

# HOUSE RECORD

Second Year of the 159<sup>th</sup> General Court  
Calendar and Journal of the 2006 Session

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Vol. 28

Concord, N.H.

Thursday, May 4, 2006

No. 41

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## HOUSE JOURNAL No. 15 (cont.)

Wednesday, April 26, 2006

RECESS

(Rep. Weyler in the Chair)

### ENROLLED BILL AMENDMENTS

**SB 233**, relative to motorcycle rider education. (Amendment printed SJ 05/11/06)  
Adopted.

**SB 249**, allowing a master electrician to have 2 apprentice electricians under his or her supervision, and relative to examinations of electricians by the electricians' board.  
Amendment printed SJ 05/11/06)  
Adopted.

**SB 342**, relative to the treatment of glaucoma by optometrists. (Amendment printed SJ 05/11/06)  
Adopted.

RECESS

(Rep. Patricia McMahon in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 391, 599, 1108, 1111, 1155, 1172, 1174, 1228, 1294, 1307, 1320, 1349, 1394, 1652, 1673, 1709, 1738, 1749, 1754, and House Joint Resolutions numbered 22 and 25, and Senate Bills numbered 234, 254, 260 and 404.

Rep. Currier, Sen. Clegg for the Committee

RECESS

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

## HOUSE JOURNAL No. 16

## **Thursday, May 4, 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 House Chaplain, Reverend Jared Rardin, Pastor of the South Congregational Church in Concord.

It's so easy these day, O God, to become overwhelmed. We labor under the daily burden of heavy headlines and global hardships. The world can be a cynical place, sometimes vitriolic place, for us as much as for those we serve. Help us remember that You have afforded us the opportunity and the power to counteract the negative influences of our day. You have given us the power to bless, to uplift and to set in order that which would otherwise be chaos. As we deliberate today, on issues ranging from R+D credits to school voucher plans, instill in us not only the power to bless those we serve, but the desire. May our work today be a blessing to all those whom we are privileged to represent from all walks and stations of life, whatever they may be. Heal and uplift any in this legislative body who may be ill or in some kind of distress today. All this we pray in Your Holy Name. Amen.

Reps. Kathleen and Katherine Taylor, members from Dover, led the Pledge of Allegiance.

The National Anthem was sung by Rachael Buchanan, Anna McConville, Amanda Oaks and Lilly Noble, students from Woodsville High School.

### **LEAVES OF ABSENCE**

Reps. Albert, Chabot, Stephanie Eaton, Hunter, Lefebvre, Putnam and Snyder, the day, illness.

Reps. Abbott, Nelson Allan, Bergin, Charron, Richard Cooney, Greco, Hogancamp, Hutchinson, Introne, Kobel, Lessard, Morneau, Pepino, Rausch, Reeves, Sanders, Serlin and Wiley, the day, important business.

Reps. MaryAnn Blanchard and Mark Clark, the day, illness in the family.

### **INTRODUCTION OF GUESTS**

Honorable Eva M. Lawrence, Marion Current, Norman Lawrence, Jr., Kim, Mark, Amy and Ruth Lawrence, Helen Bethel, Jason, Mary, Holly and Thomas Sullivan, Christine, Cameron and Hannah Collins and Paul Jacques, guests of the House. Doris Gordon and Susan Walsdorf, mother and guest of Rep. Rosenwald. Mariah Jean, guest of Rep. Crane. Nicholas Sanches, guest of Reps. Mooney and Kennedy. Betsy Woodman, guest of Rep. Danforth. Brenda Cameron and Honorable Phyllis Woods, guests of Rep. Boyce. Cherrie Wilabee, guest of Rep. Owen. Erica Schmidt and Nathan Sugarman-Castle, guests of Rep. Ryan. Pages for the Day, Courtney Jameson and Kimberly Thatcher, students from Souhegan High School in Amherst.

### **INTRODUCTION OF SPECIAL GUESTS**

Dr. Niteen Gadkari, Dr. Anjali Deshpande, Prachi Pathak, Gurpreet Kaur and Sushil Pardeshi, members of the 2006 Rotary International India Exchange Team, accompanied by Peter Millham and Jeanne Petrin, guests of the House. Manchester Central High School

Boys Basketball Team, the 2006 Class L State Champions, Tyler Roche, Joseph Fremeau, Bryan Tracy, Max Stisser, Tim Field, Chris Taylor, Josh Last, William Statiris, Will Brooks, Justin Martel, George McClellan, P.J. Sinclair, Will Bayliss, Michael Stys and Matt Merritte, accompanied by Head Coach David Wheeler, guests of the House.

## COMMUNICATION

April 26, 2006

Honorable W. Douglas Scamman  
Speaker of the House

It is with deep regret that I ask the New Hampshire House to accept my resignation effective noon, Thursday, 27 April 2006.

I have been honored to serve my constituents in this great and dignified House of the people. It has been my honor to be part of some very significant bills that were before us during my four years of service. Some bills made it into law, some did not, but in all cases I believe the people of this state were well represented. I will take with me all that I have learned from my fellow legislators and hope to use it in my new home in Arizona.

Thank you for your leadership and may this House continue in its fight for the betterment of New Hampshire.

Elbert I. Bicknell  
Rockingham County, District 1

## SENATE MESSAGES

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 1419-FN**, relative to mediation in divorce proceedings. (Amendment printed SJ 04/20/06)

Rep. Moran moved that the House concur and spoke in favor.  
Adopted.

**HB 716-FN**, relative to securities regulation. (Amendment printed SJ 04/20/06)

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

**HB 1660-FN**, regulating identity theft. (Amendment printed SJ 04/13/06)

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

**HB 221**, relative to eligibility for absentee ballots. (Amendment printed SJ 04/13/06)

Rep. Whalley moved that the House concur and spoke in favor.  
Adopted.

**HB 1182-FN**, relative to the limited commercial lobster license fees. (Amendment printed SJ 04/20/06)

Rep. Robert L'Heureux moved that the House concur and spoke in favor.  
Adopted.

**HB 1681-FN**, establishing the unused prescription drug program. (Amendment printed SJ 04/20/06)

Rep. Batula moved that the House concur and spoke in favor.  
Adopted.

**HB 1727-FN-L**, relative to transfer or discharge of patients or residents in licensed facilities. (Amendment printed SJ 04/20/06)

Rep. MacKay moved that the House concur and spoke in favor.  
Adopted.

**HB 1688**, prohibiting the use of gasoline-powered watercraft on Head's Pond in Hooksett. (Amendment printed SJ 04/13/06)  
Rep. Merrow moved that the House concur and spoke in favor.  
Adopted.

**HB 718-FN-A**, relative to a state active duty death benefit for activated members of the New Hampshire national guard and making an appropriation therefor. (Amendment printed SJ 04/06/06)  
Reps. Coughlin and King moved that the House concur.  
Rep. Coughlin spoke in favor.  
Adopted.

**HB 1243-FN**, reducing certain fines for motor vehicle violations. (Amendment printed SJ 04/13/06)  
Rep. Major 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 371-FN**, relative to the continuation of certain wetlands fees, removed by Rep. Hellwig.  
Consent Calendar adopted.

**SB 304**, relative to provider payments negotiated by the commissioner of the department of health and human services. **INEXPEDIENT TO LEGISLATE**  
Rep. Mary Jane Wallner for Finance: The committee did not feel the bill was needed at this time. The Department of Health and Human Services has not paid provider rates higher than negotiated and has not created a waiting list in order to lapse funds. Vote 15-0.

**SB 374-FN**, relative to the state children's health insurance program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Neal M. Kurk for Finance: This bill, as passed by the House, requires the Department of Health and Human Services to expend the funds appropriated for the state children's health insurance program for that purpose and not to transfer or expend the funds on any other program. The committee amendment clarifies that commitment, adding that (1) for fiscal year 2007, savings from elsewhere in the department and non-lapsing funds previously dedicated to S-CHIP must be used to provide coverage in the event that the number of children in the Silver Program and the cost of their coverage exceeds budget estimates, and (2) for fiscal year 2006, up to \$100,000 of excess premiums that would normally be returned to the department may be retained by Healthy Kids Corporation, which administers the S-CHIP program, to offset a portion of the cost of higher-than-budgeted numbers of children who were insured for that year. The amendment also makes Healthy Kids the sole source provider of children's insurance for the rest of the biennium. Vote 19-0.

#### Amendment (2028h)

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

1 Purpose. The purpose of this act is to ensure the best and highest utilization of the state children's health insurance program resources for the benefit of the children of New Hampshire. It is the intent of the general court that every eligible child be given the opportunity to fully utilize the benefits of this program in order to promote the health and well being of our youngest citizens.

2 Department of Health and Human Services; Healthy Kids Silver Program; Fiscal Committee Approval Required for Expenditures Above Budgeted Amounts. Amend 2005, 117:119 to read as follows:

177:119 Department of Health and Human Services; Healthy Kids Silver Program; Cap. Notwithstanding any other provision of law, for the biennium ~~[beginning July 1, 2005 and continuing thereafter]~~ **ending June 30, 2007**, the department of health and human services shall not increase expenditures in approved budgets for the Healthy Kids Silver Program without prior approval ~~[and additional appropriations from]~~ **of the fiscal committee of the general court. *If expenditures for the Healthy Kids Silver Program will exceed the department's current appropriation for the Healthy Kids Silver Program, the commissioner shall recommend that savings found elsewhere in the department be used to offset the amount of any such deficit. The commissioner shall submit to the fiscal committee of the general court and to the finance committees of the house and the senate any such proposed changes, which shall be subject to the prior approval of the fiscal committee of the general court.***

3 Healthy Kids Corporation; State Children's Health Insurance Program; Appropriation. Notwithstanding any other law, the entire amount appropriated in PAU 05-01-02-01-05, class 91, for the biennium ending June 30, 2007 shall be expended for program and administrative costs of the Healthy Kids Silver program. All premiums accrued and collected from families shall be applied to the program costs. This appropriation shall not be transferred or used for any other purpose and shall not lapse.

4 New Paragraph; State Children's Health Insurance Program. Amend RSA 126-A:5 by inserting after paragraph XIII the following new paragraph:

XIV.(a) Notwithstanding any provision of law to the contrary, beginning July 1, 2007, the commissioner shall implement the state children's health insurance program through a contract, which shall be renewed biennially. The commissioner shall have the authority to adopt rules, pursuant to RSA 541-A, to the extent necessary to facilitate the purposes of this paragraph.

(b) The contract shall include the following information, which the commissioner shall submit to the legislature by March 1 of each odd-numbered year for inclusion in the state's biennial operating budget:

(1) The per-member per-month rate for the health and dental insurance to be paid according to the contract; and

(2) Any other costs associated with the contract that will impact the state operating budget.

(c) Notwithstanding any provision of law to the contrary, the commissioner, in consultation with the commissioner of administrative services, may implement a self-insured health plan for children who receive health insurance coverage under the state children's health insurance program.

5 Healthy Kids Corporation. Notwithstanding RSA 126-A:5, XIV, as inserted by section 4 of this act, or any other provision of law to the contrary, the commissioner shall use the healthy kids corporation as the sole source provider of administrative and outreach services for the state children's health insurance program and premium billing and collection services for the Medicaid for Employed Adults with Disabilities (MEAD) program until July 1, 2007. As part of the premium reconciliation process, the commissioner may allow the healthy kids corporation to retain up to the sum of \$100,000 for fiscal year 2006.

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

AMENDED ANALYSIS

This bill:

I. Requires fiscal committee approval for expenditures above budgeted amounts for the Health Kids Silver Program.

II. Requires the department of health and human services to implement the state children's health insurance program through a contract.

III. Requires use of the healthy kids corporation as the sole provider of administrative and outreach services for the state children's health insurance program and premium billing and collection services for the Medicaid for Employed Adults with Disabilities program until July 1, 2007.

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

Rep. Susan W. Almy for Ways and Means: This bill registers and regulates agents for student athletes. The committee amendment reduces the registration fees to a level amount, approximating the cost of the activity to the state, in order not to deter agents from coming in to New Hampshire. The \$25,000 maximum fine for misbehavior stays in place. The effective date is updated to January 1, 2007. Vote 15-0.

**Amendment (0977h)**

Amend RSA 332-J:8 as inserted by section 1 of the bill by replacing it with the following:

332-J:8 Fees. An application for registration or renewal of registration shall be accompanied by a fee payable to the secretary of state in the following amount:

I. \$100 for an initial application for registration.

II. \$100 for an application for registration based upon a certificate of registration or licensure issued by another state.

III. \$50 for an application for renewal of registration.

IV. \$50 for an application for renewal of registration based upon an application for renewal of registration or licensure submitted in another state.

Amend the bill by replacing section 2 with the following:

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

**SB 225-FN-A**, relative to horse and dog racing. **OUGHT TO PASS**

Rep. John M. Pratt for Ways and Means: Under current law, dog and horse tracks are required to operate live races at their tracks for 100 racing days in a calendar year in order to be able to sell pari-mutuel pools on races held at other tracks (i.e. simulcast racing). This bill reduces that number of live racing days to a minimum of 50 calendar days in a calendar year, in order to allow the tracks to continue simulcasting. Vote 16-0.

**SB 295-FN**, relative to registration of business entities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Priscilla P. Lockwood for Ways and Means: This is a second committee bill, originally in the Commerce Committee, that makes a variety of changes to laws relating to the registration and dissolution of certain business entities and raises certain fees making them consistent with other fees. This bill was at the request of the Secretary of State. Vote 18-0.

**Amendment (1942h)**

Amend RSA 304-C:81, I(d) as inserted by section 14 of the bill by replacing it with the following:

(d) Upon receipt for filing of an annual report under RSA 304-C:80, a fee in the amount of \$100; for failure or refusal to file an annual report or pay the filing fee on or before April 1 of any year, an additional late filing fee in the amount of [~~\$25 per month~~] **\$50**; [~~and~~] upon receipt for filing of an application for reinstatement pursuant to RSA 304-C:54, a fee of

***\$135; and upon receipt for filing of an application for late reinstatement pursuant to RSA 304-C:54-a, a fee of \$500.***

**SB 363-FN-A-L**, prohibiting the department of revenue administration from collecting any communications services tax that is not permissible under federal law; and establishing a commission to study and determine the effect of ceasing the collection of Internet-related communications services tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: Congress is working on how much of our state communication services tax it will forbid, because the communication it taxes is done over the Internet. A major piece of our revenues depend on this tax. Although the federal situation changes frequently, there is a federal deadline in the fall of 2007, so we will need to submit and pass legislation to recognize and mitigate the loss next year. It is likely to require further monitoring after 2007. The committee amendment turns the Senate study committee into an on-going commission with Public Utilities Commission, Revenue Administration, and gubernatorial representation, sunsets this in 5 years, and strips out a remnant of the original bill, which the Commissioner of Revenue Administration and the original sponsor agreed is no longer necessary. Vote 18-0.

**Amendment (1807h)**

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

AN ACT establishing an oversight commission to study and determine the effect of ceasing the collection of Internet-related communications services tax.

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

1 New Section; Communications Services Tax; Oversight Commission. Amend RSA 82-A by inserting after section 16-a the following new section:

82-A:16-b Oversight Commission.

I. There is established an oversight commission to study and determine the effect of ceasing the collection of Internet-related communications services taxes as required by the Internet Tax Nondiscrimination Act, Public Law 108-435.

II.(a) The members of the oversight commission shall be as follows:

(1) Two members of the senate, appointed by the president of the senate.  
(2) Three members of the house, 2 of whom shall be from the ways and means committee and one of whom shall be from the science, technology and energy committee, appointed by the speaker of the house of representatives.

(3) Two representatives of the governor, who shall serve 2-year terms, appointed by the governor.

(4) The commissioner of revenue administration, or designee.

(5) One representative of the public utilities commission, appointed by the chairman of the public utilities commission.

(b) Legislative members of the oversight commission shall receive mileage at the legislative rate when attending to the duties of the oversight commission. The terms of legislative members of the commission shall be coterminous with their terms of office.

III. The oversight commission shall:

(a) Study and determine the effect of ceasing the collection of Internet-related communications services taxes as required by the Internet Tax Nondiscrimination Act, Public Law 108-435.

(b) Monitor and study the activities of the Judiciary Committee of the United States House of Representatives in reference to Public Law 108-435.

(c) Any other matters deemed relevant by the commission.

IV. The members of the oversight commission shall elect a chairperson from among the members. The first meeting of the oversight commission shall be called by the first-named senate member. The first meeting of the oversight commission shall be held within

45 days of the effective date of this section. Five members of the oversight commission shall constitute a quorum.

V. The oversight commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library annually on or before November 1.

2 Repeal. RSA 82-A:16-b, relative to an oversight commission, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2011.

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

#### AMENDED ANALYSIS

This bill establishes an oversight commission to study and determine the effect of ceasing the collection of Internet-related communications services tax.

**SB 384-FN-A-L**, establishing a temporary one-time exemption from the real estate transfer tax for certain transfer of family farm or open space land. **INEXPEDIENT TO LEGISLATE**

Rep. Kevin L. Camm for Ways and Means: This bill would establish a one time transfer of “current use” real estate into an LLC or other entity without paying the real estate transfer tax. Large landowners testified in favor of this proposal so that they may protect their personal assets in the event of a lawsuit that results from an injury sustained upon their property. While the committee acknowledges that the state benefits tremendously from public use of private lands as well as the current use program, we felt this measure would not afford the protection envisioned by the sponsors and landowners. The Attorney General’s office testified that immunity already exists to landowners that open their property to the public. There is also additional state coverage for designated snowmobile trails on private property. No testimony was received that described any evidence of a bona-fide problem with the current system. The majority of the committee felt that any landowner who wants to transfer their “current use” property to an LLC or other entity to protect other family assets, should do so at the same expense as anyone else. Hopefully, a policy change will be developed to expand our system of immunity for all landowners and make a proposal such as this unnecessary. Vote 20-1.

**SB 397-FN-A**, establishing a temporary energy tax credit against the business enterprise tax. **INEXPEDIENT TO LEGISLATE**

Rep. Kevin L. Camm for Ways and Means: This bill would establish an energy tax credit against the business profits tax. This credit would be up to \$500 per business and would cost the state approximately \$18,000,000. The sponsor testified that the purpose of the bill was to return some of the surplus back to the entities that paid it. While we commend the initiative, we now know the surplus is minimal and shrinking daily. The sponsor agreed and suggested that we use this bill to evaluate a possible reduction in the business taxes. We rejected that for the same reasons. The committee determined that the best avenue for that endeavor would be a new bill in the next session. Vote 19-0.

## REGULAR CALENDAR

**SB 22**, authorizing Holden College to confer degrees and exempting certain teachers from additional certification requirements imposed by the No Child Left Behind Act of 2001.

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

Rep. Timothy E. Easson for the Majority of Education: The sponsor asked that this bill be defeated. There were some proposed non-germane amendments that were given hearings, but they were all defeated by the committee. Thus, we are left with the original bill the sponsor wished to be defeated. Vote 11-2.

Rep. Emma L. Rous for the Minority of Education: By supporting the minority amendment the New Hampshire House sends a message to Washington that No Child Left Behind is an unfunded mandate that violates the Tenth Amendment of the U.S. Constitution by assuming powers that belong to the states. While NCLB's goal of raising achievement is admirable and New Hampshire has done an excellent job of implementing the program, it is the duty of state legislatures to press for reforms in an educationally and constitutionally flawed program before it comes up for reauthorization in 2007.

Reps. Rous and Kurk spoke against.

On a division vote, 156 members having voted in the affirmative, and 171 in the negative, the committee report failed.

Rep. Kurk moved Ought to Pass and offered floor amendment (2176h).

#### **Floor Amendment (2176h)**

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

AN ACT relative to the election of teachers and relative to certain teacher certification requirements.

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

1 Statement of Purpose. The legislature supports the goals and objectives of the federal No Child Left Behind Act and supports continued dialogue to improve the Act for reauthorization in 2007 but finds that:

I. The Act currently provides insufficient flexibility for the state to improve its students academic achievement as required by the Act.

II. The Act mandates services and programs that, under its terms, should be funded by the federal government but the federal government has not provided the full measure of such funding.

III. The Act mandates a costly sequence of intervention services without fully providing for corresponding federal funding.

IV. The Act mandates participation by placing punitive financial consequences on states refusing to participate, in violation of the Tenth Amendment of the Constitution of the United States, diverts funds from existing programs, and fails to fund the program at the level promised and required.

V. Any waivers granted by the Secretary of the United States Department of Education with respect to the provisions of the Act should be uniform, transparent, deliberate, and prompt, such that any exceptions to federal rules granted to one state should be available equally to all states where similar circumstances exist.

2 Teachers; Election and Exemption. RSA 189:39 is repealed and reenacted to read as follows:

189:39 Election and Exemption. Superintendents shall nominate and school boards shall elect all teachers employed in schools in their school administrative unit, providing such teachers hold a valid educational credential issued by the state board of education.

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

#### **AMENDED ANALYSIS**

This bill redesignates the provision on how teachers are chosen.

Reps. Kurk and Rous spoke in favor.

Rep. Carter, Stiles and Lary spoke against.

#### **LAID ON THE TABLE**

Rep. O'Neil moved that **SB 22**, authorizing Holden College to confer degrees and exempting certain teachers from, be laid on the table.

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

The question being adoption of the motion To Lay on the Table.

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| <b>YEAS 188 NAYS 150</b> |
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| <b>YEAS 188</b>      |                           |                    |                         |
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| <b>BELKNAP</b>       |                           |                    |                         |
| Allen, Janet         | Boyce, Laurie             | Clark, Charles     | Fitzgerald, James       |
| Flanders, Donald     | Heald, Bruce              | Millham, Alida     | Neddeau, Stephen        |
| Russell, David       | Thomas, John              | Tilton, Franklin   | Tobin, William          |
| Veazey, John         | Wendelboe, Fran           | Whalley, Michael   |                         |
|                      |                           |                    |                         |
| <b>CARROLL</b>       |                           |                    |                         |
| Ahlgren, Christopher | Babson, David Jr          | Brown, Carolyn     | Chandler, Gene          |
| Martin, James        | McConkey, Mark            | Merrow, Harry      | Olimpio, J Lisbeth      |
| Patten, Betsey       | Philbrick, Donald         | Stevens, Stanley   |                         |
|                      |                           |                    |                         |
| <b>CHESHIRE</b>      |                           |                    |                         |
| Butcher, Suzanne     | Dunn, J Timothy           | Emerson, Susan     | Foote, Sheila           |
| Hunt, John           | Pelkey, Stephen           | Sawyer, Sheldon    |                         |
|                      |                           |                    |                         |
| <b>COOS</b>          |                           |                    |                         |
| King, Frederick      | Lary, Bruce               | Remick, William    | Richardson, Herbert     |
| Stohl, Eric          | Theberge, Robert          | Tholl, John Jr     |                         |
|                      |                           |                    |                         |
| <b>GRAFTON</b>       |                           |                    |                         |
| Dorsett, Andrew      | Gionet, Edmond            | Maybeck, Margie    | Sorg, Gregory           |
| Ward, John           |                           |                    |                         |
|                      |                           |                    |                         |
| <b>HILLSBOROUGH</b>  |                           |                    |                         |
| Adams, Jarvis IV     | Balboni, Michael          | Barry, J Gail      | Batula, Peter           |
| Bergeron, Jean-Guy   | Biundo, Michael           | Brassard, Paul     | Brundige, Robert        |
| Buhlman, David       | Calawa, Leon Jr           | Carew, James       | Carlson, Donald         |
| Carter, Mark         | Christensen, D L<br>Chris | Coughlin, Pamela   | Crane, Elenore<br>Casey |
| Desmarais, Vivian    | Dokmo, Cynthia            | Drisko, Richard    | Emerton, Larry          |
| Francoeur, Bea       | Gargas, Carolyn           | Golding, William   | Gonzalez, Carlos        |
| Gorman, Mary         | Goyette, Peter Jr         | Graham, John       | Hansen, Ryan            |
| Hawkins, Ken         | Holden, Randolph          | Infantine, William | Jasper, Shawn           |
| Jean, Claudette      | L'Heureux, Robert         | Lawrence, James    | Manney, Pamela          |
| McRae, Karen         | Mead, Robert              | Mooney, Maureen    | Moran, Edward           |
| O'Brien, William     | O'Connell, Timothy        | Ober, Lynne        | Price, Pamela           |
| Renzullo, Andrew     | Rowe, Robert              | Ryder, Donald      | Shaw, Kimberly          |
| Slocum, Lee          | Souza, Kathleen           | Sullivan, Peter    | Tahir, Saghir           |
| Ulery, Jordan        | Villeneuve, Maurice       | Wheeler, James     | Wheeler, Robert         |
|                      |                           |                    |                         |
| <b>MERRIMACK</b>     |                           |                    |                         |
| Anderson, Eric       | Currier, David            | Danforth, James    | Field, William          |
| Hager, Elizabeth     | Kidder, David             | Klose, John        | L'Heureux, Stephen      |
| Langlais, Thomas     | Lockwood, Priscilla       | MacKay, James      | Marple, Richard         |
| Maxfield, Roy        | Oliver, James             | Reardon, Tara      | Reed, Dennis            |
| Soltani, Tony        | Whiting, Herbert          |                    |                         |

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| <b>ROCKINGHAM</b>    |                       |                      |                     |
| Allen, Mary          | Belanger, Ronald      | Bettencourt, David   | Bridle, Russell     |
| Buxton, Donald       | Cady, Harriet         | Camm, Kevin          | Carson, Sharon      |
| Coburn, James        | Dalrymple, Janeen     | Donahue, Richard Ken | Dowd, John          |
| Dowling, Patricia    | Fesh, Bob             | Flanders, John Sr    | Forsing, Robert     |
| Francoeur, Sheila    | Garrity, James        | Gilbert, Karl        | Gillick, Thomas     |
| Gould, Kenneth       | Griffin, Mary         | Headd, James         | Hopfgarten, Paul    |
| Hughes, Daniel       | Ingram, Russell       | Itse, Daniel         | Katsakiores, George |
| Katsakiores, Phyllis | Langley, Jane         | Lund, Howie          | Major, Norman       |
| Mason, April         | McMahon, Charles      | Morris, Richard      | Nowe, Ronald        |
| O'Neil, Michael      | Packard, Sherman      | Palazzo, Frank       | Parker, Benjamin    |
| Priestley, Anne      | Quandt, Marshall Lee  | Quandt, Matthew      | Robertson, Carl     |
| Scamman, Stella      | Stiles, Nancy         | Stone, Joseph        | Waterhouse, Kevin   |
| Weare, E Albert      | Welch, David          | Weldy, Norman        | Wells, Roger        |
| Weyler, Kenneth      | Winchell, George      | Zolla, William       |                     |
|                      |                       |                      |                     |
| <b>STRAFFORD</b>     |                       |                      |                     |
| Bickford, David      | Brown, Julie          | Campbell, W Packy    | Cataldo, Sam        |
| Chaplin, Duncan      | Dunlap, Patricia      | Hollinger, Jeffrey   | Keans, Sandra       |
| Newton, Clifford     | Twombly, James        |                      |                     |
|                      |                       |                      |                     |
| <b>SULLIVAN</b>      |                       |                      |                     |
| Gale, Harry          | Irish, Christopher    | Osgood, Philip Sr    | Rodeschin, Beverly  |
|                      |                       |                      |                     |
| <b>NAYS 150</b>      |                       |                      |                     |
|                      |                       |                      |                     |
| <b>BELKNAP</b>       |                       |                      |                     |
| Morrison, Gail       | Pilliod, James        | Rosen, Ralph         |                     |
|                      |                       |                      |                     |
| <b>CARROLL</b>       |                       |                      |                     |
| Buco, Thomas         | Dickinson, Howard     | Knox, J David        |                     |
|                      |                       |                      |                     |
| <b>CHESHIRE</b>      |                       |                      |                     |
| Allen, Peter         | Butynski, William     | Chase, William       | Dexter, Judson      |
| Eaton, Daniel        | Espieffs, Peter       | Mitchell, Bonnie     | Parkhurst, Henry    |
| Plifka, Stanley Jr   | Pratt, John           | Richardson, Barbara  | Robertson, Timothy  |
| Tilton, Anna         | Weed, Charles         |                      |                     |
|                      |                       |                      |                     |
| <b>COOS</b>          |                       |                      |                     |
| Buzzell, Bernard     | Mears, Edgar          | Merrick, Scott       |                     |
|                      |                       |                      |                     |
| <b>GRAFTON</b>       |                       |                      |                     |
| Aguiar, James        | Almy, Susan           | Benn, Bernard        | Bleyler, Ruth       |
| Cooney, Mary         | Hammond, Lee          | Harding, A Laurie    | McLeod, Martha      |
| Mirski, Paul         | Mulholland, Catherine | Nordgren, Sharon     | Sokol, Hilda        |

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|-----------------------|-------------------------|----------------------|------------------------|
| Solomon, Peter        | Williams, Burton        |                      |                        |
|                       |                         |                      |                        |
| <b>HILLSBOROUGH</b>   |                         |                      |                        |
| Baroody, Benjamin     | Beaulieu, Jane          | Boehm, Ralph         | Chase, Claudia         |
| Christiansen, Lars    | Clemons, Jane           | Cote, David          | Cote, Peter            |
| Craig, James          | DeVries, Betsi          | Dyer, Donald         | Egbers, Fran           |
| Essex, David          | Foster, Linda           | Ginsburg, Ruth       | Goley, Jeffrey         |
| Haley, Robert         | Hall, Betty             | Harvey, Suzanne      | Hellwig, Steve         |
| Hinkle, Peyton        | Irwin, Anne-Marie       | Jeady, Jean          | Johnson, Paula         |
| Kopka, Angeline       | Kurk, Neal              | Lasky, Bette         | Martin, Mary Ellen     |
| Matarazzo, Anthony Sr | Messier, Irene          | Michon, Stephen      | Movsesian, Lori        |
| Pappas, Christopher   | Pilotte, Maurice        | Rosenwald, Cindy     | Ross, Lawrence         |
| Schulze, Joan         | Shattuck, Gilman        | Shaw, Barbara        | Smith, David           |
| Stepanek, Stephen     | Sullivan, Francis       | Vaillancourt, Steve  |                        |
|                       |                         |                      |                        |
| <b>MERRIMACK</b>      |                         |                      |                        |
| Blanchard, Elizabeth  | Bouchard, Candace       | Brueggemann, Donald  | Clarke, Claire         |
| DeJoie, John          | DeStefano, Stephen      | Foose, Robert        | French, Barbara        |
| Gile, Mary            | Hamm, Christine         | Kennedy, Richard     | McMahon, Patricia      |
| Osborne, Jessie       | Owen, Derek             | Potter, Frances      | Rush, Deanna           |
| Ryan, Jim             | Shurtleff, Stephen      | Tilton, Joy          | Tupper, Frank          |
| Wallner, Mary Jane    | Walz, Mary Beth         | Williams, Robert     | Yeaton, Charles        |
|                       |                         |                      |                        |
| <b>ROCKINGHAM</b>     |                         |                      |                        |
| Asselin, Michael      | Bishop, Franklin        | Brown, C. Pennington | Cali-Pitts, Jacqueline |
| Casey, Kimberley      | DiFruscia, Anthony      | Flockhart, Eileen    | Johnson, Robert        |
| McKinney, Betsy       | Moody, Marcia           | Norelli, Terie       | Pantelakos, Laura      |
| Powers, James         | Robinson, John          | Splaine, James       |                        |
|                       |                         |                      |                        |
| <b>STRAFFORD</b>      |                         |                      |                        |
| Berube, Roger         | Brown, Jennifer         | Brown, Lawrence      | Cilley, Jacalyn        |
| Creteau, Irene        | Domingo, Baldwin        | Goodwin, Earle       | Grassie, Anne          |
| Heon, Richard         | Hofemann, Roland        | Johnson, Nancy       | Kaen, Naida            |
| Knowles, William      | Miller, Joseph          | Rollo, Michael       | Rous, Emma             |
| Schmidt, Peter        | Smith, Marjorie         | Spang, Judith        | Taylor, Katherine      |
| Taylor, Kathleen      | Wall, Janet             |                      |                        |
|                       |                         |                      |                        |
| <b>SULLIVAN</b>       |                         |                      |                        |
| Cloutier, John        | Converse, Larry         | Donovan, Thomas      | Ferland, Brenda        |
| Franklin, Peter       | Houde-Quimby, Charlotte | Jillette, Arthur Jr  | Phinizy, James         |
| Prichard, Stephen     |                         |                      |                        |

and **SB 22**, was laid on the table.

**SB 262**, establishing the position of an administrator of women offenders and family services within the department of corrections, and establishing an interagency coordinating council on women offenders, and making an appropriation therefor. **OUGHT TO PASS**  
Rep. Robert L. Wheeler for Finance: The committee recognized the value of the policy to establish the position of an administrator of women offenders and family services. Since this policy had received favor from both the Senate and the House and since the appropriation

will be covered by departmental transfer, and no additional dollars will be required, the committee supports the bill wholeheartedly. Vote 19-0.  
Committee report adopted and ordered to third reading.

**SB 306-FN-A**, establishing a quality early learning opportunity initiative and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth H. Gould for Finance: With the amendment, this bill appropriates just \$1. We are endorsing and keeping alive efforts to support low-income parents with their childcare and early learning expenses. It is hoped that a better appropriation will come later. The House and Senate both recognize the importance of quality early learning initiatives. Vote 16-3.

**Amendment (1871h)**

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sum of \$1 for the fiscal year ending June 30, 2007 is hereby appropriated to the department of health and human services for the purposes of section 2 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Reps. Newton and Ward spoke against.

Rep. Gould spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

| YEAS 192 NAYS 143 |                       |                    |                    |
|-------------------|-----------------------|--------------------|--------------------|
|                   |                       |                    |                    |
| YEAS 192          |                       |                    |                    |
|                   |                       |                    |                    |
| BELKNAP           |                       |                    |                    |
| Fitzgerald, James | Flanders, Donald      | Millham, Alida     | Morrison, Gail     |
| Pilliod, James    |                       |                    |                    |
|                   |                       |                    |                    |
| CARROLL           |                       |                    |                    |
| Buco, Thomas      | Knox, J David         | Olimpio, J Lisbeth | Philbrick, Donald  |
|                   |                       |                    |                    |
| CHESHIRE          |                       |                    |                    |
| Allen, Peter      | Butcher, Suzanne      | Butynski, William  | Chase, William     |
| Dunn, J Timothy   | Eaton, Daniel         | Espiefs, Peter     | Foote, Sheila      |
| Mitchell, Bonnie  | Parkhurst, Henry      | Pelkey, Stephen    | Plifka, Stanley Jr |
| Pratt, John       | Richardson, Barbara   | Robertson, Timothy | Tilton, Anna       |
| Weed, Charles     |                       |                    |                    |
|                   |                       |                    |                    |
| COOS              |                       |                    |                    |
| Buzzell, Bernard  | King, Frederick       | Mears, Edgar       | Merrick, Scott     |
| Theberge, Robert  |                       |                    |                    |
|                   |                       |                    |                    |
| GRAFTON           |                       |                    |                    |
| Aguiar, James     | Almy, Susan           | Benn, Bernard      | Bleyler, Ruth      |
| Cooney, Mary      | Dorsett, Andrew       | Hammond, Lee       | Harding, A Laurie  |
| McLeod, Martha    | Mulholland, Catherine | Nordgren, Sharon   | Sokol, Hilda       |

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| Solomon, Peter        |                      |                     |                        |
|                       |                      |                     |                        |
| <b>HILLSBOROUGH</b>   |                      |                     |                        |
| Baroody, Benjamin     | Beaulieu, Jane       | Brassard, Paul      | Carter, Mark           |
| Chase, Claudia        | Clemons, Jane        | Cote, David         | Cote, Peter            |
| Craig, James          | Desmarais, Vivian    | DeVries, Betsi      | Dokmo, Cynthia         |
| Drisko, Richard       | Egbers, Fran         | Emerton, Larry      | Essex, David           |
| Foster, Linda         | Gargas, Carolyn      | Ginsburg, Ruth      | Goley, Jeffrey         |
| Gorman, Mary          | Haley, Robert        | Hall, Betty         | Harvey, Suzanne        |
| Irwin, Anne-Marie     | Jean, Claudette      | Judy, Jean          | Johnson, Paula         |
| Kopka, Angeline       | L'Heureux, Robert    | Lasky, Bette        | Martin, Mary Ellen     |
| Matarazzo, Anthony Sr | Messier, Irene       | Michon, Stephen     | Moran, Edward          |
| Movsesian, Lori       | Pappas, Christopher  | Pilotte, Maurice    | Rosenwald, Cindy       |
| Ryder, Donald         | Schulze, Joan        | Shattuck, Gilman    | Shaw, Barbara          |
| Shaw, Kimberly        | Smith, David         | Sullivan, Francis   | Sullivan, Peter        |
| Wheeler, Robert       |                      |                     |                        |
|                       |                      |                     |                        |
| <b>MERRIMACK</b>      |                      |                     |                        |
| Anderson, Eric        | Blanchard, Elizabeth | Bouchard, Candace   | Brueggemann, Donald    |
| Clarke, Claire        | DeJoie, John         | DeStefano, Stephen  | Foose, Robert          |
| French, Barbara       | Gile, Mary           | Hager, Elizabeth    | Hamm, Christine        |
| L'Heureux, Stephen    | Lockwood, Priscilla  | MacKay, James       | Maxfield, Roy          |
| 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     |                        |
|                       |                      |                     |                        |
| <b>ROCKINGHAM</b>     |                      |                     |                        |
| Bridle, Russell       | Brown, C. Pennington | Buxton, Donald      | Cali-Pitts, Jacqueline |
| Casey, Kimberley      | Dalrymple, Janeen    | DiFrancia, Anthony  | Flanders, John Sr      |
| Flockhart, Eileen     | Gillick, Thomas      | Gould, Kenneth      | Griffin, Mary          |
| Ingram, Russell       | Johnson, Robert      | Katsakiores, George | Katsakiores, Phyllis   |
| Langley, Jane         | Major, Norman        | Mason, April        | Moody, Marcia          |
| Norelli, Terie        | O'Neil, Michael      | Pantelakos, Laura   | Parker, Benjamin       |
| Powers, James         | Priestley, Anne      | Robertson, Carl     | Robinson, John         |
| Scamman, Stella       | Splaine, James       | Stiles, Nancy       | Stone, Joseph          |
|                       |                      |                     |                        |
| <b>STRAFFORD</b>      |                      |                     |                        |
| Berube, Roger         | Bickford, David      | Brown, Jennifer     | Brown, Julie           |
| Brown, Lawrence       | Cilley, Jacalyn      | Creteau, Irene      | Domingo, Baldwin       |
| Dunlap, Patricia      | Goodwin, Earle       | Grassie, Anne       | Heon, Richard          |
| Hofmann, Roland       | Johnson, Nancy       | Kaen, Naida         | Keans, Sandra          |
| Knowles, William      | Miller, Joseph       | Rollo, Michael      | Rous, Emma             |
| Schmidt, Peter        | Smith, Marjorie      | Spang, Judith       | Taylor, Katherine      |
| Taylor, Kathleen      | Wall, Janet          |                     |                        |
|                       |                      |                     |                        |
| <b>SULLIVAN</b>       |                      |                     |                        |
| Cloutier, John        | Converse, Larry      | Donovan, Thomas     | Ferland, Brenda        |
| Franklin, Peter       | Gale, Harry          | Houde-Quimby,       | Jillette, Arthur Jr    |

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|----------------------|-------------------|-------------------------|---------------------------|
|                      |                   | Charlotte               |                           |
| Phinizy, James       | Prichard, Stephen |                         |                           |
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| <b>NAYS 143</b>      |                   |                         |                           |
|                      |                   |                         |                           |
| <b>BELKNAP</b>       |                   |                         |                           |
| Allen, Janet         | Boyce, Laurie     | Clark, Charles          | Heald, Bruce              |
| Nedeau, Stephen      | Rosen, Ralph      | Russell, David          | Tilton, Franklin          |
| Tobin, William       | Veazey, John      | Wendelboe, Fran         | Whalley, Michael          |
|                      |                   |                         |                           |
| <b>CARROLL</b>       |                   |                         |                           |
| Ahlgren, Christopher | Babson, David Jr  | Brown, Carolyn          | Chandler, Gene            |
| Dickinson, Howard    | Martin, James     | McConkey, Mark          | Merrow, Harry             |
| Patten, Betsey       | Stevens, Stanley  |                         |                           |
|                      |                   |                         |                           |
| <b>CHESHIRE</b>      |                   |                         |                           |
| Dexter, Judson       | Emerson, Susan    | Hunt, John              | Sawyer, Sheldon           |
|                      |                   |                         |                           |
| <b>COOS</b>          |                   |                         |                           |
| Lary, Bruce          | Remick, William   | Richardson, Herbert     | Stohl, Eric               |
| Tholl, John Jr       |                   |                         |                           |
|                      |                   |                         |                           |
| <b>GRAFTON</b>       |                   |                         |                           |
| Gionet, Edmond       | Maybeck, Margie   | Mirski, Paul            | Sorg, Gregory             |
| Ward, John           | Williams, Burton  |                         |                           |
|                      |                   |                         |                           |
| <b>HILLSBOROUGH</b>  |                   |                         |                           |
| Adams, Jarvis IV     | Balboni, Michael  | Barry, J Gail           | Batula, Peter             |
| Bergeron, Jean-Guy   | Boehm, Ralph      | Brundige, Robert        | Buhlman, David            |
| Calawa, Leon Jr      | Carew, James      | Carlson, Donald         | Christensen, D L<br>Chris |
| Christiansen, Lars   | Coughlin, Pamela  | Crane, Elenore<br>Casey | Dyer, Donald              |
| Francoeur, Bea       | Golding, William  | Gonzalez, Carlos        | Goyette, Peter Jr         |
| Graham, John         | Hansen, Ryan      | Hawkins, Ken            | Hellwig, Steve            |
| Hinkle, Peyton       | Holden, Randolph  | Infantine, William      | Jasper, Shawn             |
| Kurk, Neal           | Lawrence, James   | Manney, Pamela          | McRae, Karen              |
| Mead, Robert         | Mooney, Maureen   | O'Brien, William        | O'Connell, Timothy        |
| Ober, Lynne          | Price, Pamela     | Renzullo, Andrew        | Ross, Lawrence            |
| Rowe, Robert         | Slocum, Lee       | Souza, Kathleen         | Stepanek, Stephen         |
| Tahir, Saghir        | Ulery, Jordan     | Vaillancourt, Steve     | Villeneuve, Maurice       |
| Wheeler, James       |                   |                         |                           |
|                      |                   |                         |                           |
| <b>MERRIMACK</b>     |                   |                         |                           |
| Currier, David       | Danforth, James   | Field, William          | Kennedy, Richard          |
| Kidder, David        | Klose, John       | Langlais, Thomas        | Marple, Richard           |
| Oliver, James        | Soltani, Tony     | Whiting, Herbert        |                           |
|                      |                   |                         |                           |
| <b>ROCKINGHAM</b>    |                   |                         |                           |

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|----------------------|----------------------|--------------------|--------------------|
| Allen, Mary          | Asselin, Michael     | Belanger, Ronald   | Bettencourt, David |
| Bishop, Franklin     | Cady, Harriet        | Camm, Kevin        | Carson, Sharon     |
| Coburn, James        | Donahue, Richard Ken | Dowd, John         | Dowling, Patricia  |
| Fesh, Bob            | Forsing, Robert      | Francoeur, Sheila  | Garrity, James     |
| Gilbert, Karl        | Headd, James         | Hopfgarten, Paul   | Hughes, Daniel     |
| Itse, Daniel         | Lund, Howie          | McKinney, Betsy    | McMahon, Charles   |
| Morris, Richard      | Nowe, Ronald         | Packard, Sherman   | Palazzo, Frank     |
| Quandt, Marshall Lee | Quandt, Matthew      | Waterhouse, Kevin  | Weare, E Albert    |
| Welch, David         | Weldy, Norman        | Wells, Roger       | Weyler, Kenneth    |
| Winchell, George     | Zolla, William       |                    |                    |
| <b>STRAFFORD</b>     |                      |                    |                    |
| Cataldo, Sam         | Chaplin, Duncan      | Hollinger, Jeffrey | Newton, Clifford   |
| Twombly, James       |                      |                    |                    |
| <b>SULLIVAN</b>      |                      |                    |                    |
| Irish, Christopher   | Osgood, Philip Sr    | Rodeschin, Beverly |                    |

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

**SB 308-FN-A**, making an appropriation for school building aid. **OUGHT TO PASS**

Rep. Linda T. Foster for Finance: Unfortunately, the consequences of SB 38 that changed the eligibility requirements for certain school districts and increased school budget aid by approximately \$1,000,000, were not included in the current budget. The committee believes that the state should honor its commitment and not shift the cash flow burden. Vote 17-3. Committee report adopted and ordered to third reading.

**SB 322**, establishing the business loan enhancement program and relative to the capital asset backed guarantee program. **OUGHT TO PASS**

Rep. Russell F. Ingram for Finance: The Business Finance Authority (BFA) has played a very essential role in the economy of the State of New Hampshire and has an exceptional record on past performance. This bill will enable the BFA to establish another program to be of further assistance to the business community of New Hampshire. Vote 11-6.

Rep. Hughes spoke against and yielded to questions.

Rep. Ingram spoke in favor and yielded to questions.

Rep. David Smith spoke against.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Robert Wheeler spoke in favor.

Rep. Hughes requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

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| <b>YEAS 198 NAYS 132</b> |                  |                |                |
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| <b>YEAS 198</b>          |                  |                |                |
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| <b>BELKNAP</b>           |                  |                |                |
| Fitzgerald, James        | Flanders, Donald | Millham, Alida | Morrison, Gail |
| Nedeau, Stephen          | Russell, David   | Thomas, John   | Veazey, John   |
|                          |                  |                |                |

| CARROLL                   |                          |                       |                         |
|---------------------------|--------------------------|-----------------------|-------------------------|
| Ahlgren, Christopher      | Babson, David Jr         | Chandler, Gene        | Knox, J David           |
| Martin, James             | McConkey, Mark           | Olimpio, J Lisbeth    | Patten, Betsey          |
| Philbrick, Donald         |                          |                       |                         |
|                           |                          |                       |                         |
| CHESHIRE                  |                          |                       |                         |
| Allen, Peter              | Butcher, Suzanne         | Butynski, William     | Chase, William          |
| Dunn, J Timothy           | Eaton, Daniel            | Espiefs, Peter        | Hunt, John              |
| Mitchell, Bonnie          | Plifka, Stanley Jr       | Richardson, Barbara   | Robertson, Timothy      |
| Tilton, Anna              | Weed, Charles            |                       |                         |
|                           |                          |                       |                         |
| COOS                      |                          |                       |                         |
| Buzzell, Bernard          | King, Frederick          | Mears, Edgar          | Merrick, Scott          |
| Richardson, Herbert       | Theberge, Robert         | Tholl, John Jr        |                         |
|                           |                          |                       |                         |
| GRAFTON                   |                          |                       |                         |
| Aguiar, James             | Almy, Susan              | Benn, Bernard         | Bleyler, Ruth           |
| Cooney, Mary              | Dorsett, Andrew          | Gionet, Edmond        | Hammond, Lee            |
| Harding, A Laurie         | McLeod, Martha           | Mulholland, Catherine | Nordgren, Sharon        |
| Sokol, Hilda              |                          |                       |                         |
|                           |                          |                       |                         |
| HILLSBOROUGH              |                          |                       |                         |
| Baroody, Benjamin         | Beaulieu, Jane           | Campbell, David       | Chase, Claudia          |
| Christensen, D L<br>Chris | Clemons, Jane            | Cote, David           | Cote, Peter             |
| Craig, James              | Desmarais, Vivian        | Dokmo, Cynthia        | Egbers, Fran            |
| Emerton, Larry            | Essex, David             | Foster, Linda         | Gargasz, Carolyn        |
| Ginsburg, Ruth            | Goley, Jeffrey           | Gorman, Mary          | Graham, John            |
| Haley, Robert             | Hall, Betty              | Hansen, Ryan          | Harvey, Suzanne         |
| Irwin, Anne-Marie         | Jean, Claudette          | Judy, Jean            | Johnson, Paula          |
| Kopka, Angeline           | Kurk, Neal               | L'Heureux, Robert     | Lasky, Bette            |
| Lawrence, James           | Matarazzo, Anthony<br>Sr | Michon, Stephen       | Movsesian, Lori         |
| O'Connell, Timothy        | Pappas, Christopher      | Price, Pamela         | Rosenwald, Cindy        |
| Shattuck, Gilman          | Shaw, Barbara            | Stepanek, Stephen     | Sullivan, Francis       |
| Sullivan, Peter           | Wheeler, Robert          |                       |                         |
|                           |                          |                       |                         |
| MERRIMACK                 |                          |                       |                         |
| Anderson, Eric            | Bouchard, Candace        | Brueggemann, Donald   | Clarke, Claire          |
| Currier, David            | DeJoie, John             | DeStefano, Stephen    | Foose, Robert           |
| French, Barbara           | Gile, Mary               | Hager, Elizabeth      | Hamm, Christine         |
| Klose, John               | L'Heureux, Stephen       | MacKay, James         | Maxfield, Roy           |
| McMahon, Patricia         | Osborne, Jessie          | Potter, Frances       | Reardon, Tara           |
| Reed, Dennis              | Rush, Deanna             | Ryan, Jim             | Shurtleff, Stephen      |
| Tilton, Joy               | Wallner, Mary Jane       | Walz, Mary Beth       | Whiting, Herbert        |
| Yeaton, Charles           |                          |                       |                         |
|                           |                          |                       |                         |
| ROCKINGHAM                |                          |                       |                         |
| Belanger, Ronald          | Bishop, Franklin         | Bridle, Russell       | Brown, C.<br>Pennington |

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|---------------------|------------------------|-------------------------|---------------------|
| Buxton, Donald      | Cali-Pitts, Jacqueline | Casey, Kimberley        | Coburn, James       |
| Dalrymple, Janeen   | Dowd, John             | Fesh, Bob               | Flanders, John Sr   |
| Forsing, Robert     | Francoeur, Sheila      | Garrity, James          | Gilbert, Karl       |
| Gillick, Thomas     | Gould, Kenneth         | Griffin, Mary           | Ingram, Russell     |
| Johnson, Robert     | Katsakiores, George    | Major, Norman           | McMahon, Charles    |
| Moody, Marcia       | Norelli, Terie         | O'Neil, Michael         | Packard, Sherman    |
| Palazzo, Frank      | Pantelakos, Laura      | Parker, Benjamin        | Powers, James       |
| Priestley, Anne     | Robinson, John         | Splaine, James          | Stone, Joseph       |
| Waterhouse, Kevin   | Weldy, Norman          | Winchell, George        |                     |
|                     |                        |                         |                     |
| <b>STRAFFORD</b>    |                        |                         |                     |
| Berube, Roger       | Bickford, David        | Brown, Jennifer         | Brown, Julie        |
| Brown, Lawrence     | Chaplin, Duncan        | Creteau, Irene          | Domingo, Baldwin    |
| Dunlap, Patricia    | Grassie, Anne          | Heon, Richard           | Hofemann, Roland    |
| Johnson, Nancy      | Kaen, Naida            | Keans, Sandra           | Knowles, William    |
| Miller, Joseph      | Rollo, Michael         | Rous, Emma              | Schmidt, Peter      |
| Smith, Marjorie     | Taylor, Kathleen       | Wall, Janet             |                     |
|                     |                        |                         |                     |
| <b>SULLIVAN</b>     |                        |                         |                     |
| Cloutier, John      | Converse, Larry        | Donovan, Thomas         | Ferland, Brenda     |
| Franklin, Peter     | Gale, Harry            | Houde-Quimby, Charlotte | Jillette, Arthur Jr |
| Phinizy, James      | Prichard, Stephen      |                         |                     |
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| <b>NAYS 132</b>     |                        |                         |                     |
|                     |                        |                         |                     |
| <b>BELKNAP</b>      |                        |                         |                     |
| Allen, Janet        | Boyce, Laurie          | Clark, Charles          | Heald, Bruce        |
| Pilliod, James      | Rosen, Ralph           | Tilton, Franklin        | Tobin, William      |
| Wendelboe, Fran     | Whalley, Michael       |                         |                     |
|                     |                        |                         |                     |
| <b>CARROLL</b>      |                        |                         |                     |
| Brown, Carolyn      | Buco, Thomas           | Dickinson, Howard       | Merrow, Harry       |
| Stevens, Stanley    |                        |                         |                     |
|                     |                        |                         |                     |
| <b>CHESHIRE</b>     |                        |                         |                     |
| Dexter, Judson      | Emerson, Susan         | Foote, Sheila           | Parkhurst, Henry    |
| Pelkey, Stephen     | Sawyer, Sheldon        |                         |                     |
|                     |                        |                         |                     |
| <b>COOS</b>         |                        |                         |                     |
| Lary, Bruce         | Remick, William        | Stohl, Eric             |                     |
|                     |                        |                         |                     |
| <b>GRAFTON</b>      |                        |                         |                     |
| Maybeck, Margie     | Mirski, Paul           | Solomon, Peter          | Sorg, Gregory       |
| Ward, John          | Williams, Burton       |                         |                     |
|                     |                        |                         |                     |
| <b>HILLSBOROUGH</b> |                        |                         |                     |
| Adams, Jarvis IV    | Balboni, Michael       | Barry, J Gail           | Batula, Peter       |
| Bergeron, Jean-Guy  | Biundo, Michael        | Boehm, Ralph            | Brassard, Paul      |

|                      |                      |                      |                      |
|----------------------|----------------------|----------------------|----------------------|
| Brundige, Robert     | Calawa, Leon Jr      | Carew, James         | Carlson, Donald      |
| Carter, Mark         | Christiansen, Lars   | Coughlin, Pamela     | Crane, Elenore Casey |
| DeVries, Betsi       | Drisko, Richard      | Dyer, Donald         | Francoeur, Bea       |
| Golding, William     | Gonzalez, Carlos     | Goyette, Peter Jr    | Hawkins, Ken         |
| Hellwig, Steve       | Hinkle, Peyton       | Holden, Randolph     | Infantine, William   |
| Jasper, Shawn        | Manney, Pamela       | Martin, Mary Ellen   | McRae, Karen         |
| Mead, Robert         | Messier, Irene       | Mooney, Maureen      | Moran, Edward        |
| O'Brien, William     | Ober, Lynne          | Pilotte, Maurice     | Renzullo, Andrew     |
| Rowe, Robert         | Ryder, Donald        | Shaw, Kimberly       | Slocum, Lee          |
| Smith, David         | Souza, Kathleen      | Tahir, Saghir        | Ulery, Jordan        |
| Vaillancourt, Steve  | Villeneuve, Maurice  | Wheeler, James       |                      |
|                      |                      |                      |                      |
| <b>MERRIMACK</b>     |                      |                      |                      |
| Blanchard, Elizabeth | Danforth, James      | Field, William       | Kennedy, Richard     |
| Kidder, David        | Langlais, Thomas     | Lockwood, Priscilla  | Marple, Richard      |
| Oliver, James        | Owen, Derek          | Soltani, Tony        |                      |
|                      |                      |                      |                      |
| <b>ROCKINGHAM</b>    |                      |                      |                      |
| Allen, Mary          | Asselin, Michael     | Bettencourt, David   | Cady, Harriet        |
| Camm, Kevin          | Carson, Sharon       | DiFruscia, Anthony   | Donahue, Richard Ken |
| Dowling, Patricia    | Flockhart, Eileen    | Headd, James         | Hopfgarten, Paul     |
| Hughes, Daniel       | Itse, Daniel         | Katsakiores, Phyllis | Langley, Jane        |
| Lund, Howie          | Mason, April         | McKinney, Betsy      | Morris, Richard      |
| Nowe, Ronald         | Quandt, Marshall Lee | Quandt, Matthew      | Robertson, Carl      |
| Scamman, Stella      | Stiles, Nancy        | Weare, E Albert      | Welch, David         |
| Wells, Roger         | Weyler, Kenneth      | Zolla, William       |                      |
|                      |                      |                      |                      |
| <b>STRAFFORD</b>     |                      |                      |                      |
| Cataldo, Sam         | Cilley, Jacalyn      | Goodwin, Earle       | Hollinger, Jeffrey   |
| Newton, Clifford     | Twombly, James       |                      |                      |
|                      |                      |                      |                      |
| <b>SULLIVAN</b>      |                      |                      |                      |
| Irish, Christopher   | Osgood, Philip Sr    | Rodeschin, Beverly   |                      |

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

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

Rep. Kenneth L. Weyler for Finance: The original bill involved adding new positions to the Department of Transportation (DOT) and the Department of Revenue Administration (DRA). Those sections were removed so that the established classification system could be employed first. The remaining section dealt with the hiring of financial consultants by DOT. The committee was convinced that with the oldest automation system in the state, the DOT financial system needed an overhaul. If we create new positions they will not be in place to help us with the next budget. Consultants can be put to work more expeditiously. The committee amendment removed restricting the consultants to three, and also capped the expenditure at the end of this biennium. Vote 17-0.

**Amendment (1855h)**

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

1 Department of Transportation; Consultants. The department of transportation may hire financial consultants, who shall be paid from highway funds already appropriated to the department but not otherwise expended, a total amount not to exceed \$210,000. The consultants shall work with the department on such matters as may be recommended by the commissioner of the department of transportation, or the commissioner's designee.

2 Repeal. Section 1 of this act, relative to consultants hired by the department of transportation, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect on July 1, 2007.

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

#### AMENDED ANALYSIS

This bill permits the department of transportation to hire consultants and to pay them from the highway fund.

Amendment adopted.

Committee report adopted and ordered to third reading.

The House recessed at 11:55 a.m.

RECESS

(Deputy Speaker Weyler in the Chair)

The House reconvened at 1:35 p.m.

#### REGULAR CALENDAR (CONT'D.)

##### WITHOUT OBJECTION

Without objection, the Chair ordered ***SB 364-FN-A***, relative to funding of the fish and game search and rescue fund and making an appropriation therefor, to be taken out of calendar order.

**SB 367-FN**, imposing a penalty on Medicaid providers who receive overpayments of state Medicaid funds. **INEXPEDIENT TO LEGISLATE**

Rep. Sharon L. Nordgren for Finance: This bill was first considered by the Senate Health and Human Services Committee and they recommended an ITL motion. It was overturned on the Senate floor, then sent to Senate Finance where it was amended. The bill was amended again on the floor of the Senate and passed. The bill was then sent to House Ways and Means and vacated to the Finance Committee. The Department of Health and Human Services was unaware of the final amendment in the Senate and in fact would have preferred their own amendment. It was decided by the Finance Committee that the issue should be further refined and addressed in the next session. Vote 14-1.

Committee report adopted.

**SB 373-FN-A**, relative to a public health response to arbovirus. **INEXPEDIENT TO LEGISLATE**

Rep. Neal M. Kurk for Finance: This bill largely duplicates the mosquito control program contained in HB 1464, which the House already passed and is, therefore, unnecessary. Should the Senate feel that specific elements of this bill are essential, they can be raised in a committee of conference on HB 1464. Vote 13-2.

Committee report adopted.

**SB 387**, relative to energy efficiency loans and guarantees by the business finance authority. **OUGHT TO PASS**

Rep. Bernard L. Benn for Finance: This bill authorizes the Business Finance Authority (BFA) to guarantee loans to business and agricultural entities for projects that improve energy efficiency. The agency currently has this authority, but this bill makes the legislative intent to foster energy savings explicit. Vote 17-0.  
Committee report adopted and ordered to third reading.

#### SPECIAL ORDER

Rep. Kurk requested that **SB 399-FN**, relative to the powers of state government in the event of an incident or outbreak of communicable disease, be made a Special Order to the end of today's calendar.  
On a division vote, 223 members having voted in the affirmative and 79 in the negative, the motion was adopted.

#### SPECIAL ORDER

**SB 364-FN-A**, relative to funding of the fish and game search and rescue fund and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Frederick W. King for Finance: The committee supports general funds for the search and rescue activities of the Fish and Game Department. The committee is concerned about the availability of funding in Fiscal Year 2006. Vote 16-2.

#### Amendment (1658h)

Amend RSA 206:42, II as inserted by section 1 of the bill by replacing it with the following:

***II. The state treasurer shall deposit annually from the general fund into the special search and rescue fund an amount equal to the moneys collected pursuant to paragraph I during any fiscal year up to and including a total of \$1 annually. The governor is authorized to draw a warrant for such amount out of any money in the treasury not otherwise appropriated.***

Rep. Mirski spoke against.

Rep. King spoke in favor.

Amendment adopted.

Rep. King offered floor amendment (1986h).

#### Floor Amendment (1986h)

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

AN ACT relative to funding of the fish and game search and rescue fund and making an appropriation therefor; repealing an appropriation for the fuel assistance program; and making appropriations to certain departments for anticipated energy shortfalls.

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

- 1 Fish and Game Search and Rescue Fund. Amend RSA 206:42 to read as follows:  
206:42 Fish and Game Search and Rescue Fund.

***I.*** The additional fee of \$1 collected under the provisions of RSA 270-E:5, II(b) for each private boat registered, under RSA 215-A:23, X for each OHRV registered, and under RSA 215-C:39, XI for each snowmobile registered, shall be paid over to the state treasurer who shall keep such fees in a special fund to be expended by the fish and game department for use in search and rescue operations.

***II.*** *The state treasurer shall deposit annually from the general fund into the special search and rescue fund an amount equal to the moneys collected pursuant to paragraph I during any fiscal year up to and including a total of \$100,000 annually. The governor is authorized to draw a warrant for such amount out of any money in the treasury not otherwise appropriated.*

***III.*** The special fund shall be nonlapsing. All funds received under this subdivision are continually appropriated to the fish and game department ~~for the purposes of this~~

~~subdivision]~~ **and shall be used to fund search and rescue operations including, but not limited to salaries, training, equipment, and associated expenditures.** The fish and game department shall report to the fiscal committee on a quarterly basis beginning on October 1, 1989, on the expenditures made from the fund.

2 Repeal. 2005, 298:5, relative to an appropriation to the office of energy and planning for the fuel assistance program, is repealed.

3 Supplemental Appropriations; Adjutant General; Energy Expense Shortfalls. The sums of \$209,000 for the fiscal year ending June 30, 2006 and \$209,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the adjutant general for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations are in addition to any other funds appropriated to the adjutant general. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Supplemental Appropriations; Department of Administrative Services; Energy Expense Shortfalls. The sums of \$1,669,525 for the fiscal year ending June 30, 2006 and \$1,669,525 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of administrative services for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations are in addition to any other funds appropriated to the department of administrative services. In each fiscal year, the appropriation shall be a charge against the appropriate funds as follows:

| General   | Federal   | Highway   | Other     |
|-----------|-----------|-----------|-----------|
| \$252,134 | \$190,789 | \$373,124 | \$853,478 |

The governor is authorized to draw a warrant for said sums out of the appropriate fund.

5 Supplemental Appropriations; Department of Safety; Energy Expense Shortfalls. The sums of \$212,887 for the fiscal year ending June 30, 2006 and \$212,887 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of safety for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations shall be a charge against the highway fund and are in addition to any other funds appropriated to the department of safety.

6 Supplemental Appropriations; Department of Resources and Economic Development; Energy Expense Shortfalls. The sums of \$16,000 for the fiscal year ending June 30, 2006 and \$16,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of resources and economic development for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations are in addition to any other funds appropriated to the department of resources and economic development. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

7 Supplemental Appropriations; Department of Environmental Services; Energy Expense Shortfalls. The sums of \$33,000 for the fiscal year ending June 30, 2006 and \$33,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of environmental services for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations are in addition to any other funds appropriated to the department of environmental services. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

8 Supplemental Appropriations; Department of Corrections; Energy Expense Shortfalls. The sums of \$1,030,000 for the fiscal year ending June 30, 2006 and \$1,030,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of corrections for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations are in addition to any other funds appropriated to the department of corrections. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

9 Supplemental Appropriations; Regional Community-Technical Colleges; Energy Expense Shortfalls. The sums of \$757,345 for the fiscal year ending June 30, 2006 and

\$757,345 for the fiscal year ending June 30, 2007 are hereby appropriated to the regional community-technical college system for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations are in addition to any other funds appropriated to the regional community-technical college system. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

10 Supplemental Appropriations; Liquor Commission; Energy Expense Shortfalls. The sums of \$105,000 for the fiscal year ending June 30, 2006 and \$105,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the liquor commission for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations are in addition to any other funds appropriated to the liquor commission. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

11 Supplemental Appropriations; Department of Transportation; Highway Fund; Energy Expense Shortfalls. The sums of \$800,000 for the fiscal year ending June 30, 2006 and \$800,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of transportation for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations shall be a charge against the highway fund and are in addition to any other funds appropriated to the department of transportation.

12 Supplemental Appropriations; Department of Transportation; Turnpike Fund; Energy Expense Shortfalls. The sums of \$150,000 for the fiscal year ending June 30, 2006 and \$150,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of transportation for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations shall be a charge against the turnpike fund and are in addition to any other funds appropriated to the department of transportation.

13 Effective Date.

I. Section 1 of this act shall take effect July 1, 2006.

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

#### AMENDED ANALYSIS

This bill annually appropriates money from the general fund into the fish and game search and rescue fund.

The bill repeals an appropriation to the office of energy and planning for the fuel assistance program.

The bill also makes certain supplemental appropriations to certain departments for anticipated energy expense shortfalls in state-owned buildings.

Rep. King spoke in favor and yielded to questions.

Floor amendment (1986h) adopted.

Rep. Wallner offered floor amendment (2182h).

#### Floor Amendment (2182h)

Amend the bill by replacing all after section 12 with the following:

13 Appropriation. The sum of \$1,748,504 is hereby appropriated to the department of health and human services for the biennium ending June 30, 2007, for the purpose of providing a one-time increase in rates paid to certain providers in fiscal year 2007 to offset the increased cost of utilities, heating, and mileage. The commissioner of the department of health and human services by August 1 shall set the amount of such rate increase for each provider at the maximum rate consistent with the appropriations allotted below for such provider. The commissioner in September shall report to the fiscal committee of the general court on the rates established by the department. The sums appropriated in this section represent the state general fund share of such costs, and the department shall obtain matching funds from federal and other non-state sources, where appropriate, to ensure that

the full cost of the one-time increase is sufficiently funded. The appropriation contained in this section shall be distributed as follows:

Office of Medicaid and Business Policy

| <u>PAU</u>     | <u>Description</u>     | <u>Appropriation</u> |
|----------------|------------------------|----------------------|
| 05-01-02-01-04 | Medical Transportation | \$6,050              |

Division for Children, Youth, and Families

| <u>PAU</u>     | <u>Description</u>                     | <u>Appropriation</u> |
|----------------|----------------------------------------|----------------------|
| 05-01-06-07-01 | Residential Providers                  | \$151,118            |
| 05-01-06-07-01 | Foster Care Adoption, and Foster Homes | \$92,462             |
| 05-01-06-08-02 | Child Care                             | \$257,134            |

Bureau of Elderly and Adult Services

| <u>PAU</u>     | <u>Description</u>                      | <u>Appropriation</u> |
|----------------|-----------------------------------------|----------------------|
| 05-01-08-03-01 | Home Delivered Meals and Transportation | \$21,062             |
| 05-01-08-03-05 | Congregate Housing Contracts            | \$6,980              |
| 05-01-08-03-06 | Adult Residential Day Care              | \$2,578              |
| 05-01-08-04-01 | Home Nursing Services                   | \$73,758             |

Bureau of Behavioral Health

| <u>PAU</u>     | <u>Description</u>              | <u>Appropriation</u> |
|----------------|---------------------------------|----------------------|
| 05-01-09-04-01 | Community Mental Health Centers | \$341,850            |
| 05-01-09-04-08 | Emergency Shelters              | \$30,772             |

Bureau of Developmental Services

| <u>PAU</u>  | <u>Description</u>     | <u>Appropriation</u> |
|-------------|------------------------|----------------------|
| 05-01-10-01 | Developmental Services | \$764,740            |

This appropriation is in addition to any other funds appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

14 Rate Increase; Federal Funds. The department of health and human services shall provide a one-time one percent increase in rates paid to certain health and human services providers in fiscal year 2006 who do not receive the increase contained in section 13 of this act, but only to the extent the increase can be funded entirely from federal funds.

15 Additional Appropriation. The sum of \$150,000 is hereby appropriated to the department of health and human services for the biennium ending June 30, 2007, for the purpose of providing additional funds to certain health and human services providers for the increased cost of utilities, heating, and mileage. The amounts appropriated in this section shall be distributed by the commissioner at his or her discretion. The commissioner may distribute these funds to providers who also receive the rate increase provided for in section 13 of this act. The commissioner shall seek to distribute funds in a manner which shall provide the highest level of relief to providers most affected by the increased cost of utilities, heating, and mileage, and shall report to the fiscal committee of the general court within 60 days of the effective date of this act on the distribution of said funds. This appropriation is in addition to any other funds appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

16 Effective Date.

- I. Section 1 of this act shall take effect July 1, 2006.
- II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill annually appropriates money from the general fund into the fish and game search and rescue fund.

The bill repeals an appropriation to the office of energy and planning for the fuel assistance program.

The bill makes certain supplemental appropriations to certain departments for anticipated energy expense shortfalls in state-owned buildings.

The bill also makes appropriations to the department of health and human services for the purposes of reimbursing certain health and human services providers for the increased cost of utilities, heating, and mileage.

Rep. Wallner spoke in favor.

Rep. King spoke in favor and yielded to questions.

Floor amendment (2182h) adopted.

Rep. Stohl offered floor amendment (2198h).

#### **Floor Amendment (2198h)**

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

AN ACT relative to funding of the fish and game search and rescue fund and making an appropriation therefor; repealing an appropriation for the fuel assistance program; making appropriations to certain departments for anticipated energy shortfalls; and authorizing the fish and game department to acquire property rights to Big Brook Bog Dam in Pittsburg.

Amend the bill by inserting after section 15 the following and renumbering the original section 16 to read as 17:

16 New Paragraph; Property Rights Acquisition Authorized. Amend RSA 482:48 by inserting after paragraph V the following new paragraph:

VI. For a consideration of \$1, the fish and game department is authorized to accept conveyance from the property owners of all water and property rights necessary to repair, maintain, and operate Big Brook Bog Dam in the town of Pittsburg, known as number 194.14, for the purpose of improving and controlling the water rights for the benefit of the state. The property rights the fish and game department is authorized to acquire for the benefit of the state shall be exempt from taxation as long as the properties are held by the state. The rights to be acquired shall include the right to maintain Big Brook Bog Dam in its historic configuration as it existed prior to February 1, 2003, or any other configuration beneficial to the state. The fish and game department may transfer rights in Big Brook Bog Dam under RSA 482:51 to the department for purposes of repair and maintenance.

#### **AMENDED ANALYSIS**

This bill annually appropriates money from the general fund into the fish and game search and rescue fund.

The bill repeals an appropriation to the office of energy and planning for the fuel assistance program.

The bill also makes certain supplemental appropriations to certain departments for anticipated energy expense shortfalls in state-owned buildings, and to the department of health and human services for reimbursing certain health care providers for the increased cost of utilities, heating, and mileage.

The bill also authorizes the fish and game department to acquire property rights to Big Brook Bog Dam in Pittsburg.

Rep. Stohl spoke in favor.

Floor amendment (2198h) adopted.

Committee report as amended adopted and ordered to third reading.

#### **SENATE MESSAGE**

#### **REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 1273**, relative to the disposition and retention of municipal records and legalizing the September 13, 2005 special meeting of the town of Brookline. (Amendment printed SJ 05/04/06)

Rep. Patten moved that the House concur and spoke in favor.

Adopted.

#### **REGULAR CALENDAR (CONT'D.)**

**SB 400-FN**, relative to highway welcome signs. **OUGHT TO PASS**

Rep. Kenneth L. Weyler for Finance: The state motto of “Live Free or Die” has important historical roots. It is easily understood and popularly accepted. This bill would add it to our welcome signs. This bill came to the Finance Committee due to an expenditure to add the state motto to the highway signs at our state-line points of entry. There are 11 large signs and 36 small ones where a new piece will be added. The Department of Transportation (DOT) sign crew has stated that fabrication and installation will take two years when incorporated into the present work schedule. Recently a donor came forward to offer to pay for the approximately \$5,800 per year for this project. This would mean no additional cost to the state. Vote 11-6.

Committee report adopted and ordered to third reading.

**SB 238**, relative to assistance to members of the general court provided by the legislative budget assistant. **INEXPEDIENT TO LEGISLATE**

Rep. Betsy McKinney for Legislative Administration: The majority of the committee felt this bill is unnecessary. There has been no problem in the past for members and seems to stem from a one-time problem in the Senate. The majority of the members felt the Senate problem would not reoccur and the potential of abuse by some members of the House or Senate overrides the need to insure that the Legislative Budget Assistant “may” respond to a member’s request. Vote 5-4.

Rep. Vaillancourt spoke against.

Rep. Hunt spoke in favor.

On a division vote, 169 members having voted in the affirmative and 132 in the negative, the committee report was adopted.

**SB 232-FN-A**, making a capital appropriation to the department of health and human services for a dental facility in the town of Tamworth. **REFER FOR INTERIM STUDY**

Rep. Thomas L. Bucu for Public Works and Highways: This bill attempts to address a dire need for oral health care for low to moderate income people in the northern three counties of the state. The bill authorizes a capital appropriation and authorizes the state to issue bonds in the amount of \$400,000 to equip a dental clinic in the Town of Tamworth under the umbrella of the Tri-County Community Action Program. An amendment was proposed that attempted to address some of the questions as to who would operate the clinic, who would be treated and in what priority. The committee still had many questions and the amendment was defeated. The committee believes that a better course of action is to refer the bill to interim study to give us time to resolve the many unanswered questions. Vote 14-0.

Committee report adopted.

**SB 107-FN**, relative to the tax on tobacco products other than cigarettes. **INEXPEDIENT TO LEGISLATE**

Rep. Peyton B. Hinkle for Ways and Means: This bill would tax loose tobacco products (smokeless tobacco) at the rate of 48 cents per ounce rather than the present tax of 19 percent of the wholesale price. There were a number of reservations shared by the majority of the committee. While the change in tax method might result in an increase in revenue for now, this might not last since these products have shown a ten year history of price increases keeping pace with inflation. Thus, a percentage tax on the price would generate increased revenues in the future. Seventy percent of the market consists of premium products that sell for a higher price and generate more revenue under a percentage tax method. Going to a weight-based tax would increase the tax on the low-end products, resulting in more of a tax burden for people of modest means. Going to a weight-based tax would also create more work for the wholesaler, who would have to calculate the tax due for each of the many different weight based products, rather than a simple tax on sales dollars. It would be especially burdensome for wholesalers who also serve surrounding states, which are all on a

percentage basis. They would have to have two separate accounting methods. Forty two other states tax these products the way we presently do. The Department of Revenue Administration (DRA) indicated the bill would have an indeterminable impact on revenues. Some members concluded, if it ain't broke, don't fix it. Vote 11-7. Committee report adopted.

**SB 131-FN, establishing a school choice certificate program. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Christine C. Hamm for the Majority of Ways and Means: Calling it "a recipe for chaos," the commissioner of the Department of Revenue Administration testified that this bill, with tax credits granted within different fiscal periods on a first-come, first-served basis, would be impossible to administer. In questioning, the committee learned that the bill would cost the state even more than the proposed \$1 million/biennium in business tax credits and that the bill guaranteed that once students get vouchers, they can continue to receive them annually until they graduate or reach age 21. A further inconsistency is that while the bill would make the state financially responsible for the staff required to administer the program, it does not fund that expense. Given these shortcomings, an amendment was offered which attempted to strip the bill of its fiscal responsibilities. This was defeated by a bipartisan majority for any one of a number of reasons: 1) that the amendment, in fact, failed to relieve the state of responsibility for funding the administrative staff, 2) that it continued the state's responsibility to reimburse expenses for the legislative members of the board, 3) that the state could be liable for legal challenges to Article 28A and other constitutional issues, 4) that the Senate could reinstate the funding in a committee of conference, 5) that it expanded government by broadening its reach into an area which even the prime sponsor agreed could be achieved through private endowment or contributions, and 6) that by stripping the tax credits from this bill, the remaining shell is a state-sponsored structure open to state funding for school voucher programs, including non-public programs, a practice which the House has consistently rejected, most recently on March 9. Vote 11-10.

Rep. Shawn N. Jasper for the Minority of the Committee Ways and Means: The policy contained in the bill was passed by the House. The bill was sent to Ways and Means to deal with the issue of the tax credits. The bill also contained a two dollar appropriation for the biennium, which at the request of the Finance Committee, the amendment would remove. The tax credit contained within the original bill would have been impossible to administer by the Department of Revenue and is also removed in the amendment. The minority believes that the majority overstepped its authority by recommending the killing of the policy contained within the bill. With the amendment, the bill contains no state financial support, but does provide a vehicle to accept funding for school choice. While it is true that any group of people could come together to form a non-profit corporation such as the one we propose, this amendment assures that it will become a reality and we believe by having its members appointed by the Speaker of the House, the Senate President and the Governor, it will have far more credibility than a corporation formed by a self-appointed group of individuals.

Reps. Jasper, Hunt, Shaw and Hamm spoke against.

Reps. Vaillancourt, Parker, Shaw and Camm spoke in favor.

Rep. W. Packy Campbell requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

| YEAS 172 NAYS 136 |                |                 |                |
|-------------------|----------------|-----------------|----------------|
|                   |                |                 |                |
| YEAS 172          |                |                 |                |
|                   |                |                 |                |
| BELKNAP           |                |                 |                |
| Millham, Alida    | Morrison, Gail | Nedeau, Stephen | Pilliod, James |
| Veazey, John      |                |                 |                |

|                        |                     |                       |                     |
|------------------------|---------------------|-----------------------|---------------------|
|                        |                     |                       |                     |
| <b>CARROLL</b>         |                     |                       |                     |
| Buco, Thomas           | Knox, J David       | Olimpio, J Lisbeth    | Philbrick, Donald   |
|                        |                     |                       |                     |
| <b>CHESHIRE</b>        |                     |                       |                     |
| Allen, Peter           | Butcher, Suzanne    | Butynski, William     | Chase, William      |
| Dexter, Judson         | Dunn, J Timothy     | Eaton, Daniel         | Espieffs, Peter     |
| Foote, Sheila          | Mitchell, Bonnie    | Parkhurst, Henry      | Plifka, Stanley Jr  |
| Pratt, John            | Richardson, Barbara | Robertson, Timothy    | Tilton, Anna        |
| Weed, Charles          |                     |                       |                     |
|                        |                     |                       |                     |
| <b>COOS</b>            |                     |                       |                     |
| Buzzell, Bernard       | Lary, Bruce         | Merrick, Scott        | Remick, William     |
| Stohl, Eric            | Theberge, Robert    |                       |                     |
|                        |                     |                       |                     |
| <b>GRAFTON</b>         |                     |                       |                     |
| Aguiar, James          | Almy, Susan         | Benn, Bernard         | Bleyler, Ruth       |
| Cooney, Mary           | Hammond, Lee        | Harding, A Laurie     | McLeod, Martha      |
| Mulholland, Catherine  | Nordgren, Sharon    | Sokol, Hilda          | Solomon, Peter      |
| Williams, Burton       |                     |                       |                     |
|                        |                     |                       |                     |
| <b>HILLSBOROUGH</b>    |                     |                       |                     |
| Baroody, Benjamin      | Beaulieu, Jane      | Campbell, David       | Carlson, Donald     |
| Chase, Claudia         | Clemons, Jane       | Cote, David           | Cote, Peter         |
| Craig, James           | Desmarais, Vivian   | DeVries, Betsi        | Dokmo, Cynthia      |
| Drisko, Richard        | Egbers, Fran        | Emerton, Larry        | Essex, David        |
| Foster, Linda          | Ginsburg, Ruth      | Goley, Jeffrey        | Gorman, Mary        |
| Graham, John           | Haley, Robert       | Hall, Betty           | Holden, Randolph    |
| Irwin, Anne-Marie      | Jean, Claudette     | Judy, Jean            | Johnson, Paula      |
| Kopka, Angeline        | Lasky, Bette        | Matarazzo, Anthony Sr | Messier, Irene      |
| Movsesian, Lori        | O'Connell, Timothy  | Ober, Lynne           | Pilotte, Maurice    |
| Rosenwald, Cindy       | Ross, Lawrence      | Ryder, Donald         | Scanlon, Michael    |
| Schulze, Joan          | Shattuck, Gilman    | Shaw, Barbara         | Shaw, Kimberly      |
| Smith, David           | Sullivan, Francis   | Sullivan, Peter       | Vaillancourt, Steve |
|                        |                     |                       |                     |
| <b>MERRIMACK</b>       |                     |                       |                     |
| Blanchard, Elizabeth   | Bouchard, Candace   | Brueggemann, Donald   | Clarke, Claire      |
| DeJoie, John           | DeStefano, Stephen  | Foose, Robert         | French, Barbara     |
| Gile, Mary             | Hamm, Christine     | Kennedy, Richard      | Kidder, David       |
| Lockwood, Priscilla    | MacKay, James       | Marple, Richard       | Osborne, Jessie     |
| Owen, Derek            | Potter, Frances     | Rush, Deanna          | Ryan, Jim           |
| Shurtleff, Stephen     | Tilton, Joy         | Tupper, Frank         | Wallner, Mary Jane  |
| Walz, Mary Beth        | Yeaton, Charles     |                       |                     |
|                        |                     |                       |                     |
| <b>ROCKINGHAM</b>      |                     |                       |                     |
| Allen, Mary            | Belanger, Ronald    | Brown, C. Pennington  | Buxton, Donald      |
| Cali-Pitts, Jacqueline | DiFruscia, Anthony  | Flockhart, Eileen     | Francoeur, Sheila   |
| Gould, Kenneth         | Hughes, Daniel      | Ingram, Russell       | Johnson, Robert     |

|                      |                         |                      |                           |
|----------------------|-------------------------|----------------------|---------------------------|
| Langley, Jane        | Moody, Marcia           | Norelli, Terie       | Parker, Benjamin          |
| Powers, James        | Priestley, Anne         | Robertson, Carl      | Robinson, John            |
| Splaine, James       | Wells, Roger            | Winchell, George     |                           |
|                      |                         |                      |                           |
| <b>STRAFFORD</b>     |                         |                      |                           |
| Berube, Roger        | Brown, Jennifer         | Brown, Julie         | Brown, Lawrence           |
| Cilley, Jacalyn      | Creteau, Irene          | Domingo, Baldwin     | Dunlap, Patricia          |
| Hofemann, Roland     | Johnson, Nancy          | Kaen, Naida          | Keans, Sandra             |
| Knowles, William     | Rollo, Michael          | Rous, Emma           | Schmidt, Peter            |
| Smith, Marjorie      | Spang, Judith           | Taylor, Kathleen     | Wall, Janet               |
|                      |                         |                      |                           |
| <b>SULLIVAN</b>      |                         |                      |                           |
| Cloutier, John       | Converse, Larry         | Ferland, Brenda      | Franklin, Peter           |
| Gale, Harry          | Houde-Quimby, Charlotte | Irish, Christopher   | Jillette, Arthur Jr       |
| Phinizy, James       | Prichard, Stephen       |                      |                           |
|                      |                         |                      |                           |
| <b>NAYS 136</b>      |                         |                      |                           |
|                      |                         |                      |                           |
| <b>BELKNAP</b>       |                         |                      |                           |
| Allen, Janet         | Boyce, Laurie           | Clark, Charles       | Fitzgerald, James         |
| Flanders, Donald     | Rosen, Ralph            | Russell, David       | Tilton, Franklin          |
| Wendelboe, Fran      | Whalley, Michael        |                      |                           |
|                      |                         |                      |                           |
| <b>CARROLL</b>       |                         |                      |                           |
| Ahlgren, Christopher | Babson, David Jr        | Brown, Carolyn       | Chandler, Gene            |
| Dickinson, Howard    | Martin, James           | McConkey, Mark       | Merrow, Harry             |
| Patten, Betsey       | Stevens, Stanley        |                      |                           |
|                      |                         |                      |                           |
| <b>CHESHIRE</b>      |                         |                      |                           |
| Emerson, Susan       | Hunt, John              | Sawyer, Sheldon      |                           |
|                      |                         |                      |                           |
| <b>COOS</b>          |                         |                      |                           |
| Richardson, Herbert  | Tholl, John Jr          |                      |                           |
|                      |                         |                      |                           |
| <b>GRAFTON</b>       |                         |                      |                           |
| Gionet, Edmond       | Ingbretson, Paul        | Maybeck, Margie      | Mirski, Paul              |
| Sorg, Gregory        | Ward, John              |                      |                           |
|                      |                         |                      |                           |
| <b>HILLSBOROUGH</b>  |                         |                      |                           |
| Adams, Jarvis IV     | Balboni, Michael        | Barry, J Gail        | Batula, Peter             |
| Bergeron, Jean-Guy   | Boehm, Ralph            | Brassard, Paul       | Brundige, Robert          |
| Calawa, Leon Jr      | Carew, James            | Carter, Mark         | Christensen, D L<br>Chris |
| Christiansen, Lars   | Coughlin, Pamela        | Crane, Elenore Casey | Dyer, Donald              |
| Francoeur, Bea       | Gargas, Carolyn         | Golding, William     | Goyette, Peter Jr         |
| Hagan, Barbara       | Hansen, Ryan            | Hawkins, Ken         | Hellwig, Steve            |
| Hinkle, Peyton       | Jasper, Shawn           | Kurk, Neal           | L'Heureux, Robert         |
| Lawrence, James      | Manney, Pamela          | Martin, Mary Ellen   | McRae, Karen              |

|                   |                         |                      |                     |
|-------------------|-------------------------|----------------------|---------------------|
| Mead, Robert      | Mooney, Maureen         | Moran, Edward        | O'Brien, William    |
| Price, Pamela     | Renzullo, Andrew        | Rowe, Robert         | Slocum, Lee         |
| Souza, Kathleen   | Stepanek, Stephen       | Ulery, Jordan        | Villeneuve, Maurice |
| Wheeler, James    | Wheeler, Robert         |                      |                     |
|                   |                         |                      |                     |
| <b>MERRIMACK</b>  |                         |                      |                     |
| Anderson, Eric    | Currier, David          | Danforth, James      | Field, William      |
| Klose, John       | Langlais, Thomas        | Whiting, Herbert     |                     |
|                   |                         |                      |                     |
| <b>ROCKINGHAM</b> |                         |                      |                     |
| Asselin, Michael  | Bettencourt, David      | Bishop, Franklin     | Cady, Harriet       |
| Camm, Kevin       | Carson, Sharon          | Coburn, James        | Dowd, John          |
| Dowling, Patricia | Dumaine, Dudley         | Fesh, Bob            | Flanders, John Sr   |
| Garrity, James    | Gillick, Thomas         | Griffin, Mary        | Hopfgarten, Paul    |
| Itse, Daniel      | Katsakiores, George     | Katsakiores, Phyllis | Lund, Howie         |
| Major, Norman     | Mason, April            | McKinney, Betsy      | McMahon, Charles    |
| Morris, Richard   | Nowe, Ronald            | O'Neil, Michael      | Packard, Sherman    |
| Palazzo, Frank    | Quandt, Marshall<br>Lee | Quandt, Matthew      | Scamman, Stella     |
| Stiles, Nancy     | Stone, Joseph           | Waterhouse, Kevin    | Weare, E Albert     |
| Welch, David      | Weldy, Norman           | Weyler, Kenneth      | Zolla, William      |
|                   |                         |                      |                     |
| <b>STRAFFORD</b>  |                         |                      |                     |
| Bickford, David   | Campbell, W Packy       | Cataldo, Sam         | Chaplin, Duncan     |
| Easson, Timothy   | Goodwin, Earle          | Hollinger, Jeffrey   | Newton, Clifford    |
| Twombly, James    |                         |                      |                     |
|                   |                         |                      |                     |
| <b>SULLIVAN</b>   |                         |                      |                     |
| Donovan, Thomas   | Osgood, Philip Sr       | Rodeschin, Beverly   |                     |

and the majority committee report was adopted.

Rep. Casey did not vote and notified the Clerk that she wished to be recorded in favor.

**SB 376-FN-A**, relative to revenues dedicated to the education trust fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Shawn N. Jasper for Ways and Means: The bill, as introduced, would have essentially taken all of the monies which are now earmarked to go into the Education Trust Fund and directed them into the General Fund. Then only the lottery revenue (about \$75 million per year) would have gone into the trust fund. In this biennium the monies which went into the trust fully funded our commitment to education funding. There was a real problem with estimating how much money actually goes into the trust from the Business Enterprise Tax (BET) and the Business Profit Tax (BPT) each month. The exact amount deposited each month into the trust from the other revenue sources are predictable. The total amount of the trust is not known until the final business taxes are filed in October, after the fiscal year is closed. The amendment fixes this accounting problem by using historical average percentage of the combined business taxes. The percentage is calculated by using the combined audited amount in prior years that is sent to the trust fund. This fixes a major problem of predicting the current amount that is actually deposited into the trust fund in real time without removing any of the various revenues that presently go into the fund. The committee feels that it is appropriate to continue to fund the trust at the same level as in the past. Vote 15-3.

**Amendment (1791h)**

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

AN ACT relative to business tax revenues dedicated to the education trust fund.

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

1 Business Profits Tax; Distribution. RSA 77-A:20-a is repealed and reenacted to read as follows:

77-A:20-a Distribution of Funds. Thirty eight percent of the combined revenues produced by the business profits tax under this chapter and the business enterprise tax under RSA 77-E shall be deposited in the education trust fund established under RSA 198:39.

2 Business Enterprise Tax; Distribution of Funds. RSA 77-E:14 is repealed and reenacted to read as follows:

77-E:14 Distribution of Funds. Thirty eight percent of the combined revenues produced by the business enterprise tax under this chapter and the business profits tax under RSA 77-A shall be deposited in the education trust fund established under RSA 198:39.

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

**AMENDED ANALYSIS**

This bill changes the amount of business tax revenues which are required to be deposited in the education trust fund.

Amendment adopted.

Committee report adopted and ordered to third reading.

**SB 380-FN-A**, establishing a research and development credit against business taxes.

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

Rep. Benjamin E. Parker for the Majority of Ways and Means: This bill provides for up to \$1,000,000 in annual tax credits against the business profits or enterprise tax for qualified manufacturing research and development expenditures. The majority of the committee recommends inexpedient to legislate because: (1) the business tax climate in New Hampshire is already among the best in the country, (2) New Hampshire's unemployment rate is below 3.6 percent and is among the lowest in the country, (3) the economic drivers behind the type of manufacturing jobs New Hampshire is losing are well beyond the remedies proposed by this bill and (4) while states have used R&D tax credits to draw a specific company, these tax credits have not been shown generally to create significantly more jobs or business activity in the states that have adopted them. The committee majority believes that New Hampshire tax policy should be forward-looking and focus on promoting innovation and not on competing for contract manufacturing jobs of commoditized products. To this end, the General Court in 2003 approved increasing the net operating loss carry forward from \$250,000 to \$1,000,000 and extending the carry forward period from five years to ten years. Rather than credits, this NOL provision better serves start-up research and development companies who typically do not earn a profit for several years. Further, states that have R&D credits typically have either or both a sales tax and income tax. Eight of the nine states without an income tax do not offer R&D credits. While businesses have never met a tax credit they didn't like, New Hampshire has adopted a policy of a simple business tax structure where taxes are the same for all businesses. Our prior experience with the R&D credit proved unsuccessful and was terminated. Proponents of this bill could not show that lost manufacturing jobs could have been saved as a result of an R&D tax credit. Most of the lost manufacturing jobs were for the assembly of high-tech products that today are treated like any other commodity and go to the area with the lowest wage cost. It's unlikely that any tax credit will be able to cover this wage cost differential. The committee majority believes that the foundations of New Hampshire's economy are changing and that the state's increasing business prosperity, job growth and low unemployment confirm that current tax policy is favorable to business and the development of new products and ideas. In contrast to

statements about high-tech job loss, it is reported by AeA that for 2004 the most recent year data is available, New Hampshire added 2,400 high tech jobs. The state's 6.8 percent increase in high-tech jobs was the highest percentage increase in the nation. Indeed, testimony received this past summer by the Ad-Hoc Committee on Business Tax Credits from executives of start-up companies confirmed that research and development companies chose New Hampshire because of its favorable business climate and tax policies. The committee majority believes the R&D tax credit would be an unwarranted loss of revenue. Vote 15-4.

Rep. Peyton B. Hinkle for the Minority of the Committee on Ways and Means: This bill is for pro-economic development, job growth and family income. New Hampshire has lost about 30,000 good-paying manufacturing jobs so far in this decade. The state once led the nation in the concentration of high-tech jobs, but has now slipped to tenth place. R&D and manufacturing are inextricably linked together – one supports the other. The purpose of this bill is to preserve whatever R&D is left in the state and protect against further outsourcing to countries like India and China, as well as attract new start-up and other high-tech companies. It provides DRED, which supports the bill, with another tool for promoting New Hampshire as a desirable place to locate businesses. It allows a tax credit equal to 15 percent of qualified R&D expenditures as defined in the U.S. Internal Revenue code. It protects overall business tax revenues by further limiting the credit to 5 percent of a company's total business tax. It is further capped at \$1,000,000 per year for all taxpayers. An amendment, which was available but not considered by the committee, would have phased in the credit over a three year period, thus providing the ability to control the exposure of business tax revenues while monitoring the ability of the legislation to hold and/or attract R&D business. The bill was given high priority support by the Business & Industry Association and the N. H. High Tech Council. Forty other states offer some form of R&D credit. This bill provides the germ of a new vision for New Hampshire as a state with an emerging broad-based high-tech sector.

Reps. Hinkle and Crane spoke against and yielded to questions.

Reps. Parker, Pratt and Major spoke in favor.

Rep. Hinkle requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

| YEAS 192 NAYS 107    |                    |                     |                    |
|----------------------|--------------------|---------------------|--------------------|
|                      |                    |                     |                    |
| YEAS 192             |                    |                     |                    |
|                      |                    |                     |                    |
| BELKNAP              |                    |                     |                    |
| Allen, Janet         | Clark, Charles     | Fitzgerald, James   | Flanders, Donald   |
| Millham, Alida       | Nedeau, Stephen    | Pilliod, James      | Rosen, Ralph       |
| Russell, David       | Tilton, Franklin   | Wendelboe, Fran     | Whalley, Michael   |
|                      |                    |                     |                    |
| CARROLL              |                    |                     |                    |
| Ahlgren, Christopher | Babson, David Jr   | Brown, Carolyn      | Chandler, Gene     |
| Merrow, Harry        | Olimpio, J Lisbeth | Patten, Betsey      | Philbrick, Donald  |
| Stevens, Stanley     |                    |                     |                    |
|                      |                    |                     |                    |
| CHESHIRE             |                    |                     |                    |
| Allen, Peter         | Butcher, Suzanne   | Butynski, William   | Chase, William     |
| Dexter, Judson       | Dunn, J Timothy    | Eaton, Daniel       | Emerson, Susan     |
| Espieffs, Peter      | Foote, Sheila      | Mitchell, Bonnie    | Parkhurst, Henry   |
| Plifka, Stanley Jr   | Pratt, John        | Richardson, Barbara | Robertson, Timothy |
| Sawyer, Sheldon      | Tilton, Anna       | Weed, Charles       |                    |

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|                     |                      |                    |                       |
| <b>COOS</b>         |                      |                    |                       |
| King, Frederick     | Lary, Bruce          | Remick, William    | Stohl, Eric           |
| Tholl, John Jr      |                      |                    |                       |
|                     |                      |                    |                       |
| <b>GRAFTON</b>      |                      |                    |                       |
| Aguiar, James       | Almy, Susan          | Benn, Bernard      | Bleyler, Ruth         |
| Hammond, Lee        | Harding, A Laurie    | Ingretson, Paul    | Mulholland, Catherine |
| Nordgren, Sharon    | Sokol, Hilda         | Solomon, Peter     | Sorg, Gregory         |
|                     |                      |                    |                       |
| <b>HILLSBOROUGH</b> |                      |                    |                       |
| Barry, J Gail       | Bergeron, Jean-Guy   | Boehm, Ralph       | Brassard, Paul        |
| Brundige, Robert    | Calawa, Leon Jr      | Carlson, Donald    | Chase, Claudia        |
| Cote, David         | Cote, Peter          | Coughlin, Pamela   | Dokmo, Cynthia        |
| Drisko, Richard     | Egbers, Fran         | Emerton, Larry     | Foster, Linda         |
| Gargas, Carolyn     | Ginsburg, Ruth       | Golding, William   | Goley, Jeffrey        |
| Gorman, Mary        | Hall, Betty          | Jasper, Shawn      | Jean, Claudette       |
| Jeudy, Jean         | Johnson, Paula       | Kopka, Angeline    | Kurk, Neal            |
| L'Heureux, Robert   | Martin, Mary Ellen   | McRae, Karen       | Messier, Irene        |
| Moran, Edward       | O'Connell, Timothy   | Ober, Lynne        | Pilote, Maurice       |
| Price, Pamela       | Rowe, Robert         | Ryder, Donald      | Shattuck, Gilman      |
| Shaw, Barbara       | Shaw, Kimberly       | Ulery, Jordan      | Vaillancourt, Steve   |
| Villeneuve, Maurice | Wheeler, Robert      |                    |                       |
|                     |                      |                    |                       |
| <b>MERRIMACK</b>    |                      |                    |                       |
| Anderson, Eric      | Blanchard, Elizabeth | Bouchard, Candace  | Foose, Robert         |
| Gile, Mary          | Hager, Elizabeth     | Kennedy, Richard   | Kidder, David         |
| Klose, John         | Lockwood, Priscilla  | Mackay, James      | Marple, Richard       |
| Osborne, Jessie     | Potter, Frances      | Rush, Deanna       | Soltani, Tony         |
| Tilton, Joy         | Wallner, Mary Jane   | Walz, Mary Beth    |                       |
|                     |                      |                    |                       |
| <b>ROCKINGHAM</b>   |                      |                    |                       |
| Allen, Mary         | Brown, C. Pennington | Buxton, Donald     | Cady, Harriet         |
| Camm, Kevin         | Casey, Kimberley     | Dowd, John         | Dowling, Patricia     |
| Fesh, Bob           | Flanders, John Sr    | Francoeur, Sheila  | Gilbert, Karl         |
| Gillick, Thomas     | Gould, Kenneth       | Griffin, Mary      | Hopfgarten, Paul      |
| Hughes, Daniel      | Ingram, Russell      | Itse, Daniel       | Johnson, Robert       |
| Katsakiores, George | Katsakiores, Phyllis | Langley, Jane      | Major, Norman         |
| Mason, April        | McKinney, Betsy      | Moody, Marcia      | Morris, Richard       |
| Norelli, Terie      | Nowe, Ronald         | O'Neil, Michael    | Palazzo, Frank        |
| Parker, Benjamin    | Priestley, Anne      | Robertson, Carl    | Scamman, Stella       |
| Stiles, Nancy       | Stone, Joseph        | Waterhouse, Kevin  | Weare, E Albert       |
| Welch, David        | Wells, Roger         | Weyler, Kenneth    | Winchell, George      |
|                     |                      |                    |                       |
| <b>STRAFFORD</b>    |                      |                    |                       |
| Berube, Roger       | Brown, Lawrence      | Chaplin, Duncan    | Creteau, Irene        |
| Domingo, Baldwin    | Dunlap, Patricia     | Hollinger, Jeffrey | Kaen, Naida           |
| Keans, Sandra       | Knowles, William     | Rollo, Michael     | Rous, Emma            |

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| Schmidt, Peter      | Smith, Marjorie    | Taylor, Kathleen        | Wall, Janet               |
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| <b>SULLIVAN</b>     |                    |                         |                           |
| Cloutier, John      | Converse, Larry    | Donovan, Thomas         | Ferland, Brenda           |
| Franklin, Peter     | Gale, Harry        | Houde-Quimby, Charlotte | Jillette, Arthur Jr       |
| Osgood, Philip Sr   | Rodeschin, Beverly |                         |                           |
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| <b>NAYS 107</b>     |                    |                         |                           |
|                     |                    |                         |                           |
| <b>BELKNAP</b>      |                    |                         |                           |
| Boyce, Laurie       |                    |                         |                           |
|                     |                    |                         |                           |
| <b>CARROLL</b>      |                    |                         |                           |
| Buco, Thomas        | Dickinson, Howard  | Knox, J David           | Martin, James             |
|                     |                    |                         |                           |
| <b>CHESHIRE</b>     |                    |                         |                           |
| None                |                    |                         |                           |
|                     |                    |                         |                           |
| <b>COOS</b>         |                    |                         |                           |
| Buzzell, Bernard    | Merrick, Scott     | Richardson, Herbert     | Theberge, Robert          |
|                     |                    |                         |                           |
| <b>GRAFTON</b>      |                    |                         |                           |
| Cooney, Mary        | Gionet, Edmond     | Maybeck, Margie         | McLeod, Martha            |
| Mirski, Paul        | Ward, John         | Williams, Burton        |                           |
|                     |                    |                         |                           |
| <b>HILLSBOROUGH</b> |                    |                         |                           |
| Balboni, Michael    | Baroody, Benjamin  | Batula, Peter           | Beaulieu, Jane            |
| Campbell, David     | Carew, James       | Carter, Mark            | Christensen, D L<br>Chris |
| Christiansen, Lars  | Clemons, Jane      | Craig, James            | Crane, Elenore<br>Casey   |
| Desmarais, Vivian   | DeVries, Betsi     | Dyer, Donald            | Essex, David              |
| Francoeur, Bea      | Goyette, Peter Jr  | Graham, John            | Hagan, Barbara            |
| Haley, Robert       | Hansen, Ryan       | Hawkins, Ken            | Hellwig, Steve            |
| Hinkle, Peyton      | Holden, Randolph   | Infantine, William      | Irwin, Anne-Marie         |
| Lasky, Bette        | Lawrence, James    | Manney, Pamela          | Matarazzo, Anthony<br>Sr  |
| Mead, Robert        | Michon, Stephen    | Mooney, Maureen         | Movsesian, Lori           |
| Renzullo, Andrew    | Rosenwald, Cindy   | Ross, Lawrence          | Scanlon, Michael          |
| Schulze, Joan       | Slocum, Lee        | Smith, David            | Souza, Kathleen           |
| Stepanek, Stephen   | Sullivan, Francis  | Sullivan, Peter         | Wheeler, James            |
|                     |                    |                         |                           |
| <b>MERRIMACK</b>    |                    |                         |                           |
| Brueggemann, Donald | Clarke, Claire     | Currier, David          | Danforth, James           |
| DeJoie, John        | DeStefano, Stephen | Field, William          | French, Barbara           |
| Hamm, Christine     | Langlais, Thomas   | Ryan, Jim               | Shurtleff, Stephen        |
| Tupper, Frank       | Whiting, Herbert   | Yeaton, Charles         |                           |
|                     |                    |                         |                           |

| ROCKINGHAM           |                   |                    |                        |
|----------------------|-------------------|--------------------|------------------------|
| Asselin, Michael     | Belanger, Ronald  | Bettencourt, David | Cali-Pitts, Jacqueline |
| Carson, Sharon       | Coburn, James     | DiFruscia, Anthony | Dumaine, Dudley        |
| Flockhart, Eileen    | Garrity, James    | McMahon, Charles   | Powers, James          |
| Quandt, Marshall Lee | Quandt, Matthew   | Robinson, John     | Splaine, James         |
| Zolla, William       |                   |                    |                        |
|                      |                   |                    |                        |
| STRAFFORD            |                   |                    |                        |
| Bickford, David      | Brown, Jennifer   | Brown, Julie       | Cataldo, Sam           |
| Cilley, Jacalyn      | Easson, Timothy   | Hofemann, Roland   | Johnson, Nancy         |
| Spang, Judith        |                   |                    |                        |
|                      |                   |                    |                        |
| SULLIVAN             |                   |                    |                        |
| Phinizy, James       | Prichard, Stephen |                    |                        |

and the majority committee report was adopted.

Rep. Morrison did not vote and notified the Clerk that she wished to be recorded against.

#### HOUSE ADDRESS 1

##### REPORT OF THE JOINT COMMITTEE ON ADDRESS

**FOR THE REMOVAL OF SUPERIOR COURT JUSTICE KENNETH R. MCHUGH  
HA 1**, an address for the removal of Kenneth R. McHugh, superior court justice, from office.  
**OUGHT NOT TO PASS**

Rep. Cynthia J. Dokmo for the Joint Committee on Address: This address sought the removal of Superior Court Justice Kenneth McHugh for a 1999 decision he issued dismissing a petition seeking to invalidate a 1989 divorce decree. The causes for removal alleged that Justice McHugh violated his oath of office, as well as the United States and New Hampshire constitutions, by refusing to honor a 1998 order issued by a Connecticut court invalidating the 1966 divorce of the private proponent of this address, James MacFarlane. Mr. MacFarlane argued to Justice McHugh that his New Hampshire divorce from his second wife was therefore invalid because he was not legally divorced from his first wife when he married and subsequently divorced his second wife. After hearing from the sponsor, Mr. MacFarlane, members of the public, and Justice McHugh, the committee learned that Mr. MacFarlane had unsuccessfully appealed the issues presented in the address to the New Hampshire Supreme Court, Connecticut courts, and federal courts, as well as to the New Hampshire Judicial Conduct Committee. The committee also learned that Mr. MacFarlane had not informed the Connecticut courts of either his subsequent marriage or divorce or of the New Hampshire litigation that had occurred nearly ten years earlier regarding his second marriage. Despite the confusing factual background involved in the underlying matter, the committee came to the inescapable conclusion that Mr. MacFarlane had obtained the Connecticut order, without disclosing important facts to that court, solely to recover the monetary judgment awarded to his second wife by New Hampshire courts nearly ten years earlier. The committee strongly believed that these circumstances did not warrant a bill of address and concluded that the address failed to state a reasonable basis for removal, even if the factual bases stated in the address were accurate. While the committee understands the sponsor's concern for judicial accountability, it firmly believed that the serious nature of an address should not be used as a means by which aggrieved litigants can express their disagreement or dissatisfaction with a single ruling in an isolated case, particularly where significant legal and factual questions exist as to the validity of the litigant's claims. The committee also believed that legislative sponsors should attempt to verify and corroborate the claims of a private proponent of an address to ensure that this serious procedure is not subject to abuse by litigious and recalcitrant individuals. Based on its review of the factual and legal history of the matter before Justice McHugh, the committee found no basis for his

removal and unanimously voted not to recommend the bill of address. Vote 12-0. The committee has voted unanimously not to recommend the address for the removal of Superior Court Justice Kenneth R. McHugh. Part II, Article 73 of the New Hampshire Constitution provides:

The tenure that all commissioned officers shall have by law in their offices shall be expressed in their respective commissions, and all judicial officers duly appointed, commissioned and sworn, shall hold their offices during good behavior except those for whom a different provision is made in this constitution. The governor with consent of the council may remove any commissioned officer for reasonable cause upon the address of both houses of the legislature, provided nevertheless that the cause for removal shall be stated fully and substantially in the address and shall not be a cause which is a sufficient ground for impeachment, and provided further that no officer shall be so removed unless he shall have had an opportunity to be heard in his defense by a joint committee of both houses of the legislature.

The committee does not believe that HA 1 meets the criteria established in the constitution. The conduct described by the 4 items listed in HA 1 does not rise to the level of conduct that requires removal and, therefore, the members do not believe that HA 1 states a reasonable cause for removal.

The committee began by examining Part II, Article 73 with the understanding that the provision was included in our original constitution and amended in 1966 to provide specific due process requirements for the respondent. The committee held an organizational meeting to review and slightly revise the special rules of procedure that had been previously adopted for the purposes of the last bill of address considered by the General Court in 1999. The committee believes that the bill of address is a serious legislative procedure to be used with great care and only in circumstances where there exists a reasonable cause for removal. The committee discussed and formally adopted the Special Rules of Procedure, which include the specific constitutional requirements that the bill of address:

- a) state a reasonable cause for removal;
- b) be fully and substantially stated; and
- c) not be a cause which is sufficient ground for impeachment.

Pursuant to these rules, the committee anticipated holding two hearings to provide the sponsors of the bill, the public, and Justice McHugh with opportunities to testify and present evidence concerning the causes for removal stated in HA 1. Justice McHugh attended the initial hearing held on April 10, 2006. After listening to the testimony of the sponsor, the individual advocating the address, and the public, Justice McHugh asked the committee for an immediate opportunity to respond. He waived his right, under the rules, to present his defense only after receipt of the transcripts of the testimony and further waived his right to allow his designees to present a defense on his behalf. The committee assented to the respondent's request and Justice McHugh presented his response. At the conclusion of the testimony, the committee carefully considered all of the testimony and documents presented to them during the one-day hearing.

The committee unanimously believes that the causes for removal stated in HA 1, as well as the evidence submitted in support of the address, simply do not state a reasonable cause for removal. Although the committee believes that the bill of address is an important legislative tool that ensures a certain level of judicial accountability, members expressed concern that this procedure could be abused, particularly where the stated causes for removal are not fully and substantially stated, are not sufficiently verified, or are not adequately investigated by a sponsor. For these reasons, the committee holds the opinion that an address should not be used as a vehicle to express dissatisfaction or disagreement with a legal ruling in a single, isolated matter. Based on the testimony submitted to the committee, it appeared that HA 1 was premised on this very motivation, without regard to the appellate rights afforded and fully exercised in this matter or the tenuous factual and legal claims articulated by a private

proponent of the address. For these reasons, the committee unanimously voted not to recommend the address for the removal of Superior Court Justice Kenneth R. McHugh.

|                               |                                       |
|-------------------------------|---------------------------------------|
| Vote 12-0 Ought Not to Pass   | April 10, 2006                        |
| Rep. Cynthia J. Dokmo, Chair  | Sen. Robert J. Letourneau, Vice-Chair |
| Rep. Maureen C. Mooney, Clerk | Sen. John S. Barnes Jr.               |
| Rep. Sheila T. Francoeur      | Sen. Lou D'Allesandro                 |
| Rep. Neal M. Kurk             | Sen. Martha Fuller Clark              |
| Rep. John M. Pratt            | Sen. Iris W. Estabrook                |
| Rep. Stephen J. Shurtleff     | Sen. Robert K. Boyce                  |

Rep. Marple spoke against.

Rep. Dokmo spoke in favor and yielded to questions.

#### **MOTION TO SPECIAL ORDER**

Rep. Lars Christiansen moved to Special Order to May 11, 2006.

Motion failed.

The question being adoption of Ought Not to Pass.

Rep. Soltani spoke in favor.

Motion adopted.

#### **BILL REMOVED FROM CONSENT CALENDAR**

##### **SB 371-FN, relative to the continuation of certain wetlands fees. OUGHT TO PASS WITH AMENDMENT**

Rep. Kevin L. Camm for Ways and Means: Wetland application fees are due to rollback from \$0.10 per square foot to \$0.06 per square foot effective July 1, 2006. This bill would maintain the current wetland application fees for four more years at the current level. The committee amendment proposes to maintain the current fees for two more years. The amendment would also require the department to report to the legislature on the status of a variety of permits that they issue. This will provide the next legislature with the information necessary to determine if the fee is too high or too low. Vote 18-0.

#### **Amendment (1905h)**

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

1 Extension of Fee for Excavating and Dredging Permits. Amend 2003, 224:8, I to read as follows:

I. Section 3 of this act shall take effect July 1, ~~2006~~ **2008**.

2 Report Required. The wetlands bureau, department of environmental services shall make quarterly reports, beginning on September 1, 2006, and thereafter on December 1, 2006, March 1, 2007, June 1, 2007, September 1, 2007, December 1, 2007, March 1, 2008, and June 1, 2008 to the speaker of the house of representatives, the president of the senate, the house and senate finance committees, the house and senate ways and means committees, and the appropriate policy committees relative to the permitting process. The report shall include the following categories: Minimum impact, minor impact, major impact, and shoreline structures. In each such category, the report shall include:

I. Number of applications received.

II. Associated fees.

III. Applications waiting for review.

IV. Average number of days required to issue permits.

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

#### **AMENDED ANALYSIS**

This bill extends the current fee for an excavating and dredging permit until July 1, 2008.

This bill requires the wetlands bureau, department of environmental services to make a quarterly report on the permitting process.

Amendment adopted.

Rep. Hellwig spoke against.

Committee report adopted and ordered to third reading.

### SPECIAL ORDER

**SB 399-FN**, relative to the powers of state government in the event of an incident or outbreak of communicable disease. **OUGHT TO PASS WITH AMENDMENT**

Rep. Neal M. Kurk for Finance: This bill authorizes the Commissioner of Health and Human Services, with the approval of the governor, to ration certain drugs and medical equipment, and to close public places during an incident or outbreak of a communicable disease. The Finance Committee amendment restricts the use of such power to an epidemic or pandemic, rather than the less definite and broader communicable disease, and makes clear that any order issued would go into effect before, rather than after, a court challenge. The cost of the bill is indeterminable. Vote 17-2.

### Amendment (1904h)

Amend RSA 141-C:16-a, I as inserted by section 1 of the bill by replacing it with the following:

***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 that threatens to become epidemic or pandemic. 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.

Amend RSA 141-C:16-a, III as inserted by section 1 of the bill by replacing it with the following:

***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. Such order shall be effective immediately, and shall remain in effect in accordance with this section unless the superior court issues a decision directing otherwise.***

Amend RSA 141-C:16-b as inserted by section 2 of the bill by replacing it with the following:

**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. Any person who is aggrieved by orders made by the commissioner and approved by the governor pursuant to this section 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. Such order shall be effective immediately, and shall remain in effect in accordance with this section unless the superior court issues a decision directing otherwise.

Amend RSA 141-C:17-b as inserted by section 3 of the bill by replacing it with the following:

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. Such decisions made by the commissioner and approved by the governor pursuant to this section shall be effective immediately and shall remain in effect in accordance with this section unless the superior court issues a decision directing otherwise.

Amend RSA 141-C:17-c as inserted by section 3 of the bill by replacing it with the following:

141-C:17-c Certain Cost Required. In the event of an outbreak of communicable disease that threatens to become epidemic or pandemic, the commissioner shall pay to the owner the Medicaid rate of any items to be acquired by the department pursuant to RSA 141-C:17-b, at the rate as it was the day prior to the outbreak of the communicable disease that threatens to become epidemic or pandemic.

Amend RSA 141-C:24, I as inserted by section 4 of the bill by replacing it with the following:

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 that threaten to become epidemic or pandemic.

Amend subparagraph III(j) of section 3 of the bill by replacing it with the following:

(j) A member of a fire department, appointed by the Professional Firefighters of New Hampshire.

Amendment adopted.

Rep. Kurk offered floor amendment (2111h).

#### **Floor Amendment (2111h)**

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 and prohibiting New Hampshire from participating in a national identification card system.

Amend the bill by replacing all after section 4 with the following:

5 Prohibition Against Participation in National Identification System. The general court finds that the public policy established by Congress in the Real ID Act of 2005, Public Law 109-13, is contrary and repugnant to Articles 1 through 10 of the New Hampshire constitution as well as Amendments 4 through 10 of the Constitution for the United States of America. Therefore, the state of New Hampshire shall not participate in a national identification card system; nor shall the department of safety amend the procedures for applying for a driver's license under RSA 263 or an identification card under RSA 260:21.

6 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.

This bill also prohibits New Hampshire from participating in a national identification card system.

Floor amendment (2111h) adopted.

Rep. Rosenwald offered floor amendment (2184h).

#### Floor Amendment (2184h)

Amend RSA 141-C:17-b as inserted by section 3 of the bill by replacing it with the following:

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. Such decisions made by the commissioner and approved by the governor relative to any agents or equipment that has not been dispensed or allocated to any individual pursuant to this section shall be effective immediately and shall remain in effect in accordance with this section unless the superior court issues a decision directing otherwise.

Rep. Rosenwald spoke in favor.

Floor amendment (2184h) adopted.

Committee report as amended adopted and ordered to third reading.

#### 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 Thursday, May 11, 2006 at 10:00 a.m.  
Adopted.

## **LATE SESSION**

### **Third reading and final passage**

**SB 374-FN**, relative to the state children's health insurance program.

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

**SB 225-FN-A**, relative to horse and dog racing.

**SB 295-FN**, relative to registration of business entities.

**SB 363-FN-A-L**, prohibiting the department of revenue administration from collecting any communications services tax that is not permissible under federal law; and establishing a commission to study and determine the effect of ceasing the collection of Internet-related communications services tax.

**SB 262**, establishing the position of an administrator of women offenders and family services within the department of corrections, and establishing an interagency coordinating council on women offenders, and making an appropriation therefor.

**SB 306-FN-A**, establishing a quality early learning opportunity initiative and making an appropriation therefor.

**SB 308-FN-A**, making an appropriation for school building aid.

**SB 322**, establishing the business loan enhancement program and relative to the capital asset backed guarantee program.

**SB 339**, changing certain job titles and responsibilities in the department of transportation.

**SB 387**, relative to energy efficiency loans and guarantees by the business finance authority.

**SB 364-FN-A**, relative to funding of the fish and game search and rescue fund and making an appropriation therefor.

**SB 400-FN**, relative to highway welcome signs.

**SB 376-FN-A**, relative to revenues dedicated to the education trust fund.

**SB 371-FN**, relative to the continuation of certain wetlands fees.

**SB 399-FN**, relative to the powers of state government in the event of an incident or outbreak of communicable disease.

## **UNANIMOUS CONSENT**

Rep. Bettencourt addressed the House.

Rep. Belanger requested Rep. Bettencourt's remarks be printed in the Permanent Journal.  
Adopted.

## **REMARKS**

Rep. Bettencourt: Thank you, Mr. Speaker. Honorable members of the General Court. I again have the unwelcome duty to rise before you this afternoon on a sad note. On Tuesday, May 2, 2006, the town of Salem and the state of New Hampshire lost another of its best and brightest citizens. We lost another of our heroes. Marine Lance Corporal Robert Moscillo, a 2003 graduate of Salem High School, died early Tuesday when the Humvee he was riding in struck a land mine and killed him. Robert Moscillo was 21 years old. Robert Moscillo was the son of Frank and Donna Moscillo. He will be remembered as an athletic, spiritual, young man who was considering a career in the church after his service in the Marines. He earned the nickname "Rob the Job", for his physical toughness, mental discipline, and in his unwavering sense of duty to his family and his country. His family remembered, that just as Robert Moscillo always kept an eye out and sought to protect his family, he joined the Marines because he also felt as though he was protecting his country. He joined the Marines because he wanted to make his family proud. In addition, to his sister, his parents, and his

two younger brothers, Robert Moscillo has made us all proud. As you can imagine this is a very difficult time for the Moscillo family, the Salem community, and indeed, all of New Hampshire. May we always be eternally grateful for the sacrifice of Robert Moscillo and all of New Hampshire's heroes who have given the last full measure of devotion to keep us safe and free. This afternoon I could not be more honored and feel more privileged to be a life-long resident of Salem, New Hampshire. Sadly, this is the second hero from Salem who has lost his life in Iraq, but through this tremendous sadness of those losses is a tremendous pride to see the quality and caliber of an individual that our community and our state has produced. May we say of Lance Corporal Lance Moscillo, and all of the men and women of honor and courage who fight to keep us safe across the world, in the words of President Ronald Reagan, "We will always remember, we will always be proud, we will always be prepared so we may always be free." May God bless Marine Lance Corporal Robert Moscillo and all of New Hampshire's fallen heroes. Mr. Speaker, I would respectfully request a moment of silence.

#### **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 4:35 p.m.

**RECESS**