

HOUSE RECORD

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

Vol. 27

Concord, N.H.

Wednesday, June 1, 2005

No. 47

HOUSE JOURNAL No. 16 (cont.)

Wednesday, May 25, 2005

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

HOUSE JOURNAL No. 17

Wednesday, June 1, 2005

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

Prayer was offered by Guest Chaplain, The Reverend Karen D. Maleri, Director of Pastoral Care at Havenwood-Heritage Heights in Concord.

We pray to all that is holy and we ask a blessing on this moment. May each heart, here present, be filled with a sense of all that holiness lavishly imparts. St. Francis of Assisi was quoted as saying, "Preach the gospel often — and use words when necessary." That transformed over time into "Pray often and use words, if needed." Actions can be prayers, and prayers can take action.

For you who serve in the House today; as you deal with amendments, expedient legislation and issues that demand ethical solutions, bear in mind the power of prayer. May each one of you draw energy and comfort from prayer, either those said for you or those you pray, through stirring words or through rightful actions. Amen.

Rep. James E. Wheeler led the Pledge of Allegiance.

The National Anthem was sung by Christina Gagne, a sophomore from Concord High School.

LEAVES OF ABSENCE

Reps. Albert, Alger, Lessard, Palangas and Rochette, the day, illness.

Reps. Aboshar, Bergin, Bishop, David Campbell, Gilbert, Gionet, Heald, Hilliard, Manning, Moody, Morris, Osborne, Plifka, Marshall Lee Quandt, Matthew Quandt, Reeves, Ross, Serlin, Peter Sullivan and Wiley, the day, important business.

Rep. Pilotte, the day, death in the family.

INTRODUCTION OF GUESTS

Page for the Day, Sara Pope, 8th grade student at Claremont Middle School. Gail Gagne, mother of the singer, guest of the House. Doris Williams and Hannah Ruddy, wife and granddaughter of Rep. Robert Williams. Scott Pope, guest of Rep. Irish. John Lunn, guest of Rep. Franklin. Hon. Emile Beaulieu, father of Rep. Beaulieu. Elena Wilson, daughter of Rep. Claudia Chase. Justin Ober, grandson of Rep. Ober. Lisa Tuthill, guest of Rep. Thomas. Elaine Ryan, Julie King and Bob Therrien, guests of Rep. Carolyn Brown, Chandler and Dickinson.

INTRODUCTION OF SPECIAL GUESTS

The 2005 National Transportation and Civil Engineering, students Kaiti Tuthill, Trask Roberts and Jaqui Tuthill. Their design of a new runaway truck was judged by 50 chief engineers and was awarded top honors. Their coach, Randy Wormald, named a Disney Teacher for 2005 and Teacher of the Year by the New Hampshire Department of Education, accompanied the students. The Speaker presented each with a Declaration from the House.

REQUESTS FOR CONCURRENCE WITH AMENDMENTS

HB 214, permitting the parents or legal guardian of a sexual assault victim to remain with the victim during the legal proceedings. (Amendment printed SJ 05/19/05)
Rep. McRae moved that the House concur and spoke in favor.
Adopted.

HB 430-FN-A, establishing a one-day resident fishing license. (Amendment printed SJ 5/12/05)
Reps. Robert L'Heureux and Major moved that the House concur.
Rep. Robert L'Heureux spoke in favor and yielded to questions.
Adopted.

HB 421, relative to effective dates. (Amendment printed SJ 05/19/05)
Rep. Hunt moved that the House concur, spoke in favor and yielded to questions.
On a division vote, 241 members having voted in the affirmative and 103 in the negative, the motion was adopted.

HB 288-FN, establishing a commission to effect the process for the town of Killington, Vermont to become part of the state of New Hampshire. (Amendment printed SJ 05/19/05)
Rep. Hunt moved that the House concur and spoke in favor.
On a division vote, 205 members having voted in the affirmative and 139 in the negative, the motion was adopted.

HB 260-FN, relative to motor vehicle equipment and registration. (Amendment printed SJ 05/19/05)
Reps. Packard and Major moved that the House concur.
Rep. Packard spoke in favor.
Adopted.

HB 472, relative to the definition of recreational program. (Amendments printed SJ 04/28/05 and 05/19/05)
Rep. Dalrymple moved that the House concur and spoke in favor.
Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 60, 206, 229, 311, 408, 447, and 687 and Senate Bills numbered 20, 40, 57, 58, 87, 117, 120, 141, 167, 189, 202, 208, 212, 219 and 227.

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

**LEGISLATIVE ETHICS COMMITTEE
SPECIAL REPORT TO THE SPEAKER OF
THE HOUSE OF REPRESENTATIVES
REGARDING COMPLAINT #2004-2**

I. Introduction

The Legislative Ethics Committee received a complaint in October of 2004 regarding the conduct of Representative Gene Chandler with respect to certain gifts made to him in connection with a series of "corn roasts" held each fall.¹ The complaint was made by two other members of the House of Representatives, alleging that the solicitation and receipt of such cash gifts violated the Legislative Ethics Guidelines.²

Following a review of the complaint, the Committee, in accordance with its procedural rules, conducted an extensive preliminary investigation and voted unanimously to initiate formal proceedings to inquire into the complaint. A formal statement of charges and notice of hearing was sent by certified mail to Representative Chandler on November 29, 2004, and a hearing was held before the Committee on May 20, 2005.³ Representative Chandler formally answered the statement of charges, and appeared at the hearing to testify and present other evidence through his counsel.

II. Charges

The Committee charged Representative Chandler with violations of the Ethics Guidelines, including:

Engaging in Prohibited Activities as set forth in Section 4, Paragraph 1, Subparagraph (b), by soliciting, accepting or agreeing to accept gifts with an aggregate value of over \$250 from others while knowing or believing that the givers were or were likely to become interested in matters pending before the Legislature.

Engaging in Prohibited Activities as set forth in Section 4, Paragraph III, by using his public position or office to obtain gifts with an aggregate value of over \$250 for his private benefit. Failing to comply with the provisions of RSA Chapter 15-B, by disregarding the legal obligation to report gifts in excess of \$50 received by him while serving in the Legislature.

All of the above would also constitute a breach of the ethical standards set forth in the Principles of Public Service, I, II and III, as set forth in Section I of the Ethics Guidelines.

With respect to the first two specific charges, Representative Chandler's answer, as well as his position as articulated at the hearing, is that the applicable provisions of the Ethics Guidelines are invalid because they are in conflict with certain statutes.⁴

With respect to the third charge, Representative Chandler acknowledges the violation, as

¹ At the time of the complaint, Representative Chandler was then serving his second term as Speaker of the House.

² A subsequent complaint was received from a member of the public regarding the same conduct, which was dismissed as being redundant to this complaint.

³ The hearing was originally scheduled for January 13, 2005. It was delayed by agreement with Representative Chandler while awaiting the completion of the related investigation by the New Hampshire Attorney General.

⁴ In this regard, Representative Chandler moved, through counsel at the hearing, to dismiss these charges; as set forth in this Report, the Committee has concluded that these guideline provisions are valid, and accordingly, the motion to dismiss is denied.

demonstrated by his guilty plea to a misdemeanor charge arising out of this conduct, but argues that the penalty imposed in the criminal proceeding is a sufficient sanction rendering unnecessary any further action by this Committee.

III. Findings

The facts underlying the charges in this proceeding are largely undisputed. Representative Chandler has served in the House of Representatives for many terms, rising to a position of leadership and eventually Speaker of the House. For seven years, beginning in the fall of 1998, Representative Chandler solicited and received substantial cash gifts from various businesses, lobbyists, and individuals in connection with an annual corn roast. The corn roast was organized by a committee of Representative Chandler's "friends". The purpose of the fund raiser was to make it possible for Representative Chandler, in light of the time required to fulfill his various leadership positions, to continue to serve in the Legislature. Representative Chandler testified that without additional funds to supplement his income, he would have been unable to financially manage his legislative demands.⁵ Although the price of tickets to the corn roast was \$10.00, gifts of larger amounts were encouraged. In fact, gifts of up to \$1000 were received.

Prior to the first event in 1998, one of the organizers contacted the Secretary of State to determine whether the committee of friends needed to register or take any other action. The Secretary's response was ultimately set forth in a letter dated July 31, 1998. Although the letter advised that the friends committee need not register or make any report, it did state the following:

"Enclosed is a copy of the Gifts, Testimonials, and Honorariums Law and the form that needs to be filed once a year by an individual who gets the net proceeds from an event like you have explained." (emphasis added)

Representative Chandler was made aware of this letter. Despite receiving the proceeds from the corn roasts, he did not interpret the quoted provision as requiring him to report receipt of the funds in accordance with RSA Chapter 15-B, because members of the friends committee did not have to report and he considered himself to be a member.⁶

In 1998, as in subsequent years, the flyers promoting the corn roasts were mailed to registered lobbyists and others having an interest in pending or contemplated legislation, and North Country individuals who knew Representative Chandler. In some years, the flyers included reference to significant legislative issues which would be addressed in the upcoming session. Representative Chandler testified that he was aware of the content of the flyers prior to being sent and that he maintained the mailing list from year to year. The proceeds of the corn roast were turned over to Representative Chandler, who had the sole discretion over how the funds were spent.

The Friends of Gene Chandler Committee had no formal legal identity. There were few, if any, formal meetings of the Committee members. Although it had bank accounts established under its name, the tax identification number was Representative Chandler's Social Security number and he had sole check writing authority. Representative Chandler acknowledged that he was actively involved in the fundraising efforts of the Committee which were directed toward his personal benefit.

Representative Chandler did not conceal the fact that he was engaging in this fund raising activity. The corn roasts were public events which were reported on by the press and

⁵ Representative Chandler has always maintained that these funds were used for personal expenses, such as mortgage payments, transportation expenses, and laundry bills. The point of his assertion is that the funds were not used for luxury purposes, but this does not change the nature of the violations. In fact, it might well be thought that an elected official may be more beholden to those funding his necessary living expenses, than to those who might provide funds for luxury purposes.

⁶ The flyers promoting the annual corn roast generally set forth the membership of the friends committee, but did not include Representative Chandler.

the flyers made it clear that the proceeds were to be used for the benefit of Representative Chandler. The Committee found no evidence that Representative Chandler used legislative resources to raise funds or that any donor received any specific benefit as a result of making a corn roast gift.

With the exception of a filing under RSA 15-B in 1999, which was made at the insistence of the then Speaker of the House Donna Sytek, as communicated to Representative Chandler by her Deputy, Donnalee Lozeau, Representative Chandler did not report receipt of the gifts he received each year, many of which exceeded \$250 per donor. In his written and oral testimony, Representative Chandler made clear that prior to these issues arising in the fall of 2004, he was not familiar with the \$250 per year per donor limitation set forth in the Ethics Guidelines.

IV. Analysis

After considering the testimony and documentary evidence entered at the hearing, the Committee has determined, by a clear and convincing standard, that each of the charges is true. With respect to each charge, the Committee's analysis is as follows:

1. Prohibited Activities, Section 4, Paragraph I, Subparagraph (b).

Representative Chandler concedes that he solicited, accepted, and agreed to accept gifts with an aggregate value of over \$250 from others, while knowing or believing that the givers were or were likely to become interested in matters pending before the Legislature. In addition to his initial response that he was unaware of the \$250 limitation, his defense is simply that his activities were otherwise lawful and therefore the guideline provision is invalid because it is inconsistent with RSA Chapter 15-B, as interpreted by a 1998 Opinion of the Attorney General. The Committee disagrees.

First, we deal here with ethics guidelines, rules of conduct adopted by the Legislature to impose limitations on its own members. This Committee was created, and these guidelines proposed and adopted, to provide standards of behavior for legislators in ethical matters, and to increase public confidence in the independence and integrity of the legislative process.⁷ These are not criminal code violations subject to restrictive interpretation and "beyond a reasonable doubt" prosecution by law enforcement authorities. Accordingly, it is not appropriate to engage in complex analysis or technical argument to defend non-compliance with the Ethics Guidelines.⁸

Second, engagement in such a comparative examination of the various statutes, Attorney General Opinion, and guideline provisions does not reveal any such invalidity. RSA Chapter 14-B authorizes and directs the promulgation of ethics guidelines which are "consistent" with other statutes. Although Representative Chandler argues that, given the Attorney General's Opinion that RSA Chapter 15-B implicitly repeals the application of RSA 640:5 (gifts to public officials) with respect to such gifts that are reported, this does not prevent the Legislature from imposing a limitation on its own members with respect to the receipt of such gifts. There was nothing "inconsistent" in doing so, and this initiative constituted an admirable response to public concern about the impact, real or perceived, of such gifts on the legislative process.

It is certainly within the authority of the Legislature to establish higher standards of behavior for its members than the minimum standards of the criminal law. It is also within the authority of the Legislature to expect and enforce compliance with those standards, otherwise, they are meaningless words. It is the responsibility of each member of the Legislature to understand, comply with and defend the standards of ethical conduct which have been properly adopted by the membership.

Accordingly, this charge has been proved as a matter of fact, as a matter of law, and as a

⁷ The same motivation obviously prompted the adoption of RSA Chapter 15-B in 1987, in particular to require public disclosure of testimonial proceeds.

⁸ This is particularly so given Representative Chandler's alleged ignorance of the provision at the time the substantial funds were being raised, received, and used.

matter of general ethical standards expected of members of the New Hampshire Legislature.

2. Prohibited Activities, Section 4, Paragraph III.

Representative Chandler used his public position or office, first when he was a member of the House leadership team, and eventually as Speaker of the House, to obtain gifts with an aggregate value of over \$250 for his private benefit. The same analysis applies to this charge as the preceding one, with the additional observation that there is no doubt that the lobbyists and business corporations with regular business with, and interest in the actions of the Legislature, donated these substantial sums of cash to Representative Chandler because of his leadership positions. In addition, notwithstanding suggestions made at times during the course of these proceedings, there was no evidence received by the Committee that any other member of the Legislature engaged in a conscious and concerted effort to solicit cash gifts for personal benefit from individuals or organizations with interests in legislation pending before the Legislature since the adoption of the Ethics Guidelines.⁹ This appears to be an isolated instance, and not indicative of any “culture” in the New Hampshire Legislature.

Finally, in the course of his defense, Representative Chandler seemed to cast blame on the Office of the Attorney General for failing to regularly review RSA 15-B filings in accordance with its obligation under RSA 15-B:6.¹⁰ Through his counsel he also noted that the Office of the Secretary of State made little effort to see that legislators comply with filing requirements. In addition, he pointed out that the Legislature has no “ethics officer”. Whether these criticisms are justified or not, they are no defense. It is the duty of each member of the Legislature to understand and comply with his or her ethical responsibilities. Attempting to blame others for one’s failure to comply with established ethical standards is inconsistent with the purpose and spirit of the Ethics Guidelines.

Accordingly, this charge has been proved by clear and convincing evidence.

3. Failure to Report in Accordance with RSA Chapter 15-B.

As noted, this violation was the subject of a criminal prosecution, in which Representative Chandler pled guilty. Accordingly, no extended analysis is required to find that the charge has been proved by clear and convincing evidence.

V. Conclusion

Having determined that the specific charges are true by clear and convincing evidence and thus also the breach of ethical standards set forth in the Principles of Public Service, Section 1, Paragraphs I, II, and III, the remaining, and most significant task of the Committee is a recommended sanction.¹¹ These violations are serious in and of themselves, but made even more so because they were committed by a member of leadership, and have caused substantial public concern regarding the independence and integrity of the legislative process. This is not surprising, in view of the large sums paid by those having an interest in the workings of the Legislature to an individual having substantial control over such workings, all without public scrutiny. Accepting Representative Chandler’s assertions, it is not, in the view of the Committee, a mitigating circumstance that he was unaware of the guideline provisions, but is more likely an aggravating condition, as these provisions have been reviewed and adopted by the Legislature. To have the leader of the institution claim ignorance of them creates even more cynicism and distrust of the process. The violations

⁹ There are fund raising events which are organized by other legislators, but the proceeds benefit candidates or political committees which have a duty to report both receipts and expenditures.

¹⁰ The Attorney General’s office testified that it did not have the resources to regularly monitor compliance with the RSA 15-B requirement.

¹¹ In considering sanction, the Committee is cognizant of Representative Chandler’s long service in the Legislature, as well as personal losses he has suffered in the recent past. The focus, however, of the Committee’s attention must be the nature of the violations, and their impact on the Legislature and the public.

create an aura of suspicion as to other public officials, an erroneous and unfortunate assumption, given the hard work done by all other members of the Legislature. If nothing else, the receipt of tens of thousands of dollars in cash gifts from those having a great stake in his legislative action should have raised a red flag sufficient to create an ethical concern.¹² To the contrary, in his testimony, Representative Chandler made clear that, he thought it was legal, and that made it permissible. The Ethics Guidelines establish a higher standard, and the members of the public expect and deserve more.

Based on all of the circumstances, the Committee unanimously recommends that Representative Chandler be expelled from the House of Representatives for the remainder of the 2005-2006 term of office. To do otherwise would demean the ethical standards established by the Legislature for its membership. Representative Chandler chose to solicit and take financial gifts from donors who had business before the Legislature. He may have been unaware of the guideline requirements or he may have disregarded them. Either circumstance is equally egregious. It is an honor to be chosen to serve in the Legislature and one must take his or her ethical duties seriously. That includes knowing and complying with accepted standards of ethical conduct. This is especially true when the member holds the highest leadership position. The Committee recognizes that Representative Chandler has had a distinguished public career and that he has many supporters. But, this violation of the ethics guidelines warrants a severe punishment, and he should not be accorded special treatment in its administration.

Dated at Concord, New Hampshire, this 25th day of May, 2005.

Respectfully submitted,

Edward M. Gordon, Chairman	Representative Larry Ross
Representative Janet G. Wall, Vice Chairman	Senator Joseph A. Foster
Russell F. Hilliard	Senator Sheila Roberge

Kimon Zachos

CONSIDERATION OF ETHICS COMMITTEE REPORT

Rep. Jasper moved that the House make consideration of the Ethics Committee Report a Special Order for Wednesday, June 8, 2005.

Reps. Jasper and Buzzell spoke in favor and yielded to questions.

Reps. O'Neil and Sheila Francoeur spoke against.

Reps. McMahon, Solomon and Pratt spoke in favor.

Rep. Sheila Francoeur requested a roll call; sufficiently seconded.

The question being adoption of the motion to Special Order consideration of the Ethics Committee report to June 8, 2005.

YEAS 149 NAYS 205			
YEAS 149			
BELKNAP			
Millham, Alida	Morrison, Gail	Tobin, William	
CARROLL			
Babson, David Jr			

¹² For instance, Representative Chandler received substantial contributions from tobacco, health care, telecommunications, banking, insurance, construction and other interests.

CHESHIRE			
Butcher, Suzanne	Butynski, William	Chase, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Hogancamp, Deborah	Parkhurst, Henry
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Ham, Bonnie	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
HILLSBOROUGH			
Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane	Brassard, Paul
Carter, Mark	Chabot, Robert	Chase, Claudia	Clemons, Jane
Cote, David	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Dokmo, Cynthia	Egbers, Fran	Essex, David	Foster, Linda
Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Hall, Betty	Hinkle, Peyton	Holden, Randolph
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Johnson, Paula
Lasky, Bette	Martin, Mary Ellen	Matarazzo, Anthony Sr	McRae, Karen
Messier, Irene	Michon, Stephen	Moran, Edward	Movsesian, Lori
Pappas, Christopher	Rosenwald, Cindy	Schulze, Joan	Shaw, Barbara
Sullivan, Francis	Velez, Hector	Wheeler, James	
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Danforth, James	DeJoie, John
Foose, Robert	French, Barbara	Gile, Mary	Hager, Elizabeth
Hamm, Christine	Lockwood, Priscilla	McMahon, Patricia	Oliver, James
Potter, Frances	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Asselin, Michael	Blanchard, MaryAnn
Buxton, Donald	Cali-Pitts, Jacqueline	Camm, Kevin	Casey, Kimberley
Cooney, Richard	DiFruscia, Anthony	Flockhart, Eileen	Forsing, Robert
Hopfgarten, Paul	Hughes, Daniel	Langley, Jane	Moore, Benjamin
Norelli, Terie	Pantelakos, Laura	Powers, James	Putnam, Ed II
Robertson, Carl	Splaine, James	Weyler, Kenneth	
STRAFFORD			
Brown, Jennifer	Brown, Julie	Brown, Lawrence	Chaplin, Duncan
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Grassie, Anne	Heon, Richard	Kaen, Naida	Keans, Sandra

Knowles, William	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
SULLIVAN			
Cloutier, John	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James	Rodeschin, Beverly
NAYS 205			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Nedeau, Stephen	Pilliod, James	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Veazey, John
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Dickinson, Howard
Knox, J David	Martin, James	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
CHESHIRE			
Allen, Peter	Emerson, Susan	Espieffs, Peter	Foote, Sheila
Hunt, John	Mitchell, Bonnie	Pelkey, Stephen	Sawyer, Sheldon
COOS			
King, Frederick	Morneau, Renney	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		
GRAFTON			
Barker, Robert	Cooney, Mary	Eaton, Stephanie	Ingbretson, Paul
Maybeck, Margie	Mirski, Paul	Naro, Debra	Sorg, Gregory
Ward, John	Williams, Burton		
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Brundige, Robert	Buhlman, David
Calawa, Leon Jr	Carew, James	Carlson, Donald	Christensen, D L Chris
Christiansen, Lars	Cote, Peter	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	Drisko, Richard	Dyer, Donald	Elliott, Nancy
Emerton, Larry	Gargas, Carolyn	Gibson, John	Golding, William
Gonzalez, Carlos	Goyette, Peter Jr	Graham, John	Hagan, Barbara
Hansen, Ryan	Harvey, Suzanne	Hawkins, Ken	Hebert, Raymond
Hellwig, Steve	Hirschmann, Keith	Hunter, Bruce	Infantine, William
Kelly, Eugene Jr	Kopka, Angeline	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Lefebvre, Roland	Manney, Pamela	Mead, Robert
Mooney, Maureen	O'Brien, William	O'Connell, Timothy	Ober, Lynne

Pepino, Leo	Price, Pamela	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Scanlon, Michael	Shaw, Kimberly	Slocum, Lee
Smith, David	Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Clarke, Claire	Currier, David	Field, William
Greco, Vincent	Hess, David	Kennedy, Richard	Kidder, David
Klose, John	L'Heureux, Stephen	Langlais, Thomas	MacKay, James
Marple, Richard	Maxfield, Roy	Owen, Derek	Reardon, Tara
Reed, Dennis	Whiting, Herbert		
ROCKINGHAM			
Belanger, Ronald	Bettencourt, David	Bicknell, Elbert	Bridle, Russell
Carson, Sharon	Charron, Gene	Coburn, James	Dalrymple, Janeen
Dodge, Robert	Dowd, John	Dowling, Patricia	Doyle, Christopher
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Francoeur, Sheila
Garrity, James	Gillick, Thomas	Gould, Kenneth	Griffin, Mary
Headd, James	Hutchinson, Karen	Ingram, Russell	Introne, Robert
Itse, Daniel	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	Palazzo, Frank	Priestley, Anne
Rausch, James	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Smith, Paul	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weldy, Norman	Wells, Roger
Winchell, George	Zolla, William		
STRAFFORD			
Berube, Roger	Bickford, David	Callaghan, Frank	Campbell, W Packy
Cataldo, Sam	Easson, Timothy	Goodwin, Earle	Hofemann, Roland
Hollinger, Jeffrey	Johnson, Nancy	Miller, Joseph	Newton, Clifford
Taylor, Katherine	Twombly, James	Wall, Janet	
SULLIVAN			
Converse, Larry	Gale, Harry	Irish, Christopher	Osgood, Philip Sr

and the motion to Special Order failed.

The question now being the ratification of the Ethics Committee report.

Rep. Jasper spoke in favor and yielded to questions.

Reps. O'Neil, O'Brien, Sheila Francoeur, Carolyn Brown, Mirski, King, Rowe, Welch, Patten, Stepanek, Tahir, Hagan, Paul Smith, Itse, Emerson, Stephanie Eaton, Kennedy, Pepino, Soltani and Whalley spoke against.

Rep. Hirschmann spoke against and yielded to questions.

Reps. DiFruscia, Craig, Moore, Weed, DeJoie, Lockwood, Hall, Timothy Robertson, Pantelakos, and Weyler spoke in favor.

The following members non-spoke against:

Allen, Janet	Ingbretson
Babson	Introne
Bettencourt	Irish
Bicknell	Katsakiores, George

Boyce	Katsakiores, Phyllis
Bridle	Kurk
Calawa	L'Heureux, Robert
Carson	L'Heureux, Stephen
Christensen, Chris	MacKay
Christiansen, Lars	Major
Clark, Charles	Martin, James
Currier	Maybeck
Dalrymple	Mead
Danforth	Morrow
Dickinson	Nowe
Drisco	Packard
Dowd	Rausch
Dyer	Reed
Easson	Russell
Emerton	Scanlan
Flanders, John	Sorg
Gale	Souza
Gibson	Stohl
Goyette	Stone
Griffin	Thomas
Headd	Tilton, Frank
Hess	Ulery
Hinkle	Wendelboe
Hunt	
Hogancamp	

LIMIT DEBATE

Rep. John Flanders moved the previous question.

Adopted.

Rep. O'Neil requested a roll call; sufficiently seconded.

The question being the ratification of the Ethics Committee report.

YEAS 172 NAYS 189			
YEAS 172			
BELKNAP			
Millham, Alida	Morrison, Gail	Rosen, Ralph	Tobin, William
CARROLL			
Knox, J David			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Espieffs, Peter
Foote, Sheila	Mitchell, Bonnie	Parkhurst, Henry	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon
Tilton, Anna	Weed, Charles		

COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Theberge, Robert
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Ham, Bonnie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Williams, Burton		
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Carlson, Donald	Chase, Claudia
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Egbers, Fran
Essex, David	Foster, Linda	Garrity, Patrick	Ginsburg, Ruth
Gorman, Mary	Haley, Robert	Hall, Betty	Harvey, Suzanne
Holden, Randolph	Irwin, Anne-Marie	Jasper, Shawn	Johnson, Paula
Kopka, Angeline	Lasky, Bette	Lefebvre, Roland	Martin, Mary Ellen
Matarazzo, Anthony Sr	Messier, Irene	Michon, Stephen	O'Connell, Timothy
Pappas, Christopher	Rosenwald, Cindy	Schulze, Joan	Shaw, Barbara
Shaw, Kimberly	Smith, David	Sullivan, Francis	Velez, Hector
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	Foose, Robert	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Hamm, Christine	Kidder, David
Langlais, Thomas	Lockwood, Priscilla	McMahon, Patricia	Owen, Derek
Potter, Frances	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Williams, Robert			
ROCKINGHAM			
Abbott, Dennis	Asselin, Michael	Blanchard, MaryAnn	Cali-Pitts, Jacqueline
Camm, Kevin	Casey, Kimberley	Charron, Gene	Cooney, Richard
DiFruscia, Anthony	Fesh, Bob	Flockhart, Eileen	Gould, Kenneth
Hopfgarten, Paul	Hughes, Daniel	Langley, Jane	Lund, Howie
Mason, April	Moore, Benjamin	Norelli, Terie	Pantelakos, Laura
Powers, James	Putnam, Ed II	Robertson, Carl	Splaine, James
Weldy, Norman	Wells, Roger	Weyler, Kenneth	Zolla, William
STRAFFORD			
Brown, Jennifer	Brown, Julie	Brown, Lawrence	Callaghan, Frank
Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Goodwin, Earle
Grassie, Anne	Heon, Richard	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Katherine	Taylor, Kathleen	Wall, Janet	

SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Osgood, Philip Sr
Phinizy, James	Prichard, Stephen	Rodeschin, Beverly	
NAYS 189			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Tilton, Franklin	Veazey, John	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Dickinson, Howard	Martin, James	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
CHESHIRE			
Emerson, Susan	Hogancamp, Deborah	Hunt, John	Pelkey, Stephen
COOS			
King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	
GRAFTON			
Barker, Robert	Eaton, Stephanie	Maybeck, Margie	Mirski, Paul
Naro, Debra	Sorg, Gregory	Ward, John	
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph
Brassard, Paul	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Carew, James	Carter, Mark	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey	Dokmo, Cynthia
Drisko, Richard	Dyer, Donald	Elliott, Nancy	Emerton, Larry
Francoeur, Bea	Gargasz, Carolyn	Gibson, John	Golding, William
Goley, Jeffrey	Gonzalez, Carlos	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Hansen, Ryan	Hawkins, Ken	Hebert, Raymond
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Hunter, Bruce
Infantine, William	Jean, Claudette	Kelly, Eugene Jr	Kurk, Neal
L'Heureux, Robert	Lawrence, James	Manney, Pamela	McRae, Karen
Mead, Robert	Mooney, Maureen	Moran, Edward	Movsesian, Lori
O'Brien, William	Ober, Lynne	Pepino, Leo	Price, Pamela
Renzullo, Andrew	Rowe, Robert	Ryder, Donald	Scanlon, Michael
Slocum, Lee	Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir

Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James
Wheeler, Robert			
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	DeStefano, Stephen
Field, William	Hess, David	Kennedy, Richard	Klose, John
L'Heureux, Stephen	MacKay, James	Marple, Richard	Maxfield, Roy
Oliver, James	Reardon, Tara	Reed, Dennis	Soltani, Tony
Whiting, Herbert	Yeaton, Charles		
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bridle, Russell	Buxton, Donald	Cady, Harriet	Carson, Sharon
Coburn, James	Dalrymple, Janeen	Dodge, Robert	Dowd, John
Dowling, Patricia	Doyle, Christopher	Dumaine, Dudley	Flanders, John Sr
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gillick, Thomas
Griffin, Mary	Headd, James	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Major, Norman
McKinney, Betsy	McMahon, Charles	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Palazzo, Frank	Priestley, Anne	Rausch, James
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Smith, Paul
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Winchell, George		
STRAFFORD			
Berube, Roger	Bickford, David	Easson, Timothy	Hollinger, Jeffrey
Knowles, William	Newton, Clifford	Twombly, James	
SULLIVAN			
Gale, Harry	Irish, Christopher		

and the ratification of the Ethics Committee report failed.

Rep. Whalley moved that the House accept the Ethics Committee Report and recommend the sanction of reprimand.

Rep. Jasper spoke against and yielded to questions.

Rep. Soltani moved to amend the motion and recommend the sanction of censure, and spoke in favor.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being adoption of the amendment with the sanction of censure.

YEAS 217 NAYS 143			
YEAS 217			
BELKNAP			
Clark, Charles	Fitzgerald, James	Flanders, Donald	Millham, Alida
Morrison, Gail	Tobin, William		
CARROLL			

Ahlgren, Christopher	Babson, David Jr	Buco, Thomas	Knox, J David
Olimpio, J Lisbeth			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter
Hogancamp, Deborah	Mitchell, Bonnie	Parkhurst, Henry	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon
Tilton, Anna	Weed, Charles		
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Morneau, Renney
Theberge, Robert			
GRAFTON			
Almy, Susan	Andersen, Gene	Barker, Robert	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Naro, Debra
Nordgren, Sharon	Sokol, Hilda	Williams, Burton	
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Baroody, Benjamin
Beaulieu, Jane	Bergeron, Jean-Guy	Brassard, Paul	Calawa, Leon Jr
Carlson, Donald	Carter, Mark	Chabot, Robert	Chase, Claudia
Christiansen, Lars	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Egbers, Fran	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
Hirschmann, Keith	Holden, Randolph	Irwin, Anne-Marie	Jasper, Shawn
Jean, Claudette	Johnson, Paula	Kopka, Angeline	Lasky, Bette
Lawrence, James	Lefebvre, Roland	Matarazzo, Anthony Sr	McRae, Karen
Mead, Robert	Messier, Irene	Michon, Stephen	Moran, Edward
Movsesian, Lori	O'Connell, Timothy	Pappas, Christopher	Price, Pamela
Renzullo, Andrew	Rosenwald, Cindy	Schulze, Joan	Shaw, Barbara
Shaw, Kimberly	Stepanek, Stephen	Sullivan, Francis	Velez, Hector
Villeneuve, Maurice	Wheeler, James		
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	Danforth, James	DeJoie, John	DeStefano, Stephen
Foose, Robert	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Hamm, Christine	Lockwood, Priscilla	Marple, Richard
McMahon, Patricia	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	Blanchard, MaryAnn
Buxton, Donald	Cali-Pitts, Jacqueline	Camm, Kevin	Casey, Kimberley
Cooney, Richard	DiFruscia, Anthony	Fesh, Bob	Flockhart, Eileen
Garrity, James	Gould, Kenneth	Hopfgarten, Paul	Hughes, Daniel
Hutchinson, Karen	Itse, Daniel	Langley, Jane	Lund, Howie
Mason, April	Moore, Benjamin	Norelli, Terie	Pantelakos, Laura
Powers, James	Putnam, Ed II	Robertson, Carl	Splaine, James
Stiles, Nancy	Weldy, Norman	Wells, Roger	Weyler, Kenneth
Zolla, William			
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Campbell, W Packy	Chaplin, Duncan	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Easson, Timothy
Goodwin, Earle	Grassie, Anne	Heon, Richard	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Katherine	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Donovan, Thomas	Franklin, Peter	Houde-Quimby, Charlotte
Irish, Christopher	Jillette, Arthur Jr	Osgood, Philip Sr	Phinizy, James
Prichard, Stephen	Rodeschin, Beverly		
NAYS 143			
BELKNAP			
Allen, Janet	Boyce, Laurie	Nedean, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Veazey, John	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Brown, Carolyn	Dickinson, Howard	Martin, James	McConkey, Mark
Merrow, Harry	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
CHESHIRE			
Emerson, Susan	Foote, Sheila	Hunt, John	Pelkey, Stephen
COOS			
King, Frederick	Lary, Bruce	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		
GRAFTON			
Eaton, Stephanie	Maybeck, Margie	Mirski, Paul	Solomon, Peter
Sorg, Gregory	Ward, John		

HILLSBOROUGH			
Barry, J Gail	Batula, Peter	Biundo, Michael	Boehm, Ralph
Brundige, Robert	Buhlman, David	Carew, James	Christensen, D L Chris
Coughlin, Pamela	Crane, Elenore Casey	Dyer, Donald	Elliott, Nancy
Emerton, Larry	Francoeur, Bea	Gibson, John	Gonzalez, Carlos
Goyette, Peter Jr	Hagan, Barbara	Hansen, Ryan	Hebert, Raymond
Hellwig, Steve	Hinkle, Peyton	Hunter, Bruce	Infantine, William
Kelly, Eugene Jr	Kurk, Neal	L'Heureux, Robert	Manney, Pamela
Martin, Mary Ellen	Mooney, Maureen	O'Brien, William	Ober, Lynne
Pepino, Leo	Rowe, Robert	Ryder, Donald	Scanlon, Michael
Slocum, Lee	Smith, David	Souza, Kathleen	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Field, William	Hess, David	Kennedy, Richard
Kidder, David	Klose, John	L'Heureux, Stephen	Langlais, Thomas
MacKay, James	Maxfield, Roy	Oliver, James	Reed, Dennis
ROCKINGHAM			
Belanger, Ronald	Bettencourt, David	Bicknell, Elbert	Bridle, Russell
Cady, Harriet	Carson, Sharon	Charron, Gene	Coburn, James
Dalrymple, Janeen	Dodge, Robert	Dowd, John	Dowling, Patricia
Doyle, Christopher	Dumaine, Dudley	Flanders, John Sr	Forsing, Robert
Francoeur, Sheila	Gillick, Thomas	Griffin, Mary	Headd, James
Ingram, Russell	Introne, Robert	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Major, Norman	McKinney, Betsy
McMahon, Charles	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Palazzo, Frank	Priestley, Anne	Rausch, James	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Smith, Paul	Stone, Joseph
Waterhouse, Kevin	Weare, E Albert	Welch, David	Winchell, George
STRAFFORD			
Bickford, David	Cataldo, Sam	Hofemann, Roland	Hollinger, Jeffrey
Newton, Clifford	Twombly, James		
SULLIVAN			
Converse, Larry	Ferland, Brenda	Gale, Harry	

and the amendment was adopted.

The question now being acceptance of the Ethics Committee Report with the sanction of censure.

Rep. Rollo requested a roll call; sufficiently seconded.

The question being acceptance of the Ethics Committee Report with the sanction of censure.

YEAS 274 NAYS 86			
YEAS 274			

BELKNAP			
Allen, Janet	Clark, Charles	Fitzgerald, James	Flanders, Donald
Millham, Alida	Morrison, Gail	Rosen, Ralph	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Veazey, John
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Buco, Thomas	Knox, J David
Martin, James	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
Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah	Hunt, John
Mitchell, Bonnie	Parkhurst, Henry	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna
Weed, Charles			
COOS			
Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Morneau, Renney	Theberge, Robert	Tholl, John Jr	
GRAFTON			
Almy, Susan	Barker, Robert	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Ham, Bonnie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Naro, Debra	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Ward, John	Williams, Burton
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Baroody, Benjamin
Barry, J Gail	Batula, Peter	Beaulieu, Jane	Bergeron, Jean-Guy
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Carlson, Donald
Carter, Mark	Chabot, Robert	Chase, Claudia	Christiansen, Lars
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Crane, Elenore Casey	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Egbers, Fran	Emerton, Larry
Essex, David	Foster, Linda	Gargas, Carolyn	Garrity, Patrick
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Gorman, Mary
Graham, John	Haley, Robert	Hall, Betty	Hansen, Ryan
Harvey, Suzanne	Hawkins, Ken	Hebert, Raymond	Hirschmann, Keith
Holden, Randolph	Infantine, William	Irwin, Anne-Marie	Jasper, Shawn
Jean, Claudette	Johnson, Paula	Kelly, Eugene Jr	Kopka, Angeline
Kurk, Neal	Lasky, Bette	Lawrence, James	Lefebvre, Roland
Matarazzo, Anthony Sr	McRae, Karen	Mead, Robert	Messier, Irene
Michon, Stephen	Moran, Edward	Movsesian, Lori	O'Brien, William

O'Connell, Timothy	Pappas, Christopher	Price, Pamela	Renzullo, Andrew
Rosenwald, Cindy	Scanlon, Michael	Schulze, Joan	Shaw, Barbara
Shaw, Kimberly	Slocum, Lee	Stepanek, Stephen	Sullivan, Francis
Tahir, Saghir	Velez, Hector	Villeneuve, Maurice	Wheeler, James
Wheeler, Robert			
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	Danforth, James	DeJoie, John
DeStefano, Stephen	Foose, Robert	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Hamm, Christine	Hess, David
Kidder, David	Klose, John	Langlais, Thomas	Lockwood, Priscilla
Marple, Richard	Maxfield, Roy	McMahon, Patricia	Oliver, James
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	Bettencourt, David
Bicknell, Elbert	Blanchard, MaryAnn	Buxton, Donald	Cady, Harriet
Cali-Pitts, Jacqueline	Camm, Kevin	Casey, Kimberley	Coburn, James
Cooney, Richard	DiFruscia, Anthony	Dowd, John	Dowling, Patricia
Fesh, Bob	Flockhart, Eileen	Forsing, Robert	Francoeur, Sheila
Garrity, James	Gould, Kenneth	Hopfgarten, Paul	Hughes, Daniel
Hutchinson, Karen	Itse, Daniel	Langley, Jane	Lund, Howie
Mason, April	McMahon, Charles	Moore, Benjamin	Norelli, Terie
O'Neil, Michael	Pantelakos, Laura	Powers, James	Putnam, Ed II
Robertson, Carl	Rolston, James	Splaine, James	Stiles, Nancy
Weldy, Norman	Wells, Roger	Weyler, Kenneth	Winchell, George
Zolla, William			
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Easson, Timothy	Goodwin, Earle	Grassie, Anne	Heon, Richard
Hofemann, Roland	Hollinger, Jeffrey	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Katherine	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Irish, Christopher	Jillette, Arthur Jr	Osgood, Philip Sr
Phinizy, James	Prichard, Stephen	Rodeschin, Beverly	
NAYS 86			

BELKNAP			
Boyce, Laurie	Nedeau, Stephen	Pilliod, James	
CARROLL			
Brown, Carolyn	Dickinson, Howard	McConkey, Mark	
CHESHIRE			
Pelkey, Stephen			
COOS			
Lary, Bruce	Remick, William	Richardson, Herbert	Stohl, Eric
GRAFTON			
Andersen, Gene	Eaton, Stephanie	Maybeck, Margie	Mirski, Paul
Sorg, Gregory			
HILLSBOROUGH			
Biundo, Michael	Buhlman, David	Calawa, Leon Jr	Carew, James
Christensen, D L Chris	Coughlin, Pamela	Dyer, Donald	Elliott, Nancy
Francoeur, Bea	Gibson, John	Gonzalez, Carlos	Goyette, Peter Jr
Hagan, Barbara	Hellwig, Steve	Hinkle, Peyton	Hunter, Bruce
L'Heureux, Robert	Manney, Pamela	Martin, Mary Ellen	Mooney, Maureen
Ober, Lynne	Pepino, Leo	Rowe, Robert	Ryder, Donald
Smith, David	Souza, Kathleen	Ulery, Jordan	Vaillancourt, Steve
MERRIMACK			
Field, William	Kennedy, Richard	L'Heureux, Stephen	MacKay, James
Reed, Dennis			
ROCKINGHAM			
Belanger, Ronald	Bridle, Russell	Carson, Sharon	Charron, Gene
Dalrymple, Janeen	Dodge, Robert	Doyle, Christopher	Dumaine, Dudley
Flanders, John Sr	Gillick, Thomas	Griffin, Mary	Headd, James
Ingram, Russell	Introne, Robert	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Major, Norman	McKinney, Betsy
Nowe, Ronald	Packard, Sherman	Palazzo, Frank	Priestley, Anne
Rausch, James	Sanders, Elisabeth	Scamman, Stella	Smith, Paul
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
STRAFFORD			
Bickford, David	Newton, Clifford	Twombly, James	
SULLIVAN			
Ferland, Brenda	Gale, Harry		

and the Ethics Committee Report with the sanction of censure was adopted.

CENSURE

The Speaker informed Rep. Chandler of the censure by the House.

WITHOUT OBJECTION

Without objection, the Speaker ordered the Ethics Committee Report and entire debate to be printed in the House Journal.

CLERK'S NOTE

The entire debate will be printed in the Permanent House Journal.

The House recessed at 1:55 p.m.

RECESS

(Speaker Scamman in the Chair)

The House reconvened at 3:00 p.m.

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 196, requiring a hearing when medical malpractice insurance rates change, removed by Rep. Buzzell.

SB 121, relative to all terrain vehicle trails and relative to the regulation of off highway recreational vehicles by a political subdivision, removed by Rep. Rush.

Consent Calendar adopted.

SB 54, clarifying the role of a guardian ad litem in guardianship proceedings. **OUGHT TO PASS**

Rep. Daniel C. Itse for Children and Family Law: This bill was filed at the request of the probate court. It deals with provisions for appointments of guardians ad litem for both minors and adults. It moves sections that were inappropriately placed to their correct context and enhances the ability to appoint guardians ad litem to protect otherwise incapacitated individuals. Vote 16-0.

SB 184-FN, adopting the Uniform Child-Custody Jurisdictional Enforcement Act.

INEXPEDIENT TO LEGISLATE

Rep. Karen K. McRae for Children and Family Law: The committee voted to ITL this bill which would have recodified RSA 458-A because it was felt that the recodification done in 1998 reflects the work done by the National Conference of Commissioners on Uniform State Laws in 1997. Vote 16-1.

SB 73, relative to market conduct record retention and production. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles L. Clark for Commerce: This bill deals with market conduct and record retention. Record retention was increased from 3 years to 5 years for policy record files, declined underwriting files, claim files and complaint records. Vote 16-2.

Amendment (1349h)

Amend RSA 400-B:3, III and IV as inserted by section 1 of the bill by replacing it with the following:

III. These records shall be retained for the current year plus 5 years.

IV. The producer of record, if the insurer does not maintain such information, shall maintain a file for each policy sold, and the file shall contain all work papers and written

communications in his or her possession pertaining to the policy documented therein. These records shall be retained for the current year plus 5 years.

Amend RSA 400-B:4, I as inserted by section 1 of the bill by replacing it with the following:

I. A policy record file shall be maintained for each policy issued, and shall be maintained for the duration of the current policy term plus 5 years, or for life insurance policies and annuity contracts, for the time the policy or contract is in force and 5 years thereafter. Policy records shall be maintained to show clearly the policy period, basis for rating, and any imposition of additional exclusions from or exceptions to coverage. If a policy is terminated, either by the insurer or the policyholder, documentation supporting the termination and account records indicating a return of premiums, if any, shall also be maintained. Policy records need not be segregated from the policy records of other states if the records are readily available to market conduct examiners as required under this chapter.

Amend RSA 400-B:4, III as inserted by section 1 of the bill by replacing it with the following:

III. A declined underwriting file shall be maintained and shall include an application, any documentation substantiating the decision to decline an issuance of a policy, any binder issued without the insurer issuing a policy, any documentation substantiating the decision not to add additional coverage when requested and, if required by law, any declination notification. Notes regarding requests for quotations that do not result in a completed application for coverage need not be maintained for purposes of this chapter. The insurer shall retain declined underwriting files for the current year plus 5 years.

Amend the introductory paragraph of RSA 400-B:5, I as inserted by section 1 of the bill by replacing it with the following:

I. A claim file and accompanying records shall be maintained for the calendar year in which the claim is closed plus 5 years. The claim file shall be maintained to show clearly the inception, handling, and disposition of each claim. The claim file shall be sufficiently clear and specific so that pertinent events and dates of these events can be reconstructed. A claim file shall, at a minimum, include the following items:

Amend RSA 400-B:7 as inserted by section 1 of the bill by replacing it with the following:

400-B:7 Complaint Records. The complaint records required to be maintained under RSA 417 shall include a complaint log or register, or grievance log or register for health insurers, in addition to the actual written complaints. The complaint log or register shall show clearly the total number of complaints for the current year plus the immediately preceding 5 years, the classification of each complaint by line of insurance and by complainant, the nature of each complaint, the insurer's disposition of each complaint, and the complaint number assigned by the department, if applicable. If the insurer maintains the file in a computer format, the reference in the complaint log or register for locating the documentation shall be an identifier such as the policy number or other code. The codes shall be provided to the examiners at the time of an examination.

Amend RSA 400-B:10, II as inserted by section 1 of the bill by replacing it with the following:

II. As a means to facilitate the examination and to aid in the examination in accordance with RSA 400-A:37, an insurer shall provide any requested document or written response to an inquiry submitted by an examiner within 10 working days, or such other time period as mutually agreed upon by the examiner and the insurer. When the requested document or response is not produced by the insurer within the specified time period, a violation shall be deemed to have occurred unless the insurer can demonstrate to the satisfaction of the commissioner that the requested record cannot reasonably be provided within the specified time period of the request.

SB 74, making certain technical changes in the insurance laws. OUGHT TO PASS WITH AMENDMENT

Rep. Charles L. Clark for Commerce: This bill is a technical corrections bill at the request of the insurance department. It deals with the release of claims data from the comprehensive

healthcare information system and adopting rules for their release. There was also adoption of rules relative to insurance regulation dealing with language consistency. Vote 18-0.

Amendment (1334h)

Amend the bill by deleting section 7 and renumbering the original sections 8-21 to read as 7-20, respectively.

Amend the bill by replacing section 16 with the following:

16 Exceptions to Rulemaking; Insurance. Amend RSA 541-A:21, VI to read as follows:

VI. Rules adopted under title XXXVII, relative to insurance regulation, shall be exempt from ~~[the uniform system of numbering and drafting rules required by]~~ **RSA 541-A:7 and RSA 541-A:8**~~[-These rules shall be in compliance with RSA 541-A:7]~~ **and shall permit the use of terminology allowing for discretionary authority by the commissioner** if the wording is consistent with the language of ~~[the]~~ corresponding National Association of Insurance Commissioners ~~[regulations]~~ **models**.

Amend the bill by replacing all after section 19 with the following:

20 Comprehensive Health Care System; Rulemaking. Amend RSA 420-G:11-a to read as follows:

420-G:11-a Development of a Comprehensive Health Care Information System.

I. The department and the department of health and human services shall enter into a memorandum of understanding for collaboration in the development of a comprehensive health care information system. The memorandum of understanding shall include a description of the data sets that will be included in the comprehensive health care information system, the criteria and procedures for the development of limited use data sets, the criteria and procedures to ensure that Health Information Privacy and Accountability Act (HIPAA) compliant limited use data sets are accessible, and a proposed time frame for the creation of a comprehensive health care information system. To the extent allowed by HIPAA, the data shall be available as a resource for insurers, employers, providers, purchasers of health care, and state agencies to continuously review health care utilization, expenditures, and performance in New Hampshire and to enhance the ability of New Hampshire consumers and employers to make informed and cost-effective health care choices. In presenting data for public access, comparative considerations shall be made regarding geography, demographics, general economic factors, and institutional size. Notwithstanding HIPAA or any other provision of law, the comprehensive health care information system shall not include or disclose any data that contains direct personal identifiers. For the purposes of this section, "direct personal identifiers" include information relating to an individual that contains primary or obvious identifiers, such as the individual's name, street address, e-mail address, telephone number, and social security number.

II. The commissioner of the department of health and human services, with the approval of the commissioner of the insurance department, shall adopt rules, under RSA 541-A, as may be necessary to provide for the release of claims data from the comprehensive health care information system (CHIS).

21 Managed Care Law; Grievance Procedures. Amend RSA 420-J:5, V(e) to read as follows:

(e)(1) ~~[In any case where]~~ **If** a carrier or other licensed entity provides 2 **mandatory** levels of appeal, the first level shall be completed within 15 days and the second level completed within the 30-day time period beginning from the initial date of filing the appeal or grievance. **If a carrier or other licensed entity provides a single mandatory level of appeal, the single mandatory level shall be completed within the 30-day time period beginning from the initial date of filing the appeal.** With respect to a **mandatory** second level of appeal involving a claim for continuation of services or urgent care, the carrier or other licensed entity shall make a decision and notify the claimant within 72 hours after the **mandatory** second level appeal is filed. For appeals involving post

service claims, the carrier shall make a decision and notify the claimant within 60 days of the date the completed appeal was filed.

(2) Subparagraph (e)(1) shall not prohibit a carrier or other licensed carrier from offering additional voluntary levels of appeal in addition to any mandatory levels of appeal offered, provided that:

(A) The claimant may elect to pursue any additional level of appeal under this subparagraph voluntarily;

(B) A carrier may not assert failure to exhaust administrative remedies where a claimant elects to pursue a claim through other venues rather than through the voluntary level of appeal;

(C) Any statute of limitations or time limits to pursue other remedies shall be tolled during the voluntary appeals process;

(D) Voluntary levels of appeal are available only after a claimant has completed required mandatory levels of appeal required under the plan or by regulation;

(E) The carrier provides a claimant with sufficient information to make an informed decision whether to submit the claim through any voluntary appeals process;

(F) No fees or costs are imposed on the claimant as part of any voluntary appeals process; and

(G) Any voluntary level of appeal requested by a claimant under this subparagraph shall be completed within 30 days from the date of the request for the voluntary appeal.

22 Managed Care Law; Right to External Review. Amend RSA 420-J:5-a, I(c) to read as follows:

(c)(1) The covered person or the covered person's authorized representative has submitted the request for external review in writing to the commissioner within 180 days of the date of the carrier or other licensed entity's ~~[second level]~~ denial decision provided pursuant to RSA 420-J:5, or if the carrier or other licensed entity has failed to make a first or second level, standard or expedited review decision that is past due, within 180 days of the date the decision was due;

(2) The covered person's or covered person's authorized representative's participation in any voluntary level of appeal offered by a carrier or other licensed entity pursuant to RSA 420-J:5, V(e)(2) shall not affect a covered person's ability to submit a request for external review. In the event that a covered person or covered person's authorized representative elects to proceed with a voluntary appeal, that person shall have 180 days from the date the decision is rendered on the voluntary appeal to submit a request for external review.

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

AMENDED ANALYSIS

This bill makes certain technical changes in the insurance laws, including but not limited to:

I. Clarifying the law regarding insurance premium refunds.

II. Changing the time frame for when a producer must report any administrative action taken against the producer in another jurisdiction.

III. Revising the laws relating to forms and rate regulation applicable to workers' compensation.

IV. Repealing the prospective repeal of the law allowing voluntary small employer health insurance purchasing alliances.

V. Clarifying the managed care law relative to grievance procedures.

This bill is a request of the insurance department.

SB 111, relative to persons conducting securities broker-dealer and investment advisor

businesses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles L. Clark for Commerce: This bill clarifies the requirements regarding insurance and securities disclosures given to consumers in advertising. Specifically it exempts disclosure in media, television and billboard advertising when no specific product is offered to the consumer. The securities bureau gave assurances that this provision is not intended to apply to retirement plan administration that is required by the federal government. Vote 18-0.

Amendment (1444h)

Amend the bill by replacing section 1 with the following:

1 Securities; Licensing Requirements; Certain Advertising Excepted. Amend RSA 421-B:6, V(b) to read as follows:

(b) It is prohibited for any branch office or agent of a broker-dealer or investment adviser to conduct a securities or investment advisory business in this state under any name other than that of the broker-dealer or investment adviser with which the branch office is associated or agent is licensed. If more than one business enterprise is conducted from a branch office location, disclosures shall clearly ~~[and equally]~~ set forth what business activity is conducted by each organization and each licensed agent's relationship to each organization; ***provided, however, that this requirement shall not apply to television, radio, or billboard advertising that pertains exclusively to a non-securities product.***

AMENDED ANALYSIS

This bill prohibits any branch office or agent of a broker-dealer or investment advisor from conducting a securities or investment advisory business under any name other than that of the broker-dealer or investment advisor with which it is associated. This bill also exempts television, radio, and billboard advertising from the requirement that it set forth the business activity conducted and certain agency relationships when the advertising pertains to a non-securities product.

SB 223-FN, relative to licensing nondepository mortgage bankers and brokers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tara G. Reardon for Commerce: This bill modernizes the banking statutes. Among its provisions is allowing for criminal background checks of applicants to a nationwide search, and incorporating a mechanism to collect the costs of audits done beyond our borders. Otherwise the changes make the language consistent among the chapters regulated by the banking department. Vote 18-0.

Amendment (1564h)

Amend RSA 397-A:5 as inserted by section 6 of the bill by inserting after paragraph V the following new paragraph:

VI. The commissioner may license or register individuals or firms by means of or through the facilities of a national organization which facilitates registration and licensing on a nationwide basis.

Amend RSA 397-A:17, VII as inserted by section 22 of the bill by replacing it with the following:

VII. If the commissioner finds that any licensee or applicant for license is no longer in existence or has ceased to do business as a ~~[first]~~ mortgage broker or ~~[first]~~ mortgage banker, or cannot be located after reasonable search, the commissioner may by order revoke the license, ***impose penalties***, or deny the application. The commissioner may deem abandoned and withdraw any application for licensure made pursuant to this chapter, if any applicant fails to respond in writing within 180 ***calendar*** days to a written request from the commissioner requesting a response. Such request shall be sent via certified mail to the last known address of the applicant that is on file with the commissioner.

Amend RSA 399-A:3, I(a) as inserted by section 27 of the bill by replacing it with the following:

I.(a) Every applicant for licensing under this chapter shall file with the commissioner a written verified application, on a form prescribed by the commissioner. The application shall contain the name of the applicant; the address where the business is or is to be conducted and similar information for any branch office of the applicant; the trade name, if any, under which the applicant proposes to conduct such business; the articles of incorporation or organization or partnership agreement; the name and address of the New Hampshire resident agent if the applicant is a foreign entity; and such other pertinent information as the commissioner may require. The application shall include the names of the applicant's principals and the name of any person occupying a similar status or performing similar functions. Each such principal shall authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, the qualifications and business history of the applicant and its principals, and the applicant's financial condition and history. The applicant shall disclose if any injunction or administrative order has been issued against the applicant or any of its principals and whether the applicant or any of its principals have been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or of any felony. Each applicant and licensee who conducts payday or title loan lending shall maintain an office in this state that is accessible to consumers. Persons subject to this chapter shall be responsible for the supervision of their employees, agents, and branch offices. Each initial and renewal license application shall be accompanied by a nonrefundable application fee of \$450 for the principal place of business of the licensee and the sum of \$450 for each branch of such licensee maintained in this state.

Amend the bill by replacing section 29 with the following:

29 Examinations and Investigations; Other States and Federal Agencies. Amend RSA 399-A:10, I and II to read as follows:

I. The commissioner or the commissioner's duly authorized representative may at any time, and shall periodically, with or without notice to the licensee or person, examine the business affairs of any licensee or any other person subject to this chapter, whether licensed or not, as the commissioner deems necessary to determine compliance with this chapter and the rules adopted pursuant to it. In determining compliance, the commissioner or the duly authorized representative may examine the books, accounts, records, files, and other documents, whether electronically stored or otherwise, and any other matters of any licensee or person. The commissioner or the duly authorized representative shall have and be given free access to the office and places of business, files, safes, and vaults of all such persons, and shall have authority to require the attendance of any person and to examine him or her under oath relative to such loans or such business or to the subject matter of any examination or investigation and shall have authority to require the production of books, accounts, papers, and records of such persons. ***The commissioner may, in his or her discretion, accept all or part of a report of examination of a small loan lender, certified to by the regulatory supervisory official of another state. To avoid unnecessary duplication of examinations, the commissioner, insofar as he or she deems it practicable in administering this section, may cooperate with the regulators of other states, the Federal Trade Commission, other federal regulators, or their successors in conducting examinations and investigations.***

II. Every person being examined, and all of the officers, directors, employees, agents, and representatives of such person shall make freely available to the commissioner or the commissioner's examiners the accounts, records, documents, files, information, assets, and matters in their possession or control relating to the subject of the examination and shall facilitate the examination. The expense of such examination shall be chargeable to and paid by the licensee or person being examined. The procedure for such payment shall be the same

as for payments by institutions for cost of examinations under RSA 383:11, ***except when the principal office of the licensee or person is located outside of this state and the department has determined that the examination must be conducted at that out-of-state location, the actual cost of travel, lodging, meals, and other expenses of examination personnel making the examination, shall be chargeable to and paid by such licensee or person in addition to the per diem charge for examination personnel set forth in RSA 383:11.***

Amend the bill by replacing section 34 with the following:

34 License Application; Requirements; Investigation; Additional Information Required. The introductory paragraph of RSA 399-D:5, II is repealed and reenacted to read as follows:

II. To be considered for licensing, each person, firm, or corporation shall file with the department one verified application on a form prescribed by the commissioner. At a minimum, the application shall be in writing, setting forth the primary business address of the applicant, the address of its principal office and all branch offices located or to be located within the state, and a list of the principals and the name of any person occupying a similar status or performing similar functions. Each principal shall authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, qualifications, and business history of the applicant and those persons listed in the application, and the applicant's financial condition and history. The applicant shall disclose if any injunction or administrative order has been issued against the applicant or any of its principals and whether the applicant or any of its principals have been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or convicted of any felony. Each application shall designate the name and address of the manager or person in charge at each licensed location and shall contain other information required by rules adopted under this chapter. The applicant shall submit any other information that the commissioner may require. In addition:

Amend the introductory paragraph of RSA 361-A:2, II(a) as inserted by section 38 of the bill by replacing it with the following:

II.(a) The application for such license shall be in writing and verified on a form prescribed by the commissioner. The application shall contain the name of the applicant; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the trade name, if any, under which the applicant proposes to conduct such business; and such other pertinent information as the commissioner may require. The application shall include a list of the names and resident addresses of principals and the name of any person occupying a similar status or performing similar functions. Each principal shall authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, the qualifications and business history of the applicant and those persons listed in the application, and in the case of sales finance companies, the applicant's financial condition and history. The applicant shall disclose if any injunction or administrative order has been issued against the applicant or any of its principals listed in the application and whether the applicant or any of its principals have been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or convicted of any felony.

Amend the bill by replacing section 43 with the following:

43 Examinations; Other States and Federal Regulators. Amend RSA 361-A:6-a, IV to read as follows:

IV. The expense of such examination shall be chargeable to and paid by the sales finance company licensee or person. The procedure for such payment shall be the same as for payments by ~~[other licensees of the department]~~ ***institutions*** for cost of examinations

under RSA 383:11, except when the principal office of the licensee or person is located outside of this state and the department has determined that the examination must be conducted at that out-of-state location, the actual cost of travel, lodging, meals, and other expenses of examination personnel making the examination, shall be chargeable to and paid by such licensee or person in addition to the per diem charge for examination personnel set forth in RSA 383:11.

IV-a. The commissioner may, in his or her discretion, accept all or a part of a report of examination of a sales finance company, certified to by the regulatory supervisory official of another state. To avoid unnecessary duplication of examinations, the commissioner, insofar as he or she deems it practicable in administering this section, may cooperate with the regulators of other states, the Federal Trade Commission, other federal regulators, or their successors in conducting examinations and investigations.

Amend the bill by inserting after section 58 the following and renumbering the original sections 59 and 60 to read as 87 and 88, respectively:

59 Examinations; Expenses. RSA 397-A:12, V is repealed and reenacted to read as follows:

V. The expense of such examination shall be chargeable to and paid by the licensee. The procedure for such payment shall be the same as for payments by institutions for cost of examinations under RSA 383:11, except when the principal office of the licensee or person is located outside of this state and the department has determined that the examination must be conducted at that out-of-state location, the actual cost of travel, lodging, meals and other expenses of examination personnel making the examination, shall be chargeable to and paid by such licensee or person in addition to the per diem charge for examination personnel set forth in RSA 383:11.

60 License Revocation; Suspension. Amend the introductory paragraph of RSA 397-A:17, I to read as follows:

I. The commissioner may issue an order requiring ~~the~~ **a** person to whom any license has been granted **or any person under the commissioner's jurisdiction** to show cause why the license should not be revoked, **suspended, or penalties imposed, or both, for violations of this chapter.** The order shall give reasonable notice of the opportunity for a hearing and shall state the reasons for the issuance of the order. The commissioner may by order summarily postpone or suspend any license **or application** pending final determination of any order to show cause, **or other order**, or of any other proceeding under this section, provided the commissioner finds that the public interest would be irreparably harmed by delay in issuing such order. Upon the entry of the order, the commissioner shall promptly notify the **respondent**, applicant, or licensee that the order has been entered and of the reasons for the order and that within 10 **calendar** days after receipt of a written request the matter will be scheduled for hearing. **Valid** delivery of such order shall be by hand or ~~registered~~ **certified** mail at the **last known** principal office of the licensee~~[-~~ Delivery of such order], **or respondent**, to an officer, director, 5 percent or more owner, member, partner, or legal representative of the licensee ~~[shall be deemed a valid delivery of the order]~~ **or respondent**. If the person to whom an order to show cause **or other order** is issued fails to request a hearing within 30 **calendar** days of receipt **or valid delivery** of the order ~~[or within 10 days of valid delivery of the order,]~~ and no hearing is ordered by the commissioner, then such person shall be deemed in default, and the order shall, on the thirty-first day, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the commissioner, for good cause shown. A hearing, **if requested** shall be ~~held~~ **scheduled** not later than 10 **calendar** days after the **written** request for such hearing is received by the commissioner, after which and within 20 **calendar** days ~~of~~ **from** the date of the hearing the commissioner shall enter an order making such disposition of the matter as the facts require. If the ~~[person to whom the license was granted]~~ **licensee or respondent** fails to request a hearing within 30 calendar

days of receipt **or valid delivery** of such order or fails to appear at a hearing after being duly notified, **or cannot be located after a reasonable search**, such person shall be deemed in default and the proceeding may be decided against ~~[him or her]~~ **the person** upon consideration of the order to show cause **or other order**, the allegations of which may be deemed to be true. The commissioner may by order, upon due notice and opportunity for hearing, assess penalties or deny, suspend, or revoke a license **or application** if it is in the public interest and the applicant, **respondent**, or licensee, any partner, officer, **member**, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the applicant, **respondent**, or licensee:

61 New Paragraph; Definitions; Department. Amend RSA 399-A:1 by inserting after paragraph III the following new paragraph:

III-a. "Department" means the banking department.

62 Definitions; Principal. RSA 399-A:1, XIII is repealed and reenacted to read as follows:

XIII. "Principal" of the applicant or licensee means an owner with 10 percent or more ownership interest, corporate officer, director, member, general or limited liability partner, limited partner with 10 percent or more ownership interest, trustee, beneficiary of 10 percent or more of the trust that owns the applicant or licensee, senior manager, New Hampshire branch manager, and any person occupying similar status or performing similar functions.

63 New Paragraph; Application and Fees; Use of National Organization. Amend RSA 399-A:3 by inserting after paragraph III the following new paragraph:

IV. The commissioner may license or register individuals or firms by means of or through the facilities of a national organization which facilitates registration and licensing on a nationwide basis.

64 Denial, Suspension, or Revocation of Licenses; Hearing Added. Amend the introductory paragraph of RSA 399-A:7 to read as follows:

I. The commissioner may by order, **upon due notice and opportunity for a hearing, assess penalties or** deny, suspend, or revoke any license or application if ~~[the commissioner finds that the order]~~ **it** is in the public interest and the applicant, **respondent**, or licensee, any partner, **member**, officer or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the applicant, **respondent**, or licensee:

65 Denial, Suspension, or Revocation of Licenses; Person Under the Jurisdiction of the Commissioner Added. RSA 399-A:7, II is repealed and reenacted to read as follows:

II. The commissioner may issue an order requiring a person to whom any license has been granted or any person under the commissioner's jurisdiction to show cause why the license should not be suspended or revoked or penalties should not be imposed, or both, for violations of this chapter. The order shall give reasonable notice of the opportunity for a hearing, and shall state the reasons for the issuance of the order. The commissioner may by order summarily postpone or suspend any license or application pending final determination of any order to show cause, or other order, or of any other proceeding under this section, provided the commissioner finds that the public interest would be irreparably harmed by delay in issuing such order. Upon the entry of the order, the commissioner shall promptly notify the respondent, applicant, or licensee that the order has been entered and of the reasons for the order and that within 10 calendar days after receipt of a written request the matter will be scheduled for hearing. Valid delivery of such order shall be by hand or certified mail at the last known principal office of the licensee or respondent or to an officer, director, 5 percent or more owner, member, partner, or legal representative of the licensee or respondent. If the person to whom an order to show cause or other order is issued fails to request a hearing within 30 calendar days of receipt or valid delivery of the order and no hearing is ordered by the commissioner, then such person shall be deemed in default, and the order shall, on the thirty-first day, become permanent, and shall remain in full force and

effect until and unless later modified or vacated by the commissioner, for good cause shown. A hearing, if requested, shall be scheduled not later than 10 calendar days after the written request for such hearing is received by the commissioner, after which and within 20 calendar days from the date of the hearing the commissioner shall enter an order making such disposition of the matter as the facts require. If the licensee or respondent fails to request a hearing within 30 calendar days of receipt or valid delivery of such order or fails to appear at a hearing after being duly notified, or cannot be located after a reasonable search, such person shall be deemed in default and the proceeding may be decided against the person upon consideration of the order to show cause or other order, the allegations of which may be deemed to be true.

66 Denial, Suspension, or Revocation of Licenses; Imposition of Penalties Added. Amend RSA 399-A:7, V to read as follows:

V. If the commissioner finds that any licensee or applicant for license is no longer in existence or has ceased to do business as a small loan lender, payday loan lender, or title loan lender, or cannot be located after reasonable search, the commissioner may by order revoke the license, ***impose penalties***, or deny the application. The commissioner may deem abandoned and withdraw any application for licensure made pursuant to this chapter, if any applicant fails to respond in writing within 180 ***calendar*** days to a written request from the commissioner requesting a response. Such request shall be sent via certified mail to the last known address of the applicant that is on file with the commissioner.

67 New Paragraph; Definitions; Department. Amend RSA 399-D:2 by inserting after paragraph V the following new paragraph:

V-a. "Department" means the banking department.

68 New Paragraph; Definitions; Principal Added. Amend RSA 399-D:2 by inserting after paragraph VII the following new paragraph:

VII-a. "Principal" of the applicant or licensee means an owner with 10 percent or more ownership interest, corporate officer, director, member, general or limited liability partner, limited partner with 10 percent or more ownership interest, trustee, beneficiary of 10 percent or more of the trust that owns the applicant or licensee, senior manager, New Hampshire branch manager, and any person occupying similar status or performing similar functions.

69 New Subparagraphs; License Application; Background Investigation. Amend RSA 399-D:5, II by inserting after subparagraph (e) the following new subparagraphs:

(f) Unless the applicant is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant's principals and any person in a similar position or performing similar functions. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on the principals of each equity owner of 10 percent or more of the applicant unless such equity owner is a publicly traded corporation.

(g) The persons described in subparagraph II(f) shall submit to the department a notarized criminal history records release form, as provided by the New Hampshire division of state police, which authorizes the release of the person's criminal records, if any. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints is necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

(h) The department shall submit the criminal history records release form to the New Hampshire division of state police, which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall release copies of the criminal

conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

(i) The department may require the applicant or licensee to pay the actual costs of each background investigation and criminal history records check.

70 New Paragraph; License Application; Use of National Organization. Amend RSA 399-D:5 by inserting after paragraph IV the following new paragraph:

V. The commissioner may license or register individuals or firms by means of or through the facilities of a national organization which facilitates registration and licensing on a nationwide basis.

71 License Denial, Revocation, or Suspension. The introductory paragraph of RSA 399-D:13, I is repealed and reenacted to read as follows:

I. The commissioner may issue an order requiring a person to whom any license has been granted or any person under the commissioner's jurisdiction to show cause why the license should not be revoked or penalties should not be imposed, or both, for violations of this chapter. The order shall give reasonable notice of the opportunity for a hearing and shall state the reasons for the issuance of the order. The commissioner may by order summarily postpone or suspend any license or application pending final determination of any order to show cause, or other order, or of any other proceeding under this section, provided the commissioner finds that the public interest would be irreparably harmed by delay in issuing such order. Upon the entry of the order, the commissioner shall promptly notify the respondent, applicant, or licensee that it has been entered and of the reasons for the order and that within 10 calendar days after receipt of a written request the matter will be scheduled for hearing. Valid delivery of such order shall be by hand or certified mail at the last known principal office of the licensee or respondent or to an officer, director, 5 percent or more owner, member, partner, or legal representative of the licensee or respondent. If the person to whom an order to show cause or other order fails to request a hearing within 30 calendar days of receipt or valid delivery of the order and no hearing is ordered by the commissioner, then such person shall be deemed in default, and the order shall, on the thirty-first day, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the commissioner, for good cause shown. A hearing, if requested, shall be scheduled not later than 10 calendar days after the written request for such hearing is received by the commissioner, after which and within 20 calendar days from the date of the hearing the commissioner shall enter an order making such disposition of the matter as the facts require. If the licensee or respondent fails to request a hearing within 30 calendar days of receipt or valid delivery of such order or fails to appear at a hearing after being duly notified, or cannot be located after a reasonable search, such person shall be deemed in default and the proceeding may be decided against the person upon consideration of the order to show cause or other order, the allegations of which may be deemed to be true. The commissioner may by order, upon due notice and opportunity for a hearing, assess penalties, deny, suspend, or revoke a license or application if it is in the public interest, or any combination of the foregoing and the applicant, licensee or respondent, any partner, officer, member, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the applicant, licensee or respondent:

72 License Denial, Revocation, or Suspension; Imposition of Penalties Added. Amend RSA 399-D:13, VII to read as follows:

VII. If the commissioner finds that any licensee or applicant for license is no longer in existence or has ceased to do business as a debt adjuster, or cannot be located after reasonable search, the commissioner may by order revoke the license, **impose penalties**, or deny the application. The commissioner may deem abandoned and withdraw any application for licensure made pursuant to this chapter, if the applicant fails to respond in writing within 180 **calendar** days to a written request from the commissioner requesting a

response. Such request shall be sent via certified mail to the last known address of the applicant that is on file with the commissioner.

73 Examinations and Investigations; Expenses. RSA 399-D:22, VII is repealed and reenacted to read as follows:

VII. The expense of such examination shall be chargeable to and paid by the licensee. The procedure for such payment shall be the same as for payments by institutions for the cost of examinations under RSA 383:11, except when the principal office of the licensee or person is located outside of this state and the department has determined that the examination must be conducted at that out-of-state location, the actual cost of travel, lodging, meals, and other expenses of examination personnel making the examination, shall be chargeable to and paid by such licensee or person in addition to the per diem charge for examination personnel set forth in RSA 383:11.

74 New Paragraph; Definitions; Department Added. Amend RSA 361-A:1 by inserting after paragraph III-a the following new paragraph:

III-b. "Department" means the banking department.

75 Definitions; Principal Added. Amend RSA 361-A:1, VIII-a to read as follows:

VIII-a. ***"Principal" of the applicant or licensee means an owner with 10 percent or more ownership interest, corporate officer, director, member, general or limited liability partner, limited partner with 10 percent or more ownership interest, trustee, beneficiary of 10 percent or more of the trust that owns the applicant or licensee, senior manager, New Hampshire branch manager, and any person occupying similar status or performing similar functions.***

VIII-b. "Principal office" means the main office location of a person required to be licensed under this chapter.

76 New Paragraph; Licensing of Sales Finance Companies and Retail Sellers Required; Use of National Organization. Amend RSA 361-A:2 by inserting after paragraph XIV the following new paragraph:

XV. The commissioner may license or register individuals or firms by means of or through the facilities of a national organization which facilitates registration and licensing on a nationwide basis.

77 Suspension or Revocation of Licenses; Any Person Under the Commissioner's Jurisdiction Added. RSA 361-A:3, I is repealed and reenacted to read as follows:

I. The commissioner may issue an order requiring a person to whom any license has been granted or any person under the commissioner's jurisdiction to show cause why the license should not be revoked or penalties should not be imposed, or both, for violations of this chapter. The order shall give reasonable notice of the opportunity for a hearing and shall state the reasons for the issuance of the order. The commissioner may by order summarily postpone or suspend any license or application pending final determination of any order to show cause, or other order, or of any other proceeding under this section, provided the commissioner finds that the public interest would be irreparably harmed by delay in issuing such order. Upon the entry of the order, the commissioner shall promptly notify the respondent, applicant, or licensee that the order has been entered and of the reasons for the order and that within 10 calendar days after receipt of a written request the matter will be scheduled for a hearing. Valid delivery of such order shall be by hand or certified mail at the last known principal office of the licensee or respondent or to an officer, director, 5 percent or more owner, member, partner, or legal representative of the licensee or respondent. If the person to whom an order to show cause or other order is issued fails to request a hearing within 30 calendar days of receipt or valid delivery of the order and no hearing is ordered by the commissioner, then such person shall be deemed in default, and the order shall, on the thirty-first day, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the commissioner, for good cause shown. A hearing, if requested, shall be scheduled not later than 10 calendar days after the written request for such hearing is received by the commissioner, after which and within 20 calendar days from

the date of the hearing the commissioner shall enter an order making such disposition of the matter as the facts require. If the licensee or respondent fails to request a hearing within 30 calendar days of receipt or valid delivery of such order or fails to appear at a hearing after being duly notified, or cannot be located after a reasonable search, such person shall be deemed in default and the proceeding may be decided against the person upon consideration of the order to show cause, or other order, the allegations of which may be deemed to be true.

78 Suspension or Revocation of Licenses; Parties Added. Amend the introductory paragraph of RSA 361-A:3, I-a to read as follows:

I-a. The commissioner may, by order, deny, suspend, or revoke any license or application if the commissioner finds that the order is in the public interest and the applicant, **respondent**, or licensee, any partner, officer, **member**, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the applicant, **respondent**, or licensee:

79 Suspension or Revocation of Licenses; Imposition of Penalties Added. Amend RSA 361-A:3, IV to read as follows:.

IV. If the commissioner finds that any licensee or applicant for license is no longer in existence or has ceased to do business as a retail seller or sales finance company, or cannot be located after reasonable search, the commissioner may by order revoke the license, **impose penalties**, or deny the application. The commissioner may deem abandoned and withdraw any application for licensure made pursuant to this chapter, if any applicant fails to respond in writing within 180 **calendar** days to a written request from the commissioner requesting a response. Such request shall be sent via certified mail to the last known address of the applicant that is on file with the commissioner.

80 New Paragraph; Definitions; Department Added. Amend RSA 397-B:1 by inserting after paragraph I the following new paragraph:

I-a. "Department" means the banking department.

81 New Paragraph; Definitions; Principal Added. Amend RSA 397-B:1 by inserting after paragraph IV the following new paragraph:

V. "Principal" of the applicant or licensee means an owner with 10 percent or more ownership interest, corporate officer, director, member, general or limited liability partner, limited partner with 10 percent or more ownership interest, trustee, beneficiary of 10 percent or more of the trust that owns the applicant or licensee, senior manager, New Hampshire branch manager, and any person occupying similar status or performing similar functions.

82 Administration by Commissioner; Rulemaking; Imposition of Penalties Added. Amend RSA 397-B:3, VII to read as follows:

VII. If the commissioner finds that any registrant or applicant for registration is no longer in existence or has ceased to do business as a mortgage servicing company, or cannot be located after reasonable search, the commissioner may by order revoke the registration, **impose penalties**, or deny the application. The commissioner may deem abandoned and withdraw any application for registration made pursuant to this chapter, if any applicant fails to respond in writing within 180 **calendar** days to a written request from the commissioner requesting a response. Such request shall be sent via certified mail to the last known address of the applicant that is on file with the commissioner.

83 Administration by Commissioner; Rulemaking; Procedures. RSA 397-B:3, VIII is repealed and reenacted to read as follows:

VIII. The commissioner may issue an order requiring a person to whom any registration has been granted or any person under the commissioner's jurisdiction to show cause why the registration should not be revoked or penalties should not be imposed, or both, for violations of this chapter. The order shall give reasonable notice of the opportunity for a hearing and shall state the reasons for the issuance of the order. The commissioner may by order summarily postpone or suspend any application or registration pending final determination of any order to show cause, cease and desist, or other order, or of any other proceeding under this section, provided the commissioner finds that the public interest would

be irreparably harmed by delay in issuing such order. A registration may be revoked for violations of this chapter or any rule or order thereunder. The commissioner may issue a cease and desist order against any registrant or person whom he or she has reasonable cause to believe is in violation of the provisions of this chapter or any rule or order under this chapter. Upon entry of an order, the commissioner shall promptly notify the respondent, applicant, or registrant that the order has been entered and of the reasons for the order and that within 10 calendar days after receipt of a written request the matter will be scheduled for hearing. Valid delivery of such orders shall be by hand or certified mail at the last known principal office of the applicant, registrant, or respondent or to an officer, director, 5 percent or more owner, member, partner, or legal representative of the registrant, applicant, or respondent. If the person to whom an order to show cause, cease and desist, or other order is issued fails to request a hearing within 30 calendar days of receipt or valid delivery of the order and no hearing is ordered by the commissioner, then such person shall be deemed in default and the order shall, on the thirty-first day, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the commissioner, for good cause shown. A hearing, if requested, shall be scheduled not later than 10 calendar days after the written request for such hearing is received by the commissioner after which and within 20 calendar days from the date of the hearing the commissioner shall enter an order making such disposition of the matter as the facts require. If the licensee or respondent fails to request a hearing within 30 calendar days of receipt or valid delivery of such order or fails to appear at a hearing after being duly notified, or cannot be located after a reasonable search, such person shall be deemed in default and the proceeding may be decided against the person upon consideration of the order to show cause, cease and desist, or other order, the allegations of which may be deemed to be true.

84 Administration by Commissioner; Rulemaking; Hearing Added. Amend the introductory paragraph of RSA 397-B:3, IX to read as follows:

IX. The commissioner may by order, ***after notice and opportunity for hearing, assess penalties or*** deny, suspend, or revoke any registration or application if the commissioner finds that the order is in the public interest and the applicant or registrant, any partner, officer, ***member,*** or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the applicant, ***respondent,*** or registrant:

85 New Paragraph; Registration; Use of National Organization. Amend RSA 397-B:4 by inserting after paragraph II the following new paragraph:

III. The commissioner may license or register individuals or firms by means of or through the facilities of a national organization which facilitates registration and licensing on a nationwide basis.

86 Prohibited Pledges; Statutory Reference Changed. Amend RSA 398:2, II to read as follows:

II. In excess of 4 motor vehicles or titles to motor vehicles, as defined in RSA 361-A:1, [V]***VII;***

Amend the bill by replacing section 88 with the following:

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

AMENDED ANALYSIS

This bill:

I. Makes RSA 397-A applicable to all mortgages.

II. Requires background checks for principals of certain financial businesses regulated by the commissioner.

III. Increases the fee for mortgage banker and broker licenses.

IV. Adds agents and originators to the persons covered by mortgage licenses.

V. Clarifies the limits of certain time periods.

VI. Allows the commissioner to accept examinations of financial condition conducted by regulators in other states and the federal government.

VII. Allows the commissioner to share information with regulators in other states and the federal government.

VIII. Repeals the chapter relative to second mortgage home loans.

IX. Allows the commissioner to use certain national organizations to facilitate licensing. This bill is a request of the banking department.

SB 179, requiring hunters to report the death or injury of domestic animals. OUGHT TO PASS WITH AMENDMENT

Rep. James G. Phinizy for Environment and Agriculture: This bill outlines the steps that a responsible hunter should follow reporting the death or injury of a domestic animal. The bill, as amended, was approved jointly by members of the committees on Environment and Agriculture (18-0) and Fish and Game (8-0) after work by a joint subcommittee. Vote 18-0.

Amendment (1423h)

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

1 Shooting Domestic Animals; Liability. RSA 207:39-a is repealed and reenacted to read as follows:

207:39-a Shooting Domestic Animals; Liability. Any person, while actually engaged in hunting or in the pursuit of wild animals or wild birds, who causes death, injury, or damage to domestic animals, ducks, or fowl shall be liable for damages to the owner of the animals.

2 New Sections; Reporting the Death or Injury of Domestic Animals. Amend RSA 207 by inserting after section 39-a the following new sections:

207:39-b Intentional or Negligent Shooting of Domestic Animals; Penalty. Any person, while actually engaged in hunting or in pursuit of wild animals or wild birds who knowingly or purposely causes death, injury, or damage to such domestic animals, ducks, or fowl through the discharge of a firearm or bow and arrow may have his or her license to hunt revoked and he or she may not be granted a license to hunt for a period not to exceed 5 years. The provisions of this section shall not apply to a hunter killing or injuring his or her own animal or a borrowed animal or one used by another member of the same hunting party, other than being liable to the owner of the animal. The executive director of the fish and game department may make such revocation and suspension of the privilege of obtaining a license and determine the term of such suspension when, in the executive director's opinion, reasonable evidence of a violation of the provisions of this section exist.

207:39-c Reporting the Death or Injury of Domestic Animals. Any person who negligently or accidentally causes death, injury, or damage to domestic animals through the discharge of a firearm or bow and arrow shall immediately report the death, injury, or damage to the local police department, and in the case of injury to such domestic animals, shall render aid to the animal in an attempt to save the animal's life.

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

AMENDED ANALYSIS

This bill requires hunters to render aid and to report the death or injury of domestic animals.

SB 201, making technical corrections to certain environmental laws and the small business technical assistance program. OUGHT TO PASS WITH AMENDMENT

Rep. Betty B. Hall for Environment and Agriculture: This bill makes technical corrections requested by the Department of Environmental Services. It also allows for innovative environmental compliance programs for small business. Vote 18-0.

Amendment (0648h)

Amend RSA 21-O:19, I(e) as inserted by section 1 of the bill by replacing it with the following:

(e) Provide small business advocacy and representation on environmentally related activities within the department.

Amend RSA 147-A:5, IV(f) as inserted by section 4 of the bill by replacing it with the following:

(f) Small quantity hazardous waste generators that are participants in a department-developed multi-media compliance assurance program referred to as an environment results program, or ERP, shall be exempt from this paragraph.

SCR 1, endorsing a farm viability task force. **OUGHT TO PASS WITH AMENDMENT**
Rep. Jane E. Beaulieu for Environment and Agriculture: This resolution recognizes that farming and other agricultural interests need much more attention as they are a vital part of New Hampshire's economy. Agriculture is intertwined with many different state agencies and programs. There is also a need to identify current and potentially burdensome rules and regulations. The committee feels the State of New Hampshire must assist in promoting and expanding agricultural based tourism, community supported agriculture, farmers' markets, farm stands and pick-your-own enterprises. Vote 18-0.

Amendment (0714h)

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

That a farm viability task force comprised of 15 people be established by the governor, which would include agricultural agencies and all agricultural interests, and to include in its duties:

I. Reviewing and utilizing the 1979 New Hampshire food policy committee report, studying and documenting the role and contributions New Hampshire agriculture plays in a healthy and safe local food supply and in maintaining open space; and

II. Exploring the need and options for funding the University of New Hampshire cooperative extension agriculture positions; and

III. Studying the applicability and benefit of the farm viability programs found in our neighboring states to New Hampshire agriculture; and

IV. Identifying current and potentially burdensome rules and regulations to agriculture and ways the state of New Hampshire can assist; and

V. Promoting and expanding agricultural based tourism, community supported agriculture, farmers' markets, farm stands, agricultural fairs, the horticulture industry, and pick-your-own enterprises.

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

Rep. William R. Zolla for Executive Departments and Administration: This bill would allow 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 by the director of charitable trusts in the department of justice or the probate court when and where appropriate. This must be done prior to the trustees of the trust taking a vote on the change. The amendment to this bill requires that public notification be placed in a newspaper of general circulation by the trustees upon application for change to the director of charitable trusts. It is the intent of this act to allow such organizations to keep up with and accommodate social changes while complying with their original basic mission. Vote 17-0.

Amendment (1566h)

Amend RSA 292:8-1, II as inserted by section 1 of the bill by replacing it with the following:

II. Change its purpose by a majority vote of said corporation. A written notice of the proposed change shall be provided to the director of charitable trusts, department of justice and the notice of proposed changes shall be published in a newspaper of general circulation by the trustees at least 30 days before the vote is taken. If legal cause exists which would prevent the proposed change in purpose, the director of charitable trusts shall have 30 days to notify the corporation of any additional requirements. A certified copy of the vote shall be filed in the office of the secretary of state. The fee for recording said certified copy in the office of the secretary of state shall be \$10. Nothing in this paragraph shall be construed to supercede the intent of RSA 7:19 – RSA 7:32-a.

AMENDED ANALYSIS

This bill establishes a procedure for non-profit corporations to extend their powers.

SB 79, relative to the governance of the regional community-technical colleges. OUGHT TO PASS WITH AMENDMENT

Rep. James B. Coburn for Executive Departments and Administration: This bill supports the board of trustees' plan for expanding community awareness in all seven major locations and in expanding the college offerings to satisfy local community needs. The bill expands the number of college presidents from four to seven by assigning a president to each major location, to be paid from increased enrollment and tuitions. It also increases the number of board members from the general public from two to five, provides the board with more authority in determining the future organization and administrative structure of the system, and defines how various positions are nominated and approved. Finally, the bill removes the site specific titles for the presidents and creates a generic title: president, regional community- technical college. The committee applauds the efforts of the board to expand the role of the regional-technical colleges in meeting specific regional community technical education needs. Vote 16-0.

Amendment (1625h)

Amend the bill by replacing all after section 3 with the following:

4 New Paragraph; Regional Community-Technical Colleges; Duties. Amend RSA 188-F:4-a by inserting after paragraph VI the following new paragraph:

VII. Submit recommendations, if any, for the nomination of a commissioner to the governor and council.

5 Department of Regional Community-Technical Colleges; Department Office. RSA 188-F:5 is repealed and reenacted to read as follows:

188-F:5 Department Office; Rulemaking.

I. The governor and council shall appoint a commissioner of regional community-technical colleges, who shall be the chief executive officer of the department. The commissioner shall be qualified by education and experience and shall have a 4-year term. The salary of the commissioner shall be that established in RSA 94:1-a.

II. The commissioner shall nominate a deputy commissioner, with the approval of the board of trustees, who shall be confirmed by the governor and council. The deputy commissioner shall serve at the pleasure of the board of trustees. The salary of the deputy commissioner shall be that established in RSA 94:1-a.

III. The commissioner shall nominate for appointment by the board of trustees, an unclassified director of financial management. The director shall serve at the pleasure of the board of trustees. The director shall be qualified to hold the position by reason of education and experience. The salary of the director shall be as specified in RSA 94:1-a. The director shall be responsible for the following functions:

- (a) Human resources, employee relations, and payroll.
- (b) Accounts payable, including purchasing.
- (c) Accounts receivable, including tuition and student fees.

(d) Financial analyses and financial control, including budget development and expenditure management.

(e) Financial management of grants and development funds.

IV. The commissioner shall nominate for appointment by the board of trustees, an unclassified chief technology officer who shall serve at the pleasure of the board of trustees and who shall be qualified to hold the position by reason of education and experience. The chief technology officer shall be responsible for developing, enhancing, and maintaining the educational and administrative technological infrastructure needed for the community-technical college system to achieve its instructional and business goals, and for leading all aspects of the regional community-technical college system's information technology planning, resources, operations, and services. The salary of the chief technology officer shall be as specified in RSA 94:1-a.

V. The commissioner shall adopt rules, under RSA 541-A, relative to regulating the operation of the department and its institutions. Such rules shall include, but not be limited to:

(a) The rights and responsibilities of students.

(b) Admissions requirements.

(c) Requirements for use of system facilities by outside parties.

6 Regional Community-Technical Colleges; Presidents. Amend RSA 188-F:8 to read as follows:

188-F:8 Presidents of the Regional Community-Technical Institute and Colleges. The commissioner shall nominate, subject to ~~[approval]~~ **confirmation** by the board of trustees, a president of each regional institution who shall ~~[be confirmed by the governor and council]~~ **report to the commissioner**. Presidents shall be qualified by education and experience and shall serve at the pleasure of the board of trustees. The salary of the presidents shall be established by **the board of trustees in accordance with** RSA 94:1-a.

7 Compensation of State Officers; Salary of Presidents of Community-Technical Colleges. Amend RSA 94:1-a, I(b) as follows:

Delete:

HH Department of regional community-technical colleges president, Laconia and Berlin

HH Department of regional community-technical colleges president, Nashua and Claremont

II Department of regional community-technical colleges president, Concord

II Department of regional community-technical colleges president, Manchester and Stratham

Insert in place thereof:

II Department of regional community-technical colleges president, regional community-technical college

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

SB 115-FN, relative to the transfer of responsibility for asbestos-related issues from the department of health and human services to the department of environmental services.

OUGHT TO PASS WITH AMENDMENT

Rep. Nelson S. Allan for Executive Departments and Administration: This bill was at the request of the Department of Environmental Services to "clean-up" issues generated when SB 534 passed in the last session transferred the asbestos program from the Department of Health and Human Services to the Department of Environmental Services. The asbestos advisory committee membership was increased by adding a Department of Transportation representative and Department of Environmental Services authority to impose fines and promulgate rules is clarified. Vote 15-3.

Amendment (1318h)

Amend RSA 141-E:3, V as inserted by section 5 of the bill by replacing it with the following:

~~[(e)]~~V. Conduct such medical and scientific studies of workers presently or previously exposed to asbestos material as necessary to fully understand, define, and describe the actual health consequences of such exposure in their workplaces. The commissioner ~~[of health and human services]~~ shall strive to determine before undertaking such studies that similar research has not already been performed or is not currently under review by other agencies.

SB 173, relative to exceptions to licensure for electricians. **OUGHT TO PASS**

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill adds the exclusion from licensure the electrical installations in residential or commercial buildings performed by students in college vocational electrical programs and apprenticeship and training programs to the currently allowed installations by high school vocational electrical program performed under supervision of either a teacher holding an electrician's license or by a supervisor of students in cooperative educational placement for such programs. Vote 17-0.

SB 137-FN-A, relative to the Conway Branch railroad. **OUGHT TO PASS**

Rep. Linda T. Foster for Finance: This bill directs the Department of Transportation to research the availability of federal funds to rebuild and modernize the state-owned portion of the Conway Branch railroad and to issue a report detailing their findings. The report shall be distributed to the Speaker of the House, the President of the Senate and the Governor on or before June 30, 2006. Vote 21-0.

SB 199, establishing exemptions from certain administrative requirements for the department of regional community-technical colleges. **OUGHT TO PASS WITH AMENDMENT**

Rep. Linda T. Foster for Finance: This bill, as amended, allows the community technical colleges to accept and expend government and private grants without the approval of the Governor and Council and exempts them from hiring delays, hiring and equipment freezes or budget reduction orders. Both exemptions are granted on a trial basis until July 1, 2007. It also allows the colleges to enter into food service, IT and advertising contracts without approval and protects the existing vending contracts with the sight-impaired. The committee deleted the provision that would have allowed the colleges to be exempt from indirect administrative costs. The amended bill will allow the community technical colleges to better serve their students in a more effective, efficient and timely manner. Vote 21-0.

Amendment (1561h)

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

1 New Paragraph; Regional Community-Technical Colleges; Duties. Amend RSA 188-F:4-a by inserting after paragraph III the following new paragraph:

III-a. Accept and expend any moneys appropriated by or received from the United States government, and any private grant moneys received, without the approval of the governor and council, for the benefit and support of the regional community-technical colleges, and instruct the department of administrative services to establish new budget line items in the amount of any such grant as necessary to implement the grant.

2 New Paragraphs; Regional Community-Technical Colleges; Duties. Amend RSA 188-F:14-b by inserting after paragraph VII the following new paragraphs:

VIII. Enter into contracts, after competitive bidding pursuant to RSA 21-I, to provide food services at any of the regional community-technical college campuses.

IX. Notwithstanding the provisions of RSA 4-D, enter into contracts for the purchase and maintenance of information technology equipment, software, and any related products

the commissioner deems necessary for the proper support and benefit of the regional community-technical colleges.

3 New Section; Regional Community-Technical Colleges; Exemptions. Amend RSA 188-F by inserting after section 13 the following new section:

188-F:13-a Exemptions. The department of regional community-technical colleges shall be exempt from any hiring delay, hiring freeze, or prohibition on equipment purchases issued by executive order, and shall further be exempt from any departmental budget reduction orders which may be issued during the fiscal year.

4 Repeal. The following are repealed:

I. RSA 188-F:4-a, III-a, relative to the authority of the regional community-technical colleges board of trustees to accept and expend any moneys appropriated by or received from the United States government, and any private grant moneys received, without the approval of the governor and council.

II. RSA 188-F:13-a, relative to the department of regional community-technical colleges' exemption from a hiring delay, hiring freeze, prohibition on equipment purchases, and departmental budget reduction order.

5 New Paragraph; Regional Community-Technical Colleges; Personnel. Amend RSA 188-F:13 by inserting after paragraph III the following new paragraph:

IV. Notwithstanding RSA 4:15, the department of regional community-technical colleges shall have the authority to enter into contracts and expend funds related to advertising and marketing. All expenses shall be processed as unencumbered payments with the approval of the commissioner or designee.

6 Effective Date.

I. Section 4 of this act shall take effect July 1, 2007.

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

AMENDED ANALYSIS

This bill allows the department of regional community-technical colleges to:

I. Accept and expend any federal moneys or private grant funds without the approval of the governor and council or meeting the computation of indirect costs requirements until July 1, 2007.

II. Enter into contracts for food services, after competitive bidding, at any of its campuses.

III. Be exempt from any hiring delay, hiring freeze, equipment purchase freeze, or budget reduction order until July 1, 2007.

IV. Enter into contracts and expend funds related to advertising and marketing without the approval of governor and council.

SB 80, permitting the Emerald Lake village district to enact and enforce regulations to protect its public water supply and to have a health officer. **INEXPEDIENT TO**

LEGISLATE

Rep. Robert W. Brundige for Municipal and County Government: This bill would allow the Emerald Lake Village District to have authority to institute enforcement of any and all state laws that directly or indirectly protect public water supplies or their groundwater or surface water sources that, in this instance, includes over 1600 acres that is privately owned and outside the village district boundaries. RSA 485:48 sets up the procedures by which the Department of Environmental Services (DES) institutes a wellhead protection program in conjunction with the local community. RSA 483-B sets up procedures for shoreland protection for local land use board's adoption. RSA 485-C sets up the procedures to have the office of state planning assist municipalities to regulate and protect groundwater. This bill as originally proposed would have transferred all this local authority from the town of Hillsborough to the Emerald Lake Village District with no vote of the taxpayers in the town of Hillsborough. This bill also requested authority for the district to enforce state statutes for the control of junk yards and automotive recycling yards per RSA 236:90-129. This bill

also sought a health officer position that would be deemed a deputy health officer of the town of Hillsborough with all the powers of a health officer within the Emerald Lake Village District boundaries. RSA 147:1 sets up the procedures where the health officer of a town makes rules and regulations with the approval of the governing body that are recorded by the town clerk and published in a town wide newspaper and posted in two public places permanently. The committee determined that any town health officer may employ as many assistants as deemed necessary per RSA 147:5. The committee feels that the Emerald Lake Village District would only need to place an article on the village district's warrant to appropriate the necessary funds to support the position of a deputy health officer as an employee of the town. This being said the committee feels that the bill is unnecessary. Vote 14-0.

SB 127-FN, relative to the regional community-technical college system's acquisition of the building currently leased from the Pease development authority. **OUGHT TO PASS WITH AMENDMENT**

Rep. James B. Rausch for Public Works and Highways: Section 1 of this legislation authorizes the Regional Community Technical Colleges to purchase the building at 320 Corporate Drive, Portsmouth, NH from the Pease Development Authority (PDA) for a sum not to exceed \$3,800,000. It also stipulates that prior to the building acquisition the PDA and Regional Community Technical College shall enter into a land lease agreement for a term of not less than 50 years for the 13 acres of land associated with 320 Corporate Drive. The annual lease shall be \$13,000 per acre and after 10 years will be adjusted by the CPI for each 5 year period thereafter. Section 1, additionally, makes provisions for a building and land lease should the building purchase not occur on or before July 1, 2005. The lease agreement in this case shall be \$675,000 per year. It is important to know that the money for the building purchase, land lease and provisional lease should the purchase not occur on July 1st are all in exchange for the state reducing the PDA's debt owed to the state relative to start-up funding costs incurred by the state. That debt balance of interest and principle is currently \$21,127,901. Also, the land lease is necessary because federal requirements for support of the airport do not allow for the sale of real estate at the PDA. Section 2 of the legislation transfers the Regional Community Technical College campus from Stratham to Pease on or before July 1, 2009. It also stipulates that the Stratham campus be sold for not less than fair market value. The transfer of the campuses shall have Capital Budget Overview Committee review every 6 months until the transfer is complete. The real estate sale shall be subject to approval of the Long Range Capital Planning and Utilization Committee. Section 5 allows the library construction funds, originally appropriated for Stratham, to be transferred to the Pease campus for the purpose of a library expansion, academic program support and critical maintenance. Section 6 makes specific references to extending three lapse dates to June 30, 2007 for the capital appropriations needed to accomplish the purpose in Section 5. Section 7 allows the Community Technical College to use these funds at their discretion subject to approval of the Capital Budget Overview Committee. The committee felt strongly that moving the Community Technical College from Stratham to Pease and expanding the Pease campus is necessary. Sections 5, 6 and 7 are needed to upgrade the building at Pease as part of relocating the Stratham campus. This amendment in its entirety is structured to accomplish the task of merging two campuses into one for a more economic and efficient community technical college system. This amendment received unanimous support from the committee. Vote 16-0.

Amendment (1570h)

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

AN ACT relative to the department of regional community-technical colleges acquisition of the building currently leased from the Pease development authority and relative to transferring the Stratham campus of the regional community-technical colleges to Pease.

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

1 Acquisition of Property by the Department of Regional Community-Technical Colleges.

I. Notwithstanding RSA 12-G:8, V or any other provision of law, the Pease development authority shall transfer the building located on the premises at 320 Corporate Drive, Portsmouth, New Hampshire, to the department of regional community-technical colleges and the department of regional community-technical colleges shall acquire the building located on the premises at 320 Corporate Drive, Portsmouth, New Hampshire, from the Pease development authority for fair market appraised value, not to exceed \$3,800,000. In exchange, the state shall reduce by \$3,800,000 the Pease development authority's debt owed to the state relative to start-up funding costs under RSA 12-G:34; and 1991, 355:110, as amended by 1992, 260:11; 1992, 260:12, as amended by 1993, 358:3; 1994, 415:1; and 1995, 307:10. Prior to acquisition by the department of regional community-technical colleges, the Pease development authority shall obtain required federal approval for the sale proceeds to be used to reduce the Pease development authority's outstanding debt to the state.

II. Prior to acquisition by the department of regional community-technical colleges under paragraph I, and notwithstanding RSA 4:39-b or any other provision of law, the department of regional community-technical colleges and the Pease development authority shall negotiate and execute a ground lease for a term of not less than 50 years with an option to extend the term of the lease, for the 12.79 acres on which the building known as 320 Corporate Drive is located. In exchange, the state shall reduce by the amount of the lease payments the Pease development authority's debt owed to the state relative to start-up funding costs under RSA 12-G:34; and 1991, 355:110, as amended by 1992, 260:11; 1992, 260:12, as amended by 1993, 358:3; 1994, 415:1; and 1995, 307:10. Ground lease payments shall be calculated as follows:

(a) For years 1 through 10, the annual lease payment amount shall be \$13,000 per acre, which also shall be the "base rate" for years 11 through 15 under subparagraph (b).

(b) For years 11 through 15, and for each 5-year period thereafter, the lease payment shall be a fixed annual payment equal to the base rate for the immediately preceding 5-year period, plus a CPI adjustment for the preceding 5-year period, provided that in no event shall the CPI adjustment be calculated based upon a CPI increase of more than 3 percent for any single year, and the aggregate CPI adjustment shall not exceed 12 percent for any 5-year period. The lease payment shall be adjusted as provided under this subparagraph in years 11, 16, and every 5 years thereafter for the duration of the lease term.

(c) In this paragraph, "CPI" means the Consumer Price Index for All Urban Consumers applicable to the Boston area (all items 1982-1984=100), published by the Bureau of Labor Statistics, Department of Labor.

III. If the department of regional community-technical colleges cannot acquire the building known as 320 Corporate Drive on or before July 1, 2005, then notwithstanding RSA 4:39-b or any other provision of law, and in lieu of the ground lease under paragraph II, the department of regional community-technical colleges and the Pease development authority shall enter into a lease agreement for the entirety of the building and 12.79 acres known as 320 Corporate Drive for the sum of \$675,000 per year. The lease term shall be until such time as the acquisition by the department of regional community-technical colleges is complete. In exchange, the state shall reduce by \$675,000 per year, starting with the commencement of the lease on July 1, 2005, the Pease development authority's outstanding debt to the state relative to start-up funding costs under RSA 12-G:34; and 1991, 355:110, as amended by 1992, 260:11; 1992, 260:12, as amended by 1993, 358:3; 1994, 415:1; and 1995, 307:10. If the department of regional community-technical colleges acquires the building known as 320 Corporate Drive after July 1 but before June 30 in any fiscal year, the debt reduction due to the authority for the sale of the building shall be reduced by prorating the lease payments made in advance during the fiscal year.

2 Transfer of Regional Community-Technical College Campus from Stratham to Pease. On or before July 1, 2009, the department of regional community-technical colleges shall close the Stratham campus and transfer all educational and administrative functions to either the Pease campus, located at 320 Corporate Drive, Portsmouth or other regional community-technical college campuses. The commissioner of the department of regional community-technical colleges and president of the regional community-technical college at Stratham, or their designees, shall meet with the capital budget overview committee within 6 months of the effective date of this act to review and secure preliminary approval of the exit strategy for the Stratham campus. Officials from the department of regional community-technical colleges shall provide the capital budget overview committee with a progress report on the transfer from Stratham to Pease every 6 months, until the transfer is complete. As part of the relocation process, the Stratham campus shall be sold for not less than its fair market appraised value, subject to the approval of the long range capital planning and utilization committee. Proceeds from the sale shall be used, subject to the approval of the capital budget overview committee, to reduce outstanding state bond obligations for capital projects located on the campuses of the regional community-technical colleges.

3 Department of Regional Community-Technical Colleges to Explore Aviation Programs Meeting Approval of the Federal Aviation Administration. The department of regional community-technical colleges shall explore the possible establishment of a Federal Aviation Administration (FAA)-approved aviation related career program or curriculum at 320 Corporate Drive, Portsmouth, New Hampshire that would assist the FAA in accomplishing its mission and enhance the possibility that such program would yield a favorable decision by the FAA to eliminate or reduce the state's lease obligation at that location.

4 Regional Community-Technical Colleges; Reference Change. Amend RSA 188-F:2 to read as follows:

188-F:2 Department Established. There shall be a department of regional community-technical colleges which shall be governed by a board of trustees. The department shall be a state agency and shall consist of the office of the commissioner; the New Hampshire regional community-technical institute and colleges including, but not limited to, campuses in Berlin, Claremont, Concord, Laconia, Manchester, Nashua, Stratham, **Pease**, and associated off-campus programs; and the police standards and training council.

5 Purpose Amended; Library Construction Funds Transferred to Pease Campus from Stratham Campus. Amend 2003, 240:1, III, A to read as follows:

A. Library Expansion - Academic Program Support **and Critical Maintenance** – [~~Stratham~~] **Pease** \$ 2,373,000

6 Lapses Extension; Regional Community-Technical Colleges; Library Expansion and Critical Maintenance Funds. The following capital appropriations are hereby extended to June 30, 2007:

I. The appropriation made to the community-technical college system in 2003, 240:1, III, A, as amended by section 5 of this act, for library expansion, academic program support and critical maintenance, Pease.

II. The appropriation made to the community-technical college system in 1999, 226:1, IV, C, as extended by 2001, 202:28, XLVIII, and 2003, 240:34, XXI, for maintenance/critical repairs.

III. The appropriation made to the community-technical college system in 2003, 240:1, III, G for critical repairs.

7 Pease and Stratham Campuses; Funding Allocation. Notwithstanding any other provision of law, any prior capital appropriation to the community-technical college system for maintenance or critical repairs at the Stratham campus may be used, at the discretion of the community-technical college system, at the Pease campus, subject to approval of the capital budget overview committee, provided that such funds have not lapsed and are otherwise available to the department for expenditure.

8 Repeal. 2001, 158:67, relative to lease agreement between the Pease development authority and the department of regional community-technical colleges, is repealed.

9 Effective Date.

I. Section 6 of this act shall take effect June 30, 2005.

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

AMENDED ANALYSIS

This bill directs the department of regional community-technical colleges to acquire a building from the Pease development authority and to transfer the Stratham campus of the college to Pease. The bill also permits the department of regional community-technical colleges to use certain funds previously appropriated to Stratham at Pease.

SB 108-FN, relative to newborn screening tests and fees for newborn screening tests.

OUGHT TO PASS WITH AMENDMENT

Rep. Susan W. Almy for Ways and Means: This bill enables adding five tests to the newborn screening panel, at a cost of an additional \$17 per newborn, paid by the hospitals, which expenditure is expected to save a great deal more in future medical costs. The hospitals, patient advocates, and the Department of Health and Human Services are in complete agreement on the need for and funding of the tests. The bill also allows DHHS to write rules within the Joint Legislative Committee on Administrative Rules (JLCAR) process to streamline all future test and fee approvals, and this step has been approved already by the House and Senate. This committee amendment addresses the financial mechanism. It specifies a dedicated fund to which the newborn screening fees will be sent, and requires a public hearing before new tests or fees shall be set. The Legislative Budget Office has been alerted so that the final state budget bill will reflect the changes in expenditures and revenues. Vote 16-3.

Amendment (1576h)

Amend RSA 132:10-a, II and III as inserted by section 1 of the bill by replacing it with the following:

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. All such fees shall be paid into the newborn screening fund, hereby established in the state treasury. Moneys from the newborn screening fund established under this section shall be nonlapsing and shall be continually appropriated for use by the department to cover laboratory analysis and related newborn screening 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. Any proposals for recommending new tests or fees shall require a public hearing to be held on the proposal by the newborn screening advisory committee.

Amend the bill by replacing all after section 2 with the following:

3 New Subparagraph; Treasury; Application of Receipts; Exception. Amend RSA 6:12, I(b) by inserting after subparagraph 235 the following new subparagraph:

(236) Moneys received from fees charged for newborn screening tests under RSA 132:10-a, which shall be credited to the newborn screening fund.

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

REGULAR CALENDAR

SB 132, relative to the board of marital mediator certification. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mary Beth E. Walz for the Majority of Children and Family Law: This bill amends the statute governing the Marital Mediator Certification Board by updating technical language and requirements in law. The bill changes the terms of board members to 3-year terms and restores the system for staggered terms. It enumerates the duties of the board. The bill redefines the board's rulemaking authority. The board is authorized to act on its own complaint for disciplinary proceedings. It clarifies appellate procedures. The bill inserts a "good character" requirement for mediators and requires recommendations satisfactory to the board prior to certification. It also allows for more flexibility in meeting the continuing education requirements by permitting 14 hours every three years rather than 8 hours each year. Vote 12-4.

Rep. Daniel C. Itse for the Minority of Children and Family Law: The minority of the committee could not agree with the majority because all certification of course work resides with the board. There is no mechanism for a marital mediation training program offered by an institution of higher learning to offer certification to its graduates. All the power rests with the board.

Majority Amendment (1575h)

Amend RSA 328-C:4-a as inserted by section 6 of the bill by replacing it with the following:

328-C:4-a Duties of the Board. The board shall:

I. Compile and maintain a list of certified marital mediators and certified marital mediator training programs and make such list available to the general public online through the official internet site for the state of New Hampshire.

II. Establish procedures and fees for the applications for certification, reinstatement of certification, and renewal of certification of marital mediators and of marital mediator training programs.

III. Establish eligibility requirements for the certification, renewal certification, and reinstatement certification of marital mediators and marital mediator training programs.

IV. Establish marital mediator training and continuing education requirements.

V. Adopt ethical standards and standards of practice for marital mediators.

VI. Investigate complaints and take necessary disciplinary action as authorized by this chapter.

VII. Establish reporting requirements for certified training programs.

Amend RSA 328-C:5, II(d) as inserted by section 7 of the bill by replacing it with the following:

(d) Submission of at least 3 recommendations ***satisfactory to the board*** from persons who have participated with the applicant in marital mediation work. These recommendations shall meet any additional requirements established by rules adopted by the board ***pursuant to RSA 541-A***.

Amend the bill by deleting section 8 and renumbering the original sections 9-16 to read as 8-15, respectively.

Amend RSA 328-C:6 as inserted by section 10 of the bill by replacing it with the following:

328-C:6 ~~[Certification Renewal]~~ ***Continuing Education***. ~~[Each marital mediator or marital mediation program shall renew its certification with the board once every 3 years.]~~

To renew ~~[such]~~ ***a*** certification, each marital mediator shall provide evidence of attendance ~~[of at least 8 hours annually in a]~~ ***within the last 3 years of at least 24 hours of***

continuing education ~~[program]~~ approved by the board. A certified marital ~~[mediation]~~

mediator training program seeking renewal shall provide evidence that ***it has met any reporting requirements established under RSA 328-C:4-a and that*** each of the marital mediators associated with the program has met the annual continuing education requirements ~~[of this section]~~.

Amend RSA 328-C:8, I as inserted by section 13 of the bill by inserting after subparagraph (i) the following new subparagraph:

(j) Reporting requirements for certified training programs.

Amend RSA 328-C:11, I as inserted by section 14 of the bill by replacing it with the following:

I. The board may establish fees for:

(a) Applications, certification, conditional certification, renewal of certification, temporary renewal of certification, and reinstatement of certification.

(b) The filing of requests for information not governed by RSA 91-A.

(c) The filing of complaints and petitions.

(d) The processing of changes to information of record.

Majority amendment adopted.

Majority committee report adopted and ordered to third reading.

SB 44, establishing a study committee on student credit card debt and regulation of credit card solicitation on college campuses. **INEXPEDIENT TO LEGISLATE**

Rep. James F. Headd for Commerce: This bill is an issue of personal responsibility and it is not within the purpose of the legislature to legislate personal responsibility. There are several organizations which are heavily engaged in the training and education in the use of credit cards. They are all nonprofit and are doing an excellent job. The Consumer Protection Division of the Attorney General's Office has an existing, ongoing program educating the youth of our state. Vote 13-5.

Adopted.

SB 38-FN, relative to school building aid for certain receiving districts. **OUGHT TO PASS**

Rep. Daniel M. Hughes for Finance: This bill allows receiving districts providing education to pupils from sending districts to receive annual school building aid under certain conditions. Current law allows "area schools" receiving districts, cooperative school districts and joint maintenance agreement districts to be eligible for annual grants for a formulated percent of the principal of construction or school purchase loans. Added to the three aforementioned school aid eligibility arrangements would be "tuition agreements" towns. Currently "tuition agreements" are not covered by the multi-district school building aid statutes for increased levels of aid for schools serving the students of several communities. This bill levels the playing field of school finance by allowing "tuition agreement" towns to participate in multi-district school building aid. A ten-year or longer contract would be required and it would also require the receiving town to educate at least 70% of the public school students at a particular grade from the sending district. It would contain provisions for the payment of capital cost of specific capital projects and state in which manner the school building aid is to be credited to the school districts for those years in which the contract is in effect. This bill is economical. It permits increased aid when several districts take advantage of the economies of scale and undertake high school education together. By pooling their efforts, education is provided at a lower cost than would be available otherwise. The state also saves because the state reimbursement requirement would be greater if each town had its own high school. This bill passed the House previously on a voice vote. Vote 13-9.

MOTION TO LAY ON THE TABLE

Rep. Dodge moved that **SB 38-FN**, relative to school building aid for certain receiving districts, be laid on the table, and the motion failed.

Committee report adopted and ordered to third reading.

SB 90-FN-A-L, relative to kindergarten construction aid. **OUGHT TO PASS**

Rep. Kenneth H. Gould for Finance: This bill extends the public kindergarten construction program and extends the authority to bond through the fiscal year ending June 30, 2006. State grants to eligible districts that currently do not operate a public kindergarten will cover 75% of actual cost of construction. This bill increases bonded appropriation for this program by \$1,000,000. Vote 17-4.

MOTION TO LAY ON THE TABLE

Rep. Dodge moved that, ***SB 90-FN-A-L***, relative to kindergarten construction aid, be laid on the table, and the motion failed.

Committee report adopted and ordered to third reading.

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

Rep. Sharon Nordgren for Finance: This bill was requested by the Department of Health and Human Services in response to the Federal Medicare Prescription Drug Improvement and Modernization Act of 2003. It is enabling legislation that provides for the state to petition the Centers for Medicare and Medicaid Services (CMS) for a waiver. Currently the state receives rebates from the federal government for certain prescription drugs. The Modernization Act of 2003 would discontinue the rebates to states. (There is still some confusion about exactly all the ramifications of this Act and the department is still receiving details.) The waiver request would be to continue these rebates to New Hampshire. The bill also allows the state to establish the NH Pharmaceutical Assistance Program. The Modernization Act would transition medicaid clients from medicaid prescription drug coverage to the new Medicare Part D drug benefits program on January 1, 2006. There will be clients that are "dual eligible" as a medicaid/medicare client, but the drugs available through the new plan may not include all drugs needed by some clients. The most vulnerable and fragile psychiatric patients may need a "wrap around" program administered by the department to ensure their access to specific drugs needed for their critical mental illnesses. Without access to these drugs, many will encounter problems that may result in emergency room visits or other unforeseen crises. The committee therefore, amended the original bill to enable the state to provide a "wrap around" program in the event the waiver isn't approved by CMS. The cost of this program is unclear, but the majority of the committee feels there is adequate funding in the prescription drug lines of the proposed House budget. Vote 13-8.

Amendment (1550h)

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

2 Certain Prescription Drug Coverage Required. The department of health and human services shall provide "wrap-around" prescription drug coverage to persons who are "dual eligible" for the Medicare and Medicaid programs. For the purposes of this section:

I. "Dual-eligible" means a person who is eligible for Medicare and Medicaid as defined by the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA).

II. "Wrap-around" coverage means any pharmaceutical currently covered by the Medicaid preferred drug list which is not covered by Medicare Part D of MMA.

3 Repeal. Section 2 of this act, relative to "wrap-around" prescription drug coverage, is hereby repealed.

4 Contingency.

I. The department of health and human services' initial plan for the New Hampshire pharmaceutical assistance program as authorized under section 1 of this act shall not take effect until it is approved by both the fiscal committee and the Centers for Medicare and Medicaid Services. The department of health and human services shall certify the date both approvals have been made to the director of the office of legislative services.

II. Section 3 of this act shall take effect on the date the pharmaceutical assistance program authorized under section 1 of this act is approved by the Centers for Medicare and Medicaid Services, as certified by the department of health and human services to the director of the office of legislative services.

5 Effective Date.

I. Section 3 of this act shall take effect as provided in section 4 of this act.

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

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 175, requiring insurance coverage for certified midwives. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James R. Martin for the Majority of Commerce: In 1999, the legislature enacted RSA 326-D establishing the practice of “midwifery” as part of the culture and tradition of the state and establishing the midwifery council to certify midwives. In 2001, the Attorney General prepared an opinion that equated “certification” with “licensure” which opened the way for the reimbursement of midwife services by Medicaid. This bill permits women who have health insurance and who choose to use the services of a midwife certified under RSA 326-D, to be reimbursed by their health insurance carrier. Vote 14-7.

Rep. Jane S. Langley for the Minority of Commerce: Only five states have any sort of insurance mandate covering direct-entry midwives, and one of those, Rhode Island, only mandates reimbursement for services provided in a licensed health care facility. In New Hampshire insurance carriers presently reimburse nurse midwives, as opposed to certified or direct-entry midwives. Nurse midwives practice in licensed facilities and in collaboration with physicians. The major service provided by direct-entry midwives is attendance at home births. Insurance contracts routinely have specific language excluding coverage for planned home births. This issue is further complicated by the fact that appropriate credentialing standards maintained by carriers for other providers would very likely not be met by direct-entry midwives. With these barriers in mind, attempts were made to reach compromise on this very badly drafted bill. However, amendment of the bill was rejected and very serious flaws in this bill have not been corrected. That is why a minority of the committee opposes its passage. The major problems in the bill include: direct conflicts with other statutory standards governing HMO/PPO contract provisions; an illogical requirement that insurers provide coverage for the services of certified midwives in both individual and group policies, even when there is no underlying maternity coverage; and imprecise, blanket language that would prevent HMO plans from holding certified midwives to the basic credentialing standards that all other contracting providers must meet. Those standards include, among others, admitting privileges, or active supervision or collaboration with a physician with admitting privileges, or active supervision or collaboration with a physician with admitting privileges, and adequate professional liability insurance. While supporters of the bill have indicated that something can be “fixed in September” to fix these flaws, passage of this bill in its present form should raise very serious concerns on this most important matter. The bill should have been properly amended or, in the alternative, should have been retained to allow for the crafting of a mandate that reflected the compromise that had been under discussion. Rep. Langley spoke against.

(Deputy Speaker Weyler in the Chair)

Reps. Langley and Sheila Francoeur spoke against.

Rep. James Martin spoke in favor and yielded to questions.

Rep. Millham spoke against and yielded to questions.

Reps. McLeod and Egbers spoke in favor.

Rep. Stepanek moved recommit to committee and spoke in favor.

Rep. Dickinson spoke against.

Rep. Francoeur spoke in favor.

On a division vote, 207 members having voted in the affirmative and 125 in the negative, the motion to recommit was adopted.

Recommitted to the Committee on Commerce.

SB 36-FN, assessing a fee on all dogs and cats sold at retail that are not sexually sterilized, to be deposited in the companion animal neutering fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. James G. Phinizy for Environment and Agriculture: As it came to the committee, this bill relied on assessing a fee from an inadequate and unpredictable source, retail sales from pet shops. Realizing the effectiveness and success of the state spay/neuter program and its need to be supported equitably by both cat and dog owners, SB 36, as amended, will derive fees from cat food sales, adoption of cats from shelters, as well as dog licensing. Whereas, dog licensing and dog owners have paid into the fund almost exclusively and while cat owners have been the prime benefactors, now all parties will support the program. Vote 15-3.

Amendment 1576h)

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

AN ACT assessing a fee on cats adopted from animal shelters to be deposited in the companion animal neutering fund, increasing the companion animal population control fee, and assessing a fee on cat food to fund the animal population control program.

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

1 Cat Adoption Fee. Amend the section heading of RSA 437:13-a to read as follows:

437:13-a Health Certificate **and Adoption Fees** for Cats.

2 New Paragraph; Animal Population Control Fee Imposed on Cat Adoptions. Amend RSA 437:13-a by inserting after paragraph VI the following new paragraph:

VII. The owner or operator of an animal shelter facility shall collect a \$5 fee for every cat that he or she places for adoption. This fee shall be paid to the commissioner, who shall deposit it in the companion animal neutering fund established under RSA 437-A:4-a.

3 Cat Food Fee. Amend the section heading of RSA 437-A:4-a to read as follows:

437-A:4-a Fund Established; Solicitation and Acceptance of Funds; **Cat Food Fee**.

4 New Paragraph; Cat Food Fee. Amend RSA 437-A:4-a by inserting after paragraph II the following new paragraph:

III. Any person who distributes cat food for subsequent retail sales in this state shall pay a fee at the time of distribution. The fee shall be set by the commissioner in consultation with the pet overpopulation committee established under RSA 437-A:7. The fee shall be adjusted annually to provide a reserve equal to the sum of 2 years operating expenses of the animal population control program. The fee shall be collected by the commissioner and may be invested as provided by law. Interest received on such investment shall also be credited to the fund.

5 New Paragraph; Cat Food Fee; Rulemaking. Amend RSA 437-A:5 by inserting after paragraph II-a the following new paragraph:

II-b. Establishing the fee on the distribution of cat food under RSA 437-A:4-a, III, after consultation with the pet overpopulation committee.

6 Pet Overpopulation Committee; Duties. Amend RSA 437-A:8 to read as follows:

437-A:8 Duties. The primary duties of the committee shall be to study the economic, human, and public health impacts of cat and dog overpopulation in the state and the lack of compliance with dog licensing and rabies vaccination statutes. The committee shall make recommendations to reduce the number of stray and homeless cats and dogs in the state, to reduce the number of healthy cats and dogs killed in animal shelters, and to increase compliance with dog licensing and rabies vaccination statutes. **The committee shall make recommendations to the commissioner regarding the cat food fee under RSA 437-A:4-a, III.**

7 Companion Animal Population Control Fee. Amend RSA 466:4, I(b) to read as follows:

(b) In addition to the sum required in subparagraphs I(a)(1) and (2), each year the owner of each dog shall pay the clerk of the city or town where the dog is registered a companion animal population control fee of [~~\$2~~] **\$2.50**.

8 Cat Adoption Fee. Amend the section heading of RSA 437:13-a to read as follows:
437:13-a Health Certificate [~~and Adoption Fees~~] for Cats.

9 Companion Animal Population Control Fee. Amend RSA 466:4, I(b) to read as follows:

(b) In addition to the sum required in subparagraphs I(a)(1) and (2), each year the owner of each dog shall pay the clerk of the city or town where the dog is registered a companion animal population control fee of \$[~~2.50~~] 2.

10 Repeal. RSA 437:13-a, VII, relative to cat adoption fees collected by operators of animal shelter facilities, is repealed.

11 Effective Date.

I. Sections 8-10 of this act shall take effect June 30, 2006.

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

AMENDED ANALYSIS

This bill:

I. Assesses a \$5 fee on all cats adopted from an animal shelter to be deposited in the companion animal neutering fund with a prospective repeal on June 30, 2006.

II. Establishes a cat food fee to fund the animal population control program.

III. Increases the companion animal population control fee.

Rep. Easson spoke against.

Rep. Babson spoke in favor and yielded to questions.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being adoption of the committee amendment.

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YEAS 134			
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McConkey, Mark	Olimpio, J Lisbeth		
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Espiefs, Peter	Foote, Sheila	Mitchell, Bonnie	Parkhurst, Henry
Pelkey, Stephen	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		
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Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Theberge, Robert
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Clemons, Jane	Cote, David	Craig, James	Crane, Elenore

			Casey
Daniuk, Caitlin	DeVries, Betsi	Dyer, Donald	Emerton, Larry
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Goley, Jeffrey	Gorman, Mary	Hall, Betty	Harvey, Suzanne
Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette	Kopka, Angeline
L'Heureux, Robert	Lasky, Bette	Martin, Mary Ellen	Matarazzo, Anthony Sr
Messier, Irene	Movsesian, Lori	O'Connell, Timothy	Rosenwald, Cindy
Schulze, Joan	Shaw, Barbara	Shaw, Kimberly	Smith, David
Sullivan, Francis			
MERRIMACK			
Brueggemann, Donald	DeStefano, Stephen	French, Barbara	Gile, Mary
Hamm, Christine	MacKay, James	Owen, Derek	Potter, Frances
Reed, Dennis	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Bridle, Russell	Buxton, Donald
Casey, Kimberley	Cooney, Richard	DiFruscia, Anthony	Flockhart, Eileen
Gould, Kenneth	Norelli, Terie	Pantelakos, Laura	Powers, James
Robertson, Carl	Splaine, James	Waterhouse, Kevin	
STRAFFORD			
Berube, Roger	Brown, Lawrence	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Grassie, Anne	Heon, Richard	Hofemann, Roland
Kaen, Naida	Keans, Sandra	Knowles, William	Rollo, Michael
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Wall, Janet			
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Whalley, Michael			
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Martin, James
Morrow, Harry	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
CHESHIRE			

Dexter, Judson	Emerson, Susan	Hogancamp, Deborah	Hunt, John
Sawyer, Sheldon			
COOS			
King, Frederick	Morneau, Renney	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		
GRAFTON			
Bleyler, Ruth	Cooney, Mary	Ham, Bonnie	Maybeck, Margie
Mirski, Paul	Solomon, Peter	Sorg, Gregory	Ward, John
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Carew, James	Carlson, Donald
Carter, Mark	Chabot, Robert	Christensen, D L Chris	Cote, Peter
Coughlin, Pamela	Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard
Elliott, Nancy	Francoeur, Bea	Gibson, John	Golding, William
Goyette, Peter Jr	Graham, John	Hansen, Ryan	Hawkins, Ken
Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Infantine, William	Jasper, Shawn	Kurk, Neal	Lefebvre, Roland
Manney, Pamela	McRae, Karen	Mead, Robert	Mooney, Maureen
Moran, Edward	O'Brien, William	Ober, Lynne	Price, Pamela
Renzullo, Andrew	Rowe, Robert	Ryder, Donald	Scanlon, Michael
Slocum, Lee	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire
Currier, David	Danforth, James	Field, William	Foose, Robert
Greco, Vincent	Hess, David	Kennedy, Richard	Kidder, David
Klose, John	Langlais, Thomas	Lockwood, Priscilla	Marple, Richard
Oliver, James	Rush, Deanna	Soltani, Tony	Whiting, Herbert
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Cady, Harriet	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	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	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Lund, Howie
Major, Norman	McKinney, Betsy	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Palazzo, Frank	Priestley, Anne	Putnam, Ed II
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Smith, Paul
Stiles, Nancy	Stone, Joseph	Weare, E Albert	Welch, David
Weldy, Norman	Wells, Roger	Winchell, George	Zolla, William

STRAFFORD			
Bickford, David	Brown, Julie	Callaghan, Frank	Cataldo, Sam
Chaplin, Duncan	Easson, Timothy	Hollinger, Jeffrey	Newton, Clifford
Snyder, Clair	Twombly, James		
SULLIVAN			
Cloutier, John	Gale, Harry	Irish, Christopher	Rodeschin, Beverly

and the committee amendment failed.

The question now being adoption of Ought to Pass.

Rep. Phinizy spoke against.

Wendelboe spoke in favor.

Motion failed.

Rep. Easson moved Inexpedient to Legislate.

Adopted.

SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 293, establishing a commission to study the feasibility of developing a materials resource and recovery facility in Sullivan county (Amendments printed SJ 05/05/05)

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

Adopted.

On behalf of the Speaker, the Deputy Speaker appointed Reps. Burton Williams, Phinizy, O'Connell and Babson.

MOTION TO SPECIAL ORDER

Without objection, Deputy Speaker Weyler announced that bills remaining on the calendar would be made Special Orders for Wednesday, June 8, 2005 in the Regular Calendar order.

SB 146-FN-A-L, establishing a civil legal services fund consisting of court filing fee surcharges for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua and to provide for additional staff in other New Hampshire Legal Assistance offices,

SB 63-FN-A, establishing a court mediation fund to pay the costs of a mediation program in the district courts,

SB 196, requiring a hearing when medical malpractice insurance rates change, and

SB 121, relative to all terrain vehicle trails and relative to the regulation of off highway recreational vehicles by a political subdivision,

.

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, June 8, 2005 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 54, clarifying the role of a guardian ad litem in guardianship proceedings.

SB 73, relative to market conduct record retention and production.

SB 74, making certain technical changes in the insurance laws.

SB 111, relative to persons conducting securities broker-dealer and investment advisor businesses.
SB 223-FN, relative to licensing nondepository mortgage bankers and brokers.
SB 179, requiring hunters to report the death or injury of domestic animals.
SB 201, making technical corrections to certain environmental laws and the small business technical assistance program.
SCR 1, endorsing a farm viability task force.
SB 70, relative to the powers of special corporations.
SB 79, relative to the governance of the regional community-technical colleges.
SB 115-FN, relative to the transfer of responsibility for asbestos-related issues from the department of health and human services to the department of environmental services.
SB 173, relative to exceptions to licensure for electricians.
SB 137, relative to the Conway Branch railroad.
SB 199, establishing exemptions from certain administrative requirements for the department of regional community-technical colleges.
SB 127-FN, relative to the regional community-technical college system's acquisition of the building currently leased from the Pease development authority.
SB 108-FN, relative to newborn screening tests and fees for newborn screening tests.
SB 132, relative to the board of marital mediator certification.
SB 38-FN, relative to school building aid for certain receiving districts.
SB 90-FN-A-L, relative to kindergarten construction aid.
SB 163-FN, establishing the New Hampshire pharmaceutical assistance program.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.
Adopted.
The House recessed at 4:55 p.m.

RECESS