

HOUSE RECORD

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

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Wednesday, April 12, 2006

No. 33

HOUSE JOURNAL No. 12 (cont.)

Wednesday, April 5, 2006

RECESS

(Rep. Buxton in the Chair)

SENATE MESSAGES CONCURRENCE

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

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

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

HB 1128-FN, relative to definition of teacher in the New Hampshire retirement system, and relative to approval of supplemental allowances.

HB 1132, relative to qualifications for the Global War on Terrorism operations service bonus payment.

HB 1154-FN, relative to eligibility for special number plates for veterans.

HB 1179, repealing a requirement that the department of transportation spend a certain amount for litter removal that is determined based on fees paid to the liquor commission.

HB 1185, relative to Volunteer NH.

HB 1188, relative to notice before entry into a condominium unit.

HB 1217, requiring the secretary of state to publish certain information on campaign contributions.

HB 1222-FN, relative to unlawful voting.

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

HB 1418-FN, relative to road toll refunds.

HB 1455-FN-A, relative to the disposal of video display devices.

HB 1484, relative to including motorcycle and tractor-trailer safety in driver education courses.

HB 1487, relative to marriage licenses.

HB 1497-L, relative to certification by a superintendent regarding statistical reports.

HB 1498, establishing a risk management unit within the department of administrative services and relative to the rulemaking authority of the department of administrative services.

HB 1517-FN, relative to membership on the board of medicine and the medical review subcommittee.

HB 1579, relative to membership of the air resources council.

HB 1609-FN, requiring a pilot project to estimate future water needs and availability
HB 1633-FN, relative to membership, eligibility, and financing of the New Hampshire retirement system.
HB 1636-FN, relative to appeals from class A misdemeanor sentences imposed by the district courts.
HB 1646-FN, relative to the use of a leashed tracking dog in the recovery of a wounded deer, moose, or bear.
HB 1663-FN-L, relative to the licensing fee for motor vehicle recycling yards.
HB 1715-FN, relative to funding of the professional assistance program of dentists.
HB 1765-FN-A-L, relative to funding for disaster relief efforts in response to the October 2005 floods and making an appropriation therefor.

INTERIM STUDY

HB 713-FN, relative to a process for the request and disclosure of social security numbers.

RECESS

Rep. O'Neil moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 13

Wednesday, April 12, 2006

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

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

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

Lord of races and tribes and nationalities and families: bind together the diverse threads of this group of men and women and weave them through their work this day into a tartan of complex and brave beauty, that all of us may wear proudly the legislative fabric they craft for us in these days. Amen.

Rep. Duncan D. Chaplin, member from Strafford, led the Pledge of Allegiance.

The National Anthem was sung by Katie Siggins, a junior from White Mountain High School in Whitefield.

LEAVES OF ABSENCE

Reps. Chabot, Gibson, Hunter, Klose, Kobel, Robert L'Heureux, Putnam and Snyder, the day, illness.

Reps. Barry, Carter, Ginsburg, Grassie, Greco, Hollinger Infantine, Jean, King, Messier, Moran, Palazzo, Pilliod and Serlin, the day, important business.

Reps. Bishop and MaryAnn Blanchard, the day, illness in the family.

INTRODUCTION OF GUESTS

Dennis and Barbara Siggins, parents of the singer, guests of the House. Nancy and Lee Carver, guests of Rep. Rosenwald. Khoa and Lam Nguyen, guests of Rep. Hughes. Anita Hinkle and Edna Cheevers, wife of Rep. Hinkle. Katya Sullivan, Robert and Tanya Williams, wife and guests of Rep. Peter Sullivan. Ian Paul Donahue, nephew of Rep. Irish. Paula Lacroix, Alma Dean, Melinda Cole, Melanie Shokal, Emma Merrow, Terise Cole, Samantha, Eric and Sarah Escobar, guests of the New Hampshire Order of Women Legislators. Hon. David Vachon, former member, guest of the House. David Bruce of St. Andrew's Society of New Hampshire, guest of the House. Students from New Hampshire Boys and Girls Clubs who were selected as Youth of the Year, Erica Lubitz-Souhegan Valley, Caleigh Ricker-Salem, Desiree Pearson-Greater Nashua, Alysia Smith-Greater Derry and Barnaba Madol –Manchester, guests of the House. The 4th grade class from Hinsdale Elementary School, guests of the Hinsdale delegation.

Page for the Day, Adam Carver, student from Londonderry High School, guest of the House.

INTRODUCTION OF A SPECIAL GUEST

Rep. Karen McRae, President of the Order of Women Legislators introduced Michelle Escobar from Rumney, the recipient of the 2006 New Hampshire OWLS Scholarship.

TARTAN DAY PROGRAM

Rep. John Hunt introduced special guests, Mrs. Ellen Avery, widow of Rep. Stephen Bodie Avery and David Bruce, Chief Convener of the St. Andrews' Society of New Hampshire. Additional guests were Ross Trecartin, Pat Good, Patricia Edwards-Colpitts, Laurie Garbacz, Mark and Thomas McLeod, Alice Holmes, Richard Badeer, Lois Meredith, Lysle Grant, Donald Younag, Jim Ramsay, Janet Copestakes, Jacquelinne, and Mathias Alman, Annette, Zip and Carol Zamarchi, Ruth Marcel and Sharri Mitchell.

Special guests who performed for the House in honor of New Hampshire Tartan Day were Pipers Lezlie Webster, Elliot Smith and Campbell Webster. Highland Dancers from the New Hampshire School of Scottish Arts included Sarah Ariana and Colleen, Dudley, Fiona Barker, Samantha Allen, Lorna Mitchell, Hanna Marcel, Mary Beth Mackay, Madison Berbethon, Marielle Webster, Campbell Webster, Laura Zbelick, Ariadna McLeod and Mharie Holmes, Colleen Colpitts, Rachel Matheson, Katie, Samanth and Eli Allman.

Piper Lezlie Webber piped "Flowers of the Forest" in memory of Rep. Robert R. Barker.

Rep. Rowe offered a Scottish prayer and Piper Campbell Webster piped "Amazing Grace."

SENATE MESSAGE

REQUEST CONCURRENCE WITH AMENDMENTS

HB 719-FN, recodifying the Articles 1 and 7 of the Uniform Commercial Code.

(Amendments printed SJ 03/16/06)

Rep. Sheila Francoeur moved that the House concur and spoke in favor.

Adopted.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. O'Neil moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 323, establishing a legislative youth advisory council, removed by Rep. McRae.

SB 370-FN, relative to multidisciplinary child protection tea, removed by Rep. McRae.

SB 382, relative to the guardian ad litem board, removed by Rep. McRae.

Consent Calendar adopted.

SB 395, relative to the number of children in a licensed foster home. **OUGHT TO PASS**
Rep. Barbara Hull Richardson for Children and Family Law: This bill allows foster families to exceed the limit of six youngsters (including children living in the home and children received for foster care) when the Department of Health and Human Services concludes that the foster family is able to provide for the safety, permanency, and well-being of the child or children. Vote 13-0.

SB 283-FN, relative to stop loss insurance. **OUGHT TO PASS WITH AMENDMENT**
Rep. Donald H. Flanders for Commerce: This bill is at the request of the Insurance Department. It establishes law governing stop loss insurance and provides minimum criteria for such insurance. It also prohibits stop loss insurers from providing direct coverage of health care expenses of an individual, thereby eliminating the possible undermining of our community rating system. Vote 15-0.

Amendment (1553h)

Amend RSA 415-H:4 and 415-H:5 as inserted by section 1 of the bill by replacing them with the following:

415-H:4 Actuarial Certification. An insurer shall file with the commissioner annually on or before March 15, an actuarial certification certifying that the insurer is in compliance with this chapter. The certification shall be in a form and manner, and shall contain information, specified by the commissioner. A copy of the certification shall be retained by the insurer at its principal place of business.

415-H:5 Rulemaking. The commissioner may adopt rules in accordance with RSA 541-A that carry out the requirements of this chapter and prescribe additional standards for stop loss insurance policies.

SB 295-FN, relative to registration of business entities. **OUGHT TO PASS**
Rep. Kathleen N. Taylor for Commerce: This bill relates to the registration and dissolution of certain business entities. Also, fees were adjusted to properly cover the costs incurred by the Secretary of State in the registration of corporations. Vote 15-0.
Referred to Ways and Means.

SB 330, relative to outdoor advertising. **INEXPEDIENT TO LEGISLATE**
Rep. Tara G. Reardon for Commerce: This bill sought to affirmatively allow advertising or “banners” erected by municipalities. Several municipalities currently erect historical or informational banners on either municipal-owned or, with permission, on utility-owned poles. These banners sometimes contain the names of businesses, individuals or organizations that have paid for the banner. There are currently no penalties in the law and the committee felt the legislation is not necessary. Vote 14-1.

SB 207-FN, relative to enhanced penalties for certain crimes against the elderly and persons with a physical or mental disability. **OUGHT TO PASS**
Rep. Peter M. Sullivan for Criminal Justice and Public Safety: This bill provides for enhanced penalties for offenses against senior citizens and individuals with disabilities when the perpetrator intended to take advantage of the victim’s ability to manage his or her property or interests. This legislation sends a clear message that New Hampshire will deal harshly with those who attempt to prey on our vulnerable neighbors. Vote 19-0.

SB 246, relative to provisions for permissible contact between the agent of the defendant subject to a protective order and a plaintiff. **OUGHT TO PASS WITH AMENDMENT**
Rep. Peter M. Sullivan for Criminal Justice and Public Safety: This bill addresses concerns raised by the New Hampshire Supreme Court in the Kidder decision. That decision placed

severe restrictions on the ability of attorneys to contact prose opposing parties in cases involving domestic violence protective orders. This bill establishes clear ground rules for contact in these situations, which will encourage communication and resolution of such cases. By addressing the concerns of domestic violence advocates, the law enforcement community and the defense bar, this bill provides a sensible solution to a pressing problem. Vote 16-3.

Amendment (1596h)

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

1 New Section; Protection of Persons from Domestic Violence; Permissible Contact.

Amend RSA 173 by inserting after section 5 the following new section:

173-B:5-a Permissible Contact.

I. A protective order issued pursuant to RSA 173-B:4 or RSA 173-B:5 shall not be construed to prohibit an attorney, or any person acting on the attorney's behalf, who is representing the defendant in an action brought under this chapter, or in any criminal proceeding concerning the abuse alleged under this chapter, from contacting the plaintiff for a legitimate purpose within the scope of the civil or criminal proceeding; provided, that the attorney or person acting on behalf of the attorney: identifies himself or herself as a representative of the defendant; acknowledges the existence of the protective order and informs the plaintiff that he or she has no obligation to speak; terminates contact with the plaintiff if the plaintiff expresses an unwillingness to talk; and ensures that any personal contact with the plaintiff occurs outside of the defendant's presence, unless the court has modified the protective order to permit such contact.

II. A no-contact provision in a protective order issued pursuant to RSA 173-B:4 or RSA 173-B:5 shall not be construed to:

(a) Prevent contact between counsel for represented parties; or

(b) Prevent a party from appearing at a scheduled court or administrative hearing; or

(c) Prevent a defendant or defendant's counsel from sending the plaintiff copies of any legal pleadings filed in court relating to the domestic violence petition or related civil or criminal matters.

III. A violation of this section may result in a finding of contempt of court.

2 New Paragraph; Stalking; Permissible Contact. Amend RSA 633:3-a by inserting after paragraph III-c the following new paragraph:

III-d.(a) A protective order issued pursuant to this section, RSA 173-B:4, or RSA 173-B:5 shall not be construed to prohibit an attorney, or any person acting on the attorney's behalf, who is representing the defendant in an action brought under this chapter, or in any criminal proceeding concerning the abuse alleged under this chapter, from contacting the plaintiff for a legitimate purpose within the scope of the civil or criminal proceeding; provided, that the attorney or person acting on behalf of the attorney: identifies himself or herself as a representative of the defendant; acknowledges the existence of the protective order and informs the plaintiff that he or she has no obligation to speak; terminates contact with the plaintiff if the plaintiff expresses an unwillingness to talk; and ensures that any personal contact with the plaintiff occurs outside of the defendant's presence, unless the court has modified the protective order to permit such contact.

(b) A no-contact provision in a protective order issued pursuant to this section shall not be construed to:

(1) Prevent contact between counsel for represented parties; or

(2) Prevent a party from appearing at a scheduled court or administrative hearing; or

(3) Prevent a defendant or defendant's counsel from sending the plaintiff copies of any legal pleadings filed in court relating to the domestic violence petition or related civil or criminal matters.

(c) A violation of this paragraph may result in a finding of contempt of court.

3 New Paragraph; Bail and Recognizances. Amend RSA 597:2 by inserting after paragraph III-a the following new paragraph:

III-b. A no-contact provision contained in any bail order shall not be construed to:

(a) Prevent counsel for the defendant to have contact with counsel for any of the individuals protected by such provision; or

(b) Prevent the parties, if the defendant and one of the protected individuals are parties in a domestic violence or marital matter, from attending court hearings scheduled in such matters or exchanging copies of legal pleadings filed in court in such matters.

4 Protection from Domestic Violence; Relief. Amend RSA 173-B:5, VII to read as follows:

VII. Both parties shall be issued written copies of any orders issued by the court, and all orders shall bear the following language: "A willful violation of this order is a crime, as well as contempt of court. Violations of the protective provisions shall result in arrest and may result in imprisonment." Orders shall clearly state how any party can request a further hearing and how the plaintiff may bring a criminal complaint *or a petition for contempt* if there is a violation of any court order.

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

SB 333, relative to inquiries of DWI defendants regarding establishments serving alcohol to the defendants. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: It was the unanimous position of this committee that this bill places the judge in a difficult position of requiring testimony from a defendant that has no bearing on the sentencing portion of the proceeding. Further, police departments usually obtain this information as part of their normal arrest process. Further, requiring the judge to obtain information gives an appearance of impropriety, because it is done before sentencing. Vote 17-0.

SB 407-FN-A, relative to enforcement of labor statutes under current federal immigration laws. **REFER FOR INTERIM STUDY**

Rep. Peter M. Sullivan for Criminal Justice and Public Safety: The committee recognizes that the current system of immigration regulations is confusing and outmoded, and is in dire need of reform. The bill, as written, is poorly crafted and potentially counterproductive. However, the committee recommends that the bill be sent to interim study. With major changes in Federal Immigration Law currently pending before Congress, this study committee will provide a proper forum for addressing possible changes in state law that may be necessitated by congressional action. Vote 13-6.

SB 200-FN, establishing the uniform athlete agents act. **OUGHT TO PASS**

Rep. James M. Fitzgerald for Executive Departments and Administration: This bill was brought forward at the request of the university system and will benefit the student-athletes as well as the colleges and universities of our state. The "uniform Athlete Agents Act" was developed by the National Conference of Commissioners in 2000 at the request of the National Collegiate Athletic Association (NCAA) to establish a model state law governing the relationships between athlete agents, student-athletes and academic institutions that provides for uniform registration, certification and background checks on sports agents. Since that time, over 35 states have adopted the uniform policies and a number of others are in the process of doing so. The purpose of this legislation is to establish uniform standards from state to state that protect student athletes and academic institutions from unprincipled sports agents. The majority of athlete agents are hard-working and honest people who provide a valuable service to their clients; however, there are some who are unprincipled and predatory. These unscrupulous agents often will manipulate and take advantage of their young clients and the institutions for which they play. The consequences of such behavior can be extremely damaging to the student-athlete, the academic institution and to amateur

athletics in general. Vote 12-2.
Referred to Ways and Means.

SB 264, relative to the chief financial officer of the department of environmental services.
INEXPEDIENT TO LEGISLATE

Rep. Ken Hawkins for Executive Departments and Administration: This bill would have changed the title of the chief operating officer in the Department of Environmental Services to chief financial officer and left it in pay grade GG. The committee feels that because of the change in duties assigned to the position that the position should be submitted to the Hay Commission, so that the appropriate pay grade can be established. The Hay Commission was established to come up with a salary classification for all state employees based upon their job description and responsibility. After receiving the pay grade, we will be happy to enact this change. Vote 14-0.

SB 339, changing certain job titles and responsibilities in the department of transportation.
OUGHT TO PASS WITH AMENDMENT

Rep. Ken Hawkins for Executive Departments and Administration: This bill would have changed the titles and job descriptions for positions in the Department of Transportation and the Department of Revenue Administration. The committee feels that because of the change in duties assigned to the positions that the positions should be submitted to the Hay Group so that the appropriate pay grade can be established. The Hay Group study was established to come up with a salary classification for all unclassified state employees, based upon their job description and responsibility. After receiving the pay grade, we will be happy to enact these changes. We left in the bill the ability to hire three financial consultants in the Department of Transportation. Vote 14-0.

Amendment (1682h)

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

AN ACT permitting the department of transportation to hire consultants.

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

1 Department of Transportation; Consultants. The department of transportation may hire up to 3 financial consultants, each of whom shall be paid from highway funds not otherwise expended an amount not to exceed \$70,000 per year for a period of not more than 2 years. The consultant shall work with the department on such matters as may be recommended by the commissioner, or designee, of the department of transportation.

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

AMENDED ANALYSIS

This bill permits the department of transportation to hire up to 3 financial consultants for a 2-year period.

Referred to Finance.

SB 328, relative to the regulation of snowmobiles and off highway recreational vehicles.
OUGHT TO PASS

Rep. Howard C. Dickinson for Fish and Game: This bill was filed at the request of the New Hampshire Fish and Game Department and the New Hampshire Snowmobile Association to make technical changes to clarify SB 226, Chapter 210, Laws of 2005. Furthermore, it adds new language to RSA 215-C, which requires all snowmobiles and OHRVs to stop at all trail stop signs, not only those placed at the intersection of trails and public ways. Vote 9-0.

SB 245, repealing laws relative to the municipal courts and the administrative committee of the district and municipal courts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen J. Shurtleff for Judiciary: This bill simply adds "District Court, and the Judicial Branch Family Division," which provides for more uniformity among the courts in

establishing rules and regulations and prescribed forms. Furthermore, the bill deletes references in NH RSAs to Municipal Courts, which were replaced by the District Courts several decades ago. Vote 13-0.

Amendment (1576h)

Amend RSA 604-A:7 as inserted by section 2 of the bill by replacing it with the following:

604-A:7 Rules and Regulations. The supreme court ~~[and the]~~, superior court, ***district court, and the judicial branch family division*** shall each have the authority to establish such rules and regulations and prescribe such forms as may be deemed necessary or advisable for the performance of their respective duties hereunder~~[-and the administrative committee of the district and municipal courts shall have like authority to establish rules and regulations and prescribe forms for the district and municipal courts].~~

SB 332, making technical corrections to the uniform trust code and related statutes.

OUGHT TO PASS

Rep. John B. Hunt for Judiciary: The Uniform Trust Code which passed several years ago, was a very complex bill. This bill is this year's technical correction to the trust code. The majority of the changes clarify the role of the probate court. Vote 13-0.

SB 178, designating a certain highway the Gold Star Mothers Highway. **OUGHT TO PASS WITH AMENDMENT**

Rep. Candace C. W. Bouchard for Public Works and Highways: The committee voted unanimously to honor Gold Star Mothers by naming the Hillsborough by-pass, from the junction of New Hampshire Route 9 and Henniker Street in Hillsborough to the Antrim town line, the Gold Star Mothers Highway. Gold Star mothers have sons and daughters who served and died in the line of duty in the armed forces of the United States of America and its allies. The amendment added the standard language for cost of design, construction, maintenance and installation of the sign not be a charge to the state. Vote 13-0.

Amendment (1559h)

Amend the bill by replacing section 2 with the following:

2 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers resulting from this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers required under this act shall be approved by the department of transportation.

239

SB 239, renaming the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River as the Women in Service to Enfield (WISE) Bridge and naming the bridge located on Main Street in Newmarket, New Hampshire and crossing the Lamprey River as the Newmarket Veterans Bridge. **OUGHT TO PASS WITH AMENDMENT**

Rep. John R. Cloutier for Public Works and Highways: The bill, as amended, simply changes Section 2 of the bill to read that the Main Street bridge crossing the Mascoma River in Enfield shall be named the Enfield Women's Memorial Bridge. The committee received a letter from the Enfield Selectboard stating that they had no objection to the change, provided that the bridge name honors the women of Enfield. Vote 13-0.

Amendment (1552h)

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

AN ACT renaming the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River as the Enfield Women's Memorial Bridge and naming the bridge located on Main Street in Newmarket, New Hampshire and crossing the Lamprey River as the Newmarket Veterans Bridge.

Amend the bill by replacing section 2 with the following:

2 Enfield Women's Memorial Bridge. Pursuant to RSA 4:43, the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River is hereby named the Enfield Women's Memorial Bridge.

AMENDED ANALYSIS

This bill renames the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River as the Enfield Women's Memorial Bridge.

This bill also names the bridge located on Main Street in Newmarket, New Hampshire and crossing the Lamprey River as the Newmarket Veterans Bridge.

SB 344, establishing a committee to study state benefit programs for national guard members. **OUGHT TO PASS**

Rep. James E. Twombly for State-Federal Relations and Veterans Affairs: This bill would establish a committee to study state benefit programs for National Guard members. As no time in the history of the National Guard have the members of the Guard been utilized like they are being utilized today, especially in the War on Terror. When a guardsman is called to serve, the pay, compensation and benefits afforded to the guardsman depends upon who is activating the member. If the individual is activated under Federal Statute, they are afforded one benefit, if they are activated by the Governor, they would get another. This committee will take a look at how NH Guardsmen are treated in comparison with Guardsmen from other states. Vote 11-0.

SJR 4, urging Congress to require the Department of Defense to reinstate the terminology of "POW" or "Prisoner of War" into the classification of military personnel. **OUGHT TO PASS**

Rep. Pamela D. Coughlin for State-Federal Relations and Veterans Affairs: The committee believes the status Missing/Captured fails to provide this nation's service members the moral dignity and international recognition provided by the Prisoner of War status. The committee realizes that our enemies violate the rules of international law and the Geneva Conventions regarding the care and treatment of captured American Service Personnel. Reinstating the designation of Prisoner of War, strengthens that claim as shown by the repatriation of prisoners throughout our nation's history. Vote 11-0.

REGULAR CALENDAR

SB 131-FN, 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 establishes a non-profit corporation to facilitate private donations for the purpose of providing low-income children with the opportunity to go to school outside of an assigned school district. The bill provides \$500,000 dollars in available tax credits to businesses and individuals that donate to the corporation. The corporation is established similarly to the Healthy Kids Corporation. The House was concerned with the \$2 million dollar Senate appropriation; therefore, the committee lowered that appropriation to \$1.00 of state money, keeping the bill viable by avoiding conflicts with education dollars being spent outside the public education model. Vote 13-8.

Rep. J. Timothy Dunn for the Minority of Education: This bill, as amended by the House Education Committee, is a voucher bill with another name. The minority thinks that there will be a fiscal impact on state funds. Additionally, the minority thinks that this version is unconstitutional. This bill has a negative impact on our efforts to offer equal opportunities to all children.

Majority Amendment (1630h)

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

1 New Chapter; 21st Century Scholars Program. Amend RSA by inserting after chapter 193-H the following new chapter:

CHAPTER 193-I

21st CENTURY SCHOLARS PROGRAM

193-I:1 Definitions. In this chapter:

- I. "Board" means the 21st century scholars fund board.
- II. "Department" means the department of revenue administration.
- III. "Educational scholarships" means grants to pupils to cover all or part of the tuition and fees at a private qualified school or all or part of the tuition and fees at a public school outside the school district in which a pupil resides.
- IV. "Eligible pupil" means any pupil who is legally allowed to attend a public school in kindergarten through grade 12 and whose family income does not exceed 250 percent of the federal poverty income level.
- V. "Parent" includes a guardian, custodian, or other person with authority to act on behalf of the child.
- VI. "Program" means the 21st century scholars program.
- VII. "Qualified school" means a public or nonpublic school in our state that complies with all of the requirements of the program.
- VIII. "21st century scholars fund" or "fund" means an entity that is determined by the Internal Revenue Service to be a tax exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code, as that section now exists or may hereafter be amended, established by the state to collect and administer funds that are to be used for the purpose of providing and managing the delivery of scholarships to eligible pupils.

193-I:2 Corporation Established. There is hereby established a body politic and corporate having a distinct legal existence separate from the state and not constituting a department of state government, to be known as the 21st century scholars fund corporation to carry out the provisions of this chapter. The corporation shall be a public instrumentality which shall perform public and essential governmental functions of the state as provided in this chapter. The corporation shall be a private nonprofit corporation and shall have all the powers necessary to carry out the purposes of this chapter, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source, contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this chapter.

193-I:3 21st Century Scholars Fund Corporation; Board; Powers; Duties.

- I. The powers of the corporation shall be vested in 12 members for 3-year terms of office as follows:
 - (a) One member of the senate, appointed by the president of the senate.
 - (b) One member of the house of representatives, appointed by the speaker of the house of representatives.
 - (c) Two public members, appointed by the president of the senate.
 - (d) Two public members, appointed by the speaker of the house of representatives.
 - (e) Five public members, appointed by the governor, of which:
 - (1) Two shall represent the business community.
 - (2) Two shall represent the private school community.
 - (3) One shall be an at-large member.
 - (f) The commissioner of the department of education, or designee.
- II. The initial terms of office shall be as follows: the member in subparagraph I(e)(3) shall serve for one year; the member in subparagraph I(e)(1) shall serve for 2 years; and the members in subparagraphs I(c), I(d) and I(e)(2) shall serve for 3 years. The members in subparagraphs I(a)-(b) shall serve terms which are coterminous with their terms in office.
- III. The members shall elect annually from among their number a chairperson and such officers as they may determine. A member shall hold office until a successor has been

appointed and qualified. Members shall receive no salary for the performance of their duties under this chapter, but each member shall be reimbursed for reasonable expenses incurred in carrying out duties under this chapter. Any such expenses by board members shall have prior approval by 6 members of the board of directors before reimbursement. Legislative members shall receive mileage at the legislative rate when attending to the duties of the board. A member of the board of directors may be removed for cause by the official who appointed that member.

IV. There shall be no liability on the part of, and no cause of action shall arise against, any member of the board, or its employees or agents, for any action taken in the performance of their powers and duties under this chapter.

V. The board shall have complete fiscal control over the corporation and shall be responsible for all corporate operations.

VI. Board meetings shall be held at the call of the chairperson or when 3 members so request. Six members of the board shall constitute a quorum and the affirmative vote of 6 members shall be necessary for any action taken by the authority. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the corporation.

VII. The 21st century scholars fund corporation board shall:

(a) Notify the department of education of the board's intent to provide educational scholarships to pupils attending qualified schools, and which public school districts those pupils reside in.

(b) Provide a receipt for contributions to the organization by an individual taxpayer or corporate taxpayer for support of educational scholarships to the department of revenue administration and the taxpayer.

(c) Create and provide to the public a procedure for applying to the program.

(d) Consult appropriate professional organizations and establish standards providing educational scholarships.

(e) Develop and implement a plan to publicize the program and the procedures for enrollment in the program and to maintain public awareness of the corporation and the program.

(f) Secure staff necessary to properly administer the corporation. Staff costs shall be funded from state funds appropriated by the legislature and such other private or public funds as become available. The board shall determine the number of staff members necessary to administer the corporation.

(g) Ensure that at least 90 percent of its expenditures are for educational scholarships.

(h) Require applicants to provide a tax return, proof of current residence in New Hampshire, and proof that the pupil was continuously enrolled in a public school during the prior school year.

(i) Make every effort to make the program easily accessible and usable by the public.

(j) Inform parents of educational scholarship recipients of their acceptance into the program no later than 30 days after receiving the application.

(k) Ensure that first-time recipients of educational scholarships were continuously enrolled in a public school during the previous year.

(l) In the case of oversubscription to the program, conduct a random selection from scholarship applicants to determine who shall receive an educational scholarship.

(m) Provide scholarships for pupils in the following manner:

(1) \$3,500 for families that have a family income of 200 percent or less of the federal poverty income level upon the initial application to the program.

(2) \$2,500 for families that have a family income between 201 percent and 250 percent of the federal poverty income level upon initial application to the program.

(n) Ensure that once a pupil receives a scholarship, the pupil is offered a scholarship in any future years, until he or she reaches the age of 21 and provided that he or she meets other necessary requirements for eligible pupils.

(o) Ensure that educational scholarship payments are made out to the parents of the pupil and sent to the qualifying school of choice for endorsement by the parent to the school.

(p) Conduct criminal background checks on all employees of the corporation, and shall exclude from employment any people that might reasonably pose a threat to the safety of children or a risk to the appropriate use of contributed funds.

(q) Ensure that pupils receiving an educational scholarship take either the state tests or nationally recognized norm-referenced tests in math and language arts, or both, and ensure that the pupils' scores are provided to their parents.

VIII. The program shall not provide educational scholarships for pupils to attend any school with paid staff or board members, or relatives thereof, in common with the staff members of the fund.

IX. Provide an annual report, the first on or before January 1, 2007, to the governor, senate president, speaker of the house of representatives, and commissioner of the department of education on the development of the program. This report shall include information prepared by a certified public accountant regarding grants made in the previous calendar year and shall include:

(a) The total number and total dollar amount of contributions received during the previous calendar year; and

(b) The total number and total dollar amount of educational scholarships awarded during the previous calendar year, the total number and total dollar amount of educational scholarships awarded during the previous year to pupils who are in families that are in each subgroup of qualifying income for the federal poverty income level; and

(c) A detailed listing of administrative and marketing expenses.

193-I:4 Responsibilities of the Parents.

I. In the first year of the program, parents shall apply for scholarships for their eligible pupils by August 31, 2006. In subsequent years, parents shall apply for scholarships for their eligible pupils by July 31.

II. Parents shall provide a copy of their income tax return, along with any application materials required by the program.

193-I:5 Responsibilities of the Department of Revenue Administration.

I. The department shall provide a standardized format for a receipt to be issued by the fund to a taxpayer to indicate the value of a contribution received. The department shall require a taxpayer to provide a copy of this receipt when claiming the tax credit for contributions to the fund.

II. The department shall have the authority to conduct either a financial review or audit of the fund if possessing evidence of fraud.

III. The department shall develop a process to make tax credits available for contributions on a first come, first serve basis.

IV. The department shall report to the state treasurer's office by June 30 of each year the amount of dollars raised from private sources and request that treasurer issue a check to the fund in the amount mandated by this chapter by August 1 of each year.

193-I:6 Responsibilities of Qualified Schools.

I. All qualified schools shall:

(a) Operate in New Hampshire;

(b) Comply with 42 U.S.C. section 2000d et seq.; and

(c) Be approved by the state of New Hampshire.

II. All nonpublic schools shall have nonprofit status under the Internal Revenue Code in order to be qualified under this chapter.

III. Schools shall not refund or rebate any portion of the scholarship to the parent. Any refund for rebate for any portion of the scholarship shall be made to the fund.

IV. Pupils receiving an educational scholarship from the fund shall take either the statewide education improvement and assessment tests pursuant to RSA 193-C, or a nationally recognized norm-referenced test in math and language arts, or both. Pupils' scores in such tests shall be provided to their parents.

V. No nonpublic school shall apply any funds received under this chapter 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: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 Tax Credits.

I. A credit applied against the interest and dividend tax due under RSA 77 shall be available on a first-come, first-served basis to qualified individuals in an amount equal to the amount of contributions made to the fund during the taxable period. The total amount of the credit for all qualified individuals in a taxable period shall not exceed \$100,000.

II. A credit applied against the business enterprise tax due under RSA 77-E shall be available on a first-come, first-served basis to qualified businesses in an amount equal to the amount of contributions made to the fund during the taxable period. The total amount of the credit for all qualified businesses in a taxable period shall not exceed \$400,000.

2 Appropriation.

I. The sum of \$1 for the fiscal year ending June 30, 2006 is hereby appropriated to the 21st century scholars fund established in this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of \$1 shall be appropriated to the 21st century scholars fund upon the request of the 21st century scholars fund corporation board, and certification received by the board from the treasurer of the state of New Hampshire, that private contributions to the 21st century scholars fund from individuals or businesses equals or exceeds \$500,000. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 New Section; Taxation of Income; Credit for Contributions to 21st Century Scholars Fund. Amend RSA 77 by inserting after section 4-f the following new section:

77:4-g Adjustments for Contributions to the 21st Century Scholars Fund. A taxpayer who pays the interest and dividend tax pursuant to RSA 77 and is not a dependent of another taxpayer may claim a credit for a contribution made to the 21st century scholars fund established in RSA 193-I:8. An individual, corporation, or non-profit entity who does not file a New Hampshire state tax return may claim a charitable deduction for a contribution made to the fund as may be permitted by law. The credit may be claimed against the interest and dividend tax by an individual taxpayer in an amount equal to the total contributions made to the fund during the taxable year for which the credit is claimed. The credit may be claimed by an individual taxpayer or a married couple filing jointly in an amount equal to the total contributions made to the fund for educational scholarships during the taxable year for which the credit is claimed up to 100 percent of the taxpayer's tax liability. Individual or corporate donors may give an unlimited amount in contributions above the dollar amount to which they are entitled a credit, but shall only be entitled to the credit as provided in RSA 193-I:7.

4 New Section; Business Enterprise Tax; Adjustments. Amend RSA 77-E by inserting after section 3-a the following new section:

77-E:3-b 21st Century Scholars Fund Credit. Credit for contributions to the 21st century scholars fund as provided in RSA 193-I shall be allowed against tax due under this chapter. The credit may be claimed against the business enterprise tax by a taxpayer in an amount

equal to the total contributions made to the fund during the taxable year for which the credit is claimed up to 100 percent of the taxpayer's total liability. Individual or corporate donors may give an unlimited amount in contributions above the dollar amount to which they are entitled a credit, but shall only be entitled to the credit as provided in RSA 193-I:7.

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

AMENDED ANALYSIS

This bill authorizes the state to establish and make appropriations to the 21st century scholars fund, a non-profit, public and private partnership that will provide educational scholarships to eligible New Hampshire school children in kindergarten through grade 12 to attend a qualified school.

(Deputy Speaker in the Chair)

Reps. Rous and Casey spoke against and yielded to questions.

Reps. Hunt, Ward, and W. Packy Campbell spoke in favor and yielded to questions.

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

The question being adoption of the majority committee amendment.

YEAS 183 NAYS 167			
YEAS 183			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Nedeau, Stephen	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Martin, James	McConkey, Mark	Merrow, Harry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	
CHESHIRE			
Dexter, Judson	Emerson, Susan	Hogancamp, Deborah	Hunt, John
Pelkey, Stephen	Sawyer, Sheldon		
COOS			
Lary, Bruce	Morneau, Renney		
GRAFTON			
Gionet, Edmond	Ingbretson, Paul	Maybeck, Margie	Mirski, Paul
Naro, Debra	Sorg, Gregory	Ward, John	Williams, Burton
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Buhlman, David	Carew, James	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey

Desmarais, Vivian	Drisko, Richard	Dyer, Donald	Elliott, Nancy
Emerton, Larry	Francoeur, Bea	Gargasz, Carolyn	Golding, William
Gonzalez, Carlos	Goyette, Peter Jr	Graham, John	Hagan, Barbara
Hansen, Ryan	Hawkins, Ken	Hebert, Raymond	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Jasper, Shawn	Judy, Jean
Kurk, Neal	Lawrence, James	Lessard, Rudy	Manney, Pamela
Martin, Mary Ellen	McRae, Karen	Mead, Robert	Michon, Stephen
Mooney, Maureen	O'Brien, William	Ober, Lynne	Pepino, Leo
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Ross, Lawrence
Rowe, Robert	Ryder, Donald	Slocum, Lee	Souza, Kathleen
Ulery, Jordan	Velez, Hector	Villeneuve, Maurice	Wheeler, James
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	Field, William
Hess, David	Kidder, David	L'Heureux, Stephen	Langlais, Thomas
Maxfield, Roy	Soltani, Tony		
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bridle, Russell	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
Dalrymple, Janeen	Donahue, Richard Ken	Dowd, John	Dowling, Patricia
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Forsing, Robert
Garrity, James	Gilbert, Karl	Gillick, Thomas	Griffin, Mary
Headd, James	Hopfgarten, Paul	Ingram, Russell	Introne, Robert
Itse, Daniel	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Lund, Howie	Major, Norman	Mason, April
McKinney, Betsy	McMahon, Charles	Moore, Benjamin	Morris, Richard
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Priestley, Anne
Quandt, Marshall Lee	Quandt, Matthew	Rolston, James	Sanders, Elisabeth
Scamman, Stella	Stiles, Nancy	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman	Wells, Roger	Weyler, Kenneth
Zolla, William			
STRAFFORD			
Albert, Russell	Bickford, David	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Cilley, Jacalyn	Easson, Timothy	Goodwin, Earle
Newton, Clifford	Twombly, James		
SULLIVAN			
Donovan, Thomas	Gale, Harry	Osgood, Philip Sr	Rodeschin, Beverly
NAYS 167			
BELKNAP			
Millham, Alida	Morrison, Gail		
CARROLL			
Buco, Thomas	Knox, J David	Olimpio, J Lisbeth	

CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Coates, Christopher
Dunn, J Timothy	Espiefs, Peter	Foot, Sheila	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			
Aguir, James	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	Solomon, Peter		
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Calawa, Leon Jr
Campbell, David	Chase, Claudia	Clemons, Jane	Cote, David
Cote, Peter	Daniuk, Caitlin	DeVries, Betsi	Dokmo, Cynthia
Egbers, Fran	Essex, David	Foster, Linda	Goley, Jeffrey
Gorman, Mary	Haley, Robert	Hall, Betty	Harvey, Suzanne
Holden, Randolph	Irwin, Anne-Marie	Johnson, Paula	Kopka, Angeline
Lasky, Bette	Lefebvre, Roland	Matarazzo, Anthony Sr	Movsesian, Lori
O'Connell, Timothy	Pilotte, Maurice	Rosenwald, Cindy	Scanlon, Michael
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Smith, David	Sullivan, Francis	Sullivan, Peter	Tahir, Saghir
Vaillancourt, Steve			
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Kennedy, Richard
Lockwood, Priscilla	MacKay, James	Marple, Richard	McMahon, Patricia
Oliver, James	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Reed, Dennis	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Walner, Mary Jane
Walz, Mary Beth	Whiting, Herbert	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Brown, C. Pennington	Cali-Pitts, Jacqueline	Casey, Kimberley
Cooney, Richard	Flockhart, Eileen	Francoeur, Sheila	Gould, Kenneth
Hughes, Daniel	Hutchinson, Karen	Moody, Marcia	Norelli, Terie
Pantelakos, Laura	Powers, James	Rausch, James	Robertson, Carl
Robinson, John	Splaine, James	Wiley, Robert	Winchell, George

STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Heon, Richard	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Taylor, Katherine
Taylor, Kathleen	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Irish, Christopher	Jillette, Arthur Jr	Phinzy, James
Prichard, Stephen			

and the majority amendment was adopted.

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

The question now being adoption of the majority committee report.

Rep. Soltani requested a roll call; sufficiently seconded.

YEAS 186 NAYS 166			
YEAS 186			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Neddeau, Stephen	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Martin, James	McConkey, Mark	Merrow, Harry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	
CHESHIRE			
Dexter, Judson	Emerson, Susan	Hogancamp, Deborah	Hunt, John
Pelkey, Stephen	Sawyer, Sheldon		
COOS			
Lary, Bruce	Morneau, Renney		
GRAFTON			
Gionet, Edmond	Ingbretson, Paul	Maybeck, Margie	Mirski, Paul
Naro, Debra	Sorg, Gregory	Ward, John	Williams, Burton
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Buhlman, David	Carew, James	Christensen, D L

			Chris
Christiansen, Lars	Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard	Dyer, Donald
Elliott, Nancy	Emerton, Larry	Francoeur, Bea	Gargasz, Carolyn
Golding, William	Gonzalez, Carlos	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Hansen, Ryan	Hawkins, Ken	Hebert, Raymond
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Jasper, Shawn
Jeudy, Jean	Kurk, Neal	Lawrence, James	Lessard, Rudy
Manney, Pamela	Martin, Mary Ellen	McRae, Karen	Mead, Robert
Michon, Stephen	Mooney, Maureen	O'Brien, William	Ober, Lynne
Pepino, Leo	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Ross, Lawrence	Rowe, Robert	Slocum, Lee	Souza, Kathleen
Ulery, Jordan	Velez, Hector	Villeneuve, Maurice	Wheeler, James
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	Field, William
Hess, David	Kidder, David	L'Heureux, Stephen	Langlais, Thomas
MacKay, James	Maxfield, Roy	Soltani, Tony	
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bridle, Russell	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
Dalrymple, Janeen	DiFruscia, Anthony	Donahue, Richard Ken	Dowd, John
Dowling, Patricia	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Garrity, James	Gilbert, Karl	Gillick, Thomas
Griffin, Mary	Headd, James	Hopfgarten, Paul	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Langley, Jane	Lund, Howie	Major, Norman
Mason, April	McKinney, Betsy	McMahon, Charles	Moore, Benjamin
Morris, Richard	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Stiles, Nancy	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weldy, Norman	Wells, Roger
Weyler, Kenneth	Zolla, William		
STRAFFORD			
Albert, Russell	Berube, Roger	Bickford, David	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn	Easson, Timothy
Goodwin, Earle	Newton, Clifford	Twombly, James	
SULLIVAN			
Donovan, Thomas	Gale, Harry	Osgood, Philip Sr	Rodeschin, Beverly
NAYS 166			
BELKNAP			

Millham, Alida	Morrison, Gail		
CARROLL			
Buco, Thomas	Knox, J David	Olimpio, J Lisbeth	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Coates, Christopher
Dunn, J Timothy	Espieffs, Peter	Foote, Sheila	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			
Aguiar, James	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	Solomon, Peter		
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Calawa, Leon Jr
Campbell, David	Carlson, Donald	Chase, Claudia	Clemons, Jane
Cote, David	Cote, Peter	Daniuk, Caitlin	DeVries, Betsi
Egbers, Fran	Essex, David	Foster, Linda	Goley, Jeffrey
Gorman, Mary	Haley, Robert	Hall, Betty	Harvey, Suzanne
Holden, Randolph	Irwin, Anne-Marie	Johnson, Paula	Kopka, Angeline
Lasky, Bette	Lefebvre, Roland	Matarazzo, Anthony Sr	Movsesian, Lori
O'Connell, Timothy	Pilotte, Maurice	Rosenwald, Cindy	Ryder, Donald
Scanlon, Michael	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Smith, David	Sullivan, Francis	Sullivan, Peter
Tahir, Saghir	Vaillancourt, Steve		
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Kennedy, Richard
Lockwood, Priscilla	Marple, Richard	McMahon, Patricia	Oliver, James
Osborne, Jessie	Owen, Derek	Potter, Frances	Reardon, Tara
Reed, Dennis	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Whiting, Herbert	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Brown, C. Pennington	Cali-Pitts, Jacqueline	Casey, Kimberley
Cooney, Richard	Flockhart, Eileen	Francoeur, Sheila	Gould, Kenneth

Hughes, Daniel	Hutchinson, Karen	Moody, Marcia	Norelli, Terie
Pantelakos, Laura	Powers, James	Rausch, James	Robertson, Carl
Robinson, John	Splaine, James	Wiley, Robert	Winchell, George
STRAFFORD			
Brown, Jennifer	Brown, Julie	Brown, Lawrence	Callaghan, Frank
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Heon, Richard
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Taylor, Katherine	Taylor, Kathleen
Wall, Janet			
SULLIVAN			
Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Irish, Christopher	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen			

and the majority committee report was adopted.

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

Referred to Ways and Means.

SB 268, raising the age of required attendance of children in school and establishing a 2-year pilot program for increasing vocational education opportunities in the Manchester and Nashua school districts and making an appropriation therefor. **MAJORITY: OUGHT TO PASS. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Emma L. Rous for the Majority of Education: This bill raises the age of required school attendance to 18 and creates alternative pathways to graduation, including independent study, internship, community service, work-study, or GED prep. In addition to ongoing programs, which are already lowering the dropout rate, the bill appropriates \$600,000 for pilot programs in Nashua and Manchester, expanding them to multiple other communities. The bill exempts home-schoolers. This bill is in the best interest of our students; it raises expectations and sends an important message that education is crucial to future success. Higher completion rates lower social costs, because students who drop out earn less money and are more likely to end up on Medicaid or in prison. The bill was supported by the BIA, NH Retail Merchants, the Auto Dealers Association, law enforcement, NEA/AFT, and various school administrators and school boards. Vote 11-10.

Rep. Michael B. Asselin for the Minority of Education: The committee minority believes this bill, as proposed, is a flawed bill. The proponents of the bill stated that by raising the age of compulsory school attendance from 16 to 18 it will increase expectations of students and fewer students will drop out. Currently a student can drop out at age 16 only if the parents agree (and there also has to be a meeting with the school principal). This bill takes away the parental rights and replaces the parents with the school superintendent. The minority believes the parental rights in making this decision about their children should be protected. The committee minority also presented evidence from the 2002 Cornell University Policy Analysis on the Effectiveness of Raising the Compulsory School Attendance (CSA) Age to Eighteen on Increasing High School Graduation Rates in New York State. The study concluded, "The completion rates and dropout rates of CSA-18 States do not conclusively suggest that raising the CSA to 18 would be effective in lowering dropout rates and increasing completion rates. Although some CSA-18 States have impressive completion rates, others do not. However, the benefits of raising the CSA to 18 could outweigh the costs if the State included additional funding for supplemental programs. Without such additional measures, it is risky to assume that a change in legislation will result in the desired effects."

An additional evaluation of the New York legislation concluded “This policy (increasing the CSA age to 18) has been shown to be completely unsuccessful in increasing completion rates and only slightly successful in decreasing dropout rates.” This bill makes the same flaw as the New York legislation. It increases the CSA age to 18 without providing statewide additional funding for supplemental programs to address dropout prevention and recovery. Proponents say the money will be added in separate legislation, if this bill passes. The committee minority offered to interim study this bill and develop a bi-partisan bill to fund the needed programs statewide. The committee majority refused, preferring to identify costs later after passing this bill. The committee minority believes this is not how State mandates should be passed (without knowing the costs). Experience in other states, which have increased the CSA age to 18 without additional statewide funding, shows us that significant problems will be created. In California, a number of school districts had to build new schools for the students who were not allowed to leave and were disruptive to the students who wanted to learn. In Texas, the truancy rates significantly increased and additional costs were incurred to form Absentee Review Boards and to prosecute parents who were allowing their kids to drop out of school. Who will pay these potential costs in New Hampshire? Reps. Asselin, Hutchinson, Lary, Carson, Rowe, Rosen, Brassard and Vaillancourt spoke against.

Rep. DeJoie spoke in favor spoke in favor.

Rep. Hess spoke against and yielded to questions.

Reps. Rous spoke in favor and yielded to questions.

(Deputy Speaker Weyler in the Chair)

Rep. John Flanders moved the previous question.

Adopted.

Rep. O’Neil requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 134 NAYS 219			
YEAS 134			
BELKNAP			
Fitzgerald, James	Morrison, Gail		
CARROLL			
Buco, Thomas			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Coates, Christopher
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Foote, Sheila
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Weed, Charles		
COOS			
Mears, Edgar	Merrick, Scott	Remick, William	
GRAFTON			
Aguiar, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland,	Naro, Debra	Nordgren, Sharon	

Catherine			
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Campbell, David	Chase, Claudia
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Egbers, Fran	Emerton, Larry	Foster, Linda	Goley, Jeffrey
Gorman, Mary	Hall, Betty	Harvey, Suzanne	Jeady, Jean
Johnson, Paula	Kopka, Angeline	Lasky, Bette	Lefebvre, Roland
Martin, Mary Ellen	Matarazzo, Anthony Sr	Michon, Stephen	Movsesian, Lori
Pilotte, Maurice	Rosenwald, Cindy	Schulze, Joan	Shaw, Barbara
Shaw, Kimberly	Sullivan, Peter	Velez, Hector	
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	Fench, Barbara	Gile, Mary	Hager, Elizabeth
Hamm, Christine	Kidder, David	L'Heureux, Stephen	Maxfield, Roy
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Brown, C. Pennington	Cali-Pitts, Jacqueline	Casey, Kimberley
Dowling, Patricia	Flockhart, Eileen	Gilbert, Karl	Langley, Jane
Moody, Marcia	Norelli, Terie	Powers, James	Robertson, Carl
Splaine, James	Winchell, George		
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Cilley, Jacalyn	Creteau, Irene	Dunlap, Patricia	Goodwin, Earle
Heon, Richard	Hofemann, Roland	Johnson, Nancy	Keans, Sandra
Knowles, William	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Katherine
Taylor, Kathleen	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Franklin, Peter	Jillette, Arthur Jr
Phinizy, James	Prichard, Stephen		
NAYS 219			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	

CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			
CHESHIRE			
Dexter, Judson	Emerson, Susan	Hogancamp, Deborah	Hunt, John
Pelkey, Stephen	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon
Tilton, Anna			
COOS			
Lary, Bruce	Morneau, Renney	Richardson, Herbert	Stohl, Eric
Theberge, Robert	Tholl, John Jr		
GRAFTON			
Andersen, Gene	Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond
Ham, Bonnie	Ingbretson, Paul	Maybeck, Margie	Mirski, Paul
Solomon, Peter	Sorg, Gregory	Ward, John	Williams, Burton
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Boehm, Ralph
Brassard, Paul	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Carew, James	Carlson, Donald	Christensen, D L Chris	Christiansen, Lars
Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Essex, David	Francoeur, Bea
Gargas, Carolyn	Golding, William	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Haley, Robert	Hansen, Ryan	Hawkins, Ken
Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Holden, Randolph	Irwin, Anne-Marie	Jasper, Shawn	Kurk, Neal
Lawrence, James	Lessard, Rudy	Manney, Pamela	McRae, Karen
Mead, Robert	Mooney, Maureen	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Pepino, Leo	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Ross, Lawrence	Rowe, Robert	Ryder, Donald
Scanlon, Michael	Shattuck, Gilman	Slocum, Lee	Smith, David
Souza, Kathleen	Sullivan, Francis	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	DeStefano, Stephen
Field, William	Foose, Robert	Hess, David	Kennedy, Richard
Langlais, Thomas	Lockwood, Priscilla	MacKay, James	Marple, Richard
Oliver, James	Reed, Dennis	Soltani, Tony	Whiting, Herbert
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bridle, Russell	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James

Cooney, Richard	Dalrymple, Janeen	Donahue, Richard Ken	Dowd, John
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Forsing, Robert
Francoeur, Sheila	Gillick, Thomas	Gould, Kenneth	Griffin, Mary
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Hutchinson, Karen
Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	Major, Norman
Mason, April	McKinney, Betsy	McMahon, Charles	Moore, Benjamin
Morris, Richard	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Pantelakos, Laura	Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Robinson, John	Rolston, James	Sanders, Elisabeth
Scamman, Stella	Scamman, W Douglas	Stiles, Nancy	Stone, Joseph
Waterhouse, Kevin	Weare, E Albert	Welch, David	Weldy, Norman
Wells, Roger	Wiley, Robert	Zolla, William	
STRAFFORD			
Albert, Russell	Bickford, David	Callaghan, Frank	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Domingo, Baldwin	Easson, Timothy
Kaen, Naida	Newton, Clifford	Twombly, James	
SULLIVAN			
Donovan, Thomas	Ferland, Brenda	Gale, Harry	Houde-Quimby, Charlotte
Osgood, Philip Sr	Rodeschin, Beverly		

and the majority committee report failed.

Rep. O'Neil moved Interim Study.

Rep. Hawkins requested a roll call; sufficiently seconded.

The question being adoption of the minority committee report.

YEAS 309 NAYS 44			
YEAS 309			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Rosen, Ralph	Russell, David	Thomas, John
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Dickinson, Howard	Knox, J David	Martin, James
McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Coates, Christopher
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espieffs, Peter	Foote, Sheila	Hogancamp,	Hunt, John

		Deborah	
Mitchell, Bonnie	Parkhurst, Henry	Pelkey, Stephen	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon
Tilton, Anna			
COOS			
Lary, Bruce	Mears, Edgar	Merrick, Scott	Morneau, Renney
Remick, William	Stohl, Eric	Tholl, John Jr	
GRAFTON			
Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Dorsett, Andrew	Eaton, Stephanie
Gionet, Edmond	Ham, Bonnie	Hammond, Lee	Ingbretson, Paul
Maybeck, Margie	Mirski, Paul	Solomon, Peter	Ward, John
Williams, Burton			
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Baroody, Benjamin
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Calawa, Leon Jr
Campbell, David	Carew, James	Carlson, Donald	Chase, Claudia
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Crane, Elenore Casey	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Dyer, Donald	Egbers, Fran
Elliott, Nancy	Emerton, Larry	Essex, David	Foster, Linda
Francoeur, Bea	Gargas, Carolyn	Golding, William	Goley, Jeffrey
Gorman, Mary	Goyette, Peter Jr	Graham, John	Hagan, Barbara
Haley, Robert	Hall, Betty	Hansen, Ryan	Harvey, Suzanne
Hebert, Raymond	Holden, Randolph	Irwin, Anne-Marie	Jasper, Shawn
Jeudy, Jean	Johnson, Paula	Kopka, Angeline	Kurk, Neal
Lasky, Bette	Lawrence, James	Lefebvre, Roland	Lessard, Rudy
Manney, Pamela	Martin, Mary Ellen	Matarazzo, Anthony Sr	McRae, Karen
Mead, Robert	Michon, Stephen	Mooney, Maureen	Movsesian, Lori
O'Brien, William	O'Connell, Timothy	Ober, Lynne	Pepino, Leo
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Rosenwald, Cindy	Ross, Lawrence	Rowe, Robert	Scanlon, Michael
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Slocum, Lee
Smith, David	Souza, Kathleen	Sullivan, Francis	Sullivan, Peter
Ulery, Jordan	Vaillancourt, Steve	Velez, Hector	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	Danforth, James	DeStefano, Stephen
Field, William	Foose, Robert	French, Barbara	Gile, Mary
Hager, Elizabeth	Hamm, Christine	Hess, David	Kennedy, Richard
Kidder, David	L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla
MacKay, James	Marple, Richard	Maxfield, Roy	McMahon, Patricia

Oliver, James	Osborne, Jessie	Owen, Derek	Reardon, Tara
Reed, Dennis	Rush, Deanna	Shurtleff, Stephen	Soltani, Tony
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Whiting, Herbert	Williams, Robert		
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Bettencourt, David	Bicknell, Elbert	Bridle, Russell	Brown, C. Pennington
Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline	Carson, Sharon
Casey, Kimberley	Coburn, James	Dalrymple, Janeen	Donahue, Richard Ken
Dowd, John	Dowling, Patricia	Fesh, Bob	Flanders, John Sr
Flockhart, Eileen	Forsing, Robert	Francoeur, Sheila	Gillick, Thomas
Gould, Kenneth	Griffin, Mary	Headd, James	Hughes, Daniel
Hutchinson, Karen	Ingram, Russell	Introne, Robert	Itse, Daniel
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Langley, Jane
Lund, Howie	Major, Norman	Mason, April	McKinney, Betsy
McMahon, Charles	Moore, Benjamin	Morris, Richard	Norelli, Terie
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Pantelakos, Laura
Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Robertson, Carl	Robinson, John	Rolston, James	Sanders, Elisabeth
Scamman, Stella	Scamman, W Douglas	Splaine, James	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weldy, Norman	Wells, Roger	Wiley, Robert	Winchell, George
Zolla, William			
STRAFFORD			
Albert, Russell	Berube, Roger	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Callaghan, Frank	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Easson, Timothy	Goodwin, Earle	Heon, Richard
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Knowles, William
Miller, Joseph	Newton, Clifford	Rollo, Michael	Smith, Marjorie
Taylor, Katherine	Taylor, Kathleen	Twombly, James	Wall, Janet
SULLIVAN			
Cloutier, John	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Gale, Harry	Jillette, Arthur Jr	Rodeschin, Beverly	
NAYS 44			
BELKNAP			
Tilton, Franklin			
CARROLL			
None			
CHESHIRE			
Plifka, Stanley Jr	Weed, Charles		

COOS			
Richardson, Herbert	Theberge, Robert		
GRAFTON			
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Naro, Debra
Nordgren, Sharon	Sorg, Gregory		
HILLSBOROUGH			
Beaulieu, Jane	Buhlman, David	Hawkins, Ken	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Ryder, Donald	Schulze, Joan
Tahir, Saghir	Villeneuve, Maurice	Wheeler, James	
MERRIMACK			
DeJoie, John	Potter, Frances	Ryan, Jim	Yeaton, Charles
ROCKINGHAM			
Camm, Kevin	Charron, Gene	Cooney, Richard	Dumaine, Dudley
Gilbert, Karl	Hopfgarten, Paul	Moody, Marcia	Powers, James
STRAFFORD			
Bickford, David	Keans, Sandra	Rous, Emma	Schmidt, Peter
Spang, Judith			
SULLIVAN			
Converse, Larry	Houde-Quimby, Charlotte	Osgood, Philip Sr	Phinizy, James
Prichard, Stephen			

and the minority committee report was adopted.

Rep. Schulze vote Nay and intended to vote Aye.

(Speaker Scamman in the Chair)

The House recessed at 1:00 p.m.

RECESS

(Speaker Scamman in the Chair)

The House reconvened at 2:10 p.m.

REGULAR CALENDAR (CONT'D)

SB 306-FN-A, establishing a quality early learning opportunity initiative and making an appropriation therefor. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Deanna P. Rush for the Majority of Education: This bill recognizes the importance of quality early learning opportunities. It allows the most vulnerable children to move into licensed child care. Currently, the child care subsidies cut off at the 190% poverty level. This bill would allow families that fall between 190% and 250% of poverty to choose licensed child care centers over poor quality unlicensed care. The committee heard testimony that a 15 cent an hour raise could mean a low-income family would lose their child care subsidy and

be forced to choose cost over quality child care. The bill is an incentive to low-income families to choose better child care facilities with trained caregivers and it encourages child care centers to become licensed. It also appropriates \$500,000 from the general fund. Vote 15-6.

Rep. Clifford A. Newton for the Minority of Education: This bill is the dangling carrot to encourage parents to send their children to government approved-government licensed child care. While this may sound good to some, others on the committee felt it was another incremental move towards government control over child rearing. Additionally, when asked about this bill, Health and Human Services had concerns about spending \$200,000 of the \$500,000 on administration and overhead cost for this one-year program and felt it better to use the money, if available, for already existing programs.

Reps. Balboni and Newton spoke against.

Reps. Rush and Gargas spoke in favor.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Balboni requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 156 NAYS 154			
YEAS 156			
BELKNAP			
Fitzgerald, James	Millham, Alida	Morrison, Gail	
CARROLL			
Buco, Thomas	Knox, J David		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Coates, Christopher
Eaton, Daniel	Espieffs, Peter	Foote, Sheila	Hogancamp, Deborah
Mitchell, Bonnie	Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		
COOS			
Mears, Edgar	Merrick, Scott		
GRAFTON			
Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Solomon, Peter
Ward, John			
HILLSBOROUGH			
Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter
Brassard, Paul	Campbell, David	Clemons, Jane	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Crane, Elenore Casey

Daniuk, Caitlin	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Essex, David	Foster, Linda	Gargas, Carolyn	Goley, Jeffrey
Gorman, Mary	Haley, Robert	Hall, Betty	Harvey, Suzanne
Irwin, Anne-Marie	Jeudy, Jean	Johnson, Paula	Kopka, Angeline
Lasky, Bette	Lefebvre, Roland	Matarazzo, Anthony Sr	Michon, Stephen
Movsesian, Lori	O'Connell, Timothy	Pilotte, Maurice	Price, Pamela
Rosenwald, Cindy	Scanlon, Michael	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Sullivan, Francis	Sullivan, Peter	Wheeler, Robert
MERRIMACK			
Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	DeJoie, John
Foose, Robert	French, Barbara	Gile, Mary	Hager, Elizabeth
Hamm, Christine	Kidder, David	Lockwood, Priscilla	MacKay, James
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Reed, Dennis	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Brown, C. Pennington	Buxton, Donald	Cali-Pitts, Jacqueline
Casey, Kimberley	Cooney, Richard	Flockhart, Eileen	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Langley, Jane	Moody, Marcia
Norelli, Terie	Powers, James	Robertson, Carl	Robinson, John
Splaine, James	Stiles, Nancy	Wiley, Robert	
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Heon, Richard	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Rollo, Michael
Schmidt, Peter	Smith, Marjorie	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen
NAYS 154			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Nedeau, Stephen	Rosen, Ralph	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Veazey, John
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Babson, David Jr	Brown, Carolyn	Chandler, Gene	Martin, James
McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		

CHESHIRE			
Dexter, Judson	Emerson, Susan	Hunt, John	Sawyer, Sheldon
COOS			
Lary, Bruce	Morneau, Renney	Remick, William	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	
GRAFTON			
Gionet, Edmond	Ham, Bonnie	Ingbretson, Paul	Maybeck, Margie
Mirski, Paul	Sorg, Gregory	Williams, Burton	
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Brundige, Robert	Calawa, Leon Jr
Carew, James	Carlson, Donald	Christensen, D L Chris	Christiansen, Lars
Desmarais, Vivian	Dyer, Donald	Elliott, Nancy	Emerton, Larry
Francoeur, Bea	Golding, William	Graham, John	Hagan, Barbara
Hawkins, Ken	Hinkle, Peyton	Hirschmann, Keith	Jasper, Shawn
Manney, Pamela	McRae, Karen	Mead, Robert	Mooney, Maureen
O'Brien, William	Ober, Lynne	Reeves, Sandra	Renzullo, Andrew
Ross, Lawrence	Rowe, Robert	Ryder, Donald	Slocum, Lee
Smith, David	Souza, Kathleen	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	
MERRIMACK			
Anderson, Eric	Danforth, James	Field, William	Hess, David
Kennedy, Richard	L'Heureux, Stephen	Langlais, Thomas	Marple, Richard
Oliver, James	Soltani, Tony		
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Cady, Harriet	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	Donahue, Richard Ken	Dowd, John
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Forsing, Robert
Francoeur, Sheila	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Ingram, Russell	Introne, Robert	Itse, Daniel
Johnson, Robert	Katsakiores, George	Lund, Howie	Major, Norman
McKinney, Betsy	McMahon, Charles	Morris, Richard	O'Neil, Michael
Packard, Sherman	Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Weldy, Norman
Wells, Roger	Weyler, Kenneth	Winchell, George	Zolla, William
STRAFFORD			
Albert, Russell	Callaghan, Frank	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Newton, Clifford	Twombly, James	

SULLIVAN			
Ferland, Brenda	Gale, Harry	Osgood, Philip Sr	Rodeschin, Beverly

and the majority committee report was adopted.
Referred to Finance.

SB 373-FN-A, relative to a public health response to arbovirus. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This bill establishes a protocol relative to the removal of standing water hazards in the event of arbovirus, a public health threat. It also establishes a mosquito control fund in the Department of Health and Human Services, and affords the commissioner rulemaking authority for the purposes of this bill. This bill compliments a recently passed House Bill (HB 1464) which also is relative to mosquito control protocols throughout the state. It also creates a task force to facilitate a coordinated local, regional and state response to arbovirus (disease spread by mosquitoes such as Triple E) in New Hampshire. Vote 15-0.

Amendment (1627h)

Amend the bill by deleting section 1 and renumbering the original sections 2-12 to read as 1-11, respectively.

Amend the bill by replacing section 11 with the following:

11 Effective Date.

I. Sections 6-11 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2006.

AMENDED ANALYSIS

I. Establishes a mosquito control fund in the department of health and human services to assist cities, towns, mosquito control districts, and non-profit organizations by providing funding to offset mosquito control activities. The commissioner of the department of health and human services is granted rulemaking authority for the purposes of the bill. The bill also makes an appropriation to the department for the purposes of funding the mosquito control fund.

II. Allows local health or local law enforcement officers to order removal of standing water hazards.

III. Establishes a 2-year task force for the purpose of facilitating a coordinated local, regional, and state response to arboviruses in New Hampshire.

Amendment adopted.

Committee report adopted.

Referred to Finance.

SB 399-FN, relative to the powers of state government in the event of a pandemic. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The title of this bill is a bit misleading, causing the reader to misinterpret the bill content and intent. Although the word pandemic appears in the title, the bill does not address a pandemic. The amendment recommends that the bill title be changed to reflect this. What this bill does is to amend the communicable disease statute of the Department of Health and Human Services. It has three specific sections that provide for the DHHS commissioner, with the written approval of the Governor, to take the following actions: the closing, evacuation and decontamination of any building that “may present an imminent danger to the public health due to an incident or outbreak of communicable diseases;” “cancellation of public gatherings and events within the state to prevent the spread of disease;” DHHS may “control, restrict and ration the use, sale, dispensing, distribution of a variety of medications and mechanical equipment necessary to protect the health of the people of New Hampshire.” Due process provisions have been provided, allowing an appeal to the Superior Court. This bill also

formalizes an ethics committee that advises the commissioner regarding ethical issues that are confronted in reacting to outbreaks of communicable diseases. The committee is advisory. Finally, the bill contains no conflict with emergency management powers. The basic intent of this legislation is to take preventive actions, as outlined above, to avoid or minimize public health epidemics. The committee voted unanimously to support this significant public health initiative. Vote 15-0.

Amendment (1618h)

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

AN ACT relative to the powers of state government in the event of an incident or outbreak of communicable disease.

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

1 Communicable Disease; Closure and Decontamination. Amend RSA 141-C:16-a to read as follows:

141-C:16-a **Closure**; Decontamination.

I. The commissioner, with the written approval of the governor, may close, direct, and compel the evacuation [of or decontamination of any facility where there is reasonable cause to believe that there is a danger to the public health. The commissioner may also decontaminate, or cause to be decontaminated, or destroy any material of which there is reasonable cause to believe may present imminent danger to the public health] and decontamination of any building located within the state that is accessible to the public, such as businesses, primary and secondary schools, and universities, regardless of whether publicly or privately owned, when there is reasonable cause to believe the building may present an imminent danger to the public health due to an incident or outbreak of communicable disease. The commissioner may also cause any material located within or on the grounds of such building to be decontaminated or destroyed when there is reasonable cause to believe that the material may present imminent danger to the public health. Destruction of any material under this chapter shall be considered a taking of private property and shall be subject to the compensation provisions of RSA 4:46.

II. The closure of any buildings pursuant to this section shall be by the least restrictive means possible and the commissioner shall close only those buildings that are reasonably believed to pose a threat to the health of the public.

III. The owner of any building or portion of a building that is ordered closed in accordance with this section may request a hearing in the superior court to contest that order. The superior court shall schedule and hold a hearing and issue a decision within 5 working days of the court's receipt of the request for a hearing. At the hearing, the burden of proof shall be on the commissioner to prove by a preponderance of the evidence that closure of the building is reasonably necessary to protect the health of the public.

2 New Section; Communicable Disease; Cancellation of Events. Amend RSA 141-C by inserting after section 16-a the following new section:

141-C:16-b Cancellation of Events. The commissioner, with the written approval of the governor, may order the cancellation of public gatherings and events within the state, or in specific geographic areas of the state, as is deemed necessary to prevent the spread of disease; provided, that under no circumstances shall the constitutional rights of assembly be abrogated in any emergency situation.

3 New Sections; Communicable Disease; Custody; Rationing; Cost of Items. Amend RSA 141-C by inserting after section 17-a the following new sections:

141-C:17-b Custody; Rationing. If there is a statewide or regional shortage or threatened shortage of any anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, or mechanical equipment such as ventilators, the commissioner, with the written approval of the governor, may control, restrict, and ration

the use, sale, dispensing, distribution, or transportation of such agents as necessary to best protect the health, safety, and welfare of the people of this state. In making rationing or other supply and distribution decisions, the commissioner may determine the preference and priority for distribution of such agents, such as giving preference to health care providers and emergency response personnel. The commissioner, with the written approval of the governor, shall have the discretion to take custody of all supplies of specific anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, or mechanical equipment such as ventilators, existing within the state to ensure that such agents are distributed and utilized appropriately. Any person who is aggrieved by a decision made by the commissioner and approved by the governor with respect to the restriction or rationing of the use, sale, dispensing, distribution, or transportation of such agents, and mechanical equipment such as ventilators may request a hearing in the superior court to contest that order. Hearings held under this section shall conform to the provisions of RSA 141-C:16-a, III. Multiple requests for hearings under this section may be consolidated into one hearing if the underlying facts are similar, the court deems such consolidation to be appropriate, and the court determines that such consolidation will adequately satisfy the due process rights of the persons who requested a hearing.

141-C:17-c Certain Cost Required. In the event of an outbreak of communicable disease, the commissioner shall pay to the retailer the Medicaid rate of any items to be acquired by the department, the rate as it was the day prior to the outbreak of the communicable disease.

4 New Sections; Communicable Disease; Ethics Committee Established. Amend RSA 141-C by inserting after section 23 the following new sections:

141-C:24 Ethics Committee.

I. There is hereby established an ethics committee to offer advice to the commissioner relative to the ethical issues that may be identified in the course of planning for, and responding to, outbreaks of communicable disease.

II. The committee shall consider the ethical implications of any of the powers that may be exercised by the commissioner under the provisions of this chapter including, but not limited to, the confiscation, distribution, and rationing of anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, and mechanical equipment such as ventilators; the issuance and enforcement of orders of isolation, quarantine, medical examination, and medical treatment; and issues relative to information sharing and confidentiality.

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

- (a) The director of the division of public health services.
- (b) The state epidemiologist.
- (c) The attorney general, or designee.
- (d) A representative of a municipal department of public health, appointed by the commissioner.
- (e) A representative from a college or university public health program, appointed by the commissioner.
- (f) A chief of police or a police officer of a local police department, appointed by the New Hampshire Association of Chiefs of Police.
- (g) A chief of a local fire department, appointed by the New Hampshire Association of Fire Chiefs.
- (h) A physician, licensed under RSA 329, appointed by the New Hampshire Medical Society.
- (i) The commissioner of the department of safety, or designee.
- (j) A member of a fire department, appointed by The New Hampshire Professional Firefighters Association.
- (k) A representative of a hospital, appointed by the New Hampshire Hospital Association.

(l) A county representative, appointed by the New Hampshire Association of Counties.

IV. The commissioner shall appoint a member of the committee to act as chairperson. The committee shall meet initially within 30 days of the effective date of this section and then as regularly as the chairperson shall direct.

V. The commissioner may at any time direct questions to the committee or request guidance on ethical issues. In addition, the committee shall develop proposed guidelines and protocols relative to any ethical issues that it identifies.

VI. The committee shall be solely advisory in nature and any guidance, guidelines, or protocols issued by the committee shall not be binding on the commissioner.

141:25 No Conflict With Emergency Management Powers. Nothing in this chapter shall be construed to limit or restrict the exercise of the governor's emergency management powers under RSA 4:45 – RSA 4:47.

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

AMENDED ANALYSIS

This bill authorizes the commissioner of the department of health and human services, with the written approval of the governor, to ration and prioritize certain pharmaceutical agents in the event of a shortage during an incident or outbreak of communicable disease. Under this bill, the commissioner, with the written approval of the governor, has the power to close public places during an incident, etc. This bill also establishes a committee to advise the commissioner in addressing ethical issues under RSA 141-C.

Amendment adopted.

Rep. Hagan spoke against.

Rep. MacKay spoke in favor and yielded to questions.

Rep. Hess yielded to questions.

REMARKS

Rep. Balboni requested that his question and Rep. Hess's answer be printed in the Permanent Journal. The Chair so ordered.

Rep. Balboni: Thank you, Mr. Speaker. Thank you, honorable representative for taking my question. My question deals with Section 2 of the bill, on page 1750, where it says that "the commissioner, with the written approval of the governor, may order the cancellation of public gatherings and events within the state, ... provided, that under no circumstances shall the constitutional rights of assembly be abrogated in any emergency situation." If the governor has the authority to cancel an event or public gathering, how is that not by definition the abrogation of the people's constitutional rights to assemble? And if that isn't, in your view, an abrogation of their right, how would this work from a practical point of view?

Rep. Hess: Thank you very much, Mr. Speaker. Representative, the idea here is what was envisioned was a situation where there would be an event at the Verizon Center, say a hockey game or entertainment, and a threat of a communicable disease epidemic was such that the public health officials felt it was not appropriate for that event to go forward. That would be the kind of event that would govern, this section would govern. It would not prohibit, and it provides for not affecting the right of assembly specifically to ensure that this provision cannot be used under the guise of health risks to prevent political assemblies where public issues are discussed and debated, even if the public health officials think there is a danger.

The question being adoption of the committee report.

On a division vote, 261 members having voted in the affirmative and 48 in the negative, the committee report was adopted.

Referred to Finance.

HB 2006, relative to the state 10-year transportation improvement plan. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene G. Chandler for Public Works and Highways: This bill represents the Ten-Year Highway Plan, which is a culmination of many hours of work by regional planning agencies, the Department of Transportation, the Executive Council, the Governor and the Public Works and Highways Committee. Funding is certainly a major issue and being cognizant of that, the committee did not fund any additional projects. Changes to the plan as presented to the committee are as follows: Added Exit 6 to an existing study of Exit 7 in Manchester. Both exits need to be looked at together as changes to one, or the other, will, or could have major effects on the other. A technical change corrects a prior oversight regarding authorization to bond for the bridge and road project over the Merrimack River in Litchfield and Merrimack. The committee also removed reference to a portion of the circumferential highway, which has been carried in the plan for years, but due to environmental concerns will not be constructed. In 2001, utilizing a federal grant, the Town of Bedford produced a corridor study for Route 101 through the town. One recommendation of this study was the building of a road connecting Wallace and Nashua roads in the town. This street would, according to the study, alleviate some traffic congestion on Route 101. The town is preparing to go forward with this connector road, not waiting for the proposed widening on Route 101 as outlined in the plan. The amendment states that the Town of Bedford will be reimbursed 80% of the costs associated with constructing this road, to be paid in the year that the project is presently situated in the Ten-Year Plan. Additionally, the reimbursement is contingent upon a study being done that clearly demonstrates that the connector road benefits the capacity and safety of Route 101 and that all design, environment evaluation, and construction is done in accordance with appropriate state and federal guidelines. If these requirements are met, and the town reimbursed, the state will save money for the project by paying for it in current year dollars, rather than the cost of the project at some point in the future. As the transportation plan becomes increasingly complex, the committee felt that additional legislative oversight and input was necessary. An added section requires the Department of Transportation to provide quarterly updates to the Capital Budget Overview Committee. These reports would cover such things as changes in start dates, additions to the plan (such as red-listed bridges), or changes in funding source for projects. This is a reporting requirement, not an approval process. From time to time the General Court approves the bonding of certain projects, or programs with the intention that these bonds will be paid for, either in total or in part, through the state's highway fund (for example HB 1767 of the current session). This section requires that the Capital Budget Overview Committee approve the expenditure of highway funds for repayment of such bonds. This will provide additional legislative oversight and control of our highway funds consistent with both our constitution and the intent of the General Court. Language was added to protect projects already under way from possible conflicts with any eminent domain laws which might pass this session, or in the future. A lot of discussion was held regarding the Memorial Bridge in Portsmouth. This is a red-listed bridge and used not only by the traveling public, but provides a vital link for emergency vehicles. This project is a 50-50 match with the State of Maine and, unless things change in that state in the very near future, the project cannot begin before its present place in the plan which is 2010. This bridge is a red-listed bridge and a priority with the NH Department of Transportation, and if the funding issue in Maine is resolved, the New Hampshire Commissioner has the authority to move the project forward. The committee was, and remains, concerned about the Memorial Bridge project, but believes that due to the situation in Maine, advancing the project in the Ten-Year Plan would displace other projects that have a chance to be completed on schedule. Additionally, the Department is constrained by Federal Highway regulations to provide a financially constrained highway plan for the years FY 07, FY 08 and FY 09, which means that any projects planned in those years must have a virtual certainty of being constructed. Since the Maine portion of the funding is dubious for those years, New

Hampshire would run the risk of Federal Highway disapproval of our proposed plan. Despite the lure of adding projects to this plan, the committee has resisted due to the funding issues and the goal to keep trying to inch closer to a getting back to a true Ten-Year Highway Plan. Vote 16-0.

Amendment (1635h)

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

AN ACT relative to the state 10-year transportation improvement plan, the exemption of highway projects from eminent domain, improvements on the FE Everett Turnpike/I-293 and certain segments of N.H. 101, and a bridge crossing the Merrimack.

Amend the bill by replacing all after section 2 with the following:

3 Exempting Highway Projects Relative to Eminent Domain and Public Purpose. Transportation projects listed in the state 10-year transportation improvement plan 2007-2016 shall be exempt from all statutes enacted after January 1, 2006 limiting the purposes for which the power of eminent domain may be used. The intent of this section is to allow the use of eminent domain for acquiring property to improve transportation infrastructure which in turn, whether intended or not, may benefit subsequent economic development in the area served by the transportation infrastructure.

4 State 10-Year Transportation Improvement Plan; FE Everett Turnpike/I-293. The project named Manchester, project number 2745, of the state 10-year transportation improvement plan 2007-2016, to reconstruct the interchange at Exit 7 to become a full interchange, shall include engineering studies of Exit 6 to consider safety and traffic issues, and dependent on the engineering studies of Exit 7 and Exit 6, the department of transportation shall phase the construction in accordance with what best serves the public needs.

5 State 10-Year Transportation Improvement Plan; New Hampshire Route 101; Widening Road. A phase of the project named Bedford, project number 13953, of the state 10-year transportation improvement plan 2007-2016 to widen N.H. 101 to 5 lanes for approximately 2 miles, from N.H. 114 to Wallace Road, may be initially funded by the town of Bedford. Specifically, the town of Bedford may fund the construction of a connector road between Wallace Road and Nashua Road roughly parallel to N.H. 101.

6 State 10-Year Transportation Improvement Plan; Bedford Project; Reimbursement.

I. In the year in which the project is funded in the state 10-year transportation improvement plan 2007-2016, the town of Bedford shall receive 80 percent reimbursement of its cost of construction of the connector road from federal funds, provided the following conditions have been met:

(a) The town of Bedford shall demonstrate through an engineering study that the connector road benefits the safety and capacity of N.H. 101.

(b) The engineering design, environmental evaluation, purchase of right-of-way, and construction of the connector road is done in accordance with state and federal requirements that apply to federal aid projects.

II. Reimbursement under paragraph I is contingent on the availability of federal funding specific to the federal program which the project named Bedford, project number 13953, falls within.

III. Nothing in this section shall be construed as a guarantee of reimbursement by state or federal funds. This section allows for reimbursement for a phase of this project in the year the project appears in the state 10-year transportation improvement plan 2007-2016 based on the costs when the connector road is constructed.

7 New Subparagraph; Authority for Improvements to Central New Hampshire Turnpike. Amend RSA 237:2, IV by inserting after subparagraph (f) the following new subparagraph:

(g) Construction of a bridge crossing the Merrimack River connecting US 3 in Merrimack and N.H. 102 in Litchfield with future design consideration for a segment of highway connecting N.H. 102 in Litchfield and N.H. 111 in Hudson.

8 New Subparagraph; Turnpike System Funds Provided. Amend RSA 237:7, I by inserting after subparagraph (n) the following new subparagraph:

(o) Construction of a bridge crossing the Merrimack River connecting U.S. 3 in Merrimack and N.H. 102 in Litchfield with future design consideration for a segment of highway connecting N.H. 102 in Litchfield and N.H. 111 in Hudson. RSA 237:2, IV(g).

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9 Oversight and Reporting Required. The department of transportation shall provide a report every 90 days to the governor and the capital budget overview committee on the changes to any projects approved under this plan. The reports shall include current construction dates relative to bidding and completing projects, project additions or deletions to the 10-year plan, and changes in funding programs for any project. The reports shall be developed in a format adopted by the department of transportation.

10 Committee Approval Required. Any funds from the highway fund of the state to be used for the repayment of bonds shall not be expended without the approval of the capital budget overview committee.

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

AMENDED ANALYSIS

This bill:

I. Updates the 10-year transportation improvement plan to maintain highways and bridges in the state.

II. Exempts certain highway projects from eminent domain.

III. Includes improvements to a segment of the FE Everett Turnpike/I-93 and the widening of a segment of N.H. 101.

IV. Requires the department of transportation to make periodic reports.

V. Requires expenditures for the repayment of bonds to be approved by the capital budget overview committee.

Amendment adopted.

Rep. Hughes spoke against.

Rep. Chandler spoke in favor and yielded to questions.

Committee report adopted and ordered to third reading.

SCR 6, urging Congress to support stem cell research. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James E. Twombly for the Majority of State-Federal Relations and Veterans Affairs:

This resolution arrived in committee after having been amended in the Senate. The amended version removed the word embryonic. The majority of the committee felt that the field of stem cell research was all encompassing and included both embryonic and adult stem cells. The House has already passed HJR 20 supporting the position on stem cells and a majority of the committee felt that this SCR was not needed. The sponsors also recommended that if embryonic was not reinserted into the SCR that the resolution be made ITL. Vote 7-4.

Rep. Kris E. Roberts for the Minority State-Federal Relations and Veterans Affairs: No matter what side one may take on this issue concerning this highly sensitive matter, each of us has been faced with highly moral and ethical decisions. For some of us, we have been confronted with serious religious moments of crisis. Without belittling the importance of life, no matter when one may believe life begins, this bill is not about destroying life, this bill is about providing hope. This bill is about taking what is almost in all cases fertilized eggs which are allowed to die or disposed of as medical waste. Each year at least 100,000 embryonic stem cells from this potential medical waste have the possibility to provide hope to countless citizens with deadly or disabling diseases. Embryonic stem cells have the possibility of finding a cure for juvenile diabetes, or allowing someone confined to a wheel

chair the ability to walk. This is not about destroying life, this is about improving the quality of life.

Rep. Roberts spoke against.

Rep. Twombly spoke in favor.

Rep. Jeudy requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 149 NAYS 147			
YEAS 149			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Nedeau, Stephen	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Veazey, John
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Brown, Carolyn	Chandler, Gene	Martin, James	McConkey, Mark
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
CHESHIRE			
Butynski, William	Hunt, John	Pelkey, Stephen	
COOS			
Stohl, Eric			
GRAFTON			
Cooney, Mary	Gionet, Edmond	Ingbretson, Paul	Maybeck, Margie
Mirski, Paul	Sorg, Gregory	Ward, John	
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Calawa, Leon Jr	Carew, James	Carlson, Donald
Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela	Desmarais, Vivian
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Francoeur, Bea
Goyette, Peter Jr	Graham, John	Haley, Robert	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Jeudy, Jean
Lawrence, James	Lefebvre, Roland	Manney, Pamela	Martin, Mary Ellen
McRae, Karen	Mead, Robert	Mooney, Maureen	O'Connell, Timothy
Ober, Lynne	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Schulze, Joan	Slocum, Lee	Souza, Kathleen
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James
Wheeler, Robert			
MERRIMACK			
Danforth, James	Field, William	Hager, Elizabeth	Hess, David
Kennedy, Richard	Langlais, Thomas	Mackay, James	Marple, Richard

Oliver, James	Reed, Dennis	Soltani, Tony	
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Cady, Harriet	Carson, Sharon	Coburn, James	Cooney, Richard
Donahue, Richard Ken	Dowd, John	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Forsing, Robert	Francoeur, Sheila	Gilbert, Karl
Gillick, Thomas	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Ingram, Russell	Introne, Robert	Itse, Daniel
Johnson, Robert	Katsakiores, George	Langley, Jane	Lund, Howie
Morris, Richard	O'Neil, Michael	Packard, Sherman	Priestley, Anne
Quandt, Marshall Lee	Quandt, Matthew	Rausch, James	Scamman, Stella
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman	Weyler, Kenneth	Wiley, Robert
Zolla, William			
STRAFFORD			
Berube, Roger	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Newton, Clifford	Twombly, James	
SULLIVAN			
Donovan, Thomas	Gale, Harry	Osgood, Philip Sr	Rodeschin, Beverly
NAYS 147			
BELKNAP			
Millham, Alida	Morrison, Gail	Tobin, William	
CARROLL			
Babson, David Jr	Buco, Thomas	Dickinson, Howard	Merrow, Harry
CHESHIRE			
Butcher, Suzanne	Coates, Christopher	Dexter, Judson	Eaton, Daniel
Emerson, Susan	Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon
Tilton, Anna			
COOS			
None			
GRAFTON			
Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Eaton, Stephanie	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Solomon, Peter			

HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Campbell, David
Chase, Claudia	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Crane, Elenore Casey	Daniuk, Caitlin	DeVries, Betsi
Dokmo, Cynthia	Essex, David	Foster, Linda	Gargasz, Carolyn
Golding, William	Goley, Jeffrey	Gorman, Mary	Hall, Betty
Harvey, Suzanne	Irwin, Anne-Marie	Johnson, Paula	Kopka, Angeline
Lasky, Bette	Lessard, Rudy	Matarazzo, Anthony Sr	Movsesian, Lori
Rosenwald, Cindy	Ryder, Donald	Shattuck, Gilman	Shaw, Barbara
Smith, David	Sullivan, Francis	Sullivan, Peter	
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Clarke, Claire	DeJoie, John
DeStefano, Stephen	Foose, Robert	French, Barbara	Gile, Mary
Hamm, Christine	Kidder, David	Lockwood, Priscilla	McMahon, Patricia
Osborne, Jessie	Potter, Frances	Reardon, Tara	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Asselin, Michael	Brown, C. Pennington	Buxton, Donald
Cali-Pitts, Jacqueline	Camm, Kevin	Casey, Kimberley	Charron, Gene
Flockhart, Eileen	Gould, Kenneth	Major, Norman	McKinney, Betsy
Moody, Marcia	Norelli, Terie	Powers, James	Robertson, Carl
Robinson, John	Rolston, James	Sanders, Elisabeth	Splaine, James
Wells, Roger			
STRAFFORD			
Albert, Russell	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Callaghan, Frank	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Dunlap, Patricia	Heon, Richard	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Rollo, Michael	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Kathleen	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen

and the majority committee report was adopted.

Ordered to third reading.

BILLS REMOVED FROM CONSENT CALENDAR

SB 323, establishing a legislative youth advisory council. **OUGHT TO PASS**

Rep. Barbara Hull Richardson for Children and Family Law: This bill establishes a legislative youth council similar to a very successful program in Maine. It would involve

youth with legislators in dealing with policies on issues related to youth. This program would conduct an annual summer event for council members regarding leadership, government and the legislature, to which legislators would be invited. The council would meet no fewer than four times each year, and would conduct two hearings a year on issues of importance to youth. Vote 12-0.

Rep. McRae moved Recommit.

Motion adopted.

Recommitted to Children and Family Law.

SB 370-FN, relative to multidisciplinary child protection teams. OUGHT TO PASS WITH AMENDMENT

Rep. Anthony P. Matarazzo for Children and Family Law: The committee comes unanimously to support children who have been victims of neglect, physical, psychological, or sexual abuse and/or any combination of these traumas to alleviate further pain and suffering. The intent of this bill is to keep these children from having to be subjected to the onslaught of multiple agencies that currently step in to help the child. The Department of Children, Youth and Families (DCYF), the police, physical and mental health practitioners, school and others will be coordinated to prevent the child from having to be interviewed over and over again, requiring the child to relive the trauma. This bill allows DCYF to enter into agreements to create multidisciplinary child protection teams to investigate and interview in unison. It creates human resources and other efficiencies, all the while improving on minimizing the trauma to the child. Vote 13-0.

Amendment (1623h)

Amend RSA 169-C:34-a as inserted by section 1 of the bill by replacing it with the following:

169-C:34-a Multidisciplinary Child Protection Teams.

I. The department of health and human services may enter into formal cooperative agreements with appropriate agencies and organizations to create multidisciplinary child protection teams to assist with the investigation and evaluation of reports of abuse and neglect under this chapter.

II. Multidisciplinary child protection team members shall include at least one representative of the department of health and human services and may include licensed physical and mental health practitioners, educators, law enforcement officers, representatives from the local child advocacy center, social workers, and such other individuals as may be necessary to assist with the investigation and evaluation of reports of abuse or neglect.

III. The department may share information from its case records to the extent permitted by law with members of a multidisciplinary child protection team to assist the team with its investigation and evaluation of a report of abuse or neglect. Multidisciplinary child protection team members shall be required to execute a confidentiality agreement and shall be bound by the confidentiality provisions of RSA 169-C:25 and RSA 170-G:8-a.

IV. The department, in consultation with the department of justice and the network of children's advocacy centers, shall develop a written protocol for multidisciplinary child protection team investigations. The purpose of the protocol shall be to ensure the coordination and cooperation of the agencies involved in multidisciplinary child protection team investigations, to increase efficiency in the handling of these cases, and to minimize the impact of the legal and investigatory process on the child. The protocol shall be reviewed and, if necessary, revised not less than once every 3 years. The department shall forward a copy of the revised protocol to the house committee responsible for children and family law matters, the speaker of the house of representatives, the senate president, and the governor by November 15 of the year in which the protocol was revised.

V. Multidisciplinary child protection team members shall conduct an internal, annual review of the multidisciplinary team approach to investigation and evaluation of

child abuse reports. The team shall review its practices and procedures and assess its effectiveness in agency coordination, efficiency in handling cases, and the degree to which the multidisciplinary team is able to minimize the impact of the legal and investigatory process on the child.

VI. On or before November 15 of each year, the department of health and human services shall file a report with the house committee responsible for children and family law matters regarding the use of multi-disciplinary child protection teams under this section. The report shall provide statistical and other non-identifying information collected by the multidisciplinary child protection teams, including performance data and outcome specific data, such as the disposition of the cases and the effect on the lives of the relevant parties, and any other data deemed relevant and necessary by the child protection team. Every 4 years, the department shall submit a comprehensive report that summarizes the costs and benefits of using multidisciplinary child protection teams and makes a specific recommendation regarding the continuation of such teams.

VII. Nothing in this section shall abrogate the department's duty to investigate and pursue reports of child abuse and neglect under this chapter.

Rep. McRae moved Recommit.

Motion adopted.

Recommitted to Children and Family Law.

SB 382, relative to the guardian ad litem board. **OUGHT TO PASS**

Rep. Mary Stuart Gile for Children and Family Law: This bill establishes a guardian ad litem board which shall be responsible for overseeing the credentialing, activities, and discipline of guardians ad litem in NH who are, or who have been, certified by the board. Categories include terms of appointment, duties of the board, rulemaking authority, certification, confidentiality and disclosure of information, immunity from civil and criminal actions, court appointed special advocates and severability. Vote 14-0.

Rep. McRae moved Recommit and yielded to questions.

Motion adopted.

Recommitted to Children and Family Law.

MOTION TO REMOVE FROM TABLE

Rep. Itse moved that **HB 1229-FN**, prohibiting the use of false documentation for employment, government services, or permits, be removed from the table.

Rep. Itse yielded to questions.

Rep. Itse requested a roll call; sufficiently seconded.

The question being to remove HB 1229 from the table.

YEAS 108 NAYS 185			
YEAS 108			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Heald, Bruce
Rosen, Ralph	Tilton, Franklin	Tobin, William	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Babson, David Jr	Chandler, Gene	Dickinson, Howard	Martin, James
McConkey, Mark	Merrow, Harry	Stevens, Stanley	

CHESHIRE			
Dexter, Judson	Emerson, Susan	Foote, Sheila	Hogancamp, Deborah
Hunt, John			
COOS			
None			
GRAFTON			
Eaton, Stephanie	Gionet, Edmond	Ingbretson, Paul	Maybeck, Margie
Mirski, Paul	Sorg, Gregory		
HILLSBOROUGH			
Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Carew, James
Carlson, Donald	Christensen, D L Chris	Christiansen, Lars	Crane, Elenore Casey
Dyer, Donald	Elliott, Nancy	Francoeur, Bea	Golding, William
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Lawrence, James
Lessard, Rudy	Manney, Pamela	McRae, Karen	Mead, Robert
Mooney, Maureen	O'Connell, Timothy	Ober, Lynne	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Slocum, Lee	Souza, Kathleen
Ulery, Jordan	Villeneuve, Maurice	Wheeler, James	
MERRIMACK			
Field, William	Hess, David	Kidder, David	Langlais, Thomas
Lockwood, Priscilla	Soltani, Tony		
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Bettencourt, David	Bicknell, Elbert
Buxton, Donald	Cady, Harriet	Camm, Kevin	Carson, Sharon
Coburn, James	Donahue, Richard Ken	Dowd, John	Dumaine, Dudley
Forsing, Robert	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Ingram, Russell	Introne, Robert	Itse, Daniel
Lund, Howie	Morris, Richard	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Rolston, James	Sanders, Elisabeth	Stiles, Nancy
Wells, Roger	Weyler, Kenneth		
STRAFFORD			
Albert, Russell	Bickford, David	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Easson, Timothy	Newton, Clifford	Twombly, James
SULLIVAN			
Osgood, Philip Sr	Rodeschin, Beverly		
NAYS 185			

BELKNAP			
Fitzgerald, James	Flanders, Donald	Morrison, Gail	Nedeau, Stephen
Russell, David	Thomas, John		
CARROLL			
Brown, Carolyn	Buco, Thomas	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald			
CHESHIRE			
Butcher, Suzanne	Butynski, William	Coates, Christopher	Eaton, Daniel
Espiefs, Peter	Mitchell, Bonnie	Parkhurst, Henry	Pelkey, Stephen
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna	
COOS			
Stohl, Eric			
GRAFTON			
Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Solomon, Peter			
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Brassard, Paul
Brundige, Robert	Calawa, Leon Jr	Campbell, David	Chase, Claudia
Clemons, Jane	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Emerton, Larry	Essex, David	Foster, Linda
Gargas, Carolyn	Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr
Graham, John	Haley, Robert	Hall, Betty	Harvey, Suzanne
Hawkins, Ken	Irwin, Anne-Marie	Jasper, Shawn	Jeudy, Jean
Kopka, Angeline	Lasky, Bette	Lefebvre, Roland	Martin, Mary Ellen
Matarazzo, Anthony Sr	Movsesian, Lori	Pilotte, Maurice	Rosenwald, Cindy
Ryder, Donald	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Smith, David	Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve
Wheeler, Robert			
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Clarke, Claire	Danforth, James
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Kennedy, Richard
MacKay, James	Marple, Richard	McMahon, Patricia	Oliver, James
Osborne, Jessie	Potter, Frances	Reardon, Tara	Reed, Dennis
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert
Yeaton, Charles			

ROCKINGHAM			
Abbott, Dennis	Belanger, Ronald	Brown, C. Pennington	Cali-Pitts, Jacqueline
Casey, Kimberley	Charron, Gene	Cooney, Richard	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Johnson, Robert	Katsakiores, George
Langley, Jane	Major, Norman	McKinney, Betsy	Moody, Marcia
Norelli, Terie	O'Neil, Michael	Packard, Sherman	Powers, James
Priestley, Anne	Robertson, Carl	Robinson, John	Scamman, Stella
Splaine, James	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman	Wiley, Robert	Zolla, William
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Heon, Richard	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Rollo, Michael
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Wall, Janet			
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Phinizy, James	Prichard, Stephen		

and the motion to lay HB 1229 on the table failed.

RESOLUTION

Rep. O'Neil offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 19, 2006 at 10:00 a.m.
Adopted.

LATE SESSION

Third reading and final passage

SB 395, relative to the number of children in a licensed foster home.

SB 283-FN, relative to stop loss insurance.

SB 207-FN, relative to enhanced penalties for certain crimes against the elderly and persons with a physical or mental disability.

SB 246, relative to provisions for permissible contact between the agent of the defendant subject to a protective order and a plaintiff.

SB 328, relative to the regulation of snowmobiles and off highway recreational vehicles.

SB 245, repealing laws relative to the municipal courts and the administrative committee of the district and municipal courts.

SB 332, making technical corrections to the uniform trust code and related statutes..

SB 178, designating a certain highway the Gold Star Mothers Highway.

SB 239, renaming the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River as the Enfield Women's Memorial Bridge and naming the bridge located on Main Street in Newmarket, New Hampshire and crossing the Lamprey River as the Newmarket Veterans Bridge.

SB 344, establishing a committee to study state benefit programs for national guard members.

SJR 4, urging Congress to require the Department of Defense to reinstate the terminology of "POW" or "Prisoner of War" into the classification of military personnel.

SB 131-FN, establishing a school choice certificate program.

HB 2006, relative to the state 10-year transportation improvement plan.

UNANIMOUS CONSENT

Reps. Mirski and Carlson addressed the House.

Rep. Soltani moved that the remarks made by Rep. Mirski be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. Mirski: Thank you, Mr. Speaker. A couple of months ago we lost a good friend, John Alger. Just a little more than a week ago, we lost his friend and fellow representative from Grafton, District 6, Bob Barker of a brain tumor. The internment ceremony was held last Friday at the Veterans' Cemetery in Boscawen.

Of course, with these events you always learn a little more about the person you are sitting next to. John is the fellow who got Bob to run for the House. They both lived on East Rumney Road, well, I don't know whether they call it the road when it gets into Campton. John lived on the east end of East Rumney Road in Rumney and Barker lived a little ways further east, right over the line in Campton. They were on the phone quite a lot every day, they were great friends. I remember once driving by and watching them putting up their campaign signs, making sure that neither one was higher than the other, as they were standing beside the road. They traveled around together and worked together. They were great reps for their district.

John, as everybody knows, was this kind of effervescent personality who figured you could fix any thing, any time, any day. He was always working very positively. Bob was kind of a curmudgeon. He had that Air Force Colonel view of the world where he had seen an awful lot and wasn't going to put up with much BS. So they made a great pair and were always fun to be around. One guy was up and the other guy was looking at the dark side of the moon. Bob had received a lot of commendations in the Air Force. We have many people here who are veterans. Last week, we had the representative from Deerfield talk about Okinawa and battles. We have a World War II Navy ace in the room from Laconia. A lot of people who have fascinating lives, and which we don't know much about. I was thinking last week about the remarks about Okinawa. How so many men were ordered, faceless men, were ordered by the colonels and generals and admirals into harm's way. Well, you're going to learn a little bit of something about Bob Barker which he revealed to me once in my living room and just over coffee. Those folks were ordered into harm's way, really, without the commanders knowing who they were.

Bob was a cold warrior. He spent 22 years in the Air Force and much of it had to do with service in the Far East in Vietnam, Laos, and Cambodia during that hard time. Then following that period, he became involved in sending men into North Korea, as an Air Force intelligence officer, selecting men to infiltrate the North Korean government and bring back information. I think everyone in this room knows what a recalcitrant, backward, terrible state North Korea is.

Bob developed liver cancer about five years ago and would travel back and forth to Dartmouth-Hitchcock. Fortunately for me, often on these trips, he would stop in, knock on the door in the afternoon, and I'd quit working. We would go out and have some coffee and naturally, talk about the House. What's right and what's wrong about this place, politics and one thing or another. He talked about his military service a little bit, and like most military men, he kept it close to the vest. In one of these conversations, he got quiet. We were talking about the Korean experience. As an intelligence officer, he would select men,

Koreans, to infiltrate the North Korean government. He said to me very solemnly at one point, "You know, I knew I was sending them to their death." He also knew the people who were taking on the assignment knew their chances of survival in that repressive regime were pretty small. The ways they would get them into the country were like a lot of the things you see in the movies. It was a scary business. The reports back from those enterprises were generally pretty bleak. So, he'd seen a side of war and conflict which is quite a lot different from the sort of thing that maybe McNamara or Westmoreland saw. Where they saw men were numbers; for Bob men were personalities, people he liked, maybe loved and fellow compatriots in that effort.

I think all I would like to leave you with is that we have a lot of wonderful people in this room, we have interesting histories. Barker's was one that was certainly very remarkable to me. He used to say every now and then, "You know this job would be great, if it wasn't for your constituents." We know both sides of that. But when he said it, because of that experience he had in Korea, and because he certainly didn't have to come and serve any longer than he had in the Air Force. He didn't have to come here and do more time. What he was saying, was the bottom line is because they are constituents, because of his obligation to serve them in the best possible way in this institution, it placed a terrible obligation on him. He took it very seriously.

So I would like you to think about keeping him in your prayers and his wife in your prayers. I was given a little bit of information at the ceremony by the Speaker. He said that last week before the session, when they test every one of these voting stations to see that they are all operational --- the only one that was not working was Bob Barker's. Thank you.

RECESS MOTION

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

Adopted.

The House recessed at 3:45 p.m.

RECESS

(Rep. Ryan in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 334, 413, 460, 544, 649, 1147 and 1765 and Senate Bills numbered 256, 274, 296, 349, 379 and 396.

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

ENROLLED BILL AMENDMENTS

SB 289-FN, relative to the brain and spinal cord advisory council. (Amendment printed SJ / /)

Adopted.

SENATE MESSAGE NONCONCURRENCE

HB 121, relative to local land use approval for facilities requiring certain pollution control permits.

HB 278, relative to the alternative budget procedure in school administrative units.

HB 489, relative to disclosing an ownership interest in certain health care facilities and businesses.

HB 1177, prohibiting smoking in restaurants, cocktail lounges, and certain enclosed public places.

HB 1631, relative to property taxation of certain property of the Appalachian Mountain Club.