

HOUSE RECORD

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

Vol. 27

Concord, N.H.

Wednesday, March 9, 2005

No. 26

HOUSE JOURNAL No. 7 (cont.)

Wednesday, February 23, 2005

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

HOUSE JOURNAL No. 8

Wednesday, March 9, 2005

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

Prayer was offered by Guest Chaplain, The Reverend Douglas Domin, Pastor of the First Presbyterian Church of Concord.

Dear Almighty God of heaven and earth, we come to Your throne of grace and mercy to ask for help. Help to exalt You as the King of Glory. Help to consider others as being better than ourselves as our tendency is often to seek our own interests and not those of others. Help to endure challenging times. Help to persevere through the loss of loved ones.

We pray for Your blessing on this session today. We thank You for this great state in which we live and these who give of themselves to serve others. We pray for wisdom for the House today and ask that You would guide and direct all that goes on.

We pray for protection of our great nation. Please watch over our country and continue to use our nation as a defender of liberty. We also remember those on the front lines fighting for freedom and seeking to insure our defense. Protect them, we ask. Give our commanders wisdom and strength. We thank You for those troops who have given the ultimate sacrifice. We pray for their families that they would know Your comfort and grace. May we always remember that our freedom is not free but has come at great cost. Help us to use our freedom in ways that are honoring to You, knowing that one day we will give an account to You. In Jesus name we pray, Amen.

Rep. Harry S. Gale led the Pledge of Allegiance.

The National Anthem was sung by Miles Walter, a fourth grade student at Monadnock Waldorf School.

COMMUNICATION

The Honorable W. Douglas Scamman, Jr.

Speaker of the House

Dear Mr. Speaker:

It is with mixed emotions that today I submit my resignation for the consideration of the New Hampshire House effective Wednesday, March 9, 2005. I have served off and on in this magnificent body most of my adult life. My first exposure to the Legislature was when you appointed me back in 1987 to serve as a member of the House Sergeant of Arms staff and I was elected to my first term in the General Court in 1989.

My time here has been interesting and I have found it inspiring both as a former staff member and as a current elected member of the body. I have had the opportunity to listen to and participate in many great debates on policy issues which will affect the citizens of our state for generations to come. I will carry, as some of my fondest memories, the speeches of some of the great orators of the House like, "It just ain't fair," by former Representative Henry Mock, and some of my legislative successes surround marital master issues and the passing of the Medical Parole Act last term. Perhaps my greatest memory of this great body will be the unique privilege that the voters provided me by electing both of my sisters last term allowing this body to make U.S. political history by having the distinction of three siblings serving at the same time in the same body. One of my greatest honors was to have been nominated by both parties to serve as their representative.

While I feel strongly that it is time for me to go, I certainly will miss the legislative process and look forward to watching your adventures in attempting to deal with education funding and the \$340 million budget deficit. I suspect tax increases are looming, but these issues are now for you to debate. As I tip my hat, I say good luck and Godspeed.

	Respectfully submitted, Rep. Larry G. Elliott, Hillsborough 1
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The Speaker accepted the resignation with regret.

LEAVES OF ABSENCE

Reps. Albert, Mary Allen, Baroody, Barry, Danforth, Fesh, Donald Flanders, Foote, Forsing, Hunter, Stephen L'Heureux, Moore, Morneau, Naro, Palangas, and Marjorie Smith, the day, illness.

Reps. Aboshar, Callaghan, Clayton, Dorsett, Easson, Egbers, Ginsburg, Golding, Grassie, Heon, Lawrence, Pepino, Powers, Stella Scamman, Sinclair, and Stone, the day, important business.

Reps. Carlson, Dunlap, Stephanie Eaton, Lary, Moody, Rush, Snyder, Solomon, Stevens, and Wells, the day, inclement weather.

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

Rep. Kimberly Shaw, the day, death in the family.

INTRODUCTION OF GUESTS

Sandy Vandekauter, mother of the singer, guest of the House. Christian Andreica, guest of Rep. Heald. Greg Miller, son of Rep. Miller. Betty Hirschmann, guest of Rep. Hirschmann.

CLERK'S NOTE

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

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 98, relative to law enforcement authority under the safe schools act, removed by Rep. James Wheeler.

HB 252, requiring bail hearings for persons arrested for probation violations, removed by Rep. Jasper.

HB 454, relative to carrying a concealed weapon without a license, removed by Rep. Marple.

HB 645-FN, relative to fire-safe cigarettes, removed by Rep. Buhlman.

HB 451-FN-L, requiring the separate preparation and approval process for the special education budget, removed by Rep. Mead.

HB 612-FN, establishing the New Hampshire volunteer elementary teachers and students program, removed by Rep. Field.

HB 624-FN, relative to penalties in certain health and health-related professions, removed by Rep. Hunt.

SB 39, relative to disinterment of dead bodies, removed by Rep. Rochette.

HB 682-FN, requiring an informational statement regarding the powers of district courts, removed by Rep. Marple.

HB 524, relative to outsourcing of jobs, removed by Rep. Weed.

HB 81, allowing municipalities to grant 2 veterans' tax credits in a single household, removed by Rep. Dickinson.

HB 414, relative to regulation of municipal waste combustors, removed by Rep. Phinizy.

Consent Calendar adopted by the necessary two-thirds.

HB 61, extending the family law task force. **OUGHT TO PASS WITH AMENDMENT**

Rep. Carolyn M. Gargas for Children and Family Law: The committee unanimously supported the continuation of the Family Law Task Force with the proviso in the amendment that it could also make additional recommendations consistent with its original mandate. Vote 14-0.

Amendment (0289h)

Amend the bill by replacing section 1 with the following:

1 Extension of the Task Force on Family Law. Notwithstanding 2002, 250:17, II, as amended by 2004, 20:3, the task force on family law, established in 2002, 250:1-3, shall continue in effect until November 1, 2008, for the purpose of monitoring implementation of its report of November 1, 2004 and promoting the recommendations of this report. The task force may make additional recommendations consistent with its original legislative mandate. On or before November 1, 2006, the task force on family law shall issue a progress report, with specific reference to implementation of the 2004 recommendations and any further recommendations, and shall issue its final report on or before November 1, 2008.

HB 207-FN, relative to the appointment of a guardian ad litem in adoption proceedings.

INEXPEDIENT TO LEGISLATE

Rep. Karen K. McRae for Children and Family Law: The concept of the bill is already being implemented in probate courts and by private adoption attorneys. Older children and DCYF adoptions are assigned an advocate during the adoption proceedings. Vote 13-3.

HB 223, relative to the procedure for assignment of juvenile probation and parole officers.

OUGHT TO PASS WITH AMENDMENT

Rep. Daniel C. Itse for Children and Family Law: This bill as amended provides that the juvenile probation and parole officers be assigned to judicial districts based upon workload

formulas established by the Dept. of Health and Human Services. This amended bill was done with the approval of the judicial branch of the Supreme Court. Vote 12-1.

Amendment (0102h)

Amend the bill by replacing section 1 with the following:

1 Services for Children, Youth and Families; Assignment of Juvenile Probation and Parole Officers. Amend RSA 170-G:15 to read as follows:

170-G:15 Assignment of Juvenile Probation and Parole Officers. The commissioner shall, through rules adopted pursuant to RSA 541-A, assign permanent juvenile probation and parole officers to each judicial district consistent with the workload formula established by the department ~~[in consultation with the New Hampshire Judges Association, and subject to the approval of the presiding justice].~~

AMENDED ANALYSIS

This bill provides that juvenile probation and parole offices shall be assigned to judicial districts based on the workload formula established by the department of health and human services.

HB 280, relative to acceptance of service of process of divorce petitions and requests for modification. **OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Bickford for Children and Family Law: This bill as amended provides an optional manner of service in divorce and child custody proceedings. The respondent or respondent's attorney may accept service at the court within 10 days, thereby making home service unnecessary. Vote 13-0.

Amendment (0297h)

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

AN ACT relative to the manner of service in divorce and child custody proceedings.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Annulment, Divorce and Separation; Optional Manner of Service of Petitions. Amend RSA 458:9 by inserting after paragraph II the following new paragraph:

II-a. In lieu of service as described in paragraph II, the court may, after issuing orders of notice, send notice to the respondent indicating that the petition has been filed and that the respondent or the respondent's attorney may accept service at the court within 10 days. If neither the respondent nor the attorney for the respondent accepts service at the court within 10 days as specified in the correspondence, the petition shall be forwarded to the petitioner for service in accordance with paragraph II.

AMENDED ANALYSIS

This bill permits the respondent in a divorce or child custody proceeding to accept service at the court.

HB 398, removing judicial discretion to include life insurance in a child support order.

INEXPEDIENT TO LEGISLATE

Rep. David A. Bickford for Children and Family Law: This bill would remove the ability of a court to include life insurance costs on top of child support. The committee felt it should have more information and hopes the Child Support Commission will study the problem of how many insurances and financial "add ons" parents can afford over and above their child support obligation. Vote 16-0.

HB 456-FN, relative to admissions to the state hospital for certain substance abusers.

OUGHT TO PASS WITH AMENDMENT

Rep. Karen K. McRae for Children and Family Law: This bill amends RSA 644: 5-a making it a violation to inhale the fumes of a toxic substance in order to get "high" or to aid another to get intoxicated by inhaling. The amendment removes the reference to a second offense by

a minor because minors are already covered by CHINS. Vote 14-1.

Amendment (0413h)

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

AN ACT relative to inhaling toxic vapors.

Amend the bill by replacing section 1 with the following:

1 Inhaling Toxic Vapors for Effect; Substance Abuse Program. Amend RSA 644:5-a to read as follows:

644:5-a Inhaling Toxic Vapors for Effect. A person is guilty of a violation if he *or she* purposely smells or inhales the fumes of any substance having the property of releasing toxic vapors, for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, or possesses, buys or sells any such substance for the purpose of violating or aiding another to violate this section. This section does not apply to the inhalation of anesthesia for medical or dental purposes. ~~[Any court finding that a minor is guilty of a second offense under this section may order the minor to the nearest mental hygiene clinic for examination prior to sentencing. The clinic shall report any finding it makes to the court. The court may order commitment to a public institution, including the New Hampshire hospital for care and treatment as the findings warrant. The court may thereafter modify the order as justice requires.]~~

AMENDED ANALYSIS

This bill clarifies the law regarding inhaling toxic vapors.

HB 109, requiring notification of federal tax requirements in the sale of a principal residence and limiting the disclosure of social security numbers in real estate transfers.

INEXPEDIENT TO LEGISLATE

Rep. Stephen T. DeStefano for Commerce: This bill has two sections. The first requires the preparer of a deed for the sale of a principal residence to provide the seller with all the exemption amounts allowed by the Internal Revenue Service 10 days prior to the closing. The committee felt that this was not the deed preparer's responsibility and was unrealistic. Part two requires that no social security numbers be placed on real estate forms that can be viewed by others not party to the transaction. As of January 1, 2005 social security numbers have been removed from all National Association of Realtors forms, making this section unnecessary. Vote 19-0.

HB 133, establishing a committee to study single payer health care. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: This bill and its sponsor were very specific in its intent. This bill would look at installing a state paid, state controlled health insurance plan similar to the Canadian system for the State of New Hampshire. The committee felt that the enormity of making such a dramatic shift in our whole philosophy of providing for and paying for health insurance was beyond what could be examined by a study committee over the summer. Vote 18-1.

HB 196, establishing a committee to study awarding of the bid for health insurance for state employees. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: Although this proposed study committee has the best of intention, it is not necessary. The Joint Legislative Performance Audit and Oversight Committee (LPAOC) approved the topic of insurance brokers' fees for a performance audit. The fiscal committee concurred with the LPAOC regarding performance audit on this topic. Subsequently the LPAOC approved an expanded scope statement on June 24, 2004, and the fiscal committee approved the same scope on August 11, 2004. This audit will attempt to answer the following question: How efficient and effective were the state's insurance procurement practices during the audit period SFY 1998 through SFY 2005. The audit will

focus on the following four issue areas: how the state manages insurance brokers and agents; how the state procures insurance-like coverage and related services; how the state controls the procurement of insurance and related services by agencies across government; and, is planning for self-insuring state employee health benefits and the acquisition of related services adequate according to best practices. This audit started in mid-January and is expected to be completed this fall. Given that this audit is covering the same subject matter and more as that proposed under this bill, the committee felt that this bill was not needed at this time. Vote 19-0.

HB 226-FN, relative to the provision of loss information to employers. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: The Insurance Department testified that although this bill is well intentioned, the department has had no requests for this information from any members of the small group. Additional testimony indicates that the insurance department collects this data in batch form. That is, they do not break down that information specific to each individual company. Breaking this information down for each small company presents two problems. The first is the logistical problem of reformatting all the data. The second, and more disturbing, problem is the privacy issue. Unlike a company with 50 or more people in their health insurance plan, a company with 2, 5 or 10 people could use this information to very easily determine who was generating the big insurance costs. This is information we do not want employers to have. Since there has been no request for this information and since the unintended consequence would be to increase costs to provide this information, and more importantly, there would be serious privacy concerns, the committee voted ITL. Vote 18-1.

HB 235, relative to age-based motor vehicle insurance premiums. **INEXPEDIENT TO LEGISLATE**

Rep. James R. Martin for Commerce: The bill takes age out as a factor in setting auto insurance rates. Age has proved to be a very reliable factor in insurance rating and age should be retained as a rating factor. As a result of this bill, teenagers and other youthful drivers would be rated the same as more mature drivers. Removing age as a rating factor will result in increasing auto insurance premiums for those who are not youthful drivers. Vote 19-0.

HB 237, relative to telephone rate disclosure. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: Although well intentioned, provisions of this bill are already being adhered to by the long-distance carriers. All of their rates are now publicly disclosed in long-distance carrier PUC filings, telephone books and on their internet sites, any of which would provide the information required by this bill. Since this bill is already being complied with by the industry, the committee felt it was unnecessary. Vote 18-1.

HB 303-FN, relative to the fire standards and training and emergency medical services commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill is a housekeeping bill for Fire Standards and Training. It clarifies the authority of the Fire Standards and Training Commission and clarifies the names of the various organizations that serve on the commission. This bill also permits the commission to waive the requirements for fire service personnel who are not first responders. The amendment added to the bill was to correct the incorrect title of the Fire Standards and Training and Emergency Medical Services Commission to its correct title of Fire Standards and Training Commission. Vote 14-0.

Amendment (0378h)

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

AN ACT relative to the fire standards and training commission.

Amend the bill by replacing sections 1-2 with the following:

1 New Hampshire Fire Standards and Training Commission; Name of Commission and Reference to Firefighter Changed. Amend RSA 21-P:25 to read as follows:

21-P:25 Program Authorized; Definitions.

I. The New Hampshire fire standards and training ~~[and emergency medical services]~~ commission is hereby established and directed to establish minimum educational and training standards for employment as a full-time ~~[firefighter]~~ **fire service personnel**, establish minimum selection standards for full-time fire service personnel, establish and publish educational and training standards for fire service personnel, and certify fire service personnel as meeting the educational and training standard. This commission shall also act in an advisory capacity to the director of the division of fire standards and training and emergency medical services with reference to the instruction methods of determining and dealing with the causes of fire, the prevention of fire, techniques of firefighting and rescue, research techniques in firefighting and fire protection, and the administration and management of fire departments. The commission shall meet at least 4 times annually.

II. As used in this subdivision:

(a) "Commission" means the fire standards and training ~~[and emergency medical services]~~ commission; and

(b) "Director" means the director of the division of fire standards and training and emergency medical services.

(c) "Fire service personnel" means firefighters, fire officers, rescue personnel connected with fire departments, fire prevention officers, inspectors, investigators, fire instructors, public education specialists, fire alarm personnel, or any other personnel who are members of fire departments or fire-related state agencies, whether full or part-time.

2 Members of the Fire Standards and Training Commission. Amend RSA 21-P:26, I to read as follows:

I. There shall be a fire standards and training ~~[and emergency medical services]~~ commission consisting of 16 members, including the commissioner of safety or designee, the commissioner of education or designee, the attorney general or designee, the chief of the forest protection, the director of the division of fire standards and training and emergency medical services, and the state fire marshal, who shall each serve during his or her continuance in such office, and ~~[one active member]~~ **members** of each of the following associations or groups chosen by the governor, with the approval of the council, from a list of 3 qualified members submitted by each association or group:

(a) ***Two representatives of the New Hampshire ~~[Fire Chiefs Association as represented by a full-time career fire chief;] Association of Fire Chiefs, at least one of whom shall be a chief of a full-time fire department, and one a chief of a volunteer department.~~***

~~[(b) The New Hampshire Fire Chiefs Association as represented by a volunteer fire chief;~~

~~[(c)]~~ ***(b) One representative of the Professional Firefighters of New Hampshire-International Association of Firefighters[;].***

~~[(d)]~~ ***(c) One representative of the Fire Instructors and Officers Association of New Hampshire[;].***

~~[(e)]~~ ***(d) One representative of the Federation of Fire Mutual Aid Associations[;].***

~~[(f)]~~ ***(e) One representative of the New Hampshire State Firemen's Association[;].***

~~[(g)]~~ ***(f) One representative of the insurance industry of New Hampshire, which members shall be recommended by the New Hampshire Association of Domestic Insurance Companies[;].***

~~[(h)]~~ ***(g) One representative of the New Hampshire Municipal Association[;].***

~~[(h)]~~ **(h) One representative of** the New Hampshire Permanent Firemen's Association~~[-and]~~.

~~[(i)]~~ **(i) One representative of** the Fire Prevention Society.

I-a. The director of the division of fire standards and training and emergency medical services shall be a nonvoting member of the commission.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4 and 5 to read as 6-7, respectively:

4 Organization of Department of Safety; Name of Commission Changed. Amend RSA 21-P:15, III to read as follows:

III. Any transfer involving the division of fire standards and training and emergency medical services undertaken pursuant to this section shall require consultation with the fire standards and training ~~[and emergency medical services]~~ commission, prior to the transfer being proposed to the governor and council.

5 Advisory Council on Emergency Preparedness and Security; Name of Commission Changed. Amend RSA 21-P:48, I(s) to read as follows:

(s) One member of the fire standards and training ~~[and emergency medical services]~~ commission, appointed by the chairman.

AMENDED ANALYSIS

This bill:

I. Clarifies the name of the fire standards and training commission and the names of various organizations that serve on the commission.

II. Clarifies the authority of the fire standards and training commission to establish educational and training standards for fire service personnel, not just firefighters.

III. Permits the commission to waive certain requirements for fire service personnel who are not first-responders.

IV. Deletes a statutory section relative to the commission's discretion to reimburse fees.

This bill is a request of the department of safety.

HB 382, establishing a commission to develop a strategic capital plan for department of corrections' facilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: This bill establishes a committee to develop a strategic capital plan for Department of Corrections facilities. The fourteen member committee will consider the suitability of structures and facilities for the incarceration and rehabilitation of offenders, the consolidation of certain facilities and services, whether the secure psychiatric unit should continue to be a part of the Department of Corrections responsibilities and whether the Department of Corrections should enter into a contract to house offenders from other states. The Strategic Capital Plan Committee will sunset on November 1, 2017. The presumption is that a plan will have been formulated and prioritized and the Legislature should have begun implementation. Vote 18-0.

Amendment (0362h)

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

AN ACT establishing a committee to develop a strategic capital plan for department of corrections' facilities.

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

1 New Section; Department of Corrections; Strategic Capital Plan Committee. Amend RSA 21-H by inserting after section 14 the following new section:

21-H:14-a Strategic Capital Plan Committee.

I. There is established a committee to develop a strategic capital plan for department of corrections' facilities.

II.(a) The members of the committee shall be as follows:

(1) Five members of the house of representatives, at least one of whom shall be a member of the criminal justice and public safety committee, at least one of whom shall

be a member of the public works and highways committee, and at least one of whom shall be a member of the finance committee, appointed by the speaker of the house of representatives.

(2) Two members of the senate, appointed by the president of the senate.

(3) The commissioner of the department of corrections, or designee.

(4) The commissioner of the department of transportation, or designee.

(5) One representative from the department of health and human services with expertise in behavioral health, appointed by the commissioner of health and human services.

(6) One member of the state commission on the status of women, appointed by the governor.

(7) Three public members with corrections experience, appointed by the governor.

(b) Legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall develop a strategic capital plan for all department of corrections' facilities. The committee's duties shall include, but not be limited to, considering:

(a) The suitability of current structures and facilities used by the state for incarceration and rehabilitation of offenders.

(b) Acquiring a suitable site for a women's prison or a new prison complex. Such a complex would involve the centralization of resources and maximize efficiency in the coordination of services to women inmates. The committee should also consider the demographics of Goffstown's older population in particular and the lack of bed space. The committee should decide whether to provide the opportunity to partner with the counties and the federal government to accept their inmates in any new women's prison facility.

(c) Consolidation of certain facilities to create a more efficient delivery of services.

(d) Whether the secure psychiatric unit should continue to be a part of the department of corrections' responsibilities.

(e) The addition of 500 beds in the northern correctional facility and what effect that might have on the corrections system.

(f) Whether the department of corrections should enter into a contract to house offenders from other states.

IV. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Eight members of the committee shall constitute a quorum.

V. The commission shall make reports on or before November 1 of each year beginning with November 1, 2005 of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library.

2 Repeal. RSA 21-H:14-a, relative to the strategic capital plan committee, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2017.

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

AMENDED ANALYSIS

This bill establishes a committee to develop a strategic capital plan for department of corrections' facilities.

HB 443, relative to the statute of limitations for fire code violations. **OUGHT TO PASS**
Rep. Jordan G. Ulery for Criminal Justice and Public Safety: This bill establishes that the statute of limitations for a fire code violation begins to run only upon the actual discovery of the violation. The committee listened to the report of the Fire Marshall as to how the

addition of one paragraph would close a loophole that allows fraud and deliberate safety violations that may lead to health and safety violations to be prosecuted. Vote 15-0.

HB 556-FN, requiring registration of drug offenders. **INEXPEDIENT TO LEGISLATE**
Rep. Patricia A. Dowling for Criminal Justice and Public Safety: While the committee believes that offenses relative to drugs are indeed serious, testimony revealed that we should not interweave drug convictions within our sex offender registry. In addition, this bill was silent relative to length of time the offenders' names would remain on the registry list. An issue was raised with regard to Part I, Article 28-a of the New Hampshire Constitution relative to unfunded mandates. The Department of Safety indicated that more personnel would be required to input and maintain the database. Testimony suggested that thousands of names would be added to the registry, thus rendering our database of sex offenders cumbersome and less effective. Vote 15-0.

HB 692-FN-L, relative to the county department of corrections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene P. Charron for Criminal Justice and Public Safety: By statute, county correctional facilities can hold sentenced inmates for up to one year. This addresses a trend of creative sentencing by sentencing inmates to serve consecutive one year sentences and certainly does not provide the type of programming the state has available for longer sentencing. A two or three year sentence serves no purpose on the county level. This bill provides that for anyone sentenced for greater than one year on the county level, the first year will be charged to the county. Any time beyond that year will be borne by the state. Vote 15-0.

Amendment (0387h)

Amend the bill by replacing section 1 with the following:

1 Place of Commitment; Expenses of Protective Custody. Amend RSA 30-B:15, II to read as follows:

II. ***For any person sentenced to a single term of imprisonment of up to one year***, the expense of lodging persons in a county correctional facility under the protective custody of a peace officer under RSA 172:15 or RSA 172-B:3 shall be a charge upon the county. ***For persons sentenced to consecutive one-year terms, the expense of lodging under this paragraph for any period of time greater than one year shall be a charge upon the state.***

AMENDED ANALYSIS

This bill requires the state to pay expenses of lodging persons in county department of corrections facilities for any time period greater than one year for persons who are sentenced to consecutive one-year terms.

HB 191-FN, relative to using school building aid for leased classrooms. **OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy E. Easson for Education: This bill was requested by the Department of Education to modify current law to cover the issue of lease-purchase of space in a building or buildings not owned by the school district. The bill enables school building aid for annual grants for leased space. Portable classrooms would still not be eligible for school building aid. Vote 16-0.

Amendment (0018h)

Amend RSA 198:15-b, IV(g) as inserted by section 2 of the bill by replacing it with the following:

(g) Purchase or lease-purchase of mechanical, structural, or electrical equipment, including the cost of installation of such equipment, which is designed to improve energy efficiency or indoor air quality in school buildings. All grant amounts awarded under this

subparagraph shall be returned to the state if such equipment is removed from the school building ***by the vendor due to the school district's failure to meet the terms of the lease-purchase agreement.*** Lease-purchase agreements shall be subject to the requirements of RSA 33:7-e.

Referred to the Committee on Finance.

HB 308, relative to the special education payment distribution schedule and relative to alternative dispute resolution proceedings in special education. **OUGHT TO PASS**
Rep. Claire D. Clarke for Education: This bill was requested by the Department of Education to clarify RSA 186-C:19-b II(c) and RSA 186-C:23 III. In audits conducted in 2000 and 2002, it was noted that the current RSA states that the payment for court ordered placements will be made once a year on or before January 1st. The DOE is requesting to change the RSA, since the department pays the vendor invoice for services within 60 days after receipt of the invoice. The second part of the bill eliminates the word “nonbinding” and replaces it with “confidential” and adds at the end of that paragraph: “The authority of the department of education in alternative dispute resolution proceedings initiated to the provisions of paragraphs I and II.” Vote 14-0.

HB 320-FN-A-L, relative to educational scholarship grants to qualifying private educational institutions. **INEXPEDIENT TO LEGISLATE**
Rep. Mark S. Carter for Education: The committee listened to the testimony of the sponsors and understood their concerns. This bill, however, includes no source of revenue to finance the scholarships it offers. Further, the committee felt that property tax relief was needed by certain other New Hampshire residents as a higher priority, should funding ever become available, and one of the sponsors agreed. Vote 16-0.

HB 448-FN, relative to the collection of certain fees by the postsecondary education commission. **OUGHT TO PASS**
Rep. Stephen R. L'Heureux for Education: This bill authorizes the postsecondary education commission, an appointed body of higher leadership in our state, to establish a user-fee structure to collect fees for expenses related to degree-granting, research and study functions and establishes a non-lapsing fund for the deposit of such fees. While the work of the postsecondary education commission comes with an extensive statutory obligation, without this legislation the commission will find itself in a challenging position as it attempts to meet these obligations without this minimal financial assistance. Vote 13-0.

CACR 10, relating to apportionment of representatives. Providing that the legislature apportion representative districts according to certain fixed standards. **INEXPEDIENT TO LEGISLATE**

Rep. Richard B. Drisko for Election Law: This constitutional amendment concurrent resolution would establish new standards by which the legislature would apportion representative districts in future redistricting efforts. In departing from established redistricting practices, CACR 10 exceeds the parameters for deviation. The committee felt that this was such a fatal flaw that it could not recommend the bill. Vote 16-0.

HB 88, establishing a committee to study voter registration affidavits. **INEXPEDIENT TO LEGISLATE**

Rep. Charles F. Weed for Election Law: The committee believes that since we will be hearing and deliberating on a number of bills related to potential voter fraud, including same day registration and voter identification requirements, the issue of registration affidavits will be subjected to close committee scrutiny this term. Therefore, a study committee was not necessary at this time. Vote 14-0.

HB 232, establishing a commission to recodify the election laws. **INEXPEDIENT TO LEGISLATE**

Rep. Richard E. Kennedy for Election Law: This well intended bill would establish a study of many areas of our election laws. After much deliberation, the committee unanimously felt that the questions raised could and should be answered by the review of over 50 bills before the committee. Vote 14-0.

HB 361, relative to filling vacancies on a party ticket in cases of disqualification or death. **INEXPEDIENT TO LEGISLATE**

Rep. Michael G. Biundo for Election Law: The committee unanimously agreed that this bill, enabling political parties to fill vacancies on a party ticket due to the death, disability or change of domicile of a nominated candidate, goes against the intent of the founding fathers. Our representative republic, and its rights and privileges, is sometimes at odds with those that crave efficiency. In the case of a vacancy for the above mentioned reasons, the committee believes that a special election that allows the people to choose who should represent them would be the appropriate thing to do. Vote 16-0.

HB 483, relative to instructions to be placed on the general election ballot. **OUGHT TO PASS**

Rep. Ralph G. Boehm for Election Law: This bill clarifies the general election ballot instructions regarding the number of persons to be voted for. RSA 656:6 was amended in the last session but a phrase needs to be edited back in. For each office the words "Vote for any ____" needs to be changed to "Vote for not more than ____" This change will make it clearer that the voter should only vote up to a certain number of candidates, but does not need to vote for the maximum number. This returns the text back to the traditional instructions with which the voter is familiar. Vote 15-0.

HB 477-FN, increasing registration fees for pesticides and commercial feeds. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sheldon S. Sawyer for Environment and Agriculture: This bill was requested by the Commissioner of the Department of Agriculture, Markets and Foods. The committee felt that since the fees had not been increased in 13 years, and surrounding states had fees that were considerably higher, the request was warranted. 10% of the increased pesticide fees will go toward implementing the Integrated Pest Management Fund and 50% of the commercial fees will go to the Agricultural Product and Scale Testing Fund. The remainder will be returned to the general fund. Vote 14-0.

Amendment (0419h)

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

3 Pesticide Control Board; Membership. Amend RSA 430:30, I(j) to read as follows:

(j) One person from a slate of 3 persons presented by the New Hampshire Horticultural ~~[Society]~~ **Industries Council**.

AMENDED ANALYSIS

This bill increases registration fees for pesticides and commercial feeds, and changes the name of a member to the pesticides control board.

This bill is a request from the department of agriculture, markets, and food.
Referred to the Committee on Ways and Means.

HB 234-FN, relative to the development of a closed state municipal information network by the office of information technology. **OUGHT TO PASS WITH AMENDMENT**

Rep. James B. Coburn for Executive Departments and Administration: This bill defines the responsibilities of the Office of Information Technology (OIT) to include development of a

state municipal network and support infrastructure that connects cities, towns, county and state information systems. The amendment removed the term “closed” network, and ensured voluntary participation by the municipalities. The Information Technology Council will also advise the OIT on the implementation of a state municipal network. The committee felt that this is a good step toward improving communication between the state and municipalities. Vote 17-0.

Amendment (0438h)

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

AN ACT relative to the development of a state municipal information network by the office of information technology.

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

1 New Paragraphs; Office of Information Technology; Development of State Municipal Network. Amend RSA 4-D:2 by inserting after paragraph XV the following new paragraphs:

XVI. Developing a state municipal network and support infrastructure that connects city, town, county, and state information systems, and permits voluntary participation by municipalities.

XVII. Developing strategies that enable municipal and county agencies to consolidate information technology services and utilize the state municipal network.

2 New Subparagraph; Duties of Information Technology Council; State Municipal Network Added. Amend RSA 4-D:4, I by inserting after subparagraph (g) the following new subparagraph:

(h) Implementation of a state municipal network.

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

AMENDED ANALYSIS

This bill requires the office of information technology to develop a state municipal information network.

Referred to the Committee on Finance.

HB 545-FN, allowing retired police officers to become teachers without rejoining the state retirement system. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: The fact that this bill applies only to retired police officers and not all members of the system would jeopardize the tax exempt status of the system. To allow all retired members to continue in state or political subdivision full-time positions while still collecting their retirement and making no contribution to the system would seriously drain or jeopardize the system. The system is presently funded at 79% of the liabilities and on a 30 year recovery to full funding. This program would seriously jeopardize that recovery. Once this was explained to the prime sponsor, he requested that the bill be deemed inexpedient to legislate. Vote 16-0.

HB 597-FN-A, relative to the natural heritage inventory program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill, as amended: (1) changes the name of the Natural Heritage Inventory Program to the Natural Heritage Bureau administered within the Division of Forests and Land of the Department of Resources and Economic Development; (2) updates the organization names of mandated members of the Natural Areas Council, and (3) provides for the establishment of a non-lapsing Natural Heritage Bureau dedicated fund. The fund is to be used exclusively to cover the costs of conducting environmental reviews for known occurrences of rare or endangered species on lands being considered for development (housing, subdivisions, roads) in New Hampshire and to prepare and distribute publications and/or reports of analyzed data on the status, location and distribution of rare and endangered native plants. Fees for the environmental reviews and requests for publication are to be deposited in the dedicated fund.

Vote 16-0.

Amendment (0430h)

Amend the bill by replacing section 3 with the following:

3 Rulemaking. Amend RSA 217-A:8, II(g) to read as follows:

(g) ~~[Fees to be charged and collected to cover the costs of services rendered under this act, which shall be deposited into the general fund as unrestricted revenue]~~

Administration of the fund established in RSA 217-A:7-a.

Amend the bill by replacing all after section 6 with the following:

7 New Section; Natural Heritage Bureau Fund Established. Amend RSA 217-A by inserting after section 7 the following new section:

217-A:7-a Natural Heritage Bureau Fund Established.

I. The commissioner may charge a fee of \$25 for requests for environmental reviews and a fee not to exceed \$25 to offset the costs of providing publications and/or reports to the public. The fees charged under this paragraph shall be deposited in the fund established in paragraph II.

II. There is hereby established in the office of the state treasurer a fund to be known as the natural heritage bureau fund. Moneys collected under paragraph I shall be deposited in this fund. The fund shall be nonlapsing and continually appropriated to the commissioner for the purposes of providing environmental reviews and for the costs of providing publications and/or reports to the public.

8 New Subparagraph; Natural Heritage Bureau Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (234) the following new subparagraph:

(235) Moneys deposited in the natural heritage bureau fund established in RSA 217-A:7-a.

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

AMENDED ANALYSIS

This bill:

I. Changes the name of the natural heritage inventory program to the natural heritage bureau.

II. Updates the organization names of mandated members of the natural areas council.

III. Changes the destination of the fees charged by the natural heritage bureau.

IV. Establishes a special fund.

Referred to the Committee on Ways and Means.

HB 605-FN, relative to the funding of the modular building standards program.

INEXPEDIENT TO LEGISLATE

Rep. Ken Hawkins for Executive Departments and Administration: This bill would add to the Division of Fire Safety and put into statute the positions of an administrator and inspector for modular building housing standards. Currently under RSA 205-C:6 there is an interim funding provision that says, “until such time as an appropriation is provided in the operating budget of the state, the commissioner, with approval of the fiscal committee of the general court and governor and council is authorized to transfer sufficient funds as are deemed necessary for personnel and expense of administering the modular building standards program.” The committee felt that we should not override that budget process by adding, through statute, new employees. Vote 16-3.

HB 629-FN, relative to licensing requirements for certain regulated professions.

INEXPEDIENT TO LEGISLATE

Rep. Alida I. Millham for Executive Departments and Administration: The intent of this bill is to make the penalties for practicing without a license consistent across certain regulated professions such as: private detectives, professional engineers, architects, land surveyors, natural scientists, foresters and geologists. Upon study, it appeared that a penalty that

would work for one profession would not necessary work for another. Also there was no evidence presented that the penalty clause in each of the certain regulated professions practice laws was not working and it was determined that any problems with the clause could be dealt with on a case by case basis. Therefore, the committee recommends inexpedient to legislate. Vote 17-1.

HB 644-FN, transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services.
OUGHT TO PASS WITH AMENDMENT

Rep. Nelson S. Allan for Executive Departments and Administration: This bill is a remnant of the massive reorganization bill of the last session to improve efficiencies in state government. In an effort to consolidate similar activities to one management chain, this bill transfers responsibility for public works administration and state lease administration from the department of transportation and the department of health and human services, respectively, to the department of administrative services. A reorganization of divisions, bureaus, sections and function within the department of administrative services to integrate the responsibilities is also included. Vote 18-1.

Amendment (0391h)

Amend the bill by replacing section 18 with the following:

18 Compliance With Contracts. Amend RSA 228:5-a to read as follows:

228:5-a Compliance With Contracts.

~~[I.] The performance of contracts for all state~~ **transportation** ~~projects [costing over \$25,000]~~ shall be inspected to assure compliance with the plans and specifications. The department shall require inspection service by one of the following methods: (a) by the registered architect or professional engineer or his representative, (b) by qualified personnel of ~~[the state agency, institution or department concerned]~~ **a professional construction inspection company**, or (c) by personnel of the department of transportation. ~~[Prior to the execution of a contract for a state project, the department shall notify the state agency, institution or department concerned which method of inspection shall be followed.]~~

~~II. The department or its agent shall periodically give to the using agency or institution signed statements that the contract is being executed according to specifications including a final statement that the project has been completed in accordance with the specifications.~~

~~III. Manifests for such payments shall be made and signed by the using agency, department, or institution. Manifests for final payment shall certify that inspections have been carried out, that the project has been completed in accordance with the specifications and contract, and that it has been accepted. Such manifest shall be certified by the department that the progress reports furnished by the department are correct and that inspections have been made and the provisions of the plans and specifications have been carried out.]~~

Referred to the Committee on Finance.

HB 668-FN, relative to appeals of decisions by boards, commissions, and agencies regulating professional occupations. **INEXPEDIENT TO LEGISLATE**

Rep. Ken Hawkins for Executive Departments and Administration: This bill was a result of a study committee from the last session. The committee heard testimony from a variety of boards, commissions, agencies, and the attorney general's office. After listening to all of the testimony, we learned that there are over 130,000 licensees that would be covered under this bill. We also learned that over the last five years there have been only 45 instances where an appeal has been heard. Of these 45, only 5 went to court. The committee did not think that we should be spending over \$100,000 that this bill would cost to address the few appeals that have taken place. Vote 16-2.

HB 674-FN-A, establishing fees for construction plan reviews by the state fire marshal and establishing the position of fire protection engineer in the division of fire safety.

INEXPEDIENT TO LEGISLATE

Rep. Ken Hawkins for Executive Departments and Administration: Under current statute, the fire marshal's office must review all plans of all state, school and other municipal buildings. However, because of budget cuts in the past, it does not have a fire protection engineer. Now the fire marshal's office is coming to the legislature to reinstate this position. After hearing testimony, the committee believes that the fire marshal's office is still able to comply with the current statute and the fire safety of the New Hampshire citizens is not jeopardized. There is also the problem that it became an unfunded mandate under Part I Article 28-a of the New Hampshire Constitution, in that counties and municipalities may have to appropriate monies to pay for these fees. Vote 13-4.

HB 708-FN, establishing a new state defined contribution retirement plan for new state employees and establishing a committee to study the transition of current employees into the new plan and administration of the new plan. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This bill establishes a state retirement plan for new employees which is structured as a defined contribution plan. All new employees of the State of New Hampshire after the effective date of the bill would be required to be in the new retirement plan. The bill would also establish a committee to study the transition of current and other employees into the plan and examine issues in the administration of the plan. The committee reviewed the plan and with the help of the system's actuaries determined that the state would have to pay the system an additional \$32.0 million dollars in the first year alone to stabilize the existing plan and maintain the current strategy to bring the system from the 79% liability funding to the required 115% over a 30 year period. In addition, the plan would be for state employees only. The political subdivisions would be mandated to pay in violation of Part I Article 28-a of the constitution. States that have instituted a defined contribution plan, in the past have been returning to the defined benefit plan because their retired employees had been retiring with close to \$5,000 less per year on average than those on a defined benefit plan. In addition, the new defined contribution plan would not have medical, disability or death benefits. The employees in the new plan could not belong to the existing plan and therefore could not share in the benefits of the existing plan. Additional benefits at additional expense would have to be set up for the new plan. The new defined contribution plan would not encourage employees to continue state service in that they could pull out of it at anytime. The existing plan encourages employees to stay with the state until they reach retirement age. This bill would set up a plan that would not be in the best interest of the employees or the state. Vote 18-0.

HB 211, relative to the sale of lead fishing sinkers and jigs and establishing a study committee on New Hampshire's loon population. **INEXPEDIENT TO LEGISLATE**

Rep. Mark S. Clark for Fish and Game: This bill would have postponed the ban on the sale of lead sinkers in New Hampshire from January 2006 to January 2007 and establish a committee to study the loon population in New Hampshire. In 1998, New Hampshire was the first state in the nation to ban the use of small lead sinkers in all lakes and ponds. In 2005, this ban was extended to all fresh water bodies in the state. As a compromise to the legislation passed in 2004, the ban on sales was extended to 2006. It was the consensus of the committee that passing this legislation would be taking a step backward on environmentally friendly legislation. Furthermore, since 13 loon studies have been conducted in the past 15 years and this was an on-going project, the committee felt that another loon study committee was not required. Vote 11-1.

HB 353, relative to consent to inspect lobster and crab gear of license holders. **OUGHT TO**

PASS WITH AMENDMENT

Rep. Stephanie Eaton for Fish and Game: The Fish and Game Department requested this bill, and lobstermen supported this bill in committee. Statutory authority now exists for random inspection of lobster and crab gear. The problem is that a seacoast district court judge recently ruled that more than implied consent would be needed for a specific gear search. This bill increases Fish and Game's authority to legally haul and examine lobster gear. Vote 11-0.

Amendment (0444h)

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

AN ACT relative to consent to haul lobster and crab gear of license holders.

Amend RSA 211:18, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. Any person who purchases a license to take lobster and crabs in waters of the state of New Hampshire pursuant to this section shall be deemed to have given consent to law enforcement officers to haul lobster and crab gear set for the purpose of taking or keeping lobsters and crabs within the jurisdiction of the state of New Hampshire.

AMENDED ANALYSIS

This bill allows law enforcement personnel to haul lobster and crab gear of persons holding licenses for taking lobster and crabs in the jurisdiction of the state.

HB 409, requiring identification on tree stands, pit blinds, and observation blinds used for hunting. **INEXPEDIENT TO LEGISLATE**

Rep. Paul Mirski for Fish and Game: The bill, as written infers to the land owner upon whose land a fixed or portable tree stand may be found, the potential responsibility for having to notify either law enforcement or the owner of said tree stand of his possession. It also would infer the responsibility for storage of same. Access to lands for the purpose of hunting is tentative at best. Inferring any sort of obligation to landowners who permit access to those licensed by the state for the purpose of hunting ought to be avoided wherever and whenever possible. Vote 13-0.

HB 430-FN-A, establishing a one-day resident fishing license. **OUGHT TO PASS**

Rep. David L. Smith for Fish and Game: The bill will enable a New Hampshire resident to fish in New Hampshire waters for one day. The purpose is to provide a means for someone to try the sport. The Fish and Game Department will realize new revenues immediately, and hopefully will sell more season licenses in the future. All testimony was in favor, and the bill was a request of the Fish and Game Department. The total cost to the licensee is to be \$10.00. Vote 12-0.

Referred to the Committee on Ways and Means.

HB 444, relative to the surrender of diseased or injured game animals to the fish and game department. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mark S. Clark for Fish and Game: The committee heard testimony on this bill and there was no opposition. The committee felt that the Fish and Game Director, upon request of a licensee, may declare an animal unfit for human consumption. After the surrender and condemnation of the game animal, the animal shall be surrendered to the department. Vote 12-0.

Amendment (0455h)

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

AN ACT relative to the surrender and condemnation of game animals to the fish and game department.

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Disposition of Condemned Game Animal. Amend RSA 208 by inserting after section 24 the following new subdivision:

Disposition of Condemned Game Animal

208:25 Disposition of Condemned Game Animal. The executive director may condemn, upon request of a licensee, the carcass of a lawfully taken and possessed game animal that is determined unfit for human consumption, provided the condition was not created by the actions of the person who took the animal. The entire game animal shall be surrendered to the department and repossessed. After surrender and condemnation of the game animal the licensee shall be given written notice by the department employee indicating that the department repossessed the animal and that the hunter's privilege to continue to hunt that species has not been jeopardized.

AMENDED ANALYSIS

This bill allows the fish and game department to condemn a game animal taken by a licensed hunter which is determined to be unfit for human consumption.

HB 445, relative to the taking of certain game birds and fur-bearing animals. **OUGHT TO PASS**

Rep. Renney E. Morneau for Fish and Game: This bill adds coyote and opossum to the list of species defined as fur-bearing animals. The bill also removes European partridge from RSA 209:4. The European partridge is also referred to as the Hungarian partridge. This bill was a request from the Fish and Game Department. Vote 13-0.

HB 446, relative to applications for resident hunting or fishing licenses. **OUGHT TO PASS**

Rep. David L. Smith for Fish and Game: This bill removes "Resident Tax Receipt" from the title of RSA 214:11-a; and adds the word "resident" to clarify the type of license cited in the text of the law. The bill clarifies this RSA and does not change any practices currently in place in the Fish and Game Department. No costs are associated with this bill. The bill was presented at the request of the Fish and Game Department. Vote 13-0.

HB 484, allowing deer hunting with a primitive flintlock muzzleloader. **INEXPEDIENT TO LEGISLATE**

Rep. Donald Carlson for Fish and Game: This bill would require the Fish and Game Department to establish, in addition to the present deer hunting season, a new season for primitive flintlock hunting of deer. This is the same bill we have voted down in past years. These weapons can be used in the current muzzle loader season and the committee saw no need for a dedicated season. Vote 10-1.

HB 257, relative to emergency medical and trauma service protocols and quality assurance program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fran Wendelboe for Health, Human Services and Elderly Affairs: The original bill provides that the medical control board shall, by rules adopted by the department of safety, establish protocols for standards of care and licensing requirements for emergency medical and training service providers. There were a number of local and state entities that worked on the provision that removed the local option to establish more stringent requirements than the state. The bill also would establish a quality assurance program which the amendment changes to a quality management program. The amendment did have a section that would make the protocol changes exempt from RSA 541:A. The committee agreed to pass this bill with the understanding that this bill would then be sent to the Executive Departments and Administration Committee to address the issue of exempting this issue from rules. Vote 17-0.

Amendment (0226h)

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

1 Emergency Medical and Trauma Services; Definition of Off-Line Medical Control. Amend RSA 153-A:2, XV(a) to read as follows:

(a) “Off-line” medical control which includes ~~[education, protocol development, critique, leadership, advice, and quality control]~~ ***collaborative oversight of education, advice, critiques, medications, treatment modalities, and performance improvement with the head of the unit.***

2 New Paragraph; Emergency Medical and Trauma Services; Definition of Prerequisites Added. Amend RSA 153-A by inserting after paragraph XVI the following new paragraph:

XVI-a. “Prerequisite” means the education or demonstrated proficiency required as a prior condition to performing select skills or procedures contained in the standardized protocols issued by the emergency medical services medical control board.

3 Emergency Medical Services Medical Control Board; Adoption of Protocols Concerning Patient Care. RSA 153-A:5, III(d) is repealed and reenacted to read as follows:

(d) Submitting to the commissioner standardized protocols concerning patient care to consider for adoption as rules, which shall address prerequisites within protocols governing their use by providers, living wills established under RSA 137-H, durable powers of attorney for health care established under RSA 137-J, and patient-requested, physician generated orders relative to resuscitation.

4 Emergency Medical and Trauma Services; Duties of Commissioner; Rules Relative to Emergency Medical Services Protocols and Ambulance Equipment and Staffing. Amend RSA 153-A:7, II to read as follows:

II. The commissioner shall:

(a) Adopt rules, ***under RSA 541-A***, with the advice and assistance of the coordinating board, the emergency medical services medical control board, and the trauma medical review committee, in accordance with RSA 153-A:20.

(b) Adopt rules, which shall be exempt from RSA 541-A, with the advice and assistance of the emergency medical services medical control board, in accordance with RSA 153-A:5, III(d). Before any protocol relative to patient care shall be sent to the commissioner to consider for adoption as rule under this subparagraph, the division shall:

(1) Provide notice of the proposed protocol to emergency medical care providers and emergency medical service units.

(2) Allow a 60-day period for the receipt of written comments on the proposal.

(3) Hold public hearings, one in the daytime hours and another during the evening hours, in such a way as to maximize input from emergency medical care providers.

~~[(b)]~~ (c) Oversee the administration of the division by the director.

4 New Paragraph; Rulemaking; Quality Management Program. Amend RSA 153-A:20 by inserting after paragraph XXII the following new paragraph:

XXIII. The administration of the quality management program established under RSA 153-A:34.

5 New Subdivision; Quality Management Program. Amend RSA 153-A by inserting after section 33 the following new subdivision:
Quality Management Program

153-A:34 Quality Management Program

I. In this section:

(a) “Quality management program” means a comprehensive, continuous, and organization-wide evaluation and measurement system established in accordance with the rules and definitions adopted by the division of fire standards and training and emergency medical services. The system shall be used to evaluate and monitor the quality and appropriateness of system operation and the care provided to patients in order to identify

sentinel events and trends so that corrective action may be taken by the local provider agency.

(b) "Records" means records of interviews, internal review and investigations, and all reports, statements, minutes, memoranda, charts, statistics, and other documentation generated during the activities of a quality management program. "Records" shall not mean original medical records or other records kept relative to any patient in the course of the business of operating as an emergency medical services unit.

II. Records of a quality management program shall be confidential and privileged and shall be protected from direct or indirect means of discovery, subpoena, or admission into evidence in any judicial or administrative proceeding. However, information, documents, or records otherwise available from original sources are not to be construed as immune from discovery or use in any such civil or administrative action merely because they were presented to a quality management program, and any person who supplies information or testifies as part of a quality management program, or who is a member of a quality management program committee, may not be prevented from testifying as to matters within his or her knowledge, but such witness may not be asked about his or her testimony before such program, or opinions formed by him or her, as a result of committee participation. Further, a program's records shall be discoverable in either of the following cases:

(a) A judicial or administrative proceeding brought by the commissioner to revoke or restrict the license or certification of an emergency medical care provider or other person licensed under this chapter; or

(b) A proceeding alleging repetitive malicious action and personal injury brought against an emergency medical care provider or other person licensed under this chapter.

III. No person or entity shall be held liable in any action for damages or other relief arising from their good faith participation in a quality management program, or from the providing of information to a quality management program or in any judicial or administrative proceeding.

6 New Subparagraph; Exemption from Administrative Rulemaking Requirement. Amend RSA 541-A:21, I by inserting after subparagraph (y) the following new subparagraph:

(z) RSA 153-A:7, II (b), relative to emergency medical services protocols.

7 Repeal. The following are repealed:

I. RSA 153-A:2, XII relative to the definition of a local option.

II. RSA 153-A:20, II, relative to rulemaking governing emergency medical services protocols.

8 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill:

I. Directs the commissioner of the department of safety to adopt rules, in consultation with the emergency medical services medical control board, and exempt from RSA 541-A, relative to protocols concerning patient care, and any prerequisites within the protocols. The bill removes the reference in current law to the provision of local options under medical control and repeals the definition of "local option."

II. Establishes a quality management program for emergency and trauma service providers.

This bill is a request of the department of safety.

Referred to the Committee Executive Departments and Administration.

HB 494, establishing a commission to study creating a controlled substance prescription monitoring program. **INEXPEDIENT TO LEGISLATE**

Rep. Fran Wendelboe for Health, Human Services and Elderly Affairs: The purpose of this bill is to devise a system to monitor the dispensing of class 2 and 3 narcotics. Many members of the committee recognized the benefit of having a system of tracking controlled substance prescriptions to prevent physician shopping and multiple prescriptions. A desire was

expressed to not have a commission, but to actually establish such a program now. However, the subcommittee and interested parties clearly realized that more planning was needed. There is a \$50,000 grant application for planning that the Attorney General's office has submitted. The recommendation of the subcommittee was to continue to work internally on the issue during this session and be ready to move forward with a new bill for January 2006 with their recommendation for establishment of a program rather than a commission. The committee will move forward on an ad hoc basis with members of the Boards of Pharmacy, Medicine, and Nursing, the Department of Health and Human Services, the Attorney General's office, the Medical Society, and the chairman of the ad hoc committee on electronic prescription monitoring. Vote 15-0.

HB 681-FN, relative to training, quality assurance, and licensing of assisted living facilities.
OUGHT TO PASS WITH AMENDMENT

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee unanimously supported the policy positions contained in this bill. The bill gives the DHHS the authority to train residential care professional staff in assessment techniques concerning quality care and treatment services provided by the facility. Once the department has trained the staff members they, in turn, can provide the training to new staff members. In addition, this training reinforces quality assurance programs. These facilities could be providing services to increasing numbers of residents under medicaid reform. Those facilities that qualify under a stringent set of criteria are granted a two-year waiver from inspection. As amended, this bill provides the waiver only if that residential facility has successfully been inspected over a two year period and was "deficiency-free". A one-year waiver will be allowed if there were no "founded" complaints, and if the facility administrator continues in office as well as the director of nursing. The committee supports the work of the New Hampshire Association of Residential Care Homes and the New Hampshire Health Care Association who support the bill. Vote 17-0.

Amendment (0284h)

Amend RSA 151:6-a as inserted by section 3 of the bill by replacing it with the following:

151:6-a Annual Inspection. The department of health and human services shall make at least one annual unannounced inspection of every facility licensed under this chapter. For residential care facilities, defined in RSA 151:2, I(e), the inspection shall include a review of the programs and services offered in the facility to assure that the facility is in compliance with its current level of licensure, and a survey of the most recent individual resident needs determinations where such surveys are not done under the survey and certification process for Titles XVIII and XIX of the Social Security Act, as amended, to assure that the facility and its programs and services are appropriate to the needs of the residents. Inspection results shall be provided as a written report which distinguishes between those findings that do, and those which do not, indicate a pattern of care, or which demonstrate over the period of at least 2 inspections, a trend in the care of residents or management of the facility which has the potential for adversely affecting the health of the residents. The results of this inspection and any later inspection shall be posted in a conspicuous place in the facility in the manner determined by the commissioner of the department of health and human services. The results so posted shall indicate the facilities and services inspected and the results for each such facility or service. This section shall not apply to acute care general hospitals when the department and the joint committee for accreditation of hospitals have agreed on joint inspection standards. ***If a residential care facility has been inspected and is found to be deficiency-free for 2 consecutive years it shall be granted a one-year waiver from the provisions of this section; provided, that the facility is not the subject of a founded complaint investigation under RSA 151:6, the facility remains under the same administrator who is responsible for the day-to-day operation of the***

facility, and the facility remains under the same director of nursing if there is a director of nursing.

AMENDED ANALYSIS

This bill allows residential care facilities to establish proceedings for a quality assurance program. The bill authorizes the department of health and human services to provide training for persons who own or work in a residential care facility. This bill also grants a one-year waiver from annual inspections to certain facilities under certain conditions.

HB 697-FN, establishing a commission to study medicaid reimbursement rates for pharmacy providers and exempting pharmacy providers from certain requirements of the department of health and human services relative to reimbursement rates. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fran Wendelboe for Health, Human Services and Elderly Affairs: Determining a methodology to establish pharmacy reimbursements has been a long-standing problem and one that has yet to be addressed. New Hampshire law requires that all medicaid providers give the state the lowest price they offer to any other consumer. The law RSA 126-A: 3, III allows the commissioner to waive this requirement for pharmacy providers. Waiver had been the approach taken up to 2004. Pharmaceutical prices are a moving target. The Department of Health and Human Services would be unable to pay each pharmacy at a different rate for the same drug, and so one rate has been established through waiver and paid to all pharmacies. This bill creates a commission charged with coming up with a methodology that makes sense. Taking a serious look at this issue is long overdue. The bill, as amended, was supported at the hearing by independent and chain pharmacies as well as the Department of Health and Human Services. There was no opposition. Vote 18-0.

Amendment (0355h)

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

AN ACT establishing a commission to study medicaid reimbursement rates for pharmacy providers.

Amend the bill by replacing section 4 with the following:

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

Amend the bill by replacing all after section 5 with the following:

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

This bill establishes a commission to study medicaid reimbursement rates for pharmacy providers.

HB 324-FN, relative to requirements for legal marriages. **INEXPEDIENT TO LEGISLATE**

Rep. Bette R. Lasky for Judiciary: As the analysis of this bill states, it is “intended to create a distinction between a lawful marriage which is solemnized by a minister without further state involvement, and a legal marriage, which has certain state procedural requirements and which may or not be solemnized by a religious officiant.” Upon testimony and questioning of the sponsors it became apparent that there was no clear consensus or vision as to what they wanted this bill to do. The committee became equally confused. An amendment was submitted that would repeal RSA 457:35 relative to the penalty for solemnization without a valid certificate of marriage. While some members of the committee felt that might have some merit, all in all, we hope if the sponsors want to clarify the “lawful marriage” section of Chapter 457, the Marriage Statutes, that they try to make their message clearer and bring the matter forth again. Vote 18-1.

HB 375, relative to right-to-know requirements when interviewing applicants for certain public positions. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This bill would add to the exemptions to the right-to-know law, RSA 91-A, by allowing interviews with prospective candidates for vacancies on municipal boards and commissions to be held entirely in non-public sessions. The committee was not unsympathetic to the sponsor's concern about the clumsiness and potentially invasive consequences of having to recess public hearings and go into non-public session each time personal matters are raised, and that these could discourage qualified persons from applying for these important voluntary, mostly unpaid positions. In view, however, of the important public purposes of the statute and the availability under it of adjournment into non-public session, the committee concluded unanimously that it would be unwise to carve out an additional exemption for positions of such authority as municipal boards and commissions. Vote 18-0

HB 543, establishing a commission to study probate court processes and probate law. **INEXPEDIENT TO LEGISLATE**

Rep. Peter S. Espieffs for Judiciary: After hearing testimony from the sponsor of this bill, the committee determined there was no need to establish a commission to study the probate court process and probate law. Vote 18-0.

HB 680-FN, relative to witness tampering. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: The bill would expand the crime of witness tampering under RSA 641:5 to include inducing or otherwise causing a person to refuse to grant an interview to "any criminal investigative official" unless the refusal "comes as a result of the person's personal decision." The committee was unable to understand how the refusal of a competent adult to grant an interview could be the result of anything other than the person's personal decision. Moreover, there already exist sufficient ways in which to require a reluctant person to disclose relevant information pretrial, including issuing, or simply threatening to issue, a notice of deposition or subpoena to appear before the grand jury. In light of these alternatives, the committee did not believe it necessary or desirable to impose a criminal sanction upon third parties. This bill would also criminalize inducing or otherwise causing a person to answer any questions in a criminal investigation "if such person is under 16 years of age and is a suspect in said criminal investigation." Again, current law provides a sufficient remedy, a motion to suppress, if it is believed that a minor's immaturity has been taken advantage of by an investigator for the state to produce an unknowing or uninformed waiver of his constitutional right not to give evidence against himself, or if the methods used by an investigator for a defendant or potential defendant to obtain answers make their reliability suspect. Vote 18-0.

HB 384, prohibiting mandatory overtime. **INEXPEDIENT TO LEGISLATE**

Rep. Jarvis M. Adams for Labor, Industrial and Rehabilitative Services: There was much opposition to this bill during the hearing. There is no language in the bill to allow for emergencies, creating potential problems for everyone from the Department of Transportation, the State Police, PSNH, as well as all hospitals. Employees and employers who enjoy the benefit of twelve hour shifts may lose that option unless they become collective bargaining units. For this and other reasons the majority of the committee supported ITL. Vote 13-2.

HB 288-FN, establishing a commission to effect the process for the town of Killington, Vermont to become part of the state of New Hampshire. **OUGHT TO PASS**

Rep. Michael S. Rollo for Legislative Administration: This bill quite simply establishes a commission to effect the process of annexing the Town of Killington, Vermont to the State of New Hampshire. This bill does not annex the town immediately, but depends on the

condition that the State of Vermont establishes a similar commission. The committee believes that in fairness to the Town of Killington, passing this bill at this time will enable Killington more options in negotiating with the State of Vermont. From a fiscal point of view the State of New Hampshire will incur no costs unless the State of Vermont actually does establish a similar commission. Vote 14-0.

HB 630-FN, relative to computer spam and cyber-security. **INEXPEDIENT TO LEGISLATE**

Rep. David P. Currier for Legislative Administration: A subcommittee was appointed to delve into the issue contained in this bill. The sponsor brought an amendment that significantly changed the bill but didn't necessarily improve it. HB 47, which appeared on the consent calendar on February 23, dealt with a similar issue, with more specific language. Finally, RSA 638 already has penalties regarding damage that may ensue from this type of situation, specifically-damage over \$1000 constitutes a Class A felony and anything under \$500 is a class B felony, so this bill essentially would lessen the penalty regarding computer/cyber damage. The committee voted unanimously to protect the consumer. Vote 13-0.

HB 73, allowing recipients of the National Defense Service Medal to be eligible for the veterans' property tax credit. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill would extend the Veterans Property Tax credit to recipients of the National Defense Service Medal. There are additional thousands of veterans who would be eligible for the optional veteran's tax credit if this bill became law. Last term the optional veteran's tax credit for eligible honorably discharged was greatly expanded from one hundred dollars up to five hundred dollars and the optional disabled veteran's tax credit from \$1400 to \$2000 with no set parameters on income and assets. Many towns voted the increase last year and it is on the ballot in many more towns. Whenever a tax credit is given to one group of taxpayers, it shifts the burden to the other taxpayers at this point. The effect of the new tax credit on the taxpayers is unknown. Though the committee feels it would be great if all veterans could be granted the tax credit, it is prudent to observe the effect of last year's increases before authorizing additional tax credits. The committee honors all veterans for their service to our country. However, we feel this bill is premature. Vote 17-1.

HB 110, extending the veterans' property tax credit to all honorably discharged veterans. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill would extend the veterans property tax credit to all honorably discharged veterans. There are additional thousands of veterans who would be eligible for the veteran's tax credit if this bill becomes law. Last term, the optional veteran's tax credit for eligible honorably discharged veterans was greatly expanded from one hundred dollars up to five hundred dollars and the optional disabled veteran's tax credit from \$1400 to \$2000 with no set parameters on either income or assets. Many towns voted the increase last year and it is on the ballot in many more towns. Whenever a tax credit is given to one group of taxpayers, it shifts the burden to the other taxpayers at this point. The effect of the new tax credit on the taxpayers is unknown. Though the committee feels it would be great if all veterans could be granted the tax credit, it is prudent to observe the effect of last years increases before authorizing additional tax credits. The committee honors all veterans for their service to our country. However we feel this bill is premature. Vote 17-1.

HB 187, allowing municipalities to adopt a property tax cap for persons 80 years of age and older. **INEXPEDIENT TO LEGISLATE**

Rep. Christopher L. Doyle for Municipal and County Government: The options given the

elderly who may be at risk of losing their homes in New Hampshire is a subject of much work in committee. Last session there was extensive work and changes to the elderly exemptions – which would be a decision of the local legislative body. This bill would give an optional tax cap for persons 80 years of age and older without consideration of their income, assets or need. The only criteria are age and length of residency in New Hampshire. Also, the tax cap would be credit, not an amount taken off the property assessment. There was no mention in the bill of whether this tax cap could be used along with the elderly exemption already in place. The committee has to weigh the balance between giving relief from property taxes to certain segments of the population and the shifting of responsibility of that cost to the other taxpayers in the community. The decision is never easy; however the committee feels strongly that income and assets have to be part of the calculation. Vote 14-0.

HB 271, relative to petitions submitted to town meetings. **INEXPEDIENT TO LEGISLATE**

Rep. Peter B. Schmidt for Municipal and County Government: When a petition for a warrant article is circulated in the local community, there usually are a number of separate pieces of paper going around. This bill requested that the originator of the petition be the first named on each of the circulated petitions. The committee felt that this was not advisable since a petition should only be signed once by each registered voter. The sponsor also agreed that this bill should not move forward and the committee agreed with his sentiment. Vote 19-0.

HB 512, establishing a commission to study the feasibility of empowering the New Hampshire housing finance authority to give reverse mortgage loans. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter B. Schmidt for Municipal and County Government: The committee believes such a study is advisable but rather than establishing a separate commission to accomplish this, the committee recommends adding this study to the tasks of the already existing property tax relief study committee under Chapter 88:1 of the laws of 2004. In addition, a representative of the housing finance authority is added to the said property tax relief study committee. The property tax relief study committee that was established in 2004 deals with basically the same issue: property tax relief. The idea of reverse mortgage loans to assist property owners in paying their property taxes definitely warrants additional study. The feasibility of allowing the New Hampshire Housing Finance Authority to perform this task also has merit and deserves to be further examined. The Housing Finance Authority should be allowed representation on this commission for its valuable input. Vote 18-0.

Amendment (0318h)

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

AN ACT establishing a commission to study property tax relief and reverse mortgages.

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

1 Committee to Study Property Tax Relief; Changed to Commission; Reverse Mortgages Added. Amend 2004, 88:1-5 to read as follows:

88:1 ~~[Committee]~~ **Commission** Established. There is established a ~~[committee]~~ **commission** to study property tax relief, without implementing any new broad-based tax.

88:2 Membership and Compensation.

I. The members of the ~~[committee]~~ **commission** shall be as follows:

(a) Five 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) **One member from the New Hampshire housing finance authority, appointed by the governor.**

II. **Legislative** members of the ~~[committee]~~ **commission** shall receive mileage at the legislative rate when attending to the duties of the ~~[committee]~~ **commission**.

88:3 Duties. The ~~[committee]~~ **commission** shall study any and all existing and proposed state and local property tax relief proposals including, but not limited to, abatements, credits, exemptions, ~~[and]~~ reimbursements, **and reverse mortgages**. The commission may seek testimony from people with experience in one or more of the following categories – mortgage banking, credit lending, home equity financing, deferred payment lending, debt resolution consulting, bankruptcy law, bond banking, and the sale and placement of state and local bond issues.

88:4 Chairperson; Quorum. The members of the study ~~[committee]~~ **commission** shall elect a chairperson from among the members. The first meeting of the ~~[committee]~~ **commission** shall be called by the first-named house member. The first meeting of the ~~[committee]~~ **commission** shall be held within 45 days of the effective date of this section. Four members of the ~~[committee]~~ **commission** shall constitute a quorum.

88:5 Report. The ~~[committee]~~ **commission** shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library in an interim report on or before November 1, 2004 and in a final report on or before November 1, 2005.

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

AMENDED ANALYSIS

This bill amends the property tax study committee established by 2004, 88 to be a commission to study property tax relief and reverse mortgages.

HB 551-FN-L, relative to the timing of security or assessment in subdivision plat approval. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: This bill would allow a developer to delay the posting of a bond or another type of security for road construction and utility installations within a subdivision prior to the issuance of building permits. Presently, the contractor shall provide the security prior to the final approval of the plot. There was testimony stating that obtaining bonds was difficult. The committee feels allowing an applicant to delay the posting of security until the time of building permit issuance, rather than requiring security as a condition of final subdivision approval, would increase the risk that roads and utilities needed for a subdivision would never be completed or that the work would be done poorly. Leaving the law the way it is presently written will afford the most protection for the consumer and the municipality so that the infrastructure for the subdivision will be completed properly. Vote 14-0.

HB 699-FN-A-L, relative to fines for parking violations. **INEXPEDIENT TO LEGISLATE**

Rep. Harry S. Gale for Municipal and County Government: Automobile parking controls are a local responsibility under RSA 47:17, XVIII. Parking ordinances and violations are enacted by municipalities for two primary purposes: 1) to protect the public from unsafe parking activities; and 2) to provide turnover of parking spaces to ensure the economic vitality of downtown areas. This bill would have established within the office of the state treasurer a special off-street fund which would be funded by the fines collected by the municipalities, minus \$1 that would stay with the local community. By diverting all but \$1 of every parking violation to the state coffers, this bill would bankrupt municipal parking programs designed to foster downtown business growth and fund new off-street parking. Municipalities would then be left with insufficient funding not only to fund new parking garages and surface parking, but also to fund parking enforcement activities. The committee wants to continue allowing local communities to manage their parking affairs. Vote 19-0.

HB 157, establishing a study committee to review contracting practices for public works. **OUGHT TO PASS WITH AMENDMENT**

Rep. Saghir A. Tahir for Public Works and Highways: This bill establishes a commission to

study procurement methods for public works projects by state and local government agencies. This bill is the culmination of two years consideration by the committee, which began last session with SB 429 (2004) which was the subject of Interim Study. This bill involves issues related to labor policy, local control and constitutional implications in New Hampshire. The committee felt that this study will address these very important issues in a comprehensive manner and include participation by all groups affected. Vote 14-0.

Amendment (0209h)

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

AN ACT establishing a commission to study procurement methods for public works projects by state and local government agencies.

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

1 Commission Established. There is established a commission to study procurement methods for public works projects by state agencies, municipalities, counties, school districts, and all other political subdivisions.

2 Membership and Compensation.

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

(a) Two members of the house of representatives, appointed by the speaker of the house of representatives.

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

(c) The commissioner of the department of labor, or designee.

(d) One member representing unionized labor, appointed by the governor.

(e) One member representing non-unionized labor, appointed by the governor.

(f) One member representing unionized contractors, appointed by the governor.

(g) One member representing non-unionized contractors, appointed by the governor.

(h) One employee of county government, familiar with county procurement practices, appointed by the governor.

(i) One employee of city or town government, familiar with local procurement practices, appointed by the governor.

(j) One employee of a school district, familiar with school procurement procedures, appointed by the governor.

(k) One member of the New Hampshire State Apprenticeship Council, appointed by that organization.

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

3 Duties. The commission shall study contracting practices for public works projects by state agencies, municipalities, counties, school districts, and all other political subdivisions. The study shall recommend the public procurement policies that promote the best economic and work quality value from public construction and infrastructure investment. The commission shall base its recommendation on consideration of the following: labor law enforcement, workplace safety compliance, worker's compensation compliance, access to workforce and apprenticeship training, in-state job creation and community economic development, communities' uncompensated care burdens and other social welfare costs, and such additional criteria as the commission deems appropriate.

4 Chairperson; Quorum. Members of the commission appointed pursuant to subparagraphs I(a)-(e) of section 2 of this act shall be voting members of the commission; the remainder shall be non-voting members of the commission. The voting members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2006.

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

AMENDED ANALYSIS

The bill establishes a commission to study procurement methods for public works projects by state and local government.

HB 340, renaming Jones Brook Wildlife Management Area in Strafford County for former commissioner of fish and game Ellis Hatch, Jr., and naming a building at the Sandy Point Discovery Center in Stratham for former governor Hugh Gregg. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul C. Smith for Public Works and Highways: This bill, as amended, names a building under construction after the late Governor Hugh Gregg, for his long time endeavors regarding conservation in New Hampshire. It also names a wildlife management area after the former Chairman of the Fish and Game Commission, Ellis Hatch, who was instrumental in the purchase of the land and its expansion. Mr. Hatch has spent countless hours not only helping establish this wildlife area, but encouraging use of the area and teaching children and adults alike the benefits of fly fishing and use of the area. The Fish and Game Department supports this bill as does the NH Wildlife Federation, the NH Fish & Game Commission and the Moose Mountain Regional Greenway Organization, a land conservation organization in the area of the wildlife management area. In fact, there was only one opponent to the bill testifying in committee and since the bill does not rename Jones Brook or the pond, merely naming the wildlife management area, that testimony is invalid. The amendment added the provision that signage for the two locations would not come from state funds. Vote 14-3.

Amendment (0312h)

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

AN ACT renaming Jones Brook Wildlife Management Area in Strafford County for former chairman of the fish and game commission, Ellis Hatch, Jr., and naming a building at the Sandy Point Discovery Center in Stratham for former governor Hugh Gregg.

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

1 Renaming Jones Brook Wildlife Management Area. The Jones Brook Wildlife Management Area, located in the county of Strafford, shall be renamed as Ellis Hatch, Jr. Wildlife Management Area in honor of former chairman of the fish and game commission, Ellis Hatch, Jr.

2 Naming of a Certain Building at Sandy Point Discovery Center. A certain building that shall be constructed at the Sandy Point Discovery Center in the town of Stratham shall be named the Hugh Gregg Coastal Conservation Center in honor of former governor Hugh Gregg.

3 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers required under sections 1 and 2 of this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers required under this act shall be approved by the fish and game department.

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

AMENDED ANALYSIS

This bill renames Jones Brook Wildlife Management Area in Strafford County for former chairman of the fish and game commission, Ellis Hatch, Jr., and names a building at the Sandy Point Discovery Center in Stratham for former governor Hugh Gregg.

HB 540-FN, relative to the disposal of real property purchased with highway or turnpike funds. **OUGHT TO PASS**

Rep. James B. Rausch for Public Works and Highways: The Long Range Capital Planning and Utilization Committee requested this legislation to ensure our highway and turnpike funds are reimbursed to the fullest extent from the resale of surplus property. The Council on Resources and Development (CORD) process was also a cause for improper reimbursement of funds, potentially in violation of federal law. The bill removes the requirement for approval from the CORD before the disposal of property purchased with state or federal highway funds, or with turnpike funds. The bill further mandates that the sale of real property shall be at not less than current market value and the proceeds from the sale shall be credited to either the highway fund or turnpike fund, whichever fund provided money for the original purchase. Vote 16-1.

HB 59-FN-L, relative to municipal responsibility for septage disposal. **OUGHT TO PASS WITH AMENDMENT**

Rep. Harry C. Merrow for Resources, Recreation and Development: Currently, RSA 485-A:5b requires that each municipality must insure that an approved septage facility is available for its residents for a period of five years but lacks requirements for design guidelines. This bill requires a written agreement with the recipient facility and a method of determining the annual capacity needed. It also requires the Department of Environmental Services to report compliance status each year to the legislature. Vote 15-0.

Amendment (0371h)

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

1 Purpose. The general court acknowledges that providing for the proper disposal of domestic septage at New Hampshire facilities is becoming increasingly difficult for septage haulers serving residents who rely on septic systems. It is clear that additional in-state disposal capacity is needed to handle existing and future septage volumes. Further, the municipal responsibility provisions of RSA 485-A:5-b do not clearly articulate what is intended by the terms “shall provide, or assure access to” a department of environmental services approved facility. This act is intended to clarify terms of compliance.

2 Water Pollution and Waste Disposal; Municipal Responsibility for Septage. RSA 485-A:5-b is repealed and reenacted to read as follows:

485-A:5-b Municipal Responsibility.

I. Each municipality shall either provide, or assure access to, a department of environmental services approved septage facility or a department approved alternative option for its residents.

II. For the purposes of paragraph I, “provide, or assure access to” shall mean a written agreement with a recipient facility, or department approved alternative option, indicating that the recipient facility agrees to accept septage generated in that municipality. The municipality shall consider providing sufficient annual capacity equal to the number of households with septic multiplied by the average septic tank capacity of 1,000 gallons divided by the average septage pumpout frequency of 5 years.

3 Report. The commissioner of the department of environmental services shall report to the legislature on the current compliance status of all municipalities under the revised terms of RSA 485-A:5-b, on November 1, 2006 and November 1 each year thereafter through 2010.

4 Effective Date.

I. RSA 485-A:5-b, II as inserted by section 2 of this act shall take effect January 1, 2006.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill clarifies a definition of access to a septage facility.
Referred to the Committee on Finance.

HB 134, relative to certain restrictions on the Piscataquog River. **INEXPEDIENT TO LEGISLATE**

Rep. Dennis F. Abbott for Resources, Recreation and Development: This bill attempts to cure a local problem on the Piscataquog River in Goffstown and Manchester. Currently RSA 270:121 limits speed on the river to 40 MPH during daylight hours and to headway speed after dark. This bill adds a further restriction which prohibits power boats with engines in excess of 55 horsepower and jet skis (personal watercraft). The committee believes that problems created by personal watercraft can be best minimized by enforcement of present boating laws by the Division of Safety Services and local law enforcement. Prohibiting certain types of watercraft would be discriminatory. Vote 14-1.

HB 279, relative to the classification of Spofford Lake in Chesterfield, New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Gibson for Resources, Recreation and Development: This bill, as amended, reclassified Spofford Lake and its tributaries from Class "B" to Class "A", the highest Classification for water bodies in the state. We take this action upon the recommendation of representatives of the Department of Environmental Services, who testified that the classification of Spofford Lake needed to be upgraded. The amendment adds the tributaries to Spofford Lake to this "A" classification. Vote 15-0.

Amendment (0234h)

Amend the bill by replacing section 1 with the following:

1 Spofford Lake in Chesterfield, New Hampshire; Classification Changed to Class A. On and after the effective date of this act, the surface waters of Spofford Lake and its tributaries in Chesterfield, New Hampshire shall be classified in accordance with the provisions of RSA 485-A:8, as Class A waters.

AMENDED ANALYSIS

This bill changes the classification of Spofford Lake and its tributaries in Chesterfield, New Hampshire to Class A.

HB 433-FN-A, relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefor. **OUGHT TO PASS**

Rep. Frank A. Tupper for Resources, Recreation and Development: When the state purchased a conservation easement on 142,000 acres in Pittsburg, Stewartstown and Clarksville in 2003, the requirements of the agreement included the development of a public access and recreation management plan and a road management plan. These plans must dovetail with the landowners forest stewardship plan to provide a comprehensive management strategy for the whole property. The committee unanimously supports this concept and hopes that the House Finance Committee will support \$175,000 to the division of Parks and Recreation (DRED) for this purpose. Vote 17-0.
Referred to the Committee on Finance.

HB 185, establishing a committee to study the unique nature of geothermal properties capable of supporting energy for production. **OUGHT TO PASS WITH AMENDMENT**
Rep. Lawrence C. Ross for Science, Technology and Energy: This bill would establish a study committee to maximize incentives for the voluntary use of renewable energy in New Hampshire, as defined in RSA 374-F:3. The amendment combines two bills (HB 185 that related only to geothermal energy and HB 194 that addressed solar energy) into one bill that addresses all forms of renewable energy as defined in the statutes such as geothermal, wind, solar, and biomass fuels and hydro. Vote 13-0.

Amendment (0437h)

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

AN ACT establishing a committee to study maximizing the incentives for the voluntary use of renewable energy in New Hampshire as defined in RSA 374-F:3.

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

1 Committee Established. There is established a committee to study maximizing the incentives for the voluntary use of renewable energy in New Hampshire as defined in RSA 374-F:3.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

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

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

3 Duties. The committee shall:

I. Identify the benefits of renewable energy in New Hampshire, principally focusing on geothermal, wind, solar, and hydro energy. The committee should consult prior studies relating to the use of renewables to facilitate this purpose.

II. Determine incentives for utilizing renewable energy in New Hampshire without additional taxes or fees on citizens.

III. Assess the current state of technology relating to harvesting geothermal, wind, solar, and hydro energy in New Hampshire. The committee shall compile information, including:

(a) The location of known and potential geothermal deep sites and their characteristics, e.g., steam, hot water, temperature, and deleterious materials that limit use.

(b) Methodology and practicality for use of geoexchange heating and cooling on single unit commercial, industrial, or residential buildings.

(c) The location of past, existing, or potential wind farms and the commercial viability of wind power.

(d) Practicality of solar technology for individual dwelling units and for public utility solar-based electricity production.

(e) Policies which address the preservation of existing small scale hydroelectric generation facilities, as well as the development of new facilities.

(f) Policies which encourage the continued and expanded use of biomass products for the production of electric energy.

(g) Other considerations that may allow New Hampshire to optimize use of renewable energy.

IV. Solicit input from at least one member of the New Hampshire geological survey, from public utilities with expertise on renewable energy, and from any other persons with information or expertise relevant to the committee's objectives.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2005.

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

AMENDED ANALYSIS

This bill establishes a committee to study maximizing the incentives for the voluntary use of renewable energy in New Hampshire as defined in RSA 374-F:3.

HB 330, establishing a commission to study the feasibility of establishing a statewide non-emergency 311 telephone system. **INEXPEDIENT TO LEGISLATE**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill would create a study committee to explore the feasibility of establishing a statewide non-emergency 311-telephone system. This proposal reoccurs annually either studying or establishing such a service. The committee appreciates the sponsors' concerns but our previous deliberations have determined that the costs to phone subscribers far outweigh the advantages for this service in our rural state. Existing services currently provided by chambers of commerce and non-profits in the state adequately supply non-emergency information to interested parties. Vote 13-1.

HB 568, establishing the greater Derry-Salem cooperative alliance for regional transportation. **OUGHT TO PASS**

Rep. George N. Katsakiores for Transportation: This bill starts the process of establishing a regional transit agency to serve the communities of Derry, Salem, Londonderry, Plaistow, Windham, Pelham, Sandown, Danville, Hampstead, Chester, and Atkinson. The 11 town region mentioned above remains the only urbanized area of New Hampshire that lacks regular transportation service. Focus by three regional planning commissions, 11 municipalities, and more than 30 health and human services providers under the New Hampshire D.O.T. effort looked at a broad range of options for coordinating existing demand-response human transportation service in the region. The agencies studied opportunities to expand services by securing new non-state funding. The plan is to put in place a regional transit agency recognized by the FTA to manage the funds. This bill is enabling legislation that would establish the regional transit agency known as the Greater Derry-Salem Cooperative Alliance for Regional Transportation (CART). Vote 13-0.

HB 291-FN-A, establishing a research and development tax credit against the business profits tax. **INEXPEDIENT TO LEGISLATE**

Rep. Priscilla P. Lockwood for Ways and Means: At the request of the sponsor, this bill was voted ITL. HB 466 covers the same subject and will be discussed later. Vote 20-0.

HB 462, prohibiting road toll refunds for idling time. **OUGHT TO PASS**

Rep. Kevin L. Camm for Ways and Means: This bill prohibits road toll refunds for idling time. A few years ago we changed the way diesel fuel was taxed. Instead of the "miles over the road" approach, we tax fuel at the pump, per gallon. The Department of Safety has had more and more requests for "off road" refunds such as idling time for warming up engines and cabs. This will end that practice and hopefully conserve both fuel and the environment. Vote 20-0.

HB 503-FN-A-L, relative to distribution of tobacco settlement funds. **INEXPEDIENT TO LEGISLATE**

Rep. Shawn N. Jasper for Ways and Means: The bill would have distributed the first \$3 million dollars of the tobacco settlement fund to the tobacco use prevention fund. Under current law this will automatically happen, beginning July 1, 2005. The bill would have then shared any monies over \$43 million dollars equally between the state general fund and the counties. As the revenues projected to be received by the state will be less than \$40 million dollars in FY06 and in future years, the entire bill becomes moot. Vote 20-0.

HB 523-FN-L, increasing the marriage license fee. **INEXPEDIENT TO LEGISLATE**

Rep. Kevin L. Camm for Ways and Means: This bill would increase the marriage license fee from \$45 to \$90. Of that increase, \$37 would go to the Domestic Violence Grant Program and \$8 would go to the clerks. Testimony from those familiar with that program requested that

this revenue source not be utilized at this time. The committee agreed. Vote 18-0.

HB 693-FN, making the low and moderate income homeowners property tax relief program a tax cap and applicable to current year tax liability. **INEXPEDIENT TO LEGISLATE**
Rep. Susan W. Almy for Ways and Means: The bill was drafted to reduce the statewide property tax for low-income payers, but the author wanted to provide relief for the whole property tax at the local level. The sponsor agreed to ITL the bill in order to submit a correct version next year. Vote 20-0.

REGULAR CALENDAR

HB 450-FN-A extending the commission to study child support and related child custody issues and relative to hiring economists to assist in revising the child support guidelines and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**
Rep. David J. Bettencourt for Children and Family Law: This bill extends the commission to study child support and related child custody issues that was established in 2003. Additionally, this bill makes an appropriation to the Department of Health and Human Services for the purpose of hiring an economist to establish models to assist the commission, which is required to review guidelines at least every four years. Vote 14-3.

Amendment (0394h)

Amend the bill by replacing section 1 with the following:

1 Extension of Commission to Study Child Support and Related Child Custody Issues. The commission to study child support and related child custody issues, established in 2003, 277 (HB 310), shall be extended for the purpose of serving as a continuing resource to the general court and the department of health and human services in revising the child support guidelines. The incumbent house members of the commission shall call the meeting to reconvene the commission. Upon reconvening, the commission shall elect a chairperson and vice chairperson from among the members and shall meet with such frequency as the commission deems appropriate. A vacancy on the commission shall be filled by the original appointing authority. If a legislative member of the commission is unable to serve on the commission in his or her original capacity, the commission may invite the member to continue to participate as a public member, with all the rights and responsibilities of other members of the commission. The commission shall submit a final report relative to implementation of its recommendations on or before December 1, 2006, to the speaker of the house of representatives, the senate president, the governor, the house clerk, the senate clerk, and the state library.

Adopted.

Committee report adopted by the necessary two-thirds.

Ordered to third reading.

HB 470-FN-A, relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs and relative to an effectiveness study of such programs.

OUGHT TO PASS

Rep. Mary Stuart Gile for Children and Family Law: The Incentive Fund Program allocates funds to every county to encourage cities, towns and counties to develop and maintain prevention programs, court diversion and alternative dispositions for juveniles. Prevention programs are defined in statute as programs and activities to prevent child abuse and neglect. This bill raises the amount from 6% to 6-1/2% of funds allocated for foster care, adoption subsidies and residential care, excluding YDC, and adds a requirement for an evaluation report on the effectiveness of all programs receiving funds. Vote 16-1.

Committee report adopted by the necessary two-thirds.

Referred to the Committee on Finance.

HB 662-FN-A, making an appropriation to the department of health and human services for family mutual support services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Anthony P. Matarazzo for Children and Family Law: This bill makes an appropriation to the Department of Health and Human Services to maintain the customary funding for family mutual support services for the mentally ill. Testimony in favor of the bill was unanimous. The amendment ensures that DHHS has adequate latitude to exercise its best judgment in contracting for these support services. The committee wishes to ensure the level of these services through adequate funding. Vote 12-5.

Amendment (0414h)

Amend the bill by replacing sections 1 and 2 with the following:

1 Appropriation for Family Support Services. The sum of \$210,000 is hereby appropriated for the fiscal year ending June 30, 2006, and the sum of \$210,000 is hereby appropriated for the fiscal year ending June 30, 2007, to the department of health and human services for the purposes of the family mutual support system under RSA 126-P. Specifically the funds shall be used for programs that provide some or all of the following services: education of family members; education of the public; education designed to reduce stigma related to mental illness; an information and referral line; a resource library; or a website. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

2 New Paragraph; Family Mutual Support Organizations; Definition Added. Amend RSA 126-P:1 by inserting after paragraph II the following new paragraph:

II-a. "Family mutual support organization" means a nonprofit corporation which provides family to family education and support to families of individuals with mental illness and to the individuals themselves and the provision of public education to reduce the stigma associated with mental illness and other family mutual support services enumerated in RSA 126-P.

Adopted.

Committee report adopted by the necessary two-thirds.

Referred to the Committee on Finance.

HB 623-FN, relative to licensing requirements in the insurance and financial services industries. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen B. Stepanek for Commerce: The intent of this bill is to strengthen and more clearly define licensing requirements and penalties against a person who shall practice or attempt to practice as an insurance producer within the State of New Hampshire. This bill will specifically make one guilty of a Class A misdemeanor if a natural person, or a felony if any other person, if they practice as an insurance producer within the state. Vote 13-6.

Amendment (0370h)

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

11 Section Reference Added. Amend RSA 402-J:1, II to read as follows:

II. This chapter applies to all persons required to be a licensed producer pursuant to the provisions of RSA 402:15; RSA 405:15; RSA 405:24; **~~RSA 405:44-a~~**; RSA 405:44-b; RSA 406-C:3; RSA 407-C:3; RSA 408:42; RSA 416-A:15; RSA 418:5-a; RSA 420-A:7; RSA 420-B:18; RSA 420-F:3; and New Hampshire code of administrative rules Ins 2501.03.

Adopted.

Committee report adopted by the necessary two-thirds.

Referred to the Committee on Criminal Justice and Public Safety.

HB 339, relative to electioneering at polling places. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard B. Drisko for Election Law: This bill, as amended, requires the moderator, prior to election day, to post a description of the areas where electioneering is permitted and prohibited at the polling place. The amendment extends the posting time to three days and clarifies the moderator as the responsible person. The committee felt that applying uniformity to the rules surrounding electioneering locations would simplify the election process. The moderator would still maintain control of the process. Vote 12-4.

Amendment (0411h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Preparation of Polling Place; Arrangement; Electioneering. Amend RSA 658:9 by inserting after paragraph III the following new paragraph:

IV. By 5:00 p.m. 3 business days before any election, the moderator shall post at each polling place a description of areas where electioneering activities are permitted and prohibited, pursuant to RSA 659:43, at that polling place.

AMENDED ANALYSIS

This bill requires the moderator to post a description of areas where electioneering is permitted and prohibited at polling places.

Adopted.

Committee report adopted by the necessary two-thirds.

Ordered to third reading.

CLERK'S NOTE

The constitutionally required two-thirds of the membership for action by majority vote was declared present.

REGULAR CALENDAR (CONT'D.)

HB 669-FN, setting the laboratory fee schedule for certain environmental samples. **OUGHT TO PASS**

Rep. Pamela V. Manney for Executive Departments and Administration: This bill updates the fee schedule for certain services offered by the Department of Environmental Services laboratory. Since the lab's fee schedule was reviewed in 1999, many changes have occurred with the net result of increased laboratory operating costs brought on by the following: the increased cost of laboratory consumables; the increased cost of salaries, especially benefits which have increased substantially, although lab staffing levels have remained at 1999 levels or below; the 50% rent increase expected in FY 2006; the increased request to undertake new projects in response to federal, state or department program initiatives, often with no associated funding source; the costs incurred to meet the quality assurance requirement for accreditation by the National Environmental Laboratory Accreditation Conference (NELAC). The committee supports this bill as it addresses the needs of the DES laboratory to cover its increased operational costs while still maintaining its low fees, and enabling private citizens to continue using the DES laboratory at a cost savings over private industry. Vote 12-6.

Committee report adopted.

Referred to the Committee on Ways and Means..

HB 103-FN-A, making an appropriation to the department of education for charter schools. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth H. Gould for Finance: State funding for charter schools will be considered in the state operating budget. There is a line in the budget for charter schools and the appropriation on that line for 2006/2007 will be part of the budget deliberation. Vote 21-0. Adopted.

HB 686-FN, relative to the judicial branch family division. **OUGHT TO PASS WITH**

AMENDMENT

Rep. Frances D. Potter for Judiciary: This bill establishes a Family Court Division which will operate in all ten counties of the state. The bill is the result of a twelve-year process initiated by the legislature which included successful pilot programs in two counties. The goal of this legislation is to consolidate all family matters into the jurisdiction of one court to better serve our citizens. The Family Court Pilot Program has proven itself over a period of twelve years in two counties, one rural, one urban (Grafton & Rockingham), winning strong support from legislators, the families it serves, and the court system. About half the cases in family courts start with divorce actions. Family Court judges are compassionate and become skilled in working with these petitioners. The Family Court will assume jurisdiction over family matters, scattered around the Superior, District and Probate courts, which at times have been unevenly considered. Related matters from the present docket of the Superior Court, including divorce, nullification of marriage, alimony, paternity, custody and support, will be heard in this new court. In addition, the Family Court cases transferred from District to Family Court will include child neglect and abuse, juvenile delinquency, children in need of services and domestic violence. Cases transferred from Probate Court will include adoption, guardianship of minors, changes of name and termination of parental rights. The administrative judges of the Probate, District and Superior courts expressed enthusiasm about the proposal. They, and committee members, believe that this system will be user-friendly, offering a less adversarial proceeding, use of mediation and referees when deemed desirable and be efficient and cost-effective. The concentration of all records in one place will streamline the process with minimal increased costs. An additional advantage to this concept is that the state will be eligible for twice the amount it is currently receiving in federal 4-D funds. This bill is the result of years of study, discussion and collaboration among the legislature, the court system, and the people that we serve. Each element of this legislation has been carefully thought out, from jurisdictional matters to personnel placement and court locations. Using existing resources, this court will be able to best serve our families in crisis by providing a compassionate, efficient and less adversarial system. Vote 14-3.

Amendment (0386h)

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

1 New Chapter: Judicial Branch Family Division. Amend RSA by inserting after chapter 490-C the following new chapter:

CHAPTER 490-D

JUDICIAL BRANCH FAMILY DIVISION

490-D:1 Judicial Branch Family Division Established. The general court hereby organizes, constitutes, and establishes the judicial branch family division. The goals of the family division are the respectful treatment of all citizens by justices, marital masters and other family division staff, the prompt and fair resolution of family issues by justices and marital masters specially selected and trained to deal effectively with such issues, the use of alternative dispute resolution to reduce the adversarial nature of proceedings involving families, and the assignment of all family matters of a single family to one family division justice or marital master located in a family division court that is geographically accessible to the family.

490-D:2 Jurisdiction. Notwithstanding any law to the contrary and except for the limited need to allow an existing case to proceed with the same judge who had presided over it before the implementation of the judicial branch family division, following implementation of the division at a division site in accordance with RSA 490-D:5, jurisdiction over the following matters shall be exclusively exercised through the judicial branch family division as procedurally jurisdiction was previously exercised in the superior, district, and probate courts:

I. Petitions for divorce, nullity of marriage, alimony, custody of children, support, and to establish paternity.

II. Actions for support or custody for children of unwed parties.

III. Actions under RSA 169-B, relating to delinquent children except for concurrent jurisdiction with the district court to enter temporary detention orders under RSA 169-B:11, III and 169-B:12, IV(b).

IV. Actions under RSA 169-C, relating to abused and neglected children except for concurrent jurisdiction with the district court to enter orders under RSA 169-C:6, VI and RSA 169-C:6-a.

V. Actions under RSA 169-D, relating to children in need of services except for concurrent jurisdiction with the district court to enter orders under RSA 169-D:8, I, RSA 169-D:9-a, and RSA 169-D:10.

VI. Actions under RSA 173-B, relating to protection of persons from domestic violence except for concurrent jurisdiction with the superior and district courts to enter temporary protective orders under RSA 173-B:4.

VII. The adoption of children in abuse and neglect cases pursuant to RSA 169-C, termination of parental rights cases pursuant to RSA 170-C, and guardianships of the person of minors pursuant to paragraph VIII. Jurisdiction over private, agency, and international adoptions shall remain with the probate court.

VIII. The guardianship of the person of minors. In cases involving the guardianship of both the person of a minor and the estate of the same minor, jurisdiction shall remain with the probate court.

IX. The termination of parental rights.

X. The change of names of persons who apply therefor in matters relating to jurisdiction in paragraphs I-IX.

490-D:3 Equity Jurisdiction. Notwithstanding any law to the contrary, the judicial branch family division shall have the powers of a court of equity in cases where subject matter jurisdiction lies with the judicial branch family division. Suits in equity where subject matter jurisdiction lies with the judicial branch family division including, but not limited to, petitions for divorce, nullity of marriage, alimony, custody of children, support, and other similar proceedings may be heard upon oral testimony or depositions, or both, or when both parties consent, or service having been made and a notice of the time and place of the hearing having been given, when both parties appear. Such suits may be heard by any justice of the judicial branch family division at any time, but nothing contained in this section shall be construed as limiting the power of the judicial branch family division to have issues of fact framed and tried by a jury, according to the rules in equity, or the course of such proceedings at common law.

490-D:4 Sites. The judicial branch family division shall operate at the following sites and such other sites as the supreme court, from time to time, determines, covering the following districts as delineated in RSA 502-A:1, except as otherwise indicated:
Grafton County

I. The courthouses in Grafton county which will house the judicial branch family division shall be the court facility in North Haverhill, the Plymouth District Court, the Littleton District Court, and the Lebanon District Court.

II.(a) Matters arising in municipalities located within the Haverhill district shall be heard in the court facility in North Haverhill.

(b) Matters arising in municipalities located within the Plymouth-Lincoln district shall be heard in the Plymouth District Court.

(c) Matters arising in municipalities located within the Littleton district shall be heard in the Littleton District Court.

(d) Matters arising in municipalities located within the Lebanon-Hanover district shall be heard in the Lebanon District Court.
Rockingham County

III. The courthouses in Rockingham county which will house the judicial branch family division shall be the court facility in Brentwood, the Portsmouth District Court, the Salem District Court, and the Derry District Court.

IV.(a) Matters arising in municipalities located within the Portsmouth district, the Hampton district, and the towns of Newfields, Newmarket, and Stratham shall be heard in the Portsmouth District Court.

(b) Matters arising in municipalities located within the Salem district shall be heard in the Salem District Court.

(c) Matters arising in municipalities located within the Auburn district (except for the towns of Deerfield, Northwood, Nottingham, and Raymond) and the Derry district shall be heard in the Derry District Court.

(d) Matters arising in municipalities located within the Exeter district (except for the towns of Newfields, Newmarket, and Stratham), the Plaistow district, and the towns of Deerfield, Northwood, Nottingham, and Raymond shall be heard in the court facility in Brentwood.

Coos County

V. The courthouses in Coos county which will house the judicial branch family division shall be the Colebrook District Court, the Berlin District Court, and the court facility in Lancaster.

VI.(a) Matters arising in municipalities located within the Colebrook district shall be heard in the Colebrook District Court.

(b) Matters arising in municipalities located within the Berlin-Gorham district shall be heard in the Berlin District Court.

(c) Matters arising in municipalities located within the Lancaster district shall be heard in the court facility in Lancaster.

Carroll County

VII. The courthouses in Carroll county which will house the judicial branch family division shall be the court facility in Ossipee and the District Court for northern Carroll County.

VIII.(a) Matters arising in municipalities located within the district for southern Carroll county shall be heard in the court facility in Ossipee.

(b) Matters arising in municipalities located within the district for northern Carroll county shall be heard in the District Court for northern Carroll County.

Sullivan County

IX. The courthouses in Sullivan county which will house the judicial branch family division shall be the Newport District Court and the Claremont District Court.

X.(a) Matters arising in municipalities located within the Newport district and the New London district in Merrimack county shall be heard in the Newport District Court.

(b) Matters arising in municipalities located within the Claremont district shall be heard in the Claremont District Court.

Strafford County

XI. The courthouses in Strafford county which will house the judicial branch family division shall be the Dover District Court and the Strafford county court facility in Dover.

XII.(a) Matters arising in municipalities located within the Dover-Somersworth-Durham district shall be heard in the Dover District Court.

(b) Matters arising in municipalities located within the Rochester district shall be heard in the Strafford county court facility in Dover.

Belknap County

XIII. The courthouse in Belknap county which will house the judicial branch family division shall be a facility located in Laconia, provided, however, that the facility meets the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.

XIV.(a) Matters arising in municipalities located within the Laconia district shall be heard in the judicial branch family division facility in Laconia.

(b) Matters arising in the towns of Sanbornton and Tilton shall be heard in the Franklin District Court in Merrimack county.
Hillsborough County

XV. The courthouses in Hillsborough county which will house the judicial branch family division shall be the Hillsborough County Superior Court for the northern judicial district, the Goffstown District Court, the Hillsborough County Superior Court for the southern judicial district, the Milford District Court, and the Merrimack District Court.

XVI.(a) Matters arising in municipalities located within the Manchester district shall be heard in the Hillsborough County Superior Court for the northern judicial district.

(b) Matters arising in municipalities located within the Goffstown district shall be heard in the Goffstown District Court.

(c) Matters arising in municipalities located within the Nashua district shall be heard in the Hillsborough County Superior Court for the southern judicial district.

(d) Matters arising in municipalities located within the Milford district shall be heard in the Milford District Court.

(e) Matters arising in municipalities located within the Merrimack district shall be heard in the Merrimack District Court.

(f) Matters arising in Hillsborough county municipalities located within the Jaffrey-Peterborough district shall be heard in the Jaffrey-Peterborough District Court in Cheshire county.

(g) Matters arising in municipalities located within the Hillsborough district shall be heard in the Concord District Court in Merrimack county.
Merrimack County

XVII. The courthouses in Merrimack county which will house the judicial branch family division shall be the Franklin District Court, the Hooksett District Court, and a facility located in Concord, provided, however, that the facility meets the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.

XVIII.(a) Matters arising in municipalities located within the Franklin district shall be heard in the Franklin District Court.

(b) Matters arising in municipalities located within the Hooksett district shall be heard in the Hooksett District Court.

(c) Matters arising in municipalities located within the Concord district, the Henniker district, and the Hillsborough district shall be heard in the judicial branch family division facility in Concord.

(d) Matters arising in municipalities located within the New London district shall be heard in the Newport District Court in Sullivan county.
Cheshire County

XIX. The courthouses in Cheshire county which will house the judicial branch family division shall be the Jaffrey-Peterborough District Court and a facility located in Keene, provided, however, that the facility meets the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.

XX.(a) Matters arising in municipalities located within the Jaffrey-Peterborough district shall be heard in the Jaffrey-Peterborough District Court

(b) Matters arising in municipalities located within the Keene district shall be heard in the judicial branch family division facility in Keene.

490-D:5 Implementation Plan. On the effective date of this chapter, the judicial branch family division shall be operational in Grafton and Rockingham counties. For the remaining counties, the judicial branch family division shall be made operational by order of the supreme court, generally in the order listed in RSA 490-D:4.

490-D:6 Judges and Marital Masters. The supreme court shall select and designate certain district and probate court judges as judicial branch family division judges and certain

superior court marital masters as judicial branch family division marital masters. The designation of judges shall be based upon the judge's knowledge of, commitment to, and expertise in family law matters. The number of judicial branch family division judges and marital masters shall be based upon a review of anticipated caseload, population, judicial time and efficiency, available judicial resources, and other relevant criteria, including information from the weighted caseload system. When the judicial branch family division is fully implemented, all superior court marital masters shall be designated as judicial branch family division marital masters.

490-D:7 Nominations and Appointments of Marital Masters.

I. The administrative judge of the judicial branch family division shall recommend persons to the governor and council for initial appointment as marital masters. In recommending candidates for initial appointment as marital masters under this chapter, the division shall utilize the procedures and standards described in superior court rules in effect as of July 1, 2004, except as otherwise provided in this chapter.

II. For appointments of new marital masters, the administrative judge of the judicial branch family division shall submit to the governor the name of a nominee. The governor may accept the candidate nominated by the administrative judge and submit the candidate to the council for confirmation or may reject the candidate submitted by the administrative judge, and request a new nominee. If the council rejects a candidate for confirmation, the governor shall request a new nominee.

III. Marital masters shall serve an initial term of 3 years. Subsequent reappointments shall be made in accordance with judicial branch family division rules. During appointment terms, the authority and responsibility to conduct annual performance reviews, and termination, if necessary, shall be with the administrative judge of the judicial branch family division.

490-D:8 Qualifications of Marital Masters.

I. Marital masters shall possess the following qualifications:

(a) Professional experience in family law matters.

(b) Legal and personal qualities including, but not limited to:

(1) Knowledge of family matters, including related matters such as tax and pension law;

(2) Personal maturity so as to understand and make decisions on matters before the court; and

(3) Personal qualities of patience and understanding of the difficult personal matters which are the subject of divorce and a willingness to deal with complex family matters in a non-adversarial manner.

II. Each marital master shall complete a course in court process and procedures and mediation and negotiation.

490-D:9 Recommendations of Marital Masters. All recommendations of marital masters shall be signed by a judge.

490-D:10 Referee. The judicial branch family division, with the consent of the parties shall, and without the consent of the parties may, commit to one or more referees any cause at law or in equity, or the determination of any question of fact pending in the court wherein the parties are not, as matter of right, entitled to a trial by jury; and with the consent of the parties shall so commit any other cause or the determination of any other question of fact.

490-D:11 Staff. The supreme court shall identify a mechanism by which to assign and transfer such existing staff in the superior, district, and probate courts as is necessary to operate the judicial branch family division. Where possible, staff performing functions related to the jurisdiction of the judicial branch family division shall be transferred into similar positions in the division. The number of judicial branch family division staff shall be based upon a review of anticipated caseload, population, available staff resources, and other relevant criteria, including information from any weighted caseload system.

490-D:12 Judicial Branch Family Division Clerks. The administrative judge of the judicial branch family division shall appoint a clerk with responsibility for each judicial branch family division site. In the interest of the effective administration of justice, any such clerk may have responsibility for one or more judicial branch family division sites. Judicial branch family division clerks shall have the same duties as clerks of the superior and district courts and as registers of probate with respect to the judicial branch family division jurisdiction which was previously within the superior, district, and probate courts. Judicial branch family division clerks shall hold office during the pleasure of the administrative judge of the judicial branch family division.

490-D:13 Alternative Dispute Resolution. In implementing the judicial branch family division, the supreme court shall utilize alternative dispute resolution to reduce the adversarial nature of proceedings involving families. RSA 458:15-a shall be applicable to cases in the judicial branch family division.

490-D:14 Statutory References. During the implementation of the judicial branch family division, references in statutes involving the jurisdiction of the division to the superior, district, or probate courts shall be deemed to include the judicial branch family division. Following the full implementation of the division, those references shall be deemed to be to the judicial branch family division where it has exclusive jurisdiction of a subject matter and to the superior, district, or probate court and the judicial branch family division where the judicial branch family division has concurrent jurisdiction with one or more of those courts.

2 Designation of Part-time District Court Justice as Full-time District Court Justice. Amend RSA 491-A:3, IV to read as follows:

IV. The supreme court, after reviewing population, caseload, judicial time and efficiency, available judicial resources, *the needs of the judicial branch family division*, and other relevant criteria may request the governor and council to designate a sitting part-time justice as a full-time justice. The court may recommend certain justices; however, the governor and council shall not be bound by that recommendation. Upon designation, that justice shall become full-time. Prior to making its request, the supreme court shall receive the approval of the fiscal committee and there shall be funds in the court's budget specifically appropriated for the salary and benefits of an additional full-time district court justice.

3 Designation of Part-time Probate Court Judge as Full-time Judge. RSA 491-A:4, IV is repealed and reenacted to read as follows:

IV. The supreme court, after reviewing population, caseload, judicial time and efficiency, available judicial resources, the needs of the judicial branch family division, and other relevant criteria, may request the governor and council to designate a sitting part-time probate judge as a full-time judge. The court may recommend certain judges; however, the governor and council shall not be bound by that recommendation. Upon designation, that judge shall become full-time. Prior to making its request, the supreme court shall receive the approval of the fiscal committee and there shall be funds in the court's budget specifically appropriated for the salary and benefits of an additional full-time probate judge.

4 New Paragraph; Venue; Notice; Optional Manner of Service of Petitions. Amend RSA 458:9 by inserting after paragraph II the following new paragraph:

II-a. In lieu of service as described in paragraph II, the court may, after issuing orders of notice, send notice to the respondent indicating that the petition has been filed and that the respondent or the respondent's attorney may accept service at the court within 10 days. If neither the respondent nor the attorney for the respondent accepts service at the court within 10 days as specified in the correspondence, the petition shall be forwarded to the petitioner for service in accordance with paragraph II.

5 Repeal. The following are repealed:

- I. RSA 490:33 – 490:35, relative to the family division.
- II. RSA 491:20-a – 491:20-c, relative to marital masters.

6 Effective Date.

- I. Paragraph II of section 5 of this act shall take effect July 1, 2005 at 12:01 a.m.

II. The remainder of this act shall take effect July 1, 2005.
Adopted.
Committee report adopted.
Referred to the Committee on Finance.

HB 698-FN, relative to the penalty assessments. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen J. Shurtleff for Judiciary: Current law provides funding for NH Police Standards and Training Council training fund using the existing statutory method without causing any financial burden to local communities or taking money from the state's general fund. Since 1971, NH Police Standards and Training Council has provided quality training to New Hampshire's law enforcement community without cost to our municipalities. To meet the growing demands placed on law enforcement officers in this changing world and to maintain New Hampshire's high professional standards, the committee recommends passage of this bill. Vote 15-4.

Amendment (0360h)

Amend RSA 188-F:31, III(b) as inserted by section 1 of the bill by replacing it with the following:

(b) If, pursuant to a negotiated plea, a case as described in paragraph I is placed on file with a finding of guilty, the amount of \$50 per offense shall be collected and shall be divided and designated as follows: 75 percent of the amount collected to the police standards and training council training fund and 25 percent to the victims' assistance fund as provided in paragraph IV unless the judge finds that the provisions of paragraph V apply.

AMENDED ANALYSIS

This bill changes the assessment method for the penalty assessment when a judge suspends all or all or part of the fine to apply the penalty assessment to the original fine amount.

The bill also establishes a new \$50 penalty assessment on certain cases which are placed on file with a finding of guilty, pursuant to a negotiated plea.

Adopted.
Committee report adopted.
Referred to the Committee on Finance.

HB 604-FN, relative to discounts in electronic toll collection and discontinuing the use of tokens. **OUGHT TO PASS WITH AMENDMENT**

Rep. John A. Graham for Public Works and Highways: This bill eliminates the use of tokens on the turnpike system on January 1, 2006. With the advent of E-Z Pass over the next few months the committee felt the time has come to do away with tokens. The Department of Transportation estimates that this action will save approximately \$750,000 a year in the purchase and handling of tokens. The amendment eliminates the mandate that a toll discount for E-Z Pass users be offered to New Hampshire residents due to a recent federal court ruling that found such discounts, based on residency only, to be in violation of the commerce clause of the U.S. Constitution. However, discounts can be offered to all who acquire their E-Z Pass transponders from the State of New Hampshire. The committee strongly urges the Governor and Executive Council to expeditiously establish the discount that will be offered to E-Z Pass users. The committee further recommends that the Governor and Council consider whether there should be different discount rates for the main turnpike system as opposed to the on-off ramp plazas (i.e. Merrimack). All other states on the eastern seaboard have done away with tokens save New Jersey, which is still allowing their use until the existing supply runs out. If we are to keep our turnpike system a financially sound and effective operation, we need to move ahead with E-Z Pass and eliminate the costly use of tokens. The NH Department of Transportation will make recommendations for the

appropriate E-Z Pass discounts to the Executive Council. Vote 14-0.

Amendment (0249h)

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

AN ACT discontinuing the use of tokens.

Amend the bill by deleting section 2 and renumbering the original sections 3 and 4 to read as 2 and 3, respectively

AMENDED ANALYSIS

This bill discontinues the use of tokens on the state turnpike system.

Adopted.

Rep. Mooney requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 195 NAYS 89			
YEAS 195			
BELKNAP			
Clark, Charles	Fitzgerald, James	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Whalley, Michael		
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Knox, J David	McConkey, Mark	Merrow, Harry	Patten, Betsey
Philbrick, Donald			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Emerson, Susan	Espieffs, Peter
Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie	Pelkey, Stephen
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Robertson, Timothy
Sawyer, Sheldon	Tilton, Anna	Weed, Charles	
COOS			
Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Remick, William	Richardson, Herbert	Tholl, John Jr	
GRAFTON			
Alger, John	Almy, Susan	Andersen, Gene	Barker, Robert
Benn, Bernard	Bleyler, Ruth	Cooney, Mary	Gionet, Edmond
Giuda, Robert	Ham, Bonnie	Hammond, Lee	Harding, A Laurie
Maybeck, Margie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Williams, Burton		
HILLSBOROUGH			
Baines, Stephen	Bergin, Peter	Campbell, David	Carew, James
Chase, Claudia	Cote, Peter	Craig, James	Daniuk, Caitlin
Dokmo, Cynthia	Drisko, Richard	Dyer, Donald	Emerton, Larry

Essex, David	Foster, Linda	Francoeur, Bea	Gargasz, Carolyn
Graham, John	Haley, Robert	Hall, Betty	Hebert, Raymond
Hirschmann, Keith	Infantine, William	Irwin, Anne-Marie	Kurk, Neal
Manney, Pamela	Mead, Robert	Messier, Irene	O'Brien, William
Ober, Lynne	Pappas, Christopher	Pilotte, Maurice	Price, Pamela
Reeves, Sandra	Ross, Lawrence	Slocum, Lee	Smith, David
Stepanek, Stephen	Sullivan, Francis	Sullivan, Peter	Tahir, Saghir
Velez, Hector	Villeneuve, Maurice		
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	DeJoie, John	Foose, Robert	French, Barbara
Greco, Vincent	Hager, Elizabeth	Hamm, Christine	Kidder, David
Klose, John	Lockwood, Priscilla	MacKay, James	Maxfield, Roy
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Tilton, Joy	Walz, Mary Beth	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Asselin, Michael	Bettencourt, David	Bicknell, Elbert	Buxton, Donald
Charron, Gene	Coburn, James	Dalrymple, Janeen	Dodge, Robert
Donahue, Richard Ken	Flanders, John Sr	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Gillick, Thomas	Gould, Kenneth	Griffin, Mary
Headd, James	Hughes, Daniel	Ingram, Russell	Introne, Robert
Itse, Daniel	Kobel, Rudolph	Langley, Jane	Major, Norman
Mason, April	O'Neil, Michael	Packard, Sherman	Palazzo, Frank
Parker, Benjamin	Priestley, Anne	Putnam, Ed II	Robertson, Carl
Rolston, James	Sanders, Elisabeth	Serlin, Christopher	Smith, Paul
Stiles, Nancy	Waterhouse, Kevin	Welch, David	Weyler, Kenneth
Wiley, Robert	Winchell, George	Zolla, William	
STRAFFORD			
Cataldo, Sam	Hilliard, Dana	Hofemann, Roland	Hollinger, Jeffrey
Johnson, Nancy	Kaen, Naida	Miller, Joseph	Newton, Clifford
Rollo, Michael	Schmidt, Peter	Spang, Judith	Taylor, Katherine
Taylor, Kathleen			
SULLIVAN			
Cloutier, John	Donovan, Thomas	Ferland, Brenda	Gale, Harry
Houde-Quimby, Charlotte	Irish, Christopher	Jillette, Arthur Jr	Prichard, Stephen
Rodeschin, Beverly			
NAYS 89			
BELKNAP			
Boyce, Laurie	Pilliod, James	Rosen, Ralph	
CARROLL			

Babson, David Jr	Dickinson, Howard		
CHESHIRE			
Parkhurst, Henry	Roberts, Kris		
COOS			
Theberge, Robert			
GRAFTON			
Mirski, Paul			
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Batula, Peter
Beaulieu, Jane	Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph
Brassard, Paul	Brundige, Robert	Buhlman, David	Christensen, D L Chris
Clemons, Jane	Cote, David	Desmarais, Vivian	Elliott, Nancy
Garrity, Patrick	Gibson, John	Goley, Jeffrey	Gonzalez, Carlos
Gorman, Mary	Goyette, Peter Jr	Hagan, Barbara	Hansen, Ryan
Harvey, Suzanne	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Jasper, Shawn	Jean, Claudette	Johnson, Paula	Kopka, Angeline
L'Heureux, Robert	Lasky, Bette	Matarazzo, Anthony Sr	Michon, Stephen
Mooney, Maureen	Movsesian, Lori	Renzullo, Andrew	Rochette, Eric
Rosenwald, Cindy	Rowe, Robert	Ryder, Donald	Schulze, Joan
Souza, Kathleen	Ulery, Jordan	Vaillancourt, Steve	Wheeler, James
MERRIMACK			
Blanchard, Elizabeth	DeStefano, Stephen	Field, William	Gile, Mary
Kennedy, Richard	Marple, Richard	Ryan, Jim	Shurtleff, Stephen
Soltani, Tony	Tupper, Frank	Whiting, Herbert	
ROCKINGHAM			
Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin	Cooney, Richard
Flockhart, Eileen	Hopfgarten, Paul	Lund, Howie	Pantelakos, Laura
Quandt, Marshall Lee	Quandt, Matthew	Splaine, James	Weare, E Albert
STRAFFORD			
Bickford, David	Brown, Jennifer	Chaplin, Duncan	Cilley, Jacalyn
Domingo, Baldwin	Goodwin, Earle		
SULLIVAN			
Converse, Larry	Franklin, Peter	Phinizy, James	

and the committee report was adopted.
Ordered to third reading.

HB 625-FN-L, relative to bonding limits for the Winnepesaukee river basin project.

OUGHT TO PASS WITH AMENDMENT

Rep. Franklin T. Tilton for Public Works and Highways: The intent of this bill was to

remove a bonding limit of \$3,000,000 for the Winnepesaukee River Basin Project (WRBP), a regional authority which has constructed and operated public sewage disposal facilities for 10 Winnepesaukee river basin municipalities. The cost for operating and administering the WRBP is borne by the member communities. As the highly successful program has completed 25 years in operation, capital improvements exceeding that limit for renovation and modernization are needed. Subsequently, it was recognized that existing legislation allows the WRBP to borrow funds at appropriate levels from the State Revolving Fund (SRF) program. The amendment includes language that states this authority clearly and directly. Because of this, the amendment does not change the bonding limit. Vote 14-0.

Amendment (0365h)

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

AN ACT authorizing borrowing from the state revolving loan fund for the Winnepesaukee River Basin project.

Amend the bill by replacing section 1 with the following:

1 Winnepesaukee River Basin Control; Expenditures; State Revolving Fund Borrowing Added. Amend RSA 485-A:49, I to read as follows:

I. With the approval of the governor and council, the department may use state, federal or other funds accruing to the department ***and funds borrowed from the state water pollution control and drinking water revolving loan fund established under RSA 486:14*** for the acquisition of existing sewage or waste treatment facilities, design and construction of new sewage or waste treatment facilities, alteration, improvement or additions to existing sewage or waste treatment facilities, pumping stations and intercepting sewers, inclusive of operation and maintenance of same; the terms operation and maintenance of treatment facilities shall include maintenance of all buildings, equipment, supplies, and administrative costs associated with the management of the treatment facilities, and for such other purposes as may be involved in the operation of an effective regional pollution control program. The department may purchase, take and hold for the state such materials, lands, easements and rights-of-way as may be required for the purposes of this subdivision. If the department is unable to purchase lands, easements or rights-of-way at what is deemed reasonable compensation, the department shall request the governor and council to appoint a commission to assess the damages sustained by the owner, and thereupon proceedings shall be conducted in the same manner and in accordance with provisions of RSA 230.

AMENDED ANALYSIS

This bill authorizes borrowing from the state water pollution control and drinking water revolving loan fund for the Winnepesaukee river basin sewage treatment project.
Adopted.

Committee report adopted and ordered to third reading.

HB 655-FN-A, increasing the boat registration fee for public boat access and exotic aquatic weed control. **INEXPEDIENT TO LEGISLATE**

Rep. Judith T. Spang for Resources, Recreation and Development: This bill proposes a fee increase on the boat registration surcharge by adding 60% for the statewide boat access fund, 40% for the control of exotic aquatic weeds and 40% for the lake restoration and preservation fund. These surcharges were last increased in 2002 by more than 100%. The committee considers it premature to request further increases until we receive a report from the statutory committee established to study the best approach for controlling exotic weeds.
Vote 13-4.
Adopted.

HB 622-FN-A, establishing an income tax. **INEXPEDIENT TO LEGISLATE**

Rep. Mary E. Griffin for Ways and Means: This bill would establish an income tax at the

rate of 4 percent with certain exemptions. As income tax is paid first to the state in which you work, New Hampshire would receive no tax from those residents who work out of state, leaving the burden of this tax to fall only on those New Hampshire residents who work here. Even most of the proponents of an income tax found this to be a fatally flawed bill and could not support it. Vote 16-3.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 246 NAYS 45			
YEAS 246			
BELKNAP			
Boyce, Laurie	Clark, Charles	Fitzgerald, James	Millham, Alida
Nedeau, Stephen	Pilliod, James	Rosen, Ralph	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Dickinson, Howard	Knox, J David	McConkey, Mark
Merrow, Harry	Patten, Betsey	Philbrick, Donald	
CHESHIRE			
Butynski, William	Chase, William	Dexter, Judson	Dunn, J Timothy
Emerson, Susan	Espieffs, Peter	Hogancamp, Deborah	Hunt, John
Pelkey, Stephen	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Sawyer, Sheldon		
COOS			
Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Remick, William	Richardson, Herbert	Theberge, Robert	Tholl, John Jr
GRAFTON			
Alger, John	Barker, Robert	Gionet, Edmond	Giuda, Robert
Ham, Bonnie	Harding, A Laurie	Maybeck, Margie	McLeod, Martha
Mirski, Paul	Mulholland, Catherine	Nordgren, Sharon	Williams, Burton
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Baines, Stephen	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Buhlman, David
Campbell, David	Carew, James	Christensen, D L Chris	Christiansen, Lars
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Dyer, Donald	Elliott, Nancy	Emerton, Larry
Essex, David	Foster, Linda	Francoeur, Bea	Gargas, Carolyn
Garrity, Patrick	Gibson, John	Goley, Jeffrey	Gonzalez, Carlos
Gorman, Mary	Goyette, Peter Jr	Graham, John	Hagan, Barbara

Haley, Robert	Hansen, Ryan	Harvey, Suzanne	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Infantine, William
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Johnson, Paula
Kopka, Angeline	Kurk, Neal	L'Heureux, Robert	Lasky, Bette
Manney, Pamela	Matarazzo, Anthony Sr	Mead, Robert	Messier, Irene
Michon, Stephen	Mooney, Maureen	Movsesian, Lori	O'Brien, William
Ober, Lynne	Pappas, Christopher	Pilotte, Maurice	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rochette, Eric	Rosenwald, Cindy
Ross, Lawrence	Rowe, Robert	Ryder, Donald	Slocum, Lee
Smith, David	Souza, Kathleen	Sullivan, Francis	Sullivan, Peter
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Velez, Hector
Villeneuve, Maurice	Wheeler, James		
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Clarke, Claire	Currier, David
DeStefano, Stephen	Field, William	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Hess, David	Kennedy, Richard
Kidder, David	Klose, John	Lockwood, Priscilla	MacKay, James
Marple, Richard	McMahon, Patricia	Ryan, Jim	Shurtleff, Stephen
Soltani, Tony	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Whiting, Herbert		
ROCKINGHAM			
Asselin, Michael	Bettencourt, David	Bicknell, Elbert	Bishop, Franklin
Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	Dalrymple, Janeen
DiFruscia, Anthony	Dodge, Robert	Donahue, Richard Ken	Flanders, John Sr
Flockhart, Eileen	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Headd, James
Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell	Introne, Robert
Itse, Daniel	Kobel, Rudolph	Langley, Jane	Major, Norman
Mason, April	O'Neil, Michael	Packard, Sherman	Palazzo, Frank
Pantelakos, Laura	Parker, Benjamin	Priestley, Anne	Putnam, Ed II
Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl	Rolston, James
Sanders, Elisabeth	Serlin, Christopher	Smith, Paul	Splaine, James
Stiles, Nancy	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weyler, Kenneth	Wiley, Robert	Winchell, George	Zolla, William
STRAFFORD			
Bickford, David	Brown, Jennifer	Cataldo, Sam	Cilley, Jacalyn
Domingo, Baldwin	Hilliard, Dana	Hofemann, Roland	Hollinger, Jeffrey
Kaen, Naida	Newton, Clifford	Rollo, Michael	Taylor, Katherine
Taylor, Kathleen			
SULLIVAN			
Donovan, Thomas	Ferland, Brenda	Franklin, Peter	Gale, Harry
Houde-Quimby, Charlotte	Irish, Christopher	Jillette, Arthur Jr	Rodeschin, Beverly

NAYS 45			
BELKNAP			
Morrison, Gail			
CARROLL			
None			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Mitchell, Bonnie	Parkhurst, Henry
Robertson, Timothy	Tilton, Anna	Weed, Charles	
COOS			
None			
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Sokol, Hilda	
HILLSBOROUGH			
Beaulieu, Jane	Chase, Claudia	Hall, Betty	Hebert, Raymond
Schulze, Joan	Stepanek, Stephen		
MERRIMACK			
Blanchard, Elizabeth	Brueggemann, Donald	DeJoie, John	Foose, Robert
Hamm, Christine	Maxfield, Roy	Osborne, Jessie	Owen, Derek
Potter, Frances	Reardon, Tara	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Cooney, Richard	Lund, Howie		
STRAFFORD			
Chaplin, Duncan	Goodwin, Earle	Johnson, Nancy	Miller, Joseph
Schmidt, Peter	Spang, Judith		
SULLIVAN			
Cloutier, John	Converse, Larry	Phinizy, James	Prichard, Stephen

and the committee report was adopted.

HB 219, relative to permitting audio and video recording on school buses. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Stephen R. L'Heureux for the Majority of Education: This bill seeks to allow audio recording in conjunction with video recording in the interior of a school bus. Overwhelming testimony indicated that video recording is currently utilized on buses where the bus driver or a student has documented a safety concern. When this occurs, jointly, the school district

or school and the bus company place a video recorder in the bus to record the actions of students on that bus. If an incident occurs, the tapes are reviewed for a disciplinary proceeding. The committee heard testimony of a variety of inappropriate actions and violence that have placed the students at risk. It is currently illegal to audio record these actions. When a local school district contracts with a bus company, they jointly, at the local level, will determine the policies to utilize recording, the time frame to keep such a recording and who retains ownership of the tapes. The amendment addresses these contractual issues. Vote 13-3.

Rep. Clifford A. Newton for the Minority of Education: The right to privacy is so special that violations of it are, in most cases, a class B felony. This bill allows conversations of 5-year olds to be recorded and examined by people other than their parents, with said conversation now allowable for purposes of prosecution. This bill offers no opt-out plan for parents whose children have no choice but to ride a bus where all of their conversations and family references will be taped. There was no testimony of criminal acts where audio would have made a difference. Thorough examination and debate of all the legal aspects concerning something so important as privacy should have taken place.

Majority Amendment (0364h)

Amend RSA 570-A:2, II(k) as inserted by section 1 of the bill by replacing it with the following:

(k) The owner or operator of a school bus, as defined in RSA 259:96, to make an audio recording in conjunction with a video recording in the interior of the school bus while students are being transported to and from school or school activities provided that the school district authorizes such recording, the school bus company or school district provides notification of such recording to the parents and students, and there is a sign informing the occupants of such recording prominently displayed on the school bus. The length of time which the recording is retained and the ownership of the recording shall be determined by the school district or subject to agreement between the school district and the school bus company. In no event, however, shall the recording be retained for longer than 60 days unless the school district determines that the recording is relevant to a disciplinary proceeding, or a court orders that it be retained for a longer period of time.

Majority amendment adopted.

Reps. Balboni and Ingbretson spoke against.

Rep. Packard spoke in favor.

Reps. Soltani and Newton spoke against and yielded to questions.

Rep. Hess spoke in favor and yielded to questions.

LAID ON THE TABLE

Rep. Kurk moved that **HB 219**, relative to permitting audio and video recording on school buses, be laid on the table.

Rep. Balboni requested a roll call; sufficiently seconded.

The question being to lay HB 219 on the table.

YEAS 158 NAYS 154			
YEAS 158			
BELKNAP			
Boyce, Laurie	Fitzgerald, James	Morrison, Gail	Pilliod, James
Rosen, Ralph	Thomas, John	Wendelboe, Fran	Whalley, Michael
CARROLL			

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Dickinson, Howard
Martin, James	Patten, Betsey		
CHESHIRE			
Butcher, Suzanne	Butynski, William	Dexter, Judson	Espiefs, Peter
Hogancamp, Deborah	Hunt, John	Parkhurst, Henry	Pratt, John
Richardson, Barbara			
COOS			
King, Frederick	Mears, Edgar	Richardson, Herbert	
GRAFTON			
Alger, John	Almy, Susan	Andersen, Gene	Barker, Robert
Benn, Bernard	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Maybeck, Margie	Mirski, Paul	Sokol, Hilda	
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Bergin, Peter	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Buhlman, David	Campbell, David	Chabot, Robert
Chase, Claudia	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Clemons, Jane	Cote, David	Craig, James	Daniuk, Caitlin
Desmarais, Vivian	Drisko, Richard	Emerton, Larry	Francoeur, Bea
Gibson, John	Goley, Jeffrey	Gonzalez, Carlos	Goyette, Peter Jr
Graham, John	Hagan, Barbara	Haley, Robert	Hall, Betty
Hansen, Ryan	Harvey, Suzanne	Hellwig, Steve	Holden, Randolph
Jasper, Shawn	Kopka, Angeline	Kurk, Neal	L'Heureux, Robert
Lasky, Bette	McRae, Karen	Messier, Irene	Michon, Stephen
Movsesian, Lori	O'Connell, Timothy	Ober, Lynne	Pappas, Christopher
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rowe, Robert
Slocum, Lee	Souza, Kathleen	Stepanek, Stephen	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, James		
MERRIMACK			
Anderson, Eric	Field, William	French, Barbara	Gile, Mary
Hamm, Christine	Kennedy, Richard	Langlais, Thomas	Lockwood, Priscilla
Marple, Richard	Oliver, James	Ryan, Jim	Soltani, Tony
Tilton, Joy	Tupper, Frank	Whiting, Herbert	
ROCKINGHAM			
Bettencourt, David	Bicknell, Elbert	Bishop, Franklin	Cady, Harriet
Camm, Kevin	Carson, Sharon	Coburn, James	Dalrymple, Janeen
DiFruscia, Anthony	Dodge, Robert	Donahue, Richard Ken	Dumaine, Dudley
Francoeur, Sheila	Gillick, Thomas	Griffin, Mary	Ingram, Russell
Itse, Daniel	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Major, Norman	Mason, April	O'Neil, Michael
Pantelakos, Laura	Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl

Rolston, James	Smith, Paul	Splaine, James	Weyler, Kenneth
Zolla, William			
STRAFFORD			
Bickford, David	Cataldo, Sam	Chaplin, Duncan	Goodwin, Earle
Hollinger, Jeffrey	Kaen, Naida	Newton, Clifford	Rollo, Michael
Schmidt, Peter	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Gale, Harry	Jillette, Arthur Jr	Prichard, Stephen	Rodeschin, Beverly
NAYS 154			
BELKNAP			
Clark, Charles	Heald, Bruce	Millham, Alida	Nedeau, Stephen
Russell, David	Tilton, Franklin	Tobin, William	
CARROLL			
Babson, David Jr	Buco, Thomas	Knox, J David	McConkey, Mark
Merrow, Harry	Olimpio, J Lisbeth	Philbrick, Donald	
CHESHIRE			
Allen, Peter	Chase, William	Dunn, J Timothy	Emerson, Susan
Mitchell, Bonnie	Pelkey, Stephen	Plifka, Stanley Jr	Roberts, Kris
Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna	Weed, Charles
COOS			
Buzzell, Bernard	Merrick, Scott	Remick, William	Theberge, Robert
Tholl, John Jr			
GRAFTON			
Bleyler, Ruth	Cooney, Mary	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Williams, Burton			
HILLSBOROUGH			
Allan, Nelson	Baines, Stephen	Beaulieu, Jane	Calawa, Leon Jr
Carew, James	Cote, Peter	DeVries, Betsi	Dokmo, Cynthia
Dyer, Donald	Elliott, Nancy	Essex, David	Foster, Linda
Gargas, Carolyn	Garritty, Patrick	Gorman, Mary	Hawkins, Ken
Hebert, Raymond	Hinkle, Peyton	Infantine, William	Irwin, Anne-Marie
Jean, Claudette	Johnson, Paula	Manney, Pamela	Matarazzo, Anthony Sr
Mead, Robert	Mooney, Maureen	O'Brien, William	Pilotte, Maurice
Rochette, Eric	Rosenwald, Cindy	Ross, Lawrence	Ryder, Donald
Schulze, Joan	Shaw, Barbara	Smith, David	Sullivan, Francis
Sullivan, Peter	Tahir, Saghir	Ulery, Jordan	Velez, Hector

MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	DeJoie, John	DeStefano, Stephen	Foose, Robert
Greco, Vincent	Hager, Elizabeth	Hess, David	Kidder, David
Klose, John	MacKay, James	Maxfield, Roy	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Potter, Frances	Reardon, Tara
Shurtleff, Stephen	Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Asselin, Michael	Blanchard, MaryAnn	Bridle, Russell	Buxton, Donald
Cali-Pitts, Jacqueline	Charron, Gene	Cooney, Richard	Flanders, John Sr
Flockhart, Eileen	Garrity, James	Gilbert, Karl	Gould, Kenneth
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Introne, Robert
Johnson, Robert	Langley, Jane	Lund, Howie	Packard, Sherman
Palazzo, Frank	Parker, Benjamin	Priestley, Anne	Putnam, Ed II
Sanders, Elisabeth	Serlin, Christopher	Stiles, Nancy	Waterhouse, Kevin
Weare, E Albert	Welch, David	Wiley, Robert	Winchell, George
STRAFFORD			
Brown, Jennifer	Cilley, Jacalyn	Domingo, Baldwin	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Miller, Joseph	Spang, Judith
Taylor, Katherine			
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Irish, Christopher	Phinizy, James

and HB 219 was laid on the table.

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

REGULAR CALENDAR (CONT'D.)

(Deputy Speaker Weyler in the Chair)

HB 276, relative to nominations by nomination papers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael G. Biundo for the Majority of Election Law: This bill would reduce the number of nomination papers needed to run for certain offices. Although well intended by the sponsor, it is the opinion of the majority of the committee that this bill sets an unreasonably low number of nomination papers needed to run for certain state offices. The committee believes every person should have ballot access but that reasonable requirements must be met. Vote 11-4.

Rep. Charles F. Weed for the Minority of Election Law: Right now, a candidate can attain “ballot access,” in other words, run as a candidate on the ballot in the November general election, by winning the Republican or Democratic primary in September and securing that party’s nomination. A candidate can also get on the ballot by petition of a certain number of registered voters. This bill reduces the number of required petitions by a substantial amount, thus allowing, in the view of the minority of the committee, a better and fairer election process. Part I, Article 11 of the NH Constitution points out that, “Every inhabitant of the state, having the proper qualifications, has equal right to be elected into office.” Constitutional qualifications do not include membership in either of the two major parties.

Rep. Weed requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 239 NAYS 71			
YEAS 239			
BELKNAP			
Boyce, Laurie	Clark, Charles	Fitzgerald, James	Heald, Bruce
Millham, Alida	Morrison, Gail	Neddeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Morrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
CHESHIRE			
Dexter, Judson	Dunn, J Timothy	Emerson, Susan	Hogancamp, Deborah
Hunt, John	Mitchell, Bonnie	Parkhurst, Henry	Pelkey, Stephen
Plifka, Stanley Jr	Sawyer, Sheldon		
COOS			
King, Frederick	Mears, Edgar	Remick, William	Richardson, Herbert
Tholl, John Jr			
GRAFTON			
Alger, John	Almy, Susan	Andersen, Gene	Barker, Robert
Benn, Bernard	Bleyler, Ruth	Gionet, Edmond	Giuda, Robert
Ham, Bonnie	Ingbretson, Paul	Maybeck, Margie	Mirski, Paul
Mulholland, Catherine	Williams, Burton		
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Baines, Stephen	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Buhlman, David
Calawa, Leon Jr	Campbell, David	Carew, James	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Cote, David
Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Foster, Linda
Francoeur, Bea	Gargas, Carolyn	Gibson, John	Goley, Jeffrey
Gonzalez, Carlos	Gorman, Mary	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Hansen, Ryan	Hawkins, Ken	Hebert, Raymond
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph
Infantine, William	Jasper, Shawn	Johnson, Paula	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Manney, Pamela	Matarazzo, Anthony

			Sr
McRae, Karen	Mead, Robert	Messier, Irene	Mooney, Maureen
Movsesian, Lori	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Rochette, Eric	Rosenwald, Cindy	Ross, Lawrence	Rowe, Robert
Ryder, Donald	Slocum, Lee	Smith, David	Souza, Kathleen
Stepanek, Stephen	Sullivan, Francis	Tahir, Saghir	Ulery, Jordan
Velez, Hector	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Brueggemann, Donald	Clarke, Claire
Currier, David	DeJoie, John	Field, William	Greco, Vincent
Hager, Elizabeth	Hamm, Christine	Hess, David	Kennedy, Richard
Kidder, David	Klose, John	Langlais, Thomas	MacKay, James
Marple, Richard	Maxfield, Roy	McMahon, Patricia	Oliver, James
Reardon, Tara	Soltani, Tony	Whiting, Herbert	
ROCKINGHAM			
Asselin, Michael	Bettencourt, David	Bicknell, Elbert	Bishop, Franklin
Bridle, Russell	Buxton, Donald	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	Cooney, Richard	Dalrymple, Janeen
DiFruscia, Anthony	Dodge, Robert	Donahue, Richard Ken	Dumaine, Dudley
Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila	Garritty, James
Gilbert, Karl	Gillick, Thomas	Gould, Kenneth	Griffin, Mary
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Lund, Howie
Major, Norman	Mason, April	O'Neil, Michael	Packard, Sherman
Palazzo, Frank	Parker, Benjamin	Priestley, Anne	Putnam, Ed II
Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl	Rolston, James
Sanders, Elisabeth	Scamman, W Douglas	Smith, Paul	Stiles, Nancy
Waterhouse, Kevin	Weare, E Albert	Welch, David	Wiley, Robert
Winchell, George	Zolla, William		
STRAFFORD			
Bickford, David	Brown, Jennifer	Cataldo, Sam	Chaplin, Duncan
Cilley, Jacalyn	Domingo, Baldwin	Goodwin, Earle	Hollinger, Jeffrey
Johnson, Nancy	Miller, Joseph	Newton, Clifford	Rollo, Michael
Spang, Judith	Taylor, Katherine	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Converse, Larry	Gale, Harry	Irish, Christopher	Jillette, Arthur Jr
Phinizy, James	Rodeschin, Beverly		
NAYS 71			
BELKNAP			
None			

CARROLL			
Buco, Thomas			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Espiefs, Peter	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna	Weed, Charles	
COOS			
Buzzell, Bernard	Merrick, Scott		
GRAFTON			
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Nordgren, Sharon	Sokol, Hilda		
HILLSBOROUGH			
Beaulieu, Jane	Chase, Claudia	Clemons, Jane	Cote, Peter
Craig, James	Daniuk, Caitlin	Essex, David	Garrity, Patrick
Haley, Robert	Hall, Betty	Harvey, Suzanne	Irwin, Anne-Marie
Jean, Claudette	Lasky, Bette	Michon, Stephen	Pappas, Christopher
Schulze, Joan	Shaw, Barbara	Sullivan, Peter	Vaillancourt, Steve
MERRIMACK			
Bouchard, Candace	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Osborne, Jessie	Owen, Derek	Potter, Frances
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Yeaton, Charles	
ROCKINGHAM			
Blanchard, MaryAnn	Cady, Harriet	Cali-Pitts, Jacqueline	Pantelakos, Laura
Serlin, Christopher	Splaine, James		
STRAFFORD			
Hilliard, Dana	Hofemann, Roland	Kaen, Naida	Schmidt, Peter
SULLIVAN			
Cloutier, John	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Prichard, Stephen		

and the majority committee report was adopted.

HB 399-FN, relative to the Informed Consent for Abortion Act. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Bonnie G. Mitchell for the Majority of Health, Human Services and Elderly Affairs: This bill interferes with the physician/patient relationship. There are already generally accepted medical and ethical procedures which exist between patient and physician that require a patient to be given materials which would lead to an informed consent. The

requirement of a 24 hour waiting period is also objectionable. There is no other medical procedure that requires a reflection period. The waiting period represents unequal access to care for the poor, the young and those living in rural areas. The use of “unborn child” terminology is not medical terminology. This bill also forces physicians to give inaccurate medical information under threat of imprisonment. Finally, this bill is an attempt to clearly limit access to abortion for a population with already limited access. Vote 9-7.

Rep. Fran Wendelboe for the Minority of Health, Human Services and Elderly Affairs: In *Roe v. Wade*, the U.S. Supreme Court established a right to choose to terminate or continue pregnancy, but as Justices O’Connor, Kennedy, and Souter opined in plurality in *Casey*, “it does not at all follow that the State is prohibited from taking steps to ensure that this choice is thoughtful and informed.” The U.S. Supreme Court in *Casey v. Planned Parenthood* clarified a state’s interest on the very issues contained in this bill. There are two main purposes of this bill: 1) that a woman considering an abortion be given unbiased material on risks and alternatives at least 24 hours before an abortion; and 2) adopting the construction of “Medical Emergency” accepted by the U.S. Supreme Court in *Casey*. A synopsis of the informed consent section of this bill would be that at least 24 hours before an abortion, a woman shall be provided: 1) the name of the physician who will perform the abortion; 2) medically accurate information that a reasonable patient would consider in the decision, a description of the proposed abortion method, the immediate and long term medical risks, alternatives to abortion; 3) The probable gestational age of the unborn child at the time the abortion is to be performed and the anatomical and physiological characteristics of the unborn child at the time the abortion would be performed; 4) The medical risks to carrying a child to term. Additionally, information regarding the liability of the father for support, a list of public and private agencies able to assist a woman throughout her pregnancy, upon childbirth, and after - including adoption. All of these provisions were upheld in *Casey* and deemed by the court not to be an undue burden on a woman considering abortion. Specific mention in the decision held that it does not interfere with a patient/physician relationship, that a 24 hour period does not represent an undue burden on any class of society when weighed against the interest of the state as enumerated in *Roe* and further explained in *Casey*. The majority had an opportunity to change provisions it considered to be objectionable with an amendment and chose to not support the amendment. The minority asks that the ITL be overturned, so that an amendment addressing every area of substance the majority objected to may be brought forward.

Reps. Hagan, Bettencourt and Field spoke against.
Reps. Mitchell and Miller spoke in favor.
Rep. Wendelboe spoke against and yielded to questions.
Rep. Hunt spoke in favor and yielded to questions.
Rep. Hagan requested a roll call; sufficiently seconded.
The question being adoption of the majority committee report.

YEAS 207 NAYS 113			
YEAS 207			
BELKNAP			
Allen, Janet	Heald, Bruce	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Russell, David	
CARROLL			
Babson, David Jr	Buco, Thomas	Chandler, Gene	Dickinson, Howard
Knox, J David	Martin, James	McConkey, Mark	Merrrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	

CHESHIRE			
Allen, Peter	Butcher, Suzanne	Chase, William	Dexter, Judson
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	Tilton, Anna
Weed, Charles			
COOS			
Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Remick, William	Theberge, Robert	Tholl, John Jr	
GRAFTON			
Alger, John	Almy, Susan	Andersen, Gene	Barker, Robert
Benn, Bernard	Bleyler, Ruth	Cooney, Mary	Gionet, Edmond
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon	Sokol, Hilda	Williams, Burton	
HILLSBOROUGH			
Baines, Stephen	Beaulieu, Jane	Bergin, Peter	Calawa, Leon Jr
Campbell, David	Chase, Claudia	Christensen, D L Chris	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daniuk, Caitlin
Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Emerton, Larry	Essex, David	Foster, Linda	Gargas, Carolyn
Garrity, Patrick	Goley, Jeffrey	Gorman, Mary	Graham, John
Hall, Betty	Harvey, Suzanne	Holden, Randolph	Irwin, Anne-Marie
Kopka, Angeline	Kurk, Neal	Lasky, Bette	McRae, Karen
Messier, Irene	Movsesian, Lori	O'Connell, Timothy	Pappas, Christopher
Price, Pamela	Renzullo, Andrew	Rochette, Eric	Rosenwald, Cindy
Ross, Lawrence	Scanlon, Michael	Shaw, Barbara	Smith, David
Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve	Velez, Hector
Villeneuve, Maurice	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	DeJoie, John	DeStefano, Stephen
Foose, Robert	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Hamm, Christine	Kennedy, Richard	Kidder, David
Klose, John	Lockwood, Priscilla	MacKay, James	Marple, Richard
Maxfield, Roy	McMahon, Patricia	Oliver, James	Osborne, Jessie
Owen, Derek	Potter, Frances	Reardon, Tara	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Asselin, Michael	Bishop, Franklin	Blanchard, MaryAnn	Bridle, Russell
Buxton, Donald	Cali-Pitts, Jacqueline	Camm, Kevin	Coburn, James

DiFruscia, Anthony	Dowling, Patricia	Flanders, John Sr	Flockhart, Eileen
Francoeur, Sheila	Gilbert, Karl	Gould, Kenneth	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Major, Norman	McKinney, Betsy	Nowe, Ronald	O'Neil, Michael
Pantelakos, Laura	Parker, Benjamin	Priestley, Anne	Robertson, Carl
Sanders, Elisabeth	Scamman, W Douglas	Serlin, Christopher	Splaine, James
Weare, E Albert	Winchell, George		
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Cataldo, Sam
Chaplin, Duncan	Cilley, Jacalyn	Domingo, Baldwin	Goodwin, Earle
Hilliard, Dana	Johnson, Nancy	Kaen, Naida	Miller, Joseph
Rollo, Michael	Schmidt, Peter	Spang, Judith	Taylor, Katherine
Taylor, Kathleen	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen			
NAYS 113			
BELKNAP			
Boyce, Laurie	Clark, Charles	Fitzgerald, James	Rosen, Ralph
Tilton, Franklin	Tobin, William	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Brown, Carolyn		
CHESHIRE			
Butynski, William			
COOS			
Richardson, Herbert	Stohl, Eric		
GRAFTON			
Giuda, Robert	Ham, Bonnie	Ingbretson, Paul	Maybeck, Margie
Mirski, Paul			
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Buhlman, David	Carew, James	Chabot, Robert
Christiansen, Lars	Clark, Mark	Dyer, Donald	Elliott, Nancy
Francoeur, Bea	Gibson, John	Gonzalez, Carlos	Goyette, Peter Jr
Hagan, Barbara	Haley, Robert	Hansen, Ryan	Hawkins, Ken
Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith

Infantine, William	Jasper, Shawn	Jean, Claudette	Johnson, Paula
L'Heureux, Robert	Manney, Pamela	Matarazzo, Anthony Sr	Mead, Robert
Michon, Stephen	Mooney, Maureen	O'Brien, William	Ober, Lynne
Pilotte, Maurice	Reeves, Sandra	Rowe, Robert	Ryder, Donald
Slocum, Lee	Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir
Ulery, Jordan	Wheeler, James		
MERRIMACK			
Field, William	Hess, David	Langlais, Thomas	Soltani, Tony
Whiting, Herbert			
ROCKINGHAM			
Bettencourt, David	Bicknell, Elbert	Cady, Harriet	Carson, Sharon
Charron, Gene	Cooney, Richard	Dalrymple, Janeen	Dodge, Robert
Donahue, Richard Ken	Dumaine, Dudley	Garrity, James	Gillick, Thomas
Griffin, Mary	Headd, James	Hopfgarten, Paul	Hughes, Daniel
Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Rogers
Lund, Howie	Mason, April	Packard, Sherman	Palazzo, Frank
Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew	Rolston, James
Smith, Paul	Stiles, Nancy	Waterhouse, Kevin	Welch, David
Wiley, Robert	Zolla, William		
STRAFFORD			
Hofemann, Roland	Hollinger, Jeffrey	Newton, Clifford	
SULLIVAN			
Donovan, Thomas	Irish, Christopher	Rodeschin, Beverly	

and the majority committee report was adopted.

The House recessed at 12:40 p.m.

RECESS

(Speaker Scamman in the Chair)

The House reconvened at 1:40 p.m.

REGULAR CALENDAR (CONT'D.)

HB 574-FN, requiring the reporting of burn injuries. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rogers J. Johnson for the Majority of Health, Human Services and Elderly Affairs: As first introduced, this bill required health professionals to report every burn injury to the State Fire Marshall's Office. A subcommittee found that issue to be onerous, as did the New Hampshire Hospital Association and the New Hampshire Medical Society. The amendment requires health professionals to report burn injuries only if they believe the injuries resulted from the commission of a crime or the handling of explosives. The amended version has the support of the Hospital Association, the Medical Society, and the Fire Marshall's Office. The fiscal note will also be amended and, if this bill is passed by the House, it will be removed. Vote 16-1.

Rep. Bonnie G. Mitchell for the Minority of Health, Human Services and Elderly Affairs:

While the reporting of burn injuries could be valuable data for gathering information for the commission of crimes it appears to single out the explosives industry. If the intent of this bill is intended to gather information to support legislation to point to the explosives industry, it should state so.

Amendment (0464h)

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

1 New Section; Reporting of Burn Injuries. Amend RSA 153 by inserting after section 11 the following new section:

153:11-a Reporting of Burn Injuries.

I. In any case where a health care professional is called upon to examine or treat a person for a burn injury and has reasonable cause to suspect that the burn injury was sustained in connection with the commission of a crime, or in the handling of explosives, or if a burn injury requires impatient admission to a hospital, the health care professional shall report such burn injury to the state fire marshal immediately by telephone or electronic means and followed within 48 hours by a report in writing, if so requested by the state fire marshal.

II. A health care practitioner who, acting in good faith in reporting under this section or participating in a related investigation or proceeding, makes a report pursuant to paragraph I, shall be immune from civil or criminal liability for the act of reporting or participating in a related investigation or proceeding.

III. The state fire marshal shall adopt rules, pursuant to RSA 541-A, relative to the reporting of burn injuries required under paragraph I of this section.

IV. The bureau of emergency medical services shall provide notification to the state fire marshal of burn injury reports which it receives from emergency medical services providers. In the event that a patient receives emergency medical treatment for a burn injury described under this section before being treated in a hospital or a physician's office, the health care practitioner shall not be required to report the burn injury as provided under this section.

2 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill requires health care professionals to report burn injuries to the state fire marshal in certain circumstances. The bill grants rulemaking authority to the state fire marshal for the purposes of the bill.

Majority amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 79, relative to protective orders in domestic violence cases. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald R. Buxton for the Majority of Judiciary: The committee considered the testimony of many professionals, including the NH Chiefs of Police Association and domestic violence advocacy groups, as well as others, all of whom were opposed to this bill. We heard that domestic violence is all about power and that the present law establishes a balance between protecting the safety and rights of victims and those of the defendants. The overwhelming sense of the committee was that we should not weaken the current procedure for handling domestic violence and upset this delicate balance. Some of the assertions made by the proponents of the bill, such as sixth amendment rights for the defendant and lack of avenues of pursuit for resolving issues involved, proved to be hyperbole. Domestic violence orders can be modified to permit contact. Assault, harassment, trespass and other statutes are still available to the defendant for any remedy for perceived misconduct by the victim. Vote 16-3.

Rep. James E. Wheeler for the Minority of Judiciary: While the minority admits there were

some significant problems with the original bill, it believes there is a serious issue that needs to be addressed. It is unjust to allow a person to be convicted of violating a protective order that prohibits contact with the person who sought the order, when the person who sought the order initiates the contact that causes a violation of that order. The minority amendment throws out the original bill and simply states that a defendant shall not be held criminally liable for violating a protective order if the alleged victim initiated the contact. It still allows for prosecution of other crimes, such as criminal threatening or assault, if those crimes are committed during the contact. This bill, with the minority amendment, will give some protection to the defendants to prevent them from being entrapped, either accidentally or intentionally, by the alleged victims, into violating a no-contact provision of a protective order. This bill, with the proposed amendment, will restore a little fairness to our state's system for dealing with domestic violence. Majority committee report adopted.

HB 302, establishing a county mileage surcharge for service of documents by county sheriffs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for the Majority of Judiciary: The original bill proposed that each county may charge a flat fee for mileage that was an average cost for delivery. The committee, however, did not believe there was a problem with the current per mile charge. The amendment corrects the statute to reflect current practice wherein the fee is assessed using the sheriff's office as the starting point rather than the "residence of the officer" which is currently in the law. The amendment also will allow the correct mileage charge of 45 cents per mile to increase when the Internal Revenue reimbursement rate goes above the current 45 cent rate. Vote 16-2.

Rep. Robert H. Rowe for the Minority of Judiciary: This legislation changes the statutory fee for sheriffs serving any writ, notice, subpoena, process or execution. There is an existing statute that exempts service charges for domestic violence matters. The minority is greatly concerned that this bill will void the statute exempting domestic violence matters. The minority's concern has not been negated.

Majority Amendment (0327h)

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

AN ACT relative to the mileage rate for service of documents by county sheriffs.

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

1 Sheriffs; Fees; Mileage. Amend RSA 104:31, IV to read as follows:

IV. In every county for actual travel to serve any writ, notice, subpoena, process, or execution, to be reckoned from the place of service to the ~~[residence of the officer]~~ **sheriff's office**, and for travel to attend any court by the order thereof, to be reckoned from the ~~[residence of the officer]~~ **sheriff's office** to the court, each mile, each way, ***either \$.45 or the maximum rate per mile allowed by the Internal Revenue Code and regulations, whichever is greater.***

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

AMENDED ANALYSIS

This bill allows the mileage reimbursement rate for service of any writ, notice, subpoena, process, or execution by county sheriffs to be the greater of \$.45 or the rate allowed by the Internal Revenue Service.

Majority amendment adopted.

Rep. Rowe spoke against.

Rep. Hunt spoke in favor.

Majority committee report adopted.

Referred to the Committee on Ways and Means.

HB 633-FN-A, relative to companies which do not provide health insurance to their employees and continually appropriating a special fund. **INEXPEDIENT TO LEGISLATE**
Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: The intent of this bill is to increase the number of employers who provide health insurance for their employees by mandating the employer pay a \$.50 per hour fee for each full time employee not covered by a health plan. These fees would be held by the state under a so-called employee health insurance fund and expended for health insurance costs for employees who do not have health insurance through their employers. The committee felt that it would be more cost effective for an employer to pay \$.50/hour than to offer and pay for a health insurance plan and that this bill may result in fewer employers offering health insurance. The bill offered no specifics on how the program would be administered and left the rule-making responsibilities to the Labor Commissioner. The bill also did not define what “providing health insurance” meant, i.e. employer offers a plan and fee cost to employee, percent participation by employer, what benefits to be covered, what deductibles, etc. Vote 10-5.
Rep. Weed spoke against.
Rep. Infantine spoke in favor.
Committee report adopted.

HB 218-FN-L, relative to the apportionment of county taxes to municipalities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Harry S. Gale for the Majority of Municipal and County Government: This bill would require a whole new structure to determine tax liabilities of the county taxpayers. Each county could determine its own formula for apportionment. The bill was too open ended as it would have allowed “other factors” to be used in the formula setting. Another concern was that the towns within each county are not on the same assessment schedule and that perhaps there should be just one county assessor doing all the towns within the county on the same schedule. The majority of the committee believes that substantial study is required to determine a more equitable method to determine distribution of the county tax burden. Vote 8-7.

Rep. Eric G. Stohl for the Minority of Municipal and County Government: This bill simply allows the delegates to the county convention within any county to determine the apportionment costs among its municipalities. What this means is that the county convention could, if it wished, adopt a formula for the apportioning of county taxes other than strictly equalized valuation. As it is today, the only way an individual’s county tax is levied is solely on property values. This bill allows for the potential of using other factors such as population in determining the tax within a municipality. County government basically provides services to the citizens within its borders. The costs of these services are what create the county tax. The minority believes that because people, not property, are the users of these services, population should be allowed to be part of the formula for the apportionment of the county tax. This bill is totally enabling.
Majority committee report adopted.

HB 370, establishing a committee to study the Land Sales Full Disclosure Act and the Condominium Act. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David L. Buhlman for the Majority of Municipal and County Government: The sponsor’s intent in bringing this legislation forward is commendable, and it was done at the behest of the Attorney General’s Office. After considering the testimony, the majority of the committee was concerned about the potential loss of consumer protection for home buyers associated with transferring some responsibility under the Land Sales Full Disclosure Act (RSA 356-A) and the Condominium Act (RSA 356-B) from the Attorney General’s Office, where there is permanent expertise in those matters, to the local level, where expertise in those intricate matters can vary depending on, for example, the makeup of the local planning

board. Vote 13-4.

Rep. Nancy K. Johnson for the Minority of Municipal and County Government: This bill was requested by the Attorney General's Office. The Land Sales Full Disclosure Act is an important law in consumer protection. However, we heard testimony that the act was enacted in the late 1960s and this bill would create a study committee that could lead to lessen state oversight, increase local control and continue to protect consumers. Majority committee report adopted.

HB 651-FN-L, relative to federal lien registration. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter B. Schmidt for the Majority of Municipal and County Government: Currently there are three situations that require the filing of federal liens upon personal property, tangible or intangible, with the Secretary of State. In all other cases, the federal liens are filed in the office of the clerk of the town or city in which the person owning the personal property resides. This bill does four things: 1) removes the requirement of filing the federal lien with the town or city clerk; 2) puts a \$30 filing fee in statute which is split equally between the Secretary of State and the clerks; 3) sets up a federal lien registration fund for the administration of RSA 454-B; and 4) sets up a retention schedule for the municipalities until June 30, 2017 when all remaining records relating to the financial statements may be destroyed. These changes will start removing the filing duties from the city and town clerks but will not remove the funding source for processing those liens, which is now available to the local community. The amendment specifies that the funds collected by the Secretary of State are to be used for the purposes specified in RSA 454-B. Also the method of communication is to be in accordance with RSA 382-A: 9 Secured Transactions under the Uniform Commercial Code laws. The committee recognizes the need for streamlined filing and sharing of funds. Vote 12-5.

Rep. David L. Buhlman for the Minority of Municipal and County Government: The practice now is for the IRS to file liens on personal property with over 200 municipal clerks. Some of those liens are done electronically, while most are done using hard-copy documents. This bill changes the procedure dramatically by allowing the IRS to file liens on personal property, all with the Secretary of States Office, and all electronically. As is fairly widely known, the IRS makes errors that can have a significant negative impact on people's lives. Thus making this process more efficient, as this bill does, can result in even more errors. We should not help this very powerful government agency become more efficient.

Majority Amendment (0356h)

Amend RSA 454-B:5, II(b) as inserted by section 5 of the bill by replacing it with the following:

(b) \$15 of each fee collected under this section for any notice of lien or certificate or notice affecting the lien, to the secretary of state for the purposes specified in this chapter.

Amend the bill by inserting after section 6 the following and renumbering the original sections 7-10 to read as 8-11, respectively:

7 New Section; Transition; Method of Communication. Amend RSA 454-B by inserting after section 8 the following new section:

454-B:9 Method of Communication. The filing officer shall accept liens described in this chapter in the method or medium authorized by the filing office in accordance with RSA 382-A:9-501-529, inclusive.

Majority amendment adopted.

Rep. Buhlman spoke against.

Rep. Patten spoke in favor.

On a division vote, 201 members having voted in the affirmative and 125 in the negative,

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

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Balboni moved that the House reconsider its action whereby it voted **HB 651-FN-L**, relative to federal lien registration, Ought to Pass as Amended.
Reconsideration failed.

REGULAR CALENDAR (CONT'D)

(Deputy Speaker Weyler in the Chair)

HB 670-FN-A, relative to a surcharge on recording documents with the register of deeds to fund the land and community heritage investment program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Harry S. Gale for the Majority of Municipal and County Government: The Land and Community Heritage Program (LCHIP) has broad support in the committee. The concept of dedicated funds does not enjoy the same support. The committee believes LCHIP has wide spread support among the majority of our house members and also our current governor. Our action is intended to send a strong message that we desire to have LCHIP in the budget as a line item from year to year in order to enhance its chances for ongoing support and funding. Vote 15-1.

Rep. David L. Buhlman for the Minority of Municipal and County Government: This bill, as amended, is a reasonable compromise to provide funding for LCHIP, and represents a distinct improvement over the reliance on dedicated funds, as contained in the original bill. However, although LCHIP is a popular state program, the minority feels that it is prudent to reconsider funding LCHIP, especially considering the current deficit in the state budget.

Majority Amendment (0314h)

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

AN ACT relative to the land and community heritage investment program.

Amend the bill by replacing section 1 with the following:

1 Appropriation; Land And Community Heritage Investment Program. The sum of \$4,000,000 for the fiscal year ending June 30, 2006, and the sum of \$6,000,000 for the fiscal year ending June 30, 2007, are hereby appropriated to the trust fund for the New Hampshire land and community heritage investment program established in RSA 227-M:7. These appropriations are in addition to any other funds appropriated to the land and community heritage investment program. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill appropriates \$4,000,000 for the fiscal year ending June 30, 2006 and \$6,000,000 for the fiscal year ending June 30, 2007 to the trust fund for the New Hampshire land and community heritage investment program. This bill also allows loans to be made to eligible applicants for financial assistance under the land and community heritage investment trust program.

On a division vote, 246 members having voted in the affirmative and 76 in the negative, the majority amendment was adopted.

Rep. Newton spoke against.

Rep. Gale spoke in favor.

Rep. Hager requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 232 NAYS 94

YEAS 232			
BELKNAP			
Heald, Bruce	Millham, Alida	Morrison, Gail	Nedeau, Stephen
Pilliod, James	Rosen, Ralph	Russell, David	Thomas, John
Tobin, William			
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espiefs, Peter	Hogancamp, Deborah	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna	Weed, Charles
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Remick, William
Richardson, Herbert	Stohl, Eric	Theberge, Robert	Tholl, John Jr
GRAFTON			
Almy, Susan	Andersen, Gene	Barker, Robert	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Ward, John	Williams, Burton		
HILLSBOROUGH			
Allan, Nelson	Batula, Peter	Beaulieu, Jane	Bergin, Peter
Brassard, Paul	Brundige, Robert	Campbell, David	Chabot, Robert
Chase, Claudia	Christensen, D L Chris	Clark, Mark	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daniuk, Caitlin
Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Emerton, Larry	Essex, David	Foster, Linda	Gargas, Carolyn
Garrity, Patrick	Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary
Graham, John	Haley, Robert	Hall, Betty	Hansen, Ryan
Harvey, Suzanne	Hinkle, Peyton	Infantine, William	Irwin, Anne-Marie
Jasper, Shawn	Jean, Claudette	Johnson, Paula	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Lefebvre, Roland
Manney, Pamela	Messier, Irene	Michon, Stephen	Movsesian, Lori
O'Connell, Timothy	Ober, Lynne	Pappas, Christopher	Pilotte, Maurice
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rochette, Eric
Rosenwald, Cindy	Rowe, Robert	Ryder, Donald	Scanlon, Michael
Schulze, Joan	Shaw, Barbara	Smith, David	Sullivan, Francis

Sullivan, Peter	Velez, Hector	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Hamm, Christine	Hess, David	Kidder, David	Lockwood, Priscilla
MacKay, James	Maxfield, Roy	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Asselin, Michael	Blanchard, MaryAnn	Bridle, Russell
Buxton, Donald	Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene
Coburn, James	Cooney, Richard	DiFruscia, Anthony	Donahue, Richard Ken
Dowd, John	Dowling, Patricia	Dumaine, Dudley	Flanders, John Sr
Flockhart, Eileen	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Headd, James
Hopfgarten, Paul	Introne, Robert	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Lund, Howie
Mason, April	O'Neil, Michael	Pantelakos, Laura	Parker, Benjamin
Priestley, Anne	Robertson, Carl	Sanders, Elisabeth	Serlin, Christopher
Splaine, James	Stiles, Nancy	Weare, E Albert	Welch, David
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Chaplin, Duncan
Cilley, Jacalyn	Domingo, Baldwin	Goodwin, Earle	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Knowles, William
Miller, Joseph	Rollo, Michael	Schmidt, Peter	Spang, Judith
Taylor, Katherine	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Phinizy, James	Prichard, Stephen		
NAYS 94			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Tilton, Franklin	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Chandler, Gene			
CHESHIRE			

Pelkey, Stephen			
COOS			
King, Frederick			
GRAFTON			
Alger, John	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Maybeck, Margie	Sorg, Gregory		
HILLSBOROUGH			
Adams, Jarvis IV	Baines, Stephen	Balboni, Michael	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Buhlman, David	Calawa, Leon Jr
Carew, James	Carter, Mark	Christiansen, Lars	Crane, Elenore Casey
Dyer, Donald	Elliott, Nancy	Francoeur, Bea	Gibson, John
Goyette, Peter Jr	Hagan, Barbara	Hawkins, Ken	Hellwig, Steve
Hirschmann, Keith	Holden, Randolph	Matarazzo, Anthony Sr	McRae, Karen
Mead, Robert	Mooney, Maureen	O'Brien, William	Ross, Lawrence
Slocum, Lee	Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James
MERRIMACK			
Currier, David	Field, William	Kennedy, Richard	Klose, John
Langlais, Thomas	Marple, Richard	Oliver, James	Soltani, Tony
ROCKINGHAM			
Bettencourt, David	Bicknell, Elbert	Bishop, Franklin	Cady, Harriet
Camm, Kevin	Carson, Sharon	Dalrymple, Janeen	Dodge, Robert
Hughes, Daniel	Ingram, Russell	Itse, Daniel	Johnson, Rogers
Major, Norman	McKinney, Betsy	Morris, Richard	Nowe, Ronald
Packard, Sherman	Palazzo, Frank	Putnam, Ed II	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Rolston, James	Smith, Paul
Waterhouse, Kevin	Wiley, Robert	Winchell, George	Zolla, William
STRAFFORD			
Campbell, W Packy	Cataldo, Sam	Hollinger, Jeffrey	Newton, Clifford
SULLIVAN			
Irish, Christopher	Rodeschin, Beverly		

and the majority committee report was adopted.

Reps. Mirski and W. Douglas Scamman declared conflicts of interest and did not participate. Referred to the Committee on Finance.

HB 78-FN-L, relative to state funding of regional vocational education centers. OUGHT TO PASS WITH AMENDMENT

Rep. Paul C. Smith for Public Works and Highways: This bill, as amended, clarifies the procedures for the funding of the renovation and expansion of our existing regional vocational education centers. The amendment clarifies existing law on exactly what criteria the Department of Education will use to determine if the project will be included in its capital budget request. Currently, the criteria for defining qualified projects exists in

administrative rules and the committee felt that they should be incorporated into the statutes. The bill sets a range for the state's contribution for these projects between 50% and 75%. The current law says that the state will fund not less than 75% of the costs. The intent of the change is to ensure that all of the regional centers are afforded the opportunity to upgrade their facilities on a periodic basis. Finally, the effective date was set to occur after this year's capital budget is finalized, but before school systems begin their budget planning for the next year. Vote 15-3.

Amendment (0151h)

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

1 Regional Vocational Education; Funding. Amend RSA 188-E:10, I to read as follows:

I. ***The department of education is responsible for maintaining a statewide system of regional vocational education centers to provide and allow for a variety of career and technical education programs funded within state budget appropriations.*** The treasurer of the state of New Hampshire is hereby authorized to make funds available to the department of education for the renovation and expansion of ***qualified*** regional vocational education centers or regional vocational education programs ***authorized in the capital budget***, provided that:

(a) The commissioner of the department of education shall ensure that all requests submitted are both educationally and financially appropriate ***within the state capital project authorization process***;

(b) The commissioner of the department of education submits on a biennial basis in a capital budget request a priority list of facilities and programs eligible for renovation and expansion, provided that priority shall be given to programs that have been certified by an approved standard or that need additional funds to become certified by an approved standard;

(c) Each request for funding follows the capital budget procedure pursuant to RSA 9:3-a, ***provided that no qualified project funded in a state capital budget as required in this section shall have additional funds for the same project included in a subsequent proposal for capital appropriation under RSA 9:3-a unless directed by the priority list of the department of education***;

(d) Each school district requesting funds from the department of education establishes and funds a renovation and expansion reserve fund, which shall be used by the school district to pay renovation and expansion costs not funded by the state, and which may include funding for the replacement of equipment; and

(e) The state shall fund not less than ***50 percent nor more than*** 75 percent of the cost of a ***qualified*** project approved pursuant to this section.

(f) ***In this section, "qualified" means the project:***

(1) ***Demonstrates need connected to the labor market.***

(2) ***Accepts students from sending schools.***

(3) ***Demonstrates adequate numbers of students through enrollment figures based on 3-year averages.***

(4) ***Demonstrates alignment with program competencies and academic competencies required by the department of education.***

(5) ***Allows for matriculation into a postsecondary venue.***

(6) ***Meets all industry and building standards.***

(7) ***Meets the procedural requirements for requests under this section and any other requirements in rules of the department of education.***

(8) ***Is a regional vocational education center within the state of New Hampshire.***

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

AMENDED ANALYSIS

This bill clarifies the capital appropriation requirements for funding regional vocational education projects, provides that the state shall fund a maximum of 75 percent of the cost of renovation or expansion of a regional vocational education center, and adds a definition of a qualified project.
Adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Benn moved that the House reconsider its action whereby it adopted the committee amendment to **HB 78-FN-L**, relative to state funding of regional vocational education centers.
Reconsideration failed.

Rep. Benn offered floor amendment (0530h).

Floor Amendment (0530h)

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

1 Regional Vocational Education; Funding. Amend RSA 188-E:10, I to read as follows:

I. ***The department of education is responsible for maintaining a statewide system of regional vocational education centers to provide and allow for a variety of career and technical education programs funded within state budget appropriations.*** The treasurer of the state of New Hampshire is hereby authorized to make funds available to the department of education for the renovation and expansion of ***qualified*** regional vocational education centers or regional vocational education programs ***authorized in the capital budget***, provided that:

(a) The commissioner of the department of education shall ensure that all requests submitted are both educationally and financially appropriate ***within the state capital project authorization process***;

(b) The commissioner of the department of education submits on a biennial basis in a capital budget request a priority list of facilities and programs eligible for renovation and expansion, provided that priority shall be given to programs that have been certified by an approved standard or that need additional funds to become certified by an approved standard;

(c) Each request for funding follows the capital budget procedure pursuant to RSA 9:3-a, ***provided that no qualified project funded in a state capital budget as required in this section shall have additional funds for the same project included in a subsequent proposal for capital appropriation under RSA 9:3-a unless directed by the priority list of the department of education***;

(d) Each school district requesting funds from the department of education establishes and funds a renovation and expansion reserve fund, which shall be used by the school district to pay renovation and expansion costs not funded by the state, and which may include funding for the replacement of equipment; and

(e) The state shall fund ~~not less than~~ 75 percent of the cost of a ***qualified*** project approved pursuant to this section.

(f) ***In this section, "qualified" means the project:***

(1) ***Demonstrates need connected to the labor market.***

(2) ***Accepts students from sending schools.***

(3) ***Demonstrates adequate numbers of students through enrollment figures based on 3-year averages.***

(4) ***Demonstrates alignment with program competencies and academic competencies required by the department of education.***

(5) ***Allows for matriculation into a postsecondary venue.***

(6) ***Meets all industry and building standards.***

(7) ***Meets the procedural requirements for requests under this section and any other requirements in rules of the department of education.***

(8) Is a regional vocational education center within the state of New Hampshire.

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

AMENDED ANALYSIS

This bill clarifies the capital appropriation requirements for funding regional vocational education projects, provides that the state shall fund 75 percent of the cost of renovation or expansion of a regional vocational education center, and adds a definition of a qualified project.

Rep. Benn spoke in favor and yielded to questions.

Reps. Graham and Bouchard spoke against.

On a division vote, 98 members having voted in the affirmative and 189 in the negative, floor amendment (0530h) failed.

Committee report adopted.

Referred to the Committee on Finance.

INTRODUCTION OF GUESTS

Colonel Yuri Vasiliyevich Sushkov, Deputy Chief, Department of Civil Defense Forces and Troops, and delegates of the Russian Ministry of Emergencies and Ministry of Finance, and former Ambassador George Bruno, all representing Partners for Peace – NH 2005 were guests of the House.

(Speaker Scamman in the Chair)

HB 57, relative to the burning of construction and demolition debris. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY; OUGHT TO PASS.**

Rep. Roy D. Maxfield for the Majority of Science, Technology and Energy: This bill is one of several dealing with construction and demolition debris currently under review in the house and senate. It would prohibit incineration of C&D material including wood products that have been sorted and washed at recycling centers. If passed, this would then require landfill disposal of this material. The committee is working on another bill that would qualify acceptable wood products for incineration and apply best available control technology during incineration. This process will reduce environmental impact well below current standards. The existing policy in New Hampshire is to close our landfills except for ash residue left over from incineration. Forty-two (42) per cent of construction debris is wood and fourteen (14) per cent of demolition debris is wood. Relegating this amount of debris to landfills would have a serious impact on existing landfill sites. The Department of Environmental Services recommends land fill as last resort (sixth of six in waste management hierarchy) and they support HB 315 as the best solution for dealing with this material. Mixing this material with virgin wood and using the combination to fuel our wood to energy facilities makes economic and environmental sense. This policy is consistent with neighboring states and the committee voted 11 to 4 in support of the current state waste management hierarchy. Vote 11-4.

Rep. Jim Ryan for the Minority of Science, Technology and Energy: This bill operates as a complete ban on the incineration of construction and demolition (C&D) material. While simple in tone and judicious in the use of words: it would effectively preclude the incineration of C&D materials by banning incineration outright. Testimony received at the hearing indicated other states had followed this approach, particularly states seeking to avoid the difficulty of having out-of-state materials trucked in and imperiling the local air quality. The bill was received with satisfaction by the overwhelming number of citizens who attended hearings on the matter and urged the committee to enact the legislation that would prevent the emission of harmful materials into the environment and into their homes. HB 57 is a legitimate exercise of legislative discretion and should not be disposed of, if at all, until the legislature answers with a public policy position on C&D, an issue of vital interest to numerous citizens of the state. The minority urge that the majority recommendation of ITL

be denied and that HB 57 be voted ought to pass.
Rep. Owen spoke against and yielded to questions
Rep. Alger spoke in favor and yielded to questions.

Rep. Kaen moved Recommit to committee and spoke in favor.
Reps. Pitts and Alger spoke against.
Rep. Owen requested a roll call; sufficiently seconded.
The question being adoption of the motion to recommit.

YEAS 125 NAYS 203			
YEAS 125			
BELKNAP			
Morrison, Gail			
CARROLL			
Babson, David Jr	Buco, Thomas	Dickinson, Howard	Martin, James
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles
COOS			
Buzzell, Bernard	Mears, Edgar	Remick, William	Theberge, Robert
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Ham, Bonnie	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Nordgren, Sharon	Sokol, Hilda		
HILLSBOROUGH			
Beaulieu, Jane	Brassard, Paul	Calawa, Leon Jr	Chase, Claudia
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Crane, Elenore Casey	Daniuk, Caitlin	DeVries, Betsi	Garrity, Patrick
Goley, Jeffrey	Gorman, Mary	Hagan, Barbara	Haley, Robert
Hall, Betty	Harvey, Suzanne	Holden, Randolph	Irwin, Anne-Marie
Jean, Claudette	Johnson, Paula	Kopka, Angeline	Lasky, Bette
Lefebvre, Roland	Matarazzo, Anthony Sr	Michon, Stephen	Movsesian, Lori
Pappas, Christopher	Pilotte, Maurice	Rochette, Eric	Rosenwald, Cindy
Schulze, Joan	Shaw, Barbara	Smith, David	Sullivan, Francis
Sullivan, Peter			
MERRIMACK			
Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	Currier, David
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara

Gile, Mary	Hamm, Christine	Kennedy, Richard	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Potter, Frances	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Wallner, Mary Jane	Walz, Mary Beth
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Bridle, Russell	Casey, Kimberley
Flockhart, Eileen	Ingram, Russell	Palazzo, Frank	Pantelakos, Laura
Serlin, Christopher	Splaine, James		
STRAFFORD			
Brown, Jennifer	Cilley, Jacalyn	Goodwin, Earle	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Miller, Joseph
Rollo, Michael	Schmidt, Peter	Spang, Judith	Taylor, Katherine
Taylor, Kathleen	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
NAYS 203			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Knox, J David
McConkey, Mark	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
CHESHIRE			
Dexter, Judson	Emerson, Susan	Hogancamp, Deborah	Hunt, John
Pelkey, Stephen	Sawyer, Sheldon		
COOS			
King, Frederick	Merrick, Scott	Richardson, Herbert	Stohl, Eric
Tholl, John Jr			
GRAFTON			
Alger, John	Barker, Robert	Cooney, Mary	Gionet, Edmond
Giuda, Robert	Ingbretson, Paul	Maybeck, Margie	Mirski, Paul
Mulholland, Catherine	Sorg, Gregory	Ward, John	Williams, Burton

HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Baines, Stephen	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brundige, Robert	Buhlman, David	Campbell, David
Carew, James	Carter, Mark	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Essex, David
Foster, Linda	Francoeur, Bea	Gargas, Carolyn	Gibson, John
Gonzalez, Carlos	Goyette, Peter Jr	Graham, John	Hansen, Ryan
Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Manney, Pamela	McRae, Karen	Mead, Robert	Messier, Irene
Mooney, Maureen	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Scanlon, Michael	Slocum, Lee	Souza, Kathleen
Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Velez, Hector	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Field, William	Greco, Vincent
Hager, Elizabeth	Hess, David	Kidder, David	Klose, John
Langlais, Thomas	Lockwood, Priscilla	MacKay, James	Marple, Richard
Maxfield, Roy	Oliver, James	Soltani, Tony	Tupper, Frank
Whiting, Herbert	Williams, Robert		
ROCKINGHAM			
Asselin, Michael	Bettencourt, David	Bicknell, Elbert	Bishop, Franklin
Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	Cooney, Richard
Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert	Donahue, Richard Ken
Dowd, John	Dowling, Patricia	Dumaine, Dudley	Flanders, John Sr
Francoeur, Sheila	Garrity, James	Gilbert, Karl	Gillick, Thomas
Gould, Kenneth	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Introne, Robert	Itse, Daniel	Johnson, Robert
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Lund, Howie	Major, Norman	Mason, April
McKinney, Betsy	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Parker, Benjamin	Priestley, Anne	Putnam, Ed II	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Robertson, Carl	Rolston, James
Sanders, Elisabeth	Smith, Paul	Stiles, Nancy	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weyler, Kenneth	Wiley, Robert
Winchell, George	Zolla, William		
STRAFFORD			
Berube, Roger	Bickford, David	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Domingo, Baldwin	Hollinger, Jeffrey	Knowles, William
Newton, Clifford			
SULLIVAN			

Gale, Harry	Irish, Christopher	Prichard, Stephen	Rodeschin, Beverly
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and the motion to recommit failed.

Rep. Owen requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 214 NAYS 114			
YEAS 214			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Heald, Bruce	Millham, Alida	Nedean, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Dickinson, Howard
McConkey, Mark	Patten, Betsey	Philbrick, Donald	
CHESHIRE			
Dexter, Judson	Emerson, Susan	Hogancamp, Deborah	Hunt, John
Pelkey, Stephen	Plifka, Stanley Jr	Roberts, Kris	Sawyer, Sheldon
COOS			
Buzzell, Bernard	King, Frederick	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		
GRAFTON			
Alger, John	Barker, Robert	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Maybeck, Margie	Mirski, Paul	Sorg, Gregory	Ward, John
Williams, Burton			
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Baines, Stephen	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brundige, Robert	Buhlman, David	Campbell, David
Carew, James	Carter, Mark	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Crane, Elenore Casey	Dokmo, Cynthia
Drisko, Richard	Dyer, Donald	Elliott, Nancy	Emerton, Larry
Essex, David	Foster, Linda	Francoeur, Bea	Gargas, Carolyn
Gibson, John	Gonzalez, Carlos	Goyette, Peter Jr	Graham, John
Hansen, Ryan	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Hirschmann, Keith	Infantine, William	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	Manney, Pamela	McRae, Karen	Mead, Robert
Messier, Irene	Michon, Stephen	Mooney, Maureen	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Ryder, Donald	Scanlon, Michael

Shaw, Barbara	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Velez, Hector
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Clarke, Claire	Hager, Elizabeth	Hess, David
Kidder, David	Klose, John	Langlais, Thomas	Lockwood, Priscilla
MacKay, James	Marple, Richard	Maxfield, Roy	Oliver, James
Potter, Frances	Soltani, Tony	Whiting, Herbert	Williams, Robert
ROCKINGHAM			
Asselin, Michael	Bettencourt, David	Bicknell, Elbert	Bishop, Franklin
Bridle, Russell	Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert
Donahue, Richard Ken	Dowd, John	Dowling, Patricia	Dumaine, Dudley
Flanders, John Sr	Francoeur, Sheila	Gilbert, Karl	Gillick, Thomas
Griffin, Mary	Headd, James	Hopfgarten, Paul	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Lund, Howie	Major, Norman	Mason, April	McKinney, Betsy
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Palazzo, Frank
Parker, Benjamin	Priestley, Anne	Putnam, Ed II	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Robertson, Carl	Rolston, James
Sanders, Elisabeth	Smith, Paul	Stiles, Nancy	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weyler, Kenneth	Wiley, Robert
Winchell, George	Zolla, William		
STRAFFORD			
Berube, Roger	Bickford, David	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Domingo, Baldwin	Goodwin, Earle	Hollinger, Jeffrey
Johnson, Nancy	Knowles, William	Miller, Joseph	Newton, Clifford
Spang, Judith	Taylor, Katherine	Taylor, Kathleen	
SULLIVAN			
Franklin, Peter	Gale, Harry	Irish, Christopher	Prichard, Stephen
Rodeschin, Beverly			
NAYS 114			
BELKNAP			
Morrison, Gail			
CARROLL			
Babson, David Jr	Buco, Thomas	Knox, J David	Martin, James
Olimpio, J Lisbeth			
CHESHIRE			

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espieffs, Peter	Mitchell, Bonnie
Parkhurst, Henry	Pratt, John	Richardson, Barbara	Robertson, Timothy
Tilton, Anna	Weed, Charles		
COOS			
Mears, Edgar	Merrick, Scott	Theberge, Robert	
GRAFTON			
Almy, Susan	Andersen, Gene	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda			
HILLSBOROUGH			
Beaulieu, Jane	Brassard, Paul	Calawa, Leon Jr	Chase, Claudia
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Daniuk, Caitlin	DeVries, Betsi	Garrity, Patrick	Goley, Jeffrey
Gorman, Mary	Hagan, Barbara	Haley, Robert	Hall, Betty
Harvey, Suzanne	Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette
Johnson, Paula	Kopka, Angeline	Lasky, Bette	Lefebvre, Roland
Matarazzo, Anthony Sr	Movsesian, Lori	Pappas, Christopher	Pilotte, Maurice
Rochette, Eric	Rosenwald, Cindy	Schulze, Joan	Smith, David
Sullivan, Francis	Sullivan, Peter		
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Currier, David
DeJoie, John	DeStefano, Stephen	Field, William	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Hamm, Christine
Kennedy, Richard	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Casey, Kimberley	Flockhart, Eileen
Garrity, James	Gould, Kenneth	Hughes, Daniel	Pantelakos, Laura
Serlin, Christopher	Splaine, James		
STRAFFORD			
Brown, Jennifer	Cilley, Jacalyn	Hilliard, Dana	Hofemann, Roland
Kaen, Naida	Rollo, Michael	Schmidt, Peter	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James	

and the majority committee report was adopted.

(Deputy Speaker Weyler in the Chair)

HB 190, relative to the installation of continuous emission monitoring systems on stationary

air pollution sources and devices. **MAJORITY: INEXPEDIENT TO LEGISLATE.**
MINORITY: OUGHT TO PASS.

Rep. Roy D. Maxfield for the Majority of Science, Technology and Energy: This bill proposes adding Continuous Monitoring Devices (CEMs) on stationary air pollution sources and installing new source monitors as they become available. The committee heard extensive testimony from the Department of Environmental Services (DES). They currently have authority to require CEMs on any source they deem necessary. DES estimates that there are 450 state air permits and that 300 of these would be required to install four (4) CEMs each to comply with this legislation. Currently there are 120 CEMs operating in the state at 20 sites. This bill would mandate CEMs well beyond anything determined necessary by the Department of Environmental services. The costs associated with this mandate would be a significant burden on businesses, especially small and mid-sized businesses in the state. There would also be significant impact on state owned sources requiring expenditures in excess of ten million dollars. The majority concluded that the Department of Environmental Services has the authority now to require monitors and that this bill is not necessary. Vote 10-3.

Rep. Jim Ryan for the Minority of Science, Technology and Energy: A majority of the committee seems to think that at the conclusion of the session another bill will provide the legislative response to the difficult environmental and public health dilemma posed by the incineration of construction and demolition debris (C&D). While the opinion of the majority regarding those bills may come to pass, there is no urgent need to discard the other approaches to establishing public policy on C&D, including this bill which provides that continuing emission monitoring devices (CEM) be required of all permitted emitters. The law includes a 24-month compliance period as new CEM technology is introduced. The plain purpose, as duly noted at the public hearing, was to create a statutory system that required the inclusion of CEM as it became available to permitted emitters or in the permit renewal process. The supposition was that as technology advanced so too would the ability to monitor pollutants. Overwhelming support for the bill was noted at the public hearing. One official of the DES noted that passage of HB 190 would place New Hampshire in the forefront of protecting citizens from the harms of C&D emissions. Accordingly, the minority urges that the House decline the majority report of ITL, and recommend that HB 190 ought to pass and in so doing place New Hampshire in the forefront of protecting the air of all our citizens.

Rep. Ryan spoke against and yielded to questions.

Rep. Maxfield spoke in favor.

Rep. Ryan requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 198 NAYS 125			
YEAS 198			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Heald, Bruce
Millham, Alida	Nedeau, Stephen	Rosen, Ralph	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Martin, James
McConkey, Mark	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
CHESHIRE			

Dexter, Judson	Emerson, Susan	Hogancamp, Deborah	Hunt, John
Pelkey, Stephen	Sawyer, Sheldon		
COOS			
King, Frederick	Mears, Edgar	Richardson, Herbert	Stohl, Eric
Tholl, John Jr			
GRAFTON			
Alger, John	Barker, Robert	Gionet, Edmond	Giuda, Robert
Ham, Bonnie	Ingbretson, Paul	Maybeck, Margie	Mirski, Paul
Sorg, Gregory	Ward, John	Williams, Burton	
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Baines, Stephen	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Buhlman, David
Calawa, Leon Jr	Carew, James	Carter, Mark	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Crane, Elenore Casey
Dokmo, Cynthia	Drisko, Richard	Dyer, Donald	Elliott, Nancy
Emerton, Larry	Foster, Linda	Francoeur, Bea	Gargasz, Carolyn
Gibson, John	Gonzalez, Carlos	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Hansen, Ryan	Hawkins, Ken	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph	Jasper, Shawn
L'Heureux, Robert	Manney, Pamela	McRae, Karen	Mead, Robert
Michon, Stephen	Mooney, Maureen	O'Brien, William	O'Connell, Timothy
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Scanlon, Michael	Shaw, Barbara	Slocum, Lee
Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Velez, Hector	Villeneuve, Maurice	Wheeler, James
MERRIMACK			
Anderson, Eric	Field, William	Hager, Elizabeth	Hess, David
Kidder, David	Klose, John	Langlais, Thomas	Lockwood, Priscilla
MacKay, James	Marple, Richard	Maxfield, Roy	Oliver, James
Potter, Frances	Soltani, Tony	Whiting, Herbert	Williams, Robert
ROCKINGHAM			
Abbott, Dennis	Asselin, Michael	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Cooney, Richard
Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert	Donahue, Richard Ken
Dowd, John	Dowling, Patricia	Dumaine, Dudley	Flanders, John Sr
Francoeur, Sheila	Gilbert, Karl	Gillick, Thomas	Gould, Kenneth
Griffin, Mary	Headd, James	Hopfgarten, Paul	Hughes, Daniel
Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Robert
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Lund, Howie	Major, Norman	Mason, April
McKinney, Betsy	Morris, Richard	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Palazzo, Frank	Parker, Benjamin	Priestley, Anne

Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Robertson, Carl	Rolston, James	Sanders, Elisabeth	Scamman, W Douglas
Smith, Paul	Stiles, Nancy	Waterhouse, Kevin	Weare, E Albert
Welch, David	Wiley, Robert	Winchell, George	Zolla, William
STRAFFORD			
Berube, Roger	Bickford, David	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Hollinger, Jeffrey	Knowles, William	Newton, Clifford
SULLIVAN			
Gale, Harry	Irish, Christopher	Rodeschin, Beverly	
NAYS 125			
BELKNAP			
Morrison, Gail	Pilliod, James		
CARROLL			
Babson, David Jr	Buco, Thomas	Knox, J David	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles
COOS			
Buzzell, Bernard	Merrick, Scott	Remick, William	Theberge, Robert
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	
HILLSBOROUGH			
Beaulieu, Jane	Campbell, David	Chase, Claudia	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daniuk, Caitlin
DeVries, Betsi	Essex, David	Garrity, Patrick	Goley, Jeffrey
Gorman, Mary	Haley, Robert	Hall, Betty	Harvey, Suzanne
Infantine, William	Irwin, Anne-Marie	Jean, Claudette	Johnson, Paula
Kopka, Angeline	Kurk, Neal	Lasky, Bette	Lefebvre, Roland
Matarazzo, Anthony Sr	Messier, Irene	Movsesian, Lori	Ober, Lynne
Pappas, Christopher	Pilotte, Maurice	Rosenwald, Cindy	Schulze, Joan
Smith, David	Sullivan, Francis	Sullivan, Peter	Wheeler, Robert

MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Hamm, Christine
Kennedy, Richard	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Yeaton, Charles	
ROCKINGHAM			
Blanchard, MaryAnn	Cali-Pitts, Jacqueline	Casey, Kimberley	Coburn, James
Flockhart, Eileen	Garritty, James	Pantelakos, Laura	Serlin, Christopher
Splaine, James			
STRAFFORD			
Brown, Jennifer	Goodwin, Earle	Hilliard, Dana	Hofemann, Roland
Kaen, Naida	Miller, Joseph	Rollo, Michael	Schmidt, Peter
Spang, Judith	Taylor, Katherine	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen			

and the majority committee report was adopted.

(Speaker Scamman in the Chair)

HB 438, relative to emissions requirements for municipal waste combustion units.

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

Rep. Roy D. Maxfield for the Majority of Science, Technology and Energy: This bill is a duplicate of HB 414 recommended ought to pass with amendment on the consent calendar. Both bills require improved environmental standards for small incinerator comparable with the large Penacook facility, with two exceptions. The first exception deals with the sulfur testing cycle. HB 414 requires a monthly cycle and HB 438 a 24-hour cycle measurement. The sponsor of this bill agrees with the monthly measurement in HB 414. The other requirement in this bill would reduce the permitted emission level if the facility produced results below the permitted level then the lower more stringent result would become the permitted standard. The majority of the committee feels that the facility would be encouraged to run the plant at the higher permitted level to avoid added retrofits associated with lower emission levels. Member cities and towns of the facility would end up paying half of the costs for additional controls. The committee considered an incentive for a facility operating below permitted levels instead of the sanctions recommended by the sponsor but could not reach a consensus. Vote 9-6.

Rep. Jim Ryan for the Minority of Science, Technology and Energy: This bill and HB 414 are nearly identical, with the exception of Section IX of HB 438 that provides: "If, at the next scheduled test for any permitted emission at a small municipal waste combustor, the facility achieves a result lower than the existing permitted standard for that particular emission, the lower, more stringent result shall become the permitted standard. This paragraph shall apply to all small municipal waste combustors." The majority fears that inclusion of this section will encourage emitters to produce more pollution and have no incentive to reduce emissions. The minority believes that regulated emitters consistent with requirements of law and the notion of good corporate citizenship would actually seek to reduce emissions over

the course of time. The quoted section envisions a progressively improving standard that would allow for regular decreases in emissions. Accordingly, the minority recommends that HB 438 ought to pass.

Rep. Donovan spoke against and yielded to questions.

Rep. Phinizy spoke against.

Reps. Maxfield and Alger spoke in favor.

Rep. Phinizy requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 188 NAYS 131			
YEAS 188			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Heald, Bruce
Millham, Alida	Nedeau, Stephen	Rosen, Ralph	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Martin, James
McConkey, Mark	Patten, Betsey	Philbrick, Donald	
CHESHIRE			
Chase, William	Dexter, Judson	Emerson, Susan	Hogancamp, Deborah
Hunt, John	Pelkey, Stephen	Roberts, Kris	Sawyer, Sheldon
COOS			
King, Frederick	Remick, William	Richardson, Herbert	Stohl, Eric
Tholl, John Jr			
GRAFTON			
Alger, John	Almy, Susan	Barker, Robert	Bleyler, Ruth
Gionet, Edmond	Giuda, Robert	Ham, Bonnie	Maybeck, Margie
Mirski, Paul	Sorg, Gregory	Ward, John	Williams, Burton
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Baines, Stephen	Balboni, Michael
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Boehm, Ralph
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James
Carter, Mark	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Clark, Mark	Crane, Elenore Casey	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Francoeur, Bea
Gargas, Carolyn	Gibson, John	Gonzalez, Carlos	Goyette, Peter Jr
Graham, John	Hansen, Ryan	Hawkins, Ken	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph	Infantine, William
Jasper, Shawn	L'Heureux, Robert	Manney, Pamela	McRae, Karen

Mead, Robert	Mooney, Maureen	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Rowe, Robert	Ryder, Donald	Slocum, Lee	Souza, Kathleen
Stepanek, Stephen	Ulery, Jordan	Vaillancourt, Steve	Velez, Hector
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Clarke, Claire	Field, William	Hager, Elizabeth
Hess, David	Kidder, David	Klose, John	Langlais, Thomas
Lockwood, Priscilla	MacKay, James	Marple, Richard	Maxfield, Roy
Oliver, James	Potter, Frances	Soltani, Tony	
ROCKINGHAM			
Abbott, Dennis	Asselin, Michael	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
Cooney, Richard	Dalrymple, Janeen	Dodge, Robert	Donahue, Richard Ken
Dowd, John	Dowling, Patricia	Dumaine, Dudley	Flanders, John Sr
Francoeur, Sheila	Gilbert, Karl	Gillick, Thomas	Griffin, Mary
Headd, James	Hopfgarten, Paul	Ingram, Russell	Introne, Robert
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Lund, Howie	Major, Norman
McKinney, Betsy	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Palazzo, Frank	Priestley, Anne	Putnam, Ed II	Rausch, James
Robertson, Carl	Rolston, James	Sanders, Elisabeth	Smith, Paul
Stiles, Nancy	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weyler, Kenneth	Wiley, Robert	Zolla, William	
STRAFFORD			
Berube, Roger	Bickford, David	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Domingo, Baldwin	Kaen, Naida	Knowles, William
Miller, Joseph	Newton, Clifford	Wall, Janet	
SULLIVAN			
Gale, Harry	Irish, Christopher	Rodeschin, Beverly	
NAYS 131			
BELKNAP			
Morrison, Gail	Pilliod, James		
CARROLL			
Babson, David Jr	Buco, Thomas	Dickinson, Howard	Knox, J David
Olimpio, J Lisbeth			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Dunn, J Timothy
Eaton, Daniel	Espieffs, Peter	Mitchell, Bonnie	Parkhurst, Henry

Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Robertson, Timothy
Tilton, Anna	Weed, Charles		
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Theberge, Robert
GRAFTON			
Andersen, Gene	Benn, Bernard	Cooney, Mary	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda			
HILLSBOROUGH			
Batula, Peter	Beaulieu, Jane	Brassard, Paul	Campbell, David
Chase, Claudia	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daniuk, Caitlin	DeVries, Betsi	Essex, David
Foster, Linda	Garrity, Patrick	Goley, Jeffrey	Gorman, Mary
Hagan, Barbara	Haley, Robert	Hall, Betty	Harvey, Suzanne
Irwin, Anne-Marie	Jean, Claudette	Johnson, Paula	Kopka, Angeline
Kurk, Neal	Lasky, Bette	Lefebvre, Roland	Matarazzo, Anthony Sr
Messier, Irene	Michon, Stephen	Movesian, Lori	Pappas, Christopher
Pilotte, Maurice	Rochette, Eric	Rosenwald, Cindy	Schulze, Joan
Shaw, Barbara	Smith, David	Sullivan, Francis	Sullivan, Peter
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Currier, David
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Greco, Vincent	Hamm, Christine	Kennedy, Richard
McMahon, Patricia	Osborne, Jessie	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Whiting, Herbert	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Blanchard, MaryAnn	Cali-Pitts, Jacqueline	Casey, Kimberley	DiFruscia, Anthony
Flockhart, Eileen	Garrity, James	Gould, Kenneth	Hughes, Daniel
Langley, Jane	Mason, April	Pantelakos, Laura	Quandt, Marshall Lee
Quandt, Matthew	Serlin, Christopher	Splaine, James	Winchell, George
STRAFFORD			
Brown, Jennifer	Cilley, Jacalyn	Hilliard, Dana	Hofemann, Roland
Rollo, Michael	Schmidt, Peter	Spang, Judith	Taylor, Katherine
Taylor, Kathleen			
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen			

and the majority committee report was adopted.

RECESS

Rep. O'Neil moved that the House stand in recess until tomorrow at 10:00 a.m.
The House recessed at 4:10 p.m.

RECESS

(Deputy Speaker Weyler in the Chair)

The House was called to order at 10:00 a.m.

REGULAR CALENDAR (CONT'D)

CACR 13, relating to prohibiting an income tax. Providing that no tax on personal income shall be levied by the state of New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Steve Vaillancourt for the Majority of Ways and Means. This Constitutional Amendment Concurrent Resolution would enshrine in the state constitution the provision that an income tax may not be adopted in New Hampshire. The majority of the committee, even many who oppose the implementation of an income tax, do not believe future legislators should be so hamstrung. Were this to pass, and should 65 percent of citizens and/or legislators at some point in the future determine an income tax would be a good idea, it would be impossible to implement since the amendment would first have to be repealed (by a 60 percent vote of a future House and Senate to put the matter on the ballot and then by two-thirds of citizens voting at the polls). Thus, this amendment could remove the options of a future substantial majority. As with past amendments which the committee has considered and defeated, the majority of Ways and Means does not believe our constitution should be used as a referendum or for measures which may not stand the test of time. Certainly, a CACR should not be used as an opinion poll. Some published polls show that 35-40 percent of New Hampshire citizens support an income tax, not enough to pass one but certainly enough to block this amendment. They would certainly be joined by others, like many on the committee, who opposed an income tax but oppose prohibiting one constitutionally. Thus, while it might be fun to see what percentage this CACR would receive, it would serve no other purpose than to use the basic law of New Hampshire for purposes our forefathers would not condone. Out of respect to the CACR sponsors, the committee took a vote on reconsideration in light of a potential amendment which stipulated both earned and unearned income would not be taxable. The precise wording was, "no new tax shall be levied, directly or indirectly, upon a person's income, from whatever source it is derived." The vote on reconsideration failed 7-12 with some members noting that the amendment was even more restrictive than the original CACR. Vote 17-1.

Rep. Peyton B. Hinkle for the Minority of Ways and Means: Part Two, Articles 6 and 6-a of the New Hampshire Constitution identify the specific taxes, fees and tolls that may be used to pay for the public cost of government, but nowhere is taxation of personal income authorized. CACR 13 is designed to lay to rest the idea of an income tax and clearly declare that it is not to be used as a source of state revenue. Those testifying in favor of the resolution pointed out that people with portable incomes who are free to locate anywhere in the country would, with the passage of this resolution, be able to move to New Hampshire and know with confidence what taxes they would be responsible for in the future. These are the same people who invest in businesses in the state and help create jobs. This resolution would act as an incentive to people to move to New Hampshire and invest their economic resources in the state. Our present method of taxation provides a more stable revenue stream, whereas an income tax is more prone to rise and fall with the fluctuations in the economy. States having an income tax, such as Colorado, experience wide swings in revenues. Past experience has shown that governments have a propensity to tax and spend, and instituting a new tax does not guarantee that other taxes would be eliminated. Retired people living off their savings would be harmed by an income tax. Finally, CACR 13 would provide the people the opportunity, once and for all, to resolve the prospect of any new tax

being levied on their income.

Reps. Mirski and Itse spoke against and yielded to questions.

Reps. Hirschmann and Camm spoke against.

Reps. Jasper spoke in favor and yielded to questions.

Rep. Vaillancourt spoke in favor.

Rep. O'Neil moved recommit to committee.

Reps. Major and Mirski spoke in favor

On a division vote, 101 members having voted in the affirmative and 221 in the negative, the motion to recommit failed.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 220 NAYS 103			
YEAS 220			
BELKNAP			
Allen, Janet	Fitzgerald, James	Heald, Bruce	Millham, Alida
Morrison, Gail	Pilliod, James	Russell, David	Thomas, John
Veazey, John	Whalley, Michael		
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Knox, J David	Martin, James	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Espiefs, Peter	Hogancamp, Deborah	Mitchell, Bonnie	Parkhurst, Henry
Pelkey, Stephen	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna
Weed, Charles			
COOS			
Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Remick, William	Richardson, Herbert	Stohl, Eric	Theberge, Robert
Tholl, John Jr			
GRAFTON			
Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Gionet, Edmond	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Naro, Debra	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Ward, John	Williams, Burton	
HILLSBOROUGH			
Beaulieu, Jane	Bergin, Peter	Brassard, Paul	Brundige, Robert

Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Chase, Claudia
Christensen, D L Chris	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Egbers, Fran	Emerton, Larry
Essex, David	Foster, Linda	Garrity, Patrick	Goley, Jeffrey
Gorman, Mary	Graham, John	Hall, Betty	Harvey, Suzanne
Holden, Randolph	Infantine, William	Irwin, Anne-Marie	Jasper, Shawn
Jean, Claudette	Johnson, Paula	Kopka, Angeline	Kurk, Neal
Lasky, Bette	Lefebvre, Roland	Matarazzo, Anthony Sr	Messier, Irene
Movsesian, Lori	O'Connell, Timothy	Pappas, Christopher	Pilotte, Maurice
Rosenwald, Cindy	Ross, Lawrence	Rowe, Robert	Ryder, Donald
Schulze, Joan	Smith, David	Sullivan, Francis	Sullivan, Peter
Vaillancourt, Steve	Wheeler, Robert		
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	DeJoie, John	DeStefano, Stephen	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Hess, David
Kidder, David	Lockwood, Priscilla	MacKay, James	Maxfield, Roy
McMahon, Patricia	Oliver, James	Osborne, Jessie	Owen, Derek
Potter, Frances	Reardon, Tara	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Whiting, Herbert	Williams, Robert	
ROCKINGHAM			
Abbott, Dennis	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Buxton, Donald	Cali-Pitts, Jacqueline	Carson, Sharon	Casey, Kimberley
Charron, Gene	Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony
Dowd, John	Flockhart, Eileen	Forsing, Robert	Francoeur, Sheila
Gould, Kenneth	Griffin, Mary	Headd, James	Ingram, Russell
Katsakiores, Phyllis	Langley, Jane	Major, Norman	Mason, April
McKinney, Betsy	Moody, Marcia	Nowe, Ronald	Pantelakos, Laura
Parker, Benjamin	Robertson, Carl	Sanders, Elisabeth	Splaine, James
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Wells, Roger
Zolla, William			
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Callaghan, Frank	Cataldo, Sam	Chaplin, Duncan	Creteau, Irene
Domingo, Baldwin	Dunlap, Patricia	Grassie, Anne	Heon, Richard
Hilliard, Dana	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Irish, Christopher
Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen	Rodeschin, Beverly

NAYS 103			
BELKNAP			
Boyce, Laurie	Rosen, Ralph	Tilton, Franklin	Wendelboe, Fran
CARROLL			
Dickinson, Howard	McConkey, Mark		
CHESHIRE			
Emerson, Susan	Hunt, John		
COOS			
None			
GRAFTON			
Alger, John	Barker, Robert	Eaton, Stephanie	Giuda, Robert
Ingbretson, Paul	Maybeck, Margie	Mirski, Paul	Sorg, Gregory
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Allan, Nelson	Baines, Stephen
Balboni, Michael	Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Buhlman, David	Carew, James
Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey	Dyer, Donald
Elliott, Nancy	Francoeur, Bea	Gibson, John	Golding, William
Gonzalez, Carlos	Goyette, Peter Jr	Haley, Robert	Hansen, Ryan
Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
L'Heureux, Robert	McRae, Karen	Mead, Robert	Mooney, Maureen
O'Brien, William	Ober, Lynne	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Tahir, Saghir	Ulery, Jordan	Villeneuve, Maurice	Wheeler, James
MERRIMACK			
Anderson, Eric	Danforth, James	Field, William	Kennedy, Richard
Klose, John	Langlais, Thomas	Marple, Richard	Soltani, Tony
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Bettencourt, David	Bicknell, Elbert
Cady, Harriet	Camm, Kevin	Coburn, James	Dodge, Robert
Dumaine, Dudley	Flanders, John Sr	Garrity, James	Gilbert, Karl
Gillick, Thomas	Hopfgarten, Paul	Hughes, Daniel	Introne, Robert
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Kobel, Rudolph	McMahon, Charles	O'Neil, Michael	Putnam, Ed II
Quandt, Marshall Lee	Quandt, Matthew	Smith, Paul	Stiles, Nancy
Welch, David	Wiley, Robert	Winchell, George	
STRAFFORD			
Easson, Timothy	Hofemann, Roland	Hollinger, Jeffrey	Newton, Clifford

SULLIVAN			
None			

and the majority committee report was adopted.

DEBATE ON CACR 13

Rep. Newton moved that the debate on **CACR 13**, relating to prohibiting an income tax. Providing that no tax on personal income shall be levied by the state of New Hampshire, be printed in the Permanent Journal.
Adopted.

Rep. Mirski: Thank you, Mr. Speaker. This proposed CACR gives me great pleasure of having the opportunity to address the members this morning, this is the best chance you are ever going to have to tell your constituents about how you feel about an income tax. We know from recent surveys that seven out of ten individuals in the state of New Hampshire oppose an income tax. Seven out of ten. That's staggering. The question will be how many of us agree with our constituents. Now the interesting thing about this income tax business is that most of us, our memory is only about 25 years old, we remember that Meldrim Thomson's an old guy who forced all subsequent governors to take the pledge to veto broadbased taxes, sales, income, whatever. We haven't had a gubernatorial race in the last 25 years where a candidate was initially elected without having taken the pledge. If that doesn't tell you something about the disposition of our constituents, really nothing will. Another interesting thing is, if you go back another 25 years, just outside the door is a portrait of a guy, you're not supposed to mention the name, but he's not here, Dan Healy from Manchester, who I'm told was the deciding vote back around 1948, a Democrat from Manchester – a deciding vote to kill an income tax in this House. Now we know that many of our friends on this side of the aisle, that many of their constituents support an income tax. We can't get the kind of votes we get on gubernatorial elections without Democrats and Republicans hating the idea of an income tax. That's the history. Now you wonder, why would this be? I think from the very moment of creation, we were formed with this hatred in our constituency. The shots that were fired back in 1774 were all about taxes. And incidentally, as opposed to Concord and Lexington, it was an assault on the Crown. Those folks were all subject to treason. Back in 1774, they put their lives and fortunes on the block against taxes. Sometime if you are perusing your little black book and want to look at the constitution, read Article 28. That will tell you how much we hate taxes. So voting for CACR 13 puts you in good stead with about 70 percent of the folks according to current polls.

I'm sure some of the speakers who will speak against this idea for the committee report will like to tell you that prohibition on income tax should not be put in the constitution. In 1783, actually in the Constitutional Convention, the thirteen colonies got together and they prohibited all taxes, the federal government from collecting taxes from any sources, except excise, duties, tolls and fees. You couldn't have an income tax under the United States Constitution except by amendment which we passed in 1913, the 16th amendment. So to say you can't write this into a constitution just makes no sense to me. There's nothing wrong with prohibiting an income tax in our constitution, absolutely nothing at all. Someone else might say this is putting politics in the constitution. This is not putting politics in the constitution. This is placing an administrative constraint on government. That's what the constitution is supposed to do. It sets constraints on government so that they don't take your house, your property, your family, abuse you. It's all about restraint on government. So, it's not politics getting a prohibition on an income tax in our state constitution, the politics comes afterwards. It will come from April to November of 2006 when this issue gets debated. That's the politics. And those who want an income tax will argue against the adoption of this constitutional amendment, and those who don't will

support it. That's the politics. That's what we deal with from signing up on primary day on through the November election.

Now, with respect to language. Someone is going to say, "Oh, this means we are not going to have a BET, and an interest and dividends tax, and that sort of stuff." Those taxes presently exist in statute and historically when we adopt amendments where we have statutory provisions, they remain until they are repealed. Now if you decide to repeal the BET or you decide to repeal the interest and dividends tax, well, then you are not going to get them back. But when was the last time we repealed a tax? The likelihood of that is next to nowhere, next to nothing. So you can't fear in that context.

Finally, for those of you who still may have the "woolies" you can take a look at page 391 in your calendar and there's an amendment. It just simply adds the word "new." So for those of you who worry about the BET or the BPT, which I think is no worry at all in the present language, we have an opportunity to amend the proposal to that add word and take that fear away.

I would say for those of us assembled here, we have a great opportunity to get in step with 70% of the folks in the state, seven out of ten voters and I think we ought to take advantage of it, so I encourage you to oppose the committee report of ITL, to vote against it, and if we can overturn the report we will offer the amendment on page 391 and get on with the business of letting the folks in this state decide once and for all whether we're ever going to have an income tax imposed. Thank you very much.

Rep. Alger: Thank you, Mr. Speaker. Thank you, Representative, for taking my question. Would you agree with me that for the length of time certainly that I've been here and you've been here that this has been an issue, that it's appropriate whether you're for the income tax or opposed to the income tax, to move it forward, have the debate and get it on the ballot and then if you're right about the 70%, it will pass. If you're wrong, it won't pass and it will kill the question and solve how we will proceed from there on. Do you agree with me that's a good idea? Thank you.

Rep. Mirski: Well, obviously I absolutely do agree with you and I think that the people really ought to have the opportunity to restrict their legislature in this way. They've been doing it by vote after vote, after vote, after vote for more than 50 years. That's the memory of most of the folks in this House and I just think we need to affirm it. Thank you.

Rep. Robert Wheeler: Thank you, Mr. Speaker. In New Hampshire I live a great deal south of you and perhaps the knowledge is more profound in the North Country. What gives you the confidence that an income tax ought to be outlawed now and forever?

Rep. Mirski: One of my, little things I kind of do, I like to watch votes, and I like to see where people come from and how they vote on matters of taxes. I used to believe that all the hardcore tax votes were somewhere up in Coos and Grafton and Carroll Counties, and one day I did an assessment, and I looked at how representatives from the North Country were voting on taxes and then how the representatives from all the towns pretty much along the Mass border were voting. I want to tell you the votes against taxes were all right along the border and the folks way up north are thinking they are in the last century. The folks around you folks in all these southern towns are the ones who really, really, really, really, hate income taxes. So, it's sort of counterintuitive. It turns out to be just upside down, the more liberal votes are up north, the really anti-tax votes are down south.

Rep. Hirschmann: Thank you, Speaker Pro Tem Weyler, good morning. Good morning, fellow legislators, it's an honor to be here. Why would a guy like Keith Hirschmann run for the House of Representatives? For one solemn reason. To protect the New Hampshire advantage, to solemnly come here today and say to you, "Put this question on the ballot before the people of New Hampshire. Let the question be answered by the people that would pay the tax."

It's an honor for me to follow a scholar of the constitution, someone as the Representative from the North Country, Mr. Mirski. He's far well versed in this issue than I am, but I tell you today, there is a difference in an income tax. An income tax is an affront to the middle

class and the lower class of our state. There is something called the “business class” in our state. The business class can expense their way out of an income tax. It’s quite easy to buy a vehicle, to buy furniture, to expense an business. This would be an affront to people in unions that pay dues, that would pay an income tax, that should not see a tax come out of their pay check when their health costs are rising and other things in our state. There are a lot of people who can barely afford to live in the state of New Hampshire and we’re the most affordable state to live in. That’s quite ironic.

I will leave you with one ditty from someone that we all love, our New England Patriots. At the Super Bowl you saw a commercial a hundred times saying, “Not today, not tomorrow, not in our House.” Let’s get this on the ballot for the right people, for the lower class, for the middle class, for all the citizens of New Hampshire, for the seniors, people are paying enough taxes. They don’t need an income tax. Let the people have a solemn voice in what would effect them the most – an income tax in the State of New Hampshire. Thank you.

Rep. Vaillancourt: Thank you, Mr. Deputy Speaker, I rise in support of the committee’s recommendation of ITL. Since it’s a constitutional amendment, I brought the constitution with me once again today and thought we would talk a little bit about that. Harold Burns has never looked better, I guess this is an old book. The constitution has not changed since 1995. In fact, it hasn’t changed since a lot longer before that, so this book is still valid and it talks very little about taxation. Because the founders of the constitution were wise enough to realize that they could not foresee the future, they could not determine what type of tax would be valid or best or most appropriate for a future generation. These were very wise men, and I suggest that we should attempt to be just as wise as they are in what we subscribe to and put in the constitution.

When I talked to you about CACRs a couple of weeks ago, I talked about the basic principle and how they have to be approved by an overwhelming majority in order to pass. We’ve had several CACRs since then and I did a little more thinking about my general philosophy of how I view these constitutional amendments. I want to just quickly separate, before I talk about the income tax, three constitutional amendment ideas that might come before us that I would treat separately. One is a CACR that I not only would like to put on the ballot for the people to consider, but think that they should vote for and I would vote for. It’s an election law CACR that talks about redistricting, a favorite subject of mine, so that every city or town with 3,089 people would have at least one representative. I think that’s what the founders intended, that would be a CACR that I would vote for not only to put it on the ballot but when it gets to the ballot. There’s another CACR that I think is very legitimate to go to the people because it deals with how we function. The constitution is our basic law, it spells out how we govern ourselves and our basic rights. This other CACR is something I would give to the people to decide, because it is legitimate, but then I would not vote for as a person. It is to increase the governor’s term from two to four years. I don’t think it’s a good idea, but I think the people could well be given that to decide. Now this is a third type of CACR. This is one I don’t think even meets the minimum requirements of putting on the ballot to the people because I do not believe we should be putting this kind of thing in the constitution. Now, my friend who is a distinguished scholar on the constitution, that’s why I take so much surprise that I disagree with him so strongly on certain issues, my friend from Enfield referred to people who are for an income tax being against some people who are against an income tax before this. But that’s clearly not true, Mr. Speaker. The vote in the Ways and Means Committee was 17 to 1. Now you’re not going to tell me that all those Republicans on the Ways and Means Committee are for an income tax, that’s why they voted against this. No, they’re not at all. Most of the people in that committee, including myself that voted against this CACR are also adamantly against an income tax. When in one of the most august moments of this House in 1999, the income tax passed 194 to 190 on the illustrious day, when Donna Sytek welded the gavel, I was one of seven Democrats to vote against it. Two of them are currently dead. I was thinking of them last night, they used to sit in front of me, so I remember them very well. But I voted against that, my party put pressure on me,

and I still voted against it. Now before our committee some people were saying, "Oh, this is a Republican position in their platform that we're against an income tax." I agree, that is a Republican position, but there's no Republican position that I can find that we are for mandating that in the constitution.

The best way to maintain the New Hampshire advantage that my colleague from Manchester speaks of, is to do as we are doing right now. Continue sending representatives here who are against an income tax. This little pink sheet that was sent out by the Republicans, one of their coalitions, yesterday, it says, "This bill is your best opportunity to show your constituents how you feel about an income tax." I disagree. The best bill to do that was one we voted on yesterday, early in the day, which was the bill that would have mandated an income tax for this year, House Bill 622. You know what, it failed 246 to 45, a margin of about 83%.

The last two candidates we had for governor that favored an income tax, I actually went into the Secretary of State's office on my way over, Arnie Arnesen in 1992 got about 40%, Mark Fernald got less than that in 2002. However, they got more than the one-third that would be necessary to block this CACR from passing. So if we would put this on the ballot, what we are doing is basically saying, "Let's have an opinion poll to see how many people, in fact, want to get rid of an income tax in the constitution."

Well, I say to you my fellow legislators that the constitution is too sacred to be used as a referendum as we talked about a couple weeks ago and it's certainly too sacred to be used as an opinion poll. We have those who can do calls for that regard, but for this effect, I ask you to do what the majority of the Ways and Means Committee did, realize that although we are against an income tax, it's not the kind of thing that should be legislated in our constitution. Thank you very much.

Rep. Camm: Thank you, Mr. Speaker. Honorable members of the House. Being on Ways and Means has its certain advantages. At the beginning of this session, we were briefed for days on national, regional, state and local economies. And I can tell you that New Hampshire ranks highest or very high regionally in numerous economic classifications. Percent of increase of personal and business income and or growth, percent of increase of real estate appreciation, our employment rate, our lowest overall tax burden. When it comes to recessions, we're the last one in and the first one out, etc. etc. These are some components of what is known as "the New Hampshire advantage."

The duty of the Ways and Means Committee, I'll be brief, "It should be the duty of the Committee on Ways and Means to examine and consider the state of the treasury; to consider and report on all bills resolutions relating to raising money by a state tax and the apportionment of same, state, fees, and all methods of raising revenue for the state, and such other matters as may be referred to it." Now what do you suppose the chances are of a constitutional amendment limiting revenues coming out of Ways and Means with a favorable recommendation? Maybe somewhere around 1 to 17. Heck, with my Ways and Means cap on I was one of the seventeen.

At one of the very first meetings I attended with the new Speaker, he suggested that we consider going back to the old constitutional and statutory reform committee. That committee existed during my first term. All constitutional questions went to that committee. I'm beginning to see the wisdom of that suggestion. After listening to my colleagues, constituents and others, with my Republican and anti-income tax cap on, I believe we should allow our citizens to vote on this important issue. Think of what this would do. It would energize the debate on both sides of the issue. It would provide a vehicle of getting an awful lot people to the polls to participate in the process, perhaps even a record turnout for a non-presidential election.

Let's settle the income tax issue for the immediate future, and if passed, would certainly catapult the New Hampshire advantage like no one has ever envisioned. Let's enhance the New Hampshire advantage. Remember that our ultimate responsibility is to our constituents. Please vote against the ITL recommendation. Thank you, Mr. Speaker.

Rep. Itse: Thank you, Mr. Speaker. Honorable members of the General Court. A few moments ago Rep. Vaillancourt said that we don't have much about taxes in our constitution. But in the first part, The Bill of Rights, we do specify that all taxes must be uniform and proportional, a protection for the people. Most of what he considers to be appropriate amendments to the constitution deal with our form of government, how we do business. But what have we done in the last half century? Part I, Article 2, we amended it to provide equality before the law based on race, religion, sexual orientation. Part 1, 2A, when the federal government started diminishing our right to bear arms, we put the right to bear arms in our constitution, Part I, Article 6, we changed the language when defining what we considered high morality. No, we make a number of constitutional changes that are not dealing with the form of government.

So what is our constitution. Part I, Article 1 of our constitution says, "All men are born equally free and independent; therefore, all government of right originates from the people, is founded in consent, and instituted for the general good." Our government is founded with and only continues with the consent of the people. The constitution is the expression of that consent. James Madison put it this way, "Government is instituted to protect property of every sort, as well as that which lies in the various rights of individuals as that which the term particularly expresses. This being the end of government, that alone is a just government which impartially secures to every man whatever is his own. What is more his own than the fruit of his labor? His income. A tax on income is not mentioned anywhere in any founding American document. It does however appear in Karl Marx's "Communist Manifesto" right after abolishing private property and before eliminating inheritance. When the government tell you how much of your income they can take, they control your entire income. You will conform your behavior to their dictates in order to maximize what you can retain. You are in effect a slave. The constitution is the people's constraint upon the government. It is their mechanism to restrain the ambitions and greed of those who make up their government – us. It is written down so that we have a known set of rules referenceable, less easily corrupted.

Every one of you who has an "R" next to your name was a delegate to the Republican state convention at which the platform was unanimously adopted. Article IV of the New Hampshire GOP platform states that we will preserve and protect freedom from broadbased sales and income taxes. What better way to maintain that freedom than to prohibit income taxes in the constitution.

Some of you have stated that you don't want to constrain future legislatures. But American government at all levels has demonstrated an insatiable appetite for the wealth of the people. What if the people want to constrain us in future legislatures, ought they be able to? Don't they have the right to? And don't we have the obligation to give them the opportunity to? This isn't about us constraining future legislatures, it is about the people constraining future legislatures.

When New Hampshire elections have been about an income tax, the people of New Hampshire have turned out in record numbers and voted the pro-income tax candidates. Yesterday 60% of this House voted against an income tax. In my opinion, every person in this room who is a true representative of the people is obligated to vote against the committee recommendation. Allow the people to express their will on this matter which is most important to their future prosperity.

When people see my license plate, they ask me if I work for the government. I tell them, "No, I work for the people." So tell me now, who do you work for? The government or the people?

Rep. Dodge: Thank you, Mr. Speaker. And thank you for taking my question my fellow representative from Fremont. I sit here listening to the arguments about the constitution and what we should put in it and what we shouldn't put in it. Is it alright for the federal government to put in 1913, they passed the one for, 16 I think is was, Article 16, if they could do it why can't we?

Rep. Itse: That's absolutely correct.

Rep. Jasper: Thank you, Mr. Speaker. I believe that I do represent my constituents and I think that's why they've elected me to this House six times over the last 20 years. And during those six terms I have always opposed an income tax and I will always oppose an income tax. I've heard people say that it's a fair tax. Well, the fact is that because you are a New Hampshire resident, if you work out of state you won't pay a dime, only New Hampshire residents who live in this state and work in this state pay that tax, to me makes it one of the least fair taxes.

So why wouldn't I be in favor of putting this into the constitution and prohibiting it? We've heard a lot of good arguments, I think on both sides so I'm not going to go over those again. My reasons are a little bit different, and they are that I believe that it is important for us to have this debate each and every session. I believe that we will, as we have in the past, if it's not in the constitution because I believe it is very important for our constituents to know how the people in this chamber feel about the issue of taxation. I was against Tabor I spoke against that for essentially the same reason. I don't like taxes, I don't want to increase them, I don't like spending. I was one of 39 who voted against the budget last time. But I think it's important for our constituents, if they care, to be able to pull out the roll call from each session and look and see how we stand on a myriad of issues. Every time we lock something into the constitution, we take that debate away from our constituents. We take that record that we should be running on away from our constituents. The people who are elected here, their vision for what New Hampshire should be, becomes a little bit more clouded because the really important issues on how they feel may, in fact, not be in the public view. I think we need to have this debate. I think we need to stand here and go on the record as we did yesterday on the income tax, and on spending and let the people decide then, otherwise we may end up with a chamber full of people who no one really understands how they vote and when push comes to shove they may not like it. I stand here proudly against this bill and ask you to join with me in making sure this House continually goes on the record because I think what happened in 1999 had happened and the governor had signed the income tax into law, this chamber would have been cleaned out the next session and we would have had a lot of new people in here. I don't think the people of this state want an income tax. I think they would have reacted to what we did and I think that is very important for our form of government. Thank you very much, Mr. Speaker.

Rep. Giuda: Thank you, Mr. Deputy Speaker. To the representative from Hudson, would it be reasonable to say that if an income tax was instituted by this chamber, that regardless of whether the voters removed it in its entirety, that the legacy would remain. That the taxation would stay in place regardless of who came in the next term and that that is what we are trying to avoid?

Rep. Jasper: I absolutely disagree with you. We put laws on the books all the time and the legislature repeals them or not based on the membership in this House. I think if we enacted an income tax and this chamber were cleared out, the people coming in here would see that as a clear mandate and that income tax would probably never even have the opportunity to actually go into effect.

Rep. Kurk: Thank you, Mr. Speaker. For those of us who oppose an income tax isn't the most important reason to vote inexpedient on this, is so that we continue to have a wonderful issue to beat up our opponents?

Rep. Jasper: That is certainly one way of looking at it and I wouldn't disagree with you, Rep. Kurk.

BILLS REMOVED FROM CONSENT CALENDAR

HB 98, relative to law enforcement authority under the safe schools act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill is simple in its structure. It is about giving authority to license pistols and revolvers to just one level of government instead of retaining it in several levels. The bill invests that authority in the

chief law enforcement officer of a town or city, the chief of police, or his designee, or in cases of unincorporated towns and towns with no fulltime police department, the county sheriffs. This also removes the possibility of an individual who may or may not have a political agenda from denying or approving a license to carry a concealed firearm. The majority of the committee felt that since law enforcement personnel are the only ones that can perform background checks, they know from experience the times they were called to a given place for any sort of complaint. In essence, law enforcement officers are the ones who are in contact with individuals who at some point in time may request a license to carry. Succinctly, they are the ones who know the background of individuals in their towns the best, and whether or not that citizen is a "suitable person" under NH Law. Vote 12-1.

Amendment (0374h)

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

AN ACT relative to law enforcement authority to issue permits to carry firearms.

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

- 1 Pistols and Revolvers; License to Carry. Amend RSA 159:6 to read as follows:
159:6 License to Carry.

I. The ~~[selectmen]~~ **chief law enforcement officer, or designee**, of a town or ~~[the mayor or chief of police of]~~ a city ~~[or some full time police officer designated by them respectively]~~, **or the county sheriff in areas without a chief law enforcement officer**, upon application of any resident of such town or city, or the director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not less than 4 years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, and that the applicant is a suitable person to be licensed. Hunting, target shooting, or self-defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was originally issued. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for 4 years. When required, license renewal shall take place within the month of the fourth anniversary of the license holder's date of birth following the date of issuance. The license shall be issued within 14 days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be \$10, which fee shall be for the use of the law enforcement department of the town granting said licenses; the fee for licenses granted to out-of-state residents shall be \$20, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue the licenses. No other forms shall be used by officials of cities and towns. The cost of the forms shall be paid out of the fees received from nonresident licenses.

II. No photograph or fingerprint shall be required or used as a basis to grant, deny, or renew a license to carry for a resident or nonresident, unless requested by the applicant.

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

AMENDED ANALYSIS

This bill allows only law enforcement officers to issue permits to carry firearms.

Rep. James Wheeler spoke against the amendment.

LAID ON THE TABLE

Rep. Bicknell moved that **HB 98**, relative to law enforcement authority under the safe schools act, be laid on the table.

Adopted.

BILLS REMOVED FROM CONSENT CALENDAR (CONT'D.)

HB 252, requiring bail hearings for persons arrested for probation violations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lee M. Hammond for Criminal Justice and Public Safety: This bill would Ensure that individuals apprehended for technical violations of their probation do not remain in jail at taxpayer expense for excessive periods of time while awaiting judicial review, as is currently the case in some of our counties. The courts, probation, parole, the Attorney General and the New Hampshire Civil Liberties Union are all firmly behind this legislation. Vote 14-0.

Amendment 0450h)

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

1 New Paragraph; Release of Person Detained for Probation Violation. Amend RSA 597:2 by inserting after paragraph I the following new paragraph:

I-a. Except as provided in RSA 597:1-d, upon the appearance before the court of a person charged with a probation violation, the court shall issue an order that, pending a probation violation hearing, the person be:

(a) Released on his or her personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of paragraph II;

(b) Released on a condition or combination of conditions pursuant to the provisions of paragraph III; or

(c) Detained.

2 New Section; Bail and Recognizances for Person Detained for Probation Violation.

Amend RSA 597 by inserting after section 5 the following new section:

597:5-a When Requirable; Bail and Recognizances for Person Detained for Probation Violation. Every court may, when a person is accused of an offense or a probation violation in which said court is authorized to receive bail, release said person on personal recognizance or require him or her to recognize, with sureties, to appear at a future time before the court or any other competent tribunal.

3 Effective Date. This act shall take effect January 1, 2006.

Adopted.

Committee report adopted and ordered to third reading.

HB 454, relative to carrying a concealed weapon without a license. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill repeals certain statutes that require a license to carry a pistol or revolver. It further provides that under the Full Faith and Credit clause of the United States Constitution, New Hampshire residents shall not be required to obtain a license to carry a concealed weapon in any other state or territory of the United States. The first part of the bill that establishes a Full Faith and Credit clause would mean that New Hampshire is requiring all other states and territories to allow our residents to carry a concealed weapon in such other state or territory regardless of their laws. The committee unanimously rejected the concept that we should be able to void laws of other states as much as we would resist the attempt of other states to void our laws. The second part of this bill is identical to that presented in HB 285, which was also rejected by this committee. Reiterating in part what we said with regard to HB 285, we have heard, and rejected, several versions of this bill that have been brought forth in every session over the last several years. New Hampshire already has some of the most permissive firearms laws in the United States. A person can already carry a loaded firearm as long as it is not concealed or in a vehicle. The current law works well and should remain in place. Vote 17-0.

Rep. Marple spoke against and yielded to questions.

Rep. Tholl spoke in favor.
Adopted.

HB 645-FN, relative to fire-safe cigarettes. **OUGHT TO PASS**

Rep. E. Albert Weare for Criminal Justice and Public Safety: This bill will require that all cigarettes sold or offered for sale in the State of New Hampshire be certified by the manufacturer in writing to meet the standards of "Fire Safe Cigarettes." "Fire Safe Cigarettes" are manufactured in such a way that a cigarette left unattended will not stay lit, thus reducing many fires started by careless smokers. The results of many studies were presented in a workshop for fire service professionals and legislators on February 16, 2005. Testimony was overwhelming in favor of passage. The bill further directs the Commissioner of Safety in consultation with the State Fire Marshall to adopt rules under RSA 541-A that establish fire safety standards for cigarettes that are sold or offered for sale in the state. These standards will be modeled after the standards used in other jurisdictions that have imposed such standards. This law will contribute greatly to the reduction of lives and property lost in those incidents of fires directly related to smoking material. Vote 15-0.
Rep. Buhlman spoke against and yielded to questions.
Rep. Weare spoke in favor and yielded to questions.
Rep. Wendelboe spoke against.

MOTION TO LAY ON THE TABLE

Rep. Rodeschin moved that **HB 645-FN**, relative to fire-safe cigarettes, be laid on the table. On a division vote, 161 members having voted in the affirmative and 172 in the negative, the motion failed.

The question now being adoption of the committee report.
Rep. Welch spoke in favor.
Rep. Bulhman requested a roll call; sufficiently seconded.
The question being adoption of the committee report.

YEAS 199 NAYS 134			
YEAS 199			
BELKNAP			
Heald, Bruce	Millham, Alida	Morrison, Gail	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Knox, J David	Martin, James	Olimpio, J Lisbeth	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espieffs, Peter	Hogancamp, Deborah
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Robertson, Timothy	Tilton, Anna	Weed, Charles
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Remick, William

Theberge, Robert	Tholl, John Jr		
GRAFTON			
Alger, John	Almy, Susan	Barker, Robert	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Giuda, Robert	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Naro, Debra
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	Ward, John
HILLSBOROUGH			
Aboshar, Jeffrey	Beaulieu, Jane	Bergin, Peter	Brassard, Paul
Chase, Claudia	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Daniuk, Caitlin
DeVries, Betsi	Dokmo, Cynthia	Egbers, Fran	Essex, David
Foster, Linda	Gargasz, Carolyn	Garrity, Patrick	Golding, William
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Haley, Robert
Hall, Betty	Harvey, Suzanne	Hirschmann, Keith	Infantine, William
Irwin, Anne-Marie	Jean, Claudette	Johnson, Paula	Kopka, Angeline
L'Heureux, Robert	Lasky, Bette	Matarazzo, Anthony Sr	Mooney, Maureen
Movsesian, Lori	O'Connell, Timothy	Pappas, Christopher	Pilotte, Maurice
Price, Pamela	Reeves, Sandra	Rosenwald, Cindy	Ryder, Donald
Schulze, Joan	Smith, David	Sullivan, Francis	Sullivan, Peter
Ulery, Jordan	Villeneuve, Maurice	Wheeler, Robert	
MERRIMACK			
Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	DeJoie, John
DeStefano, Stephen	French, Barbara	Gile, Mary	Hager, Elizabeth
Hamm, Christine	Kidder, David	Mackay, James	McMahon, Patricia
Oliver, James	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Asselin, Michael	Bicknell, Elbert	Blanchard, MaryAnn
Buxton, Donald	Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene
DiFruscia, Anthony	Dowd, John	Flanders, John Sr	Flockhart, Eileen
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Johnson, Robert
Langley, Jane	Moody, Marcia	O'Neil, Michael	Pantelakos, Laura
Putnam, Ed II	Robertson, Carl	Sanders, Elisabeth	Splaine, James
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Wells, Roger	Wiley, Robert	Winchell, George
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Callaghan, Frank
Cilley, Jacalyn	Creteau, Irene	Dunlap, Patricia	Easson, Timothy
Goodwin, Earle	Grassie, Anne	Heon, Richard	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Rollo, Michael	Rous, Emma	Schmidt, Peter

Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Wall, Janet			
SULLIVAN			
Cloutier, John	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen			
NAYS 134			
BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	Tilton, Franklin
Veazey, John	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Chandler, Gene	Dickinson, Howard	McConkey, Mark	Merrow, Harry
Patten, Betsey	Philbrick, Donald		
CHESHIRE			
Emerson, Susan	Hunt, John	Pelkey, Stephen	Roberts, Kris
Sawyer, Sheldon			
COOS			
King, Frederick	Richardson, Herbert	Stohl, Eric	
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Ham, Bonnie	Ingbretson, Paul
Maybeck, Margie	Mirski, Paul	Sorg, Gregory	Williams, Burton
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James
Carlson, Donald	Chabot, Robert	Christensen, D L Chris	Clark, Mark
Crane, Elenore Casey	Drisko, Richard	Dyer, Donald	Elliott, Nancy
Emerton, Larry	Francoeur, Bea	Gibson, John	Goyette, Peter Jr
Graham, John	Hansen, Ryan	Hawkins, Ken	Hellwig, Steve
Hinkle, Peyton	Holden, Randolph	Hunter, Bruce	Jasper, Shawn
Kurk, Neal	Lefebvre, Roland	McRae, Karen	Mead, Robert
Messier, Irene	O'Brien, William	Ober, Lynne	Renzullo, Andrew
Ross, Lawrence	Rowe, Robert	Slocum, Lee	Souza, Kathleen
Stepanek, Stephen	Tahir, Saghir	Vaillancourt, Steve	Wheeler, James
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Currier, David	Danforth, James
Field, William	Hess, David	Kennedy, Richard	Klose, John

Langlais, Thomas	Lockwood, Priscilla	Marple, Richard	Maxfield, Roy
Soltani, Tony	Tupper, Frank		
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bishop, Franklin
Cady, Harriet	Camm, Kevin	Carson, Sharon	Coburn, James
Cooney, Richard	Dalrymple, Janeen	Dodge, Robert	Dumaine, Dudley
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Major, Norman	Mason, April
McKinney, Betsy	McMahon, Charles	Morris, Richard	Nowe, Ronald
Parker, Benjamin	Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew
Smith, Paul	Zolla, William		
STRAFFORD			
Brown, Julie	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Hollinger, Jeffrey	Newton, Clifford		
SULLIVAN			
Converse, Larry	Irish, Christopher	Rodeschin, Beverly	

and the committee report was adopted.

Referred to the Committee on Ways and Means.

BILLS REMOVED FROM CONSENT CALENDAR (CONT'D.)

HB 451-FN-L, requiring the separate preparation and approval process for the special education budget. **INEXPEDIENT TO LEGISLATE**

Rep. Barbara J. Hagan for Education: The committee overwhelmingly agrees the bill is unnecessary and conveys a false sense of control over special education costs. Communities already have the power and opportunity to break out any and all costs with respect to budgetary items. The legislation does not relieve any community from meeting special education costs. Vote 16-0.

Adopted.

HB 612-FN, establishing the New Hampshire volunteer elementary teachers and students program. **INEXPEDIENT TO LEGISLATE**

Rep. Claire D. Clarke for Education: The committee appreciates the concept brought forward by the sponsor. However, we feel this bill is not needed. We need qualified teachers in the classroom. Credit would be earned at the expense of the taxpayers and school districts. Volunteer teachers would be the primary educator in classrooms and this bill is not in keeping with No Child Left Behind (NCLB). It would also raise issues in the educational process. Vote 16-0.

Rep. Field spoke against and yielded to questions.

Rep. Claire Clarke spoke in favor.

Rep. Field requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 233 NAYS 98			
YEAS 233			

BELKNAP			
Allen, Janet	Fitzgerald, James	Heald, Bruce	Millham, Alida
Morrison, Gail	Thomas, John	Veazey, John	Wendelboe, Fran
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Knox, J David	McConkey, Mark	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Hogancamp, Deborah
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			
COOS			
King, Frederick	Mears, Edgar	Merrick, Scott	Remick, William
Richardson, Herbert	Stohl, Eric	Theberge, Robert	Tholl, John Jr
GRAFTON			
Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Ward, John			
HILLSBOROUGH			
Aboshar, Jeffrey	Balboni, Michael	Batula, Peter	Beaulieu, Jane
Bergin, Peter	Brassard, Paul	Brundige, Robert	Calawa, Leon Jr
Campbell, David	Chase, Claudia	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Daniuk, Caitlin	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Egbers, Fran	Emerton, Larry	Essex, David
Foster, Linda	Garrity, Patrick	Goley, Jeffrey	Gonzalez, Carlos
Gorman, Mary	Graham, John	Haley, Robert	Hall, Betty
Harvey, Suzanne	Hinkle, Peyton	Holden, Randolph	Hunter, Bruce
Infantine, William	Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette
Johnson, Paula	Kopka, Angeline	L'Heureux, Robert	Lasky, Bette
Lefebvre, Roland	Messier, Irene	Movsesian, Lori	O'Connell, Timothy
Ober, Lynne	Pappas, Christopher	Pilotte, Maurice	Price, Pamela
Rosenwald, Cindy	Ross, Lawrence	Ryder, Donald	Schulze, Joan
Smith, David	Stepanek, Stephen	Sullivan, Francis	Sullivan, Peter
Tahir, Saghir	Ulery, Jordan	Villeneuve, Maurice	Wheeler, Robert
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	DeJoie, John	DeStefano, Stephen	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Hess, David

Kidder, David	Klose, John	Lockwood, Priscilla	MacKay, James
McMahon, Patricia	Oliver, James	Osborne, Jessie	Owen, Derek
Potter, Frances	Reardon, Tara	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Whiting, Herbert	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Belanger, Ronald	Bicknell, Elbert	Blanchard, MaryAnn
Buxton, Donald	Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene
Coburn, James	Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony
Dowd, John	Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Ingram, Russell
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Major, Norman	Mason, April	Moody, Marcia
Morris, Richard	O'Neil, Michael	Pantelakos, Laura	Priestley, Anne
Robertson, Carl	Sanders, Elisabeth	Smith, Paul	Splaine, James
Stiles, Nancy	Stone, Joseph	Weare, E Albert	Welch, David
Wells, Roger	Wiley, Robert	Winchell, George	
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Callaghan, Frank
Cataldo, Sam	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Easson, Timothy	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hilliard, Dana	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Irish, Christopher
Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen	Rodeschin, Beverly
NAYS 98			
BELKNAP			
Boyce, Laurie	Pilliod, James	Rosen, Ralph	Russell, David
Tilton, Franklin	Whalley, Michael		
CARROLL			
Babson, David Jr	Dickinson, Howard	Martin, James	Merrow, Harry
CHESHIRE			
Emerson, Susan	Hunt, John	Pelkey, Stephen	Sawyer, Sheldon
COOS			
None			

GRAFTON			
Alger, John	Barker, Robert	Eaton, Stephanie	Gionet, Edmond
Giuda, Robert	Ham, Bonnie	Ingbretson, Paul	Maybeck, Margie
Mirski, Paul	Sorg, Gregory	Williams, Burton	
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Barry, J Gail	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Buhlman, David	Carew, James
Carlson, Donald	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Clark, Mark	Crane, Elenore Casey	Desmarais, Vivian	Elliott, Nancy
Francoeur, Bea	Gargasz, Carolyn	Gibson, John	Golding, William
Goyette, Peter Jr	Hansen, Ryan	Hawkins, Ken	Hellwig, Steve
Kurk, Neal	Matarazzo, Anthony Sr	McRae, Karen	Mead, Robert
Mooney, Maureen	O'Brien, William	Reeves, Sandra	Renzullo, Andrew
Rowe, Robert	Slocum, Lee	Souza, Kathleen	Wheeler, James
MERRIMACK			
Anderson, Eric	Danforth, James	Field, William	Kennedy, Richard
Langlais, Thomas	Marple, Richard	Maxfield, Roy	Soltani, Tony
ROCKINGHAM			
Allen, Mary	Bettencourt, David	Bishop, Franklin	Bridle, Russell
Cady, Harriet	Camm, Kevin	Carson, Sharon	Dodge, Robert
Dumaine, Dudley	Forsing, Robert	Garrity, James	Headd, James
Hopfgarten, Paul	Hughes, Daniel	Introne, Robert	Itse, Daniel
Johnson, Rogers	McKinney, Betsy	McMahon, Charles	Nowe, Ronald
Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew	Waterhouse, Kevin
Zolla, William			
STRAFFORD			
Bickford, David	Chaplin, Duncan	Hollinger, Jeffrey	Newton, Clifford
SULLIVAN			
None			

and the committee report was adopted.

WITHOUT OBJECTION

Without objection, the Chair ordered that since the House was technically still in the March 9, 2005 session, any leave of absence requests received by the Clerk today will be granted, unless otherwise ordered by the House.

LEAVES OF ABSENCE

Reps. Albert, Baroody, Fesh, Donald Flanders, Foote, Hutchinson, Stephen L'Heureux, Morneau, Nedeau, Packard, Palangas, Palazzo, Stevens, and Weldy, the day, illness.
Reps. Charles Clark, Dexter, Donahue, Dowling, Foose, Ginsburg, Greco, Hagan, Hebert, Lawrence, Lund, Michon, Miller, Pepino, Powers, Rausch, Reed, Rochette, Stella Scamman,

W. Douglas Scamman, Scanlon, Serlin, Tobin, Twombly, and Velez, the day, important business.

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

Rep. Kimberly Shaw and Rolston, the day, death in the family.

The House recessed at 12:00 p.m.

RECESS

(Deputy Speaker Weyler in the Chair)

The House reconvened at 1:40 p.m.

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 624-FN, relative to penalties in certain health and health-related professions.

INEXPEDIENT TO LEGISLATE

Rep. Alida I. Millham for Executive Departments and Administration: The intent of this bill is to make the penalties for practicing without a license consistent across all the health and health related professions. Upon study, it appeared that a penalty that would work for one profession would not necessarily work for another. Also, there was no evidence that the penalty clause in each of the health and health care professions practice laws was not working and it was determined that any problems with the clause could be dealt with on a case by case basis. On the initial vote in executive session the committee voted 16-2 inexpedient to legislate. The sponsor requested, reconsideration because of new information that was not given during the initial hearing and a subcommittee hearing. Upon review, the committee once again voted inexpedient to legislate by the same vote. Vote 16-2.

Rep. Bergin moved Recommit to committee and spoke in favor.

Adopted.

Recommitted to the Committee on Executive Departments and Administration.

SB 39, relative to disinterment of dead bodies. **OUGHT TO PASS**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee recognized the sensitive issue involved in this bill. The main purpose of this bill is to clarify notification to surviving family members that a request for disinterment permit has been requested. The bill requires written notice of the request and sufficient time to object to the disinterment before the permit is issued. Therefore, the trustees of cemeteries are not allowing a disinterment without appropriate notice. This bill would not affect an order by a county attorney or the attorney general who disinters a body for autopsy purposes. Vote 17-0.

Rep. MacKay offered floor amendment (0509h).

Floor Amendment (0509h)

Amend RSA 290:5 as inserted by section 1 of the bill by replacing it with the following:

290:5 Burial Permit Required. No interment of the dead body of a human being, nor disposition of the body in a tomb or vault, shall be made without a permit, and only in accordance with it. No disinterment, except as otherwise provided in this chapter, of the dead body of a human being shall be made without a permit from the department of health and human services, countersigned by the local health officer, and only in accordance with such permit. ***Before a disinterment permit is granted, the surviving spouse, parents, and children, who are 18 years of age or older, of the deceased human being shall be given written notice by certified mail of the disinterment request and shall be afforded 10 days from the written notice to object to the disinterment before the permit is issued.*** Such disinterment permit shall not be required for removal of such dead body from a tomb or vault for the purpose of burial, for reinterment of dead bodies after discontinuance of a public cemetery, as provided in RSA 289:15 and 289:16, if a body is to be

removed within the geographic boundaries of the same cemetery, nor in a case where an autopsy has been ordered by a county attorney or the attorney general. No person shall assist in, assent to, or allow an interment or disinterment to be made until a permit has been obtained under this section. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

Rep. MacKay spoke in favor and yielded to questions.

Floor amendment (0509h) adopted.

Report adopted and ordered to third reading.

HB 682-FN, requiring an informational statement regarding the powers of district courts.
INEXPEDIENT TO LEGISLATE

Rep. Cynthia J. Dokmo for Judiciary: This bill would require the District Court to include, with every summons, a written statement that participants in the court proceedings have no constitutional rights. This is simply not accurate. District Courts were created by the legislature pursuant to Part II, Article 72-a of the New Hampshire Constitution. The justices are constitutional officers, who take the oath of office swearing to uphold the constitution. All participants in district court proceedings enjoy the same constitutional rights and protections as do participants in so-called "constitutional courts." For these reasons, the committee voted unanimously to recommend ITL. Vote 15-0.

Rep. Marple spoke against and yielded to questions.

Rep. Dokmo spoke in favor.

Report adopted.

HB 524, relative to outsourcing of jobs. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Giuda for Labor, Industrial and Rehabilitative Services: While the intent of the bill is laudable, as proposed it would in fact be grossly punitive and contrary to the accepted reality of globalization which in fact can result in substantial cost savings and job savings if offshore outsourcing is managed rather than repudiated. This bill's provisions would not prevent large companies from dropping New Hampshire as a market, and could cause greater loss of jobs if passed. Vote 14-0.

Rep. Bridle moved Recommit to committee.

Adopted.

Recommitted to Labor, Industrial and Rehabilitative Services.

HB 81, allowing municipalities to grant 2 veterans' tax credits in a single household.

INEXPEDIENT TO LEGISLATE

Rep. Eric G Stohl for Municipal and County Government: This bill was an attempt to expand the veteran's credit against property taxes to an additional qualifying person residing in the same household. The committee heard testimony as to the complexities involved in attempting to administer this tax credit. Some of the difficulties that the committee heard ranged from documenting residency in the household to researching whether or not the additional person's name was actually on the deed that was recorded at the county registry of deeds. Although the intent of the sponsors is admirable, the committee feels that this bill would create more problems than value. There was testimony that this bill would apply to very limited, if any, current situations. Vote 15-0.

Rep. Hawkins spoke against.

Rep. Dickinson spoke against and yielded to questions.

Reps. Gillick and Stohl spoke in favor.

Rep. Hawkins requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 200 NAYS 102			

YEAS 200			
BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	Heald, Bruce
Millham, Alida	Rosen, Ralph	Russell, David	Thomas, John
Veazey, John	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Knox, J David
Martin, James	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Espiefs, Peter
Mitchell, Bonnie	Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr
Pratt, John	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon
Tilton, Anna			
COOS			
Merrick, Scott	Richardson, Herbert	Stohl, Eric	Theberge, Robert
Tholl, John Jr			
GRAFTON			
Alger, John	Almy, Susan	Andersen, Gene	Barker, Robert
Bleyler, Ruth	Cooney, Mary	Hammond, Lee	Harding, A Laurie
Ingbretson, Paul	Maybeck, Margie	McLeod, Martha	Mirski, Paul
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Ward, John			
HILLSBOROUGH			
Balboni, Michael	Batula, Peter	Beaulieu, Jane	Bergeron, Jean-Guy
Bergin, Peter	Biundo, Michael	Brundige, Robert	Buhlman, David
Calawa, Leon Jr	Campbell, David	Carlson, Donald	Carter, Mark
Chabot, Robert	Chase, Claudia	Christiansen, Lars	Clemons, Jane
Cote, Peter	Craig, James	Desmarais, Vivian	DeVries, Betsi
Drisko, Richard	Emerton, Larry	Essex, David	Foster, Linda
Gargas, Carolyn	Golding, William	Hall, Betty	Harvey, Suzanne
Hirschmann, Keith	Hunter, Bruce	Irwin, Anne-Marie	Jean, Claudette
Kopka, Angeline	Kurk, Neal	L'Heureux, Robert	Matarazzo, Anthony Sr
Movsesian, Lori	O'Connell, Timothy	Pilotte, Maurice	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rosenwald, Cindy	Schulze, Joan
Slocum, Lee	Smith, David	Souza, Kathleen	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, Robert		
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire	Danforth, James
DeJoie, John	DeStefano, Stephen	French, Barbara	Gile, Mary

Hager, Elizabeth	Hamm, Christine	Hess, David	Kidder, David
Klose, John	Langlais, Thomas	Lockwood, Priscilla	Mackay, James
Maxfield, Roy	Oliver, James	Osborne, Jessie	Potter, Frances
Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Buxton, Donald	Cady, Harriet	Carson, Sharon	Casey, Kimberley
Charron, Gene	Coburn, James	Dowd, John	Flanders, John Sr
Flockhart, Eileen	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Hopfgarten, Paul
Ingram, Russell	Johnson, Robert	Johnson, Rogers	Kobel, Rudolph
Langley, Jane	Mason, April	McMahon, Charles	Moody, Marcia
O'Neil, Michael	Parker, Benjamin	Priestley, Anne	Putnam, Ed II
Robertson, Carl	Sanders, Elisabeth	Smith, Paul	Stiles, Nancy
Stone, Joseph	Welch, David	Wells, Roger	Wiley, Robert
Winchell, George	Zolla, William		
STRAFFORD			
Callaghan, Frank	Campbell, W Packy	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Grassie, Anne	Hilliard, Dana	Johnson, Nancy
Kaen, Naida	Knowles, William	Newton, Clifford	Schmidt, Peter
Smith, Marjorie	Snyder, Clair	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Ferland, Brenda	Franklin, Peter	Gale, Harry
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Prichard, Stephen	Rodeschin, Beverly
NAYS 102			
BELKNAP			
Morrison, Gail	Pilliod, James	Tilton, Franklin	
CARROLL			
Babson, David Jr	Buco, Thomas	Dickinson, Howard	McConkey, Mark
CHESHIRE			
Hogancamp, Deborah	Hunt, John	Richardson, Barbara	Weed, Charles
COOS			
King, Frederick	Remick, William		
GRAFTON			
Benn, Bernard	Gionet, Edmond	Ham, Bonnie	Sorg, Gregory
Williams, Burton			

HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Barry, J Gail	Brassard, Paul
Carew, James	Cote, David	Daniuk, Caitlin	Dokmo, Cynthia
Dyer, Donald	Egbers, Fran	Elliott, Nancy	Francoeur, Bea
Gibson, John	Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary
Goyette, Peter Jr	Graham, John	Hansen, Ryan	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Holden, Randolph	Jasper, Shawn
Lefebvre, Roland	McRae, Karen	Mead, Robert	Messier, Irene
Mooney, Maureen	O'Brien, William	Ober, Lynne	Pappas, Christopher
Rowe, Robert	Ryder, Donald	Stepanek, Stephen	Ulery, Jordan
Wheeler, James			
MERRIMACK			
Anderson, Eric	Currier, David	Field, William	Kennedy, Richard
Marple, Richard	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Soltani, Tony	Tupper, Frank		
ROCKINGHAM			
Allen, Mary	Bishop, Franklin	Blanchard, MaryAnn	Bridle, Russell
Camm, Kevin	Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert
Dumaine, Dudley	Forsing, Robert	Headd, James	Introne, Robert
Katsakiores, George	Katsakiores, Phyllis	Major, Norman	Morris, Richard
Nowe, Ronald	Quandt, Marshall Lee	Quandt, Matthew	Splaine, James
Waterhouse, Kevin	Weare, E Albert		
STRAFFORD			
Berube, Roger	Brown, Jennifer	Cataldo, Sam	Chaplin, Duncan
Cilley, Jacalyn	Easson, Timothy	Goodwin, Earle	Heon, Richard
Hofemann, Roland	Keans, Sandra	Rollo, Michael	
SULLIVAN			
Converse, Larry	Donovan, Thomas	Irish, Christopher	Phinizy, James

and the committee report was adopted.

HB 414, relative to regulation of municipal waste combustors. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lee G. Slocum for Science, Technology and Energy: This bill changes the environmental operating requirements for small incinerators so that they are the same as large incinerators, that is, the constraints on what can be emitted in the way of toxic chemicals are made more severe. The effective date for the bill is January 1, 2006 which leaves sufficient time for the only incinerator affected to be upgraded. This is a significant improvement for the residents of the Claremont region and they should be quite happy about it. Vote 15-0.

Amendment (0406h)

Amend the introductory paragraph of RSA 125-C:10-a as inserted by section 1 of the bill by replacing it with the following:

Any municipal waste combustor, as defined in RSA 125-M:2, XI, with a design capacity of at least 35 tons per day but no more than 250 tons per day of municipal solid waste, as defined in RSA 125-M:2, X, shall be limited to the following levels of emissions, unless otherwise provided for by a more stringent federal regulation, or by other state statute:

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 2006.

Adopted.

Rep. Phinizy spoke against.

Rep. Slocum spoke in favor.

Committee report adopted and ordered to third reading.

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 23, 2005.

Adopted.

LATE SESSION

Third reading and final passage

HB 61, extending the family law task force.

HB 223, relative to the procedure for assignment of juvenile probation and parole officers

HB 280, relative to the manner of service in divorce and child custody proceedings.

HB 456-FN, relative to inhaling toxic vapors.

HB 303-FN, relative to the fire standards and training commission.

HB 382, establishing a committee to develop a strategic capital plan for department of corrections' facilities.

HB 443, relative to the statute of limitations for fire code violations.

HB 692-FN-L, relative to the county department of corrections.

HB 308, relative to the special education payment distribution schedule and relative to alternative dispute resolution proceedings in special education.

HB 448-FN, relative to the collection of certain fees by the postsecondary education commission.

HB 483, relative to instructions to be placed on the general election ballot.

HB 353, relative to consent to haul lobster and crab gear of license holders.

HB 444, relative to the surrender and condemnation of game animals to the fish and game department.

HB 445, relative to the taking of certain game birds and fur-bearing animals.

HB 446, relative to applications for resident hunting or fishing licenses.

HB 681-FN, relative to training, quality assurance, and licensing of assisted living facilities.

HB 697-FN, establishing a commission to study medicaid reimbursement rates for pharmacy providers.

HB 288-FN, establishing a commission to effect the process for the town of Killington, Vermont to become part of the state of New Hampshire.

HB 512, establishing a commission to study property tax relief and reverse mortgages.

HB 157, establishing a commission to study procurement methods for public works projects by state and local government agencies.

HB 340, renaming Jones Brook Wildlife Management Area in Strafford County for former chairman of the fish and game commission, Ellis Hatch, Jr., and naming a building at the Sandy Point Discovery Center in Stratham for former governor Hugh Gregg.

HB 540-FN, relative to the disposal of real property purchased with highway or turnpike funds.

HB 279, relative to the classification of Spofford Lake in Chesterfield, New Hampshire.

HB 185, establishing a committee to study maximizing the incentives for the voluntary use of renewable energy in New Hampshire as defined in RSA 374-F:3.

HB 568, establishing the greater Derry-Salem cooperative alliance for regional transportation.

HB 462, prohibiting road toll refunds for idling time.

HB 450-FN-A extending the commission to study child support and related child custody issues and relative to hiring economists to assist in revising the child support guidelines and making an appropriation therefor.

HB 339, relative to electioneering at polling places.

HB 604-FN, discontinuing the use of tokens.

HB 625-FN-L, authorizing borrowing from the state revolving loan fund for the Winnepesaukee River Basin project

HB 574-FN, requiring the reporting of burn injuries

HB 252, requiring bail hearings for persons arrested for probation violations.

SB 39, relative to disinterment of dead bodies.

HB 414, relative to regulation of municipal waste combustors.

UNANIMOUS CONSENT

Reps. Cady, Patten and Theberge addressed the House.

INTRODUCTION OF GUESTS

A delegation from Albania sponsored by the World Affairs Council and the United States State Department, guests of the House.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills and receiving Senate messages only.

Adopted.

The House recessed at 2:35 p.m.

RECESS

(Rep. Jasper in the Chair)

RESOLUTION

Rep. Franklin offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 5, 18, 40, 58, 63, 66, 70, 72, 77, 78, 99, 104, 117, 140, 150, 152, 172, 192, 211, 219 and 222, Senate Concurrent Resolution 4, Senate Joint Resolution 2, 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 5, establishing a commission to study the state park system. (Resources, Recreation and Development)

SB 18, relative to sales of tickets for pure lotteries by those not employed by the lottery commission. (Ways and Means)

SB 40, permitting special school district meetings to be held in conjunction with the biennial election in certain school districts. (Education)

SB 58-FN, making certain changes in the workers' compensation law. (Labor, Industrial and Rehabilitative Services)

SB 63-FN-A, establishing a court mediation fund to pay the costs of a mediation program in the district courts. (Judiciary)

SB 66, establishing a committee to study the creation of a northern New England purchasing alliance for small business health insurance. (Commerce)

SB 70, relative to the powers of special corporations. (Executive Departments and

Administration)

SB 72, relative to the licensing of public adjusters. (Executive Departments and Administration)

SB 77, relative to the review of proposed health care provider contracts. (Commerce)

SB 78, relative to payment of health care providers by health carriers. (Commerce)

SB 99-FN, relative to the penalty for failure to file a property inventory form. (Municipal and County Government)

SB 104-FN, relative to the tax exemption for water and air pollution control facilities. (Municipal and County Government)

SB 117-FN, relative to utility property tax appeals. (Municipal and County Government)

SB 140, relative to the acceptance of in-lieu payments for the restoration or creation of wetlands and the preservation of upland areas adjacent to wetland areas. (Environment and Agriculture)

SB 150-FN, relative to application fees for certain bank incorporations. (Commerce)

SB 152-FN, relative to audits by the department of revenue administration of enhanced 911 charges and relative to the confidentiality of information collected by the department of safety regarding the surcharge for the enhanced 911 system. (Science, Technology and Energy)

SB 172, establishing a committee to study a medical fee schedule for workers' compensation. (Labor, Industrial and Rehabilitative Services)

SB 192, relative to service in a war or conflict qualifying for the veterans' tax credit. (Municipal and County Government)

SB 211-FN, relative to pharmaceutical marketers. (Commerce)

SB 219-FN, relative to examinations under workers' compensation. (Labor, Industrial and Rehabilitative Services)

SB 222-FN, relative to cumulative trauma under workers' compensation. (Labor, Industrial and Rehabilitative Services)

SCR 4, a resolution supporting federal funding for Lyme disease research. (Health, Human Services and Elderly Affairs)

SJR 2, a resolution urging Congress to reject the Streamlined Sales Tax Project. (State-Federal Relations and Veterans Affairs)

RECESS

COMMITTEE ASSIGNMENT
(Speaker Scamman in the Chair)

Rep. Kenneth L. Weyler on Finance.

RECESS

(Rep. Easson in the Chair)
RESOLUTION

Rep. Carter 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 Bills numbered 25 and 722, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS
First, second reading and referral

HB 25-FN-A, making appropriations for capital improvements. (Chandler, Carr 1: Public Works and Highways)

HB 722, relative to the spreading of biosolids in certain designated areas. (Babson, Carr 3:

Environment and Agriculture)

RECESS

(Rep. Weyler in the Chair)

RESOLUTION

Rep. Craig 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 1, 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 BILLS

First, second reading and referral

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006 and June 30, 2007. (King, Coos 1: Finance)

RECESS