HOUSE RECORD

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

Vol. 30 Concord, N.H. Tuesday, March 18, 2008 No. 26

HOUSE JOURNAL No. 8 (cont.)

Wednesday, March 12, 2008

RECESS

Rep. Wallner moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 9

Tuesday, March 18, 2008

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

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

O God, it is that time of year again: that time approaching crossover when the pressure to plow through bills mounts and the mounds of paperwork begin to look and feel more like mountains. Grant to those gathered here today to do the people's work, a sense of inward balance during this frenetic time. Give them energy for long hours, moments of unexpected insight, and, at the end of the day, a sense of satisfaction that they have not only served the people of New Hampshire, but have, in some ways, served You, too.

We pray today for those members of the House who are ill or grieving. We remember the children of this state whose future is so often shaped by our decisions – keep them, we pray, in our thoughts. And we remember in particular those who make their way on the margins of our society: the poor, the homeless, the lonely, the addicted, the abused and the lost. Bless them, and all, whose needs and whose struggles are far more daunting than those we face here today. In Your Holy name we pray. Amen.

Rep. Stephen Shurtleff, member from Penacook, led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Arsenault, Bergin, Berube, Mark Clark, Peter Cote, Forsing, Gagnon, Hackel, Humphries, Stephen Johnson, Sally Kelly, Benjamin Moore and Robert Williams, the day, illness.
Reps. Bishop, Bleyler, C. Pennington Brown, Lars Christiansen, Dumaine, Stephanie Eaton, Goodwin, Grassie, Hutchinson, Lisle, Lister, Marshall, McRae, Scott Merrick, Moran, Spaulding, Stiles and Stohl, the day, important business.
Reps. Guthrie and Tupper, the day, illness in the family.

INTRODUCTION OF GUESTS

Cindy Menard and Jane Hardiman, guests of Rep. Davis. John Sousa, guest of Rep. Price. Stefano Mocio, Mayor of Orvieto, Italy, guest of Rep. Wallner. Robert and Lorna Willette, guests of Rep. Daniels. Nurses and nursing students for Health Policy Day, guests of those members of the House who are nursing professionals. Students from the 4th Grade class at Broken Ground Elementary School, guests of the Concord delegation.

INTRODUCTION OF SPECIAL GUESTS

The New Hampshire Class I Boys Basketball Champions for the 2007-2008 season, the Huskies of Monadnock Regional High School, accompanied by their coaching staff and school principal: Cory Barnes, Tyler Berglin, Nicco DeMasco, Mike DeMasco, Gideon Fisher, Andrew Garcia, Josh Guion, Ryan Hart, Colin Germain, Ian Hart, William Nikiforakis and Jeffrey Pelkey. Coach, Kenneth Ervin, Assistant Coach David Sontag, Athletic Trainers Jennifer Fice and Ellen Cronin and Principal Joseph Smith, guests of the House.

COMMUNICATION

March 17, 2008
Ms. Karen Wadsworth
Clerk of the House of Representatives
State House
Concord, NH 03301

Dear Karen:
Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Hillsborough County District No. 7
Gary S. Hopper, r, Weare (107 Buxton School Rd.) 03281

Sincerely,
William M. Gardner
Secretary of State

MOTION TO VACATE

Rep. Rosenwald moved that the House vacate the reference of ***SB 466,*** relative to probate court jurisdiction over special needs trusts, to the Committee on Health, Human Services and Elderly Affairs.
Adopted.
The Speaker referred ***SB 466*** to the Committee on Judiciary.

MOTION TO VACATE

Rep. Abbott moved that the House vacate the reference of ***SB 486,*** relative to the duties and responsibilities of special deputy forest rangers, to the Committee on Fish and Game. Adopted.
The Speaker referred ***SB 486*** to the Committee on Resources, Recreation and Development.

MOTION TO VACATE

Rep. Theberge moved that the House vacate the reference of ***SB 371,*** making various changes to the city of Manchester Employees' contributory retirement system, to the Committee on Municipal and County Government.
Adopted.
The Speaker referred ***SB 371*** to the Committee on Executive Departments and Administration.

MOTION TO RECONSIDER

Having voted on the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby the House, on a division vote of 181-111, failed to adopt the committee report of Ought to Pass by the necessary three-fifths on ***CACR 26,*** relating to: the state senate. Providing that: state senators shall be 25 years of age or older.
Reps. Vaillancourt and Michael Rollo spoke in favor.
On a division vote, 175 members having voted in the affirmative and 106 in the negative, the motion was adopted.

CACR 26, relating to: the state senate. Providing that: state senators shall be 25 years of age or older.

The question now being adoption of the motion of Ought to Pass.
Rep. Michael Rollo spoke in favor.
On a division vote, 186 members having voted in the affirmative and 110 in the negative, the motion failed lacking the necessary three-fifths.

REGULAR CALENDAR - SPECIAL ORDERS

CACR 28, relating to: compensation of members of the legislature. Providing that: compensation of members of the legislature be increased to $100 per week. **INEXPEDIENT TO LEGISLATE.**
Rep. Nickolas J. Levasseur for Legislative Administration: Increasing the pay of NH legislators would result in funds being divested from other state programs into our pockets. Although this increase would not take effect until 2010, it is not likely that budgets will be any less stressed. The committee feels that this is not an expense we can take on. Moreover, the committee feels that this CACR does not address the real problems of having the legislative salary defined in the constitution. Even if ample funds were to exist for this increase, this amendment would only be a temporary fix and would be a problem for future legislatures. Vote 7-3.
Rep. DiFruscia spoke against and yielded to questions.
Rep. Michael Rollo spoke in favor.
Rep. Hess requested a roll call; sufficiently seconded.

YEAS 251 NAYS 67

YEAS 251

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald

Heald, Bruce	Millham, Alida	Nedeau, Stephen	Pilliod, James
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran			

CARROLL

Ahlgren, Christopher	Bridgham, Robert	Brown, Carolyn	Butler, Edward
Chandler, Gene	Cunningham, Howard	Knox, J. David	Merrow, Harry
Patten, Betsey	Stevens, Stanley		

CHESHIRE

Butcher, Suzanne	Butterworth, Timothy	Butynski, William	Dunn, J. Timothy
Eaton, Daniel	Emerson, Susan	Hunt, John	Lerandeau, Alfred
Mitchell, Bonnie	Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr
Richardson, Barbara	Sad, Tara	Weber, Lucy	

COOS

Hatch, William	King, Frederick	Tholl, John Jr	Thomas, Yvonne

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bulis, Lyle
Dingman, Vernon III	Estes, Carole	Hammond, Lee	Harding, A Laurie
Ingbretson, Paul	Laliberte, Suzanne	Matheson, Robert	McLeod, Martha
Nordgren, Sharon	Pierce, David	Sorg, Gregory	Williams, Burton

HILLSBOROUGH

Baroody, Benjamin	Barry, Richard	Batula, Peter	Beaulieu, Jane
Beck, Catriona	Bergeron, Jean-Guy	Brunelle, Michael	Campbell, David
Christensen, Chris	Clemons, Jane	Cote, David	Coughlin, Pamela
Daler, Jennifer	Daniels, Gary	Day, Russell	Dokmo, Cynthia
Drisko, Richard	Elliott, Nancy	Emerton, Larry	Essex, David
Fletcher, Richard	Foster, Linda	Gargasz, Carolyn	Goley, Jeffrey
Gorman, Mary	Graham, John	Haefner, Robert	Hammond, Jill
Hansen, Ryan	Harvey, Suzanne	Hawkins, Ken	Hebert, Roger
Hogan, Edith	Hopper, Gary	Irwin, Anne-Marie	Jasper, Shawn
Jean, Claudette	Jeudy, Jean	Kaelin, Michael	Kelley, John
Knowles, John	Knowles, Mary Ann	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	Lasky, Bette	Leishman, Peter	Levesque, Melanie
Long, Patrick	Manney, Pamela	Martineau, Jesse	Messier, Irene
Mooney, Maureen	Movsesian, Lori	O'Connell, Timothy	O'Neil, James
Ober, Lynne	Ober, Russell III	Peterson, Andy	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rochette, Eric	Rosenwald, Cindy
Rowe, Robert	Scannell, David	Schulze, Joan	Shattuck, Gilman
Smith, David	Soucy, Connie	Spratt, Stephen	Stepanek, Stephen
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice
Winters, Joel			

MERRIMACK

Anderson, Eric	Baxley, Maureen	Beauchesne, Suzanne	Bouchard, Candace
Boutin, David	Brown, Carole	Davis, Frank	DeStefano, Stephen
Ehlers, Eileen	Foose, Robert	Hager, Elizabeth	Hamm, Christine
Hess, David	Kidder, David	Lockwood, Priscilla	MacKay, James

McMahon, Patricia	Osborne, Jessie	Owen, Derek	Porter, Margaret
Potter, Frances	Reardon, Tara	Reed, Dennis	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Wallner, Mary	Walz, Mary
Webb, Leigh	Wheeler, Deborah	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Baldasaro, Alfred	Bedrick, Jason
Belanger, Ronald	Bettencourt, David	Camm, Kevin	Carson, Sharon
Case, Frank	Casey, Kimberley	Charron, Gene	Dalrymple, David
Day, Judith	Emiro, Frank	Fesh, Bob	Flanders, John Sr
Flockhart, Eileen	Garcia, Marilinda	Garrity, James	Gould, Kenneth
Griffin, Mary	Grote, Otto	Headd, James	Henson, John
Ingram, Russell	Kappler, Lawrence	Kennedy, James	Major, Norman
Mann, Maureen	Marsh, Michael	McKenna, Daniel	McKinney, Betsy
McMahon, Charles	Moore, Bennett	Nevins, Christopher	Packard, Sherman
Pantelakos, Laura	Petterson, Don	Powers, James	Priestley, Anne
Quandt, Marshall	Quandt, Matthew	Rausch, James	Reagan, John
Robertson, Carl	Sanders, Elisabeth	Serlin, Christopher	Snow, Richard
Waterhouse, Kevin	Weare, Everett	Webber, James	Welch, David
Wells, Roger	Weyler, Kenneth	Winchell, George	

STRAFFORD

Brown, Larry	Browne, Brendon	Burke, Rachel	Cyr, James
DeChane, Marlene	Fargo, Thomas	Hofemann, Roland	Hubbard, Pamela
Hutz, Sarah	Kaen, Naida	Knowles, William	Mickelonis, Shawn
Miller, Joseph	Perry, Robert	Rollo, Deanna	Rollo, Michael
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Vachon, Dennis
Wall, Janet			

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Gottling, Suzanne	Houde, Matthew	Jillette, Arthur Jr	Nielsen, Ellen
Rodeschin, Beverly			

NAYS 67

BELKNAP

Morrison, Gail	Reever, Judith

CARROLL

Buco, Thomas	Heard, Virginia

CHESHIRE

Allen, Peter	Burridge, Delmar	Chase, William	Espiefs, Peter
Johnson, Jane	Loll, Thomas	Roberts, Kris	Robertson, Timothy
Weed, Charles			

COOS

Ingersoll, Paul Sr	Merrick, Evalyn	Remick, William	Theberge, Robert

GRAFTON

Andersen, Gene	Cooney, Mary	Friedrich, Carol	Gionet, Edmond
Lovett, Sid	Mulholland, Catherine	Preston, Philip	Solomon, Peter

HILLSBOROUGH

Edwards, Andrew	Fontas, Jeffrey	Forest, Armand	Ginsburg, Ruth
Goyette, Peter	Haley, Robert	Hall, Betty	Mack, Ron
Matarazzo, Anthony Sr	O'Brien, Michael Sr	Pilotte, Maurice	Shaw, Kimberly
Sullivan, Daniel			

MERRIMACK

DeJoie, John	French, Barbara	Gile, Mary	Kjellman, Eleanor
Glynn			
Richardson, Gary			

ROCKINGHAM

Cali-Pitts, Jacqueline	Devine, James	DiFruscia, Anthony	Elliott, Robert
Gleason, John	Howard, Doreen	Katsakiores, George	Katsakiores, Phyllis
Kepner, Susan	McCarthy, Linda	Moody, Marcia	Nord, Susi
Nowe, Ronald	Russell, Trinka		

STRAFFORD

Billian, Deborah	Brennan, William	Brown, Jennifer	Brown, Julie
Domingo, Baldwin	Sprague, Dale	Watson, Robert	

SULLIVAN

Ferland, Brenda	Phinizy, James	Skinder, Carla

and the committee report was adopted.

HB 1460, requiring the public utilities commission provide cost recovery for construction of generation assets by Public Service Company of New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Michael A. Kaelin for the Majority of Science, Technology and Energy: The majority of the committee felt that this issue has been heard previously, and that no new arguments have been presented. While the committee understands the need for investment in the North Country, and strongly believes that it would be very desirable to have more clean renewable energy sources, the issue of whether to revisit the existing electricity restructuring laws needs to be addressed first. Vote 9-5.

Rep. Thomas R. Fargo for the Minority of Science, Technology and Energy: The minority recognizes the reluctance of the majority to upset the current delicately-balanced regulatory framework that prevents PSNH from using ratepayer-financed resources to build new generating capacity. However, the minority feels that the need to address the deepening economic hardship in New Hampshire's North Country justifies keeping HB 1460 available for reassessment through interim study. Because of time constraints, the committee did not explore options to set conditions for allowing PSNH to build one biomass-fueled generation facility within Coos, Grafton, or Carroll County. These options include: 1) allowing PSNH to incrementally add generation assets to offset their loss of self-generation capacity due to growth in demand; 2) providing PSNH incentives to retire dirty coal-based generation and replace this capacity with a proportionally larger amount of renewable generation; and 3) to require PSNH to assume some measure of risk in financing the construction of new renewable generation, perhaps following the model of its Northern Wood project in Portsmouth. The minority recognizes that power transmission system capacity problems

remain the primary impediment to the committee will be addressing these challenges in the second half of this session. Keeping HB 1460 available through interim study would provide a vehicle for a coordinated effort to simultaneously address solutions to the North Country's electricity transmission and generation issues early in the next session.
Rep. Bulis spoke against.
Rep. John Thomas spoke against and yielded to questions.
Rep. Harvey spoke in favor and yielded to questions.
On a division vote, 176 members having voted in the affirmative and 148 in the negative, the majority committee report was adopted.
Rep. Reardon declared a conflict of interest on ***HB 1460,*** and did not participate.

HB 1628, relative to renewable energy generation incentive programs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Michael A. Kaelin for the Majority of Science, Technology and Energy: The renewable portfolio standard legislation passed last session created a fund to be used to support new renewable electrical generation sources. HB 1628 directs the PUC to reserve 10% of the fund for the support of smaller, home-sized renewable energy systems of 5KW or less. This legislation puts the homeowners on a more equal footing with larger industrial projects, and allows the ratepayers in the middle to recover some of their costs as well. Vote 9-4.
Rep. Gene F. Andersen for the Minority of Science, Technology and Energy: This legislation provides a subsidy of $6000 for individuals to renewable portfolio standards (RPS) fund. Individuals receiving the subsidy however, are not required to be ratepayers. At best this legislation is premature. No study has been made of funds generated from RPS to determine the optimum return for the ratepayers' investment. At worst this legislation is elitist in that it provides funds to individuals for their personal power systems without providing benefit of reducing greenhouse gas emissions, securing the electric grid, or maximizing the efficiency of the system.

Majority Amendment (0651h)
Amend the bill by replacing all after the enacting clause with the following:
1 New Section; Renewable Energy Incentive Payments. Amend RSA 362-A by inserting after section 6-a the following new section:
362-A:6-b Renewable Energy Incentive Payments.
I. The public utilities commission shall make and administer a one-time payment of $3 per watt of nominal generation capacity up to a maximum payment of $6,000, or 50 percent of system costs, whichever is less, per facility to any owner of a small renewable generation facility, as defined in RSA 72:73, having a total peak generation capacity of less than 5 kilowatts, that is built on or after July 1, 2008 and is located on the owner's property.
II. Such payments shall be allocated from the renewable energy fund established in RSA 362-F:10, up to maximum aggregate payment 10 percent of the fund per year.
2 New Paragraph; Rulemaking. Amend RSA 362-F:13 by inserting after paragraph VII the following new paragraph:
VIII. Develop and implement an expedited application process to allow small energy users that install a customer sited source on their property after July 1, 2008, to be eligible to receive funding from the renewable energy fund established in RSA 362-F:10 to the extent such funding is available. The application process shall include verification of costs for parts and labor, certification that the equipment used meets the applicable safety standards of the American National Standards Institute (ANSI) or Underwriters Laboratory (UL) or similar safety rating agency, and that the facility meets local zoning regulations, and receives any required inspections.
3 New Paragraph; Commission Review and Report. Amend RSA 362-F:5 by inserting after paragraph VIII the following new paragraph:

IX. The distribution of the renewable energy fund established in RSA 362-F:10.

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

AMENDED ANALYSIS

I. Authorizes the public utilities commission to make a one-time payment from the renewable energy fund to certain owners of small renewable generation facilities.

II. Directs the public utilities commission to develop rules for creating an expedited process to allow certain energy users to be eligible to receive funding from the renewable energy fund.

Majority committee amendment adopted.

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

Rep. Gene Andersen spoke against.

Rep. Kaelin spoke in favor.

Rep. Kaelin requested a roll call; sufficiently seconded.

YEAS 194 NAYS 130

YEAS 194

BELKNAP

Heald, Bruce	Morrison, Gail	Reever, Judith	

CARROLL

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

CHESHIRE

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

COOS

Hatch, William	Ingersoll, Paul Sr	King, Frederick	Merrick, Evalyn
Remick, William	Theberge, Robert	Thomas, Yvonne	

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Dingman, Vernon III	Estes, Carole	Friedrich, Carol	Harding, A Laurie
Ingbretson, Paul	Laliberte, Suzanne	Lovett, Sid	Matheson, Robert
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Pierce, David
Preston, Philip			

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Brunelle, Michael
Campbell, David	Chase, Claudia	Clemons, Jane	Cote, David
Coughlin, Pamela	Daler, Jennifer	Dokmo, Cynthia	Essex, David
Farley, Michael	Forest, Armand	Foster, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haley, Robert	Hall, Betty
Hammond, Jill	Harvey, Suzanne	Hebert, Roger	Holden, Randolph

Infantine, William	Irwin, Anne-Marie	Jean, Claudette	Jeudy, Jean
Kaelin, Michael	Kelley, John	Knowles, John	Knowles, Mary Ann
Kopka, Angeline	Lasky, Bette	Leishman, Peter	Levesque, Melanie
Long, Patrick	Mack, Ron	Martineau, Jesse	Matarazzo, Anthony Sr
Movsesian, Lori	O'Brien, Michael Sr	O'Neil, James	Pilotte, Maurice
Rochette, Eric	Rosenwald, Cindy	Scannell, David	Schulze, Joan
Shattuck, Gilman	Soucy, Connie	Spratt, Stephen	Sullivan, Daniel

MERRIMACK

Baxley, Maureen	Beauchesne, Suzanne	Bouchard, Candace	Brown, Carole
Brueggemann, Donald	Davis, Frank	DeStefano, Stephen	Ehlers, Eileen
Foose, Robert	French, Barbara	Gile, Mary	Hager, Elizabeth
Hamm, Christine	McMahon, Patricia	Osborne, Jessie	Porter, Margaret
Potter, Frances	Reardon, Tara	Richardson, Gary	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Wallner, Mary	Walz, Mary
Webb, Leigh	Wheeler, Deborah		

ROCKINGHAM

Abbott, Dennis	Belanger, Ronald	Borden, David	Cali-Pitts, Jacqueline
Casey, Kimberley	Day, Judith	Devine, James	DiFruscia, Anthony
Flockhart, Eileen	Grote, Otto	Henson, John	Howard, Doreen
Kennedy, James	Kepner, Susan	Mann, Maureen	Marsh, Michael
McCarthy, Linda	McKenna, Daniel	Moody, Marcia	Nevins, Christopher
Nord, Susi	Nowe, Ronald	Pantelakos, Laura	Petterson, Don
Powers, James	Quandt, Marshall	Russell, Trinka	Serlin, Christopher
Snow, Richard	Webber, James		

STRAFFORD

Billian, Deborah	Brennan, William	Brown, Jennifer	Browne, Brendon
Burke, Rachel	Cyr, James	DeChane, Marlene	Goodwin, Earle
Hofemann, Roland	Hubbard, Pamela	Hutz, Sarah	Kaen, Naida
Knowles, William	Mickelonis, Shawn	Miller, Joseph	Perry, Robert
Rollo, Deanna	Rollo, Michael	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Vachon, Dennis	Wall, Janet	Watson, Robert

SULLIVAN

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

NAYS 130

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Millham, Alida	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Wendelboe, Fran

CARROLL

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

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane

COOS

Tholl, John Jr

GRAFTON

Andersen, Gene	Bulis, Lyle	Gionet, Edmond	Hammond, Lee
Solomon, Peter	Sorg, Gregory	Williams, Burton	

HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Daniels, Gary
Day, Russell	Drisko, Richard	Edwards, Andrew	Elliott, Nancy
Emerton, Larry	Fletcher, Richard	Fontas, Jeffrey	Gargasz, Carolyn
Goyette, Peter	Graham, John	Haefner, Robert	Hansen, Ryan
Hawkins, Ken	Hinkle, Peyton	Hogan, Edith	Hopper, Gary
Jasper, Shawn	Kurk, Neal	L'Heureux, Robert	Manney, Pamela
Messier, Irene	Mooney, Maureen	O'Connell, Timothy	Ober, Lynne
Ober, Russell III	Peterson, Andy	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Shaw, Barbara	Shaw, Kimberly
Smith, David	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Winters, Joel	

MERRIMACK

Anderson, Eric	Boutin, David	DeJoie, John	Hess, David
Kidder, David	Kjellman, Eleanor Glynn	Lockwood, Priscilla	MacKay, James
Owen, Derek	Reed, Dennis	Yeaton, Charles	

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Bettencourt, David
Camm, Kevin	Carson, Sharon	Case, Frank	Charron, Gene
Dalrymple, David	Elliott, Robert	Emiro, Frank	Fesh, Bob
Flanders, John Sr	Garcia, Marilinda	Garrity, James	Gleason, John
Gould, Kenneth	Griffin, Mary	Headd, James	Ingram, Russell
Kappler, Lawrence	Katsakiores, George	Katsakiores, Phyllis	Lund, Howie
Major, Norman	McKinney, Betsy	McMahon, Charles	Packard, Sherman
Pearson, Mark	Priestley, Anne	Quandt, Matthew	Rausch, James
Robertson, Carl	Sanders, Elisabeth	Waterhouse, Kevin	Weare, Everett
Welch, David	Wells, Roger	Weyler, Kenneth	Winchell, George

STRAFFORD

Brown, Julie	Brown, Larry	Fargo, Thomas	Sprague, Dale

SULLIVAN

Rodeschin, Beverly

and the majority committee report was adopted.
Ordered to third reading.
Rep. Solomon vote Nay and intended to vote Yea.
Rep. Peter Allen declared a conflict of interest on ***HB 1628,*** and did not participate.

HB 1222, prohibiting writing a text message while driving. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Michael B. O'Brien for the Majority of Transportation: It is the majority opinion that text messaging while driving is a distraction to operators of motor vehicles. In deliberations on this bill, information was received of a study done by Clemson University that showed 80% of the participants were distracted while writing or reading text messages. These distractions produced increased speed, lane changes, and the possibility of accidents. The majority opinion is to have motor vehicle operators, particularly our youth operators, focus on the important task of safe motor vehicle operations. Vote 9-4.
Rep. Jennifer M. Brown for the Minority of Transportation: While text messaging while driving should not be legal, it is covered with our existing negligent driving laws. Negligent driving was instituted to cover anything other than driving including using cell phones, changing a CD, eating, using your navigation system, applying makeup, etc. The minority of the committee feels that to list one of these things will necessitate listing all, lest they be considered legal.

Majority Amendment (0306h)
Amend the bill by replacing all after the enacting clause with the following:
1 New Section; Rules of the Road; Prohibited Text Messages and Device Usage While Operating a Motor Vehicle. Amend RSA 265 by inserting after section 105 the following new section:
265:105-a Prohibited Text Messages and Device Usage While Operating a Motor Vehicle.
I. A person operating a moving motor vehicle who reads or writes a text message or uses 2 hands to type on or operate an electronic or telecommunications device, is guilty of a violation.
II. The fine for a violation of this section shall be $100.
2 Effective Date. This act shall take effect upon its passage.
AMENDED ANALYSIS
This bill prohibits reading or writing a text message and using 2 hands to type on or operate an electronic or telecommunications device while driving.
Rep. Ryan spoke against.
Majority committee amendment failed.

The question now being adoption of the motion of Ought to Pass.
Rep. Jennifer Brown spoke against and yielded to questions.
Rep. Campbell spoke in favor and yielded to questions.
On a division vote, 176 members having voted in the affirmative and 149 in the negative, the motion was adopted.
Ordered to third reading.

HB 1360-FN-A, repealing the court civil filing fee surcharge. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Michael G. Marsh for the Majority of Ways and Means: This bill would repeal the surcharge on filing fees for civil courts that was passed in 2007. Although not specifically assigned by statute, these fees were assessed to pay the cost of expanded legal assistance offices in the state that serve low income individuals. The underlying purpose of HB 1360 is to reduce the cost of access to the courts for residents who cannot pay these surcharges, which are typically $25. The committee sympathizes with the intent of the bill, but believes this intent is already met because the surcharges do not apply to many actions that involve low-income individuals including small claims actions, actions related to children or domestic violence, and landlord-tenant actions. It was also pointed out that the court already makes provisions to waive fees for petitioners who demonstrate that they are unable to pay court

costs. This bill would set a bad precedent by reversing a law that was passed just last session, and it would reduce state revenues by approximately $400,000 at a time of heightened budgetary concerns, without proposing an alternative source of funds. Vote 10-6.
Rep. Steve Vaillancourt for the Minority of Ways and Means: Part 1, Article 14 of the New Hampshire Constitution states, "Every subject of this state is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property, or character; to obtain right and justice freely, without being obliged to purchase it; completely, and without any denial; promptly, and without delay; comformably to the laws." With apologies from the founding fathers for use of the word "he," the minority is convinced that the intent of this article quite clearly was to make the courts open and accessible to all citizens, regardless of race, color, creed, or income level, so as all citizens could address their grievances against others in an appropriate manner. Last year, as part of House Bill 2, the so-called trailer bill to the budget, also known to some of us as the Christmas tree bill, the House added a $25 surcharge for Superior Court filings. This brought the filing fee up to $175, and quite clearly it was done not to speed up the judicial process or to make it any fairer or more efficient, but simply to create revenue for a bloated budget. When we increase court fees for reasons not related to justice, we are in fact in violation of Part 1, Article 14 of the Constitution. The increase discourages people from using "their" courts and sends us down a slippery slope to the time when justice will be bought and sold and only the wealthy need apply. The majority argues that we shouldn't tamper with this matter since it was only passed last year. That might be true if this were done with full and open hearings, but House Bill 2 is a different matter. When Democrats were in the minority, they complained (and rightly so) that many items were slipped into House Bill 2 which could not otherwise stand public scrutiny. Now that Democrats are in control, the lights on the House Bill 2 Christmas tree glow even brighter. And that's just as wrong as it was when Republicans lit those lights. This bill represents a modest attempt to extinguish those lights, to send the signal that the House will no longer tolerate increasing fees under cover of darkness, and that justice cannot be bought. One member of the majority actually contended in executive session that this $25 surcharge could be justified because the courts are doing pilot programs in Belknap and one other county. The minority strenuously counters that gets us precisely to why the fee should not have gone forward. People filing to redress their grievances as Constitutionally provided should not be paying for pilot program that have nothing to do with their specific cases. Any such pilots should be paid for, if at all, with general fund revenues. This surcharge was projected to generate $788,375 in state monies. It is truly sad when we would sell our principles and balance the budget on the backs of poor people (and yes, some middle income and wealthier people as well) for an amount less than a million dollars.
Rep. Rowe spoke against.
Rep. Marsh spoke in favor.
Rep. Renzullo requested a roll call; sufficiently seconded.

YEAS 181 NAYS 144

YEAS 181

BELKNAP

Morrison, Gail	Reever, Judith

CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward	Heard, Virginia

CHESHIRE

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

COOS

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

GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Brunelle, Michael
Campbell, David	Chase, Claudia	Cote, David	Daler, Jennifer
Dokmo, Cynthia	Edwards, Andrew	Essex, David	Fontas, Jeffrey
Forest, Armand	Foster, Linda	Gargasz, Carolyn	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haley, Robert	Hammond, Jill
Harvey, Suzanne	Hebert, Roger	Irwin, Anne-Marie	Jean, Claudette
Jeudy, Jean	Kaelin, Michael	Kelley, John	Knowles, John
Knowles, Mary Ann	Kopka, Angeline	Lasky, Bette	Leishman, Peter
Levesque, Melanie	Long, Patrick	Mack, Ron	Martineau, Jesse
Movsesian, Lori	O'Brien, Michael Sr	O'Neil, James	Pilotte, Maurice
Rochette, Eric	Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Smith, David	Spratt, Stephen	Sullivan, Daniel

MERRIMACK

Beauchesne, Suzanne	Blanchard, Elizabeth	Bouchard, Candace	Brown, Carole
Brueggemann, Donald	Clarke, Claire	Davis, Frank	DeStefano, Stephen
Ehlers, Eileen	Foose, Robert	French, Barbara	Gile, Mary
Hager, Elizabeth	Hamm, Christine	Kjellman, Eleanor Glynn	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	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Borden, David	Cali-Pitts, Jacqueline	Casey, Kimberley
Day, Judith	DiFruscia, Anthony	Flockhart, Eileen	Gould, Kenneth
Grote, Otto	Henson, John	Howard, Doreen	Kennedy, James
Kepner, Susan	Mann, Maureen	Marsh, Michael	McCarthy, Linda
McKenna, Daniel	Moody, Marcia	Moore, Bennett	Nord, Susi
Pantelakos, Laura	Powers, James	Russell, Trinka	Snow, Richard
Splaine, James	Webber, James		

STRAFFORD

Brennan, William	Brown, Julie	Brown, Larry	Browne, Brendon
Burke, Rachel	Cyr, James	Domingo, Baldwin	Goodwin, Earle

Hofemann, Roland	Hubbard, Pamela	Hutz, Sarah	Kaen, Naida
Knowles, William	Miller, Joseph	Perry, Robert	Rollo, Deanna
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Vachon, Dennis	Wall, Janet	Warren, Nancy

SULLIVAN

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

NAYS 144

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Pilliod, James
Russell, David	Tilton, Franklin	Tobin, William	Wendelboe, Fran

CARROLL

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

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
Robertson, Timothy			

COOS

King, Frederick	Remick, William	Tholl, John Jr

GRAFTON

Andersen, Gene	Bulis, Lyle	Cooney, Mary	Dingman, Vernon III
Gionet, Edmond	Ingbretson, Paul	Lovett, Sid	Sorg, Gregory
Williams, Burton			

HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Christensen, Chris
Coughlin, Pamela	Daniels, Gary	Day, Russell	Drisko, Richard
Elliott, Nancy	Emerton, Larry	Farley, Michael	Fletcher, Richard
Goyette, Peter	Graham, John	Haefner, Robert	Hall, Betty
Hansen, Ryan	Hawkins, Ken	Hinkle, Peyton	Hogan, Edith
Holden, Randolph	Hopper, Gary	Infantine, William	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Manney, Pamela	Matarazzo, Anthony Sr
Messier, Irene	Mooney, Maureen	O'Connell, Timothy	Ober, Lynne
Ober, Russell III	Peterson, Andy	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Scannell, David	Soucy, Connie
Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice			

MERRIMACK

Anderson, Eric	Boutin, David	DeJoie, John	Hess, David
Kidder, David	Lockwood, Priscilla	MacKay, James	Reed, Dennis

ROCKINGHAM

Allen, Mary	Bedrick, Jason	Bettencourt, David	Camm, Kevin
Carson, Sharon	Case, Frank	Charron, Gene	Dalrymple, David
Devine, James	Elliott, Robert	Emiro, Frank	Fesh, Bob
Flanders, John Sr	Garcia, Marilinda	Garrity, James	Gleason, John
Griffin, Mary	Headd, James	Ingram, Russell	Kappler, Lawrence
Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	Major, Norman
McKinney, Betsy	McMahon, Charles	Nevins, Christopher	Nowe, Ronald
Packard, Sherman	Pearson, Mark	Petterson, Don	Priestley, Anne
Quandt, Marshall	Quandt, Matthew	Rausch, James	Reagan, John
Robertson, Carl	Sanders, Elisabeth	Serlin, Christopher	Waterhouse, Kevin
Weare, Everett	Welch, David	Wells, Roger	Weyler, Kenneth
Winchell, George			

STRAFFORD

Billian, Deborah	Brown, Jennifer	DeChane, Marlene	Fargo, Thomas
Mickelonis, Shawn	Sprague, Dale	Watson, Robert	

SULLIVAN

Ferland, Brenda	Rodeschin, Beverly

and the majority committee report was adopted.

HB 1369-FN-A-L, relative to the amount of meals and rooms taxes retained by operators collecting the tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Frank W. Davis for the Majority of Ways and Means: This bill would have decreased the percentage amount which operators may retain as compensation under the meals and rooms tax from 3 per cent to 1 ½ per cent. It would also place a monthly cap of $100 on the amount retained by the operators. This bill would increase state revenue by about $4,600,000, but DRA estimated that it would have additional costs to administer this change. Currently an operator with a gross income of $1,000,000 would collect $80,000 for the state, and must file by the 15th day of the month after the revenue is raised. They now retain less than $6.60 per day. This bill would reduce the retained income to less than $3.30 per day. The committee recognizes the costs borne by the businesses in credit card charges, and in administering the meals and rooms tax. Appreciating the timely recording, reporting, and remitting of the tax revenue to DRA, the committee voted to ITL this bill and retain the practices now in statute. Vote 12-3.

Rep. Steve Vaillancourt for the Minority of Ways and Means: For the past two sessions, this committee has been struggling with the issue of fair and reasonable reimbursement for businesses which collect our taxes. Refer to the blurb for House Bill 1241 and you will note that those businesses which provide the labor-intensive and costly service of adhering stamps to cigarette packages receive absolutely nothing in return. Until four years ago, when budget constraints moved center stage, these businesses received a modest one cent per pack, yet the committee, in arguing not to return that sum (which would amount to less than one percent of the tax) argued that we can't come up with the monies elsewhere. The minority contends that this is the ideal place to come up with the monies (approximately $1.6 million) to accomplish that task and to have another $1.6 million or so left over. Currently, the rooms and meals tax is the only one which comes with a commission for those businesses which collect it, not just one or two percent but a full three percent. This bill would not have removed that entire amount but was in fact a compromise to realign the commission with actual costs. It would have allowed those who collect the amount to keep the full three percent for up to $100 a month and to keep one and a half percent beyond that. In other

words, according to figures presented to the committee from two years ago, businesses generating sales of $40,000 a month (nearly a half million a year if they're operating on a year-round basis) would not lose a single penny. 3226 of 4207 rooms and meals tax filers, more than three out of four, would keep the same amount. Thus, this bill would not harm Ma and Pa stores which serve hot meals or small restaurants and lodges. The compromise would allow big rooms and meals filers to keep one and a half percent beyond $.5 million sales per year. These numbers may have changed slightly since they were generated, but the committee took absolutely no time looking into them. No subcommittee was formed such as was the case two years ago; there was not even a second of debate during executive session. Proponents of this three percent "commission" argue that it is necessary because credit card expenses run about three percent. However, our best guess is that only about one-third of rooms and meals charges are paid with credit cards (keep in mind that 80 percent of the tax comes from meals and the number of small fast food restaurant sales is far greater than sales at larger restaurants where credit cards are used more). Thus, this bill would allow all businesses to keep more than they incur in collecting the tax. Think about how unfair the current situation is not only for the cigarette stampers but to other businesses who do not get a "commission" for collecting taxes. Who would argue that about 90 percent of us now pay for gasoline purchases with credit cards? Gas stations must incur the three percent credit card fee, but they are not given even a penny in return for collecting the tax. Nor are telephone companies for the work they do in adding an extra line to everyone's bill to collect the communications tax. On and on it goes with only one group singled out for special treatment. The unfairness of this "commission" is staggering and this compromise would address the problem in a manner fair to everyone.
Majority committee report adopted.
Rep. Brueggemann declared a conflict of interest on ***HB 1369-FN-A-L,*** and did not participate.

HB 1510-FN-A, redefining tobacco products and increasing the tax on tobacco products other than cigarettes. **REFER FOR INTERIM STUDY.**
Rep. Steve Vaillancourt for Ways and Means: The bill arrived as a more than threefold increase in tobacco taxes for non-cigarettes, from 19 to 60%. It also included cigars at 60% and created a dedicated fund for tobacco abuse prevention. A subcommittee, in an attempt at compromise, kept the rate at 19% but agreed to include cigars in the tax in an attempt to treat all tobacco products fairly. (Loose tobacco and smokeless tobacco are currently taxed at 19% at the wholesale level.) The amendment also eliminated the dedicated fund. The amendment passed the committee by a 12-5 vote, but the bill as amended failed 9-8. Some were not sure if 19% is the right amount. Some feared the bill as amended would either fail in the Senate or be vetoed by the Governor. The interim study motion thus represents a compromise of a compromise. Vote 12-5.
Committee report adopted.

HB 1547-FN-L, repealing a fee charged by the registry of deeds. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. William Butynski for the Majority of Ways and Means: This bill would repeal the fee charged by the registry of deeds for the land and community heritage investment program (LCHIP), without providing any alternative revenue source to support LCHIP. In 2007, the House, the Senate, and the Governor all acted to finally provide sustained and predictable funding for LCHIP. Let us keep our commitment to LCHIP. Vote 11-6.
Rep. Priscilla P. Lockwood for the Minority of Ways and Means: The House voted against this method of supporting LCHIP last session. It was reinstated by a committee of conference. The Town Clerks' Association has major objections with processing and administering. They do not feel they can be ready for implementation in time. They would have no problem administering an increase in the real estate transfer tax, but a fee on all

documents presents many confusing problems.
Reps. Wells and Lockwood spoke against.
Rep. Butynski spoke in favor.
Rep. Hamm spoke in favor and yielded to questions.
Rep. Hinkle requested a roll call; sufficiently seconded.

YEAS 203 NAYS 125

YEAS 203

BELKNAP

Millham, Alida	Morrison, Gail	Pilliod, James	Reever, Judith

CARROLL

Bridgham, Robert	Butler, Edward	Heard, Virginia	Knox, J. David

CHESHIRE

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

COOS

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

GRAFTON

Aguiar, James	Almy, Susan	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	Pierce, David	Preston, Philip
Solomon, Peter			

HILLSBOROUGH

Beaulieu, Jane	Beck, Catriona	Brunelle, Michael	Campbell, David
Chase, Claudia	Clemons, Jane	Cote, David	Daler, Jennifer
Dokmo, Cynthia	Edwards, Andrew	Essex, David	Fontas, Jeffrey
Forest, Armand	Foster, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Haley, Robert	Hall, Betty	Hammond, Jill
Harvey, Suzanne	Hebert, Roger	Holden, Randolph	Irwin, Anne-Marie
Jean, Claudette	Jeudy, Jean	Kaelin, Michael	Kelley, John
Knowles, John	Knowles, Mary Ann	Kopka, Angeline	Kurk, Neal
Lasky, Bette	Leishman, Peter	Levesque, Melanie	Long, Patrick
Mack, Ron	Martineau, Jesse	Messier, Irene	Movsesian, Lori
O'Brien, Michael Sr	O'Connell, Timothy	O'Neil, James	Pilotte, Maurice
Rochette, Eric	Rosenwald, Cindy	Scannell, David	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Simon, Anthony
Spratt, Stephen	Sullivan, Daniel	Sullivan, Francis	

MERRIMACK

Baxley, Maureen	Beauchesne, Suzanne	Blanchard, Elizabeth	Bouchard, Candace

Brown, Carole	Brueggemann, Donald	Clarke, Claire	Davis, Frank
DeJoie, John	Ehlers, Eileen	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Kjellman, Eleanor Glynn
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	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Borden, David	Cali-Pitts, Jacqueline	Casey, Kimberley
Day, Judith	DiFruscia, Anthony	Flockhart, Eileen	Grote, Otto
Henson, John	Howard, Doreen	Kappler, Lawrence	Kennedy, James
Kepner, Susan	Mann, Maureen	Marsh, Michael	McCarthy, Linda
McKenna, Daniel	Moody, Marcia	Moore, Bennett	Nord, Susi
Pantelakos, Laura	Petterson, Don	Powers, James	Robertson, Carl
Russell, Trinka	Sanders, Elisabeth	Serlin, Christopher	Snow, Richard
Splaine, James	Webber, James	Welch, David	

STRAFFORD

Brennan, William	Brown, Julie	Brown, Larry	Browne, Brendon
Burke, Rachel	Cyr, James	DeChane, Marlene	Domingo, Baldwin
Fargo, Thomas	Goodwin, Earle	Hofemann, Roland	Hubbard, Pamela
Hutz, Sarah	Kaen, Naida	Knowles, William	Mickelonis, Shawn
Miller, Joseph	Perry, Robert	Rollo, Deanna	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Vachon, Dennis	Wall, Janet	Warren, Nancy	Watson, Robert

SULLIVAN

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

NAYS 125

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Russell, David	Tilton, Franklin	Tobin, William
Wendelboe, Fran			

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Martin, James
Merrow, Harry	Patten, Betsey	Stevens, Stanley	

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
Robertson, Timothy			

COOS

King, Frederick	Remick, William	Tholl, John Jr

GRAFTON

Andersen, Gene	Bulis, Lyle	Dingman, Vernon III	Gionet, Edmond
Ingbretson, Paul	Sorg, Gregory	Williams, Burton	

HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Christensen, Chris
Coughlin, Pamela	Daniels, Gary	Day, Russell	Drisko, Richard
Elliott, Nancy	Emerton, Larry	Farley, Michael	Fletcher, Richard
Gargasz, Carolyn	Graham, John	Haefner, Robert	Hansen, Ryan
Hawkins, Ken	Hinkle, Peyton	Hogan, Edith	Hopper, Gary
Infantine, William	Jasper, Shawn	L'Heureux, Robert	Manney, Pamela
Matarazzo, Anthony Sr	Mooney, Maureen	Ober, Lynne	Ober, Russell III
Peterson, Andy	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Rowe, Robert	Smith, David	Soucy, Connie	Stepanek, Stephen
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice
Winters, Joel			

MERRIMACK

Anderson, Eric	Boutin, David	DeStefano, Stephen	Hess, David
Kidder, David	Lockwood, Priscilla	MacKay, James	Reed, Dennis

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Bettencourt, David
Camm, Kevin	Carson, Sharon	Case, Frank	Charron, Gene
Dalrymple, David	Devine, James	Elliott, Robert	Emiro, Frank
Fesh, Bob	Flanders, John Sr	Garcia, Marilinda	Garrity, James
Gleason, John	Gould, Kenneth	Griffin, Mary	Headd, James
Ingram, Russell	Katsakiores, George	Katsakiores, Phyllis	Lund, Howie
Major, Norman	McKinney, Betsy	McMahon, Charles	Nevins, Christopher
Nowe, Ronald	Packard, Sherman	Pearson, Mark	Priestley, Anne
Quandt, Marshall	Quandt, Matthew	Rausch, James	Reagan, John
Waterhouse, Kevin	Weare, Everett	Wells, Roger	Weyler, Kenneth
Winchell, George			

STRAFFORD

Billian, Deborah	Sprague, Dale

SULLIVAN

Ferland, Brenda	Rodeschin, Beverly

and the majority committee report was adopted.

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 924-FN, relative to the deconstruction of buildings, removed by Rep. Owen.

Consent Calendar adopted.

Rep. McEachern declared a conflict of interest on ***HB 1459-FN-A,*** and did not participate in the vote on the Consent Calendar.

HB 436, expanding employee freedom of expression to all public employees. **OUGHT TO PASS.**
Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: This bill expands a public employee's right to express and give their opinions concerning any government entity. The committee felt strongly that public employee's freedom of speech should be protected. Vote 13-0.

HB 1383, adopting the uniform child abduction prevention act. **REFER FOR INTERIM STUDY.**
Rep. Armand D. Forest for Criminal Justice and Public Safety: There are several good points to this bill, and many confusing points. The committee felt that this bill has merit and voted to recommend an interim study which would also include members of the Children and Family Law Committee. Vote 13-0.

HB 1407, relative to permission to discharge a firearm in the compact part of a town or city. **REFER FOR INTERIM STUDY.**
Rep. David A. Welch for Criminal Justice and Public Safety: This bill was intended to allow a review of RSA 644:13, which requires written permission to discharge a firearm in a compact area. In an urban setting this makes considerable sense, but in a rural area where there may be miles of country road and in the middle a cluster of 6 homes 300 feet or less apart, it does not seem to make the same sense. When this statute was amended in 1991 it was to conform to recent changes in the fish and game statutes. It was clear at the time that it should apply to separate events. It was recently applied in the town of Hebron to close a private range that had been in existence for 11 years with no complaints and with written agreement of its 5 neighbors. Because the original chief of police had reviewed the safety factors of the range eleven years ago and RSA 644:13 does not appear to have been a factor, no written permission was necessary. The only complaint to the selectboard was from a resident several hundred feet from the "compact area" who felt the noise was hurting his attempts to sell his home in a flat real estate market. Because noise is not a factor to shut down a shooting range, RSA 644:13 was used. The committee would like time to study whether this was a proper application of the law and if the current language should apply equally to rural and urban areas. Vote 13-0.

HB 1508-FN, relative to prohibited influence of voters and persons intending to vote and relative to the applicability of political advertising and push polling restrictions. **OUGHT TO PASS.**
Rep. Lee M. Hammond for Criminal Justice and Public Safety: This bill further clarifies unhampered participation in an open election process and provides fair penalties for those who would interfere. Vote 14-0.

HB 1569-FN, relative to the use of drugs on wildlife. **OUGHT TO PASS.**
Rep. William V. Knowles for Criminal Justice and Public Safety: The majority of the committee agree with the penalty assigned HB 1569-FN, which has already passed the House. Vote 14-1.

HB 1578-FN, relative to insurance fraud. **OUGHT TO PASS.**
Rep. Jordan G. Ulery for Criminal Justice and Public Safety: This bill modernizes current anti-fraud legislation by increasing the per incident fines for violations by the insurance producers. The fines are added one to another for each separate violation of law. At the same time, the fines for those who defraud the insurance company (increasing your premiums) are increased. Other changes were technical in nature, consolidating the many different titles of persons who create insurance policies to one title – producer. The Committee reviewed the proposed penalties and concurred with the policy committee. Vote

15-0.

HB 1596-FN-L, relative to fees charged by the motor vehicle division. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jordan G. Ulery for Criminal Justice and Public Safety: On March 5, 2008 the House passed HB 1613. Language in that bill differed from language in this bill with regard to the DMV suspending the license of a sexual predator who has failed to register as such. This allows a predator who is in violation to be located by law enforcement in this, or another state during a routine traffic stop. The amendment offered brings language in this bill into agreement with previously passed language. A review of the other fees proposed found them to be appropriate, proportional and reasonable. Vote 15-0.

Amendment (0841h)

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

AN ACT relative to fees charged by the motor vehicle division and drivers' license suspension or revocation for failure to register as a sexual offender.

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

5 Suspension or Revocation for Default or Nonpayment of Fine. Amend the section heading of RSA 263:56-a to read as follows:

263:56-a Suspension or Revocation for Default***, Noncompliance,*** or Nonpayment of Fine.

6 Suspension or Revocation for Default or Nonpayment of Fine. Amend RSA 263:56-a, I to read as follows:

I.***(a)*** Whenever any defendant:

[~~(a)~~] ***(1)*** Defaults on an arraignment or other scheduled court appearance in connection with a charge or conviction of any offense, or

[~~(b)~~] ***(2)*** Fails to pay a fine or other penalty imposed in connection with a conviction of any offense which a court has determined he ***or she*** is able to pay, or issues a bad check in payment of a fine or other penalty; or

[~~(c)~~] ***(3)*** Fails to comply with a similar order of the director or a court on any matter within the director's or court's jurisdiction[~~, his driver's license or resident or nonresident driving privilege and in any motor vehicle case or related case the resident plates and motor vehicle registration shall be suspended or revoked only upon written consent of the director, effective 30 days after such default or failure, except as provided in subparagraph I(d) of this section.~~]***; or***

[~~(d)~~] ***(4) Is a sexual offender as defined in RSA 651-B:1, III and fails to comply with the registration requirements under RSA 651-B, and where the failure to comply persists for more than 30 days;***

The defendant's driver's license or resident or nonresident driving privilege and in any motor vehicle case or related case the resident plates and motor vehicle registration shall be suspended or revoked only upon written consent of the director, effective 30 days after such default or failure, except as provided in subparagraph (b).

(b) If a defendant receives a summons in hand from a law enforcement officer, no further notification to such defendant is required before the suspension of his ***or her*** driving privileges occurs as provided in subparagraph [~~I(c)~~] ***I(a)***. If a defendant receives a summons in any manner other than in hand by a law enforcement officer, the court or director, as applicable, shall notify such defendant by certified mail at his ***or her*** last known address that his ***or her*** driving privileges shall be suspended 30 days after the mailing of such notification.

7 Suspension or Revocation for Default or Nonpayment of Fine. Amend RSA 263:56-a, II(a) to read as follows:

(a) If such defendant fails to appear, pay the fine***,*** or comply with an order within

the applicable period, as provided in [~~subparagraph I(c) or (d)~~] ***subparagraphs I(a) or I(b)*** of this section, or fails to demonstrate that the defendant is financially unable to pay the fine or to comply with the order within the applicable period, the director shall suspend such defendant's driver's license or resident or nonresident driving privilege effective from the applicable date for an indefinite period and mark the defendant's files accordingly.

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

AMENDED ANALYSIS

This bill changes certain motor vehicle fees and permits the commissioner of safety to waive the fee for certified copies of registrations, licenses, and driving records under certain circumstances. The bill also permits suspension of the driver's license, driving privileges, plates, and motor vehicle registration for failure to register as a sex offender.

HB 690, establishing a pilot program for job skills training in volunteer work by unemployed individuals. **OUGHT TO PASS.**

Rep. A. Laurie Harding for Executive Departments and Administration: This bill creates a pilot program that will give those receiving unemployment benefits an opportunity to gain new skills via volunteer work with non-profits. The committee worked on this bill as a second committee. There were no new positions requested for this program and no licensing concerns. Therefore, the committee supported the bill as presented. Vote 11-1.

HB 841, relative to the appointment of parenting coordinators and establishing the family mediator and parenting coordinator certification board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alida I. Millham for Executive Departments and Administration: The committee work on this bill is strictly relating to the criteria for certification of parenting coordinator for the court system. The amendment has clarified the definition of mental health practitioner. There is reference to the inclusion of appropriately experienced advanced nurse practitioners and licensed psychiatrists. It also puts in statute the specific criteria for qualifications, certification and continuing education. The intent of the committee is for some flexibility, under rules, for people who have a masters or doctoral degree in mental health, counseling or dispute resolution. Vote 12-0.

Amendment (0957h)

Amend RSA 461-A:11-a, II as inserted by section 1 of the bill by inserting after subparagraph (d) the following new subparagraph:

(e) Family mediation under RSA 461-A:7 has not resolved the parenting issues.

Amend RSA 328-C:2, VII and VIII as inserted by section 3 of the bill by replacing it with the following:

VII. "Mental health practitioner" means a mental health practitioner as defined in RSA 330-A:2, VII, a psychiatric advanced registered nurse practitioner licensed under RSA 326-B:18, or a psychiatrist licensed under RSA 329.

VIII. "Parenting coordination" means a child-focused dispute resolution process in which an impartial parenting coordinator assists high-conflict parents to implement their parenting plan by facilitating the resolution of their disputes in a timely manner, educating parents about children's needs and how to communicate effectively, and with the prior approval of the parties or of the court, making arbitration decisions within the scope of the court order or appointment contract.

IX. "Parenting coordinator" means a person who assists the parties in resolving issues related to parenting by educating them about communication skills and children's needs, by mediating disputes, and, if necessary, by arbitrating disputes.

Amend RSA 328-C:6-a as inserted by section 10 of the bill by replacing it with the following:

10 New Section; Parenting Coordinator Qualifications, Certification, and Continuing Education. Amend RSA 328-C by inserting after section 6 the following new section:

328-C:6-a Parenting Coordinator Qualifications, Certification, and Continuing Education.

I. To be certified as a parenting coordinator, a person shall:

(a) Have completed at least 16 hours of training in parenting coordination. This training shall be approved by the board and shall include topics in child development, family dynamics, parenting coordination skills, and decision-writing: and

(b) Have completed a 3-hour training program in domestic violence, in accordance with board requirements, within the last 3 years; and

(c) Meet the qualifications under one of the following categories:

(1) Hold a master of science degree in family studies; and

(A) Have practiced in the field of family studies for at least 3 years; and

(B) Have completed at least 15 hours of training in mediation skills, and

(C) Have 6 hours of additional training in RSA 458 relative to divorce and RSA 461-A relative to parenting law within the last 3 years; and

(D) Have within the last 3 years devoted at least one third of the time spent in practice to individuals or families involved in divorce or parental rights and responsibilities matters; or

(2) Have been a family law practitioner for at least 3 years; and

(A) Have completed at least 15 hours of training in mediation skills, and

(B) Have 6 hours of additional training in child development and parenting plans within the last 3 years; and

(C) Have within the last 3 years devoted at least one third of the time spent in practice to individuals or families involved in divorce or parental rights and responsibilities matters; or

(3) Have been a mental health practitioner for at least 3 years; and

(A) Have completed at least 15 hours of training in mediation skills, and

(B) Have 6 hours of additional training in RSA 458 relative to divorce and RSA 461-A relative to parenting law within the last 3 years; and

(C) Have within the last 3 years devoted at least one third of the time spent in practice to individuals or families involved in divorce or parental rights and responsibilities matters; or

(4) Have a masters or doctoral degree in mental health, counseling, education, or dispute resolution; and

(A) Have been a certified family mediator for at least 8 years and currently be certified; and

(B) Have 6 hours of additional training in RSA 458 relative to divorce and RSA 461-A relative to parenting law within the last 3 years; and

(C) Have served the court in at least 35 cases involving parenting disputes as either court-referred mediator or as a guardian ad litem; or

(5) Have a masters or doctoral degree in law; and

(A) Have been a certified family mediator for at least 8 years and currently be certified; and

(B) Have 6 hours of additional training in child development and parenting plans within the last 3 years; and

(C) Have served the court in at least 35 cases involving parenting disputes as either court-referred mediator or as a guardian ad litem.

Amend RSA 328-C:8, III(a) as inserted by section 13 of the bill by replacing it with the following:

(a) The definition of "degree in mental health, counseling, education, or dispute resolution."

HB 1286-FN, relative to the licensing of mortgage bankers, mortgage brokers, and mortgage originators. **OUGHT TO PASS.**

Rep. Don Petterson for Executive Departments and Administration: This bill would require that originators of mortgage loans secured by real property be licensed by the New Hampshire Banking Department. The bill would join New Hampshire with 22 other states that license loan originators and in so doing would provide the banking department greater ability to curb fraud by giving it jurisdiction over individual loan originators, not just the company where they are or were employed. Vote 13-0.

HB 1346, relative to the regulation of junk dealers, scrap metal dealers and pawnbrokers. **OUGHT TO PASS.**
Rep. Ronald J. Nowe for Executive Departments and Administration: This bill adds several requirements to the operators of junk and scrap metal dealers. The changes are intended to address the ever increasing issue of the taking of valuable commodity material from properties in the region. It also requires that the dealer maintain records of purchase transactions and that they be verified by positive identification of each seller of material. It changes the authority to issue license from police to the local governing body and changes language to allow using identification by junk and scrap dealers and pawn brokers. Vote 12-1.

HB 1459-FN-A, relative to modular building standards and fees. **REFER FOR INTERIM STUDY.**
Rep. Alida I. Millham for Executive Departments and Administration: The committee was unable to complete work on the certification details of this bill and have chosen to send it to interim study so that work can be done. Vote 15-0.

HB 502-FN-A-L, extending Medicaid coverage through age 20 to individuals who were foster children and are attending postsecondary school. **REFER FOR INTERIM STUDY.**
Rep. Bonnie G. Mitchell for Finance: The committee felt that this was important policy to support. We recommended Interim Study in order to work with the department of health and human services to identify the funds to support the policy. One idea may be to use TANF reserve funds for this purpose as foster children who are supported to attend college would be less likely to need TANF support. Vote 19-0.

HB 584-FN, including 17-year olds in the juvenile justice system. **REFER FOR INTERIM STUDY.**
Rep. Thomas L. Buco for Finance: On January 2, 2008 the House voted 248-93 to support the policy of including 17-year olds in the juvenile justice system. However, in our effort to determine the true short term and long term costs to the state, counties and municipalities, the committee received several conflicting fiscal notes. Therefore, the committee recommends holding HB 584 for Interim Study with the expectation that we might receive more accurate cost estimates. Vote 20-0.

HB 1338, establishing an arboviral illness task force and relative to mosquito control and abatement. **OUGHT TO PASS.**
Rep. Larry A. Emerton for Finance: The continued improvement of the department of health and human services, division of public health's work on preventing and informing our residents on arboviral illnesses is the main purpose of this bill. As these diseases, Eastern Equine Encephalitis (EEE) and West Nile Virus (WNV), are increasing in severity and occurrence in New Hampshire, this bill expands funding eligibility requirements and improves and revises the duties of the mosquito control commission. It also establishes a 15 member arboviral illness task force to help to address the future needs and responses by all to this very critical problem. Vote 20-0.

HB 1395-FN, establishing the AIDS drug assistance program fund. **OUGHT TO PASS.**

Rep. Thomas L. Buco for Finance: The AIDS Drug Assistance Program (ADAP) is the division of the federal Ryan White Act which provides medications to eligible persons living with HIV/AIDS. The NH department of health and human services, division of public health receives rebates from pharmaceutical companies for medications purchased through the ADAP program. The US Health Resources and Services Administration requires that 100% of rebate funds generated from the 340 B Drug Reimbursement Program must be reported as program income, added to the funds committed to the program, and be used to further the objectives of the program. HB 1395-FN is needed to create a non-lapsing fund so that these rebates may be carried over from year to year to be used for program expenditures including drugs and primary care services. The creation of this non-lapsing fund would have no impact on the general fund as theses rebates were never deposited into the general fund. The committee requested an effective date be upon passage to ensure that any unspent revenue from SFY'08 would be carried forward to SFY'09. Vote 18-1.

HB 1549-FN, relative to the duration of the disability requirement for aid to the permanently and totally disabled. **REFER FOR INTERIM STUDY.**
Rep. Fran Wendelboe for Finance: This bill as proposed is very complex and would have a significant fiscal impact. The department of health and human services' fiscal assessment showed an increase of one hundred million dollars with half being state general funds. At the same time, a disability advocate gave testimony, facts, and figures showing instead a cost savings of over 8 million dollars in the first year. The department will contract to have an independent assessment study of the issues done by UMass and report by the end of the year for the next year budget process. Based on this the committee recommended Interim Study. Vote 20-0.

HB 1598-FN, relative to the salary ranges for unclassified state officers. **INEXPEDIENT TO LEGISLATE.**
Rep. David L. Smith for Finance: Unfortunately this bill was presented with a fiscal note which called for extra expenditures of $15 million over the next five years. In our work session, the prime sponsor stated that this was incorrect. The bill simply changed the grade steps to 8, as opposed to 5 for classified state officers. The HAY Group had requested this bill as a 'housekeeping' measure. Given the lack of correct fiscal data, and no emergency need, the sponsor was advised to bring it back next year as the housekeeping bill that was his intent. Vote 15-1.

HB 1631-FN, relative to the state purchase of biodiesel fuels. **OUGHT TO PASS.**
Rep. Linda T. Foster for Finance: The revised fiscal note on this bill determined that there is no fiscal impact regarding this policy. Vote 19-0.

SB 94, relative to the office of information technology. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Lynne M. Ober for Finance: This bill eliminates the office of information technology within the governor's office and establishes the department of information technology as an independent agency, under the direction of a commissioner and division directors. Currently this office with its 437 employees dwarfs the rest of the governor's organization. It also eliminated the division of information technology in the department of safety. It eliminates the position of chief information officer and also eliminates one position for each division director position that is established. The Finance Committee amendment to this bill makes it budget neutral and adds no budgetary expenditure. It authorizes the commissioner of the department of information technology to fill vacant positions that were transferred from the department of health and human services in the same manner as the commissioner of health and human services. When these positions were transferred there was no provision for filling them should they become vacant. The attorney general ruled that legislation must be

passed to authorize the department of information technology to fill the positions should they become vacant. The bill also added an additional member, appointed by the governor, to the information technology council, which provides oversight. The new department will sunset in six years at which time its effectiveness and the need for it to continue as a separate department will be examined by the legislature. Vote 23-0.

Amendment (0962h)

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

1 New Chapter; Department of Information Technology. Amend RSA by inserting after chapter 21-Q the following new chapter:

CHAPTER 21-R
DEPARTMENT OF INFORMATION TECHNOLOGY

21-R:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of information technology.

II. "Department" means the department of information technology.

21-R:2 Department of Information Technology Established. There is established the department of information technology, an agency of the state, under the executive direction of a commissioner of the department of information technology, who shall also be known as the chief information officer. The department of information technology, through its officials, shall be responsible for managing and coordinating all technology resources in the executive branch of government, developing and implementing strategies to enhance state services, and creating statewide efficiencies through the use of information and other technologies.

21-R:3 Commissioner; Directors; Compensation.

I. The commissioner of the department of information technology shall be appointed by the governor, with the advice and consent of the council, and shall serve for a term of 4 years. The commissioner shall be academically and technically qualified to hold the position, and shall be known as the chief information officer. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

II.(a) The commissioner shall nominate the following division directors for appointment by the governor, with the consent of the council:

(1) The director of operations.
(2) The director of technical support services.
(3) The director of web support.
(4) The director of agency software.

(b) Division directors shall serve for a term of 4 years and shall be qualified by reason of professional competence, education, and experience.

III. The salaries of the commissioner and division directors shall be as specified in RSA 94:1-a.

21-R:4 Duties of the Commissioner. In addition to the powers, duties, and functions otherwise vested in the commissioner pursuant to RSA 21-G:9, the commissioner shall be responsible for the following:

I. Providing technical information technology consultation to all executive branch agencies and to any other agency that requests it, including technical advice during the development or acquisition of information systems.

II. Monitoring technological trends and informing all state employees and officials about state-of-the-art information systems and management techniques.

III. Developing a formal information technology planning process for approving agency information technology plans.

IV. Preparing and maintaining a statewide information technology plan based upon agency information technology plans.

V. Reviewing, assessing, and approving the feasibility of agency information technology plans, including cost estimates and effects on other agencies and political

subdivisions of the state.

VI. Developing standards and processes for collaborative stakeholder involvement to assure that hardware, software, and telecommunications systems acquired or developed by the state are as compatible among themselves and with other systems of the state and political subdivisions as are necessary and practical.

VII. Providing training and educational programs to technicians and managers.

VIII. Monitoring and reporting to the governor and general court on the effectiveness of the use of information technology resources and on statewide progress in implementing information technology plans.

IX. Coordinating information technology development efforts that affect multiple agencies.

X. Developing a data center consideration plan, which establishes strategic data centers throughout the state for data processing operations and service responsibilities for all executive branch agencies.

XI. Developing, in concert with the commissioner of administrative services and the budget director as defined in RSA 21-I:1-a, the capital and operating budget requests for implementing each agency's information technology plan, including, but not limited to, appropriate standards for the uniform presentation of the general budget requests.

XII. Developing, in concert with the department of administrative services, director of plant and property management, specifications for the procurement of computer equipment and software.

XIII. Developing a strategy to increase efficiency and effectiveness in all areas of state government by using information technology to its fullest potential.

XIV. Developing and implementing a strategy to consolidate statewide shared information technology services.

XV. Developing an information technology satisfaction measurement program to ensure information technology resources and strategic plans are meeting the needs of each agency.

21-R:5 Divisions Established. The following divisions, each of which shall be under the supervision of a division director appointed pursuant to RSA 21-R:3, are established within the department of information technology:

I. The division of operations.

II. The division of technical support services.

III. The division of web support.

IV. The division of agency software.

21-R:6 Information Technology Council.

I. There is hereby established the information technology council. The council shall advise the commissioner on the following:

(a) Statewide strategic technology plans.

(b) Outsourcing relationships, including the purchase of technology equipment and contracts with technology vendors.

(c) Computer systems consolidation.

(d) Implementation of centralized services.

(e) Information technology resource changes, including changes in quantity of resources allocated to executive branch agencies, location of information technology resources, and allocation of information technology personnel.

(f) Statewide information technology policies and standards.

(g) Information technology budgeting and resource allocation.

II. The information technology council shall consist of the following members:

(a) The commissioner of administrative services, or designee.

(b) The commissioner of transportation, or designee.

(c) The commissioner of health and human services, or designee.

(d) The commissioner of safety, or designee.

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

(f) Two heads of other departments, appointed by the governor.

(g) One state senator, appointed by the president of the senate for the duration of his or her legislative term.

(h) One state representative, appointed by the speaker of the house of representatives for the duration of his or her legislative term.

(i) One representative of municipal government, appointed by the governor for a 3-year term.

(j) One representative of county government, nominated by the New Hampshire Association of Counties and appointed by the governor for a 3-year term.

(k) One person appointed by the governor for a 3-year term, who shall serve as the chairperson of the council.

III. Six members of the council shall constitute a quorum. Qualified members who have served one or more terms shall be eligible for reappointment to the council.

21-R:7 Technical Committees. The commissioner may establish technical committees to advise him or her on technical issues. Each technical committee shall include personnel from all 3 branches of government who have experience in the specific issue that is the focus of the committee. These issues may include but are not limited to:

I. Hardware, software, and telecommunications standards.

II. Information technology planning process.

III. Development of statewide policies and procedures.

IV. Emerging Internet and "intranet," or limited network, technologies.

V. E-government strategy and deployment.

VI. Wide area network efficiencies.

21-R:8 Agency Satisfaction Metrics. The commissioner shall use a system of agency satisfaction metrics, a measurement and communication system to track the satisfaction of delivery of information technology solutions. The department of information technology may use surveys, web tools, and special processes to ensure that vehicles exist for agency heads to get the quality of information technology solutions they require to operate their agencies. The commissioner shall set satisfaction benchmarks to meet or exceed expectations.

21-R:9 Legislative Oversight Committee.

I. There is hereby established a joint legislative information technology oversight committee.

II. The committee shall consist of 6 members, 3 of whom shall be members of the house of representatives, with one such member from the house finance committee and one from the house executive departments and administration committee, appointed by the speaker of the house of representatives, and 3 of whom shall be senators, appointed by the president of the senate. Members shall be appointed for their term of office. All members shall be eligible for reappointment so long as they are qualified under this section. Members shall be appointed no later than December 30 of the year of their election to the general court, except that vacancies shall be filled for an unexpired term within 30 days of the creation of such vacancy, and the initial appointments under this section shall be made within 30 days of the effective date of this section. The members shall choose from their number a chairperson, provided that the chair shall rotate biennially between the house and senate members.

III. The commissioner shall report quarterly to the committee on the activities of the department, including the status of the state information technology plan, the organizational structure of information technology employees among state agencies, and financial budget tracking related to information technology.

IV. Members of the committee shall serve without compensation but shall receive mileage at the legislative rate when attending to the duties of the committee.

2 Transfer of Authority from Office of Information Technology to Department of Information Technology. The office of information technology within the office of the

governor is hereby abolished and all of the functions, powers, duties, and responsibilities of the office and the officials within that office are transferred to and vested in the department of information technology pursuant to this act. The transfer provided in this section shall include all of the personnel, books, papers, records, equipment, unexpended appropriations or other funds, actions, and other property or obligations of any kind of the office of information technology.

3 Department of Information Technology Unclassified Positions and Salaries.

I. The salaries for the unclassified positions established in this act shall be determined in accordance with RSA 14:14-c.

II. The commissioner of the department of information technology shall abolish a position of comparable responsibility and compensation upon filling each of the division director positions established in RSA 21-R:3, II. The commissioner shall report to the commissioner of the department of administrative services the position numbers to be abolished. The funds budgeted to compensate the abolished positions shall not lapse and shall be used towards the compensation of the division director positions.

III. The commissioner of the department of information technology shall have the authority to fill the unclassified position of director of information technology, position number 9U345, if it becomes vacant prior to the commissioner filling the position of director of agency software, established by RSA 21-R:3, II(a).

4 New Subparagraph; Positions. Amend RSA 126-A:9, II by inserting after subparagraph (c) the following new subparagraph:

(d) Any positions that were established under this section and subsequently transferred to the department of information technology and become vacant may be filled by the commissioner of the department of information technology in the same manner as prescribed for the commissioner.

5 "Office of Information Technology" Renamed "Department of Information Technology." Amend the following RSA provisions by replacing "office of information technology" with "department of information technology": 5-C:16, 21-I:6, VIII, 21-L:5-a, II(g), and 106-K:5, I(e).

6 Administrative Services; Reference Change. Amend RSA 21-I:14-b to read as follows:

21-I:14-b Prohibition on Future Employment.

I. No commissioner, financial data manager, accounting director, ***or*** director of plant and property management of the department of administrative services[~~, or director of the office of information technology management~~] shall accept any employment, including work as a consultant or lobbyist, with any vendor of goods or services holding a valid contract with the department, in excess of $10,000 over the previous 2 years, until one year after he ***or she*** shall become separated from the department.

II. No vendor of goods or services holding a valid contract with the department, in excess of $10,000 over the previous 2 years, shall employ any commissioner, financial data manager, accounting director, ***or*** director of plant and property management of the department[~~, or director of the office of information technology management~~] until one year after such employee has become separated from the department. Any such vendor who violates the provisions of this paragraph shall be barred from bidding on any future contract with the department for 5 years after such violation.

7 Repeal. The following are repealed:

I. RSA 4-D, relative to the office of information technology.

II. RSA 21-P:12-f, relative to the department of safety, division of information technology.

III. RSA 21-R, relative to the department of information technology.

8 Effective Date.

I. Section 7, paragraph III of this act shall take effect July 1, 2014.

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

AMENDED ANALYSIS

This bill:

I. Eliminates the office of information technology and establishes the department of information technology as an independent agency, under the direction of a commissioner and division directors.

II. Authorizes the commissioner of the department of information technology to fill vacant positions that were transferred from the department of health and human services in the same manner as the commissioner of health and human services.

III. Adds an additional member, appointed by the governor, to the information technology council.

IV. Eliminates the division of information technology in the department of safety.

HB 1648-FN, relative to search and rescue response expenses of the fish and game department. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carla M. Skinder for Fish and Game: This bill establishes a means to allow fish and game to recover the cost of search and rescue services from persons, who through personal negligence, require the service. The fish and game performance audit has been reviewed and search and rescue was identified as a program that could be more self sustaining if given the ability to recover expenses from those that have been deemed negligent. In fiscal year 2007, $150,146 was spent on search and rescue missions. It was determined that $42K of that cost was attributable to negligence. Fish and game, along with the attorney general and the court system, if necessary, will determine negligence. Any person determined to be negligent who refuses to pay the expenses incurred could face losing his or her fish and game licenses and driver's license. Residential care and health facilities, from where a client elopes, could face suspension or revocation of the facility's license if found negligent. Vote 11-0.

Amendment (0781h)

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

2 New Section; Search and Rescue Response Expenses; Recovery. Amend RSA 206 by inserting after section 26-b the following new section:

206:26-bb Search and Rescue Response Expenses; Recovery.

I. Notwithstanding RSA 153-A:24, any person determined by the department to have acted negligently in requiring a search and rescue response by the department shall be liable to the department for the reasonable cost of the department's expenses for such search and rescue response. The executive director shall bill the responsible person for such costs. Payment shall be made to the department within 30 days after the receipt of the bill, or by some other date determined by the executive director. If any person shall fail or refuse to pay the costs by the required date, the department may pursue payment by legal action, or by settlement or compromise, and the responsible person shall be liable for interest from the date that the bill is due and for legal fees and costs incurred by the department in obtaining and enforcing judgment under this paragraph. All amounts recovered, less the costs of collection and any percentage due pursuant to RSA 7:15-a, IV(b), shall be paid into the fish and game search and rescue fund established in RSA 206:42.

II. If any person fails to make payment under paragraph I, the executive director of the fish and game department may:

(a) Order any license, permit, or tag issued by the fish and game department to be suspended or revoked, after due hearing.

(b) Notify the commissioner of the department of health and human services of such nonpayment. The nonpayment shall constitute cause for revocation of any license or certification issued by the commissioner pursuant to RSA 126-A:20 and RSA 151:7.

(c) Notify the director of motor vehicles of such nonpayment and request suspension of the person's driver's license pursuant to RSA 263:56.

3 New Subparagraph; Residential Care and Health Facility Licensing; Suspension or Revocation of License. Amend RSA 151:7, II by inserting after subparagraph (e) the following new subparagraph:

(f) Nonpayment of search and rescue response expense reimbursement owing pursuant to RSA 206:26-bb.

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

HB 1637, relative to reports to the cancer registry. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The department of health and human services gathers information on cancer cases diagnosed and treated in the state for the New Hampshire Cancer Registry through its agent, Dartmouth Medical School, using protocols established by the North American Association of Central Cancer Registries. In addition, this information is also utilized by the New Hampshire division of vital records which supplies data on deaths in New Hampshire due to cancer. The information collected and maintained by the Registry allows the health department to study cancer trends and improve cancer education and prevention efforts. This work is financed in total by the federal government, and, to continue to qualify for the funding, we must be in compliance with the Registry's regulations as they are updated from time to time. This bill as amended provides for the review of these changes to the Registry's rules and regulations with a process that includes HHS oversight to ensure agreement with state law and practice. Further, the amendment provides that if the department finds that future changes in the Registry are in conflict with state law and practice, those measures would not be implemented by the department. With the agreement of this check and balance, the committee supported passage of the bill as amended. Vote 16-0.

Amendment (0777h)

Amend the bill by replacing section 1 with the following:

1 Cancer Registry; Reports. Amend RSA 141-B:7 to read as follows:

141-B:7 Reporting. All facilities shall provide a report to the cancer registry, including social security numbers if persons were given the option at the original point of collection to provide social security numbers voluntarily, containing information regarding a cancer diagnosed or being treated. ***Each report of cancer shall include items listed in rules adopted under RSA 541-A in accordance with the elements listed in the North American Association of Central Cancer Registries, Standards for Cancer Registries as amended from time to time and available. The department shall review any such amendment and if it determines that an amendment is not appropriate for New Hampshire, the amendment shall not be incorporated into the rules or be implemented by the department.***

HB 1649-FN-L, relative to the Medicaid long-term care eligibility determination process. **OUGHT TO PASS.**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This bill will require the home and community based care program nurse to obtain backup clinical information from the applicant's primary health care provider only in cases where the applicant's medical eligibility cannot be determined through the HCBC nurse's own assessment. This bill fixes a problem in the Medicaid long term care eligibility process that was causing delays in the process of determining eligibility. The department has recalculated its fiscal note assumptions since the public hearing and has determined that, due to decreased administrative burden on the department, this bill will actually save general fund dollars. Vote 16-0.

HB 1651, allowing municipalities in Coos county to offer property tax exemptions to foster

commercial and industrial construction. **OUGHT TO PASS WITH AMENDMENT.** Rep. Robert L. Theberge for Municipal and County Government: Coos County is made up of the city of Berlin and 43 towns and unincorporated places and needs help to foster economic growth. The committee is proposing a very specific and focused tax exemption, at the local level, by any of Coos County municipalities. The exemption would apply only to the municipal and local school property taxes and would not apply to the state education tax nor the county tax. The local legislative body would determine the amount of any new construction property tax exemption for commercial or industrial uses or both. The exemption may run for a maximum period of 10 years, provided that for all years the exemption is in place, the dollar amount shall not exceed 500 percent of the increased assessed value. It is the opinion of the committee that this bill, as amended, is carefully crafted and is one of a few possible solutions to the present economic turmoil that exists in Coos County. This local exemption would not shift any tax burden within the municipality where it is granted nor within the city or towns/unincorporated places. This tax exemption would only apply to the increased assessed value that the new construction would generate. The committee also wants to ensure that if an exemption, as described, was adopted, all other requests for like exemptions would be uniformly administered within the city or town/unincorporated places. This is a needed economic tool for the citizens of the North Country. Vote 12-0.

Amendment (1024h)

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

1 Statement of Intent. The general court finds that over 1,000 jobs have been lost in Coos county due to the closure of 4 mills and that this has worsened an economically depressed situation in Coos county which existed prior to these mill closures. It is the purpose of this act to foster the economic development of economically depressed Coos county by enabling municipalities to encourage new construction, rehabilitation, and improvement of property for commercial and industrial use through the adoption of tax exemptions. It is the further purpose of this act to ensure that, once adopted, such exemptions shall be administered uniformly within the taxing districts so as to avoid the risk of unconstitutional ad hoc or discriminatory tax benefits.

2 New Subdivision; Commercial and Industrial Construction Exemption. Amend RSA 72 by inserting after section 74 the following new subdivision:

Commercial and Industrial Construction Exemption

72:75 Definitions.

I. In this subdivision:

(a) "Commercial uses" shall include all retail, wholesale, service, and similar uses.

(b) "Eligible municipality" shall mean any city or town in Coos county.

(c) "Industrial uses" shall include all manufacturing, production, assembling, warehousing, or processing of goods or materials for sale or distribution, research and development activities, or processing of waste materials.

II. An eligible municipality adopting a property tax exemption pursuant to RSA 72:76 may, in lieu of the definitions in this section, adopt by reference the definitions of similar terms as may be contained in that town's or city's zoning ordinances.

72:76 Property Tax Exemption. An eligible municipality may, by vote of the local legislative body pursuant to RSA 72:77, adopt a new construction property tax exemption for commercial or industrial uses, or both. The exemption shall apply only for municipal and local school property taxes assessed by the municipality which shall exclude state education property taxes under RSA 76:3 and county taxes assessed against the municipality under RSA 29:11, and shall be a specified percentage on an annual basis of the increase in assessed value attributable to construction of new structures, and additions, renovations, or improvements to existing structures. The exemption may run for a maximum period of 10

years following the new construction; provided, however, that the exemption for all years shall cumulatively not exceed 500 percent of the increased assessed value. Once adopted by the local legislative body, the percentage rate and duration of the exemption shall be granted uniformly within that municipality to all projects for which a proper application is filed.

72:77 Procedure for Adoption.

I. A municipality desiring to adopt the provisions of RSA 72:76 shall do so in accordance with the procedures set forth in RSA 72:27-a. The vote shall specify the percentage of new assessed value to be exempted, the number of years duration of the exemption following new construction, and a reference to zoning use category definitions, if applicable. The exemption shall take effect in the tax year beginning April 1 following its adoption.

II. A vote adopting RSA 72:76 shall remain in effect for a maximum of 5 tax years; provided, however, that for any application which has already been granted prior to expiration of such 5 tax year period, the exemption shall continue to apply at the rate and for the duration in effect at the time it was granted.

72:78 Application for Exemption.

I. On or before March 1 following the date of notice of tax under RSA 72:1-d for any year for which the exemption is claimed, a person qualified for an exemption under RSA 72:76 shall file an application with the selectmen or assessors, on an application form prepared by them, signed by the applicant under penalty of perjury, which contains adequate information to demonstrate that the applicant is qualified for the exemption.

II. The selectmen or assessors shall notify the applicant of their decision on or before July 1 following the date of notice of tax under RSA 72:1-d. The decision shall specify the amount of the exemption, that it is effective beginning the prior April 1, and the number of years for which the exemption applies to qualified construction. The decision of the selectmen or assessors may be appealed in the manner set forth in RSA 72:34-a.

III. Alternatively, an owner may apply for the exemption prior to construction, but in no case more than 12 months before the beginning of the tax year for which the exemption is sought. In such cases the selectmen or assessors may anticipatorily grant the exemption, subject to adjustment when the actual increase in assessed value becomes known. If construction is partially complete on April 1 of any year, the exemption for that year shall be based on the increased assessed value attributable to the partial construction, but the duration of the exemption shall be adjusted such that the cumulative amount of exemptions received, based on the construction as completed, is proportional to that received by other eligible properties.

IV. The selectmen or assessors may request such additional or updated information as is necessary to determine eligibility. If they are satisfied that the applicant has willfully made any false statement, or has refused to provide information after such a request, they may refuse to grant the exemption.

V. If the municipality completes a revaluation during the period for which an exemption has been granted, the amount of the exemption shall be adjusted by the difference in equalization ratios applicable in the municipality before and after the revaluation.

3 Procedure for Adoption, Modification, or Rescission. Amend the introductory paragraph of RSA 72:27-a, I to read as follows:

I. Any town or city may adopt the provisions of RSA 72:28, RSA 72:29-a, RSA 72:35, RSA 72:37, RSA 72:37-b, RSA 72:38-b, RSA 72:39-a, RSA 72:62, RSA 72:66, [~~or~~] RSA 72:70***, or RSA 72:76*** in the following manner:

4 Repeal. RSA 72:75 – RSA 72:78, relative to a program allowing economically depressed municipalities to offer tax exemptions to foster commercial and industrial construction, are repealed.

5 Effective Date.

I. Section 4 of this act shall take effect July 1, 2013.

II. The remainder of this act shall take effect July 1, 2008.

HB 1636, relative to automotive recycling. **OUGHT TO PASS.**
Rep. Alfred C. Lerandeau for Public Works and Highways: This bill as written and presented is a housekeeping measure and clarifies setbacks on the interstate and state highway system with regards to auto recycling centers. When the interstate or turnpikes are involved with permitting a recycling center within 1,000 feet, DOT applies RSA 236:90-110. When a recycling center involves a Class I, II or III road, NH DES applies RSA 236:111-129. This bill makes each section of the law reflect the proper setbacks relative to the class of highway, but still maintains local control. The number of permitted auto recycling centers permitted by NH DOT remains the same. Vote 13-0.

HB 666-FN, establishing a license fee for the sale of animal vaccines. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Steve Vaillancourt for Ways and Means: This bill represents an attempt to provide additional revenues so that the spay and neuter program for cats and dogs will be more able to fulfill its mission. Each year, the program runs out of funds early thus closing off the program for qualified individuals. The amendment removes a new fee, $500 and $200, for selling animal vaccines. That would have raised an estimated $22,000. However, the committee leaves in place another section of the bill which will extend the life of the spay-neuter program by no longer offering other vaccines, not specifically related to spay and neutering, as part of the program. Estimates vary as to how much this will provide for the fund, but it appears to be at least twice the $22,000 and may be much more than that. Thus, the committee accomplishes the goal of the original legislation without the imposition of a new fee. Vote 15-0.

Amendment (0880h)
Amend the title of the bill by replacing it with the following:
AN ACT relative to the immunizations included for reimbursement in the animal population control program.
Amend the bill by replacing all after the enacting clause with the following:
1 Veterinarian Participation. Amend RSA 437-A:4, II (b) to read as follows:
(b) For all animals sterilized under RSA 437-A:3, II, the commissioner shall also reimburse, to the extent funds are available, any licensed veterinarian of this state participating in such program for an examination fee and the presurgical immunization of dogs [~~against rabies, distemper, hepatitis, leptospirosis, and parvovirus, or an examination fee and the presurgical immunization of~~] ***and*** cats against rabies[~~, feline panleukopenia, calici, pneumonitis and rhinotracheitis, as the case may be~~]. Reimbursement for the full cost of the presurgical immunization shall be made by the commissioner to the participating veterinarian upon the written certification, signed by the veterinarian and the owner of the animal, that the immunization has been administered. There shall be no additional charges to the owners of animals sterilized under RSA 437-A:3, II for examination fees or the presurgical immunization. [~~Owners of animals sterilized under RSA 437-A:3, I who have adopted such animals from shelters shall pay the cost of all presurgical immunizations and examination fees directly to the participating veterinarian.~~]
2 Effective Date. This act shall take effect 60 days after its passage.
AMENDED ANALYSIS
This bill removes certain animal diseases from the list of immunizations eligible for reimbursement under the animal population control program.

HB 1293, relative to eligibility requirements for the state animal population control program. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Roger G. Wells for Ways and Means: This bill as amended makes changes to the spay/neuter program that has been requested by the state veterinarian. It eliminates the

loophole that even wealthy individuals buying an animal from an animal shelter can receive spay/neuter. It allows the program to direct the funds to the people with actual needs as defined by a number of qualifying programs. It allows the state veterinarian to also qualify individuals in extraordinary need in emergency situations. The amendment keeps all co-pays as they currently exist. Vote 15-0.

Amendment (0959h)

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

AN ACT relative to eligibility of dog and cat owners to participate in the state's reduced fee companion animal population control program.

Amend RSA 437-A:3 as inserted by section 1 of the bill by replacing it with the following:

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 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:

(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.

II. 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 based on a written finding of financial hardship 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 $25.

AMENDED ANALYSIS

This bill changes the eligibility criteria for owners of cats and dogs to participate in the reduced fee companion animal population control program.

HB 1297, relative to licenses for aquaculture issued by the fish and game department. **OUGHT TO PASS.**

Rep. William A. Hatch for Ways and Means: Currently, there is a lack of clarity for the fish and game department in the rule-making authority concerning aquaculture licensing. The committee feels all action necessary was taken by the policy committee, and therefore voted Ought to Pass as submitted. Vote 16-0.

HB 1351, relative to fish and game license and registration agents. **OUGHT TO PASS.**
Rep. Frank W. Davis for Ways and Means: This bill was a request by the fish and game department as a measure to ensure consistency between fish and game license agents and OHRV/snowmobile registration agents. The only change in fees replaces criminal penalties with a minor fine for late transmission of funds. No one testified against this legislation. Vote 16-0.

HB 1376, relative to insurance penalties. **OUGHT TO PASS.**
Rep. Michael D. Brunelle for Ways and Means: This bill was requested by the insurance department and was passed by the House with the recommendation of the policy committee. HB 1376 clarifies current law to include statutory violations of the insurance department. In addition, the bill sets penalties for insurers who knowingly violate the law, making them subject to license suspension and fines. The committee decided to support its passage unanimously. Vote 14-0.

HB 1378, relative to insurance taxes and fees. **OUGHT TO PASS.**
Rep. Michael D. Brunelle for Ways and Means: This bill was requested by the insurance department and was passed by the House with the recommendation of the Commerce Committee. HB 1378 establishes penalties for certain insurers who fail to file reports or remit the proper tax within a specific period of time. The committee decided to unanimously support the bill's passage. Vote 15-0.

HB 1448-FN, relative to documents prepared by the department of transportation and reimbursement fees for such documents. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Ron J. Mack for Ways and Means: This bill clarifies the legal authority for the department of transportation to charge copy fees for some of its documents. The amendment ensures that the fees charged will be only on the cost of copying. Vote 15-1.

Amendment (0809h)
Amend RSA 21-L:4-a as inserted by section 1 of the bill by replacing it with the following:
21-L:4-a Reports, Manuals, and Other Publications; Reimbursement Fees. The commissioner of transportation is authorized to prepare, publish, and distribute reports, manuals, plans, specifications, charts, surveys, or other documents consistent with the responsibilities of the department. The commissioner may charge fees to reimburse the department for costs incurred in copying such documents, and for applicable mailing costs. The commissioner shall publish a schedule of reimbursement fees to be approved by the fiscal committee of the general court. The schedule of reimbursement fees may be updated on a bi-annual basis.

HB 1479-FN, relative to sale of tobacco products and the appeals process concerning the seizure of illegal tobacco products. **OUGHT TO PASS.**
Rep. William A. Hatch for Ways and Means: This bill advances the fair and appropriate administration of our tobacco tax. Therefore, the committee voted Ought to Pass. Vote 15-0.

HB 1480, authorizing the commissioner of revenue administration to deny certain tobacco licenses. **OUGHT TO PASS.**
Rep. William A. Hatch for Ways and Means: This bill advances the fair and appropriate administration of the tobacco tax. Therefore, the committee voted Ought to Pass. Vote 16-0.

HB 1528-FN, relative to suspension of a driver's license for gasoline theft. **REFER FOR INTERIM STUDY.**
Rep. Peyton B. Hinkle for Ways and Means: This bill attempts to deal with the problem of

gasoline theft as a result of people driving off without paying. It first went to the Transportation Committee before coming to Ways and Means. It was the opinion of the committee that the bill dealt with a criminal issue and should have gone to the committee on Criminal Justice. Members of that committee agreed and expressed the desire to participate during interim study. This would further allow for proper consideration of the penalties imposed by the bill and whether such penalties are appropriate for the crime. Vote 12-0.

HB 1537, relative to the definition of milk. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Christine C. Hamm for Ways and Means: This bill, which defines "fresh milk" versus "New Hampshire fresh milk" versus "Northeastern fresh milk," came to the Ways and Means Committee after passing the Environment and Agriculture Committee unanimously and the House floor on a voice vote. The committee amended the bill to make one change, i.e. to deposit any penalties collected as a consequence of mislabeling not to the milk producers emergency relief fund but rather to the General Fund. Vote 12-0.

Amendment (0797h)
Amend RSA 184:111 as inserted by section 2 of the bill by deleting paragraph III.

HB 1551-FN, relative to fees for special number plates for veterans. **OUGHT TO PASS.**
Rep. Ron J. Mack for Ways and Means: The plate inventory fund receives the money charged for new license plates and uses it to pay for manufacture of further plates. There is currently about $2 million in it and it tends to grow by $1 million a year. When we authorized the new veteran's plate, the start-up costs were charged to the recipients in a special $25 charge. We are now well past start-up, and it is time to end this fee, at a cost of about $45,000 per year to the plate inventory fund. Vote 11-1.

HB 1595-FN, relative to driver's license renewals by persons engaged in overseas government service. **OUGHT TO PASS WITH AMENDMENT.**
Rep. William A. Hatch for Ways and Means: The committee recognized that residents in overseas services for the government need the ability to renew their licenses by application only but the committee considered that the appropriate fees should be paid and thus amended the bill to include the normal fees. Vote 13-1.

Amendment (0899h)
Amend the bill by replacing section 1 with the following:

1 New Section; License Expiration; Persons Engaged in Overseas Service. Amend RSA 263 by inserting after section 11 the following new section:

263:11-a License Expiration; Persons Engaged in Overseas Service. Any person who is engaged in overseas service for the government of the United States or the state of New Hampshire and who, at the time of the overseas assignment, was a resident of this state and was a holder of a valid New Hampshire license to drive motor vehicles in this state, may renew such license by application to the division. Said application shall be accompanied by a letter giving the date of expiration of the overseas assignment, signed by a supervising official. The privilege of this section remains in effect for 90 days after the expiration of the overseas assignment, except that no renewal under this section shall be valid for more than 5 years. Nothing in this section permits a person against whom a revocation or suspension of license is in force, or a person who has been refused a license by the director, to drive a motor vehicle.

HB 1604-FN, relative to the electronic toll collection system. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Norman L. Major for Ways and Means: This bill is a request of the department of transportation. The bill changes the requirements for suspension of motor vehicle

registration for violations of the electronic toll collection system, also known as E-Z Pass, and changes current procedures so that after the department of transportation has notified the department of safety of an unpaid E-Z Pass violation, the department of safety may suspend the owner's renewal registration privileges, but not the owner's driving privileges, registration, or resident plates. The owner of a registration after November 26, 2007 will no longer be notified of a suspension until after four violations. This bill as amended will change the suspension of driving privileges, registration and resident plates for five or more toll violations to a suspension of registration renewal privileges only and an administration fee. The owner will be notified every time a violation occurs and has 30 days from date of notification to pay the toll and administration fee, if assessed. Up to four administrative fee waivers will be granted. The registration renewal privileges of any vehicle, if applicable, of an owner shall be reinstated upon notice to the director from the department of transportation that all tolls, fees, and fines have been paid. The department of transportation and the department of safety have recommended passage of the bill as amended. Vote 11-0.

Amendment (0906h)

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

1 Order of Suspension. Amend RSA 263:56-f, I and II to read as follows:

I. Upon receiving a report from the commissioner of the department of transportation or designee, that the owner of a vehicle, as defined in RSA 236:31, has violated the terms of RSA 236:31, the director shall notify the owner in writing by first class mail that the owner's [~~driving privileges, registration, resident plates, or~~] motor vehicle registration ***renewal*** privileges may be suspended on the date which is 30 days from the date of notification unless the toll and any administrative fees assessed by the department of transportation are paid. The director shall also notify the owner that he or she may request an administrative hearing before the suspension takes effect. A request for a hearing shall be in writing. A request for a hearing received by the division more than 30 days from the date the notice is issued shall be denied as untimely.

II.(a) The director shall, pursuant to RSA 541-A, adopt by rule, a uniform administrative fine schedule for [~~each separate violation that~~] ***violations. The fine for each suspension of registration renewal privileges requested by the commissioner of transportation*** shall not exceed:

(1) $250 for a first [~~offense~~] ***requested suspension***.

(2) $500 for a second offense within a 12-month period ***from the time of the first requested suspension***.

(3) $1,000 for a third or subsequent offense within a 12-month period ***from the time of the first requested suspension***.

(b) [~~No fine shall take effect unless approved by the commissioner.~~] The commissioner [~~shall have the authority to modify the amount of the fine assessed~~] ***of safety, in proven cases of hardship or for other good cause, may suspend all or part of any administrative fine so imposed***. Notwithstanding any other law to the contrary, all administrative fines collected under this section shall be deposited into the turnpike fund.

2 Reinstatement. RSA 263:56-f, V is repealed and reenacted to read as follows:

V. The registration renewal privileges of any vehicle, if applicable, of an owner shall be reinstated upon notice to the director from the department of transportation that all tolls, fees, and fines have been paid.

3 Certification. Sections 1 and 2 of this act shall take effect as soon after passage as the commissioner of safety certifies to the commissioner of transportation and the director of the office of legislative services that the data processing system has been programmed to accommodate this change and no later than January 1, 2009.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect as provided in section 3 of this act.

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

AMENDED ANALYSIS

This changes current procedures so that after the department of transportation has notified the department of safety of an unpaid E-Z Pass violation, the department of safety may suspend the owner's registration renewal privileges, but not the owner's driving privileges, registration, or resident plates.

This bill is a request of the department of transportation.

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 WITH AMENDMENT.**

Rep. Michael G. Marsh for Ways and Means: This bill is enabling legislation that allows the counties to establish first-time offender alcohol and substance treatment (FAST) programs that offer an alternative to prosecution for first-time drug and alcohol offenders who are charged with violation-level or misdemeanor-level drug or alcohol offenses. The committee heard testimony from the Merrimack County attorney, who has implemented a FAST program, that it is an effective way to curb substance abuse and at the same time it does not create a criminal record for young people. These programs are generally self-funding after initial start-up, because attendees are required to pay a fee to attend the program, but they need seed money to get started. To that end, the bill establishes in the criminal justice bureau of the department of justice a grant program to identify sources for this seed money, creates a non-lapsing fund to receive grant money, and authorizes the attorney general's office to disburse any funds raised by these grants to the individual counties to help them start a FAST program. The committee did not review the policy to establish the fund, as the House voted for this earlier this year. The committee voted to reduce the maximum amount of the grant money that the attorney general's office can keep to defray its grant writing and administration expenses to 8.5 percent from the original 15 percent. Vote 11-0.

Amendment (0907h)

Amend RSA 21-M:19, IV as inserted by section 1 of the bill by replacing it with the following:

IV. No more than 8-1/2 percent of the money in the FAST program grant fund shall be used by the attorney general for the costs of administration of the fund.

HB 1647-FN-A, relative to demand response program revenue. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael G. Marsh for Ways and Means: This bill establishes a fund for demand response program revenue to be used for conservation purposes in executive departments, energy performance contracts, and demand response program expenses. A demand response program means a program under which the state receives payment for voluntarily reducing electricity demand in response to grid instability in exchange for payments from the independent system operators. In effect, the state will be paid to reduce total peak electricity demand, a goal that is in the interests of the state and its citizenry. The money received will go into the demand response program fund and will be used to promote energy conservation in executive departments, thus furthering the goal of reducing electricity usage over time. The committee voted unanimously that this is a worthy bill, after amending it to allow the money to be used in a more flexible manner to promote conservation. Vote 15-0.

Amendment (0779h)

Amend the bill by replacing section 3 with the following:

3 New Section; State Facility Energy Cost Reduction; Energy Efficiency Fund. Amend RSA 21-I by inserting after section 19-e the following new section:

21-I:19-f Energy Efficiency Fund. There is hereby established an energy efficiency fund into which shall only be deposited moneys received by the state for participating in demand response programs. The state treasurer may invest moneys in the fund as provided by law, with interest received on such investment credited to the fund. Moneys in the fund shall be nonlapsing and continually appropriated to the division of plant and property management to be used exclusively to fund energy efficiency projects and energy efficiency contracts and to reimburse state agencies for demand response program expenses.

AMENDED ANALYSIS

This bill establishes a fund for demand response program revenue to be used for energy efficiency projects, energy efficiency contracts, and demand response program expenses.

SB 173, relative to regulation of private postsecondary career schools. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ron J. Mack for Ways and Means: The committee's responsibility in this bill is only the fee charged by the post secondary education commission for regulation of private career schools. There is a general rule that professional boards charge 125% of the cost to their members for their oversight, allowing the state's general fund 25% overhead. This rule never seems to have been applied to an agency overseeing institutions, only those overseeing professional individuals such as surgeons and welders. Because of this, and because the commission testified that some of their schools would be severely stressed to pay the 125%, the committee amended this section to require only 100% of cost be covered by the fee. The committee was also asked to change the quorum requirement for the commission's meetings, which is a policy issue which we referred back to the first committee. The Education Committee has requested us to make that change, which appears in the amendment. Vote 16-0.

Amendment (0879h)

Amend RSA 188-D:2, IX as inserted by section 1 of the bill by replacing it with the following:

IX. One member to be appointed by the governor and council on recommendation by the New Hampshire Council for Professional Education, who shall be a resident of the state and a representative of a private postsecondary career school. The terms of appointed members, except as indicated above, shall be for 5 years and until a successor is appointed and qualified. Vacancies shall be filled for the unexpired term.

Amend the bill by replacing sections 10 and 11 with the following:

10 Private Postsecondary Career Schools; Fees for Licenses. The executive director, in consultation with the postsecondary education commission, shall develop a new fee schedule for licenses and license renewals for private postsecondary career schools as required under RSA 188-D:20, and shall submit such fee schedule to the house and senate education committees and the house and senate ways and means committees no later than September 1, 2008. Such fees shall be sufficient to produce estimated revenues at least equal to the direct operating expenses for the previous fiscal year.

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

The House recessed at 12:40 p.m.

RECESS

(Speaker Norelli in the Chair)

The House reconvened at 1:50 p.m.

COMMITTEE REPORTS

REGULAR CALENDAR

HB 686-FN, relative to the regulation of tracking devices. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**
Rep. James R. Martin for the Majority of Commerce: The bill as amended incorporates the work of the RFID Study Commission to date. The commission continues to work and will address as its next order of business, the labeling of consumer products which contain an RFID device. This bill as amended prohibits the implantation of RFID devices in humans in New Hampshire and makes the unauthorized use of scanning devices to read encoded information on payment cards, including credit cards, illegal. Vote 12-2.
Rep. Joel F. Winters for the Minority of Commerce: Each provision of the minority amendment to HB 686 contains common sense consumer protections, many of which are removed by the majority amendment. A consumer product which contains a hidden RFID chip would have to have a label on it and human implantation would be prohibited without an individual's consent. The anti-skimming laws would be updated to prohibit cloning of RFID credit and debit cards and the state would be prohibited from using RFID in identification documents such as driver's licenses. However, the bill contains a list of exemptions for legitimate state use such as EZ-Pass.

Majority Amendment (0687h)

Amend the title of the bill by replacing it with the following:
AN ACT relative to the regulation of remotely readable devices and the illegal use of payment card scanning devices or reencoders.
Amend the bill by replacing all after the enacting clause with the following:
1 New Chapter; Regulation of Remotely Readable Devices. Amend RSA by inserting after chapter 358-S the following new chapter:

CHAPTER 358-T
REGULATION OF THE USE OF REMOTELY READABLE DEVICES FOR THE PURPOSE OF TRACKING

358-T:1 Definitions. In this chapter:
I. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, foundation, joint venture, government, government subdivision, agency or instrumentality, public corporation, or any other legal or commercial entity.
II. "Remotely readable device" means any item, application, or mark that is passively or actively capable of transmitting an individual's identity, characteristics, status, group membership, travel history, or location, or capable of storing or transmitting a number, symbol, signal, pattern, or other identifier that could be linked with any such identification or location information.
358-T:2 Human Implantation of Remotely Readable Device Prohibited.
I. No person shall implant or attempt to implant or physically incorporate a remotely readable device into or on the body, skin, teeth, hair, or nails of another individual without the prior, informed, written consent of the individual. Consent of a guardian, guardian ad litem, attorney-in-fact, or parent of a minor child shall be considered adequate consent, unless a written instrument executed by the individual precludes implantation or physical incorporation. Use of a bracelet or other readily removable device is not considered implantation or physical incorporation under this section.
II. No individual shall be offered an incentive, denied an opportunity, or in any way treated by a person differently from any other individual as a consequence of providing or withholding such consent.
III. No person shall use the presence or absence of an implanted remotely readable device as a basis for discriminating against an individual for any purpose whatsoever, including, but not limited to, employment, housing, insurance, medical care, voting, education, travel, and commerce.
358-T:3 Penalties.

I. Any person convicted of violating this chapter shall be guilty of a class B felony.

II. An aggrieved individual or the state may bring suit for civil penalties for up to $10,000, plus court costs and reasonable attorney's fees, for each violation of this chapter.

2 Illegal Use of Payment Card Scanning Device or Reencoder. Amend RSA 638:28, I-III to read as follows:

I. "Scanning device" means a scanner, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on [~~the magnetic strip or stripe of~~] ***or in*** a payment card.

II. "Reencoder" means an electronic device that places encoded information from [~~the magnetic strip or stripe of~~] a payment card onto [~~the magnetic strip or stripe of~~] ***or into*** a different payment card.

III. "Payment card" means a credit card, charge card, debit card, or any other card ***or device*** that is issued to an authorized [~~card~~] user and that allows the user to obtain, purchase, or receive goods, services, money, or anything else of value from a merchant.

3 Illegal Use of Payment Card Scanning Device or Reencoder. Amend RSA 638:29, I to read as follows:

I. A person is guilty of the crime of using a scanning device or reencoder to defraud when the person knowingly:

(a) Uses a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on [~~the magnetic strip or stripe of a~~] ***or in a*** payment card without the permission of the authorized user of the payment card and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant; or

(b) Uses a reencoder to place information encoded on [~~the magnetic strip or stripe of a~~] ***or into a different*** payment card onto [~~the magnetic strip or stripe of~~] ***or into*** a different card without the permission of the authorized user of the card from which the information is being reencoded and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant.

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

AMENDED ANALYSIS

This bill prohibits the human implantation of a remotely readable device without the individual's informed, written consent. The bill also amends the definition of payment card and reencoding for purposes of the crime of using a scanning device or reencoder for fraudulent purposes.

Majority committee amendment adopted.

Rep. Winters offered minority amendment (1021h).

Minority Amendment (1021h)

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

1 New Chapter; Regulation of Remotely Readable Devices. Amend RSA by inserting after chapter 358-S the following new chapter:

CHAPTER 358-T

REGULATION OF REMOTELY READABLE DEVICES

358-T:1 Definitions.

I. "Consumer" means an individual in the state of New Hampshire who consumes or uses a retail product for personal, non-commercial reasons.

II. "Consumer product" means a physical object that is, or is intended to be, used or consumed by a consumer and includes, but is not limited to food, alcoholic and nonalcoholic beverages, and prescription and nonprescription drugs, clothing, merchandise, motor vehicles, advertising and sales documents and literature, books, magazines, greeting and business cards, and any packaging intended to be removed by a consumer. A "consumer product" does not include an identification document or any product to the extent that unique identification via radio waves is an essential part of the consumer's use, including,

but not limited to, commercial mobile radio service as described in 47 U.S.C. section 332, electronic toll collection systems as defined in RSA 236:31, I(c), keys, and garage door openers.

III. "Consumer notice" means either:

(a) A graphical system designed to provide a standard way to show the presence of a remotely readable device; or

(b) Notice given with the following text: "This product contains a remotely readable device that can be read without your knowledge if it is brought within range of a reader device."

IV. "Identification document" means any document or object containing personal information that an individual uses alone or in conjunction with any other information to establish his or her identity, to obtain health or medical care, to engage in government-regulated activities, or to engage in financial transactions. Identification documents shall include but shall not be limited to:

(a) Drivers' licenses, identification cards, and license plates issued by the director of the division of motor vehicles, department of safety.

(b) Electronic toll collection systems as defined in RSA 236:31, I(c).

(c) Identification cards or badges issued to employees or contractors.

(d) Insurance benefit cards.

(e) Identification cards issued by schools and educational institutions.

(f) Benefit cards issued in conjunction with any government-supported aid program.

(g) Credit, debit, and financial account cards.

(h) Licenses, certificates, registrations, or other means to engage in a business or profession regulated by the state or its political subdivisions.

(i) Library cards issued by any public library.

V. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability corporation, association, foundation, joint venture, government, government subdivision, agency or instrumentality, public corporation, or any other legal or commercial entity.

VI. "Personal information" means information that can be used to identify an individual. Such information includes an individual's name, address, telephone and cellular telephone number, social security number, credit card and financial account numbers, driver's license number, e-mail address, date of birth, race, religion, ethnicity, nationality, political affiliation, photograph and digital image, fingerprint or other biometric identification, and any other unique personal identifier or number.

VII. "Remotely readable device" means any item, application or mark that is passively or actively capable of transmitting an individual's identity, characteristics, status, group membership, travel history, or location, or capable of storing or transmitting a number, symbol, signal, pattern, or other identifier that could be linked with any such identification or location information. A remotely readable device includes, but is not limited to, technologies that use radio waves to identify individual objects, such as radio frequency identification.

VIII. "Track" means to locate, follow, or plot the path of an individual by means of a remotely readable device, but shall not include locating technology used by the enhanced 911 system or commercial mobile radio service pursuant to 47 U.S.C. Section 332.

358-T:2 Notice Required; Consumer Products.

I. No person shall manufacture a consumer product or identification document to which a remotely readable device has been affixed or implanted, which is intended to be offered for sale or provided to a consumer, without a consumer notice affixed to the consumer product, identification document, or its packaging.

II. Consumer products to which a remotely readable device has been affixed or implanted, which are offered for loan or rental without an original, manufacturer's consumer notice, shall include either:

(a) A consumer notice; or

(b) The following notice: "This (specify product type) may contain a remotely readable device which can be read without your knowledge if it is brought within range of a reader device."

III. Any notice provided pursuant to this subparagraph shall be given in a clear and conspicuous manner.

IV. No consumer notice required under paragraph I may be removed until it has been sold or provided to a consumer.

358-T:3 Human Implantation of Remotely Readable Device Prohibited.

I. No person shall implant or attempt to implant or physically incorporate a remotely readable device into or on the body, skin, teeth, hair or nails of another individual without the prior, informed written consent of the individual. Consent of a guardian, guardian ad litem, attorney-in-fact, or parent of a minor child shall be considered adequate consent, unless a written instrument executed by the individual precludes implantation or physical incorporation. Use of a bracelet or other readily removable device is not considered implantation or physical incorporation under this section.

II. No individual shall be offered an incentive, denied an opportunity, or in any way treated by a person differently from any other individual as a consequence of providing or withholding such consent.

III. No person shall use the presence or absence of an implanted remotely readable device as a basis for discriminating against an individual for any purpose whatsoever, including, but not limited to, employment, housing, insurance, medical care, voting, education, travel, and commerce.

358-T:4 Restrictions on State Use of Remotely Readable Devices.

I. The state or a political subdivision, department, or agency shall not issue, or permit others to issue on its behalf, any identification document that contains a remotely readable device or uses remotely readable devices to locate an individual, either directly or indirectly through other persons, except in the following circumstances:

(a) To locate a person who is incarcerated in the state prison or county jail, is housed in a mental health facility pursuant to a court order after having been charged with a crime, is subject to court-ordered electronic monitoring, or is a resident of a state or county hospital, nursing facility or assisted living facility.

(b) When the remotely readable device is implanted in an identification document that is to be used on a toll road or bridge owned or operated by the state or a political subdivision, department, or agency thereof, but only for the specific purpose of collecting funds for the use of that road or bridge.

(c) An identification document that is issued to a person for the limited purpose of facilitating secure access by the identification document holder to a secured public building or parking area.

(d) The identification document is part of a contactless identification document system used by the state or a political subdivision, department, or agency of the state that is operational and in use prior to January 1, 2007.

(e) Credit, debit, or financial account cards issued to a person for use on behalf of the state or a political subdivision, department, or agency of the state, provided that such card complies with RSA 358-T:2.

II. No identification document permitted under this section shall contain, transmit, or enable the remote reading of any personal information other than a unique personal identifier number which is not a social security number.

III. This section shall not apply to the court authorized use of remotely readable devices by law enforcement officials.

358-T:5 Electronic Tracking Prohibited. Except as otherwise provided in this chapter, no person may track an individual without a valid court order or the consent of the person being tracked. Notwithstanding the foregoing, a person may track property owned or otherwise legally possessed where the person has reason to believe the property is being used in violation of the person's property interests.

358-T:6 Penalties.

I. Any person convicted of violating RSA 358-T:2 or RSA 358-T:5 shall be guilty of a misdemeanor if a natural person and a felony if any other person. Each such act shall constitute a separate offense.

II. Any person convicted of violating RSA 358-T:3 shall be guilty of a class B felony.

III. An aggrieved individual or the state may bring suit for civil penalties for up to $1,000 or actual damages, whichever is greater, plus court costs and reasonable attorney's fees, for each violation of this chapter.

2 Illegal Use of Payment Card Scanning Device or Reencoder. Amend RSA 638:28, I-III to read as follows:

I. "Scanning device" means a scanner, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on [~~the magnetic strip or stripe of~~] ***or in*** a payment card.

II. "Reencoder" means an electronic device that places encoded information from [~~the magnetic strip or stripe of~~] a payment card onto [~~the magnetic strip or stripe of~~] ***or into*** a different payment card.

III. "Payment card" means a credit card, charge card, debit card, or any other card ***or device*** that is issued to an authorized [~~card~~] user and that allows the user to obtain, purchase, or receive goods, services, money, or anything else of value from a merchant.

3 Illegal Use of Payment Card Scanning Device or Reencoder. Amend RSA 638:29, I to read as follows:

I. A person is guilty of the crime of using a scanning device or reencoder to defraud when the person knowingly:

(a) Uses a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on [~~the magnetic strip or stripe of a~~] ***or in a*** payment card without the permission of the authorized user of the payment card and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant; or

(b) Uses a reencoder to place information encoded on [~~the magnetic strip or stripe of a~~] ***or into a different*** payment card onto [~~the magnetic strip or stripe of~~] ***or into*** a different card without the permission of the authorized user of the card from which the information is being reencoded and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant.

4 Consumer Notice. Amend RSA 358-T:1, III(a) to read as follows:

(a) A graphical system designed to provide a standard way to show the presence of a remotely readable device***, and if an RFID transponder, its frequency and data structure***; or

5 Effective Date.

I. Section 4 of this act shall take effect January 1, 2013.

II. The remainder of this act shall take effect January 1, 2009.

AMENDED ANALYSIS

This bill:

I. Requires consumer products or identification documents with remotely readable devices to include a consumer notice to that effect.

II. Prohibits the human implantation of a remotely readable device without the individual's informed, written consent.

III. Prohibits electronic tracking of another individual with certain limited exceptions.

IV. Amends the definition of payment card and reencoding for purposes of the crime of using a scanning device or reencoder for fraudulent purposes.
Reps. Winters and Kurk spoke in favor.
Rep. Reardon spoke against.
Rep. Hunt spoke against and yielded to questions.
On a division vote, 176 members having voted in the affirmative and 153 in the negative, minority amendment (1021h) was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. DeStefano requested a roll call; sufficiently seconded.

YEAS 209 NAYS 121

YEAS 209

BELKNAP

Allen, Janet	Boyce, Laurie	Millham, Alida	Morrison, Gail
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran			

CARROLL

Bridgham, Robert	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Cunningham, Howard	Merrow, Harry	Patten, Betsey	Stevens, Stanley

CHESHIRE

Allen, Peter	Eaton, Daniel	Emerson, Susan	Espiefs, Peter
Johnson, Jane	Loll, Thomas	Mitchell, Bonnie	Richardson, Barbara
Sad, Tara	Weber, Lucy		

COOS

Ingersoll, Paul Sr	King, Frederick	Merrick, Evalyn	Remick, William
Tholl, John Jr			

GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bulis, Lyle	Dingman, Vernon III	Friedrich, Carol	Gionet, Edmond
Hammond, Lee	Ingbretson, Paul	Lovett, Sid	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Williams, Burton	

HILLSBOROUGH

Baroody, Benjamin	Barry, Richard	Batula, Peter	Beaulieu, Jane
Beck, Catriona	Bergeron, Jean-Guy	Chase, Claudia	Christensen, Chris
Clemons, Jane	Cote, David	Coughlin, Pamela	Daler, Jennifer
Daniels, Gary	Day, Russell	Dokmo, Cynthia	Drisko, Richard
Edwards, Andrew	Elliott, Nancy	Farley, Michael	Fontas, Jeffrey
Foster, Linda	Ginsburg, Ruth	Gorman, Mary	Goyette, Peter
Graham, John	Haefner, Robert	Haley, Robert	Hall, Betty
Harvey, Suzanne	Hinkle, Peyton	Hogan, Edith	Holden, Randolph
Hopper, Gary	Infantine, William	Jean, Claudette	Jeudy, Jean
Kaelin, Michael	Kelley, John	Knowles, John	Knowles, Mary Ann
Kopka, Angeline	Kurk, Neal	L'Heureux, Robert	Lawrence, James

Levesque, Melanie	Mack, Ron	Martineau, Jesse	Matarazzo, Anthony Sr
Messier, Irene	Mooney, Maureen	Movsesian, Lori	O'Brien, Michael Sr
O'Neil, James	Ober, Lynne	Ober, Russell III	Peterson, Andy
Renzullo, Andrew	Rochette, Eric	Rowe, Robert	Scannell, David
Shaw, Barbara	Shaw, Kimberly	Simon, Anthony	Smith, David
Soucy, Connie	Spratt, Stephen	Sullivan, Daniel	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Winters, Joel

MERRIMACK

Anderson, Eric	Baxley, Maureen	Blanchard, Elizabeth	Brown, Carole
Davis, Frank	DeJoie, John	Ehlers, Eileen	Hamm, Christine
Kjellman, Eleanor Glynn	Lockwood, Priscilla	MacKay, James	McMahon, Patricia
Osborne, Jessie	Reed, Dennis	Tilton, Joy	Wallner, Mary
Walz, Mary	Webb, Leigh	Wheeler, Deborah	Yeaton, Charles

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Borden, David
Cali-Pitts, Jacqueline	Camm, Kevin	Carson, Sharon	Dalrymple, David
Devine, James	DiFruscia, Anthony	Elliott, Robert	Emiro, Frank
Fesh, Bob	Flockhart, Eileen	Gleason, John	Gould, Kenneth
Grote, Otto	Headd, James	Henson, John	Ingram, Russell
Kappler, Lawrence	Katsakiores, George	Katsakiores, Phyllis	Kennedy, James
Kepner, Susan	Lund, Howie	Mann, Maureen	Marsh, Michael
McKenna, Daniel	McKinney, Betsy	McMahon, Charles	Moody, Marcia
Moore, Bennett	Nevins, Christopher	Nord, Susi	Nowe, Ronald
Packard, Sherman	Petterson, Don	Rausch, James	Reagan, John
Robertson, Carl	Russell, Trinka	Sanders, Elisabeth	Serlin, Christopher
Welch, David	Weyler, Kenneth		

STRAFFORD

Brown, Larry	Browne, Brendon	Cyr, James	DeChane, Marlene
Fargo, Thomas	Goodwin, Earle	Hofemann, Roland	Hutz, Sarah
Mickelonis, Shawn	Miller, Joseph	Perry, Robert	Rollo, Michael
Rous, Emma	Smith, Marjorie	Sprague, Dale	Vachon, Dennis
Wall, Janet	Watson, Robert		

SULLIVAN

Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Jillette, Arthur Jr	Skinder, Carla		

NAYS 121

BELKNAP

Clark, Charles	Flanders, Donald	Heald, Bruce	Nedeau, Stephen
Pilliod, James	Reever, Judith		

CARROLL

Ahlgren, Christopher	Butler, Edward	Heard, Virginia	Knox, J. David
Martin, James			

CHESHIRE

Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Chase, William	Dunn, J. Timothy	Hunt, John	Lerandeau, Alfred
Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr	Roberts, Kris
Robertson, Timothy	Weed, Charles		

COOS

Hatch, William	Theberge, Robert	Thomas, Yvonne

GRAFTON

Cooney, Mary	Estes, Carole	Harding, A Laurie	Laliberte, Suzanne
Matheson, Robert	Pierce, David	Preston, Philip	Solomon, Peter
Sorg, Gregory			

HILLSBOROUGH

Campbell, David	Emerton, Larry	Essex, David	Fletcher, Richard
Forest, Armand	Gargasz, Carolyn	Garrity, Patrick	Goley, Jeffrey
Hammond, Jill	Hawkins, Ken	Hebert, Roger	Irwin, Anne-Marie
Jasper, Shawn	Lasky, Bette	Leishman, Peter	Long, Patrick
Manney, Pamela	O'Connell, Timothy	Pilotte, Maurice	Price, Pamela
Reeves, Sandra	Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman
Stepanek, Stephen	Sullivan, Francis		

MERRIMACK

Beauchesne, Suzanne	Bouchard, Candace	Boutin, David	Brueggemann, Donald
Clarke, Claire	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Hess, David	Kidder, David
Owen, Derek	Porter, Margaret	Potter, Frances	Reardon, Tara
Richardson, Gary	Ryan, Jim	Shurtleff, Stephen	

ROCKINGHAM

Abbott, Dennis	Belanger, Ronald	Case, Frank	Casey, Kimberley
Charron, Gene	Day, Judith	Flanders, John Sr	Garcia, Marilinda
Garrity, James	Griffin, Mary	Howard, Doreen	Major, Norman
McCarthy, Linda	Pantelakos, Laura	Pearson, Mark	Powers, James
Priestley, Anne	Quandt, Marshall	Quandt, Matthew	Snow, Richard
Weare, Everett	Webber, James	Wells, Roger	Winchell, George

STRAFFORD

Brennan, William	Brown, Julie	Burke, Rachel	Domingo, Baldwin
Hubbard, Pamela	Kaen, Naida	Knowles, William	Rollo, Deanna
Schmidt, Peter			

SULLIVAN

Donovan, Thomas	Gottling, Suzanne	Houde, Matthew	Nielsen, Ellen
Phinizy, James	Rodeschin, Beverly		

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

HB 1430, relative to the application of animal cruelty laws to horse and dog race tracks.

OUGHT TO PASS WITH AMENDMENT.
Rep. David A. Welch for Criminal Justice and Public Safety: This bill repeals RSA 644:8, IV-(c) which reads: "The provisions of RSA 284 shall not be affected by this section." The committee amendment removes language relative to "exempting horse and dog racetracks from the application of animal cruelty laws." It is not clear that an exemption ever existed and the language suggesting that it did was the subject of dissenting testimony on the bill. Our amendment does not change the intent of the bill as passed by the House on February 6, 2008. Vote 9-5.

Amendment (0663h)
Amend the bill by replacing section 1 with the following:
1 Repeal. RSA 644:8, IV-a(c), relative to a reference to the applicability of RSA 284, is repealed.
Amendment adopted.
Committee report adopted and ordered to third reading.

HB 1526, relative to the use of images of New Hampshire residents who died in the line of duty. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Ellen Nielsen for Criminal Justice and Public Safety: While some members of the committee were concerned that this bill might have a chilling effect on political speech protected by the First Amendment, the majority agreed that the law, as written, applies only when someone attempts to profit financially by using a deceased individual's image without permission from the next of kin. The committee amended the penalty section of the bill to make it consistent with penalties for similar violations. Vote 11-4.

Amendment (0910h)
Amend RSA 644:9-a, II as inserted by section 1 of the bill by replacing it with the following:
II. Any person who violates the provisions of this act shall be guilty of a violation.
Amendment adopted.
Committee report adopted and ordered to third reading.

HB 1623-FN, relative to penalties for possession of marijuana. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**
Rep. John E. Tholl for the Majority of Criminal Justice and Public Safety: The bill would have reduced the penalty for the possession of 1.25 oz of marijuana from a Class B felony to a violation and it would have further reduced the penalty for sale also to a violation with a fine of $200. The committee heard several hours of testimony on both sides of the issue. An amendment, which would have made possession of .25 oz of marijuana a violation and removed the reduction of the penalty for sale, passed the full committee by a narrow margin after debate. The amended version then failed on a vote of 6-12. The committee felt that while the court imposed penalties for small quantities of marijuana was most often a small fine, in the range of $100, despite the requirement in RSA 318-B:26 XIII for a minimum of $350, simply reducing the penalty for possession of a small quantity to a violation would not only send the wrong message to our youth, but would expose them to harsher penalties for transportation and other violations of the controlled drug statutes in the mistaken belief that possession was no longer a misdemeanor for a small quantity and therefore not a big deal. Vote 13-5.
Rep. Jeffrey P. Fontas for the Minority of Criminal Justice and Public Safety: Current penalties for possession of up to one ounce of marijuana are a maximum one year in jail and up to a $2,000 fine. However, there are many additional penalties that are invisible to the public eye. Drug convictions are the only crimes that jeopardize eligibility for federal financial aid. To date, more than 200,000 students nationally have been denied financial aid

simply because they have drug convictions. Additionally, a drug conviction can jeopardize opportunities to join the military, receive food stamps and public housing, and even employment opportunities. HB 1623 was introduced to preserve those opportunities – especially for young people who may early in life find themselves on the wrong track. The amended version of HB 1623 would have reduced penalties for possession of up to one quarter of an ounce of marijuana to a violation punishable by a $200 fine. This amended version was a substantial compromise from both sides and a sound step in the right direction.
Reps. Bedrick and Fontas spoke against.
Rep. Tholl spoke in favor.
On a division vote, 150 members having voted in the affirmative and 176 in the negative, the majority committee report failed.
Rep. Fontas moved Ought to Pass with Amendment and offered minority amendment (0625h).

Minority Amendment (0625h)

Amend the title of the bill by replacing it with the following:
AN ACT relative to the penalty for possession of marijuana.
Amend the bill by replacing all after the enacting clause with the following:
1 New Subparagraph; Controlled Drug Act; Penalties. Amend RSA 318-B:26, II by inserting after subparagraph (d) the following new subparagraph:
(e) In the case of marijuana in a quantity of less than .25 ounces including any adulterants or dilutants, the person shall be guilty of a violation, and notwithstanding paragraph XIII of this section, subject to a fine not to exceed $200 for each offense.
2 Effective Date. This act shall take effect January 1, 2009.

AMENDED ANALYSIS

This bill makes the penalty for marijuana possession in a quantity of less than .25 ounces a violation.
Rep. Fontas spoke in favor.
Rep. Welch spoke in favor and yielded to questions.
Rep. Tholl spoke against.
On a division vote, 219 members having voted in the affirmative and 115 in the negative, minority amendment (0625h) was adopted.

The question now being adoption of the motion of Ought to Pass with Amendment.
Rep. Hess requested a roll call; sufficiently seconded.

YEAS 193 NAYS 141

YEAS 193

BELKNAP

Heald, Bruce	Morrison, Gail	Pilliod, James	Reever, Judith
Tobin, William			

CARROLL

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

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butterworth, Timothy	Chase, William
Dunn, J. Timothy	Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie
Pelkey, Stephen	Richardson, Barbara	Roberts, Kris	Robertson, Timothy

Sad, Tara	Weber, Lucy	Weed, Charles

COOS

Hatch, William	Merrick, Evalyn	Theberge, Robert

GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Friedrich, Carol	Gionet, Edmond	Hammond, Lee
Harding, A Laurie	Ingbretson, Paul	Laliberte, Suzanne	Lovett, Sid
Matheson, Robert	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Pierce, David	Preston, Philip	Sorg, Gregory	Williams, Burton

HILLSBOROUGH

Barry, Richard	Beaulieu, Jane	Beck, Catriona	Brunelle, Michael
Campbell, David	Chase, Claudia	Clemons, Jane	Daler, Jennifer
Edwards, Andrew	Essex, David	Farley, Michael	Fontas, Jeffrey
Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Goyette, Peter	Haley, Robert	Hall, Betty	Hammond, Jill
Harvey, Suzanne	Hebert, Roger	Hogan, Edith	Holden, Randolph
Hopper, Gary	Infantine, William	Jeudy, Jean	Kaelin, Michael
Kelley, John	Kopka, Angeline	Kurk, Neal	Lasky, Bette
Leishman, Peter	Levesque, Melanie	Mack, Ron	Manney, Pamela
Martineau, Jesse	O'Brien, Michael Sr	Ober, Lynne	Ober, Russell III
Pilotte, Maurice	Scannell, David	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Simon, Anthony	Soucy, Connie	Sullivan, Daniel
Sullivan, Francis	Vaillancourt, Steve	Winters, Joel	

MERRIMACK

Baxley, Maureen	Beauchesne, Suzanne	Blanchard, Elizabeth	Bouchard, Candace
Brown, Carole	Brueggemann, Donald	Clarke, Claire	Davis, Frank
DeJoie, John	Ehlers, Eileen	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Kidder, David
Kjellman, Eleanor Glynn	Lockwood, Priscilla	Osborne, Jessie	Owen, Derek
Porter, Margaret	Potter, Frances	Reardon, Tara	Richardson, Gary
Ryan, Jim	Walz, Mary	Wheeler, Deborah	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Bedrick, Jason	Borden, David	Cali-Pitts, Jacqueline
Case, Frank	Casey, Kimberley	Devine, James	DiFruscia, Anthony
Flockhart, Eileen	Gleason, John	Gould, Kenneth	Grote, Otto
Henson, John	Ingram, Russell	Itse, Daniel	Katsakiores, George
Katsakiores, Phyllis	Kennedy, James	Lund, Howie	Mann, Maureen
Marsh, Michael	McCarthy, Linda	McKenna, Daniel	McKinney, Betsy
Moody, Marcia	Moore, Bennett	Nord, Susi	Petterson, Don
Powers, James	Reagan, John	Robertson, Carl	Russell, Trinka
Serlin, Christopher	Webber, James	Welch, David	Wells, Roger

STRAFFORD

Billian, Deborah	Brennan, William	Brown, Julie	Brown, Larry
Browne, Brendon	Burke, Rachel	Cyr, James	DeChane, Marlene
Domingo, Baldwin	Fargo, Thomas	Goodwin, Earle	Hubbard, Pamela

Hutz, Sarah	Kaen, Naida	Perry, Robert	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Vachon, Dennis
Warren, Nancy			

SULLIVAN

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

NAYS 141

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Millham, Alida	Nedeau, Stephen	Russell, David	Thomas, John
Tilton, Franklin	Wendelboe, Fran		

CARROLL

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

CHESHIRE

Burridge, Delmar	Butynski, William	Emerson, Susan	Hunt, John
Johnson, Jane	Lerandeau, Alfred	Loll, Thomas	Parkhurst, Henry
Plifka, Stanley Jr			

COOS

Ingersoll, Paul Sr	King, Frederick	Remick, William	Tholl, John Jr
Thomas, Yvonne			

GRAFTON

Bulis, Lyle	Dingman, Vernon III	Estes, Carole	Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin	Batula, Peter	Bergeron, Jean-Guy	Christensen, Chris
Cote, David	Coughlin, Pamela	Daniels, Gary	Day, Russell
Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy	Emerton, Larry
Fletcher, Richard	Forest, Armand	Foster, Linda	Gargasz, Carolyn
Graham, John	Haefner, Robert	Hawkins, Ken	Hinkle, Peyton
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Knowles, John
Knowles, Mary Ann	L'Heureux, Robert	Lawrence, James	Long, Patrick
Matarazzo, Anthony Sr	Messier, Irene	Mooney, Maureen	Movsesian, Lori
O'Connell, Timothy	O'Neil, James	Peterson, Andy	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rochette, Eric	Rosenwald, Cindy
Rowe, Robert	Schulze, Joan	Smith, David	Spratt, Stephen
Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan	Villeneuve, Maurice

MERRIMACK

Anderson, Eric	Boutin, David	DeStefano, Stephen	Hess, David
MacKay, James	McMahon, Patricia	Reed, Dennis	Shurtleff, Stephen
Tilton, Joy	Wallner, Mary	Webb, Leigh	

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Belanger, Ronald	Camm, Kevin
Carson, Sharon	Charron, Gene	Dalrymple, David	Day, Judith
Elliott, Robert	Emiro, Frank	Fesh, Bob	Flanders, John Sr
Garcia, Marilinda	Garrity, James	Griffin, Mary	Headd, James
Howard, Doreen	Kappler, Lawrence	Kepner, Susan	Major, Norman
McMahon, Charles	Nevins, Christopher	Nowe, Ronald	Packard, Sherman
Pantelakos, Laura	Pearson, Mark	Priestley, Anne	Quandt, Marshall
Quandt, Matthew	Rausch, James	Sanders, Elisabeth	Snow, Richard
Weare, Everett	Weyler, Kenneth	Winchell, George	

STRAFFORD

Hofemann, Roland	Knowles, William	Mickelonis, Shawn	Miller, Joseph
Rollo, Deanna	Rollo, Michael	Sprague, Dale	Wall, Janet
Watson, Robert			

SULLIVAN

Ferland, Brenda Rodeschin, Beverly

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

HB 1429, relative to private landfills. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. James G. Phinizy for the Majority of Environment and Agriculture: This bill sought originally a moratorium on permitting privately owned landfills pending a review of the current permitting process. It also sought to clarify a municipality's role in the permitting process as well as to establish requirements that a landfill go through permitting should there be a "material modification" to an existing permit's terms. The committee held two hearings and several work sessions, as these issues are very complex. The amended version of the bill establishes a commission to look into present landfill capacity, distribution capacity in relation to demographics, necessary changes to current permitting processes, and parameters for host agreements to encourage greater, future landfill capacity for the state. While the committee feels that a moratorium on permitting of private landfills is impractical, it did establish in statute the definition of "host community agreement" and require that the department work with any community as a facilitator on a host agreement, prior to a permit. The amendment also establishes the policy requiring that a material modification to an existing landfill be considered as if it were a new permit. Vote 13-4.

Rep. Leigh A. Webb for the Minority of Environment and Agriculture: Although there is no disagreement that the state needs a better way to facilitate and encourage the creation, maintenance, and remediation of future of private landfills, the language of the bill as amended raises serious questions as to the department of environmental services ability to accomplish those goals, especially retroactively with regard to existing facilities. The minority believed that the bill as amended had significant enough changes to warrant further investigation and input from all affected parties, which was not possible during the executive session. The minority believed that interim study would be more appropriate.

Majority Amendment (0757h)

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

1 New Paragraph; Private Landfills; Permit Required. Amend RSA 149-M:9 by inserting after paragraph XIV the following new paragraph:

XV. A privately owned landfill shall be required to conduct a pre-modification review prior to commencement of construction of any material modification to any existing privately

owned landfill. The review shall be sufficient to allow the commissioner to make determinations that the proposed construction or modification will not cause or contribute to a failure to attain or maintain any public benefits required by RSA 149-M:11. Prior to commencement of construction or modification, the applicant shall submit the required information to the commissioner. No facility may materially modify a landfill without obtaining a modification permit from the department. The commissioner's review of the submitted information shall be no less stringent than a review of an initial permit application, and shall require that no permit shall be issued for modifications unless the facility meets all the requirements for review and for initially obtaining a permit under this section. For the purposes of this paragraph, a "material modification" is either a change in location for previously permitted capacity or a material change in the facts or circumstance upon which the public benefit determination was made.

2 Commission Established. RSA 149-M:2 set a goal of 40 percent solid waste diversion by 2000 and RSA 149-M:3 established a hierarchy of solid waste management preferred methods for the state: source reduction; recycling and reuse; composting; waste-to-energy technologies; incineration without resource recovery; and landfilling. The general court finds that the, state has not attained the 40 percent diversion goal and has failed to achieve positive gains in limiting landfilling. In an effort to guide the department of environmental services to achieve these solid waste management goals and ensure that the state has sufficient capacity for its own solid waste needs, there is hereby established a commission to study solid waste management and reduction.

3 Membership and Compensation.

I. The commission shall consist of the following members:

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

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

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

(d) The director of the office of energy and planning, or designee.

(e) A representative of the private solid waste industry, appointed by the governor.

(f) A representative of a municipal solid waste facility, appointed by the New Hampshire Municipal Association.

(g) One member representing the recycling industry, 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. Non-legislative members shall receive no compensation.

4 Chairperson; Quorum. The members of the commission shall elect a chairperson and vice-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 at least 4 of whom shall be members of the general court.

5 Duties. The commission shall:

I. Review current solid waste capacity needs and availability and estimates of capacity needs and availability for the next 20 years.

II. Investigate the resources needed to assist municipalities and businesses in diverting greater amounts of the waste stream from disposal in landfills and incinerators, with the goal of preserving disposal capacity in New Hampshire.

III. Review the current distribution of capacity in New Hampshire in terms of the state's demographics.

IV. Review and propose changes, if necessary, to the solid waste permitting requirements of the department of environmental services.

V. Investigate host community agreements and regional municipal agreements to facilitate development of disposal capacity.

VI. Make recommendations for a framework that better facilitates solid waste planning management, reduction, and permitting in New Hampshire.

6 Report. The commissioner 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.

7 Definitions; Host Community Agreement. Amend RSA 149-M:4, X-a to read as follows:

X-a. ***"Host community agreement" means a written, legally binding agreement between the owner or operator of a privately owned solid waste facility and the town in which the privately owned solid waste facility is located, governing the operation, location, development, or expansion of the privately owned solid waste facility.***

X-b. "Incinerator" means a facility which employs a method of using controlled thermal combustion, including flame combustion, to thermally break down waste or other materials, including refuse-derived fuel, to an ash residue that contains little or no combustible materials.

8 Modifications; No Permit Issued. Amend RSA 149-M:12 by inserting after paragraph III the following new paragraph:

IV. The department shall work with the host community to facilitate the creation of the host community agreement. The department shall not issue a permit for the modification of an existing privately owned solid waste facility or the construction of a new privately owned solid waste facility unless there is a host community agreement in place.

9 Effective date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Requires private landfills making material modifications to existing landfills to receive a permit.

II. Requires the department of environmental services to facilitate the creator of host community agreements.

III. Establishes a commission to study solid waste management and reduction.

Majority committee amendment adopted.
Majority committee report adopted and ordered to third reading.
Rep. Reardon declared a conflict of interest on ***HB 1429*** and did not participate

HB 172-FN, relative to state meat inspection. **OUGHT TO PASS.**
Rep. Russell C. Day for Executive Departments and Administration: This is enabling legislation to permit the creation of a position of state meat inspector. Currently, meat is inspected by the U.S. Department of Agriculture. New Hampshire has one slaughter house. Should the USDA stop inspecting meat at this facility, this bill would permit the state to hire a person to perform this activity. There is no cost associated with this bill and it will not be in use until or unless the USDA stops performing the function. Vote 7-4.
On a division vote, 200 members having voted in the affirmative and 66 in the negative, the committee report was adopted.
Ordered to third reading.

HB 877-FN, relative to the state recycling program. **OUGHT TO PASS.**
Rep. A. Laurie Harding for Executive Departments and Administration: This bill establishes a state policy on recycling. It also creates a committee of legislators and department heads to address various aspects of the state policy. The committee worked on this bill as a second committee. This bill does not create any new positions and does not address any issues that involve licensing. Vote 10-3.
Committee report adopted and ordered to third reading.

HB 1478, relative to the quorum for meetings of the equalization standards board. **OUGHT TO PASS.**
Rep. Peter B. Schmidt for Executive Departments and Administration: This bill would reduce the quorum requirement of the equalization standards board from seven to five, thus alleviating a problem which regularly hampers the board's ability to act. The ESB, which monitors the effectiveness and appropriateness of the state's equalization procedures and may recommend to the legislature desirable changes and improvements in state standards, has a purely advisory capacity, so that actions taken by the reduced quorum sought by this bill do not pose a danger to state regulations. Vote 11-4.
Committee report adopted and ordered to third reading.

HB 65, relative to the Pease development authority. **OUGHT TO PASS.**
Rep. Peter R. Leishman for Finance: This bill expands the authority of the Pease development authority (PDA) to appoint the director of the division of ports and harbors and to lease division property. Presently, the governor and executive council's approval is required not only to appoint the division director but to lease or sell division land. The proposed legislation will require that before any property is offered for sale, the PDA is obligated to offer it to the town or city in which it is located pursuant to RSA 4:40 and will still require approval of the governor and council. From 2002-2007 the unrestricted revenue derived from the division of ports and harbors was $379,717.00. Under the proposed legislation, all future revenue from the division would remain with the PDA. In addition, any person holding the position of chief harbor master or deputy harbor master shall be a certified police officer. Vote 16-0.
Rep. Kepner spoke against and yielded to questions.
Rep. Leishman spoke in favor.
On a division vote, 243 members having voted in the affirmative and 68 in the negative, the committee report was adopted.
Ordered to third reading.
Rep. Gary Richardson declared a conflict of interest on ***HB 65,*** and did not participate.

HB 577-FN, establishing the number of associate justices of the superior court. **INEXPEDIENT TO LEGISLATE.**
Rep. David L. Smith for Finance: This bill was recommitted to the committee from the House. Although the bill calling for more superior court judges, has the best of intentions, the committee voted ITL for the following reasons: 1) the potential amount to be realized from the budgeted salary accounts is not sufficient to cure the problem, 2) funds in these accounts will lapse, which will contribute positively to the current budget, 3) government should do the things it must do, and do them correctly. Representatives of the court system were advised to make the fixing of this situation a top priority in their next budget request. Vote 14-2.
Committee report adopted.

HB 1298-FN, making changes to the veterinary/medical/optometric education program. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Arthur G. Jillette for Finance: This bill amends current law by adding dental education to a program that currently buys slots in both in-state MD and out-of-state DVM, MD and OD graduate training programs. This will insure that at least five New Hampshire residents can be admitted to out-of-state dental schools each year. Considering the total tuition and fees paid by our residents to these graduate programs, it is a minor cost to the State of New Hampshire to insure a place for our talented students. The Education Committee approved this bill by a 14-1 margin. This bill will not require expenditures until July 2009. Vote 14-5.

Amendment (0837h)

Amend the bill by replacing section 5 with the following:

5 Applicability. No agreement to provide dental education to qualified New Hampshire residents pursuant to this act shall take effect prior to July 1, 2009. The state shall expend no funds for qualified New Hampshire residents receiving dental education pursuant to this act prior to July 1, 2009.

AMENDED ANALYSIS

This bill adds dental education programs to the existing veterinary/medical/optometric education program. The bill also provides that no contract shall take effect and no funds hall be expended on qualified New Hampshire residents receiving dental education prior to July 1, 2009.

Amendment adopted.

Committee report adopted and ordered to third reading.

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

Rep. Peter R. Leishman for Finance: The Pease Development Authority (PDA) will provide $1.5 million to the Rye Harbor Commercial Fish Pier project. The pier was damaged beyond repair during the April 2007 storm. This contribution will be in addition to the PDA annual $650,000 payment to the state and will be used to offset part of their $12.5 million debt. Vote 16-3.

Committee report adopted and ordered to third reading.

HB 1618-FN-A, relative to motor vehicle fees and motor vehicle violation fines and relative to appropriations from the highway fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth L. Weyler for Finance: Since its creation in 1938, the highway fund has accomplished its purpose of ensuring that New Hampshire highways and bridges are well maintained. During periods of surplus, it was tempting to transfer money from the highway fund for non-highway purposes. Part II, Article 6a of the Constitution was designed to limit such transfers unless they had some nexus to highways, even if it was the "control of traffic thereon." While the general fund grew at 6% per year, highway funds rarely saw more than 3% growth, and in the last few years have even had no growth. The present biennium saw a transfer from the general fund to the highway fund of 6.75 million dollars per year. There is no constitutional problem in moving funds in that direction. What this bill does is to restore some funds that historically went to the highway fund, but in the intervening years were allowed to go elsewhere. We have labored over a ten-year highway plan, so we know that a long horizon is needed for planning. A stipend from the general fund for a biennium is not something one can rely on long term. It would be far more effective to permanently place these revenues in the highway fund. Ways and Means recommend removal of most of the revenues from this bill while seeing a problem in the general fund in this biennium. The bill now has no transfers in this current biennium, but will transfer in the next one. We will have to solve general fund problems in this biennium. The bill restores all title and registration fees to the highway fund, and an amendment adds the traffic fines that safety collects to the highway fund. This total transfer will be 17 to 18 million dollars per year in the next biennium. Division II of the Finance Committee met jointly with the Public Works Committee. A straw poll of Public Works supported the amendment 14-0. Division II voted 6-0, OTP/A. The bill also limits the reductions from highway building and maintaining, which have been negatively affecting our highway repairs. Vote 18-1.

Amendment (0840h)

Amend the bill by replacing section 6 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~~] ***treasurer for deposit in the highway fund***, or to such department or agency of the state as the law provides, within 14 days of their receipt.

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 and motor vehicle fines in the highway fund.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1642-FN, providing additional funding for charter schools for the 2009 fiscal year.
OUGHT TO PASS.

Rep. Kenneth L. Weyler for Finance: The committee was impressed with how successful the charter school experience has been for its students. Some of us took as our challenge a way to make charter funding long term and sustainable. This was a goal requested by both the Education Committee, and the Deputy Commissioner of the Department of Education. We made an attempt at a long term funding but that amendment failed in a tie. The bill as passed by the House was passed, but discussion proved that a technical correction for the effective date was needed. That amendment will be brought before you as a floor amendment, supported by the committee. This will fund charter schools for the next school year. Vote 16-8.

Rep. Weyler offered floor amendment (1030h).

Floor Amendment (1030h)

Amend 2007, 263:92, II-III as inserted by section 1 of the bill by replacing them with the following:

II. In addition to the provisions of paragraph I, and in addition to any funds distributed to charter schools pursuant to RSA 198:42, IV, the state treasurer shall distribute to the commissioner of the department of education, from the education trust fund established in RSA 198:39, the sum of $1,500,000 for the fiscal year ending June 30, 2009 for disbursement to all charter schools in operation as of the beginning of the 2008-2009 school year. The amount shall be calculated on a per pupil basis, as set forth in paragraph III, based on charter school pupil enrollment, and shall be distributed pursuant to RSA 194-B:11, I(c).

III. The funds distributed to the commissioner of the department of education shall be allocated in the following manner:

(a) The Academy for Science and Design Charter School, Cocheco Arts and Technology Charter Academy, Franklin Career Charter Academy, New Hampshire Equestrian Academy Charter School, Seacoast Charter School, Strong Foundations Charter School and Surry Village Charter School shall each receive $2,700 per pupil;

(b) CSI Charter School, Great Bay e-Learning Charter School, Ledyard Charter Academy, and North Country Charter Academy shall each receive $500 per pupil; and

(c) The Virtual Learning Academy Charter School shall receive $250 for each full-time equivalent pupil.

Rep. Weyler spoke in favor.
Floor amendment (1030h) adopted.

The question now being adoption of the motion of Ought to Pass with Amendment.
Rep. Russell spoke against.
Rep. Weyler spoke in favor and yielded to questions.
On a division vote, 204 members having voted in the affirmative and 118 in the negative, the motion was adopted.
Ordered to third reading.

HB 1652-FN-A, relative to the state obligation for payment of the non-federal share of FEMA public assistance and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Robert A. Foose for Finance: This bill was submitted in coordination with the governor's office. It extends some important deadlines for completing several of the projects generated in response to the October 2005, May 2006, and April 2007 floods. It also fully funds the state obligation and clarifies the authority of the department of safety to transfer and expend funds. The new requirement for additional funds is $2,150,000. Vote 21-0.

Amendment (1009h)
Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; State Matching Funds for October 2005 Disaster Assistance. Amend 2006, 42:1 to read as follows:

42:1 Appropriation; State Matching Funds for Federal Emergency Management Agency Disaster Assistance Grants. In response to October 2005 flood damage sustained by communities in Cheshire, Sullivan, Grafton, Merrimack, and Belknap counties, a sum not to exceed $2,911,000 is hereby appropriated to the department of safety, bureau of emergency management, for the fiscal year ending June 30, 2006, as the required state match for federal disaster assistance funds from the Federal Emergency Management Agency for flood damage sustained during the period from October 8, 2005 to October 17, 2005. With prior approval of the fiscal committee, the department of safety, bureau of emergency management shall distribute the funds appropriated by this act to any eligible municipality or state agency that completed a request for public assistance within the required 30-day period of the October 26, 2005 declaration date. The funds shall be distributed pursuant to the following funding formula: federal funds shall be used for 75 percent of eligible costs and state funds shall be used for the remaining costs, except that the local municipality first shall pay a portion of such remaining costs, not to exceed 12.5 percent of its total eligible costs or $5,000, whichever is less. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. ***The department of safety shall have the authority to transfer and expend funds appropriated under this section for the purpose of providing state matching funds for April 2007 disaster assistance grants.*** Any unexpended funds shall lapse to the general fund on June 30, [~~2008~~] ***2010***.

2 Appropriation; State Matching Funds for May 2006 Disaster Assistance. Amend 2007, 334:1 to read as follows:

334:1 Appropriation; State Matching Funds for May 2006 Disaster Assistance Grants. In response to flood damage sustained by communities in May 2006, a sum not to exceed $2,200,000 is hereby appropriated to the department of safety, bureau of emergency management, for the fiscal year ending June 30, 2007, ***and an additional sum of $400,000 is hereby appropriated to the department for the fiscal year ending June 30, 2008,*** as the required state match for federal disaster assistance funds from the Federal Emergency Management Agency (FEMA). With prior approval of the fiscal committee, the department of safety, bureau of emergency management shall distribute the funds appropriated by this act to any eligible FEMA applicant that submitted a timely request for such assistance based on the disaster area declaration date. The funds shall be distributed pursuant to the following funding formula: federal funds shall be used for 75 percent of eligible costs and state funds shall be used for the remaining costs, except that the local municipality first shall pay a portion of such remaining costs, not to exceed 12.5 percent of its total eligible costs. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any unexpended funds shall lapse to the general fund on June 30, [~~2009~~] ***2011***.

3 Appropriation; State Matching Funds for April 2007 Disaster Assistance Grants. In response to flood damage sustained by communities in April 2007, a sum not to exceed $1,750,000 is hereby appropriated to the department of safety, bureau of emergency management, for the fiscal year ending June 30, 2008, as the required state match for federal disaster assistance funds from FEMA. With prior approval of the fiscal committee, the department of safety, bureau of emergency management shall distribute the funds appropriated by this act for payment of claims in the order in which they were filed, to any eligible FEMA applicant that submitted a timely request for such assistance based on the disaster area declaration date. The funds shall be distributed pursuant to the following funding formula: federal funds shall be used for 75 percent of eligible costs and state funds shall be used for the remaining costs, except that the local applicant first shall pay a portion of such remaining costs, not to exceed 12.5 percent of its total eligible costs. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any unexpended funds shall lapse to the general fund on June 30, 2012. The appropriation is this section shall be in addition to any other funds appropriated for such purpose, including the appropriation in 2007, 334:2.

4 Commission to Determine the Appropriate Public Use of Flood-Damaged Property Purchased by the State; Members. Amend 2006, 256:4, I(c) to read as follows:

(c) [~~One member~~] ***Three members*** of the board of selectmen from [~~each of the following towns, appointed by that town's board:~~] ***the town of*** Alstead, [~~Langdon, and Walpole~~] ***appointed by the town's board***.

5 Commission to Determine the Appropriate Public Use of Flood-Damaged Property Purchased by the State; Report. Amend 2006, 256:4, V as amended by 2007, 7:2 to read as follows:

V. 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 31, 2007~~] ***upon completion of the commission's study***.

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

AMENDED ANALYSIS

This bill makes an additional appropriation for payment of the non-federal share of FEMA public assistance received in response to flood damage sustained in April 2007. The bill also extends prior appropriations for disaster assistance and the commission to determine the appropriate use of flood-damaged property purchased by the state.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1643-FN, relative to medical benefits payment by the retirement system for eligible group I teachers and political subdivision employees in the retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Pamela V. Manney for the Joint Committee on Executive Departments and Administration and Finance: When the health care subsidy was originally adopted for teachers and political subdivision employees, the benefit was terminally funded and applied only to employees who retired by July 1, 2004. Since the adoption of this benefit, the date has been extended to employees who retire by July 1, 2008. There is a fear that there will be an unusually high number of teachers retiring this year as a direct result of this law. The bill as amended will permit employees who are eligible to retire on July 1, 2008 to collect the health care subsidy if they retire by July 1, 2009. This does not add to the pool of employees who are eligible for the subsidy; it only gives those eligible employees another year to work before retiring and therefore spreads out the impact of the incentive to retire. Vote 25-15.

Amendment (0888h)

Amend the bill by replacing section 1 with the following:

1 Retirement System; Medical Benefits; Group I Teachers and Political Subdivision Employees. Amend RSA 100-A:52-a, I(a)–(c) to read as follows:

(a) Any person, who [~~has~~] ***was eligible to retire as of July 1, 2008 with*** at least 20 years of creditable service as a group I member if age 60 or older, or ***who was eligible to retire as of July 1, 2008 with*** at least 30 years of creditable service as a group I member if age 55-59, ***and*** retired on or before July 1, [~~2008~~] ***2009*** as a group I teacher member or political subdivision employee member of the New Hampshire retirement system on service or ordinary disability retirement, provided that such person shall be entitled to retirement on the basis of group I creditable service, or any person retired on or before July 1, [~~2008~~] ***2009***, as a group I member whose service retirement benefit is based upon the provisions of RSA 100-A:19-c and who [~~has~~] ***as of July 1, 2008 was eligible to retire with*** a minimum of 20 years of creditable service as a group I member.

(b) Any person who for reasons other than retirement or death ceases to be a group I teacher or political subdivision employee prior to attaining the age of 60, and who, as of July 1, 2008, receives a vested deferred retirement allowance and who has completed no less than 20 years of group I creditable service and subsequently attains the age of 60, or who has completed no less than 30 years of group I creditable service and subsequently attains the age of 55.

(c) Any person who [~~has completed~~] ***was eligible to retire as of July 1, 2008 with*** no less than 20 years of group I creditable service and who ***as of July 1, 2009*** retired as a group I teacher member or political subdivision employee member prior to age 60, and who subsequently attains the age of 60, or any person who [~~has completed~~] ***was eligible to retire as of July 1, 2008 with*** no less than 30 years of group I creditable service and who ***as of July 1, 2009*** retired as a group I teacher member or political subdivision employee member prior to age 55, and who subsequently attains the age of 55.

Amendment adopted.

Committee report adopted and ordered to third reading.

Rep. John Thomas declared a conflict of interest on ***HB 1643-FN,*** and did not participate.

HB 1645-FN-L, relative to medical benefits payment by the retirement system for eligible group I teachers and political subdivision employees in the retirement system: **OUGHT TO PASS WITH AMENDMENT.**

Reps. Anne Marie Irwin and Marjorie Smith for the Joint Committee on Executive Departments and Administration and Finance: The legislature has a legal and moral obligation to ensure that the strongest possible retirement system is in place for all public

employees in New Hampshire now and in the future. The retirement system only guarantees a pension calculated when one retires. It does not guarantee cost of living adjustments (COLAs) or money for health care (medical subsidies). Over the past 10 years, the NH retirement system went from one of the nation's highest funded public pensions in the country to one of the lowest. Everyone is to blame for the current underfunding of $2.7 billion. The legislature adopted a funding formula that under-calculated how much money the pension needed. As a result, employers paid in too little. At the same time, employee groups used almost $1 billion dollars out of the pension fund for other extra non-guaranteed benefits. The investment of the pension monies by the retirement board under-performed most of the public pension funds in the country resulting in lost earnings. Last year HB 653 took important steps to shore up the pension system. It adopted a fair methodology- so employers pay their fair share. It required that the 2.7 billion dollar underfunding be fully paid by the employers (including interest at 8 ½%) over 30 years. It also delayed future removal of earnings out of the pension fund to pay other benefits until the account is better funded. There was a time when the account was 100% funded. It is now at 63%. HB 1645 requires that we get to 85% before future earnings are removed to pay for other post employment benefits. As a result, it is predicted that additional money will not be diverted out of the pension to the "Special Account" for about 22 years. There is not enough money to pay for medical subsidies or COLAs on top of the pension. The retirement system does not guarantee these payments, but retirees rely on them. HB 1645 addresses these issues and improves the governance of the retirement system so it can perform among the more successful pension funds rather then one of the least successful. Because of IRS rules, the retirement system can no longer use the special account to pay for retirees' medical subsidies. As a result, the only way to continue to pay for medical subsidies is to have the taxpayers pick up the cost, about an additional 40% above what they are required to pay to the retirement system. When the medical subsidy was created, the taxpayers were not supposed to pick up this additional cost. If the legislature or the retirement system now requires that they pick up the cost, it may be an unconstitutional unfunded mandate, and employer payments toward the medical subsidy may stop. If the employer contributions are stopped entirely, the subsidy will run out of money within a few years: teachers in 2011, employees in 2012, police in 2015, and fire in 2017. To save the medical subsidy, HB 1645 ends the 8% annual increase in the medical subsidy payments and transfers $250 million from the special account into the pension so that employer rates with contributions to the medical subsidy is about equal to what taxpayer contribution rates would have been to just the pension without the other changes. Of the 51,000 active employees in the retirement system, only about 3,000 would qualify for the medical subsidy benefit under existing law (an additional 10,000 retirees currently get that benefit.). Firefighters and police hired since 2001 are not covered by the program, yet the program is under-funded by $822 million. In order to develop a new medical subsidy program to assist the 48,000 active workers who do not now qualify for the subsidy, the bill creates a commission to design and recommend a new medical subsidy program to the legislature for action next year. COLAs are not a guaranteed benefit. They have been paid out of money in the special account. But the money in the special account is running low. If we continue to provide COLAs as before, the $300 million left for COLAs in the special account (after the $250 million dollar transfer for medical subsidies) will run out in between 2 to 5 years depending on the group: teachers, employees, fire or police. Even if the $250 million transfer is not made to save the medical subsidies, the COLA funds would run out in 6 to 12 years depending on the group. HB 1645 provides more money for those with the lowest pensions by ensuring everyone gets at least a floor amount. It caps the amount of supplemental allowance to the amount the average pension earner gets in each group, so that higher income pension earners will only get extra payments equal to the average pensioner in their group. It also pays the annual supplemental allowance as an extra check, instead of adding into the base of the retirement payment. This significantly extends the life of these supplemental payments out of the

special account and will prevent the account from running dry. The retirement system's return on investments has been in the bottom 30% of the other public pension systems in the country resulting in lost earnings to the pension fund. This has significantly hurt the financial health of the pension fund and the other benefits. HB 1645 strengthens the financial and investment expertise on the board by adding 2 new trustee positions for experts in these areas and reducing the duplicate representation of 2 member trustees from each of the 4 retiree groups, fire, police, teachers, and employees. It also strengthens the investment committee role and structure. This should improve the returns earned by the system. Finally, in order to further strengthen the health of the pension system without changing the rules for existing employees the bill makes changes in how benefits are calculated for new hires only that will increase the long term financial health of the system. Maximum retirement benefits are capped at 100% of the member's final year full base rate of compensation. The number of years of service and age requirements for police and firefighter groups are increased from 20 years of service and age 45 to 25 years of service and age 50. Without certain technical changes also included in the bill the NHRS system would be at risk of losing its qualified status under the IRS and no longer be eligible as a tax exempt plan. If we do nothing the legislature, in effect, would be raising rates on local governments by over 50% for benefits that are not guaranteed. We would be violating the trust for all future public employees who expect to receive their pension and some support on health costs and COLAs. Since the Special Medical Account money cannot be used to pay for the medical subsidy, taxpayer rates will skyrocket by 40% to pay for the medical subsidy which could be found to be an unconstitutional unfunded mandate on the political subdivisions. If this occurs, no new money will go to pay for the medical subsidy and that benefit will run out for retired teachers in 2011, employees in 2012, police in 2015, and fire in 2017. Without changes in the way COLAs are granted, the existing funding for COLAs could run out in between 2-5 years depending on the group (6-12 years if we do not transfer money to save the medical subsidy). Studies show that pension funds, whose boards of trustees are controlled by members of the retirement system, perform poorly as compared to boards with more representation of investment professionals. The longer it takes for the investment returns to build up the funding in the pension, the longer it will be until new money would be flowing into the special account that could be used for future COLAs. Under HB 1645 state expenditures will increase by about $29 million and county and local expenditures by about $21 million. Without the essential changes in HB 1645 state expenditures will increase by about $57 million and county and local expenditures by about $72 million. Vote 35-5.

Amendment (1031h)

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

1 Definition of Earnable Compensation; Other Compensation. Amend RSA 100-A:1, XVII to read as follows:

XVII. "Earnable compensation" shall mean for all members the full base rate of compensation paid plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities or for other extra or special duty, [~~and other compensation paid to the member by the employer,~~] plus the fair market value of non-cash compensation ***paid to, or on behalf of, the member*** such as meals or living quarters if subject to federal income tax. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans

under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

2 Membership. Amend RSA 100-A:3, V to read as follows:

V. A member shall cease to be a member if (a) [~~he or she is absent from service for more than 2 years; (b)~~] he or she withdraws his or her accumulated contributions; or [~~(c)~~] ***(b)*** he or she becomes a beneficiary or dies. [~~Notwithstanding the foregoing,~~] The board of trustees shall continue the membership of a member while in the armed forces of the United States provided such member does not withdraw his or her accumulated contributions.

3 Return of Member Contributions; Group I. Amend RSA 100-A:11, I(a) to read as follows:

(a) If a group I member ceases to be an employee or teacher for reasons other than retirement or death and if he or she has not elected to receive a vested deferred retirement allowance under RSA 100-A:10, the amount of his or her accumulated contributions shall be paid within 3 months after his or her written request therefor, provided that the member may not file a written request for such payment until at least 30 days from the date the member ceases to be an employee or a teacher and provided that the member may not again become a group I member during said 30-day period. If a group I member ceases to be a ***an active*** member because of absence from service for more than [~~2 years, his or her accumulated contributions shall be paid within 3 months after the board is notified to that effect~~] ***180 days, without requesting return of the amount of his or her accumulated contributions, the retirement system shall retain his or her accumulated contributions. The annual return credited on inactive, vested members shall be paid pursuant to RSA 100-A:16, II(g). The board shall hold and invest such accumulated contributions on behalf of the inactive member, provided that the annual return credited on the inactive member's accumulated contributions shall be 2 percentage points less than either the assumed rate of return determined under RSA 100-A:16, II(h) or the actual rate of return, whichever is lower, for the immediately preceding fiscal year as reported in the comprehensive annual financial report (CAFR), provided the rate of return shall not be less than zero. The inactive member's total accumulated contributions shall be paid within 3 months after his or her written request therefor. In the event an inactive member who has not withdrawn his or her contributions under this section returns to become an active member in service, his or her previous service shall count toward that member's creditable service to the extent that his or her accumulated contributions have remained in the retirement system***.

4 Return of Member Contributions; Group II. Amend RSA 100-A:11, II(a) to read as follows:

(a) If a group II member ceases to be a permanent policeman or permanent fireman for reasons other than retirement or death and if he or she has not elected to receive a vested deferred retirement allowance under RSA 100-A:10, the amount of his or her accumulated contributions shall be paid within 3 months after his or her written request

therefor. If a group II member ceases to be a ***an active*** member because of absence from service for more than [~~2 years, his or her accumulated contributions shall be paid within 3 months after the board is notified to that effect~~] ***180 days, without requesting return of the amount of his or her accumulated contributions, the retirement system shall retain his or her accumulated contributions. The annual return credited on inactive, vested members shall be paid pursuant to RSA 100-A:16, II(g). The board shall hold and invest such accumulated contributions on behalf of the inactive member, provided that the annual return credited on the inactive member's accumulated contributions shall be 2 percentage points less than either the assumed rate of return determined under RSA 100-A:16, II(h) or the actual rate of return, whichever is lower, for the immediately preceding fiscal year as reported in the comprehensive annual financial report (CAFR), provided the rate of return shall not be less than zero. The inactive member's total accumulated contributions shall be paid within 3 months after his or her written request therefor. In the event an inactive member who has not withdrawn his or her contributions under this section returns to become an active member in service, his or her previous service shall count toward that member's creditable service to the extent that his or her accumulated contributions have remained in the retirement system***.

5 Medical Benefits; Group II; Payment by Retirement System; 8 Percent Increase. Amend RSA 100-A:52, II to read as follows:

II. However, for the fiscal year beginning July 1, 1990, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to Medicare benefits, shall be $101.50 per month, and on account of each person qualified under paragraph I who is entitled to Medicare benefits, shall be $64 per month. As of July 1, 1991, and on each July 1 [~~thereafter~~] ***until and including July 1, 2008***, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on previous increases. ***After July 1, 2008, the rate payable under this paragraph may be increased only by the passage of appropriate legislation.***

6 Medical Benefits; Group I Teachers and Political Subdivision Employees; Payment by Retirement System; 8 Percent Increase Removed. Amend RSA 100-A:52-a, II to read as follows:

II. [~~However,~~] For [~~the~~] ***each*** fiscal year beginning ***on or after*** July 1, [~~2000~~] ***2008***, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to Medicare benefits, and on account of each person qualified under paragraph I who is entitled to Medicare benefits, shall be the same as the amount provided in RSA 100-A:52, II for group II retirees. [~~As of July 1, 2000 and on each July 1 thereafter, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on previous increases.~~]

7 Medical Benefits; Group I Employees; Payment by Retirement System; 8 Percent Increase Removed. Amend RSA 100-A:52-b, III to read as follows:

III. [~~However,~~] For [~~the~~] ***each*** fiscal year beginning ***on or after*** July 1, [~~2000~~] ***2008***, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to Medicare benefits, and on account of each person qualified under paragraph I who is entitled to Medicare benefits, shall be the same as the amount provided in RSA 100-A:52, II for group II retirees. [~~As of July 1, 2000 and on each July 1 thereafter, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on previous increases.~~]

8 New Paragraph; Board of Trustees; Administration; Review of Medical Benefit Subsidy Rates; Biennial Report. Amend RSA 100-A:14 by inserting after paragraph XV the following new paragraph:

XVI. The board of trustees shall review the medical benefit subsidy amount in effect under RSA 100-A:52, II, RSA 100-A:52-a, II, and RSA 100-A:52-b, III to make a prudent determination whether the amount may be increased, including consideration of different rates of growth to the medical subsidy for each subgroup, if those rates are actuarially supported. The board shall, on or before the December 1 preceding each biennial session of the legislature, commencing on or before December 1, 2010, report to the governor, the speaker of the house of representatives, the senate president, and the chairpersons of the house and senate finance and executive departments and administration committees on its review and determination under this paragraph.

9 New Subparagraph; Method of Financing; Transfer from Special Account. Amend RSA 100-A:16, II by inserting after subparagraph (i) the following new subparagraph:

(j) Notwithstanding RSA 100-A:16, II(h)(5) and (7), there shall be a one-time transfer of $250,000,000 not later than June 30, 2008 from the special account to the state annuity accumulation fund, provided however that if the employers' obligation to fund the 401(h) subtrust under RSA 100-A:53, RSA 100-A:53-b, RSA 100-A:53-c, and RSA 100-A:53-d ceases as a result of a final court order, the transfer of $250,000,000 plus any interest accrued shall be returned to the special account. The sum transferred shall be credited proportionally to each member subgroup based on the proportion of the funds transferred into each special account subgroup from the special medical account, as identified by the retirement system, on June 30, 2007.

10 Medical Benefits; Method of Financing; Group II. Amend RSA 100-A:53, I to read as follows:

I. The benefits provided under RSA 100-A:52 shall be provided by a 401(h) subtrust of the New Hampshire retirement system. ***Beginning July 1, 2009,*** the 401(h) subtrust shall be funded by allocating ***to the subtrust the lesser of:***

(a) 25 percent of [~~future~~] group II employer contributions made for group II [~~in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.~~]***; or***

(b) The percentage of group II employer contributions made for group II determined by the actuary to be the minimum rate necessary to maintain the benefits provided under RSA 100-A:52.

11 Medical Benefits; Method of Financing; Group I Teachers. Amend RSA 100-A:53-b, I to read as follows:

I. The benefits provided under RSA 100-A:52-a shall be provided by a 401(h) subtrust of the New Hampshire retirement system. ***Beginning July 1, 2009,*** the 401(h) subtrust shall be funded by allocating ***to the subtrust the lesser of:***

(a) 25 percent of [~~future~~] group I teacher employer contributions made for group I teachers [~~in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.~~]***; or***

(b) The percentage of group I employer contributions made for group I teachers determined by the actuary to be the minimum rate necessary to maintain the benefits provided under RSA 100-A:52-a.

12 Medical Benefits; Method of Financing; Group I Political Subdivision Employees. Amend RSA 100-A:53-c, I to read as follows:

I. The benefits provided under RSA 100-A:52-a shall be provided by a 401(h) subtrust of the New Hampshire retirement system. ***Beginning July 1, 2009,*** the 401(h) subtrust shall be funded by allocating ***to the subtrust the lesser of:***

(a) 25 percent of [~~future~~] group I employer contributions made for group I political subdivision employees [~~in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.~~]***; or***

(b) The percentage of group I employer contributions made for group I political subdivision employees determined by the actuary to be the minimum rate necessary to maintain the benefits provided under RSA 100-A:52-a.

13 Medical Benefits; Method of Financing; Group I State Employees. Amend RSA 100-A:53-d, I to read as follows:

I. The benefits provided under RSA 100-A:52-b shall be provided by a 401(h) subtrust of the New Hampshire retirement system. ***Beginning July 1, 2009,*** the 401(h) subtrust shall be funded by allocating ***to the subtrust the lesser of:***

(a) 25 percent of [~~future~~] group I employer contributions made for group I state employees [~~in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.~~]***; or***

(b) The percentage of group I employer contributions made for group I state employees determined by the actuary to be the minimum rate necessary to maintain the benefits provided under RSA 100-A:52-b.

14 Commission on Retiree Health Care Benefits Funding Model. There is established a commission to propose a retiree health care benefits funding model.

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

(a) Three members of the house of representatives, one of whom shall be from the executive departments and administration committee and one of whom shall be from the finance committee, appointed by the speaker of the house of representatives.

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

(c) The chairperson of the New Hampshire retirement system board of trustees, or designee.

(d) Two representatives of group I of the retirement system, appointed by the governor.

(e) Two representatives of group II of the retirement system, appointed by the governor.

(f) Two representatives of municipal and school employers in the retirement system, appointed by the governor.

(g) Six public members with recognized expertise in finance, financial management, health care finance, health care delivery, or the governance and oversight of large endowments or public funds, appointed by the governor.

(h) One retired member of the retirement system currently receiving benefits, appointed jointly by the speaker of the house of representatives and the president of the senate.

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

III. The commission shall study and recommend to the general court by December 1, 2008, the detailed design for a preferential tax vehicle for employees who do not qualify for the existing medical subsidy, to make contributions that would provide funds for post-employment medical expenses. Among the duties, the commission shall:

(a) Analyze the models in use by other states.

(b) Collect information from experts in the field.

(c) Consider different vehicles for such a plan including governmental trusts, Voluntary Employee Benefit Associations (VEBAs), 401(h), trusts, and Health Savings Accounts.

(d) Consider the following principles, in designing a recommended plan that:

(1) Allows for member and employer contributions.

(2) Utilizes tax advantaged contributions, earnings, and benefit distributions.

(3) Includes pre-funding for cost-effectiveness, security, and to satisfy the Governmental Accounting Standards Board and the Internal Revenue Service.

(4) Permits employer contributions through negotiated matches for currently active members.

(5) Permits additional voluntary member contributions.

(6) Is administratively efficient.

(7) Is available and integrated with other benefits.

(8) Allows unused sick and vacation leave to be contributed toward the medical subsidy.

(9) Is viable long term.

(e) Additionally, in designing a recommended plan, consider the following possibilities:

(1) Bonding to assist in the establishment of the trust and/or the transfer of medical subsidy eligible active members and/or retirees to the new health care funding model.

(2) Integrating the new trust with the existing subsidy-eligible state employees and the benefits provided by RSA 21-I:30.

(3) Moving all subsidy-eligible retirees into the new plan, bringing the current 401(h) subtrust funding with them, if permitted.

(4) Analyzing alternative retiree health care insurance programs for political subdivision retirees and Medicare retirees that would reduce the overall costs of medical care.

(f) Seek technical assistance as necessary from the New Hampshire retirement system and from other independent financial, investment, actuarial, and retirement experts.

IV. 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 30 days of the effective date of this section. Ten members of the commission shall constitute a quorum.

V. The commission shall report its findings and its initial recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the chairpersons of the house and senate executive departments and administration and finance committees, the governor, and the state library on or before December 1, 2008. The commission shall issue a final report of its findings and recommendations for additional legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the chairpersons of the house and senate executive departments and administration and finance committees, the governor, and the state library on or before December 1, 2009.

VI. The commission is authorized to accept and expend private sector grants, gifts, or donations of any kind for the purpose of the duties required in this section. Any moneys collected shall be continually appropriated to the commission for the purposes of this section.

15 Maximum Retirement Benefit. Amend RSA 100-A:6-a to read as follows:

100-A:6-a Maximum Retirement Benefit. Notwithstanding any other provision of this chapter to the contrary, [~~any~~] ***for members who commenced service before July 1, 2009, a*** member's initial calculation of the retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's highest year of earnable compensation. ***For members who commenced service on or after July 1, 2009 a member's initial calculation of the retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's highest year full base rate of compensation.*** This provision shall not limit the application of supplemental allowances under RSA 100-A:41-a.

16 Administration; Board Members. Amend RSA 100-A:14, I to read as follows:

I. The administration of this system is vested in a board of [~~14~~] ***12*** trustees. The state treasurer shall be an ex officio voting member of the board. The governor and council shall appoint [~~2~~] ***4*** trustees, to be known as non-member trustees, who shall be qualified persons with [~~business~~] ***investment and/or financial*** experience and not be members of

the system, and who shall serve for a term of 2 years and until their successors are appointed and qualified[~~, except that~~]. The original appointment of one of the non-member trustees shall be for a term of one year. The remaining [~~11~~] ***7*** members of the board shall consist of [~~2 employees, 2 teachers, 2 permanent policemen, 2 permanent firemen~~] ***one employee, one teacher, one permanent police member, one permanent firefighter***, one member of the senate who shall be appointed annually by the senate president, one member of the house of representatives who serves on the executive departments and administration committee and who shall be appointed annually by the speaker of the house, and one person representing management in local government. Whenever a vacancy occurs, the senate president or the speaker of the house shall fill the vacancy in the same manner by appointing a senate or a house member who shall serve for the unexpired term. The New Hampshire state employees' association, the New Hampshire education association, the New Hampshire police association, the New Hampshire state permanent firemen's association, and the New Hampshire Local Government Center shall each annually nominate from their members a panel of 5 persons, all of whom except for the panel of the Local Government Center shall be active members of the retirement system, or one of the 4 predecessor systems, no later than May 31 of each year, and the panels so named shall be filed with the secretary of state no later than June 10 of each year. From each of the above named panels the governor and council shall appoint one person [~~annually~~] ***biennially*** to the board[~~, except for the panel of the Local Government Center, which shall have one person appointed every 2 years~~]. Members appointed to the board in the manner aforesaid shall serve for a term of 2 years. Each member so appointed shall hold office until his or her successor shall be appointed and qualified. Whenever a vacancy occurs, the governor and council shall fill the vacancy by appointing a member who shall serve for the unexpired term from the same panel from which the former member was appointed. The governor shall designate one of the non-member trustees to serve as chairman of said board of trustees.

17 Application; Board of Trustees Membership. Members of the board of trustees for the retirement system on the effective date of this section shall serve for the remainder of their terms. In order to conform to RSA 100-A:14, I as amended by this act, the 4 employee, teacher, permanent policeman, and permanent fireman member positions whose trustees' terms are the first to expire after the effective date of this section shall not be appointed, and those positions shall be eliminated from the board of trustees.

18 Board of Trustees; Voting by Chairperson. Amend RSA 100-A:14, IV to read as follows:

IV. Each trustee shall be entitled to one vote in the board of trustees[~~, provided, however, that the chairman shall be non-voting except in the event of a tie vote~~]. Seven trustees shall constitute a quorum for the transaction of any business. Seven votes shall be necessary for any resolution or action by the board at any meeting.

19 New Section; Committees of the Board of Trustees. Amend RSA 100-A by inserting after section 14 the following new section:

100-A:14-a Committees of the Board of Trustees.

I. The board of trustees shall establish committees to include but not be limited to the following standing committees:

(a) Investment.
(b) Audit.
(c) Benefits.
(d) Legislative.
(e) Personnel.

II. Each committee shall consist of members of the board of trustees. A majority of members of the investment committee shall have experience in the field of institutional investment or finance other than their experience as trustees of the New Hampshire retirement system. At least one member of the audit committee shall be experienced in the field of public accounting.

III. Except as otherwise provided in this chapter, each committee shall make its recommendations to the full board for final approval.

IV. The investment committee shall recommend an investment policy and investment consultants to the full board for approval. The investment committee shall review investment performance, choose fund managers, and make investments and deposits on behalf of the board. The investment committee shall establish an advisory committee to advise the investment committee in its investment decisions. The advisory committee shall consist of non-board members who have experience as investment or finance professionals or those with experience in the oversight of pension funds similar to the retirement system funds.

V. The audit committee shall assist the board to undertake the audit and reporting requirements required by RSA 100-A:15, VI. The audit committee may establish an advisory committee to assist it in its auditing functions. The advisory committee shall consist of non-board members who are certified public accountants and others working in public accounting.

VI. The benefits committee shall be responsible for reviewing member and beneficiary recommendations from the hearings examiner.

VII. The legislative committee shall assess the impact on the retirement system of proposed legislation and assist in the development of proposed legislation involving the New Hampshire retirement system.

VIII. The personnel committee shall consider personnel and compensation issues and recommend policies to the board.

IX. Committee members shall be appointed by majority vote of the board of trustees. At all times, the investment committee shall have a majority of members who are qualified as having experience in investment or finance, other than their role as trustees of the New Hampshire retirement system.

20 Management of Funds. Amend RSA 100-A:15 to read as follows:

100-A:15 Management of Funds.

I. The members of the board of trustees shall be the trustees of the several funds created hereby and ***shall set all policies relative to investment of those funds. The trustees*** shall ***appoint and oversee an investment committee that shall have*** full power to invest and reinvest such funds[~~, and~~] ***in accordance with the policies set by the board.*** The board of trustees shall have the powers, privileges, and immunities of a corporation. [~~The members of the board of trustees shall also have the power to invest and reinvest such funds in participation units in the public deposit investment pool established pursuant to RSA 383:22.~~] Said [~~trustees~~] ***investment committee*** shall have full power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds created hereby have been invested, as well as the proceeds of such investments ***in accordance with the policies set by the board***. All of the assets and proceeds, and income therefrom, of the New Hampshire retirement system, and all contributions and payments made thereto, shall be held, invested or disbursed in trust [~~solely in the interest of the members and beneficiaries of the system for the exclusive purpose of providing those benefits and defraying those reasonable administrative expenses provided for under this chapter. In the management, investment, and reinvestment of system assets so held in trust hereunder, the system's board of trustees shall exercise the judgment and care under the circumstances then prevailing, which persons of prudence, discretion, and intelligence, acting in a like capacity and familiar with such matters, would use in the conduct of a pension plan of like character and with like aims as the system, and by diversifying investments of the system so as to minimize the risk of large losses to the trust fund~~].

I-a.(a) A trustee or other fiduciary shall discharge duties with respect to the retirement system:

(1) Solely in the interest of the participants and beneficiaries;

(2) For the exclusive purpose of providing benefits to participants and beneficiaries and paying reasonable expenses of administering the system;

(3) With the care, skill, and caution under the circumstances then prevailing which a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an activity of like character and purpose;

(4) Impartially, taking into account any differing interests of participants and beneficiaries;

(5) Incurring only costs that are appropriate and reasonable; and

(6) In accordance with a good-faith interpretation of the law governing the retirement system.

(b) In investing and managing assets of the retirement system pursuant to subparagraph (a), a trustee with authority to invest and manage assets:

(1) Shall consider among other circumstances:

(A) General economic conditions;

(B) The possible effect of inflation or deflation;

(C) The role that each investment or course of action plays within the overall portfolio of the retirement system;

(D) The expected total return from income and the appreciation of capital;

(E) Needs for liquidity, regularity of income, and preservation or appreciation of capital; and

(F) The adequacy of funding for the system based on reasonable actuarial factors;

(2) Shall diversify the investments of the retirement system unless the trustee or investment committee member reasonably determines that, because of special circumstances, it is clearly prudent not to do so;

(3) Shall make a reasonable effort to verify facts relevant to the investment and management of assets of a retirement system; and

(4) May invest in any kind of property or type of investment consistent with this section.

(c) The board of trustees shall adopt a statement of investment objectives and policies for the retirement system as provided in subparagraph VII(c).

I-b. Paragraph I-a shall apply to all board members and other fiduciaries, as well as staff and vendors to the extent they exercise any discretionary authority or discretionary control respecting management of the retirement system or exercise any authority or control respecting management or disposition of its assets, or they render investment advice for a fee or other compensation, direct or indirect, with respect to any moneys or other property of the retirement system, or have any authority or responsibility to do so, or they have any discretionary authority or discretionary responsibility in the administration of the retirement system.

I-c. The fiduciary obligations of the members of the board of trustees are paramount to any other interest a trustee may have arising from another role or position that he or she holds, including the position which qualified the person for appointment to the board of trustees.

II. The board of trustees shall:

(a) [~~Have the authority to empower an investment committee of its members to make investments and deposits between meetings of the board.~~] ***Have the authority to hire actuarial services. The compensation for actuarial services required by the board of trustees shall be a charge upon the funds of the New Hampshire retirement system.***

(b) Have the full power and authority to delegate to any agent providing services to the New Hampshire retirement system, within or without the state, the power and discretion to make any necessary decisions and to take any action

necessary to effect decisions with the same legal effect as if performed by the board of trustees. The payment for these services shall be a charge upon the funds of the New Hampshire retirement system.

(c) Have the [~~further~~] authority to hire investment [~~counsel~~] ***consultants***. The compensation for investment [~~counsel~~] ***consultant*** services [~~and the compensation for actuarial services required by the board of trustees in performing the duties required by RSA 100-A:14~~] shall be a charge upon the funds of the New Hampshire retirement system.

II-a. The investment committee shall:

[~~(c)~~] ***(a)*** Appoint and employ a custodian of the several funds of the retirement system, and such custodian, as an agent of the [~~board~~] ***investment committee***, shall be compensated and such compensation shall be a charge upon the funds of the retirement system.

[~~(d)~~] ***(b)*** Have the full power and authority to delegate to any agent, within or without the state, [~~who may or may not be the custodian of stocks and securities,~~] the power and discretion to make any necessary decisions with regard to the purchase or sale of any legal object of investment and to take any action necessary to effect decisions by or on behalf of the New Hampshire retirement system with the same legal effect as if performed by the [~~board of trustees of the New Hampshire retirement system~~] ***investment committee***. The [~~board of trustees~~] ***investment committee*** shall have the power to authorize the payment of compensation to an agent or agents for ***investment*** management services.

(c) Report to the board of trustees at least quarterly on the management, investment, and reinvestment activities of the investment committee.

III. Except as otherwise provided in this section, no trustee***, no advisory committee member,*** and no employee of the board of trustees shall have any personal interest in the gains or profits of any investment made by the board; nor shall any trustee***, advisory committee member,*** or employee of the board, directly or indirectly, for himself ***or herself*** or as an agent, in any manner use the same except to make such current and necessary payments as are authorized by the board; nor shall any trustee***, advisory committee member,*** or employee of the board become an endorser or surety, or in any manner an obligor, for money loaned to or borrowed from the board.

IV. The board of trustees is authorized to engage the services of legal counsel [~~for special investment, federal, and tax matters, and to engage outside counsel for other matters~~]. The payment for services provided in this paragraph shall be a charge upon the funds of the New Hampshire retirement system.

V. The board of trustees shall adopt rules pursuant to RSA 541-A relative to procedures to be followed in establishing and modifying investment objectives and guidelines[~~, and in selecting investment managers, investment products and investment participations~~]. ***The investment policies shall not be subject to rulemaking under RSA 541-A.***

VI.***(a)*** The funds of the New Hampshire retirement system shall be audited annually[~~. The board of trustees shall complete, not later than 120 days after the close of the fiscal year, unless the fiscal committee and the governor and council for good cause shall extend such period, a comprehensive annual financial report concerning the preceding fiscal year that details the financial condition and operation of the system during that period in a manner consistent with generally accepted accounting principles~~] ***and said audit shall be conducted in accordance with prevailing standards and practices of governmental auditing specified by authoritative national standard setting bodies. The audit committee shall prepare for board review and approval a comprehensive annual financial report concerning the preceding fiscal year that details the financial condition and operation of the system during that period in a manner consistent with generally accepted accounting principles. The board shall approve the comprehensive annual financial report not later than 120 days after the close of the fiscal year. The fiscal committee and the governor and council for good cause may***

extend such period. Said report subsequently shall be audited by the legislative budget assistant who may designate a certified public accountant not employed in the state service to conduct the annual audit and may accept the findings and report of the certified public accountant as fulfilling the provisions of this paragraph, provided that in either case said audit shall be conducted in accordance with prevailing standards and practices of governmental auditing specified by authoritative national standard setting bodies. [~~The cost of such audit shall be a charge upon the funds of the New Hampshire retirement system.~~]

(b) The audit committee shall cause a performance audit not less frequently than every 3 years.

(c) Copies of all audits and reports shall be forwarded to the governor, the senate president, and the speaker of the house of representatives. The cost of all audits and reports shall be a charge upon the funds of the New Hampshire retirement system.

VII. The [~~board of trustees shall complete a comprehensive annual investment report at the same time that the annual financial report under paragraph VI is completed.~~] ***investment committee shall prepare for board review and approval a comprehensive annual investment report. The board shall approve the comprehensive annual investment report at the same time that it approves the annual financial report under paragraph VI.*** The investment report shall be submitted to the president of the senate, the speaker of the house, and the governor. The report shall include, but shall not be limited to:

(a) A description of the [~~board's~~] ***investment committee's*** philosophy for investing the assets of the system, including an analysis of any significant changes in philosophy which have occurred from the prior annual report.

(b) An analysis of the return on investment, by investment category.

(c) [~~Anticipated future uses of and approaches to the management, investment, and reinvestment of system assets under the principles of paragraph I.~~] ***An annual investment policy statement which shall incorporate the following:***

(1) A clear statement of investment objectives including the adoption of a reasonable and sound average annual rate of return the retirement system is attempting to earn. The rate of return utilized for the statement of investment objectives shall be same as the assumed rate of return set by the trustees for the biennial actuarial calculation.

(2) A detailed breakdown of the asset structure most likely to enable the fund to reach its long range objective within appropriate risk parameters. The details should include all relevant subcategories among equities, debt, and alternative investments and identify the appropriate benchmarks for each performance analysis. The policy should establish an acceptable range for each allocation as well as a specific target allocation.

(3) Identification of how outcomes are measured and benchmarks are developed and who is responsible for the various decision levels in the investment process between the board of trustees, the investment committee, the retirement system's staff, investment consultants, and portfolio managers. The policy statement should specify the minimum frequency to review outcomes and responsibilities, in order to determine whether decisions as to asset mix and manager selection added value to the fund. Investment managers should be under constant review by the investment committee and the retirement system.

(d) Any suggested changes in legislation which the board may seek in order to better serve the members of the system. This is not intended to preclude the board of trustees from seeking additional legislation as needs arise between annual reports.

VIII. The management, investment, and reinvestment practices for the assets held in trust by the board pursuant to this section shall be subject to review by the legislature.

IX. Not later than January 1, 2010, the board of trustees shall report to the governor, the senate president, and the speaker of the house of representatives on the operation of the audit, investment, and other committees.

21 Supplemental Allowances. RSA 100-A:41-a is repealed and reenacted to read as follows:

100-A:41-a Supplemental Allowances.

I. Any retired member of the New Hampshire retirement system or any of its predecessor systems, who has been retired for at least 12 months, or any beneficiary of such member who is receiving an allowance, shall be entitled to receive supplemental allowances on the retired member's latest anniversary date.

II. No later than May 31 of each year, the board of trustees shall determine the amount of a supplemental allowance to be issued as a separate payment to eligible members or their beneficiaries on or after the July 1 thereafter. Supplemental allowances under this paragraph shall not become a permanent addition to the base retirement allowance. The actuary shall certify the amount of the supplemental allowance which may be granted to each member classification subgroup based on the funds available in the special account for each member classification subgroup. No supplemental allowance shall be granted for any year for which the funds available in the special account are insufficient to pay for the cost of the supplemental allowance. The supplemental allowance shall be determined as follows:

(a) The minimum allowance shall be $500 for the fiscal year ending June 30, 2009, and shall be adjusted each July 1 thereafter by the change in the Consumer Price Index-Urban for the year prior to the year in which the allowance is granted.

(b) The amount of the supplemental allowance shall be 2.5 percent of the member's or beneficiary's current base retirement allowance. The supplemental allowance shall not exceed 2.5 percent of the prior year's median retirement allowance for all members or their beneficiaries within each member classification subgroup as determined by the actuary.

III. No supplemental allowance shall be granted or increased if such grant or increase would reduce the funds in the respective component of the special account to an amount less than zero.

22 Commission Established. There is established a commission to study the feasibility of authorizing, and the depletion schedules for, future COLAs to be issued at different rates to or within each subgroup within the special account.

23 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 chairperson of the New Hampshire retirement system, or designee.

(d) Three persons with relevant knowledge, appointed by the governor.

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

24 Duties. The commission shall study the feasibility of authorizing, and the depletion schedules for, future COLAs to be issued at different rates to or within each subgroup within the special account. The commission shall consider proposals for defined benefit and defined contribution plans for COLAs. The study shall examine the possibility of issuing COLAs, funded from the special account, beginning 2012 with such COLAs becoming permanent additions to the beneficiary's base retirement allowance. The commission may request assistance from the retirement system and the actuary to aid in its study.

25 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.

26 Report. The commission shall report its findings and its initial recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the chairpersons of the house and senate finance and executive departments and administration committees, the governor, and the state library on or before December 1, 2008. The commission shall issue a final report of its findings and recommendations for additional legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the chairpersons of the house and senate finance and executive departments and administration committees, the governor, and the state library on or before December 1, 2009.

27 New Section; Temporary Contribution Amounts and Ratification. Amend RSA 100-A by inserting after section 53-d the following new section:

100-A:53-e Temporary Contribution Amounts and Ratification.

I. Notwithstanding the provisions of RSA 100-A:53, 100-A:53-b, 100-A:53-c, and 100-A:53-d, for the period beginning July 1, 2000, and ending June 30, 2007, 33 1/3 percent of group II employer contributions, group I teacher contributions, group I employer contributions, and group I state employer contributions shall be allocated to the 401(h) subtrust of the New Hampshire retirement system in order to pay for the benefits provided under RSA 100-A:52, 100-A:52-a, and 100-A:52-b, subject to applicable limits under the Internal Revenue Code.

II. At the end of each fiscal year specified in paragraph I, the state annuity accumulation
fund of the New Hampshire retirement system shall be reimbursed from the special account established in RSA 100-A:16, II(h) for the amount of funds allocated to the 401(h) subtrust for that year.

III. Actions taken by the New Hampshire retirement system in accordance with this section are hereby ratified.

28 Medical Benefits Financing; Group II. Amend RSA 100-A:53, II–IV to read as follows:

II. The special account established in RSA 100-A:16, II(h), for group II members, shall be augmented as of July 1, 1988, by $23,700,000 resulting from a one-time write-up of the valuation assets as of June 30, 1987. At the end of each fiscal year beginning with the year ending June 30, 1989, ***and ending with the fiscal year ending June 30, 2007,*** the state annuity accumulation fund of the New Hampshire retirement system shall be reimbursed from the special account established in RSA 100-A:16, II(h) for the amount of funds allocated to the 401(h) subtrust for that year, and such reimbursement shall continue until the benefits provided through the subtrust are fully funded or until the total accumulated reimbursement equals the sum of:

(a) The initial special account amount as of June 30, 1988, of $52,800,000;

(b) The additional special account amount as of June 30, 1993, which shall be determined by the actuary as an amount which shall be sufficient to provide benefits under RSA 100-A:52 for persons who meet the requirements of RSA 100-A:52, I(f);

(c) The additional special account amount as of June 30, 1993, of $1,200,000 to provide benefits under RSA 100-A:52 for persons who meet the requirements of RSA 100-A:52, I(g); and

(d) Future accumulated interest per year on the balance of the reimbursement funds remaining in the special account.

III. Except as provided in RSA 100-A:54, II, all contributions made to the retirement system to provide medical benefits under RSA 100-A:52 shall be maintained in a separate account, the 401(h) subtrust, and such funds shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this chapter***, including the special account established under RSA 100-A:16, II(h),*** may be used or diverted to provide medical

benefits under RSA 100-A:52. The funds, if any, accumulated to provide medical benefits under RSA 100-A:52 may be invested pursuant to the provisions of RSA 100-A:15.

[~~IV. A separate account shall be established and maintained for each retired member who is a key employee, as defined under section 416(i) of the Internal Revenue Code, at any time during the plan year or any previous plan year during which contributions are made hereunder on behalf of such member for the purposes of RSA 100-A:52.~~]

29 Medical Benefits Financing; Group I Teachers. Amend RSA 100-A:53-b, II to read as follows:

II. All contributions made to the retirement system to provide medical benefits under RSA 100-A:52-a shall be maintained in a separate account, the 401(h) subtrust. All funds and accumulated interest shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this chapter***, including the special account established under RSA 100-A:16, II(h),*** may be used or diverted to provide medical benefits under RSA 100-A:52-a. The funds, if any, providing medical benefits under RSA 100-A:52-a may be invested pursuant to the provisions of RSA 100-A:15.

30 Medical Benefits Financing; Group I Political Subdivision Employees. Amend RSA 100-A:53-c, II to read as follows:

II. All contributions made to the retirement system to provide medical benefits under RSA 100-A:52-a shall be maintained in a separate account, the 401(h) subtrust. All funds and accumulated interest shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this chapter***, including the special account established under RSA 100-A:16, II(h),*** may be used or diverted to provide medical benefits under RSA 100-A:52-a. The funds, if any, providing medical benefits under RSA 100-A:52-a may be invested pursuant to the provisions of RSA 100-A:15.

31 Medical Benefits Financing; Group I State Employees. Amend RSA 100-A:53-d, II to read as follows:

II. All contributions made to the retirement system to provide medical benefits under RSA 100-A:52-b shall be maintained in a separate account, the 401(h) subtrust. All funds and accumulated interest shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this chapter***, including the special account established under RSA 100-A:16, II(h),*** may be used or diverted to provide medical benefits under RSA 100-A:52-a. The funds, if any, providing medical benefits under RSA 100-A:52-b may be invested pursuant to the provisions of RSA 100-A:15.

32 New Paragraph; Application; Transfers. Amend RSA 100-A:55 by inserting after paragraph II the following new paragraph:

III. No transfers shall be made from the special account established under RSA 100-A:16, II(h) to the 401(h) subtrust for the purpose of funding the provisions of RSA 100-A:52-b or for any other purpose.

33 Service Retirement; Group II. Amend RSA 100-A:5, II to read as follows:

II. Group II Members.

(a) Any group II member in service***, who commenced service before July 1, 2009,*** who has attained age 45 and completed 20 years of creditable service, or who has attained age 60 regardless of the number of years of creditable service, ***and a group II member who commenced service on or after July 1, 2009, who has attained age 50 and completed 25 years of creditable service, or who has attained age 60 regardless of the number of years of creditable service,*** may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service.

(b) Upon service retirement, a group II member shall receive a service retirement allowance which shall consist of:

(1) A member annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement; and

(2) ***For members who commenced service before July 1, 2009,*** a state annuity which, together with his ***or her*** member annuity, shall be equal to 2-1/2 percent of his ***or her*** average final compensation multiplied by the number of years of his ***or her*** creditable service not in excess of 40 years***, or for members who commenced service on or after July 1, 2009, a state annuity which, together with his or her member annuity, shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service not in excess of 50 years***.

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who ***commenced service before July 1, 2009 and*** has retired on or after the effective date of this subparagraph after attaining the age of 45 with at least 20 years of creditable service***, and any group II member who commenced service on or after July 1, 2009 and has retired on or after the effective date of this subparagraph after attaining the age of 50 with at least 25 years of creditable service,*** shall receive a minimum annual service retirement allowance of $10,000. If such group II member has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the $10,000.

(2) [Repealed.]

(3) [Repealed.]

34 Ordinary Disability Retirement; Group II. Amend RSA 100-A:6, II(b) to read as follows:

(b) Upon ordinary disability retirement, the group II member shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his ***or her*** ordinary disability retirement; and a state annuity which, together with his ***or her*** member annuity, ***for members who commenced service before July 1, 2009,*** shall be equal to 2-1/2 percent of his ***or her*** average final compensation at the time of [~~his~~] ordinary disability retirement multiplied by the number of years of his ***or her*** creditable service not in excess of 40 at the time of [~~his~~] ordinary disability retirement, ***or for members who commenced service on or after July 1, 2009, shall be equal to 2 percent of his or her average final compensation at the time of ordinary disability retirement multiplied by the number of years of his or her creditable service not in excess of 50 at the time of ordinary disability retirement,*** provided, however, that such allowance shall not be less than 25 percent of the member's final compensation at the time of his ***or her*** disability retirement.

35 Accidental Disability Retirement; Group II. Amend RSA 100-A:6, II(d) to read as follows:

(d) Upon accidental disability retirement, the group II member shall receive an accidental disability retirement allowance equal to 2/3 of his ***or her*** average final compensation at the time of [~~his~~] disability retirement.

(1) For ***members who commenced service before July 1, 2009,*** any group II member who has more than 26-2/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2-1/2 percent of his ***or her*** average final compensation multiplied by the number of years of his ***or her*** creditable service in excess of 26-2/3 but not in excess of 40 years.

(2) For members who commenced service on or after July 1, 2009, any group II member who has more than 33-1/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service in excess of 33-1/3 but not in excess of 50 years.

(3) An accidental disability retirement allowance together with a supplemental disability retirement allowance, as provided in this subparagraph, shall not exceed 100 percent of the disability retiree's average final compensation.

36 Vested Deferred Retirement; Group II. Amend RSA 100-A:10, II(b) to read as follows:

(b) ***For members who commenced service before July 1, 2009,*** upon the member's attainment of age 45, provided the member would then have completed 20 years of creditable service, otherwise the subsequent date on which such 20 years would have been completed, ***or for members who commenced service on or after July 1, 2009, upon the member's attainment of age 50, provided the member would then have completed 25 years of creditable service, otherwise the subsequent date on which such 25 years would have been completed,*** or at any time after age 60, a group II member who meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees and receive a vested deferred retirement allowance which shall consist of: (1) A member annuity which shall be the actuarial equivalent of accumulated contributions on the date the member's retirement allowance commences; and (2) A state annuity which, together with the member annuity, shall be equal to a service retirement allowance based on the member's average final compensation and creditable service at the time the member's service is terminated.

37 Split Benefits; Minimum Age. Amend RSA 100-A:19-b, II to read as follows:

II. For a member ***who commenced service before July 1, 2009 and,*** who has completed 20 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 45 years. ***For a member who commenced service on or after July 1, 2009 and, who has completed 25 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 50 years.***

38 Split Benefits; Reduced Early Retirement; Minimum Age. Amend RSA 100-A:19-d to read as follows:

100-A:19-d Reduced Early Retirement. Notwithstanding any other provision of law, any retirement system member who has creditable service in both group I and group II with at least 10 years combined creditable service, and who has attained an age which is at least 45 ***for members who commenced group II service prior to July 1, 2009 or at least 50 for members who commenced group II service on or after July 1, 2009*** and is within 10 years of the minimum age set forth in RSA 100-A:19-b, may elect to retire and have benefits commence immediately as a reduced split-benefit service retirement allowance. Application shall be as provided in RSA 100-A:5, I(c). The allowance shall be determined as a split-benefit service retirement allowance in accordance with RSA 100-A:19-c, and the total combined split-benefit service allowance shall be reduced by the percentages shown in RSA 100-A:5, I(c), based on the total combined length of creditable service, for each month by which the date on which benefits commence precedes the month after which the member attains the minimum age set forth in RSA 100-A:19-b.

39 Financing; Group II Member Payroll Deduction. Amend RSA 100-A:16, I(a) to read as follows:

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities together with any amounts transferred thereto from a similar fund under one or more of the predecessor systems. Such contribution shall be, for each member, dependent upon the member's employment classification at the rate determined in accordance with the following table:

Employees	5.00
Teachers	5.00
Permanent Policemen	9.30
Permanent Firemen	9.30

The board of trustees shall certify to the proper authority or officer responsible for making up the payroll of each employer, and such authority or officer shall cause to be deducted from the compensation of each member, except group II members ***who commenced service before July 1, 2009*** with creditable service in excess of 40 years, ***or group II members who commenced service on or after July 1, 2009 with creditable service in excess of 50 years,*** as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), on each and every payroll of such employer for each and every payroll period, the percentage of earnable compensation applicable to such member. No deduction from earnable compensation under this paragraph shall apply to any group II member ***who commenced service before July 1, 2009*** with creditable service in excess of 40 years, ***or group II member who commenced service on or after July 1, 2009 with creditable service in excess of 50 years,*** as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), and this provision for such members shall not affect the method of determining average final compensation as provided in RSA 100-A:1, XVIII. [~~In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period and it may omit deduction from compensation for any period less than a full payroll period if such person was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed 1/10 of one percent of the annual earnable compensation upon the basis of which such deduction is made.~~] The amounts deducted shall be reported to the board of trustees. Each of such amounts, when deducted, shall be paid to the retirement system at such times as may be designated by the board of trustees and credited to the individual account, in the member annuity savings fund, of the member from whose compensation the deduction was made.

40 New Section; Decennial Retirement Commission. Amend RSA 100-A by inserting after section 56 the following new section:

100-A:57 Decennial Retirement Commission.

I. There shall be established decennially on or about July 1, beginning in 2017, a commission to make recommendations to ensure the long-term viability of the New Hampshire retirement system.

II. 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 chairman of the New Hampshire retirement system board of trustees, or designee.

(d) Two representatives of group I of the retirement system, appointed by the governor.

(e) Two representatives of group II of the retirement system, appointed by the governor.

(f) Two representatives of municipal and school employers in the retirement system, appointed by the governor.

(g) Four public members with recognized expertise in finance, financial management, or the governance and oversight of large endowments or public funds, appointed by the governor.

(h) One retired member of the retirement system receiving benefits at the time of appointment, appointed jointly by the speaker of the house of representatives and the president of the senate.

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

IV. The commission shall:

(a) Study the previous decade's history of funding, benefits, and investment results of the New Hampshire retirement system.

(b) Review the structure and governance of the New Hampshire retirement system.

(c) Analyze the financial status of the retirement system, and the challenges facing the system in the upcoming decade.

(d) Assess any changes to general accounting standards and their potential effect on the retirement system.

(e) Make recommendations for ensuring the long-term viability of the retirement system, including an appropriate funding methodology.

(f) Monitor the sustainability and affordability of cost of living increases for plan participants.

(g) Study other matters deemed necessary by the commission.

(h) Seek technical assistance as necessary from the New Hampshire retirement system and from other independent financial, investment, actuarial, and retirement experts. Subject to available appropriations, the commission may employ support staff for the purposes of its duties.

V. The governor, in consultation with the president of the senate and the speaker of the house of representatives, shall designate a chairperson from among the members. The first meeting of the commission shall be called by the chairperson. The first meeting of the commission shall be held within 45 days of the designation of the chairperson.

VI. 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 the December 1 next following.

41 New Paragraph; Employer Contributions; Funding of Retirement Allowance. Amend RSA 100-A:16 by inserting after paragraph III the following new paragraph:

III-a. Upon the retirement of a member, the retirement system shall:

(a) Calculate for the member the retirement allowance which would result from the sum of the following amounts:

(1) The total of the employer contributions attributable to the member.

(2) The total of the member's contribution to the retirement system.

(3) The earnings on the contributions under subparagraphs (1) and (2), and anticipated post-retirement earnings.

(b) Determine the difference from the allowance determined under subparagraph (a) compared to the actual retirement allowance payable to the member, and determine the cost of terminally funding the difference.

(c) Certify the cost determined in subparagraph (b) to the employer and assess upon the employer such cost for payment to the retirement system at such times and in such manner as the board of trustees may prescribe. Each such employer is hereby authorized to appropriate the sums necessary for the payment of such assessments.

42 Effective Date.

I. Sections 8, 10-13, 15, 33-39 and 41 of this act shall take effect July 1, 2009.

II. Sections 19, 20 and 40 of this act shall take effect 60 days after its passage.

III. Sections 16 and 17 of this act shall take effect June 30, 2009.

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

AMENDED ANALYSIS

This bill:

I. Establishes a procedure for supplemental allowances paid from the special account.

II. Eliminates the 8 percent annual increase on the medical subsidy.

III. Makes various other changes to the administration of the retirement system, eligibility and funding of benefits, and investment of retirement system assets.

IV. Implements various recommendations of the commission to make recommendations to ensure the long-term viability of the New Hampshire retirement system established in 2007, 355 (HB 876-FN-LOCAL).
Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. DeChane requested a roll call; sufficiently seconded.

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YEAS 259

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Millham, Alida	Reever, Judith	Russell, David
Tilton, Franklin	Tobin, William	Wendelboe, Fran	

CARROLL

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

CHESHIRE

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

COOS

Hatch, William	King, Frederick	Merrick, Evalyn	Remick, William
Theberge, Robert	Thomas, Yvonne		

GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Barry, Richard	Batula, Peter	Beaulieu, Jane
Beck, Catriona	Bergeron, Jean-Guy	Christensen, Chris	Coughlin, Pamela
Daler, Jennifer	Daniels, Gary	Day, Russell	Dokmo, Cynthia
Drisko, Richard	Elliott, Nancy	Emerton, Larry	Essex, David
Farley, Michael	Fletcher, Richard	Fontas, Jeffrey	Foster, Linda
Gargasz, Carolyn	Ginsburg, Ruth	Graham, John	Haefner, Robert
Hammond, Jill	Hansen, Ryan	Harvey, Suzanne	Hawkins, Ken
Hebert, Roger	Hinkle, Peyton	Hogan, Edith	Hopper, Gary
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Kaelin, Michael

Knowles, John	Knowles, Mary Ann	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Leishman, Peter	Levesque, Melanie	Long, Patrick
Mack, Ron	Manney, Pamela	Martineau, Jesse	Messier, Irene
Mooney, Maureen	O'Connell, Timothy	Ober, Lynne	Ober, Russell III
Peterson, Andy	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rosenwald, Cindy	Scannell, David	Shattuck, Gilman
Shaw, Barbara	Simon, Anthony	Smith, David	Soucy, Connie
Spratt, Stephen	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Winters, Joel	

MERRIMACK

Anderson, Eric	Beauchesne, Suzanne	Blanchard, Elizabeth	Bouchard, Candace
Boutin, David	Brown, Carole	Brueggemann, Donald	Clarke, Claire
Davis, Frank	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	Hess, David	Kidder, David
Kjellman, Eleanor Glynn	Lockwood, Priscilla	MacKay, James	McMahon, Patricia
Owen, Derek	Porter, Margaret	Potter, Frances	Reardon, Tara
Reed, Dennis	Richardson, Gary	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Wallner, Mary	Walz, Mary	Webb, Leigh
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Baldasaro, Alfred	Bedrick, Jason
Belanger, Ronald	Cali-Pitts, Jacqueline	Camm, Kevin	Case, Frank
Casey, Kimberley	Charron, Gene	Dalrymple, David	Day, Judith
Devine, James	DiFruscia, Anthony	Elliott, Robert	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Garrity, James	Gleason, John
Gould, Kenneth	Griffin, Mary	Grote, Otto	Headd, James
Henson, John	Howard, Doreen	Kappler, Lawrence	Katsakiores, George
Katsakiores, Phyllis	Kennedy, James	Kepner, Susan	Lund, Howie
Major, Norman	Marsh, Michael	McEachern, Paul	McKinney, Betsy
McMahon, Charles	Moody, Marcia	Moore, Bennett	Nevins, Christopher
Nowe, Ronald	Packard, Sherman	Pantelakos, Laura	Petterson, Don
Powers, James	Rausch, James	Reagan, John	Russell, Trinka
Sanders, Elisabeth	Serlin, Christopher	Snow, Richard	Webber, James
Welch, David	Weyler, Kenneth		

STRAFFORD

Brennan, William	Brown, Julie	Brown, Larry	Burke, Rachel
Domingo, Baldwin	Fargo, Thomas	Hubbard, Pamela	Hutz, Sarah
Kaen, Naida	Knowles, William	Miller, Joseph	Perry, Robert
Rollo, Deanna	Rollo, Michael	Rous, Emma	Smith, Marjorie
Spang, Judith	Wall, Janet	Warren, Nancy	

SULLIVAN

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

NAYS 60

BELKNAP

Morrison, Gail	Nedeau, Stephen

CARROLL

None

CHESHIRE

Loll, Thomas	Sad, Tara

COOS

Ingersoll, Paul Sr	Tholl, John Jr

GRAFTON

Andersen, Gene	Gionet, Edmond	McLeod, Martha

HILLSBOROUGH

Brunelle, Michael	Campbell, David	Chase, Claudia	Cote, David
Edwards, Andrew	Forest, Armand	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Hall, Betty	Holden, Randolph	Infantine, William
Jeudy, Jean	Kelley, John	Kopka, Angeline	Lasky, Bette
Matarazzo, Anthony Sr	Movsesian, Lori	O'Brien, Michael Sr	O'Neil, James
Schulze, Joan	Shaw, Kimberly	Sullivan, Daniel	Sullivan, Francis

MERRIMACK

Baxley, Maureen	DeJoie, John	Ehlers, Eileen	Osborne, Jessie

ROCKINGHAM

Borden, David	Carson, Sharon	Emiro, Frank	Mann, Maureen
McCarthy, Linda	McKenna, Daniel	Nord, Susi	Pearson, Mark
Priestley, Anne	Quandt, Marshall	Quandt, Matthew	Robertson, Carl
Weare, Everett	Wells, Roger	Winchell, George	

STRAFFORD

DeChane, Marlene	Hofemann, Roland	Mickelonis, Shawn	Schmidt, Peter
Sprague, Dale	Vachon, Dennis	Watson, Robert	

SULLIVAN

Converse, Larry

and the committee report was adopted.
Ordered to third reading.
Rep. Hager did not vote and notified the Clerk that she wished to be recorded in favor.
Rep. Clemons did not vote and notified the Clerk that she wished to be recorded against.
Reps. Rowe, Patrick Garrity and John Thomas declared a conflict of interest on ***HB 1645-FN-L,*** and did not participate.

HB 1146, relative to immunity for school personnel using necessary force to protect pupils.
MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.
Rep. Paul L. Hackel for the Majority of Judiciary: This bill gives complete immunity from liability to any teacher or other person "entrusted with the care or supervision of a pupil" for

any “act or omission performed in good faith.” This creates a subjective standard which, in effect, replaces our present objective standard of “necessary force.” Good faith is next to impossible to determine and also covers acts based on bad judgment. One of the purposes of the bill was to protect teachers from frivolous legal action, but in 2002 this legislature passed RSA 507-G:2 which already covers this. Only one teacher spoke in favor of the bill and his situation was well covered by existing law re necessary force. The NH department of education already has an excellent policy on “Use of Physical Restraint” issued Spring 2005. The Disabilities Rights Center, NH Child & Family Services, and the Governor’s Commission on Disability all opposed this bill. Vote 9-7.

Rep. Maureen C. Mooney for the Minority of Judiciary: This bill will grant immunity from civil or criminal liability to teachers who use "necessary force" in accordance with RSA 627:6, II(a). RSA 627:6, II(a) is the law that grants teachers the vague right to use "necessary force" to maintain discipline within our schools. However, once a teacher uses this force he or she remains subject to a civil lawsuit or potential criminal charges for using it. The minority believes that in order to make RSA 627:6, II(a) have any real meaning, the authorization to use "necessary force" must be backed up with a grant of civil and criminal immunity. HB 1146 will protect teachers from the moment they use "necessary force" until the incident warranting that force is resolved, and reinforce the teachers' authority in performing their jobs. Recent high-profile incidents of school violence, as well as the all-too-common outbreaks of violence in our schools, continue to raise the justified concern that we are not doing all we can to give educators the tools and legal support they need to maintain discipline in our schools. HB 1146 will grant New Hampshire teachers the protection, authority and legal support needed to properly handle contentious school situations in straightforward statutory language.

Rep. Mooney requested a roll call; sufficiently seconded.

YEAS 190 NAYS 132

YEAS 190

BELKNAP

Millham, Alida	Morrison, Gail	Reever, Judith	

CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
Heard, Virginia	Knox, J. David		

CHESHIRE

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

COOS

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

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Estes, Carole	Hammond, Lee	Harding, A Laurie	Laliberte, Suzanne
Lovett, Sid	Matheson, Robert	McLeod, Martha	Mulholland, Catherine

Nordgren, Sharon	Pierce, David	Preston, Philip	Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Brunelle, Michael
Campbell, David	Chase, Claudia	Clemons, Jane	Cote, David
Daler, Jennifer	Dokmo, Cynthia	Edwards, Andrew	Essex, David
Farley, Michael	Fletcher, Richard	Fontas, Jeffrey	Forest, Armand
Foster, Linda	Gargasz, Carolyn	Garrity, Patrick	Goley, Jeffrey
Gorman, Mary	Hammond, Jill	Harvey, Suzanne	Hebert, Roger
Irwin, Anne-Marie	Jean, Claudette	Kaelin, Michael	Kelley, John
Knowles, John	Knowles, Mary Ann	Kopka, Angeline	Lasky, Bette
Leishman, Peter	Levesque, Melanie	Long, Patrick	Mack, Ron
Movsesian, Lori	O'Connell, Timothy	Peterson, Andy	Pilotte, Maurice
Rosenwald, Cindy	Scannell, David	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Simon, Anthony	Spratt, Stephen	Winters, Joel

MERRIMACK

Baxley, Maureen	Beauchesne, Suzanne	Blanchard, Elizabeth	Bouchard, Candace
Boutin, David	Brown, Carole	Brueggemann, Donald	Clarke, Claire
Davis, Frank	DeJoie, John	DeStefano, Stephen	Ehlers, Eileen
Foose, Robert	French, Barbara	Gile, Mary	Hager, Elizabeth
Hamm, Christine	Kjellman, Eleanor Glynn	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	

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Borden, David	Cali-Pitts, Jacqueline
Casey, Kimberley	Day, Judith	DiFruscia, Anthony	Flockhart, Eileen
Gould, Kenneth	Grote, Otto	Henson, John	Howard, Doreen
Kennedy, James	Kepner, Susan	Mann, Maureen	Marsh, Michael
McCarthy, Linda	McEachern, Paul	McKinney, Betsy	Moore, Bennett
Nord, Susi	Pantelakos, Laura	Petterson, Don	Powers, James
Russell, Trinka	Serlin, Christopher	Snow, Richard	Webber, James
Wells, Roger			

STRAFFORD

Burke, Rachel	Cyr, James	Domingo, Baldwin	Fargo, Thomas
Hofemann, Roland	Hutz, Sarah	Kaen, Naida	Knowles, William
Mickelonis, Shawn	Miller, Joseph	Perry, Robert	Rollo, Deanna
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Vachon, Dennis	Wall, Janet	Warren, Nancy
Watson, Robert			

SULLIVAN

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

NAYS 132

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Nedeau, Stephen	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Wendelboe, Fran	

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Merrow, Harry
Patten, Betsey	Stevens, Stanley		

CHESHIRE

Emerson, Susan	Hunt, John	Pelkey, Stephen

COOS

King, Frederick	Remick, William	Tholl, John Jr

GRAFTON

Bulis, Lyle	Dingman, Vernon III	Friedrich, Carol	Gionet, Edmond
Ingbretson, Paul	Sorg, Gregory	Williams, Burton	

HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Christensen, Chris
Coughlin, Pamela	Daniels, Gary	Day, Russell	Drisko, Richard
Elliott, Nancy	Ginsburg, Ruth	Goyette, Peter	Graham, John
Haefner, Robert	Hall, Betty	Hansen, Ryan	Hawkins, Ken
Hinkle, Peyton	Hogan, Edith	Holden, Randolph	Hopper, Gary
Infantine, William	Jasper, Shawn	Jeudy, Jean	Kurk, Neal
L'Heureux, Robert	Lawrence, James	Manney, Pamela	Martineau, Jesse
Matarazzo, Anthony Sr	Messier, Irene	Mooney, Maureen	O'Brien, Michael Sr
O'Neil, James	Ober, Lynne	Ober, Russell III	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rowe, Robert	Schulze, Joan
Smith, David	Soucy, Connie	Stepanek, Stephen	Sullivan, Daniel
Sullivan, Francis	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice			

MERRIMACK

Anderson, Eric	Hess, David	Kidder, David	Lockwood, Priscilla
MacKay, James	Reed, Dennis	Yeaton, Charles	

ROCKINGHAM

Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald	Camm, Kevin
Carson, Sharon	Case, Frank	Charron, Gene	Dalrymple, David
Devine, James	Elliott, Robert	Emiro, Frank	Fesh, Bob
Flanders, John Sr	Garcia, Marilinda	Garrity, James	Gleason, John
Griffin, Mary	Headd, James	Kappler, Lawrence	Katsakiores, George
Katsakiores, Phyllis	Lund, Howie	Major, Norman	McMahon, Charles
Moody, Marcia	Nevins, Christopher	Nowe, Ronald	Packard, Sherman
Pearson, Mark	Priestley, Anne	Quandt, Marshall	Quandt, Matthew
Rausch, James	Reagan, John	Robertson, Carl	Sanders, Elisabeth
Weare, Everett	Welch, David	Weyler, Kenneth	Winchell, George

STRAFFORD

Brennan, William Brown, Julie Brown, Larry Hubbard, Pamela
Sprague, Dale

SULLIVAN

Rodeschin, Beverly
and the majority committee report was adopted.

HB 1322, relative to hearings for incapacitated persons admitted to state institutions by their guardians. **REFER FOR INTERIM STUDY.**
Rep. Philip Preston for Judiciary: The issue addressed in this bill is the length of time a ward admitted to a state institution must wait between admittance and a hearing before a probate judge. The committee agreed that the process should not be drawn out, but testimony at the hearing suggested that few cases would be affected by this bill. Setting an absolute limit on the number of days could place a distressed patient at a disadvantage and place an unnecessary burden on the court system. Noting that the fiscal impact is unknown, the majority of the committee, while agreeing with the intent of the bill, believed that it should be further studied. Vote 9-7.
Committee report adopted.

HB 1359-FN, relative to fees for public records. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Stephen J. Shurtleff for the Majority of Judiciary: This bill would set the rate charged by the county registers of deeds for providing copies at .07 cents each. The committee believes that the ten county registers should set this rate, because the cost involved would vary from county to county. The bill would also ban county registers of deeds from charging a fee for obtaining county deed records via the Internet. This fee generates a small revenue stream for county government. Just as we don't want to raise fees in these tough economic times, we also don't want to increase the burden on county property tax payers by eliminating this fee. Furthermore, as the fiscal note states, "this bill will have an indeterminable fiscal impact on State, County, and Local Revenue and may increase State expenditures." Vote 11-5.
Rep. Gregory M. Sorg for the Minority of Judiciary: Although drafted in general terms, this bill was directed primarily towards fees charged for those services provided by county registries of deeds that are currently unregulated, RSA 478:17g III states that such fees, "shall be established and posted by the register of deeds." Each registry of deeds being a monopoly in the county it serves, each register has the ability to charge and collect any fees he or she wishes, which has resulted in fees far exceeding the costs of the service concerned. The minority believes that this authority should be reined in so that registers of deeds no longer have unlimited power to tax.
Majority committee report adopted.

HB 1437, establishing a committee to study whether the state of New Hampshire shall establish a policy that victims of negligent or intentional tortious acts shall recover losses incurred as a result of such acts. **OUGHT TO PASS.**
Rep. David J. Bettencourt for Judiciary: The present situation as to a victim's ability to recover lost wages, medical expenses, and other losses should be fair and reasonable. The issue is complex, the present law is confusing and the perspective of a qualified group is needed. Vote 11-9.
Committee report adopted and ordered to third reading.

HB 1532, relative to snow and obstruction removal from parking spaces designated for

disabled persons. **OUGHT TO PASS.**
Rep. Gail C. Morrison for Judiciary: The testimony was convincing that this measure is needed. We were shown photos of snow plowed into parking spaces at state buildings. The bill adds a section to RSA 265:74, Parking Privileges for Persons with Walking Disabilities. It emphasizes that public property owners such as municipalities, and private property owners, such as those of shopping centers, must not limit access of the disabled sector of our population by allowing blockage of marked handicapped spaces. Judiciary was the second committee to hear and consider this bill. Vote 8-3.
Committee report adopted and ordered to third reading.

SPECIAL ORDER
HB 1589-FN, prohibiting the lethal injection of any substance as part of the abortion process. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**
Rep. Maureen Baxley for the Majority of Judiciary: The committee feels it is not the role of government to prohibit doctors from using their medical judgment in determining what medical treatment is best for their patients. This procedure is used in cases of severe abnormality of the fetus, such as having no brain, or in cases of eclampsia. Vote 12-6.
Rep. Nancy J. Elliott for the Minority of Judiciary: The minority believes that injecting an unborn child with a lethal injection is inhumane. The substance commonly used for this process is potassium chloride. This is the same serum used to terminate death row inmates. Of course we administer pain medication to inmates first. Not so for our children. They are forced to endure excruciating pain of a massive heart attack that can take some time for the unborn child to die. We heard testimony that this chemical is very painful and therefore unethical to use on animals, but not so for unprotected babies. Literature passed out in committee from the World Net Daily detailed that this injection is to protect the abortion clinics from being charged in violation of the partial birth abortion ban. Three area hospitals, Massachusetts General, Brigham and Women's and Beth Israel Deaconess are using this method to avoid any chance of a live birth and prosecution. One area doctor does not even give the woman a choice; the injection is required in babies over 20 weeks' gestation. This is a strange position for an individual who says women should have a choice. This same doctor states he is "more concerned about the risk for the faculty and staff here." He is so concerned about prosecution that "he will no longer allow medical and nursing students to observe late-term abortions at his clinic, fearing someone might lodge a criminal complaint." This chemical is for the doctors' convenience without regard for the pain of the infant or the possible side effects on the mother if the potassium chloride is accidentally injected into her. This procedure is cruel and should be prohibited in NH.
Rep. Garcia spoke against.
Rep. Sorg spoke against and yielded to questions.
Rep. Philip Preston spoke in favor.
Rep. Gary Richardson yielded to questions.
Rep. Garcia requested a roll call; sufficiently seconded.

YEAS 206 NAYS 109

YEAS 206

BELKNAP

Allen, Janet	Millham, Alida	Morrison, Gail	Pilliod, James
Reever, Judith	Russell, David		

CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard

Heard, Virginia	Knox, J. David	Merrow, Harry	

CHESHIRE

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

COOS

Hatch, William	Ingersoll, Paul Sr	Merrick, Evalyn	Thomas, Yvonne

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	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	Pierce, David
Preston, Philip	Solomon, Peter	Williams, Burton	

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Brunelle, Michael
Campbell, David	Chase, Claudia	Christensen, Chris	Cote, David
Daler, Jennifer	Dokmo, Cynthia	Drisko, Richard	Edwards, Andrew
Essex, David	Farley, Michael	Fontas, Jeffrey	Foster, Linda
Gargasz, Carolyn	Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Graham, John	Hall, Betty	Hammond, Jill
Harvey, Suzanne	Hebert, Roger	Irwin, Anne-Marie	Jean, Claudette
Kaelin, Michael	Kelley, John	Knowles, John	Knowles, Mary Ann
Kopka, Angeline	Kurk, Neal	Lasky, Bette	Leishman, Peter
Levesque, Melanie	Long, Patrick	Mack, Ron	Messier, Irene
Movsesian, Lori	O'Connell, Timothy	O'Neil, James	Ober, Russell III
Peterson, Andy	Rosenwald, Cindy	Scannell, David	Shattuck, Gilman
Shaw, Barbara	Simon, Anthony	Smith, David	Spratt, Stephen
Sullivan, Francis	Winters, Joel		

MERRIMACK

Anderson, Eric	Baxley, Maureen	Blanchard, Elizabeth	Bouchard, Candace
Brown, Carole	Brueggemann, Donald	Clarke, Claire	Davis, Frank
DeJoie, John	DeStefano, Stephen	Ehlers, Eileen	Foose, Robert
French, Barbara	Gile, Mary	Hager, Elizabeth	Hamm, Christine
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
Webb, Leigh	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Borden, David	Casey, Kimberley	Day, Judith
Flanders, John Sr	Flockhart, Eileen	Gould, Kenneth	Grote, Otto
Henson, John	Howard, Doreen	Kennedy, James	Mann, Maureen
Marsh, Michael	McEachern, Paul	Moody, Marcia	Moore, Bennett

Nord, Susi	Pantelakos, Laura	Petterson, Don	Powers, James
Robertson, Carl	Russell, Trinka	Sanders, Elisabeth	Serlin, Christopher
Snow, Richard	Weare, Everett	Webber, James	Wells, Roger

STRAFFORD

Brennan, William	Brown, Julie	Brown, Larry	Burke, Rachel
Cyr, James	DeChane, Marlene	Domingo, Baldwin	Fargo, Thomas
Hubbard, Pamela	Hutz, Sarah	Kaen, Naida	Knowles, William
Mickelonis, Shawn	Miller, Joseph	Perry, Robert	Rollo, Deanna
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Sprague, Dale	Vachon, Dennis	Wall, Janet
Warren, Nancy	Watson, Robert		

SULLIVAN

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

NAYS 109

BELKNAP

Boyce, Laurie	Clark, Charles	Flanders, Donald	Heald, Bruce
Nedeau, Stephen	Tilton, Franklin	Tobin, William	Wendelboe, Fran

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Patten, Betsey

CHESHIRE

Butynski, William	Emerson, Susan	Johnson, Jane	Pelkey, Stephen

COOS

King, Frederick	Remick, William	Tholl, John Jr	

GRAFTON

Andersen, Gene	Bulis, Lyle	Dingman, Vernon III	Ingbretson, Paul
Sorg, Gregory			

HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Coughlin, Pamela
Daniels, Gary	Day, Russell	Elliott, Nancy	Emerton, Larry
Fletcher, Richard	Goyette, Peter	Haefner, Robert	Hansen, Ryan
Hawkins, Ken	Hinkle, Peyton	Hogan, Edith	Holden, Randolph
Hopper, Gary	Infantine, William	Jasper, Shawn	Jeudy, Jean
L'Heureux, Robert	Lawrence, James	Manney, Pamela	Martineau, Jesse
Matarazzo, Anthony Sr	Mooney, Maureen	O'Brien, Michael Sr	Ober, Lynne
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Rowe, Robert	Shaw, Kimberly	Soucy, Connie	Stepanek, Stephen
Sullivan, Daniel	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice			

MERRIMACK

Boutin, David	Hess, David	Reed, Dennis

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Carson, Sharon	Case, Frank	Charron, Gene	Dalrymple, David
Devine, James	DiFruscia, Anthony	Elliott, Robert	Emiro, Frank
Fesh, Bob	Garcia, Marilinda	Garrity, James	Gleason, John
Griffin, Mary	Headd, James	Kappler, Lawrence	Katsakiores, George
Katsakiores, Phyllis	Kepner, Susan	Lund, Howie	Major, Norman
McKinney, Betsy	McMahon, Charles	Nevins, Christopher	Nowe, Ronald
Packard, Sherman	Pearson, Mark	Priestley, Anne	Quandt, Marshall
Quandt, Matthew	Rausch, James	Reagan, John	Welch, David
Weyler, Kenneth	Winchell, George		

STRAFFORD

Hofemann, Roland

SULLIVAN

Donovan, Thomas Rodeschin, Beverly

and the majority committee report was adopted.

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

HB 1127, relative to determining a bargaining unit in public employee labor relations. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey P. Goley for the Majority of Labor, Industrial and Rehabilitative Services: This bill is enabling legislation that allows certification of a bargaining unit of 3-10 employees if and only if the public employer approves. There are already towns in New Hampshire that have voted in favor of recognizing a bargaining unit of fewer than 10 employees but have been unable to do so under current law. This bill is not a mandate as it must have approval of the governing body of the public employer before the bargaining unit can be certified. Vote 8-6.

Rep. William J. Infantine for the Minority of Labor, Industrial and Rehabilitative Services: The minority of the committee understands that HB 1127 is enabling legislation, however, the disagreement on the content of the bill is over what body will be granted the decision making ability. The majority believes the "governing" body should decide to recognize a new bargaining unit of fewer than 10 and the minority believes the legislative body should decide. The disagreement is over one word but the minority believes this one word has significant consequences. The "governing" and "legislative" bodies in cities are the same. In small towns and county government they are very different. The "governing" body in the towns and county government cannot approve financial matters, only the "legislative" body (the voters) has this specific authority. By giving the authority to recognize the bargaining unit to the "governing" body we are usurping the rights of the people and ourselves as legislators in our duty as the legislative body of county government.

Majority Amendment (0080h)

Amend the bill by replacing section 1 with the following:

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

I. The board or its designee shall determine the appropriate bargaining unit and shall certify the exclusive representative thereof when petitioned to do so under RSA 273-A:10. In making its determination the board should take into consideration the principle of

community of interest. The community of interest may be exhibited by one or more of the following criteria, although it is not limited to such:

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

A public employer may recognize a bargaining unit with 3-10 members, but in no case shall the board certify a bargaining unit of [~~less~~] ***fewer*** than 10 employees with the same community of interest ***without the prior approval of the governing body of the public employer***. For purposes of this section, probationary employees shall be counted to satisfy the [~~10~~] employee minimum ***number*** requirement. In no case shall such probationary employees vote in any election conducted under the provisions of this chapter to certify an employee organization as the exclusive representative of a bargaining unit.

Majority committee amendment adopted.

Rep. Bedrick offered minority amendment (0540h).

Minority Amendment (0540h)

Amend the bill by replacing section 1 with the following:

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

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

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

A public employer may recognize a bargaining unit with 3-10 members, but in no case shall the board certify a bargaining unit of [~~less~~] ***fewer*** than 10 employees with the same community of interest ***without the prior approval of the legislative body of the public employer***. For purposes of this section, probationary employees shall be counted to satisfy the [~~10~~] employee minimum ***number*** requirement. In no case shall such probationary employees vote in any election conducted under the provisions of this chapter to certify an employee organization as the exclusive representative of a bargaining unit.

Reps. Bedrick and Infantine spoke in favor.

Reps. John Knowles and Goley spoke against.

Rep. Goley requested a roll call; sufficiently seconded.

YEAS 120 NAYS 194

YEAS 120

BELKNAP

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

CARROLL

Brown, Carolyn	Chandler, Gene	Merrow, Harry	Patten, Betsey

CHESHIRE

Butterworth, Timothy	Emerson, Susan	Hunt, John	Johnson, Jane
Pelkey, Stephen			

COOS

King, Frederick	Remick, William	Tholl, John Jr

GRAFTON

Bulis, Lyle	Dingman, Vernon III	Gionet, Edmond	Solomon, Peter
Sorg, Gregory	Williams, Burton		

HILLSBOROUGH

Barry, Richard	Bergeron, Jean-Guy	Christensen, Chris	Coughlin, Pamela
Daniels, Gary	Day, Russell	Dokmo, Cynthia	Drisko, Richard
Elliott, Nancy	Emerton, Larry	Gargasz, Carolyn	Goyette, Peter
Graham, John	Haefner, Robert	Hansen, Ryan	Hawkins, Ken
Hinkle, Peyton	Hogan, Edith	Hopper, Gary	Infantine, William
Jasper, Shawn	Kurk, Neal	L'Heureux, Robert	Lawrence, James
Manney, Pamela	Messier, Irene	Mooney, Maureen	O'Connell, Timothy
Ober, Lynne	Ober, Russell III	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Smith, David	Soucy, Connie	Stepanek, Stephen
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice

MERRIMACK

Anderson, Eric	Boutin, David	Hess, David	Lockwood, Priscilla
MacKay, James	Porter, Margaret	Reed, Dennis	

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Carson, Sharon	Case, Frank	Charron, Gene	Dalrymple, David
Devine, James	Elliott, Robert	Fesh, Bob	Flanders, John Sr
Garcia, Marilinda	Garrity, James	Gleason, John	Gould, Kenneth
Griffin, Mary	Headd, James	Kappler, Lawrence	Katsakiores, George
Katsakiores, Phyllis	Major, Norman	Marsh, Michael	McKinney, Betsy
McMahon, Charles	Moore, Bennett	Nevins, Christopher	Nowe, Ronald
Packard, Sherman	Priestley, Anne	Rausch, James	Reagan, John
Robertson, Carl	Sanders, Elisabeth	Weare, Everett	Welch, David
Wells, Roger	Weyler, Kenneth	Winchell, George	

STRAFFORD

Fargo, Thomas	Watson, Robert

SULLIVAN

Rodeschin, Beverly

NAYS 194

BELKNAP

Morrison, Gail	Reever, Judith

CARROLL

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

CHESHIRE

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

COOS

Hatch, William	Ingersoll, Paul Sr	Merrick, Evalyn	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	Pierce, David
Preston, Philip			

HILLSBOROUGH

Baroody, Benjamin	Batula, Peter	Beaulieu, Jane	Beck, Catriona
Brunelle, Michael	Campbell, David	Chase, Claudia	Clemons, Jane
Cote, David	Daler, Jennifer	Edwards, Andrew	Essex, David
Farley, Michael	Fletcher, Richard	Fontas, Jeffrey	Foster, Linda
Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Hammond, Jill	Harvey, Suzanne	Hebert, Roger	Holden, Randolph
Irwin, Anne-Marie	Jean, Claudette	Jeudy, Jean	Kaelin, Michael
Kelley, John	Knowles, John	Knowles, Mary Ann	Kopka, Angeline
Lasky, Bette	Leishman, Peter	Levesque, Melanie	Long, Patrick
Mack, Ron	Martineau, Jesse	Matarazzo, Anthony Sr	Movsesian, Lori
O'Brien, Michael Sr	O'Neil, James	Peterson, Andy	Pilotte, Maurice
Rosenwald, Cindy	Scannell, David	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Simon, Anthony	Spratt, Stephen
Sullivan, Daniel	Sullivan, Francis	Winters, Joel	

MERRIMACK

Baxley, Maureen	Beauchesne, Suzanne	Blanchard, Elizabeth	Bouchard, Candace
Brown, Carole	Brueggemann, Donald	Clarke, Claire	Davis, Frank
DeJoie, John	DeStefano, Stephen	Ehlers, Eileen	Foose, Robert
French, Barbara	Gile, Mary	Hamm, Christine	Kidder, David
Kjellman, Eleanor Glynn	McMahon, Patricia	Osborne, Jessie	Potter, Frances
Reardon, Tara	Richardson, Gary	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Wallner, Mary	Walz, Mary	Webb, Leigh
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Borden, David	Cali-Pitts, Jacqueline	Casey, Kimberley

Day, Judith	DiFruscia, Anthony	Emiro, Frank	Flockhart, Eileen
Grote, Otto	Henson, John	Howard, Doreen	Kennedy, James
Kepner, Susan	Mann, Maureen	McEachern, Paul	Moody, Marcia
Nord, Susi	Pantelakos, Laura	Petterson, Don	Powers, James
Quandt, Marshall	Quandt, Matthew	Russell, Trinka	Serlin, Christopher
Snow, Richard	Webber, James		

STRAFFORD

Brennan, William	Brown, Julie	Brown, Larry	Burke, Rachel
Cyr, James	DeChane, Marlene	Domingo, Baldwin	Hofemann, Roland
Hubbard, Pamela	Hutz, Sarah	Kaen, Naida	Mickelonis, Shawn
Miller, Joseph	Perry, Robert	Rollo, Deanna	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Sprague, Dale	Vachon, Dennis	Wall, Janet	Warren, Nancy

SULLIVAN

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

and minority amendment (0540h) failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Burridge requested a roll call; sufficiently seconded.

YEAS 191 NAYS 123

YEAS 191

BELKNAP

Morrison, Gail	Reever, Judith

CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
Heard, Virginia	Knox, J. David		

CHESHIRE

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

COOS

Hatch, William	Ingersoll, Paul Sr	Merrick, Evalyn	Theberge, Robert

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	Pierce, David
Preston, Philip	Solomon, Peter		

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Brunelle, Michael
Campbell, David	Chase, Claudia	Clemons, Jane	Cote, David
Daler, Jennifer	Edwards, Andrew	Essex, David	Farley, Michael
Fontas, Jeffrey	Foster, Linda	Garrity, Patrick	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Hammond, Jill	Harvey, Suzanne
Hebert, Roger	Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette
Jeudy, Jean	Kaelin, Michael	Kelley, John	Knowles, John
Knowles, Mary Ann	Kopka, Angeline	Lasky, Bette	Leishman, Peter
Levesque, Melanie	Long, Patrick	Mack, Ron	Martineau, Jesse
Matarazzo, Anthony Sr	Movsesian, Lori	O'Brien, Michael Sr	Peterson, Andy
Pilotte, Maurice	Rosenwald, Cindy	Scannell, David	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Spratt, Stephen
Sullivan, Daniel	Sullivan, Francis	Winters, Joel	

MERRIMACK

Baxley, Maureen	Beauchesne, Suzanne	Blanchard, Elizabeth	Bouchard, Candace
Brown, Carole	Brueggemann, Donald	Clarke, Claire	Davis, Frank
DeJoie, John	DeStefano, Stephen	Ehlers, Eileen	Foose, Robert
French, Barbara	Gile, Mary	Hamm, Christine	Kidder, David
Kjellman, Eleanor Glynn	McMahon, Patricia	Osborne, Jessie	Potter, Frances
Reardon, Tara	Richardson, Gary	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Wallner, Mary	Walz, Mary	Webb, Leigh
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Borden, David	Cali-Pitts, Jacqueline	Casey, Kimberley
Day, Judith	DiFruscia, Anthony	Emiro, Frank	Flockhart, Eileen
Grote, Otto	Henson, John	Howard, Doreen	Kennedy, James
Kepner, Susan	Mann, Maureen	Marsh, Michael	McEachern, Paul
McKinney, Betsy	Moody, Marcia	Nord, Susi	Pantelakos, Laura
Petterson, Don	Powers, James	Quandt, Marshall	Quandt, Matthew
Russell, Trinka	Serlin, Christopher	Snow, Richard	Webber, James

STRAFFORD

Brennan, William	Brown, Julie	Brown, Larry	Burke, Rachel
Cyr, James	DeChane, Marlene	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	Smith, Marjorie
Spang, Judith	Vachon, Dennis	Wall, Janet	Warren, Nancy

SULLIVAN

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

NAYS 123

BELKNAP

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

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Merrow, Harry
Patten, Betsey			

CHESHIRE

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

COOS

King, Frederick	Remick, William	Tholl, John Jr	Thomas, Yvonne

GRAFTON

Bulis, Lyle	Dingman, Vernon III	Gionet, Edmond	Sorg, Gregory
Williams, Burton			

HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Christensen, Chris
Coughlin, Pamela	Daniels, Gary	Day, Russell	Dokmo, Cynthia
Drisko, Richard	Elliott, Nancy	Emerton, Larry	Fletcher, Richard
Gargasz, Carolyn	Goyette, Peter	Graham, John	Haefner, Robert
Hansen, Ryan	Hawkins, Ken	Hinkle, Peyton	Hogan, Edith
Hopper, Gary	Infantine, William	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	Lawrence, James	Manney, Pamela	Messier, Irene
Mooney, Maureen	O'Connell, Timothy	O'Neil, James	Ober, Lynne
Ober, Russell III	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Simon, Anthony	Smith, David	Soucy, Connie	Stepanek, Stephen
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice

MERRIMACK

Anderson, Eric	Boutin, David	Hess, David	Lockwood, Priscilla
MacKay, James	Porter, Margaret	Reed, Dennis	

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Carson, Sharon	Case, Frank	Charron, Gene	Dalrymple, David
Devine, James	Elliott, Robert	Fesh, Bob	Flanders, John Sr
Garcia, Marilinda	Garrity, James	Gleason, John	Gould, Kenneth
Griffin, Mary	Headd, James	Kappler, Lawrence	Katsakiores, George
Katsakiores, Phyllis	Major, Norman	McMahon, Charles	Moore, Bennett
Nevins, Christopher	Nowe, Ronald	Packard, Sherman	Priestley, Anne
Rausch, James	Reagan, John	Robertson, Carl	Sanders, Elisabeth
Weare, Everett	Welch, David	Wells, Roger	Weyler, Kenneth
Winchell, George			

STRAFFORD

Sprague, Dale	Watson, Robert

SULLIVAN

Ferland, Brenda Rodeschin, Beverly

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

HB 1436, relative to requiring inclusion of an automatic continuation clause in collectively bargained agreements with public employees. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Randolph N. S. Holden for the Majority of Labor, Industrial and Rehabilitative Services: The committee felt that the ability for one side to "freeze out" the other could no longer continue. HB 1436 as amended addresses the concerns of Article 28-A, by adhering to only what the voters agreed. HB 1436 does not allow for any new expenses not agreed upon by the voters. The bill allows for the last year of the contract to continue until a new contract is negotiated and ratified. Vote 8-6.

Rep. Jason M. Bedrick for the Minority of Labor, Industrial and Rehabilitative Services: This bill mandates evergreen clauses for municipal and county employee contracts. While the minority doesn't oppose evergreen clauses in principle, we believe that this is a decision that should be made by the counties and municipalities. Many municipalities have chosen to adopt evergreen clauses; others have not. This is an issue of local control. This is also an issue of constitutionality. Part I, Article 28-A of the New Hampshire Constitution clearly forbids the state from imposing unfunded mandates. Even though the amendment seeks to avoid unconstitutionality by applying only to contracts entered after the effective date of this bill, this bill still mandates what amounts to increased expenses without funding those expenses.

Majority Amendment (0682h)

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

1 New Paragraph; Resolution of Disputes. Amend RSA 273-A:12 by inserting after paragraph VI the following new paragraph:

VII. For collective bargaining agreements entered into after the effective date of this section, if the impasse is not resolved at the time of the expiration of the parties' agreement, the terms of the collective bargaining agreement shall continue in force and effect, including but not limited to the continuation of any pay plan included in the agreement, until a new agreement shall be executed.

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

AMENDED ANALYSIS

This bill requires the continuation of the terms of a collective bargaining agreement if an impasse between public employers and employees is not resolved.

Majority committee amendment adopted.

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

Rep. Infantine spoke against.

MOTION TO LAY ON THE TABLE

Rep. Price moved that ***HB 1436,*** relative to requiring inclusion of an automatic continuation clause in collectively bargained agreements with public employees, be laid on the table.

Rep. Goley requested a roll call; sufficiently seconded.

YEAS 128 NAYS 184

YEAS 128

BELKNAP

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

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Merrow, Harry
Patten, Betsey			

CHESHIRE

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

COOS

King, Frederick	Remick, William	Tholl, John Jr

GRAFTON

Bulis, Lyle	Dingman, Vernon III	Gionet, Edmond	Ingbretson, Paul
Sorg, Gregory	Williams, Burton		

HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Christensen, Chris
Coughlin, Pamela	Daniels, Gary	Day, Russell	Dokmo, Cynthia
Drisko, Richard	Elliott, Nancy	Emerton, Larry	Gargasz, Carolyn
Goyette, Peter	Graham, John	Haefner, Robert	Hall, Betty
Hawkins, Ken	Hinkle, Peyton	Hogan, Edith	Hopper, Gary
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Manney, Pamela	Mooney, Maureen	O'Connell, Timothy
Ober, Lynne	Ober, Russell III	Peterson, Andy	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Simon, Anthony	Smith, David
Soucy, Connie	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice		

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Boutin, David
Hess, David	Kidder, David	Lockwood, Priscilla	MacKay, James
Porter, Margaret	Reed, Dennis		

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Cali-Pitts, Jacqueline	Carson, Sharon	Case, Frank	Charron, Gene
Dalrymple, David	Devine, James	Elliott, Robert	Emiro, Frank
Fesh, Bob	Flanders, John Sr	Garcia, Marilinda	Garrity, James
Gleason, John	Gould, Kenneth	Griffin, Mary	Headd, James
Kappler, Lawrence	Katsakiores, George	Katsakiores, Phyllis	Major, Norman
McKinney, Betsy	McMahon, Charles	Moore, Bennett	Nevins, Christopher
Nowe, Ronald	Packard, Sherman	Pearson, Mark	Priestley, Anne
Rausch, James	Reagan, John	Sanders, Elisabeth	Weare, Everett
Welch, David	Wells, Roger	Weyler, Kenneth	Winchell, George

STRAFFORD

Brown, Julie	Fargo, Thomas	Watson, Robert

SULLIVAN

Ferland, Brenda	Rodeschin, Beverly

NAYS 184

BELKNAP

Morrison, Gail	Reever, Judith

CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
Heard, Virginia	Knox, J. David		

CHESHIRE

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

COOS

Hatch, William	Ingersoll, Paul Sr	Merrick, Evalyn	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	Pierce, David
Preston, Philip	Solomon, Peter		

HILLSBOROUGH

Baroody, Benjamin	Beck, Catriona	Brunelle, Michael	Campbell, David
Chase, Claudia	Clemons, Jane	Cote, David	Daler, Jennifer
Edwards, Andrew	Essex, David	Farley, Michael	Fletcher, Richard
Fontas, Jeffrey	Foster, Linda	Garrity, Patrick	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Hammond, Jill	Harvey, Suzanne
Hebert, Roger	Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette
Jeudy, Jean	Kaelin, Michael	Kelley, John	Knowles, John
Knowles, Mary Ann	Kopka, Angeline	Lasky, Bette	Leishman, Peter
Levesque, Melanie	Long, Patrick	Mack, Ron	Martineau, Jesse
Matarazzo, Anthony Sr	Movsesian, Lori	O'Brien, Michael Sr	Pilotte, Maurice
Rosenwald, Cindy	Scannell, David	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Spratt, Stephen	Sullivan, Daniel
Sullivan, Francis	Winters, Joel		

MERRIMACK

Baxley, Maureen	Beauchesne, Suzanne	Brown, Carole	Brueggemann, Donald
Clarke, Claire	Davis, Frank	DeJoie, John	DeStefano, Stephen
Ehlers, Eileen	Foose, Robert	French, Barbara	Gile, Mary
Hamm, Christine	Kjellman, Eleanor Glynn	McMahon, Patricia	Osborne, Jessie
Potter, Frances	Reardon, Tara	Richardson, Gary	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Wallner, Mary	Walz, Mary
Webb, Leigh	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Borden, David	Casey, Kimberley	Day, Judith
DiFruscia, Anthony	Flockhart, Eileen	Grote, Otto	Henson, John
Howard, Doreen	Kennedy, James	Kepner, Susan	Mann, Maureen
Marsh, Michael	McCarthy, Linda	McEachern, Paul	Moody, Marcia
Nord, Susi	Pantelakos, Laura	Petterson, Don	Powers, James
Quandt, Marshall	Quandt, Matthew	Robertson, Carl	Russell, Trinka
Serlin, Christopher	Snow, Richard	Webber, James	

STRAFFORD

Brennan, William	Brown, Larry	Burke, Rachel	Cyr, James
DeChane, Marlene	Domingo, Baldwin	Hofemann, Roland	Hubbard, Pamela
Hutz, Sarah	Kaen, Naida	Miller, Joseph	Perry, Robert
Rollo, Deanna	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Sprague, Dale	Vachon, Dennis
Wall, Janet	Warren, Nancy		

SULLIVAN

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

and the motion failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Reps. Gorman, DiFruscia and Goley spoke in favor.
Rep. Jasper spoke against and yielded to questions.
Reps. Infantine and Holden yielded to questions.
Rep. Patrick Garrity requested a roll call; sufficiently seconded.

YEAS 180 NAYS 126

YEAS 180

BELKNAP

Morrison, Gail	Reever, Judith

CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward	Knox, J. David

CHESHIRE

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

Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Espiefs, Peter	Lerandeau, Alfred	Parkhurst, Henry	Plifka, Stanley Jr
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sad, Tara
Weber, Lucy	Weed, Charles		

COOS

Hatch, William	Ingersoll, Paul Sr	Merrick, Evalyn	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	Pierce, David
Preston, Philip	Solomon, Peter		

HILLSBOROUGH

Baroody, Benjamin	Beck, Catriona	Brunelle, Michael	Campbell, David
Chase, Claudia	Clemons, Jane	Cote, David	Daler, Jennifer
Edwards, Andrew	Essex, David	Farley, Michael	Fontas, Jeffrey
Foster, Linda	Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Hammond, Jill	Harvey, Suzanne	Holden, Randolph
Irwin, Anne-Marie	Jean, Claudette	Jeudy, Jean	Kaelin, Michael
Kelley, John	Knowles, John	Knowles, Mary Ann	Kopka, Angeline
Lasky, Bette	Leishman, Peter	Levesque, Melanie	Long, Patrick
Mack, Ron	Martineau, Jesse	Matarazzo, Anthony Sr	Movsesian, Lori
O'Brien, Michael Sr	Pilotte, Maurice	Rosenwald, Cindy	Scannell, David
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Spratt, Stephen	Sullivan, Daniel	Sullivan, Francis	Vaillancourt, Steve
Winters, Joel			

MERRIMACK

Baxley, Maureen	Beauchesne, Suzanne	Brown, Carole	Brueggemann, Donald
Clarke, Claire	Davis, Frank	DeJoie, John	DeStefano, Stephen
Ehlers, Eileen	Foose, Robert	Gile, Mary	Hamm, Christine
Kjellman, Eleanor Glynn	McMahon, Patricia	Osborne, Jessie	Potter, Frances
Reardon, Tara	Richardson, Gary	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Wallner, Mary	Walz, Mary	Webb, Leigh
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Borden, David	Casey, Kimberley	Day, Judith
DiFruscia, Anthony	Emiro, Frank	Flockhart, Eileen	Grote, Otto
Henson, John	Howard, Doreen	Kennedy, James	Kepner, Susan
McCarthy, Linda	McEachern, Paul	Moody, Marcia	Nord, Susi
Pantelakos, Laura	Petterson, Don	Powers, James	Quandt, Marshall
Quandt, Matthew	Robertson, Carl	Russell, Trinka	Serlin, Christopher
Snow, Richard	Webber, James	Wells, Roger	Winchell, George

STRAFFORD

Brennan, William	Brown, Larry	Browne, Brendon	Burke, Rachel
Cyr, James	DeChane, Marlene	Hofemann, Roland	Hubbard, Pamela
Hutz, Sarah	Kaen, Naida	Miller, Joseph	Perry, Robert
Rollo, Deanna	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Sprague, Dale	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 126

BELKNAP

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

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Cunningham, Howard
Heard, Virginia	Merrow, Harry	Patten, Betsey	

CHESHIRE

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

COOS

King, Frederick	Remick, William	Tholl, John Jr

GRAFTON

Bulis, Lyle	Dingman, Vernon III	Gionet, Edmond	Ingbretson, Paul
Sorg, Gregory	Williams, Burton		

HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Christensen, Chris
Coughlin, Pamela	Daniels, Gary	Day, Russell	Dokmo, Cynthia
Drisko, Richard	Elliott, Nancy	Emerton, Larry	Fletcher, Richard
Gargasz, Carolyn	Goyette, Peter	Graham, John	Haefner, Robert
Hall, Betty	Hawkins, Ken	Hogan, Edith	Hopper, Gary
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Manney, Pamela	Mooney, Maureen	O'Connell, Timothy
Peterson, Andy	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Simon, Anthony	Smith, David	Soucy, Connie	Stepanek, Stephen
Tahir, Saghir	Ulery, Jordan	Villeneuve, Maurice	

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Boutin, David
Hess, David	Kidder, David	Lockwood, Priscilla	MacKay, James

Porter, Margaret	Reed, Dennis		

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Carson, Sharon	Case, Frank	Charron, Gene	Dalrymple, David
Devine, James	Elliott, Robert	Fesh, Bob	Flanders, John Sr
Garcia, Marilinda	Garrity, James	Gleason, John	Gould, Kenneth
Griffin, Mary	Headd, James	Kappler, Lawrence	Katsakiores, George
Katsakiores, Phyllis	Major, Norman	Marsh, Michael	McKenna, Daniel
McKinney, Betsy	McMahon, Charles	Moore, Bennett	Nevins, Christopher
Nowe, Ronald	Packard, Sherman	Pearson, Mark	Priestley, Anne
Rausch, James	Reagan, John	Sanders, Elisabeth	Weare, Everett
Welch, David	Weyler, Kenneth		

STRAFFORD

Brown, Julie	Fargo, Thomas	Warren, Nancy	Watson, Robert

SULLIVAN

Ferland, Brenda	Rodeschin, Beverly

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

HB 1354, relative to security in the state house and legislative office building.
INEXPEDIENT TO LEGISLATE.
Rep. Sarah A. Hutz for Legislative Administration: This bill would restrict citizens from carrying legal weapons, such as licensed firearms, into the State House and Legislative Office Building. As written, this bill is unenforceable as it offers no provisions for enforcement, such as added security personnel, metal detectors, or the allocation of any funds for such methods of enforcement. This committee does not seek to limit the rights of licensed gun owning citizens, and this bill does not offer any concrete deterrents to those who would seek to do harm. Vote 9-1.
Rep. L'Heureux requested a roll call; sufficiently seconded.

YEAS 279 NAYS 19

YEAS 279

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Millham, Alida	Morrison, Gail	Nedeau, Stephen	Pilliod, James
Reever, Judith	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Wendelboe, Fran		

CARROLL

Ahlgren, Christopher	Bridgham, Robert	Brown, Carolyn	Buco, Thomas
Butler, Edward	Chandler, Gene	Heard, Virginia	Knox, J. David
Merrow, Harry	Patten, Betsey		

CHESHIRE

Burridge, Delmar	Butterworth, Timothy	Butynski, William	Chase, William
Dunn, J. Timothy	Eaton, Daniel	Emerson, Susan	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	

COOS

Hatch, William	Ingersoll, Paul Sr	King, Frederick	Merrick, Evalyn
Remick, William	Theberge, Robert	Tholl, John Jr	Thomas, Yvonne

GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bulis, Lyle	Dingman, Vernon III	Estes, Carole	Friedrich, Carol
Gionet, Edmond	Hammond, Lee	Harding, A Laurie	Ingbretson, Paul
Laliberte, Suzanne	Lovett, Sid	Matheson, Robert	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Pierce, David	Solomon, Peter
Sorg, Gregory	Williams, Burton		

HILLSBOROUGH

Baroody, Benjamin	Barry, Richard	Batula, Peter	Beck, Catriona
Bergeron, Jean-Guy	Brunelle, Michael	Campbell, David	Christensen, Chris
Clemons, Jane	Cote, David	Coughlin, Pamela	Daler, Jennifer
Daniels, Gary	Day, Russell	Dokmo, Cynthia	Drisko, Richard
Elliott, Nancy	Emerton, Larry	Essex, David	Farley, Michael
Foster, Linda	Gargasz, Carolyn	Garrity, Patrick	Goley, Jeffrey
Gorman, Mary	Goyette, Peter	Graham, John	Haefner, Robert
Hammond, Jill	Harvey, Suzanne	Hawkins, Ken	Hogan, Edith
Holden, Randolph	Hopper, Gary	Infantine, William	Irwin, Anne-Marie
Jasper, Shawn	Jean, Claudette	Jeudy, Jean	Kaelin, Michael
Kelley, John	Knowles, John	Knowles, Mary Ann	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Lawrence, James
Leishman, Peter	Long, Patrick	Mack, Ron	Manney, Pamela
Martineau, Jesse	Matarazzo, Anthony Sr	Mooney, Maureen	Movsesian, Lori
O'Brien, Michael Sr	O'Connell, Timothy	Peterson, Andy	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rosenwald, Cindy	Scannell, David
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Simon, Anthony	Smith, David	Soucy, Connie	Spratt, Stephen
Sullivan, Francis	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice	Winters, Joel		

MERRIMACK

Anderson, Eric	Beauchesne, Suzanne	Blanchard, Elizabeth	Bouchard, Candace
Boutin, David	Brown, Carole	Brueggemann, Donald	Clarke, Claire
Davis, Frank	DeJoie, John	DeStefano, Stephen	Ehlers, Eileen
Foose, Robert	Hamm, Christine	Hess, David	Kidder, David
Kjellman, Eleanor Glynn	Lockwood, Priscilla	MacKay, James	McMahon, Patricia
Porter, Margaret	Potter, Frances	Reardon, Tara	Reed, Dennis
Richardson, Gary	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Wallner, Mary	Walz, Mary	Webb, Leigh	

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Baldasaro, Alfred	Bedrick, Jason
Belanger, Ronald	Borden, David	Carson, Sharon	Case, Frank

Casey, Kimberley	Charron, Gene	Dalrymple, David	Day, Judith
Devine, James	DiFruscia, Anthony	Elliott, Robert	Emiro, Frank
Fesh, Bob	Flanders, John Sr	Flockhart, Eileen	Garcia, Marilinda
Garrity, James	Gleason, John	Gould, Kenneth	Griffin, Mary
Grote, Otto	Headd, James	Henson, John	Kappler, Lawrence
Katsakiores, George	Katsakiores, Phyllis	Kennedy, James	Major, Norman
Marsh, Michael	McCarthy, Linda	McEachern, Paul	McKenna, Daniel
McKinney, Betsy	McMahon, Charles	Moore, Bennett	Nevins, Christopher
Nowe, Ronald	Packard, Sherman	Pantelakos, Laura	Pearson, Mark
Petterson, Don	Powers, James	Priestley, Anne	Quandt, Marshall
Quandt, Matthew	Rausch, James	Reagan, John	Robertson, Carl
Russell, Trinka	Sanders, Elisabeth	Serlin, Christopher	Snow, Richard
Weare, Everett	Webber, James	Welch, David	Wells, Roger
Weyler, Kenneth	Winchell, George		

STRAFFORD

Brennan, William	Brown, Julie	Browne, Brendon	Burke, Rachel
Cyr, James	DeChane, Marlene	Fargo, Thomas	Hofemann, Roland
Hubbard, Pamela	Hutz, Sarah	Kaen, Naida	Miller, Joseph
Perry, Robert	Rollo, Deanna	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Sprague, Dale
Vachon, Dennis	Wall, Janet	Warren, Nancy	Watson, Robert

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gottling, Suzanne	Houde, Matthew	Jillette, Arthur Jr
Phinizy, James	Rodeschin, Beverly	Skinder, Carla	

NAYS 19

BELKNAP

None

CARROLL

Cunningham, Howard

CHESHIRE

Allen, Peter	Butcher, Suzanne	Weed, Charles

COOS

None

GRAFTON

Cooney, Mary	Preston, Philip

HILLSBOROUGH

Chase, Claudia	Fletcher, Richard	Ginsburg, Ruth	Hall, Betty
Levesque, Melanie	Pilotte, Maurice		

MERRIMACK

Gile, Mary Osborne, Jessie Yeaton, Charles

ROCKINGHAM

Howard, Doreen Kepner, Susan Moody, Marcia

STRAFFORD

None

SULLIVAN

Nielsen, Ellen
and the committee report was adopted.
Rep. Kjellman voted Yea and intended to vote Nay.

MOTION TO SPECIAL ORDER

Rep. Theberge moved that ***HB 1472,*** relative to workforce housing, be made a Special Order as the first order of business on Wednesday, March 19th.
Rep. Theberge spoke in favor.
Motion adopted.

REGULAR CALENDAR (CONTD)

HB 1507, exempting the land and buildings of Masonic lodges from property taxation.
MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.
Rep. Robert J. Elliott for the Majority of Municipal and County Government: This bill adds Masonic lodges to other institutions whose property is exempt from taxation under RSA 72:23-c. RSA 72:23-c,I allows for every religious, educational, and charitable organization, Grange, the Veterans of Foreign Wars, the American Legion, the Disabled American Veterans, the American National Red Cross, and any other national veterans association. It is a well recognized fact that the Masons are a religious, educational, and charitable organization. Religion is a major part of its fraternal proceedings, the D.A.R.E. Program is an example of its educational component, and the Shriners Burn Center is a fine example of its charitable characteristics. This organization goes back to the days of President George Washington and many of the buildings have great historical value to the area in which they are located. There have been a few situations within the state as to whether Masonic lodges qualified for this exemption. This bill seeks to simply clear up the issue that the Masons are as worthy as the above previously mentioned organizations. Vote 11-6.
Rep. Mary R. Cooney for the Minority of Municipal and County Government: This bill would single out Masonic Lodges for property tax exemption in all municipalities. In cases before the Board of tax and Land Appeals, the Masonic Lodge of Milford was denied tax exempt status because it did not meet the definition of a New Hampshire charitable organization. They have since reorganized as a charitable organization and now receive tax exempt status. This bill is an attempt to classify a fraternal organization which may or may not conduct charitable activities as tax exempt. They would not be accountable to the state or the town for their activities. Needless to say, this is yet another case of cost shifting. Under current law, municipalities can abate an organization's taxes if they believe it to be primarily charitable. Another reason this bill should not become law is that it would be setting a precedent. Every organization in the state will be knocking at our door wanting to be included in tax except statute. We have the New Hampshire charitable standards for a reason, we should not be granting organizations a way to circumvent them.
Rep. Cooney spoke against.
Rep. Theberge spoke in favor.
On a division vote, 103 members having voted in the affirmative and 176 in the negative, the

majority committee report failed.
Rep. Cooney moved Inexpedient to Legislate.
Motion adopted.

HB 1581-FN-L, relative to the formation of stormwater utility districts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**
Rep. Bennett F. Moore for the Majority of Municipal and County Government: This bill would enable the legislative bodies of towns and cities to establish Storm Water Utility Districts, similar to the same power given to Manchester in Chapter 329, Laws of 2007. These utility districts could separately assess a fee to properties, based on conditions that generate storm water from that property. Fees collected would be used to maintain and build storm water systems. Costs of that effort now are collected in the general property tax levy. A utility would be able to more closely collect the money from the properties that contribute most to the issue. Planning board actions can lessen storm water problems for new developments but in older, densely developed areas of the state, storm water systems are sometimes not adequate and significant amounts of monies maybe necessary to solve flooding issues. This bill would offer alternatives to local government in funding solutions to those problems. Detailed rules and practices are not currently available to detail the step by step process that will be used in creating accessing rules and implementing solutions. These will come over time. This bill will allow municipalities the opportunities to create the utility district after the process is established in other cities or to join in the early stage and help create the process. A concern on a reference to land taking was mentioned in the committee deliberations on the bill. The bill does add storm water systems to the list of public purposes that can be used to support a land taking. The majority believes that land taking for that purpose is already allowed and this bill just clarifies that purpose in the statues. Vote 9-7.
Rep. Betsey L. Patten for the Minority of Municipal and County Government: The committee feels that the separation of storm water from sewers is an environmentally sound public policy. The department of environmental services (DES) via this bill is requesting that the municipalities make their own standards for storm water treatment, conveyance and discharge systems in HB 1581. The minority of the committee feels that this bill is not ready for prime time because DES has not put forward any solutions or standards to deal with storm water. There is no requirement in this bill for DES to give technical guidance and help to the municipalities. The only standards available are the federal standards established by the EPA for the 45 towns in the state that are classified as urbanized areas that are located in southeastern New Hampshire. The minority of the committee certainly acknowledges that the management of storm water is an environmental issue that needs addressing. However, the minority feels that more study is needed to have DES research and educate the municipalities in the proper dispersal of storm water. We heard testimony that DES would rather not have storm water reduced to being conveyed or restricted in any form of pipe. The preferred method of handling storm water would be to have it dispersed into a natural setting. Incorporating storm water utility systems into RSA 149-I enables municipalities to adopt storm water utility commissions, construct and maintain storm water systems without the proper technical and justifiable data from DES that is needed by the municipalities to create an environmentally sound solution to a recognized problem. Also by incorporating storm water treatment, conveyance and dispersal systems into RSA 149-I the municipalities will have the same authority that is allowed to the commissioner of DOT when taking land for state highways, which includes the use of eminent domain. Even though this bill is designed to be enabling at the local level, the fiscal note stated concerns from the judicial branch, the department of justice, the judicial council and the New Hampshire Association of Counties that states that the bill will increase state and county expenditures by an indeterminable amount for FY2008 and each year thereafter. One of several reasons given for the increase in state and county expenditure includes the litigation

involved in the taking of land provision. The minority of the committee certainly acknowledges that the management of storm water is an environmental issue that needs addressing. However, the minority feels that more study is needed to have DES research and educate the municipalities in the proper dispersal of storm water.

Majority Amendment (0704h)

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

1 Construction. Amend RSA 149-I:1 to read as follows:

149-I:1 Construction. The mayor and aldermen of any city may construct and maintain all main drains or common sewers, ***stormwater treatment, conveyance, and discharge systems,*** sewage and/or waste treatment***,*** works which they adjudge necessary for the public convenience, health or welfare. Such drains [~~and~~]***,*** sewers***, and systems*** shall be substantially constructed of brick, stone, cement***,*** or other material adapted to the purpose, and shall be the property of the city.

2 Taking Land. Amend RSA 149-I:2 to read as follows:

149-I:2 Taking Land. Whenever it is necessary to construct such main drains or common sewers, ***stormwater treatment, conveyance, and discharge systems,*** sewage and/or waste treatment facilities across or on the land of any person and the city cannot obtain for a reasonable price any land or easement in land required by it, the mayor and aldermen may lay out a sufficient quantity of such land for the purpose and assess the owner's damages in the same manner as in the case of taking land for highways pursuant to RSA 230 and the owner shall have the same right of appeal, with the same procedure.

3 Contracts; Treatment Facilities. Amend RSA 149-I:4 to read as follows:

149-I:4 Contracts; Sewage or Waste Treatment Facilities. The mayor and aldermen of any city may lease, enter into contracts to provide, sell***,*** or purchase ***stormwater treatment, conveyance, and discharge systems, and*** sewage or waste treatment facilities to or from any other city, town, village district or person whenever they judge the same necessary for the public convenience, health and welfare.

4 Bylaws and Ordinances. Amend RSA 149-I:6, I to read as follows:

I. In municipalities where the sewage ***or stormwater*** is pumped or treated, the mayor and aldermen may adopt such ordinances and bylaws relating to the system, pumping station, treatment plant or other appurtenant structure as are required for proper maintenance and operation ***and to promote the objectives of the sewage system or stormwater utility***.

5 New Subdivision; Stormwater Utilities. Amend RSA 149-I by inserting after section 6 the following new subdivision:

Stormwater Utilities

149-I:6-a Definitions. In this chapter:

I. "Equivalent residential unit" or "ERU" means the fee unit basis for all fees assessed by a stormwater utility.

II. "Stormwater" means stormwater runoff from precipitation, snow melt runoff, and street wash waters related to street cleaning or maintenance, infiltration, and drainage.

III. "Stormwater utility" means a special assessment district established to generate funding specifically for stormwater management.

IV. "Stormwater utility commission" means the governing body managing the activities of the stormwater utility. When the utility encompasses more than one municipality, representation on the commission shall be proportional to the number of fee units within each jurisdiction.

149-I:6-b Stormwater Utility Authorized. The formation of a stormwater utility is hereby authorized upon approval by a majority vote of the legislative body of a municipality. In the case where a stormwater utility encompasses land within more than one municipality, the utility may be authorized by majority vote of the legislative bodies within each affected

jurisdiction. Inter-municipal stormwater utilities shall be governed by a stormwater utility commission.

149-I:6-c Criteria for Stormwater Utilities. The stormwater utility shall address flood and erosion control, water quality management, ecological preservation, and annual pollutant load contained in stormwater discharge.

I. Utilities may collect reasonable fees that are directly related to the cost of providing services.

II. Properties charged assessments shall have equal opportunity to receive proportional benefit from the utility.

III. The utility shall offer credits or fee abatements based on on-site management of water quality impairment or peak runoff storage, or both. The utility shall adopt design standards to determine the amount of abatement.

IV. In assessing fees, the stormwater utility district shall forecast the annual cost of each component in the district's stormwater management program. This forecast shall be the basis for annual assessments distributed equally among the number of fee units within the district.

V. A minimum assessment may be established for fee units based on single family residences. This equivalent residential unit (ERU) can serve as the fee unit basis for all fees. Government property and non-profit organizations shall be subject to the fee structure.

VI. Boundaries of the district are not required to coincide with municipal boundaries.

149-I-6-d System for Fee Units. Each stormwater utility commission shall establish a system for fee units based on at least one of the following property-specific attributes:

I. Total impervious area.

II. Calculated lot runoff.

III. Total lot area.

IV. Land use classification developed for assessment of fees.

6 Levying. Amend RSA 149-I:7 to read as follows:

149-I:7 Levying. The mayor and aldermen may assess upon the persons whose drains enter such main drains, common sewers***, stormwater treatment, conveyance, and discharge systems,*** or treatment facilities, or whose lands receive special benefit therefrom in any way, their just share of the expense of constructing and maintaining the same or paying off any capital debt or interest incurred in constructing and/or maintaining the same.

7 Combined Billing Permitted. Amend RSA 149-I:9 to read as follows:

149-I:9 Combined Billing Permitted. In [~~cities~~] ***municipalities*** which assess sewer rents, ***or have established fees for a stormwater utility,*** such assessments may be combined in a bill with assessments for other municipal services.

8 New Section; Stormwater Utility Funds. Amend RSA 149-I by inserting after section 10 the following new section:

149-I:10-a Stormwater Utility Funds.

I. The funds received from stormwater utility fees shall be kept as a separate and distinct fund to be known as the stormwater utility fund. Such fund shall be allowed to accumulate from year to year, shall not be commingled with town or city tax revenues, and shall not be deemed part of the municipality's general fund accumulated surplus. Such fund may be expended only for stormwater treatment, conveyance, and discharge systems.

II. Except when a capital reserve fund is established pursuant to paragraph III, all stormwater utility funds shall be held in the custody of the municipal treasurer. Estimates of anticipated revenues and anticipated expenditures from the stormwater utility fund shall be submitted to the governing body as set forth in RSA 32:6 if applicable, and shall be included as part of the municipal budget submitted to the local legislative body for approval. If the municipality has a properly-established stormwater utility commission, then notwithstanding RSA 41:29 or RSA 48:16, the treasurer shall pay out amounts from the

stormwater utility fund only upon order of the stormwater utility commission. Expenditures shall be within amounts appropriated by the local legislative body.

III. At the option of the local governing body, or of the stormwater utility commission if any, all or part of any surplus in the stormwater utility fund may be placed in one or more capital reserve funds and placed in the custody of the trustees of trust funds pursuant to RSA 35:7. If such a reserve fund is created, then the governing body, or stormwater utility commission if any, may expend such funds pursuant to RSA 35:15 without prior approval or appropriation by the local legislative body, but all such expenditures shall be reported to the municipality pursuant to RSA 149-I:25. This section shall not be construed to prohibit the establishment of other capital reserve funds for any lawful purpose relating to municipal water systems.

9 Liens and Collection of Sewer Charges. Amend RSA 149-I:11 to read as follows:

149-I:11 Liens and Collection of Sewer Charges. In the collection of sewer charges ***or underwater utility fees*** under RSA 149-I:7 and 149-I:8, municipalities shall have the same liens and use the same collection procedures as authorized by RSA 38:22. Interest on overdue charges shall be assessed in accordance with RSA 76:13. 10 Correction of Assessments. Amend RSA 149-I:14 to read as follows:

149-I:14 Correction of Assessments.

I. If any error is made in any assessment under RSA 149-I:7 or RSA 149-I:8, it may be corrected by the mayor and aldermen by making an abatement and a new assessment, or either, as the case may require. The same lien, rights, liabilities and remedies shall attach to the new assessment as to the original.

II. If any error is made in any assessment under RSA 149-I:6-c or RSA 149-I:7, it may be corrected by the governing body by making an abatement or a new assessment, or both. The same lien, rights, liabilities, and remedies shall attach to the new assessment as to the original.

11 Assessments Not Required. Amend RSA 149-I:17 to read as follows:

149-I:17 Assessment Not Required. Nothing herein contained shall be construed to prevent any city from providing, by ordinance or otherwise, that the whole or a part of the expense of constructing, maintaining and repairing main drains, common sewers***, stormwater treatment, conveyance, and discharge system,*** or sewage and waste treatment facilities shall be paid by such city.

12 Application of Chapter. Amend RSA 149-I:24 to read as follows:

149-I:24 Application of Chapter. The provisions of this chapter shall be in force in such town and village districts as may adopt the same ***by vote of the legislative body***; and the [~~selectmen~~] ***governing body*** shall perform all the duties and possess all the powers in the town or the district, as the case may be, conferred by this chapter upon the mayor and aldermen, and the rights of all parties interested shall be settled in the same way.

13 Entering Without Permit. Amend RSA 149-I:22 to read as follows:

149-I:22 Entering Without Permit. Any person who digs or breaks up the ground in any street, highway, lane or alley in any city, for the purpose of laying, altering, repairing or entering any main drain***, stormwater treatment, conveyance, and discharge system,*** or common sewer therein, without permission from the mayor and aldermen, shall be guilty of a violation.

14 Malicious Injury; Penalty. Amend RSA 149-I:23 to read as follows:

149-I:23 Malicious Injury; Penalty. Any person who shall wantonly or maliciously injure any part of any sewer system***, stormwater treatment, conveyance, and discharge system,*** or sewage disposal plant shall be liable to pay treble damages to the owner thereof, and shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

15 Reports. Amend RSA 149-I:25 to read as follows:

149-I:25 Reports. In towns and village districts adopting this chapter, the selectmen or district commissioners, or board of sewer commissioners if any, ***or stormwater utility***

commission shall annually, at the time other town or district officers report, make a report to the municipality of the condition of the plant financially and otherwise, showing the funds of the department, the expenses and income thereof, and all other material facts. This report shall be published in the annual report of the municipality.

16 New Subparagraph; Application of Receipts; Stormwater Utility Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (268) the following new subparagraph:

(269) Moneys deposited in the stormwater utility fund established under RSA 149-I:10-a.

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

Majority committee amendment adopted.

On a division vote, 163 members having voted in the affirmative and 113 in the negative, the majority committee report was adopted.

Ordered to third reading.

HB 1563-FN, authorizing public academies to receive public funds for renovation and expansion of regional vocational education programs. **OUGHT TO PASS.**

Rep. James B. Rausch for Public Works and Highways: This bill clarifies existing law by allowing all certified Regional Career and Education Centers (Regional Vocational Centers), including public academies, to qualify for renovation funds. The department of education considers certified regional centers for renovation and equipment replacement when the facilities are twenty years or older. The renovation grants must be approved by the legislature and the governor through the capital budget process before they are authorized. Vote 13-0.

Committee report adopted and ordered to third reading.

HB 1641-FN, relative to collections and refunds of road tolls. **OUGHT TO PASS.**

Rep. David B. Campbell for Public Works and Highways: This legislation was recommended by a joint House and Senate Commission which investigated the feasibility of transferring the collection of the road toll (i.e. the gas tax) from the department of safety to the department of revenue administration. The central question was unresolved because the two departments differed on which agency was best equipped and more efficient in collecting the gas tax. The committee feels more investigation into who should collect and audit the road toll revenue is necessary. HB 1641-FN was agreed to by both departments as helpful in better facilitating the department of safety's present collection and auditing functions. Vote 14-0.

Committee report adopted and ordered to third reading.

MOTION TO SPECIAL ORDER

Reps. Wallner and Hess moved that the remainder of bills on today's Calendar be made Special Orders for Wednesday, March 19th.

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, March 19, 2008 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1628, relative to renewable energy generation incentive programs.
HB 1222, prohibiting writing a text message while driving.
HB 436, expanding employee freedom of expression to all public employees.
HB 1508-FN, relative to prohibited influence of voters and persons intending to vote and relative to the applicability of political advertising and push polling restrictions.
HB 1569-FN, relative to the use of drugs on wildlife.
HB 1578-FN, relative to insurance fraud.
HB 1596-FN-L, relative to fees charged by the motor vehicle division and drivers' license suspension or revocation for failure to register as a sexual offender.
HB 690, establishing a pilot program for job skills training in volunteer work by unemployed individuals.
HB 841, relative to the appointment of parenting coordinators and establishing the family mediator and parenting coordinator certification board.
HB 1286-FN, relative to the licensing of mortgage bankers, mortgage brokers, and mortgage originators.
HB 1346, relative to the regulation of junk dealers, scrap metal dealers and pawnbrokers.
HB 1338, establishing an arboviral illness task force and relative to mosquito control and abatement.
HB 1395-FN, establishing the AIDS drug assistance program fund.
HB 1631-FN, relative to the state purchase of biodiesel fuels.
SB 94, relative to the office of information technology.
HB 1648-FN, relative to search and rescue response expenses of the fish and game department.
HB 1637, relative to reports to the cancer registry.
HB 1649-FN-L, relative to the Medicaid long-term care eligibility determination process.
HB 1651, allowing municipalities in Coos county to offer property tax exemptions to foster commercial and industrial construction.
HB 1636, relative to automotive recycling.
HB 666-FN, relative to the immunizations included for reimbursement in the animal population control program.
HB 1293, relative to eligibility of dog and cat owners to participate in the state's reduced fee companion animal population control program.
HB 1297, relative to licenses for aquaculture issued by the fish and game department.
HB 1351, relative to fish and game license and registration agents.
HB 1376, relative to insurance penalties.
HB 1378, relative to insurance taxes and fees.
HB 1448-FN, relative to documents prepared by the department of transportation and reimbursement fees for such documents.
HB 1479-FN, relative to sale of tobacco products and the appeals process concerning the seizure of illegal tobacco products.
HB 1480, authorizing the commissioner of revenue administration to deny certain tobacco licenses.
HB 1537, relative to the definition of milk.
HB 1551-FN, relative to fees for special number plates for veterans.
HB 1595-FN, relative to driver's license renewals by persons engaged in overseas government service.
HB 1604-FN, relative to the electronic toll collection system.
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.
HB 1647-FN-A, relative to demand response program revenue.
SB 173, relative to regulation of private postsecondary career schools.

HB 686-FN, relative to the regulation of remotely readable devices and the illegal use of payment card scanning devices or reencoders.
HB 1430, relative to the application of animal cruelty laws to horse and dog race tracks.
HB 1526, relative to the use of images of New Hampshire residents who died in the line of duty.
HB 1623-FN, relative to the penalty for possession of marijuana.
HB 1429, relative to private landfills.
HB 172-FN, relative to state meat inspection.
HB 877-FN, relative to the state recycling program.
HB 1478, relative to the quorum for meetings of the equalization standards board.
HB 65, relative to the Pease development authority.
HB 1298-FN, making changes to the veterinary/medical/optometric education program.
HB 1601-FN-A, relative to funding for certain capital projects of the Pease development authority.
HB 1618-FN-A, relative to motor vehicle fees and motor vehicle violation fines and relative to appropriations from the highway fund.
HB 1642-FN, providing additional funding for charter schools for the 2009 fiscal year.
HB 1652-FN-A, relative to the state obligation for payment of the non-federal share of FEMA public assistance and making an appropriation therefor.
HB 1643-FN, relative to medical benefits payment by the retirement system for eligible group I teachers and political subdivision employees in the retirement system.
HB 1645-FN-L, relative to medical benefits payment by the retirement system for eligible group I teachers and political subdivision employees in the retirement system.
HB 1437, establishing a committee to study whether the state of New Hampshire shall establish a policy that victims of negligent or intentional tortious acts shall recover losses incurred as a result of such acts.
HB 1532, relative to snow and obstruction removal from parking spaces designated for disabled persons.
HB 1127, relative to determining a bargaining unit in public employee labor relations.
HB 1436, relative to requiring inclusion of an automatic continuation clause in collectively bargained agreements with public employees.
HB 1581-FN-L, relative to the formation of stormwater utility districts.
HB 1563-FN, authorizing public academies to receive public funds for renovation and expansion of regional vocational education programs.
HB 1641-FN, relative to collections and refunds of road tolls.

UNANIMOUS CONSENT

Reps. Holden, Lovett and Schmidt addressed the House.

MOTION TO PRINT REMARKS

Rep. Andy Peterson moved that the remarks made by Rep. Lovett be printed in the Permanent Journal.
Adopted.

REMARKS

Rep. Lovett: Thank you, Madam Speaker. I ask your indulgence, folks. I thought tonight might be easier than tomorrow night when the weather isn't going to be as nice. We couldn't get George Washington to smile, but we have a personage on the right, on your right, Daniel Webster, who is smiling tonight if you look very carefully, very carefully. The reason that he's smiling is that today Webster Place has opened, a treatment center for addiction in the old buildings that were on his farmland that used to house an orphanage. They have now been partially restored and the program for addiction has begun. As of yesterday, the first

client appeared. Now, we talk about the New Hampshire advantage and generally we use it as "pound the pulpit, the point is weak" and then you say the New Hampshire advantage and everybody says, yeah that's right. There is a New Hampshire advantage here because this is a project put together through the grace of the Trust for Public Lands, the Directors of the Webster lands and Alex Ray, one of my constituents who wanted to provide a place for one of our most serious medical problems that we have in the state. Currently, Webster Place will house twenty patients, male and female. It will be privately funded by the clients as well as other ways. It is a remarkable thing that Alex has decided to invest $2 million dollars to bring this about. He has installed a new wood pellet furnace to heat this building that is currently in use and the two other buildings that will soon come on line. Professional staff with years of experience are in place. I'm happy to tell you, if you can't quite see Daniel Webster, he's smiling tonight because the New Hampshire advantage goes to someone who acts, who does it and really does the right thing. Thank you for your indulgence.

RECOGNITION OF REP. BETTY HALL

The Speaker recognized Rep. Betty Hall, this day, her 87th birthday.

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 6:15 p.m.

RECESS