

HOUSE RECORD

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

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Concord, N.H.

Wednesday, June 15, 2005

No. 51

HOUSE JOURNAL No. 18 (cont.)

Wednesday, June 8, 2005

RECESS

(Rep. Stephen L'Heureux in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 246, 288, 299, 332, 382, 394, 432, 449 and 619.

	Rep. Currier, Sen. D'Allesandro for the Committee
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ENROLLED BILL AMENDMENTS

SB 38-FN, relative to school building aid for certain receiving districts. (Amendment printed SJ / /)
Adopted.

SB 66, establishing a committee to study joint purchasing strategies for small business health insurance in New Hampshire and in northern New England. (Amendment printed SJ / /)
Adopted.

SB 83, establishing a commission to study issues relative to the comprehensive shoreland protection act. (Amendment printed SJ / /)
Adopted.

RECESS

(Rep. Vaillancourt in the Chair)

ENROLLED BILL AMENDMENT

HB 259, relative to medical assistance for home care for children with severe disabilities.

Amendment (1524 –EBA)

Amend RSA 167:3-f, VI(d) as inserted by section 2 of the bill by replacing line 1 with the following:

(d) The child's family or guardian has expressed a willingness and desire to assume

end RSA 167:3-g, VI as inserted by section 2 of the bill by replacing line 1 with the following:

VI. The joint medical review team shall determine that the degree of care provided by an
Adopted.

SENATE MESSAGE

ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 293, establishing a commission to study the feasibility of developing a materials resource and recovery facility in Sullivan county.
The President appointed Sens. Flanders, Odell and Larsen.

RECESS

(Speaker Scamman in the Chair)

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006 and June 30, 2007. (Amendments printed SJ 06/09/05)
Rep. Marple moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. King, Hager, Stone, Douglas Scamman and Wallner.
Alternates: Weyler, Major, Robert Wheeler, Daniel Eaton and Franklin.

HB 2-FN-A, relative to state fees, funds, revenue, and expenditures. (Amendments printed SJ 06/09/05)

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

The Speaker appointed Reps. King, Hager, Douglas Scamman, Wendelboe and Foster.
Alternates: Price, Dodge, Kurk, Marjorie Smith and Wallner.

HB 25-FN-A, making appropriations for capital improvements. (Amendments printed SJ 06/09/05)

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

The Speaker appointed Reps. Chandler, Rausch, Graham, Eric Anderson and Cloutier.

RECESS

(Rep. Gilbert in the Chair)

SENATE MESSAGE

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 145, relative to the healthy kids corporation.
The President appointed Sens. Clegg, Gatsas and Larsen.

HB 168, relative to the licensure of electrologists and establishing an electrology advisory committee, and relative to the definition of tanning device operator.
The President appointed Sens. Roberge, Morse and Larsen.

HB 204-FN, relative to unauthorized video surveillance.
The President appointed Sens. Johnson, Gottesman and Estabrook.

HB 323-FN, relative to excluding social security numbers and other information from

documents filed with registries of deeds.
The President appointed Sens. Clegg, Foster and Green.

HB 357, relative to negligent driving.
The President appointed Sens. Letourneau, Flanders and Burling.

HB 366, relative to maintenance of voter checklists.
The President appointed Sens. Boyce, Bragdon and Hassan.

HB 468, relative to provisions for permissible contact between the agent of the defendant subject to a protective order and a plaintiff.
The President appointed Sens. Foster, Roberge and Gottesman.

HB 583, establishing an oversight committee to study medical malpractice insurance rates in this state.
The President appointed Sens. Flanders, Roberge and Foster.

HB 586, relative to the periodic review of child support guidelines.
The President appointed Sens. Bragdon, Martel and Fuller-Clark.

HB 720-FN, relative to special number plates.
The President appointed Sens. Letourneau, Flanders and Clegg.

HCR 4, urging Congress to find that the Piscataqua River and Portsmouth Harbor lie within the state of New Hampshire.
The President appointed Sens. Green, Barnes and Fuller-Clark.

HCR 10, recognizing February 8, 2005 as Scouting in New Hampshire Day.
The President appointed Sens. Barnes, Letourneau and Estabrook.

RECESS

(Rep. Daniel Eaton in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 205, 214, 303, 411, 420, 429, 430, 465, 469, 472, 491, 514 and 603 and Senate Bills numbered 23, 54, 77, 78, 88, 90, 105, 165, 173, 187 and 215.

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

SENATE MESSAGES

NONCONCURRENCE

HB 567, relative to mediation in family law cases involving children.

RE-REFERRED TO COMMITTEE

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

HB 460-FN, relative to the reimbursement to certain providers by the bureau of emergency communications.

HB 582, relative to the policy for records management.

RECESS

(Rep. Rausch in the Chair)

SENATE MESSAGE

ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 25-FN-A, making appropriations for capital improvements.
The President appointed Sens. Clegg, Morse and D'Allesandro.

RECESS

(Rep. Dodge in the Chair)

SENATE MESSAGE

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006 and June 30, 2007

The President appointed Sens. Morse, Boyce, Eaton, Clegg and D'Allesandro.

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

The President appointed Reps. Morse, Boyce, Eaton, Clegg and D'Allesandro.

RECESS

Rep. O'Neil moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 19

Wednesday, June 15, 2005

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

His Excellency, Governor John Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, The Reverend David P. Jones, Rector of St. Paul's Episcopal Church in Concord.

Lord, remind us all this day that in the economy of Your desires, the bottom line has nothing to do with numbers and everything to do with people. As these our leaders make choices for us today, give them hearts as open as their minds and ears as open as their lips, for then the budget which comes forth in the days ahead, will balance not only dollars and cents, but lives as well.

Amen.

Rep. Donald F. Ryder led the Pledge of Allegiance.

The National Anthem was sung by Craig Sanphy, a sophomore at Concord High School.

LEAVES OF ABSENCE

Reps. Albert, Mary Allen, Hunter, Lessard, Palangas, Palazzo, Philbrick and Katherine Taylor, the day, illness.

Reps. Batula, Bishop, Buhlman, Richard Cooney, Currier, Donahue, Haley, Hebert,

Manning, Pelkey, Pepino, Serlin, Paul Smith, Weed, Winchell and Zolla, the day, important business.

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

INTRODUCTION OF GUESTS

Page for the Day, Cassie Stepanek, eighth grade student at Amherst Middle School and daughter of Rep. Stepanek.

David and Mary Sanphy, parents of today's singer, guests of the House. Carol Introne, Melissa and Isabelle Introne, wife, daughter-in-law and granddaughter of Rep. Introne. Ann Ehrlich, sister of Rep. Alger. Thomas and Marion Buco, Marissa Elizabeth Rose, parents and niece of Rep. Buco. Michael, Alexandra and Taylor Mason, husband and daughters of Rep. Mason. Hon. Pat Kruger, former member and Ortwin Krueger, guests of Rep. Dickinson. Nick Frotton, guest of Rep. Abbott. Rep-elect Gil Shattuck, guest of the House Democrats.

SPECIAL GUESTS

Sergeant Jon Worall of Brentwood and Sergeant Randy Frotton of Newmarket, New Hampshire National Guard, guests of the House. Recently returned from duty in Iraq, both men sustained serious injuries and have been awarded the Purple Heart for their service. They joined the Speaker and Governor on the rostrum and were presented with declarations.

Rep. Weyler moved that the remarks introducing the two men be printed in the Permanent Journal. Without objection, the Speaker so ordered.

REMARKS

Rep. Buxton: Thank you, Mr. Speaker. I have the privilege of introducing two brave soldiers to this House. Both men received serious wounds while serving in Iraq and are now home recuperating. First is Sergeant Jon Worall of Brentwood who began his career in the Navy before joining the New Hampshire National Guard. Second is Sergeant Randy Frotton of Newmarket, who with his son, Nick, up in the gallery today, also served as a helicopter pilot and an Army Ranger before serving in the New Hampshire National Guard.

Mr. Speaker, I call upon you and the members of this House, including my fellow veterans, to honor these two heroes and be grateful for their service to our nation. They know that freedom is not without sacrifice.

Speaker Scamman: Over many centuries the people of the United States are very fortunate that we've had men who are willing to go to war, to fight and sacrifice, many have lost their lives, many as these two men have had serious injuries. We all appreciate what you have done for us. It is very obvious that the House is quite moved that you are here. It's very obvious that we appreciate what was said in the prayer, that we will do our job as we should see fit and we want to thank you for making that possible, that across this country that is still happening in all 50 states and in Washington, DC.

I present you with your declarations. Thank you very much on behalf of the citizens of the United States, New Hampshire and of the House.

SENATE MESSAGES

CONCURRENCE

HB 102-FN-A, increasing the personal needs allowance of nursing home residents and certain other residents and making an appropriation edicaid.

HB 170, relative to unemployment compensation.

HB 383, relative to vital records administration.

HB 404, permitting employees to request a wage deduction for contributions to a political action committee.

HB 439, relative to registration requirements for criminal offenders.

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

HB 510, relative to financial affidavits in domestic relations cases.

HB 511, relative to the confidentiality of records pertaining to the support of dependent children.

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

HB 637-FN, relative to licensure of alcohol and drug abuse professionals.

HB 647-FN, relative to restructuring the department of revenue administration.

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

SB 21-L, relative to voluntary mediated agreements in adoptions.

SB 46, relative to the duties of law enforcement officials upon receiving reports of missing adults.

SB 52, establishing the state suggestion and extraordinary service award program.

SB 53-FN, relative to increased funding for publication of certain materials by the department of environmental services.

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

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

SB 79, relative to the governance of the regional community-technical colleges.

SB 86, permitting on-site samples and retail sales by liquor manufacturer licensees.

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

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 132, relative to the board of marital mediator certification.

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

SB 168, relative to administration of estates.

SB 186, allowing probate court judges and district court justices to sit on probate or district court cases.

SB 188, relative to the construction of buildings on properties without street frontage.

SB 199, establishing exemptions from certain administrative requirements for the department of regional community-technical colleges.

SB 201, making technical corrections to certain environmental laws and the small business technical assistance program.

SB 223-FN, relative to licensing nondepository mortgage bankers and brokers.

SCR 1, a resolution endorsing a farm viability task force.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 450-FN-A, extending the commission to study child support and related child custody issues and relative to hiring economists to assist in revising the child support guidelines and making an appropriation edicaid. (Amendment in SJ 06/09/05)
Rep. Moran moved that the House concur and spoke in favor.
Adopted.

HB 585, relative to grounds for termination of parental rights. (Amendment printed SJ 06/09/05)
Rep. Moran moved that the House concur and spoke in favor.
Adopted.

HB 640-FN, relative to parental rights and responsibilities. (Amendments printed SJ 5/26/05)

Rep. Moran moved that the House concur and spoke in favor.
Adopted.

HB 490, relative to law enforcement access to financial records under the New Hampshire right to privacy act. (Amendment printed SJ 06/09/05)
Rep. Sheila Francoeur moved that the House concur and spoke in favor.
Adopted.

HB 68, relative to the enforcement of disorderly conduct by reason of noise. (Amendment printed SJ 06/02/05)
Rep. Dowling moved that the House concur and spoke in favor.
Adopted.

HB 252, requiring bail hearings for persons arrested for probation violations. (Amendment printed SJ 06/02/05)
Rep. Dowling moved that the House concur and spoke in favor.
Adopted.

(Rep. Price in the Chair)

HB 643-FN, establishing an integrated criminal justice information system. (Amendment printed SJ 05/26/05)
Reps. Dowling and King moved that the House concur.
Rep. Stevens and spoke in favor.
Adopted.

HB 448-FN, relative to the collection of certain fees by the postsecondary education commission. (Amendment printed SJ 05/26/05)
Rep. Stephen L'Heureux moved that the House concur and spoke in favor.
Adopted.

HB 616-FN-L, relative to the education property tax and the education equity index. (Amendments printed SJ 06/09/05)
Reps. Stephen L'Heureux and King moved that the House concur.
Reps. Stephen L'Heureux, King, Vaillancourt and Hess spoke in favor and yielded to questions.
Reps. Peter Allen and Pratt spoke against and yielded to questions.
Reps. Dunn, Daniel Smith, Phinizy and Tupper spoke against.
Reps. Carter, Mirski, Vaillancourt, Flockhart and Bicknell spoke in favor.

Rep. Hess requested a roll call; sufficiently seconded.
The question being adoption of the motion to concur with Senate amendments.

YEAS 269 NAYS 96			
YEAS 269			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Rosen, Ralph	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Veazey, John
Wendelboe, Fran	Whalley, Michael		

CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Dickinson, Howard	Knox, J David	Martin, James
McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Stevens, Stanley			
CHESHIRE			
Butcher, Suzanne	Butynski, William	Dexter, Judson	Dunn, J Timothy
Emerson, Susan	Espieffs, Peter	Foote, Sheila	Hogancamp, Deborah
Hunt, John	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Richardson, Barbara	Sawyer, Sheldon		
COOS			
King, Frederick	Lary, Bruce	Merrick, Scott	Morneau, Renney
Remick, William	Richardson, Herbert	Stohl, Eric	Tholl, John Jr
GRAFTON			
Alger, John	Andersen, Gene	Barker, Robert	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Eaton, Stephanie	Gionet, Edmond
Giuda, Robert	Hammond, Lee	Harding, A Laurie	Ingbretson, Paul
Maybeck, Margie	McLeod, Martha	Mirski, Paul	Naro, Debra
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	Sorg, Gregory
Ward, John	Williams, Burton		
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Baroody, Benjamin	Barry, J Gail
Beaulieu, Jane	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brassard, Paul	Calawa, Leon Jr	Carew, James
Carlson, Donald	Carter, Mark	Chabot, Robert	Chase, Claudia
Christiansen, Lars	Clayton, William	Coughlin, Pamela	Craig, James
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Emerton, Larry	Essex, David	Foster, Linda
Gargas, Carolyn	Gibson, John	Golding, William	Gonzalez, Carlos
Goyette, Peter Jr	Hansen, Ryan	Hirschmann, Keith	Holden, Randolph
Infantine, William	Irwin, Anne-Marie	Jasper, Shawn	Kurk, Neal
Lawrence, James	Manney, Pamela	McRae, Karen	Mead, Robert
Messier, Irene	Moran, Edward	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Pappas, Christopher	Pilotte, Maurice	Reeves, Sandra
Renzullo, Andrew	Ross, Lawrence	Rowe, Robert	Ryder, Donald
Scanlon, Michael	Shaw, Barbara	Slocum, Lee	Souza, Kathleen
Stepanek, Stephen	Sullivan, Francis	Sullivan, Peter	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Velez, Hector	Wheeler, James
Wheeler, Robert			
MERRIMACK			
Anderson, Eric	Clarke, Claire	Danforth, James	Field, William
Foose, Robert	French, Barbara	Greco, Vincent	Hager, Elizabeth
Hess, David	Kennedy, Richard	Kidder, David	Klose, John
L'Heureux, Stephen	Langlais, Thomas	MacKay, James	Marple, Richard

Maxfield, Roy	McMahon, Patricia	Oliver, James	Owen, Derek
Reed, Dennis	Rush, Deanna	Ryan, Jim	Soltani, Tony
Whiting, Herbert	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Blanchard, MaryAnn	Bridle, Russell	Buxton, Donald
Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene	Coburn, James
Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert	Dowd, John
Dowling, Patricia	Doyle, Christopher	Fesh, Bob	Flanders, John Sr
Flockhart, Eileen	Forsing, Robert	Francoeur, Sheila	Garrity, James
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Hopfgarten, Paul
Hughes, Daniel	Ingram, Russell	Itse, Daniel	Johnson, Robert
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Lund, Howie	Mason, April	McMahon, Charles
Norelli, Terie	Nowe, Ronald	O'Neil, Michael	Pantelakos, Laura
Powers, James	Priestley, Anne	Putnam, Ed II	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Robertson, Carl	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Scamman, W Douglas	Splaine, James
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Welch, David
Weldy, Norman	Wells, Roger	Weyler, Kenneth	Wiley, Robert
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Easson, Timothy
Grassie, Anne	Heon, Richard	Kaen, Naida	Keans, Sandra
Miller, Joseph	Newton, Clifford	Rollo, Michael	Rous, Emma
Smith, Marjorie	Snyder, Clair	Spang, Judith	Twombly, James
Wall, Janet			
SULLIVAN			
Cloutier, John	Converse, Larry	Gale, Harry	Houde-Quimby, Charlotte
Irish, Christopher	Jillette, Arthur Jr	Osgood, Philip Sr	Prichard, Stephen
Rodeschin, Beverly			
NAYS 96			
BELKNAP			
None			
CARROLL			
None			
CHESHIRE			
Chase, William	Eaton, Daniel	Pratt, John	Roberts, Kris
Robertson, Timothy	Tilton, Anna		

COOS			
Buzzell, Bernard	Mears, Edgar		
GRAFTON			
Almy, Susan	Ham, Bonnie	Mulholland, Catherine	
HILLSBOROUGH			
Allan, Nelson	Balboni, Michael	Brundige, Robert	Campbell, David
Christensen, D L Chris	Clark, Mark	Clemons, Jane	Cote, David
Crane, Elenore Casey	Dyer, Donald	Egbers, Fran	Elliott, Nancy
Francoeur, Bea	Ginsburg, Ruth	Gorman, Mary	Graham, John
Hagan, Barbara	Hall, Betty	Harvey, Suzanne	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Jean, Claudette	Johnson, Paula
Kelly, Eugene Jr	Kopka, Angeline	L'Heureux, Robert	Lasky, Bette
Lefebvre, Roland	Martin, Mary Ellen	Matarazzo, Anthony Sr	Michon, Stephen
Mooney, Maureen	Movsesian, Lori	Rochette, Eric	Rosenwald, Cindy
Schulze, Joan	Shaw, Kimberly	Smith, David	Villeneuve, Maurice
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	DeJoie, John
DeStefano, Stephen	Gile, Mary	Hamm, Christine	Lockwood, Priscilla
Osborne, Jessie	Potter, Frances	Reardon, Tara	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
ROCKINGHAM			
Cady, Harriet	Camm, Kevin	Carson, Sharon	Dumaine, Dudley
Gilbert, Karl	Headd, James	Hutchinson, Karen	Introne, Robert
Major, Norman	McKinney, Betsy	Moody, Marcia	Moore, Benjamin
Morris, Richard	Packard, Sherman	Parker, Benjamin	Weare, E Albert
STRAFFORD			
Brown, Jennifer	Cilley, Jacalyn	Goodwin, Earle	Hofemann, Roland
Hollinger, Jeffrey	Johnson, Nancy	Knowles, William	Schmidt, Peter
Taylor, Kathleen			
SULLIVAN			
Donovan, Thomas	Ferland, Brenda	Franklin, Peter	Phinizy, James

and the motion to concur with Senate amendments was adopted.

The House recessed at 12:50 p.m.

RECESS

(Speaker Scamman in the Chair)

The House reconvened at 2:00 p.m.

MOTION TO PRINT DEBATE

Rep. Hess moved that the debate on ***HB 616-FN-L***, relative to the education property tax

and the education equity index, be printed in the House Journal.
Adopted.

CLERK'S NOTE

The debate on HB 616 will be printed in its entirety in the Permanent Journal.

SENATE MESSAGES

REQUESTS FOR CONCURRENCE WITH AMENDMENTS

HB 539-FN-A-L, relative to land and community heritage investment program administration. (Amendment printed SJ 06/09/05)
Rep. Stone moved that the House concur and spoke in favor.
Adopted.

HB 173, relative to food service and distribution. (Amendment printed SJ 06/09/05)
Rep. MacKay moved that the House concur and spoke in favor.
Adopted.

HB 350, relative to enforcement of the labor protection statutes, permitting certain wage deductions, and increasing the civil penalty in the department of labor. (Amendment printed SJ 06/09/05)
Rep. Bridle moved that the House concur and spoke in favor.
Adopted.

HB 215-FN, relative to water management. (Amendments printed SJ 05/19/05 and 06/09/05)
Rep. Merrow moved that the House concur and spoke in favor.
Adopted.

HB 279, relative to the classification of Spofford Lake in Chesterfield, New Hampshire. (Amendment printed SJ 06/09/05)
Rep. Merrow moved that the House concur and spoke in favor.
Adopted.

HB 47, regulating the use of computer spyware. (Amendments printed SJ 05/12/05 and 06/09/05)
Rep. Ross moved that the House concur and spoke in favor.
Adopted

HB 185, establishing a committee to study maximizing the incentives for the voluntary use of renewable energy in New Hampshire as defined in RSA 374-F:3. (Amendment printed SJ 06/09/05)
Rep. Ross moved that the House concur and spoke in favor.
Adopted.

HB 683-FN, relative to reporting of motor vehicle offenses by driver education instructors and drivers' school licensees. (Amendment printed in SJ 05/26/05)
Rep. Nedeau moved that the House concur and spoke in favor.
Adopted

HB 558, relative to the circumstances constituting sexual assault. (Amendment printed SJ 06/09/05)
Rep. Welch moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Charron, Tholl, Knowles and Hammond.

HB 692-FN-L, relative to the county department of corrections. (Amendment printed SJ 05/26/05)

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

The Speaker appointed Reps. Weare, Charron, Knowles and Hammond.

HB 381-FN, relative to special elections, voter lists, and conduct of elections.

Rep. Whalley moved that the House nonconcur and request a Committee of Conference.
(Amendments printed SJ 05/26/05 and 06/09/05)
Adopted.

The Speaker appointed Reps. Drisko, Whalley, O'Brien and Weed.

HB 573, establishing a commission to study automobile recycling issues, including disposal fees. (Amendment printed SJ 06/02/05)

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

The Speaker appointed Reps. Babson, Burton Williams, Knox and Merrick.

HB 114, relative to the regulation of pharmacists and pharmacy technicians by the pharmacy board. (Amendment printed SJ 04/28/05)

Rep. Bergin moved that the House nonconcur and request a Committee of Conference.
Rep. DeJoie spoke in favor.
Adopted.

The Speaker appointed Reps. Bergin, MacKay, Irwin, and Dalrymple.

HB 644-FN, transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services. (Amendments printed SJ 06/09/05)

Reps. Bergin and King moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Coburn, Nelson Allan, Hager and Velez.

HB 681-FN, relative to training, quality assurance, and licensing of assisted living facilities. (Amendments printed SJ 05/26/05 and 06/09/05)

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

The Speaker appointed Reps. MacKay, Mason, Hogancamp and Schulze.

HB 542, making technical corrections to the uniform trust code. (Amendments printed SJ 06/09/05)

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

The Speaker appointed Reps. Hunt, Dokmo, Espieffs and Rowe.

HB 433-FN-A, relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation edicaid. (Amendment printed SJ 06/09/05)

Reps. Merrow and King moved that the House nonconcur and request a Committee of Conference.
Rep. Giuda spoke against.

Rep. Merrow spoke in favor.

Adopted.

The Speaker appointed Reps. Currier, Merrow, D.L. Christensen and Spang.

HB 194, establishing a study committee to examine regulatory practices pertaining to the telecommunications industry. (Amendment printed SJ 06/02/05)

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

Adopted.

The Speaker appointed Reps. Maxfield, James Garrity, Cali-Pitts and Ryan.

HB 326, relative to motorcycle noise levels and mufflers. (Amendment printed SJ 06/09/05)

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

Adopted.

The Speaker appointed Reps. Packard, Nedeau, Ferland and John Flanders.

NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 76, relative to the extension of restraining orders under the domestic violence protection act

The President appointed Sens. Foster, Green and Gottesman.

Rep. Welch moved that the House accede.

Adopted.

The Speaker appointed Reps. Tholl, Welch, Knowles and Villeneuve.

SB 179, requiring hunters to report the death or injury of domestic animals.

The President appointed Sens. Roberge, Gatsas and Hassan.

Rep. Babson moved that the House accede.

Adopted.

The Speaker appointed Reps. Robert L'Heureux, Phinizy, Knox and Greco.

SB 19, relative to qualifications to sell lottery, bingo, and lucky 7 tickets.

The President appointed Sens. D'Allesandro, Letourneau and Green.

Rep. Bergin moved that the House accede.

Adopted.

The Speaker appointed Reps. Fitzgerald, Manney, Frances Sullivan and Velez.

SB 70, relative to the powers of special corporations.

The President appointed Sens. Barnes, Larsen and Roberge.

Rep. Bergin moved that the House accede.

Adopted.

The Speaker appointed Reps. Hawkins, Ryder, Pilotte and Carl Robertson.

SB 124, relative to the regulation of real estate brokers by the real estate commission.

The President appointed Sens. Roberge, Gallus and Fuller-Clark.

Rep. Bergin moved that the House accede.

Adopted.

The Speaker appointed Reps. Nowe, Coburn, Hawkins and Irwin.

SB 153-FN, relative to the administration of certain programs by the department of environmental services.

The President appointed Sens. Clegg, Flanders and D'Allesandro.

Rep. Bergin moved that the House accede.

Adopted.

The Speaker appointed Reps. Nelson Allan, Carl Robertson, McMahon and Francis Sullivan.

SB 170, revising the nurse practice act.

The President appointed Sens. Kenney, Martel and Fuller-Clark.

Rep. Bergin moved that the House accede.

Adopted.

The Speaker appointed Reps. Bergin, Dexter, Millham and Houde-Quimby.

SB 216, establishing a commission to study area agencies.

The President appointed Sens. Martel, Boyce and Burling.

Rep. MacKay moved that the House accede.

Adopted.

The Speaker appointed Reps. Wendelboe, McMahon, Barry and Schulze.

SB 37, relative to disclosure of expert testimony.

The President appointed Sens. Clegg, Roberge and Gottesman.

Rep. Dokmo moved that the House accede.

Adopted.

The Speaker appointed Reps. Sorg, Mooney, Mead and Shurtleff

SB 43, relative to the administration of estates of persons presumed dead.

The President appointed Sens. Foster, Green and Gottesman.

Rep. Dokmo moved that the House accede.

Adopted.

The Speaker appointed Reps. Dokmo, Hunt, Shurtleff and Sorg.

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

The President appointed Sens. Foster, Letourneau and Clegg.

Rep. Dokmo moved that the House accede.

Adopted.

The Speaker appointed Reps. Dokmo, Mooney, Wall and Sorg.

SB 75-FN, relative to the statute of limitations for a civil actions based upon a sexual assault case.

The President appointed Sens. Clegg, Foster and Gottesman.

Rep. Dokmo moved that the House accede.

Adopted.

The Speaker appointed Reps. Mooney, Dokmo, Lasky and Hunt.

SB 28, relative to confidentiality and workers' compensation.

The President appointed Sens. Flanders, Clegg and Foster.

Rep. Bridle moved that the House accede.

Adopted.

The Speaker appointed Reps. Bridle, Infantine, Gorman and Giuda.

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

The President appointed Sens. Clegg, Morse and D'Allesandro.

Rep. Chandler moved that the House accede.

Adopted.

The Speaker appointed Reps. Chandler, Rausch, Graham and David Campbell.

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

The President appointed Sens. Boyce, Roberge and Burling.

Reps. MacKay and Major moved that the House accede.

Adopted.

The Speaker appointed Reps. MacKay, Hogancamp, French and Camm.

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

The President appointed Sens. Johnson, Gallus and Hassan.

Rep. Merrow moved that the House accede.

Adopted.

The Speaker appointed Reps. Currier, Russell, Irish and Cilley.

CLERK'S NOTE

The House refused to consider the introduction of the following entitled bill sent down from the Senate.

SCR 5, a resolution recognizing the increasing problem of exotic aquatic weeds and species.

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 when the House adjourns today it be to meet Wednesday, June 29, 2005 at 10:00 a.m.

Adopted.

LATE SESSION

UNANIMOUS CONSENT

Reps. Alger and Owen addressed the House.

MOTION TO PRINT REMARKS

Rep. O'Neil moved that the remarks of Rep. Alger be printed in the Permanent Journal.

Unanimously adopted.

REMARKS

Rep. Alger: Thank you so very much, Mr. Speaker, Honorable members, I am so pleased and delighted, I did want to come up here and thank you so very, very, very much for all the great cards, letters, e-mails, calls that I received in my afflictions and your recommendations for how to solve my problem. But I did notice that the Supreme Court had outlawed medical marijuana. I also want very much to thank you for the rousing welcome of last week, it was most heartwarming. I also want to mention that in the process of understanding the situation, I noticed that in this House there are quite a number of us who have struggled with the same problem, chemo, and all that. Some personally, some friends and I do recognize their guts, their energy coming back as I hope I can do, but I am going to consult with the doctors.

I must also pay tribute to my dedicated, loving wife of over 53 years, my wife, Judy. She has driven me over 3,000 miles in the last three months back and forth to Dartmouth-Hitchcock, taken over many chores that I used to do or had to do, and now, of course, she has discovered I can make my own lunch again, so I'm in trouble — now I've got to try and stay in bed and pretend I'm sick. I will say, I hope that any of you that to engage in this miserable disease can find yourself a loyal friend or spouse as outstanding as my wife who, by the way, I know the Representative from Enfield would say she would make an outstanding vote in this

House were she to come here, so watch out.

Finally, I would say and recommend to all of you a simple concept I decided on when I first ran in 1997 and that is, that for \$100 a year I am not going to get mad at anybody. So make your friends, enjoy the place and you will have a wonderful set of friends all across this state. So please, thank you very, very much and have fair weather, good health, good luck and enjoy yourselves. Thank you very much again.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of enrolled bill amendments, enrolled bill reports, receiving Senate messages and forming Committees of Conference on budget bills only.

Adopted.

The House recessed at 3:15 p.m.

RECESS

(Rep. Wendelboe in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 69, 125, 132, 158, 248, 259, 261, 269, 307, 354, 415, 437, 478, 549, 557, 602, 618, and 628 and Senate Bills numbered 63, 91, 113, 137 and 214.

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

ENROLLED BILL AMENDMENTS

HB 260-FN, relative to motor vehicle equipment and registration.

Amendment (1835 –EBA)

Amend RSA 228:24-a as inserted by section 3 of the bill by replacing line 8 with the following:

nonprofit corporations operating transportation under contract with the department of

Adopted.

HB 522, establishing a committee to study gaming options for New Hampshire.

Amendment (1816 –EBA)

Amend paragraph I of section 2 of the bill by replacing lines 3-6 with the following: of representatives, 2 of whom shall be proponents of casino gambling, 2 of whom shall be opponents of casino gambling, and the remaining member shall be initially undecided.

(b) Five members of the senate, appointed by the president of the senate, 2 of whom shall be proponents of casino gambling, 2 of whom shall be opponents of casino gambling, and the

Amend section 3 of the bill by replacing subparagraph IV(e) with the following:

(e) The state lottery commission.

Amend paragraph VI of section 3 of the bill by replacing lines 1-2 with the following:

VI. Determine and quantify, to the extent possible, the social and economic effects of casinos in various sites around the state on state, county, and local governments, and on tourism and

Adopted.

SB 125-FN, repealing health status and geographic location as small group rating factors, clarifying certain other issues relating to small group insurance, and establishing a

reinsurance mechanism. (Amendment printed SJ / /)
Adopted.

SENATE MESSAGES CONCURRENCE

HB 102-FN-A, increasing the personal needs allowance of nursing home residents and certain other residents and making an appropriation edicaid.

HB 170, relative to unemployment compensation.

HB 383, relative to vital records administration.

HB 404, permitting employees to request a wage deduction for contributions to a political action committee.

HB 439, relative to registration requirements for criminal offenders.

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

HB 510, relative to financial affidavits in domestic relations cases.

HB 511, relative to the confidentiality of records pertaining to the support of dependent children.

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

HB 637-FN, relative to licensure of alcohol and drug abuse professionals.

HB 647-FN, relative to restructuring the department of revenue administration.

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

SB 21-L, relative to voluntary mediated agreements in adoptions.

SB 46, relative to the duties of law enforcement officials upon receiving reports of missing adults.

SB 52, establishing the state suggestion and extraordinary service award program.

SB 53-FN, relative to increased funding for publication of certain materials by the department of environmental services.

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

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

SB 79, relative to the governance of the regional community-technical colleges.

SB 86, permitting on-site samples and retail sales by liquor manufacturer licensees.

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

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 132, relative to the board of marital mediator certification.

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

SB 168, relative to administration of estates.

SB 186, allowing probate court judges and district court justices to sit on probate or district court cases.

SB 188, relative to the construction of buildings on properties without street frontage.

SB 199, establishing exemptions from certain administrative requirements for the department of regional community-technical colleges.

SB 201, making technical corrections to certain environmental laws and the small business technical assistance program.

SB 223-FN, relative to licensing nondepository mortgage bankers and brokers.

SCR 1, a resolution endorsing a farm viability task force.

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 114, relative to the regulation of pharmacists and pharmacy technicians by the

pharmacy board.

The President appointed Sens. Odell, Boyce and Larsen.

HB 194, establishing a study committee to examine regulatory practices pertaining to the telecommunications industry.

The President appointed Sens. Odell, Bragdon and Burling.

HB 326, relative to motorcycle noise levels and mufflers.

The President appointed Sens. Letourneau, Flanders and Fuller-Clark.

HB 381-FN, relative to special elections, voter lists, and conduct of elections.

The President appointed Sens. Boyce, Bragdon and Hassan.

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

The President appointed Sens. Clegg, Morse and D'Allesandro.

HB 542, making technical corrections to the uniform trust code.

The President appointed Sens. Barnes, Flanders and Foster.

HB 558, relative to the circumstances constituting sexual assault.

The President appointed Sens. Roberge, Green and Foster.

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

Relative to the joint legislative committee on small group health insurance reform, and establishing a joint legislative committee on healthy kids corporation reform.

The President appointed Sens. Johnson, Clegg and Letourneau.

HB 681-FN, relative to training, quality assurance, and licensing of assisted living facilities.

The President appointed Sens. Flanders, Boyce and Larsen.

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

The President appointed Sens. Johnson, Roberge and Clegg.

RECESS

(Rep. Graham in the Chair)

SENATE MESSAGES

ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 573, establishing a commission to study automobile recycling issues, including disposal fees.

The President appointed Sens. Letourneau, Clegg and Burling.

NONCONCURS WITH AMENDMENT

REQUESTS COMMITTEE OF CONFERENCE

SB 163-FN, establishing the New Hampshire pharmaceutical assistance program.

The President appointed Sens. Bragdon, Clegg and Larsen.

Rep. Rausch moved that the House accede.

Adopted.

The Speaker appointed. Reps. Rogers Johnson, Charles McMahon, Donovan and King.

RECESS

(Speaker Scamman in the Chair)
CONFEREES CHANGES

HB 366, relative to maintenance of voter checklists.
Rep. Splaines replaced Rep. Chase.

HB 2-FN-A, relative to state fees, funds, revenue, and expenditures.
Rep. Major replaced Rep. Price.

RECESS

(Rep. King in the Chair)
ENROLLED BILL AMENDMENT

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

Amendment (1810-EBA)

Amend paragraph I of section 1 of the bill by replacing line 4 with the following:
edicaid funding require a more cost-effective system to ensure that the state has the ability to

Amend paragraph II of section 1 of the bill by replacing line 7 with the following:
poor, are without the means for obtaining long-term care services, and are in need of
Amend RSA 167:14-a, VI as inserted by section 9 of the bill by replacing line 7 with the following:

owner or owners shall acknowledge receipt of the department's claim and, provided that there shall

Amend section 19 of the bill by replacing line 2 with the following:
legislation to the speaker of the house of representatives, the senate president, the house clerk, the
Adopted.

RECESS

(Rep. Welch in the Chair)
SENATE MESSAGE

NONCONCURRENCE WITH ENROLLED BILL AMENDMENT

SB 66, establishing a committee to study joint purchasing strategies for small business health insurance in New Hampshire and in northern New England. (EBA-1818)

ENROLLED BILL AMENDMENT

SB 66, establishing a committee to study joint purchasing strategies for small business health insurance in New Hampshire and in northern New England. (EBA – 1913 printed SJ / /)
Adopted.

ENROLLED BILL AMENDMENTS

HB 43, relative to state employees appearing before the legislature.

Amendment (1726-EBA)

Amend RSA 98-F:1 as inserted by section 1 of the bill by replacing line 1 with the following:
98-F:1 State Employee Appearances Before the Legislature. State employees appearing in their official capacity before any legislative meeting or
Adopted.

HB 112, relative to psychiatric evaluations in competency hearings.

Amendment (1800-EBA)

Amend section 2 of the bill by replacing line 1 with the following:

2 Competency Evaluations During Involuntary Commitment Period. RSA 135:17-a, VI is Adopted.

HB 315, relative to best available technology for air pollution control.

Amendment (1783-EBA)

Amend RSA 125-C:4, I(o) as inserted by section 3 of the bill by replacing line 2 with the following:

provided in RSA 125-C:10-b, VII(f).

Amend RSA 125-C:4, I(p) as inserted by section 3 of the bill by replacing line 2 with the following:

determination is required as provided in RSA 125-C:10-b, IV and VI.

Amend RSA 125-C:4, I(q) as inserted by section 3 of the bill by replacing line 2 with the following:

an exempt fuel, to be combusted in a device at an affected source subject to RSA 125-C:10-b.

Amend section 4 of the bill by replacing lines 1-3 with the following:

4 New Section; Air Pollution Control Act; Best Available Control Technology. Amend 125-C by inserting after section 10-a the following new section:

125-C:10-b Best Available Control Technology Required.

Amend section 5 of the bill by replacing line 1 with the following:

5 Rules Required. No permits shall be issued under RSA 125-C:10-b until final adoption of all Adopted.

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

Amendment (1744-EBA)

Amend RSA 211:18, I-a as inserted by section 1 of the bill by replacing line 4 with the following:

lobster and crabs within the jurisdiction of the state of New Hampshire.

Adopted.

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

Amendment (1792-EBA)

Amend RSA 15-B:2 as inserted by section 3 of the bill by replacing line 15 with the following: official but for the office he **or she** holds.

Adopted.

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

Amendment (1748-EBA)

Amend RSA 402-D:10 as inserted by section 3 of the bill by replacing lines 3-5 with the following:

or guilty of a felony if any other person. Any licensee who in the course of his **or her** work as a public adjuster shall misrepresent his **or her** identity or the identity of his **or her** principal or employer, or who shall wrongfully divulge information coming to him **or her** in his **or her** capacity as a public adjuster may be subjected

Amend RSA 420-F:3, VI as inserted by section 9 of the bill by replacing line 3 with the

following:

granted to him *or her* or Delta for whom he *or she* acts as agent has been revoked, he *or she* shall be guilty of a

Amend RSA 402-J:1, II as inserted by section 11 of the bill by replacing line 3 with the following:

407-C:3; RSA 408:42; RSA 416-A:15; RSA [~~418:5-a~~] **418:31**; RSA 420-A:7; RSA 420-B:18; RSA 420-F:3; and

Adopted.

HJR 3, supporting the Portsmouth Naval Shipyard.

Amendment (1788-EBA)

Amend the resolution by replacing the sixth paragraph after the title with the following:

Whereas, the Portsmouth Naval Shipyard is one of only 2 nuclear-certified public shipyards on the East Coast, making it an asset to the United States Navy and integral to national and homeland security; and

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

That the New Hampshire general court urges the Base Realignment and Closure Committee to reassess the recommendation and closure plans of the Portsmouth Naval Shipyard, and remove the Portsmouth Naval Shipyard from the base closure list; and

That copies of this resolution be forwarded to the Base Realignment and Closure Committee and the New Hampshire congressional delegation.

Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 260, 517 and 522 and Senate Bills numbered 38, 83, 164 and 226.

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

RECESS

(Speaker Scamman in the Chair)

CONFEREE CHANGES

SB 216, establishing a commission to study area agencies.

Rep. Batula replaced Rep. Barry.

Rep. Price replaced Rep. McMahon.

RECESS