

HOUSE RECORD

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

Vol. 27

Concord, N.H.

Wednesday, March 30, 2005

No. 30

HOUSE JOURNAL No. 10 (cont.)

Thursday, March 31, 2005

RECESS

(Speaker Scamman in the Chair)

The Speaker called the recessed session of March 30, 2005 to order at 10:00 a.m.

LEAVES OF ABSENCE

Reps. Albert, Alger, Claire Clarke, Peter Cote, Dyer, Egbers, Hall, Oliver, Palangas, Palazzo and Ulery, the day, illness.

Reps. Baines, Bicknell, W. Packy Campbell, William Chase, Clayton, Clemons, Gonzalez, Greco, Headd, Hellwig, Hogancamp, Hollinger, Lary, Matarazzo, Millham, Pepino, Serlin and Burton Williams, the day, important business.

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

Rep. Paula Johnson, the day, death in the family.

INTRODUCTION OF GUESTS

Katherine Drisko, Taylor and Maggie Rose Pearson, wife and grandchildren of Rep. Drisko. Michael, Laura and Sarah Carenbauer, and Sik Yuk Lee, brother, sister-in-law, niece and guest, guests of Rep. Hamm. Jay Bowers, guest of Rep. Ryan. Presentation of Mary Academy 4th grade class, guests of the Hudson delegation. Patricia Higgins and Salim al-Khaldi, guests of the Hanover/Lyme delegation.

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that the House Rules be so far suspended as to permit the deadlines of:

Wednesday, March 30, 2005, the last day to act on House bills not in a second committee be moved to Wednesday, April 6, 2005;

Thursday, April 7, 2005, last day to report all House bills for action in 1st year session, last day to hold public hearing on retained House bills, and last day to report list of retained House bills, be moved to Thursday, April 14, 2005;

Wednesday, April 13, 2005, last day to act on House bills, CROSSOVER, be moved to Wednesday, April 20, 2005.

Rep. O'Neil spoke in favor.

Adopted by the necessary two-thirds.

CLERK'S NOTE

The suspension of rules pertains to the following House Bills:

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.

HB 2-FN-A, relative to state fees, funds, revenue, and expenditures.

HB 25-FN-A, making appropriations for capital improvements.

HB 59-FN-L, relative to municipal responsibility for septage disposal.

HB 78-FN-L, relative to state funding of regional vocational education centers.

HB 191-FN, relative to using school building aid for leased class.

HB 210-FN, relative to the determination of absence and return of contributions of members of the retirement system.

HB 216-FN, relative to the authority of the New Hampshire retirement system to purchase supplies and services.

HB 222-FN, relative to payment of medical benefits costs for disabled group II members of the retirement system.

HB 234-FN, relative to the development of a closed state municipal information network by the office of information technology

HB 304-FN-A, relative to federal highway grant anticipation bonds.

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.

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.

HB 616-FN-L, revising the calculation and distribution of adequate education grants.

HB 643-FN, establishing an integrated criminal justice information system.

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.

HB 662-FN-A, making an appropriation to the department of health and human services for family mutual support services.

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.

HB 686-FN, relative to the judicial branch family division.

HB 687-FN, relative to tuition waivers for children and spouses of members of the armed forces who die while on active duty.

HB 691-FN-L, relative to the medicaid program.

HB 692-FN-L, relative to the county department of corrections.

HB 698-FN, relative to penalty assessments.

HB 718-FN-A, relative to group life insurance for New Hampshire citizens serving in the military reserves or national guard and making an appropriation therefore.

HB 302, establishing a county mileage surcharge for service of documents by county sheriffs.

HB 313-FN, relative to registration of business entities.

HB 407-FN-L, relative to licensing of dogs.

HB 430-FN-A, establishing a one-day resident fishing license.

HB 477-FN, increasing registration fees for pesticides and commercial feeds.

HB 597-FN-A, relative to the natural heritage inventory program.

HB 651-FN-L, relative to federal lien registration.

HB 623-FN, relative to licensing requirements in the insurance and financial services industries.

HB 257, relative to emergency medical and trauma service protocols and quality assurance program.

HB 535-FN-A, increasing the tobacco tax.

SPECIAL ORDER

Rep. Carter moved that **CACR 17**, relating to the encouragement of literature. Providing that the importance of education to a prosperous and democratic society be considered when allocating the resources of the state, be made a Special Order as the first order of business after today's lunch recess.

On a division vote, 162 members having voted in the affirmative and 149 in the negative, the motion to Special Order was adopted.

REGULAR CALENDAR – PART II (CONT'D.)

HB 132, relative to grounds for dismissal of a teacher. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. J. Timothy Dunn for the Majority of Education: This bill changes the grounds for mid-contract teacher dismissals and opens the door to contradictory local standards and arbitrary dismissals. Local school boards already have the authority and currently can dismiss any teacher who has not satisfactorily maintained the performance standards as stated in school district standards. This power is currently held jointly by administration and school boards. This bill is no longer necessary. Vote 12-10.

Rep. Mark S. Carter for the Minority of Education: Quite simply, this bill improves current law and enhances local control relative to teacher dismissal. RSA 189:13 allows a school board to dismiss for "incompetence," a highly subjective term. Under HB 132 a school board could dismiss a teacher "who has not satisfactorily maintained the performance standards established by the school district;" thus making the parameters for dismissal clear to all parties, and enhancing local control of teacher dismissal policy. This bill was supported by the New Hampshire School Boards Association, the New Hampshire School Administration Association, and the former State Board of Education Chairman. It was opposed only by the NEA. The minority believes that the broader cross section of the New Hampshire population represented by the House will support an Ought to Pass motion once the ITL motion is defeated.

Rep. Carter spoke against.

Rep. Dunn spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 161 NAYS 170			
YEAS 161			
BELKNAP			
Heald, Bruce	Morrison, Gail	Pilliod, James	Russell, David
Tobin, William			
CARROLL			
Buco, Thomas	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	Roberts, Kris
Robertson, Timothy	Tilton, Anna	Weed, Charles	
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Remick, William

Theberge, Robert			
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Brassard, Paul	Carlson, Donald
Chabot, Robert	Chase, Claudia	Cote, David	Craig, James
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Drisko, Richard
Essex, David	Foster, Linda	Garrity, Patrick	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haley, Robert	Harvey, Suzanne
Hawkins, Ken	Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette
Kopka, Angeline	Lasky, Bette	Martin, Mary Ellen	Messier, Irene
Movsesian, Lori	Pappas, Christopher	Pilotte, Maurice	Rochette, Eric
Rosenwald, Cindy	Ryder, Donald	Schulze, Joan	Shaw, Barbara
Shaw, Kimberly	Smith, David	Souza, Kathleen	Sullivan, Francis
Velez, Hector			
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Currier, David
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	Klose, John	L'Heureux, Stephen
Lockwood, Priscilla	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Potter, Frances	Reardon, Tara	Reed, Dennis	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Walz, Mary Beth
Whiting, Herbert	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Bridle, Russell	Cali-Pitts, Jacqueline
Casey, Kimberley	DiFruscia, Anthony	Flockhart, Eileen	Gould, Kenneth
Hughes, Daniel	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Norelli, Terie	Powers, James	Quandt, Marshall Lee
Quandt, Matthew	Robertson, Carl	Splaine, James	Wiley, Robert
STRAFFORD			
Berube, Roger	Brown, Julie	Brown, Lawrence	Callaghan, Frank
Cataldo, Sam	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Goodwin, Earle	Grassie, Anne	Hofemann, Roland	Johnson, Nancy
Keans, Sandra	Knowles, William	Miller, Joseph	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	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James

Prichard, Stephen			
NAYS 170			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Nedeau, Stephen	Rosen, Ralph	Thomas, John
Tilton, Franklin	Veazey, John	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Martin, James	McConkey, Mark	Merrow, Harry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	
CHESHIRE			
Dexter, Judson	Emerson, Susan	Foote, Sheila	Hunt, John
Pelkey, Stephen	Sawyer, Sheldon		
COOS			
King, Frederick	Morneau, Renney	Richardson, Herbert	Stohl, Eric
Tholl, John Jr			
GRAFTON			
Barker, Robert	Gionet, Edmond	Ham, Bonnie	Ingbretson, Paul
Maybeck, Margie	Mirski, Paul	Naro, Debra	Sorg, Gregory
Ward, John			
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Allan, Nelson	Balboni, Michael
Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Biundo, Michael	Boehm, Ralph	Brundige, Robert	Buhlman, David
Carew, James	Carter, Mark	Christensen, D L Chris	Christiansen, Lars
Coughlin, Pamela	Dokmo, Cynthia	Elliott, Nancy	Emerton, Larry
Francoeur, Bea	Gargas, Carolyn	Gibson, John	Golding, William
Goyette, Peter Jr	Graham, John	Hansen, Ryan	Hinkle, Peyton
Hirschmann, Keith	Hunter, Bruce	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	Lessard, Rudy	Manney, Pamela	McRae, Karen
Mead, Robert	Mooney, Maureen	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Ross, Lawrence	Rowe, Robert	Slocum, Lee	Stepanek, Stephen
Sullivan, Peter	Tahir, Saghir	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, James	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Danforth, James	Field, William	Hess, David
Kennedy, Richard	Kidder, David	Langlais, Thomas	MacKay, James
Marple, Richard	Maxfield, Roy		

ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bishop, Franklin
Buxton, Donald	Cady, Harriet	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	Cooney, Richard	Dalrymple, Janeen
Dodge, Robert	Dowd, John	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Forsing, Robert	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Gillick, Thomas	Griffin, Mary	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Lund, Howie	Major, Norman	Manning, John	Mason, April
McKinney, Betsy	McMahon, Charles	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Priestley, Anne	Putnam, Ed II	Rausch, James
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Smith, Paul
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman	Wells, Roger	Weyler, Kenneth
Winchell, George	Zolla, William		
STRAFFORD			
Bickford, David	Chaplin, Duncan	Easson, Timothy	Newton, Clifford
Twombly, James			
SULLIVAN			
Gale, Harry	Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly

and the majority committee report failed.

Rep. Carter moved Ought to Pass with Amendment and offered floor amendment (0930h).

Floor Amendment (0930h)

Amend RSA 189:13 as inserted by section 1 of the bill by replacing it with the following:

189:13 Dismissal of Teacher. The school board may dismiss any teacher found by them to be immoral [~~or incompetent~~], ***or who has not satisfactorily maintained the performance standards established by the school district***, or one who [~~shall~~] ***does*** not conform to regulations prescribed; provided, that no teacher shall be so dismissed before the expiration of the period for which said teacher was engaged without having previously been notified of the cause of such dismissal, nor without having previously been granted a full and fair hearing

Rep. Carter spoke in favor and yielded to questions.

On a division vote, 193 members having voted in the affirmative and 141 in the negative, floor amendment (0930h) was adopted.

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

Motion adopted and ordered to third reading.

HB 346-L, relative to the procedures for withdrawal from a multi-town school district.

INEXPEDIENT TO LEGISLATE

Rep. Debra A. Naro for Education: The committee, due to a drafting error on the amendment, made a procedural decision to recommend inexpedient to legislate. This action was necessary as executive session occurred beyond the operational hours of the office of legislative services. The committee, with the cooperation of the prime sponsor, chose this course of action with the understanding that a floor amendment will be offered with committee support to overturn the inexpedient to legislate motion and offer a corrected amendment. Vote 17-1.

Rep. Stephen L'Heureux spoke against.

Committee report failed.

Rep. Drisko moved Ought to Pass and offered floor amendment (0912h).

Floor Amendment (0912h)

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

AN ACT relative to the procedure for withdrawal from a cooperative school district.

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

1 Cooperative School Districts; Procedure for Withdrawal. Amend RSA 195:25 to read as follows:

195:25 Procedure for Withdrawal. After the tenth anniversary of the date of operating responsibility, the school board of a cooperative school district may undertake a study of the feasibility and suitability of the withdrawal of one or more member districts from the cooperative district. A similar study shall be undertaken if, after the tenth anniversary of the date of operating responsibility, a pre-existing district shall, by a majority vote on a warrant article at a regular or special town meeting, direct the school board to conduct such a study. The study shall be conducted by a committee composed of at least one member of the school board from each of the pre-existing districts, one member of the board of selectmen from each town, and such other members as may be appointed by the committee. Within ~~[120]~~ 180 days after the date of its formation, the committee shall report its findings to the state board of education. ~~[The report may make a recommendation as to the withdrawal of a member district or districts; and, if this is done, the report shall contain a plan for the education of the pupils in the withdrawing district as well as in the cooperative district. The report shall further include a detailed analysis of the financial and educational consequences of the proposed withdrawal.]~~ ***The committee shall submit to the state board of education either a report that withdrawal is not feasible or suitable, or a report that includes a withdrawal plan prepared in accordance with RSA 195:26. If the committee determines that withdrawal is not feasible or suitable, the town which voted to undertake the study may submit a minority report at the same time as the committee report is filed with the state board of education. If the committee report does not include a withdrawal plan, the minority report may include a withdrawal plan prepared in accordance RSA 195:26. If the state board approves a withdrawal plan, whether submitted by the committee or by minority report, the plan shall be submitted to the voters of the cooperative school district in accordance with RSA 195:29.***

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

AMENDED ANALYSIS

This bill amends the procedure for withdrawal from a cooperative school district and allows the town which voted to undertake the withdrawal study to submit a minority report to the state board of education.

Floor amendment (0912h) adopted.

Motion of Ought to Pass with Amendment adopted.

Ordered to third reading.

HB 406, revising certain provisions of the home education statutes. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Timothy E. Easson for the Majority of Education: Currently, home school parents have to spend hours creating a curriculum for the year. Actual practice shows that the curriculum is often deviated from as the year progresses in order to provide further emphasis where needed, or to allow the teaching to become tailored to the child's interests. The philosophy behind the current home school laws is that the home schools achieve flexibility in curriculum and methods in exchange for producing results. If the specification of curriculum is removed, there will still be the requirement to teach required subjects per RSA 193-A: 4 and there will still be an evaluation process to ensure results per RSA 193-A: 6. The

committee heard testimony that there is no correlation between the test scores of home schooled students and the amount of regulation on home school programs. The committee agreed that if regulation levels have no net effect on home schooled children's education progress, then reducing those regulations makes sense, as it can benefit those parents who otherwise must spend hours attempting to comply with regulations, and helps reduce unnecessary paperwork costs to local schools. Dozens of people attended the hearing during which there was no testimony against the bill. Vote 12-9.

Rep. Deanna P. Rush for the Minority of Education: This bill seeks to remove the oversight authority of the Commissioner of the Department of Education as it pertains to the planning of curriculum for home schooled students. Home schooled students are required (1) to give written notice to the state, (2) to submit a curriculum plan for approval, and (3) to perform an annual evaluation, usually a NEAP test. This bill would remove the second requirement of providing the State Department of Education with a curriculum plan. The minority of the committee feels that planning and developing curriculum guidelines is an important step in providing a good educational program for all children, and it recommends that we keep that requirement in statute.

Amendment (0792h)

Amend the bill by deleting section 4 and renumbering the original sections 5-8 to read as 4-7, respectively.

Majority amendment adopted.

Rep. Rush spoke against.

Rep. Easson spoke in favor.

Rep. Newton requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 176 NAYS 162			
YEAS 176			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Nedeau, Stephen	Rosen, Ralph	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Veazey, John
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Stevens, Stanley			
CHESHIRE			
Emerson, Susan	Hunt, John	Pelkey, Stephen	Sawyer, Sheldon
COOS			
King, Frederick	Merrick, Scott	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	
GRAFTON			
Barker, Robert	Gionet, Edmond	Ingbretson, Paul	Maybeck, Margie
McLeod, Martha	Mirski, Paul	Naro, Debra	Sorg, Gregory

HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Allan, Nelson	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph
Brassard, Paul	Brundige, Robert	Buhlman, David	Carew, James
Carlson, Donald	Carter, Mark	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Coughlin, Pamela	Desmarais, Vivian	DeVries, Betsi
Elliott, Nancy	Emerton, Larry	Francoeur, Bea	Gibson, John
Golding, William	Goyette, Peter Jr	Hansen, Ryan	Hawkins, Ken
Hinkle, Peyton	Hirschmann, Keith	Hunter, Bruce	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Martin, Mary Ellen	McRae, Karen
Mead, Robert	Messier, Irene	Mooney, Maureen	O'Brien, William
Ober, Lynne	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Rochette, Eric	Ross, Lawrence	Rowe, Robert	Slocum, Lee
Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir	Vaillancourt, Steve
Velez, Hector	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	Field, William
Hess, David	Kennedy, Richard	Klose, John	L'Heureux, Stephen
Langlais, Thomas	MacKay, James	Marple, Richard	Reed, Dennis
Whiting, Herbert			
ROCKINGHAM			
Allen, Mary	Bettencourt, David	Bishop, Franklin	Buxton, Donald
Cady, Harriet	Camm, Kevin	Carson, Sharon	Charron, Gene
Coburn, James	Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Forsing, Robert
Francoeur, Sheila	Garrity, James	Gillick, Thomas	Griffin, Mary
Hopfgarten, Paul	Ingram, Russell	Introne, Robert	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Lund, Howie	Major, Norman	Manning, John
McKinney, Betsy	McMahon, Charles	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew
Rolston, James	Sanders, Elisabeth	Smith, Paul	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weldy, Norman	Wells, Roger	Weyler, Kenneth	Wiley, Robert
Winchell, George	Zolla, William		
STRAFFORD			
Bickford, David	Cataldo, Sam	Chaplin, Duncan	Easson, Timothy
Newton, Clifford	Twombly, James		
SULLIVAN			
Gale, Harry	Houde-Quimby, Charlotte	Irish, Christopher	Osgood, Philip Sr
Rodeschin, Beverly			
NAYS 162			

BELKNAP			
Fitzgerald, James	Morrison, Gail	Pilliod, James	
CARROLL			
Buco, Thomas	Dickinson, Howard	Knox, J David	Martin, James
Philbrick, Donald			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Foote, Sheila
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			
COOS			
Buzzell, Bernard	Mears, Edgar	Theberge, Robert	
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Ward, John		
HILLSBOROUGH			
Baroody, Benjamin	Barry, J Gail	Beaulieu, Jane	Bergin, Peter
Campbell, David	Chase, Claudia	Cote, David	Craig, James
Daniuk, Caitlin	Dokmo, Cynthia	Essex, David	Foster, Linda
Gargas, Carolyn	Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Graham, John	Haley, Robert	Harvey, Suzanne
Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette	Kopka, Angeline
Lasky, Bette	Lessard, Rudy	Manney, Pamela	Movsesian, Lori
O'Connell, Timothy	Pappas, Christopher	Pilotte, Maurice	Rosenwald, Cindy
Ryder, Donald	Schulze, Joan	Shaw, Barbara	Shaw, Kimberly
Smith, David	Sullivan, Francis	Sullivan, Peter	
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	DeJoie, John
DeStefano, Stephen	Foose, Robert	French, Barbara	Gile, Mary
Hamm, Christine	Kidder, David	Lockwood, Priscilla	Maxfield, Roy
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Asselin, Michael	Belanger, Ronald	Blanchard, MaryAnn
Bridle, Russell	Cali-Pitts, Jacqueline	Casey, Kimberley	Cooney, Richard

Dowd, John	Dowling, Patricia	Flockhart, Eileen	Gilbert, Karl
Gould, Kenneth	Hughes, Daniel	Langley, Jane	Mason, April
Norelli, Terie	Powers, James	Priestley, Anne	Rausch, James
Robertson, Carl	Scamman, Stella	Splaine, James	
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Goodwin, Earle	Grassie, Anne	Hofemann, Roland
Johnson, Nancy	Keans, Sandra	Knowles, William	Miller, Joseph
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	Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen

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

HB 564, permitting the limited use of alcohol in high school culinary arts programs.
INEXPEDIENT TO LEGISLATE

Rep. Timothy E. Easson for Education: The committee heard testimony that high school culinary students could benefit from learning the uses of alcohol in cooking under supervision. While this may be a good idea for some advanced culinary programs in the state, the committee believes that it opens up schools to far too much liability for only a potentially negligible gain. It will be very difficult for schools to keep liquor and wine completely secure from students. Although the committee believes that students who are serious about pursuing culinary careers should learn about cooking with alcohol, it poses too much of a risk for public schools to assume the responsibility for providing instruction that already goes on at post-secondary culinary programs. Vote 12-5.

Rep. Lasky spoke against and yielded to questions.

Rep. Easson spoke in favor.

On a division vote, 204 members having voted in the affirmative and 135 in the negative, the committee report was adopted.

HB 721, prohibiting the department of education and the state board of education from adopting a definition of an adequate education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David W. Hess for the Majority of Education: The rulemaking notice promulgated last fall by the state board of education announcing revisions to the State Minimum Standards for school approval begins: "This rule establishes the substantive elements of an adequate public education ...according to the delegation of authority in RSA 21-N:9,I and RSA 186:8, I". This absolutely, totally and completely misstates both the board's powers and the authority that has been delegated to it. As the General Court has repeatedly asserted, and as the Supreme Court has repeatedly recognized, the General Court and the governor have the power to define a constitutionally adequate education. And that power has never, in any way, shape or form, been delegated to the state board of education or any other unelected bureaucracy. Indeed, the Supreme Court itself said in Claremont II "Thus in the first instance, it is the legislature's obligation, not that of individual members of the board of education, to establish educational standards that comply with constitutional requirements." The board's claim of authority to establish the elements of an adequate education cannot go unanswered lest some enterprising attorney cite our inaction as acquiescence and agreement

with those fallacious assertions of power, thereby committing the General Court to funding all minimum standards promulgated by the board. Vote 13-2.

Rep. Deanna P. Rush for the Minority of Education: The minority of the committee feels that defining adequacy should be a joint role that the legislature share with the state board of education and the department of education. This bill had strong opposition from the New Hampshire School Board Association. They expressed support for a partnership between the legislature, the department of education and the state board of education. This bill is trying to prevent the department of education and the state board of education from doing what is within their field of expertise. The state board has a role in advocating for education.

Majority Amendment (0799h)

Amend paragraph IV of section 1 of the bill by replacing it with the following:

IV. The general court and governor have the power to define a constitutionally adequate education, and therefore any rules proposed or adopted by the department of education or the state board of education which purport to define an adequate education would be unconstitutional and null and void ab initio.

Majority amendment adopted.

Rep. Rous spoke against.

Rep. Hess spoke in favor and yielded to questions.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 243 NAYS 106			
YEAS 243			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Dickinson, Howard	Knox, J David	Martin, James
McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		
CHESHIRE			
Dexter, Judson	Dunn, J Timothy	Emerson, Susan	Foote, Sheila
Hunt, John	Pelkey, Stephen	Roberts, Kris	Sawyer, Sheldon
COOS			
Buzzell, Bernard	King, Frederick	Merrick, Scott	Morneau, Renney
Remick, William	Richardson, Herbert	Stohl, Eric	Tholl, John Jr
GRAFTON			
Barker, Robert	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Ham, Bonnie	Ingbretson, Paul	Maybeck, Margie	Mirski, Paul
Naro, Debra	Sorg, Gregory	Ward, John	

HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Allan, Nelson	Balboni, Michael
Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Biundo, Michael	Boehm, Ralph	Brundige, Robert	Buhlman, David
Carew, James	Carlson, Donald	Carter, Mark	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard
Elliott, Nancy	Emerton, Larry	Essex, David	Foster, Linda
Francoeur, Bea	Gargas, Carolyn	Gibson, John	Golding, William
Goyette, Peter Jr	Graham, John	Haley, Robert	Hansen, Ryan
Hawkins, Ken	Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph
Hunter, Bruce	Infantine, William	Irwin, Anne-Marie	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Lawrence, James	Lessard, Rudy
Manney, Pamela	Martin, Mary Ellen	McRae, Karen	Mead, Robert
Messier, Irene	Mooney, Maureen	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Rochette, Eric	Ross, Lawrence	Rowe, Robert	Ryder, Donald
Shaw, Kimberly	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Tahir, Saghir	Vaillancourt, Steve	Velez, Hector	Villeneuve, Maurice
Wheeler, James	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	DeStefano, Stephen
Field, William	Foose, Robert	Hager, Elizabeth	Hess, David
Kennedy, Richard	Kidder, David	Klose, John	L'Heureux, Stephen
Langlais, Thomas	Lockwood, Priscilla	MacKay, James	Marple, Richard
Maxfield, Roy	Reed, Dennis	Soltani, Tony	Tupper, Frank
Whiting, Herbert			
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bishop, Franklin	Bridle, Russell	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert
Dowd, John	Dowling, Patricia	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Forsing, Robert	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Gillick, Thomas	Gould, Kenneth	Griffin, Mary
Hopfgarten, Paul	Hughes, Daniel	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Lund, Howie	Major, Norman	Manning, John	Mason, April
McKinney, Betsy	McMahon, Charles	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Parker, Benjamin	Priestley, Anne	Putnam, Ed II
Quandt, Marshall Lee	Quandt, Matthew	Rausch, James	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Smith, Paul	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weldy, Norman	Wells, Roger	Weyler, Kenneth	Wiley, Robert
Winchell, George	Zolla, William		

STRAFFORD			
Berube, Roger	Bickford, David	Brown, Julie	Cataldo, Sam
Chaplin, Duncan	Dunlap, Patricia	Easson, Timothy	Goodwin, Earle
Hofemann, Roland	Johnson, Nancy	Keans, Sandra	Knowles, William
Newton, Clifford	Rollo, Michael	Taylor, Kathleen	Twombly, James
SULLIVAN			
Ferland, Brenda	Gale, Harry	Irish, Christopher	Osgood, Philip Sr
Rodeschin, Beverly			
NAYS 106			
BELKNAP			
Morrison, Gail			
CARROLL			
None			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Eaton, Daniel
Espiefs, Peter	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Robertson, Timothy	Tilton, Anna
Weed, Charles			
COOS			
Mears, Edgar	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	Solomon, Peter
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Brassard, Paul	Campbell, David
Chase, Claudia	Cote, David	Craig, James	Daniuk, Caitlin
DeVries, Betsi	Garritty, Patrick	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Harvey, Suzanne	Jean, Claudette	Kopka, Angeline
Lasky, Bette	Movsesian, Lori	Pappas, Christopher	Pilotte, Maurice
Rosenwald, Cindy	Schulze, Joan	Shaw, Barbara	Smith, David
Sullivan, Francis	Sullivan, Peter		
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	DeJoie, John
French, Barbara	Gile, Mary	Hamm, Christine	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Potter, Frances	Reardon, Tara
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles

ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Cali-Pitts, Jacqueline	Casey, Kimberley
Flockhart, Eileen	Norelli, Terie	Powers, James	Robertson, Carl
Splaine, James			
STRAFFORD			
Brown, Jennifer	Brown, Lawrence	Callaghan, Frank	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Grassie, Anne	Kaen, Naida
Miller, Joseph	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Snyder, Clair	Spang, Judith	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen

and the majority report was adopted.

Ordered to third reading.

MOTION TO PRINT DEBATE

Rep. Camm moved that the debate on HB 721 be printed in the Permanent Journal.

On a division vote, 137 members having voted in the affirmative and 209 in the negative, the motion failed.

(Rep. Weyler in the Chair)

CACR 20, relating to election of the attorney general. Providing that the attorney general shall be elected by the house of representatives and the senate. **MAJORITY:**

INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Richard B. Drisko for the Majority of Election Law: This CACR provides for the attorney general to be elected by the House of Representatives and the Senate in the same manner as are the secretary of state and the state treasurer. The majority position weighed the record of a successful history of gubernatorial appointments against the inevitable negatives of politicizing the office. The general history of appointments has generated candidates of high quality. An open election might yield less capable attorneys general. The process does not seem to be broken. Vote 13-4.

Rep. James R. Splaine for the Minority of Election Law: The minority believes that having more people, rather than fewer people, involved in the selection of an important leader is a good thing. Right now, one person, the governor, selects the attorney general and must get three of the five executive councilors to confirm a four-year term. This bill allows for the 424 members of the house and senate to vote, providing for the same process as the selection of our secretary of state and state treasurer, an open process that has worked very well for many decades.

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

Rep. Splaine spoke against.

Rep. Drisko spoke in favor.

Rep. Hess spoke in favor and yielded to questions.

Rep. DiFruscia requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 253 NAYS 91			
YEAS 253			

BELKNAP			
Allen, Janet	Clark, Charles	Fitzgerald, James	Flanders, Donald
Heald, Bruce	Morrison, Gail	Nedeau, Stephen	Pilliod, James
Russell, David	Thomas, John	Tilton, Franklin	Veazey, John
Whalley, Michael			
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Dickinson, Howard	Knox, J David	Martin, James
McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		
CHESHIRE			
Butcher, Suzanne	Butynski, William	Dunn, J Timothy	Eaton, Daniel
Emerson, Susan	Espiefs, Peter	Foote, Sheila	Hunt, John
Mitchell, Bonnie	Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon
Tilton, Anna	Weed, Charles		
COOS			
King, Frederick	Mears, Edgar	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Ham, Bonnie	Hammond, Lee
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Ward, John		
HILLSBOROUGH			
Aboshar, Jeffrey	Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Buhlman, David
Campbell, David	Carew, James	Carter, Mark	Chabot, Robert
Christensen, D L Chris	Coughlin, Pamela	Daniuk, Caitlin	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy
Emerton, Larry	Essex, David	Foster, Linda	Gargas, Carolyn
Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey	Goyette, Peter Jr
Graham, John	Haley, Robert	Hansen, Ryan	Harvey, Suzanne
Hawkins, Ken	Hebert, Raymond	Hirschmann, Keith	Hunter, Bruce
Infantine, William	Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette
Kopka, Angeline	Kurk, Neal	L'Heureux, Robert	Lasky, Bette
Lessard, Rudy	Manney, Pamela	Martin, Mary Ellen	Messier, Irene
Mooney, Maureen	Movsesian, Lori	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Pappas, Christopher	Pilotte, Maurice	Price, Pamela
Reeves, Sandra	Rosenwald, Cindy	Ross, Lawrence	Rowe, Robert
Ryder, Donald	Schulze, Joan	Shaw, Kimberly	Slocum, Lee
Souza, Kathleen	Stepanek, Stephen	Sullivan, Francis	Tahir, Saghir

Velez, Hector	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Currier, David	Danforth, James	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Hess, David
Kidder, David	Klose, John	L'Heureux, Stephen	Langlais, Thomas
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	Osborne, Jessie
Potter, Frances	Reardon, Tara	Reed, Dennis	Rush, Deanna
Shurtleff, Stephen	Tilton, Joy	Walz, Mary Beth	Whiting, Herbert
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Belanger, Ronald	Bridle, Russell	Carson, Sharon
Casey, Kimberley	Charron, Gene	Coburn, James	Cooney, Richard
Dalrymple, Janeen	Dodge, Robert	Dowd, John	Dowling, Patricia
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Flockhart, Eileen
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gillick, Thomas
Gould, Kenneth	Griffin, Mary	Hughes, Daniel	Ingram, Russell
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Lund, Howie	Major, Norman	Manning, John
Mason, April	McKinney, Betsy	McMahon, Charles	O'Neil, Michael
Packard, Sherman	Parker, Benjamin	Powers, James	Priestley, Anne
Putnam, Ed II	Rausch, James	Robertson, Carl	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Smith, Paul	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Wells, Roger
Wiley, Robert	Winchell, George	Zolla, William	
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Callaghan, Frank	Cilley, Jacalyn	Domingo, Baldwin
Dunlap, Patricia	Easson, Timothy	Goodwin, Earle	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Snyder, Clair
Taylor, Kathleen	Wall, Janet		
SULLIVAN			
Converse, Larry	Donovan, Thomas	Franklin, Peter	Gale, Harry
Jillette, Arthur Jr	Osgood, Philip Sr	Prichard, Stephen	Rodeschin, Beverly
NAYS 91			
BELKNAP			
Boyce, Laurie	Rosen, Ralph	Tobin, William	Wendelboe, Fran
CARROLL			
None			
CHESHIRE			

Allen, Peter	Dexter, Judson		
COOS			
Buzzell, Bernard	Merrick, Scott	Theberge, Robert	
GRAFTON			
Barker, Robert	Gionet, Edmond	Giuda, Robert	Harding, A Laurie
Ingbretson, Paul	Maybeck, Margie	Mirski, Paul	Sorg, Gregory
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barry, J Gail
Beaulieu, Jane	Bergin, Peter	Carlson, Donald	Chase, Claudia
Christiansen, Lars	Clark, Mark	Cote, David	Crane, Elenore Casey
Francoeur, Bea	Gibson, John	Golding, William	Gorman, Mary
Hinkle, Peyton	Holden, Randolph	Lawrence, James	McRae, Karen
Mead, Robert	Renzullo, Andrew	Rochette, Eric	Shaw, Barbara
Smith, David	Sullivan, Peter	Vaillancourt, Steve	
MERRIMACK			
DeJoie, John	Field, William	Kennedy, Richard	Marple, Richard
McMahon, Patricia	Owen, Derek	Ryan, Jim	Soltani, Tony
Tupper, Frank	Wallner, Mary Jane		
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Bettencourt, David	Bishop, Franklin
Blanchard, MaryAnn	Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline
Camm, Kevin	DiFruscia, Anthony	Gilbert, Karl	Hopfgarten, Paul
Hutchinson, Karen	Introne, Robert	Itse, Daniel	Johnson, Rogers
Norelli, Terie	Nowe, Ronald	Quandt, Marshall Lee	Quandt, Matthew
Splaine, James	Welch, David	Weldy, Norman	
STRAFFORD			
Cataldo, Sam	Chaplin, Duncan	Creteau, Irene	Grassie, Anne
Hofemann, Roland	Newton, Clifford	Smith, Marjorie	Spang, Judith
Twombly, James			
SULLIVAN			
Cloutier, John	Ferland, Brenda	Houde-Quimby, Charlotte	Irish, Christopher
Phinizy, James			

and the majority committee report was adopted.

Rep. DeStefano did not vote and notified the Clerk that he wished to be recorded in favor.

HB 48, establishing a committee to study ballot reform. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Keith D. Hirschmann for the Majority of Election Law: This bill would establish a committee to study ballot reform proposals including the adoption of “instant runoff voting” and “none of the above” as an option. The majority felt this bill’s aim of reform by considering “none of the above” as an option to a candidate named on the ballot makes a

mockery of the New Hampshire system which the entire country holds the spot light on every four years. Also, “instant runoff voting” would inflict a whole new set of voting problems for our elective process. Vote 12-5.

Rep. Charles F. Weed for the Minority of Election Law: The minority of the Election Law Committee believes that HB 48 potentially provided a vehicle for ballot reform to increase participation in elections. Instant runoff voting would create the opportunity for a greater variety of issues and candidates before the electorate. This could be an effective response to the decline in voter participation rate.

Majority committee report adopted.

HB 183, relative to the nomination of political candidates. **INEXPEDIENT TO LEGISLATE**

Rep. William L. O'Brien for Election Law: This bill would amend the current law that allows a candidate who is nominated as a candidate as a result of running in a primary to also be a nominee of a different party, that is to say, on both sides of the ballot. The bill would forbid a candidate on any party's state primary election ballot from also being a nominee of a different party in the general election. The majority of the committee believes that it is improper to deny primary voters their choice as to who should be the nominees of their parties and thus have party committees make the selection under RSA 655:37. The voters' choices as to their nominees should be respected. Vote 12-5.

Committee report adopted.

HB 424-FN, prohibiting gifts to elected officials. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael D. Whalley for Election Law: This bill, as amended, prohibits any “Elected Official,” meaning the governor, members of the executive council, members of the general court, county commissioners, county sheriffs, county treasurers, county attorneys, registers of deeds and registers of probate, from knowingly accepting any gift of money, cash or equivalent, in any amount. “Gift” shall not include campaign contributions as defined in RSA 664, or a commercially reasonable loan made in the ordinary course of business. The committee has retained a number of bills that deal with, but are not limited to, gifts, reporting, contributions and conflicts of interest. The committee believes that a comprehensive review of these retained bills will produce additional recommendations at a later date. Vote 14-0.

Amendment (0852h)

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

AN ACT prohibiting the receipt of cash gifts by elected officials.

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

1 Definitions. RSA 15-B:1 is repealed and reenacted to read as follows:

I. “Elected official” means the governor, members of the executive council, members of the general court, county commissioners, county sheriffs, county treasurers, county attorneys, registers of deeds, and registers of probate.

II. “Gift” means any money in the form of cash, check, or other negotiable instrument of any value or a thing of value received with a value in excess of \$50. “Gift” shall not include contributions as defined in RSA 664; a commercially reasonable loan made in the ordinary course of business; meals and beverages consumed in the course of official business; ceremonial gifts or awards which have insignificant monetary value; unsolicited gifts of nominal value or trivial items of informational value; reasonable expenses for food, travel and lodging for an in-state meeting at which the elected official participates in a panel or a speaking engagement; gifts of tickets or free admission extended to an elected official to attend charitable or political events, if the purpose of such gift or admission is a courtesy customarily extended to the office; gifts of money or a thing of value received by an elected official that are purely private and personal in nature and would have been received even

were the individual not an elected official, including but not limited to, gifts from relatives by blood or marriage, or a member of the same household. The term "gift" does not include income received by the official in his or her regular course of employment or business or salary, mileage, or expense payments made to the official by the state or county for performance of official duties.

III. "Honorarium" means a payment in the form of cash, check or other negotiable instrument of any value to an elected official for services on which no fee is set or legally obtainable.

2 New Section; Prohibition on Gifts. Amend RSA 15-B by inserting after section 1 the following new section:

15-B:1-a Prohibitions on Gifts. No elected official shall knowingly accept any gift of money in the form of cash, check, or other negotiable instrument of any value. This section shall not be construed to prevent receptions, breakfasts, luncheons, dinners, dances, or picnics or like events from being held for the sole purpose of raising political contributions, provided such contributions comply with and are reported as required by RSA 664.

3 Disclosure Required; Information Required. Amend RSA 15-B:2 and 2-a to read as follows:

15-B:2 Disclosure Required. Every elected state and county official, including members of the general court, shall file a statement annually with the secretary of state by June 15 showing any ~~[income]~~ **gift or honorarium** received by the official during the preceding 12 months ending June 1 ~~[from testimonials, gifts, honorariums, donations, or any other source]~~, when the receipt of such ~~[income]~~ **gift or honorarium** is attributable to the office held by the official. ~~[This report shall not include campaign contributions, income received by the official in his regular course of employment or business or salary, mileage, or expense payments made to the official by the state or county for performance of official duties for the preceding 12 months.]~~ The statement shall give in alphabetical order the full name, post office address, occupation, and principal place of business if any, of all contributors who gave an individual or an aggregate total of **gifts or honorarium having a value of** more than \$50 ~~[of such income]~~ and the date **each was** received. The statement shall be a public record under RSA 91-A. For the purpose of this section, "~~[income]~~ **gift or honorarium** attributable to the office held by the official" means any gift~~[-]~~ **or** honorarium~~[-, or testimonial income]~~ which is received by an official in his **or her** official capacity, and which would not have been received by the official but for the office he holds.

15-B:2-a Information Required on Financial Disclosure Form.

~~[I.]~~ Each elected official shall disclose any gift or honorarium the official received **with a value** in excess of \$50 and the nature and value of such gift. ~~[Each elected official shall disclose income received from an individual contributor through gifts and honorariums or, through gifts or honorariums which exceeds that individual contributor's aggregate total of \$50.]~~

~~II. For testimonials, each elected official shall disclose the total amount of income received, the expenses of holding the testimonial, and the testimonial net income raised after paying those expenses. Each elected official shall also disclose income received from individual contributors in excess of \$50, and shall follow the disclosure requirements of RSA 15-B:2.]~~

4 Effective Date. This act shall take effect June 2, 2005.

AMENDED ANALYSIS

This bill prohibits the receipt of cash gifts by elected state and county officials.

Adopted.

Report adopted.

Ordered to third reading.

HB 458, allowing towns to permit limited youth voting in municipal elections. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. William L. O'Brien for the Majority of Election Law: This proposed legislation would extend the voting franchise in municipal elections to individuals 14 through 17 years old by assigning them proportional voting on the following basis: Persons aged 14 and 15 years would be given a ¼ vote and persons aged 16 and 17 would be given a ½ vote. The majority opposed this legislation for several reasons, including (1) designating any enfranchised persons as having lesser voting rights than others likely is a violation of the one person, one vote requirement of the U.S. Constitution, (2) it will produce a result where municipal elections are decided on fractional votes, (3) persons under the age of 18 are likely to be unduly influenced by adults and (4) it would complicate the work of election personnel and may increase the cost to towns and cities. Vote 10-4.

Rep. Charles F. Weed for the Minority of Election Law: The minority of the Election Law Committee believe that this bill would have enabled cities and towns who wished to allow minors, ages 14-17, to engage in regular elections with fractional votes in order to encourage civic responsibility and lifelong electoral participation. Majority report adopted.

HB 289-FN, relative to registration fees for lobbying and lobbyists and requiring registration of employers of lobbyists. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard B. Drisko for the Majority Election Law: The motivation for this bill was to increase revenue to the secretary of state and the attorney general's office by raising the fee for registration of lobbyists. The testimony did not relate the fees to the cost of the operations of the two offices. Testimony spoke to the fairness of the current fees and should not be designed to discourage lobbying. The bill separated lobbying activities into two categories, for-profit and non-profit and listed a higher fee for the former and lower for the latter. The majority felt this was discriminatory. Despite the fact that the fees had not been increased since 1986, after testimony, the majority felt that they were adequate for the current level of service need. Vote 10-4.

Rep. Charles F. Weed for the Minority of Election Law: The minority disagrees and recommends ought to pass as amended. The state offices responsible for registering and monitoring lobbyists, the secretary of state and the attorney general, are already under resourced and will be incurring more responsibilities and costs in the future. We also believe it is appropriate to distinguish between for-profit and non-profit interests in determining fees. This bill would have raised between \$20 and \$25,000. The state has not increased the fees for lobbyists since 1986.

Rep. Weed spoke against.

Rep. Drisko spoke in favor.

Rep. Claudia Chase requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 188 NAYS 152			
YEAS 188			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Tobin, William	Veazey, John	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene

Dickinson, Howard	Knox, J David	McConkey, Mark	Merrow, Harry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	
CHESHIRE			
Dexter, Judson	Emerson, Susan	Foote, Sheila	Hunt, John
Pelkey, Stephen	Sawyer, Sheldon		
COOS			
King, Frederick	Morneau, Renney	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		
GRAFTON			
Eaton, Stephanie	Giuda, Robert	Mirski, Paul	Solomon, Peter
Sorg, Gregory	Ward, John		
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Batula, Peter
Bergin, Peter	Biundo, Michael	Boehm, Ralph	Brundige, Robert
Buhlman, David	Carew, James	Carlson, Donald	Chabot, Robert
Christensen, D L Chris	Clark, Mark	Coughlin, Pamela	Dokmo, Cynthia
Drisko, Richard	Emerton, Larry	Francoeur, Bea	Gargasz, Carolyn
Garrity, Patrick	Golding, William	Graham, John	Hansen, Ryan
Hawkins, Ken	Hebert, Raymond	Hinkle, Peyton	Hirschmann, Keith
Hunter, Bruce	Infantine, William	Jasper, Shawn	Jean, Claudette
Kurk, Neal	L'Heureux, Robert	Lawrence, James	Lessard, Rudy
Manney, Pamela	Mead, Robert	Movsesian, Lori	O'Brien, William
O'Connell, Timothy	Price, Pamela	Reeves, Sandra	Rosenwald, Cindy
Ross, Lawrence	Rowe, Robert	Ryder, Donald	Slocum, Lee
Stepanek, Stephen	Sullivan, Francis	Tahir, Saghir	Villeneuve, Maurice
Wheeler, James	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Danforth, James	Hager, Elizabeth
Hess, David	Kidder, David	Klose, John	L'Heureux, Stephen
Langlais, Thomas	Lockwood, Priscilla	MacKay, James	Maxfield, Roy
Reardon, Tara	Reed, Dennis	Whiting, Herbert	
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Bettencourt, David	Bridle, Russell	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	Cooney, Richard	Dalrymple, Janeen
Dodge, Robert	Dowd, John	Dowling, Patricia	Dumaine, Dudley
Fesh, Bob	Flanders, John Sr	Forsing, Robert	Francoeur, Sheila
Garrity, James	Gilbert, Karl	Gillick, Thomas	Gould, Kenneth
Griffin, Mary	Hutchinson, Karen	Ingram, Russell	Introne, Robert
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Lund, Howie	Major, Norman
Manning, John	Mason, April	McKinney, Betsy	McMahon, Charles
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Parker, Benjamin

Priestley, Anne	Rausch, James	Robertson, Carl	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Scamman, W Douglas	Smith, Paul
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Wells, Roger	Wiley, Robert	Winchell, George
Zolla, William			
STRAFFORD			
Berube, Roger	Bickford, David	Callaghan, Frank	Cataldo, Sam
Chaplin, Duncan	Dunlap, Patricia	Easson, Timothy	Knowles, William
Newton, Clifford	Rollo, Michael	Twombly, James	Wall, Janet
SULLIVAN			
Gale, Harry	Irish, Christopher	Jillette, Arthur Jr	Rodeschin, Beverly
NAYS 152			
BELKNAP			
Fitzgerald, James	Morrison, Gail	Rosen, Ralph	Tilton, Franklin
CARROLL			
Buco, Thomas	Martin, James	Olimpio, J Lisbeth	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Dunn, J Timothy
Eaton, Daniel	Espieffs, Peter	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Theberge, Robert
GRAFTON			
Almy, Susan	Andersen, Gene	Barker, Robert	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Gionet, Edmond	Ham, Bonnie
Hammond, Lee	Harding, A Laurie	Maybeck, Margie	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	
HILLSBOROUGH			
Aboshar, Jeffrey	Barry, J Gail	Bergeron, Jean-Guy	Brassard, Paul
Campbell, David	Chase, Claudia	Christiansen, Lars	Cote, David
Crane, Elenore Casey	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Elliott, Nancy	Essex, David	Foster, Linda	Gibson, John
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr
Haley, Robert	Harvey, Suzanne	Holden, Randolph	Irwin, Anne-Marie
Kopka, Angeline	Lasky, Bette	Martin, Mary Ellen	McRae, Karen
Messier, Irene	Mooney, Maureen	Ober, Lynne	Pappas, Christopher

Pilotte, Maurice	Renzullo, Andrew	Rochette, Eric	Schulze, Joan
Shaw, Barbara	Shaw, Kimberly	Smith, David	Souza, Kathleen
Sullivan, Peter	Vaillancourt, Steve	Velez, Hector	
MERRIMACK			
Bouchard, Candace	Brueggemann, Donald	DeStefano, Stephen	Field, William
Foose, Robert	French, Barbara	Gile, Mary	Hamm, Christine
Kennedy, Richard	Marple, Richard	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Soltani, Tony	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Bishop, Franklin	Blanchard, MaryAnn	Buxton, Donald	Cady, Harriet
Cali-Pitts, Jacqueline	Casey, Kimberley	DiFruscia, Anthony	Flockhart, Eileen
Hopfgarten, Paul	Hughes, Daniel	Langley, Jane	Norelli, Terie
Powers, James	Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew
Splaine, James	Weldy, Norman		
STRAFFORD			
Brown, Jennifer	Brown, Lawrence	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Goodwin, Earle	Grassie, Anne	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Miller, Joseph
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Osgood, Philip Sr	Phinizy, James
Prichard, Stephen			

and the majority committee report was adopted.

UNANIMOUS CONSENT

Rep. Easson addressed the House.

The House recessed at 12:20 p.m.

RECESS

(Rep. Scamman in the Chair)

The House reconvened at 1:20 p.m.

MOTION TO VACATE

Rep. Dokmo moved that the House vacate the reference of **SB 19**, relative to qualifications to sell lottery, bingo and lucky 7 tickets, and **SB 48**, prohibiting unlawful peering into the dwelling place of another, to the Committee on Judiciary.

Motion adopted.

The Speaker referred **SB 19**, relative to qualifications to sell lottery, bingo and lucky 7 tickets to the Committee on Executive Departments and Administration, and **SB 48**, prohibiting unlawful peering into the dwelling place of another, to the Committee on

Criminal Justice and Public Safety.

(Rep. Weyler in the Chair)

SPECIAL ORDER

CACR 17, relating to the encouragement of literature. Providing that the importance of education to a prosperous and democratic society be considered when allocating the resources of the state. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Deanna P. Rush for the Majority of Education: CACR 17 removes the word “cherish” from our state constitution. One may recall that the word “cherish” was the central argument that was used by the courts in the Claremont school funding rulings. By removing the word “cherish,” some feel it would open the door to a different interpretation for school funding. It was also felt by the majority of the committee that the proposed wording change in the New Hampshire constitution was not clearly stated, and would result in voter confusion. This bill could also remove the state’s responsibility to fund public education. Vote 12-10.

Rep. Mark S. Carter for the Minority of Education: CACR 17 would allow the people of New Hampshire to exercise their right to amend the constitution relative to education funding, and to re-assert the authority of the legislature over education funding policy in the state. It is unconscionable to the minority, that after eight years of education funding turmoil, the people of the state have yet to be allowed their constitutional voice in the matter.

Rep. Carter spoke against.

Rep. Elizabeth Blanchard spoke in favor.

Rep. Giuda spoke against and yielded to questions.

Rep. Rush spoke in favor and yielded to questions.

(Speaker Scamman in the Chair)

Rep. Vaillancourt requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 185 NAYS 162			
YEAS 185			
BELKNAP			
Boyce, Laurie	Fitzgerald, James	Heald, Bruce	Morrison, Gail
Pilliod, James	Rosen, Ralph	Tobin, William	
CARROLL			
Buco, Thomas	Knox, J David	Martin, James	McConkey, Mark
Olimpio, J Lisbeth			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Foote, Sheila
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

Theberge, Robert			
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Cooney, Mary
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mirski, Paul
Mulholland, Catherine	Naro, Debra	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			
HILLSBOROUGH			
Balboni, Michael	Beaulieu, Jane	Bergin, Peter	Brassard, Paul
Campbell, David	Carlson, Donald	Chabot, Robert	Chase, Claudia
Cote, David	Craig, James	Daniuk, Caitlin	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Essex, David
Foster, Linda	Francoeur, Bea	Gargasz, Carolyn	Garrity, Patrick
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Haley, Robert
Harvey, Suzanne	Hinkle, Peyton	Holden, Randolph	Irwin, Anne-Marie
Jean, Claudette	Kopka, Angeline	Lasky, Bette	Lawrence, James
Lefebvre, Roland	Messier, Irene	Mooney, Maureen	Movsesian, Lori
O'Connell, Timothy	Pappas, Christopher	Pilote, Maurice	Rochette, Eric
Rosenwald, Cindy	Ryder, Donald	Schulze, Joan	Shaw, Barbara
Shaw, Kimberly	Smith, David	Sullivan, Francis	Sullivan, Peter
Vaillancourt, Steve	Velez, Hector		
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	DeJoie, John
DeStefano, Stephen	French, Barbara	Gile, Mary	Hager, Elizabeth
Hamm, Christine	Langlais, Thomas	Lockwood, Priscilla	McMahon, Patricia
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	Allen, Mary	Asselin, Michael	Bishop, Franklin
Blanchard, MaryAnn	Cali-Pitts, Jacqueline	Casey, Kimberley	Coburn, James
Cooney, Richard	DiFruscia, Anthony	Flockhart, Eileen	Gould, Kenneth
Johnson, Robert	Langley, Jane	Mason, April	Norelli, Terie
Pantelakos, Laura	Parker, Benjamin	Powers, James	Rausch, James
Robertson, Carl	Splaine, James	Wells, Roger	Zolla, William
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Goodwin, Earle	Grassie, Anne	Heon, Richard
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Katherine	Taylor, Kathleen	Wall, Janet	

SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Irish, Christopher
Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen	
NAYS 162			
BELKNAP			
Allen, Janet	Clark, Charles	Flanders, Donald	Nedeau, Stephen
Russell, David	Thomas, John	Tilton, Franklin	Veazey, John
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Merrow, Harry	Patten, Betsey	Stevens, Stanley
CHESHIRE			
Emerson, Susan	Hunt, John	Pelkey, Stephen	Sawyer, Sheldon
COOS			
Morneau, Renney	Richardson, Herbert	Stohl, Eric	Tholl, John Jr
GRAFTON			
Barker, Robert	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Ham, Bonnie	Maybeck, Margie	Sorg, Gregory	Ward, John
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Allan, Nelson	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph
Brundige, Robert	Buhlman, David	Carew, James	Carter, Mark
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Elliott, Nancy	Emerton, Larry	Gibson, John
Golding, William	Goyette, Peter Jr	Graham, John	Hansen, Ryan
Hawkins, Ken	Hebert, Raymond	Hirschmann, Keith	Hunter, Bruce
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Manney, Pamela	McRae, Karen	Mead, Robert	O'Brien, William
Ober, Lynne	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Ross, Lawrence	Rowe, Robert	Scanlon, Michael	Slocum, Lee
Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir	Villeneuve, Maurice
Wheeler, James	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	Field, William
Kennedy, Richard	Kidder, David	Klose, John	L'Heureux, Stephen
MacKay, James	Marple, Richard	Maxfield, Roy	Reed, Dennis

ROCKINGHAM			
Bettencourt, David	Bridle, Russell	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Dalrymple, Janeen
Dodge, Robert	Donahue, Richard Ken	Dowd, John	Dowling, Patricia
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Forsing, Robert
Francoeur, Sheila	Garrity, James	Gillick, Thomas	Griffin, Mary
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Hutchinson, Karen
Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Lund, Howie
Major, Norman	Manning, John	McKinney, Betsy	McMahon, Charles
Moore, Benjamin	Morris, Richard	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Priestley, Anne	Putnam, Ed II	Quandt, Marshall Lee
Quandt, Matthew	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Smith, Paul	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weldy, Norman	Weyler, Kenneth
Wiley, Robert	Winchell, George		
STRAFFORD			
Bickford, David	Cataldo, Sam	Chaplin, Duncan	Easson, Timothy
Newton, Clifford	Twombly, James		
SULLIVAN			
Osgood, Philip Sr	Rodeschin, Beverly		

and the majority committee report was adopted.

HB 255, establishing a committee to study the pricing of milk. **OUGHT TO PASS WITH AMENDMENT**

Rep. Burton W. Williams for Environment and Agriculture: Milk pricing is done on a regional bases. A study committee is necessary to insure New Hampshire dairy farmers are being treated fairly. Vote 13-4.

Amendment (0764h)

Amend the introductory paragraph of paragraph I of section 2 of the bill by replacing it with the following:

I. The members of the committee should have knowledge of the dairy industry and shall be as follows:

Adopted.

Report adopted and ordered to third reading.

HB 275, defining farmers' market. **OUGHT TO PASS**

Rep. Burton W. Williams for Environment and Agriculture: Farmer's markets are expanding in New Hampshire every year. Although the wording "farmer's markets" appear in statutes many times, it is appropriate that a true definition be put in statues. Vote 16-1.

Report adopted and ordered to third reading.

HB 432-FN, relative to the septage handling and treatment facilities grant program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy D. O'Connell for Environment and Agriculture: Initially the position of septage coordinator was general funded and supported by a fee of \$10.00 derived from design permits of disposal systems. Recently the coordinator has been supported by federal funds. HB 432 allows the collected design fees, if not needed to support the septage coordinator, to

be applied to the Septage Handling and Treatment Facilities Grant Program. Presently New Hampshire's capacity for safely treating septage is at risk with over 25% being exported to other states. The amendment extends the temporary authority to allow the land application of biosolids to those sites originally grandfathered. HB 722, the result of a study commission report of September 2004, has been retained to allow final resolution of this issue next season. Vote 13-2.

Amendment (0872h)

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

AN ACT relative to the septage handling and treatment facilities grant program and the septage and sludge land application restrictions.

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

2 Temporary Use Authorization; Time Extended. Amend 1998, 56:6 as amended by 2003, 43:14 and 2003, 302:3 to read as follows:

56:6 Temporary Use Authorization. The septage and sludge land application restrictions contained in RSA 483:9, VI(c), RSA 483:9-a, VII(b), RSA 483:9-aa, VII(b), and RSA 483:9-b, VII(b) shall not apply until July 1, ~~[2005]~~ **2007** to any land upon which septage or sludge has been spread in accordance with all applicable rules adopted by the federal Environmental Protection Agency and the New Hampshire department of environmental services, during any portion of the 3-year period prior to January 1, 1998. In addition, there shall be no termination of this restriction exemption for qualifying land that is used for scientific research on septage or sludge. Any continued application of septage and sludge pursuant to this section shall comply with all applicable federal and state laws and any best management practices published by the university of New Hampshire cooperative extension.

3 Effective Date.

I. Section 2 of this act shall take effect June 30, 2005.

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

AMENDED ANALYSIS

This bill allows the department of environmental services to use certain fees for the septage handling and treatment facilities grant program. This bill also extends the temporary use authorization for septage and sludge land application until July 1, 2007.

Amendment adopted.

Report adopted and ordered to third reading.

HB 517, establishing a committee to study certain issues relative to construction and demolition waste and establishing a moratorium on the incineration of any construction and demolition waste. **OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy D. O'Connell for Environment and Agriculture: It is apparent to the majority that a comprehensive study of the disposal of construction and demolition waste is essential to reach consensus on this complex issue. In addition the bill enacts a moratorium on the incineration of C & D waste until July 1, 2006. Municipal waste combustors currently licensed are exempt from the moratorium. At this time no other facilities burning wood, separated from C & D debris, are permitted and operating in New Hampshire. The study committee will issue a preliminary report by November 1, 2005 and a final report on or before July 1, 2006 to coincide with the expiration of the moratorium. Vote 15-3.

Amendment (0879h)

Amend section 3 of the bill by inserting after paragraph IV the following new paragraph:

V. Evolving emissions control technology and its appropriate application to issuing permits for the incineration of construction and demolition waste.

Amend the bill by replacing sections 5 and 6 with the following:

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. A preliminary report shall be submitted on or before November 1, 2005, and a final report shall be submitted on or before July 1, 2006.

6 Incineration Moratorium. Notwithstanding any provision of law to the contrary, there is hereby established a moratorium on the disposal of construction and demolition waste by incineration until July 1, 2006. This moratorium shall not apply to any municipal waste combustor subject to RSA 125-M, or to any municipal incinerator as defined in RSA 149-M, that is permitted by the department of environmental services and was in operation on January 1, 2005.

Amendment adopted.

Report adopted and ordered to third reading.

HB 677-FN, establishing fees and reporting requirements for the storage of hazardous materials. **INEXPEDIENT TO LEGISLATE**

Rep. Ryan N. Hansen for Environment and Agriculture: This bill sought a permanent funding source for the state's hazardous materials teams. Homeland Security grants allowed the HazMat teams to rapidly develop to their current levels over the past three years, and the sunset of those grants forces these teams to seek alternative sources for funding to operate at their existing levels of preparedness. The bill contained many technical ambiguities, an inability to articulate the dollars to be raised, questionable recommendations for sources of revenue and an uncertain impact on the New Hampshire business community. While the committee recognizes the value of our HazMat teams and their need for funding, it became clear this vehicle was not the right solution, forcing the committee to recommend ITL in hope of seeing a better bill in the future. Vote 14-4.

Report adopted.

HB 56, relative to food safety in restaurants. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Alida I. Millham for the Majority of Executive Departments and Administration: Food safety in the preparation and serving of food is important not only for the people of New Hampshire but for the many thousands of people who visit New Hampshire. This legislation would assure that at least one person in a food serving establishment will have passed a food safety test covering such information as what to know about buying food, how to store food safely; how to safely prepare and serve food. Each establishment will post the certificate of passing the test. There are exemptions for farm stands and occasional food service events. All programs offered in New Hampshire are low in cost and able to accommodate people who are unable to read English. There are no financial implications for the state. Vote 11-4.

Rep. Janeen A. Dalrymple for the Minority of Executive Departments and Administration: This bill will impose a mandatory requirement for food establishments to have an on site certified food safety manager. This, in theory, will ensure the proper handling of food preparation. New Hampshire currently has 6500-7000 licensed food establishments. HB 56 has no provision for Health and Human Services involvement in the administration of this program. At this time, the Hotel and Lodging Association conducts classes and administers the test for a fee of \$125. Other options include online programs or University of New Hampshire extension courses that cost from \$60 to \$300. The bill does not address the multiple barriers for those individuals who have language or reading difficulties and consequences for failure to pass the test. This bill will also require replacement of a certified manager within 60 days and for smaller food establishments, this regulation places an undue costly burden. There are 138 pages of rules for food safety handling in New Hampshire administered by the Department of Health and Human Services. Each food establishment undergoes regular public health inspections and those inspections are based on compliance of food safety regulations. Testimony from the Department of Public Health last year, indicated there were 120 reported cases of food borne illness in relation to the millions of

meals prepared. And they further stated of those cases, it was difficult to identify how many complaints were related to improper food handling. Consequently, there is no clear benefit that introducing this additional regulation will reduce the incidence of the number of accidental incidences of food borne illness caused by improper food handling.

Majority Amendment (0474h)

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

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

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

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

3 Food Service Licensure; Definition. Amend RSA 143-A:3, V to read as follows:

V. "Occasional food service establishment" means any food service establishment operated by a private or public organization or institution, whether profit or nonprofit, which prepares food or drink for sale or for service, and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge, no more than ~~[96 hours at no fewer than 3 hours a day]~~ **4 days** during a 30-day period. ***This definition shall not apply to the following non-profit entities which do not offer regularly-scheduled weekday meal service: extracurricular school events; non-profit sporting events; religious activities; or non-profit service organizations.***

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

VI-a. "Potentially hazardous food" means:

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

- (1) Rapid and progressive growth of infectious or toxigenic microorganisms;
- (2) Growth and toxin production of *Clostridium botulinum*; or
- (3) In raw shell eggs, the growth of *Salmonella enteritidis*; and

(b) Which is further defined by the United States Public Health Service Food Code adopted by the federal Food and Drug Administration.

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

Food Protection Manager Certification

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

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

(b) A food protection manager shall have the responsibility to ensure that appropriate food safety practices are observed. The food protection manager may have supervisory or training responsibilities at the food service establishment.

(c) A food protection manager shall not be required to be on duty during all of the hours of operation of the food service establishment.

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

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

(a) Food service establishments that serve only commercially pre-packaged foods and beverages, commercially pre-cooked potentially hazardous foods that are dispensed in a

manner that minimizes contamination of the food, or commercially prepared cold foods not requiring any further preparation and dispensed or packaged immediately to the consumer in a manner that minimizes contamination of the food.

- (b) Home food manufacturers and bed and breakfast establishments.
- (c) Farm stands as described in RSA 21:34-a.
- (d) Public elementary and secondary school cafeterias licensed under this

chapter.

IV. Businesses that have multiple food service settings within a single, physical and geographically contiguous location are required to employ only one certified food protection manager.

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

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

- I. Be at least 18 years of age.
- II. Pass a food protection manager certification test, which may be written or oral, that meets the standards of the Conference for Food Protection.
- III. Be recertified at least every 5 years.

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

I. Upon termination of the employment of a certified food protection manager, the food service establishment where the manager was employed shall have 60 days to assign a new certified food protection manager in accordance with RSA 143-A:9-c.

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

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

- I. Prominently posted in the establishment next to the food service license to operate; and
- II. Removed when the certified food protection manager identified in the certificate is no longer employed by the establishment.

6 New Paragraph; Food Service Licensure; Rulemaking. Amend RSA 143-A:9 by inserting after paragraph I-a the following new paragraph:

I-b. The application process for certification of food protection managers, recertification requirements for certified food protection managers, and administrative fines for violations of provisions of this chapter relative to certified food protection managers.

7 Applicability. Notwithstanding RSA 143-A:9-b – RSA 143-A:9-e, no food service establishment licensed under RSA 143-A which serves potentially hazardous food shall be required to assign a person who is a certified food protection manager until July 1, 2006.

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

AMENDED ANALYSIS

This bill:

- (1) Requires food service establishments, unless exempted, to assign at least one full-time employee to be a certified food protection manager.
- (2) Establishes a definition of certified food protection manager.
- (3) Grants the commissioner of health and human services certain rulemaking authority.
- (4) Provides that food service establishments shall not be required to have a certified food protection manager until July 1, 2006.
- (5) Clarifies the definition of occasional food service establishment in the food service licensure statute.

The question being adoption of the majority committee amendment.

On a division vote, 211 members having voted in the affirmative and 133 in the negative, the majority committee amendment was adopted.

Majority committee report adopted.

Ordered to third reading.

HB 307, establishing a committee to study the feasibility of licensing residential building and remodeling contractors. **OUGHT TO PASS**

Rep. Janeen A. Dalrymple for Executive Departments and Administration: The committee heard testimony from consumers and the building trades industry. It was concluded that in order to alleviate any inappropriate practices including consumer fraud and low quality workmanship, a study on licensing should be conducted. Vote 11-5.
Report adopted.

HB 502-FN, allowing certain surviving spouses to receive a retirement system death benefit. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This bill would allow a surviving spouse of a retirement system member to receive a retirement system optional allowance when a member was at least 59 years old rather than 60 years old as previously required, with 20 years of service and who was eligible for a retirement system allowance. The committee was not willing to bend the rules to reduce the age requirement to accommodate a single person or others who may later found to be eligible to receiving a greater benefit. Vote 10-4.

Rep. Cloutier spoke against.

Rep. Zolla spoke in favor.

On a division vote, 213 members having voted in the affirmative and 126 in the negative, the committee report was adopted.

HB 555, establishing February 6 as Ronald Reagan Day. **INEXPEDIENT TO LEGISLATE**

Rep. Ken Hawkins for Executive Departments and Administration: The committee heard very passionate testimony on why New Hampshire should have in statute a Ronald Reagan Day. Although a great number of the committee members agreed that President Reagan was in fact a great president, we could not agree to have this in state statute. The ability to have a proclamation signed by the governor each year would in fact carry greater weight because someone will have to initiate this process each year. It was also brought up that in the last session we renamed a mountain in the Presidential Range Mt. Reagan. This was the third bill we had that wanted to name a day or month for someone or for a group. The decision we reached here was the same as we reached on the other bills. Vote 15-1.

Reps. Paul Smith, Velez and Bettencourt spoke against.

Rep. Hawkins spoke in favor.

Rep. Bettencourt requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 208 NAYS 136			
YEAS 208			
BELKNAP			
Allen, Janet	Flanders, Donald	Heald, Bruce	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Russell, David	
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Buco, Thomas	Chandler, Gene
Knox, J David	Olimpio, J Lisbeth	Patten, Betsey	
CHESHIRE			

Allen, Peter	Butcher, Suzanne	Butynski, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Foote, Sheila
Hunt, John	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sawyer, Sheldon	Tilton, Anna	Weed, Charles	
COOS			
King, Frederick	Mears, Edgar	Merrick, Scott	Theberge, Robert
Tholl, John Jr			
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Cooney, Mary
Eaton, Stephanie	Gionet, Edmond	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Naro, Debra	Sokol, Hilda
Solomon, Peter			
HILLSBOROUGH			
Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter
Brassard, Paul	Campbell, David	Chabot, Robert	Chase, Claudia
Cote, David	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Drisko, Richard	Emerton, Larry	Essex, David	Foster, Linda
Gargas, Carolyn	Garrity, Patrick	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gorman, Mary	Graham, John	Haley, Robert
Harvey, Suzanne	Hawkins, Ken	Hunter, Bruce	Irwin, Anne-Marie
Jean, Claudette	Kopka, Angeline	Lasky, Bette	Lefebvre, Roland
Messier, Irene	Movsesian, Lori	O'Connell, Timothy	Ober, Lynne
Pappas, Christopher	Pilotte, Maurice	Price, Pamela	Rochette, Eric
Rosenwald, Cindy	Ross, Lawrence	Ryder, Donald	Scanlon, Michael
Schulze, Joan	Shaw, Barbara	Shaw, Kimberly	Smith, David
Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, Robert			
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	DeJoie, John
DeStefano, Stephen	French, Barbara	Gile, Mary	Hager, Elizabeth
Hamm, Christine	Kidder, David	Klose, John	Lockwood, Priscilla
Marple, Richard	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Reed, Dennis	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Blanchard, MaryAnn	Bridle, Russell
Buxton, Donald	Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene
Coburn, James	Cooney, Richard	Dodge, Robert	Dowd, John
Dowling, Patricia	Fesh, Bob	Flockhart, Eileen	Francoeur, Sheila
Gillick, Thomas	Gould, Kenneth	Ingram, Russell	Katsakiores, George
Katsakiores, Phyllis	Langley, Jane	Mason, April	Norelli, Terie
Nowe, Ronald	Pantelakos, Laura	Parker, Benjamin	Powers, James
Robertson, Carl	Sanders, Elisabeth	Scamman, Stella	Splaine, James

Stiles, Nancy	Stone, Joseph	Welch, David	Wiley, Robert
Zolla, William			
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Lawrence
Callaghan, Frank	Cataldo, Sam	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Dunlap, Patricia	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Katherine	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Osgood, Philip Sr	Phinizy, James	Prichard, Stephen	Rodeschin, Beverly
NAYS 136			
BELKNAP			
Boyce, Laurie	Clark, Charles	Fitzgerald, James	Rosen, Ralph
Thomas, John	Tilton, Franklin	Tobin, William	Veazey, John
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Brown, Carolyn	Dickinson, Howard	Martin, James	McConkey, Mark
Merrow, Harry	Stevens, Stanley		
CHESHIRE			
Emerson, Susan	Pelkey, Stephen		
COOS			
Morneau, Renney	Remick, William	Richardson, Herbert	Stohl, Eric
GRAFTON			
Giuda, Robert	Ham, Bonnie	Ingbretson, Paul	Maybeck, Margie
Mirski, Paul	Sorg, Gregory	Ward, John	
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Barry, J Gail
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brundige, Robert
Buhlman, David	Carew, James	Carlson, Donald	Carter, Mark
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia	Elliott, Nancy
Francoeur, Bea	Gibson, John	Goyette, Peter Jr	Hansen, Ryan
Hebert, Raymond	Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph

Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Manney, Pamela	McRae, Karen	Mead, Robert
Mooney, Maureen	O'Brien, William	Reeves, Sandra	Renzullo, Andrew
Rowe, Robert	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Tahir, Saghir	Velez, Hector	Wheeler, James	
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	Field, William
Hess, David	Kennedy, Richard	L'Heureux, Stephen	Langlais, Thomas
Soltani, Tony	Whiting, Herbert		
ROCKINGHAM			
Asselin, Michael	Belanger, Ronald	Bettencourt, David	Cady, Harriet
Camm, Kevin	Carson, Sharon	Dalrymple, Janeen	DiFruscia, Anthony
Donahue, Richard Ken	Dumaine, Dudley	Flanders, John Sr	Forsing, Robert
Garrity, James	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Hutchinson, Karen	Introne, Robert	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Kobel, Rudolph	Lund, Howie
Major, Norman	Manning, John	McKinney, Betsy	McMahon, Charles
Morris, Richard	O'Neil, Michael	Packard, Sherman	Priestley, Anne
Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Rolston, James	Smith, Paul	Waterhouse, Kevin	Weare, E Albert
Weldy, Norman	Wells, Roger	Weyler, Kenneth	Winchell, George
STRAFFORD			
Brown, Julie	Chaplin, Duncan	Easson, Timothy	Newton, Clifford
Twombly, James			
SULLIVAN			
Irish, Christopher			

and the committee report was adopted.

(Rep. Weyler in the Chair)

HB 594-FN, relative to retirement system classification for correctional line personnel.

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

Rep. William R. Zolla for the Majority of Executive Departments and Administration: This bill removes the category of correctional line personnel from group II classification in the state retirement system. The bill allows persons presently employed as group II correctional line personnel on the effective date of the act to remain group II. The bill will assist in further clarifying and differentiating between line personnel working at the prison and state correctional officers who qualify for group II under RSA 100-A:1:VII,d. All new prison personnel employed by the state prisons other than correctional officers as defined above shall be classified as group I. The amendment to this bill removes county personnel from the above considerations. Vote 11-8.

Rep. John DeJoie for the Minority of Executive Departments and Administration: Passage of this bill will deny certain department of corrections employees' proper classification as group II members of the New Hampshire Retirement System. Based under current law, these 53 correctional personnel have been correctly certified by State of New Hampshire Department of Personnel as qualifying for group II membership. These employees have intimate contact

with inmates, have graduated from eight weeks of training at the police academy, and are physically fit to perform the security duties required of their positions. In short, they meet the current law. These employees work daily side by side with other employees who are members of the group II retirement system. This bill deems that these employees no longer meet the requirement of group II retirement even though they have met the requirements since 1987. Further, the commissioner of corrections opposes restricting these employees from group II as this bill does. Given the highly publicized disagreements between corrections employees and the department of corrections commissioner, when they agree in opposing this bill, we must give their union careful consideration. The minority of the committee requests that you defeat this bill. The Executive Departments and Administration Committee will then continue to consider employees on an individual basis for a change in retirement classification.

Amendment (0722h)

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

AN ACT relative to retirement system classification for department of corrections correctional line personnel.

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

1 Repeal. RSA 100-A:1, VII(b), relative to group II classification of department of corrections correctional line personnel, is repealed.

2 Application of Repeal to Current Personnel. A person employed as department of corrections correctional line personnel and classified as a group II retirement system member as of the effective date of this act may remain a group II member and continue accruing service as group II service, notwithstanding the 5-year service requirement in RSA 100-A:3, II-c, for as long as the person holds that position or a related position reached through normal career-path promotion.

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

AMENDED ANALYSIS

This bill removes department of corrections correctional line personnel from group II classification in the state retirement system. The bill allows persons employed as group II department of corrections correctional line personnel on the effective date of the act to remain group II.

Majority amendment adopted.

On a division vote, 191 members having voted in the affirmative and 150 in the negative, the majority committee report was adopted.

Rep. Hinkle voted Yea and intended to vote Nay.

Ordered to third reading.

HB 401-FN-A, making an appropriation to the Seacoast Shipyard Association. OUGHT TO PASS

Rep. Daniel M. Hughes for Finance: An appropriation of \$100,000 to the State Treasurer for the purpose of funding the Seacoast Shipyard Association (SSA) and this bill requires the Association to report how the funds are spent. The funding in this bill will be used in the effort to keep the Portsmouth Naval Shipyard open and will be used with other funds to assist in legal, publicity, promotional and other fees. The 2005 Base Realignment and Closing Commission (BRAC) meets this spring and the work of SSA will complement the work of the Congressional delegations involved. The economics of the shipyard, the oldest Naval yard in the country, makes an overwhelming case. The shipyard employs approximately 2000 New Hampshire citizens from 50 New Hampshire towns with a New Hampshire payroll of almost \$125,000,000. The base generates approximately \$100,000,000 for purchased goods, services and support. In addition to the economics, the base is one of our nation's most efficient and is invaluable to the defense effort of our country. Vote 19-5. Report adopted and ordered to third reading.

HB 478-FN-A, making an appropriation for "Newslite for the Blind." **OUGHT TO PASS**
Rep. Larry A. Emerton for Finance: This is a small appropriation that will allow New Hampshire's blind population, who otherwise would not be able to read newsprint from various newspapers, to phone into an information and news service. We are among the few states who don't provide this service. The service is now provided by and started up by Verizon. They now do not wish to continue funding this vital program; therefore if we do not continue it, many users will incur a large void in their lives. Vote 24-0.
Report adopted and ordered to third reading.

HB 539-FN-A-L, relative to land and community heritage investment program administration. **OUGHT TO PASS**
Rep. MaryAnn N. Blanchard for Finance: This bill results from the study committee on LCHIP last session. It provides that the LCHIP Board may provide up to 10% of its funds for loans. Principal and interest on the loans will be deposited in the LCHIP Trust. Vote 18-6.
Rep. Newton spoke against.
Rep. Dodge spoke against and yielded to questions.
Rep. Giuda moved recommit to committee.
Rep. Hager spoke against and yielded to questions.
Motion to recommit failed.
Reps. Mirski, Stella Scamman and W. Douglas Scamman declared conflicts of interest and did not participate.

MOTION TO LAY ON THE TABLE

Rep. Rodeschin moved that **HB 539-FN-A-L**, relative to land and community heritage investment program administration, be laid on the table.
On a division vote, 154 members having voted in the affirmative and 184 in the negative, the motion to lay on the table failed.
Reps. Mirski, Stella Scamman and W. Douglas Scamman declared conflicts of interest and did not participate.

The question now being adoption of the committee report.
Rep. Weed requested a roll call; sufficiently seconded.
The question now being adoption of the committee report.

YEAS 193 NAYS 148			
YEAS 193			
BELKNAP			
Morrison, Gail	Pilliod, James	Russell, David	Tilton, Franklin
CARROLL			
Babson, David Jr	Buco, Thomas	Dickinson, Howard	Knox, J David
McConkey, Mark	Olimpio, J Lisbeth		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Espieffs, Peter	Hunt, John
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			

COOS			
Mears, Edgar	Merrick, Scott	Morneau, Renney	Remick, William
Theberge, Robert			
GRAFTON			
Almy, Susan	Andersen, Gene	Barker, Robert	Benn, Bernard
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Naro, Debra	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Brassard, Paul
Campbell, David	Chase, Claudia	Christensen, D L Chris	Cote, David
Craig, James	Crane, Elenore Casey	Daniuk, Caitlin	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Emerton, Larry	Essex, David
Foster, Linda	Gargasz, Carolyn	Garrity, Patrick	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haley, Robert	Harvey, Suzanne
Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Lefebvre, Roland
Martin, Mary Ellen	Messier, Irene	Movsesian, Lori	O'Connell, Timothy
Ober, Lynne	Pappas, Christopher	Pilotte, Maurice	Rochette, Eric
Rosenwald, Cindy	Scanlon, Michael	Schulze, Joan	Shaw, Barbara
Shaw, Kimberly	Smith, David	Sullivan, Francis	Sullivan, Peter
Velez, Hector	Villeneuve, Maurice	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Currier, David	DeJoie, John	DeStefano, Stephen	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Hess, David
Klose, John	Lockwood, Priscilla	Maxfield, Roy	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Potter, Frances	Reardon, Tara
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Bridle, Russell	Buxton, Donald
Cali-Pitts, Jacqueline	Casey, Kimberley	Coburn, James	Cooney, Richard
Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila	Gillick, Thomas
Gould, Kenneth	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Morris, Richard	Norelli, Terie	O'Neil, Michael
Pantelakos, Laura	Powers, James	Robertson, Carl	Rolston, James
Sanders, Elisabeth	Splaine, James	Stiles, Nancy	Stone, Joseph
Waterhouse, Kevin	Wells, Roger		
STRAFFORD			

Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Goodwin, Earle	Grassie, Anne	Heon, Richard
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Katherine	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Osgood, Philip Sr	Phinizy, James	Prichard, Stephen	
NAYS 148			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Nedeau, Stephen	Rosen, Ralph
Thomas, John	Tobin, William	Veazey, John	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Martin, James
Marrow, Harry	Patten, Betsey	Stevens, Stanley	
CHESHIRE			
Emerson, Susan	Foote, Sheila	Pelkey, Stephen	Sawyer, Sheldon
COOS			
King, Frederick	Richardson, Herbert	Stohl, Eric	Tholl, John Jr
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Ingbretson, Paul	Maybeck, Margie	Sorg, Gregory	Ward, John
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Allan, Nelson	Balboni, Michael
Barry, J Gail	Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph
Brundige, Robert	Buhlman, David	Carew, James	Carlson, Donald
Carter, Mark	Chabot, Robert	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Desmarais, Vivian	Elliott, Nancy	Francoeur, Bea
Gibson, John	Golding, William	Goyette, Peter Jr	Graham, John
Hawkins, Ken	Hebert, Raymond	Hinkle, Peyton	Hirschmann, Keith
Hunter, Bruce	Infantine, William	Jasper, Shawn	Lawrence, James
Manney, Pamela	McRae, Karen	Mead, Robert	Mooney, Maureen
O'Brien, William	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Ross, Lawrence	Rowe, Robert	Ryder, Donald	Slocum, Lee
Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir	Vaillancourt, Steve

Wheeler, James			
MERRIMACK			
Danforth, James	Field, William	Kennedy, Richard	Kidder, David
Langlais, Thomas	Marple, Richard	Reed, Dennis	Soltani, Tony
Whiting, Herbert			
ROCKINGHAM			
Allen, Mary	Bettencourt, David	Bishop, Franklin	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Dalrymple, Janeen
DiFruscia, Anthony	Dodge, Robert	Donahue, Richard Ken	Dowd, John
Dowling, Patricia	Dumaine, Dudley	Fesh, Bob	Forsing, Robert
Garrity, James	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Ingram, Russell	Introne, Robert	Itse, Daniel
Johnson, Rogers	Kobel, Rudolph	Lund, Howie	Major, Norman
Manning, John	Mason, April	McKinney, Betsy	McMahon, Charles
Nowe, Ronald	Packard, Sherman	Parker, Benjamin	Priestley, Anne
Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Weare, E Albert	Welch, David	Weldy, Norman	Wiley, Robert
Winchell, George	Zolla, William		
STRAFFORD			
Callaghan, Frank	Cataldo, Sam	Chaplin, Duncan	Easson, Timothy
Newton, Clifford	Twombly, James		
SULLIVAN			
Irish, Christopher	Rodeschin, Beverly		

and the committee report was adopted.

Reps. Mirski, Stella Scamman and W. Douglas Scamman declared conflicts of interest and did not participate.

Ordered to third reading.

CACR 12, relating to judicial conduct. Providing that the people of New Hampshire, in a manner established by law, shall be responsible for investigating and evaluating the conduct of members of the judicial branch. **OUGHT TO PASS**

Rep. Robert H. Rowe for Judiciary: In New Hampshire, judges are appointed by the governor and council under Part One, Article 35 of the Constitution to “hold their offices so long as they behave well.” It is a common misconception that judges are appointed for life.

Currently complaints against judges are heard by a conduct committee formed by the judicial branch under its own rules. The passage of this CACR will allow the citizens of the State of New Hampshire to have the authority to receive complaints, investigate complaints and, if appropriate, order sanctions as a result of poor judicial conduct. The perception held by the public is that the judicial branch is judging itself. One branch of government policing itself is simply wrong – behavior should be judged by the citizens. In 47 states, the citizens have an input as to judge’s behavior. Until two years ago, New Hampshire had an independent citizens’ commission to hear complaints against judges, but the Supreme Court ruled that this violated the separation of powers provision of the New Hampshire Constitution. As a result of the ruling, the judicial branch re-established its own conduct committee. This CACR will give back to the people the power to investigate and evaluate good behavior on the

part of a judge and impose sanctions as necessary. Vote 15-5.
Rep. King spoke against and yielded to questions.
Reps. Rowe, Mirski and Soltani spoke in favor and yielded to questions.
Rep. Pratt spoke against.
Rep. Soltani requested a roll call; sufficiently seconded.
The question being adoption of the committee report.

YEAS 160 NAYS 181			
YEAS 160			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Heald, Bruce
Rosen, Ralph	Tilton, Franklin	Tobin, William	Veazey, John
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Dickinson, Howard
McConkey, Mark	Merrow, Harry	Patten, Betsey	Stevens, Stanley
CHESHIRE			
Emerson, Susan	Hunt, John	Pelkey, Stephen	Roberts, Kris
Sawyer, Sheldon			
COOS			
Morneau, Renney	Richardson, Herbert	Stohl, Eric	
GRAFTON			
Barker, Robert	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Ingretson, Paul	Maybeck, Margie	Mirski, Paul	Sorg, Gregory
Ward, John			
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph
Brassard, Paul	Brundige, Robert	Buhlman, David	Carew, James
Carter, Mark	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Clark, Mark	Crane, Elenore Casey	Elliott, Nancy	Francoeur, Bea
Gibson, John	Golding, William	Goyette, Peter Jr	Graham, John
Hansen, Ryan	Hawkins, Ken	Hebert, Raymond	Hinkle, Peyton
Hirschmann, Keith	Hunter, Bruce	Infantine, William	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Lawrence, James	Manney, Pamela
Martin, Mary Ellen	McRae, Karen	Mead, Robert	Mooney, Maureen
O'Brien, William	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Rowe, Robert	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Tahir, Saghir	Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James
MERRIMACK			

Danforth, James	Field, William	Hess, David	Kennedy, Richard
Klose, John	Langlais, Thomas	Marple, Richard	Soltani, Tony
Whiting, Herbert			
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bishop, Franklin
Bridle, Russell	Buxton, Donald	Cady, Harriet	Camm, Kevin
Carson, Sharon	Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert
Donahue, Richard Ken	Dowling, Patricia	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Forsing, Robert	Garrity, James	Gillick, Thomas
Griffin, Mary	Headd, James	Hopfgarten, Paul	Hughes, Daniel
Introne, Robert	Itse, Daniel	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Lund, Howie	Major, Norman
Manning, John	Mason, April	McKinney, Betsy	Morris, Richard
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Priestley, Anne
Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Sanders, Elisabeth	Scamman, Stella	Stiles, Nancy	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weldy, Norman	Wells, Roger
Weyler, Kenneth	Wiley, Robert	Zolla, William	
STRAFFORD			
Bickford, David	Cataldo, Sam	Chaplin, Duncan	Easson, Timothy
Newton, Clifford	Twombly, James		
SULLIVAN			
Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly	
NAYS 181			
BELKNAP			
Fitzgerald, James	Flanders, Donald	Morrison, Gail	Nedeau, Stephen
Pilliod, James	Russell, David		
CARROLL			
Brown, Carolyn	Buco, Thomas	Knox, J David	Martin, James
Olimpio, J Lisbeth			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Foote, Sheila
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Robertson, Timothy	Tilton, Anna	Weed, Charles
COOS			
King, Frederick	Mears, Edgar	Merrick, Scott	Remick, William
Theberge, Robert	Tholl, John Jr		

GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Cooney, Mary
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Campbell, David
Carlson, Donald	Chase, Claudia	Cote, David	Craig, James
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Emerton, Larry	Essex, David	Foster, Linda
Gargas, Carolyn	Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Harvey, Suzanne	Holden, Randolph	Irwin, Anne-Marie
Jean, Claudette	Kopka, Angeline	Lasky, Bette	Messier, Irene
Movsesian, Lori	O'Connell, Timothy	Ober, Lynne	Pappas, Christopher
Pilote, Maurice	Rochette, Eric	Rosenwald, Cindy	Ross, Lawrence
Ryder, Donald	Scanlon, Michael	Schulze, Joan	Shaw, Barbara
Shaw, Kimberly	Smith, David	Sullivan, Francis	Sullivan, Peter
Wheeler, Robert			
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Kidder, David
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Potter, Frances	Reardon, Tara
Reed, Dennis	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Cali-Pitts, Jacqueline	Casey, Kimberley
Charron, Gene	Coburn, James	Cooney, Richard	Dowd, John
Flockhart, Eileen	Francoeur, Sheila	Gould, Kenneth	Ingram, Russell
Johnson, Robert	Langley, Jane	Norelli, Terie	Pantelakos, Laura
Parker, Benjamin	Powers, James	Robertson, Carl	Rolston, James
Splaine, James	Stone, Joseph	Winchell, George	
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Goodwin, Earle	Grassie, Anne	Heon, Richard
Hilliard, Dana	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Katherine	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr

Phinizy, James	Prichard, Stephen		
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and the committee report failed.

Motion adopted.

Rep. Dokmo moved Inexpedient to Legislate.

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

CACR 16, relating to the definition and constitutionality of judicial and legislative acts.

Providing that the supreme court shall determine the constitutionality of judicial acts and the legislature shall determine the constitutionality of legislative acts. **MAJORITY:**

INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Frances D. Potter for the Majority of Judiciary: The right of citizens to defend themselves against wrongful perhaps oppressive acts of the legislature by going to court is one of the touchstones of American democracy. CACR 16 if passed would deny citizens the right to this court review of legislative actions. The majority believes this would ultimately destroy the checks and balances system we hold dear. There has been much talk in N.H. in recent years about “judicial activism.” This talk comes from all directions in the political spectrum; it depends on “whose ox is gored.” There is always one group that prevails and another that loses when a case goes to court; the argument against “activism” carries no weight since there is another group that can use the same argument to make the opposite point. There is always tension between the right of the majority to act and the right of the minority to protection. It is essential to the preservation of right of every individual’s life, liberty, property, character, that there be an impartial interpretation of the laws and administration of justice. (N.H. Constitution, Part I, Art. 35, Bill of Rights) CACR 16 would essentially upset the separation of powers among the branches of government, legislative, judicial, executive and make the court’s decisions hostage to the political whims of the legislature. The Rule of Law and the protection of minorities are precious and fundamental in our society. If this bill were passed, there would be no place for an individual or minority group to go to appeal a loss of rights, to receive justice. We all know that a court can make a mistake, as can a governor or the legislature. Our safeguard against such lapses is the separation of powers and the check or balance that each body can exercise over the other. The governor has the power to appoint judges; the legislature can bring a bill of address or impeachment against a judge or governor. The court, in reviewing the acts of the legislature, upholds the rule of law embodied in the constitution; the delicate balance among the three branches is literally our safeguard against the tyranny of one branch. All other states in the U.S. recognize the concept of judicial review. Vote 13-8.

Rep. Gregory M. Sorg for the Minority of Judiciary: CACR 16 would bring the Supreme Court back to constitutional legitimacy by writing into the Constitution the distinction between adjudicatory and legislative acts drawn by Justice Levi Woodbury in the 1818 Supreme Court case *Merrill v. Sherburn*, the first case to come before the court under the separation of powers provision, Article 37 of Part I. It would also restore the original understanding of the boundaries of the separation of powers, reflected in that case, whereby the judiciary was constituted the final authority of the constitutionality of adjudicatory acts and the legislature was constituted the final authority on the constitutionality of legislative acts. It has only been in comparatively recent times that the court has laid claim to final, unreviewable authority, binding on the legislature to validate on constitutional grounds acts of a purely legislative character. By reason that the court has an inherent institutional bias in favor of resolutions of separation of powers issues that enhance judicial power at the expense of legislative, the sweeping assertion of authority has resulted in significant judicial intrusions into the legislature’s exclusively granted authority to establish state policy, to the extent that the court acts today as a virtual third chamber of the legislature, with veto power over the other two, exercisable by whichever three members of the court happen to comprise a majority at any given time. As the legislature tires of the continual buffeting to which it is subject on the basis of past and anticipated future dictates from the Supreme Court, the time

will come when the legislature shall have no choice but to direct its attention away from mere symptoms of judicial excess towards its root causes.

Rep. Sorg spoke against.

Rep. Mooney spoke in favor.

Rep. Sorg requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 259 NAYS 67			
YEAS 259			
BELKNAP			
Allen, Janet	Fitzgerald, James	Flanders, Donald	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Russell, David	Tobin, William
Veazey, John			
CARROLL			
Babson, David Jr	Brown, Carolyn	Buco, Thomas	Dickinson, Howard
Knox, J David	Martin, James	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Foote, Sheila
Hunt, John	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna			
COOS			
King, Frederick	Mears, Edgar	Merrick, Scott	Morneau, Renney
Remick, William	Richardson, Herbert	Stohl, Eric	Theberge, Robert
Tholl, John Jr			
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Cooney, Mary
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	
HILLSBOROUGH			
Baroody, Benjamin	Barry, J Gail	Beaulieu, Jane	Bergin, Peter
Brassard, Paul	Brundige, Robert	Campbell, David	Carlson, Donald
Carter, Mark	Chase, Claudia	Christensen, D L Chris	Cote, David
Coughlin, Pamela	Craig, James	Daniuk, Caitlin	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy
Emerton, Larry	Essex, David	Foster, Linda	Francoeur, Bea
Gargas, Carolyn	Garrity, Patrick	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gorman, Mary	Graham, John	Harvey, Suzanne
Hinkle, Peyton	Holden, Randolph	Hunter, Bruce	Irwin, Anne-Marie
Jasper, Shawn	Jean, Claudette	Kopka, Angeline	Kurk, Neal

L'Heureux, Robert	Lasky, Bette	Lefebvre, Roland	Manney, Pamela
Martin, Mary Ellen	McRae, Karen	Messier, Irene	Mooney, Maureen
Movsesian, Lori	O'Connell, Timothy	Ober, Lynne	Pappas, Christopher
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Rochette, Eric
Rosenwald, Cindy	Ross, Lawrence	Rowe, Robert	Ryder, Donald
Scanlon, Michael	Schulze, Joan	Shaw, Barbara	Shaw, Kimberly
Smith, David	Stepanek, Stephen	Sullivan, Francis	Sullivan, Peter
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Danforth, James	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Hager, Elizabeth	Hamm, Christine
Hess, David	Kidder, David	Klose, John	Lockwood, Priscilla
MacKay, James	Maxfield, Roy	McMahon, Patricia	Osborne, Jessie
Potter, Frances	Reardon, Tara	Reed, Dennis	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	Asselin, Michael	Belanger, Ronald	Bishop, Franklin
Blanchard, MaryAnn	Bridle, Russell	Cali-Pitts, Jacqueline	Carson, Sharon
Casey, Kimberley	Charron, Gene	Coburn, James	Cooney, Richard
Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert	Donahue, Richard Ken
Dowd, John	Fesh, Bob	Flanders, John Sr	Flockhart, Eileen
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Gillick, Thomas	Griffin, Mary	Headd, James	Hughes, Daniel
Ingram, Russell	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Lund, Howie	Major, Norman
Manning, John	Mason, April	McKinney, Betsy	Norelli, Terie
Nowe, Ronald	Packard, Sherman	Pantelakos, Laura	Powers, James
Priestley, Anne	Rausch, James	Robertson, Carl	Rolston, James
Scamman, Stella	Splaine, James	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weldy, Norman	Wells, Roger
Wiley, Robert	Winchell, George	Zolla, William	
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Goodwin, Earle	Grassie, Anne	Heon, Richard
Hilliard, Dana	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Katherine	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr

Osgood, Philip Sr	Phinizy, James	Prichard, Stephen	
NAYS 67			
BELKNAP			
Boyce, Laurie	Clark, Charles	Rosen, Ralph	Tilton, Franklin
Wendelboe, Fran	Whalley, Michael		
CARROLL			
None			
CHESHIRE			
Emerson, Susan	Pelkey, Stephen	Sawyer, Sheldon	
COOS			
None			
GRAFTON			
Barker, Robert	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Maybeck, Margie	Mirski, Paul	Sorg, Gregory	
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Buhlman, David
Carew, James	Christiansen, Lars	Clark, Mark	Crane, Elenore Casey
Goyette, Peter Jr	Hansen, Ryan	Hawkins, Ken	Hirschmann, Keith
Lawrence, James	Mead, Robert	O'Brien, William	Renzullo, Andrew
Slocum, Lee	Tahir, Saghir	Wheeler, James	
MERRIMACK			
Kennedy, Richard	Langlais, Thomas	Marple, Richard	Soltani, Tony
ROCKINGHAM			
Allen, Mary	Bettencourt, David	Buxton, Donald	Cady, Harriet
Camm, Kevin	Dumaine, Dudley	Hopfgarten, Paul	Introne, Robert
Itse, Daniel	Morris, Richard	O'Neil, Michael	Putnam, Ed II
Quandt, Marshall Lee	Quandt, Matthew	Sanders, Elisabeth	Weyler, Kenneth
STRAFFORD			
Bickford, David	Cataldo, Sam	Chaplin, Duncan	Easson, Timothy
Newton, Clifford	Twombly, James		
SULLIVAN			
Irish, Christopher	Rodeschin, Beverly		

and the majority committee report was adopted.

HB 463, relative to evidence of admissions in medical injury actions. **MAJORITY:**

INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Gregory M. Sorg for the Majority of Judiciary: The purpose of this bill is to encourage reconciliation between medical care providers and patients, and thereby to discourage litigation, by making inadmissible in any subsequent litigation expressions of “apology, fault, sympathy, commiseration, condolence, compassion, or a general sense of benevolence.” The committee concluded that it would be inequitable to except this profession from the general rule that prior acknowledgements of fault are admissible substantively at trial; and concluded, also, that the goal of reconciliation is not likely to be encouraged on the basis of a law providing that fault acknowledged before trial can be repudiated without consequence at trial. Vote 11-5.

Rep. James P. Pilliod for the Minority of Judiciary: This bill was introduced as a result of a two-year legislative commission that studied patient safety and medical errors. HB 463 is a patient-centered bill that would begin to restore the doctor-patient relationship after an unanticipated medical outcome. In Colorado, this law has resulted in open, honest discussions, acceptance of responsibility, a reduction in litigation, more patients have received settlements, it has helped prevent future errors, settlements are reached quicker and patients still retain the right to file a lawsuit. Today, when there is an unanticipated medical outcome, patients and their families typically hear nothing. Risk managers often instruct everyone involved to not say too much. (Check your auto insurance policies - most won't cover you if you talk to the other side.) Indeed, it is the silence and perceived stonewalling that causes many patients to seek the help of attorneys to learn what happened. The reason they receive no information is that doctors, nurses and hospitals know that, if they accept responsibility, their statements may be used against them at trial. We want medical care providers to accept responsibility for their actions, we want patients and their families to know what happened and we want quicker payment of settlements. Those are worthy goals in and of themselves. The so-called protections in this bill are limited. Patients are still free to bring a lawsuit. There is no immunity for medical providers in this bill. The only limitation would be that an injured patient would not be able to use a medical care provider's own explanation as proof that the doctor/nurse/hospital was negligent. However, the patient can use the medical care provider's explanation as a road map to prove his or her case. The committee considered two “I'm sorry” bills. HB 584 is a limited version of HB 463. It would not change existing law, would not promote open communications and would not do anything to change the way doctors and patients behave after an unanticipated outcome. HB 584 supporters spoke of wanting to encourage medical providers to show compassion and to explain what happened and why. HB 584 would not allow providers compassion and to explain what happened and why. HB 584 would not allow providers to talk about the “why” - - only to express sympathy/compassion. Unfortunately, HB 584 encourages evasiveness and may create more anger when questions go unanswered. We believe that HB 463 is more comprehensive and will truly benefit patients. The Minority of the Committee supports passage of HB 463. Majority committee report adopted.

HB 496, relative to limits on non-economic damages in medical injury actions.

INEXPEDIENT TO LEGISLATE

Rep. Vivian J. Desmarais for Judiciary: The committee heard extensive testimony on numerous bills relating to medical malpractice, including this bill which would mandate a \$250,000 cap on non-economic damages. The State has enacted similar legislation on three separate occasions and the N.H. Supreme Court ruled all three times that such a cap is in violation of our constitution; therefore it makes no sense to pass this measure. Testimony from both sides of the debate said there is no significant problem with frivolous medical malpractice cases in New Hampshire; there are very few huge jury awards and such a cap will do little to nothing to reduce medical malpractice insurance premiums. The committee further feels that a \$250,000 cap could be inadequate for some injuries. In light of the fact

that litigation costs, including attorney fees, diminish the actual amount received by an injured person. Vote 17-1.
Committee report adopted.

HB 530, relative to an informed jury. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tony F. Soltani for the Majority of Judiciary: Under common law, juries have had the right to refuse to return a guilty verdict where doing so would offend their good conscience. This right was used by jurors in refusing to convict patriots during the revolutionary period. The juries relying on this power refused to convict those who aided and housed runaway slaves. The independent tradition of juries continued during the civil rights movement. This right currently exists in all fifty states including New Hampshire. Presently, however, the juries are not consistently informed of this right, nor are any rules or guidelines regulating the circumstances under which this information may or may not be passed on to the jury. This arbitrary practice has created different practices in different regions. The majority of the committee favors equal treatment of all jurors, and defendants throughout the state. Vote 9-7.

Rep. Maureen C. Mooney for the Minority of Judiciary: The minority opposes HB 530 because it believes that any benefits of this legislation would be greatly outweighed by the damage it would do to the fair and equal application of our criminal statutes. Trial judges already have the ability to give a “jury nullification” instruction at the request of either party. That decision to grant or deny the request for such an instruction can be appealed to the Supreme Court. With HB 530, every criminal trial would turn into a mini-legislation session where the primary issue of the defendant’s guilt or innocence would be sidelined by public policy debates. The primary function of a criminal trial must be determining the guilt or innocence of the defendant and making sure that justice is done. HB 530 would interfere with those functions and therefore deserves to be ITL.

Reps. Hunt and Espiefs spoke against and yielded to questions.

Rep. Ingbretson spoke in favor.

Rep. Soltani spoke in favor and yielded to questions.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 118 NAYS 210			
YEAS 118			
BELKNAP			
Boyce, Laurie	Tobin, William		
CARROLL			
Babson, David Jr	Chandler, Gene	Dickinson, Howard	McConkey, Mark
Merrow, Harry			
CHESHIRE			
Dexter, Judson	Pelkey, Stephen	Roberts, Kris	Robertson, Timothy
Sawyer, Sheldon	Tilton, Anna		
COOS			
Merrick, Scott	Morneau, Renney	Remick, William	Richardson, Herbert
Stohl, Eric			

GRAFTON			
Barker, Robert	Giuda, Robert	Ingbretson, Paul	Maybeck, Margie
Mirski, Paul	Naro, Debra	Sorg, Gregory	
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Brundige, Robert	Buhlman, David
Carlson, Donald	Carter, Mark	Chabot, Robert	Christiansen, Lars
Clark, Mark	Cote, David	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	Elliott, Nancy	Francoeur, Bea	Ginsburg, Ruth
Goyette, Peter Jr	Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph
Infantine, William	Kurk, Neal	L'Heureux, Robert	Lawrence, James
Manney, Pamela	Martin, Mary Ellen	McRae, Karen	Mead, Robert
O'Brien, William	Renzullo, Andrew	Rochette, Eric	Rowe, Robert
Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, James		
MERRIMACK			
Field, William	Kennedy, Richard	Langlais, Thomas	Marple, Richard
Maxfield, Roy	Reed, Dennis	Soltani, Tony	Tupper, Frank
Whiting, Herbert			
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Bettencourt, David	Bishop, Franklin
Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin	Dalrymple, Janeen
DiFruscia, Anthony	Dodge, Robert	Donahue, Richard Ken	Dumaine, Dudley
Forsing, Robert	Garrity, James	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Lund, Howie	Major, Norman	Morris, Richard	Packard, Sherman
Quandt, Marshall Lee	Quandt, Matthew	Rolston, James	Sanders, Elisabeth
Stone, Joseph	Waterhouse, Kevin	Welch, David	Weldy, Norman
Wells, Roger	Weyler, Kenneth	Zolla, William	
STRAFFORD			
Bickford, David	Chaplin, Duncan	Newton, Clifford	Twombly, James
SULLIVAN			
Gale, Harry	Irish, Christopher	Rodeschin, Beverly	
NAYS 210			
BELKNAP			
Allen, Janet	Clark, Charles	Fitzgerald, James	Flanders, Donald
Morrison, Gail	Nedeau, Stephen	Pilliod, James	Rosen, Ralph
Russell, David	Tilton, Franklin	Veazey, John	Wendelboe, Fran
Whalley, Michael			

CARROLL			
Brown, Carolyn	Buco, Thomas	Knox, J David	Martin, James
Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Dunn, J Timothy
Eaton, Daniel	Emerson, Susan	Espiefs, Peter	Foote, Sheila
Hunt, John	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara		
COOS			
King, Frederick	Mears, Edgar	Theberge, Robert	Tholl, John Jr
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Cooney, Mary
Gionet, Edmond	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Solomon, Peter	
HILLSBOROUGH			
Baroody, Benjamin	Barry, J Gail	Batula, Peter	Bergin, Peter
Brassard, Paul	Campbell, David	Carew, James	Chase, Claudia
Christensen, D L Chris	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Emerton, Larry	Essex, David
Foster, Linda	Gargas, Carolyn	Garrity, Patrick	Golding, William
Goley, Jeffrey	Gorman, Mary	Graham, John	Hansen, Ryan
Harvey, Suzanne	Hawkins, Ken	Hebert, Raymond	Irwin, Anne-Marie
Jasper, Shawn	Jean, Claudette	Kopka, Angeline	Lasky, Bette
Lefebvre, Roland	Michon, Stephen	Mooney, Maureen	O'Connell, Timothy
Ober, Lynne	Pappas, Christopher	Pilote, Maurice	Price, Pamela
Reeves, Sandra	Rosenwald, Cindy	Ryder, Donald	Scanlon, Michael
Schulze, Joan	Shaw, Barbara	Shaw, Kimberly	Slocum, Lee
Smith, David	Sullivan, Francis	Sullivan, Peter	
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Danforth, James	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Hager, Elizabeth	Hamm, Christine
Hess, David	Kidder, David	Klose, John	L'Heureux, Stephen
Lockwood, Priscilla	Mackay, James	McMahon, Patricia	Osborne, Jessie
Potter, Frances	Reardon, Tara	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Wallner, Mary Jane	Walz, Mary Beth
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Belanger, Ronald	Blanchard, MaryAnn	Bridle, Russell
Buxton, Donald	Carson, Sharon	Casey, Kimberley	Charron, Gene
Coburn, James	Cooney, Richard	Dowd, John	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila	Gilbert, Karl

Gillick, Thomas	Griffin, Mary	Ingram, Russell	Introne, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Manning, John	Mason, April	McKinney, Betsy	Norelli, Terie
Nowe, Ronald	O'Neil, Michael	Pantelakos, Laura	Parker, Benjamin
Powers, James	Priestley, Anne	Rausch, James	Robertson, Carl
Scamman, Stella	Splaine, James	Weare, E Albert	Wiley, Robert
Winchell, George			
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Cataldo, Sam	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Dunlap, Patricia	Easson, Timothy	Grassie, Anne
Heon, Richard	Hilliard, Dana	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Katherine	Taylor, Kathleen
Wall, Janet			
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Osgood, Philip Sr
Phinizy, James	Prichard, Stephen		

and the majority committee report failed.

Rep. Mooney moved Inexpedient to Legislate.

Adopted.

HB 584, relative to evidence of admissions of liability in medical injury actions.

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

Rep. Bette R. Lasky for the Majority of Judiciary: HB 584 is one of two “I’m sorry” bills which were presented to the committee. Such legislation has been passed in ten other states and is said to be lessening the animosity some patients feel vs. their doctors when an unfortunate unforeseen outcome occurs. With the passage of HB 584 a physician feels free to express his sorrow and compassion to the patient without such expressions being admissible in court. The majority of the committee voted to pass this legislation while opposing HB 463 which also allowed the physician to admit fault and not have it admitted in court as well. The committee felt that HB 463 went too far. Vote 8-7.

Rep. Gregory M. Sorg for the Minority of Judiciary: The problem with this bill and the similarly motivated HB 463 is that an expression of “sympathy, compassion, commiseration or a general sense of benevolence” is not evidence of an admission of liability under current rules of evidence. Consequently, a statute making it inadmissible in court for purposes of acknowledging liability is unnecessary. Moreover, it is entirely conceivable that counsel for a health care provider defendant would want to introduce such expressions into evidence in order to present the provider as a humane individual, a possibility that passing this bill would presumably rule out.

Majority committee report adopted.

Ordered to third reading.

HB 619-FN, relative to skier safety and ski area responsibility. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. John B. Hunt for the Majority of Judiciary: In a bi-partisan vote, the majority of the committee supported the passage of HB 619-FN as amended by the committee. This bill is

intended to update New Hampshire's skier and ski area responsibility laws, which were last updated in 1978, so that the statute reflects the activities and equipment that is being utilized at ski areas in 2005. House Bill 619-FN maintains the appropriate balance that exists in law today so that skiers and ski area operators understand their respective responsibilities for safety at a ski area. The amendment removes some of the most contentious issues and adds a study committee to review if any other additional winter sports activities need to be included so that New Hampshire ski resorts can continue to remain competitive. Vote 11-8.

Rep. Bette R. Lasky for the Minority of Judiciary: The minority feels strongly that HB 619-FN as amended is wrong at this time. This bill changes RSA 225-A regarding skiers, ski area and passenger tramway safety. It expands the definitions of winter sports beyond skiing and ski jumps to include snowboarding, tubing, snowshoeing and cross-country skiing. There are changes to the color code signs for making the ski trail level of difficult and the placement of such signs. It also expands the ski area's immunity from suit to those who may go beyond the marked trails or who might trespass on the area. The Minority believes that while we don't have any objections to the study committee, and actually heartily support it, our concern is that it is not being dealt with first, before any bill is passed. We believe the bill is too important to rush. It needs a much more thorough study and we would prefer to retain it. The new areas the sponsors wanted for expansion of limited liability such as terrain parks, including jumps, hits, ramps, banks and freestyle bump terrain, are beyond the knowledge of most of us and testimony received from citizens highlighted concern about the safety of the design and construction of many of these newer ski area offerings.

Majority Amendment (0887h)

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

1 Declaration of Policy; Other Winter Sports Added. Amend RSA 225-A:1 to read as follows:

225-A:1 Declaration of Policy. The state of New Hampshire finds that the ~~[sport]~~ **sports** of skiing, ~~[is]~~ **snowboarding, snow tubing, and snowshoeing are** practiced by a large number of citizens of the state of New Hampshire, and also that skiing, ~~[attracts]~~ **snowboarding, snow tubing, and snowshoeing attract** to the state of New Hampshire large numbers of nonresidents significantly contributing to the economy of New Hampshire. Therefore, it shall be the policy of the state of New Hampshire to protect its citizens and visitors from unnecessary mechanical hazards in the operation of ski tows, lifts, **nordic ski** jumps and **passenger** tramways, to ensure that proper design and construction are used, that board accepted safety devices and sufficient personnel are provided for, and that periodic inspections and adjustments are made which are deemed essential to the safe operation of ski tows, ski lifts, **nordic** ski jumps and passenger tramways. The primary responsibility for operation, construction, maintenance and inspection rests with the operators of such passenger tramway devices. The state, through its passenger tramway safety board, as hereinafter provided, shall register all ski lift devices and **nordic** ski jumps, establish reasonable standards of design and operational practices, and make such independent inspections as may be necessary in carrying out this policy. Further, it shall be the policy of the state of New Hampshire to define the primary areas of responsibility of skiers and other users of alpine (downhill) and nordic (cross country and **nordic** ski jumps) areas, recognizing that the sport of skiing and other ski area activities involve risks and hazards which must be assumed as a matter of law by those engaging in such activities, regardless of all safety measures taken by the ski area operators.

2 Definition of Terms. RSA 225-A:2 is repealed and reenacted to read as follows:

225-A:2 Definitions. In this chapter:

I. "Board" means the passenger tramway safety board.

II. "Department" means the department of safety, division of safety services.

III. "Industry" means the activities of all those persons in the state who own or control the operation of ski areas.

IV. "Nordic ski jump" means a facility constructed for the purpose of nordic ski jumping and built in accordance with appropriate standards and guidelines, and any facilities that are associated with the use or viewing of such a facility.

V. "Passenger" means any person, including skiers, while being transported or conveyed by a passenger tramway, or while waiting in the immediate vicinity for such transportation or conveyance, or while moving away from the disembarkation or unloading point of a passenger tramway to clear the way for the following passengers, or while in the act of boarding or embarking upon or disembarking from a passenger tramway.

VI. "Passenger tramway" means a device used to transport passengers uphill on skis or other winter sports devices, or in cars on tracks or suspended in the air, by the use of steel cables, chains or belts or by ropes, and usually supported by trestles or towers with one or more spans. The term passenger tramway shall include the following:

(a) Two-car aerial passenger tramway, a device used to transport passengers in 2 open or enclosed cars attached to, and suspended from, a moving wire rope, or attached to a moving wire rope and supported on a standing wire rope, or similar devices.

(b) Multi-car aerial passenger tramway, a device used to transport passengers in open or enclosed cars attached to, and suspended from, a moving wire rope, or attached to a moving wire rope and supported on a standing wire rope, or similar devices.

(c) "Conveyor" means a class of outdoor transportation wherein skiers or passengers are transported uphill on a flexible moving element such as a conveyor belt.

(d) Chair lift, a type of transportation on which passengers are carried on chairs suspended in the air and attached to a moving cable, chain or link belt supported by trestles or towers with one or more spans, or similar devices.

(e) J bar, T bar or platter pull, so-called, and similar types of devices are means of transportation which pull skiers riding on skis by means of an attachment to a main overhead cable supported by trestles or towers with one or more spans.

(f) Rope tow, a type of transportation which pulls the skier riding on skis as the skier grasps the rope manually, or similar devices.

(g) Wire rope tow means a type of transportation by which skiers are pulled on skis while manually gripping a handle attached to a wire hauling cable. The hauling cable is maintained at a constant height range between the loading and unloading points, and there is only one span with no intermediate towers.

VII. "Ski area operator" means a person who owns or controls the operation of a ski area. The word "operator" shall include the state or any political subdivision. An operator of a passenger tramway shall be deemed not to be operating a common carrier. Ski area operator is included in the term "operator" as used in this chapter.

VIII. "Ski areas" means all passenger tramways and all designated alpine and nordic trails, slopes, freestyle terrain, tubing terrain, and nordic ski jumps under the control of the alpine and nordic ski area operator and any other areas under the operator's control open to the public for winter sports recreation or competition.

IX. "Skier" means a person utilizing the ski area under the control of a ski area operator for ski, snowboard, and snow tube recreation and competition.

X. "Tubing terrain" means areas designated for sliding on inflatable tubes or other similar devices down a prepared course or lanes at a ski area.

XI. "Winter sports" means the use of skis, snowboards, snow tubes, snowshoes, and any device being utilized by a disabled or adaptive participant for winter recreation or competition.

3 Responsibilities of the Ski Area Operator. RSA 225-A:23 is repealed and reenacted to read as follows:

225-A:23 Responsibilities of the Ski Area Operator. It shall be the responsibility of the operator to maintain the following signs and designations:

- I. General Designations. The following color code is hereby established:
- (a) Green circle: On area's easiest trails and slopes.
 - (b) Black diamond: On area's most difficult trails and slopes.
 - (c) Blue square: On area's trails and slopes that fall between the green circle and black diamond designation.
 - (d) Yellow triangle with red exclamation point inside with a red band around the triangle: Extrahazardous.
 - (e) Border around a black figure in the shape of a skier inside with a band running diagonally across the sign with the word "closed" beneath the emblem: Trail or slope closed.
 - (f) Orange oval: On area's designated freestyle terrain without respect to its degree of difficulty.

II. Base Area; Information to Skiers and Passengers.

- (a) A trail board shall be maintained at a prominent location listing the ski area's network of ski trails, slopes, tubing terrain, and designated freestyle terrain in accordance with the aforementioned color code and containing a key to the code in accordance with the above designations; said trail board shall further designate which trails, slopes, and snow tube terrain are open or closed.
- (b) The ski area operator shall warn skiers and passengers by use of the trail board, if applicable, that snow grooming or snow making operations are routinely in progress on the slopes and trails serviced by each tramway.
- (c) A map shall be available at all ski areas to all skiers and passengers indicating the system of ski trails, slopes, tubing terrain, and designated freestyle terrain in accordance with the color code in paragraph I.

III. Ski Trails and Slopes; Information and Warning to Skiers and Other Persons.

- (a) The operator shall mark the beginning of each alpine and nordic ski trail or slope with the appropriate symbol for that particular trail's or slope's degree of difficulty in accordance with RSA 225-A:23, I.
- (b) The beginning of each alpine ski trail or slope is defined as the highest point of the trail or slope. Lower trail junctions and intersections may be marked with a degree of difficulty symbol.
- (c) The operator shall mark the beginning of, and designated access points to, each alpine trail or slope that is closed with a sign in accordance with RSA 225-A:23, I(e). For purposes of this subparagraph, "designated access points" means the beginning of a trail, slope, or any point where an open trail crosses or intersects the closed trail as shown on the ski area's trail board and trail map.
- (d) The operator shall mark the beginning of and designated access points to terrain with the appropriate symbol in accordance with RSA 225-A:23, I(f), which sign shall warn the skier that the use of the terrain is at the skier's own risk. Further, a sign shall be placed at each lift depicting the symbols in RSA 225-A:23, I(a)-(f) describing the trail or slope that the skier may encounter by utilizing such lift.

IV. Nordic Ski Jumps. The operator shall provide a sign in a prominent location at or near the nordic ski jump facility, which sign shall warn the ski jumper that the use of the nordic ski jump is entirely at the ski jumper's own risk. Further, the ski area operator shall be responsible for the design, construction and structural maintenance of all nordic ski jumps.

4 Responsibilities of Skiers and Passengers. Amend the introductory paragraph of RSA 225-A:24 and RSA 225-A:24, I-III to read as follows:

225-A:24 Responsibilities of Skiers and Passengers. It is hereby recognized that, regardless of all safety measures which may be taken by the ski area operator, skiing, **snowboarding, snow tubing, and snowshoeing** as ~~a sport~~ **sports**, and the use of passenger tramways associated therewith may be hazardous to the skiers or passengers. Therefore:

I. Each person who participates in the sport of skiing, **snowboarding, snow tubing, and snowshoeing** accepts as a matter of law, the dangers inherent in the sport, and to that extent may not maintain an action against the operator for any injuries which result from such inherent risks, dangers, or hazards. The categories of such risks, hazards, or dangers which the skier or passenger assumes as a matter of law include but are not limited to the following: variations in terrain, surface or subsurface snow or ice conditions; bare spots; rocks, trees, stumps and other forms of forest growth or debris; **terrain**, lift towers, and components thereof (all of the foregoing whether above or below snow surface); pole lines and plainly marked or visible snow making equipment; collisions with other skiers or other persons or with any of the categories included in this paragraph.

II. Each skier and passenger shall have the sole responsibility for knowing the range of his **or her** own ability to negotiate any slope, trail, **terrain**, or passenger tramway. Any passenger who boards such tramway shall be presumed to have sufficient **knowledge**, abilities, **and physical dexterity** to negotiate the lift, and no liability shall attach to any operator or attendant for failure to instruct persons on the use thereof.

III. Each skier or passenger shall conduct himself **or herself**, within the limits of his **or her** own ability, maintain control of his **or her** speed and course at all times **both on the ground and in the air**, while skiing, **snowboarding, snow tubing, and snowshoeing** heed all posted warnings, and refrain from acting in a manner which may cause or contribute to the injury of himself, **herself**, or others.

5 New Subparagraph; Prohibitions; Access Closed Terrain. Amend RSA 225-A:24, V by inserting after subparagraph (f) the following new subparagraph:

(g) Ski or otherwise access terrain outside open and designated ski trails and slopes or beyond ski area boundaries without written permission of said operator or designee.

6 Insurance; Limitations. Amend RSA 225-A:25, I to read as follows:

I. Unless an operator of a passenger tramway is in violation of this chapter or the rules of the board, which violation is causal of the injury complained of, no action shall lie against any operator by any passenger or his **or her** representative; this prohibition shall not, however, prevent the maintenance of an action against an operator for negligent operation, construction, or maintenance of the passenger tramway itself.

7 Insurance; Limitations; Ski Area Operators Added. Amend RSA 225-A:25, IV to read as follows:

IV. No action shall be maintained against any operator for injuries to any skier or passenger unless the same is commenced within 2 years from the time of injury provided, however, that as a condition precedent thereof the operator shall be notified by certified return receipt mail within 90 days of said injury. The venue of any action against an operator shall be in the county ~~[in which the passenger tramway base station]~~ **where the ski area** is located and not otherwise.

8 New Paragraphs; Ski Areas; Limitations. Amend RSA 225-A:25 by inserting after paragraph IV the following new paragraphs:

V. No ski area operator shall be held responsible for ensuring the safety of, or for damages including injury or death, resulting to skiers or other persons who utilize the facilities of a ski area to access terrain outside open and designated ski trails. Ski areas shall not be liable for damages, including injury or death, to persons who venture beyond such open and designated ski trails.

VI. A ski area operator owes no duty to anyone who trespasses on the ski area property.

9 Ski Area Vehicles; Reference Changed. Amend RSA 259:101 to read as follows:

259:101 Ski Area Vehicles. "Ski area vehicles" shall mean motor vehicles, except private passenger vehicles, whether wheeled or tracked, on-highway or off-highway, owned or leased by a ski area as defined in RSA 225-A:2, [V] **VIII**, and used exclusively in winter or summer maintenance of ski trails, parking lots, private access roads, structures and other ski area facilities. These vehicles shall include snow cats, snow dozers, snow grooming equipment

and tractors, except that it shall not include vehicles with metal tracks or cleats operated outside the bounds of any road maintained exclusively by the ski area.

10 Committee Established.

I. There is established a committee to study additional winter sports that may need to be included in the ski area exemption from liability and skier safety.

II. Membership and Compensation.

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

(1) Three members of the house of representatives, appointed by the speaker of the house of representatives. One member shall be from the resources, recreation and development committee, and one member shall be from the judiciary committee.

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

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

III. Duties. The committee shall study:

(a) The need to include additional winter sports in the ski area liability exemption and which sports need to be included.

(b) Revising the statutes relating to skier safety and ski area responsibility to reflect changes in the sport of skiing and activities at ski areas.

IV. Chairperson. 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.

V. 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.

11 Effective Date.

I. Section 10 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2005.

AMENDED ANALYSIS

This bill:

I. Adds "snowboarding," "snow tubing," and "snowshoeing" to "skiing" in the declaration of policy.

II. Adds definitions to the definitions section and alphabetizes the section.

III. Makes certain changes to the color code signs for marking the ski trail level of difficulty and their placement.

IV. Adds "snowboarding," "snow tubing," and "snowshoeing" to skiing as inherently dangerous activities and changes the list of hazards for which skiers and others assume the risks.

V. Prohibits skiers from accessing certain parts of a ski area without written permission.

VI. Establishes a committee to study additional winter sports that may need to be included in the ski area exemption from liability and skier safety.

Majority committee amendment adopted.

Majority committee report adopted.

Ordered to third reading.

HB 702-FN, relative to the screening of medical malpractice claims. OUGHT TO PASS WITH AMENDMENT

Rep. Bette R. Lasky for Judiciary: This bill, as amended, is the final product of work by the committee to find a solution to lower malpractice rates in New Hampshire. This session, we had more than one "malpractice" bill presented to us. By examining four different types of tort reform, we believe that we have found a new approach which will work in New Hampshire. We have never heard evidence that New Hampshire has runaway jury awards

or that there is a huge problem with frivolous medical malpractice cases. Nor do we know for certain that any reform we enacted will, in fact, lower doctor's malpractice insurance rates. Still, the committee feels that HB 702-FN, as amended with prescreening process by an unbiased judge will help weed out non meritorious claims before they enter the judicial process and the 45 day mandatory mediation will help bring speedier resolutions for meritorious cases with a trial. That will save money. This bill also does not deny anyone with a meritorious claim justice. Without the excessive costs of the "Two Trial" Maine process, the person with a small claim or little money is not denied his day in court because of lack of funds. Admissibility to the jury has also been a difficulty with other bills. No process, no matter how well intentioned should have the potential of poisoning the jury. HB 702-FN as amended does not allow the outcome of the prescreening process to be admitted to the jury. The majority of the committee believes this bill is efficient, simple and gives the citizens of our state easy access to the jury system when they have truly been wronged and it is a neutral, quick and fair process to exonerate physicians whose only mistake is human error or an unexpected unforeseen medical outcome. Vote 15-6.

Amendment (0909h)

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

AN ACT relative to the screening and mediation of medical malpractice claims.

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

1 New Chapter; Screening and Mediation for Medical Injury Claims. Amend RSA by inserting after chapter 519-A the following new chapter:

CHAPTER 519-B

SCREENING AND MEDIATION FOR MEDICAL INJURY CLAIMS

519-B:1 Definitions. In this chapter a "provider of health care" shall mean a person, corporation, facility, or institution licensed by the state to provide health care or professional services as a physician, hospital, clinic or nursing home, dentist, registered or licensed nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, acupuncturist, or an officer, employee, or agent thereof acting in the course and scope of his or her employment.

519-B:2 Screening Hearing and Mediation.

I. Every action at law for medical injury against a provider of health care shall be screened by a single justice of the superior court. The plaintiff shall present an offer of proof and the screening judge shall determine if the evidence presented, if properly substantiated, is sufficient to raise a legitimate question of liability appropriate for judicial inquiry or whether the plaintiff's case is merely an unfortunate medical result.

II. All actions which continue after the decision of the screening judge under paragraph I shall be mediated within 45 days in a manner established by court rules to promote and encourage an expeditious settlement.

519-B:3 Procedure.

I. Each such action for medical injury shall be heard by the screening judge within 45 days after the defendant's answer has been filed. Substantial evidence shall mean such evidence as a reasonable person might accept as adequate to support a conclusion. Admissible evidence shall include, but not be limited to, hospital and medical records, nurses' notes, x-rays, and other records kept in the usual course of the practice of the health care provider without the necessity for other identification or authentication, statements of fact or opinion on a subject contained in a published treatise, periodical, book, or pamphlet or statements by experts without the necessity of such experts appearing at the hearing. The screening judge may, upon the application of either party or upon his or her own decision, summon or subpoena any such records or individuals to substantiate or clarify any evidence which has been presented and may appoint an impartial and qualified physician or surgeon or other related professional person or expert to conduct any necessary professional or expert examination of the claimant or relevant evidentiary matter and to report to the screening judge or to testify as a witness thereto. Such a witness shall be allowed traveling expenses

and a reasonable fee to be fixed by the screening judge which shall be assessed as costs. The testimony of the witness and the decision of the screening judge shall be admissible as evidence at a trial.

II. If a finding is made for the defendant or defendants in the case the plaintiff may pursue the claim through the usual judicial process only upon filing bond in the amount of \$6,000 in the aggregate secured by cash or its equivalent with the clerk of the court in which the case is pending, payable to the defendant or defendants in the case for costs assessed, including witness and experts fees and attorneys fees if the plaintiff does not prevail in the final judgment. The screening judge may, within his or her discretion, increase the amount of the bond required to be filed. If the bond is not posted within 30 days of the screening judge's finding, the action shall be dismissed. Upon motion filed by the plaintiff and a determination by the court that the plaintiff is indigent, the screening judge may reduce the amount of the bond but may not eliminate the requirement.

III. The expenses of the screening hearing and mediation shall be equitably assessed to the parties by the court.

519-B:4 Final Disposition. Upon entry of judgment, settlement, or other final disposition at trial court level, the clerk shall, no later than 15 days after such entry, send a copy of the judgment, settlement or other final disposition, to the board of medicine. The terms of judgment, settlement, or other final disposition shall not be sealed by agreement of the parties or by any other means and shall be available for public inspection, except, however, the identity of the plaintiff may be kept confidential.

519-B:5 Notification to the Board of Medicine. Whenever the tribunal makes a finding, the clerk of the court shall, no later than 15 days after such finding, send a copy of the complaint and finding to the board of medicine.

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

AMENDED ANALYSIS

This bill establishes a screening hearing before a superior court judge to review medical malpractice claims and mediation for claims that continue.

Rep. Dokmo spoke against.

Amendment failed.

Rep. Dokmo offered floor amendment (0955h).

Floor Amendment (0955h)

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

AN ACT relative to the screening and mediation of medical malpractice claims.

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

1 New Chapter; Screening and Mediation for Medical Injury Claims. Amend RSA by inserting after chapter 519-A the following new chapter:

CHAPTER 519-B

SCREENING AND MEDIATION FOR MEDICAL INJURY CLAIMS

519-B:1 Definitions. In this chapter a "provider of health care" means a provider of health care as defined in RSA 151-C:2, XXX(a).

519-B:2 Screening Hearing and Mediation.

I. Every action at law for medical injury against a provider of health care shall be screened by a single justice of the superior court. The plaintiff shall present an offer of proof and the screening judge shall determine if the evidence presented, if properly substantiated, is sufficient to raise a legitimate question of liability appropriate for judicial inquiry or whether the plaintiff's case is merely an unfortunate medical result.

II. All actions which continue after the decision of the screening judge under paragraph I shall be mediated within 45 days in a manner established by court rules to promote and encourage an expeditious settlement.

519-B:3 Procedure.

I. Each such action for medical injury shall be heard by the screening judge within 45 days after the defendant's answer has been filed. At the screening hearing the burden of persuasion shall be on the plaintiff to produce such evidence as a reasonable person might accept as adequate to support a conclusion. Admissible evidence shall include, but not be limited to, hospital and medical records, nurses' notes, x-rays, and other records kept in the usual course of the practice of the health care provider without the necessity for other identification or authentication, statements of fact or opinion on a subject contained in a published treatise, periodical, book, or pamphlet or statements by experts without the necessity of such experts appearing at the hearing. The screening judge may, upon his or her own decision, summon or subpoena any such records or individuals to substantiate or clarify any evidence which has been presented. The testimony of the witnesses and the decision of the screening judge shall not be admissible as evidence at a trial.

II. The expenses of the screening hearing and mediation shall be equitably assessed to the parties by the court.

519-B:4 Final Disposition. Upon entry of judgment, settlement, or other final disposition at trial court level, the clerk shall, no later than 15 days after such entry, send a copy of the judgment, settlement or other final disposition, to the board of medicine. The terms of judgment, settlement, or other final disposition shall not be sealed pursuant to RSA 507-E:3.

519-B:5 Notification to the Board of Medicine. Whenever the screening judge makes a finding, the clerk of the court shall, no later than 15 days after such finding, send a copy of the complaint and finding to the board of medicine.

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

AMENDED ANALYSIS

This bill establishes a screening hearing before a superior court judge to review medical malpractice claims and mediation for claims that continue.

Rep. Dokmo spoke in favor.

Floor amendment (0955h) adopted.

MOTION TO LAY ON THE TABLE

Rep. Batula moved that **HB 702-FN**, relative to the screening of medical malpractice claims, be laid on the table.

Rep. Giuda requested a roll call; sufficiently seconded.

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

YEAS 43 NAYS 265			
YEAS 43			
BELKNAP			
Clark, Charles	Flanders, Donald	Veazey, John	Wendelboe, Fran
CARROLL			
Brown, Carolyn	Chandler, Gene	Martin, James	Stevens, Stanley
CHESHIRE			
Emerson, Susan	Hunt, John		
COOS			
King, Frederick	Stohl, Eric		

GRAFTON			
Ingbretson, Paul			
HILLSBOROUGH			
Barry, J Gail	Batula, Peter	Brundige, Robert	Clark, Mark
Crane, Elenore Casey	Emerton, Larry	Hirschmann, Keith	O'Connell, Timothy
Ober, Lynne	Price, Pamela		
MERRIMACK			
Anderson, Eric	MacKay, James	Osborne, Jessie	Reed, Dennis
Whiting, Herbert			
ROCKINGHAM			
Bettencourt, David	Carson, Sharon	Dalrymple, Janeen	Donahue, Richard Ken
Francoeur, Sheila	Gillick, Thomas	Griffin, Mary	Hopfgarten, Paul
Major, Norman	Manning, John	Rausch, James	Winchell, George
STRAFFORD			
Bickford, David	Chaplin, Duncan	Newton, Clifford	
SULLIVAN			
None			
NAYS 265			
BELKNAP			
Allen, Janet	Boyce, Laurie	Morrison, Gail	Nedeau, Stephen
Pilliod, James	Russell, David	Tobin, William	Whalley, Michael
CARROLL			
Babson, David Jr	Buco, Thomas	Dickinson, Howard	Knox, J David
McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Foote, Sheila
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon
Tilton, Anna			
COOS			
Mears, Edgar	Merrick, Scott	Morneau, Renney	Remick, William
Richardson, Herbert	Theberge, Robert	Tholl, John Jr	

GRAFTON			
Almy, Susan	Andersen, Gene	Barker, Robert	Cooney, Mary
Gionet, Edmond	Giuda, Robert	Hammond, Lee	Harding, A Laurie
Maybeck, Margie	McLeod, Martha	Mirski, Paul	Mulholland, Catherine
Naro, Debra	Solomon, Peter	Sorg, Gregory	
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Baroody, Benjamin
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Brassard, Paul
Buhlman, David	Campbell, David	Carew, James	Carlson, Donald
Carter, Mark	Chabot, Robert	Chase, Claudia	Christensen, D L Chris
Christiansen, Lars	Cote, David	Coughlin, Pamela	Craig, James
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Drisk, Richard	Elliott, Nancy	Essex, David	Foster, Linda
Francoeur, Bea	Gargas, Carolyn	Garrity, Patrick	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr
Graham, John	Harvey, Suzanne	Hawkins, Ken	Hebert, Raymond
Hinkle, Peyton	Holden, Randolph	Infantine, William	Irwin, Anne-Marie
Jasper, Shawn	Jean, Claudette	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	Lasky, Bette	Lefebvre, Roland	Manney, Pamela
McRae, Karen	Mead, Robert	Michon, Stephen	Mooney, Maureen
O'Brien, William	Pilotte, Maurice	Reeves, Sandra	Renzullo, Andrew
Rochette, Eric	Rowe, Robert	Ryder, Donald	Scanlon, Michael
Schulze, Joan	Shaw, Barbara	Shaw, Kimberly	Slocum, Lee
Smith, David	Souza, Kathleen	Stepanek, Stephen	Sullivan, Francis
Sullivan, Peter	Tahir, Saghir	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, James			
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Danforth, James
DeJoie, John	DeStefano, Stephen	Field, William	Foose, Robert
French, Barbara	Hager, Elizabeth	Hamm, Christine	Hess, David
Kidder, David	Klose, John	L'Heureux, Stephen	Langlais, Thomas
Lockwood, Priscilla	Marple, Richard	McMahon, Patricia	Potter, Frances
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Soltani, Tony
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Bishop, Franklin	Blanchard, MaryAnn	Buxton, Donald	Cady, Harriet
Cali-Pitts, Jacqueline	Camm, Kevin	Casey, Kimberley	Charron, Gene
Coburn, James	Cooney, Richard	DiFruscia, Anthony	Dodge, Robert
Dowd, John	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Flockhart, Eileen	Forsing, Robert	Garrity, James	Gilbert, Karl
Headd, James	Hughes, Daniel	Ingram, Russell	Introne, Robert
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Lund, Howie	Mason, April
McKinney, Betsy	Morris, Richard	Norelli, Terie	Nowe, Ronald

O'Neil, Michael	Packard, Sherman	Parker, Benjamin	Powers, James
Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Splaine, James
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weldy, Norman	Wells, Roger	Weyler, Kenneth	Wiley, Robert
Zolla, William			

STRAFFORD

Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Cataldo, Sam	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Dunlap, Patricia	Easson, Timothy	Grassie, Anne
Heon, Richard	Hilliard, Dana	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Katherine	Taylor, Kathleen
Twombly, James	Wall, Janet		

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Osgood, Philip Sr	Phinizy, James	Prichard, Stephen	Rodeschin, Beverly

and the motion to lay on the table failed.

The question now being adoption of the committee report.

Reps. Sheila Francoeur and MacKay spoke against.

Reps. Rowe, Lasky and Dokmo spoke in favor.

Rep. Soltani yielded to questions.

Rep. Hunt requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 259 NAYS 48			
YEAS 259			
BELKNAP			
Allen, Janet	Boyce, Laurie	Morrison, Gail	Nedeau, Stephen
Tobin, William	Whalley, Michael		
CARROLL			
Babson, David Jr	Buco, Thomas	Knox, J David	Martin, James
McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Foote, Sheila
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon
Tilton, Anna			

COOS			
King, Frederick	Mears, Edgar	Merrick, Scott	Morneau, Renney
Richardson, Herbert	Theberge, Robert		
GRAFTON			
Almy, Susan	Andersen, Gene	Barker, Robert	Cooney, Mary
Gionet, Edmond	Giuda, Robert	Hammond, Lee	Harding, A Laurie
Ingbretson, Paul	Maybeck, Margie	McLeod, Martha	Mirski, Paul
Mulholland, Catherine	Naro, Debra	Solomon, Peter	Sorg, Gregory
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Baroody, Benjamin
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Brassard, Paul
Brundige, Robert	Buhlman, David	Campbell, David	Carew, James
Carter, Mark	Chabot, Robert	Chase, Claudia	Christensen, D L Chris
Christiansen, Lars	Cote, David	Coughlin, Pamela	Craig, James
Crane, Elenore Casey	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy	Essex, David
Foster, Linda	Francoeur, Bea	Gargasz, Carolyn	Garrity, Patrick
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Goyette, Peter Jr
Graham, John	Harvey, Suzanne	Hawkins, Ken	Hebert, Raymond
Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph	Infantine, William
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Lefebvre, Roland
Manney, Pamela	McRae, Karen	Mead, Robert	Michon, Stephen
Mooney, Maureen	O'Brien, William	O'Connell, Timothy	Pilotte, Maurice
Renzullo, Andrew	Rochette, Eric	Rowe, Robert	Ryder, Donald
Scanlon, Michael	Schulze, Joan	Shaw, Barbara	Shaw, Kimberly
Slocum, Lee	Smith, David	Souza, Kathleen	Stepanek, Stephen
Sullivan, Francis	Sullivan, Peter	Tahir, Saghir	Vaillancourt, Steve
Villeneuve, Maurice			
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Danforth, James
DeJoie, John	DeStefano, Stephen	Field, William	Foose, Robert
French, Barbara	Hager, Elizabeth	Hamm, Christine	Hess, David
Kidder, David	Klose, John	L'Heureux, Stephen	Langlais, Thomas
Lockwood, Priscilla	Marple, Richard	McMahon, Patricia	Potter, Frances
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Soltani, Tony
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Whiting, Herbert	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Asselin, Michael	Bettencourt, David
Bishop, Franklin	Blanchard, MaryAnn	Buxton, Donald	Cali-Pitts, Jacqueline
Camm, Kevin	Carson, Sharon	Casey, Kimberley	Charron, Gene
Cooney, Richard	DiFruscia, Anthony	Dodge, Robert	Donahue, Richard Ken

Dowd, John	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Flockhart, Eileen	Forsing, Robert	Garrity, James	Gilbert, Karl
Headd, James	Hughes, Daniel	Ingram, Russell	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Lund, Howie	Mason, April	McKinney, Betsy
Morris, Richard	Norelli, Terie	O'Neil, Michael	Packard, Sherman
Parker, Benjamin	Powers, James	Priestley, Anne	Quandt, Marshall Lee
Quandt, Matthew	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Splaine, James	Waterhouse, Kevin	Welch, David	Weldy, Norman
Wells, Roger	Weyler, Kenneth	Wiley, Robert	Zolla, William
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Chaplin, Duncan	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Dunlap, Patricia	Easson, Timothy	Grassie, Anne
Heon, Richard	Hilliard, Dana	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Newton, Clifford	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Katherine
Taylor, Kathleen	Twombly, James	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Osgood, Philip Sr	Phinizy, James	Prichard, Stephen	Rodeschin, Beverly
NAYS 48			
BELKNAP			
Clark, Charles	Flanders, Donald	Pilliod, James	Russell, David
Veazey, John	Wendelboe, Fran		
CARROLL			
Brown, Carolyn	Chandler, Gene	Dickinson, Howard	Patten, Betsey
Stevens, Stanley			
CHESHIRE			
Emerson, Susan	Hunt, John		
COOS			
Remick, William	Stohl, Eric	Tholl, John Jr	
GRAFTON			
None			
HILLSBOROUGH			
Barry, J Gail	Batula, Peter	Carlson, Donald	Emerton, Larry

Gorman, Mary	Ober, Lynne	Price, Pamela	Reeves, Sandra
Wheeler, James			
MERRIMACK			
Anderson, Eric	MacKay, James	Osborne, Jessie	Reed, Dennis
ROCKINGHAM			
Belanger, Ronald	Cady, Harriet	Coburn, James	Dalrymple, Janeen
Francoeur, Sheila	Gillick, Thomas	Griffin, Mary	Hopfgarten, Paul
Introne, Robert	Major, Norman	Manning, John	Nowe, Ronald
Rausch, James	Robertson, Carl	Stone, Joseph	Weare, E Albert
Winchell, George			
STRAFFORD			
Bickford, David	Cataldo, Sam		
SULLIVAN			
None			

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

RECONSIDERATION

Having voted with the prevailing side, Rep. Norelli moved that the House reconsider its action whereby it voted ***HB 323-FN***, relative to excluding social security numbers and other information from documents filed with registries of deeds, Inexpedient to Legislate.

Reps. Patten and Stohl spoke against.

Rep. Kurk spoke in favor.

Rep. Patten requested a roll call; sufficiently seconded.

The question being adoption of the motion of reconsideration.

YEAS 153 NAYS 150			
YEAS 153			
BELKNAP			
Pilliod, James	Wendelboe, Fran		
CARROLL			
Babson, David Jr	Dickinson, Howard	Martin, James	Merrow, Harry
CHESHIRE			
Butcher, Suzanne	Dunn, J Timothy	Espiefs, Peter	Plifka, Stanley Jr
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
COOS			
Merrick, Scott	Morneau, Renney		
GRAFTON			

Almy, Susan	Andersen, Gene	Gionet, Edmond	Giuda, Robert
Ham, Bonnie	Hammond, Lee	Harding, A Laurie	Ingbretson, Paul
McLeod, Martha	Solomon, Peter		
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Baroody, Benjamin
Batula, Peter	Biundo, Michael	Brassard, Paul	Campbell, David
Carew, James	Carlson, Donald	Chase, Claudia	Christensen, D L Chris
Cote, David	Coughlin, Pamela	Craig, James	Crane, Elenore Casey
Daniuk, Caitlin	Desmarais, Vivian	Emerton, Larry	Foster, Linda
Garrity, Patrick	Ginsburg, Ruth	Gorman, Mary	Graham, John
Harvey, Suzanne	Hinkle, Peyton	Hirschmann, Keith	Irwin, Anne-Marie
Jean, Claudette	Kopka, Angeline	Kurk, Neal	Lasky, Bette
Lefebvre, Roland	Manney, Pamela	McRae, Karen	Mead, Robert
Michon, Stephen	Mooney, Maureen	Ober, Lynne	Rochette, Eric
Rosenwald, Cindy	Rowe, Robert	Schulze, Joan	Shaw, Barbara
Shaw, Kimberly	Slocum, Lee	Smith, David	Souza, Kathleen
Stepanek, Stephen	Sullivan, Francis	Sullivan, Peter	Tahir, Saghir
Vaillancourt, Steve	Wheeler, James		
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	DeJoie, John	DeStefano, Stephen
Field, William	Foose, Robert	French, Barbara	Hamm, Christine
Langlais, Thomas	McMahon, Patricia	Potter, Frances	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Soltani, Tony	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Bettencourt, David	Cali-Pitts, Jacqueline
Camm, Kevin	Casey, Kimberley	DiFruscia, Anthony	Dodge, Robert
Gilbert, Karl	Headd, James	Hughes, Daniel	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Lund, Howie	Mason, April
McKinney, Betsy	Norelli, Terie	Parker, Benjamin	Powers, James
Quandt, Marshall Lee	Splaine, James	Welch, David	
STRAFFORD			
Bickford, David	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Cataldo, Sam	Cilley, Jacalyn	Creteau, Irene	Easson, Timothy
Grassie, Anne	Hofemann, Roland	Keans, Sandra	Newton, Clifford
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Katherine	Taylor, Kathleen
Wall, Janet			
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinzy, James	

NAYS 150			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Morrison, Gail	Nedeau, Stephen	Russell, David	Tobin, William
Veazey, John	Whalley, Michael		
CARROLL			
Brown, Carolyn	Buco, Thomas	Chandler, Gene	Knox, J David
McConkey, Mark	Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley
CHESHIRE			
Allen, Peter	Butynski, William	Dexter, Judson	Eaton, Daniel
Emerson, Susan	Foote, Sheila	Hunt, John	Mitchell, Bonnie
Parkhurst, Henry	Pratt, John	Sawyer, Sheldon	
COOS			
King, Frederick	Mears, Edgar	Remick, William	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	
GRAFTON			
Barker, Robert	Cooney, Mary	Maybeck, Margie	Mirski, Paul
Mulholland, Catherine	Naro, Debra	Sorg, Gregory	
HILLSBOROUGH			
Barry, J Gail	Bergeron, Jean-Guy	Bergin, Peter	Brundige, Robert
Buhlman, David	Carter, Mark	Chabot, Robert	Christiansen, Lars
Clark, Mark	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Essex, David	Francoeur, Bea	Gargas, Carolyn	Golding, William
Goyette, Peter Jr	Hawkins, Ken	Hebert, Raymond	Holden, Randolph
Infantine, William	Jasper, Shawn	L'Heureux, Robert	O'Brien, William
O'Connell, Timothy	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Ryder, Donald	Scanlon, Michael	Villeneuve, Maurice
MERRIMACK			
Bouchard, Candace	Brueggemann, Donald	Danforth, James	Hager, Elizabeth
Hess, David	Kennedy, Richard	Kidder, David	Klose, John
Lockwood, Priscilla	MacKay, James	Marple, Richard	Osborne, Jessie
Reed, Dennis			
ROCKINGHAM			
Asselin, Michael	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Buxton, Donald	Cady, Harriet	Carson, Sharon	Charron, Gene
Coburn, James	Cooney, Richard	Donahue, Richard Ken	Dowd, John
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Flockhart, Eileen
Forsing, Robert	Francoeur, Sheila	Garritty, James	Gillick, Thomas

Griffin, Mary	Hopfgarten, Paul	Ingram, Russell	Introne, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Major, Norman
Manning, John	Morris, Richard	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Priestley, Anne	Quandt, Matthew	Rausch, James
Robertson, Carl	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Weldy, Norman
Wells, Roger	Weyler, Kenneth	Wiley, Robert	Winchell, George
Zolla, William			
STRAFFORD			
Domingo, Baldwin	Dunlap, Patricia	Heon, Richard	Hilliard, Dana
Johnson, Nancy	Kaen, Naida	Knowles, William	Twombly, James
SULLIVAN			
Ferland, Brenda	Gale, Harry	Osgood, Philip Sr	Prichard, Stephen
Rodeschin, Beverly			

and the motion of reconsideration was adopted.

The question now being adoption of the committee report of Inexpedient to Legislate.

Rep. Kurk spoke against.

Rep. Patten spoke in favor and yielded to questions.

On a division vote, 149 members having voted in the affirmative and 151 in the negative, the committee report failed.

Rep. Kurk moved Ought to Pass with Amendment and offered floor amendment (0867h).

Floor Amendment (0867h)

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

1 New Sections; Registers of Deeds; Social Security Numbers and Financial Information.

Amend RSA 478 by inserting after section 4-a the following new sections:

478:4-b Records; Social Security Numbers and Financial Information.

I. The preparer of a document shall not include an individual's social security number in a document that is prepared and presented for recording in the office of the register of deeds. This paragraph shall not apply to state or federal tax liens, certified copies of death certificates, and other documents required by law to contain such information that are filed or recorded in the office of the register of deeds.

II. If a deed or instrument that includes an individual's social security number, credit card number, or other financial account numbers, was filed with the register of deeds prior to January 1, 2006 and is available on the Internet, the individual may request that the register of deeds redact such information from the Internet record. The register of deeds shall establish a procedure by which individuals may request that such information be redacted from the Internet. Upon request, the information shall be redacted.

478:4-c Violation; Enforcement.

I. An individual aggrieved by a violation of RSA 478:4-b may bring against the preparer:

(a) An action to enjoin such violation.

(b) An action to recover actual monetary loss from such a violation, or to receive up to \$1,000 in damages for each such violation, whichever is greater.

(c) Both such actions.

II. It shall be an affirmative defense in any action brought under this section that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent a violation of RSA 478:4-b. If the court finds that the

defendant willingly or knowingly or with gross negligence violated RSA 478:4-b, the court may, in its discretion, increase damages to an amount equal to not more than 3 times the amount available under paragraph I.

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

AMENDED ANALYSIS

This bill prohibits, with certain limited exceptions, a person from filing with the registry of deeds a document that includes an individual's social security number. The bill also permits an individual to request that the register of deeds redact the individual's social security number, credit card number, or other financial account numbers from records that were filed prior to January 1, 2006 and are available on the internet. On a division vote, 182 members having voted in the affirmative and 116 in the negative, the floor amendment (0867h) was adopted. The question now being adoption of the motion of Ought to Pass with Amendment. Adopted and ordered to third reading.

MOTION TO VACATE

Rep. Stephen L'Heureux moved that the House vacate the reference of ***SB 208-FN***, relative to certification of driver education instructors, to the Committee on Education.

Motion adopted.

The Speaker referred ***SB 208-FN***, relative to certification of driver education instructors, to the Committee on Transportation.

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, April 6, 2005 at 10:00 a.m. Adopted.

LATE SESSION

Third reading and final passage

HB 132, relative to grounds for dismissal of a teacher

HB 346-L, relative to the procedure for withdrawal from a cooperative school district.

HB 406, revising certain provisions of the home education statutes.

HB 721, prohibiting the department of education and the state board of education from adopting a definition of an adequate education.

HB 424-FN, prohibiting the receipt of cash gifts by elected officials.

HB 255, establishing a committee to study the pricing of milk.

HB 275, defining farmers' market.

HB 432-FN, relative to the septage handling and treatment facilities grant program and the septage and sludge land application restrictions.

HB 517, establishing a committee to study certain issues relative to construction and demolition waste and establishing a moratorium on the incineration of any construction and demolition waste.

HB 56, relative to food safety in restaurants.

HB 307, establishing a committee to study the feasibility of licensing residential building and remodeling contractors.

HB 594-FN, relative to retirement system classification for department of corrections correctional line personnel.

HB 401-FN-A, making an appropriation to the Seacoast Shipyard Association.

HB 478-FN-A, making an appropriation for "Newsline for the Blind."

HB 539-FN-A-L, relative to land and community heritage investment program administration.

HB 584, relative to evidence of admissions of liability in medical injury actions.

HB 619-FN, relative to skier safety and ski area responsibility.

HB 702-FN, relative to the screening and mediation of medical malpractice claims.

HB 323-FN, relative to excluding social security numbers and other information from documents filed with registries of deeds.

UNANIMOUS CONSENT

Rep. Craig moved that the remarks of Rep. Joseph E. Stone be printed in the Permanent Journal.

Unanimously adopted.

Rep. Stone: Thank you, Mr. Speaker. Tomorrow morning, April 1st, marks the 60th anniversary of the Battle of Okinawa. On April 1, 1945, this horrendous battle began. Several years ago when I spoke on this, I asked four individuals to stand who had participated in this battle. At that time we had Representative Leighton Pratt who served in the Navy, the late Robert Milligan who served in the Navy, Representative John Flanders, who's with us today, served in the Navy, and former Representative Leo Fraser served with the 2nd Marine Air Base.

I recall vividly that morning as I climbed over the rail of a LST, down a landing net, into a Higgins boat and then proceeded to take part in the invasion of Okinawa. On February 19th of this year, we were honored to have the honorable Representative from New London, Alf Jacobson, speak to us about the Battle of Iwo Jima. Historians have said that that was a very savage battle, but historians have also said that the bloodiest battle that took place in the Pacific theater was the Battle of Okinawa.

This battle went on for five months. It was a very small island, very rough terrain. The marines and the soldiers battled furiously to take this land. I've stated before and I'll state again, this island was taken yard by yard, cave by cave, hill by hill, until the victory was secured on September 2 of that year.

27,000 Americans, soldiers, marines, airmen and sailors, either lost their life or were wounded. 91,000 Japanese were killed. 150,000 Okinawans lost their lives on their own mainland. Over 250 American ships were either sunk or severely damaged by Japanese flyers, kamakazi flyers flying suicide missions.

As I've done every year since that time, on April 1st I've said a silent prayer in honor of those who gave their lives and also a silent prayer thanking God that I was one of the survivors and that I could be here today.

In this room, we have many members of the Greatest Generation, men and women who fought and served in World War II. Mr. Speaker, with your permission, I would like to have those individuals who are here stand, if I may, sir.

Thank you, Mr. Speaker, and thank you people for giving me the privilege to speak, ... and to my fellow marines, "Semper Fi."

RECESS MOTION

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

The House recessed at 6:20 p.m.

RECESS