

HOUSE RECORD

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

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Wednesday, February 15, 2006

No. 19A

HOUSE JOURNAL No. 5 (cont.)

Thursday, February 16, 2006

RECESS

(Speaker Scamman in the Chair)

The House reconvened at 1:00 p.m. and the Speaker called the recessed session of February 15, 2006 to order.

Without objection, the Chair ordered that since the House was technically still in the February 15, 2006 session, any leave of absence requests received by the Clerk today will be granted, unless otherwise ordered by the House.

LEAVES OF ABSENCE

Reps. Barker, Barry, Carlson, Chabot, Egbers, Gillick, Hunter, Lefebvre, Lessard, Maybeck, Putnam, Whiting, and Wiley, the day, illness.

Reps. Aboshar, Benn, Jennifer Brown, Buzzell, Daniuk, Dowling, Gargas, Giuda, Gonzalez, Goodwin, Greco, Hollinger, Hutchinson, Introne, Irwin, Stephen L'Heureux, MacKay, Mason, McConkey, McMahon, McRae, Michon, Morneau, Naro, Pappas, Pepino, Plifka, Reed, Rochette, Schulze, Serlin, Spang, Katherine Taylor and Twombly, the day, important business.

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

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

INTRODUCTION OF GUESTS

Juliana Bergeron, Anne Copp, Juanita Dangel, Marilyn Huston, Abigail Sykas and Michelle Temple, guests of Rep. Hogancamp. Members of the Youth in Government Club, Student Council and CLOSE UP Program at Plymouth Regional High School, guests of Rep. Mary Cooney. Andrew Cutler, guest of Rep. Foose. Members of the New Hampshire City and Town Clerks Association, guests of the House.

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that the House Rules be so far suspended to permit the deadline of last day to report a House Bill not going to a second committee, to be moved to Thursday, March 16, 2006 for only House Bill 1692, establishing the New Hampshire sexual predators act.

Adopted by the necessary two-thirds.

CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the

state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

REGULAR CALENDAR – PART I (CONT'D.)

HB 1611-FN, relative to reimbursement for personal care services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This bill will authorize the Dept. of Health and Human Services to reimburse a parent who chooses or needs to provide personal care to a minor child with special health care needs residing at home under certain circumstances. Though there were a number of concerns expressed by the committee, these concerns seemed to pale with the unanimous vote to offer this support to those parents who commit themselves, and their resources, and their lives, to care for their medically fragile sons and daughters in their own homes rather than placing their children in various institutional care settings. Though we most certainly recognize the tremendous emotional and financial commitment of parents to go this alone, we are understanding that not all parents can do this and need to help them maintain the integrity of their family. These children for the most part are already known to the system because of their special obvious medical needs, and are receiving higher level waived Medicaid services that at times may not be totally responsive to the needs of the family. Thus, this bill will allow for the continuity of services by shifting some of the already authorized monies to a mechanism of parental choice and support, overseen and evaluated by an independent entity. No reimbursement will be authorized to a parent until he or she is trained in any special care and until a quality-care plan is established and the mechanism of this process is adopted pursuant to RSA 541-A, and also reviewed and approved by the Legislative Oversight Committee on Health and Human Services. The committee, through much discussion and testimony, was concerned that this would help resolve some of the shortage of healthcare workers and this entire process has the support of the H.H.S. Commission, as they see this as the future with no additional cost to the department. As a matter of fact, the department sees this as a potential saving. This program will go to administrative rules to insure that specific guidelines are forthcoming. In the opinion of this committee, this is the right thing at the right time. Vote 17-0.

Amendment (0580h)

Amend RSA 161-I:3-a as inserted by section 2 of the bill by replacing it with the following:

161-I:3-a Authorization of Legally Responsible Relative. The department may authorize reimbursement to a parent who provides personal care to a minor child with special health care needs residing at home. Such reimbursement shall occur only when the department determines that the needs of the child, the unavailability of appropriate providers or suitable alternative care services, and cost efficiencies make utilization of a parent for the provision of such services necessary and appropriate. Reimbursement shall be limited to care that is medically necessary due to specific health needs and shall not be made for care generally expected and provided by parents to a child of similar age and developmental stage. The department shall not authorize reimbursement to a parent until a plan and rules adopted pursuant to RSA 541-A, are reviewed and approved by the oversight committee on health and human services, established in RSA 126-A:13.

Amendment adopted by the necessary two-thirds.

Committee report adopted.

Referred to Finance.

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

HB 1713-FN, restricting the over-the-counter sale of pseudoephedrine base and ephedrine base drugs and establishing commission to study the feasibility of an electronic tracking system for sales of pseudoephedrine base and ephedrine base drugs. **OUGHT TO PASS**

WITH AMENDMENT

Rep. Deborah J. Hogancamp for Health, Human Services and Elderly Affairs: This bill, as amended, establishes restrictions on the sale of products containing pseudoephedrine and ephedrine. These over-the-counter cold/allergy medications are the primary ingredient used in the manufacture of methamphetamine. Methamphetamine is a highly addictive illegal drug that has been around for many years. The current methamphetamine is more lethal and addictive than any produced in history. Methamphetamine can be manufactured almost anywhere, including the trunk of a vehicle. The manufacture of methamphetamine is dangerous and can result in explosions or fires. The manufacturing process, also known as a cook, produces toxic waste, which contaminates the area of manufacture as well as where the waste is dumped. New Hampshire has the highest incidence of clandestine labs of all New England states. Since January 1, 2006, 3 labs have been found in the state; in the previous 5 years a total of 17 labs were found. The bill, as amended, allows a person to purchase 1 package, or 3 grams, of a single-entity pseudoephedrine or ephedrine product, per transaction at a pharmacy, with photographic proof of being 18 years of age. In addition, this bill, as amended, allows a person to purchase 2 single dose packages, per transaction (not more than 120mg) of single entity pseudoephedrine or ephedrine product, with photographic proof of being 18 years of age, at any retail establishment. A person wishing to purchase more than 1 package in a single transaction, at a pharmacy, may purchase up to 6 grams and is required to sign a written or electronic log maintained by the pharmacy. The log requires date and time of sale, amount of drug sold, the name and signature of the buyer. The bill, as amended bill, requires all single entity pseudoephedrine or ephedrine products be kept behind the pharmacy counter or retail counter or in a locked case where the public is not permitted. Other over-the-counter medications containing a combination of ingredients and pseudoephedrine or ephedrine are to be kept in line of sight of the store cash register and purchases are limited to 2 items per transaction. Pediatric, liquid, or gel capsules are not affected by this legislation. This bill also establishes a commission to study the feasibility of a statewide electronic log system for the tracking of illicit pseudoephedrine and ephedrine purchases. Information from other states that have experienced severe problems with clandestine methamphetamine labs, experienced a reduction in methamphetamine labs by making it more difficult to purchase the pseudo ephedrine and ephedrine products. The committee unanimously agreed this bill, as amended, is a fair measured approach to limiting access to those who would use these medications to manufacture a very dangerous, illegal drug, and providing access to those who rely on these medications for relief of cold and allergy symptoms. Vote 17-0.

Amendment (0619h)

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

1 New Chapter; Sales of Certain Over-the-Counter Drugs by Retail Establishments.

Amend RSA by inserting after chapter 358-R the following new chapter:

CHAPTER 358-S

SALES OF CERTAIN OVER-THE-COUNTER DRUGS BY RETAIL ESTABLISHMENTS

358-S:1 Definition. In this chapter, "over-the-counter sale" means a retail sale of a drug or product to consumers but does not include the sale of a drug or product pursuant to the terms of a valid prescription.

358-S:2 Retail Sale Restrictions.

I. Except as provided in paragraph III, a retail establishment that offers for sale single-entity pseudoephedrine base or ephedrine base products in an over-the-counter sale shall ensure that all packages of the drugs are displayed behind a pharmacy counter where the public is not permitted and are offered for sale only by a licensed pharmacist or a registered pharmacy technician.

II. No retail establishment or individual shall transfer, sell, deliver, or provide more than 2 packages or a total of 6 grams, whichever is greater, of single-entity pseudoephedrine base or ephedrine base products, to any person per transaction.

III. A retail establishment may transfer, sell, deliver, or provide single-dose packages of single-entity pseudoephedrine base or ephedrine base products. No person shall purchase through over-the-counter sales more than 2 single-dose packages of such products or a total of 120 milligrams of such products in any single transaction. Such products shall be displayed either behind the cash register counter or in a locked display case accessible only to store employees.

IV. No retail establishment may sell in an over-the-counter sale, products containing single-entity pseudoephedrine base or ephedrine base to a person under the age of 18 years. It is an affirmative defense to a charge under this paragraph if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age based upon the required photographic identification under RSA 358-S:3, I(a).

V. A retail establishment that offers for sale combination pseudoephedrine base or ephedrine base products shall keep these products in direct line of sight of a store cash register or store counter staffed by one or more store employees.

VI. No retail establishment or individual shall transfer, sell, deliver, or provide more than 2 packages of combination pseudoephedrine base or ephedrine base products to any person in any single transaction.

358-S:3 Requirements for Purchase.

I. Before any transfer, sale, delivery, or provision of single-entity pseudoephedrine base or ephedrine base products is made, a retail establishment shall require:

- (a) Photographic identification showing the buyer's date of birth; and
- (b) For any transfer, sale, delivery, or provision of more than one package or a total of 3 grams, whichever is greater, of single-entity pseudoephedrine base or ephedrine base products, a pharmacy shall maintain a written or electronic log detailing:
 - (1) The date and time of the sale;
 - (2) The amount of the drug sold;
 - (3) The name of the buyer; and
 - (4) The signature of the buyer.

II. Nothing in this section requires the buyer to obtain a prescription for the purchase of pseudoephedrine base or ephedrine base products.

358-S:4 Penalty; Reporting Required; Limitation of Liability.

I. Except as provided in paragraph III, a person who knowingly violates any provision of this chapter shall be guilty of a class A misdemeanor.

II. Any person employed by a business establishment that offers for sale pseudoephedrine base or ephedrine base products who sells such a drug to any person in a suspicious transaction shall report the transaction to the owner, supervisor, or manager of the establishment. The owner, supervisor, or manager shall report the transaction to the local law enforcement agency. A person who reports information under this paragraph in good faith is immune from civil liability relating to the report.

III. An owner, operator, supervisor, or manager of a business establishment that offers for sale products containing pseudoephedrine base or ephedrine base whose employee or agent is convicted of or charged with violating a provision of this chapter shall not be subject to the criminal penalty under paragraph I if the person:

- (a) Did not have prior knowledge of, participate in, or direct the employee or agent to commit the violation; or
- (b) Documents that an employee training program was in place to provide the employee or agent with information on the state and federal laws and regulations regarding methamphetamine precursor drugs.

2 Commission Established. There is established a commission to study the feasibility of establishing an electronic tracking system for sales of pseudoephedrine base and ephedrine base products.

3 Membership and Compensation.

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

(a) Three members of the house of representatives, 2 of whom shall be from the health, human services and elderly affairs committee, appointed by the speaker of the house of representatives.

(b) Three members of the senate, at least one of whom shall be from the health and human services committee, appointed by the president of the senate.

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

(d) The attorney general, or designee

(e) One member representing the pharmacy board, appointed by a the pharmacy board.

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

4 Duties. The commission shall study the feasibility of establishing an electronic tracking system for sales of pseudoephedrine base and ephedrine base products.

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

6 Report. The commission 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.

7 Effective Date.

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

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

Amendment adopted by the necessary two-thirds.

Committee report adopted by the necessary two-thirds and ordered to third reading.

HB 1221-FN, relative to recovery of medical assistance from a decedent's estate. OUGHT TO PASS WITH AMENDMENT

Rep. Gregory M. Sorg for Judiciary: Among many other things, last year's HB 691 revised the provisions of RSA 167 dealing with recovery of Medicaid assistance from the estate of a deceased recipient. However, it soon became evident to the Department of Health and Human Services that the particular section involved, RSA 167:14-a, V, was defective, in particular by not providing workable methods for calculating the value of a decedent's recoverable interest in property in which he held a life estate or property he held in joint tenancy with others. There were also concerns that the section, as passed, might inadvertently have unconstitutionally impaired the vested rights of remaindermen or surviving joint tenants. The committee amendment represents its best effort to clarify the methodology and address the constitutional issues of this section in the manner least disruptive to the department's revenue projections that have previously been made based upon it. Vote 16-1.

Amendment (0631h)

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

AN ACT relative to recovery of medical assistance.

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

1 Recovery of Assistance from Successor Owners of Non-Probate Assets of Recipient.
RSA 167:14-a, V and VI are repealed and reenacted to read as follows:

V.(a) Solely for purposes of calculating the amount of medical assistance recoverable from successor legal or beneficial owners of property interests of the recipient passing to them at the death of the recipient outside of probate, the estate of a recipient shall be deemed to include the value immediately prior to the recipient's death of the decedent's equitable interest in all property, real or personal:

- (1) Held by the recipient in joint tenancy with rights of survivorship;
- (2) Held by the recipient in life tenancy; or
- (3) held in a revocable trust of which the recipient was directly or indirectly a grantor to the extent of the recipient's proportionate share of contribution.

(b) No sooner than 45 days from the death of the recipient, the department shall provide the surviving joint owner, remainderman of the life estate, or trustee of the revocable trust, as the case may be, notice of the department's claim. Within 30 days of the receipt of notification of the department's claim, the surviving joint owner, remainderman, or trustee shall acknowledge receipt of the department's claim and, provided that there shall not be undue hardship imposed upon the surviving joint owner, remainderman, or beneficiary of the trust, either tender an amount equal to the deceased recipient's interest in the identified property or financial instrument to the state of New Hampshire toward the deceased's medical assistance bill, but such amount shall not exceed the total amount of medical assistance provided to the deceased recipient, or enter into a binding agreement to make such payment as soon as is practicable. If the joint owner, remainderman, or trustee refuses to acknowledge receipt of the department's claim or to tender payment or fail to fulfill the agreement to pay without good cause, as required by this paragraph, the commissioner may bring an action in superior court to compel such payment. Nothing in this paragraph shall be interpreted or applied so as to violate RSA 167:16-a, IV or 42 U.S.C. section 1396p(b)(2)(A) prohibiting recovery when the recipient is survived by a spouse, minor children, or disabled children. The department shall not compel the sale of any real estate that constitutes the primary residence of any surviving joint owner, remainderman, or trust beneficiary, or require payments that would leave any surviving joint owner, remainderman, or trust beneficiary without sufficient income or resources to maintain his or her housing.

VI.(a) Paragraph V shall not affect any real or personal property held by the recipient in sole ownership or in tenancy in common, but such property or the recipient's share thereof shall be included in the recipient's probate estate and shall be subject to claims filed by the department as a creditor in the normal course pursuant to RSA 167:14, II.

(b) Paragraph V shall apply to all specified property interests of the recipient passing to others at the death of the recipient outside of probate, where the death of the recipient occurs on or after the effective date of this act, but without regard to the date that such interests were first created; provided that it shall not apply to life estates created or reserved by the recipient:

- (1) Before July 1, 2005; or
- (2) Before the beginning of the period specified in RSA 167:4, I(b) during which transfers by the recipient for less than fair market value may be taken into account for purposes of determining eligibility for assistance, as such period may be limited by federal law.

(c) "Equitable interest" as used in paragraph V shall mean the legal interest of the recipient as adjusted to take into account any disproportionate contributions by any other joint tenant or by any co-grantor of a trust, and in the case of a life tenancy shall be valued in accordance with the applicable federal Social Security regulation. In the absence of evidence to the contrary, the "equitable interest" of the recipient in any real estate, or in a trust's real estate holdings, shall be presumed to be the result of reducing the equalized property tax value, as computed from the latest assessment, by any amounts owing on

mortgages or for back taxes or under other liens, and dividing by the total number of co-owners of the property, including the recipient.

(d) Recovery from any remainderman shall be limited to any amount by which the value of the interest received by the remainderman, valued as of the date the interest was acquired and in accordance with the applicable Social Security regulation, exceeds any consideration given by the remainderman from the date the interest was acquired to the date of death of the recipient.

(e) Recovery from any surviving joint tenant shall be limited to any amount by which the value of the interest received by the joint tenant, valued as of the date the interest was acquired, exceeds any consideration given by the surviving joint tenant from the date the interest was acquired to the date of death of the recipient.

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

AMENDED ANALYSIS

This bill restricts the department of health and human service's ability to recover the cost of medical assistance from life estates created before July 1, 2005 or created 5 years prior to the decedent's eligibility for such assistance. The bill also prohibits the department from compelling the sale of the primary residence of a surviving joint owner as part of the department's estate recovery practice.

Amendment adopted by the necessary two-thirds.

Committee report adopted by the necessary two-thirds and ordered to third reading.

HB 1677-FN, relative to the annulment of the arrest record of a person found not guilty by a jury. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Wheeler for Judiciary: The sponsor of this bill related to the committee a problem he was aware of with one individual who was denied employment in law enforcement several times because he had an arrest record that had been annulled when he was found not guilty of the accused crime. When prospective employers did background checks they were told that this individual had no record but there was something sealed in his file. This bill would do nothing to help that individual or anyone like him. The law already states that if a person is found not guilty or is not prosecuted, that person can obtain an annulment without having to pay the normal \$100.00 fee. The committee urges the sponsor to work on this issue again but with legislation that better fits the problem to be addressed. Vote 18-0.

Committee report adopted by the necessary two-thirds.

CLERK'S NOTE

The constitutionally required two-thirds of the membership for action by majority vote was declared present.

HB 1703-FN, requiring certain employers to report on the percentage of payroll which is being spent on health insurance premiums for employees. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Edgar H. Mears for the Majority of Labor, Industrial and Rehabilitative Services: This bill will collect vital information not currently available regarding the scope of health insurance benefits provided by large employers. Anecdotal evidence shows a large disparity in access to and the level of health care benefits offered by large employers. Available data confirms that there presently is cost shifting to taxpayers, but it is not possible to determine the breadth of the problem among large employers. Collection of this data will provide policy makers another tool for setting policies to slow cost shifting of health care costs to taxpayers. This legislation would add vital data to the information already collected from large employers. This bill was supported by the Commissioner of Employment Security who stated it would provide vital statistics not presently collected at minimal cost to both the

department and to employers. The majority of the committee believes that this information is necessary to develop good public policy addressing the ongoing concerns about the diminishing availability and the ever increasing costs of health care. Vote 7-6.

Rep. William J. Infantine for the Minority of Labor, Industrial and Rehabilitative Services: The minority of the committee believes this bill is flawed and should not be supported for the following reasons. There are only 96 employers with 500 or more employees, so the sample data would not be sufficient to provide any meaningful conclusions. The bill does not exclude the state, county, city or towns and requesting this information may be a violation of the New Hampshire Constitution under Section 28-A. The information being requested is proprietary in nature and provides the public with information that can be used by competitors, etc. Lastly, the fiscal note is undetermined as the LBA has not received the requested information from the Department of Employment Securities. Without a firm financial determination this bill should not pass the House.

Majority Amendment (0611h)

Amend the bill by replacing section 1 with the following:

1 New Section; Reporting Guidelines for Employee Health Care Coverage. Amend RSA 282-A by inserting after section 117-a the following new section:

282-A:117-b Reporting Guidelines for Employee Health Care Coverage; Definitions.

I. In this section:

(a) "Commissioner" means the commissioner of the department of employment security.

(b) "Employee" means all individuals employed full-time or part-time directly by an employer.

(c) "Health insurance benefits" includes payments for medical care, prescription drugs, vision care, medical savings accounts, and any other costs to provide health benefits, as defined in section 213(d) of the Internal Revenue Code.

(d) "Health insurance costs" means the amount paid by an employer to provide health care or health insurance to employees in the state to the extent the costs may be deductible by the employer under federal tax law. The term "health insurance costs" includes payments for medical care, prescription drugs, vision care, medical savings accounts, and any other costs to provide health benefits as defined in section 213(d) of the Internal Revenue Code.

II. An employer which has 500 or more employees shall, commencing on January 1, 2007 and annually thereafter, submit on a form and in a manner approved by the commissioner:

(a) The number of employees of the employer in the state as of one day in the year immediately preceding the previous calendar year as determined by the employer on an annual basis.

(b) The number of employees eligible for health insurance benefits.

(c) The requirements employees and dependents must meet to qualify for health insurance benefits.

(d) The amount spent by the employer in the year immediately preceding the previous calendar year on health insurance costs in the state.

(e) The percentage of payroll that was spent by the employer in the year immediately preceding the previous calendar year on health insurance costs in the state.

III. The information required under paragraph II shall:

(a) Be designated in a report signed by the principal executive officer or an individual performing a similar function; and

(b) Include an affidavit under penalty of perjury that the information required under paragraph I of this section:

(1) Was reviewed by the signing officer; and

(2) Was based on the officer's knowledge and does not contain any untrue statement of a material fact or omit a material fact necessary to make the statement made not misleading is true to the best of the signing officer's knowledge, information, and belief.

IV. When calculating the percentage of payroll under paragraph II, an employer may exempt:

- (a) Wages paid to any employee beyond the amount taxable for federal Social Security (FICA) purposes;
- (b) Wages paid to an employee who is enrolled in or eligible for Medicare; and
- (c) Wages paid to an employee who is a seasonal worker or works less than 90 days a year.

V. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

- (a) The content of any forms required under this subdivision.
- (b) Further information which may be required under paragraph II of this section.

VI. On or before March 15 of each year, the commissioner shall make a report to the general court and the governor relative to:

- (a) The name of each nonprofit and for profit employer with 500 or more employees in the state.
- (b) The employer's definition of full-time employee and part-time employee.
- (c) The number of full-time employees.
- (d) The number of full-time employees eligible to receive health insurance benefits.
- (e) The number of full-time employees receiving health insurance benefits from the employer.
- (f) The source of health insurance benefits for those eligible full-time employees not receiving health insurance benefits through an employer subject to reporting under this subdivision.
- (g) The number of part-time employees.
- (h) The number of part-time employees eligible to receive health insurance benefits.
- (i) The number of part-time employees receiving health insurance benefits from the employer.
- (j) The source of health insurance benefits for those eligible part-time employees not receiving health insurance benefits through an employer subject to reporting under this subdivision.

AMENDED ANALYSIS

This bill requires employers with 500 or more employees to report to the commissioner of the department of employment security on the percentage of payroll which is being spent on health insurance premiums for employees. The bill grants rulemaking authority to the commissioner of the department of employment security for the purposes of the bill.

Rep. Bridle spoke against.

Rep. Walz spoke in favor.

Rep. Infantine spoke against and yielded to questions.

On a division vote, 136 members having voted in the affirmative and 179 in the negative, the majority amendment failed.

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

Rep. O'Neil spoke against.

Rep. DeJoie moved Recommit.

LAID ON TABLE

Rep. Soltani moved that HB 1703 be laid on the table.

On a division vote, 179 members having voted in the affirmative, and 146 members in the negative, HB 1703 was laid on the table.

HB 1102, allowing municipalities to adopt a property tax credit for homeowners supporting a disabled adult child in the home. **MAJORITY: INEXPEDIENT TO LEGISLATE.**

MINORITY: OUGHT TO PASS.

Rep. Laurie J. Boyce for the Majority of Municipal and County Government: The committee has heard testimony about needs that a family faces when a disabled adult child lives at home. The majority of the committee is sympathetic to those needs but also has a longstanding policy to find balance for our L municipalities. The federal Government offers the Medicaid program to help fund the needs of a disabled adult child. An individual who is on Medicaid and whose developmentally disabled services are being funded through Medicaid is also able to access other services offered through the New Hampshire State Medicaid plan, such as physicians and nursing services, prescription drug costs, rehabilitative and optometrist services and emergency hospital services, if needed. These acute care services may be used to complement the long-term care services that the individual receives from the developmentally disabled service system. The L selectmen are able to abate taxes for "just cause" by a majority vote of the board. The sponsor of the bill requested that a credit be given to the homeowners that support a disabled adult child in the home. The definition of a "disabled adult child" was not included in the bill, which even the sponsor acknowledged needs to be defined. Since there is already funding available and since the committee does not have adequate time to "fix" this bill because of its workload, the committee felt that this issue can be introduced when the sponsors address the concerns raised. Vote 12-6.

Rep. Stephen G. Pritchard for the Minority of Municipal and County Government: This bill will allow, not require, a municipality to give property tax credit to a homeowner who supports a severely disabled adult child in their home. For a single, employed parent-homeowner to accomplish this task 24/7, a heroic and too often thankless commitment of their whole life is required. While they may receive some medical and financial help for wheelchair accessibility or special vans, the overall emotional and financial burdens can be almost unbearable. We give tax credits to veterans and the elderly and rightly so. If those parents were not providing this immeasurable humanitarian service, the state or county nursing home would have to provide it at costs up to \$150,000 a year. While this act, if adopted by a municipality, would ask other homeowners to share in the care of the disabled it would actually translate into pennies per household to fulfill what is in fact a moral imperative to care for our neighbors who very much need our help.

On a division vote, 203 members having voted in the affirmative and 120 in the negative, the majority committee report was adopted.

Reps. Itse and Carson declared a conflict of interest and did not participate.

HB 1632, relative to qualifications for the elderly property tax exemption. **INEXPEDIENT TO LEGISLATE**

Rep. Paul R. Hopfgarten for Municipal and County Government: This bill looks to raise the minimum income, asset and exemption levels for elderly exemptions that a municipality may enact. Currently, the vast majority of towns and cities in the state already have income asset and exemption levels above the existing minimums and communities that wish to raise their minimum levels may do so by a majority vote of the legislative body. What this bill addresses is already available through L means and changing the minimums would in fact reduce L control. Vote 14-4.

Committee report adopted.

HB 1698-FN-A-L, relative to determination of town's share on county taxes.

INEXPEDIENT TO LEGISLATE

Rep. Nancy K. Johnson for Municipal and County Government: This bill provides a new formula for apportioning the county tax obligation among the towns and cities in each

county. Currently, the county tax is apportioned based on the equalized valuation of each municipality within the county. The new formula would make reductions to the apportionment based on population and general municipal government taxes. The amount of these reductions would not be included in the county tax warrant to the towns, but would be made up by payments from state funds. The bill would reduce the amount of county tax apportioned to some municipalities by an indeterminate amount depending on the amount of the municipality's county tax share according to equalized valuation, the municipality's population, and the size of the municipality's general government taxes. The majority of the committee understands that this change in formula will create a situation that will not only be challenged legally, but potentially create greater inequities between towns and cities in a county. Vote 12-4.

Committee report adopted.

HB 1734-FN-A-L, establishing a homestead exemption for seniors against the statewide enhanced education tax and a tax cap credit for seniors against L and state property taxes.

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

Rep. Eric G. Stohl for the Majority of Municipal and County Government: This bill establishes a homestead exemption for persons 65 years of age and older against the statewide enhanced education tax and a tax cap credit for persons 65 years of age and older against L and state property taxes. The intention of the sponsor is an honorable one, in the fact that, citizens of this state that have reached age 65 should have assistance with their property taxes. This bill addresses an exemption of \$100,000 of assessed value of a person's residence against the statewide education tax and a tax cap credit which is greater than five percent of the statewide and L property taxes owed by the owner against L and state property taxes. This bill is not means tested, so someone with great wealth would also be able to receive these benefits. Municipalities now have the ability to exempt property taxes for persons that are blind and disabled. The Department of Revenue Administration states that New Hampshire has 101,849 households with a person 65 years of age or older residing in it. The total assessed value that would be reduced as a result of this bill would be \$587,408,732 resulting in a tax shift of approximately \$14,119,392. The committee feels these two additional property tax exemptions that add to the cost shifting that takes place as a result of any exemption would not be in the best interests of the state as a whole. Vote 14-5.

Rep. Nancy K. Johnson for the Minority of Municipal and County Government: The minority recognizes that there are some minor flaws with the bill. The inherent inequity of the property tax is what requires many seniors living on a fixed income to decide between paying their property taxes and buying groceries and medications. With the increasing burden of oil and gas prices, the minority believes that, at some point many seniors will lose the homes they have spent their lives paying for.

Rep. Espieffs spoke against and yielded to questions.

Rep. Stohl spoke in favor.

Rep. Espieffs requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 182 NAYS 144

YEAS 182

BELKNAP

Allen, Janet
Flanders, Donald
Rosen, Ralph
Tobin, William

Boyce, Laurie
Millham, Alida
Russell, David
Veazey, John

Clark, Charles
Nedeau, Stephen
Thomas, John
Wendelboe, Fran

Fitzgerald, James
Pilliod, James
Tilton, Franklin
Whalley, Michael

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Dickinson, Howard
Knox, J David	Martin, James	Merrow, Harry	Olimpio, J Lisbeth
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

CHESHIRE

Butcher, Suzanne	Dexter, Judson	Hunt, John	Pelkey, Stephen
Sawyer, Sheldon			

COOS

King, Frederick	Lary, Bruce	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		

GRAFTON

Andersen, Gene	Eaton, Stephanie	Ingbreton, Paul	Mirski, Paul
Sorg, Gregory	Ward, John	Williams, Burton	

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Brundige, Robert	Buhlman, David
Calawa, Leon Jr	Campbell, David	Carew, James	Chase, Claudia
Christensen, D L	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Chris			
DeVries, Betsi	Drisko, Richard	Elliott, Nancy	Emerton, Larry
Francoeur, Bea	Ginsburg, Ruth	Golding, William	Graham, John
Hansen, Ryan	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Manney, Pamela	Mead, Robert	O'Brien, William
O'Connell, Timothy	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Ryder, Donald	Shattuck, Gilman
Slocum, Lee	Smith, David	Souza, Kathleen	Stepanek, Stephen
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James
Wheeler, Robert			

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Danforth, James
DeStefano, Stephen	Field, William	Hager, Elizabeth	Hess, David
Kennedy, Richard	Kidder, David	Klose, John	Lockwood, Priscilla
Marple, Richard	Maxfield, Roy	Oliver, James	Reardon, Tara
Soltani, Tony			

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Cady, Harriet	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	Cooney, Richard
Dalrymple, Janeen	Donahue, Richard	Dowd, John	Doyle, Christopher
	Ken		
Dumaine, Dudley	Fesh, Bob	Francoeur, Sheila	Garrity, James
Griffin, Mary	Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell
Itse, Daniel	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Lund, Howie	Major, Norman	Moore, Benjamin	Morris, Richard

Nowe, Ronald
Quandt, Marshall Lee
Sanders, Elisabeth
Weare, E Albert

O'Neil, Michael
Rausch, James
Scamman, Stella
Welch, David

Palazzo, Frank
Robertson, Carl
Stone, Joseph
Weyler, Kenneth

Parker, Benjamin
Rolston, James
Waterhouse, Kevin
Winchell, George

STRAFFORD

Albert, Russell
Callaghan, Frank
Domingo, Baldwin
Newton, Clifford

Berube, Roger
Campbell, W Packy
Dunlap, Patricia
Smith, Marjorie

Bickford, David
Chaplin, Duncan
Keans, Sandra

Brown, Julie
Cilley, Jacalyn
Knowles, William

SULLIVAN

Cloutier, John
Rodeschin, Beverly

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

NAYS 144

BELKNAP

Heald, Bruce

Morrison, Gail

CARROLL

Buco, Thomas

CHESHIRE

Allen, Peter
Dunn, J Timothy
Foote, Sheila

Butynski, William
Eaton, Daniel
Hogancamp,
Deborah
Richardson, Barbara
Weed, Charles

Chase, William
Emerson, Susan
Mitchell, Bonnie

Coates, Christopher
Espieffs, Peter
Parkhurst, Henry

Pratt, John
Tilton, Anna

Roberts, Kris

Robertson, Timothy

COOS

Merrick, Scott

Theberge, Robert

GRAFTON

Aguiar, James
Gionet, Edmond
Mulholland,
Catherine

Almy, Susan
Hammond, Lee
Nordgren, Sharon

Bleyler, Ruth
Harding, A Laurie
Sokol, Hilda

Cooney, Mary
McLeod, Martha
Solomon, Peter

HILLSBOROUGH

Allan, Nelson
Carter, Mark
Craig, James

Baroody, Benjamin
Clemons, Jane
Crane, Elenore
Casey
Essex, David
Gorman, Mary
Harvey, Suzanne
Jeudy, Jean
Martin, Mary Ellen

Beaulieu, Jane
Cote, David
Desmarais, Vivian
Foster, Linda
Goyette, Peter Jr
Hirschmann, Keith
Johnson, Paula
Matarazzo, Anthony
Sr

Brassard, Paul
Cote, Peter
Dokmo, Cynthia

Dyer, Donald
Goley, Jeffrey
Hall, Betty
Jean, Claudette
Lasky, Bette

Gibson, John
Hagan, Barbara
Holden, Randolph
Kopka, Angeline
Messier, Irene

Mooney, Maureen
Rosenwald, Cindy
Sullivan, Francis

Movsesian, Lori
Ross, Lawrence
Sullivan, Peter

Ober, Lynne
Shaw, Barbara
Tahir, Saghir

Palangas, Eric
Shaw, Kimberly
Velez, Hector

MERRIMACK

Blanchard, Elizabeth
French, Barbara
McMahon, Patricia
Rush, Deanna
Tupper, Frank

Clarke, Claire
Gile, Mary
Osborne, Jessie
Ryan, Jim
Walz, Mary Beth

DeJoie, John
Hamm, Christine
Owen, Derek
Shurtleff, Stephen
Williams, Robert

Foose, Robert
Langlais, Thomas
Potter, Frances
Tilton, Joy
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
DiFruscia, Anthony
Gould, Kenneth
Moody, Marcia
Powers, James
Splaine, James

Buxton, Donald
Flanders, John Sr
Kobel, Rudolph
Norelli, Terie
Priestley, Anne
Weldy, Norman

Cali-Pitts, Jacqueline
Flockhart, Eileen
Langley, Jane
Packard, Sherman
Quandt, Matthew
Wells, Roger

Casey, Kimberley
Gilbert, Karl
McKinney, Betsy
Pantelakos, Laura
Robinson, John

STRAFFORD

Brown, Lawrence
Heon, Richard
Miller, Joseph
Snyder, Clair

Cataldo, Sam
Hofemann, Roland
Rollo, Michael
Taylor, Kathleen

Creteau, Irene
Johnson, Nancy
Rous, Emma
Wall, Janet

Grassie, Anne
Kaen, Naida
Schmidt, Peter

SULLIVAN

Converse, Larry
Houde-Quimby,
Charlotte

Donovan, Thomas
Phinizy, James

Ferland, Brenda
Prichard, Stephen

Franklin, Peter

and the majority committee report was adopted.

HB 1737-FN-A, establishing a beverage fee to be paid by beverage manufacturers and distributors. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Marcia G. Moody for the Majority of Resources, Recreation and Development: The majority opinion is to create an interim study on this bill which establishes a fee to be paid by beverage manufacturers and distributors on beverages sold for resale in this state. The committee felt that new sources of revenue are urgently needed to support much needed programs rather than relying on revenues taken from the general fund. Before debate continues, the committee feels that elements contained in this bill need to be clarified by further study. Programs that need funding contained in this bill include LCHIP, dam maintenance, SAFE Drinking Water, Water Resources and Water Supply Protection Programs as well as River Management and Protection. Further study will provide additional material that would allow the committee to make an informed decision. Vote 12-5.

Rep. John M. Gibson for the Minority of Resources, Recreation and Development: The Minority of the committee believe that placing a new tax on soda and bottled water products is unfair and further erodes the New Hampshire tax advantage. This legislation will not address funding of the priorities that the committee has identified like dam maintenance, in-stream flow studies, water uses registration, LCHIP, state water resource mapping and water conservation in this fiscal year. The vast majority of the millions of new revenue dollars raised by this new tax will go to programs not related to protecting water resources

and the minority believes that those issues relating to our water resources should be addressed in the budget process which is slated to begin in January of 2007.

Rep. O'Neil spoke against.

Rep. Cooney spoke in favor.

Rep. Gibson spoke against and yielded to questions.

Rep. Chaplin spoke in favor.

Rep. Cooney requested a roll call; sufficiently seconded.

The question now being adoption of the majority committee report.

YEAS 119 NAYS 207

YEAS 119

BELKNAP

Morrison, Gail	Pilliod, James	Russell, David
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CARROLL

Ahlgren, Christopher	Babson, David Jr	Buco, Thomas	Dickinson, Howard
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dexter, Judson	Dunn, J Timothy	Eaton, Daniel
Espieffs, Peter	Mitchell, Bonnie	Parkhurst, Henry	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			

COOS

Merrick, Scott	Remick, William
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GRAFTON

Aguiar, James	Andersen, Gene	Bleyler, Ruth	Cooney, Mary
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	

HILLSBOROUGH

Beaulieu, Jane	Cote, Peter	Desmarais, Vivian	Essex, David
Ginsburg, Ruth	Goley, Jeffrey	Hall, Betty	Harvey, Suzanne
Kopka, Angeline	Kurk, Neal	Messier, Irene	O'Connell, Timothy
Pilotte, Maurice	Shattuck, Gilman	Shaw, Kimberly	

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Hager, Elizabeth	Hamm, Christine
Kennedy, Richard	Lockwood, Priscilla	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	Reardon, Tara	Rush, Deanna
Tilton, Joy	Tupper, Frank	Walz, Mary Beth	Yeaton, Charles

ROCKINGHAM

Cali-Pitts, Jacqueline	Casey, Kimberley	Cooney, Richard	Flockhart, Eileen
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Gould, Kenneth
Moody, Marcia
Robinson, John

Ingram, Russell
Norelli, Terie
Wells, Roger

Johnson, Robert
Pantelakos, Laura

Langley, Jane
Powers, James

STRAFFORD

Bickford, David
Cilley, Jacalyn
Heon, Richard
Keans, Sandra
Rous, Emma
Taylor, Kathleen

Brown, Julie
Creteau, Irene
Hofemann, Roland
Knowles, William
Schmidt, Peter
Wall, Janet

Brown, Lawrence
Domingo, Baldwin
Johnson, Nancy
Miller, Joseph
Smith, Marjorie

Chaplin, Duncan
Grassie, Anne
Kaen, Naida
Rollo, Michael
Snyder, Clair

SULLIVAN

Cloutier, John
Franklin, Peter

Converse, Larry
Houde-Quimby,
Charlotte

Donovan, Thomas
Prichard, Stephen

Ferland, Brenda

NAYS 207

BELKNAP

Allen, Janet
Flanders, Donald
Rosen, Ralph
Veazey, John

Boyce, Laurie
Heald, Bruce
Thomas, John
Wendelboe, Fran

Clark, Charles
Millham, Alida
Tilton, Franklin
Whalley, Michael

Fitzgerald, James
Nedeau, Stephen
Tobin, William

CARROLL

Brown, Carolyn
Morrow, Harry
Stevens, Stanley

Chandler, Gene
Olimpio, J Lisbeth

Knox, J David
Patten, Betsey

Martin, James
Philbrick, Donald

CHESHIRE

Emerson, Susan
Pelkey, Stephen

Foote, Sheila
Sawyer, Sheldon

Hogancamp, Deborah

Hunt, John

COOS

King, Frederick
Theberge, Robert

Lary, Bruce
Tholl, John Jr

Richardson, Herbert

Stohl, Eric

GRAFTON

Almy, Susan
Mirski, Paul

Eaton, Stephanie
Sorg, Gregory

Gionet, Edmond
Ward, John

Ingbretson, Paul
Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV
Batula, Peter
Brassard, Paul
Campbell, David
Christensen, D L
Chris
Cote, David

Allan, Nelson
Bergeron, Jean-Guy
Brundige, Robert
Carew, James
Christiansen, Lars
Coughlin, Pamela

Balboni, Michael
Biundo, Michael
Buhlman, David
Carter, Mark
Clark, Mark
Craig, James

Baroody, Benjamin
Boehm, Ralph
Calawa, Leon Jr
Chase, Claudia
Clemons, Jane
Crane, Elenore
Casey

DeVries, Betsi
Elliott, Nancy
Gibson, John
Graham, John
Hellwig, Steve
Infantine, William
Johnson, Paula
Manney, Pamela

Movsesian, Lori
Price, Pamela
Rowe, Robert
Smith, David
Sullivan, Peter
Velez, Hector

Dokmo, Cynthia
Emerton, Larry
Golding, William
Hagan, Barbara
Hinkle, Peyton
Jasper, Shawn
L'Heureux, Robert
Matarazzo, Anthony
Sr

O'Brien, William
Reeves, Sandra
Ryder, Donald
Souza, Kathleen
Tahir, Saghir
Villeneuve, Maurice

Drisko, Richard
Foster, Linda
Gorman, Mary
Hansen, Ryan
Hirschmann, Keith
Jean, Claudette
Lasky, Bette
Mead, Robert

Ober, Lynne
Renzullo, Andrew
Shaw, Barbara
Stepanek, Stephen
Ulery, Jordan
Wheeler, James

Dyer, Donald
Francoeur, Bea
Goyette, Peter Jr
Hawkins, Ken
Holden, Randolph
Jeudy, Jean
Lawrence, James
Mooney, Maureen

Palangas, Eric
Rosenwald, Cindy
Slocum, Lee
Sullivan, Francis
Vaillancourt, Steve
Wheeler, Robert

MERRIMACK

Anderson, Eric
Kidder, David
Maxfield, Roy
Williams, Robert

Danforth, James
Klose, John
Oliver, James

Field, William
Langlais, Thomas
Ryan, Jim

Hess, David
Marple, Richard
Shurtleff, Stephen

ROCKINGHAM

Abbott, Dennis
Bicknell, Elbert
Cady, Harriet
Coburn, James

Allen, Mary
Bishop, Franklin
Camm, Kevin
Dalrymple, Janeen

Belanger, Ronald
Bridle, Russell
Carson, Sharon
DiFruscia, Anthony

Bettencourt, David
Buxton, Donald
Charron, Gene
Donahue, Richard
Ken

Dowd, John
Flanders, John Sr
Gilbert, Karl
Itse, Daniel
Lund, Howie
Morris, Richard
Palazzo, Frank

Doyle, Christopher
Forsing, Robert
Griffin, Mary
Katsakiores, George
Major, Norman
Nowe, Ronald
Parker, Benjamin

Dumaine, Dudley
Francoeur, Sheila
Hopfgarten, Paul
Katsakiores, Phyllis
McKinney, Betsy
O'Neil, Michael
Priestley, Anne

Fesh, Bob
Garrity, James
Hughes, Daniel
Kobel, Rudolph
Moore, Benjamin
Packard, Sherman
Quandt, Marshall
Lee

Quandt, Matthew
Sanders, Elisabeth
Waterhouse, Kevin
Weyler, Kenneth

Rausch, James
Scamman, Stella
Weare, E Albert
Winchell, George

Robertson, Carl
Splaine, James
Welch, David

Rolston, James
Stone, Joseph
Weldy, Norman

STRAFFORD

Albert, Russell
Cataldo, Sam

Berube, Roger
Dunlap, Patricia

Callaghan, Frank
Newton, Clifford

Campbell, W Packy

SULLIVAN

Gale, Harry
Rodeschin, Beverly

Irish, Christopher

Osgood, Philip Sr

Phinizy, James

and the majority committee report failed.

Rep. Gibson moved Inexpedient to Legislate.

Motion adopted.

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

HB 1470, relative to overweight vehicle permit fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. James W. Danforth for Transportation: This bill will update the overweight vehicle permit fees. These fees were last addressed in 1982. This small increase will bring us up to date to cover the administrative costs for issuing these permits. Vote 14-0.

Amendment (0790h)

Amend the bill by replacing section 1 with the following:

1 Special Permit Fees. Amend RSA 266:22, I-IV to read as follows:

I. Each permit for either over-length, over-width or over-height or any combination thereof, \$[~~5~~] **9**;

II. Each permit for vehicle and load over-weight, fee based on the following schedule: vehicle and load over registered weight but not exceeding 50,000 pounds, \$[~~5~~] **7**; 50,001 pounds to 60,000 pounds, \$[~~6~~] **8**; 60,001 pounds to 70,000 pounds, \$[~~7~~] **9**; 70,001 pounds to 80,000 pounds, \$[~~8~~] **10**; 80,001 pounds to 90,000 pounds, \$[~~9~~] **11**; 90,001 pounds to 100,000 pounds, \$[~~10~~] **12**; and for each additional 10,000 pounds \$2 shall be added to the above rate;

III. Provided a special permit may be issued to a person to cover all types of moves made within a radius of 100 miles from the person's home location for a fee of \$[~~50~~] **75** for each unit. Permits issued under the provisions of this paragraph may be issued for such time as the commissioner of transportation may determine.

IV. Provided further that a special annual permit may be issued to a person to cover all types of moves for a fee of \$[~~100~~] **150** for each unit. Each permit issued under the provisions of this paragraph shall be issued for one year;

AMENDED ANALYSIS

This bill changes the special permit fee amounts.

Amendment adopted.

Committee report adopted.

Referred to Ways and Means.

HB 1705-FN, relative to limited driving privileges for certain persons whose licenses have been revoked or suspended. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Brenda L. Ferland for the Majority of Transportation: This bill would have allowed limited driving privileges to persons who have lost their license for drunk driving. The majority of the committee feels there is no way to regulate that the violator, if given the privilege to drive to and from work, would adhere to those stipulations. The committee felt that if a license is that, then offenders should think before they drink and drive. Vote 9-4. Rep. Jennifer M. Brown for the Minority of Transportation: This bill would allow someone who has lost their license the ability to keep their job or go to rehab. Someone who has lost their license for the first time should not also have to lose their job for not being able to get there. This bill includes circumstances under which this limited privilege would not be offered.

Majority committee report adopted.

(Deputy Speaker Weyler in the Chair)

HB 1457-FN-A-L, establishing an electricity transmission utility property tax.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.

Rep. John H. Thomas for the Majority of Ways and Means: Portions of the revenues raised would be dedicated to certain funds. The bill has far reaching repercussions on a regional (New England) basis, such as law suits from other states and uncertainties in the allowance policies of three regulatory organizations, FERC, Federal Energy Regulatory Commission; ISO-NE, Independent System Operator for New England; and NECPUC, New England

Conference of Public Utility Commissions. In addition, there were also many policy issues unanswered, because in the past these issues have gone to the Science, Technology and Energy Committee. Vote 12-8.

Rep. John M. Pratt for the Minority of Ways and Means: The House should understand that killing this bill takes \$10 million of new funds, mostly coming from out of state sources, entirely off the table. A far wiser course, we suggest, would be to send this bill to Interim Study where a joint committee of members both from Science and Technology and from Ways and Means could examine carefully the scientific and fiscal implications of this highly innovative approach to taxing high voltage transmission lines, lines which supply electricity primarily to the lower New England states. Such a committee's work would be invaluable to the next House when it again takes this measure up.

Reps. Pratt and Kurk spoke against.

Reps. Parker and Thomas spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 178 NAYS 145

YEAS 178

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Neddeau, Stephen	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	

CARROLL

Babson, David Jr	Brown, Carolyn	Chandler, Gene	Dickinson, Howard
Knox, J David	Martin, James	Merrow, Harry	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		

CHESHIRE

Dexter, Judson	Emerson, Susan	Foote, Sheila	Hunt, John
Pelkey, Stephen	Sawyer, Sheldon		

COOS

King, Frederick	Lary, Bruce	Richardson, Herbert	Stohl, Eric
Tholl, John Jr			

GRAFTON

Eaton, Stephanie	Gionet, Edmond	Ingbretson, Paul	Mirski, Paul
Sorg, Gregory	Williams, Burton		

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James
Carter, Mark	Christensen, D L	Christiansen, Lars	Clark, Mark
	Chris		
Coughlin, Pamela	Desmarais, Vivian	DeVries, Betsi	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Francoeur, Bea
Gibson, John	Golding, William	Goyette, Peter Jr	Graham, John

Hagan, Barbara
Hinkle, Peyton
Jasper, Shawn
Mead, Robert
Ober, Lynne
Rowe, Robert
Stepanek, Stephen
Villeneuve, Maurice

Hansen, Ryan
Hirschmann, Keith
L'Heureux, Robert
Mooney, Maureen
Price, Pamela
Slocum, Lee
Tahir, Saghir
Wheeler, James

Hawkins, Ken
Holden, Randolph
Lawrence, James
O'Brien, William
Reeves, Sandra
Smith, David
Ulery, Jordan

Hellwig, Steve
Infantine, William
Manney, Pamela
O'Connell, Timothy
Renzullo, Andrew
Souza, Kathleen
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
DeJoie, John
Klose, John
Oliver, James

Blanchard, Elizabeth
Field, William
Langlais, Thomas
Soltani, Tony

Currier, David
Kennedy, Richard
Lockwood, Priscilla

Danforth, James
Kidder, David
Marple, Richard

ROCKINGHAM

Allen, Mary
Bridle, Russell
Camm, Kevin
Dalrymple, Janeen

Belanger, Ronald
Buxton, Donald
Carson, Sharon
Donahue, Richard
Ken

Bettencourt, David
Cady, Harriet
Charron, Gene
Dowd, John

Bicknell, Elbert
Cali-Pitts, Jacqueline
Coburn, James
Doyle, Christopher

Dumaine, Dudley
Francoeur, Sheila
Griffin, Mary
Itse, Daniel
Lund, Howie
Nowe, Ronald
Parker, Benjamin
Rausch, James
Scamman, W
Douglas
Welch, David

Fesh, Bob
Garrity, James
Hopfgarten, Paul
Katsakiores, George
Major, Norman
O'Neil, Michael
Priestley, Anne
Rolston, James
Stone, Joseph

Flanders, John Sr
Gilbert, Karl
Hughes, Daniel
Katsakiores, Phyllis
McKinney, Betsy
Packard, Sherman
Quandt, Marshall Lee
Sanders, Elisabeth
Waterhouse, Kevin

Forsing, Robert
Gould, Kenneth
Ingram, Russell
Kobel, Rudolph
Morris, Richard
Palazzo, Frank
Quandt, Matthew
Scamman, Stella
Weare, E Albert

Weldy, Norman

Winchell, George

STRAFFORD

Albert, Russell
Dunlap, Patricia

Campbell, W Packy
Newton, Clifford

Cataldo, Sam

Chaplin, Duncan

SULLIVAN

Gale, Harry

Irish, Christopher

Rodeschin, Beverly

NAYS 145

BELKNAP

Morrison, Gail

Pilliod, James

CARROLL

Buco, Thomas

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Coates, Christopher

Butcher, Suzanne
Dunn, J Timothy

Butynski, William
Eaton, Daniel

Chase, William
Espieffs, Peter

Hogancamp,
Deborah
Richardson, Barbara
Weed, Charles

Mitchell, Bonnie

Roberts, Kris

Parkhurst, Henry

Robertson, Timothy

Pratt, John

Tilton, Anna

COOS

Merrick, Scott

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Cooney, Mary
Mulholland,
Catherine

Almy, Susan
Hammond, Lee
Nordgren, Sharon

Andersen, Gene
Harding, A Laurie
Sokol, Hilda

Bleyler, Ruth
McLeod, Martha
Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin
Clemons, Jane
Crane, Elenore
Casey
Goley, Jeffrey
Jean, Claudette
Kurk, Neal

Beaulieu, Jane
Cote, David
Dokmo, Cynthia

Gorman, Mary
Jeudy, Jean
Lasky, Bette

Campbell, David
Cote, Peter
Essex, David

Hall, Betty
Johnson, Paula
Martin, Mary Ellen

Chase, Claudia
Craig, James
Foster, Linda

Harvey, Suzanne
Kopka, Angeline
Matarazzo, Anthony
Sr
Pilotte, Maurice
Shaw, Barbara
Velez, Hector

Messier, Irene
Rosenwald, Cindy
Shaw, Kimberly
Wheeler, Robert

Movsesian, Lori
Ryder, Donald
Sullivan, Francis

Palangas, Eric
Shattuck, Gilman
Sullivan, Peter

MERRIMACK

Bouchard, Candace
Foose, Robert
Hamm, Christine
Owen, Derek
Ryan, Jim
Wallner, Mary Jane

Brueggemann, Donald
French, Barbara
Hess, David
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Clarke, Claire
Gile, Mary
McMahon, Patricia
Reardon, Tara
Tilton, Joy
Williams, Robert

DeStefano, Stephen
Hager, Elizabeth
Osborne, Jessie
Rush, Deanna
Tupper, Frank
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
DiFruscia, Anthony
Moody, Marcia
Robertson, Carl

Bishop, Franklin
Flockhart, Eileen
Norelli, Terie
Robinson, John

Casey, Kimberley
Johnson, Robert
Pantelakos, Laura
Splaine, James

Cooney, Richard
Langley, Jane
Powers, James
Wells, Roger

STRAFFORD

Berube, Roger
Callaghan, Frank
Heon, Richard
Kaen, Naida
Rollo, Michael
Snyder, Clair

Bickford, David
Creteau, Irene
Hilliard, Dana
Keans, Sandra
Rous, Emma
Taylor, Kathleen

Brown, Julie
Domingo, Baldwin
Hofemann, Roland
Knowles, William
Schmidt, Peter
Wall, Janet

Brown, Lawrence
Grassie, Anne
Johnson, Nancy
Miller, Joseph
Smith, Marjorie

SULLIVAN

Cloutier, John

Converse, Larry

Donovan, Thomas

Ferland, Brenda

Franklin, Peter

Houde-Quimby,
Charlotte

Osgood, Philip Sr

Phinizy, James

Prichard, Stephen

and the majority committee report was adopted.

(Speaker Scamman in the Chair)

HB 1651-FN-A-L, repealing the statewide enhanced education tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. John M. Pratt for the Majority of Ways and Means: The majority believes that the statewide enhanced education tax is the vehicle the legislature has enacted over the past decade to meet the constitutional requirements imposed by the Supreme Court in the Claremont case. In any discussion of elimination, the statewide enhanced education tax should be thoroughly studied because this tax plays an important role in the calculation of grants to New Hampshire communities. The state funds a low and moderate income property tax relief program, which would be eliminated under this legislation. This program currently makes \$5,000,000 available annually to those taxpayers statewide. HB 100, which passed the House on January 4, 2006 was a technical correction that eliminated all donor communities. Abolishing the statewide enhanced education tax at this time could expose the legislature to the possible charge of defiance or disregard of the court's ruling. It would also alter the funding formula, thereby creating uncertainty within the communities and take away a relief program from our most vulnerable citizens. Vote 16-4.

Rep. Jim Ryan for the Minority of Ways and Means: This bill repeals the statewide enhanced education tax, without making any changes in the way the state distributes grants to L school districts in support of public education; nor does the bill affect the state's case in the latest challenge to the education funding law that is pending before the Supreme Court. The minority amendment makes a minor change to the bill, to ensure that the calculation of the grants remains consistent with the intent of the current law. With the elimination of donor towns last session, the statewide property tax is merely window dressing and serves no legitimate function other than to artificially inflate the state's overall commitment to funding an adequate education. Of the \$836 million in state aid for public education in FY 2006, only \$473 million is actual state revenue that is deposited in the treasury and distributed in the forms of grants to L school districts. The remainder, \$363 million raised by the enhanced education tax, is a state tax and is raised lly and spent lly. This bill puts an end to the sham, and sends an honest message to the taxpayers about New Hampshire's real commitment to public education.

Rep. Mirski spoke against.

Rep. Camm spoke in favor.

Majority committee report was adopted.

BILL REMOVED FROM CONSENT CALENDAR

HB 1624-FN, relative to boat noise. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen H. Nedeau for Transportation: Currently the method used for testing boat noise is at 50 feet. This is very impractical and difficult to enforce. The bill would allow a second testing procedure SAEJ2005. This test would be performed at four feet, not 50 feet, from the rear of the boat making it more practical to enforce the boat noise statute. The bill also increases the fines. Vote 13-0.

Amendment (0351h)

Amend the bill by replacing section 5 with the following:

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

Amendment adopted.

Rep. Claudia Chase spoke in favor.

Committee report adopted.
Referred to Criminal Justice and Public Safety.

SPECIAL ORDERS – REGULAR CALENDAR

HB 1557, establishing guidelines for leaving children home alone and establishing babysitter age guidelines. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. McRae for Children and Family Law: The committee was sympathetic to the problem presented but felt that the enforcement was difficult, if not impossible. Vote 12-1.

Rep. Lars Christiansen spoke against.

Rep. Cady spoke in favor.

Committee report adopted.

HB 1125, relative to the filing period 127-146 for candidates in the presidential primary.

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

Rep. James R. Splaine for the Majority of Election Law: This legislation permits the secretary of state to change the filing period for candidates running in the New Hampshire presidential primary at a time that he decides is necessary to ensure our lead-off status. Current law requires the secretary of state to accept filings during a period of the first Monday in November through the third Friday in November. To provide more flexibility to the secretary of state in administering our First In the Nation Presidential Primary Law, this bill allows that filing period to be moved earlier, or later, as he may decide is necessary to respond to any threat to our lead-off status from other states or by any of the national political parties. The amendment clarifies the language of the statute. It is the belief of the committee that passage of this legislation will greatly enhance our protection of the importance, relevance, and “first” status which New Hampshire has had since 1916 in the national presidential selection process. With approval of this bill, all states and the national political parties should be put on notice that New Hampshire will do what is necessary to preserve our tradition. The governor and the secretary of state also strongly endorse this legislation. Vote 15-2.

Rep. William L. O'Brien for the Minority of Election Law: This bill seeks to address a situation created by a national democrat commission having voted to do away with New Hampshire's first in the nation primary status. During committee hearings and work sessions on this bill, the sponsor and democratic leadership were asked if they were confident that this bill will solve the problems and if the impression on when presidential candidates are to file would not be cited by democrat presidential candidates as being so arbitrary and capricious that they could award New Hampshire presidential primary. The response we received was that they are confident that the legislation “does a job” and “sends a message,” but they did not say either that the legislation would solve the problem created by the democrat commission or the legislation would not be used by democrat candidates for not participating in New Hampshire's presidential primary. Before we change New Hampshire laws to accommodate national party assaults on New Hampshire's presidential primary, we ought to be assured that the change will defend the state against the assault and not be used against the state.

Majority Amendment (0445h)

Amend the bill by replacing section 1 with the following:

1 Presidential Nominations; Declaration of Candidacy; Filing Period. Amend RSA 655:47, II to read as follows:

II. Declarations of candidacy shall be filed between the first Monday in November and the third Friday in November, ***or during such other time period as the secretary of state shall announce.***

AMENDED ANALYSIS

This bill permits the secretary of state to change the filing period for candidates at the presidential primary.

Rep Splaine spoke in favor.

Majority amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 1222-FN, relative to unlawful voting. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert W. Forsing for the Majority of Election Law: This bill makes it a Class B felony to vote in more than one state in the same election. This bill clarifies existing law that now prohibits an individual from voting more than once for any office or measure in the same election. As a practical matter, the bill allows the marking of a checklist by an election official, for a voter, to be sufficient evidence that a voter voted in that election, although it does not shift the burden of proof from the state in any criminal prosecution. The attorney general's office spoke in favor of the bill at the public hearing. Vote 11-6.

Rep. Charles F. Weed for the Minority of Election Law: We believe that existing law already forbids voters casting ballots in the same election in different states. We support underlining our commitment to the integrity of New Hampshire elections, if that is the intent of the sponsor. But we feel it goes too far when it uses the term *prima facie* evidence as defined, "sufficient to establish a fact or raise a presumption unless disproved or rebutted." We believe this may, in some jurisdictions, shift the burden to prove innocence to the accused. The burden of proof of guilt beyond a reasonable doubt must remain unequivocally with the state.

Rep. Vaillancourt offered floor amendment (0956h).

Floor Amendment (0956h)

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

2 Wrongful Voting; Penalties for Voter Fraud. Amend RSA 659:34, II to read as follows:

II. ***A person is guilty of a class B felony if, at any election, such person purposefully or knowingly commits an act specified in subparagraph I(b).*** A person is guilty of a class A misdemeanor if, at any election, such person purposefully or knowingly commits any of the ***other*** acts listed in paragraph I.

Reps. Vaillancourt and Whalley spoke in favor.

Floor amendment (0956h) adopted.

Rep. Weed spoke against and yielded to questions.

Rep. O'Brien spoke in favor.

Committee report as amended adopted and ordered to third reading.

HB 1286, authorizing the secretary of state to initiate recounts. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ralph G. Boehm for the Majority of Election Law: This bill would authorize the secretary of state to initiate a recount and conduct random audit recounts. The current recount procedure works well. This bill will cause confusion as to the outcome of some elections and may cause a lack of finality in declaring election results. Vote 11-5.

Rep. James R. Splaine for the Minority of Election Law: This bill would authorize the secretary of state to initiate a recount when there is evidence that the election night count may be inaccurate. It also authorizes the secretary of state to conduct random audit recounts. The minority believes the integrity and creditability of the election process is enhanced when there is assurance that all ballots are counted accurately. While 50% of the democratic process of voting is to ensure that all qualified voters can vote, 50% of the process is to guarantee the ballots are accurately counted.

Rep. Splaine spoke against.
Majority committee report adopted.

CACR 31, relating to the attorney general. Providing that the attorney general be elected for the same term as the governor. **INEXPEDIENT TO LEGISLATE**

Rep. Nelson S. Allan for Executive Departments and Administration: This constitutional amendment concurrent resolution removes the attorney general from the list of state officers nominated and appointed by the governor and council. It provides for the attorney general to be elected for the same term and in the same manner as the governor. This bill would inject the attorney general into the biennial political election process similar to the governor and with its attendant distractions and expense. An already weak executive branch would be further weakened with this resolution and politicize the attorney general's office. The current attorney general and a long line of attorneys general have opposed this change. In the traditional New Hampshire way, "if it ain't broke, don't fix it" was the decision at the committee executive session. Vote 17-0.

Reps. DiFruscia and Soltani spoke against.

Rep. Nelson Allan spoke in favor.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 217 NAYS 91

YEAS 217

BELKNAP

Clark, Charles	Fitzgerald, James	Flanders, Donald	Millham, Alida
Nedeau, Stephen	Pilliod, James	Russell, David	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	

CARROLL

Babson, David Jr	Brown, Carolyn	Buco, Thomas	Dickinson, Howard
Knox, J David	Martin, James	Merrow, Harry	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		

CHESHIRE

Allen, Peter	Chase, William	Dexter, Judson	Dunn, J Timothy
Eaton, Daniel	Emerson, Susan	Espieffs, Peter	Foote, Sheila
Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie	Parkhurst, Henry
Pelkey, Stephen	Richardson, Barbara	Robertson, Timothy	Sawyer, Sheldon
Tilton, Anna			

COOS

King, Frederick	Lary, Bruce	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		

GRAFTON

Aguiar, James	Almy, Susan	Bleyler, Ruth	Cooney, Mary
Eaton, Stephanie	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine

Nordgren, Sharon

Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV
Batula, Peter
Buhlman, David

Allan, Nelson
Biundo, Michael
Calawa, Leon Jr

Balboni, Michael
Boehm, Ralph
Carew, James

Baroody, Benjamin
Brundige, Robert
Christensen, D L
Chris

Clemons, Jane
Craig, James
Drisko, Richard
Foster, Linda
Gorman, Mary
Hirschmann, Keith
Jeudy, Jean
Lasky, Bette
Matarazzo, Anthony
Sr
Pilotte, Maurice
Rowe, Robert
Slocum, Lee
Sullivan, Francis

Cote, David
Desmarais, Vivian
Elliott, Nancy
Francoeur, Bea
Hansen, Ryan
Infantine, William
Kopka, Angeline
Lawrence, James
Messier, Irene

Cote, Peter
DeVries, Betsi
Emerton, Larry
Ginsburg, Ruth
Harvey, Suzanne
Jasper, Shawn
Kurk, Neal
Manney, Pamela
Movsesian, Lori

Coughlin, Pamela
Dokmo, Cynthia
Essex, David
Goley, Jeffrey
Hawkins, Ken
Jean, Claudette
L'Heureux, Robert
Martin, Mary Ellen
O'Connell, Timothy

Price, Pamela
Ryder, Donald
Smith, David
Tahir, Saghir

Reeves, Sandra
Shattuck, Gilman
Souza, Kathleen
Wheeler, James

Rosenwald, Cindy
Shaw, Kimberly
Stepanek, Stephen

MERRIMACK

Anderson, Eric
Danforth, James
Hager, Elizabeth
Langlais, Thomas
Osborne, Jessie
Tilton, Joy
Williams, Robert

Bouchard, Candace
DeStefano, Stephen
Hamm, Christine
Lockwood, Priscilla
Potter, Frances
Tupper, Frank
Yeaton, Charles

Brueggemann, Donald
French, Barbara
Hess, David
Maxfield, Roy
Reardon, Tara
Wallner, Mary Jane

Clarke, Claire
Gile, Mary
Kidder, David
Oliver, James
Rush, Deanna
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Dowd, John
Flockhart, Eileen
Gould, Kenneth
Johnson, Robert
Major, Norman
O'Neil, Michael
Parker, Benjamin
Robinson, John
Stone, Joseph
Winchell, George

Belanger, Ronald
Charron, Gene
Doyle, Christopher
Forsing, Robert
Griffin, Mary
Katsakiores, George
McKinney, Betsy
Packard, Sherman
Priestley, Anne
Rolston, James
Waterhouse, Kevin

Camm, Kevin
Coburn, James
Fesh, Bob
Francoeur, Sheila
Hughes, Daniel
Langley, Jane
Moody, Marcia
Palazzo, Frank
Rausch, James
Sanders, Elisabeth
Weare, E Albert

Carson, Sharon
Dalrymple, Janeen
Flanders, John Sr
Garrity, James
Ingram, Russell
Lund, Howie
Norelli, Terie
Pantelakos, Laura
Robertson, Carl
Scamman, Stella
Welch, David

STRAFFORD

Albert, Russell
Creteau, Irene
Hilliard, Dana
Knowles, William
Rous, Emma

Berube, Roger
Domingo, Baldwin
Hofemann, Roland
Miller, Joseph
Schmidt, Peter

Bickford, David
Dunlap, Patricia
Johnson, Nancy
Newton, Clifford
Taylor, Kathleen

Callaghan, Frank
Grassie, Anne
Kaen, Naida
Rollo, Michael
Wall, Janet

SULLIVAN

Converse, Larry

Ferland, Brenda

Franklin, Peter

Gale, Harry

Houde-Quimby,
Charlotte
Rodeschin, Beverly

Irish, Christopher

Osgood, Philip Sr

Prichard, Stephen

NAYS 91

BELKNAP

Allen, Janet

Boyce, Laurie

Morrison, Gail

Rosen, Ralph

CARROLL

Olimpio, J Lisbeth

CHESHIRE

Butcher, Suzanne
Roberts, Kris

Butynski, William
Weed, Charles

Coates, Christopher

Pratt, John

COOS

Merrick, Scott

GRAFTON

Gionet, Edmond
Solomon, Peter

Hammond, Lee
Sorg, Gregory

Ingbretson, Paul

Mirski, Paul

HILLSBOROUGH

Beaulieu, Jane
Christiansen, Lars
Gibson, John
Hagan, Barbara
Holden, Randolph
Ober, Lynne
Ulery, Jordan

Bergeron, Jean-Guy
Clark, Mark
Golding, William
Hall, Betty
Johnson, Paula
Renzullo, Andrew
Vaillancourt, Steve

Campbell, David
Crane, Elenore Casey
Goyette, Peter Jr
Hellwig, Steve
Mead, Robert
Shaw, Barbara
Villeneuve, Maurice

Chase, Claudia
Dyer, Donald
Graham, John
Hinkle, Peyton
Mooney, Maureen
Sullivan, Peter

MERRIMACK

Blanchard, Elizabeth
Kennedy, Richard
Shurtleff, Stephen

DeJoie, John
Klose, John
Soltani, Tony

Field, William
Marple, Richard

Foose, Robert
Ryan, Jim

ROCKINGHAM

Allen, Mary
Bridle, Russell
Cooney, Richard

Bettencourt, David
Buxton, Donald
DiFruscia, Anthony

Bicknell, Elbert
Cady, Harriet
Donahue, Richard
Ken

Bishop, Franklin
Cali-Pitts, Jacqueline
Dumaine, Dudley

Gilbert, Karl
Kobel, Rudolph
Quandt, Marshall Lee
Wells, Roger

Hopfgarten, Paul
Morris, Richard
Quandt, Matthew
Weyler, Kenneth

Itse, Daniel
Nowe, Ronald
Splaine, James

Katsakiores, Phyllis
Powers, James
Weldy, Norman

STRAFFORD

Brown, Julie
Heon, Richard

Brown, Lawrence
Keans, Sandra

Cataldo, Sam
Smith, Marjorie

Chaplin, Duncan

SULLIVAN

Cloutier, John Donovan, Thomas Phinizy, James
and the committee report was adopted.

REFERRAL TO COMMITTEE WITHDRAWN

Rep. Major moved that the referral to Ways and Means of **HB 1679-FN-L**, relative to the taxation of nongovernmental uses of university system property, be withdrawn.

Adopted.

Ordered to third reading.

SPECIAL ORDER -REGULAR CALENDAR (CONT'D.)

HB 1183, relative to the terms of office for state department commissioners.

INEXPEDIENT TO LEGISLATE

Rep. Anne-Marie Irwin for Executive Departments and Administration: This bill sought to establish two-year terms for all department commissioners and the executive director of fish and game department. While the committee appreciated the sponsor's intention to make terms uniform, it does not seem prudent for every commissioner's term to begin and end simultaneously every two years. Vote 15-1.

Rep. Kennedy spoke against and yielded to questions.

Rep. Hawkins spoke in favor.

On a division vote, 228 members having voted in the affirmative and 60 in the negative, the committee report was adopted.

HB 1456-FN, relative to licensure of septic system inspectors. **INEXPEDIENT TO LEGISLATE**

Rep. James B. Coburn for Executive Departments and Administration: This bill would require that septic system inspectors obtain a license from the Department of Environmental Services. The committee felt that the proposed legislation dealt more with consumer protection than public safety. There appeared to be only one organization in the state dealing with standards for this profession. There didn't seem to be much, if any, consumer abuse that licensing would cure. The committee saw no significant public benefit to the proposed licensing. Vote 14-0.

Rep. Dalrymple moved Recommit to committee and spoke in favor.

Recommit adopted.

HB 1108, relative to the transfer of funds among PAU's within a department. **OUGHT TO PASS**

Rep. Elizabeth S. Hager for Finance: This bill is a small step in removing the legislature from micro-management of state agencies. It allows transfer of up to \$2,500 among PAUs in a given budget without Fiscal Committee approval. It will save money in both time and paperwork. Vote 22-0.

Committee report adopted and ordered to third reading.

HB 1370, transferring certain surplus moneys to the revenue stabilization reserve account.

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

Rep. Elizabeth S. Hager for the Majority of Finance: This important bill places last year's state surplus into the revenue stabilization reserve account (rainy day fund). The majority of the committee agreed with the sponsor, the state treasurer and the governor that it should be a legislative priority to start to bring the rainy day fund up to an agreed to, basic level of 5% of general fund revenues. In addition, the majority believes if there is a need for any funding this year, current revenues are potentially available. Vote 13-9.

Rep. Marjorie K. Smith for the Minority of Finance: The unofficial FY 2005 surplus exceeds \$80 million of money already in hand. So far this year we have had two emergencies – fuel assistance and prescriptions for seniors, which we addressed. Other emergencies are out there, some of which we already know about including the state response to the floods in the south-west portion of the state. The minority would like to reserve \$10 million of the 2005 surplus to address crises. If the money is not spent by the end of the year it could then go into the rainy day account. While FY 2006 figures currently indicate a \$43 million surplus, we cannot now be sure what the final 2006 surplus will be. The minority amendment reserves \$10 million of the existing \$80 million surplus as a responsible way to provide for emergencies while honoring our fiduciary responsibility.

Rep. Marjorie Smith offered the minority committee amendment (0393h).

Minority Amendment (0393h)

Amend the bill by replacing section 1 with the following:

1 Transfer of Surplus to Revenue Stabilization Reserve Account. Notwithstanding the provisions of 2005, 177:53, any undesignated, general fund surplus for the fiscal year ending June 30, 2005, in excess of \$40,500,000 shall be transferred to the revenue stabilization reserve account, under RSA 9:13-e.

Rep. Marjorie Smith spoke in favor.

Rep. Major spoke against.

Minority amendment (0393h) failed.

Majority committee report adopted and ordered to third reading.

HB 1678-FN-A, relative to state reimbursement of public safety expenditures made by the town of Plymouth on behalf of Plymouth state university. **INEXPEDIENT TO LEGISLATE**

Rep. Daniel M. Hughes for Finance: The committee felt that the relationship between the state university system and the Town of Plymouth is a L, non-legislative issue. Although the committee is sympathetic to Plymouth, the town currently has a contract with the university system to provide a payment in lieu of taxes that expires in 2010. When unusual events occur that strain the L public safety budget, we would expect the university system to continue to work in good faith to resolve the problem in an equitable manner. Vote 19-1. Committee report adopted.

HB 1716-FN, relative to state reimbursement for public safety expenditures made by towns on behalf of public higher education residence halls. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth L. Weyler for Finance: In an annual budget of 4.5 billion dollars, New Hampshire distributes over one billion to cities and towns under 28 different funds. This bill would propose an additional state distribution of funds to pay for public safety in a municipality that hosts a part of the university system or a community technical college. Elements of public safety are already paid for by the state as represented by the state police and also its detective bureau. County sheriffs also back up L police when called. A major portion of public safety is supported by property taxes. Studies in the past have shown that host communities of these schools have a more favorable tax structure as to the ratio of businesses to residences. The student spending supports many of these businesses. In almost all cases, the communities involved lobbied to have these schools located there. Although some in the community may judge what was once an advantage has now become a disadvantage, the point would be difficult to prove if all statistics were fairly compared. Isolating one community expense and attributing it to the state was not judged to be a fair charge. Vote 19-1. Committee report adopted.

HB 1724-FN, relative to compensation and benefits for reserve and national guard members

who are state employees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The committee felt that the objective of paying the differential to reserve and national guard people called to active duty from their regular job was important and the amendment helps clarify that objective. In addition, we changed lines 16-18 (Section IV(a) (3)) to a reference to RSA-100 to continue what is done now at NHRS and eliminated section IV-2, III lines 25-27 dealing with workers compensation as unnecessary. Vote 16-7.

Amendment (0378h)

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

1 New Paragraph; State Employee Called to Active Duty; Pay and Benefits. Amend RSA 110-B:37 by inserting after paragraph III the following new paragraph:

IV.(a) In addition to the pay authorized under paragraphs I and III of this section, any state employee who is a member of a reserve or the national guard and who is called to full-time active duty by the President of the United States, under the authority of the governor, or under the authority of another governor who participates in the Emergency Management Assistance Compact, shall, for the duration of such full-time active duty, be entitled to special leave with partial pay and continuation of benefits as follows:

(1) Partial pay shall be the difference between the employee's regular state compensation and the employee's full-time military basic pay, if the full-time military basic pay is less than the regular state pay.

(2) Continuation of health and dental insurance benefits for which the employee and/or the employee's legal dependents are otherwise eligible but for the employee's special leave; provided, however, that in the event of a deployment for which federal health and dental benefits are provided, the federal health and dental benefits shall be primary for the employee.

(3) Retirement benefits shall continue to be provided in accordance with RSA 100-A.

(b) The adjutant general shall, on a monthly basis, provide the department of administrative services with a list of all members of the national guard affected under subparagraph (a) and their respective military salaries, and other reserve units are encouraged voluntarily to provide the same information.

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

Committee amendment adopted.

Committee report adopted and ordered to third reading.

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

SPECIAL ORDER

Rep. O'Neil moved that **HB 1269**, relative to the taking of red deer or elk, be made a Special Order for Wednesday, February 22, 2006 at its regular place in the calendar and spoke in favor.

Motion adopted.

HB 1294, relative to antique snowmobiles. **OUGHT TO PASS WITH AMENDMENT**

Rep. John F. Klose for Fish and Game: This bill clarifies the definition of an antique snowmobile. To qualify for this distinction, a snowmobile must meet one of the following criteria: be manufactured prior to 1969; be 25 years old or more; or be a Model T Ford manufactured prior to 1940 which was converted to travel over snow. Vote 9-1.

Amendment (0558h)

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

1 Snowmobiles; Definition of Antique Snowmobile. RSA 215-C:1, II is repealed and reenacted to read as follows:

II. "Antique snowmobile" means a snowmobile owned by a resident of this state which is any of the following:

- (a) A snowmobile manufactured prior to the year 1969; or
- (b) A snowmobile 25 or more years old; or
- (c) A Model T Ford converted to travel over snow, manufactured prior to 1940.

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

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 1160, establishing a committee to study the effects of willful, habitual misconduct by individuals on their subsequent well-being which may impose a burden on public funds.

INEXPEDIENT TO LEGISLATE

Rep. Charles E. McMahon for Health, Human Services and Elderly Affairs: The bill proposed to study habitual misconduct by individuals, the subsequent effects on their well being, and the resulting costs on New Hampshire taxpayers, to provide programs to solve the problems caused by this conduct. The bill provided for sanctions to motivate good behavior. These included denial of state assistance, the limitation of or curtailment of services up to and including restitution. The committee believed this to be impractical in application. However, the committee found agreement in the sponsor's intent which is to promote personal responsibility and consequences for bad behavior. To that end, it was suggested that the sponsor's ideas would best be handled within existing committees. Those would include the Governor's Commission on Alcohol & Drug Abuse Prevention, Intervention Aid Treatment as well as the Wellness and Primary Prevention Council. Based on these facts the committee voted to recommend ITL. Vote 15-0.

Rep. Rosen spoke against.

Rep. Batula spoke in favor.

Committee report adopted.

HB 1230-FN, relative to clinical trials for pharmaceuticals. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph M. Miller for Health, Human Services and Elderly Affairs: This bill focused on the possibility that publicizing the results of clinical drug trials would help the consumer become better aware of the adverse effects of prescription drugs. In actuality, clinical drug trials authorized by the FDA or the National Institute of Health are quite purposely performed before the approval of a drug's use by the public, and hence the public has no need to know of such side effects. When side effects do exist in the use of prescription drugs, adverse effects are usually advised by the prescribing physician or can be easily found in the Physician's Desk Reference (PDR), a volume available in all public libraries. To delve into the dangers of drugs which never become FDA approved would serve no use to the public. Vote 14-0.

Rep. Mattarazzo spoke against and yielded to questions.

Rep. Miller spoke in favor and yielded to questions.

Committee report adopted.

HB 1318, relative to prohibiting services for illegal immigrants. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee was unanimous that there is a serious problem in this country regarding illegal immigrants. Primarily this is a federal responsibility under the Immigration and Naturalization Service. It is a matter of frustration in New Hampshire and elsewhere regarding the lack of enforcement. However, the committee does not agree that denying services or assistance to illegal aliens from the Department of Health and Human Services is an answer to the problem. Some services are required by federal law and regulation. The serious issues, for

example, confronting the state regarding the treatment of infectious diseases is an example of the difficulty of denying services. The implications if individuals with tuberculosis who are denied treatment and instead spread the disease is frightening. Doctors and other health care providers would be required to break their confidentiality requirement. DCYF could not protect children in need. At present, the percentage of money spent by DHHS on illegal aliens is negligible. There are many who are without documents who are not illegal aliens. In testimony, it was heard that at least 1/3 of homeless individuals have no proof of citizenship even though most are citizens. For this and other reasons, the committee cannot support this denial of health and human services as written in this bill. The committee has agreed to put this entire matter into further study in a similar bill (HB 1563). We will take up this matter and include more data and study. Because of federal guidelines we need to insure our actions regarding this matter be addressed in a responsible manner. Vote 15-0. Rep. Buhlman spoke against. Rep. Batula spoke in favor. Committee report adopted.

HB 1409-FN, relative to organ and tissue donation. OUGHT TO PASS WITH AMENDMENT

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill amends the existing statute to establish a donor registry for anatomical gifts and allows that an organ procurement organization have access to such information. Testimony on this bill emphasized the importance of a central registry that can provide immediate information on a specific individual's decision as to their decision about anatomical gifts. Speed is critical to utilizing all organ donations. Under emergency conditions, the individual may not be capable of communicating his previously made decision to donate. This bill creates a donor registry agency that fills this existing critical gap in lack of access to decisions under emergency conditions. There is an existing agency that is accredited for that purpose and already is providing services in New England. This agency, the New England Organ Bank, is the federally designated agency for these purposes. Questions as to confidentiality regarding the identity of donors were raised. The agency operates under HIPPA regulation which require a very high level of confidentiality. There is no cost to the state of New Hampshire. All costs involved in these transactions are covered by the recipient of the organ donation. The only donor information provided to the Donor Registry for Anatomical Gifts will be the donor name, date of birth, and date of registration as a donor. All of that data is protected by HIPPA regulations. Children under the age of eighteen cannot make a designation. Nationally, over 25 states have adopted this type of legislation. Once a donor has made a designation, it cannot be changed by anyone except the donor. Vote 16-0.

Amendment (0461h)

Amend RSA 263:41, I as inserted by section 4 of the bill by replacing it with the following:

I. The director shall provide to federally-designated organ procurement organizations serving the state access to names, dates of birth, and date of registration of licensed drivers and individuals who obtain a nondriver's picture identification card who have registered with the division of motor vehicles as organ and tissue donors for the purpose of identifying those individuals as organ and tissue donors. Such access shall be provided in a manner and form to be determined by the director following consultation with such organizations, and shall include electronic transmission of initial information and periodic updating of information.

Rep. Batula spoke against.

Amendment failed.

Rep. Kurk offered floor amendment (0695h).

Floor Amendment (0695h)

Amend RSA 263:41, I as inserted by section 4 of the bill by replacing it with the following:

I. The director shall provide to federally-designated organ procurement organizations serving the state access to names, dates of birth, and date of registration of licensed drivers and individuals who obtain a nondriver's picture identification card who have registered with the division of motor vehicles as organ and tissue donors for the purpose of identifying those individuals as organ and tissue donors. Such access shall be provided only with the prior written consent of the donor and shall be provided in a manner and form to be determined by the director following consultation with such organizations, and shall include electronic transmission of initial information and periodic updating of information. Rep. Kurk spoke in favor.

Floor amendment (0695h) adopted.

Committee report as amended adopted and ordered to third reading.

HB 1654, relative to the probate court mediation fund and fee. **OUGHT TO PASS**

Rep. Frances D. Potter for Judiciary: The probate court mediation program has been extremely successful, with 70% of the mediated cases settled, thus avoiding trial, and its attendant expense and emotional turmoil. Though not all parties choose to avail themselves of mediation, those that did seem to be satisfied with the process. We must do all we can to encourage inexpensive alternatives to resolve legal disputes. The Probate Court mediator program does just this and therefore the committee believes the mediation fund should not be allowed to sunset. Vote 12-6.

Committee report adopted and ordered to third reading.

HB 1255, establishing a committee to study improvements to the Amoskeag Street interchange at exit 6 of the F.E. Everett Turnpike. **INEXPEDIENT TO LEGISLATE**

Rep. Bernard L. Benn for Public Works and Highways: The committee heard testimony describing the traffic and safety problems associated with Exit 6 of the Everett Turnpike and the Amoskeag interchange. While the testimony was compelling, it was noted by the committee that this project has never been presented by the City of Manchester, or the Regional Planning Commission to be included in the 10-Year Highway Plan through the GACIT process. If the City of Manchester wants this exit studied, it should submit a request to D. O. T. to have it studied in relation to Exit 5 (currently under construction) and Exit 7 which is in the 10-Year Plan. In general, the committee encourages following the normal process to be considered for the 10-Year Highway Transportation Plan and does not favor legislative "specials." The sponsors and proponents are welcome to attend the committee's hearings on the 10-Year Highway Plan which would be a more appropriate venue to consider this legislation. Vote 14-0.

Committee report adopted.

HB 1401, exempting certain all terrain vehicle (ATV) and trail bike trail criteria from the change in use designation of rail trails. **INEXPEDIENT TO LEGISLATE**

Rep. Christopher R. Irish for Resources, Recreation and Development: The use of ATVs as a recreation activity is increasing rapidly on both public and private lands. The need for trail development on state lands is both necessary and required by statute. The committee received testimony from the Trails Bureau that this bill would all but eliminate the possibility of the change in use designation of rail trails to include any new rail trails for ATV or trail bike use. Individually, the criteria included in RSA 215-A:43 could be applied to the change in use designation of rail trails. However when considered as a whole, it would almost be impossible for any specific section of rail trail to meet the requirements and thus ATVs and trail bikes would be prohibited. It was also stated that there could be conflicts with federal law due to possible use of federal funds for rail trail acquisition. Concern was also raised that this is targeted legislation as other motorized vehicles were not considered, such as snowmobiles. In order to change a use designation, the municipality must request it,

and an environmental impact statement from the federal government must be considered. Therefore the committee felt that sufficient safeguards are already in place. Vote 12-7. On a division vote, 190 members having voted in the affirmative and 89 in the negative, the committee report was adopted.

CACR 38, relating to funding for education. Providing that revenue from lotteries and games of chance may only be used for educational purposes. **INEXPEDIENT TO LEGISLATE**

Rep. Jim Ryan for Ways and Means: This bill seeks to amend Article 6-b of the Constitution of the State of New Hampshire by the insertion of four words, "and games of chance." Article 6-b is the provision of the constitution that requires that all monies and interest gained by lottery sales be appropriated exclusively for education. The sponsors indicate that inclusion of the four words will make certain that, should the General Court ever approve a state sanctioned system of gaming, the state's share of such revenue by way of tax would be dedicated to education. The proponents of the measure were less than clear in establishing the need for a constitutional amendment. One theory was that such an amendment would have the effect of a statewide referendum on gambling, while another theory advanced that enactment would increase the comfort level of legislators struggling with the reality of revenue needs against the perceived societal costs of legalized gaming. The committee is of the belief that an amendment to the constitution might be considered in the future, but only after the policy questions regarding gaming are resolved by legislative action, not the reverse situation as proposed by this bill. Absent a policy directive from the legislature and the public, there is no need to tinker with the New Hampshire Constitution. Accordingly, the committee recommends that this bill be voted inexpedient to legislate. Vote 17-1. Committee report adopted.

HB 1473-FN-A, temporarily reducing the road toll. **INEXPEDIENT TO LEGISLATE**

Rep. Steve Vaillancourt for Ways and Means: "Road toll" as referenced in this legislation is more commonly known as the gasoline tax. It should not be confused with the tolls paid at booths on interstate highways. New Hampshire's "road toll" or gasoline tax is currently 18 cents per gallon. This bill would cut that amount in half for a nine month period from April 1 through December 31, 2006. State highway revenue would decrease by \$19,350,000 this fiscal year and \$38,700,000 next year. Local revenues would also be decreased, by \$2,322,000 and \$4,644,000 for the two fiscal years. While the committee sympathizes with the sponsor's desire to lower gasoline prices for consumers, the state simply cannot afford this loss of revenue if we are to maintain our roads. In fact, there is evidence that we need to spend more for highway maintenance and construction. We hear, for example, that the ten year highway plan is in reality a 14 or 16 year plan since that is how long it will take to accomplish the goals with currently projected revenues. While the consumer price index has been increasing at approximately three percent a year, costs of highway construction, including materials such as steel and cement, have far exceeded that. The cost of salt is up 30 percent this year. However, the "road toll" has not been increased since 1991. While some might view this as a tax, it is in the truest sense a user fee. Those who buy gasoline are using state and local highways, and the "road toll" is used to keep the highways in good repair and free of snow and ice in the winter. At the very time this bill was being heard, we were experiencing a winter storm which the Department of Transportation estimated was costing the state \$30,000 an hour to deal with. Also, some members of the committee expressed concern that even if the tax were to be cut in half for a nine month period, consumers would not realize significant savings since there is some evidence that oil companies or gas stations would simply raise their price by a commensurate amount. A decrease in the "road toll", which is already less than in most surrounding states, could have consequences the motoring public would not be willing to accept. Vote 18-0. Committee report adopted.

HB 1599-FN-A-L, reducing the rate of the business profits tax and repealing the business enterprise tax. **INEXPEDIENT TO LEGISLATE**

Rep. Shawn N. Jasper for Ways and Means: This bill would reduce the business profit tax by 2 percent and eliminate the business enterprise tax. This would reduce state revenues by over \$143 million per year beginning July 1, 2006. The sponsor believes that this would encourage business growth in the state and force state government to eliminate wasteful spending. Unfortunately, no specific information was provided which would lead the committee to believe that either of these outcomes was likely. While cutting taxes is an admirable goal, New Hampshire is already a low tax state. Legislators who wish to cut spending should craft proposals for savings before they attempt to reduce the revenues which support a budget which has already been signed into law. Vote 17-1.

Rep. Hagan spoke against.

Rep. Jasper spoke in favor and yielded to questions.

Rep. John Flanders moved previous question.

Adopted.

Rep. Hagan requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 211 NAYS 74			
YEAS 211			
BELKNAP			
Allen, Janet	Clark, Charles	Fitzgerald, James	Flanders, Donald
Millham, Alida	Morrison, Gail	Nedeau, Stephen	Russell, David
Tobin, William	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Babson, David Jr	Brown, Carolyn	Knox, J David	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
CHESHIRE			
Butcher, Suzanne	Butynski, William	Coates, Christopher	Dexter, Judson
Dunn, J Timothy	Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah
Hunt, John	Mitchell, Bonnie	Parkhurst, Henry	Pelkey, Stephen
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			
COOS			
King, Frederick	Lary, Bruce	Merrick, Scott	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		
GRAFTON			
Aguiar, James	Almy, Susan	Bleyler, Ruth	Cooney, Mary
Gionet, Edmond	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	
HILLSBOROUGH			

Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane	Boehm, Ralph
Brundige, Robert	Campbell, David	Carew, James	Chase, Claudia
Christensen, D L Chris	Clemons, Jane	Cote, David	Coughlin, Pamela
DeVries, Betsi	Drisko, Richard	Dyer, Donald	Emerton, Larry
Essex, David	Foster, Linda	Ginsburg, Ruth	Golding, William
Gorman, Mary	Harvey, Suzanne	Hawkins, Ken	Hinkle, Peyton
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Lasky, Bette	Manney, Pamela	Matarazzo, Anthony Sr	Messier, Irene
Movsesian, Lori	O'Connell, Timothy	Pilotte, Maurice	Price, Pamela
Reeves, Sandra	Rosenwald, Cindy	Ross, Lawrence	Rowe, Robert
Ryder, Donald	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Slocum, Lee	Smith, David	Sullivan, Francis	Vaillancourt, Steve
Villeneuve, Maurice			
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
Klose, John	Langlais, Thomas	Lockwood, Priscilla	Oliver, 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	Belanger, Ronald	Bridle, Russell
Buxton, Donald	Cali-Pitts, Jacqueline	Camm, Kevin	Carson, Sharon
Casey, Kimberley	Charron, Gene	Cooney, Richard	Dalrymple, Janeen
Dowd, John	Fesh, Bob	Flanders, John Sr	Flockhart, Eileen
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gould, Kenneth
Griffin, Mary	Hughes, Daniel	Ingram, Russell	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Major, Norman
McKinney, Betsy	Moody, Marcia	Morris, Richard	Norelli, Terie
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Palazzo, Frank
Parker, Benjamin	Powers, James	Priestley, Anne	Rausch, James
Robertson, Carl	Robinson, John	Rolston, James	Scamman, Stella
Weare, E Albert	Welch, David	Wells, Roger	Winchell, George
STRAFFORD			
Albert, Russell	Berube, Roger	Bickford, David	Brown, Julie
Brown, Lawrence	Callaghan, Frank	Cataldo, Sam	Chaplin, Duncan
Creteau, Irene	Dunlap, Patricia	Grassie, Anne	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Miller, Joseph	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Osgood, Philip Sr

Prichard, Stephen	Rodeschin, Beverly		
NAYS 74			
BELKNAP			
Boyce, Laurie	Rosen, Ralph	Tilton, Franklin	
CARROLL			
Buco, Thomas	Dickinson, Howard	Martin, James	
CHESHIRE			
Emerson, Susan	Sawyer, Sheldon		
COOS			
None			
GRAFTON			
Ingbretson, Paul	Mirski, Paul	Sorg, Gregory	Williams, Burton
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Biundo, Michael	Buhlman, David	Christiansen, Lars	Clark, Mark
Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia	Elliott, Nancy
Francoeur, Bea	Gibson, John	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Hall, Betty	Hansen, Ryan	Hellwig, Steve
Hirschmann, Keith	Holden, Randolph	Lawrence, James	Martin, Mary Ellen
Mead, Robert	Mooney, Maureen	O'Brien, William	Ober, Lynne
Renzullo, Andrew	Souza, Kathleen	Stepanek, Stephen	Sullivan, Peter
Ulery, Jordan	Wheeler, James		
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	DeStefano, Stephen
Field, William	Kennedy, Richard	Marple, Richard	Soltani, Tony
ROCKINGHAM			
Bettencourt, David	Bicknell, Elbert	Cady, Harriet	Coburn, James
DiFruscia, Anthony	Donahue, Richard Ken	Doyle, Christopher	Dumaine, Dudley
Gilbert, Karl	Hopfgarten, Paul	Itse, Daniel	Lund, Howie
Quandt, Marshall Lee	Quandt, Matthew	Sanders, Elisabeth	Splaine, James
Weyler, Kenneth			
STRAFFORD			
Newton, Clifford			
SULLIVAN			
Irish, Christopher	Phinizy, James		

and the committee report adopted.

REGULAR CALENDAR – PART II

HB 254-FN, establishing lifetime licenses for bow and arrow, muzzle loading firearm, and crossbow and bolt licenses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: Fish and Game Department's main revenue source is the sale of hunting and fishing licenses. Although 68,000 currently buy annual licenses, there has been a decline in license sales in recent years. This bill proposes three new lifetime licenses in hopes of increasing revenue. The department sells a few thousand lifetime hunting licenses each year. Such basic license would be required in order to add on any of these proposed new lifetime licenses. The bill proposes new lifetime licenses for 1) bow and arrow, 2) muzzleloader, and 3) crossbow. Cost of lifetime licenses vary with applicants' age. The revenue goes to a pool where annual withdrawals go to the fish and game fund. In the past, increases in annual license fees have convinced some to buy the lifetime license. This proposal anticipates that these new opportunities for lifetime license will better serve hunters and improve the fish and game fund. Vote 14-7.

Amendment (0632h)

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

AN ACT establishing lifetime licenses for bow and arrow, muzzle loading firearm, and crossbow licenses.

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

1 New Section; Fish and Game; Lifetime Licenses for Bow, Muzzleloader, and Crossbow.

Amend RSA 214 by inserting after section 9-c the following new section:

214:9-cc Lifetime Licenses for Bow and Arrow, Muzzleloader, and Crossbow.

I.(a) The executive director, at the department of fish and game headquarters only, shall issue lifetime bow and arrow, muzzle loading firearm, and crossbow licenses for each type of game taken similar to that issued on an annual basis under RSA 208:5, RSA 208:5-a, or RSA 208:7-a, respectively, to any resident applicant upon payment of the proper fee, which shall be established by the executive director in accordance with the provisions of paragraph II. Lifetime bow and arrow, muzzle loading firearm, and crossbow licenses shall be issued only to residents who would be eligible to purchase annual licenses of the same type.

(b) In addition, the executive director may issue lifetime licenses under this section to any resident under 16 years of age. The parent or legal guardian of the applicant shall be a resident pursuant to RSA 207:1, XXIII. The bow and arrow, muzzle loading firearm, and crossbow licenses shall not be valid until the licensee has met all requirements for the issuance of such license. Upon meeting the requirements of RSA 214:23-a, the licensee shall have the license validated at the fish and game department headquarters only.

II. The executive director shall obtain an actuarial table based on an appropriate annuity from the commissioner of insurance and shall set the fee for the various licenses annually on July 15 of each year for the following year based on the age of the applicant. The fee for any applicant under 16 years of age shall be the same as the fee for a 16-year-old applicant. In addition the applicant shall pay the agent's fee in accordance with RSA 214:15, I.

III. In no case shall any lifetime license issued be transferable or any portion of the cost of the license refundable.

IV. Notwithstanding any other provision of law, the moneys received from the sale of such lifetime bow and arrow, muzzle loading firearm, and crossbow licenses shall be deposited with the state treasurer who shall keep the same in the prepaid fish and game license fund. The state treasurer shall annually transfer to the fish and game fund from the prepaid fish and game license fund an amount equal to 9 percent of the portion of the principal balance in the fund each year attributed to lifetime bow and arrow, muzzle loading

firearm, and crossbow licenses, and any interest that accrues to such portion of the prepaid fish and game license fund in excess of 5 percent.

V. In addition, the state treasurer shall pay the amount of one annual license fee to the fish and game fund from the proceeds of each lifetime bow and arrow, muzzle loading firearm, and crossbow license sold during the current year, the balance going into the prepaid fish and game license fund.

VI. Licenses issued pursuant to this section shall entitle the holder thereof to the same privileges and subject the licensee to the same restrictions as a holder of an annual license.

VII. The executive director shall, if necessary, adopt rules, pursuant to RSA 541-A, relative to the issuance and validation of the lifetime licenses.

2 Prepaid Fish and Game License Fund; Reference Added. Amend RSA 6:12, I(b)(163) to read as follows:

(163) Moneys deposited in the prepaid fish and game license fund under RSA 214:9-c, IV *and RSA 214:9-cc, IV*.

3 Wildlife Habitat Stamp; Exception. Amend RSA 214:1-f, I to read as follows:

I. No person shall at any time take wild animals or wild birds in this state without first procuring, in addition to any applicable licenses required by title XVIII, a wildlife habitat stamp or license under RSA 214:9, XV, for the same period. If a stamp is issued it shall be signed across the face in a permanent manner with the applicant's signature and shall be carried upon such person while engaged in taking wild animals or wild birds. A person under the age of 16 years may take wild animals or wild birds without such a stamp or license provided that, while so doing, the person is accompanied by an adult who has procured such stamp or license. This paragraph shall not apply to any person who takes wild animals or wild birds under a complimentary license, excluding any administrative fee, issued pursuant to RSA 214:3, RSA 214:7-a, RSA 214:13, RSA 214:13-b, or RSA 214:13-c, or a lifetime license issued pursuant to RSA 214:9-c *or RSA 214:9-cc* that was purchased in a prior calendar year.

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

AMENDED ANALYSIS

This bill establishes lifetime licenses for bow and arrow, muzzle loading firearm, and crossbow licenses which may be purchased by qualified residents.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1563, establishing a committee to study the effects of immigration on the social services system. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. James R. MacKay for the Majority of Health, Human Services and Elderly Affairs: The majority of the committee expanded the parameters of the study on immigration effects in New Hampshire to consider the positive and negative aspects of immigration on the human services system in New Hampshire. The intent is to consider immigration impact in the most comprehensive extent possible including on a state, county and L level. The committee felt that there is considerable expertise in the state to assist the study committee to reach a balanced, comprehensive and objective report. It is recognized that there are conflicting attitudes and concerns about the impact of immigration in New Hampshire. However, the majority of the committee supports a study that is constructive in its approach and open-minded as to the facts. In addition, the majority of the committee, and possibly the entire committee, strongly suggests that the federal government fulfill its statutory responsibilities concerning the various issues for which it is responsible. A legislative study committee as defined in this bill representing knowledgeable standing committees can help to bring a factual, impartial, and constructive New Hampshire plan that identifies issues and solutions. Vote 8-6.

Rep. Thomas E. Donovan, Jr. for the Minority of Health, Human Services and Elderly Affairs: The minority of the committee, through supporting legislation to study the “effects of immigration,” feels that whatever the results of this study, they will be interpreted as negative and as an additional burden to our tax payers. By not considering all the positive contributions of a large segment of individuals in this country legally, especially in the economic, social and cultural areas the final inclusions will be quite negatively slanted. We recognize the various challenges to all systems with new populations of individuals. We are in hope that the federal government will also help support the state’s regulations to these issues through a broad, open-minded approach.

Majority Amendment (0634h)

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

AN ACT establishing a committee to study immigration.

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

1 Committee Established. There is established a committee to study the positive and negative effects of immigration on the human services system in New Hampshire.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives, 2 of whom shall be members of the health, human services and elderly affairs committee and one of whom shall be a member of the education committee.

(b) Three members of the senate, appointed by the president of the senate, 2 of whom shall be members of the health and human services committee and one of whom shall be a member of the education committee.

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 the positive and negative effects of immigration on the human services system in communities throughout the state. The committee also shall identify recent immigration trends and their effect on the availability and provision of services. The committee shall solicit information and testimony from such agencies and individuals as may assist the committee in the performance of its duties.

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. Four members of the committee shall constitute a quorum.

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 the positive and negative effects of immigration on the human services system.

Majority amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 1576, implementing a voluntary Meth Watch program in New Hampshire.

INEXPEDIENT TO LEGISLATE

Rep. Joan H. Schulze for Health, Human Services and Elderly Affairs: The committee voted against this bill because earlier it had voted to pass HB 1578 which addresses the need to provide enhanced awareness of and education on methamphetamine to the citizens of New Hampshire and is more comprehensive. The Meth Watch project would be voluntary and provide the public with methamphetamine related education and information strategies for

dealing with the program. The program outlined by HB 1578 may include information on prevention, methamphetamine use and abuse, and associated health conditions, treatment, and how to access services, endangerment of children and incapacitated persons, as well as first responders and others, dangers from methamphetamine labs, toxic waste, and resulting environmental hazards, methamphetamine and other drug laws and penalties, prevention strategies for schools to use. The Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention and Treatment may initiate the development and implementation of a Meth Watch program. HB 1578, is more inclusive to all areas of methamphetamine awareness and education. Vote 13-1.
Committee report adopted.

HB 1578, to provide enhanced awareness of and education on methamphetamine to the citizens of New Hampshire. **OUGHT TO PASS WITH AMENDMENT**
Rep. Joy K. Tilton for Health, Human Services and Elderly Affairs: This is one of several bills designed to confront the methamphetamine menace that has ravaged many sections of the United States. Meth is short for methamphetamine, a seriously addictive drug that can lead to a variety of physical, neurological and psychological symptoms. It is truly unfortunate that there is evidence that "meth labs" are being detected in New Hampshire at a higher rate than other New England states. This bill outlines a public awareness and education initiative that emphasizes prevention, descriptions of clinical manifestations of meth addiction, treatment, susceptibility of children and incapacitated individuals, the environmental changes, drug laws and penalties and preventive strategies for schools to use. In addition to awareness and public education, this bill also introduces a Meth Watch program as another tool to be used to confront this serious public health problem. These programs will be supported by the Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention and Treatment and the Department of Health and Human Services. This is one of several initiatives being brought forward based on the legislative caucus on methamphetamine and the government leaders task force on methamphetamine. The committee was unanimous in support of this bill. Vote 17-0.

Amendment (0620h)

Amend RSA 12-J:5, I as inserted by section 2 of the bill by inserting after subparagraph (f) the following:

(g) Preventive strategies for schools to use.

Amend RSA 12-J:5, II as inserted by section 2 of the bill by replacing it with the following:

II. The department of health and human services, in cooperation with the commission, may initiate the development and implementation of a Meth Watch program similar to the Meth Watch program first designed and implemented in the state of Kansas and adopted by numerous other states, including the state of Maine, and coordinate its efforts with the department of health and human services and other state agencies.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 1437, establishing a committee to study the effects of current state and federal laws on illegal drugs and the possession and use of such drugs. **OUGHT TO PASS**
Rep. Pamela D. Coughlin for State-Federal Relations and Veterans Affairs: This bill establishes a study committee to study the effects of current state and federal laws on illegal drugs and possession and use of drugs. The study committee will review the effects of current state and federal drug laws from a financial and social perspective, including the effects on state, county and local communities. Vote 11-1.
Committee report adopted and ordered to third reading.

HB 1477, implementing the federal Law Enforcement Officers Safety Act of 2004. **OUGHT**

TO PASS

Rep. Pamela D. Coughlin for State-Federal Relations and Veterans Affairs: The U.S. Congress in 2004 passed the "Law Enforcement Officers Safety Act of 2004." Here are two major provisions (1) Allow active law enforcement officers nationwide to carry their secure weapons in any state. (2) Allow retired law enforcement officers that meet certain criteria to carry a concealed weapon nationwide and describes criteria under which states may verify these individuals as meeting the criteria of the law. This bill creates a training program for the new category of retired law enforcement officers including use of deadly force training. This legislation is necessary and in the best interest of New Hampshire's law enforcement community and citizens. Vote 8-3.

Committee report adopted and ordered to third reading.

HCR 21, urging the Department of Homeland Security to study New Hampshire's northern border and protection to our dam network. **INEXPEDIENT TO LEGISLATE**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: The Homeland Security Department has ranked the Murphy Dam about 700th on its priority list. The safety of the dam is a very important issue. The committee felt that enhanced cooperation between Northern New England Governors would produce quicker and more effective solutions to confront the grave risks of loss of life and property in case of catastrophic failure, regardless of the cause. It has to be understood that a major dam failure in Maine could result in serious and long-term damage in New Hampshire. Vote 11-2.

Committee report adopted.

SPECIAL ORDER

Rep. Price moved that **HR 22**, urging Congress to promote and publicize the report to the Congress of the United States entitled "A Review of the Restrictions on Persons of Italian Ancestry During World War II," be made a Special Order for Wednesday, February 22, 2006 at its regular place in the calendar.

HB 1319-FN-A, decreasing the rate of the tobacco tax. **INEXPEDIENT TO LEGISLATE**

Rep. Howie Lund for Ways and Means: This bill would reduce the tax on a pack of cigarettes from the current rate of 80 cents to the old tax rate of 52 cents per pack. This proposed change would reduce state revenues an estimated \$43 million per year without offering a method for making up those funds. The cigarette tax is the fourth largest revenue stream in the state and 40 percent of the tax burden is borne by out-of-state citizens. Further, the committee felt that having just made a major change in this revenue stream last session it would not be logical to make another change this soon. Our biennial state budget has incorporated the revenues produced at 80 cents in its revenue projection. Vote 12-1.

Rep. Major yielded to questions.

Committee report adopted.

HB 1693-FN-A-L, relative to funding an adequate education. **INEXPEDIENT TO LEGISLATE**

Rep. Michael D. Whalley for Ways and Means: In June of last year, this Legislature overwhelmingly adopted HB 616 which set up a new education funding formula. In the seven months since the bill became law, towns have begun the process of adjusting to the new formula, and the majority of the committee believes this law is constitutional and will withstand the legal challenge it now faces. The majority believes that the education funding law needs time to work, let the communities adjust to it and give the state some stability. This bill would be detrimental to that aim. This bill would not only create a new funding mechanism, it would also establish gambling as a revenue source and dedicate funds in several areas. The House voted just weeks ago on a gambling measure that failed nearly 2.5-1. The gambling revenues that this bill projects would be placed into a dedicated fund, funds with

which the majority believes it should not be dealing with. This bill requires dedicating a significant amount of money into LCHIP while reducing the BPT and BET with the assumption that 3,900 machines around the state will fully fund education, the above mentioned LCHIP funds and revenue losses. The majority believes that all expenses should be addressed in the same manner as all others, specifically, in the budget. Vote 15-5. Committee report adopted.

BILLS REMOVED FROM CONSENT CALENDAR

HB 1621-FN, prohibiting overpricing of fuel. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen B. Stepanek for Commerce: After a public hearing and many subcommittee meetings the sponsors, industry and the Attorney General's Office were all able to agree to a price gouging bill which gives the Attorney General the ability to investigate alleged price gouging while protecting wholesalers and retail merchants from being blamed for price increases beyond their control. The trigger to investigate price gouging was carefully crafted to allow the Attorney General to investigate price gouging only if a state of emergency is declared by the governor or if following the finding of an abnormal market disruption by the Merrimack County Superior Court upon a petition filed by the Attorney General. Vote 14-1.

Amendment (0729h)

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

AN ACT prohibiting the overpricing of commodities during a declared state of emergency or a market emergency.

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

1 New Chapter; Commodity Prices; Overpricing Prohibited. Amend RSA by inserting after chapter 359-H the following new chapter:

CHAPTER 359-I COMMODITY PRICES

359-I:1 Definitions. In this chapter:

I. "Commodity" means any goods, services, materials, merchandise, supplies, equipment, resources, or other article of commerce, including food, water, ice, medicine, chemicals, petroleum products, and lumber, necessary for consumption or use as a direct result of a declared state of emergency or market emergency.

II. "Distributor" means the seller of a commodity to a selling merchant.

III. "Market emergency" means a significant disruption to the production, distribution, or sale of a commodity or commodities caused by an event such as a natural or man-made emergency or disaster.

IV. "Selling merchant" means the retail seller of a commodity to an end user of the commodity.

359-I:2 Prohibition on Price Gouging.

I. It is unlawful for any distributor or selling merchant, or his or her agent or employee, to sell a commodity to a consumer at an unconscionably high price during any of the following events:

(a) During a declaration of a state of emergency by the governor within the area of the declared state of emergency.

(b) Following the finding of a market emergency by the Merrimack county superior court upon petition filed by the attorney general within the area of the finding of a market emergency.

II. A price is unconscionably high if the amount charged represents a gross disparity between the price of the commodity and:

(a) The price at which the same commodity was sold or offered for sale in the usual course of business during the 7 days immediately prior to the declared state of emergency or market emergency; and

(b) The price of the commodity of like grade and quality when compared to the highest price at which the commodity was offered for sale by other similar businesses in the same or adjacent county.

III. Price increases due to an increase in the amount charged attributable to increased wholesale, delivery, labor, replacement costs or other necessary costs incurred or reasonably anticipated to be incurred by the selling merchant or wholesaler, shall not be considered price gouging.

IV. A violation of this chapter shall be enforceable by the attorney general for civil penalties pursuant to RSA 358-A:4, and shall not be subject to the criminal provisions under RSA 358-A:6 or the private right of action of RSA 358-A:10. Any violation of this chapter shall be based on the setting of the price and such violation shall not be based on each separate sale.

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

AMENDED ANALYSIS

This bill prohibits distributors and merchants from selling commodities at unconscionably high prices during a declared state of emergency or a market emergency. Amendment adopted.

Rep. O'Brien spoke against and yielded to questions.

Rep. Peter Sullivan requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 127 NAYS 146			
YEAS 127			
BELKNAP			
Morrison, Gail			
CARROLL			
Buco, Thomas	Martin, James	Olimpio, J Lisbeth	
CHESHIRE			
Butcher, Suzanne	Butynski, William	Coates, Christopher	Dunn, J Timothy
Eaton, Daniel	Espieffs, Peter	Foote, Sheila	Mitchell, Bonnie
Parkhurst, Henry	Pelkey, Stephen	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna	Weed, Charles	
COOS			
Lary, Bruce	Merrick, Scott	Stohl, Eric	
GRAFTON			
Almy, Susan	Bleyler, Ruth	Cooney, Mary	Gionet, Edmond
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter		
HILLSBOROUGH			
Baroody, Benjamin	Batula, Peter	Beaulieu, Jane	Campbell, David
Chase, Claudia	Craig, James	Desmarais, Vivian	Dokmo, Cynthia
Essex, David	Foster, Linda	Ginsburg, Ruth	Gorman, Mary
Graham, John	Hagan, Barbara	Hall, Betty	Harvey, Suzanne

Hirschmann, Keith	Holden, Randolph	L'Heureux, Robert	Lasky, Bette
Martin, Mary Ellen	Matarazzo, Anthony Sr	Movsesian, Lori	Pilotte, Maurice
Rosenwald, Cindy	Ryder, Donald	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Smith, David	Stepanek, Stephen	Sullivan, Francis
Sullivan, Peter			
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	Foose, Robert	French, Barbara	Gile, Mary
Hamm, Christine	Kidder, David	Osborne, Jessie	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Belanger, Ronald	Cali-Pitts, Jacqueline	Carson, Sharon
Casey, Kimberley	DiFruscia, Anthony	Dowd, John	Fesh, Bob
Flockhart, Eileen	Moody, Marcia	Packard, Sherman	Powers, James
Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl
Robinson, John	Splaine, James	Winchell, George	
STRAFFORD			
Berube, Roger	Brown, Julie	Brown, Lawrence	Callaghan, Frank
Creteau, Irene	Hilliard, Dana	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Prichard, Stephen
NAYS 146			
BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	Flanders, Donald
Millham, Alida	Nedeau, Stephen	Rosen, Ralph	Russell, David
Tilton, Franklin	Tobin, William	Wendelboe, Fran	Whalley, Michael
CARROLL			
Babson, David Jr	Brown, Carolyn	Dickinson, Howard	Knox, J David
Merrow, Harry	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
CHESHIRE			
Dexter, Judson	Emerson, Susan	Hogancamp, Deborah	Hunt, John
Sawyer, Sheldon			
COOS			
King, Frederick	Richardson, Herbert	Tholl, John Jr	

GRAFTON			
Ingbretson, Paul	Mirski, Paul	Sorg, Gregory	Williams, Burton
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Brundige, Robert	Buhlman, David
Carew, James	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	Drisko, Richard	Dyer, Donald
Elliott, Nancy	Emerton, Larry	Francoeur, Bea	Gibson, John
Golding, William	Goyette, Peter Jr	Hawkins, Ken	Hellwig, Steve
Hinkle, Peyton	Infantine, William	Jasper, Shawn	Kurk, Neal
Lawrence, James	Manney, Pamela	Mead, Robert	Messier, Irene
Mooney, Maureen	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rowe, Robert
Slocum, Lee	Souza, Kathleen	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, James		
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	Field, William
Hager, Elizabeth	Kennedy, Richard	Klose, John	Lockwood, Priscilla
Marple, Richard	Oliver, James	Potter, Frances	Soltani, Tony
ROCKINGHAM			
Allen, Mary	Bettencourt, David	Bicknell, Elbert	Bridle, Russell
Buxton, Donald	Cady, Harriet	Camm, Kevin	Charron, Gene
Coburn, James	Cooney, Richard	Dalrymple, Janeen	Donahue, Richard Ken
Doyle, Christopher	Dumaine, Dudley	Flanders, John Sr	Forsing, Robert
Francoeur, Sheila	Garrity, James	Gilbert, Karl	Gould, Kenneth
Griffin, Mary	Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell
Itse, Daniel	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Lund, Howie	Major, Norman	McKinney, Betsy
Morris, Richard	Nowe, Ronald	O'Neil, Michael	Palazzo, Frank
Rausch, James	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Weare, E Albert	Welch, David	Wells, Roger	Weyler, Kenneth
STRAFFORD			
Albert, Russell	Bickford, David	Cataldo, Sam	Chaplin, Duncan
Dunlap, Patricia	Keans, Sandra	Newton, Clifford	Taylor, Kathleen
SULLIVAN			
Gale, Harry	Irish, Christopher	Phinizy, James	Rodeschin, Beverly

and the committee report failed.

Rep. O'Brien moved that the bill be referred to Interim Study.

Motion of Interim Study adopted.

CACR 32, relating to eminent domain. Providing that property can only be taken for public

benefit other than increased tax revenues. **REFER FOR INTERIM STUDY**

Rep. Maureen C. Mooney for Judiciary: The committee received three CACRs this session relative to an eminent domain taking. The intent of this amendment was similar to CACRs 30 and 40; however, the wording of it changed the original language of Part 1, Article 12 of the NH Constitution. The subcommittee voted to place this amendment into Interim Study in order to refer to its wording if necessary. With regards to the other CACR's, the subcommittee on eminent domain has chosen to only work off of CACR 30. Vote 15-6. Rep. Vaillancourt spoke against. Committee report adopted.

CACR 40, relating to taking of property. Providing that property may not be taken for a public purpose, but only for a public use. **REFER FOR INTERIM STUDY**

Rep. Maureen C. Mooney for Judiciary: The committee received three CACRs this session relative to an eminent domain taking. This amendment was very similar in language and intent to CACR 30. The subcommittee on eminent domain has chosen to place this amendment into interim study and work off of only CACR 30. The subcommittee may still use the language of this amendment, if amending CACR 30 is necessary. Vote 13-7. Committee report adopted.

HB 1162, relative to village districts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: This bill, as amended, requires a vote of the town in which a village district is located before a district can be formed. The committee believes the entire town should be aware of the proposed district before it is formed, to preclude a small group of residents from forming a district that the whole town does not support. Vote 13-4.

Amendment (0774h)

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

AMENDED ANALYSIS

This bill requires a vote of the town or towns in which a village district is located before a district can be formed.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1398, relative to titles for motor vehicles of a certain age. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen H. Nedeau for Transportation: This bill would have changed the age of motor vehicles from 15 years to 10 years for the purpose of Certificate of Title. The idea of a title is to secure the collateral of a lien holder. When the title law first passed, vehicles older than 10 years were exempted. As years have gone by, prices have increased, vehicles stay roadworthy for many more years, and loans are for a longer period of time. In 1998 it moved to 11 years, in 1999 to 12 years, in 2000 to 13 years, in 2001 it moved to 14 years, and lastly in 2002 it moved to 15 years. Going back to 10 years would seem to reverse what the Legislature has done in the past. Vote 12-0.

Rep. Hagan spoke against.

On a division vote, 174 members having voted in the affirmative and 91 in the negative, the committee report was adopted.

SPECIAL ORDER

Rep. O'Neil moved that **HB 1628**, relative to expenses of operating bingo games, be made a Special Order for Wednesday, February 22, 2006 in its regular place in the calendar. Adopted.

RESOLUTION

Rep. O'Neil offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 22, 2006 at 1:00 p.m.
Adopted.

LATE SESSION

Third reading and final passage

HB 1713-FN, restricting the over-the-counter sale of pseudoephedrine base and ephedrine base drugs and establishing commission to study the feasibility of an electronic tracking system for sales of pseudoephedrine base and ephedrine base drugs.

HB 1221-FN, relative to recovery of medical assistance.

HB 1125, relative to the filing period for candidates in the presidential primary.

HB 1222-FN, relative to unlawful voting.

HB 1679-FN-L, relative to the taxation of nongovernmental uses of university system property.

HB 1108, relative to the transfer of funds among PAU's within a department.

HB 1370, transferring certain surplus moneys to the revenue stabilization reserve account.

HB 1724-FN, relative to compensation and benefits for reserve and national guard members who are state employees.

HB 1294, relative to antique snowmobiles.

HB 1409-FN, relative to organ and tissue donation.

HB 1654, relative to the probate court mediation fund and fee.

HB 254-FN, establishing lifetime licenses for bow and arrow, muzzle loading firearm, and crossbow licenses.

HB 1563, establishing a committee to study immigration.

HB 1578, to provide enhanced awareness of and education on methamphetamine to the citizens of New Hampshire.

HB 1437, establishing a committee to study the effects of current state and federal laws on illegal drugs and the possession and use of such drugs.

HB 1477, implementing the federal Law Enforcement Officers Safety Act of 2004.

HB 1162, relative to village districts.

UNANIMOUS CONSENT

Reps. Coughlin, David Smith, Itse and Camm addressed the House.

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

REMARKS

Rep. David Smith: Thank you, Mr. Speaker. My friends, Nashua lost a very valued citizen this week. On Tuesday morning, at 5:30 a.m. comrade and Commander Byron Buckingham passed away. To everyone who has lived in Nashua for the last 50 years, who is a veteran, his was a well known name.

He served in World War II, received two Purple Hearts, received the Bronze Star and the Silver Star. He worked his way up from boot in Italy and was in Germany at the end of the war. Upon coming home in 1946, he immediately joined various veterans organizations. When he passed, he was Commander of the State Chapter of the Military Order of Purple Heart. He was also very active in the Veterans of Foreign Wars, Disabled Veterans and has been carrying offices in those even as he has died now at 86 years old.

Every child, probably for the last 30 years, who has ever marched in a parade in the City of Nashua has known Byron Buckingham simply as “Bucky”, passing out the potato chips and soda at the end of the trail. There are many people here sitting in this room who have known him personally and have shared his optimism on life and what he wanted to do for all our veterans . He was a most unselfish, un-serving man. He was always looking about for what he could do for other people.

In the last three years, I have worked very, very closely with Bucky. He was also a very strong Republican and was active in many local Republican affairs. He was close to the Gregg family which of course have their roots in Nashua.

When I ran for office, I asked him if I could put a sign on his front lawn and he said “yes.” And I did so. After I did, he stood back and had a very puzzled look on his face. And I said to him, “Bucky, what’s the matter?” He said, “You know, this is the first time I have ever had a sign of a Democrat on my front lawn,” and then he said “But I know you’ll be good”. I didn’t think about it at the time but he did not say “You will do good,” he said “You’ll will be good,” as if some of my colleagues on this side are not that way.

I am a member of the Church of Jesus Christ of Latter Day Saints. As a Mormon, I believe that we are all God’s children. We come to this world to be tested and when we are tested and when we pass, we go on back to our heavenly father leaving our mortal bodies behind. While we are here the major test is to be in God’s service and the most major may to be of service is to be in service to your fellow man. If you are a success when you are welcomed back, you are greeted by “Welcome home, O most loyal and faithful servant.” I know that “Bucky”, Byron Buckingham has been received in that manner. Now Mr. Speaker, I would like you to ask my colleagues to stand in a moment of silence to observe the service that he rendered on this side of the veil. Thank you, Mr. Speaker.

Rep. Craig moved that the remarks of Rep. Camm be printed in the Permanent Journal. Without objection, the Speaker so ordered.

REMARKS

Rep. Camm: Thank you, Mr. Speaker. At first I’d like thank the House for the vote on House Bill 1651. I apologize for my mediocre presentation in the math, I was thrown a soft curve, and I didn’t handle it well. I must confess my mind has been preoccupied today. Hopefully I will do better with this.

My first unanimous consent request. (so here goes) Thank you, Mr. Speaker, Honorable members of the House. I rise today to inform the House about a tragic event that occurred last Thursday in Jalalabad, Afghanistan. On that day a United States Marine lost his life serving his country.

Private First Class Matthew Lee Bertolino (just take a deep breath) lost his life serving his country. PFC Matthew Bertolino was from New Hampshire, he was from Rockingham County and he was from Hampstead.

Marine Bertolino died when the vehicle he was riding hit something and rolled over.

A Department of Defense spokesman said that his convoy was not under attack when the accident happened.

He was wonderful, perfect, handsome 20-year old who loved being a Marine, “He was proud of that,” his mother said. He was going to become a policeman when he got home. He was going to build a house. He had so many plans. Marine Bertolino was a 2003 graduate from Pinkerton Academy in Derry. My son, class of 2005, told me he was in a construction class with Matt. I understand that Matthew Bertolino was a carpenter before becoming a Marine. “He was proud of what he was doing over there,” said his father, “He was very proud to be a Marine.”

It is times like this Mr. Speaker, that remind us that freedom isn’t free. Rest assured that all of us are very proud of Matthew Lee Bertolino from Hampstead, New Hampshire

Our deepest sympathy goes out to his family and his loved ones. Semper fi, Marine, semper fi. Calling hours are today until 8:00 p.m. at the Peabody Funeral Home. The funeral service is at the Hampstead Congregational Church, Main Street, Hampstead at 10:00 a.m. Mr. Speaker, honorable members of the House, would you please join me in a moment of silence to honor the life of Private First Class Matthew L. Bertolino, United States Marine from Hampstead, New Hampshire. Thank you, Mr. Speaker, Honorable members, thank you.

RECESS MOTION

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

The House recessed at 6:10 p.m.

RECESS

(Speaker Scamman in the Chair) COMMITTEE ASSIGNMENTS

Rep. John E. Robinson on Transportation.

Rep. Steve Vaillancourt off Ways and Means.

Rep. James B. Rausch on Ways and Means.

SENATE MESSAGES CONCURRENCE

HB 331, relative to restraining dogs and relative to livestock working dogs.

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.

HJR 1, recognizing that Seavey Island and the Piscataqua River are within the boundaries of the state of New Hampshire.

RECESS

(Rep. Craig in the Chair) ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 331, HJR 1, and Senate Bill numbered 72.

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

ENROLLED BILL AMENDMENTS

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

Amendment (0628-EBA)

Amend section 5 of the bill by replacing lines 1-3 with the following:

5 Home Education; Hearing; Notice and Procedure. RSA 193-A:7 is repealed and reenacted to read as follows:

193-A:7 Hearing, Notice, and Procedure.

Adopted.

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

Amendment (0731-EBA)

Amend RSA 33:3-a, II as inserted by section 1 of the bill by replacing lines 4-7 with the following:

city council or a town, school district, or village district by a vote of 2/3 of the voters present and voting at an annual meeting, ~~and~~ a county by a 2/3 vote of all the members of the county convention, ***a political subdivision which has adopted official ballot voting procedures pursuant to RSA 40:13 by a vote of 3/5 of those voting, and a municipality that has adopted an***
Adopted.

RECESS