

HOUSE RECORD

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

Vol. 27

Concord, N.H.

Wednesday, April 6, 2005

No. 33

HOUSE JOURNAL No. 10 (cont.)

Wednesday, March 30, 2005

RECESS

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

HOUSE JOURNAL No. 11

Wednesday, April 6, 2005

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

Prayer was offered by Guest Chaplain Rev. Dr. David F. Dodge, Pastor of the Stratham Community Church.

Eternal and ever-present God, who was and is and evermore shall be, who brings us the changing seasons and provides us with every good thing. We thank You for all the blessings You bestow upon us. As we gather in this historic place to do the work of the people, we remember those who went before us, whose work created that which sustains us, and gives us the impetus to move forward as a prosperous state.

We pray this day for our national leaders that they may continue to work toward peace and the betterment of humankind around the world. We pray for those who serve our country, both at home and abroad. Particularly, New Hampshire soldiers serving in harm's way. Keep them safe. We pray in mourning for the loss of Pope John Paul II. May his legacy of love continue to foster the prospects of peace and the light of hope in a hurting world. Hear our prayers of love and concern, O God, for those who are ill or experiencing difficult times, be they colleagues, friends or members of our own families. May they know Your healing presence and be present to us this day, loving God. Give us wisdom in our decision-making, guidance in our deliberations, and a mindfulness for those we serve with the passion of all the prophets, we pray. Amen and amen.

Rep. Elizabeth D. Blanchard led the Pledge of Allegiance.

The National Anthem was sung by Alicia Rossman, a senior at Exeter High School.

LEAVES OF ABSENCE

Reps. Albert, Alger, Peter Cote, Nancy Elliott, Kelly, Lessard, Mary Ellen Martin, Maybeck, Mulholland, Palangas, Palazzo and Ross, the day, illness.

Reps. Baines, Bicknell, William Chase, Mark Clark, Clayton, Dexter, Donald Flanders, Hollinger, Hunt, Itse, Lawrence, Reeves, Rochette, Sanders and Francis Sullivan, the day, important business.

Reps. Hagan and Lefebvre, the day, illness in the family.

Reps. Paula Johnson and Mitchell, the day, death in the family.

INTRODUCTION OF GUESTS

Robert and Cheryl Rossman, parents of the day's singer, guests of the House. Wendy Garrity, Steven Beland, Kaitlyn Duchaine, wife, son and daughter of Rep. Patrick Garrity. Rose Kester, mother of Rep. Marjorie Smith. Somersworth High School's Social Studies Government Class, students of Rep. Hilliard. Sabrina Avedisian, guest of Reps. Headd and McKinney. Janice Ulery, wife of Rep. Ulery. Anastasia Bult, guest of the Pembroke delegation. Members of the American Legion, Ben Talford, Jack Neylon, NH Adjutant John Zachodny, NH Past Commander Tony Rabia and Adjutant General Ken Clark of the New Hampshire National Guard, guests of the State-Federal Relations and Veterans Affairs Committee.

INTRODUCTION OF SPECIAL GUEST

Rep. Weyler moved that the remarks of Thomas P. Cadmus, the National Commander of the American Legion, be printed in the Permanent Journal.

Adopted.

REMARKS

Thomas P. Cadmus: Thank you very much and good morning, Mr. Speaker of the House, Doug Scamman and Minority Leader, James Craig, and legislators one and all. As you heard, I am Tom Cadmus. I am the National Commander of the American Legion and I represent an organization of 2.7 million nationally. I hail from the state of Michigan. I've been in your great state since Sunday and I've been from one end to the other, and I've had a very enjoyable time.

The American Legion is a veterans organization and believes in supporting our veterans, our troops and alike. But if I could, I would just like to take a moment and recognize your General, Major General now, now I believe he just got appointed to Major General, doing an excellent, General Ken Clark. Good to see you again, sir. I would also like to recognize Richard Heon, who has done the work for me to come in here and speak to you for just a few minutes this morning. My message will be brief because I've got some legionnaires in the state of Vermont that are waiting for me to get over there. So anyway, I just have a couple observations that I've seen while being in the Granite State. And number one, I got to see your state Veterans' Cemetery. What a beautiful tribute to our veterans for their final resting area! It's wonderful, and you should be proud of that. Also, I had the opportunity to visit your state Veterans' Home. You've built on to it, it's a beautiful facility and our aging veterans, what a great place as we all get to the age of senior citizens, a great place to go and that is a true tribute to your veterans in this state again. But I'd like to add that on the national level, your veterans home is being subsidized or being paid a per diem from the Veterans' Administration from the federal level. When the President's budget came out they were only going to pay the per diem for categories 1 through 3, and indigent 4. Well, we of the American Legion stand here to say "no." We think that these veterans homes need to be subsidized for all veterans. And I know not only would it be devastating to the State of New

Hampshire, but would be devastating to the State of Michigan, and the rest. All but three states have veterans homes, and soon there will only be two, Delaware being one that is about to build one. So, I can tell you that we of the American Legion nationally are standing pat to make sure that per diem flows to all states to support our veterans' homes.

I am pleased to hear that you are recognizing your troops that are returning this month. You know, I can't get over this. I was talking to the Adjutant General of Pennsylvania, Major General Wright, and she give me a stat that even I was shocked by. The operation in Iraq is being handled by 48%, 48% of that operation is being handled by National Guard and Reservists. That's an unbelievable figure. Never before in the course of the United States, since World War II, have we used our National Guard and Reserve components so much. It's outstanding.

Just in closing, I would like to say that we, the American Legion, especially in the state of New Hampshire, we call it the American Legion Department in New Hampshire, some 25,000 strong with its Auxiliary and the Sons of the American Legion, we do a lot of good things. Such as, and it probably relates to you more than anyone, our Boys State and Girls State Program which we feel is a great program to introduce young people to the political process and maybe come and join this very chamber some day. We, the American Legion, sponsor those things and enjoy doing that.

Other than that, I'll let you get back to your business here at hand in this great state. Thank you from a guy from a small town in Michigan where it's really great, what a country, that I can come here and speak to the House of Representatives of the State of New Hampshire. Thank you very much.

MEMORIAL REMARKS

Rep. Weyler moved that the remarks of Rep. Price be printed in the Permanent Journal. Adopted.

Rep. Price:

Thank you, Mr. Speaker. Dawn Nolan-Petiri, a former state representative, died on March 31st at the age of 44. She served two terms representing Nashua in the House of Representatives from 1997 to 2000. In addition to her duties here in Concord, Dawn was also very active in the Nashua community. She was a licensed nurse assistant at St. Joseph's Hospital and worked for the Home Health Care and Hospice Association. She was a Sunday school teacher at Community Chapel and worked briefly at a child learning center. I knew Dawn for a number of years, both from her work as a state representative and from various Republican campaigns in Nashua. Dawn actually lived in my ward in Nashua. Those of you who knew her know that she was dedicated to public service, to her community and to her family. And our thoughts and prayers go out to her family and her friends at this time. Thank you.

The House stood to observe a moment of silent prayer in tribute.

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Joint Resolution numbered 1.

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

REGULAR CALENDAR

HB 66, regulating mandatory overtime for nurses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeffrey P. Goley for Labor, Industrial and Rehabilitative Services: This bill allows a nurse who has been working 12 consecutive hours the option to say no if asked to stay longer than his/her regularly scheduled shift without being disciplined. The committee received information showing that when nurses worked longer than 12 hours the chances of making medical error increased. The bill also allows an employer to enter into a written agreement

with employees wishing to be exempted from this legislation and submitting those agreements to the Department of Labor. Vote 11-3.

Amendment (0725h)

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

AN ACT regulating mandatory overtime for nurses and assistants.

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

1 New Subdivision; Regulating Mandatory Overtime for Nurses and Assistants. Amend RSA 275 by inserting after section 60 the following new subdivision:

Mandatory Overtime for Nurses and Assistants

275:61 Prohibited Overtime.

I. A registered nurse, licensed practical nurse, or a licensed nursing assistant licensed under RSA 326-B shall not be disciplined, or lose any right, benefit, or privilege for refusing to work more than 12 consecutive hours, except as provided in paragraph II. A nurse may be disciplined for refusing mandatory overtime in a case when overtime is required under paragraph II. Any nurse who is mandated to work more than 12 consecutive hours, as permitted by this subdivision, shall be allowed at least 8 consecutive hours of off-duty time immediately following the worked overtime.

II. The prohibition against mandatory overtime shall not apply to:

(a) A nurse participating in surgery, until the surgery is completed;

(b) A nurse working in a critical care unit, until another employee beginning a scheduled work shift relieves him or her;

(c) A public health emergency; or

(d) A nurse covered by a collective bargaining agreement containing provisions addressing the issue of mandatory overtime.

275:62 Special Agreement. Employers shall be exempted from the provisions of RSA 275:61 by written agreement between the employer and employee, made without coercion or pressure, provided the agreement is submitted to the commissioner of the department of labor. The agreement may be terminated by the employee by written notice to the employer and the commissioner of the department of labor. Said termination shall be effective 14 days after notice is provided.

275:63 Penalties. Any employer who willfully violates any provision of this subdivision shall be subject to a civil penalty under RSA 273:11-a.

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

AMENDED ANALYSIS

This bill regulates mandatory overtime for nurses and assistants and provides civil penalties.

Rep. Giuda spoke against.

Rep. Osborne spoke in favor.

Rep. Holden spoke in favor and yielded to questions.

(Rep. Weyler in the Chair)

On a division vote, 175 members having voted in the affirmative and 166 in the negative, the committee amendment was adopted.

On a division vote, 205 members having voted in the affirmative and 137 in the negative, the committee report was adopted.

Ordered to third reading.

Rep. Bergin voted Nay and intended to vote Aye.

HB 217, relative to liability of third persons under workers' compensation. **INEXPEDIENT TO LEGISLATE**

Rep. Anthony R. DiFruscia for Labor, Industrial and Rehabilitative Services: The committee

believed this bill places an extra burden on the injured worker and attempts to dictate to the judiciary how to handle workers compensation cases. It strikes from the statute the judge's ability to handle cases "as justice may require" and essentially ties their hands. This bill effectively boxes the judge in and does not allow him or her the flexibility or discretion needed as workers compensation cases often need. Workers' compensation all have different circumstances and should be dealt with on a case-by-case basis. This bill is the result of one court case where an insurance company lost and didn't agree with the unanimous decision of our Supreme Court. The bill is the insurance company's attempt to remedy its loss through legislation. The committee felt this one case does not merit legislation. Vote 11-2. Report adopted.

HB 350, relative to enforcement of the labor protection statutes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Randolph N.S. Holden for Labor, Industrial and Rehabilitative Services: This is a "housekeeping" bill brought to the committee by the Department of Labor. The bill allows the Commissioner to hold hearings and investigate charges of violation of the labor protection laws. In addition, the proposed legislation allows employers to recover accidental wage overpayment provided that both parties agree to the stipulations. Finally, the legislation provides for continuity with other penalty provision within labor laws. Vote 10-5.

Amendment (0836h)

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

AN ACT relative to enforcement of the labor protection statutes, permitting certain wage deductions, and increasing the civil penalty in the department of labor.

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

2 Enforcement; Wage Claim; Department or Employee May File, Date Extended.

Amend RSA 275:51, V to read as follows:

V. ~~[If an employee elects to file a wage claim under this section, the wage claim must be filed with the department no later than 18]~~ ***A wage claim may be filed by an employee or by the department on its own motion no later than 36*** months from the date ~~the~~ ***employee knew the*** wages were due. The commissioner shall notify the employer by serving upon the employer a copy of such claim and an order to file with the commissioner within 10 days from the receipt of such notice any objections to such claim specifying the grounds therefor. Service may be by certified mail with return receipt. If objection is not made within 10 days, the commissioner may order that payment be made in accordance with the claim. If requested, a hearing shall be afforded at which time any party may appear, with counsel if desired, and present evidence and cross-examine opposing witnesses. Any party, at the party's own expense, may cause a record to be made of the hearing. A written decision shall be made within 30 days after the hearing stating the decision and specifying the facts and conclusions upon which the decision is based. If wages are found to be due, an order for payment shall issue. Any party aggrieved by the decision may appeal to the superior court not later than 20 days from the date thereof by petition, setting forth that the decision is erroneous, in whole or in part, and specifying the grounds upon which the decision is claimed to be in error. Upon the filing of an appeal, the commissioner shall transfer to the court the record of the proceeding or a certified copy thereof. The scope of review by the superior court shall be limited to questions of law. ~~[After hearing and upon consideration of the record, the court may affirm, vacate or modify in whole or in part the decision of the commissioner, or may remand the matter to the commissioner for further findings.]~~ ***The superior court may confirm, reverse, or modify the commissioner's decision or conduct a trial de novo, if it finds any error of law.*** In the absence of a seasonable appeal, the decision and order shall be final, shall be entered upon the docket of the superior court at the request of the prevailing party, may be enforced as a judgment of the court, and shall be a lien upon the property of the employer situated in the state for a period of 3 years from the time of the

decision. It is a requirement of this chapter for purposes of RSA 275:52 that a final order be immediately satisfied by the employer.

3 New Subparagraphs; Withholding of Wages; Deductions Allowed. Amend RSA 275:48, I by inserting after subparagraph (d)(2) the following new subparagraphs:

(3) Voluntary installment payments of legitimate loans made by the employer to the employee as evidenced by a document that includes the following:

(A) The time the payments will begin and end.

(B) The amounts to be deducted.

(C) A specific agreement regarding whether the employer is allowed to deduct any amount outstanding from final wages at the termination of employment.

(4) Voluntary payments for the recovery of accidental overpayment of wages when the following conditions are met:

(A) The recovery is agreed to in writing.

(B) The deduction for the overpayment begins one pay period following the date the parties execute the written agreement.

(C) The written agreement specifies:

(i) The date the recovery of the overpayment will begin and end.

(ii) The amount to be deducted, which shall be agreed upon by the employer and the employee but which shall, in no event, be more than 20 percent of the employee's gross pay in any pay period.

(iii) A specific agreement regarding whether the employer is allowed to deduct any amount outstanding from final wages at the termination of employment.

(5) Voluntary payments for the recovery of tuition for non-required educational costs paid by the employer for the employee to an educational institution when the specific deduction is authorized in writing prior to the deduction as evidenced by a document that includes the following:

(A) The time the payments will begin and end.

(B) The amounts to be deducted.

(C) A specific agreement regarding whether the employer is allowed to deduct any amount outstanding from final wages at the termination of employment.

(6) Voluntary payments for vacation pay, paid time off pay, earned time pay, personal time pay, annual pay, sick pay, sick dependent pay, and bereavement pay pursuant to a written employment policy as required by RSA 275:49, III, when requested and paid to the employee in advance of eligibility and when the employee agrees in writing without coercion or pressure to allow the employer to deduct the amount owed from his or her final wages at the termination of employment.

4 Civil Penalties; Maximum Increased. Amend RSA 273:11-a, I to read as follows:

I. In addition to any criminal penalty provided under this title, the commissioner may, after hearing, impose a civil penalty not to exceed ~~[\$1,000]~~ **\$2,500**, as determined by the commissioner, for any violation of any of the provisions of this title or of any rule adopted pursuant to this title. Any person on whom a penalty is imposed under this section may appeal as provided in RSA 273:11-c and 273:11-d. All moneys collected under this section shall be deposited in the general fund.

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

AMENDED ANALYSIS

This bill:

I. Empowers the commissioner to hold hearings and investigate charges of violations of the labor protection statutes either on his or her own motion or on an employee complaint.

II. Adds the department of labor as a party entitled to initiate a wage claim and extends the period in which to file a wage claim from 18 months to 36 months.

III. Allows voluntary deductions from wages for loans, accidental overpayments, tuition, and certain time off.

IV. Increases the civil penalty that the commissioner may impose from \$1,000 to \$2,500.

Rep. Holden spoke against.

Amendment failed.

Rep. Holden offered floor amendment (0916h).

Floor Amendment (0916h)

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

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

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Amend RSA 275:51, V to read as follows:

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(C) The written agreement specifies:

- (i) The date the recovery of the overpayment will begin and end.
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 - (iii) A specific agreement regarding whether the employer is allowed to deduct any amount outstanding from final wages at the termination of employment.
- (5) Voluntary payments for the recovery of tuition for non-required educational costs paid by the employer for the employee to an educational institution when the specific deduction is authorized in writing prior to the deduction as evidenced by a document that includes the following:
- (A) The time the payments will begin and end.
 - (B) The amounts to be deducted.
 - (C) A specific agreement regarding whether the employer is allowed to deduct any amount outstanding from final wages at the termination of employment.
- (6) Voluntary payments for vacation pay, paid time off pay, earned time pay, personal time pay, annual pay, sick pay, sick dependent pay, and bereavement pay pursuant to a written employment policy as required by RSA 275:49, III, when requested and paid to the employee in advance of eligibility and when the employee agrees in writing without coercion or pressure to allow the employer to deduct the amount owed from his or her final wages at the termination of employment.

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I. In addition to any criminal penalty provided under this title, the commissioner may, after hearing, impose a civil penalty not to exceed ~~[\$1,000]~~ **\$2,500**, as determined by the commissioner, for any violation of any of the provisions of this title or of any rule adopted pursuant to this title. Any person on whom a penalty is imposed under this section may appeal as provided in RSA 273:11-c and 273:11-d. All moneys collected under this section shall be deposited in the general fund.

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

AMENDED ANALYSIS

This bill:

- I. Empowers the commissioner to hold hearings and investigate charges of violations of the labor protection statutes either on his or her own motion or on an employee complaint.
 - II. Adds the department of labor as a party entitled to initiate a wage claim and extends the period in which to file a wage claim from 18 months to 36 months.
 - III. Allows voluntary deductions from wages for loans, accidental overpayments, tuition, and certain time off.
 - IV. Increases the civil penalty that the commissioner may impose from \$1,000 to \$2,500.
- Floor amendment (0916h) adopted.
Report adopted and ordered to third reading.

HB 665-FN-L, relative to the applicable minimum wage for hourly employees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Benjamin C. Baroody for Labor, Industrial and Rehabilitative Services: This was a good compromise that most people could live with. The amendment would give a one dollar increase after two years. Fifty cents September 1, 2005 and fifty cents September 1, 2006. The committee heard a wide range of testimony and felt it was time. Vote 11-2.

Amendment (0853h)

Amend the introductory paragraph of RSA 279:21 as inserted by section 1 of the bill by replacing it with the following:

279:21 Minimum Hourly Rate. Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than that set forth in the federal minimum wage law, as amended, or as follows, whichever is higher:

Date	Hourly Rate
[April 1, 1991 to September 30, 1996	\$4.25
October 1, 1996 to August 31, 1997	\$4.75]
On and after September 1, 1997	\$5.15
On and after September 1, 2005	\$5.65
On and after September 1, 2006	\$6.15

Tipped employees of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receive more than \$20 a month in tips directly from the customers will receive a base rate from the employer of not less than \$2.38 per hour. With any change to the minimum wage after the effective date of this section, the employer is responsible to pay employees \$2.38 per hour or 45 percent of the applicable minimum wage whichever is higher. If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the minimum wage for all hours worked, the employer shall pay the employee the difference to guarantee the applicable minimum wage. The limitations imposed hereby shall be subject to the following exceptions:

Amendment adopted.

Rep. Adams spoke against and yielded to questions.

Rep. Marjorie Smith spoke in favor and yielded to questions.

Rep. Phyllis Katsiakores spoke against.

Reps. Holden and Norelli spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 197 NAYS 157			
YEAS 197			
BELKNAP			
Heald, Bruce	Morrison, Gail	Pilliod, James	
CARROLL			
Buco, Thomas	Knox, J David	Merrow, Harry	Olimpio, J Lisbeth
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Dunn, J Timothy
Eaton, Daniel	Emerson, Susan	Espiefs, Peter	Foote, Sheila
Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			
COOS			
Buzzell, Bernard	Lary, Bruce	Mears, Edgar	Merrick, Scott
Morneau, Renney	Remick, William	Richardson, Herbert	Theberge, Robert
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Gionet, Edmond	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Naro, Debra	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter		

HILLSBOROUGH			
Aboshar, Jeffrey	Balboni, Michael	Baroody, Benjamin	Beaulieu, Jane
Bergin, Peter	Brassard, Paul	Campbell, David	Chabot, Robert
Chase, Claudia	Clemons, Jane	Cote, David	Craig, James
Crane, Elenore Casey	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Egbers, Fran	Essex, David	Foster, Linda
Garrity, Patrick	Gibson, John	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Graham, John	Haley, Robert	Hall, Betty
Harvey, Suzanne	Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette
Kopka, Angeline	Lasky, Bette	Matarazzo, Anthony Sr	Messier, Irene
Michon, Stephen	Mooney, Maureen	Movsesian, Lori	Pappas, Christopher
Pilotte, Maurice	Rosenwald, Cindy	Scanlon, Michael	Schulze, Joan
Shaw, Barbara	Shaw, Kimberly	Smith, David	Souza, Kathleen
Sullivan, Peter	Villeneuve, Maurice		
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Danforth, James	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Hamm, Christine	Lockwood, Priscilla	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	Reardon, Tara	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	Bishop, Franklin
Blanchard, MaryAnn	Bridle, Russell	Buxton, Donald	Cali-Pitts, Jacqueline
Casey, Kimberley	Cooney, Richard	DiFruscia, Anthony	Dowling, Patricia
Flanders, John Sr	Flockhart, Eileen	Gilbert, Karl	Gould, Kenneth
Hughes, Daniel	Hutchinson, Karen	Johnson, Robert	Langley, Jane
Mason, April	McKinney, Betsy	Norelli, Terie	Pantelakos, Laura
Powers, James	Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl
Serlin, Christopher	Splaine, James	Stone, Joseph	Weldy, Norman
Wells, Roger	Wiley, Robert	Winchell, George	
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Goodwin, Earle	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

Phinizy, James	Prichard, Stephen		
NAYS 157			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
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
Dickinson, Howard	Martin, James	McConkey, Mark	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		
CHESHIRE			
Hogancamp, Deborah	Sawyer, Sheldon		
COOS			
King, Frederick	Stohl, Eric	Tholl, John Jr	
GRAFTON			
Eaton, Stephanie	Giuda, Robert	Ingbretson, Paul	Mirski, Paul
Sorg, Gregory	Ward, John	Williams, Burton	
HILLSBOROUGH			
Adams, Jarvis IV	Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Brundige, Robert	Buhlman, David
Calawa, Leon Jr	Carew, James	Carlson, Donald	Carter, Mark
Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela	Drisko, Richard
Dyer, Donald	Emerton, Larry	Francoeur, Bea	Gargasz, Carolyn
Golding, William	Goyette, Peter Jr	Hansen, Ryan	Hawkins, Ken
Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Hunter, Bruce	Infantine, William	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	Manney, Pamela	McRae, Karen	Mead, Robert
O'Brien, William	O'Connell, Timothy	Ober, Lynne	Pepino, Leo
Price, Pamela	Renzullo, Andrew	Rowe, Robert	Ryder, Donald
Slocum, Lee	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Wheeler, James	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Currier, David	Field, William	Hess, David
Kidder, David	Klose, John	L'Heureux, Stephen	Langlais, Thomas
Marple, Richard	Maxfield, Roy	Oliver, James	Reed, Dennis
ROCKINGHAM			
Belanger, Ronald	Bettencourt, David	Cady, Harriet	Camm, Kevin

Carson, Sharon	Charron, Gene	Coburn, James	Dalrymple, Janeen
Dodge, Robert	Donahue, Richard Ken	Dowd, John	Doyle, Christopher
Dumaine, Dudley	Fesh, Bob	Forsing, Robert	Francoeur, Sheila
Garrity, James	Gillick, Thomas	Griffin, Mary	Headd, James
Hopfgarten, Paul	Ingram, Russell	Introne, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Lund, Howie
Major, Norman	Manning, John	McMahon, Charles	Moore, Benjamin
Morris, Richard	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Parker, Benjamin	Priestley, Anne	Putnam, Ed II	Rausch, James
Rolston, James	Scamman, Stella	Smith, Paul	Stiles, Nancy
Waterhouse, Kevin	Weare, E Albert	Welch, David	Weyler, Kenneth
Zolla, William			
STRAFFORD			
Bickford, David	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Newton, Clifford	Twombly, James	
SULLIVAN			
Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly	

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

HB 392-FN, increasing the mileage reimbursement rate for members of the legislature.
OUGHT TO PASS

Rep. Betsy McKinney for Legislative Administration: In the past century, mileage rates for the state plan have been addressed and increased to keep pace with costs every 10 years. However, after 1979 when they set the current rate, 38 cents per mile and 19 cents per mile in excess of 45 miles, no one looked at the issue in 1989 or 1999. We heard testimony that this poses a real hardship for those who come to Concord from the North Country or those that stay overnight. The bill changes the mileage rate to 76 cents per mile and 38 cents per mile, and makes it effective in the next session, January 1, 2007. We did hear testimony that the rate adjusted for inflation really should be 99 cents per mile, but the committee declined that amount and the legislature can look at it again in 2009. Vote 10-1.
On a division vote, 253 members having voted in the affirmative and 87 in the negative, the committee report was adopted.
Ordered to third reading.

HCR 10, recognizing February 8, 2005 as Scouting in New Hampshire day. **OUGHT TO PASS**

Rep. Paul C. Smith for Legislative Administration: The Boy Scouts of America is an organization that on February 5, 2005 turned ninety-five-years old. In those 95 years, scouting has made great leaders out of boys including astronauts, presidents, actors, businessmen, philanthropists-the list goes on and on. While some view the Boy Scouts as discriminatory, it remains a private organization that has withstood countless legal battles with the ultimate goal of instilling morals and character in its membership. This resolution has bi-partisan support, as it should, because Scouts come from all walks of life, regardless of party, station, etc. This resolution does one thing, commends the Boy Scouts for one day. That does not seem unacceptable. Vote 7-4.
Committee report adopted.
Ordered to third reading.

HB 90, relative to private driving instruction and exhibition facilities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Harry S. Gale for the Majority of Municipal and County Government: The bipartisan majority feels that this bill does not need further action by this legislature. The issue that precipitated this bill was legislative intervention last session. This committee strongly feels that this is a local issue and the committee will not play the role of arbiter. The fact that the legislature intervened last year has absolutely nothing to do with the substance of the matter. This issue needs to be addressed at the local level with all the tools that the legislature has given those local communities to deal with any and all land use issues at the local level. Due process will provide for any appeal if that is deemed appropriate or necessary. Vote 14-5.

Rep. Nancy K. Johnson for the Minority of Municipal and County Government: The committee heard overwhelming public testimony in support of HB 90. This bill repeals RSA 287-G enacted last year, which exempts “private driving instructions and exhibition facilities” from municipal regulation under RSA 31:41-a and RSA 31:42. The bill is not about Tamworth. While last year’s changes were advocated by representatives of the proposed Tamworth race track and had the most immediate impact there, they removed the ability of any municipality to apply a local race track ordinance. The minority believes that it is a dangerous precedent for the legislature to take away local control. Passing HB 90 would restore local control which is so vital to the New Hampshire way.

Reps. Merrow spoke against.

Reps. Dowd and Stohl spoke in favor and yielded to questions.

Reps. Schmidt and Dickinson spoke against and yielded to questions.

Rep. Buhlman spoke in favor.

Rep. Merrow requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 160 NAYS 191			
YEAS 160			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Nedeau, Stephen	Rosen, Ralph	Thomas, John	Tilton, Franklin
Veazey, John	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Brown, Carolyn	Chandler, Gene	McConkey, Mark	Patten, Betsey
CHESHIRE			
Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah	Roberts, Kris
Sawyer, Sheldon			
COOS			
King, Frederick	Lary, Bruce	Morneau, Renney	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	
GRAFTON			
Cooney, Mary	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Mirski, Paul	Solomon, Peter		

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	Calawa, Leon Jr
Carlson, Donald	Carter, Mark	Chabot, Robert	Christiansen, Lars
Clemons, Jane	Coughlin, Pamela	Crane, Elenore Casey	Dyer, Donald
Emerton, Larry	Francoeur, Bea	Gibson, John	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Goyette, Peter Jr	Graham, John
Hansen, Ryan	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Hirschmann, Keith	Holden, Randolph	Infantine, William	Jasper, Shawn
Jean, Claudette	Matarazzo, Anthony Sr	McRae, Karen	Ober, Lynne
Price, Pamela	Renzullo, Andrew	Shaw, Barbara	Slocum, Lee
Souza, Kathleen	Stepanek, Stephen	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, James		
MERRIMACK			
Danforth, James	Field, William	Greco, Vincent	Klose, John
L'Heureux, Stephen	Marple, Richard	Oliver, James	Osborne, Jessie
Reardon, Tara	Soltani, Tony	Whiting, Herbert	
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Cady, Harriet
Camm, Kevin	Carson, Sharon	Coburn, James	Dalrymple, Janeen
Dodge, Robert	Donahue, Richard Ken	Dowd, John	Dowling, Patricia
Doyle, Christopher	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Francoeur, Sheila	Gilbert, Karl	Gillick, Thomas
Griffin, Mary	Headd, James	Hopfgarten, Paul	Ingram, Russell
Introne, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Lund, Howie	Major, Norman	Manning, John
McKinney, Betsy	Moore, Benjamin	Morris, Richard	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Parker, Benjamin	Priestley, Anne
Putnam, Ed II	Quandt, Marshall Lee	Rausch, James	Smith, Paul
Stiles, Nancy	Waterhouse, Kevin	Welch, David	Weldy, Norman
Weyler, Kenneth	Wiley, Robert	Zolla, William	
STRAFFORD			
Bickford, David	Brown, Jennifer	Callaghan, Frank	Campbell, W Packy
Creteau, Irene	Domingo, Baldwin	Easson, Timothy	Heon, Richard
Hilliard, Dana	Newton, Clifford	Twombly, James	
SULLIVAN			
Cloutier, John	Ferland, Brenda	Gale, Harry	Osgood, Philip Sr
NAYS 191			
BELKNAP			

Heald, Bruce	Morrison, Gail	Pilliod, James	Russell, David
Tobin, William			
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Buco, Thomas	Dickinson, Howard
Knox, J David	Martin, James	Merrow, Harry	Olimpio, J Lisbeth
Philbrick, Donald	Stevens, Stanley		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Dunn, J Timothy
Eaton, Daniel	Emerson, Susan	Parkhurst, Henry	Pelkey, Stephen
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Robertson, Timothy
Tilton, Anna	Weed, Charles		
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Remick, William
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Eaton, Stephanie	Ham, Bonnie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Naro, Debra	Nordgren, Sharon	Sokol, Hilda
Sorg, Gregory	Ward, John	Williams, Burton	
HILLSBOROUGH			
Aboshar, Jeffrey	Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter
Campbell, David	Carew, James	Chase, Claudia	Christensen, D L Chris
Cote, David	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Egbers, Fran	Essex, David
Foster, Linda	Gargas, Carolyn	Garrity, Patrick	Gorman, Mary
Haley, Robert	Hall, Betty	Harvey, Suzanne	Hebert, Raymond
Hunter, Bruce	Irwin, Anne-Marie	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	Lasky, Bette	Manney, Pamela	Mead, Robert
Messier, Irene	Michon, Stephen	Mooney, Maureen	Movsesian, Lori
O'Brien, William	O'Connell, Timothy	Pappas, Christopher	Pepino, Leo
Pilotte, Maurice	Rosenwald, Cindy	Rowe, Robert	Ryder, Donald
Scanlon, Michael	Schulze, Joan	Shaw, Kimberly	Smith, David
Sullivan, Peter	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	DeJoie, John	DeStefano, Stephen
Foose, Robert	French, Barbara	Gile, Mary	Hamm, Christine
Hess, David	Langlais, Thomas	Lockwood, Priscilla	Maxfield, Roy
McMahon, Patricia	Owen, Derek	Potter, Frances	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	Asselin, Michael	Bishop, Franklin	Blanchard, MaryAnn
Buxton, Donald	Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene
Cooney, Richard	DiFruscia, Anthony	Flockhart, Eileen	Garrity, James
Gould, Kenneth	Hughes, Daniel	Hutchinson, Karen	Johnson, Robert
Langley, Jane	Mason, April	McMahon, Charles	Norelli, Terie
Pantelakos, Laura	Powers, James	Quandt, Matthew	Robertson, Carl
Rolston, James	Scamman, Stella	Serlin, Christopher	Splaine, James
Stone, Joseph	Weare, E Albert	Wells, Roger	Winchell, George

STRAFFORD

Berube, Roger	Brown, Julie	Brown, Lawrence	Cataldo, Sam
Chaplin, Duncan	Cilley, Jacalyn	Dunlap, Patricia	Goodwin, Earle
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

Converse, Larry	Donovan, Thomas	Franklin, Peter	Houde-Quimby, Charlotte
Irish, Christopher	Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen
Rodeschin, Beverly			

and the committee report failed.

Rep. Merrow moved Ought to Pass with Amendment and offered floor amendment (0924h).

Floor Amendment (0924h)

Amend the bill by replacing section 1 with the following:

1 Repeal. RSA 287-G:1, II, relative to private driving instruction and exhibition facilities not being considered race tracks for the purposes of RSA 31:41-a or RSA 31:42, is repealed.

Rep. Merrow spoke in favor and requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (0924h).

YEAS 273 NAYS 76			
YEAS 273			
BELKNAP			
Heald, Bruce	Morrison, Gail	Pilliod, James	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran			
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Dickinson, Howard	Knox, J David	Martin, James
Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Dunn, J Timothy
Eaton, Daniel	Emerson, Susan	Espieffs, Peter	Foote, Sheila

Hogancamp, Deborah	Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Robertson, Timothy	Tilton, Anna
Weed, Charles			
COOS			
Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Merrick, Scott	Remick, William	Theberge, Robert	Tholl, John Jr
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	Ingbretson, Paul	McLeod, Martha	Naro, Debra
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	Sorg, Gregory
Ward, John	Williams, Burton		
HILLSBOROUGH			
Aboshar, Jeffrey	Baroody, Benjamin	Batula, Peter	Beaulieu, Jane
Bergin, Peter	Brassard, Paul	Calawa, Leon Jr	Campbell, David
Carew, James	Carlson, Donald	Carter, Mark	Chabot, Robert
Chase, Claudia	Christensen, D L Chris	Clemons, Jane	Cote, David
Coughlin, Pamela	Crane, Elenore Casey	Daniuk, Caitlin	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Egbers, Fran
Emerton, Larry	Essex, David	Foster, Linda	Gargasz, Carolyn
Garrity, Patrick	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Graham, John	Haley, Robert	Hall, Betty
Harvey, Suzanne	Hawkins, Ken	Hebert, Raymond	Hirschmann, Keith
Hunter, Bruce	Irwin, Anne-Marie	Jean, Claudette	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Manney, Pamela
Matarazzo, Anthony Sr	Mead, Robert	Messier, Irene	Michon, Stephen
Mooney, Maureen	Movsesian, Lori	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Pappas, Christopher	Pepino, Leo	Pilotte, Maurice
Price, Pamela	Rosenwald, Cindy	Rowe, Robert	Ryder, Donald
Scanlon, Michael	Schulze, Joan	Shaw, Barbara	Shaw, Kimberly
Smith, David	Souza, Kathleen	Sullivan, Peter	Villeneuve, Maurice
Wheeler, Robert			
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	DeJoie, John	DeStefano, Stephen
Field, William	Foose, Robert	French, Barbara	Gile, Mary
Greco, Vincent	Hamm, Christine	Hess, David	Langlais, Thomas
Lockwood, Priscilla	Marple, Richard	Maxfield, Roy	McMahon, Patricia
Oliver, James	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Reed, Dennis	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Whiting, Herbert	Williams, Robert	Yeaton, Charles

ROCKINGHAM			
Abbott, Dennis	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bishop, Franklin	Blanchard, MaryAnn	Buxton, Donald	Cady, Harriet
Cali-Pitts, Jacqueline	Camm, Kevin	Casey, Kimberley	Charron, Gene
Coburn, James	Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony
Donahue, Richard	Dowling, Patricia	Flanders, John Sr	Flockhart, Eileen
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gould, Kenneth
Griffin, Mary	Headd, James	Hughes, Daniel	Hutchinson, Karen
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Major, Norman	Mason, April	McKinney, Betsy
McMahon, Charles	Moore, Benjamin	Morris, Richard	Norelli, Terie
Nowe, Ronald	O'Neil, Michael	Pantelakos, Laura	Powers, James
Priestley, Anne	Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew
Robertson, Carl	Rolston, James	Scamman, Stella	Serlin, Christopher
Splaine, James	Stone, Joseph	Weare, E Albert	Wells, Roger
Weyler, Kenneth	Wiley, Robert	Winchell, George	Zolla, William
STRAFFORD			
Berube, Roger	Brown, Julie	Brown, Lawrence	Callaghan, Frank
Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Dunlap, Patricia	Goodwin, Earle	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	Twombly, James	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Irish, Christopher	Jillette, Arthur Jr	Osgood, Philip Sr
Phinizy, James	Prichard, Stephen	Rodeschin, Beverly	
NAYS 76			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Nedeau, Stephen	Veazey, John	Whalley, Michael	
CARROLL			
McConkey, Mark			
CHESHIRE			
Roberts, Kris	Sawyer, Sheldon		
COOS			
Morneau, Renney	Richardson, Herbert	Stohl, Eric	
GRAFTON			

Gionet, Edmond	Giuda, Robert	Mirski, Paul	
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barry, J Gail
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brundige, Robert
Buhlman, David	Christiansen, Lars	Dyer, Donald	Francoeur, Bea
Gibson, John	Goyette, Peter Jr	Hansen, Ryan	Hellwig, Steve
Hinkle, Peyton	Holden, Randolph	Jasper, Shawn	McRae, Karen
Renzullo, Andrew	Slocum, Lee	Stepanek, Stephen	Ulery, Jordan
Vaillancourt, Steve	Wheeler, James		
MERRIMACK			
Danforth, James	Klose, John	L'Heureux, Stephen	Soltani, Tony
ROCKINGHAM			
Allen, Mary	Carson, Sharon	Dodge, Robert	Dowd, John
Doyle, Christopher	Dumaine, Dudley	Fesh, Bob	Gilbert, Karl
Gillick, Thomas	Hopfgarten, Paul	Ingram, Russell	Introne, Robert
Johnson, Rogers	Lund, Howie	Manning, John	Packard, Sherman
Parker, Benjamin	Rausch, James	Smith, Paul	Stiles, Nancy
Waterhouse, Kevin	Welch, David	Weldy, Norman	
STRAFFORD			
Bickford, David	Brown, Jennifer	Campbell, W Packy	Easson, Timothy
Newton, Clifford			
SULLIVAN			
Ferland, Brenda	Gale, Harry		

and floor amendment (0924h) was adopted.

Motion of Ought to Pass with Amendment adopted.

Ordered to third reading.

The House recessed at 12:40 p.m.

RECESS
(Speaker Scamman in the Chair)

The House reconvened at 1:40 p.m.

HB 233-FN-L, relative to reimbursement for police assistance provided to schools within a cooperative school district or an authorized regional enrollment area school. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Harry S. Gale for the Majority of Municipal and County Government: The town of Langdon is the smallest community with the Fall Mountain Regional School District. However, the regional high school was built in that town and based on the requirement that law enforcement within a town is implemented through and the responsibility of the local police department, there is disagreement among the towns that are part of the school district as to whether the town of Langdon has the full responsibility for paying for the law enforcement for the high school. A temporary solution was found when a school resource office was funded through a Cops Grant from the federal government. Now that this program is in its fourth year, the disagreement regarding the funding of a law enforcement

officer is coming back. This bill proposes to require that the municipalities within the school district reimburse the town of Langdon for not less than 180 days during the school year at a rate of \$300 per diem. Whenever this type of requirement is made by the state to a local situation the unfunded mandated provision in our constitution in Part I Article 28-a must be considered. The committee urges the local governing bodies to resolve this disagreement so the students' safety and well-being will be constant. Vote 14-4.

Rep. Peter B. Schmidt for the Minority of Municipal and County Government: Ideally, arrangements for mutually beneficial services should be paid for on a fairly shared basis, and the agreement should be negotiated voluntarily among the affected parties. When, in the real world, a majority among such parties refuses to negotiate and unfairly leaves the payment of the said services to the minority, it is not inappropriate for a higher authority to intervene and compel a mutually and fairly shared arrangement. That was the premise of HB 233-FN-L. A minority of the committee members agreed with the bill's concept and would have preferred to see the state involve itself in reaching an equitable solution. Majority report adopted.

HB 69, relative to property rights and large groundwater withdrawals. OUGHT TO PASS WITH AMENDMENT

Rep. Judith T. Spang for Resources, Recreation and Development: This bill as amended makes changes in the large groundwater withdrawal permits process to improve its transparency for the benefit of both the applicant and municipalities in which the withdrawal is to occur. Communications are improved and a public hearing is established at the point when all relevant information on the application has been submitted by all parties. The bill also corrects inconsistencies between this permitting process and other water permits by providing for appeal of department decisions through the water council. Vote 18-1.

Amendment (0875h)

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

AN ACT relative to large groundwater withdrawals.

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

1 Approval for Large Groundwater Withdrawals; Municipal Information. Amend RSA 485-C:21, II to read as follows:

II. Applications for approval of water withdrawals of 57,600 gallons or more per day shall be filed with the department ~~in~~ **on** a form approved by the department. A preliminary report submitted by a public water system pursuant to department rules shall be an application for purposes of this section. Copies of the application **and any subsequent materials submitted to the department** shall be forwarded by certified mail by the applicant to the governing bodies of each municipality and each supplier of water within the anticipated zone of contribution to the well. **The department shall provide the governing body of each municipality with copies of any mailed correspondence sent to the applicant. The department shall provide the applicant with copies of any mailed correspondence sent to or received from the governing body of a municipality.**

2 New Paragraph; Approval for Large Groundwater Withdrawals; Hearing. Amend RSA 485-C:21 by inserting after paragraph V the following new paragraph:

V-a. Upon the request of the governing body of a municipality within the anticipated zone of contribution, the department shall hold a public hearing, after receipt of the final report, and prior to a final decision. The department shall notify the municipalities within 10 days of receiving the final report. The municipalities shall have 15 days within which to request a public hearing. Notice and response to hearing requests shall be the same as that required under paragraph IV.

3 Appeals. RSA 485-C:21, VI is repealed and reenacted to read as follows:

VI. Decisions of the department may be appealed in accordance with RSA 21-O:7, IV. 4 New Paragraph; Public Record. Amend RSA 485-C:21 by inserting after paragraph VI the following new paragraph:

VII. Records of public hearings shall be available pursuant to RSA 91-A.

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

AMENDED ANALYSIS

This bill:

I. Requires the department to provide each municipality with a copy of any correspondence sent to an applicant and to provide the applicant with copies of correspondence to an from a municipality.

II. Requires a public hearing prior to the issuance of a decision on an application for a large groundwater withdrawal.

III. Makes the record of a public hearing on a large groundwater withdrawal subject to RSA 91-A.

Amendment adopted.

Committee report adopted and ordered to third reading.

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

HB 322-FN, relative to the registration fees and requirements for snow traveling vehicles.

INEXPEDIENT TO LEGISLATE

Rep. David P. Currier for Resources, Recreation and Development: Under current law both residents and non-residents receive a \$30.00 discount on the registration fee of their snowmobiles each year, if they are a member of one of the 120 NHSA affiliated clubs. This law was passed in 2002 to encourage club membership which now provides annually some 56,000 hours of volunteer labor to maintain over 6,900 miles of groomed snowmobile trails in the state and helps fund the club's share of the grant-in-aid programs which split the cost of grooming equipment with the state. A 2003 study by Plymouth State University determined that snowmobile parties directly spent about \$453 million dollars each year, with the total impact from all snowmobile related spending of almost \$1.2 billion. Without this income many north country businesses would suffer during the winter months. In 2003 and 2004, attempts were made to repeal this law which were soundly defeated in the House. Because of the success demonstrated by this New Hampshire snowmobile program, the states of New York, Michigan, and Wyoming are trying to follow our example. Vote 14-4.

Report adopted.

HB 525, establishing a committee to study the leasing of state-owned conservation land to private entities and relative to a temporary prohibition on the leasing of such lands.

INEXPEDIENT TO LEGISLATE

Rep. David P. Currier for Resources, Recreation and Development: This bill would have established a committee to study the leasing of state-owned conservation land to private entities and prohibits any department, agency, or political subdivision of the state from initiating, altering, or executing a lease of state-owned conservation land to a private entity until the study committee has submitted its final report, or until November 1, 2006, whichever is later. The subject matter was so related to another piece of legislation before the committee (House Bill 419) that the committee decided to recommend Inexpedient to Legislate on this bill to concentrate its' efforts on House Bill 419. Vote 19-0.

Report adopted.

HB 520, relative to the USA Patriot Act. **INEXPEDIENT TO LEGISLATE**

Rep. Pamela D. Coughlin for State-Federal Relations and Veterans Affairs: The majority of the committee believes that the State of New Hampshire cannot nullify a federal law through a House Bill. This type of legislation should be done through a House Resolution. Vote 10-3.

Report adopted.

HB 453-FN, relative to boat launch access and parking without charge at Hampton and Rye harbors for persons 65 years of age or older. **INEXPEDIENT TO LEGISLATE**
Rep. Benjamin E. Parker for Ways and Means: This bill would have codified free boat launch access and parking for persons 65 years of age or older at these two harbor facilities only. Responsibility for these harbors was recently transferred from the Department of Resources and Economic Development (DRED) to the Pease Development Authority and at that time the fees were enforced. Upon research, it was determined that at no time had DRED been authorized to waive these fees. Further, the committee believes no compelling policy consideration warranted waiving these fees for this segment of the population. Vote 16-3. Report adopted.

HB 601-FN, allowing businesses to apply the investment tax credit to contributions made to scholarship funding organizations. **INEXPEDIENT TO LEGISLATE**
Rep. Benjamin E. Parker for Ways and Means: This bill included a number of policy issues related to education finance and vouchers in the form of scholarships. However, the committee focused only on the revenue policy aspect of the bill. The bill allowed the taxpayer a partial credit against taxes for amounts contributed to a “scholarship funding organization.” This organization would then, at its discretion, grant scholarships to students with the understood purpose of defraying education tuition costs. Upon taxpayer initiative, the bill would have taken revenues otherwise bound for the general fund and dedicated them to an organization beyond the control and auspices of the legislature. Despite any other possible merits of this bill, the committee believes that diverting revenue from the general fund for this purpose and removing the legislature from the appropriation process is inappropriate policy. Vote 15-0. Report adopted.

HB 305, relative to amended warrant articles on official ballots. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Nancy K. Johnson for the Majority of Municipal and County Government: The bill would require that in every official ballot municipality, any warrant article that is amended at the deliberative session, both the original and the amended article, would be put on the ballot. The result of this would mean that potentially the number of warrant articles before the voters would double. The voters would be confronted with the volume of conflicting articles. In addition when municipalities voted in the official ballot, they did so with the understanding that warrant articles could be amended at the deliberative session. To change this would mean we would be changing a basic principle of official ballot municipalities. Vote 10-7.
Rep. Laurie J. Boyce for the Minority of Municipal and County Government: In an official ballot town, a warrant article may be changed during the deliberative session that is not well attended due to a variety of reasons – when the meeting is held, the length of the meeting and the lack of involvement at the local level. The idea of having an official ballot referendum type of government was to get more voters involved in the process. It dramatically increased the attendance at the polls, but not attendance at the deliberative session. Now during that session a warrant article can be totally changed to have the opposite meaning of the original warrant article. This bill would require that both articles - the original and the amended version - be placed on the ballot with a place to mark the voter’s preference beside each question. The minority feels that having both articles on the ballot would create a better situation and not disenfranchise the voters.
Rep. Hawkins spoke against.
Rep. Nancy Johnson spoke in favor.
Rep. O’Brien requested a roll call; sufficiently seconded.
The question being adoption of the majority report.

YEAS 231 NAYS 93			
YEAS 231			
BELKNAP			
Allen, Janet	Fitzgerald, James	Heald, Bruce	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Russell, David	Thomas, John
Veazey, John	Whalley, Michael		
CARROLL			
Brown, Carolyn	Buco, Thomas	Chandler, Gene	Dickinson, Howard
Knox, J David	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Dunn, J Timothy
Eaton, Daniel	Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles
COOS			
Buzzell, Bernard	Lary, Bruce	Mears, Edgar	Merrick, Scott
Richardson, Herbert	Stohl, Eric	Holl, John Jr	
GRAFTON			
Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Ham, Bonnie	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	Ward, John
HILLSBOROUGH			
Aboshar, Jeffrey	Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Campbell, David
Carlson, Donald	Chase, Claudia	Christensen, D L Chris	Clemons, Jane
Cote, David	Coughlin, Pamela	Craig, James	Daniuk, Caitlin
Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Egbers, Fran	Emerton, Larry	Essex, David	Foster, Linda
Gargas, Carolyn	Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Goyette, Peter Jr	Haley, Robert	Hall, Betty
Hebert, Raymond	Hinkle, Peyton	Holden, Randolph	Hunter, Bruce
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Manney, Pamela
McRae, Karen	Michon, Stephen	Mooney, Maureen	Movsesian, Lori
O'Connell, Timothy	Pappas, Christopher	Pepino, Leo	Price, Pamela
Rosenwald, Cindy	Rowe, Robert	Scanlon, Michael	Schulze, Joan
Shaw, Barbara	Shaw, Kimberly	Smith, David	Sullivan, Peter
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald

Clarke, Claire	Danforth, James	DeJoie, John	DeStefano, Stephen
Field, William	Foose, Robert	Gile, Mary	Greco, Vincent
Hamm, Christine	Hess, David	Klose, John	Lockwood, Priscilla
MacKay, James	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Potter, Frances	Reardon, Tara	Reed, Dennis	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Wallner, Mary Jane
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Blanchard, MaryAnn	Buxton, Donald	Cali-Pitts, Jacqueline	Carson, Sharon
Casey, Kimberley	Coburn, James	Cooney, Richard	Dalrymple, Janeen
Dodge, Robert	Dowd, John	Dowling, Patricia	Doyle, Christopher
Flanders, John Sr	Flockhart, Eileen	Forsing, Robert	Francoeur, Sheila
Garrity, James	Gillick, Thomas	Gould, Kenneth	Headd, James
Hughes, Daniel	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Major, Norman	Mason, April
Norelli, Terie	O'Neil, Michael	Packard, Sherman	Pantelakos, Laura
Parker, Benjamin	Priestley, Anne	Putnam, Ed II	Rausch, James
Robertson, Carl	Scamman, Stella	Serlin, Christopher	Splaine, James
Stiles, Nancy	Weare, E Albert	Welch, David	Weldy, Norman
Wiley, Robert	Winchell, George		
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Lawrence	Callaghan, Frank
Campbell, W Packy	Cataldo, Sam	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Dunlap, Patricia	Goodwin, Earle	Heon, Richard
Hofemann, Roland	Johnson, Nancy	Keans, Sandra	Knowles, William
Miller, Joseph	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Katherine
Twombly, James	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen	Rodeschin, Beverly		
NAYS 93			
BELKNAP			
Boyce, Laurie	Clark, Charles	Rosen, Ralph	Tilton, Franklin
Tobin, William	Wendelboe, Fran		
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Martin, James	McConkey, Mark
CHESHIRE			
Emerson, Susan	Pelkey, Stephen	Sawyer, Sheldon	

COOS			
Morneau, Renney	Remick, William		
GRAFTON			
Andersen, Gene	Giuda, Robert	Ingbretson, Paul	Mirski, Paul
Sorg, Gregory	Williams, Burton		
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Buhlman, David	Calawa, Leon Jr
Carew, James	Chabot, Robert	Crane, Elenore Casey	Dyer, Donald
Francoeur, Bea	Golding, William	Graham, John	Harvey, Suzanne
Hawkins, Ken	Hellwig, Steve	Hirschmann, Keith	Matarazzo, Anthony Sr
Mead, Robert	Messier, Irene	O'Brien, William	Ober, Lynne
Pilotte, Maurice	Renzullo, Andrew	Ryder, Donald	Slocum, Lee
Souza, Kathleen	Stepanek, Stephen	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, James		
MERRIMACK			
French, Barbara	Kennedy, Richard	Langlais, Thomas	Marple, Richard
Soltani, Tony	Whiting, Herbert		
ROCKINGHAM			
Bettencourt, David	Cady, Harriet	Camm, Kevin	Charron, Gene
DiFruscia, Anthony	Donahue, Richard Ken	Dumaine, Dudley	Fesh, Bob
Gilbert, Karl	Griffin, Mary	Hopfgarten, Paul	Introne, Robert
Johnson, Rogers	Lund, Howie	McMahon, Charles	Nowe, Ronald
Powers, James	Quandt, Marshall Lee	Quandt, Matthew	Rolston, James
Smith, Paul	Waterhouse, Kevin	Wells, Roger	Weyler, Kenneth
Zolla, William			
STRAFFORD			
Brown, Julie	Chaplin, Duncan	Kaen, Naida	Newton, Clifford
SULLIVAN			
Ferland, Brenda	Irish, Christopher	Osgood, Philip Sr	

and the majority committee report was adopted.

RESOLUTION

Reps. O'Neil and Craig offered the following: RESOLVED, that late drafting and introduction having been approved by the Rules Committee, House Concurrent Resolution numbered 11, establishing joint rules for committees of conference for the 2005 and 2006 sessions of the New Hampshire general court, shall be by this resolution read a first and second time by the therein listed title.

HCR 11, establishing joint rules for committees of conference for the 2005 and 2006 sessions of the New Hampshire general court. (W. D. Scamman, Rock 13; Eaton, Dist 10)

Adopted.

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that the Rules be so far suspended as to permit consideration at the present time, of **HCR 11**, establishing joint rules for committees of conference for the 2005 and 2006 sessions of the New Hampshire general court.

Adopted by the necessary two-thirds.

CONSIDERATION OF HCR 11

HCR 11, establishing joint rules for committees of conference for the 2005 and 2006 sessions of the New Hampshire general court.

Rep. O'Neil moved Ought to Pass.

Rep. Hughes spoke against.

Rep. Soltani spoke in favor.

Reps. Pratt and Hess spoke in favor and yielded to questions.

The question being adoption of the motion of Ought to Pass.

On a division vote, 261 members having voted in the affirmative and 80 in the negative, the motion of Ought to Pass was adopted.

Ordered to third reading.

REGULAR CALENDAR (CONT'D.)

HB 417, relative to petitions for municipal charter revisions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. John P. Dowd for the Majority of Municipal and County Government: This bill would lower the bar for the number of signatures needed for the revision of or initiation of a town charter form of government from 20% of the number of votes cast in the last regular municipal election to 500 signatures. There is nothing more sacred than the form of government of a community and there is a lot of time and dollars involved in a charter revision. The number of signatures should be difficult enough so that it can not be done without due diligence. Vote 14-3.

Rep. Paul R. Hopfgarten for the Minority of Municipal and County Government: This bill would set a maximum number of signatures required for charter amendments or charter commissions. Whereas warrant articles have a maximum number of signatures (25) needed to place on the warrant, it was felt by the minority that having a maximum of 500 signatures of registered voters for a charter change was reasonable and prudent. The current law of 20% of the voters in the last municipal election is a volatile standard which could fluctuate significantly year to year. This bill does not change the fact that voter approval is still necessary at a separate election to approve any changes to a charter, and 3 votes are needed to affect a new charter; one to approve a commission, one to elect said commission, and one to approve the new charter. This bill sets an equitable standard for securing petition signatures

Report adopted.

HB 314-FN, requiring public restrooms in the division of motor vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. Paul C. Smith for Public Works and Highways: This bill was an important topic of discussion for this committee and one that was not taken lightly. The bill requires public restrooms in all Department of Motor Vehicle buildings around the state. While the majority did not disagree with adding restroom facilities to the premises, at this time it is not appropriate or fiscally sound. During the hearing and afterward, committee members asked very tough questions of the Department of Safety. Since the hearing, the department has agreed that in the future, when planning to lease a facility, they will not consider any location without restroom facilities available to the public. Of the existing Department of Motor Vehicle facilities, a few share the building with State Police barracks and the

department testified that to open the restrooms would allow the public to enter restricted areas and to fix this problem in those barracks could cost between 50,000 to 100,000 dollars or more in each case. In addition, several facilities that had public restroom facilities were forced to close them due to extreme vandalism and the cost of repair. The debate over this bill was not whether it should pass; it was over retention, or inexpedient to legislate, with the minority of the committee contending that to have legislation on hand would hold the department accountable. The majority of the committee believed that just as the department was willing to comply with the notion to not consider any new locations or leases without a restroom facility, so will they be willing to comply with other ideas such as listing facilities with restrooms on all renewal notices and such. Again, this committee took a hard look at this bill and asked the questions that needed to be asked and we believe that the department is willing to change its practices without legislative mandate. Vote 10-7.

Rep. Weare spoke against.

Rep. Chandler spoke in favor and yielded to questions.

Report adopted.

(Rep. Weyler in the Chair)

HB 419, relative to the Mount Sunapee ski area boundary and lease terms. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard T. Cooney for the Majority of Resources, Recreation and Development: This bill would suspend any action on the proposed expansion of the Mt. Sunapee State Park Lease until a study committee files a report on November 1, 2006. The legislature in 1997 authorized a lease of the ski operations at Mt. Sunapee to a private operator and gave oversight of the lease to the Department of Resources and Economic Development (DRED) and the Governor and Council. The majority of the committee supports ITL because we are convinced that any proposed changes in the ski area lease should remain with DRED and the Governor and Council following the recommendation of the Department of Resources and Economic Development as outlined in the original lease. Vote 12-9.

Rep. Dennis F. Abbott for the Minority of Resources, Recreation and Development: This bill seeks to resolve an issue regarding the intent of the legislature when it authorized the lease of the Mount Sunapee ski area. It is the belief of the Minority that the legislature did not grant to the Department of Resources and Economic Development the ability to approve the expansion of operations beyond the existing ski area described in the lease and operating agreement, nor did the legislature contemplate any expansion that would primarily benefit a private real estate development. Rather, the type of expansion contemplated by the legislature was one that would benefit the general public. The minority does not dispute the testimony that Okemo Mountain, Inc. has operated Sunapee in a profitable manner, and has no issue with any associated housing development on private land. However, many individuals and organizations testifying before the committee questioned devoting state resources to benefit a private real estate development. The Minority maintains that legislative intent must be determined to ensure that the proper process is observed, and the rights and privileges of all our citizens wishing to use the park for multiple purposes are protected.

Reps. Spang and Abbott spoke against and yielded to questions.

Rep. Kurk spoke against.

Reps. Dickinson, Chandler and King spoke in favor.

Rep. David Campbell spoke in favor and yielded to questions.

Rep. Dickinson requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 202 NAYS 135			
YEAS 202			

BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
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	Brown, Carolyn	Chandler, Gene	Dickinson, Howard
Knox, J David	Martin, James	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
CHESHIRE			
Emerson, Susan	Hogancamp, Deborah	Pelkey, Stephen	Roberts, Kris
Sawyer, Sheldon			
COOS			
King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	
GRAFTON			
Barker, Robert	Cooney, Mary	Eaton, Stephanie	Gionet, Edmond
Giuda, Robert	Ham, Bonnie	McLeod, Martha	Mirski, Paul
Sorg, Gregory	Ward, John	Williams, Burton	
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Campbell, David	Carew, James
Carlson, Donald	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Coughlin, Pamela	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Dyer, Donald	Emerton, Larry	Francoeur, Bea
Gargas, Carolyn	Gibson, John	Golding, William	Goley, Jeffrey
Goyette, Peter Jr	Graham, John	Hansen, Ryan	Hawkins, Ken
Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Hunter, Bruce	Infantine, William	Jasper, Shawn	L'Heureux, Robert
Manney, Pamela	Matarazzo, Anthony Sr	McRae, Karen	Mead, Robert
Messier, Irene	Mooney, Maureen	O'Connell, Timothy	Ober, Lynne
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Shaw, Barbara	Slocum, Lee	Stepanek, Stephen
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	Field, William
Hager, Elizabeth	Hess, David	Klose, John	Langlais, Thomas
Lockwood, Priscilla	MacKay, James	Marple, Richard	Reed, Dennis
Soltani, Tony	Whiting, Herbert		

ROCKINGHAM			
Allen, Mary	Asselin, Michael	Bettencourt, David	Bishop, Franklin
Buxton, Donald	Cady, Harriet	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	Cooney, Richard	Dalrymple, Janeen
DiFruscia, Anthony	Dodge, Robert	Donahue, Richard Ken	Dowd, John
Dowling, Patricia	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Headd, James
Hughes, Daniel	Hutchinson, Karen	Ingram, Russell	Introne, Robert
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Lund, Howie	Major, Norman	Mason, April
McKinney, Betsy	McMahon, Charles	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Parker, Benjamin	Priestley, Anne	Putnam, Ed II
Quandt, Matthew	Rausch, James	Rolston, James	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			
Bickford, David	Brown, Julie	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Easson, Timothy	Newton, Clifford	Rollo, Michael
Twombly, James			
SULLIVAN			
Gale, Harry	Irish, Christopher	Osgood, Philip Sr	Prichard, Stephen
Rodeschin, Beverly			
NAYS 135			
BELKNAP			
Morrison, Gail			
CARROLL			
Babson, David Jr	Buco, Thomas		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Dunn, J Timothy
Eaton, Daniel	Espiefs, Peter	Foote, Sheila	Parkhurst, Henry
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Robertson, Timothy
Tilton, Anna	Weed, Charles		
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Theberge, Robert
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Hammond, Lee	Harding, A Laurie	Nordgren, Sharon	Sokol, Hilda

Solomon, Peter			
HILLSBOROUGH			
Balboni, Michael	Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter
Brassard, Paul	Chase, Claudia	Clemons, Jane	Cote, David
Craig, James	Crane, Elenore Casey	Daniuk, Caitlin	Egbers, Fran
Essex, David	Foster, Linda	Garrity, Patrick	Ginsburg, Ruth
Gorman, Mary	Haley, Robert	Hall, Betty	Harvey, Suzanne
Irwin, Anne-Marie	Jean, Claudette	Kopka, Angeline	Kurk, Neal
Lasky, Bette	Michon, Stephen	Movsesian, Lori	Pappas, Christopher
Pilotte, Maurice	Rosenwald, Cindy	Schulze, Joan	Shaw, Kimberly
Smith, David	Sullivan, Peter		
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Greco, Vincent	Hamm, Christine	Kennedy, Richard
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Cali-Pitts, Jacqueline	Casey, Kimberley
Flockhart, Eileen	Langley, Jane	Morris, Richard	Norelli, Terie
Pantelakos, Laura	Powers, James	Quandt, Marshall Lee	Robertson, Carl
Serlin, Christopher	Splaine, James		
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Lawrence	Callaghan, Frank
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Goodwin, Earle	Grassie, Anne	Heon, Richard	Hofemann, Roland
Johnson, Nancy	Keans, Sandra	Knowles, William	Miller, Joseph
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	Phinizy, James

and the majority report was adopted.

HB 333, relative to the rights of citizens. **INEXPEDIENT TO LEGISLATE**

Rep. Richard F. Heon for State-Federal Relations and Veterans Affairs: The majority of the committee believes that no matter how noble enough in concept this bill relative to the rights of citizens would have far reaching unintended consequences. The analysis of this bill affirms the right of the people of this state to choose their political status in human society. The bill also provides that no government shall exercise any compelled performance upon an American citizen. The majority believes that rather than expanding the rights of law abiding citizens, this is a mischievous bill that would work to the detriment of law-abiding citizens.

Vote 7-6.

Rep. Marple spoke against.

Rep. Heon spoke in favor.

Committee report adopted.

HB 513, relative to motor vehicle inspection stations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brenda L. Ferland for Transportation: These are the changes the committee is recommending based on the contract that the state has entered into. 1.) There shall be either a telephone number or internet site by the Department of Safety reserved exclusively for citizen's complaints. 2.) No inspection station may charge more than \$15 for the EPA OBD II test. 3.) The OBD inspection is required on any model year 1996 and newer, gasoline powered and model year 1997 and newer diesel. 4.) If a vehicle fails OBD test and passes all other inspection requirements, then it shall be issued a temporary waiver that permits its operation for 60 days, in order to make required repairs. Only one waiver shall be issued during its inspection cycle. If the cost of the required repairs is more than \$250 as determined, the vehicle shall be issued an inspection sticker provided that a vehicle may not be issued more than two consecutive inspection stickers, and no sticker shall be issued after a third consecutive OBD II indication of failure. 5.) If a vehicle fails the OBD test and the owner fails to make the required repairs, the owner may not sell the vehicle without informing the purchaser of failure. If the owner fails to inform the purchaser of the OBD failure, the purchaser shall be entitled to a refund of the purchase price and reasonable attorney fees. 6.) An established OBD II advisory committee consists of three representatives, two senators, Director of the Division of Motor Vehicles of the Department of Safety, Attorney General or designee, one member of the N.H. Automobile Dealer Association, one member of the N.H. Motor Transport Association, one member of D.E.S. The committee shall review and approve any contracts between the state and any private entities relating to OBD II testing and oversee any contracts relating to OBD II. The department shall not enter into any contract for services relating to OBD II testing prior to approval of the committee. Exemptions: Motor vehicle stations that do less than 200 inspections per year. Stations that inspect motorcycles only, private fleet vehicles, and municipalities shall not be required to pay any fee to a private entity for inspection related services pursuant to any contract executed by the state or the Department of Safety prior to the effective date of this act. Vote 9-0.

Amendment (0798h)

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

AN ACT relative to on-board diagnostic system inspections.

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

1 New Paragraph; Department of Safety; Duties of Commissioner; Complaints. Amend RSA 21-P:4 by inserting after paragraph XI the following new paragraph:

XII. Establish an easily accessible mechanism for citizens to file complaints with the department relating to on-board diagnostic system testing required by RSA 266:59-b. The complaint mechanism shall include either a telephone number reserved exclusively for such complaints or an Internet site for such complaints that may be accessed through links prominently displayed on Internet sites operated by the department or the state.

2 Equipment of Vehicles; Inspections; Fees. Amend RSA 266:1, VII to read as follows:

VII. Each inspection station shall conspicuously post on the outside of the building a sign showing the inspection fee charged. ***No inspection station may charge more than \$15 for the EPA OBD II test required by RSA 266:59-b.***

3 Emission Control Equipment; OBD II Testing Required. Amend RSA 266:59-b, III-V to read as follows:

III. ~~[For all model year 1996 and newer gasoline powered and model year 1997 and newer diesel powered motor vehicles equipped with on board diagnostic systems meeting the federal EPA OBD II standards,]~~ The commissioner, after public hearing and consultation with the commissioner of the department of environmental services and the air pollution advisory committee, and notification of the house science, technology, and energy committee and the senate environment committee, and with the approval of the air pollution advisory committee, shall adopt rules under RSA 541-A, which require ~~[every motor vehicle]~~ ***all model year 1996 and newer gasoline-powered and model year 1997 and newer diesel-powered motor vehicles equipped with on-board diagnostic systems meeting the federal EPA OBD II standards*** driven on the ways of this state which ~~[is]~~ ***are*** subject to inspection under this chapter, after a date specified by the commissioner, to be tested for OBD II indications of failures as a component of the inspection. ***The test for OBD II indications of failure shall be conducted only after the inspection required by RSA 266:1 is completed.*** To the extent allowed by EPA OBD II policy, OBD II data may be substituted for visual and functional tests required by paragraph I.

IV.(a) This section shall not apply to vehicles 20 or more model years old which shall be determined by subtracting the model year of the vehicle from the calendar year in which the inspection occurs.

(b) Vehicles of a model year within 4 years of the date of inspection with an odometer reading of less than 80,000 miles shall be exempt from the OBD II testing requirements under paragraph III.

V. If a vehicle fails the EPA OBD II test and it passes all other inspection requirements under this chapter, then it shall be issued a temporary waiver that permits its operation for 60 days from the date of issuance, in order to make required repairs. A vehicle shall be eligible for only one such waiver during its inspection cycle. ***If the cost of the required repairs is more than \$250, as determined by the inspection station or by written estimate from any other inspection station, the vehicle shall be issued an inspection sticker, provided that a vehicle may not be issued more than 2 consecutive inspection stickers based on the cost of repairs and no inspection sticker shall be issued to any vehicle registering a third consecutive OBD II indication of failure.***

VI. ***If a vehicle fails the EPA OBD II test and the owner fails to make the required repairs, the owner may not sell the vehicle without informing the purchaser of the OBD II failure. If the owner fails to inform the purchaser of the OBD II failure, the purchaser shall be entitled to a refund of the purchase price and reasonable attorney's fees.***

VII.(a) ***There is established an OBD II testing advisory committee. The committee shall be composed of the following:***

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

(2) Three senators, appointed by the president of the senate.

(3) The director of the division of motor vehicles of the department of safety.

(4) The attorney general, or designee.

(5) One member appointed by the New Hampshire Automobile Dealers Association.

(6) One member appointed by the New Hampshire Motor Transport Association.

(b) Members' terms shall be coterminous with their terms in office, except that members appointed pursuant to subparagraphs (a)(5) and (a)(6) shall serve at the discretion of the appointing authority.

(c) The committee shall:

(1) Review and approve any contracts between the state and any private entities relating to OBD II testing.

(2) Oversee any contracts between the state and any private entities relating to OBD II testing.

(d) The department shall not enter into any contract for services related to OBD II testing, or extend or renew any contract for services related to OBD II testing, without the prior approval of the committee.

4 Fees for Inspection-Related Services; Exemptions. Motor vehicle inspection stations that are authorized to inspect only motorcycles or private fleet vehicles and motor vehicle inspection stations operated by municipalities shall not be required to pay any fees to a private entity for inspection-related services pursuant to any contract executed by the state or the department of safety prior to the effective date of this act.

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

AMENDED ANALYSIS

This bill:

I. Limits the fees that motor vehicle inspection stations may charge for EPA OBD II tests.

II. Modifies the applicability of the OBD II testing requirements.

III. Allows an inspection sticker to be issued to a vehicle if repairing an OBD II failure will cost more than \$250.

IV. Requires notice of an OBD II failure by a motor vehicle seller.

V. Establishes an advisory committee to approve and oversee contracts relating to OBD II testing.

VI. Exempts certain inspection stations from paying fees to a private entity for inspection-related services.

MOTION TO LAY ON THE TABLE

Rep. Marple moved that ***HB 513***, relative to motor vehicle inspection stations, be laid on the table, and the motion failed.

The question now being adoption of the committee amendment.

Rep. Packard spoke against.

Amendment failed.

Rep. Packard offered floor amendment (0925h).

Floor Amendment (0925h)

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

AN ACT relative to on-board diagnostic system inspections.

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

1 New Paragraph; Department of Safety; Duties of Commissioner; Complaints. Amend RSA 21-P:4 by inserting after paragraph XI the following new paragraph:

XII. Establish an easily accessible mechanism for citizens to file complaints with the department relating to on-board diagnostic system testing required by RSA 266:59-b. The complaint mechanism shall include either a telephone number reserved exclusively for such complaints or an Internet site for such complaints that may be accessed through links prominently displayed on Internet sites operated by the department or the state.

2 Equipment of Vehicles; Inspections; Fees. Amend RSA 266:1, VII to read as follows:

VII. Each inspection station shall conspicuously post on the outside of the building a sign showing the inspection fee charged. ***No inspection station may charge more than \$15 for the EPA OBD II test required by RSA 266:59-b.***

3 Emission Control Equipment; OBD II Testing Required. Amend RSA 266:59-b, III-V to read as follows:

III. ~~[For all model year 1996 and newer gasoline powered and model year 1997 and newer diesel powered motor vehicles equipped with on board diagnostic systems meeting the federal EPA OBD II standards,]~~ The commissioner, after public hearing and consultation with the commissioner of the department of environmental services and the air pollution advisory committee, and notification of the house science, technology, and energy committee and the senate environment committee, and with the approval of the air pollution advisory committee, shall adopt rules under RSA 541-A, which require ~~[every motor vehicle]~~ ***all model year 1996 and newer gasoline-powered and model year 1997 and newer diesel-powered motor vehicles equipped with on-board diagnostic systems meeting the federal EPA OBD II standards*** driven on the ways of this state which ~~[is]~~ ***are*** subject to inspection under this chapter, after a date specified by the commissioner, to be tested for OBD II indications of failures as a component of the inspection. To the extent allowed by EPA OBD II policy, OBD II data may be substituted for visual and functional tests required by paragraph I.

IV. This section shall not apply to vehicles 20 or more model years old which shall be determined by subtracting the model year of the vehicle from the calendar year in which the inspection occurs.

V. If a vehicle fails the EPA OBD II test and it passes all other inspection requirements under this chapter, then it shall be issued a temporary waiver that permits its operation for 60 days from the date of issuance, in order to make required repairs. A vehicle shall be eligible for only one such waiver during its inspection cycle. ***If the cost of the required repairs is more than \$250, as determined by the inspection station or by written estimate from any other inspection station, the vehicle shall not be denied an inspection sticker for the OBD II failure, provided that a vehicle may not be issued more than 2 consecutive inspection stickers based on the cost of repairs and no inspection sticker shall be issued to any vehicle registering a third consecutive OBD II indication of failure.***

VI. ***If a vehicle fails the EPA OBD II test and the owner fails to make the required repairs, the owner may not sell the vehicle without informing the purchaser of the OBD II failure. If the owner fails to inform the purchaser of the OBD II failure, the purchaser shall be entitled to a refund of the purchase price and reasonable attorney's fees.***

VII.(a) ***There is established an OBD II testing advisory committee. The committee shall be composed of the following:***

- (1) Three representatives, appointed by the speaker of the house of representatives.***
- (2) Three senators, appointed by the president of the senate.***
- (3) The director of the division of motor vehicles of the department of safety.***
- (4) The attorney general, or designee.***
- (5) The commissioner of environmental services, or designee.***
- (6) One member appointed by the New Hampshire Automobile Dealers Association.***
- (7) One member appointed by the New Hampshire Motor Transport Association.***

(b) Members' terms shall be coterminous with their terms in office, except that members appointed pursuant to subparagraphs (a)(5) and (a)(6) shall serve at the discretion of the appointing authority.

(c) The committee shall:

- (1) Review and approve any contracts between the state and any private entities relating to OBD II testing.***
- (2) Oversee any contracts between the state and any private entities relating to OBD II testing.***

(d) The department shall not enter into any contract for services related to OBD II testing, or extend or renew any contract for services related to OBD II testing, without the prior approval of the committee.

4 Fees for Inspection-Related Services; Exemptions. Motor vehicle inspection stations that are authorized to inspect only motorcycles or private fleet vehicles, motor vehicle inspections stations that inspect fewer than 200 vehicles per year, and motor vehicle inspection stations operated by municipalities shall not be required to pay any fees to a private entity for inspection-related services pursuant to any contract executed by the state or the department of safety prior to the effective date of this act.

5 Electronic Transfer of Inspection Information; Exemption. The department of safety shall not require an inspection station to transfer inspection information electronically for any vehicle of model year 1995 or older.

6 OBD II Testing; Applicability. Notwithstanding RSA 266:59-b, any EPA OBD II testing required by department of safety rules prior to May 1, 2006 shall be advisory only. No inspection station shall deny an inspection sticker to any vehicle because of OBD II failure prior to May 1, 2006.

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

AMENDED ANALYSIS

This bill:

- I. Limits the fees that motor vehicle inspection stations may charge for EPA OBD II tests.
 - II. Modifies the applicability of the OBD II testing requirements.
 - III. Allows an inspection sticker to be issued to a vehicle if repairing an OBD II failure will cost more than \$250.
 - IV. Requires notice of an OBD II failure by a motor vehicle seller.
 - V. Establishes an advisory committee to approve and oversee contracts relating to OBD II testing.
 - VI. Exempts certain inspection stations from paying fees to a private entity for inspection-related services.
- Rep. Packard spoke in favor and yielded to questions.
Rep. Lars Christiansen spoke against.
Floor amendment (0925h) adopted.

(Rep. Sheila Francoeur in the Chair)

Rep. Hinkle offered floor amendment (0947h).

Floor Amendment (0947h)

Amend the bill by deleting section 2 and renumbering the original sections 3-5 to read as 2-4, respectively.

AMENDED ANALYSIS

This bill:

- I. Modifies the applicability of the OBD II testing requirements.
 - II. Allows an inspection sticker to be issued to a vehicle if repairing an OBD II failure will cost more than \$250.
 - III. Requires notice of an OBD II failure by a motor vehicle seller.
 - IV. Establishes an advisory committee to approve and oversee contracts relating to OBD II testing.
 - V. Exempts certain inspection stations from paying fees to a private entity for inspection-related services.
- Rep. Hinkle spoke in favor.
Floor amendment (0947h) failed.

Rep. Kennedy offered floor amendment (0981h)

Floor Amendment (0981h)

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

AN ACT eliminating EPA OBD II testing requirements.

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

1 Repeal. RSA 266:59-b, III and V, relative to EPA OBD II testing requirements, is repealed.

2 EPA OBD II Testing; Financial Obligations. All motor vehicle inspection stations are hereby released from any contractual or other financial obligations associated with the department of safety's EPA OBD II testing program. The state hereby assumes liability for any such obligations resulting from a motor vehicle inspection station entering into a contract with a private entity as a result of requirements established by the department of safety. The state and all motor vehicle inspection stations are hereby prohibited from charging or passing any costs related to the EPA OBD II testing program to consumers.

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

AMENDED ANALYSIS

This bill repeals the law authorizing EPA OBD II testing requirements. This bill also releases inspection stations from financial obligations associated with the OBD II program and prohibits charging consumers for costs associated with the program.

Rep. Kennedy spoke in favor and requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (0981h).

YEAS 101 NAYS 224			
YEAS 101			
BELKNAP			
Allen, Janet	Clark, Charles	Heald, Bruce	Pilliod, James
Rosen, Ralph	Tilton, Franklin	Veazey, John	
CARROLL			
Dickinson, Howard	Knox, J David	Martin, James	
CHESHIRE			
Foote, Sheila	Pelkey, Stephen	Sawyer, Sheldon	
COOS			
King, Frederick	Lary, Bruce	Richardson, Herbert	
GRAFTON			
Barker, Robert	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Ham, Bonnie	Ingbretson, Paul	Mirski, Paul	Solomon, Peter
Sorg, Gregory	Williams, Burton		
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Bergeron, Jean-Guy
Boehm, Ralph	Buhlman, David	Calawa, Leon Jr	Carew, James
Christiansen, Lars	Crane, Elenore Casey	Francoeur, Bea	Gibson, John
Goyette, Peter Jr	Graham, John	Hellwig, Steve	Hinkle, Peyton
Hirschmann, Keith	Matarazzo, Anthony	McRae, Karen	Mead, Robert

	Sr		
Mooney, Maureen	O'Brien, William	Renzullo, Andrew	Rowe, Robert
Shaw, Barbara	Souza, Kathleen	Ulery, Jordan	Vaillancourt, Steve
Wheeler, James			
MERRIMACK			
Currier, David	Field, William	Kennedy, Richard	Langlais, Thomas
Marple, Richard	Soltani, Tony	Whiting, Herbert	
ROCKINGHAM			
Asselin, Michael	Blanchard, MaryAnn	Cali-Pitts, Jacqueline	Camm, Kevin
Garrity, James	Gilbert, Karl	Hopfgarten, Paul	Hughes, Daniel
Hutchinson, Karen	Introne, Robert	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Lund, Howie	McKinney, Betsy	Morris, Richard
Nowe, Ronald	Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew
Smith, Paul	Weldy, Norman	Wells, Roger	Zolla, William
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Lawrence	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn	Easson, Timothy
Goodwin, Earle	Hofemann, Roland	Keans, Sandra	
SULLIVAN			
Irish, Christopher	Osgood, Philip Sr	Phinzy, James	Rodeschin, Beverly
NAYS 224			
BELKNAP			
Boyce, Laurie	Fitzgerald, James	Morrison, Gail	Nedeau, Stephen
Russell, David	Thomas, John	Tobin, William	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Dunn, J Timothy
Eaton, Daniel	Emerson, Susan	Espieffs, Peter	Hogancamp, Deborah
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Morneau, Renney
Remick, William	Stohl, Eric	Theberge, Robert	Tholl, John Jr
GRAFTON			

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Nordgren, Sharon	Sokol, Hilda		
HILLSBOROUGH			
Baroody, Benjamin	Batula, Peter	Beaulieu, Jane	Bergin, Peter
Biundo, Michael	Brassard, Paul	Campbell, David	Carlson, Donald
Chabot, Robert	Chase, Claudia	Christensen, D L Chris	Clemons, Jane
Cote, David	Coughlin, Pamela	Craig, James	Daniuk, Caitlin
Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Egbers, Fran	Emerton, Larry	Essex, David
Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gorman, Mary	Haley, Robert	Hall, Betty
Hansen, Ryan	Harvey, Suzanne	Hawkins, Ken	Hebert, Raymond
Infantine, William	Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette
Kopka, Angeline	Kurk, Neal	L'Heureux, Robert	Lasky, Bette
Manney, Pamela	Messier, Irene	Michon, Stephen	Movsesian, Lori
O'Connell, Timothy	Ober, Lynne	Pappas, Christopher	Pilotte, Maurice
Price, Pamela	Reeves, Sandra	Rosenwald, Cindy	Ryder, Donald
Scanlon, Michael	Schulze, Joan	Shaw, Kimberly	Slocum, Lee
Smith, David	Stepanek, Stephen	Sullivan, Peter	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	Greco, Vincent	Hager, Elizabeth
Hamm, Christine	Klose, John	Lockwood, Priscilla	MacKay, James
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
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Bettencourt, David	Buxton, Donald
Cady, Harriet	Carson, Sharon	Casey, Kimberley	Charron, Gene
Coburn, James	Cooney, Richard	DiFruscia, Anthony	Dodge, Robert
Dowd, John	Dowling, Patricia	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Forsing, Robert	Gillick, Thomas
Gould, Kenneth	Griffin, Mary	Headd, James	Ingram, Russell
Johnson, Robert	Langley, Jane	Major, Norman	Mason, April
McMahon, Charles	Norelli, Terie	O'Neil, Michael	Packard, Sherman
Pantelakos, Laura	Powers, James	Priestley, Anne	Rausch, James
Robertson, Carl	Rolston, James	Scamman, Stella	Scamman, W Douglas
Serlin, Christopher	Splaine, James	Stiles, Nancy	Stone, Joseph
Weare, E Albert	Welch, David	Weyler, Kenneth	Wiley, Robert
Winchell, George			
STRAFFORD			
Brown, Jennifer	Brown, Julie	Callaghan, Frank	Creteau, Irene

Domingo, Baldwin	Dunlap, Patricia	Grassie, Anne	Johnson, Nancy
Knowles, William	Newton, Clifford	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Snyder, Clair	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
Prichard, Stephen			

and floor amendment (0981h) failed.

The question now being adoption of the committee report.

Rep. Osgood spoke against and yielded to questions.

Rep. Packard spoke in favor.

Rep. Marple requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 222 NAYS 102			
YEAS 222			
BELKNAP			
Boyce, Laurie	Clark, Charles	Fitzgerald, James	Heald, Bruce
Morrison, Gail	Nedeau, Stephen	Rosen, Ralph	Russell, David
Thomas, John	Veazey, John	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Knox, J David	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
CHESHIRE			
Allen, Peter	Butynski, William	Dunn, J Timothy	Eaton, Daniel
Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah	Parkhurst, Henry
Pelkey, Stephen	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Tilton, Anna			
COOS			
Mears, Edgar	Remick, William	Stohl, Eric	Tholl, John Jr
GRAFTON			
Almy, Susan	Andersen, Gene	Barker, Robert	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mirski, Paul	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			
HILLSBOROUGH			
Baroody, Benjamin	Batula, Peter	Beaulieu, Jane	Bergeron, Jean-Guy
Bergin, Peter	Biundo, Michael	Boehm, Ralph	Brassard, Paul

Buhlman, David	Clemons, Jane	Cote, David	Coughlin, Pamela
Craig, James	Daniuk, Caitlin	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Egbers, Fran	Emerton, Larry	Essex, David
Foster, Linda	Gargasz, Carolyn	Gibson, John	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr
Graham, John	Haley, Robert	Hall, Betty	Harvey, Suzanne
Hawkins, Ken	Hebert, Raymond	Hirschmann, Keith	Irwin, Anne-Marie
Jasper, Shawn	Jean, Claudette	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	Lasky, Bette	Manney, Pamela	Matarazzo, Anthony Sr
Mead, Robert	Messier, Irene	Michon, Stephen	Movsesian, Lori
O'Brien, William	O'Connell, Timothy	Ober, Lynne	Pappas, Christopher
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Rosenwald, Cindy
Rowe, Robert	Ryder, Donald	Scanlon, Michael	Schulze, Joan
Shaw, Kimberly	Slocum, Lee	Smith, David	Stepanek, Stephen
Sullivan, Peter	Ulery, Jordan	Wheeler, James	Wheeler, Robert
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Danforth, James
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Langlais, Thomas
Lockwood, Priscilla	MackKay, James	Osborne, Jessie	Owen, Derek
Potter, Frances	Reardon, Tara	Reed, Dennis	Ryan, Jim
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Bettencourt, David	Blanchard, MaryAnn
Buxton, Donald	Cali-Pitts, Jacqueline	Camm, Kevin	Carson, Sharon
Casey, Kimberley	Charron, Gene	Coburn, James	Cooney, Richard
DiFruscia, Anthony	Dodge, Robert	Dowd, John	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Forsing, Robert	Garrity, James
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Johnson, Robert
Katsakiores, George	Kobel, Rudolph	Langley, Jane	Major, Norman
McMahon, Charles	Morris, Richard	Norelli, Terie	O'Neil, Michael
Packard, Sherman	Pantelakos, Laura	Powers, James	Priestley, Anne
Quandt, Marshall Lee	Quandt, Matthew	Rausch, James	Robertson, Carl
Rolston, James	Scamman, Stella	Scamman, W Douglas	Serlin, Christopher
Smith, Paul	Splaine, James	Stiles, Nancy	Welch, David
Weyler, Kenneth	Wiley, Robert	Winchell, George	
STRAFFORD			
Bickford, David	Brown, Jennifer	Brown, Julie	Creteau, Irene
Domingo, Baldwin	Dunlap, Patricia	Easson, Timothy	Grassie, Anne
Knowles, William	Newton, Clifford	Rollo, Michael	Rous, Emma
Schmidt, Peter	Snyder, Clair	Spang, Judith	Twombly, James
Wall, Janet			
SULLIVAN			
Cloutier, John	Ferland, Brenda	Gale, Harry	Houde-Quimby, Charlotte

Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen	
NAYS 102			
BELKNAP			
Allen, Janet	Pilliod, James	Tilton, Franklin	Tobin, William
CARROLL			
Dickinson, Howard	Martin, James		
CHESHIRE			
Butcher, Suzanne	Emerson, Susan	Roberts, Kris	Robertson, Timothy
Sawyer, Sheldon			
COOS			
Buzzell, Bernard	King, Frederick	Lary, Bruce	Merrick, Scott
Morneau, Renney	Richardson, Herbert		
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Ingbretson, Paul	Sorg, Gregory	Williams, Burton	
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Calawa, Leon Jr
Campbell, David	Carew, James	Carlson, Donald	Chabot, Robert
Chase, Claudia	Christensen, D L Chris	Christiansen, Lars	Crane, Elenore Casey
Desmarais, Vivian	Dyer, Donald	Francoeur, Bea	Hansen, Ryan
Hellwig, Steve	Hinkle, Peyton	Infantine, William	McRae, Karen
Mooney, Maureen	Renzullo, Andrew	Shaw, Barbara	Souza, Kathleen
Vaillancourt, Steve	Villeneuve, Maurice		
MERRIMACK			
Anderson, Eric	Currier, David	Field, William	Greco, Vincent
Klose, John	Marple, Richard	McMahon, Patricia	Rush, Deanna
Shurtleff, Stephen	Soltani, Tony	Whiting, Herbert	
ROCKINGHAM			
Asselin, Michael	Cady, Harriet	Dowling, Patricia	Dumaine, Dudley
Gilbert, Karl	Headd, James	Hopfgarten, Paul	Hughes, Daniel
Hutchinson, Karen	Ingram, Russell	Introne, Robert	Katsakiores, Phyllis
Lund, Howie	Mason, April	McKinney, Betsy	Nowe, Ronald
Putnam, Ed II	Stone, Joseph	Weare, E Albert	Weldy, Norman
Wells, Roger	Zolla, William		
STRAFFORD			
Berube, Roger	Brown, Lawrence	Callaghan, Frank	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn	Goodwin, Earle

Hofemann, Roland	Johnson, Nancy	Keans, Sandra	Smith, Marjorie
Taylor, Kathleen			
SULLIVAN			
Converse, Larry	Donovan, Thomas	Franklin, Peter	Irish, Christopher
Osgood, Philip Sr	Rodeschin, Beverly		

and the committee report was adopted.

Ordered to third reading.

Rep. Hansen voted Nay and intended to vote Aye.

(Speaker Scamman in the Chair)

SPECIAL ORDER

HB 679-FN-L, authorizing the electronic enforcement of traffic signal violations. **OUGHT TO PASS**

Rep. Brenda L. Ferland for Transportation: This bill will allow for the authorization of electronic enforcement of traffic signal violators. A city or town having a population of more than 20,000 can request video enforcement at its traffic signal intersections. There will be posted warnings not more than 300 feet from the location of electronic monitors. The camera will take a picture of the number plate of the offending vehicle. The person to whom the vehicle is registered will be issued a citation. The citation shall be accompanied by a notice with date, time, and location of incident along with name, address and numbers to request a copy of the photographic evidence. If an owner can prove he or she is not responsible for the violation the citation shall be withdrawn. The fine shall not be deemed a conviction on a driving record and shall not be used to assign demerit points. Fifty percent of fines collected shall be remitted to the city or town with these systems. While some intersections could stand improving, we have all witnessed numerous occasions of drivers speeding up on “amber lights” only to be running a red light. Red light runners put everyone at risk. They carry their fair share of statistics on near misses and accidents. Therefore, the committee supports the use of cameras to assist law enforcement to make all roads safer. Vote 14-0.

Reps. Buhlman and Kurk spoke against.

Reps. Danforth and Bouchard spoke in favor and yielded to questions.

Rep. Graham spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 99 NAYS 217			
YEAS 99			
BELKNAP			
Nedeau, Stephen	Thomas, John	Tilton, Franklin	
CARROLL			
Knox, J David	Martin, James	McConkey, Mark	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Foote, Sheila
Parkhurst, Henry	Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna		

COOS			
Lary, Bruce	Mears, Edgar	Remick, William	Tholl, John Jr
GRAFTON			
Bleyler, Ruth	Cooney, Mary	Ham, Bonnie	Solomon, Peter
HILLSBOROUGH			
Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Egbers, Fran	Essex, David	Foster, Linda
Gargas, Carolyn	Ginsburg, Ruth	Graham, John	Hall, Betty
Harvey, Suzanne	Hawkins, Ken	Irwin, Anne-Marie	Jean, Claudette
Kopka, Angeline	L'Heureux, Robert	Matarazzo, Anthony Sr	Michon, Stephen
Movsesian, Lori	Pilotte, Maurice	Price, Pamela	Rosenwald, Cindy
Scanlon, Michael	Shaw, Barbara	Smith, David	Ulery, Jordan
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Danforth, James
DeJoie, John	DeStefano, Stephen	Foose, Robert	Gile, Mary
Hager, Elizabeth	Mackay, James	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	Reardon, Tara	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Williams, Robert	
ROCKINGHAM			
Allen, Mary	Cooney, Richard	DiFruscia, Anthony	Flanders, John Sr
Gillick, Thomas	Langley, Jane	Norelli, Terie	Packard, Sherman
Powers, James	Wells, Roger	Weyler, Kenneth	Winchell, George
STRAFFORD			
Berube, Roger	Brown, Jennifer	Callaghan, Frank	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Grassie, Anne	Knowles, William
Rous, Emma	Schmidt, Peter	Snyder, Clair	
SULLIVAN			
Cloutier, John	Donovan, Thomas	Ferland, Brenda	Irish, Christopher
Osgood, Philip Sr			
NAYS 217			
BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	Heald, Bruce
Morrison, Gail	Pilliod, James	Rosen, Ralph	Russell, David
Tobin, William	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Dickinson, Howard	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		

CHESHIRE			
Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Espieffs, Peter
Hogancamp, Deborah	Pelkey, Stephen	Pratt, John	Sawyer, Sheldon
COOS			
Buzzell, Bernard	King, Frederick	Merrick, Scott	Morneau, Renney
Richardson, Herbert	Stohl, Eric	Theberge, Robert	
GRAFTON			
Almy, Susan	Andersen, Gene	Barker, Robert	Benn, Bernard
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Hammond, Lee
Harding, A Laurie	Ingbretson, Paul	McLeod, Martha	Mirski, Paul
Nordgren, Sharon	Sokol, Hilda	Sorg, Gregory	Williams, Burton
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Barry, J Gail
Batula, Peter	Beaulieu, Jane	Bergeron, Jean-Guy	Bergin, Peter
Biundo, Michael	Brassard, Paul	Buhlman, David	Calawa, Leon Jr
Campbell, David	Carew, James	Carlson, Donald	Chabot, Robert
Chase, Claudia	Christensen, D L Chris	Christiansen, Lars	Clemons, Jane
Cote, David	Coughlin, Pamela	Craig, James	Crane, Elenore Casey
Daniuk, Caitlin	Emerton, Larry	Francoeur, Bea	Gibson, John
Golding, William	Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr
Hansen, Ryan	Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton
Hirschmann, Keith	Infantine, William	Jasper, Shawn	Kurk, Neal
Lasky, Bette	Manney, Pamela	McRae, Karen	Mead, Robert
Messier, Irene	Mooney, Maureen	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Pappas, Christopher	Reeves, Sandra	Renzullo, Andrew
Rowe, Robert	Ryder, Donald	Schulze, Joan	Shaw, Kimberly
Slocum, Lee	Souza, Kathleen	Stepanek, Stephen	Sullivan, Peter
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Currier, David	Field, William	French, Barbara
Greco, Vincent	Hamm, Christine	Klose, John	Langlais, Thomas
Lockwood, Priscilla	Marple, Richard	Reed, Dennis	Soltani, Tony
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Whiting, Herbert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Bettencourt, David	Bishop, Franklin	Blanchard, MaryAnn
Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin
Carson, Sharon	Casey, Kimberley	Charron, Gene	Coburn, James
Dodge, Robert	Dowd, John	Dowling, Patricia	Dumaine, Dudley
Fesh, Bob	Flockhart, Eileen	Forsing, Robert	Francoeur, Sheila
Garrity, James	Gilbert, Karl	Gould, Kenneth	Griffin, Mary

Headd, James	Hopfgarten, Paul	Hughes, Daniel	Hutchinson, Karen
Ingram, Russell	Introne, Robert	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Lund, Howie	Major, Norman
Mason, April	McKinney, Betsy	McMahon, Charles	Morris, Richard
Nowe, Ronald	O'Neil, Michael	Pantelakos, Laura	Priestley, Anne
Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Robertson, Carl	Rolston, James	Scamman, Stella	Serlin, Christopher
Smith, Paul	Splaine, James	Stiles, Nancy	Stone, Joseph
Weare, E Albert	Welch, David	Weldy, Norman	Zolla, William
STRAFFORD			
Bickford, David	Brown, Julie	Brown, Lawrence	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Dunlap, Patricia	Easson, Timothy
Hofemann, Roland	Johnson, Nancy	Keans, Sandra	Newton, Clifford
Rollo, Michael	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Twombly, James	Wall, Janet		
SULLIVAN			
Converse, Larry	Franklin, Peter	Gale, Harry	Jillette, Arthur Jr
Phinizy, James	Rodeschin, Beverly		

and the committee report failed.

INDEFINITELY POSTPONE

Rep. Vaillancourt moved that **HB 679-FN-L**, authorizing the electronic enforcement of traffic signal violations, be indefinitely postponed.

Adopted.

REGULAR CALENDAR (CONT'D.)

HB 705, relative to passenger restraints. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill would have required all persons, drivers and passengers 18 years of age and older, to wear passenger restraints which are fastened and properly adjusted at all times. The prime sponsor considered the offense as secondary. Just about everyone that spoke about this issue was throwing statistics around, whether they were for or against the bill. What the committee did hear was that most adults wear their seat belts. Thus they felt that it should still be their decision. They were also concerned about how long before this became a primary offense. One visual survey done has New Hampshire at 63.4 percent. That is almost as good as our neighboring states that have passenger restraint laws. Vote 12-2.

Reps. Emerson and Pilliod spoke against.

Rep. Packard spoke in favor.

Rep. Emerson requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 180 NAYS 124			
YEAS 180			
BELKNAP			
Allen, Janet	Fitzgerald, James	Heald, Bruce	Nedeau, Stephen
Tobin, William	Wendelboe, Fran	Whalley, Michael	

CARROLL			
Babson, David Jr	Buco, Thomas	Chandler, Gene	Dickinson, Howard
Knox, J David	McConkey, Mark	Merrow, Harry	Patten, Betsey
Stevens, Stanley			
CHESHIRE			
Eaton, Daniel	Pelkey, Stephen	Plifka, Stanley Jr	Sawyer, Sheldon
COOS			
Buzzell, Bernard	Lary, Bruce	Mears, Edgar	Morneau, Renney
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	
GRAFTON			
Barker, Robert	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Ingbreton, Paul	Mirski, Paul	Sorg, Gregory	Williams, Burton
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael	Buhlman, David
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Clemons, Jane	Cote, David	Coughlin, Pamela	Craig, James
Crane, Elenore Casey	Daniuk, Caitlin	Dokmo, Cynthia	Dyer, Donald
Emerton, Larry	Essex, David	Foster, Linda	Francoeur, Bea
Gibson, John	Gorman, Mary	Goyette, Peter Jr	Hansen, Ryan
Hawkins, Ken	Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton
Hirschmann, Keith	Infantine, William	Jasper, Shawn	Kurk, Neal
Manney, Pamela	McRae, Karen	Mead, Robert	Mooney, Maureen
Movsesian, Lori	O'Brien, William	Ober, Lynne	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rowe, Robert	Scanlon, Michael
Shaw, Barbara	Shaw, Kimberly	Slocum, Lee	Souza, Kathleen
Stepanek, Stephen	Sullivan, Peter	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	DeStefano, Stephen
Field, William	Greco, Vincent	Klose, John	Langlais, Thomas
Lockwood, Priscilla	Marple, Richard	Reed, Dennis	Soltani, Tony
Tupper, Frank	Whiting, Herbert		
ROCKINGHAM			
Allen, Mary	Bettencourt, David	Bishop, Franklin	Cady, Harriet
Camm, Kevin	Casey, Kimberley	Charron, Gene	Coburn, James
Cooney, Richard	DiFruscia, Anthony	Dodge, Robert	Dowd, John
Dowling, Patricia	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Francoeur, Sheila	Garrity, James	Griffin, Mary	Headd, James
Hopfgarten, Paul	Hughes, Daniel	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Lund, Howie	Major, Norman

Mason, April	McKinney, Betsy	Morris, Richard	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Pantelakos, Laura	Priestley, Anne
Quandt, Marshall Lee	Quandt, Matthew	Rausch, James	Rolston, James
Smith, Paul	Splaine, James	Stiles, Nancy	Stone, Joseph
Weare, E Albert	Welch, David	Weldy, Norman	Wells, Roger
Weyler, Kenneth	Winchell, George		
STRAFFORD			
Bickford, David	Brown, Julie	Campbell, W Packy	Cataldo, Sam
Cilley, Jacalyn	Creteau, Irene	Easson, Timothy	Hofemann, Roland
Newton, Clifford	Rollo, Michael	Twombly, James	
SULLIVAN			
Converse, Larry	Donovan, Thomas	Gale, Harry	Irish, Christopher
Osgood, Philip Sr	Phinizy, James	Rodeschin, Beverly	
NAYS 124			
BELKNAP			
Boyce, Laurie	Morrison, Gail	Pilliod, James	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Martin, James	Olimpio, J Lisbeth
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Dunn, J Timothy
Emerson, Susan	Espieffs, Peter	Foote, Sheila	Hogancamp, Deborah
Parkhurst, Henry	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna		
COOS			
Merrick, Scott	Remick, William	Theberge, Robert	
GRAFTON			
Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Nordgren, Sharon
Sokol, Hilda			
HILLSBOROUGH			
Beaulieu, Jane	Bergin, Peter	Brassard, Paul	Campbell, David
Carew, James	Chase, Claudia	Desmarais, Vivian	DeVries, Betsi
Drisko, Richard	Egbers, Fran	Gargas, Carolyn	Ginsburg, Ruth
Golding, William	Hall, Betty	Harvey, Suzanne	Irwin, Anne-Marie
Kopka, Angeline	L'Heureux, Robert	Lasky, Bette	Matarazzo, Anthony Sr
Messier, Irene	Michon, Stephen	O'Connell, Timothy	Pappas, Christopher
Pilotte, Maurice	Rosenwald, Cindy	Ryder, Donald	Schulze, Joan

Smith, David			
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	DeJoie, John
Foose, Robert	French, Barbara	Gile, Mary	Hager, Elizabeth
Hamm, Christine	MacKay, James	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Wallner, Mary Jane	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Buxton, Donald	Cali-Pitts, Jacqueline
Carson, Sharon	Flockhart, Eileen	Forsing, Robert	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Norelli, Terie	Powers, James
Robertson, Carl	Scamman, Stella	Serlin, Christopher	Zolla, William
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Lawrence	Callaghan, Frank
Chaplin, Duncan	Domingo, Baldwin	Dunlap, Patricia	Grassie, Anne
Johnson, Nancy	Keans, Sandra	Knowles, William	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Wall, Janet		
SULLIVAN			
Cloutier, John	Franklin, Peter	Jillette, Arthur Jr	

and the committee report was adopted.

HB 51, establishing a committee to study the feasibility of imposing a luxury sales tax and an amusements tax. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Steve Vaillancourt for the Majority of Ways and Means: This bill does not impose any type of luxury tax or any other type of tax. It simply establishes a committee to study the feasibility of some type of luxury, entertainment, or amusement tax in the future. The need for new revenue sources is something we are likely to face every session. Who can deny that reality? With an income and sales tax off the table and with business taxes “maxed” out, the number of options for raising significant revenues is extremely limited. Conceivably, a future legislature might need to consider some type of luxury tax. If so, that body should not go forward in the dark. This study committee will develop valuable information. For example, during the hearing on this bill, an opponent acknowledged that the state of Vermont applies its six percent sales tax to ski tickets. Some veteran House members may recall that during the crisis facing the state in 1999, the Finance Committee actually considered some type of luxury or entertainment tax. During an emergency Friday afternoon session, Representatives Hall was the scene of a lengthy hearing. Opposition was strong, and the committee was operating in a vacuum. Had we then had the benefit of information a study committee of this type would have generated, we would have been better off. Rest assured, a luxury tax does not have to mean a boat tax, an idea which proved such a folly at the federal level a decade ago. It could mean anything from an assessment on a \$100 Bette Midler ticket at the Verizon Center to one on one movie rentals, ski tickets, bowling frames, or any number of imaginative (and conceivably controversial) alternatives. To say no to such a study committee is to close our eyes to future needs and to ultimately bring us closer to having to accept a sales or income tax. Knowledge is power. Passage of this bill will increase

both our knowledge and our power. Vote 10-8.

Rep. Peyton B. Hinkle for the Minority of Ways and Means: This bill directed the committee to study what items should be taxed as luxury items and what amusements should be taxed and the feasibility of imposing such taxes. This was viewed by the minority as the beginning of the descent down the slippery slope toward a general sales tax. A committee under former Governor Shaheen already studied the issue of a sales tax and concluded it would result in the loss of retail sales and jobs. A large percent of the retail sales occur in the southern end of the state and many sales are for high ticket luxury items. The retail trade would be seriously jeopardized by a luxury tax. Retailers considering location in the state would think twice if they were unsure how many items would be taxed as luxuries and the impact of the tax on sales volume. Since various forms of amusements, including skiing, provide an attraction for tourists, taxing them could cause a loss of business among owners who rely on a short season to make their profit. Other venues, such as those at the Verizon Center, would carry an extra tax burden. New Hampshire's image as a low tax state friendly to tourism could be tarnished by adding another tax on top of the room and meals tax.

Reps. Hinkle and Mirski spoke against.

Reps. Vaillancourt and Pratt spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 120 NAYS 172			
YEAS 120			
BELKNAP			
Morrison, Gail			
CARROLL			
Ahlgren, Christopher	Martin, James		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Dunn, J Timothy
Eaton, Daniel	Espieffs, Peter	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
COOS			
Buzzell, Bernard	Merrick, Scott	Remick, William	Stohl, Eric
Theberge, Robert			
GRAFTON			
Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Ham, Bonnie	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Nordgren, Sharon	Sokol, Hilda		
HILLSBOROUGH			
Beaulieu, Jane	Bergin, Peter	Brassard, Paul	Campbell, David
Chase, Claudia	Clemons, Jane	Craig, James	Daniuk, Caitlin
Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Egbers, Fran	Essex, David	Foster, Linda	Gargasz, Carolyn
Ginsburg, Ruth	Golding, William	Hall, Betty	Harvey, Suzanne

Irwin, Anne-Marie	Lasky, Bette	Matarazzo, Anthony Sr	Messier, Irene
Michon, Stephen	Pappas, Christopher	Pilotte, Maurice	Scanlon, Michael
Schulze, Joan	Shaw, Kimberly	Vaillancourt, Steve	
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	DeJoie, John	DeStefano, Stephen
Foose, Robert	French, Barbara	Gile, Mary	Greco, Vincent
Hamm, Christine	Lockwood, Priscilla	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Blanchard, MaryAnn	Buxton, Donald	Cali-Pitts, Jacqueline	Casey, Kimberley
Flockhart, Eileen	Gillick, Thomas	Gould, Kenneth	Johnson, Robert
Langley, Jane	Major, Norman	Norelli, Terie	Pantelakos, Laura
Powers, James	Robertson, Carl	Serlin, Christopher	Splaine, James
Wells, Roger			
STRAFFORD			
Bickford, David	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Grassie, Anne	Keans, Sandra	Rous, Emma	Smith, Marjorie
Spang, Judith	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Franklin, Peter	Gale, Harry
Jillette, Arthur Jr			
NAYS 172			
BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	Heald, Bruce
Nedeau, Stephen	Pilliod, James	Rosen, Ralph	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Babson, David Jr	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Knox, J David	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley	
CHESHIRE			
Emerson, Susan	Foote, Sheila	Hogancamp, Deborah	Parkhurst, Henry
Pelkey, Stephen	Sawyer, Sheldon		
COOS			

King, Frederick	Lary, Bruce	Morneau, Renney	Richardson, Herbert
Tholl, John Jr			
GRAFTON			
Barker, Robert	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Mirski, Paul	Solomon, Peter	Sorg, Gregory	Williams, Burton
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Barody, Benjamin	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael	Buhlman, David
Calawa, Leon Jr	Carew, James	Carlson, Donald	Chabot, Robert
Christensen, D L Chris	Cote, David	Coughlin, Pamela	Crane, Elenore Casey
Dyer, Donald	Emerton, Larry	Francoeur, Bea	Gibson, John
Gorman, Mary	Goyette, Peter Jr	Hansen, Ryan	Hawkins, Ken
Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Infantine, William	Jasper, Shawn	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	Manney, Pamela	McRae, Karen	Mead, Robert
Mooney, Maureen	Movsesian, Lori	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Rosenwald, Cindy	Rowe, Robert	Ryder, Donald	Slocum, Lee
Smith, David	Souza, Kathleen	Stepanek, Stephen	Sullivan, Peter
Ulery, Jordan	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	Field, William
Klose, John	Langlais, Thomas	MacKay, James	Marple, Richard
Reed, Dennis	Soltani, Tony	Whiting, Herbert	
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Bettencourt, David	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
Cooney, Richard	DiFruscia, Anthony	Dodge, Robert	Dowd, John
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Forsing, Robert
Francoeur, Sheila	Garrity, James	Gilbert, Karl	Griffin, Mary
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell
Introne, Robert	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Lund, Howie	Mason, April	McKinney, Betsy	Morris, Richard
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Rolston, James	Scamman, Stella
Smith, Paul	Stiles, Nancy	Stone, Joseph	Weare, E Albert
Welch, David	Weldy, Norman	Weyler, Kenneth	Winchell, George
Zolla, William			
STRAFFORD			
Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan	Easson, Timothy
Hofemann, Roland	Newton, Clifford	Rollo, Michael	Twombly, James
SULLIVAN			
Donovan, Thomas	Irish, Christopher	Osgood, Philip Sr	Phinizy, James

Rodeschin, Beverly			
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and the majority committee report failed.
Rep. Hinkle moved Inexpedient to Legislate.
Adopted.

HB 94-FN-A, requiring a discount to wholesalers on cash purchases of tobacco tax stamps.
MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Howie Lund for the Majority of Ways and Means: The committee considered the bill with an amendment which would provide a one cent (.01) discount to distributors on tobacco stamps effective July 1, 2006. This was voted down because the business involved had already adjusted its pricing models to accommodate the one cent loss. This bill if passed will decrease state unrestricted general fund revenue by \$1,354,050 in FY 2006 and each year thereafter, and decrease restricted education trust fund revenue by \$553,062 FY 2006 and each year thereafter. Vote 10-6.

Rep. Kevin L. Camm for the Minority of Ways and Means: This bill would restore the one cent per pack discount that wholesalers received for affixing tax stamps to cigarettes. That discount was removed in a committee of conference a few years ago. The minority felt that was an improper and unfair forum for such a policy change. Should the legislature desire to change the way it compensates those who provide a service for the state, it should do so by the same process as with any other bill. The amendment changes the effective date to July 1, 2006 so FY 2006 is not affected.

Rep. Camm spoke against.

Rep. Lund spoke in favor.

Report adopted.

(Rep. Weyler in the Chair) **SPECIAL ORDER**

HB 613-FN, exempting prepared take-out food items sold in supermarkets from the meals and rooms tax. **INEXPEDIENT TO LEGISLATE**

Rep. Peter H. Allen for Ways and Means: This bill would exempt from rooms and meals tax prepared food items sold by supermarkets. The concept came from an old court case, superseded by a 1985 Supreme Court decision, that the exemption of prepared take out food items sold in supermarkets was unconstitutional. Vote 15-0.

Rep. Field spoke against.

Rep. Peter Allen spoke in favor.

Committee report adopted.

REGULAR CALENDAR- PART II (CONT'D.)

HB 671-FN-A-L, relative to an exemption from the real estate transfer tax.

INEXPEDIENT TO LEGISLATE

Rep. Howie Lund for Ways and Means: This bill would exempt certain real estate transactions from the real estate transfer tax. The tax loophole proposed by this bill was closed by legislation a few years ago. At that time it was causing a loss of \$4 million to \$7 million in real estate tax revenues. With this loophole a lot of commercial properties would avoid the real estate tax. Twenty percent of the states real estate valuation is commercial property. Home ownership transferred from personal account to a family trust is not subject to the real estate transfer tax. Also, the majority of the committee felt this bill lacked clarity and would create interpretation problems for the DRA. The DRA estimated that the bills passage would again reduce revenues between \$4 and \$7 million per year. Further, the DRA stated there would be added staff and administrative costs associated with the bills passage. Vote 12-6.

Rep. Currier spoke against.

Rep. Jasper spoke in favor and yielded to questions.

On a division vote, 202 members having voted in the affirmative and 84 in the negative, the committee report was adopted.

RECONSIDERATION

Having voted with the prevailing side, Rep. Soltani moved that the House reconsider its action whereby it voted ***HB 665-FN-L***, relative to the applicable minimum wage for hourly employees, Ought to Pass with Amendment.

Rep. Weyler spoke in favor.

Rep. Keans spoke against.

Rep. Herbert Richardson requested a roll call; sufficiently seconded.

The question being adoption of the motion to reconsider.

YEAS 115 NAYS 172			
YEAS 115			
BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	Nedeau, Stephen
Russell, David	Thomas, John	Tilton, Franklin	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Martin, James	McConkey, Mark	Patten, Betsey	Stevens, Stanley
CHESHIRE			
Hogancamp, Deborah	Sawyer, Sheldon		
COOS			
King, Frederick	Stohl, Eric	Tholl, John Jr	
GRAFTON			
Giuda, Robert	Ingbretson, Paul	Mirski, Paul	Sorg, Gregory
HILLSBOROUGH			
Adams, Jarvis IV	Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy
Biundo, Michael	Buhlman, David	Carlson, Donald	Christensen, D L Chris
Coughlin, Pamela	Emerton, Larry	Francoeur, Bea	Gargasz, Carolyn
Gibson, John	Golding, William	Goyette, Peter Jr	Hansen, Ryan
Hawkins, Ken	Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton
Hirschmann, Keith	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	Ryder, Donald	Slocum, Lee	Stepanek, Stephen
Ulery, Jordan	Wheeler, James	Wheeler, Robert	
MERRIMACK			

Anderson, Eric	Currier, David	Field, William	Klose, John
Langlais, Thomas	Soltani, Tony		
ROCKINGHAM			
Bettencourt, David	Cady, Harriet	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	Dodge, Robert	Dowd, John
Dumaine, Dudley	Fesh, Bob	Francoeur, Sheila	Garrity, James
Griffin, Mary	Hopfgarten, Paul	Ingram, Russell	Introne, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Lund, Howie
Major, Norman	Morris, Richard	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Rausch, James	Rolston, James	Scamman, Stella
Smith, Paul	Stiles, Nancy	Welch, David	Weyler, Kenneth
Zolla, William			
STRAFFORD			
Bickford, David	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Newton, Clifford	Twombly, James	
SULLIVAN			
Gale, Harry	Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly
NAYS 172			
BELKNAP			
Heald, Bruce	Morrison, Gail	Pilliod, James	Rosen, Ralph
Tobin, William			
CARROLL			
Buco, Thomas	Dickinson, Howard	Knox, J David	Olimpio, J Lisbeth
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Dunn, J Timothy	Eaton, Daniel
Emerson, Susan	Espiefs, Peter	Foote, Sheila	Parkhurst, Henry
Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna			
COOS			
Buzzell, Bernard	Merrick, Scott	Morneau, Renney	Remick, William
Richardson, Herbert	Theberge, Robert		
GRAFTON			
Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Gionet, Edmond	Ham, Bonnie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Williams, Burton			
HILLSBOROUGH			
Balboni, Michael	Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter

Brassard, Paul	Calawa, Leon Jr	Campbell, David	Carew, James
Chabot, Robert	Chase, Claudia	Clemons, Jane	Craig, James
Crane, Elenore Casey	Daniuk, Caitlin	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Dyer, Donald	Egbers, Fran	Essex, David
Foster, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Hall, Betty	Harvey, Suzanne	Irwin, Anne-Marie	Kopka, Angeline
Lasky, Bette	Matarazzo, Anthony Sr	Messier, Irene	Mooney, Maureen
Movsesian, Lori	O'Connell, Timothy	Pappas, Christopher	Pilotte, Maurice
Rosenwald, Cindy	Rowe, Robert	Scanlon, Michael	Schulze, Joan
Shaw, Barbara	Shaw, Kimberly	Smith, David	Souza, Kathleen
Sullivan, Peter	Vaillancourt, Steve	Villeneuve, Maurice	
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Danforth, James	DeJoie, John
DeStefano, Stephen	Foose, Robert	French, Barbara	Gile, Mary
Greco, Vincent	Hamm, Christine	Lockwood, Priscilla	MacKay, James
Marple, Richard	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Potter, Frances	Reardon, Tara	Reed, Dennis	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Whiting, Herbert	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Bishop, Franklin	Blanchard, MaryAnn
Cali-Pitts, Jacqueline	Casey, Kimberley	Cooney, Richard	DiFruscia, Anthony
Dowling, Patricia	Flanders, John Sr	Flockhart, Eileen	Forsing, Robert
Gilbert, Karl	Gillick, Thomas	Gould, Kenneth	Headd, James
Hughes, Daniel	Johnson, Robert	Langley, Jane	Mason, April
McKinney, Betsy	Norelli, Terie	Pantelakos, Laura	Powers, James
Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl	Serlin, Christopher
Splaine, James	Stone, Joseph	Weare, E Albert	Weldy, Norman
Wells, Roger	Winchell, George		
STRAFFORD			
Brown, Jennifer	Brown, Julie	Brown, Lawrence	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Grassie, Anne
Hofemann, Roland	Keans, Sandra	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Wall, Janet			
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Jillette, Arthur Jr	Phinizy, James		

and the motion to reconsider failed.

The House recessed at 6:40 p.m.

RECESS
(Speaker Scamman in the Chair)

The House reconvened at 7:10 p.m.

BILLS REMOVED FROM CONSENT CALENDAR OF MARCH 30, 2005

HB 717, prohibiting cancellation of property and liability insurance on the basis of certain political activities. **INEXPEDIENT TO LEGISLATE**

Rep. Donald H. Flanders for Commerce: The committee felt this bill was unnecessary as ample markets are currently providing this coverage. Present homeowner policies do not exclude coverage for political activities and umbrella liability policies generally follow form with its underlying policies. Although some companies specifically exclude political coverage due to their underwriting criteria or reinsurance limitations, coverage can usually be obtained by shopping other carriers. In addition to this, elected members of the legislature have constitutional protection while participating in the meetings of the legislature or its committees. Vote 18-2.

Rep. Claudia Chase spoke against and yielded to questions.

Rep. DeJoie spoke against.

Reps. James Martin and Stepanek spoke in favor.

On a division vote, 143 members having voted in the affirmative and 133 in the negative, the committee report was adopted.

SPECIAL ORDER

Rep. O'Neil moved that **HB 635-FN-L**, relative to education funding, be made a Special Order in the Regular Calendar order for April 13, 2005.
Adopted.

HB 270, relative to procedures of the legislative ethics committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael D. Whalley for Election Law: This bill, as amended, establishes requirements and procedures for disqualification of and recusal by legislative ethics committee members. Testimony received by the committee indicated that appropriate guidelines were not presently in place. The committee felt that this oversight should be corrected. Vote 17-0.

Amendment (0797h)

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

1 New Section; Legislative Ethics Committee; Disqualification and Duty to Recuse.

Amend RSA 14-B by inserting after section 4 the following new section:

14-B:4-a Disqualification and Duty to Recuse.

I. No member shall participate in any matter which the committee is to decide in a judicial capacity if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of another legislator, or if that member would be disqualified for any reason stated for jury disqualification under RSA 500-A:12. Reasons for disqualification shall not include knowledge of the facts involved gained in the performance of the member's official duties on the committee.

II. A member who is recused or disqualified shall not participate in any discussions of the committee nor make any public or private statements to any member of the committee or to any other person until the final determination of the committee has been made or until any final recommendation of the committee has been issued. Such member may attend public meetings or hearings of the committee; however, if so present, such member shall not be seated at the committee table nor take any actions whereby it may be perceived by another legislator or the public that the member is acting as a member of the committee.

III. The committee may, upon the request of a member or any other person, vote on the question of whether a member should be recused or disqualified in a particular matter. Any such request and vote shall be made prior to or at the commencement of any action

relative to that matter or immediately upon the discovery of a reason for recusal or disqualification at any time during the course of committee action of a matter. Such vote shall be advisory and nonbinding.

IV. A violation of this section shall be considered a violation of the guidelines established by the committee.

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

AMENDED ANALYSIS

This bill establishes requirements and procedures for disqualification of and recusal by legislative ethics committee members.

Rep. Whalley spoke in favor.

Amendment adopted.

Report adopted and ordered to third reading.

HB 371, relative to mercury reduction. **OUGHT TO PASS WITH AMENDMENT**

Rep. Suzanne S. Butcher for Environment and Agriculture: This bill bans the disposal of mercury-added products in a landfill or transfer station, requiring that they be separated for recycling or disposal as a hazardous waste. Industry already has strict recycling requirements; this bill covers household products such as fluorescent tubes, batteries and thermometers. The amendment allows more flexibility for implementation and extends the effective date to January 1, 2006. This bill is in keeping with joint efforts in New England to remove mercury from the waste stream and is supported by the Department of Environmental Services. Vote 17-0.

Amendment (0665h)

Amend the introductory paragraph of RSA 149-M:58, V as inserted by section 1 of the bill by replacing it with the following:

V. Owners and operators of solid waste transfer stations and landfill facilities shall not be found to have knowingly accepted or disposed of mercury-added products if, at a minimum, the facility has implemented any of the following mechanisms:

Amend RSA 149-M:58 as inserted by section 1 of the bill by deleting paragraph VI and renumbering the original paragraph VII to read as paragraph VI.

Amend the bill by replacing section 2 with the following:

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

Amendment adopted.

Report adopted and ordered to third reading.

HB 158, relative to the Auburn District Court. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tony F. Soltani for Judiciary: This bill addressed three distinct issues with the district court. The Hampton and Exeter Courts are in a very difficult position. Their present location does not accommodate the space needs nor are the litigants and employees able to properly and efficiently carry on the business of the court. The bill temporarily locates the Hampton Court in a Seabrook facility and Exeter District Court in a facility in Seabrook. A permanent remedy is expected in the next three to four years. The Auburn District Court building is moldy, subject to leaks and flooding. The air quality is also substandard. The facility is also located in the southern most location of a district which is very inconvenient for most of the towns in the northern portion of the district. With the shifting population, the most central location of the district fall in Raymond or Candia. The bill places this court in either Candia or Raymond on a permanent basis with the ability to hold court in any town in the district from time to time. Vote 16-0.

Amendment (0861h)

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

AN ACT relative to Auburn, Exeter, and Hampton District Courts.

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

1 District Courts; Auburn-Candia-Raymond District. RSA 502-A:1, IV is repealed and reenacted to read as follows:

IV. AUBURN-CANDIA-RAYMOND DISTRICT. The Auburn-Candia-Raymond district shall consist of the towns of Auburn, Candia, Deerfield, Nottingham, Raymond, and Northwood. The court shall be located in Candia or Raymond. The court shall hold sessions regularly at the principal court location and elsewhere in the district as justice may require. The court shall bear the name of the city or town in which it is located.

2 District Courts; Hampton District; Exeter District. Amend RSA 502-A:1, II and II-a to read as follows:

II. HAMPTON DISTRICT. The Hampton district shall consist of the towns of Hampton, Hampton Falls, North Hampton, South Hampton, and Seabrook. The district court for the district shall be **temporarily** located in ~~[Hampton]~~ **Seabrook**, holding sessions regularly therein and elsewhere in the district as justice may require. The name of this court shall be the Hampton District Court.

II-a. EXETER DISTRICT. The Exeter district shall consist of the towns of Exeter, Newmarket, Stratham, Newfields, Fremont, East Kingston, Kensington, Epping, and Brentwood. The district court for the district shall **temporarily** be located in ~~[Exeter]~~ **Brentwood**, holding sessions regularly therein and elsewhere in the district as justice may require. The name of this court shall be the Exeter District Court.

3 Contingency. RSA 502-A:1, II and II-a as inserted by section 2 of this act shall remain in effect until the Hampton District Court and Exeter District Court are permanently sited in accordance with 2004, 236:8-10, or other provisions of law. In any event the court shall be permanently sited no later than January 1, 2011.

4 Effective Date.

I. Section 1 of this act shall take effect January 1, 2006.

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

AMENDED ANALYSIS

This bill changes the name of the Auburn judicial district to the Auburn-Candia-Raymond district and requires the court to be located in Candia or Raymond.

The bill also temporarily changes the locations of the Hampton District Court and the Exeter District Court.

Amendment adopted.

Rep. Paul Smith offered floor amendment (0938h).

Floor Amendment (0938h)

Amend the bill by replacing section 1 with the following:

1 District Courts; Auburn-Candia-Raymond District. RSA 502-A:1, IV is repealed and reenacted to read as follows:

IV. AUBURN-CANDIA-RAYMOND DISTRICT. The Auburn-Candia-Raymond district shall consist of the towns of Auburn, Candia, Deerfield, Nottingham, Raymond, and Northwood. The court shall be located in Auburn, Candia, or Raymond. The court shall hold sessions regularly at the principal court location and elsewhere in the district as justice may require. The court shall bear the name of the town in which it is located.

AMENDED ANALYSIS

This bill changes the name of the Auburn judicial district to the Auburn-Candia-Raymond district and requires the court to be located in Auburn, Candia, or Raymond.

The bill also temporarily changes the locations of the Hampton District Court and the Exeter District Court.

Rep. Soltani spoke against.

Reps. Paul Smith and Rowe spoke in favor.

Floor amendment (0938h) adopted.

Report adopted and ordered to third reading

HB 536, relative to excluding deductions from compensation from all elected state, county, and local officials. **INEXPEDIENT TO LEGISLATE**

Rep. Anna Tilton for Legislative Administration: Although the committee felt there were some good points brought forward in the testimony, courts have determined that for purposes of compensation state representatives fall within the state guidelines for deductions to be withheld. The committee is retaining CACR 11, relative to the compensation of the legislature, and the committee agrees to also discuss the issue in this bill in conjunction with CACR 11. Vote 8-2.

Rep. Marple spoke against.

Rep. McKinney spoke in favor.

On a division vote, 205 members having voted in the affirmative and 63 in the negative, the committee report was adopted.

HCR 9, commending the New Hampshire Fisher Cats on their championship. **OUGHT TO PASS**

Rep. Caitlin A. Daniuk for Legislative Administration: We want to commend the New Hampshire Fischer Cats. Baseball in Manchester helps show a commitment to family and how it has revitalized Manchester's downtown. We want to congratulate the team based on its accomplishments for New Hampshire sports. Vote 8-4.

Rep. Vaillancourt spoke against.

Rep. McKinney spoke in favor.

Report failed.

Rep. Vaillancourt moved Inexpedient to Legislate.

Motion adopted.

HB 537, relative to liens filed with public servants. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Prichard for Municipal and County Government: This bill would prohibit public servants from accepting or recording liens that did not comply with Part II, Article 87 of the NH Constitution. The hearing's opening was delayed for several minutes, but the committee was unable to find any of the bill's sponsors when the hearing started. It was kept open throughout the day. Having no testimony from any of the sponsors and unable to be clear about the bill's intent and the circumstances which prompted its initiation, the committee closed the hearing at 4pm on that day March 17th. Vote 14-0.

Rep. Marple spoke against.

Rep. Patten spoke in favor.

Committee report adopted.

HB 710-FN, establishing property appraisals for the taxation of property based upon its current use as a residence for persons over 65. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rep Eric G. Stohl for Municipal and County Government: This bill as amended addresses two issues dealing with assessing practices. In the first instance it deals with the stipulation in RSA 75-8-a that municipal property values on all real estate shall be assessed at least every five years. Due to changes in the department of revenue's method of reviewing the assessing practices within municipalities statewide there needs to be an opportunity for a municipality to show that a full revaluation is not necessary based on the results of DRA's review indicating that the municipality is in compliance RSA 75:1 regarding market value for all their properties. In the second instance it deals with the adjustment of the equalized assessed value in the town of Roxbury. A tax exempt property was reported as a taxable property which increased the tax burden to the citizens of Roxbury. This legislation does not seek to reduce the value reported in error for the last three years but it does reduce the inaccurate value that was reported to DRA. Vote 15-0.

Amendment (0885h)

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

AN ACT relative to the 5-year valuation of municipal assessments, and relative to the total property valuation for the town of Roxbury.

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

1 Five-Year Valuation. RSA 75:8-a is repealed and reenacted to read as follows:

75:8-a Five-Year Valuation. The assessors and selectmen shall reappraise all real estate within the municipality so that the assessments are at full and true value at least as often as every fifth year, beginning with the later of either of the following:

I. The first year a municipality's assessments were reviewed by the commissioner of the department of revenue administration pursuant to RSA 21-J:3, XXVI and the municipality's assessments were determined to be in accordance with RSA 75:1; or

II. The municipality conducted a full revaluation monitored by the department of revenue administration pursuant to RSA 21-J:11, II, provided that the full revaluation was effective on or after April 1, 1999.

2 Town of Roxbury; Total Valuation Adjusted By the Department of Revenue Administration. The commissioner of revenue administration shall adjust the 2003 total town valuation for the town of Roxbury to exclude the \$2,143,500 of exempt property previously included as taxable property. Notwithstanding RSA 21-J:35, the department shall forthwith utilize such adjusted total valuation in all calculations of town, county, state education, and local education tax rates, and in the determination of equalized assessed valuation.

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

AMENDED ANALYSIS

This bill clarifies the 5-year period in which municipalities reappraise real property to full and true value. The bill also directs the department of revenue administration to adjust the 2003 total valuation for the town of Roxbury.

Rep. Patten spoke against.

Amendment failed.

Rep. Patten offered floor amendment (0922h).

Floor Amendment (0922h)

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

AN ACT relative to the 5-year valuation of municipal assessments, and relative to the total property valuation for the town of Roxbury.

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

1 Five-Year Valuation. RSA 75:8-a is repealed and reenacted to read as follows:

75:8-a Five-Year Valuation. The assessors and/or selectmen shall reappraise all real estate within the municipality so that the assessments are at full and true value at least as often as every fifth year, beginning with the later of either of the following:

I. The first year a municipality's assessments were reviewed by the commissioner of the department of revenue administration pursuant to RSA 21-J:3, XXVI and the municipality's assessments were determined to be in accordance with RSA 75:1; or

II. The municipality conducted a full revaluation monitored by the department of revenue administration pursuant to RSA 21-J:11, II, provided that the full revaluation was effective on or after April 1, 1999.

2 Town of Roxbury; Total Valuation Adjusted By the Department of Revenue Administration. The commissioner of revenue administration shall adjust the 2003 total town valuation for the town of Roxbury to exclude the \$2,143,500 of exempt property previously included as taxable property. Notwithstanding RSA 21-J:35, the department shall forthwith utilize such adjusted total valuation in all calculations of town, county, state education, and local education tax rates, and in the determination of equalized assessed valuation.

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

AMENDED ANALYSIS

This bill clarifies the 5-year period in which municipalities reappraise real property to full and true value. The bill also directs the department of revenue administration to adjust the 2003 total valuation for the town of Roxbury.

Rep. Patten spoke in favor.

Floor amendment (0922h) adopted.

Committee report adopted and ordered to third reading.

SB 23, relative to membership on the public water access advisory board. **INEXPEDIENT TO LEGISLATE**

Rep. Harry C. Merrow for Resources, Recreation and Development: This bill as amended adds a public member representing coastal or marine interests, appointed by the Governor and Council, to the Public Water Access Advisory Board. Vote 17-2.

Rep. Dickinson spoke against.

Report failed.

Rep. Dickinson moved Ought to Pass with Amendment and offered floor amendment (0926h).

Floor Amendment (0926h)

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

1 New Subparagraph; Public Water Access Advisory Board; Membership; Coastal or Marine Member Added. Amend RSA 233-A:2, I by inserting after subparagraph (p) the following new subparagraph:

(q) A public member representing coastal or marine interests, appointed by the governor and council.

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

AMENDED ANALYSIS

This bill adds a member representing coastal or marine interests to the public water access advisory board.

Rep. Dickinson spoke in favor.

Floor amendment (0926h) adopted.

Motion of Ought to Pass with Amendment adopted.

Ordered to third reading.

SPECIAL ORDER

Rep. Price moved that **HCR 3**, urging Congress to require the Department of Justice to conduct a review and release information to the public regarding mistreatment and restrictions placed on Italian-American citizens of the United States during World War II, be made a Special Order in the Regular Calendar order for April 13, 2005.

Adopted.

BILLS REMOVED FROM CONSENT CALENDAR (CONT'D.)

HCR 5, recognizing New Hampshire's ratification of the original Thirteenth Amendment to the United States Constitution. **INEXPEDIENT TO LEGISLATE**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: The unintended consequence of this bill would be to repeal the current 13th amendment abolishing slavery. This bill states "honorary" knighted individuals such as former presidents and generals shall be stripped of their citizenship. The original 13th amendment stated no such thing. The original 13th amendment gave consent of congress for such titles and honors. Vote 13-1.

Rep. Marple spoke against.

Rep. Roberts spoke in favor.

Committee report adopted.

HCR 6, urging Congress to enact legislation to make English the official language of the

United States. **OUGHT TO PASS**

Rep. James E. Twombly for State-Federal Relations and Veterans Affairs: In 1995 the State of New Hampshire passed a law making English the official language of the state. Almost all the comments during the executive session reinforced the importance of understanding and speaking the English language as a stepping stone to success. Encouraging speaking one's native language in the home was also felt to be important by the committee. One of the strengths of America has been the ability to communicate with one common language. Immigrating families to this country realized the importance of speaking English as quickly as possible to get ahead both socially and economically. Those in the committee that voiced some concern with this resolution felt that the intent might be to only hear English spoken throughout our communities. The committee felt that multi-lingual abilities was an absolute gift that if a person had, could not be taken away. This resolution simply states that English should be the common language for communicating in the United States. Vote 11-0.

Rep. Pillotte spoke against.

Rep. Twombly spoke in favor.

Report adopted and ordered to third reading.

HCR 7, urging the United States Congress to establish and revise the current drug policy.

OUGHT TO PASS WITH AMENDMENT

Rep. Barbara E. Shaw for State-Federal Relations and Veterans Affairs: Despite government efforts in the War on Drugs over three decades, spending ½ trillion dollars, the stated objective of a drug free America has not been achieved. Although efforts are extensive, in these times of limited fiscal resources it is important to review the billions spent for re-evaluation of effectiveness and justification. It is time for Congress to establish a task force to review its policies and revise its current drug policy to better serve the citizens of our country. Vote 12-0.

Amendment (0255h)

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

A RESOLUTION urging the United States Congress to establish a task force to review and revise the current drug policy.

AMENDED ANALYSIS

This house concurrent resolution urges the United States Congress to establish a task force to review and revise the current drug policy.

Amendment adopted.

Reps. Pillotte and Wendelboe spoke against.

Reps. Ingbreton and Shaw spoke in favor.

Committee report failed.

Rep. Soltani moved Inexpedient to Legislate.

On a division vote, 204 members having voted in the affirmative and 67 in the negative, the motion of Inexpedient to Legislate was adopted.

HB 720-FN, relative to special number plates. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill would have required the Department of Safety to produce new legislative plates this year. There have been many concerns with the current plates especially with the looks and where the plates were manufactured. Although some of the committee may agree with the sponsors on the looks of the plates, the majority feels we would be setting a bad example to the public by passing special plate legislation for ourselves and asking the citizens to pay the extra cost. Vote 9-1.

Reps. Gibson and Soltani spoke against.

Rep. Packard spoke in favor.

On a division vote, 131 members having voted in the affirmative and 138 in the negative, the committee report failed.

Rep. Gibson moved Ought to Pass.
Rep. Welch spoke against and yielded to questions.
Rep. Crane spoke against.
On a division vote, 139 members having voted in the affirmative and 130 in the negative, the motion of Ought to Pass was adopted.
Ordered to third reading.

REMOVED FROM THE TABLE

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

Adopted.

Rep. Major offered floor amendment (1023h).

Floor Amendment (1023h)

Amend the resolution by replacing all after the resolving clause with the following:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 2005, 2006, and 2007.

Committee estimates are based on current rates.

Rep. Major spoke in favor.

Rep. Almy spoke against.

Floor amendment (1023h) adopted.

LAID ON THE TABLE

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

Adopted.

RESOLUTION

Rep. O'Neil offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 13, 2005 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 66, regulating mandatory overtime for nurses and assistants.

HB 350, relative to enforcement of the labor protection statutes, permitting certain wage deductions, and increasing the civil penalty in the department of labor.

HB 665-FN-L, relative to the applicable minimum wage for hourly employees.

HB 392-FN, increasing the mileage reimbursement rate for members of the legislature.

HCR 10, recognizing February 8, 2005 as Scouting in New Hampshire day.

HB 90, relative to private driving instruction and exhibition facilities.

HB 69, relative to large groundwater withdrawals.

HCR 11, establishing joint rules for committees of conference for the 2005 and 2006 sessions of the New Hampshire general court.

HB 513, relative to on-board diagnostic system inspections.

HB 270, relative to procedures of the legislative ethics committee.

HB 371, relative to mercury reduction.

HB 158, relative to the Auburn, Exeter, and Hampton District Courts.

HB 710-FN, relative to the 5-year valuation of municipal assessments, and relative to the total property valuation for the town of Roxbury.

SB 23, relative to membership on the public water access advisory board.

HCR 6, urging Congress to enact legislation to make English the official language of the United States.

HB 720-FN, relative to special number plates.

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 9:00 p.m.

RECESS

(Rep. Cady in the Chair)

RESOLUTION

Rep. Price offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 30, 56, 61, 86, 89, 119, 121, 123, 143, 163, 167, 168, 179, 183, 187, 199, 210, 261, 226, and 227 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 30, establishing the Collaborative Practice for Emergency Contraception Act. (Health, Human Services and Elderly Affairs)

SB 56, relative to penalties for eluding pursuit by a law enforcement officer. (Criminal Justice and Public Safety)

SB 61, relative to judges giving notice of intent to retire, and relative to retired status for judges and assignment of judicial referees. (Judiciary)

SB 86, permitting on-site samples and retail sales by liquor manufacturer licensees. (Executive Departments and Administration)

SB 89-FN, relative to financing federally aided highway projects. (Public Works and Highways)

SB 119, establishing a committee to study exempting acute care rehabilitation from the nursing home moratorium. (Health, Human Services and Elderly Affairs)

SB 121, relative to all terrain vehicle trails and relative to the regulation of off highway recreational vehicles by a political subdivision. (Resources, Recreation and Development)

SB 123, relative to the liability of pet shops for the sale of sick animals. (Commerce)

SB 143, relative to the adoption and use of impact fees for public open space. (Municipal and County Government)

SB 163-FN, establishing the New Hampshire pharmaceutical assistance program. (Health, Human Services and Elderly Affairs)

SB 167, relative to extension of guardianship. (Judiciary)

SB 168, relative to administration of estates. (Judiciary)

SB 179, requiring hunters to report the death or injury of domestic animals. (Environment and Agriculture)

SB 183, authorizing licensed medical adult day program facilities to assist clients with medication. (Health, Human Services and Elderly Affairs)

SB 187, relative to allowing alternative certified hazardous waste coordinator programs. (Environment and Agriculture)

SB 199, establishing exemptions from certain administrative requirements for the

department of regional community-technical colleges. (Finance)

SB 210-FN, relative to a declaratory judgment to adjudicate constitutional nexus.

(Judiciary)

SB 216, establishing a commission to study area agencies. (Health, Human Services and Elderly Affairs)

SB 226, relative to the regulation of snowmobiles and off highway recreational vehicles.

(Resources, Recreation and Development)

SB 227, naming a certain bridge in the town of Enfield the Henry P. Brown, M.D. Bridge, renaming the White Mountain Attraction Building as the Dick Hamilton Building, and renaming the Twin Mountain Bridge as the Kenneth B. Jordan Memorial Bridge. (Public Works and Highways)

RECESS