

HOUSE RECORD

First Year of the 159th General Court Calendar and Journal of the 2005 Session

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Wednesday, February 23, 2005

No. 21

HOUSE JOURNAL No. 6 (cont.)

Tuesday, February 15, 2005

RECESS

(Rep. Nedeau in the Chair)

RESOLUTION

Rep. Packard offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 17, 42, 48, 80, 85, 90, 126, 132, 141, 142 and Senate Concurrent Resolutions 1 and 3, shall be by this resolution, read a first and second time by the therein listed titles, and referred to the therein designated committees. Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 17, relative to the definition of educational institution for the purpose of higher education loans. (Education)

SB 42, establishing a pharmaceutical study committee to study direct purchasing of prescription. (Health, Human Services and Elderly Affairs)

SB 48-FN, prohibiting unlawful peering into the dwelling place of another. (Judiciary),

SB 80, permitting the Emerald Lake village district to enact and enforce regulations to protect its public water supply and to have a health officer. (Municipal and County Government)

SB 85, relative to expenses of operating bingo games. (Ways and Means)

SB 90-FN-A-L, relative to kindergarten construction aid. (Education)

SB 126, establishing a committee to study the appeals process in cases between landlords and tenants. (Municipal and County Government)

SB 132, relative to the board of marital mediator certification. (Children and Family Law)

SB 141-L, authorizing the establishment of certain reserve funds by the Gorham, Randolph, and Shelburne school districts. (Education)

SB 142, extending the reporting date of the commission to study issues relative to groundwater withdrawals. (Resources, Recreation and Development)

SCR 1, endorsing a farm viability task force. (Environment and Agriculture)

SCR 3, relative to the Boy Scouts of America. (Legislative Administration)

RECESS

Rep. O'Neil moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 7

Wednesday, February 23, 2005

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Dr. Allen Tomlinson, Pastor of the First Congregational Church in Merrimack.

We come before You, the Almighty and Sovereign Creator, the living God who has made heaven and earth. With King Nebuchadnezzar of old let us bless You, the most high God, and praise and honor You who live and reign forever. For Your dominion is an everlasting dominion, and Your kingdom is from generation to generation. All the inhabitants of the earth are reputed as nothing before Your infinity. You do according to Your will in the army of heaven and among the inhabitants of the earth. No one can restrain Your hand or call You to an account. All Your works are truth and Your ways justice. And You are able to put down those who walk in pride. So help us to humble ourselves before You, asking for Your mercy, for Your help, and for Your guidance this day.

We pray for Your mercy, because we fall far short both in our personal lives and in our public service. We often fail to accomplish those good things we desire, and we many times have broken Your good command for us to love one another, to love our neighbors as ourselves, to do to others as we would have others do to us. We struggle with selfishness as we are tempted to concentrate more on what is for our good or our pleasure instead of what is most to Your glory and best for humankind as a whole. Forgive us our shortcomings we pray, for the sake of Your only begotten Son, and renew within us a right, humble and selfless spirit by which we may serve Your and others.

We also pray for Your help and guidance. For our understanding is finite and very narrow. Our solutions so often seem to fall far short of what is really needed. Bring us a keen awareness of our weaknesses, so that we will look to Your omniscience and to Your infinite goodness for the wisdom that we need to accomplish those tasks assigned to us, so that we might do them well.

Heavenly Father, I thank You for these women and men in this room who have committed themselves to serving the people of the state of New Hampshire. Please pour out on each one of them Your mercy, Your help, Your wisdom, Your spirit of justice and truth. Guide them by the revelation of Yourself that You have made to us in the person and word of Your holy son, Jesus Christ in whose name I pray. Amen.

Rep. Roland P. Hofmann led the Pledge of Allegiance.

The National Anthem was sung by Julie Dubela, an eighth grade student at Exeter Cooperative Middle School in Stratham.

LEAVES OF ABSENCE

Reps. Barry, Butynski, Desmarais, Foote, Mary Ellen Martin, Maybeck, Palangas and Robert Williams.

Reps. Aboshar, Berube, Bleyler, Dexter, Domingo, Essex, Donald Flanders, Forsing, Giuda, Greco, Hollinger, Introne, Irwin, Klose, Lessard, Mason, Charles, McMahon, Oliver, Reeves, Tholl and Twombly, the day, important business.
Rep. Lefebvre, the day, illness in the family.

INTRODUCTION OF GUESTS

Jim Dubela, father of singer, guest of the House. Thierry Vankerck-Hoven, Consul General for the Consulate of France in Boston, guest of the House. Hon. Alf E. Jacobson, former member from New London and wife Sonja, guests of the House. Ben Holley and Sarah Foster, guests of Rep. Foose. Lindsey Suprenard and Young McWhinnie, guests of Rep. Ryan. Matt Senerchia, guest of Rep. Hilliard.

RESOLUTION

Reps. O'Neil and Craig offered the following:

RESOLVED, that the House of Representatives inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of attending to an address by Chief Justice John T. Broderick, Jr. on the state of the Judiciary.
Adopted.

SENATE MESSAGE

The Senate is ready to meet with the honorable House of Representatives in Joint Convention for the purpose of attending an address by Chief Justice John T. Broderick, Jr. on the state of the Judiciary.

JOINT CONVENTION

(Speaker Scamman presiding)

The Sergeant-at-Arms introduced the Senate and Senate President, Thomas R. Eaton; Administrative Judge John R. Maher of the Probate Courts, Justice John A. Korbey representing the District Courts, Chief Justice Robert J. Lynn of the Superior Courts and Senior Marital Master Stephanie Nute. Associate Justices Joseph P. Nadeau, Linda S. Dalianis, James E. Duggan and Richard Galway of the Supreme Court and Chief Justice John T. Broderick, Jr.

STATE OF THE JUDICIARY ADDRESS

The Honorable Chief Justice John T. Broderick, Jr. addressed the Joint Convention on the state of the Judiciary.

Mr. Speaker, Mr. President, Governor Lynch, distinguished members of the House and Senate, leadership of the state bar, special guests and my judicial colleagues, it is a distinct privilege to be here today in this historic chamber, the people's house, to address a joint session of the New Hampshire Legislature on the State of the Judiciary. Few citizens and few public officials are given this opportunity and I am both grateful and honored to be with you. I also know your schedules are busy so I will not overstay my welcome. Through the confidence and trust of others, I have the privilege to appear here today as the first Chief Justice appointed in the 21st century. I am very proud to lead the Judiciary in New Hampshire. I am particularly pleased to report to all of you today that the State of the Judiciary in New Hampshire is sound and open to real change. My colleagues and I are committed to a new day of dialogue, cooperation and openness with all of you. In fact, we look forward to it. Although we serve the people of New Hampshire in separate branches of state government, we have much in common. We all took the same oath. We serve the very same people. We are all committed to public service or we wouldn't be here, and however long we serve, our tenure is temporary. I have long admired those who sacrifice to serve in public life, I can assure you of that and I look forward to working closely with all of you in the years

ahead so that justice and access to justice can be a reality for all of our citizens. During this past year I have traveled over two thousand miles throughout New Hampshire (if you need a map I can give you one) and I visited all 46 court locations in our state containing 66 different courts. The overwhelming number of those facilities are first-rate and I want to thank you for recognizing the need for dignified courthouses in New Hampshire. You deserve much credit and you have my sincere thanks.

Everyday throughout our State hundreds of New Hampshire citizens and their families use our courthouses and courtrooms and everyday someone's life is profoundly changed in those rooms. It is important that that occur in a respectful and appropriate environment. I must confess that in my travels, I have visited a few court facilities that are not appropriate for the serious and important work they do but I have appreciated working with local officials, members of the House and Senate, as well as Commissioner Hill and his assistant, Peter Goodwin, and we are making real progress on the few remaining sites that need progress. More importantly, during my visits to those 46 court locations, I have talked one-on-one to virtually all 591 people who work behind the counter. I've talked to almost all 56 full-time judges, 56 part-time judges and 13 marital masters. I commend them for their outstanding service to the people of New Hampshire and particularly thank them for their generosity in helping me to better understand the day-to-day challenges confronting our justice system. With the help of those people, I have gained more insight into the real world needs of the thousands and thousands of people who use our courts each year – and I can report to you that population is more diverse as each day passes.

As a result of my visits, I have come to realize in new ways that the world beyond the walls of our courthouses is changing dramatically and that the courts, with your full assistance, must also undergo change to ensure that they remain accessible, affordable and responsive. I am more persuaded than ever that the status quo is not our friend. Be assured that my colleagues and I have a vision for the future for the court system. But I also know the critical importance, both practically and constitutionally, of working with all of you to craft a common vision for the courts.

The courts belong to the people of New Hampshire and you are privileged to be the representative voice of those people. It is my responsibility, my duty, therefore, to listen respectfully to your concerns and ideas and to listen carefully. My colleagues and I intend to do that.

The single biggest challenge confronting our courts is to accommodate the rising number of people and small businesses that cannot afford a lawyer to represent their interests or choose not to hire one. Our judicial system, which has admirably stood the test of time, is well designed for situations where all parties have lawyers they can afford and plenty of time to wait for the result. Let me report to you today that those days are rapidly disappearing. In the District Courts in New Hampshire, in 85% of the civil cases, at least one party represents himself. In the Superior Court that number is somewhere in the mid-40 percentile. In the Supreme Court in 40% of the cases filed in the year just passed, at least one party was self-represented.

In the years ahead we will need to redesign the way our courthouses work to accommodate the obvious needs this growing trend suggests. It is my goal that we re-examine how we do business in the court houses and to make our courts more user-friendly and understandable. It's 2005, I think it's time. I'm looking for your help and the public's help in doing that. Next month I will announce the formation of a Citizens Committee on Justice in the 21st Century to take a comprehensive look at the administration of justice in New Hampshire. I have asked the Governor, the Speaker and the Senate President to appoint some of its members, and I will ask a non-lawyer citizen to Chair it.

The judicial system, which was masterfully designed to administer justice, needs to be restructured to reflect today's needs. I am searching for new ways to meaningfully address the needs of the self-represented. We must constantly ask, we in the judicial system and you in this great hall, how much procedure inside our courthouses is essential and how much just

adds expense to the ultimate resolution of the dispute. We must not make it unnecessarily difficult or expensive for people to find justice or for lawyers to represent those in search of justice. We need to make maximum use of technology in this new age and we need to drain as much unnecessary cost from the litigation process as we can. In my judgment as Chief Justice, the long-term viability of the court system depends upon it.

I am in search and my colleagues are in search of a new design, which reflects modern needs and responds to today's concerns. As part of this new design, my colleagues and I are interested in creating alternatives to trial by combat. As an old trial lawyer, I like trial, but they are too expensive for most and becoming more expensive all the time. We need to infuse our court system with new ways in which parties can choose to resolve disputes more efficiently, at lower cost and without having to appear before a judge, if that's their choice. Under the direction of Administrative Judge John Maher, who is here today, the Probate Court has been a leader in the effective use of low-cost, paid mediation using professional mediators and we need to incorporate this technique for dispute resolution as an additional option for our citizens throughout our system.

One of the great strengths of our justice system here in New Hampshire and around America, is that we treat all cases the same; that's also one of our biggest weaknesses. People who come to our courts want someone to listen to them, they want their concerns validated and they want a thoughtful and fair resolution of the dispute that brought them there. All that can occur in many instances without ever appearing before a judge. I do not believe for a minute that when people walk into our courthouses, they say to themselves, "I cannot wait until the Supreme Court hears my appeal." I don't think that is the world we live in.

Alternative dispute resolution will not only allow those to our courts a new alternative, it will make the system more understandable, and less expensive. We are presently designing a mediation system for small claims cases in the busiest district courts. While it will require a \$5.00 increase in the filing fee, which we hope you will approve this legislative session, it will prove in my judgment to be a very valuable investment for the people of our state. Last year alone there were more than 17,000 small claims cases were filed across New Hampshire.

In addition to focusing on the needs of the self-represented, I am anxious to re-examine how the judicial system deals with divorce, itself and family-related issues. The needs of New Hampshire's families are growing and the courts will need to be more thoughtful, resourceful and timely in addressing them. The family docket in this State is the largest non-criminal component of the entire judicial system and it will grow larger.

As you know, the Legislature voted last year, with the unanimous approval of the Court, to expand the Family Division, which now exists in two of our ten counties. This will occur over the next few years, under the exceptional stewardship of Administrative Judge Edwin Kelly and with the cooperation of our staff, our judges and our masters. I also want to commend my colleague, Justice Dalianis, who is here today, for the outstanding leadership she has shown in designing the new footprint for family cases in New Hampshire -- a design that was created with legislative input. We will, if this comes to pass, for the first time, gather under one roof all these family cases and bind them in a common vision and a common mission.

The goal is to ensure that family disputes are resolved effectively, with less acrimony, at less cost so that families affected can have a better shot at a successful result.

The Family Division represents the single biggest change. The single biggest change in my professional life and the footprint of the court. I want to commend the marital masters for their very important and difficult work. It's a tough job what they do. I want to particularly recognize Master Stephanie Nute, who is here today, for her leadership and dedication and assistance to me, and, of course, I would be remiss if I did not acknowledge the judges of the Districts Court and Family Courts who work tirelessly in your communities to help the lives of the citizens who live there. Finally, I would like to commend all of you in this House and in this Senate for the energy and perseverance you have shown in making the Family Division a reality. It was an idea that originated here, not across the road. We will need you to continue to work closely on its future and make needed adjustments as we go.

In my judgment we also need to fundamentally rethink how divorce is handled in our courts. Taking spouses and children in stress and forcing them into an adversarial system, with no other meaningful alternative, is neither economically sound, nor affordable, nor in my judgment socially beneficial. Every divorce is finally over and the children remain. I am committed, as are my colleagues, and as I know you are, to doing more for New Hampshire's families throughout the court system. And I respectfully suggest the time is now.

I am particularly concerned about the needs of children across the board and whether the courts are meeting those needs. I have proposed a Joint Commission (the legislative, the executive and the judicial branches) to Study the Needs of Children in the Judicial System and to see whether we are fulfilling those needs. I've mentioned it to the Speaker, the Senate President and to Governor Lynch and I'm hopeful that it will happen. It will, in my judgment, pay dividends for the least powerful and the most in need.

In January of last year, Associate Justice Robert Lynn, who is here today, was appointed Chief Justice of the Superior Court. I can report to you that he is doing an outstanding job and I benefit each day from his counsel and his help. He is intent upon improving the operations of the Superior Court, which has a long and distinguished history and a very important future. He has introduced individualized docketing in the Superior Court so the cases when they are filed are aggregated and delivered to a single judge who is responsible for the welfare of those cases from start to finish. It increases service, management and accountability, which the people of this state have a right to expect. Chief Justice Lynn is also intent to establish uniformity of practice at all Superior Court locations. Indeed, with the introduction of a new case management system, which all of you made possible, will be introduced into every trial court beginning later this year, and with the additional help of our phenomenal staff, uniformity system-wide and increased services will be the watchwords system-wide.

As many of you may know, the Supreme Court has just completed its first year accepting virtually every case that's filed. Our staff has been extraordinary in helping us make the change from a 25-year-old system where we took many fewer cases. The change, in my judgment, has been worth the effort and the doors of the Supreme Court are open wider than they have been in a generation and I believe the public of our state has been well served.

Foremost among my goals when I was privileged to assume this job in June, was to unify the judicial system in fact, not just in name. It is essential for our business and for our communications with this legislature, that we speak with one voice whenever possible after examining different points of view. Because of the cooperation and collaboration of Judges Lynn, Maher and Kelly and the support of the judges and the masters throughout our system, and particularly my colleagues on the Supreme Court, we have made great progress. We're not there yet, but we are gaining on it. I am confident that the Judicial Branch of government is embracing change with enthusiasm and that we will make the necessary transition, with your help, to continue to meet the responsibilities we have, to have a justice system open enough, thoughtful enough and competent enough to deal responsibly, efficiently and fairly with the realities of a new century.

Over the past year my colleagues and I have spoken many times to the leadership of the House and Senate, Democrat and Republican alike. Those exchanges have been informal, respectful, open and productive. Governor Lynch has also extended to me and to my colleagues and to the system of justice, an open hand and an open mind. My colleagues and I are committed to a new day and a new spirit of cooperation, trust and mutual respect. We are confident we can achieve it, and we have made a good beginning.

Courts, courts like mine, are rarely popular and never perfect, I know that – that's American history. But we, like you, are indispensable to our constitutional form of government. We cannot, however, continue to fulfill our duties without needed change in the system we oversee and strong legislative support.

While the courts should never surrender or compromise their constitutional obligations to

gain favor, neither should we see openness, transparency and cooperation as inconsistent with our independence. I can assure you that my colleagues and I do not.

We long for a relationship with the other branches of government that transcends the perceived wisdom of our latest opinion and that allows all of you a renewed confidence in the administration of justice. I can assure you that we will continue to work tirelessly to achieve that but we will need your help and counsel. We will readily accept both.

I am privileged to sit each day at a desk occupied for many years by former Chief Justice Frank Kenison in a building rightly named in his memory. He served as Chief Justice of New Hampshire from 1952 to 1977. As many of you know he was a revered figure across our state and across our nation. He possessed a dignity, an ease and a balance that served the justice system and the people of New Hampshire well. He had good and trusted friends in this chamber and in this government and his word was bond.

My colleagues and I are in search of the path he so ably cut and we will need your help and your assistance to find it and tend it as we begin the 21st Century. I am confident we will have it. Thank you for the honor to be here. It's a very high privilege. Thank you very much

Rep. O'Neil and Sen. Clegg moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

HOUSE SESSION

(Speaker Scamman in the Chair)

The Speaker reconvened the House.

REMARKS

Rep. Craig moved that the remarks of Rep. John R. M. Alger and Speaker Scamman be printed in the Permanent Journal.

Adopted.

Rep. Alger: Mr. Speaker, honorable members, we heard this week the shocking news of the unfortunate skiing accident in which the Honorable Harold Melcher was killed. I have the honor and high privilege of speaking in support of his background as a state representative. Harold Melcher was a state representative for a number of years on the Environment and Agriculture Committee. When I first came to this House 1997-1998, I was assigned, as I requested, to that committee. Hal was an apple farmer and a teacher. I always got a kick out of that because an apple farmer, to make clean and good apples, has to use a spray on them. A lot of people don't like to use sprays, and he, of course, didn't like to any more than he had to. We had a lot of fun with that versus some others who wanted to go organic. He was a strong proponent of agriculture. We had the right-to-farm bill, you know, "I built a farm 200 years ago and now people move in and they are trying to say the noise and smell, and so forth, you should leave." We had the hybrid tree bill in which they wanted us to treat trees as a farm crop. They only grew 10 years rather than as tree crops to avoid this tree tax and we had an interesting time with that.

We worked together on a number of bills. I grew to love the guy, except he was a Democrat. But he was a great Democrat. He was a Republican in Massachusetts and he told me, "John, you ought to love the income tax because nobody will come up here then, and it wouldn't fill up our places and make it so difficult with housing."

When I left E&A for Education, he called me up and said, "John, how can you do that? We have other things to work on together." I still feel badly about that.

I kept in touch with him from time to time. We talked about farm issues. All in all, he was an outstanding state representative, in my view. So, for his wife and his family I wish them the best and have the sincere and solid knowledge that Hal, father and husband, was a great

and outstanding legislator for this House. Thank you very much.

Speaker Scamman: This week we were also saddened with the news of the passing of another former House member, Bill Kidder from New London. I am particularly saddened because once again I have lost a close, personal friend. We served together in the 70's on the House Appropriations Committee where we got to know each other very well. His native wisdom and his gentle touch served us well and later contributed greatly to the crafting of the state budget after I was elected Speaker. Bill led by example and I can still hear him say, "We've got to do the right thing here." Whether he had stopped to pick up a piece of paper off the floor, or insisted on adequate funding for a needy cause, he led by example. Bill was a charter member of our weekly legislative group who would hash over the issues of the day as they played their friendly game of cards. Again, his wisdom and wonderful sense of humor was appreciated.

He served in the European theater during World War II under General Patton and he loved his country. After the war, Bill returned home to New London where he served as Town Clerk for 40 years. He was a man who gave so much to his church, his community and his beloved University of New Hampshire. Bill lost a piece of his heart in 1994 when his wife of 57 years, Harriet, fondly known as "Petey," passed away. I am sure that they have been reunited once again.

Our thoughts and prayers go out to his family, his son, David who is a freshman legislator this year, to his four grandsons of whom he was so proud and his two daughters-in-law. Please join me for a moment of silence for former Representative. Bill Kidder, a great legislator and a true friend of New Hampshire.

COMMITTEE REPORTS CONSENT CALENDAR

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

HB 227, relative to undeclared voters at primary elections, removed by Rep. Vaillancourt.

HB 277, relative to special elections for executive councilor, state senator, and state representative, removed by Rep. Whalley.

HB 260-FN, relative to motor vehicle equipment and registration, removed by Rep. Pepino.

HB 461-FN, establishing number plates supporting New Hampshire public higher education, removed by Rep. Francis Sullivan.

Consent Calendar adopted.

HB 313-FN, relative to registration of business entities. **OUGHT TO PASS**

Rep. Stephen B. Stepanek for Commerce: Last session a number of housekeeping measures were enacted related to registration of corporations. Also, fees were adjusted to properly cover the costs incurred by the Secretary of State in the registration of corporations. This bill makes the same changes and fee adjustments for limited liability corporations. Vote 18-0.

Referred to Ways and Means.

HB 128-FN, relative to reckless or negligent operation of a carnival or amusement ride.

OUGHT TO PASS WITH AMENDMENT

Rep. George D. Winchell for Criminal Justice and Public Safety: This bill specifically deals with the negligent operation of a carnival, or amusement ride in a manner that places or may place a bystander or passenger in danger of bodily injury. The committee heard testimony of instances where ride operators became distracted while operating these rides and the committee was unanimous in its opinion that there need to be safeguards in place. There was no testimony in opposition to this bill. Vote 16-0.

Amendment (0247h)

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

AN ACT relative to negligent operation of a carnival or amusement ride.

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

1 New Section; Negligent Operation of a Carnival Ride or Amusement Ride. Amend RSA 631 by inserting after section 3-a the following new section:

631:3-b Negligent Operation of a Carnival Ride or Amusement Ride.

I. A person engages in negligent operation of a carnival ride or amusement ride if such person, or such person's employee or agent:

(a) Negligently operates such ride in a manner that places or may place a bystander or passenger in danger of bodily injury; or

(b) Negligently fails to enforce established manufacturers' guidelines for safe operation of such ride; or

(c) Operates such ride while impaired by intoxicating liquor or a controlled drug.

A person operating such ride who is under the age of 21 with a blood alcohol content of .02 percent or more shall constitute prima facie evidence of impairment. A person operating such ride who is 21 years of age or older with a blood alcohol content of .04 percent or more shall constitute prima facie evidence of impairment.

II. Any person who refuses to submit to a blood or breath test, upon request of a law enforcement officer or an employee of the department of safety authorized to enforce carnival and amusement ride regulations who has reasonable suspicion that the operator is impaired, shall be guilty of a violation. Any person who violates any other provision of this section shall be guilty of a misdemeanor if no bodily injury results and guilty of a class B felony if bodily injury to any other person results.

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

AMENDED ANALYSIS

This bill establishes penalties for negligent operation of a carnival ride or amusement ride.

HB 204-FN, relative to unauthorized video surveillance. OUGHT TO PASS WITH AMENDMENT

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill adds "the interior of one's dwelling" to RSA 644:9, II which deals with violation of privacy. Specifically, this adds the aforementioned words to the definition of "private place" as currently contained in the statute. Testimony was presented that some judges do not consider one's dwelling as being a private place because the legislature did not include it in the definition. This addition will clarify our intent that one's dwelling is a private place. Vote 13-3.

Amendment (0237h)

Amend RSA 644:9, II as inserted by section 1 of the bill by replacing it with the following:

II. As used in this section, "private place" means a place where one may reasonably expect to be safe from surveillance including public restrooms, locker rooms, *the interior of one's dwelling place*, or any place where a person's private body parts including genitalia, buttocks, or female breasts may be exposed.

HB 439, relative to registration requirements for criminal offenders. OUGHT TO PASS WITH AMENDMENT

Rep. William V. Knowles for Criminal Justice and Public Safety: During the last session, the House passed legislation requiring people charged with sex crimes who were found not guilty by reason of insanity to register as sex offenders. The Senate made a slight change in a definition which the House agreed to, but we were unaware the important text of the bill was eliminated. This bill is an attempt to get everything right this time. Vote 15-0.

Amendment (0286h)

Amend RSA 651-B:6, II as inserted by section 6 of the bill by replacing it with the following:

II. Any sexual offender ~~[convicted]~~ **required to register as a result** of a violation or attempted violation of RSA 632-A:4, I(a) or RSA 645:1, II, and any offender against children ~~[convicted]~~ **required to register as a result** of a violation or attempted violation of RSA 633:3 or 645:2, I, or of an equivalent offense in an out-of-state jurisdiction, shall be registered for a 10-year period from the date of release ~~[following conviction]~~, provided that any such registration period shall not run concurrently with any registration period resulting from a subsequent ~~[conviction]~~ **violation or attempted violation of an offense for which the person is required to register.**

Amend RSA 651-B:7, II (a)(3) as inserted by section 7 of the bill by replacing it with the following:

(3) RSA 632-A:3, II, provided that the age difference between the convicted individual and the victim was more than 3 years at the time of the offense.

HB 127, establishing a committee to study the creation of a satellite campus of the regional community-technical college system in the city of Franklin. **INEXPEDIENT TO LEGISLATE**

Rep. Timothy E. Easson for Education: While the committee agrees that a satellite campus in Franklin is a laudable goal, the prime sponsor indicated that the intent of the bill can be achieved without legislation. Vote 20-0.

HB 150, defining truancy. **OUGHT TO PASS WITH AMENDMENT**

Rep. Clair A. Snyder for Education: This bill is a request from the Department of Education to create a uniform definition of truancy state wide, which is required in reporting under the No Child Left Behind Act. "Truancy" means unexcused absence from school or class and "unexcused absence" is an absence without parental or administrative permission. Vote 18-0.

Amendment (0052h)

Amend RSA 189:35-a, II as inserted by section 1 of the bill by replacing it with the following:

II. Twenty half days of unexcused absence during a school year shall constitute habitual truancy.

Amend the bill by replacing section 2 with the following:

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

HB 241-FN-L, relative to removal of political advertising. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra J. Reeves for Election Law: The bill sought to amend RSA 664:17 regarding placement and removal of political advertising on public property so as to create certain rights to the abutters of such public property and further to assess a fine to the candidate or its fiscal agent provided affirmative notice is given in advance as to the illegal placement of political signs and further provided the enforcement officer has affirmative evidence as to the property boundaries. The committee felt the intent of the current RSA was already clear and that this amendment would create more controversy than it would eliminate. Additional burden to the state, city or town would not be in the public interest. Vote 14-0.

HB 402, relative to filling certain vacancies in multi-member representative districts. **INEXPEDIENT TO LEGISLATE**

Rep. Keith D. Hirschmann for Election Law: Elected representation remains the constant to delivering representation to our constituents. Special elections may impose a financial burden on the affected communities but this committee did not believe that filling a vacancy with the candidate receiving the next highest vote total would be appropriate. Elective

representation won over cost savings. Vote 14-0.

HB 516, relative to general qualifications for elective office. **INEXPEDIENT TO LEGISLATE**

Rep. Keith D. Hirschmann for Election Law: This bill modifies the law requiring persons holding elective office in the state to be citizens of the United States. The committee felt that the existing RSA 655:1, dealing with citizenship is clean and concise without adding verbiage to state the obvious. U.S. citizenship requirements, by birth right or naturalization, to hold public office are clear. The sponsor added residency which is addressed in other sections of the law. Thus the conclusion of the committee is this change is unnecessary. Vote 14-0.

HB 319-FN-L, requiring the department of environmental services to arbitrate certain disputes between municipalities. **INEXPEDIENT TO LEGISLATE**

Rep. Judson K. Dexter for Executive Departments and Administration: While the committee understands the current problems with resolving disputes between municipalities, we do not believe this to be the right vehicle. Additionally, the Department of Environmental Services clearly stated that they are not trained in mediation/arbitration and question how effective this would be. The sponsor felt that since this is the first time this type of legislation has come forward, it was clear that additional study was needed to develop the final form. Vote 14-0.

HB 434-FN, requiring state agencies using automated answering systems to provide a method of access to a human being. **OUGHT TO PASS**

Rep. Hector M. Velez for Executive Departments and Administration: This bill requires state agencies that use automated answering systems to provide a method of access to a human being during the agency's business hours. The committee believes this bill allows residents of this state the right to access their government in a timely fashion without being on hold for a long period of time. Presently, there are several state agencies that do not have the capability to provide this service. However, this bill will require all state agencies to have a live person available to access phone calls. Vote 15-1.

HB 464, relative to the construction of a substance abuse treatment facility in Unity, New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: This bill seeks to preempt potential hurdles to the building of a "for-profit" substance treatment facility on county owned land. The committee felt that it is entirely within the purview of the county management to proceed with planning for such a facility with input from county commissioners and the county delegation and in collaboration with town officials. Vote 14-0.

HB 472, relative to the definition of recreational program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ken Hawkins for Executive Departments and Administration: The committee heard testimony that the Department of Health and Human Services was requiring day care licensing for some recreational programs in towns, churches, etc. that the department had to do under current RSA's. The committee felt that municipalities, YMCA's, Boys & Girls Clubs, churches, etc. should be able to offer programs without being licensed for day care. Vote 16-0.

Amendment (0298h)

Amend RSA 170-E:2, XI-a as inserted by section 1 of the bill by replacing it with the following:

XI-a. "Recreational program" means any before and/or after school, vacation, or summer youth program for children 6 years of age or older offered by:

(a) A municipality; or
(b) A school or church group, the Boys and Girls Clubs of America, Girls, Incorporated, the YMCA, or the YWCA, provided that the program does not operate in a private home, notifies parents or guardians that the program is not subject to licensure under RSA 170-E:4, has policies and procedures to address the filing of grievances by parents and guardians, and is a member in good standing and in compliance with the national organization's minimum standards and procedures.

HB 701-FN, establishing a citizen complaint review commission. **INEXPEDIENT TO LEGISLATE**

Rep. James B. Coburn for Executive Departments and Administration: This bill establishes a citizen complaint review commission to review and investigate citizen complaints regarding actions by agencies of the State of New Hampshire. Each county would elect a member of the commission at the general election beginning with the November, 2006 general election. While the committee appreciates the efforts of the sponsor to bring a solution forward, after hearing the testimony and discussion, the committee felt that resolution belongs at the agency level. Vote 18-0.

HB 474, establishing a commission to study the accessible housing needs and available financial assistance resources for individuals with disabilities. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee felt that the goals and duties of this bill are credible and timely. There was no opposition to the need for study of the housing needs for individuals with disabilities. The vast majority favored an approach that would allow for the study to begin now, rather than wait for the legislative process that could take several months. The committee recommended a study committee operating under the authority of the Oversight Committee on Health and Human Services. That would give the committee credibility based on the authority and resources of the Oversight Committee. The committee was nearly unanimous in its support for this approach. Vote 12-1.

HB 488, establishing a task force on mental health costs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fran Wendelboe for Health, Human Services and Elderly Affairs: This bill establishes a task force to study the costs incurred by mental illness as it relates to all areas of state services. The task force will study the cost impact of mental illness, including drug and alcohol addiction, on the budgets of health, corrections, law enforcement, prosecution, public defender, education, and alcohol and drug programs. The study will allow state agencies and other interested parties to talk with one another, compare costs, and find more effective ways to spend budget dollars. The task force report will provide valuable guidance for future legislation. Vote 16-0.

Amendment (0262h)

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.

I. The members of the task force shall be as follows:

- (a) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) Three members of the senate, appointed by the president of the senate.
- (c) The administrative justice of the district courts, or designee.
- (d) A probation and parole officer, appointed by the commissioner of the department of corrections.
- (e) An administrator of a nursing home, appointed by the governor.

- (f) The commissioner of the department of education, or designee.
 - (g) The commissioner of the department of corrections, or designee.
 - (h) The commissioner of the department of health and human services, or designee.
 - (i) The attorney general, or designee.
 - (j) The executive director of the governor's commission on disability, or designee.
 - (k) The executive director of the governor's council on drug and alcohol abuse, or designee.
 - (l) A public defender, appointed by the judicial council.
 - (m) The President of the New Hampshire Association of Chiefs of Police, or designee.
- II. The task force shall solicit information from any person or entity the task force deems relevant to its study.
- III. Legislative members of the task force shall receive mileage at the legislative rate when attending to the duties of the task force.

HB 492, relative to health standards for food service handlers. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: No one spoke in support of this bill. This bill appears to contain an unfunded mandate under New Hampshire law. In addition, the bill was opposed by the New Hampshire Lodging and Restaurant Association. Specifically, the bill requires food service workers to be tested for hepatitis. New Hampshire generally has a low level of incidence of hepatitis. It was felt that a public health approach including education and training would be more appropriate. Vote 13-0.

HB 155, relative to bail conditions. **INEXPEDIENT TO LEGISLATE**

Rep. Richard W. Morris for Judiciary: A recent Supreme Court decision (*State v Kidder*) raised several issues relative to the ability of counsel for the defendant to directly contact a victim or opposing party in certain cases. There have been three bills filed with the legislature this year to address this issue. HB 155, which deals with conditions of bail, is one of these bills. The committee feels this issue should be addressed in other legislation on this matter which is currently before the committee on Criminal Justice and Public Safety. Vote 20-1.

HB 452, relative to champerty in actions to quiet title and to extinguish mineral rights. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This bill would amend RSA 498:5-a by allowing a person with no claim of title to or interest in real or personal property, whose ownership is disputed, to aid in or carry on litigation to establish its ownership in exchange for a share of the property or its value. The class of persons authorized by the statute to litigate such claims is already broad. The committee saw no reason to enlarge this class by inviting strangers to initiate or carry on litigation on behalf of potential claimants who do not care to do so themselves. Vote 18-1.

HB 694-FN, relative to interference with service of process. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This bill would subject persons having nothing to do with the litigation concerned to criminal contempt for failing to cooperate to the satisfaction of process servers in locating the persons to be served. It fails to define with specificity the elements of the offense of "interference with service of process". It places the burden upon the persons charged to prove their innocence. It punishes by contempt of court behavior that neither occurred in the presence of a judge nor violated a court order. The committee was not unsympathetic to the sponsor's objective of streamlining the administration of justice,

but concluded that until these deficiencies could be overcome, process servers will have to continue to rely upon their resourcefulness in difficult cases. Vote 17-0.

HB 43, clarifying the penalty provision of the law relative to lobbyists. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael S. Rollo for Legislative Administration: This bill with its amendment repeals the penalties for state employees appearing and testifying before a legislative committee without wearing their name tags. The amendment moves the citation for this paragraph from RSA 15:5, relative to lobbyists, to RSA 98-F: 1, relative to state employees. Vote 10-0.

Amendment (0148h)

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

AN ACT relative to state employees appearing before the legislature.

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

1 New Chapter; State Employee Appearances Before the Legislature. Amend RSA by inserting after chapter 98-E the following new chapter:

CHAPTER 98-F

STATE EMPLOYEE APPEARANCES BEFORE THE LEGISLATURE

98-F:1 State employees appearing in their official capacity before any legislative meeting or hearing for the purpose of promoting or opposing directly or indirectly any legislation pending or proposed before the general court shall wear their employee identification badges.

2 Repeal. RSA 15:2-a, III, relative to state employees appearing before the legislature, is repealed.

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

AMENDED ANALYSIS

This bill requires state employees who appear before the legislature to wear their employee identification badges.

HB 182, establishing a committee to study campaign contributions and lobbying practices. **INEXPEDIENT TO LEGISLATE**

Rep. Paul C. Smith for Legislative Administration: The bill attempted to create a study committee to study the issue of campaign contributions and lobbying. The question arose as to whether the topic was too broad. The sponsor expressed a willingness to have the issue studied with regard to other issues. Given the plethora of bills before other committees with more specific language, the committee felt that there are more prudent avenues we can follow to achieve the same goals. Vote 10-0.

HB 213, relative to nomination of officers in the house of representatives. **INEXPEDIENT TO LEGISLATE**

Rep. Elbert I. Bicknell for Legislative Administration: This bill would require that the nomination of a majority leader for the New Hampshire House be by the members of that majority party and then approved by the Speaker. The sponsor of this bill requested that the committee ITL as he will attempt to go through other channels to accomplish what is proposed in this bill. The committee as a whole complied with his request. Vote 10-0.

HB 45, relative to combining water department funds and sewer department funds. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Theberge for Municipal and County Government: Current statute requires that water fees and sewer user fees are to be kept as separate and distinct funds to ensure the fiscal ability to independently operate, maintain and replace water and sewer infrastructure and to ensure that the funds are dedicated to their separate purposes. The statute also reflects the preferred standard industry practice so that either the water or sewer operations are allocated proportionate to service. Although enabling, the committee

believes that if the practice was changed to allow the commingling of funds then some rates could become distorted relative to actual user costs by expenditures skewed towards one type of user. It was also noted that the proposed bill did not specify which governing body – water or sewer commission – would have final control of the commingled funds. There was a question about how federal grant money, if applied for, could be affected if the funds were commingled. The committee felt there were enough uncertainties about the proposal, even though enabling or possibly just for one town, that a change such as this was not appropriate. Vote 14-1.

HB 52, allowing municipalities to grant an additional exemption amount to disabled persons for their dependent children. **INEXPEDIENT TO LEGISLATE**

Rep. Harry Gale for Municipal and County Government: This bill is requesting an additional \$1000.00 exemption for the disabled taxpayer for each dependent child. The statutes regarding exemptions put the local community in charge of what income and asset levels will be allowed. The governing body in the municipalities also has the flexibility to give local property tax abatements for “just cause” determined by the governing body. The committee believes that the local community can already address this issue by voting to increase the income and asset level if they choose. Vote 13-0.

HB 144-L, relative to special elections for municipal charter amendments. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul R. Hopfgarten for Municipal and County Government: This bill extends the time period to place amendments to a municipal charter to no more than 365 days after the municipal officials order such placed on the ballot. This allows for charter amendments to be voted on at the next annual municipal election, thus preventing the necessity of a special election during the year. Special elections have historically smaller turnouts, thus not allowing for a greater number of the electorate to vote on these important changes to the charter. Additionally, there is a cost to the municipality in holding a special election. These costs can be avoided by having the amendment voted on at a regular municipal election. Vote 13-0.

Amendment (0022h)

Amend the bill by replacing section 1 with the following:

1 Municipal Charter Amendment Procedures. Amend RSA 49-B:5, IVI to read as follows:

I Within 7 days after the hearing, the municipal officers shall order the proposed amendment to be placed on the ballot at the next regular municipal election or, in the case of municipalities with biennial elections, at the next regular municipal election or, in the case of municipalities with biennial elections, at the next regular state biennial election, if such election is held not less than 60 days nor more than ~~[180]~~ **365** days thereafter. Otherwise, the municipal officers shall order a special election to be held not less than 60 days ~~[not more than 90 days]~~ from the date of the order for the purpose of voting on the proposed amendments.

AMENDED ANALYSIS

This bill allows greater discretion for a chartered municipality to call a special election.

HB 198, allowing municipalities to adopt a property tax credit for persons aged 65 and older calculated by freezing their property assessments. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: Currently the present law allows municipalities to grant property tax exemptions up to and including 100% of their property tax based on income level and age. The committee heard testimony on this bill which wished to freeze an owner's property assessments if that person was 65 years old or older. A further stipulation in the bill required that the owner shall have resided for at least 20 years at that

residence. Once the assessed value is frozen, there can not be any further increase in the assessed value passed on to the owner. The municipality is to continue to update and report the true assessed value, therefore creating a tax exemption to the property owner for the difference. The committee feels that this bill is not needed due to the fact that municipalities are allowed to grant an elderly exemption for this age class of taxpayers already. Vote 13-1.

HB 236, relative to the time for filing a motion to rehear a zoning decision. **OUGHT TO PASS**

Rep. Peter Schmidt for Municipal and County Government: This bill addresses the disparity between the treatment of motions to rehear a zoning decision and the general practices under state law. Specifically, the general rule of the state excludes the date of a decision from calculation of the period for filing a motion to rehear. This bill conforms zoning decision motions to the general state rule. Vote 13-0.

HB 265, relative to minutes of land use board meetings involving developments of regional impact. **OUGHT TO PASS**

Rep. Nancy K. Johnson for Municipal and County Government: This bill increases the amount of time from 72 hours to 144 hours following a decision on a development of regional impact to provide plans and minutes to the regional planning commission and other affected communities. This would make the minutes of land use board meetings of regional impact consistent with other land use times. Vote 17-0.

HB 266, relative to the procedure for dismissal or suspension of a police chief. **OUGHT TO PASS**

Rep. Eric G. Stohl for Municipal and County Government: This bill simply lengthens the period of time within which a police chief who is dismissed or suspended by a municipality may request a superior court hearing on the merits of the case. Presently, the law allows only 10 days for a police chief to petition the court for a hearing. This bill changes the time frame from 10 days to 45 days. Due to the limited number of attorneys that specialize in these issues, the 10 day period created a hardship in obtaining legal counsel; especially due to the fact that a weekend is included within this time. An additional benefit to this expansion is allowing the superior court more time to move cases around to accommodate their busy schedules. The bill also provides language to make the law gender neutral. Vote 17-0.

HB 263, relative to the use of design build and construction management methods for state capital projects. **OUGHT TO PASS WITH AMENDMENT**

Rep. James B. Rausch for Public Works and Highways: This bill clarifies existing law by defining “design” build as a method of contracting utilizing the professional services of a single entity designer/builder who is responsible for the design and construction of a project. The bill further adds construction management to existing law and defines construction management as a method of contracting where the state engages the services of a contractor to work with an architect, or engineer. The contractor assumes risk for construction and is required to provide design consultation including valuation of costs, schedules, alternative design, systems and materials. The amendment allows for the statewide transportation improvement projects using the design build concept to be expanded from “not to exceed \$1,000,000” to “not to exceed \$5,000,000.00.” Vote 14-0.

Amendment (0266h)

Amend the bill by inserting after section 2 the following and renumbering the original sections 3 and 4 to read as 4 and 5, respectively:

3 Major Capital Projects; Transportation Improvement Projects. Amend RSA 228:4, I(g) to read as follows:

(g) Statewide transportation improvement program projects with a cost not to exceed ~~[\$1,000,000 and which are related to transportation enhancement, congestion mitigation and air quality, or intelligent transportation systems,]~~ **\$5,000,000** may be developed and constructed utilizing the design build concept based on a request for proposal, provided that selection is based on an objective standard and measurable criteria for evaluation of the proposals. The commissioner shall report the results of any statewide transportation improvement program project using the design build concept to the capital budget overview committee within 90 days after the completion of the project.

AMENDED ANALYSIS

This bill defines the design build and construction management methods for state major capital projects and establishes procedures for their use. The bill also increases the cost amount for transportation improvement projects eligible for design build.

HB 528-FN-L, relative to acquisitions of state surplus real property by municipalities.
INEXPEDIENT TO LEGISLATE

Rep. David B. Campbell for Public Works and Highways: The committee unanimously felt that the proposed legislation would unwisely reduce state highway and general funds by eliminating the state's ability to realize revenue through the fair market value sale of surplus property owned by the state of New Hampshire. Vote 17-0.

HB 559-FN, establishing a preference for New Hampshire vendors in state procurement contracts. **INEXPEDIENT TO LEGISLATE**

Rep. John R. Cloutier for Public Works and Highways: This bill would establish a state procurement preference for purchases of materials, equipment, supplies and services by the director of the division of plant and property management. At the request of both the bill's sponsors, the committee voted to recommend ITL because of concerns from the state Attorney General's office that its passage might interfere with a present court case. Also, there were parts of bill as now written that would be in violation of federal immigration laws. Other than the sponsors, there was no one else at the hearing to testify either for or against the bill. Vote 14-0.

HB 47, regulating the use of computer spyware. **OUGHT TO PASS WITH AMENDMENT**

Rep. James M. Garrity for Science, Technology and Energy: This bill provides that using spy ware or other similar computer programs to knowingly alter, take control of, or damage a consumer's computer or internet access, will be a violation of the Consumer Protection Act under the provisions of RSA 358-A and 359-G:2. Vote 15-0.

Amendment (0219h)

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

1 New Chapter; Computer Spyware. Amend RSA by inserting after chapter 359-F the following new chapter:

CHAPTER 359-G COMPUTER SPYWARE

359-G:1 Definitions. In this chapter:

I. "Advertisement" means a communication, the primary purpose of which is the commercial promotion of a commercial product or service, including content on an Internet website operated for a commercial purpose.

II. "Authorized user" means a consumer who owns or is permitted to use a computer.

III. "Computer program" means a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.

IV.(a) "Spyware" means software residing on a computer that:

(1) Employs a user's Internet connection in the background, via a backchannel, without his or her knowledge or explicit permission.

(2) Sends information about the computer's usage to a remote computer or server; or displays or causes to be displayed an advertisement in response to the computer's usage.

(3) Sends or causes to be sent personal information residing on the computer to a remote computer or server.

(b) Notwithstanding subparagraph (a), "spyware" does not include any of the following:

(1) Software designed and installed primarily to prevent, diagnose, or resolve technical difficulties, to protect the security of the user's computer, or to detect or prevent fraudulent activities.

(2) Software or data that solely report to an Internet website information previously stored by the Internet website on the user's computer, including cookies, HTML code, or Java Scripts.

(3) Software that provides the user with the capability to search the Internet.

(4) Software installed with the consent of an authorized user whose primary purpose is to prevent access to Internet content that is inappropriate for minors.

(5) An operating system.

V. "Usage" means:

(a) The Internet websites accessed by a user.

(b) The contents or characteristics of the Internet websites accessed by a user.

(c) A user's personal information, including:

(1) A first and last name of a user, whether given at birth or adoption, assumed, or legally changed.

(2) Any of the following with respect to a user's home or other physical address: the street name, the name of the city or town, or the zip code.

(3) An electronic mail address.

(4) A telephone number.

(5) A Social Security number.

(6) Any personal identification number.

(7) A credit card number.

(8) Any access code associated with a credit card.

(9) A date of birth, birth certificate number, or place of birth.

(10) A password or access code.

(d) A user's submission to forms or Internet websites.

359-G:2 Prohibited Conduct. A person or entity conducting business in this state, who is not an authorized user, shall not knowingly cause a computer program or spyware to be copied onto the computer of a consumer and use the program or spyware to do any of the following:

I. Take control, through intentionally deceptive means, of the consumer's computer by doing any of the following:

(a) Transmitting or relaying commercial electronic mail or a computer virus from the consumer's computer, where the transmission or relaying is initiated by a person other than an authorized user and without the authorization of an authorized user.

(b) Accessing or using the consumer's modem or Internet service for the purpose of causing damage to the consumer's computer or causing an authorized user to incur unauthorized financial charges.

(c) Using the consumer's computer as part of an activity performed by a group of computers for the purpose of causing damage to another computer, including launching a denial of service attack.

(d) Opening multiple, sequential, stand-alone advertisements in the consumer's Internet browser with knowledge that a reasonable computer user cannot close the advertisements without turning off the computer or closing the consumer's Internet browser.

II. Modifying, through intentionally deceptive means, any of the following settings related to the computer's access to, or use of, the Internet:

- (a) The page that appears when an authorized user launches an Internet browser or similar program used to access and navigate the Internet.
- (b) The default provider the authorized user uses to access or search the Internet.
- (c) The authorized user's list of bookmarks used to access Web pages.
- (d) An authorized user's security or other settings that protect information about the authorized user, for the purpose of stealing personal information of, or causing harm to, an authorized user.
- (e) The security settings of the computer for the purpose of causing damage to one or more computers.

III. Collecting personal information through intentionally deceptive means, such as through the use of a keystroke logging function, and transferring that information from the computer to another person.

IV. Preventing, through intentionally deceptive means, an authorized user's reasonable efforts to block the installation of, or to disable, software by doing any of the following:

- (a) Presenting an authorized user with an option to decline installation of software such that, when the option is selected, the installation nevertheless proceeds.
- (b) Falsely representing that software has been disabled.
- (c) Causing software that the authorized user has properly removed or disabled to automatically reinstall or reactivate on the computer without the authorization of an authorized user.

V. Intentionally misrepresenting that software will be uninstalled or disabled by an authorized user's action, with knowledge that the software will not be uninstalled or disabled.

VI. Inducing, through deceptive means, an authorized user to install a software component onto the computer, including deceptively misrepresenting that installing software is necessary for security or privacy reasons or in order to open, view, or play a particular type of content.

VII. Deceptively installing and executing on the computer one or more additional computer software components with the intent of causing an authorized user to use the components in a way that violates any other provision of this section.

VIII. Through intentionally deceptive means, removing, disabling, or rendering inoperative a security, antispyware, or antivirus technology installed on the computer.

359-G:3 Violations. A violation of RSA 359-G:2 shall constitute an unfair or deceptive act or practice within the meaning of RSA 358-A. Any right or remedy provided in RSA 358-A may be used to enforce this chapter. The consumer protection and antitrust bureau may coordinate with the appropriate federal agency to request assistance and federal enforcement.

359-G:4 Limitations on Actions. A person may not bring an action for a violation of this chapter against an Internet service provider for the routine transmission of security information or information that contains an advertisement violating this chapter. No person may bring a class action under this chapter.

359-G:5 Enforcement; Information Gathering. The consumer protection and antitrust bureau shall investigate complaints and make recommendations to the house standing committee responsible for science, technology, and energy issues if the bureau finds a need for additional provisions to this chapter.

359-G:6 Exemption. A provider of software or provider of interactive computer service shall not be held liable under this chapter for any action voluntarily taken in good faith, or any service provided in good faith, to remove or disable programs used to violate RSA 359-G:2 that reside on the consumer's computer if the consumer is a customer of the provider

and if the provider notifies the consumer prior to undertaking the action or providing the service.

2 Effective Date.

I. RSA 359-G:3 as inserted by section 1 of this act shall take effect upon certification by the department of justice to the secretary of state and the office of legislative services that federal legislation has passed requiring state attorneys general to enforce federal anti-spyware legislation.

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

AMENDED ANALYSIS

This bill provides that using spyware or similar computer programs to knowingly alter, take control of, or damage a consumer's computer or Internet access will be a violation of the consumer protection act if/when federal anti-spyware legislation takes effect.

HB 460-FN, relative to the reimbursement to certain providers by the bureau of emergency communications. **OUGHT TO PASS WITH AMENDMENT**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill limits reimbursement to providers of mobile phone services by the 911 emergency communications bureau for expenses incurred after April 1, 2005. Current law allows for reimbursement for phase 1 and phase 2 reasonable costs incurred by cellular telephone companies based on FCC guidelines. In 1996, the FCC required all cellular telephone companies to provide emergency 911 services in two phases. The FCC also allowed for reimbursement for part of these costs. In 2002, the FCC removed the requirement to reimburse companies for these 911 services. The committee determined that the minimal re-occurring costs associated with providing 911 services should be the responsibility of the mobile carriers and not all telephone subscribers including land line customers. The committee also added language in session law stressing the timely payment for outstanding expenses submitted by wireless carriers. Vote 15-0.

Amendment (0321h)

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

2 Review of Claims. The enhanced 911 commission shall approve and the bureau, as defined in RSA 106-H:2, III, shall pay, in a timely fashion, all reimbursement claims filed under RSA 106-H:8 by providers of commercial mobile radio service for reasonable expenses incurred prior to April 1, 2005 to which the providers are entitled.

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

HB 146, establishing a commission to study health care delivery at the Veterans Administration Hospital. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for State-Federal Relations and Veterans Affairs: The intent of the sponsors' bill is commendable. Over 20,000 veterans are enrolled in the Veterans Administration in New Hampshire and are provided care in facilities located in Manchester, Portsmouth, Tilton, Conway and Wolfeboro. The level of care provided to our veterans has been deemed excellent, not only by the sponsor of this bill but also by the awards given to the VA Medical Center in Manchester as proof of that quality care. For complaints about care by any veteran, a system is presently in place to field those complaints through the Director of the Veterans Administration in New Hampshire. Other issues or medical complaints can also be directed to the director or any of the staff at the NH Veterans Council. Furthermore, through our United States Senators or Congressmen are sounding boards for medical or any other complaints. The committee felt, therefore, that the veteran has a number of avenues that are presently in place to submit a complaint or gain a hearing. The Veterans Administration is a federal agency under federal jurisdiction spending federal funds. No state committee comprised of elected NH representatives can have a direct input over the VA that does not presently exist. The committee felt that the formation of this new committee would institute a duplication of services. Vote 12-2.

HB 189, establishing an international trade commission to investigate and report on the effects of international trade agreements on New Hampshire self-governance.

INEXPEDIENT TO LEGISLATE

Rep. Lars T. Christiansen for State-Federal Relations and Veterans Affairs: The New Hampshire Legislature in 1991 established RSA 12-A:30 (Advisory Committee on International Trade) which addresses this issue. The committee felt that all international trade is controlled by Article VI Section 2 of the United States Constitution. Therefore this bill is not necessary. Vote 13-1.

HB 242, relative to falsification of motor vehicle applications filed with the department of safety. **OUGHT TO PASS**

Rep. Stephen H. Nedeau for Transportation: This bill adds to the suspension or revocation of a license or registration issued by the Division of Motor Vehicles based on an application made with any false statement or fraudulent document. The committee felt that this was a good change in the law. The bill also cleans up a couple of minor issues: one changes “him” to “him or her” and changes “motor vehicle laws” to “motor vehicles.” Vote 12-0.

HB 268-FN, increasing certain motor vehicle fees. **OUGHT TO PASS**

Rep. Stephen H. Nedeau for Transportation: This bill increases the fees charged by the Department of Safety for replacement number plates, as well as validation stickers. The bill will increase the fee for replacement number plates by 50 cents, \$3.50 to \$4.00, and also establishes a new \$1.00 fee for the replacement of validation stickers that are lost or illegible. The committee felt that this was not an unreasonable request. Vote 12-0.
Referred to Ways and Means.

HB 286, prohibiting the operation of pocket bikes and motorized scooters upon ways. **OUGHT TO PASS**

Rep. Brenda L. Ferland for Transportation: This bill will prohibit the operation of pocket bikes and motorized scooters upon any way. These transporters are described as any 2 or 3 wheel motorized device that has handlebars and is designed to be stood or sat upon by the operator and is smaller than a conventional moped, motorcycle or motor-driven cycle, or any 2 or 3 wheeled motorized device, other than an antique motorcycle, that does not have a 17-character vehicle identification number. For registration purposes, any vehicle must meet the safety standards to the satisfaction of the federal government. Because these vehicles are small and low to the ground and are being operated by children, the committee feels they are a danger to the motoring public. Also, there is a concern that these vehicles are a seasonable use item and more along the lines of a recreational vehicle. Call them what you want, but the committee knows they don’t belong on our highways. Vote 13-0.

HB 507, establishing a commission to study noise and hours of operation of motor vehicle racetracks. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Danforth for Transportation: This bill would have set up a commission, made up of one representative from each of the 10 racetracks in the state of New Hampshire. Members of the House and Senate would be included. The commissions’ job would be to study noise at existing racetracks. As long as there are racetracks there will be noise that someone does not like. But local governing bodies, where these tracks are located, have control and have exercised it on noise, days of operation, lighting, traffic control, crowds and just about anything else that is involved in running a racetrack. Tracks are a permitted business; they follow the rules that are put before them. Vote 13-0.

REGULAR CALENDAR

HB 46-FN, relative to penalties for first-time DWI offenders. **OUGHT TO PASS WITH**

AMENDMENT

Rep. David A. Welch for Criminal Justice and Public Safety: During the 2004 Session, SB 478 passed the House with a vote of 211-119. During the floor debate, questions arose about a provision that would allow a person convicted of a Class B misdemeanor for driving while intoxicated who had successfully completed all alcohol and/or drug treatment and counseling programs and who had no other alcohol related offenses, to petition the court to reduce the conviction to a violation. The section read that “the court in which the person was convicted may reduce the conviction to a violation upon a motion filed by either party”. It was discussed at that time that if all conditions had been met, the court should reduce the conviction and this bill changes “may” to “shall” so that those persons convicted for the first time of driving while intoxicated, who have successfully completed the above programs, will not have a criminal record. Vote 14-2.

Amendment (0183h)

Amend the bill by replacing section 1 with the following:

1 Penalties for Intoxication or Under Influence of Drug Offenses; Conviction Classification Reduction. Amend RSA 265:82-b, I(a)(6) to read as follows:

(6) The court in which the person was convicted [~~may~~] **shall** reduce the conviction to a violation upon a motion filed by either party at least one year after the date [of the conviction. In deciding whether to reduce the conviction to a violation, the court may consider the person's subsequent driving record, any evidence of drug or alcohol treatment, the hardship that having a criminal record may cause for the person, and any other factors that the court deems relevant] **that the person successfully completed all of the requirements of subparagraph I(a), provided that the person has not subsequently been arrested for any alcohol-related or drug-related offense. No person who was convicted under subparagraph I(a) because a second or subsequent offense was reduced to a first offense shall be eligible to have the conviction reduced to a violation.**

Adopted.

Report adopted and ordered to third reading.

HB 76, revising the process of charter school approval by the state board of education.

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

Rep. Stephen R. L'Heureux for the Majority of Education: This bill makes two clarifications in the charter school funding law. The first clarification addresses the payment to be made for the student's fiscal year of attendance. The second clarification eliminates the reference to the Department of Education regarding payment of tuition to the charter school. The committee voted ought to pass 11-8. Vote 11-8.

Rep. Claire D. Clarke for the Minority of Education: Although public charter schools for specific education exist, the funding procedure in this bill is flawed. The state funds charter schools with adequacy money. There is a two year delay in adequacy aid and this bill requires the school district to immediately give the charter school an adequacy amount for students who may not have been in the school district's count. Some students may have been home schooled or in a private school and now choose to enroll in a charter school, thus the district never received state funds for these students. The minority therefore believes that public schools should not have to use their adequacy money to pay charter schools in advance.

Rep. Stephen L'Heureux moved Recommit to committee.

Adopted.

Recommitted to the Committee on Education.

CACR 2, relating to the appointment of judges. Providing that judges shall be appointed to 5-year terms of office which may be renewed. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: Numerous objections to this resolution were expressed by witnesses that the committee found persuasive: A five-year term would barely be long enough for a judge to learn the craft and would be so short as to discourage many qualified lawyers from leaving private practice for judicial office. Judicial retirement benefits do not vest until a judge has served for ten years. A three-term governor could, in theory, appoint every judge in the state. The administrative task to vet, nominate and confirm judicial appointments would be burdensome to the governor, executive council and their staffs. High turnover would lead to trial scheduling problems and greatly increased training expenses. Worst of all, judgeships would become objects of a political spoils system, and judges would be subjected to the very temptation to avoid controversial issues and to subordinate their judgments to political pressure that it was the objective of the British Parliament to end, when, in 1689, it created the Anglo-American concept of judicial independence; that is, tenure in office during good behavior. Vote 17-1.

Reps. Cady and Kennedy spoke against.

Reps. Sorg and Hess spoke in favor.

Rep. John Pratt spoke in favor and yielded to questions.

Rep. Kennedy requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 315 NAYS 37			
YEAS 315			
BELKNAP			
Allen, Janet	Clark, Charles	Fitzgerald, James	Heald, Bruce
Millham, Alida	Morrison, Gail	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Thomas, John	Tilton, Franklin	Veazey, John
Whalley, Michael			
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Dickinson, Howard	Knox, J David	Martin, James
McConkey, Mark	Merrow, Harry	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Chase, William	Dunn, J Timothy
Eaton, Daniel	Emerson, Susan	Espieffs, Peter	Hogancamp, Deborah
Hunt, John	Mitchell, Bonnie	Parkhurst, Henry	Pelkey, Stephen
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Sawyer, Sheldon	Sinclair, Stephanie	Tilton, Anna
Weed, Charles			
COOS			
Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Morneau, Renney	Remick, William	Richardson, Herbert	Stohl, Eric
Theberge, Robert			
GRAFTON			
Alger, John	Almy, Susan	Benn, Bernard	Cooney, Mary
Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond	Ham, Bonnie

Hammond, Lee	Harding, A Laurie	Ingbretson, Paul	McLeod, Martha
Mirski, Paul	Mulholland, Catherine	Naro, Debra	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Sorg, Gregory	Ward, John
Williams, Burton			
HILLSBOROUGH			
Allan, Nelson	Baines, Stephen	Baroody, Benjamin	Batula, Peter
Beaulieu, Jane	Bergin, Peter	Brassard, Paul	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Campbell, David	Carew, James
Carlson, Donald	Carter, Mark	Chabot, Robert	Chase, Claudia
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Clayton, William
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Daniuk, Caitlin	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Egbers, Fran	Elliott, Larry	Elliott, Nancy	Emerton, Larry
Foster, Linda	Francoeur, Bea	Gargas, Carolyn	Garrity, Patrick
Gibson, John	Golding, William	Goley, Jeffrey	Gonzalez, Carlos
Gorman, Mary	Graham, John	Hall, Betty	Hansen, Ryan
Harvey, Suzanne	Hawkins, Ken	Hebert, Raymond	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph	Hunter, Bruce
Jasper, Shawn	Jean, Claudette	Kelly, Eugene Jr	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Lawrence, James
Manney, Pamela	Matarazzo, Anthony Sr	McRae, Karen	Mead, Robert
Messier, Irene	Michon, Stephen	Mooney, Maureen	Movsesian, Lori
O'Brien, William	O'Connell, Timothy	Ober, Lynne	Pappas, Christopher
Pilotte, Maurice	Price, Pamela	Renzullo, Andrew	Rochette, Eric
Rosenwald, Cindy	Ross, Lawrence	Rowe, Robert	Ryder, Donald
Scanlon, Michael	Schulze, Joan	Shaw, Barbara	Shaw, Kimberly
Slocum, Lee	Smith, David	Stepanek, Stephen	Sullivan, Francis
Sullivan, Peter	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Velez, Hector	Villeneuve, Maurice	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	Danforth, James	DeJoie, John
DeStefano, Stephen	Foose, Robert	French, Barbara	Gile, Mary
Hager, Elizabeth	Hamm, Christine	Hess, David	Kidder, David
L'Heureux, Stephen	Lockwood, Priscilla	MacKay, James	Marple, Richard
Maxfield, Roy	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Potter, Frances	Reardon, Tara	Reed, Dennis	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Blanchard, MaryAnn	Bridle, Russell	Buxton, Donald	Cali-Pitts, Jacqueline
Camm, Kevin	Carson, Sharon	Casey, Kimberley	Charron, Gene
Coburn, James	Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony
Dodge, Robert	Dowd, John	Dowling, Patricia	Doyle, Christopher
Fesh, Bob	Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila

Gilbert, Karl	Gillick, Thomas	Gould, Kenneth	Griffin, Mary
Headd, James	Hopf Garten, Paul	Hughes, Daniel	Hutchinson, Karen
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Lund, Howie	Major, Norman
McKinney, Betsy	Morris, Richard	Norelli, Terie	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Palazzo, Frank	Pantelakos, Laura
Parker, Benjamin	Powers, James	Rausch, James	Robertson, Carl
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Serlin, Christopher
Smith, Paul	Splaine, James	Stiles, Nancy	Stone, Joseph
Waterhouse, Kevin	Weare, E Albert	Welch, David	Wells, Roger
Weyler, Kenneth	Wiley, Robert	Winchell, George	Zolla, William
STRAFFORD			
Albert, Russell	Bickford, David	Brown, Jennifer	Brown, Julie
Cataldo, Sam	Chaplin, Duncan	Creteau, Irene	Dunlap, Patricia
Easson, Timothy	Goodwin, Earle	Grassie, Anne	Heon, Richard
Hilliard, Dana	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Knowles, William	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Katherine	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Irish, Christopher
Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen	Rodeschin, Beverly
NAYS 37			
BELKNAP			
Boyce, Laurie	Wendelboe, Fran		
CARROLL			
Olimpio, J Lisbeth			
CHESHIRE			
None			
COOS			
None			
GRAFTON			
Barker, Robert			
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Bergeron, Jean-Guy	Biundo, Michael
Boehm, Ralph	Crane, Elenore Casey	Dyer, Donald	Goyette, Peter Jr
Hagan, Barbara	Infantine, William	Johnson, Paula	Pepino, Leo

Souza, Kathleen	Wheeler, James		
MERRIMACK			
Field, William	Kennedy, Richard	Langlais, Thomas	Soltani, Tony
ROCKINGHAM			
Allen, Mary	Bicknell, Elbert	Cady, Harriet	Donahue, Richard Ken
Dumaine, Dudley	Garrity, James	Ingram, Russell	Itse, Daniel
Manning, John	Moody, Marcia	Putnam, Ed II	Quandt, Marshall Lee
Quandt, Matthew			
STRAFFORD			
Cilley, Jacalyn	Newton, Clifford		
SULLIVAN			
None			

and the committee report was adopted.

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

HB 427, repealing common law marriage. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John B. Hunt for the Majority of Judiciary: New Hampshire does not recognize common law marriage, as that term is generally known. However, for the limited purpose of establishing inheritance rights, New Hampshire does have a Cohabitation statute that dates back to our original 1842 revised statutes. It reads: Persons cohabitating and acknowledging each other as husband and wife, and generally reputed to be such, for the period of 3 years, and until the decease of one of them, shall thereafter be deemed to have been legally married.” To qualify as a spouse for purposes of inheritance, the survivor must prove all three elements set forth in the law. Clearly the requirements of this law ensure that it is rarely used today but its original intent is still applicable. No surviving spouse should be deprived of inheritance rights if his or her spouse were to die and they were not lawfully married. The committee heard no evidence that this ancient law was being abused. Vote 17-5.

Rep. Gregory M. Sorg for the Minority of Judiciary: When the original predecessor of RSA 457:39 was enacted in the nineteenth century, under the mores of the time cohabitation was relatively rare, and cohabitating couples overwhelmingly would wish to be, and would be, reputed as married. Now, however, that it is normal and accepted for couples to live together without benefit of marriage, the nature of a couple’s commitment to each other can be ambiguous, not just to the community, but even to themselves and their families. This is an invitation to confusion and discord over the administration of the estate of the first one of them to die, with that first one no longer available to testify. The minority believes that the concept known as common law marriage has outlived its usefulness and should be abolished. If couples desire the advantages of marriage, they should get married.

Reps. Bickford and Sorg spoke against.

Rep Hunt spoke in favor.

Rep. Espieffs spoke and yielded to questions.

On a division vote, 270 members having voted in the affirmative and 81 in the negative, the committee report was adopted.

HB 83, repealing the obligation to provide persons applying for a marriage license with a list

of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus. **MAJORITY: OUGHT TO PASS WITH AMENDMENT.**

MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. David L. Buhlman for the Majority of Municipal and County Government: Town clerks have been required to supply three Department of Health and Human Services brochures to couples applying for a marriage license: one on family planning, one on fetal alcohol syndrome, and one on HIV prevention. In addition to handing these brochures to the couples, the town clerks are required to get an affidavit, signed by the couple, acknowledging that they have received and discussed the information in the brochures. The Majority of the committee felt that this requirement puts an unnecessary burden on already busy town clerks, and that there are any number of other worthy brochures that could be handed out to marriage license applicants, such as prevention of various types of cancer, and financial planning. All such guidance-related information is readily available from sources other than town clerks so it's prudent to relieve our busy town clerks of this responsibility. Vote 14-4.

Rep. Jessie L. Osborne for the Minority of Municipal and County Government: The minority believes that this bill should be amended to only repeal the part of RSA 457:23 Section II which requires an affidavit to be signed and a discussion of the brochure for Fetal Alcohol Syndrome be affirmed before a marriage license is issued by the clerk of the municipality. The minority feels that important medical and prevention information regarding fetal alcohol syndrome and HIV should continue to be handed out to help prevent these diseases which harm infants and adults. Fetal alcohol syndrome and HIV cause the state to expend large amount of funds to treat and take care of the victims of these diseases. Prevention through information and education is the best way to begin to eliminate these preventable diseases. The state provides these brochures in an envelope and the discussion and the signing of an affidavit are not necessary to ensure the dissemination of vital information to those of child bearing age who might not have had health education classes in school.

Majority Amendment (0152h)

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

1 Protection for Maternity and Infancy; Brochure on Fetal Alcohol Syndrome. Amend RSA 132:2, XI to read as follows:

XI. Prepare, in conjunction with the office of alcohol and drug abuse prevention, a brochure which provides information relative to fetal alcohol syndrome ~~[to persons applying for a marriage license and make such brochure available to town and city clerks for distribution under RSA 457:23, II].~~

2 Repeal. The following are repealed:

I. RSA 141-F:3, XIII, relative to the informational brochure concerning the human immunodeficiency virus, prepared by the department of health and human services, for persons applying for a marriage license.

II. RSA 457:23, II and III, relative to the requirement that persons applying for a marriage license receive a brochure concerning fetal alcohol syndrome and the human immunodeficiency virus.

III. RSA 457:28-a, relative to the list of family planning services provided by the town clerk to persons applying for a marriage license.

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

AMENDED ANALYSIS

This bill repeals the requirement that the town clerk distribute family planning service lists and brochures on fetal alcohol syndrome and human immunodeficiency virus to marriage license recipients.

Majority amendment adopted.

Majority report adopted and ordered to third reading.

HB 407-FN-L, relative to licensing of dogs. **MAJORITY: OUGHT TO PASS.**

MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Nancy K. Johnson for the Majority of Municipal and County Government: This bill increases dog licensing fees by \$2.00. This fee has not been increased in a number of years. In 1995, laws were changed to require veterinarians to notify the city/town clerk when a dog receives a rabies vaccination. The clerk then has to check records and keep track of who has and who has not got a license. The change has created a more labor intensive process for the clerk. The majority of the committee felt that this small fee increase was reasonable. Vote 12-4.

Rep. Andrew Renzullo for the Minority of Municipal and County Government: The minority believes that an increase in a license fee is a tax by another name. In addition, this increase is mandated by the state without a local option. Finally, this bill places the burden totally on dog owners. Presently, \$2.00 of the dog licensing fee goes to the spay/neutering program. Yet cats use the program at a 3 to 1 ratio. Thus dog owners are, in effect, forced to subsidize cat owners. Passage of this bill would only exacerbate this inequity.

Rep. Tahir requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 188 NAYS 159			
YEAS 188			
BELKNAP			
Fitzgerald, James	Millham, Alida	Morrison, Gail	Nedeau, Stephen
Pilliod, James	Rosen, Ralph	Thomas, John	Tilton, Franklin
CARROLL			
Brown, Carolyn	Buco, Thomas	Dickinson, Howard	Knox, J David
Martin, James	McConkey, Mark	Olimpio, J Lisbeth	Patten, Betsey
Stevens, Stanley			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Chase, William	Eaton, Daniel
Espiefs, Peter	Hogancamp, Deborah	Mitchell, Bonnie	Plifka, Stanley Jr
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon
Weed, Charles			
COOS			
Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Remick, William	Stohl, Eric	Theberge, Robert	
GRAFTON			
Almy, Susan	Barker, Robert	Benn, Bernard	Cooney, Mary
Dorsett, Andrew	Ham, Bonnie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Naro, Debra	Nordgren, Sharon
Sokol, Hilda	Sorg, Gregory		
HILLSBOROUGH			
Beaulieu, Jane	Bergin, Peter	Brundige, Robert	Campbell, David
Carter, Mark	Chabot, Robert	Chase, Claudia	Clayton, William

Craig, James	Daniuk, Caitlin	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Egbers, Fran	Emerton, Larry	Foster, Linda
Gargas, Carolyn	Garrity, Patrick	Golding, William	Goley, Jeffrey
Graham, John	Hall, Betty	Harvey, Suzanne	Hawkins, Ken
Hunter, Bruce	Jean, Claudette	Kopka, Angeline	Manney, Pamela
Matarazzo, Anthony Sr	Messier, Irene	Michon, Stephen	Mooney, Maureen
Moran, Edward	O'Connell, Timothy	Ober, Lynne	Pappas, Christopher
Pilotte, Maurice	Price, Pamela	Rosenwald, Cindy	Ryder, Donald
Scanlon, Michael	Schulze, Joan	Shaw, Barbara	Smith, David
Sullivan, Peter	Vaillancourt, Steve	Velez, Hector	Villeneuve, Maurice
MERRIMACK			
Bouchard, Candace	Brueggemann, Donald	Field, William	Foose, Robert
French, Barbara	Gile, Mary	Hamm, Christine	Hess, David
Kidder, David	Lockwood, Priscilla	MacKay, James	Maxfield, Roy
McMahon, Patricia	Osborne, Jessie	Potter, Frances	Reardon, Tara
Reed, Dennis	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert
Yeaton, Charles			
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Blanchard, MaryAnn
Buxton, Donald	Cali-Pitts, Jacqueline	Casey, Kimberley	Coburn, James
Cooney, Richard	Dodge, Robert	Dowd, John	Dowling, Patricia
Doyle, Christopher	Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Katsakiores, George
Major, Norman	McKinney, Betsy	Moody, Marcia	Morris, Richard
Norelli, Terie	O'Neil, Michael	Palazzo, Frank	Pantelakos, Laura
Parker, Benjamin	Powers, James	Rolston, James	Sanders, Elisabeth
Serlin, Christopher	Splaine, James	Waterhouse, Kevin	Weldy, Norman
Weyler, Kenneth			
STRAFFORD			
Albert, Russell	Brown, Jennifer	Creteau, Irene	Dunlap, Patricia
Goodwin, Earle	Grassie, Anne	Heon, Richard	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Knowles, William
Miller, Joseph	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Snyder, Clair	Spang, Judith	Wall, Janet
SULLIVAN			
Donovan, Thomas	Ferland, Brenda	Franklin, Peter	Gale, Harry
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Prichard, Stephen	
NAYS 159			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	

CARROLL			
Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Merrow, Harry
Philbrick, Donald			
CHESHIRE			
Dunn, J Timothy	Emerson, Susan	Hunt, John	Parkhurst, Henry
Pelkey, Stephen	Pratt, John	Sinclair, Stephanie	Tilton, Anna
COOS			
Morneau, Renney	Richardson, Herbert		
GRAFTON			
Alger, John	Eaton, Stephanie	Gionet, Edmond	Ingbretson, Paul
Mirski, Paul	Ward, John	Williams, Burton	
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Baines, Stephen	Balboni, Michael
Baroody, Benjamin	Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael
Boehm, Ralph	Buhlman, David	Calawa, Leon Jr	Carew, James
Carlson, Donald	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Clemons, Jane	Cote, David	Cote, Peter	Coughlin, Pamela
Crane, Elenore Casey	Dyer, Donald	Elliott, Larry	Elliott, Nancy
Francoeur, Bea	Gibson, John	Gonzalez, Carlos	Gorman, Mary
Goyette, Peter Jr	Hagan, Barbara	Hansen, Ryan	Hebert, Raymond
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph
Infantine, William	Jasper, Shawn	Johnson, Paula	Kelly, Eugene Jr
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Lawrence, James
McRae, Karen	Mead, Robert	Movsesian, Lori	O'Brien, William
Pepino, Leo	Renzullo, Andrew	Rochette, Eric	Rowe, Robert
Shaw, Kimberly	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Sullivan, Francis	Tahir, Saghir	Ulery, Jordan	Wheeler, James
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Clarke, Claire	Danforth, James
DeJoie, John	DeStefano, Stephen	Kennedy, Richard	L'Heureux, Stephen
Langlais, Thomas	Marple, Richard	Soltani, Tony	Tupper, Frank
ROCKINGHAM			
Abbott, Dennis	Bettencourt, David	Bicknell, Elbert	Bridle, Russell
Cady, Harriet	Camm, Kevin	Carson, Sharon	Charron, Gene
Dalrymple, Janeen	DiFruscia, Anthony	Donahue, Richard Ken	Dumaine, Dudley
Fesh, Bob	Garrity, James	Gilbert, Karl	Headd, James
Hopfgarten, Paul	Hughes, Daniel	Hutchinson, Karen	Ingram, Russell
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Lund, Howie	Manning, John
Nowe, Ronald	Packard, Sherman	Putnam, Ed II	Quandt, Marshall

			Lee
Quandt, Matthew	Rausch, James	Robertson, Carl	Scamman, Stella
Smith, Paul	Stiles, Nancy	Stone, Joseph	Weare, E Albert
Welch, David	Wells, Roger	Wiley, Robert	Winchell, George
Zolla, William			
STRAFFORD			
Bickford, David	Brown, Julie	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Newton, Clifford	Taylor, Katherine	Taylor, Kathleen
SULLIVAN			
Cloutier, John	Converse, Larry	Irish, Christopher	Phinizy, James
Rodeschin, Beverly			

and the majority committee report was adopted.
Referred to Ways and Means.

HB 304-FN-A, relative to federal highway grant anticipation bonds. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James B. Rausch for the Majority of Public Works and Highways: This bill is enabling legislation that will allow the state to issue federal highway grant anticipation bonds, sometimes known as “Garvee Bonds”, for the purpose of financing costs relating to the widening of I-93. The bonds are secured with federal transportation grants and allow the Department of Transportation to receive funds in anticipation of the federal grants. The bonds will be incrementally issued for the difference between the allocated dollars in the 10–Year Transportation Plan, as enacted into law in HB 2004, of the 2004 legislative session and the amount required to construct the project under an accelerated six year construction plan as recommended by the Department of Transportation. The aggregate bonding cannot exceed 195 million dollars. This bill further allows for the resale of surplus property, purchased for the widening of I-93, to pay for the 22 million dollar expense related to the issuance of the bonds. As a result, the ten-year highway plan will not be materially affected by the utilization of these grant anticipation bonds. The committee recognized the severe safety issue involved in delay of the I-93 project and passed the bill with strong bipartisan support. Vote 14-1.

Rep. Candace C.W. Bouchard for the Minority of Public Works and Highways: The minority respects the laudable goal to accelerate the construction time frame of I-93 from Salem to Manchester. However, Garvee Bonds is a significant change in the state transportation funding policy, from pay as you go bonding using federal transportation grant dollars to bonding against the future anticipated federal grant. The 10-Year Transportation Plan is currently under funded pushing projects out 14 – 16 years. The minority is concerned that the cost of the Garvee Bonds \$22 million interest due at maturity in 10 years could potentially delay other much needed transportation projects. Currently, NH DOT does not know how much the state will be receiving in Federal Transportation Grant Funds. The state will receive the grant, but it is unknown if the dollars received will be more, the same or less. Allowing Garvee Bonds to be used for this major construction project sets a precedent for future use of other transportation projects. The issuance of Garvee Bonds is a policy change to accept risk over the long term for short term gain from a major project, a shift from New Hampshire’s conservative fiscally sound approach.

Majority committee report adopted.

Referred to Finance.

HB 603-FN-A, relative to the state’s purchase of the Laconia district courthouse building and making an appropriation therefore. **OUGHT TO PASS WITH AMENDMENT**

Rep. Franklin T. Tilton for Public Works and Highways: This bill appropriates \$1 for the purchase of the Laconia District Courthouse building and associated land. This is an historic building first used as a high school. Since 1978, the state has leased the first floor and basement from the city for use as a district court. A renovation project is being considered in the capital budget. If the building is no longer used for state-related offices, the city has the right to purchase it for fair market value minus the fair market value as of July 1, 2005.
Vote 11-2.

Amendment (0323h)

Amend the bill by replacing section 1 with the following:

1 Appropriation; Department of Administrative Services. The sum of \$1 is hereby appropriated to the department of administrative services for the fiscal year ending June 30, 2006, for the purpose of purchasing the Laconia district courthouse building and land appurtenant to the building, as identified on map 449, block 2, lot 26, on July 1, 2005. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. If at any time after the purchase takes effect, the building is not used for state-related offices, the city of Laconia shall have the right to purchase the building and land appurtenant to the building for the fair market value less the fair market value of the building and land on July 1, 2005. In this section, "fair market value" means fair market value as determined by an appraisal conducted by the state of New Hampshire.

Adopted.

Report adopted and ordered to third reading.

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

BILLS REMOVED FROM CONSENT CALENDAR

HB 227, relative to undeclared voters at primary elections. INEXPEDIENT TO LEGISLATE

Rep. Jane A. Clemons for Election Law: This bill would eliminate the requirement that an undeclared voter must register as a member of a party to vote in a primary election. Our multi-party system encourages debate and criticism. Presently, both parties allow all undeclared voters to vote in primary elections. RSA 654:34 Change of Registration states in II-a, "Any legal voter who has been registered as an undeclared voter may register as the member of the party of the voter's choice by appearing before the supervisors of the checklist and stating to them under oath or affirmation, if required, that the voter intends to affiliate with and generally supports the candidates of the party with which he offers to register, in which case the voter shall be registered as a member of such party." With this protection in statute, the majority of the committee felt that there was no impediment to undeclared voters changing registration. Vote 14-1.

Rep. Vaillancourt spoke against.

Reps. Clemons, Splaine and Whalley spoke in favor.

On a division vote, 256 members having voted in the affirmative and 87 in the negative, the committee report was adopted.

HB 277, relative to special elections for executive councilor, state senator, and state representative. INEXPEDIENT TO LEGISLATE

Rep. Robert W. Forsing for Election Law: This bill would prohibit special elections for executive councilor, state senator and state representative after March 15 of the second year of the biennium. The time line governing special elections would preclude the newly elected person from providing effective representation for more than a brief period prior to the ensuing regular election cycle. Vote 14-0.

Rep. Whalley spoke against.

The committee report was defeated.

Rep. Whalley moved Ought to Pass.

Adopted and ordered to third reading.

HB 260-FN, relative to motor vehicle equipment and registration. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sherman A. Packard for Transportation: This bill revises and updates certain motor vehicle laws. Changes RSA 21-P: 9 III to read “a financial responsibility supervisor” instead of “administrator.” It allows eligible non-profit corporations operating transportation services for elderly or disabled persons to purchase from the state motor fuel inventory. It allows a non-profit corporation that uses the vehicles exclusively for the transportation of the elderly or disabled to a refund of any road tolls paid. It allows the Director of Motor Vehicles to issue a license for less than five years. It requires any car affixed with a dealer plate to have a current state inspection sticker. It allows for the use of white cab lights on pickup trucks. New Hampshire law allows trucks to carry loads up to 99,000 pounds on state roads. This amendment is needed to conform with federal law that allows trucks with loads up to 99,000 pounds to travel on our interstates. It bars the counterfeiting or duplication of number plates. Vote 11-0.

Amendment (0299h)

Amend the bill by replacing all after section 10 with the following:

11 New Paragraph; Weight on Interstate and Defense Highway System; Additional Weight. Amend RSA 266:18 by inserting after paragraph II the following new paragraph:

III. Notwithstanding paragraphs I and II, for as long as exemptions exist in 23 U.S.C. section 127 that allow maximum gross weights of up to 99,000 pounds on interstate routes 89, 93, and 95 of the interstate and defense highway system, the provisions of RSA 266:18-a regarding weight on the non-interstate and general highway system shall also apply to vehicles or combination vehicles while being operated on any sections of interstate routes 89, 93, or 95 not posted by the commissioner of transportation for lower weights. Such vehicles shall not exceed the weight limits in paragraphs I and II unless they have been certified pursuant to RSA 266:18-d for the higher weights and paid the required fee the same as vehicles operating on the non-interstate highways as provided in RSA 266:18-d, and police officers shall not be required to allow any tolerance above these limitations on such highways.

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

AMENDED ANALYSIS

This bill:

I. Changes the name of the financial responsibility administrator to the financial responsibility supervisor.

II. Permits certain nonprofit corporations to purchase motor fuel from the motor fuel inventory and to receive road toll refunds.

III. Prohibits counterfeiting or duplication of number plates.

IV. Authorizes drivers' licenses issued for less than 5 years.

V. Requires inspections for vehicles with dealer plates.

VI. Permits white identification lights on certain vehicles.

VII. Authorizes additional vehicle weights on certain highways consistent with federal law.

This bill is a request of the department of safety.

Adopted.

Rep. Pepino inquired if HB 260 was divisible and requested that Section 8 be divided from the bill.

The Speaker ruled the bill was divisible and, without objection, so ordered.

The question now being adoption of Section 8.

Rep. Pepino spoke against.

On a division vote 18 members having voted in the affirmative and 318 in the negative, the adoption of Section 8 failed.

The question now being adoption of the remainder of the bill.

Adopted.

Referred to Ways and Means.

HB 461-FN, establishing number plates supporting New Hampshire public higher education. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Danforth for Transportation: This bill does not ask for one plate but wants to create three new specialty license plates. One each for UNH, Keene and Plymouth universities. Going on the experience we have with the conservation plate and veteran plate, there would not be enough of these plates sold to make any money. If we were to allow issuance of these plates we would be compelled to allow the issuance of plates for any other college or university in the state. This would open the door to service clubs like the Lions, Kiwanis and Rotary to seek plates. License plates are for identification. Let us not go down the road that states like Florida have done and create a plate for every group that wants a plate. Vote 13-0.

Rep. Francis Sullivan spoke against.

Rep. Packard spoke in favor.

On a division vote, 250 members having voted in the affirmative and 78 in the negative, the committee report was adopted.

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that the House Rules be so far suspended as to permit introduction after the deadline of **HB 719**, recodifying the Articles 1 and 7 of the Uniform Commercial Code, and **House Resolution 15**, affirming revenue estimates for fiscal years 2005, 2006 and 2007, and to permit consideration at the present time of **HR 15**, without the required referral to committee, printing, public hearing or report.

Adopted by the necessary two-thirds.

RESOLUTION

Reps. O'Neil and Craig offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 719, shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee, and House Resolution numbered 15 shall be read a first and second time by its therein listed title

Adopted.

INTRODUCTION OF HOUSE BILL and HR 15

First, second reading and referral

HB 719-FN, recodifying the Articles a1 and 7 of the Uniform Commercial Code. (Hess, Merr 9; Dokmo, Hills 6; Kurk, Hills 7; Craig, Hills 9; Rowe, Hills 6; Foster, Dist 13; Flanders, Dist 7; Gottesman, Dist 12; Hassan, Dist 23: Commerce)

First, and second reading

HR 15, affirming revenue estimates for fiscal years 2005, 2006 and 2007. (Major, Rock 8)

HOUSE RESOLUTION 15

affirming revenue estimates for fiscal years 2005, 2006 and 2007.

Whereas, the House Ways and Means Committee has considered what the unrestricted revenue estimates should be for fiscal years 2005, 2006, and 2007 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal

years 2005, 2006, and 2007.
Committee estimates are based on current rates

Rep. Major moved Ought To Pass and spoke in favor.

LAID ON THE TABLE

Rep. Major moved that **HR 15**, affirming revenue estimates for fiscal years 2005, 2006 and 2007, be laid on the table.
Adopted.

RESOLUTION

Rep. O'Neil offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 9, 2005 at 10:00 a.m.
Adopted.

LATE SESSION

Third reading and final passage

HB 128-FN, relative to negligent operation of a carnival or amusement ride.
HB 204-FN, relative to unauthorized video surveillance.
HB 439, relative to registration requirements for criminal offenders.
HB 150, defining truancy.
HB 434-FN, requiring state agencies.
HB 472, relative to the definition of recreational program.
HB 488, establishing a task force on mental health costs.
HB 43, relative to state employees appearing before the legislature.
HB 144-L, relative to special elections for municipal charter amendments.
HB 236, relative to the time for filing a motion to rehear a zoning decision.
HB 265, relative to minutes of land use board meetings involving developments of regional impact.
HB 266, relative to the procedure for dismissal or suspension of a police chief.
HB 263, relative to the use of design build and construction management methods for state capital projects.
HB 47, regulating the use of computer spyware.
HB 460-FN, relative to the reimbursement to certain providers by the bureau of emergency communications.
HB 242, relative to falsification of motor vehicle applications filed with the department of safety.
HB 286, prohibiting the operation of pocket bikes and motorized scooters upon ways.
HB 46-FN, relative to penalties for first-time DWI offenders.
HB 83, repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus.
HB 603-FN-A, relative to the state's purchase of the Laconia district courthouse building and making an appropriation therefore.
HB 277, relative to special elections for executive councilor, state senator, and state representative.

UNANIMOUS CONSENT

The Speaker introduced former House member the Honorable Alf E. Jacobson of New London, and requested Unanimous Consent of the House to allow former Representative Jacobson to address the House.

Rep. Weyler moved that the remarks made by the Honorable Alf E. Jacobson be printed in the Permanent Journal.

Adopted.

Hon. Alf E. Jacobson: Thank you, Mr. Speaker. This year marks sixty years that have passed since we began the Battle of Iwo Jima. That battle, of course, was one of the fiercest battles of World War II. It was acknowledged as being the most fierce in the Pacific and I do not know where there is anything in the European phase that was as fierce. Twenty-five thousand casualties on this island of 8 ½ square miles, approximately 7,000 killed, and 18,000 wounded. I was one of the lucky ones who went from the fifth wave of the day of the assault to the very last day, and I received not even a scratch. That, to me, has been one of the great blessings that I have had in my life.

I had a very special role at Iwo that most members did not have. I ended up after boot camp one day, and if any of you are Marines, and I understand there are some marines here also, you will know that until that final day you don't know what's going to happen to you and you are assigned to the various outfits that serve the Corps, be it Artillery, or Infantry, or Quartermaster, whatever; and so they would read off the names. I was listening for my name and I didn't hear my name. And I thought, "What in the world is going on?" So, in fear and trembling, and I mean "in fear and trembling," I went up to the D. I. and said, "I'm sorry, sir, but I didn't hear my name." And of course, I immediately got a blast which really said, "You stupid kid, why don't you listen?" He couldn't find my name and he was getting more mad, and I was getting more scared. Finally, he sees my name: Alf Jacobson, Japanese language school. He looks at it and reads it again – Japanese language school, what the hell is that? And that's how I got to Japanese language school.

Forty-one of us started that class; five finished after nine months. The basic reason was not that one was smarter than the other, but that too many Marines were more anxious for liberty than they were for learning Japanese.

And so I did have this great opportunity. I was first sent to a prison camp on the island of Oahu where I came in contact with Japanese soldiers who I had the opportunity to interview. Now, we rarely got an officer, most of the prisoners that we caught were farm boys who knew very little, except possibly their own unit. You will recall, I'm sure, at least some of you, that the Japanese, rather than surrender, would commit suicide and the reason was that they were told by their officers that it would be better to commit suicide than to submit to the torture and die anyway. I remember two little Japanese soldiers, and I could see that they were very nervous, and I said, "What are you nervous about? What is the problem?" *Nani wo mondai* in Japanese. They said, "When does the torture begin?" I said, "What torture?" "We were told never to surrender because we would be tortured to death." I said, "You can relax. You're not going to be tortured." And then they told me whatever information that they had.

It was a great and wonderful experience and when the war was over I was sent to Japan for the occupation. I was appointed the American Marine for the distribution of Japanese labor in the Sasebo area. And for the first and only time in my life, I could order people around. I thank you for this opportunity to again speak to you. And I want to congratulate all of the new members of the House. I spent 30 years; 20 years in this House and 10 years in the Senate and it was a wonderful experience. If I only could have gotten down quicker and easier, I might still be here. Thank you.

RECESS MOTION

Rep. O'Neil 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 4:30 p.m.

RECESS

(Rep. Buco in the Chair)

RESOLUTION

Rep. McMahon offered the following: RESOLVED, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bill numbered 720, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 720-FN, relative to special number plates. (L. Elliott, Hills 1; Rollo, Straf 2; Gibson, Hills 19; O'Neil, Rock 15; P. Smith, Rock 3: Transportation)

RECESS

(Rep. Kennedy in the Chair)

RESOLUTION

Rep. Hirschmann offered the following: RESOLVED, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bill numbered 721 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 721, prohibiting the department of education and the state board of education from adopting a definition of an adequate education. (Hess, Merr 9; O'Neil, Rock 15; Giuda, Graf 5; Patten, Carr 4: Education)

RECESS

(Rep. Price in the Chair)

RESOLUTION

Rep. O'Neil offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 20, 27, 36, 52, 55, 57, 87, 137, 153, 165 and 182 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 20-FN, relative to an increase in lottery ticket prices. (Ways and Means)

SB 27-FN, relative to an exemption from the annual inspection of health facilities. (Health, Human Services and Elderly Affairs)

SB 36-FN, assessing a fee on all dogs and cats sold at retail that are not sexually sterilized, to be deposited in the companion animal neutering fund. (Environment and Agriculture)

SB 52, establishing the state suggestion and extraordinary service award program. (Executive Departments and Administration)

SB 55, relative to the New Hampshire film and television commission and state promotional initiatives. (Executive Departments and Administration)

SB 57, establishing a commission to study ways to alleviate medical malpractice premiums for high risk specialties. (Health, Human Services and Elderly Affairs)

SB 87, relative to extension of tax liens by the department of revenue administration. (Ways and Means)

SB 137-FN-A, relative to the Conway Branch railroad. (Finance)

SB 153-FN, relative to the administration of certain programs by the department of environmental services. (Executive Departments and Administration)

SB 165-FN, relative to the collection of tax debts from out-of-state debtors. (Ways and Means)

SB 182-FN, relative to electronic issuance of warrants. (Judiciary)

RECESS