

HOUSE RECORD

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

Vol. 27

Concord, N.H.

Wednesday, June 29, 2005

No. 55

HOUSE JOURNAL No. 19 (cont.)

Wednesday, June 15, 2005

RECESS

(Speaker Scamman in the Chair)
CONFEREE CHANGES

HB 168, relative to the licensure of electrologists and establishing an electrology advisory committee, and relative to the definition of tanning device operator.
Rep. Bergin replaced Rep. Pilotte.

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

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.
Rep. Weyler replaced Rep. Wallner.

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

RECESS

(Rep. Price in the Chair)
ENROLLED BILL AMENDMENTS

HB 129-FN-L, establishing a high performance school incentive and relative to the use of system benefits charge funds for school building projects that promote indoor air quality or energy efficiency.

Amendment (1920 -EBA)

Amend the bill by replacing section 4 of the bill with the following:

4 Contingent Renumbering. If SB 38 of the 2005 legislative session becomes law, RSA 198:15-b, I-a and I-b as inserted by section 1 of this act shall be renumbered to RSA 198:15-b, I-b and I-c, respectively.

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

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

program.

Amendment (1912-EBA)

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

Amend RSA 153-A:2 by inserting after paragraph XVI the following new paragraph

Adopted.

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

Amendment (1918-EBA)

Amend RSA 217-A:3, XIII(k) as inserted by section 1 of the bill by replacing it with the following:

[~~(t)~~] **(k)** The New Hampshire Timberland Owners Association.

Amend section 2 of the bill by replacing line 5 with the following:

and lands of the department of resources and economic development which collects and analyzes

Adopted.

ENROLLED BILL AMENDMENTS

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

(Amendment printed SJ 06/29/05)

Adopted.

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.

(Amendment printed SJ 06/29/05)

Adopted.

SB 132, relative to the board of marital mediator certification. (Amendment printed SJ 06/29/05)

Adopted.

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. (Amendment printed SJ 06/29/05)

Adopted.

SB 168, relative to administration of estates. (Amendment printed SJ 06/29/05)

Adopted.

SB 186, allowing probate court judges and district court justices to sit on probate or district court cases. (Amendment printed SJ 06/29/05)

Adopted.

SB 201, making technical corrections to certain environmental laws and the small business technical assistance program. (Amendment printed SJ 06/29/05)

Adopted.

RECESS

(Rep. Price in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 43, 112, 185, 315, 353, 424, 623, 691 and House Joint Resolution numbered 3.
Rep. Currier, Sen. D'Allesandro for the Committee

RECESS

(Rep. Remick in the Chair)
ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 102, 404, 439, 477, 510, 511, 647, 651, and Senate Bills numbered 66, 73, 79, 86, 111, 125, 188, and 199.

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

ENROLLED BILL AMENDMENTS

SB 21, relative to voluntary mediated agreements in adoptions. (Amendment printed SJ 06/29/05)
Adopted.

SB 46, relative to the duties of law enforcement officials upon receiving reports of missing adults. (Amendment printed SJ 06/29/05)
Adopted.

SB 74, making certain technical changes in the insurance laws. (Amendment printed SJ 06/29/05)
Adopted.

SB 223-FN, relative to licensing nondepository mortgage bankers and brokers. Amendment printed SJ 06/29 05)
Adopted.

RECESS

Rep. Weyler moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 20

Wednesday, June 29, 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 H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, The Reverend Dr. Bruce Boria, Pastor of Bethany Church of Greenland.

O Lord our God, how majestic is Your name in all the earth when we in awesome wonder consider all the worlds Thy hands have made, we see the stars, we hear the rolling thunder

and Thy powers displayed throughout the universe. Our souls are tempted to sing, "How Great Thou Art." When we consider man that You have stamped on him Your divine image and blessed him with the faculty of a mind and heart, a soul and physical strength, we take a pause and again we are tempted to sing, "My God, How Great Thou Art." And when we think Lord that You have considered us worthy of the challenges that face us in this life, burdens that You put on our shoulders and then inspire us, Lord, to go out and use our minds, the compassion in our hearts, the meditations of our souls and the strength of our hands to make certain that all the citizens of this state and families that reside here, they feel something of a love, and a concern, a respect, again Lord, we are tempted to step back and just say, "My God, How Great Thou Art."

So I pray today that Your blessing would be on this House of Representatives, that You would give them wisdom, and discernment and understanding that they might cause the citizens of this state to live in harmony with one another and with You, and I pray this in the name of the Father, and of the Son, and of His Holy Spirit. Amen.

Rep. Rep. Barbara C. French led the Pledge of Allegiance.

The National Anthem was sung by Kaycee Sawyer, a 5th grade student at Holy Trinity School in Laconia.

LEAVES OF ABSENCE

Reps. Albert, Hunter, Palangas, Philbrick and Stepanek, the day, illness.

Reps. Carter, Mark Clark, Richard Cooney, Dorsett, Stephanie Eaton, Foote, Forsing, Hollinger, Michon, Moran, Morneau, Parker, Pelkey, Reed and Sokol, the day, important business.

INTRODUCTION OF GUESTS

Pages for the Day, Hanna Gomez, 8th grade student from Litchfield Middle School and granddaughter of Rep. Boehm, and Amy Proulx, an Ashland University student, guests of the House.

Nathaniel and Laurie Sawyer, parents of today's singer, guests of the House. Horst Freyhofer and Cerasel Cutenu, guests of Rep. Heald. Karen Kenney and Patrick Monahan, guests of Rep. Mason. Gary Dodds, guest of Rep. Claudia Chase. Neil Ben-Berem, guest of Rep. Hogancamp. Matthew Brown, Jessalyn and Casey Jones, husband, great-niece and great-nephew of Rep. Jennifer Brown. Helen Solberg, Lars Vidar Gullestad and Gisle Saudland, guests of Rep. Rush. Norm Bernier, guest of Rep. Cataldo. Adam Shibley, guest of the Lebanon delegation. Richard G. Boutwell and Colonel J. Wilfred A. Brassard, U.S. Army retired, guests of Rep. Parkhurst. Jennifer Boudreau, guest of Rep. Ryan. Bryan and Brett Mele, guests of Rep. Emerson. Dale Michael Keith, nephew of Rep. McRae.

(Deputy Speaker Weyler in the Chair)

COMMUNICATION

		June 22, 2005
Karen O. Wadsworth, Clerk of the House Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day: Hillsborough County, District 1, Gilman C. Shattuck, d, Hillsborough (571 Center Road) 03244		
		William M. Gardner, Secretary of State

COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS
COMMITTEE OF CONFERENCE REPORT ON SB 5

Committee of Conference Report on **SB 5**, an act establishing a commission to study the state park system.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend subparagraphs I(a)-(b) as inserted by section 2 of the bill by replacing them with the following:

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

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

Conferees: Sens. Johnson, Dist. 2; Gallus, Dist. 1; and Larsen, Dist. 15.

Conferees: Reps. Currier, Merr. 5; Irish, Sull. 4; Sanders, Rock. 7; and Parkhurst, Ches. 4.

Rep. Currier moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 19

Committee of Conference Report on **SB 19**, an act relative to qualifications to sell lottery, bingo, and lucky 7 tickets.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

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

Conferees: Sens. D'Allesandro, Dist. 20; Letourneau, Dist. 19 and Green, Dist. 6.

Conferees: Reps. Fitzgerald, Belk. 4; Manney, Hills. 7; F. Sullivan, Hills. 12; and Velez, Hills. 12.

Rep. Fitzgerald moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 43

Committee of Conference Report on **SB 43**, an act relative to the administration of estates of persons presumed dead.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 553:19, II as inserted by section 4 of the bill by replacing it with the following:

II. That the person has been absent for a continuous period of 4 years, during which time he or she has not been heard of or from, and whose absence is not satisfactorily explained after diligent search or inquiry. The individual's death is presumed to have occurred at the end of the period unless there is sufficient evidence for determining that death occurred earlier.

Amend RSA 563:5, V as inserted by section 5 of the bill by replacing it with the following:

V. An individual whose death is not established[?] under the preceding paragraphs who is absent for a continuous period of [?] 4 years, during which time that individual has not been heard from, and whose absence is not satisfactorily explained after diligent search

or inquiry, is presumed to be dead. The individual's death is presumed to have occurred at the end of the period unless there is sufficient evidence for determining that death occurred earlier

Conferees: Sens. Foster, Dist. 13; Green, Dist. 6; and Gottesman, Dist 12.

Conferees: Reps. Dokmo, Hills. 6; Hunt, Ches. 7; Shurtleff, Merr. 10; and Sorg, Graf. 3.

Rep. Dokmo moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 28

Committee of Conference Report on **SB 28**, an act relative to confidentiality and workers' compensation.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House

Conferees: Sens. Flanders, Dist. 7; Clegg, Dist. 14 and Foster, Dist. 13.

Conferees: Reps. Bridle, Rock. 15; Infantine, Hills. 13; Gorman, Hills. 23 and Giuda, Graf. 5.

Rep. Bridle moved that the House adopt the Committee of Conference Report and yielded to questions.

Rep. Cady requested a roll call; sufficiently seconded.

The question being adoption of the Committee of Conference Report.

YEAS 249 NAYS 96			
YEAS 249			
BELKNAP			
Allen, Janet	Clark, Charles	Fitzgerald, James	Flanders, Donald
Millham, Alida	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Tobin, William	Veazey, John	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Dickinson, Howard
Knox, J David	Martin, James	Merrow, Harry	Olimpio, J Lisbeth
Patten, Betsey	Stevens, Stanley		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter
Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna	Weed, Charles	
COOS			
King, Frederick	Lary, Bruce	Mears, Edgar	Merrick, Scott
Richardson, Herbert	Stohl, Eric	Theberge, Robert	Tholl, John Jr
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Giuda, Robert	Hammond, Lee	Harding, A Laurie

McLeod, Martha	Mulholland, Catherine	Naro, Debra	Nordgren, Sharon
Solomon, Peter	Sorg, Gregory	Ward, John	
HILLSBOROUGH			
Allan, Nelson	Baroody, Benjamin	Batula, Peter	Beaulieu, Jane
Bergin, Peter	Brassard, Paul	Brundige, Robert	Buhlman, David
Carlson, Donald	Chabot, Robert	Chase, Claudia	Christensen, D L Chris
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Daniuk, Caitlin	Desmarais, Vivian
DeVries, Betsi	Drisko, Richard	Egbers, Fran	Elliott, Nancy
Emerton, Larry	Essex, David	Foster, Linda	Gargasz, Carolyn
Garrity, Patrick	Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary
Graham, John	Haley, Robert	Hall, Betty	Harvey, Suzanne
Hawkins, Ken	Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette
Johnson, Paula	Kurk, Neal	L'Heureux, Robert	Lasky, Bette
Lessard, Rudy	McRae, Karen	Mooney, Maureen	Movsesian, Lori
O'Connell, Timothy	Pappas, Christopher	Pilotte, Maurice	Price, Pamela
Reeves, Sandra	Rochette, Eric	Rosenwald, Cindy	Ross, Lawrence
Schulze, Joan	Shattuck, Gilman	Shaw, Kimberly	Sullivan, Francis
Velez, Hector	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Hager, Elizabeth	Hamm, Christine
Hess, David	Kidder, David	Klose, John	L'Heureux, Stephen
Langlais, Thomas	Lockwood, Priscilla	MacKay, James	Maxfield, Roy
McMahon, Patricia	Oliver, James	Osborne, Jessie	Potter, Frances
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Bishop, Franklin	Blanchard, MaryAnn	Bridle, Russell	Buxton, Donald
Cali-Pitts, Jacqueline	Casey, Kimberley	Coburn, James	Dalrymple, Janeen
Dodge, Robert	Donahue, Richard Ken	Dowd, John	Flanders, John Sr
Flockhart, Eileen	Francoeur, Sheila	Gillick, Thomas	Gould, Kenneth
Griffin, Mary	Headd, James	Hutchinson, Karen	Introne, Robert
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Major, Norman	Mason, April	McKinney, Betsy
Moody, Marcia	Moore, Benjamin	Norelli, Terie	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Pantelakos, Laura	Powers, James
Quandt, Marshall Lee	Quandt, Matthew	Rausch, James	Robertson, Carl
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Scamman, W Douglas
Serlin, Christopher	Stiles, Nancy	Stone, Joseph	Weare, E Albert
Welch, David	Weldy, Norman	Wiley, Robert	Winchell, George

STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Grassie, Anne	Heon, Richard	Hofemann, Roland
Johnson, Nancy	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Snyder, Clair
Taylor, Katherine	Taylor, Kathleen	Twombly, James	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Phinizy, James	Prichard, Stephen	Rodeschin, Beverly	
NAYS 96			
BELKNAP			
Boyce, Laurie	Heald, Bruce	Morrison, Gail	Rosen, Ralph
Tilton, Franklin			
CARROLL			
Babson, David Jr	Buco, Thomas	McConkey, Mark	
CHESHIRE			
Emerson, Susan	Sawyer, Sheldon		
COOS			
Buzzell, Bernard	Remick, William		
GRAFTON			
Alger, John	Barker, Robert	Gionet, Edmond	Ham, Bonnie
Maybeck, Margie	Mirski, Paul	Williams, Burton	
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Calawa, Leon Jr	Carew, James
Christiansen, Lars	Dokmo, Cynthia	Dyer, Donald	Gibson, John
Golding, William	Goyette, Peter Jr	Hagan, Barbara	Hansen, Ryan
Hebert, Raymond	Hinkle, Peyton	Hirschmann, Keith	Kopka, Angeline
Lawrence, James	Manney, Pamela	Matarazzo, Anthony Sr	Mead, Robert
Messier, Irene	O'Brien, William	Ober, Lynne	Pepino, Leo
Renzullo, Andrew	Rowe, Robert	Ryder, Donald	Slocum, Lee
Smith, David	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, James		
MERRIMACK			
Blanchard, Elizabeth	Danforth, James	Field, William	Greco, Vincent

Marple, Richard	Owen, Derek	Whiting, Herbert	
ROCKINGHAM			
Bettencourt, David	Bicknell, Elbert	Cady, Harriet	Camm, Kevin
Carson, Sharon	Charron, Gene	Dowling, Patricia	Dumaine, Dudley
Fesh, Bob	Garrity, James	Gilbert, Karl	Hopfgarten, Paul
Hughes, Daniel	Ingram, Russell	Itse, Daniel	Langley, Jane
Lund, Howie	Palazzo, Frank	Priestley, Anne	Putnam, Ed II
Splaine, James	Waterhouse, Kevin	Wells, Roger	Zolla, William
STRAFFORD			
Bickford, David	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Goodwin, Earle	Newton, Clifford	
SULLIVAN			
Osgood, Philip Sr			

and the Committee of Conference report was adopted.

(Speaker Scamman in the Chair)

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that the Rules be so far suspended as to allow consideration at the present time of the corrected Committee of Conference report on SB 37, an act relative to disclosure of expert testimony.

Rep. O'Neil spoke in favor.

Adopted by the necessary two-thirds.

**CONSIDERATION OF
COMMITTEE OF CONFERENCE REPORT ON SB 37**

Committee of Conference Report on **SB 37**, an act relative to disclosure of expert testimony.
Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment,
and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended
by the Senate, and pass the bill as so amended:

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

1 Disclosure of Expert Testimony. Amend RSA 516:29-b to read as follows:

516:29-b Disclosure of Expert Testimony ***in Civil Cases***.

I. A party ***in a civil case*** shall disclose to other parties the identity of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the New Hampshire rules of evidence.

II. Except as otherwise stipulated or directed by the court, this disclosure shall, with respect to a witness who is retained or specially employed to provide expert testimony in the case or whose duties as an employee of the party regularly involve giving expert testimony, be accompanied by a written report signed by the witness. The report shall contain a complete statement of:

(a) All opinions to be expressed and the basis and reasons therefor;

(b) The data or other information considered by the witness in forming the
opinions;

(c) Any exhibits to be used as a summary of or support for the opinions;

(d) The qualifications of the witness, including a list of all publications authored
by the witness within the preceding 10 years;

(e) The compensation to be paid for the study and testimony; and
(f) A listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding 4 years.

III. These disclosures shall be made at the times and in the sequence directed by the court. In the absence of other directions from the court or stipulation by the parties, the disclosures shall be made at least 90 days before the trial date or the date the case is to be ready for trial or, if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party, within 30 days after the disclosure made by the other party. The parties shall supplement these disclosures when required in accordance with the court's rules.

IV. The deposition of any person who has been identified as an expert whose opinions may be presented at trial, and whose testimony has been the subject of a report under this section, shall not be conducted until after such report has been provided.

V. The provisions of this section shall not apply in criminal cases.

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

Conferees: Sens. Clegg, Dist. 14; Roberge, Dist. 9; and Gottesman, Dist 12.

Conferees: Reps. Sorg, Graf. 3; Mooney, Hills. 19; Mead, Hills. 4; and Shurtleff, Merr. 10.
Rep. Sorg moved that the House adopt the Committee of Conference Report and spoke in favor.

Committee of Conference Report adopted.

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

SENATE MESSAGES

ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

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

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

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006, and June 30, 2007. (Report printed SJ 06/29/05)

Rep. King moved that the House adopt the Committee of Conference Report, spoke in favor and yielded to questions.

Reps. Wallner, DeJoie, Keans, Cady, Gile, Gibson and Daniel Eaton spoke against.

Reps. Hager and Weyler spoke in favor.

Rep. John Flanders moved the previous question.

Adopted.

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

The question being adoption of the Committee of Conference Report.

YEAS 198 NAYS 172			
YEAS 198			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	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	Chandler, Gene
Knox, J David	Martin, James	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley	
CHESHIRE			
Dexter, Judson	Emerson, Susan	Hogancamp, Deborah	Hunt, John
Sawyer, Sheldon			
COOS			
King, Frederick	Lary, Bruce	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		
GRAFTON			
Alger, John	Barker, Robert	Gionet, Edmond	Giuda, Robert
Ham, Bonnie	Naro, Debra	Sorg, Gregory	Ward, John
Williams, Burton			
HILLSBOROUGH			
Adams, Jarvis IV	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Boehm, Ralph	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Carew, James	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian
Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy	Emerton, Larry
Francoeur, Bea	Gargas, Carolyn	Golding, William	Gonzalez, Carlos
Graham, John	Hansen, Ryan	Hawkins, Ken	Hebert, Raymond
Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph	Infantine, William
Jasper, Shawn	Kelly, Eugene Jr	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Manney, Pamela	McRae, Karen	Mead, Robert
Mooney, Maureen	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Pepino, Leo	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Ross, Lawrence	Ryder, Donald	Scanlon, Michael	Slocum, Lee
Sullivan, Francis	Tahir, Saghir	Ulery, Jordan	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	Hager, Elizabeth
Hess, David	Kidder, David	Klose, John	L'Heureux, Stephen
Langlais, Thomas	Lockwood, Priscilla	MacKay, James	Marple, Richard
Maxfield, Roy	Oliver, James	Soltani, Tony	Whiting, Herbert
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Buxton, Donald	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	Dalrymple, Janeen
DiFruscia, Anthony	Dodge, Robert	Donahue, Richard Ken	Dowd, John
Dowling, Patricia	Doyle, Christopher	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Headd, James

Hughes, Daniel	Hutchinson, Karen	Ingram, Russell	Introne, Robert
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Lund, Howie
Major, Norman	Mason, April	McKinney, Betsy	McMahon, Charles
Moore, Benjamin	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Palazzo, Frank	Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Robertson, Carl	Rolston, James	Sanders, Elisabeth
Scamman, Stella	Smith, Paul	Stiles, Nancy	Stone, Joseph
Waterhouse, Kevin	Weare, E Albert	Welch, David	Weldy, Norman
Weyler, Kenneth	Wiley, Robert	Winchell, George	Zolla, William
STRAFFORD			
Bickford, David	Brown, Julie	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Newton, Clifford	Twombly, James	
SULLIVAN			
Gale, Harry	Osgood, Philip Sr	Rodeschin, Beverly	
NAYS 172			
BELKNAP			
Morrison, Gail			
CARROLL			
Buco, Thomas	Dickinson, Howard		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Theberge, Robert
GRAFTON			
Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Hammond, Lee	Harding, A Laurie	Ingbretson, Paul	Maybeck, Margie
McLeod, Martha	Mirski, Paul	Mulholland, Catherine	Nordgren, Sharon
Solomon, Peter			
HILLSBOROUGH			
Allan, Nelson	Balboni, Michael	Baroody, Benjamin	Barry, J Gail
Beaulieu, Jane	Biundo, Michael	Brassard, Paul	Campbell, David
Chase, Claudia	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Dyer, Donald	Egbers, Fran	Essex, David	Foster, Linda
Garrity, Patrick	Gibson, John	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Goyette, Peter Jr	Hagan, Barbara	Haley, Robert

Hall, Betty	Harvey, Suzanne	Hellwig, Steve	Irwin, Anne-Marie
Jean, Claudette	Johnson, Paula	Kopka, Angeline	Lasky, Bette
Lefebvre, Roland	Lessard, Rudy	Martin, Mary Ellen	Matarazzo, Anthony Sr
Messier, Irene	Movsesian, Lori	Pappas, Christopher	Pilotte, Maurice
Rochette, Eric	Rosenwald, Cindy	Rowe, Robert	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Smith, David
Souza, Kathleen	Sullivan, Peter	Vaillancourt, Steve	Velez, Hector
Villeneuve, Maurice	Wheeler, James		
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Field, William	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Kennedy, Richard
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Bettencourt, David	Blanchard, MaryAnn	Cady, Harriet
Cali-Pitts, Jacqueline	Casey, Kimberley	Flockhart, Eileen	Hopfgarten, Paul
Moody, Marcia	Morris, Richard	Norelli, Terie	Pantelakos, Laura
Powers, James	Putnam, Ed II	Serlin, Christopher	Splaine, James
Wells, Roger			
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Lawrence	Callaghan, Frank
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Goodwin, Earle	Grassie, Anne	Heon, Richard	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Katherine	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen			

and the Committee of Conference Report was adopted.

(Deputy Speaker Weyler in the Chair)

HB 2-FN-A, relative to state fees, funds, revenue, and expenditures. (Report printed SJ 06/29/05)

Rep. King moved that the House adopt the Committee of Conference Report, spoke in favor and yielded to questions.

Reps. Phinizy and Vaillancourt spoke against and yielded to questions.

Rep. Whalley spoke in favor and yielded to questions.

Rep. Wendelboe yielded to questions.

Reps. Foster, Cady, Gibson and Marjorie Smith spoke against.

Reps. Giuda spoke in favor.
Rep. John Flanders moved the previous question.
Adopted.

Rep. James Wheeler requested a roll call; sufficiently seconded.
The question being adoption of the Committee of Conference Report.

YEAS 194 NAYS 179			
YEAS 194			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	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	Chandler, Gene
Knox, J David	Martin, James	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley	
CHESHIRE			
Dexter, Judson	Emerson, Susan	Espieffs, Peter	Hogancamp, Deborah
Hunt, John	Sawyer, Sheldon		
COOS			
Buzzell, Bernard	King, Frederick	Lary, Bruce	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	
GRAFTON			
Alger, John	Barker, Robert	Gionet, Edmond	Giuda, Robert
Ham, Bonnie	Sorg, Gregory	Ward, John	Williams, Burton
HILLSBOROUGH			
Adams, Jarvis IV	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Boehm, Ralph	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Carew, James	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian
Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy	Emerton, Larry
Francoeur, Bea	Gargas, Carolyn	Golding, William	Gonzalez, Carlos
Graham, John	Hansen, Ryan	Hawkins, Ken	Hebert, Raymond
Hinkle, Peyton	Holden, Randolph	Infantine, William	Jasper, Shawn
Kelly, Eugene Jr	Kurk, Neal	L'Heureux, Robert	Lawrence, James
Manney, Pamela	McRae, Karen	Mead, Robert	Mooney, Maureen
O'Brien, William	O'Connell, Timothy	Ober, Lynne	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Ross, Lawrence	Rowe, Robert

Ryder, Donald	Scanlon, Michael	Slocum, Lee	Sullivan, Francis
Tahir, Saghir	Velez, Hector	Villeneuve, Maurice	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	Field, William
Hager, Elizabeth	Hess, David	Kidder, David	Klose, John
L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla	MacKay, James
Marple, Richard	Maxfield, Roy	Oliver, James	Soltani, Tony
Whiting, Herbert			
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bridle, Russell	Buxton, Donald	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	Dalrymple, Janeen	Dodge, Robert
Donahue, Richard Ken	Dowd, John	Dowling, Patricia	Doyle, Christopher
Fesh, Bob	Flanders, John Sr	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Gillick, Thomas	Gould, Kenneth	Griffin, Mary
Headd, James	Hutchinson, Karen	Ingram, Russell	Introne, Robert
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Lund, Howie	Major, Norman	Mason, April
McKinney, Betsy	McMahon, Charles	Moore, Benjamin	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Palazzo, Frank	Priestley, Anne
Quandt, Marshall Lee	Quandt, Matthew	Rausch, James	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Scamman, W Douglas	Smith, Paul
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman	Wiley, Robert	Winchell, George
Zolla, William			
STRAFFORD			
Bickford, David	Brown, Julie	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Easson, Timothy	Newton, Clifford	Twombly, James
SULLIVAN			
Gale, Harry	Osgood, Philip Sr	Rodeschin, Beverly	
NAYS 179			
BELKNAP			
Morrison, Gail			
CARROLL			
Buco, Thomas	Dickinson, Howard		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna	Weed, Charles	

COOS			
Mears, Edgar	Merrick, Scott	Theberge, Robert	
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	Ingbretson, Paul
Maybeck, Margie	McLeod, Martha	Mirski, Paul	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Solomon, Peter	
HILLSBOROUGH			
Allan, Nelson	Balboni, Michael	Baroody, Benjamin	Barry, J Gail
Beaulieu, Jane	Biundo, Michael	Brassard, Paul	Campbell, David
Chase, Claudia	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Dyer, Donald	Egbers, Fran	Essex, David	Foster, Linda
Garrity, Patrick	Gibson, John	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Goyette, Peter Jr	Hagan, Barbara	Haley, Robert
Hall, Betty	Harvey, Suzanne	Hellwig, Steve	Hirschmann, Keith
Irwin, Anne-Marie	Jean, Claudette	Johnson, Paula	Kopka, Angeline
Lasky, Bette	Lefebvre, Roland	Lessard, Rudy	Martin, Mary Ellen
Matarazzo, Anthony Sr	Messier, Irene	Movsesian, Lori	Pappas, Christopher
Pepino, Leo	Pilotte, Maurice	Rochette, Eric	Rosenwald, Cindy
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Smith, David	Souza, Kathleen	Sullivan, Peter	Ulery, Jordan
Vaillancourt, Steve	Wheeler, James		
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Greco, Vincent	Hamm, Christine	Kennedy, Richard
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Bicknell, Elbert	Bishop, Franklin	Blanchard, MaryAnn
Cady, Harriet	Cali-Pitts, Jacqueline	Casey, Kimberley	DiFruscia, Anthony
Dumaine, Dudley	Flockhart, Eileen	Hopfgarten, Paul	Hughes, Daniel
Itse, Daniel	Kobel, Rudolph	Moody, Marcia	Morris, Richard
Norelli, Terie	Pantelakos, Laura	Powers, James	Putnam, Ed II
Robertson, Carl	Serlin, Christopher	Splaine, James	Wells, Roger
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Lawrence	Callaghan, Frank
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Goodwin, Earle	Grassie, Anne	Heon, Richard	Hilliard, Dana

Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Katherine	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen			

and the Committee of Conference Report was adopted.

(Speaker Scamman in the Chair)

The House recessed at 1:05 p.m.

RECESS

(Speaker Scamman in the Chair)

The House reconvened at 2:30 p.m.

COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS (CONT'D.)

COMMITTEE OF CONFERENCE REPORT ON SB 61

Committee of Conference Report on **SB 61**, an act relative to judges giving notice of intent to retire, and relative to retired status for judges and assignment of judicial referees.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 493-A:1, I as inserted by section 3 of the bill by replacing it with the following:

I. Any full-time justice of the supreme, superior, district, or probate court who retires or has retired from regular active service prior to age 70 pursuant to RSA 100-C or any predecessor judicial retirement plan or system, may elect to take either senior active status or retired status for the period prior to the time when the justice reaches age 70. A justice who desires to be designated on senior active status shall make such election by providing written notice to the chief justice or administrative justice of the court from which he or she retired. The first such election shall be made not later than 30 days prior to the date the justice's retirement becomes effective and shall be valid for one year from the date of the justice's retirement. Thereafter, a justice who desires to remain in senior active status shall provide a similar notice on an annual basis to the chief or administrative justice of the court from which the justice retired not later than 30 days prior to the anniversary date of the justice's retirement. Judges retired on the effective date of this section shall make the first such election not later than 30 days after the effective date of this section. Each election shall be valid for a period of one year, except that an election made for the year in which the justice reaches age 70 shall terminate on the day before the justice turns 70. A justice who desires to be designated on retired status may do so at any time following his or her retirement from regular active service by providing written notice of this election to the chief or administrative justice of the court from which the justice retired; provided, however, that once a justice elects to be designated on retired status such election shall be final and the justice shall not thereafter be allowed to return to senior active status.

Amend RSA 493-A:1-a as inserted by section 4 of the bill by deleting paragraph IV

Amend the bill by replacing section 5 with the following:

5 Repeal. RSA 491:23, relative to appointment of former judges as referees, auditors and masters, is repealed

Conferees: Sens. Foster, Dist. 13; Letourneau, Dist. 19; and Clegg, Dist. 14.

Conferees: Reps. Dokmo, Hills. 6; Mooney, Hills. 19; Wall, Straf. 7; and Sorg, Graf. 3.
Rep. Dokmo moved that the House adopt the Committee of Conference Report.
Committee of Conference Report adopted.
Rep. Coughlin declared a conflict of interest and did not participate.

COMMITTEE OF CONFERENCE REPORT ON SB 62

Committee of Conference Report on **SB 62-FN**, an act allowing court fees to be paid by credit card.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 490:26-a as inserted by section 2 of the bill by replacing it with the following:

490:26-a Court Fees **and Fines; Credit Card Payments**. The supreme court shall establish by rule an equitable fee schedule for all courts in the state ~~[by January 1, 1982]~~. ***All court fees and all fines paid into any court may be paid by credit card in lieu of cash payment. The courts shall collect a \$3 processing fee in addition to each fee or fine paid by credit card.***

Conferees: Sens. D'Allesandro, Dist. 20; Clegg, Dist. 14; and Odell, Dist. 8.

Conferees: Reps. Camm, Rock. 8; Almy, Graf. 11; Jasper, Hills. 27; and Hinkle, Hills. 19.

Rep. Camm moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

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

COMMITTEE OF CONFERENCE REPORT ON SB 70

Committee of Conference Report on **SB 70**, an act relative to the powers of special corporations.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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. The proposed change shall also be submitted for review by the probate court. 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

Conferees: Sens. Barnes, Dist. 17; Larsen, Dist. 15; and Roberge, Dist. 9.

Conferees: Reps. Hawkins, Hills. 18; Ryder, Hills. 5; Pilotte, Hills. 16; and C. Robertson, Rock. 13.

Rep. Hawkins moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 75

Committee of Conference Report on **SB 75-FN**, an act relative to the statute of limitations

for a civil actions based upon a sexual assault case.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 508:4-g, I as inserted by section 1 of the bill by replacing it with the following:

I. Seven years of the person's eighteenth birthday; or

Amend the bill by replacing section 2 with the following:

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

Conferees: Sens. Clegg, Dist. 14; Foster, Dist. 13; and Gottesman, Dist 12 .

Conferees: Reps. Mooney, Hills. 19; Dokmo, Hills. 6; Lasky, Hills 26; and Hunt, Ches. 7.

Rep. Mooney moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 76

Committee of Conference Report on **SB 76**, an act relative to the extension of restraining orders under the domestic violence protection act.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the Senate, and pass the bill as so amended:

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

3 Applicability. This act shall apply to any order in effect under RSA 173-B:5, VI and RSA 633:3-a, III-c on the effective date of this act as well as any order entered thereafter.

4 Effective Date. This act shall take effect 30 days after its passage.

Conferees: Sens. Foster, Dist. 13; Green, Dist. 6; and Gottesman, Dist 12

Conferees: Reps. Tholl, Coos 2; Welch, Rock. 8; Knowles, Straf. 6; and Villeneuve, Hills. 18.

Rep. Tholl moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

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

COMMITTEE OF CONFERENCE REPORT ON SB 108

Committee of Conference Report on **SB 108-FN**, an act relative to newborn screening tests and fees for newborn screening tests.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Boyce, Dist. 4; Roberge, Dist. 9; and Burling, Dist. 5.

Conferees: Reps. MacKay, Merr. 11; Hogancamp, Ches. 4; French, Merr. 5; and Camm, Rock. 8.

Rep. Mackay moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 124

Committee of Conference Report on **SB 124**, an act relative to the regulation of real estate brokers by the real estate commission.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 331-A:19, II as inserted by section 12 of the bill by replacing it with the following:

II. Upon receiving a completed renewal application, the required fees, ~~[an affidavit from the sponsor of an accredited program attesting to the successful]~~ **certification of** completion of ~~[the]~~ **required** continuing education ~~[requirements]~~ as set by the commission under RSA 331-A:20 and, in the case of a principal or managing broker licensee, evidence that the required bond is in full force and effect, the executive director shall issue the appropriate license for ~~[an additional]~~ **2 consecutive** years **from the date of expiration.**

Conferees: Sens. Roberge, Dist. 9; Gallus, Dist. 1; and Fuller Clark, Dist. 24.

Conferees: Reps. Nowe, Rock. 9; Coburn, Rock. 4; Hawkins, Hills. 18; and Irwin, Hills. 3.

Rep. Nowe moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

Reps. Barody, Cady, Coughlin, DeStefano, Dowling, Daniel Eaton, Mirski and Phinizy declared conflicts of interest and did not participate.

COMMITTEE OF CONFERENCE REPORT ON SB 142

Committee of Conference Report on **SB 142**, an act extending the reporting date of the commission to study issues relative to groundwater withdrawals.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Johnson, Dist. 2; Odell, Dist. 8; and D'Allesandro, Dist. 20.

Conferees: Reps. Currier, Merr. 5; Goyette, Hills 27; D.L. Christensen, Hills. 19; and Spang, Straf. 7.

Rep. Currier moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 153

Committee of Conference Report on **SB 153-FN**, an act relative to the administration of a certain program by the department of environmental services.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 New Paragraph; Revolving Fund; Electronic Media. Amend RSA 21-O:1-a by inserting after paragraph III the following new paragraph:

IV. Producing geologic and other publications in electronic media format. A reasonable charge shall be established for electronic publications

Conferees: Sens. Clegg, Dist. 14; Flanders, Dist. 7; and D'Allesandro, Dist. 20.

Conferees: Reps. N. Allan, Hills. 26; C. Robertson, Rock. 13; P. McMahon, Merr. 3; and F. Sullivan, Hills. 12.

Rep. Nelson Allen moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 163

Committee of Conference Report on **SB 163-FN**, an act establishing the New Hampshire pharmaceutical assistance program.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 2 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. On and after the effective date of the Medicare Part D program, no Medicaid prescription drug coverage shall be provided to a Medicaid recipient eligible for Medicare Part D for prescription drugs that are included in the definition of Medicare Part D drugs set forth in the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

II. The department of health and human services shall provide “wrap-around” Medicaid coverage for those prescription drugs which are excluded from the definition of Medicare Part D drugs, but are covered by Medicaid prescription drug coverage

Conferees: Sens. Bragdon, Dist. 11; Clegg, Dist. 14; and Larsen, Dist. 15.

Conferees: Reps. Rogers Johnson, Rock. 13; C. McMahon, Rock. 4; Donovan, Sull. 4; and King, Coos 1.

Rep. Rogers Johnson moved that the House adopt the Committee of Conference Report. Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 170

Committee of Conference Report on **SB 170**, an act revising the nurse practice act.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 326-B:4 as inserted by section 1 of the bill by deleting paragraph XIV and renumbering the original paragraph XV to read as paragraph XIV.

Amend the introductory paragraph of RSA 326-B:11, II as inserted by section 1 of the bill by replacing it with the following:

II. An ARNP shall practice within standards consistent with standards established by a national credentialing or certification body recognized by the National Council of State Boards of Nursing and approved by the board in the appropriate ARNP role and specialty. The board shall not approve a new advanced practice specialty category that has not been developed by a national credentialing or certifying body recognized by the National Council of State Board of Nursing without approval of the legislature under RSA 332-G:6. Each ARNP shall be accountable to clients and the board:

Amend the bill by replacing section 14 with the following:

14 Effective Date. This act shall take effect July 1, 2005 at 12:01 a.m.

Conferees: Sens. Kenney, Dist. 3; Martel, Dist. 18; and Fuller Clark, Dist. 24.

Conferees: Reps. Bergin, Hills. 6; Dexter, Ches. 6; Millham, Belk. 5; and Houde-Quimby, Sull. 1.

Rep. Bergin moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 179

Committee of Conference Report on **SB 179**, an act requesting hunters to report the death or injury of domestic animals.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment,

and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Roberge, Dist. 9; Gatsas, Dist. 16; and Hassan, Dist. 23.

Conferees: Reps. R. L'Heureux, Hills. 19; Phinizy, Sull. 5; Knox, Carr. 4; and Greco, Merr. 7.

Rep. Robert L'Heureux moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 121

Committee of Conference Report on **SB 121**, an act relative to all terrain vehicle trails and relative to the regulation of off highway recreational vehicles by a political subdivision.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Johnson, Dist. 2; Gallus, Dist. 1; and Hassan, Dist. 23

Conferees: Reps. Currier, Merr. 5; , Russell, Belk. 6; Irish, Sull. 4; and Cilley, Straf. 3.

Rep. Currier moved that the House adopt the Committee of Conference Report.

Rep. Rush spoke against and yielded to questions.

Rep. Cilley spoke against.

Rep. Currier spoke in favor and yielded to questions.

On a division vote, 145 members having voted in the affirmative and 192 in the negative, the Committee of Conference Report failed.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

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

HB 83, repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus.

HB 168, relative to the licensure of electrologists and establishing an electrology advisory committee.

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

HB 204-FN, relative to unauthorized video surveillance.

HB 293, establishing a commission to study the feasibility of developing a materials resource and recovery facility in Sullivan county.

HB 326, relative to motorcycle noise levels and mufflers.

HB 357, relative to negligent driving.

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

HB 428, relative to the authority of the Pease development authority and the division of ports and harbors.

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 therefore.

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

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

HB 558, relative to the circumstances constituting sexual assault.

HB 580, establishing a commission to study the procedures for the formation and dissolution of solid waste management districts under RSA 53-B and the procedures for the dissolution of an interstate waste compact under RSA 53-D, and providing joint and several liability on all municipalities from a dissolved solid waste management district.

HB 586, relative to the periodic review of child support guidelines.

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

HB 681-FN, relative to training, quality assurance, and licensing of assisted living facilities.
HB 692-FN-L, relative to the county department of corrections.
HB 720-FN, relative to special number plates.
HCR 4, urging Congress to find that the Piscataqua River and Portsmouth Harbor lie within the state of New Hampshire.
HCR 10, recognizing February 8, 2005 as Scouting in New Hampshire Day.

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS (CONT'D)

HB 25-FN-A, making appropriations for capital improvements. (Report printed SJ 06/29/05)
Rep. Chandler moved that the House adopt the Committee of Conference Report.
Rep. Dexter spoke against and yielded to questions.
Reps. Chandler and Cloutier spoke in favor.
Committee of Conference Report adopted.

HB 83, repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus. (Report printed SJ 06/29/05)
Rep. Stohl moved that the House adopt the Committee of Conference Report.
Committee of Conference Report adopted.

HB 168, relative to the licensure of electrologists and establishing an electrology advisory committee. (Report printed SJ 06/29/05)
Rep. Dalrymple moved that the House adopt the Committee of Conference Report.
Committee of Conference Report adopted.

HB 194, establishing a study committee to examine regulatory practices pertaining to the telecommunications industry. (Report printed SJ 06/29/05)
Rep. Maxfield moved that the House adopt the Committee of Conference Report.
Committee of Conference Report adopted.

HB 204-FN, relative to unauthorized video surveillance. (Report printed SJ 06/29/05)
Rep. Tholl moved that the House adopt the Committee of Conference Report.
Committee of Conference Report adopted.

HB 293, establishing a commission to study the feasibility of developing a materials resource and recovery facility in Sullivan county. (Report printed SJ 06/29/05)
Rep. Burton Williams moved that the House adopt the Committee of Conference Report.
Committee of Conference Report adopted.

HB 326, relative to motorcycle noise levels and mufflers. (Report printed SJ 06/29/05)
Rep. Packard moved that the House adopt the Committee of Conference Report.
Committee of Conference Report adopted.

HB 357, relative to negligent driving. (Report printed SJ 06/29/05)
Rep. Packard moved that the House adopt the Committee of Conference Report.
Committee of Conference Report adopted.

HB 381-FN, relative to special elections, voter lists, and conduct of elections. (Report printed SJ 06/29/05)
Rep. Drisko moved that the House adopt the Committee of Conference Report.
Rep. Robert Wheeler spoke against and yielded to questions.
Rep. O'Brien spoke in favor.
Rep. Whalley spoke in favor and yielded to questions.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the Committee of Conference Report.

YEAS 154 NAYS 175			
YEAS 154			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Nedeau, Stephen	Pilliod, James	Rosen, Ralph
Thomas, John	Tilton, Franklin	Tobin, William	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Ahlgren, Christopher	Chandler, Gene	Knox, J David	McConkey, Mark
Olimpio, J Lisbeth	Stevens, Stanley		
CHESHIRE			
Emerson, Susan	Hogancamp, Deborah	Hunt, John	Sawyer, Sheldon
COOS			
King, Frederick			
GRAFTON			
Gionet, Edmond	Giuda, Robert	Ingbretson, Paul	Maybeck, Margie
Mirski, Paul	Solomon, Peter	Sorg, Gregory	Ward, John
Williams, Burton			
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Boehm, Ralph
Brassard, Paul	Calawa, Leon Jr	Carew, James	Carlson, Donald
Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian
Drisko, Richard	Dyer, Donald	Elliott, Nancy	Francoeur, Bea
Gargas, Carolyn	Ginsburg, Ruth	Golding, William	Gonzalez, Carlos
Graham, John	Hagan, Barbara	Hansen, Ryan	Hawkins, Ken
Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Infantine, William	Jasper, Shawn	Kelly, Eugene Jr	Kurk, Neal
L'Heureux, Robert	Lawrence, James	Manney, Pamela	Matarazzo, Anthony Sr
McRae, Karen	Mead, Robert	Messier, Irene	Mooney, Maureen
O'Brien, William	Ober, Lynne	Pilotte, Maurice	Price, Pamela
Reeves, Sandra	Ryder, Donald	Scanlon, Michael	Slocum, Lee
Souza, Kathleen	Tahir, Saghir	Ulery, Jordan	Villeneuve, Maurice
Wheeler, James			
MERRIMACK			
Danforth, James	Field, William	Gile, Mary	Kennedy, Richard

Langlais, Thomas	Marple, Richard	Soltani, Tony	
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bridle, Russell	Buxton, Donald	Cady, Harriet	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	Dodge, Robert
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Garrity, James
Gilbert, Karl	Griffin, Mary	Hopfgarten, Paul	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Lund, Howie	Major, Norman
Mason, April	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Palazzo, Frank	Priestley, Anne	Quandt, Matthew	Rausch, James
Robertson, Carl	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Smith, Paul	Stiles, Nancy	Weare, E Albert	Welch, David
Weyler, Kenneth	Wiley, Robert		
STRAFFORD			
Berube, Roger	Bickford, David	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Knowles, William	Newton, Clifford	Twombly, James
SULLIVAN			
Donovan, Thomas	Osgood, Philip Sr	Rodeschin, Beverly	
NAYS 175			
BELKNAP			
Fitzgerald, James	Millham, Alida	Morrison, Gail	Russell, David
CARROLL			
Babson, David Jr	Brown, Carolyn	Buco, Thomas	Dickinson, Howard
Martin, James	Merrow, Harry	Patten, Betsey	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Espieffs, Peter
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Remick, William
Richardson, Herbert	Stohl, Eric	Theberge, Robert	
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Ham, Bonnie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Naro, Debra	Nordgren, Sharon

HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Brundige, Robert	Campbell, David
Chabot, Robert	Chase, Claudia	Christensen, D L Chris	Cote, David
Cote, Peter	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Dokmo, Cynthia	Egbers, Fran	Emerton, Larry	Essex, David
Foster, Linda	Goley, Jeffrey	Gorman, Mary	Hall, Betty
Harvey, Suzanne	Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette
Kopka, Angeline	Lasky, Bette	Lefebvre, Roland	Martin, Mary Ellen
Movsesian, Lori	O'Connell, Timothy	Renzullo, Andrew	Rosenwald, Cindy
Schulze, Joan	Shaw, Kimberly	Smith, David	Sullivan, Francis
Sullivan, Peter	Vaillancourt, Steve	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	DeStefano, Stephen	Foose, Robert
French, Barbara	Greco, Vincent	Hager, Elizabeth	Hamm, Christine
Hess, David	Klose, John	Lockwood, Priscilla	MacKay, James
McMahon, Patricia	Oliver, James	Osborne, Jessie	Owen, Derek
Potter, Frances	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Whiting, Herbert
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Asselin, Michael	Bishop, Franklin	Blanchard, MaryAnn
Casey, Kimberley	DiFruscia, Anthony	Dowd, John	Flockhart, Eileen
Francoeur, Sheila	Gillick, Thomas	Gould, Kenneth	Headd, James
Hughes, Daniel	Johnson, Robert	Langley, Jane	Moody, Marcia
Norelli, Terie	Powers, James	Putnam, Ed II	Quandt, Marshall Lee
Serlin, Christopher	Splaine, James	Stone, Joseph	Waterhouse, Kevin
Weldy, Norman	Wells, Roger	Winchell, George	Zolla, William
STRAFFORD			
Brown, Jennifer	Brown, Julie	Brown, Lawrence	Callaghan, Frank
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Grassie, Anne	Heon, Richard	Hilliard, Dana	Hofemann, Roland
Johnson, Nancy	Keans, Sandra	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen			

and the Committee of Conference Report failed.

(Deputy Speaker Weyler in the Chair)

HB 428, relative to clarifying the authority of the Pease development authority and the division of ports and harbors. (Report printed SJ 06/29/05)

Rep. Graham moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

HB 433-FN-A, relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefor. (Report printed SJ 06/29/05)

Rep. Currier moved that the House adopt the Committee of Conference Report.

Reps. Babson, Mary Ellen Martin, and Patten spoke against.

Rep. Giuda and Currier spoke in favor and yielded to questions.

Rep. Currier requested a roll call; sufficiently seconded.

The question being adoption of the Committee of Conference Report.

YEAS 96 NAYS 226			
YEAS 96			
BELKNAP			
Boyce, Laurie	Clark, Charles	Flanders, Donald	Rosen, Ralph
Thomas, John	Wendelboe, Fran	Whalley, Michael	
CARROLL			
None			
CHESHIRE			
Eaton, Daniel	Hunt, John	Plifka, Stanley Jr	Roberts, Kris
Robertson, Timothy	Sawyer, Sheldon		
COOS			
King, Frederick			
GRAFTON			
Gionet, Edmond	Giuda, Robert	Mirski, Paul	Sorg, Gregory
HILLSBOROUGH			
Bergeron, Jean-Guy	Brassard, Paul	Buhlman, David	Calawa, Leon Jr
Campbell, David	Carew, James	Chabot, Robert	Christensen, D L Chris
Cote, Peter	Coughlin, Pamela	Craig, James	Crane, Elenore Casey
DeVries, Betsi	Emerton, Larry	Francoeur, Bea	Gargasz, Carolyn
Golding, William	Goley, Jeffrey	Gorman, Mary	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Infantine, William
Jasper, Shawn	Manney, Pamela	McRae, Karen	Mead, Robert
Mooney, Maureen	O'Brien, William	Price, Pamela	Renzullo, Andrew
Slocum, Lee	Ulery, Jordan	Vaillancourt, Steve	Wheeler, James
MERRIMACK			
Currier, David	Field, William	Greco, Vincent	Kennedy, Richard
MacKay, James	Marple, Richard	Soltani, Tony	
ROCKINGHAM			

Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bridle, Russell	Cady, Harriet	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	Doyle, Christopher	Fesh, Bob
Griffin, Mary	Itse, Daniel	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Major, Norman	O'Neil, Michael	Packard, Sherman
Palazzo, Frank	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Sanders, Elisabeth	Scamman, W Douglas	Smith, Paul	Stone, Joseph
Waterhouse, Kevin	Weare, E Albert	Wiley, Robert	
STRAFFORD			
Cataldo, Sam	Newton, Clifford		
SULLIVAN			
Donovan, Thomas	Rodeschin, Beverly		
NAYS 226			
BELKNAP			
Allen, Janet	Fitzgerald, James	Heald, Bruce	Millham, Alida
Nedeau, Stephen	Pilliod, James	Russell, David	Tilton, Franklin
Tobin, William			
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Marrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Emerson, Susan	Hogancamp, Deborah
Mitchell, Bonnie	Parkhurst, Henry	Pratt, John	Richardson, Barbara
Tilton, Anna	Weed, Charles		
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Remick, William
Richardson, Herbert	Stohl, Eric	Theberge, Robert	
GRAFTON			
Alger, John	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	Ingbretson, Paul	Maybeck, Margie	McLeod, Martha
Mulholland, Catherine	Naro, Debra	Nordgren, Sharon	Solomon, Peter
Williams, Burton			
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Baroody, Benjamin

Barry, J Gail	Batula, Peter	Beaulieu, Jane	Bergin, Peter
Boehm, Ralph	Brundige, Robert	Carlson, Donald	Chase, Claudia
Cote, David	Daniuk, Caitlin	Desmarais, Vivian	Dokmo, Cynthia
Drisko, Richard	Dyer, Donald	Egbers, Fran	Elliott, Nancy
Essex, David	Foster, Linda	Ginsburg, Ruth	Gonzalez, Carlos
Graham, John	Hagan, Barbara	Hall, Betty	Hansen, Ryan
Harvey, Suzanne	Hebert, Raymond	Irwin, Anne-Marie	Jean, Claudette
Kopka, Angeline	Kurk, Neal	L'Heureux, Robert	Lasky, Bette
Lefebvre, Roland	Martin, Mary Ellen	Matarazzo, Anthony Sr	Messier, Irene
Movsesian, Lori	O'Connell, Timothy	Ober, Lynne	Pilotte, Maurice
Reeves, Sandra	Rosenwald, Cindy	Ross, Lawrence	Ryder, Donald
Scanlon, Michael	Schulze, Joan	Shattuck, Gilman	Shaw, Kimberly
Smith, David	Souza, Kathleen	Sullivan, Francis	Sullivan, Peter
Villeneuve, Maurice	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Danforth, James	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Hager, Elizabeth	Hamm, Christine
Hess, David	Klose, John	Langlais, Thomas	Lockwood, Priscilla
McMahon, Patricia	Oliver, James	Osborne, Jessie	Owen, Derek
Potter, Frances	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Whiting, Herbert
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Asselin, Michael	Bishop, Franklin	Blanchard, MaryAnn
Buxton, Donald	Casey, Kimberley	DiFruscia, Anthony	Dodge, Robert
Dowd, John	Dumaine, Dudley	Flanders, John Sr	Flockhart, Eileen
Francoeur, Sheila	Garrity, James	Gilbert, Karl	Gillick, Thomas
Gould, Kenneth	Headd, James	Hopfgarten, Paul	Hughes, Daniel
Ingram, Russell	Introne, Robert	Johnson, Robert	Kobel, Rudolph
Langley, Jane	Lund, Howie	Mason, April	Moody, Marcia
Norelli, Terie	Nowe, Ronald	Powers, James	Priestley, Anne
Robertson, Carl	Rolston, James	Scamman, Stella	Serlin, Christopher
Splaine, James	Stiles, Nancy	Welch, David	Weldy, Norman
Wells, Roger	Winchell, George	Zolla, William	
STRAFFORD			
Bickford, David	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Chaplin, Duncan	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Easson, Timothy	Grassie, Anne	Heon, Richard
Hilliard, Dana	Hofemann, Roland	Johnson, Nancy	Keans, Sandra
Knowles, William	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Twombly, James	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Gale, Harry	Houde-Quimby,	Jillette, Arthur Jr	Osgood, Philip Sr

	Charlotte		
Phinizy, James	Prichard, Stephen		

and the Committee of Conference Report failed.

(Speaker Scamman in the Chair)

ENROLLED BILL AMENDMENT

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

Amendment (2128-EBA)

Amend section 10 of the bill by replacing line 3 with the following:

2003, 223:8 and 2004, 260:9, to read as follows:

Amend RSA 490-D:12 as inserted by section 14 of the bill by replacing line 8 with the following:

at the pleasure of the administrative judge of the judicial branch family division.

Amend subparagraphs III(b) and (c) as inserted by section 123 of the bill by replacing them with the following:

(b) Increasing the utilization of evidence-based medicine and preventive services.

(c) Exploring the feasibility of implementing a pay-for-performance

reimbursement methodology.

Amend RSA 318:29-b, II as inserted by section 131 of the bill by replacing line 3 with the following:

or actions which are more stringent than those imposed by the foreign jurisdiction.

Amend section 157 of the bill by replacing line 9 with the following:

describing this pilot project, the results achieved, and recommendations for future legislative action, if

Amend the bill by replacing all after section 189 with the following:

190 Contingency. If HB 691-FN-LOCAL of the 2005 legislative session takes effect, sections 159-182 of this act shall not take effect. If HB 691-FN-LOCAL does not take effect, section 160 of this act shall take effect January 1, 2006; section 180 of this act shall take effect July 1, 2007; and sections 159, 161-179, and 181-182 of this act shall take effect July 1, 2005.

191 Effective Date.

I. Paragraph I of section 18 of this act shall take effect July 1, 2005 at 12:01 a.m.

II. Sections 6, 53, and 111 of this act shall take effect June 30, 2005.

III. Sections 71, 74, 77, 80, 83, 86, 89, 90, 143, 146, and 149 of this act shall take effect July 8, 2005.

IV. Sections 66, 72, 75, 78, 81, 84, 87, 144, and 147 of this act shall take effect January 6, 2006.

V. Sections 67, 73, 76, 79, 82, 85, 88, 145, and 148 of this act shall take effect July 7, 2006.

VI. Sections 159-182 of this act shall take effect as provided in section 190 of this act.

VII. Section 190 of this act shall take effect upon its passage.

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

Adopted.

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS (CONT'D)

HB 513, relative to on-board diagnostic system inspections. (Report printed SJ 06/29/05)

Rep. Packard moved that the House adopt the Committee of Conference Report.

Reps. Cady, Kobel and Osgood spoke against.

Rep. Packard spoke in favor.

Rep. Cady requested a roll call; sufficiently seconded.

The question being adoption of the Committee of Conference Report.

YEAS 273 NAYS 35			
YEAS 273			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Nedeau, Stephen
Pilliod, James	Rosen, Ralph	Russell, David	Thomas, John
Tobin, William	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Buco, Thomas	Chandler, Gene	Dickinson, Howard	Knox, J David
McConkey, Mark	Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley
CHESHIRE			
Butcher, Suzanne	Butynski, William	Chase, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Hogancamp, Deborah
Hunt, John	Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara
Roberts, Kris	Weed, Charles		
COOS			
King, Frederick	Mears, Edgar	Merrick, Scott	Remick, William
Richardson, Herbert	Stohl, Eric	Theberge, Robert	
GRAFTON			
Alger, John	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Gionet, Edmond	Giuda, Robert
Hammond, Lee	Harding, A Laurie	Ingbretson, Paul	Maybeck, Margie
McLeod, Martha	Mirski, Paul	Mulholland, Catherine	Naro, Debra
Nordgren, Sharon	Solomon, Peter		
HILLSBOROUGH			
Allan, Nelson	Balboni, Michael	Barody, Benjamin	Bergeron, Jean-Guy
Bergin, Peter	Boehm, Ralph	Brassard, Paul	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Campbell, David	Carew, James
Carlson, Donald	Chase, Claudia	Christensen, D L Chris	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Daniuk, Caitlin
Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Egbers, Fran	Elliott, Nancy	Emerton, Larry	Essex, David
Foster, Linda	Francoeur, Bea	Gargas, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary
Hall, Betty	Hansen, Ryan	Harvey, Suzanne	Hawkins, Ken
Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton	Infantine, William
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Lefebvre, Roland
Manney, Pamela	Martin, Mary Ellen	Matarazzo, Anthony Sr	Mead, Robert

Messier, Irene	Movsesian, Lori	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rosenwald, Cindy	Ross, Lawrence	Ryder, Donald
Scanlon, Michael	Schulze, Joan	Shattuck, Gilman	Shaw, Kimberly
Slocum, Lee	Smith, David	Sullivan, Francis	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire
Currier, David	Danforth, James	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Hamm, Christine	Hess, David	Kennedy, Richard	Klose, John
Langlais, Thomas	Lockwood, Priscilla	MacKay, James	Marple, Richard
McMahon, Patricia	Oliver, James	Osborne, Jessie	Owen, Derek
Potter, Frances	Rush, Deanna	Shurtleff, Stephen	Soltani, Tony
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Whiting, Herbert
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Bettencourt, David	Blanchard, MaryAnn
Bridle, Russell	Buxton, Donald	Camm, Kevin	Carson, Sharon
Casey, Kimberley	Charron, Gene	Coburn, James	DiFruscia, Anthony
Dodge, Robert	Dowd, John	Doyle, Christopher	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Gillick, Thomas	Gould, Kenneth	Griffin, Mary
Headd, James	Ingram, Russell	Introne, Robert	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Lund, Howie	Major, Norman	Moody, Marcia
Norelli, Terie	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Palazzo, Frank	Powers, James	Priestley, Anne	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Robertson, Carl	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Serlin, Christopher	Smith, Paul
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Welch, David
Weldy, Norman	Weyler, Kenneth	Wiley, Robert	Winchell, George
Zolla, William			
STRAFFORD			
Bickford, David	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Cataldo, Sam	Chaplin, Duncan	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Easson, Timothy	Grassie, Anne	Heon, Richard
Hilliard, Dana	Hofemann, Roland	Johnson, Nancy	Keans, Sandra
Knowles, William	Newton, Clifford	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Twombly, James	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Phinizy, James	Prichard, Stephen		

NAYS 35			
BELKNAP			
Tilton, Franklin			
CARROLL			
Babson, David Jr	Martin, James		
CHESHIRE			
Sawyer, Sheldon			
COOS			
Buzzell, Bernard			
GRAFTON			
Ham, Bonnie	Sorg, Gregory	Williams, Burton	
HILLSBOROUGH			
Adams, Jarvis IV	Barry, J Gail	Batula, Peter	Chabot, Robert
Crane, Elenore Casey	Dyer, Donald	Graham, John	Hagan, Barbara
Hirschmann, Keith	Mooney, Maureen	Souza, Kathleen	Sullivan, Peter
Ulery, Jordan			
MERRIMACK			
Field, William	Ryan, Jim		
ROCKINGHAM			
Asselin, Michael	Belanger, Ronald	Bicknell, Elbert	Cady, Harriet
Dumaine, Dudley	Hopfgarten, Paul	Hughes, Daniel	Kobel, Rudolph
Splaine, James	Weare, E Albert	Wells, Roger	
STRAFFORD			
None			
SULLIVAN			
Osgood, Philip Sr			

and the Committee of Conference Report was adopted.

HB 542, making technical corrections to the uniform trust code. (Report printed SJ 06/29/05)

Rep. Hunt moved that the House adopt the Committee of Conference Report.
Committee of Conference Report adopted.

HB 558, relative to the circumstances constituting sexual assault. (Report printed SJ 06/29/05)

Rep. Charron moved that the House adopt the Committee of Conference Report.
Rep. Buzzell spoke against.

Rep. Knowles spoke in favor.

On a division vote, 239 members having voted in the affirmative and 56 in the negative, the Committee of conference Report was adopted.

HB 580, establishing a commission to study the procedures for the formation and dissolution of solid waste management districts under RSA 53-B and the procedures for the dissolution of an interstate waste compact under RSA 53-D. (Report printed SJ 06/29/05)

Rep. Babson moved that the House adopt the Committee of Conference Report.
Committee of Conference Report adopted.

HB 586, relative to the periodic review of child support guidelines. (Report printed SJ 06/29/05)

Rep. Bickford moved that the House adopt the Committee of Conference Report.
Committee of Conference Report adopted.

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. (Report printed SJ 06/29/05)

Rep. Coburn moved that the House adopt the Committee of Conference Report.
Committee of Conference Report adopted.

HB 681-FN, relative to training, quality assurance, and licensing of assisted living facilities. (Report printed SJ 06/29/05)

Rep. MacKay moved that the House adopt the Committee of Conference Report.
Committee of Conference Report adopted.

HB 692-FN-L, relative to the county department of corrections. (Report printed SJ 06/29/05)

Rep. Weare moved that the House adopt the Committee of Conference Report.
Committee of Conference Report adopted.

HB 720-FN, relative to special number plates. (Report printed SJ 06/29/05)

Rep. Packard moved that the House adopt the Committee of Conference Report.
Committee of Conference Report adopted.

HCR 4, urging Congress to find that the Piscataqua River and Portsmouth Harbor lie within the state of New Hampshire. (Report printed SJ 06/29/05)

Rep. Coughlin moved that the House adopt the Committee of Conference Report.
Committee of Conference Report adopted.

HCR 10, recognizing February 8, 2005 as Scouting in New Hampshire Day. (Report printed SJ 06/29/05)

Rep. Paul Smith moved that the House adopt the Committee of Conference Report.
Committee of Conference Report adopted.

INTRODUCTION OF SPECIAL GUESTS

Bruce Scamman, David and Christopher Scamman, son and grandsons of Speaker Scamman and Rep. Stella Scamman.

AMENDMENT TO HOUSE RULES

Reps. O'Neil and Craig moved that as proposed by the Rules Committee, House Rule 64 be amended by adding the following deadlines:

Friday, November 4, 2005 at 3:00 p.m.	last day to sign-off all House Bills for 2006 session
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Thursday, December 1, 2005	last day to report retained bills
Wednesday, January 4, 2006	last day to introduce House bills for the 2006 session.

Adopted by the necessary two-thirds.

ADJOURNMENT FROM THE EARLY SESSION

Rep. O'Neil moved that the House now adjourn from the early session and that the business of the late session be in order at the present time.

Adopted.

LATE SESSION

UNANIMOUS CONSENT

Reps. Rosen, Paul Smith and Cady addressed the House.

REMARKS

Rep. Mirski requested that the remarks of Rep. Rosen be printed in the Permanent Journal. Unanimously adopted.

Rep. Rosen: Thank you very much, Mr. Speaker. I will make this very brief. Just some remarks I had hoped to make about four weeks ago, the beginning of June, but scheduling and other things interfered. I just want to remind everybody that June 2nd, June 3rd and 4th --- anniversary of the Battle of Midway, the most significant sea battle that the United States has ever been in and some people would argue the most significant sea battle in world history. Now I know there are some of you in this House of Greek ancestry and they will claim that the Battle of Salamis was more important. That's where the Greeks turned back the Persians and protected Europe and the west as a free part of society. Well, more or less free for most of the time since then.

The Battle of Midway was a terrific battle. A few months after the Japs bombed Pearl Harbor, they reassembled a fleet, many aircraft carriers, many other ships and troop transports, and they tried to take the Island of Midway, the westernmost island in the Hawaiian chain. A terrific battle followed, carrier against carrier. The surface ships didn't get involved. But we won. We lost several carriers, the Japanese lost more, but more importantly, they were convinced that the landing on Midway was going to be a failure and they withdrew. That undoubtedly changed the pace of the war, possibly the outcome. So I thought we should remember it. We did remember D-Day here, but let's remember these battles. This is from an age when we won wars. We haven't done that much lately, so let's remember the Battle of Midway and say, "They did a good job." Thank you very much.

REMARKS

Rep. Bettencourt moved that the remarks of Rep. Paul Smith be printed in the Permanent Journal.

Adopted.

Rep. Paul Smith: Thank you, Mr. Speaker, and honorable members of this body for indulging me the opportunity to speak. This is the last time I will be speaking to you. It is with a very heavy heart that I will be resigning my seat in the New Hampshire House very shortly and entering a new phase of my life.

The past three years have been amazing. I have learned a great deal about the state that I love, about the many people who make it up and a good deal about myself as well. I've learned that the relationships that we make here mean more than the votes we sometimes grapple with. I have learned that you can have friends up here, regardless of ideology and vote counts, and at the end of the day, if you can still look yourself in the mirror after voting on some tough issues, then you've served your constituents.

My friends, this last week the U.S. Supreme Court made a decision that some may not know

or care about but we should all be affronted. If I, as a city developer, drive down a street and find that a street where you live might make a wonderful shoe store, through eminent domain laws, you can be forced out. I won't pretend that I am as smart as some on the Supreme Court, but I can tell you, I appear to be a lot saner than some of them. Parties don't matter in this discussion, my friends. This is a question of where we as a country seem to be heading. For my friends on the left, I will remind you of what the first liberal, John Locke, said that we humans are entitled to — life, liberty and property. My friends on the right, I will remind you that those words seem to appear a few times in our platform. Honorable representatives of the people, I must leave these hallowed halls just when times seem to be getting stranger. I ask you and I beg you, please keep fighting for the right thing for the constituents of New Hampshire. Democrats, Republicans, Libertarians, Greens, this is a message for all of you. Remember the principles this republic was founded on and keep them alive. Our country won't survive otherwise and I urge you to look at all other republics in world history as example.

As many of you know, I championed a bill this year requiring civics education to graduate high school. This House unanimously agreed with the bill and unfortunately, people across the hall prevailed and the bill died. The point is that I testified about entrusting our future generations to civically educated youth and I worry that this won't happen. But you sitting in these seats, you are the key to ensuring my future, while someday my children will secure their own children's futures. There are some in here that I philosophically disagree with, but someday maybe somebody like Rep. Phinizy and I will sit down and he will help me understand things more from his perspective and I'll learn a thing or two from him. I believe that we can all learn something from somebody in this House and that's why we are all here.

I must conclude by thanking just a few people, and again, I thank the House for its indulgence. Mr. Speaker, you've exceeded my expectations and I compliment you on the often very tough job you grapple with daily. Mr. Minority Leader, it was a pleasure serving on committee with you and I wish to thank you and compliment you for not standing up and trying to make me feel guilty about being a Republican or casting a vote one way or another as some of your predecessor's have done. To my mentors, Henry, Sheila, Gene, Dave, Rogers, Mike and Maurice Goulet, and others who know who you are, thank you for teaching me how to be an effective legislator who tried not to speak too much, except on the things that really count, like adding "Live Free or Die" to the state flag. Madam Clerk, I just want to thank you with a big hug as I leave the podium in a few moments. Madame Sergeant-at-Arms, thank you for keeping me and all the other rabble rousers in the room in line. I want to thank the intelligent and friendly voters of Auburn and Londonderry who have twice sought fit to send me to Concord. To my home town of Auburn, I will miss you with all my heart. I hope that my travels will again bring me back to Concord to serve the people of the state I love so much. Thank you, Mr. Speaker, for giving me the chance to address this House one last time. God bless you all.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1 and 2.

Rep. Currier, Sen. Clegg for the Committee

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purposes of receiving Senate messages, and completing enrolled bill amendments and enrolled bill reports, at which time the House will adjourn Sine Die.

Reps. Mirski and Kurk spoke against sine die adjournment.

The question now being adoption of the recess motion, including sine die adjournment.

On a division vote, 100 members having voted in the affirmative and 188 in the negative, the

motion failed.

Rep. Kurk moved that the House stand in recess for the purposes of receiving Senate messages, and completing enrolled bill amendments and enrolled bill reports, at which time the House will adjourn to the Call of the Chair.

Adopted.

The House recessed at 5:35 p.m.

RECESS

(Rep. Patricia McMahon in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 129, 173, 252, 257, 490, 539, 585 and 597.

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

ENROLLED BILL AMENDMENTS

HB 47, regulating the use of computer spyware.

Amendment (1985-EBA)

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

1 New Chapter; Computer Spyware. Amend RSA by inserting after chapter 359-G the following new chapter:

CHAPTER 359-H COMPUTER SPYWARE

359-H:1 Definitions. In this chapter:

Amend RSA 359-H:1, IV(b)(2) as inserted by section 1 of the bill by replacing line 2 with the following:

the Internet website on the user's computer, including cookies, HTML code, or Java Scripts. end RSA 359-G:2 as inserted by section 1 of the bill by replacing line 1 with the following:

359-H:2 Prohibited Conduct. A person or entity conducting business in this state, who is not an

Amend RSA 359-G:3 as inserted by section 1 of the bill by replacing it with the following:

359-H:3 Violation; Criminal Penalty. Any person who uses a computer program or spyware in violation of RSA 359-H:2 shall be guilty of a class A misdemeanor.

Amend RSA 359-G:4 as inserted by section 1 of the bill by replacing line 1 with the following:

359-H:4 Limitations on Actions. A person may not bring an action for a violation of this chapter

Amend RSA 359-G:5 as inserted by section 1 of the bill by replacing line 1 with the following:

359-H:5 Enforcement; Information Gathering. The house standing committee responsible for

Amend RSA 359-G:6 as inserted by section 1 of the bill by replacing lines 1-3 with the following:

359-H:6 Exemption. A provider of software or provider of interactive computer service shall not be held liable under this chapter for any action voluntarily taken in good faith, or any service provided in good faith, to remove or disable programs used to violate RSA 359-H:2 that reside on the

Adopted.

HB 170, relative to unemployment compensation.

Amendment (2112-EBA)

Amend RSA 282-A:46, II as inserted by section 4 of the bill by replacing line 1 with the following:

II. Notwithstanding the filing of an appeal, ***a certifying officer may*** within one year reconsider that part of the
 Amend RSA 282-A:91-a, I(a)(1) as inserted by section 6 of the bill by replacing line 3 with the following:
 management, or control of the 2 employers, then the unemployment experience attributable to the
 Amend RSA 282-A:91-a, I(f)(1) as inserted by section 6 of the bill by replacing line 1 with the following:
 (f)(1) If a person knowingly violates or attempts to violate subparagraph (a), (b),
 or (i) or
 Amend RSA 282-A:166, I(g)-(i) as inserted by section 7 of the bill by replacing them with the following:
 (g) Who attempts to induce any individual to waive any right under RSA 282-A;
or
(h) Who fails or refuses to file a mass layoff notice under RSA 282-A:45-a,
I; or
(i) Who violates or attempts to violate RSA 282-A:91-a shall be guilty of an offense as provided in paragraph II.
 Amend RSA 282-A:32, I(d)(2)(D)-(E) as inserted by section 12 of the bill by replacing line 4 with the following:
 dependent on him ***or her*** for support[-];
 Adopted.

HB 215-FN, relative to water management and relative to the membership of the exotic aquatic weeds and species committee.

Amendment (1967-EBA)

Amend RSA 488:8, III as inserted by section 1 of the bill by replacing line 4 with the following:
 this chapter or rules adopted pursuant to this chapter, if the violations have not been mitigated
 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 (2053-EBA)

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:
 6 Contingency. If HB 404 of the 2005 legislative session becomes law, then RSA 275:48, I(e) as inserted by section 4 of this act shall be renumbered as RSA 275:48, I(f)
 Adopted.

HB 448-FN, relative to the collection of certain fees by the postsecondary education commission and relative to surety indemnification bonds.

Amendment (2119-EBA)

Amend RSA 6:12, I(b)(235) as inserted by section 1 of the bill by replacing line 2 with the following:
 functions fund established under RSA 188-D:8, IX.
 Amend section 2 of the bill by replacing lines 2-5 with the following:
 by inserting after paragraph VIII the following new paragraph:
 IX. Establish and collect reasonable fees related to the performance of its degree-

granting and research and studies functions. Such fees shall be deposited into the essential functions fund which shall be administered by the executive director of the postsecondary education
Adopted.

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 therefore.

Amendment (2011-EBA)

Amend section 1 of the bill by replacing line 12 with the following:
the commission shall be filled by the original appointing authority. The commission shall submit a
Adopted.

HB 616-FN-L, reducing the education property tax rate and relative to the calculation of equitable education grants.

Amendment (2117-EBA)

Amend section 17 of the bill by replacing lines 1-4 with the following:

17 Charter and Open Enrollment Schools; Funding. Amend RSA 194-B:11, I to read as follows:

I. There shall be no tuition charge for any pupil attending an open enrollment or charter

Amend RSA 194-B:11, I(c) as inserted by section 17 of the bill by replacing line 3 with the following:

the distribution of [adequacy] **equitable education** grants under RSA 198:42 or on such other terms as are mutually

Adopted.

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

Amendment (2075-EBA)

Amend RSA 330-C:9, II(a)(2)(D) as inserted by section 2 of the bill by replacing line 2 with the following:

the requirements under subparagraph (a)(2)(B);

Adopted.

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

Amendment (2116-EBA)

Amend RSA 106-J:4, I as inserted by section 2 of the bill by replacing line 2 with the following:

business rules established by the board prior to its inclusion in J-One;

Amend RSA 106-J:5, I(f) as inserted by section 2 of the bill by replacing it with the following:

(f) The president of the New Hampshire Association of Chiefs of Police, or designee.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Contingent Renumbering. If SB 46 of the 2005 legislative session becomes law, then all references to RSA 106-J in this act shall be renumbered as RSA 106-K.

Adopted.

HB 683-FN, relative to reporting of motor vehicle offenses by driver education instructors and drivers' school licensees.

Amendment (2107-EBA)

Amend RSA 263:46-a, I as inserted by section 2 of the bill by replacing line 6 with the following:
district, the licensee or certificate holder shall provide a copy of the notification made to the director
Adopted.

RECESS

(Rep. MacKay in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 170, 215, 350, 448, 643, 683, and Senate Bills numbered 21, 46, 52, 74, 115, 132, 152, 168, 186, 201, and 223.

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

RECESS

(Rep. Buco in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 47, 450, 616 and 637.

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

ENROLLED BILL AMENDMENTS

SB 43, relative to the administration of estates of persons presumed dead. (Amendment printed SJ 06/29/05)
Adopted.

SB 153-FN, relative to the administration of a certain program by the department of environmental services. (Amendment printed SJ 06/29/05)
Adopted.

RECESS

(Rep. MacKay in the Chair)

ENROLLED BILL AMENDMENTS

SB 108-FN, relative to newborn screening tests and fees for newborn screening tests. (Amendment printed SJ 06/29/05)
Adopted.

SB 170, revising the nurse practice act. (Amendment printed SJ 06/29/05)
Adopted.

RECESS

(Rep. Patricia McMahon in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 83, 168, 194, 204, 326, 257, 428, 558, 586, 692, 720 and Senate Bills numbered 5, 19, 28, 37, 61, 62, 70, 75, 76, 124, 142, 163 and 179.

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

ENROLLED BILL AMENDMENTS

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

Amendment (2129-EBA)

Amend section 2 of the bill by replacing subparagraph I, E with the following:

E. Infrastructure work on the Keene State College and Plymouth State University campuses;

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

5 Expenditures; General. The appropriation made for the purpose mentioned in sections 1, 3,

Amend paragraph IV as inserted by section 6 of the bill by replacing line 4 with the following:

most advantageous to the university. If only one bid is received, the board of trustees may

Amend paragraph II as inserted by section 15 of the bill by replacing line 1 with the following:

II. To provide funds for the appropriations made in paragraph I of this section, the state treasurer

Adopted.

HB 68, relative to the enforcement of disorderly conduct by reason of noise.

Amendment (2043-EBA)

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

3 New Paragraph; Disorderly Conduct; Noise. Amend RSA 644:2, by inserting after paragraph III the following new paragraph:

III-a. When noise under subparagraph III(a) is emanating from a vehicle's sound system or any portable sound system located within a vehicle, a law enforcement officer shall be considered a person of average sensibilities for purposes of determining whether the volume of such noise constitutes a breach of the peace, public inconvenience, annoyance, or alarm, and the officer may take enforcement action to abate such noise upon detecting the noise, or upon receiving a complaint from another person.

4 Contingency. If HB 628-FN of the 2005 legislative session becomes law, section 3 of this act shall take effect upon its passage and section 1 of this act shall not take effect. If HB 628-FN of the 2005 legislative session does not become law, section 1 of this act shall take effect upon its passage and section 3 of this act shall not take effect.

5 Effective Date.

I. Sections 1 and 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

Adopted.

HB 293, establishing a commission to study the feasibility of developing a materials resource and recovery facility in Sullivan county, and relative to exemptions for disposing of leaf and yard waste.

Amendment (2138-EBA)

Amend RSA 149-M:27, III(a) as inserted by section 6 of the bill by replacing line 1 with the following:

III.(a) No leaf or yard waste shall be disposed of in a solid waste landfill or

incinerator

Amend RSA 149-M:27, III(d)(1) as inserted by section 6 of the bill by replacing line 1 with the following:

(1) Posting signs at the facility providing notice of the prohibition against disposing of

Amend RSA 149-M:27, III(d)(2) as inserted by section 6 of the bill by replacing line 2 with the following:

notice of the prohibition against disposing of leaf and yard waste.

Amend RSA 149-M:27, III(d)(3) as inserted by section 6 of the bill by replacing line 1 with the following:

(3) Implementation of a procedure for periodically monitoring incoming waste to

Adopted.

HB 383, relative to vital records administration.

Amendment (2126-EBA)

Amend RSA 5-C:58, VIII as inserted by section 1 of the bill by replacing line 2 with the following:

with a court decree showing that a marriage performed in the state of New Hampshire has been

Amend RSA 5-C:60, I(e) as inserted by section 1 of the bill by replacing line 2 with the following:

tangible interest in the record.

Amend RSA 5-C:62, II(q) as inserted by section 1 of the bill by replacing it with the following:

(q) How the body is to be disposed of, to be specified as: burial, cremation, temporary entombment, mausoleum, donation, or other.

Amend RSA 5-C:62, IV(d) as inserted by section 1 of the bill by replacing line 7 with the following:

physician to make an estimation, the time shall be indicated as “unknown.” “Unknown a.m.” or “unknown p.m.”

Amend RSA 5-C:62, IV(e) as inserted by section 1 of the bill by replacing it with the following:

(e) The name, address, title, and license number of the certifier and the date certified.

Amend RSA 5-C:70, III as inserted by section 1 of the bill by replacing lines 5 -6 with the following:

New Hampshire funeral director shall process a burial permit as outlined in RSA 5-C:67 through RSA 5-C:73.

Amend RSA 5-C:71 as inserted by section 1 of the bill by replacing line 2 with the following:

I. When the body of a deceased person is to be disposed of by cremation, the funeral director,

Amend RSA 5-C:71 as inserted by section 1 of the bill by replacing line 7 with the following:

II. Upon receipt, the completed medical examiner’s certificate for cremation shall be given by

Amend RSA 5-C:71 as inserted by section 1 of the bill by replacing line 10 with the following:

III. After cremation, the crematory shall forward the medical examiner’s certificate for

Amend RSA 5-C:85, II as inserted by section 1 of the bill by replacing line 13 with the following:

records, RSA 5-C:54 for marriage records, and RSA 5-C:94 for death records. If the registrar

Amend RSA 5-C:90, III as inserted by section 1 of the bill by replacing line 2 with the following:

conformance with the retention schedule established by this chapter.

Amend RSA 5-C:102, VII as inserted by section 1 of the bill by replacing line 5 with the following:

town or city, then access shall be denied, and the requestor may appeal the registrar's or clerk's

Amend RSA 6:12, I(b)(38) as inserted by section 2 of the bill by replacing line 1 with the following:

(38) Moneys received by the department of state under RSA 5-C:14, RSA 5-C:[15] **34**,

Amend section 3 of the bill by replacing line 1 with the following:

3 Establishment of Paternity; Reference Change. Amend RSA 168-A:2, I(b) to read as follows:

Amend RSA 290:3 as inserted by section 8 of the bill by replacing line 6 with the following: accordance with RSA 5-C:[7] 67. In case of a contagious or infectious disease the record shall be

Amend RSA 126:24-cc as inserted by section 11 of the bill by replacing line 3 with the following:

vital records system. The memorandum shall facilitate a working relationship between the 2 agencies

Adopted.

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

Amendment (2145-EBA)

Amend section 6 of the bill by replacing paragraph I with the following:

I. RSA 266:1, VII-a(a)(2), relative to stations that inspect less than 200 vehicles

Adopted.

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

Amendment (2141-EBA)

Amend section 4 of the bill by replacing line 1 with the following:

4 Default and Mandatory Rules. Amend RSA 564-B:1-105(b)(8)-(14) to read as follows: Amend RSA 564-B:8-802(f) as inserted by section 21 of the bill by replacing lines 8-9 with the following:

management services, the trustee at least annually shall notify the persons entitled under RSA [564-A:8-813] **564-B:8-813** to receive a copy of the trustee's annual report of the rate and method by which that

Amend section 28 of the bill by replacing line 1 with the following:

28 Specific Powers of Trustee. Amend RSA 564-B:8-816(a)(14) to read as follows:

Adopted.

HB 580, establishing a committee to study the procedures for the formation and dissolution of solid waste management districts under RSA 53-B and the procedures for the dissolution of an interstate waste compact under RSA 53-D.

Amendment (2132-EBA)

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum

Adopted.

HB 640-FN, relative to parental rights and responsibilities.

Amendment (2127EBA)

Amend RSA 461-A:2, I as inserted by section 1 of the bill by replacing line 1 with the following:

I. Because children do best when both parents have a stable and meaningful involvement in

Amend RSA 461-A:2, I(e) as inserted by section 1 of the bill by replacing line 2 with the following:

RSA 461-A:6 and the safety of the parties in developing a parenting plan.

Amend RSA 461-A:8 as inserted by section 1 of the bill by replacing lines 4-8 with the following:

I. The temporary allocation of parental rights and responsibilities of any minor child as provided in RSA 461-A:6.

II. Payment of temporary support for the child, including the provision of health insurance.

III. If paternity is a contested and relevant issue, orders for paternity testing in Amend RSA 461-A:10, I as inserted by section 1 of the bill by replacing line 3 with the following:

discretion of the court, such orders may be made on a temporary or permanent basis.

Temporary orders

Amend section 11 of the bill by replacing line 1 with the following:

11 Child Custody and Support Impact Seminars. Amend the chapter heading of RSA 458-D and RSA 458-D:1 and

Amend RSA 173-B:14, I as inserted by section 13 of the bill by replacing line 6 with the following:

interstate family support act pursuant to RSA 546-B; ***the court*** shall take judicial notice of any support

Amend the bill by deleting section 17 and renumbering the original sections 18 - 22 to read as 17-21, respectively.

Adopted.

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.

Amendment (2140-EBA)

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

AN ACT transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services.

Amend RSA 21-I:11, XIII as inserted by section 6 of the bill by replacing line 3 with the following:

under RSA 21-I:86.

Amend RSA 21-I:12, II(e) as inserted by section 7 of the bill by replacing line 1 with the following:

(e) Centrally managing all space rented by, or all proposed rentals of space

Amend RSA 21-I:12, VI(b) as inserted by section 7 of the bill by replacing line 2 with the following:

works projects as described in RSA 21-I:78, VII.

Amend RSA 21-I:12, VI(d) as inserted by section 7 of the bill by replacing line 3 with the

following:

RSA 21-I:84, I.

Amend RSA 21-I:14, XVI as inserted by section 8 of the bill by replacing lines 1 and 2 with the following:

XVI. Public works services, including bidding for major projects as described in RSA 21-I:78, as authorized by RSA 21-I:80; RSA 21-I:81 and RSA 21-I:82, bidder qualifications, agency requests

Amend section 9 of the bill by replacing lines 2-4 with the following:

RSA 21-I:77 the following new subdivision:

Public Works Design and Construction

21-I:78 Definitions. In this subdivision:

Amend RSA 21-I:74 as inserted by section 9 of the bill by replacing lines 1-3 with the following:

21-I:79 Projects Under \$25,000. State projects, as defined in RSA 21-I:78, VII, for which the estimated cost is equal to or does not exceed \$25,000 may be done on a force account basis as defined in RSA 21-I:78, V, or by contracts awarded through competitive bidding administered by the using

Amend RSA 21-I:75 as inserted by section 9 of the bill by replacing line 1 with the following:

21-I:80 Major Projects.

Amend RSA 21-I:76 as inserted by section 9 of the bill by replacing it with the following:

21-I:81 Competitive Bidding. No project subject to the competitive bidding requirements of RSA 21-I:80 shall be awarded to any independent contractor except:

Amend RSA 21-I:77 as inserted by section 9 of the bill by replacing line 1 with the following:

21-I:82 Client Relationship. Without limiting the provisions of RSA 21-I:80 and RSA 21-I:81,

Amend RSA 21-I:78 as inserted by section 9 of the bill by replacing line 1 with the following:

21-I:83 Compliance With Contracts.

Amend RSA 21-I:79 as inserted by section 9 of the bill by replacing line 1 with the following:

21-I:84 General Powers and Duties. The department of administrative services is further

Amend RSA 21-I:79, V as inserted by section 9 of the bill by replacing line 3 with the following:

RSA 21-I:80.

Amend RSA 21-I:79, VI as inserted by section 9 of the bill by replacing line 1 with the following:

VI. Engage in projects as defined in RSA 21-I:78, VII.

Amend RSA 21-I:80 as inserted by section 9 of the bill by replacing line 1 with the following:

21-I:85 Planning and Design Costs. The division of plant and property management and the

Amend RSA 21-I:81 as inserted by section 9 of the bill by replacing line 1 with the following:

21-I:86 Public Works Appeals. Appeals by persons aggrieved by decisions of the individual

Amend RSA 228:4 as inserted by section 17 of the bill by replacing lines 27 and 28 with the following:

exceed \$5,000,000 may be developed and constructed utilizing the

Amend RSA 228:4 as inserted by section 17 of the bill by replacing lines 47 and 48 with the following:

~~design build and construction management methods of contracting for any buildings that are part of capital projects. The capital budget overview committee shall approve preliminary plans prior to construction.]~~

Amend RSA 4:40, I as inserted by section 23 of the bill by replacing line 1 with the following:

I. Except as provided in ~~[RSA 4:39-a]~~, RSA 4:39-c, and RSA 204-D, upon recommendation of the head of

Amend the bill by inserting after section 25 the following and renumbering sections 26 and 27 to read as 27 and 28, respectively.

26 References Corrected. RSA 4:40, I is repealed and reenacted to read as follows:

I. Except as provided in RSA 4:39-c, RSA 228:31-b, and RSA 204-D, upon recommendation of the head of any state department having jurisdiction over the same and with the approval of the council on resources and development, all requests for the disposal or leasing of state-owned properties shall be reviewed and approved by the long range capital planning and utilization committee prior to submission to the governor and council for approval. Upon determination that the property is no longer needed by the state, the governor and council shall first offer it to the town, city, or county in which the property is located. If the town, city, or county refuses the offer, the governor and council may sell, convey, transfer, or lease the real property.

Amend section 28 of the bill by replacing it with the following:

28 Effective Date.

I. Section 26 of this act shall take effect August 30, 2005, at 12:01 a.m.

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

Adopted.

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

Amendment (2130-EBA)

Amend the bill by replacing paragraph II of section 7 of the bill with the following:

II. Section 6 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect January 1, 2006.

Adopted.

RECESS

(Rep. Patten in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 25, 68, 293, 383, 513, 542, 580, 640, 644, 681 and Senate Bills numbered 43, 108, 153, and 170.

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

RECESS

(Speaker Scamman in the Chair)

ADJOURNMENT

The House adjourned to the Call of the Chair.