

HOUSE RECORD

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

Vol. 26

Concord, N.H.

Thursday, February 5, 2004

No. 13

HOUSE JOURNAL No. 4(cont.)

Thursday, January 29, 2004

RECESS

(Rep. Rowe in the Chair)

RESOLUTION

Rep. Souza offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 61, 153, 205, 207, 317, 402, 403, 423, 431, 469 and 519 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 61, relative to collective bargaining units at charter schools and charter conversion schools, and relative to leaves of absence for teachers to accept employment at a charter school. (Education)

SB 153, adopting the nurse licensure compact. (Executive Departments and Administration)

SB 205-FN, authorizing the state to accept the title of the dam and dikes at Smith Pond, Enfield, New Hampshire. (Resources, Recreation and Development)

SB 207, relative to transactions exempt from the consumer protection act. (Commerce)

SB 317, relative to registration of pesticide applicators and rules of the pesticide control board. (Environment and Agriculture)

SB 402, relative to an optional retirement annuity benefit for members of the Manchester retirement system. (Executive Departments and Administration)

SB 403, relative to the board of medicine. (Executive Departments and Administration)

SB 423, relative to confidentiality and workers' compensation. (Judiciary)

SB 431, prohibiting the waiver of workers' compensation subrogation rights and prohibiting certain indemnification provisions in construction-related contracts. (Labor, Industrial and Rehabilitative Services)

SB 469, relative to licensing of boiler inspectors. (Executive Departments and Administration)

SB 519, establishing a committee to study the establishment of a farm viability program. (Environment and Agriculture)

RECESS

Rep. Giuda moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 5

Thursday, February 5, 2004

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

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

In this honorable House, O Lord, the people's representatives lift up to You Sergeant Randy Scott Rosenberg, a twenty-three year old native of Berlin, New Hampshire who died at the hand of a suicide bomber in Iraq while serving our country and helping the people of Iraq to gain their freedom. We mourn not only for him but also for his wife, Misty, his family and for all who loved him. May his heroic sacrifice be honored by our resolve to serve in thanksgiving for the blessings of freedom that, in a dangerous world, must never be taken for granted.

Please allow our prayers for Sergeant Rosenberg to extend Your protective hand upon all the men and women at home and in far away places who sacrifice daily on behalf of all the citizens of our beloved New Hampshire, and may the decisions rendered here today be worthy of the last full measure of sacrifice offered by those who serve to keep us free. Amen.

Reps. John W. Flanders, Sr. and Peter Burling led the Pledge of Allegiance.

The National Anthem was sung by Jon Berdard, Jon Bibaud, Sarah Cadieux and Sarah Wilmott, students at Concord High School, guests of the Concord delegation.

LEAVES OF ABSENCE

Reps. Callaghan, Corbin, David Cote, Dionne, Donovan, James Dunn, Flanagan, Goyette, Guay, Hutchinson, Lionel Johnson, Robert L'Heureux, Luebker, John Manning, Milligan, Naro, Irene Pratt, Reed, Scamman, Seldin and Snyder, the day, illness.

Reps. Bleyler, David Bouchard, Dewhirst, Flayhan, Fletcher, Flint, Hawkins, Hess, Introne, Robert Laflam, McCann, McMahon, Moran, Poulin, Priestley, Reeves, Rous, Donald Smith and Paul Smith, the day, important business.

Reps. Buhlman, Coughlin and Messier, the day, illness in the family.

INTRODUCTION OF GUESTS

Rebecca Hancock, guest of Rep. Claire Clarke. Leonard Mead, Kathy Getchell, Brian McGrath and Richard Evans, guests of Rep. Scott. Christie Hollinger, wife of Rep. Hollinger. Members of the Greater Portsmouth Chamber of Commerce, guests of the Portsmouth delegation. Sue Suter, guest of Rep. Norelli. Tammy Jean Akeley, guest of Rep. Edwin Smith. Priscilla and Gilbert Bibaud, parents of singer, Jon Bibaud, guests of the Concord delegation. Brandy McLean, guest of Rep. Dodge. Ashleigh O'Brien, guest of Reps. O'Brien and Elliott.

SPECIAL GUESTS

Members of the Manchester West High School National Honor Society with their advisor, James McGeough, guests of the House. They were recipients of the 2003 Outstanding Service Project Award given at the National Honor Society's National Convention.

COMMITTEE REPORTS

CONSENT CALENDAR

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

HB 1342-FN-A-L, establishing a new system of coinage for the state, removed by Rep. McElroy.

HB 1281, relative to the determination of the amount of taxes to be raised to support a cooperative school district, removed by Rep. Vivian Clark.

Consent Calendar adopted.

HB 1235-FN, establishing a criminal penalty for throwing an incendiary object from a motor vehicle. **INEXPEDIENT TO LEGISLATE**

Rep. E. Albert Weare for Criminal Justice and Public Safety: In discussion with the sponsor of this bill, it became clear that the purpose of this bill is already covered by law. The perceived problem is a matter of enforcement, not a matter of changing the law. In addition, the definition of "incendiary object" would become almost impossible to defend legally. Vote 13-0.

HB 1337-FN, prohibiting any person convicted of an offense against a child from purchasing a residence or entering a rental or lease agreement for rental property in the vicinity of a school. **INEXPEDIENT TO LEGISLATE**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill has a very laudable intent, one that all on the committee agreed with. However no matter how noble the intent may be, the committee must also look to the constitutional rights of all, even the worst of offenders. This bill was just too vague and we believed, constitutionally challengeable. The testimony was overwhelmingly against this approach to constrain or otherwise restrict the sexual offender of children to enter into an agreement to rent, lease, and even own property 2000 feet from specific places, keeping in mind that some offenders could, and do, use parks, playgrounds and school zones to seek access to a possible victim. The plain fact of the matter is that with this bill, if it were carried to its logical conclusion, in any given town, considering the location of the numerous schools, playgrounds, home schools, day care centers and the like that are strewn all over the area of a town would in effect be "zoning out" such people. (Unconstitutional?) Iowa's Supreme Court struck down a similar law. This bill would also leave open, for civil suits, the managers of properties and realtors who do not have access to the records of such offenders and who in good faith rent, lease and sell property to them. Finally, this bill would not just pertain to the sexual offender of children but also anyone who may have abused a child in some other way as well and whom police departments have no right to keep a register of. Vote 17-0.

HCR 23, on non-citizens during times of war. **INEXPEDIENT TO LEGISLATE**

Rep. George D. Winchell for Criminal Justice and Public Safety: This resolution has no statutory teeth behind it. Other than the sponsor of the bill, there was no other testimony. The committee feels that all persons should be treated fairly and we believe this is indeed the rule. The committee, by its vote, supports those organizations whose role is to protect the citizens during difficult times. Vote 13-0.

HJR 24, concerning misdemeanors and probable cause. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: The sponsor of the bill failed to appear at the hearing and did not contact the committee to request any other

consideration. The ramifications of this bill, although not having the effect of law, are far-reaching and would interfere with well-recognized principles of search and seizure already decided by the United States Supreme Court. Vote 13-0.

HB 1232-FN, allowing a disabled person to enroll in a class free of charge at any institution within the university system of New Hampshire, provided a seat is available in the class.

REFER FOR INTERIM STUDY

Rep. John R.M. Alger for Education: The committee thought well of an amendment to study the issue of defining when and if people of specific disabilities should be offered free enrollment in college for the purpose of enhancing the ability to obtain productive work. However, an amendment to that effect did not correctly state the issue and need as described above and so a vote of interim study was taken instead. Vote 17-1.

HB 1297, relative to credit for American sign language and transliteration as a foreign language. **INEXPEDIENT TO LEGISLATE**

Rep. John R.M. Alger for Education: This bill would require credit for American Sign Language when or if it is offered as a foreign language. According to the prime sponsor it is not now needed, because the Department of Education has placed the purpose of the bill into rules under Ed 306.43 World Language Program qualifying American sign language as a world language for the purpose of meeting a high school world language graduation requirement. Vote 17-0.

HB 1345-FN-L, establishing an education scholarship fund. **REFER FOR INTERIM STUDY**

Rep. Barbara Hagan for Education: The committee overwhelmingly agreed that technical errors in the bill prevented it from moving forward at this time. The committee will work to make the bill a strong piece of legislation that can be put forward in a future session. Vote 16-2.

HB 1227, relative to land assessed for current use which is taken by eminent domain. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald R. Philbrick for Environment and Agriculture: The purpose is to correct a situation which could occur if land is taken by eminent domain or any other type of government taking as the law is written. If you held land under current use and after the government taking, you were left with less than 10 acres, you would have to remove the land from current use. This bill allows the land to remain in current use. The amendment further clarifies the intent of the sponsor. There was no opposition to this bill. Vote 14-0.

Amendment (0118h)

Amend RSA 79-A:7, VI(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Land under current use is taken by eminent domain or any other type of governmental taking which would cause the use change penalty to be invoked because, by reason of an actual physical change or by reason of size, the site no longer conforms to criteria established by the board under RSA 79-A:4, I. ***Such remaining land, regardless of size, may continue in current use until a subsequent change in use of the remaining land occurs.***

HB 1229, establishing a commission to study bioaccumulative toxic chemicals. **REFER FOR INTERIM STUDY**

Rep. Peter H. Allen for Environment and Agriculture: Because the Environment and Agriculture Committee has long experience related to bioaccumulative toxic chemicals and questions needed resolution, the committee voted to recommend the bill for Interim Study.

Vote 13-0.

HB 1160, relative to the membership of the board of professional geologists. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul G. LaFlamme for Executive Departments and Administration: The bill in its original form would have added the state geologist to the board of geologists as an “ex officio” member. The committee agreed that the board would benefit from the state geologist’s expertise and insight. Our amended bill makes the state geologist a full voting member. In addition, a section of the bill that would have cut geologist education requirements in half was removed. Vote 14-0.

Amendment (0177h)

Amend the bill by replacing section 1 with the following:

1 State Geologist. Amend RSA 21-O:12, II to read as follows:

II. Geology shall be under the direction of the state geologist, who shall be the director of the New Hampshire geological survey. The geological survey shall collect data and perform research on the land, mineral, and water resources of the state, and disseminate the findings of such research to the public through maps, reports, and other publications. The state geologist shall: consult with the commissioner of the department of resources and economic development relative to the issuance of mining permits under RSA 12-E; assist the directors of the divisions of water and waste management as necessary; and perform such other duties as may be assigned by the commissioner. The state geologist and all members of the New Hampshire geological survey shall be staff members of the commissioner’s office. The state geologist shall advise the department, and all other branches of state and local government, concerning the geologic character of the state and its implications for both economic and scientific needs in conjunction with all existing and future environmental factors relating to the geology of the state. The state geologist shall maintain liaison with federal and other state geologic agencies and with the state university. ***The state geologist shall also serve as a voting member of the board of professional geologists.***

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

HB 1174, relative to acceptance of electronic records by government agencies.

INEXPEDIENT TO LEGISLATE

Rep. Nelson S. Allan for Executive Departments and Administration: This bill reiterates the desire to use electronic media to transfer records between government agencies and others. The bill fails to provide clarity on this complex issue and does not answer difficult questions of who, when, where or how to implement this process. Vote 16-0.

HB 1222, establishing a commission and authorizing a portrait of Vesta Roy, New Hampshire's first woman governor. **INEXPEDIENT TO LEGISLATE**

Rep. Anne-Marie Irwin for Executive Departments and Administration: This bill would establish a commission to authorize a portrait of Vesta Roy, the first woman governor of New Hampshire. The committee decided this bill was not needed. Presently, all portraits are arranged and funded outside the legislative process, and this portrait could be arranged the same way. Vote 14-2.

HB 1248-FN, adding a licensed nursing assistant member to the state board of nursing.

OUGHT TO PASS WITH AMENDMENT

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill provides for the selection of a medication licensed nursing assistant as one of the two licensed nursing assistants who serve on the state board of nursing. The committee agreed on the desirability of providing representation of this rapidly growing specialty of nursing assistants on the board without mandating it or expanding the membership of the board. Vote 15-1.

Amendment (0261h)

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

AN ACT relative to the state board of nursing.

Amend the bill by replacing section 1 with the following:

1 Board of Nursing; Additional Member. Amend RSA 326-B:3, I to read as follows:

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

AMENDED ANALYSIS

This bill requires that a medication licensed nursing assistant be appointed to the board of nursing whenever possible.

HB 1324-FN, authorizing the position of clerk of the board of manufactured housing.
OUGHT TO PASS

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill re-grades the position of part-time typist/secretarial to the position of part-time clerk of the Board of Manufactured Housing at labor grade 27. The Board of Manufactured Housing is an effective forum for mediation of tenant/owner disputes rather than requiring resolution through litigation. Managing the increased case load coming before the board, its level of service and attention to inquiries and requests requires additional reliance on the services of the part-time secretary and justifies designation of the position as part-time clerk of the Board of Manufactured Housing. Vote 12-3.
Referred to Finance.

HB 1338, establishing Patriots Day in New Hampshire. **INEXPEDIENT TO LEGISLATE**
Rep. Paul G. LaFlamme for Executive Departments and Administration: This bill would have made December 13, "Patriots Day." The state already has 14 different observances. In addition, there was concern that it would create confusion with Patriots Day in Massachusetts. With each day we add as an observance, we lessen the importance of each individual day. Vote 15-0.

HB 1389, relative to appearances and representation in courts. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Craig for Judiciary: This bill would give "the inherent and unconditional right" to anyone to represent another person in any "court, tribunal, or administrative body provided that that person swear an oath as provided in the bill". The committee felt that the right to represent oneself and the right to be represented by another person (as long as it is not done on a regular basis) already exists and that this bill is therefore unnecessary and may lead to unintended consequences. Vote 8-3.

HB 1336, relative to the procedures for the legislative ethics committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Legislative Administration: The committee on Ethics requested three changes: 1) The Majority of the Committee requested that appointments to the Committee shall be made by December 31st prior to the first legislation biennial session. This is to guarantee that the Committee will be immediately able to act on any complaints

filed. 2) The Majority of the committee requested authority to initiate a complaint on its own motion against any individual who has not filed their financial disclosure form. 3) In addition, the Committee requested authority to bring a complaint on its own motion if it determines that a complaint “is frivolous, scurrilous, or retaliatory in nature.” In addition, the committee could vote to discharge such a “complaint without the benefit of a meeting or further proceeding.” The Committee on Legislative Administration after careful consideration voted unanimously to support HB 1336 as amended. Vote 13-0.

Amendment (0193h)

Amend the bill by replacing section 2 with the following:

2 Ethics Complaints; Procedure. Amend RSA 14-B:4, I to read as follows:

I. Each complaint shall be submitted in writing and signed under oath by the complainant. The sworn complaint shall be filed confidentially with the committee and shall contain the name and address of the complainant. The legislator, officer, or employee of the legislature complained against shall be furnished with a copy of the complaint and a copy shall be sent to each member of the committee for review. ~~[The committee shall conduct an initial review of each complaint promptly after receipt to ascertain whether the committee has jurisdiction to consider the complaint or whether the complaint is without merit or is unfounded.]~~ ***The committee shall initiate a complaint on its own motion against any individual the committee determines has not complied with the provisions of RSA 14-B:7. The committee shall promptly examine each sworn complaint and:***

(a) If by a unanimous affirmative vote it determines that a complaint is frivolous, scurrilous, or retaliatory in nature, the committee may discharge the complaint without the benefit of a meeting or further proceeding. The committee shall notify the respondent and complainant in writing of its action.

(b) For any complaint not discharged, the committee shall conduct an initial review to ascertain whether the committee has jurisdiction to consider the complaint or whether the complaint is without merit or is unfounded.

Amend the bill by replacing section 5 with the following:

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

HB 1403, extending the reporting dates of certain study committees. OUGHT TO PASS WITH AMENDMENT

Rep. Sheila T. Francoeur for Legislative Administration: This bill extends the reporting date of eleven study committees or commissions requiring more time to complete their work. The amendment adds one commission which was not in the original bill and also changes the reporting date of one commission. Vote 12-0.

Amendment (0256h)

Amend the bill by replacing section 10 with the following:

10 Efficiency Commission. Amend 2003, 1:5, II to read as follows:

II. The commission shall report the final results of its study, including its findings, recommendations, ***suggestions for implementation of changes***, and any proposed legislation, to the speaker of the house of representatives, the senate president, the governor, the house clerk, the senate clerk, and the state library no later than December ~~[1, 2003]~~ ***31, 2005***.

Amend the bill by inserting after section 10 the following and renumbering the original section 11 to read as 12:

11 Recommendations of the New Hampshire Estuaries Project Management Plan.

Amend 2003, 236:5 to read as follows:

236:5 Report. The commission shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the

senate clerk, the house clerk, the governor, and the state library on or before November 1, [2003] 2005.

HB 1158, relative to a necessary quorum in town elections for motions to reconsider after voting polls have been open a period of more than 4 hours. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: The committee understands the issue that is raised by this bill and also understands the problems that exist at some, if not all, town meetings at one time or another – people going home after a vote has been taken, having the reminder of people who stay ask for reconsideration and having the outcome of the vote changed. This bill was an attempt to prohibit a motion of reconsideration after the polls were open for a period longer than 4 hours. The moderator at the traditional town meeting has been given extensive powers but also extensive responsibilities to inform the towns people of the different scenarios that may arise during the town meeting to make the town meeting fair and just. RSA 40:10 provides for a motion to restrict reconsideration of any previous vote at the town meeting and also mandates that if there is a vote to reconsider a previous vote, then that vote would not take place at that meeting, but would occur at least 7 days after the date on which the motion to reconsider was approved. The majority of the committee feels that the motion to restrict reconsideration is working and there is no need to further complicate that motion. Vote 9-4.

HB 1199-FN-L, relative to water connection fees. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: This bill centers on the Copple Crown Village District in New Durham. The Village District charged \$3,500 per hook-up originally, then increased the fee to \$6,000 per hookup in 2002 and doubled the fee to \$12,000 in 2003. The sponsor of the bill is trying to find a solution to this substantial fee increase in the statutes by restricting the hookup fee of no more than \$100 if no additional infrastructure were necessary. The committee examined RSA 38:28 which states that the amount of water rates may be based upon the consumption of water on the hooked up premises, the number of persons served or upon some other equitable basis. There was opposition from the New Hampshire Water Works Association. If this restriction was placed upon municipal entities, which includes village districts, it could prevent recovering costs not associated with infrastructure, bring the long term viability of a municipal water system and protection of the water source into question and is too inflexible. Based upon the last criteria of “equitable basis” the committee agreed that the right venue for this perceived “arbitrary and capricious” action was in the civil court system, not the legislative venue. Vote 12-1.

HB 1215, relative to seasonal directional signs. **INEXPEDIENT TO LEGISLATE**

Rep. Candace C.W. Bouchard for Public Works and Highways: This legislation attempted to amend RSA 236:70 concerning blue directional highway signs by allowing seasonal businesses to display their signs for twelve months. Currently businesses that are seasonal are required to cover their signs during the off season. The majority of the Committee agreed with the sponsor that the current practice of businesses covering their signs with bags is unsightly. However, the Committee also heard testimony from DOT that these are not universally known seasonal symbols, nor are the blue signs large enough to display both symbols and language. DOT through rules is currently phasing out the requirement businesses cover their seasonal blue sign with bags. The bag policy is being replaced with uniform blue metal covers. The business will still be responsible for both the cost of covering the sign and placing the cover over their blue sign. The Committee encourages DOT to quickly move forward with this change and will monitor the departments progress. Vote 13-2.

HB 1325-FN-A, relative to the E-Z Pass toll system. **OUGHT TO PASS WITH**

AMENDMENT

Rep. William E. Leber for Public Works and Highways: This bill as amended provided the Commissioner of Transportation with authority to approve the use of the E-Z Pass system for the payment of non-toll based financial obligations voluntarily incurred by an account holder. The bill provides limits of the use and outlines the process for its use. The Committee spent a great deal of time in developing confidentiality of records to protect personal information and prohibit its misuse, which is in Section 2 of the bill. The Committee found that the additional uses of the E-Z Pass would provide additional revenue for the Turnpike Fund and will lighten the administrative cost of the E-Z Pass system as well as provide the holder with more convenience in travel and personal needs. Vote 15-0.

Amendment (0250h)

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

AN ACT relative to additional uses of the E-Z Pass system.

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

1 New Section; Additional Uses of E-Z Pass System. Amend RSA 237 by inserting after section 16-f the following new section:

237:16-g Additional Uses of E-Z Pass System. The commissioner may approve the use of the E-Z Pass system for the payment of non-toll based financial obligations voluntarily incurred by an account holder, provided that:

I. The financial obligation has been incurred for a purpose approved by the department pursuant to RSA 237:16-d, or the Interagency Group pursuant to procedures adopted in accordance with RSA 237:16-c;

II. The business entity to be paid through the system has entered into a written agreement with the department, or another member of the Interagency Group, agreeing to be bound by:

- (a) All of the practices, procedures, and policies of the department or the Interagency Group;
- (b) The requirements for confidentiality of information regarding the vehicle, the vehicle owner, and vehicle occupants under RSA 237:16-e;
- (c) All applicable federal and state laws, regulations, and rules regulating the consumer credit transaction between the business entity and the account holder; and
- (d) A process for the resolution of disputed charges with account holders, which includes an agreement to hold the department and its agents harmless for the payment of any unpaid financial obligation to the business entity incurred by the account holder through the E-Z Pass system.

III. The account holder has, as a result of signing a written account holder agreement prior to incurring charges on the account:

- (a) Agreed to be liable for payment of such obligations in accordance with the terms of the agreement;
- (b) Been provided with notice of all current policies regarding the sharing of information regarding the account and transactions incurred through the E-Z Pass system; and
- (c) Been provided with notice of procedures available to resolve disputes arising from transactions incurred through the E-Z Pass system.

IV. The department may establish reasonable fees to be charged to account holders and business entities participating in this program, and to recover costs of administration, enforcement, and improvement of the E-Z Pass system. Such fees shall be deposited in the turnpike fund.

2 Confidentiality of Records. RSA 237:16-e is repealed and reenacted to read as follows:

237:16-e Confidentiality of Records. Notwithstanding RSA 91-A or any other provision of law, all information received by the department that could serve to identify vehicles, vehicle owners, vehicle occupants, or account holders in any electronic toll collection system

in use in this state shall be for the exclusive use of the department for the sole purpose of administering the electronic toll collection system, and shall not be open to any other organization or person, nor be used in any court in any action or proceeding, unless the action or proceeding relates to the imposition of or indemnification for liability pursuant to this subdivision. The department may make such information available to another organization or person in the course of its administrative duties, only on the condition that the organization or person receiving such information is subject to the limitations set forth in this section. For the purposes of this section, administration or administrative duties shall not include marketing, soliciting existing account holders to participate in additional services, taking polls, or engaging in other similar activities for any purpose.

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

AMENDED ANALYSIS

This bill allows the commissioner of transportation to approve the use of E-Z Pass toll accounts for payment of non-toll obligations voluntarily incurred by E-Z Pass account holders and to establish certain fees for the administration of the E-Z Pass system.

This bill also limits the uses of electronic toll system information.

HB 1363, establishing a policy for naming state highways, bridges, and buildings. **OUGHT TO PASS**

Rep. John R. Cloutier for Public Works and Highways: This bill would establish certain criteria for naming a state highway, bridge, or building after a person or organization. Among other provisions, a person after whom a state highway, bridge, or building is named should no longer hold an elected or appointed state office. Also, that the person, or organization after which a highway, bridge, or building is named shall have made a positive contribution to its local community, the state and/or nation. Finally, that the cost of design, construction, maintenance and installation of any signs or markers shall not be charged to the state unless the highway, bridge, or building is named after a former elected, or appointed state official. Vote 13-0.

HB 1141, relative to dioxin emissions reduction and medical waste incinerators. **OUGHT TO PASS**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill prohibits construction of new Medical waste incinerators and the operation of all existing medical waste incinerators after January 1, 2014. The committee learned that many of these facilities are shutting down voluntarily. Newer technologies involving steam sterilization systems like the new proposed facility in Manchester will process most medical waste in the future. The Department of Environmental Services commissioner and the environmental affairs coordinator for the NH Hospital Association support this legislation. Vote 11-0.

HB 1399-FN-A, establishing the telecommunications planning and development fund. **OUGHT TO PASS**

Rep. John H. Thomas for Science, Technology and Energy: This bill allows monies deposited in the telecommunications development fund to be nonlapsing in order to continue on-going projects established by the Department of Resources and Economic Development (DRED). The bill also allows DRED to accept donations, grants and gifts for specific use on those projects. There will be no fiscal impact on county and local revenues or expenditures. Vote 11-0.

Referred to Finance.

HJR 20, supporting President Bush's hydrogen fuel initiative. **INEXPEDIENT TO LEGISLATE**

Rep. John H. Thomas for Science, Technology and Energy: The committee felt that due to the lack of support from the sponsor, and the way the resolution was presented, further action

was not warranted. Vote 11-0.

HJR 21, urging New Hampshire businesses to consider alternative fuel options to oil.

INEXPEDIENT TO LEGISLATE

Rep. John H Thomas for Science, Technology and Energy: The committee felt that due to the lack of support from the sponsor and the way the resolution was presented, further action was not warranted. Vote 11-0.

HB 1184, requiring all vehicles to be equipped with mud flaps or spray or splash guards.

INEXPEDIENT TO LEGISLATE

Rep. Lawrence A. Artz for Transportation: This bill is unnecessary. This legislation would require vehicle owners to install mud flaps, or splash guards to a motor vehicle not originally equipped with them. For starters, there may be an Article 28-a issue in terms of applicability of this bill to municipally-owned vehicles, which would have to comply with this legislation. Municipalities would have to purchase these after-market mud flaps and guards and pay someone to install them on the vehicles. Vehicle safety equipment is under the control of Federal Motor Vehicle Safety Standards. If we start to mandate special equipment on motor vehicles, or if we mandate that vehicles be manufactured with New Hampshire-specific equipment, this will disrupt interstate commerce on the sale of new motor vehicles. Vote 11-0.

HB 1280-FN, establishing limited driving privileges special licenses. **INEXPEDIENT TO LEGISLATE**

Rep. Lawrence A. Artz for Transportation: The prime sponsor of this bill failed to show up for the hearing and therefore, we had no supporting testimony. This bill will set a dangerous precedent. This will open up the door year after year to expand this legislation to include persons convicted of DWI, and then for reckless driving. Then the next step would be to expand the scope of the law beyond the limitation of going to and from work to driving to doctor's appointments, gas stations, grocery stores and the list goes on and on. Additionally, this legislation will be difficult to enforce. The loss of a driver's license is the single most effective deterrent – more effective than jail to dangerous drivers. If we pass this bill, we would undermine this deterrent. The reason why people lose their driver's license is because they pose a danger on the road – not only to themselves, but also to others that share the road. This bill gives the Director of Motor Vehicles too much discretion to decide who gets a limited license. This will open up a big can of worms. The Director under administrative rules already has mechanisms in place to address certain privilege licensing. Vote 11-0.

HB 1132-L, establishing a committee to study allowing the operation of slot machines and keno in restaurants and establishments serving liquor. **INEXPEDIENT TO LEGISLATE**

Rep. Lee M. Hammond for Ways and Means: The unanimous feeling of the Ways and Means committee is that this issue has been explored and discussed at length during previous sessions; nothing would be accomplished by further study at this time. Vote 14-0.

HB 1203-FN-A, establishing a research and development tax credit against the business profits tax. **REFER FOR INTERIM STUDY**

Rep. Kurt J. Roessner for Ways and Means: This bill would establish a research and development tax credit of fifteen percent of qualified manufacturing and development expenditures. The committee needs to further examine the history of previous tax credits and the costs and benefits of such a program. Vote 14-0.

HB 1254-FN, granting certain disabled veterans an exemption from state education property taxes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: The original bill was folded into a study

committee. With the consent of the sponsor, a non-germane amendment was added in a public hearing. The amendment simply corrects the dedicated fund list after two bills (SB 69 and HB 368) were passed last year. The repeal is of a program which no longer exists as a separate entity. Vote 13-0.

Amendment (0173h)

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

AN ACT relative to the postsecondary education vocational school licensing fund and the forgivable loan fund in the workforce incentive program.

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

1 New Subparagraph; State Treasurer; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (227) the following new subparagraph:

(228) Fees deposited in the postsecondary education vocational school licensing fund under RSA 188-D:25.

2 State Treasurer; Application of Receipts. Amend RSA 6:12, I(b) (140) to read as follows:

(140) Moneys deposited in the [~~postsecondary education scholarship loan fund~~] **forgivable loan fund in the workforce incentive program** under RSA [~~188-D:18~~] **188-D:18-f**.

3 Repeal. RSA 6:12, I(b) (176), relative to moneys deposited in the nursing leveraged scholarship loan fund, is repealed.

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

AMENDED ANALYSIS

This bill adds the postsecondary education vocational school licensing fund to the list of dedicated funds in RSA 6:12 and amends the language in RSA 6:12 to reflect the new forgivable loan fund in the workforce incentive program.

HB 1303-FN, creating a charity bingo and lucky 7 ticket review and advisory commission and establishing a multi-hall linked bingo pilot program. **INEXPEDIENT TO LEGISLATE**

Rep. Daniel M. Hughes for Ways and Means: The proposed advisory commission would be redundant in that the existing Sweepstakes Commission performs the same functions that are proposed in this bill. The bill also calls for a pilot program for a multi-hall computer linked bingo program. In the past session the house defeated a similar multi-hall computer generated Keno games. The attorney general has opposed the expansion of gambling and stated that expanded gambling would increase the state's exposure to criminal activities and compound the financial difficulties of many of our citizens and create other social problems. Vote 14-0.

RECONSIDERATION

Having voted with the prevailing side, Rep. Peter Sullivan moved that the House reconsider its action whereby it found **HB 266**, requiring youth bicyclists to wear protective headgear, Inexpedient to Legislate.

Rep. Letourneau spoke against.

Rep. Gorman spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Elliott moved that **HB 266**, requiring youth bicyclists to wear protective headgear, be laid on the table.

On a division vote, 153 members having voted in the affirmative and 179 in the negative, the motion was failed.

The question now being adoption of the motion to reconsider.

Rep. Soltani requested a roll call; sufficiently seconded.

YEAS 160 NAYS 175**YEAS 160****BELKNAP**

Boyce, Laurie	Pilliod, James
---------------	----------------

CARROLL

Brown, Carolyn	Derby, Mark	Olimpio, J Lisbeth
----------------	-------------	--------------------

CHESHIRE

Allen, Peter	Eaton, Daniel	Espiefs, Peter	Fish, Douglas
Manning, Joseph	Meador, David	Mitchell, McKim	Parkhurst, Henry
Pratt, John	Richardson, Barbara	Robertson, Timothy	Slack, Pamela
Weed, Charles			

COOS

Mears, Edgar	Pratt, Leighton	Theberge, Robert
--------------	-----------------	------------------

GRAFTON

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

HILLSBOROUGH

Balcom, John	Barry, J Gail	Bergeron, Jean-Guy	Bergin, Peter
Brassard, Paul	Buckley, Raymond	Cail, Kenneth	Carter, Mark
Cernota, Albert	Chabot, Robert	Clayton, William	Clemons, Jane
Cote, Peter	Craig, James	Crane, Elenore Casey	Desmarais, Vivian
Dokmo, Cynthia	Drisko, Richard	Emerton, Larry	Fields, Dennis
Ford, Nancy	Gargas, Carolyn	Gorman, Mary	Graham, John
Haley, Robert	Hallyburton, Margaret	Irwin, Anne-Marie	Jean, Claudette
Katsiantonis, Thomas	Kopka, Angeline	Laflamme, Charles	LaFlamme, Paul
Lasky, Bette	Leach, Edward	Malloy, Chris	Martin, Mary Ellen
McHugh, Claire	Michon, Stephen	Palangas, Eric	Pappas, Christopher
Pilotte, Maurice	Price, Pamela	Rowe, Robert	Scanlon, Michael
Schulze, Joan	Spiess, Paul	Sullivan, Francis	Sweeney, Cynthia
Wheeler, Robert			

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Daniels, Eric	Davis, Frank	DeJoie, John	DeStefano, Stephen
Foley, Albert	Fraser, Leo Jr	French, Barbara	Gile, Mary
Hager, Elizabeth	Hamm, Christine	Kenison, Leon	MacKay, James
Osborne, Jessie	Owen, Derek	Perkins, Randy	Potter, Frances
Reardon, Tara	Rush, Deanna	Wallner, Mary Jane	

ROCKINGHAM

Bishop, Franklin	Blanchard, MaryAnn	Casey, Kimberley	Dalrymple, Janeen
DiFruscia, Anthony	Dodge, Robert	Flanders, John Sr	Gillick, Thomas
Gould, Kenneth	Hamel, Albert	Ingram, Russell	Katsakiores, George
Katsakiores, Phyllis	Langone, John	McEachern, Paul	Norelli, Terie
O'Neil, Michael	Pitts, Jacqueline	Robertson, Carl	Ruffner, Walter
Shultis, Elizabeth	Splaine, James	Tufts, J Arthur	Vallone, Matthew
Weldy, Norman Jr	Weyler, Kenneth	Winchell, George	

STRAFFORD

Berube, Roger	Brown, Julie	Campbell, W Packy	Creteau, Irene
Dunlap, Patricia	Grassie, Anne	Heon, Richard	Hofemann, Roland

Johnson, Nancy
Miller, Joseph
Smith, Marjorie

Kaen, Naida
Pelletier, Arthur
Spang, Judith

Keans, Sandra
Rollo, Deanna
Vachon, Dennis

Knowles, William
Schmidt, Peter
Wall, Janet

SULLIVAN

Allison, David
Harris, Joseph

Burling, Peter
Harris, Sandra

Cloutier, John
Jones, Constance

Franklin, Peter
Leone, Richard

NAYS 175

BELKNAP

Ahern, Omer Jr
Fitzgerald, James
Nedeau, Stephen
Wendelboe, Fran

Allen, Janet
Flanders, Donald
Rice, Thomas
Whalley, Michael

Bartlett, Gordon
Holbrook, Robert
Russell, David

Clark, Charles
Lawton, David
Thomas, John

CARROLL

Babson, David Jr
McConkey, Mark
Philbrick, Donald

Dickinson, Howard
Merrow, Harry
Stevens, Stanley

Hatch, Paul
Mock, Henry

Kenney, Bettie
Patten, Betsey

CHESHIRE

Dexter, Judson
Royce, H Charles

Hunt, John
Smith, Edwin

Laurent, John
Tilton, Anna

Liebl, George
Webber, Amy

COOS

Brady, Mark
Tholl, John Jr

King, Frederick
Woodward, David

Richardson, Herbert

Stohl, Eric

GRAFTON

Alger, John
Eaton, Stephanie
Ingretson, Paul

Barker, Robert
Gilman, G Michael
Maybeck, Margie

Dorsett, Andrew
Gionet, Edmond
Sorg, Gregory

Dudley, Terri
Giuda, Robert
Williams, Burton

HILLSBOROUGH

Adams, Jarvis
Artz, Lawrence
Beaton, William
Christensen, D L
Chris

Allan, Nelson
Balboni, Michael
Brundige, Robert
Christiansen, Lars

Allen, Timothy
Baroody, Benjamin
Carlson, Donald
Elliott, Larry

Arnold, Thomas Jr
Batula, Peter
Carter, Jeffrey
Gibson, John

Greenberg, Gary
Harrington, Paul
Hopper, Gary
Kurk, Neal
McElroy, Henry Jr
Mosher, William
Pappas, Marc
Stepanek, Stephen
Vaillancourt, Steve

Hagan, Barbara
Haytayan, Harry Jr
Hunter, Bruce
Lawrence, James
McRae, Karen
Movsesian, Lori
Pepino, Leo
Sullivan, Peter
Wheeler, James

Hall, Charles
Hinkle, Peyton
Infantine, William
Lefebvre, Roland
Mercer, Robert
O'Brien, Lori
Shaw, Barbara
Tahir, Saghir

Hansen, Ryan
Holden, Randolph
Jasper, Shawn
Lessard, Rudy
Mooney, Maureen
Ober, Russell III
Slocum, Lee
Tate, Joan

MERRIMACK

Anderson, Eric
Jacobson, Alf
Leber, William
McCormick, Tom

Currier, David
Kennedy, Richard
Lockwood, Priscilla
Nutter, Edward

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

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

ROCKINGHAM

Allen, Mary
Cady, Harriet
Coes, Betsy

Belanger, Ronald
Camm, Kevin
Cooney, Richard

Bicknell, Elbert
Carson, Sharon
Duffy, James

Bridle, Russell
Clark, Vivian
Dumaine, Dudley

Fesh, Bob
Griffin, Mary
Johnson, Robert
Langley, Jane
Moore, Benjamin
Putnam, Ed II
Stone, Joseph
Welch, David

Francoeur, Sheila
Headd, James
Johnson, Rogers
Letourneau, Robert
Morris, Richard
Quandt, Matthew
Varrell, Thomas
Wiley, Robert

Gilbert, Jeffrey
Holland, James Jr
Kelley, Jane
Major, Norman
Packard, Sherman
Rausch, James
Waterhouse, Kevin
Zolla, William

Gilbert, Karl
Hughes, Daniel
Kobel, Rudolph
McKinney, Betsy
Pantelakos, Laura
Roessner, Kurt
Weare, E Albert

STRAFFORD

Albert, Russell
Easson, Timothy
Newton, Clifford
Woods, Phyllis

Bemis, Alan
Harrington, Michael
Scott, David

Bickford, David
Hollinger, Jeffrey
Taylor, Kathleen

Cataldo, Sam
Musler, George
Twombly, James

SULLIVAN

Ferland, Brenda

Phinizy, James

Rodeschin, Beverly

and reconsideration failed.

Rep. Bruno did not vote and wished to be recorded in favor.

REGULAR CALENDAR

HB 1188, relative to indoor air quality in public schools. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Deanna Rush for the Majority of Education: This bill offers a 5% incentive to communities to build public elementary and secondary schools that implement high performance standards that effect indoor air quality. It also includes energy production because it is part of the problem. The bill further requires that a written maintenance plan be developed and submitted as part of the process for applying for school building aid grants. This program would be voluntary and not become effective until after 2006. The testimony on this bill was favorable and it was estimated that every dollar invested in high performance schools will return 5-10% in future savings or avoided costs. This bill makes sense for NH students and staff while also making sense for taxpayers. Vote 13-5.

Rep. Mark Carter for the Minority of Education: While we all agree that improving the air quality for those adults and children who attend our schools regularly is important, the manner in which that desirable goal is achieved is equally important. This bill will cost \$31,875.00 per year per each school (based upon a \$10 million building cost) that takes advantage of the incentive program it proposes. The minority of the committee believes that this is unnecessary and that the state building code should have air quality standards and operating systems for schools upgraded in order to improve the circumstances aimed at by this bill.

On a division vote, 244 members having voted in the affirmative and 89 in the negative, the majority committee report was adopted.

Referred to Finance.

HB 1353-FN, mandating open enrollment schools statewide. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John R. M. Alger for the Majority of Education: School choice is currently available only to relatively affluent families. This bill is an important effort to upgrade the quality of our children's education by offering financial assistance to parents of limited means in selecting the school that they feel will be the best for the educational development of their children. Testimony in the House and experience reveals that children of some parents simply do not thrive and grow emotionally in the public schools. However, they can and do succeed in non-public schools chosen by their parents. Nationwide such school choice programs are growing in use and development. Both sectarian and non-sectarian schools, if on the list approved by

the department of education, are included in the bill. The US Supreme Court has ruled in the recent Cleveland case that taxpayer funding if directed to the parent, who then sends it to the school they select, sectarian, or non-sectarian, is legal. Furthermore, in the case of a student seeking school-choice taxpayer support for a course in theology, the US District Court overrode the prohibition in the state's constitution prohibiting such support for a sectarian program similar to overriding the similar prohibition in the NH Constitution. That case has been heard in the US Supreme Court and a decision is expected this coming summer. This bill includes a severability clause in the event that case is decided adversely to including sectarian schools so they can be deleted without impact otherwise on the policy in the bill. The bill has a gradual increase in certificates offered annually growing from 2000 to 14,000 annually for a total of 56,000 in seven years. The expense to the education trust fund at present would only be about 5% of adequacy grants if continued at the current level. However, the financial impact of the certificates will be reviewed thoroughly by the Finance Committee to eliminate any impact on local school districts also considering cost avoided in the public schools if the House adopts the policy in this bill. Vote 10-8.

Rep. Richard C. Leone for the Minority of Education: This bill reflects a policy change of such magnitude it could take in excess of \$185 million from the State Education Fund; also, it would adversely affect local tax rates over a seven year period and beyond. There is little or no evidence to suggest that giving a student a certificate to attend to attend a private school will reduce costs for school districts. Based on the fact that this amendment has been considered unconstitutional according to NH Law and because NH has been struggling with the educational funding issue without a solution since 1997, there is every reason to believe that this bill would further complicate the issue. The minority feels that we as legislators will be hard pressed to explain to our voter's back home why we wanted to encumber them with higher school budgets. The minority suggests that for anyone or group that is dissatisfied with the schools, the mechanism is currently available to make changes at the local level. Coming to the State to ask it to create laws to satisfy any one group while adversely affecting so many others is not in the best interest of our State or local taxpayers.

Amendment (0121h)

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

AN ACT establishing an education certificate program.

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

1 Statement of Purpose. It is the purpose of this act to maintain and improve the quality of education in all schools in the state by providing to all parents or legal guardians in the state enhanced opportunity for the exercise of parental choice in the education of their school-age children.

2 New Chapter; Education Certificate Program. Amend RSA by inserting after chapter 193-H the following new chapter:

CHAPTER 193-I

EDUCATION CERTIFICATE PROGRAM

193-I:1 Program Established. The education certificate program is hereby established for the purpose of allowing the parent or legal guardian of a child to receive, on request, a certificate that may be used for tuition at a nonpublic school in New Hampshire selected by the child's parent or legal guardian.

193-I:2 Eligibility and Funding.

I.(a) Education certificates shall be available as set forth in this section to the parent or legal guardian of a child for tuition as determined by the nonpublic school up to the value of the certificate. Funding of education certificates shall be made through the education trust fund established in RSA 198:39.

(b) Entry into the program shall be limited to those pupils entering the first grade or pupils enrolled in a New Hampshire public school for a full school year preceding the year of entry into the program, whose family income does not exceed 400 percent of the

federal poverty guidelines, as established and updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. section 9902 (2). The superintendent of the school administrative unit where the pupil resides shall require proof that a pupil is a legal resident of this state as a prerequisite to participation in this program.

(c) Applications for the program shall be submitted to the superintendent no later than March 30 of the year preceding the year of participation. The superintendent shall notify applicants of the decision within 30 days of the date of application.

II. Certificates shall be made available as follows:

(a) In the first year of the program, to children entering grades 1-2, up to a maximum of 2,000 certificates statewide.

(b) In the second year of the program, to children entering grades 1-3, up to a maximum of 4,000 certificates statewide.

(c) In the third year of the program, to children entering grades 1-4, up to a maximum of 6,000 certificates statewide.

(d) In the fourth year of the program, to children entering grades 1-5, up to a maximum of 8,000 certificates statewide.

(e) In the fifth year of the program, to children entering grades 1-6, up to a maximum of 10,000 certificates statewide.

(f) In the sixth year of the program, to children entering grades 1-7, up to a maximum of 12,000 certificates statewide.

(g) In the seventh year of the program, to children entering grades 1-8, up to a maximum of 14,000 certificates statewide.

III. The number of certificates allocated to a school district in a given year shall be a percentage of the total number of certificates available in that year. Such percentage shall be calculated by dividing the most recently available average daily membership in residence in the school district by the most recently available total statewide average daily membership in residence as calculated by the department of education.

IV. In any school district where there are more requests for certificates than certificates available in a given year as determined under paragraph III, a lottery shall be held and certificates shall be allocated according to the following criteria:

(a) First, to pupils who were awarded certificates in the immediately preceding year.

(b) Second, to pupils from families where the family income is below 200 percent of the federal poverty guidelines as established and updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. section 9902 (2).

(c) Third, to pupils from families where the family income is below 400 percent of the federal poverty guidelines as established and updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. section 9902 (2).

V. Pupils enrolled in the program must reapply each school year.

193-I:3 Value of Certificate. The value of a certificate, for any individual pupil, shall not exceed 80 percent of the average statewide per pupil cost of an adequate education, as determined by the department of education in the fiscal year in which the certificate is requested. If the tuition amount is less than 80 percent of the average statewide per pupil cost of an adequate education, the remainder shall be retained by the pupil's resident school district.

193-I:4 Participating Schools.

I. The appropriate official for each nonpublic school shall decide whether to participate in the certificate program.

II. A nonpublic school may admit a child with a certificate, up to the limit of the school's capacity, after reserving places for children admitted in accordance with the school's regular admissions practices.

III. Nonpublic schools shall establish criteria for the admission of children with certificates that are consistent with the admissions criteria that it regularly applies.

IV. Participating schools shall be permitted flexibility to educate pupils in accordance with the school's educational mission.

V. Only nonpublic schools approved by the state of New Hampshire shall be eligible to participate in this program.

193-I:5 Redeeming Certificates.

I. The appropriate official in the pupil's resident school district shall administer the certificate program for each pupil in that district who participates in the program. Each nonpublic school which participates in this program shall, no later than June 30 of each year, submit verification of each student in attendance for the full school year under this program on a form provided by the department of education. Such verification shall list the name, address, dates of attendance, and the tuition cost for each student attending under this program.

II. The certificate shall be in the form of a check issued by the pupil's resident school district to the pupil's parent or legal guardian and sent to the nonpublic school of choice by the parent or legal guardian. A parent or legal guardian shall indorse the check for redemption by an official of the nonpublic school.

193-I:6 Transportation. The school district in which a child resides shall be obligated to provide transportation for a child to the nonpublic school of his or her parent's or legal guardian's choice provided the nonpublic school selected is within the local school district. Any transportation costs for transporting a child to a nonpublic school outside of the local school district shall be borne by the child's parent or legal guardian.

193-I:7 Testing. Each nonpublic school which accepts a pupil who is a participant in the education certificate program shall submit to the pupil's resident school district office, no later than June 30 of each year, the test scores of any standardized test taken while such pupil was enrolled in the nonpublic school. No personally identifiable information shall be released with the test scores. This provision shall apply only to pupils in the third and sixth grades. The standardized test shall be a test that is nationally accredited or recognized and which offers an objective, comprehensive estimate of a pupil's educational development in areas such as language arts, reading, mathematics, and social studies.

193-I:8 Rulemaking. The state board of education shall adopt rules pursuant to RSA 541-A for the development of forms necessary to implement this chapter.

193-I:9 Legislative Oversight Committee. An oversight committee is established consisting of the following members:

- I. The chairperson of the house education committee, or a designee.
- II. The chairperson of the senate education committee, or a designee.
- III. One member of the house of representatives, appointed by the speaker of the house.
- IV. One member of the senate, appointed by the senate president.
- V. One member of the house finance committee, appointed by the speaker of the house.
- VI. One member of the senate finance committee, appointed by the senate president.

193-I:10 Duties of the Legislative Oversight Committee.

I. The oversight committee shall review the development and implementation of the education certificate program established in this chapter to ensure compliance with legislative policy.

II. In the third, sixth, and eighth years of the program, the oversight committee shall conduct a review of the education certificate program and submit a report, in each year

of review, to the speaker of the house of representatives and the president of the senate detailing the status of the program.

193-I:11 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

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

AMENDED ANALYSIS

This bill establishes an education certificate program.

Rep. Rush spoke against.

Rep. Carson spoke in favor.

Rep. Jacobson spoke against and yielded to questions.

Rep. Alger spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Bergin moved that **HB 1353-FN**, mandating open enrollment schools statewide, be laid on the table.

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

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

YEAS 160 NAYS 183

YEAS 160

BELKNAP

Bartlett, Gordon	Fitzgerald, James	Holbrook, Robert	Pilliod, James
------------------	-------------------	------------------	----------------

CARROLL

Hatch, Paul	Olimpio, J Lisbeth	Philbrick, Donald
-------------	--------------------	-------------------

CHESHIRE

Allen, Peter	Eaton, Daniel	Espiefs, Peter	Manning, Joseph
Meader, David	Mitchell, McKim	Parkhurst, Henry	Pratt, John
Richardson, Barbara	Robertson, Timothy	Royce, H Charles	Slack, Pamela
Tilton, Anna	Webber, Amy	Weed, Charles	

COOS

Mears, Edgar	Theberge, Robert
--------------	------------------

GRAFTON

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

HILLSBOROUGH

Balcom, John	Baroody, Benjamin	Bergin, Peter	Buckley, Raymond
Carlson, Donald	Clayton, William	Clemons, Jane	Cote, Peter
Craig, James	Dokmo, Cynthia	Drisko, Richard	Emerton, Larry
Ford, Nancy	Gargas, Carolyn	Gorman, Mary	Haley, Robert
Hall, Charles	Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette
Katsiantonis, Thomas	Kopka, Angeline	Lasky, Bette	Leach, Edward
Malloy, Chris	Mercer, Robert	Michon, Stephen	Movsesian, Lori
Palangas, Eric	Pappas, Christopher	Pilotte, Maurice	Price, Pamela
Schulze, Joan	Shaw, Barbara	Spiess, Paul	Sullivan, Francis
Sullivan, Peter	Sweeney, Cynthia	Tahir, Saghir	Wheeler, Robert

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann,	Clarke, Claire
----------------------	-------------------	--------------	----------------

Currier, David	Daniels, Eric	Donald	DeJoie, John
DeStefano, Stephen	Fraser, Leo Jr	Davis, Frank	Gile, Mary
Hager, Elizabeth	Hamm, Christine	French, Barbara	Kenison, Leon
Lockwood, Priscilla	MacKay, James	Jacobson, Alf	Osborne, Jessie
Owen, Derek	Perkins, Randy	Oliver, James	Reardon, Tara
Rush, Deanna	Wallner, Mary Jane	Potter, Frances	

ROCKINGHAM

Blanchard, MaryAnn	Casey, Kimberley	Coes, Betsy	Cooney, Richard
DiFruscia, Anthony	Fesh, Bob	Francoeur, Sheila	Gould, Kenneth
Ingram, Russell	Katsakiores, Phyllis	Kelley, Jane	Langley, Jane
Langone, John	McEachern, Paul	Norelli, Terie	O'Neil, Michael
Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline	Rausch, James
Robertson, Carl	Shultis, Elizabeth	Splaine, James	Stone, Joseph
Tufts, J Arthur	Vallone, Matthew	Winchell, George	

STRAFFORD

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

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Jones, Constance
Leone, Richard	Phinizy, James		

NAYS 183

BELKNAP

Ahern, Omer Jr	Allen, Janet	Boyce, Laurie	Clark, Charles
Flanders, Donald	Lawton, David	Nedeau, Stephen	Rice, Thomas
Russell, David	Thomas, John	Wendelboe, Fran	Whalley, Michael

CARROLL

Babson, David Jr	Brown, Carolyn	Derby, Mark	Dickinson, Howard
Kenney, Bettie	McConkey, Mark	Merrow, Harry	Mock, Henry
Patten, Betsey	Stevens, Stanley		

CHESHIRE

Dexter, Judson	Fish, Douglas	Hunt, John	Laurent, John
Liebl, George	Smith, Edwin		

COOS

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

GRAFTON

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

HILLSBOROUGH

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Barry, J Gail	Batula, Peter
Beaton, William	Bergeron, Jean-Guy	Brassard, Paul	Brundige, Robert
Bruno, Pierre	Cail, Kenneth	Carter, Jeffrey	Carter, Mark

Cernota, Albert	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Crane, Elenore Casey	Desmarais, Vivian	Elliott, Larry	Fields, Dennis
Gibson, John	Gonzalez, Carlos	Graham, John	Greenberg, Gary
Hagan, Barbara	Hallyburton, Margaret	Hansen, Ryan	Harrington, Paul
Haytayan, Harry Jr	Hinkle, Peyton	Hopper, Gary	Hunter, Bruce
Infantine, William	Jasper, Shawn	Kurk, Neal	Laflamme, Charles
LaFlamme, Paul	Lawrence, James	Lefebvre, Roland	Lessard, Rudy
Martin, Mary Ellen	McElroy, Henry Jr	McHugh, Claire	McRae, Karen
Mooney, Maureen	Mosher, William	O'Brien, Lori	Ober, Russell III
Pappas, Marc	Pepino, Leo	Ross, Lawrence	Rowe, Robert
Scanlon, Michael	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Tate, Joan	Vaillancourt, Steve	Wheeler, James	

MERRIMACK

Anderson, Eric	Dunne, Christopher	Field, William	Foley, Albert
Kennedy, Richard	L'Heureux, Stephen	Langer, Ray	Leber, William
Marple, Richard	Maxfield, Roy	McCormick, Tom	Nutter, Edward
Soltani, Tony			

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bicknell, Elbert	Bishop, Franklin
Bridle, Russell	Cady, Harriet	Camm, Kevin	Carson, Sharon
Clark, Vivian	Dalrymple, Janeen	Dodge, Robert	Duffy, James
Dumaine, Dudley	Flanders, John Sr	Gilbert, Jeffrey	Gilbert, Karl
Gillick, Thomas	Gleason, John	Griffin, Mary	Hamel, Albert
Headd, James	Holland, James Jr	Hughes, Daniel	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Kobel, Rudolph
Letourneau, Robert	Major, Norman	McKinney, Betsy	Moore, Benjamin
Morris, Richard	Noyes, Richard	Putnam, Ed II	Quandt, Matthew
Roessner, Kurt	Ruffner, Walter	Varrell, Thomas	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weldy, Norman Jr	Weyler, Kenneth
Wiley, Robert	Zolla, William		

STRAFFORD

Albert, Russell	Bemis, Alan	Bickford, David	Campbell, W Packy
Cataldo, Sam	Easson, Timothy	Harrington, Michael	Hollinger, Jeffrey
Musler, George	Newton, Clifford	Scott, David	Twombly, James
Woods, Phyllis			

SULLIVAN

Rodeschin, Beverly
and the motion to Lay on the Table failed.

The question being adoption of the majority committee amendment.
Reps. Tahir, Wallner and Claire Clarke spoke against.
Rep. Giuda spoke in favor.
Rep. Scott requested a roll call; sufficiently seconded.
The question being adoption of the majority committee amendment.

YEAS 171 NAYS 172

YEAS 171

BELKNAP

Ahern, Omer Jr	Allen, Janet	Boyce, Laurie	Clark, Charles
Fitzgerald, James	Flanders, Donald	Lawton, David	Rice, Thomas

Russell, David	Thomas, John	Wendelboe, Fran	Whalley, Michael
CARROLL			
Babson, David Jr Kenney, Bettie Patten, Betsey	Brown, Carolyn McConkey, Mark Stevens, Stanley	Derby, Mark Morrow, Harry	Dickinson, Howard Mock, Henry
CHESHIRE			
Dexter, Judson Liebl, George	Fish, Douglas Smith, Edwin	Hunt, John	Laurent, John
COOS			
Brady, Mark Stohl, Eric	King, Frederick Tholl, John Jr	Pratt, Leighton	Richardson, Herbert
GRAFTON			
Alger, John Eaton, Stephanie Ingbreton, Paul	Barker, Robert Gilman, G Michael Maybeck, Margie	Dorsett, Andrew Gionet, Edmond Sorg, Gregory	Dudley, Terri Giuda, Robert Williams, Burton
HILLSBOROUGH			
Adams, Jarvis Balboni, Michael Bergeron, Jean-Guy Cail, Kenneth Cernota, Albert	Allen, Timothy Barry, J Gail Brassard, Paul Carlson, Donald Chabot, Robert	Arnold, Thomas Jr Batula, Peter Brundige, Robert Carter, Jeffrey Christensen, D L Chris Elliott, Larry	Artz, Lawrence Beaton, William Bruno, Pierre Carter, Mark Christiansen, Lars
Crane, Elenore Casey Fields, Dennis Greenberg, Gary Haytayan, Harry Jr Hunter, Bruce Laflamme, Charles Martin, Mary Ellen Mooney, Maureen Pappas, Marc Stepanek, Stephen	Desmarais, Vivian Gibson, John Hagan, Barbara Hinkle, Peyton Infantine, William LaFlamme, Paul McElroy, Henry Jr Mosher, William Pepino, Leo Tate, Joan	Gonzalez, Carlos Hansen, Ryan Holden, Randolph Jasper, Shawn Lawrence, James McHugh, Claire O'Brien, Lori Slocum, Lee Wheeler, James	Emerton, Larry Graham, John Harrington, Paul Hopper, Gary Kurk, Neal Lessard, Rudy McRae, Karen Ober, Russell III Souza, Kathleen
MERRIMACK			
Anderson, Eric Fraser, Leo Jr Leber, William Soltani, Tony	Dunne, Christopher Kennedy, Richard Maxfield, Roy	Field, William L'Heureux, Stephen McCormick, Tom	Foley, Albert Langer, Ray Nutter, Edward
ROCKINGHAM			
Belanger, Ronald Cady, Harriet Dalrymple, Janeen Flanders, John Sr Griffin, Mary Hughes, Daniel Major, Norman Noyes, Richard Ruffner, Walter Welch, David	Bicknell, Elbert Camm, Kevin DiFruscia, Anthony Gilbert, Jeffrey Hamel, Albert Itse, Daniel McKinney, Betsy Putnam, Ed II Varrell, Thomas Weldy, Norman Jr	Bishop, Franklin Carson, Sharon Dodge, Robert Gilbert, Karl Headd, James Johnson, Rogers Moore, Benjamin Quandt, Matthew Waterhouse, Kevin Weyler, Kenneth	Bridle, Russell Clark, Vivian Dumaine, Dudley Gleason, John Holland, James Jr Kobel, Rudolph Morris, Richard Roessner, Kurt Weare, E Albert
STRAFFORD			
Albert, Russell	Bemis, Alan	Bickford, David	Campbell, W Packy

Cataldo, Sam
Musler, George
Woods, Phyllis

Easson, Timothy
Newton, Clifford

Harrington, Michael
Scott, David

Hollinger, Jeffrey
Twombly, James

SULLIVAN

Rodeschin, Beverly

NAYS 172

BELKNAP

Bartlett, Gordon

Holbrook, Robert

Nedeau, Stephen

Pilliod, James

CARROLL

Hatch, Paul

Olimpio, J Lisbeth

Philbrick, Donald

CHESHIRE

Allen, Peter
Meader, David
Richardson, Barbara
Tilton, Anna

Eaton, Daniel
Mitchell, McKim
Robertson, Timothy
Webber, Amy

Espieffs, Peter
Parkhurst, Henry
Royce, H Charles
Weed, Charles

Manning, Joseph
Pratt, John
Slack, Pamela

COOS

Mears, Edgar

Theberge, Robert

Woodward, David

GRAFTON

Akins, Ralph
Densmore, Edward
Nordgren, Sharon

Almy, Susan
Diamond, Estelle
Scovner, Nancy

Benn, Bernard
Ham, Bonnie
Sokol, Hilda

Cooney, Mary
Hammond, Lee
Solomon, Peter

HILLSBOROUGH

Allan, Nelson
Buckley, Raymond
Craig, James
Gargas, Carolyn
Hallyburton, Margaret
Kopka, Angeline
Malloy, Chris
Palangas, Eric
Ross, Lawrence
Shaw, Barbara
Sweeney, Cynthia

Balcom, John
Clayton, William
Dokmo, Cynthia
Gorman, Mary
Irwin, Anne-Marie
Lasky, Bette
Mercer, Robert
Pappas, Christopher
Rowe, Robert
Spiess, Paul
Tahir, Saghir

Baroody, Benjamin
Clemons, Jane
Drisko, Richard
Haley, Robert
Jean, Claudette
Leach, Edward
Michon, Stephen
Pilotte, Maurice
Scanlon, Michael
Sullivan, Francis
Vaillancourt, Steve

Bergin, Peter
Cote, Peter
Ford, Nancy
Hall, Charles
Katsiantonis, Thomas
Lefebvre, Roland
Movsesian, Lori
Price, Pamela
Schulze, Joan
Sullivan, Peter
Wheeler, Robert

MERRIMACK

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann,
Donald

Clarke, Claire

Currier, David
DeStefano, Stephen
Hamm, Christine
MacKay, James
Owen, Derek
Rush, Deanna

Daniels, Eric
French, Barbara
Jacobson, Alf
Marple, Richard
Perkins, Randy
Wallner, Mary Jane

Davis, Frank
Gile, Mary
Kenison, Leon
Oliver, James
Potter, Frances

DeJoie, John
Hager, Elizabeth
Lockwood, Priscilla
Osborne, Jessie
Reardon, Tara

ROCKINGHAM

Allen, Mary
Cooney, Richard
Gillick, Thomas
Katsakiores, George
Langone, John
O'Neil, Michael
Rausch, James

Blanchard, MaryAnn
Duffy, James
Gould, Kenneth
Katsakiores, Phyllis
Letourneau, Robert
Packard, Sherman
Robertson, Carl

Casey, Kimberley
Fesh, Bob
Ingram, Russell
Kelley, Jane
McEachern, Paul
Pantelakos, Laura
Shultis, Elizabeth

Coes, Betsy
Francoeur, Sheila
Johnson, Robert
Langley, Jane
Norelli, Terie
Pitts, Jacqueline
Splaine, James

Stone, Joseph
Winchell, George

Tufts, J Arthur
Zolla, William

Vallone, Matthew

Wiley, Robert

STRAFFORD

Berube, Roger
Grassie, Anne
Kaen, Naida
Pelletier, Arthur
Spang, Judith
Wall, Janet

Brown, Julie
Heon, Richard
Keans, Sandra
Rollo, Deanna
Taylor, Katherine

Creteau, Irene
Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Kathleen

Dunlap, Patricia
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Vachon, Dennis

SULLIVAN

Allison, David
Franklin, Peter
Leone, Richard

Burling, Peter
Harris, Joseph
Phinizy, James

Cloutier, John
Harris, Sandra

Ferland, Brenda
Jones, Constance

and the majority amendment failed.

The question now being adoption of the motion of Ought to Pass.

Rep. Stephen L'Heureux spoke against.

Motion failed.

Rep. Stephen L'Heureux moved Inexpedient to Legislate and spoke in favor.

Rep. Balboni requested a roll call; sufficiently seconded.

The question being adoption of Inexpedient to Legislate.

YEAS 258 NAYS 85

YEAS 258

BELKNAP

Allen, Janet
Holbrook, Robert
Rice, Thomas
Whalley, Michael

Bartlett, Gordon
Lawton, David
Russell, David

Fitzgerald, James
Nedeau, Stephen
Thomas, John

Flanders, Donald
Pilliod, James
Wendelboe, Fran

CARROLL

Babson, David Jr
Mock, Henry
Stevens, Stanley

Dickinson, Howard
Olimpio, J Lisbeth

Hatch, Paul
Patten, Betsey

Kenney, Bettie
Philbrick, Donald

CHESHIRE

Allen, Peter
Fish, Douglas
Meader, David
Robertson, Timothy
Tilton, Anna

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

Eaton, Daniel
Liebl, George
Parkhurst, Henry
Slack, Pamela
Weed, Charles

Espieffs, Peter
Manning, Joseph
Richardson, Barbara
Smith, Edwin

COOS

King, Frederick
Tholl, John Jr

Mears, Edgar
Woodward, David

Stohl, Eric

Theberge, Robert

GRAFTON

Akins, Ralph
Benn, Bernard
Eaton, Stephanie
Ingretson, Paul
Sokol, Hilda

Alger, John
Cooney, Mary
Giuda, Robert
Maybeck, Margie
Solomon, Peter

Almy, Susan
Densmore, Edward
Ham, Bonnie
Nordgren, Sharon
Williams, Burton

Barker, Robert
Diamond, Estelle
Hammond, Lee
Scovner, Nancy

HILLSBOROUGH

Allan, Nelson
Barry, J Gail

Balboni, Michael
Batula, Peter

Balcom, John
Bergin, Peter

Baroody, Benjamin
Buckley, Raymond

Carlson, Donald	Carter, Mark	Christensen, D L Chris	Christiansen, Lars
Clayton, William	Clemons, Jane	Cote, Peter	Craig, James
Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard	Elliott, Larry
Emerton, Larry	Fields, Dennis	Ford, Nancy	Gargas, Carolyn
Gonzalez, Carlos	Gorman, Mary	Graham, John	Greenberg, Gary
Haley, Robert	Hall, Charles	Hallyburton, Margaret	Hinkle, Peyton
Holden, Randolph	Hunter, Bruce	Irwin, Anne-Marie	Jean, Claudette
Katsiantonis, Thomas	Kopka, Angeline	Kurk, Neal	Lasky, Bette
Lawrence, James	Leach, Edward	Lefebvre, Roland	Lessard, Rudy
Malloy, Chris	McRae, Karen	Mercer, Robert	Michon, Stephen
Movsesian, Lori	O'Brien, Lori	Ober, Russell III	Palangas, Eric
Pappas, Christopher	Pappas, Marc	Pilote, Maurice	Price, Pamela
Ross, Lawrence	Rowe, Robert	Scanlon, Michael	Schulze, Joan
Shaw, Barbara	Spiess, Paul	Stepanek, Stephen	Sullivan, Francis
Sullivan, Peter	Sweeney, Cynthia	Tahir, Saghir	Vaillancourt, Steve
Wheeler, Robert			

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	Daniels, Eric	Davis, Frank
DeJoie, John	DeStefano, Stephen	Dunne, Christopher	Field, William
Fraser, Leo Jr	French, Barbara	Gile, Mary	Hager, Elizabeth
Hamm, Christine	Jacobson, Alf	Kenison, Leon	L'Heureux, Stephen
Langer, Ray	Leber, William	Lockwood, Priscilla	MacKay, James
Marple, Richard	Maxfield, Roy	Oliver, James	Osborne, Jessie
Owen, Derek	Perkins, Randy	Potter, Frances	Reardon, Tara
Rush, Deanna	Wallner, Mary Jane		

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Camm, Kevin	Carson, Sharon	Casey, Kimberley	Coes, Betsy
Cooney, Richard	Dalrymple, Janeen	Dodge, Robert	Fesh, Bob
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Holland, James Jr
Hughes, Daniel	Ingram, Russell	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Langley, Jane	Langone, John
Letourneau, Robert	Major, Norman	McEachern, Paul	McKinney, Betsy
Moore, Benjamin	Norelli, Terie	O'Neil, Michael	Packard, Sherman
Pantelakos, Laura	Pitts, Jacqueline	Rausch, James	Robertson, Carl
Roessner, Kurt	Shultis, Elizabeth	Splaine, James	Stone, Joseph
Tufts, J Arthur	Vallone, Matthew	Weare, E Albert	Welch, David
Wiley, Robert	Winchell, George	Zolla, William	

STRAFFORD

Berube, Roger	Bickford, David	Brown, Julie	Campbell, W Packy
Creteau, Irene	Dunlap, Patricia	Eason, Timothy	Grassie, Anne
Harrington, Michael	Heon, Richard	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Newton, Clifford	Pelletier, Arthur	Rollo, Deanna	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Katherine	Taylor, Kathleen
Vachon, Dennis	Wall, Janet	Woods, Phyllis	

SULLIVAN

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

NAYS 85

BELKNAP

Ahern, Omer Jr Boyce, Laurie Clark, Charles

CARROLL

Brown, Carolyn Derby, Mark McConkey, Mark Merrow, Harry

CHESHIRE

Hunt, John Pratt, John

COOS

Brady, Mark Pratt, Leighton Richardson, Herbert

GRAFTON

Dorsett, Andrew Dudley, Terri Gilman, G Michael Gionet, Edmond
Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis	Allen, Timothy	Arnold, Thomas Jr	Artz, Lawrence
Beaton, William	Bergeron, Jean-Guy	Brassard, Paul	Brundige, Robert
Bruno, Pierre	Cail, Kenneth	Carter, Jeffrey	Cernota, Albert
Chabot, Robert	Crane, Elenore	Gibson, John	Hagan, Barbara
	Casey		
Hansen, Ryan	Harrington, Paul	Haytayan, Harry Jr	Hopper, Gary
Infantine, William	Jasper, Shawn	Laflamme, Charles	LaFlamme, Paul
Martin, Mary Ellen	McElroy, Henry Jr	McHugh, Claire	Mooney, Maureen
Mosher, William	Pepino, Leo	Slocum, Lee	Souza, Kathleen
Tate, Joan	Wheeler, James		

MERRIMACK

Foley, Albert Kennedy, Richard McCormick, Tom Nutter, Edward
Soltani, Tony

ROCKINGHAM

Bicknell, Elbert	Bridle, Russell	Cady, Harriet	Clark, Vivian
DiFruscia, Anthony	Duffy, James	Dumaine, Dudley	Gleason, John
Hamel, Albert	Headd, James	Itse, Daniel	Johnson, Rogers
Kobel, Rudolph	Morris, Richard	Noyes, Richard	Putnam, Ed II
Quandt, Matthew	Ruffner, Walter	Varrell, Thomas	Waterhouse, Kevin
Weldy, Norman Jr	Weyler, Kenneth		

STRAFFORD

Albert, Russell Bemis, Alan Cataldo, Sam Hollinger, Jeffrey
Musler, George Scott, David Twombly, James

SULLIVAN

None

and Inexpedient to Legislate was adopted.

HB 1241, exempting from the state employee hiring delay certain positions within the regional community-technical college system which are directly responsible for child care.

OUGHT TO PASS WITH AMENDMENT

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill amends 2003, 319:178, II to add "positions within the regional community-technical college system that are directly responsible for child care" to the State Employee Hiring Delay; Exemptions. This exemption will enable the New Hampshire Technical Institute Child and Family Development Center to be in compliance with RSA 170:E which establishes the ratio of adult to infant/toddler and preschool children attending the institute's laboratory school for

practicum students in early childhood education. Vote 11-4.

Amendment (0049h)

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

1 Amend 2003, 319:178, II to read as follows:

II. Direct care positions, custodial positions, law enforcement positions, ***positions within the regional community-technical college system that are directly responsible for child care***, and positions restored or created by this act or created on or after June 30, 2003 shall be exempt from the hiring delay imposed in paragraph I.

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

Adopted.

Report adopted.

Referred to Finance.

HB 1265, establishing a committee to study prescriptive authority of qualified psychologists. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael O'Neil for the Majority of Executive Departments and Administration: Last year, the committee had before it HB 443 which would have granted prescriptive authority to qualified psychologists. The bill was studied in depth by subcommittee and presented to the full committee, which voted 18-2 to recommend inexpedient to legislate. HB 1265 deals with the very same subject. The only change is to form a study committee of house and senate members. Over 15 people testified in opposition. No new evidence was brought forward nor was there a consensus that the issue needed to be studied by the legislature. Furthermore, no other states in the country are looking into legislative studies on this issue. If the issue needs to be studied, it can be done outside the legislative arena. Vote 15-2.

Rep. John DeJoie for the Minority of Executive Departments and Administration: This bill seeks to establish a legislative study committee to review the many complex issues surrounding authorizing prescriptive authority to qualified psychologists. This bill does not attempt to grant prescriptive authority, it simply seeks to better understand it. HB 1265 is a follow-up to HB 443, which was heard in 2003. The committee heard lengthy conflicting testimony regarding the quality of the state's mental health care delivery system and the merits of the policy currently in question. There was more than four hours of public testimony on HB 443 (2003) and another hour of testimony on the current bill. HB 443 was deliberated in subcommittee for about an hour, while HB 1265 was deliberated for several minutes. The medical community testified that access to psychiatric care is not a problem in New Hampshire today. Their testimony indicated that primary care physicians, who prescribe about 80% of psychotropic medications, are able to diagnose the vast majority of psychological problems and are comfortable with prescribing psychotropic medications. This despite their limited formal psychological training and continuing education hours in psychiatry. In contrast, psychologists testified that consumers do not have adequate access, no sufficient time for adequate diagnosis or monitoring of side effects, nor is there sufficient time to integrate psychological techniques into treatment to minimize the necessity of medication interventions. The majority believes the issue has been studied sufficiently. Based on the excessive amount of public testimony, versus the small amount of quantitative time spent deliberating the issue, the minority does not agree that the issue has received adequate study. The minority, as well as the constituents, believes much more review, research and study is necessary in order to develop a thorough understanding of this issue. Based on the number of bills submitted this session about the overuse of psychotropic medications on children, it would appear that other legislators agreed that this issue requires further study.

Rep. DeJoie spoke against.

Rep. O'Neil spoke in favor.

On a division vote, 266 members having voted in the affirmative and 68 in the negative, the

majority committee report was adopted.

HB 1176, relative to government access to private property. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Henry P. Mock for the Majority of Judiciary: All Americans cherish their ability to own and to protect their private property. This bill was brief and stated the following: "Absent a lawfully issued search warrant, no state, county, municipal, or other public official shall go onto any private property for any purpose (emphasis added) without the prior consent of the landowner". Although the sponsor said the "intent is to protect private property rights – that it was not intended to restrict law enforcement in any way" – the questions began: what about state forestry officials looking for insect infestations where the landowner is unavailable? What about the moose or deer struck by an auto landing on a front lawn? What about the mailman delivering mail? What about neighbors and others searching the neighborhood for a lost child? And the exceptions went on and on. The exceptions grew to such an extent it led Atty. Gallo, opposing and representing the Attorney General's office, to say that the "exceptions would swallow up the bill". Although the minority amendment gallantly attempts to improve the bill, one could drive a Mack Truck through it and make innocent persons trying to do their jobs "criminals". With \$100 per day liquidated damages per each day such violation occurs or \$5000, together with costs and reasonable attorneys fees, the proposed amendment is excessive at the least. This bill could have far reaching and devastating unintended consequences. Vote 7-5.

Rep. Gregory M. Sorg for the Minority of Judiciary: The sponsors of this bill sought no substantive change to existing law, but merely desired to add, for purposes of clarification, a general declaration that assumption of a civil office confers no legal cover to an over-zealous holder of that office who wrongfully enters upon private property in the supposed performance of its duties. This worthwhile objective was accomplished by an amendment, which stated the general rule and then excepted from it statutes and court decisions that now or may hereafter limit or qualify it. The amendment also added a civil remedy to prevent the bill from being merely hortatory or aspirational.

Rep. Ahern spoke against.

Rep. Haytayan spoke in favor.

Rep. Ahern requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 277 NAYS 57

YEAS 277

BELKNAP

Allen, Janet	Bartlett, Gordon	Boyce, Laurie	Clark, Charles
Fitzgerald, James	Flanders, Donald	Holbrook, Robert	Nedeau, Stephen
Rice, Thomas	Russell, David	Thomas, John	Whalley, Michael

CARROLL

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

CHESHIRE

Allen, Peter	Dexter, Judson	Eaton, Daniel	Espieffs, Peter
Fish, Douglas	Hunt, John	Laurent, John	Liebl, George
Manning, Joseph	Meador, David	Mitchell, McKim	Parkhurst, Henry
Richardson, Barbara	Robertson, Timothy	Slack, Pamela	Smith, Edwin
Webber, Amy	Weed, Charles		

COOS

King, Frederick	Mears, Edgar	Pratt, Leighton	Richardson, Herbert
-----------------	--------------	-----------------	---------------------

Stohl, Eric

Theberge, Robert

Tholl, John Jr

Woodward, David

GRAFTON

Akins, Ralph
Cooney, Mary
Dudley, Terri
Ham, Bonnie
Scovner, Nancy

Alger, John
Densmore, Edward
Eaton, Stephanie
Hammond, Lee
Sokol, Hilda

Almy, Susan
Diamond, Estelle
Gionet, Edmond
Maybeck, Margie
Solomon, Peter

Benn, Bernard
Dorsett, Andrew
Giuda, Robert
Nordgren, Sharon
Williams, Burton

HILLSBOROUGH

Allan, Nelson
Baroody, Benjamin
Bergin, Peter
Cail, Kenneth
Cernota, Albert

Arnold, Thomas Jr
Barry, J Gail
Brassard, Paul
Carlson, Donald
Chabot, Robert

Artz, Lawrence
Batula, Peter
Brundige, Robert
Carter, Jeffrey
Christensen, D L
Chris

Balcom, John
Beaton, William
Buckley, Raymond
Carter, Mark
Clayton, William

Clemons, Jane
Dokmo, Cynthia
Fields, Dennis
Gorman, Mary
Hall, Charles
Hunter, Bruce
Jean, Claudette
Laflamme, Charles
Leach, Edward
Martin, Mary Ellen
Mosher, William
Pappas, Christopher
Price, Pamela
Schulze, Joan
Stepanek, Stephen
Tahir, Saghir

Cote, Peter
Drisko, Richard
Ford, Nancy
Graham, John
Hallyburton, Margaret
Infantine, William
Katsiantonis, Thomas
LaFlamme, Paul
Lefebvre, Roland
McElroy, Henry Jr
Movsesian, Lori
Pappas, Marc
Ross, Lawrence
Shaw, Barbara
Sullivan, Francis
Tate, Joan

Craig, James
Elliott, Larry
Gargas, Carolyn
Greenberg, Gary
Haytayan, Harry Jr
Irwin, Anne-Marie
Kopka, Angeline
Lasky, Bette
Lessard, Rudy
McHugh, Claire
O'Brien, Lori
Pepino, Leo
Rowe, Robert
Souza, Kathleen
Sullivan, Peter
Wheeler, Robert

Desmarais, Vivian
Emerton, Larry
Gonzalez, Carlos
Haley, Robert
Holden, Randolph
Jasper, Shawn
Kurk, Neal
Lawrence, James
Malloy, Chris
Michon, Stephen
Palangas, Eric
Pilotte, Maurice
Scanlon, Michael
Spiess, Paul
Sweeney, Cynthia

MERRIMACK

Anderson, Eric

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann,
Donald

Clarke, Claire
DeStefano, Stephen
French, Barbara
Jacobson, Alf
Leber, William
Maxfield, Roy
Owen, Derek
Rush, Deanna

Currier, David
Dunne, Christopher
Gile, Mary
Kenison, Leon
Lockwood, Priscilla
McCormick, Tom
Perkins, Randy
Wallner, Mary Jane

Daniels, Eric
Foley, Albert
Hager, Elizabeth
L'Heureux, Stephen
MacKay, James
Oliver, James
Potter, Frances

Davis, Frank
Fraser, Leo Jr
Hamm, Christine
Langer, Ray
Marple, Richard
Osborne, Jessie
Reardon, Tara

ROCKINGHAM

Belanger, Ronald
Casey, Kimberley
Dalrymple, Janeen
Flanders, John Sr
Gillick, Thomas
Hamel, Albert
Johnson, Robert
Kelley, Jane
Letourneau, Robert
Moore, Benjamin
Packard, Sherman
Rausch, James

Blanchard, MaryAnn
Clark, Vivian
Dodge, Robert
Francoeur, Sheila
Gleason, John
Headd, James
Johnson, Rogers
Kobel, Rudolph
Major, Norman
Norelli, Terie
Pantelakos, Laura
Robertson, Carl

Bridle, Russell
Coes, Betsy
Duffy, James
Gilbert, Jeffrey
Gould, Kenneth
Hughes, Daniel
Katsakiores, George
Langley, Jane
McEachern, Paul
Noyes, Richard
Pitts, Jacqueline
Roessner, Kurt

Carson, Sharon
Cooney, Richard
Fesh, Bob
Gilbert, Karl
Griffin, Mary
Ingram, Russell
Katsakiores, Phyllis
Langone, John
McKinney, Betsy
O'Neil, Michael
Putnam, Ed II
Splaine, James

Stone, Joseph
Waterhouse, Kevin
Winchell, George

Tufts, J Arthur
Weare, E Albert
Zolla, William

Vallone, Matthew
Welch, David

Varrell, Thomas
Weldy, Norman Jr

STRAFFORD

Bemis, Alan
Creteau, Irene
Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Kathleen

Berube, Roger
Dunlap, Patricia
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Twombly, James

Bickford, David
Grassie, Anne
Kaen, Naida
Pelletier, Arthur
Spang, Judith
Vachon, Dennis

Cataldo, Sam
Heon, Richard
Keans, Sandra
Rollo, Deanna
Taylor, Katherine
Wall, Janet

SULLIVAN

Allison, David
Franklin, Peter
Rodeschin, Beverly

Burling, Peter
Harris, Joseph

Cloutier, John
Harris, Sandra

Ferland, Brenda
Jones, Constance

NAYS 57

BELKNAP

Ahern, Omer Jr

Lawton, David

Pilliod, James

Wendelboe, Fran

CARROLL

Dickinson, Howard

CHESHIRE

Tilton, Anna

COOS

Brady, Mark

GRAFTON

Barker, Robert

Gilman, G Michael

Ingbretson, Paul

Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis
Bruno, Pierre

Allen, Timothy
Christiansen, Lars

Balboni, Michael
Crane, Elenore
Casey

Bergeron, Jean-Guy
Gibson, John

Hagan, Barbara
Hopper, Gary
Slocum, Lee

Hansen, Ryan
McRae, Karen
Vaillancourt, Steve

Harrington, Paul
Mooney, Maureen
Wheeler, James

Hinkle, Peyton
Ober, Russell III

MERRIMACK

Field, William

Kennedy, Richard

Nutter, Edward

Soltani, Tony

ROCKINGHAM

Allen, Mary
DiFruscia, Anthony
Quandt, Matthew

Bicknell, Elbert
Dumaine, Dudley
Ruffner, Walter

Cady, Harriet
Itse, Daniel
Weyler, Kenneth

Camm, Kevin
Morris, Richard
Wiley, Robert

STRAFFORD

Albert, Russell
Harrington, Michael
Scott, David

Brown, Julie
Hollinger, Jeffrey
Woods, Phyllis

Campbell, W Packy
Musler, George

Easson, Timothy
Newton, Clifford

SULLIVAN

Phinizy, James

and the majority committee report was adopted.

SPECIAL ORDER

HB 1206, establishing a committee to study the appropriateness of designating corporations

as legal persons. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This bill would establish a committee to study whether to withdraw from corporations their status as legal persons, by means of which they acquire, like natural persons, the benefits and protection of relevant parts of the federal and New Hampshire Bills of Rights. The committee concluded that many of the specific issues raised by the sponsor and supporting witnesses implicated the commerce, contracts and supremacy clauses of the federal constitution that no enactment of the New Hampshire Legislature could affect. Moreover, the direction to which the study sought by the bill appears aimed is towards the theoretical, social and economic underpinnings of the entire capitalist system. This was not considered an appropriate subject for the use of the Legislature's time and resources. Vote 18-1.

Reps. Owen and Kennedy spoke against.

Rep. Sorg spoke in favor.

Adopted.

REGULAR CALENDAR (CONT'D.)

HB 1153, relative to employment security. **REFER FOR INTERIM STUDY**

Rep. Jarvis Adams IV for Labor, Industrial and Rehabilitative Services: Because we did not have adequate time to study all of the available information including data from other states that have visited this issue, the Committee recommended the bill to interim study with the full consent of the prime sponsor. Vote 14-0.

Adopted.

HB 1270, prohibiting the deduction of any taxes from mileage reimbursement checks for house members. **INEXPEDIENT TO LEGISLATE**

Rep. Donald R. Philbrick for Legislative Administration: The question raised by HB 1270 has been before the legislature many times before. In 1991 the IRS issued an advisory opinion declaring New Hampshire Legislators to be considered employees of the state for income tax purposes. Payments were based on attendance rather than actual travel performed. In 1993 the House and Senate adopted HCR 12 which called for a repeal of this opinion. This was unsuccessful and repeal never came about. In 1997 HB 440 was passed and signed by the Governor. This bill allowed legislators to select one of two methods of mileage payment: 1- Each day of attendance at the state rate or 2 - Actual mileage driven by the legislator at the current federal rate. This has given all legislators an option and has worked very well, therefore the committee voted ITL. Vote 13-0.

Rep. Marple spoke against.

Adopted.

PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Marple requested that his protest be entered on the Journal.

I ask that my protest concerning the action of this House on HB 1270 today be recorded in the records of this House. The protest is founded in the committee's reliance on a 13 year old "advisory opinion" which has been nullified by the United States Supreme Court, 501 US.452 which ratified the lawful definition of "employee" enumerated in 29 USC 630(E), as well as Article 15, Part II New Hampshire Constitution. Representatives of this House are not employees of this state as excluded by enumerated cumulative supplement 2003, Labor RSA 282-A:9, IV, 1,2, which does "not include," (o), (1) "as an elected official", (2) "as a member of a legislative body or as a member of the Judiciary of the state or political subdivision." The committee report is not in accord with the current law.

REGULAR CALENDAR (CONT'D.)

HB 1386, relative to participation by nonresident taxpayers in town meetings.

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

Rep. Nancy K. Johnson for the Majority of Municipal and County Government: The committee was sympathetic to the fact that towns' people currently can over ride the town moderator when he/she decides if a non-resident property owner can speak at a town meeting. The committee also recognized that non-residents do have the ability to discuss issues with selectmen and other town officials, along with voicing their concerns to their State Representatives and Senators. Although the solution proposed by HB 1386 is well intended, the majority of the committee did not feel that eliminating the moderator's and the legislative body's authority over procedural matters regarding the town meeting does not constitute a violation of non-resident's rights. Vote 8-5

Rep. Dudley D. Dumaine for the Minority of Municipal and County Government: The minority believes that while this legislation is a local control issue, it is also that of a constitutional issue. The minority believes that an individual's right to speak freely, granted to all of us by the 1st Amendment was written into our Constitution to protect all American citizens. Our 1st Amendment Right of free speech does not differentiate between the non-resident and resident taxpayer. The minority believes that the Constitutional Right of the non-resident taxpayer to peaceably assemble at a town meeting for a reasonable opportunity to speak and express his or her own personal views on an issue which directly affects them must never be prohibited by anyone. This legislation does not allow a non-resident taxpayer to vote. It simply affords that non-resident taxpayer, who owns residential property within a particular community an opportunity to speak on an issue that directly affects the very taxes he or she is paying into that particular community. Therefore, the minority believes that an individual's right to peaceably assemble and freely speak should never be obstructed by any one individual or by any form of government or by any form of a majority. The minority further believes that taxation must never be without representation.

Rep. Dumaine spoke against and yielded to questions.

Rep. Ahern spoke against.

Reps. Stohl and Nancy Johnson spoke in favor.

Rep. Ahern requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 218 NAYS 115

YEAS 218

BELKNAP

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

CARROLL

Brown, Carolyn	Dickinson, Howard	Hatch, Paul	McConkey, Mark
Morrow, Harry	Mock, Henry	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			

CHESHIRE

Allen, Peter	Eaton, Daniel	Espieffs, Peter	Hunt, John
Laurent, John	Meador, David	Mitchell, McKim	Parkhurst, Henry
Richardson, Barbara	Robertson, Timothy	Slack, Pamela	Smith, Edwin

COOS

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

GRAFTON

Akins, Ralph	Barker, Robert	Benn, Bernard	Cooney, Mary
Densmore, Edward	Dorsett, Andrew	Dudley, Terri	Eaton, Stephanie
Gionet, Edmond	Giuda, Robert	Ham, Bonnie	Ingretson, Paul
Nordgren, Sharon	Scovner, Nancy	Solomon, Peter	Williams, Burton

HILLSBOROUGH

Allan, Nelson	Baroody, Benjamin	Batula, Peter	Bergin, Peter
Brundige, Robert	Buckley, Raymond	Cail, Kenneth	Carlson, Donald
Carter, Mark	Cernota, Albert	Chabot, Robert	Christensen, D L
			Chris
Clayton, William	Clemons, Jane	Cote, Peter	Craig, James
Crane, Elenore	Dokmo, Cynthia	Drisko, Richard	Elliott, Larry
Casey			
Emerton, Larry	Fields, Dennis	Ford, Nancy	Gargasz, Carolyn
Gorman, Mary	Graham, John	Greenberg, Gary	Haley, Robert
Hallyburton, Margaret	Hansen, Ryan	Hunter, Bruce	Irwin, Anne-Marie
Jean, Claudette	Katsiantonis, Thomas	Kopka, Angeline	Kurk, Neal
Lasky, Bette	Malloy, Chris	Martin, Mary Ellen	Mercer, Robert
Michon, Stephen	Movsesian, Lori	Palangas, Eric	Pappas, Christopher
Pappas, Marc	Pilotte, Maurice	Price, Pamela	Ross, Lawrence
Rowe, Robert	Scanlon, Michael	Schulze, Joan	Shaw, Barbara
Souza, Kathleen	Sullivan, Francis	Sullivan, Peter	Sweeney, Cynthia
Tahir, Saghir	Tate, Joan	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Brueggemann, Donald	Clarke, Claire
		Davis, Frank	DeJoie, John
Currier, David	Daniels, Eric	Hager, Elizabeth	Jacobson, Alf
DeStefano, Stephen	Dunne, Christopher	Leber, William	Lockwood, Priscilla
Kenison, Leon	L'Heureux, Stephen	Maxfield, Roy	Nutter, Edward
MacKay, James	Marple, Richard	Potter, Frances	Reardon, Tara
Oliver, James	Perkins, Randy		
Rush, Deanna	Wallner, Mary Jane		

ROCKINGHAM

Belanger, Ronald	Bicknell, Elbert	Blanchard, MaryAnn	Bridle, Russell
Camm, Kevin	Carson, Sharon	Casey, Kimberley	Clark, Vivian
Coes, Betsy	Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Gillick, Thomas	Gleason, John	Gould, Kenneth	Griffin, Mary
Hamel, Albert	Holland, James Jr	Hughes, Daniel	Ingram, Russell
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Langone, John	Major, Norman
McKinney, Betsy	Moore, Benjamin	Morris, Richard	Norelli, Terie
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Pantelakos, Laura
Rausch, James	Robertson, Carl	Stone, Joseph	Tufts, J Arthur
Vallone, Matthew	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weldy, Norman Jr	Winchell, George	Zolla, William	

STRAFFORD

Bemis, Alan	Berube, Roger	Brown, Julie	Creteau, Irene
Dunlap, Patricia	Grassie, Anne	Harrington, Michael	Heon, Richard
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Miller, Joseph	Newton, Clifford	Pelletier, Arthur
Rollo, Deanna	Smith, Marjorie	Twombly, James	Vachon, Dennis

SULLIVAN

Allison, David	Burling, Peter	Harris, Joseph	Harris, Sandra
Jones, Constance	Rodeschin, Beverly		

NAYS 115

BELKNAP

Ahern, Omer Jr	Boyce, Laurie	Rice, Thomas	Wendelboe, Fran
CARROLL			
Babson, David Jr	Derby, Mark	Kenney, Bettie	Olimpio, J Lisbeth
CHESHIRE			
Dexter, Judson	Fish, Douglas	Liebl, George	Manning, Joseph
Tilton, Anna	Webber, Amy	Weed, Charles	
COOS			
Pratt, Leighton			
GRAFTON			
Alger, John	Almy, Susan	Diamond, Estelle	Gilman, G Michael
Hammond, Lee	Maybeck, Margie	Sokol, Hilda	Sorg, Gregory
HILLSBOROUGH			
Adams, Jarvis	Allen, Timothy	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Barry, J Gail	Beaton, William
Bergeron, Jean-Guy	Brassard, Paul	Bruno, Pierre	Carter, Jeffrey
Christiansen, Lars	Desmarais, Vivian	Gibson, John	Gonzalez, Carlos
Hagan, Barbara	Hall, Charles	Harrington, Paul	Hinkle, Peyton
Holden, Randolph	Hopper, Gary	Infantine, William	Jasper, Shawn
Laflamme, Charles	LaFlamme, Paul	Lawrence, James	Leach, Edward
Lefebvre, Roland	McElroy, Henry Jr	McHugh, Claire	McRae, Karen
Mooney, Maureen	Mosher, William	O'Brien, Lori	Ober, Russell III
Pepino, Leo	Slocum, Lee	Stepanek, Stephen	Vaillancourt, Steve
Wheeler, James			
MERRIMACK			
Bouchard, Candace	Field, William	Foley, Albert	Fraser, Leo Jr
French, Barbara	Gile, Mary	Hamm, Christine	Kennedy, Richard
Langer, Ray	McCormick, Tom	Osborne, Jessie	Owen, Derek
Soltani, Tony			
ROCKINGHAM			
Allen, Mary	Bishop, Franklin	Cady, Harriet	Cooney, Richard
Duffy, James	Dumaine, Dudley	Fesh, Bob	Headd, James
Itse, Daniel	Johnson, Robert	Letourneau, Robert	McEachern, Paul
Pitts, Jacqueline	Putnam, Ed II	Quandt, Matthew	Roessner, Kurt
Ruffner, Walter	Splaine, James	Varrell, Thomas	Weyler, Kenneth
Wiley, Robert			
STRAFFORD			
Albert, Russell	Bickford, David	Campbell, W Packy	Cataldo, Sam
Easson, Timothy	Hollinger, Jeffrey	Schmidt, Peter	Scott, David
Spang, Judith	Taylor, Kathleen	Wall, Janet	Woods, Phyllis
SULLIVAN			
Cloutier, John	Ferland, Brenda	Franklin, Peter	Phinizy, James

and the majority committee report was adopted.

HB 1260, naming the new Route 9 bridge over the Connecticut River between New Hampshire and Vermont the United States Navy Seabees Bridge. **OUGHT TO PASS**
Rep. Edmond D. Gionet for Public Works and Highways: The Committee feels that HB 1260 is a great opportunity to commemorate a branch of the service that up until now, had not had any monument named after them in New Hampshire and possibly any other state. To commemorate the important and significant role that the Seabees played protecting and defending our Country both in peace and during war, we feel that it is appropriate to name

the bridge as referenced in this bill in their honor. Vote 15-0.
Adopted.
Ordered to third reading.

HB 1411-FN-A, relative to funding state science laboratories and making an appropriation therefor. **REFER FOR INTERIM STUDY**

Rep. Edwin O. Smith for Public Works and Highways: This bill came to the committee two weeks before the deadline to report it out. The bill as written did not even have the support of the prime sponsor. The sponsor requested an amendment and that amendment still did not meet his expectations and it was not even presented to the committee. The sponsor is still working to get the amendment in an acceptable form, but due to deadlines, the committee reported the bill for interim study. The sponsor will present future amendments to the committee with the intent of reaching an agreement and a floor amendment will be brought forward. The concept is of interest to the whole committee and we tried to keep the door open for a resolution to this bill. Vote 13-0.

Rep. Edwin Smith spoke against.

Report failed.

Rep. Edwin Smith moved Ought to Pass with Amendment and offered floor amendment (0311h).

Floor Amendment (0311h)

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

AN ACT establishing a committee to study funding sources for the state laboratories and extending the appropriation to the department of corrections for the prison automation system.

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

1 Committee Established. There is established a committee to study funding sources for renovation and maintenance of the state laboratories.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the ways and means committee, one of whom shall be a member of the finance committee, and one of whom shall be a member of the public works and highways committee.

(b) Two members of the senate, appointed by the president of the senate, one of whom shall be a member of the ways and means committee and one of whom shall be a member of the finance committee.

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

3 Duties. The committee shall study the feasibility of implementing a facility fee for laboratory services to pay for maintenance and debt service on the renovation and expansion of the state laboratories.

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

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

6 Capital Appropriation; Department of Corrections; Lapse Date Extended. The \$750,000 appropriation to the department of corrections in 1997, 349:1, III(D), for the prison automation system, is hereby extended to June 30, 2005.

7 Oversight and Reporting Required. The department of corrections shall provide a report every 90 days to the legislative capital budget overview committee on the progress of the prison automation project beginning September 30, 2004, until the funds appropriated and extended for such purpose in section 6 of this act are fully expended. The reports shall include the current total project cost, funds encumbered, actual expenditures, and the estimated completion date for the project.

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

AMENDED ANALYSIS

This bill establishes a study committee to consider implementing a facility fee to fund the maintenance and renovation of the state laboratories. The bill also prevents the lapse of a prior appropriation to the department of corrections for a prison automation system.

Floor amendment (0311h) adopted.

Adopted.

Motion of Ought to Pass with Amendment adopted.

Referred to Finance.

HB 645-FN-A-L, relative to the reimbursement of certain property taxes paid by qualifying private education institutions for the purpose of educational scholarship grants. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeffrey D. Gilbert for Ways and Means: This bill establishes a program and procedure should funding from the general fund be available in the next biennium or thereafter to provide state scholarship aid for New Hampshire residents who attend NH private educational institutions. The scholarship grants are limited to the amount of real estate taxes paid by these institutions for their dormitories, dining rooms, and kitchens, pursuant to RSA 72:23, IV. For an institution to qualify for this program, 10 percent of its boarding students must be NH residents. This qualification component would eliminate our wealthiest private educational institutions such as Dartmouth, Phillips-Exeter Academy and St. Paul's School thereby targeting such funds as the legislature appropriates in the future to our neediest private educational institutions. This bill was amended by the Ways & Means Committee with the concurrence of the policy committee (Municipal & County Government) to eliminate any current funding. Vote 15-0.

Amendment (0252h)

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

AN ACT relative to educational scholarship grants by the postsecondary education commission to qualifying private education institutions.

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

1 New Paragraph; Postsecondary Education Commission; Rulemaking. Amend RSA 188-D:8-a by inserting after paragraph III the following new paragraph:

IV. The procedure for application, method of disbursement, and administration of funds in the educational scholarship fund under RSA 188-D:43.

2 New Subdivision; Educational Scholarship Fund. Amend RSA 188-D by inserting after section 42 the following new subdivision:

Educational Scholarship Fund

188-D:43 Educational Scholarships. The postsecondary education commission shall administer a program for the granting of educational scholarship funds to qualifying private, secondary and postsecondary, educational institutions in this state as follows:

I. A private educational institution that pays property taxes on the value of the dormitories, dining rooms, and kitchens pursuant to RSA 72:23, IV, and which has New Hampshire residents comprising more than 10 percent of its boarding students, may apply for and, within the available funds, receive from the postsecondary education commission an annual sum up to the amount of such property taxes paid in the previous tax year for the

purpose of funding educational scholarships for New Hampshire residents at the institution, as determined by rules of the postsecondary education commission adopted under RSA 188-D:8-a, IV.

II. Any grants made under this section shall be for the purpose of providing educational scholarships for New Hampshire residents at the qualifying institution.

III. The annual grant amount for each institutional applicant shall be limited to the lesser of the proposed amount of educational scholarship funds to be provided to New Hampshire students by the educational institution or the taxes paid in the previous tax year by such institution pursuant to RSA 72:23, IV.

IV. If at any time sufficient funds for grant awards are not available in the educational scholarship fund under RSA 188-D:44 to fund in full all grant applications qualifying under paragraph III, then the dollar amount of the grant to each qualifying institution shall be determined and awarded from funds in the educational scholarship fund in the same proportion that the total dollar amount of each institution's qualifying application bears to the total dollar amount of all qualifying applications.

188-D:44 Fund Established. There is hereby established a special fund to be known as the educational scholarship fund. The fund shall consist of such moneys as may be appropriated for the purposes of this subdivision. The fund shall be managed by the state treasurer and shall be continually appropriated to the postsecondary education commission for the purposes of this subdivision.

3 New Subparagraph; State Accounts; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (227) the following new subparagraph:

(228) Moneys deposited in the educational scholarship fund established in RSA 188-D:44.

4 Effective Date. This act shall take effect July 1, 2005.

AMENDED ANALYSIS

This bill establishes a program to be administered by the postsecondary education commission for educational scholarship grants to be made annually to qualifying private education institutions. Grants are to be used for state residents and are limited to the lesser of education funds provided to students by each institution or the amount of property taxes paid by the institution.

Adopted.

Report adopted.

Referred to Finance.

BILLS REMOVED FROM CONSENT CALENDAR

HB 1342-FN-A-L, establishing a new system of coinage for the state. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This legislation, if adopted, would promote the use of gold as an alternative currency. The sponsor appeared concerned that paper currency may be devalued. Essentially the bill would require the banking system to accept and redeem gold as a separate currency. The committee was having trouble believing that gold (which also may be devalued), as a currency, would have been of any benefit. Vote 11-1.

Rep. McElroy spoke against.

Rep. Hunt spoke in favor.

Adopted.

HB 1281, relative to the determination of the amount of taxes to be raised to support a cooperative school district. **OUGHT TO PASS WITH AMENDMENT**

Rep. Vivian R. Clark for Ways and Means: As entered, this bill would have reversed earlier legislation that changed the payment of adequate education grants to communities that are members of a cooperative school district, from being paid before the apportionment of remaining costs to being paid after such apportionment. Both systems have created ill-will.

The amendment allows each cooperative district to decide for itself how to apply member communities' grants, providing all of the members agree. Vote 14-0.

Amendment (0243h)

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

1 Cooperative School Districts; Certification of District Taxes; Adequate Education Grants. Amend RSA 195:14, I(b) to read as follows:

(b) The commissioner of revenue administration shall examine such certificates and delete any appropriations which appear not made in accordance with the law, and adjust any sum, in accordance with RSA 21-J:35, which may be used as a setoff against the amount appropriated when it appears to the commissioner of revenue administration such adjustment is in the best public interest. ***The commissioner of the department of revenue administration shall apply the total amount of all adequate education grants received pursuant to RSA 198:42 as a setoff against the amount appropriated.***

2 Cooperative School Districts; Certification of District Taxes Amended. Amend RSA 195:14, I(c) to read as follows:

(c) The commissioner of revenue administration shall certify to the state department of education the total amount ~~[to be apportioned among the pre-existing school districts. Such total shall include the adequate education cost for the district under RSA 198:38, XII, and the amount above the cost of an adequate education to be assessed and collected as local educational taxes]~~ ***of taxes to be raised for the support of the cooperative school district.***

3 Cooperative School Districts; Certification of District Taxes; Determination of Proportional Share Amended. RSA 195:14, I(d) is repealed and reenacted to read as follows:

(d) The state department of education shall determine the proportional share of said taxes to be borne by each preexisting school district and notify the commissioner of revenue administration of its determination.

4 Cooperative School Districts; Educational Adequacy Grant Computation Amended. Amend RSA 195:15 to read as follows:

195:15 State Aid. The state aid to which a cooperative elementary and/or secondary district shall be entitled shall be the total of those shares of the aid to which the pupils attending the cooperative district would have entitled the pre-existing districts, had they remained in the pre-existing districts. ~~[For the purposes of crediting the cooperative district's adequate education cost to the pre-existing districts, each such pre-existing district shall have its adequate education cost under RSA 198:38, XII credited against its share of the cooperative school district budget. However, cooperative school districts formed by 2 or more pre-existing districts whose boundaries approximate those of a single township in which they are located shall be treated as a single school district for the purposes of this section].~~

5 Cooperative School Districts; Formation Procedures; Computation of Adequate Education Grants. Amend RSA 195:18, III(e) to read as follows:

(e) The method of apportioning ~~[the]~~ ***all*** operating expenses ***in excess of the amount determined necessary to provide an adequate education under RSA 198:40, I(a)*** of the cooperative school district among the several preexisting districts and the time and manner of payment of such shares. Home education pupils who do not receive services from the cooperative school district, except an evaluation pursuant to RSA 193-A:6, II shall not be included in the average daily membership relative to apportionment formulas.

6 Cooperative School Districts; Formation Procedures; Adequate Education Grant Apportionment Amended. Amend RSA 195:18, IX to read as follows:

IX. The organization meeting of a cooperative school district shall be called to order by the chairperson of the cooperative school district planning board, or by the clerk-treasurer thereof, who shall serve as temporary chairperson for the first order of business which shall

be the election of a moderator and of a temporary clerk, by ballot, who shall be qualified voters of the district. From and after the issuance of the certificate of formation by the board to the date of operating responsibility of the cooperative school district, such district shall have all the authority and powers of a regular school district for the purposes of incurring indebtedness, for the construction of school facilities and for such other functions as are necessary to obtain proper facilities for a complete program of education. When necessary in such interim, the school board of the cooperative school district is authorized to prepare a budget and call a special meeting of the voters of the district, which meeting shall have the same authority as an annual meeting, for the purpose of adopting the budget, making necessary appropriations, and borrowing money. Whenever the organization meeting is held on or before April 20 in any calendar year, no annual meeting need be held in such calendar year. Sums of money raised and appropriated at the organization meeting or any interim meeting prior to the first annual meeting shall be forthwith certified to the commissioner of revenue administration and the state department of education upon blanks prescribed and provided by the commissioner of revenue administration for the purpose, together with a certificate of estimated revenues, so far as known, and such other information as the commissioner of revenue administration may require. The commissioner of revenue administration shall examine such certificates and delete any appropriations which appear not made in accordance with the law, and adjust any sum which may be used as a setoff against the amount appropriated when it appears to the commissioner such adjustment is in the best public interest. ***The commissioner of the department of revenue administration shall apply the total amount of all adequate education grants received pursuant to RSA 198:42 as a setoff against the amount appropriated.*** The commissioner of revenue administration shall certify to the state department of education the total amount of taxes to be raised for said cooperative school district and the state department of education shall determine the proportional share of said taxes to be borne by each preexisting school district and notify the commissioner of revenue administration of its determination. Upon certification by the commissioner of revenue administration the selectmen of each town shall seasonably assess the taxes as provided by law. The selectmen shall pay over to the treasurer of the cooperative district such portion of the sums so raised as may reasonably be required according to a schedule of payments needed for the year as prepared by the treasurer and approved by the cooperative school board, but no such payment shall be greater in percentage to the total sum to be raised by one local district than that of any other local district comprising such cooperative school district.

7 New Section; Cooperative School Districts; Alternative Method of Apportioning Costs. Amend RSA 195 by inserting after section 14 the following new section:

195:14-a Alternative Apportionment of Operating Costs.

I. As an alternative to the apportionment of operating costs set forth in RSA 195:14, the cooperative school board may fix a specific percentage of the adequate education grant amount received in a given year to be applied to the operating costs of the cooperative school district, before the apportionment of remaining cooperative school district operating costs. Such percentage shall not be less than zero percent and not more than 100 percent and shall be the same in each city or town in the cooperative school district.

II. The question shall be proposed as an article in the warrant of the next cooperative school district annual or special meeting pursuant to RSA 195:13. A majority vote in each city or town in the cooperative school district voting on the question shall be required for adoption.

III. The procedure for modification or rescission of a specified percentage shall be as set forth in this section, and shall not be subject to the provisions of RSA 195:18, III(i). A majority vote in each city or town in the cooperative school district voting on the question shall be required for modification or rescission.

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

AMENDED ANALYSIS

This bill requires the department of revenue administration to credit all adequate education grant payments to the cooperative school district as a whole for the purpose of determining the amount of taxes to be raised to support the cooperative school district. The bill also allows a cooperative school district to adopt an alternative method of apportioning the operating costs.

Rep. Vivian Clark spoke against.

Amendment failed.

Rep. Vivian Clerk offered floor amendment (0268h)

Floor Amendment (0268h)

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

AN ACT permitting the adoption of an alternative cost apportionment method in a cooperative school district.

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

1 New Section; Cooperative School Districts; Alternative Method of Apportioning Costs.

Amend RSA 195 by inserting after section 14 the following new section:

195:14-a Alternative Apportionment of Operating Costs.

I. As an alternative to the apportionment of operating costs set forth in RSA 195:14, the cooperative school board may fix a specific percentage of the adequate education grant amount received in a given year to be applied to the operating costs of the cooperative school district, before the apportionment of remaining cooperative school district operating costs. Such percentage shall not be less than zero percent and not more than 100 percent and shall be the same in each city or town in the cooperative school district.

II. The question shall be proposed as an article in the warrant of the next cooperative school district annual or special meeting pursuant to RSA 195:13. A majority vote in each city or town in the cooperative school district voting on the question shall be required for adoption.

III. The procedure for modification or rescission of a specified percentage shall be as set forth in this section, and shall not be subject to the provisions of RSA 195:18, III(i). A majority vote in each city or town in the cooperative school district voting on the question shall be required for modification or rescission.

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

AMENDED ANALYSIS

The bill allows a cooperative school district to adopt an alternative method of apportioning the operating costs.

Rep. Vivian Clark spoke in favor.

Adopted.

Report adopted and ordered to third reading.

AMENDMENT TO HOUSE RULES

Reps. Whalley and Burling moved that the House adopt an amendment to House Rule 64, adding deadlines for legislative action in the second-year session.

Thursday, April 29, 2004 Last day to report Senate bills.

Thursday, May 6, 2004 Last day to act on Senate bills.

Thursday, May 13, 2004 Last day to form committees of conference.

Wednesday, May 19, 2004 Last day to sign-off committee of conference reports.

Wednesday, May 26, 2004 Last day to act on committee of conference reports.

Reps. Whalley and Burling spoke in favor.

Adopted.

RESOLUTION

Rep. Giuda offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading

of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 19, 2004 at 10:00 a.m.
Adopted.

LATE SESSION

Third reading and final passage

HB 1227, relative to land assessed for current use which is taken by eminent domain.
HB 1160, relative to the membership of the board of professional geologists.
HB 1248-FN, relative to the state board of nursing.
HB 1336, relative to the procedures for the legislative ethics committee.
HB 1403, extending the reporting dates of certain study committees.
HB 1325-FN-A, relative to additional uses of the E-Z Pass system.
HB 1363, establishing a policy for naming state highways, bridges, and buildings.
HB 1141, relative to dioxin emissions reduction and medical waste incinerators.
HB 1254-FN, relative to the postsecondary education vocational school licensing fund and the forgivable loan fund in the workforce incentive program.
HB 1260, naming the new Route 9 bridge over the Connecticut River between New Hampshire and Vermont the United States Navy Seabees Bridge.
HB 1281, permitting the adoption of an alternative cost apportionment method in a cooperative school district.

UNANIMOUS CONSENT

Rep. Burling addressed the House.
Without objection, the Speaker requested that Rep. Burling's remarks be printed in the Journal.

REMARKS

Thank you, Mr. Speaker. Mr. Speaker, in 1989 when I entered this House, I had the immense good fortune of being assigned to the Judiciary Committee. A few of my colleagues from that Judiciary Committee are still here in various roles. A couple of days ago we lost someone who was a staunch member of that committee and is no longer with us. I rise to speak for just a moment about my deep and abiding affection for Alice Record and for what she brought to this institution. Alice and I were co-combatants, we sat side by side in Judiciary. We both fought each other and our opponents on a wide range of issues that came before the committee. She was a Republican of the very strongest stripe. And my apologies to those Democrats from Nashua I know, who are willing to give me a shot in the back of the head, because I know they paid for some of Alice's strength as a Republican combatant. But you know, she was a person of such strength of character, and such courage, and such determination, and such humor, and in the end, such love. I could not fail to rise. Alice Record represented every good thing you can think about this institution. She served her constituency. She loved the state of New Hampshire. God knows, she loved Judd Gregg and his father. We argued about that from time to time. She was determined. She was a person who understood the process and dedicated every moment of her time in here to making that process as good as it could be. I'm sorry more than I can say that I haven't seen more of her in the last year, but I could not let this moment pass without commenting on her passing. New Hampshire doesn't get to see her kind every day and we who had the privilege of serving with her, will know today, we can stand with glad hearts because we had that privilege.
And Mr. Speaker, one other sad moment I would like to say because it happened yesterday. One of the things we did in Judiciary in those first years, this 1990's decade, is we worked with an extraordinary woman named Barry MacMichael who came to us with solutions to domestic violence and violence against women. She was an advocate of such extraordinary strength, and yet, she was a person who could present herself like a bolt of silk in a soft

summer breeze. She died yesterday and New Hampshire will miss her terribly. I thank you very much for listening to my thoughts. We in this House are grander because these two women served this House, let's just remember them. Thank you.

RECESS MOTION

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

The House recessed at 1:20 p.m.

RECESS