

HOUSE RECORD

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

Vol. 28

Concord, N.H.

Wednesday, March 8, 2006

No. 24

HOUSE JOURNAL No. 7(cont.)

Tuesday, March 7, 2006

Rep. Weyler moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 8

Wednesday, March 8, 2006

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

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

Wise and gentle One, You inscribe upon each of us the indelible markings of Your signature of authorship. Give us eyes to see Your very own "John Hancock" written boldly at the core of each person we encounter this day, that all the decisions made in this venerable chamber may reveal that very same autograph. Amen.

Rep. Herbert F. Whiting, member from Franklin, led the Pledge of Allegiance.

The National Anthem was sung by members of the Merrimack Middle School Chambers, Annie Steeves, Rachel Oxford, Cady Hickman, Caitlin Ortega, Annie Crossman and Amber Steeves.

LEAVES OF ABSENCE

Reps. Albert, Nelson Allan, Barker, Barry, Callaghan, Carlson, Chabot, Cote, Goodwin, Hebert, Hinkle, Hunter, O'Neil, Oliver, Owen, Putnam, Snyder and Wiley, the day, illness.
Reps. Abbott, Agiur, Charles Clark, Dalrymple, Dexter, Donahue, Flanders, Foote, Ginsburg, Hagan, Heon, Hess, Hutchinson, Kobel, Pepino, Rochette, Twombly, the day, important business.

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

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

INTRODUCTION OF GUESTS

Ronald Rush, Gregory, Mack, Ben and Caroline, husband, son and grandchildren of Rep. Rush. Tina Miarino and Marac Lanoue, guests of Rep. Nancy Johnson. Honorable Griffin Dalianis and Carolyn Brown McLarney, guests of Rep. Hess. Katelyn Ryan, daughter of Rep. Ryan. The fourth grade class from Wells School in Harrisville, guests of the Environment and Agriculture Committee.

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.

SPECIAL ORDER FROM MARCH 7, 2006

HB 1111, designating the pumpkin as the New Hampshire state fruit. **OUGHT TO PASS** Rep. Derek Owen for Environment and Agriculture: The bill to designate the pumpkin as the state fruit met little opposition. This opposition came from apple growers who felt the apple was considered more popular and well known and sold more pies than pumpkin pies. The various pumpkin festivals, including the largest pumpkin grown in the state and the Keene pumpkin lighting, help to prompt the importance of our fall agricultural economy. The committee felt the versatility of the pumpkin warranted the designation as the state fruit. Vote 17-0.

Reps. Peter Allen, O'Connell and Solomon spoke in favor.

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

MOTION TO PRINT DEBATE

Rep. Babson moved that the remarks during the debate on HB 111 be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. Peter Allen: Thank you very much, Mr. Speaker. Ladies and gentlemen and members of the House. It's a pleasure to be here. House Bill 1111 would establish the pumpkin as our state fruit. Pumpkins were cultivated here by Native Americans long before we discovered this place. This bill was on the Consent Calendar with unanimous Ought To Pass votes in the Environment and Agriculture.

Four students at Wells Memorial School in Harrisville presented excellent brief speeches in support of House Bill 1111. They presented ample justification for passage of this bill. This state holds the record for the largest pumpkin ever grown and the Keene Pumpkin Festival holds the Guinness Book of Records mark of 23,727 pumpkins carved, lit and displayed at one time. The city of Boston has tried the last two years to beat it and they haven't yet.

There are four co-sponsors of this bill whose names I failed to get to the House Clerk in time for printing, Senator Flanders and Representatives Dunn, Butynski and Mattarazzo. Their names will appear in the permanent record. Senator Eaton said, I'll have to think about it," and he never got back to me, so I missed the deadline for getting the names in. Thank you.

Rep. O'Connell: Thank you, Mr. Speaker. Mr. Speaker, good morning. Good morning, honorable members of the House. Mr. Speaker, I first learned about House Bill 1111, "the pumpkin bill", from the good representative from Alton, who asked me if I was the prime sponsor. And as I recall, I made some flippant comment like, "Yeah, right." But since that time last fall, this doubting Timothy has become a convert to these orange orbs and I'd like to tell you why I think we should pass this bill.

As a vegetable and fruit grower with a couple of degrees in Biology, I knew that botanically the pumpkin, like the tomato, is indeed classified as a fruit. And as the good representative

from Harrisville just indicated to you, historically the pumpkin was grown by our Native Americans long before the first European colonists came to our shores. Over these last 300 years the pumpkin has continued to be cultivated for a diversity of uses from pies, soup, ice cream, roasted seeds, livestock feeds, and of course, the ornamental use of pumpkins as a symbol of Halloween and Thanksgiving. Not only has the fruit continued to be an economical and profitable crop for our growers, but it also marks the end of the growing season and the arrival of a profitable tourist season which we rely on so heavily.

But what is so special about the pumpkin? What is the New Hampshire connection? Why should we vote for this? Well, first of all, you should know that our own university in New Hampshire is a leader of selective breeding of pumpkin cultivars. Dr. James B. Loy of University of New Hampshire (UNH) continues to develop a new line of fruit that are commercially available. Snack Jack is a hull-less seed variety that is perfect for roasting and snacking. Dr. Loy's disease resistant strains are constantly being released for commercial productions and my farm, Butternut Farm, will be growing them this year.

I hope that all of you have marveled at the mountains of pumpkins that highlight cleverly designed displays at our local farm stands in autumn. I invite you to come to the Milford Pumpkin Festival where thousands of others come each Columbus Day weekend and celebrate the pumpkin in a 3-day fun filled festival. Also, as the representative from Harrisville indicated to you, why don't you enter a pumpkin in the Jack-O-Lantern contest in Keene and again become part of maybe breaking that Guinness world record of 23,727 pumpkins. Just for the fun of it. I'd urge you to attend our local "ag" fairs where the New Hampshire giant pumpkin growers Association routinely display their large fruit weighing anywhere between a quarter to a half a ton. Charlie Houghton of Goffstown, the good Representative Wheeler from Goffstown, holds the world's record for a little gem that weighted 1,337 pounds.

Ladies and gentlemen of the House, yes, the pumpkin is indeed a fruit with close ties to New Hampshire and truly worthy of our designation as the state fruit.

And finally, Mr. Speaker, think of all the fun that pumpkins have provided in your lifetime for your children, for your grandchildren, and especially for all of those wonderful kids in our gallery this morning showing their support for the pumpkin and the learning experience that it has provided. Thank you, Mr. Speaker. And thank you, kids.

Rep. Robert L'Heureux: Thank you, Mr. Speaker. Of all the good things that we have heard about the pumpkin, are you aware that every year there's a world championship pumpkin throwing competition that takes place in Pennsylvania? And are you aware that the world champions are from New Hampshire, and are you aware that the pumpkin that was used to break the world record came from New Hampshire?

Rep. O'Connell: I'm aware of the world pumpkin record by weight, I intended to make reference to the Greenfield situation, if you've ever driven by Greenfield on Route 31, you're going to see this rusty monstrosity out in a field and actually there are two, I believe. It's a giant cannon which shoots these little suckers over half a mile and then also there's a trebuchet. I was going to do that but I didn't know how to spell trebuchet.

Rep. Roberts: I've got my pumpkin shirt on today and my pumpkin tie. The question I have is a little bit off the "pumpkin", but in today's society where we have children who are afraid to risk failure, shouldn't we really be worrying about rewarding people who go out and make an effort whether they win or lose. Because these kids showed up, they put in the effort, this is a perfect opportunity, wouldn't you agree, to reward the efforts that these students did?

Rep. O'Connell: I guess I would briefly say, that in all honesty I think win or lose, they are the winners. It has been a great experience for them and I'm sure they will remember it for

the rest of their lives.

Rep. Solomon: I would like to, as one of the many Peters in the House, I would like to urge my fellow Peters to join with me in supporting this noble idea of having the pumpkin, as our nursery rhyme says, "Peter, Peter, pumpkin eater," I hope this will encourage all of them to support this in the House, Thank you.

CLERK'S NOTE

On March 7, 2006, the House voted to reconsider its action whereby it passed with amendment HB 1714, relative to an electronic controlled drug prescription monitoring program. The bill was Special Ordered the bill to March 8, 2006 as second order of business.

SPECIAL ORDER - RECONSIDERATION OF HB 1714

HB 1714-FN, relative to an electronic controlled drug prescription monitoring program.

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

Rep. MacKay spoke against.

Motion failed.

Rep. MacKay moved Interim Study.

Motion adopted by the necessary two-thirds vote.

CLERK'S NOTE

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

COMMITTEE OF CONFERENCE REPORT ON SB 206

Committee of Conference on **SB 206-FN**, relative to the state code of ethics and establishing an executive ethics commission.

Recommendation:

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

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

Amend RSA 21-G:21, II-a as inserted by section 1 of the bill by replacing it with the following:

II-a. "Executive branch official" means every elected official as defined by RSA 15-B:2, III, who holds an executive branch office, every public official as defined by RSA 15-B:2, X, every constitutional official as defined by RSA 15-B:2, II, and every public employee as defined by RSA 15-B:2, IX.

Amend RSA 21-G:25 as inserted by section 2 of the bill by replacing it with the following:

21-G:25 ~~[Acceptance and Giving of Gifts. Any public employee, public official, and any public employee's or public official's spouse or dependent who gives, solicits, accepts, or agrees to accept a gift from a person who is subject to or likely to become subject to or interested in any matter or action pending before or contemplated by the public employee or official or by the governmental body with which that employee or official is affiliated shall disclose the gift in the statement of financial disclosure filed under RSA 21-G:28. Nothing in this section shall be construed to prohibit gifts made to the state of New Hampshire and accepted in accordance with the law.]~~ ***Restrictions on Simultaneous Employment and Public Service. Volunteer service shall not be used, directly or indirectly, for personal financial gain, or to facilitate non-public communications with executive branch officials for the purpose of promoting or advancing any matter on behalf of a third party, or to influence executive branch officials in the performance of their duties. In furtherance of this prohibition:***

I. No person shall serve as a public employee, as defined by RSA 15-B:2, IX, or serve as an appointee or volunteer for any multi-branch commission, committee, board, or similar governmental entity, and simultaneously be a person who has a duty to register as a lobbyist pursuant to RSA 15, or is employed by, or maintains an ownership interest in, any entity which employs a registered lobbyist.

II. No person shall serve as a public employee in a position that establishes policy or adjudicates matters before any agency while maintaining any ownership interest in, or being employed by, any entity, engaged in promoting or opposing, directly or indirectly, any legislation pending or proposed before the general court, or promoting or opposing any action or inaction on any matter, contract, license, permit, or administrative rule, proposed or pending, before the executive branch.

III. Unless otherwise prohibited by law, the prohibitions of RSA 21-G:25, I and II, shall not apply to:

(a) Appearances before the courts or any adjudicative proceedings, or non-adjudicative processes, as defined by RSA 541-A;

(b) Service in a position subject to appointment by the governor and council;

(c) Testimony or participation in any public meeting, or service on any commission, committee, board, panel, or other similar governmental entity that is subject to the public meeting and notice requirements of RSA 91-A, or the public right of access mandated by part 1, article 8 of the New Hampshire constitution.

(d) Volunteer public service related entirely to a ceremonial, celebratory, historical, or recreational program or event; public health or safety incident or drill, or consumer protection assistance;

(e) Ownership of publicly-traded stock; or

(f) A public employee, appointee, or volunteer's personal application for any license, permit, or ruling from a state agency.

Amend RSA 21-G:29, III as inserted by section 3 of the bill by replacing it with the following:

III. The committee shall consist of 7 members, nominated in the following manner:

(a) Three members, nominated by the governor, one of whom shall be a member of the democratic party, one of whom shall be a member of the republican party, and one of whom shall have no political party affiliation.

(b) Two members, nominated by the secretary of state, one of whom shall be a member of the democratic party and one of whom shall be a member of the republican party.

(c) Two members, nominated by the treasurer, one of whom shall be a member of the democratic party and one of whom shall be a member of the republican party.

Amend RSA 21-G:29, VI as inserted by section 3 of the bill by replacing it with the following:

VI. Committee members shall serve terms of 3 years and until their successors are appointed and qualified. However, initially, the governor shall nominate one member for a one-year term, one member for a 2-year term and one member for a 3-year term; the secretary of state shall nominate one member for a 2-year term, and one member for a 3-year term; the treasurer shall nominate one member for a one-year term and one member for a 2-year term. Initial nominations to the committee shall be made no later than 90 days after the effective date of this section. The initial appointments shall begin on July 1, 2006 and end on June 30 of the appropriate year. Vacancies shall be filled for the remainder of any unexpired term. During their term of appointment, members may not hold or campaign for elective office, serve as an officer of any political party or political committee, permit their names to be used in support of or in opposition to any candidate or proposition, participate in any way in any election campaign, make a contribution as defined in RSA 664:2 to any candidate for office or political committee, or act as or assist a lobbyist required to be registered under RSA 15:1.

Amend RSA 14-B:2, III as inserted by section 5 of the bill by replacing it with the following:

III. Appointments to the committee shall be made by December 31 prior to the first

legislative session of the biennium. A committee meeting shall be called no later than February 1 in the first legislative session of the biennium. ~~[The members shall elect]~~ **Prior to the first committee meeting, the speaker of the house of representatives and the senate president shall jointly select from the members of the committee** a chairperson and vice-chairperson ~~[at this meeting]~~. The members shall serve for the biennium and shall not be removed from the committee for any reason except for good cause by unanimous vote of the remaining committee members. Members shall receive no compensation, except that legislative members shall receive mileage at the legislative rate and public members shall receive mileage at the state employee rate. **The committee shall provide the executive branch ethics committee with copies of all publicly issued guidelines, procedures, decisions, and opinions.**

Amend RSA 15:1, II(b) as inserted by section 7 of the bill by replacing it with the following:

(b) To promote or oppose, directly or indirectly, any action by the governor, governor and council, or any state agency, as defined in RSA 15-A:2, where such action concerns legislation or contracts pending or proposed before the general court, any pending or proposed administrative rule, or the procurement of goods or services that are being or may be purchased by the state, subject to the exclusions in paragraph III.

Amend RSA 15-B:2, IX as inserted by section 9 of the bill by replacing it with the following:

IX. "Public employee" means any person, including but not limited to a classified or non-classified employee or volunteer, who conducts state business on behalf of the governor, any executive branch official, agency, or the general court

Conferees: Sens. Clegg, Dist. 14; Boyce, Dist. 4; and Larsen, Dist. 15.

Conferees: Reps. Whalley, Belk. 5; O'Brien, Hills. 4; O'Neil, Rock. 15; and Craig, Hills. 9.

Rep. Whalley spoke in favor and yielded to questions.

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

Committee of Conference adopted.

SPECIAL ORDER - BILLS FROM MARCH 7, 2006 CALENDAR

CACR 36, relating to the rulemaking authority of the supreme court. Providing that the supreme court may adopt rules, that the general court may regulate these matters by statute, and that in the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall prevail over the rule. **INEXPEDIENT TO LEGISLATE**

Rep. David E. Cote for Judiciary: This amendment is unclear, in that it purports to establish the primacy of statute over court rule, yet states that "such enactment [of the legislature] may not abridge the Judiciary's necessary adjudicatory functions." Thus, it is neither fish nor fowl; sweeping too broadly or not broadly enough, and will serve only to confuse both the courts and the public. In addition, leaving aside the question of its clarity, the subject matter has been before the public on two separate occasions in the last few years. Vote 16-4. Committee report adopted.

HB 1565, relative to evictions in cases involving incidents of domestic violence. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy J. Elliot for Judiciary: This bill, as amended, protects tenants that are involved in an incident of domestic violence from an unfair eviction based solely on that single incident. It also protects a landlord from being unable to evict a tenant that has a lifestyle of disturbances. The bill represents a bipartisan effort to ensure that the rights of both landlord and tenant are preserved. Representatives of both landlord and tenant associations are in agreement with this bill as amended. Vote 15-1.

Amendment (1191h)

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

1 New Paragraph; Actions Against Tenants; Relief in Cases Involving Incidents of Domestic Violence. Amend RSA 540:14 by inserting after paragraph III the following new paragraph:

IV. In any action for termination of tenancy under RSA 540:2, II(c) or (d), where the sole basis is a single occasion of domestic violence pursuant to RSA 173-B and there is no threat of violence to others living outside the rental unit from which the domestic violence emanated, the judge shall have the discretion to allow the victim's tenancy to continue and to make such orders as justice may require. The court may re-open the action upon the lessor or owner's complaint of a subsequent incident of domestic violence within one year from the first incident. Nothing in this paragraph shall prohibit the lessor or owner from proceeding with a termination of tenancy under RSA 540:2, II(c) or (d) based on a subsequent incident.

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

AMENDED ANALYSIS

This bill grants the court discretion, in certain cases of domestic violence, to permit the victim's tenancy to continue.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1761, Exempting vacation rentals from regulation as a tenancy and extending the committee to study the appeals process in cases between landlords and tenants, established in 2005, 45. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gregory M. Sorg for Judiciary: This bill, as amended, creates a new chapter 540-C to the RSA's, dealing with the eviction of tenants who rent seasonal recreational rental units in the off-season. Due to the high rent and short period of time for which such units can be rented during vacation season, advocates both for landlords and tenants agreed that it is appropriate and necessary to have an accelerated process for removing holdover off-season tenants. This chapter provides that as long as the landlord makes the off-season rental by written lease specifying that it is seasonal property, specifying the date by which the off-season tenants must vacate, and specifying that failure to so vacate will result in removal by a law enforcement officer without any court order, the tenant may be so removed upon the law enforcement officer's being presented with the expired lease. Vote 19-1.

Amendment (0877h)

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

AN ACT relative to hold over tenants in vacation or recreational rental units.

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

1 New Chapter; Vacation or Recreational Rental Units. Amend RSA by inserting after chapter 540-B the following new chapter:

CHAPTER 540-C

VACATION OR RECREATIONAL RENTAL UNITS

541-C:1 Covered Units. This chapter shall apply to all dwelling units which are:

I. Rented for recreational or vacation use at least one month out of the year; and

II. Rented for residential purposes by persons who have no other residence, during part or all of the non-recreational or vacation period.

540-C:2 Lease Required. In order to evict an occupant from a dwelling unit covered by this chapter without fulfilling the requirements of RSA 540, the owner or the owner's authorized agent and the tenant shall sign a lease which:

I. States the date by which the tenant shall vacate the premises; and

II. Informs the tenant that if he or she remains on the premises after the expiration of the lease without the written permission of the owner or the owner's authorized agent, the tenant may be removed from the premises by a law enforcement officer without any judicial process.

540-C:3 Removal Upon Expiration of Lease. Any law enforcement officer of this state, upon presentation of the expired lease by the owner or the owner's authorized agent, shall remove the occupants from the dwelling unit. Upon removal the occupants shall be deemed to have abandoned his or her rights of occupancy and the owner may then make such unit available to other occupants.

541-C:4 Civil Penalty. Any person who directs a law enforcement officer to remove a tenant from a dwelling unit covered by this chapter without complying with RSA 540-C:3, or misrepresents to a law enforcement officer that the unit is a covered unit under this chapter shall be liable to any tenant who is involuntarily removed from the unit by the law enforcement officer in an amount equivalent to 3 months rent, plus costs and attorneys fees.

2 Repeal. RSA 540:1-a, I(c), relative to the classification of vacation or recreational dwellings rented during the off-season as nonrestricted property, is repealed.

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

AMENDED ANALYSIS

This bill permits a law enforcement officer to remove a holdover tenant from a vacation or recreational rental unit without judicial process if the parties have signed a lease that specifies the date by which the tenant shall vacate the premises and that the tenant may be removed from the property if the tenant remains beyond the date specified. The bill exempts vacation and recreational rental units from the eviction process in RSA 540.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1194, relative to job protection for volunteer firefighters, rescue workers, and emergency medical personnel. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeffrey P. Goley for Labor, Industrial and Rehabilitative Services: This bill allows a member of a fire department rescue squad, or emergency medical services agency to take leave without pay from his or her place of employment to respond to a state of emergency declared by the Governor or the General Court under RSA 4:45. The employer shall not require the employee to use or exhaust his or her vacation or other accrued leave for the period of emergency services. Request for service shall be directed to the chief of the member's fire department, rescue squad, or emergency medical services agency and a copy to the member's employer. Vote 15-0.

Amendment (1218h)

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

AN ACT relative to job protection for firefighters, rescue workers, and emergency medical personnel.

Amend the bill by replacing RSA 275:66, I-II as inserted by section 1 of the bill with the following:

I. When the governor or the general court declares a state of emergency under RSA 4:45, a member of a fire department, rescue squad, or emergency medical services agency who is called into service of the state or a political subdivision shall have the right to take leave without pay from his or her place of employment to respond to the emergency. No employer shall require an employee to use or exhaust his or her vacation or other accrued leave for the period of emergency service. The employee may choose to take vacation or other accrued leave for the period of emergency service.

II. A firefighter, rescue squad member, or emergency medical services member shall be called into service of the state or a political subdivision for purposes of this subdivision when his or her services are requested in writing by the director of emergency services, communications, and management or by the head of a local organization for emergency management established under RSA 21-P:39. The request shall be directed to the chief of the member's fire department, rescue squad, or emergency medical services agency and a copy shall be provided to the member's employer.

AMENDED ANALYSIS

This bill gives firefighters, rescue workers, and emergency medical personnel the right to take leave without pay from a place of employment when mobilized after the governor has declared a state of emergency unless certified as essential to an employer's emergency relief efforts.

Amendment adopted.

Committee report adopted and ordered to third reading.

INTRODUCTION OF SPECIAL GUESTS

Members of the delegation from the Republic of Kazakhstan, sponsored and hosted by Partners for Peace - New Hampshire 2006, which is a joint undertaking of the University of New Hampshire, the New Hampshire National Guard and the United States Department of Defense, guests of the House.

SPECIAL ORDERS- BILLS FROM MARCH 7, 2006 (CONT'D)

HB 1564, prohibiting mandatory tip charges for small parties. **INEXPEDIENT TO LEGISLATE**

Rep. Randolph N. S. Holden for Labor, Industrial and Rehabilitative Services: The committee overwhelmingly concluded that this bill would hurt the littlest of little guys, the waitperson. This bill targets the very people who need our help those men and women who receive \$2.38 hr. The bill further removes the owner's decision to protect his employee and just goes against the New Hampshire sense of fairness. Vote 14-0.

Committee report adopted.

CACR 37, relating to the legislature. Providing that compensation shall be based on present value. **OUGHT TO PASS**

Rep. Karen A. Hutchinson for Legislative Administration: Today's monetary value of our \$100 annual compensation is approximately \$2000. While this increase certainly does not change our "volunteer legislature" status, it is hoped that it will allow for more diversified legislative participation, particularly working-age individuals who are unable to serve in the legislature due to lost wages. Vote 7-4.

Rep. Hunt requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 162 NAYS 164			
YEAS 162			
BELKNAP			
Boyce, Laurie	Heald, Bruce	Morrison, Gail	Pilliod, James
Russell, David	Thomas, John	Veazey, John	
CARROLL			
Brown, Carolyn	Dickinson, Howard	Knox, J David	McConkey, Mark
Merrow, Harry	Patten, Betsey	Philbrick, Donald	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Eaton, Daniel	Espieffs, Peter	Mitchell, Bonnie	Plifka, Stanley Jr
Pratt, John	Roberts, Kris	Robertson, Timothy	Weed, Charles

COOS			
King, Frederick	Lary, Bruce	Mears, Edgar	Merrick, Scott
Remick, William	Stohl, Eric	Theberge, Robert	Tholl, John Jr
GRAFTON			
Almy, Susan	Andersen, Gene	Bleyler, Ruth	Cooney, Mary
Eaton, Stephanie	Gionet, Edmond	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	Mulholland, Catherine	Naro, Debra	Sokol, Hilda
Solomon, Peter	Williams, Burton		
HILLSBOROUGH			
Balboni, Michael	Batula, Peter	Bergin, Peter	Boehm, Ralph
Brassard, Paul	Calawa, Leon Jr	Carew, James	Chase, Claudia
Christensen, D L Chris	Clark, Mark	Cote, Peter	DeVries, Betsi
Gibson, John	Goley, Jeffrey	Goyette, Peter Jr	Haley, Robert
Hansen, Ryan	Holden, Randolph	Infantine, William	Jean, Claudette
Jeudy, Jean	Lawrence, James	Lessard, Rudy	Matarazzo, Anthony Sr
Messier, Irene	Michon, Stephen	Mooney, Maureen	Pappas, Christopher
Pilotte, Maurice	Shattuck, Gilman	Shaw, Barbara	Slocum, Lee
Souza, Kathleen	Sullivan, Francis	Ulery, Jordan	Vaillancourt, Steve
MERRIMACK			
Blanchard, Elizabeth	Brueggemann, Donald	Clarke, Claire	DeJoie, John
DeStefano, Stephen	French, Barbara	Gile, Mary	Greco, Vincent
Hamm, Christine	Kidder, David	Klose, John	Lockwood, Priscilla
MacKay, James	Maxfield, Roy	McMahon, Patricia	Reardon, Tara
Ryan, Jim	Shurtleff, Stephen	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Whiting, Herbert		
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Bicknell, Elbert
Bishop, Franklin	Buxton, Donald	Cali-Pitts, Jacqueline	Camm, Kevin
Cooney, Richard	DiFruscia, Anthony	Dowd, John	Dowling, Patricia
Flanders, John Sr	Flockhart, Eileen	Forsing, Robert	Gilbert, Karl
Griffin, Mary	Introne, Robert	Moody, Marcia	Moore, Benjamin
Nowe, Ronald	Palazzo, Frank	Pantelakos, Laura	Quandt, Matthew
Rolston, James	Serlin, Christopher	Waterhouse, Kevin	Weldy, Norman
Wells, Roger	Weyler, Kenneth		
STRAFFORD			
Albert, Russell	Bickford, David	Brown, Jennifer	Brown, Julie
Campbell, W Packy	Cataldo, Sam	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Miller, Joseph	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Katherine	
SULLIVAN			
Cloutier, John	Donovan, Thomas	Ferland, Brenda	Franklin, Peter

Houde-Quimby, Charlotte	Phinizy, James	Prichard, Stephen	
NAYS 164			
BELKNAP			
Allen, Janet	Fitzgerald, James	Millham, Alida	Nedeau, Stephen
Rosen, Ralph	Tilton, Franklin	Tobin, William	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Buco, Thomas	Chandler, Gene
Martin, James	Olimpio, J Lisbeth	Stevens, Stanley	
CHESHIRE			
Coates, Christopher	Dunn, J Timothy	Emerson, Susan	Hunt, John
Parkhurst, Henry	Richardson, Barbara	Sawyer, Sheldon	
COOS			
Buzzell, Bernard	Richardson, Herbert		
GRAFTON			
Benn, Bernard	Giuda, Robert	Ingretson, Paul	Maybeck, Margie
McLeod, Martha	Mirski, Paul	Nordgren, Sharon	Sorg, Gregory
Ward, John			
HILLSBOROUGH			
Adams, Jarvis IV	Baroody, Benjamin	Beaulieu, Jane	Bergeron, Jean-Guy
Biundo, Michael	Brundige, Robert	Campbell, David	Clemons, Jane
Coughlin, Pamela	Craig, James	Daniuk, Caitlin	Desmarais, Vivian
Dokmo, Cynthia	Drisko, Richard	Dyer, Donald	Egbers, Fran
Elliott, Nancy	Essex, David	Foster, Linda	Gargasz, Carolyn
Golding, William	Gorman, Mary	Graham, John	Hall, Betty
Harvey, Suzanne	Hawkins, Ken	Hellwig, Steve	Irwin, Anne-Marie
Jasper, Shawn	Johnson, Paula	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	Lasky, Bette	Manney, Pamela	McRae, Karen
Mead, Robert	Moran, Edward	Movsesian, Lori	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Price, Pamela	Renzullo, Andrew
Rosenwald, Cindy	Rowe, Robert	Ryder, Donald	Schulze, Joan
Shaw, Kimberly	Smith, David	Stepanek, Stephen	Sullivan, Peter
Tahir, Saghir	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Danforth, James	Field, William
Foose, Robert	Kennedy, Richard	L'Heureux, Stephen	Langlais, Thomas
Marple, Richard	Osborne, Jessie	Potter, Frances	Reed, Dennis
Rush, Deanna	Tilton, Joy	Williams, Robert	Yeaton, Charles
ROCKINGHAM			

Bettencourt, David	Bridle, Russell	Brown, C.	Cady, Harriet
Carson, Sharon	Charron, Gene	Coburn, James	Dumaine, Dudley
Fesh, Bob	Garrity, James	Gould, Kenneth	Headd, James
Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell	Itse, Daniel
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Langley, Jane
Lund, Howie	Major, Norman	Mason, April	McKinney, Betsy
McMahon, Charles	Morris, Richard	Norelli, Terie	Packard, Sherman
Parker, Benjamin	Powers, James	Priestley, Anne	Quandt, Marshall Lee
Rausch, James	Robertson, Carl	Robinson, John	Sanders, Elisabeth
Scamman, Stella	Splaine, James	Stiles, Nancy	Stone, Joseph
Welch, David	Winchell, George	Zolla, William	

STRAFFORD

Brown, Lawrence	Chaplin, Duncan	Dunlap, Patricia	Easson, Timothy
Hollinger, Jeffrey	Knowles, William	Newton, Clifford	Rollo, Michael
Taylor, Kathleen	Wall, Janet		

SULLIVAN

Converse, Larry	Irish, Christopher	Jillette, Arthur Jr	Osgood, Philip Sr
Rodeschin, Beverly			

and the committee report failed.

Rep. McKinney moved Inexpedient to legislate.

Rep. DeStefano requested a roll call; sufficiently seconded.

The question being adoption of the Inexpedient to Legislate motion.

YEAS 202 NAYS 123			
YEAS 202			
BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	Heald, Bruce
Millham, Alida	Nedeau, Stephen	Rosen, Ralph	Russell, David
Tilton, Franklin	Tobin, William	Veazey, John	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Buco, Thomas	Chandler, Gene
Knox, J David	Martin, James	Merrow, Harry	Olimpio, J Lisbeth
Philbrick, Donald	Stevens, Stanley		
CHESHIRE			
Allen, Peter	Coates, Christopher	Dunn, J Timothy	Emerson, Susan
Hunt, John	Parkhurst, Henry	Richardson, Barbara	Sawyer, Sheldon
COOS			
Buzzell, Bernard	King, Frederick	Mears, Edgar	Richardson, Herbert
Tholl, John Jr			
GRAFTON			

Benn, Bernard	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Maybeck, Margie	McLeod, Martha	Mirski, Paul	Naro, Debra
Nordgren, Sharon	Sorg, Gregory	Ward, John	
HILLSBOROUGH			
Adams, Jarvis IV	Baroody, Benjamin	Batula, Peter	Beaulieu, Jane
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Boehm, Ralph
Brundige, Robert	Calawa, Leon Jr	Campbell, David	Christensen, D L Chris
Clemons, Jane	Coughlin, Pamela	Craig, James	Daniuk, Caitlin
Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard	Egbers, Fran
Essex, David	Foster, Linda	Gargas, Carolyn	Golding, William
Gorman, Mary	Graham, John	Haley, Robert	Hall, Betty
Harvey, Suzanne	Hawkins, Ken	Hellwig, Steve	Holden, Randolph
Irwin, Anne-Marie	Jasper, Shawn	Johnson, Paula	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Manney, Pamela
McRae, Karen	Mead, Robert	Moran, Edward	Movsesian, Lori
O'Brien, William	O'Connell, Timothy	Ober, Lynne	Pappas, Christopher
Price, Pamela	Renzullo, Andrew	Rosenwald, Cindy	Rowe, Robert
Ryder, Donald	Schulze, Joan	Shattuck, Gilman	Shaw, Kimberly
Smith, David	Stepanek, Stephen	Sullivan, Peter	Tahir, Saghir
Ulery, Jordan	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	DeStefano, Stephen
Field, William	Foose, Robert	Kennedy, Richard	Kidder, David
Klose, John	L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla
MacKay, James	Marple, Richard	Osborne, Jessie	Potter, Frances
Reed, Dennis	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bridle, Russell	Brown, C.	Cady, Harriet	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	Dowd, John
Dumaine, Dudley	Fesh, Bob	Garrity, James	Gould, Kenneth
Griffin, Mary	Headd, James	Hopfgarten, Paul	Hughes, Daniel
Ingram, Russell	Itse, Daniel	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Langley, Jane	Lund, Howie	Major, Norman
McKinney, Betsy	McMahon, Charles	Morris, Richard	Norelli, Terie
Packard, Sherman	Priestley, Anne	Quandt, Marshall Lee	Rausch, James
Robertson, Carl	Robinson, John	Sanders, Elisabeth	Scamman, Stella
Splaine, James	Stiles, Nancy	Stone, Joseph	Welch, David
Winchell, George	Zolla, William		
STRAFFORD			
Albert, Russell	Berube, Roger	Brown, Lawrence	Cataldo, Sam
Chaplin, Duncan	Dunlap, Patricia	Easson, Timothy	Hollinger, Jeffrey
Keans, Sandra	Knowles, William	Newton, Clifford	Rollo, Michael
Rous, Emma	Smith, Marjorie	Taylor, Katherine	Taylor, Kathleen
Wall, Janet			

SULLIVAN			
Converse, Larry	Irish, Christopher	Jillette, Arthur Jr	Phinizy, James
Rodeschin, Beverly			
NAYS 123			
BELKNAP			
Morrison, Gail	Pilliod, James	Thomas, John	
CARROLL			
Brown, Carolyn	Dickinson, Howard	McConkey, Mark	Patten, Betsey
CHESHIRE			
Butcher, Suzanne	Butynski, William	Chase, William	Eaton, Daniel
Espiefs, Peter	Mitchell, Bonnie	Plifka, Stanley Jr	Pratt, John
Roberts, Kris	Robertson, Timothy	Weed, Charles	
COOS			
Lary, Bruce	Merrick, Scott	Remick, William	Stohl, Eric
Theberge, Robert			
GRAFTON			
Almy, Susan	Andersen, Gene	Bleyler, Ruth	Cooney, Mary
Eaton, Stephanie	Hammond, Lee	Harding, A Laurie	Ingbretson, Paul
Mulholland, Catherine	Sokol, Hilda	Solomon, Peter	Williams, Burton
HILLSBOROUGH			
Balboni, Michael	Brassard, Paul	Carew, James	Chase, Claudia
Clark, Mark	Cote, Peter	DeVries, Betsi	Dyer, Donald
Gibson, John	Goley, Jeffrey	Goyette, Peter Jr	Hansen, Ryan
Infantine, William	Jean, Claudette	Jeady, Jean	Lawrence, James
Lessard, Rudy	Matarazzo, Anthony Sr	Messier, Irene	Michon, Stephen
Mooney, Maureen	Pilotte, Maurice	Shaw, Barbara	Slocum, Lee
Souza, Kathleen	Sullivan, Francis	Vaillancourt, Steve	
MERRIMACK			
Brueggemann, Donald	Clarke, Claire	Danforth, James	DeJoie, John
French, Barbara	Gile, Mary	Greco, Vincent	Hamm, Christine
Maxfield, Roy	McMahon, Patricia	Reardon, Tara	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert	
ROCKINGHAM			
Bicknell, Elbert	Bishop, Franklin	Buxton, Donald	Cali-Pitts, Jacqueline
Cooney, Richard	DiFruscia, Anthony	Dowling, Patricia	Flanders, John Sr
Flockhart, Eileen	Forsing, Robert	Gilbert, Karl	Introne, Robert
Moody, Marcia	Moore, Benjamin	Nowe, Ronald	Palazzo, Frank

Pantelakos, Laura	Parker, Benjamin	Powers, James	Quandt, Matthew
Rolston, James	Serlin, Christopher	Waterhouse, Kevin	Weldy, Norman
Wells, Roger	Weyler, Kenneth		
STRAFFORD			
Bickford, David	Brown, Jennifer	Brown, Julie	Campbell, W Packy
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Miller, Joseph	Schmidt, Peter
Spang, Judith			
SULLIVAN			
Cloutier, John	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Osgood, Philip Sr	Prichard, Stephen	

and the motion of Inexpedient to Legislate was adopted.

HB 1141, relative to innovative land use controls. **INEXPEDIENT TO LEGISLATE**

Rep. Mary R. Cooney for Municipal and County Government: Although the basic intent of this bill is to encourage towns to adopt open space housing concepts, this bill would mandate those municipalities to allow the Village Plan alternative who had previously voted to only permit cluster development. There is already a mechanism in place for a municipality to adopt the Village Plan alternative. One unintended consequence might be municipalities choosing to reject both choices because they couldn't pick one or the other. Vote 15-1.

Rep. Mirski spoke against.

Committee report adopted.

HB 1342, relative to the development of land and cutting of trees on land surrounding burial grounds and cemeteries. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: This bill as written restricts the cutting of trees and development within 25 feet of a known burial site. The majority of the committee agrees that cemeteries and the immediate surrounding area should be treated with respect. However, the bill is too restrictive in some regards and omits many other needed restrictions. For example, if a tree is dead or needs to be removed, this bill would restrict the necessary activity. In addition, the bill does not address the need to limit the cutting of other vegetation such as lilac bushes or protecting stone walls around a cemetery. Vote 13-3.

Committee report adopted.

HB 1345, establishing a commission to study community relations between the town of Plymouth and Plymouth state university. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Eric G. Stohl for the Majority of Municipal and County Government: The committee received two bills regarding conflicts between the town of Plymouth, Plymouth State University (PSU) and the University System of New Hampshire (USNH). HB 1679 was amended to resolve the issue where there was competition between the private vendors on campus and the private businesses in the community. The committee unanimously agreed on a 13-0 committee vote to a compromise, placed HB 1679 on the Consent Calendar and the bill was passed by a voice vote on the floor of the House. The second bill, this one, sought to establish a commission to study community relations between the town of Plymouth and Plymouth State University (PSU). An amendment to replace the entire bill was introduced at the public hearing. This amendment required USNH to meet with the governing body of Plymouth at least once every three years to negotiate a reasonable cost-sharing agreement

for public safety services and to determine a reimbursement amount for the same. It further required that if the parties reached an impasse in negotiations, the Board of Tax and Land Appeals (BTLA) shall conduct an expedited hearing and issue a ruling on the provisions to be contained in the new agreement. The majority of the committee feels that the resolution in HB 1679, relative to the property tax exemption for the university system property, will help assist in acquiring a resolution to the local issues stated in the amendment to HB 1345 in Plymouth and therefore no further action is needed to be taken by this legislature. Vote 8-6. Rep. Mary R. Cooney for the Minority of Municipal and County Government: The people of Plymouth have had their constitutional rights violated by a system set in place in 1963 when the legislature granted the University System of New Hampshire exemption from all taxation and responsibility to host communities for public safety costs associated with its buildings and residential population. HB 1345 as amended seeks to remedy a flawed negotiations' process between the town of Plymouth and Plymouth State University. True negotiations are characterized by equal power by both parties. The process as it currently exists puts 100% power in the hands of the University. USNH' legislative immunity from responsibility to its host community has produced unfair, lopsided public safety reimbursement agreements and gross underpayments, which in turn, have inflated local tax rates. This long-standing PSU cost-shifting, tolerated by the legislature, is violating the peoples' rights under Articles 8 and 12 of the NH Constitution and increasingly compromising the safety and security of an entire community, townspeople, and students alike. The issue is fairness. This bill simply seeks to eliminate the "take it or leave it" USNH attitude that presently prevails and replace it with an authentic and fair negotiations process characterized by "Give and Take." To ensure fairness, this bill establishes a requirement to negotiate at least every three years and an appeal process with the Board of Tax and Land Appeals in the event agreement is not reached. The provisions of this bill are necessary to remedy a flawed process, for future public safety negotiations. Town officials believe this legislation will restore a small measure of local control enabling the local recovery of fair share basic public safety costs from Plymouth State University. Plymouth is not seeking reimbursement for other municipal costs or any other public expenses. PSU cost shifting has reached an untenable level; the town and taxpayers do not have the tax base or fiscal means to continue absorbing the growing extensive and expensive impact. This bill simply corrects a flawed process ensuring just and fair compensation, hence, allowing the town's ability to provide for the most basic of services: public safety.

Majority committee report adopted.

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

HB 1629-FN-L, relative to property revaluation schedules in towns and cities and review by the department of revenue administration. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Paul R. Hopfgarten for the Majority of Municipal and County Government: This bill requires that the Department of Revenue Administration ensure that all towns or cities have a complete property revaluation in the past two years be completed by December 31, 2007.

As a result of the court cases involving assessing practices statewide, the Assessing Standards Board was created. One thing that was mandated by the legislature was a time frame for all municipalities to have their assessments reviewed by the DRA. This review process needed to be completed within a five-year cycle that ends in the year 2007. The majority finds this legislation unnecessary in light of current practices already in place that will have all the municipalities' assessment review completed by April 1, 2007. Vote 13-1. Rep. Harry S. Gale for the Minority of Municipal and County Government: If you thought that re-valuation and county taxing formulas were designed to create equalization, proportionality, fairness and equity, and you come to understand, for example, that a community with 8% of a county's population pays 28% of the county tax liability and that a community with a population of 850 citizens paid \$700,000.00 in county taxes and that a

community which uses 3% of the county's services pays 28% of the county's taxes, and that a community with 12% of the county's population pays almost 30% of the county taxes, and that several communities pay more in county taxes than they do to operate their respective local governments, would you not feel compelled to file a minority report against a committees of ITL HB 1698? The minority feels that a motion to kill this bill is nothing more than a postponement of a legislative obligation to repair such matters. To do so would in fact achieve the greatest relief for property taxpayers throughout our state. Majority committee report adopted.

HB 1343, establishing a committee to study the administration and jurisdiction of the council on resources and development. **OUGHT TO PASS WITH AMENDMENT**
Rep. James B. Rausch for Public Works and Highways: This bill as amended, replaces the original bill and makes statutory changes that clarify the role of the Council on Resources and Development (CORD) to be advisory. Since the inception of CORD in 1950 the duties of the council were specified to be advisory only. In 1961 RSA 162, which established the council was repealed. In 1963 RSA 162-C was passed which re-established CORD and again stated the decisions were to be advisory only. This bill makes CORD advisory to the Long Range Capital Planning and Utilization Committee and the Governor and Council for the disposal of state-owned real estate. It additionally requires the Council to provide a copy of its minutes to the Senate President, Speaker of the House, Long Range Capital Planning and Utilization Committee and the Governor and Council. The amendment further requires the disposal of surplus property by the NH Housing Finance Authority to receive approval from the Long Range Capital Planning and Utilization Committee and the Governor and Council for the leasing of railroad properties. This bill makes no changes to the responsibilities CORD has under Chapter 162-C for L-CHIP property, or to any other existing statutory responsibility. The clarification of the advisory duties of CORD allows for the Governor and Council and the Long Range Planning and Utilization Committee to fulfill their statutory responsibilities. Vote 12-0.

Amendment (1173h)

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

AN ACT relative to the duties of the council on resources and development.

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

1 Disposal of State-Owned Real Estate; Role of the Council on Resources and Development. Amend RSA 4:40, I to read as follows:

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

2 Council on Resources and Development; Responsibilities. Amend RSA 162-C:2, IV to read as follows:

IV. Make studies and recommendations concerning changes to effectively coordinate the work of the agencies which have membership in the council ~~[- Recommendations adopted by a majority vote of the council shall be binding on the affected agencies which have membership in the council, unless the recommendations are in conflict with existing laws or rules];~~

3 Council on Resources and Development; Meeting Minutes. Amend RSA 162-C:4 to read as follows:

162-C:4 Meetings. The council shall meet at least once every 3 months, but may meet more often as it shall determine. The chairman shall prepare and deliver an agenda to all members at least 7 days in advance of each meeting. ***The council shall provide a copy of the minutes from each meeting to the senate president, the speaker of the house of representatives, the long range capital planning and utilization committee, and the governor and council.***

4 Council on Resources and Development; Land Conservation Investment Program; Management. Amend RSA 162-C:9, I to read as follows:

I. Each assignment of land ***under this subdivision*** to a state agency or a municipality shall be subject to review and reassignment if the council deems it advisable.

5 Surplus Lands Housing Program; Sale of Land by New Hampshire Housing Finance Authority. Amend RSA 204-D:4, V to read as follows:

V. The authority may sell or otherwise transfer land transferred to the authority pursuant to this chapter upon which affordable housing has been constructed only if the authority has established controls to ensure that the housing shall remain affordable to persons of low or moderate income for a period of at least 30 years after such sale or transfer. The authority may sell or otherwise transfer undeveloped land transferred to the authority under this chapter only after receiving approval from ***the long range capital planning and utilization committee, with advice from the council on resources and development*** established in RSA 162-C ***and final approval by the governor and council.*** The authority may lease land which is transferred to the authority under this chapter.

6 Leasing Railroad Properties. Amend RSA 228:57-a, II to read as follows:

II. The provisions of RSA 4:40, requiring first offering the land for lease to political subdivisions, shall not apply to this section. However, leases shall continue to be approved by ~~[the council on resources and development and]~~ the long range capital planning and utilization committee, ***with advice from the council on resources and development,*** before final approval by the governor and council.

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

AMENDED ANALYSIS

This bill:

I. Requires the council on resources and development to give advice, rather than approval, prior to the disposal of state-owned lands.

II. Removes the binding effect of the council's recommendations relative to coordination of member agencies.

III. Requires the council to provide the legislature and governor and council with copies of the council's meeting minutes.

IV. Requires the New Hampshire housing finance authority to obtain the approval of the long-range capital planning and utilization committee, with advice from the council on resources and development, and final approval by the governor and council, prior to the transfer of lands under the surplus lands housing program.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1603-FN, relative to administration and enforcement by the division of forests and lands over forest resources and timber harvesting. **OUGHT TO PASS WITH AMENDMENT**
Rep. Elisabeth N. Sanders for Resources, Recreation and Development: This bill accomplishes four things: (1) All forest rangers hired after January 1, 2005 are to complete the preparatory training for full-time police officers established by the police standards and training council; (2) authorizes the director of the division of forests and lands to regulate entry into, or movement within, the state of any wood product which may cause the introduction or spread of a dangerous insect or disease; (3) defines and regulates wood

concentration yards; and (4) penalizes the failure to provide a written contract for the purchase or sale of forestry products as a deceptive forestry business practice. This legislation supports the efforts of the Division of Forests and Lands, and while some committee members felt that the full-time police training is unnecessary, the bill will provide Forest Rangers with enhanced tools to better protect the forest resources under their jurisdiction. Vote 14-3.

Amendment (1108h)

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

1 Forestry; Definitions. Amend RSA 227-G:2, XIV to read as follows:

XIV. "Primary wood processing mill" means any permanent or portable mill, **or any off-site log yard operated by a primary wood processing mill**, wherever located, sawing or otherwise processing logs, bolts, pulpwood, or other primary forest products into secondary forest products.

2 Forestry; Definitions. Amend RSA 227-G:2, XVII to read as follows:

XVII. "**Wood concentration yard**" means **any site established and used for the purchase and resale of primary forest products from off-site locations and which is not a primary wood processing mill**.

XVIII. "Woodland" includes cut-over land, slash, and such other land as bears a sufficient amount of wood growth, wood, weeds, grass, or other growth as to be likely to be burned over.

3 New Paragraph; Forestry; Fines; Penalties. Amend RSA 227-G:5-a, by inserting after paragraph II the following new paragraph:

III. Unless otherwise provided by law, any person who violates any rule adopted under RSA 227-G:4 shall be guilty of a violation.

4 Forestry; Validity of Prosecutions. Amend RSA 227-G:8 to read as follows:

227-G:8 Validity of Prosecutions. Forest rangers and officials of the division appointed to enforce this title and other laws provided for in RSA 227-G:7 are authorized, upon successful completion of the preparatory training programs for **full-time or** part-time police officers established by the police standards and training council under RSA 188-F and their subsequent certification as **full-time or** part-time police officers, to prosecute these laws within the jurisdiction of municipal and district courts, unless the prosecutorial jurisdiction over a particular case or class of cases is preempted by the county attorney or the attorney general. Prosecutions for violations of any provisions of this title are declared to be valid and proper, notwithstanding the existence of any law of this state dealing with matters that may be the same as or similar to those covered by this title.

5 Forestry; Training of Forest Rangers. Amend RSA 227-G:9 to read as follows:

227-G:9 Training of Forest Rangers.

I. Any forest ranger of the division appointed to enforce the provisions of this title and other laws provided for in RSA 227-G:7, shall successfully complete the preparatory training for part-time police officers established by the police standards and training council pursuant to RSA 188-F no later than one year from the date of hire. Upon successful completion of the training program, such forest ranger shall be certified as a part-time police officer.

II. Any forest ranger of the division hired after January 1, 2005 appointed to enforce the provisions of this title and other laws provided for in RSA 227-G:7, shall successfully complete the preparatory training for full-time police officers established by the police standards and training council pursuant to RSA 188-F no later than one year from the date of hire. Upon successful completion of the training program, such forest ranger shall be certified as a full-time police officer.

III. Any forest ranger of the division hired before January 1, 2005 shall be certified as a full-time police officer upon successful completion of the preparatory

training for full-time police officers established by the police standards and training council pursuant to RSA 188-F.

6 New Paragraphs; Forest Health; Duties of the Director. Amend RSA 227-K:2 by inserting after paragraph II the following new paragraphs:

III. The director and the director's authorized agents may prohibit or regulate the entry into the state, or the movement within the state, of any tree, timber, log, wood, pole, underwood, or bark, or the products thereof, which in the agent's judgment may cause the introduction or spread of a dangerous insect or disease.

IV. The director, with the approval of the commissioner and after notice and hearing pursuant to RS 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter. Rehearings and appeals from a decision of the director under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violation of this chapter.

(b) Procedures for notice and hearing prior to the imposition of an administrative fine.

V. The proceeds of administrative fines levied pursuant to paragraph III shall be deposited by the director into the forest management and protection fund established under RSA 227-G:5, I.

7 Forest Resource Information; Primary Wood Processing Mills. Amend RSA 227-I:9 to read as follows:

227-I:9 Primary Wood Processing Mills; ***Wood Concentration Yards***; Registration; Penalty.

I. In order to ~~[provide for the safety of woodlands from fire in relation to primary wood processing mills, and to protect and develop the state's forest resources, information as to location, owner, type of mill, operating capacity, species and volumes of wood and timber being processed, and output of wood and timber products shall be required]~~ ***protect and develop the state's forest resources, provide for the safety of woodlands from fire in relation to primary wood processing mills, and to respond to forest health threats, such mills and wood concentration yards shall be registered by the director. Primary wood processing mills shall provide the director with information on the locations, owner, type of mill, operating capacity, species, volumes, and state of origin of wood harvested and timber processed, purchased, and sold, and the output of wood and timber products.***

II.(a) No person shall operate or cause to be operated any mill processing primary forest products ***or wood concentration yard*** unless said mill ***or wood concentration yard*** shall be registered by the director.

(b) There shall be an annual mill registration fee of \$20 for all mills processing primary forest products ***or wood concentration yards***, regardless of size, type of mill ***or wood concentration yard***, or primary product being processed.

(c) Application for registration shall be made on forms provided by the director, giving the name of owner or owners, ***and*** locations~~[, type and capacity]~~ of ***a primary wood processing mill or a wood concentration yard. Primary wood processing mills shall provide the director with information on the*** ~~[,]~~ ***products produced, type, capacity,*** and such other pertinent information as the director may require. One application shall cover a mill complex in a given location involving more than one unit of equipment.

(d) The director shall issue to the applicant a permanent registration number assigned to the mill ***or wood concentration yard*** described in the application together with a sign or plate denoting such registration number, to be displayed in a conspicuous place at the mill ***or wood concentration yard***.

III. The director, or duly authorized agent, may, at any time, inspect any primary wood processing mill **or wood concentration yard** to assure compliance with the provisions of this chapter.

IV. Any person who violates any of the provisions of this section or rules adopted under RSA 541-A shall, for the first 30-day period, be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person. Each subsequent 30-day period or part thereof shall constitute a separate offense.

8 Timber Harvesting; Deceptive Forestry Business Practices. Amend RSA 227-J:15, II to read as follows:

II. In this section, "adulterated" means varying from a standard of composition or quality prescribed by any statute providing criminal penalties for such variance, or set by established commercial usage. In this section, "misabeled" means varying from a standard of truth or disclosure in labeling prescribed by any law providing criminal penalties for such variance, or set by established commercial usage. In this section, "scale slip" means a written or printed form or combination of forms which provide an accurate, readily understandable record ~~[of the measurement of the wood to which it relates and is prepared by the person who measured the wood]~~ **containing the species of wood product, board footage of each individual log when the standard unit of measurement is per thousand board feet, or tonnage or cordage when not sold per thousand board feet, gross scale, defect, net scale, date wood was measured, and the name of the party scaling the wood.**

III. A person is guilty of a misdemeanor if, in the course of buying or selling a forest product as defined in RSA 227-G:4, VII, he or she recklessly fails to provide a written contract to the owner, prior to the cutting from the owner's property any forest products which are subject to a notice of intent to cut as defined in RSA 79:10. The contract shall be signed by both parties, specify the remuneration for the forest products to be cut, and the time in which remuneration shall be made.

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

AMENDED ANALYSIS

This bill:

I. Requires all forest rangers hired after January 1, 2005 to complete the preparatory training for full-time police officers established by the police standards and training council and provides that any forest ranger hired before January 1, 2005 shall be certified as a full-time police officer upon successful completion of the preparatory training course.

II. Authorizes the director of the division of forests and lands to regulate entry into, or movement within, the state of any wood product which may cause the introduction or spread of a dangerous insect or disease.

III. Defines and regulates wood concentration yards.

IV. Penalizes the failure to provide a written contract for the purchase or sale of forestry products as a deceptive forestry business practice.

Amendment adopted.

On a division vote, 227 members having voted in the affirmative and 84 in the negative, the committee report was adopted.

Ordered to third reading.

HB 1666-FN-A, authorizing a memorandum of understanding between state and local law enforcement and the United States Department of Homeland Security regarding immigration enforcement and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.** Rep. Kris E. Roberts for the Majority of State-Federal Relations and Veterans Affairs: This bill as written raises far more questions than it answers. The majority of the committee believes that immigration enforcement is a federal government issue. Under current law, any law enforcement officer has the ability to arrest any person for violation of any state or

federal law. They also have the right to hold an individual for immigration violations and then notify Department of Homeland Security for pickup. In most cases Department of Homeland Security will release the individual with future court date. Second, the majority of the committee has concerns with the uncertain fiscal impact of this bill on the state of New Hampshire. While the federal government may fund the tuition cost of the training, the local community in the state still has to fund the salaries of personal undergoing training, along with the cost of overtime. The only way to not pay their costs is create a gap in the police portion. The majority believes this would be an uncertain expense to our general fund in the future. In addition, there is also a fiscal cost to our local communities. If the local law-enforcement officer is doing immigration enforcement, he/she is taken away from his/her primary job. The majority of the committee is not prepared to support the imprecise fiscal consequences of this bill. Third, the bill gives the Department of Safety discretion to enter into a memorandum of understanding with Department of Homeland Security. The majority of the committee believes this is much too broad and would have rather seen more details about what is in this memorandum on the bill. Vote 9-2.

Rep. Lars T. Christiansen for the Minority of State-Federal Relations and Veterans Affairs: Forthcoming federal legislation on local reimbursement funding left questions to be answered. My recommendation of interim study would provide time for such research, but was not accepted by the committee.

Reps. Renzullo and Mirski against.

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

Rep. John Flanders moved the previous question.

Adopted.

Rep. Newton requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 172 NAYS 160			
YEAS 172			
BELKNAP			
Millham, Alida	Morrison, Gail	Nedean, Stephen	Russell, David
CARROLL			
Brown, Carolyn	Buco, Thomas	Knox, J David	Olimpio, J Lisbeth
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Eaton, Daniel	Espieffs, Peter
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon
Weed, Charles			
COOS			
King, Frederick	Mears, Edgar	Merrick, Scott	Theberge, Robert
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland,	Nordgren, Sharon

		Catherine	
Sokol, Hilda	Solomon, Peter	Williams, Burton	
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Brassard, Paul
Campbell, David	Carew, James	Chase, Claudia	Clemons, Jane
Cote, Peter	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Egbers, Fran	Essex, David
Foster, Linda	Gargas, Carolyn	Goley, Jeffrey	Gorman, Mary
Graham, John	Hall, Betty	Harvey, Suzanne	Holden, Randolph
Irwin, Anne-Marie	Jean, Claudette	Jeudy, Jean	Kopka, Angeline
Lasky, Bette	Lefebvre, Roland	Matarazzo, Anthony Sr	Michon, Stephen
Movsesian, Lori	O'Connell, Timothy	Pappas, Christopher	Pilotte, Maurice
Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Smith, David	Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve
Velez, Hector			
MERRIMACK			
Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	Currier, David
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	Lockwood, Priscilla	MacKay, James
Marple, Richard	McMahon, Patricia	Osborne, Jessie	Potter, Frances
Reardon, Tara	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Bishop, Franklin	Brown, C.	Cali-Pitts, Jacqueline	Charron, Gene
Dowling, Patricia	Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila
Gould, Kenneth	Johnson, Robert	Langley, Jane	Moody, Marcia
Norelli, Terie	Palazzo, Frank	Pantelakos, Laura	Parker, Benjamin
Powers, James	Priestley, Anne	Rausch, James	Robertson, Carl
Rolston, James	Sanders, Elisabeth	Serlin, Christopher	Splaine, James
Stone, Joseph	Waterhouse, Kevin	Welch, David	
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Lawrence	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Katherine	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen	Rodeschin, Beverly		
NAYS 160			

BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	Heald, Bruce
Pilliod, James	Rosen, Ralph	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Dickinson, Howard	McConkey, Mark
Merrow, Harry	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
CHESHIRE			
Emerson, Susan	Hunt, John		
COOS			
Buzzell, Bernard	Lary, Bruce	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		
GRAFTON			
Gionet, Edmond	Giuda, Robert	Ingbertson, Paul	Maybeck, Margie
Mirski, Paul	Naro, Debra	Sorg, Gregory	Ward, John
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Brundige, Robert	Buhlman, David
Calawa, Leon Jr	Carter, Mark	Christensen, D L Chris	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian	Dyer, Donald
Elliott, Nancy	Gibson, John	Golding, William	Goyette, Peter Jr
Haley, Robert	Hansen, Ryan	Hawkins, Ken	Hellwig, Steve
Infantine, William	Jasper, Shawn	Johnson, Paula	Kurk, Neal
L'Heureux, Robert	Lawrence, James	Lessard, Rudy	Manney, Pamela
McRae, Karen	Mead, Robert	Messier, Irene	Mooney, Maureen
Moran, Edward	O'Brien, William	Ober, Lynne	Price, Pamela
Renzullo, Andrew	Rowe, Robert	Ryder, Donald	Shaw, Kimberly
Slocum, Lee	Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir
Ulery, Jordan	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Danforth, James	Field, William
Greco, Vincent	Kennedy, Richard	Kidder, David	Klose, John
L'Heureux, Stephen	Langlais, Thomas	Maxfield, Roy	Reed, Dennis
Whiting, Herbert			
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bridle, Russell	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Coburn, James	Cooney, Richard
DiFruscia, Anthony	Dowd, John	Dumaine, Dudley	Fesh, Bob
Forsing, Robert	Garrity, James	Gilbert, Karl	Griffin, Mary

Headd, James	Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell
Introne, Robert	Itse, Daniel	Katsakiores, George	Katsakiores, Phyllis
Lund, Howie	Major, Norman	Mason, April	McKinney, Betsy
McMahon, Charles	Moore, Benjamin	Morris, Richard	Nowe, Ronald
Packard, Sherman	Quandt, Marshall Lee	Quandt, Matthew	Robinson, John
Scamman, Stella	Stiles, Nancy	Weldy, Norman	Wells, Roger
Weyler, Kenneth	Winchell, George	Zolla, William	
STRAFFORD			
Albert, Russell	Bickford, David	Brown, Julie	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Easson, Timothy	Hofemann, Roland
Hollinger, Jeffrey	Newton, Clifford		
SULLIVAN			
Irish, Christopher	Osgood, Philip Sr		

and the majority committee report was adopted.

SPECIAL ORDER - BILLS REMOVED FROM CONSENT CALENDAR

HB 1233-FN, including public officials under the real estate practice act. **INEXPEDIENT TO LEGISLATE**

Rep. Stella Scamman for Commerce: This bill would require public officials to follow the Real Estate Practice Act and have real estate licenses. The committee felt this bill was not necessary. First, there was no testimony of any serious problems. Second, all public officials do take an oath of ethics to hold office. Third, licensure is not necessary. Training sessions sponsored by such organizations as the New Hampshire Municipal Association can give public officials the background and skills necessary in dealing with real estate issues. Vote 16-1.

Rep. Newton spoke against.

Rep. Stella Scamman spoke in favor.

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

The question being adoption of the committee report.

YEAS 269 NAYS 57			
YEAS 269			
BELKNAP			
Allen, Janet	Fitzgerald, James	Heald, Bruce	Millham, Alida
Morrison, Gail	Nedeau, Stephen	Pilliod, James	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Morrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			
CHESHIRE			

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espiefs, Peter	Hunt, John	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Sawyer, Sheldon	Weed, Charles	
COOS			
King, Frederick	Lary, Bruce	Mears, Edgar	Merrick, Scott
Remick, William	Richardson, Herbert	Stohl, Eric	Theberge, Robert
Tholl, John Jr			
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	Maybeck, Margie	McLeod, Martha	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Sorg, Gregory	Ward, John	Williams, Burton	
HILLSBOROUGH			
Baroody, Benjamin	Batula, Peter	Beaulieu, Jane	Bergin, Peter
Biundo, Michael	Brassard, Paul	Brundige, Robert	Calawa, Leon Jr
Carew, James	Carter, Mark	Chase, Claudia	Cote, Peter
Coughlin, Pamela	Craig, James	Daniuk, Caitlin	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Dyer, Donald
Egbers, Fran	Essex, David	Foster, Linda	Gargasz, Carolyn
Golding, William	Goley, Jeffrey	Gorman, Mary	Graham, John
Hall, Betty	Hansen, Ryan	Harvey, Suzanne	Hawkins, Ken
Infantine, William	Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette
Jeudy, Jean	Johnson, Paula	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	Lasky, Bette	Lefebvre, Roland	Lessard, Rudy
Manney, Pamela	Matarazzo, Anthony Sr	McRae, Karen	Messier, Irene
Michon, Stephen	Mooney, Maureen	Moran, Edward	Movsesian, Lori
O'Connell, Timothy	Ober, Lynne	Pappas, Christopher	Price, Pamela
Rosenwald, Cindy	Ryder, Donald	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Smith, David	Souza, Kathleen
Stepanek, Stephen	Sullivan, Peter	Tahir, Saghir	Vaillancourt, Steve
Velez, Hector	Wheeler, Robert		
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	Danforth, James	DeJoie, John	DeStefano, Stephen
Foose, Robert	French, Barbara	Gile, Mary	Greco, Vincent
Hamm, Christine	Kidder, David	Klose, John	L'Heureux, Stephen
Langlais, Thomas	Lockwood, Priscilla	MacKay, James	Marple, Richard
Maxfield, Roy	McMahon, Patricia	Osborne, Jessie	Potter, Frances
Reardon, Tara	Reed, Dennis	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Williams, Robert	Yeaton, Charles		

ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bicknell, Elbert	Bridle, Russell
Brown, C.	Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline
Casey, Kimberley	Charron, Gene	Coburn, James	Cooney, Richard
Dowd, John	Dowling, Patricia	Fesh, Bob	Flanders, John Sr
Flockhart, Eileen	Forsing, Robert	Francoeur, Sheila	Gould, Kenneth
Griffin, Mary	Headd, James	Hughes, Daniel	Ingram, Russell
Introne, Robert	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Major, Norman	Mason, April	McKinney, Betsy
McMahon, Charles	Moore, Benjamin	Morris, Richard	Norelli, Terie
Packard, Sherman	Palazzo, Frank	Pantelakos, Laura	Parker, Benjamin
Powers, James	Priestley, Anne	Robertson, Carl	Robinson, John
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Serlin, Christopher
Splaine, James	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Welch, David	Weldy, Norman	Wells, Roger	Winchell, George
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Cataldo, Sam	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Dunlap, Patricia	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Katherine	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Osgood, Philip Sr	Phinizy, James
Prichard, Stephen	Rodeschin, Beverly		
NAYS 57			
BELKNAP			
Boyce, Laurie			
CARROLL			
None			
CHESHIRE			
None			
COOS			
Buzzell, Bernard			
GRAFTON			
Gionet, Edmond	Giuda, Robert	Ingbretson, Paul	Mirski, Paul
HILLSBOROUGH			

Adams, Jarvis IV	Balboni, Michael	Bergeron, Jean-Guy	Boehm, Ralph
Buhlman, David	Campbell, David	Christensen, D L Chris	Clark, Mark
Crane, Elenore Casey	Elliott, Nancy	Gibson, John	Goyette, Peter Jr
Hellwig, Steve	Holden, Randolph	Lawrence, James	Mead, Robert
O'Brien, William	Renzullo, Andrew	Rowe, Robert	Slocum, Lee
Ulery, Jordan	Villeneuve, Maurice	Wheeler, James	
MERRIMACK			
Anderson, Eric	Field, William	Kennedy, Richard	Whiting, Herbert
ROCKINGHAM			
Bettencourt, David	Bishop, Franklin	Camm, Kevin	Carson, Sharon
DiFruscia, Anthony	Dumaine, Dudley	Garrity, James	Hopfgarten, Paul
Itse, Daniel	Lund, Howie	Moody, Marcia	Nowe, Ronald
Quandt, Marshall Lee	Quandt, Matthew	Weyler, Kenneth	Zolla, William
STRAFFORD			
Albert, Russell	Campbell, W Packy	Chaplin, Duncan	Easson, Timothy
Hollinger, Jeffrey	Newton, Clifford		
SULLIVAN			
Converse, Larry	Irish, Christopher		

and the committee report was adopted.

The House recessed at 12:05 p.m.

RECESS

(Deputy Speaker Weyler in the Chair)

The House reconvened at 1:25 p.m.

SPECIAL ORDER – BILLS REMOVED FROM CONSENT CALENDAR (CONT'D.)

HB 1399, relative to the compensation paid to directors or officers of a charitable trust.

INEXPEDIENT TO LEGISLATE

Rep. Stephen T. Pelkey for Commerce: Setting percentage limitations on salaries of presidents and CEO's of charitable trusts is a violation of the 14th Amendment as stated by the Attorney General's office. Additionally, the Internal Revenue Service looks closely at reasonable compensation paid to directors and officers through 990 reporting of charitable trusts. Most of the testimony in support of this bill was focused primarily on the perceived high compensation paid to presidents and CEO's of hospitals which were within national averages for these positions to assume responsibility to manage budgets as high as 500 million dollars. Vote 15-2.

Rep. Cady spoke against.

Rep. McLeod spoke in favor.

On a division vote, 249 members having voted in the affirmative and 61 in the negative, the committee report was adopted.

(Speaker Scamman in the Chair)

HB 1137, relative to criminal trespass. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill attempts to make legal an action that was ruled unconstitutional by a district court judge. During testimony, the Attorney General's representative said these were serious constitutional questions. A further unintended consequence was pointed out in that if a person was arrested and convicted under the provisions of this bill, as soon as they were released they would be subject to immediate re-arrest ad infinitum. Vote 14-2.

Rep. Renzullo spoke against.

Rep. Stevens spoke in favor and yielded to questions.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Renzullo requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 225 NAYS 105			
YEAS 225			
BELKNAP			
Fitzgerald, James	Millham, Alida	Morrison, Gail	Nedeau, Stephen
Pilliod, James	Russell, David	Veazey, John	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Knox, J David	Martin, James	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Eaton, Daniel	Espieffs, Peter
Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna	Weed, Charles
COOS			
King, Frederick	Lary, Bruce	Mears, Edgar	Merrick, Scott
Stohl, Eric	Theberge, Robert	Tholl, John Jr	
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Ham, Bonnie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Brassard, Paul
Campbell, David	Chase, Claudia	Christensen, D L	Cote, Peter

		Chris	
Coughlin, Pamela	Craig, James	Daniuk, Caitlin	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Egbers, Fran
Essex, David	Foster, Linda	Francoeur, Bea	Gargasz, Carolyn
Golding, William	Goley, Jeffrey	Gorman, Mary	Graham, John
Hall, Betty	Harvey, Suzanne	Holden, Randolph	Irwin, Anne-Marie
Jean, Claudette	Jeudy, Jean	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	Lasky, Bette	Lefebvre, Roland	Matarazzo, Anthony Sr
Messier, Irene	Michon, Stephen	Mooney, Maureen	Moran, Edward
Movsesian, Lori	O'Connell, Timothy	Pilote, Maurice	Price, Pamela
Reeves, Sandra	Rosenwald, Cindy	Ryder, Donald	Scanlon, Michael
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Smith, David	Sullivan, Francis	Sullivan, Peter	Tahir, Saghir
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, Robert	
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Hamm, Christine	Kidder, David
Klose, John	L'Heureux, Stephen	Lockwood, Priscilla	MacKay, James
Marple, Richard	Maxfield, Roy	McMahon, Patricia	Osborne, Jessie
Potter, Frances	Reardon, Tara	Reed, Dennis	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Wallner, Mary Jane
Walz, Mary Beth	Whiting, Herbert	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Belanger, Ronald	Bridle, Russell	Brown, C.	Buxton, Donald
Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene	Cooney, Richard
DiFruscia, Anthony	Dowd, John	Fesh, Bob	Flanders, John Sr
Flockhart, Eileen	Francoeur, Sheila	Gould, Kenneth	Griffin, Mary
Ingram, Russell	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Major, Norman	Mason, April	McKinney, Betsy
Moody, Marcia	Norelli, Terie	Packard, Sherman	Pantelakos, Laura
Parker, Benjamin	Powers, James	Priestley, Anne	Rausch, James
Robertson, Carl	Robinson, John	Rolston, James	Sanders, Elisabeth
Scamman, Stella	Serlin, Christopher	Splaine, James	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Welch, David	Wells, Roger
Weyler, Kenneth	Winchell, George	Zolla, William	
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Lawrence
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Hilliard, Dana	Hollinger, Jeffrey	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Taylor, Kathleen
Wall, Janet			
SULLIVAN			
Cloutier, John	Donovan, Thomas	Franklin, Peter	Houde-Quimby, Charlotte

Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen	Rodeschin, Beverly
NAYS 105			
BELKNAP			
Allen, Janet	Boyce, Laurie	Heald, Bruce	Rosen, Ralph
Thomas, John	Tilton, Franklin	Tobin, William	Wendelboe, Fran
CARROLL			
Babson, David Jr	Dickinson, Howard	McConkey, Mark	Merrow, Harry
CHESHIRE			
Emerson, Susan			
COOS			
Buzzell, Bernard	Remick, William	Richardson, Herbert	
GRAFTON			
Gionet, Edmond	Giuda, Robert	Ingbretson, Paul	Maybeck, Margie
Mirski, Paul	Naro, Debra	Sorg, Gregory	Ward, John
Williams, Burton			
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Brundige, Robert	Buhlman, David
Calawa, Leon Jr	Carew, James	Carter, Mark	Clark, Mark
Crane, Elenore Casey	Dyer, Donald	Elliott, Nancy	Gibson, John
Goyette, Peter Jr	Haley, Robert	Hansen, Ryan	Hawkins, Ken
Hellwig, Steve	Hirschmann, Keith	Infantine, William	Jasper, Shawn
Johnson, Paula	Lawrence, James	Lessard, Rudy	McRae, Karen
Mead, Robert	O'Brien, William	Ober, Lynne	Renzullo, Andrew
Rowe, Robert	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Ulery, Jordan	Wheeler, James		
MERRIMACK			
Anderson, Eric	Danforth, James	Field, William	Greco, Vincent
Kennedy, Richard	Langlais, Thomas	Soltani, Tony	
ROCKINGHAM			
Allen, Mary	Bettencourt, David	Bicknell, Elbert	Bishop, Franklin
Cady, Harriet	Camm, Kevin	Carson, Sharon	Coburn, James
Dumaine, Dudley	Forsing, Robert	Garrity, James	Gilbert, Karl
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Introne, Robert
Itse, Daniel	Lund, Howie	McMahon, Charles	Nowe, Ronald
Palazzo, Frank	Quandt, Marshall Lee	Quandt, Matthew	Weldy, Norman
STRAFFORD			

Albert, Russell	Brown, Julie	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Hofemann, Roland	Newton, Clifford	
SULLIVAN			
Converse, Larry	Gale, Harry	Irish, Christopher	Osgood, Philip Sr

and the committee report was adopted.

HB 1354, relative to physical force in defense of a person. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill purposely removes the duty to retreat in the face of an attack. RSA 627:A as currently written already sufficiently covers this concern. The duty to retreat does not occur if you are within your dwelling or its curtilage or, if any other place, where you can do so with complete safety. This bill also would create a presumption that an attacker intended to cause serious bodily injury. This raises many concerns and could result in unintended consequences. Vote 13-3. Rep. Dickinson spoke against and yielded to questions. Rep. Kennedy spoke against.

MOTION TO SPECIAL ORDER

Rep. Robert Wheeler moved that **HB 1354**, relative to physical force in defense of a person, be made a Special Order for Thursday, March 9, 2006. Adopted.

HB 1736-FN-L, relative to tuition payments made to charter schools. **INEXPEDIENT TO LEGISLATE**

Rep. Michael A. Balboni for Education: The purpose of this bill, to authorize the Dept. of Education to send tuition money directly to state-approved charter schools instead of through a local school district, and to authorize the state treasurer to distribute these adequate education grants from the Education Trust Fund, has already been incorporated into HB 76 that passed the House and is now in the Senate. Therefore, there is no longer a need to pass this bill. Vote 15-0.

MOTION TO LAY ON THE TABLE

Rep. Lars Christiansen moved that **HB 1736-FN-L**, relative to tuition payments made to charter schools, be laid on the table, and the motion failed.

The question now being adoption of the committee report.
Committee report adopted.

**SPECIAL ORDER- BILLS REMOVED FROM CONSENT
CALENDAR (CONT'D)**

HB 1481, establishing a moratorium period for lobbying by certain state officers. **REFER FOR INTERIM STUDY**

Rep. Richard B. Drisko for Election Law: This bill would amend RSA 15:1-a by extending the moratorium period on allowing former state officials or employees to become lobbyists. The bill expands the definition of affected employees and public officials. The committee is concerned that the bill as written has the potential to unfairly limit employment opportunities for certain individuals after they complete a period of service to the state. The committee felt that the issue should be subjected to additional review. In addition, some of the content of the bill was considered in SB 206. Vote 13-4. Reps. Peter Sullivan and Soltani spoke against.

Rep. Whalley spoke in favor.

Rep. John Flanders moved the previous question.

Adopted.

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

The question being adoption of the committee report.

YEAS 201 NAYS 132			
YEAS 201			
BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	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	Dickinson, Howard
Knox, J David	Martin, James	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
CHESHIRE			
Emerson, Susan	Hogancamp, Deborah	Hunt, John	Parkhurst, Henry
Sawyer, Sheldon			
COOS			
King, Frederick	Lary, Bruce	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Maybeck, Margie	McLeod, Martha	Mirski, Paul	Nordgren, Sharon
Solomon, Peter	Sorg, Gregory	Ward, John	Williams, Burton
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Bergin, Peter
Biundo, Michael	Boehm, Ralph	Brundige, Robert	Buhlman, David
Campbell, David	Carew, James	Carter, Mark	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	Daniuk, Caitlin	Desmarais, Vivian
Drisko, Richard	Elliott, Nancy	Francoeur, Bea	Gargasz, Carolyn
Golding, William	Gonzalez, Carlos	Graham, John	Hansen, Ryan
Hawkins, Ken	Infantine, William	Jasper, Shawn	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Lawrence, James	Lefebvre, Roland
Lessard, Rudy	McRae, Karen	Mead, Robert	Messier, Irene
Mooney, Maureen	Moran, Edward	O'Brien, William	O'Connell, Timothy
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Scanlon, Michael	Schulze, Joan	Slocum, Lee

Smith, David	Stepanek, Stephen	Tahir, Saghir	Villeneuve, Maurice
Wheeler, James	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Brueggemann, Donald	Currier, David
Danforth, James	Field, William	Kennedy, Richard	Kidder, David
Klose, John	L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla
MacKay, James	Marple, Richard	Maxfield, Roy	Osborne, Jessie
Reardon, Tara	Reed, Dennis	Whiting, Herbert	
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bridle, Russell	Buxton, Donald	Cady, Harriet	Camm, Kevin
Carson, Sharon	Casey, Kimberley	Charron, Gene	Coburn, James
Cooney, Richard	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Gould, Kenneth	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Ingram, Russell	Introne, Robert	Itse, Daniel
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Lund, Howie
Major, Norman	Mason, April	McKinney, Betsy	McMahon, Charles
Morris, Richard	Nowe, Ronald	Packard, Sherman	Palazzo, Frank
Parker, Benjamin	Priestley, Anne	Rausch, James	Robertson, Carl
Robinson, John	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weldy, Norman	Wells, Roger	Weyler, Kenneth	Winchell, George
Zolla, William			
STRAFFORD			
Albert, Russell	Bickford, David	Brown, Jennifer	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Domingo, Baldwin	Dunlap, Patricia
Easson, Timothy	Hollinger, Jeffrey	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Newton, Clifford	Rollo, Michael	Wall, Janet
SULLIVAN			
Ferland, Brenda	Gale, Harry	Irish, Christopher	Osgood, Philip Sr
Rodeschin, Beverly			
NAYS 132			
BELKNAP			
Morrison, Gail			
CARROLL			
Buco, Thomas			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter
Mitchell, Bonnie	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara

Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Theberge, Robert
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	Ingbretson, Paul
Mulholland, Catherine	Sokol, Hilda		
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergeron, Jean-Guy	Brassard, Paul
Chase, Claudia	Cote, Peter	Craig, James	DeVries, Betsi
Dokmo, Cynthia	Dyer, Donald	Egbers, Fran	Essex, David
Foster, Linda	Gibson, John	Goley, Jeffrey	Gorman, Mary
Goyette, Peter Jr	Haley, Robert	Hall, Betty	Harvey, Suzanne
Hellwig, Steve	Hirschmann, Keith	Holden, Randolph	Irwin, Anne-Marie
Jean, Claudette	Jeudy, Jean	Johnson, Paula	Lasky, Bette
Matarazzo, Anthony Sr	Michon, Stephen	Movsesian, Lori	Ober, Lynne
Pappas, Christopher	Pilotte, Maurice	Rosenwald, Cindy	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Souza, Kathleen	Sullivan, Francis
Sullivan, Peter	Ulery, Jordan	Vaillancourt, Steve	
MERRIMACK			
Bouchard, Candace	Clarke, Claire	DeJoie, John	DeStefano, Stephen
Foose, Robert	French, Barbara	Gile, Mary	Greco, Vincent
Hamm, Christine	McMahon, Patricia	Potter, Frances	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Soltani, Tony	Tilton, Joy
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Brown, C.	Cali-Pitts, Jacqueline	DiFruscia, Anthony	Dowling, Patricia
Flockhart, Eileen	Langley, Jane	Moody, Marcia	Norelli, Terie
Pantelakos, Laura	Powers, James	Quandt, Marshall Lee	Quandt, Matthew
Serlin, Christopher	Splaine, James	Stiles, Nancy	
STRAFFORD			
Berube, Roger	Brown, Julie	Brown, Lawrence	Cilley, Jacalyn
Creteau, Irene	Hilliard, Dana	Hofemann, Roland	Knowles, William
Miller, Joseph	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Kathleen		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen

and the committee report was adopted.

HB 1216, relative to the sale of unpasteurized milk. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jane E. Beaulieu for Environment and Agriculture: This bill is a matter of choice. Unpasteurized milk and milk products may be sold and served only if such milk products are clearly labeled as unpasteurized similar to the labeling of unpasteurized apple cider. All dairy farmers will continue to follow all rules and regulations set forth by the Department of Agriculture and the Department of Health and Human Services. The Commissioner may adopt rules pursuant to RSA 541-A relative to the manufacturer, labeling and the sale of milk and milk products in New Hampshire. Vote 13-0.

Amendment (1223h)

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

1 Pasteurization. RSA 184:30-a is repealed and reenacted to read as follows:

184:30-a Pasteurization of Milk and Milk Products Not Required.

I. Unpasteurized milk and milk products may be sold, offered for sale, and served only if such milk and products are clearly labeled as unpasteurized and such label is clearly displayed. The commissioner may adopt rules pursuant to RSA 541-A, relative to the manufacture, labeling, and sale of milk and milk products in New Hampshire.

II. The provision of paragraph I shall not prohibit the sale, within the state, of cheese made from raw milk when such cheese has been aged a minimum of 60 days at a temperature above 35 degrees fahrenheit, and is clearly labeled as unpasteurized.

2 Original Containers. Amend RSA 184:30-b to read as follows:

184:30-b Original Containers. It shall be unlawful for any fixed and mobile restaurant; coffee shop; cafeteria; short-order cafe; luncheonette; grille; soda fountain; tearoom; cocktail lounge; roadside stand; hospital and other institution; industrial feeding establishment; school; private organization routinely serving the public; catering kitchen; commissary or similar places in which food is prepared for sale or for service on the premises or elsewhere, or any eating or drinking establishment where food is served to or provided for the public with or without charge to sell or serve milk or fluid milk products unless ~~[pasteurized and]~~ in the original individual containers **and clearly marked as pasteurized or unpasteurized** in which they were packaged at the milk plant.

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

AMENDED ANALYSIS

This bill allows the sale of unpasteurized milk if such milk and milk products are clearly labeled as unpasteurized.

This bill is a request of the department of health and human services.

Rep. Pilliod spoke against.

Rep. Sawyer spoke in favor and yielded to questions.

On a division vote, 213 members having voted in the affirmative and 110 in the negative, the committee amendment was adopted.

Committee report adopted and ordered to third reading.

(Deputy Speaker Weyler in the Chair)

HB 1534, relative to maintaining construction and demolition debris as a solid waste.

OUGHT TO PASS

Rep. James F. Powers for Environment and Agriculture: This bill regulates the wood component of construction and demolition waste as a solid waste thereby ensuring that there will be proper control and oversight of wood waste products that contain or are treated with toxic pollutants. The committee was unanimous in its opinion that care should be taken in handling such wood debris, particularly as much of it is being imported from out of state. Salvaged materials and items, such as doors, wood frames, window frames, and other wood products, as well as reusable dimensional lumber from dismantling or deconstructing buildings and structures are not affected by this classification. Vote 18-0.

Rep. Slocum spoke against and yielded to questions.

Rep. Itse spoke against.

Rep. Phinizy spoke in favor

On a division vote, 216 members having voted in the affirmative and 97 in the negative, the committee report was adopted.

Ordered to third reading.

MOTION TO SPECIAL ORDER

Rep. Bergin moved that **HB 1616**, establishing a performance measurement system for state agencies, be made a Special Order to its regular place on the calendar for March 9, 2006.

Adopted.

HB 1129, relative to eminent domain. **REFER FOR INTERIM STUDY**

Rep. Maureen C. Mooney for Judiciary: This bill proposes a statutory definition for “public use” in New Hampshire law. The committee noted that this bill closely resembles HB 1254 and SB 287 and therefore recommended Interim Study. The sponsor agreed to this recommendation. Vote 17-0.

Rep. Villeneuve spoke against.

Rep. Mooney spoke in favor.

Committee report adopted.

(Speaker Scamman in the Chair)

HB 1510, relative to leave of absences to serve as a legislator. **INEXPEDIENT TO LEGISLATE**

Rep. Sharon M. Carson for Labor, Industrial and Rehabilitative Services: This bill tries to establish a procedure for leaves of absence in order to be a candidate for and, if elected, serve as a legislator in the New Hampshire General Court. The committee understood the intent of this bill, which was to encourage participation in our governmental process, but determined the bill as written to be a burden to the employer with many unintended consequences. Concerns about encouraging citizen participation can be addressed in Interim Study on HB 1133, Establishing the Employee Civic Duty Act. Vote 10-4.

Rep. Cali-Pitts spoke against.

Rep. Bridle spoke in favor.

Committee report adopted.

CACR 33, relating to the number of members of the senate and senatorial districts.

Providing that the senate shall consist of 30 members with 3 elected at large from each district and that senate districts shall conform to county boundaries. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Legislative Administration: The sponsor’s intent was to increase representation for the North Country. Unfortunately, the United States Supreme Court would rule that it violates the one-man one vote rule and it would be struck down. The sponsor wanted the committee to pass it anyway, but the committee is reluctant to take on an expensive and ultimately futile effort. Vote 9-0.

Rep. Buzzell spoke against.

Rep. Hunt spoke in favor.

On a division vote, 259 members having voted in the affirmative and 40 in the negative, the committee report was adopted.

REGULAR CALENDAR 3-08-06

CACR 41, relating to representative districts. Providing that representative districts shall be apportioned according to specified standards. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard B. Drisko for Election Law: The long standing tradition in New Hampshire is

to have as many small representative districts as possible so as to best represent all the people of New Hampshire. This CACR, as amended, will allow the legislature to use flotarial districts as used in the past without question or challenges in the courts. This will make sure that our state will have as many small house districts as possible. Vote 16-0.

Amendment (1162h)

Amend paragraph I of the resolution by replacing it with the following:

I. That the second part of the constitution be amended by replacing article 11 with the following:

[Art.] 11. [Small Towns; Representation by Districts.] When the population of any town or ward, according to the last federal census, is within a reasonable deviation from the ideal population for one or more representative seats the town or ward shall have its own district of one or more representative seats. The apportionment shall not deny any other town or ward membership in one non-flotarial representative district. When any town, ward, or unincorporated place has fewer than the number of inhabitants necessary to entitle it to one representative, the legislature shall form those towns, wards, or unincorporated places into representative districts which contain a sufficient number of inhabitants to entitle each district so formed to one or more representatives for the entire district. In forming the districts, the boundaries of towns, wards, and unincorporated places shall be preserved and contiguous. The excess number of inhabitants of a district may be added to the excess number of inhabitants of other districts to form at-large or flotarial districts conforming to acceptable deviations. The legislature shall form the representative districts at the regular session following every decennial federal census.

Amend paragraph IV of the resolution by replacing it with the following:

IV. That the wording of the question put to the qualified voters shall be:
“Are you in favor of amending the second part of the Constitution by amending article 11 to read as follows:

[Art.] 11. [Small Towns; Representation by Districts.] When the population of any town or ward, according to the last federal census, is within a reasonable deviation from the ideal population for one or more representative seats the town or ward shall have its own district of one or more representative seats. The apportionment shall not deny any other town or ward membership in one non-flotarial representative district. When any town, ward, or unincorporated place has fewer than the number of inhabitants necessary to entitle it to one representative, the legislature shall form those towns, wards, or unincorporated places into representative districts which contain a sufficient number of inhabitants to entitle each district so formed to one or more representatives for the entire district. In forming the districts, the boundaries of towns, wards, and unincorporated places shall be preserved and contiguous. The excess number of inhabitants of a district may be added to the excess number of inhabitants of other districts to form at-large or flotarial districts conforming to acceptable deviations. The legislature shall form the representative districts at the regular session following every decennial federal census.”

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that when a town or ward has enough inhabitants to equal or exceed the number required for one representative seat, it shall have its own district. The legislature shall form towns, wards, or unincorporated places with fewer than the number of inhabitants necessary for a representative seat into districts entitled to one or more representatives. Excess population may be combined with other contiguous districts to allow for additional at-large or flotarial representatives.

Amendment adopted.

On a division vote, 256 members having voted in the affirmative and 55 in the negative, the committee report was adopted by the constitutionally required three-fifths vote.

Ordered to third reading.

CACR 30, relating to limits on the taking of private property. Providing that eminent domain shall not be used to transfer ownership of real property for private use or economic development. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Maureen C. Mooney for the Majority of Judiciary: In the well-publicized case of *Kelo et al. v. City of New London and New London Development Corp.*, 125 S.Ct. 2655 (2005), the U.S. Supreme Court held that private property may be taken by eminent domain and transferred to private developers solely to promote economic development. CACR 30 is a direct response to the *Kelo* decision. New Hampshire citizens were justifiably concerned that the Supreme Court had defined "public purpose" so broadly as to render meaningless the existing property protections found in our State Constitution and the jurisprudence of our New Hampshire Supreme Court. In prior cases, the New Hampshire Supreme Court has interpreted the constitution as allowing an uncertain and amorphous "balancing test" for "economic development" takings. *Kelo* has simply rendered that "balancing test" meaningless. It has set the bar so low as to ensure that property owners will never be able to stop, protest or obtain meaningful judicial review of a governmental entity's decision to take that citizen's property and immediately transfer it to enrich a wealthier or more politically influential private developer. CACR 30 is a legislative answer to these real concerns. Part I, Art. 2 of the New Hampshire Constitution lists "natural rights" which are "natural, essential and inherent" to citizens. Among those rights is "acquiring, possessing and protecting property." New Hampshire citizens want and deserve a chance to vote on whether to restore the fundamental property protections the U.S. Supreme Court stripped away in *Kelo*. CACR 30 will restore the original and common understanding that private property cannot be taken by eminent domain for anything other than use by a political subdivision, state-regulated public utility or common carrier, or when the taking is necessary for the ownership or the use of the property by the public at large (i.e., not for the private profit of private developers). The language of the amended CACR also mirrors SB 287, which comprehensively defines "public use" in the statutes. SB 287 recently passed in the Senate 24-0. Additionally, if approved by the voters, this amendment will be in its own new Article 12-a, so as to preserve the original 1784 language of Article 12, which addresses taxation, as well as property rights. We believe that we have an obligation to allow the citizens of New Hampshire to vote to affirm that *Kelo*-like takings were not, are not, and will never be, the New Hampshire way. As legislators, we took a solemn oath to support and defend the Constitutions of the State of New Hampshire and the United States of America. When an event such as *Kelo* so threatens and undermines our long-standing, common understanding of what the government can and can not do to the citizens through the use of the eminent domain power, support for CACR 30 is the only appropriate response. Vote 11-9.

Rep. Bette R. Lasky for the Minority of Judiciary: The bipartisan minority of the Judiciary Committee feels very strongly in protecting our citizens' ownership of property. The NH Constitution says in Part I, Art.12 that "... no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people." NH statutes and judicial decision have been consistent in the protection of private property rights as well. Also, the Senate has just addressed SB 287-FN with a resounding vote of 24-0 which further clarifies the term "public use" and makes the possibility of a "*Kelo vs. New London*" decision here even more remote. The minority feels a change in the constitution is premature. Additionally, there is legislation pending to form a study committee to review our existing eminent domain laws. The minority believes this should be place before we make any change in our constitution.

Majority Amendment (0982h)

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

RELATING TO: limits on the taking of private property.

PROVIDING THAT: eminent domain shall not be used to transfer real property from one owner to another on the grounds that private use of the land will benefit the public. Property may be taken by the state only when necessary for the enjoyment of the land by the public at large.

Amend paragraph I of the resolution by replacing it with the following:

I. That the first part of the constitution be amended by inserting after article 12 the following new article:

[Art.] 12-a [Power to Take Property Limited.] The power of eminent domain shall not include taking property from one owner and transferring it to another on the grounds that the public will benefit from development or other private use of the property. Private property may be taken by the state, a political subdivision, or a state regulated public utility or common carrier, only when necessary for the ownership or use of the property by the public at large.

Amend paragraph IV of the resolution by replacing it with the following:

IV. That the wording of the question put to the qualified voters shall be: "Are you in favor of amending the first part of the constitution by inserting a new article 12-a to provide that private property can only be taken as follows:

[Art.] 12-a [Power to Take Property Limited.] The power of eminent domain shall not include taking property from one owner and transferring it to another on the grounds that the public will benefit from development or other private use of the property. Private property may be taken by the state, a political subdivision, or a state regulated public utility or common carrier, only when necessary for the ownership or use of the property by the public at large."

AMENDED ANALYSIS

This constitutional amendment concurrent resolution prohibits the use of eminent domain on the grounds that private development will benefit the public. Eminent domain may be used by the state only when necessary for the ownership or use of the property by the public at large.

Rep. DiFruscia spoke against.

Rep. Mooney spoke in favor.

Reps. Rowe and Soltani spoke in favor and yielded to questions.

Majority amendment adopted.

MOTION TO SPECIAL ORDER

Rep. Whalley moved that **CACR 30**, relating to limits on the taking of private property. Providing that eminent domain shall not be used to transfer ownership of real property for private use or economic development, be made a Special Order for Wednesday, March 22, 2006 and spoke in favor.

Motion adopted.

SPECIAL ORDERS -BILLS REMOVED FROM CONSENT CALENDAR (CONT'D)

HB 1757, relative to taxation of renewable generation facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Andrew Renzullo for Municipal and County Government: While the committee may support renewable energy facilities, the burden of their economic viability should not be transferred to the backs of the residential property owner. If the state wished to encourage alternative energy development it should do so with its own funding sources. In addition, the President's State of the Union address spoke of encouraging alternative energy initiatives. Thus the federal incentives should precede any state incentives. It is noted that an amendment was submitted on deadline day. This amendment was sufficiently different from the original bill as to have necessitated a public hearing. Vote 13-1.

Rep. Slocum spoke against.

On a division vote, 198 members having voted in the affirmative and 103 in the negative, the committee report was adopted.

HB 1684-FN, establishing a commission to study the effects of leasing state-owned waterfront property and placing a moratorium on the leasing of state-owned waterfront property. **INEXPEDIENT TO LEGISLATE**

Rep. James B. Rausch for Public Works and Highways: This bill established a commission to study leasing of state owned waterfront property. The committee recognizes that there are existing statutory regulations and an existing process that governs the leasing of these properties. The existing process requires extensive review by the Department of Transportation and then legislative review by the Long Range Capital Planning and Utilization Committee. If approval is granted, the request must additionally go before the Governor and Council for final review and approval. Also, the Council on Resources and Development is required to give advice on the leasing of the property. The committee feels this process is sufficiently comprehensive and that no study committee is necessary to study this process. Vote 13-1.
Committee report adopted.

HB 1506, requiring children 12 years of age or under to wear personal flotation devices. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sandra B. Keans for Resources, Recreation and Development: This bill only increases the age from five to age twelve. The current law is working well for the “little guys” and is a common sense answer for protecting the older child who will now be required to wear a coast guard approved flotation device. Vote 16-0.

Amendment (0771h)

Amend the bill by replacing section 1 with the following:

1 Persons 12 Years of Age or Under. Amend RSA 270:30-a to read as follows:

270:30-a Persons [5] **12** Years of Age or Under. No person operating or in control of a boat or vessel upon the public waters of the state shall transport a child [5] **12** years of age or under unless said child is wearing a personal flotation device of a type approved by the United States Coast Guard; provided, however, boats, vessels, and ships with continuous side rails enclosing the perimeter of the boat, vessel, or ship, 3 feet or more in height and enclosed between the deck and the top of the railing in a way that would reasonably prevent passage of a small child are exempted from the provisions of this section.

AMENDED ANALYSIS

This bill extends the age where children are required to wear a personal flotation device.

Rep. Currier moved to Special order HB 1506 to March 6, 2006.

Motion failed.

Question now being adoption of the committee amendment.

Reps. Keans and David Campbell spoke against.

Rep. Whalley spoke in favor.

On a division vote, 164 members having voted in the affirmative and 135 in the negative, the committee amendment was adopted.

Rep. Whalley offered floor amendment (1311h).

Floor Amendment (1311h)

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

AN ACT relative to personal flotation device requirements for children.

Amend the bill by replacing section 1 with the following:

1 Persons 12 Years of Age or Under. Amend RSA 270:30-a to read as follows:

270:30-a Persons [5] **12** Years of Age or Under.

I. No person operating or in control of a boat or vessel upon the public waters of the state shall transport a child 5 years of age or under unless said child is wearing a personal flotation device of a type approved by the United States Coast Guard; provided, however, boats, vessels, and ships with continuous side rails enclosing the perimeter of the boat, vessel, or ship, 3 feet or more in height and enclosed between the deck and the top of the railing in a way that would reasonably prevent passage of a small child are exempted from the provisions of this ~~section~~ **paragraph**.

II. *No person 12 years of age or under shall operate or be a passenger on a boat or vessel upon the public waters of the state unless such person:*

(a) Is wearing a personal flotation device of a type approved by the United States Coast Guard; or

(b) If the person is between 6 and 12 years of age, is accompanied by a person 18 years of age or older.

AMENDED ANALYSIS

This bill requires that a personal flotation device be worn by certain children when operating a boat or vessel or when unaccompanied by an adult.

Rep. Whalley spoke in favor and yielded to questions.

Reps. Gibson and David Campbell spoke against and yielded to questions.

Rep. Mirski spoke against

Rep. John Flanders moved the previous question.

Adopted.

Rep. Balboni requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (1311h).

YEAS 134 NAYS 172			
YEAS 134			
BELKNAP			
Allen, Janet	Fitzgerald, James	Heald, Bruce	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tobin, William
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Babson, David Jr	Brown, Carolyn	Chandler, Gene	Dickinson, Howard
McConkey, Mark	Merrow, Harry	Patten, Betsey	Stevens, Stanley
CHESHIRE			
Emerson, Susan	Hogancamp, Deborah	Hunt, John	Sawyer, Sheldon
COOS			
King, Frederick	Lary, Bruce	Richardson, Herbert	Stohl, Eric
Tholl, John Jr			
GRAFTON			
Almy, Susan	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Hammond, Lee	Ingbretson, Paul	Sorg, Gregory	Ward, John
HILLSBOROUGH			

Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Boehm, Ralph	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Carter, Mark	Christensen, D L Chris	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Drisko, Richard	Elliott, Nancy	Francoeur, Bea
Golding, William	Graham, John	Hansen, Ryan	Hawkins, Ken
Hellwig, Steve	Hirschmann, Keith	Infantine, William	Kurk, Neal
L'Heureux, Robert	Lawrence, James	Lessard, Rudy	Mead, Robert
Mooney, Maureen	Moran, Edward	O'Connell, Timothy	Ober, Lynne
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rowe, Robert
Slocum, Lee	Souza, Kathleen	Stepanek, Stephen	Ulery, Jordan
Vaillancourt, Steve	Wheeler, James		
MERRIMACK			
Anderson, Eric	Currier, David	Field, William	Kennedy, Richard
Kidder, David	Klose, John	Langlais, Thomas	Maxfield, Roy
Reed, Dennis	Soltani, Tony	Whiting, Herbert	
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bridle, Russell
Buxton, Donald	Cady, Harriet	Camm, Kevin	Coburn, James
Cooney, Richard	Dowd, John	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Francoeur, Sheila	Garrity, James	Griffin, Mary
Hopfgarten, Paul	Ingram, Russell	Itse, Daniel	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	Major, Norman
Mason, April	McKinney, Betsy	McMahon, Charles	Morris, Richard
Nowe, Ronald	Packard, Sherman	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Robinson, John	Sanders, Elisabeth	Waterhouse, Kevin
Weare, E Albert	Wells, Roger	Weyler, Kenneth	Zolla, William
STRAFFORD			
Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan	Easson, Timothy
Keans, Sandra	Newton, Clifford		
SULLIVAN			
None			
NAYS 172			
BELKNAP			
Boyce, Laurie	Millham, Alida	Morrison, Gail	Nedeau, Stephen
Tilton, Franklin			
CARROLL			
Ahlgren, Christopher	Buco, Thomas	Knox, J David	Martin, James
Olimpio, J Lisbeth	Philbrick, Donald		
CHESHIRE			

Butcher, Suzanne	Butynski, William	Dunn, J Timothy	Eaton, Daniel
Espieffs, Peter	Parkhurst, Henry	Plifka, Stanley Jr	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Remick, William
Theberge, Robert			
GRAFTON			
Andersen, Gene	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Ham, Bonnie	Harding, A Laurie	Maybeck, Margie	McLeod, Martha
Mirski, Paul	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Williams, Burton		
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Brassard, Paul
Campbell, David	Carew, James	Chase, Claudia	Cote, Peter
Craig, James	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Dyer, Donald	Egbers, Fran	Essex, David
Foster, Linda	Gibson, John	Gorman, Mary	Goyette, Peter Jr
Hall, Betty	Harvey, Suzanne	Holden, Randolph	Irwin, Anne-Marie
Jasper, Shawn	Jean, Claudette	Kopka, Angeline	Lasky, Bette
Matarazzo, Anthony Sr	Messier, Irene	Michon, Stephen	Movsesian, Lori
Pilotte, Maurice	Rosenwald, Cindy	Ryder, Donald	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Smith, David
Sullivan, Francis	Sullivan, Peter	Villeneuve, Maurice	
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Danforth, James	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Hamm, Christine	Lockwood, Priscilla
MacKay, James	Marple, Richard	McMahon, Patricia	Osborne, Jessie
Potter, Frances	Reardon, Tara	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Asselin, Michael	Brown, C.	Cali-Pitts, Jacqueline	Casey, Kimberley
Charron, Gene	DiFruscia, Anthony	Dowling, Patricia	Dumaine, Dudley
Flockhart, Eileen	Gilbert, Karl	Gould, Kenneth	Hughes, Daniel
Introne, Robert	Langley, Jane	Moody, Marcia	Palazzo, Frank
Pantelakos, Laura	Parker, Benjamin	Powers, James	Priestley, Anne
Robertson, Carl	Rolston, James	Scamman, Stella	Serlin, Christopher
Splaine, James	Stiles, Nancy	Welch, David	Weldy, Norman
Winchell, George			
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence

Cilley, Jacalyn	Creteau, Irene	Dunlap, Patricia	Hilliard, Dana
Hofemann, Roland	Hollinger, Jeffrey	Johnson, Nancy	Kaen, Naida
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	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Osgood, Philip Sr	Phinizy, James	Prichard, Stephen	Rodeschin, Beverly

and floor amendment (1311h) failed.

The question now being adoption of the committee report.

Reps. Hawkins and Mirski spoke against.

Rep. Gibson spoke in favor and yielded to questions.

Rep. David Campbell moved the previous question.

Adopted.

Rep. Balboni requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 168 NAYS 138			
YEAS 168			
BELKNAP			
Heald, Bruce	Millham, Alida	Morrison, Gail	Russell, David
Tilton, Franklin	Tobin, William		
CARROLL			
Ahlgren, Christopher	Knox, J David	Martin, James	Olimpio, J Lisbeth
Philbrick, Donald			
CHESHIRE			
Butcher, Suzanne	Butynski, William	Dunn, J Timothy	Eaton, Daniel
Espiefs, Peter	Parkhurst, Henry	Plifka, Stanley Jr	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Remick, William
Theberge, Robert			
GRAFTON			
Andersen, Gene	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Williams, Burton	
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Campbell, David
Chase, Claudia	Christensen, D L	Cote, Peter	Craig, James

	Chris		
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Dyer, Donald	Egbers, Fran	Essex, David	Foster, Linda
Gibson, John	Gorman, Mary	Goyette, Peter Jr	Hall, Betty
Harvey, Suzanne	Holden, Randolph	Infantine, William	Irwin, Anne-Marie
Jean, Claudette	Kopka, Angeline	L'Heureux, Robert	Lasky, Bette
Matarazzo, Anthony Sr	Messier, Irene	Michon, Stephen	Movsesian, Lori
Pilotte, Maurice	Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Sullivan, Francis	Sullivan, Peter	Villeneuve, Maurice
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Hamm, Christine	Kennedy, Richard
Klose, John	McMahon, Patricia	Osborne, Jessie	Potter, Frances
Reardon, Tara	Reed, Dennis	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Whiting, Herbert	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Asselin, Michael	Brown, C.	Buxton, Donald	Cali-Pitts, Jacqueline
Casey, Kimberley	Cooney, Richard	DiFruscia, Anthony	Dowling, Patricia
Flockhart, Eileen	Forsing, Robert	Garrity, James	Gould, Kenneth
Johnson, Robert	Katsakiores, George	Langley, Jane	Moody, Marcia
Morris, Richard	Pantelakos, Laura	Powers, James	Priestley, Anne
Robertson, Carl	Robinson, John	Rolston, James	Sanders, Elisabeth
Scamman, Stella	Serlin, Christopher	Splaine, James	Weare, E Albert
Weldy, Norman	Weyler, Kenneth	Winchell, George	
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn	Creteau, Irene
Dunlap, Patricia	Hilliard, Dana	Hofemann, Roland	Johnson, Nancy
Keans, Sandra	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Osgood, Philip Sr	Phinizy, James
Prichard, Stephen	Rodeschin, Beverly		
NAYS 138			
BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	Nedeau, Stephen
Pilliod, James	Rosen, Ralph	Thomas, John	Wendelboe, Fran
Whalley, Michael			

CARROLL			
Babson, David Jr	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Dickinson, Howard	McConkey, Mark	Merrow, Harry	Patten, Betsey
Stevens, Stanley			
CHESHIRE			
Emerson, Susan	Hogancamp, Deborah	Hunt, John	Sawyer, Sheldon
COOS			
King, Frederick	Lary, Bruce	Richardson, Herbert	Stohl, Eric
Tholl, John Jr			
GRAFTON			
Almy, Susan	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Ham, Bonnie	Hammond, Lee	Ingbreton, Paul	Maybeck, Margie
Mirski, Paul	Sorg, Gregory	Ward, John	
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Buhlman, David
Calawa, Leon Jr	Carew, James	Carter, Mark	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	Drisko, Richard	Elliott, Nancy
Francoeur, Bea	Golding, William	Graham, John	Hansen, Ryan
Hawkins, Ken	Hellwig, Steve	Hirschmann, Keith	Jasper, Shawn
Kurk, Neal	Lawrence, James	Lessard, Rudy	Mead, Robert
Mooney, Maureen	Moran, Edward	O'Connell, Timothy	Ober, Lynne
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Shaw, Kimberly	Slocum, Lee	Smith, David
Souza, Kathleen	Stepanek, Stephen	Ulery, Jordan	Vaillancourt, Steve
Wheeler, James			
MERRIMACK			
Currier, David	Field, William	Kidder, David	Langlais, Thomas
Lockwood, Priscilla	MacKay, James	Marple, Richard	Maxfield, Roy
Soltani, Tony			
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bridle, Russell	Cady, Harriet	Camm, Kevin	Charron, Gene
Coburn, James	Dowd, John	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Francoeur, Sheila	Gilbert, Karl	Griffin, Mary
Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell	Introne, Robert
Itse, Daniel	Katsakiores, Phyllis	Lund, Howie	Major, Norman
Mason, April	McKinney, Betsy	McMahon, Charles	Nowe, Ronald
Packard, Sherman	Palazzo, Frank	Parker, Benjamin	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Stiles, Nancy	Waterhouse, Kevin
Welch, David	Wells, Roger	Zolla, William	

STRAFFORD			
Campbell, W Packy	Easson, Timothy	Hollinger, Jeffrey	Kaen, Naida
Newton, Clifford			
SULLIVAN			
Ferland, Brenda	Gale, Harry		

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

HB 1582, prohibiting New Hampshire from participating in a national identification card system. **INEXPEDIENT TO LEGISLATE**

Rep. Sherman A. Packard for Transportation: This bill as written, and with two proposed amendments, prevents us from participating in the Real ID Act of 2005. The committee as a whole abhors the Real ID Act. Agreeing with the sponsors for our dislike of this federal legislation we must be realistic about the consequences of our actions if we refuse to participate. The law states that all states driver licenses and non driver identification cards must conform to requirements of Real ID. At present, certain requirements are certain in the law. The Department of Homeland Security has the responsibility to finalize the rule making and expand on any areas not specified in the law. The minimum requirements on a DL/ID card are full legal name, date of birth, gender, DL/ID number, digital photo, address of legal residence, signature, and security features to prevent tampering. A New Hampshire driver's license already conforms to these requirements. There are a number of verification requirements that a DMV must adhere to before issuing a DL/ID. These requirements will be for US citizens and foreign nationals. Real ID doesn't penalize a state by withholding any federal monies if New Hampshire does not comply, but our DL/ID cards will not be accepted by a federal agency. This means anyone boarding an airplane, entrance into a federal court house, social security buildings, medicaid or medicare facilities or entrance into federal parks, national monuments or congressional office buildings. The list has not been finalized by DHS. If our DL/ID cards are not accepted, then any New Hampshire citizen would be required to obtain a passport for federal purposes. Imagine telling a family of two adults and four children that they must have passports to visit Grandma and Grandpa by plane. A passport price is \$95.00. It was suggested that we could pass the law, send a message and then repeal if the Real ID Act was not changed at the federal level. New Hampshire and Kentucky have been chosen as pilot states to start the implementation of Real ID. We have been given a grant of \$3 million. If this bill passes, it prevents us from legally using the money to proceed with changes needed to implement Real ID. IF we send the money back because we refuse to participate in Real ID and then change our minds later, we will have to make a state appropriation that could run into the millions of dollars. The Senate has a resolution condemning Real ID as do many other state legislatures. We hope that if enough states pressure their congressional delegates they will change or repeal the law. We ask that you vote against placing us in the position of having to inform our citizens at some future date that their DL/ID's are not accepted at any federal facility. This could and would cause undue hardships on an unknown number of New Hampshire citizens. Vote 12-1.

Rep. Kurk spoke against.

Rep. Giuda spoke against and yielded to questions.

Rep. Packard spoke in favor and yielded to questions.

Rep. Dickinson requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 84 NAYS 217			
YEAS 84			

BELKNAP			
Fitzgerald, James	Nedean, Stephen	Russell, David	Tilton, Franklin
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Knox, J David	Martin, James
McConkey, Mark	Olimpio, J Lisbeth	Philbrick, Donald	Stevens, Stanley
CHESHIRE			
Butcher, Suzanne	Butynski, William	Hogancamp, Deborah	Hunt, John
Parkhurst, Henry			
COOS			
Lary, Bruce	Remick, William	Stohl, Eric	Tholl, John Jr
GRAFTON			
Bleyler, Ruth	Cooney, Mary	Mulholland, Catherine	Williams, Burton
HILLSBOROUGH			
Baroody, Benjamin	Bergeron, Jean-Guy	Boehm, Ralph	Carter, Mark
Christensen, D L Chris	Dyer, Donald	Gargasz, Carolyn	Golding, William
Gorman, Mary	Graham, John	Lessard, Rudy	O'Brien, William
Pilotte, Maurice	Price, Pamela	Ryder, Donald	Shattuck, Gilman
Slocum, Lee	Sullivan, Francis	Sullivan, Peter	
MERRIMACK			
Brueggemann, Donald	Clarke, Claire	Foose, Robert	Kidder, David
MacKay, James	Potter, Frances	Reardon, Tara	Reed, Dennis
Rush, Deanna	Williams, Robert		
ROCKINGHAM			
Asselin, Michael	Belanger, Ronald	Brown, C.	Buxton, Donald
Cooney, Richard	Dowd, John	Flanders, John Sr	Gould, Kenneth
Griffin, Mary	Johnson, Robert	Katsakiores, George	Major, Norman
McMahon, Charles	Packard, Sherman	Pantelakos, Laura	Parker, Benjamin
Rausch, James	Robinson, John	Rolston, James	Waterhouse, Kevin
Weyler, Kenneth	Winchell, George		
STRAFFORD			
Berube, Roger	Brown, Julie	Hofemann, Roland	Johnson, Nancy
Rous, Emma	Taylor, Kathleen		
SULLIVAN			
Ferland, Brenda	Osgood, Philip Sr		

NAYS 217			
BELKNAP			
Allen, Janet	Boyce, Laurie	Heald, Bruce	Millham, Alida
Morrison, Gail	Pilliod, James	Rosen, Ralph	Thomas, John
Tobin, William	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Babson, David Jr	Buco, Thomas	Chandler, Gene	Dickinson, Howard
Merrow, Harry	Patten, Betsey		
CHESHIRE			
Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Espiefs, Peter
Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sawyer, Sheldon	Tilton, Anna	Weed, Charles	
COOS			
Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Richardson, Herbert	Theberge, Robert		
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Eaton, Stephanie
Gionet, Edmond	Giuda, Robert	Ham, Bonnie	Hammond, Lee
Ingbretson, Paul	Maybeck, Margie	McLeod, Martha	Mirski, Paul
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	Sorg, Gregory
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Beaulieu, Jane
Bergin, Peter	Brassard, Paul	Brundige, Robert	Buhlman, David
Calawa, Leon Jr	Campbell, David	Carew, James	Chase, Claudia
Christiansen, Lars	Clark, Mark	Coughlin, Pamela	Craig, James
Crane, Elenore Casey	Daniuk, Caitlin	Desmarais, Vivian	Dokmo, Cynthia
Drisko, Richard	Egbers, Fran	Elliott, Nancy	Essex, David
Foster, Linda	Francoeur, Bea	Gibson, John	Goyette, Peter Jr
Hall, Betty	Hansen, Ryan	Harvey, Suzanne	Hawkins, Ken
Hellwig, Steve	Hirschmann, Keith	Holden, Randolph	Infantine, William
Irwin, Anne-Marie	Jasper, Shawn	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	Lasky, Bette	Lawrence, James	Matarazzo, Anthony Sr
McRae, Karen	Mead, Robert	Messier, Irene	Mooney, Maureen
Moran, Edward	Movsesian, Lori	O'Connell, Timothy	Ober, Lynne
Reeves, Sandra	Renzullo, Andrew	Rosenwald, Cindy	Rowe, Robert
Schulze, Joan	Shaw, Barbara	Shaw, Kimberly	Smith, David
Souza, Kathleen	Stepanek, Stephen	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, James		
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Danforth, James
DeJoie, John	DeStefano, Stephen	Field, William	French, Barbara

Gile, Mary	Hamm, Christine	Kennedy, Richard	Klose, John
Lockwood, Priscilla	Marple, Richard	Maxfield, Roy	McMahon, Patricia
Osborne, Jessie	Ryan, Jim	Shurtleff, Stephen	Softani, Tony
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Whiting, Herbert	Yeaton, Charles		
ROCKINGHAM			
Allen, Mary	Bettencourt, David	Bicknell, Elbert	Bridle, Russell
Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin	Casey, Kimberley
Charron, Gene	Coburn, James	DiFruscia, Anthony	Dowling, Patricia
Dumaine, Dudley	Fesh, Bob	Flockhart, Eileen	Forsing, Robert
Francoeur, Sheila	Garrity, James	Gilbert, Karl	Hopfgarten, Paul
Ingram, Russell	Introne, Robert	Itse, Daniel	Katsakiores, Phyllis
Langley, Jane	Lund, Howie	Mason, April	McKinney, Betsy
Moody, Marcia	Morris, Richard	Nowe, Ronald	Palazzo, Frank
Powers, James	Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew
Robertson, Carl	Sanders, Elisabeth	Scamman, Stella	Serlin, Christopher
Splaine, James	Stiles, Nancy	Weare, E Albert	Welch, David
Weldy, Norman	Wells, Roger	Zolla, William	
STRAFFORD			
Brown, Jennifer	Brown, Lawrence	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Cilley, Jacalyn	Creteau, Irene	Dunlap, Patricia
Easson, Timothy	Hilliard, Dana	Hollinger, Jeffrey	Kaen, Naida
Keans, Sandra	Newton, Clifford	Rollo, Michael	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Gale, Harry	Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen
Rodeschin, Beverly			

and the committee report failed.

Rep. Kurk moved Ought to Pass.

Motion adopted

Ordered to third reading.

REGULAR CALENDAR

HB 1452-FN, requiring insurance coverage for the cost of testing for bone marrow donation.

OUGHT TO PASS WITH AMENDMENT

Rep. Stephen T. Pelkey for Commerce: This bill requires insurance companies to pay for any insured NH resident for the costs associated with human leukocyte antigen testing, also referred to as histocompatibility locus antigen testing, for A, B, and DR antigens for utilization in bone marrow transplantation. The amendment further allows the testing to be performed in a facility that is accredited by the American Association of Blood Banks or its successors, or the College of American Pathologists, or its successors, or any other national accrediting body with requirements that are substantially equivalent to or more stringent than those of the College of American Pathologists and is licensed under the Clinical Laboratory Improvement Act of 1967. Currently, insurers cover all costs associated with the testing, transplant procedure, search of the donor registry as well as all costs for testing family members of the patient. The majority of the committee feels strongly that this bill

would greatly improve the quality of life of those affected by a variety of cancers. Although not a determinable amount, the cost savings to the insurance industry, finding a donor match in the early stages of diagnosis, may greatly offset the ongoing associated treatment of these diseases. Most importantly, the small amount of money (\$75 per test) is a small price to pay to save just one life. Vote 14-4.

Amendment (0453h)

Amend the bill by replacing sections 1 and 2 with the following:

1 New Section; Coverage for the Cost of Testing for Bone Marrow Donation. Amend RSA 415 by inserting after section 6-k the following new section:

415:6-l Coverage for the Cost of Testing for Bone Marrow Donation. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses, shall provide to certificate holders of such insurance, who are residents of this state, coverage for expenses arising from human leukocyte antigen testing, also referred to as histocompatibility locus antigen testing, for A, B, and DR antigens for utilization in bone marrow transplantation. The testing shall be performed in a facility that is accredited by the American Association of Blood Banks or its successors, or the College of American Pathologists, or its successors, or any other national accrediting body with requirements that are substantially equivalent to or more stringent than those of the College of American Pathologists, and is licensed under the Clinical Laboratory Improvement Act of 1967, 42 U.S.C. section 263a, as amended. At the time of the new testing, the person tested shall complete and sign an informed consent form that also authorizes the results of the test to be used for participation in the National Marrow Donor Program.

2 New Section; Coverage for the Cost of Testing for Bone Marrow Donation. Amend RSA 415 by inserting after section 18-p the following new section:

415:18-q Coverage for the Cost of Testing for Bone Marrow Donation. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for expenses arising from human leukocyte antigen testing, also referred to as histocompatibility locus antigen testing, for A, B, and DR antigens for utilization in bone marrow transplantation. The testing shall be performed in a facility that is accredited by the American Association of Blood Banks or its successors, or the College of American Pathologists, or its successors, or any other national accrediting body with requirements that are substantially equivalent to or more stringent than those of the College of American Pathologists, and is licensed under the Clinical Laboratory Improvement Act of 1967, 42 U.S.C. section 263a, as amended. At the time of the new testing, the person tested shall complete and sign an informed consent form that also authorizes the results of the test to be used for participation in the National Marrow Donor Program.

Amendment adopted.

Committee report adopted and ordered third reading.

RESOLUTION

Rep. Weyler 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 Thursday, March 9, 2006 at 10:00 p.m.
Adopted.

LATE SESSION

Third reading and final passage

HB 1111, designating the pumpkin as the New Hampshire state fruit.

HB 1565, relative to evictions in cases involving incidents of domestic violence.

HB 1761, relative to hold over tenants in vacation or recreational rental units.

HB 1194, relative to job protection for firefighters, rescue workers, and emergency medical personnel.

HB 1343 relative to the duties of the council on resources and development.

HB 1603-FN, relative to administration and enforcement by the division of forests and lands over forest resources and timber harvesting.

HB 1216, relative to the sale of unpasteurized milk.

HB 1534, relative to maintaining construction and demolition debris as a solid waste.

CACR 41, relating to representative districts. Providing that representative districts shall be apportioned according to specified standards.

HB 1506, requiring children 12 years of age or under to wear personal flotation devices.

HB 1582, prohibiting New Hampshire from participating in a national identification card system.

HB 1452-FN, requiring insurance coverage for the cost of testing for bone marrow donation.

UNANIMOUS CONSENT

Rep. Russell moved that the remarks of Rep. Tholl be printed in the Permanent Journal
Adopted.

REMARKS

Rep. Tholl: On March 1st outside of Bagdad, the Humvee in which Sergeant Jose Pequeno was riding came under attack by an IED and RPGs. Sgt. Pequeno suffered severe life-threatening head injuries and is currently in Walter Reed Medical Center in Bethesda, Maryland.

Back in the world, Sergeant Pequeno is a father, husband and my friend, as well as the Chief of Police for the Town of Sugar Hill, New Hampshire. I ask you to remember Jose with your prayers and wishes for his speedy recovery and I would ask for a moment of silence. The Speaker requested that the House stand and observe a moment of silence for Sgt. Pequeno.

RECESS MOTION

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

The House recessed at 6:25 p.m.

RECESS