

HOUSE RECORD

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

Vol. 26

Concord, N.H.

Thursday, March 18, 2004

No. 23

HOUSE JOURNAL No. 8 (cont.)

Wednesday, March 17, 2004

Rep. Hess moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 9

Thursday, March 18, 2004

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

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

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

The gift of freedom that You have bestowed upon us, O Blessed Creator of the Universe, given humanity's penchant for self-gratification is never guaranteed. May the free choices made in this honorable House today benefit the many and not the few, that our precious freedoms may not be diminished by self-interest, but enhanced by compassion and care for all the citizens of our beloved New Hampshire. Amen.

Rep. Constance A. Jones led the Pledge of Allegiance.

The National Anthem was sung by Matthew Bickford, a senior at Laconia High School.

LEAVES OF ABSENCE

Reps. Allison, Carlson, Flanagan, Ford, Hallyburton, Kelley, Lefebvre, Pitts, Scamman, Schulze and Weldy, the day, illness.

Reps. Timothy Allen, Balcom, Burling, Cernota, Corbin, Currier, Dorsett, Donald Flanders, Flint, Jeffrey Gilbert, Itse, Kaen, Phyllis Katsakaiores, Katsiantonis, Robert Laflam,

Lawton, Lessard, McCann, Moran, Musler, Ober, Owen, Ross, Stohl, Wallner and Weed, the day, important business.

INTRODUCTION OF GUESTS

Collin Campbell and Steven Bilodeau of Concord Christian School and Katie Wilson of Concord High School, Pages for the Day. George and Katharine Shultis, husband and granddaughter of Rep. Shultis.

INTRODUCTION OF SPECIAL GUEST

Sergeant First Class Dianne Hogan, 368th Engineer Battalion, who recently returned from the Middle East, and her husband, Lieutenant Colonel Michael Hogan, daughter and son-in-law of Rep. Lawrence Emerton.

CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

REGULAR CALENDAR

HB 1187-L, allowing municipalities to deposit land use change tax revenues into a heritage fund. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. David L. Buhlman for the Majority of Municipal and County Government: Any local legislative body may establish a heritage committee pursuant to RSA 673:1 which is modeled after the conservation commission pursuant to RSA 36-A and is funded by a yearly appropriation in the budget. This bill would allow municipalities to vote to deposit a specific percentage of the land use change tax, instead of the yearly appropriation, into the heritage fund. This mirrors the same procedure as the conservation commissions currently implement at the local level. The committee felt that this might end up pitting the heritage commission against the conservation commission since they would be requesting funds from the same land use change tax. The present situation of having to receive yearly appropriations devoted to the heritage commission from the local legislative body seemed the most reasonable to the majority of the committee. Vote 10-4.

Rep. Mary R. Cooney for the Minority of Municipal and County Government: The land use change which is tax collected when land is taken out of current use is revenue which is unanticipated and therefore not designated for any particular purpose. The legislative body of the municipality can vote to deposit all or a percentage of the land use change tax into the conservation fund. This bill simply adds the possibility of designating a portion of the land use change tax to a heritage fund. The advantage of using a portion of these funds is that the legislative body would not vote to raise taxes to fund the commission but rather would let it be funded as such revenues were generated.

Majority report adopted by the necessary two-thirds.

CLERK'S NOTE

The Constitutionally required two-thirds of the membership was declared present.

SPECIAL ORDERS FROM MARCH 11, 2004

HB 1328, requiring the development of a plan for the elimination of county government by the year 2011. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill requires various state agencies and the judiciary to develop a plan for the transfer of county functions to state government. The plans shall be submitted by Oct 1, 2006 for proposals on implementation

by the legislature by 2011. This bill would start the process of eliminating county government. Much testimony was received outlining the benefits of maintaining county government citing the efficiency of the counties as they are presently operating and the benefits of local control and the professionalism of the county employees. The committee agreed the present county system is working well and should be allowed to continue. An amendment was offered also establishing a county study committee with an earlier reporting date. This amendment was also rejected by the committee. Testimony was received that approximately 15 bills to study or eliminate county government have been submitted to the Legislature in the last 30 years. An Interim Study of HB 681, regarding how county appropriations are calculated is already in process. Vote 14-0.

Reps. Jacobson and Buckley spoke against.

Reps. Brundige and Patten spoke in favor.

Rep. Buckley requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 225 NAYS 103

YEAS 225

BELKNAP

Allen, Janet	Bartlett, Gordon	Boyce, Laurie	Clark, Charles
Dewhirst, Glenn	Fitzgerald, James	Holbrook, Robert	Nedeau, Stephen
Pilliod, James	Rice, Thomas	Russell, David	Thomas, John
Wendelboe, Fran	Whalley, Michael		

CARROLL

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

CHESHIRE

Allen, Peter	Eaton, Daniel	Fish, Douglas	Laurent, John
Liebl, George	Manning, Joseph	Meador, David	Mitchell, McKim
Pratt, Irene	Royce, H Charles	Slack, Pamela	Smith, Edwin
Tilton, Anna	Webber, Amy		

COOS

Brady, Mark	King, Frederick	Mears, Edgar	Pratt, Leighton
Richardson, Herbert	Tholl, John Jr	Woodward, David	

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Dudley, Terri
Gilman, G Michael	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Maybeck, Margie	Naro, Debra	Sorg, Gregory	

HILLSBOROUGH

Adams, Jarvis	Allan, Nelson	Artz, Lawrence	Balboni, Michael
Baroody, Benjamin	Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy
Brassard, Paul	Brundige, Robert	Bruno, Pierre	Buhlman, David
Carter, Jeffrey	Carter, Mark	Chabot, Robert	Christensen, D L
			Chris
Christiansen, Lars	Cote, Peter	Coughlin, Pamela	Dionne, Kimberley
Emerton, Larry	Fields, Dennis	Fletcher, Richard	Gargasz, Carolyn
Gibson, John	Goyette, Peter Jr	Graham, John	Greenberg, Gary
Hagan, Barbara	Haley, Robert	Hall, Charles	Harrington, Paul
Hawkins, Ken	Hinkle, Peyton	Hopper, Gary	Jasper, Shawn
Johnson, Lionel	Kurk, Neal	LaFlamme, Paul	Lawrence, James
Luebker, Bernard	McElroy, Henry Jr	McHugh, Claire	McRae, Karen
Mercer, Robert	Messier, Irene	Mooney, Maureen	Mosher, William

O'Brien, Lori
Rowe, Robert
Wheeler, James

Pappas, Marc
Scanlon, Michael
Wheeler, Robert

Price, Pamela
Stepanek, Stephen

Reeves, Sandra
Tahir, Saghir

MERRIMACK

Anderson, Eric
Dunne, Christopher
Hager, Elizabeth
Kennedy, Richard
MacKay, James
Oliver, James

Bouchard, Candace
Field, William
Hamm, Christine
L'Heureux, Stephen
Marple, Richard
Osborne, Jessie

Clarke, Claire
Fraser, Leo Jr
Hess, David
Leber, William
Maxfield, Roy
Rush, Deanna

Daniels, Eric
Gile, Mary
Kenison, Leon
Lockwood, Priscilla
Nutter, Edward

ROCKINGHAM

Allen, Mary
Bridle, Russell
Coes, Betsy
Duffy, James
Francoeur, Sheila
Headd, James
Introne, Robert
Kobel, Rudolph
McKinney, Betsy
O'Neil, Michael
Putnam, Ed II
Roessner, Kurt
Tufts, J Arthur
Welch, David

Belanger, Ronald
Cady, Harriet
Dalrymple, Janeen
Dumaine, Dudley
Gillick, Thomas
Holland, James Jr
Johnson, Robert
Letourneau, Robert
McMahon, Charles
Packard, Sherman
Quandt, Matthew
Smith, Donald
Varrell, Thomas
Weyler, Kenneth

Bicknell, Elbert
Carson, Sharon
DiFruscia, Anthony
Fesh, Bob
Gould, Kenneth
Hughes, Daniel
Johnson, Rogers
Major, Norman
Moore, Benjamin
Pantelakos, Laura
Rausch, James
Smith, Paul
Waterhouse, Kevin
Winchell, George

Bishop, Franklin
Clark, Vivian
Dowd, John
Flanders, John Sr
Griffin, Mary
Ingram, Russell
Katsakiores, George
Manning, John
Noyes, Richard
Priestley, Anne
Robertson, Carl
Stone, Joseph
Weare, E Albert
Zolla, William

STRAFFORD

Bemis, Alan
Campbell, W Packy
Easson, Timothy
Johnson, Nancy
Rous, Emma
Taylor, Kathleen

Berube, Roger
Cataldo, Sam
Grassie, Anne
Knowles, William
Schmidt, Peter
Twombly, James

Brown, Julie
Creteau, Irene
Heon, Richard
Newton, Clifford
Snyder, Clair
Wall, Janet

Callaghan, Frank
Dunlap, Patricia
Hofemann, Roland
Pelletier, Arthur
Spang, Judith
Woods, Phyllis

SULLIVAN

Ferland, Brenda
Leone, Richard

Harris, Joseph
Phinizy, James

Harris, Sandra
Rodeschin, Beverly

Jones, Constance

NAYS 103

BELKNAP

None

CARROLL

Babson, David Jr

Hatch, Paul

CHESHIRE

Dunn, James
Pratt, John

Espieffs, Peter
Richardson, Barbara

Hunt, John
Robertson, Timothy

Parkhurst, Henry

COOS

Guay, Lawrence

Poulin, Richard

Theberge, Robert

GRAFTON

Barker, Robert
Densmore, Edward
Hammond, Lee
Solomon, Peter

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

Bleyler, Ruth
Eaton, Stephanie
Scovner, Nancy

Cooney, Mary
Ham, Bonnie
Sokol, Hilda

HILLSBOROUGH

Arnold, Thomas Jr	Beaton, William	Bergin, Peter	Bouchard, David
Buckley, Raymond	Cote, David	Craig, James	Dokmo, Cynthia
Drisko, Richard	Elliott, Larry	Gorman, Mary	Haytayan, Harry Jr
Holden, Randolph	Hunter, Bruce	Infantine, William	Irwin, Anne-Marie
Jean, Claudette	Kopka, Angeline	L'Heureux, Robert	Lasky, Bette
Leach, Edward	Malloy, Chris	Martin, Mary Ellen	Michon, Stephen
Movsesian, Lori	Pappas, Christopher	Pepino, Leo	Pilotte, Maurice
Slocum, Lee	Spiess, Paul	Sullivan, Francis	Sullivan, Peter
Sweeney, Cynthia	Tate, Joan	Vaillancourt, Steve	

MERRIMACK

Blanchard, Elizabeth	Brueggemann, Donald	Davis, Frank	DeJoie, John
DeStefano, Stephen	Foley, Albert	Jacobson, Alf	Langer, Ray
McCormick, Tom	Perkins, Randy	Potter, Frances	Reardon, Tara
Rodd, Beth	Seldin, Gloria	Soltani, Tony	

ROCKINGHAM

Blanchard, MaryAnn	Camm, Kevin	Casey, Kimberley	Cooney, Richard
Dodge, Robert	Gilbert, Karl	Gleason, John	Hamel, Albert
Langley, Jane	Langone, John	McEachern, Paul	Norelli, Terie
Shultis, Elizabeth	Splaine, James	Wiley, Robert	

STRAFFORD

Albert, Russell	Bickford, David	Harrington, Michael	Hollinger, Jeffrey
Keans, Sandra	Miller, Joseph	Rollo, Deanna	Scott, David
Smith, Marjorie			

SULLIVAN

Cloutier, John Donovan, Thomas Franklin, Peter
and the committee report was adopted.

HB 1405-L, relative to requiring municipalities to use official ballot voting procedures for bond issues. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth H. Gould for Municipal and County Government: This bill would require all municipalities and school districts to vote bond issue questions by the official ballot procedures in accordance with RSA 40:13, also known as SB2, even though such a municipality or school district had not adopted those procedures. Also a 3/5 vote, instead of the 2/3 vote, for all notes and bonds would automatically be in effect with no input from the municipalities or school districts. The committee also concluded that Part I, Article 39, which deals with changes in the form of government of any town or city, would be violated. Vote 15-0.

Rep. Dodge spoke against and yielded to questions.

Rep. Patten spoke in favor.

Rep. Dodge requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 265 NAYS 71

YEAS 265

BELKNAP

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

CARROLL

Brown, Carolyn
McConkey, Mark
Philbrick, Donald

Derby, Mark
Merrow, Harry
Stevens, Stanley

Hatch, Paul
Olimpio, J Lisbeth

Kenney, Bettie
Patten, Betsey

CHESHIRE

Allen, Peter
Fish, Douglas
Manning, Joseph
Royce, H Charles
Webber, Amy

Dunn, James
Hunt, John
Mitchell, McKim
Slack, Pamela

Eaton, Daniel
Laurent, John
Parkhurst, Henry
Smith, Edwin

Espieffs, Peter
Liebl, George
Richardson, Barbara
Tilton, Anna

COOS

Guay, Lawrence
Pratt, Leighton
Woodward, David

King, Frederick
Richardson, Herbert

Mears, Edgar
Theberge, Robert

Poulin, Richard
Tholl, John Jr

GRAFTON

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

Almy, Susan
Dudley, Terri
Hammond, Lee
Nordgren, Sharon
Sorg, Gregory

Benn, Bernard
Gilman, G Michael
Ingbretson, Paul
Scovner, Nancy
Williams, Burton

Bleyler, Ruth
Gionet, Edmond
Maybeck, Margie
Sokol, Hilda

HILLSBOROUGH

Allan, Nelson
Barry, J Gail
Brassard, Paul
Buhlman, David
Chabot, Robert

Arnold, Thomas Jr
Beaton, William
Brundige, Robert
Cail, Kenneth
Christensen, D L
Chris

Artz, Lawrence
Bergin, Peter
Bruno, Pierre
Carter, Jeffrey
Cote, David

Balboni, Michael
Bouchard, David
Buckley, Raymond
Carter, Mark
Cote, Peter

Coughlin, Pamela
Dokmo, Cynthia
Gargas, Carolyn
Greenberg, Gary
Harrington, Paul
Holden, Randolph
Jasper, Shawn
Kurk, Neal
Malloy, Chris
McRae, Karen
Mosher, William
Pappas, Marc
Spiess, Paul
Tahir, Saghir

Craig, James
Drisko, Richard
Gorman, Mary
Hagan, Barbara
Hawkins, Ken
Hopper, Gary
Jean, Claudette
LaFlamme, Paul
Martin, Mary Ellen
Messier, Irene
Movsesian, Lori
Price, Pamela
Sullivan, Francis
Vaillancourt, Steve

Desmarais, Vivian
Fields, Dennis
Goyette, Peter Jr
Haley, Robert
Haytayan, Harry Jr
Infantine, William
Johnson, Lionel
Lasky, Bette
McElroy, Henry Jr
Michon, Stephen
O'Brien, Lori
Reeves, Sandra
Sullivan, Peter
Wheeler, Robert

Dionne, Kimberley
Fletcher, Richard
Graham, John
Hansen, Ryan
Hinkle, Peyton
Irwin, Anne-Marie
Kopka, Angeline
Leach, Edward
McHugh, Claire
Mooney, Maureen
Pappas, Christopher
Souza, Kathleen
Sweeney, Cynthia

MERRIMACK

Blanchard, Elizabeth
Davis, Frank
Fraser, Leo Jr
Hamm, Christine
L'Heureux, Stephen
MacKay, James
Nutter, Edward
Potter, Frances
Seldin, Gloria

Bouchard, Candace
DeJoie, John
French, Barbara
Hess, David
Langer, Ray
Marple, Richard
Oliver, James
Reardon, Tara

Clarke, Claire
DeStefano, Stephen
Gile, Mary
Kenison, Leon
Leber, William
Maxfield, Roy
Osborne, Jessie
Rodd, Beth

Daniels, Eric
Dunne, Christopher
Hager, Elizabeth
Kennedy, Richard
Lockwood, Priscilla
McCormick, Tom
Perkins, Randy
Rush, Deanna

ROCKINGHAM

Bicknell, Elbert

Bishop, Franklin

Blanchard, MaryAnn

Bridle, Russell

Cady, Harriet
Coes, Betsy
Dowd, John
Gilbert, Karl
Griffin, Mary
Introne, Robert
Kobel, Rudolph
Major, Norman
Moore, Benjamin
Pantelakos, Laura
Robertson, Carl
Splaine, James
Waterhouse, Kevin
Zolla, William

Carson, Sharon
Cooney, Richard
Dumaine, Dudley
Gillick, Thomas
Headd, James
Johnson, Robert
Langley, Jane
Manning, John
Noyes, Richard
Priestley, Anne
Roessner, Kurt
Stone, Joseph
Welch, David

Casey, Kimberley
Dalrymple, Janeen
Flanders, John Sr
Gleason, John
Holland, James Jr
Johnson, Rogers
Langone, John
McKinney, Betsy
O'Neil, Michael
Putnam, Ed II
Shultis, Elizabeth
Tufts, J Arthur
Wiley, Robert

Clark, Vivian
DiFruscia, Anthony
Francoeur, Sheila
Gould, Kenneth
Ingram, Russell
Katsakiores, George
Letourneau, Robert
McMahon, Charles
Packard, Sherman
Rausch, James
Smith, Paul
Varrell, Thomas
Winchell, George

STRAFFORD

Bemis, Alan
Creteau, Irene
Harrington, Michael
Keans, Sandra
Rollo, Deanna
Spang, Judith
Wall, Janet

Bickford, David
Dunlap, Patricia
Heon, Richard
Miller, Joseph
Rous, Emma
Taylor, Katherine
Woods, Phyllis

Brown, Julie
Easson, Timothy
Hofemann, Roland
Newton, Clifford
Schmidt, Peter
Taylor, Kathleen

Callaghan, Frank
Grassie, Anne
Johnson, Nancy
Pelletier, Arthur
Snyder, Clair
Twombly, James

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas
Jones, Constance

Ferland, Brenda
Leone, Richard

Harris, Joseph
Rodeschin, Beverly

NAYS 71

BELKNAP

Clark, Charles

Dewhirst, Glenn

Wendelboe, Fran

CARROLL

Babson, David Jr

Dickinson, Howard

Mock, Henry

CHESHIRE

Meader, David

Pratt, Irene

Pratt, John

Robertson, Timothy

COOS

Brady, Mark

GRAFTON

Akins, Ralph
Eaton, Stephanie

Barker, Robert
Ham, Bonnie

Densmore, Edward

Diamond, Estelle

HILLSBOROUGH

Adams, Jarvis
Christiansen, Lars
Hall, Charles
Luebkert, Bernard
Rowe, Robert
Tate, Joan

Baroody, Benjamin
Crane, Elenore Casey
Hunter, Bruce
Mercer, Robert
Scanlon, Michael
Wheeler, James

Batula, Peter
Elliott, Larry
L'Heureux, Robert
Pepino, Leo
Slocum, Lee

Bergeron, Jean-Guy
Gibson, John
Lawrence, James
Pilotte, Maurice
Stepanek, Stephen

MERRIMACK

Anderson, Eric

Brueggemann,
Donald

Field, William

Foley, Albert

Jacobson, Alf

Soltani, Tony

ROCKINGHAM

Allen, Mary

Camm, Kevin

Dodge, Robert

Duffy, James

Fesh, Bob
Morris, Richard
Smith, Donald

Hamel, Albert
Norelli, Terie
Vallone, Matthew

Hughes, Daniel
Quandt, Matthew
Weare, E Albert

McEachern, Paul
Ruffner, Walter
Weyler, Kenneth

STRAFFORD

Albert, Russell
Hollinger, Jeffrey

Berube, Roger
Knowles, William

Campbell, W Packy
Scott, David

Cataldo, Sam
Smith, Marjorie

SULLIVAN

Franklin, Peter
and the committee report was adopted.

HB 1221, establishing a committee to study repealing universal service telephone charges. OUGHT TO PASS WITH AMENDMENT

Rep. Lawrence C. Ross for Science, Technology and Energy: Less than half of the monies collected by telephone providers through the Universal Service Funding (USF) are returned to the state of New Hampshire for program purposes such as telecommunication services for schools and libraries, high cost rural areas, low income customers, and rural health care providers. This bill urges the Telecommunications Oversight Committee to study the reason for the net loss of USF funds and to identify viable ways of remedying the situation. Vote 11-0.

Amendment (0455h)

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

AN ACT urging the oversight committee on telecommunications to study aspects of federal universal service funding.

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

1 Findings. The purpose of the federal universal service fund is to provide, on a national basis, affordable telecommunication services to schools and libraries, to high cost rural areas, to people of low income, and to rural health care providers. The general court finds that less than half of the money provided to this fund by New Hampshire residents and businesses, through their service providers, is returned to the state for program purposes. This amounts to an annual net outflow from the state of approximately \$18,000,000. Of particular concern is that less than 10 percent of the monies contributed from New Hampshire and allocated within the federal fund to support schools and libraries ends up returning to the state to help New Hampshire's schools and libraries.

2 Oversight Committee on Telecommunications Study. The oversight committee on telecommunications, established in RSA 374:22-h, is hereby urged to study the reasons for the net loss of money from the state, as described in section 1 of this act, and to identify viable ways of remedying the situation, whether by:

I. Decreasing payments to the fund, if possible.

II. Advocating for revised program grant criteria that would be more favorable to applicants from New Hampshire.

III. Implementing a coordinated, statewide effort to increase the number of successful applications to the fund by eligible New Hampshire parties.

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

AMENDED ANALYSIS

This bill urges the oversight committee on telecommunications to study aspects of federal universal service funding.

Rep. McElroy spoke against and yielded to questions.

Rep. Thomas spoke in favor.

Adopted.

Report adopted and ordered to third reading.

REGULAR CALENDAR (CONT'D.)

CACR 22, relating to taxation. Providing that a 2/3 vote is required to pass a new tax or to

increase a tax after it is levied and that the maximum increase in any budget bill shall be limited by the rates of inflation and population growth. **REFER FOR INTERIM STUDY** Rep. Jeffrey D. Gilbert for Ways and Means: The committee was presented with conflicting testimony on the history and current experience of the state of Colorado which is the only state that has adopted a similar constitutional amendment. The bill, as drafted, had a number of technical problems and sought to both limit spending and tax increases. An amendment was adopted by the committee that deleted the spending limits. Notwithstanding the amendment's modification, a strong bi-partisan majority of the committee felt that further study of the remaining proposed limits on the legislature's constitutional power to establish and modify tax policy was required. Currently, both Colorado and California are addressing similar issues to this bill. The committee believes that it is important to New Hampshire to study the course of action that these states choose before proceeding with this legislation. Vote 15-3. Rep. Bicknell requested a roll call; sufficiently seconded. The question being adoption of the committee report.

YEAS 269 NAYS 66

YEAS 269

BELKNAP

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

CARROLL

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

CHESHIRE

Allen, Peter	Dunn, James	Eaton, Daniel	Espieffs, Peter
Hunt, John	Laurent, John	Liebl, George	Manning, Joseph
Meader, David	Mitchell, McKim	Parkhurst, Henry	Pratt, Irene
Pratt, John	Robertson, Timothy	Royce, H Charles	Slack, Pamela
Smith, Edwin	Tilton, Anna	Webber, Amy	

COOS

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

GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Densmore, Edward	Diamond, Estelle	Dudley, Terri
Gionet, Edmond	Giuda, Robert	Ham, Bonnie	Hammond, Lee
Maybeck, Margie	Naro, Debra	Nordgren, Sharon	Scovner, Nancy
Sokol, Hilda	Williams, Burton		

HILLSBOROUGH

Arnold, Thomas Jr	Artz, Lawrence	Baroody, Benjamin	Barry, J Gail
Batula, Peter	Bergin, Peter	Bouchard, David	Brassard, Paul
Brundige, Robert	Buckley, Raymond	Cail, Kenneth	Carter, Jeffrey
Carter, Mark	Chabot, Robert	Christensen, D L	Christiansen, Lars
		Chris	
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Desmarais, Vivian	Dionne, Kimberley	Dokmo, Cynthia	Elliott, Larry
Emerton, Larry	Fields, Dennis	Fletcher, Richard	Gargasz, Carolyn
Gibson, John	Gorman, Mary	Goyette, Peter Jr	Graham, John

Greenberg, Gary
Haytayan, Harry Jr
Irwin, Anne-Marie
Kopka, Angeline
Leach, Edward
Mercer, Robert
O'Brien, Lori
Price, Pamela
Souza, Kathleen
Sullivan, Peter
Wheeler, Robert

Haley, Robert
Holden, Randolph
Jasper, Shawn
Kurk, Neal
Malloy, Chris
Messier, Irene
Pappas, Christopher
Reeves, Sandra
Spiess, Paul
Sweeney, Cynthia

Hall, Charles
Hunter, Bruce
Jean, Claudette
L'Heureux, Robert
McElroy, Henry Jr
Michon, Stephen
Pappas, Marc
Rowe, Robert
Stepanek, Stephen
Tahir, Saghir

Harrington, Paul
Infantine, William
Johnson, Lionel
Lawrence, James
McHugh, Claire
Movsesian, Lori
Pilotte, Maurice
Scanlon, Michael
Sullivan, Francis
Tate, Joan

MERRIMACK

Anderson, Eric

Bouchard, Candace

Brueggemann,
Donald

Clarke, Claire

Daniels, Eric
Fraser, Leo Jr
Hess, David
Langer, Ray
Maxfield, Roy
Perkins, Randy
Rush, Deanna

Davis, Frank
Gile, Mary
Jacobson, Alf
Leber, William
McCormick, Tom
Potter, Frances
Seldin, Gloria

DeJoie, John
Hager, Elizabeth
Kenison, Leon
Lockwood, Priscilla
Oliver, James
Reardon, Tara

DeStefano, Stephen
Hamm, Christine
L'Heureux, Stephen
MacKay, James
Osborne, Jessie
Rodd, Beth

ROCKINGHAM

Allen, Mary
Bridle, Russell
Cooney, Richard
Dowd, John
Gilbert, Karl
Griffin, Mary
Hughes, Daniel
Katsakiores, George
Major, Norman
Moore, Benjamin
O'Neil, Michael
Robertson, Carl
Smith, Donald
Vallone, Matthew
Wiley, Robert

Belanger, Ronald
Carson, Sharon
Dalrymple, Janeen
Fesh, Bob
Gillick, Thomas
Hamel, Albert
Ingram, Russell
Kobel, Rudolph
Manning, John
Morris, Richard
Pantelakos, Laura
Roessner, Kurt
Splaine, James
Waterhouse, Kevin
Zolla, William

Bicknell, Elbert
Casey, Kimberley
DiFruscia, Anthony
Flanders, John Sr
Gleason, John
Headd, James
Johnson, Robert
Langley, Jane
McEachern, Paul
Norelli, Terie
Priestley, Anne
Ruffner, Walter
Stone, Joseph
Weare, E Albert

Blanchard, MaryAnn
Coes, Betsy
Dodge, Robert
Francoeur, Sheila
Gould, Kenneth
Holland, James Jr
Johnson, Rogers
Langone, John
McKinney, Betsy
Noyes, Richard
Rausch, James
Shultis, Elizabeth
Tufts, J Arthur
Welch, David

STRAFFORD

Albert, Russell
Callaghan, Frank
Dunlap, Patricia
Johnson, Nancy
Pelletier, Arthur
Scott, David
Taylor, Katherine

Bemis, Alan
Campbell, W Packy
Grassie, Anne
Keans, Sandra
Rollo, Deanna
Smith, Marjorie
Taylor, Kathleen

Berube, Roger
Cataldo, Sam
Heon, Richard
Knowles, William
Rous, Emma
Snyder, Clair
Twombly, James

Bickford, David
Creteau, Irene
Hofemann, Roland
Miller, Joseph
Schmidt, Peter
Spang, Judith
Wall, Janet

SULLIVAN

Cloutier, John
Harris, Joseph
Phinizy, James

Donovan, Thomas
Harris, Sandra
Rodeschin, Beverly

Ferland, Brenda
Jones, Constance

Franklin, Peter
Leone, Richard

NAYS 66

BELKNAP

Dewhirst, Glenn

Wendelboe, Fran

CARROLL

Olimpio, J Lisbeth

CHESHIRE

Fish, Douglas

Richardson, Barbara

COOS

Brady, Mark

GRAFTON

Alger, John
Ingbretson, Paul

Barker, Robert
Sorg, Gregory

Eaton, Stephanie

Gilman, G Michael

HILLSBOROUGH

Adams, Jarvis
Bergeron, Jean-Guy

Allan, Nelson
Bruno, Pierre

Balboni, Michael
Buhlman, David

Beaton, William
Crane, Elenore
Casey

Drisko, Richard
Hopper, Gary
Martin, Mary Ellen
Pepino, Leo

Hagan, Barbara
LaFlamme, Paul
McRae, Karen
Slocum, Lee

Hansen, Ryan
Lasky, Bette
Mooney, Maureen
Vaillancourt, Steve

Hawkins, Ken
Luebker, Bernard
Mosher, William
Wheeler, James

MERRIMACK

Blanchard, Elizabeth
Kennedy, Richard

Dunne, Christopher
Marple, Richard

Field, William
Nutter, Edward

Foley, Albert
Soltani, Tony

ROCKINGHAM

Bishop, Franklin
Duffy, James
McMahon, Charles
Smith, Paul

Cady, Harriet
Dumaine, Dudley
Packard, Sherman
Varrell, Thomas

Camm, Kevin
Introne, Robert
Putnam, Ed II
Weyler, Kenneth

Clark, Vivian
Letourneau, Robert
Quandt, Matthew
Winchell, George

STRAFFORD

Brown, Julie
Newton, Clifford

Easson, Timothy
Woods, Phyllis

Harrington, Michael

Hollinger, Jeffrey

SULLIVAN

None

and the committee report was adopted.

Rep. Martin voted nay and intended to vote aye.

HB 1416-FN, relative to a permanent property tax exemption for wooden poles and conduits. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kurt J. Roessner for the Majority of Ways and Means: This amended bill temporarily extends an exemption from property tax on wooden poles and conduits which are owned by telephone companies and establishes a study committee to further examine the exemption. The current exemption will lapse on July 1, 2004. The exemption, a well-considered tax policy, was established in 1998 and traces back to the enactment of the Communications Services Tax (CST). The CST was designed to level the competitive playing field between the regulated wireline business and the unregulated wireless business and replaced the state's personal property tax on poles and conduits. Today the CST generates over six times as much revenue as the personal property tax did. The health of the regulated wireline industry is crucial to the well being of our economy and it has been in decline for several years. The regulated wireline phone companies in New Hampshire have approximately 850,000 wire access lines and are declining by over 35,000 a year resulting in net operating losses for the companies. It should be noted that the regulated telecommunications industry in New Hampshire consists of nine service providers who all face the pressures of today's

regulated telecommunications marketplace. The unregulated wireless telecommunications industry in New Hampshire have approximately 600,000 access lines and are growing. A 2003 study committee overwhelmingly recommended a permanent exemption from the property tax, since repealing the exemption would authorize a new local property tax and this new tax could be passed on to wireline telephone customers and/or lead to a further deterioration of New Hampshire's wireline telecommunications industry. Despite this recommendation, Ways and Means uncovered additional concerns and considerations during its deliberations and the bill was amended to make the exemption temporary, lapsing in 2006. The amended bill establishes a study committee to examine concerns raised by the minority, including whether the exemption should be continued; the feasibility of sharing CST revenues with local communities; public policy issues involving regulated wireline communications companies; and potential assessment methodologies for wooden poles and conduits. The majority of Ways and Means believes we should not implement irreversible tax policy on such an important matter without a thorough understanding of the consequences. Vote 12-6.

Rep. John M. Gibson for the Minority of Ways and Means: This legislation continues a corporate tax loophole created by the legislature in 1990. Currently, poles owned by non-telephone utilities, pay state and local property taxes while poles owned by telephone companies are exempted from paying property taxes resulting in millions less in revenues that local government could use to ease the burden of property taxes. In a year when many homeowners are having a hard time paying their property taxes, it is blatantly unfair for a multi-million dollar industry to be exempted from paying their fair share. Some find it distasteful to extend this form of corporate welfare for another 2 years. I strongly urge you to support your communities over big corporate special interest groups.

Majority Amendment (0564h)

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

AN ACT extending the property tax exemption for wooden poles and conduits and establishing a committee to study issues related to the exemption.

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

1 Prospective Repeal Date Extended for Exemption of Wooden Poles and Conduits Under RSA 72:8-b. Amend 1998, 304:6, I as amended by 1999, 163:7, 2001, 158:2, and 2003, 270:8 to read as follows:

I. Section 5 of this act shall take effect July 1, ~~2004~~ **2006**.

2 Committee Established. There is established a committee to study issues related to the property tax exemption for wooden poles and conduits.

3 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.

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

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

4 Duties.

I. The committee shall consider issues related to the property tax exemption for wooden poles and conduits, including but not limited to:

(a) Whether the property tax exemption for wooden poles and conduits should be continued.

(b) The feasibility of sharing communications services tax and potential property tax revenues between local communities and the state.

(c) Wireline companies profits, the pass through to customers of any property tax, and the public benefits provided by wireline companies and the property tax exemption.

(d) Methods to access and assess poles.

II. The public utilities commission shall provide information and assistance to the committee, upon the request of the committee.

5 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.

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

7 Effective Date.

I. Section 1 of this act shall take effect June 30, 2004.

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

AMENDED ANALYSIS

This bill extends the prospective repeal of the property tax exemption for wooden poles and conduits to July 1, 2006.

The bill also establishes a study committee on issues related to the property tax exemption for wooden poles and conduits.

Majority amendment adopted.

Reps. Gibson, Vaillancourt, Hughes and Robert Wheeler spoke against and yielded to questions.

Reps. Espieffs spoke against.

Reps. Roessner, DeStefano, Jasper and Hess spoke in favor and yielded to questions.

Reps. Kennedy spoke in favor.

Rep. Hess requested a roll call; sufficiently seconded.

The question being adoption of the majority report.

YEAS 192 NAYS 145

YEAS 192

BELKNAP

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

CARROLL

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

CHESHIRE

Hunt, John	Laurent, John	Liebl, George	Meador, David
Robertson, Timothy	Royce, H Charles	Smith, Edwin	

COOS

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

GRAFTON

Alger, John	Almy, Susan	Barker, Robert	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Gionet, Edmond	Giuda, Robert
Ham, Bonnie	Maybeck, Margie	Sorg, Gregory	

HILLSBOROUGH

Adams, Jarvis	Allan, Nelson	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Baroody, Benjamin	Barry, J Gail	Batula, Peter

Beaton, William Carter, Jeffrey	Brundige, Robert Carter, Mark	Bruno, Pierre Chabot, Robert	Cail, Kenneth Christensen, D L Chris Desmarais, Vivian
Coughlin, Pamela	Craig, James	Crane, Elenore Casey	
Dionne, Kimberley Fields, Dennis Graham, John Hansen, Ryan Infantine, William Luebker, Bernard Mooney, Maureen Pappas, Marc Scanlon, Michael Tahir, Saghir	Drisko, Richard Fletcher, Richard Greenberg, Gary Harrington, Paul Jasper, Shawn McHugh, Claire Mosher, William Pepino, Leo Slocum, Lee Tate, Joan	Elliott, Larry Gargas, Carolyn Hagan, Barbara Hawkins, Ken Kurk, Neal McRae, Karen Movsesian, Lori Price, Pamela Stepanek, Stephen Wheeler, James	Emerton, Larry Gonzalez, Carlos Hall, Charles Hopper, Gary LaFlamme, Paul Mercer, Robert O'Brien, Lori Reeves, Sandra Sullivan, Francis

MERRIMACK

Daniels, Eric Field, William Hamm, Christine L'Heureux, Stephen McCormick, Tom	DeJoie, John Foley, Albert Hess, David Langer, Ray Nutter, Edward	DeStefano, Stephen Fraser, Leo Jr Jacobson, Alf MacKay, James Oliver, James	Dunne, Christopher French, Barbara Kennedy, Richard Maxfield, Roy Reardon, Tara
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ROCKINGHAM

Allen, Mary Cady, Harriet Dowd, John Flanders, John Sr Headd, James Johnson, Rogers Major, Norman Norelli, Terie Priestley, Anne Smith, Paul Weare, E Albert	Belanger, Ronald Camm, Kevin Doyle, Christopher Francoeur, Sheila Holland, James Jr Katsakiores, George Manning, John Noyes, Richard Rausch, James Tufts, J Arthur Welch, David	Bicknell, Elbert Carson, Sharon Dumaine, Dudley Gillick, Thomas Ingram, Russell Kobel, Rudolph McKinney, Betsy O'Neil, Michael Roessner, Kurt Varrell, Thomas Winchell, George	Bridle, Russell Dalrymple, Janeen Fesh, Bob Griffin, Mary Introne, Robert Letourneau, Robert Morris, Richard Packard, Sherman Smith, Donald Waterhouse, Kevin Zolla, William
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STRAFFORD

Albert, Russell Harrington, Michael Newton, Clifford	Bickford, David Hollinger, Jeffrey Scott, David	Cataldo, Sam Johnson, Nancy Taylor, Kathleen	Easson, Timothy Knowles, William Woods, Phyllis
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SULLIVAN

Cloutier, John Jones, Constance	Ferland, Brenda Phinizy, James	Harris, Joseph Rodeschin, Beverly	Harris, Sandra
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NAYS 145

BELKNAP

None

CARROLL

Dickinson, Howard	Olimpio, J Lisbeth	Philbrick, Donald
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CHESHIRE

Allen, Peter Fish, Douglas Pratt, Irene Tilton, Anna	Dunn, James Manning, Joseph Pratt, John Webber, Amy	Eaton, Daniel Mitchell, McKim Richardson, Barbara	Espieffs, Peter Parkhurst, Henry Slack, Pamela
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COOS

Guay, Lawrence

King, Frederick

GRAFTON

Akins, Ralph
Densmore, Edward
Naro, Debra
Solomon, Peter

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

Bleyler, Ruth
Hammond, Lee
Scovner, Nancy

Cooney, Mary
Ingbretson, Paul
Sokol, Hilda

HILLSBOROUGH

Bergeron, Jean-Guy
Buhlman, David
Dokmo, Cynthia
Haley, Robert
Irwin, Anne-Marie
L'Heureux, Robert
Malloy, Chris
Michon, Stephen
Souza, Kathleen
Vaillancourt, Steve

Bergin, Peter
Christiansen, Lars
Gibson, John
Hinkle, Peyton
Jean, Claudette
Lasky, Bette
Martin, Mary Ellen
Pappas, Christopher
Spiess, Paul
Wheeler, Robert

Brassard, Paul
Cote, David
Gorman, Mary
Holden, Randolph
Johnson, Lionel
Lawrence, James
McElroy, Henry Jr
Pilotte, Maurice
Sullivan, Peter

Buckley, Raymond
Cote, Peter
Goyette, Peter Jr
Hunter, Bruce
Kopka, Angeline
Leach, Edward
Messier, Irene
Rowe, Robert
Sweeney, Cynthia

MERRIMACK

Anderson, Eric

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann,
Donald

Clarke, Claire
Kenison, Leon
Osborne, Jessie
Rush, Deanna

Davis, Frank
Leber, William
Perkins, Randy
Seldin, Gloria

Gile, Mary
Lockwood, Priscilla
Potter, Frances
Soltani, Tony

Hager, Elizabeth
Marple, Richard
Rodd, Beth

ROCKINGHAM

Bishop, Franklin
Cooney, Richard
Gilbert, Karl
Hughes, Daniel
McEachern, Paul
Putnam, Ed II
Shultis, Elizabeth
Weyler, Kenneth

Blanchard, MaryAnn
DiFruscia, Anthony
Gleason, John
Johnson, Robert
McMahon, Charles
Quandt, Matthew
Splaine, James
Wiley, Robert

Clark, Vivian
Dodge, Robert
Gould, Kenneth
Langley, Jane
Moore, Benjamin
Robertson, Carl
Stone, Joseph

Coes, Betsy
Duffy, James
Hamel, Albert
Langone, John
Pantelakos, Laura
Ruffner, Walter
Vallone, Matthew

STRAFFORD

Bemis, Alan
Campbell, W Packy
Heon, Richard
Pelletier, Arthur
Smith, Marjorie
Twombly, James

Berube, Roger
Creteau, Irene
Hofemann, Roland
Rollo, Deanna
Snyder, Clair
Wall, Janet

Brown, Julie
Dunlap, Patricia
Keans, Sandra
Rous, Emma
Spang, Judith

Callaghan, Frank
Grassie, Anne
Miller, Joseph
Schmidt, Peter
Taylor, Katherine

SULLIVAN

Donovan, Thomas

Franklin, Peter

Leone, Richard

and the majority report was adopted.

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

SPECIAL ORDER FROM MARCH 17, 2004

HB 1360-FN, including "unborn child" in the definition of "another" for the purpose of capital murder, first and second degree murder, manslaughter, and negligent homicide.

REFER FOR INTERIM STUDY

Rep. George D. Winchell for Criminal Justice and Public Safety: This bill, if passed, would include an "unborn child" in the definition of "another" for the purpose of capital murder, first and second degree murder, manslaughter and negligent homicide. This is a very

emotional bill and with the time restraints, the committee felt that more time is needed to do justice to this important subject. Vote 11-5.

Reps. Brady and Souza spoke against.

Reps. Giuda and Winchell spoke in favor.

Rep. James Wheeler requested a roll call; sufficiently seconded

The question being adoption of the committee report.

YEAS 263 NAYS 69

YEAS 263

BELKNAP

Allen, Janet	Bartlett, Gordon	Boyce, Laurie	Fitzgerald, James
Holbrook, Robert	Nedeau, Stephen	Pilliod, James	Rice, Thomas
Russell, David	Whalley, Michael		

CARROLL

Babson, David Jr	Dickinson, Howard	Hatch, Paul	Kenney, Bettie
McConkey, Mark	Merrow, Harry	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			

CHESHIRE

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

COOS

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

GRAFTON

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

HILLSBOROUGH

Allan, Nelson	Arnold, Thomas Jr	Baroody, Benjamin	Barry, J Gail
Batula, Peter	Beaton, William	Bergin, Peter	Brundige, Robert
Bruno, Pierre	Buckley, Raymond	Cail, Kenneth	Carter, Mark
Chabot, Robert	Christensen, D L	Christiansen, Lars	Cote, David
	Chris		
Cote, Peter	Coughlin, Pamela	Craig, James	Crane, Elenore
			Casey
Desmarais, Vivian	Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard
Elliott, Larry	Emerton, Larry	Fields, Dennis	Fletcher, Richard
Gargas, Carolyn	Gonzalez, Carlos	Gorman, Mary	Graham, John
Greenberg, Gary	Hall, Charles	Holden, Randolph	Hunter, Bruce
Infantine, William	Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette
Johnson, Lionel	Kopka, Angeline	Kurk, Neal	L'Heureux, Robert
Lasky, Bette	Lawrence, James	Leach, Edward	Malloy, Chris
Martin, Mary Ellen	McHugh, Claire	McRae, Karen	Mercer, Robert
Messier, Irene	Michon, Stephen	Mosher, William	Movsesian, Lori
O'Brien, Lori	Pappas, Christopher	Reeves, Sandra	Rowe, Robert
Scanlon, Michael	Spiess, Paul	Sullivan, Francis	Sullivan, Peter

Sweeney, Cynthia	Tahir, Saghir	Vaillancourt, Steve	Wheeler, Robert
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Daniels, Eric	Davis, Frank	DeJoie, John	DeStefano, Stephen
Dunne, Christopher	Fraser, Leo Jr	Gile, Mary	Hager, Elizabeth
Hamm, Christine	Hess, David	Jacobson, Alf	Kenison, Leon
Kennedy, Richard	Langer, Ray	Leber, William	Lockwood, Priscilla
MacKay, James	Marple, Richard	Maxfield, Roy	McCormick, Tom
Oliver, James	Osborne, Jessie	Perkins, Randy	Potter, Frances
Reardon, Tara	Rodd, Beth	Rush, Deanna	Seldin, Gloria
ROCKINGHAM			
Belanger, Ronald	Bicknell, Elbert	Bishop, Franklin	Blanchard, MaryAnn
Bridle, Russell	Camm, Kevin	Carson, Sharon	Clark, Vivian
Coes, Betsy	Cooney, Richard	Dalrymple, Janeen	Dodge, Robert
Dowd, John	Doyle, Christopher	Fesh, Bob	Flanders, John Sr
Francoeur, Sheila	Gilbert, Karl	Gleason, John	Gould, Kenneth
Griffin, Mary	Headd, James	Holland, James Jr	Ingram, Russell
Introne, Robert	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Major, Norman	Manning, John	McEachern, Paul	McKinney, Betsy
McMahon, Charles	Morris, Richard	Norelli, Terie	Noyes, Richard
O'Neil, Michael	Packard, Sherman	Pantelakos, Laura	Priestley, Anne
Rausch, James	Robertson, Carl	Roessner, Kurt	Shultis, Elizabeth
Smith, Donald	Splaine, James	Stone, Joseph	Tufts, J Arthur
Vallone, Matthew	Varrell, Thomas	Weare, E Albert	Welch, David
Weyler, Kenneth	Wiley, Robert	Winchell, George	Zolla, William
STRAFFORD			
Bemis, Alan	Brown, Julie	Callaghan, Frank	Cataldo, Sam
Creteau, Irene	Dunlap, Patricia	Grassie, Anne	Harrington, Michael
Heon, Richard	Johnson, Nancy	Keans, Sandra	Knowles, William
Miller, Joseph	Newton, Clifford	Pelletier, Arthur	Rollo, Deanna
Rous, Emma	Schmidt, Peter	Scott, David	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Katherine	Taylor, Kathleen
Twombly, James	Wall, Janet		
SULLIVAN			
Cloutier, John	Ferland, Brenda	Franklin, Peter	Harris, Joseph
Harris, Sandra	Jones, Constance	Leone, Richard	Phinizy, James
Rodeschin, Beverly			
NAYS 69			
BELKNAP			
Ahern, Omer Jr	Clark, Charles	Dewhirst, Glenn	Wendelboe, Fran
CARROLL			
Brown, Carolyn	Derby, Mark	Mock, Henry	Olimpio, J Lisbeth
CHESHIRE			
Laurent, John			
COOS			
Brady, Mark	Guay, Lawrence	Richardson, Herbert	
GRAFTON			
Maybeck, Margie	Sorg, Gregory		

HILLSBOROUGH

Adams, Jarvis	Artz, Lawrence	Balboni, Michael	Bergeron, Jean-Guy
Brassard, Paul	Buhlman, David	Carter, Jeffrey	Gibson, John
Goyette, Peter Jr	Hagan, Barbara	Haley, Robert	Hansen, Ryan
Harrington, Paul	Hawkins, Ken	Hinkle, Peyton	Hopper, Gary
LaFlamme, Paul	Luebker, Bernard	McElroy, Henry Jr	Mooney, Maureen
Pappas, Marc	Pepino, Leo	Pilotte, Maurice	Price, Pamela
Slocum, Lee	Souza, Kathleen	Tate, Joan	Wheeler, James

MERRIMACK

Anderson, Eric	Field, William	Foley, Albert	L'Heureux, Stephen
Nutter, Edward	Soltani, Tony		

ROCKINGHAM

Allen, Mary	Cady, Harriet	DiFruscia, Anthony	Duffy, James
Dumaine, Dudley	Gillick, Thomas	Hamel, Albert	Hughes, Daniel
Putnam, Ed II	Quandt, Matthew	Ruffner, Walter	Smith, Paul
Waterhouse, Kevin			

STRAFFORD

Albert, Russell	Berube, Roger	Campbell, W Packy	Easson, Timothy
Hofemann, Roland	Hollinger, Jeffrey	Woods, Phyllis	

SULLIVAN

Donovan, Thomas
and the committee report was adopted.

BILLS REMOVED FROM CONSENT CALENDAR OF MARCH 17, 2004

HB 1425, relative to food safety in restaurants. **OUGHT TO PASS WITH AMENDMENT**
Rep. Paul G. LaFlamme for Executive Departments and Administration: This bill will require one food employee in each food service establishment to be certified in food preparation management. As requirements for food safety become more complex and are ever changing, it is important that there be a contact person for each license in the state who will help ensure each establishment is in compliance. The amendment clarifies the definition of potentially hazardous foods, added a requirement that the designated employee have supervisory authority over the establishment and gives specific guidelines for what happens when the employee leaves the establishment. Vote 14-3.

Amendment (0755h)

Amend the bill by replacing all after section 1 with the following:

2 Food Service Licensure; Certified Food Protection Manager Defined. Amend RSA 143-A:3, I to read as follows:

I. "Certified food protection manager" means a person who meets the requirements of RSA 143-A:9-c.

I-a. "Commissioner" means the commissioner of the department of health and human services.

3 New Paragraph; Definition Added. Amend RSA 143-A:3 by inserting after paragraph VI the following new paragraph:

VI-a. "Potentially hazardous food" means:

(a) A food which is natural or synthetic and is in a form capable of supporting the:

(1) Rapid and progressive growth of infectious or toxigenic microorganisms;

or

(2) Growth and toxin production of *Clostridium botulinum*; or

(3) In raw shell eggs, the growth of *Salmonella enteritidis*; and

(b) Which is further defined by the U.S. Public Food Service Food Code adopted by the federal Food and Drug Administration.

4 New Subdivision; Food Service Licensure; Requirement of Certain Establishments to Have a Certified Food Protection Manager. Amend RSA 143-A by inserting after section 9-a the following new subdivision:

Certified Food Protection Managers

143-A:9-b Certified Food Protection Manager Requirement.

I. Except as provided in paragraph III, each food service establishment licensed under RSA 143-A serving a potentially hazardous food shall assign at least one food employee to be a certified food protection manager.

II. No person shall use the title "certified food protection manager" or in any way present himself or herself as a certified food protection manager unless he or she holds a current certificate from a certification program which meets the Conference for Food Protection standards for training, testing, and certification.

III. The following establishments shall not be required to assign a person who is a certified food protection manager:

(a) Food service establishments that serve only commercially pre-packaged foods and beverages, commercially pre-cooked potentially hazardous foods that are dispensed in a manner that minimizes contamination of the food, or commercially prepared cold foods not requiring any further preparation and dispensed or packaged immediately to the consumer in a manner that minimizes contamination of the food.

(b) Home food manufacturers and bed and breakfast establishments.

IV. The commissioner may by rule pursuant to RSA 541-A, establish an exemption for other small food service establishments.

143-A:9-c Certified Food Protection Managers. Each certified food protection manager shall:

I. Be at least 18 years of age.

II. Take and pass a food protection manager certification program that meets the standards of the Conference for Food Protection.

III. Be recertified at least every 5 years.

IV. Be assigned to no more than 2 licensed establishments.

V. Have supervisory and training responsibilities of the food services establishment.

VI. Be responsible for food preparation and service with authority and responsibility to direct and control such responsibilities.

VII. Be responsible for operating the food service establishment in compliance with this subdivision.

143-A:9-d Termination of Food Protection Manager; New or Changed Ownership.

I. Upon termination of the employment of a certified food protection manager, the food service establishment where the manager was employed shall have 60 days to:

(a) Employ a new certified food protection manager in accordance with RSA 143-A:9-c; or

(b) Have an employee enrolled in the next scheduled approved food protection manager certification program.

II. Establishments that are new or have changed ownership shall meet the requirements of this section within 90 days of initial operation.

143-A:9-e Display of Certificate. Food protection manager certification program certificates shall be:

I. Prominently posted in the establishment next to the food service license to operate; and

II. Removed when the certified food protection manager identified in the certificate is no longer employed by the establishment.

143-A:9-f Expired Certification. An individual with a certificate which has been expired for more than 6 months shall complete an approved food safety course in accordance with RSA 143-A:9-c.

5 Applicability. Notwithstanding RSA 143-A:9-b, no food service establishment licensed under RSA 143-A which serves potentially hazardous food shall be required to assign a person who is a certified food protection manager until July 1, 2005.

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

LAID ON THE TABLE

Rep. O'Neil moved that **HB 1425**, relative to food safety in restaurants, be laid on the table. Adopted.

BILLS REMOVED FROM CONSENT CALENDAR OF MARCH 17, 2004 (CONT'D.) HR 24, opposing the exploration for oil in the Arctic National Wildlife Refuge. OUGHT TO PASS WITH AMENDMENT

Rep. Timothy E. Easson for State-Federal Relations and Veterans Affairs: The committee believes that a comprehensive national energy plan is in the best interest of the people of New Hampshire and the United States. The resolution as amended calls for greater energy independence, the promotion of cleaner and alternate technologies, modernization of our electricity system, incentives for the utilization of renewable energy sources, and the promotion of conservation. The committee amendment removes any reference to drilling in the Arctic National Wildlife Refuge. Vote 12-0.

Amendment (0739h)

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

A RESOLUTION encouraging a comprehensive energy plan.

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

Whereas, a comprehensive plan for energy independence is a vital component of the United States' national security strategy; and

Whereas, it is prudent for both national security and environmental concerns to promote energy independence for our country, and promote efficiency and conservation to develop cleaner technologies; now, therefore, be it

Resolved by the House of Representatives:

That the New Hampshire house of representatives urges the President of the United States and the Congress of the United States to develop and work to implement a comprehensive plan to promote theses states' goals; and

That this plan should include a plan to modernize our electricity system, promote conservation, and improve the United States' air quality; and

That this plan should promote economic incentives for the utilization of renewable energy sources; and

That this plan should promote increased energy production at home so the United States is less dependent on foreign oil; and

That this plan should promote the development of alternative energy technologies, such as hybrid, hydrogen, electric or natural gas powered vehicles; and

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

AMENDED ANALYSIS

This house resolution encourages the President of the United States and the Congress to adopt a comprehensive energy program.

Adopted.

Rep. Harrington spoke against.

Rep. Easson spoke in favor.
Report adopted and ordered to third reading.

RESOLUTION

Rep. Hess offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 8, 2004 at 10:00 a.m.
Adopted.

LATE SESSION

Third reading and final passage

HB 1221, urging the oversight committee on telecommunications to study aspects of federal universal service funding.

HB 1416-FN, extending the property tax exemption for wooden poles and conduits and establishing a committee to study issues related to the exemption.

HR 24, encouraging a comprehensive energy plan.

UNANIMOUS CONSENT

Rep. Hunt addressed the House.

RECESS MOTION

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

The House recessed at 1:15 p.m.

RECESS