

HOUSE RECORD

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

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Concord, N.H.

Wednesday, May 4, 2005

No. 40

HOUSE JOURNAL No. 13 (cont.)

Wednesday, April 20, 2005

RECESS

(Rep. Welch in the Chair)

RESOLUTION

Rep. Barbara Richardson offered the following: RESOLVED, that the late drafting and introduction having been approved by the Rules Committee in accordance with the list in the possession of the Clerk, House Resolution numbered 13, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE RESOLUTION

First, second reading and referral

HR 13, condemning the genocide in the Darfur region of the Sudan and urging Congress, with the support of the President, to pass the Darfur Accountability Act (S. 495) and the Darfur Genocide Accountability Act (H.R. 1424). (A. Tilton, Ches 6; Pratt, Ches 2; Craig, Hills 9; Heon, Straf 2; Twombly, Straf 1: State-Federal Relations and Veterans Affairs)

RECESS

(Rep. Jasper in the Chair)

SENATE MESSAGES

CONCURRENCES

HB 38, relative to theft of personal checks and credit cards.

HB 40, relative to inspection dates for certain vehicles.

HB 53, repealing a 1901 law relating to the apportionment of library funds in the town of Haverhill.

HB 58, relative to the effective date for the elimination of certain substances from gasoline supplies and removing a certain requirement relative to opting out of the reformulated gasoline program.

HB 71-FN-A-L, relative to funding of the school building aid program for the 2005 fiscal year and making an appropriation therefore.

HB 87, relative to the authority of the Carroll county public water system.

HB 99, changing the name of the college for lifelong learning to Granite state college.

HB 111, establishing a commission to study the elimination of cervical cancer in the state of New Hampshire.

HB 124, naming a certain portion of New Hampshire Route 125 the Mel Keddy Memorial highway.

HB 144-L, relative to special elections for municipal charter amendments.

HB 147, relative to the death penalty.

HB 148, transferring the New Hampshire estuaries project from the department of environmental services to the university of New Hampshire.

HB 160, naming a certain bridge on New Hampshire Route 3 between Pembroke and Allenstown.

HB 171, relative to nicknames on ballots.

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

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

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

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

HB 299, establishing a committee to study state laws governing liens for labor and materials

HB 340, renaming Jones Brook Wildlife Management Area in Strafford County for former chairman of the fish and game commission, Ellis Hatch, Jr., and naming a building at the Sandy Point Discovery Center in Stratham for former governor Hugh Gregg.

HB 394, relative to real estate tax lien procedures for tax collectors.

HB 420, relative to receiving and addressing complaints against licensees by the board of mental health practice.

HB 444, relative to the surrender and condemnation of game animals to the fish and game department.

HB 446, relative to applications for resident hunting or fishing licenses.

HB 449-FN, relative to special wild turkey seasons and permits.

HB 457, relative to excavating and dredging permit exemptions for water conveyance systems.

HB 462, prohibiting road toll refunds for idling time.

HB 499, relative to participation in and administration of the Manchester employees' contributory retirement system.

HB 504, relative to the assessment or refund of real estate transfer taxes, and the recording of plans with the register of deeds.

HB 521, relative to medical insurance coverage for members of the Manchester employees' contributory retirement system.

HB 532, relative to the licensure of dentists by the board of dental examiners.

HB 546, relative to the status of the board of trustees of the retirement system.

HB 560, relative to timber harvesting.

HB 570, relative to preliminary site plan review and the definition of inclusionary zoning.

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

NONCONCURRENCES

HB 32, establishing a committee to study the feasibility of implementing the Second Chance drug rehabilitation program in the New Hampshire prison system.

HB 42, establishing a statutory joint committee to review and propose changes to state unclassified officers' salaries.

HB 46-FN, relative to penalties for first-time DWI offenders.

HB 82, relative to political committees of political parties.

HB 154, relative to changes of party registration on primary day.

HB 272-FN-A, making an appropriation to the barn preservation fund.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 41, 74, 95, 107, 150, 223, 445 and 540.

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

RECESS

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

HOUSE JOURNAL No. 14

Wednesday, May 4, 2005

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

Prayer was offered by Guest Chaplain, The Reverend Dr. Marguerite Gage from St. James United Methodist Church in Merrimack.

Most gracious and loving God, we come before You seeking Your blessing and guidance. Be present with this House of Representatives. Be present in their conversations, discussions, debates and votes. Guide every person to seek the common good. Give those who have been elected to represent the citizens of New Hampshire the courage of their convictions, yet keep their hearts open to new ideas and new directions.

We belong to You, O God, and we belong to each other, brothers and sisters in a family which reaches out across party lines, across district lines, across state lines, across national borders. Grant this Body eyes to see everyone they represent as Your beloved children made in Your image. Help them to find ways to do justice, to love kindness and to walk humbly with You.

May we all be better citizens of this world and good stewards of this corner of Your creation, New Hampshire, which You have entrusted to our care. May we value its natural beauty, resources and people.

We pray for a world united towards living together in peace. Until that day, we pray for the men and women of our armed forces who stand in harms way so we might not have to.

Protect them, keep them from harm and bring them home as soon as they safely can. Be with their families, comfort them while they are apart.

We ask Your blessing upon Governor John Lynch, Speaker of the House Douglas Scamman, all who serve this day and the work they are empowered to do.

We lift this prayer to You, as well as the unspoken prayers of our hearts, which we bring before You now in a moment of silence. Hear our prayers, we humbly pray. Amen.

Rep. Franklin T. Tilton led the Pledge of Allegiance.

The National Anthem was sung by Bethany Wheeler, 11th grade home-schooled student from Milford, and sister of Rep. James Wheeler.

LEAVES OF ABSENCE

Reps. Aboshar, Alger, Brueggemann, Peter Cote, Lessard, Naro, Palangas and Palazzo, the day, illness.

Reps. Bergin, Buhlman, Casey, Chaplin, Crane, Dorsett, Dowling, Gionet, Hess, Manning, Michon, Moran, Nowe, Owen, Rausch, Remick, Serlin, Tahir, Wallner, Wendelboe, Wiley and Winchell, the day, important business.

Reps. Mark Clark and Irish, the day, illness in the family.

INTRODUCTION OF GUESTS

Hon. David Wheeler, former Executive Councilor and Joy Wheeler, Everett and Muriel Wheeler, Nathaniel Wheeler, Sasha Maynich and Sheila Tirrell, parents, grandparents, brother and friends of the day's singer, guests of the House. Leadership Seacoast members, guests of Reps. Norelli and Sheila Francoeur. Midshipman Evan Miller, United States Naval Academy and Coralia Miller, grandson and daughter of Rep. Miller. Mary Garrity, Kathleen LaFond, Mary Ellen Sullivan, Patricia Blake and Joseph Garrity, mother and siblings of Rep. James Garrity. Donald and Donna Mills, guests of Rep. Eric Anderson.

SPECIAL GUESTS

Winners of the 2005 United States Collegiate Athletic Association Division II Championship, New Hampshire Technical Institute Mens Basketball Team, the first New Hampshire basketball team to win a national championship. Team members Chris Barker, Jesse Bopp, Nate Truncellito, Nate Stanton, Zach Hall, Unjum Khalid, Jason Szidat, Chris Lawes, Kevin Harrington, Matt Spanos, Joel Phillips, Calvin Akers, and Jason Atton, accompanied by staff members and Assistant Coaches, Chuck Lloyd and Justin Gorham and Head Coach Paul Hogan, were presented a declaration by the Speaker.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 40, 53, 58, 87, 99, 111, 124, 148, 160, 171, 242, 266, 277, 340, 444, 446, 457, 462, 504, 560 and 570.

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

SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 280, relative to the manner of service in divorce and child custody proceedings. (Amendment printed SJ 4/28/05)

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

Adopted.

HB 469, regulating disputes between homeowners and contractors relative to residential construction defects. (Amendment printed SJ 4/21/05)

Rep. Sheila Francoeur moved that the House concur and spoke in favor.

Adopted.

HB 86, relative to property held in police department property rooms. (Amendment printed SJ 4/21/05)

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

Adopted.

HB 303-FN, relative to the fire standards and training commission. (Amendment printed SJ 4/14/05)

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

Adopted.

HB 401-FN-A, making an appropriation to the Seacoast Shipyard Association. (Amendment printed in SJ 4/21/05)

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

Adopted.

HB 97, relative to replacing school budget committee members. (Amendment printed SJ 4/21/05)

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

Adopted.

HB 512, establishing a commission to study property tax relief and reverse mortgages. (Amendment printed SJ 4/14/05)

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

Adopted.

HB 263, relative to the use of design build and construction management methods for state capital projects. (Amendment printed SJ 4/14/05)

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

Adopted.

HB 83, repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus. (Amendment printed SJ 4/21/05)

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

Rep. Cady spoke against.

Rep. Patten spoke in favor.

Adopted.

The Speaker appointed Reps. Stohl, Dowd, Brundige and Nancy Johnson.

COMMITTEE REPORTS

CONSENT CALENDAR

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

SB 70, relative to the powers of special corporations, removed by Rep. Dalrymple.

SB 195, relative to the effective date of the law requiring the elimination of certain substances from gasoline supplies and removing a certain requirement relative to opting out of the reformulated gasoline program, removed by Rep. Mary Ellen Martin.

Consent Calendar adopted.

SB 112-FN, establishing a committee to study viatical settlements. **OUGHT TO PASS**

Rep. Tara G. Reardon for Commerce: The committee heard testimony regarding emerging interest in both viatical settlements and life settlements of life insurance policies. Although NAIC model legislation is available, some work is required to draft appropriate legislation. The committee and interested parties all agreed a study committee is the best way to come up with legislation. Vote 14-1.

SB 150-FN, relative to application fees for certain bank incorporations. **OUGHT TO PASS**

Rep. Stephen B. Stepanek for Commerce: This is a housekeeping bill which adjusts filing fees for banks so they are consistent with the filing fees of other business entities. Vote 18-1.

Referred to the Committee on Ways and Means.

SB 48-FN, prohibiting unlawful peering into the dwelling place of another. **OUGHT TO PASS WITH AMENDMENT**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: This bill was presented to protect individuals in their homes from those who we recognize as “Peeping Toms.” The bill clarifies that an individual who knowingly enters a person’s property without lawful authority for the purpose of peering into a dwelling place in reckless disregard and infringing upon the inhabitant’s privacy is guilty of a misdemeanor. The committee amendment has the support of the Merrimack County Attorney and the New Hampshire Attorney General’s Office. Vote 14-0.

Amendment 1233(h)

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

IV. A person is guilty of a misdemeanor if such person knowingly enters any residential curtilage, as defined in RSA 627:9, I, or any other private place as defined in paragraph II of this section, without lawful authority and looks into the residential structure thereon or other private place in reckless disregard of infringing on the inhabitant’s right of privacy.

~~[IV]~~ V. Paragraphs I and II shall not be construed to impair or limit any otherwise lawful activities of law enforcement personnel, nor are paragraphs I and II intended to limit employees of governmental agencies or other entities, public or private, who, in the course and scope of their employment and supported by articulable suspicion, attempt to capture any type of visual image, sound recording, or other physical impression of a person during an investigation, surveillance, or monitoring of conduct to obtain evidence of suspected illegal activity, the suspected violation of any administrative rule or regulation, a suspected fraudulent insurance claim, or any other suspected fraudulent conduct or activity involving a violation of law, or pattern of business practices adversely affecting the public health or safety.

AMENDED ANALYSIS

This bill prohibits a person from knowingly entering any residential curtilage or any other private place, without lawful authority and looking into the residential structure thereon or other private place in reckless disregard of infringing on the inhabitant’s right of privacy.

SB 106-FN, making unauthorized recording in a motion picture theater a crime. **OUGHT TO PASS**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: The committee heard testimony from the Motion Picture Association concerning the unauthorized recording of motion pictures within theaters. Many times the pirated copy of a newly released film appears simultaneously and before the film is offered in a DVD version. This illegal recording costs the industry an estimated \$3.5 billion. The committee agrees with the Senate that this type of activity should be a crime within the State of New Hampshire. Vote 14-1.

SB 156-FN, relative to criminal trespass. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: This bill was introduced to increase the penalty for destruction of property of another when the damage is in excess of \$1,000. The Senate version of the bill made it a class B felony. The amended version makes it a misdemeanor for the first offense and a class B felony for any subsequent offense, if the person knowingly or recklessly causes damage in excess of \$1,000 to the value of the property of another. Vote 15-0.

Amendment (1195h)

Amend RSA 635:2, II as inserted by section 1 of the bill by replacing it with the following:

II. Criminal trespass is a misdemeanor for the first offense and a class B felony for any subsequent offense if the person knowingly or recklessly causes damage in excess of \$1,000 to the value of the property of another.

AMENDED ANALYSIS

This bill establishes criminal trespass as a misdemeanor for the first offense and as a class B felony for any subsequent offense if a person knowingly or recklessly causes damage in excess of \$1,000 to the value of the property of another.

SB 53-FN, relative to increased funding for publication of certain materials by the department of environmental services and changing the title of chief operations officer to chief financial officer in the department of environmental services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ken Hawkins for Executive Departments and Administration: After hearing testimony, the committee felt that changing the title of chief operations officer to chief financial officer should be submitted to the Hay Study. The change is not necessary as it could potentially cause the current position to be downgraded. It also could lead to having two positions in the department in the future: one a COO, the other a CFO. This bill was amended to eliminate the title change, but authorizes increased funding for the publishing of certain materials by the department of environmental services to allow DES to provide documents in paper, electronic or other media. It will also allow for a charge so that there is no cost to the state for producing these documents. In the past only printing on paper was allowed. There are many instances where DVD, etc. would enhance the geological formations and allow better use of land. Vote 15-0.

Amendment (1265h)

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

AN ACT relative to increased funding for publication of certain materials by the department of environmental services.

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

AMENDED ANALYSIS

This bill authorizes increased funding for the publishing of certain materials by the department of environmental services.

Referred to the Committee on Finance.

SB 55, relative to the New Hampshire film and television commission and state promotional initiatives. **OUGHT TO PASS**

Rep. Anne-Marie Irwin for Executive Departments and Administration: This bill adds members to the New Hampshire Film and Television Commission. Under RSA 21-K:23, this commission already exists. The only change is to expand membership and to encourage the use of New Hampshire talent whenever possible. Vote 13-0.

SB 41, relative to penalties for certain OHRV violations. **OUGHT TO PASS**

Rep. David L. Smith for Fish and Game: This bill corrects the omission in RSA 215-A:5-b of a fine relative to snowmobile operation on open water. The fine is to be \$200.00. Also the additional actions that would require a violator to participate in an OHRV training program - operating while intoxicated or under drug influence, refusal of consent, endangerment of person or property damage, failing to yield right-of-way, and operating on open water - are added. The bill is supported by the Fish and Game Department and was unanimously supported by the committee. Vote 12-0.

SB 98-FN, relative to issuing duplicate registrations for off highway recreational vehicles.

OUGHT TO PASS

Rep. Bruce D. Heald for Fish and Game: The purpose of this bill is to allow for a duplicate OHRV registration for lost, stolen, mutilated, or destroyed registration. This document may be replaced by a duplicate registration upon payment of a fee of \$5.00 and completion of an affidavit setting forth the circumstances of the loss or destruction of the registration. The committee heard testimony on this bill and there was no opposition. This bill is the request of the Fish and Game Department. Vote 12-0.

SB 105, granting the executive director of fish and game authority to promote hunting, fishing, and wildlife-related activities. **OUGHT TO PASS WITH AMENDMENT**

Rep. John F. Klose for Fish and Game: This bill enables the director, with the approval of the commission, to promote hunting and fishing activities within the state. This can include joint activities with other profit and non-profit organizations. The director may, from time to time, reduce the fees (or waive) for certain types of licenses. The original bill was too broad in scope, and moved to establish programs to accomplish the above. The bill as amended simply enables the director to do these things, which was the intent of the Fish and Game Department, who requested the bill. Vote 12-0.

Amendment (0920h)

Amend RSA 214:9-f as inserted by section 1 of the bill by replacing it with the following:

214:9-f Promotion Activities; Reductions in Fees Authorized. The executive director, with approval of the commission, may take such marketing actions to promote fisheries and wildlife resources, and attract hunters and anglers to the state as deemed necessary, which may include the reduction or the waiver of the fees for certain types of licenses for specified periods of time to promote license sales for hunting, fishing, and trapping in the state. This may include coordination of activities between the public and private sectors and utilization of promotional advertising, exhibits, brochures, technical assistance, and expertise as necessary to develop and promote hunting, fishing, and other wildlife-related activities within the state.

AMENDED ANALYSIS

This bill allows the executive director of fish and game to promote hunting, fishing, and wildlife-related activities, by marketing actions, private sector cooperation, or reductions or waivers of fish and game license fees.

Referred to the Committee on Ways and Means.

SB 88, relative to emergency medical transportation. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill, unanimously supported by the committee, supplements existing statutes regarding inter-facility transfers of patients. In the event, a licensed emergency medical services provider is not available within 30 minutes, then a registered nurse certified in emergency nursing, an emergency physician, or an emergency physician's assistant can take the place of an E.M.T., provided that each is certified in advanced cardiac life support and has completed a bureau of emergency medical services inter-training module. Vote 18-0.

Amendment (1254h)

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

1 New Paragraph; Emergency Medical and Trauma Services; Exception. Amend RSA 153-A:16 by inserting after paragraph II the following new paragraph:

III. If a physician determines that an inter-facility transfer of a recognized critical access hospital patient is urgent and the availability of 2 licensed emergency medical services providers exceeds 30 minutes, then a registered nurse certified in emergency nursing, an emergency physician, or an emergency physician assistant may act as the

responsible provider for the patient during the transfer, provided that each is certified in advanced cardiac life support and has completed a bureau of emergency medical services inter-facility training module.

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

SB 108-FN, relative to newborn screening tests and fees for newborn screening tests.
OUGHT TO PASS WITH AMENDMENT

Rep. Deborah J. Hogancamp for Health, Human Services and Elderly Affairs: This bill, as amended, establishes in statute a Newborn Screening Advisory Committee within the Department of Health and Human Services. Newborn screening tests have been performed in New Hampshire for more than 15 years, and screen for a variety of metabolic disorders. The disorders range in severity and consequence, and if left undiagnosed or untreated, result in severe retardation or death. The advisory committee includes a member of the Health and Human Services Oversight Committee as well as representation of health care subspecialties, and members of the community. The advisory committee evaluates and makes recommendations on the newborn screening testing panel as knowledge, technology, and testing procedures become available and affordable. This bill emphasizes prevention, early diagnosis and treatment, which will save lives and reduce disabilities in our children. Vote 15-0.

Amendment (1053h)

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

1 Newborn Screening Tests. Amend RSA 132:10-a to read as follows:

132:10-a Newborn Screening Tests Required; ***Newborn Screening Advisory Committee.***

I. The physician, hospital, nurse midwife, midwife, or other health care provider attending a newborn child shall test a newborn child for metabolic disorders. Such tests shall include, but not be limited to, phenylketonuria, galactosemia, homocystinuria, maple syrup urine disease, and hypothyroidism. ***Additional disorders shall be added to the newborn screening panel based upon, but not limited to, the following considerations:***

(a) The disorder is well-defined with a known incidence.

(b) The disorder is associated with significant morbidity and/or mortality.

(c) The disorder can be detected with a screening test that is ethical, safe, accurate, and cost-effective.

(d) Effective treatment exists for the disorder, and that early treatment, meaning before the onset of symptoms, is more effective in improving health outcomes than later treatment.

II. Notwithstanding any provision of law to the contrary, the commissioner of the department of health and human services shall establish fees, pursuant to RSA 541-A, to be paid by hospitals for the tests required under paragraph I. Moneys from the fees under this section shall be used by the department to cover laboratory analysis and related program costs under a contract competitively bid and approved by governor and council.

III. The department of health and human services shall establish a newborn screening advisory committee which shall include a member of the oversight committee on health and human services, established in RSA 126-A:13, and representation from health care subspecialties, as determined by the department.

IV. The department shall make an annual report commencing on January 1, 2006 to the oversight committee on health and human services relative to newborn screening tests which shall include, but not be limited to the number and type of tests performed and their fiscal impact.

2 Rulemaking; Fees for Newborn Screening Tests. Amend RSA 132:10-b, III to read as follows:

III. Newborn screening tests ***and how fees for such tests are to be determined.***

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

AMENDED ANALYSIS

This bill:

I. Clarifies the tests to be given to newborn children.

II. Grants rulemaking authority to the commissioner of health and human services to determine how the fees for such tests are to be determined.

III. Requires the department of health and human services to establish a newborn screening advisory committee.

Referred to the Committee on Ways and Means.

SB 119, establishing a committee to study exempting acute care rehabilitation from the nursing home moratorium. **INEXPEDIENT TO LEGISLATE**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: This bill is to form a committee to study exempting acute care rehabilitation from the nursing home moratorium. There is a Certificate of Need Board (C.O.N.) that meets regularly to review and make decisions on what is best for New Hampshire as it pertains to duplications of medical services, etc. It is empowered to make a decision regarding whether or not to permit new medical facilities or services with the objective to help keep medical costs down. This bill was an attempt to promote a piece of legislation which would have overturned a C.O.N. decision, which would have interfered with the work of the C.O.N. board. The committee was unanimous in its decision not to interfere with the nursing home moratorium currently in law. Vote 15-0.

SB 171, establishing a committee to study HIV/AIDS service delivery. **OUGHT TO PASS**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill was unanimously and vigorously supported by the committee. H.I.V./A.I.D.S. continues to be a serious health problem in New Hampshire. There are indications that the virus is increasing and affecting a number of our citizens. There are ominous signs that there will be decreasing federal financial support for New Hampshire. In addition, New Hampshire has not provided fiscal support in the past. Due to the critical nature of the illness, New Hampshire requires a critical review of the public health delivery system. This bill provides for this study. Vote 15-0.

SB 216, establishing a commission to study area agencies. **OUGHT TO PASS WITH AMENDMENT**

Rep. Hilda W. Sokol for Health, Human Services and Elderly Affairs: This bill establishes a commission to study the operations of the 12 area agencies which serve clients with developmental disabilities. The commission will examine the services provided by these agencies and the efficiency with which such services are delivered. The commission members will also look into ways the area agencies may be able to operate more cost effectively under the umbrella of the Community Support Network. Members of the committee will include legislators, a designee of the Department of Health and Human Services, representatives from the area agencies, the New Hampshire Developmental Disabilities Council, the Disabilities Rights Center, as well as members representing persons with developmental disabilities and the business community. Vote 13-0.

Amendment (1229h)

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

AN ACT establishing a commission to study area agencies and their role in providing services to New Hampshire.

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

1 Statement of Purpose. The general court recognizes that a thorough examination of the operation of New Hampshire's 12 area agencies is necessary to identify administrative and operative efficiencies which may be available for adoption either through private action on the part of such agencies themselves, through state action by rule or statute, or through a combination thereof. Therefore, the general court hereby establishes a commission to identify the essential operations of the area agencies and to also identify ways in which such agencies may operate more efficiently and cost effectively; provided, that it is not the intent of this act to eliminate area agencies, set the number of area agencies, or compromise the services provided by such agencies.

2 Commission Established. There is established a commission to study the 12 area agencies that administer programs and services for persons with developmental disabilities and acquired brain disorder.

3 Membership and Compensation.

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

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

(c) The commissioner of the department of health and human services, or designee.

(d) One representative of the New Hampshire Developmental Disabilities Council, appointed by the council.

(e) Two representatives of area agencies, appointed by the Community Support Network, Inc.

(f) Two public members representing persons with developmental disabilities and acquired brain disorder and their families served by the area agencies, one of whom shall be appointed by the president of the senate and one of whom shall be appointed by the speaker of the house of representatives after consultation with the statewide family support council.

(g) A representative of the Disabilities Rights Center, appointed by the executive director.

(h) Two representatives of the business community, neither of whom shall have any affiliations or interests in developmental disabilities, appointed by the governor.

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

4 Duties. The commission shall conduct a broad examination of New Hampshire's 12 area agencies. The commission's study shall include, but not be limited to a review of the efficiency of the services provided by such agencies and the delivery system of such services. Specifically, the commission shall examine whether there are ways in which the area agencies may operate more efficiently and cost effectively without compromising the services provided by such agencies.

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

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

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

SCR 4, supporting federal funding for Lyme disease research. OUGHT TO PASS

Rep. Susan Emerson for Health, Human Services and Elderly Affairs: The committee heard

testimony from the State Lyme Disease Association, Lyme disease sufferers, the State Epidemiologist, and a family practice physician certified in environmental medicine. There was unanimous support for continued federal funding for Lyme disease research. Lyme disease is a complex disease which needs more research to develop sound policy to prevent the continued spread of this disease in our state. This resolution supports Federal funding for research, early detection, testing, and educational awareness of Lyme disease, a significant public health issue in our state. Vote 15-0.

SB 37, relative to disclosure of expert testimony. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gregory M. Sorg for Judiciary: This bill was filed to correct an unintended consequence of the bill enacted on this subject as Chapter 118:1 of the laws of 2004. The schedule for disclosures of and by expert witnesses passed in 2004 applied to both civil and criminal cases. The testimony at the public hearing on SB 37 was unanimous that this schedule is impractical for criminal cases, and further, that disclosures in criminal cases conducted pursuant to Superior Court Rule 98 and District Court Rule 210 work very well. This bill, as amended, excepts criminal cases from the expert witness disclosure requirements of RSA 516:29-b III. Vote 15-0.

Amendment (1151h)

Amend the bill by replacing section 1 with the following:

1 Disclosure of Expert Testimony. RSA 516:29-b, III is repealed and reenacted to read as follows:

III. Except as otherwise stipulated by the parties, or directed by the court, the disclosures required under paragraphs I and II shall be made:

(a) In a civil case, at least 90 days before the trial date or the date the case is to be ready for trial or, if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party, within 30 days after the disclosure made by the other party.

(b) In a criminal case, in accordance with court rule.

SB 59, relative to the general powers and duties of guardianship. **OUGHT TO PASS**

Rep. Robert D. Mead for Judiciary: Per RSA 464-A:25, a guardian of an incapacitated person who has specific powers and duties by order of the court is required to file an annual report with the probate court. The annual report requirement is tracked on the court's data system and flagged on its due date. This amendment, at the request of the administrative judge of the probate court, will allow the court to waive the annual reporting requirement in circumstances where the need for a report is unnecessary due to a recent case review or court hearing. In addition, it would change the every 5-year requirement for a court review of the authorization and duties of the guardian to become an annual review as part of the court's review of the guardian's annual report. Vote 12-0.

SB 60, clarifying probate court procedures in cases involving the Uniform Transfers to Minors Act. **OUGHT TO PASS**

Rep. Donald R. Buxton for Judiciary: This bill clarifies probate court procedures in cases involving Uniform Transfers to Minors. There was no opposition to this bill at the public hearing. Vote 13-0.

SB 102-FN, limiting liability for failure to arrest persons under 21 years of age illegally transporting alcoholic beverages. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: As amended by the Senate, this bill would reverse the rule established by the Supreme Court in the 1986 case of *Weldy v. Town of Kingston*, 128 NH 325, in which it held that a municipality can be held liable if, after its police have

released minors following seizure of alcohol during a traffic stop, they acquire more alcohol and have an alcohol-related automobile accident. The Senate amendment however completely contradicted the intent of the original bill. Consequently, its sponsors testified against it at the public hearing, as did the representative of the New Hampshire Chiefs of Police, all of whom want the police to have no discretion in such matters, but want the police to be required to detain such minors and cause responsible adults to pick them up and take them home. The committee agreed with this position. Vote 15-0.

SB 224, relative to the committee on judicial conduct. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gregory M. Sorg for Judiciary: This bill was filed at the request of the supreme court to allow a person under inquiry by the Judicial Conduct Committee to provide in his or her defense evidence that would otherwise be required by statute to be confidential. Examples include judicial proceedings involving children in need of services, adoptions, and juvenile justice. This bill, as amended, allows such confidentiality to be breached for the limited purpose of reviewing complaints and conducting hearings before the Judicial Conduct Committee. Vote 14-0.

Amendment (1158h)

Amend RSA 490:30-a as inserted by section 1 of the bill by replacing it with the following:
490:30-a Access to Information; Hearings on Confidential Cases.

I. In this section, "committee" means the committee on judicial conduct established by rules of the supreme court.

II. Notwithstanding any other provision of law to the contrary, a person subject to the code of judicial conduct may provide to the executive secretary of the committee, for the use of the members of the committee and its staff and agents in the performance of their official duties, any tapes, transcripts, records of proceedings, information, files, and other documents which would otherwise be confidential. No member, staff, or agent of the committee shall disclose such information except in the course of official duty.

III. In any hearing before the committee, the committee may, by majority vote, conduct the hearing in a session not open to the public with respect to any part of the complaint involving the conduct of a person in a case required by law to be confidential. In such circumstances the committee shall make available to the public a summary of the nature of the complaint, the names of the person complained against, and the complainant, and the decision of the committee.

SB 99-FN, relative to the penalty for failure to file a property inventory form. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: This bill proposes the removal of the appeal penalty of an abatement denial for failure to file a property inventory form in a timely manner. A property inventory form is a document that reports any changes that occurred on a person's property during the preceding year. The committee heard testimony that there are a very limited number of municipalities that continue to use the inventory forms. The municipalities that do use the form appear to be mainly the smaller communities. These communities use this reporting form to alert the governing body to any improvements to property. When the returned form indicates an improvement, the assessor is sent to the property to place a new value. This method is a cost saving to the smaller municipalities that do not maintain a full-time assessing staff. Without this loss of appeal penalty in place, the only penalty left would be a small monetary penalty of no less than \$10 or more than \$50. With the property taxes being what they are today, the committee feels that keeping the law the way it is now is the best for those municipalities using the property inventory form. Vote 12-0.

SB 126, establishing a committee to study the appeals process in cases between landlords and tenants. **OUGHT TO PASS**

Rep. Nancy K. Johnson for Municipal and County Government: The testimony in support of establishing a study committee indicated that the time period it takes to evict a tenant can be extremely lengthy. In late 2003, the New Hampshire Supreme Court decided to accept all appeals: criminal, civil, probate, landlord/tenant, etc. With this decision the court takes 4-6 weeks to accept the appeal, allows 30 days for the appealing party's brief, then an additional 30 days for the opposing brief and then 30-60 days for the court to rule. This could add up to five months to the process. The purpose of the committee established by this bill is to study possible ways to reduce the delays in and length of the appeals process in cases between landlords and tenants. Vote 12-0.

SB 203, relative to leases and contracts for buildings or lands owned by the fish and game department. **OUGHT TO PASS WITH AMENDMENT**

Rep. John A. Graham for Public Works and Highways: This bill allows the Executive Director of the Fish and Game Department to execute short term leases for the use of buildings or land owned by the department. The amendment reduces the proposed length of such leases from 2 years to 30 days. It also requires the department to develop a fee schedule for such leases and obtain approval of this schedule from the Long Range Capital Planning and Utilization Committee. Finally, the bill authorizes the Executive Director to assign department housing at no cost to employees who must accept such lodging as a condition of their employment. Vote 15-0.

Amendment (1252h)

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

1 New Section; Fish and Game; Acquisition of Land; Leases and Privileges. Amend RSA 212 by inserting after section 10-a the following new section:

212:10-b Leases and Privileges.

I. The executive director of the fish and game department may execute leases or contracts for the short-term use of buildings or lands owned by the department. All such leases or contracts extending for a cumulative period of more than 30 days or for a consideration of more than \$5,000 shall be approved by the governor and council prior to being effective. All such leases and contracts shall be consistent with the purposes of Title XVIII. All money collected from such contracts and leases shall be credited to the fish and game fund established under RSA 206:33.

II. The executive director of the fish and game department may assign department housing without charge to a classified employee, including only, any or all of the following utilities: heat, fuel, gas, electricity, and water; provided, that said housing is being furnished for the operational convenience of the department, the housing is on state property administered and managed by the department, and the classified employee is required to accept such lodging as a condition of employment.

2 Fish and Game Department; Fee Schedule. The fish and game department shall develop a fee schedule for short-term use of less than 30 days of department buildings and lands authorized to be used pursuant to the authority in RSA 212:10-b, I as inserted by section 1 of this act. Prior to implementation, the department shall submit the fee schedule to the long range capital planning and utilization committee of the general court for its approval.

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. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edmond D. Gionet for Public Works and Highways: Part 2 of the original bill named a

building in Lincoln which has been amended to the correct building location, the Town of Woodstock. Testimony and correspondence showed that the land on which the building is located was donated by Norman B. Fadden and was dedicated at the local level by Governor Meldrim Thomson, DRED Commissioner Gus Gilman and former Governor and Presidential assistant Sherman Adams as part of the Bicentennial Celebration in 1976. The committee felt that it was appropriate that the building be named for Norman B. Fadden, and amended the bill to do so. The rest of the bill naming bridges in Carroll and Enfield remains the same. Vote 15-1.

Amendment (1216h)

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

AN ACT naming a certain bridge in the town of Enfield the Henry P. Brown, M.D. Bridge, naming the White Mountains Attractions Building the Norman B. Fadden White Mountains Attractions Building, and naming a bridge in the town of Carroll the Kenneth B. Jordan Memorial Bridge.

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

1 Town of Enfield; Henry P. Brown, M.D. Bridge. Pursuant to RSA 4:43, the bridge on Shaker Hill Road which spans the Mascoma River in the town of Enfield is hereby named the Henry P. Brown, M.D. Bridge in honor of Dr. Brown's years of selfless and dedicated service to the citizens of the town of Enfield. A suitable marker may be placed at the site of the bridge.

2 Naming the Norman B. Fadden White Mountains Attractions Building. The White Mountains Attractions Building in the town of Woodstock is hereby named the Norman B. Fadden White Mountains Attractions Building. A suitable marker may be placed at the site of the building.

3 Naming a Bridge in the Town of Carroll the Kenneth B. Jordan Memorial Bridge. The bridge located at the approximate crossroads of New Hampshire routes 3 and 302 in the town of Carroll is hereby named the Kenneth B. Jordan Memorial Bridge. A suitable marker may be placed at the site of the bridge.

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

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

AMENDED ANALYSIS

This bill:

- I. Names the Henry P. Brown, M.D. Bridge in the town of Enfield.
- II. Names the White Mountains Attractions Building in the town of Woodstock as the Norman B. Fadden White Mountains Attractions Building.
- III. Names a bridge in the town of Carroll the Kenneth B. Jordan Memorial Bridge.

SB 5, establishing a commission to study the state park system. OUGHT TO PASS WITH AMENDMENT

Rep. David P. Currier for Resources, Recreation and Development: This bill establishes a commission to study, evaluate, and make recommendations for legislation on the state park system and the division of parks and recreation, department of resources and economic development including, but not limited to: the mission, the continued efficacy of self-funding the state park system, the leasing of public lands and properties to private interests and the development of a long-term capital improvements plan. The committee amendment expanded the membership of the commission and clarified various interest groups that will be represented on the commission, including members of the general public. Vote 19-0.

Amendment (1190hh)

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

1 Commission Established. There is established a commission to study:

I. The mission of the state park system as outlined in RSA 216-A:1 and the division of parks and recreation, department of resources and economic development.

II. The continued efficacy of self-funding of the state park system.

III. The leasing of state parks and property for private commercial gain.

IV. The development of a long-term capital improvements plan for the state park system.

2 Membership and Compensation.

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

(a) Three members of the senate, appointed by the president of the senate.

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

(c) The commissioner of the department of resources and economic development, or designee.

(d) Eight members of the public, appointed by the governor and council, of whom 6 shall each represent: natural resources, cultural resources, tourism, not-for-profit conservation interests, municipal interests, and motorized outdoor recreational interests, and 2 of whom shall represent the general public.

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

3 Duties.

I. The commission shall study, evaluate, and make recommendations for legislation on:

(a) The mission of the state park system and the division of parks and recreation, department of resources and economic development.

(b) The continued efficacy of self-funding the state park system.

(c) The leasing of public lands and properties to private interests and the circumstances under which such leasing is permissible.

(d) The development of a long-term capital improvements plan for the state park system.

(e) Any other matters relating to the state park system and the operation of the division of parks and recreation, department of resources and economic development as the commission may deem necessary.

II. The commission shall solicit advice and expertise from members of the public representing not-for-profit conservation interests, municipal interests, and non-motorized outdoor recreational interests.

III. The commission shall solicit the advice and expertise of any individual, state agency or organization, or state employee in fulfilling its duties.

4 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. A simple majority of the total number of members of the commission shall constitute a quorum.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 30, 2006. An interim report shall be filed on or before November 30, 2005.

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

AMENDED ANALYSIS

This bill establishes a commission to study the mission of the state park system and the division of parks and recreation, department of resources and economic development,

including the continued efficacy of self-funding the state park system, the leasing of public lands and property to private interests and the circumstances under which such leasing is permissible, and the development of a long-term capital improvements plan for the state park system.

SB 142, extending the reporting date of the commission to study issues relative to groundwater withdrawals. **OUGHT TO PASS WITH AMENDMENT**
Rep. Jacalyn L. Cilley for Resources, Recreation and Development: This Commission was established in 2003 by SB 155 with a reporting date of November 30, 2004. The Commission was charged with studying a wide variety of groundwater issues, ranging from fees for water withdrawals to examining the hierarchy of use. This session, the Commission recommended one piece of legislation (HB 215-FN) at the end of its term dealing with reporting requirements. Many issues remain to be addressed, and the Commission members voted unanimously to request this extension to continue its work. SB 142, as amended, extends the term of the Commission to November 30, 2008, provides for interim reports to be submitted and also provides for legislative oversight by the House Resources, Recreation and Development and the Senate Environment and Wildlife Committees. Vote 19-0.

Amendment (1020h)

Amend the bill by replacing section 1 with the following:

1 Commission to Study Issues Relative to Groundwater Withdrawals; Reporting Date Extended. Amend 2003, 305:5 to read as follows:

305:5 Report. The commission shall make an interim report of its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2003. The commission shall make ~~[a final report]~~ ***additional interim reports*** of its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 30~~[-2004]~~ ***of each year, with the final report due on or before November 30, 2008. The senate environment and wildlife committee and the house resources, recreation and development committee shall have oversight responsibility for the progress of the commission and shall receive copies of all interim reports.***

AMENDED ANALYSIS

This bill extends the reporting date for the commission to study issues relative to groundwater withdrawals until November 30, 2008 and gives oversight responsibility for the commission's progress to 2 legislative committees.

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

OUGHT TO PASS

Rep. Christopher R. Irish for Resources, Recreation and Development: The committee understands there is some confusion regarding current regulations relative to OHRV and snowmobile use in the state. The committee agrees that one way to help clarify OHRV regulation is to separate snowmobiles from under the OHRV designation. This new section RSA 215-C, will begin the process of clarifying the differences between certain types of vehicles and the need for separate statutory regulation of each. This bill adds a new section entitled "SNOWMOBILES" and simply copies existing regulations into the new section. No current authority or responsibility of the Department of Resources and Economic Development or the Fish and Game Department will be changed. Vote 17-2.

SB 152-FN, relative to audits by the department of revenue administration of enhanced 911 charges and relative to the confidentiality of information collected by the department of safety regarding the surcharge for enhanced 911 system. **OUGHT TO PASS WITH**

AMENDMENT

Rep. Roy D. Maxfield for Science, Technology and Energy: This is a housekeeping bill which allows the department of revenue administration to audit telephone companies for enhanced 911 charges when they audit for other state fees. The bill requires the department of safety to keep confidential and privileged any information it obtains in the administration of the enhanced 911 surcharge. The amendment changes the effective date to upon passage. Vote 11-0.

Amendment (1025h)

Amend RSA 106-H:9, III(b) as inserted by section 5 of the bill by inserting after subparagraph (3) the following new subparagraph:

(4) Disclosure of department records, files, and information to the legislative budget assistant, when requested by the legislative budget assistant pursuant to RSA 14:31, IV.

Amend the bill by replacing section 6 with the following:

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

Referred to the Committee on Ways and Means.

REGULAR CALENDAR

SB 49-FN, including multiple sclerosis in the catastrophic illness program. **OUGHT TO PASS**

Rep. Susan Emerson for Health, Human Services and Elderly Affairs: The committee heard compelling testimony to lead the committee to include multiple sclerosis in to the category of "catastrophic illness." The inclusion of multiple sclerosis would be combined with other illnesses including cancer, hemophilia, end-stage renal disease, spinal cord injury, and cystic fibrosis. Those eligible for assistance are those with low income, as are those mentioned above. These expenses would be covered by the catastrophic illness fund currently in the Health and Human Services budget. Vote 13-2.
Committee report adopted and ordered to third reading.

SB 101-FN, relative to developmentally disabled services for persons under 21 years of age. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Fran Wendelboe for the Majority of Health, Human Services and Elderly Affairs: This bill would permit a person between 18 and 21 with a developmental disability, who receives special education services, to apply for residential services from an area agency. Several members were concerned about possible unintended consequences. Others expressed concerns that individuals under the age of 21 could potentially rise to the top of the waitlist over others who had been on the list for years. It became apparent that there are some situations that fall through the cracks and the majority of the committee felt this should be looked at by the Legislative Disability Waitlist Oversight Committee. The legislation has a large fiscal note attached and appears to potentially impact areas that may include education costs and the children in need of services statutes (CHINS). The Legislative Disability Waitlist Oversight Committee will bring together all these players and make further recommendation. Therefore, this piece of legislation is not needed for this purpose. Vote 11-6.

Rep. Thomas E. Donovan for the Minority of Health, Human Services and Elderly Affairs: The minority of the committee, recognizing the emotional aspect of this bill, as it may relate to the developmental disabilities waitlist, also realizes that this issue is much broader than solely the waitlist. Individuals that fall into this category of need in many cases are also eligible for educational services and are potentially eligible for children's services through the Division of Children, Youth and Families. In light of that, the minority felt strongly that this issue needs to be addressed through a more global effort and thus, we are recommending ought to pass.

On a division vote, 206 members having voted in the affirmative and 136 in the negative, the majority committee report was adopted.

SB 163-FN, establishing the New Hampshire pharmaceutical assistance program. **OUGHT TO PASS**

Rep. Rogers J. Johnson for Health, Human Services and Elderly Affairs: In December of 2003, the Congress passed and the President signed the Medicare Modernization Act of 2003. This law created Medicare Part D. Medicare Part D will provide prescription drug benefits for all Medicare eligible citizens, including our New Hampshire citizens who are on Medicaid. In order to pay for this benefit, the federal government has mandated that our Medicaid Prescription Drug Benefit rebates, money we receive because we provide pharmaceutical products to this population, is sent to the federal government. This bill will allow the Department of Health and Human Services to recoup these dollars for the state. Vote 16-2. Committee report adopted.

Referred to the Committee on Finance.

SB 183, authorizing licensed medical adult day program facilities to assist clients with medication. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Joan H. Schulze for the Majority of Health, Human Services and Elderly Affairs: The majority of the committee realized that this bill is a copy of Section 10 of HB 691, which passed in the House April 20, 2005, and was passed to the Senate. This section of the bill provides a cost savings in that a nurse, licensed under RSA 326-B, employed by a facility in the course of employment can organize the prescription and non prescription drugs of clients into containers designed to aid clients in carrying out a prescriber's directions, provided that the organizing of drugs is documented in the client's nursing record and that the original prescription containers remain in the client's possession. Vote 13-5.

Rep. Hilda W. Sokol for the Minority of Health, Human Services and Elderly Affairs: This bill insures that adult day program facilities can legally assist their clients with medication by organizing the prescription and non-prescription drugs into containers. Such dispersing of drugs will be done by a licensed nurse and will be documented in the client's nursing record, while the original prescriptions will be kept in the program facility or client's home. This bill should be passed since another bill that contains this provision has passed the House, but has not yet been acted upon by the Senate.

Majority committee report adopted.

SB 182-FN, relative to electronic issuance of warrants. **OUGHT TO PASS**

Rep. Donald R. Buxton for Judiciary: This bill allows New Hampshire judges to issue search warrants and arrest warrants by electronic communication and to use an electronic signature. The committee felt that making use of modern technology would speed up the process of obtaining these warrants. Vote 14-2.

Reps. Ulery and Guida spoke against and yielded to questions.

Rep. Buxton spoke in favor and yielded to questions.

Reps. Tholl and Sorg spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 229 NAYS 119			
YEAS 229			
BELKNAP			

Allen, Janet	Clark, Charles	Fitzgerald, James	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Russell, David
Thomas, John	Tilton, Franklin	Veazey, John	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Knox, J David	Martin, James	McConkey, Mark	Olimpio, J Lisbeth
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah	Hunt, John
Pelkey, Stephen	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
COOS			
Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Morneau, Renney	Richardson, Herbert	Stohl, Eric	Theberge, Robert
Tholl, John Jr			
GRAFTON			
Almy, Susan	Benn, Bernard	Bleyler, Ruth	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Sorg, Gregory	Williams, Burton	
HILLSBOROUGH			
Allan, Nelson	Baines, Stephen	Baroody, Benjamin	Barry, J Gail
Batula, Peter	Beaulieu, Jane	Brassard, Paul	Brundige, Robert
Calawa, Leon Jr	Campbell, David	Carter, Mark	Chabot, Robert
Chase, Claudia	Christensen, D L Chris	Clayton, William	Clemons, Jane
Cote, David	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Egbers, Fran	Essex, David
Foster, Linda	Francoeur, Bea	Gargas, Carolyn	Garrity, Patrick
Golding, William	Goley, Jeffrey	Gorman, Mary	Graham, John
Hall, Betty	Hansen, Ryan	Harvey, Suzanne	Hawkins, Ken
Hebert, Raymond	Hunter, Bruce	Irwin, Anne-Marie	Jasper, Shawn
Jean, Claudette	Kopka, Angeline	Kurk, Neal	L'Heureux, Robert
Lasky, Bette	Lefebvre, Roland	Matarazzo, Anthony Sr	Mead, Robert
Messier, Irene	Mooney, Maureen	Movsesian, Lori	O'Connell, Timothy
Pappas, Christopher	Pilotte, Maurice	Price, Pamela	Rosenwald, Cindy
Ross, Lawrence	Ryder, Donald	Schulze, Joan	Shaw, Barbara
Shaw, Kimberly	Slocum, Lee	Smith, David	Stepanek, Stephen
Sullivan, Francis	Sullivan, Peter	Velez, Hector	
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Clarke, Claire	Currier, David

DeJoie, John	Foose, Robert	French, Barbara	Hager, Elizabeth
Hamm, Christine	Kidder, David	Klose, John	L'Heureux, Stephen
Lockwood, Priscilla	MacKay, James	McMahon, Patricia	Oliver, James
Potter, Frances	Reardon, Tara	Reed, Dennis	Rush, Deanna
Shurtleff, Stephen	Tilton, Joy	Walz, Mary Beth	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Belanger, Ronald	Blanchard, MaryAnn	Bridle, Russell
Buxton, Donald	Charron, Gene	Coburn, James	Cooney, Richard
Dalrymple, Janeen	Dodge, Robert	Dowd, John	Flanders, John Sr
Flockhart, Eileen	Garrity, James	Gillick, Thomas	Gould, Kenneth
Griffin, Mary	Ingram, Russell	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Langley, Jane	Major, Norman	Mason, April
McMahon, Charles	Moody, Marcia	Morris, Richard	Norelli, Terie
O'Neil, Michael	Packard, Sherman	Pantelakos, Laura	Parker, Benjamin
Powers, James	Priestley, Anne	Robertson, Carl	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weldy, Norman	Wells, Roger
STRAFFORD			
Albert, Russell	Berube, Roger	Bickford, David	Brown, Jennifer
Callaghan, Frank	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Goodwin, Earle	Heon, Richard	Johnson, Nancy
Kaen, Naida	Knowles, William	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Katherine	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Osgood, Philip Sr
Prichard, Stephen	Rodeschin, Beverly		
NAYS 119			
BELKNAP			
Boyce, Laurie	Morrison, Gail	Pilliod, James	Rosen, Ralph
Tobin, William			
CARROLL			
Babson, David Jr	Dickinson, Howard	Merrow, Harry	
CHESHIRE			
Mitchell, Bonnie	Parkhurst, Henry	Roberts, Kris	Sawyer, Sheldon
Tilton, Anna	Weed, Charles		
COOS			
Merrick, Scott			

GRAFTON			
Andersen, Gene	Barker, Robert	Cooney, Mary	Eaton, Stephanie
Giuda, Robert	Ingbretson, Paul	Maybeck, Margie	Mirski, Paul
Solomon, Peter			
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Bergeron, Jean-Guy	Biundo, Michael
Boehm, Ralph	Carew, James	Carlson, Donald	Christiansen, Lars
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Gibson, John
Ginsburg, Ruth	Gonzalez, Carlos	Goyette, Peter Jr	Hagan, Barbara
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph
Infantine, William	Johnson, Paula	Manney, Pamela	Martin, Mary Ellen
McRae, Karen	O'Brien, William	Ober, Lynne	Pepino, Leo
Reeves, Sandra	Renzullo, Andrew	Rochette, Eric	Rowe, Robert
Scanlon, Michael	Souza, Kathleen	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, James		
MERRIMACK			
Bouchard, Candace	DeStefano, Stephen	Field, William	Gile, Mary
Greco, Vincent	Kennedy, Richard	Langlais, Thomas	Marple, Richard
Osborne, Jessie	Ryan, Jim	Soltani, Tony	Tupper, Frank
Whiting, Herbert			
ROCKINGHAM			
Allen, Mary	Bicknell, Elbert	Bishop, Franklin	Cady, Harriet
Cali-Pitts, Jacqueline	Camm, Kevin	Carson, Sharon	DiFruscia, Anthony
Donahue, Richard Ken	Dumaine, Dudley	Fesh, Bob	Forsing, Robert
Francoeur, Sheila	Gilbert, Karl	Headd, James	Hughes, Daniel
Hutchinson, Karen	Introne, Robert	Itse, Daniel	Johnson, Rogers
Kobel, Rudolph	Lund, Howie	McKinney, Betsy	Moore, Benjamin
Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew	Smith, Paul
Splaine, James	Stiles, Nancy	Weyler, Kenneth	Zolla, William
STRAFFORD			
Brown, Julie	Brown, Lawrence	Campbell, W Packy	Cataldo, Sam
Easson, Timothy	Hofemann, Roland	Hollinger, Jeffrey	Keans, Sandra
Newton, Clifford	Twombly, James		
SULLIVAN			
Gale, Harry	Phinizy, James		

and the committee report was adopted.

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

Ordered to third reading.

BILLS REMOVED FROM CONSENT CALENDAR

SB 70, relative to the powers of special corporations. **OUGHT TO PASS**

Rep. William R. Zolla for Executive Departments and Administration: This bill will allow the special corporations which are non profit corporations contained in RSA 292:1 to modify

and expand their mission statements in compliance with the theme of their original mission subject to appropriate authority approval such as the director of charitable trusts, the secretary of state or the attorney general when and where appropriate. It is the intent of this act to allow such organizations to keep up with and accommodate social change while complying with their original basic purpose. Vote 19-0.

Rep. Dalrymple moved recommit to committee.

Adopted.

Recommitted to the Committee on Executive Departments and Administration.

SB 195, relative to the effective date of the law requiring the elimination of certain substances from gasoline supplies and removing a certain requirement relative to opting out of the reformulated gasoline program. **INEXPEDIENT TO LEGISLATE**

Rep. Jim Ryan for Science, Technology and Energy: The committee conducted a hearing on the proposal, but during the course of the hearing learned that HB 58 dealing with the same subject had passed the Senate. Inasmuch as SB 195 seeks the same policy result as HB 58 (that is now fully adopted and awaiting only action by the Governor), the committee recommends that the Senate bill be marked ITL. The committee, however, does wish to note its appreciation to the bill sponsors together with the observation that efforts in both the House and Senate to place a firm date for restricting MtBE have demonstrated significant bipartisan cooperation. Vote 11-0.

Rep. Mary Ellen Martin spoke against.

Rep. Ryan spoke in favor.

Rep. Maxfield yielded to questions.

Rep. Hall moved recommit.

On a division vote, 97 members having voted in the affirmative and 249 in the negative, the motion to recommit failed.

Rep. Mirski requested a roll call; sufficiently seconded.

The question now being adoption of the committee report.

YEAS 287 NAYS 64			
YEAS 287			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Rosen, Ralph	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Veazey, John
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Dickinson, Howard	Knox, J David	Martin, James
McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espieffs, Peter	Foote, Sheila	Hogancamp, Deborah	Hunt, John
Mitchell, Bonnie	Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr

Pratt, John	Roberts, Kris	Tilton, Anna	
COOS			
Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Morneau, Renney	Richardson, Herbert	Stohl, Eric	Theberge, Robert
Tholl, John Jr			
GRAFTON			
Almy, Susan	Andersen, Gene	Barker, Robert	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Hammond, Lee	Harding, A Laurie
Ingbretson, Paul	Maybeck, Margie	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	Sorg, Gregory
Williams, Burton			
HILLSBOROUGH			
Baines, Stephen	Baroody, Benjamin	Barry, J Gail	Batula, Peter
Beaulieu, Jane	Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph
Brundige, Robert	Carew, James	Carter, Mark	Chabot, Robert
Chase, Claudia	Christensen, D L Chris	Clayton, William	Coughlin, Pamela
Craig, James	Daniuk, Caitlin	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Dyer, Donald	Egbers, Fran	Elliott, Nancy
Essex, David	Foster, Linda	Gargasz, Carolyn	Garrity, Patrick
Ginsburg, Ruth	Golding, William	Gonzalez, Carlos	Graham, John
Hansen, Ryan	Hawkins, Ken	Hebert, Raymond	Hirschmann, Keith
Holden, Randolph	Hunter, Bruce	Infantine, William	Irwin, Anne-Marie
Jasper, Shawn	Jean, Claudette	Kopka, Angeline	L'Heureux, Robert
Lefebvre, Roland	Manney, Pamela	Matarazzo, Anthony Sr	Mead, Robert
O'Brien, William	O'Connell, Timothy	Ober, Lynne	Pappas, Christopher
Pepino, Leo	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rochette, Eric	Rosenwald, Cindy	Ross, Lawrence
Rowe, Robert	Ryder, Donald	Schulze, Joan	Shaw, Barbara
Shaw, Kimberly	Slocum, Lee	Smith, David	Souza, Kathleen
Stepanek, Stephen	Sullivan, Francis	Velez, Hector	Villeneuve, Maurice
Wheeler, James			
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire
Currier, David	DeJoie, John	DeStefano, Stephen	Field, William
Foose, Robert	French, Barbara	Hager, Elizabeth	Hamm, Christine
Kidder, David	Klose, John	L'Heureux, Stephen	Langlais, Thomas
Lockwood, Priscilla	Mackay, James	Marple, Richard	Maxfield, Roy
McMahon, Patricia	Oliver, James	Osborne, Jessie	Potter, Frances
Reardon, Tara	Reed, Dennis	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Whiting, Herbert	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bishop, Franklin	Blanchard, MaryAnn	Bridle, Russell
Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin

Carson, Sharon	Charron, Gene	Coburn, James	Cooney, Richard
Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert	Donahue, Richard Ken
Dowd, John	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Flockhart, Eileen	Forsing, Robert	Garrity, James	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Headd, James
Hutchinson, Karen	Ingram, Russell	Introne, Robert	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Lund, Howie	Major, Norman	Mason, April	McKinney, Betsy
McMahon, Charles	Moody, Marcia	Moore, Benjamin	Morris, Richard
Norelli, Terie	O'Neil, Michael	Packard, Sherman	Pantelakos, Laura
Powers, James	Priestley, Anne	Quandt, Marshall Lee	Robertson, Carl
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Splaine, James
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman	Wells, Roger	Weyler, Kenneth
Zolla, William			
STRAFFORD			
Albert, Russell	Berube, Roger	Bickford, David	Brown, Jennifer
Brown, Lawrence	Callaghan, Frank	Cataldo, Sam	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Easson, Timothy
Goodwin, Earle	Heon, Richard	Hofemann, Roland	Hollinger, Jeffrey
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Miller, Joseph	Newton, Clifford	Rollo, Michael	Schmidt, Peter
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Katherine
Taylor, Kathleen	Twombly, James	Wall, Janet	
SULLIVAN			
Cloutier, John	Ferland, Brenda	Gale, Harry	Houde-Quimby, Charlotte
Phinizy, James	Prichard, Stephen	Rodeschin, Beverly	
NAYS 64			
BELKNAP			
Whalley, Michael			
CARROLL			
None			
CHESHIRE			
Richardson, Barbara	Sawyer, Sheldon	Weed, Charles	
COOS			
Merrick, Scott			
GRAFTON			
Eaton, Stephanie	Giuda, Robert	Mirski, Paul	

HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Brassard, Paul
Calawa, Leon Jr	Campbell, David	Carlson, Donald	Christiansen, Lars
Clemons, Jane	Cote, David	Desmarais, Vivian	Emerton, Larry
Francoeur, Bea	Gibson, John	Goley, Jeffrey	Gorman, Mary
Goyette, Peter Jr	Hagan, Barbara	Hall, Betty	Harvey, Suzanne
Hellwig, Steve	Hinkle, Peyton	Johnson, Paula	Kurk, Neal
Lasky, Bette	Martin, Mary Ellen	McRae, Karen	Messier, Irene
Mooney, Maureen	Movsesian, Lori	Scanlon, Michael	Sullivan, Peter
Ulery, Jordan	Vaillancourt, Steve		
MERRIMACK			
Gile, Mary	Greco, Vincent	Kennedy, Richard	Soltani, Tony
Tilton, Joy	Tupper, Frank	Walz, Mary Beth	
ROCKINGHAM			
Francoeur, Sheila	Hughes, Daniel	Itse, Daniel	Johnson, Rogers
Putnam, Ed II	Quandt, Matthew	Smith, Paul	
STRAFFORD			
Brown, Julie	Campbell, W Packy	Rous, Emma	
SULLIVAN			
Converse, Larry	Donovan, Thomas	Franklin, Peter	Jillette, Arthur Jr
Osgood, Philip Sr			

and the committee report was 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, May 11, 2005 at 10:00 a.m.
Adopted.

LATE SESSION

Third reading and final passage

SB 112-FN, establishing a committee to study viatical settlements.

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

SB 106-FN, making unauthorized recording in a motion picture theater a crime.

SB 156-FN, relative to criminal trespass.

SB 55, relative to the New Hampshire film and television commission and state promotional initiatives.

SB 41, relative to penalties for certain OHRV violations.

SB 98-FN, relative to issuing duplicate registrations for off highway recreational vehicles.

SB 88, relative to emergency medical transportation.

SB 171, establishing a committee to study HIV/AIDS service delivery.

SB 216, establishing a commission to study area agencies.

SCR 4, supporting federal funding for Lyme disease research.

SB 37, relative to disclosure of expert testimony.

SB 59, relative to the general powers and duties of guardianship.

SB 60, clarifying probate court procedures in cases involving the Uniform Transfers to Minors Act.

SB 224, relative to the committee on judicial conduct.

SB 126, establishing a committee to study the appeals process in cases between landlords and tenants.

SB 203, relative to leases and contracts for buildings or lands owned by the fish and game department.

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.

SB 5, establishing a commission to study the state park system.

SB 142, extending the reporting date of the commission to study issues relative to groundwater withdrawals.

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

SB 49-FN, including multiple sclerosis in the catastrophic illness program

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

UNANIMOUS CONSENT

REMARKS

Rep. Stone moved that the remarks of Rep. David Smith be printed in the Permanent Journal. Without objection, the Speaker so ordered.

Rep. David Smith: Thank you, Mr. Speaker. Mr. Speaker, on Saturday, April 16th, Sergeant Angelo Lozada, Jr. was killed in Iraq. A front page news story in the *Union Leader* says today that he was killed by an incoming rocket round. We can at least take a certain amount of solace knowing that his death was quick, instantaneous and he did not suffer. On Tuesday, April 26th he was buried in the New Hampshire Veterans' Cemetery in Boscaawen. He was buried with full military honors and among the honors that would have been given to his mother were the Army Commendation medal, the Bronze Star and the Purple Heart. Among those people who hold the Purple Heart the saying is, "Some gave all, all gave some." Mr. Speaker, Sergeant Lozada gave all and in giving his all, he has left behind his mother and three children who live in Nashua. I would like to feel that they are being comforted at this time by friends, relatives, and this body. I would like to have you ask this body at this time, Mr. Speaker, to stand in a moment for a few quiet seconds and recognize the service of Sergeant Lozada and the sacrifice he made for his country. Thank you, my friends. Thank you, Mr. Speaker.

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 2:30 p.m.

RECESS