

HOUSE RECORD

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

Vol. 28

Concord, N.H.

Thursday, March 9, 2006

No. 26

HOUSE JOURNAL No. 8 (cont.)

Wednesday, March 8, 2006

RECESS

(Rep. Brundige in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 406 and 1184.

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

RESOLUTION

Rep. Hogancamp offered the following: RESOLVED, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bill numbered 2006, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 2006, relative to the state 10-year transportation improvement plan. (Chandler, Carr 1: Public Works and Highways)

RECESS

(Speaker Scamman in the Chair)

COMMITTEE ASSIGNMENT

C. Pennington Brown on Public Works and Highways.

RECESS

Rep. Weyler moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 9

Thursday, March 9, 2006

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

Prayer was offered by House Chaplain, Reverend Jared Rardin, Pastor of the South Congregational Church in Concord.

God of real life, help us to know that You are not only a transcendent God of sublime peace and comfort, but that You are also an immanent God, a God who is more than game to walk with us through life's challenges, painful moments, disagreements and unfinished business. The work we do here and in our own lives can be challenging, painful, full of disagreement and even messy at times. Give us the wisdom to trust that You are what is ultimately real. That You are real enough to love us even when we err. Real enough to assure us when life's storms overtake us. Real enough to point the way through the shadows to the light that is true joy.

We offer up our prayers today for blessing upon all those gathered here, and those we know who may be suffering in some fashion today. Grant them hope and healing. We offer up prayers that Your spirit would support Speaker Scamman in his task of leadership. We offer up prayers for our governor and for all those engaged in the leadership of New Hampshire government at all levels. Grant that our work today would honor Your commitment to all those in our care; people of all hues, ages, faiths, languages, abilities, sexual orientations and aspirations. Give them and us, joy in the simple gift of being alive today. This we ask in Your holy name. Amen.

Rep. James F. Powers, member from Portsmouth, led the Pledge of Allegiance.

The National Anthem was sung by Holly Clayman, a sophomore student at Concord High School.

LEAVES OF ABSENCE

Reps. Algren, Nelson Allan, Barker, Barry, MaryAnn Blanchard, Carlson, Chabot, Coates, David Cote, Goodwin, Hebert, Hinkle, Hunter, Jillette, Kobel, Lefebvre, Moore, O'Neil, Owen, Pepino, Putnam, Snyder, and Tahir, the day, illness.

Reps. Abbott, Aguiar, Charles Clark, Daniuk, Dexter, Donald Flanders, Foote, Ginsburg, Greco, Hess, Hutchinson, Kobel, Naro, Norelli, Reardon, Reed, Rochette, Stepanek and Twombly, the day, important business.

Reps. Paula Johnson and Ross, the day, illness in the family.

INTRODUCTION OF GUESTS

Dorothy and Devon Nadeau, niece and great-nephew of Rep. Cilley. Gunnery Sergeant James P. Ulery, Lisa and James Ulery, son, daughter-in-law and grandson of Rep. Ulery, Shawn Joyce, guest of Sheila Francoeur. The 4th grade class from Barnstead Elementary School, guests of the Barnstead delegation. Page for the Day, Brad Wiley, West Running Brook Middle School. Carl Luhrmann, Pam Kelly, Paul Hackel, and Reverend Steve Edington, guests of the House.

MOTION TO VACATE

Rep. Dokmo moved that the House vacate the reference of **SB 253**, relative to enforcement of.

support orders for college and postsecondary educational expenses, to the Committee on Judiciary.

Motion adopted.

The Speaker referred ***SB 253*** to the Committee on Children and Family Law.

MOTION TO LIMIT DEBATE

Rep. Jasper moved that the House limit debate to four minutes for each speaker, excluding question and parliamentary inquiries.

Rep. Chandler spoke against.

Rep. Jasper spoke in favor.

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

The question being adoption of the motion to limit debate.

YEAS 124 NAYS 170			
YEAS 124			
BELKNAP			
Fitzgerald, James	Morrison, Gail	Tilton, Franklin	Tobin, William
Veazey, John			
CARROLL			
Knox, J David	McConkey, Mark	Olimpio, J Lisbeth	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Hogancamp, Deborah	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Weed, Charles
COOS			
Mears, Edgar	Remick, William	Theberge, Robert	
GRAFTON			
Almy, Susan	Andersen, Gene	Cooney, Mary	Eaton, Stephanie
Hammond, Lee	Mulholland, Catherine	Sorg, Gregory	Williams, Burton
HILLSBOROUGH			
Beaulieu, Jane	Boehm, Ralph	Brassard, Paul	Brundige, Robert
Buhlman, David	Carew, James	Carter, Mark	Chase, Claudia
Cote, Peter	DeVries, Betsi	Drisko, Richard	Essex, David
Gargas, Carolyn	Golding, William	Goyette, Peter Jr	Haley, Robert
Hawkins, Ken	Jasper, Shawn	Jean, Claudette	Judy, Jean
Lawrence, James	Lessard, Rudy	Manney, Pamela	Matarazzo, Anthony Sr
McRae, Karen	Michon, Stephen	Mooney, Maureen	Ober, Lynne
Pilotte, Maurice	Ryder, Donald	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Sullivan, Francis	Villeneuve, Maurice	

MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Danforth, James
Foose, Robert	French, Barbara	Langlais, Thomas	Mackay, James
Maxfield, Roy	Osborne, Jessie	Potter, Frances	Walz, Mary Beth
Whiting, Herbert	Williams, Robert		
ROCKINGHAM			
Allen, Mary	Brown, C.	Buxton, Donald	Cali-Pitts, Jacqueline
Charron, Gene	Flanders, John Sr	Flockhart, Eileen	Garrity, James
Gilbert, Karl	Gould, Kenneth	Griffin, Mary	Hopfgarten, Paul
Introne, Robert	Katsakiores, George	Lund, Howie	Major, Norman
Mason, April	McKinney, Betsy	Moody, Marcia	Palazzo, Frank
Pantelakos, Laura	Parker, Benjamin	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Robertson, Carl	Scamman, Stella	Weldy, Norman
Wells, Roger	Weyler, Kenneth	Winchell, George	Zolla, William
STRAFFORD			
Berube, Roger	Brown, Julie	Brown, Lawrence	Callaghan, Frank
Creteau, Irene	Heon, Richard	Johnson, Nancy	Knowles, William
Spang, Judith			
SULLIVAN			
Cloutier, John	Osgood, Philip Sr	Prichard, Stephen	
NAYS 170			
BELKNAP			
Allen, Janet	Boyce, Laurie	Millham, Alida	Nedeau, Stephen
Pilliod, James	Rosen, Ralph	Russell, David	Thomas, John
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Babson, David Jr	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Martin, James	Merrow, Harry	Patten, Betsey
Stevens, Stanley			
CHESHIRE			
Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Hunt, John
Pratt, John	Sawyer, Sheldon	Tilton, Anna	
COOS			
Buzzell, Bernard	King, Frederick	Lary, Bruce	Merrick, Scott
Morneau, Renney	Richardson, Herbert	Stohl, Eric	Tholl, John Jr
GRAFTON			
Benn, Bernard	Bleyler, Ruth	Gionet, Edmond	Giuda, Robert
Maybeck, Margie	McLeod, Martha	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			

HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Calawa, Leon Jr	Christensen, D L Chris	Christiansen, Lars	Clemons, Jane
Coughlin, Pamela	Craig, James	Dokmo, Cynthia	Dyer, Donald
Egbers, Fran	Elliott, Nancy	Foster, Linda	Goley, Jeffrey
Gorman, Mary	Graham, John	Hall, Betty	Harvey, Suzanne
Irwin, Anne-Marie	Kopka, Angeline	Kurk, Neal	L'Heureux, Robert
Lasky, Bette	Mead, Robert	Messier, Irene	Movsesian, Lori
O'Brien, William	O'Connell, Timothy	Pappas, Christopher	Price, Pamela
Renzullo, Andrew	Rosenwald, Cindy	Rowe, Robert	Slocum, Lee
Smith, David	Sullivan, Peter	Ulery, Jordan	Vaillancourt, Steve
Wheeler, James	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Clarke, Claire	DeStefano, Stephen	Field, William
Gile, Mary	Kennedy, Richard	Klose, John	L'Heureux, Stephen
Lockwood, Priscilla	Marple, Richard	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Yeaton, Charles			
ROCKINGHAM			
Asselin, Michael	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bridle, Russell	Cady, Harriet	Camm, Kevin	Carson, Sharon
Casey, Kimberley	Coburn, James	Cooney, Richard	Dalrymple, Janeen
Dowd, John	Doyle, Christopher	Dumaine, Dudley	Fesh, Bob
Forsing, Robert	Francoeur, Sheila	Headd, James	Hughes, Daniel
Ingram, Russell	Johnson, Robert	Langley, Jane	Morris, Richard
Nowe, Ronald	Packard, Sherman	Powers, James	Priestley, Anne
Robinson, John	Rolston, James	Sanders, Elisabeth	Serlin, Christopher
Splaine, James	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Welch, David	Wiley, Robert	
STRAFFORD			
Albert, Russell	Brown, Jennifer	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Cilley, Jacalyn	Dunlap, Patricia	Easson, Timothy
Hofemann, Roland	Hollinger, Jeffrey	Kaen, Naida	Keans, Sandra
Miller, Joseph	Newton, Clifford	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Wall, Janet	
SULLIVAN			
Converse, Larry	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Phinizy, James		

and the motion to limit debate failed.

SPECIAL ORDERS – REGULAR CALENDAR

HB 1707-FN-A-L, establishing a school choice certificate program. **MAJORITY: OUGHT**

TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. W. Packy Campbell for the Majority of Education: This bill is not an indictment or a criticism of public schools. The majority believes that public schools do a good job for most students, but some students can excel in a different educational environment. House Bill 1707 is a constitutional and responsible step that gradually introduces school choice certificates over the next eight years in a manner that makes the certificates proportionately available across the state. The bill is constitutional because the money is spent by the parent. The certificate is made out to the parent and sent to the school of the parent's choice. The parent must then go to the school and endorse the check over to it. There is a philosophical difference with regard to school choice. The majority sees that the greater purpose of public education dollars is to provide the best education possible to students, even if it means leaving a government school. To further that end, parents of limited financial means must be empowered to choose another school for the benefit of the child. This bill is designed to help the needy by giving first priority on the certificates to families whose income is at or below 200% of the federal poverty guidelines. Then, if certificates are left over, families up to 300% of the federal poverty guidelines can utilize this opportunity. During the committee process, the opinion was offered that bills such as this take money away from public schools. HB 1707 does not do that. The first year a student is in the program, the school is held harmless financially. In subsequent years, the sending public school continues to count the student in their ADMR. Furthermore, they are able to plan ahead to be able to keep 20% of the per pupil aid amount. Thus the public school will benefit as well by getting money for a child they won't have to educate. For the sake of families of limited means, school choice is an idea that needs to be given a chance in New Hampshire. Vote 11-9.

Rep. Emma L. Rous for the Minority of Education: This bill directly opposes the New Hampshire constitutional provision that "no money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination." (Part 2, Art. 83; also Part 1, Art. 6). Private religious schools are not subject to federal disability laws and are allowed to discriminate on the basis of religion. In January, Florida's Supreme Court struck down the nation's only statewide voucher program because it undermined a uniform system of free public schools. This proposal provides a middle class subsidy at the expense of local school budgets. It requires districts to pay private schools 80% of their "state aid" per pupil or the state average aid per pupil for each certificate awarded. In districts whose only "state aid" is the locally collected statewide property tax, all of this money will come directly from local tax dollars. Under this bill, up to 42% of a district's population could attend private schools at taxpayer expense and without taxpayer approval. A free democratic society depends on an educated citizenry; we are responsible to educate all of our children, not a few at the expense of many.

Majority Amendment (1023h)

Amend the bill by replacing section 2 with the following:

2 New Chapter; School Choice Certificate Program. Amend RSA by inserting after chapter 193-H the following new chapter:

CHAPTER 193-I

SCHOOL CHOICE CERTIFICATE PROGRAM

193-I:1 Program Established. A school choice certificate program is hereby established for the purpose of allowing the parent or legal guardian of a child to receive, on request, a certificate that may be used for tuition at an approved public or nonpublic school in New Hampshire selected by the child's parent or legal guardian.

193-I:2 School Choice Certificate Eligibility.

I.(a) School choice certificates shall be available as set forth in this section for payment of tuition at an approved public or nonpublic school up to the value of the certificate. Funding of school choice certificates shall be from the education trust fund established in RSA 198:39 and as provided in RSA 193-I:5.

(b) Entry into the program shall be limited to those pupils entering grades 1-12. Pupils entering grades 2-12 must have been enrolled in a New Hampshire public school for the full academic year preceding the year of entry into the program.

(c) Only pupils whose family income does not exceed 300 percent of the federal poverty guidelines, as established and updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. section 9902 (2), are eligible for entry to the program. The department of education shall require proof that a pupil is a legal resident of this state as a prerequisite to participation in this program and shall annually verify the income eligibility of each program participant.

(d) Applications for the program shall be submitted to the appropriate department of education official, on a form provided by the department of education, not earlier than December 1 and not later than May 1 of the academic year preceding the year of participation. The department of education shall notify applicants of acceptance or non-acceptance into the program during the month of July.

II. Certificates shall be made available as follows:

(a) In the first year of the program, to children entering grades 1-12, up to a maximum of 2,000 certificates statewide.

(b) In the second year of the program, to children entering grades 1-12, up to a maximum of 4,000 certificates statewide.

(c) In the third year of the program, to children entering grades 1-12, up to a maximum of 6,000 certificates statewide.

(d) In the fourth year of the program, to children entering grades 1-12, up to a maximum of 8,000 certificates statewide.

(e) In the fifth year of the program, to children entering grades 1-12, up to a maximum of 10,000 certificates statewide.

(f) In the sixth year of the program, to children entering grades 1-12, up to a maximum of 12,000 certificates statewide.

(g) In the seventh year of the program, to children entering grades 1-12, up to a maximum of 14,000 certificates statewide.

(h) In the eighth year of the program, to children entering grades 1-12, up to a maximum of 16,000 certificates statewide.

III. For each pupil's first year of the certificate program only, the state shall pay to such pupil's resident school district the per pupil aid amount. Such payments shall be made from the education trust fund established in RSA 198:39.

IV.(a) Except as provided in paragraph VII, the number of certificates allocated to a school district in a given year shall be a percentage of the total number of certificates available in that year. Such percentage shall be calculated by dividing the most recently available average daily membership in residence (ADMR) in the school district as defined in RSA 198:38, VI, by the most recently available total statewide average daily membership in residence as calculated by the department of education.

(b) Notwithstanding RSA 193:12, a pupil participating in this program shall be counted in the ADMR of the pupil's resident school district for as long as such pupil participates in the certificate program.

V. In any school district where there are more applicants for certificates than certificates available in a given year as determined under paragraph IV, a lottery shall be held by the department of education and certificates shall be allocated according to the following criteria:

(a) First, to pupils who were awarded certificates in the immediately preceding year.

(b) Second, to pupils from families where the family income is below 200 percent of the federal poverty guidelines as established and updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. section 9902 (2).

(c) Third, to pupils from families where the family income is below 300 percent of the federal poverty guidelines as established and updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. section 9902 (2).

VI. A parent or legal guardian of a pupil enrolled in the school choice certificate program shall notify the department of education no later than June 30 of each year of his or her intent to remain in the program.

VII. No later than July 31 of any year in which fewer certificates are granted than are available under the program, the department of education shall conduct a statewide lottery for the unused certificates, and shall allocate such certificates to any pupil who is eligible under RSA 193-I:2, and who applied for, and was denied a certificate. Available certificates shall be awarded first to pupils from families where the family income is below 200 percent of the federal poverty guidelines as set forth in paragraph V(b). Any remaining certificates shall be awarded to pupils from families where the family income is below 300 percent of the federal poverty guidelines as set forth in paragraph V(c). Certificates issued under this paragraph shall not exceed 5 percent of a school district's average daily membership in residence for any one year. The department of education shall notify lottery participants of its decision no later than August 10.

193-I:3 Value of Certificate.

I. The value of a school choice certificate for any individual pupil shall be 80 percent of the state calculated per pupil aid for the municipality in which the student resides as determined by the department of education, or 80 percent of the state average per pupil aid amount, whichever is less.

II. In this chapter, "per pupil aid" shall be defined as the total state funding, including that raised by the statewide enhanced education tax under RSA 76:3, divided by the ADMR used for the calculation of state aid for that year, provided that:

(a) No parent shall receive a school choice certificate whose family income for federal income tax purposes is greater than 300 percent of the federal poverty guidelines as set by the United States Department of Health and Human Services.

(b) Parents whose family income for federal income tax purposes is not greater than 300 percent of the federal poverty guidelines as set by the United States Department of Health and Human Services shall be eligible for 100 percent of the school choice certificate amount established in this section.

193-I:4 Participating Schools.

I. Any approved public or nonpublic school operating in this state may participate in the school choice certificate program.

II. A public or nonpublic school may admit a child with a certificate, up to the limit of the school's capacity, after reserving places for children admitted in accordance with the school's regular admissions practices.

III. A public or nonpublic school shall establish criteria for the admission of children with certificates that are consistent with the admissions criteria that it regularly applies.

IV. Participating schools shall be permitted flexibility to educate pupils in accordance with the school's educational mission.

193-I:5 School Choice Payments.

I. The appropriate official in the department of education shall administer the certificate program for each pupil who participates in the program. Each public or nonpublic school which participates in this program shall, no later than May 1 of each year, submit to the pupil's resident school district verification of each pupil in attendance for the full school year under this program on a form provided by the department of education. Such verification shall list the name, address, dates of attendance, and the tuition cost for each pupil attending under this program.

II. The school choice payment shall be a check issued by the resident school district, made out to the pupil's parent or legal guardian and mailed by the school district to the

public or nonpublic school of choice. The receiving public or nonpublic school shall ensure that a parent or legal guardian endorses the check for redemption by an official of the public or nonpublic school. Payments made under this section shall be made in equal installments on September 1, November 1, January 1, and April 1 of the year in which the pupil is enrolled in a participating school.

III. The payment shall be prorated on a per diem basis for pupils enrolled in public or nonpublic school for less than a full school year.

IV. A participating nonpublic school shall not apply any payments made under this program to the cost of religious classes or other sectarian educational programs or services. The nonpublic school shall return any remaining payment to the pupil's resident school district.

193-I:6 Transportation. Any transportation costs for transporting a child, including a child receiving special education services pursuant to an individual education plan approved under RSA 186-C:7, to a public or nonpublic school outside of the local school district shall be borne by the child's parent or legal guardian.

193-I:7 Liability for Special Education Services. The school district in which the child resides shall not be responsible for providing special education programs or services to any child who attends another school pursuant to the school choice certificate program in this chapter.

193-I:8 Testing.

I. Each nonpublic school which accepts a pupil participating in the school choice certificate program shall:

(a) Comply with the statewide education improvement and assessment program pursuant to RSA 193-C for such pupils; or

(b) Petition the department of education to waive compliance with the statewide education improvement and assessment program, and allow the nonpublic school to administer its own standardized testing program for such pupils. The department of education shall render a decision on all waiver requests no later than 15 days from the date of the petition. If a petition is denied for good cause shown, the nonpublic school shall comply with the provisions of the statewide education improvement and assessment program for those pupils participating in the school choice certificate program.

(c) A pupil required to participate in the statewide improvement and assessment program shall do so in the school district in which he or she resides.

II. Each public or nonpublic school which accepts a pupil who is a participant in the school choice certificate program shall submit to the department of education, no later than June 30 of each year, the test scores of any standardized test taken while such pupil was enrolled in the public or nonpublic school. No personally identifiable information shall be released with the test scores. The standardized test shall be a test that is nationally accredited or recognized and which offers an objective, comprehensive estimate of a pupil's educational development in areas such as language arts, reading, mathematics, and social studies.

193-I:9 Liability Limited.

I. Except as specifically provided in this chapter, a public or nonpublic school shall not be required to comply with additional laws or rules as a result of attendance by pupils whose parents receive school choice certificates.

II. A public or nonpublic school shall not be required to accept pupils whose parents receive school choice certificates.

III. The school district in which the pupil resides shall not be held liable for damages in an action to recover for bodily injury, personal injury, property damage as defined in RSA 507-B:1, or failure to educate pupils, where the action arises out of a parent's exercise of options under the provisions of this chapter.

193-I:10 Rulemaking. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to the development of forms necessary to implement this chapter.

193-I:11 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable. Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 School Money: Education Trust Fund. Amend the introductory paragraph to RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute equitable education grants to municipalities' school districts pursuant to RSA 198:42, ~~and~~ to provide low and moderate income homeowners property tax relief under RSA 198:56-198:61, **and to make payments to school districts as provided in RSA 193-I**. The state treasurer shall deposit into this fund immediately upon receipt:

AMENDED ANALYSIS

This bill establishes a school choice certificate program which makes available a certain number of school choice certificates to be used at participating public or nonpublic schools. Reps. Rush, Claire Clarke, Casey and Rous spoke against and yielded to questions. Reps. Sorg, Stiles and Asselin spoke in favor. Rep. Easson spoke in favor and yielded to questions. Rep. Easson requested a roll call; sufficiently seconded. The question being adoption of the majority amendment.

YEAS 130 NAYS 194			
YEAS 130			
BELKNAP			
Allen, Janet	Fitzgerald, James	Rosen, Ralph	Russell, David
Tilton, Franklin	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Babson, David Jr	Brown, Carolyn	Chandler, Gene	Martin, James
McConkey, Mark	Merrow, Harry	Patten, Betsey	Stevens, Stanley
CHESHIRE			
Emerson, Susan	Hogancamp, Deborah	Hunt, John	Sawyer, Sheldon
COOS			
Lary, Bruce	Morneau, Renney	Tholl, John Jr	
GRAFTON			
Gionet, Edmond	Giuda, Robert	Maybeck, Margie	Mirski, Paul
Sorg, Gregory			
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James

Carter, Mark	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian	Dyer, Donald
Elliott, Nancy	Golding, William	Gonzalez, Carlos	Hagan, Barbara
Hawkins, Ken	Hellwig, Steve	Jasper, Shawn	Judy, Jean
L'Heureux, Robert	Lawrence, James	Manney, Pamela	McRae, Karen
Mead, Robert	Mooney, Maureen	Moran, Edward	O'Brien, William
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Slocum, Lee	Souza, Kathleen	Ulery, Jordan
Villeneuve, Maurice	Wheeler, James		
MERRIMACK			
Anderson, Eric	Danforth, James	Field, William	Klose, John
L'Heureux, Stephen	Langlais, Thomas	MacKay, James	Maxfield, Roy
ROCKINGHAM			
Asselin, Michael	Bettencourt, David	Bicknell, Elbert	Bishop, Franklin
Bridle, Russell	Buxton, Donald	Cady, Harriet	Camm, Kevin
Charron, Gene	Coburn, James	Doyle, Christopher	Dumaine, Dudley
Flanders, John Sr	Forsing, Robert	Garrity, James	Gilbert, Karl
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Introne, Robert
Itse, Daniel	Lund, Howie	Major, Norman	Mason, April
McKinney, Betsy	McMahon, Charles	Morris, Richard	Nowe, Ronald
Palazzo, Frank	Quandt, Marshall Lee	Quandt, Matthew	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Stiles, Nancy	Weare, E Albert
Welch, David	Weldy, Norman	Weyler, Kenneth	Zolla, William
STRAFFORD			
Albert, Russell	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Eason, Timothy	Hollinger, Jeffrey	Newton, Clifford	
SULLIVAN			
Osgood, Philip Sr	Rodeschin, Beverly		
NAYS 194			
BELKNAP			
Millham, Alida	Morrison, Gail	Nedeau, Stephen	Tobin, William
Veazey, John			
CARROLL			
Buco, Thomas	Dickinson, Howard	Knox, J David	Olimpio, J Lisbeth
Philbrick, Donald			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espieffs, Peter	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara

Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles
COOS			
Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Remick, William	Richardson, Herbert	Stohl, Eric	Theberge, Robert
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Hammond, Lee	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	Clemons, Jane	Cote, Peter	Craig, James
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Egbers, Fran
Essex, David	Foster, Linda	Gargas, Carolyn	Garrity, Patrick
Gibson, John	Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr
Graham, John	Haley, Robert	Hall, Betty	Harvey, Suzanne
Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette	Kopka, Angeline
Kurk, Neal	Lasky, Bette	Lessard, Rudy	Matarazzo, Anthony Sr
Messier, Irene	Michon, Stephen	Movsesian, Lori	O'Connell, Timothy
Ober, Lynne	Pappas, Christopher	Pilote, Maurice	Rosenwald, Cindy
Scanlon, Michael	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Smith, David	Sullivan, Francis	Sullivan, Peter
Vaillancourt, Steve	Velez, Hector	Wheeler, Robert	
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	Kennedy, Richard	Lockwood, Priscilla
Marple, Richard	McMahon, Patricia	Oliver, James	Osborne, Jessie
Potter, Frances	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Whiting, Herbert	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Brown, C.	Cali-Pitts, Jacqueline
Carson, Sharon	Casey, Kimberley	Cooney, Richard	Dalrymple, Janeen
DiFruscia, Anthony	Dowd, John	Dowling, Patricia	Fesh, Bob
Flockhart, Eileen	Francoeur, Sheila	Gould, Kenneth	Griffin, Mary
Ingram, Russell	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Moody, Marcia	Packard, Sherman	Pantelakos, Laura
Parker, Benjamin	Powers, James	Priestley, Anne	Rausch, James
Robertson, Carl	Robinson, John	Serlin, Christopher	Splaine, James
Stone, Joseph	Waterhouse, Kevin	Wells, Roger	Wiley, Robert
Winchell, George			

STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Grassie, Anne	Heon, Richard	Hofemann, Roland
Johnson, Nancy	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Phinizy, James	Prichard, Stephen

and the majority amendment failed.

MOTION TO LAY ON THE TABLE

Rep. Price moved that **HB 1707-FN-A-L**, establishing a school choice certificate program, be laid on the table.

Rep. Robinson requested a roll call; sufficiently seconded.

The question being to lay HB 1707 on the table.

YEAS 150 NAYS 176			
YEAS 150			
BELKNAP			
Allen, Janet	Fitzgerald, James	Nedeau, Stephen	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Babson, David Jr	Brown, Carolyn	Chandler, Gene	Martin, James
McConkey, Mark	Merrow, Harry	Patten, Betsey	Stevens, Stanley
CHESHIRE			
Butynski, William	Emerson, Susan	Hogancamp, Deborah	Hunt, John
Sawyer, Sheldon			
COOS			
Lary, Bruce	Morneau, Renney	Remick, William	Richardson, Herbert
Tholl, John Jr			
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Maybeck, Margie
Mirski, Paul	Sorg, Gregory		
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James

Carter, Mark	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Gargas, Carolyn	Golding, William
Gonzalez, Carlos	Graham, John	Hagan, Barbara	Hawkins, Ken
Hellwig, Steve	Jasper, Shawn	Jeudy, Jean	L'Heureux, Robert
Lawrence, James	Manney, Pamela	McRae, Karen	Mead, Robert
Mooney, Maureen	Moran, Edward	O'Brien, William	Ober, Lynne
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rowe, Robert
Scanlon, Michael	Slocum, Lee	Souza, Kathleen	Ulery, Jordan
Villeneuve, Maurice	Wheeler, James		
MERRIMACK			
Anderson, Eric	Danforth, James	Field, William	Klose, John
L'Heureux, Stephen	Langlais, Thomas	MacKay, James	Maxfield, Roy
ROCKINGHAM			
Asselin, Michael	Bettencourt, David	Bicknell, Elbert	Bishop, Franklin
Bridle, Russell	Buxton, Donald	Cady, Harriet	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	Dalrymple, Janeen
Dowling, Patricia	Doyle, Christopher	Dumaine, Dudley	Flanders, John Sr
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gould, Kenneth
Griffin, Mary	Headd, James	Hopfgarten, Paul	Hughes, Daniel
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	Quandt, Marshall Lee	Quandt, Matthew
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Stiles, Nancy
Weare, E Albert	Welch, David	Weldy, Norman	Weyler, Kenneth
Wiley, Robert	Zolla, William		
STRAFFORD			
Albert, Russell	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Hollinger, Jeffrey	Newton, Clifford	
SULLIVAN			
Osgood, Philip Sr	Rodeschin, Beverly		
NAYS 176			
BELKNAP			
Millham, Alida	Morrison, Gail	Pilliod, James	Tobin, William
Veazey, John			
CARROLL			
Buco, Thomas	Dickinson, Howard	Knox, J David	Olimpio, J Lisbeth
Philbrick, Donald			

CHESHIRE			
Allen, Peter	Butcher, Suzanne	Chase, William	Dunn, J Timothy
Eaton, Daniel	Espieffs, Peter	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna	Weed, Charles	
COOS			
Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Stohl, Eric	Theberge, Robert		
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	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	Clemons, Jane	Cote, Peter	Craig, James
DeVries, Betsi	Dokmo, Cynthia	Egbers, Fran	Essex, David
Foster, Linda	Garrity, Patrick	Gibson, John	Goley, Jeffrey
Gorman, Mary	Goyette, Peter Jr	Haley, Robert	Hall, Betty
Harvey, Suzanne	Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette
Kopka, Angeline	Kurk, Neal	Lasky, Bette	Lessard, Rudy
Matarazzo, Anthony Sr	Messier, Irene	Michon, Stephen	Movsesian, Lori
O'Connell, Timothy	Pappas, Christopher	Pilotte, Maurice	Rosenwald, Cindy
Ryder, Donald	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Smith, David	Sullivan, Francis	Sullivan, Peter
Vaillancourt, Steve	Velez, Hector	Wheeler, Robert	
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	Kennedy, Richard	Lockwood, Priscilla
Marple, Richard	McMahon, Patricia	Oliver, James	Osborne, Jessie
Potter, Frances	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Whiting, Herbert	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Brown, C.	Cali-Pitts, Jacqueline
Casey, Kimberley	Cooney, Richard	DiFruscia, Anthony	Dowd, John
Fesh, Bob	Flockhart, Eileen	Gilbert, Karl	Ingram, Russell
Langley, Jane	Moody, Marcia	Pantelakos, Laura	Parker, Benjamin
Powers, James	Priestley, Anne	Rausch, James	Robertson, Carl
Robinson, John	Serlin, Christopher	Splaine, James	Stone, Joseph
Waterhouse, Kevin	Wells, Roger	Winchell, George	

STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Grassie, Anne	Heon, Richard	Hofemann, Roland
Johnson, Nancy	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Phinizy, James	Prichard, Stephen

and the motion to lay HB 1707 on the table failed.

Rep. W. Packy Campbell moved Ought to Pass and offered floor amendment (1293h).

Floor Amendment (1293h)

Amend the bill by replacing section 2 with the following:

2 New Chapter; School Choice Certificate Program. Amend RSA by inserting after chapter 193-H the following new chapter:

CHAPTER 193-I

SCHOOL CHOICE CERTIFICATE PROGRAM

193-I:1 Program Established. A school choice certificate program is hereby established for the purpose of allowing the parent or legal guardian of a child to receive, on request, a certificate that may be used for tuition at an approved public or nonpublic school in New Hampshire selected by the child's parent or legal guardian.

193-I:2 School Choice Certificate Eligibility.

I.(a) School choice certificates shall be available as set forth in this section for payment of tuition at a state-approved public or nonpublic school up to the value of the certificate. Funding of school choice certificates shall be from the education trust fund established in RSA 198:39 and as provided in RSA 193-I:5.

(b) Entry into the program shall be limited to those pupils entering grades 1-12. Pupils entering grades 2-12 must have been enrolled in a New Hampshire public school for the full academic year preceding the year of entry into the program.

(c) Only pupils whose family income does not exceed 300 percent of the federal poverty guidelines, as established and updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. section 9902 (2), are eligible for entry to the program. The department of education shall require proof that a pupil is a legal resident of this state as a prerequisite to participation in this program and shall annually verify the income eligibility of each program participant.

(d) Applications for the program shall be submitted to the commissioner of the department of education, or designee on a form provided by the department of education, not earlier than December 1 and not later than May 1 of the academic year preceding the year of participation. The department of education shall notify applicants of acceptance or non-acceptance into the program during the month of July.

II. Certificates shall be made available as follows:

(a) In the first year of the program, to children entering grades 1-12, up to a maximum of 2,000 certificates statewide.

(b) In the second year of the program, to children entering grades 1-12, up to a maximum of 4,000 certificates statewide.

(c) In the third year of the program, to children entering grades 1-12, up to a maximum of 6,000 certificates statewide.

(d) In the fourth year of the program, to children entering grades 1-12, up to a maximum of 8,000 certificates statewide.

(e) In the fifth year of the program, to children entering grades 1-12, up to a maximum of 10,000 certificates statewide.

(f) In the sixth year of the program, to children entering grades 1-12, up to a maximum of 12,000 certificates statewide.

(g) In the seventh year of the program, to children entering grades 1-12, up to a maximum of 14,000 certificates statewide.

(h) In the eighth year of the program, to children entering grades 1-12, up to a maximum of 16,000 certificates statewide.

III. For each pupil's first year of the certificate program only, the state shall pay to such pupil's resident school district the per pupil aid amount. Such payments shall be made from the education trust fund established in RSA 198:39.

IV.(a) Except as provided in paragraph VII, the number of certificates allocated to a school district in a given year shall be a percentage of the total number of certificates available in that year. Such percentage shall be calculated by dividing the most recently available average daily membership in residence (ADMR) in the school district as defined in RSA 198:38, VI, by the most recently available total statewide average daily membership in residence as calculated by the department of education.

(b) Notwithstanding RSA 193:12, a pupil participating in this program shall be counted in the ADMR of the pupil's resident school district for as long as such pupil participates in the certificate program.

V. In any school district where there are more applicants for certificates than certificates available in a given year as determined under paragraph IV, a lottery shall be held by the department of education and certificates shall be allocated according to the following criteria:

(a) First, to pupils who were awarded certificates in the immediately preceding year.

(b) Second, to pupils from families where the family income is below 200 percent of the federal poverty guidelines as established and updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. section 9902 (2).

(c) Third, to pupils from families where the family income is below 300 percent of the federal poverty guidelines as established and updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. section 9902 (2).

VI. A parent or legal guardian of a pupil enrolled in the school choice certificate program shall notify the department of education no later than June 30 of each year of his or her intent to remain in the program.

VII. No later than July 31 of any year in which fewer certificates are granted than are available under the program, the department of education shall conduct a statewide lottery for the unused certificates, and shall allocate such certificates to any pupil who is eligible under RSA 193-I:2, and who applied for, and was denied a certificate. Available certificates shall be awarded first to pupils from families where the family income is below 200 percent of the federal poverty guidelines as set forth in paragraph V(b). Any remaining certificates shall be awarded to pupils from families where the family income is below 300 percent of the federal poverty guidelines as set forth in paragraph V(c). Certificates issued under this program shall not exceed 5 percent of a school district's average daily membership in residence for any one year. The department of education shall notify lottery participants of its decision no later than August 10.

193-I:3 Value of Certificate.

I. The value of a school choice certificate for any individual pupil shall be 80 percent of the state calculated per pupil aid for the municipality in which the student resides as

determined by the department of education, or 80 percent of the state average per pupil aid amount, whichever is less.

II. In this chapter, “per pupil aid” shall be defined as the total state funding, including that raised by the statewide enhanced education tax under RSA 76:3, divided by the ADMR used for the calculation of state aid for that year, provided that no parent shall receive a school choice certificate whose family income for federal income tax purposes is greater than 300 percent of the federal poverty guidelines as set by the United States Department of Health and Human Services.

193-I:4 Participating Schools.

I. Any approved public or nonpublic school operating in this state may participate in the school choice certificate program.

II. A public or nonpublic school may admit a child with a certificate, up to the limit of the school’s capacity, after reserving places for children admitted in accordance with the school’s regular admissions practices.

III. A public or nonpublic school which accepts children under this chapter shall establish criteria for the admission of children with certificates that are consistent with the admissions criteria that it regularly applies.

193-I:5 School Choice Payments.

I. The commissioner of the department of education, or designee shall administer the certificate program for each pupil who participates in the program. Each public or nonpublic school which participates in this program shall, no later than May 1 of each year, submit to the pupil’s resident school district verification of each pupil in attendance for the full school year under this program on a form provided by the department of education. Such verification shall list the name, address, dates of attendance, and the tuition cost for each pupil attending under this program.

II. The school choice payment shall be a check issued by the resident school district, made out to the pupil’s parent or legal guardian and mailed by the school district to the public or nonpublic school of choice. The receiving public or nonpublic school shall ensure that a parent or legal guardian endorses the check for redemption by an official of the public or nonpublic school. Payments made under this section shall be made in equal installments on September 1, November 1, January 1, and April 1 of the year in which the pupil is enrolled in a participating school.

III. The payment shall be prorated on a per diem basis for pupils enrolled in public or nonpublic school for less than a full school year.

IV. A participating nonpublic school shall not apply any payments made under this program to the cost of religious classes or other sectarian educational programs or services. The nonpublic school shall return any remaining payment to the pupil’s resident school district.

193-I:6 Transportation. Any transportation costs for transporting a child, including a child receiving special education services pursuant to an individual education plan approved under RSA 186-C:7, to a public or nonpublic school outside of the local school district shall be borne by the child’s parent or legal guardian.

193-I:7 Special Education Services. No pupil shall be considered an out-of-district placement for the purposes of receiving special education services while participating in the program. Participation in the program shall not affect a pupil’s eligibility to receive special education services upon such pupil’s return to the school district in which he or she resides.

193-I:8 Testing.

I. Each nonpublic school which accepts a pupil participating in the school choice certificate program shall:

(a) Comply with the statewide education improvement and assessment program pursuant to RSA 193-C for such pupils; or

(b) Petition the department of education to waive compliance with the statewide education improvement and assessment program, and allow the nonpublic school to

administer its own standardized testing program for such pupils. The department of education shall render a decision on all waiver requests no later than 15 days from the date of the petition. If a petition is denied for good cause shown, the nonpublic school shall comply with the provisions of the statewide education improvement and assessment program for those pupils participating in the school choice certificate program.

(c) A pupil required to participate in the statewide improvement and assessment program shall do so in the school district in which he or she resides. Such pupil's test scores shall not be counted in the school district's statewide improvement and assessment average.

II. Each public or nonpublic school which accepts a pupil who is a participant in the school choice certificate program shall submit to the department of education, no later than June 30 of each year, the test scores of any standardized test taken while such pupil was enrolled in the public or nonpublic school. No personally identifiable information shall be released with the test scores. The standardized test shall be a test that is nationally accredited or recognized and which offers an objective, comprehensive estimate of a pupil's educational development in areas such as language arts, reading, mathematics, and social studies.

193-I:9 Liability Limited.

I. Except as specifically provided in this chapter, a public or nonpublic school shall not be required to comply with additional laws or rules as a result of attendance by pupils whose parents receive school choice certificates.

II. A public or nonpublic school shall not be required to accept pupils whose parents receive school choice certificates.

III. The school district in which the pupil resides shall not be held liable for damages in an action to recover for bodily injury, personal injury, property damage as defined in RSA 507-B:1, or failure to educate pupils, where the action arises out of a parent's exercise of options under the provisions of this chapter.

193-I:10 Rulemaking. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to the development of forms necessary to implement this chapter.

193-I:11 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable. Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 School Money: Education Trust Fund. Amend the introductory paragraph to RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute equitable education grants to municipalities' school districts pursuant to RSA 198:42, ~~and~~ to provide low and moderate income homeowners property tax relief under RSA 198:56-198:61, **and to make payments to school districts as provided in RSA 193-I**. The state treasurer shall deposit into this fund immediately upon receipt:

AMENDED ANALYSIS

This bill establishes a school choice certificate program which makes available a certain number of school choice certificates to be used at participating public or nonpublic schools. Rep. Rous spoke against.

Rep. W. Packy Campbell spoke in favor and requested a roll call; sufficiently seconded. The question being adoption of floor amendment (1293h).

YEAS 130 NAYS 197			
YEAS 130			

BELKNAP			
Allen, Janet	Fitzgerald, James	Rosen, Ralph	Russell, David
Thomas, John	Tilton, Franklin	Veazey, John	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Babson, David Jr	Brown, Carolyn	Chandler, Gene	Martin, James
McConkey, Mark	Merrow, Harry	Patten, Betsey	Stevens, Stanley
CHESHIRE			
Emerson, Susan	Hogancamp, Deborah	Hunt, John	Sawyer, Sheldon
COOS			
Lary, Bruce	Morneau, Renney	Tholl, John Jr	
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Maybeck, Margie
Mirski, Paul	Sorg, Gregory		
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Buhlman, David	Carew, James	Carter, Mark
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Desmarais, Vivian	Dyer, Donald	Elliott, Nancy
Golding, William	Gonzalez, Carlos	Hagan, Barbara	Hawkins, Ken
Hellwig, Steve	Jeudy, Jean	L'Heureux, Robert	Lawrence, James
Manney, Pamela	McRae, Karen	Mead, Robert	Mooney, Maureen
Moran, Edward	O'Brien, William	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Slocum, Lee	Souza, Kathleen
Ulery, Jordan	Villeneuve, Maurice	Wheeler, James	
MERRIMACK			
Anderson, Eric	Field, William	Klose, John	L'Heureux, Stephen
Langlais, Thomas	MacKay, James	Maxfield, Roy	
ROCKINGHAM			
Asselin, Michael	Bettencourt, David	Bicknell, Elbert	Bishop, Franklin
Bridle, Russell	Buxton, Donald	Cady, Harriet	Camm, Kevin
Charron, Gene	Coburn, James	Doyle, Christopher	Dumaine, Dudley
Flanders, John Sr	Forsing, Robert	Garrity, James	Gilbert, Karl
Griffin, Mary	Headd, James	Hopfgarten, Paul	Hughes, Daniel
Introne, Robert	Itse, Daniel	Lund, Howie	Major, Norman
Mason, April	McKinney, Betsy	McMahon, Charles	Morris, Richard
Nowe, Ronald	Palazzo, Frank	Quandt, Marshall Lee	Quandt, Matthew
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Stiles, Nancy

Weare, E Albert	Welch, David	Weldy, Norman	Weyler, Kenneth
Zolla, William			
STRAFFORD			
Albert, Russell	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Hollinger, Jeffrey	Newton, Clifford	
SULLIVAN			
Osgood, Philip Sr	Rodeschin, Beverly		
NAYS 197			
BELKNAP			
Millham, Alida	Morrison, Gail	Nedeau, Stephen	Pilliod, James
Tobin, William			
CARROLL			
Buco, Thomas	Dickinson, Howard	Knox, J David	Olimpio, J Lisbeth
Philbrick, Donald			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles
COOS			
Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Remick, William	Richardson, Herbert	Stohl, Eric	Theberge, Robert
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Williams, Burton			
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Calawa, Leon Jr
Campbell, David	Chase, Claudia	Clemons, Jane	Cote, Peter
Craig, James	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Egbers, Fran	Essex, David	Foster, Linda	Gargasz, Carolyn
Garrity, Patrick	Gibson, John	Goley, Jeffrey	Gorman, Mary
Goyette, Peter Jr	Graham, John	Haley, Robert	Hall, Betty
Harvey, Suzanne	Holden, Randolph	Irwin, Anne-Marie	Jasper, Shawn
Jean, Claudette	Kopka, Angeline	Kurk, Neal	Lasky, Bette
Lessard, Rudy	Matarazzo, Anthony Sr	Messier, Irene	Michon, Stephen
Movsesian, Lori	O'Connell, Timothy	Ober, Lynne	Pappas, Christopher

Pilotte, Maurice	Rosenwald, Cindy	Ryder, Donald	Scanlon, Michael
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Smith, David	Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve
Velez, Hector	Wheeler, Robert		
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Danforth, James	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Hamm, Christine	Kennedy, Richard
Lockwood, Priscilla	Marple, Richard	McMahon, Patricia	Oliver, James
Osborne, Jessie	Potter, Frances	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Whiting, Herbert	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Brown, C.	Cali-Pitts, Jacqueline
Carson, Sharon	Casey, Kimberley	Cooney, Richard	Dalrymple, Janeen
DiFruscia, Anthony	Dowd, John	Dowling, Patricia	Fesh, Bob
Flockhart, Eileen	Francoeur, Sheila	Gould, Kenneth	Ingram, Russell
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Langley, Jane
Moody, Marcia	Packard, Sherman	Pantelakos, Laura	Parker, Benjamin
Powers, James	Priestley, Anne	Rausch, James	Robertson, Carl
Robinson, John	Serlin, Christopher	Splaine, James	Stone, Joseph
Waterhouse, Kevin	Wells, Roger	Wiley, Robert	Winchell, George
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Grassie, Anne	Heon, Richard	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Miller, Joseph	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Phinizy, James	Prichard, Stephen

and floor amendment (1293h) failed.

MOTION TO DEFINITELY POSTPONE

Rep. O'Brien moved that HB 1707 be postponed to day certain, March 22, 2006, and spoke in favor.

Rep. Daniel Eaton and Stephen L'Heureux spoke against.

Rep. Dumaine requested a roll call; sufficiently seconded.

The question being to definitely postpone HB 1707 until March 22, 2006.

YEAS 102 NAYS 226			
YEAS 102			
BELKNAP			

Heald, Bruce	Rosen, Ralph	Russell, David	Tilton, Franklin
Veazey, John	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Chandler, Gene	Martin, James	McConkey, Mark	Merrow, Harry
CHESHIRE			
Hunt, John	Sawyer, Sheldon		
COOS			
King, Frederick	Lary, Bruce	Morneau, Renney	
GRAFTON			
Gionet, Edmond	Giuda, Robert	Maybeck, Margie	Mirski, Paul
Sorg, Gregory			
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Bergeron, Jean-Guy	Biundo, Michael
Brassard, Paul	Buhlman, David	Carew, James	Carter, Mark
Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	Dyer, Donald	Elliott, Nancy	Francoeur, Bea
Gibson, John	Gonzalez, Carlos	Goyette, Peter Jr	Hagan, Barbara
Hawkins, Ken	Hellwig, Steve	Jeudy, Jean	Lawrence, James
McRae, Karen	Mead, Robert	Mooney, Maureen	O'Brien, William
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rowe, Robert
Slocum, Lee	Souza, Kathleen	Ulery, Jordan	Villeneuve, Maurice
Wheeler, James			
MERRIMACK			
Anderson, Eric	Danforth, James	Field, William	Klose, John
Langlais, Thomas	MacKay, James		
ROCKINGHAM			
Asselin, Michael	Bettencourt, David	Bicknell, Elbert	Buxton, Donald
Cady, Harriet	Camm, Kevin	Coburn, James	Doyle, Christopher
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Griffin, Mary	Headd, James	Introne, Robert	Itse, Daniel
Lund, Howie	Major, Norman	Mason, April	McMahon, Charles
Morris, Richard	Nowe, Ronald	Palazzo, Frank	Quandt, Marshall Lee
Quandt, Matthew	Rolston, James	Sanders, Elisabeth	Weare, E Albert
Weldy, Norman	Weyler, Kenneth		
STRAFFORD			
Albert, Russell	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Newton, Clifford		
SULLIVAN			

Osgood, Philip Sr	Rodeschin, Beverly		
NAYS 226			
BELKNAP			
Allen, Janet	Fitzgerald, James	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Thomas, John	Tobin, William
CARROLL			
Babson, David Jr	Brown, Carolyn	Buco, Thomas	Dickinson, Howard
Knox, J David	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Espieffs, Peter
Hogancamp, Deborah	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Remick, William
Richardson, Herbert	Stohl, Eric	Theberge, Robert	Tholl, John Jr
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Williams, Burton	
HILLSBOROUGH			
Aboshar, Jeffrey	Baroody, Benjamin	Batula, Peter	Beaulieu, Jane
Bergin, Peter	Boehm, Ralph	Brundige, Robert	Calawa, Leon Jr
Campbell, David	Chase, Claudia	Clemons, Jane	Cote, Peter
Craig, James	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Egbers, Fran	Essex, David	Foster, Linda	Gargasz, Carolyn
Garrity, Patrick	Golding, William	Goley, Jeffrey	Gorman, Mary
Graham, John	Haley, Robert	Hall, Betty	Harvey, Suzanne
Holden, Randolph	Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette
Kopka, Angeline	Kurk, Neal	L'Heureux, Robert	Lasky, Bette
Lessard, Rudy	Manney, Pamela	Matarazzo, Anthony Sr	Messier, Irene
Michon, Stephen	Moran, Edward	Movsesian, Lori	O'Connell, Timothy
Ober, Lynne	Pappas, Christopher	Pilotte, Maurice	Rosenwald, Cindy
Ryder, Donald	Scanlon, Michael	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Smith, David	Sullivan, Francis
Sullivan, Peter	Vaillancourt, Steve	Velez, Hector	Wheeler, Robert

MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	Kennedy, Richard	L'Heureux, Stephen
Lockwood, Priscilla	Marple, Richard	Maxfield, Roy	McMahon, Patricia
Oliver, James	Osborne, Jessie	Potter, Frances	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Brown, C.	Cali-Pitts, Jacqueline	Carson, Sharon	Casey, Kimberley
Charron, Gene	Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony
Dowd, John	Dowling, Patricia	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Gould, Kenneth	Hopfgarten, Paul
Hughes, Daniel	Ingram, Russell	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Langley, Jane	McKinney, Betsy	Moody, Marcia
Packard, Sherman	Pantelakos, Laura	Parker, Benjamin	Powers, James
Priestley, Anne	Rausch, James	Robertson, Carl	Robinson, John
Scamman, Stella	Serlin, Christopher	Splaine, James	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Welch, David	Wells, Roger
Wiley, Robert	Winchell, George	Zolla, William	
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Grassie, Anne	Heon, Richard	Hofemann, Roland
Hollinger, Jeffrey	Johnson, Nancy	Keans, Sandra	Knowles, William
Miller, Joseph	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Phinizy, James	Prichard, Stephen

and the motion to definitely postpone HB 1707 failed.

INDEFINITELY POSTPONE

Rep. Daniel Eaton moved that **HB 1707**, establishing a school choice certificate program, be indefinitely postponed.

Reps. Hunt and Sheila Francoeur spoke against.

Reps. Daniel Eaton and Vaillancourt spoke in favor.

Rep. Hopfgarten requested a roll call; sufficiently seconded.

The question being to indefinitely postpone HB 1707.

YEAS 174 NAYS 154			
YEAS 174			

BELKNAP			
Millham, Alida	Morrison, Gail	Nedeau, Stephen	Russell, David
CARROLL			
Buco, Thomas	Knox, J David	Olimpio, J Lisbeth	Philbrick, Donald
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Morneau, Renney
Remick, William	Theberge, Robert		
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	Williams, Burton		
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Boehm, Ralph	Calawa, Leon Jr
Campbell, David	Chase, Claudia	Clemons, Jane	Cote, Peter
Coughlin, Pamela	Craig, James	DeVries, Betsi	Dokmo, Cynthia
Egbers, Fran	Essex, David	Foster, Linda	Garrity, Patrick
Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr	Graham, John
Haley, Robert	Hall, Betty	Harvey, Suzanne	Irwin, Anne-Marie
Jean, Claudette	Kopka, Angeline	Kurk, Neal	Lasky, Bette
Messier, Irene	Michon, Stephen	Moran, Edward	Movsesian, Lori
O'Brien, William	O'Connell, Timothy	Pappas, Christopher	Pilotte, Maurice
Rosenwald, Cindy	Scanlon, Michael	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Smith, David	Sullivan, Francis
Sullivan, Peter	Vaillancourt, Steve	Velez, Hector	Wheeler, Robert
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	Kennedy, Richard	Klose, John
Lockwood, Priscilla	Marple, Richard	McMahon, Patricia	Osborne, Jessie
Potter, Frances	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Asselin, Michael	Brown, C.	Cali-Pitts, Jacqueline	Casey, Kimberley
Cooney, Richard	DiFruscia, Anthony	Flockhart, Eileen	Gould, Kenneth

Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Langley, Jane
Moody, Marcia	Morris, Richard	Pantelakos, Laura	Parker, Benjamin
Powers, James	Priestley, Anne	Robertson, Carl	Robinson, John
Serlin, Christopher	Splaine, James	Stone, Joseph	Wells, Roger
Wiley, Robert	Winchell, George		
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Grassie, Anne	Heon, Richard	Hofemann, Roland
Johnson, Nancy	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Phinizy, James	Prichard, Stephen	
NAYS 154			
BELKNAP			
Allen, Janet	Fitzgerald, James	Heald, Bruce	Pilliod, James
Rosen, Ralph	Thomas, John	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Babson, David Jr	Brown, Carolyn	Chandler, Gene	Dickinson, Howard
Martin, James	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			
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Maybeck, Margie
Mirski, Paul	Sorg, Gregory		
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Brassard, Paul
Brundige, Robert	Buhlman, David	Carew, James	Carter, Mark
Christensen, D L Chris	Christiansen, Lars	Crane, Elenore Casey	Desmarais, Vivian

Drisko, Richard	Dyer, Donald	Elliott, Nancy	Francoeur, Bea
Gargas, Carolyn	Gibson, John	Golding, William	Gonzalez, Carlos
Hagan, Barbara	Hawkins, Ken	Hellwig, Steve	Holden, Randolph
Jasper, Shawn	Jeudy, Jean	L'Heureux, Robert	Lawrence, James
Lessard, Rudy	Manney, Pamela	Matarazzo, Anthony Sr	McRae, Karen
Mead, Robert	Mooney, Maureen	Ober, Lynne	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rowe, Robert	Ryder, Donald
Slocum, Lee	Souza, Kathleen	Ulery, Jordan	Villeneuve, Maurice
Wheeler, James			
MERRIMACK			
Anderson, Eric	Danforth, James	Field, William	L'Heureux, Stephen
Langlais, Thomas	MacKay, James	Maxfield, Roy	Oliver, James
Whiting, Herbert			
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
Dalrymple, Janeen	Dowd, John	Dowling, Patricia	Doyle, Christopher
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Forsing, Robert
Francoeur, Sheila	Garrity, James	Gilbert, Karl	Griffin, Mary
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell
Introne, Robert	Itse, Daniel	Lund, Howie	Major, Norman
Mason, April	McKinney, Betsy	McMahon, Charles	Nowe, Ronald
Packard, Sherman	Palazzo, Frank	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Stiles, Nancy	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weldy, Norman	Weyler, Kenneth	Zolla, William	
STRAFFORD			
Albert, Russell	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Hollinger, Jeffrey	Newton, Clifford	
SULLIVAN			
Donovan, Thomas	Osgood, Philip Sr	Rodeschin, Beverly	

and the motion to indefinitely postpone **HB 1707**, establishing a school choice certificate program, was adopted.

Rep. Asselin voted Yea and intended to vote Nay.

The House recessed at 12:05 p.m.

RECESS

(Speaker Scamman in the Chair)

The House reconvened at 1:30 p.m.

SPECIAL ORDERS – REGULAR CALENDAR (CONT'D.)

HB 1766, relative to the duties of the state board of education concerning educating pupils on AIDS and venereal diseases. **MAJORITY: INEXPEDIENT TO LEGISLATE.**

MINORITY: OUGHT TO PASS.

Rep. Emma L. Rous for the Majority of Education: The State Board of Education already reviews and evaluates the effectiveness of course materials and instruction regarding venereal diseases. The bill blames school curricula for rising STD rates with no corroborating evidence, and only specifically recommends evaluating abstinence curricula. The legislature repealed the requirement that the Department of Education submit a written report of its findings, and no funding is provided in this bill to reinstate reporting. Vote 10-4.

Rep. Michael A. Balboni for the Minority of Education: This bill would simply require the Board of Education to do what it is supposed to do in current law: evaluate sexually transmitted diseases (STD's) education methods and materials used in this state as well as other states, and make recommendations on curricula that actually reduce STD rates. Why should you support passage of this bill? There is an epidemic of STD's in our state. Our own Dept. of Health and Human Services has tracked STD's in our state for many years. Their figures show huge increases in STD rates over the past 5 years, especially within our teenage population. Yet the State Board of Education, responsible for curriculum recommendations, continues to recommend STD education methods and materials that are ineffective in reducing STD's in our state. To not pass this bill condemns many of our teens to a lifetime of sexually-related problems that could have been prevented with the appropriate school instruction.

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. Majority committee report adopted.

HB 1566, relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes. **MAJORITY: OUGHT TO PASS WITH AMENDMENT.**
MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. William L. O'Brien for the Majority of Election Law: Over this legislative session, the Election Law Committee has received testimony from a number of witnesses who have expressed surprise that individuals could register to vote in New Hampshire without at that time having an obligation to obtain a New Hampshire operators license or register their motor vehicles in New Hampshire should they choose to operate or own a motor vehicle in New Hampshire. By simply stating that the presence and intent to maintain New Hampshire as a domicile will establish residency for motor vehicle purposes, HB 1566 eliminates this confusion. In order to further eliminate confusion, the bill establishes the same time period of 40 days for obtaining a new license or vehicle registration for persons moving their residence within the state and persons from other states coming to New Hampshire to live instead of the present rule of ten days for intra-state moves and 60 days for those first coming into New Hampshire. This bill does not nullify any right to vote because it neither requires a New Hampshire driver's license to vote nor requires persons to obtain a New Hampshire drivers license if they vote when they otherwise do not want to have a driver's license. Unlike most states, New Hampshire does not require its voters to have a minimum period of residency in order to vote; all this bill would say is that by voting in New Hampshire, a person is confirming his or her residency for motor vehicle purposes and has to get a license and change vehicle registration if he or she wants to drive or keep a vehicle on the road. Clearly defining when residency begins does not discriminate against anyone except those who would choose to vote in a New Hampshire election and then want to claim that doing so does not confirm or make him or her a New Hampshire resident. Vote 12-4.

Rep. Charles F. Weed for Election Law: By equating residency for motor vehicle purposes with the fundamental right to vote, this bill will nullify the right of some United States citizens to participate in federal elections if they do not believe a New Hampshire driver's license should be a requirement to vote. Transitional voters may not be vested in any specific community, but are entitled to vote if they are citizens over age 18 and live more than one half year in a town or village in New Hampshire. If the legislature wishes to discriminate against some legitimate transitional voters in federal elections, then in order to meet constitutional requirements, New Hampshire must provide separate ballots for federal and state elections.

Majority Amendment (1182h)

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

AN ACT relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes and relative to vehicle registration and driver's license requirements.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 7:

3 Registration of Vehicles; Resident of State. Amend RSA 261:45 to read as follows:
261:45 Resident of State. Notwithstanding the provisions of RSA 261:44, when a nonresident has established a bona fide residency in this state, said resident shall have a maximum of ~~[60]~~ **40** days from the date his **or her** residency was established in which to register his **or her** vehicle in New Hampshire.

4 Registration of Vehicles; Change of Address or Name. Amend RSA 261:55 to read as follows:

261:55 Change of Address or Name.

I. Whenever any person after making application for or obtaining the registration of a vehicle shall move from the address named in the application or shown on a registration certificate or certificate of title, such person shall within ~~[40]~~ **40** days thereafter notify the division in writing of his **or her** old and new address.

II. Whenever the name of any person who has made application for or obtained the registration of a vehicle is thereafter changed by marriage or otherwise, such person shall within ~~[40]~~ **40** days notify the division of such former and new name.

5 Drivers' Licenses; Change of Name or Address. Amend RSA 263:9 to read as follows:

263:9 Notice of Change of Licensee's Name or Address. Whenever any person who has been duly licensed to drive a motor vehicle within this state shall change his **or her** legal name or his **or her** permanent residence ~~[he]~~ **the person** shall notify the director in writing of such change within ~~[40]~~ **40** days.

6 Drivers' Licenses; Nonresident Who Establishes a Residency in the State. Amend RSA 263:35 to read as follows:

263:35 Nonresident Who Establishes a Residency in the State. Notwithstanding the provisions of RSA 261:44 or any other law to the contrary, any nonresident driver of a motor vehicle who holds a valid driver's license in another jurisdiction, upon the establishment of a bona fide residency in this state, shall have a maximum of ~~[60]~~ **40** days from the date his **or her** residency was established to obtain a driver's license issued by the state of New Hampshire.

AMENDED ANALYSIS

This bill modifies definition of resident for motor vehicle law purposes and makes the determination of residence for motor vehicle law purposes the same as that of domicile for voting purposes. This bill also establishes a 40-day deadline for notifying the department of safety of changes of name or address and obtaining vehicle registrations and drivers' licenses by new residents.

On a division vote, 176 members having voted in the affirmative and 121 in the negative, the majority amendment was adopted.

The question being adoption of the majority committee report.

Rep. Weed spoke against.

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

Rep. Weed requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 184 NAYS 136			
YEAS 184			
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
Wendelboe, Fran	Whalley, Michael		

CARROLL			
Babson, David Jr	Brown, Carolyn	Chandler, Gene	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	Sawyer, Sheldon
COOS			
Lary, Bruce	Morneau, Renney	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Maybeck, Margie	Mirski, Paul	Sorg, Gregory	Williams, Burton
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Carew, James	Carter, Mark
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Desmarais, Vivian	Drisko, Richard	Dyer, Donald
Elliott, Nancy	Francoeur, Bea	Gargasz, Carolyn	Gibson, John
Golding, William	Goyette, Peter Jr	Graham, John	Hagan, Barbara
Hawkins, Ken	Hellwig, Steve	Hirschmann, Keith	Infantine, William
Jasper, Shawn	Kurk, Neal	L'Heureux, Robert	Lawrence, James
Lessard, Rudy	Manney, Pamela	McRae, Karen	Mead, Robert
Mooney, Maureen	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Ross, Lawrence
Rowe, Robert	Slocum, Lee	Smith, David	Souza, Kathleen
Ulery, Jordan	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Danforth, James	Field, William	Kennedy, Richard
Kidder, David	Klose, John	L'Heureux, Stephen	Langlais, Thomas
Lockwood, Priscilla	MackKay, James	Marple, Richard	Maxfield, Roy
Soltani, Tony	Whiting, Herbert		
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
DiFruscia, Anthony	Donahue, Richard Ken	Dowd, John	Doyle, Christopher
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Francoeur, Sheila
Garrity, James	Gilbert, Karl	Gould, Kenneth	Griffin, Mary
Hopfgarten, Paul	Hughes, Daniel	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
Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weldy, Norman	Wells, Roger	Weyler, Kenneth	Winchell, George
Zolla, William			
STRAFFORD			
Albert, Russell	Bickford, David	Brown, Julie	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Dunlap, Patricia	Easson, Timothy
Hollinger, Jeffrey	Newton, Clifford		
SULLIVAN			
Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly	
NAYS 136			
BELKNAP			
Morrison, Gail			
CARROLL			
Buco, Thomas			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Weed, Charles	
COOS			
Merrick, Scott	Theberge, Robert		
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	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	Clemons, Jane	Cote, Peter
DeVries, Betsi	Dokmo, Cynthia	Egbers, Fran	Essex, David
Foster, Linda	Garrity, Patrick	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Hall, Betty	Harvey, Suzanne	Holden, Randolph
Irwin, Anne-Marie	Jean, Claudette	Judy, Jean	Kopka, Angeline
Lasky, Bette	Matarazzo, Anthony Sr	Messier, Irene	Movsesian, Lori

Pappas, Christopher	Pilotte, Maurice	Rosenwald, Cindy	Ryder, Donald
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve	
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	McMahon, Patricia	Oliver, James
Osborne, Jessie	Potter, Frances	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Asselin, Michael	Brown, C.	Cali-Pitts, Jacqueline	Casey, Kimberley
Cooney, Richard	Dowling, Patricia	Flockhart, Eileen	Langley, Jane
Moody, Marcia	Pantelakos, Laura	Parker, Benjamin	Powers, James
Robertson, Carl	Serlin, Christopher	Splaine, James	
STRAFFORD			
Berube, Roger	Brown, Lawrence	Callaghan, Frank	Cilley, Jacalyn
Domingo, Baldwin	Grassie, Anne	Heon, Richard	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Miller, Joseph	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Phinizy, James	Prichard, Stephen

and the majority committee report was adopted.

Ordered to third reading.

HB 1711-FN, relative to the regulation of fuel gas fitters **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Donald F. Ryder for the Majority of Executive Departments and Administration: This bill is relevant to the regulation of fuel gas fitters. It has been referred to “Amilia’s Law,” which was the result of a gas explosion tragedy resulting in the loss of life. As such, it establishes licensing for persons who install or service liquefied propane and natural gas equipment. The bill allows the State Fire Marshall to define the license and renewal requirements, sets penalties for non-compliance and provides for inspection of work performed. In addition, the State Fire Marshall shall establish, through rules pursuant to RSA 541-A, the nature of the examinations required for issuance of fuel gas fitter licenses. The State Fire Marshall shall have the authority to appoint inspectors to insure compliance throughout the state with practices consistent with the public safety and welfare. It also provides license renewal relief for reservists called to active duty. Vote 10-3.

Rep. Ken Hawkins for the Minority of Executive Departments and Administration: This bill, as well intentioned as it is, is really searching for a solution to a problem that does not exist. The bill was brought forward because of a tragedy that occurred when a carpenter cut a gas line that was turned off in a wall when they were doing repairs to the house because pipes had frozen and had flooded certain sections of the house. The gas was turned on by the occupants on a week-end visit and an explosion killed a child. All of the testimony we heard

agreed that licensing would not have prevented this tragedy.

Majority Amendment (1206h)

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

1 New Paragraph; Department of Safety; State Fire Marshal; Fuel Gas Fitter Regulation. Amend RSA 21-P:12 by inserting after paragraph VI the following new paragraph:

VII. Administration, supervision, and enforcement of RSA 153:27-37 regulating fuel gas fitters.

2 New Subparagraph; Department of Safety; Fuel Gas Fitters. Amend RSA 21-P:14, II by inserting after subparagraph (dd) the following new subparagraph:

(ee) Licensing fuel gas fitters, as authorized by RSA 153:27-37.

3 New Subdivision; Fuel Gas Fitters. Amend RSA by inserting after RSA 153:26 the following new subdivision:

Fuel Gas Fitters

153:27 Definitions. In this subdivision:

I. "Fuel gas fitter" means a hearth system installation and service technician, a liquefied propane installation technician, a liquefied propane service technician, a natural gas installation technician, a natural gas service technician, or a piping installer regulated by this subdivision.

II. "Fuel gas fitting" means the installation, repair, alteration, service, demolition or removal of pipes, fixtures, fittings, appliances, or apparatus necessary for supplying natural gas or propane for residential or non-residential use from the point of delivery and all gas piping before connection to the combustion zone and including the applicable venting of flue gases to the outside atmosphere and the provisions for air for combustion and ventilation.

III. "Hearth system installation and service technician" means any person engaged in the installation, servicing, and repair of liquefied propane or natural gas hearth appliances and venting systems.

IV. "Liquefied propane installation technician" means any person engaged in the installation of inside and outside piping from the outlet of the gas meter or second stage regulator or residential and non-residential heating equipment systems or water heating systems using liquefied propane gas.

V. "Liquefied propane service technician" means any person engaged in the servicing and repair of inside and outside piping from the outlet of the gas meter or second stage regulator or residential and non-residential heating equipment systems or water heating systems using liquefied propane gas.

VI. "License" means any license issued pursuant to this subdivision, including any specialty license.

VII. "Natural gas installation technician" means any person engaged in the installation of inside and outside piping from the outlet of the gas meter or second stage regulator or residential and non-residential heating equipment systems or water heating systems using natural gas.

VIII. "Natural gas service technician" means any person engaged in the service and repair of inside and outside piping from the outlet of the gas meter or second stage regulator or residential and non-residential heating equipment systems or water heating systems using natural gas.

IX. "Person" means a natural person, corporation, partnership, association, trust, or other entity capable of holding title to real property, or any combination thereof.

X. "Piping installer" means any person engaged in the installation of liquefied propane gas or natural gas piping or who is a New Hampshire licensed plumber and by demonstration, approved by the state fire marshal, through affidavit, experience, education or training in the use of NFPA 54, national fuel gas code as adopted pursuant to RSA 153:5 in the state fire code.

153:28 Powers and Duties of the State Fire Marshal; Rulemaking.

I. The state fire marshal shall adopt rules under RSA 541-A necessary for the proper performance of the state fire marshal's duties to implement the licensure requirements established in this subdivision, which shall include the following:

(a) Standards regarding education or its equivalent, experience requirements, and testing requirements for applicants for initial licensure for the following specialty licenses:

- (1) Hearth system installation and service technician.
- (2) Liquefied propane installation technician.
- (3) Liquefied propane service technician.
- (4) Natural gas installation technician.
- (5) Natural gas service technician.
- (6) Piping installer.

(b) Standards for license renewal and continuing education requirements.

Continuing education requirements may be fulfilled in full or in part by existing training programs approved by the state fire marshal. The rules shall address continuing education requirements for each specialty license, including but not limited to the number of hours of continuing education for each specialty license, and education applicable to holders of multiple specialty licenses.

(c) The state fire marshal shall adopt rules relative to the establishment of application fees for licensure, for renewal, and for late renewal of licenses under this subdivision. The fee for examination by third parties shall be separate from the fees established by the state fire marshal.

(d) After the first year, fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the previous fiscal year. Fees shall be deposited in the fire standards and training and emergency medical services fund, established by RSA 21-P:12-d.

II. The state fire marshal shall adopt technical standards for fuel gas fitting by rule under RSA 541-A. The state fire marshal shall adopt the most recent edition of the national fuel gas code adopted by the state under RSA 153:5.

III. The state fire marshal shall administer, and enforce the provisions of this subdivision. The heating system certification advisory committee established under RSA 153:16-c shall assist the state fire marshal in carrying out the duties under this subdivision by providing advice regarding:

- (a) Developing rules required for this subdivision.
- (b) Implementing the licensing requirements under this subdivision.

153:29 Examinations; Licenses.

I. The state fire marshal shall establish, through rulemaking pursuant to RSA 541-A, the nature of the examinations required for issuance of fuel gas fitter licenses. The scope of such examinations and the methods of procedure shall be prescribed by the state fire marshal. This may include an outside organization approved by the state fire marshal.

II. Each license issued by the state fire marshal shall identify which of the following special licenses applies to the licensee.

- (a) Hearth system installation and service technician.
- (b) Liquefied propane installation technician.
- (c) Liquefied propane service technician.
- (d) Natural gas installation technician.
- (e) Natural gas service technician.
- (f) Piping installer.

III. No licensee shall engage in any activity not covered by his or her specialty license.

IV. The licensee shall have in his or her possession a current biennial license issued by the state fire marshal. The license shall be available for inspection on request. The state

fire marshal shall issue both a wall license and a license suitable to be carried by the individual licensee.

153:30 Expiration and Renewal.

I. Licenses shall be renewed as follows:

(a) All licenses shall expire every 2 years on the last day of the month of the holder's birth. The state fire marshal shall renew a valid license issued under this subdivision on receipt of an application for renewal and the required fee before the expiration date of the license.

(b) If a person fails to renew his or her license prior to expiration, the person may have the license reinstated within 90 days of its expiration by paying the reinstatement fee in addition to the renewal fee. A late fee is not required during the first 30 days of expiration.

(c) Any application received 90 days or more after the expiration of the license shall be rejected unless accompanied by proof of successful completion of the examination required under RSA 153:29 subsequent to its expiration.

(d) Applicants for license renewal shall provide to the state fire marshal evidence of completion of continuing education within the previous 24-month period.

II. Upon the request of a licensed fuel gas fitter who is a member of any reserve component of the Armed Forces of the United States and is called to active duty, the state fire marshal shall place the person's license on inactive status. The license may be reactivated within one year of the licensee's discharge by payment of the renewal fee and with proof of completion of the most current continuing education requirement unless still within the renewal period.

153:31 Emergencies. The state fire marshal is authorized, at his or her discretion, to waive the requirements of this subdivision for the purpose of restoring service during an emergency.

153:32 Disciplinary Action.

I. The state fire marshal may undertake disciplinary proceedings:

(a) Upon his or her own initiative; or

(b) Upon written complaint of any person which charges that a person licensed by the state fire marshal has committed misconduct under paragraph II and which specifies the grounds therefor.

II. Misconduct sufficient to support disciplinary proceedings under this subdivision shall include:

(a) The practice of fraud or deceit in procuring or attempting to procure a license to practice under this subdivision;

(b) Conviction of any criminal offense involving injury to a victim or the risk of such injury or any criminal offense involving dishonesty;

(c) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of, the profession;

(d) Unfitness or incompetence by reason of negligent habits or other causes; or negligent or willful acts performed in a manner inconsistent with the health or safety of persons under the care of the licensee;

(e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders him or her unfit to practice under this subdivision;

(f) Mental or physical incompetence to practice under this subdivision;

(g) Willful or repeated violation of the provisions of this subdivision; or

(h) Suspension or revocation of a license, similar to one issued under this subdivision, in another jurisdiction and not reinstated.

III. The state fire marshal may take disciplinary action in any one or more of the following ways:

(a) By reprimand;

(b) By suspension, limitation, or restriction of license for a period of up to 5 years after hearing before the fire marshal or his or her designee pursuant to RSA 541-A, unless waived by the licensee;

(c) By revocation of license after hearing before the fire marshal or his or her designee pursuant to RSA 541-A, unless waived by the licensee; or

(d) By requiring the person to participate in a program of continuing education in the area or areas in which he or she has been found deficient.

153:33 Appeals. Any person affected by a final decision of the state fire marshal may appeal such final decision pursuant to RSA 541.

153:34 Inspectors.

I. The state fire marshal shall have the authority to appoint such inspectors as are necessary to insure compliance throughout the state with practices consistent with the public safety and welfare.

II. An inspector appointed under this subdivision shall have the authority to enter any premises in which a fuel gas fitter subject to regulation is performing, or has performed, work regulated under this subdivision for the purpose of making such inspection as is necessary to carry out his or her duties under this subdivision. If consent for such inspection is denied or not reasonably obtainable, the state fire marshal or his or her designee may obtain an administrative inspection warrant under RSA 595-B.

III. An inspector appointed under this subdivision may order the removal or correction of any violation of this subdivision.

IV. Whenever an inspector orders the removal or correction of a violation under paragraph III, he or she shall immediately notify the local building inspection department or administrative authority of the town where the violation is located, and further order that all the work in violation be corrected prior to continuance. The local building authority shall approve the continuation of work upon being satisfied that violations have been corrected and shall notify the inspector of such approval.

153:35 Local Enforcement. The rules adopted pursuant to RSA 153:28, may be enforced by the building inspection department or by any officer designated by the administrative authority of the city or town; provided, however, that a city or town may adopt and enforce ordinances more stringent than the rules adopted under this subdivision.

153:36 Exception. The license requirements of this subdivision shall not apply to anyone who performs fuel gas fitting within an existing structure owned or occupied by the person who performs the fuel gas fitting work, and such structure is used as the individual's primary residence. Notwithstanding any provision to the contrary, any person who is exempt under this subdivision shall perform fuel gas fitting work in accordance with applicable technical standards, and comply with any applicable code, application, and inspection requirements that may apply to the fuel gas fitting work performed.

153:37 Penalties.

I. Any person who performs fuel gas fitting without first having obtained a license, shall be guilty of a misdemeanor.

II. Any person who violates any rule adopted under RSA 153:28 or whoever violates any ordinance or bylaw enacted pursuant to the provisions of RSA 153:35 shall be guilty of a misdemeanor.

III. Any person which procures any license based upon inaccurate information contained on an application, or procures any license by fraud, shall be guilty of a misdemeanor.

IV. Any person who performs fuel gas fitting without first having obtained a license, or who violates any rule adopted pursuant to this subdivision, and such performance of fuel gas fitting results in serious bodily injury or death, shall be guilty of a felony.

V. The penalties in this subdivision shall not apply until after one calendar year following the effective date of rules first adopted under this subdivision.

4 Certification of Heating Equipment Installers. Amend the section heading of RSA 153:16-b and RSA 153:16-b, I and II to read as follows:

153:16-b Certification of Heating Equipment Installers[;] **and** Heating Equipment Service Personnel[; ~~and Gas Piping Installers~~]; Penalty.

I. The state fire marshal shall establish a voluntary certification program for certifying the following:

(a) Individuals involved in the installation of residential and ~~[commercial]~~ **non-residential** heating equipment systems, ~~[domestic]~~ water heating systems, or appliances using heating oil[; ~~liquefied petroleum gas (propane), or natural gas~~].

(b) Individuals involved in the servicing and repair of heating equipment, ~~[domestic]~~ water heating systems, or appliances using heating oil[; ~~liquefied petroleum gas, or natural gas~~].

~~(c) Individuals involved in the installation of gas piping for heating systems, domestic water heating systems, or appliances using natural gas or liquefied petroleum gas.~~

~~(d) Individuals involved in the installation of hearth systems using liquefied petroleum gas or natural gas].~~

II. The commissioner of the department of safety shall adopt rules, pursuant to RSA 541-A, relative to the establishment of minimum education and training standards for voluntarily certified heating equipment installers[;] **and** heating equipment service personnel[; ~~gas piping installers, and hearth system installers~~].

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

AMENDED ANALYSIS

This bill establishes the licensure of fuel gas fitters by the state fire marshal. Majority amendment adopted.

Rep. Ryder offered floor amendment (1246h).

Floor Amendment (1246h)

Amend RSA 153:30, II as inserted by section 3 of the bill by replacing it with the following:

II. Upon the request of a licensed fuel gas fitter who is a member of any reserve component of the armed forces of the United States or the national guard and is called to active duty, the state fire marshal shall place the person's license on inactive status. The license may be reactivated within one year of the licensee's discharge by payment of the renewal fee and with proof of completion of the most current continuing education requirement unless still within the renewal period.

Amend RSA 153:34, II as inserted by section 3 of the bill by replacing it with the following:

II. An inspector appointed under this subdivision shall have the authority to enter any premises in which a fuel gas fitter subject to regulation is performing, or has completed, work regulated under this subdivision for the purpose of making such inspection as is necessary to carry out his or her duties under this subdivision. If consent for such inspection is denied or not reasonably obtainable, the state fire marshal or his or her designee may obtain an administrative inspection warrant under RSA 595-B.

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

5 Transition; Certified Installers. Individuals certified as gas piping installers or hearth system installers under RSA 153:16-b immediately prior to the effective date of this act, shall be permitted to continue practicing as certified gas piping installers or hearth system installers for one year following the adoption of rules by the state fire marshal under RSA 153:28. Following the one-year period all such persons shall be required to be licensed pursuant to RSA 153:27-37.

Rep. Ryder spoke in favor.

Floor amendment (1246h) was adopted.

On a division vote, 219 members having voted in the affirmative and 101 in the negative, the

majority committee report as amended was adopted.
 Ordered to third reading.
 Rep. Hagan declared a conflict of interest and did not participate.

HB 1224-FN, establishing reciprocity for liability limitations on claims against the state and against foreign jurisdictions. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: The purpose of this bill was to begin the process of establishing reciprocal arrangements with other states to limit the liability of each when sued for damages in another. The exposure to damages of each state enacting this or any substantially identical bill would be limited to the statutory limit (if any) enacted by that state, regardless of in which other participating state it was sued. In the case of New Hampshire, this would mean that, when sued in the courts of any other participating state, its exposure would be limited to the current statutory cap of \$250,000 establishing by RSA 541-B:14, the same limit to which it is exposed when sued in the courts of this state. Several objections to this bill were raised, which included its confusing wording, the question of why other states would wish to limit the recovery rights of its citizens to a cap so low as that of New Hampshire, and the constitutionality—notwithstanding decisions of our Supreme Court upholding it—of any statutory cap on damage awards, given the right expressed in Article 14 of our Bill of Rights that every subject of the state is entitled to have recourse to a complete remedy for all injuries. Vote 15-5.
 Committee report adopted.

HB 1492, Granting immunity from liability to pharmacists who refuse to dispense an emergency contraceptive pill. **MAJORITY: INEXPEDIENT TO LEGISLATE.**
MINORITY: OUGHT TO PASS.

Rep. Vivian J. Desmarais for the Majority of Judiciary: The committee believes that an immunity bill is unnecessary since the contraceptive bill law passed in the last session which states very clearly the responsibility and the duties of the pharmacists in dispensing this pill. The current law provides that pharmacists must volunteer to dispense this drug and can only do so after taking a course about procedures to be used. Anything further would just complicate matters, therefore putting the young women into a position of having an unwanted pregnancy. Vote 17-3.

Rep. Nancy J. Elliot for the Minority of Judiciary: There are some pharmacists in this state that have a moral objection to dispensing pills that in some instances abort a fetus. This bill allows a pharmacist to refuse to dispense the “morning after pill” and be free from liability for such refusal. Doctors who refuse to perform abortions are protected; our pharmacists should be also.

Reps. Souza and McRae spoke against.

Reps. Itse and Hagan spoke against and yielded to questions.

Reps. Bergin and Laskey spoke in favor and yielded to questions.

Rep. Langlais requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 215 NAYS 106			
YEAS 215			
BELKNAP			
Allen, Janet	Heald, Bruce	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Russell, David	Thomas, John
CARROLL			

Babson, David Jr	Buco, Thomas	Chandler, Gene	Dickinson, Howard
Knox, J David	Martin, James	McConkey, Mark	Morrow, Harry
Olimpio, J Lisbeth	Patten, Betsey		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Chase, William	Dunn, J Timothy
Eaton, Daniel	Emerson, Susan	Espieffs, Peter	Hogancamp, Deborah
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	Merrick, Scott	Stohl, Eric
Theberge, Robert	Tholl, John Jr		
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Gionet, Edmond	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Sorg, Gregory	Williams, Burton
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Calawa, Leon Jr
Campbell, David	Carter, Mark	Chase, Claudia	Christensen, D L Chris
Clemons, Jane	Cote, Peter	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Egbers, Fran	Essex, David
Foster, Linda	Gargas, Carolyn	Garrity, Patrick	Golding, William
Goley, Jeffrey	Gorman, Mary	Graham, John	Haley, Robert
Hall, Betty	Harvey, Suzanne	Holden, Randolph	Infantine, William
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Kopka, Angeline
Kurk, Neal	Lasky, Bette	Matarazzo, Anthony Sr	Mead, Robert
Messier, Irene	Movsesian, Lori	O'Connell, Timothy	Ober, Lynne
Pappas, Christopher	Price, Pamela	Rosenwald, Cindy	Ross, Lawrence
Rowe, Robert	Ryder, Donald	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Smith, David	Sullivan, Francis
Sullivan, Peter	Vaillancourt, Steve	Villeneuve, Maurice	
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	Danforth, James	DeJoie, John
DeStefano, Stephen	Foose, Robert	French, Barbara	Gile, Mary
Hamm, Christine	Kidder, David	Klose, John	Lockwood, Priscilla
MacKay, James	Marple, Richard	Maxfield, Roy	McMahon, Patricia
Oliver, James	Osborne, Jessie	Potter, Frances	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	Bishop, Franklin	Bridle, Russell	Brown, C.
Buxton, Donald	Cali-Pitts, Jacqueline	Camm, Kevin	Casey, Kimberley
Charron, Gene	Cooney, Richard	DiFruscia, Anthony	Doyle, Christopher
Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila	Gilbert, Karl
Gould, Kenneth	Johnson, Robert	Katsakiores, George	Langley, Jane
Major, Norman	McKinney, Betsy	Moody, Marcia	Morris, Richard
Pantelakos, Laura	Parker, Benjamin	Powers, James	Priestley, Anne
Rausch, James	Robertson, Carl	Robinson, John	Rolston, James
Sanders, Elisabeth	Serlin, Christopher	Splaine, James	Stiles, Nancy
Stone, Joseph	Weare, E Albert	Welch, David	Wells, Roger
STRAFFORD			
Bickford, David	Brown, Julie	Brown, Lawrence	Cilley, Jacalyn
Domingo, Baldwin	Dunlap, Patricia	Grassie, Anne	Heon, Richard
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Wall, Janet			
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Phinizy, James	Prichard, Stephen
NAYS 106			
BELKNAP			
Boyce, Laurie	Fitzgerald, James	Rosen, Ralph	Tilton, Franklin
Tobin, William	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Brown, Carolyn	Philbrick, Donald	Stevens, Stanley	
CHESHIRE			
Butynski, William			
COOS			
Morneau, Renney	Remick, William	Richardson, Herbert	
GRAFTON			
Giuda, Robert	Ingbretson, Paul	Maybeck, Margie	Mirski, Paul
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Buhlman, David	Carew, James	Christiansen, Lars
Clark, Mark	Coughlin, Pamela	Crane, Elenore	Dyer, Donald

		Casey	
Elliott, Nancy	Francoeur, Bea	Gibson, John	Goyette, Peter Jr
Hagan, Barbara	Hawkins, Ken	Hellwig, Steve	Hirschmann, Keith
Jeudy, Jean	L'Heureux, Robert	Lawrence, James	Lessard, Rudy
Manney, Pamela	McRae, Karen	Mooney, Maureen	Moran, Edward
O'Brien, William	Pilotte, Maurice	Reeves, Sandra	Renzullo, Andrew
Slocum, Lee	Souza, Kathleen	Ulery, Jordan	Wheeler, James
Wheeler, Robert			
MERRIMACK			
Field, William	Kennedy, Richard	Langlais, Thomas	Soltani, Tony
ROCKINGHAM			
Allen, Mary	Bettencourt, David	Cady, Harriet	Carson, Sharon
Coburn, James	Donahue, Richard Ken	Dowd, John	Dumaine, Dudley
Fesh, Bob	Garritty, James	Griffin, Mary	Headd, James
Hopfgarten, Paul	Hughes, Daniel	Introne, Robert	Itse, Daniel
Katsakiores, Phyllis	Lund, Howie	Mason, April	McMahon, Charles
Nowe, Ronald	Packard, Sherman	Palazzo, Frank	Quandt, Marshall Lee
Quandt, Matthew	Scamman, Stella	Waterhouse, Kevin	Weldy, Norman
Weyler, Kenneth	Winchell, George	Zolla, William	
STRAFFORD			
Albert, Russell	Berube, Roger	Callaghan, Frank	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Easson, Timothy	Hollinger, Jeffrey
Newton, Clifford			
SULLIVAN			
Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly	

and the majority committee report was adopted.

HB 1768-FN, relative to the corporate purposes of the New Hampshire Bar Association and the regulation of attorneys by the supreme court. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert D. Mead for Judiciary: This bill in addition to establishing a committee to study the effects of rescinding the charter granted by the legislature in 1873 to the New Hampshire Bar Association and the subsequent incorporation of a voluntary membership organization, does the following. It establishes the authority and procedures for the regulation of attorneys by the Supreme Court, and removes from current law all references to the New Hampshire Bar Association, and its mandatory membership as a requirement to practice law or hold state appointed positions in RSA 494:1, RSA 363:1, RSA 604-B4, and RSA 161-B:2X. It further deletes the contract approval requirement by the "board of governors of the New Hampshire Bar Association" for the public defender program, and replaces with the words "State Bar" all previous references to the New Hampshire Bar Association. Vote 13-7.

Amendment (1152h)

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

AN ACT establishing a committee to study the effects of rescinding the charter of the New Hampshire Bar Association, and relative to the regulation of attorneys by the supreme court.

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

1 Study Committee Established; Purpose.

I. There is established a committee to study the effects of rescinding the charter of the New Hampshire Bar Association. The study shall consider that subsequent incorporation shall be limited to the association purposes stated in articles of incorporation by voluntary membership of attorneys admitted by the supreme court to practice in this state, and shall not be made or interpreted to require membership in the association as a condition of practicing law as a licensed attorney.

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

(a) Three members of the house of representatives, one of whom shall be a member of the finance committee and 2 of whom shall be members of the judiciary committee, appointed by the speaker of the house of representatives.

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

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

IV. The committee shall study:

(a) The effects of rescinding the charter of the New Hampshire Bar Association, including contractual ramifications, distribution of assets, removal and reassignment of duties of officers, and any other effects deemed worthy by the committee.

(b) Matter related to subsequent incorporation of a voluntary bar association.

(c) The collection and deposit of fees paid by attorneys to be licensed to practice law, whether in the general fund or other state fund.

(d) The payment of attorney dues and supreme court fees by state and local governments.

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

VI. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before July 1, 2007.

2 Attorneys and Counselors. RSA 311 is repealed and reenacted to read as follows:

CHAPTER 311

ATTORNEYS

311:1 Admission to Practice; Regulation of Attorneys.

I. The supreme court shall regulate the practice of law by attorneys and their admission to practice law in New Hampshire. It shall have continuing supervisory authority over attorneys practicing before courts and agencies in this state, and may assess fees for the purpose of regulating the practice of law and for disciplinary investigations, hearings, and enforcement.

II. Any citizen of the age of 18 years, of good moral character and suitable qualifications, on application to the supreme court and upon meeting the requirements of the supreme court shall be admitted to practice law as an attorney.

III. The supreme court shall adopt rules for the regulation of attorneys, including procedures for admission and examination, establishing all fees, disciplinary procedures, and other matters necessary for administration of this chapter.

311:2 Right to Appear.

I. A party in any cause or proceeding may appear, plead, prosecute, or defend in his or her proper person, that is, pro se, or may be represented by any citizen of good character. For the purposes of this section, a citizen shall be presumed to be of good character unless demonstrated otherwise.

II. No person shall act as attorney in any cause in which the person has acted as judge.

311:3 Oath.

I. Every attorney admitted to practice shall take and subscribe, in open court, the oaths to support the constitution of this state and of the United States, and the oath of office in the following form: You solemnly swear or affirm that you will do no falsehood, nor consent that any be done in the court, and if you know of any, that you will give knowledge thereof to the justices of the court, or some of them, that it may be reformed; that you will not wittingly or willingly promote, sue or procure to be sued any false or unlawful suit, nor consent to the same; that you will delay no person for lucre or malice, and will act in the office of an attorney within the court according to the best of your learning and discretion, and with all good fidelity as well to the court as to your client. So help you God or under the pains and penalty of perjury.

II. No person shall be permitted commonly to practice in New Hampshire as an attorney unless he or she has been admitted by the court and taken the oath prescribed in paragraph I.

311:4 Discipline; Disbarment. The supreme court shall inquire in a summary manner into any charges of fraud, malpractice, or contempt of court against an attorney, and, upon satisfactory evidence of the attorney's guilt, shall suspend such attorney from practice, or may disallow or revoke the authority to practice law in New Hampshire.

311:5 Effect of Suspension. No person while suspended from practice pursuant to RSA 311:4, or until the person's restoration to status in the state bar, shall be permitted to practice law in New Hampshire.

311:6 Practice by Corporations Prohibited. No corporation shall practice or appear as an attorney in any court in the state or before any judicial body or hold itself out to the public or advertise as being entitled to practice law, and no corporation shall draw agreements, or other legal documents not relating to its lawful business, or draw wills, or practice law, or give legal advice or legal information as an attorney, or hold itself out in any manner as being entitled to do any of the foregoing acts, by or through any person orally or by advertisement, letter, or circular; provided that the foregoing prohibition shall not prevent a corporation from employing an attorney in regard to its own affairs or in any litigation to which it is or may be a party. Any person violating any provisions of this section shall be guilty of a felony. Any natural person, including every officer, agent or employee of any such corporation, who, on its behalf, directly or indirectly engages in any of the acts herein prohibited or assists such corporation to do such prohibited acts shall be guilty of a misdemeanor. The term "corporation" as used in this section shall not include a corporation of attorneys organized as a professional association under the provisions of RSA 294-A.

311:7 Lien on Verdict. From the commencement of an action, bill in equity or other proceeding in any court, the filing of a counterclaim or plea in set-off or recoupment, or appearance in any proceeding before any state or federal department, board, or commission, the attorney who appears for a client in such proceeding shall have a lien for reasonable fees and expenses upon the client's cause of action, upon the judgment decree or other order in the client's favor entered or made in such proceeding, and upon the proceeds derived therefrom. The lien cannot be affected by any settlement between the parties before or after the judgment decree or other order. Upon the request of the client or the attorney, the court in which the proceeding is pending, or, if the proceeding is not pending in a court, the superior court, may determine and enforce the lien; provided that this section shall not apply to matters arising under RSA 282-A and any case where the method of determination of attorneys' fees is otherwise expressly provided by statute.

Unauthorized Practice of Law

311:8 Definitions. In this subdivision:

I. "Bar association" means a professional society that may be a corporation for attorneys who are licensed by the supreme court and admitted to practice law in New Hampshire.

II. "Person" means an individual, corporation, partnership, or association.

311:9 Petition for Injunction. Upon the attorney general's own information or upon complaint of any person, including any judge or any organized bar association in this state, the attorney general may maintain an action for injunctive relief in the supreme or superior court against any person who renders, offers to render, or holds himself or herself out as rendering any service which constitutes the unauthorized practice of the law. Any organized bar association in this state may intervene in the action, at any stage of the proceeding, for good cause shown.

311:10 Investigation by Attorney General.

I. The attorney general may investigate any complaint of unauthorized practice of the law and the attorney general, or a deputy attorney general or an assistant attorney general designated by the attorney general, may subpoena witnesses, compel their attendance, examine them under oath, and require the production of any relevant documentary evidence.

II. The laws relating to the attendance of witnesses in civil actions and the payment of their fees and expenses to those witnesses shall apply to investigations made by the attorney general.

III. If a person fails or refuses to obey a subpoena or to testify as to any material matter regarding which the person may be interrogated, the superior court, upon application by the attorney general, may issue to the person an order requiring the person to appear before the attorney general, or a deputy attorney general or an assistant attorney general designated by the attorney general, to produce documentary evidence or testify. Failure to obey the order of the court may be punished by the court as a contempt of court.

IV. When requested, public officers, their assistants, clerks or employees shall furnish to the attorney general, the deputy or an assistant attorney general designated by the attorney general all information and assistance.

V. Investigations under this section shall be confidential. Any person participating in the investigation who, except as required in the discharge of the person's official duties, discloses to any person, other than to a person under investigation, the name of any person under investigation or any witness examined, or any other information obtained in the investigation is guilty of a misdemeanor.

VI. Every person whose conduct is investigated under this section shall be furnished with a written specification of the issues which are to be considered, and shall be given an opportunity to present evidence and be heard upon the specified issues.

311:11 Remedies and Procedures Additional to Those Now Existing. The remedies and procedures provided in this subdivision are in addition to and not in substitution for other available remedies and procedures.

Amend the bill by replacing section 4 with the following:

4 Judicial Council. Amend RSA 494:1, VIII and IX to read as follows:

VIII. Eight other members appointed by the governor and council, 3 of whom shall be ~~[members of the New Hampshire Bar Association]~~ **attorneys** of wide experience who have been admitted to practice in the state for more than 5 years, and 5 of whom shall be lay persons; and

IX. Five other members appointed by the chief justice of the supreme court, 3 of whom shall be ~~[members of the New Hampshire Bar Association]~~ **attorneys** of wide experience who have been admitted to practice in the state for more than 5 years, and 2 of whom shall be lay persons.

AMENDED ANALYSIS

The bill establishes a committee to study the effects of rescinding the charter of the New Hampshire Bar Association.

The bill also establishes the authority and procedure for the regulation of attorneys by the supreme court.

Amendment adopted.

Rep. Mead requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 195 NAYS 122			
YEAS 195			
BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	Heald, Bruce
Millham, Alida	Nedeau, Stephen	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	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		
CHESHIRE			
Chase, William	Emerson, Susan	Hogancamp, Deborah	Hunt, John
COOS			
Lary, Bruce	Morneau, Renney	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Harding, A Laurie
Ingbretson, Paul	Maybeck, Margie	McLeod, Martha	Mirski, Paul
Mulholland, Catherine	Nordgren, Sharon	Sorg, Gregory	Williams, Burton
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Batula, Peter
Beaulieu, Jane	Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James
Carter, Mark	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Clemons, Jane	Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian
Dyer, Donald	Elliott, Nancy	Francoeur, Bea	Gargasz, Carolyn
Garrity, Patrick	Golding, William	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Hawkins, Ken	Hellwig, Steve	Hirschmann, Keith
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Lessard, Rudy	Manney, Pamela	McRae, Karen
Mead, Robert	Messier, Irene	Mooney, Maureen	Moran, Edward
O'Brien, William	O'Connell, Timothy	Ober, Lynne	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rowe, Robert	Schulze, Joan
Shaw, Barbara	Slocum, Lee	Souza, Kathleen	Sullivan, Francis
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James
Wheeler, Robert			

MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Currier, David	Danforth, James
Field, William	Kidder, David	Klose, John	Langlais, Thomas
Lockwood, Priscilla	MacKay, James	Marple, Richard	Maxfield, Roy
McMahon, Patricia	Oliver, James	Soltani, Tony	Whiting, Herbert
Yeaton, Charles			
ROCKINGHAM			
Allen, Mary	Bettencourt, David	Bicknell, Elbert	Bishop, Franklin
Bridle, Russell	Buxton, Donald	Cady, Harriet	Camm, Kevin
Carson, Sharon	Charron, Gene	Cooney, Richard	Donahue, Richard Ken
Dowd, John	Doyle, Christopher	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Griffin, Mary	Headd, James	Hopfgarten, Paul	Introne, Robert
Itse, Daniel	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Lund, Howie	Major, Norman	Mason, April	McKinney, Betsy
McMahon, Charles	Moody, Marcia	Morris, Richard	Nowe, Ronald
Packard, Sherman	Palazzo, Frank	Parker, Benjamin	Powers, James
Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Robertson, Carl	Rolston, James	Scamman, Stella	Stone, Joseph
Weare, E Albert	Welch, David	Weldy, Norman	Wells, Roger
Weyler, Kenneth	Winchell, George	Zolla, William	
STRAFFORD			
Albert, Russell	Berube, Roger	Bickford, David	Campbell, W Packy
Chaplin, Duncan	Cilley, Jacalyn	Dunlap, Patricia	Easson, Timothy
Hollinger, Jeffrey	Knowles, William	Newton, Clifford	Schmidt, Peter
SULLIVAN			
Franklin, Peter	Houde-Quimby, Charlotte	Irish, Christopher	Prichard, Stephen
Rodeschin, Beverly			
NAYS 122			
BELKNAP			
Morrison, Gail	Tilton, Franklin		
CARROLL			
Buco, Thomas	Knox, J David	Martin, James	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Dunn, J Timothy
Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Sawyer, Sheldon	Weed, Charles	

COOS			
King, Frederick	Merrick, Scott	Theberge, Robert	
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Sokol, Hilda	Solomon, Peter
HILLSBOROUGH			
Baroody, Benjamin	Bergin, Peter	Brassard, Paul	Chase, Claudia
Cote, Peter	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Egbers, Fran	Essex, David	Foster, Linda	Gibson, John
Goley, Jeffrey	Gorman, Mary	Haley, Robert	Hall, Betty
Harvey, Suzanne	Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette
Jeudy, Jean	Kopka, Angeline	Lasky, Bette	Matarazzo, Anthony Sr
Movsesian, Lori	Pappas, Christopher	Pilotte, Maurice	Rosenwald, Cindy
Ryder, Donald	Shattuck, Gilman	Shaw, Kimberly	Smith, David
MERRIMACK			
Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	DeJoie, John
DeStefano, Stephen	Foose, Robert	French, Barbara	Gile, Mary
Hamm, Christine	Osborne, Jessie	Potter, Frances	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	
ROCKINGHAM			
Asselin, Michael	Brown, C.	Cali-Pitts, Jacqueline	Casey, Kimberley
Coburn, James	DiFruscia, Anthony	Flockhart, Eileen	Gould, Kenneth
Langley, Jane	Pantelakos, Laura	Robinson, John	Sanders, Elisabeth
Serlin, Christopher	Splaine, James	Stiles, Nancy	Waterhouse, Kevin
STRAFFORD			
Brown, Julie	Brown, Lawrence	Callaghan, Frank	Cataldo, Sam
Domingo, Baldwin	Grassie, Anne	Heon, Richard	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Miller, Joseph
Rollo, Michael	Rous, Emma	Smith, Marjorie	Spang, Judith
Taylor, Kathleen	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Osgood, Philip Sr	Phinizy, James		

Committee report adopted.

Ordered to third reading.

Reps. David Campbell, Hughes and Peter Sullivan declared a conflict of interest and did not participate.

HB 1770, requiring the state to obtain a warrant for telephone and wireless telephone subscriber or customer information and billing records. **INEXPEDIENT TO LEGISLATE**
Rep. Donald R. Buxton for Judiciary: The sponsor was not the only person to appear in favor of the bill. The Attorney General, Chiefs of Police, State Police, New Hampshire Sheriffs and

some local police all testified against the bill. The consensus was that this bill would take away an effective tool from law enforcement. Presently a warrant is necessary for a wire tap order but not a telephone record. The Attorney General and/or his/her designee may issue a subpoena for telephone records now. There are certain restrictions and there is no record of abuse of this process. Vote 14-5.

Rep. Kurk spoke against and yielded to questions.

Rep. Buxton spoke in favor and yielded to questions.

Rep. Giuda spoke against.

Rep. Sorg spoke in favor.

Rep. Boyce requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 175 NAYS 142			
YEAS 175			
BELKNAP			
Allen, Janet	Fitzgerald, James	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William		
CARROLL			
Brown, Carolyn	Buco, Thomas	Chandler, Gene	Knox, J David
Martin, James	McConkey, Mark	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Dunn, J Timothy
Emerson, Susan	Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie
Richardson, Barbara	Sawyer, Sheldon		
COOS			
King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	
GRAFTON			
Bleyler, Ruth	Cooney, Mary	McLeod, Martha	Mulholland, Catherine
Solomon, Peter	Sorg, Gregory	Williams, Burton	
HILLSBOROUGH			
Baroody, Benjamin	Batula, Peter	Beaulieu, Jane	Bergin, Peter
Brassard, Paul	Brundige, Robert	Campbell, David	Carew, James
Cote, Peter	Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Dyer, Donald
Foster, Linda	Gargas, Carolyn	Garrity, Patrick	Golding, William
Graham, John	Haley, Robert	Hawkins, Ken	Infantine, William
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Jeudy, Jean
Kopka, Angeline	Lasky, Bette	Matarazzo, Anthony	Mead, Robert

		Sr	
Mooney, Maureen	O'Brien, William	O'Connell, Timothy	Pappas, Christopher
Pilotte, Maurice	Price, Pamela	Rowe, Robert	Ryder, Donald
Schulze, Joan	Shaw, Barbara	Slocum, Lee	Smith, David
Sullivan, Francis	Ulery, Jordan	Wheeler, Robert	
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Hamm, Christine	Kidder, David	Klose, John	Lockwood, Priscilla
MacKay, James	Maxfield, Roy	Oliver, James	Potter, Frances
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Asselin, Michael	Bicknell, Elbert	Bridle, Russell	Brown, C.
Buxton, Donald	Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene
Coburn, James	Cooney, Richard	Donahue, Richard Ken	Dowd, John
Fesh, Bob	Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila
Garrity, James	Gilbert, Karl	Gould, Kenneth	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Langley, Jane	Lund, Howie
Mason, April	McKinney, Betsy	McMahon, Charles	Moody, Marcia
Morris, Richard	Packard, Sherman	Palazzo, Frank	Priestley, Anne
Rausch, James	Robertson, Carl	Rolston, James	Sanders, Elisabeth
Scamman, Stella	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weldy, Norman	Weyler, Kenneth
Winchell, George			
STRAFFORD			
Berube, Roger	Brown, Julie	Callaghan, Frank	Cilley, Jacalyn
Dunlap, Patricia	Easson, Timothy	Hofemann, Roland	Hollinger, Jeffrey
Johnson, Nancy	Kaen, Naida	Knowles, William	Rous, Emma
Taylor, Kathleen	Wall, Janet		
SULLIVAN			
Ferland, Brenda	Gale, Harry	Irish, Christopher	Osgood, Philip Sr
Prichard, Stephen	Rodeschin, Beverly		
NAYS 142			
BELKNAP			
Boyce, Laurie	Heald, Bruce	Rosen, Ralph	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Babson, David Jr	Dickinson, Howard	Merrow, Harry	
CHESHIRE			
Chase, William	Eaton, Daniel	Espieffs, Peter	Parkhurst, Henry

Plifka, Stanley Jr	Pratt, John	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		
COOS			
Merrick, Scott			
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Eaton, Stephanie
Gionet, Edmond	Giuda, Robert	Hammond, Lee	Ingbretson, Paul
Maybeck, Margie	Mirski, Paul	Nordgren, Sharon	Sokol, Hilda
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Buhlman, David	Calawa, Leon Jr
Carter, Mark	Chase, Claudia	Christensen, D L Chris	Christiansen, Lars
Clark, Mark	Clemons, Jane	Egbers, Fran	Elliott, Nancy
Essex, David	Francoeur, Bea	Gibson, John	Goley, Jeffrey
Gorman, Mary	Goyette, Peter Jr	Hagan, Barbara	Hall, Betty
Harvey, Suzanne	Hellwig, Steve	Hirschmann, Keith	Holden, Randolph
Kurk, Neal	L'Heureux, Robert	Lawrence, James	Lessard, Rudy
Manney, Pamela	Martin, Mary Ellen	McRae, Karen	Messier, Irene
Moran, Edward	Movsesian, Lori	Ober, Lynne	Reeves, Sandra
Renzullo, Andrew	Rosenwald, Cindy	Shattuck, Gilman	Shaw, Kimberly
Souza, Kathleen	Sullivan, Peter	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, James			
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	DeJoie, John
DeStefano, Stephen	Field, William	Foose, Robert	French, Barbara
Gile, Mary	Langlais, Thomas	Marple, Richard	Osborne, Jessie
Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert	
ROCKINGHAM			
Allen, Mary	Bettencourt, David	Bishop, Franklin	Cady, Harriet
Camm, Kevin	Carson, Sharon	DiFruscia, Anthony	Dumaine, Dudley
Griffin, Mary	Headd, James	Hopfgarten, Paul	Hughes, Daniel
Introne, Robert	Itse, Daniel	Major, Norman	Nowe, Ronald
Pantelakos, Laura	Powers, James	Quandt, Marshall Lee	Quandt, Matthew
Robinson, John	Serlin, Christopher	Splaine, James	Wells, Roger
Zolla, William			
STRAFFORD			
Albert, Russell	Bickford, David	Brown, Lawrence	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Domingo, Baldwin	Grassie, Anne
Heon, Richard	Keans, Sandra	Miller, Joseph	Newton, Clifford
Rollo, Michael	Schmidt, Peter	Smith, Marjorie	Spang, Judith
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter

Houde-Quimby, Charlotte	Phinizy, James		
----------------------------	----------------	--	--

and the committee report was adopted.

Rep. Carter voted Nay and intended to vote Aye.

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

HB 1133, establishing the employee civic duty act. **MAJORITY: REFER TO FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sharon M. Carson for the Majority of Labor, Industrial and Rehabilitative Services: This bill seeks to establish an employee civic duty act which gives employees the ability to take time off without pay to perform civic duties. The majority of the committee believes there is merit to this bill, but it needs additional work to create a mechanism which allows employees to engage in public service while respecting the needs and rights of employees. Vote 11-4.

Rep. Jarvis M. Adams for the Minority of Labor, Industrial and Rehabilitative Services: The genesis of this bill is a court case involving one person. No one who testified before the committee knew of even one other example that required this bill. New Hampshire has one of the highest rates of volunteerism in the country. The premise of this bill is faulty and not necessary for even interim study.

Majority committee report was adopted.

HB 1310, relative to strikes by public employees. **INEXPEDIENT TO LEGISLATE**

Rep. Jarvis M. Adams for Labor, Industrial and Rehabilitative Services: The committee believes that the day to day operations of the state or municipalities rely upon a wide variety of essential public employees that are not accounted for in this bill. Strikes by such employees would have a devastating effect on cities and towns if this bill became law. Vote 11-3.

Rep. Weed spoke against.

Rep. DiFruscia spoke in favor.

On a division vote, 179 members having voted in the affirmative and 107 in the negative, the motion was adopted.

HB 1762, extending a committee and adding a certain duty relative to pharmacy reimbursement. **WITHOUT RECOMMENDATION.**

Rep. Hunt moved Inexpedient to Legislate and spoke in favor.

Adopted.

HB 1117, relative to the economic development section of a master plan. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Harry S. Gale for the Majority of Municipal and County Government: The intent of the sponsor was to make the local land use boards aware of the issue of workforce housing and low income housing when they were developing the economic development plan section of their master plan. The inclusion of an economic development plan in the master plan is an option that the planning board can choose to include or not as stated in RSA 674:2, III, (c). The planning Board already does this type of planning in the housing section of RSA 674:2, II (I). So this legislation is not necessary. Also SB190 was passed by the Senate which establishes a committee to study including workforce housing in zoning ordinances. The committee has heard a great deal of concern from the business community, housing finance authority, chambers of commerce and other entities in the state about the lack of affordable housing. The number of bills that address this issue is growing. The legislature and the interested entities in the state need to sit at the table and find a solution using a public/private partnership template where both parties take responsibility for reaching a solution, not just putting out a percentage for the local communities. Vote 12-4.

Rep. Jessie L. Osborne for the Minority of Municipal and County Government: The minority of the committee believes that this bill ought to pass since it would provide a way for the municipalities to address the need for affordable housing in their master plans economic development section. This bill is enabling.
Majority committee report adopted.

HB 1379, relative to the investment of trust funds. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John P. Dowd for the Majority of Municipal and County Government: This bill authorizes the trustees of the trust funds to invest in certain mutual funds if they conform to the trustees' investment policy which was adopted for trust funds. It also requires the trustees to adopt an investment policy for capital reserve funds and to file all investment policies with the Attorney General. By eliminating the reference to RSA 35:9, which regulates the establishment and handling of capital reserve funds, and only referring to RSA 31:5, which dictates how the trustees will manage all trust funds held by their town diminishes the investment policies of the capital reserve funds. Under RSA:9, the governing body shall review and adopt investment policies on a yearly basis. By removing RSA 35:9 and only referring to RSA 31:5 would mean only the trustees of the trust funds would adopt an investment policy for these capital reserve funds. The majority of the committee feels that no testimony was heard to indicate that the present policy making process is flawed. Vote 10-6. Rep. Gilman C. Shattuck for the Minority of Municipal and County Government: The intent of HB 1379 is to correct a longstanding problem in existing legislation. It clarifies investment of funds by trustees. It was strongly supported in testimony by the Attorney General's office. This is a minor technical correction that would facilitate the work of trustees.

Rep. Lund spoke against.

Rep. Dowd spoke in favor and yielded to questions.

On a division vote, 179 members having voted in the affirmative and 107 in the negative, the majority committee report was adopted.

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

HB 1527, allowing municipalities to establish local community services and care planning boards. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert W. Brundige for the Majority of Municipal and County Government: All communities have within them wonderful organizations such as churches, Rotary clubs, food kitchens, youth organizations, senior citizens and many more. These organizations contribute to the well being of their communities on a daily basis. Establishment of these local community services and care planning boards would add an additional layer of bureaucracy and duplication of effort. The committee believes this bill is not necessary. Vote 13-4.

Rep. Stephen G. Prichard for the Minority of Municipal and County Government: This bill would have allowed, not required, a municipality to establish a local community services and care planning board. If created by a town, such a board would coordinate services and social activities and provide the continuity for such activities that all too easily get lost as service leaders come and go. It would not compete with service groups or tell them what to do only help enable them while assessing needs that might be met by such groups. Many towns could greatly benefit from such a board.

Majority committee report adopted.

HB 1426, granting a right-of-way over and a license to use certain parcels of state-owned land. **OUGHT TO PASS WITH AMENDMENT**

Rep. Candace C. W. Bouchard for Public Works and Highways: This bill, as amended, grants a right-of-way over state-owned land. In 1972, over 30 years ago, NH Fish and Game traded

a land-locked 1 ¼ acre parcel on the west side of the Merrimack River in Concord for a 2 acre unrestricted access parcel on the east side of the Merrimack River. NH Fish and Game used this land to build a public-access boat ramp that is currently used today and listed on NH Fish and Games web site. The Fish and Game parcel is currently assessed by the City of Concord as having an appraised value of \$277,800. The parcel received from the State is currently appraised by the City of Concord with a value of \$5,400. This legislation conforms the deeds more fairly to complete that transaction, taking into account the original land sale and more than 30 years of conduct between the parties. The amended bill removes the right of this land owner to use public land for private use. The committee supports the current process of obtaining a lease approved by the Governor and Governor's Council. Vote 8-6.

Amendment (0521h)

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

AN ACT granting a right-of-way over state-owned land.

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

1 Grant of Right-of-Way in Concord, New Hampshire. Notwithstanding any provision of law to the contrary, the state of New Hampshire, acting through the commissioner of transportation, shall grant to Leonard Brochu a permanent, continuing right-of-way over land formerly of the Boston and Maine railroad and now owned by the state. The right-of-way shall provide Leonard Brochu with access for agricultural purposes via 2 crossings, no more than one at grade, to a certain parcel of land recorded in the Merrimack County Registry of Deeds Book 1122, Page 285. The location of the crossings shall be at the existing dry trestle and, as created by the department of transportation in 1995 in providing passage over the location of the former railroad trestle, shall be no more than 25 feet in width. The commissioner shall reserve to the state the right to use the railroad land as necessary. The state at its cost may reduce the Brochu access to one crossing of the former railroad land in the vicinity of the existing trestle.

2 Signs. Leonard Brochu shall maintain stop signs and warning signs at the grade crossing.

3 Appurtenant Rights. The right-of-way, including the crossing or crossings to be granted to Leonard Brochu shall be appurtenant rights to the property conveyed to him by the state of New Hampshire by deed recorded in the Merrimack County Registry of Deeds, Book 1122, Page 285, and shall benefit successor owners of that parcel.

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

AMENDED ANALYSIS

This bill grants a right-of-way over the former Boston and Maine railroad land in Concord, New Hampshire.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1168, establishing a commission to determine how to optimize boating safety on water bodies. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Judith T. Spang for the Majority of Resources, Recreation and Development: At hearings in the past year, the committee heard repeatedly that enforcement of existing boating regulations has been ineffectual. This bill provides the opportunity to determine the causes and possible solutions to this problem. Vote 13-4.

Rep. John M. Gibson for the Minority of Resources, Recreation and Development: The committee heard numerous testimonies that major safety issues are occurring on New Hampshire waterways, the commission established under this legislation would make recommendations to the legislature to address water safety issues in 2008 and those recommendations will not take effect until the 2009 boating season. The minority believes the expertise to address water safety issues belong to the Resources, Recreation and

Development Committee.

Majority Amendment (1134h)

Amend subparagraph I(a) of section 2 the bill by replacing it with the following:

(a) Two members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the resources, recreation and development committee.

Majority amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 1324, relative to leasing the Cannon Mountain ski area. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Richard T. Cooney for the Majority of Resources, Recreation and Development: This bill, as introduced, would require the Department of Resources of Economic Development (DRED) to solicit lease proposals for the Cannon Mountain Ski Area. It would also create a legislative committee to review responses and gives the capital budget overview committee the authority to approve any lease. The committee felt this proposal was premature since the state park study commission formed by SB 5, Chapter 276, Laws of 2005, is charged with studying such initiatives and is actively studying state park issues. The committee amendment replaces the bill with a modification of the SB 5 study commission by adding a legislative member who shall be a member of the House Resources, Recreation and Development Committee. Vote 14-3.

Rep. John M. Gibson for the Minority of Resources, Recreation and Development: The majority of the committee changed the language of this legislation to put another House member from the Resources, Recreation and Development Committee on the commission to study issues related to the state parks even though this legislation originally called for the leasing of Cannon Mountain Ski Area to a private entity. The minority believes that issues related to the leasing of the state owned ski area should be further studied to see if it is feasible and further enhances the ski experience at Cannon Mountain.

Majority Amendment (1132h)

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

AN ACT relative to the commission to study the state park system.

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

1 Commission to Study State Park System; Membership. Amend 2005, 276:2, I(b) to read as follows:

(b) ~~[Two]~~ **Three** members of the house of representatives, appointed by the speaker of the house of representatives, ***at least one of whom shall be a member of the committee on resources, recreation and development.***

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

AMENDED ANALYSIS

The bill increases the number of house members on the commission to study the state park system.

Majority amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 1494, relative to public use of groundwater. **INEXPEDIENT TO LEGISLATE**

Rep. John M. Gibson for Resources, Recreation and Development: This legislation gives “primacy” of groundwater to municipally controlled water suppliers. The committee found this legislation confusing and heard testimony from the Department of Environmental Services (DES) stating this legislation was unclear and that more information was required to address the concerns expressed by the sponsor of this legislation. Vote 14-3. Committee report adopted.

HB 1519, relative to all-terrain vehicle and trail bike trails. **INEXPEDIENT TO LEGISLATE**

Rep. Harry C. Merrow for Resources, Recreation and Development: This bill would require proposals for all terrain vehicle and trail bike trails to be compatible with local planning and zoning ordinances. The committee felt this would lead to a hodgepodge of rules and regulations as the trails traveled from one town to another. One town could possibly shut down an entire trail. Vote 11-4.
Committee report adopted.

HB 1541, requiring applicants for large groundwater withdrawal permits to comply with local ordinances. **INEXPEDIENT TO LEGISLATE**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: This bill requires that all local ordinances requirements be met before applying to the Department of Environmental Services (DES) for a large groundwater withdrawal permit. Testimony indicated that some committees presently require DES approval before final action at the local level. This bill was seen as complicating rather than simplifying the permitting process. Vote 13-3.
Committee report was adopted.

HB 1609-FN, requiring an impact study before a large groundwater withdrawal permit may be issued. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY**

Rep. Jacalyn L. Cilley for the Majority of Resources, Recreation and Development: The original bill intended to include impacts upon further water needs of municipalities as part of the large groundwater withdrawal permitting process. The committee determined that while the intent of the original bill was commendable it was best to require the Department of Environmental Services (DES) to develop a pilot program in order to establish the appropriate methodologies for estimating future water needs of communities as well as to identify key stakeholders to the process. DES will assume responsibility for the development of said pilot program as part of its ongoing work of inventorying water availability in a defined geopolitical area of the state. Vote 13-5.

Rep. John M. Gibson for the Minority of Resources, Recreation and Development: This legislation is not needed due to the fact the Department of Environmental Services (DES) is currently conducting a pilot program to devise methods of estimating water needs. This legislation is better suited to wait until the SB 155 groundwater study commission finishes its work and submits its report to the legislature this fall.

Majority Amendment (1046h)

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

AN ACT requiring a pilot project to estimate future water needs and availability.

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

1 Pilot Project; Future Water Needs and Availability; Progress Reports.

I. The department of environmental services shall conduct a pilot project to devise methods of estimating future water needs and water availability for a 10 year planning period within a defined geopolitical area of the seacoast area of New Hampshire. The project shall recommend methodologies for municipalities to use in the development of water management plans and to inform the department of environmental services in the large groundwater permitting process. The project shall include an analysis of all current water withdrawals, estimated available surface and groundwater, and estimates of future water needs of municipal water systems, residential, agricultural, commercial, and industrial water users within the study area. The department shall consult appropriate stakeholders within the pilot project area for assistance in designing and implementing the project. These

stakeholders shall include, but not be limited to, the office of energy and planning, regional planning commissions, municipal authorities, applicable conservation commissions, and those associations representing agricultural, commercial, and industrial interests.

II. The department shall conduct the pilot project using existing resources and currently available information.

III. The department shall make regular progress reports as requested by the chairperson of the water resources committee, established in RSA 481:1-b, and the chairperson of the commission to study issues relative to groundwater withdrawals, established by 2003, 305 as extended by 2005, 287.

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

AMENDED ANALYSIS

This bill requires the department of environmental services to conduct a pilot project to devise methods of estimating future water needs and availability.

Majority amendment adopted.

Majority committee report adopted.

Ordered to third reading.

HB 1541, establishing a commission to study implementing the Regional Greenhouse Gas Initiative (RGGI) program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Roy D. Maxfield for the Majority of Science, Technology and Energy: This bill would establish a commission to study implementing the Regional Greenhouse Gas Initiative (RGGI) program in New Hampshire. The initiative was started in New York state by Governor Pataki and is aimed at reducing carbon dioxide pollution through a mandatory cap on the electric generating sector, coupled with a market based trading program to hopefully achieve low compliance costs. Six (6) New England governors from New Jersey to Maine, including Governor Lynch, have signed a Memorandum of Understanding (MOU) and in doing so have made a commitment to bring the RGGI framework before the legislature. New Hampshire and Maine are unique in that legislative approval is required before any commitment is made. The next step in the process is development of a model rule by the regional group including members from the New Hampshire's Public Utilities Commission and the Department of Environmental Services. Once these model rules are adopted sometime this year, the state will examine the RGGI MOU and model rules and design a program that is in the best interests of New Hampshire. The majority of the committee feels strongly that the best way to proceed at this time is to allow the Department of Environmental Services, which has been involved with this process from the start, to work with the legislature, stakeholders and the electric industry to design an implementation program. The majority also concluded that a commission would complicate this process and is not needed for the state to proceed in the development of a program by the DES and recommendations for legislative approval to be acted on next year. This time frame is consistent with the outline in the MOU for our action and is consistent with projected action time frames in other New England states. Once legislation is proposed for next year the real debate will begin. Issues such as increased electric rates, possible increased pollution from regions outside of New England, business community impact and concerns that RGGI should be a national and not regional issue, will all be debated at length. Vote 9-7.

Rep. Jacqueline A. Cali-Pitts for the Minority of Science, Technology and Energy: The minority of the committee feels that the Regional Greenhouse Gas Initiative (RGGI) signed by seven northeast states including New Hampshire is worthy of study and that that study be placed in statute. RGGI is an agreement which strives to reduce carbon dioxide emissions from power plants through a market-based system. We feel that the implementation and the impact on New Hampshire are far too important to be left to being done without adequate resources and input from the legislature. The DES favors this bill which would better enable

them to dedicate resources and time to this study. The bill sets up a commission, which would allow legislative input, and input from parties of interest before final approval of the plan in New Hampshire.

Rep. Cali-Pitts spoke against.

Rep. Maxfield spoke in favor and requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 177 NAYS 128			
YEAS 177			
BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	Millham, Alida
Nedeau, Stephen	Rosen, Ralph	Russell, David	Tilton, Franklin
Tobin, William	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Chandler, Gene	Dickinson, Howard	Knox, J David	Martin, James
McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Stevens, Stanley			
CHESHIRE			
Emerson, Susan	Hogancamp, Deborah	Hunt, John	Sawyer, Sheldon
COOS			
King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Ingbretson, Paul	Maybeck, Margie	Mirski, Paul	Solomon, Peter
Sorg, Gregory			
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Boehm, Ralph	Brundige, Robert	Buhlman, David
Calawa, Leon Jr	Carew, James	Carter, Mark	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Crane, Elenore Casey	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Dyer, Donald
Elliott, Nancy	Francoeur, Bea	Gargas, Carolyn	Gibson, John
Golding, William	Goyette, Peter Jr	Graham, John	Hagan, Barbara
Hawkins, Ken	Hellwig, Steve	Holden, Randolph	Infantine, William
Jasper, Shawn	Kurk, Neal	L'Heureux, Robert	Lawrence, James
McRae, Karen	Mead, Robert	Messier, Irene	Mooney, Maureen
Moran, Edward	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Rowe, Robert	Slocum, Lee	Souza, Kathleen	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert

MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	Field, William
Klose, John	Langlais, Thomas	Lockwood, Priscilla	MacKay, James
Marple, Richard	Maxfield, Roy	Oliver, James	Soltani, Tony
ROCKINGHAM			
Allen, Mary	Bettencourt, David	Bicknell, Elbert	Bishop, Franklin
Buxton, Donald	Cady, Harriet	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	Cooney, Richard	DiFruscia, Anthony
Donahue, Richard Ken	Dowd, John	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Gould, Kenneth	Griffin, Mary	Hopfgarten, Paul	Hughes, Daniel
Introne, Robert	Itse, Daniel	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Langley, Jane	Lund, Howie	Major, Norman
McKinney, Betsy	McMahon, Charles	Morris, Richard	Nowe, Ronald
Packard, Sherman	Palazzo, Frank	Priestley, Anne	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Robertson, Carl	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Stiles, Nancy	Stone, Joseph
Waterhouse, Kevin	Weare, E Albert	Welch, David	Weldy, Norman
Wells, Roger	Weyler, Kenneth	Winchell, George	Zolla, William
STRAFFORD			
Albert, Russell	Bickford, David	Brown, Julie	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Dunlap, Patricia	Easson, Timothy
Newton, Clifford			
SULLIVAN			
Gale, Harry	Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly
NAYS 128			
BELKNAP			
Morrison, Gail	Pilliod, James		
CARROLL			
Babson, David Jr	Buco, Thomas		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles
COOS			
Merrick, Scott			

GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Williams, Burton
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Brassard, Paul
Campbell, David	Chase, Claudia	Clemons, Jane	Cote, Peter
Egbers, Fran	Essex, David	Foster, Linda	Goley, Jeffrey
Gorman, Mary	Hall, Betty	Harvey, Suzanne	Irwin, Anne-Marie
Jean, Claudette	Kopka, Angeline	Lasky, Bette	Lessard, Rudy
Martin, Mary Ellen	Matarazzo, Anthony Sr	Movsesian, Lori	Pappas, Christopher
Rosenwald, Cindy	Ross, Lawrence	Ryder, Donald	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Smith, David
Sullivan, Francis	Sullivan, Peter		
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	Kidder, David	Osborne, Jessie
Potter, Frances	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	Bridle, Russell	Brown, C.	Cali-Pitts, Jacqueline
Flockhart, Eileen	Moody, Marcia	Pantelakos, Laura	Powers, James
Robinson, John	Serlin, Christopher	Splaine, James	
STRAFFORD			
Berube, Roger	Brown, Lawrence	Callaghan, Frank	Cilley, Jacalyn
Domingo, Baldwin	Grassie, Anne	Heon, Richard	Hofemann, Roland
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	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Phinizy, James	Prichard, Stephen

and the majority committee report was adopted.

HB 1756, relative to alternative regulation of small incumbent local exchange carriers.
MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.

Rep. James M. Garrity for the Majority of Science, Technology and Energy: This bill is a technical amendment and improvement to a bill signed into law by the Governor in June 2005. This bill allows small incumbent local exchange carriers (ILEC) to file and negotiate

alternative regulation plans with the Public Utility Commission. Such plans will allow the small IL to more flexibly compete in the rapidly changing and aggressively competitive communications market. The results of alternate regulation plans should result in more customer choice. Vote 11-5.

Rep. Gene F. Anderson for the Minority of Science, Technology and Energy: The bill in its current form directs the Public Utility Commission to consider alternative forms of deregulation for basic telephone service provided by small incumbent telephone companies. The majority of the committee decided alternative plans for deregulation should be considered without defining competition, as they felt it is impossible to define what competition would be at any particular point in time when an alternative plan could be considered. Under this bill there is no assurance of meaningful competition or customer choice of telephone service providers. Under some scenarios it is possible that in the future the cost of basic service from small telephone companies could increase. Real competition to assure reasonable rates requires a level playing field for new providers. Neither competition nor affordable services are defined. Once rates are deregulated it will be very difficult at best to fix the problem.

Majority Amendment (0989h)

Amend RSA 374:3-b, III(b) as inserted by section 1 of the bill by replacing it with the following:

(b) The plan provides for maximum ~~[basis]~~ **basic** local service rates at levels ~~[prevailing throughout the state as of the effective date of this section plus allowances for inflation and adjustments to reflect changes in federal, state, or local government taxes, mandates, rules, regulations, or statutes; provided, that no small incumbent local exchange carrier may increase basic local service rates]~~ **that do not exceed the comparable rates charged by the largest incumbent local exchange carrier operating in the state and that do not increase** by more than 10 percent ~~[per year]~~ in each of the 4 years after a plan is approved **with the exception that the plan may provide for additional rate adjustments, with public utilities commission review and approval, to reflect changes in federal, state, or local government taxes, mandates, rules, regulations, or statutes;**

Majority amendment adopted.

Majority committee report adopted and ordered to third reading.

HJR 25, encouraging the United States Congress to propose an amendment to the Constitution concerning eminent domain. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James G. Rolston for Majority of State-Federal Relations and Veterans Affairs: The intent of this bill is to encourage Congress to propose to amend the constitution so that real property can not be seized by eminent domain except for public use. The majority of the committee felt that it was important to have a national agreement on preventing the taking of private property for private gain. Vote 6-5.

Rep. Kris E. Roberts for the Minority of State-Federal Relations and Veterans Affairs: The minority did not believe that any amendment to the constitution would be able to address every eminent domain issue that may present itself. Matter of fact, a Constitutional Amendment may restrict the state's ability to address important and necessary local concerns. It is firmly believed that the state has the responsibility to and can better address local eminent domain issues than the federal government.

Rep. Rolston spoke against and yielded to questions.

Rep. Giuda spoke against.

Rep. Soltani spoke in favor.

Rep. Dumaine requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

Rep. Rolston spoke in favor and yielded to questions.
Rep. Giuda spoke against.
Rep. Soltani spoke in favor.
Rep. Dumaine requested a roll call; sufficiently seconded.
The question being adoption of the committee report.

YEAS 164 NAYS 141			
YEAS 164			
BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	Nedeau, Stephen
Pilliod, James	Rosen, Ralph	Russell, David	Tilton, Franklin
Tobin, William	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Babson, David Jr	Chandler, Gene	Dickinson, Howard	Knox, J David
McConkey, Mark	Merrow, Harry	Patten, Betsey	Stevens, Stanley
CHESHIRE			
Emerson, Susan	Hunt, John	Sawyer, Sheldon	Weed, Charles
COOS			
King, Frederick	Lary, Bruce	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		
GRAFTON			
Eaton, Stephanie	Ham, Bonnie	Ingbretson, Paul	Maybeck, Margie
Mirski, Paul	Solomon, Peter	Williams, Burton	
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Calawa, Leon Jr
Carew, James	Carter, Mark	Christensen, D L Chris	Christiansen, Lars
Clark, Mark	Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia
Dyer, Donald	Elliott, Nancy	Francoeur, Bea	Gibson, John
Goyette, Peter Jr	Graham, John	Hagan, Barbara	Hawkins, Ken
Hellwig, Steve	Infantine, William	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Lessard, Rudy	Martin, Mary Ellen	Matarazzo, Anthony Sr
McRae, Karen	Mead, Robert	Messier, Irene	Mooney, Maureen
Moran, Edward	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Ross, Lawrence
Rowe, Robert	Slocum, Lee	Souza, Kathleen	Ulery, Jordan
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Currier, David	Danforth, James
DeStefano, Stephen	Field, William	Klose, John	Langlais, Thomas

Mackay, James	Maxfield, Roy	Soltani, Tony	Whiting, Herbert
ROCKINGHAM			
Allen, Mary	Bettencourt, David	Bicknell, Elbert	Bridle, Russell
Buxton, Donald	Cady, Harriet	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	Cooney, Richard	DiFruscia, Anthony
Donahue, Richard Ken	Dowd, John	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Griffin, Mary	Hopfgarten, Paul	Hughes, Daniel	Introne, Robert
Itse, Daniel	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Lund, Howie	Major, Norman	Mason, April
McKinney, Betsy	McMahon, Charles	Morris, Richard	Nowe, Ronald
Packard, Sherman	Palazzo, Frank	Priestley, Anne	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Rolston, James	Sanders, Elisabeth
Scamman, Stella	Splaine, James	Stiles, Nancy	Stone, Joseph
Waterhouse, Kevin	Weare, E Albert	Welch, David	Wells, Roger
Weyler, Kenneth	Winchell, George	Zolla, William	
STRAFFORD			
Bickford, David	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Hofemann, Roland	Newton, Clifford	
SULLIVAN			
Gale, Harry	Osgood, Philip Sr	Phinzy, James	
NAYS 141			
BELKNAP			
Millham, Alida	Morrison, Gail		
CARROLL			
Buco, Thomas	Martin, James	Olimpio, J Lisbeth	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Hogancamp, Deborah
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
COOS			
Merrick, Scott	Morneau, Renney		
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Gionet, Edmond	Giuda, Robert	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon

Sokol, Hilda	Sorg, Gregory		
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Buhlman, David
Campbell, David	Chase, Claudia	Clemons, Jane	Cote, Peter
DeVries, Betsi	Drisko, Richard	Egbers, Fran	Essex, David
Foster, Linda	Gargas, Carolyn	Golding, William	Goley, Jeffrey
Gorman, Mary	Hall, Betty	Harvey, Suzanne	Holden, Randolph
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Judy, Jean
Kopka, Angeline	Lasky, Bette	Movsesian, Lori	Pappas, Christopher
Pilotte, Maurice	Rosenwald, Cindy	Ryder, Donald	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Smith, David
Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve	
MERRIMACK			
Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	DeJoie, John
Foose, Robert	French, Barbara	Gile, Mary	Hamm, Christine
Kidder, David	Lockwood, Priscilla	Marple, Richard	Oliver, James
Osborne, Jessie	Potter, Frances	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Asselin, Michael	Bishop, Franklin	Brown, C.	Cali-Pitts, Jacqueline
Flockhart, Eileen	Gould, Kenneth	Moody, Marcia	Pantelakos, Laura
Powers, James	Robertson, Carl	Robinson, John	Serlin, Christopher
STRAFFORD			
Berube, Roger	Brown, Julie	Brown, Lawrence	Callaghan, Frank
Cilley, Jacalyn	Domingo, Baldwin	Dunlap, Patricia	Grassie, Anne
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Wall, Janet			
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Irish, Christopher	Prichard, Stephen
Rodeschin, Beverly			

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

HB 1243-FN, reducing certain fines for motor vehicle violations. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Shawn N. Jasper for the Majority of Ways and Means: The bill was introduced primarily because the motor vehicles fines were increased last year without a public hearing. The sponsor indicated this sets a dangerous precedent. One member from the public felt the provision about coasting in the fine schedule is obsolete and should not be considered a violation. The fines had not been increased in over 15 years. A committee of 12 district

judges from around the state considered the fine adjustments relative to harshness/leniency of the current motor vehicle fines, vis-à-vis other fines currently being levied. The judges also considered the fiscal impact any increases would have on the defendants they see appearing before them. The judge's recommendations were submitted to the Department of Safety, the New Hampshire Police Standards and Training Council, and the New Hampshire Police Chief's Association for review and input. The new schedule was also compared to the current fines in place for selected motor vehicle offenses in our neighboring states of Maine, Vermont and Massachusetts. The new fine schedule was agreed to by the committee of conference on the budget last June and passed by both Houses. This agreement came after many discussions with all parties associated with the funding from the penalty assessments on the fines. Most of the testimony taken was from the agencies that would benefit from the increased fines and associated penalty assessments (Police Standards and Training Fund, Victim's Assistance Fund and Legal Services Fund). They were concerned the increased revenues were not meeting the planned projections. The increased fine schedule was due to commence on July 1, 2005 but due to a delay in printing and distributing new tickets was not implemented until November. Fine revenues collected in January are on target. Vote 12-7. Rep. John M. Pratt for the Minority of Ways and Means: This bill, as amended, would sunset the increase in motor vehicle fines which were imposed on the legislature last year by the Committee of Conference on the budget. These increases never had a public hearing; they were never reviewed by a competent committee of jurisdiction (either Criminal Justice or Transportation); and the House went so far as to refuse to let them in the first time they came before us. The minority believes that the one and only way to put a stop to this odious practice of backdoor, midnight tax increases is to sunset the increases and then let them go through proper legislative procedures with the proper public hearings and determination by the proper House committee.

Rep. Pratt spoke against.

Rep. Major spoke in favor.

Rep. Soltani spoke against and yielded to questions.

Reps. Jasper and Whalley spoke in favor and yielded to questions.

Rep. Maybeck requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 107 NAYS 196			
YEAS 107			
BELKNAP			
Fitzgerald, James	Millham, Alida	Morrison, Gail	Pilliod, James
Russell, David	Tobin, William	Wendelboe, Fran	Whalley, Michael
CARROLL			
Babson, David Jr	Chandler, Gene	Dickinson, Howard	Martin, James
Merrow, Harry	Patten, Betsey	Stevens, Stanley	
CHESHIRE			
Butynski, William	Emerson, Susan	Espiefs, Peter	Hogancamp, Deborah
Hunt, John	Mitchell, Bonnie	Sawyer, Sheldon	
COOS			
King, Frederick	Lary, Bruce	Remick, William	Richardson, Herbert

Stohl, Eric	Tholl, John Jr		
GRAFTON			
Almy, Susan	Benn, Bernard	Eaton, Stephanie	McLeod, Martha
Nordgren, Sharon	Sokol, Hilda	Sorg, Gregory	
HILLSBOROUGH			
Batula, Peter	Bergin, Peter	Brundige, Robert	Christensen, D L Chris
Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard	Dyer, Donald
Essex, David	Gargas, Carolyn	Golding, William	Graham, John
Hawkins, Ken	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Lessard, Rudy	Moran, Edward	O'Connell, Timothy	Ober, Lynne
Pappas, Christopher	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Ryder, Donald	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Currier, David	Kidder, David	Klose, John
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	Osborne, Jessie
Tilton, Joy	Wallner, Mary Jane	Whiting, Herbert	
ROCKINGHAM			
Asselin, Michael	Bridle, Russell	Brown, C.	Camm, Kevin
Charron, Gene	Cooney, Richard	Dowd, John	Flanders, John Sr
Francoeur, Sheila	Garrity, James	Gould, Kenneth	Griffin, Mary
Introne, Robert	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Major, Norman	Mason, April	McKinney, Betsy	Nowe, Ronald
Priestley, Anne	Rausch, James	Sanders, Elisabeth	Scamman, Stella
Scamman, W Douglas	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
STRAFFORD			
Brown, Julie	Chaplin, Duncan	Dunlap, Patricia	Kaen, Naida
Taylor, Kathleen			
SULLIVAN			
Gale, Harry	Rodeschin, Beverly		
NAYS 196			
BELKNAP			
Allen, Janet	Boyce, Laurie	Nedeau, Stephen	Rosen, Ralph
Tilton, Franklin			
CARROLL			
Buco, Thomas	Knox, J David	McConkey, Mark	Olimpio, J Lisbeth
CHESHIRE			

Allen, Peter	Butcher, Suzanne	Chase, William	Dunn, J Timothy
Eaton, Daniel	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			
COOS			
Merrick, Scott	Morneau, Renney		
GRAFTON			
Andersen, Gene	Bleyler, Ruth	Cooney, Mary	Gionet, Edmond
Giuda, Robert	Ham, Bonnie	Hammond, Lee	Harding, A Laurie
Ingbretson, Paul	Maybeck, Margie	Mirski, Paul	Mulholland, Catherine
Solomon, Peter	Williams, Burton		
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Beaulieu, Jane
Bergeron, Jean-Guy	Boehm, Ralph	Brassard, Paul	Buhlman, David
Calawa, Leon Jr	Campbell, David	Carew, James	Carter, Mark
Chase, Claudia	Christiansen, Lars	Clark, Mark	Clemons, Jane
Cote, Peter	Crane, Elenore Casey	DeVries, Betsi	Egbers, Fran
Elliott, Nancy	Foster, Linda	Francoeur, Bea	Gibson, John
Gorman, Mary	Goyette, Peter Jr	Hagan, Barbara	Hall, Betty
Harvey, Suzanne	Hellwig, Steve	Holden, Randolph	Infantine, William
Irwin, Anne-Marie	Jean, Claudette	Jeudy, Jean	Kopka, Angeline
Lasky, Bette	Lawrence, James	Martin, Mary Ellen	Matarazzo, Anthony Sr
McRae, Karen	Mead, Robert	Messier, Irene	Movsesian, Lori
O'Brien, William	Renzullo, Andrew	Rosenwald, Cindy	Rowe, Robert
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Slocum, Lee	Smith, David	Souza, Kathleen	Sullivan, Francis
Sullivan, Peter	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, James			
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Danforth, James	DeJoie, John	DeStefano, Stephen	Field, William
Foose, Robert	French, Barbara	Gile, Mary	Hamm, Christine
Kennedy, Richard	Langlais, Thomas	Marple, Richard	Oliver, James
Potter, Frances	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Soltani, Tony	Tupper, Frank	Walz, Mary Beth	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Allen, Mary	Bettencourt, David	Bicknell, Elbert	Bishop, Franklin
Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline	Carson, Sharon
Coburn, James	DiFruscia, Anthony	Donahue, Richard Ken	Dumaine, Dudley
Fesh, Bob	Flockhart, Eileen	Gilbert, Karl	Hopfgarten, Paul
Hughes, Daniel	Itse, Daniel	Langley, Jane	Lund, Howie

McMahon, Charles	Moody, Marcia	Morris, Richard	Packard, Sherman
Palazzo, Frank	Pantelakos, Laura	Powers, James	Quandt, Marshall Lee
Quandt, Matthew	Robertson, Carl	Robinson, John	Rolston, James
Serlin, Christopher	Splaine, James	Stiles, Nancy	Welch, David
Wells, Roger	Winchell, George	Zolla, William	
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Lawrence	Callaghan, Frank
Campbell, W Packy	Cataldo, Sam	Cilley, Jacalyn	Domingo, Baldwin
Easson, Timothy	Grassie, Anne	Heon, Richard	Hofemann, Roland
Johnson, Nancy	Keans, Sandra	Knowles, William	Miller, Joseph
Newton, Clifford	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Wall, Janet	
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Irish, Christopher	Osgood, Philip Sr
Phinizy, James	Prichard, Stephen		

and the majority committee report failed.

Rep. Pratt moved Ought to Pass and offered floor amendment (0392h).

Minority Floor Amendment 0392h)

Amend the bill by replacing all after section 28 with the following:

29 Penalty Assessment; Deposit of Funds. Amend RSA 188-F:31, IV to read as follows:

IV. The clerk of each court shall collect all penalty assessments and shall transmit the amount collected under paragraphs I-III to the state treasurer for deposit in the following funds. The state treasurer shall deposit ~~65~~ **75** percent of the amount collected in the police standards and training council training fund~~[-20]~~ **and 25** percent of the amount collected in the victims' assistance fund~~[-and the remainder in the general fund]~~.

30 Effective Date. This act shall take effect July 1, 2007.

Rep. Spoke in favor and yielded to questions.

Rep. Mirski spoke in favor.

Minority floor amendment (0392h) was adopted.

Committee report as amended was adopted.

Ordered to third reading.

HB 1329-FN-A-L, repealing the provision allowing operators to retain 3 percent of meals and rooms taxes collected. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT**

Rep. Jim Ryan for the Majority of Ways and Means: This bill seeks to repeal a certain provision of the Rooms and Meals Tax. Specifically, the sponsors argue that allowing business entities to collect the tax and retain 3 percent of the remittance is unfair when compared with other business entities that collect tax revenue. The sponsors urge that the tax remain, but that the collection percentage allocated to the small businesses that collect the tax be repealed. Repeal of the tax would, according to figures supplied by the DRA, yield additional state revenues of over \$11 million in each biennium. The 3 percent collection practice has existed in New Hampshire statutes for several decades and is a functional and predictable part of business practice and cycle within the hospitality industry. Most importantly, and critical to the committee's action, is that the ability of a business to secure the 3 percent collection fee is expressly linked to timely reporting and submission to the

DRA. Businesses who do not report or remit that tax in a timely fashion DO NOT receive the collection amount. The timely recording, reporting and remittance of the tax by the industry of room and meal tax revenue – the second largest source of state revenue – is of critical importance to revenue streams. The public/private means of collection – carefully monitored by the DRA – is a vital part of cash flow to fund the services and obligations of the state. The thrust of the sponsor's claim at the hearing appeared to be that involved businesses received the 3 percent without having to undertake any work. This is not the case. To receive the collection amount, as noted above, the business must file reports by the 15th day of the month after the revenue is received. Failure to do so within the time limits that are strictly enforced means the business does not receive the collection amount. The small businesses that provide hospitality are the gatekeepers to our tourism industry. The practices within the statute should be sustained and this bill is, accordingly, recommended as Inexpedient to Legislate. Vote 15-6.

Rep. Steve Vaillancourt for the Minority of Ways and Means: This bill, as introduced, would have repealed the three percent "commission" restaurants and hotels are allowed to keep for collecting and sending in the eight percent rooms and meals tax. As amended, the bill would continue to allow the three percent but would cap the amount any particular business may retain at \$100 a month (or \$1200 a year for those operating year-round). With the rooms and meals tax generating approximately \$200 million a year, the commission could amount to \$6 million a year. For various reasons, that amount is actually \$5.5 million. The bill was introduced as a result of another bill which came to Ways and Means last year, one which would have reinstated a commission to cigarette wholesalers for applying a tax stamp to cigarette packages. That "commission" had been removed the previous session when a committee of conference discovered it as a source of \$2 million to help balance the state budget. Several members of Ways and Means, noting that more work is involved in actually affixing tax stamps to packages than to simply have a computer calculate the rooms and meals tax, believed this was a classic case of unfairness. Since the legislature voted not to allow a "commission" for the stamping, the minority believes that simple equity requires that no "commissions" be granted at all. A subcommittee formed to study this matter worked long and hard to craft a compromise amendment which passed by an overwhelming and bipartisan vote of 6-1. Those who knew the data most intimately, in other words, were behind the amendment which was crafted, according the data provided by the Department of Revenue Administration, so that 5277 businesses would not have lost a single penny. 998 businesses would have been affected. The minority understands that approximately the same amount of work is required to generate a \$100 or \$1000 or a \$10,000 or even a \$75,000 commission. Not only do businesses receive the commission, they are also allowed the "float" (money banked each month before the tax is due) on the entire rooms and meals tax collected, a "float" of approximately \$31 million for that small number of business which keeps the \$75,000. The average commission is in fact \$877 a year, so the average establishment would not be "hurt" by this amendment. However, the state would keep \$3.124 million of the monies it now rebates in commissions. While this revenue would be important to state coffers, the minority believes the issue is one of fairness first and foremost. Most other states do not have a separate rooms and meals tax but catch such transactions as part of their sales taxes. Approximately half the states allow businesses to retain a portion of sales taxes collected, but not only is the percentage less than our three percent but in virtually all cases, it is capped at a smaller amount than \$100 a month, a recognition that even while some cost is incurred in collecting this tax, it is a limited cost. No other New England state allows any commission at all. New York State caps it at \$150 a quarter, Florida at \$30 a month, far less generous than in the amendment crafted by the subcommittee. The minority was also guided by the knowledge that with the exception of the real estate transfer tax, a portion of which is shared with collecting counties, no other tax in the state is subject to a commission, not the Communications tax which telephone companies collect from customers and pass along to the state; not the gasoline tax; not the electric tax.

None. Keep in mind, this rooms and meals tax, like those other taxes, is paid by the general public, not by business. What's fair for one industry should be fair for others. Those cigarette stamp affixers are doing far more work than restaurants and hotels, yet they are reimbursed zero for the service they provide the state. Another amendment in Ways and Means is available as a floor amendment. It would allow a penny a pack to the stamp affixers, at a cost of \$2 million. The state would still come out ahead by more than a million, and we would benefit from the moral advantage of equity as well. Opponents of the amendment take an "if it ain't broke, don't fix it" approach. The minority counters that if that is true, there would be no need for a legislature at all, since much of what we do here is to "fix" things. In the case of the rooms and meals tax, the three percent commission was in effect when the tax was six percent. When it went up to eight percent, no greater effort was required to collect it, but the businesses received a 33 percent increase. The fix should have been to lower the "commission" at the time, if in fact it was ever appropriate. This fix is clearly needed, and it is not geared at hurting any one group or industry but rather at instilling confidence that everyone who pays a tax will be treated fairly in the State of New Hampshire.

Reps. Osgood, Vaillancourt and Jasper spoke against.

Rep. Ryan spoke in favor.

Rep. Bickford spoke against and yielded to questions.

Rep. Major requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 231 NAYS 53			
YEAS 231			
BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	Millham, Alida
Nedeau, Stephen	Pilliod, James	Rosen, Ralph	Russell, David
Tobin, William	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Babson, David Jr	Buco, Thomas	Chandler, Gene	Dickinson, Howard
Knox, J David	Martin, James	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley	
CHESHIRE			
Eaton, Daniel	Emerson, Susan	Espiefs, Peter	Hogancamp, Deborah
Hunt, John	Mitchell, Bonnie	Plifka, Stanley Jr	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna
COOS			
King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	
GRAFTON			
Almy, Susan	Benn, Bernard	Cooney, Mary	Eaton, Stephanie
Gionet, Edmond	Giuda, Robert	Ham, Bonnie	Harding, A Laurie
Ingbretson, Paul	Maybeck, Margie	McLeod, Martha	Mirski, Paul
Mulholland,	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter

Catherine			
Sorg, Gregory	Williams, Burton		
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Batula, Peter
Beaulieu, Jane	Bergeron, Jean-Guy	Bergin, Peter	Boehm, Ralph
Brassard, Paul	Brundige, Robert	Calawa, Leon Jr	Campbell, David
Carew, James	Carter, Mark	Christensen, D L Chris	Christiansen, Lars
Clark, Mark	Clemons, Jane	Crane, Elenore Casey	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Dyer, Donald
Egbers, Fran	Elliott, Nancy	Foster, Linda	Gargasz, Carolyn
Gibson, John	Goyette, Peter Jr	Graham, John	Hall, Betty
Hawkins, Ken	Hellwig, Steve	Holden, Randolph	Infantine, William
Jasper, Shawn	Jeudy, Jean	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	Lasky, Bette	Lessard, Rudy	McRae, Karen
Messier, Irene	Moran, Edward	Movsesian, Lori	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rosenwald, Cindy	Rowe, Robert	Ryder, Donald
Slocum, Lee	Smith, David	Souza, Kathleen	Sullivan, Francis
Sullivan, Peter	Villeneuve, Maurice	Wheeler, James	
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Danforth, James	DeJoie, John
DeStefano, Stephen	Field, William	Gile, Mary	Kidder, David
Klose, John	Lockwood, Priscilla	MacKay, James	Marple, Richard
Maxfield, Roy	Oliver, James	Osborne, Jessie	Potter, Frances
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Soltani, Tony
Wallner, Mary Jane	Whiting, Herbert	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Brown, C.	Buxton, Donald
Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	Cooney, Richard	DiFruscia, Anthony
Donahue, Richard Ken	Dowd, John	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Gould, Kenneth	Griffin, Mary	Hopfgarten, Paul
Hughes, Daniel	Introne, Robert	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Lund, Howie	Major, Norman	Mason, April
McKinney, Betsy	McMahon, Charles	Moody, Marcia	Morris, Richard
Nowe, Ronald	Packard, Sherman	Palazzo, Frank	Priestley, Anne
Quandt, Marshall Lee	Quandt, Matthew	Rausch, James	Robertson, Carl
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Serlin, Christopher
Splaine, James	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weyler, Kenneth	Winchell, George
Zolla, William			
STRAFFORD			

Berube, Roger	Brown, Julie	Callaghan, Frank	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn	Dunlap, Patricia
Easson, Timothy	Heon, Richard	Kaen, Naida	Keans, Sandra
Newton, Clifford	Rollo, Michael	Schmidt, Peter	Smith, Marjorie
Taylor, Kathleen			
SULLIVAN			
Cloutier, John	Donovan, Thomas	Ferland, Brenda	Gale, Harry
Houde-Quimby, Charlotte	Prichard, Stephen	Rodeschin, Beverly	
NAYS 53			
BELKNAP			
Morrison, Gail	Tilton, Franklin		
CARROLL			
None			
CHESHIRE			
Butcher, Suzanne	Butynski, William	Dunn, J Timothy	Parkhurst, Henry
COOS			
Merrick, Scott			
GRAFTON			
Andersen, Gene	Hammond, Lee		
HILLSBOROUGH			
Buhlman, David	Chase, Claudia	Essex, David	Francoeur, Bea
Golding, William	Gorman, Mary	Harvey, Suzanne	Irwin, Anne-Marie
Lawrence, James	Martin, Mary Ellen	Matarazzo, Anthony Sr	Mead, Robert
Pilotte, Maurice	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Ulery, Jordan	Vaillancourt, Steve	
MERRIMACK			
Blanchard, Elizabeth	Foose, Robert	French, Barbara	Hamm, Christine
Kennedy, Richard	Tilton, Joy	Tupper, Frank	
ROCKINGHAM			
Itse, Daniel	Pantelakos, Laura	Powers, James	Robinson, John
Wells, Roger			
STRAFFORD			
Bickford, David	Brown, Lawrence	Grassie, Anne	Hofemann, Roland
Johnson, Nancy	Rous, Emma	Spang, Judith	Wall, Janet

SULLIVAN			
Converse, Larry	Franklin, Peter	Irish, Christopher	Osgood, Philip Sr
Phinizy, James			

and the committee report was adopted.

Reps. Brueggemann and Pappas declared a conflict of interest and did not participate.

HB 1612-FN, relative to the use of lottery revenue as purses for horse and dog racing.
MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Priscilla P. Lockwood for the Majority of Ways and Means: This bill would remove the race track lottery purse. At the present time, monies are given from the lottery income to subsidize a race at Rockingham and the dog tracks. The income from these races to the education fund has decreased over the years. However, the tracks do contribute to the local economy and removing this subsidy would have a deleterious effect on the racing business and the communities they are in. Vote 14-6.

Rep. Peyton B. Hinkle for the Minority of Ways and Means: This bill seeks to repeal a subsidy that has, according to compelling testimony, existed since 1963 with the advent of the New Hampshire Sweepstakes. Simply stated, the state provides several pari-mutual tracks with an annual, aggregate grant of \$325,000 for use by the tracks in creating purses for horse and dog races. The money comes from lottery sales at the tracks. Industry claims that the practice of funding purses has been a commitment on the part of the state for years and that it has been relied upon by the industry. Opponents of the subsidy argue that Art. 6-b, Part I of the New Hampshire Constitution clearly requires all monies from the state lottery to be used exclusively for the school districts of the state, and there is no justification to make a direct grant to a particular industry. The minority did not support the view urged upon us by the racing industry that a subsidy to support racing purses was to cover “administrative” expenses exempted from the will of the people, as expressed in the constitution, that lottery money be dedicated to public education. It is clear that, after 1990, the General Court and the citizens of the state created a greater interest in funding public education from the lottery. Since the constitution is supposed to trump legislation, the minority felt that this was a good opportunity to bring the statute in line with the constitution.

Reps. Almy, Vaillancourt and Mirski against.

Rep. Lockwood in favor.

Rep. Elliott requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 129 NAYS 151			
YEAS 129			
BELKNAP			
Allen, Janet	Fitzgerald, James	Millham, Alida	Pilliod, James
Russell, David	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Babson, David Jr	Chandler, Gene	Dickinson, Howard	Patten, Betsey
Stevens, Stanley			
CHESHIRE			
Butynski, William	Eaton, Daniel	Emerson, Susan	Hogancamp,

			Deborah
Hunt, John	Plifka, Stanley Jr	Roberts, Kris	Tilton, Anna
COOS			
King, Frederick	Richardson, Herbert	Stohl, Eric	Tholl, John Jr
GRAFTON			
Eaton, Stephanie	Giuda, Robert	McLeod, Martha	Mulholland, Catherine
Solomon, Peter	Sorg, Gregory		
HILLSBOROUGH			
Baroody, Benjamin	Batula, Peter	Beaulieu, Jane	Bergin, Peter
Brassard, Paul	Brundige, Robert	Calawa, Leon Jr	Campbell, David
Clemons, Jane	Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Foster, Linda	Francoeur, Bea	Gargasz, Carolyn
Graham, John	Hawkins, Ken	Irwin, Anne-Marie	Jasper, Shawn
Jeudy, Jean	Kopka, Angeline	L'Heureux, Robert	Lasky, Bette
Lessard, Rudy	McRae, Karen	Moran, Edward	O'Connell, Timothy
Pappas, Christopher	Price, Pamela	Ryder, Donald	Schulze, Joan
Shaw, Barbara	Smith, David	Sullivan, Francis	
MERRIMACK			
Bouchard, Candace	Currier, David	Danforth, James	DeJoie, John
Kidder, David	Klose, John	Lockwood, Priscilla	MacKay, James
Oliver, James	Osborne, Jessie	Rush, Deanna	Tilton, Joy
Whiting, Herbert	Williams, Robert		
ROCKINGHAM			
Asselin, Michael	Bridle, Russell	Buxton, Donald	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	Cooney, Richard
DiFruscia, Anthony	Dowd, John	Fesh, Bob	Flanders, John Sr
Francoeur, Sheila	Gould, Kenneth	Griffin, Mary	Katsakiores, George
Katsakiores, Phyllis	Major, Norman	Mason, April	McKinney, Betsy
McMahon, Charles	Packard, Sherman	Pantelakos, Laura	Priestley, Anne
Rausch, James	Robertson, Carl	Rolston, James	Sanders, Elisabeth
Scamman, Stella	Splaine, James	Stone, Joseph	Waterhouse, Kevin
Wells, Roger	Weyler, Kenneth	Winchell, George	Zolla, William
STRAFFORD			
Berube, Roger	Brown, Julie	Callaghan, Frank	Campbell, W Packy
Chaplin, Duncan	Cilley, Jacalyn	Dunlap, Patricia	Kaen, Naida
Keans, Sandra	Rollo, Michael	Spang, Judith	
SULLIVAN			
Ferland, Brenda	Gale, Harry	Rodeschin, Beverly	
NAYS 151			

BELKNAP			
Boyce, Laurie	Morrison, Gail	Nedeau, Stephen	Rosen, Ralph
Tilton, Franklin	Tobin, William		
CARROLL			
Buco, Thomas	Knox, J David	Martin, James	McConkey, Mark
Merrow, Harry	Olimpio, J Lisbeth		
CHESHIRE			
Butcher, Suzanne	Dunn, J Timothy	Espieffs, Peter	Parkhurst, Henry
Richardson, Barbara	Robertson, Timothy	Sawyer, Sheldon	
COOS			
Morneau, Renney	Remick, William		
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Cooney, Mary
Gionet, Edmond	Ham, Bonnie	Hammond, Lee	Harding, A Laurie
Ingbretson, Paul	Maybeck, Margie	Mirski, Paul	Nordgren, Sharon
Sokol, Hilda	Williams, Burton		
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Bergeron, Jean-Guy	Boehm, Ralph
Buhlman, David	Carew, James	Carter, Mark	Chase, Claudia
Christiansen, Lars	Clark, Mark	Crane, Elenore Casey	Egbers, Fran
Elliott, Nancy	Essex, David	Gibson, John	Golding, William
Gorman, Mary	Goyette, Peter Jr	Hagan, Barbara	Hall, Betty
Harvey, Suzanne	Hellwig, Steve	Holden, Randolph	Infantine, William
Kurk, Neal	Lawrence, James	Martin, Mary Ellen	Matarazzo, Anthony Sr
Mead, Robert	Messier, Irene	Movsesian, Lori	O'Brien, William
Ober, Lynne	Pilotte, Maurice	Reeves, Sandra	Renzullo, Andrew
Rosenwald, Cindy	Rowe, Robert	Shattuck, Gilman	Shaw, Kimberly
Slocum, Lee	Souza, Kathleen	Sullivan, Peter	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Brueggemann, Donald	DeStefano, Stephen
Field, William	Foose, Robert	French, Barbara	Gile, Mary
Hamm, Christine	Kennedy, Richard	Marple, Richard	Potter, Frances
Ryan, Jim	Shurtleff, Stephen	Soltani, Tony	Tupper, Frank
Wallner, Mary Jane	Yeaton, Charles		
ROCKINGHAM			
Allen, Mary	Bettencourt, David	Bicknell, Elbert	Brown, C.
Cady, Harriet	Cali-Pitts, Jacqueline	Donahue, Richard Ken	Dumaine, Dudley
Flockhart, Eileen	Garrity, James	Gilbert, Karl	Hopfgarten, Paul
Hughes, Daniel	Introne, Robert	Itse, Daniel	Johnson, Robert

Lund, Howie	Moody, Marcia	Morris, Richard	Nowe, Ronald
Palazzo, Frank	Powers, James	Quandt, Marshall Lee	Quandt, Matthew
Robinson, John	Serlin, Christopher	Stiles, Nancy	Weare, E Albert
Welch, David			
STRAFFORD			
Bickford, David	Brown, Lawrence	Cataldo, Sam	Grassie, Anne
Heon, Richard	Hofemann, Roland	Johnson, Nancy	Newton, Clifford
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Taylor, Kathleen
Wall, Janet			
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Irish, Christopher	Osgood, Philip Sr	Phinizy, James
Prichard, Stephen			

and the majority committee report failed.

Rep. Almy offered the minority amendment (0605h).

Minority Amendment (0605h)

Amend the bill by replacing section 8 with the following:

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

Rep. Mirski spoke in favor.

Minority amendment (0605h) adopted.

Minority committee report adopted and ordered to third reading.

RECONSIDERATION

Having voted with the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby it ordered to third reading, **HB 1612-FN**, relative to the use of lottery revenue as purses for horse and dog racing, and reconsideration failed.

HB 1295, requiring disclosure regarding brake shift interlock by automobile dealers.

REFER FOR INTERIM STUDY

Rep. Sheila T. Francoeur for Commerce: The bill would require automobile dealers to disclose to the purchaser of a vehicle if the vehicle has a brake shift interlock. The committee has great concern for the reasons the sponsor filed this bill, and want to help him accomplish his goal, but at the same time had concern for the New Hampshire auto dealers incurring or perceiving to incur, a liability that was not theirs. The committee has moved interim study knowing that the sponsor and the NH auto dealers are working together on an agreement that would address the concerns of both parties and can be offered as a floor amendment to this bill. Vote 18-0.

Rep. Sheila spoke against.

Committee report failed.

Rep. Sheila Francoeur moved Ought to Pass and offered floor amendment (1221h).

Floor Amendment (1221h)

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

AN ACT requiring notification regarding brake shift interlock and key positions by automobile dealers to consumers.

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

1 New Section; Equipment on Vehicles; Notification of Brake Shift Interlock and Key Positions. Amend RSA 266 by inserting after section 27-a the following new section:

266:27-b Notification of Brake Shift Interlock and Key Position by Automobile Dealers.

At the time of the retail sale of every new and used motor vehicle in this state, all motor vehicle dealers shall provide a copy of the following notice to be signed by the consumer:

Important Safety Factors Regarding Automatic Transmissions and Key Positions

1. Most newer model motor vehicles with automatic transmissions are engineered with a "brake shift interlock" system as a safety mechanism, which prevents movement from the "park" position unless the brake is applied.
2. Some vehicles are engineered whereby the vehicle may be shifted from "park" to "neutral" in a "key" position before the engine has been started which may cause the vehicle to roll. Your vehicle may not contain roll prevention safety in all key positions.
3. Consumers should become familiar with the specific characteristics of their vehicles in all "key" positions.
4. It is strongly recommended that the "parking" brake be engaged when the vehicle is parked on a grade.

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

AMENDED ANALYSIS

This bill requires motor vehicle dealers to provide consumers with a written notice regarding the operation of a brake shift interlock systems and key positions.

Rep. Sheila Francoeur spoke in favor.

Floor amendment (1221h) adopted.

The motion of Ought to Pass as Amended was adopted.

Ordered to third reading.

MOTION TO SPECIAL ORDER

Without objection, the Speaker ordered the remaining bills from the Regular Calendar of March 9, 2006 be made special orders for Tuesday, March 21, 2006 at 10:00 a.m.

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 Tuesday, March 21, 2006.

Adopted.

LATE SESSION

Third reading and final passage

HB 1566, relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes and relative to vehicle registration and driver's license requirements.

HB 1711-FN, relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes and relative to vehicle registration and driver's license requirements.

HB 1768-FN, establishing a committee to study the effects of rescinding the charter of the New Hampshire Bar Association, and relative to the regulation of attorneys by the supreme court.

HB 1426, granting a right-of-way over state-owned land.

HB 1168, establishing a commission to determine how to optimize boating safety on water bodies.

HB 1324, relative to the commission to study the state park system.

HB 1609-FN, requiring a pilot project to estimate future water needs and availability.

HB 1756, relative to alternative regulation of small incumbent local exchange carriers.
HJR 25, encouraging the United States Congress to propose an amendment to the Constitution concerning eminent domain.
HB 1243-FN, reducing certain fines for motor vehicle violations.
HB 1236-FN-L, relative to disclosure of public expenditures related to lobbying and electioneering.
HB 1567, relative to removing names from the checklist.
HB 1744-FN-A, authorizing the pari-mutuel commission to regulate games of chance conducted by charitable organizations and relative to tournaments conducted by charitable organizations where chips have no monetary face value.
HJR 20, supporting stem cell research.
HB 1138, relative to required pay for employees called into work.
HB 1687, extending certain studies and adding a certain duty relative to pharmacy reimbursement.
HB 1366, relative to a planning board's authority to require public access to open space as a condition of subdivision approval.
HB 1558, relative to regulation of smoking by cities and towns.
HB 1523, relative to certain rulemaking authority of the commissioner of environmental services.
HB 1673-FN, relative to the reduction of mercury emissions.
HB 1612-FN, relative to the use of lottery revenue as purses for horse and dog racing.
HB 1295, requiring notification regarding brake shift interlock and key positions by automobile dealers to consumers.

UNANIMOUS CONSENT

Reps. W. Packy Campbell, Daniel Eaton, Bicknell and Kennedy addressed the House.

MOTION TO PRINT REMARKS

Rep. Sheila Francoeur moved that the remarks of Rep. W. Packy Campbell be printed in the Permanent Journal.
Adopted.

REMARKS

Rep. W. Packy Campbell: Mr. Speaker, I would just like to come down and personally thank all the members of the Commerce Committee, especially the good Chairman or ChairLady, as the case may be. I'd like to thank the members of the Automobile Dealers Association that put aside some real liability concerns and put ahead of the concerns of their members, the importance of letting people know the dangers that are hidden in our vehicles today. I think it was important to send a message to the automobile manufacturers that it is not OK in New Hampshire to sell a product that has a defect and that has a design flaw, that has a safety feature that doesn't work and not tell consumers.

It was very important what we did today and it will make a difference as we move forward. Today, Senator Clinton and Senator Sununu met in a joint news conference in Washington, DC, along with Senator Gregg, and show the entire New Hampshire delegation was working a mandate that breakshift interlock will work in all key positions for all cars. This was something that in 1992 was passed as a federal law. Automobile manufacturers failed to upgrade their shift columns on super duties, on Econolines, Rangers, sport utility vehicles, and these manufacturers failed to tell consumers.

In my case, a 2002 vehicle which was equipped with breakshift interlock, rolled ... when the way it was sold, and the way it was perpetuated to work, and even the owner's manual said that couldn't happen. What really made me angry as I went on in my research in 2004, you know what they did? They changed the owner's manual to disclose that it may roll in certain key positions. The vehicle I bought in 2002 didn't have such a disclosure. Had that

automobile manufacturer thought it prudent to inform the consumers who bought the vehicle in 2002, my son may still be alive.

This is by far the most important issue that I will ever take up as a public servant. This is by the far, the symbol of why I love to be here. Why I love this body and why I love this state. You are my colleagues, and I thank each and every one of you for passing this bill today.

RECESS MOTION

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

The House recessed at 6:05 p.m.

RECESS

(Rep. Danforth in the Chair) SENATE MESSAGES

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

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

CONCURRENCE

HB 380, relative to absentee voting.

HB 653-FN-L, relative to bonds for construction, development, improvement, and acquisition of broadband facilities.

HB 1115, relative to the definition of resident for purposes of fish and game laws.

HB 1119, relative to naming the Richard Monahan Bridge in the town of Carroll.

HB 1283, relative to sheep and goat identification requirements.

HB 1296, relative to the voluntary scrapie flock certification program.

HB 1468-FN-L, relative to Reservoir Road in the town of Deering and Lyme Road in the town of Hanover.

HB 1605-FN, relative to transfers from prepaid fish and game license fund.

HB 1658, relative to authorizing agreements by the fish and game department with nonprofit partners for the purpose of accepting gifts, grants, bequests, or donations to further department goals.

HB 1659, relative to the use of certain small caliber firearms in taking wildlife.

RECESS