

HOUSE RECORD

Second Year of the 159th General Court Calendar and Journal of the 2006 Session

Vol. 28

Concord, N.H.

Thursday, February 2, 2006

No. 14

HOUSE JOURNAL No. 3 (cont.)

Wednesday, February 1, 2006

RECESS

(Rep. Lars Christiansen in the Chair)

RESOLUTION

Rep. DiFruscia offered the following: RESOLVED, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bill numbered 1770, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1770, requiring the state to obtain a warrant for telephone and wireless telephone subscriber or customer information and billing records. (Kurk, Hills 7: Judiciary)

ENROLLED BILL AMENDMENT

SB 72, relative to the licensing of public adjusters. (Amendment printed SJ / /)
Adopted.

SENATE MESSAGE

CONCURRENCES

HB 1184, relative to the majority vote required for the use of bond proceeds in certain school districts or municipalities.

HB 1248-FN, relative to the alteration of a portion of the town line between Milford and Amherst.

HB 1262, legalizing actions taken at town meeting relative to increasing the board of selectmen from 3 members to 5 members in the town of Pittsfield.

RECESS

Rep. Weyler moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 4

Thursday, February 2, 2006

The House assembled at 9:30 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 House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

Remind us, O God, when it feels as though our work is never done, that Your work is endless, and that in some small way, often unbeknownst to us, we can be vessels for the divine work to which You call us: building community, providing for all, legislating justice, working toward peace, and offering opportunities which allow all of Your children to lead meaningful and rewarding lives.

In that knowledge, give us renewed energy today as we tackle the issues we did not get to yesterday: issues concerning taxation, speed limits and safety, municipal finance, and more. Give us a sense of gratitude for this burden of leadership we carry, knowing that with the responsibility comes that knowledge that we have provided for others.

Bless those here in this chamber who are in need of support or care this day. Bless the family members and friends who are in need and bless especially, we pray, the poor, the homeless, the addicted and the forgotten. In Your holy name we ask it. Amen

Rep. John W. Flanders, Sr., member from Kingston, led the Pledge of Allegiance.

The National Anthem was sung by members of the Epping Middle and High School Chorus.

LEAVES OF ABSENCE

Reps. Aboshar, Barker, Carlson, Gillick, Hunter, Putnam, Snyder, Weldy and Wiley, the day, illness.

Reps. Janet Allen, Bleyler, Buhlman, Dalrymple, Daniuk, Egbers, Goley, Hollinger, Introne, Mirski, Moore, Morneau, Morris, Naro, Osgood, Pepino, Ross and Zolla, the day, important business.

Rep. MaryAnn Blanchard, the day, illness in the family.

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

INTRODUCTION OF GUESTS

David and Betty Bowles, guests of Rep. Carolyn Brown. The 4th grade class from Peter Woodberry School in Bedford, guests of the Bedford delegation.

SPECIAL ORDERS – REGULAR CALENDAR

HB 722, relative to the spreading of biosolids in certain designated areas. **WITHOUT RECOMMENDATION**

Rep. Babson moved Ought to Pass with Amendment and offered floor amendment (0270h).

Floor Amendment (0270h)

Amend the bill by replacing all after section 4 with the following:

5 New Subdivision; Biosolids, Septage, Short Paper Fiber, Sludge, and Solid Waste.

Amend RSA 483 by inserting after section 15 the following new subdivision:

Biosolids, Septage, Short Paper Fiber, Sludge, and Solid Waste

483:16 Definitions. In this chapter:

- I. "Biosolids" mean biosolids as defined in RSA 485-A:2, XXII.
- II. "Septage" means septage as defined in RSA 485-A:2, IX-a.
- III. "Short paper fiber" means short paper fiber as defined in RSA 485-A:2, XXIII.
- IV. "Sludge" means sludge as defined in RSA 485-A:2, XI-a.
- V. "Solid waste" means solid waste as defined in RSA 149-M:4, XXII.

483:17 Land Application of Biosolids, Septage, Short Paper Fiber, Sludge, and Solid Waste.

I. Within a protected river corridor, any land application or stockpiling of biosolids, septage, short paper fiber, sludge, and solid waste shall be set back a minimum of 250 feet from the normal high water mark of the protected river.

II. Along tributaries within a protected river corridor and outside the 250-foot setback required under paragraph I:

(a)(1) If immediately incorporated into the soil, any land application of biosolids, septage, short paper fiber, sludge, and solid waste shall be set back a minimum of 75 feet from the normal high water mark of the tributary on land which has a slope less than 15 percent; or

(2) If not immediately incorporated in the soil, the application shall be set back 125 feet from the normal high water mark of the tributary on land which has a slope less than 15 percent, and shall only be applied to established forage crops.

(b) Any stockpiling of biosolids, septage, short paper fiber, sludge, and solid waste shall be set back a minimum of 250 feet from the normal high water mark of the tributary.

III. The provisions of this section shall not apply to biosolids that are sold for home gardening use in consumer packages registered as fertilizers under RSA 431:4 and that weigh 100 pounds or less.

483:18 Exception; Manure, Lime, and Wood Ash. The provisions of RSA 483:17 shall not apply to manure, lime, or wood ash, when used for agricultural purposes.

483:19 Exception; Temporary Use Authorization. The provisions of RSA 483:17 shall not apply to biosolids, septage, short paper fiber, sludge, and solid waste when applied to existing land application sites exempt under 1998, 56:6, as amended by 2003, 43:14, unless the required departmental permit issued under applicable rules is not renewed, is revoked, or is allowed to lapse.

483:20 Exception; Scientific Research. The restrictions on the land application of biosolids, septage, short paper fiber, sludge, and solid waste contained in this subdivision shall not apply to qualifying land that is used for scientific research on biosolids, septage, short paper fiber, sludge, and solid waste conducted by the university of New Hampshire and the New Hampshire department of environmental services. Any continued application of biosolids, septage, short paper fiber, sludge, and solid waste pursuant to this section shall comply with all applicable federal and state laws and any best management practices published by the university of New Hampshire cooperative extension.

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

Reps. Essex and Babson spoke in favor.

Rep. Olimpio spoke against.

Rep. Owen spoke against and yielded to questions.

Rep. Essex requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (0270h).

YEAS 162 NAYS 160			
YEAS 162			

BELKNAP			
Boyce, Laurie	Flanders, Donald	Heald, Bruce	Millham, Alida
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Whalley, Michael			
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	McConkey, Mark	Morrow, Harry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	
CHESHIRE			
Butcher, Suzanne	Butynski, William	Chase, William	Hunt, John
Plifka, Stanley Jr	Pratt, John	Robertson, Timothy	Sawyer, Sheldon
COOS			
Buzzell, Bernard	King, Frederick	Merrick, Scott	Stohl, Eric
Tholl, John Jr			
GRAFTON			
Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Dorsett, Andrew	Gionet, Edmond	Harding, A Laurie	Ingbretson, Paul
Maybeck, Margie	McLeod, Martha	Nordgren, Sharon	Sorg, Gregory
Williams, Burton			
HILLSBOROUGH			
Adams, Jarvis IV	Beaulieu, Jane	Biundo, Michael	Boehm, Ralph
Carew, James	Chase, Claudia	Christensen, D L Chris	Coughlin, Pamela
Dokmo, Cynthia	Dyer, Donald	Essex, David	Foster, Linda
Gibson, John	Golding, William	Goyette, Peter Jr	Hansen, Ryan
Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton	Holden, Randolph
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Lasky, Bette
Manney, Pamela	McRae, Karen	Movesian, Lori	O'Connell, Timothy
Pappas, Christopher	Price, Pamela	Reeves, Sandra	Rochette, Eric
Rosenwald, Cindy	Scanlon, Michael	Schulze, Joan	Shaw, Barbara
Slocum, Lee	Stepanek, Stephen	Ulery, Jordan	Vaillancourt, Steve
Wheeler, James	Wheeler, Robert		
MERRIMACK			
Danforth, James	DeJoie, John	Foose, Robert	Greco, Vincent
Hager, Elizabeth	Hamm, Christine	Kennedy, Richard	Klose, John
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	Reardon, Tara
Reed, Dennis	Rush, Deanna	Tilton, Joy	Williams, Robert
ROCKINGHAM			
Allen, Mary	Bettencourt, David	Bridle, Russell	Cali-Pitts, Jacqueline
Camm, Kevin	Carson, Sharon	Casey, Kimberley	Coburn, James
Cooney, Richard	DiFruscia, Anthony	Dowling, Patricia	Flanders, John Sr
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gilbert, Karl

Gould, Kenneth	Headd, James	Hopfgarten, Paul	Itse, Daniel
Johnson, Robert	Kobel, Rudolph	Langley, Jane	Mason, April
McMahon, Charles	O'Neil, Michael	Packard, Sherman	Palazzo, Frank
Parker, Benjamin	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Sanders, Elisabeth	Scamman, Stella	Splaine, James	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
Wells, Roger	Weyler, Kenneth		
STRAFFORD			
Albert, Russell	Berube, Roger	Cataldo, Sam	Chaplin, Duncan
Cilley, Jacalyn	Easson, Timothy	Kaen, Naida	Knowles, William
Newton, Clifford	Rous, Emma	Spang, Judith	Taylor, Kathleen
Twombly, James			
SULLIVAN			
Converse, Larry	Gale, Harry	Rodeschin, Beverly	
NAYS 160			
BELKNAP			
Clark, Charles	Fitzgerald, James	Morrison, Gail	Nedeau, Stephen
Pilliod, James	Rosen, Ralph	Veazey, John	Wendelboe, Fran
CARROLL			
Buco, Thomas	Martin, James	Olimpio, J Lisbeth	
CHESHIRE			
Allen, Peter	Coates, Christopher	Dexter, Judson	Dunn, J Timothy
Emerson, Susan	Foote, Sheila	Hogancamp, Deborah	Mitchell, Bonnie
Parkhurst, Henry	Pelkey, Stephen	Richardson, Barbara	Roberts, Kris
Tilton, Anna	Weed, Charles		
COOS			
Lary, Bruce	Mears, Edgar	Remick, William	Richardson, Herbert
Theberge, Robert			
GRAFTON			
Andersen, Gene	Eaton, Stephanie	Giuda, Robert	Ham, Bonnie
Hammond, Lee	Mulholland, Catherine	Sokol, Hilda	Solomon, Peter
HILLSBOROUGH			
Allan, Nelson	Baroody, Benjamin	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Bergin, Peter	Brassard, Paul	Brundige, Robert
Calawa, Leon Jr	Christiansen, Lars	Cote, David	Cote, Peter
Elliott, Nancy	Emerton, Larry	Ginsburg, Ruth	Gorman, Mary
Graham, John	Hagan, Barbara	Haley, Robert	Hall, Betty
Harvey, Suzanne	Jeudy, Jean	Johnson, Paula	Kurk, Neal

L'Heureux, Robert	Lawrence, James	Lessard, Rudy	Martin, Mary Ellen
Matarazzo, Anthony Sr	Mead, Robert	Messier, Irene	O'Brien, William
Ober, Lynne	Pilotte, Maurice	Renzullo, Andrew	Ryder, Donald
Shattuck, Gilman	Shaw, Kimberly	Smith, David	Sullivan, Francis
Sullivan, Peter	Tahir, Saghir	Velez, Hector	Villeneuve, Maurice
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	DeStefano, Stephen	Field, William	French, Barbara
Gile, Mary	Kidder, David	L'Heureux, Stephen	Langlais, Thomas
Marple, Richard	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Potter, Frances	Ryan, Jim	Shurtleff, Stephen	Tupper, Frank
Walz, Mary Beth	Whiting, Herbert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Asselin, Michael	Belanger, Ronald	Bishop, Franklin
Buxton, Donald	Cady, Harriet	Charron, Gene	Dowd, John
Doyle, Christopher	Dumaine, Dudley	Fesh, Bob	Flockhart, Eileen
Griffin, Mary	Hughes, Daniel	Ingram, Russell	Katsakiores, George
Katsakiores, Phyllis	Lund, Howie	Major, Norman	Manning, John
McKinney, Betsy	Moody, Marcia	Norelli, Terie	Nowe, Ronald
Pantelakos, Laura	Powers, James	Robertson, Carl	Rolston, James
Winchell, George			
STRAFFORD			
Brown, Jennifer	Brown, Julie	Brown, Lawrence	Callaghan, Frank
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Goodwin, Earle
Grassie, Anne	Heon, Richard	Hofemann, Roland	Johnson, Nancy
Keans, Sandra	Miller, Joseph	Rollo, Michael	Schmidt, Peter
Smith, Marjorie	Wall, Janet		
SULLIVAN			
Cloutier, John	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Irish, Christopher	Jillette, Arthur Jr	Prichard, Stephen

and floor amendment (0270h) was adopted.

Rep. Wendelboe voted Nay and intended to vote Aye.

The question now is adoption of Ought to Pass with Amendment.

Reps. Spang, Giuda, and Beaulieu spoke against.

Reps. Merrick, Essex and Babson spoke in favor.

Rep. Babson requested a roll call; sufficiently seconded.

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

YEAS 130 NAYS 206			
YEAS 130			
BELKNAP			
Boyce, Laurie	Flanders, Donald	Heald, Bruce	Millham, Alida

Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	McConkey, Mark	Merrow, Harry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	
CHESHIRE			
Chase, William	Hunt, John	Plifka, Stanley Jr	Pratt, John
Robertson, Timothy	Sawyer, Sheldon		
COOS			
Buzzell, Bernard	King, Frederick	Merrick, Scott	Stohl, Eric
Tholl, John Jr			
GRAFTON			
Almy, Susan	Benn, Bernard	Cooney, Mary	Gionet, Edmond
Ingbretson, Paul	Maybeck, Margie	Sorg, Gregory	Williams, Burton
HILLSBOROUGH			
Adams, Jarvis IV	Biundo, Michael	Boehm, Ralph	Carew, James
Christensen, D L Chris	Christiansen, Lars	Clemons, Jane	Cote, David
Coughlin, Pamela	Crane, Elenore Casey	Drisko, Richard	Dyer, Donald
Essex, David	Gargasz, Carolyn	Gibson, John	Golding, William
Goyette, Peter Jr	Hansen, Ryan	Hawkins, Ken	Hinkle, Peyton
Holden, Randolph	Jasper, Shawn	Jean, Claudette	Manney, Pamela
McRae, Karen	O'Connell, Timothy	Price, Pamela	Reeves, Sandra
Shaw, Barbara	Slocum, Lee	Ulery, Jordan	Vaillancourt, Steve
Wheeler, James	Wheeler, Robert		
MERRIMACK			
Currier, David	Danforth, James	DeJoie, John	Greco, Vincent
Hager, Elizabeth	Hess, David	Klose, John	MacKay, James
Maxfield, Roy	Reed, Dennis		
ROCKINGHAM			
Allen, Mary	Bishop, Franklin	Bridle, Russell	Camm, Kevin
Casey, Kimberley	Cooney, Richard	DiFruscia, Anthony	Dowling, Patricia
Flanders, John Sr	Forsing, Robert	Francoeur, Sheila	Garrity, James
Gould, Kenneth	Headd, James	Hopfgarten, Paul	Itse, Daniel
Johnson, Robert	Kobel, Rudolph	Mason, April	McKinney, Betsy
McMahon, Charles	O'Neil, Michael	Palazzo, Frank	Parker, Benjamin
Quandt, Matthew	Rausch, James	Sanders, Elisabeth	Scamman, Stella
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Wells, Roger	Weyler, Kenneth		

STRAFFORD			
Albert, Russell	Bickford, David	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Easson, Timothy	Rous, Emma	Taylor, Kathleen
Twombly, James			
SULLIVAN			
Converse, Larry	Gale, Harry	Rodeschin, Beverly	
NAYS 206			
BELKNAP			
Clark, Charles	Fitzgerald, James	Morrison, Gail	Nedeau, Stephen
Pilliod, James	Rosen, Ralph	Veazey, John	
CARROLL			
Buco, Thomas	Martin, James	Olimpio, J Lisbeth	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Coates, Christopher
Dexter, Judson	Dunn, J Timothy	Emerson, Susan	Espiefs, Peter
Foote, Sheila	Hogancamp, Deborah	Mitchell, Bonnie	Parkhurst, Henry
Pelkey, Stephen	Richardson, Barbara	Roberts, Kris	Tilton, Anna
Weed, Charles			
COOS			
Lary, Bruce	Mears, Edgar	Remick, William	Richardson, Herbert
Theberge, Robert			
GRAFTON			
Aguiar, James	Andersen, Gene	Dorsett, Andrew	Eaton, Stephanie
Giuda, Robert	Ham, Bonnie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			
HILLSBOROUGH			
Allan, Nelson	Balboni, Michael	Baroody, Benjamin	Barry, J Gail
Batula, Peter	Beaulieu, Jane	Bergeron, Jean-Guy	Bergin, Peter
Brassard, Paul	Brundige, Robert	Calawa, Leon Jr	Carter, Mark
Chase, Claudia	Cote, Peter	Desmarais, Vivian	Dokmo, Cynthia
Elliott, Nancy	Emerton, Larry	Foster, Linda	Ginsburg, Ruth
Gorman, Mary	Graham, John	Hagan, Barbara	Haley, Robert
Hall, Betty	Harvey, Suzanne	Hellwig, Steve	Hirschmann, Keith
Irwin, Anne-Marie	Jeudy, Jean	Johnson, Paula	Kurk, Neal
L'Heureux, Robert	Lasky, Bette	Lawrence, James	Lefebvre, Roland
Lessard, Rudy	Martin, Mary Ellen	Matarazzo, Anthony Sr	Mead, Robert
Messier, Irene	Movsesian, Lori	O'Brien, William	Ober, Lynne

Pappas, Christopher	Pilotte, Maurice	Renzullo, Andrew	Rochette, Eric
Rosenwald, Cindy	Ryder, Donald	Scanlon, Michael	Schulze, Joan
Shattuck, Gilman	Shaw, Kimberly	Smith, David	Stepanek, Stephen
Sullivan, Francis	Sullivan, Peter	Tahir, Saghir	Velez, Hector
Villeneuve, Maurice			
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	DeStefano, Stephen	Field, William	Foose, Robert
French, Barbara	Gile, Mary	Hamm, Christine	Kennedy, Richard
Kidder, David	L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla
Marple, Richard	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Potter, Frances	Reardon, Tara	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Walz, Mary Beth
Whiting, Herbert	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline	Carson, Sharon
Charron, Gene	Coburn, James	Dowd, John	Doyle, Christopher
Dumaine, Dudley	Fesh, Bob	Flockhart, Eileen	Gilbert, Karl
Griffin, Mary	Hughes, Daniel	Ingram, Russell	Katsakiores, George
Katsakiores, Phyllis	Langley, Jane	Lund, Howie	Major, Norman
Manning, John	Moody, Marcia	Norelli, Terie	Nowe, Ronald
Packard, Sherman	Pantelakos, Laura	Powers, James	Quandt, Marshall Lee
Robertson, Carl	Rolston, James	Splaine, James	Welch, David
Winchell, George			
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Goodwin, Earle	Grassie, Anne	Heon, Richard
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Miller, Joseph	Newton, Clifford	Rollo, Michael
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Wall, Janet
SULLIVAN			
Cloutier, John	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Irish, Christopher	Jillette, Arthur Jr	Prichard, Stephen

and the motion of Ought to Pass with Amendment failed.

Rep. Hall moved Inexpedient to Legislate.

Motion adopted.

HB 657-FN-L, relative to promoting community revitalization. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Theberge for Municipal and County Government: The intent of this bill is to enable a municipality to grant short-term property tax relief as another economic tool to enhance the downtown areas. This bill allows municipalities to grant an owner of a building in a designated village center area of the municipality to apply for tax relief while improving the structure. The cost of the improvement must be at least \$75,000. The initial tax relief

will be in the form of freezing the property assessment at its current value for the duration of the improvement not to exceed five years. At the expiration of the relief period, the building will then be assessed at the improved value. If the improvement results in new residential units or has historical or cultural features, the tax relief may be extended after the initial five years. Once the governing body of the municipality receives the application, it shall hold a public hearing on the matter. Tax relief for a qualifying structure shall be effective when the governing body finds that the structure in question will be (1) a public benefit, (2) the property owner agrees to a covenant granted to the municipality, and (3) the proposed use of the structure after rehabilitation is consistent with the master plan of the municipality. The covenant shall include precise terms and duration of the tax relief as well as those requirements of the owner to maintain the building at a certain level for a set timeframe. If the owner of the building fails to follow the terms of the covenant or other requirements, the governing body of the municipality shall assess all taxes to the owner as though no tax relief was granted. Vote 15-0.

Amendment (0039h)

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

1 New Chapter; Community Revitalization Tax Relief Incentive. Amend RSA by inserting after chapter 79-D the following new chapter:

CHAPTER 79-E

COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE

79-E:1 Declaration of Public Benefit.

I. It is declared to be a public benefit to enhance downtowns and town centers with respect to economic activity, cultural and historic character, sense of community, and in-town residential uses that contribute to economic and social vitality.

II. It is further declared to be a public benefit to encourage the rehabilitation of the many underutilized structures in urban and town centers as a means of encouraging growth of economic, residential and municipal uses in a more compact pattern, in accordance with RSA 9-B.

III. Short-term property assessment tax relief and a related covenant to protect public benefit as provided under this chapter are considered to provide a demonstrated public benefit if they encourage substantial rehabilitation and use of qualifying structures as defined in this chapter.

79-E:2 Definitions. In this chapter:

I. "Qualifying structure" means a building located in a district officially designated in a municipality's master plan, or by zoning ordinance, as a downtown, town center, central business district, or village center, or, where no such designation has been made, in a geographic area which, as a result of its compact development patterns and uses, is identified by the governing body as the downtown, town center, or village center for purposes of this chapter.

II. "Substantial rehabilitation" means rehabilitation of a qualifying structure which costs at least 15 percent of the pre-rehabilitation assessed valuation or at least \$75,000, whichever is less.

III. "Tax relief" means that for a period of time determined by a local governing body in accordance with this chapter, the property tax on a qualifying structure shall not increase as a result of the substantial rehabilitation thereof.

IV. "Tax relief period" means the finite period of time during which the tax relief will be effective, as determined by a local governing body pursuant to RSA 79-E:5.

79-E:3 Adoption of Community Revitalization Tax Relief Incentive Program

I. Any city or town may adopt the provisions of this chapter by voting whether to accept for consideration requests for community revitalization tax relief incentives. Any city or town may do so by following the procedures in this section.

II. In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition under RSA 39:3.

III. In a city or town that has adopted a charter under RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such municipality may vote to place the question on the official ballot for any regular municipal election.

IV. If a majority of those voting on the question vote "yes," applications for community revitalization tax relief incentives may be accepted and considered by the local governing body at any time thereafter, subject to the provisions of paragraph VI of this section.

V. If the question is not approved, the question may later be voted on according to the provisions of paragraph II or III of this section, whichever applies.

VI. The local governing body of any town or city that has adopted this program may consider rescinding its action in the manner described in paragraph II or III of this section, whichever applies. A vote terminating the acceptance and consideration of such applications shall have no effect on incentives previously granted by the city or town, nor shall it terminate consideration of applications submitted prior to the date of such vote.

79-E:4 Community Revitalization Tax Relief Incentive.

I. An owner of a qualifying structure who intends to substantially rehabilitate such structure may apply to the governing body of the municipality in which the property is located for tax relief. The applicant shall include the address of the property, a description of the intended rehabilitation, any changes in use of the property resulting from the rehabilitation, and an application fee.

II. Upon receipt of an application, the governing body shall hold a duly noticed public hearing to take place no later than 60 days from receipt of the application, to determine whether the structure at issue is a qualifying structure; whether the proposed rehabilitation qualifies as substantial rehabilitation; and whether there is a public benefit to granting the requested tax relief and, if so, for what duration.

III. No later than 45 days after the public hearing, the governing body shall render a decision granting or denying the requested tax relief and, if so granting, establishing the tax relief period.

IV.(a) The governing body may grant the tax relief, provided:

- (1) The governing body finds a public benefit under RSA 79-E:7; and
- (2) The specific public benefit is preserved through a covenant under RSA 79-

E:8; and

(3) The governing body finds that the proposed use is consistent with the municipality's master plan or development regulations.

(b) If the governing body grants the tax relief, the governing body shall identify the specific public benefit achieved under RSA 79-E:7, and shall determine the precise terms and duration of the covenant to preserve the public benefit under RSA 79-E:8.

V. If the governing body, in its discretion, denies the application for tax relief, such denial shall be accompanied by a written explanation. The governing body's decision may be appealed either to the board of tax and land appeals or the superior court in the same manner as provided for appeals of current use classification pursuant to RSA 79-A:9 or 79-A:11 provided, however, that such denial shall be deemed discretionary and shall not be set aside by the board of tax and land appeals or the superior court except for bad faith or discrimination.

79-E:5 Duration of Tax Relief Period.

I. The governing body may grant such tax assessment relief for a period of up to 5 years, beginning with the completion of the substantial rehabilitation.

II. The governing body may in its discretion add up to an additional 2 years of tax relief for a project that results in new residential units and up to 4 years for a project that includes affordable housing.

III. The governing body may in its discretion add up to an additional 4 years of tax relief for the substantial rehabilitation of a qualifying structure that is listed on or determined eligible for listing on the National Register of Historic Places, state register of historic places, or is located within and important to locally designated historic district, provided that the substantial rehabilitation is conducted in accordance with the U.S. Secretary of Interior's Standards for Rehabilitation.

79-E:6 Resumption of Full Tax Liability. Upon expiration of the tax relief period, the property shall be taxed at its market value in accordance with RSA 75:1.

79-E:7 Public Benefit. The proposed substantial rehabilitation must provide at least one of the following public benefits in order to qualify for tax relief under this chapter:

I. It enhances the economic vitality of the downtown

II. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context an historic district, town center, or village center in which the building is located;

III. It promotes development of municipal centers, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B; or

IV. It increases residential housing in urban or town centers.

79-E:8 Covenant to Protect Public Benefit.

I. Tax relief for the substantial rehabilitation of a qualifying structure shall be effective only after a property owner grants to the municipality a covenant ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for which the tax relief was granted.

II. The covenant shall be coextensive with the tax relief period. The covenant may, if required by the governing body, be effective for a period of time up to twice the duration of the tax relief period.

III. The covenant shall include provisions requiring the property owner to obtain casualty insurance, and flood insurance if appropriate. The covenant may include, at the governing body's sole discretion, a lien against proceeds from casualty and flood insurance claims for the purpose of ensuring proper restoration or demolition of damaged structures and property. If the property owner has not begun the process of restoration, rebuilding, or demolition of such structure within one year following damage or destruction the property owner shall be subject to the termination of provisions set forth in RSA 79-E:9, I.

IV. The local governing body shall provide for the recording of the covenant to protect public benefit with the registry of deeds. It shall be a burden upon the property and shall bind all transferees and assignees of such property.

V. The applicant shall pay any reasonable expenses incurred by the municipality in the drafting, review and/or execution of the covenant. The applicant also shall be responsible for the cost of recording the covenant.

79-E:9 Termination of Covenant; Reduction of Tax Relief; Penalty.

I. If the owner fails to maintain or utilize the building according to the terms of the covenant, or fails to restore, rebuild, or demolish the structure following damage or destruction as provided in RSA 79-E:8, III, the governing body shall, after a duly noticed public hearing, determine whether and to what extent the public benefit of the rehabilitation has been diminished and shall determine whether to terminate or reduce the tax relief period in accordance with such determination. If the covenant is terminated, the governing body shall assess all taxes to the owner as though no tax relief was granted, with interest in accordance with paragraph II.

II. Any tax payment required under paragraph I shall be payable according to the following procedure:

(a) The commissioner of the department of revenue administration shall prescribe and issue forms to the local assessing officials for the payment due, which shall provide a description of the property, the market value assessment according to RSA 75:1, and the amount payable.

(b) The prescribed form shall be prepared in quadruplicate. The original, duplicate, and triplicate copy of the form shall be given to the collection of taxes for collection of the payment along with a special tax warrant authorizing the collector to collect the payment under the warrant. The quadruplicate copy of the form shall be retained by the local assessing officials for their records.

(c) Upon receipt of the special tax warrant and prescribed forms, the tax collector shall mail the duplicate copy of the tax bill to the owner responsible for the tax as the notice of payment.

(d) Payment shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18 percent per annum shall be due thereafter on any amount not paid within the 30-day period. Interest at 12 percent per annum shall be charged upon all taxes that would have been due and payable on or before December 1 of each tax year as if no tax relief had been granted.

79-E:10 Lien for Unpaid Taxes. The real estate of every person shall be held for the taxes levied pursuant to RSA 79-E:9.

79-E:11 Enforcement. All taxes levied pursuant to RSA 79-E:9 which are not paid when due shall be collected in the same manner as provided in RSA 80:1 – 80:42-a.

79-E:12 Rulemaking. The commissioner of the department of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to the payment and collection procedures under RSA 79-E:9.

79-E:13 Extent of Tax Relief.

I. Tax relief granted under this chapter shall pertain only to assessment increases attributable to the substantial rehabilitation performed under the conditions approved by the governing body and not to those increases attributable to other factors including but not limited to market forces; or

II. Tax relief granted under this chapter shall be calculated on the value in excess of the original assessed value. Original assessed value shall mean the value of the qualifying structure assessed at the time the governing body approves the application for tax relief and the owner grants to the municipality the covenant to protect public benefit as required in this chapter.

79-E:14 Other Programs. The provisions of this chapter shall not apply to properties whose rehabilitation or construction is subsidized by state or federal grants or funds that do not need to be repaid totaling more than 50 percent of construction costs from state or federal programs.

Rep. Hughes spoke against.

Rep. Theberge spoke in favor.

Rep. Kurk spoke against and yielded to questions.

Rep. Patten spoke in favor and yielded to questions.

Rep. Hughes requested a roll call; sufficiently seconded.

The question being adoption of the committee amendment.

YEAS 219 NAYS 111			
YEAS 219			
BELKNAP			
Boyce, Laurie	Fitzgerald, James	Heald, Bruce	Millham, Alida
Morrison, Gail	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William			

CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Knox, J David	McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dexter, Judson	Dunn, J Timothy	Emerson, Susan
Espieffs, Peter	Foote, Sheila	Hogancamp, Deborah	Mitchell, Bonnie
Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Tilton, Anna	Weed, Charles
COOS			
Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Merrick, Scott	Remick, William	Richardson, Herbert	Stohl, Eric
Theberge, Robert	Tholl, John Jr		
GRAFTON			
Almy, Susan	Benn, Bernard	Cooney, Mary	Dorsett, Andrew
Hammond, Lee	Harding, A Laurie	Ingbretson, Paul	Maybeck, Margie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Williams, Burton		
HILLSBOROUGH			
Allan, Nelson	Batula, Peter	Beaulieu, Jane	Bergin, Peter
Brundige, Robert	Campbell, David	Chase, Claudia	Christiansen, Lars
Clemons, Jane	Cote, David	Cote, Peter	Coughlin, Pamela
Crane, Elenore Casey	DeVries, Betsi	Dyer, Donald	Essex, David
Francoeur, Bea	Gargasz, Carolyn	Gorman, Mary	Graham, John
Haley, Robert	Hansen, Ryan	Harvey, Suzanne	Hawkins, Ken
Hinkle, Peyton	Holden, Randolph	Irwin, Anne-Marie	Jasper, Shawn
Jean, Claudette	Johnson, Paula	Kopka, Angeline	L'Heureux, Robert
Lasky, Bette	Lawrence, James	Lefebvre, Roland	Lessard, Rudy
Martin, Mary Ellen	Matarazzo, Anthony Sr	Messier, Irene	Movsesian, Lori
O'Brien, William	O'Connell, Timothy	Pappas, Christopher	Pilotte, Maurice
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rochette, Eric
Rosenwald, Cindy	Ryder, Donald	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Slocum, Lee	Smith, David
Sullivan, Francis	Sullivan, Peter	Velez, Hector	
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Danforth, James	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Hamm, Christine
Hess, David	Kidder, David	L'Heureux, Stephen	Lockwood, Priscilla
MacKay, James	McMahon, Patricia	Osborne, Jessie	Owen, Derek

Potter, Frances	Reardon, Tara	Reed, Dennis	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Bridle, Russell	Buxton, Donald
Cady, Harriet	Cali-Pitts, Jacqueline	Carson, Sharon	Casey, Kimberley
Charron, Gene	Coburn, James	Dowd, John	Dowling, Patricia
Doyle, Christopher	Dumaine, Dudley	Flanders, John Sr	Flockhart, Eileen
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Griffin, Mary	Katsakiores, George	Katsakiores, Phyllis	McMahon, Charles
Moody, Marcia	Norelli, Terie	O'Neil, Michael	Pantelakos, Laura
Powers, James	Rausch, James	Rolston, James	Sanders, Elisabeth
Splaine, James	Stone, Joseph	Wells, Roger	Winchell, George
STRAFFORD			
Brown, Jennifer	Brown, Lawrence	Callaghan, Frank	Chaplin, Duncan
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Goodwin, Earle	Grassie, Anne	Heon, Richard	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Spang, Judith	Taylor, Kathleen
Wall, Janet			
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Gale, Harry
Houde-Quimby, Charlotte	Irish, Christopher	Prichard, Stephen	
NAYS 111			
BELKNAP			
Clark, Charles	Nedeau, Stephen	Pilliod, James	Rosen, Ralph
Veazey, John	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Dickinson, Howard	Martin, James		
CHESHIRE			
Hunt, John	Robertson, Timothy	Sawyer, Sheldon	
COOS			
None			
GRAFTON			
Andersen, Gene	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Ham, Bonnie	Sorg, Gregory		
HILLSBOROUGH			

Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Bergeron, Jean-Guy
Boehm, Ralph	Brassard, Paul	Calawa, Leon Jr	Carew, James
Carter, Mark	Christensen, D L Chris	Dokmo, Cynthia	Drisko, Richard
Elliott, Nancy	Emerton, Larry	Foster, Linda	Gibson, John
Ginsburg, Ruth	Golding, William	Gonzalez, Carlos	Goyette, Peter Jr
Hagan, Barbara	Hall, Betty	Hellwig, Steve	Hirschmann, Keith
Jeudy, Jean	Kurk, Neal	Manney, Pamela	McRae, Karen
Mead, Robert	Ober, Lynne	Scanlon, Michael	Stepanek, Stephen
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, James	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Currier, David	Field, William	Kennedy, Richard
Langlais, Thomas	Marple, Richard	Maxfield, Roy	Williams, Robert
ROCKINGHAM			
Belanger, Ronald	Bettencourt, David	Bishop, Franklin	Camm, Kevin
Cooney, Richard	DiFruscia, Anthony	Fesh, Bob	Gould, Kenneth
Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell	Itse, Daniel
Johnson, Robert	Kobel, Rudolph	Langley, Jane	Lund, Howie
Major, Norman	Manning, John	Mason, April	McKinney, Betsy
Nowe, Ronald	Palazzo, Frank	Parker, Benjamin	Quandt, Marshall Lee
Quandt, Matthew	Robertson, Carl	Scamman, Stella	Stiles, Nancy
Waterhouse, Kevin	Weare, E Albert	Welch, David	Weyler, Kenneth
STRAFFORD			
Albert, Russell	Berube, Roger	Bickford, David	Brown, Julie
Cataldo, Sam	Easson, Timothy	Hofemann, Roland	Knowles, William
Newton, Clifford	Smith, Marjorie	Twombly, James	
SULLIVAN			
Ferland, Brenda	Franklin, Peter	Jillette, Arthur Jr	Rodeschin, Beverly

and the committee amendment was adopted.

Committee report adopted.

Ordered to third reading.

Reps. Baroody and Mirski declared conflicts of interest and did not participate.

(Deputy Speaker Weyler in the Chair)

SB 104-FN, relative to the tax exemption for water and air pollution control facilities.

MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Eric G. Stohl for the Majority of Municipal and County Government: Currently there is an exemption from the local property tax for any treatment facility, device, appliance or installation that has the effect of reducing, controlling or eliminating any source of water and air pollution. This property tax exemption is granted in RSA 72:12-a. Originally, this exemption was granted in 1971, prior to the Federal clean air and water acts, and was for a specific time of 25 years. This enabled the industry, if a by-product of the facility created pollutants that might affect water or air, to use pollution control devices to help make our water and air cleaner. The application process for this exemption was made to the Department of Environmental Services (DES). A thorough review of the device and the

amount of pollution that was controlled was done by DES and a percentage of the value of the device that was eligible for the tax exemption was determined. Then the applicant and the municipality were notified. The statute requires that the local assessor shall appraise the device every year and report that assessment to the Department of Revenue Administration (DRA). In 1996, there was a change in the time period that this exemption would be valid – forever or as long as the pollution control device was reducing, controlling or eliminating pollution. This amendment changes the time period to “until reimbursement for the investments costs are recovered by accumulation of value through this property tax exemption.” A further restriction on this tax exemption was adopted that the exemption “shall not exceed 25 percent of the applicant’s total assessed value of the facility at the time of the exemption.” We all know that air and water pollution is part of our everyday lives and cleaning up that pollution is a duty and obligation that we all share. That is why we encourage everyone to recycle, reduce and reuse. As with any tax exemption, the other taxpayers in the community pick up the cost of the exemption – whether it is for elderly, veterans or pollution control devices. The difference here is that the municipality has no vote in granting or denying the pollution control device tax exemption. We also all agree that clean air and water benefit everyone in the state, not just the municipality where the device is located. This amendment is intended to bring a balance to the need for clean air and water, businesses and our local taxpayer. The amendment also shifts the requirement for assessing these pollution control devices from the local municipality to the DRA, so that the information gathered is correct and available when decisions regarding the pollution control device tax exemption are needed. The committee is aware that balance is necessary in order to have continued support for businesses to grow and prosper in New Hampshire. Vote 13-3. Rep. Robert L. Theberge for the Minority of Municipal and County Government: The intent of this legislation was to resolve the on-going dispute which exists between the town of Bethlehem and a privately owned landfill. Although this bill aimed to help municipalities facing fiscal problems by dramatically reducing the amount of tax exemptions from which businesses currently benefit through the investment and installation of pollution control devices, the bill undermines years of good business working relationships between the state and industry. The minority believes that New Hampshire would lose its competitive advantage. By the reduction of tax exemptions, businesses may be forced either to downsize which would create a loss of jobs, increase the number of weeks of downtime, and/or locate to another state having a better tax exemption structure. In essence, any short-term gain will be offset by one or all of the above. The minority is gravely concerned that changes to RSA 72:12-a would negatively impact economic development, jobs and the environment. It was unclear on how the amendment is to be interpreted. As a consequence, this bill may lead to unnecessary litigation.

Majority Amendment (0175h)

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

1 Exemption; Water and Air Pollution Control Facilities. Amend RSA 72:12-a to read as follows:

72:12-a Water and Air Pollution Control Facilities.

I. Any person, firm, or corporation which builds, constructs, installs, or places in use in this state any treatment facility, device, appliance, or installation wholly or partly for the purpose of reducing, controlling, or eliminating any source of air or water pollution shall be entitled to have the value of said facility and any real estate necessary therefor, or a percentage thereof determined in accordance with this section, exempted from the taxes levied under this chapter for the period of years in which the facility, device, appliance, or installation is used in accordance with the provisions of this section ***until reimbursement for the investment costs are recovered by accumulation of value through this property tax exemption.***

II. The party seeking the exemption shall file an application with the department of environmental services if the exemption sought is for a water pollution control facility or an air pollution control facility, with a copy to the taxing authorities in the municipality where the facility is situated. Said application shall describe the facilities and their function or functions and shall state the applicant's total investment therein and the portion allocable to each function, ***to be verified by the department of revenue administration. Any such exemption requested shall not exceed 25 percent of the applicant's total assessed value of the facility at the time of the exemption.***

III. The department ***of environmental services*** shall investigate and determine whether the purpose of the facility is solely or only partially pollution control. If the department finds that the purpose of the facility is only partially pollution control it shall determine by an allocation of the applicant's investment in the facility what percentage of the facility is used to control pollution. In making its investigation, the department may inspect the facility and request such other information from the applicant as is reasonably necessary to assist it in making its determination.

IV. Upon making its determination, the department ***of environmental services*** shall notify the applicant, ***the department of revenue administration***, and the taxing authorities of the municipality where the facility is situated whether the purpose of the facility is solely pollution control, or, if not, what percentage of the applicant's investment in the facility should be allocated to pollution control.

V. The ~~[taxing authorities]~~ ***department of revenue administration*** shall each year separately appraise and describe the facility and related real estate ~~[and cause such appraisal and description]~~ ***using the determination approved by the department of environmental services. Such appraisal shall be reported to the local taxing authorities*** to appear in their inventory. In accordance with the provisions of this section, the taxing authority shall exempt from the taxes levied under this chapter the appraised value of the facility and any real estate necessary therefor, or the exempt percentage thereof, determined by the department ***of environmental services***. The exemption period shall begin as of the April 1 next following the receipt of the ~~[department's]~~ ***department of environmental services'*** determination. ***The department of revenue administration shall keep a record of the total of exemptions granted and shall provide the information to the owner of the facility, the municipality, and the general court annually.***

VI. Either the municipality ~~[or]~~, the owner of the facility, ***or the department of revenue administration*** may request a rehearing or appeal from such determination in accordance with the provisions of RSA 541.

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

AMENDED ANALYSIS

This bill limits the property tax exemption for water and pollution control facilities to the reimbursement of the amount of investment costs.

Majority amendment failed.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. O'Neil moved that the House reconsider its action whereby it failed to adopt the majority committee amendment on ***SB 104-FN***, relative to the tax exemption for water and air pollution control facilities.

On a division vote, 209 members having voted in the affirmative and 113 in the negative, Reconsideration prevailed.

(Speaker Scamman in the Chair)

The question now being adoption of the majority committee amendment on SB 104.

Reps. Slocum and Theberge spoke against.

Rep. Dowd spoke in favor.

Rep. Stohl spoke in favor and yielded to questions.

Rep. King requested a roll call; sufficiently seconded.

The question being adoption of the majority committee amendment (0175h).

YEAS 157 NAYS 182			
YEAS 157			
BELKNAP			
Boyce, Laurie	Fitzgerald, James	Flanders, Donald	Nedeau, Stephen
Rosen, Ralph	Russell, David	Tobin, William	Veazey, John
CARROLL			
Babson, David Jr	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Marrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			
CHESHIRE			
Butcher, Suzanne	Butynski, William	Chase, William	Dunn, J Timothy
Espiefs, Peter	Foote, Sheila	Pratt, John	Richardson, Barbara
Tilton, Anna	Weed, Charles		
COOS			
Stohl, Eric			
GRAFTON			
Aguiar, James	Cooney, Mary	Eaton, Stephanie	Hammond, Lee
Harding, A Laurie	Maybeck, Margie	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	Sorg, Gregory
HILLSBOROUGH			
Allan, Nelson	Baroody, Benjamin	Batula, Peter	Beaulieu, Jane
Brassard, Paul	Brundige, Robert	Calawa, Leon Jr	Chase, Claudia
Christensen, D L Chris	Christiansen, Lars	Clemons, Jane	Coughlin, Pamela
DeVries, Betsi	Dokmo, Cynthia	Foster, Linda	Gonzalez, Carlos
Gorman, Mary	Graham, John	Haley, Robert	Hall, Betty
Harvey, Suzanne	Irwin, Anne-Marie	Jeudy, Jean	Johnson, Paula
Kurk, Neal	Lasky, Bette	Lefebvre, Roland	Martin, Mary Ellen
Matarazzo, Anthony Sr	Movsesian, Lori	O'Connell, Timothy	Pilotte, Maurice
Renzullo, Andrew	Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Stepanek, Stephen	Sullivan, Francis
Sullivan, Peter	Vaillancourt, Steve	Velez, Hector	Wheeler, Robert
MERRIMACK			
Blanchard, Elizabeth	Clarke, Claire	DeJoie, John	French, Barbara
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Hamm, Christine
Kennedy, Richard	Kidder, David	Klose, John	Lockwood, Priscilla
MacKay, James	McMahon, Patricia	Potter, Frances	Reed, Dennis

Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Buxton, Donald	Carson, Sharon	Casey, Kimberley
DiFruscia, Anthony	Dowd, John	Dowling, Patricia	Dumaine, Dudley
Fesh, Bob	Flockhart, Eileen	Forsing, Robert	Gould, Kenneth
Headd, James	Hughes, Daniel	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Langley, Jane	McKinney, Betsy	McMahon, Charles
Packard, Sherman	Parker, Benjamin	Powers, James	Rausch, James
Stone, Joseph	Waterhouse, Kevin	Weyler, Kenneth	
STRAFFORD			
Albert, Russell	Berube, Roger	Brown, Jennifer	Brown, Lawrence
Cilley, Jacalyn	Grassie, Anne	Hofemann, Roland	Johnson, Nancy
Knowles, William	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Taylor, Kathleen	Twombly, James
Wall, Janet			
SULLIVAN			
Donovan, Thomas	Ferland, Brenda	Franklin, Peter	Gale, Harry
Houde-Quimby, Charlotte			
NAYS 182			
BELKNAP			
Clark, Charles	Heald, Bruce	Morrison, Gail	Pilliod, James
Thomas, John	Tilton, Franklin	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Dickinson, Howard	Knox, J David	Martin, James
McConkey, Mark			
CHESHIRE			
Coates, Christopher	Dexter, Judson	Emerson, Susan	Hogancamp, Deborah
Hunt, John	Mitchell, Bonnie	Parkhurst, Henry	Pelkey, Stephen
Plifka, Stanley Jr	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon
COOS			
Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Merrick, Scott	Remick, William	Richardson, Herbert	Theberge, Robert
Tholl, John Jr			
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Dorsett, Andrew
Gionet, Edmond	Giuda, Robert	Ingbretson, Paul	Williams, Burton

HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Bergeron, Jean-Guy
Bergin, Peter	Biundo, Michael	Boehm, Ralph	Campbell, David
Carew, James	Carter, Mark	Cote, David	Cote, Peter
Crane, Elenore Casey	Desmarais, Vivian	Drisko, Richard	Dyer, Donald
Elliott, Nancy	Emerton, Larry	Essex, David	Francoeur, Bea
Gargas, Carolyn	Gibson, John	Ginsburg, Ruth	Golding, William
Goyette, Peter Jr	Hagan, Barbara	Hansen, Ryan	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph
Jasper, Shawn	Jean, Claudette	Kopka, Angeline	L'Heureux, Robert
Lawrence, James	Lessard, Rudy	Manney, Pamela	McRae, Karen
Mead, Robert	Messier, Irene	O'Brien, William	Ober, Lynne
Pappas, Christopher	Price, Pamela	Reeves, Sandra	Rochette, Eric
Ryder, Donald	Scanlon, Michael	Slocum, Lee	Smith, David
Tahir, Saghir	Ulery, Jordan	Villeneuve, Maurice	Wheeler, James
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Currier, David
DeStefano, Stephen	Field, William	Foose, Robert	Hess, David
L'Heureux, Stephen	Langlais, Thomas	Marple, Richard	Maxfield, Roy
Osborne, Jessie	Owen, Derek	Reardon, Tara	Whiting, Herbert
Williams, Robert			
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bishop, Franklin	Bridle, Russell	Cady, Harriet	Cali-Pitts, Jacqueline
Camm, Kevin	Charron, Gene	Coburn, James	Cooney, Richard
Donahue, Richard Ken	Doyle, Christopher	Flanders, John Sr	Francoeur, Sheila
Garrity, James	Gilbert, Karl	Griffin, Mary	Hopfgarten, Paul
Ingram, Russell	Itse, Daniel	Kobel, Rudolph	Lund, Howie
Major, Norman	Manning, John	Mason, April	Moody, Marcia
Norelli, Terie	Nowe, Ronald	O'Neil, Michael	Palazzo, Frank
Pantelakos, Laura	Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Splaine, James
Stiles, Nancy	Weare, E Albert	Welch, David	Wells, Roger
Winchell, George			
STRAFFORD			
Bickford, David	Brown, Julie	Callaghan, Frank	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Easson, Timothy	Goodwin, Earle	Heon, Richard
Kaen, Naida	Keans, Sandra	Newton, Clifford	Spang, Judith
SULLIVAN			
Cloutier, John	Converse, Larry	Irish, Christopher	Phinizy, James
Prichard, Stephen	Rodeschin, Beverly		

and adoption of the majority committee amendment (0175h) failed.

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

Reps. Stohl and Patten spoke against.

Rep. Phinizy spoke in favor.
Ought to Pass failed.

Rep. Patten moved Inexpedient to Legislate.
Rep. King requested a roll call; sufficiently seconded.
The question being adoption of the motion of Inexpedient to Legislate.

YEAS 322 NAYS 17			
YEAS 322			
BELKNAP			
Boyce, Laurie	Clark, Charles	Fitzgerald, James	Flanders, Donald
Heald, Bruce	Morrison, Gail	Nedean, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Dickinson, Howard	Knox, J David	Martin, James
McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		
CHESHIRE			
Butcher, Suzanne	Butynski, William	Chase, William	Coates, Christopher
Dexter, Judson	Dunn, J Timothy	Emerson, Susan	Foote, Sheila
Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie	Parkhurst, Henry
Pelkey, Stephen	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles
COOS			
Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Merrick, Scott	Remick, William	Richardson, Herbert	Stohl, Eric
Theberge, Robert	Tholl, John Jr		
GRAFTON			
Aguiar, James	Andersen, Gene	Benn, Bernard	Cooney, Mary
Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Hammond, Lee	Harding, A Laurie	Ingbretson, Paul	Maybeck, Margie
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Sorg, Gregory	Williams, Burton		
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Baroody, Benjamin
Barry, J Gail	Batula, Peter	Beaulieu, Jane	Bergeron, Jean-Guy
Bergin, Peter	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Calawa, Leon Jr	Campbell, David	Carew, James
Carter, Mark	Chase, Claudia	Christensen, D L	Christiansen, Lars

		Chris	
Cote, David	Cote, Peter	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Essex, David
Foster, Linda	Francoeur, Bea	Gargasz, Carolyn	Gibson, John
Ginsburg, Ruth	Golding, William	Gonzalez, Carlos	Gorman, Mary
Goyette, Peter Jr	Graham, John	Hagan, Barbara	Haley, Robert
Hall, Betty	Hansen, Ryan	Harvey, Suzanne	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Jeudy, Jean
Johnson, Paula	Kopka, Angeline	Kurk, Neal	L'Heureux, Robert
Lasky, Bette	Lawrence, James	Lessard, Rudy	Manney, Pamela
Martin, Mary Ellen	Matarazzo, Anthony Sr	McRae, Karen	Mead, Robert
Messier, Irene	Movsesian, Lori	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Pappas, Christopher	Pilote, Maurice	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rochette, Eric	Rosenwald, Cindy
Rowe, Robert	Ryder, Donald	Scanlon, Michael	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Slocum, Lee
Smith, David	Stepanek, Stephen	Sullivan, Francis	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Velez, Hector	Villeneuve, Maurice
Wheeler, James	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	DeStefano, Stephen	Field, William
Foose, Robert	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Hamm, Christine	Hess, David	Kidder, David
Klose, John	L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla
MacKay, James	Marple, Richard	Maxfield, Roy	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Potter, Frances	Reardon, Tara
Reed, Dennis	Rush, Deanna	Tilton, Joy	Tupper, Frank
Walz, Mary Beth	Whiting, Herbert	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Bridle, Russell	Buxton, Donald
Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin	Carson, Sharon
Casey, Kimberley	Charron, Gene	Coburn, James	Cooney, Richard
Donahue, Richard Ken	Dowd, John	Dowling, Patricia	Doyle, Christopher
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Flockhart, Eileen
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Gould, Kenneth	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Ingram, Russell	Itse, Daniel	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Lund, Howie	Major, Norman	Manning, John	Mason, April
McKinney, Betsy	McMahon, Charles	Moody, Marcia	Norelli, Terie
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Palazzo, Frank
Pantelakos, Laura	Parker, Benjamin	Powers, James	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Robertson, Carl	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Splaine, James	Stiles, Nancy

Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
Wells, Roger	Weyler, Kenneth	Winchell, George	
STRAFFORD			
Albert, Russell	Berube, Roger	Bickford, David	Brown, Jennifer
Brown, Julie	Brown, Lawrence	Callaghan, Frank	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Dunlap, Patricia	Easson, Timothy	Goodwin, Earle
Grassie, Anne	Heon, Richard	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Newton, Clifford
Rollo, Michael	Rous, Emma	Schmidt, Peter	Spang, Judith
Twombly, James	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Gale, Harry	Houde-Quimby, Charlotte	Irish, Christopher	Prichard, Stephen
Rodeschin, Beverly			
NAYS 17			
BELKNAP			
None			
CARROLL			
None			
CHESHIRE			
Espiefs, Peter	Sawyer, Sheldon		
COOS			
None			
GRAFTON			
Almy, Susan	McLeod, Martha		
HILLSBOROUGH			
Clemons, Jane	Sullivan, Peter		
MERRIMACK			
DeJoie, John	Kennedy, Richard	Ryan, Jim	Shurtleff, Stephen
Wallner, Mary Jane			
ROCKINGHAM			
DiFruscia, Anthony			
STRAFFORD			

Miller, Joseph	Smith, Marjorie	Taylor, Kathleen	
SULLIVAN			
Ferland, Brenda	Phinizy, James		

and the motion of Inexpedient to Legislate was adopted.

The House recessed at 12:20 p.m.

RECESS

(Speaker Scamman in the Chair)

The House reconvened at 1:20 p.m.

SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENT

HB 1402, establishing the standard of care for certain individuals or nonprofit entities in constructing, maintaining, or improving trails for public recreational use, and establishing a committee to study the standard of care applicable to landowners, lessees, and occupants for the use of public recreational land. (Amendment printed SJ 02/02/06)

Rep. Currier moved that the House concur.

Rep. O'Neil spoke in favor.

Adopted.

SPECIAL ORDER – REGULAR CALENDAR (CONT'D.)

HB 162, establishing boating speed limits for Lake Winnepesaukee. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Dennis F. Abbott for the Majority of Resource, Recreation and Development: This bill, as amended, establishes a speed limit on all state waters, provides for violations to be included in a person's driving record, and provides for enforcement of a "reasonable and prudent" standard of boat operation. This bill was introduced relative to Lake Winnepesaukee but it was agreed by most of the committee that applying it only to that lake could have the unintended consequence of unfairly diverting the speed problem to other public waters in the state. The bill also allows for public safety exceptions and approved and sanctioned races. Furthermore, a recent survey indicated a vast majority of New Hampshire residents favor a speed limit on all the state's waterways. In addition to the initial hearing, the committee held three public hearings in the Lakes Region over the summer, attended by upwards of a thousand individuals. In addition, the committee received hundreds of letters and petitions from citizens. The committee then conducted four additional meetings, solicited additional testimony and discussed and debated the issue in an attempt to reach the consensus that has been the hallmark of the committee during the past year. There was unanimous agreement that there is a serious problem on our public waters with real or perceived threats to the safety and enjoyment of a large number of individuals and families. The committee explored and debated various solutions including further education, better enforcement, a variety of speed limits, more discretion for marine patrol officers, and limiting high speeds to specific areas or times. The majority of the committee rejected the idea of merely applying a "reasonable and prudent" standard to speed enforcement because it would be confusing and unenforceable without a specific speed limit. Further, it would have little or no effect on boating safety. Expert testimony indicated that speed limits are enforceable, while the very low number of citations for "reckless operation" provide evidence that standards based on officer discretion are seldom used. In RSA 270:1 (II) the legislature states "...it is hereby declared that the public waters of New Hampshire shall be maintained and regulated in such a way as to provide for the safe and mutual enjoyment of a variety of

uses, both from the shore and from water-borne conveyances.” The testimony of hundreds of residents, visitors, businesses and camp directors indicated that many do not feel this policy is being carried out satisfactorily. This is gradually undermining the desirability of New Hampshire as a safe place for individuals and especially families to recreate. Our public waters are reaching the point where there are just too many recreationists of all types to safely accommodate high speeds. In order to effectively enact the legislative policy, the time has come for New Hampshire to impose a reasonable speed limit on our waters. Vote 11-10. Rep. D. L. Chris Christensen for the Minority of Resources, Recreation and Development: The key difference between the majority amendment and the minority amendment is that the majority wants an arbitrary 45mph day/25mph night speed limit on all New Hampshire waterways. The minority finds that the arbitrary speed limit is the wrong solution to a perceived problem. Consider this:. Tourism is up. Boat registrations are up. Boating accidents have gone down over the last five years since mandatory safety education was introduced. No evidence was presented to the committee showing that speed limits have improved water safety records anywhere. Law enforcement officials testified that speed limits will be difficult to enforce and the public opinion was split. State Police and Marine Patrol. We have two separate and distinct organizations because they face different tasks and operate in different environments. Traffic on the highway travels in one direction, mostly at similar speeds, in similar vehicles. Boats travel in all directions with a variety of speeds. Motor vehicle right-of-way is controlled by signs and traffic lanes. Boat right-of-way is controlled by navigation rules. There is no comparison. The minority looks to the Coast Guard for unbiased expertise. Speed should be reasonable and prudent for existing conditions, without using an arbitrary number. This is the approach used by the United States Coast Guard for inland waters. Other states reference Coast Guard regulations as their benchmark. The minority is sensitive to those who testified that they are scared to go out on the lakes. New Hampshire’s waterways should be open to everyone. However, none of the incidents described would have been eliminated by the majority’s proposed speed limit. Better enforcement of current laws and stricter penalties for violators are the solutions that the minority of the committee, most of whom are avid and experienced boaters, bring forward in the minority amendment.

Majority Amendment (0057h)

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

AN ACT relative to general rules for vessels operating on water.

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

1 New Paragraphs; General Rules for Vessels Operating on Water. Amend RSA 270-D:2 by inserting after paragraph IX the following new paragraphs:

X.(a) No person shall operate a vessel at a speed greater than is reasonable and prudent under the existing conditions and without regard for the actual and potential hazards then existing. In all cases, speed shall be controlled so that the operator will be able to avoid endangering or colliding with any person, vessel, object, or shore.

(b) Where no hazard exists that requires lower speed for compliance with subparagraph (a), the speed of any vessel in excess of the limit specified in this subparagraph shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

(1) 25 miles per hour during the period from 1/2 hour after sunset to 1/2 hour before sunrise; and

(2) 45 miles per hour at any other time.

(c) The speed limitations set forth in subparagraph (b) shall not apply to vessels when operated with due regard for safety under the direction of the peace officers in the chase or apprehension of violators of the law or of persons charged with, or suspected of, any such violation, nor to fire department or fire patrol vessels, nor to private emergency vessels

when traveling to emergencies. This exemption shall not, however, protect the operator of any such vessel from the consequences of a reckless disregard of the safety of others.

(d) The speed limitations set forth in subparagraph (b) shall not apply to boat racing permitted under RSA 270:27.

XI. Any conviction under this section shall be reported to the commissioner of the department of safety, division of motor vehicles, and shall become a part of the motor vehicle driving record of the person convicted.

2 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill establishes general speed limitations for vessels. This bill also requires that violations of the general rules for vessels operating on water become a part of the motor vehicle driving record of the person convicted.

MOTIONS TO LIMIT DEBATE

Rep. Barry moved that debate on **HB 162**, establishing boating speed limits for Lake Winnepesaukee, be limited to 20 minutes each side, including questions.

Rep. Vaillancourt amended the motion to allow 60 minutes each side, including questions. The Speaker announced a roll call vote.

The question being adoption of the amendment limiting debate to 60 minutes each side, including questions.

YEAS 76 NAYS 233			
YEAS 76			
BELKNAP			
Whalley, Michael			
CARROLL			
Babson, David Jr			
CHESHIRE			
Allen, Peter	Espieffs, Peter	Parkhurst, Henry	Pratt, John
Roberts, Kris	Weed, Charles		
COOS			
Merrick, Scott			
GRAFTON			
Aguiar, James	Benn, Bernard	Cooney, Mary	Giuda, Robert
Harding, A Laurie	Mulholland, Catherine	Solomon, Peter	
HILLSBOROUGH			
Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane	Carter, Mark
Christensen, D L Chris	Christiansen, Lars	Clemons, Jane	Cote, David
Craig, James	Gibson, John	Goyette, Peter Jr	Hall, Betty
Kurk, Neal	Lasky, Bette	Messier, Irene	Renzullo, Andrew
Rowe, Robert	Ryder, Donald	Schulze, Joan	Sullivan, Peter
Vaillancourt, Steve			

MERRIMACK			
Bouchard, Candace	Clarke, Claire	DeJoie, John	Foose, Robert
Hamm, Christine	Hess, David	L'Heureux, Stephen	Osborne, Jessie
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane		
ROCKINGHAM			
DiFruscia, Anthony	Doyle, Christopher	Moody, Marcia	Norelli, Terie
Powers, James	Splaine, James	Welch, David	Wells, Roger
STRAFFORD			
Brown, Jennifer	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Hofemann, Roland	Keans, Sandra	Miller, Joseph	Newton, Clifford
Schmidt, Peter	Taylor, Kathleen	Twombly, James	
SULLIVAN			
Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Phinizy, James	Prichard, Stephen		
NAYS 233			
BELKNAP			
Boyce, Laurie	Clark, Charles	Fitzgerald, James	Flanders, Donald
Heald, Bruce	Nedeau, Stephen	Pilliod, James	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran		
CARROLL			
Brown, Carolyn	Buco, Thomas	Chandler, Gene	Dickinson, Howard
Knox, J David	Martin, James	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
CHESHIRE			
Butcher, Suzanne	Butynski, William	Chase, William	Coates, Christopher
Dexter, Judson	Dunn, J Timothy	Emerson, Susan	Foote, Sheila
Hogancamp, Deborah	Mitchell, Bonnie	Plifka, Stanley Jr	Richardson, Barbara
Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna	
COOS			
King, Frederick	Lary, Bruce	Mears, Edgar	Remick,

			William
Richardson, Herbert	Stohl, Eric	Theberge, Robert	Tholl, John Jr
GRAFTON			
Almy, Susan	Andersen, Gene	Eaton, Stephanie	Gionet, Edmond
Hammond, Lee	Ingbretson, Paul	Maybeck, Margie	McLeod, Martha
Nordgren, Sharon	Sokol, Hilda	Sorg, Gregory	Williams, Burton
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Brassard, Paul
Brundige, Robert	Calawa, Leon Jr	Campbell, David	Carew, James
Chase, Claudia	Cote, Peter	Coughlin, Pamela	Desmarais, Vivian
Dokmo, Cynthia	Drisko, Richard	Dyer, Donald	Emerton, Larry
Essex, David	Foster, Linda	Gargasz, Carolyn	Ginsburg, Ruth
Golding, William	Gonzalez, Carlos	Gorman, Mary	Graham, John
Hagan, Barbara	Haley, Robert	Hawkins, Ken	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Infantine, William	Irwin, Anne-Marie
Jasper, Shawn	Jean, Claudette	Jeudy, Jean	Kopka, Angeline
L'Heureux, Robert	Lawrence, James	Lessard, Rudy	Manney, Pamela
Matarazzo, Anthony Sr	McRae, Karen	Mead, Robert	Mooney, Maureen
Movesian, Lori	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Pappas, Christopher	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Rochette, Eric	Rosenwald, Cindy	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Slocum, Lee	Smith, David	Sullivan, Francis
Tahir, Saghir	Ulery, Jordan	Velez, Hector	Villeneuve, Maurice
Wheeler, James			
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Brueggemann, Donald	Currier, David
Field, William	French, Barbara	Gile, Mary	Kennedy, Richard
Kidder, David	Klose, John	Langlais, Thomas	Lockwood, Priscilla
MacKay, James	Marple, Richard	Maxfield, Roy	McMahon, Patricia
Owen, Derek	Potter, Frances	Reed, Dennis	Williams, Robert

Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Bridle, Russell	Buxton, Donald
Cady, Harriet	Camm, Kevin	Carson, Sharon	Casey, Kimberley
Charron, Gene	Coburn, James	Cooney, Richard	Donahue, Richard Ken
Dowd, John	Dowling, Patricia	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Forsing, Robert	Francoeur, Sheila
Garrity, James	Gilbert, Karl	Gould, Kenneth	Griffin, Mary
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell
Itse, Daniel	Johnson, Robert	Kobel, Rudolph	Langley, Jane
Lund, Howie	Major, Norman	Manning, John	Mason, April
McKinney, Betsy	McMahon, Charles	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Palazzo, Frank	Pantelakos, Laura	Parker, Benjamin
Rausch, James	Robertson, Carl	Rolston, James	Sanders, Elisabeth
Scamman, Stella	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Weyler, Kenneth		
STRAFFORD			
Albert, Russell	Berube, Roger	Bickford, David	Brown, Julie
Brown, Lawrence	Callaghan, Frank	Cataldo, Sam	Chaplin, Duncan
Dunlap, Patricia	Grassie, Anne	Heon, Richard	Johnson, Nancy
Kaen, Naida	Knowles, William	Rollo, Michael	Rous, Emma
Smith, Marjorie	Spang, Judith	Wall, Janet	
SULLIVAN			
Donovan, Thomas	Gale, Harry	Houde-Quimby, Charlotte	Irish, Christopher
Rodeschin, Beverly			

and the amendment allowing 60 minutes each side, including questions, failed.

Rep. Pratt requested a roll call; sufficiently seconded.

The question being adoption of the motion to limit debate to 20 minutes each side, including questions.

YEAS 190 NAYS 133			
YEAS 190			

BELKNAP			
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		
CARROLL			
Brown, Carolyn	Buco, Thomas	Dickinson, Howard	Knox, J David
Martin, James	McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	
CHESHIRE			
Butcher, Suzanne	Butynski, William	Chase, William	Coates, Christopher
Emerson, Susan	Foote, Sheila	Hogancamp, Deborah	Mitchell, Bonnie
Pelkey, Stephen	Plifka, Stanley Jr	Richardson, Barbara	Robertson, Timothy
Sawyer, Sheldon	Tilton, Anna		
COOS			
King, Frederick	Lary, Bruce	Mears, Edgar	Remick, William
Richardson, Herbert	Stohl, Eric	Theberge, Robert	Tholl, John Jr
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Hammond, Lee	Ingbretson, Paul
Maybeck, Margie	Mulholland, Catherine	Sorg, Gregory	Williams, Burton
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Boehm, Ralph
Brassard, Paul	Brundige, Robert	Calawa, Leon Jr	Campbell, David
Carew, James	Cote, Peter	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Essex, David	Foster, Linda
Francoeur, Bea	Gargas, Carolyn	Ginsburg, Ruth	Golding, William
Gonzalez, Carlos	Graham, John	Haley, Robert	Hawkins, Ken
Hinkle, Peyton	Jasper, Shawn	Jean, Claudette	Jeudy, Jean
L'Heureux, Robert	Lawrence, James	Lessard, Rudy	Manney, Pamela
Matarazzo, Anthony Sr	McRae, Karen	Michon, Stephen	Mooney, Maureen
Movsesian, Lori	O'Brien, William	Ober, Lynne	Pappas, Christopher
Pilotte, Maurice	Reeves, Sandra	Shattuck, Gilman	Shaw, Barbara
Slocum, Lee	Stepanek, Stephen	Ulery, Jordan	Velez, Hector
Villeneuve, Maurice	Wheeler, James		
MERRIMACK			
Blanchard, Elizabeth	Brueggemann, Donald	Field, William	Hamm, Christine
Kidder, David	Klose, John	Langlais, Thomas	Lockwood, Priscilla
MacKay, James	Marple, Richard	Maxfield, Roy	McMahon, Patricia
Potter, Frances	Reed, Dennis	Williams, Robert	

ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Bishop, Franklin
Buxton, Donald	Charron, Gene	Donahue, Richard Ken	Dowd, John
Dowling, Patricia	Dumaine, Dudley	Flanders, John Sr	Flockhart, Eileen
Forsing, Robert	Garrity, James	Gilbert, Karl	Gould, Kenneth
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Lund, Howie	Manning, John	Mason, April
McKinney, Betsy	McMahon, Charles	O'Neil, Michael	Packard, Sherman
Palazzo, Frank	Pantelakos, Laura	Parker, Benjamin	Rausch, James
Robertson, Carl	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Weyler, Kenneth	Winchell, George		
STRAFFORD			
Albert, Russell	Berube, Roger	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn
Dunlap, Patricia	Grassie, Anne	Heon, Richard	Johnson, Nancy
Knowles, William	Rous, Emma	Spang, Judith	Wall, Janet
SULLIVAN			
Donovan, Thomas	Gale, Harry	Irish, Christopher	Rodeschin, Beverly
NAYS 133			
BELKNAP			
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Babson, David Jr	Chandler, Gene		
CHESHIRE			
Allen, Peter	Dexter, Judson	Dunn, J Timothy	Espiefs, Peter
Hunt, John	Parkhurst, Henry	Pratt, John	Roberts, Kris
Weed, Charles			
COOS			
Merrick, Scott			
GRAFTON			
Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Giuda, Robert	Harding, A Laurie	McLeod, Martha
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	
HILLSBOROUGH			
Balboni, Michael	Baroody, Benjamin	Beaulieu, Jane	Carter, Mark
Chase, Claudia	Christensen, D L	Christiansen, Lars	Clemons, Jane

	Chris		
Cote, David	Coughlin, Pamela	Craig, James	Desmarais, Vivian
Emerton, Larry	Gibson, John	Gorman, Mary	Goyette, Peter Jr
Hagan, Barbara	Hall, Betty	Hellwig, Steve	Hirschmann, Keith
Holden, Randolph	Infantine, William	Irwin, Anne-Marie	Johnson, Paula
Kopka, Angeline	Kurk, Neal	Lasky, Bette	Mead, Robert
Messier, Irene	O'Connell, Timothy	Price, Pamela	Renzullo, Andrew
Rochette, Eric	Rosenwald, Cindy	Rowe, Robert	Ryder, Donald
Schulze, Joan	Shaw, Kimberly	Smith, David	Sullivan, Francis
Sullivan, Peter	Tahir, Saghir	Vaillancourt, Steve	
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Clarke, Claire	Currier, David
DeJoie, John	Foose, Robert	French, Barbara	Gile, Mary
Hess, David	Kennedy, Richard	L'Heureux, Stephen	Osborne, Jessie
Owen, Derek	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Bettencourt, David	Bridle, Russell	Cady, Harriet
Camm, Kevin	Carson, Sharon	Casey, Kimberley	Coburn, James
Cooney, Richard	DiFruscia, Anthony	Doyle, Christopher	Fesh, Bob
Francoeur, Sheila	Itse, Daniel	Major, Norman	Moody, Marcia
Norelli, Terie	Nowe, Ronald	Powers, James	Quandt, Matthew
Splaine, James	Welch, David	Wells, Roger	
STRAFFORD			
Bickford, David	Brown, Jennifer	Creteau, Irene	Domingo, Baldwin
Easson, Timothy	Hofemann, Roland	Kaen, Naida	Keans, Sandra
Miller, Joseph	Newton, Clifford	Rollo, Michael	Schmidt, Peter
Smith, Marjorie	Taylor, Kathleen	Twombly, James	
SULLIVAN			
Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Phinizy, James	Prichard, Stephen	

and the motion to limit debate to 20 minutes each side, including questions was adopted. Rep. Griffin did not vote and notified the Clerk that she wished to be recorded in favor.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. MacKay moved that the House reconsider its action whereby it adopted the motion to limit debate on **HB 162**, establishing boating speed limits for Lake Winnepesaukee, to 20 minutes each side, including questions.

Rep. Hess spoke in favor.

On a division vote, 201 members having voted in the affirmative and 124 in the negative, Reconsideration prevailed.

The question now being, shall debate on HB 162 be limited to 20 minutes each side, including questions.

Motion failed.

MOTION TO LAY ON THE TABLE

Rep. Rodeschin moved that **HB 162**, establishing boating speed limits for Lake Winnepesaukee, be laid on the table.

Rep. Gibson requested a roll call; sufficiently seconded.

The question being adoption of the motion to lay HB 162 on the table.

YEAS 140 NAYS 198			
YEAS 140			
BELKNAP			
Clark, Charles	Russell, David	Thomas, John	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Brown, Carolyn	Buco, Thomas	Chandler, Gene	McConkey, Mark
Morrow, Harry			
CHESHIRE			
Coates, Christopher	Dexter, Judson	Hunt, John	Mitchell, Bonnie
Pelkey, Stephen	Sawyer, Sheldon		
COOS			
Mears, Edgar	Richardson, Herbert		
GRAFTON			
Gionet, Edmond	Giuda, Robert	Ham, Bonnie	Maybeck, Margie
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brundige, Robert	Calawa, Leon Jr	Carter, Mark
Christiansen, Lars	Cote, Peter	Coughlin, Pamela	Crane, Elenore Casey
DeVries, Betsi	Drisko, Richard	Elliott, Nancy	Emerton, Larry
Francoeur, Bea	Gibson, John	Golding, William	Gonzalez, Carlos
Goyette, Peter Jr	Graham, John	Hagan, Barbara	Haley, Robert
Hansen, Ryan	Hawkins, Ken	Hellwig, Steve	Hirschmann, Keith
Holden, Randolph	Lessard, Rudy	McRae, Karen	Mead, Robert
Mooney, Maureen	Moran, Edward	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Price, Pamela	Reeves, Sandra	Stepanek, Stephen
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Velez, Hector
Villeneuve, Maurice	Wheeler, James		
MERRIMACK			
Anderson, Eric	Currier, David	Field, William	Klose, John
L'Heureux, Stephen	Langlais, Thomas	MacKay, James	Marple, Richard
Maxfield, Roy	Reed, Dennis		
ROCKINGHAM			

Allen, Mary	Belanger, Ronald	Bicknell, Elbert	Bridle, Russell
Cady, Harriet	Camm, Kevin	Coburn, James	Cooney, Richard
DiFruscia, Anthony	Donahue, Richard Ken	Doyle, Christopher	Dumaine, Dudley
Fesh, Bob	Flanders, John Sr	Francoeur, Sheila	Garrity, James
Griffin, Mary	Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell
Itse, Daniel	Johnson, Robert	Kobel, Rudolph	Lund, Howie
Major, Norman	Manning, John	McKinney, Betsy	McMahon, Charles
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Pantelakos, Laura
Parker, Benjamin	Quandt, Marshall Lee	Rausch, James	Rolston, James
Sanders, Elisabeth	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weyler, Kenneth	Winchell, George	
STRAFFORD			
Albert, Russell	Berube, Roger	Bickford, David	Brown, Julie
Cataldo, Sam	Domingo, Baldwin	Easson, Timothy	Heon, Richard
Knowles, William	Twombly, James		
SULLIVAN			
Ferland, Brenda	Gale, Harry	Irish, Christopher	Prichard, Stephen
Rodeschin, Beverly			
NAYS 198			
BELKNAP			
Boyce, Laurie	Fitzgerald, James	Flanders, Donald	Heald, Bruce
Millham, Alida	Morrison, Gail	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Tilton, Franklin	Tobin, William	Veazey, John
CARROLL			
Babson, David Jr	Dickinson, Howard	Knox, J David	Martin, James
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Emerson, Susan	Espiefs, Peter	Foote, Sheila
Hogancamp, Deborah	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			
COOS			
King, Frederick	Lary, Bruce	Merrick, Scott	Remick, William
Stohl, Eric	Theberge, Robert	Tholl, John Jr	
GRAFTON			
Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Eaton, Stephanie	Hammond, Lee	Harding, A Laurie

Ingbreton, Paul	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Williams, Burton	
HILLSBOROUGH			
Allan, Nelson	Beaulieu, Jane	Brassard, Paul	Campbell, David
Carew, James	Chase, Claudia	Christensen, D L Chris	Clemons, Jane
Cote, David	Craig, James	Desmarais, Vivian	Dokmo, Cynthia
Dyer, Donald	Essex, David	Foster, Linda	Gargasz, Carolyn
Ginsburg, Ruth	Gorman, Mary	Hall, Betty	Harvey, Suzanne
Hinkle, Peyton	Infantine, William	Irwin, Anne-Marie	Jasper, Shawn
Jean, Claudette	Jeudy, Jean	Johnson, Paula	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Lawrence, James
Lefebvre, Roland	Manney, Pamela	Martin, Mary Ellen	Matarazzo, Anthony Sr
Messier, Irene	Michon, Stephen	Movsesian, Lori	Pappas, Christopher
Pilotte, Maurice	Renzullo, Andrew	Rochette, Eric	Rosenwald, Cindy
Rowe, Robert	Ryder, Donald	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Slocum, Lee	Smith, David
Sullivan, Francis	Sullivan, Peter	Wheeler, Robert	
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Hess, David
Kennedy, Richard	Kidder, David	Lockwood, Priscilla	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Potter, Frances	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Asselin, Michael	Bettencourt, David	Bishop, Franklin
Buxton, Donald	Carson, Sharon	Casey, Kimberley	Charron, Gene
Dowd, John	Dowling, Patricia	Flockhart, Eileen	Forsing, Robert
Gilbert, Karl	Gould, Kenneth	Headd, James	Katsakiores, George
Katsakiores, Phyllis	Langley, Jane	Mason, April	Moody, Marcia
Norelli, Terie	Palazzo, Frank	Powers, James	Robertson, Carl
Scamman, Stella	Splaine, James	Stiles, Nancy	Wells, Roger
STRAFFORD			
Brown, Jennifer	Brown, Lawrence	Callaghan, Frank	Campbell, W Packy
Chaplin, Duncan	Cilley, Jacalyn	Creteau, Irene	Dunlap, Patricia
Grassie, Anne	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Miller, Joseph	Newton, Clifford	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Kathleen	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Phinizy, James		

and the motion to lay HB 162 on the table failed.

The question now being adoption of the majority committee amendment.

Reps. Chris Christensen, Russell, Ferland and Merrow spoke against.

Reps. Pilliod, Abbott, and Spang spoke in favor.

Rep. Daniel Eaton spoke against and yielded to questions.

Rep. Dickinson spoke in favor.

(Deputy Speaker Weyler in the Chair)

Rep. Dickinson requested a roll call; sufficiently seconded.

The question being adoption of the majority committee amendment.

YEAS 185 NAYS 153			
YEAS 185			
BELKNAP			
Fitzgerald, James	Heald, Bruce	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Rosen, Ralph	Tilton, Franklin
Tobin, William	Veazey, John		
CARROLL			
Buco, Thomas	Dickinson, Howard	Knox, J David	Martin, James
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Espieffs, Peter	Foote, Sheila	Hogancamp, Deborah
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			
COOS			
Lary, Bruce	Merrick, Scott	Remick, William	Tholl, John Jr
GRAFTON			
Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Ham, Bonnie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Williams, Burton		
HILLSBOROUGH			
Allan, Nelson	Batula, Peter	Beaulieu, Jane	Bergin, Peter
Brassard, Paul	Campbell, David	Chase, Claudia	Clemons, Jane
Cote, David	Craig, James	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Essex, David	Foster, Linda	Gargasz, Carolyn
Ginsburg, Ruth	Gorman, Mary	Hall, Betty	Harvey, Suzanne
Irwin, Anne-Marie	Jean, Claudette	Judy, Jean	Johnson, Paula

L'Heureux, Robert	Lasky, Bette	Lefebvre, Roland	Martin, Mary Ellen
Matarazzo, Anthony Sr	Messier, Irene	Michon, Stephen	Movsesian, Lori
O'Connell, Timothy	Pappas, Christopher	Pilotte, Maurice	Renzullo, Andrew
Rochette, Eric	Rosenwald, Cindy	Ryder, Donald	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Smith, David
Sullivan, Francis	Sullivan, Peter	Velez, Hector	Wheeler, Robert
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	Foose, Robert	French, Barbara	Gile, Mary
Hager, Elizabeth	Hamm, Christine	Hess, David	Kidder, David
Lockwood, Priscilla	Osborne, Jessie	Owen, Derek	Potter, Frances
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Bishop, Franklin	Buxton, Donald	Casey, Kimberley
Charron, Gene	Cooney, Richard	DiFruscia, Anthony	Dowd, John
Flanders, John Sr	Flockhart, Eileen	Gould, Kenneth	Hughes, Daniel
Johnson, Robert	Kobel, Rudolph	Langley, Jane	Mason, April
McKinney, Betsy	Moody, Marcia	Norelli, Terie	Palazzo, Frank
Pantelakos, Laura	Powers, James	Robertson, Carl	Rolston, James
Scamman, Stella	Splaine, James	Stiles, Nancy	Stone, Joseph
Wells, Roger			
STRAFFORD			
Albert, Russell	Brown, Jennifer	Brown, Lawrence	Callaghan, Frank
Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Miller, Joseph	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Phinizy, James	Prichard, Stephen	
NAYS 153			
BELKNAP			
Boyce, Laurie	Clark, Charles	Russell, David	Thomas, John
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Babson, David Jr	Brown, Carolyn	Chandler, Gene	McConkey, Mark
Morrow, Harry			

CHESHIRE			
Coates, Christopher	Dexter, Judson	Eaton, Daniel	Emerson, Susan
Hunt, John	Pelkey, Stephen	Sawyer, Sheldon	
COOS			
King, Frederick	Mears, Edgar	Richardson, Herbert	Stohl, Eric
Theberge, Robert			
GRAFTON			
Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Ingbreton, Paul	Maybeck, Margie	Sorg, Gregory	
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Barry, J Gail
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brundige, Robert
Calawa, Leon Jr	Carew, James	Carter, Mark	Christensen, D L Chris
Christiansen, Lars	Cote, Peter	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	DeVries, Betsi	Elliott, Nancy	Emerton, Larry
Francoeur, Bea	Gibson, John	Golding, William	Goyette, Peter Jr
Graham, John	Hagan, Barbara	Haley, Robert	Hansen, Ryan
Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Holden, Randolph	Infantine, William	Jasper, Shawn	Kopka, Angeline
Kurk, Neal	Lawrence, James	Lessard, Rudy	Manney, Pamela
McRae, Karen	Mead, Robert	Mooney, Maureen	Moran, Edward
O'Brien, William	Ober, Lynne	Price, Pamela	Reeves, Sandra
Rowe, Robert	Slocum, Lee	Stepanek, Stephen	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James
MERRIMACK			
Anderson, Eric	Currier, David	DeStefano, Stephen	Field, William
Kennedy, Richard	Klose, John	L'Heureux, Stephen	Langlais, Thomas
MacKay, James	Marple, Richard	Maxfield, Roy	Reardon, Tara
Reed, Dennis			
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bridle, Russell	Cady, Harriet	Camm, Kevin
Carson, Sharon	Coburn, James	Donahue, Richard Ken	Dowling, Patricia
Doyle, Christopher	Dumaine, Dudley	Fesh, Bob	Forsing, Robert
Francoeur, Sheila	Garrity, James	Gilbert, Karl	Griffin, Mary
Headd, James	Hopfgarten, Paul	Ingram, Russell	Itse, Daniel
Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	Major, Norman
Manning, John	McMahon, Charles	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Sanders, Elisabeth	Waterhouse, Kevin	Weare, E Albert	Welch, David
Winchell, George			

STRAFFORD			
Berube, Roger	Bickford, David	Brown, Julie	Easson, Timothy
Heon, Richard	Hilliard, Dana	Newton, Clifford	Rollo, Michael
Twombly, James			
SULLIVAN			
Ferland, Brenda	Gale, Harry	Irish, Christopher	Rodeschin, Beverly

and the majority committee amendment was adopted.

Rep. Patten offered floor amendment (0726h).

Floor Amendment (0726h)

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

AN ACT relative to general rules for vessels operating on water.

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

1 New Paragraph; General Rules for Vessels Operating on Water. Amend RSA 270-D:2 by inserting after paragraph IX the following new paragraph:

X.(a) No person shall operate a vessel at a speed greater than is reasonable and prudent under the existing conditions and without regard for the actual and potential hazards then existing. In all cases, speed shall be controlled so that the operator will be able to avoid endangering or colliding with any person, vessel, object, or shore.

(b) Where no hazard exists that requires lower speed for compliance with subparagraph (a), the speed of any vessel in excess of the limit specified in this subparagraph shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

(1) 25 miles per hour during the period from 1/2 hour after sunset to 1/2 hour before sunrise; and

(2) 45 miles per hour at any other time.

(c) The speed limitations set forth in subparagraph (b) shall not apply to vessels when operated with due regard for safety under the direction of the peace officers in the chase or apprehension of violators of the law or of persons charged with, or suspected of, any such violation, nor to fire department or fire patrol vessels, nor to private emergency vessels when traveling to emergencies. This exemption shall not, however, protect the operator of any such vessel from the consequences of a reckless disregard of the safety of others.

(d) The speed limitations set forth in subparagraph (b) shall not apply to boat racing permitted under RSA 270:27.

2 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill establishes general speed limitations for vessels.

Rep. Currier spoke against.

Rep. Patten spoke in favor.

On a division vote, 84 members having voted in the affirmative and 245 in the negative, floor amendment (0726h) failed.

Rep. Abbott offered floor amendment (0412h).

Floor Amendment (0412h)

Amend RSA 270-D:2, X(c) as inserted by section 1 of the bill by replacing it with the following:

(c) The speed limitations set forth in subparagraph (b) shall not apply to ocean waters or to vessels when operated with due regard for safety under the direction of the peace officers in the chase or apprehension of violators of the law or of persons charged with,

or suspected of, any such violation, nor to fire department or fire patrol vessels, nor to private emergency vessels when traveling to emergencies. This exemption shall not, however, protect the operator of any such vessel from the consequences of a reckless disregard of the safety of others.

Rep. Abbott spoke in favor and yielded to questions.

Rep. Currier spoke against and yielded to questions.

On a division vote, 239 members having voted in the affirmative and 99 in the negative, floor amendment (0412h) was adopted.

Rep. Chris Christensen offered the minority committee amendment (0030h).

Minority Committee Amendment (0030h)

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

AN ACT relative to safe operation of vessels on New Hampshire waters.

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

1 Careless and Negligent Operation of Boats; Driving Record. Amend RSA 270:29-a to read as follows:

270:29-a Careless and Negligent Operation of Boats. Any person who shall operate a power boat upon any waters of the state in a careless and negligent manner or so that the lives and safety of the public are endangered shall be guilty of a misdemeanor. ***Any conviction under this section shall be reported to the commissioner of the department of safety, division of motor vehicles, and shall become a part of the motor vehicle driving record of the person convicted.***

2 New Paragraph; General Rules for Vessels Operating on Water; Speed. Amend RSA 270-D:2 by inserting after paragraph IX the following new paragraph:

X. No person shall operate a vessel at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.

3 Boating and Water Safety; Penalties; Driving Record. Amend RSA 270-D:9 to read as follows:

270-D:9 Penalties. Any person who violates any provisions of this chapter or any rule adopted under RSA 270-D:8 shall be guilty of a violation. ***Any conviction under RSA 270-D:2 shall be reported to the commissioner of the department of safety, division of motor vehicles, and shall become a part of the motor vehicle driving record of the person convicted.***

4 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill establishes a general standard for vessel operation speed. This bill also makes certain vessel operation violations a part of the convicted person's driving record.

Rep. Chris Christensen spoke in favor and yielded to questions.

Rep. Dickinson spoke against.

Rep. Thomas spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Steven L'Heureux moved that **HB 162**, establishing boating speed limits for Lake Winnepesaukee, be laid on the table.

Rep. Julie Brown requested a roll call; sufficiently seconded.

The question being to lay HB 162 on the table.

YEAS 122 NAYS 211			
YEAS 122			

BELKNAP			
Boyce, Laurie	Clark, Charles	Russell, David	Thomas, John
Tobin, William	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Chandler, Gene	McConkey, Mark	Merrow, Harry	
CHESHIRE			
Dexter, Judson	Eaton, Daniel	Hunt, John	Pelkey, Stephen
Sawyer, Sheldon			
COOS			
Richardson, Herbert			
GRAFTON			
Dorsett, Andrew	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Maybeck, Margie	Sorg, Gregory		
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Bergeron, Jean-Guy
Bergin, Peter	Biundo, Michael	Boehm, Ralph	Calawa, Leon Jr
Carew, James	Carter, Mark	Christiansen, Lars	Cote, Peter
Crane, Elenore Casey	Drisko, Richard	Elliott, Nancy	Emerton, Larry
Gibson, John	Goyette, Peter Jr	Hagan, Barbara	Hansen, Ryan
Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Holden, Randolph	Infantine, William	Lawrence, James	Lessard, Rudy
Manney, Pamela	McRae, Karen	Mead, Robert	Moran, Edward
O'Brien, William	Ober, Lynne	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Slocum, Lee	Stepanek, Stephen
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, James			
MERRIMACK			
Anderson, Eric	Currier, David	Kennedy, Richard	L'Heureux, Stephen
Langlais, Thomas	Marple, Richard	Maxfield, Roy	Reed, Dennis
ROCKINGHAM			
Asselin, Michael	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bridle, Russell	Cady, Harriet	Camm, Kevin	Coburn, James
Doyle, Christopher	Fesh, Bob	Forsing, Robert	Francoeur, Sheila
Garrity, James	Griffin, Mary	Headd, James	Hopfgarten, Paul
Ingram, Russell	Itse, Daniel	Katsakiores, George	Kobel, Rudolph
Lund, Howie	Major, Norman	Manning, John	McMahon, Charles
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Palazzo, Frank
Quandt, Marshall Lee	Quandt, Matthew	Rausch, James	Sanders, Elisabeth
Stiles, Nancy	Waterhouse, Kevin	Welch, David	Winchell, George
STRAFFORD			

Albert, Russell	Berube, Roger	Bickford, David	Cataldo, Sam
Easson, Timothy	Heon, Richard	Newton, Clifford	
SULLIVAN			
Ferland, Brenda	Gale, Harry	Irish, Christopher	Rodeschin, Beverly
NAYS 211			
BELKNAP			
Fitzgerald, James	Flanders, Donald	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Rosen, Ralph	Tilton, Franklin
Veazey, John			
CARROLL			
Babson, David Jr	Brown, Carolyn	Buco, Thomas	Dickinson, Howard
Knox, J David	Martin, James	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Emerson, Susan	Espiefs, Peter
Foote, Sheila	Hogancamp, Deborah	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna	Weed, Charles	
COOS			
King, Frederick	Lary, Bruce	Merrick, Scott	Remick, William
Stohl, Eric	Tholl, John Jr		
GRAFTON			
Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Eaton, Stephanie	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Williams, Burton	
HILLSBOROUGH			
Allan, Nelson	Barry, J Gail	Batula, Peter	Beaulieu, Jane
Brassard, Paul	Brundige, Robert	Campbell, David	Chase, Claudia
Christensen, D L Chris	Clemons, Jane	Cote, David	Coughlin, Pamela
Craig, James	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Dyer, Donald	Essex, David	Foster, Linda	Gargasz, Carolyn
Ginsburg, Ruth	Golding, William	Gorman, Mary	Graham, John
Haley, Robert	Hall, Betty	Harvey, Suzanne	Irwin, Anne-Marie
Jasper, Shawn	Jean, Claudette	Jeudy, Jean	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Lefebvre, Roland
Martin, Mary Ellen	Matarazzo, Anthony Sr	Messier, Irene	Michon, Stephen

Mooney, Maureen	Movsesian, Lori	O'Connell, Timothy	Pappas, Christopher
Pilotte, Maurice	Rochette, Eric	Rosenwald, Cindy	Ryder, Donald
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Smith, David	Sullivan, Francis	Sullivan, Peter	Velez, Hector
Wheeler, Robert			
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Field, William	Foose, Robert
French, Barbara	Gile, Mary	Hager, Elizabeth	Hamm, Christine
Hess, David	Kidder, David	Klose, John	Lockwood, Priscilla
MacKay, James	Osborne, Jessie	Potter, Frances	Reardon, Tara
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Buxton, Donald	Carson, Sharon
Casey, Kimberley	Charron, Gene	Cooney, Richard	DiFruscia, Anthony
Donahue, Richard Ken	Dowd, John	Dowling, Patricia	Dumaine, Dudley
Flanders, John Sr	Flockhart, Eileen	Gilbert, Karl	Gould, Kenneth
Hughes, Daniel	Johnson, Robert	Katsakiores, Phyllis	Langley, Jane
Mason, April	McKinney, Betsy	Moody, Marcia	Norelli, Terie
Pantelakos, Laura	Powers, James	Robertson, Carl	Rolston, James
Scamman, Stella	Splaine, James	Stone, Joseph	Weare, E Albert
Wells, Roger			
STRAFFORD			
Brown, Jennifer	Brown, Julie	Brown, Lawrence	Callaghan, Frank
Campbell, W Packy	Chaplin, Duncan	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Dunlap, Patricia	Hilliard, Dana	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Miller, Joseph	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Kathleen	Twombly, James
Wall, Janet			
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen

and the motion to lay HB 162 on the table failed.

The question now being adoption of the minority committee amendment (0030h).

Rep. Stevens requested a roll call; sufficiently seconded.

The question being adoption of the minority committee amendment (0030h).

YEAS 146 NAYS 187			
YEAS 146			

BELKNAP			
Boyce, Laurie	Clark, Charles	Russell, David	Thomas, John
Tobin, William	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Babson, David Jr	Brown, Carolyn	Chandler, Gene	McConkey, Mark
Merrow, Harry			
CHESHIRE			
Coates, Christopher	Dexter, Judson	Eaton, Daniel	Emerson, Susan
Hunt, John	Pelkey, Stephen	Sawyer, Sheldon	
COOS			
King, Frederick	Richardson, Herbert	Stohl, Eric	
GRAFTON			
Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Ingbreton, Paul	Maybeck, Margie	Solomon, Peter	Sorg, Gregory
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Brundige, Robert	Calawa, Leon Jr
Carew, James	Carter, Mark	Christensen, D L Chris	Christiansen, Lars
Cote, Peter	Coughlin, Pamela	Crane, Elenore Casey	DeVries, Betsi
Elliott, Nancy	Emerton, Larry	Gibson, John	Golding, William
Goyette, Peter Jr	Graham, John	Hagan, Barbara	Haley, Robert
Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Holden, Randolph	Infantine, William	Jasper, Shawn	Kurk, Neal
Lawrence, James	Manney, Pamela	McRae, Karen	Mead, Robert
Mooney, Maureen	Moran, Edward	O'Brien, William	Ober, Lynne
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rowe, Robert
Slocum, Lee	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	
MERRIMACK			
Anderson, Eric	Currier, David	DeStefano, Stephen	Field, William
Kennedy, Richard	Klose, John	L'Heureux, Stephen	Langlais, Thomas
Marple, Richard	Maxfield, Roy	Reed, Dennis	
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bridle, Russell	Cady, Harriet	Camm, Kevin
Carson, Sharon	Coburn, James	DiFruscia, Anthony	Donahue, Richard Ken
Doyle, Christopher	Dumaine, Dudley	Fesh, Bob	Forsing, Robert
Francoeur, Sheila	Garrity, James	Gilbert, Karl	Griffin, Mary
Headd, James	Hopfgarten, Paul	Ingram, Russell	Itse, Daniel
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Lund, Howie

Major, Norman	Manning, John	McMahon, Charles	O'Neil, Michael
Packard, Sherman	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Sanders, Elisabeth	Waterhouse, Kevin	Weare, E Albert	Welch, David
Winchell, George			
STRAFFORD			
Berube, Roger	Bickford, David	Cataldo, Sam	Easson, Timothy
Heon, Richard	Hilliard, Dana	Newton, Clifford	Rollo, Michael
Twombly, James			
SULLIVAN			
Ferland, Brenda	Gale, Harry	Irish, Christopher	Rodeschin, Beverly
NAYS 187			
BELKNAP			
Fitzgerald, James	Flanders, Donald	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Rosen, Ralph	Tilton, Franklin
Veazey, John			
CARROLL			
Buco, Thomas	Dickinson, Howard	Knox, J David	Martin, James
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			
COOS			
Lary, Bruce	Merrick, Scott	Remick, William	Tholl, John Jr
GRAFTON			
Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Ham, Bonnie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Williams, Burton			
HILLSBOROUGH			
Allan, Nelson	Barry, J Gail	Batula, Peter	Beaulieu, Jane
Bergin, Peter	Brassard, Paul	Campbell, David	Chase, Claudia
Clemons, Jane	Cote, David	Craig, James	Desmarais, Vivian
Dokmo, Cynthia	Drisko, Richard	Dyer, Donald	Essex, David
Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth	Gorman, Mary
Hall, Betty	Hansen, Ryan	Harvey, Suzanne	Irwin, Anne-Marie

Jean, Claudette	Jeudy, Jean	Kopka, Angeline	L'Heureux, Robert
Lasky, Bette	Lefebvre, Roland	Lessard, Rudy	Martin, Mary Ellen
Matarazzo, Anthony Sr	Messier, Irene	Michon, Stephen	Movsesian, Lori
O'Connell, Timothy	Pappas, Christopher	Pilote, Maurice	Rochette, Eric
Rosenwald, Cindy	Ryder, Donald	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Smith, David	Sullivan, Francis
Sullivan, Peter	Velez, Hector	Wheeler, Robert	
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	Foose, Robert	French, Barbara	Gile, Mary
Hager, Elizabeth	Hamm, Christine	Hess, David	Kidder, David
Lockwood, Priscilla	MacKay, James	Osborne, Jessie	Potter, Frances
Reardon, Tara	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Buxton, Donald	Casey, Kimberley	Charron, Gene
Cooney, Richard	Dowd, John	Dowling, Patricia	Flanders, John Sr
Flockhart, Eileen	Gould, Kenneth	Hughes, Daniel	Johnson, Robert
Langley, Jane	Mason, April	McKinney, Betsy	Moody, Marcia
Norelli, Terie	Nowe, Ronald	Palazzo, Frank	Pantelakos, Laura
Powers, James	Robertson, Carl	Rolston, James	Scamman, Stella
Splaine, James	Stiles, Nancy	Stone, Joseph	Wells, Roger
STRAFFORD			
Albert, Russell	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Campbell, W Packy	Chaplin, Duncan	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Miller, Joseph	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen

and the minority committee amendment (0030h) failed.

The question now being adoption of Ought to Pass as Amended.

Rep. Vaillancourt spoke against and yielded to questions.

Rep. David Campbell moved the previous question.

Adopted.

Rep. Spang requested a roll call; sufficiently seconded.

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

YEAS 193 NAYS 139			
YEAS 193			

BELKNAP			
Fitzgerald, James	Flanders, Donald	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Rosen, Ralph	Tilton, Franklin
Tobin, William	Veazey, John		
CARROLL			
Brown, Carolyn	Buco, Thomas	Dickinson, Howard	Knox, J David
Martin, James	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Emerson, Susan	Espiefs, Peter	Foote, Sheila
Hogancamp, Deborah	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		
COOS			
King, Frederick	Lary, Bruce	Merrick, Scott	Remick, William
Tholl, John Jr			
GRAFTON			
Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Eaton, Stephanie	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Williams, Burton		
HILLSBOROUGH			
Allan, Nelson	Batula, Peter	Beaulieu, Jane	Brassard, Paul
Calawa, Leon Jr	Campbell, David	Chase, Claudia	Clemons, Jane
Cote, David	Craig, James	Desmarais, Vivian	Dokmo, Cynthia
Drisko, Richard	Dyer, Donald	Essex, David	Foster, Linda
Gargas, Carolyn	Ginsburg, Ruth	Gorman, Mary	Graham, John
Hall, Betty	Harvey, Suzanne	Irwin, Anne-Marie	Jean, Claudette
Jeudy, Jean	Kopka, Angeline	L'Heureux, Robert	Lasky, Bette
Lefebvre, Roland	Martin, Mary Ellen	Matarazzo, Anthony Sr	Messier, Irene
Michon, Stephen	Movsesian, Lori	O'Connell, Timothy	Pappas, Christopher
Pilotte, Maurice	Rochette, Eric	Rosenwald, Cindy	Ryder, Donald
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Smith, David	Sullivan, Francis	Sullivan, Peter	Velez, Hector
Wheeler, Robert			
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	Field, William	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Hess, David
Kidder, David	Klose, John	Lockwood, Priscilla	MacKay, James

Osborne, Jessie	Potter, Frances	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Buxton, Donald	Casey, Kimberley	Charron, Gene
Cooney, Richard	DiFruscia, Anthony	Dowd, John	Flanders, John Sr
Flockhart, Eileen	Gould, Kenneth	Griffin, Mary	Hughes, Daniel
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Langley, Jane
Mason, April	McKinney, Betsy	Moody, Marcia	Norelli, Terie
Palazzo, Frank	Pantelakos, Laura	Powers, James	Robertson, Carl
Rolston, James	Scamman, Stella	Splaine, James	Stiles, Nancy
Stone, Joseph	Wells, Roger		
STRAFFORD			
Brown, Jennifer	Brown, Julie	Brown, Lawrence	Callaghan, Frank
Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Miller, Joseph	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen
NAYS 139			
BELKNAP			
Boyce, Laurie	Clark, Charles	Russell, David	Thomas, John
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Babson, David Jr	Chandler, Gene	McConkey, Mark	Merrow, Harry
CHESHIRE			
Coates, Christopher	Dexter, Judson	Eaton, Daniel	Hunt, John
Pelkey, Stephen	Sawyer, Sheldon		
COOS			
Richardson, Herbert	Stohl, Eric		
GRAFTON			
Dorsett, Andrew	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Maybeck, Margie	Solomon, Peter	Sorg, Gregory	
HILLSBOROUGH			

Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Barry, J Gail
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brundige, Robert
Carew, James	Carter, Mark	Christensen, D L Chris	Christiansen, Lars
Cote, Peter	Coughlin, Pamela	Crane, Elenore Casey	DeVries, Betsi
Elliott, Nancy	Emerton, Larry	Francoeur, Bea	Gibson, John
Golding, William	Goyette, Peter Jr	Hagan, Barbara	Haley, Robert
Hansen, Ryan	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Hirschmann, Keith	Holden, Randolph	Infantine, William	Jasper, Shawn
Kurk, Neal	Lawrence, James	Lessard, Rudy	Manney, Pamela
McRae, Karen	Mead, Robert	Mooney, Maureen	Moran, Edward
O'Brien, William	Ober, Lynne	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Slocum, Lee	Stepanek, Stephen
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, James			
MERRIMACK			
Anderson, Eric	Currier, David	DeStefano, Stephen	Kennedy, Richard
L'Heureux, Stephen	Langlais, Thomas	Marple, Richard	Maxfield, Roy
Reardon, Tara	Reed, Dennis		
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bridle, Russell	Cady, Harriet	Camm, Kevin
Carson, Sharon	Coburn, James	Donahue, Richard Ken	Dowling, Patricia
Doyle, Christopher	Dumaine, Dudley	Fesh, Bob	Forsing, Robert
Francoeur, Sheila	Garrity, James	Gilbert, Karl	Headd, James
Hopfgarten, Paul	Ingram, Russell	Itse, Daniel	Lund, Howie
Major, Norman	Manning, John	McMahon, Charles	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Sanders, Elisabeth	Waterhouse, Kevin	Weare, E Albert
Welch, David	Winchell, George		
STRAFFORD			
Albert, Russell	Berube, Roger	Bickford, David	Easson, Timothy
Heon, Richard	Hilliard, Dana	Newton, Clifford	Rollo, Michael
Twombly, James			
SULLIVAN			
Ferland, Brenda	Gale, Harry	Irish, Christopher	Rodeschin, Beverly

and the motion of Ought to Pass as Amended was adopted.

Ordered to third reading

SB 140, relative to the acceptance of in-lieu payments for the restoration or creation of wetlands and the preservation of upland areas adjacent to wetland areas. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judith T. Spang for Resources, Recreation and Development: This bill establishes a mechanism for more meaningful mitigation for wetland disturbances of less than one acre or 200 feet of stream. Mitigation through very small scale wetland restoration or land conservation projects is ineffective ecologically and difficult for developers. By collecting and

pooling fees from a number of small projects, larger wetland areas can be restored or conserved. The committee retained this bill to establish safeguards to ensure the program would be carried out properly. Vote 21-0.

Amendment (0075h)

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

1 New Subdivision; Aquatic Resource Compensatory Mitigation. Amend RSA 482-A by inserting after section 27 the following new subdivision:

Aquatic Resource Compensatory Mitigation

482-A:28 Aquatic Resource Compensatory Mitigation. In lieu of requiring other forms of compensatory mitigation, the department may accept payment for an unavoidable loss of aquatic resource functions and values from a proposed activity which at a minimum:

I. Impacts less than one acre of wetlands and meets the criteria for a United States Army Corps of Engineers state programmatic general permit.

II. Involves more than 200 linear feet, measured along the shoreline, of a lake or pond or its bank.

III. Alters the course of or disturbs 200 or more linear feet of an intermittent or perennial stream or river channel or its banks. For intermittent streams, this distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.

IV. Exceeds one acre of impact for a public roadway or a public utility project and meets the criteria for a United States Army Corps of Engineers state programmatic general permit

482-A:29 Fund Established.

I. There is hereby established the aquatic resource compensatory mitigation fund into which payments made under this subdivision shall be deposited. The fund shall be a separate, non-lapsing fund continually appropriated to the department to be used only as specified in this subdivision for costs related to wetlands creation or restoration, stream restoration, preservation of upland areas adjacent to wetlands, and the subsequent monitoring and maintenance of such areas.

II. The fund may not be used to pay state personnel costs except, upon approval of the fiscal committee, to support up to one full-time position for administration of the fund and related projects. Only money from the 5 percent administrative assessment collected under RSA 482-A:30, III, and RSA 482-A:31, II, and RSA 482-A:32, II shall be used for this purpose.

III. The state treasurer shall invest the fund as provided by law. Interest received on such investment shall be credited to the fund.

IV. The wetlands council, established by RSA 21-O:5-a, shall approve disbursements of the aquatic resource compensatory mitigation fund based on recommendations provided by the site selection committee established under RSA 482-A:33, and in accordance with rules adopted by the commissioner.

482-A:30 Payment for Freshwater and Tidal Wetlands Losses. For freshwater and tidal wetlands losses, the in lieu payment shall be the sum of:

I. The cost that would have been incurred if a wetland of the same type was constructed at the ratios adopted by the department based on a price of \$65,000 per acre of wetland created, to be adjusted at the beginning of the calendar year according to the annual simple rate of interest on judgments established by RSA 336:1;

II. The area of wetlands, as used in the calculation performed under paragraph I, times the cost of land in the municipality where the impact is occurring as calculated by the total assessed land values in the municipality, as determined by the department of revenue administration which are equalized, divided by the number of acres in the municipality to yield a per acre equalized land value; and

III. An administrative assessment which equals 5 percent of the sum of paragraphs I and II.

482-A:31 Payment for Stream or Shoreline Losses. For stream or shoreline resource losses, the in lieu payment shall be the sum of:

I. The linear feet of shoreline or stream impacted times \$200, to be adjusted at the beginning of the calendar year according to the annual simple rate of interest on judgments established by RSA 336:1; and

II. An administrative assessment which equals 5 percent of the amount in paragraph I.

482-A:32 Rulemaking. The commissioner shall adopt rules under RSA 541-A relative to:

I. Identification of appropriate situations under which in lieu payments may be made. The criteria in RSA 482-A:28 shall be the minimum requirements for projects eligible for in lieu payments.

II. The method of calculating the amount of in lieu payments under RSA 482-A:30 and RSA 382-A:31 which shall approximate the total cost of wetlands construction or such other mitigation actions as would have been required by the department and incurred by the applicant in the absence of making such payments. An administrative assessment of 5 percent of the total cost shall be added as part of the calculation method.

III. Criteria to use in selecting projects that would compensate for the lost aquatic resource functions or values.

(a) Tidal aquatic resources shall be compensated by the selection of qualifying tidal projects.

(b) An emphasis shall be given to selecting from among the qualifying projects those that are nearer to the site of the lost aquatic resource.

(c) No project shall be funded with in lieu payments from losses that occurred outside the hydrologic unit code 8 watershed, as developed by the United States Geological Survey, in which the project is located.

(d) Such criteria shall be adopted in consultation with the site selection committee established under RSA 482-A:33.

482-A:33 Site Selection Committee Established.

I. There is established a site selection committee for the purpose of identifying projects to be funded from the aquatic resource compensatory mitigation fund.

II. The committee shall consist of the following members:

(a) The commissioner of the department of environmental services, or designee.

(b) The director of fish and game, or designee.

(c) The director of the office of energy and planning, or designee.

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

(e) Four members of the public, appointed by the governor and council for a term of 3 years or until a successor is chosen. The members of the public shall be as follows:

(1) A member of a municipal conservation commission at the time of appointment, who shall be one of 3 nominees submitted by the New Hampshire Association of Conservation Commissions.

(2) A natural resource scientist, who shall be one of 3 nominees submitted by the New Hampshire Association of Natural Resource Scientists.

(3) A person with experience in environmental protection and resource management at the time of appointment, who shall be one of 3 nominees submitted by the Nature Conservancy.

(4) A person with experience in environmental protection and resource management at the time of appointment, who shall be one of 3 nominees submitted by the Society for the Protection of New Hampshire Forests.

III. The members of the committee shall elect a chairperson annually.

IV. Each public member of the committee shall receive \$50 per meeting. The other members of the site selection committee shall receive no compensation other than their regular state salaries but shall receive mileage paid at the rate set for state employees.

482-A:34 Report. The department shall submit an annual report by October 1 beginning with fiscal year 2006, to the fiscal committee, the chairperson of the house resources, recreation and development committee, and the chairperson of the senate environment and wildlife committee summarizing all receipts and disbursements of the aquatic resource compensatory mitigation fund, including a description of all projects undertaken. Each report shall be in such detail with sufficient information to be fully understood by the general court and the public. After submission to the general court, the report shall be available to the public.

2 Application of Receipts; Aquatic Resource Compensatory Mitigation Fund. Amend RSA 6:12, I(b) by inserting after subparagraph 242 the following new subparagraph:

(243) Moneys deposited in the aquatic resource compensatory mitigation fund established by RSA 482-A:29.

3 Wetlands Council; Aquatic Resource Compensatory Mitigation Fund. Amend RSA 21-O:5-a by inserting after paragraph VII the following new paragraph:

VIII. The council shall approve disbursements of the aquatic resource compensatory mitigation fund established under RSA 482-A:29.

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

AMENDED ANALYSIS

This bill allows the department of environmental services to accept monetary payments in lieu of other forms of compensatory mitigation for wetlands and shorelines for certain small projects. It establishes a mitigation fund for the payments and establishes a committee to select projects that will compensate for the loss of wetlands and which may be funded from the mitigation fund.

Committee amendment adopted.

Rep. Spang offered floor amendment (0354h).

Floor Amendment (0354h)

Amend RSA 482-A:28 as inserted by section 1 of the bill by replacing it with the following:

482-A:28 Aquatic Resource Compensatory Mitigation. In lieu of other forms of compensatory mitigation, the department may accept payment for an unavoidable loss of aquatic resource functions and values from a proposed activity which at a minimum:

I. Impacts less than one acre of wetlands and meets the criteria for a United States Army Corps of Engineers state programmatic general permit.

II. Exceeds one acre of impact for a public roadway or a public utility project and meets the criteria for a United States Army Corps of Engineers state programmatic general permit

Amend RSA 482-A:29, II-IV as inserted by section 1 of the bill by replacing it with the following:

II. The fund may not be used to pay state personnel costs except, upon approval of the fiscal committee, to support up to one full-time position for administration of the fund and related projects. Only money from the 5 percent administrative assessment collected under RSA 482-A:30, III shall be used for this purpose.

III. The state treasurer shall invest the fund as provided by law. Interest received on such investment shall be credited to the fund.

IV. The wetlands council, established by RSA 21-O:5-a, shall approve disbursements of the aquatic resource compensatory mitigation fund based on recommendations provided by the site selection committee established under RSA 482-A:32, and in accordance with rules adopted by the commissioner.

Amend section 1 of the bill by deleting RSA 482-A:31 and renumbering the original RSA 482-A:32 – RSA 482-A:34 to read as RSA 482-A:31 – RSA 482-A:33, respectively.

AMENDED ANALYSIS

This bill allows the department of environmental services to accept monetary payments in lieu of other forms of compensatory mitigation for wetlands for certain small projects. It establishes a mitigation fund for the payments and establishes a committee to select projects that will compensate for the loss of wetlands and which may be funded from the mitigation fund.

Floor amendment (0354h) adopted.

Committee report adopted and ordered to third reading.

HR 13, condemning the genocide in the Darfur region of the Sudan and urging Congress, with the support of the President, to pass the Darfur Accountability Act (S. 495) and the Darfur Genocide Accountability Act (H.R. 1424). **INEXPEDIENT TO LEGISLATE**
Rep. Richard Marple for State-Federal Relations and Veterans Affairs: The committee is not insensitive to the plight of the people of Darfur but the language of the resolution would commit 10,000 U.S. forces to the mission that the committee did not feel appropriate. Vote 11-0.

Reps. Anna Tilton and Pratt spoke against.

Reps. Twombly and Coughlin spoke in favor and yielded to questions.

Rep. Pritchard requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 169 NAYS 137			
YEAS 169			
BELKNAP			
Boyce, Laurie	Clark, Charles	Fitzgerald, James	Flanders, Donald
Millham, Alida	Morrison, Gail	Neddeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Wendelboe, Fran		
CARROLL			
Babson, David Jr	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Morrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			
CHESHIRE			
Dexter, Judson	Emerson, Susan	Foote, Sheila	Hunt, John
Sawyer, Sheldon			
COOS			
King, Frederick	Lary, Bruce	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		
GRAFTON			
Gionet, Edmond	Ham, Bonnie	Ingbertson, Paul	Maybeck, Margie
HILLSBOROUGH			
Allan, Nelson	Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy

Boehm, Ralph	Brundige, Robert	Calawa, Leon Jr	Carew, James
Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard	Dyer, Donald
Emerton, Larry	Foster, Linda	Gibson, John	Ginsburg, Ruth
Golding, William	Goyette, Peter Jr	Graham, John	Hagan, Barbara
Hansen, Ryan	Hawkins, Ken	Holden, Randolph	Infantine, William
Jasper, Shawn	L'Heureux, Robert	Lawrence, James	Manney, Pamela
McRae, Karen	Mead, Robert	Mooney, Maureen	Moran, Edward
Movsesian, Lori	O'Brien, William	Ober, Lynne	Pilotte, Maurice
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rochette, Eric
Rowe, Robert	Ryder, Donald	Shaw, Barbara	Shaw, Kimberly
Slocum, Lee	Stepanek, Stephen	Sullivan, Francis	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Field, William	Kennedy, Richard
Kidder, David	Klose, John	L'Heureux, Stephen	Lockwood, Priscilla
MacKay, James	Marple, Richard	Williams, Robert	
ROCKINGHAM			
Belanger, Ronald	Bettencourt, David	Bicknell, Elbert	Bridle, Russell
Buxton, Donald	Cady, Harriet	Carson, Sharon	Charron, Gene
Coburn, James	DiFruscia, Anthony	Donahue, Richard Ken	Dowd, John
Doyle, Christopher	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Francoeur, Sheila	Garrity, James	Griffin, Mary
Headd, James	Hopfgarten, Paul	Ingram, Russell	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Langley, Jane	Lund, Howie
Major, Norman	Manning, John	Mason, April	McKinney, Betsy
McMahon, Charles	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Quandt, Marshall Lee	Quandt, Matthew	Rausch, James	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Wells, Roger	Winchell, George	
STRAFFORD			
Albert, Russell	Bickford, David	Brown, Julie	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Domingo, Baldwin	Dunlap, Patricia
Easson, Timothy	Newton, Clifford	Twombly, James	
SULLIVAN			
Gale, Harry	Irish, Christopher	Rodeschin, Beverly	
NAYS 137			
BELKNAP			
Whalley, Michael			
CARROLL			
None			

CHESHIRE			
Butcher, Suzanne	Butynski, William	Chase, William	Coates, Christopher
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie
Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			
COOS			
Merrick, Scott			
GRAFTON			
Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Giuda, Robert	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Williams, Burton		
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Beaulieu, Jane
Brassard, Paul	Chase, Claudia	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	DeVries, Betsi	Elliott, Nancy
Essex, David	Francoeur, Bea	Gargas, Carolyn	Gorman, Mary
Hall, Betty	Harvey, Suzanne	Hellwig, Steve	Hinkle, Peyton
Irwin, Anne-Marie	Jean, Claudette	Jeudy, Jean	Kopka, Angeline
Kurk, Neal	Lasky, Bette	Martin, Mary Ellen	Matarazzo, Anthony Sr
Messier, Irene	Michon, Stephen	O'Connell, Timothy	Schulze, Joan
Shattuck, Gilman	Smith, David	Sullivan, Peter	Ulery, Jordan
Velez, Hector			
MERRIMACK			
Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	DeJoie, John
DeStefano, Stephen	Foose, Robert	French, Barbara	Gile, Mary
Hager, Elizabeth	Hamm, Christine	Osborne, Jessie	Potter, Frances
Reardon, Tara	Reed, Dennis	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Cali-Pitts, Jacqueline	Camm, Kevin
Casey, Kimberley	Flockhart, Eileen	Gould, Kenneth	Hughes, Daniel
Itse, Daniel	Moody, Marcia	Norelli, Terie	Palazzo, Frank
Powers, James	Robertson, Carl	Splaine, James	Stiles, Nancy
Welch, David			
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Lawrence	Callaghan, Frank
Cilley, Jacalyn	Creteau, Irene	Heon, Richard	Hilliard, Dana
Hofemann, Roland	Kaen, Naida	Keans, Sandra	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie

Spang, Judith	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 report was adopted.

HB 588, relative to suspension of drivers' licenses after a motor vehicle accident. **OUGHT TO PASS**

Rep. Brenda L. Ferland for Transportation: The current law for suspension of license after a report of an accident reads that the director shall suspend the license of the driver. The committee has added one line saying that after a receipt of the report of an accident and notice that there has been an adjudication by a court that the driver was at fault, then the director shall suspend the license. Vote 9-0.

Rep. Ferland offered floor amendment (0610h).

Floor Amendment (0610h)

Amend the bill by replacing section 1 with the following:

1 Suspension of License After Report of Accident. Amend RSA 264:3, I to read as follows:

I. After receipt of the report required by RSA 264:25 *and either notice that there has been an adjudication by a court that the driver was at fault or a finding by the director as a result of a hearing with notice to all persons involved in the accident that the driver was at fault*, the director shall suspend the license and registration certificate and require the surrender of the registration plates, if any, of the driver, and shall suspend the registration certificates and require the surrender of the plates of the owner of the vehicle, trailer, or semi-trailer involved in the accident reported and shall suspend his *or her* license, if any, or driving privilege until such driver or owner or both shall have furnished sufficient security to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against such owner or driver by or on behalf of the aggrieved person or his *or her* legal representative, and until such owner or driver or both shall give and thereafter maintain proof of financial responsibility in the future. Notice of such suspension and of the requirement of such surrender shall be sent by the director to such driver and owner not less than 10 days prior to the effective date of such suspension.

AMENDED ANALYSIS

This bill requires an adjudication or administrative finding of fault prior to the suspension of a driver's license after a motor vehicle accident resulting in death, personal injury, or damage to property.

Rep. Ferland spoke in favor.

On a division vote, 225 members having voted in the affirmative and 78 in the negative, floor amendment (0610h) was adopted.

Reps. DiFruscia and Ferland yielded to questions.

On a division vote, 241 members having voted in the affirmative and 61 in the negative, the committee report as amended was adopted.

Ordered to third reading.

HB 553-FN-A, relative to a state tax on large lottery winnings. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Howie Lund for the Majority of Ways and Means: The majority of the committee felt that a 10% state tax on lottery winnings of \$5,000 and higher would be double taxation for some and triple taxation for others. A state resident must pay a federal income tax on all

winnings over \$599. The passage of this bill would cause our state resident to pay a double tax on all winnings of \$5,000 and over. Our “out of state” residents who purchase lottery tickets and have a winnings of \$5,000 or more would face a triple tax. They would first pay the federal income tax, second the New Hampshire 10% tax and third their home state income tax. The other concern was the fiscal note, which was incomplete. It was based on one year’s numbers. When you look back six years, you see very erratic revenue streams. Those revenue streams are good in years when there are large power ball winnings and are poor in years without the big power ball winnings. Vote 11-7.

Rep. William Butynski for the Minority of Ways and Means: Many of the members who did not support the ITL motion felt that this bill would provide some additional necessary revenue to both the Land and Community Heritage Investment Trust Program (LCHIP) fund and the general fund. Also, since the bill would tax only large lottery winners (i.e. \$5,000 and above), most lottery players and winners would not feel any negative impact from the bill, while the additional revenue generated would provide substantial support for LCHIP, as well as some additional revenue for necessary state services supported by the general fund. Large lottery winners should not be excluded from paying taxes that businesses and individual consultants must pay.

Rep. Fields spoke against.

Rep. Lund spoke in favor.

On a division vote, 228 members having voted in the affirmative and 57 in the negative, the majority committee report was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Bettencourt moved that the House reconsider its action whereby it voted **HR 13**, condemning the genocide in the Darfur region of the Sudan and urging Congress, with the support of the President, to pass the Darfur Accountability Act (S. 495) and the Darfur Genocide Accountability Act (H.R. 1424), Inexpedient to Legislate.

Rep. Giuda spoke in favor.

On a division vote, 188 members having voted in the affirmative and 96 in the negative, Reconsideration prevailed.

LAID ON THE TABLE

Rep. Giuda moved that **HR 13**, condemning the genocide in the Darfur region of the Sudan and urging Congress, with the support of the President, to pass the Darfur Accountability Act (S. 495) and the Darfur Genocide Accountability Act (H.R. 1424), be laid on the table. Adopted.

HB 669-FN, setting the laboratory fee schedule for certain environmental samples.

INEXPEDIENT TO LEGISLATE.

Rep. Philip G. Osgood for Ways and Means: The Department of Environmental Services (DES) favored a rise in fees because they have not been adjusted since 1999. They also wanted the fees to be compatible with private labs and to add specific tests that were not on the 1999 list. After hearing testimony on three occasions and two committee members taking a trip to the state laboratory, the committee had these concerns. One concern was about the amount of funds that would be available to this department without legislative oversight. The equipment fund at DES is managed at the discretion of the department. The current balance in the fund is over \$900,000. The capital budget has appropriated \$497,000 for the conversion of approximately 2000 square feet of vacant space into a new “clean room” at the DES lab. This new clean room will be established primarily for testing of water samples from sewage treatment plants, rivers, lakes and streams. It was not clear if these unrestricted funds (that are generated mainly by drinking water testing fees) would be used

for equipment directly connected to other purposes. Others questioned fees as high as independent laboratories, while receiving operating funds from the state. Concerns about fees for one test on equipment that automatically runs multiple tests and gives these results raised the questions as to whether the fee structure should be tailored to compensate for this group testing. The committee felt that some adjustments should be made to the fee schedule. However, an increase to the amount proposed would have a significant impact on municipalities, water systems and individuals that rely on the lab. The new laboratory at DES is spacious, impressive, well run and staffed. The fund is in good shape. To that end the committee felt this request needs more work and it was best to leave the fees as they are and work with the department for a more palatable fee schedule in the future. Vote 19-0. Rep. Camm spoke against.

On a division vote, 59 members having voted in the affirmative and 222 in the negative, the committee report failed.

Rep. Camm moved Ought to Pass and offered floor amendment (0316h)

Floor Amendment (0316h)

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

AN ACT establishing a committee to study state laboratory water tests and fees for such tests collected by the department of environmental services.

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

1 Committee Established. There is established a committee to study water tests conducted by the state laboratory of hygiene and water test fees collected by the department of environmental services.

2 Membership and Compensation.

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

(a) Five members of the house of representatives, 2 from the resources, recreation and development committee, 2 from the ways and means committee, and one from the finance committee, appointed by the speaker of the house of representatives.

(b) Five members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study water tests conducted by the state laboratory of hygiene and water test fees collected by the department of environmental services. The committee shall evaluate the need for future additions to existing laboratory tests and equipment and make recommendations for laboratory test fees and distributions to the laboratory equipment and replacement fund.

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.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2006.

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

AMENDED ANALYSIS

This bill establishes a committee to study water tests conducted by the state laboratory of hygiene and water test fees collected by the department of environmental services.

Floor amendment (0316h) adopted.

Motion of Ought to Pass as Amended adopted.

Ordered to third reading.

SPECIAL ORDER - REGULAR CALENDAR

HB 1454-FN, relative to delivery sales of cigarettes. **INEXPEDIENT TO LEGISLATE**
Rep. Donald H. Flanders for Commerce: This bill pertains to collection of tobacco taxes on the out-of-state purchase of cigarettes via the Internet or by mail order. It was the committee's opinion that while this bill was well intended our ability to enforce it was severely limited due to our inability to regulate the Internet or the US Postal Service. Also, a substantial number of these cigarettes are being purchased from Indian reservations which are exempt from tax regulations. In view of this, it was felt these problems should be addressed by the federal government before state regulations are made. Vote 15-1.
Committee report adopted.

HB 1187, requiring a school district to disclose the percentage of its total education budget used for direct support of education. **INEXPEDIENT TO LEGISLATE**
Rep. Charles B. Yeaton for Education: The committee saw several problems with this bill. There is a question as to what expenditures are direct support of education and which are not. School districts already have their methods of presenting their budgets which are most helpful in informing their voters. There is also the danger that costs not included as direct instruction might also be considered less necessary. Vote 11-2.
Committee report adopted.

HB 1249-FN-A-L, relative to state reimbursement for school breakfasts and making an appropriation therefor. **OUGHT TO PASS**
Rep. Nancy F. Stiles for Education: Recognizing the rapid increase of overweight and obesity in children and its negative impact on academics and health and that hospital costs related to childhood obesity alone have tripled in the last 20 years (Center for Disease Control), as well as the NH data for the 1998-2000 years indicate a \$302 million expenditure on obesity-related illness, this bill will direct state money from the Department of Education budget directly to the local school districts at the rate of \$.03, per US Department of Agriculture requirements, performance based, school breakfast. This bill also works in support of local school wellness policies and is a cooperative effort to improve overall wellness in our school environment. Vote 13-0.
Committee report adopted.
Referred to Finance.

HB 1362, relative to permitting audio and video recording on school buses. **OUGHT TO PASS WITH AMENDMENT**
Rep. Stephen R. L'Heureux for Education: The committee strongly believes in the adoption of this enabling legislation which provides an open process to allow a school board, after a public hearing, to adopt administrative procedures and rules regarding the addition of audio taping within a school bus while students are in transit to and from school or school functions. It limits who can view the tape, how long the audio is kept, and assures that it is only utilized when a complaint has been received relative to an incident on the bus. Vote 12-1.

Amendment (0586h)

Amend RSA 570-A:2, II(k) as inserted by section 1 of the bill by replacing it with the following:

(k)(1) The owner or operator of a school bus, as defined in RSA 259:96, to make an audio recording in conjunction with a video recording of the interior of the school bus while students are being transported to and from school or school activities, provided that the school board authorizes audio recording, the school district provides notification of such recording to the parents and students as part of the district's pupil safety and violence prevention policy required under RSA 193-F:3, I(b), and there is a sign informing the occupants of such recording prominently displayed on the school bus.

(2) Prior to any audio recording, the school board shall hold a public hearing to determine whether audio recording should be authorized in school buses, and if authorized, the school board shall establish an administrative procedure to address the length of time which the recording is retained, ownership of the recording, limitations on who may listen to the recording, and provisions for erasing or destroying the recording. Such administrative procedure shall permit the parents or legal guardian of any student against whom a recording is being used as part of a disciplinary proceeding to listen to the recording. In no event, however, shall the recording be retained for longer than 10 school days unless the school district determines that the recording is relevant to a disciplinary proceeding, or a court orders that it be retained for a longer period of time. An audio recording shall only be reviewed if there has been a report of an incident or a complaint relative to conduct on the school bus, and only that portion of the audio recording which is relevant to the incident or complaint shall be reviewed.

AMENDED ANALYSIS

This bill permits a school bus owner or operator to make an audio recording of a student on a school bus if the school board, after a public hearing, authorizes the recording and the parents and students are notified of the recording.

On a division vote, 213 members having voted in the affirmative and 71 in the negative, the committee amendment was adopted.

Reps. Keans and Boehm spoke against.

Reps. Winchell, Newton and Stephen L'Heureux spoke in favor and yielded to questions.

LAY ON THE TABLE

Rep. Crane moved that **HB 1362**, relative to permitting audio and video recording on school buses, be laid on the table.

Rep. Stephen L'Heureux requested a roll call; sufficiently seconded.

The question being adoption of the motion to lay HB 1362 on the table

YEAS 92 NAYS 193			
YEAS 92			
BELKNAP			
Clark, Charles	Morrison, Gail	Rosen, Ralph	Whalley, Michael
CARROLL			
Babson, David Jr	Merrow, Harry		
CHESHIRE			
Dexter, Judson	Espieffs, Peter	Plifka, Stanley Jr	Roberts, Kris
Sawyer, Sheldon	Tilton, Anna		
COOS			
Merrick, Scott	Richardson, Herbert		
GRAFTON			
Almy, Susan	Giuda, Robert	Ingbreton, Paul	Maybeck, Margie
McLeod, Martha	Nordgren, Sharon	Sokol, Hilda	
HILLSBOROUGH			

Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Boehm, Ralph	Chase, Claudia	Christiansen, Lars	Clemons, Jane
Cote, David	Crane, Elenore Casey	Desmarais, Vivian	Elliott, Nancy
Emerton, Larry	Francoeur, Bea	Gorman, Mary	Goyette, Peter Jr
Graham, John	Hagan, Barbara	Hall, Betty	Hinkle, Peyton
Holden, Randolph	Kurk, Neal	Lasky, Bette	Lawrence, James
Martin, Mary Ellen	McRae, Karen	Mead, Robert	Reeves, Sandra
Rochette, Eric	Schulze, Joan	Slocum, Lee	Sullivan, Peter
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	
MERRIMACK			
Field, William	Ryan, Jim	Tilton, Joy	Tupper, Frank
ROCKINGHAM			
Allen, Mary	Bettencourt, David	Bicknell, Elbert	Cady, Harriet
Camm, Kevin	Carson, Sharon	Coburn, James	DiFruscia, Anthony
Donahue, Richard Ken	Doyle, Christopher	Dumaine, Dudley	Fesh, Bob
Francoeur, Sheila	Griffin, Mary	Headd, James	Hopfgarten, Paul
Ingram, Russell	Itse, Daniel	Lund, Howie	Nowe, Ronald
O'Neil, Michael	Quandt, Marshall Lee	Quandt, Matthew	Splaine, James
Stone, Joseph			
STRAFFORD			
Campbell, W Packy	Chaplin, Duncan	Dunlap, Patricia	Hilliard, Dana
Keans, Sandra	Wall, Janet		
SULLIVAN			
Rodeschin, Beverly			
NAYS 193			
BELKNAP			
Boyce, Laurie	Fitzgerald, James	Millham, Alida	Nedeau, Stephen
Pilliod, James	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Wendelboe, Fran		
CARROLL			
Brown, Carolyn	Buco, Thomas	Dickinson, Howard	Knox, J David
Martin, James	McConkey, Mark	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		
CHESHIRE			
Butcher, Suzanne	Butynski, William	Dunn, J Timothy	Eaton, Daniel
Emerson, Susan	Foote, Sheila	Hogancamp, Deborah	Hunt, John
Parkhurst, Henry	Pelkey, Stephen	Richardson, Barbara	Robertson, Timothy

Weed, Charles			
COOS			
King, Frederick	Lary, Bruce	Stohl, Eric	Tholl, John Jr
GRAFTON			
Andersen, Gene	Benn, Bernard	Cooney, Mary	Gionet, Edmond
Ham, Bonnie	Hammond, Lee	Harding, A Laurie	Mulholland, Catherine
Solomon, Peter	Williams, Burton		
HILLSBOROUGH			
Allan, Nelson	Baroody, Benjamin	Barry, J Gail	Beaulieu, Jane
Brassard, Paul	Brundige, Robert	Calawa, Leon Jr	Carew, James
Christensen, D L Chris	Coughlin, Pamela	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Dyer, Donald	Essex, David	Foster, Linda
Gargas, Carolyn	Ginsburg, Ruth	Golding, William	Harvey, Suzanne
Hawkins, Ken	Hellwig, Steve	Infantine, William	Irwin, Anne-Marie
Jasper, Shawn	Kopka, Angeline	L'Heureux, Robert	Manney, Pamela
Matarazzo, Anthony Sr	Messier, Irene	Michon, Stephen	Mooney, Maureen
Moran, Edward	Movsesian, Lori	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Pilotte, Maurice	Price, Pamela	Renzullo, Andrew
Rowe, Robert	Ryder, Donald	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Smith, David	Stepanek, Stephen	Sullivan, Francis
Ulery, Jordan	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Hager, Elizabeth	Hamm, Christine
Kennedy, Richard	Kidder, David	Klose, John	L'Heureux, Stephen
Lockwood, Priscilla	MacKay, James	Marple, Richard	Osborne, Jessie
Potter, Frances	Reed, Dennis	Rush, Deanna	Shurtleff, Stephen
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Belanger, Ronald	Bridle, Russell	Buxton, Donald
Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene	Dowd, John
Dowling, Patricia	Flanders, John Sr	Flockhart, Eileen	Forsing, Robert
Garrity, James	Gould, Kenneth	Hughes, Daniel	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Langley, Jane	Major, Norman
Manning, John	Mason, April	McKinney, Betsy	McMahon, Charles
Moody, Marcia	Packard, Sherman	Palazzo, Frank	Powers, James
Rausch, James	Robertson, Carl	Rolston, James	Sanders, Elisabeth
Scamman, Stella	Stiles, Nancy	Waterhouse, Kevin	Weare, E Albert
Welch, David	Wells, Roger	Winchell, George	
STRAFFORD			
Albert, Russell	Bickford, David	Brown, Jennifer	Brown, Julie

Brown, Lawrence	Cataldo, Sam	Cilley, Jacalyn	Creteau, Irene
Easson, Timothy	Hofemann, Roland	Kaen, Naida	Newton, Clifford
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Twombly, James		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Irish, Christopher
Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen	

and the motion to lay HB 1362 on the table failed.

Rep. Ingbretson requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 161 NAYS 124			
YEAS 161			
BELKNAP			
Fitzgerald, James	Nedeau, Stephen	Russell, David	Tilton, Franklin
CARROLL			
Brown, Carolyn	Knox, J David	Martin, James	McConkey, Mark
Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley	
CHESHIRE			
Butcher, Suzanne	Butynski, William	Dunn, J Timothy	Eaton, Daniel
Emerson, Susan	Foote, Sheila	Hogancamp, Deborah	Hunt, John
Pelkey, Stephen	Plifka, Stanley Jr	Richardson, Barbara	Robertson, Timothy
Weed, Charles			
COOS			
King, Frederick	Lary, Bruce	Stohl, Eric	Tholl, John Jr
GRAFTON			
Cooney, Mary	Gionet, Edmond	Giuda, Robert	Harding, A Laurie
Mulholland, Catherine	Solomon, Peter	Williams, Burton	
HILLSBOROUGH			
Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane	Brassard, Paul
Brundige, Robert	Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Dyer, Donald
Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth	Golding, William
Harvey, Suzanne	Hawkins, Ken	Irwin, Anne-Marie	Jasper, Shawn
Kopka, Angeline	Manney, Pamela	Matarazzo, Anthony Sr	Messier, Irene

Michon, Stephen	Moran, Edward	Movsesian, Lori	O'Brien, William
Pilotte, Maurice	Price, Pamela	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Stepanek, Stephen	Sullivan, Francis	Ulery, Jordan
Wheeler, Robert			
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	DeJoie, John	DeStefano, Stephen	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Kennedy, Richard
Kidder, David	Klose, John	L'Heureux, Stephen	MacKay, James
Osborne, Jessie	Potter, Frances	Reed, Dennis	Rush, Deanna
Shurtleff, Stephen	Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Belanger, Ronald	Bridle, Russell	Buxton, Donald
Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene	Dowd, John
Dowling, Patricia	Flanders, John Sr	Flockhart, Eileen	Forsing, Robert
Garrity, James	Gould, Kenneth	Ingram, Russell	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Langley, Jane	Major, Norman
Manning, John	McMahon, Charles	Moody, Marcia	O'Neil, Michael
Packard, Sherman	Palazzo, Frank	Powers, James	Rausch, James
Robertson, Carl	Rolston, James	Sanders, Elisabeth	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
Wells, Roger	Winchell, George		
STRAFFORD			
Albert, Russell	Bickford, David	Brown, Julie	Chaplin, Duncan
Cilley, Jacalyn	Easson, Timothy	Hofemann, Roland	Kaen, Naida
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith			
SULLIVAN			
Cloutier, John	Donovan, Thomas	Ferland, Brenda	Gale, Harry
Houde-Quimby, Charlotte	Irish, Christopher	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen			
NAYS 124			
BELKNAP			
Boyce, Laurie	Clark, Charles	Millham, Alida	Morrison, Gail
Pilliod, James	Rosen, Ralph	Thomas, John	Tobin, William
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Babson, David Jr	Buco, Thomas	Dickinson, Howard	Merrow, Harry
Philbrick, Donald			

CHESHIRE			
Dexter, Judson	Espiefs, Peter	Parkhurst, Henry	Roberts, Kris
Sawyer, Sheldon	Tilton, Anna		
COOS			
Merrick, Scott	Richardson, Herbert		
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Ham, Bonnie
Hammond, Lee	Ingbretson, Paul	Maybeck, Margie	McLeod, Martha
Nordgren, Sharon	Sokol, Hilda		
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Boehm, Ralph	Calawa, Leon Jr	Carew, James
Chase, Claudia	Clemons, Jane	Cote, David	Crane, Elenore Casey
Desmarais, Vivian	Elliott, Nancy	Emerton, Larry	Essex, David
Francoeur, Bea	Gorman, Mary	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Hall, Betty	Hellwig, Steve	Hinkle, Peyton
Holden, Randolph	Infantine, William	Kurk, Neal	L'Heureux, Robert
Lasky, Bette	Lawrence, James	Martin, Mary Ellen	McRae, Karen
Mead, Robert	Mooney, Maureen	O'Connell, Timothy	Ober, Lynne
Reeves, Sandra	Rochette, Eric	Slocum, Lee	Smith, David
Sullivan, Peter	Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James
MERRIMACK			
Field, William	Foose, Robert	Lockwood, Priscilla	Marple, Richard
Ryan, Jim	Tilton, Joy	Tupper, Frank	
ROCKINGHAM			
Allen, Mary	Bettencourt, David	Bicknell, Elbert	Cady, Harriet
Camm, Kevin	Carson, Sharon	Coburn, James	DiFruscia, Anthony
Donahue, Richard Ken	Doyle, Christopher	Dumaine, Dudley	Fesh, Bob
Francoeur, Sheila	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Itse, Daniel	Lund, Howie	Mason, April
McKinney, Betsy	Nowe, Ronald	Quandt, Marshall Lee	Quandt, Matthew
Scamman, Stella	Splaine, James		
STRAFFORD			
Brown, Jennifer	Brown, Lawrence	Campbell, W Packy	Cataldo, Sam
Creteau, Irene	Dunlap, Patricia	Hilliard, Dana	Keans, Sandra
Newton, Clifford	Twombly, James	Wall, Janet	
SULLIVAN			
Converse, Larry	Franklin, Peter	Rodeschin, Beverly	

and the committee report was adopted.

Ordered to third reading

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Dickinson moved that the House reconsider its action whereby it ordered to third reading **HB 162**, relative to general rules for vessels operating on water.

On a division vote, 110 members having voted in the affirmative and 176 in the negative, Reconsideration failed.

SPECIAL ORDER

Without objection, the Deputy Speaker stated that the remainder of today's calendar would be Special Ordered for the next session day.

RESOLUTION

Rep. O'Neil offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 15, 2006 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 657-FN-L, relative to promoting community revitalization.

HB 162, relative to general rules for vessels operating on water.

SB 140, relative to the acceptance of in-lieu payments for the restoration or creation of wetlands and the preservation of upland areas adjacent to wetland areas.

HB 588, relative to suspension of drivers' licenses after a motor vehicle accident.

HB 669-FN, establishing a committee to study state laboratory water tests and fees for such tests collected by the department of environmental services.

HB 1362, relative to permitting audio and video recording on school buses.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1248, 1262, 1402 and 505 and Senate Bill numbered 175.

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

PERSONAL PRIVILEGE

Rep. Hagan addressed the House.

UNANIMOUS CONSENT

Reps. Daniel Eaton and Harvey addressed the House.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Stephen L'Heureux moved that the House reconsider its action whereby it ordered to third reading **HB 1362**, relative to permitting audio and video recording on school buses.

Reconsideration failed.

RECESS MOTION

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

Adopted.

The House recessed at 6:30 p.m.

RECESS