEGISLATE**

Rep. Tom F. McCormick for Ways and Means: The committee agrees the subject matter of this bill warrants further study and will be including it in a comprehensive study of all local and state property tax relief proposals. The comprehensive study is included in HB 1370. Vote 18-0.

HB 1311-FN, relative to the insurance premium tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. David W. Hess for Ways and Means: As introduced, this bill would have decreased the insurance premium tax resulting in a significant reduction in general fund revenue. During the hearing, however, representatives of both the Insurance Department and the private insurance industry asked for the opportunity to conduct an exhaustive study of the potential economic development opportunities which could accrue to the state if this tax were reduced. The private sector offered to pay the entire cost of such a study. Since such a study could not be conducted, completed, digested by the committee, and acted upon responsibly during the session, the Ways and Means Committee voted unanimously to establish a statutory study

committee to receive and consider such a report and to make recommendations based upon the findings. Vote 15-0.

Amendment (0161h)

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

AN ACT establishing a committee to study decreasing the insurance premium tax.

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

1 Committee Established. There is established a committee to study decreasing the insurance premium tax from 2 percent to one percent.

2 Membership and Compensation.

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

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

(b) Five members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the issue of decreasing the insurance premium tax from 2 percent to one percent.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Six members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2004.

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

AMENDED ANALYSIS

This bill establishes a committee to study decreasing the insurance premium tax from 2 percent to one percent.

HB 1344-FN-A, allowing a deduction against the business profits tax for employer-paid health insurance premiums. **INEXPEDIENT TO LEGISLATE**

Rep. David W. Hess for Ways and Means: The purpose and intended effect of this bill was unclear. Employer-based health insurance premiums are already allowed as a deduction to businesses in calculating the amount of business profits tax they owe. They aren't currently considered in calculating the business enterprise tax and this bill would not change that. Consequently this bill is redundant and unnecessary. Vote 15-0.

HB 1356-FN-A-L, assessing a fee on water withdrawn for commercial bottling purposes from water supply sources in the state. **INEXPEDIENT TO LEGISLATE**

Rep. Russell F. Ingram for Ways and Means: This bill would impose a \$.05 per gallon fee for water withdrawal from a source in New Hampshire for the purpose of commercial bottling as a business. There was some concern as to whether this fee could be considered a new tax and unconstitutional. It was felt that this bill would put existing bottling plants at a disadvantage to out-of-state competitors and also discourage the expansion of their present volume. Any new bottling plant would have to pay the \$.05 per gallon from the first gallon. This would discourage any new competition. There is presently a committee under SB 155 to study this and other concerns relative to water and it is to submit its report by November 30, 2004. This bill precludes this study and we should wait for the study committee report to help us on a decision at some future time. Vote 14-0.

HB 1370, establishing a committee to study property tax relief for low-income and elderly persons. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeffrey D. Gilbert for Ways and Means: This chapter study bill will establish a committee of five representatives and five senators to undertake an exhaustive study of all existing state and local property tax relief programs and to entertain and evaluate proposals to modify them. The committee believes that this study is particularly timely in light of the success in 2003 of the new statewide property tax relief program targeted at certain low-income property owners and recently enacted significant changes to the statewide property tax. In contrast to prior years, in 2003 there was an increase of 700% in the use of the existing program. The committee expects that the study may result in recommendations to enhance this success and better integrate the many present state and local forms of credits, abatements, exemptions and reimbursements. Vote 18-0.

Amendment (0166h)

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

AN ACT establishing a committee to study property tax relief.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study property tax relief, without implementing any new broad-based tax.

Amend subparagraphs I(a) and I(b) as inserted by section 2 of the bill by replacing them with the following:

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

(b) Five members of the senate, appointed by the president of the senate.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study any and all existing and proposed state and local property tax relief proposals including, but not limited to, abatements, credits, exemptions, and reimbursements.

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library in an interim report on or before November 1, 2004 and in a final report on or before November 1, 2005.

AMENDED ANALYSIS

This bill establishes a committee to study property tax relief.

HB 1387-FN-A, reducing the rate of the business enterprise tax. **REFER FOR INTERIM STUDY**

Rep. Robert J. Giuda for Ways and Means: This bill would reduce the rate of the Business Enterprise Tax from 0.75 to 0.25 percent over a five year period. The sponsor's goal is to create a better business environment and reward risk taking and spur economic growth. This bill has significant revenue implications and the committee felt this bill should be sent to interim study to fully analyze the concept. Vote 15-0.

HB 1388-FN-A, reducing the rate of the business profits tax. **REFER FOR INTERIM STUDY**

Rep. Daniel M. Hughes for Ways and Means: This bill would reduce the rate of the business profits tax to 4% over a five-year period. The sponsors goal is to create a better business environment and reward risk taking and spur economic growth. This bill has significant revenue implications and the committee felt the bill should be sent to interim study to more fully analyze this concept. Vote 15-0.

HB 1402-FN-A, requiring a discount to wholesalers on cash purchases of tobacco tax stamps.
REFER FOR INTERIM STUDY

Rep. David W. Hess for Ways and Means: On its initial vote on this bill, half of the Ways and Means Committee felt we could not afford the reductions in revenue which would result from allowing this discount. The other half of the committee felt that it was fundamentally unfair to have tobacco wholesalers, who place the stamps on the tobacco packages, essentially collect the tobacco tax without receiving some compensation for that effort. Upon further reflection, the committee decided to study this issue further during interim study. Vote 12-2.

REGULAR CALENDAR

HB 1275-FN-A, relative to the role of the department of health and human services in juvenile proceedings. **OUGHT TO PASS**

Rep. Margaret D. Hallyburton for Children and Family Law: While the department has standing in these cases now, they are sometimes overlooked on distribution of pleadings and notices. This bill will ensure that the department is a full party to the case. The bill does not impose new duties on the department. Vote 11-2.
Adopted and ordered to third reading.

HB 1285, restricting owners of land in current use and land acquired with public funds from posting for no hunting. **INEXPEDIENT TO LEGISLATE**

Rep. Peter H. Allen for Environment and Agriculture: Overwhelming testimony, representing many viewpoints, opposed this bill as not in the public interest and not workable. If there is thought of this type of legislative initiative it would be best to start over. Vote 11-2.
Adopted.

HB 1157, establishing a committee to study the feasibility of implementing model legislation on medical resident work hour restrictions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Peter L. Batula for the Majority of Health, Human Services and Elderly Affairs: This was a bill with good intentions to implement model legislation dealing with the restriction of working hours in the medical field. The committee recognizes that in the past medical personnel were required to work hours beyond the safety point of good medical care. We had professional testimony from a Dartmouth physician and a Concord Hospital physician that corrective measures have been taken through federal legislation that now puts restrictions on medical personnel hours worked. In the opinion of these professional medical personnel passage of this bill is unneeded and redundant. The prime sponsor agrees that the concerns of this bill should be incorporated into a current commission that is studying methods of reducing medical errors, many possibly caused by overworked medical personnel and related matters. The chairman of the medical errors study committee has also agreed to incorporate the concerns of this bill's sponsor into their studies. The Health Committee overwhelmingly agreed that this bill is redundant and is unnecessary since all the matters are either already dealt with under federal guidelines or will be addressed in a current and ongoing health committee. Vote 12-2.

Rep. Hilda W. Sokol for the Minority of Health, Human Services and Elderly Affairs: Although the sponsor of this bill agreed to put the bill under the rubric of the Medical Errors Commission (Department of Health and Human Services) we believe that the intent of HB 1157 goes beyond medical errors only some of which may be attributed to excessive working hours. The ability to learn and absorb information is reduced where mind and body are physically exhausted. Medical residency programs are an extension of medical education, and not all hospitals adhere to the guidelines established by the Accreditation Council of Graduate Medical Education.

Majority report adopted.

HB 1170, establishing a committee to study access to medical records of persons with highly communicable diseases. **OUGHT TO PASS**

Rep. Pamela Price for Health, Human Services and Elderly Affairs: The intent of this bill is to study access to medical records of persons with highly communicable diseases. There are ways to access medical records currently. The Public Health Department can access records for their own purposes, which can not be released to any provider or individual. A provider can access records with the permission of the individual. There is a judicial remedy through legal action. State laws may allow access to records, such as covered under 141-G, the section relating to emergency response workers. Furthermore, we learned that treatment protocols may change if there is a known exposure. Treatment is started right way while further testing is done to determine if the individual has contracted the disease. Many questions arose in the course of the subcommittee sessions, which is the reason for recommending further study. The study committee will examine state laws as they relate to HIPAA, which diseases may be covered, who may access information, in what format and when they may be accessed. Additionally, this committee will examine RSA 141-G because of the transfer of some public health and bioterrorism responsibilities from Health and Human Services to the Department of Safety. It is the belief of our committee that this complex issue warrants further study. We recognize that in the end the study committee may recommend no changes in law. Vote 14-0.

Adopted and ordered to third reading.

HB 1277-FN, requiring assisted living facilities to have certain security measures for residents. **INEXPEDIENT TO LEGISLATE**

Rep. Pamela G. Price for Health, Human Services and Elderly Affairs: This bill requires assisted living facilities and housing for elders to secure their exits during the evening. The bill was filed as a result of one case where a confused elderly resident wandered away from their home, undetected for hours. The committee recognizes the importance of security for the safety of clients in care facilities. Licensed residential care facilities have a range of clients from the very healthy who are planning for future health needs to those who require some degree of assistance. We heard testimony that the elderly fear loss of independence and dignity by having to ask permission to leave the premises. It is important to assess the individual needs of the client rather than pass a blanket mandate for all. This issue is being addressed in rules, which can account for the varying needs and facilities. We understand that the Department of Health and Human Services is currently working on draft rules, which cover this subject. Specifically, the committee supports the concepts proposed by the NH Association of Residential Care Homes which details the written action plans and security measures based upon the assessed degree of elopement risk. Vote 16-0.

Adopted.

HB 1318-FN-A, relative to a senior care provider program and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: Over the past six years the General Court has carefully studied and passed legislation concerning long term care for the elderly and disabled. Services are available on a spectrum from home health care, assisted living to nursing home care. Emphasis has been placed on the importance of individual choice, informed consent and the least intrusive care. For individuals who are eligible for medicaid nursing home care, they can also receive care in other facilities. The prime sponsor of this bill brought to the committee some new ideas. One concept was the cross-utilization of specialized beds that could be used for more than one type of condition. It was felt that the concepts were not in a fully conceptualized form. Rather than form a new study committee to work on the various concepts, it was thought that the existing Oversight

Committee on Elderly and Adult Services is the appropriate group to work with the sponsor. They will be notified to incorporate the thoughts of this matter into their current study efforts. Vote 13-0.
Adopted.

HB 1365-FN, relative to protecting hearing ear dogs, guide dogs, and service dogs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Janeen Dalrymple for Health, Human Services and Elderly Affairs: This bill requires a person who owns an animal that interferes or injures a seeing eye or hearing ear dog or a service type dog, to make full restitution for the loss of sensory assistance to an individual. In addition to any criminal action the owner of the offending animal will provide restitution of the replacement of the service animal. In addition the bill recommends to the Governor that a day be set aside as seeing/hearing eye dog awareness day to ensure the public understands the seriousness of interference and value of service animals to their owners. Vote 15-0.

Amendment (0149h)

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

AN ACT relative to hearing ear dogs, guide dogs, and service dogs.

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

1 Hearing Ear Dogs, Guide Dogs, and Service Dogs; Penalty. Amend RSA 167-D:9 to read as follows:

167-D:9 Penalty; ***Restitution Required.***

I. Any person violating any provision of this chapter shall be guilty of a misdemeanor.

II.(a)(1) In any case in which the defendant is convicted under this section, he or she shall also be ordered to make full restitution for all damages, including incidental and consequential expenses incurred by the animal user and the animal which arise out of or are related to the criminal offense. Restitution for a conviction under this section shall include, but is not limited to:

(A) The value of the replacement of an incapacitated or deceased hearing ear dog, guide dog, or service dog, the training of such animal, or retraining of the affected animal and all related veterinary and care expenses; and

(B) Medical expenses of the animal user, training of the animal user, and compensation for wages or earned income lost by the animal user.

(2) Any moneys received for restitution under this subparagraph relative to the value of the replacement of an incapacitated or deceased hearing ear dog, guide dog, or service dog, the training of such animal, or retraining of the animal shall be given to the organization which donated the dog, if such organization is known.

(b) Nothing in this paragraph shall affect any civil remedies available for violation of this chapter.

© ***For purposes of this paragraph, "value" means the value to the hearing ear, guide, or service animal user and does not refer to cost or fair market value.***

2 Hearing Ear Dogs, Guide Dogs, and Service Dogs; Public Awareness Day. The general court hereby requests that the governor proclaim a day to recognize the value of hearing ear dogs, guide dogs, and service dogs and to promote public awareness of the value of such dogs. The governor shall urge local communities to observe such day to recognize the value of such service animals and to promote public awareness of the value of service animals.

3 Effective Date. This act shall take effect January 1, 2005.

AMENDED ANALYSIS

This bill requires a person interfering with a hearing ear dog, guide dog, or service dog to make full restitution for all damages. The bill also requests the governor to proclaim a

day to recognize the value of services animals and to promote public awareness of the value of such animals.

Adopted.

Report adopted.

Referred to Criminal Justice and Public Safety.

HB 1194, establishing a study committee relative to notifying tenants of radon in rental units. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Wheeler for Judiciary: The committee believes that this bill is simple enough that if the sponsors would like to require landlords to notify tenants of radon in rental units they should put in a bill to do just that. While the committee understands that radon is a possible problem, the committee is of the opinion that there are serious concerns about requiring landlords to notify tenants about radon. First, if we want landlords to notify about radon, are we going to require them to pay for the testing? Second, if we require them to test and notify about radon where will it stop -- MTBE, asbestos, lead in the water, mold, or other perceived health hazards? Finally, since it is not required for the transfers of homes where a person might live for extended periods of time, why should we require it for tenants, who might only live in an apartment only for a few years? It is the opinion of the committee that this bill is inappropriate at this time, as it has not been definitely determined what the health risks of radon exposure and the extent of the problem may be. After all, radon comes from the natural erosion of granite and this IS the Granite State. Vote 16-4.

Adopted.

SPECIAL ORDER

HB 243, relative to motor vehicle exhaust noise standards. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Lawrence A. Artz for the Majority of Transportation: This bill addresses redundant language in respect to the current statute that is causing some confusion regarding interpretation and enforcement of the current motor vehicle exhaust noise standards. The bill still retains the language requiring a muffler defined by current state law on every motor vehicle to be maintained in good working order and to prevent excessive or unusual noise, as well as to prevent the escape of excessive fumes, smoke, flame, gas, oil or fuel residue. This bill permits the use of non-factory specification exhaust system components that are industry-certified for legal use on motor vehicles where strict interpretation of the current statute would otherwise prohibit its use. This is of particular concern in situations where factory specification exhaust system components are no longer available due to vehicle age or other circumstances, or where a more durable and/or performance-oriented exhaust system component becomes available for a particular motor vehicle application. Vote 8-7.

Rep. Brenda L. Ferland for the Minority of Transportation: This bill was about exhaust noise levels and setting a 95-decibel reading on aftermarket systems. Some new systems have been modified by owners and car owners should be able to purchase another system and meet the standards. Because there are laws already in existence regarding noise levels and aftermarket exhaust systems, the minority of the committee feels this bill is not necessary.

Amendment (2478h)

Amend the bill by replacing section 1 with the following:

1 Repeal. RSA 266:59, III, relative to modification of motor vehicle exhaust system, is repealed.

AMENDED ANALYSIS

This bill repeals a limitation on the modification of motor vehicle exhaust systems.

Majority amendment adopted.

Majority report adopted and ordered to third reading.

SPECIAL ORDER

HB 266, requiring youth bicyclists and skateboarders to wear protective headgear.

MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. George N. Katsakiores for the Majority of Transportation: The amended bill requires youth bicyclists under 16 years of age to wear protective headgear. As we are all aware, serious head injuries to bicyclists can be traumatic and devastating. Testimony before the committee supported the amended bill from organizations such as the New Hampshire Hospital Association to the Department of Health and Human Services Office of Community and Public Health to the American Automobile Association (AAA) and the New Hampshire Bike Association. Nobody appeared in opposition. A total of 335 children less than 16 years of age were seen in hospital emergency departments for head injuries resulting from riding bicycles in 1999-2000. The New Hampshire Transportation Safety Agency (NHTSA) states that bicycle helmets are 85-88% effective in mitigating head and brain injuries. Vote 8-7.

Rep. Robert J. Letourneau for the Minority of Transportation: The minority of the committee adamantly opposes this proposed legislation that, in our opinion, reaches too far into the lives of New Hampshire citizens. While we believe that all children should protect their head, knees and elbows while riding bicycles, rollerblades, rollerskates, skateboards, skydiving, skiing, or when engaged in any other numerous risky activities, we also believe that this is a personal responsibility issue that is best left to the parents and citizens involved. After all, they have a vested interest in their own safety. We believe that this legislation is flawed in many ways. There is no exemption for private property. There is no standard for the protective headgear and the bill leaves that decision to the Commissioner of Health and Human Services. The penalty for this infraction is a violation. Who will enforce the law? Who will be responsible for the fine, and how will this criminal record affect the child's future in terms of law enforcement? Will the parents be responsible for the fine and ultimately the record? We do not know, and the bill does not address these concerns. The sponsors of this bill did not show any evidence that this is a major problem in New Hampshire. There were no New Hampshire statistics showing that we need this law. The testimony was based upon emotion rather than fact. We understand the compassion and intent of the sponsors, but disagree on the solution. The bottom line is that this bill reaches into the personal lives of New Hampshire citizens, and the minority of the committee trusts our citizens to make the right choices in terms of safety both for themselves and their children.

Majority Amendment (2374h)

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

AN ACT requiring youth bicyclists to wear protective headgear.

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Riding on Bicycles; Headgear. Amend RSA 265:144 by inserting after paragraph IX the following new paragraph:

X. No person less than 16 years of age may operate or ride upon a bicycle unless he or she wears protective headgear of a type approved by the commissioner of health and human services.

Amend the bill by deleting sections 3-4 and renumbering the original section 5 to read as 3.

AMENDED ANALYSIS

This bill requires youth bicyclists to wear protective headgear.

Majority amendment adopted.

Rep. Ferland spoke against.

Reps. Phyllis Katsiakores and Scanlon spoke in favor.

Rep. Letourneau spoke against and yielded to questions.

Rep. Casey spoke in favor and yielded to questions.

Rep. Scanlon requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

YEAS 162 NAYS 166**YEAS 162****BELKNAP**

Boyce, Laurie	Clark, Charles	Pilliod, James
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CARROLL

Brown, Carolyn	Derby, Mark	Olimpio, J Lisbeth
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CHESHIRE

Allen, Peter	Dexter, Judson	Dunn, James	Eaton, Daniel
Espieffs, Peter	Fish, Douglas	Laurent, John	Meador, David
Mitchell, McKim	Parkhurst, Henry	Richardson, Barbara	Robertson, Timothy
Slack, Pamela	Weed, Charles		

COOS

Mears, Edgar	Pratt, Leighton	Richardson, Herbert
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GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Densmore, Edward	Diamond, Estelle	Dudley, Terri
Hammond, Lee	Naro, Debra	Nordgren, Sharon	Scovner, Nancy
Sokol, Hilda	Solomon, Peter	Williams, Burton	

HILLSBOROUGH

Balcom, John	Beaton, William	Bergeron, Jean-Guy	Brassard, Paul
Bruno, Pierre	Cail, Kenneth	Carlson, Donald	Carter, Jeffrey
Carter, Mark	Chabot, Robert	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Dokmo, Cynthia	Drisko, Richard	Emerton, Larry	Fletcher, Richard
Gargasz, Carolyn	Gonzalez, Carlos	Graham, John	Haley, Robert
Hallyburton, Margaret	Irwin, Anne-Marie	Jean, Claudette	Kopka, Angeline
Lasky, Bette	Leach, Edward	Malloy, Chris	Martin, Mary Ellen
McHugh, Claire	Messier, Irene	Michon, Stephen	Palangas, Eric
Pappas, Christopher	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Ross, Lawrence	Scanlon, Michael	Schulze, Joan	Spiess, Paul
Stepanek, Stephen	Sullivan, Francis	Wheeler, Robert	

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Davis, Frank	DeJoie, John	Foley, Albert	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Jacobson, Alf
Kenison, Leon	MacKay, James	Osborne, Jessie	Perkins, Randy
Potter, Frances	Reardon, Tara	Rush, Deanna	Wallner, Mary Jane

ROCKINGHAM

Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn	Bridle, Russell
Casey, Kimberley	Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert
Dumaine, Dudley	Flanders, John Sr	Gillick, Thomas	Gleason, John
Gould, Kenneth	Griffin, Mary	Hamel, Albert	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Langone, John	Manning, John
McEachern, Paul	Noyes, Richard	O'Neil, Michael	Pitts, Jacqueline
Robertson, Carl	Shultis, Elizabeth	Splaine, James	Tufts, J Arthur
Vallone, Matthew	Weldy, Norman Jr	Weyler, Kenneth	

STRAFFORD

Berube, Roger	Brown, Julie	Campbell, W Packy	Creteau, Irene
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Dunlap, Patricia
Kaen, Naida
Musler, George
Snyder, Clair

Grassie, Anne
Keans, Sandra
Rous, Emma
Taylor, Kathleen

Hofemann, Roland
Knowles, William
Schmidt, Peter
Wall, Janet

Johnson, Nancy
Miller, Joseph
Smith, Marjorie

SULLIVAN

Allison, David
Flint, Gordon Sr

Burling, Peter
Jones, Constance

Cloutier, John
Leone, Richard

Donovan, Thomas

NAYS 166

BELKNAP

Ahern, Omer Jr
Holbrook, Robert
Russell, David

Allen, Janet
Laflam, Robert
Thomas, John

Bartlett, Gordon
Lawton, David
Wendelboe, Fran

Flanders, Donald
Nedeau, Stephen
Whalley, Michael

CARROLL

Babson, David Jr
McConkey, Mark
Philbrick, Donald

Dickinson, Howard
Merrow, Harry
Stevens, Stanley

Hatch, Paul
Mock, Henry

Kenney, Bettie
Patten, Betsey

CHESHIRE

Hunt, John
Tilton, Anna

Liebl, George
Webber, Amy

Royce, H Charles

Smith, Edwin

COOS

Brady, Mark
Theberge, Robert

Guay, Lawrence
Tholl, John Jr

King, Frederick
Woodward, David

Stohl, Eric

GRAFTON

Alger, John
Gionet, Edmond
Sorg, Gregory

Barker, Robert
Giuda, Robert

Dorsett, Andrew
Ingbertson, Paul

Eaton, Stephanie
Maybeck, Margie

HILLSBOROUGH

Adams, Jarvis
Balboni, Michael
Brundige, Robert
Crane, Elenore
Casey
Gorman, Mary
Harrington, Paul
Holden, Randolph
Kurk, Neal
Luebker, Bernard
Mooney, Maureen
O'Brien, Lori
Slocum, Lee
Tahir, Saghir

Allan, Nelson
Baroody, Benjamin
Buhlman, David
Dionne, Kimberley

Arnold, Thomas Jr
Batula, Peter
Cernota, Albert
Elliott, Larry

Artz, Lawrence
Bouchard, David
Christiansen, Lars
Gibson, John

Greenberg, Gary
Hawkins, Ken
Hopper, Gary
LaFlamme, Paul
McElroy, Henry Jr
Moran, Edward
Ober, Russell III
Souza, Kathleen
Vaillancourt, Steve

Hall, Charles
Haytayan, Harry Jr
Infantine, William
Lawrence, James
McRae, Karen
Mosher, William
Pappas, Marc
Sullivan, Peter
Wheeler, James

Hansen, Ryan
Hinkle, Peyton
Jasper, Shawn
Lefebvre, Roland
Mercer, Robert
Movsesian, Lori
Pepino, Leo
Sweeney, Cynthia

MERRIMACK

Anderson, Eric
Hess, David
Leber, William
McCormick, Tom

DeStefano, Stephen
Kennedy, Richard
Lockwood, Priscilla
Nutter, Edward

Dunne, Christopher
L'Heureux, Stephen
Marple, Richard
Oliver, James

Field, William
Langer, Ray
Maxfield, Roy
Soltani, Tony

ROCKINGHAM

Allen, Mary
Carson, Sharon
Doyle, Christopher

Bicknell, Elbert
Clark, Vivian
Duffy, James

Cady, Harriet
Coes, Betsy
Fesh, Bob

Camm, Kevin
Cooney, Richard
Francoeur, Sheila

Gilbert, Karl
Ingram, Russell
Johnson, Rogers
Major, Norman
Packard, Sherman
Rausch, James
Varrell, Thomas
Wiley, Robert

Headd, James
Introne, Robert
Kobel, Rudolph
McKinney, Betsy
Pantelakos, Laura
Roessner, Kurt
Waterhouse, Kevin
Winchell, George

Holland, James Jr
Itse, Daniel
Langley, Jane
McMahon, Charles
Putnam, Ed II
Smith, Donald
Weare, E Albert

Hughes, Daniel
Johnson, Robert
Letourneau, Robert
Moore, Benjamin
Quandt, Matthew
Stone, Joseph
Welch, David

STRAFFORD

Bemis, Alan
Hollinger, Jeffrey
Twombly, James

Bickford, David
Newton, Clifford
Woods, Phyllis

Cataldo, Sam
Scott, David

Easson, Timothy
Taylor, Katherine

SULLIVAN

Ferland, Brenda
and the majority report failed.

Phinizy, James

Rodeschin, Beverly

Rep. Letourneau moved Inexpedient to Legislate.

Rep. Burling requested a roll call; sufficiently seconded.

The question being adoption of the motion Inexpedient to Legislate.

YEAS 169 NAYS 159

YEAS 169

BELKNAP

Ahern, Omer Jr
Holbrook, Robert
Russell, David

Allen, Janet
Laflam, Robert
Thomas, John

Bartlett, Gordon
Lawton, David
Wendelboe, Fran

Flanders, Donald
Nedeau, Stephen
Whalley, Michael

CARROLL

Babson, David Jr
McConkey, Mark
Philbrick, Donald

Dickinson, Howard
Morrow, Harry
Stevens, Stanley

Hatch, Paul
Mock, Henry

Kenney, Bettie
Patten, Betsey

CHESHIRE

Dexter, Judson
Smith, Edwin

Hunt, John

Liebl, George

Royce, H Charles

COOS

Brady, Mark
Theberge, Robert

Guay, Lawrence
Tholl, John Jr

King, Frederick
Woodward, David

Stohl, Eric

GRAFTON

Alger, John
Gionet, Edmond
Sorg, Gregory

Barker, Robert
Giuda, Robert

Dorsett, Andrew
Ingbretson, Paul

Eaton, Stephanie
Maybeck, Margie

HILLSBOROUGH

Adams, Jarvis
Balboni, Michael
Brundige, Robert
Christiansen, Lars

Allan, Nelson
Baroody, Benjamin
Buhlman, David
Crane, Elenore
Casey

Arnold, Thomas Jr
Batula, Peter
Cernota, Albert
Dionne, Kimberley

Artz, Lawrence
Bouchard, David
Chabot, Robert
Elliott, Larry

Gibson, John
Hansen, Ryan
Hinkle, Peyton
Kurk, Neal
McElroy, Henry Jr

Gorman, Mary
Harrington, Paul
Holden, Randolph
Lawrence, James
McRae, Karen

Greenberg, Gary
Hawkins, Ken
Hopper, Gary
Lefebvre, Roland
Mercer, Robert

Hall, Charles
Haytayan, Harry Jr
Jasper, Shawn
Luebkert, Bernard
Mooney, Maureen

Moran, Edward
Ober, Russell III
Souza, Kathleen
Tahir, Saghir

Mosher, William
Pappas, Marc
Stepanek, Stephen
Vaillancourt, Steve

Movsesian, Lori
Pepino, Leo
Sullivan, Peter
Wheeler, James

O'Brien, Lori
Slocum, Lee
Sweeney, Cynthia

MERRIMACK

Anderson, Eric
Hess, David
Leber, William
Maxfield, Roy
Soltani, Tony

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

Field, William
L'Heureux, Stephen
MacKay, James
Nutter, Edward

Foley, Albert
Langer, Ray
Marple, Richard
Oliver, James

ROCKINGHAM

Allen, Mary
Carson, Sharon
Doyle, Christopher
Gilbert, Karl
Hughes, Daniel
Johnson, Rogers
Major, Norman
Noyes, Richard
Putnam, Ed II
Smith, Donald
Weare, E Albert

Bicknell, Elbert
Clark, Vivian
Duffy, James
Griffin, Mary
Ingram, Russell
Kobel, Rudolph
McKinney, Betsy
O'Neil, Michael
Quandt, Matthew
Stone, Joseph
Welch, David

Cady, Harriet
Coes, Betsy
Fesh, Bob
Headd, James
Introne, Robert
Langley, Jane
McMahon, Charles
Packard, Sherman
Rausch, James
Varrell, Thomas
Wiley, Robert

Camm, Kevin
Cooney, Richard
Francoeur, Sheila
Holland, James Jr
Johnson, Robert
Letourneau, Robert
Moore, Benjamin
Pantelakos, Laura
Roessner, Kurt
Waterhouse, Kevin
Winchell, George

STRAFFORD

Bemis, Alan
Hollinger, Jeffrey
Taylor, Katherine

Bickford, David
Musler, George
Twombly, James

Cataldo, Sam
Newton, Clifford
Woods, Phyllis

Easson, Timothy
Scott, David

SULLIVAN

Ferland, Brenda

Phinizy, James

Rodeschin, Beverly

NAYS 159

BELKNAP

Boyce, Laurie

Clark, Charles

Pilliod, James

CARROLL

Brown, Carolyn

Derby, Mark

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Fish, Douglas
Parkhurst, Henry
Tilton, Anna

Dunn, James
Laurent, John
Richardson, Barbara
Webber, Amy

Eaton, Daniel
Meador, David
Robertson, Timothy
Weed, Charles

Espieffs, Peter
Mitchell, McKim
Slack, Pamela

COOS

Mears, Edgar

Pratt, Leighton

Richardson, Herbert

GRAFTON

Akins, Ralph
Cooney, Mary
Hammond, Lee
Sokol, Hilda

Almy, Susan
Densmore, Edward
Naro, Debra
Solomon, Peter

Benn, Bernard
Diamond, Estelle
Nordgren, Sharon
Williams, Burton

Bleyler, Ruth
Dudley, Terri
Scovner, Nancy

HILLSBOROUGH

Balcom, John
Bruno, Pierre
Carter, Mark
Cote, Peter

Beaton, William
Cail, Kenneth
Clayton, William
Coughlin, Pamela

Bergeron, Jean-Guy
Carlson, Donald
Clemons, Jane
Craig, James

Brassard, Paul
Carter, Jeffrey
Cote, David
Dokmo, Cynthia

Drisko, Richard	Emerton, Larry	Fletcher, Richard	Gargas, Carolyn
Gonzalez, Carlos	Graham, John	Haley, Robert	Hallyburton, Margaret
Infantine, William	Irwin, Anne-Marie	Jean, Claudette	Kopka, Angeline
LaFlamme, Paul	Lasky, Bette	Leach, Edward	Malloy, Chris
Martin, Mary Ellen	McHugh, Claire	Messier, Irene	Michon, Stephen
Palangas, Eric	Pappas, Christopher	Pilote, Maurice	Price, Pamela
Reeves, Sandra	Ross, Lawrence	Scanlon, Michael	Schulze, Joan
Spiess, Paul	Sullivan, Francis	Wheeler, Robert	

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Davis, Frank	DeJoie, John	DeStefano, Stephen	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Jacobson, Alf
Kenison, Leon	Osborne, Jessie	Perkins, Randy	Potter, Frances
Reardon, Tara	Rush, Deanna	Wallner, Mary Jane	

ROCKINGHAM

Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn	Bridle, Russell
Casey, Kimberley	Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert
Dumaine, Dudley	Flanders, John Sr	Gillick, Thomas	Gleason, John
Gould, Kenneth	Hamel, Albert	Itse, Daniel	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Langone, John	Manning, John
McEachern, Paul	Pitts, Jacqueline	Robertson, Carl	Shultis, Elizabeth
Splaine, James	Tufts, J Arthur	Vallone, Matthew	Weldy, Norman Jr
Weyler, Kenneth			

STRAFFORD

Berube, Roger	Brown, Julie	Campbell, W Packy	Creteau, Irene
Dunlap, Patricia	Grassie, Anne	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Snyder, Clair
Taylor, Kathleen	Wall, Janet		

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Flint, Gordon Sr	Jones, Constance	Leone, Richard	

and Inexpedient to Legislate was adopted.

SPECIAL ORDER

SB 159-FN, relative to milfoil and other exotic aquatic weeds. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: This bill creates an access water permit fee to fund programs relative to milfoil and other exotic weeds. The bill creates a myriad of splits to the boat registration fees, thus creating a number of special accounts. The amount of revenue that will be created by this legislation is unknown and cannot be determined by the state agencies involved. Testimony did not reveal how this will resolve the milfoil issue, nor where there are any specific programs mentioned – only that more revenue is needed. This House passed legislation last session that added fees to the boat registration and directed those dollars into the milfoil problem. The Director of Marine Patrol has told us that he believes that this issue is best resolved on a regional basis rather than by individual states. The U.S. Fish and Wildlife Service, through the International Association of Fish and Wildlife agencies, has awarded New Hampshire a grant to study this issue on a regional basis. When this three-year grant is concluded, the four regions will get together and pool their resources to formulate a plan or model for all states to follow. We believe that this bill is not needed at this time, and we will be addressing this issue in the future with a better understanding of the problem. Vote 11-3.

Rep. Hinkle spoke against and yielded to questions.

Reps. Royce and Packard spoke in favor.

On a division vote, 263 members having voted in the affirmative and 65 in the negative, the committee report was adopted.

SPECIAL ORDER

HB 760-FN-A, establishing the New Hampshire healthy families trust fund, increasing the tobacco tax, and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. John M. Gibson for the Majority of Ways and Means: Any increase in the New Hampshire tobacco tax will create a noticeable effect on retailers along the border region. This could create a downward ripple effect on several important sources of revenue like the business enterprise tax, business profits tax, rooms and meals tax, gasoline tax, and the tax on beer and liquor. Reducing the rate of those who smoke in our state is a laudable goal. Any state-sponsored program to reduce the rate of smoking in New Hampshire should be prioritized in the budget of the Department of Health and Human Services during the budget process. This tax increase targets low- and middle-income smokers. Raising the tobacco tax will not guarantee a reduction of smokers in the state. This legislation also creates another dedicated fund in the State Budget. For the above-mentioned reasons, the majority of the committee voted Inexpedient to Legislate. Vote 13-6.

Rep. Susan W. Almy for the Minority of Ways and Means: New Hampshire has, by far, the lowest tobacco tax in the region. It also has among the highest smoking rates in the country, yet it spends less than any other state per capita on prevention and cessation. For the last few years, as the State contributed \$4.6 million annually toward these activities, the number of teen smokers dropped by 25-50%. The minority believes it is important to continue these tobacco prevention efforts and to increase them to the levels recommended by the national epidemiology center (CDC). Under the current budget, the State has invested \$1.6 million toward smoking reduction, but these dollars come from grants that will disappear due to the loss of matching funds. Our current low tobacco tax encourages youth smoking. By raising the tobacco tax, we could do a great deal to discourage childhood smoking and subsequent adult addiction. More teen smokers today means vastly higher health care costs, as well as productivity losses for the State's government, business and citizens in years to come. The new Commissioner of Revenue testified in March 2003 that a \$1.52 tobacco tax would conservatively generate \$102 million per year. By voting for this bill, the Legislature could restore the \$20 million in cuts to the Health and Human Services budget. By voting against it, we are increasing the burden for social welfare on our cities and towns, our seniors and disabled. We believe it is important to dedicate part of the revenues to reversing these cuts before sending the remainder (about \$80 million for 2005) to the Education Trust Fund to be distributed through legislative action for the reduction of escalating local property taxes.

LAID ON THE TABLE

Rep. Spiess moved that **HB 760-FN-A**, establishing the New Hampshire healthy families trust fund, increasing the tobacco tax, and making an appropriation therefor, be laid on the table.

On a division vote, 241 members having voted in the affirmative and 87 in the negative, the motion was adopted.

REGULAR CALENDAR (CONT'D.)

HB 1251-FN-A, establishing an income tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert J. Giuda for the Majority of Ways and Means: This bill, establishing an income tax, was introduced by its sponsor as a courtesy to a constituent. The sponsor then asked that the committee move ITL on this legislation. In light of the sponsor's request, the strong

disapproval of an income tax evidenced by the people of New Hampshire in the last election, and the fact that many of the questions regarding implementation posed by the committee went unanswered, the committee delivered a vote of inexpedient to legislate 15-4. Vote 15-4.

Rep. Susan W. Almy for the Minority of Ways and Means: The original author of this bill wanted to provide a way to fund the basic state services that our legislature has promised to NH businesses, communities and individuals. Over a decade ago Gov. Merrill's commission declared that we had a structural deficit – the cost of our mandates and basic needs was growing faster than our revenues, because our revenues were, and are, insufficiently tied to the real growth of our economy. The Business Enterprise Tax on wages was enacted at that time, but since then both mandates and the cost of providing basic services have increased, and our property taxes in particular are being increasingly burdened. The minority presented an amendment to do a study which would quantify the current structural gap, with the help of existing studies from NH economists. The legislature could then decide how it wished to act on this critical issue.

Reps. Peter Allen, Diamond and Almy spoke against.

Rep. Giuda spoke in favor.

Rep. Kennedy requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 318 NAYS 10

YEAS 318

BELKNAP

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

CARROLL

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

CHESHIRE

Allen, Peter	Dexter, Judson	Dunn, James	Eaton, Daniel
Espieffs, Peter	Fish, Douglas	Hunt, John	Laurent, John
Liebl, George	Mitchell, McKim	Parkhurst, Henry	Richardson, Barbara
Royce, H Charles	Slack, Pamela	Smith, Edwin	Tilton, Anna
Webber, Amy			

COOS

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

GRAFTON

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

HILLSBOROUGH

Adams, Jarvis	Allan, Nelson	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Baroody, Benjamin	Batula, Peter
Beaton, William	Bergeron, Jean-Guy	Bouchard, David	Brassard, Paul
Brundige, Robert	Bruno, Pierre	Buhlman, David	Cail, Kenneth
Carlson, Donald	Carter, Jeffrey	Carter, Mark	Cernota, Albert
Chabot, Robert	Christiansen, Lars	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Crane, Elenore	Desmarais, Vivian	Dionne, Kimberley	Dokmo, Cynthia
Casey			
Drisko, Richard	Elliott, Larry	Emerton, Larry	Fletcher, Richard
Gargas, Carolyn	Gibson, John	Gonzalez, Carlos	Gorman, Mary
Graham, John	Greenberg, Gary	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
Kopka, Angeline	Kurk, Neal	LaFlamme, Paul	Lasky, Bette
Lawrence, James	Lefebvre, Roland	Luebkert, Bernard	Malloy, Chris
Martin, Mary Ellen	McElroy, Henry Jr	McHugh, Claire	McRae, Karen
Mercer, Robert	Messier, Irene	Michon, Stephen	Mooney, Maureen
Moran, Edward	Mosher, William	Movsesian, Lori	O'Brien, Lori
Ober, Russell III	Palangas, Eric	Pappas, Christopher	Pappas, Marc
Pepino, Leo	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Ross, Lawrence	Scanlon, Michael	Schulze, Joan	Slocum, Lee
Souza, Kathleen	Spiess, Paul	Stepanek, Stephen	Sullivan, Francis
Sullivan, Peter	Sweeney, Cynthia	Tahir, Saghir	Vaillancourt, Steve
Wheeler, James	Wheeler, Robert		

MERRIMACK

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

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bicknell, Elbert	Bishop, Franklin
Blanchard, MaryAnn	Bridle, Russell	Cady, Harriet	Camm, Kevin
Carson, Sharon	Casey, Kimberley	Clark, Vivian	Coes, Betsy
Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert
Doyle, Christopher	Duffy, James	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Francoeur, Sheila	Gilbert, Karl	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	McKinney, Betsy	McMahon, Charles	Moore, Benjamin
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Pantelakos, Laura
Pitts, Jacqueline	Putnam, Ed II	Quandt, Matthew	Rausch, James
Robertson, Carl	Roessner, Kurt	Shultis, Elizabeth	Smith, Donald
Splaine, James	Stone, Joseph	Tufts, J Arthur	Vallone, Matthew
Varrell, Thomas	Waterhouse, Kevin	Weare, E Albert	Welch, David

Weldy, Norman Jr

Weyler, Kenneth

Wiley, Robert

Winchell, George

STRAFFORD

Bemis, Alan

Berube, Roger

Bickford, David

Campbell, W Packy

Cataldo, Sam

Creteau, Irene

Dunlap, Patricia

Easson, Timothy

Grassie, Anne

Hofemann, Roland

Hollinger, Jeffrey

Johnson, Nancy

Kaen, Naida

Knowles, William

Miller, Joseph

Newton, Clifford

Schmidt, Peter

Scott, David

Smith, Marjorie

Snyder, Clair

Taylor, Katherine

Taylor, Kathleen

Twombly, James

Wall, Janet

Woods, Phyllis

SULLIVAN

Allison, David

Burling, Peter

Cloutier, John

Ferland, Brenda

Flint, Gordon Sr

Jones, Constance

Leone, Richard

Rodeschin, Beverly

NAYS 10

BELKNAP

None

CARROLL

None

CHESHIRE

Meader, David

Robertson, Timothy

Weed, Charles

COOS

None

GRAFTON

Diamond, Estelle

HILLSBOROUGH

None

MERRIMACK

None

ROCKINGHAM

McEachern, Paul

STRAFFORD

Keans, Sandra

Musler, George

Rous, Emma

SULLIVAN

Donovan, Thomas

Phinizy, James

and the majority committee report was adopted.

BILLS REMOVED FROM CONSENT CALENDAR

HB 1268, relative to bank reserve and lending procedures. **INEXPEDIENT TO LEGISLATE**

Rep. Paul D. Spiess for Commerce: The intent of this bill as originally drafted, and subsequently amended by the sponsor, is to prohibit banks from making loans unless the deposits of the bank (demand, time and savings) are 100% secured by cash. This would have the practical effect of putting banks out of the lending business, as the only funds available to fund loans would be original capital, surplus or retained earnings and borrowed funds. This would have a catastrophic affect on the credit markets. Banks are required by federal and state law to maintain adequate capital to protect against unanticipated losses, adequate cash reserves to meet the liquidity and transaction needs of its customers, and loan loss reserves to protect against the risks of loss. These reserves are monitored by regulators on a regular basis, and each bank receives a full safety and soundness examination every

eighteen months. Vote 12-0.

Rep. Marple spoke against.

Rep. Spiess spoke in favor.

On a division vote, 294 members having voted in the affirmative and 25 in the negative, the committee report was adopted.

HB 1287, establishing a study committee to review insurance statutes and rules to assure conformity with the mission statement published by the insurance department.

INEXPEDIENT TO LEGISLATE

Rep. Paul D. Spiess for Commerce: The stated purpose of this bill is to create a study committee to determine if existing statutes and rules pertaining to insurance are in conformity with the “missions statement” of the insurance department. In public testimony we learned that the “mission statement” is an internally generated document developed by the staff as a result of a “management by objectives” exercise. As such, it has no statutory or official standing. It should be noted that the department could only exercise those powers which the legislature establishes. The committee believes that there is no valid purpose for pursuing this study. Vote 12-0.

Rep. Lars Christiansen spoke against.

Rep. Hunt spoke in favor.

Adopted.

HB 1206, establishing a committee to study the appropriateness of designating corporations as legal persons. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This bill would establish a committee to study whether to withdraw from corporations their status as legal persons, by means of which they acquire, like natural persons, the benefits and protection of relevant parts of the federal and New Hampshire Bills of Rights. The committee concluded that many of the specific issues raised by the sponsor and supporting witnesses implicated the commerce, contracts and supremacy clauses of the federal constitution that no enactment of the New Hampshire Legislature could affect. Moreover, the direction to which the study sought by the bill appears aimed is towards the theoretical, social and economic underpinnings of the entire capitalist system. This was not considered an appropriate subject for the use of the Legislature’s time and resources. Vote 18-0.

Rep. DeJoie moved that **HB 1206**, establishing a committee to study the appropriateness of designating corporations as legal persons, be made a Special Order for February 5, 2004 in its regular order in the Regular Calendar.

Adopted.

RESOLUTION

Rep. Hess offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 5, 2004.

Adopted.

LATE SESSION

Third reading and final passage

HB 1169, relative to child support calculations based on one-time or irregular income.

HB 1212, relative to the circumstances under which a juvenile may be committed to the youth development center until the age of 18.

HB 1414, establishing a commission to study issues regarding the women's prison facility.

HB 1334, relative to retention of records of fish and game law violations by the fish and game department.

HB 1290, establishing a study committee to examine time limits on eligibility for Temporary Assistance for Needy Families.

HB 1397, relative to youth suicide prevention.

HB 1154, relative to the Hanover-Lebanon district court and the Plymouth-Lincoln district court.

HB 1378-FN-A, relative to New Hampshire service medals for veterans of World War II, the Korean War, and the Vietnam War and making an appropriation therefor.

HR 20, supporting Taiwan's participation in the World Health Organization.

HR 23, urging the President and Congress to amend federal selective service and immigration laws to grant the right of citizenship to all immigrants honorably discharged from United States military service.

HB 1259, relative to the medical certification required for a walking disability plate or placard.

HB 1311-FN, establishing a committee to study decreasing the insurance premium tax.

HB 1370, establishing a committee to study property tax relief.

HB 1275-FN-A, relative to the role of the department of health and human services in juvenile proceedings.

HB 1170, establishing a committee to study access to medical records of persons with highly communicable diseases.

HB 243, relative to motor vehicle exhaust noise standards.

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 12:10 p.m.

RECESS