

HOUSE RECORD

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Thursday, May 13, 2004

No. 39

HOUSE JOURNAL No. 15 (cont.)

Thursday, May 6, 2004

RECESS

(Rep. Daniel Eaton in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 422, 493, 520, 535, 1131, 1136, 1202, 1257, 1266, 1316, Constitutional Amendment Concurrent Resolution numbered 5, and Senate Bills numbered 19, 128, 176, 356, 361, 377, 380, 399, 403, 452, 455, 469, 488 and 484.

Rep. Currier, Sen. D'Allesandro for the Committee

RECESS

(Rep. MacKay in the Chair)

ENROLLED BILL AMENDMENTS

SB 344, relative to the use of gifts and donations to the fish and game department and relative to off highway recreational vehicle fees. (Amendment printed SJ 05/06/04)
Adopted.

SB 351-FN, relative to concurrent enrollment at regional vocational education centers. (Amendment printed SJ 05/06/04)
Adopted.

SB 355, relative to the regulation and servicing of portable fire extinguishers and fixed fire extinguishing systems, fire sprinkler systems, and fire alarm and detection systems. (Amendment printed SJ 05/06/04)
Adopted.

SB 432-FN, establishing a division of emergency services, communications, and management, a division of fire standards and training and emergency medical services, and a division of fire safety in the department of safety. (Amendment printed SJ 05/06/04)
Adopted.

SENATE MESSAGES
CONCURRENCE

HJR 25, requested by the joint legislative committee on administrative rules relative to a certain rule proposed by the department of transportation.

HJR 26, prohibiting the liquor commission from adopting proposed administrative rule Liq 404.05(d)(3).

CONCURRENCE WITH AMENDMENTS

SB 99, relative to compliance with federal law in the making of first and second mortgage loans.

SB 207, relative to exemptions from the consumer protection act and the regulation of retail installment sales of motor vehicles.

SB 301-FN, relative to liquor licenses and relative to sales of alcoholic beverages.

SB 303-FN, relative to the strengthening the requirements for qualified investment company status and the resulting exemption from business taxes, and eliminating the tax-exempt status of qualified investment capital companies.

SB 314, relative to access to medical records.

SB 316, relative to the payment of salaried employees.

SB 324-FN-A-L, relative to the real estate transfer tax, the calculation of the commissioner's warrant for the statewide enhanced education tax, and to defining Penacook as a municipality.

SB 329-FN, relative to the recovery by the retirement system of the overpayment of benefit amounts, relative to payment of medical benefits costs for disabled group II members of the retirement system, and making technical changes to the judicial retirement plan.

SB 333-FN, establishing a unique pupil identification system.

SB 342-FN, relative to payment of utility assessments, relative to regulation of electric generation companies, and relative to violations of gas pipeline and liquefied petroleum gas system regulation.

SB 348, relative to the sale of manufactured housing and the management of manufactured housing parks.

SB 357, authorizing municipalities to adopt quarterly billing of taxes.

SB 359, relative to construction of buildings on certain pre-existing streets.

SB 366-FN, relative to the Interstate Insurance Product Compact.

SB 367, relative to the New Hampshire Insurance Guaranty Association Act of 2004.

SB 368, relative to reinsurance.

SB 370, relative to the insurance rating law.

SB 371, relative to certain technical changes in the insurance laws.

SB 375, relative to the regulation of physician assistants.

SB 383-FN, relative to pharmacy benefit management.

SB 386, relative to the guardian ad litem board and providing for certification of guardians ad litem.

SB 392, relative to criminal responsibility for certain offenses committed by persons 13 years of age or older.

SB 397, requiring the department of environmental services to adopt certain rules and to eliminate certain substances from gasoline supplies.

SB 402, relative to an optional retirement annuity benefit for members of the Manchester retirement system.

SB 406, relative to adoption procedures.

SB 409-FN, revising the vocational school licensing statutes.

SB 414-FN, clarifying the laws relative to municipal impact fees, off-site exactions, vesting of development rights, and waiver of subdivision regulations.

SB 418, relative to voting procedures in the Hanover school district.

SB 427, relative to legal recognition of out-of-state marriages and establishing a commission to examine all aspects of same sex civil marriage and its legal equivalents.

SB 430-FN, relative to mandated insurance benefits and establishing a committee to study the feasibility of mandating that health insurers provide medical loss information to small

group employers.

SB 436-FN-L, relative to the Claremont and Newport district courts.

SB 439, relative to probationary drivers' licenses and amending the effective date for establishing a criminal penalty for facilitating a drug or underage alcohol house party.

SB 441, relative to the operation of dental clinics by health care charitable trusts.

SB 442, relative to manufactured housing installation standards.

SB 443, relative to rural electric cooperatives and establishing an energy planning advisory board.

SB 445, relative to the regulation of dietitians by the board of licensed dietitians.

SB 448-FN, relative to consumer guaranty contracts.

SB 470-FN, relative to funding for the physician effectiveness program, and establishing a dedicated fund.

SB 487, relative to lead sinkers.

SB 494, relative to the prohibition on taking conch and winkles; licensing requirements for taking lobsters and crabs; and changing the name of the advisory committee on shore fisheries to the advisory committee on marine fisheries.

SB 495-FN, relative to original and youth operators' licenses.

SB 496, relative to the definition of snow traveling vehicle.

SB 498-FN, relative to the regulation of debt adjustment services.

SB 503-FN-L, establishing a commission to study the benefit of municipalities using bonds for construction, development, improvement, and acquisition of broadband facilities.

SB 509-FN, relative to civil recoveries for false claims paid or approved by the department of health and human services.

SB 511-FN, relative to the penalties for rioting.

SB 520, relative to child support modification and service of divorce petitions.

SB 530, relative to the duties of public safety responders and the expeditious clearance of a roadway.

SB 531, permitting the state veterans advisory committee to adopt bylaws and relative to eligibility for the veteran's property tax credit, and relative to other optional tax credits.

NONCONCURRENCE WITH AMENDMENT

SB 343, relative to landowner permission for OHRV operation and relative to loading and unloading OHRVs on highways.

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 643-FN, relative to the family division of the courts.

The President appointed Sens. Peterson, Roberge and Foster.

HB 1165, relative to extending domestic violence protection orders.

The President appointed Sens. Peterson, Boyce and Estabrook.

HB 1227, relative to land assessed for current use which is taken by eminent domain.

The President appointed Sens. Clegg, Morse and D'Allesandro.

HB 1276-FN, relative to special number plates for veterans and establishing a committee to study establishing special number plates for veterans who were awarded the Bronze Star or the Silver Star.

The President appointed Sens. Kenney, Morse and Cohen.

HB 1293, relative to emission control equipment for certain vehicles.

The President appointed Sens. Clegg, Kenney and Below.

HB 1380-FN, relative to unauthorized video surveillance.

The President appointed Sens. Barnes, Gatsas and Larsen.

RECESS

(Rep. Edwin Smith in the Chair)

SENATE MESSAGES

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 176, relative to listing candidates on ballots and relative to instructions to voters.

The President appointed Sens. Boyce, Flanders and Kenney.

HB 243, relative to motor vehicle exhaust noise standards.

The President appointed Sens. Morse, Flanders and Martel.

HB 384, relative to financial affidavits in domestic relations cases.

The President appointed Sens. Peterson, Sapareto and Roberge.

HB 551, relative to the effect of parental refusal to administer psychotropic drugs to their children and establishing a committee to study the prescription and use of psychotropic drugs, including Ritalin, in childcare centers, preschools, and public schools.

The President appointed Sens. Martel, Boyce and Estabrook.

HB 1162, relative to school district policies on bullying.

The President appointed Sens. Barnes, O'Hearn and Foster.

HB 1262, establishing a committee to study ways to encourage municipal recycling efforts.

The President appointed Sens. Green, Johnson and Below.

HB 1282, authorizing the commissioner of insurance and the commissioner of banking to order the payment of restitution to individuals harmed by unfair or deceptive practices of licensees.

The President appointed Sens. Flanders, Prescott and Cohen.

HB 1296, establishing a committee to study the authority to inspect food by the department of health and human services and the department of agriculture, markets, and food.

The President appointed Sens. Prescott, Green and Estabrook.

HB 1348-FN, relative to registration of business organizations.

The President appointed Sens. Clegg, Peterson and Foster.

HB 1367, permitting the parents or legal guardian of a sexual assault victim to remain with the victim during the legal proceedings.

The President appointed Sens. Peterson, Roberge and Foster.

HB 1401-FN, limiting the use of traffic signal preemption devices.

The President appointed Sens. Flanders, Barnes and Below.

HB 1408-FN, relative to reporting requirements for certain nonprofit organizations, including health care charitable trusts.

The President appointed Sens. Flanders, Barnes and Below.

HB 1411-FN-A, 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.

The President appointed Sens. Prescott, O'Hearn and D'Allesandro.

RECESS

(Rep. Patten in the Chair)

SENATE MESSAGE

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 713-FN, relative to the penalty for violating a zoning ordinance, relative to governmental land uses, and relative to notice of zoning rehearings.

The President appointed Sens. Roberge, Morse and Larsen.

RECESS

(Rep. Paul LaFlamme in the Chair)

ENROLLED BILL AMENDMENTS

HB 1230-FN, relative to abandoned deposits held by telephone utilities and relative to public interest payphones.

Amendment (1530-EBA)

Amend RSA 374:22-q, I as inserted by section 2 of the bill by replacing lines 2-6 with the following:

deposited moneys received pursuant to RSA 471-C:8, IV and this paragraph. The state treasurer may invest moneys in the fund as provided by law, with interest received on such investment credited to the fund. Moneys in the fund shall be nonlapsing and continually appropriated to the commission to be used only to fund the maintenance of public interest payphones. At the end of each biennium, any moneys in excess of \$30,000 shall be transferred to the general fund.

Adopted.

HB 1312, relative to the court's discretion to extend child support obligations.

Amendment 1474-EBA)

Amend RSA 458:35-c as inserted by section 2 of the bill by replacing line 6 with the following:

time the child support obligation, including all educational support obligations, terminates without further legal action. This amount shall remain

Amend RSA 458:16-a, III as inserted by section 3 of the bill by replacing line 3 with the following:

under 26 U.S.C. Section 529, the court may, in its discretion, preserve the account for its

Adopted.

RECESS

(Rep. Whalley in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled SB 427.

Rep. Francoeur, Sen. D'Allesandro for the Committee

RECESS

(Rep. Whalley in the Chair)

SENATE MESSAGE

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 1326, establishing a study committee to examine the classification of consumer and display fireworks.

The President appointed Sens. Peterson, Clegg and Larsen.

RECESS

Rep. Francoeur moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 16

Thursday, May 13, 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 Guest Chaplain, Rabbi Richard Klein of Beth Jacob Temple in Concord.

The segment of the Torah, The Five Books of Moses that we read this week in our synagogues is from the final chapters of the Book of Leviticus. It actually comprises two sections called in Hebrew *Behar* and *Bechukotai*. We would translate these titles as “On the Mountain” and “By My Statues.”

In the first, we are reminded that Moses went up to Mount Sinai to bring back God’s word. In the second, we are reminded that the message Moses brought back was that we are expected to live up to God’s expectations for us as human being created in God’s image. For millennia, men and women have looked to high places to find inspiration. In many faiths, even today, mountaintops are associated with God’s presence. For most of us, we tend to look upward when we think about God’s presence. We use the metaphor of Heaven when we think of the Divine Presence.

Legislation from on high, from a place of respect and trust was essential to ancient Israelites. In our society, legislation and expectations must also come from a place of trust and respect. For those who have the opportunity for public service, this represents a responsibility and a privilege. Amen.

Rep. Kimberly Casey led the Pledge of Allegiance.

The National Anthem was sung by Emma Richardson, a 6th grade home-schooled student from Fitzwilliam.

LEAVES OF ABSENCE

Reps. Mary Allen, Allison, Julie Brown, Carlson, Clemons, Dudley, Daniel Eaton, Flanagan, Gionet, Guay, Joseph Harris, Sandra Harris, McDonough-Wallace, Moore and Weldy, the day, illness.

Reps. Barry, Bergeron, Bergin, Bishop, Clayton, Corbin, Donovan, Duffy, Dumaine, Hagan, Hall, Hallyburton, Hess, Holland, Hollinger, Hutchinson, Jones, Kopka, Leber, McKinney, McRae, Musler, Owen, Phinizy, Royce, Shultis, Slack, Soltani, Tate and Thomas, the day, important business.

Rep. McMahon, the day, illness in the family.

INTRODUCTION OF GUESTS

Ron and Emma Nickerson, guests of Rep. Irwin. Brad Wiley, son of Rep. Wiley. Alice Zolla, wife of Rep. Zolla. Caitlin Daniuk, former Representatives Donna Soucy, Nick Panagopoulos, Mike Rollo, Mike King, Chris Spirou and Rick Trombly and Wayne Buckley, guests and father of Rep. Buckley. Jack Wark, guest of Rep. DiFruscia.

INTRODUCTION OF SPECIAL GUESTS

The Masticola Middle School Jazz Band Blue accompanied by Director Ron Fussell and Principal Thomas Levesque, 2004 gold medal winners for superior performance at the Heritage Music Festival in Washington, D.C., guests of the House.

ENROLLED BILL AMENDMENTS

HB 326, relative to establishing a 6-year capital budget.

Amendment (1477-EBA)

Amend section 2 of the bill by replacing line 2 with the following:
the following new section:
Adopted.

HB 729-FN, relative to the regulation of tanning facilities.

Amendment (1542-EBA)

Amend section 2 of the bill by replacing line 2 with the following:
313-A:1 by inserting after paragraph XI the following new paragraphs:
Amend section 3 of the bill by replacing line 1 with the following:
3 New Paragraphs; Barbering, Cosmetology and Estheticians; Definitions Added.
Amend
Amend RSA 313-A:2, I as inserted by section 4 of the bill by replacing line 5 with the following:
owner of a registered tanning facility and [2] **one** public ~~[members]~~ **member**; each to be appointed
Amend RSA 313-A:26, II as inserted by section 13 of the bill by replacing line 2 with the following:
implementation of this subdivision.
Amend RSA 313-A:26, III as inserted by section 13 of the bill by replacing line 2 with the following:
and methods to monitor compliance with state and federal regulations.
Amend RSA 313-A:27, I as inserted by section 13 of the bill by replacing line 3 with the following:
the United States Food and Drug Administration.
Amend RSA 313-A:28, II as inserted by section 13 of the bill by replacing line 2 with the following:
to open or operate a tanning facility within this state shall file a registration statement annually with
Amend RSA 313-A:31, I as inserted by section 13 of the bill by replacing lines 3-6 with the following:
present. Proof of age shall be satisfied with a driver's license or other government issued identification containing date of birth and a photograph of the individual. This consent requirement shall be satisfied only if the parent or legal guardian is physically present at the time of the initial use of the tanning device, and the responsible adult signs a document

declaring that he or she is the parent

Amend section 14 of the bill by replacing it with the following:

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

Adopted.

HB 1320, making changes in the laws relative to retail installment sales, first mortgage bankers and brokers, mortgage loan servicers, second mortgage home loans, and the regulation of small loans

Amendment (1488-EBA)

Amend RSA 361-A:2, I as inserted by section 3 of the bill by replacing line 3 with the following:

be responsible for the supervision of their employees, agents, and branch offices. No

Amend RSA 361-A:2-b, I(b) as inserted by section 6 of the bill by replacing line 2 with the following:

report as required in subparagraph (a), notwithstanding the fact that he or she is not licensed on the

Amend RSA 361-A:2-b, III as inserted by section 7 of the bill by replacing line 5 with the following:

revocation of its license.

Amend section 8 of the bill by replacing line 1 with the following:

8 Suspension or Revocation of Licenses; Procedure. Amend the introductory paragraph of RSA 361-A:3, I to read as follows:

Amend the introductory paragraph of RSA 361-A:3, I-a as inserted by section 8 of the bill by replacing line 3 with the following:

partner, officer, or director, any person occupying a similar status or performing similar functions, or

Amend RSA 397-A:10-a, I(a) as inserted by section 14 of the bill by replacing line 3 with the following:

bankruptcy, license revocation, or voluntary dissolution, shall surrender such license in person or by

Amend the introductory paragraph of RSA 397-A:17, I as inserted by section 19 of the bill by replacing lines 10-11 with the following:

registered mail at the principal office of the licensee. Delivery of such order to an officer, director, 5 percent or more owner, member, partner, or legal representative of the licensee shall be deemed a

Amend the introductory paragraph of RSA 397-A:17, I as inserted by section 19 of the bill by replacing line 24 with the following:

assess penalties or deny, suspend, or revoke a license if it is in the public interest and the applicant or

Amend RSA 397-B:6, V as inserted by section 24 of the bill by replacing line 2 with the following:

partner, principal executive officer, or director of such person, every person occupying a similar

Amend RSA 397-B:8, I(b) as inserted by section 25 of the bill by replacing line 9 with the following:

nevertheless institute a revocation or suspension proceeding under RSA 397-B:3, VIII within

Amend RSA 397-B:8, II as inserted by section 25 of the bill by replacing line 3 with the following:

RSA 397-B:6.

Amend RSA 398-A:1-e, II as inserted by section 33 of the bill by replacing line 2 with the following:

report as required in paragraph I, notwithstanding the fact that it is not licensed on the date
Amend section 34 of the bill by replacing lines 1-4 with the following:

34 License Surrender. Amend RSA 398-A:1-f to read as follows:

398-A:1-f License Surrender.

I.(a) A licensee who ceases to engage in the business of making second mortgage home loans at any time during a license year for any cause, including but not limited to bankruptcy, license revocation, or voluntary dissolution, shall surrender such license in person or by registered or

Amend RSA 398-A:1-f, II as inserted by section 34 of the bill by replacing line 3 with the following:

RSA 398-A:7-a.

Amend RSA 399-A:3, I as inserted by section 38 of the bill by replacing line 12 with the following:

supervision of their employees, agents, and branch offices. Each initial and renewal license

Amend RSA 399-A:6, I(b) as inserted by section 42 of the bill by replacing lines 1-2 with the following:

(b) A person who surrenders, withdraws, or does not renew a license shall file the annual report as required in subparagraph (a), notwithstanding the fact that it is not licensed on the date

Amend RSA 399-A:21, I as inserted by section 45 of the bill by replacing line 1 with the following:

I. Each licensee shall keep and use in its business such books and accounting records as are

Adopted.

SENATE MESSAGES CONCURRENCE

HB 1228, relative to changes to the uniform fine schedule. (Amendment printed SJ 05/06/04)

Rep. Mock moved that the House concur and spoke in favor.

Adopted.

HB 803-FN-A-L, relative to the establishment of municipal economic development and revitalization districts by municipalities. (Amendment printed SJ 04/15/04)

Rep. Patten moved that the House concur and spoke in favor.

Adopted.

HB 697-FN, relative to the sale of motor fuel. (Amendment printed SJ 04/08/04)

Rep. Edwin Smith moved that the House concur and spoke in favor.

Adopted.

HB 1399-FN-A, establishing the telecommunications planning and development fund. (Amendment printed SJ 05/06/04)

Rep. Maxfield moved that the House concur and spoke in favor

Adopted.

HB 1207-FN-A, relative to a Global War on Terrorism operations service bonus payment. (Amendment printed SJ 05/06/04)

Rep. Coughlin moved that the House concur and spoke in favor.

Adopted.

HB 1378-FN-A, relative to New Hampshire service medals for veterans of World War II, the

Korean War, and the Vietnam War and making an appropriation therefor. (Amendments printed SJ 05/06/04)

Rep. Coughlin moved that the House concur and spoke in favor.

Adopted

HB 264, establishing state representative districts. (Amendments printed SJ 05/06/04)

Rep. Whalley moved that the House concur.

Rep. Vaillancourt spoke against and yielded to questions.

Rep. Whalley spoke in favor.

On a division vote, 193 members having voted in the affirmative and 120 in the negative, the motion was adopted.

NONCONCURRENCE WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

HB 640-FN, relative to post-conviction DNA testing. (Amendment printed 04/22/04)

Rep. Welch moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Knowles, Stevens, Lasky and Holbrook.

HB 727-FN-L, establishing a legislative oversight committee for the school administrative unit system. (Amendments printed SJ 04/22/04 and 05/06/04)

Rep. Stephen L'Heureux moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Alger, Scott, Weyler and Snyder.

HB 651-FN, relative to the purchase of prior service credit in the retirement system, and repealing certain provisions permitting additional contributions. (Amendments printed SJ 04/22/04 and 05/06/04)

Rep. O'Neil moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. O'Neil, Hall, Irwin and Robert Wheeler.

HB 1428, relative to the administration of the medical assistance program for home care for children with severe disabilities and establishing a commission to review the medical assistance program for home care for children with severe disabilities. (Amendments printed SJ 05/06/04)

Rep. Kurk moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Rogers Johnson, Hunt, Rodeschin and Wallner.

HB 369, relative to the Henniker and Hillsborough district courts. (Amendments printed SJ 4/01/04 and 05/06/04)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Mock, Rowe, Stone and Wall.

HB 1295, relative to certain court records. (Amendment printed SJ 04/22/04).

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Haytayan, Mock, Rowe and Craig.

HB 1413, relative to the creation of mandatory panels for medical injury claims and to the testimony of expert witnesses and establishing a committee to study medical malpractice insurance rates and mandatory panels for medical injury claims. (Amendment SJ 04/29/04)
Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Mock, Haytayan, Francoeur and Rowe.

HB 1335-L, establishing a commission to examine the workers' compensation system in New Hampshire. (Amendment printed SJ 04/08/04)

Rep. Gilman moved that the House nonconcur and request a Committee of Conference.

Reps. Baroody and DiFruscia spoke against.

Reps. Gilman and Slocum spoke in favor.

Adopted.

The Speaker appointed Reps. Giuda, Hunt, Mears and Slocum.

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

HB 426, relative to the monitoring and approval of appraisers by the commissioner of revenue administration. (Amendments printed SJ 05/06/04)

Rep. Patten moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Stohl, Gillick, Patten and Theberge.

HB 618-FN-A, making technical corrections to certain local property tax laws. (Amendments printed SJ 3/17/04 and 05/06/04)

Rep. Patten moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Patten, Lockwood, Letourneau and Theberge.

HB 698-FN, relative to electronic toll collection. (Amendment printed SJ 04/22/04)

Reps Edwin Smith and Kurk moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Graham, McConkey, Malloy and Weyler.

HB 2004-FN-L, relative to the state 10-year transportation improvement plan and making certain adjustments to turnpike funds. (Amendment printed SJ 05/06/04)

Rep. Edwin Smith moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Edwin Smith, Rausch, Cloutier and Holland.

HB 1148, defining a wetland for the purpose of fill and dredge in wetlands and for local land use planning. (Amendment printed SJ 05/06/04)

Rep. Lawton moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lawton, Royce, Russell and Brueggemann.

HB 1281, permitting the adoption of an alternative cost apportionment method in a cooperative school district. (Amendments printed SJ 05/06/04)

Rep. Major moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Major, Vivian Clark, Jasper and Almy.

ACCEDE TO REQUESTS FOR COMMITTEE OF CONFERENCE

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

The President appointed Sens. Roberge, Gallus and Foster.

Rep. Moran moved that the House accede.

Adopted.

The Speaker appointed Reps. Moran, Gile, Gargas and Itse.

SB 461, relative to the regulation of gift certificates under the consumer protection act.

The President appointed Sens. Roberge, Morse and Larsen.

Rep. Hunt moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Stepanek, Spiess and Kopka.

SB 500-FN, relative to certain procedures of financial institutions.

The President appointed Sens. Flanders, Odell and Foster.

Rep. Hunt moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Spiess, Meader and Stepanek.

SB 478-FN, relative to penalties for DWI offenses.

The President appointed Sens. Barnes, Clegg and Eaton.

Rep. Welch moved that the House accede.

Adopted.

The Speaker appointed Reps. Tholl, Welch, Nedeau and Pantelakos.

SB 521-FN, increasing the penalty for identity fraud.

The President appointed Sens. Peterson, Green and Larsen.

Rep. Welch moved that the House accede.

Adopted.

The Speaker appointed Reps. Stevens, Fish, Karl Gilbert and Movsesian.

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.

The President appointed Sens. O'Hearn, Johnson and Gatsas.

Rep. Stephen L'Heureux moved that the House accede.

Adopted.

The Speaker appointed Reps. Stephen L'Heureux, Alger, Carson and J. Timothy Dunn.

SB 421, relative to charter schools.

The President appointed Sens. O'Hearn, Green and Estabrook.

Rep. Stephen L'Heureux moved that the House accede.

Adopted.

The Speaker appointed Reps. Mark Carter, Naro, Alger and J. Timothy Dunn.

SB 490-FN, relative to the Help America Vote Act.

The President appointed Sens. Boyce, Martel and Larsen.

Rep. Whalley moved that the House accede.

Adopted.

The Speaker appointed Reps. Drisko, Vaillancourt, Dorsett and Buckley.

SB 317, relative to registration of pesticide applicators and rules of the pesticide control board.

The President appointed Sens. Johnson, Odell and Below.
Rep. Babson moved that the House accede.
Adopted.
The Speaker appointed Reps. Ahern, Williams, Owen and Cernota.

SB 481-FN-L, establishing a sewer and other water-related purposes district for Great Bay.
The President appointed Sens. Prescott, Green and Cohen.
Rep. Babson moved that the House accede.
Adopted.
The Speaker appointed Reps. Ahern, Philbrick, Williams and Rous.

SB 153, adopting the nurse licensure compact.
The President appointed Sens. Martel, Peterson and D'Allesandro.
Rep. O'Neil moved that the House accede.
Adopted.
The Speaker appointed Reps. Paul LaFlamme, Dexter, Nelson Allan and Pilotte.

SB 199, revising the nurse practice act.
The President appointed Sens. Peterson, O'Hearn and Below.
Rep. O'Neil moved that the House accede.
Adopted.
The Speaker appointed Reps. Paul LaFlamme, O'Neil, Dexter and Schulze.

SB 312-FN, establishing a state code of ethics.
The President appointed Sens. Barnes, Sapareto and Larsen.
Rep. O'Neil moved that the House accede.
Adopted.
The Speaker appointed Reps. O'Neil, Hamel, Drisko and Francis Sullivan.

SB 338-FN, relative to the purchase of prior service credit by certain political subdivision employee members.
The President appointed Sens. Green, Roberge and D'Allesandro.
Rep. O'Neil moved that the House accede.
Adopted.
The Speaker appointed Reps. O'Neil, Hall, Irwin and Robert Wheeler.

SB 434, relative to importing prescription drugs from Canada.
The President appointed Sens. Martel, Gallus and Gatsas.
Rep. O'Neil moved that the House accede.
Adopted.
The Speaker appointed Reps. Bergin, Hamel, Paul LaFlamme and Irwin.

SB 459, making certain changes to the real estate practice act.
The President appointed Sens. Gallus, Roberge and Peterson.
Rep. O'Neil moved that the House accede.
Adopted.
The Speaker appointed Reps. Paul LaFlamme, Fitzgerald, Carl Robertson and Francis Sullivan.

SB 534-FN-A, relative to the reorganization of certain functions and duties of state agencies.
The President appointed Sens. Clegg, Prescott and D'Allesandro.
Rep. O'Neil moved that the House accede.
Adopted.

The Speaker appointed Reps. O'Neil, Stone, Robert Wheeler and Francis Sullivan.
Alternate: Hamel.

SB 376-FN-A, relative to pharmaceutical purchases for receiving facilities and nonprofit hospitals.

The President appointed Sens. Boyce, Gallus and D'Allesandro.

Rep. Kurk moved that the House accede.

Adopted.

The Speaker appointed Reps. Kurk, Emerton, Rogers Johnson and Wallner.

SB 382-FN-L, relative to medical service rates for state prisoners.

The President appointed Sens. Flanders, Boyce and Cohen.

Rep. Kurk moved that the House accede.

Adopted.

The Speaker appointed Reps. Elliott, Emerton, Rodeschin and Tholl.

SB 109, adopting the model Drug Dealer Liability Act.

The President appointed Sens. Prescott, Clegg and Martel.

Rep. Mock moved that the House accede.

Adopted.

The Speaker appointed Reps. Soltani, Haytayan, Craig and Knowles.

SB 423, relative to confidentiality and workers' compensation.

The President appointed Sens. Flanders, Clegg and Foster.

Rep. Mock moved that the House accede.

Adopted.

The Speaker appointed Reps. Phyllis Woods, Lasky, Haytayan and Rowe.

SB 526, relative to sexual harassment complaint procedures for public employees.

The President appointed Sens. Boyce, Odell and Larsen.

Rep. MacKay moved that the House accede.

Adopted.

The Speaker appointed Reps. MacKay, Stohl, Nelson Allan and Tilton.

SB 391, relative to bond votes in municipalities using chartered official ballot voting procedures and relative to Claremont school district election.

The President appointed Sens. Clegg, Odell and Eaton.

Rep. Patten moved that the House accede.

Adopted.

The Speaker appointed Reps. Patten, Stohl, Gillick and Theberge.

SB 407-FN-L, relative to default budgets in the budget adoption procedure in political subdivisions which have adopted official ballot voting

The President appointed Sens. Roberge, Boyce and Larsen.

Rep. Patten moved that the House accede.

Adopted.

The Speaker appointed Reps. Patten, Brundige, Boyce and Nancy Johnson.

SB 449, relative to fluoridation of municipally-owned public water systems.

The President appointed Sens. Prescott, Johnson and D'Allesandro.

Rep. Patten moved that the House accede.

Adopted.

The Speaker appointed Reps. Brundige, Gillick, Dowd and Osborne.

SB 508-FN, relative to grant-funded programs.

The President appointed Sens. Flanders, Boyce and Cohen.

Rep. Patten moved that the House accede.

Adopted.

The Speaker appointed Reps. Stohl, Lockwood, Boyce and Nancy Johnson.

SB 533, relative to licensing requirements for certain recreation and child care programs.

The President appointed Sens. Johnson, Martel and Estabrook.

Rep. Patten moved that the House accede.

Adopted.

The Speaker appointed Reps. Brundige, Twombly, Dowd and Schmidt.

SB 381, relative to the transfer of certain capital appropriations within the department of safety.

The President appointed Sens. Clegg, Morse and D'Allesandro.

Rep. Edwin Smith moved that the House accede.

Adopted.

The Speaker appointed Reps. Rausch, Waterhouse, Candace Bouchard and Edwin Smith.

SB 413-FN, relative to financing federally aided highway projects.

The President appointed Sens. Clegg, Morse and D'Allesandro.

Rep. Edwin Smith moved that the House accede.

Adopted.

The Speaker appointed Reps. Graham, McConkey, Cloutier and Waterhouse.

SB 453, establishing a committee to study the tobacco master settlement agreement revenue stream to the state.

The President appointed Sens. Johnson, Gatsas and Estabrook.

Rep. Major moved that the House accede.

Adopted.

The Speaker appointed Reps. Jasper, Gibson, Roessner and Christine Hamm.

NONCONCURRENCE

HB 85-FN-L, relative to the budget adoption procedure in political subdivisions which have adopted official ballot voting. (Amendment printed SJ 04/29/04)

Rep. Patten moved that the House nonconcur and spoke in favor.

Adopted.

HB 1188-FN-L, relative to indoor air quality and indoor environmental standards in public schools and requiring public schools to develop a written building maintenance plan.

(Amendments printed SJ 05/06/04)

Reps. Stephen L'Heureux and Kurk moved that the House nonconcur and spoke in favor.

Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 730, 1221, 1224, 1243, 1298, 1422, House Joint Resolution numbered 26, and Senate Bills numbered 352, 465, 504 and Senate Joint Resolution numbered 2.

Rep. Letourneau, Sen. D'Allesandro for the Committee

PERSONAL PRIVILEGE

Rep. Baroody addressed the House.

UNANIMOUS CONSENT

Rep. Buckley addressed the House.

Rep. Burling moved that Rep. Buckley's remarks be printed in the Journal.

Adopted.

REMARKS

Rep. Buckley: Thank You, Mr. Speaker. It amazes me that it has been 35 years since I first walked through that very door and I stood here for the first time in this historic chamber. I was on tour of the State House with my 4th grade class. As I stood here dressed in my Cub Scout uniform, I was awe struck. I looked around and saw the 400 seats and I was overwhelmed by the idea that 400 individuals from across the state, from all walks of life, gathered here to do the people's business. They all gathered under one roof, all dedicated to the common purpose of improving the lives of New Hampshire's people. It's no exaggeration to say that it was love at first sight. From that moment on, being part of the New Hampshire House of Representatives was my childhood obsession and my life's passion.

Mr. Speaker, six years later, for the first time, I spoke from this very podium. I stood here as a high school sophomore testifying before a packed hall during a special House hearing that was conducted in the evening and it was broadcast live on Channel 11. It was a thrill for a 15-year old to get a mere sense of what it was like to actually be here.

Mr. Speaker, it was 25 years ago that I joined the staff of the House Democratic leadership.

And, Mr. Speaker, it was 18 years ago that, thanks to the good people of Manchester's Ward 8, I began my own legislative career.

Mr. Speaker, this has been a wonderful experience and a wonderful journey, but a journey that will come to an end this fall. Mr. Speaker, I will not seek another term as a member of this House. As I stand here today I am so very grateful. I'm first and foremost grateful to the voters of Ward 8 who have trusted me with their vote since 1986. And as I like to say with pride, Ward 8 is the home of Manchester Airport, the Mall of New Hampshire, South Willow Street, the Manchester Post Office, our wastewater treatment plant, our first industrial park, seven schools and 9,000 of the hardest working, proudest families you can ever find in America.

Mr. Speaker, I am grateful to my many Manchester colleagues. Over the years we may have been divided by party but we have always been united by the common cause and our shared dedication to our home city. I cherish the respect that so many of my colleagues from Manchester have afforded me since my very first day here.

Mr. Speaker. I am grateful to the Democratic Caucus. I've served you to the best of my abilities and with all my heart, whether as a member of the staff, as a ranking Democrat on a committee, as the Deputy Leader or for the past six years as the Democratic Whip. The New Hampshire House Democratic Caucus truly represents the very best of New Hampshire. It is my life's disappointment that I did not get to serve during the time when you are in the majority. Over the decades, it has been often said, that in the House, the Republicans may have the gavel but it's the Democrats who do the work. I am confident that you will do a magnificent job for the people when you do have that opportunity to wield the gavel. I look forward to that day and I am proud to have been among you all these years.

Mr. Speaker, I am grateful to the many Republicans that I came to know and respect. Some of the brightest, most talented and hardest working people I have ever met in my life have been House Republicans. I am honored to have served with them.

Mr. Speaker, over the past 25 years there have been seven Governors, six Speakers and four Democratic Leaders of the House. I am grateful for the opportunity to work with each of them but I could not possibly stand here today without specifically expressing my appreciation to four very special people.

To former House Democratic Leader Chris Spirou, who hired me as a teenager and schooled me in the art of politics, I owe everything to him. I hope that my time here has honored his legacy and I am honored by his presence in the House gallery today. Thank you, Chris.

To former House Democratic Leader Mary Chambers, who's home today babysitting her new grandchild, who encouraged me and entrusted me with great responsibilities during my first two terms here. She continues to serve as a role model to so many. Thank you, Mary.

To former House Democratic Leader Rick Trombly, my friend, confidant and co-conspirator. I appreciate his confidence in me. Serving as his Deputy gave me a deep appreciation for the job of Batman's Robin, the Lone Ranger's Tonto and for anyone who has served as vice president of the United States. He taught me much and I deeply appreciate that he is here in the gallery for me today. Thank you, Ricky.

To House Democratic Leader Peter Burling, despite that difficult and painful race in '96, it was little more than a year later when we joined together to work as a tremendously successful team. He did not have to invite me to be part of his leadership team but I am grateful that he did. His leadership has brought so much success to the causes that we all hold so dear. His leadership will have a lasting impact on New Hampshire for generations. I will be forever grateful for being able to work by his side these past seven years. Thank you, Pete.

For thirty years, Leaders Spirou, Chambers, Trombly and Burling have fought the good fight and held their heads high and they would have made damn good Speakers. Mr. Speaker, this state and this House are all better for their service. I am honored to have served with each of them.

And Mr. Speaker, as a former member of the House staff, I am particularly grateful for the tremendous job that all of our workers do to make this legislature function. They each deserve so much more praise than we ever give them.

Mr. Speaker, As I look back at the committees I have served -- Commerce, Legislative Administration, Appropriations, Public Works, Economic Development, Redistricting, (ok, let's not look back on that) eight years on Election Law and ten on Rules...I have always understood that it is impossible to be an effective member of this House if your committee work doesn't come first. I hope that I have upheld that standard. And I am proud to have served with some of the finest committee chairs this House has ever had.

Mr. Speaker, as I look back at the nearly 2,500 roll call votes that I have cast as a member of this House, I am proud of two things. First, that for nearly all of my years I never missed a single vote and secondly, that I always put the people of Manchester first. I am proud that my record is one of delivering for the people of my city. I am proud that I have sponsored and supported legislation that has brought back to Manchester over \$300,000,000. From water treatment grants, to landfill grants, to guaranteeing the city's airport bonds, to education funding and on and on.

Mr. Speaker, as I look back to the over 150 bills that I have sponsored I am proud of my many successes. I successfully sponsored legislation that repealed the hospital rooms and meals tax, toughened the child support laws, and passed a multitude of anti tobacco legislation. I passed legislation for public employee retirees, for our firefighters and law enforcement officers, I passed laws dealing with protecting children from guns, the school anti-bullying law and laws on sexual assault. I passed laws that reformed workers comp, improved education laws and brought us all the opportunity to purchase Powerball.

And my 1999 bill that successfully repealed the ban on gay adoption and foster care makes me very proud, and for that success I was named "Legislator of the Year" by the state's social workers. I was even called "one of the most effective members of this body" by my local paper. Can you believe that?

Mr. Speaker, I speak today regarding this abbreviated list of my achievements not to brag, but to serve as a hopeful example. Mr. Speaker, most of the bills I mentioned were cosponsored by members of the majority party. I understand that every bit of my success here has been due to working with members of the majority party. Mr. Speaker, it is my hope for those of you who will be here next term that you will keep in mind that by working together, by setting aside the harsh partisanship, the personal animosity that so much more can be accomplished and your experience here will be more worthwhile.

Mr. Speaker, what first attracted me, and for so many years sustained me, to this, the "People's House," was the concept that we are all equals here. That we all gather here to learn, to share experiences and to work. Each member offering their talents to do their very best to make New Hampshire an even better place. Years ago, I used to marvel at the true friendships, the camaraderie, the respect, that existed among the legislators.

Mr. Speaker, why does that no longer appear to be true? And Mr. Speaker, first and foremost was always, was always that the House as an institution must be respected at all times. Each legislator's behavior was governed by the unwritten law that no one should bring disrespect to this institution.

Mr. Speaker, whether it was in committee, or in the hallway or on this floor, protecting one's reputation for truthfulness, for knowing your facts, for respecting your colleagues no matter how great the differences, for never acting in a manner as to insult this great institution -- those were all rules that were never broken by any person wishing to be an effective, respected member of this body. Mr. Speaker, no serious legislator would dare mislead a colleague or stand here on the floor of the House and lie, or hide facts or ridicule a fellow member. The response to such behavior used to be an immediate loss of respect by this entire body. One lie and you were never trusted again, one broken promise and your word was worthless.

Mr. Speaker, I hope that someday this House can return to such a time again. We were a better House and the people were better served in those days. I have great faith that the membership of this House will some day have the will to demand that such an honor code exist once again and when that happens it will be a great day for New Hampshire.

Mr. Speaker, I am so grateful that over these years I've had a loving, nurturing and supportive family. Their support and understanding has made my service here an even better experience. I want to thank them and specifically express my appreciation to my Dad who's in the gallery today.

Mr. Speaker, I came to this House to make a difference, to make New Hampshire a better state. I leave, after all these years, with the satisfaction that I did my very best and kept true to myself.

Mr. Speaker, although in December I will no longer be here as a member, please be assured that in my heart will always be in this great historic chamber.

Mr. Speaker, members of the House, both past and present, thank you for making my childhood dreams come true.

I bid a grateful good bye. Thank you.

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

SB 302-FN-L, making technical corrections to the education funding formula.

The President appointed Sens Clegg, Morse and D'Allesandro.

Rep. Kurk moved that the House accede.

Adopted.

The Speaker appointed Reps. Whalley, Kurk, King and Marjorie Smith. Alternates: Chandler and Major.

RECESS MOTION

Rep. Guida moved that the House stand in recess for the purposes of receiving enrolled bill amendments, enrolled bill reports, and Senate messages.

Adopted.

The House recessed at 12:20 p.m.

RECESS

(Rep. Francoeur in the Chair)

SENATE MESSAGES

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 369, relative to the Henniker and Hillsborough district courts.
The President appointed Sens. Prescott, Flanders and Foster.

HB 426, relative to the monitoring and approval of appraisers by the commissioner of revenue administration.
The President appointed Sens. Green, Barnes and Larsen.

HB 618-FN-A, making technical corrections to certain local property tax laws.
The President appointed Sens. Johnson, Gallus and D'Allesandro.

HB 640-FN, relative to post-conviction DNA testing.
The President appointed Sens. Peterson, Sapareto and Foster.

HB 651-FN, relative to the purchase of prior service credit in the retirement system, and repealing certain provisions permitting additional contributions.
The President appointed Sens. Green, Roberge and D'Allesandro.

HB 698-FN, relative to electronic toll collection.
The President appointed Sens. Kenney, Morse and Below.

HB 727-FN-L, establishing a legislative oversight committee for the school administrative unit system.
The President appointed Sens. Green, Flanders and O'Hearn.

HB 1148, defining a wetland for the purpose of fill and dredge in wetlands and for local land use planning.
The President appointed Sens. Johnson, Prescott and Below.

HB 1281, permitting the adoption of an alternative cost apportionment method in a cooperative school district.
The President appointed Sens. Eaton, Kenney and Below.

HB 1295, relative to certain court records.
The President appointed Sens. Roberge, Odell and Clegg.

HB 1335-L, establishing a commission to examine the workers' compensation system in New Hampshire.
The President appointed Sens. Flanders, Gatsas and Gallus.

HB 1413, relative to the creation of mandatory panels for medical injury claims and to the testimony of expert witnesses and establishing a committee to study medical malpractice insurance rates and mandatory panels for medical injury claims.
The President appointed Sens. Gallus, Barnes and Estabrook.

HB 1428, relative to the administration of the medical assistance program for home care for children with severe disabilities and establishing a commission to review the medical assistance program for home care for children with severe disabilities.
The President appointed Sens. Barnes, Roberge and Foster.

HB 2004-FN-L, relative to the state 10-year transportation improvement plan and making certain adjustments to turnpike funds.
The President appointed Sens. Clegg, Morse and D'Allesandro.

RECESS

(Speaker Chandler in the Chair)

CONFEREE CHANGES

SB 434, relative to importing prescription drugs from Canada.

Rep. Paul LaFlamme first-named conferee.

Rep. Nelson Allan replaced Rep. Bergin.

SB 453, establishing a committee to study the tobacco master settlement agreement revenue stream to the state.

Rep. Ingram replaced Rep. Roessner.

SB 526, relative to sexual harassment complaint procedures for public employees.

Rep. Shawn Jasper appointed as an alternate.

SB 459, making certain changes to the real estate practice act.

Rep. Hamel replaced Rep. Carl Robertson.

(Rep. Mock in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1226, 1230, 1302 and 1312.

Rep. Currier, Sen. D'Allesandro for the Committee

ENROLLED BILL AMENDMENTS

SB 368, relative to reinsurance. (Amendment printed SJ / /)

Adopted.

SB 371, relative to certain technical changes in the insurance laws. (Amendment printed SJ / /)

Adopted.

SB 375, relative to the regulation of physician assistants. (Amendment printed SJ / /)

Adopted.

SB 383-FN, relative to pharmacy benefit management. (Amendment printed SJ / /)

Adopted.

SB 386, relative to the guardian ad litem board and providing for certification of guardians ad litem. . (Amendment printed SJ / /)

Adopted.

SB 409-FN, revising the vocational school licensing statutes. (Amendment printed SJ / /)

Adopted.

SB 414-FN, clarifying the laws relative to municipal impact fees, off-site exactions, vesting of development rights, and waiver of subdivision regulations. (Amendment printed SJ / /)

Adopted.

SB 442, relative to manufactured housing installation standards. (Amendment printed SJ /

/)

Adopted.

SB 448-FN, relative to consumer guaranty contract. (Amendment printed SJ / /)

Adopted.

SB 503-FN-L, establishing a commission to study the benefit of municipalities using bonds for construction, development, improvement, and acquisition of broadband facilities.

(Amendment printed SJ / /)

Adopted.

SB 530, relative to the duties of public safety responders and the expeditious clearance of a roadway. (Amendment printed SJ / /)

Adopted.

RECESS