HOUSE RECORD

First Year of the 161st General Court
Calendar and Journal of the 2009 Session

Vol. 31	Concord, N.H.	Wednesday, April 22, 2009	No. 35

HOUSE JOURNAL No. 13 (cont.)

Thursday, April 9, 2009

Rep. Wallner moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 14

Wednesday, April 22, 2009

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the member from Concord, Representative Robert W. Williams.
For the beauty of the earth,
For the glory of the skies,
For the love which from our birth
Over and around us lie.
For the wonder of each hour,
Of the day and of the night,
Hill and vale and tree and flower,
Sun and moon and stars of light.
Lord, may we love all Your creation, all the earth and every grain of sand in it. May we love every leaf, every ray of Your light. May we love and care for all You have created and help us not to work against Your intent. On this Earth Day, 2009, may we be sensitive and aware of the problems and challenges facing our planet Earth and may our actions, in response, be pleasing in Your sight. Amen.

Representative Norman Major, member from Plaistow, led the Pledge of Allegiance.

The National Anthem was sung by the Nashua High School South chorus under the direction of Sophia Santerre. Upon request for an encore, they also performed "Daemon Irrepit Callidus" by Gyorgy Orban.

LEAVES OF ABSENCE

Reps. Abbott, Mary Allen, Batula, Belanger, Dumaine, Fesh, Hopper, John Kelley, Maiola, Rausch and Sanders, the day, illness.
Reps. Aguiar, Bergin, Berube, Bolster, Borden, Casey, Domingo, Hess, Infantine, Introne, Sally Kelly, John Knowles, Mary Ann Knowles, Evalyn Merrick, Scott Merrick, Osgood, Pastor, Perry, Reed, Gary Richardson, Rous, Kimberly Shaw, William Smith, Timothy Soucy, Spang, Taylor, Van Patten, Kenneth Ward and Wells, the day, important business.
Rep. Gina Hutchinson, the day, illness in the family.
Rep. Groen, the day, death in the family.

INTRODUCTION OF GUESTS

Hon. Merle Schotanus, former Member of the House from Grantham, Maynard Goldman and George Sutherland, guests of Reps. Houde-Quimby and Skinder. James Reever, husband of Rep. Reever and father of Rep. Arsenault. Jennifer Rock, Joseph Rock and Kayla Thurston, sister, grandnephew and guest of Rep. Sweeney. Dan Hubbard, Carolyn and Ed Traver, husband and guests of Rep. Hubbard. Kay Kloppenburg and Saskia Kamphuis, wife and guest of Rep. Butterworth. Kevin Johnston, guest of Rep. Don Petterson. Katie Cottrill, granddaughter of Rep. Gottling. Doris Laurent, wife of Rep. Laurent. Mary Ann and Dean Neary, guests of Reps. Stohl and Rappaport.

Maya Frydman, a student at Rundlett Middle School, Page for the day.

INTRODUCTION OF SPECIAL GUESTS

Franklin Pierce University Women's Basketball team, NCAA Division II Northeast Conference Champions and the runners-up for the Division II National Championship.

SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENT

HB-56-FN, renaming a bridge to honor U.S. Navy Seal Daniel Healy. (Amendment printed SJ 4-8-09)
Rep. Bouchard moved that the House concur and spoke in favor.
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.
Consent Calendar adopted.

SB 22-FN, relative to criminal mischief committed against natural geological formations which have been designated as natural landmarks. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill as it came to us from the Senate provided a penalty of up to $1,000. The committee felt that vandalizing or destroying natural areas or landmarks should provide the courts with more latitude in

sentencing and amended the bill to provide the penalty of a Class A misdemeanor. There was no provision in the bill for increased penalties for subsequent offenses. The Class A designation provides that latitude to the courts. Further, the committee added "political subdivisions" of the state to permit municipalities to designate and protect such natural areas or landmarks within their jurisdiction. Vote 16-2.

Amendment (1332h)

Amend RSA 634:2, VI as inserted by section 1 of the bill by replacing it with the following:

VI. Any person who is found guilty of criminal mischief under paragraph III of this section because he ***or she*** has vandalized, defaced, or destroyed any part of the "Old Man of the Mountain" ***or any natural geological formation, site, or rock surface located on public property that has been designated by the state or any of its political subdivisions or the federal government as a natural area or landmark*** shall ***be guilty of a class A misdemeanor*** and shall also make restitution to the state for any damage he ***or she*** has caused.

AMENDED ANALYSIS

Under this bill any person convicted of criminal mischief against a natural geological formation, site, or rock formation which has been designated as a natural area or landmark shall be guilty of a class A misdemeanor.

Referred to the Committee on Ways and Means.

SB 32, relative to notice to a defendant of the availability of sentence review. **OUGHT TO PASS.**

Rep. Robert R. Cushing for Criminal Justice and Public Safety: This bill makes a minor change in existing law to require that upon imposition of a sentence, a person sentenced be given oral and written notice of his or her right to appeal. This is consistent with due process of law and efficient administration of justice. Vote 18-0.

SB 37, relative to release of a defendant pending trial. **OUGHT TO PASS.**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill allows the court to consider, as an additional factor when setting bond for a defendant, whether the defendant is the parent and sole caretaker of a child. Currently some judges do consider this factor when setting bail. This bill makes that practice uniform and permissible throughout the court system. Vote 18-0.

SB 176-FN, establishing an application fee for probationers and parolees who apply to be supervised in another state. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A. Welch for Criminal Justice and Public Safety: This bill establishes an application fee to request a transfer of supervision to another state and establishes a probation and parole receipts fund to offset the costs of annual dues and any extradition costs that may be incurred pursuant to the compact. The State of New Hampshire has signed the Interstate Commission for Adult Offender Supervision and as a result pays annual dues for the operation of this nationwide compact of $19,461. The compact provides the structure to oversee, supervise and coordinate the interstate movement of probationers and parolees in a manner that promotes effective supervision strategies consist with public safety, offender accountability, and most important, victim rights. Vote 17-1.

Amendment (1279h)

Amend RSA 504-A:13, IV as inserted by section 1 of the bill by replacing it with the following:

IV.(a) Any person under state probation or parole supervision who requests a transfer of supervision to another state shall submit such request on a form to be developed by the commissioner of the department of corrections along with an application fee not to

exceed $100. The commissioner may waive the fee as deemed appropriate under the circumstances. All fees collected under this subparagraph shall be deposited into the probation and parole receipts fund established in subparagraph (b).

(b) There is hereby established a probation and parole receipts fund in the department of corrections which shall be administered by the commissioner of the department of corrections. The fund shall be nonlapsing and continually appropriated to the department of corrections to offset the cost of annual dues and any extradition costs incurred by the department pursuant to the interstate compact for adult offender supervision under RSA 651-A:25 through RSA 651-A:38.

AMENDED ANALYSIS

This bill:

I. Requires any person under state probation or parole supervision to submit an application and a fee to request a transfer of supervision to another state.

II. Establishes a probation and parole receipts fund to offset the cost of annual dues and any extradition costs incurred by the department of corrections pursuant to the interstate compact for adult offender supervision.

III. Is a request of the department of corrections.

Referred to the Committee on Ways and Means.

SB 12, relative to increasing the membership of the board of marital mediator certification and renaming marital mediators as family mediators. **OUGHT TO PASS.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill increases the size of the board of marital mediator certification by two people and changes the name from marital mediator to family mediator. Currently there are two mediators on the board and six others. This will bring more working knowledge to the board. The name change is because the board does more family related matters than just marriage, especially with the advent of civil unions. Vote 15-0.

SB 24, relative to rulemaking by the board of natural scientists and the board of professional geologists. **OUGHT TO PASS.**

Rep. Catriona D. Beck for Executive Departments and Administration: This bill makes technical changes suggested by the joint legislative committee on administrative rules and supported by the joint board of licensing to the rule making of the board of natural scientists and the board of professional geologists by amending RSA 541-A:92. The proposed change to rules will allow for establishing fees relative to the addition of an application for examination and shall be adopted in rules under RSA 541-A for the board of natural scientists. Amending RSA 310-A:121,11c as requested by the board of professional geologists. Vote 16-0.

SB 25-FN, relative to the operation of the Hillsborough county domestic violence unit in the Manchester district court. **OUGHT TO PASS.**

Rep. Laurie Harding for Executive Departments and Administration: This bill enables the Hillsborough county domestic violence unit to use space in the Manchester district court rent free. Currently the program is grant funded and does not include a provision for rent. In order for a private entity to utilize state property in this fashion there must be legislative approval. The value of having the domestic violence program on site has been demonstrated by 80% of the cases being resolved before they go to court. Vote 18-0.

SB 36, relative to the inspection of electrologist offices. **OUGHT TO PASS.**

Rep. Donald F. Ryder for Executive Departments and Administration: This bill removes the requirement for inspection of electrologists' offices by the electrology advisory board. Testimony stated that the inspections were a burden to the committee in that the discrepancies found, if any, related to paperwork issues. There was insufficient justification for the expenses or time involved with the inspection. Biological inspection to insure proper

maintenance of the electrology equipment will still be required. Vote 17-1.

SB 49, relative to the board of barbering, cosmetology, and esthetics. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Maurice L. Pilotte for Executive Departments and Administration: The committee made three changes to this bill: (1) In the interest of keeping institutional knowledge on the boards, a provision is added so that time served in filling an unexpired term shall not affect the appointee's eligibility to serve 2 consecutive full terms. (2) In response to complaints, the board shall take no disciplinary action without the opportunity for a hearing. This provision gives the licensee the option of having or not having a hearing. (3) The provision that "The barber, cosmetologist, esthetician, and manicurist members shall be the professional members of the board" was "tweaked" to ensure that the professional member shall not also be the "owner" member of the board. Vote 17-0.

Amendment (1284h)
Amend the bill by replacing section 1 with the following:
1 Board of Barbering, Cosmetology, and Esthetics. Amend RSA 313-A:2, I and II to read as follows:
I. There shall be a board of barbering, cosmetology, and esthetics consisting of 7 members as follows: one licensed barber, one licensed cosmetologist, one licensed esthetician, one licensed manicurist, one ***owner of a*** licensed cosmetology school [~~owner~~] who shall be a resident of New Hampshire or a designee of such owner who shall be a licensed cosmetologist and a resident of New Hampshire, one owner of a registered tanning facility and one public member; each to be appointed by the governor with the consent of the council to a term of 5 years. No board member shall be appointed to more than 2 consecutive terms. ***Appointees to the unexpired portion of a full term shall become members of the board on the day following such appointment. Time served in filling an unexpired term shall not affect an appointee's eligibility to serve 2 consecutive full terms.*** Only board members provided for in this paragraph shall have the authority to vote in board determinations.
II. ***The barber, cosmetologist, esthetician, and manicurist members shall be the professional members of the board.*** Professional members of the board shall have been engaged in the practice of their profession within the state for not less than 5 years. In addition, no ***professional*** member shall be the owner or operator of any school or be directly or indirectly associated in the manufacture or wholesale distribution of cosmetic or barber appliances or supplies.
Amend the bill by replacing section 3 with the following:
3 Hearings; Opportunity; Time Limit Removed. Amend RSA 313-A:23 to read as follows:
313-A:23 Hearings. The board shall take no disciplinary action without ***the opportunity for*** a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by registered mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. [~~A hearing shall be held on all written complaints received by the board within 3 months of the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties.~~] Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

SB 122, relative to membership and the quorum of the commission to oversee and negotiate issues relative to NAFTA and the WTO and relative to the quorum of the real estate appraiser board. **OUGHT TO PASS.**
Rep. Carol M. McGuire for Executive Departments and Administration: This bill makes minor corrections to the quorum requirements of the two boards, improving their efficiency, and adds two House members to the NAFTA / WTO oversight commission. The extra

members will improve the breadth of knowledge of the commission. Vote 15-2.

SB 163-FN-L, establishing a committee to study the powers of justices of the peace. **INEXPEDIENT TO LEGISLATE.**
Rep. Laurie Harding for Executive Departments and Administration: This bill would have established a committee to study the powers of the justices of the peace. The committee voted inexpedient to legislate based on the fact that no one came to testify and therefore there was no evidence that there was a need to study the issue. Vote 16-1.

SB 62, establishing a commission to study creating a statewide plan for addressing Alzheimer's disease and related dementias in New Hampshire. **INEXPEDIENT TO LEGISLATE.**
Rep. Kate W. Miller for Health, Human Services and Elderly Affairs: While the committee recognizes the pervasiveness of Alzheimer's and related dementias and the concerns affecting caregivers, families and institutions, it is the committee's sense that the long term care caucus will address these issues as part of its process. The committee believes the need for better understanding of these diseases and their treatment is well recognized and will be supported through the caucus. Additionally, the committee has retained HB 380 which will create legislative authority to accomplish any specific goals which may arise in the caucus deliberations. Vote 19-0.

SB 95, relative to criminal records checks for volunteers. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: This bill as amended changes the health facilities licensing statute (RSA 151:2-d) regarding criminal record checks in two ways. First, it will require an initial criminal record check for household members and/or a new member of the household over the age of 17 (but is not admitted for care). Secondly, it exempts any person who is admitted to a facility or resides in an integral part of the same corporate entity, from a criminal records check. This would allow people who live on the campus of a continuing care retirement community to be able to easily volunteer within the confines of the community without a criminal records check. Vote 16-0.

Amendment (1329h)
Amend the title of the bill by replacing it with the following:
AN ACT relative to criminal records checks for certain employees and volunteers.
Amend the bill by replacing all after the enacting clause with the following:
1 Health Care Facility Licensing; Criminal Record Check. Amend RSA 151:2-d to read as follows:
151:2-d Criminal Record Check Required.
I. Every applicant for a license or certification to operate any facility or entity required to be licensed or certified under this chapter shall submit with the initial application for licensure or certification the results of a criminal records check from the department of safety for the applicant, the licensee, or certificate holder if other than the applicant, the administrator, and each household member 17 years of age or older, if any, who reside at the facility for which the application for a license is submitted ***at the time of application and, subsequently for the duration of licensure or certification, for each new household member 17 years of age or older***.
II. For the duration of licensure or certification every individual selected for employment with any facility or entity required to be licensed or certified under this chapter shall submit to the employer a notarized criminal conviction record release authorization form, as provided by the division of state police, which authorizes the release of his or her criminal conviction record to the facility pursuant to RSA 106-B:14. This shall apply to any employee, including volunteers, whose scope of employment will involve direct contact with a

client, client records or client tissue, body fluids, or other biological material. ***For the purposes of this paragraph, "volunteers" shall not include any person admitted to a facility or entity required to be licensed or certified under this chapter or who resides in an affiliated corporate entity that is an integral part of the same community.***

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

AMENDED ANALYSIS

This bill clarifies the requirements for criminal records checks for household members of employees of health care facilities and adds a definition of "volunteers" for the purposes of the criminal record check required for potential employees in health care facilities.

SB 183-FN, relative to the number of daily journals printed by the house and senate clerks. **OUGHT TO PASS.**

Rep. Alfred C. Lerandeau for Legislative Administration: Current law requires the clerks of the House and the Senate to print 1200 copies of each body's daily journal. Currently, significantly fewer copies are needed, as many people who used to require printed copies now access the journals on-line. The bill changes the printing requirement to "a sufficient number" so the clerks will not have to print unneeded copies. Vote 16-0.

SB 93, relative to the exemption from subsequent local land use regulation where substantial development has begun on an approved plan. **OUGHT TO PASS.**

Rep. Betsey L. Patten for Municipal and County Government: Currently in RSA 674:39 every subdivision plat and site plan approved by the planning board has an exemption from changes in zoning or land use regulations for a specific period of time after the date of approval. For subdivision and site plan approvals, the completion time is four years and within that period the developer must achieve substantial development or building within one year. Due to the economic downturn and current lending practices, SB 93 proposes extending those exemptions for a finite period. This bill would allow for plans that were approved on or after July 1, 2005 and prior to July 1, 2009 to be given 6 years to complete. Plans approved on or after January 1, 2007 and prior to July 1, 2009 would be given 36 months to achieve substantial development or building. SB 93 will not extend the time limits for any approvals issued after July 1, 2009. The committee recognizes the difficult economic climate and approves of the extensions. Vote 17-0.

SB 189, relative to decisions of local land use boards. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Larry Brown for Municipal and County Government: This bill clarifies the obligations of a land use board to detail, in writing, a description of all conditions necessary for the applicant to obtain final approval. This written decision will be provided to the applicant and made available to the public within 5 business days. The statute previously specified 144 hours. In addition, whenever a plat is recorded, the conditions of approval will be recorded on or with the plat. Vote 15-0.

Amendment (1309h)

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

1 Issuance of Decision. Amend RSA 676:3 to read as follows:

676:3 Issuance of Decision.

I. The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit ***and make a copy of the decision available to the applicant***. If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. ***If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.***

II. Whenever a local land use board votes to approve or disapprove an application or deny a motion for rehearing, the minutes of the meeting at which such vote is taken, including the written decision containing the reasons therefor ***and all conditions of approval***, shall be placed on file in the board's office and shall be made available for public inspection within [~~144 hours~~] ***5 business days*** of such vote. Boards in towns that do not have an office of the board that has regular business hours shall file copies of their decisions with the town clerk.

III. Whenever a plat is recorded to memorialize an approval issued by a local land use board, the final written decision, including all conditions of approval, shall be recorded with or on the plat.

2 Planning and Zoning; Rehearings. Amend RSA 677:2 to read as follows:

677:2 Motion for Rehearing of Board of Adjustment, Board of Appeals, and Local Legislative Body Decisions. Within 30 days after any order or decision of the zoning board of adjustment, or any decision of the local legislative body or a board of appeals in regard to its zoning, the selectmen, any party to the action or proceedings, or any person directly affected thereby may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion for rehearing the ground therefor; and the board of adjustment, a board of appeals, or the local legislative body, may grant such rehearing if in its opinion good reason therefor is stated in the motion. This 30-day time period shall be counted in calendar days beginning with the date following the date upon which the board voted to approve or disapprove the application in accordance with RSA 21:35; provided however, that if the moving party shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within [~~144 hours of~~] ***5 business days after*** the vote pursuant to RSA 676:3, II, the person applying for the rehearing shall have the right to amend the motion for rehearing, including the grounds therefor, within 30 days after the date on which the written decision was actually filed. If the decision complained against is that made by a town meeting, the application for rehearing shall be made to the board of selectmen, and, upon receipt of such application, the board of selectmen shall hold a rehearing within 30 days after receipt of the petition. Following the rehearing, if in the judgment of the selectmen the protest warrants action, the selectmen shall call a special town meeting.

3 Zoning and Planning; Legislative Bodies. Amend RSA 677:4 to read as follows:

677:4 Appeal From Decision on Motion for Rehearing. Any person aggrieved by any order or decision of the zoning board of adjustment or any decision of the local legislative body may apply, by petition, to the superior court within 30 days after the date upon which the board voted to deny the motion for rehearing; provided however, that if the petitioner shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within [~~144 hours of~~] ***5 business days after*** the vote pursuant to RSA 676:3, II, the petitioner shall have the right to amend the petition within 30 days after the date on which the written decision was actually filed. The petition shall set forth that such decision or order is illegal or unreasonable, in whole or in part, and shall specify the grounds upon which the decision or order is claimed to be illegal or unreasonable. For purposes of this section, "person aggrieved" includes any party entitled to request a rehearing under RSA 677:2.

4 Zoning and Planning. Amend RSA 677:15, I to read as follows:

I. Any persons aggrieved by any decision of the planning board concerning a plat or subdivision may present to the superior court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within 30 days after the date upon which the board voted to approve or disapprove the application; provided however, that if the petitioner shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within [~~144 hours of~~] ***5 business days after*** the vote pursuant to RSA 676:3, II, the petitioner shall have the

right to amend the petition within 30 days after the date on which the written decision was actually filed. This paragraph shall not apply to planning board decisions appealable to the board of adjustment pursuant to RSA 676:5, III. The 30-day time period shall be counted in calendar days beginning with the date following the date upon which the planning board voted to approve or disapprove the application, in accordance with RSA 21:35.

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

AMENDED ANALYSIS

This bill:

I. Requires local land use boards to make copies of written decisions available to the applicants.

II. Requires the recording of written decisions with or on the plats.

III. Changes the time frame for public access to certain minutes of local land use boards to conform to the change made in the right-to-know law.

SB 28-FN, relative to annual dam registration fees for non-menace dams and notification to dam owners of downstream development. **OUGHT TO PASS.**
Rep. Suzanne H. Gottling for Resources, Recreation and Development: This bill exempts non-menace dams from the annual dam registration fee as long as the dams retain non-menace classification. If construction occurs down stream, the classification is open to change. Ten days before submission of a proposed development, planning boards must notify owners of upstream dams and the department of environmental services dam bureau by certified mail of the development application. Vote 16-0.

SB 47, relative to surface water. **OUGHT TO PASS.**
Rep. Christopher J. Ahlgren for Resources, Recreation and Development: This bill seeks to clarify legislation from the previous session relating to the Ground Water Protection Act. Specifically the bill clarifies that only new surface water withdrawals or diversions must receive certification of compliance with surface water quality standards. The department of environmental services believes the current language could be interpreted to include ground water withdrawals, which was not the legislative intent. There is already an extensive withdrawal permitting process for ground water, which, among other protections, ensures compliance with surface water quality standards. Vote 16-0.

SB 48, relative to preventing contamination of groundwater from certain geothermal processes. **OUGHT TO PASS.**
Rep. Frank A. Tupper for Resources, Recreation and Development: As geothermal processes become more prevalent in New Hampshire, it is imperative that the department of environmental services (DES) develop rules to protect our ground waters from these operations. This bill seeks to ensure that any substances released will not endanger drinking water sources. Vote 14-2.

SB 109, relative to certification of excess weight vehicles. **OUGHT TO PASS.**
Rep. Jennifer M. Brown for Transportation: This bill will allow manufacturer recommendations on standards for weight on vehicles to be used rather than a third inspection just for that purpose. This bill corrects previous exemptions in past law on trailers. Vote 18-0.

REGULAR CALENDAR

SB 155, relative to financial disclosure by legislators. **OUGHT TO PASS WITH AMENDMENT.**
Rep. David M. Pierce for Legislative Administration: Current law requires members of the General Court to file two financial disclosure forms, despite the fact that they each report essentially the same information. This bill, as amended, consolidates the two forms, clarifies

certain disclosure requirements and permits legislators to file the consolidated financial disclosure form alone. The committee believes this is a much-needed efficiency and cost-saving measure. Vote 16-0.

Amendment (1330h)

Amend RSA 14-B:8, V as inserted by section 3 of the bill by replacing it with the following:

V. The following statement regarding the filing of a declaration of intent form: "If your participation in an official activity creates a conflict of interest not disclosed by the information on this form, you must complete and file a Declaration of Intent Form in accordance with section 5 of the Ethics Guidelines. See section 5 of the Ethics Guidelines for information regarding particular conflicts of interest you may have. Even if you disclose a financial interest on this form, you may still have to file a separate Declaration of Intent Form on a particular bill."

Amend RSA 14-B:8 as inserted by section 3 of the bill by inserting after paragraph VI the following new paragraph:

VII. The full text of RSA 14-B:10.

Amend RSA 14-B:10 as inserted by section 3 of the bill by replacing it with the following:

14-B:10 Penalty. Any representative, senator, or officer of the house of representatives or senate who knowingly fails to file the form required under RSA 14-B:8 or who knowingly files a false statement on such form shall be guilty of a misdemeanor.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 60, establishing a commission to study water infrastructure sustainability funding. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan R. Kepner for Resources, Recreation and Development: One of New Hampshire's most valuable resources is water. This commission's duties will include an assessment of the state's need to construct and maintain infrastructure to protect water resources, consideration of public health issues, ecosystem and habitat protection and economic factors. The study will include the need for and methods of funding infrastructure for safe drinking water, collection and treatment of waste water and storm water, as well as dams for water storage, flood control and power generation. The amendment includes the Granite State Hydro Power Association in the membership and requires the commission to consider the recommendations of the New Hampshire Water Resources Primer. Vote 14-3.

Amendment (1327h)

Amend paragraph I as inserted by section 2 of the bill by replacing all after subparagraph (h) with the following:

(i) A representative of the American Council of Engineering Companies of New Hampshire, appointed by that organization.

(j) A representative of the Business and Industry Association of New Hampshire, appointed by that organization.

(k) A representative of the New Hampshire Rivers Council, appointed by that organization.

(1) A representative of the New Hampshire Lakes Association, appointed by that organization.

(m) A representative of the Piscataqua Region Estuaries Partnership, appointed by the director.

(n) A member of the U.S. Geological Survey, appointed by the regional director of the Northeast Area.

(o) A representative of the Granite State Hydropower Association Inc., appointed by that organization.

Amend the bill by replacing section 3 with the following:

3 Duties. The commission's review shall include, but not be limited to, an assessment of the state's need to construct and maintain infrastructure to protect its water resources, taking into consideration public health issues, ecosystem and habitat protection, and economic factors including tourism. The commission shall consider the information, conclusions, and recommendations presented in the New Hampshire water resources primer published in December 2008, which evaluates how to improve the long term sustainability of New Hampshire's water infrastructure and its funding.
Amendment adopted.

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

YEAS 260 NAYS 74

YEAS 260

BELKNAP

Arsenault, Beth	Fields, Dennis	Flanders, Donald	Johnson, William
Merry, Liz	Miller, Kate	Millham, Alida	Nedeau, Stephen
Pilliod, James	Reever, Judith	Russell, David	Stuart, Richard

CARROLL

Ahlgren, Christopher	Bridgham, Robert	Buco, Thomas	Butler, Edward
Knox, J. David	Patten, Betsey	Stevens, Stanley	Umberger, Karen
Wiley, Susan			

CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Carlson, Nancy	Carr, Daniel	Eaton, Daniel
Johnson, Jane	Laurent, John	Lerandeau, Alfred	Meader, David
Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Sad, Tara	Weber, Lucy	Weed, Charles

COOS

Hatch, William	Mears, Lucy	Rappaport, Laurence	Remick, William
Theberge, Robert	Thomas, Yvonne		

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Ford, Susan
Friedrich, Carol	Gould, Franklin	Harding, Laurie	Ladd, Rick Jr
Laliberte, Suzanne	Matheson, Robert	Mulholland, Catherine	Nordgren, Sharon
Pierce, David	Preston, Philip	Smith, Suzanne	Townsend, Charles
Ward, Brien	Williams, Burton		

HILLSBOROUGH

Beauchamp, Roger	Beaulieu, Jane	Beck, Catriona	Boisvert, Ronald
Campbell, David	Caron, June	Chandley, Shannon	Chase, Claudia
Chininis, Alexis	Christensen, Chris	Clemons, Jane	Cote, David
Craig, James	Dokmo, Cynthia	Drisko, Richard	Flurey, Joan
Foster, Linda	Gandia, Laura	Gargasz, Carolyn	Garrity, Patrick
Gidge, Kenneth	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Hackel, Paul	Haley, Robert	Hammond, Jill	Hardy, Valerie

Harvey, Philip	Harvey, Suzanne	Hawkins, Ken	Hebert, Roger
Hinch, Richard	Hodges, Kevin	Holden, Rip	Irwin, Anne-Marie
Jeudy, Jean	Katsiantonis, Thomas	Komi, Richard	Kurk, Neal
L'Heureux, Robert	LaPlante, Roland	Leishman, Peter	Levasseur, Nickolas
Levesque, Melanie	Lisle, Carolyn	Long, Patrick	Matarazzo, Anthony Sr
Messier, Irene	Movsesian, Lori	Nixon, David	O'Brien, Michael Sr
O'Neil, James	Peterson, Andrew	Pilotte, Maurice	Poznanski, Brian
Rhodes, Brian	Rokas, Theodoros	Rosenwald, Cindy	Rowe, Robert
Schulze, Joan	Shattuck, Gilman	Silva, Peter	Spaulding, Jayne
Sullivan, Daniel	Tahir, Saghir	Thompson, Robert	Walsh, Robert Jr
Willette, Robert	Williams, Carol	Winters, Joel	

MERRIMACK

Bartlett, Michael	Bouchard, Candace	Brown, Carole	Clarke, Claire
Davis, Frank	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Hamm, Christine	Kidder, David
Kotowski, Frank	Lockwood, Priscilla	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Palfrey, David	Porter, Margaret	Potter, Frances
Reardon, Tara	Rice, Chip	Rodd, Beth	Schuett, Dianne
Shurtleff, Stephen	Smith, Todd	Stetson, William	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Watrous, Rick
Webb, Leigh	Wheeler, Deborah	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Bishop, Franklin	Brown, C. Pennington	Cali-Pitts, Jacqueline	Case, Frank
Charron, Gene	Crisler, Margaret	Cushing, Robert	Day, Judith
DeSimone, Debra	Devine, James	DiFruscia, Anthony	DiPentima, Rich
Dowling, Patricia	Elliott, Robert	Ferrante, Beverly	Flanders, John Sr
Gleason, John	Gould, Kenneth	Griffin, Mary	Henson, John
Hoelzel, Kathleen	Kappler, L. Mike	Katsakiores, George	Katsakiores, Phyllis
Kepner, Susan	Lyons, Melissa	Major, Norman	Mann, Maureen
McCarthy, Barbara	Moody, Marcia	Nevins, Chris	Nord, Susi
Pantelakos, Laura	Petterson, Don	Priestley, Anne	Quandt, Matt
Read, Robin Jr	Russell, Joseph	Russell, Trinka	Sapareto, Frank
Scamman, Stella	Scamman, W. Douglas Jr	Schlachman, Donna	Sedensky, John
Splaine, James	Stiles, Nancy	Tucker, Pamela	Weare, Everett
Webber, Carolyn	Welch, David		

STRAFFORD

Bickford, David	Brennan, William	Brown, Jennifer	Brown, Julie
Brown, Larry	Browne, Brendon	Burke, Rachel	Cyr, James
Grassie, Anne	Hofemann, Roland	Horrigan, Timothy	Hubbard, Pamela
Hutz, Sarah	Kaen, Naida	Keans, Sandra	Lauterborn, Elaine
Lewis, Robert	Price, Susan	Rogers, Rose Marie	Rollo, Deanna
Rollo, Michael	Ryder, Mark	Schmidt, Peter	Smith, Marjorie
Sprague, Dale	Twombly, James	Vachon, Dennis	Wall, Janet
Watters, David			

SULLIVAN

Cloutier, John	Donovan, Thomas Jr	Gagnon, Raymond	Gottling, Suzanne
Harris, Sandra	Houde-Quimby, Charlotte	McClammer, Jim	Skinder, Carla

Sweeney, Cynthia

NAYS 74

BELKNAP

Boyce, Laurie	St. Cyr, Jeffrey	Swinford, Elaine	Veazey, John
Wendelboe, Fran			

CARROLL

Chandler, Gene	Fleck, Joseph	Roberts, John	Scala, Dino

CHESHIRE

Emerson, Susan	Hunt, John	Sterling, Franklin Jr

COOS

Richardson, Herbert	Stohl, Eric

GRAFTON

Bulis, Lyle	Gionet, Edmond	Ingbretson, Paul	Maybeck, Margie

HILLSBOROUGH

Belvin, William	Boehm, Ralph	Cebrowski, John	Christiansen, Lars
Daniels, Gary	Day, Russell	Doherty, Shaun	Elliott, Nancy
Gagne, Larry	Graham, John	Haefner, Robert	Hikel, John
Hinkle, Peyton	Hogan, Edith	Holden, Frank	Jasper, Shawn
McCarthy, Michael	Mead, Robert	O'Brien, William	Ober, Lynne
Ober, Russell III	Palmer, Stephen	Pellegrino, Tony	Pepino, Leo
Pratt, Calvin	Price, Pamela	Renzullo, Andrew	Ryder, Donald
Seidel, Carl	Soucy, Connie	Vaillancourt, Steve	Villeneuve, Moe

MERRIMACK

Anderson, Eric	Boutin, David	Coffey, Jennifer	McGuire, Carol

ROCKINGHAM

Baldasaro, Alfred	Bates, David	Bettencourt, David	Comerford, Timothy
Emiro, Frank	Garrity, James	Hagan, Joseph	Headd, James
Ingram, Russell	Itse, Daniel	Kolodziej, Walter	McMahon, Charles
Packard, Sherman	Perkins, Amy	Perkins, Lawrence	Reagan, John
Sullivan, James			

STRAFFORD

Vita, Carol

SULLIVAN

Howard, Thomas Rodeschin, Beverly

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

SB 58, relative to the use of alternating flashing lights on highway maintenance vehicles.

MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.
Rep. Jennifer M. Brown for the Majority of Transportation: This bill will allow department of transportation vehicles to use alternate flashing headlamps. Right now only emergency vehicles such as law enforcement and fire can use flashing headlamps. Department of transportation vehicles often need to be in the middle of the highway and flashing headlamps will make them seen better and sooner. Vote 15-3.
Rep. Richard T. Stuart for the Minority of Transportation: The minority believes alternate flashing lights should be exclusively reserved for emergency vehicles. Simultaneously flashing lights should be sufficient for all other vehicles including public works, e.g. line painting, etc.

Majority Amendment (1278h)
Amend the bill by replacing section 2 with the following:
2 Effective Date. This act shall take effect upon its passage.
Majority committee amendment adopted.
Majority committee report adopted and ordered to third reading.

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, April 29, 2009 at 1:00 p.m.
Adopted.

LATE SESSION

Third reading and final passage

SB 32, relative to notice to a defendant of the availability of sentence review.
SB 37, relative to release of a defendant pending trial.
SB 12, relative to increasing the membership of the board of marital mediator certification and renaming marital mediators as family mediators.
SB 24, relative to rulemaking by the board of natural scientists and the board of professional geologists.
SB 25-FN, relative to the operation of the Hillsborough county domestic violence unit in the Manchester district court.
SB 36, relative to the inspection of electrologist offices.
SB 49, relative to the board of barbering, cosmetology, and esthetics.
SB 122, relative to membership and the quorum of the commission to oversee and negotiate issues relative to NAFTA and the WTO and relative to the quorum of the real estate appraiser board.
SB 95, relative to criminal records checks for volunteers.
SB 183-FN, relative to the number of daily journals printed by the house and senate clerks.
SB 93, relative to the exemption from subsequent local land use regulation where substantial development has begun on an approved plan.
SB 189, relative to decisions of local land use boards.
SB 28-FN, relative to annual dam registration fees for non-menace dams and notification to dam owners of downstream development.
SB 47, relative to surface water.
SB 48, relative to preventing contamination of groundwater from certain geothermal processes.

SB 109, relative to certification of excess weight vehicles.
SB 155, relative to financial disclosure by legislators.
SB 60, establishing a commission to study water infrastructure sustainability funding.
SB 58, relative to the use of alternating flashing lights on highway maintenance vehicles.

RECESS MOTION

Rep. Wallner moved that the House stand in recess for the purposes of receiving Senate messages, enrolled bill amendments and enrolled bill reports.
Adopted.

The House recessed at 1:35 p.m.

RECESS

(Rep. Foster in the Chair)
ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 56.

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

RECESS

(Rep. Foster in the Chair)
ENROLLED BILL AMENDMENTS

SB 37, relative to release of a defendant pending trial. (Amendment printed SJ 4-29-09)
SB 93, relative to the exemption from subsequent local land use regulation where substantial development has begun on an approved plan. (Amendment printed SJ 4-29-09)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bills numbered 12, 24, 25, 32, 36, 47, 48, 109, 122 and 183.

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

SENATE MESSAGES
CONCURRENCE

HB 35, eliminating the office of vice-president from the presidential primary ballot.
HB 77, relative to continuing education requirements for licensed architects.
HB 93, relative to the minimum age for fighting sports competitions.
HB 116, relative to the membership of the legislative youth advisory council.
HB 141, authorizing towns and cities to accept any form of electronic payment.
HB 144, relative to title insurance.
HB 243, authorizing the designation of special assistant attorneys general.
HB 316, relative to expenditures by boards and commissions for costs of examinations of applicants.
HB 339, ratifying changes to the state building code adopted by the state building code review board and revising the definition of the state building code.
HB 497, relative to the automated external defibrillator advisory commission.
HB 544, relative to data collected by health care facilities.
HB 622, amending the hearing dates of the ballot law commission.

NONCONCURRENCE

HB 64, relative to eligibility for Aid to the Needy Blind.

RECESS