HOUSE RECORD

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

Vol. 28	Concord, N.H.	Wednesday, February 22, 2006	No. 20

HOUSE JOURNAL No. 5 (cont.)

Wednesday, February 15, 2006

Rep. Weyler moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 6

Wednesday, February 22, 2006

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

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

Prayer was offered by House Chaplain, Reverend Jared Rardin, Pastor of the South Congregational Church in Concord.
O Gracious God, in the stillness of this moment remind us of the depth of who we are and whose we are. We give You thanks for this glorious day. We give You thanks for the companionship and the comradeship that we share here in this House. We ask Your blessing and guidance today upon the work before us. We have many bills to consider, bills considering immigration, concerning clergy notification in cases of suspected abuse, bills dealing with hunting, and many more. In all things, O God, guide us both in heart and in mind reminding us that we serve all, especially those who are less fortunate and less powerful than we. If there be anyone here in this gathered body today who is suffering in mind, or spirit or body, grant Your healing and Your peace. All this we pray in Your name. Amen.

Rep. Fran Wendelboe, member from New Hampton, led the Pledge of Allegiance.

The National Anthem was sung by Cacia and Morgan King, sisters and students at the Epping Elementary and Middle School.

LEAVES OF ABSENCE

Reps. Nelson Allan, Albert, Barker, Barry, Carlson, Chabot, Dyer, Gillick, Gonzalez, Headd, Hirschmann, Irish, Maybeck, Messier, Putnam, Snyder, Soltani and Wiley, the day, illness.
Reps. Aguiar, Berube, MaryAnn Blanchard, W. Packy Campbell, Carter, Dexter, Dokmo, Domingo, Dunn, Daniel Eaton, Foose, Goodwin, Hansen, Hebert, Introne, Irwin, Klose, Lawrence, Mason, McRae, Messier, Moore, Pantelakos, Parker, Reed, Twombly and Yeaton, the day, important business.
Reps. Lary, Oliver and Serlin, the day, illness in the family.
Rep. Katherine Taylor, the day, death in the family.

INTRODUCTION OF GUESTS

Shirley Belden, and Deborah, Nicholas and Jacqueline Arndt, guests of Rep. Jennifer Brown. Seniors from the Meriden Congregational Church, guests of Reps. Houde-Quimby and Prichard. Susan Fockler, Carol Meredith and David Reynolds, wife and guests of Rep. Pennington Brown. Elaine Osgood and Katelyn Rae Belaire, wife and granddaughter of Rep. Osgood. Mickey Lund, and Dustin, Rain and Aspen Reinauer, wife and grandchildren of Rep. Lund. Megan McDonald, Maria Dockery, Sharon Robitaille, Loretta Gynan, Krysta Turgeon, Matt Poitras, Mike McGarrigan and Keith Barton, guests of Rep. Emerson.

COMMUNICATION

February 22, 2006

Karen Wadsworth, Clerk of the House
Please be advised that the following representative-elect was sworn into office by the Governor and Council on this day:

Rockingham County District 9
Penn Brown, d, Epping (153 Old Hedding Road. #40) 03042

William M. Gardner, Secretary of State

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that the House Rules be so far suspended as to allow ***HB 1767-FN-A,*** authorizing the state acquisition of real estate destroyed in the October 2005 floods, establishing a commission to determine the appropriate use of the property, and making an appropriation therefor, an extension of the deadline of last day to act on House Bills not in a second committee, be moved to Thursday, March 16, 2006.
Adopted by the necessary two-thirds.

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that all deadlines be suspended for the bill which will contain the 10-year Highway Plan.
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.

COMMITTEE REPORTS
CONSENT CALENDAR

Rep. O'Neil moved that the Consent Calendar with the relevant amendments as printed in

the day's House Record be adopted.
HB 1335, relative to the authority of law enforcement officers during a state of emergency, removed by Rep. Phinizy.
HB 1639-FN**,** prohibiting the confiscation of lawfully owned and lawfully carried firearms during a state of emergency, removed by Rep. Hopfgarten.
HB 1193-FN, directing the secretary of state to remove certain language from the text of Part II, Article 73-a of the New Hampshire constitution, removed by Rep. Marple.
HB 1266, relative to acceptance of consular identification documents, removed by Rep. Velez.
HB 1322, relative to the establishment of allodial rights, removed by Rep. Marple.
HB 1641-FN, establishing a common law court, removed by Rep. Marple.
HCR 25, urging the United States to withdraw funding for the United Nations if the United Nations adopts a resolution in violation of the United States Constitution, removed by Rep. Schmidt.
HB 1699-FN-A-L, establishing a tax on fees charged by railroad companies for transiting of cargo over, under, or across railroad rights-of-way, removed by Rep. Danforth.
Consent Calendar adopted.

HB 1218, relative to the unauthorized use of the name of a financial institution. **INEXPEDIENT TO LEGISLATE**
Rep. James R. Martin for Commerce: RSA 384:12-a, IV prohibits the use of the name of a financial institution in a "deceptive" manner. This bill would amend that RSA by deleting the word "deceptive" thus prohibiting any use of the name of a financial institution. Violation could result in license revocation and an administrative fine of $2500 for each violation with each individual piece of mail constituting a violation in the case of mailed advertising. The committee believes that the legislature should not prohibit the use of the name of a financial institution where the information is in the public domain and the use is not deceptive. Vote 11-7.

HB 1299, establishing a medical malpractice insurance study commission. **INEXPEDIENT TO LEGISLATE**
Rep. Donald H. Flanders for Commerce: There are already several study committees looking into the various aspects of malpractice insurance which are in the process of gathering statistics. The first report will not be available until late summer which will not allow sufficient time to prepare a viable report before the end of this session. In view of this it was felt this issue could be better addressed next session when the results of the current studies will be available. Vote 17-0.

HB 1325, relative to state regulation of martial arts schools. **REFER FOR INTERIM STUDY**
Rep. James R. Martin for Commerce: This bill removes martial arts schools from the definition of health clubs and establishes a separate chapter regulating martial arts schools. It would permit such schools to offer three year contracts and makes other material changes to current law. Over 20 representatives attended the final subcommittee meeting and raised questions to which answers were not readily available, including the proper definition of "martial arts," the need for separate regulation, how to treat martial arts, whether three year contracts are appropriate and other basic issues. The committee concluded that further study was required. Vote 16-1.

HB 1483, authorizing vehicle licensing, title, and registration recovery fees by motor vehicle rental companies. **INEXPEDIENT TO LEGISLATE**
Rep. Donald H. Flanders for Commerce: The Attorney General's Office informed the committee that car rental companies are not prohibited from collecting vehicle licensing, registration, and title fees as long as the recovery is disclosed. Current law does not require

disclosure. However, if the fees are included in the rental price and not disclosed, the rental company may be subject to a claim that it is acting in an unfair or deceptive manner. Because many rental companies appear to disclose recovered fees, the committee did not feel it was necessary to address this issue at this time. Vote 18-0.

HB 1606-FN, relative to coupons and rebates used to purchase alcohol. **INEXPEDIENT TO LEGISLATE**
Rep. David H. Kidder for Commerce: The committee could not substantiate that coupons were being fraudulently turned in by retail employees. As a result, we felt that the problem was not significant and didn't need to be dealt with by the legislation at this time. Vote 18-0.

HB 1105, relative to eyewitness identification procedures. **INEXPEDIENT TO LEGISLATE**
Rep. James H. Oliver for Criminal Justice and Public Safety: New Hampshire Police Departments have policies in place that are compatible with the Commission on Law Enforcement accreditation standards. This bill is no doubt well intended in response to articles in the media and experiences in some courts describing flaws in eyewitness identification. Identification of a perpetrator of a crime is part of evidence gathering and the court will develop their own procedures for admissibility of evidence. It is best to leave this matter to be decided by judges and juries and not through legislation. Vote 15-3.

HB 1149, regarding public notification of sexual offender information and establishing a committee to study the creation of a sexual offender classification system. **REFER FOR INTERIM STUDY**
Rep. Gene P. Charron for Criminal Justice and Public Safety: The committee voted to keep the bill for Interim Study. The so called Child Protection Act (HB 1692) has similar subject matter, but the committee voted to stay involved with this subject as HB 1692 begins its journey through the legislative process. Vote 16-0.

HB 1380, establishing the New Hampshire forensic science oversight commission. **INEXPEDIENT TO LEGISLATE**
Rep. James H. Oliver for Criminal Justice and Public Safety: No tangible need for an Oversight Commission was provided at this time for the State of New Hampshire. No example of what this Commission could correct was cited. One problem brought out was a past situation in the Medical Examiner's Office. This matter was dealt with by investigation, arrest and conviction as it should have been. A positive result of debate was the suggestion that new legislation be forthcoming requiring the State Police Lab and Medical Examiners be nationally accredited. The State Police Lab is accredited and is reviewed every five years. It is also audited annually by the FBI and the National Institute of Justice. The Medical Examiner's Office is soon to be accredited. These standards should be maintained to establish and preserve the integrity of the office. Vote 18-0.

HB 1435, relative to the emergency plan for service dogs and other animals. **OUGHT TO PASS WITH AMENDMENT**
Rep. Peter M. Sullivan for Criminal Justice and Public Safety: This bill arose in the aftermath of Hurricane Katrina, when countless owners of service animals and pets experienced difficulties in evacuating the disaster area. This legislation will require state emergency management officials to develop a plan for evacuation of guide dogs, hearing ear dogs and other service animals. The committee considered the sponsor's proposal that all pets be included in this plan. However, such a plan is considered overly ambitious and unworkable at this point in time. Vote 16-0.

Amendment (0691h)

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

AN ACT relative to the emergency plan for service animals.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Emergency Services, Communications, and Management; Service Animal Evacuation Plan. Amend RSA 21-P:37 by inserting after paragraph V the following new paragraph:

VI. To prepare a comprehensive plan and program for the evacuation of hearing ear dogs, guide dogs, and other service animals, as defined in RSA 167-D.

AMENDED ANALYSIS

This bill authorizes the director of the division of emergency services, communications, and management to prepare a plan for service animals to be evacuated in the event of an emergency.

HB 1642-FN, relative to criminal penalties and forfeiture for activities in support of illegal immigration. **INEXPEDIENT TO LEGISLATE**

Rep. John E. Tholl for Criminal Justice and Public Safety: While the intent of this bill is understandable, it contains so many constitutional issues so as to make it unworkable. Portions of this bill are already covered under Peonage (HB 1662). The committee believes that the federal government needs to expend more effort to address this area which is in the area of federal responsibility. Vote 17-2.

HB 1643-FN, relative to enhanced penalties for committing an assault in the presence of a minor. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This is a well intentioned bill brought forward as the result of one anecdotal incident. It addresses, specifically, second degree assault RSA 631:2, simple assault RSA 631:2-a, reckless conduct RSA 631:3, or criminal threatening RSA 631:4, creating an enhanced penalty if the offense is committed in the presence of a person under the age of 16. There are broad negative implications to creating an enhanced penalty to these laws. With no intent to downplay these offenses, for the most part they are relatively minor assault offenses. In particular, the mens rea for reckless conduct does not require the state of mind necessary to prove an assault. Passage of this type of legislation could lead to some serious unintended consequences. After serious deliberation, the committee does not recommend passage of this bill. Vote 20-0.

HB 1729-FN, implementing a "good time" sentence reduction system for inmates in the state prison system. **REFER FOR INTERIM STUDY**

Rep. E. Albert Weare for Criminal Justice and Public Safety: This bill proposes to establish a "good time" sentence reduction system for inmates in the state prison system. This bill as written would create more problems than it would correct. It is in direct conflict with the truth in sentencing statute already in effect, would create a financial burden on the already under funded Department of Corrections and would compromise the vast majority of plea bargain sentences that have been adjudicated in our court system. The Department of Corrections has informed the committee that three hundred current inmates may be eligible for release if the bill is enacted and 126 of those would be convicted sex offenders. Because of the issues raised, the short funding and limited programs presently being conducted by the Department of Corrections, it would not be possible for DOC field services to monitor those released. The possibility exists that a study may develop programs to alleviate some of the issues now confronted by the Department of Corrections. Vote 11-5.

HB 1157, relative to the definition of a sending district. **OUGHT TO PASS**

Rep. J. Timothy Dunn for Education: This bill will correct RSA 193:17 IV, a statute that since the June 18, 1998 revision has had unintended consequences that have resulted in

possible lawsuits and potential financial liability for students for whom some school districts believed they were no longer responsible. Court proceedings pursuant to RSA 169-C (Child Protection), RSA 169-B (Delinquency), RSA 169-D (Children in Need of Services (CHINS) or RSA 463 (Guardianship of Minors) may result in residential placements of children into foster homes, group homes, educational facilities and so on. When the court awards legal custody of a child to the Department of Health and Human Services, Division for Children, Youth and Families (DCYF), that school district where the parent or guardian of the child resides when the child comes into care is the sending school district until legal custody is returned to the parent, guardian or some other person. This remains constant through numerous changes in placement. The Department of Health and Human Services, Division for Juvenile Justice Services (DJJS) has legal supervision of children who are Delinquents or CHINS. In these cases the sending school district is always the district in which the parent or guardian having legal custody resides. Each time a parent or guardian moves, the school district where they reside is joined as a party to the court proceedings as the sending district, and the previous school district is discharged from the proceedings. The definition of "sending school district" became problematic at the last revision of RSA 193:27 IV, specifically June 18, 1998. The language that was added left the statute open to interpretation by stating that "the sending district shall be, from the change in legal custody or guardianship forward, that district in which the child resided at the time of the original placement." The unintended consequence in the case of a CHINS or Delinquency case, should it become an abuse or neglect matter, is that the original school district in which the child and the parent or guardian resided when the child was originally placed pursuant to the CHINS or Delinquency proceeding could wrongly be named the sending district, rather than the school district where the parent or guardian having legal custody resided when DCYF was awarded legal custody by the court in the child protection case. If RSA 193:27 IV is not corrected, more lawsuits regarding the identification of liable sending district could be the result, needlessly pitting one school district against one another, thereby wasting valuable resources. Vote 15-1.

HB 1306, relative to threats made by pupils against a school. **INEXPEDIENT TO LEGISLATE**
Rep. Paul C. Ingbretson for Education: This bill would weaken present procedures turning a delinquency offense into a milder 'CHINS" offense and would make it more difficult to get an offender into the appropriate process. Local SAU's already have the ability to do on their own what is provided for in this bill. It was opposed by the School Boards Association, the NEA, and the Department of Health and Human Services Juvenile Division. Vote 16-0.

HB 1308, establishing a commission to study revising the New Hampshire special education statutes. **INEXPEDIENT TO LEGISLATE**
Rep. Nancy F. Stiles for Education: Several bills before the committee this session dealt with concerns and issues relative to special education. An ad hoc committee that could gather information from all the parties identified in HB 1308 as well as other interested parties could begin the discussion earlier with possible legislation to be ready for the 2007 session. Vote 16-0.

HB 1378, establishing a committee to study the financial implications on local school districts when special education students attend charter schools. **INEXPEDIENT TO LEGISLATE**
Rep. Kimberley S. Casey for Education: The committee, by recommendation of both the sponsor and co-sponsor, understands that these concepts will be folded into an ad hoc committee to look at all aspects of the special education laws. Vote 12-0.

HB 1428, relative to the duties of the advisory committee on the education of

children/students with disabilities. **INEXPEDIENT TO LEGISLATE**
Rep. Barbara J. Hagan for Education: The subject of this legislation will be addressed in an ad hoc committee dealing with numerous special education issues. Vote 16-0.

HB 1518, relative to the joint board of a school administrative unit. **INEXPEDIENT TO LEGISLATE**
Rep. Timothy E. Easson for Education: The sponsors asked that this bill be found inexpedient because the issue was resolved locally and legislation is not needed. Vote 12-0.

HB 1385, relative to nomination papers and the definition of "party." **INEXPEDIENT TO LEGISLATE**
Rep. Richard B. Drisko for Election Law: The intent of this bill was to lower the requirement necessary for a party to qualify for ballot status. The percentage of vote necessary from the previous election would be lowered from 4 percent to 2 percent. The number of signatures necessary for nomination petitions was reduced. In addition, a candidate may substitute payment of a fee per petition signature for the filing of a nomination paper. The committee felt that this bill violated the intent of current statutes. Vote 14-0.

HB 1577, relative to the eligibility of persons with nontraditional domicile to vote. **INEXPEDIENT TO LEGISLATE**
Rep. Claudia A. Chase for Election Law: Under current law, persons with nontraditional domiciles have not been excluded from voting and, therefore, we determined that this bill is unnecessary and redundant. Vote 13-1.

HB 690-FN, relative to aid to the needy blind and relative to undue hardship for public assistance. **OUGHT TO PASS**
Rep. Larry A. Emerton for Finance: This bill continues the legislature's effort to ensure that long-term care under Medicaid is provided to those who need it. It slightly eases the standard of undue hardship that must be met before the transfer of assets penalty can be imposed. The bill also makes a technical correction, adding those receiving aid to the needy blind to other categories that must agree to reimburse the government, if they can, for any government aid they receive. The fiscal impact of these changes is indeterminable but believed to be relatively small absolutely and in relation to the size of the programs. Vote 20-0.

HB 1656-FN-A, establishing an electronic toll collection transponder inventory fund. **OUGHT TO PASS WITH AMENDMENT**
Rep. Kenneth Weyler for Finance: The turnpike managers would like to have an inventory fund established so that they could buy transponders as needed, without governor and council approval for each contract. Since we have joined an interagency group and have agreed to their rules on EZ Pass, there is only one source for the transponders. Transponders are currently being sold at the rate of 200 per day. They are sold at our cost of $25 each. As of January 25, 2006, 269,596 were in use by our subscribers. The turnpike would like to buy 16,000 transponders per quarter, and keep 5-7 thousand in stock. We are still in a transition year for establishing EZ Pass, and this fund was seen as a necessary tool. The amendment changed the source of the fund from the highway fund to the turnpike fund. The amount requested remained one million dollars. The turnpike fund has a present balance of about 62 million dollars; only 43 million of that is now dedicated. Vote 20-0.

Amendment (0629h)
Amend RSA 228 as inserted by section 1 of the bill by replacing it with the following:
1 New Section; Electronic Toll Collection Transponder Inventory Fund. Amend RSA 228 by inserting after section 24-c the following new section:

228:24-d Electronic Toll Collection Transponder Inventory Fund. There is hereby established an electronic toll collection transponder inventory fund not to exceed $1,000,000, which sum is hereby authorized as a revolving fund comprised of funds in the turnpike fund that are not otherwise appropriated. The commissioner of transportation may purchase, through the Interagency Group, such electronic toll collection transponders as may be necessary for the operation of the department, which shall be a charge against the fund. All sales of electronic toll collection transponders from inventory shall be credited to the inventory fund and are hereby appropriated to the department of transportation and made available for expenditures from the inventory fund.

HB 1765-FN-A-L, appropriating matching funds for disaster relief resulting from the October 2005 floods. **OUGHT TO PASS WITH AMENDMENT**
Rep. Elizabeth Hager for Finance: This bill provides funds for the towns devastated by the October 2005 floods in western New Hampshire. The state generally pays 12.5% of the town's costs after FEMA pays 75%. This bill asks each town to pay up to $5,000 and appropriates $2,911,000 for the state to pay the rest of the match. Vote 21-0.

Amendment (0758h)
Amend the title of the bill by replacing it with the following:
AN ACT relative to funding for disaster relief efforts in response to the October 2005 floods and making an appropriation therefor.
Amend the bill by replacing all after the enacting clause with the following:
1 Appropriation; State Matching Funds for Federal Emergency Management Agency Disaster Assistance Grants. In response to October 2005 flood damage sustained by communities in Cheshire, Sullivan, Grafton, Merrimack, and Belknap counties, a sum not to exceed $2,911,000 is hereby appropriated to the department of safety, bureau of emergency management, for the fiscal year ending June 30, 2006, as the required state match for federal disaster assistance funds from the Federal Emergency Management Agency for flood damage sustained during the period from October 8, 2005 to October 17, 2005. With prior approval of the fiscal committee, the department of safety, bureau of emergency management shall distribute the funds appropriated by this act to any eligible municipality or state agency that completed a request for public assistance within the required 30-day period of the October 26, 2005 declaration date. The funds shall be distributed pursuant to the following funding formula: federal funds shall be used for 75 percent of eligible costs and state funds shall be used for the remaining costs, except that the local municipality first shall pay a portion of such remaining costs, not to exceed 12.5 percent of its total eligible costs or $5,000, whichever is less. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any unexpended funds shall lapse to the general fund on June 30, 2008.
2 Effective Date. This act shall take effect upon its passage.
AMENDED ANALYSIS
This bill appropriates state matching funds to the department of safety, bureau of emergency management, for disaster assistance to the communities that sustained flood damage in October 2005.

HB 1140, establishing a committee to study the establishment and enforcement of protection zones for nesting loons. **OUGHT TO PASS**
Rep. Peter E. Solomon for Fish and Game: This bill authorizes a legislative study of the effectiveness of the existing programs to protect loon nesting areas. Over the past ten years, the Loon Preservation Committee has placed signs and/or rope lines around 338 nesting sites in New Hampshire. Although these protected sites have produced 15% more chicks than open sites, the overall loon population has been declining in recent years. The committee unanimously supports a study to determine if legislation is needed to improve the current

program which is aimed at increasing our resident loon population. Vote 9-0.

HB 1182-FN, relative to the recreational taking of lobster by scuba divers. **OUGHT TO PASS WITH AMENDMENT**
Rep. David L. Smith for Fish and Game: This bill adds a new designation to the number of traps a lobster fisherman may use. A recreational lobster fisherman or a very limited commercial fisherman (100 traps or less) may obtain a license for $103.00. This is a new category authorized by this bill. The commercial lobster fisherman with 600 or fewer traps moves up to a $175 annual license fee. The full commercial license for 1200 traps or less shall remain at $300 for the annual license. This amendment was not directly germane to the original bill; an act relative to the recreational taking of lobster by scuba divers. The hearing for the original bill was held on January 24, 2006, and all testimony, except for the sponsor, was against the bill. A public hearing on the amendment was held on February 7, 2006. All testimony was in favor. The Fish and Game Department is in favor of the legislation. Vote 9-0.

Amendment (0602h)
Amend the title of the bill by replacing it with the following:
AN ACT relative to the limited commercial lobster license fees.
Amend the bill by replacing all after the enacting clause with the following:
1 Limited Commercial Lobster License; Fees. Amend RSA 211:18, III(c) to read as follows:
(c) Any individual who is not eligible for the commercial license under subparagraph (b) and any other individual engaged in commercial taking of lobster and crab may receive a limited commercial license. The fee for a resident limited commercial lobster and crab license shall be $103 [~~and~~] ***for new licensees on and after January 1, 2006, and $175 for licensees who held a limited commercial license prior to January 1, 2006.*** The fee for a nonresident, limited commercial lobster and crab license shall be $350.
2 Effective Date. This act shall take effect July 1, 2006.
AMENDED ANALYSIS
This bill increases fees for certain persons acquiring a limited commercial lobster license.

HB 1302, relative to hunting in the town of Bow. **INEXPEDIENT TO LEGISLATE**
Rep. Robert J. L'Heureux for Fish and Game: This legislation, which has come before the committee on several occasions and has consistently been defeated, would have made the town of Bow a shotgun only town. Hunting and safety issues, that may be a concern to Bow, are already adequately covered under existing statutes. According to testimony provided by the Fish and Game Department, there have been no reported incidents in the last six years or more. Furthermore, the implementation of more restrictions on the hunters and sportsmen of New Hampshire is unnecessary to solve a problem that doesn't exist. The New Hampshire Fish and Game Department, Sunset Mt. Fish and Game Club, and the New Hampshire Wildlife Federation all opposed this bill. Vote 10-0.

HB 1341, relative to the use of land for hunting. **INEXPEDIENT TO LEGISLATE**
Rep. David L. Smith for Fish and Game: Although the intent of the legislation is good, the bill as proposed would have done little other than create expense for the Fish and Game Department. It was the feeling of the committee that hunting in the southern tier of the state is somewhat controlled by zoning. In the less populated areas, the problem is land being posted by owners. Rather than wasting precious Fish and Game funds, and using time unproductively, the committee felt that somehow the state should come up with some program to encourage land owners to let their land be open to hunting and fishing. The Fish and Game Department was opposed to the bill. Vote 9-0.

HB 1423-FN, relative to prorating the initial registration fee for off highway recreational vehicles. **INEXPEDIENT TO LEGISLATE**
Rep. Dennis Reed for Fish and Game: The committee recommends that the bill be Inexpedient to Legislate after discussions with the Fish and Game Department and the Bureau of Trails. Each agency noted that the bill as written would be difficult to administer because of the existing registration structure. Both agencies, with agreement of the prime sponsor, feel that the concept and intent of the bill needs to be analyzed by the agencies to address the best interest of the other users. Vote 9-0.

HB 1646-FN, relative to the use of a leashed tracking dog in the recovery of a wounded deer, moose, or bear. **OUGHT TO PASS WITH AMENDMENT**
Rep. Paul Mirski for Fish and Game: Allowing for the Department of Fish and Game to promulgate rules to provide for the use of leashed tracking dogs for the recovery of wounded deer, moose or bear is good environmental policy and resource sensitive. Vote 9-0.

Amendment (0992h)
Amend the bill by replacing all after the enacting clause with the following:
1 New Section; Leashed Tracking Dogs. Amend RSA 207 by inserting after section 12-b the following new section:
207:12-c Notwithstanding any provision of this title to the contrary, a handler with a leashed dog may track wounded deer, moose, or bear. The executive director shall adopt rules pursuant to RSA 541-A, relative to the method and manner of take, time periods for training or using leashed tracking dogs, licensing requirements and fees, possession of recovered deer, moose, or bear, notification requirements, and other provisions deemed necessary to effectively regulate this practice. No person shall use an intact carcass of a deer, moose, or bear for training purposes, but may use samples of blood, tissue, and hide of a deer, moose, or bear legally taken or acquired in this state.
2 Effective Date. This act shall take effect January 1, 2007.
AMENDED ANALYSIS
This bill allows a handler to use a leashed tracking dog for the recovery of a wounded deer, moose, or bear, as provided in rules adopted by the executive director of fish and game.

HB 1747-FN, establishing a New Hampshire healthy tidal waters and shellfish protection program and fund and establishing fees. **OUGHT TO PASS WITH AMENDMENT**
Rep. David L. Smith for Fish and Game: The activities provided for in this bill have been in place since 1999. To date, annual expenses have not fluctuated significantly. Since the programs inception, it has been funded by federal dollars. This bill appropriates $175,000 which will not be provided by Federal sources in Fiscal Year 2006. At the original bill hearing, everyone was in favor of the program being maintained; however, a large amount of testimony was against the fees being assessed as proposed. A subcommittee was formed including a Ways and Means Committee member. It was felt that fees would not be able to be fairly assessed, for it would be almost impossible to attribute accurate percentage of costs, and the percentage could change from year to year due to various factors. Also a number of the potential fee increases would be on fees fairly recently increased due to cost increases. For this reason, and also due to the program promoting healthy seafood (shipped all over New Hampshire), and maintaining a healthy seashore which encourages seasonal visitors and the room and meal tax money they leave here. The committee supports the amendment. Vote 9-0.

Amendment (0886h)
Amend the title of the bill by replacing it with the following:
AN ACT establishing a New Hampshire healthy tidal waters and shellfish protection program and making an appropriation therefor.

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

1 Purpose. The purpose of this act is to replace federal funds received in past years with state funds in order to keep an existing program fully operational. The state shall fund the program with a $175, 000 appropriation from the general fund. This act is consistent with and supported by 1993, 251 (HJR 4), approved June 15, 1993; RSA 143:26; RSA 211:63; and RSA 485-A:8, V.

2 New Subdivision; Healthy Tidal Waters and Shellfish Protection Program. Amend RSA 487 by inserting after section 33 the following new subdivision:

New Hampshire Healthy Tidal Waters and
Shellfish Protection Program

487:34 Healthy Tidal Waters and Shellfish Protection Program Established.

I. There is established within the department of environmental services the New Hampshire healthy tidal waters and shellfish protection program. This program ensures that water quality in coastal waters supports the propagation, conservation, and harvest of shellfish.

II. To the extent that funds are available, the department shall:

(a) Exercise and administer the classification of coastal waters under New Hampshire shellfish sanitation control authority, pursuant to RSA 143:21 and RSA 143:21-a, so that all waters suitable for shellfish propagation and harvest are classified, and, to the maximum extent possible, classified areas are approved for harvest of shellfish, in accordance with the National Shellfish Sanitation Program.

(b) Identify impaired water quality for shellfish harvesting and work with cooperating agencies and the public to mitigate impairments.

(c) Educate citizens about the need for watershed stewardship to keep coastal waters clean for harvest of shellfish and other designated uses that depend upon safe and clean water.

(d) Conduct strategic planning, together with cooperating agencies and organizations, for New Hampshire's shellfish program, to enhance recreational shellfish harvest and establish commercial aquaculture harvest potential.

487:35 Finding of Public Purpose. The general court finds that it is for the public good and welfare of this state to protect and preserve its tidal waters for propagation and harvest of shellfish and for other beneficial uses. Shellfish propagation and harvest is a primary indicator of the overall ecological and water quality health of coastal waters. As such, the general court further recognizes the need to restore, preserve, and maintain the state's tidal waters in order that these significant environmental, aesthetic, and recreational assets will continue to benefit the social and economic well-being of the state's citizens.

487:36 Definitions. In this subdivision

I. "Commissioner" means the commissioner of the department of environmental services.

II. "Coastal waters" means surface waters of the state, as defined in RSA 485-A:2, XIV, that are subject to the influence of the tides.

III. "Department" means the department of environmental services.

IV. "Coastal watershed area" means the entire watershed area from which water eventually drains to the state's estuaries and coastal waters.

487:37 Healthy Tidal Waters and Shellfish Protection Fund Established.

I. A special healthy tidal waters and shellfish protection fund is established for exclusive use by the department to accomplish the purposes of this subdivision. This fund shall be nonlapsing and continually appropriated to the department for the purposes of this subdivision.

II. The commissioner may apply for and accept, from any source, gifts; donations of money; federal, municipal, or private grants; legislative appropriations; and other funds and incentives for the purposes of this subdivision. The funds accepted under this paragraph

shall be paid into the healthy tidal waters and shellfish protection fund established under paragraph I.

3 New Subparagraph; New Hampshire Healthy Tidal Waters and Shellfish Protection Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (242) the following new subparagraph:

(243) Moneys received under RSA 487:37, II which shall be credited to the New Hampshire healthy tidal waters and shellfish protection fund established under RSA 487:37.

4 Appropriations. The sum of $175,000 is hereby appropriated for the fiscal year ending June 30, 2006 to the healthy tidal waters and shellfish protection fund established in RSA 487:36. The governor is authorized to draw a warrant for said sum of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

This bill establishes a New Hampshire healthy tidal waters and shellfish protection program and fund, and makes an appropriation to fund the program.

HB 1331, establishing a committee to study the Temporary Assistance to Needy Families (TANF) reauthorization. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The Temporary Assistance to Needy Families (TANF) program has recently been reauthorized by Congress. As required, New Hampshire places the federal authorization into New Hampshire statute by this bill. This bill contains only the federal authorization. No other content was included. The committee was disappointed with some of the changes made in this program. However, this bill is not the vehicle to address possible changes. Other legislation would be required. Failure to place the federal authorization into statute could lead to administrative and fiscal consequences including loss of financial support for the Department of Health and Human Services and the clients who need and will benefit from the program. The committee was in unanimous support of this legislation. Vote 14-0.

Amendment (0670h)

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

AN ACT relative to the New Hampshire Temporary Assistance to Needy Families (TANF) program.

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

1 New Hampshire Employment Program and Family Assistance Program; Statement of Purpose. Amend RSA 167:77 to read as follows:

167:77 Statement of Purpose.

I. The purpose of this subdivision is to reform welfare through the vehicle made available by the federal government[~~, whether through block grants or by a federal waiver. If a waiver is necessary, it is the intent of the general court that the commissioner of the department of health and human services request such a waiver so that this subdivision may be implemented~~]. To the extent permitted by federal law, it is the intent of the general court to [~~replace the aid to families with dependent children program with~~] ***operate the Temporary Assistance to Needy Families (TANF) program through 2 subprograms:***

(a) The New Hampshire employment program which shall provide financial assistance for families with dependent children when the children are cared for by a parent or relative who is receiving assistance and is considered to be able-bodied for employment.

(b) The family assistance program which shall provide financial assistance for families with dependent children when the parent or other relative is considered unable to work due to a physical or mental disability or the children are cared for by a relative other than a parent who is not receiving assistance.

II. [~~Such replacement establishes~~] The New Hampshire employment program and the family assistance program [~~as the~~] ***are*** cash assistance programs upon which Medicaid and Food Stamps are automatically granted in the same relationship [~~as under the AFDC program~~].

III. [~~A waiver or a block grant may be phased in, at the discretion of the commissioner. If there is a phasing in then the existing AFDC/JOBS program may be maintained in all or part of the state at the discretion of the commissioner. To the extent that some portions of the state are covered by the AFDC/JOBS program, the statutes and rules governing that program shall apply and be in effect.~~] Notwithstanding any other laws to the contrary, the New Hampshire employment program and family assistance program shall be covered by this subdivision and the rules adopted under the authority of this section. All statutory provisions within RSA 161 and 167 which are not inconsistent with the provisions of this subdivision shall remain in full force and effect and shall apply to the New Hampshire employment program and the family assistance program.

IV. The New Hampshire employment program shall promote economic independence and help maintain and strengthen family life by enabling able-bodied persons with dependent children to assume responsibility for their families through the dignity of work. Work shall be promoted by:

(a) Offering employment services, support services, and transitional financial assistance with the expectation that participants move quickly towards employment.

(b) Developing long-term employment skills that lead to self-sufficiency.

(c) Recognizing the equal responsibility of both parents to provide economic support for their children.

V. The goals of the New Hampshire employment program shall be to:

(a) Eliminate or reduce the harmful effects of poverty on families and children by fostering employment and opportunity as a means to economic independence.

(b) Assist participants to gain employment as rapidly as possible, given due consideration to individual circumstances, labor market conditions, the needs of the dependent children for continuing care and protection, and the ultimate goal of long-term economic independence.

(c) Eliminate the stigma of welfare by promoting a philosophy and perception that the purpose of welfare is to eliminate or reduce the harmful effects of poverty on families and children by promoting work opportunities for all New Hampshire residents.

(d) Support and coordinate with activities that promote self-sufficiency and strengthen family life.

(e) Provide a comprehensive support service package that includes: medical assistance, food stamps, child care, transportation, child support, and other support services necessary to promote economic independence.

(f) Promote successful transition from public assistance [~~through the provision of job readiness activities, training, and education activities concurrently with employment or seeking employment, family support skills, and follow-up services for problem resolution and job advancement~~] ***to the labor market***.

(g) Develop partnerships with employers to create job opportunities and meet the needs of both employers and participants.

(h) Provide a program where it is more advantageous to work than not to work by rewarding self-sufficiency.

(i) Implement a program that is clear, focused, and simple to administer.

VI. The goals of the family assistance program shall be to:

(a) Eliminate or reduce the harmful effects of poverty on families and children by providing financial assistance and medical assistance only to families with children in a manner compatible with decency and health.

(b) Promote employment opportunities [~~on a voluntary basis~~].

2 Definition of Employment-Related Activities. RSA 167:78, IX is repealed and reenacted to read as follows:

IX. "Employment-related activities" mean activities that meet the federally defined work activities in The Personal Responsibility and Work Opportunity Reconciliation Act, Public Law 104-193, Section 407(d) of the Social Security Act, as amended by the Deficit Reduction Act of 2005, and further defined in rules adopted pursuant to RSA 541-A.

3 Employment Program; Eligibility. Amend RSA 167:79, II to read as follows:

II. The following persons shall be included in the assistance group, unless such person receives state supplemental assistance or supplemental security benefits under Title XVI of the Social Security Act, foster care or adoption assistance, if living in the same household or temporarily absent from the household: any dependent child and all minor blood-related, step, or adoptive brothers and sisters, and all natural, step, or adoptive parents of such children***, including cohabitating adults who share a minor child***. In the case of a minor parent, the assistance unit may also include all natural, step, or adoptive parents of the minor parent and all minor blood-related, step or adoptive brothers and sisters. If the parents are not residing together a child shall be considered residing with the parent who has physical custody of the child the majority of the time.

4 Employment Program; Requirement to Prevent Reduction in Benefits. Amend RSA 167:79, VI (c) to read as follows:

(c) A parent/caretaker relative and case members shall cooperate with [~~all employment related activities of~~] ***required appointments for entry into*** the employment program.

5 Employment Program Characteristics. Amend RSA 167:82 to read as follows:

167:82 Employment Program Characteristics.

I. The program shall provide financial assistance to assistance groups who meet and comply with all the eligibility ***and employment program participation*** requirements under RSA 167:79, 167:80, and 167:81.

II. The following persons shall be temporarily deferred from the participation [~~requirements in RSA 167:85, 167:90, and 167:91~~] ***in employment-related activities***:

(a) Dependent children under the age of 16.

(b) Dependent children age 16 or older who are full-time students in an elementary, secondary, vocational/technical school, or the equivalent.

(c) [~~One~~] ***A*** parent or caretaker relative [~~per assistance group~~] who is personally providing care for a child under the deferral age established by the department by rules adopted pursuant to RSA 541-A.

(d) A parent or caretaker relative who is 60 years of age or older.

(e) A pregnant woman as defined by the department by rules adopted pursuant to RSA 541-A.

(f) [~~A person who is employed full-time as defined by the department by rules adopted pursuant to RSA 541-A.~~

~~(g) A person who is temporarily unable to participate in program requirements due to illness or incapacity as certified by a licensed physician or board certified psychologist. The physician or psychologist shall certify, on a form provided by the department, the duration and limitations of the disability.~~

~~(h) A parent or caretaker relative required to be in the home to care for another relative or assistance group member who resides in the same household due to that member's illness, or incapacity or disability; and there are no other household members to provide the care; and required care is considered necessary by a licensed physician or board certified psychologist. The physician or psychologist shall certify, on a form provided by the department, the duration that care is required.~~

~~(i)~~] A person with significant employment-related barriers, as determined by the department by rules adopted pursuant to RSA 541-A, that prevent the person from accepting immediate employment.

[~~(j)~~] ***(g)*** Any other person as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

III. Financial assistance for an assistance group shall be reduced if a parent or caretaker relative of the assistance group:

(a) Fails to assign child support rights to the department.

(b) Fails to cooperate with child support requirements without good cause. A parent or caretaker relative shall have good cause for noncooperation with child support requirements when efforts to establish paternity or secure support are against the best interests of the child or parent or caretaker relative or when efforts to establish paternity or secure support can reasonably be anticipated to result in physical or emotional harm to the child or parent or caretaker relative. A parent or caretaker relative shall also have good cause for noncooperation with child support requirements when at least one of the following conditions exists:

(1) The child for whom support is sought was conceived as a result of incest or forcible rape;

(2) Proceedings for adoption of the child are pending in a court; or

(3) A social service agency is helping the parent or caretaker relative decide whether to relinquish the child for adoption, and the discussions have not occurred for more than 3 months.

(c) Voluntarily quits a job consisting of at least 20 hours of work per week without good cause 60 days or less prior to the date of application for financial assistance, and such parent or caretaker relative has not become reemployed at a level consisting of at least 20 hours of work per week. Good cause for leaving employment shall include any of the following:

(1) Discrimination by an employer based on age, race, sex, color, physical or mental disability, religious belief, national origin, or political beliefs;

(2) Work demands or conditions that render continued employment unreasonable, including but not limited to, employment in which the degree of risk to health or safety is unreasonable or employment yielding weekly earnings of less than the state or federal hourly minimum wage;

(3) Resignation by a person under the age of 60 which is recognized by the employer as retirement;

(4) Employment which becomes or is revealed to be unsuitable following acceptance of such employment, including, but not limited to, employment which the parent or caretaker relative is physically or mentally unfit to perform, or employment in which the distance from the parent or caretaker relative's home to the place of employment is unreasonable considering the wage and the time and cost of commuting;

(5) Acceptance by the parent or caretaker relative of ***new*** employment[~~, or enrollment of at least half-time in any recognized school, training program or institution of higher education,~~] that requires the parent or caretaker relative to leave ***current*** employment;

(6) Leaving a job in order to accept a bona-fide job offer which job offer, because of subsequent circumstances beyond the control of the applicant, is withdrawn or results in employment of fewer than 20 hours per week or weekly earnings of less than the state or federal hourly minimum wage;

(7) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work, even though employment at the new site has not actually begun;

(8) Leaving a job because of circumstances beyond the control of the parent or caretaker relative which render continued employment impracticable, including but not limited to, lack of transportation or child care, or illness, incapacity or disability of the parent or caretaker relative, or illness, incapacity or disability of another household member serious

enough to require the presence in the home of the parent or caretaker relative, net loss of cash income, required court appearance, or mandated appointments; or

(9) Other good cause.

(d) Voluntarily quits or refuses a job without good cause as defined in RSA 167:82, III(c) while receiving financial assistance. A parent or caretaker relative shall be considered to have voluntarily quit a job while receiving financial assistance if such person fails to report for work without good cause as defined in RSA 167:82, III(c), resulting in the termination of the parent or caretaker relative's employment while receiving assistance. A parent or caretaker relative who is fired or resigns from a job at the request of the employer due to such person's inability to maintain the employer's normal work productivity standard shall not be considered to have voluntarily quit the job.

(e) Fails to comply without good cause with ongoing participation requirements in RSA 167:85, 167:88, 167:90, or 167:91. ***Failure to participate in employment-related activities for the number of hours specified by The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, as amended by the Deficit Reduction Act of 2005, and by rules adopted pursuant to RSA 541-A shall result in the denial of benefits for the entire assistance group.*** Good cause shall exist when circumstances are beyond the participant's control, including, but not limited to, lack of transportation or child care, or illness, incapacity or disability of the participant, or illness, incapacity or disability of another household member serious enough to require the presence in the home of the participant, net loss of cash income, required court appearance, mandated appointments, or unreasonable risk to the health or safety of any household member.

(f) Fails to comply with other eligibility requirements as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

IV. Financial assistance for an assistance group shall be reduced if a non-deferred dependent child of the assistance group:

(a) Fails to comply without good cause with ongoing participation requirements as required by RSA 167:85, 167:88, 167:90, or 167:91. Good cause shall exist when circumstances are beyond the participant's control, including, but not limited to, lack of transportation or child care, or illness, incapacity or disability of the participant, or illness, incapacity or disability of another household member serious enough to require the presence in the home of the participant, net loss of cash income, required court appearance, mandated appointments, or unreasonable risk to the health or safety of any household member.

(b) Failure to comply with other eligibility requirements as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

V. The department shall establish reduction rates***,*** [~~and~~] the duration of the reduction [~~for reductions under RSA 167:79, VI, 167:82, III, and 167:82, IV~~] ***rates and financial assistance closure reasons*** by rules adopted pursuant to RSA 541-A. [~~The initial reduction rate imposed on any household shall be determined by disregarding the needs of the participant who is out of compliance, but not the needs of the dependent children. If the participant remains out of compliance at the end of the initial reduction period, then a greater reduction may be imposed which partially disregards the needs of the dependent children.~~] No reduction ***or closure*** shall be imposed on a household unless the participant who is out of compliance has received prior written notice of the reason for the reduction of assistance ***or closure*** and the specific actions which must be taken in order to reinstate full assistance. No reduction ***or closure*** shall be imposed [~~which disregards the needs of the children~~] when the parent or caretaker relative who is out of compliance lacks the means necessary to immediately come into compliance.

VI. Participants shall be eligible for medical assistance as categorically needy provided they receive financial assistance under this subdivision, or are otherwise eligible to receive such assistance but do not. An assistance group that becomes ineligible due to new

or increased earnings shall remain eligible for medical assistance for 12 months from when the assistance group became ineligible ***pursuant to rules adopted under RSA 541-A***.

VII.(a) Financial assistance payments shall be based on the characteristics of the assistance group under this section and the standard of need and payment standard as authorized in RSA 167:7, II. The financial assistance grant is the difference between the assistance group's net income and the payment standard. The financial assistance payments may be contingent on the performance of program activities and may be made after the performance of such program activities. The following disregards and deductions shall be allowed in determining net income:

(1) An applicant earned income disregard.

(2) A participant earned income disregard.

(3) A deduction for all amounts actually paid by the assistance group for court-ordered payments.

(4) A deduction for amounts actually paid for child care expenses not to exceed the applicable rate as determined by the department by rules adopted pursuant to RSA 541-A.

(5) [Repealed.]

(6) Any other disregard or deduction established by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

(b) The department may establish the amount of the earned income disregard or any other disregard or deduction by rules adopted pursuant to RSA 541-A.

VIII. When the department has made a final determination that a parent or caretaker relative, without good cause, has failed to comply with employment program work requirements under RSA 167:85, and assistance to the household has been reduced ***or closed*** pursuant to RSA 167:82, III(c)-(e) or IV(a), the amount of reduction shall be a qualified state assistance reduction. The reduction ***or closure*** shall remain a qualified state assistance reduction for so long as the parent or caretaker relative is a New Hampshire employment program recipient and maintains the present ability to cure the reduction by complying with employment program work requirements. The department shall provide advance notice to the parent or caretaker relative of the amount and effective date of the qualified state assistance reduction ***or closure*** and that a city or town may consider the amount as deemed income for purposes of calculating eligibility for and the amount of general assistance. Upon request, the department, in a timely manner, shall make available to the welfare administrator of any city or town information as to the existence and amount of any qualified state assistance reduction ***or closure amount*** that has been imposed on any person applying for assistance from that municipality.

6 Infringement on Rights of Other Employees Prohibited. Amend RSA 167:82-a, I to read as follows:

I. The employment program shall not [~~use participants~~] ***permit individuals to participate in the employment program*** in any way contrary to federal law under section 407(f) of the Social Security Act.

7 Rulemaking; Notice Requirements. Amend RSA 167:83, II(b) to read as follows:

(b) Notification of case decisions which affect the ***type or*** amount of benefits***,*** [~~or~~] ***the*** level of eligibility [~~to participants~~]***,*** or changes in participation requirements.

8 Rulemaking. Amend RSA 167:83, II(o) to read as follows:

(o) ***Operation of the employment program and employment-related activities as required by The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, and the Deficit Reduction Act of 2005.***

(p) Any other matters necessary to implement the program in a manner that promotes the purpose and goals of this subdivision.

9 Right to Notice of Type and Amount of Benefits. Amend RSA 167:83, III(c) to read as follows:

(c) To be notified of the decision relative to eligibility***,*** and ***benefit amounts and*** of any changes which affect the benefit amount, the level of eligibility, or changes in participation requirements.

10 Family Assistance Program. Amend RSA 167:84, I and II to read as follows:

I. The family assistance program shall provide financial assistance for dependent children who:

[~~(a) Are deprived of parental support or care by reason of death, continued absence from the home, physical or mental incapacity, or the unemployment or underemployment of a parent; and~~

~~(b) Reside with either their nonable-bodied specified relative or a caretaker relative who is not included in the assistance group. Financial assistance shall be provided to the parents of the dependent child. Financial assistance may be provided to the nonable-bodied caretaker relative.~~]

(a) Are cared for by a caretaker relative who is not included in the assistance group.

(b) Are cared for by a specified relative and does not meet the definition of RSA 167:78, I.

(c) Are cared for by caretaker relative who is included in the case and does not meet the definition of RSA 167:78, I.

II. An applicant shall meet all eligibility requirements under RSA 167:79, II, III, IV, V, VI(a), 167:80 and 167:81 to be eligible for financial assistance under this section, and shall be subject to applicable sanctions ***or case closures*** under RSA 167:82, III(a), III(b), and III(f).

11 Employment Program Work Component; Employment-Related Activities. RSA 167:85 is repealed and reenacted to read as follows:

167:85 Employment Program Work Component; Employment-Related Activities. All participants in the employment program shall participate in an assessment, employment plan development***,*** and be involved in an employment-related activity while participating in the program unless temporarily deferred from participation as authorized by rules adopted pursuant to RSA 541-A and RSA 167:82, II. Noncompliance with employment-related activities without good cause shall be subject to financial assistance penalties pursuant to RSA 167:82, III and IV.

I. Employment-related activities shall be available as specified in The Personal Responsibility and Work Opportunity Reconciliation Act and The Deficit Reduction Act of 2005. Additional employment-related activities that are consistent with the purpose and goals of The Personal Responsibility and Work Opportunity Reconciliation Act, The Deficit Reduction Act of 2005, and this subdivision shall be defined by rules adopted under RSA 541-A.

II. A person temporarily deferred under RSA 167:82, II may participate in the employment program on a voluntary basis to the extent that the program is available and funding and resources are sufficient as determined by the commissioner. If such a person participating in the employment program does not meet the requirements of this section without good cause pursuant to RSA 167:82, the person shall not re-enroll for 3 months.

III. The commissioner may waive requirements under this section if funding and resources are not available to administer this section.

12 Support Services. Amend RSA 167:86 to read as follows:

167:86 Support Services. The commissioner shall reimburse persons for [~~necessary~~] travel, child care, and other support service expenses [~~incurred~~]***, as funding and resources permit,*** while [~~conducting~~] ***participating in approved*** employment program activities. The amount shall be determined by the commissioner by rules pursuant to RSA 541-A.

Child care shall be appropriate and safe. The lack of such care shall be considered good cause for deferral from participation.

13 Initial Employment Appraisal and Assessment; Employment Contract. Amend RSA 167:88 to read as follows:

167:88 Initial Employment Appraisal and Assessment; Employment Contract.

I. The commissioner shall[~~ determine a participant's ability for employment based on:~~

~~(a) Such person's work experience, skills, training, education, physical abilities, local labor market area conditions, and if appropriate, aptitude and vocational interests.~~

~~(b) Such person's child care, transportation, and other support service needs.~~

~~(c) Any other factors that the employment program considers relevant in accordance with rules adopted pursuant to RSA 541-A.~~

~~II. The commissioner may make the determination in paragraph I through various methods, including, but not limited to, interviews, testing, counseling sessions, and self-assessment instruments. Participants identified as needing additional services not provided by the commissioner may be referred to community agencies, resources, and services.~~

~~III.~~] ***make initial and ongoing assessments of the skills, prior work experience, and employability of each participant entering the employment program.***

II. The commissioner shall develop an employment [~~contract~~] ***plan*** in conjunction with the participant. [~~To the extent that it is feasible and consistent with the purpose and goals of this subdivision, the employment contract shall reflect the preferences of the participant with respect to goals for employment, training or education.~~] The employment contract ***plan*** shall:

(a) Indicate employment goals for achieving long-term economic independence, including goals for immediate employment in the labor market.

(b) [~~Outline a planned series of action steps necessary to achieve employment goals.~~] ***Describe the obligations of the participant that will help him or her become or remain employed in the private sector, and describe the steps necessary for the participant to engage and remain in good standing with program requirements.***

(c) Describe the services to be provided by the employment program.

(d) Identify the support service needs of the participant and indicate how those needs are being addressed.

(e) Follow any other requirements pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act, as amended by the Deficit Reduction Act of 2005.

IV. The commissioner shall make the final approval of the employment contract.

14 Job Search Programs; Employment Related Activities. RSA 167:90 is repealed and reenacted to read as follows:

167:90 Employment Related Activities.

I. Participants shall engage in employment-related activities for the number of hours requires by 42 U.S.C. section 607(c), as amended, to meet participation requirements. The department shall adopt rules under RSA 541-A relative to the required number of hours and the method of reporting and verifying the reported hours of employment-related activity.

II. The commissioner shall provide employment-related activities, as funding and resources permit, pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act, as amended by the Deficit Reduction Act of 2005, and rules adopted under RSA 541-A.

15 Specialized Employment-Related Activities. Amend RSA 167:91 to read as follows:

167:91 Specialized [~~Services~~] ***Employment-Related Activities***. The following describes [~~the employment program specialized services~~] ***certain specialized employment-related activities*** and associated participant requirements:

I. Each participant less than [~~21~~] ***20*** years of age, who is not enrolled in school and who does not have a general education diploma (GED) or a high school diploma (HSD) shall:

(a) Actively pursue an education designed to prepare such person to qualify for a high school equivalency diploma; or

(b) Enroll in school to pursue a high school diploma.

II. [~~Each participant required to pursue an education under paragraph I and who is unable to obtain a GED or HSD in a specified period of time may be offered services to enhance basic literacy and work skills.~~

~~III. A participant shall be permitted to volunteer to participate under paragraphs I and II as funding and resources permit.~~

~~IV.~~] The commissioner may offer English as a Second Language services ***to eligible participants identified by rules adopted under RSA 541-A***.

[~~V. A participant shall be exempt from the requirements of paragraphs I and II if:~~

~~(a) The participant is unable to successfully complete educational activities and is willing and able to participate in job search activities; or~~

~~(b) The participant's involvement in educational activities is inappropriate, based on assessment and the employment goals established in the employment contract, and such goals do not require a high school diploma or equivalent.~~

~~VI.~~] ***III.*** The commissioner may provide on-the-job training. A participant shall make satisfactory progress in the employment placement to continue to qualify as an employment-related activity under the employment program ***and be an approved activity under The Personal Responsibility and Work Opportunity Reconciliation Act, as amended by the Deficit Reduction Act of 2005***.

[~~VII.~~] ***IV.*** The commissioner may refer a participant to a training agency if such participant requires short-term training to enter the work force. All training shall emphasize vocational skills training for participants in a specific occupational area. The commissioner shall require an assessment for referral to training programs to determine the appropriateness of the training in accordance with the criteria established [~~by the commissioner by~~] ***under the Personal Responsibility and Work Opportunity Reconciliation Act, as amended by the Deficit Reduction Act of 2005 and in*** rules adopted pursuant to RSA 541-A. Final approval of the training program shall be the responsibility of the commissioner.

[~~VIII. The commissioner may refer a participant to postsecondary education if it appears that postsecondary education is required for the household to achieve long-term economic independence. All postsecondary education shall emphasize vocational skills training for participants in a specific occupational area. The commissioner shall require an assessment for referral to postsecondary educational programs to determine the appropriateness of the postsecondary education in accordance with the criteria established by the commissioner by rules adopted pursuant to RSA 541-A. Final approval of the postsecondary educational program shall be the responsibility of the commissioner. The following shall apply:~~

~~(a) Any initial postsecondary educational program that is considered at least half-time as defined by the institution, shall include a part-time employment requirement that is reasonable and consistent with the needs of the dependent children for continuing parental care and protection.~~

~~(b) Any initial postsecondary educational program that is considered less than half-time as defined by the institution, shall include an employment requirement that may include full-time employment, if reasonable and consistent with the needs of the dependent children for continuing parental care and protection.~~

~~(c) A work placement or paid employment shall be arranged prior to the beginning of any educational program to satisfy the requirement in subparagraph VIII(a) or (b).~~

~~(d) Any initial postsecondary educational plans shall emphasize vocational skills training in a specific occupational area and shall not be approved beyond the associates degree level.~~

~~(e) The department shall not reimburse for tuition, books, supplies, or school fees.~~

~~(f) If a participant becomes unemployed while attending postsecondary educational activities, job search activities may be allowed for a predetermined period of time to meet the conditions in subparagraphs VIII(a) or (b).~~

~~(g) If a work placement or paid employment position is not available, participants may be required to enter into the alternative work experience program.~~

~~IX. A person in good standing in a postsecondary educational program or training program at the time of application to the department may continue to attend if the following requirements are met:~~

~~(a) The additional requirements in paragraphs VII and VIII are met.~~

~~(b) The costs of the education or training shall not be the responsibility of the department.~~

~~(c) Self-initiated education shall not be approved beyond the associates degree level unless the participant is completing a bachelors degree program within a limited period of time to be determined by the department by rules adopted pursuant to RSA 541-A which shall not exceed 2 years and meets any additional requirements of the program.~~

~~X.~~] ***V.***(a) The department may operate an alternative work experience program ***pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act, as amended by the Deficit Reduction Act of 2005***.

[~~(b) Participants shall not be entitled to a salary or training expense when participating in the alternative work experience program.~~

~~(c) At the successful conclusion of an alternative work experience program placement, the commissioner may reassess and enroll such participant in another employment related activity, if appropriate and available.~~

~~(d) Any placement that is not considered full-time shall require participation in another employment related activity. Placements less than 26 weeks shall be permitted.~~

~~(e) A participant who voluntarily quits an alternative work experience placement without good cause as defined in RSA 167:82, III(c) and (d) shall be subject to RSA 167:82.~~

~~(f) Participants who do not comply with all the requirements under this section without good cause as defined in RSA 167:82, III(c) shall be subject to RSA 167:82.~~]

~~XI.~~] ***VI.*** The department shall be the payor of last resort for all expenses involved in any training [~~and postsecondary educational activity,~~] and participants shall be required to apply for any other available assistance, prior to receiving financial assistance from the department. Financial assistance for training and educational programs shall have monetary limits established by the department by rules adopted by the commissioner pursuant to RSA 541-A.

[~~XII. Job search requirements and the work for benefits placement may be suspended by the commissioner for a specified time when the person is participating in other specialized services.~~

~~XIII. Participants assessed as needing intensive job readiness assistance in order to obtain full-time employment shall be referred to a job readiness program or educational services below the postsecondary level.~~

~~XIV. Participants assessed as needing assistance to resolve significant personal barriers prior to obtaining and accepting full-time employment shall be referred to the appropriate community services and resources.~~

~~XV. The duration of services under this section shall be determined by the commissioner by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.~~]

16 Repeal. The following are repealed:

I. RSA 167:78, XIII, relative to the definition of job search program.
II. RSA 167:78, XIV, relative to the definition of making good progress.
III. RSA 167:78, XXII, relative to specialized services.
IV. RSA 167:78, XXIV, relative to suspension of job search.
V. RSA 167:78, XXVI, relative to benefits program.

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

AMENDED ANALYSIS

This bill revises the Temporary Assistance to Needy Families (TANF) program in anticipation of federal, legislative changes to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

HB 1346, requiring certain persons to keep the contents of prescriptions confidential.
OUGHT TO PASS WITH AMENDMENT

Rep. Cindy Rosenwald for Health, Human Services and Elderly Affairs: This bill safeguards the privacy of both patients and physicians by preventing the sale of their identity for use by pharmacies and drug companies to promote specific medications or monitor the effectiveness of sales and marketing efforts. The bill makes the sale of such private information a violation of the Unfair Trade Practice Act., While HIPAA is supposed to protect patient identity from being bought and sold, it is not always effective. A major drug company is under investigation for paying pharmacists and employees of physician offices to identify patients whose medications could be switched to a competing brand. In New Hampshire, the Pharmacy Board receives complaints from individuals who get coupons for other drug brands in the mail. Currently, drug companies buy the prescribing records of health care providers who prescribe medications. This is done without the provider's permission, and the committee believes it is an unwarranted invasion of privacy that eventually leads to higher drug utilization costs. The bill was amended to define carefully the prohibited uses of identity data. It also protects legitimate uses of identity such as insurance reimbursement, private insurance and Medicaid formulary compliance, fraud investigation, and academic research. Significantly, the legislation does not prohibit the collection, sale, or use of prescriber identity in the aggregate (e.g. the number of prescriptions for a specific brand by all the psychiatrists in Manchester). Therefore, the committee believes that a drug company's commercial interest in promoting its products and evaluating its sales force is adequately protected. In restricting the commercial use of identity data, doctors will be allowed to make prescribing decisions based on therapeutic value without influence from drug reps. This can lead to slower increases in cost for Medicaid and health insurance premiums paid by businesses and individuals. The Medical Society, DHHS, and the AG's office all support the legislation. Vote 13-0.

Amendment (0738h)

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

1 New Section; Pharmacists and Pharmacies; Prescription Information to be Kept Confidential. Amend RSA 318 by inserting after section 47-e the following new section:

318:47-f Prescription Information to be Kept Confidential. Records relative to prescription information containing identifiable patient and prescriber data shall not be used, transferred, licensed, or sold by any pharmacy benefits manager, insurance company, electronic transmission intermediary, retail, mail order, or Internet pharmacy, or other similar entity, for any commercial purpose, except for the limited purposes of pharmacy reimbursement, care management, and utilization review by the patient's insurance provider or the provider's agent. Commercial purpose includes, but is not limited to, advertising, marketing, promotion, or any other purpose that could be used to influence sales or market share of a pharmaceutical product, influence or evaluate the prescribing behavior of an individual health care professional, except for evaluation by an insurance provider or the provider's agent for the purpose of compliance with the provider's formulary, or evaluate the

effectiveness of a professional detailing sales force. In addition to other appropriate remedies under this chapter, a violation of this section is an unfair or deceptive act or practice within the meaning of RSA 358-A:2. Any right or remedy set forth in RSA 358-A may be used to enforce the provisions of this section.

2 New Paragraph; Controlled Drug Act; Prescription Information to be Kept Confidential. Amend RSA 318-B:12 by inserting after paragraph III the following new paragraph:

IV. Records relative to prescription information containing identifiable patient and prescriber data shall not be used, transferred, licensed, or sold by any pharmacy benefits manager, insurance company, electronic transmission intermediary, retail, mail, or Internet pharmacy, or other similar entity, for any commercial purpose, except for the limited purposes of pharmacy reimbursement, care management, and utilization review by the patient's insurance provider or the provider's agent. Commercial purpose includes, but is not limited to, advertising, marketing, promotion, or any other purpose that could be used to influence sales or market share of a pharmaceutical product, influence or evaluate the prescribing behavior of an individual health care professional, except for evaluation by an insurance provider or the provider's agent for the purpose of compliance with the provider's formulary, or evaluate the effectiveness of a professional detailing sales force. In addition to other appropriate remedies under this chapter, a violation of this paragraph is an unfair or deceptive act or practice within the meaning of RSA 358-A:2. Any right or remedy set forth in RSA 358-A may be used to enforce the provisions of this paragraph.

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

AMENDED ANALYSIS

This bill declares that prescription information shall not be used, transferred, licensed, or sold for any commercial purpose except for limited purposes.

HB 1465-FN, relative to food stamp overpayments. **OUGHT TO PASS WITH AMENDMENT**

Rep. Cindy Rosenwald for Health, Human Services and Elderly Affairs: This bill seeks to remedy a hardship faced by food stamp recipients who occasionally receive an overpayment of benefit through no fault of their own and are unable to repay the amount. The legislation prevents the Department of Health and Human Services from automatically seeking reimbursement for overpayment of food stamp benefits when the overpayment is the result of department error. As amended, the waiver of repayment claim is restricted to situations where the amount of overpayment is greater than $450 or the recipients income is higher than 200% of federal poverty level. The amendment also directs the department to seek approval from the US Department of Agriculture and establish procedures for waiver of claims. The committee noted that this policy of not pursuing reimbursements for small overpayments is consistent with other states. Vote 15-0.

Amendment (0888h)

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

1 New Section; Food Stamp Program; Overpayment. Amend RSA 161 by inserting after section 9 the following new section:

161:10 Food Stamp Program; Overpayment. To the extent permitted by the Food Stamp Act of 1977, as amended, and federal regulations adopted thereunder, the department of health and human services shall terminate or waive any claim to reimbursement for the overpayment of food stamps if the overpayment was the result of department error and:

I. The amount of the overpayment is not more than $450; or

II. The recipient's income is less than or equal to 2 times the federal poverty level.

2 Rulemaking; Food Stamp Program. Amend RSA 161:4-a, IV to read as follows:

IV. The development and administration of the food stamp program under RSA 161:2, XIII***, including procedures for waiver of food stamp overpayments***.

3 Approval by United States Department of Agriculture. The department of health and human services shall obtain approval from the United States Department of Agriculture for the collection practice established in section 1 of this act.

4 Contingency. Section 1 of this act shall take effect when the department of health and human services certifies to the secretary of state and the office of legislative services that the department has received approval from the United States Department of Agriculture pursuant to section 3 of this act. If the department's request is denied, the department shall certify the denial to the secretary of state and the office of legislative services, and section 1 of this act shall not take effect.

5 Effective Date.

I. Section 1 of this act shall take effect as provided in section 4 of this act.

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

AMENDED ANALYSIS

This bill establishes criteria for the department of health and human services to waive claims to reimbursement of food stamp overpayments that result from agency error.

HB 1708-FN, relative to Temporary Assistance to Needy Families (TANF) eligibility for 2-parent families. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill would set requirements for 2-parent families to be eligible for Temporary Assistance to Needy Families (TANF). At the time the bill was prepared, DHHS had not known of the implications of the TANF reauthorization by Congress. The recent reauthorization reduces monies and programs contained in previous authorizations. Having the implications of the new authorization in hand, the committee felt that it would be inappropriate for a public policy viewpoint to initiate new programs under TANF. The new authorization is included in HB 1331. In addition, the House has already passed legislation (HB 1461) creating a task force to study the TANF program. The committee voted unanimously against this bill and the Department of Health and Human Services states the bill is no longer an issue or is needed. Vote 13-0.

HB 1709-FN, establishing an autism registry in the department of health and human services. **OUGHT TO PASS WITH AMENDMENT**

Rep. April H. Mason for Health, Human Services and Elderly Affairs: This bill establishes an autism registry in the Dept. of Health and Human Services. Best estimates indicate that one in 500 children born in the state will be diagnosed with an autism spectrum disorder. There is a clear need for greater accuracy in the reporting of epidemiological data on the incidence and prevalence of autism spectrum disorders (ASD) in the state. This bill would require that licensed health care providers, upon making the diagnosis of ASD, report such diagnosis to the state. This registry shall not be operational until grant money is secured. This registry will not require any appropriations from the Department of Health and Human Services and is not utilizing state funds. Once grant, donations, or other moneys are received, the State may opt to enter into an agreement with an appropriate entity for the management of the registry; such as a university or college. This registry is an important first step in understanding the increased prevalence of autism spectrum disorders in New Hampshire and how to best facilitate future planning. Vote 13-0.

Amendment (0892h)

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

1 Purpose and Intent. The general court finds and declares that:

I. Autism spectrum disorder (ASD) is a developmental disorder of brain function which is typically manifested in impaired social interaction, problems with verbal and nonverbal communication and imagination, and unusual or severely limited activities and interests. These symptoms generally appear during the first 3 years of childhood and

continue throughout life, often taking devastating emotional and financial tolls on the families of the child with (ASD).

II. Best estimates indicate that one in 500 children born in the state will be diagnosed with ASD. However, these numbers may be understated because of current diagnostic procedures and reporting requirements. There is a clear need for greater accuracy in reporting as well as for information on the epidemiologic data on the incidence and prevalence of ASD in this state.

III. An autism registry is needed to improve current knowledge and understanding of ASD, to conduct thorough and complete epidemiologic surveys of the disorder, to enable analysis of this problem, and to facilitate planning for services to children with ASD and their families.

2 New Subdivision; Autism Registry. Amend RSA 171-A by inserting after section 29 the following new subdivision:

Autism Registry

171-A:30 Autism Registry.

I. There shall be established a state registry in the department which shall include a record of all reported cases of autism spectrum disorder (ASD) that occur in New Hampshire and other information relevant and appropriate to conduct thorough and complete epidemiologic surveys of ASD, to enable analysis of this problem, and to facilitate planning for services to children with ASD and their families. The department may enter into an agreement with an appropriate entity for the management of the registry; provided, that any records and data submitted to the department pursuant to this subdivision shall be the property of the department.

II. Physicians, psychologists, and any other licensed or certified health care provider who is qualified by training to make the diagnosis and who then makes the diagnosis that a child is affected with ASD shall report all new cases of this diagnosis to the department in a form and manner prescribed by the commissioner. The report shall be in writing and shall include the name and address of the person submitting the report and the child's date of birth, gender, and zip code at birth residence, and the specific diagnosis of the child diagnosed as having ASD. The department shall assign a unique identification code to identify the child diagnosed as having ASD. The code shall not include the name or address of the child.

III. All information required to be reported under this subdivision shall be confidential. A physician, psychologist, or health care provider providing information to the department in accordance with this section shall not be deemed to be, or held liable for, divulging confidential information.

IV. Nothing in this section shall be construed to compel a child who has been reported as affected with ASD to submit to medical or health examination or supervision by the department.

171-A:31 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. Procedures for reporting cases of ASD under RSA 171-A:30.

II. Content of all forms required under this subdivision.

III. Confidentiality of records and information reported pursuant to this subdivision.

3 Applicability. The department of health and human services shall seek grant money from the Centers for Disease Control and Prevention and any other appropriate entity and may accept grants, gifts, and donations from any source for the registry established in section 2 of this act. The department of health and human services shall not expend any state appropriations for any purpose related to the establishment of the registry. The autism registry shall not become operational until the grant or other appropriate grants or moneys are secured.

4 Effective Date. This act shall take effect 90 days after its passage.

AMENDED ANALYSIS

This bill establishes an autism registry in the department of health and human services. Under this bill, health care providers who are qualified to make a diagnosis of autism spectrum disorder (ASD) are required to report new cases of ASD to the department. The commissioner of the department of health and human services is granted rulemaking authority for the purposes of the bill.

HB 1717-FN, requiring certain direct care services in nursing homes. **INEXPEDIENT TO LEGISLATE**
Rep. Hilda W. Sokol for Health, Human Services and Elderly Affairs: To meet recommended staffing standards developed by the National Citizens Coalition for nursing home reform this bill would require nursing homes to provide a minimum of 4 hours of direct nursing care for medically fragile elderly persons. The committee reluctantly deemed this bill inappropriate to legislate because of the difficulty nursing homes are already experiencing in hiring qualified nursing personnel, due to the shortage of trained RN's, LPN's, I's and other related health workers. Vote 13-0.

HB 1722-FN, relative to the New Hampshire council on developmental disabilities. **OUGHT TO PASS**
Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This bill establishes the New Hampshire Council on Developmental Disabilities in the statutes. The New Hampshire Developmental Disabilities Council was established in 1971 under the Developmental Disabilities Assistance and Bill of Rights Act and has been an administratively attached board of the Department of Health and Human Services. This bill changes it to a free-standing entity. The federal government is requiring this change in order that advocacy entities are afforded a distance from those agencies they are monitoring on behalf of the client population. Vote 14-0.

HB 1763, extending a committee and adding certain duties relative to pharmacy reimbursement. **OUGHT TO PASS**
Rep. Charles E. McMahon for Health, Human Services and Elderly Affairs: The intent of this bill is to extend the life of the study committee established in 2005 under HB 697 which was formed to review Medicaid reimbursement rates. Based on that committee's final report submitted in November of 2005, it was determined that additional work still needed to be done by the committee. The work will include but not be limited to examining the cost which the state of New Hampshire pays for drugs, the "Most Favored Nation" issue as it affects the price that New Hampshire citizens on Medicaid pay for prescriptions and Medicaid reimbursement levels for co-payments to pharmacies. Vote 15-0.

HB 1764, relative to the committee to study medicaid reimbursement rates for pharmacy providers. **OUGHT TO PASS**
Rep. Charles E. McMahon for Health, Human Services and Elderly Affairs: The intent of this bill is to extend the life of the study committee established in 2005 under HB 697 which was formed to review Medicaid reimbursement rates. Based on that committee's final report submitted in November of 2005, it was determined that additional work still needed to be done by the committee, The work will include but not be limited to investigating variable reimbursement rates to pharmacies and assessing the possibility of establishing a mail-order pharmaceutical program for Medicaid customers. Vote 15-0.

HB 1256, establishing a committee to study the feasibility of creating an independent administrative office of the courts. **INEXPEDIENT TO LEGISLATE**
Rep. Gregory M. Sorg for Judiciary: The thesis of this bill was that the present Administrative Office of the courts is unconstitutional because it was established by the Supreme Court by rule rather than by the Legislature and Governor by statute, and because

the judicial branch, though the Chief Justice of New Hampshire, administers the courts rather than the executive branch agency. The bill proposed to study the federal court counterpart to our Administrative Office of the Courts, which was established by act of Congress, as part of an inquiry to determine which functions of New Hampshire's could be performed outside the judicial branch. At the public hearing, the prime sponsor agreed that if the federal counterpart was in substance the same as the present New Hampshire system—in particular, if it, too, is administered by the judicial branch, through the Chief Justice of the United States—he would not object to New Hampshire's administrative office to the courts being consisted as it is, as long as it were authorized by statute to do so. The committee was easily able to obtain the text of the federal statutes creating the federal administrative office and to determine that it does, in fact, closely resemble the present New Hampshire system. A study was therefore found to be unnecessary. The next step of filling a bill to provide specific legislative authorization for this system can be taken in the next legislative session, if desired. Vote 18-0.

HB 1277, providing limited immunity to mental health care providers caring for voluntarily admitted patients. **INEXPEDIENT TO LEGISLATE**
Rep. James E. Wheeler for Judiciary: The sponsor was seeking protection from liability for mental health workers, who are negligent, when voluntarily admitted patients bring items into a mental unit with the intention of harming themselves. During the hearing and subsequent subcommittee meetings, it became apparent that the bill did not address the sponsor's issues and further that the language of the bill restates current law. During the subcommittee meeting the sponsor realized that he could not articulate how he wanted to change the law and after looking into the matter further, he decided that the best resolution would be to us ITL this bill. Since the bill did not change the current law, the committee agreed with the sponsor and recommends this bill inexpedient to legislate. Vote 20-0.

HB 1316, exempting records of the National Animal Identification System from the right-to-know law. **INEXPEDIENT TO LEGISLATE**
Rep. Robert D. Mead for Judiciary: This bill would exempt certain records of the National Animal Identification System from the Right-To-Know law. This N.A.I.S system has not yet been put in place and therefore we would be passing an exemption without knowing what information it would entail. An exemption to the Right-to- Know law should only be supported if the harm that might be caused by disclosure outweighs the public's right to know. The committee felt that such harm was not demonstrated. Vote 20-0.

HB 1382, regulating the disclosure of personal information. **INEXPEDIENT TO LEGISLATE**
Rep. Cynthia J. Dokmo for Judiciary: The committee supports the privacy concerns which this bill attempts to address. However, as written, the bill is too broad, and would have far reaching detrimental consequences. The committee urges the sponsor to submit future legislation, more narrowly drawn, to accomplish the goals intended. Vote 17-0.

HB 1388, relative to tenant security deposits and termination of tenancy. **INEXPEDIENT TO LEGISLATE**
Rep. Nancy J. Elliot for Judiciary: This bill would double the security deposit on rental units to two months rent and would allow for eviction of a tenant at the end of a lease. The end of lease issue is being considered in HB 1548. It was determined that the increase of deposit would place an undue hardship on tenants, especially those new to the rental market. Vote 16-1.

HB 1505, relative to private actions under the consumer protection act. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Judiciary: The intent of the bill was to address frivolous class action law suits. Unfortunately the bill created more problems than it intended to solve. Given the limited time the committee has to attempt to work on the issue, the sponsor and the committee decided that this bill is inappropriate at this time. Vote 16-0.

HB 1512, relative to civil liability for volunteers. **OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Wheeler for Judiciary: This bill is an issue that has been around for quite a while, and it always has quite a bit controversy surrounding it. The sponsor agreed that perhaps the best way to resolve this issue is to form a study committee, so the amendment replaces the bill with a study committee to study the issue of liability for people who volunteer in transportation, and other related issue to community transportation. The committee believes that if those on both sides can work through a study committee to try to come up with a proposal to address the issue of a dwindling supply of volunteer drivers that everyone can agree with that they should be given the chance to do so. Vote 16-0.

Amendment (0895h)

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

AN ACT: establishing a committee to study volunteer activity related to transportation.

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

1 Committee Established. There is established a committee to study the issues surrounding volunteer activity related to transportation.

2 Membership and Compensation.

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

(a) Five members of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

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

3 Duties. The committee shall investigate issues surrounding the role of volunteers in a coordinated community transportation system, transportation liability, interstate transportation, and other areas as the committee deems appropriate. The committee shall consult with representatives from the New Hampshire Trial Lawyers Association, the New Hampshire insurance department, and the governor's task force on community transportation.

4 Chairperson; Quorum. The members of the 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 act. 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 volunteer activity related to transportation.

HB 1552, relative to the authority of land surveyors to enter onto land to make surveys. **INEXPEDIENT TO LEGISLATE**

Rep. Gail C. Morrison for Judiciary: The intent of this bill is to allow land surveyors to enter onto the property of others to conduct land surveys exempting them from charges of trespass. This bill does not consider the rights of abutting property owners. No provision is made for advance notice. Further, testimony did not show a need for this legislature change. Vote

18-0.

HB 1554, relative to the amount paid for property in eminent domain. **REFER FOR INTERIM STUDY**
Rep. Maureen C. Mooney for Judiciary: The committee received three House Bills this session relative to compensation for an eminent domain taking. The intent of all three were very similar. The subcommittee voted to place these bills into Interim Study as they may be incorporated into the final bill. The prime sponsor of this bill agreed with this decision. Vote 15-0.

HB 1596-FN, relative to eminent domain compensation. **REFER FOR INTERIM STUDY**
Rep. Maureen C. Mooney for Judiciary: The House Judiciary Committee received three House bills this session relative to compensation for an eminent domain taking. The intent of this bill was very similar to the other two. The committee voted to place these bills into Interim Study as they may be incorporated into the final bill. Vote 16-0.

HB 1636-FN, relative to appeals from class A misdemeanor sentences imposed by the district courts. **OUGHT TO PASS WITH AMENDMENT**
Rep. James E. Wheeler for Judiciary: This bill arises out of a study committee in the fall of 2003; legislation was introduced in 2004 (HB 1394) that dealt with this issue, but some unresolved concerns were raised during the hearing on that bill, and the portions of HB 1394 that HB 1636 now deal with were removed. The Supreme Court took it upon itself to try and resolve the concerns that were raised in the hearing on HB 1394 in 2004 and requested that this bill be introduced. This bill provides that if a person appeals a Class A Misdemeanor conviction to the superior court de novo and then waives the right to a jury trial the person is automatically remanded to the district court for imposition of sentence. The other issue this bill resolves is the fact that currently in order to appeal an issue of law in a Class A Misdemeanor conviction to the Supreme Court a person is required to appeal de novo before they can bring the issue of law to the Supreme Court. This bill allows a defendant to appeal issues of law directly to the Supreme Court without going through a de novo trial if they so choose. The amendment fixes one technical error in the bill and with that correction we believe this bill ought to pass. Vote 17-0.

Amendment (0867h)
Amend RSA 599:1 as inserted by section 2 of the bill by replacing it with the following:
599:1 Appeals. A person convicted by a district court of a class A misdemeanor, at the time the sentence is declared, may appeal therefrom to obtain a *de novo* jury trial in the superior court, which shall hear the appeal except in cases in district courts served by regional jury trial courts as provided in RSA 502-A:12-a. The appeal shall be entered by the defendant at the next return day unless for good cause shown the time is extended by the superior court. If, after a jury trial in the superior court, the defendant is found guilty, the superior court shall sentence the defendant, and the defendant may appeal questions of law arising therefrom to the supreme court. In the event the defendant waives the right to jury trial after the case has been appealed, the superior court shall forthwith remand the case to the district court for imposition of the sentence originally imposed by the district court, and the defendant may appeal questions of law arising therefrom to the supreme court. In all misdemeanor cases which are appealed to superior court or in which defendants are bound over it shall be the duty of the superior court to transmit to the justice of the district court, within 10 days after the case is finally disposed of, a certificate showing the final disposition of the case.
Rep. Coughlin declared a conflict of interest and did not participate.

HB 1106-L, relative to charter commissions. **INEXPEDIENT TO LEGISLATE**

Rep. Paul R. Hopfgarten for Municipal and County Government: This legislation would not allow a new charter commission to be established for a period of 5 years after the final report of the existing charter commission is filed. This legislation would prevent both citizen petitions or town generated charter commission questions from being placed on the ballot for 5 years. In addition, if a charter that is passed has significant flaws including those of a constitutional or statutory flaw, that charter could not be corrected through the commission process. For these reasons, the committee could not recommend passage of this legislation. Vote 14-0.

HB 1257, relative to conflicts of interest of municipal officials. **INEXPEDIENT TO LEGISLATE**
Rep. Eric G. Stohl for Municipal and County Government: Without the only sponsor of this bill in attendance at the hearing, the assumption that the committee must make is what is stated in the analysis of the bill. This bill requires municipal officials not to participate in any matters in which they have a financial interest. Planning and zoning board members shall not participate in any matter in which they have prejudged the outcome. The only testimony that was heard at the hearing was in opposition of the bill. The proposed amendment to RSA 31:39-a allows no participation in any matters that a municipal official may have a financial interest in. The bill possibly defines a financial interest as a "private interest." There is no definition of "private interest" which leads to confusion. The second part of this bill restricts planning and zoning board member participation in any matter in which they have prejudged their outcome. The committee heard testimony that this protection is already afforded in RSA 673:1 which addresses disqualification of any member. Vote 13-1.

HB 1273, relative to the disposition of municipal records. **OUGHT TO PASS WITH AMENDMENT**
Rep. Harry S. Gale for Municipal and County Government: In 2005 the disposition of Municipal records was transferred from administrative rules to RSA 33-A.. A municipal committee was charged with determining what municipal office would be responsible for the retention of each type of record. In 2005 there were some municipal ordinances already in effect that were not recognized. Therefore section one of HB 1273 made a housekeeping change that recognized these ordinances. Also in section one the composition of the municipal records committee was changed by having representation of one assessor instead of a complete board of assessors. Section two clarified three retention schedules – current, welfare applications and property record cards – and added one retention schedule for Intent to Excavate. A non-germane amendment ratifying the acts, votes, and proceedings of the special meeting of the town of Brookline held on September 13, 2005. Vote 14-0.

Amendment (0865h)
Amend the title of the bill by replacing it with the following:
AN ACT relative to the disposition and retention of municipal records and legalizing the September 13, 2005 special meeting of the town of Brookline.
Amend the bill by replacing all after the enacting clause with the following:
1 Municipal Committees; Duty Removed. Amend RSA 33-A:3 to read as follows:
33-A:3 Municipal Committees. The municipal officers or their designee together with the clerk, treasurer, [assessors] ***an assessor,*** and tax collector of each city or town shall constitute a committee to govern the disposition of municipal records pursuant to this chapter***. Unless otherwise provided by a municipal ordinance,*** the committee shall designate the office responsible for the retention of each type of record created for the municipality.
2 Disposition and Retention Schedules. Amend RSA 33-A:3-a, XXIX to read as follows:

XXIX. Current use [~~card~~] ***release***: [~~until removed from current use plus 3 years~~] ***permanently***.

3 Disposition and Retention Schedules. Amend RSA 33-A:3-a, LII to read as follows:

LII. Health and human services case records ***including welfare applications***: active plus 7 years.

4 Disposition and Retention Schedules. Amend RSA 33-A:3-a, CXII to read as follows:

CXII. Property record card: [~~permanently~~] ***current and last prior reassessing cycle***.

5 New Paragraph; Disposition and Retention Schedules. Amend RSA 33-A:3-a by inserting after paragraph CLIII the following new paragraph:

CLIV. Intent to Excavate: completion of reclamation plus 3 years.

6 Special Meeting. All acts, votes, and proceedings of the special meeting of the town of Brookline held on September 13, 2005 are hereby legalized, ratified, and confirmed.

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

AMENDED ANALYSIS

This bill authorizes the committee to govern the disposition of municipal records to designate the office responsible for the retention of each type of record created for the municipality and changes certain retention schedules.

This bill also legalizes the September 13, 2005 special meeting of the town of Brookline.

HB 1445, relative to including "none of the above" on official ballot budgetary questions. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: This bill would require official ballot municipalities to provide a third voting option on the ballot for budgetary questions only. The third option would be "none of the above." The majority of the committee believes that would be potentially confusing. Voters can currently leave the ballot blank, which in essence is neither a "yes" or a "no" vote. In addition to adding confusion adding the third option would add more expense to municipalities because voting machines would have to be reprogrammed. Vote 13-1.

HB 1584, relative to cemetery setbacks and septic systems. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gilman C. Shattuck for Municipal and County Government: Many communities in New Hampshire have "Burial Grounds" (private cemeteries) scattered about the communities. It is long time public policy to avoid disturbance to known burial grounds. This bill requires that the location of known burial sites or cemeteries within or adjacent to the property on which a proposed sewage or waste disposal system is to be located be included on the plans for such a system. A common practice in earlier times was to do burials on occasion immediately outside the burial ground. This was known as "Burial in Pale". To avoid disturbing possible remains in the area outside the stated area of the burial ground, a 25 foot buffer was established. This bill requires that plans for such systems must generally provide such a setback. The committee felt that these provisions would prevent disturbance to known burial grounds. Vote 14-0.

Amendment (0918h)

Amend RSA 485-A:29, I as inserted by section 1 of the bill by replacing it with the following:

I. Any person proposing either to subdivide land, except as provided in RSA 485-A:33, or to construct a sewage or waste disposal system, shall submit 2 copies of such locally approved plans as are required by the local planning board or other local body having authority for the approval of any such subdivision of land, which is subject to department approval, and 2 copies of plans and specifications for any sewage or waste disposal systems which will be constructed on any subdivision or lot for approval in accordance with the requirements of the department as provided in this paragraph. In the event that such

subdivision plans which receive final local approval differ from the plans which are reviewed by the department, the person proposing the subdivision shall resubmit those plans to the department for reapproval. The planning board or other local body having final local approval authority shall submit one copy of such plans which receive final local approval to the department for informational purposes within 30 days of granting such final approval. The department shall adopt rules, pursuant to RSA 541-A, relative to the submission of plans and specifications as necessary to effect the purposes of this subdivision. The rules shall specify when and where the plans and specifications are to be submitted, what details, data and information are to be contained in the plans and specifications, ***including the location of known burial sites or cemeteries within or adjacent to the property on which the proposed sewage or waste disposal system is to be located,*** what tests are to be required, what standards, guidelines, procedures, and criteria are to be applied and followed in constructing any sewage or waste disposal system, and other related matters. The rules shall also establish the methodology and review process for approval of innovative/alternative wastewater treatment systems and for approval of a plan for operation, maintenance, and financial responsibility for such operations. For any part or parts of the subdivisions where construction or waste disposal is not contemplated, only the lot lines, property boundaries drawn to scale, and general soil and related data shall be required. The constructed sewage or waste disposal systems shall be in strict accordance with approved plans, and the facilities shall not be covered or placed in operation without final inspection and approval by an authorized agent of the department. All inspections by the department shall be accomplished within 7 business days after receipt of written notification from the builder that the system is ready for inspection. Plans and specifications need not be submitted for subdivision approval for subdivisions consisting of the division of a tract or parcel of land exclusively in lots of 5 or more acres in area. The presence of hydric soils on lots of 5 or more acres in area shall be insufficient, without additional supporting data, to classify these lots as wetlands, or to make such lots unsuitable for sewage or waste disposal systems designed for poorly drained soils. This exemption in no way relieves any person from responsibility for obtaining approval under this chapter for construction of individual or other sewage or waste disposal systems or both in any exempted lots. In such cases, it shall be the responsibility of the subdivider to provide to the lot purchasers satisfactory assurance as the purchasers may require at the time of sale that lots sold shall be adequate to support individual sewage or waste disposal systems or both in accordance with rules adopted by the department and the requirements of this subdivision.

HB 1186, relative to the location of the Cheshire county superior court. **REFER FOR INTERIM STUDY**
Rep. David B. Campbell for Public Works and Highways: The committee wishes to study this bill, which deals specifically with the location of Cheshire County superior Courthouse and more generally whether the location of County Court facilities throughout the state must be located in named county seat, or alternatively, if there are sufficient reasons, may be located in municipalities other than the county seat. Vote 15-1.

HB 1313, naming a bridge between the towns of Newfields and Stratham the United States Submarine Veterans of World War II Memorial Bridge. **OUGHT TO PASS**
Rep. James W. Danforth for Public Works and Highways: The committee feels that the naming of the bridge between the Towns of Newfields and Stratham "United States Submarine Veterans of World War II Memorial Bridge" is a proper and a fitting tribute to the silent service veterans of World Ward II. Vote 17-0.

HJR 23, designating a Purple Heart Trail spur to the New Hampshire state veterans cemetery and providing additional signs for the Purple Heart Trail. **OUGHT TO PASS WITH AMENDMENT**

Rep. Franklin T. Tilton for Public Works and Highways: The state of New Hampshire previously established the Purple Heart Trail as being, in part, U. S. Route 4 from the border in Lebanon to the intersection of Interstate Route 95. This resolution adds a spur to that trail, being from the northerly intersection of U.S. Route 4 and U.S. Route 3 in Boscawen and running northerly along U.S. Route 3 to the New Hampshire State Veterans Cemetery, approximately 1.5 miles. Additionally, this provides for the Department of Transportation to place appropriate markers designating this spur as the Purple Heart Trail and additional markers as appropriate along the full length of the previously established Purple Heart Trail. Vote 16-0.

Amendment (0715h)

Amend the resolution by replacing all after the title with the following:

Whereas, the state of New Hampshire has established the Purple Heart Trail as being, in part, U.S. Route 4 from the border in Lebanon to the intersection of Interstate Route 95, the Military Order of the Purple Heart of the USA desires to add a spur to this trail, being from the northerly intersection of U.S. Route 4 and U.S. Route 3 in Boscawen and running northerly along U.S. Route 3 to the New Hampshire state veterans cemetery, approximately 1.5 miles; and

Whereas, this cemetery is being actively used by our veterans; and

Whereas, a number of these veterans are holders of the Purple Heart medal, including casualties from Operation Iraqi Freedom; and

Whereas, a Purple Heart Memorial monument has been recently placed on the Memorial Walkway at the cemetery; and

Whereas, New Hampshire has established the New Hampshire Purple Heart Trail, in part, as being U.S. Route 4 from the border in Lebanon to the intersection of Interstate Route 95; and

Whereas, signs have been placed along said trail; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the portion of U.S. Route 3 from the intersection of U.S. Route 4 and U.S. Route 3 in Boscawen running northerly to the New Hampshire state veterans cemetery is hereby designated as a Purple Heart Trail spur; and

That the department of transportation shall place appropriate markers indicating the designation of this portion of U.S. Route 3 as the Purple Heart Trail spur; and

That the portion of the New Hampshire Purple Heart Trail being the length of New Hampshire U.S. Route 4 from the border in Lebanon to the intersection of Interstate Route 95 shall have appropriate signs placed along the full length of this trail; and

That the department of transportation shall place the additional markers indicating the designation of this route being the Purple Heart Trail.

HB 1146, establishing a committee to study renewable portfolio standards. **OUGHT TO PASS**

Rep. James M. Garrity for Science, Technology and Energy: This bill establishes a legislative study committee to explore all issues relating to Renewable Portfolio Standards (RPS) and their future potential as part of the state's energy policy. This bill is related, but not linked to SB 314, which is a more comprehensive RPS policy bill. If SB 314 does not survive, then HB 1146 will be in place to keep the subject of RPS in active discussion. The committee agrees that RPS is an important enough subject to study. Vote 15-0.

HB 1425, establishing a commission to study the efficacy of current laws in reducing exposure of children to lead hazards. **INEXPEDIENT TO LEGISLATE**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill would establish a commission to study the "efficacy" of current laws regarding lead exposure and lead hazards to children. Efficacy means the power to produce an effect and the sponsors feel that current

laws are not achieving their goals. Several supporters from the medical community offered testimony in support of the bill and in most instances had an opinion of what they felt was needed to reduce lead hazards for children. Committee members pointed to an existing program at HHS that deals with these issues. The NH Childhood Lead Poisoning Prevention Program (CLPPP) works to reduce the number of NH children with elevated blood lead levels. The program is a resource for NH residents who need help addressing the hazards of lead in their children's environment. The CLPPP conducts statewide surveillance, provides medical case management and home inspections for lead-poisoned children, and provides information and referral for reduction and abatement of lead hazards. There is a lead study and action bill currently in the Senate (SB 250) and the committee feels that the sponsors would be better served by consolidating their efforts in this broader bill. Vote 14-2.

HB 1431, relative to air permit applications. **INEXPEDIENT TO LEGISLATE**
Rep. Roy D. Maxfield for Science, Technology and Energy: This bill attempts to modify RSA 125C (Air Pollution Control) by requiring the Department of Environmental Services to make significant revisions to the current air permitting process. There are currently 450 sources which hold air permits in New Hampshire. DES acts on approximately 150 air permit applications every year including renewals and modifications. The department conducts comprehensive air quality impact reviews that provide an opportunity for public participation while considering the economical and business needs for the state. This bill would have significant fiscal impact on the Department of Environmental Services by mandating at least an additional 150 public hearings on an annual basis. The estimated added cost to the department would be $375,500 per year. It would cause considerable delay and expense for an applicant by elimination of the dual tract in current law to obtain local zoning ordinance, building or zoning code approvals. The New Hampshire Department of Environmental Services air permit does not currently authorize a company to build any facility that a local zoning ordinance prohibits. Any permit that the department approves is further subject to appeal to the state Air Resource Council made up of members of the general public, environmental advocates, medical professionals and industry. The committee agreed that our current laws provide significant oversight by the DES and appropriate public notice and interaction. Vote 14-0.

HB 1691-FN, establishing a geothermal assessment project. **INEXPEDIENT TO LEGISLATE**
Rep. Gene F. Andersen for Science, Technology and Energy: The committee decided that this bill may be a valuable tool towards alternate energy production. However, the committee believes that the Department of Environmental Services (DES), which would be the direct source for the implementation process, could apply for federal funds for implementation of the project or otherwise include the implementation of the assessment project in the upcoming budget for DES. Vote 13-0.

HB 1754, relative to canteen privileges at veterans' clubs licensed by the liquor commission. **OUGHT TO PASS**
Rep. Kris Roberts for State-Federal Relations and Veterans Affairs: The committee agrees with the recommendation from the state liquor commission to extend canteen privileges to the members of Veteran's non-profit groups. This change will allow a veteran's club if authorized and approved by a majority of the members of one or more nationally-recognized veterans nonprofit groups to exercise canteen privileges, within the same facility and use of the liquor license of original building owner. These veteran organizations provide valuable community services. Vote 10-0.

HCR 23, urging the President to find it necessary to drawdown the strategic petroleum reserve. **INEXPEDIENT TO LEGISLATE**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: The committee understands the financial impact of oil prices on the citizens of New Hampshire. However, due to the lack of refining capacity, any release from the strategic oil reserve would most likely end up on the world market providing little or no benefit to the American public. The purpose of the strategic oil reserve is to protect the United States from unanticipated losses or stoppage of oil supply. With the uncertainty concerning the Iranian nuclear intention, the committee doesn't believe it would be a wise strategic move to release crude oil supplies at this time. Vote 10-0.

HB 1201, relative to child passenger restraints. **OUGHT TO PASS**
Rep. Sherman A. Packard for Transportation: This bill clarifies the language in the child passenger booster seat law. It makes clear that once a child reaches the age of six years old or a height of 55 inches they no longer need to be in a booster seat. Currently, law enforcement believes that both provisions have to be attained. This was not the legislative intent when passed. Vote 10-0.

HB 1261, relative to driver's license revocation or denial for drugs or alcohol involvement. **INEXPEDIENT TO LEGISLATE**
Rep. Jennifer M. Brown for Transportation: This is one of the two bills with the same intent. This one gives the Director of the Department of Motor Vehicles the authority to take someone's license based on a non motor vehicle related drug or alcohol charge. We felt that authority should be in the hands of the courts. HB 1448 that the committee amended and passed will put this decision in the hands of the courts. Vote 13-0.

HB 1270, relative to the use of wireless telephones while driving. **INEXPEDIENT TO LEGISLATE**
Rep. Brenda L. Ferland for Transportation: This bill would have fined an operator of a motor vehicle for using a cell phone that was not of the "hands free" style, with some exceptions. At least 18 states have compiled statistics and the findings are conclusive; distractions such as reading maps, eating, changing radio stations, attending the children and pets, and outside distractions are ahead of talking on a cell phone. Thousands of calls are placed to 911 from wireless phones. People are reporting emergencies, impaired drivers, watching criminal activity and the list goes on. We have all encountered the distracted driver talking on the cell phone on our trips to Concord. They slow down and speed up too often, they road travel, they pay no attention to signs and lights, as a matter of fact this goes on even when drivers aren't talking on the phone. Cell phones are the distraction people love to hate. As suggested, cell phone laws should be the same state to state. "Hang up and drive" could become the new federal slogan. While the Transportation Committee does not encourage people to use their cell phones while driving, we do encourage the education of safety hazards no matter what the distraction and the consequences thereof. Vote 12-0.

HB 1297, relative to requirements for a vehicle dealer license. **INEXPEDIENT TO LEGISLATE**
Rep. Sherman A. Packard for Transportation: This bill would prevent any person convicted of a felony from obtaining a motor vehicle dealer license. This seems like a good idea to prevent any less than honest person from engaging in the business of selling cars. Many problems surround this proposal. Is it fair to punish someone for life, who may have made a mistake when they were young and have since become an honest hardworking citizen. Many dealerships today are mega dealerships owned by numerous people or corporations. These mega dealers hire General Managers to run the different dealerships. Would we not then want General Managers, Sales Managers and Financial Managers to also be free of any felony convictions. This bill would also not apply to these small dealers who do not possess dealer plates. Finally, the requirement to acquire a franchise for selling new motor vehicles

today is far more stringent than the provision of this proposed law. Vote 10-0.

HB 1484, relative to including motorcycle safety in driver education courses. **OUGHT TO PASS WITH AMENDMENT**
Rep. Sherman A. Packard for Transportation: This bill as amended requires that a minimum of 45 minutes of a nationally recognized motorcycle awareness course be included in the current 30 hours of driver education. Also, required would be a minimum of 45 minutes of a nationally recognized course on heavy truck and tractor trailer awareness. Both courses would be approved by the Director. With more motorcycles and trucks on the road the committee felt teaching awareness of these different vehicles was important to help reduce the increasing number of accidents between cars and these different vehicles. This would not increase the number of classroom hours currently at 30 hours. Only some instructors are currently teaching these subjects and this would put uniformity into the driver training program. Vote 10-0.

Amendment (0946h)
Amend the title of the bill by replacing it with the following:
AN ACT relative to including motorcycle and tractor-trailer safety in driver education courses.
Amend the bill by replacing section 1 with the following:
1 Driver Education; Motorcycle and Tractor-Trailer Safety. Amend RSA 263:19, I to read as follows:
I. A driver's license may be issued subject to the provisions of this chapter to a person under the age of 18 years who has attained his ***or her*** sixteenth birthday, if such person shall present a certificate of successful completion of a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety or given by a motor vehicle drivers' school licensed under the provisions of this chapter. An approved driver education course, whether conducted by a secondary school or by a school licensed under this chapter, shall consist of both classroom instruction and behind the wheel driver training of not less than 10 hours, in accordance with rules adopted pursuant to RSA 541-A, published jointly by the commissioner of education and the commissioner of safety, such standards to be not less than those presently required. ***The classroom instruction shall include 45 minutes of a nationally-recognized motorcycle safety education course approved by the director and the motorcycle rider education program advisory committee and 45 minutes of a nationally-recognized tractor-trailer safety education and awareness course approved by the director.*** The department of safety, by the nature of its function, shall be held ultimately responsible for setting and maintaining the quality standards for driver education in the state, aided and facilitated by the department of education. This authority shall apply uniformly over both secondary school courses and private motor vehicle drivers' school courses.
AMENDED ANALYSIS
This bill requires motorcycle and tractor-trailer safety education in driver education courses.

HB 1664-FN, relative to nondriver identification cards. **INEXPEDIENT TO LEGISLATE**
Rep. Brenda L. Ferland for Transportation: This bill would have required the Department of Motor Vehicles to issue non-driver identification cards at public and private schools throughout the state. The cards would be issued to children starting at 10 years of age, would have a photo, name, address, citizenship, ID number, date of birth, optional blood type and signature. The cost would have been $10 and $15. The bill would have required the department to mobilize vans or motor homes, hire and train more personnel at a great cost. Because not everyone would do this the 50 percent the Department of Motor Vehicle gets

would not even begin to cover the cost. The committee felt that more information on how the national identification program will be administered is necessary. It may take care of the problem. Vote 14-0.

HB 1444, relative to definitions under the real estate transfer tax. **OUGHT TO PASS**
Rep. Jim Ryan for Ways and Means: This bill is a "housekeeping" bill that closes a loophole in the real estate transfer tax by clarifying certain definitions, eliminating surplus language and altering a rigid formula for determining whether a company is "principally" engaged in the business of real estate. The bill was unanimously supported at the hearing and is filed at the request and with the approval of the DRA. Accordingly, the committee recommends that this be ought to pass. Vote 19-0.

HB 1460-FN-A, establishing a deduction against the business profits tax. **INEXPEDIENT TO LEGISLATE**
Rep. Susan W. Almy for Ways and Means: This bill would have established a deduction against the business profits tax for FICA taxes of tipped employees taken as a credit instead of a deduction on federal income taxes. Some restaurants elect to take the federal credit to reduce taxes but then lose a bit on state tax calculations. They want both. The committee agreed with the Commissioner of Revenue Administration that state law should not be changed only to maximize federal tax breaks. Vote 19-0.

HB 1618-FN-A, relative to net operating loss deductions under the business profits tax. **INEXPEDIENT TO LEGISLATE**
Rep. Jim Ryan for Ways and Means: The Department of Revenue Administration is concerned that in certain instances the application of credit from the BET to the BPT creates what tax planners enjoy calling a "double" target of taxable opportunity. Concern was demonstrated by the DRA Commissioner that in certain instances the value of a credit may have a value of eight cents greater than the credit amount of one dollar. The committee, and later a subcommittee, attempted to craft a response, but in each instance had results with unintended consequences such as either affecting cyclical business entities or by increasing business taxes. The committee appropriately declined to pass legislation that requires more analysis both by the agency and taxpayers prior to legislative analysis. The committee voted to recommend this bill as Inexpedient to Legislate, but does forecast that the issue will be revisited in the next term. Vote 19-0.

CLERK'S NOTE

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

REGULAR CALENDAR

HB 1127, relative to obligation of religious leaders to report child abuse. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Mary Stuart Gile for the Majority of Children and Family Law: This bill was introduced to amend RSA 516:35 (Privileged Communications, Religious Leaders) to make it consistent with RSA 169-C:29, (NH Child Protection Act). Both statutes have been in NH law since 1979. The complexities resulting from the interpretation and application of RSA 516:35, without amendment, have caused confusion with consequence for children. The majority of the committee agreed that Interim Study and further discussion may help to resolve the ambiguity inherent in these two statutes and allow time to make further recommendations, if necessary. Vote 10-5.
Rep. Karen K. McRae for the Minority of Children and Family Law: The minority of the committee supported the subcommittee report of Inexpedient to Legislate. This issue is fraught with constitutional issues as well as religious ramifications and has been studied

this year as well as two years ago. The minority feels that the study will not result in an effective way to prevent child abuse or neglect.
Rep. Mooney requested a roll call; sufficiently seconded.
The question being adoption of the majority committee report.

YEAS 208 NAYS 111			
YEAS 208			
BELKNAP			
Millham, Alida	Morrison, Gail	Nedeau, Stephen	Pilliod, James
Russell, David	Thomas, John	Tobin, William	
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Dickinson, Howard
Knox, J David	McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth
Patten, Betsey			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah
Mitchell, Bonnie	Pelkey, Stephen	Plifka, Stanley Jr	Richardson, Barbara
Robertson, Timothy	Tilton, Anna	Weed, Charles	
COOS			
Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Morneau, Renney	Remick, William	Stohl, Eric	Tholl, John Jr
GRAFTON			
Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Gionet, Edmond	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Naro, Debra	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Sorg, Gregory	Williams, Burton	
HILLSBOROUGH			
Aboshar, Jeffrey	Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter
Brassard, Paul	Calawa, Leon Jr	Campbell, David	Chase, Claudia
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Drisko, Richard
Essex, David	Foster, Linda	Gargasz, Carolyn	Garrity, Patrick
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Hall, Betty	Harvey, Suzanne	Hawkins, Ken
Holden, Randolph	Jeudy, Jean	Johnson, Paula	Kopka, Angeline
Kurk, Neal	Lasky, Bette	Lessard, Rudy	Manney, Pamela
Matarazzo, Anthony Sr	Michon, Stephen	Movsesian, Lori	Palangas, Eric
Pappas, Christopher	Reeves, Sandra	Rosenwald, Cindy	Ryder, Donald
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Sullivan, Francis	Sullivan, Peter	Velez, Hector	Villeneuve, Maurice

Wheeler, Robert			
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	DeJoie, John	DeStefano, Stephen	French, Barbara
Gile, Mary	Greco, Vincent	Hamm, Christine	Kidder, David
L'Heureux, Stephen	MacKay, James	Marple, Richard	Maxfield, Roy
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Potter, Frances
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Wallner, Mary Jane	Williams, Robert		
ROCKINGHAM			
Bishop, Franklin	Bridle, Russell	Brown, C.	Buxton, Donald
Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene	Cooney, Richard
DiFruscia, Anthony	Donahue, Richard Ken	Dowling, Patricia	Doyle, Christopher
Fesh, Bob	Flanders, John Sr	Flockhart, Eileen	Forsing, Robert
Gould, Kenneth	Griffin, Mary	Hughes, Daniel	Hutchinson, Karen
Ingram, Russell	Johnson, Robert	Langley, Jane	Major, Norman
McKinney, Betsy	Moody, Marcia	Morris, Richard	Norelli, Terie
O'Neil, Michael	Palazzo, Frank	Powers, James	Priestley, Anne
Rausch, James	Robertson, Carl	Robinson, John	Rolston, James
Splaine, James	Stiles, Nancy	Stone, Joseph	Weare, E Albert
Welch, David	Weldy, Norman	Wells, Roger	Winchell, George
Zolla, William			
STRAFFORD			
Brown, Jennifer	Brown, Julie	Brown, Lawrence	Cilley, Jacalyn
Creteau, Irene	Dunlap, Patricia	Heon, Richard	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Wall, Janet			
SULLIVAN			
Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen			
NAYS 111			
BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	Heald, Bruce
Rosen, Ralph	Tilton, Franklin	Veazey, John	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Babson, David Jr	Chandler, Gene	Martin, James	Philbrick, Donald
Stevens, Stanley			

CHESHIRE			
Emerson, Susan	Parkhurst, Henry	Pratt, John	Roberts, Kris
Sawyer, Sheldon			
COOS			
Richardson, Herbert	Theberge, Robert		
GRAFTON			
Eaton, Stephanie	Ingbretson, Paul	Mirski, Paul	
HILLSBOROUGH			
Balboni, Michael	Batula, Peter	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	Elliott, Nancy	Emerton, Larry	Francoeur, Bea
Gibson, John	Goyette, Peter Jr	Graham, John	Hagan, Barbara
Hellwig, Steve	Hinkle, Peyton	Jasper, Shawn	Jean, Claudette
L'Heureux, Robert	Mead, Robert	Mooney, Maureen	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Pepino, Leo	Pilotte, Maurice
Price, Pamela	Renzullo, Andrew	Rochette, Eric	Ross, Lawrence
Rowe, Robert	Slocum, Lee	Souza, Kathleen	Ulery, Jordan
Vaillancourt, Steve	Wheeler, James		
MERRIMACK			
Danforth, James	Field, William	Hess, David	Langlais, Thomas
Lockwood, Priscilla	Walz, Mary Beth	Whiting, Herbert	
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Cady, Harriet	Camm, Kevin	Coburn, James
Dalrymple, Janeen	Dowd, John	Dumaine, Dudley	Francoeur, Sheila
Garrity, James	Gilbert, Karl	Hopfgarten, Paul	Itse, Daniel
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Lund, Howie
McMahon, Charles	Nowe, Ronald	Packard, Sherman	Quandt, Marshall Lee
Quandt, Matthew	Sanders, Elisabeth	Scamman, Stella	Waterhouse, Kevin
Weyler, Kenneth			
STRAFFORD			
Bickford, David	Cataldo, Sam	Chaplin, Duncan	Easson, Timothy
Hollinger, Jeffrey	Newton, Clifford		
SULLIVAN			
Donovan, Thomas	Osgood, Philip Sr	Rodeschin, Beverly	

and the majority committee report was adopted.

Rep. Carson did not vote and wished to be recorded in favor.

HB 1580, relative to the child support formula. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David A. Bickford for the Majority of Children and Family Law: This bill, as amended, utilizes time spent in each parents' home as part of the formula to determine the child support amount. Therefore, both parents have an appropriate means of providing for their children. The court is required to retain the calculation used to determine the child support obligation and give the rational for why it did or did not deviate when the issue of special circumstances is brought before the court. This hopefully will bring fairness to both parents and their children. Vote 7-5.

Rep. Carolyn M. Gargasz for the Minority of Children and Family Law: Even though changes to the Child Support formula need to be considered, the changes in this bill are premature. The Child Support Commission has not completed its work including the financial analysis by an economist. According to some who work in the field of family law, there is no urgency for this formula.

Majority Amendment (0985h)

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

1 Child Support; Definitions; Adjusted Gross Income and Child Support Obligation. Amend RSA 458-C:2, I-II to read as follows:

I. "Adjusted gross income" means gross income, less:

(a) Court-ordered or administratively ordered support actually paid to others, for adults or children.

(b) Fifty percent of actual self-employment tax paid.

(c) Mandatory, not discretionary, retirement contributions.

(d) Actual state income taxes paid.

(e) Amounts actually paid by the [~~obligor~~] ***person*** for allowable child care expenses or medical insurance coverage for the minor children to whom the child support order applies.

I-a. "Allowable child care expenses" means actual work-related child care expenses for the children to whom the order applies, up to no more than an annual total of $5,000 for one child, $9,000 for 2 children, and $12,000 for 3 or more children.

II. "Child support obligation" means the [~~proportion of total~~] support obligation which the obligor parent is ordered to pay in money to the ngrat parent as child support as determined by the calculations set forth in RSA 458-C:3, II(a).

2 Child Support; Definition of Minimum Support Order and Net Income. Amend RSA 458-C:2, V-VI to read as follows:

V. "Minimum support order" means an order of support equal to $50 per month. ***There shall be no minimum support if both parents or parties have an equal child support obligation.***

VI. "Net income" means the parents' [~~combined~~] adjusted gross income less standard deductions published on an annual basis by the department of health and human services and based on federal Internal Revenue Service withholding table amounts for federal income tax, F.I.C.A., and Medicare, which an employer withholds from the monthly income of a single person who has claimed a withholding allowance for 2 people.

[~~(a) Federal income tax;~~

~~(b) F.I.C.A.~~]

3 Child Support; Definition of Percentage. Amend RSA 458-C:2, IX to read as follows:

IX. "Percentage" means the numerical figure that is applied to net income ***as part of the calculation*** to determine the amount of child support.

4 Child Support Formula. RSA 458-C:3 is repealed and reenacted to read as follows:

458-C:3 Child Support Formula.

I. Number of Children	Percentage of Net
1	25 percent

2 33 percent
3 40 percent
4 or more 45 percent

The number of children in the same household for which child support is paid shall determine the percentage applied against net income.

II.(a) The child support obligation shall be determined in a separate calculation for each parent or party by multiplying each parent' s or party' s annual net income, as defined in RSA 458-C:2, VI, by the appropriate percentage derived from this section divided by 365.25 then multiplied by the number of days within the year that the other parent or party has residential responsibility for the dependent child or children, as specified in the court-approved parenting plan if one exists. The parent or party with the greater annual child support obligation shall be designated as the obligor and the child support owed to the other parent or party shall be based upon the obligor's annual child support obligation less the annual child support obligation of the other parent or party. If both parents or parties have an equal annual child support obligation, no child support payment shall be ordered by the court.

(b) In cases where public assistance is provided on behalf of the dependent child or children and the right to support is assigned to the department of health and human services, the department' s net income shall be zero for purposes of the child support guidelines calculation.

(c) The court shall determine the frequency of the obligor's child support payments in the child support order.

(d) All child support payments calculated pursuant to this chapter shall be rounded to the nearest whole dollar.

III. The self-support reserve and minimum child support obligation shall be calculated as follows:

(a) If the obligor' s gross income is less than the self-support reserve and the court has determined that the obligor is not voluntarily unemployed or underemployed, the court shall order the child support obligation in the amount of a minimum support order.

(b) If the obligor' s gross income is greater than the self-support reserve but payment of the order as calculated under this chapter would reduce the obligor' s income below the self-support reserve, the obligor' s child support obligation shall be presumed to be the difference between the self-support reserve and that parent' s adjusted gross income, but in any event shall be no less than the amount of a minimum support order.

5 New Section; Child Support Guidelines Worksheet. Amend RSA 458-C by inserting after section 3 the following new section:

458-C:3-a Child Support Guidelines Worksheet. At every hearing in which child support is involved, the party seeking the order shall file a child support guideline worksheet, as published by the department of health and human services, division of child support services, duly completed by either the party or attorney. The other party shall file a child support guideline worksheet if the guideline amount is in dispute. In any case where the court or court personnel complete or assist the parties in the completion of a child support guidelines worksheet, the worksheet shall be retained in the court file and made available for inspection at the request of the parties. In any event, the worksheet that results in the ordered child support obligation shall be kept in the file and available to the parties. The fact that the parties have agreed to an amount or may be requesting adjustments to the child support guidelines shall not suspend the requirements of this section. In cases where the other party has failed to disclose his or her income, a worksheet shall be completed using a reasonable estimate of that party's income.

6 New Paragraph; Application of Guidelines. Amend RSA 458-C:4 by inserting after paragraph IV the following:

V. The court shall provide the calculations for child support and the rationale for deviating from the guidelines, including reasons why or why not there were adjustments for special circumstances in accordance with RSA 458-C:5.

7 Repeal. RSA 458-C:2, XI, relative to the definition of total support obligation, is repealed.

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

AMENDED ANALYSIS

This bill amends the child support formula so that child support amounts are based primarily on income and the amount of time that the child spends with each parent. The bill also directs the parties to file their child support worksheets with the court and requires the court to provide the basis for either adjusting or declining to adjust the guidelines for special circumstances.

Majority amendment adopted.

Reps. Gargasz and Flockhart spoke against.

Rep. Matarazzo spoke in favor and yielded to questions.

Rep. Bickford spoke in favor.

Rep. Bickford requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 186 NAYS 146			
YEAS 186			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Pilliod, James	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	McConkey, Mark
Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley
CHESHIRE			
Coates, Christopher	Emerson, Susan	Foote, Sheila	Hogancamp, Deborah
Pelkey, Stephen	Sawyer, Sheldon	Weed, Charles	
COOS			
Buzzell, Bernard	Mears, Edgar	Morneau, Renney	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		
GRAFTON			
Benn, Bernard	Gionet, Edmond	Giuda, Robert	Hammond, Lee
Ingbretson, Paul	Mirski, Paul	Naro, Debra	Solomon, Peter
Sorg, Gregory	Williams, Burton		
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin
Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph

Brassard, Paul	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Carew, James	Chase, Claudia	Christensen, D L Chris	Christiansen, Lars
Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey	Garrity, Patrick
Golding, William	Goley, Jeffrey	Graham, John	Hagan, Barbara
Haley, Robert	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Infantine, William	Jasper, Shawn	Jeudy, Jean	Kurk, Neal
L'Heureux, Robert	Lessard, Rudy	Manney, Pamela	Matarazzo, Anthony Sr
Mead, Robert	Mooney, Maureen	O'Brien, William	O'Connell, Timothy
Palangas, Eric	Pepino, Leo	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rochette, Eric	Ross, Lawrence	Rowe, Robert
Scanlon, Michael	Shaw, Barbara	Slocum, Lee	Smith, David
Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	DeStefano, Stephen
Field, William	Kennedy, Richard	Kidder, David	L'Heureux, Stephen
Langlais, Thomas	Marple, Richard	Maxfield, Roy	Tilton, Joy
Tupper, Frank	Whiting, Herbert		
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
Dalrymple, Janeen	DiFruscia, Anthony	Donahue, Richard Ken	Dowd, John
Doyle, Christopher	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Garrity, James	Gilbert, Karl	Griffin, Mary
Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell	Itse, Daniel
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Lund, Howie	Major, Norman	McKinney, Betsy	McMahon, Charles
Morris, Richard	Nowe, Ronald	Packard, Sherman	Palazzo, Frank
Quandt, Marshall Lee	Quandt, Matthew	Rausch, James	Rolston, James
Sanders, Elisabeth	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weldy, Norman	Wells, Roger
Weyler, Kenneth	Winchell, George	Zolla, William	
STRAFFORD			
Bickford, David	Cataldo, Sam	Chaplin, Duncan	Easson, Timothy
Heon, Richard	Hollinger, Jeffrey	Miller, Joseph	Newton, Clifford
SULLIVAN			
Gale, Harry	Jillette, Arthur Jr	Osgood, Philip Sr	
NAYS 146			
BELKNAP			

Millham, Alida	Morrison, Gail	Nedeau, Stephen	
CARROLL			
Brown, Carolyn	Buco, Thomas	Dickinson, Howard	Knox, J David
Martin, James	Philbrick, Donald		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Espiefs, Peter	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna			
COOS			
Merrick, Scott	Remick, William	Theberge, Robert	
GRAFTON			
Almy, Susan	Bleyler, Ruth	Cooney, Mary	Eaton, Stephanie
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda			
HILLSBOROUGH			
Beaulieu, Jane	Bergin, Peter	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Daniuk, Caitlin	Desmarais, Vivian
DeVries, Betsi	Drisko, Richard	Elliott, Nancy	Emerton, Larry
Essex, David	Foster, Linda	Francoeur, Bea	Gargasz, Carolyn
Gibson, John	Ginsburg, Ruth	Gorman, Mary	Goyette, Peter Jr
Hall, Betty	Harvey, Suzanne	Holden, Randolph	Jean, Claudette
Johnson, Paula	Kopka, Angeline	Lasky, Bette	Lefebvre, Roland
Martin, Mary Ellen	Michon, Stephen	Movsesian, Lori	Ober, Lynne
Pappas, Christopher	Pilotte, Maurice	Rosenwald, Cindy	Ryder, Donald
Schulze, Joan	Shattuck, Gilman	Shaw, Kimberly	Sullivan, Francis
Sullivan, Peter			
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	French, Barbara	Gile, Mary	Greco, Vincent
Hamm, Christine	Hess, David	Lockwood, Priscilla	MacKay, James
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	
ROCKINGHAM			
Abbott, Dennis	Brown, C.	Cali-Pitts, Jacqueline	Casey, Kimberley
Cooney, Richard	Dowling, Patricia	Flockhart, Eileen	Francoeur, Sheila
Gould, Kenneth	Hutchinson, Karen	Langley, Jane	Moody, Marcia
Norelli, Terie	O'Neil, Michael	Powers, James	Priestley, Anne
Robertson, Carl	Robinson, John	Scamman, Stella	Splaine, James
STRAFFORD			

Brown, Jennifer	Brown, Julie	Brown, Lawrence	Cilley, Jacalyn
Creteau, Irene	Dunlap, Patricia	Hilliard, Dana	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Phinizy, James	Prichard, Stephen
Rodeschin, Beverly			

and the majority committee report was adopted.
Ordered to third reading.

HB 1374, establishing a committee to require personal information holders to disclose a security breach. **REFER FOR INTERIM STUDY**
Rep. Jane S. Langley for Commerce: The committee has heard four bills dealing with this subject and has recommended HB 1404 and HB 1414-FN as Inexpedient to Legislate, but has incorporated all the issues of concern into HB 1660-FN. The committee felt that it was prudent to keep one bill in committee pending the outcome of HB 1660-FN and therefore recommended refer to interim study. Vote 15-0.
Rep. Sheila Francoeur yielded to questions
Committee report adopted.

HB 1404, relative to breach of security of computerized personal information. **INEXPEDIENT TO LEGISLATE**
Rep. Charles L. Clark for Commerce: The bill is another in a group of proposed identity theft related legislation which the committee decided to find Inexpedient to Legislate in order to fold it into HB 1660-FN. Vote 15-0.
Committee report adopted.

HB 1542, relative to responsible drug advertising. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. James R. Martin for the Majority of Commerce: This is another attempt to regulate prescription drug advertising. It deems any drug advertising "false" unless the ad includes a black box warning label stating that this is a prescription drug. It makes advertising without such a warning a misdemeanor or a felony and provides for a minimum of $25,000 in damages and up to three times actual damages. Prescription drug advertising is likely preempted by federal law, indeed the FDA recently announced that it preempts all prescription drug labeling (the package insert). When prescription drug ads refer to matters included in the package inserts, the ads must fairly present the contents of the package inserts. First, it appears that this bill is unnecessary because virtually all prescription drug ads already state they are by prescription only. Second, this bill would violate the First Amendment of the United States Constitution which not only protects the right to speech but also the right not to speak. "Forced speech" also violates the First Amendment. The bill also violates the Commerce Clause of the United States Constitution in that this bill would place an unreasonable burden on interstate commerce. It would be virtually impossible for a nationwide magazine or newspaper to include special ads just for New Hampshire. As such, the bill places an impermissible burden on interstate commerce and violates the Commerce Clause. Finally, the penalty provisions apply to "whoever violates" thus punishing not only pharmaceutical companies, but also those who publish the ads such as newspapers, magazines, radio and television stations. Vote 13-3.
Rep. Bonnie G. Mitchell for the Minority for Commerce**:** While the majority believes that

the FDA is "doing a fine job" in regulating prescription drugs and advertising, the minority believes there are many areas of drug regulation, particularly advertising, where consumer safety would be enhanced by complementary state law. Prescription drug abuse is an epidemic. There are now more people abusing prescription drugs than those who abuse heroin, cocaine and methamphetamines, combined! Research estimates 15 million Americans abuse prescription drugs. There is a clear need for consumer protection, which is the historic and constitutionally protected domain of the states. Yet New Hampshire has been unwilling to protect the public in an area that the White House has labeled as an epidemic, prescription drug abuse. We should not be surprised that prescription drug abuse has spiked over the past several years. Since 1997, the drug industry has increased spending on advertising from $265 million to nearly $4 billion today. But the public continues to lack basic, understandable safety information. Ads tell people, especially kids, that these drugs are "good," "make you sexy" or "will make your life better". Why are we surprised that prescription drug abuse is increasing? As we know, advertising is a powerful medium, but warnings continue to be inadequate. A representative of the FDA's medical experts told a Congressional panel that federal drug regulators were "virtually incapable of protecting America." This bill seeks to add safety information to advertisements. The warning says, "State Law Requires a Prescription For Use, Do Not Try To Diagnose Yourself. That Should Only Be Done By A Healthcare Professional." This makes the public aware that they are receiving information about a powerful prescription drug. While the majority insists this information "is always" presented in ads, the minority is amazed at the creative ways the drug industry has found to downplay the recognition of this fact by consumers. For its part, the Minority makes two further arguments against this bill: Federal Preemption and the Commerce Clause, relative to interstate commerce, both of which are questionable. While the drug industry, and more recently the FDA, has argued for federal preemption of all state drug regulation, this simply does not exist. In fact recent FDA rules changes, which again purported federal preemption, was met with a stinging rebuke from the President of the National Conference of State Legislators. Simply put, just because the drug industry and FDA want preemption, does not make it so. This bill does not frustrate FDA efforts, it enhances public safety. Finally, this bill, as a proposed state law, will only affect advertising specifically subject to New Hampshire state law. We are free to protect New Hampshire consumers as we see fit. We have done this in other areas such as banking, securities and tobacco advertising. While neighboring states have different laws in these areas, there is no Commerce Clause violation, nor is there in this bill. The minority believes that this committee has a duty to protect consumers. This duty extends to protecting New Hampshire consumers from the current epidemic of prescription drug abuse, as labeled by the White House.

Rep. DeJoie spoke against and yielded to questions.

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

On a division vote, 231 members having voted in the affirmative and 93 in the negative, the majority committee report was adopted.

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

(Deputy Speaker Weyler in the Chair)

HB 1151, relative to the prohibition of illegal aliens. **INEXPEDIENT TO LEGISLATE**

Rep. Peter M. Sullivan for Criminal Justice and Public Safety: The committee shares the sponsor's concern with the problem of illegal immigration. The federal government has clearly failed to provide a tough, effective enforcement scheme, and there is a clear need for a change in existing policies. Unfortunately, HB 1151 would create more problems than it would solve. The legislation would require New Hampshire business owners to perform a review of documentation with little guidance or training in such procedures. It would require businesses to comply with confusing and conflicting regulatory and record-keeping

requirements, creating a chaotic environment for New Hampshire businesses. In addition, the United States Immigration and Nationality Act explicitly prohibits states from enacting state-level employer sanction laws, raising serious questions as to the constitutionality of this legislation. While we are unable to support HB 1151 in its current form, we believe public attention should remain focused on this issue. Vote 18-0.
Rep. Ulery spoke against.
Rep. Peter Sullivan spoke in favor.
Rep. Ulery requested a roll call; sufficiently seconded.
The question being adoption of the committee report.

YEAS 236 NAYS 92			
YEAS 236			
BELKNAP			
Clark, Charles	Flanders, Donald	Heald, Bruce	Millham, Alida
Morrison, Gail	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Veazey, John		
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Knox, J David	Martin, James	McConkey, Mark
Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah	Mitchell, Bonnie
Parkhurst, Henry	Pratt, John	Richardson, Barbara	Robertson, Timothy
Sawyer, Sheldon	Tilton, Anna	Weed, Charles	
COOS			
King, Frederick	Mears, Edgar	Merrick, Scott	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	
GRAFTON			
Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Eaton, Stephanie	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Naro, Debra	Nordgren, Sharon	Sokol, Hilda
Williams, Burton			
HILLSBOROUGH			
Aboshar, Jeffrey	Baroody, Benjamin	Batula, Peter	Beaulieu, Jane
Bergin, Peter	Brassard, Paul	Chase, Claudia	Christensen, D L Chris
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Drisko, Richard
Emerton, Larry	Essex, David	Foster, Linda	Gargasz, Carolyn
Garrity, Patrick	Ginsburg, Ruth	Golding, William	Goley, Jeffrey

Gorman, Mary	Graham, John	Haley, Robert	Hall, Betty
Harvey, Suzanne	Holden, Randolph	Jean, Claudette	Jeudy, Jean
Kopka, Angeline	L'Heureux, Robert	Lasky, Bette	Lefebvre, Roland
Manney, Pamela	Martin, Mary Ellen	Matarazzo, Anthony Sr	Michon, Stephen
Movsesian, Lori	O'Connell, Timothy	Palangas, Eric	Pappas, Christopher
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Rochette, Eric
Rosenwald, Cindy	Ryder, Donald	Scanlon, Michael	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Smith, David	Sullivan, Francis
Sullivan, Peter	Tahir, Saghir	Vaillancourt, Steve	Velez, Hector
Villeneuve, Maurice	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	DeJoie, John	DeStefano, Stephen
French, Barbara	Gile, Mary	Hager, Elizabeth	Hamm, Christine
Kennedy, Richard	Kidder, David	L'Heureux, Stephen	Lockwood, Priscilla
MacKay, James	Marple, Richard	Maxfield, Roy	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Potter, Frances	Reardon, Tara
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Brown, C.	Cali-Pitts, Jacqueline	Casey, Kimberley
Charron, Gene	Coburn, James	Cooney, Richard	Dalrymple, Janeen
Dowd, John	Dowling, Patricia	Doyle, Christopher	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Forsing, Robert	Francoeur, Sheila
Garrity, James	Gilbert, Karl	Gould, Kenneth	Griffin, Mary
Hughes, Daniel	Hutchinson, Karen	Ingram, Russell	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Major, Norman	McKinney, Betsy	Morris, Richard	Norelli, Terie
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Palazzo, Frank
Powers, James	Priestley, Anne	Rausch, James	Robertson, Carl
Robinson, John	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Splaine, James	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman	Wells, Roger	Winchell, George
STRAFFORD			
Brown, Jennifer	Cilley, Jacalyn	Creteau, Irene	Dunlap, Patricia
Heon, Richard	Hilliard, Dana	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen	Rodeschin, Beverly		

NAYS 92			
BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	Rosen, Ralph
Tilton, Franklin	Tobin, William	Wendelboe, Fran	Whalley, Michael
CARROLL			
Dickinson, Howard			
CHESHIRE			
Coates, Christopher	Emerson, Susan	Pelkey, Stephen	Roberts, Kris
COOS			
Morneau, Renney	Remick, William		
GRAFTON			
Gionet, Edmond	Giuda, Robert	Ingbretson, Paul	Mirski, Paul
Solomon, Peter	Sorg, Gregory		
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Bergeron, Jean-Guy	Biundo, Michael
Boehm, Ralph	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Carew, James	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Elliott, Nancy	Francoeur, Bea	Gibson, John
Goyette, Peter Jr	Hagan, Barbara	Hawkins, Ken	Hellwig, Steve
Hinkle, Peyton	Infantine, William	Jasper, Shawn	Johnson, Paula
Kurk, Neal	Lessard, Rudy	Mead, Robert	Mooney, Maureen
O'Brien, William	Ober, Lynne	Renzullo, Andrew	Rowe, Robert
Shaw, Kimberly	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Ulery, Jordan	Wheeler, James		
MERRIMACK			
Danforth, James	Field, William	Greco, Vincent	Langlais, Thomas
Whiting, Herbert			
ROCKINGHAM			
Bettencourt, David	Bicknell, Elbert	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	DiFruscia, Anthony	Donahue, Richard Ken
Dumaine, Dudley	Hopfgarten, Paul	Itse, Daniel	Lund, Howie
McMahon, Charles	Moody, Marcia	Quandt, Marshall Lee	Quandt, Matthew
Stiles, Nancy	Zolla, William		
STRAFFORD			
Bickford, David	Brown, Julie	Brown, Lawrence	Cataldo, Sam
Chaplin, Duncan	Easson, Timothy	Hollinger, Jeffrey	Newton, Clifford

SULLIVAN			
Converse, Larry	Osgood, Philip Sr		

and the committee report was adopted.

HB 1178, relative to the definition of an adequate education. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**
Rep. Timothy E. Easson for the Majority of Education: The prime sponsor of the bill sought to replace the current statute that defines the "criteria for an equitable education" in RSA 193-E:2 with the Kentucky definition of an "adequate public education." The Kentucky criteria is inadequate because it lacks any reference to reading, writing and speaking English; skill in mathematics; skill in methods of science; knowledge of biological, physical and earth sciences; economics; geography; and technological skills. Additionally, the committee learned that in 1998, after the Claremont II decision, the House and Senate Education Committees met jointly and used the Kentucky standards as a starting point by which they arrived at the current statute. The majority takes the position that moving forward with this bill would be a major step backward Vote 10-6.
Rep. Emma L. Rous for the Minority of Education: The minority believes the term "adequacy" must be returned to the language in Chapter 193 E. By substituting the term "equity" for "adequacy", we have shifted the focus from educational content to educational funding. The committee intends to set up an ad hoc committee to discuss the issue of adequacy.
Majority committee report adopted.

HB 1323, relative to the statement of purpose in the statewide education improvement and assessment program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. William J. Remick for the Majority of Education: This bill removes the word "democracy" from RSA 193-C:1. The vast majority of the committee disagrees. Vote 12-1.
Rep. Timothy E. Easson for the Minority of Education: It is important to have the statement of purpose of RSA 193-C:1 to accurately reflect the fact that our nation is a republic and not a democracy. The minority believes that this distinction needs to be clarified in current law.
Majority committee report adopted.

HB 1509, relative to campaign expenditures for the office of governor. **OUGHT TO PASS WITH AMENDMENT**
Rep. Michael D. Whalley for Election Law: This bill as introduced would increase the limitation on campaign expenditures for candidates for the office of governor who agree to limit campaign expenditures. As amended by the committee, the limitations on campaign expenditures for candidates for United States Senate and candidates for Representative to Congress would also be increased. The bill, as amended, would also increase the maximum contribution to a candidate who agrees to abide by the spending limit as an additional incentive to agree to the spending limit. The effective date was also changed to July 1, 2006. Vote 14-0.

Amendment (0855h)
Amend the title of the bill by replacing it with the following:
AN ACT relative to campaign expenditure and contribution limitations.
Amend the bill by replacing all after the enacting clause with the following:
1 Political Contribution Limitations. Amend RSA 664:4, V to read as follows:
V. By any person (1) if in excess of [~~$5,000~~] ***$25,000*** in value, except for contributions made by a candidate in behalf of his ***or her*** own candidacy, or if in excess of $1,000 in value by any person or by any political committee to a candidate or a political committee working

on behalf of a candidate who does not voluntarily agree to limit his ***or her*** campaign expenditures and those expenditures made on his ***or her*** behalf as provided in RSA 664:5-a, (2) if made anonymously or under a name not that of the donor, (3) if made in the guise of a loan, (4) if any other manner concealed, (5) if made without the knowledge and written consent of the candidate or his ***or her*** fiscal agent, a political committee or its treasurer, or not to any one of the same.

2 Political Expenditure Limitation Amounts. Amend RSA 664:5-b, I-II to read as follows:

I. For governor:

(a) [~~$625,000~~] ***$1,250,000*** in a state primary election.

(b) [~~$625,000~~] ***$1,250,000*** in a state general election.

I-a. For United States senator:

(a) [~~$625,000~~] ***$1,250,000*** in a state primary election.

(b) [~~$625,000~~] ***$1,250,000*** in a state general election.

II. For representative to Congress:

(a) [~~$350,000~~] ***$625,000*** in a state primary election.

(b) [~~$350,000~~] ***$625,000*** in a state general election.

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

AMENDED ANALYSIS

This bill increases the limitation on campaign expenditures for candidates for the offices of governor, United States senator, and representative to Congress who agree to limit campaign expenditures. This bill also increases the limitation on the amount that may be contributed to a candidate who voluntarily agrees to limit his or her campaign expenditures.

Amendment adopted.

Committee report adopted and ordered to third reading.

(Speaker Scamman in the Chair)

HB 1384, relative to standardizing the format for special education budgets.

INEXPEDIENT TO LEGISLATE

Rep. Emma L. Rous for Education: This bill seeks to isolate a district's special education budget from the annual school district budget. While special education regularly appears as a line item in district budgets, highlighting special education in a separate budget risks exposing the identity of special education students and opens a mandated budget to debate. In addition, it is inappropriate for the legislature to prescribe State Board of Education forms. Vote 7-6.

Rep. Ingbretson spoke against.

Rep. Stephen L'Heureux spoke against.

Rep. Ingbretson requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 144 NAYS 185			
YEAS 144			
BELKNAP			
Morrison, Gail			
CARROLL			
Buco, Thomas	Knox, J David	Martin, James	Olimpio, J Lisbeth
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Coates, Christopher

Espiefs, Peter	Mitchell, Bonnie	Parkhurst, Henry	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Theberge, Robert
GRAFTON			
Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Brassard, Paul
Chase, Claudia	Clemons, Jane	Cote, Peter	Craig, James
Daniuk, Caitlin	DeVries, Betsi	Drisko, Richard	Essex, David
Foster, Linda	Gargasz, Carolyn	Garrity, Patrick	Goley, Jeffrey
Gorman, Mary	Haley, Robert	Hall, Betty	Harvey, Suzanne
Holden, Randolph	Jean, Claudette	Jeudy, Jean	Johnson, Paula
Kopka, Angeline	Lasky, Bette	Lefebvre, Roland	Martin, Mary Ellen
Matarazzo, Anthony Sr	Michon, Stephen	Movsesian, Lori	Palangas, Eric
Pappas, Christopher	Pepino, Leo	Pilotte, Maurice	Rochette, Eric
Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Smith, David	Sullivan, Francis	Sullivan, Peter
MERRIMACK			
Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	DeJoie, John
DeStefano, Stephen	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Hamm, Christine	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	Reardon, Tara	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Brown, C.	Cali-Pitts, Jacqueline
Casey, Kimberley	Flockhart, Eileen	Gould, Kenneth	Moody, Marcia
Norelli, Terie	Powers, James	Robinson, John	Splaine, James
STRAFFORD			
Brown, Jennifer	Brown, Julie	Brown, Lawrence	Cilley, Jacalyn
Creteau, Irene	Dunlap, Patricia	Heon, Richard	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Wall, Janet			
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda

Franklin, Peter	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen	Rodeschin, Beverly		
NAYS 185			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	McConkey, Mark	Merrow, Harry	Patten, Betsey
Stevens, Stanley			
CHESHIRE			
Chase, William	Emerson, Susan	Foote, Sheila	Hogancamp, Deborah
Pelkey, Stephen	Sawyer, Sheldon		
COOS			
King, Frederick	Morneau, Renney	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Mirski, Paul	Sorg, Gregory	Williams, Burton	
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Carew, James	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Cote, David	Coughlin, Pamela
Crane, Elenore Casey	Desmarais, Vivian	Elliott, Nancy	Emerton, Larry
Francoeur, Bea	Gibson, John	Ginsburg, Ruth	Golding, William
Goyette, Peter Jr	Graham, John	Hagan, Barbara	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Infantine, William	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Manney, Pamela	Mead, Robert
Mooney, Maureen	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Ross, Lawrence
Rowe, Robert	Ryder, Donald	Scanlon, Michael	Slocum, Lee
Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Velez, Hector	Villeneuve, Maurice	Wheeler, James
Wheeler, Robert			

MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Currier, David	Danforth, James
Field, William	Kennedy, Richard	Kidder, David	L'Heureux, Stephen
Langlais, Thomas	Lockwood, Priscilla	MacKay, James	Marple, Richard
Maxfield, Roy	Whiting, Herbert		
ROCKINGHAM			
Belanger, Ronald	Bettencourt, David	Bicknell, Elbert	Bishop, Franklin
Bridle, Russell	Buxton, Donald	Cady, Harriet	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	Cooney, Richard
DiFruscia, Anthony	Donahue, Richard Ken	Dowd, John	Dowling, Patricia
Doyle, Christopher	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Griffin, Mary	Hopfgarten, Paul	Hughes, Daniel	Hutchinson, Karen
Ingram, Russell	Itse, Daniel	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Lund, Howie
Major, Norman	McKinney, Betsy	McMahon, Charles	Morris, Richard
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Palazzo, Frank
Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Robertson, Carl	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman	Wells, Roger	Weyler, Kenneth
Winchell, George	Zolla, William		
STRAFFORD			
Bickford, David	Cataldo, Sam	Chaplin, Duncan	Easson, Timothy
Hollinger, Jeffrey	Newton, Clifford		
SULLIVAN			
Gale, Harry	Osgood, Philip Sr		

and the committee report failed.

Rep. O'Brien moved Ought to Pass and offered floor amendment (1138h).

Floor Amendment (1138h)

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

1 Special Education; Responsibility of School District. Amend RSA 186-C:10 to read as follows:

186-C:10 Responsibility of School District.

I. A school district shall establish an approved program or programs for educationally disabled children, or shall enter into cooperative agreements with other districts to provide approved programs for educationally disabled children, or shall pay tuition to such an approved program maintained by another school district or by a private organization. Eligibility for participation in an approved program of special education shall be determined by the school board of the school district under rules adopted by the state board of education.

II. A school district responsible for providing special education programs or services to any educationally disabled pupil shall, for informational purposes only, prepare an annual special education budget separate from the annual school district budget. Such special education budget shall be prepared using the same

budget format as the general education budget, and shall be provided to the school district legislative body at the same time as the general education budget. The special education budget shall include all line item cost detail and descriptions used to prepare the general education budget, including salaries and associated employee benefit costs, overhead cost allocations based on percentage of space used, and special education pupil population.

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

AMENDED ANALYSIS

This bill requires a school district to prepare, for informational purposes only, a separate special education budget to be provided to the school district legislative body.

Rep. O'Brien spoke in favor and yielded to questions.

Rep. Giuda requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (1138h).

YEAS 192 NAYS 138			
YEAS 192			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth
Patten, Betsey	Stevens, Stanley		
CHESHIRE			
Emerson, Susan	Hogancamp, Deborah	Pelkey, Stephen	Sawyer, Sheldon
COOS			
Buzzell, Bernard	King, Frederick	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Mirski, Paul	Sorg, Gregory	Williams, Burton	
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Carew, James	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	Elliott, Nancy	Emerton, Larry	Francoeur, Bea
Gargasz, Carolyn	Gibson, John	Golding, William	Goyette, Peter Jr
Graham, John	Hagan, Barbara	Hawkins, Ken	Hellwig, Steve

Hinkle, Peyton	Infantine, William	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	Lefebvre, Roland	Lessard, Rudy	Manney, Pamela
Martin, Mary Ellen	Mead, Robert	Mooney, Maureen	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Pepino, Leo	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Ross, Lawrence	Rowe, Robert
Ryder, Donald	Scanlon, Michael	Slocum, Lee	Souza, Kathleen
Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Velez, Hector	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Currier, David	Danforth, James
Field, William	Hager, Elizabeth	Kennedy, Richard	Kidder, David
L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla	MacKay, James
Marple, Richard	Maxfield, Roy	Whiting, Herbert	
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
Cooney, Richard	DiFruscia, Anthony	Donahue, Richard Ken	Dowd, John
Dowling, Patricia	Doyle, Christopher	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Forsing, Robert	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Griffin, Mary	Hopfgarten, Paul	Hughes, Daniel
Hutchinson, Karen	Ingram, Russell	Itse, Daniel	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Lund, Howie	Major, Norman	McKinney, Betsy	McMahon, Charles
Morris, Richard	Nowe, Ronald	O'Neil, Michael	Palazzo, Frank
Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Robertson, Carl	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman	Wells, Roger	Weyler, Kenneth
Winchell, George	Zolla, William		
STRAFFORD			
Bickford, David	Cataldo, Sam	Chaplin, Duncan	Easson, Timothy
Hollinger, Jeffrey	Keans, Sandra	Newton, Clifford	
SULLIVAN			
Converse, Larry	Gale, Harry	Osgood, Philip Sr	Rodeschin, Beverly
NAYS 138			
BELKNAP			
Millham, Alida	Morrison, Gail		
CARROLL			
Buco, Thomas	Knox, J David	Martin, James	

CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Espiefs, Peter	Foote, Sheila	Mitchell, Bonnie
Parkhurst, Henry	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna	Weed, Charles	
COOS			
Mears, Edgar	Merrick, Scott	Theberge, Robert	
GRAFTON			
Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Brassard, Paul
Chase, Claudia	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daniuk, Caitlin	DeVries, Betsi	Drisko, Richard
Essex, David	Foster, Linda	Garrity, Patrick	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haley, Robert	Hall, Betty
Harvey, Suzanne	Holden, Randolph	Jean, Claudette	Jeudy, Jean
Johnson, Paula	Kopka, Angeline	Lasky, Bette	Matarazzo, Anthony Sr
Michon, Stephen	Movsesian, Lori	Palangas, Eric	Pappas, Christopher
Pilotte, Maurice	Rochette, Eric	Rosenwald, Cindy	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Smith, David
Sullivan, Francis	Sullivan, Peter		
MERRIMACK			
Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	DeJoie, John
DeStefano, Stephen	French, Barbara	Gile, Mary	Greco, Vincent
Hamm, Christine	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Potter, Frances	Reardon, Tara	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert		
ROCKINGHAM			
Abbott, Dennis	Brown, C.	Cali-Pitts, Jacqueline	Casey, Kimberley
Flockhart, Eileen	Gould, Kenneth	Moody, Marcia	Norelli, Terie
Powers, James	Robinson, John	Splaine, James	
STRAFFORD			
Brown, Jennifer	Brown, Julie	Brown, Lawrence	Cilley, Jacalyn
Creteau, Irene	Dunlap, Patricia	Heon, Richard	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Knowles, William
Miller, Joseph	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Kathleen	Wall, Janet

SULLIVAN			
Cloutier, John	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen

and floor amendment (1138h) was adopted.

Rep. Mead requested a roll call; sufficiently seconded.
The question being adoption of the motion Ought to Pass as Amended.

YEAS 190 NAYS 140			
YEAS 190			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth
Patten, Betsey	Stevens, Stanley		
CHESHIRE			
Emerson, Susan	Pelkey, Stephen	Roberts, Kris	Sawyer, Sheldon
COOS			
Buzzell, Bernard	King, Frederick	Morneau, Renney	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Mirski, Paul	Sorg, Gregory	Williams, Burton	
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Carew, James	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey
Elliott, Nancy	Emerton, Larry	Francoeur, Bea	Gargasz, Carolyn
Gibson, John	Golding, William	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Lefebvre, Roland	Lessard, Rudy	Manney, Pamela	Martin, Mary Ellen
Mead, Robert	Mooney, Maureen	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Pepino, Leo	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Ross, Lawrence	Rowe, Robert	Ryder, Donald

Scanlon, Michael	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Velez, Hector
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Currier, David	Danforth, James
Field, William	Hager, Elizabeth	Kennedy, Richard	Kidder, David
L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla	MacKay, James
Marple, Richard	Maxfield, Roy	Whiting, Herbert	
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
Cooney, Richard	DiFruscia, Anthony	Donahue, Richard Ken	Dowd, John
Dowling, Patricia	Doyle, Christopher	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Forsing, Robert	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Griffin, Mary	Hopfgarten, Paul	Hughes, Daniel
Hutchinson, Karen	Ingram, Russell	Itse, Daniel	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Lund, Howie	Major, Norman	McKinney, Betsy	McMahon, Charles
Morris, Richard	Nowe, Ronald	O'Neil, Michael	Palazzo, Frank
Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Robertson, Carl	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman	Wells, Roger	Weyler, Kenneth
Winchell, George	Zolla, William		
STRAFFORD			
Bickford, David	Cataldo, Sam	Chaplin, Duncan	Easson, Timothy
Hollinger, Jeffrey	Keans, Sandra	Newton, Clifford	
SULLIVAN			
Converse, Larry	Gale, Harry	Osgood, Philip Sr	Rodeschin, Beverly
NAYS 140			
BELKNAP			
Millham, Alida	Morrison, Gail		
CARROLL			
Buco, Thomas	Knox, J David	Martin, James	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah
Mitchell, Bonnie	Parkhurst, Henry	Pratt, John	Richardson, Barbara

Robertson, Timothy	Tilton, Anna	Weed, Charles	
COOS			
Mears, Edgar	Merrick, Scott	Remick, William	Theberge, Robert
GRAFTON			
Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Brassard, Paul
Chase, Claudia	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Drisko, Richard	Essex, David	Foster, Linda	Garrity, Patrick
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Haley, Robert
Hall, Betty	Harvey, Suzanne	Holden, Randolph	Jean, Claudette
Jeudy, Jean	Johnson, Paula	Kopka, Angeline	Lasky, Bette
Matarazzo, Anthony Sr	Michon, Stephen	Movsesian, Lori	Palangas, Eric
Pappas, Christopher	Pilotte, Maurice	Rochette, Eric	Rosenwald, Cindy
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Smith, David	Sullivan, Francis	Sullivan, Peter	
MERRIMACK			
Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	DeJoie, John
DeStefano, Stephen	French, Barbara	Gile, Mary	Greco, Vincent
Hamm, Christine	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Potter, Frances	Reardon, Tara	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert		
ROCKINGHAM			
Abbott, Dennis	Brown, C.	Cali-Pitts, Jacqueline	Casey, Kimberley
Flockhart, Eileen	Gould, Kenneth	Moody, Marcia	Norelli, Terie
Powers, James	Robinson, John	Splaine, James	
STRAFFORD			
Brown, Jennifer	Brown, Julie	Brown, Lawrence	Cilley, Jacalyn
Creteau, Irene	Dunlap, Patricia	Heon, Richard	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Knowles, William
Miller, Joseph	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen

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

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that Rules deadline be so far suspended as to allow referral to a second committee of ***HB 1384*****,** relative to standardizing the format for special education budgets.

On a division vote, 263 members having voted in the affirmative and 67 in the negative, the motion was adopted. by the necessary two-thirds.

Referred to Finance.

SPECIAL ORDER

HB 1269, relative to the taking of red deer or elk. **OUGHT TO PASS WITH AMENDMENT**

Rep. David L. Smith for Fish and Game: This bill enables a farmer to raise red deer and elk and permit them to be harvested directly by a purchaser. These elk and red deer farmers have the option of harvesting themselves and selling a whole carcass to a buyer or they may have the meat USDA inspected so it can be sold to restaurants and stores. This last option of USDA inspection has become too expensive to market meat at a profitable price. Hopefully this bill will help these farmers, and the state will not lose his agricultural activity. The bill was heard by the Fish and Game Committee because even raised and personally owned red deer and elk are legally defined as wildlife. Vote 9-1.

Amendment (0566h)

Amend the bill by replacing section 1 with the following:

1 Purpose. The propagation of red deer (Cervus elaphus) or elk (Cervus elaphus ngratifie) is an important agricultural industry in this state. Therefore, providing for equal treatment of alternate livestock and expanding the market for red deer or elk by allowing for the sale of live red deer or elk to individuals for their own consumption will provide economic benefit to the state.

Amend the bill by replacing section 3 with the following:

3 New Section; Red Deer or Elk. Amend RSA 208 by inserting after section 1-e the following new section:

208:1-f Red Deer or Elk.

I. No person shall, at any time, hunt, take, or possess, any red deer or elk, or any part of the carcass, taken in this state, except as follows:

(a) Red deer or elk which have been propagated within this state may be taken.

(b) Notwithstanding RSA 212:30-e, V, persons licensed to propagate red deer or elk shall be permitted to sell live animals for on premises field harvest by the purchaser.

(c) Persons licensed to propagate red deer or elk, or their designated agent, shall accompany a purchaser into the harvest area, and shall stay in the purchaser's presence until the harvest is completed. Only one purchaser shall be permitted in the harvest area at one time.

(d) The propagator shall provide the purchaser with a bill of sale for each red deer or elk carcass, bearing the date of purchase, the total weight of the carcass, the name and address of the purchaser, and the address and permit number of the propagator. The bill of sale shall remain with the carcass as long as it remains in the state.

II. The provisions of this section shall not affect any other law on the transportation, importation, or sale of red deer or elk.

AMENDED ANALYSIS

This bill allows for the taking of red deer or elk and establishes regulation of the process.

Amendment adopted.

Rep. Hughes spoke against and yielded to questions.

Rep. David Smith spoke in favor and yielded to questions.

Reps. Ryan, Mary Ellen Martin and Solomon spoke against.

Rep. Robert L'Heureux spoke in favor.
Rep. Mary Ellen Martin requested a roll call; sufficiently seconded.
The question being adoption of the committee report adopted.

YEAS 217 NAYS 98			
YEAS 217			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley	
CHESHIRE			
Butynski, William	Coates, Christopher	Emerson, Susan	Foote, Sheila
Hogancamp, Deborah	Pelkey, Stephen	Sawyer, Sheldon	Tilton, Anna
COOS			
Morneau, Renney	Remick, William	Stohl, Eric	Tholl, John Jr
GRAFTON			
Almy, Susan	Benn, Bernard	Cooney, Mary	Eaton, Stephanie
Gionet, Edmond	Giuda, Robert	Hammond, Lee	Harding, A Laurie
Ingbretson, Paul	Mirski, Paul	Mulholland, Catherine	Naro, Debra
Sorg, Gregory	Williams, Burton		
HILLSBOROUGH			
Adams, Jarvis IV	Baroody, Benjamin	Batula, Peter	Beaulieu, Jane
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Boehm, Ralph
Brassard, Paul	Buhlman, David	Campbell, David	Carew, James
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Clemons, Jane
Cote, Peter	Coughlin, Pamela	Craig, James	Daniuk, Caitlin
Desmarais, Vivian	Drisko, Richard	Elliott, Nancy	Emerton, Larry
Essex, David	Gargasz, Carolyn	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gorman, Mary	Graham, John	Hagan, Barbara
Harvey, Suzanne	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Infantine, William	Jasper, Shawn	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	Lasky, Bette	Lefebvre, Roland	Mead, Robert
Michon, Stephen	Mooney, Maureen	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Pepino, Leo	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Ross, Lawrence	Rowe, Robert	Ryder, Donald

Scanlon, Michael	Schulze, Joan	Shaw, Barbara	Shaw, Kimberly
Slocum, Lee	Smith, David	Souza, Kathleen	Tahir, Saghir
Velez, Hector	Villeneuve, Maurice	Wheeler, James	
MERRIMACK			
Anderson, Eric	Brueggemann, Donald	Clarke, Claire	Currier, David
Danforth, James	DeJoie, John	Field, William	French, Barbara
Greco, Vincent	Hager, Elizabeth	Hamm, Christine	Kennedy, Richard
Kidder, David	Langlais, Thomas	Lockwood, Priscilla	MacKay, James
Marple, Richard	Maxfield, Roy	Reardon, Tara	Rush, Deanna
Tupper, Frank	Walz, Mary Beth	Williams, Robert	
ROCKINGHAM			
Belanger, Ronald	Bicknell, Elbert	Bishop, Franklin	Bridle, Russell
Brown, C.	Cady, Harriet	Camm, Kevin	Carson, Sharon
Casey, Kimberley	Charron, Gene	Coburn, James	Cooney, Richard
Donahue, Richard Ken	Dowling, Patricia	Doyle, Christopher	Dumaine, Dudley
Fesh, Bob	Flanders, John Sr	Forsing, Robert	Francoeur, Sheila
Garrity, James	Gould, Kenneth	Griffin, Mary	Hopfgarten, Paul
Ingram, Russell	Itse, Daniel	Katsakiores, Phyllis	Kobel, Rudolph
Lund, Howie	Major, Norman	McKinney, Betsy	McMahon, Charles
Morris, Richard	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Palazzo, Frank	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Robertson, Carl	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Stiles, Nancy	Stone, Joseph	Weare, E Albert	Welch, David
Wells, Roger	Zolla, William		
STRAFFORD			
Bickford, David	Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn
Creteau, Irene	Dunlap, Patricia	Easson, Timothy	Hilliard, Dana
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Newton, Clifford	Rollo, Michael	Rous, Emma	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Gale, Harry
Jillette, Arthur Jr	Osgood, Philip Sr	Prichard, Stephen	Rodeschin, Beverly
NAYS 98			
BELKNAP			
Fitzgerald, James	Morrison, Gail		
CARROLL			
Buco, Thomas	Martin, James		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Chase, William	Espiefs, Peter
Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara	Roberts, Kris

Robertson, Timothy	Weed, Charles		
COOS			
Buzzell, Bernard	King, Frederick	Merrick, Scott	Richardson, Herbert
Theberge, Robert			
GRAFTON			
Bleyler, Ruth	McLeod, Martha	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			
HILLSBOROUGH			
Brundige, Robert	Calawa, Leon Jr	Chase, Claudia	Cote, David
Crane, Elenore Casey	DeVries, Betsi	Foster, Linda	Francoeur, Bea
Gibson, John	Goyette, Peter Jr	Haley, Robert	Hall, Betty
Holden, Randolph	Jean, Claudette	Johnson, Paula	Lessard, Rudy
Manney, Pamela	Martin, Mary Ellen	Matarazzo, Anthony Sr	Movsesian, Lori
Pappas, Christopher	Pilotte, Maurice	Rochette, Eric	Rosenwald, Cindy
Shattuck, Gilman	Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve
Wheeler, Robert			
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	DeStefano, Stephen	Gile, Mary
Osborne, Jessie	Potter, Frances	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Wallner, Mary Jane	Whiting, Herbert	
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Bettencourt, David	Buxton, Donald
Cali-Pitts, Jacqueline	DiFruscia, Anthony	Flockhart, Eileen	Gilbert, Karl
Hughes, Daniel	Katsakiores, George	Langley, Jane	Moody, Marcia
Norelli, Terie	Powers, James	Priestley, Anne	Robinson, John
Splaine, James	Waterhouse, Kevin	Weyler, Kenneth	Winchell, George
STRAFFORD			
Brown, Jennifer	Brown, Julie	Brown, Lawrence	Heon, Richard
Hofemann, Roland	Johnson, Nancy	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Kathleen		
SULLIVAN			
Ferland, Brenda	Franklin, Peter	Houde-Quimby, Charlotte	Phinizy, James

and the committee report was adopted.
Ordered to third reading.

REGULAR CALENDAR (CONT'D.)

HB 1681-FN, establishing the unused prescription drug program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Cindy Rosenwald for Health, Human Services and Elderly Affairs: The committee recognized that prescription drugs are often thrown away at hospitals and other health care

facilities, wasting thousands of dollars a month and potentially creating an environmental hazard. This bill creates a program to allow for unused prescription drugs and devices to be safely re-dispensed as long as they are in tamper-proof packaging and have never been in the possession of an individual. At least 20 other states have enacted similar legislation. As amended, the Board of Pharmacy would set rules to allow hospitals, other health care facilities, pharmacies and correctional institutions to voluntarily agree to store, re-label and re-dispense drugs and devices appropriately and safely. This could save the state money in the prison system. The amendment also removes the fiscal impact on the state since the program would be self-funded through fees. Vote 16-0.

Amendment (0793h)

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

1 New Subdivision; Unused Prescription Drug Program. Amend RSA 318 by inserting after section 55 the following new subdivision:

Unused Prescription Drug Program

318:56 Unused Prescription Drug Program Established. There is established the unused prescription drug program for the purpose of allowing the donation of unused prescription drugs and medical devices to uninsured or underinsured individuals. The program shall be administered by the New Hampshire pharmacy board.

318:57 Definitions. In this subdivision:

I. "Board" means the New Hampshire pharmacy board.

II. "Medical device" means an instrument, apparatus, implement, machine, or similar article, or any attachment or component part thereof, that has been prescribed by a physician or other authorized health care practitioner.

III. "Patient" means a person to whom a drug or a medical device has been prescribed, that patient's authorized representative, or the executor or administrator of the patient's estate.

IV. "Prescription drug" means a drug as defined in RSA 318:1, XVII, excluding any controlled drug as defined in RSA 318-B:1, VI.

V. "Program" means the unused prescription drug program.

318:58 Donating, Accepting, and Redispensing Unused Drugs.

I. Any patient may donate unused prescription drugs and medical devices to the program.

II. Any person authorized to dispense prescription drugs and medical devices pursuant to RSA 318 or other law may redispense such drugs and devices for the purposes of the program.

III. The following facilities and services may accept donations of unused prescription drugs and medical devices for the program:

(a) Any pharmacy as defined in RSA 318:1, XI;

(b) Any hospital, nursing home, hospice, or outpatient clinic licensed pursuant to RSA 151; and

(c) New Hampshire hospital, Glencliff home for the elderly, New Hampshire veterans home, and the state and county correctional facilities.

IV. The following prescription drugs and medical devices may be accepted and redispensed through the program; provided, that they have not been in the possession of the patient or other member of the public:

(a) Unused prescription drugs that have not reached their expiration date, are contained in unopened unit dose or other tamper-evident packaging, and show no evidence of contamination; and

(b) Medical devices that have not been opened or adulterated.

V. Unused prescription drugs and medical devices may not be resold, but the facility or service redispensing such drug or device may charge a handling fee for the service not to exceed $15.

VI. A facility or service may redispense unused prescription drugs and medical devices under the program to uninsured or underinsured persons as defined by the board, but redispensing to other patients is permitted if no uninsured or underinsured person is available.

318:59 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, for the program relative to:

I. Standards and procedures for the donation, acceptance, storage and redispensing of unused prescription drugs and medical devices.

II. Eligibility of individuals to receive unused drugs.

III. The maximum allowable handling fee for redispensing drugs and devices.

IV. Content and format of all forms required under this subdivision.

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

AMENDED ANALYSIS

This bill establishes the unused prescription drug program under which unused prescription drugs are accepted and dispensed to uninsured or underinsured persons. Under this bill, persons licensed to dispense drugs and certain other licensed entities may collect, relabel, and redispense donated prescription drugs and medical devices. Controlled drugs are exempted from the provisions of the bill. The New Hampshire pharmacy board is granted rulemaking authority for the purposes of the bill.

Amendment adopted.

Committee report adopted and ordered to third reading.

CACR 39, relating to the administration of the Supreme Court. Providing that Supreme Court rules shall no longer have the force and effect of law. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John B. Hunt for the Majority of Judiciary: The committee heard three bills related to the court's ability to make rules for themselves. This amendment to the constitution would remove the last sentence to Part II Article 73-a which was enacted in 1978 and states " The chief justice of the court shall be the administrative head of all the courts. He shall, with the concurrence of a majority of the Supreme Court justices, make rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts. The rules so promulgated shall have the force and effect of law." The committee felt that removing a seemingly redundant sentence would not change the effect of the remaining constitutional amendment, but may cause confusion on whether court rules are enforceable. The sponsor's intent is similar to another bill (HB 1193) which the committee heard this session relating to the issue of whether the 1972 constitutional convention intended for the sentence to be included in the constitutional amendment. This is an old issue and was litigated in the 1993 case of Bosa vs. Merrill. The legislature addressed the issue by enacting a statute that requires the actual wording be placed on the ballot. Evidently, prior to the passage of this law most constitutional amendments did not have the actual wording of the amendment on the ballot upon which the voters would be voting. The official signed copy of the proposed amendment did include the extra sentence. Vote 14-6.

Rep. Gregory M. Sorg for the Minority of Judiciary: The committee's research appears to have shown conclusively that the final sentence of Article 73-a ("The rules so promulgated shall have the force and effect of law") was not on the ballot and, therefore, was not ratified by the people. The majority, however, takes the position that the error was harmless, because to say that court rules have the force and effect of law is simply to state a truism. The minority, though, is mindful that the word "law" is commonly understood to be synonymous with the word "statute." And while there is no disputing that properly promulgated rules and regulations operate as the functional equivalent of law in the sense that they must be obeyed, the same as any statute, it is nevertheless true that in the hierarchy of law, rules and regulations are understood to be subordinate to statute; that is, a rule or regulation cannot be issued without statutory authorization to do so, and can be

nullified by statute, while a statute can never be nullified by rule or regulation. Adding the ngratified sentence to Article 73-a has given rise to the subtle and – as it has developed – pernicious assumption on the part of the Supreme Court that its rules are not just the equal of statute, but superior. This has resulted in a momentous alteration of the separation of powers between the judicial and legislative branches, giving the judicial branch constitutional cover to place its policy choices in the area of rulemaking beyond the power of the legislative branch.
Majority committee report adopted.

HB 1597-FN-L, relative to municipal obligations for indigent medical expenses.
MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.
Rep. Eric G. Stohl for the Majority of Municipal and County Government: The original bill excluded medical assistance from the type of relief provided by municipalities under the general assistance statute RSA 165. The obligation under RSA 165 is broadly worded and could be interpreted to require coverage of a wide range of physician and hospital charges. The Department of Health and Human Services does not know how much municipalities pay for medical assistance now due to the fact that this is confidential information between the municipality and the individual seeking the assistance. The committee feels that the language of the original bill was too strict. An amendment was drafted and presented to the committee for its consideration. The majority of the committee feels that the amendment properly addresses the issue raised by the bill. Currently, towns and cities are mandated to adopt written guidelines relative to general assistance. The amendment allows the local governing body of a town or city to adopt written guidelines to exclude from its general assistance program surgical and medical expenses, except for prescribed medication. This exclusion is only when there is no other means to provide such medication. Vote 10-4.
Rep. Jessie L. Osborne for the Minority of Municipal and County Government: This bill simply shifts the cost for health care from local community to non-profit and private hospitals. This will cause the health insurance rates to rise and also to cause non-profits to close. This is not a problem and this bill is a solution looking for a problem.

Majority Amendment (0921h)
Amend the bill by replacing section 1 with the following:
1 New Paragraph; Aid to Assisted Persons; Medical Expenses. Amend RSA 165:1 by inserting after paragraph III the following new paragraph:
IV. The local governing body of a town or city may adopt written guidelines to exclude from its general assistance program surgical and medical expenses, except for prescribed medication, when there is no other means to provide such medication.
AMENDED ANALYSIS
This bill permits a municipality to exclude medical expenses, other than certain prescription medication, from the municipality's local assistance program.
Majority amendment adopted.
Rep. DeJoie spoke against.
Rep. Stohl spoke in favor.
Majority committee report adopted and ordered to third reading.

HCR 22, relative to the right to pursue a livelihood in natural resources industries**.**
MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.
Rep. Kris E. Roberts for the Majority of State-Federal Relations and Veterans Affairs: The New Hampshire Fishermen have a long proud and beneficial history to the state and country as a whole. While it is understood that the demands of over fishing and unlimited fishing have undesirable effects on fishing stocks affecting the livelihood of the men and women engaged in the industry. It should be noted that due to Homeland Security issues the US.

Coast Guard has become distracted from one primary mission of protecting US Fishing. Hopefully this HCR will provide the opportunity to highlight this short coming. We must protect our fishing industry from illegal factory ships farming large stocks fish within our territorial waters. Vote 10-2.
Rep. Russell A. Albert for the Minority of State-Federal Relations and Veterans Affairs: Using History as an example of unrestricted fishing, restriction may soon hurt it – but over time will benefit the fishing industry.
Majority committee report adopted.

SPECIAL ORDER

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." **INEXPEDIENT TO LEGISLATE**
Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: This U.S. Department of Justice Report was released in November 2001. The report provides both previously undisclosed information and cites footnotes for additional information. However, classified information is not included and in most cases this classified information will not be disclosed for some time. The report is available to anyone and, with the current information age, readily available for promoting through the Internet. Vote 7-3.
Rep. Pepino spoke against and yielded to questions.

(Deputy Speaker Weyler in the Chair)

Rep. Renzullo spoke against.
Rep. Roberts spoke in favor.
Rep. John Flanders moved the previous question.
Adopted.
Rep. Rollo requested a roll call; sufficiently seconded.
The question being adoption of the committee report.

YEAS 88 NAYS 201			
YEAS 88			
BELKNAP			
Allen, Janet	Clark, Charles	Millham, Alida	Nedeau, Stephen
Russell, David	Thomas, John	Tilton, Franklin	
CARROLL			
Babson, David Jr	Chandler, Gene	Martin, James	McConkey, Mark
Patten, Betsey			
CHESHIRE			
Butcher, Suzanne	Foote, Sheila	Hogancamp, Deborah	Roberts, Kris
Robertson, Timothy	Sawyer, Sheldon		
COOS			
King, Frederick	Merrick, Scott	Remick, William	Stohl, Eric
Tholl, John Jr			
GRAFTON			

Almy, Susan	Ham, Bonnie	Harding, A Laurie	Mulholland, Catherine
Nordgren, Sharon	Sokol, Hilda	Sorg, Gregory	Williams, Burton
HILLSBOROUGH			
Batula, Peter	Bergin, Peter	Calawa, Leon Jr	Carew, James
Drisko, Richard	Emerton, Larry	Hawkins, Ken	Holden, Randolph
Johnson, Paula	Kurk, Neal	L'Heureux, Robert	Mooney, Maureen
O'Connell, Timothy	Pilotte, Maurice	Price, Pamela	Ross, Lawrence
Ryder, Donald	Scanlon, Michael	Shaw, Kimberly	Slocum, Lee
Smith, David	Vaillancourt, Steve	Velez, Hector	Villeneuve, Maurice
MERRIMACK			
Anderson, Eric	Brueggemann, Donald	Clarke, Claire	Kidder, David
Lockwood, Priscilla	Reardon, Tara	Rush, Deanna	Williams, Robert
ROCKINGHAM			
Casey, Kimberley	Charron, Gene	Cooney, Richard	Dowling, Patricia
Flanders, John Sr	Francoeur, Sheila	Gilbert, Karl	Hughes, Daniel
Langley, Jane	Major, Norman	Morris, Richard	O'Neil, Michael
Palazzo, Frank	Priestley, Anne	Rausch, James	Rolston, James
Sanders, Elisabeth	Stiles, Nancy	Waterhouse, Kevin	Weare, E Albert
Weyler, Kenneth			
STRAFFORD			
Johnson, Nancy	Wall, Janet		
SULLIVAN			
Gale, Harry	Rodeschin, Beverly		
NAYS 201			
BELKNAP			
Boyce, Laurie	Fitzgerald, James	Heald, Bruce	Morrison, Gail
Pilliod, James	Rosen, Ralph	Tobin, William	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Dickinson, Howard
Knox, J David	Merrow, Harry	Olimpio, J Lisbeth	
CHESHIRE			
Butynski, William	Chase, William	Coates, Christopher	Emerson, Susan
Espiefs, Peter	Parkhurst, Henry	Pelkey, Stephen	Richardson, Barbara
Tilton, Anna	Weed, Charles		
COOS			
Buzzell, Bernard	Morneau, Renney	Richardson, Herbert	Theberge, Robert

GRAFTON			
Cooney, Mary	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Hammond, Lee	Mirski, Paul	Naro, Debra	Solomon, Peter
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Beaulieu, Jane
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Buhlman, David	Chase, Claudia	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Clemons, Jane	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Crane, Elenore Casey
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Elliott, Nancy
Essex, David	Foster, Linda	Francoeur, Bea	Gargasz, Carolyn
Gibson, John	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Goyette, Peter Jr	Graham, John	Hagan, Barbara
Hall, Betty	Harvey, Suzanne	Hellwig, Steve	Hinkle, Peyton
Infantine, William	Jasper, Shawn	Jean, Claudette	Kopka, Angeline
Lasky, Bette	Lessard, Rudy	Manney, Pamela	Matarazzo, Anthony Sr
Mead, Robert	Michon, Stephen	Movsesian, Lori	O'Brien, William
Ober, Lynne	Pepino, Leo	Reeves, Sandra	Renzullo, Andrew
Rochette, Eric	Rosenwald, Cindy	Rowe, Robert	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Souza, Kathleen	Sullivan, Francis
Sullivan, Peter	Tahir, Saghir	Wheeler, James	
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Danforth, James	DeJoie, John
DeStefano, Stephen	Field, William	French, Barbara	Gile, Mary
Hamm, Christine	Kennedy, Richard	Langlais, Thomas	MacKay, James
Marple, Richard	Maxfield, Roy	McMahon, Patricia	Osborne, Jessie
Potter, Frances	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bridle, Russell	Brown, C.	Buxton, Donald
Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin	Carson, Sharon
Coburn, James	DiFruscia, Anthony	Doyle, Christopher	Dumaine, Dudley
Fesh, Bob	Flockhart, Eileen	Forsing, Robert	Garrity, James
Gould, Kenneth	Griffin, Mary	Hopfgarten, Paul	Itse, Daniel
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Lund, Howie
McKinney, Betsy	McMahon, Charles	Moody, Marcia	Norelli, Terie
Nowe, Ronald	Packard, Sherman	Powers, James	Quandt, Marshall Lee
Quandt, Matthew	Robertson, Carl	Robinson, John	Scamman, Stella
Splaine, James	Welch, David	Wells, Roger	Winchell, George
STRAFFORD			
Bickford, David	Brown, Jennifer	Brown, Julie	Brown, Lawrence

Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn	Creteau, Irene
Dunlap, Patricia	Easson, Timothy	Heon, Richard	Hilliard, Dana
Hofemann, Roland	Kaen, Naida	Keans, Sandra	Newton, Clifford
Rollo, Michael	Schmidt, Peter	Smith, Marjorie	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Osgood, Philip Sr	Phinizy, James
Prichard, Stephen			

and the committee report failed.
Rep. Coughlin moved Ought to Pass.
Motion of Ought to Pass adopted and ordered to third reading.
Rep. Morris voted YEA and intended to vote Nay.

REGULAR CALENDAR (CONT'D.)

HB 1307, relative to application requirements for motor vehicle recycling yard licenses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jean-Guy J. Bergeron for Transportation: This bill requires all applicants for a motor vehicle recycling yard license, a motor vehicle junk yard license, or a license renewal to include certification of compliance with best management practices established by the Department of Environmental Services. The amendment was to change the effective date to January 1, 2007. Vote 12-2.

Amendment (0727h)

Amend the bill by replacing section 3 with the following:

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

Amendment adopted.
Committee report adopted and ordered to third reading.

(Speaker Scamman in the Chair)

HB 1328-FN, relative to motor vehicle inspections. **INEXPEDIENT TO LEGISLATE**

Rep. Sherman A. Packard for Transportation: This bill would change the current practice of inspecting our vehicles from once a year to once every two years. The argument is that cars are safer today than in the past. Many other states have changed their inspection requirements in a variety of different ways. The problems the committee has is that there have been no comprehensive studies done that can prove or disprove whether changing from a yearly inspection to every other year or eliminating it altogether has had an impact on motor vehicle crashes. Another problem was whether EPA would consider us in violation of our emission testing program if we decided to test every other year instead of the agreed annual test on all cars 1996 and newer. Each year thousands of new and used cars are being added to the roadways in our state. The committee does not believe that now is the time to take a chance on allowing unsafe vehicles onto our highways and possibly cause more accidents and injuries due to defective equipment. We do not know whether a person will put 10,000 or 50,000 miles per year on their vehicle. The committee believes that we should try and assure the driving public that other vehicles on the road are as safe as possible. We don't feel that changing our inspections to every two years would offer that assurance. Vote 11-0.
Rep. Vaillancourt spoke against.
Rep. Vaillancourt requested a roll call; sufficiently seconded.
The question being adoption of the committee report.

YEAS 155 NAYS 124			
YEAS 155			
BELKNAP			
Boyce, Laurie	Fitzgerald, James	Heald, Bruce	Millham, Alida
Morrison, Gail	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Tilton, Franklin	Whalley, Michael	
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Martin, James	Olimpio, J Lisbeth	Patten, Betsey
Stevens, Stanley			
CHESHIRE			
Butcher, Suzanne	Butynski, William	Chase, William	Foote, Sheila
Hogancamp, Deborah	Parkhurst, Henry	Richardson, Barbara	Roberts, Kris
COOS			
King, Frederick	Merrick, Scott	Remick, William	Stohl, Eric
Theberge, Robert	Tholl, John Jr		
GRAFTON			
Almy, Susan	Cooney, Mary	Ham, Bonnie	Harding, A Laurie
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergeron, Jean-Guy	Bergin, Peter
Brundige, Robert	Calawa, Leon Jr	Christensen, D L Chris	Coughlin, Pamela
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Drisko, Richard
Emerton, Larry	Essex, David	Foster, Linda	Gargasz, Carolyn
Ginsburg, Ruth	Gorman, Mary	Graham, John	Harvey, Suzanne
Hawkins, Ken	Jasper, Shawn	Kopka, Angeline	L'Heureux, Robert
Lasky, Bette	Matarazzo, Anthony Sr	Michon, Stephen	Movsesian, Lori
O'Connell, Timothy	Pilotte, Maurice	Price, Pamela	Rosenwald, Cindy
Ross, Lawrence	Rowe, Robert	Ryder, Donald	Schulze, Joan
Shattuck, Gilman	Smith, David	Sullivan, Francis	Velez, Hector
Villeneuve, Maurice			
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeStefano, Stephen	French, Barbara	Gile, Mary	Kidder, David
Lockwood, Priscilla	MacKay, James	McMahon, Patricia	Osborne, Jessie
Reardon, Tara	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Walz, Mary Beth	Williams, Robert

ROCKINGHAM			
Allen, Mary	Bridle, Russell	Brown, C.	Carson, Sharon
Charron, Gene	Cooney, Richard	DiFruscia, Anthony	Dowling, Patricia
Doyle, Christopher	Flanders, John Sr	Flockhart, Eileen	Forsing, Robert
Francoeur, Sheila	Gould, Kenneth	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Major, Norman	Moody, Marcia
Morris, Richard	Norelli, Terie	O'Neil, Michael	Packard, Sherman
Powers, James	Priestley, Anne	Rausch, James	Robertson, Carl
Robinson, John	Scamman, Stella	Weare, E Albert	Welch, David
Weyler, Kenneth			
STRAFFORD			
Brown, Jennifer	Creteau, Irene	Dunlap, Patricia	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Rollo, Michael
Schmidt, Peter	Wall, Janet		
SULLIVAN			
Cloutier, John	Ferland, Brenda	Gale, Harry	Houde-Quimby, Charlotte
Jillette, Arthur Jr	Osgood, Philip Sr	Phinizy, James	Prichard, Stephen
Rodeschin, Beverly			
NAYS 124			
BELKNAP			
Allen, Janet	Clark, Charles	Rosen, Ralph	Tobin, William
Wendelboe, Fran			
CARROLL			
Buco, Thomas	Knox, J David	McConkey, Mark	Merrow, Harry
CHESHIRE			
Coates, Christopher	Emerson, Susan	Espiefs, Peter	Pelkey, Stephen
Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna	Weed, Charles
COOS			
Buzzell, Bernard	Morneau, Renney	Richardson, Herbert	
GRAFTON			
Gionet, Edmond	Giuda, Robert	Hammond, Lee	Mirski, Paul
Mulholland, Catherine	Sorg, Gregory	Williams, Burton	
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Biundo, Michael	Boehm, Ralph
Brassard, Paul	Buhlman, David	Carew, James	Chase, Claudia
Christiansen, Lars	Clark, Mark	Clemons, Jane	Cote, David
Crane, Elenore	Elliott, Nancy	Francoeur, Bea	Gibson, John

Casey			
Golding, William	Goley, Jeffrey	Goyette, Peter Jr	Hagan, Barbara
Hall, Betty	Hellwig, Steve	Hinkle, Peyton	Holden, Randolph
Infantine, William	Johnson, Paula	Kurk, Neal	Lessard, Rudy
Manney, Pamela	Mead, Robert	Mooney, Maureen	O'Brien, William
Ober, Lynne	Reeves, Sandra	Renzullo, Andrew	Rochette, Eric
Shaw, Barbara	Shaw, Kimberly	Slocum, Lee	Souza, Kathleen
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Wheeler, James
MERRIMACK			
Anderson, Eric	Danforth, James	DeJoie, John	Field, William
Hamm, Christine	Kennedy, Richard	Langlais, Thomas	Marple, Richard
Maxfield, Roy	Potter, Frances	Wallner, Mary Jane	Whiting, Herbert
ROCKINGHAM			
Belanger, Ronald	Bettencourt, David	Bicknell, Elbert	Buxton, Donald
Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin	Coburn, James
Dumaine, Dudley	Fesh, Bob	Garrity, James	Griffin, Mary
Hopfgarten, Paul	Hughes, Daniel	Itse, Daniel	McKinney, Betsy
McMahon, Charles	Nowe, Ronald	Palazzo, Frank	Quandt, Marshall Lee
Quandt, Matthew	Rolston, James	Sanders, Elisabeth	Splaine, James
Stiles, Nancy	Waterhouse, Kevin	Wells, Roger	Winchell, George
STRAFFORD			
Bickford, David	Brown, Julie	Brown, Lawrence	Cataldo, Sam
Chaplin, Duncan	Easson, Timothy	Heon, Richard	Keans, Sandra
Newton, Clifford	Rous, Emma	Smith, Marjorie	
SULLIVAN			
Converse, Larry	Donovan, Thomas		

and the committee report was adopted.

HB 1417-FN, establishing gold star number plates. **INEXPEDIENT TO LEGISLATE**
Rep. Brenda L. Ferland for Transportation: This bill would have required the Department of Motor Vehicles to furnish one set of special number plates, at no extra cost, for one vehicle owned by a parent, spouse, or child of a person killed while on duty in the armed forces. No veterans came and spoke in support of this bill. The majority of the committee took the stance that we don't need another new number plate and that there are other ways to honor our armed service people who have died while on duty. Vote 9-4.
Reps. Bettencourt and Merrick spoke against.
Reps. Giuda and Ferland spoke in favor and yielded to questions.
Rep. Bettencourt requested a roll call; sufficiently seconded.
The question being adoption of the committee report.

YEAS 98 NAYS 181			
YEAS 98			
BELKNAP			
Allen, Janet	Clark, Charles	Millham, Alida	Nedeau, Stephen

Pilliod, James	Russell, David		
CARROLL			
Knox, J David	Patten, Betsey		
CHESHIRE			
Foote, Sheila	Parkhurst, Henry	Richardson, Barbara	Sawyer, Sheldon
Weed, Charles			
COOS			
Theberge, Robert	Tholl, John Jr		
GRAFTON			
Almy, Susan	Cooney, Mary	Harding, A Laurie	Mulholland, Catherine
Nordgren, Sharon	Sokol, Hilda	Sorg, Gregory	
HILLSBOROUGH			
Balboni, Michael	Beaulieu, Jane	Bergin, Peter	Buhlman, David
Carew, James	Daniuk, Caitlin	Desmarais, Vivian	Drisko, Richard
Emerton, Larry	Essex, David	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Hall, Betty	Harvey, Suzanne	Hawkins, Ken
Holden, Randolph	Kurk, Neal	Lasky, Bette	Martin, Mary Ellen
Movsesian, Lori	Rosenwald, Cindy	Schulze, Joan	Shaw, Barbara
Slocum, Lee	Sullivan, Francis	Villeneuve, Maurice	
MERRIMACK			
Bouchard, Candace	Clarke, Claire	Danforth, James	DeJoie, John
DeStefano, Stephen	French, Barbara	Gile, Mary	Kidder, David
Lockwood, Priscilla	MacKay, James	Osborne, Jessie	Potter, Frances
Tilton, Joy	Wallner, Mary Jane	Williams, Robert	
ROCKINGHAM			
Allen, Mary	Brown, C.	Cali-Pitts, Jacqueline	Cooney, Richard
Dowling, Patricia	Fesh, Bob	Flanders, John Sr	Francoeur, Sheila
Gould, Kenneth	Katsakiores, George	Major, Norman	Moody, Marcia
Norelli, Terie	Packard, Sherman	Powers, James	Priestley, Anne
Welch, David			
STRAFFORD			
Bickford, David	Brown, Julie	Brown, Lawrence	Creteau, Irene
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	
SULLIVAN			
Cloutier, John	Ferland, Brenda	Gale, Harry	Jillette, Arthur Jr
Prichard, Stephen	Rodeschin, Beverly		

NAYS 181			
BELKNAP			
Boyce, Laurie	Fitzgerald, James	Heald, Bruce	Morrison, Gail
Rosen, Ralph	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Dickinson, Howard	Martin, James	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Stevens, Stanley		
CHESHIRE			
Butcher, Suzanne	Butynski, William	Chase, William	Coates, Christopher
Emerson, Susan	Espiefs, Peter	Hogancamp, Deborah	Roberts, Kris
Robertson, Timothy	Tilton, Anna		
COOS			
Buzzell, Bernard	King, Frederick	Merrick, Scott	Morneau, Renney
Remick, William	Richardson, Herbert	Stohl, Eric	
GRAFTON			
Gionet, Edmond	Giuda, Robert	Ham, Bonnie	Hammond, Lee
Mirski, Paul	Naro, Debra	Solomon, Peter	Williams, Burton
HILLSBOROUGH			
Adams, Jarvis IV	Baroody, Benjamin	Bergeron, Jean-Guy	Biundo, Michael
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Chase, Claudia
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Clemons, Jane
Cote, David	Coughlin, Pamela	Craig, James	Crane, Elenore Casey
DeVries, Betsi	Elliott, Nancy	Foster, Linda	Francoeur, Bea
Gargasz, Carolyn	Gibson, John	Golding, William	Goyette, Peter Jr
Graham, John	Hagan, Barbara	Hellwig, Steve	Hinkle, Peyton
Infantine, William	Jasper, Shawn	Johnson, Paula	Kopka, Angeline
L'Heureux, Robert	Lessard, Rudy	Manney, Pamela	Matarazzo, Anthony Sr
Mead, Robert	Michon, Stephen	Mooney, Maureen	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Pilotte, Maurice	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rochette, Eric	Ross, Lawrence
Rowe, Robert	Ryder, Donald	Shattuck, Gilman	Shaw, Kimberly
Smith, David	Souza, Kathleen	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Velez, Hector	Wheeler, James	
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Brueggemann, Donald	Field, William
Hamm, Christine	Kennedy, Richard	Langlais, Thomas	Marple, Richard
Maxfield, Roy	McMahon, Patricia	Reardon, Tara	Rush, Deanna

Ryan, Jim	Shurtleff, Stephen	Tupper, Frank	Walz, Mary Beth
Whiting, Herbert			
ROCKINGHAM			
Belanger, Ronald	Bettencourt, David	Bicknell, Elbert	Bridle, Russell
Buxton, Donald	Cady, Harriet	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	DiFruscia, Anthony	Doyle, Christopher
Dumaine, Dudley	Flockhart, Eileen	Forsing, Robert	Garrity, James
Griffin, Mary	Hopfgarten, Paul	Hughes, Daniel	Itse, Daniel
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	McKinney, Betsy
McMahon, Charles	Morris, Richard	Nowe, Ronald	O'Neil, Michael
Palazzo, Frank	Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl
Robinson, John	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Splaine, James	Stiles, Nancy	Waterhouse, Kevin	Weare, E Albert
Wells, Roger	Weyler, Kenneth	Winchell, George	
STRAFFORD			
Brown, Jennifer	Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn
Dunlap, Patricia	Easson, Timothy	Heon, Richard	Hilliard, Dana
Hofemann, Roland	Newton, Clifford	Rollo, Michael	Wall, Janet
SULLIVAN			
Converse, Larry	Donovan, Thomas	Houde-Quimby, Charlotte	Osgood, Philip Sr
Phinizy, James			

and the committee report failed.

Rep. Weyler moved Ought to Pass.
Rep. Merrick offered floor amendment (1121h).

Floor Amendment (1121h)

Amend the bill by replacing section 1 with the following:

1 New Section; Gold Star Number Plates. Amend RSA 261 by inserting after section 87-b the following new section:

261:87-c Gold Star Number Plates. The department shall furnish one set of special number plates, designed by the director with the approval of the commissioner, for one motor vehicle owned by a parent or spouse of a person killed while on duty in the United States armed forces. These gold star number plates shall be issued upon payment of the regular registration and number plate fees.

Rep. Merrick spoke in favor.
Floor amendment (1121h) was adopted.
Rep. DeJoie requested a roll call; sufficiently seconded.
The question being adoption of the motion Ought to Pass with Amendment.

YEAS 246 NAYS 36			
YEAS 246			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Heald, Bruce	Millham, Alida	Morrison, Gail	Pilliod, James

Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Merrow, Harry	Olimpio, J Lisbeth	Stevens, Stanley	
CHESHIRE			
Butcher, Suzanne	Butynski, William	Chase, William	Coates, Christopher
Emerson, Susan	Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah
Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna
Weed, Charles			
COOS			
Buzzell, Bernard	King, Frederick	Merrick, Scott	Morneau, Renney
Remick, William	Richardson, Herbert	Stohl, Eric	Tholl, John Jr
GRAFTON			
Cooney, Mary	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Hammond, Lee	Harding, A Laurie	Mirski, Paul	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Solomon, Peter	Williams, Burton
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Beaulieu, Jane
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Boehm, Ralph
Brassard, Paul	Brundige, Robert	Calawa, Leon Jr	Chase, Claudia
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Clemons, Jane
Cote, David	Coughlin, Pamela	Craig, James	Crane, Elenore Casey
Daniuk, Caitlin	DeVries, Betsi	Drisko, Richard	Elliott, Nancy
Emerton, Larry	Foster, Linda	Francoeur, Bea	Gargasz, Carolyn
Gibson, John	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Goyette, Peter Jr	Graham, John	Harvey, Suzanne	Hellwig, Steve
Hinkle, Peyton	Holden, Randolph	Infantine, William	Jasper, Shawn
Johnson, Paula	Kopka, Angeline	Kurk, Neal	L'Heureux, Robert
Lasky, Bette	Lessard, Rudy	Manney, Pamela	Martin, Mary Ellen
Matarazzo, Anthony Sr	Mead, Robert	Michon, Stephen	Mooney, Maureen
O'Brien, William	O'Connell, Timothy	Ober, Lynne	Pilotte, Maurice
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rochette, Eric
Rosenwald, Cindy	Ross, Lawrence	Rowe, Robert	Ryder, Donald
Schulze, Joan	Shattuck, Gilman	Shaw, Kimberly	Smith, David
Souza, Kathleen	Sullivan, Francis	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Velez, Hector	Villeneuve, Maurice	Wheeler, James
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Danforth, James	DeJoie, John	DeStefano, Stephen
Field, William	French, Barbara	Gile, Mary	Hamm, Christine

Kennedy, Richard	Kidder, David	Langlais, Thomas	Marple, Richard
Maxfield, Roy	McMahon, Patricia	Osborne, Jessie	Potter, Frances
Reardon, Tara	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Whiting, Herbert	Williams, Robert		
ROCKINGHAM			
Belanger, Ronald	Bettencourt, David	Bicknell, Elbert	Bridle, Russell
Brown, C.	Buxton, Donald	Cady, Harriet	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	DiFruscia, Anthony
Doyle, Christopher	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Flockhart, Eileen	Forsing, Robert	Garrity, James	Griffin, Mary
Hopfgarten, Paul	Hughes, Daniel	Itse, Daniel	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Major, Norman
McKinney, Betsy	McMahon, Charles	Moody, Marcia	Morris, Richard
Norelli, Terie	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Palazzo, Frank	Powers, James	Priestley, Anne	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Robertson, Carl	Robinson, John
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Splaine, James
Stiles, Nancy	Waterhouse, Kevin	Weare, E Albert	Welch, David
Wells, Roger	Weyler, Kenneth	Winchell, George	
STRAFFORD			
Bickford, David	Brown, Jennifer	Brown, Lawrence	Cataldo, Sam
Chaplin, Duncan	Cilley, Jacalyn	Dunlap, Patricia	Easson, Timothy
Heon, Richard	Hilliard, Dana	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Newton, Clifford	Rollo, Michael	Rous, Emma
Smith, Marjorie	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Gale, Harry
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Osgood, Philip Sr	Phinizy, James
NAYS 36			
BELKNAP			
Nedeau, Stephen			
CARROLL			
Brown, Carolyn	Patten, Betsey		
CHESHIRE			
Parkhurst, Henry	Richardson, Barbara		
COOS			
Theberge, Robert			
GRAFTON			

Almy, Susan	Sokol, Hilda	Sorg, Gregory	
HILLSBOROUGH			
Buhlman, David	Carew, James	Desmarais, Vivian	Essex, David
Gorman, Mary	Hagan, Barbara	Hall, Betty	Hawkins, Ken
Movsesian, Lori	Shaw, Barbara	Slocum, Lee	
MERRIMACK			
Lockwood, Priscilla	MacKay, James		
ROCKINGHAM			
Allen, Mary	Cali-Pitts, Jacqueline	Cooney, Richard	Dowling, Patricia
Francoeur, Sheila	Gould, Kenneth		
STRAFFORD			
Brown, Julie	Creteau, Irene	Keans, Sandra	Schmidt, Peter
Spang, Judith			
SULLIVAN			
Ferland, Brenda	Prichard, Stephen	Rodeschin, Beverly	

and the motion of Ought to Pass with Amendment was adopted.
Ordered to third reading.

HB 1101-FN-L, relative to the definition of "hotel" for purposes of exclusion from the meals and rooms tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Shawn N. Jasper for the Majority of Ways and Means: While this is well intended legislation; it would exempt rooming houses, which provide low cost, short term living space, from the rooms and meals tax. As it is, the tax is not applied to rental agreements greater than 180 days or is refunded when agreements go beyond 180 days. Proof that the refund was provided to the taxpayer is required to get the 180 day refund. Under this legislation only rooms which rent for less than $140.01 per week would be affected. Under this legislation the benefit would accrue to the proprietor, current law provides that the taxpayer is the renter and must receive the refund, the tax amount would be less than $1.61 per day. As with many of the changes we make to existing law, there are often unintended consequences. By definition it is impossible to anticipate what all of those consequences would be, in this case the Commissioner of the Department of Revenue Administration indicated that he did not see a way to insure that there would be no such problems. An amendment was offered in an attempt to fix the potential problems and more narrowly define what a rooming house is. The amendment would have required the department to adopt rules, rules require the reallocation of resources to develop, administrate and enforce; resources which are better used collecting money owed the state. There is concern that even with the amendment, there are certain other types of rentals that may become eligible for the exemption, an unexplored example would be a cabin rental which is available on a year round basis. Vote 12-5.

Rep. Susan W. Almy for the Minority of Ways and Means: For those who suddenly cannot afford to pay the rent or mortgage, low-cost commercial rooming houses are the only alternative to sleeping out in the cold or throwing themselves on the mercy of municipal welfare departments or the overwhelmed charitable shelters. These rooming houses struggle with high property taxes and maintenance costs, and their numbers have shrunk over the years as their target clientele finds them harder to afford. The Rooms and Meals Tax adds

about 10 percent onto their cost. Eight percent is for the tax, and the rest for the complicated paperwork needed for what is usually a 6-20 bed operation. This bill as amended would respect the constitutional mandate of reasonable taxation by exempting low-rent rooming houses licensed as charging $20/night or less from the Rooms and Meals Tax, thus making it easier for this free enterprise alternative to town welfare to survive.
Majority committee report adopted.

HB 1418-FN, relative to road toll refunds. **OUGHT TO PASS WITH AMENDMENT**
Rep. Christine C. Hamm for Ways and Means: Under current law, consumers are allowed to apply for a road toll refund for the tax levied on gasoline purchased for use in boats and other off-road vehicles. In 2005, more than half the people entitled to these refunds did not apply for them, thus causing these monies to lapse – half into the general fund, the balance to the Fish and Game Department. This legislation would enable consumers entitled to the refund to elect to direct these funds either to the Navigation Safety Fund or to the Lake Restoration and Preservation Fund to be allocated to the control and prevention of exotic aquatic species. Most of the committee doubted this would amount to a significant increase in the allocations currently provided for these undertakings but, considering that most of these monies were generated through boating activities, the majority considered it appropriate to give consumers the opportunity to direct their refunds to benefit the state's lakes and ponds. The amendment was submitted to provide a mechanism for improving some technicalities relating to filing times and administration of the refund. Vote 10-8.

Amendment (0512h)
Amend the bill by replacing section 1 with the following:
1 Road Tolls; Refunds; Deadline. Amend RSA 260:47, III(a) to read as follows:
(a)***(1) Except as provided in subparagraph (2),*** all applications for refunds shall be made subject to prosecution for unsworn falsification pursuant to RSA 641:3 and shall be filed with the department no later than the deadline for filing with the federal government for refund of the federal excise taxes on fuel. This filing deadline may be waived by the commissioner for just cause for agencies of political subdivisions within the state. The waiver shall not be granted to any such agency more often than once in 3 years.
(2) All applications for refunds for fuel used for off highway recreational vehicles, snowmobiles, and boats shall be made subject to prosecution for unsworn falsification pursuant to RSA 641:3 and shall be filed with the department annually no later than April 15 of the year following the calendar year the motor fuel was purchased by the user.
Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.
AMENDED ANALYSIS
This bill authorizes the payment of road toll refunds to the navigation safety fund or the lake restoration and preservation fund if requested by the applicant. This bill also changes the deadline for road toll refund applications for fuel used for off highway recreational vehicles, snowmobiles, and boats.
Amendment adopted.
On a division vote, 225 members having voted in the affirmative and 38 in the negative, the committee report was adopted by the necessary two-thirds.
Ordered to third reading.

HB 1515-FN-A, increasing the tobacco tax and dedicating certain tobacco tax revenues to the tobacco use prevention fund. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Howie Lund for the Majority of Ways and Means: This bill would increase the tobacco tax and dedicate a certain portion of tobacco tax to the tobacco use and prevention fund. The Tobacco Prevention Program is currently funded yearly with $1.6 million of federal funds.

The committee felt the goal of the bill was laudable but that this very important revenue stream should not be changed at this time. The tobacco tax was raised 54 percent (twenty-eight cents) during our last session. This is the state's fourth largest tax source which makes it a key contributor in the funding of the state's budget. Vote 13-6.
Rep. Susan W. Almy for the Minority of Ways and Means: Last year, the percentage of New Hampshire's population that smokes started up again. We know these smokers will cost us dearly through our county nursing homes, state Medicaid budget, private insurance rates, general worker productivity, and early loss of life. We also have good evidence now that prevention works – econometric modeling based on all 50 states shows a doubling of the reduction in the smoking rate over 6 years if every state followed at least the minimum CDC recommended funding levels of $6 per capita. We had a good program started in 2001, we lost the American Legacy Fund money because we killed all state funding in 2003, and the federal grants remaining are both uncertain and much smaller. We are handing the next generation two major burdens – greatly increased health budgets, and working lives cut short. This Legislature must get serious about prevention of future cost escalation.
Rep. Francis Sullivan requested a roll call; sufficiently seconded.
The question being adoption of the majority committee report.

YEAS 240 NAYS 30			
YEAS 240			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Millham, Alida	Morrison, Gail	Nedeau, Stephen	Pilliod, James
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Dickinson, Howard	Knox, J David	Martin, James
McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
CHESHIRE			
Butynski, William	Emerson, Susan	Espiefs, Peter	Foote, Sheila
Hogancamp, Deborah	Parkhurst, Henry	Richardson, Barbara	Roberts, Kris
Sawyer, Sheldon	Tilton, Anna		
COOS			
Buzzell, Bernard	Merrick, Scott	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Theberge, Robert	Tholl, John Jr
GRAFTON			
Almy, Susan	Cooney, Mary	Gionet, Edmond	Giuda, Robert
Hammond, Lee	Harding, A Laurie	Mirski, Paul	Nordgren, Sharon
Sokol, Hilda	Sorg, Gregory	Williams, Burton	
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Bergeron, Jean-Guy

Bergin, Peter	Biundo, Michael	Brassard, Paul	Brundige, Robert
Buhlman, David	Carew, James	Christensen, D L Chris	Christiansen, Lars
Clark, Mark	Clemons, Jane	Cote, David	Coughlin, Pamela
Craig, James	Crane, Elenore Casey	Daniuk, Caitlin	Desmarais, Vivian
Drisko, Richard	Emerton, Larry	Foster, Linda	Francoeur, Bea
Gargasz, Carolyn	Gibson, John	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Hall, Betty	Harvey, Suzanne	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Holden, Randolph	Infantine, William
Jasper, Shawn	Kopka, Angeline	Kurk, Neal	L'Heureux, Robert
Lasky, Bette	Lessard, Rudy	Manney, Pamela	Martin, Mary Ellen
Mead, Robert	Michon, Stephen	Mooney, Maureen	Movsesian, Lori
O'Brien, William	O'Connell, Timothy	Ober, Lynne	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rochette, Eric	Ross, Lawrence
Rowe, Robert	Ryder, Donald	Schulze, Joan	Shaw, Barbara
Shaw, Kimberly	Slocum, Lee	Souza, Kathleen	Sullivan, Francis
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Danforth, James	DeJoie, John	DeStefano, Stephen	Field, William
French, Barbara	Gile, Mary	Hamm, Christine	Kennedy, Richard
Kidder, David	Lockwood, Priscilla	MacKay, James	Marple, Richard
Maxfield, Roy	McMahon, Patricia	Osborne, Jessie	Reardon, Tara
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Whiting, Herbert	Williams, Robert	
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bridle, Russell	Brown, C.	Buxton, Donald	Cady, Harriet
Cali-Pitts, Jacqueline	Camm, Kevin	Carson, Sharon	Charron, Gene
Coburn, James	Cooney, Richard	DiFruscia, Anthony	Dowling, Patricia
Doyle, Christopher	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gould, Kenneth
Griffin, Mary	Hopfgarten, Paul	Hughes, Daniel	Itse, Daniel
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Major, Norman	McKinney, Betsy	McMahon, Charles	Moody, Marcia
Morris, Richard	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Palazzo, Frank	Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Robertson, Carl	Robinson, John	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Stiles, Nancy	Waterhouse, Kevin
Weare, E Albert	Welch, David	Wells, Roger	Weyler, Kenneth
Winchell, George			
STRAFFORD			
Bickford, David	Brown, Jennifer	Brown, Julie	Cataldo, Sam
Chaplin, Duncan	Cilley, Jacalyn	Creteau, Irene	Dunlap, Patricia
Easson, Timothy	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Newton, Clifford	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Wall, Janet	

SULLIVAN			
Cloutier, John	Donovan, Thomas	Ferland, Brenda	Gale, Harry
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Osgood, Philip Sr	Phinizy, James
Prichard, Stephen	Rodeschin, Beverly		
NAYS 30			
BELKNAP			
Rosen, Ralph			
CARROLL			
Stevens, Stanley			
CHESHIRE			
Butcher, Suzanne	Chase, William	Coates, Christopher	Robertson, Timothy
Weed, Charles			
COOS			
None			
GRAFTON			
Ham, Bonnie	Mulholland, Catherine	Solomon, Peter	
HILLSBOROUGH			
Calawa, Leon Jr	Chase, Claudia	DeVries, Betsi	Essex, David
Matarazzo, Anthony Sr	Pilotte, Maurice	Shattuck, Gilman	Smith, David
Velez, Hector			
MERRIMACK			
Clarke, Claire	Potter, Frances	Rush, Deanna	Walz, Mary Beth
ROCKINGHAM			
Flockhart, Eileen	Norelli, Terie	Powers, James	Splaine, James
STRAFFORD			
Brown, Lawrence	Spang, Judith		
SULLIVAN			
Converse, Larry			

and the majority committee report was adopted by the necessary two-thirds.

SPECIAL ORDER

Rep. O'Neil moved that the balance of today's calendar and bills removed from the Consent Calendar be made a Special Order for Tuesday, March 7, 2006.
HB 1628, relative to expenses of operating bingo games
HB 1638-FN-A, reducing the rate of the communications services tax
HB 1335, relative to the authority of law enforcement officers during a state of emergency.
HB 1639-FN**,** prohibiting the confiscation of lawfully owned and lawfully carried firearms during a state of emergency.
HB 1193-FN, directing the secretary of state to remove certain language from the text of Part II, Article 73-a of the New Hampshire constitution.
HB 1266, relative to acceptance of consular identification documents.
HB 1322, relative to the establishment of allodial rights.
HB 1641-FN, establishing a common law court.
HCR 25, urging the United States to withdraw funding for the United Nations if the United Nations adopts a resolution in violation of the United States Constitution.
HB 1699-FN-A-L, establishing a tax on fees charged by railroad companies for transiting of cargo over, under, or across railroad rights-of-way.
Motion adopted.

REGULAR CALENDAR (CONT'D.)

HB 1604-FN-A-L, establishing business tax credits for employer-sponsored shared commuting costs. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**
Rep. Kevin L. Camm for the Majority of Ways and Means: This bill would have provided tax credits to employers that develop ride share/commuter initiatives up to the $250 per employee. The majority believes that such a policy would have indeterminable costs and unconvincing results. The committee is not in favor of narrowly focused tax credits since others must replace lost revenue. Should a business employ an individual to administer such a program, those costs are already legitimate business expenses to the company. It should be a case-by-case business decision to organize ride share programs. Since it is a laudable idea, individuals that take their cars off the road will benefit through less gas and oil expenses as well as less wear and tear on their vehicles and thus more money in their pockets. Should four individuals from a company organize their commuting efforts that would take three cars off the road providing major savings to the four individuals. The state would benefit by less congestion on the road and an improvement to air quality. The state would lose the revenue from the gas tax of the three vehicles removed from the road. To then further reward the company $1000 in tax credits was deemed too excessive. Vote 15-4.
Rep. Christine C. Hamm for the Minority of Ways and Means: This legislation elicited testimony from a variety of sources, including members of the public, the business community, non-profit agencies and the Department of Environmental Services, all of whom saw it as a creative attempt to preserve the state's quality of life by providing a small incentive for lessening gasoline consumption, relieving traffic congestion, alleviating parking problems and reducing toxic emissions that contaminate the state's air quality and degrade even its most remote and superlative views. Although there was an attempt to amend the bill to provide appropriate agency oversight, the majority of the committee voted Inexpedient to Legislate. The minority believes a better alternative would have been Interim Study, which would have provided an opportunity for members of the Ways and Means Committee to reduce the state's fiscal exposure by capping the tax credits, at the same time enabling them to collaborate with other legislative committees to preserve the bill's benefits while addressing its perceived shortcomings.
Majority committee report was adopted by the necessary two-thirds.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Hopfgarten moved that the House reconsider its

action whereby it found ***HB 1651-FN-A-L,*** repealing the statewide enhanced education tax, Inexpedient to Legislate.
Reps. Mirski and Vaillancourt spoke in favor.
Rep. Camm spoke against.
Rep. Mirski requested a roll call; sufficiently seconded.
The question being adoption of the Reconsideration motion.

YEAS 90 NAYS 171			
YEAS 90			
BELKNAP			
Boyce, Laurie	Morrison, Gail	Pilliod, James	Rosen, Ralph
Wendelboe, Fran			
CARROLL			
Dickinson, Howard	Olimpio, J Lisbeth		
CHESHIRE			
Butynski, William	Chase, William	Emerson, Susan	Sawyer, Sheldon
Weed, Charles			
COOS			
Morneau, Renney	Theberge, Robert		
GRAFTON			
Cooney, Mary	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Mirski, Paul	Solomon, Peter	Sorg, Gregory	
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Bergeron, Jean-Guy
Biundo, Michael	Buhlman, David	Calawa, Leon Jr	Christiansen, Lars
Clark, Mark	Clemons, Jane	Cote, David	Craig, James
Crane, Elenore Casey	Elliott, Nancy	Francoeur, Bea	Gibson, John
Ginsburg, Ruth	Gorman, Mary	Goyette, Peter Jr	Hagan, Barbara
Hellwig, Steve	Lasky, Bette	Martin, Mary Ellen	Mead, Robert
Michon, Stephen	Mooney, Maureen	O'Brien, William	Renzullo, Andrew
Slocum, Lee	Souza, Kathleen	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, James			
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Danforth, James	Field, William
Kennedy, Richard	Marple, Richard	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy		
ROCKINGHAM			
Bicknell, Elbert	Brown, C.	Cady, Harriet	Cali-Pitts, Jacqueline
Dumaine, Dudley	Hopfgarten, Paul	Hughes, Daniel	Itse, Daniel

Langley, Jane	Morris, Richard	Norelli, Terie	Nowe, Ronald
Powers, James	Quandt, Marshall Lee	Quandt, Matthew	Splaine, James
Winchell, George			
STRAFFORD			
Bickford, David	Cataldo, Sam	Easson, Timothy	Rollo, Michael
Rous, Emma			
SULLIVAN			
Cloutier, John	Converse, Larry	Houde-Quimby, Charlotte	Phinizy, James
NAYS 171			
BELKNAP			
Allen, Janet	Clark, Charles	Fitzgerald, James	Millham, Alida
Nedeau, Stephen	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Whalley, Michael		
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Knox, J David	Martin, James	McConkey, Mark	Merrow, Harry
Patten, Betsey	Stevens, Stanley		
CHESHIRE			
Butcher, Suzanne	Coates, Christopher	Espiefs, Peter	Foote, Sheila
Hogancamp, Deborah	Parkhurst, Henry	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna		
COOS			
Buzzell, Bernard	Remick, William	Richardson, Herbert	Stohl, Eric
Tholl, John Jr			
GRAFTON			
Almy, Susan	Hammond, Lee	Harding, A Laurie	Mulholland, Catherine
Nordgren, Sharon	Sokol, Hilda	Williams, Burton	
HILLSBOROUGH			
Bergin, Peter	Brassard, Paul	Brundige, Robert	Carew, James
Chase, Claudia	Christensen, D L Chris	Coughlin, Pamela	Daniuk, Caitlin
Desmarais, Vivian	DeVries, Betsi	Drisko, Richard	Emerton, Larry
Essex, David	Foster, Linda	Gargasz, Carolyn	Golding, William
Goley, Jeffrey	Graham, John	Hall, Betty	Harvey, Suzanne
Hawkins, Ken	Hinkle, Peyton	Holden, Randolph	Infantine, William
Jasper, Shawn	Kopka, Angeline	Kurk, Neal	L'Heureux, Robert
Lessard, Rudy	Manney, Pamela	Matarazzo, Anthony	Movsesian, Lori

		Sr	
O'Connell, Timothy	Ober, Lynne	Pilotte, Maurice	Price, Pamela
Reeves, Sandra	Rochette, Eric	Ross, Lawrence	Rowe, Robert
Ryder, Donald	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Smith, David	Sullivan, Francis	Ulery, Jordan
Velez, Hector			
MERRIMACK			
Anderson, Eric	Brueggemann, Donald	French, Barbara	Gile, Mary
Hamm, Christine	Kidder, David	Lockwood, Priscilla	MacKay, James
McMahon, Patricia	Osborne, Jessie	Potter, Frances	Reardon, Tara
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert
Williams, Robert			
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bridle, Russell
Buxton, Donald	Camm, Kevin	Carson, Sharon	Charron, Gene
Coburn, James	DiFruscia, Anthony	Dowling, Patricia	Doyle, Christopher
Fesh, Bob	Flanders, John Sr	Flockhart, Eileen	Forsing, Robert
Francoeur, Sheila	Garrity, James	Gould, Kenneth	Griffin, Mary
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Major, Norman
McKinney, Betsy	McMahon, Charles	Moody, Marcia	O'Neil, Michael
Packard, Sherman	Palazzo, Frank	Priestley, Anne	Rausch, James
Robertson, Carl	Robinson, John	Rolston, James	Sanders, Elisabeth
Scamman, Stella	Stiles, Nancy	Waterhouse, Kevin	Weare, E Albert
Welch, David	Wells, Roger	Weyler, Kenneth	
STRAFFORD			
Brown, Julie	Brown, Lawrence	Chaplin, Duncan	Creteau, Irene
Dunlap, Patricia	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Newton, Clifford	Schmidt, Peter	Spang, Judith
Wall, Janet			
SULLIVAN			
Donovan, Thomas	Ferland, Brenda	Gale, Harry	Jillette, Arthur Jr
Osgood, Philip Sr	Prichard, Stephen	Rodeschin, Beverly	

and the motion to Reconsider failed.

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that House Rules be so far suspended as to allow referral to a second committee of ***HB 1331,*** relative to the New Hampshire Temporary Assistance to Needy Families (TANF) program.

Adopted by the necessary two-thirds.

Referred to Finance.

MOTION TO PRINT REMARKS

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

On a division vote, 128 members having voted in the affirmative and 130 in the negative, the motion failed.

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 Tuesday, March 7, 2006 at 1:00 p.m.
Adopted.

LATE SESSION

Third reading and final passage

HB 1435, relative to the emergency plan for service animals.
HB 1157**,** relative to the definition of a sending district.
HB 690-FN**,** relative to aid to the needy blind and relative to undue hardship for public assistance.
HB 1656-FN-A**,** establishing an electronic toll collection transponder inventory fund.
HB 1765-FN-A-l**,** relative to funding for disaster relief efforts in response to the October 2005 floods and making an appropriation therefor.
HB 1140, establishing a committee to study the establishment and enforcement of protection zones for nesting loons.
HB 1182-FN**,** relative to the limited commercial lobster license fees.
HB 1646-FN**,** relative to the use of a leashed tracking dog in the recovery of a wounded deer, moose, or bear.
HB 1747-FN**,** establishing a New Hampshire healthy tidal waters and shellfish protection program and making an appropriation therefor.
HB 1346, requiring certain persons to keep the contents of prescriptions confidential.
HB 1465-FN**,** relative to food stamp overpayments.
HB 1709-FN, establishing an autism registry in the department of health and human services.
HB 1722-FN, relative to the New Hampshire council on developmental disabilities.
HB 1763, extending a committee and adding certain duties relative to pharmacy reimbursement.
HB 1764**,** relative to the committee to study medicaid reimbursement rates for pharmacy providers.
HB 1512**,** establishing a committee to study volunteer activity related to transportation.
HB 1636-FN, relative to appeals from class A misdemeanor sentences imposed by the district courts.
HB 1273**,** relative to the disposition of municipal records.
HB 1584**,** relative to cemetery setbacks and septic systems.
HB 1313**,** naming a bridge between the towns of Newfields and Stratham the United States Submarine Veterans of World War II Memorial Bridge.
HJR 23, designating a Purple Heart Trail spur to the New Hampshire state veterans cemetery and providing additional signs for the Purple Heart Trail.
HB 1146**,** establishing a committee to study renewable portfolio standards.
HB 1754, relative to canteen privileges at veterans' clubs licensed by the liquor commission.
HB 1201**,** relative to child passenger restraints.
HB 1484**,** relative to including motorcycle and tractor-trailer safety in driver education courses.
HB 1444**,** relative to definitions under the real estate transfer tax.
HB 1580**,** relative to the child support formula.
HB 1509**,** relative to campaign expenditure and contribution limitations.
HB 1269**,** relative to the taking of red deer or elk.
HB 1681-FN**,** establishing the unused prescription drug program.
HB 1597-FN-L**,** relative to municipal obligations for indigent medical expenses.
HCR 22, relative to the right to pursue a livelihood in natural resources industries.

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."
HB 1307**,** relative to application requirements for motor vehicle recycling yard licenses.
HB 1417-FN, establishing gold star number plates.
HB 1418-FN**,** relative to road toll refunds.

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 6:20 p.m.

RECESS

(Rep. Wallner in the Chair)

RESOLUTION

Rep. Craig offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 22, 24, 26, 131, 178, 190, 200, 207, 221, 233, 234, 238, 239, 242, 245, 246, 249, 251, 252, 255, 256, 260, 264, 265, 269, 271, 274, 283, 286, 287, 288, 289, 294, 295, 310, 319, 322, 328, 330, 332, 335, 336, 344, 348, 349, 351, 357, 358, 370, 371, 376, 379, 387, 388, 389, and Senate Joint Resolution numbered 4, shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.
Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 22, authorizing Holden College to confer degrees and exempting certain teachers from additional certification requirements imposed by the No Child Left Behind Act of 2001. (Education)
SB 24, relative to disposition upon death of patient accounts in nursing homes.(Judiciary)
SB 26, requiring identification to obtain a ballot. (Election Law)
SB131-FN, establishing a school choice certificate program. (Education)
SB 178, designating a certain highway the Gold Star Mothers Highway. (Public Works and Highways)
SB 190-L, relative to workforce housing opportunities and establishing a committee to study including workforce housing in zoning ordinances. (Municipal and County Government)
SB 200, establishing the uniform athlete agents act. (Executive Departments and Administration)
SB 207-FN, relative to enhanced penalties for certain crimes against the elderly and persons with a physical or mental disability. (Criminal Justice and Public Safety)
SB 221, relative to obtaining a driver's license and creating a violation for failure to pay a highway toll. (Transportation)
SB 233, relative to motorcycle rider education. (Transportation)
SB 234, including the International Residential Code 2000 in the definition of the state building code. (Executive Departments and Administration)
SB 238, relative to assistance to members of the general court provided by the legislative budget assistant. (Legislative Administration)
SB 239, renaming the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River as the Women in Service to Enfield (WISE) Bridge and naming the bridge located on Main Street in Newmarket, New Hampshire and crossing the Lamprey River as the Newmarket Veterans Bridge. (Public Works and Highways)
SB 242, prohibiting a person charged with unlawfully killing a decedent from taking from the decedent's estate. (Judiciary)

SB 245, repealing laws relative to the municipal courts and the administrative committee of the district and municipal courts. (Judiciary)
SB 246, relative to provisions for permissible contact between the agent of the defendant subject to a protective order and a plaintiff. (Criminal Justice and Public Safety)
SB 249, allowing a master electrician to have 2 apprentice electricians under his or her supervision, and relative to examinations of electricians by the electricians' board. (Executive Departments and Administration)
SB 251, relative to the enforcement authority of the division of safety services. (Criminal Justice and Public Safety)
SB 252, relative to certification of speech-language assistants for purposes of speech language pathology practice. (Executive Departments and Administration)
SB 255, establishing a committee to study the funding necessary to operate the hazardous materials program in New Hampshire. (Environment and Agriculture)
SB 256, relative to the definition of "harm" for purposes of the crime of improper influence. (Criminal Justice and Public Safety)
SB 260, relative to certification of a registered nurse responsible for emergency medical transportation. (Executive Departments and Administration)
SB 264, relative to the chief financial officer of the department of environmental services. (Executive Departments and Administration)
SB 265, relative to workers' compensation requirements for out-of-state employers and employees. (Labor, Industrial and Rehabilitative Services)
SB 269, ratifying certain actions at the 1996 Seabrook annual town meeting. (Municipal and County Government)
SB 271, relative to the availability of voter checklist information. (Judiciary)
SB 274, adding court security to the duties of the New Hampshire court accreditation commission. (Judiciary)
SB 283-FN, relative to stop loss insurance. (Commerce)
SB 286-FN, relative to notice to defendants in small claims actions. (Judiciary)
SB 287-FN, making certain changes to the eminent domain statute. (Judiciary)
SB 288-FN, relative to street rods.
SB 289, relative to the brain and spinal cord advisory council. (Health, Human Services and Elderly Affairs)
SB 294-FN-A, authorizing 7 additional state troopers and making an appropriation therefore. (Finance)
SB 295-FN, relative to registration of business entities. (Executive Departments and Administration)
SB 310-FN, establishing god star number plates and relative to special number plates for veterans. (Transportation)
SB 319, establishing a task force to study county government. (Municipal and County Government)
SB 322, establishing the business loan enhancement program and relative to the capital asset backed guarantee program. (Finance)
SB 328, relative to the regulation of snowmobiles and off highway recreational vehicles. (Fish and Game)
SB 330, relative to outdoor advertising. (Commerce)
SB 332, making technical corrections to the uniform trust code and related statutes. (Judiciary)
SB 335, relative to funds of the department of resources and economic development used for snowmobile trail grooming equipment. (Resources, Recreation and Development)
SB 336, relative to security deposits in landlord tenant matters. (Judiciary)
SB 344, establishing a committee to study state benefit programs for national guard members. (State-Federal Relations and Veterans Affairs)

SB 348**,** prohibiting the taking of arms and ammunition in a declared state of emergency. (Criminal Justice and Public Safety)
SB 349**,** relative to the HIV/AIDS service delivery system. (Health, Human Services and Elderly Affairs)
SB 351-FN**,** declaring drowning as cruelty to animals. (Environment and Agriculture)
SB 357-FN**,** relative to eligibility for motorcycle licenses. (Transportation)
SB 358-FN, relative to an advanced registered nurse practitioner's duty to warn of violent acts of patients. (Executive Departments and Administration)
SB 370-FN**,** relative to multidisciplinary child protection teams. (Children and Family Law)
SB 371-FN**,** relative to the continuation of certain wetlands fees. (Ways and Means)
SB 376-FN-A**,** relative to revenues dedicated to the education trust fund. (Ways and Means)
SB 387**,** relative to energy efficiency loans and guarantees by the business finance authority. (Finance)
SB 388**,** relative to farm composting and pesticides. (Environment and Agriculture)
SB 389, establishing a committee to study energy efficiency programs funded by the system benefits charge. (Science, Technology and Energy)
SJR 4, urging Congress to require the Department of Defense to reinstate the terminology of "POW" or "Prisoner of War" into the classification of military personnel. (State-Federal Relations and Veterans Affairs)

SENATE MESSAGE
NONCONCURRENCE

HB 515**,** relative to purchasing alliances.
HB 538, relative to deconstruction of structures.

ENROLLED BILLS REPORT

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

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

RECESS