

HOUSE RECORD

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

Vol. 29

Concord, N.H.

Wednesday, February 21, 2007

No. 19

HOUSE JOURNAL No. 5 (cont.)

Thursday, February 15, 2007

Rep. Wallner moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 6

Wednesday, February 21, 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 Guest Chaplain, Reverend David P. Jones.

It strikes me as too bad that the way that we celebrate the lives of two of our greatest Presidents is by combining their birthdays to create a three-day weekend on which you can purchase mattresses and tires at a reduced rate.

Do you ever wonder how people will remember and observe your service in this place during these days looking back?

Let me remind you this morning that as long as you offer your honest self to the work that is before you, it does not really matter one bit how you will be remembered. In the first place, your honest self is all you've got. Secondly, your honest self is always good enough. So offer that, but remember those in whose steps you follow.

Wise, wonderful, observant One, let each of us feel the gentle weight of Your eyes resting upon us this day. May we find the humility and the strength to offer only the best that is within us – our honest selves. Amen.

Rep. Julie Brown, member from Rochester, led the Pledge of Allegiance.

The National Anthem was sung by Glinda Allen of Hooksett.

LEAVES OF ABSENCE

Reps. George Brown, DesRoches, Forsing, Hopfgarten, Oliver, Splaine and Francis Sullivan, the day, illness.

Reps. Berube, Blanchard, Butterworth, Buxton, Claudia Chase, DeChane, Domingo, Dumaine, Farley, Forest, Francoeur, Introne, McGuirk, Nagle, Serlin and Yeaton, the day, important business.

Reps. Lund, Benjamin Moore and Kimberly Shaw, the day, illness in the family.

INTRODUCTION OF GUESTS

Brian Ramey and Deb Cross, friends of the singer, guests of the House. John Woodhull, Heidi, Devin and Shane Finnegan, husband, sister, niece and nephew of Rep. Skinder. Ellen, Stephane and Michael Hazera, sister, brother-in-law and nephew of Rep. Christine Hamm. Hon. Betsy Shultis, former member from Portsmouth, guest of the Portsmouth delegation. Alex DiFruscia, grandson of Rep. DiFruscia. Henry Trachy, guest of the Speaker.

RESOLUTION

Reps. Wallner and Whalley offered the following:

RESOLVED, that the House of Representatives inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of attending to an address by Chief Justice John T. Broderick, Jr. on the state of the Judiciary.

Adopted.

SENATE MESSAGE

The Senate is ready to meet with the Honorable House of Representatives in Joint Convention for the purpose of attending to an address by Chief Justice John T. Broderick, Jr. on the state of the Judiciary.

JOINT CONVENTION

(Speaker Norelli presiding)

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

INTRODUCTION OF SPECIAL GUESTS

The Sergeant-at-Arms introduced the following special guests: The Honorable Robert J. Lynn, Chief Justice of the Superior Court. The Honorable Edwin W. Kelly, Administrative Judge of the District Courts and Family Division. The Honorable John A. Korbey, Supervisory Judge of the Rockingham County Family Division. The Honorable David D. King, Administrative Judge of the Probate Courts. Executive Councilors Beverly A. Hollingworth and Raymond J. Wieczorek. His Excellency, Governor John H. Lynch. The Honorable John T. Broderick, Jr., Chief Justice of the New Hampshire Supreme Court.

STATE OF THE JUDICIARY ADDRESS

The Honorable John T. Broderick, Jr., Chief Justice of the New Hampshire Supreme Court addressed the Joint Convention.

Madam Speaker, Madam President, Governor Lynch, distinguished members of the House and Senate, my judicial colleagues, leaders of the State Bar and honored guests: I stand here today as the Chief Justice of a judicial system buffeted by change and confronted with both new challenges and new opportunities. The state courts have been fortunate to have

extraordinary judges, masters and staff who are doing all they reasonably can do with the resources they have to ensure that the courts remain relevant, adaptive and responsive in this new century. But I would be less than candid this morning if I did not tell you that the state courts are under great strain. Each year we deal with more than 225,000 cases. Our staff of 596, most of whom I have gotten to know, all of whom I respect, have stepped up every single time I have asked them to, but there are limits and I believe we have reached them.

Almost everything around us is changing, often faster than we would like, and the courts need to change, too. I believe the train for this new century is leaving and we need to catch it. We are, in my view, at a critical crossroads and all of you in this great Hall will largely decide the future of the state courts and whether they will remain meaningfully open to all of our citizens and whether they will deliver timely justice. The challenge facing the state courts today is more daunting than it has ever been in my almost 12 years on the Supreme Court, but with your assistance and your support, all of us in the Judicial Branch are committed to success.

I am anxious, personally anxious to work with all of you in this legislative session to ensure that justice in our state is truly open and available to all who seek it. In my judgment, at the start of this century, we need to be bold and farsighted in our vision and our actions for the state court system. Many people who you and I will not know and likely never meet are depending on us to make sure the courts are available to them when they need them. My model of a court system is like the local emergency room; you hope never to go there, but when you go there you want to make sure the doctors and the nurses can help you.

Marching in place, in my view, will no longer allow the justice system to meet its responsibilities, maintain public trust and confidence and fulfill the fundamental promises of our constitution.

When I assumed my new position as Chief Justice in 2004, I committed myself publicly to do all that I could to make justice more accessible, affordable and understandable. We are making real progress on that front. I also committed the Judicial Branch to transparency, cooperation and dialogue with the other branches of government and I believe we are standing by that commitment while at the same time honoring the independence the people of our state enshrined in Part I, Article 37 of our state constitution.

Our branches of government, yours and mine, in the discharge of their respective duties, from time to time experience awkward disagreements and conflicting points of view. Those moments are never pleasant, but they are part of the fabric of our democracy and in my view should not keep us from our larger mission. The New Hampshire constitution requires all branches of government, mine included, to cooperate and that all of us have a shared responsibility and commitment to our fellow citizens and to effective government. I am honored to be here this morning, genuinely honored to be in this Hall and I am here in the spirit of cooperation and common dedication that all of us have to the people of our state.

Let me tell you, as briefly as I can, what has transpired over the last two years before I identify the four great challenges that I see to the administration of justice and to the people of our state who use the justice system.

Two years ago the family division was in two counties and eight locations. Today, through the tireless efforts of Judges Kelly, Carbon and Korbey, their administrators and their staff, the family division will be in eight counties and 22 locations before this year is out. It represents the largest single change in the court system in a generation. It was a change initiated by this Legislature and is intended to better serve the families who face challenge, change and hardship. I am proud of our progress, of our judges, our masters and staff who have made that progress possible.

Two years ago we had no mediation in any of our district courts. Today, because of your assistance, before this month is done we will have mediation in virtually every district court site in New Hampshire for small claims cases. There are 17,000 of those cases filed every year. Many of the cases are settling. Mediation is proving a successful alternative to

appearing before a judge. It gives parties both a stake and a hand in crafting a mutually acceptable solution. Parties who design their own results are more likely to live by them and it saves us money. Going forward I would like to see mediation more broadly used on a lot of district court issues and I am convinced that the expansion of ADR will pay dividends for both the people and the courts. I welcome your ideas. I need your help to make that happen. In family division sites today, mediation plays a central role in crafting parenting plans - your idea - and helps keep the focus on children when a marriage dissolves. In the probate court where new Administrative Judge David King is now presiding, mediation is more popular than ever – and more effective than ever.

At my request, Justice Dalianis of the Supreme Court chaired a committee, which had legislative representation, to study the thoughtful use of expanded ADR throughout the Judicial Branch. The committee had broad representation, including Judges Morrill and Conboy of the Superior Court, and focused much of its attention on infusing the Superior Court with re-invigorated statewide alternative dispute resolution beyond the voluntary program; the voluntary program that exists in only four of our ten counties. The plan that they devised is based on what is currently on the ground and operating successfully in the state of Maine, not the state of California, the state of Maine, where one of the justices on the Maine Supreme Court told me it was the single best initiative they undertook in the Maine state court system. We'd like to undertake it in New Hampshire. I am confident that after public input on the proposed changes, and with your financial help, we can adopt a comparable system in New Hampshire in this calendar year. We need to build off-ramps for people. We need to build off-ramps for people in the court system and ADR expansion is absolutely critical to that mission.

In our budget, we requested a \$137,500 in fiscal year 2008 to open a system-wide Judicial Branch Office of ADR. It would have one full time administrator and would have one staff person. My expectation is that in 2009 that office would be largely self-funded through registration fees and small transaction fees. It would be the best investment you could make in the future of the state courts and it may only require one year. It's essential that we have someone in the wheelhouse monitoring quality and consistency in ADR and it won't happen without that office and I am confident that the private marketplace would welcome it. It's long overdue. It is an opportunity we cannot afford to miss.

I just came back ten days ago from a Chief Justice meeting in New Orleans where this topic was discussed among the fifty Chief Justices in this country. I am persuaded beyond certainty that you cannot have a state court system in the 21st century without alternative dispute resolution being a critical component.

Because incarceration is not always the best answer in every delinquency or criminal case, the Judicial Branch, through private grant money, now has both juvenile and adult drug courts in several district court locations and one Superior Court location. The drug courts are helping some people to turn their lives around, stay with and support their families and ultimately become productive citizens. The counties should embrace drug courts and may ultimately be agreeable to paying for them because they lessen the overall cost of incarceration. Saving money and saving lives makes sense to all of us and we need to expand the number of problem-solving courts to be certain this happens. I encourage you to help us. I need your input. I need your support.

Thanks to action in this legislature in 2002, Cheshire County over in Keene has a mental health docket for non-violent offenders. It costs more to incarcerate someone in the Cheshire County House of Correction than to medicate that same person appropriately so he or she can stay in the community with their families, report regularly to the courthouse and hopefully retain employment. Sound justice in the 21st century and sound economics are not polar opposites. The Nashua District Court, on their own initiative, established a mental health court docket recently and I congratulate Judges Leary and Bamberger for seeing the future and acting on it. We need to expand these dockets around the state of New Hampshire. Their time is here. Their promise is great.

In the Superior Court, Chief Justice Lynn has adopted individual docketing. Cases go to specific judges and stay with those judges until the cases are concluded. His leadership in that area has improved efficiency and judicial accountability. For the first time ever, the Superior Court now has a weighted caseload. Cases are given certain weight depending on how long they should take to complete. The study is done by the National Center for State Courts in Williamsburg, Virginia. We have weighted caseloads in the District Court and the Probate Court and for the first time we have it in the Superior Court and it will allow us and you, more importantly, to know what judge time is needed to handle the dockets we have. And the weighted caseload study, recently completed, shows the need for two new Superior Court judges even after all of the divorce cases and domestic violence cases are removed from the Superior Court. A vibrant Superior Court, in my judgment, is essential to the welfare of our citizens in this new century. I hope you will support our request for these judges. They are desperately needed.

More recently, Judge Lynn and I have been discussing the establishment of a "business court docket" in a central Superior Court location to give more specialized and timely attention to disputes between and involving businesses. They exist now in about fourteen states on the East coast. Some months ago I was in Salt Lake City. I had five minutes with a Justice of the North Carolina Supreme Court in the lobby. I said, "Tell me something you are doing in North Carolina that we should be doing in my state." He asked, "You have a business court docket don't you?" I said, "No, but I'd like one." He said, "The businesses of North Carolina like it, the Governor of North Carolina likes it because when he's going out to entice businesses to come to North Carolina they say how is your court system?" It matters. The business court docket would be an opt-in system. It would improve customer service and I am convinced will be well received by the businesses in our state. I'm also of the view there is no downside risk in trying. The cost is de minimis, the value is substantial.

In June 2006, the Citizens Commission, which we appointed in April 2005, provided thoughtful and far-reaching recommendations on the needs and challenges confronting the state courts. It's an extraordinary piece of work, if you haven't read it I recommend you read it. The 100 citizens were comprised of people who were non-lawyers and non-judges. Two-thirds of them were non-lawyers and non-judges. It was chaired by two very dedicated citizens, Will Abbott, who some of you may know and Kathy Eneguess. They proceeded with no agenda. They had no restrictions on the questions they asked. There was no member of the Supreme Court on the commission and we did not channel or direct their activities. The report makes 30 recommendations, from technology enhancement to criminal justice reform, to customer service, to staffing needs, to case processing. These are our fellow citizens who looked at the courts. And their report was the basis - their report was the bases of much of our strategic plan and budget for the next six years. In fact, for the first time in the history of the state court system, when we had a two-day retreat to talk about the needs of the court and the budget requirement of the court going forward, we selected a non-lawyer, non-judge member of the Citizens Commission to chair and facilitate that retreat. I commend the work product of that Commission to you. It reflects the wisdom of our fellow citizens and does an outstanding job of mapping the needs of the court system going forward. Long after I am no longer Chief Justice, the court system will have needs. It's not about the judges; it's about the people of our state.

More than two years ago the Supreme Court appointed a committee to study public access to court documents. It was a diverse committee and included members of this Legislature. The committee suggested rule changes on public access and they will soon go out for public comment. And I expect by the end of this year we will have a new and comprehensive policy on public access to court documents which will protect personal and confidential information in which people have a legitimate and reasonable expectation of privacy. I want to open up the courts. I want the courts to be as transparent as you have a right to expect them to be. Finally, this court system is developing a new case management system which was a direct result of your generous appropriation a few years ago. It's currently in 13 district courts. It

will eventually be at all 45 trial courts around the state. At every courthouse when that's completed there will be at least one public access terminal so the public can access forms, court files and related information without ever going to the counter. It's called the Odyssey system. The Odyssey system will eventually allow for remote access so you won't need to come to the courthouse for some information and it will serve as a platform for future electronic filing which they currently have, by the way, in the United States District Court and the Federal Bankruptcy Court. And the world in which all of us live our daytime lives is expecting that more and more. The Odyssey system will also serve as a great source for data retrieval and will ensure uniformity of process in all of our courts and allow you, allow you, the peoples elected Representatives to make sure the courts are acting as productively and efficiently as you have a right to expect. I know I have taken a lot of your time, but I would like to take a few more minutes to tell you what I think the four great challenges are confronting the state courts. And I think they are challenges to the safe, effective, competent and efficient administration of justice, not just today, but going forward. First, the number one challenge confronting the state courts in my view is the growing number of parties who come to the courthouses in our state representing themselves. The number is growing at an alarming rate. When I went to New Orleans ten days ago for the Chiefs meeting this topic took up one day of our two day program. It's a problem confronting every Chief Justice in every state court system in America. Let me give you some numbers. In marital cases in New Hampshire, 70% of the time one or both parties represent himself or herself. In the Supreme Court where we receive about 1,000 appeals a year, in 350 to 400 of those appeals, one or both parties represents himself. I was told recently in 1986 in the Supreme Court the number was 8%. In the Superior Court, the number is close to 50%. In the District Court it's 85%. The Probate Court is close to 40%. The consequences of this phenomenon are real and we need to talk about them and we need to address them.

The staff at the courthouses spends more time at the counter and on the phone talking to people who have little or no knowledge of the process or how to use it. It's not their fault – most of these people are there because they can't afford a lawyer. I am not blaming them, but it's our reality at the courthouses. And the result is as you might expect is delay, a decline in staff morale and a legal community and client base increasingly frustrated by the time it takes to process and forward court orders which are so important to their lives. In some sites, despite the efforts of our staff, which are significant, you could wait four weeks to get an order in a divorce case. That is not a formula for excellence and it won't change if we don't look at it and change it. As the Citizens Commission recommended, and as our budget requests, we need more staff, especially case managers in the family division. These are folks who are particularly capable at assisting the self represented population which is the overwhelming number of people who come to our divorce courts. And these folks are trying to navigate the court system without a lawyer.

To help address this challenge, the Supreme Court last winter adopted an ethical rule which allows for the delivery of unbundled legal services. We are a handful of states in the country to have taken this initiative. I'm proud we took it. What it means is that clients involved in litigation can pinprick the system, hire a lawyer to help them with the small part of it that they can afford; come to court and argue a motion; draft a legal memorandum; draft a plea date or draft a libel for divorce. They win - the courts win, and we all win when justice is dispensed. Lawyers in this state add value and more parties will be able to afford them with this new rule. ADR will help and recently we joined 20 states in America. We're late to the table, but we're here ahead of 30 others. We formed an Access to Justice Commission, which is chaired by Justice Duggan of the Supreme Court and Chief Judge McAuliffe of the United States District Court to find systemic answers to the problem of the unrepresented party. How can we make sure in this new century that people have meaningful access to justice? If you and I devised a health care system where when poor people came to emergency rooms and they didn't have insurance, we said "I'm sorry, I can't diagnose your problem, but we have some fabulous text books over there with beautiful illustrations and the instruments

are clean and good luck with the surgery.” Everyone in this Hall would say that’s immoral, but when people go to courthouses as they do every day in our state and have their lives changed without a lawyer, we think that’s okay. It’s not okay. I’m proud to be Chief Justice of this court system, but I am not proud to be Chief Justice on an afternoon in the Supreme Court where someone is standing in the well of our courtroom arguing for their life circumstance and not understanding their issues. Not their fault. The justice system has to do more than that. It’s the single biggest problem on my desk and we need your help. The Bar Association in New Hampshire has a very proud history, very proud history of helping the poor. That has always been true in my time here in New Hampshire, but I have asked the Bar recently to do even more. In the last three months I have visited 17 law firms selected at random to make a personal appeal for even more service. And because the Bar is what the Bar is they have warmly responded. And I think the needle is starting to move. We need to stay after it and we can’t expect the Bar to do it alone. If we, the courts, you the Legislature and the State Bar Association and perhaps the private sector do not confront this problem of unrepresented parties, it will soon, within this decade, swamp the administration of justice in our state. We need to deal with it now and I need your help to do that. You should be rightly proud, all of you in this Hall, of the appropriations you made in the last cycle for New Hampshire Legal Assistance. They, and we in the Judicial Branch, need your continued financial involvement in legal services for the poor. Currently there are 39 fulltime lawyers in the state, 1% of the total Bar, serving an eligible poverty population of over 200,000 people, many of whom are children. Legal service lawyers are essential to the fair and efficient administration of justice in our state and I am asking you as the Chief Justice of this state to look favorably upon their requested budget. I also respectfully ask that you carefully consider the budget request of the New Hampshire Public Defender. They have 103 lawyers, I think, and they provide services to those who have a constitutional right to counsel. The criminal dockets in this state are growing. Their docket is growing, their caseload is growing by 6% a year and I fear that they will soon be at the breaking point and will say to all of us, “We can’t handle anymore cases.” I can tell you from my experience now on this court for more than a decade that their competence and diligence is essential to the fair administration of criminal justice in our state.

There is one program that I have become very enamored of and it’s one of the most important programs that you will see in this budget cycle and it’s not my program. It’s called CASA - Court Appointed Special Advocates. These are people like you and me, most of them by the way non-lawyers, who represent the interests of children who are caught up in abuse and neglect and they do it for free and there are over 400 of them. And they do extraordinary work and they are seeking more money to hire more staff to supervise even more volunteers. Their services are indispensable for children and the courts and their value, let me assure you, their value far outstrips their costs. I urge you to support their work. Nobody, no one is more important in the justice system than an innocent child. The CASA people make a difference, a real difference in the lives of children.

Second great challenge we’re facing in the court system is technology. We are certainly making strides thanks to you, but I fear at times that we are moving too slowly. I saw that recently when I was talking to law firms about pro bono. I went to a firm in Manchester which I won’t identify. They had about 25 lawyers and they took me on a tour of the firm. They were showing me their technology. Their technology far exceeds the technology of the state court system. Many small law firms in the state of New Hampshire have better technology than the state courts. In 2007, the majority of judges in the state court system do not have direct access to the internet. We cannot, we, all of us, we cannot long expect the “speed of light” world to come into the paper world of the state courts. Why is that a problem? Maybe that’s good that they don’t come. I’ll tell you why I think it’s not good that they’re not coming; because all of us are well served in my view if the problems that arise in our communities are resolved in public courtrooms with public input. I fear that more and more cases are fleeing to the private justice system where they don’t have a record that you

and I get to see and we don't get to walk into the conference room when they shut the door. The marketplace is making its own rules and deciding its own future. That's not good for the rest of us and it's not good for the state court system. The open resolution of disputes in a constitutional democracy with public input is a core value of our constitution. It's not just a good idea, it's essential. Technological advancements are essential to a vital and vibrant state court system and so I ask for your help in that area as well.

The third challenge of our four challenges is in some ways the most important because it involves our staff. We have almost 600 non-judicial staff. These are the people who make the system run everyday. They're the people who make the difference. They're the people who run the counters. They're the people that make the machine move. I will be very candid with you when I say we cannot long expect in this new era to get high quality people to come in at entry-level salaries of \$20,500 a year. If health benefits are cut, I fear some good people will leave. I'm confident some of them will leave for higher paying jobs in the private sector and that many good people won't apply. The demands on our staff are not diminishing. The demands on our staff are increasing every single day and we need, we, all of us, we need to attract the best people to work behind those counters and to deal with the people who need their help. I've met with almost all of the staff in this state who works for the courts. I have been to every courthouse. They get too little recognition, but I know their value. I have asked them repeatedly to meet challenge after challenge after challenge and they have met it, but respectfully I can't keep asking if there is no help on the horizon.

Finally, court security is a growing concern. Each morning when I drive up from Manchester to the courthouse, somewhere along those 22 miles I ask myself, "Will today be the day?"

Will today be the day that I get the phone call? Our court security officers are paid \$65.00 a day. These are the people that are going to take a bullet; \$65 a day, no benefits, no mileage. Provide your own weapon and your own blue blazer. We have 17 different hand guns in use in the state court system. The people who provide court security, make no mistake about it, are extraordinary people. I have met all of them. But some of them do not have the experience or the physical agility to be a major factor if an altercation or crisis ensues.

Therefore we fully support the sheriffs who propose to assume system-wide authority for court security. Their proposal will improve training and raise standards. We hope you will look favorably on their pending legislation which is supported, I might say, by the Chiefs of Police, all 10 sheriffs and the Attorney General of New Hampshire. In her testimony a few weeks ago before the Senate Judiciary Committee in support of the sheriffs' security bill, the Attorney General said, "Now is the time." We need to reform court security and I hope we do so. I hope we do so before tragedy strikes. And it won't be a judge. It will be either a woman, in my view, at a family division site on a domestic violence or custody of a child issue. It will be some woman who will be subject to violence. It will be a member of the court staff. I do not want to get a call from a family member saying, "Judge Broderick did you know that the court system didn't have adequate security?" because there is no answer that I can give them that will satisfy them.

In closing, if we are to meet these challenges, which are very, very real, if we are to meet these challenges to the administration of justice in New Hampshire, and if the courts are to meet the expectations of the people they serve, I respectfully suggest that we will need big ideas - big ideas and constructive change in the court system. Small steps, small steps and timid progress in this speed of light world will not suffice. They will, I fear, be too little, too late. We need your help. We need your counsel and we need some new resources to run the state court system.

As I leave this chamber this morning I want to thank the Speaker of the House and the Senate President for their kind invitation to speak to all of you. I particularly want to thank Governor Lynch who two years ago took time out of a busy schedule to be here and did that again today. I appreciate that very much.

Please know that my colleagues and I are committed to working closely with all of you. It's your court system; I just have the privilege to work there. I want to work closely with all of

you to address the imposing challenges confronting the state courts as we head into the end of the first decade of this century. The courts belong to the people of our state and I am committed, as long as I have the privileges and opportunities and obligations of this job, to advocate on their behalf as I know all of you do here every day and the people of our state have every right to expect it.

Thank you all for listening to me this morning. Thank you for listening to me. It has been an honor to be here in the people's House. Thank you 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. Almy moved that the House vacate the reference of **HB 613**, relative to payment for tobacco products purchased by retailers, to the Committee on Ways and Means.

Adopted.

The Speaker referred HB 613 to the Committee on Commerce.

MOTION TO VACATE

Rep. David Cote moved that the House vacate the reference of **HB 273**, relative to special needs trusts, to the Committee on Judiciary.

Adopted.

The Speaker referred HB 273 to the Committee on Health, Human Services and Elderly Affairs.

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 143, relative to the apportionment of damages in civil actions, removed by Rep. Hunt.

HB 84, relative to the hours of operation of vehicle inspection stations, removed by Rep.

Timothy Robertson.

Consent Calendar adopted.

HB 117, creating an exception for the storage of black gunpowder by historical reenactors and certain nonprofit entities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lee M. Hammond for Criminal Justice and Public Safety: Currently there is no statute governing storage of black powder for sportsmen or organizations who use black powder. The Department of Safety has an administrative rule which allows storage of up to five pounds of black powder in the original containers by sportsman and hunters. There are organizations such as historical re-enactors and other non-profit entities such as Fort Number Four in Charlestown which engage in educational activities involving the firing of the cannons for visitors and student groups. This activity involves the use of quantities of black powder in excess of five pounds. This bill exempts such non-profit groups and associations from the requirements of RSA 158 which regulates commercial storage of explosives. Federal statutes do not regulate storage of 50 pounds or less of black powder. A rule from the Department of Safety will determine a type of storage magazine to be used and determine a minimum distance from an occupied dwelling where the magazine shall be

located. The Department of Safety, Fire Marshall and the licensing bureau which licenses explosives storage facilities have agreed that this measure has a public benefit. Vote 18-0.

Amendment (0053h)

Amend the bill by replacing section 2 with the following:

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

HB 187, establishing a study committee to determine which law enforcement agencies are responsible for enforcing civil judgments. **OUGHT TO PASS WITH AMENDMENT.** Rep. John E. Tholl for Criminal Justice and Public Safety: The committee amendment replaces the entire bill including the title that would have created a study. The committee believes that the proper enforcement agency to enforce civil judgments is the sheriff's department. Historically the sheriffs have enforced civil judgments; however, the law is silent on this issue. The bill as amended clarifies the law. The sponsors as well as the sheriffs support the committee amendment. The amendment also requires that an order of enforcement be issued at the time of judgment unless circumstances do not permit. This will limit the number of times a person is required to make an appearance in court. Vote 17-1.

Amendment (0125h)

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

AN ACT establishing that sheriffs' departments have sole jurisdiction to enforce civil orders.

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

1 Powers of Sheriffs. Amend RSA 104:6 to read as follows:

104:6 Powers.

I. Sheriffs and their deputies shall have throughout the state the same power and authority to serve criminal or civil processes, investigate crimes and to pursue and apprehend criminals that they have in their respective counties.

II. Notwithstanding any law to the contrary, sheriffs and their deputies shall have sole jurisdiction to enforce civil orders issued by any court. A court shall issue an order of enforcement at the same time it issues a civil judgment, unless circumstances do not permit the issuance of the order of enforcement.

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

AMENDED ANALYSIS

This bill establishes that sheriffs' departments have sole jurisdiction to enforce civil orders.

HB 98, relative to the situation of landfills on land owned by municipalities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David E. Essex for Environment and Agriculture: This bill subjects waste disposal facilities on land owned and operated by one municipality within another municipality to the same land use regulations as a private entity. Its sponsors wished to close a loophole in RSA 674:54, which exempts certain government entities from local land-use regulations, but which one town could conceivably use to site a landfill in another town against its wishes. When representatives of cooperative solid-waste districts expressed concern that the original bill might adversely affect their operations, the sponsors offered compromise language that was acceded to by the cooperatives' representatives and adopted unanimously by the committee. Vote 18-0.

Amendment (0039h)

Amend RSA 674:54, II-b as inserted by section 1 of the bill by replacing it with the following:

II-b. The construction and operation of any solid waste disposal facility on land owned or occupied by any city or town within another city or town shall be subject to local

land use regulations to the same extent as if the land were owned and occupied by a private entity. Nothing in this paragraph shall affect the construction and operation of a solid waste facility on land owned by a solid waste management district formed under RSA 53-A or RSA 53-B or any combination of municipalities authorized by an act of the general court, if the land is located within a city or town that is part of the district.

HB 396, establishing a commission to study autism spectrum disorders in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne S. Butcher for Health, Human Services and Elderly Affairs: Autism is affecting increasing numbers of New Hampshire families (CDC now estimates 1 in 150 children), posing enormous challenges to our society, our schools, our economy, and our service systems. This bill establishes a commission to “examine and make recommendations regarding the care, treatment, and quality of life of children and adults with autism spectrum disorders and their families,” with a report due July 1, 2008. The amendment adds to the commission a family member appointed by the Governor. Vote 18-0.

Amendment (0184h)

Amend paragraph I of section 2 of the bill by replacing it with the following:

- I. The members of the commission shall be as follows:
 - (a) Three members of the house of representatives, appointed by the speaker of the house of representatives.
 - (b) Two members of the senate, appointed by the president of the senate.
 - (c) The commissioner of the department of health and human services, or designee.
 - (d) The commissioner of the department of education, or designee.
 - (e) The governor, or designee.
 - (f) A family member of an individual with an autism spectrum disorder, appointed by the governor.
 - (g) A representative of the New Hampshire Developmental Disabilities Council, appointed by the council.
 - (h) A representative of the Autism Society of New Hampshire, appointed by the society.
 - (i) A representative of the Institute on Disability, university of New Hampshire, appointed by the Institute.
 - (j) A representative of the New Hampshire Medical Society, appointed by the society.

HB 245-FN, establishing a common law court. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M. Weber for Judiciary: Currently, the existing courts have jurisdiction over all common law not repealed or changed by statute. The courts are adequately administering the remaining common law. To create a new court in addition to the current system would be needlessly expensive and confusing. Vote 18-0.

HB 89, relative to strikes by public employees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary J. Gorman for Labor, Industrial and Rehabilitative Services: This bill in its original form limited the prohibition of strikes by public employees. As a result of much discussion, the bill was replaced by the amendment to create a study committee to study methods of dispute resolution between political subdivisions and public employees in New Hampshire. Vote 16-1.

Amendment (0030h)

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

AN ACT establishing a committee to study dispute resolution between local political subdivisions and public employees in New Hampshire.

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

1 Committee Established. There is established a committee to study dispute resolution between local political subdivisions and public employees in New Hampshire.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, all of whom shall be members of the labor, industrial and rehabilitative services committee, appointed by the speaker of the house of representatives.

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

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

3 Duties. The committee shall study dispute resolution between local political subdivisions and public employees in New Hampshire. The committee's study may include, but shall not be limited to, the examination of:

I. The current status of labor relations, driving forces behind collective bargaining disputes, and relevant statistics.

II. Alternative methods of dispute resolution, including binding arbitration.

III. Evergreen clauses.

IV. Other states' policies on dispute resolution.

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

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

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

AMENDED ANALYSIS

This bill establishes a committee to study dispute resolution between local political subdivisions and public employees in New Hampshire.

HB 99, relative to the youth employment law. **OUGHT TO PASS WITH AMENDMENT.** Rep. Randolph N. S. Holden for Labor, Industrial and Rehabilitative Services: The bill was amended to exempt 16 and 17 year old adolescents who earned a high school diploma or GED from youth employment laws. Vote 16-1.

Amendment (0134h)

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

1 Prohibitions. Amend RSA 276-A:4, VIII to read as follows:

VIII. No youth 16 or 17 years of age, ***except a youth 16 or 17 years of age who has graduated from high school or obtained a general equivalency diploma***, shall be employed by an employer unless the employer ***obtains and*** maintains on file a signed written document from the youth's parent or legal guardian permitting the youth's employment.

2 Certificate. Amend RSA 276-A:5, VI to read as follows:

VI. Any employer not in compliance with the requirements of ***RSA 276-A:4*** or this section shall be assessed a minimum civil penalty of \$100.

3 Civil Penalties. Amend RSA 276-A:7-a to read as follows:

276-A:7-a Civil Penalties. In addition to other penalties and remedies imposed under this chapter, the commissioner may assess a civil penalty on an employer not to exceed

~~[\$1,000]~~ **\$2,500** for each violation of any provision of this chapter or rule adopted pursuant to this chapter. In assessing this penalty, the commissioner shall consider the nature of the violation, the employer's history of violations and the employer's good faith.

4 Effective Date. This act shall take effect January 1, 2008.

AMENDED ANALYSIS

This bill:

I. Prohibits youths 16 or 17 years of age who do not have high school diplomas from working certain hours.

II. Assesses or increases certain penalties for violations of the youth employment law.

HB 106, relative to leave of absences to serve as a legislator. **INEXPEDIENT TO LEGISLATE.**

Rep. Sally H. Kelly for Labor, Industrial and Rehabilitative Services: The majority of the committee felt that whether a person may serve in the legislature or not should be based on an agreement between the employer and the employee rather than legislation. Vote 15-1.

HB 231, establishing a commission to study the municipal assessment of market value for property tax purposes and the regulation of municipal assessors. **INEXPEDIENT TO LEGISLATE.**

Rep. Anthony F. Simon for Municipal and County Government: This bill would have established a committee to study issues regarding tax assessments at the local level. The committee appreciates the sponsor's effort to give a voice to a group of constituents who are particularly concerned about the complexity of municipal assessments and taxation. However, the committee strongly believes that there are adequate procedures in place to address any and all concerns. Vote 16-0.

HB 153, relative to standards for bridge and highway construction. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kevin K. Waterhouse for Public Works and Highways: The committee agreed with the request from the Department of Transportation that the American Association of State Highway and Transportation officials set the technical engineering standards and produce the manuals applied by the Commissioner of Transportation to state bridge and state highway aid projects. We measure these standards to receive federal highway dollars. These standards are arrived at by the commissioners of all the state transportation commissions to assure continuity across the nation. Vote 16-0.

Amendment (0207h)

Amend the bill by replacing section 1 with the following:

1 New Section; Bridge and Highway Construction Requirements for State Bridge Aid and State Highway Aid Projects. Amend RSA 21-L by inserting after section 12-a the following new section:

21-L:12-b Bridges and Highway Construction Requirements for State Bridge Aid and State Highway Aid Projects.

I. Except as provided in paragraph II, the most current versions of the following design standards and manuals promulgated by the American Association of State Highway and Transportation Officials (AASHTO), inclusive of any amendments, revisions, interim revisions, or new editions promulgated by AASHTO are hereby adopted by reference, and the commissioner shall apply them to any project funded by state bridge aid or state highway aid as minimum standards in the state:

- (a) AASHTO load and resistance factor design for bridge design specifications;
- (b) AASHTO manual for condition evaluation of bridges;
- (c) AASHTO guide specifications for seismic isolation design;

- (d) AASHTO manual for condition evaluation and load resistance factor rating (LRFR) of highway bridges;
- (e) AASHTO standard specifications for structural supports for highway signs, luminaries, and traffic signals;
- (f) AASHTO policy on geometric design of highways and streets; and
- (g) AASHTO roadside design guide.

II. For modifications to an existing bridge, the commissioner may require load resistance factor (LRFD) specifications from the most current version of the applicable AASHTO manual listed in paragraph I or the specifications that were used for the original design of the bridge.

AMENDED ANALYSIS

This bill requires design standards and manuals relating to bridge construction promulgated by the American Association of State Highway and Transportation Officials to be adopted by reference and applied by the commissioner of transportation to state bridge aid and state highway aid projects.

This bill is a request of the department of transportation.

HB 166*, relative to the definition of a bridge. **OUGHT TO PASS.*

Rep. John R. Cloutier for Public Works and Highways: This bill would change the definition of the term “bridge” by amending RSA 234. It was filed at the Department of Transportation’s request and the department said it simply reflects what the department’s current practice is in regard to bridges. Furthermore, it should help the state’s bridges more easily qualify for federal disaster aid in the future. Finally, the bill is not specifically applicable to either RSA 234:4, or 234:13. Vote 16-0.

HB 199-FN-A*, making an appropriation for the restoration of the Sawyer House at the Daniel Webster birthplace. **INEXPEDIENT TO LEGISLATE.*

Rep. Gene G. Chandler for Public Works and Highways: This bill makes an appropriation for the restoration of the Sawyer House at the Daniel Webster birthplace. The committee unanimously agreed that this item should be discussed in content of the capital budget and there seemed to be a bit of an issue as to the actual cost of the project. While not promising any positive action, the committee welcomes the sponsors and other interested parties to appear at the capital budget hearing. Vote 16-0.

HB 56*, relative to the definition of agritourism. **OUGHT TO PASS WITH AMENDMENT.*

Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill defines agritourism as those ancillary farm activities, such as wagon rides and or mazes, used to attract visitors to farms. The bill was a recommendation of the New Hampshire Farm Viability Task Force. The intent is to recognize that today’s farms need to engage in a diversity of agriculturally related activities to survive. This definition has little impact on a municipality’s zoning powers over land uses on farms. Vote 18-0.

Amendment (0033h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Agritourism. Amend RSA 21:34-a by inserting after paragraph V the following new paragraph:

VI. The term “agritourism” means attracting visitors to farm operations for the purpose of eating a meal, making overnight stays, enjoyment, education, or active involvement that is ancillary to the activity of the farm or operation, and as such shall be considered an agricultural use.

HB 61*, designating segments of the Ammonoosuc River into the rivers management protection program. **OUGHT TO PASS.*

Rep. Sid Lovett for Resources, Recreation and Development: The rivers management protection program provides for certain rivers to enjoy special protection. Rivers are nominated after research and documentation of outstanding natural and community resources and full support of the communities. This bill designates segments of the Ammonoosuc River into the rivers management protection program, and was supported by the constituencies of all seven towns, by the New Hampshire Department of Environmental Services (DES), and all attendees at the hearing. Vote 17-0.

HB 154, relative to the inclusion of certain tax information in state tourism publications. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsy McKinney for Resources, Recreation and Development: This bill would require the state tourism department to include information in promotional materials relative to the state's tax advantages. The department now publishes the fact that we have no sales tax. The committee felt that this was a good idea but not something that should be in the RSAs. Vote 16-1.

HB 438, renaming a certain island in Blackey's Cove in Lake Winnepesaukee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith T. Spang for Resources, Recreation and Development: Upon the request of the family which owns this half-acre island, the name would be changed from the nondescript "2 Island" to "Eljays Island." The amendment gives GPS coordinates to identify the island. Vote 16-0.

Amendment (0111h)

Amend the bill by replacing section 1 with the following:

1 Renaming of an Island in Blackey's Cove in Lake Winnepesaukee. The island in Blackey's Cove in Lake Winnepesaukee, located at latitude 43 degrees, 42.263 minutes North, and longitude 71 degrees, 26.467 minutes West, now known as "2 Island", shall be renamed as "Eljays Island." All signage erected on this site shall be approved by the department of transportation and shall not be a charge against the state.

HB 66, relative to display of antique motor vehicle plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter F. Bergin for Transportation: The sponsor had good intentions to allow antique motor vehicles to use year of manufacture plates on the front and back of the vehicle. The hearing brought up a number of concerns, and the sponsor brought forth an amendment to address these. The committee appreciates the sponsor's efforts but heard a number of concerns from the Department of Safety such as the state's computer system not sufficiently complex to permit such record keeping. In addition, how would you accurately identify and report a plate if a crime, a traffic violation or accident occurred? As a result the committee voted ITL. Vote 16-1.

REGULAR CALENDAR

HB 140, reestablishing the New Hampshire task force on deafness and hearing loss. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James P. Pilliod for the Majority of Health, Human Services and Elderly Affairs: This bill as amended continues an existing task force by changing the operative group from a task force to a longer functioning commission with appropriate improvements in the make up of the commission. The duties remain substantially the same, and the reporting requirements would be annual with a specified review to determine the effectiveness of the commission in six years. Vote 18-1.

Rep. Peter L. Batula for the Minority of Health, Human Services and Elderly Affairs: It is

with regret that although fully supporting the intent of this bill to reestablish the New Hampshire task force on deafness and hearing loss, the minority position on the bill is because of an amendment that was added in committee to require this commission to meet for the next six years. A commission is a very serious undertaking, listed in the black book and in this case includes in excess of 20 members. Again, the minority has no problem with the good intent of the objective in the bill. Where it differs is the designated six year commission life span instead of the common one, two or three years of duration which can be extended if their work suggests it. This legislature has literally hundreds of committees and commissions meeting at any given time, throughout the year. This minority report is filed because of a concern that legislating any six year or longer committee or commission should be given very careful consideration, especially when a commission or committee duration can be extended, in time, via legislation. Otherwise, we could be setting an improper precedent.

Majority Amendment (0137h)

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

AN ACT establishing the New Hampshire commission on deafness and hearing loss.
Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; New Hampshire Commission on Deafness and Hearing Loss. Amend RSA by inserting after chapter 125-O the following new chapter:

CHAPTER 125-P

NEW HAMPSHIRE COMMISSION ON DEAFNESS AND HEARING LOSS

125-P:1 Commission Established; Chairperson; Compensation.

I. A commission, to be known as the New Hampshire commission on deafness and hearing loss is hereby created and established. The commission shall consist of the following members:

- (a) One member of the house of representatives who shall be from the health, human services and elderly affairs committee, appointed by the speaker of the house of representatives.
- (b) One member of the senate who shall be from the health and human services committee, appointed by the president of the senate.
- (c) One member from the governor's commission on disabilities, appointed by the governor.
- (d) Two representatives of the department of health and human services, appointed by the commissioner.
- (e) One representative of the department of employment security, appointed by the commissioner.
- (f) Two representatives of the department of education, appointed by the commissioner.
- (g) One representative of the administrative office of the courts, appointed by the chief justice of the New Hampshire superior court.
- (h) The president of the New Hampshire Association of the Deaf, or designee.
- (i) One representative of the New Hampshire Association of the Deaf, appointed by the president of the association, or designee.
- (j) The president of the New Hampshire chapter of the Hearing Loss Association of America, or designee.
- (k) One representative from the New Hampshire chapter of the Hearing Loss Association of America, appointed by the president of such association, or designee.
- (l) One representative of the New Hampshire Registry of Interpreters for the Deaf, appointed by the president of the New Hampshire Registry of Interpreters for the Deaf, or designee.
- (m) The attorney general, or designee.
- (n) The commissioner of the department of safety, or designee.

- (o) The commissioner of the department of corrections, or designee.
- (p) The executive director of Granite State Independent Living, or designee.
- (q) The executive director of the governor's commission on disability.
- (r) The executive director of Northeast Deaf and Hard of Hearing Services, Inc.
- (s) The executive director of the Disabilities Rights Center.
- (t) Any other appropriate person designated by the commission.

II. The members of the commission shall elect a chairperson from among the members. Members of the commission shall serve without compensation except that legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. Legislative members of the commission shall serve a term which is coterminous with their elected office.

125-P:2 Organization; Meetings.

I. The commission shall be convened by the named member of the house of representatives, and shall hold its first meeting no later than 30 days after the effective date of this chapter.

II. The department of education and the department of health and human services shall provide administrative support, in equal measure, for the commission, including interpreter services for commission meetings.

125-P:3 Duties. The commission shall:

I. Recommend, where applicable, statutes, rules, policies, and education programs necessary to successfully provide New Hampshire citizens who are deaf or hard of hearing with access to competent interpreters at all levels of local and state government.

II. Investigate establishing an information and referral service operated by and for persons who are deaf and hard of hearing to promote access of such persons to the community-based health care, educational, employment, and social services that are available to all citizens.

III. Develop peer counseling, job placement, and advocacy services which would enhance the ability of individuals who are deaf or hard of hearing to contribute to their communities.

IV. Recommend legislation and identify funding sources by working in collaboration with the following agencies and organizations:

- (a) The governor's commission on disability.
- (b) The Disabilities Rights Center.
- (c) Northeast Deaf and Hard of Hearing Services, Inc.
- (d) The department of health and human services.
- (e) The department of safety.
- (f) The department of corrections.
- (g) The department of education.
- (h) The department of justice.
- (i) Granite State Independent Living.

125-P:4 Report. The commission shall make an annual report commencing on November 1, 2008, together with any recommendations, to the speaker of the house of representatives, the president of the senate, and the governor.

2 Review. The general court shall review the New Hampshire commission on deafness and hearing loss established in section 1 of this act in 6 years to determine the effectiveness of the commission.

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

AMENDED ANALYSIS

This bill establishes the New Hampshire commission on deafness and hearing loss.

This bill requires the general court to review the commission in 6 years to determine its effectiveness.

Majority amendment adopted.

Majority committee report adopted.
Ordered to third reading.

HB 288, requiring the commissioner of the department of health and human services to apply for public and private grant funding for drug and alcohol rehabilitation programs.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Thomas E. Donovan for the Majority of Health, Human Services and Elderly Affairs: Though the majority recognizes both the prime sponsor's deep commitment to the resolution of this critical issue and the increasing lack of supports for drug and alcohol treatment programs and of treatment facilities, we feel that this legislation is not the best remedy. While there are certain grants available in the areas of alcohol and drug prevention and treatment, and the department does apply for some, we heard testimony that the department would need more resources to be able to meet the bill's grant-writing requirement. The majority feels that the department has been as aggressive as it possibly can with the existing staff, and we are concerned about the impact on current programs if resources are to be diverted to applying for more grants. The majority also believes that we could not set a specific quota for the numbers of grants to be applied for within a certain unit or by a certain number of qualified staff, as all grants are so different in their requirements and complexities. We also believe that the needs and resources of the entire department have to be considered and prioritized before the decision to seek out specific grants is made. Vote 14-5.

Rep. Joy K. Tilton for the Minority of Health, Human Services and Elderly Affairs: This bill is not meant to reflect poorly on either the commissioner or the department. It simply seemed the most effective way to assure that the bill's purpose is achieved. The state does not have sufficient resources allocated in order to provide adequate treatment services to persons dependent on alcohol and/or other drugs. Addiction is an illness that ruins health, lives and families. Many of those struggling with this illness lose their jobs, family and friends, become bankrupt, and ultimately enter our correction facilities where treatment is limited or not available. Incarceration costs are approximately \$30,000.00 per year and the rate of recidivism is high within 9 to 12 months. The cost of treatment is approximately 1/3rd the cost of incarceration. For the health of "recovering consumers" at any stage of life, their families, our communities, business and industry, as well as our over-crowded prisons and the fiscal impact on our state, more funding for addiction treatment could be a "win-win" solution. It is essential that the Department of Health and Human Services apply for more grants and other public and private funding for this purpose. This bill simply requires that the Commissioner of the Department of Health and Human Services have the staff "apply for not less than 10 grants per fiscal year" that provide treatment services for persons dependent upon alcohol or other drugs, and for needed construction or renovation of treatment facilities as necessary. The solution should begin now.

Rep. Joy Tilton spoke against and yielded to questions.

Rep. Donovan spoke in favor and yielded to questions.

Rep. Butynski spoke against.

Reps. MacKay and Marjorie Smith spoke in favor.

Rep. Michael Rollo moved the previous question.

Adopted.

Rep. Wendelboe requested a roll call; sufficiently seconded.

YEAS 260 NAYS 104

YEAS 260

BELKNAP

Allen, Janet

Arsenault, Beth

Clark, Charles

Flanders, Donald

Heald, Bruce
Russell, David
Wendelboe, Fran

Millham, Alida
Thomas, John
Whalley, Michael

Nedeau, Stephen
Tilton, Franklin

Pilliod, James
Tobin, William

CARROLL

Ahlgren, Christopher
Butler, Edward
Merrow, Harry

Bridgham, Robert
Chandler, Gene
Patten, Betsey

Brown, Carolyn
Denley, William
Stevens, Stanley

Buco, Thomas
Knox, J. David

CHESHIRE

Dunn, J. Timothy
Lerandeau, Alfred
Weber, Lucy

Eaton, Daniel
Mitchell, Bonnie

Emerson, Susan
Richardson, Barbara

Johnson, Jane
Sad, Tara

COOS

Hatch, William
Merrick, Evalyn
Tholl, John Jr

Ingersoll, Paul Sr
Remick, William

King, Frederick
Stohl, Eric

Mears, Edgar
Theberge, Robert

GRAFTON

Aguiar, James
Bulis, Lyle
Gionet, Edmond
Matheson, Robert
Preston, Philip

Almy, Susan
Dingman, Vernon III
Harding, A Laurie
McLeod, Martha
Sorg, Gregory

Benn, Bernard
Eaton, Stephanie
Ingbretson, Paul
Nordgren, Sharon

Bleyler, Ruth
Estes, Carole
Laliberte, Suzanne
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Bergeron, Jean-Guy
Clark, Mark
Coughlin, Pamela
Dokmo, Cynthia
Emerton, Larry
Goley, Jeffrey
Haefner, Robert
Hebert, Roger
Infantine, William
Judy, Jean
Knowles, John
L'Heureux, Robert
Levesque, Melanie
Mooney, Maureen
Ober, Lynne
Renzullo, Andrew
Simon, Anthony
Spaulding, Jayne
Sysyn, Mary
Villeneuve, Maurice

Barry, Richard
Bergin, Peter
Clemons, Jane
Crane, Elenore Casey
Drisko, Richard
Fontas, Jeffrey
Gorman, Mary
Hammond, Jill
Hinkle, Peyton
Irwin, Anne-Marie
Johnson, Stephen
Knowles, Mary Ann
Lasky, Bette
Lisle, Carolyn
Moran, Edward
Ober, Russell III
Rosenwald, Cindy
Smith, David
Spratt, Stephen
Tahir, Saghir

Batula, Peter
Campbell, David
Cote, David
Daler, Jennifer
Edwards, Andrew
Foster, Linda
Graham, John
Hansen, Ryan
Holden, Randolph
Jasper, Shawn
Kaelin, Michael
Kopka, Angeline
Lawrence, James
Manney, Pamela
Movsesian, Lori
Price, Pamela
Rowe, Robert
Smith, Sandra
Stepanek, Stephen
Ulery, Jordan

Beaulieu, Jane
Christensen, Chris
Cote, Peter
Daniels, Gary
Elliott, Nancy
Garrity, Patrick
Hackel, Paul
Hawkins, Ken
Hunter, Bruce
Jean, Claudette
Katsiantonis, George
Kurk, Neal
Lessard, Rudy
McRae, Karen
O'Connell, Timothy
Reeves, Sandra
Schulze, Joan
Soucy, Connie
Sullivan, Daniel
Vaillancourt, Steve

MERRIMACK

Anderson, Eric

Baxley, Maureen

Beauchesne,
Suzanne

Bouchard, Candace

Brueggemann, Donald
Foose, Robert
Hager, Elizabeth
Lockwood, Priscilla
Porter, Margaret
Richardson, Gary
Walz, Mary

Clarke, Claire
French, Barbara
Hamm, Christine
MacKay, James
Potter, Frances
Ryan, Jim
Wheeler, Deborah

Davis, Frank
Gile, Mary
Hess, David
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Williams, Robert

DeStefano, Stephen
Greco, Vincent
Humphries, Charlie
Owen, Derek
Reed, Dennis
Wallner, Mary

ROCKINGHAM

Abbott, Dennis
Belanger, Ronald
Camm, Kevin
Dalrymple, David
Fesh, Bob
Gould, Kenneth
Headd, James
Kappler, Lawrence
McKinney, Betsy
Packard, Sherman
Priestley, Anne
Reagan, John
Stiles, Nancy
Wells, Roger

Allen, Mary
Bettencourt, David
Carson, Sharon
DiFruscia, Anthony
Flanders, John Sr
Griffin, Mary
Ingram, Russell
Kennedy, James
McMahon, Charles
Pantelakos, Laura
Quandt, Marshall
Robertson, Carl
Waterhouse, Kevin
Weyler, Kenneth

Baldasaro, Alfred
Bishop, Franklin
Case, Frank
Elliott, Robert
Garcia, Marilinda
Grote, Otto
Itse, Daniel
Lister, Charlotte
Moore, Bennett
Pearson, Mark
Quandt, Matthew
Sanders, Elisabeth
Weare, Everett
Wickson, Rick

Bedrick, Jason
Brown, C. Pennington
Casey, Kimberley
Emiro, Frank
Garritty, James
Guthrie, Joseph
Johnson, Robert
Major, Norman
O'Keefe, Peter
Preston, Mark
Rausch, James
Snow, Richard
Welch, David

STRAFFORD

Billian, Deborah
Hilliard, Dana
Kaen, Naida
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Brown, Julie
Hofemann, Roland
Knowles, William
Rollo, Michael
Spang, Judith
Watson, Robert

Cyr, James
Hubbard, Pamela
Mickelonis, Shawn
Rous, Emma
Srnc, Robert

Fargo, Thomas
Hutz, Sarah
Miller, Joseph
Schmidt, Peter
Vachon, Dennis

SULLIVAN

Cloutier, John
Gottling, Suzanne
Phinzy, James

Donovan, Thomas
Houde, Matthew
Rodeschin, Beverly

Franklin, Peter
Jillette, Arthur Jr

Gagnon, Raymond
Nielsen, Ellen

NAYS 104

BELKNAP

Boyce, Laurie

Morrison, Gail

Wood, Jane

CARROLL

Cunningham, Howard

Heard, Virginia

Martin, James

CHESHIRE

Allen, Peter
Chase, William
Parkhurst, Henry
Robertson, Timothy

Burridge, Delmar
Espieffs, Peter
Pelkey, Stephen
Weed, Charles

Butcher, Suzanne
Hunt, John
Plifka, Stanley Jr

Butynski, William
Loll, Thomas
Roberts, Kris

COOS

Merrick, Scott

Thomas, Yvonne

GRAFTON

Andersen, Gene
Lovett, Sid

Cooney, Mary
Mulholland, Catherine

Friedrich, Carol
Solomon, Peter

Hammond, Lee
Williams, Burton

HILLSBOROUGH

Beck, Catriona
Fletcher, Richard
Harvey, Suzanne
Levasseur, Nickolas
Martineau, Jesse

Brunelle, Michael
Gargasz, Carolyn
Hogan, Edith
Long, Patrick
Matarazzo, Anthony
Sr

Day, Russell
Ginsburg, Ruth
Kelley, John
Mack, Ron
Mesa, Lily

Essex, David
Haley, Robert
Leishman, Peter
Marshall, Seth
Messier, Irene

O'Brien, Michael Sr
Reuschel, Michael
Velez, Hector

O'Neil, James
Rochette, Eric
Winters, Joel

Peterson, Andy
Shattuck, Gilman

Pilotte, Maurice
Shaw, Barbara

MERRIMACK

Brown, Carole
Kidder, David

DeJoie, John
Kjellman, Eleanor
Glynn
Webb, Leigh

Ehlers, Eileen
Osborne, Jessie

Kelly, Sally
Tilton, Joy

Tupper, Frank

ROCKINGHAM

Borden, David
Devine, James
Hutchinson, Karen
Kepner, Susan
McKenna, Daniel
Russell, Trink

Cali-Pitts, Jacqueline
Flockhart, Eileen
Katsakiores, George
Marsh, Michael
Moody, Marcia
Winchell, George

Charron, Gene
Henson, John
Katsakiores, Phyllis
McCarthy, Linda
Nord, Susi

Day, Judith
Howard, Doreen
Kelley, Jane
McEachern, Paul
Powers, James

STRAFFORD

Brennan, William
Goodwin, Earle
Warren, Nancy

Brown, Jennifer
Grassie, Anne

Brown, Larry
Perry, Robert

Burke, Rachel
Sprague, Dale

SULLIVAN

Converse, Larry

Ferland, Brenda

Skinder, Carla

and the majority committee report was adopted.

CACR 4, relating to funding for public transportation. Providing that revenues from the operation of motor vehicles or the sale or consumption of motor vehicle fuel may be used for public transportation. **INEXPEDIENT TO LEGISLATE.**

Rep. David B. Campbell for Public Works and Highways: The committee continues to believe the state does and should support mass transportation where it provides a viable transportation alternative. However, given the critical and worsening condition of New Hampshire's roads and bridges and the negative impact of spiraling construction costs on maintenance of the highway infrastructure, the committee unanimously believes that expanding the demand on the state highway fund is not appropriate at this time. Vote 16-0. Committee report adopted.

HB 168, expanding the purposes of the wildflower establishment program. **OUGHT TO PASS.**

Rep. John A. Graham for Public Works and Highways: This bill will permit the Department of Transportation to use some of the money it receives annually from the conservation number plate trust fund for the planting and maintenance of wild flowers, shrubs and trees. Currently the law requires that money from this fund be used only for “planting lilacs and native wildflowers.” However, fully one quarter of all plants growing in New Hampshire today are not native. This list includes such common plants as daisies, forsythia and daylilies. By expanding the use of the fund to include plants such as these, the DOT will be able to plant more areas with wildflowers and/or shrubs. The committee also heard testimony that it is difficult to grow “native” wildflowers along the state’s highways. The committee feels that it is important to conserve the money available by planting species that will last more than one season. NH DOT will still be planting native wildflowers in areas where the native wildflowers will thrive. Additionally, the Department of Environmental Services expressed concern that by allowing this change there was the potential that invasive species would be introduced along our highways. The committee feels that existing laws concerning the purchase and planting of these prohibited species applies to the DOT and would not be allowed under this bill. Vote 16-0.

Committee report adopted.

Ordered to third reading.

HB 180-FN, relative to pay and allowances for officers and enlisted members of the national guard. **OUGHT TO PASS.**

Rep. Eleanor Glynn Kjellman for State-Federal Relations and Veterans Affairs: Members of the National Guard come under different personnel systems, depending on whether they are called up on state active duty or federal active duty. This bill would compensate those called to state active duty at the same rate as if they had been activated for federal service, in the area of allowances for housing and subsistence. Vote 11-3.

Committee report adopted.

Ordered to third reading.

HB 181-FN-A, establishing a tuition voucher program for New Hampshire national guard members and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Eleanor Glynn Kjellman for State-Federal Relations and Veterans Affairs: The establishment of a tuition voucher program is a win-win not only for our men and women of the National Guard; it also helps produce better educated citizens for the state at very low cost. The bill would require the University system and National Guard to use all other in-place education programs prior to using tuition vouchers. The tuition vouchers will ensure that our National Guard men and women will have equal access to necessary courses. Vote 14-0.

Amendment (0051h)

Amend RSA 110-B:63-c as inserted by section 1 of the bill by replacing it with the following:

110-B:63-c Educational Assistance [~~Authorized~~]; **Tuition Vouchers**; Minimum Requirements.

I. There is established a tuition voucher program to encourage recruitment and retention of national guard members. The program shall be administered by the adjutant general. National guard members may apply to the adjutant general for a tuition voucher to pay costs of tuition for a degree or certificate producing program at a state postsecondary institution. The amount of the voucher each year shall not exceed the tuition costs of a full-time student for a normal academic year.

The tuition voucher applicant shall be enrolled or accepted for enrollment at the postsecondary institution at the time of application. The New Hampshire national guard shall issue the voucher to the student, the student shall submit the voucher to the postsecondary institution, and the postsecondary institution shall submit the voucher to the adjutant general for payment.

II. Members of the New Hampshire national guard may ***also*** take courses tuition-free on a space available basis in state-supported postsecondary institutions.

III. In order to be eligible to receive educational assistance under this subdivision, a member of the New Hampshire national guard shall:

~~[-]~~ **(a)** Be an active member of the New Hampshire national guard residing either in-state or out-of-state ~~[who has completed advanced individual training or commissioning]~~.

~~[-]~~ **(b)** Be enrolled ***or accepted for enrollment*** in a degree-enhancing curriculum in any vocational or technical school that is under the authority of the commissioner of regional community-technical colleges, or enrolled ***or accepted for enrollment*** in any degree-enhancing curriculum in any public college or university within the state.

~~[-]~~ **(c)** Have first utilized any federal educational entitlements, not including Montgomery GI Bill benefits, and national guard scholarship grants.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

HB 55, relative to required use of tail lamps. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Brenda L. Ferland for the Majority of Transportation: This bill would have required motor vehicles to have tail lamps displayed during the period of ½ hour after sunset and ½ hour before sunrise. Current law requires this for headlights. The majority of the committee felt this piece of legislation is not necessary because if your headlights are on, as many automatic ones are now, they will reflect off the vehicle in front of you. Law enforcement occasionally stops a vehicle with headlights not working properly and issues a verbal warning and if necessary a written “fix-it” ticket. No fine is imposed. If you are driving a vehicle without lights on after dark, chances are you aren’t interested in any law that’s in the book. Vote 12-5.

Rep. Jennifer M. Brown for the Minority of Transportation: The minority of the committee feels that with the advent of daytime driving lights, it is now necessary to legislate the use of tail lights in inclement weather.

Rep. Webb spoke against.

Rep. Ferland spoke in favor.

Majority committee report adopted.

BILLS REMOVED FROM CONSENT CALENDAR

HB 143, relative to the apportionment of damages in civil actions. **OUGHT TO PASS.**

Rep. David J. Bettencourt for Judiciary: This legislation is a reaction to the New Hampshire Supreme Court’s interpretation of who can be named as a party for the purpose of apportionment of damages in civil action cases. Under the current system, as a result of the DeBenedetto ruling, individuals who are not listed as defendants can be found liable for damages. This bill would eliminate the “empty chair” defense which causes fewer cases to be settled because of the complexity of cases with floating defendants. This bill encourages settlements which will help to ease court dockets and keep courts costs down. The committee felt that while no system is perfect, it is better for the loss to be borne by the defendant’s insurance company rather than the innocent plaintiff. Vote 17-1.

Rep. Hunt moved Recommit.

Reps. Lasky and Gary Richardson spoke against.

Rep. Hunt spoke in favor and yielded to questions.
Rep. Kurk spoke in favor.
Rep. Hunt requested a roll call; sufficiently seconded.

YEAS 164 NAYS 199

YEAS 164

BELKNAP

Allen, Janet	Clark, Charles	Flanders, Donald	Heald, Bruce
Millham, Alida	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Wendelboe, Fran
Whalley, Michael	Wood, Jane		

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Denley, William
Martin, James	Morrow, Harry	Patten, Betsey	Stevens, Stanley

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
----------------	------------	---------------	-----------------

COOS

King, Frederick	Remick, William	Stohl, Eric	Tholl, John Jr
-----------------	-----------------	-------------	----------------

GRAFTON

Bulis, Lyle	Dingman, Vernon III	Gionet, Edmond	Hammond, Lee
Harding, A Laurie	Ingbretson, Paul	Mulholland, Catherine	Sorg, Gregory
Williams, Burton			

HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Christensen, Chris	Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey
Daniels, Gary	Day, Russell	Dokmo, Cynthia	Drisko, Richard
Elliott, Nancy	Emerton, Larry	Fletcher, Richard	Gargas, Carolyn
Graham, John	Haefner, Robert	Hansen, Ryan	Hawkins, Ken
Hinkle, Peyton	Hogan, Edith	Hunter, Bruce	Infantine, William
Jasper, Shawn	Jeudy, Jean	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Lessard, Rudy	Manney, Pamela	McRae, Karen
Mesa, Lily	Mooney, Maureen	Moran, Edward	O'Connell, Timothy
Ober, Lynne	Ober, Russell III	Peterson, Andy	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rowe, Robert	Soucy, Connie
Spaulding, Jayne	Spratt, Stephen	Stepanek, Stephen	Tahir, Saghir
Ulery, Jordan	Villeneuve, Maurice	Winters, Joel	

MERRIMACK

Anderson, Eric	DeJoie, John	DeStefano, Stephen	Hess, David
Humphries, Charlie	Kidder, David	Lockwood, Priscilla	MacKay, James
Reardon, Tara	Reed, Dennis	Ryan, Jim	Walz, Mary

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
-------------	-------------------	----------------	------------------

Bettencourt, David
Camm, Kevin
Dalrymple, David
Fesh, Bob
Gleason, John
Guthrie, Joseph
Johnson, Robert
Major, Norman
Nowe, Ronald
Priestley, Anne
Reagan, John
Waterhouse, Kevin
Weyler, Kenneth

Bishop, Franklin
Carson, Sharon
Devine, James
Flanders, John Sr
Gould, Kenneth
Headd, James
Kappler, Lawrence
McCarthy, Linda
Packard, Sherman
Quandt, Marshall
Robertson, Carl
Weare, Everett
Wickson, Rick

Borden, David
Case, Frank
Elliott, Robert
Garcia, Marilinda
Griffin, Mary
Ingram, Russell
Katsakiores, George
McKinney, Betsy
Pearson, Mark
Quandt, Matthew
Sanders, Elisabeth
Welch, David
Winchell, George

Cali-Pitts, Jacqueline
Charron, Gene
Emiro, Frank
Garritty, James
Grote, Otto
Itse, Daniel
Katsakiores, Phyllis
McMahon, Charles
Powers, James
Rausch, James
Stiles, Nancy
Wells, Roger

STRAFFORD

Brown, Julie
Spang, Judith

Brown, Larry

Goodwin, Earle

Grassie, Anne

SULLIVAN

Ferland, Brenda

Rodeschin, Beverly

NAYS 199

BELKNAP

Arsenault, Beth

Morrison, Gail

CARROLL

Bridgham, Robert
Heard, Virginia

Buco, Thomas
Knox, J. David

Butler, Edward

Cunningham, Howard

CHESHIRE

Allen, Peter
Dunn, J. Timothy
Loll, Thomas
Richardson, Barbara
Weber, Lucy

Burridge, Delmar
Eaton, Daniel
Mitchell, Bonnie
Roberts, Kris
Weed, Charles

Butcher, Suzanne
Espieffs, Peter
Parkhurst, Henry
Robertson, Timothy

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

COOS

Hatch, William
Merrick, Scott

Ingersoll, Paul Sr
Theberge, Robert

Mears, Edgar
Thomas, Yvonne

Merrick, Evalyn

GRAFTON

Aguiar, James
Bleyler, Ruth
Friedrich, Carol
McLeod, Martha
Solomon, Peter

Almy, Susan
Cooney, Mary
Laliberte, Suzanne
Nordgren, Sharon

Andersen, Gene
Eaton, Stephanie
Lovett, Sid
Pierce, David

Benn, Bernard
Estes, Carole
Matheson, Robert
Preston, Philip

HILLSBOROUGH

Baroody, Benjamin
Campbell, David

Beaulieu, Jane
Clemons, Jane

Beck, Catriona
Cote, David

Brunelle, Michael
Cote, Peter

Daler, Jennifer
Foster, Linda
Gorman, Mary
Harvey, Suzanne
Jean, Claudette
Kelley, John
Lasky, Bette
Lisle, Carolyn
Martineau, Jesse

O'Brien, Michael Sr
Rochette, Eric
Shaw, Barbara
Sullivan, Daniel

Edwards, Andrew
Garrity, Patrick
Hackel, Paul
Hebert, Roger
Johnson, Stephen
Knowles, John
Leishman, Peter
Long, Patrick
Matarazzo, Anthony
Sr

O'Neil, James
Rosenwald, Cindy
Simon, Anthony
Sysyn, Mary

Essex, David
Ginsburg, Ruth
Haley, Robert
Holden, Randolph
Kaelin, Michael
Knowles, Mary Ann
Levasseur, Nickolas
Mack, Ron
Messier, Irene

Pilotte, Maurice
Schulze, Joan
Smith, David
Vaillancourt, Steve

Fontas, Jeffrey
Goley, Jeffrey
Hammond, Jill
Irwin, Anne-Marie
Katsiantonis, George
Kopka, Angeline
Levesque, Melanie
Marshall, Seth
Movsesian, Lori

Reuschel, Michael
Shattuck, Gilman
Smith, Sandra
Velez, Hector

MERRIMACK

Baxley, Maureen

Beauchesne,
Suzanne

Bouchard, Candace

Brown, Carole

Brueggemann, Donald
Foose, Robert
Hager, Elizabeth

Clarke, Claire
French, Barbara
Hamm, Christine

Davis, Frank
Gile, Mary
Kelly, Sally

Ehlers, Eileen
Greco, Vincent
Kjellman, Eleanor
Glynn

McMahon, Patricia
Potter, Frances
Tupper, Frank
Williams, Robert

Osborne, Jessie
Richardson, Gary
Wallner, Mary

Owen, Derek
Shurtleff, Stephen
Webb, Leigh

Porter, Margaret
Tilton, Joy
Wheeler, Deborah

ROCKINGHAM

Abbott, Dennis
DiFruscia, Anthony
Kelley, Jane
Marsh, Michael
Moore, Bennett
Preston, Mark

Brown, C. Pennington
Flockhart, Eileen
Kennedy, James
McEachern, Paul
Nord, Susi
Russell, Trink

Casey, Kimberley
Henson, John
Kepner, Susan
McKenna, Daniel
O'Keefe, Peter
Snow, Richard

Day, Judith
Howard, Doreen
Lister, Charlotte
Moody, Marcia
Pantelakos, Laura

STRAFFORD

Billian, Deborah
Cyr, James
Hubbard, Pamela
Mickelson, Shawn
Rollo, Michael
Sprague, Dale
Warren, Nancy

Brennan, William
Fargo, Thomas
Hutz, Sarah
Miller, Joseph
Rous, Emma
Srnc, Robert
Watson, Robert

Brown, Jennifer
Hilliard, Dana
Kaen, Naida
Perry, Robert
Schmidt, Peter
Vachon, Dennis

Burke, Rachel
Hofemann, Roland
Knowles, William
Rollo, Deanna
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Gagnon, Raymond
Nielsen, Ellen

Converse, Larry
Gottling, Suzanne
Phinzy, James

Donovan, Thomas
Houde, Matthew
Skinder, Carla

Franklin, Peter
Jillette, Arthur Jr

and the motion failed.

Rep. Stephanie Eaton voted Nay and intended to vote Yea.

Rep. Spang voted Yea and intended to vote Nay.

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

Reps. Hunt, Nancy Elliott, Wood, Kurk, Dokmo, Infantine and Millham spoke against.
 Reps. Gary Richardson, Mooney, DiFruscia and Lasky spoke in favor.
 Rep. Campbell moved the previous question.
 Adopted.
 Rep. Infantine requested a roll call; sufficiently seconded.

YEAS 202 NAYS 150

YEAS 202

BELKNAP

Arsenault, Beth Morrison, Gail

CARROLL

Bridgham, Robert Bucu, Thomas Butler, Edward Cunningham, Howard
 Heard, Virginia

CHESHIRE

Allen, Peter Burridge, Delmar Butcher, Suzanne Chase, William
 Dunn, J. Timothy Eaton, Daniel Espieffs, Peter Lerandeau, Alfred
 Loll, Thomas Mitchell, Bonnie Plifka, Stanley Jr Richardson, Barbara
 Roberts, Kris Robertson, Timothy Sad, Tara Weber, Lucy
 Weed, Charles

COOS

Hatch, William Ingersoll, Paul Sr Mears, Edgar Merrick, Evalyn
 Merrick, Scott Theberge, Robert Thomas, Yvonne

GRAFTON

Aguiar, James Andersen, Gene Benn, Bernard Bleyler, Ruth
 Estes, Carole Friedrich, Carol Hammond, Lee Laliberte, Suzanne
 Lovett, Sid Matheson, Robert McLeod, Martha Nordgren, Sharon
 Pierce, David Preston, Philip Sorg, Gregory

HILLSBOROUGH

Baroody, Benjamin Barry, Richard Beaulieu, Jane Beck, Catriona
 Brunelle, Michael Campbell, David Clemons, Jane Cote, David
 Cote, Peter Daler, Jennifer Edwards, Andrew Essex, David
 Fontas, Jeffrey Foster, Linda Garrity, Patrick Ginsburg, Ruth
 Goley, Jeffrey Gorman, Mary Hackel, Paul Haley, Robert
 Hall, Betty Hammond, Jill Harvey, Suzanne Hebert, Roger
 Irwin, Anne-Marie Jean, Claudette Jeudy, Jean Johnson, Stephen
 Kaelin, Michael Katsiantonis, George Kelley, John Knowles, John
 Knowles, Mary Ann Kopka, Angeline Lasky, Bette Leishman, Peter
 Levesque, Melanie Lisle, Carolyn Long, Patrick Mack, Ron
 Marshall, Seth Martineau, Jesse Matarazzo, Anthony Mesa, Lily
 Sr
 Mooney, Maureen O'Brien, Michael Sr O'Neil, James Pilotte, Maurice
 Reuschel, Michael Rowe, Robert Schulze, Joan Shattuck, Gilman
 Simon, Anthony Smith, David Smith, Sandra Sullivan, Daniel
 Sysyn, Mary Vaillancourt, Steve Velez, Hector

MERRIMACK

Baxley, Maureen	Beauchesne, Suzanne	Bouchard, Candace	Brown, Carole
Brueggemann, Donald	Clarke, Claire	Davis, Frank	Ehlers, Eileen
Foose, Robert	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Hamm, Christine	Kelly, Sally	Kjellman, Eleanor Glynn
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Porter, Margaret
Potter, Frances	Richardson, Gary	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary	Walz, Mary	Wheeler, Deborah
Williams, Robert			

ROCKINGHAM

Abbott, Dennis	Bettencourt, David	Bishop, Franklin	Brown, C. Pennington
Cali-Pitts, Jacqueline	Casey, Kimberley	Day, Judith	Devine, James
DiFruscia, Anthony	Flockhart, Eileen	Gleason, John	Grote, Otto
Henson, John	Howard, Doreen	Johnson, Robert	Kelley, Jane
Kennedy, James	Kepner, Susan	Lister, Charlotte	Marsh, Michael
McCarthy, Linda	McEachern, Paul	McKenna, Daniel	Moody, Marcia
Moore, Bennett	Nord, Susi	O'Keefe, Peter	Pantelakos, Laura
Preston, Mark	Russell, Trinka	Snow, Richard	

STRAFFORD

Billian, Deborah	Brennan, William	Brown, Larry	Burke, Rachel
Cyr, James	Fargo, Thomas	Hilliard, Dana	Hofemann, Roland
Hubbard, Pamela	Hutz, Sarah	Kaen, Naida	Knowles, William
Mickelonis, Shawn	Perry, Robert	Rollo, Deanna	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Sprague, Dale	Srnek, Robert	Vachon, Dennis	Wall, Janet
Warren, Nancy	Watson, Robert		

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Gagnon, Raymond	Gottling, Suzanne	Houde, Matthew	Jillette, Arthur Jr
Nielsen, Ellen	Phinizy, James	Skinder, Carla	

NAYS 150

BELKNAP

Allen, Janet	Clark, Charles	Flanders, Donald	Heald, Bruce
Millham, Alida	Pilliod, James	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Wendelboe, Fran	Whalley, Michael
Wood, Jane			

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Denley, William
Knox, J. David	Martin, James	Merrow, Harry	Patten, Betsey

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Parkhurst, Henry
Pelkey, Stephen			

COOS

King, Frederick

Remick, William

GRAFTON

Almy, Susan
Gionet, Edmond
Williams, Burton

Bulis, Lyle
Harding, A Laurie

Cooney, Mary
Ingbretson, Paul

Eaton, Stephanie
Mulholland, Catherine

HILLSBOROUGH

Batula, Peter
Clark, Mark
Day, Russell
Emerton, Larry
Haefner, Robert
Hogan, Edith
Jasper, Shawn
Lessard, Rudy
Messier, Irene
Ober, Russell III
Renzullo, Andrew
Spratt, Stephen
Villeneuve, Maurice

Bergeron, Jean-Guy
Coughlin, Pamela
Dokmo, Cynthia
Fletcher, Richard
Hansen, Ryan
Holden, Randolph
Kurk, Neal
Levasseur, Nickolas
Moran, Edward
Peterson, Andy
Rosenwald, Cindy
Stepanek, Stephen
Winters, Joel

Bergin, Peter
Crane, Elenore Casey
Drisko, Richard
Gargas, Carolyn
Hawkins, Ken
Hunter, Bruce
L'Heureux, Robert
Manney, Pamela
O'Connell, Timothy
Price, Pamela
Soucy, Connie
Tahir, Saghir

Christensen, Chris
Daniels, Gary
Elliott, Nancy
Graham, John
Hinkle, Peyton
Infantine, William
Lawrence, James
McRae, Karen
Ober, Lynne
Reeves, Sandra
Spaulding, Jayne
Ulery, Jordan

MERRIMACK

Anderson, Eric
Humphries, Charlie
Reardon, Tara

DeJoie, John
Kidder, David
Reed, Dennis

DeStefano, Stephen
Lockwood, Priscilla
Ryan, Jim

Hess, David
MacKay, James
Webb, Leigh

ROCKINGHAM

Allen, Mary
Borden, David
Charron, Gene
Flanders, John Sr
Griffin, Mary
Kappler, Lawrence
McMahon, Charles
Powers, James
Rausch, James
Stiles, Nancy
Wells, Roger

Baldasaro, Alfred
Camm, Kevin
Dalrymple, David
Garcia, Marilinda
Headd, James
Katsakiores, George
Nowe, Ronald
Priestley, Anne
Reagan, John
Waterhouse, Kevin
Weyler, Kenneth

Bedrick, Jason
Carson, Sharon
Emiro, Frank
Garrity, James
Ingram, Russell
Katsakiores, Phyllis
Packard, Sherman
Quandt, Marshall
Robertson, Carl
Weare, Everett
Wickson, Rick

Belanger, Ronald
Case, Frank
Fesh, Bob
Gould, Kenneth
Itse, Daniel
Major, Norman
Pearson, Mark
Quandt, Matthew
Sanders, Elisabeth
Welch, David
Winchell, George

STRAFFORD

Brown, Jennifer
Miller, Joseph

Brown, Julie

Goodwin, Earle

Grassie, Anne

SULLIVAN

Ferland, Brenda

Rodeschin, Beverly

and the committee report was adopted.

Ordered to third reading.

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

HB 84, relative to the hours of operation of vehicle inspection stations. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda L. Ferland for Transportation: This bill would have prohibited the Commissioner of Safety from establishing minimum days and hours of operation for official inspection stations that operate part time or by appointment. The current law has been in effect for many years and the safety department has the responsibility to authorize normal business days and hours. It is costly for the Highway Patrol to oversee inspection stations that operate without normal hours. Minimum hours and days are necessary for the convenience of the public. Vote 15-2.

Rep. Timothy Robertson spoke against and yielded to questions.

Rep. Ferland spoke in favor and yielded to questions.

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 Tuesday, March 6, 2007 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 117, creating an exception for the storage of black gunpowder by historical reenactors and certain nonprofit entities.

HB 187, establishing that sheriffs' departments have sole jurisdiction to enforce civil orders.

HB 98, relative to the situation of landfills on land owned by municipalities.

HB 396, establishing a commission to study autism spectrum disorders in New Hampshire.

HB 89, establishing a committee to study dispute resolution between local political subdivisions and public employees in New Hampshire.

HB 99, relative to the youth employment law.

HB 153, relative to standards for bridge and highway construction.

HB 166, relative to the definition of a bridge.

HB 56, relative to the definition of agritourism.

HB 61, designating segments of the Ammonoosuc River into the rivers management protection program.

HB 438, renaming a certain island in Blackey's Cove in Lake Winnepesaukee.

HB 140, establishing the New Hampshire commission on deafness and hearing loss.

HB 168, expanding the purposes of the wildflower establishment program.

HB 180-FN, relative to pay and allowances for officers and enlisted members of the national guard.

HB 143, relative to the apportionment of damages in civil actions.

PERSONAL PRIVILEGE

Rep. Baroody addressed the House.

UNANIMOUS CONSENT

Reps. Sorg and Kurk addressed the House.

RECESS MOTION

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

Adopted.

The House recessed at 1:28 p.m.

RECESS

(Rep. Claudia Chase in the Chair)

RESOLUTION

Rep. Janet Allen offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill number 36 shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee. Adopted.

INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 36, eliminating straight ticket voting. (Election Law)

RECESS

(Speaker Norelli in the Chair)

RESOLUTION

Rep. Wallner offered the following: RESOLVED, that late drafting and introduction having been approved by the Rules Committee, House Bills numbered 926 and 927 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 926-FN, relative to the regulation of pharmacies and pharmacists. (Wendelboe, Belk 1; Case, Rock 1; Bettencourt, Rock 4: Health, Human Services and Elderly Affairs)

HB 927-FN, relative to the specific criteria and substantive educational program that define an adequate education. (Rous, Straf 7; Stiles, Rock 15; Odell, Dist 8; Foster, Dist 13: Education)

RECESS