

HOUSE RECORD

Second Year of the 159th General Court Calendar and Journal of the 2006 Session

Vol. 28

Concord, N.H.

Tuesday, March 21, 2006

No. 27

HOUSE JOURNAL No. 9 (cont.)

Thursday, March 9, 2006

Rep. Weyler moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 10

Tuesday, March 21, 2006

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

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Jared Rardin, Pastor of the South Congregational Church in Concord.

O Holy Presence, ground of our being, comforter of our wounds, source of everything in us and around us that is free, that is joy, that is just; we gather together this morning with some special people in our thoughts, and we offer their care up to You at the outset of this day. Be with Karen Wadsworth as she recuperates from surgery. Be with Robert Barker who is struggling mightily with cancer, giving comfort and strength we pray to him, to his daughter, Crystal and their whole family. Be with any here today who has recently lost someone, who are suffering in body, in mind or in spirit. Grant to them a springtime renewal of hope and courage. Be with the homeless, the hungry, the displaced and the poor of this state as they struggle each day simply to make it through until tomorrow.

And be with us today as we debate several issues which are close to our hearts and consciences. In our work here, help us, we ask, always to seek to elevate the condition and the well-being of all those who live in this state, but especially those who are most prone to being marginalized. Open us to endless possibilities, free us from all prejudice, and make us, we pray, truly servants of Your grace and Your love. All this we ask in Your Holy Name.
Amen.

Rep. Tim O'Connell, the member from Milford, led the Pledge of Allegiance.

The National Anthem was sung by Mrs. Meegan Gagnon from Manchester.

LEAVES OF ABSENCE

Reps. Barker, Carlson, Chabot, Clemons, Gibson, Hunter, Kobel, Lefebvre, Maybeck, Messier, Putnam and Snyder, the day, illness.

Reps. Aguiar, Ahlgren, Bridle, Danforth, Dexter, Donahue, Giuda, Gonzalez, Langley, Moore, Norelli, Reed, Stella Scamman, Katherine Taylor, Twombly and Wiley, the day, important business.

Reps. MaryAnn Blanchard, Naro and Shaw, the day, illness in the family.

INTRODUCTION OF GUESTS

Steve Pauwels, guest of Rep. Mark Clark. Deborah and Ian Paul Donahue and Heather Bopp, sister, nephew and guest, of Rep. Irish. Lin Wierwille, guest of Rep. Nordgren. Mrs. Eva Loudon, grandmother of Rep. Hansen. Suzie Harding and Sara Mason, mother and daughter of Rep. Harding. Christina Schmidt, guest of Reps. Hagan and Souza. Michael Buchan, guest of Rep. Hammond. Rep. Peter Glenshaw, guest of Rep. Bleyler. Staff Sergeant George Sprague, Iraq war veteran, guest of Reps. Shattuck and Essex. Nathan Gagnon, husband of today's singer, guest of the House. Hillary Bailey, a ninth grade student from Merrimack Valley High School, Page for the Day.

COMMITTEE REPORTS

CONSENT CALENDAR

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

Consent Calendar adopted.

Rep. Pelkey filed a Conflict of Interest on HB 1645 and did not participate.

SPECIAL ORDER

HB 1331, relative to the New Hampshire Temporary Assistance to Needy Families (TANF) program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Neal Kurk for Finance: This bill is the first step in revising the state's welfare program (Transitional Assistance to Needy Families, or TANF) to comply with the changes to the program mandated by Congress last month. These changes include increasing TANF recipients' participation in the work force to 50% or face significant financial penalties, starting in October of this year. Federal rules implementing the program have yet to be written. The bill, as introduced, was a study committee. Just before reporting deadlines, the Department of Health and Human Services (HHS) proposed an amendment to the Health, Human Services and Elderly Affairs Committee which, under time pressure, adopted it without referral to a subcommittee or any in-depth examination. The bill passed the House and was referred to Finance. Finance determined that the amendment contained significant policy decisions that had not received a public hearing or policy committee consideration. It also determined that many other policy decisions were to be made through the rules process and not through the legislative process. Furthermore, it was unable to determine the fiscal impact of the amendment. As a result, Finance amended the bill to take out the policy and rules issues, retaining only those changes in state statute that were mandated by Congress. The bill is thus "policy neutral". The committee understands that HHS will be proposing a significantly different amendment in the Senate. Commissioner Stephen stated that he will also present the amendment to the policy and Finance committees so that the amendment

can be studied and policy decisions and financial consequences determined. This will put the House in the best possible position in the inevitable committee of conference to revise the TANF program in ways that reflect its position. Vote 19-0.

Amendment (1336h)

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

1 New Hampshire Employment Program and Family Assistance Program; Statement of Purpose. Amend RSA 167:77 to read as follows:

167:77 Statement of Purpose.

I. The purpose of this subdivision is to reform welfare through the vehicle made available by the federal government~~[, whether through block grants or by a federal waiver. If a waiver is necessary, it is the intent of the general court that the commissioner of the department of health and human services request such a waiver so that this subdivision may be implemented]~~. To the extent permitted by federal law, it is the intent of the general court to ~~[replace the aid to families with dependent children program with]~~ **operate the Temporary Assistance to Needy Families (TANF) program through 2 subprograms:**

(a) The New Hampshire employment program which shall provide financial assistance for families with dependent children when the children are cared for by a parent or relative who is receiving assistance and is considered to be able-bodied for employment.

(b) The family assistance program which shall provide financial assistance for families with dependent children when the parent or other relative is considered unable to work due to a physical or mental disability or the children are cared for by a relative other than a parent who is not receiving assistance.

II. ~~[Such replacement establishes]~~ The New Hampshire employment program and the family assistance program ~~[as the]~~ **are** cash assistance programs upon which Medicaid and Food Stamps are automatically granted in the same relationship ~~[as under the AFDC program]~~.

III. ~~[A waiver or a block grant may be phased in, at the discretion of the commissioner. If there is a phasing-in then the existing AFDC/JOBS program may be maintained in all or part of the state at the discretion of the commissioner. To the extent that some portions of the state are covered by the AFDC/JOBS program, the statutes and rules governing that program shall apply and be in effect.]~~ Notwithstanding any other laws to the contrary, the New Hampshire employment program and family assistance program shall be covered by this subdivision and the rules adopted under the authority of this section. All statutory provisions within RSA 161 and 167 which are not inconsistent with the provisions of this subdivision shall remain in full force and effect and shall apply to the New Hampshire employment program and the family assistance program.

IV. The New Hampshire employment program shall promote economic independence and help maintain and strengthen family life by enabling able-bodied persons with dependent children to assume responsibility for their families through the dignity of work. Work shall be promoted by:

(a) Offering employment services, support services, and transitional financial assistance with the expectation that participants move quickly towards employment.

(b) Developing long-term employment skills that lead to self-sufficiency.

(c) Recognizing the equal responsibility of both parents to provide economic support for their children.

V. The goals of the New Hampshire employment program shall be to:

(a) Eliminate or reduce the harmful effects of poverty on families and children by fostering employment and opportunity as a means to economic independence.

(b) Assist participants to gain employment as rapidly as possible, given due consideration to individual circumstances, labor market conditions, the needs of the dependent children for continuing care and protection, and the ultimate goal of long-term economic independence.

(c) Eliminate the stigma of welfare by promoting a philosophy and perception that the purpose of welfare is to eliminate or reduce the harmful effects of poverty on families and children by promoting work opportunities for all New Hampshire residents.

(d) Support and coordinate with activities that promote self-sufficiency and strengthen family life.

(e) Provide a comprehensive support service package that includes: medical assistance, food stamps, child care, transportation, child support, and other support services necessary to promote economic independence.

(f) Promote successful transition from public assistance through the provision of job readiness activities, training, and education activities concurrently with employment or seeking employment, family support skills, and follow-up services for problem resolution and job advancement.

(g) Develop partnerships with employers to create job opportunities and meet the needs of both employers and participants.

(h) Provide a program where it is more advantageous to work than not to work by rewarding self-sufficiency.

(i) Implement a program that is clear, focused, and simple to administer.

VI. The goals of the family assistance program shall be to:

(a) Eliminate or reduce the harmful effects of poverty on families and children by providing financial assistance and medical assistance only to families with children in a manner compatible with decency and health.

(b) Promote employment opportunities ~~[on a voluntary basis]~~.

2 Definition of Employment-Related Activities. RSA 167:78, IX is repealed and reenacted to read as follows:

IX. "Employment-related activities" mean activities that meet the federally defined work activities in The Personal Responsibility and Work Opportunity Reconciliation Act, Public Law 104-193, Section 407(d) of the Social Security Act, as amended by the Deficit Reduction Act of 2005, and further defined in rules adopted pursuant to RSA 541-A.

3 Employment Program; Eligibility. Amend RSA 167:79, II to read as follows:

II. The following persons shall be included in the assistance group, unless such person receives state supplemental assistance or supplemental security benefits under Title XVI of the Social Security Act, foster care or adoption assistance, if living in the same household or temporarily absent from the household: any dependent child and all minor blood-related, step, or adoptive brothers and sisters, and all natural, step, or adoptive parents of such children, ***including cohabitating adults who share a minor child***. In the case of a minor parent, the assistance unit may also include all natural, step, or adoptive parents of the minor parent and all minor blood-related, step or adoptive brothers and sisters. If the parents are not residing together a child shall be considered residing with the parent who has physical custody of the child the majority of the time.

4 Employment Program; Requirement to Prevent Reduction in Benefits. Amend RSA 167:79, VI (c) to read as follows:

(c) A parent/caretaker relative and case members shall cooperate with ~~[all employment-related activities of]~~ ***required appointments for entry into*** the employment program.

5 Employment Program Characteristics. Amend RSA 167:82 to read as follows:

167:82 Employment Program Characteristics.

I. The program shall provide financial assistance to assistance groups who meet and comply with all the eligibility ***and employment program participation*** requirements under RSA 167:79, 167:80, and 167:81.

II. The following persons shall be temporarily deferred from the participation ~~[requirements in RSA 167:85, 167:90, and 167:91]~~ ***in employment-related activities***:

(a) Dependent children under the age of 16.

(b) Dependent children age 16 or older who are full-time students in an elementary, secondary, vocational/technical school, or the equivalent.

(c) ~~[One]~~ A parent or caretaker relative ~~[per assistance group]~~ who is personally providing care for a child under the deferral age established by the department by rules adopted pursuant to RSA 541-A.

(d) A parent or caretaker relative who is 60 years of age or older.

(e) A pregnant woman as defined by the department by rules adopted pursuant to RSA 541-A.

(f) A person who is employed full-time as defined by the department by rules adopted pursuant to RSA 541-A.

(g) A person who is temporarily unable to participate in program requirements due to illness or incapacity as certified by a licensed physician or board certified psychologist. The physician or psychologist shall certify, on a form provided by the department, the duration and limitations of the disability.

(h) A parent or caretaker relative required to be in the home to care for another relative or assistance group member who resides in the same household due to that member's illness, or incapacity or disability; and there are no other household members to provide the care; and required care is considered necessary by a licensed physician or board certified psychologist. The physician or psychologist shall certify, on a form provided by the department, the duration that care is required.

(i) A person with significant employment-related barriers, as determined by the department by rules adopted pursuant to RSA 541-A, that prevent the person from accepting immediate employment.

(j) Any other person as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

III. Financial assistance for an assistance group shall be reduced if a parent or caretaker relative of the assistance group:

(a) Fails to assign child support rights to the department.

(b) Fails to cooperate with child support requirements without good cause. A parent or caretaker relative shall have good cause for noncooperation with child support requirements when efforts to establish paternity or secure support are against the best interests of the child or parent or caretaker relative or when efforts to establish paternity or secure support can reasonably be anticipated to result in physical or emotional harm to the child or parent or caretaker relative. A parent or caretaker relative shall also have good cause for noncooperation with child support requirements when at least one of the following conditions exists:

(1) The child for whom support is sought was conceived as a result of incest or forcible rape;

(2) Proceedings for adoption of the child are pending in a court; or

(3) A social service agency is helping the parent or caretaker relative decide whether to relinquish the child for adoption, and the discussions have not occurred for more than 3 months.

(c) Voluntarily quits a job consisting of at least 20 hours of work per week without good cause 60 days or less prior to the date of application for financial assistance, and such parent or caretaker relative has not become reemployed at a level consisting of at least 20 hours of work per week. Good cause for leaving employment shall include any of the following:

(1) Discrimination by an employer based on age, race, sex, color, physical or mental disability, religious belief, national origin, or political beliefs;

(2) Work demands or conditions that render continued employment unreasonable, including but not limited to, employment in which the degree of risk to health or safety is unreasonable or employment yielding weekly earnings of less than the state or federal hourly minimum wage;

(3) Resignation by a person under the age of 60 which is recognized by the employer as retirement;

(4) Employment which becomes or is revealed to be unsuitable following acceptance of such employment, including, but not limited to, employment which the parent or caretaker relative is physically or mentally unfit to perform, or employment in which the distance from the parent or caretaker relative's home to the place of employment is unreasonable considering the wage and the time and cost of commuting;

(5) Acceptance by the parent or caretaker relative of **new** employment~~[-or enrollment of at least half-time in any recognized school, training program or institution of higher education,]~~ that requires the parent or caretaker relative to leave **current** employment;

(6) Leaving a job in order to accept a bona-fide job offer which job offer, because of subsequent circumstances beyond the control of the applicant, is withdrawn or results in employment of fewer than 20 hours per week or weekly earnings of less than the state or federal hourly minimum wage;

(7) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work, even though employment at the new site has not actually begun;

(8) Leaving a job because of circumstances beyond the control of the parent or caretaker relative which render continued employment impracticable, including but not limited to, lack of transportation or child care, or illness, incapacity or disability of the parent or caretaker relative, or illness, incapacity or disability of another household member serious enough to require the presence in the home of the parent or caretaker relative, net loss of cash income, required court appearance, or mandated appointments; or

(9) Other good cause.

(d) Voluntarily quits or refuses a job without good cause as defined in RSA 167:82, III(c) while receiving financial assistance. A parent or caretaker relative shall be considered to have voluntarily quit a job while receiving financial assistance if such person fails to report for work without good cause as defined in RSA 167:82, III(c), resulting in the termination of the parent or caretaker relative's employment while receiving assistance. A parent or caretaker relative who is fired or resigns from a job at the request of the employer due to such person's inability to maintain the employer's normal work productivity standard shall not be considered to have voluntarily quit the job.

(e) Fails to comply without good cause with ongoing participation requirements in RSA 167:85, 167:88, 167:90, or 167:91. Good cause shall exist when circumstances are beyond the participant's control, including, but not limited to, lack of transportation or child care, or illness, incapacity or disability of the participant, or illness, incapacity or disability of another household member serious enough to require the presence in the home of the participant, net loss of cash income, required court appearance, mandated appointments, or unreasonable risk to the health or safety of any household member.

(f) Fails to comply with other eligibility requirements as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

IV. Financial assistance for an assistance group shall be reduced if a non-deferred dependent child of the assistance group:

(a) Fails to comply without good cause with ongoing participation requirements as required by RSA 167:85, 167:88, 167:90, or 167:91. Good cause shall exist when circumstances are beyond the participant's control, including, but not limited to, lack of transportation or child care, or illness, incapacity or disability of the participant, or illness, incapacity or disability of another household member serious enough to require the presence in the home of the participant, net loss of cash income, required court appearance, mandated appointments, or unreasonable risk to the health or safety of any household member.

(b) Failure to comply with other eligibility requirements as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

V. The department shall establish reduction rates, and the duration of the reduction for reductions under RSA 167:79, VI, 167:82, III, and 167:82, IV by rules adopted pursuant to RSA 541-A. The initial reduction rate imposed on any household shall be determined by disregarding the needs of the participant who is out of compliance, but not the needs of the dependent children. If the participant remains out of compliance at the end of the initial reduction period, then a greater reduction may be imposed which partially disregards the needs of the dependent children. No reduction shall be imposed on a household unless the participant who is out of compliance has received prior written notice of the reason for the reduction of assistance and the specific actions which must be taken in order to reinstate full assistance. No reduction shall be imposed which disregards the needs of the children when the parent or caretaker relative who is out of compliance lacks the means necessary to immediately come into compliance.

VI. Participants shall be eligible for medical assistance as categorically needy provided they receive financial assistance under this subdivision, or are otherwise eligible to receive such assistance but do not. An assistance group that becomes ineligible due to new or increased earnings shall remain eligible for medical assistance for 12 months from when the assistance group became ineligible ***pursuant to rules adopted under RSA 541-A.***

VII.(a) Financial assistance payments shall be based on the characteristics of the assistance group under this section and the standard of need and payment standard as authorized in RSA 167:7, II. The financial assistance grant is the difference between the assistance group's net income and the payment standard. The financial assistance payments may be contingent on the performance of program activities and may be made after the performance of such program activities. The following disregards and deductions shall be allowed in determining net income:

- (1) An applicant earned income disregard.
- (2) A participant earned income disregard.
- (3) A deduction for all amounts actually paid by the assistance group for court-ordered payments.
- (4) A deduction for amounts actually paid for child care expenses not to exceed the applicable rate as determined by the department by rules adopted pursuant to RSA 541-A.
- (5) [Repealed.]
- (6) Any other disregard or deduction established by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

(b) The department may establish the amount of the earned income disregard or any other disregard or deduction by rules adopted pursuant to RSA 541-A.

VIII. When the department has made a final determination that a parent or caretaker relative, without good cause, has failed to comply with employment program work requirements under RSA 167:85, and assistance to the household has been reduced ***or closed*** pursuant to RSA 167:82, III(c)-(e) or IV(a), the amount of reduction shall be a qualified state assistance reduction. The reduction ***or closure*** shall remain a qualified state assistance reduction for so long as the parent or caretaker relative is a New Hampshire employment program recipient and maintains the present ability to cure the reduction by complying with employment program work requirements. The department shall provide advance notice to the parent or caretaker relative of the amount and effective date of the qualified state assistance reduction ***or closure*** and that a city or town may consider the amount as deemed income for purposes of calculating eligibility for and the amount of general assistance. Upon request, the department, in a timely manner, shall make available to the welfare administrator of any city or town information as to the existence and amount

of any qualified state assistance reduction **or closure amount** that has been imposed on any person applying for assistance from that municipality.

6 Infringement on Rights of Other Employees Prohibited. Amend RSA 167:82-a, I to read as follows:

I. The employment program shall not ~~[use participants]~~ **permit individuals to participate in the employment program** in any way contrary to federal law under section 407(f) of the Social Security Act.

7 Rulemaking; Notice Requirements. Amend RSA 167:83, II(b) to read as follows:

(b) Notification of case decisions which affect the **type or** amount of benefits, ~~[or]~~ **the** level of eligibility ~~[to participants]~~, or changes in participation requirements.

8 Rulemaking. Amend RSA 167:83, II(o) to read as follows:

(o) **Operation of the employment program and employment-related activities as required by The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, and the Deficit Reduction Act of 2005.**

(p) Any other matters necessary to implement the program in a manner that promotes the purpose and goals of this subdivision.

9 Right to Notice of Type and Amount of Benefits. Amend RSA 167:83, III(c) to read as follows:

(c) To be notified of the decision relative to eligibility, and **benefit amounts and** of any changes which affect the benefit amount, the level of eligibility, or changes in participation requirements.

10 Family Assistance Program. Amend RSA 167:84, I and II to read as follows:

I. The family assistance program shall provide financial assistance for dependent children who:

~~[(a) Are deprived of parental support or care by reason of death, continued absence from the home, physical or mental incapacity, or the unemployment or underemployment of a parent; and~~

~~(b) Reside with either their nonable-bodied specified relative or a caretaker relative who is not included in the assistance group. Financial assistance shall be provided to the parents of the dependent child. Financial assistance may be provided to the nonable-bodied caretaker relative.]~~

(a) Are cared for by a caretaker relative who is not included in the assistance group.

(b) Are cared for by a specified relative and does not meet the definition of RSA 167:78, I.

(c) Are cared for by caretaker relative who is included in the case and does not meet the definition of RSA 167:78, I.

II. An applicant shall meet all eligibility requirements under RSA 167:79, II, III, IV, V, VI(a), 167:80 and 167:81 to be eligible for financial assistance under this section, and shall be subject to applicable sanctions **or case closures** under RSA 167:82, III(a), III(b), and III(f).

11 Specialized Employment-Related Activities. Amend the section heading and introductory paragraph of RSA 167:91 and RSA 167:91, I-VI to read as follows:

167:91 Specialized ~~[Services]~~ **Employment-Related Activities**. The following describes ~~[the employment program specialized services]~~ **certain specialized employment-related activities** and associated participant requirements:

I. Each participant less than ~~[24]~~ **20** years of age, who is not enrolled in school and who does not have a general education diploma (GED) or a high school diploma (HSD) shall:

(a) Actively pursue an education designed to prepare such person to qualify for a high school equivalency diploma; or

(b) Enroll in school to pursue a high school diploma.

II. Each participant required to pursue an education under paragraph I and who is unable to obtain a GED or HSD in a specified period of time may be offered services to enhance basic literacy and work skills.

III. A participant shall be permitted to volunteer to participate under paragraphs I and II as funding and resources permit.

IV. The commissioner may offer English as a Second Language services.

V. A participant shall be exempt from the requirements of paragraphs I and II if:

(a) The participant is unable to successfully complete educational activities and is willing and able to participate in job search activities; or

(b) The participant's involvement in educational activities is inappropriate, based on assessment and the employment goals established in the employment contract, and such goals do not require a high school diploma or equivalent.

VI. The commissioner may provide on-the-job training. A participant shall make satisfactory progress in the employment placement to continue to qualify as an employment-related activity under the employment program *and be an approved activity under The Personal Responsibility and Work Opportunity Reconciliation Act, as amended by the Deficit Reduction Act of 2005.*

12 Repeal. The following are repealed:

I. RSA 167:78, XXVI, relative to benefits program.

II. RSA 167:85, II(a), (b), and (c), relative to job search requirements in the calculation of certain employment-related activity.

13 Legislative Oversight. The oversight committee established by RSA 126-A:13 shall monitor changes to the state TANF program made pursuant to this act and shall provide informational meetings on such changes to the general court.

14 Effective Date. This act shall take effect June 30, 2007.

HB 1593-FN-L, relative to the construction of high school athletic fields in the town of Bedford. **OUGHT TO PASS**

Rep. Kenneth Weyler for Finance: School construction aid can include not only the buildings but also the athletic fields and the cost of that property. This bill introduces a new concept and likely future savings to the state's construction aid account. Although the original bill was specific to the town of Bedford, it was amended before it came to the Finance Committee. The bill now allows school building aid to be used to improve municipally owned buildings or lands to be used for athletic fields or any other school district purpose if the costs are lower than they would be if they involved new acquisition. Vote 19-0.

HB 1601-FN-L, relative to the funding of catastrophic special education aid and making an appropriation to the department of education to support the Laurent Clerc Academy

REFER FOR INTERIM STUDY

Rep. Linda T. Foster for Finance: This bill came to the committee very late in the session and involves very complex fiscal issues and policy. For example, the committee learned that some districts net out funds from other state sources when calculating catastrophic aid, and some don't. The committee will explore and research this and other related issues and construct legislation to be considered in the next session. Vote 19-0.

HB 1611-FN, relative to reimbursement for personal care services. **OUGHT TO PASS**

Rep. Mary Jane Wallner for Finance: The Finance Committee found that this bill will not increase state expenditures. The bill will allow Health and Human Services to, in certain cases, reimburse a parent for providing personal care to a child with special health care needs. Vote 19-0.

HB 1645-FN, relative to fireworks display permits, the position of permissible fireworks inspector, and the sale of permissible fireworks **REFER FOR INTERIM STUDY**

Rep. Peter Franklin for Finance: The hearings held on this bill led the Finance Committee to the conclusion that the bill needs much work. The committee recommendation is for Interim Study, with representation of Finance, Ways and Means and Criminal Justice. If a full time classified position of Fireworks Inspector is to be established, it should be carefully defined and funding should be established. This and all other matters of disagreement should be resolved. Vote 18-0.

HB 1227-FN, relative to late fees and reinstatement fees paid by business entities. **OUGHT TO PASS**

Rep. Christine C. Hamm for Ways and Means: This bill, as introduced, as corrective legislation, at the request of the Secretary of State's office, came to Ways and Means after passing the Commerce Committee 14-0 and the full House on the Consent Calendar. It requires the repayment of erroneously imposed fees, and changes certain late fees from \$25 per month to \$50 per year. Vote 17-1.

HB 1470, relative to overweight vehicle permit fees. **OUGHT TO PASS**

Rep. Philip G. Osgood for Ways and Means: This bill allows an increase in fees for special permits to allow trucks to operate on the state highway system at a weight greater than its registered gross weight. This is a point A to point B permit and is required every time a trucker is going to exceed the registered weight of the truck. These fees have not been increased in over 10 years. The committee voted unanimously in favor of this increase. Vote 15-0.

SPECIAL ORDERS FROM MARCH 9, 2006

HB 1177, prohibiting smoking in restaurants and cocktail lounges. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sheila T. Francoeur for the Majority for Commerce: This bill will prohibit smoking in restaurants and cocktail lounges in New Hampshire. Current law allows smoking in restaurants with seating for fewer than 50 and in segregated areas having a physical barrier of 56 inches in height and a four foot wide separation. This bill will change that. Over the years much information has been provided proving that second hand smoke is dangerous and, in fact, that second hand smoke kills. Smoking in restaurants and cocktail lounges is a health issue for the employees in these establishments and for the patrons. There has been concern in the past that prohibiting smoking in these establishments would cause an economic hardship on our restaurant industry as their business would go across the border. That threat is no longer viable as all of our border states have gone smoke free. It should also be noted that the New Hampshire Lodging and Restaurant Association has not opposed this bill as they have done in the past. Additionally, studies have proven that in states that have enacted smoking bans business has not declined but actually increased and increased the revenue derived from the rooms and meals tax. The amendment clarifies the language in the original bill and in the Indoor Smoking Act. The majority of the committee believes that this bill is pro-health and pro-business and strongly recommends its passage. Vote 14-3.

Rep. Jane S. Langley for the Minority for Commerce: The minority believe that business owners know best how to satisfy their customers, and they, rather than the government, should be allowed to decide whether to allow, restrict or ban smoking in their establishments. Many, or most, have already decided to go smoke-free. Any action on our part will only make matters worse. The owners know their customers and should be the ones to accommodate their desires. New Hampshire is surrounded by states with smoking bans. Many residents of these states now patronize restaurants and bars in New Hampshire border communities. The economic benefit this provides will be lost if this ban is passed. This could make a difference in our rooms and meals tax, tobacco tax, liquor tax, business tax, not to mention the lottery sales. With a 3.3% unemployment rate in New Hampshire, it is unlikely a waitperson could not find employment elsewhere if they do not care to work in a

smoking establishment. A smoking ban has been considered many times in the past and this House has rejected it. A large number of restaurants have gone smoke-free depending upon local circumstances. Again, let the market decide.

Majority Amendment (1172h)

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

AN ACT prohibiting smoking in restaurants, cocktail lounges, and certain enclosed public places.

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

1 Indoor Smoking Act; Definition of "Effectively Segregated." Amend RSA 155:65, V to read as follows:

V. "Effectively segregated" means all the following conditions have been met:

(a) Procedures for accurately and fairly determining preference have been followed;

(b) The size and location of no-smoking and smoking-permitted areas are designed, designated, or juxtaposed so that smoke does not cause harm or unreasonably intrude into the area occupied by persons who are not smoking;

~~[(c) A contiguous portion of the enclosed public place, including any seating arrangements, measures a minimum of 200 square feet, and at least one of the following 2 contingencies exist:~~

~~(1) There is a continuous, physical barrier such as a wall, partition or furnishing at least 56 inches in height to separate the no smoking area from a smoking-permitted area. The barrier may contain doors or portals for exit and entry; or~~

~~(2) There is a space of at least 4 feet in width to separate the smoking-permitted and no smoking areas. This space may be either an unoccupied area or a section of seating area representing a buffer zone in which smoking is not permitted, but which itself is not part of the no smoking designated area;] and~~

~~[(d)] (c) In buildings where existing ventilation systems are in place, areas designated as smoking areas are located, where reasonably possible, proximate to exhaust vents.~~

2 Indoor Smoking Act; Definition of "Restaurant." Amend RSA 155:65, XIV to read as follows:

XIV. "Restaurant" means any room or enclosed place used and kept open on a regular basis and in a bona fide manner for the serving of meals to guests for compensation. ***"Restaurant" shall include any restaurants in resorts, hotels, and motels.***

3 Indoor Smoking Act; Smoking Prohibited. RSA 155:66 is repealed and reenacted to read as follows:

155:66 Smoking Prohibited.

I. Except as provided in RSA 155:67 and notwithstanding any law to the contrary, smoking is prohibited in:

(a) Public educational facilities at any time, and in child care agencies licensed under RSA 170-E during the hours of operation, except foster family homes and foster family group homes.

(b) Hospitals and other acute care facilities.

(c) Grocery stores by customers.

(d) Elevators, tramways, gondolas, and other such public conveyances.

(e) Public conveyances.

(f) Restaurants.

(g) Cocktail lounges.

(h) Enclosed places owned and operated by social, fraternal, or religious organizations when open to the general public. Purposes for which such places may be open to the general public may include, but not be limited to, public meetings, voting, suppers, bingo games, theatrical events, fairs, and bazaars.

II. Smoking may be permitted in enclosed places of public access and publicly-owned buildings and offices, including workplaces, other than those listed in paragraph I, in effectively segregated smoking-permitted areas designated by the person in charge. Smoking shall be totally prohibited in any such enclosed place, if smoking cannot be effectively segregated. The person in charge may declare any facility non-smoking in its entirety.

4 Repeal. The following are repealed:

I. RSA 155:67, VIII, relative to an exemption for certain restaurants.

II. RSA 155:67, IX, relative to an exemption for cocktail lounges.

5 Effective Date. This act shall take effect 90 days after its passage.

AMENDED ANALYSIS

This bill prohibits smoking in restaurants, cocktail lounges, and certain enclosed public places in New Hampshire.

This bill clarifies the smoking prohibited section of the indoor smoking act.

This bill also clarifies certain definitions under the indoor smoking act.

Reps. Hunt, Weyler and Cilley spoke against.

Reps. Holden spoke against and yielded to questions.

Reps. Pelkey MacKay and Sheila Francoeur spoke in favor and yielded to questions.

(Rep. Price in the Chair)

Rep. Sheila Francoeur requested a roll call; sufficiently seconded.

The question being adoption of the majority committee amendment (1172h)

YEAS 177 NAYS 164			
YEAS 177			
BELKNAP			
Clark, Charles	Fitzgerald, James	Flanders, Donald	Heald, Bruce
Millham, Alida	Morrison, Gail	Rosen, Ralph	Thomas, John
Whalley, Michael			
CARROLL			
Babson, David Jr	Brown, Carolyn	McConkey, Mark	Olimpio, J Lisbeth
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Espieffs, Peter	Foote, Sheila	Hogancamp, Deborah
Mitchell, Bonnie	Pelkey, Stephen	Plifka, Stanley Jr	Roberts, Kris
Robertson, Timothy	Weed, Charles		
COOS			
Merrick, Scott	Remick, William	Stohl, Eric	Tholl, John Jr
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Williams, Burton		

HILLSBOROUGH			
Batula, Peter	Beaulieu, Jane	Bergin, Peter	Boehm, Ralph
Brassard, Paul	Calawa, Leon Jr	Chase, Claudia	Cote, David
Coughlin, Pamela	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Egbers, Fran	Emerton, Larry
Essex, David	Foster, Linda	Gargasz, Carolyn	Garrity, Patrick
Ginsburg, Ruth	Hall, Betty	Harvey, Suzanne	Infantine, William
Irwin, Anne-Marie	Jean, Claudette	Jeudy, Jean	Kopka, Angeline
Lasky, Bette	Matarazzo, Anthony Sr	Michon, Stephen	Mooney, Maureen
Pappas, Christopher	Pilotte, Maurice	Price, Pamela	Rochette, Eric
Schulze, Joan	Smith, David	Sullivan, Francis	Sullivan, Peter
Velez, Hector	Villeneuve, Maurice	Wheeler, Robert	
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	DeJoie, John
DeStefano, Stephen	Field, William	Foose, Robert	French, Barbara
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Hamm, Christine
Hess, David	Kidder, David	L'Heureux, Stephen	MacKay, James
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Walz, Mary Beth	Whiting, Herbert	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Buxton, Donald	Cali-Pitts, Jacqueline	Casey, Kimberley
Cooney, Richard	Dalrymple, Janeen	Dowd, John	Flanders, John Sr
Flockhart, Eileen	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Johnson, Robert
Mason, April	Moody, Marcia	O'Neil, Michael	Pantelakos, Laura
Powers, James	Rolston, James	Sanders, Elisabeth	Serlin, Christopher
Splaine, James	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Wells, Roger	Winchell, George	Zolla, William
STRAFFORD			
Brown, Julie	Brown, Lawrence	Callaghan, Frank	Chaplin, Duncan
Creteau, Irene	Dunlap, Patricia	Grassie, Anne	Hilliard, Dana
Kaen, Naida	Keans, Sandra	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Wall, Janet			
SULLIVAN			
Cloutier, John	Donovan, Thomas	Franklin, Peter	Gale, Harry
Houde-Quimby, Charlotte	Irish, Christopher	Jillette, Arthur Jr	Prichard, Stephen
NAYS 164			
BELKNAP			

Allen, Janet	Boyce, Laurie	Nedeau, Stephen	Russell, David
Tilton, Franklin	Tobin, William	Veazey, John	Wendelboe, Fran
CARROLL			
Buco, Thomas	Chandler, Gene	Dickinson, Howard	Merrow, Harry
CHESHIRE			
Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Hunt, John
Parkhurst, Henry	Pratt, John	Richardson, Barbara	Sawyer, Sheldon
Tilton, Anna			
COOS			
Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Morneau, Renney	Richardson, Herbert	Theberge, Robert	
GRAFTON			
Gionet, Edmond	Ingbretson, Paul	Mirski, Paul	Sorg, Gregory
Ward, John			
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Allan, Nelson	Balboni, Michael
Baroody, Benjamin	Barry, J Gail	Bergeron, Jean-Guy	Biundo, Michael
Brundige, Robert	Buhlman, David	Campbell, David	Carew, James
Carter, Mark	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Cote, Peter	Dyer, Donald	Elliott, Nancy	Golding, William
Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Haley, Robert	Hansen, Ryan	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph
Jasper, Shawn	Johnson, Paula	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Lessard, Rudy	Manney, Pamela	McRae, Karen
Mead, Robert	Moran, Edward	Movsesian, Lori	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Reeves, Sandra	Renzullo, Andrew
Ross, Lawrence	Rowe, Robert	Ryder, Donald	Shattuck, Gilman
Shaw, Barbara	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Wheeler, James
MERRIMACK			
Anderson, Eric	Clarke, Claire	Currier, David	Kennedy, Richard
Klose, John	Langlais, Thomas	Lockwood, Priscilla	Marple, Richard
Maxfield, Roy	Oliver, James	Tupper, Frank	
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Cady, Harriet	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	DiFruscia, Anthony	Dowling, Patricia
Dumaine, Dudley	Fesh, Bob	Forsing, Robert	Headd, James
Hopfgarten, Paul	Hughes, Daniel	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Itse, Daniel	Katsakiores, George	Katsakiores, Phyllis
Lund, Howie	Major, Norman	McKinney, Betsy	McMahon, Charles

Nowe, Ronald	Packard, Sherman	Palazzo, Frank	Parker, Benjamin
Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl
Robinson, John	Welch, David	Weldy, Norman	Weyler, Kenneth
STRAFFORD			
Albert, Russell	Berube, Roger	Brown, Jennifer	Campbell, W Packy
Cataldo, Sam	Cilley, Jacalyn	Domingo, Baldwin	Easson, Timothy
Heon, Richard	Hofemann, Roland	Hollinger, Jeffrey	Johnson, Nancy
Knowles, William	Newton, Clifford	Taylor, Kathleen	
SULLIVAN			
Converse, Larry	Ferland, Brenda	Osgood, Philip Sr	Phinizy, James
Rodeschin, Beverly			

and the majority committee amendment was adopted.

Rep. Vaillancourt offered floor amendment (1242h)

Floor Amendment (1242h)

Amend RSA 155:66, I(h) as inserted by section 3 of the bill by replacing it with the following:

(h) Enclosed places owned and operated by social, fraternal, or religious organizations.

Amend the bill by replacing section 4 with the following:

4 Repeal. The following are repealed:

I. RSA155:67, II, relative to an exemption for certain enclosed places when used for private purposes.

II. RSA 155:67, VIII, relative to an exemption for certain restaurants.

III. RSA 155:67, IX, relative to an exemption for cocktail lounges.

AMENDED ANALYSIS

This bill prohibits smoking in restaurants, cocktail lounges, and enclosed places owned and operated by social, fraternal, or religious organizations in New Hampshire.

This bill clarifies the smoking prohibited section of the indoor smoking act.

This bill also clarifies certain definitions under the indoor smoking act.

Rep. Vaillancourt spoke in favor and yielded to questions.

Rep. Dokmo spoke against.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (1242h).

YEAS 61 NAYS 282			
YEAS 61			
BELKNAP			
Thomas, John			
CARROLL			
Knox, J David			
CHESHIRE			
Eaton, Daniel	Hunt, John	Pratt, John	Robertson, Timothy
Sawyer, Sheldon			

COOS			
Merrick, Scott	Richardson, Herbert		
GRAFTON			
Andersen, Gene			
HILLSBOROUGH			
Aboshar, Jeffrey	Boehm, Ralph	Calawa, Leon Jr	Carter, Mark
Christiansen, Lars	Drisko, Richard	Ginsburg, Ruth	Golding, William
Gorman, Mary	Hirschmann, Keith	Holden, Randolph	Infantine, William
Kurk, Neal	Lasky, Bette	Mooney, Maureen	Moran, Edward
Pappas, Christopher	Renzullo, Andrew	Sullivan, Peter	Tahir, Saghir
Vaillancourt, Steve	Velez, Hector		
MERRIMACK			
Anderson, Eric	Currier, David	DeJoie, John	Greco, Vincent
Kennedy, Richard	L'Heureux, Stephen	Marple, Richard	Maxfield, Roy
Potter, Frances			
ROCKINGHAM			
Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin	Forsing, Robert
Garrity, James	Hopfgarten, Paul	Hughes, Daniel	Major, Norman
Mason, April	O'Neil, Michael	Stone, Joseph	
STRAFFORD			
Brown, Jennifer	Cilley, Jacalyn	Domingo, Baldwin	Hilliard, Dana
Taylor, Kathleen			
SULLIVAN			
Franklin, Peter	Gale, Harry	Osgood, Philip Sr	Phinizy, James
NAYS 282			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Rosen, Ralph	Russell, David
Tilton, Franklin	Tobin, William	Veazey, John	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Babson, David Jr	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Martin, James	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William

Coates, Christopher	Dunn, J Timothy	Emerson, Susan	Espiefs, Peter
Foote, Sheila	Hogancamp, Deborah	Mitchell, Bonnie	Parkhurst, Henry
Pelkey, Stephen	Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris
Tilton, Anna	Weed, Charles		
COOS			
Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Morneau, Renney	Remick, William	Stohl, Eric	Theberge, Robert
Tholl, John Jr			
GRAFTON			
Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Eaton, Stephanie	Gionet, Edmond	Hammond, Lee	Harding, A Laurie
Ingbretson, Paul	McLeod, Martha	Mirski, Paul	Mulholland, Catherine
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	Sorg, Gregory
Ward, John	Williams, Burton		
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Barry, J Gail
Batula, Peter	Beaulieu, Jane	Bergeron, Jean-Guy	Bergin, Peter
Biundo, Michael	Brassard, Paul	Brundige, Robert	Buhlman, David
Campbell, David	Carew, James	Chase, Claudia	Christensen, D L Chris
Clark, Mark	Cote, David	Cote, Peter	Coughlin, Pamela
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Dyer, Donald	Egbers, Fran	Elliott, Nancy	Emerton, Larry
Essex, David	Foster, Linda	Gargasz, Carolyn	Garrity, Patrick
Goley, Jeffrey	Goyette, Peter Jr	Graham, John	Hagan, Barbara
Haley, Robert	Hall, Betty	Hansen, Ryan	Harvey, Suzanne
Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton	Irwin, Anne-Marie
Jasper, Shawn	Jean, Claudette	Johnson, Paula	Kopka, Angeline
L'Heureux, Robert	Lawrence, James	Lessard, Rudy	Manney, Pamela
Matarazzo, Anthony Sr	McRae, Karen	Mead, Robert	Michon, Stephen
Movsesian, Lori	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Rochette, Eric
Rosenwald, Cindy	Ross, Lawrence	Rowe, Robert	Ryder, Donald
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Slocum, Lee
Smith, David	Souza, Kathleen	Stepanek, Stephen	Sullivan, Francis
Ulery, Jordan	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeStefano, Stephen	Field, William	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Hess, David
Kidder, David	Klose, John	Langlais, Thomas	Lockwood, Priscilla
MacKay, James	McMahon, Patricia	Oliver, James	Osborne, Jessie
Owen, Derek	Reardon, Tara	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane

Walz, Mary Beth	Whiting, Herbert	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bishop, Franklin	Buxton, Donald	Carson, Sharon
Casey, Kimberley	Charron, Gene	Coburn, James	Cooney, Richard
Dalrymple, Janeen	DiFruscia, Anthony	Dowd, John	Dowling, Patricia
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Flockhart, Eileen
Francoeur, Sheila	Gilbert, Karl	Gillick, Thomas	Gould, Kenneth
Griffin, Mary	Headd, James	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Lund, Howie	McKinney, Betsy	McMahon, Charles
Moody, Marcia	Nowe, Ronald	Packard, Sherman	Palazzo, Frank
Pantelakos, Laura	Parker, Benjamin	Powers, James	Priestley, Anne
Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl	Robinson, John
Rolston, James	Sanders, Elisabeth	Serlin, Christopher	Splaine, James
Stiles, Nancy	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weldy, Norman	Wells, Roger	Weyler, Kenneth	Winchell, George
Zolla, William			
STRAFFORD			
Albert, Russell	Berube, Roger	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Cataldo, Sam	Chaplin, Duncan	Creteau, Irene
Dunlap, Patricia	Easson, Timothy	Grassie, Anne	Heon, Richard
Hofemann, Roland	Hollinger, Jeffrey	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Newton, Clifford
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Houde-Quimby, Charlotte	Irish, Christopher	Jillette, Arthur Jr	Prichard, Stephen
Rodeschin, Beverly			

and floor amendment (1242h) failed.

Rep. Hunt offered floor amendment (1287h)

Floor Amendment (1287h)

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

AN ACT relative to smoking in restaurants and cocktail lounges.

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

1 Indoor Smoking Act; Definition of “Effectively Segregated.” Amend RSA 155:65, V to read as follows:

V. “Effectively segregated” means all the following conditions have been met:

(a) Procedures for accurately and fairly determining preference have been followed;

(b) The size and location of no-smoking and smoking-permitted areas are designed, designated, or juxtaposed so that smoke does not cause harm or unreasonably intrude into the area occupied by persons who are not smoking;

(c) A contiguous portion of the enclosed public place, including any seating arrangements, measures a minimum of 200 square feet, and ~~[at least one of the following 2 contingencies exist:~~

~~(1) there is a continuous, physical barrier such as a wall[,] or partition [or furnishing at least 56 inches in height] to separate the no-smoking area from a smoking-permitted area. The barrier [may] shall contain doors or portals for exit and entry; [or~~

~~(2) There is a space of at least 4 feet in width to separate the smoking-permitted and no-smoking areas. This space may be either an unoccupied area or a section of seating area representing a buffer zone in which smoking is not permitted, but which itself is not part of the no-smoking designated area;] and~~

(d) In buildings where existing ventilation systems are in place, areas designated as smoking areas are located, where reasonably possible, proximate to exhaust vents.

2 Indoor Smoking Act; Definition of "Public Access." Amend RSA 155:65, X to read as follows:

X. "Public access" means any enclosed place of business, commerce, banking, financial service, or other service-related activity, whether publicly or privately owned and whether operated for profit or not, to which the general public has access or which the general public uses, including, but not limited to, buildings, offices, means of transportation, common carrier waiting rooms, arcades, restaurants, retail stores, grocery stores, libraries, theaters, concert halls, auditoriums, arenas, barber shops, hair salons, laundromats, shopping malls, museums, art galleries, sports and fitness facilities, planetariums, historical sites, **cocktail lounges**, and common areas of resorts, hotels, and motels, including the lobbies, hallways, elevators, restaurants, restrooms, and cafeterias.

3 New Section; Employees Working in Smoking Permitted Areas. Amend RSA 155 by inserting after section 72 the following new section:

155:72-a Employees Working in Smoking Permitted Areas. No employee shall be required, in the performance of ordinary work responsibilities, to enter any area in which smoking is permitted.

4 Repeal. The following are repealed:

I. RSA 155:67, VIII, relative to an exemption for certain restaurants.

II. RSA 155:67, IX, relative to an exemption for cocktail lounges.

5 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill requires effectively segregated smoking areas in restaurants with seating for fewer than 50 people and in cocktail lounges. This bill clarifies the definition of "effectively segregated" for the purposes of the indoor smoking act. This bill also provides that no employee shall be required to enter any area in which smoking is permitted.

Reps. McLeod and Sheila Francoeur spoke against.

Reps. Hunt and Dickinson spoke in favor.

On a division vote, 103 members having voted in the affirmative and 242 in the negative, floor amendment (1287h) failed.

Rep. Rowe offered floor amendment (1432h)

Floor Amendment (1432h)

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

AN ACT prohibiting smoking in enclosed places and private conveyances where there are children.

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

1 Indoor Smoking Act; Definitions. Amend RSA 155:65, VI to read as follows:

VI. "Enclosed place" means a structurally enclosed location, or portion of such location, enclosed by a floor, ceiling, and 3 or 4 solid walls, partitions, or windows, exclusive of doors or passageways. **"Enclosed place" shall include residential structures.**

2 New Paragraph; Definition Added. Amend RSA 155:65 by inserting after paragraph IX the following new paragraph:

IX-a. "Private conveyance" means privately owned vehicles, including but not limited to, automobiles, buses, and vans.

3 Indoor Smoking Act; "Public Conveyance." Amend RSA 155:65, XII to read as follows:

XII. "Public conveyance" means any air, land, or water vehicle of public access, which has enclosed sections, used for the transportation of persons in the state of New Hampshire, whether or not for compensation, including, but not limited to, airplanes, trains, buses, boats, vans, or taxis. This definition shall ~~[not include privately owned vehicles when used for private purposes, but shall]~~ include all vehicles owned by the state and its political subdivisions.

4 New Paragraph; Indoor Smoking Act; Smoking Prohibited. Amend RSA 155:66 by inserting after paragraph VII the following new paragraph:

VIII. Enclosed residential places where children are residing or present and private conveyances where children are present.

5 Effective Date. This act shall take effect 90 days after its passage.

AMENDED ANALYSIS

This bill prohibits smoking in enclosed places and private conveyances where there are children residing or present.

Rep. Rowe spoke in favor.

Rep. Sheila Francoeur spoke against.

MOTION TO LAY ON THE TABLE

Rep. Dickinson moved that **HB 1177**, prohibiting smoking in restaurants and cocktail lounges, be laid on the table.

Rep. Mead requested a roll call; sufficiently seconded.

The question being adoption of the motion to lay HB 1177 on the table.

YEAS 125 NAYS 220			
YEAS 125			
BELKNAP			
Allen, Janet	Boyce, Laurie	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran		
CARROLL			
Chandler, Gene	Dickinson, Howard	Merrow, Harry	
CHESHIRE			
Dunn, J Timothy	Eaton, Daniel	Hunt, John	Parkhurst, Henry
Pratt, John	Sawyer, Sheldon		
COOS			
Buzzell, Bernard	Lary, Bruce	Mears, Edgar	Richardson, Herbert
Theberge, Robert			
GRAFTON			
Gionet, Edmond	Ingbretson, Paul	Mirski, Paul	Sorg, Gregory
Ward, John			

HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Allan, Nelson	Balboni, Michael
Baroody, Benjamin	Bergeron, Jean-Guy	Biundo, Michael	Buhlman, David
Campbell, David	Carew, James	Carter, Mark	Christiansen, Lars
Cote, Peter	Drisko, Richard	Elliott, Nancy	Gorman, Mary
Goyette, Peter Jr	Graham, John	Hagan, Barbara	Haley, Robert
Hansen, Ryan	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Hirschmann, Keith	Holden, Randolph	Jasper, Shawn	Johnson, Paula
Lawrence, James	Manney, Pamela	McRae, Karen	Mead, Robert
Moran, Edward	O'Brien, William	Reeves, Sandra	Renzullo, Andrew
Rowe, Robert	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Sullivan, Peter	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Wheeler, James			
MERRIMACK			
Currier, David	Kennedy, Richard	Langlais, Thomas	Lockwood, Priscilla
Marple, Richard	Maxfield, Roy	Oliver, James	Tupper, Frank
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Camm, Kevin	Carson, Sharon	DiFruscia, Anthony
Dowling, Patricia	Dumaine, Dudley	Fesh, Bob	Forsing, Robert
Hopfgarten, Paul	Hughes, Daniel	Hutchinson, Karen	Ingram, Russell
Itse, Daniel	Katsakiores, George	Lund, Howie	McKinney, Betsy
McMahon, Charles	Nowe, Ronald	Palazzo, Frank	Priestley, Anne
Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl	Weare, E Albert
Weldy, Norman	Weyler, Kenneth	Zolla, William	
STRAFFORD			
Albert, Russell	Berube, Roger	Brown, Jennifer	Campbell, W Packy
Cataldo, Sam	Cilley, Jacalyn	Domingo, Baldwin	Easson, Timothy
Heon, Richard	Hollinger, Jeffrey	Knowles, William	Newton, Clifford
Taylor, Kathleen			
SULLIVAN			
Gale, Harry	Osgood, Philip Sr	Rodeschin, Beverly	
NAYS 220			
BELKNAP			
Clark, Charles	Fitzgerald, James	Flanders, Donald	Heald, Bruce
Millham, Alida	Morrison, Gail	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Whalley, Michael
CARROLL			
Babson, David Jr	Brown, Carolyn	Buco, Thomas	Knox, J David
Martin, James	McConkey, Mark	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		

CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Emerson, Susan	Espieffs, Peter	Foote, Sheila
Hogancamp, Deborah	Mitchell, Bonnie	Pelkey, Stephen	Plifka, Stanley Jr
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			
COOS			
King, Frederick	Merrick, Scott	Morneau, Renney	Remick, William
Stohl, Eric	Tholl, John Jr		
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Williams, Burton		
HILLSBOROUGH			
Barry, J Gail	Batula, Peter	Beaulieu, Jane	Bergin, Peter
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Calawa, Leon Jr
Chase, Claudia	Christensen, D L Chris	Clark, Mark	Cote, David
Coughlin, Pamela	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Dyer, Donald	Egbers, Fran	Emerton, Larry
Essex, David	Foster, Linda	Gargas, Carolyn	Garrity, Patrick
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Hall, Betty
Harvey, Suzanne	Infantine, William	Irwin, Anne-Marie	Jean, Claudette
Jeudy, Jean	Kopka, Angeline	Kurk, Neal	L'Heureux, Robert
Lasky, Bette	Lessard, Rudy	Matarazzo, Anthony Sr	Michon, Stephen
Mooney, Maureen	Movsesian, Lori	O'Connell, Timothy	Ober, Lynne
Pappas, Christopher	Pilotte, Maurice	Price, Pamela	Rochette, Eric
Rosenwald, Cindy	Ryder, Donald	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Smith, David	Sullivan, Francis	Velez, Hector
Villeneuve, Maurice	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	DeJoie, John	DeStefano, Stephen	Field, William
Foose, Robert	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Hamm, Christine	Hess, David	Kidder, David
Klose, John	L'Heureux, Stephen	MacKay, James	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Potter, Frances	Reardon, Tara
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert	Williams, Robert
Yeaton, Charles			

ROCKINGHAM			
Abbott, Dennis	Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline
Casey, Kimberley	Charron, Gene	Coburn, James	Cooney, Richard
Dalrymple, Janeen	Dowd, John	Flanders, John Sr	Flockhart, Eileen
Francoeur, Sheila	Garrity, James	Gilbert, Karl	Gillick, Thomas
Gould, Kenneth	Griffin, Mary	Headd, James	Introne, Robert
Johnson, Robert	Katsakiores, Phyllis	Major, Norman	Mason, April
Moody, Marcia	O'Neil, Michael	Packard, Sherman	Pantelakos, Laura
Parker, Benjamin	Powers, James	Robinson, John	Rolston, James
Sanders, Elisabeth	Serlin, Christopher	Splaine, James	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Welch, David	Wells, Roger
Winchell, George			
STRAFFORD			
Brown, Julie	Brown, Lawrence	Callaghan, Frank	Chaplin, Duncan
Creteau, Irene	Dunlap, Patricia	Grassie, Anne	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Miller, Joseph	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Irish, Christopher	Jillette, Arthur Jr
Phinizy, James	Prichard, Stephen		

and the motion to lay on the table failed.

The question now being adoption of floor amendment (1432h).

Rep. Rowe requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (1432h).

YEAS 36 NAYS 310			
YEAS 36			
BELKNAP			
Rosen, Ralph	Tilton, Franklin		
CARROLL			
None			
CHESHIRE			
Eaton, Daniel	Pratt, John		
COOS			
None			
GRAFTON			
Andersen, Gene	Hammond, Lee		

HILLSBOROUGH			
Aboshar, Jeffrey	Carter, Mark	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Mooney, Maureen	Rowe, Robert	Slocum, Lee	Ulery, Jordan
Wheeler, Robert			
MERRIMACK			
Gile, Mary	Kennedy, Richard	Marple, Richard	Oliver, James
ROCKINGHAM			
Bishop, Franklin	Cady, Harriet	DiFruscia, Anthony	Hopfgarten, Paul
Hughes, Daniel	McKinney, Betsy	Nowe, Ronald	Serlin, Christopher
STRAFFORD			
Cilley, Jacalyn	Domingo, Baldwin	Taylor, Kathleen	
SULLIVAN			
Irish, Christopher	Osgood, Philip Sr		
NAYS 310			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Russell, David	Thomas, John
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael
CARROLL			
Babson, David Jr	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Morrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Emerson, Susan	Espieffs, Peter
Foote, Sheila	Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie
Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna
Weed, Charles			
COOS			
Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Merrick, Scott	Morneau, Renney	Remick, William	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	

GRAFTON			
Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Eaton, Stephanie	Gionet, Edmond	Harding, A Laurie	Ingbretson, Paul
McLeod, Martha	Mirski, Paul	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Sorg, Gregory	Ward, John
Williams, Burton			
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Baroody, Benjamin
Barry, J Gail	Batula, Peter	Beaulieu, Jane	Bergeron, Jean-Guy
Bergin, Peter	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Campbell, David
Carew, James	Chase, Claudia	Christensen, D L Chris	Cote, David
Cote, Peter	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Dyer, Donald	Egbers, Fran
Elliott, Nancy	Emerton, Larry	Essex, David	Foster, Linda
Gargas, Carolyn	Garrity, Patrick	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Haley, Robert	Hall, Betty	Hansen, Ryan
Harvey, Suzanne	Hirschmann, Keith	Holden, Randolph	Infantine, William
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Jeudy, Jean
Johnson, Paula	Kopka, Angeline	Kurk, Neal	L'Heureux, Robert
Lasky, Bette	Lawrence, James	Lessard, Rudy	Manney, Pamela
Matarazzo, Anthony Sr	McRae, Karen	Mead, Robert	Michon, Stephen
Moran, Edward	Movsesian, Lori	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Pappas, Christopher	Pepino, Leo	Pilotte, Maurice
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rochette, Eric
Rosenwald, Cindy	Ryder, Donald	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Smith, David	Souza, Kathleen	Stepanek, Stephen
Sullivan, Francis	Sullivan, Peter	Tahir, Saghir	Vaillancourt, Steve
Velez, Hector	Villeneuve, Maurice	Wheeler, James	
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	DeJoie, John	DeStefano, Stephen
Field, William	Foose, Robert	French, Barbara	Greco, Vincent
Hager, Elizabeth	Hamm, Christine	Hess, David	Kidder, David
Klose, John	L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla
MacKay, James	Maxfield, Roy	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	Reardon, Tara	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Buxton, Donald	Cali-Pitts, Jacqueline	Camm, Kevin
Carson, Sharon	Casey, Kimberley	Charron, Gene	Coburn, James

Cooney, Richard	Dalrymple, Janeen	Dowd, John	Dowling, Patricia
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Flockhart, Eileen
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Headd, James
Hutchinson, Karen	Ingram, Russell	Introne, Robert	Itse, Daniel
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Lund, Howie
Major, Norman	Mason, April	McMahon, Charles	Moody, Marcia
O'Neil, Michael	Packard, Sherman	Palazzo, Frank	Pantelakos, Laura
Parker, Benjamin	Powers, James	Priestley, Anne	Quandt, Marshall Lee
Quandt, Matthew	Robertson, Carl	Robinson, John	Rolston, James
Sanders, Elisabeth	Splaine, James	Stiles, Nancy	Stone, Joseph
Waterhouse, Kevin	Weare, E Albert	Welch, David	Weldy, Norman
Wells, Roger	Weyler, Kenneth	Winchell, George	Zolla, William
STRAFFORD			
Albert, Russell	Berube, Roger	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Callaghan, Frank	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Creteau, Irene	Dunlap, Patricia	Easson, Timothy
Grassie, Anne	Heon, Richard	Hilliard, Dana	Hofemann, Roland
Hollinger, Jeffrey	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Miller, Joseph	Newton, Clifford	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Wall, Janet			
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Phinizy, James	Prichard, Stephen	Rodeschin, Beverly	

and floor amendment (1432h) failed.

The question now being adoption of the majority committee report.

Reps. Hawkins, Buhlman and Mead spoke against.

Reps. MacKay, Infantine and Sheila Francoeur spoke in favor.

Rep. John Flanders moved Previous Question.

Adopted.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 189 NAYS 156			
YEAS 189			
BELKNAP			
Clark, Charles	Fitzgerald, James	Flanders, Donald	Heald, Bruce
Millham, Alida	Morrison, Gail	Pilliod, James	Rosen, Ralph
Whalley, Michael			
CARROLL			
Brown, Carolyn	Buco, Thomas	Knox, J David	Martin, James
McConkey, Mark	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald

Stevens, Stanley			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Emerson, Susan	Espieffs, Peter	Foote, Sheila
Hogancamp, Deborah	Mitchell, Bonnie	Pelkey, Stephen	Plifka, Stanley Jr
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Weed, Charles
COOS			
Merrick, Scott	Morneau, Renney	Remick, William	Stohl, Eric
Tholl, John Jr			
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Williams, Burton		
HILLSBOROUGH			
Batula, Peter	Bergin, Peter	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Calawa, Leon Jr	Chase, Claudia	Christensen, D L Chris
Cote, David	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Egbers, Fran	Emerton, Larry
Essex, David	Foster, Linda	Gargas, Carolyn	Garrity, Patrick
Ginsburg, Ruth	Golding, William	Haley, Robert	Hall, Betty
Harvey, Suzanne	Infantine, William	Irwin, Anne-Marie	Jean, Claudette
Jeudy, Jean	Kopka, Angeline	Lasky, Bette	Matarazzo, Anthony Sr
Michon, Stephen	Mooney, Maureen	Ober, Lynne	Pappas, Christopher
Pilotte, Maurice	Price, Pamela	Rochette, Eric	Rosenwald, Cindy
Schulze, Joan	Shattuck, Gilman	Smith, David	Sullivan, Francis
Velez, Hector	Villeneuve, Maurice	Wheeler, Robert	
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	DeJoie, John
DeStefano, Stephen	Field, William	Foose, Robert	French, Barbara
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Hamm, Christine
Hess, David	Kidder, David	L'Heureux, Stephen	MacKay, James
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Buxton, Donald	Cali-Pitts, Jacqueline	Casey, Kimberley
Cooney, Richard	Dalrymple, Janeen	Dowd, John	Flanders, John Sr
Flockhart, Eileen	Forsing, Robert	Francoeur, Sheila	Garrity, James

Gilbert, Karl	Gillick, Thomas	Gould, Kenneth	Griffin, Mary
Johnson, Robert	Katsakiores, Phyllis	Mason, April	Moody, Marcia
O'Neil, Michael	Pantelakos, Laura	Powers, James	Robinson, John
Rolston, James	Sanders, Elisabeth	Serlin, Christopher	Splaine, James
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Wells, Roger
Winchell, George			
STRAFFORD			
Brown, Julie	Brown, Lawrence	Callaghan, Frank	Chaplin, Duncan
Creteau, Irene	Dunlap, Patricia	Grassie, Anne	Hilliard, Dana
Hofemann, Roland	Kaen, Naida	Keans, Sandra	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Irish, Christopher	Jillette, Arthur Jr	Prichard, Stephen
NAYS 156			
BELKNAP			
Allen, Janet	Boyce, Laurie	Nedeau, Stephen	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Veazey, John
Wendelboe, Fran			
CARROLL			
Babson, David Jr	Chandler, Gene	Dickinson, Howard	Merrow, Harry
CHESHIRE			
Dunn, J Timothy	Eaton, Daniel	Hunt, John	Parkhurst, Henry
Pratt, John	Sawyer, Sheldon	Tilton, Anna	
COOS			
Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Richardson, Herbert	Theberge, Robert		
GRAFTON			
Gionet, Edmond	Ingbretson, Paul	Mirski, Paul	Sorg, Gregory
Ward, John			
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Allan, Nelson	Balboni, Michael
Baroody, Benjamin	Barry, J Gail	Beaulieu, Jane	Bergeron, Jean-Guy
Biundo, Michael	Buhlman, David	Campbell, David	Carew, James
Carter, Mark	Christiansen, Lars	Clark, Mark	Cote, Peter
Coughlin, Pamela	Crane, Elenore Casey	Dyer, Donald	Elliott, Nancy
Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr	Graham, John

Hagan, Barbara	Hansen, Ryan	Hawkins, Ken	Hebert, Raymond
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph
Jasper, Shawn	Johnson, Paula	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Lessard, Rudy	Manney, Pamela	McRae, Karen
Mead, Robert	Moran, Edward	Movsesian, Lori	O'Brien, William
O'Connell, Timothy	Pepino, Leo	Reeves, Sandra	Renzullo, Andrew
Rowe, Robert	Ryder, Donald	Shaw, Barbara	Slocum, Lee
Souza, Kathleen	Stepanek, Stephen	Sullivan, Peter	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Wheeler, James	
MERRIMACK			
Anderson, Eric	Clarke, Claire	Currier, David	Kennedy, Richard
Klose, John	Langlais, Thomas	Lockwood, Priscilla	Marple, Richard
Maxfield, Roy	Oliver, James	Tupper, Frank	
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Cady, Harriet	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	DiFruscia, Anthony	Dumaine, Dudley
Fesh, Bob	Headd, James	Hopfgarten, Paul	Hughes, Daniel
Hutchinson, Karen	Ingram, Russell	Introne, Robert	Itse, Daniel
Katsakiores, George	Lund, Howie	Major, Norman	McKinney, Betsy
McMahon, Charles	Nowe, Ronald	Packard, Sherman	Palazzo, Frank
Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl
Weare, E Albert	Welch, David	Weldy, Norman	Weyler, Kenneth
STRAFFORD			
Albert, Russell	Berube, Roger	Brown, Jennifer	Campbell, W Packy
Cataldo, Sam	Cilley, Jacalyn	Domingo, Baldwin	Easson, Timothy
Heon, Richard	Hollinger, Jeffrey	Johnson, Nancy	Knowles, William
Newton, Clifford	Taylor, Kathleen		
SULLIVAN			
Ferland, Brenda	Gale, Harry	Osgood, Philip Sr	Phinizy, James
Rodeschin, Beverly			

and the majority committee report was adopted.

Ordered to third reading.

MOTION TO LIMIT DEBATE

Rep. Carter moved that further debate be limited to four minutes excluding questions.

Rep. Phinizy moved to amend the motion to debate by limiting debate to one-half hour on each side, equally divided.

LAID ON THE TABLE

Rep. Vaillancourt moved that the motion to limit debate be laid on the table.

Adopted.

UNANIMOUS CONSENT

Rep. Peter Sullivan addressed the House.

The House recessed at 12:40 p.m.

(Speaker Scamman in the Chair)

The House reconvened at 1:40 p.m.

SPECIAL ORDERS (CONT'D)

HB 1354, relative to physical force in defense of a person. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill purposely removes the duty to retreat in the face of an attack. RSA 627:A as currently written already sufficiently covers this concern. The duty to retreat does not occur if you are within your dwelling or its curtilage or, if any other place, where you can do so with complete safety. This bill also would create a presumption that an attacker intended to cause serious bodily injury. This raises many concerns and could result in unintended consequences. Vote 13-3. Rep. Giuda inquired if Section 1, Paragraphs I through VII could be divided.

The Speaker ruled that the bill was divisible, and without objection, Section 1, Paragraphs I through IV would be considered at the present time. The pending question being adoption of the committee report of Inexpedient to Legislate on Section 1, Paragraphs I-VII.

Reps. Bicknell, Dickinson and Stevens spoke in favor.

On a division vote, 290 members having voted in the affirmative and 36 in the negative, Section 1, Paragraphs I through VII, were voted Inexpedient to Legislate.

The question now being adoption of Inexpedient to Legislate on the remainder of the bill.

Reps. Dickinson spoke against and yielded to questions.

Rep. Stevens spoke in favor and yielded to questions.

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

The question being adoption of Inexpedient to Legislate on the remainder of the bill .

YEAS 194 NAYS 138			
YEAS 194			
BELKNAP			
Clark, Charles	Fitzgerald, James	Flanders, Donald	Heald, Bruce
Millham, Alida	Morrison, Gail	Nedeau, Stephen	Russell, David
Thomas, John			
CARROLL			
Brown, Carolyn	Knox, J David	Martin, James	Olimpio, J Lisbeth
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Espiefs, Peter	Foote, Sheila
Mitchell, Bonnie	Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Remick, William
Stohl, Eric	Theberge, Robert	Tholl, John Jr	

GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	
HILLSBOROUGH			
Allan, Nelson	Beaulieu, Jane	Campbell, David	Chase, Claudia
Christensen, D L Chris	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Daniuk, Caitlin	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Egbers, Fran	Emerton, Larry	Essex, David
Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth	Golding, William
Gorman, Mary	Hall, Betty	Harvey, Suzanne	Hebert, Raymond
Infantine, William	Irwin, Anne-Marie	Jean, Claudette	Kopka, Angeline
Lasky, Bette	Lessard, Rudy	Michon, Stephen	Moran, Edward
Movsesian, Lori	O'Connell, Timothy	Pappas, Christopher	Pilotte, Maurice
Reeves, Sandra	Rochette, Eric	Rosenwald, Cindy	Ryder, Donald
Scanlon, Michael	Schulze, Joan	Shattuck, Gilman	Sullivan, Francis
Sullivan, Peter	Velez, Hector	Villeneuve, Maurice	Wheeler, Robert
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	Hess, David	Kidder, David
Klose, John	L'Heureux, Stephen	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	McMahon, Patricia	Oliver, James	Osborne, Jessie
Owen, Derek	Potter, Frances	Reardon, Tara	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Buxton, Donald	Cali-Pitts, Jacqueline	Casey, Kimberley
Charron, Gene	Coburn, James	Cooney, Richard	Dalrymple, Janeen
DiFruscia, Anthony	Dowd, John	Dowling, Patricia	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila	Gilbert, Karl
Gould, Kenneth	Griffin, Mary	Ingram, Russell	Johnson, Robert
Katsakiores, Phyllis	Major, Norman	Mason, April	O'Neil, Michael
Pantelakos, Laura	Powers, James	Priestley, Anne	Robertson, Carl
Serlin, Christopher	Splaine, James	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Welch, David		
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Lawrence
Callaghan, Frank	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Grassie, Anne	Heon, Richard	Johnson, Nancy	Knowles, William
Miller, Joseph	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Kathleen	Wall, Janet
SULLIVAN			

Cloutier, John	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Prichard, Stephen
Rodeschin, Beverly			
NAYS 138			
BELKNAP			
Allen, Janet	Boyce, Laurie	Pilliod, James	Rosen, Ralph
Tilton, Franklin	Tobin, William	Veazey, John	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Babson, David Jr	Buco, Thomas	Dickinson, Howard	McConkey, Mark
Merrow, Harry			
CHESHIRE			
Eaton, Daniel	Emerson, Susan	Hogancamp, Deborah	Hunt, John
Sawyer, Sheldon			
COOS			
Lary, Bruce	Morneau, Renney	Richardson, Herbert	
GRAFTON			
Gionet, Edmond	Ingbretson, Paul	Mirski, Paul	Sorg, Gregory
Ward, John	Williams, Burton		
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin
Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Buhlman, David
Calawa, Leon Jr	Carew, James	Carter, Mark	Christiansen, Lars
Clark, Mark	Crane, Elenore Casey	Desmarais, Vivian	Dyer, Donald
Elliott, Nancy	Francoeur, Bea	Goley, Jeffrey	Goyette, Peter Jr
Graham, John	Hagan, Barbara	Hawkins, Ken	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph	Jasper, Shawn
Jeudy, Jean	Johnson, Paula	Kurk, Neal	Lawrence, James
Manney, Pamela	Matarazzo, Anthony Sr	Mead, Robert	Mooney, Maureen
O'Brien, William	Ober, Lynne	Pepino, Leo	Price, Pamela
Renzullo, Andrew	Ross, Lawrence	Rowe, Robert	Shaw, Barbara
Shaw, Kimberly	Slocum, Lee	Souza, Kathleen	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Wheeler, James	
MERRIMACK			
Anderson, Eric	Currier, David	Field, William	Kennedy, Richard
Langlais, Thomas	Marple, Richard	Tupper, Frank	Whiting, Herbert

ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Cady, Harriet	Camm, Kevin	Dumaine, Dudley
Forsing, Robert	Garrity, James	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Hutchinson, Karen	Introne, Robert	Itse, Daniel
Katsakiores, George	Lund, Howie	McKinney, Betsy	McMahon, Charles
Moody, Marcia	Packard, Sherman	Palazzo, Frank	Quandt, Marshall Lee
Quandt, Matthew	Robinson, John	Rolston, James	Sanders, Elisabeth
Stiles, Nancy	Weldy, Norman	Wells, Roger	Weyler, Kenneth
Zolla, William			
STRAFFORD			
Brown, Julie	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Cilley, Jacalyn	Easson, Timothy	Hofemann, Roland	Hollinger, Jeffrey
Keans, Sandra	Newton, Clifford		
SULLIVAN			
Converse, Larry	Irish, Christopher	Osgood, Philip Sr	Phinzy, James

and the motion of Inexpedient to Legislate on the remainder of the bill was adopted.

(Deputy Speaker Weyler in the Chair)

HB 1649-FN, including "unborn child" in the definition of "another" for the purpose of first and second degree murder, manslaughter, and negligent homicide. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lori A. Movsesian for the Majority of Criminal Justice and Public Safety: This bill would create the unintended consequence of creating personhood for a fetus. New Hampshire law already imposes an additional penalty for assailants who commit a violent act toward a pregnant woman resulting in miscarriage or stillbirth. In 1991, New Hampshire passed laws that punish an assailant who "purposely or knowingly causes injury to another resulting in miscarriage or stillbirth" (RSA 631:2e). Such heinous crimes are already well defined within our penal code. The committee has had this legislation numerous times. It has been to interim study during 2004 and no legislation was recommended. The committee recognizes the tremendous loss a pregnant woman suffers when she loses her fetus through violent action. However, neither those in support of the bill's intent, or those opposed could craft an amendment that would recognize the loss without bestowing other legal rights to the fetus. Vote 8-5.

Rep. Maurice Villeneuve for the Minority of Criminal Justice and Public Safety: This bill does not create personhood under numerous United States Supreme Court decisions. All this bill does is acknowledge that the unborn child carried by a pregnant woman has value to the pregnant woman. The bill, as written following study, merely charges an individual with a crime when that individual kills a pregnant woman's child. All this bill does is recognize that there is an enhanced penalty for the taking of the life of a pregnant woman and/or her child. This is a pro-woman bill that differs extensively from current law and merely recognizes the tremendous loss a pregnant woman sustains with the loss of her child.

Reps. Souza, Ulery and Hagan spoke against.

Rep. Pantalakos spoke in favor.

Rep. Sorg requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 212 NAYS 129			
YEAS 212			

BELKNAP			
Allen, Janet	Millham, Alida	Morrison, Gail	Nedeau, Stephen
Pilliod, James	Russell, David	Veazey, John	
CARROLL			
Babson, David Jr	Buco, Thomas	Dickinson, Howard	Knox, J David
Martin, James	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Chase, William	Coates, Christopher
Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Espieffs, Peter
Hunt, John	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna			
COOS			
Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Merrick, Scott	Remick, William	Stohl, Eric	Theberge, Robert
Tholl, John Jr			
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Gionet, Edmond	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Ward, John	
HILLSBOROUGH			
Baroody, Benjamin	Barry, J Gail	Beaulieu, Jane	Bergin, Peter
Campbell, David	Carter, Mark	Chase, Claudia	Christensen, D L Chris
Cote, David	Cote, Peter	Craig, James	Daniuk, Caitlin
Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Egbers, Fran	Emerton, Larry	Essex, David	Foster, Linda
Gargas, Carolyn	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Graham, John	Hall, Betty	Harvey, Suzanne
Hebert, Raymond	Holden, Randolph	Irwin, Anne-Marie	Johnson, Paula
Kopka, Angeline	Kurk, Neal	Lasky, Bette	Lessard, Rudy
Moran, Edward	Movsesian, Lori	O'Connell, Timothy	Pappas, Christopher
Price, Pamela	Rochette, Eric	Rosenwald, Cindy	Ryder, Donald
Scanlon, Michael	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Smith, David	Sullivan, Francis	Vaillancourt, Steve	Velez, Hector
Wheeler, Robert			
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Hager, Elizabeth	Hamm, Christine

Hess, David	Kidder, David	Klose, John	L'Heureux, Stephen
Lockwood, Priscilla	MacKay, James	Marple, Richard	Maxfield, Roy
McMahon, Patricia	Oliver, James	Osborne, Jessie	Owen, Derek
Potter, Frances	Reardon, Tara	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Whiting, Herbert	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Belanger, Ronald	Bishop, Franklin	Cali-Pitts, Jacqueline
Casey, Kimberley	Charron, Gene	Dalrymple, Janeen	DiFruscia, Anthony
Dowling, Patricia	Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila
Gilbert, Karl	Gould, Kenneth	Griffin, Mary	Hutchinson, Karen
Johnson, Robert	Katsakiores, George	Major, Norman	McKinney, Betsy
Moody, Marcia	O'Neil, Michael	Pantelakos, Laura	Powers, James
Priestley, Anne	Robertson, Carl	Robinson, John	Sanders, Elisabeth
Scamman, W Douglas	Serlin, Christopher	Splaine, James	Stiles, Nancy
Stone, Joseph	Weare, E Albert		
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Grassie, Anne	Heon, Richard	Hilliard, Dana
Johnson, Nancy	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen			
NAYS 129			
BELKNAP			
Boyce, Laurie	Clark, Charles	Fitzgerald, James	Flanders, Donald
Heald, Bruce	Rosen, Ralph	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Brown, Carolyn	Chandler, Gene	McConkey, Mark	Stevens, Stanley
CHESHIRE			
Butynski, William	Foote, Sheila	Hogancamp, Deborah	Pelkey, Stephen
Sawyer, Sheldon			
COOS			

Morneau, Renney	Richardson, Herbert		
GRAFTON			
Ingbretson, Paul	Mirski, Paul	Sorg, Gregory	Williams, Burton
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Allan, Nelson	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph
Brassard, Paul	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Carew, James	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Dyer, Donald	Elliott, Nancy	Francoeur, Bea
Goyette, Peter Jr	Hagan, Barbara	Hawkins, Ken	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Infantine, William	Jasper, Shawn
Jean, Claudette	Jeudy, Jean	Lawrence, James	Manney, Pamela
Matarazzo, Anthony Sr	Mead, Robert	Michon, Stephen	Mooney, Maureen
O'Brien, William	Ober, Lynne	Pepino, Leo	Pilotte, Maurice
Reeves, Sandra	Renzullo, Andrew	Ross, Lawrence	Rowe, Robert
Schulze, Joan	Slocum, Lee	Souza, Kathleen	Sullivan, Peter
Tahir, Saghir	Ulery, Jordan	Villeneuve, Maurice	Wheeler, James
MERRIMACK			
Currier, David	Field, William	Kennedy, Richard	Langlais, Thomas
ROCKINGHAM			
Allen, Mary	Bettencourt, David	Bicknell, Elbert	Buxton, Donald
Cady, Harriet	Camm, Kevin	Carson, Sharon	Coburn, James
Cooney, Richard	Dowd, John	Dumaine, Dudley	Fesh, Bob
Forsing, Robert	Garrity, James	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Ingram, Russell	Introne, Robert	Itse, Daniel
Katsakiores, Phyllis	Lund, Howie	Mason, April	McMahon, Charles
Nowe, Ronald	Packard, Sherman	Palazzo, Frank	Quandt, Marshall Lee
Quandt, Matthew	Rolston, James	Waterhouse, Kevin	Welch, David
Weldy, Norman	Wells, Roger	Winchell, George	Zolla, William
STRAFFORD			
Callaghan, Frank	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Hofemann, Roland	Hollinger, Jeffrey	Newton, Clifford
SULLIVAN			
Donovan, Thomas	Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly

and the majority committee report was adopted.

HB 1314, relative to an adult roles and responsibilities curriculum. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul C. Ingbretson for the Majority of Education: This bill requires the Dept. of Education to suggest guidelines for the teaching of values related to parenting, marriage, and other family issues in public schools. For many, these are issues of faith that may

conflict with values promoted at home. Secondly, the U.S. is last in basic education areas among the industrialized nations and highly illiterate yet this bill encourages taking more teaching time away from basics. Finally, this law is unnecessary: school districts now teach in these areas without Department of Education involvement. Vote 8-7.

Rep. Debra A. Naro for the Minority of Education: The minority of the committee supported an unanimous subcommittee report of ought to pass with amendment. The ultimate aim of this legislation is to help the students to achieve their full potential to have strong families, strong communities and strong workplaces. Existing research indicates that when fundamental life skills and effective communication skills are present in a student's life, the more positive the outcomes. These students are more likely to succeed in school, have good relationships with their peers and families, be less likely to abuse alcohol and other drugs and be less likely to be school drop-outs. This bill respects and retains local control by requiring the State Board of Education to establish a practice guideline for dissemination and review by local school districts. Policy decisions regarding adoption remain with the local school boards.

Rep. Newton requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 216 NAYS 121			
YEAS 216			
BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	Flanders, Donald
Heald, Bruce	Millham, Alida	Morrison, Gail	Nedeau, Stephen
Pilliod, James	Rosen, Ralph	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Veazey, John	Whalley, Michael
CARROLL			
Babson, David Jr	Brown, Carolyn	Chandler, Gene	Dickinson, Howard
Knox, J David	Martin, James	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
CHESHIRE			
Dunn, J Timothy	Emerson, Susan	Hogancamp, Deborah	Hunt, John
Mitchell, Bonnie	Pelkey, Stephen	Roberts, Kris	Sawyer, Sheldon
COOS			
King, Frederick	Lary, Bruce	Merrick, Scott	Morneau, Renney
Remick, William	Richardson, Herbert	Stohl, Eric	Tholl, John Jr
GRAFTON			
Andersen, Gene	Eaton, Stephanie	Gionet, Edmond	Ingbretson, Paul
Mirski, Paul	Sorg, Gregory	Ward, John	Williams, Burton
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Carew, James	Christensen, D L	Christiansen, Lars	Clark, Mark

	Chris		
Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Foster, Linda
Francoeur, Bea	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Goyette, Peter Jr	Graham, John	Hall, Betty
Hawkins, Ken	Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton
Hirschmann, Keith	Holden, Randolph	Infantine, William	Irwin, Anne-Marie
Jasper, Shawn	Johnson, Paula	Kopka, Angeline	Kurk, Neal
Lawrence, James	Lessard, Rudy	Manney, Pamela	Mead, Robert
Mooney, Maureen	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rochette, Eric
Rowe, Robert	Scanlon, Michael	Shaw, Barbara	Shaw, Kimberly
Slocum, Lee	Smith, David	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Currier, David	DeJoie, John	DeStefano, Stephen
Field, William	Hager, Elizabeth	Hess, David	Kennedy, Richard
Klose, John	L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla
MacKay, James	Marple, Richard	Maxfield, Roy	McMahon, Patricia
Oliver, James	Tilton, Joy	Tupper, Frank	Whiting, Herbert
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Buxton, Donald	Cady, Harriet	Camm, Kevin
Carson, Sharon	Coburn, James	Cooney, Richard	Dalrymple, Janeen
DiFruscia, Anthony	Dowd, John	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Forsing, Robert	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Hutchinson, Karen	Ingram, Russell	Introne, Robert
Itse, Daniel	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Lund, Howie	Major, Norman	Mason, April	McKinney, Betsy
McMahon, Charles	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Palazzo, Frank	Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew
Robertson, Carl	Robinson, John	Rolston, James	Sanders, Elisabeth
Scamman, W Douglas	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman	Wells, Roger	Winchell, George
STRAFFORD			
Brown, Jennifer	Brown, Julie	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Easson, Timothy	Heon, Richard	Hilliard, Dana	Hofemann, Roland
Hollinger, Jeffrey	Newton, Clifford	Smith, Marjorie	
SULLIVAN			
Ferland, Brenda	Gale, Harry	Irish, Christopher	Osgood, Philip Sr
Rodeschin, Beverly			
NAYS 121			

BELKNAP			
Clark, Charles			
CARROLL			
Buco, Thomas			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Eaton, Daniel	Espieffs, Peter	Foote, Sheila
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Robertson, Timothy	Tilton, Anna		
COOS			
Buzzell, Bernard	Mears, Edgar	Theberge, Robert	
GRAFTON			
Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	
HILLSBOROUGH			
Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane	Brassard, Paul
Campbell, David	Carter, Mark	Chase, Claudia	Cote, David
Cote, Peter	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Drisko, Richard	Egbers, Fran	Essex, David	Gargas, Carolyn
Harvey, Suzanne	Jean, Claudette	Jeudy, Jean	Lasky, Bette
Matarazzo, Anthony Sr	Michon, Stephen	Moran, Edward	Movsesian, Lori
Pappas, Christopher	Pepino, Leo	Pilotte, Maurice	Rosenwald, Cindy
Ryder, Donald	Schulze, Joan	Shattuck, Gilman	Sullivan, Francis
Sullivan, Peter	Velez, Hector		
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Foose, Robert	French, Barbara	Gile, Mary	Hamm, Christine
Kidder, David	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene
Flockhart, Eileen	Gould, Kenneth	Moody, Marcia	Pantelakos, Laura
Powers, James	Serlin, Christopher	Splaine, James	Stiles, Nancy
Zolla, William			
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Lawrence	Callaghan, Frank

Cilley, Jacalyn	Grassie, Anne	Johnson, Nancy	Keans, Sandra
Knowles, William	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Spang, Judith	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen

and the majority committee report was adopted.

SPECIAL ORDER

Rep. O'Neil moved that the House special order ***HB 1236-FN-L***, relative to disclosure of public expenditures related to lobbying and electioneering, to its regular place in the calendar on March 22, 2006.

On a division vote, 182 members having voted in the affirmative and 152 in the negative, the motion to Special Order was adopted.

SPECIAL ORDERS (CONT'D.)

HB 1304-FN, relative to the scope of registration of lobbyists and statements of lobbying activities. **REFER FOR INTERIM STUDY**

Rep. Michael D. Whalley for Election Law: This bill would require that lobbying include activities influencing the executive branch and administrative agencies and that lobbyists statements include certain information and disclosures. The committee felt that lobbying activities as amended in SB 206 should satisfy the concerns of the sponsors. Activities influencing the executive branch are now included in the definition of lobbying. SB 206 also includes financial reporting requirements for lobbyists. However, the committee did feel that there may be some questions that may arise that deserve further review. Vote 15-1. Committee report adopted.

HB 1490, relative to procedures on ethics violations by legislators. **INEXPEDIENT TO LEGISLATE**

Rep. Richard B. Drisko for Election Law: This bill, although well intended, is only repeating what is in statute or practice. The available disciplinary actions are clear in current ethics guidelines and additional penalties have been established by practice. Appropriate actions may already be taken with regard to a legislators leadership position by leadership or a more severe action by the full house or senate. Vote 9-6. Committee report adopted.

HB 1567, relative to removing names from the checklist. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William L. O'Brien for the Majority of Election Law: The benefits of a statewide voter database that can be used for comparisons with the voter rolls of other states and to discover duplicative registrations within the state would evaporate unless there is the authority and a procedure to refresh local voter checklists. All information in the statewide voter database will be based entirely on the voter checklists of our towns and cities. If those checklists become dated, so too will the statewide voter database. Recognizing this, the secretary of state requested that HB 1567 be filed. The bill, as amended, would allow anyone to submit a request for correction of the checklist. These requests will be considered at the next session of the checklist supervisors. At that next session and only if the supervisors have "a reasonable basis" to challenge a voter's registration, they then will follow a procedure of notice to the voter and opportunity of the voter to confirm his registration. The amendment to the bill that was adopted by the committee arose out of testimony by the representative of

the secretary of state that the current practice of many checklist supervisors is to accept credible information from anyone to determine if a voter's presence on the checklist should be confirmed. The committee was told by the secretary of state's representatives that he would support confirming this practice in HB 1567. This bill does not mandate "investigation" of voters. Indeed, the word "investigate" is not used in the bill; rather it gives the checklist supervisors authority to contact voters to see if they still are residents. In this regard, the only act that the bill states supervisors "shall" do is give notice to voters before they remove the voter's name from the checklist. Further this enabling legislation does not present any Article 28A issue. It simply gives the supervisors of the checklist additional tools and a procedure to carry out the task already assigned to them, maintaining accurate voter rolls. Vote 11-6.

Rep. James R. Splaine for the Minority of Election Law: The amendment on this bill substantially changes the original bill making it into legislation that would allow anyone to challenge any voter who appears on the checklist. The supervisors of the checklist then "...shall..." investigate those voters so challenged. The minority believes this bill would further intimidate voters. We also believe that it creates a costly internal process for cities and towns, raising questions relating to 28A mandates, which the state should not obligate municipalities to pay for. This bill is simply not needed to ensure that voter checklists are clean and accurate because town and city clerks and supervisors for the checklists have all the authority they need to double-check compliance with state and local laws.

Majority Amendment (1085h)

Amend the bill by replacing section 1 with the following:

1 New Section; Periodic Maintenance and Verification of Checklists; Request to Correct the Checklist. Amend RSA 654 by inserting after section 36 the following new section:

654:36-a Request to Correct the Checklist.

I. A supervisor of the checklist, the town or city clerk, or any other person, may submit a request for correction of the checklist to the supervisors of the checklist or to the town or city clerk based upon a reasonable belief that a person listed on the checklist is not qualified as a voter in the town or ward. The clerk shall forward requests for correction of the checklist to the supervisors of the checklist. At the next session of the supervisors, they shall examine the requests and determine if a reasonable basis exists to doubt the person's qualifications.

II.(a) If a reasonable basis exists to doubt the person's qualifications and the next election will not occur for more than 30 days after the determination by the supervisors, the supervisors shall send a notice to the person and afford the person at least 30 days to provide proof of his or her qualifications. If the person fails to respond to the 30-day notice or responds but fails to provide proof that establishes that it is more likely than not that the person is qualified to vote in the town or ward, the person's name shall be removed from the checklist.

(b) If a reasonable basis exists to doubt the person's qualifications and the next election will occur sooner than 30 days after the determination by the supervisors, the supervisors shall enter a challenge to the person with the moderator, and if the person appears to vote on election day or submits an absentee ballot, the challenge shall be processed in the manner provided by law.

AMENDED ANALYSIS

This bill authorizes any person to request that a person be removed from the checklist based on a reasonable belief that the person is not qualified as a voter in the town or ward. Majority amendment adopted.

Reps. Splaine and Claudia Chase spoke against.

Rep. O'Brien spoke in favor and yielded to questions.

Rep. Splaine requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 195 NAYS 142			
YEAS 195			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael
CARROLL			
Babson, David Jr	Brown, Carolyn	Chandler, Gene	Dickinson, Howard
Knox, J David	Martin, James	McConkey, Mark	Merrow, Harry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	
CHESHIRE			
Emerson, Susan	Foote, Sheila	Hogancamp, Deborah	Hunt, John
Pelkey, Stephen	Sawyer, Sheldon		
COOS			
King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Ingbreton, Paul	Mirski, Paul
Sorg, Gregory	Ward, John	Williams, Burton	
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Allan, Nelson	Balboni, Michael
Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Buhlman, David
Calawa, Leon Jr	Carew, James	Carter, Mark	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Coughlin, Pamela	Craig, James
Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Francoeur, Bea
Gargas, Carolyn	Golding, William	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Hawkins, Ken	Hebert, Raymond	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Infantine, William	Jasper, Shawn
Jeudy, Jean	Johnson, Paula	L'Heureux, Robert	Lawrence, James
Lessard, Rudy	Manney, Pamela	Mead, Robert	Mooney, Maureen
Moran, Edward	O'Brien, William	Ober, Lynne	Pepino, Leo
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rowe, Robert
Scanlon, Michael	Souza, Kathleen	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert
MERRIMACK			

Anderson, Eric	Blanchard, Elizabeth	Currier, David	Field, William
Hess, David	Kennedy, Richard	Kidder, David	Klose, John
L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla	MacKay, James
Marple, Richard	Maxfield, Roy	Whiting, Herbert	
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Buxton, Donald	Cady, Harriet	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	Cooney, Richard
Dalrymple, Janeen	DiFruscia, Anthony	Dowd, John	Dowling, Patricia
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Forsing, Robert
Francoeur, Sheila	Garrity, James	Gilbert, Karl	Griffin, Mary
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Hutchinson, Karen
Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	Major, Norman
Mason, April	McKinney, Betsy	McMahon, Charles	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Palazzo, Frank	Priestley, Anne
Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl	Rolston, James
Sanders, Elisabeth	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman	Wells, Roger	Winchell, George
Zolla, William			
STRAFFORD			
Berube, Roger	Brown, Julie	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Easson, Timothy	Hollinger, Jeffrey	Newton, Clifford
SULLIVAN			
Gale, Harry	Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly
NAYS 142			
BELKNAP			
Millham, Alida	Morrison, Gail		
CARROLL			
Buco, Thomas	Olimpio, J Lisbeth		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Theberge, Robert
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha

Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Campbell, David
Chase, Claudia	Cote, David	Cote, Peter	Daniuk, Caitlin
DeVries, Betsi	Egbers, Fran	Essex, David	Foster, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Hall, Betty
Harvey, Suzanne	Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette
Kopka, Angeline	Kurk, Neal	Lasky, Bette	Matarazzo, Anthony Sr
McRae, Karen	Michon, Stephen	Movsesian, Lori	O'Connell, Timothy
Pappas, Christopher	Pilotte, Maurice	Rochette, Eric	Rosenwald, Cindy
Ryder, Donald	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Smith, David	Sullivan, Francis	Sullivan, Peter
Velez, Hector			
MERRIMACK			
Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	DeJoie, John
Foose, Robert	French, Barbara	Gile, Mary	Hager, Elizabeth
Hamm, Christine	McMahon, Patricia	Oliver, James	Osborne, Jessie
Potter, Frances	Reardon, Tara	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Cali-Pitts, Jacqueline	Casey, Kimberley	Flockhart, Eileen
Gould, Kenneth	Moody, Marcia	Pantelakos, Laura	Powers, James
Robinson, John	Serlin, Christopher	Splaine, James	Stiles, Nancy
STRAFFORD			
Bickford, David	Brown, Jennifer	Brown, Lawrence	Callaghan, Frank
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Heon, Richard	Hilliard, Dana	Hofemann, Roland	Johnson, Nancy
Keans, Sandra	Knowles, William	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Kathleen	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen			

and the majority committee report was adopted.

Ordered to third reading.

HB 1258-FN-A, establishing a sunset review process for executive agency and judicial programs and making an appropriation therefor. **REFER FOR INTERIM STUDY**
Rep. Charlotte-Houde Quimby for Executive Departments and Administration: This committee appreciates the benefits of periodic review for agencies and legislative oversight procedures. This bill, in conjunction with HB 1616FN, establishing a performance

measurement system for state agencies, requires more extensive review. Therefore, the committee voted for interim study. Vote 14-0.
Committee report adopted.

HB 1616-FN, establishing a performance measurement system for state agencies.

INEXPEDIENT TO LEGISLATE

Rep. James B. Coburn for Executive Departments and Administration: This bill would establish a performance measurement system that requires state agencies to identify program objectives and to measure program outcomes. There was an amendment submitted to establish a commission on the development of a performance measurement system for state government. The committee agrees that setting performance objectives for agency programs and measuring results or outcomes is important because it could help identify and remove failing programs. The committee felt that a successful program would require participation of performance management experts and ongoing action by the House. This activity will require long term cultural change with supporting administrative/IT resources. It requires state agency sponsorship. Vote 13-0.

Rep. Bergin spoke against.

On a division vote, 121 members having voted in the affirmative and 200 in the negative, the committee report failed.

Rep. Bergin moved Interim Study.

Motion adopted.

(Speaker Scamman in the Chair)

HB 1670-FN, relative to membership on certain professional regulatory boards.

INEXPEDIENT TO LEGISLATE

Rep. Alida I. Millham for Executive Departments and Administration: The intent of this bill is to add a second public member to every professional board currently having only one. This would be done for the purpose of enhancing the transparent functioning of the board and allowing more public accountability. So doing required, in most cases, adding more regular members to protect the working balance of the board. In one case, it required disrupting a delicate balance between two branches of one profession. The cost of this move would be covered by an increase in the professional license fee. This kind of fee increase is not a problem in groups with many licensed members, but much more of a burden in small licensed groups. While considered to be a reasonable idea, a slim majority of the committee felt it was not workable across all the licensing boards. Vote 7-6.

Committee report adopted.

HB 1744-FN-A, authorizing the pari-mutuel commission to regulate games of chance conducted by charitable organizations and relative to tournaments conducted by charitable organizations where chips have no monetary face value. **OUGHT TO PASS WITH**

AMENDMENT

Rep. James M. Fitzgerald for Executive Departments and Administration: This bill, as amended, is the result of many hours of collaborative effort among the sponsor, the Pari-Mutuel Commission, the Attorney General's office and the committee. This bill is about regulating what is already going on; it is not about expanding gambling. The bill gives the Pari-Mutuel Commission authority to administer and enforce "games of chance," with the assistance of the Attorney General's office and the local police chief. It will allow them to adopt rules similar to what is currently being done with Bingo and to better regulate the licensing process, game operations and operators, financial reporting, inspections, and criminal background checks. The bill places a \$300 a day limit on games of chance where chips have no monetary value such as "Texas hold-em tournaments" and "casino nights." The bill also establishes a "games of chance study commission" that will evaluate current regulations, look at establishing minimum amounts to be paid to charities, possible revenue

streams and limits on wagering and prizes. The commission will complete its study and make recommendations for improvements within a year. Vote 17-1.

Amendment (1177h)

Amend the bill by replacing all after section 3 with the following:

4 Games of Chance; Enforcement. Amend RSA 287-D:1-a to read as follows:

287-D:1-a ~~[Administration and]~~ Enforcement. The ***pari-mutuel commission, with the assistance of the*** attorney general and the ~~[respective]~~ chief of police ***of any city or town where games of chance are held,*** shall administer and enforce the provisions of this chapter.

5 New Section; Rulemaking. Adopt RSA 287 by inserting after section 287-D:1-a the following new section:

287-D:1-b Rulemaking. The pari-mutuel commission shall adopt rules, pursuant to RSA 541-A, relative to:

I. The application procedure for games of chance licenses for charitable organizations.

II. Information to be required on license applications for games of chance licenses for charitable organizations

III. The application procedure for games of chance licenses for game operators.

IV. Information to be required on license applications for games of chance licenses for game operators.

V. Procedures for a hearing following revocation of any license issued pursuant to this chapter.

VI. The operation of games of chance.

VII. The rental or lease of facilities pursuant to RSA 287-D:2-a, VI and the leasing or purchasing of equipment for use in games of chance.

VIII. Refunds of license fees pursuant to RSA 287-D:2-d, VI.

IX. Accountability controls to ensure game integrity, including, but not limited to, cash, attendance, prizes, income, expense and financial reporting, and record-keeping to be implemented by licensed charitable organizations and licensed game operators in addition to requirements set forth in RSA 287-D:5.

X. Enforcement of this chapter pursuant to RSA 287-D:6 and RSA 287-D:7.

XI. Background and criminal records checks pursuant to RSA 287-D:8.

XII. The issuance of subpoenas pursuant to RSA 287-D:9.

XIII. Other matters related to the proper administration of this chapter.

6 Games of Chance Authorized. Amend RSA 287-D:2, II to read as follows:

II. No one may apply for a license for the operation of games of chance without first obtaining written permission of the owner of the property where the games will be conducted. Such permission shall be acknowledged before a notary public or justice of the peace and shall be obtained on a form supplied by the ~~[chief of police of said city or town]~~ ***pari-mutuel commission.***

7 Games of Chance; License Applications. Amend RSA 287-D:2-a to read as follows:
287-D:2-a License Applications.

I. Applications shall be submitted to the ~~[respective chief of police and to the attorney general]~~ ***pari-mutuel commission*** by an officer, director, or duly authorized official of the charitable organization. Proof of authority to submit the application on behalf of the charitable organization may be required. ***The applicant shall send copies of the application submitted to the pari-mutuel commission to the attorney general and the chief of police of each city or town where games of chance are held.***

II. Applications shall be made only on the forms supplied to the charitable organization by the ~~[attorney general]~~ ***pari-mutuel commission including, at a minimum, the following information provided that the commission may, by rule, establish additional items to be submitted on the application form or attached to it:***

(a) *If known, the date or dates and location or locations of each game of chance to be sponsored by the charity.*

(b) *A list of the names and addresses of the current bona fide members of the charity.*

(c) *The name of the New Hampshire bank and the bank account number for the account in which money from the game of chance will be deposited and withdrawn.*

(d) *The name, date of birth, and social security number of all bona fide charitable organization members who will participate in the operation of the games. The pari-mutuel commission shall keep as exempt from disclosure, pursuant to RSA 91-A, any social security numbers submitted.*

(e) *The name and address of any game operator who will be involved in the operation of the games.*

(f) *If any of the proposed games are to be held in a location licensed pursuant to RSA 287-D:2-a, VI, the name and address of the person or business from whom the space is being rented.*

(g) *If the charitable organization is buying or renting any equipment for the game of chance, the name and address of the seller or renter.*

III. No license shall be issued unless the application form is fully completed by the duly authorized officer, director, or official of the charitable organization.

IV. *Initial applications shall be received by the pari-mutuel commission at least 60 days before the first game date of the year. Each subsequent application shall be received by the [chief of police and attorney general] pari-mutuel commission [15 days prior to the first game date of each month] on or before December 1 for a license for games to be held during the following year.* This requirement may be waived by the [attorney general] *pari-mutuel commission* for good cause shown.

V. The applicant shall certify under oath that:

(a) The information provided on the application is accurate.

(b) Only bona fide members of the charitable organization **or persons complying with the requirements of RSA 287-D:2-c** will operate the games of chance.

(c) That neither the applicant nor any [member of the charitable organization] **person** who will be participating in the operation of the games of chance has been convicted of a [felony or class A misdemeanor within the previous 10 years which has not been annulled by a court, or a class B misdemeanor within the past 5 years which has not been annulled by a court,][a crime] **felony within the previous 10 years which has not been annulled by a court or a misdemeanor involving falsehood or dishonesty within the previous 5 years which has not been annulled by a court**, or has violated any statutes or rules governing charitable gambling.

(d) The applicant or any [member of the charitable organization] **person** who will be participating in the operation of the games of chance is aware of all statutes and rules applicable to the operation of games of chance.

VI. *If a charitable organization intends to lease or rent premises for the conduct of any game of chance from an entity other than a charitable organization or governmental subdivision, the entity leasing or renting out the premises shall be licensed by the pari-mutuel commission. The license shall be applied for by filing an application supplied by the pari-mutuel commission. The pari-mutuel commission may issue a license for a period of one year which shall expire on June 30 of each year unless sooner revoked or suspended for just cause by the pari-mutuel commission.*

VII. *To be eligible for licensure under this chapter, a charitable organization shall:*

(a) *Document that it is exempt from federal income tax.*

(b) Establish that the religious, civic, fraternal, veterans, or charitable purposes for which it was organized, other than charitable gambling, are furthered through activities conducted in the town or city in which the charitable organization is organized.

(c) Register, if required under RSA 7:19 – RSA 7:32, with the director of charitable trusts.

(d) Maintain a current list of bona fide members.

(e) Maintain a New Hampshire bank account solely in the name of the charitable organization in which the money from games of chance shall be deposited and withdrawn.

(f) Meet all other applicable requirements specified in this chapter and in rules adopted by the pari-mutuel commission.

VIII. No person shall be permitted to participate in the operation of a game of chance, unless that person is:

(a) Listed on the application form pursuant to subparagraph II(d), or added to the list pursuant to paragraph IX, and has submitted to a background and criminal record check pursuant to RSA 287-D:8; or

(b) A licensed game operator pursuant to RSA 287-D:2-c.

IX. The charitable organization may amend or supplement the list of members who will participate in the operation of a game of chance, pursuant to subparagraph II(d), up to 10 working days prior to any particular game.

X. At least 45 days prior to each game date, the charitable organization shall submit the date and location of the game of chance if this information has not already been submitted to the pari-mutuel commission pursuant to subparagraph II(a).

8 Operation of Games of Chance. Amend RSA 287-D:2-b, I and II to read as follows:

I.(a) Only persons complying with the requirements of RSA 287-D:2-c or bona fide members of charitable organizations shall operate games of chance; except that, if all bona fide members of a charitable organization are under 18 years of age, adult officers or directors of the charitable organization or parents or legal guardians of bona fide minor members, who have been authorized by the officers or directors of the charitable organization, shall operate the games. Proof of bona fide membership shall be required for any person not subject to the requirements of RSA 287-D:2-c.

(b) Notwithstanding subparagraph (a), if, by reason of the established criteria for membership, all bona fide members of the charitable organization are physically or mentally disabled, or both, the officers, directors, or authorized officials of the charitable organization may designate individuals to conduct the operation of games of chance on behalf of said charitable organization. Individuals so designated are subject to all applicable provisions of this chapter, shall be listed pursuant to RSA 287-D:2-a, II(b) or RSA 287-D:2-a, IX, and the designation of such individuals is subject to the approval of the [chiefs of police] pari-mutuel commission.

(c) Notwithstanding subparagraph (a), all charitable organizations that conduct games of chance for charitable purposes may allow spouses, sons, and daughters of bona fide members who are at least 18 years of age to assist with the operation of the games of chance. [A list of the names of the persons assisting shall be submitted to the chief of police prior to the scheduled game of chance event.] These spouses, sons, and daughters are subject to all applicable provisions of this chapter, shall be listed pursuant to RSA 287-D:2-a, II(b) or RSA 287-D:2-a, IX, and are subject to the approval of the pari-mutuel commission.

II. No compensation shall be paid to operators of a game of chance unless agreed to in advance in writing by the charity. Compensation shall include, but is not necessarily limited to, money or any other thing of value. If the paid game operator's compensation is contingent upon the amount of revenue received from a game of chance, the

compensation shall be a fixed percentage of the gross revenue from the game of chance excluding the paid game operator's expenses. If the compensation of a paid game operator is not contingent upon the amount of revenue received, the compensation shall be a reasonable estimate, expressed as a percentage of the gross revenue. The contract shall clearly disclose the assumptions upon which the estimate is based. The stated assumptions shall be based upon all of the relevant facts known to the paid game operator regarding the services to be provided and the past performance of games of chance operated by the paid game operator.

II-a. Unless otherwise agreed to in advance, pursuant to paragraph II, in writing by the charitable organization, operators of games of chance may be reimbursed for their out-of-pocket expenses in an amount not to exceed \$[8]25 per game date, provided that such expenses are itemized and submitted in writing to the charitable organization.

9 New Paragraphs; Operation of Games of Chance. Amend RSA 287-D:2-b by inserting after paragraph VI the following new paragraphs:

VII. Only the treasurer of the charitable organization or a bona fide member of the charitable organization designated by the treasurer, shall handle any monetary transactions related to the game of chance.

VIII. The charitable organization shall deposit cash and proceeds from a game of chance into the New Hampshire bank account required by RSA 287-D:2-a, VII(e). All expenses, including prizes of more than \$500.00, game operator fees, and equipment and hall rental fees shall be paid by check from that New Hampshire bank account. The treasurer of the charitable organization shall document all prizes awarded as prescribed in rules adopted by the pari-mutuel commission.

IX. All game of chance paraphernalia or related equipment used in conducting games of chance shall be subject to inspection and approval by the pari-mutuel commission.

X. The charitable organization shall keep a record of all persons participating in the operation of a game of chance, including but not limited to, the date and location of the game and the person's name, address, telephone number, and type of participation in the game.

XI. For games where chips have no monetary face value, the charitable organization may offer any number of games per game date up to a limit of \$300 per person including buy-ins and re-buys.

10 New Section; Licensing of Game Operators. Adopt RSA 287-D:2-c by inserting after section 287-D:2-b the following new sections:

287-D:2-c Licensing of Game Operators.

I. As used in this section, game operators means any consultant or any person other than a bona fide member of the charitable organization involved in conducting, managing, supervising, directing, or running the games of chance, and those involved in such tasks as dealing, running a roulette wheel, handling chips, and serving beverages or food.

II. Applications shall be made only on the forms supplied to the game operator by the pari-mutuel commission including, at a minimum, the following information provided that the pari-mutuel commission may, by rule, establish additional items to be submitted on the application form or attached to it:

(a) The name of the game operator.

(b) The name of the game operator's employer and the employer's address and telephone number.

(c) A list of the games of chance in which the game operator will participate including the date of the game, the location of the game, and the charitable organization holding the game.

(d) A list of any other states in which the game operator has been registered or licensed as a professional fundraiser, professional game operator, or other similar position.

(e) Whether a registration or license listed in subparagraph (d) has been denied, suspended, revoked, or enjoined by a court or state agency, or if such proceedings are pending; and

(f) The names and addresses of any individuals with whom the applicant is affiliated in the fundraising or game operating business.

III. No person shall be permitted to participate in the operation of a game of chance as a game operator, unless that person:

(a) Is listed on a charitable organization's application form pursuant to RSA 287-D:2-a, II(e);

(b) Has submitted a background and criminal check pursuant to RSA 287-D:8; and

(c) Is a licensed game operator pursuant to this section.

IV. Initial applications shall be received by the pari-mutuel commission at least 60 days before the first game date of the year. Each subsequent application shall be received by the pari-mutuel commission on or before December 1 for a license for games to be held during the following year.

V. The game operator or the game operator's employer shall submit a \$20,000 bond to the pari-mutuel commission with the application form.

287-D:2-d License Fees and Specifications.

I. An applicant for a charitable organization license under RSA 287-D:2-a shall apply to the pari-mutuel commission, and upon payment of a fee of \$25 per game date and if the applicant meets all other requirements of this chapter, a license shall be issued. Only one license shall be issued to each applicant per year to operate games of chance for 10 days, which 10 days need not be consecutive. A license issued under RSA 287-D:2-a shall expire on December 31. The pari-mutuel commission shall notify the attorney general and police chief of any city or town where games of chance are held of any applications approved.

II. An applicant for a game of chance facility license under RSA 287-D:2-a, VI shall apply to the pari-mutuel commission, and upon payment of a fee of \$250 per year and if the applicant meets all other requirements of this chapter, a license shall be issued. Only one license shall be issued to each applicant per year. A license issued under RSA 287-D:2-a, VI shall expire on June 30.

III. An applicant for a game operator license under RSA 287-D:2-c shall apply to the pari-mutuel commission, and upon payment of a fee of \$500 per year and if the applicant meets all other requirements of this chapter, a license shall be issued. Only one license shall be issued to each applicant per year. A license issued under RSA 287-D:2-c shall expire on December 31. The pari-mutuel commission shall notify the attorney general and police chief of any city or town where games of chance are held of any applications approved. RSA 7:28-c shall not apply to game operator licensees subject to this chapter.

IV. A license issued under RSA 287-D:2-a shall authorize games at specific times on specific dates at specific locations.

V. No more than 2 licensed charitable organizations may conduct games of chance at any one location on any specified date.

VI. Any license issued under RSA 287-D:2-a or RSA 287-D:2-c shall not be transferable and the fees for the license shall not be refunded except for good cause shown as specified in rules adopted by the pari-mutuel commission.

11 New Paragraphs; Equipment; Wagering; Prizes; Facilities. Amend RSA 287-D:3 by inserting after paragraph V the following new paragraphs:

VI. Any contract for the rental of a facility for a game of chance shall be independent of any contract for the rental of equipment. Those contracts shall not be contingent upon the charitable organization's agreement that it will contract with a particular business for a particular facility or equipment.

VII. A charitable organization shall only rent a facility by means of a fixed rental payment. The fixed rental payment shall not be based on a percentage of what the charitable organization receives from the game of chance and it shall reflect fair rental value of the property for any use not just as a place to hold a game of chance. Any rental entered

into by the charitable organization shall be submitted with the charitable organization's license application for review by the pari-mutuel commission.

12 Fees; Financial Reports and Inspections. RSA 287-D:5 is repealed and reenacted to read as follows:

287-D:5 Financial Reports and Inspections.

I. A charitable organization shall submit a complete financial report for each license issued under RSA 287-D:2 and RSA 287-D:2-a to the pari-mutuel commission on forms supplied to the charitable organization by the pari-mutuel commission within 30 days of the end of each month during which a game of chance was held.

II. The financial report shall be completed by the treasurer of the charitable organization or a duly authorized officer, director, or official of the charitable organization who shall certify such accounting under oath.

III. The financial report shall include:

(a) A complete statement of all revenues and expenses.

(b) A record of the amount of prizes awarded.

(c) The names and addresses of the members who participated in the games of chance.

(d) The name and address of any fundraising counsel or game operator involved in conducting the games of chance.

IV. The charitable organization shall retain canceled checks for the payment of expenses and prizes for a period of 2 years.

V. All financial reports filed by charitable organizations shall be maintained by the pari-mutuel commission for a period of one year from the date of filing and shall be open to public inspection.

VI. All financial records pertaining to the games of chance shall be maintained by the treasurer of the charitable organization or other duly authorized director, officer, or official of the charitable organization and shall be made available to the pari-mutuel commission, the attorney general or the chief of police of any city or town where games of chance are held upon request. The pari-mutuel commission may audit such financial records.

VII. A charitable organization shall maintain complete and accurate documentation of all revenues and expenses contained in the financial reports for at least 2 years from the date the financial report is filed.

13 New Paragraph; Penalties; Suspension; and Revocation. Amend RSA 287-D:6 by inserting after paragraph II the following new paragraph:

III. The pari-mutuel commission may suspend or revoke the license of any licensee who violates any provision of this subdivision or for just cause shown. Any licensee whose license is revoked shall not be eligible for licensure for a period of up to one year from the date of revocation.

14 New Section; Rehearing and Appeal. Amend RSA 287-D by inserting after section 6 the following new sections:

287-D:7 Rehearing and Appeal. Any person aggrieved by a decision of the pari-mutuel commission to deny or revoke a license issued pursuant to this chapter may apply to the pari-mutuel commission for a rehearing within 15 business days of the decision. Rehearings and appeals shall be governed by RSA 541.

287-D:8 Background and Criminal Records Check.

I. All applicants for a license pursuant to this chapter shall submit to the pari-mutuel commission with their license application a New Hampshire department of safety, division of state police, notarized criminal record release authorization form.

II. Upon receipt of an applicant's criminal record information, the pari-mutuel commission shall make a determination of eligibility for licensure.

III. All applicants shall also be subject to a background check by the pari-mutuel commission to determine if they are eligible for licensure under this chapter.

287-D:9 Subpoenas. The pari-mutuel commission may issue subpoenas for witnesses and for documents relative to investigations or adjudicatory hearings held by the pari-mutuel commission.

15 Games of Chance Study Commission Established. There is established a games of chance study commission to evaluate the effect of this legislation on games of chance.

I. The members of the games of chance study commission shall be as follows:

(a) Three members of the house of representatives, 2 of who shall be from the house executive department and administration committee and one of whom shall be from the ways and means committee, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

(c) A commissioner from the pari-mutuel commission, chosen by the pari-mutuel commission chairman.

(d) The executive director of the pari-mutuel commission, or the director's designee.

(e) One member from the gaming industry who represents companies presently involved in games of chance appointed by the chairman of the pari-mutuel commission.

(f) Two persons representing the charities who are currently involved in the operation of games of chance, appointed by the attorney general.

(g) One member of the New Hampshire Police Chief's Association who has experience with games of chance held in his or her community appointed by the association.

(h) One representative of the department of justice, appointed by the attorney general.

II. Legislative members of the games of chance study commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The games of chance study commission shall evaluate the effect of this legislation on games of chance. The commission shall solicit input from the regulated community to assist the commission. The commission shall also solicit input from individuals with experience relevant to implementation, administration, and enforcement of RSA 287-D, as deemed necessary by the games of chance study commission. The games of chance commission shall also study:

(a) The establishment of minimal amounts to be paid to charity.

(b) The existence of possible streams of state revenue.

(c) Limits on wagering, prizes, and any other pertinent issues regarding revenue.

(d) Any other areas the commission deems related to the effect of this act on games of chance.

IV. The members of the games of chance study commission shall elect a chairperson from among the members. The first meeting of the commission shall be held within 60 days of the effective date of this section. The chairperson of the commission shall hold meetings no less than once per quarter. Six members of the commission shall constitute a quorum.

V. The games of chance study commission 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 July 1, 2007.

16 Effective Date. This act shall take effect July 1, 2006.

Amendment adopted.

Rep. Kurk offered floor amendment (1260h).

Floor Amendment (1260h)

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-16 to read as 2-17, respectively:

1 Findings and Purpose. The legislature finds that:

I.(a) Charitable organizations provide important and necessary educational, religious, and social services to the people of this state;

(b) Charitable gaming has been authorized in this state for the specific purposes of affording charitable organizations an alternative method of raising funds so that they may further the purpose for which they were established;

(c) Increasingly, a large percentage of the proceeds of charitable games are being diverted away from the charitable organizations to private businesses; and

(d) Uniform regulation for the conduct of charitable games of chance is in the best interest of charitable organizations and the people of the state.

II. The 2006 amendments to RSA 287-D made by this act are enacted with the purposes to ensure that charitable organizations that sponsor games of chance obtain the maximum possible financial return, and to protect the interest of the public by ensuring the integrity of such games. The provisions of RSA 287-D shall be liberally interpreted, construed, and administered to effectuate these purposes.

Amend RSA 287-D:3 as inserted by section 12 of the bill by inserting after paragraph VII the following new paragraph:

VIII. The charitable organization shall retain no less than 40 percent of the gross revenues less any prizes paid for any game date on which game operators licensed under RSA 287-D:2-c are involved in any capacity. Such revenues shall be used by the organization to advance its charitable purpose.

Reps. Kurk and Fitzgerald spoke in favor.

Floor amendment (1260h) adopted.

Committee report adopted and ordered to third reading.

HJR 20, supporting stem cell research. MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Hilda W. Sokol for the Majority of Health, Human Services and Elderly Affairs: This resolution strongly endorses and supports stem cell research which has the potential of leading to medical therapies for the prevention and treatment of numerous different debilitating diseases and conditions, bringing new hope to many people. If passed by the NH Senate and House of Representatives, a copy will be sent to the President and Vice-President of the United States, the Speaker of the U. S. House of Representatives and the NH Congressional delegation to encourage our federal government to provide funding for this promising research. Vote 11-3.

Rep. April H. Mason for the Minority of Health, Human Services and Elderly Affairs: The minority of the committee supported an amendment that encouraged research in adult stem cells including umbilical cords, umbilical cord blood and placentas. Adult stem cells have proven benefits in human patients with new uses consistently being found. The minority of the committee felt we could be united, as a matter of public policy, and support the use of adult stem cell research. The amendment failed on a 7-7 vote. The minority of the committee does not support the use of embryonic stem cell research. To date, proven results have come from adult stem cell research while there continues to be much debate on the benefits of embryonic stem cell research. Many states have passed legislation limiting stem cell research to adults, recognizing the controversy and potential unintended consequences of supporting embryonic stem cell research. The overwhelming public testimony heard in committee did not support embryonic stem cell research, but did support adult stem cell research including umbilical cords, umbilical cord blood and placentas. In conclusion, the minority of the committee felt that supporting this resolution in its original form included embryonic stem cell research, and therefore, could not support it.

Rep. Mason offered minority amendment (0910h).

Minority Amendment (0910h)

Amend the resolution by replacing the title of the resolution with the following:

A RESOLUTION supporting adult stem cell research.

Amend the resolution by replacing all after the title with the following:

Whereas, in recent years it has been demonstrated that significant advancement in the treatment and prevention of a multitude of tragically debilitating conditions can be enhanced through the use of adult stem cell multipotential therapy; and

Whereas, several states have endorsed and funded adult stem cell research; and

Whereas, the encouragement of adult stem cell research would be economically beneficial to the state of New Hampshire through entrepreneurial activity in the field of bio-medical research; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the general court of New Hampshire strongly endorses and supports adult stem cell research, including the use of stem cells from umbilical cords, umbilical cord blood, and placentas; and

That copies of this resolution be sent by the house clerk to the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, and the New Hampshire congressional delegation.

AMENDED ANALYSIS

This house joint resolution supports adult stem cell research.

Reps. Buxton and Pilliod spoke against.

Reps. Mason and Souza spoke in favor.

Rep. Boyce requested a roll call; sufficiently seconded.

The question being adoption of the minority amendment (0910h).

YEAS 111 NAYS 216			
YEAS 111			
BELKNAP			
Boyce, Laurie	Clark, Charles	Fitzgerald, James	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael
CARROLL			
Brown, Carolyn	Knox, J David	Martin, James	McConkey, Mark
Stevens, Stanley			
CHESHIRE			
Butynski, William	Coates, Christopher	Hogancamp, Deborah	Pelkey, Stephen
COOS			
Richardson, Herbert	Stohl, Eric		
GRAFTON			
Ingbreton, Paul	Mirski, Paul	Sorg, Gregory	
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Buhlman, David	Calawa, Leon Jr	Carew, James	Clark, Mark
Crane, Elenore Casey	Dyer, Donald	Elliott, Nancy	Hagan, Barbara

Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Infantine, William
Jasper, Shawn	Jeudy, Jean	Johnson, Paula	Manney, Pamela
McRae, Karen	Mead, Robert	Mooney, Maureen	O'Brien, William
Ober, Lynne	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Slocum, Lee	Souza, Kathleen	Tahir, Saghir	Ulery, Jordan
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	
MERRIMACK			
Field, William	Langlais, Thomas	Whiting, Herbert	
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Cady, Harriet	Camm, Kevin	Carson, Sharon	Charron, Gene
Coburn, James	Dalrymple, Janeen	Dumaine, Dudley	Fesh, Bob
Forsing, Robert	Garrity, James	Griffin, Mary	Headd, James
Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell	Introne, Robert
Itse, Daniel	Johnson, Robert	Katsakiores, Phyllis	Lund, Howie
Mason, April	McMahon, Charles	Nowe, Ronald	Palazzo, Frank
Quandt, Marshall Lee	Quandt, Matthew	Rolston, James	Stiles, Nancy
Waterhouse, Kevin	Weare, E Albert	Welch, David	Weldy, Norman
Weyler, Kenneth	Winchell, George		
STRAFFORD			
Berube, Roger	Callaghan, Frank	Chaplin, Duncan	Easson, Timothy
Hofemann, Roland	Hollinger, Jeffrey	Newton, Clifford	
SULLIVAN			
Donovan, Thomas	Osgood, Philip Sr		
NAYS 216			
BELKNAP			
Allen, Janet	Flanders, Donald	Heald, Bruce	Millham, Alida
Morrison, Gail	Nedeau, Stephen	Pilliod, James	Rosen, Ralph
Russell, David	Thomas, John		
CARROLL			
Babson, David Jr	Chandler, Gene	Dickinson, Howard	Morrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Chase, William	Dunn, J Timothy
Eaton, Daniel	Emerson, Susan	Foote, Sheila	Hunt, John
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon
COOS			
Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Merrick, Scott	Morneau, Renney	Remick, William	Tholl, John Jr

GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Gionet, Edmond	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Ward, John	Williams, Burton
HILLSBOROUGH			
Baroody, Benjamin	Barry, J Gail	Beaulieu, Jane	Bergin, Peter
Brundige, Robert	Campbell, David	Chase, Claudia	Christiansen, Lars
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Egbers, Fran	Emerton, Larry	Essex, David
Foster, Linda	Francoeur, Bea	Gargasz, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr
Graham, John	Hall, Betty	Hansen, Ryan	Harvey, Suzanne
Hawkins, Ken	Hebert, Raymond	Holden, Randolph	Irwin, Anne-Marie
Jean, Claudette	Kopka, Angeline	Kurk, Neal	L'Heureux, Robert
Lasky, Bette	Lawrence, James	Lessard, Rudy	Matarazzo, Anthony Sr
Michon, Stephen	Moran, Edward	Movsesian, Lori	O'Connell, Timothy
Pappas, Christopher	Pepino, Leo	Rochette, Eric	Rosenwald, Cindy
Ross, Lawrence	Rowe, Robert	Ryder, Donald	Scanlon, Michael
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Smith, David
Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve	Velez, Hector
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	DeJoie, John	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Hess, David
Kennedy, Richard	Kidder, David	Klose, John	Lockwood, Priscilla
MacKay, James	Marple, Richard	Maxfield, Roy	McMahon, Patricia
Oliver, James	Osborne, Jessie	Potter, Frances	Reardon, Tara
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Bishop, Franklin	Buxton, Donald	Cali-Pitts, Jacqueline
Casey, Kimberley	Cooney, Richard	DiFruscia, Anthony	Dowd, John
Dowling, Patricia	Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila
Gilbert, Karl	Gould, Kenneth	Hutchinson, Karen	Katsakiores, George
Major, Norman	McKinney, Betsy	Moody, Marcia	Packard, Sherman
Pantelakos, Laura	Powers, James	Priestley, Anne	Robertson, Carl
Robinson, John	Sanders, Elisabeth	Serlin, Christopher	Splaine, James
Stone, Joseph	Wells, Roger	Zolla, William	
STRAFFORD			
Bickford, David	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Cataldo, Sam	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin

Dunlap, Patricia	Hilliard, Dana	Johnson, Nancy	Keans, Sandra
Knowles, William	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Wall, Janet			
SULLIVAN			
Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen	Rodeschin, Beverly		

and minority amendment (0910h) failed.

The question now being adoption of the majority committee report.

Committee report adopted and ordered to third reading

Rep. Coates notified the Clerk that he voted YEA and intended to vote NAY.

CACR 34, relating to the definition of marriage. Providing that marriage between one man and one woman shall be the only legal union that shall be valid or recognized in this state.

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

Rep. John B. Hunt for the Majority of Judiciary: Currently New Hampshire laws require that a marriage is between one man and one woman and if any other state does something different it would not be recognized in New Hampshire. The sponsors of this constitutional amendment feel that it is critical that New Hampshire pass a preventative amendment before the New Hampshire Supreme Court may do the same as other courts have in other states in requiring same sex marriage. However, the majority of the committee felt that this amendment would also preclude the legislature from creating any other forms of “union”.

The majority voted against this CACR for several reasons. Traditional the State Constitution has been perceived as a protector for minority rights and the idea that an amendment would take away a minority right would seem to be an anathema. CACR 34 is clearly discriminatory to a particular class of people. The majority of the committee feels that this “House of the People” should not enshrine discrimination of any kind in our NH Constitution. All our citizens deserve the freedoms, protections and rights guaranteed in our constitution.

The majority feels that the constitution should not be used to reflect current social policy trends of the day so that future generations would be unable to change to reflect different trends. Amending the constitution should not be taken lightly and there is no guarantee that attempting to preempt future court action would be successful. A Franklin Pierce Law Center professor astutely observed that the quickest, surest way to involve the New Hampshire Supreme Court in this matter is to pass a constitutional amendment on the subject.

When the proponents argue that the issue of same sex marriage should be put to a vote of the people, they are ignoring that this is a citizen legislature of four hundred and twenty-four from all different backgrounds. We are “the people” elected to address social policy in legislation, and, on the subject of this CACR, the people have spoken. The defeat of this amendment should not be interpreted as the legislatures lack of support for marriage between one man and one woman but rather a clear message to the court that the Legislature does reflect the will of the people and the protection of their rights. There is no need for this CACR nor for the courts to change New Hampshire law. Vote 14-7.

Rep. Nancy J. Elliot for the Minority of Judiciary: Regardless of your personal feelings on this issue, either you will allow the people to decide our state’s definition of marriage or you will allow the courts to decide. This amendment defines marriage as the union between one man and one woman. It would prevent a court challenge in NH similar to the ones currently occurring in over a dozen states regarding separate but equal definitions of marriage and civil unions/domestic partnerships. The amendment prevents a court decision similar to the

one in California, which ruled that having two separate institutions, marriage and civil unions have the exact same benefits, was discriminatory. As stated in the media, same sex couples married in MA, are poised to move to NH and use the courts to get their “marriages” legally recognized in NH. Unlike what happened in MA, the NH legislature has the perfect opportunity this year to put this vital decision in the hands of the people whom we serve and represent. If you withhold from the people the permission to vote on this important issue, the courts will force same sex marriage upon our constitution, just like MA. Let’s not be like MA; let the people vote!

Rep. Balboni spoke against and yielded to question.

Rep. Sorg spoke against.

Rep. Desmarais spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Hutchinson moved that **CACR 34**, relating to the definition of marriage. Providing that marriage between one man and one woman shall be the only legal union that shall be valid or recognized in this state, be laid on the table.

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

The question being to lay CACR 34 on the table.

YEAS 55 NAYS 277			
YEAS 55			
BELKNAP			
Flanders, Donald	Millham, Alida	Russell, David	Thomas, John
Veazey, John			
CARROLL			
Brown, Carolyn	Chandler, Gene	Patten, Betsey	
CHESHIRE			
Hogancamp, Deborah	Hunt, John		
COOS			
King, Frederick	Remick, William	Tholl, John Jr	
GRAFTON			
Williams, Burton			
HILLSBOROUGH			
Bergin, Peter	Calawa, Leon Jr	Carew, James	Christensen, D L Chris
Desmarais, Vivian	Emerton, Larry	Gargas, Carolyn	Ginsburg, Ruth
Hall, Betty	Holden, Randolph	Lessard, Rudy	Ober, Lynne
Price, Pamela			
MERRIMACK			
Blanchard, Elizabeth	Kennedy, Richard	Klose, John	MacKay, James

Maxfield, Roy	Whiting, Herbert		
ROCKINGHAM			
Bicknell, Elbert	DiFruscia, Anthony	Dowling, Patricia	Francoeur, Sheila
Gould, Kenneth	Hutchinson, Karen	Johnson, Robert	Major, Norman
Nowe, Ronald	O'Neil, Michael	Palazzo, Frank	Priestley, Anne
Rolston, James	Weare, E Albert	Wells, Roger	Weyler, Kenneth
STRAFFORD			
Bickford, David	Chaplin, Duncan	Domingo, Baldwin	Dunlap, Patricia
Keans, Sandra			
SULLIVAN			
Gale, Harry			
NAYS 277			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Hald, Bruce	Morrison, Gail	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Tilton, Franklin	Tobin, William	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Babson, David Jr	Buco, Thomas	Dickinson, Howard	Knox, J David
Martin, James	McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth
Philbrick, Donald	Stevens, Stanley		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espiefs, Peter	Foote, Sheila	Mitchell, Bonnie	Parkhurst, Henry
Pelkey, Stephen	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon	
COOS			
Lary, Bruce	Mears, Edgar	Merrick, Scott	Morneau, Renney
Richardson, Herbert	Stohl, Eric		
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Gionet, Edmond	Hammond, Lee
Harding, A Laurie	Ingbretson, Paul	McLeod, Martha	Mirski, Paul
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Sorg, Gregory			
HILLSBOROUGH			

Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin
Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Buhlman, David
Campbell, David	Carter, Mark	Chase, Claudia	Christiansen, Lars
Clark, Mark	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Crane, Elenore Casey	Daniuk, Caitlin	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Dyer, Donald	Egbers, Fran
Elliott, Nancy	Essex, David	Foster, Linda	Golding, William
Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Hansen, Ryan	Harvey, Suzanne	Hawkins, Ken
Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Infantine, William	Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette
Jeudy, Jean	Johnson, Paula	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	Lasky, Bette	Lawrence, James	Manney, Pamela
Matarazzo, Anthony Sr	McRae, Karen	Mead, Robert	Michon, Stephen
Mooney, Maureen	Moran, Edward	Movsesian, Lori	O'Brien, William
O'Connell, Timothy	Pappas, Christopher	Pepino, Leo	Reeves, Sandra
Renzullo, Andrew	Rochette, Eric	Rosenwald, Cindy	Ross, Lawrence
Rowe, Robert	Ryder, Donald	Scanlon, Michael	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Slocum, Lee
Smith, David	Souza, Kathleen	Sullivan, Francis	Sullivan, Peter
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Velez, Hector
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Field, William	Foose, Robert
French, Barbara	Gile, Mary	Hager, Elizabeth	Hamm, Christine
Hess, David	Kidder, David	Langlais, Thomas	Lockwood, Priscilla
Marple, Richard	McMahon, Patricia	Oliver, James	Osborne, Jessie
Potter, Frances	Reardon, Tara	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Belanger, Ronald	Bettencourt, David
Bishop, Franklin	Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline
Camm, Kevin	Carson, Sharon	Casey, Kimberley	Charron, Gene
Coburn, James	Cooney, Richard	Dalrymple, Janeen	Dowd, John
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Flockhart, Eileen
Forsing, Robert	Garrity, James	Gilbert, Karl	Gillick, Thomas
Griffin, Mary	Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell
Introne, Robert	Itse, Daniel	Katsakiores, George	Katsakiores, Phyllis
Lund, Howie	Mason, April	McKinney, Betsy	McMahon, Charles
Moody, Marcia	Packard, Sherman	Pantelakos, Laura	Powers, James
Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl	Robinson, John
Sanders, Elisabeth	Serlin, Christopher	Splaine, James	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Welch, David	Weldy, Norman
Winchell, George	Zolla, William		

STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Campbell, W Packy	Cataldo, Sam	Cilley, Jacalyn
Creteau, Irene	Easson, Timothy	Hilliard, Dana	Hofemann, Roland
Hollinger, Jeffrey	Johnson, Nancy	Knowles, William	Miller, Joseph
Newton, Clifford	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Irish, Christopher	Jillette, Arthur Jr
Osgood, Philip Sr	Phinizy, James	Prichard, Stephen	Rodeschin, Beverly

and the motion to lay CACR 34 on the table failed.

The question now being adoption of the majority committee report.

Reps. David Smith, Mark Clark and Itse spoke against.

Rep. Kennedy and Welch spoke in favor.

Rep. Buhlman requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 207 NAYS 125			
YEAS 207			
BELKNAP			
Allen, Janet	Flanders, Donald	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Russell, David	Thomas, John
Veazey, John			
CARROLL			
Brown, Carolyn	Buco, Thomas	Chandler, Gene	Dickinson, Howard
Knox, J David	Martin, James	Merrow, Harry	Olimpio, J Lisbeth
Patten, Betsey			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter
Foote, Sheila	Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon	
COOS			
Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Remick, William	Richardson, Herbert	Stohl, Eric	Tholl, John Jr
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Hammond, Lee	Harding, A Laurie

McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Williams, Burton		
HILLSBOROUGH			
Baroody, Benjamin	Bergin, Peter	Campbell, David	Chase, Claudia
Christensen, D L Chris	Cote, David	Cote, Peter	Craig, James
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Egbers, Fran	Essex, David	Foster, Linda
Francoeur, Bea	Gargas, Carolyn	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Hall, Betty	Harvey, Suzanne	Hebert, Raymond
Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette	Kopka, Angeline
Lasky, Bette	Lessard, Rudy	Matarazzo, Anthony Sr	Michon, Stephen
Movsesian, Lori	O'Connell, Timothy	Pappas, Christopher	Price, Pamela
Rochette, Eric	Rosenwald, Cindy	Ryder, Donald	Scanlon, Michael
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve	Velez, Hector
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Kennedy, Richard
Kidder, David	Klose, John	Lockwood, Priscilla	MacKay, James
Marple, Richard	Maxfield, Roy	McMahon, Patricia	Oliver, James
Osborne, Jessie	Potter, Frances	Reardon, Tara	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Belanger, Ronald	Bicknell, Elbert	Cali-Pitts, Jacqueline
Casey, Kimberley	Charron, Gene	Dalrymple, Janeen	DiFruscia, Anthony
Dowling, Patricia	Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila
Gilbert, Karl	Gould, Kenneth	Hutchinson, Karen	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Major, Norman	Moody, Marcia
Nowe, Ronald	O'Neil, Michael	Pantelakos, Laura	Powers, James
Priestley, Anne	Robertson, Carl	Robinson, John	Rolston, James
Sanders, Elisabeth	Serlin, Christopher	Splaine, James	Weare, E Albert
Welch, David	Wells, Roger		
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Hilliard, Dana	Hofemann, Roland	Johnson, Nancy
Keans, Sandra	Knowles, William	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Kathleen	Wall, Janet		
SULLIVAN			

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Irish, Christopher
Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen	
NAYS 125			
BELKNAP			
Boyce, Laurie	Clark, Charles	Fitzgerald, James	Heald, Bruce
Rosen, Ralph	Tilton, Franklin	Tobin, William	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Babson, David Jr	McConkey, Mark	Philbrick, Donald	Stevens, Stanley
CHESHIRE			
Emerson, Susan	Pelkey, Stephen		
COOS			
Lary, Bruce	Morneau, Renney		
GRAFTON			
Gionet, Edmond	Ingbretson, Paul	Mirski, Paul	Sorg, Gregory
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph
Brassard, Paul	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Carew, James	Carter, Mark	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	Dyer, Donald	Elliott, Nancy
Emerton, Larry	Golding, William	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Hansen, Ryan	Hawkins, Ken	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Infantine, William	Jasper, Shawn
Jeudy, Jean	Johnson, Paula	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Manney, Pamela	McRae, Karen	Mead, Robert
Mooney, Maureen	Moran, Edward	O'Brien, William	Ober, Lynne
Reeves, Sandra	Renzullo, Andrew	Rowe, Robert	Slocum, Lee
Smith, David	Souza, Kathleen	Tahir, Saghir	Ulery, Jordan
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Field, William	Hess, David	Langlais, Thomas
ROCKINGHAM			
Allen, Mary	Bettencourt, David	Bishop, Franklin	Buxton, Donald
Cady, Harriet	Camm, Kevin	Carson, Sharon	Coburn, James
Cooney, Richard	Dowd, John	Dumaine, Dudley	Fesh, Bob
Forsing, Robert	Garritty, James	Gillick, Thomas	Griffin, Mary

Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell	Introne, Robert
Itse, Daniel	Lund, Howie	Mason, April	McKinney, Betsy
McMahon, Charles	Packard, Sherman	Palazzo, Frank	Quandt, Marshall Lee
Quandt, Matthew	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Weldy, Norman	Weyler, Kenneth	Winchell, George	Zolla, William
STRAFFORD			
Callaghan, Frank	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Hollinger, Jeffrey	Newton, Clifford	
SULLIVAN			
Osgood, Philip Sr	Rodeschin, Beverly		

and majority committee report was adopted.

HB 1336, relative to administrators of estates. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Judiciary: The sponsor's concern was when administrator of trusts use family or fellow employees for providing billable services in the settlement of an estate. Although the committee appreciates the sponsor's intent, the legislation had several problems (such as defending family and "business associates"). Currently some probate judges have disallowed some associations by administrators and any one can address their concerns to the court. Vote 14-7.

Rep. Cady spoke against.

Committee report adopted.

SPECIAL ORDER

Rep. O'Brien moved to Special Order **HB 1548**, relative to termination of tenancy, for Wednesday, March 22, 2006.

Motion adopted.

SPECIAL ORDERS (CONT'D.)

HB 1682, Relative to parental notification of a parent or legal guardian of a child who has been provided with emergency contraception by a pharmacist. **MAJORITY:**

INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Janet G. Wall for the Majority of Judiciary: This bill would have a pharmacist notify a parent or legal guardian if a person who is less than 16 years of age has been provided with emergency contraception. Within 48 hours of dispensing the medication, the pharmacist would have to do the notification by means of certified mail and include the child's name, the name of the notification, dosage, potential side effects, date of dispensing and information on the pharmacy and pharmacist. While the bill is well-intended, it is flawed. It does not include a refusal clause. There is no enforcement provision in this bill. In the case of divorced or separated parents, who will be notified? What if the minor gives false information as to parentage or legal guardianship? Who will verify identities or addresses? Furthermore, while we all want to believe we are good parents, not all families provide the kind of support system this bill would presuppose. We want our children to come to us, but cannot legislate good parenting. Statistics show that 60% of children would tell their parents and 20% would not seek parental involvement even if it was required. There are documented cases of incest even in New Hampshire. Is it appropriate to notify the father who may have had incestual contact with his daughter? Emergency contraception is exactly what the term implies. There is a short period of time (72 hours) during which this medication would be effective. Emergency contraception is not an abortion medication, but rather, one that prevents pregnancy from occurring. Sending a letter by certified mail would cause unnecessary delay. Yes, there are possible side effects to this medication. There are possible

side effects to all medications—even ones purchased over the counter. It is the belief of the majority that without a thorough consideration of the above mentioned this bill must be voted ITL. Vote 13-7.

Rep. Nancy J. Elliot for the Minority of Judiciary: This common sense bill provides notification to parents of a child under the age of 16, who has been provided with emergency contraception by a pharmacist. These high dose hormone pills have side effects that include nausea, vomiting, infertility, breast tenderness, life threatening ectopic pregnancy and blood clot formation. It is essential a parent is aware what drug their minor child received in order to get the proper medical treatment in the case of adverse side effects. We go to extreme measures to keep the kids of this state safe, from seat belts to bicycle helmets. We need to give our parents the tool they need in this crucial area of their child's healthcare. Dispensing drugs with less care than we do cigarettes is irresponsible.

Reps. Souza and Mark Clark spoke against.

Rep. Elliott spoke against and yielded to questions.

Reps. Houde-Quimby and Millham spoke in favor.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Weyler requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 189 NAYS 118			
YEAS 189			
BELKNAP			
Allen, Janet	Flanders, Donald	Millham, Alida	Morrison, Gail
Pilliod, James	Russell, David	Thomas, John	
CARROLL			
Babson, David Jr	Buco, Thomas	Dickinson, Howard	Knox, J David
Morrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Coates, Christopher	Dunn, J Timothy
Eaton, Daniel	Emerson, Susan	Espieffs, Peter	Hogancamp, Deborah
Hunt, John	Mitchell, Bonnie	Pelkey, Stephen	Plifka, Stanley Jr
Richardson, Barbara	Robertson, Timothy	Sawyer, Sheldon	
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Tholl, John Jr
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Gionet, Edmond	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter		
HILLSBOROUGH			
Baroody, Benjamin	Bergin, Peter	Calawa, Leon Jr	Campbell, David

Carter, Mark	Chase, Claudia	Christensen, D L Chris	Cote, David
Cote, Peter	Crane, Elenore Casey	Daniuk, Caitlin	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Egbers, Fran
Emerton, Larry	Essex, David	Foster, Linda	Gargasz, Carolyn
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Gorman, Mary
Graham, John	Hall, Betty	Harvey, Suzanne	Hebert, Raymond
Holden, Randolph	Infantine, William	Irwin, Anne-Marie	Kopka, Angeline
Kurk, Neal	Lasky, Bette	Michon, Stephen	Movsesian, Lori
O'Connell, Timothy	Pappas, Christopher	Price, Pamela	Rosenwald, Cindy
Ryder, Donald	Scanlon, Michael	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Sullivan, Francis	Sullivan, Peter
Vaillancourt, Steve	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Hager, Elizabeth	Kidder, David
Klose, John	Lockwood, Priscilla	MacKay, James	Marple, Richard
Maxfield, Roy	McMahon, Patricia	Oliver, James	Osborne, Jessie
Potter, Frances	Reardon, Tara	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Wallner, Mary Jane	Walz, Mary Beth
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Bishop, Franklin	Buxton, Donald
Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene	Cooney, Richard
Dalrymple, Janeen	DiFruscia, Anthony	Dowling, Patricia	Flanders, John Sr
Flockhart, Eileen	Francoeur, Sheila	Gould, Kenneth	Hutchinson, Karen
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Major, Norman
McKinney, Betsy	Moody, Marcia	Pantelakos, Laura	Powers, James
Priestley, Anne	Robertson, Carl	Robinson, John	Rolston, James
Sanders, Elisabeth	Serlin, Christopher	Splaine, James	Stone, Joseph
STRAFFORD			
Bickford, David	Brown, Jennifer	Brown, Julie	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Keans, Sandra	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Phinizy, James	Prichard, Stephen		
NAYS 118			

BELKNAP			
Boyce, Laurie	Clark, Charles	Fitzgerald, James	Heald, Bruce
Nedeau, Stephen	Rosen, Ralph	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Brown, Carolyn	Chandler, Gene	McConkey, Mark	Stevens, Stanley
CHESHIRE			
Butynski, William	Foote, Sheila	Parkhurst, Henry	
COOS			
King, Frederick	Morneau, Renney	Remick, William	Richardson, Herbert
Stohl, Eric			
GRAFTON			
Ingbreton, Paul	Sorg, Gregory	Williams, Burton	
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Biundo, Michael
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Buhlman, David
Carew, James	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Dyer, Donald	Elliott, Nancy	Francoeur, Bea	Goyette, Peter Jr
Hagan, Barbara	Hansen, Ryan	Hawkins, Ken	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Jasper, Shawn	Jean, Claudette
Johnson, Paula	L'Heureux, Robert	Manney, Pamela	Matarazzo, Anthony Sr
McRae, Karen	Mead, Robert	Mooney, Maureen	Moran, Edward
O'Brien, William	Ober, Lynne	Pilotte, Maurice	Reeves, Sandra
Renzullo, Andrew	Slocum, Lee	Smith, David	Souza, Kathleen
Tahir, Saghir	Ulery, Jordan	Villeneuve, Maurice	Wheeler, James
MERRIMACK			
Field, William	Hess, David	Kennedy, Richard	Langlais, Thomas
Whiting, Herbert			
ROCKINGHAM			
Asselin, Michael	Bettencourt, David	Bicknell, Elbert	Cady, Harriet
Camm, Kevin	Carson, Sharon	Coburn, James	Dumaine, Dudley
Fesh, Bob	Garrity, James	Gillick, Thomas	Griffin, Mary
Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell	Introne, Robert
Itse, Daniel	Lund, Howie	Mason, April	McMahon, Charles
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Palazzo, Frank
Quandt, Marshall Lee	Quandt, Matthew	Stiles, Nancy	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weldy, Norman	Weyler, Kenneth
Winchell, George	Zolla, William		
STRAFFORD			

Berube, Roger	Callaghan, Frank	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Hollinger, Jeffrey	Newton, Clifford	
SULLIVAN			
Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly	

and the majority committee report was adopted.

HB 1719-FN, defining human life as beginning at the moment of fertilization. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Bette R. Lasky for the Majority of Judiciary: This bill was an attempt to define human life as beginning at the moment of fertilization. This determination is one that scientists and ethicists and medical specialists are unable to exactly define. The beginning of human life is determined by some by their religious beliefs, while others look to science and empirical data to answer the question. Still scientists and theologians can differ in these definitions even among themselves. The 14-6 vote of the committee to find HB 1719 Inexpedient to legislate reflects this uncertainty. Vote 14-6.

Rep. Bea Francoeur for the Minority of Judiciary: This bill was intended to establish life at fertilization for purposes of supporting maternal needs for women in the state of New Hampshire. Unfortunately the real meaning of life and when it starts was lost by the majority of this committee.

Rep. Hagan spoke against and yielded to questions.

Rep. Lasky spoke in favor.

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

The question being adoption of the committee majority report.

YEAS 206 NAYS 80			
YEAS 206			
BELKNAP			
Allen, Janet	Fitzgerald, James	Flanders, Donald	Millham, Alida
Morrison, Gail	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John			
CARROLL			
Babson, David Jr	Buco, Thomas	Chandler, Gene	Dickinson, Howard
McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Dunn, J Timothy	Eaton, Daniel
Emerson, Susan	Espieffs, Peter	Foote, Sheila	Hogancamp, Deborah
Hunt, John	Mitchell, Bonnie	Parkhurst, Henry	Pelkey, Stephen
Plifka, Stanley Jr	Richardson, Barbara	Robertson, Timothy	Sawyer, Sheldon
COOS			
Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Merrick, Scott	Remick, William	Stohl, Eric	Tholl, John Jr
GRAFTON			

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Gionet, Edmond	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Williams, Burton	
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Boehm, Ralph
Calawa, Leon Jr	Campbell, David	Carter, Mark	Chase, Claudia
Christensen, D L Chris	Cote, David	Crane, Elenore Casey	Daniuk, Caitlin
Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard	Egbers, Fran
Emerton, Larry	Essex, David	Foster, Linda	Gargasz, Carolyn
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Gorman, Mary
Graham, John	Hall, Betty	Harvey, Suzanne	Holden, Randolph
Infantine, William	Johnson, Paula	Kopka, Angeline	Kurk, Neal
Lasky, Bette	McRae, Karen	Michon, Stephen	Moran, Edward
Movsesian, Lori	O'Connell, Timothy	Ober, Lynne	Pappas, Christopher
Price, Pamela	Rosenwald, Cindy	Ross, Lawrence	Ryder, Donald
Scanlon, Michael	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Smith, David	Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Hager, Elizabeth	Kidder, David
Klose, John	Lockwood, Priscilla	MacKay, James	Marple, Richard
Maxfield, Roy	McMahon, Patricia	Oliver, James	Osborne, Jessie
Potter, Frances	Reardon, Tara	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Asselin, Michael	Bishop, Franklin	Buxton, Donald
Cali-Pitts, Jacqueline	Camm, Kevin	Charron, Gene	Dalrymple, Janeen
DiFruscia, Anthony	Dowling, Patricia	Fesh, Bob	Flanders, John Sr
Flockhart, Eileen	Francoeur, Sheila	Gilbert, Karl	Gould, Kenneth
Hutchinson, Karen	Ingram, Russell	Johnson, Robert	Major, Norman
McKinney, Betsy	McMahon, Charles	Moody, Marcia	O'Neil, Michael
Packard, Sherman	Powers, James	Priestley, Anne	Robertson, Carl
Robinson, John	Rolston, James	Sanders, Elisabeth	Serlin, Christopher
Splaine, James	Stiles, Nancy	Stone, Joseph	Weare, E Albert
Welch, David	Winchell, George		
STRAFFORD			
Brown, Jennifer	Brown, Julie	Chaplin, Duncan	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Johnson, Nancy
Keans, Sandra	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Wall, Janet			

SULLIVAN			
Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen			
NAYS 80			
BELKNAP			
Boyce, Laurie	Clark, Charles	Rosen, Ralph	Tilton, Franklin
Tobin, William	Whalley, Michael		
CARROLL			
Brown, Carolyn	Knox, J David	Stevens, Stanley	
CHESHIRE			
Butynski, William			
COOS			
Richardson, Herbert			
GRAFTON			
Ingbretson, Paul	Mirski, Paul	Sorg, Gregory	
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Biundo, Michael
Brassard, Paul	Brundige, Robert	Buhlman, David	Carew, James
Christiansen, Lars	Clark, Mark	Coughlin, Pamela	Dyer, Donald
Elliott, Nancy	Francoeur, Bea	Hagan, Barbara	Hawkins, Ken
Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Jasper, Shawn	L'Heureux, Robert	Manney, Pamela	Matarazzo, Anthony Sr
Mead, Robert	Mooney, Maureen	O'Brien, William	Pilotte, Maurice
Reeves, Sandra	Renzullo, Andrew	Schulze, Joan	Slocum, Lee
Souza, Kathleen	Tahir, Saghir	Ulery, Jordan	Wheeler, James
MERRIMACK			
Field, William	Whiting, Herbert		
ROCKINGHAM			
Allen, Mary	Bettencourt, David	Bicknell, Elbert	Cady, Harriet
Coburn, James	Dumaine, Dudley	Garrity, James	Griffin, Mary
Hopfgarten, Paul	Introne, Robert	Itse, Daniel	Katsakiores, Phyllis
Lund, Howie	Mason, April	Nowe, Ronald	Palazzo, Frank
Quandt, Marshall Lee	Quandt, Matthew	Weldy, Norman	Weyler, Kenneth
Zolla, William			

STRAFFORD			
Cataldo, Sam	Hofemann, Roland	Newton, Clifford	
SULLIVAN			
Donovan, Thomas	Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly

and the majority report was adopted.

SPECIAL ORDERS

Rep. O'Neil moved that **HB 1138**, relative to required pay for employees called into work, be made a Special Order for Wednesday, March 22, 2006.

On a division vote, 190 members having voted in the affirmative and 96 in the negative, the motion was adopted.

Rep. O'Neil moved that **HB 1496**, establishing a right to work act which provides for freedom of choice on whether to join a labor union, be made a Special Order for Wednesday, March 22, 2006 at 11:00 a.m.

Adopted.

SPECIAL ORDERS (CONT'D)

HB 1687, extending certain studies. **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Hunt for Legislative Administration: This is a housekeeping measure to extend the dates of several study committees and task forces. The amendment added another study committee that was the subject in HB 1762 relative to pharmacy reimbursements. The other committees that being extended are: the Commission to Develop a Comprehensive State Mental Health Plan, the Task Force on Deafness and Hearing Loss, the Committee to Study Gaming Options for New Hampshire, the Committee to Study the Special Account in the New Hampshire Retirement System, and the Committee to Study the Classifications of Employees as Independent Contractors. Vote 11-0.

Amendment (1007h)

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

AN ACT extending certain studies and adding a certain duty relative to pharmacy reimbursement.

Amend the bill by replacing section 6 with the following:

6 New Paragraph; Committee to Study Medicaid Reimbursement; Duty Added. Amend 2005, 73:3 by inserting after paragraph II the following new paragraph:

III. Examining a closed pharmacy network by region to bid based on price.

7 Committee to Study Medicaid Reimbursement; Reporting Date Extended. Amend 2005, 73:5 to read as follows:

73:5 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, ~~2005~~ **2006**.

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

AMENDED ANALYSIS

This bill extends the reporting dates for certain studies.

This bill also extends the committee to study Medicaid reimbursement rates for pharmacy providers, established in 2005, 73, and adds a duty to the committee's study. The extension of this committee and the new duty was requested by the committee established in 2005, 73.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1195, relative to salary and compensation increases included in a default budget.

INEXPEDIENT TO LEGISLATE

Rep. Gilman C. Shattuck for Municipal and County Government: This bill excludes salary and compensation increases from a default budget unless the increases are required by a collective bargaining agreement that was in effect during the preceding fiscal year. There are many concepts and interpretations of what should or should not be included in a default budget in an official ballot voting (SB2) town. Since the time that official ballot voting has been implemented, there have been bills introduced every year to tweak the system which as created was a “one size fits all” solution. The local governing body needs to show its constituents what is in a default budget and explain the differences between the operating budget and default budget. The legislature needs to stop trying to tweak this form of government and encourage the governing bodies to have truth in budgeting. Vote 11-1. Committee report adopted.

HB 1293, establishing a procedure for towns to change county affiliation. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lawrence D. Brown for the Majority of Municipal and County Government: The bill as presented attempts to deal with questions of inequities of taxation which might be resolved by a change of county. A new county affiliation will not necessarily create equity or eliminate disparity and could very well send old problems to a new host to fester again. Affiliation does not address the concerns and interests of any receiving county, its implementation costs or any refusal rights it should have. There is also no consideration here of the impact on legislative representation when district and county boundaries change or what process should be used as well as a host of other issues. The committee feels that if a municipality has issues within the county in which it is located it should resolve those differences in that county and not seek out another county to align themselves with. Vote 11-3.

Rep. Harry L. Gale for the Minority of Municipal and County Government: If nothing else this bill would lower the frustration and the temperature and have a cathartic result in some of the many communities in our state who suffer from our inability to create fairness and equitable property values and county taxing formulas within county form of government. In the end many of our citizens can no longer afford to live in our communities. This House and Senate suggested that we need a process to change county affiliation much like the educational community has a process under RSA 194:2. In fact this bill mirrors RSA 194:2. Why therefore should not the same process be available to cities and towns in our state? For these and other reasons the minority respectfully requests that this bill be passed into law. This action is long overdue and the citizens of New Hampshire will be forever grateful.

Rep. Gale spoke against.

Rep. Patten spoke in favor.

On a division vote, 216 members having voted in the affirmative and 59 having voted in the negative, the majority committee report was adopted.

HB 1366, relative to a planning board's authority to require public access to open space as a condition of subdivision approval. **MAJORITY: OUGHT TO PASS. MINORITY:**

INEXPEDIENT TO LEGISLATE.

Rep. David L. Buhlman for the Majority of Municipal and County Government: This bill prohibits a planning board from requiring public access to the open space of a cluster development, planned unit development, village plan alternative subdivision, or other innovative land use control, as a condition of subdivision approval. The committee heard testimony that some planning boards have been mandating that developers allow public access to private open space areas within their developments. This action could be perceived as a land taking and the intent of this bill is to prevent this situation from happening in the future. Allowing public access to this private open space within a development has possible

implications for traffic, safety and liability issues. Vote 9-7.

Rep. Gilman C. Shattuck for the Minority of Municipal and County Government: The bill implicitly or explicitly would discourage a planning board from negotiating an open space agreement with a developer. A planning board should have flexibility in such negotiation when appropriate or presently allowed under existing legislations.

Rep. Patten spoke in favor and yielded to questions.

Rep. Phinizy spoke against.

Reps. Mirski and Buhlman spoke in favor.

On a division vote, 178 members having voted in the affirmative and 101 having voted in the negative, the committee report was adopted.

Ordered to third reading.

HB 1558, relative to regulation of smoking by cities and towns. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Eric G. Stohl for the Majority of Municipal and County Government: This bill clarifies the purpose of the indoor smoking act relating to regulations of smoking by cities and towns. RSA 155:66 prohibits smoking in many public places in general. RSA 155:67 provides some exceptions to RSA 155:66. An example of these two statutes is in RSA 155:66 where smoking is prohibited in all enclosed places of public access but restaurants with seating for fewer than 50 people are exempt. The committee is fully aware of HB 1177, prohibiting smoking in restaurants and cocktail lounges statewide, which we feel also has merit but the committee strongly believes in local control. This bill provides the ability of all towns and cities in the State of New Hampshire to have local control with relation to the regulating of smoking within their public places. This bill is not mandatory, it is enabling. Vote 12-3.

Rep. Paul R. Hopfgarten for the Minority of Municipal and County Government: Given that there are rules that are working well regarding the control of smoking in bars and restaurants, there is no need for this bill. The market, made up of business owners and patrons, have come up with the solution, and it's working fine. There are facilities that have a smoking section, and others that prohibit smoking completely. There is no need for the government at any level to interfere with private enterprises to address a problem that's already been solved. There is also concern that this intrusion will eventually be extended to prohibit smoking in private houses.

Majority Amendment (0768h)

Amend RSA 155:64, II as inserted by section 1 of the bill by replacing it with the following:

II. In addition to paragraph I, the purpose of this subdivision is to create minimum standards for the regulation of smoking. It is not the purpose of this subdivision to preempt cities and towns from exercising local control over the issue of smoking. Cities and towns may adopt regulations setting forth stricter standards than set forth in this subdivision.

Majority amendment adopted.

Rep. Buhlman spoke against and yielded to questions.

Rep. Hunt and Stohl spoke against.

Rep. Buhlman requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

Rep. Buhlman requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

YEAS 100 NAYS 177			
YEAS 100			
BELKNAP			

Fitzgerald, James	Morrison, Gail	Pilliod, James	Rosen, Ralph
Tobin, William			
CARROLL			
Brown, Carolyn	Knox, J David	Patten, Betsey	Stevens, Stanley
CHESHIRE			
Butcher, Suzanne	Butynski, William	Dunn, J Timothy	Emerson, Susan
Mitchell, Bonnie	Pelkey, Stephen	Robertson, Timothy	
COOS			
King, Frederick	Merrick, Scott	Stohl, Eric	Tholl, John Jr
GRAFTON			
Andersen, Gene	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Eaton, Stephanie	Hammond, Lee	Mulholland, Catherine	Solomon, Peter
HILLSBOROUGH			
Batula, Peter	Brassard, Paul	Brundige, Robert	Calawa, Leon Jr
Chase, Claudia	Christensen, D L Chris	Cote, David	Crane, Elenore Casey
Desmarais, Vivian	Egbers, Fran	Essex, David	Gargasz, Carolyn
Ginsburg, Ruth	Hall, Betty	Harvey, Suzanne	Irwin, Anne-Marie
Lasky, Bette	Matarazzo, Anthony Sr	Pappas, Christopher	Pilotte, Maurice
Price, Pamela	Scanlon, Michael	Shattuck, Gilman	Shaw, Kimberly
Sullivan, Peter	Wheeler, Robert		
MERRIMACK			
Bouchard, Candace	DeJoie, John	DeStefano, Stephen	Field, William
Foose, Robert	Gile, Mary	Hager, Elizabeth	Klose, John
MacKay, James	McMahon, Patricia	Osborne, Jessie	Potter, Frances
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Wallner, Mary Jane	Walz, Mary Beth		
ROCKINGHAM			
Buxton, Donald	Dalrymple, Janeen	DiFruscia, Anthony	Flanders, John Sr
Flockhart, Eileen	Gould, Kenneth	Johnson, Robert	Mason, April
Moody, Marcia	O'Neil, Michael	Powers, James	Robinson, John
Sanders, Elisabeth	Serlin, Christopher	Splaine, James	Stone, Joseph
Winchell, George	Zolla, William		
STRAFFORD			
Domingo, Baldwin	Smith, Marjorie	Wall, Janet	
SULLIVAN			
Cloutier, John	Donovan, Thomas	Gale, Harry	Irish, Christopher
Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen	

NAYS 177			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Millham, Alida	Nedeau, Stephen	Russell, David	Thomas, John
Tilton, Franklin	Whalley, Michael		
CARROLL			
Babson, David Jr	Buco, Thomas	Chandler, Gene	Dickinson, Howard
McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth	Philbrick, Donald
CHESHIRE			
Allen, Peter	Eaton, Daniel	Espiefs, Peter	Foote, Sheila
Hogancamp, Deborah	Hunt, John	Parkhurst, Henry	Richardson, Barbara
Sawyer, Sheldon			
COOS			
Buzzell, Bernard	Lary, Bruce	Remick, William	Richardson, Herbert
GRAFTON			
Almy, Susan	Gionet, Edmond	Harding, A Laurie	Ingbretson, Paul
McLeod, Martha	Mirski, Paul	Nordgren, Sharon	Sokol, Hilda
Sorg, Gregory	Williams, Burton		
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Beaulieu, Jane
Bergin, Peter	Boehm, Ralph	Buhlman, David	Campbell, David
Carew, James	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Daniuk, Caitlin	Dokmo, Cynthia	Drisko, Richard	Dyer, Donald
Elliott, Nancy	Emerton, Larry	Foster, Linda	Francoeur, Bea
Golding, William	Goley, Jeffrey	Gorman, Mary	Graham, John
Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton	Holden, Randolph
Infantine, William	Jasper, Shawn	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	Manney, Pamela	McRae, Karen	Mead, Robert
Mooney, Maureen	Moran, Edward	Movsesian, Lori	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Reeves, Sandra	Renzullo, Andrew
Rosenwald, Cindy	Ross, Lawrence	Ryder, Donald	Schulze, Joan
Shaw, Barbara	Slocum, Lee	Smith, David	Souza, Kathleen
Sullivan, Francis	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, James			
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Brueggemann, Donald	Clarke, Claire
French, Barbara	Kidder, David	Lockwood, Priscilla	Marple, Richard
Maxfield, Roy	Oliver, James	Reardon, Tara	Tupper, Frank
Whiting, Herbert	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			

Abbott, Dennis	Allen, Mary	Asselin, Michael	Bettencourt, David
Bishop, Franklin	Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin
Charron, Gene	Coburn, James	Dowling, Patricia	Dumaine, Dudley
Fesh, Bob	Francoeur, Sheila	Garrity, James	Griffin, Mary
Hopfgarten, Paul	Ingram, Russell	Introne, Robert	Itse, Daniel
Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	Major, Norman
McKinney, Betsy	McMahon, Charles	Nowe, Ronald	Packard, Sherman
Palazzo, Frank	Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew
Robertson, Carl	Rolston, James	Stiles, Nancy	Weare, E Albert
Welch, David	Weldy, Norman	Weyler, Kenneth	
STRAFFORD			
Bickford, David	Brown, Jennifer	Brown, Julie	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn	Creteau, Irene
Dunlap, Patricia	Hofemann, Roland	Johnson, Nancy	Keans, Sandra
Miller, Joseph	Newton, Clifford	Rollo, Michael	Rous, Emma
Schmidt, Peter	Spang, Judith	Taylor, Kathleen	
SULLIVAN			
Converse, Larry	Ferland, Brenda	Franklin, Peter	Houde-Quimby, Charlotte
Osgood, Philip Sr	Rodeschin, Beverly		

and the majority committee report failed.

Rep. Hopfgarten moved Inexpedient to Legislate.

Motion adopted.

HB 1760, allowing municipalities to adopt a property tax exemption for property using, manufacturing, or supplying bio-heat systems. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for the Majority of Municipal and County Government: This bill seeks to do two things. It allows municipalities to adopt a property tax exemption for all property using, manufacturing or supplying bio-heat systems. Each town or city adopting a bio-heat system property tax exemption shall determine the qualifications for and dollar amounts of the exemption from assessed value, for local property purposes, applicable to residential or commercial property owners or persons manufacturing or supplying bio-heat systems. Thee committee feels that even though this is enabling it will be extremely difficult to confirm who is and who is not using a bio-heat system. Additionally the committee has concerns about how local municipalities will be able to determine that the renewable fuel substitute meets the requirements of the American Society for Testing and Materials (ASTM) specifications D6751. With these two concerns in mind the committee feels that enabling municipalities to adopt this exemption along with the requirement of the selectmen or assessors to grant or deny this exemption could result in needing technical experience regarding bio-heat technology without parameters listed in the bill. The committee believes that encouraging the use of bio-heat systems is an excellent idea. However, this is another bill that would shift the property tax burden from this exemption to other taxpayers within the municipality. Vote 11-3.

Rep. Stephen G. Prichard for the Minority of Municipal and County Government: As oil and natural gas prices rise dramatically our nation's leaders have asked us to search for and promote alternative fuels to heat our homes and propel our vehicles. This bill, with the amendment, does just that by providing a limited property tax exemption not to exceed \$5,000 for the use of bio-fuels. The amendment also prevents anyone from abusing the

exemption by requiring that at least 20% of the fuel used be bio-diesel. Because this is enabling legislation and not required, and because the town or city shall determine the qualifications and dollar amounts for the exemption it protects any community from unfair burden the exemption might impose. The development and growing acceptance of hybrid automobiles has been very much facilitated by tax rebates. Hybrid prices are now coming down and their sale moves our country toward energy independence. This small tax exemption for bio-fuels could do the same thing for cleaner home heating fuel while cutting the amount of imported oil.

Rep. Essex spoke against and yielded to questions.

Reps. Mirski and Stohl spoke in favor.

On a division vote, 169 members having voted in the affirmative and 104 in the negative, the majority committee report was adopted.

Rep. McRae filed a conflict of interest and did not participate.

HB 1443, relative to priorities for development of all terrain (ATV) and trail bike trails.

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

Rep. Christopher R. Irish for the Majority of Resources, Recreation and Development: The use of ATVs as a recreation activity is increasing rapidly on both public and private lands. The need for trail development on state lands is both necessary and required by statute. The committee concluded that the requested language in this bill already exists in current statute. Currently, the priorities for developing ATV trails are: 1: private lands; 2: public lands. The proposed statute does not change those priorities, nor does it strengthen the process. In fact, as with previous bills it would hinder the department's ability to create new ATV trails as it would limit the selection process to public land purchases specifically for ATV use. Current language allows for use of public lands "that are compatible with existing uses and management goals and plans." Concern was also raised that this is targeted legislation, as other motorized vehicles were not considered, such as snowmobiles. Finally, placing a priority on the purchase of new land is established through the land acquisition account, which is funded through registration fees. Vote 12-7.

Rep. Judith T. Spang for the Minority of Resources, Recreation and Development: This bill would clarify the priorities for development of ATV trails in New Hampshire. Current law requires that private lands be considered first, then public lands when trails can be accommodated with other existing uses. This bill would provide that the public lands to be considered after private would be those acquired specifically for the purpose of accommodating ATVs. Several bills in the recent past have illustrated the resistance to imposing summertime motorized uses into parks that have historically been used by passive recreationists. In some instances, park land was donated to the state by landowners who wanted them protected in their natural state. Forcing ATVs into such a park only creates conflict between riders, other park users, surrounding communities and DRED. This bill does not preclude development of other state lands. It merely states that when state land exists that was acquired specifically for ATVs, such as Berlin, that land should be developed first. Makes sense.

On a division vote, 166 members voted in the affirmative and 103 in the negative, the majority committee report was adopted.

HB 1523, relative to certain rulemaking authority of the commissioner of environmental services. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. D. L. Chris Christensen for the Majority of Resources, Recreation and Development: This bill is the result of an LBA audit of the department of environmental services.

Subsequently, the department determined that certain rulemaking authority was not needed. This included federal assistance and private funds with regard to underground storage tanks. It clarifies a conflict in complying with competitive bidding laws (RSA 21-1:22

– RSA 21-a:22d). Rulemaking permission was added under RSA 486:10 regarding water pollution control assistance to municipalities. Vote 10-7.

Rep. Sandra B. Keans for the Minority of Resources, Recreation and Development: This body enacted legislation in 1996 updating the water pollution statutes, in which The Department of Environmental Services (DES) was to develop certification criteria for operators of pre-treatment facilities. DES would like to keep that authority on hold. The minority believes there is no less a need now than ten years ago. Municipalities are better protected by having certified operators at those locations where substantial accidents can occur that can then impact the municipality's ability to treat wastewater. The Minority offers an amendment that leaves the status-quo for certification. We also support the remainder of the bill.

Rep. Keans offered minority amendment (1143h).

Minority Amendment (1143h)

Amend the bill by deleting section 5 and renumbering the original sections 6-7 to read as 5-6, respectively.

Rep. Keans spoke in favor and yielded to questions.

Rep. Patten spoke against.

Minority amendment (1143h) failed.

The question being adoption of the majority committee report.

Majority committee report adopted and ordered to third reading.

SPECIAL ORDERS

Rep. O'Neil moved that the remainder of bills on today's calendars be Special Ordered to Wednesday, March 22, 2006 in their regular place in the calendar.

Adopted.

RESOLUTION

Rep. O'Neil offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 22, 2006 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1331, relative to the New Hampshire Temporary Assistance to Needy Families (TANF) program

HB 1593-FN-L, relative to the construction of high school athletic fields in the town of Bedford.

HB 1611-FN, relative to reimbursement for personal care services

HB 1227-FN, relative to late fees and reinstatement fees paid by business entities.

HB 1470, relative to overweight vehicle permit fees.

HB 1177, prohibiting smoking in restaurants, cocktail lounges, and certain enclosed public places.

HB 1567, relative to removing names from the checklist

HB 1744-FN-A, authorizing the pari-mutuel commission to regulate games of chance conducted by charitable organizations and relative to tournaments conducted by charitable organizations where chips have no monetary face value.

HJR 20, supporting stem cell research.

HB 1687, extending certain studies and adding a certain duty relative to pharmacy

reimbursement.

HB 1366, relative to a planning board's authority to require public access to open space as a condition of subdivision approval.

HB 1523, relative to certain rulemaking authority of the commissioner of environmental services.

UNANIMOUS CONSENT

Rep. Keans moved that the remarks of Rep. Stiles be printed in the Permanent Journal.
Adopted.

MEMORIAL REMARKS

Rep. Stiles: The National Foundation for Women Legislators (NFWL) lost a strong leader with the recent passing of Arizona State Senator Marilyn Jarrett. Senator Jarrett (R-Mesa) has been an active member of NFWL and the National Order of Women Legislators since her election to the Arizona House of Representatives in 1995.

Ms. Jarrett was elected by her fellow women legislators to serve as the next President of the Order and was sworn in at the 2005 Annual Conference in Phoenix. Ms. Jarrett was a strong advocate for her constituents as she spearheaded legislation to reduce the risk of deadly forest fires and championed the arts. Her leadership, passion and commitment to supporting fellow women legislators made her a valuable member of National Foundation for Women Legislators and she will be sorely missed.

Rep. Phinizy moved that the remarks of Rep. Waltz be printed in the Permanent Journal.
Adopted.

MEMORIAL REMARKS

Rep. Walz: Thank you, very much, Mr. Speaker. We are used to throwing around words like "hero," "placed their lives in the line of duty," and sometimes we forget just what those words can mean. On March 1st New York State Trooper Andrew Spear, did what troopers do every day. Out in a rural area of the Pennsylvania border, he pulled over to the side of the road to check on a truck with a couple of guys sitting there. Unbeknownst to him, 90 minutes before those two guys had robbed a bank of \$1,900. Before he could get a word out, as he bent over to find out what was going on, they opened fire on him with a .357 Magnum and managed to hit him under his vest. They hit him three more times with bullets just before they drove off to leave him to die. But before he died, he managed to return the fire, despite being mortally wounded, he returned the fire and he hit both of those guys with bullets. They were wounded seriously enough that by the end of the day they both sought medical help at the local hospital and because of that those guys were captured that night.

That heroic trooper was my cousin, known to us as A. J. Spear. Because of A. J.'s heroic activities, he prevented those evil guys from victimizing any other desperate individuals in the community. This extraordinary performance by A. J. was not out of character. At his funeral, the New York State Superintendent of Police stood up and read from his two most recent performance reviews. They read as follows: "He is as good as there is. As capable as anyone I have ever worked with. His activity is always exceptional. He polices the community with fairness and common sense. He may be the best trooper I have ever worked with." To that end for the last few years of his life, A. J. won the outstanding trooper award from his barracks in downstate New York.

A. J. was the youngest of 11 kids. He was 20 years younger than I am. And despite the fact that I am 5'2" and he was 6'4", he will always be my little cousin who loved to hunt, and fish and farm. By honoring A J, we honor the men and women who every day risk their lives for us doing very ordinary activities. Mr. Speaker, I would request that you ask this body to stand in a moment of silence for a man who exemplified the real meaning of the word "hero." The House stood and observed a moment of silence in memory of Trooper Andrew Spear.

RECESS MOTION

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

The House recessed at 8:10 p.m.

RECESS