

HOUSE RECORD

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

Vol. 29

Concord, N.H.

Thursday, June 7, 2007

No. 48

HOUSE JOURNAL No. 18 (cont.)

Wednesday, June 6, 2007

RECESS

Rep. Wallner moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 19

Thursday, June 7, 2007

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

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

A Prayer for Children
by Ina J. Hughs

We pray for children
who put chocolate fingers everywhere,
who like to be tickled,
who stomp in mud puddles and ruin their new pants,
who sneak Popsicles before supper,
who erase holes in math workbooks,
who can never find their shoes.
And we pray for those
who stare at photographers from behind barbed wire,
who've never squeaked across the floor in new sneakers,

who never “counted potatoes,”
who are born in places we wouldn’t be caught dead,
who never go to the circus,
who live in an X-rated world.

We pray for children
who bring us sticky kisses and fistfuls of dandelions,
who sleep with the dog and bury goldfish,
who hug us in a hurry and forget their lunch money,
who cover themselves with Band-Aids and sing off-key,
who squeeze toothpaste all over the sink,
who slurp their soup.

And we pray for those
who never get dessert,
who watch their parents watch them die,
who have no safe blanket to drag behind,
who can’t find any bread to steal,
who don’t have any rooms to clean up,
whose pictures aren’t on anybody’s dresser,
whose monsters are real.

We pray for children
who spend all their allowance before Tuesday,
who throw tantrums in the grocery store and pick at their food,
who like ghost stories,
who shove dirty clothes under the bed and never rinse out the tub,
who get visits from the tooth fairy,
who don’t like to be kissed in front of the car pool,
who squirm in church and scream in the phone,
whose tears we sometimes laugh at and whose smiles can make us cry.

And we pray for those
whose nightmares come in the daytime,
who will eat anything,
who have never seen a dentist,
who aren’t spoiled by anybody,
who go to bed hungry and cry themselves to sleep,
who live and move, but have no being.

We pray for children
who want to be carried, and for those who must.
For those we never give up on, and for those who don’t get a chance.
For those we smother, and for those who will grab the hand of anybody
kind enough to offer it.

Rep. John Thomas, member from Belmont, led the Pledge of Allegiance.

The National Anthem was sung by Shelby Stanton, a student at Marlborough Middle School.

LEAVES OF ABSENCE

Reps. Dalrymple, Forest, Forsing, Grote and Martineau, the day, illness.
Reps. Janet Allen, Barry, Bergin, Blanchard, Bleyler, Brennan, Jennifer Brown, Larry
Brown, Brendon Browne, Case, Claudia Chase, Clemons, Stephanie Eaton, Donald Flanders,
Fletcher, Greco, Hager, Hamm, Lee Hammond, Harvey, Houde, Hutchinson, Hutz,
L’Heureux, Lawrence, Leishman, Lessard, Levesque, Manney, McKinney, Scott Merrick,

Benjamin Moore, Nielsen, Rausch, Deanna Rollo, Sprague, Stevens and Joy Tilton, the day, important business.

INTRODUCTION OF GUESTS

Honorable Charlotte Houde-Quimby, former member from Meriden, guest of Rep. Harding. Kim Stanton, mother of the singer, guest of the House. Paul Howard, husband of Rep. Howard.

SENATE MESSAGES

REQUEST CONCURRENCE WITH AMENDMENTS

HB 83, relative to the deliberations of the board of tax and land appeals under the right-to-know law. (Amendment printed SJ 5-24-07)

Rep. David Cote moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Wall, Gary Richardson, Baxley and Mooney.

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

HB 187, establishing that sheriffs' departments have sole jurisdiction to enforce civil orders. (Amendment printed SJ 5-3-07)

Rep. William Knowles moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Tholl, Welch, Fontas and Movsesian.

HB 202, relative to a point system for automobile dealer and inspection station violations. (Amendment printed SJ 4-18-07)

Rep. Ryan moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Ryan, Packard, Nedeau and Robert Williams.

HB 261, prohibiting the Carroll county attorney from engaging in the private practice of law. (Amendment printed SJ 5-31-07)

Rep. Theberge moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Patten, Stohl, Simon and Larry Brown.

HB 293, allowing municipalities to establish agricultural commissions. (Amendments printed SJ 5-17-07)

Rep. Theberge moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Theberge, Bennett Moore, Patten and Stohl.

HB 306, establishing a task force on work and family. (Amendment printed SJ 5-24-07)

Rep. Mears moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. John Knowles, Converse, Infantine and Bishop.

HB 653, relative to the determination of benefits, funding, and administration of the New Hampshire retirement system. (Amendment printed SJ 5-24-07)

Rep. Irwin moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Irwin, Patricia McMahon, Hawkins and Beauchesne.

Reps. Robert Johnson and John Thomas declared a conflict of interest and did not

participate.

HB 659-FN, exempting certain motor vehicles manufactured prior to 1941 from vehicle equipment and inspection requirements. (Amendment printed SJ 5-17-07)

Rep. Ryan moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Jennifer Brown, Packard, O'Brien and Estes.

HB 735, relative to the form of the presidential primary election ballot. (Amendment printed SJ 5-24-07)

Rep. Weed moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Clemons, Jasper, Weed and Claudia Chase.

HB 876-FN-L, establishing a commission to make recommendations to ensure the long-term viability and sustainability of the New Hampshire retirement system. (Amendment printed SJ 5-24-07)

Rep. Irwin moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Irwin, Patricia McMahon, Hawkins and Beauchesne.

HB 882-FN, relative to limitations on tort liability of government units. (Amendment printed SJ 5-24-07)

Rep. David Cote moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lasky, Morrison, Baxley and Sorg.

HB 54, establishing a commission to study automobile recycling issues. (Amendment printed SJ 5-24-07)

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

Adopted.

HB 718-FN, establishing a committee to study the cost, quality, accountability and oversight standards used by the state when contracting with private entities for delivery of public services. (Amendment printed SJ 5-17-07)

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

Adopted.

HB 895-FN, relative to licensure of court reporters. (Amendment printed SJ 5-24-07)

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

Adopted.

HB 272, relative to presidential primary elections. (Amendment printed SJ 5-31-07)

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

Adopted.

HB 43, relative to the procedure for establishing Medicaid reimbursement rates, establishing a committee to study Medicaid payments for hospital-based physician and outpatient services, and establishing a moratorium on certain reimbursement policy changes pending the results of the study. (Amendment printed SJ 5-24-07)

Reps. Rosenwald and Marjorie Smith moved that the House concur.

Rep. Rosenwald spoke in favor.

Adopted.

HB 345, relative to certification of death certificates. (Amendment printed SJ 5-31-07)
Rep. Rosenwald moved that the House concur and spoke in favor.
Adopted.

HB 491, establishing a public health improvement services council. (Amendment printed SJ 5-31-07)
Rep. Rosenwald moved that the House concur and spoke in favor.
Adopted.

HB 611, relative to payment of wages by automated pay card or cash voucher. (Amendment printed SJ 5-17-07)
Rep. Mears moved that the House concur and spoke in favor.
Adopted.

HB 316, relative to the 5-year assessment review by the department of revenue administration. (Amendment printed SJ 5-31-07)
Rep. Theberge moved that the House concur and spoke in favor.
Adopted.

HB 722, relative to the rivers management protection program. (Amendment printed SJ 5-31-07)
Rep. Spang moved that the House concur and spoke in favor.
Adopted.

HB 898, relative to the use of sled dogs and the training of sled dogs on state trails. (Amendment printed SJ 5-17-07)
Rep. Spang moved that the House concur and spoke in favor.
Adopted.

HB 119, relative to the sunset provision of the system benefits charge. (Amendment printed SJ 5-31-07)
Rep. Kaen moved that the House concur and spoke in favor.
Adopted.

HB 694, establishing a commission to study the feasibility of tidal power generation under the Little Bay and General Sullivan Bridges, in Dover. (Amendment printed SJ 5-31-07)
Rep. Kaen moved that the House concur and spoke in favor.
Adopted.

HB 768, relative to voluntary registration with the Eastern Climate Registry. (Amendment printed SJ 5-31-07)
Rep. Kaen moved that the House concur and spoke in favor.
Adopted.

HB 917, relative to the duties of the oversight committee on telecommunications. (Amendment printed SJ 5-31-07)
Rep. Kaen moved that the House concur and spoke in favor.
Adopted.

HB 397, relative to restricted drivers' licenses. (Amendment printed SJ 5-24-07)
Rep. Ryan moved that the House concur and spoke in favor.
Adopted.

HB 685, prohibiting New Hampshire from participating in a national identification card system. (Amendment printed SJ 5-24-07)

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

HB 649, relative to the disposition of real estate given, devised, or bequeathed to a town for charitable or community purposes. (Amendment printed SJ 5-31-07)

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

REGULAR CALENDAR SPECIAL ORDERS

SB 74-FN, relative to the operation and administration of the state park system.

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

Rep. Donald A. Brueggemann for the Majority of Resources, Recreation and Development: This establishes a bureau of historic sites in the Department of Resources and Economic Development. Although initially only minimally staffed, this bill provides a framework by which the bureau will be developed in order to address the abysmal condition into which our state-owned historic sites have fallen. In addition, SB 74 details the content and the development process of a strategic plan for the state parks system and requires an audit of the Division of Parks and Lands. Lastly, a State Park System Advisory Council is established in order to provide advice as the master plan is developed and advocate for the park system. The amendment eliminates a Legislative Oversight Committee, incorporates legislators into the Advisory Council and sunsets the council in 2010, two years after completion of the plan. Vote 12-6.

Rep. Andrew Renzullo for the Minority of Resources, Recreation and Development: This bill is a typical government response to a problem, to form a committee. This bill creates another advisory group to add to the 170 plus committees/groups/councils that give input to the Department of Resources and Economic Development (DRED). The bill also asks for \$500,000 to have the Director of DRED produce a master plan for the park system. We hire people to do a job and have the vision to create their plan for their department's future, not hire a consultant to do it. In addition, this bill requests the establishing of a bureau of historic sites within the state park system and staffing said bureau. Preservation of historic sites within the park system is best handled by individually funded projects and not establishing a bureau.

Majority Amendment (1809h)

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

1 New Sections; Department of Resources and Economic Development; Bureau of Historic Sites Established. Amend RSA 12-A by inserting after section 10-c the following new sections:

12-A:10-d Bureau of Historic Sites Established. There is established a bureau of historic sites in the division of parks and recreation of the department of resources and economic development. The chief supervisor of the bureau shall report directly to the director of the division of parks and recreation.

12-A:10-e Duties of the Bureau of Historic Sites. The bureau shall:

I. Define missions and goals for the state's historic sites and ensure accountability in the ongoing stewardship responsibilities for such sites.

II. Create a comprehensive and coordinated interpretive approach for the network of state historic sites.

III. Develop operating and management plans and policies specific to the state's historic sites.

IV. Enter into partnerships and provide effective management of partnerships with other agencies and "friends" groups connected to the state's historic sites.

V. Address the deferred maintenance of existing sites and develop a long-term maintenance plan for all state-owned historic sites.

VI. Develop sustainable funding mechanisms that include state funds, earned income, and foundation and private support.

VII. Build an operations team with cultural resource expertise and administrative, interpretive, and preservation experience.

VIII. Work collaboratively with the division of historical resources in the department of cultural resources, in the management of the state historic sites and the development of interpretive and visitor programs for students and the general public that will build ongoing recognition and appreciation for the state's historic sites.

2 Expansion of State Park System; Development Plan. RSA 216-A:3-c is repealed and reenacted to read as follows:

216-A:3-c Development Plan.

I. The director of parks and recreation shall by September 30, 2008, publish a written comprehensive 10-year development plan for the state park system. The director may contract with an experienced, independent firm to assist in the development of this plan. The director shall submit copies of the plan to the governor, the governor's council, the presiding officers of the general court, the chairperson of the house resources, recreation and development committee, and the chairperson of the senate energy, environment, and economic development committee. On or before June 1, 2008, the director of parks and recreation shall submit a progress report to the chairperson of the house resources, recreation and economic development committee and the chairperson of the senate energy, environment, and economic development committee.

II. The director shall continually review this plan and revise it as necessary.

III. The strategic plan shall include:

(a) An analysis of the recreational needs of each geographic region of the state and the degree to which existing park facilities address those needs.

(b) An evaluation of overall state park system operations to identify strengths, weaknesses, and future approaches to increase revenue and simplify operations.

(c) Specific goals and objectives for the park system.

(d) A report on the progress in meeting goals and objectives during each biennium.

(e) Identification of areas in which there is a need for physical expansion of park properties.

(f) Identification of park system properties which are surplus to the state's needs.

(g) A summary of the division's planned maintenance program for park facilities, including, but not limited to, measures to protect against undue environmental stress.

(h) Proposed improvements to park facilities, including major renovations, repairs, additions, or new construction.

(i) A full evaluation of facilities, profit and loss, and usage trends in each state park and a comparison of such usage to national trends.

(j) A continual overview of marketing approaches and reservation systems to maximize day rental usage of the state park system.

(k) The adoption of uniform standards for managing facility day use including uniformity in fee structure, reservation procedures, and monitoring of use.

(l) An analysis of whether leasing or outsourcing certain state park functions, or entering into public/private partnerships would increase revenues and simplify operations.

IV. The strategic plan shall serve as a basis for the division's capital and operating budget requests.

V. In developing the plan, the department shall solicit local input. The director shall also consult with the division of historical resources of the department of cultural resources. The office of energy and planning shall provide the director of parks and recreation with such information on the recreational needs of the state and other technical assistance as is necessary for the division to properly perform its responsibilities under this section.

VI. The director of parks and recreation shall report to the house resources, recreation and development committee and the senate energy, environment, and economic development committee by January 31 of each year on the state of the parks and historic sites.

3 Audit of Division of Parks and Recreation. Notwithstanding RSA 17-N:1, the legislative budget assistant shall, no later than January 1, 2008, initiate an audit of the division of parks and recreation of the department of resources and economic development. The audit topics shall include, but are not limited to, cash control, cash flow management, and security issues. On or before June 30, 2008, the legislative budget assistant shall submit an audit progress report to the chairperson of the house resources, recreation and development committee and the chairperson of the senate energy, environment, and economic development committee. A final audit report shall be submitted on or before September 30, 2008. Extensions to these reporting dates may be granted by the fiscal committee of the general court.

4 New Section; State Park System Advisory Council. Amend RSA 216-A by inserting after section 3-j the following new sections:

216-A:3-k State Park System Advisory Council.

I. There is established a state park system advisory council which shall consist of the following members:

(a) Ten who shall be appointed by the governor.

(b) One who shall be the commissioner of the department of resources and economic development or designee, whose appointment shall be coterminous with the commissioner's tenure of office.

(c) Three members of the house of representatives, at least 2 of whom shall be from the resources, recreation and development committee, appointed by the speaker of the house of representatives.

(d) Two senators, appointed by the president of the senate.

II. In the event of a vacancy in membership of a member appointed under paragraph I, appointment shall be made in the same manner.

III. Members of the council shall be residents of the state of New Hampshire, at least one of whom shall be qualified, experienced, and representative of each of the following areas:

(a) The business community.

(b) A park friends group.

(c) Recreation.

(d) Forestry.

(e) The general public.

(f) Conservation.

(g) Marketing or public relations.

(h) Historic preservation, including the development and management of historic sites.

IV. The council shall elect a chairperson from among the membership.

V. Members of the council shall serve without compensation but shall be entitled to receive mileage and expenses when attending to the duties of the council. Legislative members of the council shall receive mileage at the legislative rate when attending to the duties of the council.

VI. The council shall:

(a) Provide advice to the director of the division of parks and recreation on issues relating to the operation and development of the state park system.

(b) Act as an advocate for the state park system.

(c) Review existing statutes and capital appropriations relating to the state park system and recommend to the general court any changes needed to improve efficiency and clarify responsibilities in the operation of the state park system.

(d) Review, with the assistance of the attorney general, all agreements, memoranda of understanding, leases, special use permits, deeds, or other legal documents to which the division of parks and recreation, or the department of resources and economic development, or both, are a party.

(e) Investigate the development of new incentives to encourage nonprofit clubs, "friends" groups, or other individuals or organizations to assist with construction, maintenance, scientific research, visitor services, and other activities required for the efficient operation of the state park system.

(f) Submit a report of its findings 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 no later than November 1 each year.

5 Repeal. Section 4 of this act is repealed effective June 30, 2010.

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

Majority amendment adopted.

Majority committee report adopted.

Ordered to third reading.

SB 143, naming Jericho Mountain state park and establishing ATV and trail bike trails in such park. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Suzanne H. Gottling for the Majority of Resources, Recreation and Development: This bill with amendment names the new state park near Berlin "Jericho Mountain Park." It also defines a procedure for building and completing ATV and trail bike trails in areas of the park where the criteria established in RSA 215-A:43 make this development impracticable. A waiver of some criteria may be obtained. Each waiver must be agreed to in writing by the Department of Resources and Economic Development and the Fish and Game Department. If water quality is impacted, the Department of Environmental Services must also agree in writing to the waiver. The allowable maximum size of ATVs was increased to 1200 pounds and 60 inches wide to provide opportunities for enhanced revenues at the park. Vote 11-6. Rep. Elisabeth N. Sanders for the Minority of Resources, Recreation and Development: The minority of the committee strongly supports the Jericho Mountain state park development due to its valuable economic impact goals. The committee drafted and discussed four different proposals, none of which were satisfactory. After hours of debate, the minority felt that the original SB 143 as amended by the Senate was the best solution for House approval and feels that an OTP (no amendment) would best serve the interest of increasing travel and tourism to the North County – helping economic growth and job creation. All the amendments contained language that focused on micromanaging the agencies, rather than allowing the agencies to perform their responsibilities as set out in statute and the Jericho Mountain State Park Master Plan. The bill as passed by the Senate strikes a balance between the economic goals and environmental protection. There is already a solid level of cooperation between the Department of Resources and Economic Development (DRED), the Fish & Game Department, and the Department of Environmental Services (DES) in the creation and the implementation of this new park initiative.

Majority Amendment (1829h)

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

AN ACT relative to ATV and trail bike trails in Jericho Mountain park.
Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Jericho Mountain Park. Amend RSA 215-A:43 by inserting after paragraph V the following new paragraphs:

VI. The property acquired for the purposes of developing ATV and trail bike trails in the city of Berlin by the department of resources and economic development, division of parks and recreation, bureau of trails, and any abutting land donated or acquired after the effective date of this paragraph, shall hereby be known as Jericho Mountain Park.

VII. Notwithstanding the provisions of this section to the contrary, at Jericho Mountain Park:

(a) An ATV or trail bike trail may be established and subsequently maintained within Jericho Mountain Park even though it:

(1) Is within 330 feet of a known raptor nest provided that it is not within 650 feet of trees with eagle or osprey nests; or

(2) Fails to comply with the criteria in RSA 215-A:43, II(o) and (q) to the extent that it is utilizing an existing surface roadway located within the protected area which would reduce adverse environmental impacts.

(b) Site specific waivers of the criteria specified in RSA 215-A:43, II(o) and (q) are allowed on trails in Jericho Mountain Park provided that all of the following criteria are met:

(1) There is no practicable alternative location of the trail that would meet the criteria in RSA 215-A:43, II;

(2) The proposed trail location and construction is the least impacting alternative; and

(3) Conditions of the site specific waiver are agreed to in writing by:

(A) The department of resources and economic development and the fish and game department, for waivers that will have no impact on water quality; or

(B) The department of resources and economic development, the fish and game department, and the department of environmental services for waivers that may have an impact on water quality.

(c) A person may operate an OHRV within Jericho Mountain Park which weighs up to 1200 pounds and is no wider than 60 inches.

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

AMENDED ANALYSIS

This bill allows waivers of certain criteria in the evaluation process for establishment of ATV and trail bike trails relative to Jericho Mountain park in Berlin.
Majority amendment adopted.

RECONSIDERATION

Having voted with the prevailing side, Rep. Spang moved that the House reconsider its action whereby it adopted the majority committee amendment on **SB 143**, naming Jericho Mountain state park and establishing ATV and trail bike trails in such park.

Rep. Spang spoke in favor.

Motion adopted.

The question now being the adoption of the majority committee amendment (1829h).

Reps. Chris Christensen and David Russell spoke against.

Reps. Spang and Gottling spoke in favor.

Rep. Lasky requested a roll call; sufficiently seconded.

YEAS 188 NAYS 132

YEAS 188

BELKNAP

Arsenault, Beth

Morrison, Gail

Pilliod, James

Reever, Judith

CARROLLBridgham, Robert
Knox, J. DavidButler, Edward
Martin, James

Cunningham, Howard

Heard, Virginia

CHESHIREAllen, Peter
Butynski, William
Lerandeau, Alfred
Richardson, Barbara
Weber, LucyBurrige, Delmar
Chase, William
Mitchell, Bonnie
Roberts, Kris
Weed, CharlesButcher, Suzanne
Eaton, Daniel
Parkhurst, Henry
Robertson, TimothyButterworth, Timothy
Espieffs, Peter
Plifka, Stanley Jr
Sad, Tara**COOS**

Hatch, William

Merrick, Evalyn

GRAFTONAguiar, James
Estes, Carole
Lovett, Sid
Pierce, DavidAlmy, Susan
Friedrich, Carol
Matheson, Robert
Preston, PhilipAndersen, Gene
Harding, A Laurie
Mulholland, Catherine
Solomon, PeterBenn, Bernard
Laliberte, Suzanne
Nordgren, Sharon**HILLSBOROUGH**Baroody, Benjamin
Campbell, David
Edwards, Andrew
Garrity, Patrick
Haley, Robert
Irwin, Anne-Marie
Kelley, John
Lasky, Bette
Mack, RonBeaulieu, Jane
Cote, David
Essex, David
Goley, Jeffrey
Hall, Betty
Jean, Claudette
Knowles, John
Levasseur, Nickolas
Marshall, SethBeck, Catriona
Cote, Peter
Fontas, Jeffrey
Gorman, Mary
Hammond, Jill
Johnson, Stephen
Knowles, Mary Ann
Lisle, Carolyn
Matarazzo, Anthony
SrBrunelle, Michael
Daler, Jennifer
Foster, Linda
Hackel, Paul
Hebert, Roger
Kaelin, Michael
Kopka, Angeline
Long, Patrick
Mesa, LilyMovsesian, Lori
Rosenwald, Cindy
Shaw, Barbara
Spaulding, Jayne
Winters, JoelO'Neil, James
Scannell, David
Shaw, Kimberly
Spratt, StephenPilotte, Maurice
Schulze, Joan
Simon, Anthony
Sullivan, DanielReuschel, Michael
Shattuck, Gilman
Smith, David
Sysyn, Mary**MERRIMACK**

Baxley, Maureen

Beauchesne,
Suzanne

Brown, Carole

Brueggemann, Donald

Clarke, Claire
Ehlers, Eileen
Kjellman, Eleanor
GlynnDavis, Frank
Foose, Robert
McMahon, PatriciaDeJoie, John
French, Barbara
Owen, DerekDeStefano, Stephen
Gile, Mary
Porter, MargaretPotter, Frances
Shurtleff, Stephen
Webb, LeighReardon, Tara
Tupper, Frank
Wheeler, DeborahRichardson, Gary
Wallner, Mary
Williams, RobertRyan, Jim
Walz, Mary
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Borden, David	Brown, C. Pennington	Buxton, Donald
Cali-Pitts, Jacqueline	Casey, Kimberley	Day, Judith	DiFruscia, Anthony
Flockhart, Eileen	Gleason, John	Henson, John	Howard, Doreen
Katsakiores, George	Kelley, Jane	Kennedy, James	Kepner, Susan
Lister, Charlotte	Marsh, Michael	McCarthy, Linda	McEachern, Paul
McKenna, Daniel	Moody, Marcia	Moore, Bennett	Nord, Susi
Pantelakos, Laura	Powers, James	Robertson, Carl	Russell, Trinka
Serlin, Christopher	Snow, Richard	Splaine, James	

STRAFFORD

Berube, Roger	Billian, Deborah	Burke, Rachel	Cyr, James
DeChane, Marlene	Domingo, Baldwin	Fargo, Thomas	Goodwin, Earle
Hofemann, Roland	Hubbard, Pamela	Kaen, Naida	Knowles, William
Miller, Joseph	Perry, Robert	Rollo, Michael	Rous, Emma
Schmidt, Peter	Spang, Judith	Srnc, Robert	Vachon, Dennis
Wall, Janet	Watson, Robert		

SULLIVAN

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

NAYS 132

BELKNAP

Boyce, Laurie	Clark, Charles	Heald, Bruce	Millham, Alida
Nedeau, Stephen	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Wendelboe, Fran	Whalley, Michael	

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Denley, William	Merrow, Harry	Patten, Betsey	Stevens, Stanley

CHESHIRE

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

King, Frederick	Mears, Edgar	Remick, William	Stohl, Eric
Theberge, Robert	Tholl, John Jr	Thomas, Yvonne	

GRAFTON

Bulis, Lyle	Cooney, Mary	Dingman, Vernon III	Gionet, Edmond
Ingbretson, Paul	McLeod, Martha	Sorg, Gregory	Williams, Burton

HILLSBOROUGH

Batula, Peter	Bergeron, Jean-Guy	Christensen, Chris	Christiansen, Lars
Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey	Daniels, Gary
Day, Russell	Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy
Gargas, Carolyn	Ginsburg, Ruth	Goyette, Peter	Graham, John

Haefner, Robert
Hogan, Edith
Kurk, Neal
O'Connell, Timothy
Reeves, Sandra
Stepanek, Stephen
Villeneuve, Maurice

Hansen, Ryan
Holden, Randolph
McRae, Karen
Ober, Russell III
Renzullo, Andrew
Tahir, Saghir

Hawkins, Ken
Infantine, William
Mooney, Maureen
Peterson, Andy
Rowe, Robert
Ulery, Jordan

Hinkle, Peyton
Jasper, Shawn
Moran, Edward
Price, Pamela
Soucy, Connie
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Kidder, David
Reed, Dennis

Bouchard, Candace
Lockwood, Priscilla

Hess, David
MacKay, James

Humphries, Charlie
Osborne, Jessie

ROCKINGHAM

Allen, Mary
Bettencourt, David
Dumaine, Dudley
Flanders, John Sr
Guthrie, Joseph
Introne, Robert
Katsakiores, Phyllis
Nowe, Ronald
Quandt, Matthew
Waterhouse, Kevin
Weyler, Kenneth

Baldasaro, Alfred
Camm, Kevin
Elliott, Robert
Garrity, James
Headd, James
Itse, Daniel
Lund, Howie
Packard, Sherman
Reagan, John
Weare, Everett
Winchell, George

Bedrick, Jason
Carson, Sharon
Emiro, Frank
Gould, Kenneth
Hopfgarten, Paul
Johnson, Robert
Major, Norman
Priestley, Anne
Sanders, Elisabeth
Welch, David

Belanger, Ronald
Charron, Gene
Fesh, Bob
Griffin, Mary
Ingram, Russell
Kappler, Lawrence
McMahon, Charles
Quandt, Marshall
Stiles, Nancy
Wells, Roger

STRAFFORD

None

SULLIVAN

Ferland, Brenda Rodeschin, Beverly
and the majority committee amendment was adopted.
Majority committee report adopted.
Ordered to third reading.

SB 123, relative to pole attachments. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jacqueline A. Cali-Pitts for the Majority of Science, Technology and Energy: The bill is very simple and uncomplicated giving the Public Utilities Commission the authority to hear and resolve complaints concerning pole attachments relative to rates, charges, terms, conditions, voluntary agreements, or denial of attachments. The bill streamlines the pole attachments question as it will be handled on the state level and not in Washington. Vote 12-3.

Rep. John H. Thomas for the Minority of Science, Technology and Energy: The minority of the committee opposes this bill because the process is not broken. Basically we are talking about private contracts between private entities. There is a process of review and appeal at the Federal Communications Commission (FCC) and we have had testimony that the FCC has not heard a case in 10 years. On the local level, when an attachment rate is in dispute there is the court system to appeal to as in any private contract case.

Majority Amendment (1894h)

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

1 New Subdivision; Pole Attachments. Amend RSA 374 by inserting after section 34 the following new subdivision:

Pole Attachments

374:34-a Pole Attachments.

I. In of this subdivision, a “pole” means any pole, duct, conduit, or right-of-way that is used for wire communications or electricity distribution and is owned in whole or in part by a public utility, including a rural electric cooperative for which a certificate of deregulation is on file with the commission pursuant to RSA 301:57.

II. Whenever a pole owner is unable to reach agreement with a party seeking pole attachments, the commission shall regulate and enforce rates, charges, terms, and conditions for such pole attachments, with regard to the types of attachments regulated under 47 U.S.C. section 224, to provide that such rates, charges, terms, and conditions are just and reasonable. This authority shall include but not be limited to the state regulatory authority referenced in 47 U.S.C. section 224(c).

III. The commission shall adopt rules under RSA 541-A to carry out the provisions of this section, including appropriate formula or formulae for apportioning costs.

IV. In exercising its authority under this subdivision, the commission shall consider the interests of the subscribers and users of the services offered via such attachments, as well as the interests of the consumers of any pole owner providing such attachments.

V. Nothing in this subdivision shall prevent parties from entering into pole attachment agreements voluntarily, without commission approval.

VI. Any pole owner shall provide nondiscriminatory access to its poles for the types of attachments regulated under this subdivision. A pole owner may deny access to its poles on a nondiscriminatory basis where there is insufficient capacity and for reasons of safety, reliability, and generally applicable engineering purposes.

VII. The commission shall have the authority to hear and resolve complaints concerning rates, charges, terms, conditions, voluntary agreements, or any denial of access relative to pole attachments.

2 Adoption of Rules. The public utilities commission shall expeditiously adopt interim rules and then final rules to carry out the provisions of RSA 374:34-a. For a period of at least 2 years after the effective date of this act, the rules shall be consistent with the regulations adopted by the Federal Communications Commission under 47 U.S.C. section 224, including the formulae used to determine maximum just and reasonable rates. The public utilities commission may incorporate into its rules, by reference, applicable regulations of the Federal Communications Commission. Notwithstanding RSA 541-A:19, X, the interim rules may be effective for up to 2 years. Once the interim rules are adopted, pole attachments shall become subject to RSA 374:34-a and the rules of the public utilities commission.

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

Majority amendment adopted.

Majority committee report adopted.

Ordered to third reading.

SB 140, relative to transmission upgrades, the process for siting renewable generation facilities, and the study of demand response programs and distributed generation.

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

Rep. Michael A. Kaelin for the Majority of Science, Technology and Energy: This bill addresses the process for approval of renewable energy systems. The bill directs the PUC to advocate for New Hampshire interests to FERC and other federal and regional bodies, and to address transmission line upgrades with the regional utility organizations. Moreover, it enables the Site Evaluation Committee to streamline its rules for new renewable energy facilities. It also changes the representation on the State Energy Policy Commission from 4 to 8 House members, and adds the study of energy conservation, enhancing renewable

energy, various technical issues related to demand management, and whether to allow distribution companies to invest in small scale renewable systems. Vote 10-6.

Rep. John H. Thomas for the Minority of Science, Technology and Energy: This bill, as originally, was meant to stimulate the lost economy of the northern part of New Hampshire. It also named Public Service of New Hampshire (PSNH) as one of the companies to invest in or build a wood fired generation electric generation facility in the North Country for the simple reason they have been there and done that very successfully at their Schiller Station in Portsmouth. When the bill arrived in the House, all reference to PSNH had been removed. By omission of PSNH as a generator it took away the fastest resource to stimulating the economy and took 70% of the rate payers out of the financial benefits of new generation. Those financial benefits in the form of renewable energy credits, federal renewable energy tax credits and forward capacity market funds are considerable and by New Hampshire law returned to the rate payer in the case of a regulated utility. In the case of a merchant generator those benefits go to the shareholder, most of whom are out of state and out of country. Except for the site evaluation language and the increase in membership of the state energy policy commission, the rest of the bill is moot. All transmission is controlled by the Federal Energy Regulatory Commission and the Independent Systems Operators, New England so the NH PUC already does what the bill, as amended by the committee, tells them to do. The minority also agrees with the proposed amendment that brought PSNH and Unitil Corp back into the game. Unitil, though not included in current law, brought forward an investment proposal in private generation which received bi-partisan support in the committee. This is a strong indication that this is a rate payer issue not a party issue. Because of the complexity of generation, regulation and deregulation, transmission, site evaluation, and financial implications the committee voted 8 to 8 to retain the bill prior to the final committee vote.

Majority Amendment (1939h)

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

1 Transmission Infrastructure; Action by Public Utilities Commission. It is in the public interest and to the benefit of New Hampshire to encourage the development of renewable energy. In order to develop substantial electric generation from renewable energy, existing transmission infrastructure, particularly in the northern part of the state, will need to be upgraded or replaced or new transmission facilities will need to be built. Appropriate upgrades to the transmission infrastructure are important to economic development. The public utilities commission, in furtherance of its duties under RSA 374-F:8, shall facilitate discussions among parties interested in the upgrade of electricity transmission in the northern part of the state. The public utilities commission shall file a report with the general court by December 1, 2007 that describes: the existing electricity transmission system in New Hampshire; the current process for siting, constructing, and financing transmission upgrades and expansion; the approximate costs of potentially appropriate transmission upgrades; approaches pursued by other states to encourage transmission expansion related to renewable generation; and actions the public utilities commission has taken to advance New Hampshire interests with respect to transmission.

2 Public Utilities Commission Participation in Regional and National Activities. RSA 374-F:8 is repealed and reenacted to read as follows:

374-F:8 Participation in Regional Activities. The commission shall advocate for New Hampshire interests before the Federal Energy Regulatory Commission and other regional and federal bodies. The commission shall participate in the activities of the New England Conference of Public Utility Commissioners, the National Association of Regulatory Utility Commissioners, and the New England States Committee on Electricity, or other similar organizations, and work with the New England Independent System Operator and NEPOOL to advance the interests of New Hampshire with respect to wholesale electric issues, including policy goals relating to fuel diversity, renewable energy, and energy efficiency, and

to assure nondiscriminatory open access to a safe, adequate, and reliable transmission system at just and reasonable prices.

3 New Paragraph; Definitions. Amend RSA 162-H:2 by inserting after paragraph XI the following new paragraph:

XII. "Renewable energy facility" means electric generating station equipment and associated facilities designed for, or capable of, operation at a nameplate capacity of greater than 30 megawatts but less than 120 megawatts and powered by wind energy, geothermal energy, hydrogen derived from biomass fuels or methane gas, ocean thermal, wave, current, or tidal energy, methane gas, biomass technologies, solar technologies, or hydroelectric energy. "Renewable energy facility" shall also include electric generating station equipment and associated facilities of 30 megawatts or less nameplate capacity but at least 5 megawatts which the committee determines requires a certificate, consistent with the findings and purposes set forth in RSA 162-H:1, either on its own motion or by petition of the applicant or 2 or more petitioners as defined in RSA 162-H:2, XI.

4 Site Evaluation Committee. Amend RSA 162-H:3 to read as follows:

162-H:3 Site Evaluation Committee. The site evaluation committee shall consist of the commissioner of the department of environmental services or assistant commissioner as designee, the director of the division of water, the commissioner of the department of resources and economic development or the director of the division of economic development as designee, the commissioner of the department of health and human services or one of the 2 most senior administrators within the department responsible for management of public health services as designee, the executive director of the fish and game department, the director of the office of energy and planning **or deputy director as designee**, the director of the division of parks and recreation, the director of the division of forests and lands, the director of the division of air resources, the ~~[director of the governor's office of energy and community services or deputy director as designee, the]~~ commissioner of the department of transportation or assistant commissioner as designee, the commissioners of the public utilities commission, and a staff engineer designated by the commissioners of the public utilities commission. The commissioner of the department of environmental services shall be chairperson of the committee, and the chairperson of the public utilities commission shall be vice-chairperson.

5 New Paragraph; Site Evaluation Committee; Review of Renewable Energy Projects. Amend RSA 162-H:4 by inserting after paragraph IV the following new paragraph:

V.(a) The committee shall file with the director of legislative services initial proposed procedural rules no later than December 31, 2007, that, to the extent practicable, streamline the filing requirements for renewable energy facilities. Prior to the effective date of such procedural rules, the committee shall consider applications by applying the attorney general's model procedural rules under RSA 541-A:30-a, V.

(b) Once an application has been accepted in accordance with RSA 162-H:6-a, the chairperson shall designate a subcommittee of no fewer than 7 members that shall consider and approve or reject all applications for renewable energy facilities. The subcommittee shall include the chairperson or the vice-chairperson of the committee, and at least 3 members selected from among the department of environmental services, the department of resources and economic development, and the fish and game department. A majority vote of the subcommittee shall be sufficient to issue a certificate, issue a certificate with conditions, or deny a certificate under this chapter. With the exception of the chairperson or vice-chairperson, each member of the committee may designate an employee from his or her agency to assume his or her responsibilities as a subcommittee member for the purposes of this subparagraph, provided that such designee shall be a senior administrator within the agency, department, or division that the member represents under RSA 162-H:3. To the extent that they do not conflict with the provisions of this subparagraph or RSA 162-H:6-a, all other provisions of this chapter shall apply to the review of a renewable energy facility.

6 New Section; Time Frames for Review of Renewable Energy Projects. Amend RSA 162-H by inserting after section 6 the following new section:

162-H:6-a Time Frames for Review of Renewable Energy Facilities.

I. Upon the filing of an application for a certificate for a renewable energy facility, the chairperson shall expeditiously forward to each of the other state agencies having jurisdiction, under state or federal law, to regulate the construction or operation of the proposed facility, a copy of the parts of the application that are relevant to its jurisdiction. Upon the filing of the copy, each of the other state agencies shall conduct a preliminary review as described in RSA 162-H:7, IV. To qualify for the time frames for review specified in this section, an application for a renewable energy facility shall include testimony, exhibits, and sufficient information to satisfy the application requirements of each state agency having jurisdiction, under state or federal law, to regulate the construction or operation of the proposed facility, and shall include each agency's completed application forms.

II. Upon the filing of an application for a certificate for a renewable energy facility, the chairperson or designee shall expeditiously conduct a preliminary review to ascertain whether the application contains sufficient information to carry out the purposes of this chapter. The chairperson or designee shall require as much information as he or she deems necessary to review the application and may take other administrative or procedural actions on behalf of the committee to aid in the orderly conduct of the proceeding.

III. The chairperson of the committee or designee shall decide whether or not to accept the application within 30 days of filing. Once an application has been accepted the chairperson shall designate a subcommittee as provided in RSA 162-H:4, V.

IV. After acceptance of the application, the subcommittee, upon 30 days notice, shall promptly hold at least one public hearing in each county in which the proposed facility is to be located.

V. All participating state agencies shall report their progress to the subcommittee within 90 days of the acceptance of the application, outlining draft permit conditions and specifying additional data requirements necessary to make a final decision.

VI. All participating state agencies shall make and submit to the subcommittee a final decision on the parts of the application that relate to its jurisdiction, no later than 180 days after the application has been accepted.

VII. Within 30 days of the submission of final decisions under paragraph VI, the subcommittee shall hold a public hearing on the merits of the application, which shall be part of an adjudicative proceeding as provided under RSA 162-H:10, II. At such public hearing, the subcommittee shall hear testimony and receive evidence submitted on behalf of the applicant, any intervenors, agencies with jurisdiction, and members of the public represented by counsel for the public appointed under RSA 162-H:9. At such public hearing the subcommittee may also receive comment from any member of the public on the application.

VIII. Within 240 days of the acceptance of an application, the subcommittee shall issue or deny a certificate for a renewable energy facility.

IX. If the subcommittee at any time during its deliberations relative to an application for a certificate deems it to be in the public interest, it may temporarily suspend its deliberations and enlarge the time frame established under this section to issue or deny a certificate.

7 Public Hearings. Amend RSA 162-H:10, II to read as follows:

II. Except for informational hearings, subsequent hearings shall be in the nature of ~~[adversary]~~ **adjudicative** proceedings and may be held in the county or one of the counties in which the proposed facility is to be located or in Concord, New Hampshire, as determined by the site evaluation committee. The committee shall give adequate public notice of the time and place of each subsequent session.

8 State Energy Policy Commission; Membership. Amend 2006, 257:2, I(b) to read as follows:

(b) ~~Four~~ **Eight** members of the house of representatives, **at least 4 of whom shall be members of the science, technology and energy committee**, appointed by the speaker of the house of representatives.

9 New Paragraphs; State Energy Policy Commission; Duties. Amend 2006, 257:3 by inserting after paragraph V the following new paragraphs:

VI. Whether the state should allow electric distribution companies to invest in small scale generation resources as part of a strategy for balancing load and distribution, reducing transmission line losses, minimizing transmission and distribution costs, improving energy conservation, and enhancing renewable energy.

VII. Demand management and response mechanisms and programs.

10 Report. Amend RSA 2006, 257:5 to read as follows:

257:5 Report. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library in the form of ~~an~~ interim ~~report~~ **reports** on or before December 1, 2006 **and December 1, 2007** and a final report on or before December 1, ~~2007~~ **2008**.

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

AMENDED ANALYSIS

This bill:

I. Defines “renewable energy facility.”

II. Extends the powers of the site evaluation committee.

III. Establishes time frames for reviewing applications for renewable energy facilities.

IV. Expands the duties of the state energy policy commission.

Majority amendment adopted.

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

Reps. John Thomas and Kaelin spoke in favor and yielded to questions.

On a division vote, 237 members having voted in the affirmative and 83 in the negative, the majority committee report was adopted.

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

SB 223-FN, establishing a New Hampshire medal of honor. **OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kris E. Roberts for the Majority of State-Federal Relations and Veterans Affairs: This bill establishes the New Hampshire medal of honor for families of New Hampshire citizens who died in the “War on Terror” and service members stationed with a New Hampshire based military unit by Department of Defense orders and deployed to the war zone under Department of Defense direction at the time of his or her death. The bill came to the committee with the best of intentions but had some very serious flaws which the committee worked long and hard to correct. First and most important, the young Marine who lost his life in Afghanistan and who served as the driving force for the creation of this medal would not have been eligible to receive the medal because he was not killed in action, but rather he died in a vehicle accident. Under Marine Corps policy, his family did not receive the Purple Heart with the black line. The committee heard of other young service members who lost their lives in hazardous, realistic, pre-deployment training who would not be eligible to receive the medal. While a New Hampshire citizen, serving in the French Foreign Legion or the Israel Defense Force could be eligible. An Air Force pilot flying from North Dakota on a bombing mission who crashes prior to entering or after leaving the combat zone would not be eligible. Furthermore, since an important point was made concerning the “War on Terror,” the date was changed from Jan 1, 1991; the start of Operation Desert Storm, to Nov 4, 1979,

when the U.S. Embassy located in Tehran, Iran was attacked. Any New Hampshire service member killed in the “line of duty” would be eligible regardless if his or her untimely death occurred in the Beirut bombing, the barracks bombing in Saudi Arabia, or the attacks on U.S. embassies in Africa or the Philippines. The committee understood that every death occurring in the “line of duty” during the “War on Terror” must have equal value. Additionally, the committee wanted to make absolutely sure that the New Hampshire medal of honor was neither confused with our nation’s highest military award for valor on the battlefield nor degraded or devalued that award in any shape, form or manner. The “Medal of Honor” is for the service member and his or her fellow service members. The New Hampshire medal of honor is for the family only, a small token that goes a short way to help ease the pain. The committee had grave concerns with the possibility that while we were taking action to honor the families who had suffered a loss, a parent who had to bury a child, a spouse who became a widow and or a child who became fatherless, if we were allowing an opportunity for protestors to invade the privacy of those final moments before the casket is lowered into the ground. The committee heard from many people from both sides of the debate when someone’s right to privacy overrules someone’s first amendment right to protest. People who stated that first amendment rights are very important said there were three rules the Supreme Court would look at. First is the requirement that it must be neutral. The committee amendment meets that requirement as it covers all funerals. Second, it could not be overly broad. The amendment meets that requirement by matching federal law limiting the ban to 150 feet from the road entering the place of burial and/or 300 feet from the grave site. Third, it was stated the law had to spell out what was an unlawful protest and the committee amendment did that. It is firmly felt that New Hampshire’s prohibition on funeral protests not only meets all the Supreme Court requirements, but it could serve as a model for other states. Vote 13-2.

Rep. Frank R. Emiro for the Minority of State-Federal Relations and Veterans Affairs: The minority opposes the “Ought to pass with amendment” because we believe that it should be split into two distinct bills. The Medal of Honor is a distinct decoration awarded by the President of the United States to a recipient for gallantry and sacrifice with no regard to his or her personal well-being. On the other hand, the proposed New Hampshire medal of honor would be given to the family of any New Hampshire resident who died in service to our country while serving on active duty with our armed forces. It is strongly believed that such an award deserves its own distinct title. The minority firmly believes the Medal of Honor should not be imitated or mimicked in any way. The funeral issue, while of grave importance, should be considered separately. Let’s give both issues the attention they deserve.

Majority Amendment (1837h)

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

AN ACT establishing a New Hampshire medal of honor and prohibiting funeral protests.

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

1 New Subdivision; New Hampshire Medal of Honor. Amend RSA 110-B by inserting after section 80 the following new subdivision:

New Hampshire Medal of Honor

110-B:81 New Hampshire Medal of Honor.

I. There is established a New Hampshire medal of honor, which may be awarded on behalf of the people of the state of New Hampshire to any New Hampshire citizen who has given his or her life while in the line of duty to protect and preserve the rights and freedoms of the people of New Hampshire on or after November 4, 1979, and while:

(a) Engaged in an action against an enemy of the United States.

(b) Engaged in military operations involving conflict with an opposing foreign force.

(c) Assigned as military personnel to friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

(d) Serving in a combat zone as designated by Presidential order.

(e) Engaged in training in preparation for deployment to a combat zone as designated by Presidential order.

(f) Serving in the military and killed as a result of a terrorist act.

II. The adjutant general shall cause the name of a recipient of the New Hampshire medal of honor to be entered on a New Hampshire medal of honor roll.

III. Individuals eligible to receive the New Hampshire medal of honor include:

(a) Members of the New Hampshire national guard at the time they were killed.

(b) Members of the United States military reserves who were legal residents of New Hampshire at the time they were killed.

(c) Members of the United States armed forces who were:

(1) Legal residents of New Hampshire at the time they were killed.

(2) Stationed in New Hampshire by a proper order of the United States Department of Defense at the time they were killed.

IV. The New Hampshire medal of honor shall be awarded, with the recommendation of the adjutant general, by a joint resolution introduced by the president of the senate, the speaker of the house of representatives, or the senator or a member of the house of representative representing the town or city of residence of the individual killed.

V. The adjutant general, with the approval of the governor and council, shall design and provide for the manufacture of the New Hampshire medal of honor. The adjutant general shall design and maintain a New Hampshire medal of honor roll, which shall be available for public viewing.

VI. The governor shall present the New Hampshire medal of honor awarded under this section to the family members of the recipient.

2 New Section; Prohibition on Funeral Protests. Amend RSA 644 by inserting after section 2-a the following new section:

644:2-b Prohibition on Funeral Protests.

I. In this section, "funeral" means the ceremonies, processions, and memorial services held in connection with the burial or cremation of the dead.

II. It shall be unlawful for any person to engage in picketing or other protest activities at any location at which a funeral is held, within one hour prior to the commencement of any funeral, and until one hour following the cessation of any funeral, if such picketing or other protest activities:

(a) Take place within 150 feet of a road, pathway, or other route of ingress to or egress from cemetery property and include, as part of such activities, any individual willfully making or assisting in the making of any noise or diversion that disturbs or tends to disturb the peace or good order of the funeral, memorial service, or ceremony; or

(b) Are within 300 feet of such cemetery and impede the access to or egress from such cemetery.

III. Each day on which a violation of this section occurs shall constitute a separate offense. Violation of this section is a class B misdemeanor, unless committed by a person who has previously pled guilty to or been found guilty of a violation of this section, in which case the violation is a class A misdemeanor.

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

AMENDED ANALYSIS

This bill establishes a New Hampshire medal of honor which may be awarded on behalf of the citizens of the state of New Hampshire to certain individuals who gave their lives in the line of duty while serving in the military on or after November 4, 1979.

This bill also prohibits picketing or other protest activities at locations where a funeral is held.

Rep. Kjellman asked if majority amendment (1837h) was divisible.
The Speaker ruled that the majority amendment was divisible.
Rep. Kjellman moved that Sections 1 and 2 of the amendment be divided.
Reps. Kjellman and Winters spoke in favor.
Reps. Roberts and Patrick Garrity spoke against.
On a division vote, 115 members having voted in the affirmative and 207 in the negative, the motion failed.

The question now being adoption of the majority committee amendment.
Rep. Winters spoke against.
Reps. Coughlin, Aguiar, Baldasaro and Patrick Garrity spoke in favor.
Rep. Howard requested a roll call; sufficiently seconded.

YEAS 299 NAYS 21

YEAS 299

BELKNAP

Arsenault, Beth	Boyce, Laurie	Clark, Charles	Heald, Bruce
Millham, Alida	Nedeau, Stephen	Pilliod, James	Reever, Judith
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Butler, Edward
Chandler, Gene	Cunningham, Howard	Denley, William	Heard, Virginia
Knox, J. David	Martin, James	Merrow, Harry	Patten, Betsey
Stevens, Stanley			

CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Emerson, Susan	Espiefs, Peter	Hunt, John	Johnson, Jane
Lerandeau, Alfred	Mitchell, Bonnie	Parkhurst, Henry	Pelkey, Stephen
Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sad, Tara	Weber, Lucy	Weed, Charles	

COOS

Hatch, William	King, Frederick	Mears, Edgar	Merrick, Evalyn
Remick, William	Stohl, Eric	Tholl, John Jr	Thomas, Yvonne

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bulis, Lyle
Cooney, Mary	Dingman, Vernon III	Estes, Carole	Friedrich, Carol
Gionet, Edmond	Harding, A Laurie	Ingbretson, Paul	LaLiberte, Suzanne
Lovett, Sid	Matheson, Robert	McLeod, Martha	Nordgren, Sharon
Pierce, David	Preston, Philip	Solomon, Peter	Sorg, Gregory
Williams, Burton			

HILLSBOROUGH

Baroody, Benjamin	Batula, Peter	Beaulieu, Jane	Bergeron, Jean-Guy
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Brunelle, Michael	Campbell, David	Christensen, Chris	Christiansen, Lars
Clark, Mark	Cote, David	Cote, Peter	Coughlin, Pamela
Crane, Elenore Casey	Daler, Jennifer	Daniels, Gary	Day, Russell
Dokmo, Cynthia	Drisko, Richard	Edwards, Andrew	Elliott, Nancy
Essex, David	Fontas, Jeffrey	Foster, Linda	Gargas, Carolyn
Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Goyette, Peter	Graham, John	Hackel, Paul	Haefner, Robert
Haley, Robert	Hammond, Jill	Hansen, Ryan	Hawkins, Ken
Hebert, Roger	Hinkle, Peyton	Hogan, Edith	Holden, Randolph
Infantine, William	Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette
Johnson, Stephen	Kaelin, Michael	Kelley, John	Knowles, John
Knowles, Mary Ann	Kopka, Angeline	Kurk, Neal	Lasky, Bette
Long, Patrick	Mack, Ron	Marshall, Seth	McRae, Karen
Mooney, Maureen	Moran, Edward	Movsesian, Lori	O'Brien, Michael Sr
O'Connell, Timothy	O'Neil, James	Ober, Lynne	Ober, Russell III
Peterson, Andy	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Reuschel, Michael	Rosenwald, Cindy	Rowe, Robert
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Simon, Anthony	Smith, David	Spaulding, Jayne	Spratt, Stephen
Stepanek, Stephen	Sullivan, Daniel	Sullivan, Francis	Sysyn, Mary
Tahir, Saghir	Ulery, Jordan	Villeneuve, Maurice	

MERRIMACK

Anderson, Eric	Baxley, Maureen	Beauchesne, Suzanne	Brown, Carole
Brueggemann, Donald	Clarke, Claire	Davis, Frank	DeJoie, John
DeStefano, Stephen	Ehlers, Eileen	Foose, Robert	French, Barbara
Gile, Mary	Hess, David	Humphries, Charlie	Kidder, David
Kjellman, Eleanor	MacKay, James	McMahon, Patricia	Owen, Derek
Glynn			
Porter, Margaret	Potter, Frances	Reardon, Tara	Reed, Dennis
Richardson, Gary	Ryan, Jim	Shurtleff, Stephen	Tupper, Frank
Wallner, Mary	Walz, Mary	Webb, Leigh	Wheeler, Deborah
Williams, Robert	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Baldasaro, Alfred	Bedrick, Jason
Belanger, Ronald	Bettencourt, David	Bishop, Franklin	Borden, David
Brown, C. Pennington	Buxton, Donald	Cali-Pitts, Jacqueline	Camm, Kevin
Carson, Sharon	Casey, Kimberley	Charron, Gene	Day, Judith
DiFruscia, Anthony	Dumaine, Dudley	Elliott, Robert	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Garrity, James	Gleason, John
Gould, Kenneth	Griffin, Mary	Guthrie, Joseph	Headd, James
Henson, John	Hopfgarten, Paul	Howard, Doreen	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Robert	Kappler, Lawrence
Katsakiores, George	Katsakiores, Phyllis	Kennedy, James	Lister, Charlotte
Lund, Howie	Major, Norman	Marsh, Michael	McCarthy, Linda
McEachern, Paul	McKenna, Daniel	McMahon, Charles	Moody, Marcia
Moore, Bennett	Nord, Susi	Nowe, Ronald	Packard, Sherman
Pantelakos, Laura	Powers, James	Preston, Mark	Priestley, Anne
Quandt, Marshall	Quandt, Matthew	Reagan, John	Robertson, Carl
Russell, Trinkla	Sanders, Elisabeth	Snow, Richard	Splaine, James
Stiles, Nancy	Waterhouse, Kevin	Weare, Everett	Welch, David
Wells, Roger	Weyler, Kenneth	Winchell, George	

STRAFFORD

Berube, Roger
Domingo, Baldwin
Hubbard, Pamela
Perry, Robert
Smith, Marjorie
Wall, Janet

Billian, Deborah
Fargo, Thomas
Kaen, Naida
Rollo, Michael
Spang, Judith

Burke, Rachel
Goodwin, Earle
Knowles, William
Rous, Emma
Srnc, Robert

Cyr, James
Hofemann, Roland
Miller, Joseph
Schmidt, Peter
Vachon, Dennis

SULLIVAN

Cloutier, John
Jillette, Arthur Jr

Donovan, Thomas
Rodeschin, Beverly

Gagnon, Raymond
Skinder, Carla

Gottling, Suzanne

NAYS 21

BELKNAP

Morrison, Gail

CARROLL

Bridgham, Robert

CHESHIRE

None

COOS

None

GRAFTON

None

HILLSBOROUGH

Hall, Betty

Levasseur, Nickolas

Lisle, Carolyn

Matarazzo, Anthony
Sr

Mesa, Lily
Winters, Joel

Scannell, David

Soucy, Connie

Vaillancourt, Steve

MERRIMACK

Lockwood, Priscilla

ROCKINGHAM

Emiro, Frank

Kelley, Jane

Kepner, Susan

Serlin, Christopher

STRAFFORD

DeChane, Marlene

Watson, Robert

SULLIVAN

Converse, Larry
and the majority committee amendment was adopted.
Rep. Emiro offered floor amendment (1859h).

Franklin, Peter

Phinzy, James

Floor Amendment (1859h)

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

AN ACT establishing a New Hampshire ultimate sacrifice medal.

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

1 New Subdivision; New Hampshire Ultimate Sacrifice Medal. Amend RSA 110-B by inserting after section 80 the following new subdivision:

New Hampshire Ultimate Sacrifice Medal

110-B:81 New Hampshire Ultimate Sacrifice Medal.

I. There is established a New Hampshire ultimate sacrifice medal which may be awarded on behalf of the people of the state of New Hampshire to any New Hampshire citizen who died while in the line of duty to the United States armed forces and while:

(a) Engaged in an action against an enemy of the United States;

(b) Engaged in military operations involving conflict with an opposing foreign force;

(c) Serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party; or

(d) Serving in a combat zone as designated by Presidential order.

(e) Engaged in training or on duty service.

II. The adjutant general shall cause the name of a recipient of the New Hampshire ultimate sacrifice medal to be entered on a New Hampshire ultimate sacrifice medal roster.

III. Individuals eligible to receive the New Hampshire ultimate sacrifice medal include:

(a) Members of the New Hampshire national guard at the time they were killed.

(b) Members of the United States military reserves who were legal residents of New Hampshire at the time they were killed.

(c) Members of the United States armed forces who were:

(1) Legal residents of New Hampshire at the time they were killed; or

(2) Stationed in New Hampshire by a proper order of the United States Department of Defense at the time they were killed.

IV. The New Hampshire ultimate sacrifice medal shall be awarded, with the recommendation of the adjutant general, by a joint resolution introduced by the president of the senate, the speaker of the house of representatives, or the senator or a member of the house of representative representing the town or city of residence of the individual killed.

V. The adjutant general, with the approval of the governor and council, shall design and provide for the manufacture of the New Hampshire ultimate sacrifice medal. The adjutant general shall design and maintain a New Hampshire ultimate sacrifice medal roster, which shall be available for public viewing.

VI. The governor shall present the New Hampshire ultimate sacrifice medal awarded under this section to the family members of the recipient.

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

AMENDED ANALYSIS

This bill establishes a New Hampshire ultimate sacrifice medal which may be awarded on behalf of the citizens of the state of New Hampshire to certain New Hampshire citizens who died while in the line of duty to the United States Armed Forces.

Rep. Emiro spoke in favor and yielded to questions.

Rep. Lisle spoke against.

Rep. Roberts spoke against and yielded to questions.

Rep. Winters spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Weyler moved that **SB 223-FN**, establishing a New Hampshire medal of honor be laid on the table.

Rep. Patrick Garritty requested a roll call; sufficiently seconded.

YEAS 102 NAYS 216

YEAS 102

BELKNAP

Millham, Alida Wendelboe, Fran

CARROLL

Bridgham, Robert Brown, Carolyn Denley, William Heard, Virginia
Knox, J. David Stevens, Stanley

CHESHIRE

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

COOS

Stohl, Eric

GRAFTON

Aguiar, James Andersen, Gene Cooney, Mary Gionet, Edmond
Ingbretson, Paul Lovett, Sid Matheson, Robert Mulholland, Catherine
Solomon, Peter

HILLSBOROUGH

Beck, Catriona Bergeron, Jean-Guy Christensen, Chris Clark, Mark
Dokmo, Cynthia Fontas, Jeffrey Ginsburg, Ruth Goyette, Peter
Hammond, Jill Hansen, Ryan Holden, Randolph Jasper, Shawn
Jean, Claudette Kurk, Neal Levasseur, Nickolas Lisle, Carolyn
Long, Patrick Matarazzo, Anthony Moran, Edward O'Neil, James
Sr
Ober, Russell III Peterson, Andy Pilotte, Maurice Renzullo, Andrew
Shattuck, Gilman Shaw, Barbara Shaw, Kimberly Simon, Anthony
Smith, David Soucy, Connie Ulery, Jordan Vaillancourt, Steve
Villeneuve, Maurice Winters, Joel

MERRIMACK

Anderson, Eric Brown, Carole Ehlers, Eileen Kidder, David
Kjellman, Eleanor Lockwood, Priscilla MacKay, James Osborne, Jessie
Glynn
Porter, Margaret Wheeler, Deborah Williams, Robert

ROCKINGHAM

Borden, David Brown, C. Pennington Buxton, Donald Cali-Pitts, Jacqueline
Camm, Kevin DiFruscia, Anthony Emiro, Frank Gleason, John
Guthrie, Joseph Ingram, Russell Kappler, Lawrence Kelley, Jane
Lund, Howie McCarthy, Linda McEachern, Paul Moody, Marcia
Moore, Bennett Nowe, Ronald Quandt, Matthew Robertson, Carl
Serlin, Christopher Splaine, James Stiles, Nancy Wells, Roger
Weyler, Kenneth Winchell, George

STRAFFORD

Brown, Julie
Schmidt, Peter

Burke, Rachel
Vachon, Dennis

Cyr, James
Watson, Robert

Perry, Robert

SULLIVAN

Franklin, Peter

Rodeschin, Beverly

NAYS 216

BELKNAP

Arsenault, Beth
Morrison, Gail
Russell, David
Whalley, Michael

Boyce, Laurie
Nedeau, Stephen
Thomas, John

Clark, Charles
Pilliod, James
Tilton, Franklin

Heald, Bruce
Reever, Judith
Tobin, William

CARROLL

Ahlgren, Christopher
Cunningham, Howard

Buco, Thomas
Martin, James

Butler, Edward
Merrow, Harry

Chandler, Gene
Patten, Betsey

CHESHIRE

Burrige, Delmar
Dunn, J. Timothy
Johnson, Jane
Plifka, Stanley Jr
Weber, Lucy

Butterworth, Timothy
Eaton, Daniel
Lerandeau, Alfred
Richardson, Barbara
Weed, Charles

Butynski, William
Emerson, Susan
Mitchell, Bonnie
Roberts, Kris

Chase, William
Hunt, John
Pelkey, Stephen
Sad, Tara

COOS

Hatch, William
Tholl, John Jr

King, Frederick
Thomas, Yvonne

Mears, Edgar

Remick, William

GRAFTON

Almy, Susan
Friedrich, Carol
Nordgren, Sharon
Williams, Burton

Benn, Bernard
Harding, A Laurie
Pierce, David

Dingman, Vernon III
Laliberte, Suzanne
Preston, Philip

Estes, Carole
McLeod, Martha
Sorg, Gregory

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Coughlin, Pamela
Drisko, Richard
Foster, Linda
Gorman, Mary
Haley, Robert
Hinkle, Peyton
Johnson, Stephen
Knowles, Mary Ann
Marshall, Seth
Movsesian, Lori
Reeves, Sandra
Scannell, David

Batula, Peter
Christiansen, Lars
Crane, Elenore Casey
Edwards, Andrew
Gargasz, Carolyn
Graham, John
Hall, Betty
Hogan, Edith
Kaelin, Michael
Kopka, Angeline
McRae, Karen
O'Brien, Michael Sr
Reuschel, Michael
Schulze, Joan

Beaulieu, Jane
Cote, David
Daniels, Gary
Elliott, Nancy
Garrrity, Patrick
Hackel, Paul
Hawkins, Ken
Infantine, William
Kelley, John
Lasky, Bette
Mesa, Lily
Ober, Lynne
Rosenwald, Cindy
Spaulding, Jayne

Brunelle, Michael
Cote, Peter
Day, Russell
Essex, David
Goley, Jeffrey
Haefner, Robert
Hebert, Roger
Irwin, Anne-Marie
Knowles, John
Mack, Ron
Mooney, Maureen
Price, Pamela
Rowe, Robert
Spratt, Stephen

Stepanek, Stephen
Tahir, Saghir

Sullivan, Daniel

Sullivan, Francis

Sysyn, Mary

MERRIMACK

Baxley, Maureen

Beauchesne,
Suzanne

Bouchard, Candace

Brueggemann, Donald

Clarke, Claire
Foose, Robert
Humphries, Charlie
Reardon, Tara
Shurtleff, Stephen
Yeaton, Charles

Davis, Frank
French, Barbara
McMahon, Patricia
Reed, Dennis
Wallner, Mary

DeJoie, John
Gile, Mary
Owen, Derek
Richardson, Gary
Walz, Mary

DeStefano, Stephen
Hess, David
Potter, Frances
Ryan, Jim
Webb, Leigh

ROCKINGHAM

Abbott, Dennis
Belanger, Ronald
Casey, Kimberley
Dumaine, Dudley
Flockhart, Eileen
Headd, James
Introne, Robert
Katsakiores, Phyllis
Marsh, Michael
Packard, Sherman
Priestley, Anne
Sanders, Elisabeth
Welch, David

Allen, Mary
Bettencourt, David
Charron, Gene
Elliott, Robert
Garrity, James
Henson, John
Itse, Daniel
Kennedy, James
McKenna, Daniel
Pantelakos, Laura
Quandt, Marshall
Snow, Richard

Baldasaro, Alfred
Bishop, Franklin
Day, Judith
Fesh, Bob
Gould, Kenneth
Hopfgarten, Paul
Johnson, Robert
Lister, Charlotte
McMahon, Charles
Powers, James
Reagan, John
Waterhouse, Kevin

Bedrick, Jason
Carson, Sharon
Devine, James
Flanders, John Sr
Griffin, Mary
Howard, Doreen
Katsakiores, George
Major, Norman
Nord, Susi
Preston, Mark
Russell, Trinkia
Weare, Everett

STRAFFORD

Berube, Roger
Fargo, Thomas
Knowles, William
Spang, Judith

Billian, Deborah
Goodwin, Earle
Rollo, Michael
Srnc, Robert

DeChane, Marlene
Hubbard, Pamela
Rous, Emma
Wall, Janet

Domingo, Baldwin
Kaen, Naida
Smith, Marjorie

SULLIVAN

Cloutier, John
Gottling, Suzanne
and the motion failed.

Converse, Larry
Jillette, Arthur Jr

Donovan, Thomas
Phinizy, James

Gagnon, Raymond
Skinder, Carla

The question now being adoption of floor amendment (1859h).
Rep. Emiro requested a roll call; sufficiently seconded.

YEAS 60 NAYS 260

YEAS 60

BELKNAP

Arsenault, Beth

Morrison, Gail

CARROLL

Bridgham, Robert

Denley, William

Heard, Virginia

CHESHIRE

Butterworth, Timothy Espieffs, Peter

COOS

Hatch, William

GRAFTON

Andersen, Gene	Cooney, Mary	Friedrich, Carol	Ingbretson, Paul
Lovett, Sid	Matheson, Robert	Mulholland, Catherine	Pierce, David
Preston, Philip			

HILLSBOROUGH

Beck, Catriona	Hall, Betty	Hebert, Roger	Holden, Randolph
Infantine, William	Kurk, Neal	Levasseur, Nickolas	Lisle, Carolyn
Matarazzo, Anthony Sr	Mesa, Lily	Pilotte, Maurice	Scannell, David
Shaw, Barbara	Simon, Anthony	Soucy, Connie	Vaillancourt, Steve
Winters, Joel			

MERRIMACK

Anderson, Eric	Ehlers, Eileen	Lockwood, Priscilla	Osborne, Jessie
Williams, Robert			

ROCKINGHAM

Cali-Pitts, Jacqueline	Devine, James	Emiro, Frank	Flanders, John Sr
Guthrie, Joseph	Kelley, Jane	McEachern, Paul	Moody, Marcia
Nord, Susi	Robertson, Carl	Serlin, Christopher	Weyler, Kenneth

STRAFFORD

Billian, Deborah	Burke, Rachel	DeChane, Marlene	Vachon, Dennis
Watson, Robert			

SULLIVAN

Converse, Larry	Franklin, Peter	Phinizy, James	Skinder, Carla
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NAYS 260

BELKNAP

Boyce, Laurie	Clark, Charles	Heald, Bruce	Millham, Alida
Nedeau, Stephen	Pilliod, James	Reever, Judith	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Wendelboe, Fran
Whalley, Michael			

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Butler, Edward
Chandler, Gene	Cunningham, Howard	Knox, J. David	Martin, James
Merrow, Harry	Patten, Betsey	Stevens, Stanley	

CHESHIRE

Allen, Peter
Chase, William
Hunt, John
Parkhurst, Henry
Roberts, Kris
Weed, Charles

Burridge, Delmar
Dunn, J. Timothy
Johnson, Jane
Pelkey, Stephen
Robertson, Timothy

Butcher, Suzanne
Eaton, Daniel
Lerandeau, Alfred
Plifka, Stanley Jr
Sad, Tara

Butynski, William
Emerson, Susan
Mitchell, Bonnie
Richardson, Barbara
Weber, Lucy

COOS

King, Frederick
Tholl, John Jr

Mears, Edgar
Thomas, Yvonne

Remick, William

Stohl, Eric

GRAFTON

Aguiar, James
Estes, Carole
McLeod, Martha
Williams, Burton

Almy, Susan
Gionet, Edmond
Nordgren, Sharon

Benn, Bernard
Harding, A Laurie
Solomon, Peter

Dingman, Vernon III
Laliberte, Suzanne
Sorg, Gregory

HILLSBOROUGH

Baroody, Benjamin
Brunelle, Michael
Clark, Mark
Crane, Elenore Casey
Dokmo, Cynthia
Essex, David
Garrity, Patrick
Goyette, Peter
Haley, Robert
Hinkle, Peyton
Jean, Claudette
Knowles, John
Long, Patrick
Mooney, Maureen
O'Neil, James
Price, Pamela
Rosenwald, Cindy
Shaw, Kimberly
Stepanek, Stephen
Tahir, Saghir

Batula, Peter
Campbell, David
Cote, David
Daler, Jennifer
Drisko, Richard
Fontas, Jeffrey
Ginsburg, Ruth
Graham, John
Hammond, Jill
Hogan, Edith
Johnson, Stephen
Knowles, Mary Ann
Mack, Ron
Moran, Edward
Ober, Lynne
Reeves, Sandra
Rowe, Robert
Smith, David
Sullivan, Daniel
Ulery, Jordan

Beaulieu, Jane
Christensen, Chris
Cote, Peter
Daniels, Gary
Edwards, Andrew
Foster, Linda
Goley, Jeffrey
Hackel, Paul
Hansen, Ryan
Irwin, Anne-Marie
Kaelin, Michael
Kopka, Angeline
Marshall, Seth
Movsesian, Lori
Ober, Russell III
Renzullo, Andrew
Schulze, Joan
Spaulding, Jayne
Sullivan, Francis
Villeneuve, Maurice

Bergeron, Jean-Guy
Christiansen, Lars
Coughlin, Pamela
Day, Russell
Elliott, Nancy
Gargas, Carolyn
Gorman, Mary
Haefner, Robert
Hawkins, Ken
Jasper, Shawn
Kelley, John
Lasky, Bette
McRae, Karen
O'Brien, Michael Sr
Peterson, Andy
Reuschel, Michael
Shattuck, Gilman
Spratt, Stephen
Sysyn, Mary

MERRIMACK

Baxley, Maureen

Brueggemann, Donald
DeStefano, Stephen
Hess, David

Beauchesne, Suzanne
Clarke, Claire
Foote, Robert
Humphries, Charlie

Bouchard, Candace

Davis, Frank
French, Barbara
Kidder, David

Brown, Carole

DeJoie, John
Gile, Mary
Kjellman, Eleanor
Glynn
Porter, Margaret
Richardson, Gary
Walz, Mary

MacKay, James
Potter, Frances
Ryan, Jim
Webb, Leigh

McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Wheeler, Deborah

Owen, Derek
Reed, Dennis
Wallner, Mary
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis

Allen, Mary

Baldasaro, Alfred

Bedrick, Jason

Belanger, Ronald
Brown, C. Pennington
Casey, Kimberley
Dumaine, Dudley
Garrity, James
Headd, James
Ingram, Russell
Kappler, Lawrence
Lister, Charlotte
McCarthy, Linda
Nowe, Ronald
Preston, Mark
Reagan, John
Splaine, James
Welch, David

Bettencourt, David
Buxton, Donald
Charron, Gene
Elliott, Robert
Gleason, John
Henson, John
Introne, Robert
Katsakiores, George
Lund, Howie
McKenna, Daniel
Packard, Sherman
Priestley, Anne
Russell, Trinka
Stiles, Nancy
Wells, Roger

Bishop, Franklin
Camm, Kevin
Day, Judith
Fesh, Bob
Gould, Kenneth
Hopfgarten, Paul
Itse, Daniel
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Pantelakos, Laura
Quandt, Marshall
Sanders, Elisabeth
Waterhouse, Kevin
Winchell, George

Borden, David
Carson, Sharon
DiFruscia, Anthony
Flockhart, Eileen
Griffin, Mary
Howard, Doreen
Johnson, Robert
Kennedy, James
Marsh, Michael
Moore, Bennett
Powers, James
Quandt, Matthew
Snow, Richard
Weare, Everett

STRAFFORD

Berube, Roger
Fargo, Thomas
Knowles, William
Schmidt, Peter
Wall, Janet

Brown, Julie
Goodwin, Earle
Perry, Robert
Smith, Marjorie

Cyr, James
Hubbard, Pamela
Rollo, Michael
Spang, Judith

Domingo, Baldwin
Kaen, Naida
Rous, Emma
Sr nec, Robert

SULLIVAN

Cloutier, John
Jillette, Arthur Jr
and floor amendment (1859h) failed.

Donovan, Thomas
Rodeschin, Beverly

Gagnon, Raymond

Gottling, Suzanne

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

Rep. Howard requested a roll call; sufficiently seconded.

YEAS 299 NAYS 22

YEAS 299

BELKNAP

Arsenault, Beth
Millham, Alida
Russell, David
Wendelboe, Fran

Boyce, Laurie
Nedeau, Stephen
Thomas, John
Whalley, Michael

Clark, Charles
Pilliod, James
Tilton, Franklin

Heald, Bruce
Reever, Judith
Tobin, William

CARROLL

Ahlgren, Christopher
Chandler, Gene
Martin, James

Brown, Carolyn
Cunningham, Howard
Merrow, Harry

Buco, Thomas
Denley, William
Patten, Betsey

Butler, Edward
Knox, J. David
Stevens, Stanley

CHESHIRE

Allen, Peter
Butynski, William
Emerson, Susan
Mitchell, Bonnie
Richardson, Barbara

Burrige, Delmar
Chase, William
Hunt, John
Parkhurst, Henry
Roberts, Kris

Butcher, Suzanne
Dunn, J. Timothy
Johnson, Jane
Pelkey, Stephen
Robertson, Timothy

Butterworth, Timothy
Eaton, Daniel
Lerandeau, Alfred
Plifka, Stanley Jr
Sad, Tara

Weber, Lucy

Weed, Charles

COOS

Hatch, William
Stohl, Eric

King, Frederick
Tholl, John Jr

Mears, Edgar
Thomas, Yvonne

Remick, William

GRAFTON

Aguiar, James
Dingman, Vernon III
Harding, A Laurie
Matheson, Robert
Preston, Philip

Almy, Susan
Estes, Carole
Ingbretson, Paul
McLeod, Martha
Solomon, Peter

Benn, Bernard
Friedrich, Carol
Laliberte, Suzanne
Nordgren, Sharon
Sorg, Gregory

Cooney, Mary
Gionet, Edmond
Lovett, Sid
Pierce, David
Williams, Burton

HILLSBOROUGH

Baroody, Benjamin
Bergeron, Jean-Guy
Christiansen, Lars
Coughlin, Pamela
Day, Russell
Essex, David
Ginsburg, Ruth
Graham, John
Hammond, Jill
Hinkle, Peyton
Irwin, Anne-Marie
Kaelin, Michael
Kopka, Angeline
Lisle, Carolyn
McRae, Karen
O'Brien, Michael Sr
Peterson, Andy
Renzullo, Andrew
Schulze, Joan
Simon, Anthony
Spratt, Stephen
Sysyn, Mary

Batula, Peter
Brunelle, Michael
Clark, Mark
Crane, Elenore Casey
Dokmo, Cynthia
Foster, Linda
Goley, Jeffrey
Hackel, Paul
Hansen, Ryan
Hogan, Edith
Jasper, Shawn
Kelley, John
Kurk, Neal
Long, Patrick
Mooney, Maureen
O'Neil, James
Pilotte, Maurice
Reuschel, Michael
Shattuck, Gilman
Smith, David
Stepanek, Stephen
Tahir, Saghir

Beaulieu, Jane
Campbell, David
Cote, David
Daler, Jennifer
Drisko, Richard
Gargas, Carolyn
Gorman, Mary
Haefner, Robert
Hawkins, Ken
Holden, Randolph
Jean, Claudette
Knowles, John
Lasky, Bette
Mack, Ron
Moran, Edward
Ober, Lynne
Price, Pamela
Rosenwald, Cindy
Shaw, Barbara
Soucy, Connie
Sullivan, Daniel
Ulery, Jordan

Beck, Catriona
Christensen, Chris
Cote, Peter
Daniels, Gary
Elliott, Nancy
Garritty, Patrick
Goyette, Peter
Haley, Robert
Hebert, Roger
Infantine, William
Johnson, Stephen
Knowles, Mary Ann
Lawrence, James
Marshall, Seth
Movsesian, Lori
Ober, Russell III
Reeves, Sandra
Rowe, Robert
Shaw, Kimberly
Spaulding, Jayne
Sullivan, Francis
Villeneuve, Maurice

MERRIMACK

Anderson, Eric

Baxley, Maureen

Beauchesne,
Suzanne

Bouchard, Candace

Brown, Carole
DeJoie, John
French, Barbara
Kidder, David

Brueggemann, Donald
DeStefano, Stephen
Gile, Mary
Kjellman, Eleanor
Glynn

Clarke, Claire
Ehlers, Eileen
Hess, David
MacKay, James

Davis, Frank
Foose, Robert
Humphries, Charlie
McMahon, Patricia

Owen, Derek
Reed, Dennis
Wallner, Mary
Williams, Robert

Porter, Margaret
Richardson, Gary
Walz, Mary
Yeaton, Charles

Potter, Frances
Ryan, Jim
Webb, Leigh

Reardon, Tara
Shurtleff, Stephen
Wheeler, Deborah

ROCKINGHAM

Abbott, Dennis
Belanger, Ronald

Allen, Mary
Bettencourt, David

Baldasaro, Alfred
Bishop, Franklin

Bedrick, Jason
Borden, David

Brown, C. Pennington	Buxton, Donald	Cali-Pitts, Jacqueline	Camm, Kevin
Carson, Sharon	Casey, Kimberley	Charron, Gene	Day, Judith
Devine, James	DiFruscia, Anthony	Dumaine, Dudley	Elliott, Robert
Fesh, Bob	Flanders, John Sr	Flockhart, Eileen	Garrity, James
Gleason, John	Gould, Kenneth	Griffin, Mary	Guthrie, Joseph
Headd, James	Henson, John	Hopfgarten, Paul	Howard, Doreen
Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Robert
Kappler, Lawrence	Katsakiores, George	Katsakiores, Phyllis	Kennedy, James
Lister, Charlotte	Lund, Howie	Major, Norman	Marsh, Michael
McCarthy, Linda	McEachern, Paul	McKenna, Daniel	McMahon, Charles
Moody, Marcia	Moore, Bennett	Nord, Susi	Nowe, Ronald
Packard, Sherman	Pantelakos, Laura	Powers, James	Preston, Mark
Priestley, Anne	Quandt, Marshall	Quandt, Matthew	Reagan, John
Robertson, Carl	Russell, Trinka	Sanders, Elisabeth	Snow, Richard
Splaine, James	Stiles, Nancy	Waterhouse, Kevin	Weare, Everett
Welch, David	Wells, Roger	Weyler, Kenneth	Winchell, George

STRAFFORD

Berube, Roger	Brown, Julie	Burke, Rachel	Cyr, James
DeChane, Marlene	Domingo, Baldwin	Fargo, Thomas	Goodwin, Earle
Hubbard, Pamela	Kaen, Naida	Knowles, William	Perry, Robert
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Srnc, Robert	Vachon, Dennis	Wall, Janet
Watson, Robert			

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Gagnon, Raymond
Gottling, Suzanne	Jillette, Arthur Jr	Phinzy, James	Rodeschin, Beverly
Skinder, Carla			

NAYS 22

BELKNAP

Morrison, Gail

CARROLL

Bridgham, Robert	Heard, Virginia
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CHESHIRE

Espieffs, Peter

COOS

None

GRAFTON

Andersen, Gene	Mulholland, Catherine
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HILLSBOROUGH

Edwards, Andrew	Fontas, Jeffrey	Hall, Betty	Levasseur, Nickolas
Matarazzo, Anthony Sr	Mesa, Lily	Scannell, David	Vaillancourt, Steve

Winters, Joel

MERRIMACK

Lockwood, Priscilla Osborne, Jessie

ROCKINGHAM

Emiro, Frank Kelley, Jane Serlin, Christopher

STRAFFORD

Billian, Deborah

SULLIVAN

Franklin, Peter

And the majority committee report was adopted.

Ordered to third reading.

The House recessed at 1:00 p.m.

RECESS

(Speaker Norelli in the Chair)

The House reconvened at 2:00 p.m.

REGULAR CALENDAR-SPECIAL ORDERS (CONT'D)

SPECIAL ORDER

SB 75-FN, relative to establishing a south central New Hampshire rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in New Hampshire. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael B. O'Brien for the Majority of Transportation: This bill will establish a rail transit authority that will have the responsibility for developing and providing commuter rail and public rail transportation services in New Hampshire. This idea has been discussed before by members of this body, but has fallen short due to the complexities of the issue. Indeed, numerous studies have been conducted with regard to commuter rail service by various public committees, including the House. One only needs to consider traffic, sprawl and escalating fuel prices to cause us to wonder if we are already behind the times in providing an economic alternative to our commuting public. Nashua has led the way with grants and studies showing a commuter rail venture would be a viable means of transportation. Notwithstanding the leadership of the Gate City in this area, the matter is clearly one of statewide importance and the amendments supplied by the committee broaden the rail authority to include the entire state. This bill, as amended, will provide an authority concerned with rail transportation and is the result of a recommendation of a task force created by the Governor to begin the consequential work of augmenting our transportation system. When the bill appeared before the committee it was presented as a rail system between Nashua and Lowell and it was proposed as the "South Central New Hampshire Rail Authority." Our committee realized a Nashua to Lowell rail system is a priority; however the Authority should be more inclusive of other areas of our state and to contain existing rail ventures, it was renamed the "New Hampshire Rail Authority". The New Hampshire Rail Authority will consist of a delegation of elected officials or their designees. It shall also include members of local regional planning commissions and the Department of Transportation. The Senate and House delegation to the Authority shall consist of the chair of the Senate and House Transportation Committee, and the ranking minority member of both committees. The committee heard substantial testimony regarding the bill and

carefully crafted amendments to respond to issues regarding the bonding authority, the land and rights of way process together with the need of stakeholders such as the Manchester-Boston Airport to be included within the authority. Vote 12-4.

Rep. Sherman A. Packard for the Minority of Transportation: The minority of the committee opposes this legislation because it is flawed. We fully support the introduction of passenger rail service in NH. This bill establishes a Rail Transit Authority with absolute autonomy. The bill creates a 25 member board of directors – four of whom are legislative members. That is not legislative oversight. Powers that are granted to the authority include employing assistants, attorneys, experts, inspectors and other employees or consultants the board deems necessary. Acquire property by eminent domain if it follows the procedure set forth by the laws of the State of NH, our Constitution and a resolution of the General Court. There are four resolutions defined in House rules, a joint resolution has the effect of law and there is a CACR. Are we to assume that a simple resolution could suffice as approval of the legislation? Issue bonds for any project, including taking property by eminent domain and paying employee salaries. Conduct or pay to be conducted any studies the authority deems necessary. What must be considered the most egregious part of the bill is the power given to the authority to allow officers, agents or employees the ability to enter upon any lands, waters and premises in the state for the purpose of making surveys, soundings, drillings and examinations it determines necessary. Such entry shall not be deemed a trespass. The authority shall not be subject to regulation by the public utilities commission. It will take hundreds of millions of dollars to re-institute train service in the State of NH. Passenger rail service must be subsidized by local, state and federal funds to be successful. To believe that this authority can be anything but an avenue to waste millions of dollars without a commitment by the state to help pay for the reintroduction of a successful rail service is a complete fallacy. Until a commitment to a funding method to support alternative means of transportation is established this authority will be unable to complete its stated mission.

Majority Amendment (1496h)

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

AN ACT relative to establishing a New Hampshire rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in New Hampshire.

1 New Chapter; New Hampshire Rail Transit Authority. Amend RSA by inserting after chapter 238 the following new chapter:

CHAPTER 238-A

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY

238-A:1 Definitions. In this chapter:

- I. "Authority" means the New Hampshire rail transit authority.
- II. "Government agency" includes any department, agency, commission, public corporation, bureau, authority, instrumentality, or political subdivision of:
 - (a) The United States of America.
 - (b) The state of New Hampshire.
 - (c) Any state adjacent to New Hampshire.
- III. "Municipality" means town as defined in RSA 21:5.
- IV. "Regional planning commission" means any commission formed pursuant to RSA 36:46.
- V. "Railroad lines" means railroad rights-of-way and any tracks, track appurtenances, ties, ballast, bridges, stations, yards, facilities, and other appurtenant structures located thereon or adjacent thereto.

238-A:2 Authority Established. There is hereby established the New Hampshire rail transit authority which shall be a body both corporate and politic in the state established for the general purpose of developing and providing commuter rail or other similar forms of passenger rail service. It is declared that the purposes of this chapter are public and that the

authority shall be regarded as performing an essential governmental function in carrying out this chapter.

238-A:3 Duties. The authority shall take all actions that are reasonably necessary to establish regularly scheduled commuter rail or other similar forms of passenger rail service between points within the state of New Hampshire and points within and adjacent to the state of New Hampshire. These actions may include, but are not limited to:

I. The acquisition, lease, possession, use, operation, repair, renewal, construction, reconstruction, rehabilitation, modernization, rebuilding, relocation, maintenance, and disposition of:

- (a) Railroad lines and related facilities.
- (b) Railroad rolling stock, machinery, and equipment.
- (c) Real and personal property of any kind.

II. The acquisition, lease, license, possession, use, and disposition of any rights in or related to such property, including trackage, operating, maintenance, dispatching, and other contractual rights and services from railroad companies, other transportation service providers, public utilities, private persons, and government agencies including the Massachusetts Bay Transportation Authority.

238-A:4 Membership.

I. The governing body of the authority shall be a board of directors. The board of directors shall have the following members:

- (a) The commissioner of the department of transportation or designee.
- (b) The mayor of the city of Nashua, or designee.
- (c) A designee of the town of Merrimack town council.
- (d) A designee of the town of Bedford town council.
- (e) The mayor of the city of Manchester or designee.
- (f) A designee of the Nashua regional planning commission.
- (g) A designee of the southern New Hampshire planning commission.
- (h) Three members appointed by the governor, one of whom resides in the service

area of the authority as established in RSA 238-A:5, I, and 2 of whom are recognized as experts in railroad matters.

- (i) The chair of the house transportation committee.
- (j) The ranking minority member of the house transportation committee.
- (k) The chair of the senate transportation and interstate cooperation committee.
- (l) The ranking minority member of the senate transportation and interstate

cooperation committee.

- (m) The mayor of the city of Concord, or designee.
- (n) A designee of the central New Hampshire regional planning commission.
- (o) The chair of the Manchester-Boston regional airport board or designee.
- (p) The mayor of the city of Dover, or designee.
- (q) A designee of the town of Durham town council or university of New

Hampshire.

- (r) A designee of the town of Exeter board of selectmen.
- (s) A designee of the Rockingham planning commission.
- (t) A designee of the Strafford regional planning commission.
- (u) A designee of the town of Claremont board of selectmen.
- (v) A designee of the Upper Valley Lake Sunapee regional planning commission.
- (w) A designee of the lakes region planning commission.
- (x) The mayor of the city of Franklin or designee.
- (y) The mayor of the city of Berlin, or designee.

II. The members of the board of directors appointed by the governor shall serve for a term of 2 years and until a successor has been designated.

238-A:5 Service Area of the Authority.

I. The service area of the authority shall include any town or city in the state of New Hampshire through which commuter rail or other similar forms of passenger rail service operates or may operate.

II. The board of directors shall determine when to expand the service area of the authority. Upon approval of a resolution to expand the service area of the authority, after a properly noticed public hearing, the board of directors shall notify eligible cities, towns, or regional planning commissions of the determination to expand the service area of the authority. A city, town, or regional planning commission may petition the authority to support the development and establishment of commuter rail and related public transportation services within its jurisdiction. The board of directors shall have sole discretion to accept or reject any such petition. When considering an expansion of the service area of the authority the board of directors shall consider support for the proposed passenger or commuter rail project by affected towns, cities, and regional planning commissions, and the completion of an alternatives analysis or major investment study.

III. When the service area of the authority is expanded as identified in RSA 238-A:5, II new members will be added to the board of directors as follows:

(a) One designee for each town or city added to the service area that is not represented on the board of directors.

(b) One designee for each regional planning commission added to the service area that is not represented on the board of directors.

238-A:6 Meetings.

I. The board of directors shall, at the initial meeting of the authority, elect a chairperson and vice-chairperson of the board. The board of directors shall also designate a secretary, treasurer, or other officer as may be necessary to carry out the functions of the board.

II. The authority shall conduct an annual meeting. At such meeting the board of directors shall approve an annual report the authority and elect a chairperson and vice-chairperson of the board.

III. The board of directors may exercise all the powers of the authority in a lawful meeting. A majority of directors then in office shall constitute a quorum. Regular meetings of the board of directors may be established by bylaws.

238-A:7 Conflict of Interest.

I. A director, officer, or employee of the authority shall not acquire any interest, direct or indirect, in any contract or proposed contract of the authority. A director, officer, or employee of the authority shall not participate in any decision on any contract entered into or to be entered into by the authority if that individual has any interest, direct or indirect, in any firm, partnership, corporation, or association that will be party to such a contract or financially involved in any transaction with the authority.

II. The prohibition in paragraph I shall not apply to:

(a) The execution of agreements by banking institutions for the deposit or handling of authority funds in connection with any contract.

(b) Utility services, for which rates are fixed or controlled by a government agency.

(c) Contracts with the department of transportation, a regional planning commission, or any other government agency.

III. The authority shall not:

(a) Employ a person or firm to promote or oppose, directly or indirectly, any legislation pending or proposed before the general court, or to promote or oppose, directly or indirectly, any action by the governor, governor and council, or any agency, as defined in RSA 15-A:2, where such action concerns legislation or contracts pending or proposed before the general court, any pending or proposed administrative rule, or the procurement of goods or services that are being or may be purchased by the state.

(b) Employ or remunerate in any fashion any member of the legislature.

238-A:8 Powers. The authority may:

- I. Sue and be sued to the same extent as a town or city under New Hampshire law.
- II. Have a seal and alter the seal.
- III. Adopt and amend bylaws covering procedure and rules for the purposes of this chapter, develop and adopt rules in accordance with the laws of the state of New Hampshire, publish bylaws and rules as necessary or advisable, and cause records of its proceedings to be kept.
- IV. Employ such assistants, attorneys, experts, inspectors, and such other employees and consultants as the board of directors considers necessary for its purposes.
- V. Utilize the services and resources of the department of transportation that are available and expedient. All charges for services provided by the department may be paid to it by the authority as mutually agreed upon.
- VI. Utilize the services of the Nashua regional planning commission or other regional planning commissions that are available and expedient. All charges for services provided by such commission may be paid to it by the authority as mutually agreed upon.
- VII. Acquire any property or property rights through purchase, lease, lease-purchase, gift, contract, devise, or otherwise. In making these acquisitions the authority may exercise the power of eminent domain following the same procedure set forth for similar government agencies under the laws of the state of New Hampshire, provided it is consistent with the purposes established under the New Hampshire constitution and approved by a resolution of the general court.
- VIII. Accept gifts, grants, or loans of money or other property, and enter into contracts or other transactions with any federal or state agency, or any other public entity.
- IX. Enter into and fulfill any contracts or agreements with public or private transportation operators, government agencies, or other entities for management, operation, or support of public transit services or as the board of directors otherwise deems necessary.
- X. Lease the passenger rail system or part thereof, or contract for the use of the passenger rail system or any part thereof with any operator as may be required for operation of the passenger rail service.
- XI. Receive and disburse funds for authority purposes. The authority shall have the power to deposit any monies of the authority, in accordance with the provisions of the general laws of the state of New Hampshire governing the deposit of public monies in such bank or banks or investment deposit pools as may be authorized to receive deposits of public funds.
- XII. Issue bonds for the implementation of any project of the authority, including the acquisition of property, or paying off of any debt or obligation of the authority. The authority may issue such types of bonds as may be determined by the board of directors, including certificates on which principal and interest are payable:
 - (a) Exclusively from income or revenue from the operation of the authority financed with the proceeds of such bonds or together with such proceeds and grants from any instrumentality or other person or corporation in aid of such projects.
 - (b) Exclusively from income and revenues of certain designated projects.
 - (c) From general revenues of the authority. Any such bond may be additionally secured by mortgage of the passenger rail system or any part thereof constituting real or personal property of the authority.
- XIII. Conduct or cause to be conducted any studies that the authority determines necessary.
- XIV. Enter into agreements, contracts, and compacts with any government agency, Pan Am Railways, Massachusetts Bay Transportation Authority, and any other person or entity, public or private, as may be required to develop, establish, and provide passenger rail transportation services, including but not limited to property owners and developers of property adjacent to or incidental to the railroad lines and related facilities.

XV. In conjunction with the Massachusetts Bay Transportation Authority or any other government agency with a vested interest in such matters, fix equitable fares or charges and other rules and regulations for passenger rail services developed or established in whole or in part by the authority.

XVI. Take all lawful action necessary and incidental to effectuate the purposes set forth in this chapter.

238-A:9 Funding. The authority shall seek, apply for, accept for its use, and use funds necessary for the implementation of this chapter.

I. Such funds shall be spent first to develop and initiate, at the earliest practicable time, regularly scheduled commuter rail service between Lowell, Massachusetts and Manchester, New Hampshire.

II. The authority shall seek and use funds to extend regularly scheduled commuter rail or other similar forms of passenger rail service, to the extent practicable, to other points within the state of New Hampshire.

III. The authority shall seek and expend funds as necessary to coordinate with other government agencies providing public transportation services that support or complement regularly scheduled commuter or other form of passenger rail service identified in paragraphs I and II.

IV. The authority shall use any revenues it receives from the operation of the passenger rail service and any ancillary support facilities and services established under this chapter, including fares, fees, rents, royalties, and other revenues, to pay the operational expenses of that service. The authority shall seek and use funds necessary to pay all operational expenses of its passenger rail service that are not met by fares and other authority funds or revenues. For the purposes of this section, "operational expenses" include, but are not limited to, all ongoing capital expenses necessary to maintain the passenger rail service.

V. The authority may take all actions, consistent with this chapter, that are necessary to apply for, qualify for, accept, and disburse any money that the federal government may grant or loan to the authority to fund any actions the board of directors deems necessary under this chapter.

VI. Any government agency may allocate money and take other actions that may aid in the implementation of this chapter. The authority may provide funds, including loans and matching grants, to government agencies in order to encourage their participation in implementing this chapter.

VII. The authority shall use its best efforts to ensure that fares for passenger rail service established under this chapter be set at reasonable levels to encourage use of this service.

VIII. The authority shall obtain all additional funds, through borrowing, revenues, or other means, necessary to satisfy operating deficits arising from expenses, including capital expenditures, necessary to ensure the continuation of passenger rail service established pursuant to this chapter.

238-A:10 Bonds.

I. The authority shall have the power and is hereby authorized to issue its bonds and notes in such principal amount as the authority shall determine to be necessary to provide sufficient funds for achieving any of its corporate purposes. Neither the directors of the authority nor any person executing bonds on behalf of the authority shall be personally liable thereon by reason of the issuance thereof.

II. Bonds of the authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places and be subject to such terms of redemption, with or without premium, as such

resolutions, its trust indenture, or mortgage may provide. In case any of the directors or officers of the authority whose signatures appear on any bond or coupon shall cease to be such directors or officers before the delivery of such bonds, such signatures shall nevertheless be valid and sufficient for all purposes. All bonds may be signed on behalf of the authority by, or with the facsimile signatures of, such persons as at the actual date of such execution shall be the proper officers authorized by resolution of the authority to execute said bonds, notwithstanding the fact that on the day said bonds are dated, or on the date of the delivery thereof, any such person shall not have been such officer.

III. Obligations of the authority other than certificates shall be payable from general funds of the authority and shall at no time be a charge against any special fund allocated to the payment of bonds except upon payment of current annual maturities and reserves thereof.

IV. Notwithstanding any restrictions on investments contained in any laws of this state, the state and all public officers, municipal corporations, political subdivisions, public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by the authority under this chapter, when such bonds or other obligations are secured by rentals or other monies to be paid by the United States of America or any department or agency thereof, and such bonds and other obligations shall be authorized security for all public deposits, it being the purpose of this section to authorize any persons, firms, corporations, associations, political subdivisions, bodies, and officers, public or private, to use any funds owned or controlled by them, including, but not limited to, sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations; provided, however, that nothing contained in this section shall be construed as relieving any person, firm, or corporation from any applicable duty of exercising reasonable care in selecting securities.

V. The authority may obligate itself for the payment of bonds and other debts incurred in the furtherance of its public purposes by the state of New Hampshire, or by any county, municipality, political subdivision, or public corporation.

VI. The authority shall determine the time, form, and manner of the issuance of its bonds and the specific provisions for, and references to such time, form, and manner set forth in this chapter are illustrative of its powers and are not in limitation thereof. The authority may designate a bank or trust company, qualified to do business in this state, as a trustee for the authority and the holders of bonds issued hereunder, and may authorize the trustee to act on behalf of the holders of the bonds, or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders.

238-A:11 Expenses and Obligations. All expenses incurred in carrying out this chapter shall be paid solely from funds provided to or obtained by the authority under this chapter. Any notes, obligations, or liabilities under this chapter shall not be deemed to be a debt of the state or a pledge of the faith and credit of the state; but those notes, obligations, and liabilities are payable exclusively from funds provided to or obtained by the authority under this chapter. The records and correspondence relating to negotiations, trade secrets received by the authority, and estimates of costs on projects to be put out to bid are confidential.

238-A:12 Annual Report and Audit.

I. Beginning one year after the establishment of the authority and on an annual basis thereafter, the authority shall present an annual report to the governor, the commissioner of transportation, the members of the executive council, and the standing committees of the senate and house and representatives having jurisdiction over

transportation matters. The report shall include a description of the authority's activities for the preceding fiscal year, including a report of its receipts and expenditures from all sources. All administrative costs shall be identified. A copy of the report shall be made available to any interested person.

II. The authority shall cause an audit by an independent certified public accountant of its books and accounts to be made each fiscal year. After certification of the audit by the board of directors copies shall be provided to the governor, the commissioner of transportation, the members of the executive council, and the standing committees of the senate and house and representatives having jurisdiction over transportation matters.

238-A:13 Property of the Authority.

I. All property owned or leased by the authority under this chapter is exempt from levy and sale by virtue of any execution. An execution or other judicial process is not a valid lien upon its property held under this chapter. The authority may use its property only for the purposes set forth in this chapter.

II. The authority and its authorized officers, agents, and employees may enter upon any lands, waters, and premises in the state for the purpose of making surveys, soundings, drillings, and examinations it determines necessary under this chapter. Such entry shall not be deemed a trespass. The authority shall not be liable for the discovery during any such entry of any form of waste or environmental contamination.

III. Any county, municipality, or other political subdivision, any public agency or commission of the state, and any public service corporation or district, notwithstanding any contrary provisions of law, may lease, lend, grant, or convey to the authority, upon its request and upon such terms and conditions as the proper authorities of the political subdivision, agency, commission, public corporation, or district determine reasonable and fair, any real or personal property or rights in the property that are necessary or convenient to the effectuation of the authorized purposes of the authority, including real and personal property or rights in the property already devoted to public use.

238-A:14 Exemption from Taxes. Because the accomplishment by the authority of the authorized purpose of this chapter is for the benefit of the people of the state and for the improvement of their commerce and prosperity and is the performance of essential governmental functions, the authority shall not be required to pay any taxes or assessment on any property acquired or used by it for the purposes of this chapter, except that service facilities leased or rented by the authority to business entities are subject to taxation and assessments shall be made against the tenant in possession based upon the value of the leasehold interest, both real and personal. The authority shall not be required to pay any tax upon its income except as may be required by the laws of the United States.

238-A:15 Public Utilities Commission. The authority shall not be subject to regulation by the public utilities commission.

238-A:16 Review of Rail Transit Authority. The general court shall review the scope of the rail transit authority during the 2012 legislative session, giving particular attention to expanding the jurisdiction and membership of the governing body of the authority.

238-A:17 Open Meetings and Records. The authority shall be subject to all requirements of RSA 91-A:2.

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

AMENDED ANALYSIS

This bill establishes a New Hampshire rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in New Hampshire.

Rep. Ryan spoke in favor and yielded to questions.

Reps. Kurk and Packard spoke against.

MOTION TO LAY ON THE TABLE

Rep. Ferland moved that **SB 75-FN**, relative to establishing a south central New Hampshire

rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in New Hampshire be laid on the table. Rep. Ryan requested a roll call; sufficiently seconded.

YEAS 128 NAYS 181

YEAS 128

BELKNAP

Boyce, Laurie	Clark, Charles	Heald, Bruce	Millham, Alida
Nedeau, Stephen	Pilliod, James	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Wendelboe, Fran	Whalley, Michael

CARROLL

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

CHESHIRE

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

COOS

King, Frederick	Stohl, Eric	Tholl, John Jr
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GRAFTON

Dingman, Vernon III	Gionet, Edmond	Ingbretson, Paul	Sorg, Gregory
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HILLSBOROUGH

Batula, Peter	Bergeron, Jean-Guy	Christensen, Chris	Christiansen, Lars
Cote, Peter	Coughlin, Pamela	Daniels, Gary	Day, Russell
Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy	Gargasz, Carolyn
Goyette, Peter	Graham, John	Haefner, Robert	Hansen, Ryan
Hawkins, Ken	Hinkle, Peyton	Infantine, William	Jasper, Shawn
Kurk, Neal	Lawrence, James	McRae, Karen	Mooney, Maureen
Moran, Edward	O'Connell, Timothy	Ober, Lynne	Ober, Russell III
Peterson, Andy	Reeves, Sandra	Renzullo, Andrew	Rowe, Robert
Soucy, Connie	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Winters, Joel	

MERRIMACK

Anderson, Eric	Hess, David	Humphries, Charlie	Kidder, David
Lockwood, Priscilla	MacKay, James	Reed, Dennis	Richardson, Gary

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Buxton, Donald	Camm, Kevin
Carson, Sharon	Charron, Gene	Devine, James	Dumaine, Dudley
Elliott, Robert	Emiro, Frank	Fesh, Bob	Flanders, John Sr
Garritty, James	Gould, Kenneth	Griffin, Mary	Guthrie, Joseph
Headd, James	Hopfgarten, Paul	Ingram, Russell	Itse, Daniel

Johnson, Robert
Lund, Howie
Packard, Sherman
Reagan, John
Weare, Everett
Winchell, George

Kappler, Lawrence
Major, Norman
Priestley, Anne
Sanders, Elisabeth
Welch, David

Kelley, Jane
McMahon, Charles
Quandt, Marshall
Stiles, Nancy
Wells, Roger

Lister, Charlotte
Nowe, Ronald
Quandt, Matthew
Waterhouse, Kevin
Weyler, Kenneth

STRAFFORD

Brown, Julie

SULLIVAN

Ferland, Brenda

Rodeschin, Beverly

NAYS 181

BELKNAP

Arsenault, Beth

Morrison, Gail

Reever, Judith

CARROLL

Buco, Thomas

Butler, Edward

Cunningham, Howard

CHESHIRE

Allen, Peter
Butynski, William
Espieffs, Peter
Richardson, Barbara
Weber, Lucy

Burridge, Delmar
Chase, William
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Butcher, Suzanne
Dunn, J. Timothy
Mitchell, Bonnie
Robertson, Timothy

Butterworth, Timothy
Eaton, Daniel
Plifka, Stanley Jr
Sad, Tara

COOS

Hatch, William

Mears, Edgar

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Cooney, Mary
Laliberte, Suzanne
Nordgren, Sharon

Almy, Susan
Estes, Carole
Matheson, Robert
Pierce, David

Andersen, Gene
Friedrich, Carol
McLeod, Martha
Preston, Philip

Benn, Bernard
Harding, A Laurie
Mulholland, Catherine
Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Essex, David
Ginsburg, Ruth
Hall, Betty
Irwin, Anne-Marie
Kelley, John
Lasky, Bette
Marshall, Seth

Beaulieu, Jane
Crane, Elenore Casey
Fontas, Jeffrey
Goley, Jeffrey
Hammond, Jill
Jean, Claudette
Knowles, John
Levasseur, Nickolas
Matarazzo, Anthony
Sr

Beck, Catriona
Daler, Jennifer
Foster, Linda
Gorman, Mary
Hebert, Roger
Johnson, Stephen
Knowles, Mary Ann
Long, Patrick
Mesa, Lily

Brunelle, Michael
Edwards, Andrew
Garritty, Patrick
Hackel, Paul
Hogan, Edith
Kaelin, Michael
Kopka, Angeline
Mack, Ron
Movsesian, Lori

O'Brien, Michael Sr
Reuschel, Michael
Shattuck, Gilman

O'Neil, James
Rosenwald, Cindy
Shaw, Barbara

Pilotte, Maurice
Scannell, David
Simon, Anthony

Price, Pamela
Schulze, Joan
Smith, David

Spaulding, Jayne
Sysyn, Mary

Spratt, Stephen

Sullivan, Daniel

Sullivan, Francis

MERRIMACK

Baxley, Maureen

Beauchesne,
Suzanne

Brown, Carole

Brueggemann, Donald

Clarke, Claire
Ehlers, Eileen
Kjellman, Eleanor
Glynn

Davis, Frank
French, Barbara
McMahon, Patricia

DeJoie, John
Gile, Mary
Owen, Derek

DeStefano, Stephen
Kelly, Sally
Porter, Margaret

Potter, Frances
Tupper, Frank
Wheeler, Deborah

Reardon, Tara
Wallner, Mary
Williams, Robert

Ryan, Jim
Walz, Mary
Yeaton, Charles

Shurtleff, Stephen
Webb, Leigh

ROCKINGHAM

Abbott, Dennis
Day, Judith
Henson, John
Kennedy, James
McEachern, Paul
Nord, Susi
Russell, Trinka

Borden, David
DiFruscia, Anthony
Howard, Doreen
Kepner, Susan
McKenna, Daniel
Powers, James
Serlin, Christopher

Brown, C. Pennington
Flockhart, Eileen
Katsakiores, George
Marsh, Michael
Moody, Marcia
Preston, Mark
Snow, Richard

Casey, Kimberley
Gleason, John
Katsakiores, Phyllis
McCarthy, Linda
Moore, Bennett
Robertson, Carl
Splaine, James

STRAFFORD

Berube, Roger
DeChane, Marlene
Hubbard, Pamela
Rollo, Michael
Spang, Judith
Watson, Robert

Billian, Deborah
Domingo, Baldwin
Kaen, Naida
Rous, Emma
Srnc, Robert

Burke, Rachel
Fargo, Thomas
Knowles, William
Schmidt, Peter
Vachon, Dennis

Cyr, James
Goodwin, Earle
Perry, Robert
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Gagnon, Raymond
and the motion failed.

Converse, Larry
Gottling, Suzanne

Donovan, Thomas
Jillette, Arthur Jr

Franklin, Peter
Skinder, Carla

The question now being adoption of the majority committee amendment.

Rep. Packard spoke against.

Reps. O'Brien and Ryan spoke in favor.

Rep. Ryan requested a roll call; sufficiently seconded.

YEAS 193 NAYS 117

YEAS 193

BELKNAP

Arsenault, Beth

Morrison, Gail

Reever, Judith

CARROLL

Butler, Edward

Cunningham, Howard

CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Espiefs, Peter	Lerandean, Alfred	Mitchell, Bonnie	Pelkey, Stephen
Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sad, Tara	Weber, Lucy	Weed, Charles	

COOS

Hatch, William	Mears, Edgar	Merrick, Evalyn	Merrick, Scott
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GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Estes, Carole	Friedrich, Carol	Harding, A Laurie
Laliberte, Suzanne	Matheson, Robert	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon	Pierce, David	Preston, Philip	Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Brunelle, Michael
Campbell, David	Christensen, Chris	Crane, Elenore Casey	Daler, Jennifer
Day, Russell	Edwards, Andrew	Essex, David	Fontas, Jeffrey
Foster, Linda	Gargas, Carolyn	Garrity, Patrick	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Hackel, Paul	Hall, Betty
Hammond, Jill	Hebert, Roger	Hogan, Edith	Infantine, William
Irwin, Anne-Marie	Jean, Claudette	Johnson, Stephen	Kaelin, Michael
Kelley, John	Knowles, John	Knowles, Mary Ann	Kopka, Angeline
Lasky, Bette	Levasseur, Nickolas	Long, Patrick	Mack, Ron
Marshall, Seth	Matarazzo, Anthony Sr	Mesa, Lily	Movsesian, Lori
O'Brien, Michael Sr	O'Neil, James	Pilotte, Maurice	Price, Pamela
Reuschel, Michael	Rosenwald, Cindy	Scannell, David	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Simon, Anthony
Smith, David	Spaulding, Jayne	Spratt, Stephen	Sullivan, Daniel
Sullivan, Francis	Sysyn, Mary		

MERRIMACK

Baxley, Maureen	Beauchesne, Suzanne	Brown, Carole	Brueggemann, Donald
Clarke, Claire	Davis, Frank	DeJoie, John	DeStefano, Stephen
Ehlers, Eileen	Foose, Robert	French, Barbara	Gile, Mary
Kelly, Sally	Kjellman, Eleanor Glynn	McMahon, Patricia	Owen, Derek
Porter, Margaret	Potter, Frances	Reardon, Tara	Ryan, Jim
Shurtleff, Stephen	Tupper, Frank	Wallner, Mary	Walz, Mary
Webb, Leigh	Wheeler, Deborah	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Bettencourt, David	Borden, David	Brown, C. Pennington
Buxton, Donald	Casey, Kimberley	Day, Judith	DiFruscia, Anthony
Flockhart, Eileen	Gleason, John	Henson, John	Howard, Doreen
Ingram, Russell	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kennedy, James	Kepner, Susan	Lister, Charlotte	Marsh, Michael
McCarthy, Linda	McEachern, Paul	McKenna, Daniel	Moody, Marcia

Moore, Bennett
Robertson, Carl
Splaine, James

Nord, Susi
Russell, Trink

Powers, James
Serlin, Christopher

Preston, Mark
Snow, Richard

STRAFFORD

Berube, Roger
DeChane, Marlene
Hubbard, Pamela
Rollo, Michael
Spang, Judith
Watson, Robert

Billian, Deborah
Domingo, Baldwin
Kaen, Naida
Rous, Emma
Srnc, Robert

Burke, Rachel
Fargo, Thomas
Knowles, William
Schmidt, Peter
Vachon, Dennis

Cyr, James
Goodwin, Earle
Perry, Robert
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Gagnon, Raymond
Skinder, Carla

Converse, Larry
Gottling, Suzanne

Donovan, Thomas
Jillette, Arthur Jr

Franklin, Peter
Phinzy, James

NAYS 117

BELKNAP

Boyce, Laurie
Nedeau, Stephen
Tilton, Franklin

Clark, Charles
Pilliod, James
Tobin, William

Heald, Bruce
Russell, David
Wendelboe, Fran

Millham, Alida
Thomas, John
Whalley, Michael

CARROLL

Ahlgren, Christopher
Knox, J. David
Stevens, Stanley

Brown, Carolyn
Martin, James

Chandler, Gene
Merrow, Harry

Denley, William
Patten, Betsey

CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

Parkhurst, Henry

COOS

King, Frederick

Stohl, Eric

Tholl, John Jr

GRAFTON

Dingman, Vernon III

Gionet, Edmond

Ingbretson, Paul

Sorg, Gregory

HILLSBOROUGH

Batula, Peter
Coughlin, Pamela
Elliott, Nancy
Hansen, Ryan
Kurk, Neal
Moran, Edward
Peterson, Andy
Soucy, Connie
Vaillancourt, Steve

Bergeron, Jean-Guy
Daniels, Gary
Goyette, Peter
Hawkins, Ken
Lawrence, James
O'Connell, Timothy
Reeves, Sandra
Stepanek, Stephen
Villeneuve, Maurice

Christiansen, Lars
Dokmo, Cynthia
Graham, John
Hinkle, Peyton
McRae, Karen
Ober, Lynne
Renzullo, Andrew
Tahir, Saghir
Winters, Joel

Cote, Peter
Drisko, Richard
Haefner, Robert
Jasper, Shawn
Mooney, Maureen
Ober, Russell III
Rowe, Robert
Ulery, Jordan

MERRIMACK

Anderson, Eric
Lockwood, Priscilla

Hess, David
MacKay, James

Humphries, Charlie
Reed, Dennis

Kidder, David
Richardson, Gary

ROCKINGHAM

Allen, Mary
Bishop, Franklin
Devine, James
Fesh, Bob
Griffin, Mary
Johnson, Robert
McMahon, Charles
Quandt, Marshall
Stiles, Nancy
Wells, Roger

Baldasaro, Alfred
Camm, Kevin
Dumaine, Dudley
Flanders, John Sr
Guthrie, Joseph
Kappler, Lawrence
Nowe, Ronald
Quandt, Matthew
Waterhouse, Kevin
Weyler, Kenneth

Bedrick, Jason
Carson, Sharon
Elliott, Robert
Garritty, James
Hopfgarten, Paul
Lund, Howie
Packard, Sherman
Reagan, John
Weare, Everett
Winchell, George

Belanger, Ronald
Charron, Gene
Emiro, Frank
Gould, Kenneth
Itse, Daniel
Major, Norman
Priestley, Anne
Sanders, Elisabeth
Welch, David

STRAFFORD

Brown, Julie

SULLIVAN

Ferland, Brenda Rodeschin, Beverly
and the majority committee amendment was adopted.
Rep. Ryan offered floor amendment (2110h).

Floor Amendment (2110h)

Amend RSA 238-A:4, I(u) as inserted by section 1 of the bill by replacing it with the following:

(u) The mayor of the city of Claremont, or designee.

Amend RSA 238-A:8, VII as inserted by section 1 of the bill by replacing it with the following:

VII. Acquire any property or property rights through purchase, lease, lease-purchase, gift, contract, devise, or otherwise. In making these acquisitions the authority may exercise the power of eminent domain following the same procedure set forth for similar government agencies under the laws of the state of New Hampshire, provided it is consistent with the purposes established under the New Hampshire constitution and approved by a joint resolution of the general court.

Rep. Ryan spoke in favor.

Floor amendment (2110h) adopted.

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

Rep. Kurk spoke against.

Rep. Ryan requested a roll call; sufficiently seconded.

YEAS 189 NAYS 120

YEAS 189

BELKNAP

Arsenault, Beth

Morrison, Gail

Reever, Judith

CARROLL

Butler, Edward

Cunningham, Howard

CHESHIRE

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

COOS

Hatch, William	Mears, Edgar	Merrick, Evalyn	Merrick, Scott
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GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Estes, Carole	Friedrich, Carol	Harding, A Laurie
Laliberte, Suzanne	Matheson, Robert	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon	Pierce, David	Preston, Philip	Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Brunelle, Michael
Campbell, David	Crane, Elenore Casey	Daler, Jennifer	Edwards, Andrew
Essex, David	Fontas, Jeffrey	Foster, Linda	Gargasz, Carolyn
Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Hackel, Paul	Hall, Betty	Hammond, Jill	Hebert, Roger
Hogan, Edith	Irwin, Anne-Marie	Jean, Claudette	Johnson, Stephen
Kaelin, Michael	Kelley, John	Knowles, John	Knowles, Mary Ann
Kopka, Angeline	Lasky, Bette	Levasseur, Nickolas	Long, Patrick
Mack, Ron	Marshall, Seth	Matarazzo, Anthony Sr	Mesa, Lily
Movsesian, Lori	O'Brien, Michael Sr	O'Neil, James	Pilotte, Maurice
Price, Pamela	Reuschel, Michael	Rosenwald, Cindy	Scannell, David
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Simon, Anthony	Smith, David	Spaulding, Jayne	Spratt, Stephen
Sullivan, Daniel	Sullivan, Francis	Sysyn, Mary	

MERRIMACK

Baxley, Maureen	Beauchesne, Suzanne	Brown, Carole	Brueggemann, Donald
Clarke, Claire	Davis, Frank	DeJoie, John	DeStefano, Stephen
Ehlers, Eileen	Foose, Robert	French, Barbara	Gile, Mary
Kelly, Sally	Kjellman, Eleanor Glynn	McMahon, Patricia	Owen, Derek
Porter, Margaret	Potter, Frances	Reardon, Tara	Richardson, Gary
Ryan, Jim	Shurtleff, Stephen	Tupper, Frank	Wallner, Mary
Walz, Mary	Webb, Leigh	Wheeler, Deborah	Williams, Robert
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Bettencourt, David	Borden, David	Brown, C. Pennington
Buxton, Donald	Casey, Kimberley	Day, Judith	DiFruscia, Anthony
Flockhart, Eileen	Gleason, John	Henson, John	Howard, Doreen
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kennedy, James
Kepner, Susan	Lister, Charlotte	Marsh, Michael	McCarthy, Linda
McEachern, Paul	McKenna, Daniel	Moody, Marcia	Moore, Bennett

Nord, Susi
Russell, Trinka

Powers, James
Serlin, Christopher

Preston, Mark
Snow, Richard

Robertson, Carl
Splaine, James

STRAFFORD

Berube, Roger
DeChane, Marlene
Hubbard, Pamela
Rollo, Michael
Srnc, Robert

Billian, Deborah
Domingo, Baldwin
Kaen, Naida
Schmidt, Peter
Vachon, Dennis

Burke, Rachel
Fargo, Thomas
Knowles, William
Smith, Marjorie
Wall, Janet

Cyr, James
Goodwin, Earle
Perry, Robert
Spang, Judith
Watson, Robert

SULLIVAN

Cloutier, John
Gagnon, Raymond
Skinder, Carla

Converse, Larry
Gottling, Suzanne

Donovan, Thomas
Jillette, Arthur Jr

Franklin, Peter
Phinizy, James

NAYS 120

BELKNAP

Boyce, Laurie
Nedeau, Stephen
Tilton, Franklin

Clark, Charles
Pilliod, James
Tobin, William

Heald, Bruce
Russell, David
Wendelboe, Fran

Millham, Alida
Thomas, John
Whalley, Michael

CARROLL

Ahlgren, Christopher
Knox, J. David
Stevens, Stanley

Brown, Carolyn
Martin, James

Chandler, Gene
Merrow, Harry

Denley, William
Patten, Betsey

CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

Parkhurst, Henry

COOS

King, Frederick

Stohl, Eric

Tholl, John Jr

GRAFTON

Dingman, Vernon III

Gionet, Edmond

Ingbretson, Paul

Sorg, Gregory

HILLSBOROUGH

Batula, Peter
Cote, Peter
Dokmo, Cynthia
Graham, John
Hinkle, Peyton
Lawrence, James
O'Connell, Timothy
Reeves, Sandra
Stepanek, Stephen
Villeneuve, Maurice

Bergeron, Jean-Guy
Coughlin, Pamela
Drisko, Richard
Haefner, Robert
Infantine, William
McRae, Karen
Ober, Lynne
Renzullo, Andrew
Tahir, Saghir
Winters, Joel

Christensen, Chris
Daniels, Gary
Elliott, Nancy
Hansen, Ryan
Jasper, Shawn
Mooney, Maureen
Ober, Russell III
Rowe, Robert
Ulery, Jordan

Christiansen, Lars
Day, Russell
Goyette, Peter
Hawkins, Ken
Kurk, Neal
Moran, Edward
Peterson, Andy
Soucy, Connie
Vaillancourt, Steve

MERRIMACK

Anderson, Eric

Hess, David

Humphries, Charlie

Kidder, David

Lockwood, Priscilla

MacKay, James

Reed, Dennis

ROCKINGHAM

Allen, Mary
Bishop, Franklin
Devine, James
Fesh, Bob
Griffin, Mary
Itse, Daniel
Major, Norman
Priestley, Anne
Sanders, Elisabeth
Welch, David

Baldasaro, Alfred
Camm, Kevin
Dumaine, Dudley
Flanders, John Sr
Guthrie, Joseph
Johnson, Robert
McMahon, Charles
Quandt, Marshall
Stiles, Nancy
Wells, Roger

Bedrick, Jason
Carson, Sharon
Elliott, Robert
Garrity, James
Hopfgarten, Paul
Kappler, Lawrence
Nowe, Ronald
Quandt, Matthew
Waterhouse, Kevin
Weyler, Kenneth

Belanger, Ronald
Charron, Gene
Emiro, Frank
Gould, Kenneth
Ingram, Russell
Lund, Howie
Packard, Sherman
Reagan, John
Weare, Everett
Winchell, George

STRAFFORD

Brown, Julie

SULLIVAN

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

MOTION TO PRINT DEBATE

Rep. Graham moved that the debate on ***SB 75-FN***, relative to establishing a south central New Hampshire rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in New Hampshire be printed in the Permanent Journal.

On a division vote, 143 members having voted in the affirmative and 163 in the negative, the motion failed.

REGULAR CALENDAR-SPECIAL ORDERS (CONT'D)

SB 134-FN-A, establishing a research and development credit against business taxes.

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

Rep. Michael G. Marsh for the Majority of Ways and Means: This bill establishes a new R&D tax credit, allowing businesses that increase their R&D spending in the state to take a modest tax credit when they spend more in R&D salaries. The credit is capped at \$50,000 per year for each company and \$1 million dollars statewide annually, and its goal is to increase the level of R&D spending in the state. The committee heard evidence that R&D spending is critical to maintaining our competitive position in the global economy and generating economic growth, that an R&D tax credit is a significant way to spur research, and that 40 other states and many other countries currently offer some form of R&D tax credit. We heard additional testimony that NH's position in R&D job creation has fallen to 34th place among the states in the past 6 years. We believe that this is due in part to our lack of a tax credit, and this bill seeks to remedy the situation. The committee made significant changes to the original bill received from the Senate to make the credit more attractive for start-up companies and smaller companies, while keeping within the \$1 million per year cap requested by the Governor and passed by the Senate. Vote 11-6.

Rep. Dennis P. Vachon for the Minority of Ways and Means: The minority of the committee believes that giving a targeted group of taxpayers a break of up to \$50,000 on business taxes for research and development in a time of limited budgetary resources is fiscally irresponsible. The proponents of this legislation have failed to make the case for why this tax credit is in the state's best interest given our business tax structure and other factors

that affect business decisions such as the availability of a suitable work force, affordable housing and necessary infrastructure to complement business activities. We need to know who will benefit from the tax credit and ensure that it is not used simply to line the pockets of companies already profiting from Defense contracts. There is no guarantee that the resulting products will be produced in New Hampshire or that the persons employed in the research and development activities will not be imported from elsewhere. This bill has the potential for being nothing more than an annual corporate giveaway of \$1 million which could be better used to support needed state services.

Majority Amendment (1883h)

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

AN ACT establishing a research and development credit against business taxes and requiring the commission of resources and economic development to report on the research and development tax credit program.

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

1 New Paragraph; Business Profits Tax; Research and Development Tax Credit. Amend RSA 77-A:5 by inserting after paragraph XII the following new paragraph:

XIII.(a) There shall be allowed a research and development tax credit for qualified manufacturing research and development expenditures made or incurred during the fiscal year, as follows:

(1) The aggregate of tax credits issued by the commissioner to all taxpayers claiming the credit shall not exceed \$1,000,000 for any fiscal year, except that any amount of the credit less than \$1,000,000 that is not claimed in the fiscal year ending June 30, 2008 may be claimed in the fiscal year ending June 30, 2009.

(2) Each credit shall be used to offset the taxpayer's tax liability within the subsequent 5 tax years. The amount of the credit shall be the lesser of:

(A) Ten percent of the excess of the qualified manufacturing research and development expenses for the taxable year over the base amount;

(B) The proportional share of the maximum aggregate credit amount allowed in subparagraph (1);

(C) \$50,000.

(3) Taxpayers shall apply for the tax credit on forms provided by the commissioner and shall be accompanied by information or records required by the commissioner. Such application shall be postmarked no later than June 30 following the tax year during which research and development occurred.

(4) A determination on the final amount of the credit awarded by the commissioner to each taxpayer claiming the credit shall be made no later than September 30 of each year.

(5) Wages for which a credit is taken under this paragraph shall not also be eligible for a credit under RSA 162-N.

(b) For purposes of this paragraph:

(1) The term "qualified manufacturing research and development expenditures" shall mean solely any wages paid or incurred to an employee of the business organization for services rendered by such employee within this state within the meaning of RSA 77-A:3; I(b), provided that:

(A) Such wages shall be treated as wages for qualified research expenses under section 41(b) of the United States Internal Revenue Code; and

(B) Such services are undertaken for the purpose of discovering information which constitutes qualified research and development of a new or improved manufacturing process or business component of the business organization.

(C) The wages qualify and are reported as a credit by the business organization under section 41 of the United States Revenue Code as defined in RSA 77-A:1, XX.

(D) The wages are reported by the business organization in the enterprise value tax base under RSA 77-E.

(2) "Base amount" shall mean the base amount of expenditure as defined under section 41 of the United States Revenue Code as defined by RSA 77-A:1, XX, except that the minimum base amount may be 0.

(c) A unitary business or an enterprise consisting of one or more taxpayers under this chapter shall be considered a single taxpayer for purposes of claiming the credit under this paragraph.

2 New Section; Business Enterprise Tax; Credit for Research and Development. Amend RSA 77-E by inserting after section 3-a the following new section:

77-E:3-b Credit for Research and Development. The unused portion of any research and development credit awarded by the commissioner under RSA 77-A:5, XIII shall be available to apply to the business enterprise tax.

3 New Chapter; Research and Development Tax Credit Program. Amend RSA by inserting after chapter 162-O the following new chapter:

CHAPTER 162-P

RESEARCH AND DEVELOPMENT TAX CREDIT PROGRAM

162-P:1 Research and Development Tax Credit Program.

I. The commissioner of resources and economic development shall file a report detailing the implementation of the tax credit program under RSA 77-A:5, XIII and the results achieved. The report shall include the following:

(a) Methods and activities used to implement the tax credit program.

(b) The number of companies, including venture capital funds, contacted relative to locating research and development activities in the state.

(c) Other information as deemed relevant.

II. This report shall be filed with the president of the senate, the speaker of the house of representatives, and the governor on or before July 31 of each year, beginning with July 31, 2008.

4 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, it is the intent of the legislature that the invalidity shall not affect RSA 77-A, and to this end the provisions of this act are severable.

5 Applicability. Sections 1-3 of this act shall apply to taxes due on account of taxable periods ending on or after September 7, 2007.

6 Repeal. The following are repealed:

I. RSA 77-A:5, XIII, relative to the research and development tax credit.

II. RSA 77-E:3-b, relative to the credit for research and development.

III. RSA 162-P:1, relative to the research and development tax credit program.

7 Effective Date.

I. Section 6 of this act shall take effect July 1, 2013.

II. The remainder of this act shall take effect July 1, 2007.

AMENDED ANALYSIS

This bill establishes a research and development tax credit against the business profits tax and the business enterprise tax.

The bill also requires the commissioner of resources and economic development to file reports on the research and development tax credit program.

Majority amendment adopted.

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

Rep. Vachon spoke against and yielded to questions.

Reps. Marsh and Hinkle spoke in favor and yielded to questions.

Rep. Wells spoke against.

Rep. Almy spoke in favor.

Rep. Campbell requested a roll call; sufficiently seconded.

YEAS 199 NAYS 104

YEAS 199

BELKNAP

Arsenault, Beth

Morrison, Gail

Pilliod, James

Reever, Judith

CARROLL

Ahlgren, Christopher
Martin, James

Buco, Thomas
Stevens, Stanley

Butler, Edward

Cunningham, Howard

CHESHIRE

Allen, Peter
Chase, William
Hunt, John
Plifka, Stanley Jr
Weber, Lucy

Burridge, Delmar
Dunn, J. Timothy
Lerandeau, Alfred
Richardson, Barbara
Weed, Charles

Butterworth, Timothy
Eaton, Daniel
Mitchell, Bonnie
Roberts, Kris

Butynski, William
Espieffs, Peter
Parkhurst, Henry
Sad, Tara

COOS

Hatch, William
Merrick, Scott

King, Frederick

Mears, Edgar

Merrick, Evalyn

GRAFTON

Aguiar, James
Estes, Carole
Matheson, Robert
Pierce, David

Almy, Susan
Friedrich, Carol
McLeod, Martha
Preston, Philip

Benn, Bernard
Harding, A Laurie
Mulholland, Catherine
Solomon, Peter

Cooney, Mary
Laliberte, Suzanne
Nordgren, Sharon

HILLSBOROUGH

Baroody, Benjamin
Brunelle, Michael
Coughlin, Pamela
Drisko, Richard
Gargas, Carolyn
Gorman, Mary
Hall, Betty
Hinkle, Peyton
Kaelin, Michael
Kopka, Angeline
Long, Patrick

Batula, Peter
Campbell, David
Crane, Elenore Casey
Edwards, Andrew
Garritty, Patrick
Graham, John
Hammond, Jill
Irwin, Anne-Marie
Kelley, John
Lasky, Bette
Mack, Ron

Beaulieu, Jane
Christensen, Chris
Daler, Jennifer
Essex, David
Ginsburg, Ruth
Hackel, Paul
Hansen, Ryan
Jean, Claudette
Knowles, John
Lawrence, James
Marshall, Seth

Beck, Catriona
Cote, Peter
Day, Russell
Foster, Linda
Goley, Jeffrey
Haefner, Robert
Hebert, Roger
Johnson, Stephen
Knowles, Mary Ann
Levasseur, Nickolas
Matarazzo, Anthony
Sr
O'Brien, Michael Sr
Pilotte, Maurice
Scannell, David
Shaw, Kimberly
Stepanek, Stephen
Tahir, Saghir

Mesa, Lily
O'Connell, Timothy
Reuschel, Michael
Schulze, Joan
Simon, Anthony
Sullivan, Daniel
Winters, Joel

Mooney, Maureen
O'Neil, James
Rosenwald, Cindy
Shattuck, Gilman
Smith, David
Sullivan, Francis

Movsesian, Lori
Peterson, Andy
Rowe, Robert
Shaw, Barbara
Spratt, Stephen
Sysyn, Mary

MERRIMACK

Beauchesne, Suzanne
Davis, Frank
Foose, Robert
Kelly, Sally

Owen, Derek
Shurtleff, Stephen
Webb, Leigh

Bouchard, Candace

DeJoie, John
French, Barbara
Kjellman, Eleanor
Glynn
Porter, Margaret
Tupper, Frank
Williams, Robert

Brueggemann, Donald

DeStefano, Stephen
Gile, Mary
Lockwood, Priscilla

Potter, Frances
Wallner, Mary
Yeaton, Charles

Clarke, Claire

Ehlers, Eileen
Hess, David
McMahon, Patricia

Ryan, Jim
Walz, Mary

ROCKINGHAM

Abbott, Dennis
Borden, David
Dumaine, Dudley
Howard, Doreen
Kennedy, James
Marsh, Michael
Moore, Bennett
Russell, Trinkia

Allen, Mary
Brown, C. Pennington
Garrity, James
Katsakiores, George
Kepner, Susan
McCarthy, Linda
Nord, Susi
Serlin, Christopher

Belanger, Ronald
Casey, Kimberley
Gleason, John
Katsakiores, Phyllis
Lister, Charlotte
McKenna, Daniel
Powers, James
Snow, Richard

Bettencourt, David
Day, Judith
Henson, John
Kelley, Jane
Lund, Howie
McMahon, Charles
Reagan, John
Waterhouse, Kevin

STRAFFORD

Berube, Roger
Fargo, Thomas
Perry, Robert
Spang, Judith

Cyr, James
Goodwin, Earle
Rollo, Michael
Wall, Janet

DeChane, Marlene
Hubbard, Pamela
Schmidt, Peter

Domingo, Baldwin
Knowles, William
Smith, Marjorie

SULLIVAN

Cloutier, John
Franklin, Peter
Phinizy, James

Converse, Larry
Gagnon, Raymond

Donovan, Thomas
Gottling, Suzanne

Ferland, Brenda
Jillette, Arthur Jr

NAYS 104

BELKNAP

Boyce, Laurie
Nedeau, Stephen
Tobin, William

Clark, Charles
Russell, David
Wendelboe, Fran

Heald, Bruce
Thomas, John
Whalley, Michael

Millham, Alida
Tilton, Franklin

CARROLL

Brown, Carolyn
Merrow, Harry

Chandler, Gene
Patten, Betsey

Denley, William

Knox, J. David

CHESHIRE

Butcher, Suzanne
Robertson, Timothy

Emerson, Susan

Johnson, Jane

Pelkey, Stephen

COOS

Stohl, Eric

Tholl, John Jr

GRAFTON

Andersen, Gene

Dingman, Vernon III

Gionet, Edmond

Ingbretson, Paul

Sorg, Gregory

HILLSBOROUGH

Bergeron, Jean-Guy	Daniels, Gary	Dokmo, Cynthia	Elliott, Nancy
Fontas, Jeffrey	Hawkins, Ken	Hogan, Edith	Infantine, William
Jasper, Shawn	Kurk, Neal	McRae, Karen	Moran, Edward
Ober, Lynne	Ober, Russell III	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Soucy, Connie	Spaulding, Jayne	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice		

MERRIMACK

Anderson, Eric	Brown, Carole	Humphries, Charlie	Kidder, David
MacKay, James	Wheeler, Deborah		

ROCKINGHAM

Baldasaro, Alfred	Bedrick, Jason	Bishop, Franklin	Buxton, Donald
Camm, Kevin	Carson, Sharon	Charron, Gene	Devine, James
DiFruscia, Anthony	Elliott, Robert	Emiro, Frank	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Gould, Kenneth	Griffin, Mary
Guthrie, Joseph	Hopfgarten, Paul	Ingram, Russell	Itse, Daniel
Johnson, Robert	Kappler, Lawrence	Major, Norman	McEachern, Paul
Moody, Marcia	Nowe, Ronald	Packard, Sherman	Priestley, Anne
Quandt, Marshall	Quandt, Matthew	Robertson, Carl	Sanders, Elisabeth
Splaine, James	Stiles, Nancy	Weare, Everett	Welch, David
Wells, Roger	Weyler, Kenneth	Winchell, George	

STRAFFORD

Billian, Deborah	Brown, Julie	Burke, Rachel	Kaen, Naida
Vachon, Dennis	Watson, Robert		

SULLIVAN

Rodeschin, Beverly Skinder, Carla
And the majority committee report was adopted.
Ordered to third reading.

SB 137-FN, removing the prospective repeal of community reinvestment and opportunity zones (CROP zones). **MAJORITY: OUGHT TO PASS WITH AMENDMENT.**

MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. William A. Hatch for the Majority of Ways and Means: This bill, as sent to the House by the Senate, sought to repeal the sunset provision for the CROP (community redevelopment and opportunity program) tax credit. This credit is given to companies that create jobs in areas of the state that are designated as urban renewal zones or are otherwise economically disadvantaged. This program is the major general-purpose job creation program in the state and is administered by the Department of Resources and Economic Development (DRED). It provides a maximum of \$825,000 annually in job creation incentive credits to companies. The Ways and Means Committee believes the program is a worthy one, but that it has failed to achieve the desired goals after being in place for almost four years. After careful analysis, and with the cooperation of DRED, the committee identified changes to the program to make it more accessible to towns and more attractive to industry, while keeping the maximum credit cap of \$825,000 in place. These changes include reducing the investment required to qualify for the program, increasing the value of the credit for jobs, capping the amount of credit available to any single firm, and making the rules defining a

CROP zone simpler to understand. A further 4 year sunset clause, plus new reporting requirements, should ensure that more oversight is given to the program in the next two biennia. The committee added an amendment dealing with economic nexus that closes corporate tax loopholes, originally passed by the House as HB 351 in March that has been retained in the Senate. This is an important amendment for state business tax revenues. Vote 15-2.

Rep. Dennis P. Vachon for the Minority of Ways and Means: The minority of the committee believes that the revitalization of older sections of our cities and towns, though a laudable goal, is something that would be best left to the free market. This legislation would earmark \$825,000 each year for tax credits to businesses for doing rehabilitation work in qualified areas. That money would be better spent meeting the numerous and pressing needs of our state so that we are not forced to further increase business taxes.

Majority Amendment (1985h)

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

AN ACT establishing the economic revitalization zone tax credit program and redefining "business activity" for purposes of the business profits tax.

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

1 Community Reinvestment and Opportunity Zones; Economic Revitalization Zone Tax Credits. RSA 162-N is repealed and reenacted to read as follows:

CHAPTER 162-N

ECONOMIC REVITALIZATION ZONE TAX CREDITS

162-N:1 Definition. In this chapter, "economic revitalization zone" means a zone designated by the commissioner of resources and economic development as an economic revitalization zone in accordance with the provisions of this chapter.

162-N:2 Designation of Economic Revitalization Zone.

I. "Economic revitalization zone" means a zone with a single continuous boundary, comprised of one or more contiguous census tracts or blocks or smaller recognizable physical areas, designated in accordance with the rules adopted under RSA 162-N:8, and certified by the commissioner of resources and economic development as being a brownfields site as defined under RSA 147-F, or having at least one of the following characteristics:

(a) The population of the municipality or municipalities in which the zone is located, according to the most recent federal census, decreased during the 20 years prior to the census.

(b) The median household income in the census tract or tracts in which the zone is located is less than \$40,500 according to the most recent federal decennial census.

(c) At least 20 percent of households in the census tract or tracts in which the zone is located have a median income below the federal poverty level.

(d)(1) The zone contains either:

(A) Unused or underutilized industrial parks; or

(B) Vacant land or structures previously used for industrial, commercial, or retail purposes but currently not so used due to demolition, age, obsolescence, deterioration, relocation of the former occupant's operations, or cessation of operation resulting from unfavorable economic conditions either generally or in a specific economic sector; and

(2) Certification of the zone as an economic revitalization zone would likely result in the reduction of the rate of vacant or demolished structures or the rate of tax delinquency in the zone.

II. Economic revitalization zones shall be designated by the commissioner of resources and economic development only upon petition by the local governing body, as defined by RSA 672:6, or the town council. The commissioner of resources and economic development shall certify that the economic revitalization zone meets the criteria required in paragraph I.

III. The commissioner of resources and economic development is authorized to establish an advisory board for each economic revitalization zone established under this chapter.

162-N:3 Eligibility Requirements for Business Tax Credits. No economic revitalization zone tax credits shall be allowed to any taxpayer unless the taxpayer's project receives written certification from the commissioner of resources and economic development that it will expand the commercial or industrial base in a designated economic revitalization zone and will create new jobs in the state.

162-N:4 Economic Revitalization Zone Tax Credit Agreement.

I. The commissioner of resources and economic development shall enter into a written economic revitalization zone tax credit agreement with each taxpayer; such agreement to be certified by the commissioner of resources and economic development under this section. The agreement shall contain such provisions as the commissioner of resources and economic development determines to be in the public interest, which shall include, but not be limited to:

- (a) Quality and quantity of jobs to be created.
- (b) Duration of the taxpayer's commitments with respect to the economic revitalization zone.
- (c) The amount of the taxpayer's investment in the project.
- (d) A precise definition of the location of the facility eligible for the credit.
- (e) The maximum amount of the economic revitalization zone tax credit that will be allowed to the business under this agreement for jobs created and for construction or reconstruction expenses.

II. A certified copy of each agreement signed by the commissioner of resources and economic development and the taxpayer shall be provided to the commissioner of revenue administration.

162-N:5 Limit On Total Economic Revitalization Zone Credits. The aggregate value of all of economic revitalization zone tax credit agreements that the commissioner of resources and economic development enters into shall not exceed the limit of \$825,000 in any fiscal year. Notwithstanding RSA 162-N:6, the maximum credit awarded to a taxpayer in any fiscal year shall not exceed \$40,000.

162-N:6 Determination of Economic Revitalization Zone Tax Credits Eligible Amount.

I. For the purpose of determining the economic revitalization zone tax credit that the taxpayer is eligible to receive, the amount of the credit to be taken shall be the lesser of the following:

(a) The maximum amount of the economic revitalization zone tax credit as stated in the agreement as specified by RSA 162-N:4, I(e); or

(b) The sum of the following:

- (1) 4 percent of the salary for each new job created in the fiscal year with a wage less than or equal to 1.75 times the then current state minimum wage.
- (2) 5 percent of the salary for each new job created in the fiscal year with a wage greater than 1.75 times the then current state minimum wage and less than or equal to 2.5 times the then current state minimum wage.
- (3) 6 percent of the salary for each new job created in the fiscal year with a wage greater than 2.5 times the then current state minimum wage.
- (4) 4 percent of the lesser of the following:
 - (A) The actual cost incurred in the fiscal year of creating a new facility or renovating an existing facility, and expenditures for machinery, equipment, or other materials, except inventory.
 - (B) \$20,000 for each new job created in the fiscal year.

162-N:7 Application of Economic Revitalization Zone Tax Credit. The economic revitalization zone tax credit shall be applied against the business profits tax under RSA 77-A, and any unused portion thereof may be applied against the business enterprise tax under

RSA 77-E. Any unused portion of the credit allowed under this chapter may be carried forward and allowed against taxes due under RSA 77-A or RSA 77-E for 5 taxable periods from the taxable period in which the tax was paid.

162-N:8 Rules. The commissioner of revenue administration shall adopt rules, under RSA 541-A, relative to documentation of the credits claimed under this chapter. The commissioner of resources and economic development shall, in consultation with the executive director of the community development finance authority, adopt rules, under RSA 541-A, relative to the administration and implementation of this chapter. The rules adopted by the commissioner of resources and economic development shall include provisions relative to:

I. Establishment and certification of economic revitalization zones.
II. Criteria for and approval of projects in economic revitalization zones, including jobs per dollar thresholds.

III. Fees which the commissioner of resources and economic development may charge to each applicant to cover the reasonable costs of the state's administration of the applicant's participation in the economic revitalization zone tax credit program.

162-N:9 Reports. The commissioner of resources and economic development shall file an annual report with the governor, the senate president, the speaker of the house of representatives, and the fiscal committee. The report shall describe the results of the economic revitalization zone tax credit program and shall include any recommendations for further legislation regarding the economic revitalization zone tax credit program.

2 Business Profits Tax; Economic Revitalization Zone Tax Credit. RSA 77-A:5, XII is repealed and reenacted to read as follows:

XII. The economic revitalization zone tax credit, as computed in RSA 162-N:6.

3 Business Enterprise Tax; Economic Revitalization Zone Tax Credit. RSA 77-E:3-a is repealed and reenacted to read as follows:

77-E:3-a Credit. The economic revitalization zone tax credit, as computed in RSA 162-N:6, shall be allowed against the tax due under this chapter.

4 Definitions; Business Activity. Amend RSA 77-A:1, XII to read as follows:

XII. "Business activity" means ***a substantial economic presence evidenced by a purposeful direction of business toward the state examined in light of the frequency, quantity, and systematic nature of a business organization's economic contacts with the state. "Business activity" includes, but is not limited to,*** a group of actions performed by a business organization for the purpose of earning income or profit from such actions and includes every operation which forms a part of, or a step in, the process of earning income or profit from such group of actions. The actions ordinarily include, but are not limited to, ***the employment of business assets***, the receipt of money, property, or other items of value and the incurring or payment of expenses. Notwithstanding any other provision of this paragraph, a holder of an ownership interest in a qualified investment company as defined in RSA 77-A:1, XXI, shall not be deemed to be carrying on any business activity within this state due solely to its holding an ownership interest in such qualified investment company.

5 Repeal. The following are repealed:

- I. RSA 162-N, relative to the economic revitalization zone tax credit program.
- II. RSA 77-A:5, XII, relative to the economic revitalization zone tax credit.
- III. RSA 77-E:3-a, relative to the economic revitalization zone tax credit.

6 Effective Date.

- I. Section 5 of this act shall take effect July 1, 2011.
- II. The remainder of this act shall take effect July 1, 2007.

AMENDED ANALYSIS

This bill establishes a economic revitalization zone tax credit against the business profits tax and the business enterprise tax. The credit is based on the creation of jobs in areas that have been identified by the commissioner of resources and economic development as

economic revitalization zones. The economic revitalization zone tax credit program replaces the CROP zone tax credit program.

The bill also redefines "business activity" for the purposes of the business profits tax. Majority amendment adopted.

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

Rep. Vachon spoke against and yielded to questions.

Reps. Hatch and Marsh spoke in favor.

Rep. Almy requested a roll call; sufficiently seconded.

YEAS 250 NAYS 43

YEAS 250

BELKNAP

Clark, Charles
Pilliod, James
Tilton, Franklin

Millham, Alida
Reever, Judith
Wendelboe, Fran

Morrison, Gail
Russell, David
Whalley, Michael

Nedeau, Stephen
Thomas, John

CARROLL

Ahlgren, Christopher
Chandler, Gene
Merrow, Harry

Brown, Carolyn
Cunningham, Howard
Patten, Betsey

Buco, Thomas
Knox, J. David
Stevens, Stanley

Butler, Edward
Martin, James

CHESHIRE

Allen, Peter
Butynski, William
Lerandeau, Alfred
Plifka, Stanley Jr
Weber, Lucy

Burrige, Delmar
Chase, William
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

Butcher, Suzanne
Emerson, Susan
Parkhurst, Henry
Roberts, Kris

Butterworth, Timothy
Espieffs, Peter
Pelkey, Stephen
Sad, Tara

COOS

Hatch, William
Merrick, Scott

King, Frederick
Remick, William

Mears, Edgar
Stohl, Eric

Merrick, Evalyn
Tholl, John Jr

GRAFTON

Aguiar, James
Cooney, Mary
Ingbretson, Paul
Nordgren, Sharon

Almy, Susan
Estes, Carole
Laliberte, Suzanne
Pierce, David

Andersen, Gene
Friedrich, Carol
Matheson, Robert
Preston, Philip

Benn, Bernard
Harding, A Laurie
Mulholland, Catherine
Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin
Bergeron, Jean-Guy
Coughlin, Pamela
Drisko, Richard
Fontas, Jeffrey
Ginsburg, Ruth
Hall, Betty
Hinkle, Peyton
Johnson, Stephen

Batula, Peter
Campbell, David
Daler, Jennifer
Edwards, Andrew
Foster, Linda
Goley, Jeffrey
Hammond, Jill
Infantine, William
Kaelin, Michael

Beaulieu, Jane
Christensen, Chris
Day, Russell
Elliott, Nancy
Gargas, Carolyn
Graham, John
Hansen, Ryan
Irwin, Anne-Marie
Kelley, John

Beck, Catriona
Cote, Peter
Dokmo, Cynthia
Essex, David
Garrity, Patrick
Hackel, Paul
Hebert, Roger
Jean, Claudette
Knowles, John

Knowles, Mary Ann
Levasseur, Nickolas
Matarazzo, Anthony Sr
Movsesian, Lori
Ober, Lynne
Renzullo, Andrew
Scannell, David
Shaw, Kimberly
Spratt, Stephen
Sysyn, Mary

Kopka, Angeline
Long, Patrick
McRae, Karen

O'Brien, Michael Sr
Peterson, Andy
Reuschel, Michael
Schulze, Joan
Simon, Anthony
Stepanek, Stephen
Tahir, Saghir

Kurk, Neal
Mack, Ron
Mesa, Lily

O'Connell, Timothy
Pilotte, Maurice
Rosenwald, Cindy
Shattuck, Gilman
Soucy, Connie
Sullivan, Daniel
Ulery, Jordan

Lasky, Bette
Marshall, Seth
Mooney, Maureen

O'Neil, James
Price, Pamela
Rowe, Robert
Shaw, Barbara
Spaulding, Jayne
Sullivan, Francis
Winters, Joel

MERRIMACK

Anderson, Eric

Baxley, Maureen

Beauchesne, Suzanne

Bouchard, Candace

Brown, Carole
DeJoie, John
Gile, Mary
Kidder, David
Owen, Derek
Shurtleff, Stephen
Webb, Leigh

Brueggemann, Donald
Ehlers, Eileen
Hess, David
Lockwood, Priscilla
Porter, Margaret
Tupper, Frank
Wheeler, Deborah

Clarke, Claire
Foose, Robert
Humphries, Charlie
MacKay, James
Potter, Frances
Wallner, Mary
Williams, Robert

Davis, Frank
French, Barbara
Kelly, Sally
McMahon, Patricia
Ryan, Jim
Walz, Mary
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Bishop, Franklin
Carson, Sharon
Devine, James
Flanders, John Sr
Griffin, Mary
Katsakiores, George
Kepner, Susan
Marsh, Michael
Moore, Bennett
Powers, James
Robertson, Carl
Snow, Richard
Winchell, George

Allen, Mary
Borden, David
Casey, Kimberley
DiFruscia, Anthony
Flockhart, Eileen
Henson, John
Katsakiores, Phyllis
Lister, Charlotte
McCarthy, Linda
Nord, Susi
Preston, Mark
Russell, Trinkia
Stiles, Nancy

Belanger, Ronald
Brown, C. Pennington
Charron, Gene
Dumaine, Dudley
Garrity, James
Howard, Doreen
Kelley, Jane
Lund, Howie
McKenna, Daniel
Nowe, Ronald
Quandt, Marshall
Sanders, Elisabeth
Waterhouse, Kevin

Bettencourt, David
Buxton, Donald
Day, Judith
Fesh, Bob
Gleason, John
Kappler, Lawrence
Kennedy, James
Major, Norman
Moody, Marcia
Packard, Sherman
Quandt, Matthew
Serlin, Christopher
Welch, David

STRAFFORD

Berube, Roger
DeChane, Marlene
Knowles, William
Smith, Marjorie

Billian, Deborah
Domingo, Baldwin
Perry, Robert
Spang, Judith

Burke, Rachel
Fargo, Thomas
Rollo, Michael
Wall, Janet

Cyr, James
Hubbard, Pamela
Schmidt, Peter

SULLIVAN

Cloutier, John
Franklin, Peter
Phinizy, James

Converse, Larry
Gagnon, Raymond
Rodeschin, Beverly

Donovan, Thomas
Gottling, Suzanne

Ferland, Brenda
Jillette, Arthur Jr

BELKNAP

Boyce, Laurie Heald, Bruce Tobin, William

CARROLL

Denley, William

CHESHIRE

Johnson, Jane Robertson, Timothy

COOS

None

GRAFTON

Dingman, Vernon III Gionet, Edmond Sorg, Gregory

HILLSBOROUGH

Daniels, Gary	Gorman, Mary	Haefner, Robert	Hawkins, Ken
Jasper, Shawn	Lawrence, James	Moran, Edward	Ober, Russell III
Reeves, Sandra	Smith, David	Vaillancourt, Steve	Villeneuve, Maurice

MERRIMACK

Kjellman, Eleanor
Glynn

ROCKINGHAM

Baldasaro, Alfred	Bedrick, Jason	Camm, Kevin	Elliott, Robert
Emiro, Frank	Gould, Kenneth	Guthrie, Joseph	Hopfgarten, Paul
Ingram, Russell	Itse, Daniel	Johnson, Robert	McEachern, Paul
Priestley, Anne	Reagan, John	Splaine, James	Weare, Everett
Wells, Roger	Weyler, Kenneth		

STRAFFORD

Brown, Julie Vachon, Dennis Watson, Robert

SULLIVAN

None

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

SB 235-FN-A, relative to milk support for dairy farmers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William A. Hatch for the Majority of Ways and Means: This bill establishes a milk producers' emergency relief fund for milk producers and an Emergency Relief Board to develop eligibility criteria to determine who qualifies for relief. As the bill is written there is no funding provided. After review, the committee voted to remove the portion of the bill that taxed milk to provide funds to buy property development rights for dairy farmers. There are no further revenue implications in this bill. Vote 9-8.

Rep. Peyton B. Hinkle for the Minority of Ways and Means: This bill creates a fund with no money. Members of the minority felt this would unfairly create the expectation in people's minds that money would be available. Leaving the fund open would create the opportunity

in the future to provide a direct subsidy to a small group of businesses. Members felt it is inappropriate for the state to make direct financial payments in support of businesses, especially when revenues are projected to fall far short of budgeted expenditures. Economic conditions for the dairy industry are currently improving, so there is no immediate need for assistance. In the meantime, there are other possibilities that could be considered to assist the farmers. Members of the committee remain sympathetic to the farmers' plight and would have favored retaining the bill to work on other ways to help improve their economic conditions.

Majority Amendment (2054h)

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

AN ACT establishing a milk producers emergency relief fund.

Amend the bill by deleting sections 2-3 and renumbering the original sections 4-6 to read as 2-4, respectively.

AMENDED ANALYSIS

This bill establishes a milk producers emergency relief fund.

Majority amendment adopted.

Majority committee report adopted.

Ordered to third reading.

BILL REMOVED FROM CONSENT CALENDAR ON JUNE 6, 2007

SB 191-FN-A, relative to the nongame species account in the fish and game fund.

INEXPEDIENT TO LEGISLATE.

Rep. Kenneth L. Weyler for Finance: Fish and Game Department has a program for the 400 species that are not hunted, trapped, or fished. It is called the Nongame and Endangered Wildlife Program. Since no licensee is taking these species, the normal revenue of the department cannot be used for the management of this program. In prior budgets, federal funds matched contributions three to one, and contributed 3.7 million dollars in six years to the program. The federal match has now changed to a one to one match. Committee members had lengthy discussions with the Fish and Game Department in the house budget review. There were discussions about revenue problems, and this program was also discussed. This bill and the change in funding match were never brought up by the department. This leaves us to believe that this is not a priority of theirs. We believe that this is an important program, but to add an additional \$300,000 of general funds would have caused problems in other parts of the budget. Conservation license plates, private charities, specific programs, like the Karner Blue Butterfly, and contributions from the public, provide the funds presently and amount to about \$300,000 per year. We believe more members of the public would respond if the department made a concerted effort. Vote 24-1.

Rep. Abbott spoke against

Rep. Weyler spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Daniel Eaton moved that ***SB 191-FN-A***, relative to the nongame species account in the fish and game fund be laid on the table.

Motion adopted.

SENATE MESSAGE

REQUEST CONCURRENCE WITH AMENDMENT

HB 721, relative to the appropriation to the department of health and human services for rates paid for nursing services. (Amendment printed SJ 5-31-07)

Reps. Rosenwald and Marjorie Smith moved that the House concur.

Rep. Rosenwald spoke in favor.

Adopted.

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

REMOVED FROM THE TABLE

Rep. Michael Rollo moved that **SB 88**, relative to public employee terms of employment, bargaining units, and dispute resolution be removed from the table. (Pending question: Ought to Pass with Amendment).

Rep. Patrick Garrity requested a roll call; sufficiently seconded.

YEAS 150 NAYS 142

YEAS 150

BELKNAP

Arsenault, Beth	Morrison, Gail	Reever, Judith
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CARROLL

Buco, Thomas	Butler, Edward
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CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Espiefs, Peter	Mitchell, Bonnie	Plifka, Stanley Jr	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sad, Tara	Weed, Charles

COOS

Hatch, William	Mears, Edgar	Merrick, Evalyn	Merrick, Scott
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GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Friedrich, Carol	Harding, A Laurie	Laliberte, Suzanne	Mulholland, Catherine
Nordgren, Sharon	Pierce, David	Solomon, Peter	

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Daler, Jennifer
Edwards, Andrew	Essex, David	Fontas, Jeffrey	Foster, Linda
Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Hackel, Paul	Hammond, Jill	Hebert, Roger	Jean, Claudette
Johnson, Stephen	Kaelin, Michael	Kelley, John	Knowles, John
Knowles, Mary Ann	Kopka, Angeline	Lasky, Bette	Levasseur, Nickolas
Long, Patrick	Mack, Ron	Marshall, Seth	Mesa, Lily
Movsesian, Lori	O'Brien, Michael Sr	Pilotte, Maurice	Reuschel, Michael
Rosenwald, Cindy	Scannell, David	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Smith, David	Sullivan, Daniel	Sullivan, Francis
Sysyn, Mary			

MERRIMACK

Baxley, Maureen	Beauchesne, Suzanne	Brown, Carole	Brueggemann, Donald
Clarke, Claire	Davis, Frank	DeJoie, John	Ehlers, Eileen
Foose, Robert	French, Barbara	Gile, Mary	Kelly, Sally
Kjellman, Eleanor	McMahon, Patricia	Porter, Margaret	Potter, Frances

Glynn
Ryan, Jim
Wheeler, Deborah

Shurtleff, Stephen
Williams, Robert

Wallner, Mary
Yeaton, Charles

Walz, Mary

ROCKINGHAM

Abbott, Dennis
Emiro, Frank
Kelley, Jane
McCarthy, Linda
Nord, Susi
Quandt, Matthew
Splaine, James

Brown, C. Pennington
Henson, John
Kennedy, James
McEachern, Paul
Powers, James
Russell, Trink
Weare, Everett

Day, Judith
Howard, Doreen
Lister, Charlotte
McKenna, Daniel
Preston, Mark
Serlin, Christopher
Winchell, George

DiFruscia, Anthony
Johnson, Robert
Marsh, Michael
Moody, Marcia
Quandt, Marshall
Snow, Richard

STRAFFORD

Berube, Roger
DeChane, Marlene
Rollo, Michael
Vachon, Dennis

Billian, Deborah
Hubbard, Pamela
Schmidt, Peter
Wall, Janet

Burke, Rachel
Kaen, Naida
Smith, Marjorie
Watson, Robert

Cyr, James
Perry, Robert
Spang, Judith

SULLIVAN

Cloutier, John
Gagnon, Raymond

Converse, Larry
Gottling, Suzanne

Donovan, Thomas
Jillette, Arthur Jr

Franklin, Peter
Phinizz, James

NAYS 142

BELKNAP

Boyce, Laurie
Nedeau, Stephen
Tilton, Franklin

Clark, Charles
Pilliod, James
Tobin, William

Heald, Bruce
Russell, David
Wendelboe, Fran

Millham, Alida
Thomas, John
Whalley, Michael

CARROLL

Ahlgren, Christopher
Denley, William
Patten, Betsey

Brown, Carolyn
Knox, J. David
Stevens, Stanley

Chandler, Gene
Martin, James

Cunningham, Howard
Merrow, Harry

CHESHIRE

Emerson, Susan
Pelkey, Stephen

Johnson, Jane
Weber, Lucy

Lerandeau, Alfred

Parkhurst, Henry

COOS

King, Frederick

Stohl, Eric

Tholl, John Jr

GRAFTON

Cooney, Mary
Ingbertson, Paul

Dingman, Vernon III
Preston, Philip

Estes, Carole
Sorg, Gregory

Gionet, Edmond

HILLSBOROUGH

Batula, Peter
Cote, Peter
Drisko, Richard

Bergeron, Jean-Guy
Coughlin, Pamela
Elliott, Nancy

Campbell, David
Daniels, Gary
Gargasz, Carolyn

Christensen, Chris
Dokmo, Cynthia
Graham, John

Haefner, Robert
Hinkle, Peyton
Kurk, Neal

Mooney, Maureen
Ober, Lynne
Reeves, Sandra
Simon, Anthony
Stepanek, Stephen
Villeneuve, Maurice

Hall, Betty
Infantine, William
Lawrence, James

Moran, Edward
Ober, Russell III
Renzullo, Andrew
Soucy, Connie
Tahir, Saghir
Winters, Joel

Hansen, Ryan
Irwin, Anne-Marie
Matarazzo, Anthony
Sr
O'Connell, Timothy
Peterson, Andy
Rowe, Robert
Spaulding, Jayne
Ulery, Jordan

Hawkins, Ken
Jasper, Shawn
McRae, Karen

O'Neil, James
Price, Pamela
Shaw, Kimberly
Spratt, Stephen
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Kidder, David
Tupper, Frank

Bouchard, Candace
Lockwood, Priscilla
Webb, Leigh

Hess, David
MacKay, James

Humphries, Charlie
Owen, Derek

ROCKINGHAM

Allen, Mary
Bettencourt, David
Carson, Sharon
Dumaine, Dudley
Flockhart, Eileen
Griffin, Mary
Itse, Daniel
Kepner, Susan
Packard, Sherman
Sanders, Elisabeth
Wells, Roger

Baldasaro, Alfred
Borden, David
Casey, Kimberley
Elliott, Robert
Garrity, James
Guthrie, Joseph
Kappler, Lawrence
Lund, Howie
Priestley, Anne
Stiles, Nancy
Weyler, Kenneth

Bedrick, Jason
Buxton, Donald
Charron, Gene
Fesh, Bob
Gleason, John
Hopfgarten, Paul
Katsakiores, George
Moore, Bennett
Reagan, John
Waterhouse, Kevin

Belanger, Ronald
Camm, Kevin
Devine, James
Flanders, John Sr
Gould, Kenneth
Ingram, Russell
Katsakiores, Phyllis
Nowe, Ronald
Robertson, Carl
Welch, David

STRAFFORD

Brown, Julie

Domingo, Baldwin

Fargo, Thomas

Knowles, William

SULLIVAN

Ferland, Brenda
and the motion was adopted.

Rodeschin, Beverly

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

Rep. Goley offered floor amendment (2118h).

Floor Amendment (2118h)

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

1 Definitions. Amend RSA 273-A:1, XI to read as follows:

XI. "Terms and conditions of employment" means wages, hours, and other conditions of employment, ***including matters directly related to safety considerations***, other than managerial policy within the exclusive prerogative of the public employer, or confided exclusively to the public employer by statute or regulations adopted pursuant to statute. ~~[The phrase "managerial policy within the exclusive prerogative of the public employer" shall be construed to include but shall not be limited to the functions, programs and methods of the public employer, including the use of technology, the public employer's organizational structure, and the selection, direction of its personnel, so as to continue public control of governmental functions.]~~

2 New Paragraph; Definitions. Amend RSA 273-A:1, by inserting after paragraph VII the following new paragraph:

VII-a. "Managerial policy within the exclusive prerogative of the public employer" shall be construed to include but shall not be limited to the functions, programs and methods of the public employer, including the use of technology, the public employer's organizational structure, and the selection, direction and number of its personnel, so as to continue public control of governmental functions.

3 Determining Bargaining Unit. Amend RSA 273-A:8, I to read as follows:

I. The board or its designee shall determine the appropriate bargaining unit and shall certify the exclusive representative thereof when petitioned to do so under RSA 273-A:10. In making its determination the board should take into consideration the principle of community of interest. The community of interest may be exhibited by one or more of the following criteria, although it is not limited to such:

- (a) Employees with the same conditions of employment;
- (b) Employees with a history of workable and acceptable collective negotiations;
- (c) Employees in the same historic craft or profession;
- (d) Employees functioning within the same organizational unit.

In no case shall the board certify a bargaining unit of less than [10] 5 employees with the same community of interest. ~~[For purposes of this section, probationary employees shall be counted to satisfy the 10 employee minimum requirement. In no case shall such probationary employees vote in any election conducted under the provisions of this chapter to certify an employee organization as the exclusive representative of a bargaining unit.]~~

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

AMENDED ANALYSIS

I. Adds safety consideration to terms and conditions of employment.

II. Defines "managerial policy within the exclusive prerogative of the public employer."

III. Reduces the number of employees required for certifications a bargaining unit.

Rep. Goley spoke in favor.

Rep. Goley withdrew floor amendment (2118h).

LAID ON TABLE

Rep. Goley moved that **SB 88**, relative to public employee terms of employment, bargaining units, and dispute resolution be laid on the table.

Motion 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 June 13, 2007 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 74-FN, relative to the operation and administration of the state park system.

SB 143, naming Jericho Mountain state park and establishing ATV and trail bike trails in such park.

SB 123, relative to pole attachments.

SB 140, relative to transmission upgrades, the process for siting renewable generation facilities, and the study of demand response programs and distributed generation.

SB 223-FN, establishing a New Hampshire medal of honor.

SB 75-FN, relative to establishing a south central New Hampshire rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in New Hampshire.

SB 134-FN-A, establishing a research and development credit against business taxes.

SB 137-FN, removing the prospective repeal of community reinvestment and opportunity zones (CROP zones).

SB 235-FN-A, relative to milk support for dairy farmers.

PERSONAL PRIVILEGE

Reps. Kjellman and Vaillancourt addressed the House.

RECESS MOTION

Rep. Wallner moved that the House stand in recess for the purpose of enrolled bill amendments, enrolled bill reports, receiving Senate messages and forming committees of conference.

Adopted.

The House recessed at 4:45 p.m.

RECESS

(Rep. Holden in the Chair)

ENROLLED BILL AMENDMENT

SB 231, exempting certain department of corrections practices and procedures from the provisions of RSA 541-A. (Amendment printed SJ 6-7-07)

Adopted.

RECESS

(Rep. Ryan in the Chair)

ENROLLED BILL AMENDMENTS

HB 103, establishing a commission to study the state highway trust fund and relative to the classification of certain roads in the city of Berlin and the town of Hooksett.

Amendment (1755 –EBA)

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

AN ACT establishing a commission to study the state highway trust fund and relative to the classification of certain roads in the town of Hooksett.

Adopted.

HB 219, relative to the membership of the wetlands council.

Amendment (1874-EBA)

Amend RSA 21-O:5-a, I(g) as inserted by section 1 of the bill by replacing line 13 with the following:

Association; ~~and~~ one shall have experience in environmental protection and resource management at

Adopted.

HB 252-FN, relative to exemption from the permitting process for excavating and dredging.

Amendment (2031-EBA)

Amend RSA 482-A:3, IV-a as inserted by section 1 of the bill by replacing line 3 with the following:

department ***by the owner of property*** that includes the name and address of ~~the owner of~~

the
Adopted.

HB 292, relative to consideration of the preference of a mature minor in the modification of parental rights and responsibilities.

Amendment (1739-EBA)

Amend section 1 of the bill by replacing line 7 with the following:
may have affected the minor child's preference, including [~~but not limited to,~~] whether the minor child's preference was
Adopted.

HB 472-FN, increasing fees for hazardous waste management and contaminated site cleanup and changing reporting requirements.

Amendment (1860-EBA)

Amend section 8 of the bill by replacing line 1 with the following:

8 Rulemaking; Records and Department Costs. Amend RSA 147-F:18, I(i) to read as follows:

Amend section 12 of the bill by replacing line 4 with the following:

year to the governor and council, speaker of the house of representatives, and president of the senate,

Adopted.

HB 623-FN, establishing a game management account in the fish and game fund and transferring certain other fish and game accounts into the game management account.

Amendment (2038-EBA)

Amend section 7 of the bill by replacing paragraph I with the following:

I. RSA 6:12, I(b)(159), relative to the bear management fund.

Adopted.

HB 727-FN, establishing a commission to study health insurance coverage in the construction industry.

Amendment (1865-EBA)

Amend subparagraph I(a)(2) of section 3 of the bill by replacing line 1 with the following:

(2) Applicable ordinances, policies, rules, and laws to determine if structural

Adopted.

HB 743, relative to the rights of crime victims while making a victim impact statement.

Amendment (2032-EBA)

Amend RSA 21-M:8-k, II(r) as inserted by section 2 of the bill by replacing line 1 with the following:

(r) The right to be notified *of*, [~~and~~] to attend, *and to make a written or oral*

victim

Adopted.

HB 918-FN, relative to motor vehicle registrations for manufacturers.

Amendment (1788-EBA)

Amend RSA 261:111-a, III as inserted by section 1 of the bill by replacing line 1 with the following:

III. A manufacturer may have up to 12 number plates assigned to it pursuant to a registration

Adopted.

RECESS

(Rep. Kaen in the Chair)
ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 86, 323, 396 and 482 and Senate Bills numbered 182 and 207.

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

ENROLLED BILL AMENDMENT

HB 427, defining construction and demolition debris and certified waste-derived product, and relative to the department of environmental services certifying waste-derived products of the wood component of construction and demolition debris.

Amendment (1711-EBA)

Amend section 2 of the bill by replacing line 5 with the following:
structures or roads. The term includes, but is not limited to, bricks, concrete and other masonry materials, wood, wall

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

5 Nullification of Duplicate Provision; HB 428; Definition; Construction and Demolition Debris. Section 3 of HB 428 of the 2007 regular session shall not take effect.
Adopted.

RECESS

(Rep. Wallner in the Chair)
SENATE MESSAGES
CONCURRENCE

HB 184, repealing the parental notification law.

HB 393, relative to information filed by utilities paying the utility property tax.

HB 457, allowing local governing bodies to restrict lawn watering during declared droughts.

HB 826-FN, relative to coverage of services and items under the medical assistance program.

HB 827-FN, relative to the reasonable cost of medical support for dependent children.

HB 236, relative to the use of "farmers' market" in trade names.

NONCONCURRENCE

HB 815-FN-A, requiring the display of boater education decals on vessels registered in other states.

HB 62, relative to balloons being released into the air.

HB 137, relative to food safety in restaurants.

HB 558, repealing the education trust fund.

HB 848, relative to a private right of action to recover workers' compensation coverage payments.

RE-REFERRED TO COMMITTEE

HB 539-FN, relative to manslaughter.

HB 232, relative to retaliatory rent increases and mediation of manufactured housing park disputes.

HB 254, relative to mandatory employer meetings about political and religious beliefs, including beliefs about joining a union.

HB 392, relative to the use of property held by the state of New Hampshire under an easement specifying low impact recreational use only.

HB 460, relative to conservation restrictions to protect public water supplies.

LAID ON THE TABLE

HB 51, permitting adoption by 2 unmarried adults in a familial relationship.

HB 203, relative to protections for temporary workers.

RECESS

(Rep. Wallner in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 38, 56, 104, 142, 188, 207, 218, 226, 247, 273, 298, 303, 318, 426, 427, 444, 447, 466, 519, 549, 551, 648, 673, 688, 709, 719, 721, 803 and 926 and Senate Bills numbered 30, 33, 42, 53, 81, 95, 107, 113, 128, 135, 139, 184, 241, 245, 254 and 258.

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

RECESS