

HOUSE RECORD

First Year of the 160th General Court Calendar and Journal of the 2007 Session

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Concord, N.H.

Thursday, February 15, 2007

No. 17

HOUSE JOURNAL No. 4 (cont.)

Wednesday, January 31, 2007

RECESS

(Speaker Norelli in the Chair)

RESOLUTION

Rep. Foster offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill 925 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 925-FN-A, relative to state and local taxes. (Hamm, Merr 4; Wells, Rock 8; Gould, Rock 5; K. Shaw, Hills 26; Mulholland, Graf 10: Ways and Means)

RECESS

Rep. Wallner moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 5

Thursday, February 15, 2007

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

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

O God of infinite newness, whether it comes on the spectacular heels of a wintry Nor'easter, or simply in a spontaneous moment of insight over a cup of coffee, we thank You for those occasions when You grant to us a vision of things as we've never quite seen them before. You have a way of transforming the ordinary into the extraordinary and dead-ends into possibilities. You turn deserts of emptiness into oases of life. Grant during this special session today, that we might be particularly open to the insights, possibilities and resources You have set before us that we simply hadn't noticed before.

O God whose center is everywhere and whose periphery is nowhere, show us how, in this season of frigid snow days and sometimes frustrating budget deliberations, how we might draw into the center of communal opportunity those women, men and children in our state who find themselves at the periphery. We pray for them and for all whose benefit we are charged with. And we pray for those in our lives who find themselves in places of grief, injury, fear or loss. Bear them up in Your Holy care, we humbly pray. Amen.

Rep. Robert Foose, member from New London, led the Pledge of Allegiance.

The National Anthem was sung by Amanda Odell of Newport, a junior at Newport High School.

LEAVES OF ABSENCE

Reps. Mary Allen, George Brown, Claudia Chase, Cyr, Forsing, Howard, Stephen Johnson, Jane Kelley, Laliberte, McKinney, Mesa, Benjamin Moore, Nagle, Nowe, Shattuck, Barbara Shaw and Francis Sullivan, the day, illness.

Reps. Arsenault, Bulis, Butterworth, Devine, DesRoches, Dumaine, Ferland, Forest, Francoeur, Goley, Griffin, Hilliard, Introne, William Knowles, Kopka, Levasseur, Lovett, Martin, McGuirk, Mears, Miller, Nedeau, O'Keefe, Priestley, Marshall Quandt, Reed, Serlin, Simon, Sorg, Stevens, Tobin, Ulery, Warren and Yeaton, the day, important business.

Reps. Lars Christiansen, Coughlin, John Kelley, McCarthy, Kimberly Shaw and Tholl, the day, illness in the family.

INTRODUCTION OF GUESTS

Gerard Breault, guest of Rep. Hatch. Tracey and Lawrence Bailey, Hugh and Jacqueline Odell, family of the singer, guests of the House. Masaki Hitosugi and Bill Miller, guests of Rep. Watson. Robert Ehlers, husband of Rep. Ehlers.

RESOLUTION

Reps. Wallner and Whalley offered the following:

RESOLVED, that the House inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of hearing the Budget Address given by His Excellency, Governor John H. Lynch.

Adopted.

SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of hearing Governor John H. Lynch deliver his budget message.

JOINT CONVENTION (Speaker Norelli presiding)

The Sergeant-at-Arms introduced the Honorable Senate and Senate President, Sylvia B. Larsen from Concord.

BUDGET ADDRESS

His Excellency, Governor John H. Lynch, addressed the Joint Convention.

Good Morning and welcome to winter in New Hampshire. Madam Speaker, Madam Senate President, Honorable members of the House, Senate, and my fellow citizens of this great state of New Hampshire:

I am pleased to present to you today a balanced, honest and fiscally responsible budget – one that addresses our state's priorities without new taxes. This is a budget that uses taxpayer dollars wisely to meet state government's most fundamental responsibilities: caring for our most vulnerable citizens; educating our children; strengthening our economy; protecting our environment and natural resources; and ensuring the safety of our citizens.

In balancing this budget, we faced significant challenges. Non-discretionary costs – costs we are obligated to fund – increased by \$300 million. Benefit costs alone, including retirement costs for state employees increased by \$95 million. The state contribution toward retirement costs for local teachers, firefighters, and police officers increased by \$38 million over the biennium. Costs for our retirees' health insurance increased by \$19 million.

To balance this budget, we made tough choices. We cut agency budget requests by \$291 million. We asked agencies to justify every dollar, to be more efficient and to direct more of their resources to areas that directly serve our citizens. Traditionally agencies have kept vacant positions on their books as a way of returning money to the general fund at the end of the year. Funding long-term vacant positions makes no sense, which is why we eliminated 321 vacant positions – most vacant more than six months, some vacant for as long as six years.

We estimated revenues carefully, assuming modest economic growth. They are sound estimates, consistent with historic trends. We invested in increased advertising dollars for the Liquor Commission, Lottery and tourism promotion to increase expected revenues. And we funded auditor positions at the Department of Revenue Administration.

As a state, we receive monthly revenue reports and we continually debate revenue projections. But we need to do a better job of tracking expenses on a statewide basis. That's why I have asked Commissioner Hill to develop expense reports, similar to the revenue reports, which will be available for our review monthly.

I have enormous respect for the jobs that our state employees do, and I want them to have high-quality health care. But the current growth in benefit costs is just not sustainable. As we begin negotiations on a new two-year collective bargaining agreement, we must work in partnership with our employees to control the growth in these costs.

To cushion against further emergencies and to protect our state's bond rating, this budget sends the entire expected surplus from this biennium, about \$15 million, into the Rainy Day Fund. This will increase our Rainy Day Fund to \$80 million, up from just \$17 million in 2005.

A strong economy is essential to the vitality of our state and the lives of our citizens, and this budget helps foster continued economic growth here in New Hampshire.

It maintains our investment in the small business development centers, the Industrial Research Center, and increases travel and tourism advertising by \$500,000 over the biennium.

To encourage innovative companies to create jobs here in New Hampshire, the budget allows us to institute a research-and-development tax credit.

A strong infrastructure, including quality roads and bridges and alternative transportation such as buses and rail, is critical to our economic growth, to public safety, and to the quality of life of our residents.

Financial management problems at the Department of Transportation have delayed completion of the state audit for fiscal year 2006. As I prepared my budget, I still had only an estimate of the deficit in the highway fund. I have nominated Chuck O'Leary, a former

commissioner of DOT, to provide interim leadership to the Department, and my first charge to him is to finish the audit so that the legislature may have better information as you do your work. But one thing is clear. State agencies must stop using the highway fund like an ATM. We need to revisit which agencies receive highway funds, and for what purpose. We need to restore financial accountability and oversight of the highway fund and I look forward to working with you on that important effort.

We have fallen behind on some road projects and the longer that we delay fixing our roads and bridges the more expensive the repairs will be to our taxpayers.

This budget allows us to move forward on critical road projects, including the expansion of Interstate 93. It also proposes bonding \$60 million over the biennium. This will balance the highway fund's budget and let us make long-term changes to the financial management of the highway fund. It will also allow us to accelerate important projects. With this budget, we will be able to nearly double – up to 57 – the number of critical and red-listed bridges to be repaired. Expanding highways is not the only solution to reducing congestion in New Hampshire. That is why this budget helps fund bus services across New Hampshire. And the capital budget includes \$1 million to support and spur the return of rail service to Southern New Hampshire.

The rising cost of energy is one of the major challenges facing our economy. Developing alternative energy sources is an economic opportunity for our state. I have set a goal of ensuring that 25 percent of our energy comes from renewable sources by 2025. This budget strengthens our Office of Energy and Planning to help us meet that goal. It will allow the office to better work with the legislature to improve our state's energy policies; to attract renewable energy companies to New Hampshire; and to help our businesses become more energy efficient.

Every family in New Hampshire deserves a safe and healthy home, but we know that many families are increasingly finding themselves priced out of the New Hampshire market. A 2005 study estimated that New Hampshire lost 2,800 potential jobs a year because of a shortage in workforce housing. State government can help by assisting local communities in developing zoning ordinances that preserve local character while at the same time promoting workforce housing. That is why this budget dedicates a state planner to helping local communities on workforce housing issues, and provides \$400,000 over the biennium for a pilot grant program to help communities expand workforce housing here in New Hampshire. An estimated 20,000 New Hampshire citizens are homeless during the course of a year.

With this budget, we will begin work to remove one of the major barriers to homeless families finding permanent housing. This budget provides \$400,000 over the biennium to establish a Revolving Loan Fund to provide security deposits for homeless families. Let's help more New Hampshire families find homes to call their own.

Education is perhaps the most important investment we make in our state's economic future. A strong workforce is one of the best recruiting tools we have for attracting new businesses to New Hampshire. And the quality of education that we offer to our children will determine the quality of opportunities they have later on in life. We must meet our responsibility for public education here in New Hampshire, and that begins with defining an adequate education.

On Monday, I joined with a bipartisan coalition of lawmakers to propose a definition based on the curriculum frameworks and our existing school approval standards. I believe that this definition is a good starting point, and I look forward to working on it with the legislature and with the people of New Hampshire. Once we have completed a definition of an adequate education, we must ensure that every community has the resources it needs to provide that education for its children. To do that, we need the flexibility to target aid – lifting up the communities that are struggling to provide a quality education. That is why I will soon present to you a constitutional amendment that allows us to target aid, affirms the state's responsibility for education, and ensures that the state cannot walk away from that responsibility.

Now I do not believe that we should put in place a new school funding formula until we have defined an adequate education and passed a constitutional amendment. Nor do I believe we should simply go forward with the current law. Under the current law, some communities would see dramatic swings in the amount of aid that they receive, undercutting our goals and principles of sustainability and predictability, which should be an integral part of any school funding solution. We should not subject our communities to these major changes when we know that we will put in place a new school funding law at the end of this biennium. That is why this budget guarantees for the next two years every community will receive the same amount of education aid they received this year, plus an increase of five percent. This interim measure will allow our communities to plan and will give the legislature the time necessary to develop a better and more permanent education funding solution. Adequacy grants are only one part of what we spend on education as a state. This budget fully funds state building aid, fully funds catastrophic aid, and fully funds tuition and transportation aid. In addition to adequacy aid, we will spend more than \$191 million on education grants to our schools.

A high school diploma is the minimum price of admission for most jobs in New Hampshire. Without high school diplomas our young people will not have the opportunities that they deserve for better lives, and our state will not have the educated workforce it needs in order to compete in the global economy. Right now, nearly 20 percent of our students are dropping out before they graduate from high school. This budget invests the resources necessary to help turn these young lives around by providing real alternatives for students who don't do well in traditional classrooms.

This budget provides \$4 million to increase tutoring and one-on-one assistance to help at-risk students stay in school; it expands access to our career and technical educational centers; it expands our investment in night school and in apprenticeship programs. And the capital budget provides more than \$13 million for renovations at the regional vocational schools in both Manchester and Exeter. In all, we will spend more than \$54 million in state and federal funds this biennium on alternative programs to help keep our kids in school. This budget provides the resources to help our young people stay in school. Now we must show that we have the will to help make it happen. We must increase New Hampshire's compulsory attendance age from 16 to 18 this year.

Now we know students who receive quality early learning opportunities are more likely to finish school and succeed later in life. The legislature recognized that last year by creating the Quality Early Learning Initiative. This budget continues and expands that effort with \$1 million of funding each year. And, this budget provides the first increase in state funding for Head Start since 2000.

We must continue to work to strengthen our public colleges and universities and to make sure that the door to higher education in New Hampshire is open to every student who works hard. Two years ago, we created a new financial aid program to help New Hampshire students who receive the maximum Pell grant to attend the University of New Hampshire, Plymouth or Keene State for no additional tuition cost in their first year. This budget maintains that commitment and expands it to sophomores and juniors. In addition, this budget provides \$196 million over the biennium, or a \$16 million increase, to keep the University System strong and to hold tuition increases to a minimum.

Project Running Start, run by New Hampshire's Community Technical College System, opens the door to college for many students. It allows high school students to take college-level classes right at their own local schools. They can earn credits that are transferable to colleges across the nation. That's why this budget provides the funding necessary to double the number of students enrolled in Project Running Start.

Our community technical college system plays a critical role in the training of our workforce and in expanding opportunities for our citizens. This budget invests in strengthening our community technical colleges and in keeping them affordable with an additional \$10 million over the biennium. To keep our public colleges and universities vibrant, we must also make

sure that they have up-to-date facilities. That is why the capital budget keeps the promise that we made to the University System and provides \$39.5 million to continue to upgrade its academic buildings. And it provides \$17 million in general funds, and \$32 million overall, to the community technical college system, including money to build a health education technology center in Nashua; to build a health education center in Concord; and to renovate the Pease campus.

As a state we have a responsibility to care for our most vulnerable citizens. This budget preserves and strengthens our commitment to those with the greatest need. I want to make sure all New Hampshire seniors have the chance to live their lives with the dignity and the respect that they deserve. That's why this budget funds Meals on Wheels, wheelchair van transportation and increases by \$5.4 million funding to help more of our seniors stay in their own homes and in their own communities.

We need to increase our capacity to help care for people with developmental disabilities, to give them the opportunity to live their lives to the fullest. That is what this budget allows us to do, by providing the funding necessary to eliminate the expected developmental disabilities waitlist over the next four years. Last year, a tragic fire in Tilton killed three people with developmental disabilities and their caregiver. After that fire, I asked the Fire Marshal and the Department of Health and Human Services to develop recommendations for improving the safety of these group homes. This budget provides funding to begin implementing these recommendations, making group homes for the developmentally disabled safer.

With access to the right medication and assistance, people diagnosed with HIV and AIDS can live long and productive lives. The federal government recently cut funding that helped New Hampshire citizens living with AIDS receive transportation and food and most importantly medication assistance. This budget replaces those funds by providing \$1 million each year. Every child in New Hampshire should have access to health insurance. Health insurance for children is relatively inexpensive, and it will save us money in the long term. We all pay when families are forced to seek more-expensive emergency room care; when preventable illnesses turn into chronic diseases; and when children aren't healthy enough to learn in school. This budget expands outreach so that more families know about Healthy Kids Children's Health Insurance Program and can get the help that they need to enroll.

Children's Health Insurance is a smart investment for our state, and the right thing to do for our kids. And with this budget, over the next three years, we will be able to provide health insurance to an additional 10,000 children.

Lead paint poisoning remains one the most dangerous – yet preventable – public health hazards for our children. It is time that we take action to reduce the incidence of lead paint poisoning in children, and this budget provides the funding to do just that. This fall I established a Lead Poisoning Task Force to make recommendations as to how we can strengthen our laws. Now, I ask this legislature to adopt the recommendations of the Task Force. When one child is found with lead poisoning, the Department of Health and Human Services should be allowed to inspect all the units in that building. And inspections should be triggered when the damage to children's health begins, at 10 micrograms per deciliter – just as the Centers for Disease Control recommends.

We want more of our families to move from welfare into sustainable employment. We should help them, by removing some of the barriers they face. Families need transportation to get back and forth to work. They need safe child care for their children. That's why this budget increases transportation assistance and child care co-pays for people working to leave welfare. Let us come together to give our families the helping hand that they need to build better lives for themselves.

We owe our veterans a huge debt, and this budget meets our commitment to provide them with the care and respect that they deserve. It increases funding for the Veterans Home by \$10 million over the biennium to hire new direct care staff, to pay for medication, and to care for an additional 50 veterans. Our veterans sacrificed to protect us, let us show them our

gratitude.

And to fund these critical health and human service programs and other services, this budget also includes a 28-cent increase in the tobacco tax. This proposal keeps the rate of our tobacco tax well below that of our neighboring states. And it also allows us to accomplish an important public health goal – deterring young people from smoking.

One of the most fundamental duties of state government is to protect the safety of our citizens. I recently created the New Hampshire Crime Commission to make comprehensive recommendations on how we can improve public safety here in New Hampshire. But there are steps that we must take now to protect our citizens. Despite our growing population, New Hampshire has too few state troopers patrolling our roads and assisting our local police departments. That is why this budget funds the seven new trooper positions we created last year and will add six additional state troopers over the biennium.

I believe we must crack down on the crimes of the 21st century. I am working with the Attorney General on legislation to toughen penalties on people who use the Internet to prey on our children. We must recognize these crimes present new challenges to prosecutors and law enforcement. To help our police departments and local prosecutors do everything possible to protect children, this budget funds a new Internet Crimes Prosecutor.

We must strengthen New Hampshire's Department of Corrections. New Hampshire recently lost a lawsuit because the state failed to meet commitments it made in 1993 to better care for mentally ill prisoners. This budget provides the funding necessary to better meet our legal obligations.

We must also develop a secure psychiatric center to house people who are civilly committed and present an ongoing danger to our community. A study committee recommended using the Tobey School on the grounds of the New Hampshire Hospital for this purpose. I have questions about whether this is the right location, whether it will meet our state's long-term needs, and whether the high cost of its conversion is the best value for our taxpayers.

We need a strategic plan for our Corrections System. The Women's Correctional Facility in Goffstown is inadequate. The Lakes Region Facility needs major capital repairs. The men's prisons in Concord and Berlin are overcrowded. That is why this budget funds a study of all of our corrections facilities to develop a master plan and to recommend the best option for a secure psychiatric facility. But we must begin work now. We built the Northern Correctional Facility to allow it to be easily expanded. And this budget includes \$10 million to begin work this biennium expanding the prison in Berlin.

In the aftermath of the October and Mother's Day floods, I was impressed by the work of our Dam Bureau at the Department of Environmental Services – their knowledge and dedication helped save lives. But we need to do more, however, to make sure our dams are safe. This budget will allow us to increase inspections and maintenance of dams. And the capital budget funds repairs to nine state-owned dams. This budget also moves responsibility for Fish and Game dams to the Department of Environmental Services, both to make management of state-owned dams more efficient and to help address the Fish and Game Department's budget.

Hunting and fishing are important recreational activities for our families and attract visitors to New Hampshire. It's important to me, and important to our economy, that we protect the long-term interests of hunting and fishing and wildlife habitat conservation in our state.

New Hampshire's Fish and Game Department faces financial challenges. We balanced its budget by eliminating long-term vacant staff positions – as we did at many other agencies; reducing the agency's expenses; and by instituting an auction for moose hunting permits, as our neighboring states of Maine and Vermont already do. The budget does not lay off any Fish and Game employees. It preserves Conservation Officer positions, even those which are currently vacant, and protects the core functions of Fish and Game. It keeps the Fish and Game fund in the black through this biennium, while we continue to work on how to best serve the interests of New Hampshire's hunters and fishermen for the long-term, and on the right model to achieve that goal.

As Governor, I have the opportunity to visit every part of New Hampshire. I continue to be awed by our state's natural beauty – its mountains, forests, lakes, rivers and Seacoast. Our environment is part of what makes New Hampshire so special, and is a vital economic asset to our state. This budget commits to protecting our environment and natural resources for the future. It funds more than \$32 million in environmental grants to communities to help them maintain their clean water and to protect their water supplies.

As our state's population continues to grow, some of our most beautiful places are in danger of being lost to us forever. That is why this budget recommits to the Land and Community Heritage Investment Program with a \$12 million investment over the biennium.

We also must care properly for those historic treasures already entrusted to the custody of the state. From the Robert Frost Home in Derry to the Wentworth Coolidge Mansion, some of our most historic places are falling into disrepair. This budget funds a new Bureau of Historic Resources to help maintain and preserve New Hampshire's history.

I believe that our state parks are treasures; treasures that provide countless hours of enjoyment for our citizens and for our visitors. We must continue to work to make sure that our state park system is vibrant, and meets the demands of our population – as we did last year when we created a new ATV park in Berlin. This budget provides the funding necessary to help purchase Temple Mountain and to add it to the state park system.

Last year, this legislature created a study commission to address how we meet our responsibility to protect our parks for future generations. And we must look at making a long-term commitment to upgrading our state parks here in New Hampshire. And this budget begins that investment and implementing the commission's recommendations, with \$6 million in capital funds to begin repairs and renovations at our state parks across the state – it's the first system-wide capital investment in our parks since 1963.

I would like to take a moment to thank my budget director, Linda Hodgdon for all the great work that she did in helping to prepare the budget – I don't think she has slept in three months.

Our work on this budget is one of the most important things that we will do together in the next two years. It is through the budget that we establish our priorities for the upcoming two years. I look forward to working closely with all of you to set the course for a stronger and for a better New Hampshire. I am confident that under the able leadership of the Speaker and Senate President and your finance chairs, you will give this budget a fair hearing and work with me and each other to make smart, fiscally responsible choices for New Hampshire's future.

Working together, Democrats and Republicans, we will enact an honest and balanced budget – a budget that invests in our future and puts the needs of our people first. Thank you all very much.

Rep. Wallner and Sen. Foster moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

HOUSE SESSION (Speaker Norelli in the Chair)

The Speaker reconvened the House session.

MOTION TO VACATE

Rep. Pantelakos moved that the House vacate the reference of **HB 584**, raising the age of minority for juvenile delinquency proceedings from 17 to 18 years of age, to the Committee on Criminal Justice and Public Safety.

Adopted.

The Speaker referred HB 584 to the Committee on Children and Family Law.

COMMITTEE REPORTS CONSENT CALENDAR

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

HB 105, repealing the parental rights and responsibilities and child support impact seminar requirement, removed by Rep. Rochette.

HB 58, requiring municipalities to establish volunteer civilian police review boards, removed by Rep. Timothy Robertson.

HB 230, relative to the use or occupation of public ways, removed by Rep. Jasper.
Consent Calendar adopted.

HB 80, relative to breast-feeding. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel C. Itse for Children and Family Law: The committee found that the proposed amendment to the law would be no more protective of nursing mothers and their children than the current law. The committee believes the public will be better served by education of new mothers and proprietors. Therefore, the Chair shall write a letter on behalf of the committee to organizations such as the NH Hospital Association, the NH Retailers Association and the LaLeche League that, while there is a necessity for discretion, to restrict or limit the right of a mother to breast-feed her child in public is discriminatory in the State of New Hampshire. Vote 18-0.

HB 86, establishing a committee to study educational and social services programs that serve families with children 6 years old and younger. **OUGHT TO PASS.**

Rep. Anne C. Grassie for Children and Family Law: The committee established by this bill will study program governance, mission, funding, eligibility criteria and participation, location and service area and methods of accountability. The intent is to ensure a more effective use of resources. Vote 18-0.

HB 44, relative to the authority of animal control officers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: The bill came in inserting animal control officer into the law to clarify who had authority other than law enforcement over animals running at large, or creating a nuisance. The committee removed the wording animal control officer and replaced it with "or any other person authorized by the town." This is the only change in the law. Vote 18-0.

Amendment (0029h)

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

AN ACT relative to the authority of authorized persons to take custody of nuisance dogs.

Amend the bill by replacing section 1 with the following:

1 Dogs a Menace; Custodial Authority of Authorized Persons. Amend RSA 466:31, III(b) to read as follows:

III.(a) Any person who fails, by appropriate action including but not limited to restraining an animal from running at large, or otherwise effectively abating a nuisance found such under the provisions of this section, or who fails to comply with any other provisions of this section after being so ordered, shall have the person's dog taken into custody by the police of the city ~~[or]~~, constable of the town, **or other person authorized by the town** and such disposition made of the dog as the court may order.

Amend the introductory paragraph of RSA 466:31-a, II as inserted by section 2 of the bill by replacing it with the following:

II. Any person who violates any of the provisions of RSA 466:31 shall be liable for a civil forfeiture, which shall be paid to the clerk of the town or city wherein such dog is owned or kept within 96 hours of the date and time notice is given by any law enforcement officer **or**

other person authorized by the town to the owner or keeper of a dog in violation of RSA 466:31. If the forfeiture is paid, said payment shall be in full satisfaction of the assessed penalty. The forfeiture shall be in the amount as specified for the following violations:

AMENDED ANALYSIS

This bill allows persons authorized by the town to take custody of nuisance dogs.

HB 114, relative to the statement of purpose in the statewide education improvement and assessment program. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Timothy Dunn for Education: The committee voted to ITL this bill by a bipartisan vote of 14-2. This bill would change RSA 193-C:1 by taking the word “democracy” out of the statute to be replaced by “our constitutional republic pursuant to Article IV, Section IV of the Constitution of the United States of America.” It is the consensus of the committee that the word “democracy” should remain. Vote 14-2.

HB 167, relative to areas of assessment required under the statewide improvement and assessment program. **OUGHT TO PASS.**

Rep. J. Timothy Dunn for Education: This bill is a request of the Department of Education. As a result of No Child Left Behind (NCLB) and Frameworks, current statutes need to be updated. Specific changes occur in RSA 193-C:5 adding civics and economics to the list of tested areas as well as some grammatical changes. Also changed is RSA 193-C:6. This change reflects current testing in grades 3 through 8 and one year in high school. Vote 18-0.

HB 34, establishing a committee to study barbering and barbering training. **INEXPEDIENT TO LEGISLATE.**

Rep. Russell C. Day for Executive Departments and Administration: The purpose of this bill was to formulate a study commission to examine the availability of barbering instruction in the State of New Hampshire. Currently, there is another bill which addresses the concerns brought up in testimony regarding this bill as well as other aspects of barber training. The conclusion of the committee was that the other bill was more conclusive and therefore this bill is inexpedient to legislate. Vote 17-1.

HB 54, establishing a commission to study automobile recycling issues, including disposal fees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carl G. Robertson for Executive Departments and Administration: This bill is similar to HB 573 from 2006 which was passed by the Environment and Agriculture Committee with a vote of 18-0 and passed the House on the consent calendar. The bill eventually went to a committee of conference. However, no conference report was filed. The committee heard strong testimony on the complex hazards the modern automobile presents to individuals and the environment. Information from the Department of Environmental Services indicated that this problem will become worse as more and more modern cars are taken off the road. The committee felt that it is important for the state to be ahead of this problem and not react after the damage has been done. A study commission would allow us to bring all potential issues before the people. The results from this commission study will determine future legislation. The original bill was amended to add one member of the Northeast Resource Recovery Association to replace one member from New Hampshire the Beautiful on the commission. It was also felt that the commission’s findings should be reported to the Executive Departments and Administration Committee and the Environment and Agriculture Committee as well as the Speaker of the House, President of the Senate and the Governor. Vote 19-0.

Amendment (0017h)

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

AN ACT establishing a commission to study automobile recycling issues.

Amend the bill by replacing section 1 with the following:

1 Commission Established. There is established a commission to study automobile recycling issues.

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

(k) One representative from Northeast Resource Recovery Association, appointed by said association.

Amend the bill by replacing section 3 with the following:

3 Duties. The commission shall study the adequacy of the state's regulatory system and the industry infrastructure currently used to recycle and dispose of end-of-life motor vehicles and to make recommendations for change and determine if current practices are adequate to protect the environment.

Amend the bill by replacing section 5 with the following:

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the chairperson of the house executive departments and administration committee, the chairperson of the environment and agriculture committee, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007.

AMENDED ANALYSIS

This bill establishes a commission to study automobile recycling issues.

HB 43, relative to the procedure for establishing medicaid reimbursement rates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles E. McMahon for Health, Human Services and Elderly Affairs: This bill provides for a reporting method for work done by the Department of Health and Human Services in the review and setting of Medicaid reimbursement rates. Further, the bill provides for clarity and transparency to ensure that rate increases for Medicaid services provided to New Hampshire citizens are reviewed in a timely manner. To that end, the bill requires a biennial report to the legislature as well as yearly reports to the Health and Human Services Oversight Committee to ensure this goal is achieved. In addition, the bill will allow Medicaid service providers and others an accessible forum within the department to address and propose rate adjustments that will promote a competitive and viable future for these important service resources. However, the one and two year provider reviews as detailed within the bill are not intended to replace or revise existing rate setting reviews as provided for in existing statute such as the current six month review of nursing home rates provided for in RSA 151-C. Vote 19-0.

Amendment (0005h)

Amend the introductory paragraph of RSA 126-A:18-b, I as inserted by section 1 of the bill by replacing it with the following:

I. Every 2 years, the department of health and human services shall review Medicaid reimbursement rates based on:
Referred to the Committee on Finance.

HB 137, relative to food safety in restaurants. **OUGHT TO PASS.**

Rep. James P. Pilliod for Health, Human Services and Elderly Affairs: The purpose of this bill is to establish a program of certified food protection managers in restaurants. The risk of food borne illness produced by new infectious agents and larger at risk populations requires increased protection through the efforts of the certified protections manager program which supplements the existing New Hampshire state food protection visits. This program shall not apply to the following non-profit entities which do not offer regularly scheduled weekday meal service: extracurricular school events, non-profit sporting events, religious activities and non-profit service organizations. The New Hampshire Lodging & Restaurant Association, local health personnel, the New Hampshire Food Safety Alliance, and United

Grocers all support this bill. There is no fiscal note required. Vote 17-0.
Referred to the Committee on Executive Departments and Administration.

HB 148, establishing a commission to study pharmaceutical costs and the 340B Drug Pricing Program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank G. Case for Health, Human Services and Elderly Affairs: This bill establishes a commission to study the feasibility of expanding the use of the 340B Federal Drug Pricing Program for low income, under-served populations, which may also be available to state and county inmates. This program offers discounts significantly greater than Medicaid for certain pharmaceuticals. There is also potential to serve some Medicaid patients. The amendment stresses the cost saving possibilities and also instructs the New Hampshire Board of Pharmacy to appoint a pharmacist with experience in 340B areas. Vote 18-0.

Amendment (0091h)

Amend the bill by replacing section 1 with the following:

1 Commission Established. There is established a commission to study obtaining greater efficiencies and cost savings in public pharmaceutical costs through increased participation in the federal 340B Drug Pricing Program with particular emphasis on Medicaid and inmate populations.

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

(i) A representative of a 340B contract pharmacy, appointed by the New Hampshire pharmacy board.

AMENDED ANALYSIS

This bill establishes a commission to study obtaining greater efficiencies and cost savings in public pharmaceutical costs through increased participation in the federal 340B Drug Pricing Program.

HB 113-FN, relative to interference with constitutional and lawful rights. **INEXPEDIENT TO LEGISLATE.**

Rep. Anthony R. DiFruscia for Judiciary: The bill attempts to make it a felony for anyone to interfere with another's constitutional and lawful rights. Although the bill is well-intended, the committee believes the bill was too loosely drawn. The present laws of both the state and federal government already enhance punishment for offenders of constitutional and lawful rights of individuals. Vote 19-0.

HB 162, relative to liability for costs, fees, and certain expenses incurred by a defendant where the court finds the defendant's conduct is justifiable. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B. Richardson for Judiciary: The committee feels that the payment of attorneys' fees and other damages should remain in accordance with existing law. The bill fails to adequately define the conduct that would justify an award of attorneys' fees and costs and the bill does not apply equally to plaintiffs and defendants. Vote 17-0.

HB 42, requiring zoning ordinances to encourage preservation or restoration of stone walls. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jessie L. Osborne for Municipal and County Government: This bill, as amended, would encourage the preservation and restoration of stone walls with an exception to prevent the impediment of agricultural uses. The committee believes that the state of New Hampshire is historically well known for its stone walls. Stone walls are considered a tourist attraction, and therefore legislation should encourage, not mandate, their preservation or restoration by putting this concept in statute. Vote 17-1.

Amendment (0020h)

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

AN ACT relative to resource protection sections of local master plans.

Amend the bill by replacing section 1 with the following:

1 Master Plan; Optional Sections; Resource Protection; Stone Walls. Amend RSA 674:2, III(h) to read as follows:

(h) A section which identifies cultural and historic resources and protects them for rehabilitation or preservation from the impact of other land use tools such as land use regulations, housing, or transportation. ***Such section may encourage the preservation or restoration of stone walls, provided agricultural practices are not impeded.***

AMENDED ANALYSIS

This bill allows the optional resource protection section of a local master plan to include encouragement of the preservation or restoration of stone walls.

HB 63, allowing counties to regulate conflicts of interest in elected and appointed county officers and employees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L. Patten for Municipal and County Government: The amendment states that the “conflict of interest” ethics code needs to cover county officials, employees or their agents as well as the executive branch of government. The bill, as amended, mirrors the language in RSA 21-G:22. The committee felt that this code of ethics regarding conflict of interest needs to be placed in RSA 30-A which covers “Restrictions and Prohibitions for County Officials.” Vote 19-0.

Amendment (0023h)

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

AN ACT relative to conflicts of interest involving county officers and employees.

Amend RSA 30-A:3 as inserted by section 1 of the bill by replacing it with the following:

30-A:3 Conflict of Interest. All county officers, employees, or agents thereof shall avoid conflicts of interest. County officers, employees, or agents thereof shall not participate in any matter in which they, or their spouse or dependents, have a private interest which may directly or indirectly affect or influence the performance of their duties.

AMENDED ANALYSIS

This bill requires county officers, employees, and their agents to avoid conflicts of interest.

HB 72, relative to the payment of municipal sewage assessments. **OUGHT TO PASS.**

Rep. Larry Brown for Municipal and County Government: This housekeeping bill, prepared at the request of the Winnepesaukee River Basin Program (WRBP) with membership agreement, changes certain assessment and payment adjustment dates to bring current practice in compliance with statute and meet accounting standards with no additional cost or financial penalty to the municipalities served by the WRBP sewage deposit facilities. Vote 17-0.

HB 107-L, authorizing towns to charge property owners for solid waste removal. **OUGHT TO PASS.**

Rep. Bennett F. Moore for Municipal and County Government: This bill allows towns which charge for solid waste removal to place liens on properties and to use other collection techniques to collect such costs when invoices issued for such service are not paid by the property owner. Vote 17-0.

HB 111, relative to county employment for Sullivan county. **INEXPEDIENT TO LEGISLATE.**

Rep. Eric G. Stohl for Municipal and County Government: What this bill does is to require the Sullivan County Commissioners to get permission from the executive committee of the

county delegation prior to establishing or hiring any management or superintendent position. In addition, the bill requires a majority vote of the executive committee and the county commissioners to employ a person for those positions. The only testimony in favor of the bill came from the sponsor. There was testimony from the county administrator that the sponsor failed to consult with any county administrator in reference to the bill. There was testimony from a Sullivan county commissioner and representative that opposed the bill stating that the current system in Sullivan County is working very well. The committee feels that passing this bill would be interfering with the duties of the county commissioners to manage their county affairs. Vote 14-0.

HB 115, relative to the procedure for counties to apply for, accept, and expend federal, state, or other grants. **OUGHT TO PASS.**

Rep. Larry Brown for Municipal and County Government: This bill clarifies and mandates the chain of command knowledge, acceptance, and approval by the county commissioners of grants from any source and further specifies that such funds be expended only under the terms of the grant and only with the oversight permission and agreement of the commissioners. This bill would prevent departments from accepting grants which might further encumber the county for additional expenses without the commissioner's knowledge. Vote 15-1.

HB 197, relative to a tax credit for service-connected disability. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: This bill would provide for an optional pro-rated tax credit administered at the local level. The committee would like to be on the record that we all owe a debt of gratitude to all our veterans – disabled or not. Currently the veteran credits are listed in RSA 72:28 which covers veterans and surviving spouses of qualifying wars. Last year these exemptions were updated to include any war or armed conflict that has occurred since May 8, 1975. The federal Department of Veterans Affairs regulates the percentage and rating of any disability. The New Hampshire veteran tax credits are listed in RSA 72:35 which covers veterans with service-connected total disabilities. If a veteran is not eligible for this tax credit, then there are exemptions at the local level that can be applied for – elderly, disabled, blind, deaf – and deferral of property tax payments. Also, the local governing body under their statutory authority for “just cause” may grant another avenue for relief. This bill would require that the local officials track all the changes, which are many, made by the federal government for varying amounts of time which is changed often. The committee felt that work in the past four years has given the balance between the veteran's needs and the needs of the taxpayers that will pick up the shifted cost. Vote 15-1.

HB 198-FN, relative to collection of taxes on land with a discretionary easement and relative to the calculation of penalties applied to tax-deeded properties. **OUGHT TO PASS.**

Rep. Timothy Butterworth for Municipal and County Government: This bill clarifies the RSAs relating to the way a town computes the 15% tax lien penalty or a penalty on discretionary easements. The law as now written states that the assessed value of the land will be adjusted by the most recently available equalization ratio, which might be several years and thousands of dollars different from the equalization ratio of the year the property was deeded. This bill requires that towns use the ratio for the same year as the tax deed. Vote 16-0.

HB 96-FN-A, relative to the replacement of the Neil Underwood bridge over the Hampton River and making a capital appropriation. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Graham for Public Works and Highways: This bill would have appropriated \$40 million in bonded funds for the replacement of a bridge over the Hampton River. The

bonds would have been repaid through a toll on the bridge. The committee felt that the issue of replacing this bridge should be taken up in the state's 10 Year Transportation Plan. This plan is currently under review and will be taken up by the General Court in 2008. Vote 15-0.

HB 108-FN-A, making a capital appropriation for Merrimack district court facility improvements. **INEXPEDIENT TO LEGISLATE.**

Rep. Gene G. Chandler for Public Works and Highways: This bill deals with making a capital appropriation for the Merrimack District Court. The testimony before the committee established the Merrimack facility was the third priority for the Judicial Branch. These types of issues should be dealt with within the content of the capital budget which will be before the legislature this session. The Merrimack Court facility will be discussed along with other court proposals during the capital budget bill process and the sponsors are welcome to provide testimony at that time. Vote 15-0.

HB 124, establishing a committee to study enhancing electricity infrastructure. **INEXPEDIENT TO LEGISLATE.**

Rep. Gene F. Andersen for Science, Technology and Energy: This bill seeks to establish a committee looking to the future electrical needs of the state. The committee noted that these issues are being currently reviewed comprehensively by the Energy Policy Commission created by the legislature in the 2006 session with report due December 2007, as well as by the permanent Energy Policy Advisory Board and the Public Utilities Commission. The committee therefore, feels that the intent of this legislation is currently being fully addressed. Vote 13-0.

HB 104-FN, relative to renewal of drivers' licenses by certain national guard members. **OUGHT TO PASS.**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: It is an undue hardship to force deployed guardsmen and women to take time out to renew their drivers' licenses in the middle of a demanding or hazardous deployment. Many places such as car rental, check cashing or airports require a valid driver's license. The cost to the DMV and the State of New Hampshire is so minimal it is just the right thing to do. This would grant deployed National Guard personnel the same status as active duty New Hampshire service members serving outside the state when their license comes up for renewal. Vote 13-0.

HB 161, renaming the Veterans Administration Hospital the Styles Bridges Veterans Administration Hospital. **INEXPEDIENT TO LEGISLATE.**

Rep. Alfred P. Baldasaro for State-Federal Relations and Veterans Affairs: There was an error in drafting this proposal. The sponsor intended it to be a House Concurrent Resolution. The General Court does not have the authority to name federal buildings. A resolution to our US congressmen would be appropriate, especially as one of them is presently working on naming the Manchester VA Hospital after Styles Bridges. The proposal will be re-filed as an HCR. Therefore this bill is Inexpedient to Legislate. Vote 13-0.

HCR 2, urging the federal government to establish a post office and a zip code in the town of Lee. **OUGHT TO PASS.**

Rep. Lawrence M. Kappler for State-Federal Relations and Veterans Affairs: The major concern is emergency information is dispatched by zip code. Without its own zip code, Lee only receives emergency information destined for Durham. During the recent flood, Lee failed to receive critical emergency information due to having the Durham zip code. Lee's population has increased 20% since 2000. The Durham Post Office is very busy, has long lines, inadequate parking and is 12 to 15 miles from residents' homes. Vote 15-0.

REGULAR CALENDAR

HB 126, relative to the definition of "school." **OUGHT TO PASS.**

Rep. J. Timothy Dunn for Education: This bill is a request of the Department of Education. The state school board took action relating to school standards by building more flexibility into the length of the school year. The school year can now be computed in hours to allow a district more leeway in scheduling. The changes occur in RSA 189:1 and RSA 189:2, both having to do with the length of the school year. Vote 14-3.

Committee report adopted.

Ordered to third reading.

HB 173-FN-A, relative to the promotion, acquisition, and retention of a large animal veterinarian in the north country, and making an appropriation therefor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Virginia L. Heard for the Majority of Environment and Agriculture: The majority determined that our state has a shortage of veterinarians that provide care for large animals, particularly in the counties of Coos, Carroll, Grafton, and Belknap. This bill proposes an educational cost reimbursement program. This financial incentive will apply to veterinarians who agree to establish a large animal practice in the state of New Hampshire and maintain that practice for a period of three years. This program is similar in nature to business R & D startup cost reduction programs that the legislature has supported in the past. The bill originally proposed that the program be specific to the four northern and western counties. Because the same need exists in other areas of the state, the bill was amended to extend the program to the entire state, based on need and with consideration given to Coos, Carroll, Grafton and Belknap counties, where it was determined the greatest need exists. The program will be administered by the state veterinarian, and a non-lapsing fund will be created to hold both appropriated and donated monies for the program. Part of our discussion, which convinced the committee that this bill should go forward, involved a concern about the possible outbreak of transmittable animal disease, either through natural causes or as the result of bioterrorism. Veterinarians in private practice are our first line of defense in identifying and controlling these threats. Vote 16-2.

Rep. Steve Vaillancourt for the Minority of Environment and Agriculture: Although this bill, if passed, has to go to the Finance Committee where it will receive further review, the Minority of Environment and Agriculture could not let it go even this far without noting strong opposition. Having the state reimburse a "large animal" veterinarian a portion of his education costs establishes a very bad precedent. The free enterprise system should determine how many veterinarians exist and how much they need to charge for services to stay in business. If the state starts paying to bring in veterinarians, what is next? Paying to educate art or science teachers? Paying to educate dentists? How about paying to educate nurse practitioners? Regardless of the cost involved, never has a slope been as slippery as the one this bill sets us upon. The State Veterinarian, in fact, testified that "large animal" veterinarians have as much opportunity to recoup their education costs in private practice as do small animal veterinarians. The state should not be in the business of helping out one particular type of enterprise at the expense of all others. Proponents of this bill, not content with simply flying in the face of capitalism, felt the need to argue that this bill would help stop the spread of mad cow disease or equine encephalitis. If we are counting on this bill to protect us in that regard, we are only fooling ourselves. Socialized medicine is one thing; socialized veterinary medicine is quite another; socialized veterinary medicine for only large animals is yet a further step toward a truly socialist state which the minority shudders in asking our state to take.

Majority Amendment (0085h)

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

AN ACT relative to the promotion, acquisition, and retention of a large animal veterinarian in those areas of the state where there is a need, and making an appropriation therefor.

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Large Animal Veterinarian Education Repayment Program. Amend RSA 425 by inserting after section 24 the following new subdivision:

Large Animal Veterinarian Education Repayment Program

425:25 Large Animal Veterinarian Education Repayment Program Established. The state veterinarian shall administer a program for the promotion, acquisition, and retention of a large animal veterinarian in the state in those areas where there is a need, with special consideration given to the counties of Coos, Carroll, Grafton, and Belknap. A qualifying veterinarian shall have at least 35 percent of his or her veterinary practice devoted to large animal veterinary medicine.

425:26 Application; Repayment. An individual who has completed his or her veterinary medical education, including internships and residencies, and agrees to practice as a licensed veterinarian in an area of this state where there is a need which may include Coos, Carroll, Grafton, and/or Belknap counties, may apply to the state veterinarian for repayment under the large animal veterinarian education repayment program and have reimbursed up to 20 percent of his or her qualifying veterinary education costs for each 3 full years of practice agreed to.

425:27 Fund Established. There is hereby established in the office of the state treasurer a fund to be known as the large animal veterinarian education repayment fund. The fund shall include any sums appropriated for such purpose. In addition, the state veterinarian is authorized to accept public sector and private sector grants, gifts, or donations of any kind for the purpose of funding the provisions of this subdivision. The moneys in this fund shall be nonlapsing and shall be continually appropriated to the department of agriculture, markets, and food. The fund may be expended by the state veterinarian to accomplish the purposes of this subdivision. The state treasurer may invest moneys in the fund as provided by law, with interest received on such investment credited to the fund.

425:28 Administration; Rulemaking. The state veterinarian shall adopt rules, pursuant to RSA 541-A, relative to procedures, eligibility, and qualifications for applicants, qualifying educational costs, criteria for terms of service by a large animal veterinarian, procedures for repayment of education costs, and the administration of the program by the department of agriculture, markets, and food.

AMENDED ANALYSIS

This bill establishes the large animal veterinarian education repayment program for the promotion, acquisition, and retention of a large animal veterinarian in those areas of the state where there is a need, including the north country. This bill makes an appropriation to the program.

Rep. Vaillancourt spoke against.

Rep. Itse spoke against and yielded to questions.

Reps. O'Connell, Snow and Essex spoke in favor.

Majority amendment adopted.

The question now being the adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

YEAS 191 NAYS 127

YEAS 191

BELKNAP

Pilliod, James

Russell, David

Wood, Jane

CARROLL

Bridgham, Robert
Heard, Virginia

Buco, Thomas
Knox, J. David

Butler, Edward

Cunningham, Howard

CHESHIRE

Allen, Peter
Chase, William
Lerandeau, Alfred
Plifka, Stanley Jr
Sad, Tara

Burridge, Delmar
Dunn, J. Timothy
Loll, Thomas
Richardson, Barbara
Weber, Lucy

Butcher, Suzanne
Eaton, Daniel
Mitchell, Bonnie
Roberts, Kris
Weed, Charles

Butynski, William
Espieffs, Peter
Parkhurst, Henry
Robertson, Timothy

COOS

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Merrick, Scott

Theberge, Robert

GRAFTON

Aguiar, James
Cooney, Mary
Hammond, Lee
Nordgren, Sharon

Almy, Susan
Estes, Carole
Harding, A Laurie
Pierce, David

Benn, Bernard
Friedrich, Carol
McLeod, Martha
Preston, Philip

Bleyler, Ruth
Gionet, Edmond
Mulholland, Catherine
Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin
Brunelle, Michael
Cote, Peter
Essex, David
Garrity, Patrick
Hansen, Ryan
Jean, Claudette
Lasky, Bette
Lisle, Carolyn
Martineau, Jesse

Beaulieu, Jane
Campbell, David
Daler, Jennifer
Fontas, Jeffrey
Gorman, Mary
Harvey, Suzanne
Kaelin, Michael
Leishman, Peter
Long, Patrick
Matarazzo, Anthony
Sr

Beck, Catriona
Clemons, Jane
Day, Russell
Foster, Linda
Hackel, Paul
Holden, Randolph
Knowles, John
Lessard, Rudy
Mack, Ron
Messier, Irene

Bergin, Peter
Cote, David
Edwards, Andrew
Gargas, Carolyn
Hammond, Jill
Irwin, Anne-Marie
Knowles, Mary Ann
Levesque, Melanie
Marshall, Seth
Movsesian, Lori

O'Brien, Michael Sr
Pilotte, Maurice
Smith, Sandra

O'Connell, Timothy
Reuschel, Michael
Sullivan, Daniel

O'Neil, James
Rochette, Eric
Sysyn, Mary

Peterson, Andy
Rosenwald, Cindy
Velez, Hector

MERRIMACK

Baxley, Maureen

Beauchesne,
Suzanne

Bouchard, Candace

Brown, Carole

Brueggemann, Donald
DeStefano, Stephen
Greco, Vincent
Kidder, David

Clarke, Claire
Ehlers, Eileen
Hager, Elizabeth
Kjellman, Eleanor
Glynn

Davis, Frank
Foote, Robert
Hamm, Christine
Oliver, James

DeJoie, John
French, Barbara
Kelly, Sally
Osborne, Jessie

Owen, Derek
Richardson, Gary
Tupper, Frank
Wheeler, Deborah

Porter, Margaret
Ryan, Jim
Wallner, Mary
Williams, Robert

Potter, Frances
Shurtleff, Stephen
Walz, Mary

Reardon, Tara
Tilton, Joy
Webb, Leigh

ROCKINGHAM

Borden, David
Casey, Kimberley
Grote, Otto
McEachern, Paul
Nord, Susi
Russell, Trink
Winchell, George

Brown, C. Pennington
Day, Judith
Johnson, Robert
McKenna, Daniel
Pantelakos, Laura
Snow, Richard
Buxton, Donald
DiFruscia, Anthony
Kennedy, James
Moody, Marcia
Powers, James
Splaine, James

Cali-Pitts, Jacqueline
Flockhart, Eileen
Kepner, Susan
Moore, Bennett
Robertson, Carl
Wells, Roger

STRAFFORD

Berube, Roger
Burke, Rachel
Hofemann, Roland
Perry, Robert
Schmidt, Peter
Wall, Janet

Brennan, William
DeChane, Marlene
Hutz, Sarah
Rollo, Deanna
Smith, Marjorie
Brown, Julie
Fargo, Thomas
Kaen, Naida
Rollo, Michael
Sprague, Dale

Brown, Larry
Grassie, Anne
Mickelonis, Shawn
Rous, Emma
Vachon, Dennis

SULLIVAN

Cloutier, John
Gagnon, Raymond
Nielsen, Ellen

Converse, Larry
Gottling, Suzanne
Skinder, Carla
Donovan, Thomas
Houde, Matthew

Franklin, Peter
Jillette, Arthur Jr

NAYS 127

BELKNAP

Allen, Janet
Heald, Bruce
Tilton, Franklin

Boyce, Laurie
Millham, Alida
Wendelboe, Fran
Clark, Charles
Morrison, Gail
Whalley, Michael

Flanders, Donald
Thomas, John

CARROLL

Ahlgren, Christopher
Merrow, Harry

Brown, Carolyn
Patten, Betsey
Chandler, Gene

Denley, William

CHESHIRE

Emerson, Susan

Hunt, John
Johnson, Jane

Pelkey, Stephen

COOS

Remick, William

Stohl, Eric

GRAFTON

Andersen, Gene

Eaton, Stephanie
Ingbertson, Paul

Matheson, Robert

HILLSBOROUGH

Barry, Richard
Clark, Mark
Drisko, Richard
Fletcher, Richard
Haley, Robert
Hunter, Bruce
L'Heureux, Robert

Batula, Peter
Crane, Elenore Casey
Elliott, Nancy
Ginsburg, Ruth
Hawkins, Ken
Infantine, William
Lawrence, James
Bergeron, Jean-Guy
Daniels, Gary
Emerton, Larry
Graham, John
Hinkle, Peyton
Jasper, Shawn
Manney, Pamela

Christensen, Chris
Dokmo, Cynthia
Farley, Michael
Haefner, Robert
Hogan, Edith
Kurk, Neal
Mooney, Maureen

Ober, Lynne
Renzullo, Andrew
Soucy, Connie
Tahir, Saghir

Ober, Russell III
Rowe, Robert
Spaulding, Jayne
Vaillancourt, Steve

Price, Pamela
Schulze, Joan
Spratt, Stephen
Villeneuve, Maurice

Reeves, Sandra
Smith, David
Stepanek, Stephen
Winters, Joel

MERRIMACK

Anderson, Eric
Humphries, Charlie

Blanchard, Elizabeth
Lockwood, Priscilla

Gile, Mary
MacKay, James

Hess, David

ROCKINGHAM

Abbott, Dennis
Bettencourt, David
Case, Frank
Emiro, Frank
Garritty, James
Headd, James
Kappler, Lawrence
Major, Norman
Pearson, Mark
Stiles, Nancy
Weyler, Kenneth

Baldasaro, Alfred
Bishop, Franklin
Charron, Gene
Fesh, Bob
Gleason, John
Hopfgarten, Paul
Katsakiores, George
Marsh, Michael
Quandt, Matthew
Waterhouse, Kevin
Wickson, Rick

Bedrick, Jason
Camm, Kevin
Dalrymple, David
Flanders, John Sr
Gould, Kenneth
Ingram, Russell
Katsakiores, Phyllis
McMahon, Charles
Reagan, John
Weare, Everett

Belanger, Ronald
Carson, Sharon
Elliott, Robert
Garcia, Marilinda
Guthrie, Joseph
Itse, Daniel
Lund, Howie
Packard, Sherman
Sanders, Elisabeth
Welch, David

STRAFFORD

Billian, Deborah
Spang, Judith

Brown, Jennifer
Watson, Robert

Domingo, Baldwin

Goodwin, Earle

SULLIVAN

Rodeschin, Beverly
and the majority committee report was adopted.
Referred to the Committee Finance.

HB 85, establishing a study committee on awarding the deferred compensation contract to AETNA/ING. **INEXPEDIENT TO LEGISLATE.**

Rep. Alida I. Millham for Executive Departments and Administration: The Deferred Compensation Plan under RSA 101:B offers public employees an opportunity to set aside tax deferred dollars apart from the "retirement system." This bill asked for a study committee composed of legislators to study the contracting process that led to the contract with AETNA/ING. The contract will be re-bid in 2008. The Deferred Compensation Plan Commission is composed of: state treasurer; commissioner of administrative services; insurance commissioner or designee; attorney general or designee, secretary of state or designee, one unclassified state employee; one public member at large; one non-classified legislative employee and member of Deferred Contribution Plan. After an in-depth hearing on the subject that explored the history of the plan, the issues regarding the contract process with ING, the class action suit against ING, and the current status of the plan, the committee determined that a study committee was not necessary at this time. Vote 14-5. Committee report adopted.

HB 101, relative to annual training for members of the workers' compensation appeals board. **OUGHT TO PASS.**

Rep. James F. Headd for Executive Departments and Administration: The bill seeks to reduce the annual training in workers compensation law from 20 hours to 10 hours. Members of the board are continually given training in New Hampshire law as court

decisions are rendered and as legislation changes the governing law. In addition, they will now take additional training in academic courses totaling 10 hours annually. There are not enough academic programs available to fill a 20 hour program as required under current law. In order for additional academic programs to be made available, outside assistance would be required by way of hiring speakers or taking the members of the board to a program that may even be held out of state. No money is budgeted for the purpose at this time. The committee felt that in view of the professional make up at the board and the training and background required for membership that 10 hours was adequate. Vote 14-5.

Rep. Espie spoke against and yielded to questions.

Rep. Headd spoke in favor and yielded to questions.

Rep. Irwin spoke in favor.

Committee report adopted.

Ordered to third reading.

HB 41, relative to human immunodeficiency virus education, prevention, and control.
ought to pass with amendment.

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill, introduced at the request of the Department of Health and Human Services, is supported by the New Hampshire Medical Society and the Dartmouth Hitchcock Medical Center. The bill updates the existing statute relative to human immunodeficiency virus education, prevention and control. It repeals three provisions that are archaic, were never implemented and are superseded by OSHA and CDC regulations. In addition, the amendment adds explicit patient consent to current CDC regulations pertaining to HIV/AIDS testing. Further, it decreases burdensome paperwork by physicians while making the consent process come into line with other medical tests. Vote 19-0.

Amendment (0022h)

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 5:

3 Consent for Testing. Amend the section heading and the introductory paragraph of RSA 141-F:5 to read as follows:

141-F:5 ~~[Informed]~~ Consent for Testing; Exceptions. ~~[Except as provided in this section, no]~~ A physician or advanced registered nurse practitioner licensed or registered to practice in this state, ~~[no]~~ **an** employee of a health care facility licensed under RSA 151, whether paid or unpaid, and ~~[no]~~ **an** employee of a blood bank, blood center, plasma center, or agency which receives blood donations, whether paid or unpaid, may test ***when the patient has consented*** for the presence of an antibody or antigen to a human immunodeficiency virus ~~[unless the person being tested consents after being informed about the medical interpretations of positive and negative test findings and the applicable provisions of RSA 141-F:7 and 141-F:8]~~ ***in accordance with the most current testing and consent recommendations of the Centers for Disease Control and Prevention.*** Testing without consent may occur in the following situations:

4 Informed Consent. Amend RSA 141-F:6 to read as follows:

141-F:6 Testing.

I. The department, or agencies operated by or under contract with the department, shall offer laboratory testing, in accordance with RSA 131, for the presence or absence of antibodies or antigens of the human immunodeficiency virus. ~~[Each sample for testing shall be submitted with a statement signed by a physician, or by a person authorized by a physician to sign, attesting that the patient has consented to the test in accordance with RSA 141-F:5.]~~

II. All other laboratories, public or private, which test human blood or any other business or organization, public or private, which tests human blood, tissue, or other samples as part of its operations may offer to test samples for the presence or absence of antibodies or

antigens of the human immunodeficiency virus. [~~Such laboratories or other such businesses or organizations shall require that any sample for testing be submitted with a written statement signed by a physician, or a person authorized by a physician to sign, attesting that the patient has given informed consent as required under RSA 141-F:5.~~]

AMENDED ANALYSIS

This bill repeals certain provisions of the law relative to human immunodeficiency virus education, prevention, and control.

This bill also authorizes certain persons to test for the presence of an antibody or antigen to the human immunodeficiency virus in accordance with the Centers for Disease Control and Prevention's recommendations.

Amendment adopted.

Committee report adopted.

Ordered to third reading.

HB 103, establishing a commission to study the state highway trust fund. **OUGHT TO PASS.**

Rep. David B. Campbell for Public Works and Highways: Given the eroding condition of New Hampshire's state and municipal roads and bridges, the committee overwhelmingly believes that a commission is necessary to study the Highway Trust's funding and revenue needs. This commission will be charged with scrutinizing the funding levels required for the 10 Year Highway Plan, maintenance ("betterment") of the state's highway infrastructure, municipal highway block grants and state bridge aid, and to then report its findings back to the Legislature by November 1, 2007. Vote 15-2.

Committee report adopted.

Ordered to third reading.

HB 122, naming a bridge in the town of Henniker after Russell M. Durgin. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A. Graham for Public Works and Highways: Sergeant Russell M. Durgin gave his life in defense of his country on 13 June 2006. The committee unanimously supports the naming of this bridge in his town in honor of this American hero. The amendment simply added the word "Sergeant" to the name of the bill. Vote 16-0.

Amendment (0040h)

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

AN ACT naming a bridge in the town of Henniker after Sergeant Russell M. Durgin.

Amend the bill by replacing section 1 with the following:

1 Town of Henniker; Sergeant Russell M. Durgin Bridge. Pursuant to RSA 4:43, the Route 114 bridge that spans Route 202 in the town of Henniker is hereby named the Sergeant Russell M. Durgin Bridge.

AMENDED ANALYSIS

This bill names the Route 114 bridge that spans Route 202 in the town of Henniker in honor of Sergeant Russell M. Durgin.

Amendment adopted.

Committee report adopted.

Ordered to third reading.

BILLS REMOVED FROM CONSENT CALENDAR

HB 105, repealing the parental rights and responsibilities and child support impact seminar requirement. **INEXPEDIENT TO LEGISLATE.**

Rep. Anthony P. Matarazzo for Children and Family Law: Child support impact seminars were designed for parents to promote awareness of the harm they may unknowingly inflict on their children during divorce proceedings. Children can become embroiled in the battle

when parents try to gain their sympathy or support by discrediting their partner. This disrupts the children's feelings to the people they love the most and can cause considerable emotional damage to the child. The testimony was clear that child support impact seminars should not be repealed. Of the over 4,300 participants who were surveyed, 65% felt the seminars were very helpful and only 1% felt it was not. 83% believe the seminars should be required. Vote 18-0.

Rep. Rochette spoke against.

Rep. Gile spoke in favor.

Committee report adopted.

HB 58, requiring municipalities to establish volunteer civilian police review boards.

INEXPEDIENT TO LEGISLATE.

Rep. Eric G. Stohl for Municipal and County Government: This bill would require the governing body of each municipality to establish a volunteer civilian police review board. This bill would also give this civilian board very broad powers to hold meetings at such times and places and according to such procedures as it deems necessary for the purpose of hearing complaints regarding law enforcement officers or law enforcement activities within the municipality. Civilian police commissions are now in many municipalities within the state. These police commissions allow three members of the municipality to do the same duty that this bill tries to do. The police commissions are bound by RSA 91-a, that governs personnel matters. These volunteer civilian police review boards would not be so bound under this bill. While the committee believes in holding accountable practices and actions of police officers, we do not believe that this bill is necessary. Vote 18-0.

Rep. Timothy Robertson spoke against.

Rep. Theberge spoke in favor.

Committee report adopted.

HB 230, relative to the use or occupation of public ways. **INEXPEDIENT TO LEGISLATE.**

Rep. Bennett F. Moore for Municipal and County Government: This bill would remove the ability of towns to assess property taxes on the use or occupation of the public way. Such ability was affirmed by a 2004 State Supreme Court decision and the bill would effectively reverse that decision. The committee believes that it is inappropriate to limit the town's ability in this matter. Vote 16-0.

Rep. Jasper spoke against.

Committee report adopted.

RESOLUTION

Rep. Wallner offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 21, 2007 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 86, establishing a committee to study educational and social services programs that serve families with children 6 years old and younger.

HB 44, relative to the authority of authorized persons to take custody of nuisance dogs.

HB 167, relative to areas of assessment required under the statewide improvement and assessment program.

HB 54, establishing a commission to study automobile recycling issues.

HB 148, establishing a commission to study pharmaceutical costs and the 340B Drug Pricing Program.

HB 42, relative to resource protection sections of local master plans.

HB 63, relative to conflicts of interest involving county officers and employees.

HB 72, relative to the payment of municipal sewage assessments.

HB 107-L, authorizing towns to charge property owners for solid waste removal.

HB 115, relative to the procedure for counties to apply for, accept, and expend federal, state, or other grants.

HB 198-FN, relative to collection of taxes on land with a discretionary easement and relative to the calculation of penalties applied to tax-deeded properties.

HB 104-FN, relative to renewal of drivers' licenses by certain national guard members.

HCR 2, urging the federal government to establish a post office and a zip code in the town of Lee.

HB 126, relative to the definition of "school."

HB 101, relative to annual training for members of the workers' compensation appeals board.

HB 41, relative to human immunodeficiency virus education, prevention, and control.

HB 103, establishing a commission to study the state highway trust fund.

HB 122, naming a bridge in the town of Henniker after Sergeant Russell M. Durgin.

UNANIMOUS CONSENT

Rep. Larry Brown addressed the House.

PERSONAL PRIVILEGE

Rep. Tahir addressed the House.

RECESS MOTION

Rep. Wallner moved that the House stand in recess for the purpose of receiving Senate messages.

Adopted.

The House recessed at 12:45 p.m.

RECESS