HOUSE RECORD

Second Year of the 160th General Court
Calendar and Journal of the 2008 Session

Vol. 30 Concord, N.H. Wednesday, February 6, 2008 No. 16

HOUSE JOURNAL No. 4 (cont.)

Wednesday, January 30, 2008

RECESS

Rep. Wallner moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 5

Wednesday, February 6, 2008

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

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

Prayer was offered by House Chaplain, Reverend Jared Rardin, Pastor of the South Congregational Church in Concord.
O God of life and healing, we begin this day with prayers for those who suffer; for those who this morning are waking up to the grim reality that their lives have been forever changed by the storms in the Midwest and the South yesterday. Bless especially those who, this morning, are grieving the death of a family member or a friend. Be with those in our own state today who find themselves in places of want, hardship, fear or grief and be also with those in this legislative body who find themselves in need of Your divine care. O God, Your vision is so vast it sweeps away the temporal, and yet You are just as present in the infinitesimally brief moments of our lives and our work. May Your vision and Your blessing find their way into our work and our moments today, in everything from modular building

standards to the healthy definitions of milk to electricity generation taxes. Let Your Spirit guide our words and our actions this day, and every day. Amen.

Rep. Larry Emerton, member from Goffstown, led the Pledge of Allegiance.

The National Anthem was sung by Donna Salviati, a teacher at Londonderry Middle School.

LEAVES OF ABSENCE

Reps. Arsenault, Blanchard, Burke, Peter Cote, Goodwin, Goyette, Grassie, Humphries, Jeudy, John Kelley, William Knowles, Levasser, L'Heureux, Lister, Marsh, Mears, Merrow, Mesa, Serlin, Soucy, Tobin and Warren, the day, illness.
Reps. Claudia Chase, Chris Christensen, Lars Christiansen, Mark Clark, Daler, DeChane, Stephanie Eaton, Edwards, Ferland, Fontas, Hager, Ingersoll, Introne, Stephen Johnson, McRae, Mitchell, Nedeau, Priestley, Reed, Reever, Reeves, Reuschel, Marjorie Smith and Wood, the day, important business.
Reps. Guthrie, Loll, Lund, Benjamin Moore and Kimberly Shaw, the day, illness in the family.
Rep. Hawkins, the day, death in the family.

INTRODUCTION OF GUESTS

Mattan Schuchman, Sarah Krones and Kelly Hagenbuch, guests of Rep. Owen. Dan Bacon, guest of Rep. Carolyn Brown. Senator Chris N.D. Anyanwu of the Federal Republic of Nigeria, Vice-Chairman of the Senate Committee on Defense and Army, her son, Nduwueze Anyanwu, and Hon. Jackie Weatherspoon, former member of the House from Exeter, guests of Reps. Clemons and Lasky.

John Hunt, a student at Somersworth High School, Page for the Day.

RESOLUTION

Rep. Wallner offered the following: RESOLVED, that late drafting and introduction having been approved by the Rules Committee, House Bill numbered 1644 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.
Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1644-FN-A, establishing a Coos county job creation tax credit. (S. Merrick, Coos 2; Remick, Coos 2; E. Merrick, Coos 2; McLeod, Graf 2; Tholl, Coos 2; Gallus, Dist 1; Clegg, Dist 14; Foster, Dist 13; Larsen, Dist 15; Reynolds, Dist 2; Odell, Dist 8; Letourneau, Dist 19; Estabrook, Dist 21; Kenney, Dist 3; Barnes, Dist 17; Cilley, Dist 6; Hassan, Dist 23, Fuller Clark, Dist 24; Burling, Dist 5; Roberge, Dist 9; D'Allesandro, Dist 20; DeVries, Dist 18; Gottesman, Dist 12; Downing, Dist 22; Kelly, Dist 10; Sgambati, Dist 4; Janeway, Dist 7: Ways and Means)

SUSPENSION OF HOUSE RULES

Reps. Wallner and Whalley moved that the Rules be so far suspended to allow the deadline for reporting from the first committee on ***HB 1515,*** prohibiting "at will" employment and creating a database of employee terminations, ***HB 1597,*** relative to workers' compensation compliance and ***HB 1630,*** establishing the position of administrator of contract services, to be extended to February 21, 2008.

Adopted by the necessary two-thirds.

COMMITTEE REPORTS
CONSENT CALENDAR

Rep. Wallner moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.
HB 1592-FN-A, requiring road toll revenues to be spent on highways and bridges, removed by Rep. Bouchard.
HB 1158-FN-A, increasing the exemption for persons 65 years of age and older and establishing a credit for persons 70 years of age and older under the interest and dividends tax, removed by Rep. Rowe.
Consent Calendar adopted.
Rep. McEachern declared a conflict of interest on ***HB 1459-FN-A,*** and did not participate.

HB 1383, adopting the uniform child abduction prevention act. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Edward P. Moran for Children and Family Law: This bill replaces existing law. It contains three significant improvements: it has a preventive component; it also deals with international abductions, and has provision for court review of individual efforts to escape domestic violence. Vote 16-0.

Amendment (0143h)
Amend RSA 458-E:6, II as inserted by section 1 of the bill by replacing it with the following:

II. In the hearing on a petition under this chapter, the court shall consider any evidence that the respondent believed in good faith that the respondent's conduct was necessary to avoid imminent harm to the child or respondent and any other evidence that may be relevant to whether the respondent may be permitted to remove or retain the child. If the evidence shows that the parent preparing to leave is fleeing domestic violence, the court shall consider that any order restricting departure or transferring custody may pose safety issues for the respondent and the child, and therefore, shall be imposed only if the court determines that the risk of abduction, the likely harm from the abduction, and the chances for recovery outweigh the risk of harm to the respondent and the child.

Referred to the committee on Criminal Justice and Public Safety.

HB 1387, relative to reimbursement rates for foster care respite providers. **INEXPEDIENT TO LEGISLATE.**
Rep. Daniel C. Itse for Children and Family Law: The committee recognizes that the department has reasonable reimbursement rates for respite care. These rates are adjusted for the age of the child, and are higher than foster care reimbursement rates. Furthermore, they are adjusted periodically for inflation. Therefore, it is not prudent to currently increase reimbursement rates legislatively. Vote 16-0.

HB 1286-FN, relative to the licensing of mortgage bankers, mortgage brokers, and mortgage originators. **OUGHT TO PASS.**
Rep. Angeline K. Kopka for Commerce: New Hampshire would join 22 other states in the licensing of loan originators with the passage of this bill. The recent sub-prime mortgage crisis evidences the importance of tracking the front-line salespeople who begin the mortgage process and consumers rely on for the most significant investment of their lives. This law parallels an effort at the federal level to create a database to track mortgage originators even as they relocate from state to state. This legislation would give the New Hampshire Banking Department not only the ability to curb mortgage fraud but also jurisdiction over the individual mortgage originators, not just the company where they are or were employed. Vote 16-1.

Referred to the committee on Executive Departments and Administration.

HB 1376, relative to insurance penalties. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Donald H. Flanders for Commerce: This bill clarifies the penalties for violation of certain insurance laws and is at the request of the insurance department. It amends RSA 400-A:15 to include "statutes" to its applicability and also amends the maximum administrative fine to not exceed $2500 per violation. Vote 17-0.

Amendment (0227h)
Amend the bill by replacing sections 2-4 with the following:

2 Insurance Department; Violations. Amend RSA 400-A:15, III to read as follows:

III. Any person who knowingly violates any ***statute,*** rule, regulation, or order of the commissioner may, upon hearing, except where other penalty is expressly provided, be subject to such suspension or revocation of certificate of authority or license, or administrative fine not to exceed $2,500 [~~in lieu of such suspension or revocation~~] ***per violation***, as may be applicable under this title for violation of ***the statute or*** the provision to which [~~such~~] ***the*** rule, regulation, or order relates.

3 New Section; Market Conduct; Penalties. Amend RSA 400-B by inserting after section 11 the following new section:

400-B:12 Penalties. Any insurer or related entity who knowingly violates any provision of this chapter may, upon hearing, except where other penalty is expressly provided, be subject to suspension or revocation of its certificate of authority or license, and an administrative fine not to exceed $2,500 per violation.

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

Referred to the committee on Ways and Means.

HB 1378, relative to insurance taxes and fees. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Donald H. Flanders for Commerce: This bill establishes penalties for certain insureds who fail to file reports or remit the proper tax within the specified time period and is a request of the insurance department. Vote 16-0

Amendment (0226h)
Amend the bill by replacing section 5 with the following:

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

Referred to the committee on Ways and Means.

HB 1459-FN-A, relative to modular building standards and fees. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Susi Nord for Commerce: This bill was introduced as a response to consumer issues resulting from some technical difficulties specific to the modular home industry. It creates a licensing requirement for dealers and installers of modular housing and it also creates a board to help with dispute resolution. The committee heard a great deal of testimony about consumers who were unable to resolve issues with homes they had purchased and were unable to occupy for years in some cases. This bill will help solve many of these issues by creating a certification process so all parties are clear on what aspects of the installation are the responsibility of the dealer and of the installer and the new board will enable dispute resolution by those knowledgeable in the industry. The committee also protected the right of the consumer to act as his or her own installer and clarified what rights that consumer retains under the manufacturer's warranty. Vote 12-2.

Amendment (0359h)
Amend the bill by replacing all after the enacting clause with the following:

1 Definition of Approved Third Party Inspection Agency and Board. Amend RSA 205-C:1, I to read as follows:

I. "Approved third party inspection agency" means an entity or organization, public or private, [~~determined~~] ***certified*** by the department to be qualified by reason of facilities, personnel, experience, and demonstrated reliability and independence of judgment, to evaluate and certify building manufacturers and factory assembled modular construction.

I-a. "Board" means the state modular building board established in RSA 205-C:9.

2 New Paragraph; Definition of Dealer. Amend RSA 205-C:1 by inserting after paragraph V-a the following new paragraph:

V-b. "Dealer" means any person who engages in the business of retail selling or offering for sale, leasing, brokering, or distributing modular buildings, primarily to persons who purchase the buildings for residential use.

3 Definition of Installation. RSA 205-C:1, VII is repealed and reenacted to read as follows:

VII. "Installation" means the assembly of modular buildings on site and the process of affixing modular buildings or building components to the foundation at the building site. Installation includes installing basement lally columns, assembling and fastening structural components, including the manufacturer supplied roof system, and making the assembled building weathertight.

4 New Paragraph; Definitions of Installer. Amend RSA 205-C:1 by inserting after paragraph VII the following new paragraph:

VII-a. "Installer" means a person engaged in the business of installing or servicing state certified modular buildings.

5 New Paragraph; Definition of Licensee. Amend RSA 205-C:1 by inserting after paragraph VIII the following new paragraph:

VIII-a. "Licensee" means a person licensed by the board as a dealer or installer.

6 Definition of Modular Building. Amend RSA 205-C:1, XI to read as follows:

XI. "Modular building" means any building of closed construction, which is made or assembled in manufacturing facilities off the building site, for installation, or assembly and installation, on the building site. ***This definition includes presite built housing as defined in RSA 674:31-a.*** This definition shall not be construed to include any structure labeled in accordance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974, nor shall it include any recreational vehicle or park trailer as defined in American National Standards Institute A119.2, Standard for Recreational Vehicles, or A119.5, Standard for Park Trailers, or any building type not subject to the requirements of nationally recognized model building codes.

7 Modular Building Standard. Amend RSA 205-C:2, II to read as follows:

II. All modular buildings and building components bearing a label of certification pursuant to the requirements of this chapter shall be deemed by local enforcement agencies as meeting the modular building code, however, such certification shall not be deemed to preempt enforcement of any state or local standards governing [~~installation or~~] work performed on the building site, including but not limited to site grading, foundations, driveways, on-site water and sewer systems or connections to off-site systems, and electrical line connections to the power source.

8 Certification of Modular Buildings, Third Party Inspectors, and Manufacturers Required. RSA 205-C:3 is repealed and reenacted to read as follows:

205-C:3 Certification of Modular Buildings, Third Party Inspectors, and Manufacturers Required.

I. No person shall sell, lease, or install for use in this state any modular building or building component unless such building or building component bears a label of certification issued by the department.

II. No person shall engage in the practice of third party inspection of any modular building or building component for use in this state unless such person has been certified by the department.

III. No person shall manufacture for use in this state any modular building or building component, unless such person has been certified by the department.

9 Rulemaking. RSA 205-C:4 is repealed and reenacted to read as follows:

205-C:4 Rulemaking. The commissioner shall adopt rules under RSA 541-A relative to:

I. Requirements for the certification of third party inspection agencies by the department.

II. Requirements for approved third party inspection agency certification of the manufacturing facilities of any person who engages in the business of manufacturing modular buildings or building components for installation in this state.

III. Requirements for approved third party inspection agency certification and labeling or modular buildings and building components for sale, lease or installation in this state.

IV. Investigation of complaints of noncompliance by certified manufacturers and certified third party inspection agencies.

V. Enforcement procedures, including standards for revocation and suspension of certification.

VI. Imposition and collection of fees, administrative fines, and penalties for certification.

10 Fees. Amend RSA 205-C:6 to read as follows:

205-C:6 Fees. The commissioner shall by rule establish fees to defray the costs of administering ***the certification programs established under*** this chapter. Such rules shall specify fees for the certification of third party inspection agencies by the department; certification of manufacturing facilities by approved third party inspection agencies; [~~and~~] certification of modular buildings and building components by approved third party inspection agencies***; and renewal fees, late fees, and fees for reinstatement of certification***. All fees collected by the department shall be deposited into the general fund.

11 New Sections; Licensing of Dealers and Installers; Modular Building Board Established. Amend RSA 205-C by inserting after section 7 the following new sections:

205-C:8 License Required.

I. No person shall sell, lease, broker, or distribute for use in this state, any modular building or building components unless such person is licensed as a "dealer" by the board.

II. No person shall install for use in this state, any modular building of building components unless such person is licensed as an "installer" by the board.

III. Employees or subcontractors working under the direction of a licensee shall not be required to be licensed under this chapter.

IV. Notwithstanding paragraph II, a consumer who installs a modular building for his or her personal residential use shall not be required to be licensed under this chapter. Persons working under the direction of the consumer shall not be required to be licensed under this chapter, although such persons shall be required to be licensed under any other applicable licensing law or regulation. The consumer shall sign a form, to be filed with the board, stating that the manufacturer's warranty in RSA 205-B:2 applies to the building.

205-C:9 Board Established; Members; Terms; Chairperson; Compensation.

I. There is hereby created a state modular building board consisting of the commissioner of the department of safety or the commissioner's designee and 8 additional members appointed by the commissioner of safety as follows:

(a) Two public members who are not in any way associated with the modular housing industry.

(b) One installer of modular housing, nominated by the New Hampshire Manufactured and Modular Housing Association.

(c) One structural engineer or architect licensed in this state for a minimum of 5 years, nominated by the board of professional engineers established under RSA 310-A:3.

(d) One dealer, nominated by the New Hampshire Manufactured and Modular Housing Association.

(e) One builder, nominated by the New Hampshire Homebuilders and Remodelers Association.

(f) One manufacturer of modular housing, nominated by the New Hampshire Manufactured and Modular Housing Association.

(g) One municipal building code official, nominated by the New Hampshire Building Officials Association.

II. The state fire marshal or the fire marshal's designee shall be a non-voting member of the board.

III. Each person shall serve for a 3-year term and until a successor is appointed and qualified; provided, however, that the initial appointments shall be as follows:

(a) Members appointed pursuant to subparagraphs I(a), (b), (c),and (d) shall serve 3-year terms.

(b) Members appointed pursuant to subparagraphs I(e), (f), (g) shall serve 2-year terms.

IV. At the initial organizational meeting of the board, the commissioner shall appoint a chairperson from among the members.

V. Any vacancy on the board shall be filled for the remainder of the unexpired term.

VI. The board shall hold meetings every 90 days and may meet more frequently as deemed necessary by a majority vote of the board or the chairperson. A quorum of the board shall consist of not less than 4 members.

VII. The board shall be administratively attached to the department of safety.

VIII. Members of the board shall serve without compensation, but shall be reimbursed for their legitimate expenses incurred in the performance of their duties.

205-C:10 Duties of the Board. The board shall:

I. Assess compliance with state adopted codes and standards, including the state building and fire codes, as amended.

II. Establish licensing and training standards for dealers and installers.

III. Require appropriate inspections of the installation of modular buildings in conjunction with local enforcement agencies and the state fire marshal.

IV. Provide a fair and effective recourse for consumers through the complaint process established in RSA 205-C:12; and provide a dispute resolution program for timely resolution of disputes between consumers, manufacturers, dealers, and installers that arise during the one-year period beginning on the date of installation.

205-C:11 Inspectors; Certificate of Occupancy.

I. The local enforcement agency, or if there is no local enforcement agency, the state fire marshal or the state fire marshal's designee, shall:

(a) Conduct appropriate inspections to ensure compliance throughout the state with installation practices consistent with the provisions of this chapter and rules adopted under this chapter.

(b) Enter any premises on which an installation is being or has been completed subject to regulation under this chapter for the purpose of making such inspection as is necessary to carry out his or her duties under this chapter. Inspections shall be done prior to occupancy of the modular building.

(c) Order the correction of any violation of this chapter, or rule adopted under this chapter.

(d) Order any installer to discontinue installation until the violations are corrected.

(e) Approve the continuation of work on the installation upon being satisfied that violations have been corrected.

(f) Issue a certificate of occupancy upon satisfaction that a modular building has been installed in compliance with this chapter and the rules adopted under this chapter.

II. Whenever a local enforcement agency, or if there is no local enforcement agency, the state fire marshal or the state fire marshal's designee, orders the correction of a violation under subparagraph I(c), he or she shall immediately notify the board.

III. A certificate of occupancy shall be required for occupancy.

IV. Any installer aggrieved under the provisions of this section may file a complaint in accordance with RSA 205-C:12.

205-C:12 Complaints.

I. A consumer, manufacturer, dealer, or installer aggrieved or having a dispute regarding the installation of a modular building may file a complaint with the board.

II. All complaints shall be in writing and reviewed by the board.

III. To be accepted for filing, complaints shall be filed on a form provided by the board.

IV. All complaints shall be filed with the board within one year of the date of occupancy.

V. If the board determines that a complaint requires further investigation, it shall be acted upon within 60 days. The board shall establish procedures for expedited hearings on complaints where the circumstances set forth in the complaint warrant it.

VI. Upon confirmation that a complaint complies with this section, the board shall schedule a hearing on the complaint in accordance with the provisions of RSA 541-A.

VII. Disposition of all complaints shall be voted on by the board.

205-C:13 Qualifications for License. The board shall issue a license to any applicant who, at a minimum:

I. Has attained the age of 18.

II. Has 2 years experience as a dealer or installer or proves to the board's satisfaction equivalent installation experience.

III. Has successfully completed 8 hours of training on modular building construction and the state building and fire codes.

IV. Complies with the requirements of RSA 205-C:14.

205-C:14 Financial Requirements of Licensees.

I. The board shall not issue a license to any person, unless the person has posted a letter of credit, proof of products/completed operations liability insurance, or surety bond to be held by the state treasurer in an amount of:

(a) $300,000 for an installer; or

(b) $1,000,000 for a dealer.

II. No letter of credit, proof of products/completed operations liability insurance, or surety bond shall be accepted unless it is with a company authorized to do business in this state.

III. Any person who is damaged by any violation of this chapter may bring an action against the letter of credit, liability insurance, or bond to recover damages suffered and any other amounts allowable by law. The attorney general, in any action brought under this chapter or any other applicable provisions of the law, may likewise proceed against the letter of credit, liability insurance, or bond.

205-C:15 Application for License.

I. Applications for licensure shall be made on forms adopted by the board.

II. Applications for licensure shall be accompanied by proof of financial requirements as required by this chapter, and payment of the license fee.

III. The board may require each applicant to provide additional information about the applicant's background and trustworthiness as is reasonably necessary.

205-C:16 Expiration and Renewal.

I. All licenses issued by the board shall expire on the last day of the month of the licensee's birth, but may be renewed during the following month, retroactive to the first day

of the month. Upon failure to pay the renewal fee within the required period, a licensee may renew his or her license retroactive to the first of the month, by submitting the required fee plus a late fee before the last day of the second month following the month of his or her birth.

II. Persons licensed as dealers or installers are eligible for renewal of their licenses if they:

(a) Are not in violation of this chapter;

(b) Meet any requirements for continuing education established by the board in rules adopted pursuant to RSA 541-A; and

(c) Submit evidence of compliance with the financial requirements in RSA 205-C:14.

205-C:17 Fees.

I. The board shall establish, pursuant to RSA 541-A, fees for license applications, licensure, license renewal, reinstatement of licensure, and late renewal of licensure, inspections conducted by the state fire marshal, and the installer's warranty seal.

II. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.

III. The fee for the installer's warranty seal shall not exceed $50.

IV. The fee for inspections carried out by the state fire marshal shall not exceed $100.

V. The board shall establish fees for the first year of its operation based upon its estimate of expenses necessary to carry out the provisions of this chapter during that fiscal year. The comptroller is authorized upon request of the department of safety to establish necessary budgetary components and operating accounts in the department and to transfer revenues received from the fees in this section and in RSA 205-C:6 to the department to carry out the responsibilities of the board and the responsibilities of the state fire marshal in conducting inspections under this chapter.

VI. If an inspection is conducted by a local enforcement agency, the local enforcement agency may charge fees established pursuant to RSA 674:51, III(d).

205-C:18 Disciplinary Action.

I. The board may undertake disciplinary proceedings:

(a) Upon its own initiative; or

(b) Upon a sworn written complaint of any person which charges that a licensee has committed misconduct under paragraph II and which specifies the grounds therefor.

II. Conduct sufficient to support disciplinary proceedings under this section shall include, but is not limited to, any of the following:

(a) The practice of fraud or deceit in procuring or attempting to procure a license to practice under this chapter.

(b) Willful or repeated violation of the provisions of this chapter.

(c) Suspension or revocation of a license similar to one issued under this chapter in another jurisdiction and which has not been reinstated.

III. The board may take disciplinary action in any one or more of the following ways:

(a) By reprimand.

(b) By suspension, limitation, or restriction of license for a period of up to 5 years.

(c) By revocation of license.

(d) By requiring the person to participate in a program of continuing education in the area or areas in which he or she has been found deficient.

(e) By imposing a fine not to exceed $1,500 for each offense.

205-C:19 Hearings. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by registered mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly

heard by the board. A hearing shall be held on all written complaints received by the board within 90 days of the date that notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

205-C:20 Penalty. Any person acting as a dealer or installer without a license, or knowingly or willingly violating any of the provisions of this chapter, shall be guilty of a class B misdemeanor if a natural person, or a felony if any other person.

205-C:21 Consumer Protection Act. Nothing in this chapter shall preclude an aggrieved party from seeking redress under RSA 358-A, the consumer protection act, for any unfair or deceptive trade practice committed relative to the selling, leasing, brokering, distributing, or installation of modular buildings.

205-C:22 Warranty Seal. Prior to finalizing the installation of a modular building in this state, the installer shall first obtain from the board an installer's warranty seal and attach the seal to the modular building.

205-C:23 Rulemaking Authority. With the approval of the commissioner, the board shall adopt rules under RSA 541-A relative to:

I. The design and content of all forms and applications required under this chapter.

II. The application procedure for a license to practice under this chapter.

III. The qualifications of license applicants set under this chapter.

IV. How an applicant shall be trained, including the minimum education requirements and training standards.

V. How a license to practice under this chapter shall be renewed, including any requirements for continuing education.

VI. The establishment of fees required under this chapter.

VII. Ethical and professional standards required to be met by each holder of a license to practice under this chapter and how disciplinary actions by the board shall be implemented for violations of these standards.

VIII. The establishment of complaint procedures, including investigations and expedited hearings procedures.

IX. Procedures for the conduct of hearings consistent with the requirements of due process.

X. The establishment of a program for the timely resolution of disputes between manufacturers, dealers, and installers regarding responsibility, for the issuance of appropriate orders, and for the correction or repair of defects in modular buildings that are reported during the one-year period following the date of installation.

12 New Section; Notice of Complaint Procedures. Amend RSA 205-C by inserting after section 3 the following new section:

205-C:3-a Notice of Complaint Procedures. Any person who sells or leases a modular building or building component in this state shall provide the consumer with written notice of the complaint procedures, adopted by rule under RSA 205-C:4, IV, and contact information for the state modular building board established in RSA 205-C:9 and the modular building inspector or other person authorized by the department to receive complaints.

13 Warranty on Presite and Prefabricated Homes. Amend the introductory paragraph of RSA 205-B:2 to read as follows:

205-B:2 Manufacturer's Warranty. No person shall sell at retail a new prefabricated or presite built home in this state without a written manufacturer's warranty to the buyer which shall ***be presented to the retail customer and which shall*** include the following terms:

XI. The establishment of financial requirements as set forth under this chapter.

14 Applicability. To allow time for the establishment of the modular building board and for implementation of this act, no dealers or installers shall be required to be licensed pursuant to this act until 90 days after the board has adopted rules pursuant to RSA 205-

C:23. On or before July 1, 2009, the board shall initiate rulemaking proceedings in accordance with RSA 541-A.

15 Repeal. RSA 205-C:5, relative to interagency coordination for certification of modular buildings, is repealed.

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

AMENDED ANALYSIS

This bill:

I. Requires the department of safety to certify manufacturers and third party inspectors of modular buildings.

II. Requires licensure of dealers and installers of modular buildings.

III. Establishes the modular building board to regulate modular building practices in the state.

IV. Requires persons who sell or lease modular buildings to provide the consumer with written notice of the complaint procedures.

V. Requires the dealer to provide the retail buyer of a presite or prefabricated home with a copy of the manufacturer's warranty.

Referred to the committee on Executive Departments and Administration.

HB 1480, authorizing the commissioner of revenue administration to deny certain tobacco licenses. **OUGHT TO PASS.**

Rep. Tara G. Reardon for Commerce: This bill is a request of the Department of Revenue Administration. The Department of Revenue Administration is responsible for the licensure of tobacco manufacturers, wholesalers, retailers and vending machine operators, but has no mechanism in law to deny a license. This legislation gives the department the ability to deny or revoke a license when a licensee has failed to file security, has an outstanding tax liability, or has been convicted of a tobacco related crime. Vote 16-0.

Referred to the committee on Ways and Means.

HB 1578-FN, relative to insurance fraud. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward A. Butler for Commerce: This bill clarifies statute regarding insurance fraud and was requested by the department of insurance. It adds a fine of up to $2,500 per incident for failure to report, further encouraging cases be reported to the department that producers may settle and close. It further defines use by the commissioner of fraud unit information and the law regarding theft by misapplication of property. Insurance companies were supportive of the bill. Vote 16-0.

Amendment (0284h)

Amend RSA 417:29, II as inserted by section 4 of the bill by replacing it with the following:

II.(a) If the unit's papers, documents, reports, or evidence relative to the subject of investigation under this section have been disclosed in a criminal action, the commissioner may use those papers, documents, reports, evidence or other investigative materials of the unit disclosed in the criminal action in the furtherance of a non-criminal regulatory or legal action brought as part of the commissioner's duties. Any of the unit's papers, documents, reports, evidence or other investigative materials not disclosed in the criminal action shall remain, pursuant to paragraph I, confidential and privileged and shall not be subject to subpoena, discovery, public inspection pursuant to RSA 91-A, or any other disclosure;

(b) If a substantial need exists and disclosure will not jeopardize the unit's evidence-gathering ability or any ongoing criminal investigation or criminal action, the commissioner may use the unit's papers, documents, reports, evidence or other investigative materials in the furtherance of a non-criminal regulatory or legal action brought as part of the commissioner's duties. Any of the unit's papers,

documents, reports, evidence, or other investigative materials not used in the furtherance of a non-criminal regulatory or legal action shall remain, pursuant to paragraph I, confidential and privileged and shall not be subject to subpoena, discovery, public inspection pursuant to RSA 91-A, or any other disclosure; and

(c) The recipient of any information furnished pursuant to this paragraph shall hold the information in confidence until such time as its release is required pursuant to a civil or regulatory proceeding or pursuant to any statutory requirement.

Amend the bill by replacing section 10 with the following:

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

Referred to the committee on Criminal Justice and Public Safety.

HB 1132, creating an exception to the wiretapping statute for a recording device used in conjunction with a TASER or other similar electroshock device. **OUGHT TO PASS WITH AMENDMENT.**

Rep. George D. Winchell for Criminal Justice and Public Safety: This bill, as amended, creates an exception to the wiretapping and eavesdropping statute for law enforcement officers who, in the course of their duties, use any device capable of making an audio or video recording, or both, which is attached to and used in conjunction with a TASER, or other similar electroshock device. A copy of such recording (s) made by such device shall be furnished to any person who is subject of such recording upon his or her request. The committee heard testimony regarding towns choosing to purchase this $400.00 device, potentially saving thousands of dollars in civil litigation. There was no testimony opposed to this bill as amended. Vote 16-0.

Amendment (0149h)

Amend RSA 570-A:2, II(l) as inserted by section 1 of the bill by replacing it with the following:

(l) A law enforcement officer in the ordinary course of the officer's duties using any device capable of making an audio or video recording, or both, and which is attached to and used in conjunction with a TASER or other similar electroshock device. A copy of any audio or video recording, or both, made by such a device shall be furnished to any person who is subject of such recording upon his or her request.

HB 1287, establishing a commission to study negotiated plea agreements. **INEXPEDIENT TO LEGISLATE.**

Rep. Lee M. Hammond for Criminal Justice and Public Safety: After digesting testimony from both prosecutors and defense attorneys as to the futility of trying to quantify and evaluate the use of negotiated plea agreements, the sponsor chose to withdraw the bill. Vote 13-3.

HB 1622-FN-A, allowing counties to implement a first-time offender alcohol and substance treatment program, requiring the department of justice to administer grants to counties for such program, and making an appropriation therefor. **OUGHT TO PASS.**

Rep. Gene P. Charron for Criminal Justice and Public Safety: This bill establishes a first-time alcohol and substance treatment program in the Department of Justice and makes an appropriation for the purposes of the bill. This bill would encourage and implement a program for first-time offenders by administering grants to the counties and by making an appropriation. This would enable each county to participate if they wish. Merrimack County has this program and it is very successful and is now self-supporting. Vote 16-0.

Referred to the committee on Ways and Means.

HB 1166, relative to rate setting for interpreters for the deaf and hard of hearing. **OUGHT**

TO PASS.
Rep. Kimberley S. Casey for Education: This bill came before the committee as a result of the Department of Education's requested language change. When the DOE revised its rate setting authority statute, it left out the authority to recommend pay rates for interpreters for the deaf and hard of hearing. This bill addresses the omission. Vote 14-0.

HB 1171, establishing a commission to study air quality issues in public school buildings.
OUGHT TO PASS WITH AMENDMENT.
Rep. Nancy F. Stiles for Education: There are currently air quality standards for federal buildings but no requirement to review the air quality in public schools. A representative from the department of environmental services told us he receives 800 - 1,000 inquiries a year, 20% from schools. Schools are more crowded than most other buildings. We heard testimony of personal experiences with air quality issues in schools that caused health issues. Some of the new materials used in building and furnishing have been found to cause respiratory conditions for some occupants. The committee amendment would reduce the number of Senate members, add one member from the division of public health, one member from NH Health Officer's Association and three members of the public. It would also allow the commission to solicit, accept and expend any grants for the purpose of retaining consultants with relevant information and expertise and would require the commission to study the feasibility of implementation and inspection. There is no state money attached for this commission. Vote 16-0.

Amendment (0317h)
Amend the bill by replacing all after the enacting clause with the following:

1 Commission Established. There is established a commission to study air quality issues in public school buildings.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

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

(c) One member from the department of environmental services with expertise in air quality issues, appointed by the commissioner of the department of environmental services.

(d) One member from the department of education with expertise in school building issues, appointed by the commissioner of the department of education.

(e) One member from the department of health and human services, division of public health services, with experience in indoor air quality and respiratory health issues, appointed by the commissioner of health and human services.

(f) One member from the New Hampshire Health Officers' Association, appointed by that association.

(g) Up to 3 members from the public knowledgeable in the areas of school health advocacy and school building air quality, appointed by the governor.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties.

I. The commission shall study air quality issues in public school buildings, and the feasibility of implementing air quality standards and performing regular air quality inspections in public school buildings.

II. The commission may solicit, accept, and expend any grants, gifts, or donations from any source, provided such grants, gifts, or donations shall be used for the purpose of retaining consultants with relevant information and expertise as deemed necessary by the commission.

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

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2009.

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

HB 1211, relative to postsecondary career courses approved by the postsecondary education commission. **INEXPEDIENT TO LEGISLATE.**
Rep. Sharon M. Carson for Education: This bill requires the Postsecondary Education Commission to review the curriculum of licensed post secondary career schools to determine whether or not they are adequately educating their students. Additionally, they would be required to submit a report on the employment status of those who graduate from these programs. The Postsecondary Commission testified that the bill, as written, replicates current licensing procedure. Additionally, while the bill is consistent with their interest in providing a quality licensing process, the bill does not have a fiscal note addressing the financial impact. Currently the commission does not have the resources to accomplish the intent of this bill. Vote 14-0.

HB 1212, prohibiting sexual harassment in private postsecondary career schools. **INEXPEDIENT TO LEGISLATE.**
Rep. Sharon M. Carson for Education: This bill seeks to address the issue of prohibiting sexual harassment in private postsecondary career schools. The committee believes this issue is already covered under federal law and is unnecessary at this time. Vote 14-0.

HB 1256, relative to safety training for certain public school extracurricular activities. **INEXPEDIENT TO LEGISLATE.**
Rep. Kimberley S. Casey for Education: We appreciate the work and impassioned testimony of the sponsor and hope that local schools and municipalities voluntarily take on the safety requirements which comprised this bill. The sense of the committee is that the bill overextends itself and would be unwieldy for school districts and municipalities to implement and regulate. Vote 14-0.

HB 1446, relative to changes to the school building aid statutes and to the schoolhouses statutes. **OUGHT TO PASS WITH AMENDMENT.**
Rep. James M. O'Neil for Education: This bill will require local school districts to inform the Department of Education in a timely manner about any proposed building project. This allows the DOE to more accurately estimate the amount of money needed to fund school building aid. The bill also replaces the County Commissioners with the State Board of Education when there is a dispute at the local level in determining the location of a school within a school district. In addition, mileage and any necessary travel expenses will be paid to appointed members of the School Building Authority. Finally, the bill will also repeal a number of sections of RSA 199 which are no longer required or are outdated. Vote 15-0.

Amendment (0232h)
Amend RSA 198:15-e as inserted by section 4 of the bill by replacing it with the following:

198:15-e Proration and Unexpended Funds. If in any year, the amount appropriated for distribution as school building grants in accordance with RSA 198:15-b is insufficient therefor, ***grants for eligible construction work approved by the legislative body of the school district since the approval of the most recent state biennial budget shall be***

deferred and included in a request for a future appropriation, or partial grants may be made to the extent of the available appropriation. Any partial grant made shall be prorated proportionally among all districts with eligible construction work approved since the approval of the most recent biennial budget. The department of education shall include any unpaid grant amounts in the next biennial budget or request a supplemental appropriation. If the amount appropriated is insufficient after deducting all grants approved since the approval of the most recent biennial budget, the appropriation shall be prorated proportionally among the districts entitled to a grant. Any amounts not distributed in the first year of any biennium may be distributed in the second year if required to distribute the maximum amount permissible under RSA 198:15-a.

HB 1616-FN, relative to financial aid for students losing aid due to registering to vote. **INEXPEDIENT TO LEGISLATE.**
Rep. David M. Pierce for Election Law: College students have been regularly told that they will lose their financial aid if they register to vote in New Hampshire. The Deputy Secretary of State testified, however, that, "students have not lost scholarships due to changing their voter registration to New Hampshire on a regular basis in the past." This bill sought to assure college students that they need not fear registering to vote in New Hampshire by creating a fund to reimburse them for any lost financial aid. However, the committee felt that it would be fiscally responsible to address this issue through enhanced voting rights education of college students. Vote 14-1.

HB 1215, relative to the New Hampshire-Vermont interstate waste compact. **OUGHT TO PASS.**
Rep. James G. Phinizy for Environment and Agriculture: This bill repeals RSA 53:d, which was enacted to enable specific towns along the Connecticut river to engage in a multi town state solid waste district. That district is in dissolution with the participating members making other arrangements. As this enabling statute is no longer needed and any future interstate waste compacts should be considered on a case by case basis, the committee feels that it is best to repeal RSA 53:d. Vote 15-0.

HB 1277, relative to the definition of farm. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Timothy D. O'Connell for Environment and Agriculture: At the request of the New Hampshire Winery Association this bill was brought forth, as amended, to clearly delineate the production of wine from New Hampshire grown grapes as an agricultural enterprise. The bill complements the definition of domestic wine under RSA 175, XIII, Alcoholic Beverages. Vote 15-0.

Amendment (0180h)
Amend the bill by replacing all after the enacting clause with the following:
1 Agricultural; Definition. Amend RSA 21:34-a, II(a)(11) to read as follows:
(11) The production, cultivation, growing, harvesting, and sale of any agricultural, floricultural, ***viticultural,*** forestry, or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, ***grapes,*** flowers, seeds, grasses, nursery stock, sod, trees and tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, compost, or any other plant that can be legally grown and harvested extensively for profit or subsistence.
2 Effective Date. This act shall take effect 60 days after its passage.

HB 1430, relative to the application of animal cruelty laws to horse and dog race tracks. **OUGHT TO PASS WITH AMENDMENT.**
Rep. James F. Powers for Environment and Agriculture: This bill restores the Cruelty to

Animals Act (RSA 644:8) to the way it was prior to an amendment in 1999 which exempted race tracks from its provisions. The amendment to this bill makes it clear that the enforcement authority of the State Veterinarian and the Pari-Mutuel Commission are not limited by including the dog and horse race tracks under RSA 644:8. This bill as amended is supported by the Pari-Mutuel Commission, the race track owners, the State Veterinarian, and local humane societies. Vote 14-0.

Amendment (0291h)

Amend the bill by replacing all after section 1 with the following:

2 New Paragraph; Cruelty to Animals; Racetracks. Amend RSA 644:8 by inserting after paragraph V the following new paragraph:

VI. This section shall not limit the enforcement provisions or enforcement authorities under RSA 284.

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

Referred to the committee on Criminal Justice and Public Safety.

HB 1537, relative to the definition of milk. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Tara A. Sad for Environment and Agriculture: This bill addresses a looming problem in the dairy industry – the importation of dehydrated milk from huge dairy conglomerates in the western United States with labels that claim the product is "fresh." Currently there is nothing to prohibit this practice. This bill will change the definition of milk to include categories for "fresh," "New Hampshire fresh" and "Northeastern fresh." The local and regional labeling will not only prohibit misuse of the term "fresh," but will allow the consumer to buy local if they choose to do so. Any deliberate mislabeling of milk is subject to an administrative fine of up to $1,000.00 for each violation. Vote 17-0.

Amendment (0105h)

Amend RSA 184:111, II as inserted by section 2 of the bill by replacing it with the following:

II. Any person who knowingly violates any provision of this section shall be subject to an administrative fine levied by the commissioner not to exceed $1,000 for each violation.

Referred to the committee on Ways and Means.

HB 1621-FN, relative to requiring a refundable deposit on beverage containers. **INEXPEDIENT TO LEGISLATE.**
Rep. Virginia L. Heard for Environment and Agriculture: This bill addresses an important issue in New Hampshire: recycling. However, the refundable deposit on beverage containers presents a problem for the vendors of beverages in storage and sanitation. The establishment of redemption centers, as some states have done, would be too expensive an undertaking at this time. Therefore, the committee felt other recycling bills would better serve the purpose of encouraging recycling. Vote 14-0.

CACR 27, relating to the election of a state auditor. Providing that the state auditor shall be elected to a term of 4 years and shall be responsible for auditing the accounts of the treasurer: **INEXPEDIENT TO LEGISLATE.**
Rep. Patricia M. McMahon for Executive Departments and Administration: This constitutional amendment would be submitted to the qualified voters of the state at the general election to be held in November, 2008, and would provide for the election of a state auditor to audit the accounts of the treasurer and establish an independent office under the direction and supervision of the state auditor who would serve a term of 5 years following the next general election. There is neither the time nor the interest to create a new office to perform responsibilities that are currently provided. Vote 16-0.

HB 1172-FN, changing the name of the pari-mutuel commission to the racing and charitable

gaming commission. **OUGHT TO PASS.**
Rep. Francis B. Sullivan for Executive Departments and Administration: This bill is intended to inform the public of its options concerning racing and charitable gaming by clarifying the title of the commission. Presently all racing and charitable gaming events come under the auspices of the Pari-mutuel Commission. We are one of three states still using that name. The committee feels that by changing the name Pari-mutuel Commission to Racing and Charitable Gaming Commission, it would clarify to constituents where information concerning these activities would be found. Vote 17-0.

HB 1302-FN, relative to enforcement of gambling laws. **OUGHT TO PASS WITH AMENDMENT.**
Rep. A. Laurie Harding for Executive Departments and Administration: This bill combines two bills, HB 1302 and HB 1381. The legislation, as amended, clarifies a number of provisions in the statute regulating games of chance. In addition, it permits game operators hired by charitable organizations to handle the proceeds from a game of chance and requires that they adhere to the same requirements currently followed by charitable organizations. It also allows an exemption from licensure requirements for a facility that is hosting games of chance for up to four events a year. This bill also permits the pari-mutuel commission to fine licensees in violation of the law. Currently, the commission only has the authority to revoke or suspend a license. Vote 15-1.

Amendment (0345h)
Amend the bill by replacing all after the enacting clause with the following:
1 License Applications; Charitable Organizations. Amend RSA 287-D:2-a, II(f) to read as follows:
(f) If any of the proposed games are to be held in a location licensed pursuant to RSA 287-D:2-a, VI, the name and address of the person or business from whom the space is being rented ***or permission for use has been granted***.
2 License Applications. Amend RSA 287-D:2-a, V(c) to read as follows:
(c) That neither the applicant nor any person who will be participating in the operation of the games of chance has been convicted of a felony ***or a class A misdemeanor*** within the previous 10 years which has not been annulled by a court***,*** or a ***class B*** misdemeanor [~~involving falsehood or dishonesty~~] within the previous 5 years which has not been annulled by a court, or has violated any statutes or rules governing charitable gambling ***in New Hampshire or any other state***.
3 License Applications Charitable Organizations. Amend RSA 287-D:2-a, VI to read as follows:
VI. If a charitable organization intends to lease or rent premises for the conduct of any game of chance from an entity other than a charitable organization or governmental subdivision, the entity leasing or renting out ***or otherwise allowing a charitable organization to use*** the premises shall be licensed by the pari-mutuel commission. ***Any entity other than a charitable organization or governmental subdivision with a facility at which games of chance are held for no more than 4 game dates per calendar year shall be exempt from the licensing requirement of this paragraph.*** The license shall be applied for by filing an application supplied by the pari-mutuel commission. The pari-mutuel commission may issue a license for a period of one year which shall expire on June 30 of each year unless sooner revoked or suspended for just cause by the pari-mutuel commission.
4 New Paragraph; License Applications. Amend RSA 287-D:2-a by inserting after paragraph IX the following new paragraph:
X. At least 45 days prior to each game date, the charitable organization shall submit the date and location of the game of chance, if this information has not already been submitted to the pari-mutuel commission pursuant to subparagraph II(a).

5 License Applications. Amend RSA 287-D:2-b, III-IV to read as follows:

III. No one under the age of 18 years shall be admitted to the premises on which games of chance are being conducted, except when the games are being conducted at a carnival. Proof of age shall be produced upon request of the [~~lottery~~] ***pari-mutuel*** commission. When games of chance are conducted at a carnival, persons under the age of 18 years may be admitted to the premises on which the games are being conducted when accompanied and supervised by a parent or legal guardian; but persons under the age of 18 shall not be permitted to play games of chance at a carnival.

IV. No games of chance shall be conducted prior to 11:00 a.m. on a weekday ***or a Saturday***, prior to noon on a Sunday, or after 1:00 a.m. on any day.

6 Operation of Games. RSA 287-D:2-b, VIII is repealed and reenacted to read as follows:

VIII.(a) On game dates where the charitable organization operates the games, the charitable organization shall deposit cash and proceeds from a game of chance into the account required by RSA 287-D:2-a, VII(e). All expenses, including prizes of more than $500 and equipment and hall rental fees shall be paid by check from the account required by RSA 287-D:2-a, VII(e). The treasurer of the charitable organization shall document all prizes awarded as prescribed in rules adopted by the pari-mutuel commission.

(b) On game dates where the licensed game operator operates the games, the licensed game operator shall deposit cash and proceeds from a game of chance into the account required by RSA 287-D:2-c, VI. All expenses, including prizes of more than $500 and equipment and hall rental fees shall be paid by check from the account required by RSA 287-D:2-c, VI. The licensed game operator shall document all prizes awarded as prescribed in rules adopted by the pari-mutuel commission.

7 Licensing of Game Operators. Amend RSA 287-D:2-c, II(a) to read as follows:

(a) The name ***and social security number*** of the game operator ***or for an organization the name and federal tax identification number. The pari-mutuel commission shall not disclose any social security number submitted***.

8 Bank Accounts. Amend RSA 287-D:2-c, II(e) and (f) to read as follows:

(e) Whether a registration or license listed in subparagraph (d) has been denied, suspended, revoked, or enjoined by a court or state agency, or if such proceedings are pending; [~~and~~]

(f) The names and addresses of any individuals with whom the applicant is affiliated in the fundraising or game operating business***; and***

(g) The name of the financial institution with at least one branch in New Hampshire and the corresponding bank account number for the account in which money from the game of chance will be deposited and withdrawn.

9 Licensing of Game Operators. Amend RSA 287-D:2-c, III(b) to read as follows:

(b) Has submitted a background and criminal ***record*** check pursuant to RSA 287-D:8; and

10 New Paragraphs; Licensing of Game Operators. Amend RSA 287-D:2-c by inserting after paragraph V the following new paragraphs:

VI. To be eligible for licensure under this chapter, a licensed game operator shall maintain an account at a financial institution with at least one branch in New Hampshire solely in the name of the licensed game operator in which the money from games of chance shall be deposited and withdrawn.

VII. Game operators who operate games of chance on behalf of a charitable organization shall be responsible for all requirements that the charitable organization would otherwise be responsible for if they were operating the games of chance themselves.

11 New Paragraph; License Fees and Specifications. Amend RSA 287-D:2-d by inserting after paragraph VI the following new paragraph:

VII. Any game operator licensed pursuant to RSA 287-D:2-c shall be issued, as part of the yearly license, an identification badge by the pari-mutuel commission. The fee for such

badge shall be established by the commission. The commission shall adopt rules pursuant to RSA 541-A to specify badge requirements.

12 Equipment; Inspection. Amend RSA 287-D:3, II to read as follows:

II. Any and all devices and equipment used to conduct said games of chance shall be subject to inspection by duly authorized law enforcement ***or pari-mutuel*** officials.

13 New Paragraphs; Penalties. Amend RSA 287-D:6 by inserting after paragraph III the following new paragraphs:

IV. The commission may issue an order requiring any person or organization, to comply with this subdivision or any rule adopted hereunder, and may require such remedial measures as may be necessary.

V. The commission may impose an administrative fine scaled to reflect the violator's prior history and the scope and severity of the violation, after notice and an opportunity for a hearing, pursuant to rules adopted under RSA 541-A, for any violation of this subdivision, any rule adopted under this subdivision, any license issued pursuant to this chapter or any order issued pursuant to this subdivision, or upon any person who makes or certifies a material false statement relative to any application or report required by this subdivision. Any administrative fine imposed under this paragraph shall not preclude the imposition of other penalties under this chapter. Rehearings and appeals from a decision of the commission under this paragraph shall be in accordance with RSA 541. Fines imposed by the commission shall be determined based on the following:

(a) For a minor deviation from a requirement, the fine shall be not less than $25 and not more than $1,500 per violation.

(b) For a moderate deviation from a requirement, the fine shall be not less than $100 and not more than $2,500 per violation.

(c) For a major deviation from a requirement, the fine shall be not less than $250 and not more than $5,000 per violation.

(d) For repeat violations, the commission may assess an additional fine.

VI. All fines imposed by the commission shall be deposited in the fund established pursuant to RSA 284:21-j.

14 New Paragraphs; Rulemaking. Amend RSA 287-D:1-b by inserting after paragraph XII the following new paragraphs:

XII-a. Administrative orders and fines pursuant to RSA 287-D:6.

XII-b. Badge specifications and fees pursuant to RSA 287-D:2-d, VII.

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

HB 1303-FN, relative to limiting games of chance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alida I. Millham for Executive Departments and Administration: This bill as amended establishes a set list of games of chance which may be conducted under the charitable gaming law. It also clarifies that the proceeds from charitable gaming must be used to further the purpose for which the charity was created in the community or communities it is designated to serve. Vote 16-0.

Amendment (0297h)

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

1 Games of Chance; Definition. Amend RSA 287-D:1 to read as follows:

II. "Games of chance" means any game involving gambling as defined by RSA 647:2, II, ***those games listed in RSA 287-D:2, VII*** or any lottery prohibited by RSA 647:1, but shall not include any game involving the use of a slot machine or any other device in the nature of a slot machine, 50/50 raffles as defined in RSA 287-A:1, III, or ice-out contests as defined in RSA 287-D:1, IV.

2 New Paragraph; Rulemaking; Games of Chance. Amend RSA 287-D:1-b by inserting after paragraph VI the following new paragraph:

VI-a. Game rules for each authorized game of chance.

3 New Paragraphs; Games of Chance Authorized. Amend RSA 287-D:2 by inserting after paragraph VI the following new paragraphs:

VII. Only games of chance expressly authorized by statute shall be permitted. The following games of chance are authorized:

(a) Texas Hold `Em and all other poker games.
(b) Roulette.
(c) Black Jack.
(d) Craps.
(e) Chuck-A-Luck.
(f) Spinning Money Wheel.

VIII. The proceeds that a charitable organization receives from conducting games of chance shall be used to benefit the community or communities which it serves, consistent with the purpose for which the charitable organization was formed.

4 License Applications. Amend RSA 287-D:1, III (a)(2) to read as follows:

(2) Establish that the purposes for which it was organized, other than charitable gambling, are furthered through ***charitable*** activities conducted [~~in the town or city in which the games of chance are conducted~~] ***in the community or communities which the charitable organization serves***.

5 License Applications. Amend RSA 287-D:2-a, VII(b) to read as follows:

(b) Establish that the religious, civic, fraternal, veterans, or charitable purposes for which it was organized, other than charitable gambling, are furthered [~~through activities conducted in the town or city in which the charitable organization is organized~~] ***in the community or communities which the charitable organization serves by conducting games of chance as authorized under this chapter***.

6 Effective Date. This act shall take effect January 1, 2009.

Referred to the committee on Ways and Means.

HB 1381, relative to game operators acting on behalf of charitable organizations. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill and HB 1302 contained a number of similar changes to the games of chance RSA's. There was only one change in HB 1381 that was not in HB 1302. We have put that one piece into HB 1302 via an amendment thereby ensuring that all of HB 1381 is now contained in HB 1302. Therefore this bill is not necessary. Vote 17-0.

HB 1462-FN, establishing the office of personal financial education in the treasury. **REFER FOR INTERIM STUDY.**

Rep. Peter B. Schmidt for Executive Departments and Administration: This bill seeks to create a New Hampshire office of financial literacy. It is supported by the state treasurer. Testimony showed that a substantial problem exists in New Hampshire for a significant portion of our citizens who have not acquired a functional knowledge of prudent financial management. The committee believes there is worth in the concept of creating an office of financial literacy, but the committee also believes that this bill, despite attempts to compromise, is not ready for passage. Vote 14-0.

HB 1598-FN, relative to the salary ranges for unclassified state officers. **OUGHT TO PASS.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill was introduced to correct a deficiency in the pay scale for unclassified employees. In 2002, the state workers negotiated to go from a five step grade system for pay to an eight step system. The unclassified employees continue to have a five step system. This has resulted in subordinates making more than the commissioner. The Hay Group (the outside agency hired

to recommend pay grades for unclassified employees) last year came in with a recommendation that we change the unclassified to eight steps and this bill does that. Vote 16-0.
Referred to the committee on Finance.

HB 1142, relative to licensure requirements for bird breeders. **INEXPEDIENT TO LEGISLATE.**
Rep. David H. Kidder for Fish and Game: It was felt that birds, when compared to other animals, have a very different incidence of disease carrying ability. Hence, whether one bird or many, we still need to have regulations and bird breeders should not be exempted from licensing requirements. Vote 16-0.

HB 1219, relative to exempting fish and game department volunteers from financial disclosure requirements. **OUGHT TO PASS.**
Rep. Richard E. Fletcher for Fish and Game: This bill exempts all Fish and Game volunteers from filing state financial disclosure forms as required by the Attorney General's Office under RSA 15-A:3. Fish and Game utilizes hundreds of volunteers and it has been known that they do not like this requirement. Fish and Game feels that it is a deterrent in obtaining volunteers for many activities. Vote 16-0.

HB 1266, allowing 50 caliber pistols to take game animals in the state. **OUGHT TO PASS.**
Rep. Vincent E. Greco for Fish and Game: The committee and the Fish and Game Department felt that the addition of this caliber of hand gun used in areas where shotguns only are allowed was a safe and acceptable use and therefore added .50 caliber (handgun cartridge) to the RSA governing permitted handguns. Vote 15-1.

HB 1297, relative to licenses for aquaculture issued by the fish and game department. **OUGHT TO PASS.**
Rep. Brendon S. Browne for Fish and Game: This bill adds "licenses types" to the regulatory authority for the executive director relative to aquaculture. The Joint Legislative Committee on Administrative Rules, as part of the approval of rules that included aquaculture rules, recommended that the Department seek legislation to clarify its authority to issue multiple types of aquaculture licenses. This bill is a clarification of some of the Fish and Game Departments' regulatory authority. The Department currently issues a variety of aquaculture licenses for both freshwater and saltwater species. Inland operations may range from a non-commercial farm pond to a commercial hatchery or fee fishing. Marine operations may range from a land based hatchery, a bottom or suspended culture of shellfish to large pen cultures for finfish offshore. Vote 11-0.
Referred to the committee on Ways and Means.

HB 1351, relative to fish and game license and registration agents. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Dennis Reed for Fish and Game: This bill will consolidate the statutes pertaining to hunting and fishing license agents and OHRV/snowmobile registration agents. Previously this program was administered by the Department of Corrections. This bill was at the request of the Fish and Game Department. Vote 11-0.

Amendment (0095h)
Amend the bill by replacing section 8 with the following:
8 Effective Date. This act shall take effect upon its passage.
Referred to the committee on Ways and Means.

HB 1411, relative to information concerning the presence or range of threatened species.

OUGHT TO PASS WITH AMENDMENT.
Rep. Lyle E. Bulis for Fish and Game: This bill inserts language into the New Hampshire Native Plant Protections Act that is similar to that in the Endangered Species Conservation Act which will allow for the identification and collection of data about endangered plants without interfering with the property owners' management rights. HB 1411 is an important positive step in a much larger level of cooperation among state agencies, conservation organizations and property owners. Vote 13-2.

Amendment (0107h)
Amend the title of the bill by replacing it with the following:
AN ACT relative to rulemaking under the native plant protection act.
Amend the bill by replacing all after the enacting clause with the following:
1 New Paragraph; Native Plant Protection Act. Amend RSA 217-A:10 by inserting after paragraph III the following new paragraph:
IV. No rule adopted by the department under the provisions of this chapter shall cause undue interference with normal agriculture or silvicultural practices.
2 Effective Date. This act shall take effect 60 days after its passage.
AMENDED ANALYSIS
This bill provides that rules adopted by the department of resources and economic development under the New Hampshire native plant protection act shall not cause undue interference with normal agriculture or silvicultural practices.

HB 1451, relative to the transportation of deer by certain persons not issued a deer tag. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Robert J. L'Heureux for Fish and Game: This bill would allow the issuance of a special deer tag to adult resident landowners, persons over 68, the holders of lifetime licenses and children under the age of 16 who do not have a department issued tag while deer hunting. The amendment inserts a provision that had inadvertently been omitted. Vote 15-0.

Amendment (0096h)
Amend RSA 208:14, I as inserted by section 1 of the bill by replacing it with the following:
I. Any transportation of deer not covered in RSA 208:12 and 13 shall be allowed only under the terms of a special permit, signed by the executive director or an agent of the executive director, except that a [~~resident child~~] ***person*** under 16 years of age, hunting without a license but accompanied by a licensee 18 years of age or over or a person with a valid hunting license issued pursuant to RSA 214:7-a ***or RSA 214:9-c or a bow and arrow license issued pursuant to RSA 214:9-cc, or a resident landowner pursuant to RSA 214:2***, may transport a deer killed by such [~~resident child~~] ***person***, by identifying it with a tag bearing such [~~resident child's~~] ***person's*** name, residence, and the date taken, until such time as the [~~resident child~~] ***person*** is able to secure a special permit from the executive director.

HB 1539, relative to the political party representation of members of the fish and game commission. **INEXPEDIENT TO LEGISLATE.**
Rep. Carla M. Skinder for Fish and Game: This bill would have tightened RSA 206:2-a where it is stated that not more than six commissioners shall be members of the same political party. New Hampshire has a large majority of undeclared voters which has an impact on fairness in appointing commissioners. The committee unanimously felt that this bill should be addressed after the Fish and Game audit is implemented. Vote 16-0.

HB 1569-FN, relative to the use of drugs on wildlife. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Carla M. Skinder for Fish and Game: This bill gives clear authority to Fish and Game

for the regulation of the use of drugs on wildlife. The subcommittee worked with the State Veterinarian, and representatives of captive deer farmers and a consensus was reached with the language in the amendment. This bill exempts deer farmers from the provisions of this bill. Vote 11-0.

Amendment (0163h)

Amend the bill by replacing section 1 with the following:

1 New Section; Fish and Game; Use of Drugs on Wildlife. Amend RSA 207 by inserting after section 8-b the following new section:

207:8-c Use Of Drugs On Wildlife.

I. In this section:

(a) "Drug" means any chemical substance, other than food or mineral/vitamin supplements, that affects the structure or biological function of any mammal, bird, reptile, or amphibian under the jurisdiction of the fish and game department.

(b) "Normal animal husbandry practices" means practices related to the production and care of animals in accordance with RSA 21:34-a, II(a)(4).

II. No person shall administer any drug, including but not limited to drugs used for fertility control, disease prevention or treatment, immobilization, or growth stimulation, to any mammal, bird, reptile, or amphibian under the jurisdiction of the fish and game department without the written authorization from the executive director or his or her designee, except as provided in paragraph III or IV.

III. This section does not apply to the use of a drug as an aid in normal animal husbandry practices.

IV. This section shall not be construed to limit employees or agencies of the state, the United States, or local animal control officers or licensed wildlife rehabilitators in the performance of their official duties related to public health, wildlife management, wildlife rehabilitation, or wildlife removal. However, a drug shall not be administered by any person for fertility control or growth stimulation without the written authorization of the executive director or his or her designee, except as provided in paragraph III.

V. An officer of the fish and game department may take possession of any mammal, bird, reptile, or amphibian under the jurisdiction of the department, if the officer has probable cause to believe the animal has been administered drugs in violation of this section.

VI. A person who violates this section is guilty of a class B misdemeanor.

Referred to the committee on Criminal Justice and Public Safety.

HB 1231, repealing the advisory panel on cancer and chronic diseases and the tobacco use advisory committee. **OUGHT TO PASS.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill was requested by the Department of Health & Human Services. Both of these committees are obsolete, and their functions have been assumed under recent legislation. Vote 16-0.

HB 1393-FN, requiring hepatitis C cases to be reported to the department of health and human services. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: The Department of Health and Human Services already has the authority to require diseases to be added to their list of those which need to be reported to the department, so this does not need to be placed in statute. Hepatitis C is also closely associated with Hepatitis B, and usually assessed upon the discovery of the accompanying Hepatitis B condition. Hepatitis C is also an illness that sometimes does not exhibit its symptoms for many years. Thus, reporting it would not influence treatment. The department does not want to do a less-than-adequate job of surveillance once a disease is placed on this list and would not be able to provide this at this time based on current resources. Vote 18-0.

HB 1347, establishing a committee to review the Revised Statutes Annotated and recommend revision or removal of obsolete laws or references. **INEXPEDIENT TO LEGISLATE.**

Rep. Gail C. Morrison for Judiciary: The sponsor points out that our RSAs contain much extraneous information that has accumulated since the last codification in 1955 and that review is long overdue. This bill has a worthwhile intent; however such a review is prohibitively expensive and nonessential. Further, codification is intended to bring about a permanent change and is not a process to be undertaken periodically. Legal researchers find historic references to repealed sections and other changes useful to their endeavors. Vote 14-0.

HB 1406, authorizing a special license and limiting liability for retired physicians, dentists, nurses, and nurse practitioners offering volunteer services. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B. Richardson for Judiciary: The committee unanimously agreed that this well intended bill had unintended consequences that made it impossible to support. Retired health care providers are not required to remain current with the rapidly changing developments that are occurring in medicine. The licensing authorities are not equipped to assume responsibility for practitioners that do not meet all of the requirements that are considered necessary to practice. The bill could place patients at risk and leave them no remedy if the retired healthcare provider failed to meet the standard of care. The bill was opposed by the New Hampshire Medical Society, the New Hampshire Trial Lawyers Association and almost all of the state boards and organizations which testified. Vote 16-0.

HB 1168, relative to acceptance of property donated to towns and village districts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark A. Pearson for Municipal and County Government: This bill, as amended, would bring parity to RSAs 39:95b and 39:95e by updating gifts and donations to town and village districts from $500 to $5,000 in cases of holding a public hearing to accept gifts and donations. The change(s) save municipalities money by reducing advertising costs, saving time, and streamlining the current process. Amounts less than $5,000 in gifts and donations will remain posted in agendas, included in minutes, and considered in public sessions. Vote 15-0.

Amendment (0192h)

Amend the bill by replacing section 1 with the following:

1 Acceptance of Personal Property Donated to Towns and Village Districts. Amend RSA 31:95-e, II to read as follows:

II. Prior to the acceptance of any such gift with a value of [~~over $500~~] ***$5,000 or more***, the selectmen or ***board of*** commissioners shall hold a public hearing on the proposed acceptance. For gifts with a value of [~~$500 or~~] less ***than $5,000***, a public hearing on the proposed acceptance shall be at the discretion of the selectmen or ***board of*** commissioners***. If no public hearing is held the board of selectmen or board of commissioners shall post notice of the gift in the agenda and shall include notice in the minutes of the board of selectmen or board of commissioners meeting at which such gift is discussed. The acceptance of gifts under this paragraph shall be made in public session of any regular board of selectmen or board of commissioners meeting.***

AMENDED ANALYSIS

This bill:

I. Requires selectmen or board of commissioners to hold public hearings on the acceptance of gifts to the municipality valued at $5,000 or more.

II. Requires notice of gifts valued at less than $5,000 if no public meeting is held.

HB 1223-FN-L, relative to exemptions from local ordinances for excavation sites. **INEXPEDIENT TO LEGISLATE.**
Rep. Andy Peterson for Municipal and County Government: This bill, which encountered widespread opposition at the hearing, was requested by the sponsor to be amended for a study committee. The committee found that substantial protection already exists in law for grandfathered gravel operations and that further study was unlikely to be productive at this time. Vote 14-0.

HB 1263, relative to the protection of existing property uses. **INEXPEDIENT TO LEGISLATE.**
Rep. Larry Brown for Municipal and County Government: Historically the committee has been reluctant to support legislation for narrow or any and all issues easily subject to other avenues of redress. The committee also agreed that seven (7) years of inattention, ignorance, good luck or subterfuge is not a credible substitute for equitable zoning evenly enforced. Vote 15-0.

HB 1310, relative to information for property tax assessments of commercial and industrial properties. **INEXPEDIENT TO LEGISLATE.**
Rep. Andy Peterson for Municipal and County Government: This bill would require owners of commercial and industrial property to provide rental, lease and expense information, with persons failing to comply losing their right to appeal. The committee feels that sensitive financial records are just that – sensitive and confidential. The lack of an established method of securing information may place a business at risk of having its competition obtain critical information. Testimony revealed that other methods exist for obtaining information to properly assess a business property value. The committee felt that with other avenues of obtaining data available to assessors, it was unnecessary and possibly harmful to mandate the submission of sensitive information to a municipality. Further, the loss of all property tax appeal rights for refusal to comply with such a requirement would be unduly harsh. Vote 13-1.

HB 1312, establishing a committee to study allowing municipalities to enforce ordinances by citation. **INEXPEDIENT TO LEGISLATE.**
Rep. Larry Brown for Municipal and County Government: It was the committee's unanimous opinion that municipal ordinances can already be enforced effectively and efficiently. A study for the enforcement by citation is not in the best interest of the community. Vote 14-0.

HB 1338, allowing towns and cities to receive state funding for preventative mosquito control programs on all lands within the municipality. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Mark A. Pearson for Municipal and County Government: This bill makes several adjustments to the current law governing the state's multi-pronged mechanism for responding to arboviral illness. This bill codifies the arboviral illness task force that the Department of Health and Human Services established over the last few years to ensure the ongoing exchange among state agencies of the evolving information and expertise about arboviral illness. It also adjusts the process for municipalities to apply for mosquito control and abatement funds to ensure as efficient a process as possible from the department of HHS. In order for the state and local communities to have the ability to wage war together on mosquito-borne diseases such as Eastern Equine Encephalitis (EEE) and West Nile Virus (WNV), a municipality will be able to apply for funding in the same calendar year that a determination of a public health threat has been made by the commissioner of Health and Human Services, in consultation with the Centers for Disease Control and Prevention and with the concurrence of the governor. The amendment clarifies this process and also

requires the department of agriculture, markets and food to review its administrative rules regarding mosquito control and abatement practices. This legislation will ensure a coordinated prevention and control effort in the fight against arboviral illnesses. Vote 14-0.

Amendment (0356h)

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

AN ACT establishing an arboviral illness task force and relative to mosquito control and abatement.

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

1 New Paragraph; Eligibility for Mosquito Control Fund Reimbursement Clarified. Amend RSA 141-C:25 by inserting after paragraph IV the following new paragraph:

IV-a. Following a determination of eligibility under paragraph IV, the city, town, or mosquito control district shall be eligible for funding for mosquito control and abatement activities occurring during the same calendar year prior to or after a determination of a public health threat under paragraph III.

2 Rulemaking. The department of agriculture, markets, and food shall review its rules relating to the implementation of mosquito control and abatement activities and may initiate rulemaking if it finds that the reorganization, integration, augmentation or clarification of these rules is in the public interest.

3 Arboviral Illness Task Force Established.

I. There is established an arboviral illness task force.

II. The members of the task force shall be as follows:

(a)) The state epidemiologist, or designee.

(b) The state veterinarian, or designee.

(c) The state entomologist, or designee.

(d) The director of public health laboratories, department of health and human services, or designee.

(e) The director of the New Hampshire veterinary diagnostic laboratory, at the university of New Hampshire, or designee.

(f) An entomologist from the university of New Hampshire, designated by the commissioner of health and human services.

(g) A representative of the department of education, designated by the commissioner of education.

(h) A representative of the department of resources and economic development, designated by the commissioner of resources and economic development.

(i) A representative of the fish and game department, designated by the executive director of the fish and game department.

(j) A representative of the department of environmental services, designated by the commissioner of environmental services.

(k) Two local public health officers or regional public health network coordinators, designated by the commissioner of health and human services.

(l) The state public health veterinarian, or designee.

III. The task force shall serve without compensation and may solicit any information from any person or entity the task force deems relevant to its purpose.

IV. The committee shall review current knowledge and address future needs of arboviral ecology, disease, prevention, and control in New Hampshire so that accurate and timely information can be used to guide personal, local, and state responses to these diseases.

V. The commissioner of health and human services shall appoint a chairperson from among the members. The first meeting of the task force shall be called by the chairperson. Seven members of the task force shall constitute a quorum.

VI. The task force shall report its findings and any recommendations to the commissioner of the department of health and human services on a regular basis as determined by the commissioner of the department of health and human services.

4 Duties of State Committee on Mosquito Control Revised. Amend RSA 430:10 to read as follows:

430:10 State Committee. There is established a state committee on mosquito control to govern over the 6 regions of the state and their respective mosquito control districts. The committee is composed of the state entomologist, the executive director of the fish and game department, the director of the division of forests and lands, the director of the division of parks and recreation, the commissioner of the department of environmental services, the commissioner of the department of health and human services***,*** and [~~the pesticides inspector employed by the pesticides~~] ***a representative of the pesticide*** control board. Any member may be represented by a deputy or by some other person designated by the member, in writing. ***The committee shall provide oversight and coordination of interagency efforts with regard to mosquito prevention and control, and in particular to provide recommendations to the commissioner of the department of health and human services regarding, but not limited to, public health threat determinations under RSA 141-C:25.*** The members of the committee shall serve without salary, but may be reimbursed for expenses incurred while doing the work of the committee. The state committee shall be known in this subdivision as "the committee." The division of public works of the department of transportation, known in this subdivision as "the department", shall serve as the fiscal agent for the committee. The functions of the department in this respect shall be performed by a member of the division designated by the commissioner of transportation.

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

AMENDED ANALYSIS

This bill:

I. Establishes an arboviral illness task force.

II. Expands the mosquito control and abatement activities that are eligible for funding.

III. Revises the duties of the state committee on mosquito control.

Referred to the committee on Finance.

HB 1363-FN, relative to fees charged by the registry of deeds. **INEXPEDIENT TO LEGISLATE.**

Rep. Bennett F. Moore for Municipal and County Government: This bill would have established a common fee schedule for certain services offered by county Registers of Deeds. The committee believes that counties should continue to have the authority to set their own fees without state interference. Additionally, if the bill were to pass then the legislature would be forced to review the fee schedule periodically to ensure its adequacy. Vote 13-0.

HB 1491, establishing a committee to study the ownership and disposition of rangeways. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert J. Elliott for Municipal and County Government: No further studies were considered necessary. There are many excellent sources available, including the latest report on January 11, 2008 by Gerald H. Miller, a certified Wetlands Scientist as well as a land surveyor, whose main thesis is that current laws sufficiently address this problem. Vote 11-1.

HB 1636, relative to automotive recycling. **OUGHT TO PASS.**

Rep. Larry Brown for Municipal and County Government: The committee agreed unanimously with the testimony of the prime sponsor and others that this bill appropriately replaces outdated federal highway terminology with the phrase "interstate highway," updates general references and, allows a municipality to set distances from junk yards and

automotive recycling yards to non-interstate class I-VI highways based on local judgment and conditions. Vote 14-0.
Referred to the committee on Public Works and Highways.

HCR 11, urging municipalities to establish an annual free tire collection day. **OUGHT TO PASS.**
Rep. Timothy Butterworth for Municipal and County Government: While a free tire collection day would cost a town money, this recommendation recognizes that abandoned tires are a health hazard and that there may be financial advantages to a town to collect the majority of its tires at one time. Vote 13-0.

HB 1206, relative to park and ride facilities. **OUGHT TO PASS WITH AMENDMENT.**
Rep. David B. Campbell for Public Works and Highways: With the rise in popularity of the Boston and Logan bus services that are based in the state's park and ride facilities, there have been increasing problems with long-term parked and abandoned vehicles and unauthorized business use. This legislation was introduced as a result of a House and Senate study committee that met over the summer and fall of 2007. The bill gives the Commissioner of the Department of Transportation the authority to operate the park and ride facilities to allow them to continue to meet their original purpose of encouraging commuter car pooling and balance the important public transportation function the park and ride facilities also support. The amendment changes the time period after which abandoned vehicles can be towed from 30 days to 21 days at the request of DOT. Vote 12-0.

Amendment (0111h)
Amend the bill by replacing all after section 2 with the following:
3 Reasons for Removal and Impoundment; Terminology Change. Amend RSA 262:32, VII to read as follows:
VII. A vehicle has been left unattended within a state-owned park and ride [~~lot~~] ***facility*** for a period of greater than [~~30~~] ***21*** days.
4 Vehicles Removed from Private and State Property. Amend the introductory paragraph of RSA 262:40-a, I to read as follows:
I. The owner or person in lawful possession of any private property or the manager of a state-owned park and ride [~~lot~~] ***facility*** on which a vehicle is parked without permission or is apparently abandoned may:
5 Vehicles Removed from Private and State Property. Amend RSA 262:40-a, III to read as follows:
III. The department of transportation shall give authorized persons permission to move any vehicle within a state-owned park and ride [~~lot~~] ***facility*** when such vehicle is improperly parked in a bus storage or travel lane which is properly marked. The owner of the vehicle shall be responsible for the costs of moving the vehicle.
6 Additional Parking Regulation; Official Signs at Park and Ride Facilities Restricting Parking. Amend RSA 265:71, IV to read as follows:
IV. The commissioner of transportation with respect to ways under [~~his~~] ***the department's*** jurisdiction may place signs [~~prohibiting~~] ***to prohibit*** or [~~restricting~~] ***restrict*** the stopping, standing or parking of vehicles on any way where in [~~his~~] ***the commissioner's*** opinion such stopping, standing or parking is dangerous to those using the way or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon ***or to control the parking of vehicles at a park and ride facility***. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs.
7 Effective Date. This act shall take effect 60 days after its passage.

HB 1355-FN, exempting alternative and renewable fuels from the road toll.

INEXPEDIENT TO LEGISLATE.
Rep. Gene G. Chandler for Public Works and Highways: The goal of this bill to encourage more use of alternative fuels is laudable, but the highway fund can ill afford to have cutbacks in its income stream. If we exempt these vehicles from paying fuel taxes should we also exempt, or have reduced fuel taxes for, vehicles that get high mileage? All of these vehicles use our highways and should contribute to their upkeep. Vote 15-0.

HB 1412, establishing a commission to study appointing or contracting with a fleet manager for state-owned motor vehicles. **OUGHT TO PASS.**
Rep. Alfred C. Lerandeau for Public Works and Highways: This bill establishes a committee to study the possibility of having a fleet manager for state-owned vehicles. Having heard testimony from the sponsor relative to use and ownership of cars and light trucks, we feel that this bill would perhaps help us become more efficient with purchasing and use of vehicles. This bill has the support from Department of Environmental Services (DES). Vote 15-0.

HB 1438, relative to a capital appropriation for the construction of the Hampton-Exeter district courthouse. **INEXPEDIENT TO LEGISLATE.**
Rep. Patrick T. Long for Public Works and Highways: The committee felt that the current process of the capital budget may be compromised with passage of this bill. Testimony that suggested Merrimack is on track with its District Court and Hampton-Exeter is still priority, renders this bill not necessary. Vote 14-1.

HB 1186, reducing the membership of 2 legislative oversight committees. **OUGHT TO PASS WITH AMENDMENT.**
Rep. John H. Thomas for Science, Technology and Energy: This bill cuts the membership of two legislative oversight committees from fourteen members each to seven members each. These committees, when formed, needed the original size of membership. The original issues for the formation of the committees have been resolved. The new issues do not have the depth of the original issues and consequently do not require as large a committee. Vote 12-0.

Amendment (0312h)
Amend RSA 374-F:5, II as inserted by section 3 of the bill by replacing it with the following:
II.[~~(a)~~] Committee members shall be appointed to 2-year terms expiring on the first Wednesday of even-numbered years. Members may succeed themselves.
[~~(b) A chairperson shall be selected by a majority of the committee members.~~]

HB 1499-FN-A, replacing the electricity consumption tax with an electricity generation tax. **INEXPEDIENT TO LEGISLATE.**
Rep. James M. Garrity for Science, Technology and Energy: This bill would have made a fundamental change in the existing electricity consumption tax and add a new tax on electricity generation. After detailed discussion and several meetings, the committee felt that this bill should not pass for the following reasons: 1) it is not consistent with good energy policy, 2) there are constitutional questions related to double taxation, 3) it would complicate the ability of New Hampshire's electricity generators (both renewable and traditional) to compete in the very complex regional energy market. 4) it could result in rate increases. Vote 11-1.

HB 1584-FN-A, establishing a fund to cover the costs of recycling electronic waste. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Suzanne Harvey for Science, Technology and Energy: This amendment replaced the original bill which was to create a "manufacturer take-back" program for the electronic waste in the state. The original bill would have increased workload for the solid waste department

at DES, and while revenue to pay for this was assumed to come from manufacturers, the sponsor and the committee felt that the "E-waste" issue is large enough to require more study. The amendment creates a commission including a representative from solid waste to study electronic waste. Vote 11-1.

Amendment (0328h)

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

AN ACT creating a commission to study the recycling and disposal of electronic waste.

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

1 Commission Established. There is established a commission to study the recycling and disposal of electronic waste.

2 Membership and Compensation.

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

(a) Six members of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

(c) A member from the waste management division of the department of environmental services, appointed by the commissioner of the department of environmental services.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall study:

I. Other states' electronic waste programs, including manufacturer takeback programs and programs involving an advanced recycling fee structure.

II. Definitions of electronic waste.

III. Costs and effects of a ban on the disposal and incineration of electronic waste products.

IV. Expansion of electronic waste recycling to residential areas, municipalities, local government offices, and businesses.

V. Performance goals for electronic waste recycling.

VI. Possible end-points for recycled electronic waste.

VII. Manufacturer incentives to produce electronic products that create little to no electronic waste.

VIII. Any further information that would expand the commission's knowledge of electronic waste collection and recycling.

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

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2008.

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

AMENDED ANALYSIS

This bill creates a commission to study the recycling and disposal of electronic waste.

HCR 15, commemorating the commissioning of the USS New Hampshire. **OUGHT TO PASS.**

Rep. Pamela D. Coughlin for State-Federal Relations and Veterans Affairs: The committee recognizes the uniqueness of commemorating the USS New Hampshire. The USS New Hampshire will be the fifth vessel built by the United States Navy in the new Virginia-class submarine line, the most advanced ships in the world today, with a scheduled commissioned

date at the end of 2008. The USS New Hampshire will play a vital role in our nation's defense. The USS New Hampshire, along with the other submarines in the Virginia-class, will allow the United States Navy to maintain its undersea dominance. The commemoration also indirectly recognizes the Portsmouth Naval Shipyard and the New Hampshire citizens and their families who built, repaired and served aboard U.S. submarines, especially those who gave their lives in the submarine service. Vote 14-0.

HB 1461, relative to penalties for vehicle overload. **REFER FOR INTERIM STUDY.**
Rep. Howard N. Cunningham for Transportation: The committee heard this bill on January 31, 2008. Due to the complexity of the issues, the committee could not agree and voted the bill into interim study. Vote 15-0.

HB 1524-FN, relative to speed limits and keeping right except to pass. **INEXPEDIENT TO LEGISLATE.**
Rep. Michael B. O'Brien for Transportation: The committee feels that raising the speed limit from a current 65 mph to 70 mph is not prudent. It does not conform to reciprocity with our neighboring states and could be wasteful of gasoline. Current law exists on keeping right except to pass. Vote 14-0.

HB 1551-FN, relative to fees for special number plates for veterans. **OUGHT TO PASS.**
Rep. Michael B. O'Brien for Transportation: This bill repeals the $25.00 extra fee for veterans' plates. The fee had been instituted to cover the upstart costs of the plate. This fee is no longer needed. Recognition of the services provided by our veterans necessitates this act of recognition. Vote 14-0.
Referred to the committee on Ways and Means.

HB 1595-FN, relative to driver's license renewals by persons engaged in overseas government service. **OUGHT TO PASS.**
Rep. Paul H. Ingersoll for Transportation: This bill allows individuals who are engaged in government overseas to renew their licenses bill mail and permits our State to insure they will not be penalized while in service to our country. Vote 14-0.
Referred to the committee on Ways and Means.

HB 1631-FN, relative to the state purchase of biodiesel fuels. **OUGHT TO PASS.**
Rep. Michael B. O'Brien for Transportation: This bill supports efforts of the state to ameliorate the impact of foreign purchases of gasoline by authorizing the purchase of bio-diesel fuels with a 5% blend of natural oils. Testimony was heard that several cities and towns are using these blends without negative impact on their vehicles and with positive impact on the costs and mileage estimates. Local vendors supply the product and it will assist both NH businesses and government in leading the way toward reducing dependency on foreign sources. Vote 14-0.
Referred to the committee on Finance.

HB 1357-FN, relative to extensions of time for filing returns and making payments under the interest and dividends tax for deployed members of the United State armed forces. **INEXPEDIENT TO LEGISLATE.**
Rep. William Butynski for Ways and Means: The committee is supportive of the intent to grant time extensions for filing interest and dividend tax returns to deployed members of the U.S. Armed Services. However, the committee and full House already voted to amend and support SB 63 which resolved the legislative concern. Also, the DRA Commissioner has publicly stated his willingness and intent to grant time extensions to deployed members of the Armed Services for tax filings. Therefore, HB 1357 is not necessary. Vote 16-0.

COMMITTEE REPORTS
REGULAR CALENDAR – PART I

HB 1479-FN, relative to sale of tobacco products and the appeals process concerning the seizure of illegal tobacco products. **OUGHT TO PASS.**
Rep. Tara G. Reardon for Commerce: This bill is a request of the Department of Revenue Administration. The Department of Revenue Administration receives a list of unstamped tobacco products bought over the internet, by mail or by phone. This bill gives the New Hampshire Department of Revenue Administration the ability to tax the products in the hands of the consumer who has avoided the tax. Additionally, the bill provides an appeal process for license suspension and revocation orders and tobacco seizures. The current appeals process applies only to assessments and refunds of tax, penalties and interest. Vote 14-3.
Committee report adopted.
Referred to the committee on Ways and Means.

HB 1506-FN, establishing a restricted mail registry in the department of justice. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Joel F. Winters for the Majority of Commerce: In considering this bill, the committee looked for potential benefits of creating a do-not-mail list to reduce unwanted mail. Valuable natural resources could be saved, landfill waste could be reduced, and postal customers could save time. Each of these reasons was compelling, but they were not enough to overcome the various concerns and questions about this bill. Many rural postal carriers are paid by the number of pieces of mail they deliver - HB1506 would directly affect their income. Exceptions in the bill for saturation mailings that go to every resident along the postal route, mailings by non-profits or political groups, and by or on behalf of a business with less then 20 employees led us to the conclusion that this bill, as drafted, would not significantly reduce unwanted mail. Lastly, the committee learned that the NHDES website offers preaddressed postcards to major mailing organizations, which can be easily printed and used to be put on their 'do-not-mail' lists. This could be just as effective in reducing junk mail as the proposed legislation. Vote 14-1.
Rep. Susi Nord for the Minority of Commerce: The minority of the committee believes that HB 1506 is an important option for consumer protection. The creation of a voluntary "do not mail" list of consumers who prefer not to receive unsolicited mail is a good idea, similar to the popular national "do not call" list. The minority does not believe that such a list would endanger commerce in the state of NH, and that the reduction of junk mail in our land fills is a positive by-product of the legislation.
Majority committee report adopted.
Rep. Reardon declared a conflict of interest on ***HB 1506-FN,*** and did not participate.

HB 1514-FN-A, establishing the New Hampshire state health investment program corporation and continually appropriating a special fund. **INEXPEDIENT TO LEGISLATE.**
Rep. Tara G. Reardon for Commerce: This bill would create a state health investment program corporation and provide a health insurance administration mechanism similar to Healthy Kids but available to all New Hampshire citizens of low or moderate income. At this time, there is no insurer in place or funding mechanism to provide the coverage. The committee believes that although the concept is worthy of further discussion, this legislation is premature. Vote 13-3.
Committee report adopted.

HB 1532, relative to snow and obstruction removal from parking spaces designated for disabled persons. **OUGHT TO PASS WITH AMENDMENT.**
Rep. James R. Martin for Commerce: This bill provides that owners of parking lots which

contain disabled parking places must keep those disabled parking places reasonably clear of snow and other obstacles or be subject to a fine of up to $250. Vote 15-1.

Amendment (0289h)

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

1 New Section; Obstruction of Parking Place for Persons with Walking Disability. Amend RSA 265 by inserting after section 74 the following new section:

265:74-a Obstruction of Parking Place for Persons with Walking Disability.

I. No property owner shall permit snow, mud, debris, or large objects, such as trash containers, to accumulate or otherwise unreasonably obstruct any parking place or access aisle, whether on public or private property, specifically designated for a person with a walking disability by means of a sign as required by RSA 265:73-a stating that the space is reserved for a person with a walking disability or displaying the international accessibility symbol. Any property owner who violates the provisions of this section may be fined up to $250 and up to an additional $250 for each day the violation continues.

II. Testimony under oath with clear photographic evidence from a person with a walking disability that a property owner permitted the obstruction of a parking place or access aisle specifically designated for a person with a walking disability shall be sufficient evidence to prove that a property owner has violated this section, unless such evidence is rebutted or contradicted.

2 Effective Date. This act shall take effect January 1, 2009.

AMENDED ANALYSIS

This bill makes it a violation to permit snow, mud, debris, or large objects to accumulate or obstruct parking places and access aisles designated for disabled persons.

Amendment adopted.
Committee report adopted.
Referred to the committee on Judiciary.

HB 1571-FN-L, relative to inspection of construction or alteration of publicly accessible buildings for compliance with accessibility standards, and making an appropriation therefor.
REFER FOR INTERIM STUDY.
Rep. Tara G. Reardon for Commerce: This bill would create a state certification program for third party building inspectors. The committee supports the sponsors' intention, and agrees that it is unconscionable that public buildings are still constructed today that do not comply with the ADA and are inaccessible to those with disabilities. Testimony at the public hearing and subsequent subcommittee meetings indicates that the problem is sometimes a result of negligence, and also lack of education of the standards by others in the development community. The sponsor has done a great deal of work, including researching available certification programs and examinations. The bill (and amendments offered) would require the State Building Code Review Board, a volunteer board that reviews building code revisions, to establish the program and create the rules to establish the minimum education, experience and training standards. The committee believes that is not the responsibility of that board and another option should be investigated. Vote 15-1.
Committee report adopted.

HB 1298-FN, making changes to the veterinary/medical/optometric education program.
OUGHT TO PASS WITH AMENDMENT.
Rep. Judith T. Reever for Education: This bill adds dental education programs to the existing veterinary/medical/optometric education program. The inclusion of dental into this program provides the opportunity, if funding becomes available, for students in that field to apply for the program. The long term effect would be a benefit for New Hampshire residents. Vote 14-1.

Amendment (0251h)

Amend the bill by replacing section 3 with the following:

3 Veterinary/Medical/Optometric Education Program; Repayment Required. Amend RSA 200-J:3, IV to read as follows:

IV. Any student who shall successfully complete his ***or her*** program of education and graduate shall be forgiven any repayment due under a note signed in accordance with the provisions of this section.

AMENDED ANALYSIS

This bill adds dental education programs to the existing veterinary/medical/optometric education program.

Amendment adopted.

Committee report adopted.

Referred to the committee on Finance.

HB 1504-FN-L, directing New Hampshire to withdraw from the No Child Left Behind Act. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Charles B. Yeaton for the Majority of Education: While there is much concern with No Child Left Behind because of the lack of funding for its provisions, the emphasis on testing rather than learning, the expectations that all children be held to the same standards, and other concerns, the loss of millions of dollars in federal revenue for the many other programs for which New Hampshire receives funds would have an adverse effect on education. Hopefully, Congress will re-authorize the bill, eliminating the objections which so many people have for this bill. Vote 13-2.

Rep. Paul Ingbretson for the Minority of Education: Federal funding of a modest proportion of educational programs in New Hampshire produces disproportionate federal control and meddling in an area left by the US Constitution to the states. NCLB uses previous money to essentially blackmail dependent districts into greater federal domination without guarantees of sufficient funding to implement its provisions.

Rep. Ingbretson requested a roll call; sufficiently seconded.

YEAS 226 NAYS 74

YEAS 226

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Tilton, Franklin	Whalley, Michael		

CARROLL

Ahlgren, Christopher	Bridgham, Robert	Brown, Carolyn	Buco, Thomas
Butler, Edward	Chandler, Gene	Cunningham, Howard	Heard, Virginia
Knox, J. David	Martin, James	Patten, Betsey	

CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Dunn, J. Timothy	Eaton, Daniel	Espiefs, Peter
Johnson, Jane	Lerandeau, Alfred	Plifka, Stanley Jr	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sad, Tara	Weber, Lucy

COOS

Hatch, William	Merrick, Evalyn	Remick, William	Stohl, Eric
Tholl, John Jr	Thomas, Yvonne		

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Estes, Carole	Hammond, Lee	Harding, A Laurie
Laliberte, Suzanne	Lovett, Sid	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon	Preston, Philip	Solomon, Peter	Williams, Burton

HILLSBOROUGH

Baroody, Benjamin	Batula, Peter	Beck, Catriona	Bergeron, Jean-Guy
Brunelle, Michael	Campbell, David	Clemons, Jane	Cote, David
Coughlin, Pamela	Daniels, Gary	Drisko, Richard	Emerton, Larry
Essex, David	Fletcher, Richard	Forest, Armand	Foster, Linda
Gargasz, Carolyn	Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Graham, John	Hackel, Paul	Haefner, Robert
Hammond, Jill	Harvey, Suzanne	Hebert, Roger	Infantine, William
Irwin, Anne-Marie	Jean, Claudette	Knowles, John	Knowles, Mary Ann
Kopka, Angeline	Lasky, Bette	Leishman, Peter	Lessard, Rudy
Levesque, Melanie	Lisle, Carolyn	Long, Patrick	Mack, Ron
Marshall, Seth	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
Rochette, Eric	Rosenwald, Cindy	Scannell, David	Schulze, Joan
Shattuck, Gilman	Sullivan, Daniel	Sullivan, Francis	Sysyn, Mary
Tahir, Saghir	Villeneuve, Maurice		

MERRIMACK

Anderson, Eric	Baxley, Maureen	Beauchesne, Suzanne	Bouchard, Candace
Boutin, David	Brown, Carole	Brueggemann, Donald	Clarke, Claire
Davis, Frank	DeJoie, John	DeStefano, Stephen	Ehlers, Eileen
Foose, Robert	French, Barbara	Gile, Mary	Greco, Vincent
Hamm, Christine	Kelly, Sally	Kjellman, Eleanor Glynn	MacKay, James
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Porter, Margaret
Potter, Frances	Reardon, Tara	Richardson, Gary	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Wallner, Mary	Walz, Mary
Webb, Leigh	Wheeler, Deborah	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Belanger, Ronald	Bishop, Franklin	Borden, David
Brown, C. Pennington	Cali-Pitts, Jacqueline	Carson, Sharon	Casey, Kimberley
Day, Judith	DiFruscia, Anthony	Elliott, Robert	Fesh, Bob
Flockhart, Eileen	Griffin, Mary	Grote, Otto	Headd, James
Henson, John	Howard, Doreen	Kappler, Lawrence	Katsakiores, George
Katsakiores, Phyllis	Kepner, Susan	Major, Norman	Mann, Maureen
McKenna, Daniel	McKinney, Betsy	McMahon, Charles	Moody, Marcia
Moore, Bennett	Nowe, Ronald	Packard, Sherman	Pantelakos, Laura
Powers, James	Rausch, James	Reagan, John	Russell, Trinka
Sanders, Elisabeth	Snow, Richard	Stiles, Nancy	Waterhouse, Kevin
Weare, Everett	Webber, James	Wells, Roger	Wickson, Rick
Winchell, George			

STRAFFORD

Billian, Deborah	Brennan, William	Cyr, James	Domingo, Baldwin

Fargo, Thomas	Hofemann, Roland	Hubbard, Pamela	Hutz, Sarah
Kaen, Naida	Mickelonis, Shawn	Miller, Joseph	Perry, Robert
Rollo, Deanna	Rollo, Michael	Rous, Emma	Schmidt, Peter
Spang, Judith	Vachon, Dennis	Wall, Janet	

SULLIVAN

Donovan, Thomas	Franklin, Peter	Gagnon, Raymond	Gottling, Suzanne
Houde, Matthew	Jillette, Arthur Jr	Phinizy, James	Rodeschin, Beverly
Skinder, Carla			

NAYS 74

BELKNAP

Heald, Bruce	Pilliod, James	Thomas, John	Wendelboe, Fran

CARROLL

Denley, William	Stevens, Stanley

CHESHIRE

Emerson, Susan	Hunt, John	Parkhurst, Henry	Weed, Charles

COOS

None

GRAFTON

Andersen, Gene	Bulis, Lyle	Friedrich, Carol	Gionet, Edmond
Ingbretson, Paul	Sorg, Gregory		

HILLSBOROUGH

Barry, Richard	Beaulieu, Jane	Bergin, Peter	Day, Russell
Dokmo, Cynthia	Elliott, Nancy	Haley, Robert	Hinkle, Peyton
Hogan, Edith	Jasper, Shawn	Kaelin, Michael	Kurk, Neal
Manney, Pamela	Martineau, Jesse	Messier, Irene	Renzullo, Andrew
Rowe, Robert	Smith, David	Spaulding, Jayne	Spratt, Stephen
Stepanek, Stephen	Vaillancourt, Steve	Winters, Joel	

MERRIMACK

Kidder, David	Lockwood, Priscilla

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Bettencourt, David
Camm, Kevin	Case, Frank	Charron, Gene	Dalrymple, David
Devine, James	Emiro, Frank	Flanders, John Sr	Garrity, James
Gould, Kenneth	Ingram, Russell	Itse, Daniel	Kennedy, James
McEachern, Paul	Nord, Susi	Petterson, Don	Quandt, Marshall
Quandt, Matthew	Robertson, Carl	Splaine, James	Welch, David
Weyler, Kenneth			

STRAFFORD

Brown, Jennifer	Brown, Julie	Brown, Larry	Srnec, Robert

Watson, Robert

SULLIVAN

Cloutier, John Converse, Larry Nielsen, Ellen
and the majority committee report was adopted.
Rep. Berube did not vote and notified the Clerk that he wished to be recorded in favor.

HB 1563-FN, authorizing public academies to receive public funds for renovation and expansion of regional vocational education programs. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Karen K. McRae for Education: This bill allows public academies which function as regional career and technical education centers to participate in the provisions of RSA 188-E, under established rules of the Department of Education (Ed 1402) to access building aid. The amendment further strengthens the contract component of the agreements of these regional technical career centers. Vote 12-2.

Amendment (0234h)
Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:
4 New Paragraph; Regional Vocational Education; Funding for Renovation and Expansion. Amend RSA 188-E:10 by inserting after paragraph II the following new paragraph:
III. Public academies receiving funds through the capital budget process shall comply with all contracts or agreements required by department of education rules adopted pursuant to RSA 541-A.
Amendment adopted.
Committee report adopted.
Referred to the committee on Public Works and Highways.

HB 1639-FN-A-L, relative to charter school funding and enabling charter schools to receive school building aid. **REFER FOR INTERIM STUDY.**
Rep. Kimberley S. Casey for Education: Due to the late introduction of this bill, the committee will address the policy issues for funding state-approved charter schools through another bill currently in committee, a bill with a later deadline allowing more time to thoughtfully address the issue. Vote 16-3.
Committee report adopted.

HB 1508-FN, relative to prohibited influence of voters and persons intending to vote. **OUGHT TO PASS WITH AMENDMENT.**
Rep. David M. Pierce for Election Law: The right to vote is the fundamental right that protects all other rights. New Hampshire law should therefore seek to dismantle all obstacles to voting. Although we have laws that prohibit influencing voters through bribery and intimidation, we have no law that prohibits spreading false information to suppress the vote. HB 1508 defends the right to vote by ensuring that no one deters another person from voting or registering to vote based on false or deceptive information. HB 1508 also closes the loophole in the law that permitted push polling in a presidential primary. Vote 8-7.

Amendment (0219h)
Amend the title of the bill by replacing it with the following:
AN ACT relative to prohibited influence of voters and persons intending to vote and relative to the applicability of political advertising and push polling restrictions.
Amend the bill by replacing all after the enacting clause with the following:

1 Elections; Prohibited Acts; Bribing, Intimidation, and Suppression. RSA 659:40 is repealed and reenacted to read as follows:

659:40 Bribing; Intimidation; Suppression.

I. No person shall directly or indirectly bribe any person not to register to vote or any voter not to vote or to vote for or against any question submitted to voters or to vote for or against any ticket or candidate for office at any election.

II. No person shall use or threaten force, violence, or any tactic of coercion or intimidation to knowingly induce or compel any other person to vote or refrain from voting, vote or refrain from voting for any particular candidate or ballot measure, or refrain from registering to vote.

III. No person shall engage in voter suppression by knowingly attempting to prevent or deter another person from voting or registering to vote based on fraudulent, deceptive, misleading, or spurious grounds or information. Prohibited acts of voter suppression include:

(a) Challenging another person's right to register to vote or to vote based on information that he or she knows to be false or misleading.

(b) Attempting to induce another person to refrain from registering to vote or from voting by providing that person with information that he or she knows to be false or misleading.

(c) Attempting to induce another person to refrain from registering to vote or from voting at the proper place or time by providing information that he or she knows to be false or misleading about the date, time, place, or manner of the election.

IV. Whoever violates the provisions of this section or whoever conspires to violate the provisions of this section shall be guilty of a class B felony.

V. This section is not intended to preclude prosecution or sentencing under any section of RSA 640.

2 Political Expenditures and Contributions; Applicability of Chapter. Amend RSA 664:1 to read as follows:

664:1 Applicability of Chapter. The provisions of this chapter shall apply to all state primary, general, and special elections, but shall [~~not~~] ***only*** apply to presidential preference primaries ***as provided in this section***. The provisions relating to political advertising, ***push polling, and enforcement,*** RSA 664:14 through [~~17-a~~] ***RSA 664:22***, shall additionally apply to ***presidential primary,*** city, town, school district***,*** and village district elections. [~~The provisions relating to voluntary expenditure limitations, RSA 664:5-a and 664:5-b, shall additionally apply to elections for United States senator and representative to Congress.~~]

3 Effective Date.

I. Section 1 of this act shall take effect July 1, 2008.

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

AMENDED ANALYSIS

This bill establishes the offense of voter suppression. This bill also makes political advertising and push polling restrictions apply to presidential primary elections.

Amendment adopted.

On a division vote, 210 members having voted in the affirmative and 91 in the negative, the committee report was adopted.

Referred to the committee on Criminal Justice and Public Safety.

HB 1293, relative to eligibility requirements for the state animal population control program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tara A. Sad for Environment and Agriculture: The animal population control program currently provides spay and neuter financial assistance to two groups: those who adopt dogs and cats from shelters not equipped with in-house facilities to perform these operations (Plan A), and those living at the poverty level, for example those eligible to receive Food Stamps, SSI, Old Age Assistance and Medicaid (Plan B). By removing Plan A, which includes wealthy people able to pay the cost of the procedures, the means testing parameters can be

widened to include those eligible for the NH State Fuel Assistance Program. The co-payment has been adjusted for increased costs of the surgeries ($120 and more for feline spaying) and to reflect the disproportion of surgeries by type. This bill allows for the veterinarian's discretion over eligibility above and beyond the defined thresholds on a case-by-case basis with the concurrence of the state veterinarian. By increasing the number of low-income participants in the program, we can direct the focus of the funds on those who truly need it. Vote 14-0.

Amendment (0153h)

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

1 Animal Population Control; Owner Eligibility. Amend RSA 437-A:3 to read as follows:

437-A:3 Eligibility of Owner of Dog or Cat to Participate.

I. [~~A resident of the state who has adopted an eligible dog or cat from an animal shelter facility, as defined in RSA 437:2, I, shall be eligible to participate in the program if the owner signs a consent form certifying that the person is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the operation, and such person pays a fee of $40. The sterilization shall be performed by a participating veterinarian.~~] Dogs and cats imported from out of state into New Hampshire animal shelters***, pet shops,*** or adoption agencies shall not be eligible for this program.

II. A resident of the state who owns a dog or cat and who [~~is eligible for~~] ***participates in*** one of the following programs shall also be eligible to participate in a reduced fee companion animal population control program if the owner signs a consent form certifying that the person is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the procedure and such person pays a fee of [~~$25~~] ***$35 for dogs and $40 for cats***:

(a) The Food Stamp Program authorized by Title XIII of the Food and Agriculture Act of 1977 (7 U.S.C. section 2011 et seq.) and RSA 161:2, XIII.

(b) The Supplemental Security Income Program established pursuant to Title XVI of the Social Security Act (42 U.S.C. section 1381 et seq.).

(c) The Temporary Assistance for Needy Families Act established pursuant to 42 U.S.C. section 601 et seq. and RSA 161-B.

(d) The aid to the needy blind program established under RSA 161:2, V.

(e) The medicaid program established under RSA 167.

(f) The old age assistance program established under RSA 167.

(g) The aid to the permanently and totally disabled program established under RSA 167.

III. A resident of the state who owns a dog or cat shall also be eligible to participate in the reduced fee companion animal population control program if the person has a household income which qualifies for participation in the New Hampshire Fuel Assistance Program (NHFAP), and if the owner signs a consent form certifying that the person is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the procedure; and if such person pays a fee of $35 for dogs and $40 for cats. Standards for the NHFAP can be obtained from the New Hampshire office of energy and planning.

IV. A resident of the state who owns a dog or cat shall also be eligible to participate in the reduced fee companion animal population control program if such participation is pre-approved by the owner of a participating veterinary clinic, as described in RSA 437-A:4, with the concurrence of the state veterinarian, if the owner signs a consent form certifying that the person is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the procedure, and if such person pays a fee of $35 for dogs and $40 for cats.

2 Effective Date. This act shall take effect July 1, 2008.

AMENDED ANALYSIS

This bill allows individuals eligible for the New Hampshire Fuel Assistance Program to participate in the animal population control program.

This bill raises the fee for owners of cats who participate in the reduced fee companion animal population control program.

This bill was requested by the state veterinarian.

Amendment adopted.

Committee report adopted.

Referred to the committee on Ways and Means.

HB 1594-FN, relative to hazardous material reporting requirements and establishing fees for hazardous materials facilities and employees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard H. Snow for Environment and Agriculture: This bill proposes a stable funding source for the Regional Hazard Materials Emergency Response (HazMat) teams, based on recommendations from the SB 255 (2006) study committee final report. HazMat teams work with the state fire marshal's office and local emergency first responders to protect the public safety by stabilizing and containing materials spilled during a hazardous materials emergency until the private mitigation companies can arrive to do cleanup. HazMat teams consist of specially trained personnel from local emergency response teams working together with first responders through existing mutual aid agreements. Funding for HazMat startup equipment and training costs came from federal grants. Since their startup in1986, operating costs have been largely buried in local community emergency response budgets. Funding is drying up. The study report suggests that the state has a role to play in ensuring the safety of the public from the dangers associated with hazardous material emergencies. Facilities using hazardous materials are already required to report the quantities and uses of those materials to the EPA. The data is also used to protect local emergency responders during an emergency response. Requiring facilities to report the information to the state will allow us to better capture that critical data while providing a centralized and more efficient collection method for the reporting facilities. The fees collected by the state will fund the HazMat teams. Concerns raised by the business community are addressed in the bill with a sunset date of 2013 and also establishing an ongoing public/private study committee to review and report on the effectiveness of the program and propose possible improvements to more efficiently and equitably fund a coordinated state hazardous materials program. Vote 12-5.

Amendment (0329h)

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

3 Commission Established. There is established a commission to study the current methods of funding the hazardous waste and hazardous materials programs in New Hampshire.

4 Membership and Compensation.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

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

(c) The commissioner of the department of environmental services, or designee.

(d) The state fire marshal, or designee.

(e) Five members of the business community, appointed by the Business and Industry Association.

(f) A member of the New Hampshire Motor Transport Association, appointed by that organization.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

5 Duties. The commission shall study the sources of funding and expenditures related to programs for hazardous waste, as defined in RSA 147-B:2, VII, and hazardous materials, as defined by RSA 147-B:2, VIII, in New Hampshire. The commission's study shall include:

I. A compilation of the various different sources of income and the dedicated funds associated with hazardous waste and hazardous materials programs.

II. A compilation of the expenditures associated with hazardous waste and hazardous materials programs.

III. An examination of the relationship between the incomes and the expenditures of the funds used in hazardous waste and hazardous materials programs.

IV. An examination of the uniformity of the relationship between income and expenditures above and recommendations on improving the uniformity of that relationship.

V. An examination of the possibility of improving program effectiveness thru consolidation of the various funding sources or programs.

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

7 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2008.

8 Repeal. The following are repealed:

I. RSA 154:35-37, relative to hazardous materials reporting requirements and fees.

II. RSA 6:12, I(b)(269), relative to the hazardous materials emergency response program fund.

9 Effective Date.

I. Section 8 of this act shall take effect July 1, 2013.

II. Sections 1 and 2 of this act shall take effect July 1, 2008.

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

AMENDED ANALYSIS

This bill creates a hazardous material reporting requirement and establishes fees for hazardous materials facilities and employees.

This bill includes a 4 year sunset provision for the reporting requirement and fees.

This bill also establishes a study commission to study the current methods of funding the hazardous waste and hazardous materials programs in New Hampshire.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Snow yielded to questions.
On a division vote, 189 members having voted in the affirmative and 112 in the negative, the committee report was adopted.
Referred to the committee on Ways and Means.

HB 1509-FN-A, establishing certain fees for operators of games of chance for the purpose of funding the education trust fund. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Ken Hawkins for the Majority of Executive Departments and Administration: This bill originally required a 2% tax on the gross amount of monies bet at Games of Chance, raised the bond required for the operator to $300,000, and changed the 35% of net going to charity to 8.75% of the gross going to charity. After working with the pari-mutual commission, and having public testimony the bill was amended to eliminate the 2% tax. Other changes were that the game operators must have a FBI criminal background check with fingerprints

submission, allowing the Pari-mutual commission to set the licensing fee for operators under 541-A, and changed the bonding from $20,000 to up to $300,000 so a smaller game would need a smaller bond. Lastly the charity portion was changed to 8.75% of gross revenue from games with chips having no monetary value, and 35% of the monies raised from games with chips that monetary value. The monies raised from licensing operators will fund a new auditor position to ensure charities are receiving the correct amount. Vote 12-5.
Rep. Alida I. Millham for the Minority of Executive Departments and Administration: This bill, as amended by the committee, is a good bill in many respects. A minority of the committee raised concerns with respect to section 6 of the bill which changes the minimum amount paid to the charities. Currently, the law is that the charities receive no less than 35% of the gross revenues from any game of chance, minus the prizes paid on the game date. The testimony from the operators and the charities indicated that this system currently works well. The concern with the amendment is that the change this bill proposes may limit the ability of the operators to offer additional prize amounts to attract more patrons and by such action increase gross revenues. In such event, if the operators cannot increase the amount of prizes, the gross revenues may be diminished.

Majority Amendment (0319h)

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

1 Federal Background Check. Amend RSA 287-D:8, III to read as follows:

III. All applicants shall also be subject to a ***national criminal*** background check***, including the submission of fingerprints to the Federal Bureau of Investigation for a criminal background check,*** by the pari-mutuel commission to determine if they are eligible for licensure under this chapter.

IV. The pari-mutuel commission shall bill the applicant for any cost associated with the criminal or background record check to cover any fee charged by the department of safety for the criminal records check in paragraph I or by the Federal Bureau of Investigation for the background check in paragraph III.

2 New Paragraph; Game Operator; Definition. Amend RSA 287-D:1 by inserting after paragraph IV the following new paragraph:

V. "Game operator" means either or both of the following:

(a) "Primary game operator" means any consultant or any person, other than a bona fide member of the charitable organization, involved in conducting, managing, supervising, directing, or running the games of chance; and

(b) "Secondary game operator" means any person other than a bona fide member of the charitable organization, involved in dealing, running a roulette wheel, or handling chips.

3 License Fees and Specifications. Amend RSA 287-D:2-d, III to read as follows:

III. An applicant for a game operator license under RSA 287-D:2-c shall apply to the pari-mutuel commission, and upon payment of a fee [~~of $500 per year~~] ***established by the pari-mutuel commission in rules adopted pursuant to RSA 541-A*** and if the applicant meets all other requirements of this chapter, a license shall be issued. Only one license shall be issued to each applicant per year. A license issued under RSA 287-D:2-c shall expire on December 31. The pari-mutuel commission shall notify the attorney general and police chief of any city or town where games of chance are held of any applications approved. RSA 7:28-c shall not apply to game operator licensees subject to this chapter.

4 New Paragraph; Rulemaking; Game Operator Fees. Amend RSA 287-D:1-b by inserting after paragraph XIII the following new paragraph:

XIV. Game operator fees pursuant to RSA 287-D:2-d, III.

5 Submission of Bond. Amend RSA 287-D:2-c, V to read as follows:

V. The game operator or the game operator's employer shall submit a [~~$20,000~~] bond to the pari-mutuel commission ***in an amount up to $300,000 as determined by the pari-mutuel commission. Such bond shall be included*** with the application form.

6 Revenue for Charity. Amend RSA 287-D:3, VIII to read as follows:

VIII. The charitable organization shall retain no less than [~~35~~] ***8.75*** percent of the gross revenues from any game of chance [~~minus any prizes paid on any game date in which game operators licensed under RSA 287-D:2-c are involved in any capacity~~] ***where chips have no monetary value, or from any game of chance where chips have monetary value and no rake. In addition, the charitable organization shall retain no less than 35 percent of the gross revenues from any game of chance where chips have monetary value***. Such revenues shall be used by the organization to advance its charitable purpose.

7 Pari-Mutuel Commission; Position Established. The classified position of internal auditor III, labor grade 23, to be funded from fees collected pursuant to RSA 287-D:2-d, III, is hereby established in the pari-mutuel commission.

8 Effective Date.

I. Section 6 of this act shall take effect January 1, 2009.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Establishes the position of internal auditor III in the pari-mutuel commission.

II. Requires game operator applicants to submit to a federal background check.

III. Raises the amount of the bond posted by a game operator.

Majority committee amendment adopted.

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

Rep. Tahir requested a roll call; sufficiently seconded.

YEAS 212 NAYS 90

YEAS 212

BELKNAP

Flanders, Donald	Wendelboe, Fran

CARROLL

Ahlgren, Christopher	Bridgham, Robert	Brown, Carolyn	Butler, Edward
Cunningham, Howard	Heard, Virginia	Martin, James	Patten, Betsey

CHESHIRE

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

COOS

Hatch, William	Merrick, Evalyn	Remick, William	Stohl, Eric
Theberge, Robert	Thomas, Yvonne		

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Estes, Carole	Friedrich, Carol	Hammond, Lee
Harding, A Laurie	Laliberte, Suzanne	McLeod, Martha	Mulholland, Catherine

Nordgren, Sharon	Sorg, Gregory	Williams, Burton

HILLSBOROUGH

Baroody, Benjamin	Barry, Richard	Beaulieu, Jane	Beck, Catriona
Bergeron, Jean-Guy	Bergin, Peter	Campbell, David	Clemons, Jane
Cote, David	Daniels, Gary	Day, Russell	Dokmo, Cynthia
Essex, David	Fletcher, Richard	Foster, Linda	Gargasz, Carolyn
Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Graham, John	Hackel, Paul	Haefner, Robert	Haley, Robert
Hammond, Jill	Harvey, Suzanne	Hebert, Roger	Hogan, Edith
Infantine, William	Irwin, Anne-Marie	Jean, Claudette	Kaelin, Michael
Knowles, John	Knowles, Mary Ann	Kopka, Angeline	Kurk, Neal
Lasky, Bette	Levesque, Melanie	Lisle, Carolyn	Mack, Ron
Manney, Pamela	Marshall, Seth	Movsesian, Lori	O'Brien, Michael Sr
O'Connell, Timothy	O'Neil, James	Ober, Lynne	Pilotte, Maurice
Renzullo, Andrew	Rochette, Eric	Rosenwald, Cindy	Scannell, David
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Spratt, Stephen
Sullivan, Francis	Sysyn, Mary	Ulery, Jordan	

MERRIMACK

Baxley, Maureen	Beauchesne, Suzanne	Bouchard, Candace	Brown, Carole
Brueggemann, Donald	Clarke, Claire	Davis, Frank	Ehlers, Eileen
Foose, Robert	French, Barbara	Gile, Mary	Greco, Vincent
Hamm, Christine	Kelly, Sally	Kjellman, Eleanor Glynn	Lockwood, Priscilla
MacKay, James	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Porter, Margaret	Potter, Frances	Reardon, Tara	Richardson, Gary
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Wallner, Mary
Walz, Mary	Webb, Leigh	Wheeler, Deborah	Williams, Robert
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Baldasaro, Alfred	Borden, David	Brown, C. Pennington
Cali-Pitts, Jacqueline	Casey, Kimberley	Dalrymple, David	Day, Judith
Devine, James	Flockhart, Eileen	Gould, Kenneth	Grote, Otto
Headd, James	Henson, John	Howard, Doreen	Kappler, Lawrence
Kennedy, James	Kepner, Susan	Mann, Maureen	McEachern, Paul
Moody, Marcia	Nord, Susi	Pantelakos, Laura	Petterson, Don
Powers, James	Rausch, James	Reagan, John	Robertson, Carl
Russell, Trinka	Snow, Richard	Splaine, James	Stiles, Nancy
Webber, James	Wells, Roger	Wickson, Rick	

STRAFFORD

Berube, Roger	Billian, Deborah	Brennan, William	Brown, Jennifer
Brown, Julie	Brown, Larry	Cyr, James	Domingo, Baldwin
Fargo, Thomas	Hofemann, Roland	Hubbard, Pamela	Hutz, Sarah
Kaen, Naida	Mickelonis, Shawn	Miller, Joseph	Perry, Robert
Rollo, Deanna	Rollo, Michael	Rous, Emma	Schmidt, Peter
Spang, Judith	Srnec, Robert	Vachon, Dennis	Wall, Janet
Watson, Robert			

SULLIVAN

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

NAYS 90

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Heald, Bruce
Millham, Alida	Pilliod, James	Thomas, John	Tilton, Franklin
Whalley, Michael			

CARROLL

Chandler, Gene	Denley, William	Knox, J. David	Stevens, Stanley

CHESHIRE

Emerson, Susan	Hunt, John	Parkhurst, Henry

COOS

Tholl, John Jr

GRAFTON

Andersen, Gene	Bulis, Lyle	Gionet, Edmond	Ingbretson, Paul
Lovett, Sid	Preston, Philip	Solomon, Peter	

HILLSBOROUGH

Batula, Peter	Brunelle, Michael	Coughlin, Pamela	Drisko, Richard
Elliott, Nancy	Emerton, Larry	Forest, Armand	Hinkle, Peyton
Jasper, Shawn	Leishman, Peter	Lessard, Rudy	Long, Patrick
Martineau, Jesse	Messier, Irene	Mooney, Maureen	Moran, Edward
Ober, Russell III	Price, Pamela	Rowe, Robert	Smith, David
Spaulding, Jayne	Sullivan, Daniel	Tahir, Saghir	Vaillancourt, Steve
Villeneuve, Maurice	Winters, Joel		

MERRIMACK

Anderson, Eric	Boutin, David	DeJoie, John	Kidder, David

ROCKINGHAM

Allen, Mary	Bedrick, Jason	Belanger, Ronald	Bettencourt, David
Bishop, Franklin	Camm, Kevin	Carson, Sharon	Case, Frank
Charron, Gene	DiFruscia, Anthony	Dumaine, Dudley	Elliott, Robert
Emiro, Frank	Fesh, Bob	Flanders, John Sr	Garrity, James
Gleason, John	Griffin, Mary	Ingram, Russell	Itse, Daniel
Katsakiores, George	Katsakiores, Phyllis	Major, Norman	McKinney, Betsy
McMahon, Charles	Nowe, Ronald	Packard, Sherman	Quandt, Marshall
Sanders, Elisabeth	Waterhouse, Kevin	Weare, Everett	Welch, David
Weyler, Kenneth	Winchell, George		

STRAFFORD

Sprague, Dale

SULLIVAN

Rodeschin, Beverly
and the majority committee report was adopted.
Referred to the committee on Ways and Means.

HB 1545-FN-A, establishing a waiver option for live-racing tracks. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Peter B. Schmidt for Executive Departments and Administration: This bill allows dog racing tracks to reduce their days of live racing from the present statutory requirement of fifty days per annum to twenty-five days, while still being permitted to simulcast races from other venues. Since the bill does not mandate any reduction in live racing, the committee majority believes it will not harm current track operations, but rather allow tracks to reflect the steadily declining interest, attendance and revenues at New Hampshire dog tracks by cutting back on live racing if, and when, they so choose. This is enabling legislation. The bill also creates a study committee which will review standards and treatment of greyhounds in New Hampshire. Vote 10-5.

Amendment (0301h)
Amend the bill by replacing all after the enacting clause with the following:

1 Fees. Amend RSA 284:12-a, II to read as follows:

II. Investigation fees shall be collected by the commission and shall be continually appropriated to the commission and used by the commission to offset the costs of conducting background checks and monitoring of license applicants and licensees as required under this section, RSA 284:16, RSA 284:16-a, RSA 284:18-a, RSA 284:19, RSA 284:20, [~~and~~] RSA 284:20-b***, and RSA 284:22-a***. Funds received hereunder and not expended for such investigations shall lapse to the general fund 2 years after receipt of such funds.

2 Pari-Mutuel Pools. Amend RSA 284:22 to read as follows:

284:22 Pari-Mutuel Pools. During the calendar years of 1941-2029, a licensee under this chapter may sell pari-mutuel pools in accordance with this chapter and rules adopted by the commission. Pari-mutuel pools shall be sold within the enclosure of the racetrack where a licensed race or race meet is held or as provided in RSA 284:22-a, and not elsewhere.

I. The commission on all win, place, and show pari-mutuel pools at tracks or race meets at which running horse races are conducted for public exhibition shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools, and the commission on all other pari-mutuel pools at such tracks or race meets shall be at the rate of not less than 26 percent of each dollar wagered in such pools and not more than 27 percent of each dollar wagered in such pools as determined from time to time by the licensee which conducts live running horse races after written notice to the commission and, in the absence of written notice, at the rate of 26 percent of each dollar wagered in such pools. Except as provided in RSA 284:22-a, the amount of the purse at such tracks or race meets at which running horse races are conducted shall be 8 1/4 percent of each dollar wagered in all pari-mutuel pools, said 8 1/4 percent to be paid by the licensee out of the commission on such pools. [~~In addition to the above commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage", shall be retained by the licensee, 1/4 paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2 and 1/4 shall be paid to the pari-mutuel commission. The pari-mutuel commission shall distribute such breakage to the licensee which paid such breakage to supplement purses of live races conducted by the licensee at the location from which such breakage was paid.~~] Each licensee shall pay the tax provided for in RSA 284:23. ***In addition to the commission, 3/4 of breakage shall be retained by the licensee and 1/4 of breakage shall be paid to the state treasurer for deposit in the general fund. For purposes of this paragraph, "breakage" means the odd cents of***

all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10.

II. The commission on all win, place, and show pari-mutuel pools at tracks or race meets at which harness horse races are conducted for public exhibition, including those conducted by agricultural fairs, shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools, and the commission on all other pari-mutuel pools at such tracks or race meets shall be at the rate of not less than 25 percent of each dollar wagered in such pools and not more than 26 percent of each dollar wagered in such pools as determined from time to time by the licensee which conducts live harness horse racing after written notice to the commission and, in the absence of such written notice, at the rate of 25 percent of each dollar wagered in such pools. [~~In addition to the above commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage", shall be retained by the licensee, 1/4 paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2 and 1/4 shall be paid to the pari-mutuel commission. The pari-mutuel commission shall distribute such breakage to the licensee which paid such breakage to supplement purses of live races conducted by the licensee at the location from which such breakage was paid.~~] Each licensee shall pay the tax provided for in RSA 284:23. ***In addition to the commission, 3/4 of breakage shall be retained by the licensee and 1/4 of breakage shall be paid to the state treasurer for deposit in the general fund. For purposes of this paragraph, "breakage" means the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10.***

III. For the purposes set forth in this section, an "agricultural fair" means an association which provides for and pays premiums of $5,000 or more, annually, as is determined by the commissioner of agriculture, markets, and food, in accordance with RSA 284:25.

IV. The commission on all win, place, and show pari-mutuel pools at tracks or race meets at which dog races are conducted for public exhibition shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools; and the commission on all other pari-mutuel pools at such tracks or race meets shall be at the rate of not less than 26 percent of each dollar wagered in such pools and not more than 27 percent of each dollar wagered in such pools as determined from time to time by the licensee which conducts live dog racing after written notice to the commission and, in the absence of such written notice, at the rate of 26 percent of each dollar wagered in such pools. [~~In addition to the above commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage", shall be retained by the licensee, 1/4 paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2 and 1/4 shall be paid to the pari-mutuel commission. The pari-mutuel commission shall distribute such breakage to the licensee which paid such breakage to supplement purses of live races conducted by the licensee at the location from which such breakage was paid.~~] Each licensee shall pay the tax provided for in RSA 284:23. ***In addition to the commission, 3/4 of breakage shall be retained by the licensee and 1/4 of breakage shall be paid to the state treasurer for deposit in the general fund. For purposes of this paragraph, "breakage" means the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10.***

3 Sales. Amend RSA 284:22-a, II(a)(1) to read as follows:

(1) Such sales are within the enclosure of the racetrack at which the licensee holds a license for the current year to conduct live racing in this state ***or, if such licensee makes an agreement as provided pursuant to RSA 284:22-a, II(a)(3)(B), within the enclosure of the racetrack maintained by such licensee as provided in RSA 284:22-a, II(a)(3)(B)(ii)***;

4 Pari-Mutuel Pools on Simulcast Racing. RSA 284:22-a, II(a)(3) is repealed and reenacted to read as follows:

(3)(A) The licensee, if the licensee is licensed to conduct live running horse racing or harness horse racing, has scheduled at least 50 calendar days of such live racing in the calendar year in which the licensee simulcasts, or if the licensee does not have scheduled at least 50 calendar days of such live racing in such calendar year, the licensee conducts such live racing on the day on which the licensee simulcasts; or

(B) The licensee, if the licensee is licensed to conduct live dog racing, has scheduled at least 25 days of such live racing in the calendar year in which the licensee simulcasts, or if the licensee has not scheduled at least 25 calendar days of such live racing in such calendar year, the licensee conducts such live racing on the day on which the licensee simulcasts; provided, however, a licensee may schedule its 25 days of live dog racing to be held at another facility licensed within the state, provided that:

(i) Such agreement is in writing and is approved by the commission after notice and hearing;

(ii) The licensee maintains its racetrack in a condition which is capable to conduct live dog racing as previously conducted and such condition is approved by the commission after notice and hearing; and

(iii) The licensee pays a fee of $5,000 to the commission for each calendar year of any such agreement; and

5 Pari-Mutuel; Pools on Simulcast Racing. RSA 284:22-a, IV is repealed and reenacted to read as follows:

IV.(a) A licensee authorized to conduct live running horse racing or live harness racing which has scheduled less than 50 calendar days of such live racing in a calendar year may simulcast on a day on which such live racing is scheduled at the licensee's race track, without conducting such live racing, provided that the live racing program is cancelled due to weather or other conditions which produce unsafe conditions at the racetrack of the licensee. The determination to cancel a live program based on weather or the condition of the racetrack shall be made by the licensee, and notice shall be provided to the commission. Notwithstanding the foregoing, a licensee which has scheduled less than 50 days of live running horse racing or live harness horse racing shall be limited to no more than 10 such cancellations in a calendar year.

(b) A licensee authorized to conduct live dog racing which has scheduled less than 25 calendar days of such live racing in a calendar year may simulcast on a day on which such live racing is scheduled at the licensee's race track, without conducting such live racing, provided that the live racing program is cancelled due to weather or other conditions which produce unsafe conditions at the racetrack of the licensee. The determination to cancel a live program based on weather or the conditions of the racetrack shall be made by the licensee, and notice shall be provided to the commission. Notwithstanding the foregoing, a licensee which has scheduled less than 25 days of live dog racing shall be limited to no more than 10 such cancellations in a calendar year.

6 Committee Established. There is established a committee to study standardizing the treatment of racing dogs.

7 Membership and Compensation.

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

(a) No more than 5 members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the environment and agriculture committee.

(b) One member of the senate, appointed by the president of the senate.

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

8 Duties. The committee shall study the following issues as related to dogs at racetracks:

I. Minimum standards for cage size for racing dogs at racetracks.
II. Requirements for the time dogs spend outside of their cages at racetracks.
III. The euthanasia policy of racetracks.
IV. The illness treatment policy of racetracks.
V. The adoption policy of racetracks.
VI. Feeding standards of racetracks.
VII. Any other issues related to dogs at racetracks.

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

10 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the chair of the house environment and agriculture committee, the president of the senate, the senate executive departments and administration committee, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2008.

11 Effective Date.

I. Sections 6 through 10 of this act shall take effect upon its passage.
II. The remainder of this act shall take effect January 1, 2010.

Amendment adopted.
Committee report adopted.
Referred to the committee on Ways and Means.

HB 1418, extending Medicaid to prevent gaps in coverage under the New Hampshire healthy kids program. **REFER FOR INTERIM STUDY.**
Rep. Suzanne S. Butcher for Health, Human Services and Elderly Affairs: When a child's family income increases above the allowable level for Healthy Kids Gold, they are given ten days notice before the insurance is terminated. They are advised to apply for Healthy Kids Silver, but Silver insurance does not begin until the first of the month. Thus there is a gap in coverage (averaging 16 days), which HB 1418 seeks to close. The committee agrees that the gap should be closed. However, the best way to do this is unclear - either extending Gold or advancing Silver could have unintended consequences. The Department of Health and Human Services and the Healthy Kids Corporation will consider various alternatives, including their cost, administrative feasibility and impact on kids. They will also improve communication with families to ensure they are aware of the gap and of the availability of Medicaid "In and Out" for large unexpected expenses. DHHS and HKC will report the results of their analysis to the HHS Oversight Committee. This will provide a better basis for the legislature to act on this next year, both from a policy perspective and in the budget process. Vote 18-0.
Committee report adopted.

HB 1549-FN, relative to the duration of the disability requirement for aid to the permanently and totally disabled. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**
Rep. Joan H. Schulze for the Majority of Health, Human Services and Elderly Affairs: The bill aligns New Hampshire's determination for disability with the federal standard of 12 month duration. We are currently the only state not using the federal standard, and, in fact, we have used the federal standard in the past. As amended, the bill sets eligibility for federal disability programs as the determining factor for our Aid to the Permanently and Totally Disabled cash assistance program. As such, the amended bill sets aside the requirement for disabled people to go through a separate medical eligibility and appeals process for state aid. Therefore, administrative efficiencies are expected. Information was presented that adding state assistance on top of federal cash assistance could actually

present an opportunity for significant savings in general fund dollars. The department of Health and Human Services is working to clarify the fiscal note assumptions of the amended bill. The majority recommends that HB 1549 be OTPA as health policy. This action will give the Finance Committee the opportunity this session to work with the department to better define the potential fiscal impact, which may be significantly positive. Vote 14-5.
Rep. Peter L. Batula for the Minority of Health, Human Services and Elderly Affairs: Although the minority compliments the sponsors of the bill and respects the majority of the committee in their deliberation and vote, the minority has difficulty placing OTP/A on a bill which has so many unanswered questions, potential unintended consequences and just what the financial costs may or may not be. The original bill estimated the cost to implement to be in the range from $20 million to $29 million annually for the next four years. Much of the committee debate centered around a potential savings to the state this bill would bring, but in the opinion of the minority there was no conclusion or completed study to back this assertion. Also, much of the discussion centered around the myriad of unanswered questions and remarks. Data is extremely hard to come by and the minority was fully convinced that more study about this bill would be required to make a major change like OTP/A. In a fiscal year like the present, where bills that require serious funding be given much more scrutiny and less guesswork, the minority feels that Interim Study would be appropriate. During testimony the department mentioned that the University of Massachusetts was conducting a study on this subject currently. The majority has stated that their intent in passing this bill on to Finance particularly centered around this bill "saving" the state money, not costing the state, which "may" come out in the Finance Committee hearings. In conclusion, a well intended bill, but one with too many unanswered questions and needs further study.

Majority Amendment (0265h)

Amend the bill by replacing section 1 with the following:

1 Aid to the Permanently and Totally Disabled; Duration of Disability. Amend RSA 167:6, VI to read as follows:

VI.***(a)*** For the purposes hereof, a person shall be eligible for aid to the permanently and totally disabled who is between the ages of 18 and 64 years of age inclusive; is a resident of the state; and is disabled as defined in the federal Social Security Act, Titles II and XVI and the regulations adopted under such act[~~, except that the minimum required duration of the impairment shall be 48 months. In determining disability,~~]**.** ***For purposes of determining disability:***

(1) A determination of eligibility for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) pursuant to Title II or Title XVI of the Social Security Act shall constitute a determination of disability for purposes of aid to the permanently and totally disabled; and

(2) The standards for "substantial gainful activity" as used in the Social Security Act shall apply, including all work incentive provisions including Impairment Related Work Expenses, Plans to Achieve Self Support, and subsidies.

(b) No person shall be eligible to receive such aid while receiving old age assistance, aid to the needy blind, or aid to families with dependent children.

AMENDED ANALYSIS

This bill replaces the state requirement that an impairment exist for 48 months for the aid to the permanently and totally disabled program with the 12-month requirement used by the Social Security Administration. This bill also declares that a determination of eligibility for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) constitutes eligibility for aid to the permanently and totally disabled.

Majority committee amendment adopted.

On a division vote, 193 members having voted in the affirmative and 110 in the negative, the majority committee report was adopted.

Referred to the committee on Finance.

HB 1586-FN, relative to housing assistance for recipients of Temporary Assistance to Needy Families (TANF). **REFER FOR INTERIM STUDY.**
Rep. Evalyn S. Merrick for Health, Human Services and Elderly Affairs: The present TANF grant is insufficient for basic human needs. For example, a family of four, a mother and three children, is expected to live on a yearly grant of $8,000 which is inadequate to cover rent for a two bedroom apartment. The TANF reserve fund has routinely been depleted to fund programs such as juvenile justice that have not been directly related to the TANF program. Due to consistent withdrawal of funds from the TANF reserve by these unrelated HHS programs, the available funds over the next three years will be insufficient to provide the supplement of $250. Under the present fiscal environment, it was felt that the best course of action was to put this bill in Interim Study and monitor TANF caseloads and the balance in the TANF Reserve Fund. If we see that monies are accumulated, then adjustments can be made, and we can revisit this issue. The committee was unanimous in recommending Interim Study. Vote 18-0.
Committee report adopted.

HB 1403-FN, relative to the performance of an abortion when there is a reasonable expectation of viability. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Philip Preston for the Majority of Judiciary: This bill would make criminals of doctors whose professional responsibilities include saving the lives of women with life-threatening pregnancies. The committee heard compelling testimony that this bill could force doctors, in the midst of a medical emergency, to consider the possibility or likelihood that their life-saving decisions might result in their arrest and conviction for a Class B felony. The majority of the committee believes that our laws should not impede doctors in their efforts to save women's lives. This bill is clearly unconstitutional because it provides no health exception. Vote 11-5.
Rep. Nancy J. Elliott for the Minority of Judiciary: This bill, if passed, would prohibit the abortion of a child that can live independently outside the womb. The minority of the committee felt that this bill is consistent with current assault laws. Additionally, the minority felt that this bill would provide an oversight and regulation on the unregulated abortion industry in NH.
Reps. Rowe, Sorg, Nancy Elliott and Dumaine spoke against.
Rep. Philip Preston spoke in favor.
Rep. Nancy Elliott requested a roll call; sufficiently seconded.

YEAS 218 NAYS 90

YEAS 218

BELKNAP

Allen, Janet	Heald, Bruce	Millham, Alida	Morrison, Gail
Pilliod, James	Thomas, John		

CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
Denley, William	Heard, Virginia	Knox, J. David	Martin, James
Patten, Betsey			

CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy

Dunn, J. Timothy	Eaton, Daniel	Espiefs, Peter	Hunt, John
Johnson, Jane	Lerandeau, Alfred	Parkhurst, Henry	Plifka, Stanley Jr
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sad, Tara
Weber, Lucy	Weed, Charles		

COOS

Hatch, William	Merrick, Evalyn	Stohl, Eric	Thomas, Yvonne

GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Bulis, Lyle	Cooney, Mary	Estes, Carole
Friedrich, Carol	Gionet, Edmond	Hammond, Lee	Harding, A Laurie
Laliberte, Suzanne	Lovett, Sid	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon	Preston, Philip	Solomon, Peter	Williams, Burton

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Bergin, Peter
Brunelle, Michael	Campbell, David	Clemons, Jane	Cote, David
Dokmo, Cynthia	Drisko, Richard	Essex, David	Forest, Armand
Foster, Linda	Gargasz, Carolyn	Garrity, Patrick	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Graham, John	Hackel, Paul
Hammond, Jill	Harvey, Suzanne	Hebert, Roger	Irwin, Anne-Marie
Jean, Claudette	Kaelin, Michael	Knowles, John	Knowles, Mary Ann
Kopka, Angeline	Kurk, Neal	Lasky, Bette	Leishman, Peter
Lessard, Rudy	Levesque, Melanie	Lisle, Carolyn	Long, Patrick
Mack, Ron	Marshall, Seth	Messier, Irene	Movsesian, Lori
O'Brien, Michael Sr	O'Connell, Timothy	O'Neil, James	Ober, Lynne
Ober, Russell III	Peterson, Andy	Rosenwald, Cindy	Scannell, David
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Smith, David
Spaulding, Jayne	Spratt, Stephen	Sullivan, Francis	Sysyn, Mary
Vaillancourt, Steve	Winters, Joel		

MERRIMACK

Anderson, Eric	Baxley, Maureen	Beauchesne, Suzanne	Bouchard, Candace
Brown, Carole	Brueggemann, Donald	Clarke, Claire	Davis, Frank
DeJoie, John	DeStefano, Stephen	Ehlers, Eileen	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Hamm, Christine
Kelly, Sally	Kidder, David	Kjellman, Eleanor Glynn	Lockwood, Priscilla
MacKay, James	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Porter, Margaret	Potter, Frances	Reardon, Tara	Richardson, Gary
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Wallner, Mary
Walz, Mary	Wheeler, Deborah	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Belanger, Ronald	Borden, David	Brown, C. Pennington
Cali-Pitts, Jacqueline	Case, Frank	Casey, Kimberley	Day, Judith
Flanders, John Sr	Flockhart, Eileen	Gleason, John	Gould, Kenneth
Grote, Otto	Henson, John	Howard, Doreen	Ingram, Russell
Kennedy, James	Kepner, Susan	Mann, Maureen	McEachern, Paul
McKinney, Betsy	Moody, Marcia	Moore, Bennett	Nord, Susi
Pantelakos, Laura	Petterson, Don	Powers, James	Robertson, Carl

Snow, Richard | Splaine, James | Webber, James | Wells, Roger
Wickson, Rick

STRAFFORD

Billian, Deborah | Brennan, William | Brown, Jennifer | Brown, Julie
Brown, Larry | Cyr, James | Domingo, Baldwin | Fargo, Thomas
Hubbard, Pamela | Hutz, Sarah | Kaen, Naida | Mickelonis, Shawn
Miller, Joseph | Perry, Robert | Rollo, Deanna | Rollo, Michael
Rous, Emma | Schmidt, Peter | Spang, Judith | Sprague, Dale
Srnec, Robert | Vachon, Dennis | Wall, Janet | Watson, Robert

SULLIVAN

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

NAYS 90

BELKNAP

Boyce, Laurie | Clark, Charles | Flanders, Donald | Tilton, Franklin
Wendelboe, Fran | Whalley, Michael

CARROLL

Ahlgren, Christopher | Brown, Carolyn | Stevens, Stanley

CHESHIRE

Butynski, William | Emerson, Susan | Pelkey, Stephen

COOS

Remick, William | Tholl, John Jr

GRAFTON

Ingbretson, Paul | Sorg, Gregory

HILLSBOROUGH

Barry, Richard | Batula, Peter | Bergeron, Jean-Guy | Coughlin, Pamela
Daniels, Gary | Day, Russell | Elliott, Nancy | Emerton, Larry
Fletcher, Richard | Haefner, Robert | Haley, Robert | Hansen, Ryan
Hinkle, Peyton | Hogan, Edith | Infantine, William | Jasper, Shawn
Manney, Pamela | Martineau, Jesse | Mooney, Maureen | Moran, Edward
Pilotte, Maurice | Price, Pamela | Renzullo, Andrew | Rowe, Robert
Stepanek, Stephen | Sullivan, Daniel | Tahir, Saghir | Ulery, Jordan
Villeneuve, Maurice

MERRIMACK

Boutin, David | Webb, Leigh

ROCKINGHAM

Allen, Mary | Baldasaro, Alfred | Bedrick, Jason | Bettencourt, David
Bishop, Franklin | Camm, Kevin | Carson, Sharon | Charron, Gene

Dalrymple, David	Devine, James	DiFruscia, Anthony	Dumaine, Dudley
Elliott, Robert	Emiro, Frank	Fesh, Bob	Garcia, Marilinda
Garrity, James	Griffin, Mary	Headd, James	Itse, Daniel
Kappler, Lawrence	Katsakiores, George	Katsakiores, Phyllis	Major, Norman
McMahon, Charles	Nowe, Ronald	Packard, Sherman	Quandt, Marshall
Quandt, Matthew	Rausch, James	Reagan, John	Russell, Trinka
Sanders, Elisabeth	Stiles, Nancy	Waterhouse, Kevin	Weare, Everett
Welch, David	Weyler, Kenneth	Winchell, George	

STRAFFORD

Berube, Roger	Hofemann, Roland

SULLIVAN

Donovan, Thomas	Rodeschin, Beverly

and the majority committee report was adopted.

HB 1531, relative to allowing a cause of action for identity theft. **REFER FOR INTERIM STUDY.**
Rep. Stephen J. Shurtleff for Judiciary: The committee felt some serious questions were raised by this bill. The bill would hold employers more accountable in verifying employee identity. This bill will be studied in conjunction with a companion bill, HB 1534. These are important issues, both nationally and for our state. Safeguarding individual privacy is a very important concern. Vote 15-4.
Committee report adopted.

HB 1534, relative to the misuse of social security numbers. **REFER FOR INTERIM STUDY.**
Rep. Stephen J. Shurtleff for Judiciary: The committee felt this bill and a companion bill, HB 1531, raised issues that needed further study. This bill deals with the issue of misuse of social security numbers to gain employment. It also holds an employee to a higher standard of accountability in verifying social security. Vote 16-3.
Committee report adopted.

HB 1580-FN, relative to witness fees and writs for depositions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**
Rep. Bette R. Lasky for the Majority of Judiciary: This bill would establish a fee to be charged to witnesses who fail to appear after summons and increases fees paid to witnesses appearing at court. While the committee is sympathetic to the bill's intent, the majority believes that the bill itself still needs work. Also given the current economic climate and the price tag in the neighborhood of $800,000 this bill is not ready to be sent forward. Vote 10-6.
Rep. David J. Bettencourt for the Minority of Judiciary: The minority of the committee believes that justice demands that witnesses appear when summoned. Currently, a witness is paid $12 for a half day plus $.17 a mile for travel reimbursement. The majority of the committee cited cost as its primary objection. However, traditionally it is the charge of policy committees and of the finance committee to judge finances. The minority is concerned about this potentially new precedent.
On a division vote, 187 members having voted in the affirmative and 108 in the negative, the majority committee report was adopted.

SPECIAL ORDER
HB 1339, establishing an optional mortgage loan payment program for payment of property taxes and municipal charges of qualifying elderly homeowners. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: This bill establishes a method for municipalities to get into the banking business by allowing a municipality to take out a first mortgage note in lieu of cash payment on a piece of property owned by a resident who is 65 years or older. The qualified owner has to have lived in the primary residence for 5 years. The net annual property taxes would have to be greater than 10 percent of the owner's adjusted gross income. The adjusted gross income on the federal tax return does not include what "non-taxable" income is received. There is no asset limit contemplated in this bill. Currently at the local level, there are at least two forms of assistance for our elderly residents – Elderly Exemptions and Elderly Deferrals. The local legislative body may vote to give property tax relief through a warrant article at the annual town meeting. The governing body in each municipality also has the ability to grant property tax relief by using their authority to determine "just cause." If an elderly resident chose to ask for the loan contemplated by this bill the elderly owner would give up the right to apply for any elderly exemption or deferral that the municipality offers. The committee is also aware of reverse mortgages available through the local banks. The sponsor had extensive experience in the mortgage business and had many answers and explanations of how this legislation would be implemented. In setting up a whole new system for property tax relief for our elderly residents the bill adds a new confusing process for them at the local level. The committee was also concerned about the legality of a municipality borrowing money and then lending to private individuals for payment of taxes. The Municipal and County Government committee is very aware of the property tax burden felt by all residents of New Hampshire but is very reluctant to allow the governing bodies to get into the banking business to solve this issue. Vote 14-0.
Rep. David Smith spoke against and yielded to questions.
Rep. Theberge spoke in favor.
On a division vote, 276 members having voted in the affirmative and 35 in the negative, the committee report was adopted.

HB 1445-FN-A-L, increasing the road toll and designating the increase for the highway and bridge betterment account. **INEXPEDIENT TO LEGISLATE.**
Rep. David B. Campbell for Public Works and Highways: The committee fully realizes the near catastrophic state of New Hampshire's bridges and roads, which are funded exclusively by dwindling federal funds and the state road toll (gas tax), which has not been raised since 1991. Commissioner O'Leary, during his interim appointment, was able to restore transparency to the financial situation at DOT and to the State Highway Fund, and the fiscal picture is very grim. The 10-Year Transportation Plan has been cut by almost two billion dollars and the funding of many projects is still uncertain, depending on the rate of construction inflation. The state can afford no new projects, anywhere. However, a majority of the committee believes that we should not consider asking the public to support raising the gas tax until the following issues are first resolved: (1) That the diversions from the Department of Transportation to other agencies are carefully examined and only those that are justified remain. (HB 1618 does this.) (2) HB 1493 continues a House/Senate study committee of the Highway Trust Fund to determine the exact funding needs and funding options, including our bonding capacity. (3) The committee wants to look at innovative funding mechanisms, such as public/private partnerships under HB 1626, which has been recommended for interim study, and (4) The committee would like to get input and ideas from the new DOT Commissioner, who has not yet been appointed. For these reasons the majority of the Committee on Public Works and Highways voted this bill Inexpedient to Legislate. Vote 9-4.
Committee report adopted.

HB 1601-FN-A, relative to funding for certain capital projects of the Pease development authority. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John R. Cloutier for Public Works and Highways: This bill, as amended, would authorize the state under the 2007 capital budget to repair the Rye Harbor Fish Pier, which was severely damaged in a storm last year. The Pease Development Authority (PDA) realized after the Capital Budget was adopted last year that it couldn't pay for repair bonds from the wharfage, dockage and other marine terminal fees under RSA 12-G:42. Under the amendment, $1,560,000 would first be appropriated to the PDA, but in return the PDA would pay back the $1,560,000 to the state from the fund in RSA 12-G:37. Finally, the state would reduce by the same amount of money the PDA's debt owed to the state for its start-up funding costs dating back to 1991. This just-described arrangement is because of federal requirements governing PDA's operations. Vote 15-0.

Amendment (0276h)

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

1 Capital Budget; Pease Development Authority. Amend 2007, 264:1, XII to read as follows:

XII. Pease Development Authority.	
A. Market Street Marine Terminal Pier	2,300,000
Less Other*	-2,300,000
Net state appropriation subparagraph A	0
B. Rye Harbor Commercial Fish Pier	1,560,000
Less Other[*] **	-1,560,000
Net state appropriation subparagraph B	0

*To provide funds for the appropriations made in [~~subparagraphs A and B~~] ***subparagraph A***, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~$3,860,000~~] ***$2,300,000*** and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from fees relating to wharfage, dockage, and other marine terminal operations under RSA 12-G:42. For the appropriation made in subparagraph A, the Pease development authority and the attorney general shall seek reimbursement or restitution for the cost of repairs of damage to the facility, and the appropriation may not be expended until approval is received by the capital budget overview committee. ***For the project authorized in subparagraph A, the Pease development authority shall determine the availability of any other division of ports and harbors funds to make payments of principal and interest. The authority shall recommend any funding changes to the capital budget overview committee for future legislation.***

***** (a) The sum of $1,560,000 for the fiscal year ending June 30, 2008 is hereby appropriated to the Pease development authority for the Rye harbor commercial fish pier capital project. The sum appropriated under this subparagraph shall be a charge against the sums received and held be the treasurer under subparagraph (b).***

(b) The Pease development authority shall pay to the state treasurer by June 30, 2008 from the fund in RSA 12-G:37 the sum of $1,560,000, and the state shall reduce by said sum the Pease development authority's debt owed to the state relative to start-up funding costs under RSA 12-G:34; and 1991, 355:110, as amended by 1992, 260:11; 1992, 260:12, as amended by 1993, 358:3; 1994, 415:1; and 1995, 307:10.

Total state appropriation paragraph XII	$0

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

AMENDED ANALYSIS

This bill revises the authority and funding for the Pease development authority capital projects in the 2007 capital budget.

Amendment adopted.

Committee report adopted.

Referred to the committee on Finance.

HB 1626-FN, relative to a new bridge over the Merrimack River. **REFER FOR INTERIM STUDY.**
Rep. Gene G. Chandler for Public Works and Highways: This bill would authorize the Department of Transportation to enter into a lease agreement with a private entity for design, construction and operation of a new bridge over the Merrimack River from Hudson to Nashua. While the sponsors and the committee opposed the proposed location, the committee is intrigued with taking a full look at public/private partnerships in general as they relate to highway and other projects. Thus, the unanimous vote for Interim Study. With the current status of the Highway Fund, the committee feels we need to explore any and all innovative ideas that may be in the best interests of New Hampshire citizens. Vote 15-0.
Committee report adopted.

SPECIAL ORDER
HB 1134-FN, including upkeep and improvements of the state park system within the land and community heritage investment program. **INEXPEDIENT TO LEGISLATE.**
Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill would have allowed for Land and Community Heritage Investment Program (LCHIP) money to be used for maintenance and day-to-day operations of the state park system. LCHIP has been a vital force in the acquisition and preservation of state treasures because of its strength in building private/public partnerships. This bill would foster an unfortunate dilution of LCHIP's resources if funds were to be diverted to paying for lifeguards, as the bill suggests. The committee agrees that the need for additional park system resources is compelling, but not in this way. Vote 13-2.
Rep. Nancy Elliott spoke against.
Rep. Spang spoke in favor.
Rep. Nancy Elliott requested a roll call; sufficiently seconded.

YEAS 259 NAYS 57

YEAS 259

BELKNAP

Flanders, Donald	Heald, Bruce	Millham, Alida	Morrison, Gail
Pilliod, James	Whalley, Michael		

CARROLL

Ahlgren, Christopher	Bridgham, Robert	Brown, Carolyn	Buco, Thomas
Butler, Edward	Cunningham, Howard	Heard, Virginia	Knox, J. David
Patten, Betsey			

CHESHIRE

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

COOS

Hatch, William	Merrick, Evalyn	Stohl, Eric	Theberge, Robert
Tholl, John Jr	Thomas, Yvonne		

GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Estes, Carole	Friedrich, Carol
Gionet, Edmond	Hammond, Lee	Harding, A Laurie	Laliberte, Suzanne
Lovett, Sid	Matheson, Robert	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon	Preston, Philip	Solomon, Peter	Williams, Burton

HILLSBOROUGH

Baroody, Benjamin	Barry, Richard	Beaulieu, Jane	Beck, Catriona
Bergin, Peter	Brunelle, Michael	Campbell, David	Clemons, Jane
Cote, David	Coughlin, Pamela	Dokmo, Cynthia	Drisko, Richard
Emerton, Larry	Essex, David	Fletcher, Richard	Forest, Armand
Foster, Linda	Gargasz, Carolyn	Garrity, Patrick	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Hackel, Paul	Haley, Robert
Hammond, Jill	Harvey, Suzanne	Hebert, Roger	Hinkle, Peyton
Infantine, William	Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette
Kaelin, Michael	Knowles, John	Knowles, Mary Ann	Kopka, Angeline
Kurk, Neal	Lasky, Bette	Leishman, Peter	Lessard, Rudy
Levesque, Melanie	Lisle, Carolyn	Long, Patrick	Mack, Ron
Manney, Pamela	Marshall, Seth	Martineau, Jesse	Messier, Irene
Movsesian, Lori	O'Brien, Michael Sr	O'Connell, Timothy	O'Neil, James
Peterson, Andy	Pilotte, Maurice	Price, Pamela	Rochette, Eric
Rosenwald, Cindy	Rowe, Robert	Scannell, David	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Smith, David	Spaulding, Jayne
Spratt, Stephen	Stepanek, Stephen	Sullivan, Daniel	Sullivan, Francis
Sysyn, Mary	Tahir, Saghir	Vaillancourt, Steve	Winters, Joel

MERRIMACK

Anderson, Eric	Baxley, Maureen	Beauchesne, Suzanne	Bouchard, Candace
Boutin, David	Brown, Carole	Clarke, Claire	Davis, Frank
DeJoie, John	DeStefano, Stephen	Ehlers, Eileen	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Hamm, Christine
Hess, David	Kelly, Sally	Kidder, David	Kjellman, Eleanor Glynn
Lockwood, Priscilla	MacKay, James	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Porter, Margaret	Potter, Frances	Reardon, Tara
Richardson, Gary	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary	Walz, Mary	Webb, Leigh
Wheeler, Deborah	Williams, Robert	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Belanger, Ronald	Borden, David	Brown, C. Pennington
Cali-Pitts, Jacqueline	Case, Frank	Casey, Kimberley	Charron, Gene
Day, Judith	DiFruscia, Anthony	Elliott, Robert	Fesh, Bob
Flockhart, Eileen	Garrity, James	Gleason, John	Gould, Kenneth
Griffin, Mary	Grote, Otto	Headd, James	Henson, John
Howard, Doreen	Ingram, Russell	Kappler, Lawrence	Katsakiores, George
Katsakiores, Phyllis	Kennedy, James	Kepner, Susan	Mann, Maureen
McEachern, Paul	McKinney, Betsy	McMahon, Charles	Moody, Marcia
Moore, Bennett	Nord, Susi	Pantelakos, Laura	Pearson, Mark

Petterson, Don	Powers, James	Robertson, Carl	Russell, Trinka
Sanders, Elisabeth	Snow, Richard	Splaine, James	Stiles, Nancy
Webber, James	Wells, Roger	Wickson, Rick	Winchell, George

STRAFFORD

Berube, Roger	Billian, Deborah	Brennan, William	Brown, Jennifer
Brown, Julie	Brown, Larry	Cyr, James	Domingo, Baldwin
Fargo, Thomas	Hofemann, Roland	Hubbard, Pamela	Hutz, Sarah
Kaen, Naida	Mickelonis, Shawn	Miller, Joseph	Perry, Robert
Rollo, Deanna	Rollo, Michael	Rous, Emma	Schmidt, Peter
Spang, Judith	Sprague, Dale	Srnec, Robert	Vachon, Dennis
Wall, Janet	Watson, Robert		

SULLIVAN

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

NAYS 57

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Thomas, John
Tilton, Franklin	Wendelboe, Fran		

CARROLL

Chandler, Gene	Denley, William	Martin, James	Stevens, Stanley

CHESHIRE

Emerson, Susan

COOS

Remick, William

GRAFTON

Bulis, Lyle	Ingbretson, Paul	Sorg, Gregory

HILLSBOROUGH

Batula, Peter	Bergeron, Jean-Guy	Daniels, Gary	Day, Russell
Elliott, Nancy	Francoeur, Bea	Graham, John	Haefner, Robert
Hansen, Ryan	Hogan, Edith	Mooney, Maureen	Moran, Edward
Ober, Lynne	Ober, Russell III	Renzullo, Andrew	Ulery, Jordan
Villeneuve, Maurice			

MERRIMACK

None

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Bettencourt, David
Bishop, Franklin	Camm, Kevin	Carson, Sharon	Dalrymple, David
Devine, James	Dumaine, Dudley	Emiro, Frank	Flanders, John Sr

Garcia, Marilinda	Itse, Daniel	Major, Norman	Nowe, Ronald
Packard, Sherman	Quandt, Marshall	Quandt, Matthew	Rausch, James
Reagan, John	Waterhouse, Kevin	Weare, Everett	Welch, David
Weyler, Kenneth			

STRAFFORD

None

SULLIVAN

None
and the committee report was adopted.

SPECIAL ORDER
HB 1229, requiring the office of energy and planning to maintain a map of the state's lands under conservation or development restrictions. **INEXPEDIENT TO LEGISLATE.**
Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill would have required the Office of Energy and Planning to maintain a map of all conservation lands in the state of New Hampshire. The Director of OEP testified that this is already a required part of their data and information services and an indispensable tool of their conservation planning program. As such, the map that is referenced in the bill is already compiled through the GRANIT Program of UNH making the current bill unnecessary. Vote 15-0.
Rep. Bishop spoke against and yielded to questions.
Rep. Spang spoke in favor.
Rep. Bishop requested a roll call; sufficiently seconded.

YEAS 248 NAYS 59

YEAS 248

BELKNAP

Allen, Janet	Boyce, Laurie	Flanders, Donald	Heald, Bruce
Millham, Alida	Morrison, Gail	Pilliod, James	Thomas, John
Tilton, Franklin	Wendelboe, Fran	Whalley, Michael	

CARROLL

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

CHESHIRE

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

COOS

Hatch, William	Merrick, Evalyn	Stohl, Eric	Theberge, Robert
Tholl, John Jr	Thomas, Yvonne		

GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Estes, Carole	Friedrich, Carol
Gionet, Edmond	Hammond, Lee	Harding, A Laurie	Laliberte, Suzanne
Lovett, Sid	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Preston, Philip	Solomon, Peter	Sorg, Gregory	Williams, Burton

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Brunelle, Michael
Campbell, David	Clemons, Jane	Cote, David	Coughlin, Pamela
Daniels, Gary	Drisko, Richard	Emerton, Larry	Essex, David
Forest, Armand	Foster, Linda	Garrity, Patrick	Ginsburg, Ruth
Goley, Jeffrey	Graham, John	Hackel, Paul	Haefner, Robert
Haley, Robert	Hammond, Jill	Harvey, Suzanne	Hebert, Roger
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Kaelin, Michael
Knowles, John	Knowles, Mary Ann	Kopka, Angeline	Kurk, Neal
Lasky, Bette	Leishman, Peter	Lessard, Rudy	Levesque, Melanie
Lisle, Carolyn	Long, Patrick	Mack, Ron	Marshall, Seth
Martineau, Jesse	Movsesian, Lori	O'Brien, Michael Sr	O'Connell, Timothy
O'Neil, James	Ober, Lynne	Pilotte, Maurice	Price, Pamela
Rochette, Eric	Rosenwald, Cindy	Scannell, David	Schulze, Joan
Shattuck, Gilman	Smith, David	Spaulding, Jayne	Spratt, Stephen
Sullivan, Daniel	Sullivan, Francis	Sysyn, Mary	Vaillancourt, Steve
Villeneuve, Maurice	Winters, Joel		

MERRIMACK

Anderson, Eric	Baxley, Maureen	Beauchesne, Suzanne	Bouchard, Candace
Boutin, David	Brown, Carole	Clarke, Claire	Davis, Frank
DeJoie, John	DeStefano, Stephen	Ehlers, Eileen	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Hamm, Christine
Hess, David	Kelly, Sally	Lockwood, Priscilla	MacKay, James
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Porter, Margaret
Potter, Frances	Reardon, Tara	Richardson, Gary	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary
Walz, Mary	Webb, Leigh	Wheeler, Deborah	Williams, Robert
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Bedrick, Jason	Borden, David
Brown, C. Pennington	Cali-Pitts, Jacqueline	Casey, Kimberley	Day, Judith
Dumaine, Dudley	Elliott, Robert	Emiro, Frank	Fesh, Bob
Flockhart, Eileen	Garcia, Marilinda	Gleason, John	Gould, Kenneth
Grote, Otto	Henson, John	Howard, Doreen	Ingram, Russell
Kappler, Lawrence	Katsakiores, George	Katsakiores, Phyllis	Kepner, Susan
Major, Norman	Mann, Maureen	McEachern, Paul	Moody, Marcia
Moore, Bennett	Nord, Susi	Packard, Sherman	Pantelakos, Laura
Pearson, Mark	Petterson, Don	Powers, James	Robertson, Carl
Sanders, Elisabeth	Snow, Richard	Splaine, James	Stiles, Nancy
Weare, Everett	Webber, James	Wells, Roger	Winchell, George

STRAFFORD

Berube, Roger	Billian, Deborah	Brennan, William	Brown, Jennifer
Brown, Julie	Brown, Larry	Cyr, James	Domingo, Baldwin
Fargo, Thomas	Hofemann, Roland	Hubbard, Pamela	Hutz, Sarah

Kaen, Naida	Mickelonis, Shawn	Miller, Joseph	Perry, Robert
Rollo, Deanna	Rollo, Michael	Rous, Emma	Schmidt, Peter
Spang, Judith	Srnec, Robert	Vachon, Dennis	Wall, Janet
Watson, Robert			

SULLIVAN

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

NAYS 59

BELKNAP

Clark, Charles

CARROLL

Brown, Carolyn

CHESHIRE

Emerson, Susan	Pelkey, Stephen

COOS

Remick, William

GRAFTON

Bulis, Lyle	Ingbretson, Paul

HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Day, Russell	Dokmo, Cynthia	Elliott, Nancy	Fletcher, Richard
Francoeur, Bea	Gargasz, Carolyn	Gorman, Mary	Hansen, Ryan
Hinkle, Peyton	Hogan, Edith	Infantine, William	Manney, Pamela
Mooney, Maureen	Moran, Edward	Ober, Russell III	Peterson, Andy
Renzullo, Andrew	Shaw, Barbara	Stepanek, Stephen	Tahir, Saghir

MERRIMACK

Kjellman, Eleanor
Glynn

ROCKINGHAM

Baldasaro, Alfred	Belanger, Ronald	Bettencourt, David	Bishop, Franklin
Camm, Kevin	Case, Frank	Charron, Gene	Dalrymple, David
Devine, James	DiFruscia, Anthony	Flanders, John Sr	Garrity, James
Griffin, Mary	Headd, James	Itse, Daniel	Kennedy, James
McKinney, Betsy	McMahon, Charles	Nowe, Ronald	Rausch, James
Reagan, John	Waterhouse, Kevin	Welch, David	Weyler, Kenneth
Wickson, Rick			

STRAFFORD

Sprague, Dale

SULLIVAN

Converse, Larry
and the committee report was adopted.

The House recessed at 12:10 p.m.

RECESS

(Speaker Norelli in the Chair)

The House reconvened at 1:10 p.m.

RESOLUTION

Rep. Wallner offered the following: RESOLVED, that late drafting and introduction having been approved by the Rules Committee, House Bills numbered 1645 and 1646 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.
Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 1645-FN-L, relative to administration of the New Hampshire retirement system and benefits for members. (D. Eaton, Ches 2; Millham, Belk 5; Harding, Graf 11; Kurk, Hills 7; Burling, Dist 5; Fuller Clark, Dist 24: Joint Committee on Executive Departments and Administration and Finance)
HB 1646, relative to the 10-year transportation improvement plan. (Bouchard, Merr 11; Hassan, Dist 23: Public Works and Highways)

REGULAR CALENDAR – PART I (CONT'D)

SPECIAL ORDER

HB 1535, relative to establishing a factual data base for wetland decision accountability. **INEXPEDIENT TO LEGISLATE.**
Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill would require the Department of Environmental Services (DES) to use a method that was developed as a planning and education tool for towns as a means of identifying and delineating wetlands. The introduction to the referenced method specifically states that it is not intended for this purpose. Currently, DES uses a science-based method that applies objective criteria to site hydrology, plant and soil types in delineating wetlands. By necessity, these need to be applied in a site and time specific manner; any wetland data base would be almost immediately out-of-date because of the changeable nature of water. In addition, such a change in methodology could jeopardize the single permit agreement with the US Army Corps of Engineers whereby the state permitting process fulfills federal permit requirements. Vote 14-1.
Rep. Laliberte spoke against.
Rep. Brueggemann spoke in favor.
Committee report adopted.

HB 1564-FN, relative to the regulation of commercial mobile services by the public utilities commission. **MAJORITY: INEXPEDIENT TO LEGISLATE: MINORITY: OUGHT TO PASS.**
Rep. Suzanne Harvey for the Majority of Science, Technology and Energy: The committee recognizes that some customers have issues with their cell phone carrier but we believe that

the PUC is not the appropriate body to adjudicate these disputes. It was agreed by the majority that the Telecommunications Oversight Committee should take up this when it meets. Vote 9-2.
Rep. Melanie A. Levesque for the Minority of Science, Technology and Energy: The purpose of this bill is to allow the PUC to have oversight of cell phone providers billing practices. It gives consumers a clear avenue for investigating complaints and resolution for disputes of cell phones billing in NH. The bill does not regulate rates. Currently land lines are regulated by the PUC. Cell phones are quickly replacing land lines in many households. Consumers have a dependency on cell phones for voice communication, email, and internet access. It is not uncommon for all family members to own a cell phone including children as young as 10 years old. Although wireless providers stress their first rate customer service and ability to keep customers, consumers deserve a direct channel to raise issues surrounding complaints and billing disputes.
Majority committee report adopted.

SUSPENSION OF HOUSE RULES

Rep. Itse moved that the Rules be so far suspended to allow the deadline for reporting from the first committee on ***HB 1431-FN,*** establishing a permanent state defense force, to be extended to February 21, 2008.
Reps. Itse and Roberts spoke in favor.
On a division vote, 245 members having voted in the affirmative and 54 in the negative, the motion was adopted by the necessary two-thirds.

REGULAR CALENDAR – PART I (CONT'D)

HB 1431-FN, establishing a permanent state defense force. **INEXPEDIENT TO LEGISLATE.**
Rep. Pamela D. Coughlin for State-Federal Relations and Veterans Affairs: The majority of the committee believes that all the issues and concerns regarding a permanent state defense force is already provided for by state statute (RSA 110-B) and coordinated, organized and responsive through the New Hampshire National Guard, the state guard and the unorganized militia with the Governor as the commander-in-chief. Vote 11-4.
Rep. Itse moved Recommit.
Adopted.

HB 1526, relative to the use of the name or image of a protected person. **MAJORITY: 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 is a simple bill to protect the family of a New Hampshire service member killed on the battlefield protecting the freedoms of all Americans from unnecessary and needless suffering by the actions of any person or group using an unauthorized photo containing a recognizable facial image of their fallen warrior in a disparaging manner for personal profit. The minority has stated that they believe that HR 1526 is unconditional based on First Amendment issue; the bill as been amended to address the First Amendment issues. The Supreme Court has stated First Amendment Rights are not absolute. The courts has stated that falsely yelling fire in a crowded movie theater, interfering or disrupting a funeral ceremony for political or financial purposes, the mandatory release of autopsy or crime scenes photos for political or financial gain or even the unauthorized use of recognizable facial images of people such as Elvis Presley even for non-financial purposes are not protected by the First Amendment. It was further stated that there was no clear definition of disparaging the committee felt such a definition which would be left to the attorney general's office would follow the Supreme Court definition of pornography something hard to explain but was easily recognized if you saw it.

This bill does not prevent anyone from using any image whatsoever by any family member or anyone else if authorized. It does not prevent use of any image if not done for profit. Furthermore it does not prevent media outlets or documentary film makers from performing their job. Vote 9-4.
Rep. David F. Scannell for the Minority of State-Federal Relations and Veterans Affairs: The minority believes this bill contains grave constitutional questions. First, the bill discriminates on the basis of viewpoints by criminalizing "disparaging or derogatory" use of soldier's images for profit, but it does not criminalize laudatory uses for commercial purposes. Second, the bill does not contain a "men's yea" or "intent" component, thereby making someone who did not knowingly violate the law guilty of an offense. Third, the reference to "next of kin" is vague because it does define a next of kin hierarchy. Fourth, the exception for "media outlets" protects large corporations but does not protect individuals who might run afoul of the law. Finally, the reference to "recognizable facial images" is too vague to provide any direction to law enforcement or the judiciary.

Majority Amendment (0241h)

Amend the title of the bill by replacing it with the following:
AN ACT relative to the use of images of New Hampshire residents who died in the line of duty.
Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Unauthorized Use of Images of New Hampshire Residents Who Died in the Line of Duty. Amend RSA 644 by inserting after section 9 the following new section:

644:9-a Unauthorized Use of Images.

I. No person may financially benefit from making disparaging or derogatory use of any recognizable facial image of a New Hampshire resident who died or was killed in the line of duty while serving in the armed forces of the United States unless such person has obtained the written authorization of the decedent's next of kin.

II. Any person who violates the provisions of this act shall be guilty of a violation and shall, notwithstanding RSA 651:2, IV(a), be fined not less than $1,000 or more than $2,500.

III. Whenever there is a violation under paragraph I an application may be made by the attorney general in the name of the people of the state to a court having jurisdiction to issue an injunction, and upon notice to the defendant of not less than 5 days, to enjoin and restrain the continuance of the violation. If the court is satisfied that the defendant has, in fact, violated this section, an injunction may be issued by the court, enjoining and restraining any further violations, without requiring proof that any person has in fact been injured or damaged.

IV. Media outlets, including but not limited to magazines and newspapers, shall be exempt from the provisions of this section.

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

AMENDED ANALYSIS

This bill prohibits unauthorized use of images of New Hampshire residents who died in the line of duty.
Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Scannell spoke against.
Rep. Roberts spoke in favor and yielded to questions.
Majority committee report adopted.
Referred to the committee on Criminal Justice and Public Safety.

HB 1496-FN, establishing motor vehicle learners' permits and relative to youth operators'

licenses. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Michael B. O'Brien for Transportation: The sponsors of this bill establishes a graduated licensing system for beginning drivers at the age of 15.5 – 16 years by requiring a learner's permit, rather than a youth license for those in this age group. The permit will be valid for 12 months or until the holder obtains a youth license. The bill requires the parent/legal guardian to sign a document verifying that they have supervised at least 40 hours, including at least 10 hours of night driving of the permit holder. The holder will be unable to drive between 12am – 6am, unless accompanied by a licensed 25 year old adult and cannot carry passengers unless a parent/guardian is in the car. Additionally, to qualify for a driver's license while under 18 years, certification of the 40 hours, including 10 hours of night driving is required. The bill also provides that driver education providers for disabled students may apply for waivers if necessary. Vote 11-4.

Amendment (0360h)

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

1 Drivers' Licenses; Examinations; Road Test. Amend RSA 263:6 to read as follows:

263:6 Examination. Before a license is granted to any person, the applicant, if not previously licensed to drive a motor vehicle in this state, shall pass such examination as to the person's qualifications as the director may prescribe. ***Such examination shall include a road test of the applicant's driving skills.*** Such examination may ***also*** include an examination for visual acuity as prescribed by the director. All license examinations shall be conducted by department of safety personnel. No license shall be issued until the director is satisfied that the applicant is a proper person to receive it. No physical defect of an applicant shall prohibit the applicant from receiving a license unless it can be shown by common experience that such defect results in an incapacity to safely drive a motor vehicle, except as provided in RSA 263:13.

2 New Section; Learner's Permit. Amend RSA 263 by inserting after section 25 the following new section:

263:25-a Learner's Permit. Upon application and payment of the fee provided in RSA 263:42 and attaining a passing score on a written examination administered by the department, the department shall issue a learner's permit to a person who is 15-1/2 years of age or older. The commissioner shall develop the written examination and determine a passing score based on the minimum necessary knowledge of the rules of the road required for safe operation of a motor vehicle. The permit shall be valid for one year from the date of issuance or until the holder of the permit obtains a youth license, whichever is sooner.

3 New Paragraph; Driver's License Fees; Learner's Permit. Amend RSA 263:42 by inserting after paragraph I-a the following new paragraph:

I-b. For each learner's permit issued under RSA 263:25-a, $20.

4 Exception for Persons Learning to Drive. Amend RSA 263:25, I to read as follows:

I. Except as provided in paragraph II, a person who does not possess a driver's license ***but possesses a learner's permit issued under RSA 263:25-a*** may drive a motor vehicle while being taught to drive, when accompanied by a person holding a driver's license of the appropriate class and type for the vehicle being driven, who is occupying the seat beside, or, in the case of a bus, immediately adjacent to, the person who is being taught to drive. This exception shall not apply to persons whose driving privileges or driver's licenses have been suspended or revoked for cause, persons less than 15-1/2 years of age, and persons learning to drive commercial motor vehicles unless they meet the requirements of paragraph II. For all unlicensed drivers the person accompanying them shall be a certified driving instructor, parent, legal guardian, or responsible adult who is 25 years of age or older and who is a licensed driver. The person accompanying the unlicensed driver shall be liable for the violation of any provision of this title or rules adopted hereunder committed by such unlicensed driver. A person who is learning to drive pursuant to the provisions of this

section shall have in his ***or her*** possession proof of the fact he ***or she*** meets the age requirement ***and a learner's permit issued under RSA 263:25-a***.

5 New Paragraph; Learner's Permit Waiver. Amend RSA 263:25 by inserting after paragraph II the following new paragraph:

III. In-state providers of education for persons with disabilities may apply to the director for a waiver of the learner's permit requirement for the purpose of providing driver education to resident and nonresident students, provided that all of the other requirements of paragraph I are met. The waiver may be reviewed, suspended, or revoked at the discretion of the director or the director's designee.

6 Youth Operators' Licenses; Eligibility and Restrictions. Amend RSA 263:14, II(a)-(c) to read as follows:

II.(a) The director shall issue a youth operator's license to applicants who are 16 years of age or older and under 21 years of age. The youth operator license shall expire on the 21st anniversary of the applicant's date of birth. In addition to any other requirements established by law, no such license shall be issued to applicants under 18 years of age unless the applicant ***possesses a learner's permit issued under RSA 263:25-a,*** meets the requirements of RSA 263:17***,*** [~~or furnishes written consent from the applicant's parent or legal guardian~~] ***provides a document signed by the applicant's parent or legal guardian verifying that the parent or legal guardian has supervised at least 40 hours of driving by the applicant, including at least 10 hours during the period from ½ hour after sunset to ½ hour before sunrise,*** and ***furnishes*** a certificate of successful completion of a driver education course as provided in RSA 263:19.

(b) The holder of a youth operator's license shall not operate a motor vehicle between the hours of [~~1:00 a.m.~~] ***12:00 a.m.*** and [~~5:00~~] ***6:00*** a.m. [~~, nor shall such holder operate a motor vehicle when the number of occupants exceeds the number of safety restraints in the vehicle~~] ***unless accompanied by a licensed responsible adult who is at least 25 years of age; additional passengers during such hours are prohibited unless one of the passengers is a parent or legal guardian of the operator***.

(c) During the first [~~6 months~~] ***year*** after issuance of the license, the holder of a youth operator's license shall not operate a motor vehicle with more than one passenger [~~less than 25 years of age~~] who is not a member of the holder's family [~~unless accompanied by a~~]***; such additional passengers shall at all times include one*** licensed responsible adult who is at least 25 years of age ***and there shall be a passenger restraint for every person in the vehicle***.

7 Driver Education; Supervised Driving Time. Amend RSA 263:19, II to read as follows:

II. To qualify for a driver's license under this section, a person under the age of 18 shall also certify the completion of [~~20~~] ***40*** hours of additional supervised driving time under the supervision of a licensed parent or guardian, or, if there is no licensed parent or guardian, under the supervision of a licensed adult over the age of 25***, and that at least 10 of the hours of additional supervised driving time were during the period from 1/2 hour after sunset to 1/2 hour before sunrise***. The commissioner shall adopt rules relative to the method of certification.

8 Effective Date. This act shall take effect January 1, 2009.

AMENDED ANALYSIS

This bill:

I. Requires learners' permits for persons learning to drive and modifies certain restrictions on youth operators.

II. Requires that the examination given to first-time driver's license applicants include a road test.

III. Increases the hours of supervised driving time required to complete driver education and adds a requirement that 10 of those hours be at night.

Amendment adopted.

Committee report adopted.

Referred to the committee on Ways and Means.

HB 1528-FN, relative to suspension of a driver's license for gasoline theft. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert W. Williams for the Majority of Transportation: This bill as amended is an attempt to reduce the number of incidents of gasoline theft. It increases the penalty for gasoline theft. Adding the possibility of license suspension will make many rethink their motor theft plans. The amendment makes implementation fair, clean and possible. It is a sound, reasonable response to curb a growing problem. Vote 8-7.

Rep. Brenda L. Ferland for the Minority of Transportation: The minority of the committee objects to a license suspension for someone who has put gas in a vehicle or container and then drives away without paying. The fine will be for theft of services. It is unfair to severely punish someone who may have forgotten to pay. Today's current law to pay a fine for theft of services and make restitution is adequate.

Majority Amendment (0178h)

Amend the bill by replacing section 1 with the following:

1 New Section; License Suspension or Revocation; Suspension for Gasoline Theft.

Amend RSA 263 by inserting after section 56-f the following new section:

263:56-g Suspension for Gasoline Theft.

I. This section shall apply to any person convicted of theft under RSA 637 under circumstances where the theft involved a person driving his or her motor vehicle off the premises of an establishment where gasoline or diesel fuel is offered for retail sale, after dispensing gasoline or diesel fuel into his or her own motor vehicle or a portable fuel container, and failing to remit payment by cash or credit for the fuel that was dispensed.

II. In addition to the penalty for theft provided under RSA 637, a court shall order the suspension of a driver's license for a person convicted of theft under circumstances described in paragraph I, for a period not to exceed 6 months. For a second such offense, the court shall order the suspension of a driver's license for a period of 6 months. For a third or subsequent offense, the court shall order the suspension of a driver's license for a period of 1 year.

III. The license of any person whose license was suspended pursuant to this section shall be reinstated upon payment to the director of a fee of $100, which shall be in lieu of any other reinstatement fee, and which shall be deposited into the highway fund pursuant to RSA 260:23 and RSA 6:12, I(b)(5).

Majority committee amendment adopted.

On a division vote, 143 members having voted in the affirmative and 139 in the negative, the majority committee report was adopted.

Referred to the committee on Ways and Means.

HB 1604-FN, relative to the electronic toll collection system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael B. O'Brien for Transportation: The bill allows individuals with possible EZ-Pass problems to not have to face immediate resolution of clerical problems. The committee heard that the EZ-Pass company made a human error and did not post a payment. This bill allows law enforcement time to not force individuals to prove their innocence and will permit the course of action to occur upon re-registration, because a hold will be placed on the individual's tag renewal. Citizens should not be responsible for errors when there are other means to insure they can be dealt with. Vote 14-0.

Amendment (0339h)

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.
Amendment adopted.
Committee report adopted.
Referred to the committee on Ways and Means.

HB 1593-FN-A-L, establishing a flat rate education income tax and relative to the statewide enhanced education tax and certain other taxes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Frank W. Davis for the Majority of Ways and Means: This bill establishes a flat rate income tax and creates or alters several taxes. It is perhaps the most complicated income tax legislation ever submitted to the legislature. While the committee applauds the sponsors' intent to address property tax relief, the committee would need considerable time to work out the effects of the interactions of the three property tax relief mechanisms on citizens, businesses and our revenues. The bill sends money to the education trust fund and takes money away from the general fund, and this would have to be dealt with. The fiscal note would also have to be corrected. This recommendation comes from those who support and those who oppose an income tax. Some members feel that there is not time to provide HB 1593 with the attention it needs, while others oppose any income tax. Vote 12-5.
Rep. Dennis P. Vachon for the Minority of Ways and Means: We believe that given the state's long term structural deficit and school funding needs that the time is ripe for a frank and open discussion of alternatives to our antiquated tax system with its excessive reliance on inequitable and unfair local property taxes. Although we admit that HB 1593 is not perfect in its present form and has some issues that require additional work, these involve matters that have been thoroughly vetted by the legislature as a result of its passage of the Below-Hager Income Tax Plan in 1999 and the work on HB 912 (currently in Interim Study) which contained similar reforms of the statewide property tax system by the committee this past summer. It would establish a combination statewide "enhanced education" property tax at $5.50 per $1,000 of equalized assessed valuation, with a $200,000 homestead exemption; and a 4 percent education income tax with liberal income exemption and a credit for the statewide property tax the household pays. These taxes replace the current interest and dividends tax and business enterprise tax, which would both be repealed totally. The bill also reduces the business profits tax to 7.5 percent. Further, the bill contains a circuit breaker (abatement) program for taxpayers whose total property tax bill (municipal, school, county and statewide property taxes) exceed 8 percent of household income. As a result, HB 1593 is, in fact, a perfect vehicle for focusing a discussion on introducing a new tax and reforming an existing one to accomplish the worthy objective of basing the financing of education on ability to pay.
Reps. Bennett Moore and Vachon spoke against.
Rep. Davis spoke in favor.

LAID ON THE TABLE

Rep. Cooney moved that ***HB 1593-FN-A-L,*** establishing a flat rate education income tax and relative to the statewide enhanced education tax and certain other taxes, be laid on the table. On a division vote, 170 members having voted in the affirmative and 134 in the negative, the motion was adopted.

REGULAR CALENDAR – PART I (CONT'D)

HB 1596-FN-L, relative to fees charged by the motor vehicle division. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Dennis P. Vachon for the Majority of Ways and Means: This bill was introduced at the request of the Department of Safety. All but two of the provisions codify existing

Department of Safety practices and are being enacted into law to comply with the recommendations of the recent Legislative Budget Assistant revenue audit of the Division of Motor Vehicles. The other provisions include Section 1 which, as modified by the committee's amendment, allows the town and city clerks a 50 cent increase in their fees to cover either the cost of supplies or their own fees. Section 5 of the bill contains new policy which is not within the purview of this committee and which we assume will be reviewed by another committee. Vote 15-2.
Rep. Priscilla P. Lockwood for the Minority of Ways and Means: The intent of the original bill was for .50 of a $3.00 increase in a fee to go to the municipality and $2.50 to go to the clerk if the clerk was paid by fees. If not, the whole $3.00 would go to the municipality. This amendment would omit the .50 to the municipality and the whole $3.00 would go to the clerk. There does not seem to be a compelling reason for this change and it is a loss of income to the municipality.

Majority Amendment (0298h)
Amend RSA 261:74-d as inserted by section 1 of the bill by replacing it with the following:
261:74-d Additional Fees Charged by Agents. Each registration agent may charge an applicant not more than [~~$2.50~~] ***$3*** in addition to the fees otherwise required to issue, renew***,*** or transfer a motor vehicle registration. This fee shall be retained either by the municipality if the registration agent receiving the fee is on salary to the municipality, or by the agent [~~himself~~] if [~~he~~] ***the agent*** is not on salary to the municipality but is paid on a fee basis.
Rep. Lockwood spoke against.
Rep. Vachon spoke in favor.
On a division vote, 137 members having voted in the affirmative and 153 in the negative, the majority committee amendment failed.

The question now being adoption of the motion of Ought to Pass.
On a division vote, 237 members having voted in the affirmative and 60 in the negative, the motion was adopted.
Referred to the committee on Criminal Justice and Public Safety.

HB 1618-FN-A, relative to motor vehicle fees and motor vehicle violation fines and relative to appropriations from the highway fund. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**
Rep. William A. Hatch for the Majority of Ways and Means: The state constitution was amended in 1938 by Article 6-a, specifying a large number of highway-related revenues, plus a non-specific "special charges or taxes," that would go to a new dedicated highway fund for the purpose of "construction, reconstruction and maintenance" of the highways. At some point it was decided by the legislature that the state police would be totally funded from the highway fund, a practice that dates back at least to 1969. In 1977 (117 N.H. 300, 371 A.2d 1189), the legislature requested an opinion from the state supreme court as to whether it was constitutional to use part of the revenue from motor vehicle fines for the maintenance of the state police detective bureau. The supreme court answer included the opinion that because fines were not specified in article 6-a, "they do not fall within the restrictions of that article." In 1983, the state created the unified court system and took over lower courts from the towns and counties; it was financed by the fines and fees being generated in those courts and by the motor vehicle fines collected by the state police, net of the costs of the motor vehicle division. All these went, and go, for this purpose to the general fund. In 1990, the legislature also took part of the motor vehicle title fees to the general fund. HB 1618 was introduced to make a clear constitutional split between the highway and general funds. The first five sections (four in the amendment) are the purview of another committee. The rest deal with the split of revenues. The entire committee agreed that all title fees constitutionally belong in the highway fund. This means a movement from general to highway fund of $3.5 million per

year. In order to preserve the existing budget, the entire committee agreed that all revenue changes would occur beginning in the FY10-11 budget. Because the preponderance of the evidence is that the motor vehicle fines are not constitutionally dedicated to the highway fund, the majority of the committee agreed that they should continue to go to the general fund. To do otherwise would cost the general fund $20.2 million per year. The general and highway funds are both in structural deficit, and the majority doubts that moving this money would solve that of the highway fund, while it would aggravate that of the general fund. The majority amendment leaves the first four sections on expenditures alone, returns the title fee money to the highway fund, maintains the fine money in the general fund, and changes the effective date to start July 1, 2009. Vote 15-3.

Rep. Howie Lund for the Minority of Ways and Means: The main thrust of the bill is to restore a long standing practice of remitting all motor vehicle fines to the Highway Fund less the cost of collection. Prior to 1983 motor vehicle fines (less cost of collection) were deposited in the Highway Fund. In 1983 the fines were re-directed to the General Fund in part to cover the cost of a new court system. There was a court challenge to this and the courts interpreted Part II, Art. 6-a specifically the words "any other special charges" not to mean motor vehicle fines. Prior precedence or long standing practice prior to 1983 clearly shows the General Court interpreted Part II, Art. 6-a to mean fines (less cost of collection) should go to the Highway Fund. Motor vehicle fines once again should be directed to the Highway Fund.

Majority Amendment (0340h)

Amend the bill by deleting section 1 and renumbering the original sections 2-10 to read as 1-9, respectively.

Amend the bill by replacing all after section 5 with the following:

6 Fines Paid to Director of the Division of Motor Vehicles. Amend RSA 262:44, I to read as follows:

I. Such defendant shall receive, in addition to [~~his~~] ***the*** summons, a uniform fine schedule entitled "Notice of Fine, Division of Motor Vehicles" which shall contain the normal fines for violations of the provisions of title XXI on vehicles for which a plea may be entered by mail. The defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment at the time the summons is issued; except if, for cause, the summoning authority wishes the defendant to appear personally. Defendants summoned to appear personally shall do so on the arraignment date specified in the summons, unless otherwise ordered by the court. Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the fine plus penalty assessment to the director of ***the division of*** motor vehicles within 30 days of the date of the summons. The director of ***the division of*** motor vehicles shall remit the penalty assessments collected to the police standards and training council for deposit in the police standards and training council training fund and to the state treasurer to be credited and continually appropriated to the victims' assistance fund in the percentages and manner prescribed in RSA 188-F:31. Fines shall be paid over to the [~~commissioner of administrative services, or to such department or agency of the state as the law provides,~~] ***general fund*** within 14 days of their receipt.

7 Effective Date.

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

II. Section 3 of this act shall take effect July 1, 2013.

III. The remainder of this act shall take effect July 1, 2009.

AMENDED ANALYSIS

This bill:

I. Establishes the allocation of gross highway fund appropriations in the operating budget for the biennia beginning July 1, 2009, July 1, 2011, and July 1, 2013.

II. Requires that the department of safety deposit title fees in the highway fund and motor vehicle fines in the general fund.
Rep. Weyler spoke against.
Rep. Hatch spoke in favor.
On a division vote, 164 members having voted in the affirmative and 141 in the negative, the majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
On a division vote, 237 members having voted in the affirmative and 70 in the negative, the majority committee report was adopted.
Referred to the committee on Finance.

REGULAR CALENDAR - PART II

HB 1169, relative to parental approval of a student's participation in human sexuality instruction in public schools. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Kimberley S. Casey for the Majority of Education: This bill and other past bills similar to it have come before the committee in previous sessions. Testimony from numerous organizations and the Department of Education indicated that districts routinely provide for parents to allow their children to opt out of certain classes. This is a local decision, and school boards are encouraged to have policy. Principals often handle requests for alternate work, and many schools have parental review committees. In addition, the language "instruction in human sexuality" may be too broad in its scope and take in more than science or health classes. Vote 10-4.
Rep. Paul Ingbretson for the Minority of Education: The information stream between school and parent in the very sensitive area of sex education should be transparent and upfront. Giving parents who want it the "opt in" to programs the school announces takes the mystery out and gives concerned parents the say they so frequently say they want to maintain their personal moral belief structure.
Rep. Villeneuve requested a roll call; sufficiently seconded.

YEAS 221 NAYS 82

YEAS 221

BELKNAP

Morrison, Gail

CARROLL

Bridgham, Robert	Brown, Carolyn	Buco, Thomas	Butler, Edward
Chandler, Gene	Cunningham, Howard	Denley, William	Heard, Virginia
Martin, James			

CHESHIRE

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

COOS

Hatch, William	Merrick, Evalyn	Merrick, Scott	Stohl, Eric
Theberge, Robert	Thomas, Yvonne		

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Estes, Carole	Friedrich, Carol	Gionet, Edmond
Hammond, Lee	Harding, A Laurie	Laliberte, Suzanne	Lovett, Sid
Matheson, Robert	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Solomon, Peter	Williams, Burton		

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Bergin, Peter
Brunelle, Michael	Campbell, David	Clemons, Jane	Cote, David
Dokmo, Cynthia	Emerton, Larry	Essex, David	Fletcher, Richard
Forest, Armand	Foster, Linda	Gargasz, Carolyn	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Graham, John	Hackel, Paul
Hall, Betty	Hammond, Jill	Harvey, Suzanne	Hebert, Roger
Irwin, Anne-Marie	Jean, Claudette	Kaelin, Michael	Knowles, John
Knowles, Mary Ann	Kopka, Angeline	Lasky, Bette	Leishman, Peter
Levesque, Melanie	Lisle, Carolyn	Long, Patrick	Mack, Ron
Marshall, Seth	Martineau, Jesse	Matarazzo, Anthony Sr	Movsesian, Lori
O'Connell, Timothy	O'Neil, James	Ober, Russell III	Peterson, Andy
Pilotte, Maurice	Price, Pamela	Rochette, Eric	Rosenwald, Cindy
Scannell, David	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Simon, Anthony	Spaulding, Jayne	Spratt, Stephen	Sullivan, Daniel
Sullivan, Francis	Sysyn, Mary	Vaillancourt, Steve	Winters, Joel

MERRIMACK

Anderson, Eric	Baxley, Maureen	Beauchesne, Suzanne	Bouchard, Candace
Brown, Carole	Clarke, Claire	Davis, Frank	DeJoie, John
DeStefano, Stephen	Ehlers, Eileen	Foose, Robert	French, Barbara
Greco, Vincent	Hamm, Christine	Kelly, Sally	Kjellman, Eleanor Glynn
Lockwood, Priscilla	MacKay, James	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Porter, Margaret	Potter, Frances	Reardon, Tara
Richardson, Gary	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary	Walz, Mary	Webb, Leigh
Wheeler, Deborah	Williams, Robert	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Borden, David	Brown, C. Pennington	Cali-Pitts, Jacqueline
Casey, Kimberley	Day, Judith	DiFruscia, Anthony	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Gould, Kenneth	Grote, Otto
Henson, John	Howard, Doreen	Ingram, Russell	Kennedy, James
Kepner, Susan	Major, Norman	Mann, Maureen	McEachern, Paul
McKenna, Daniel	McKinney, Betsy	Moody, Marcia	Moore, Bennett
Nord, Susi	Nowe, Ronald	Pantelakos, Laura	Petterson, Don
Powers, James	Robertson, Carl	Russell, Trinka	Snow, Richard
Splaine, James	Stiles, Nancy	Webber, James	Wells, Roger
Winchell, George			

STRAFFORD

Berube, Roger	Billian, Deborah	Brennan, William	Brown, Julie
Brown, Larry	Browne, Brendon	Cyr, James	Domingo, Baldwin
Fargo, Thomas	Hofemann, Roland	Hubbard, Pamela	Hutz, Sarah
Kaen, Naida	Mickelonis, Shawn	Miller, Joseph	Perry, Robert
Rollo, Deanna	Rollo, Michael	Rous, Emma	Schmidt, Peter
Spang, Judith	Sprague, Dale	Srnec, Robert	Vachon, Dennis
Wall, Janet	Watson, Robert		

SULLIVAN

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

NAYS 82

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Pilliod, James	Tilton, Franklin	Wendelboe, Fran	Whalley, Michael

CARROLL

Ahlgren, Christopher	Patten, Betsey	Stevens, Stanley

CHESHIRE

Emerson, Susan	Johnson, Jane	Pelkey, Stephen

COOS

Remick, William	Tholl, John Jr

GRAFTON

Bulis, Lyle	Sorg, Gregory

HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Coughlin, Pamela
Daniels, Gary	Day, Russell	Drisko, Richard	Elliott, Nancy
Francoeur, Bea	Haefner, Robert	Hinkle, Peyton	Hogan, Edith
Infantine, William	Jasper, Shawn	Kurk, Neal	Lawrence, James
Manney, Pamela	Messier, Irene	Mooney, Maureen	Ober, Lynne
Renzullo, Andrew	Rowe, Robert	Smith, David	Stepanek, Stephen
Tahir, Saghir	Ulery, Jordan	Villeneuve, Maurice	

MERRIMACK

Hess, David

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Camm, Kevin	Carson, Sharon
Case, Frank	Charron, Gene	Dalrymple, David	Devine, James
Dumaine, Dudley	Elliott, Robert	Emiro, Frank	Garcia, Marilinda
Gleason, John	Griffin, Mary	Headd, James	Hutchinson, Karen

Itse, Daniel	Kappler, Lawrence	Katsakiores, George	Katsakiores, Phyllis
Packard, Sherman	Pearson, Mark	Quandt, Marshall	Quandt, Matthew
Rausch, James	Reagan, John	Sanders, Elisabeth	Weare, Everett
Welch, David	Weyler, Kenneth	Wickson, Rick	

STRAFFORD

None

SULLIVAN

Rodeschin, Beverly
and the majority committee report was adopted.
Rep. Philip Preston did not vote and notified the Clerk that he wished to be recorded in favor.

HB 1261, establishing a commission to investigate a program in which senior year of high school may be spent at a community college. **OUGHT TO PASS.**
Rep. Sharon M. Carson for Education: This bill establishes a commission to study allowing a student to spend his or her senior year of high school at a community college. The committee believes in continuing New Hampshire's dedication to education innovation and thinks this is a subject worthy of study. Vote 15-0.
Rep. Rous moved Recommit and spoke in favor.
Adopted.

HB 503-FN, relative to establishing a solid waste management fund and assessing a surcharge for the disposal of solid waste. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Burton W. Williams for Environment and Agriculture: Solid waste management is not a problem which will ever diminish, and the Department of Environmental Services is in constant need of general funds to facilitate the reduction of solid waste and to encourage recycling and reuse. This bill establishes a revenue source which will relieve the general fund and the taxpayer of considerable expense that the disposal of solid waste requires. A one cent per beverage container surcharge, levied at the wholesale level, will not only create funds for DES solid waste management programs, but allow all municipalities in the state to apply for grants to improve and expand their recycling programs, thus diverting tons of plastic, metal, glass and paper from incinerators and landfills, creating a flow of raw materials and opportunities for new industries and jobs in New Hampshire. Consumers should be responsible for the proper disposal and recycling of the containers they use, not the taxpayer. For the cost of one penny per beverage container, New Hampshire can serve as a model of recycling and reuse, and begin to reverse the trend of living in a throwaway society. The amendment provides that milk and unmixed products thereof, infant formula and unmixed products thereof, are not included as "beverages" under this chapter. The term "beverage" as used in this chapter shall not apply to wine and liquor as defined in RSA 175:1. Vote 15-2.

Amendment (0211h)
Amend the bill by replacing the title with the following:
AN ACT relative to establishing a solid waste management fund and assessing a beverage container fee.
Amend the bill by replacing all after the enacting clause with the following:
1 Repeal. RSA 149-M:6, XI, relative to a surcharge on out-of-state waste, is repealed.
2 Rulemaking; Solid Waste Management. RSA 149-M:7, VII is repealed and reenacted to read as follows:
VII. Administration of and standards for the assessment, payment, collection, and auditing conducted and penalties assessed pursuant to the beverage fee under RSA 149-M:60

and for disbursements made from the solid waste management fund pursuant to RSA 149-M:61.

3 New Subdivision; Funding for Solid Waste Management and Recycling. Amend RSA 149-M by inserting after section 58 the following new subdivision:

Funding for Solid Waste Management and Recycling

149-M:59 Beverage Defined. In this subdivision, "beverage" means all still and carbonated drinks; fruit juices and all beverages compounded therefrom; all bottled waters; and all packaged liquids intended for drinking. Milk and unmixed products thereof, infant formula and unmixed products thereof, are not included as "beverages" under this chapter. The term "beverage" as used in this chapter shall not apply to wine and liquor as defined in RSA 175:1.

149-M:60 Beverage Container Fee; Payment.

I. A beverage container fee of $0.01 per container shall be paid by a beverage manufacturer, wholesaler or wholesale distributor upon the first sale of a beverage in this state which is not produced for export.

II. All fees payable during the preceding calendar month shall be paid to the department on or before the fifteenth day of the following month. A penalty of 10 percent of the fees payable shall be added and collected by the commissioner for failure to pay any part of fees payable under this section when due.

149-M:61 Solid Waste Management Fund. There is hereby established in the office of the treasurer a solid waste management fund which shall be kept distinct and separate from all other funds. All moneys received from the beverage container fee established under RSA 149-M:60 shall be credited to such fund. Such fund shall be nonlapsing and continually appropriated to the department for the planning, recycling, and regulation of solid waste and for the investigation of solid waste complaints and cleanup of abandoned solid waste sites.

149-M:62 Use of Solid Waste Management Fund.

I. Up to 35 percent of beverage fee revenues deposited into the solid waste management fund established under RSA 149-M:61 shall be available to the department for solid waste management, including administration, technical assistance, operator training, education and outreach, permitting, regulatory compliance, complaint investigation, and cleanup of abandoned solid waste sites.

II. At least 65 percent of surcharge revenues deposited into the solid waste management fund established under RSA 149-M:61 shall be available as grants for household hazardous waste collection and management, educational events, roadside cleanup, recycling, solid waste reduction, and electronic waste management, in the following proportions:

(a) At least 70 percent to municipalities for recycling related activities including electronics;

(b) Up to 2 percent to nonprofit organizations, registered and in good standing with the attorney general, for educational purposes, roadside cleanup and beautification;

(c) Up to 8 percent for seed grants or no interest loans for start-up of businesses that manufacture products in New Hampshire using New Hampshire generated recyclable materials.

(d) Up to 20 percent for household hazardous waste grants.

III. The department shall adopt rules under RSA 541-A for the administration of the grant program in paragraph II, including application forms, process, and procedures for awarding and disbursing grants.

IV. Grants made under paragraph II shall be made annually by the department upon authorization by the recycling steering committee established under RSA 149-O.

4 Recycling Steering Committee. RSA 149-O is repealed and reenacted to read as follows:

CHAPTER 149-O
RECYCLING STEERING COMMITTEE

149-O:1 Committee Established. There is established a recycling steering committee to promote recycling in New Hampshire.

149-O:2 Duties. The recycling steering committee shall have the following duties:

I. Advocating for recycling and waste reduction in New Hampshire.

II. Authorizing recycling, waste reduction, and waste management grants to be made to municipalities, businesses, and nonprofit organizations by the department using funds from the solid waste management fund established under RSA 149-M:61.

III. Establishing priorities for and amounts of grants distributed under RSA 149-O:2, II.

149-O:3 Membership.

I. The recycling steering committee shall consist of the following members, representing the major segments of the state's recycling community:

(a) One member of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

(c) One representative of New Hampshire's environmental community, appointed by the governor.

(d) A person responsible for recycling coordination in the department of environmental services, or another appropriate representative of the department, appointed by the commissioner of the department of environmental services.

(e) A representative from the New Hampshire Municipal Association, appointed by the association.

(f) The executive director of the Northeast Resource Recovery Association.

(g) A representative of the Business and Industry Association of New Hampshire, appointed by the association.

II. The members shall elect a chairperson and vice-chairperson.

III. Members shall be appointed for a period of 4 years.

149-O:4 Meetings. The recycling steering committee shall meet quarterly and at such other times as the chairperson may call.

149-O:5 Report. The recycling steering committee shall prepare an annual report, including any recommended legislation, detailing the committee's work, including the number, dollar amount, and recipients of grants recommended under RSA 149-O:2, II, the adequacy of funding for the program, and the effectiveness of the program. The committee shall submit the report by February 1 each year to the chairpersons of the house and senate standing committees having jurisdiction over environmental matters, the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the state library, the governor, and the commissioner of the department of environmental services.

149-O:6 Mileage. Members shall serve without compensation except that legislative members shall receive legislative mileage while conducting recycling steering committee business.

5 Reference Change. Amend RSA 149-M:29, II(h) to read as follows:

(h) The status of efforts by the [~~market development~~] ***recycling*** steering committee established in RSA 149-O:1.

6 New Subparagraph; Solid Waste Management Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (268) the following new subparagraph:

(269) Moneys deposited in the solid waste management fund established by RSA 149-M:61.

7 Effective Date. This act shall take effect July 1, 2009.

AMENDED ANALYSIS

This bill establishes a solid waste management fund, establishes a beverage container fee, and changes the name, duties, and membership of the market development steering committee.

Rep. Hinkle spoke against.
Rep. Burton Williams spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Brunelle moved that ***HB 503-FN,*** relative to establishing a solid waste management fund and assessing a surcharge for the disposal of solid waste, be laid on the table.
On a division vote, 77 members having voted in the affirmative and 232 in the negative, the motion failed.

The question now being adoption of the committee amendment (0211h).
Rep. Vaillancourt spoke against.
Rep. Phinizy spoke in favor and yielded to questions.
Rep. Wendelboe requested a roll call; sufficiently seconded.

YEAS 148 NAYS 158

YEAS 148

BELKNAP

Morrison, Gail			

CARROLL

Bridgham, Robert	Cunningham, Howard	Heard, Virginia	

CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Espiefs, Peter
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sad, Tara
Weber, Lucy	Weed, Charles		

COOS

Hatch, William	Merrick, Evalyn	Merrick, Scott	Theberge, Robert
Thomas, Yvonne			

GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Drisko, Richard
Essex, David	Forest, Armand	Gargasz, Carolyn	Ginsburg, Ruth
Hackel, Paul	Hall, Betty	Hammond, Jill	Harvey, Suzanne
Hebert, Roger	Irwin, Anne-Marie	Kaelin, Michael	Knowles, John
Knowles, Mary Ann	Levesque, Melanie	Lisle, Carolyn	Mack, Ron
Marshall, Seth	Matarazzo, Anthony Sr	Messier, Irene	O'Brien, Michael Sr
O'Connell, Timothy	Pilotte, Maurice	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Simon, Anthony	Spratt, Stephen	

MERRIMACK

Beauchesne, Suzanne	Bouchard, Candace	Brown, Carole	Brueggemann, Donald
Davis, Frank	Foose, Robert	French, Barbara	Gile, Mary
Greco, Vincent	Hamm, Christine	Kelly, Sally	Kjellman, Eleanor Glynn
Lockwood, Priscilla	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Porter, Margaret	Potter, Frances	Richardson, Gary	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary	Walz, Mary
Webb, Leigh	Wheeler, Deborah	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Borden, David	Brown, C. Pennington	Cali-Pitts, Jacqueline	Casey, Kimberley
Day, Judith	Flockhart, Eileen	Gould, Kenneth	Grote, Otto
Henson, John	Kennedy, James	Kepner, Susan	Mann, Maureen
McEachern, Paul	McKenna, Daniel	Moody, Marcia	Nord, Susi
Petterson, Don	Powers, James	Russell, Trinka	Snow, Richard
Splaine, James	Webber, James		

STRAFFORD

Brown, Larry	Cyr, James	Domingo, Baldwin	Fargo, Thomas
Hofemann, Roland	Hubbard, Pamela	Hutz, Sarah	Kaen, Naida
Miller, Joseph	Perry, Robert	Rollo, Deanna	Rollo, Michael
Rous, Emma	Schmidt, Peter	Vachon, Dennis	Wall, Janet

SULLIVAN

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

NAYS 158

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Millham, Alida	Pilliod, James	Tilton, Franklin	Wendelboe, Fran
Whalley, Michael			

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Butler, Edward
Chandler, Gene	Denley, William	Martin, James	Patten, Betsey

CHESHIRE

Eaton, Daniel	Emerson, Susan	Hunt, John	Johnson, Jane
Lerandeau, Alfred	Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr

COOS

Remick, William	Stohl, Eric	Tholl, John Jr

GRAFTON

Bleyler, Ruth	Bulis, Lyle	Gionet, Edmond	Ingbretson, Paul
Sorg, Gregory			

HILLSBOROUGH

Barry, Richard	Beck, Catriona	Bergeron, Jean-Guy	Brunelle, Michael
Campbell, David	Clemons, Jane	Cote, David	Coughlin, Pamela
Daniels, Gary	Day, Russell	Dokmo, Cynthia	Elliott, Nancy
Emerton, Larry	Fletcher, Richard	Foster, Linda	Francoeur, Bea
Gorman, Mary	Graham, John	Haefner, Robert	Hinkle, Peyton
Hogan, Edith	Infantine, William	Jasper, Shawn	Jean, Claudette
Kopka, Angeline	Kurk, Neal	Lasky, Bette	Lawrence, James
Leishman, Peter	Long, Patrick	Manney, Pamela	Martineau, Jesse
Mooney, Maureen	Movsesian, Lori	O'Neil, James	Ober, Lynne
Ober, Russell III	Peterson, Andy	Price, Pamela	Renzullo, Andrew
Rochette, Eric	Rosenwald, Cindy	Rowe, Robert	Scannell, David
Smith, David	Spaulding, Jayne	Stepanek, Stephen	Sullivan, Daniel
Sullivan, Francis	Sysyn, Mary	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Winters, Joel	

MERRIMACK

Anderson, Eric	Baxley, Maureen	Boutin, David	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Ehlers, Eileen	Hess, David
MacKay, James	Reardon, Tara	Ryan, Jim	

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Baldasaro, Alfred	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Camm, Kevin	Carson, Sharon
Case, Frank	Charron, Gene	Dalrymple, David	Devine, James
DiFruscia, Anthony	Elliott, Robert	Emiro, Frank	Fesh, Bob
Flanders, John Sr	Garcia, Marilinda	Garrity, James	Gleason, John
Griffin, Mary	Headd, James	Howard, Doreen	Hutchinson, Karen
Ingram, Russell	Itse, Daniel	Kappler, Lawrence	Katsakiores, George
Katsakiores, Phyllis	Major, Norman	McKinney, Betsy	Moore, Bennett
Nowe, Ronald	Packard, Sherman	Pantelakos, Laura	Pearson, Mark
Quandt, Marshall	Quandt, Matthew	Rausch, James	Reagan, John
Robertson, Carl	Sanders, Elisabeth	Stiles, Nancy	Weare, Everett
Welch, David	Wells, Roger	Weyler, Kenneth	Wickson, Rick
Winchell, George			

STRAFFORD

Berube, Roger	Billian, Deborah	Brennan, William	Brown, Julie
Browne, Brendon	Mickelonis, Shawn	Sprague, Dale	Watson, Robert

SULLIVAN

Gagnon, Raymond	Rodeschin, Beverly

and the committee amendment (0211h) failed.

The question now being adoption of the motion of Ought to Pass.

MOTION TO LAY ON THE TABLE

Rep. Vaillancourt moved that ***HB 503-FN,*** relative to establishing a solid waste management fund and assessing a surcharge for the disposal of solid waste, be laid on the table.

On a division vote, 114 members having voted in the affirmative and 194 in the negative, the motion failed.

The question now being adoption of the motion of Ought to Pass.
Rep. Packard spoke against.
Rep. Webb spoke in favor.
Motion failed.

Rep. Webb moved Inexpedient to Legislate.
Motion adopted.

REGULAR CALENDAR – PART II (CONT'D)

HB 1401-FN, adopting the uniform environmental covenants act. **REFER FOR INTERIM STUDY.**
Rep. Leigh A. Webb for Environment and Agriculture: The majority of the committee agreed that this issue is too complex and too time consuming to research properly in the short time allowed this term, and followed the prime sponsor's suggestion to refer the matter to interim study. Perhaps between now and next term the committee can determine if uniformity and conformity with other states' approaches to environmental covenants are appropriate for New Hampshire. Vote 13-2.
Committee report adopted.

HCR 17, encouraging the use of reusable shopping bags. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Leigh A. Webb for Environment and Agriculture: The excesses and convenience of a disposable society need to give way to moderation and common sense, and an excellent example of this approach is epitomized in this resolution, sanctioned by the unanimous consent of the committee, to encourage the proliferation of reusable bags to supplant the wasteful and environmentally unfriendly use of paper and especially plastic bags, which tend to litter our state, pollute the air when burned, and add more non-biodegradable material to our landfills. The committee hopes that the house will join in a bipartisan response to this simple but effective statement. Vote 17-0.

Amendment (0255h)
Amend the bill by inserting after the 9th Whereas clause the following:
Whereas, research indicates that the use of reusable bags would have no negative impact on the New Hampshire timber and paper industry and would have little or no effect on New Hampshire plastic bag manufacturers, while creating markets for "New Hampshire Made" reusable bags; and
Amendment adopted.
Committee report adopted.
Ordered to third reading.

HB 1527, relative to charitable organizations and games of chance. **INEXPEDIENT TO LEGISLATE.**
Rep. Francis B. Sullivan for Executive Departments and Administration: This bill would change the 35% of the net that the charities are now receiving to no less than 51% of the gross. The committee felt from testimony that 35% was working well and that the formula should be retained for at least another year. The bill also called for the repeal of the $250.00 buy-in games. The committee felt that seeing as the buy-ins are optional, it should remain the same. The committee received no complaints about the buy-ins but did hear testimony that elimination would hurt the charities. Vote 15-2.
Committee report adopted.

HB 1529, relative to permitting chambers of commerce to conduct games of chance. **INEXPEDIENT TO LEGISLATE.**
Rep. Pamela V. Manney for Executive Departments and Administration: This bill would include chambers of commerce in the definition of charitable organizations authorized to conduct games of chance. Games of chance are specifically allowed for charitable 501-C-3 organizations that raise funds for charitable purposes. Chambers of commerce, 501-C-6 organizations, although providing a wonderful service to their communities, are not organized for charitable purposes but to promote the advancement of its dues-paying members. Because the option to start a 501-C-3 is available to all chambers of commerce, the committee deemed this bill unnecessary. Vote 15-1.
Committee report adopted.

HB 1546-FN, allowing the local chief of police to object to games of chance licenses for charitable organizations. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Francis B. Sullivan for the Majority of Executive Departments and Administration: This bill calls for the chiefs of police to have the opportunity to object to games of chance in their respective cities and towns. Presently, each chief is notified no less than twice (by the charity and the Pari-mutuel Commission) of upcoming events and the chiefs have the option to object. As the objections process is already in effect, the committee feels that the bill becomes redundant. Also, in testimony from the Pari-mutuel Commission, in the past 18 months, no objections from police chiefs were filed. Vote 16-1.
Rep. Peter B. Schmidt for the Minority of Executive Departments and Administration: This bill would have given the local police chief a right to be heard regarding the granting of a license for games of chance to benefit charitable organizations, but not a veto thereof. The police chiefs have indicated their desire to have a statutorily established voice in the process. The minority supports their involvement.
Majority committee report adopted.

HB 1606-FN-A, relative to the rate of highway tolls. **INEXPEDIENT TO LEGISLATE.**
Rep. John A. Graham for Public Works and Highways: This bill proposes two major actions. First, it would take the authority to approve toll increases on the turnpike system from the Governor and Council and return it to the General Court. Second, it would roll back the toll rate to what existed prior to the recent action of the Governor and Council. The committee heard an almost identical bill (HB 1365), which would have accomplished the same two objectives. The committee action on HB 1365 was to recommend that it be referred for interim study, and the full House agreed. Having taken this action on HB 1365, the committee voted to recommend that HB 1606 be found ITL. Vote 14-0.
Committee report adopted.

HB 1544-FN, relative to the development of effective energy efficiency measures. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Michael A. Kaelin for the Majority of Science, Technology and Energy: This bill as amended would have required the PUC to complete work on time-of-day metering and electricity rate decoupling by a certain date. Since these are already active dockets at the PUC, the majority of the committee felt that this legislation was unnecessary. Vote 9-2.
Rep. Gene F. Andersen for the Minority of Science, Technology and Energy: The bill with forthcoming floor amendment updates the energy policy of New Hampshire to account for climate change and resource depletion. The floor amendment will direct the PUC to reduce energy consumption to a targeted level to provide more sustainable growth in energy demand; reduce the risk of price increases and price volatility; lower energy bills and reduce risk of blackouts and energy shortages. It will minimize the need for controversial expensive

and environmentally damaging energy supply projects. It will also provide a business stimulus for the state economy that produces more jobs per dollar invested in energy supply, cut greenhouse gasses and air pollutants. The bill further directs the PUC to move forward with a decoupling docket in a forthright manner removing volume as the primary framework for compensation by the utility.
Rep. Gene Andersen spoke against.
Rep. Kaelin spoke in favor.
Majority committee report adopted.

INTRODUCTION OF SPECIAL GUESTS

Participants of the World Affairs Council: Ms. Vladia Borislavova Borissova of Bulgaria, Mr. Ernesto Rengifo Garcia of Columbia, Ms. Mirjana Vukovic of Croatia, Mr. Nicolas Chrysostomou of Cyprus, Marcela Eugenia Mancia Dada of El Salvador, Dr. Eirini Stamatoudi of Greece, Mr. Hugo Leonel Garcia Dardon of Guatemala, Mr. Emmanuel Derivois of Haiti, Ms. Priscilla Kit-Lai To of Hong Kong, Ms. Eva Simon of Hungary, Mr. Amit Satyavan Jamsandekar of India, Alexander Deriglazov of Kazakhstan, Mr. Creck Buyonge Mirito of Kenya, Mr. Vytas Simanavicius of Lithuania, Ms. Elizabeta Nikolovska of Macedonia, Mr. Rune Ljostad of Norway, Mr. Omar Faisal Al Jahdhami of Oman, Mr. Rizwan Basharat of Pakistan, Ms. Ruizi Chen of Peoples Republic of China, Mr. Dariusz Urbanski of Poland, Mr. Marius Bogdan Bulancea of Romania, Dr. Moussa Mitry of Syria, Ms. Rehema John Kitambi of Tanzania, Mr. George Edson Busby of Trinidad and Tobago and Mr. Enoch Walugembe of Uganda, guests of the House.

REGULAR CALENDAR - PART II (CONT'D)

HB 1284, establishing a commission to consider the feasibility of adopting Atlantic Daylight Savings Time. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. David F. Scannell for the Majority of State-Federal Relations and Veterans Affairs: The committee determined that concerns about confusion surrounding school schedules, bus schedules, and plane schedules that a time zone change is likely to create far outweigh any benefits a study committee is likely to find when investigating the issue. Vote 9-7.
Rep. Alfred P. Baldasaro for the Minority of State-Federal Relations and Veterans Affairs: This bill creates a commission to study better management of the 15 hours of available daylight during the summer months by moving the clocks forward to coincide with a later daylight time. The commission will investigate the possible benefit of Atlantic Daylight time on the economy, energy usage and overall quality of life issues for the citizens of New Hampshire. The committee heard that there was major potential for increased tourism, increased jobs, increased meals and room taxes, several energy usages, and overall improvement in physical and mental health. The commission will provide very valuable information for the General Court to make a well informed decision.
Rep. McEachern spoke against and yielded to questions.
Rep. Howard spoke against.
Rep. Scannell spoke in favor.
On a division vote, 178 members having voted in the affirmative and 113 in the negative, the majority committee report was adopted.

MOTION TO SPECIAL ORDER

Rep. Foster moved that the remaining bills on the Regular Calendar –Part II be made Special Orders for the next session day in their Regular Calendar order.
Adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 1592-FN-A, requiring road toll revenues to be spent on highways and bridges. **INEXPEDIENT TO LEGISLATE.**
Rep. Gene G. Chandler for Public Works and Highways: The members of the committee are very interested in maximizing the income to the Highway Trust Fund, but felt that HB 1618 is a more comprehensive measure for the committee to deal with the issue. HB 1618 is being considered by Ways and Means and the Public Works and Highways Committee is the second committee of referral on HB 1618. Vote 14-0.
Rep. Bouchard spoke in favor.
Committee report adopted.

HB 1158-FN-A, increasing the exemption for persons 65 years of age and older and establishing a credit for persons 70 years of age and older under the interest and dividends tax. **INEXPEDIENT TO LEGISLATE.**
Rep. Michael G. Marsh for Ways and Means: This bill seeks to increase the amount of the senior exemption to the interest and dividend tax that is given to residents over 65 years old. The current senior exemption is $1200 per person in addition to the standard $2400 income exemption; this bill raises this senior exemption to $2400 for people over 65. The bill also eliminates the tax on interest and dividends entirely for seniors over 70 years old. According to the department of revenue administration, this will reduce tax revenue by more than 30%, or $38,500,000 per year, with the primary benefit going to those over 70. The committee understands in principle the concept of providing tax relief to low- income seniors and sympathizes with this goal. However, as written the bill does not distinguish between low-income and high-income seniors, and it is not clear that this could be possible under our constitution, because it prohibits setting variable tax rates or giving different income exemptions to individuals based on income level. According to IRS data, two thirds of interest and dividend income goes to taxpayers making more than $100,000 per year, so most of the tax relief will go to well-off seniors rather than those with low income. The committee does not think it is equitable to provide tax relief for well-to-do seniors at the expense of other citizens who are less well off. Vote 16-0.
Rep. Rowe spoke against.
Rep. Almy spoke in favor.
Committee report adopted.

RESOLUTION

Rep. Wallner offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 13, 2008 at 10:00 a.m.
Adopted.

LATE SESSION

Third reading and final passage

HB 1132, creating an exception to the wiretapping statute for a recording device used in conjunction with a TASER or other similar electroshock device.
HB 1166, relative to rate setting for interpreters for the deaf and hard of hearing.
HB 1171, establishing a commission to study air quality issues in public school buildings.
HB 1446, relative to changes to the school building aid statutes and to the schoolhouses statutes.
HB 1215, relative to the New Hampshire-Vermont interstate waste compact.
HB 1277, relative to the definition of farm.

HB 1172-FN, changing the name of the pari-mutuel commission to the racing and charitable gaming commission.
HB 1302-FN, relative to enforcement of gambling laws.
HB 1219, relative to exempting fish and game department volunteers from financial disclosure requirements.
HB 1266, allowing 50 caliber pistols to take game animals in the state.
HB 1411, relative to rulemaking under the native plant protection act.
HB 1451, relative to the transportation of deer by certain persons not issued a deer tag.
HB 1231, repealing the advisory panel on cancer and chronic diseases and the tobacco use advisory committee.
HB 1168, relative to acceptance of property donated to towns and village districts.
HCR 11-L, urging municipalities to establish an annual free tire collection day.
HB 1206, relative to park and ride facilities.
HB 1412, establishing a commission to study appointing or contracting with a fleet manager for state-owned motor vehicles.
HB 1186, reducing the membership of 2 legislative oversight committees.
HB 1584-FN-A, creating a commission to study the recycling and disposal of electronic waste.
HCR 15, commemorating the commissioning of the USS New Hampshire.
HCR 17, encouraging the use of reusable shopping bags.

UNANIMOUS CONSENT

Rep. Kurk addressed the House.

RECESS MOTION

Rep. Wallner moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages.
Adopted.

The House recessed at 4:20 p.m.

RECESS

(Rep. Rodeschin in the Chair)
ENROLLED BILL AMENDMENTS

HB 351, clarifying that the definition of "overseas business organization" includes all foreign incorporated business organizations and all 80/20 business organizations.

Amendment (0348-EBA)

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

1 Definitions; Water's Edge Combined Group. Amend the introductory paragraph of RSA 77-A:1, XV to read as follows:

Adopted.

HB 754-FN, repealing the law relative to the Maine-New Hampshire Interstate Bridge Authority.

Amendment (0332-EBA)

Amend section 4 of the bill by replacing lines 2-3 with the following:
after subparagraph (268) the following new subparagraph:

(269) Moneys deposited in the Portsmouth-Kittery Bridge fund under RSA 234:66.

Adopted.

RECESS

(Rep. Lucy Weber in the Chair)

RESOLUTION

Rep. Baxley offered the following: RESOLVED, that late drafting and introduction having been approved by the Rules Committee for House Bill numbered 1647 and by petition of the Fish and Game Committee for House Bill 1648, these bills shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.
Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 1647-FN-A, relative to demand response program revenue. (Harvey, Hills 21; Janeway, Dist 7: Ways and Means)

HB 1648-FN, relative to search and rescue response expenses of the fish and game department. (Kidder, Merr 1; Skinder, Sull 1: Fish and Game)

RECESS