

HOUSE RECORD

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

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Concord, N.H.

Thursday, February 12, 2009

No. 17

HOUSE JOURNAL No. 4 (cont.)

Wednesday, February 4, 2009

RECESS

(Speaker Norelli in the Chair)

COMMITTEE ASSIGNMENT

The Speaker made the following committee assignment:

Rep. Robert Mead off Election Law; on Judiciary.

RECESS

(Rep. Foster in the Chair)

RESOLUTION

Rep. Eaton offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 76 and 96 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 76, naming a bridge in the town of Barrington the Sp. Jesse Scott Conger Memorial Bridge. (Public Works and Highways)

SB 96, naming a bridge in Webster in honor of William Tracy. (Public Works and Highways)

RECESS

(Rep. Graham in the Chair)

RESOLUTION

Rep. Theberge offered the following: RESOLVED, that late drafting and introduction having been approved by the Rules Committee, House Bills numbered 694 and 695 shall be by this

resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.
Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 694, adopting the uniform child abduction prevention act. (Foosse, Merr 1; Pantelakos, Rock 16: Children and Family Law)

HB 695, adopting the uniform child custody jurisdiction and enforcement act. (Foosse, Merr 1: Children and Family Law)

RECESS

(Rep. Eaton in the Chair)

RESOLUTION

Rep. Wallner offered the following: RESOLVED, that late drafting and introduction having been approved by the Rules Committee, House Bills numbered 696 and 697 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.
Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 696-FN-L, relative to fees for registration of criminal offenders. (Shurtleff, Merr 10; Dokmo, Hills 6: Ways and Means)

HB 697, relative to the penalty against public utilities. (Reagan, Rock 1: Ways and Means)

Rep. Eaton moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 5

Thursday, February 12, 2009

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

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

Blessed God of cell phones and silence, we come together as individuals and as branches of government for a special purpose today. It is easy for us to construe budgets as simply headache-inducing exercises in number-crunching and jockeying for what's left of a shrinking pool of resources. Help us to remember that a budget is far more than a document. It is a living expression of what we value most as a people and as neighbors. At the end of the day, we may all wish that there had been more to go around, but let us not fail to do the very best we can with what has been entrusted to us. In spite of this national downturn economically, we know that we are among the wealthiest people on the face of the earth, and we give You our thanks for what we have still in abundance. Inspire and guide our work today with an

extra measure of ingenuity and imagination, taking what seems like a scant few loaves and fishes, and, by Your blessing, find creative ways of conjuring a few unexpected feasts; feasts of opportunity for all, especially those who have far less than we. In Your Holy name we pray. Amen.

Representative Kenneth Gould, member from Derry, led the Pledge of Allegiance.

The National Anthem was performed by The Trumpet Line from the Alvirne High School Jazz Band under the direction of Music Director, Gerry Bastien; Senior, Kyle Lambert, Senior, Ian Jutris, Junior, Jake Galloway, Junior, Neil McCarthy and Junior, Matt Haefner, grandson of Representative Robert Haefner.

LEAVES OF ABSENCE

Reps. Arsenault, Donald Flanders, John Kelley and Priestley, the day, illness.

Reps. Gene Andersen, Bartlett, Farley, Foose, Goley, Franklin Gould, Grassie, Introne, William Johnson, Kepner, Mark Preston, Donald Ryder and Yeaton, the day, important business.

Rep. Suzanne Smith, the day, death in the family.

INTRODUCTION OF GUESTS

Linda Matheson, wife of Rep. Matheson. Heidi and Robert Ely, guests of Rep. Marjorie Smith. Alison and Hank Stebbins, guests of the Speaker. Gayle Hedrington, guest of Reps. Rodeschin and Thomas Howard. Andy and Laurie Sanborn, guests of Rep. Emerson. Hon. Frank Guinta, former member from Manchester, guest of Rep. Packard. Audrey Sylvester and Rebecca Lawrence, guests of Rep. Rodd. Matthew Johnson and Jackie Dube, son and guest of Rep. Jane Johnson. Lou Vita and Neil Turner, husband and guest of Rep. Vita.

RESOLUTION

Reps. Eaton and Packard offered the following: **RESOLVED**, that the House notify the Honorable Senate that it is ready to meet in Joint Convention for the purpose of hearing the Budget Address by his Excellency, Governor John H. Lynch.
Adopted.

SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of hearing Governor John H. Lynch deliver his budget message.

INTRODUCTION OF SENATE

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

JOINT CONVENTION

(Speaker Norelli presiding)

The Sergeant-at-Arms introduced the following special guests: Administrative Judge for the Probate Courts, the Honorable David King; Administrative Judge for the District Courts and Family Division, the Honorable Edwin W. Kelly; Chief Justice of the Superior Courts, the Honorable Robert Lynn and Chief Justice of the New Hampshire Supreme Court, the Honorable John T. Broderick, Jr.

BUDGET ADDRESS

His Excellency, Governor John H. Lynch, addressed the Joint Convention.

Good Morning. Madam Speaker, Madam Senate President, Mr. Chief Justice, members of the House, Senate, and my fellow citizens of New Hampshire, I come before you today as our nation faces its deepest recession since the Great Depression. Nearly 600,000 Americans lost their jobs in the month of January alone. And while New Hampshire's economy may be better than many other states, that's small comfort to the thousands of our residents who are losing their jobs, who fear losing their homes or their savings. For New Hampshire, like almost every other state across this nation, this recession has translated into an unprecedented fiscal challenge. No one person, no one political party can meet these extraordinary challenges alone. We must come together to help our citizens as they struggle with the deepening recession and to meet the fiscal challenges our state faces. Today, as I present my proposed budget, we are taking the next step in meeting these challenges. This budget represents one road map for how we can address our state budget. It's not the only road we can follow. I look forward to working with you over the next four months because I know we share the same goal – serving our citizens. The decisions that we are called upon to make with this budget are hard ones – reflective of the hard economic times facing our nation and facing our state. The decisions that we make should be based on sound policy and principle, and we should take care not to do things now that we will regret in the future. We must also be mindful that these hard times will not last forever. We are a resilient state, with a resilient people and I am very optimistic that working together, we will get through this, and emerge even stronger. The budget I present today for state fiscal years 2010-2011 is balanced. This budget recognizes the extraordinary economic crisis facing our state and our nation by lowering costs, making state government more efficient and meeting our fundamental responsibilities to our people. This budget spends \$2.97 billion in general funds over the biennium. That is \$40 million, or one percent less, than estimated actual spending for fiscal years 2008-2009. As I begin, I believe it is important we all have a common understanding of the severe challenge that we faced in developing the 2010-2011 budget. For Fiscal Year 2009, we project a \$275 million revenue shortfall in the general and the education trust funds. Given the continuing economic turmoil our nation faces, this budget projects that, on average, existing revenues will remain flat for the next two years. If we funded the maintenance budget requests for state agencies, we would have faced over a \$1 billion shortfall for 2010-2011. In developing this budget, we worked to lower the state's cost structure. That's absolutely necessary to make sure New Hampshire gets through the next two years of this downturn. Although this recession will not last forever, we must make continuing changes to state government in order to meet our priorities today and into the future and that's why we projected ahead to 2012-2013. Assuming we return to modest economic growth in 2012-2013, the general fund budget is sustainable if we make these reductions to the cost structure and implement some of the longer-term efficiencies we will recommend for your consideration today. We have fundamental responsibilities as a state – protecting public safety; helping our most vulnerable citizens; educating the next generation; and preserving our quality of life. These were our guiding principles as we developed this budget. This is a difficult budget, but with challenge also comes opportunity. We must also be willing to re-think everything state government does and how we do it. As we developed this budget, we assessed every state program and asked whether this is something the state should continue to do, and if the answer was yes, we worked with agencies to consider how it could be done more efficiently. This budget makes hundreds of changes, large and small, across state government. In addition, I'll be presenting some ideas that aren't included in the budget, but merit further consideration for the future. One of the largest drivers of state spending is direct cash assistance we provide to cities and towns, whether in the form of revenue sharing, meals and rooms distribution, education aid, or retirement contributions for local employees. All totaled, not including the statewide property tax, this direct aid to cities and towns amounted to about \$1.3 billion for 2008-2009. Our strategy in developing this

budget was to make sure that we kept overall aid to property taxpayers at least level, and counting likely federal assistance, there may actually be an overall increase. The first question is how to manage increased costs associated with the state's adequacy formula, which provides an additional \$123 million to schools over the next biennium. In the long term, I believe that we must move in a direction that allows us to direct more state resources to communities with the greatest needs and, I continue to support a constitutional amendment that would make such a plan possible. I believe the state's adequacy formula needs review and improvement, but I also recognize that this was the formula approved by the legislature last session, and this is not the time for wholesale changes. That is why this budget funds the additional \$123 million called for by the adequacy formula. The state provides the majority of its aid to local communities through education funding grants, revenue sharing, rooms and meals distributions and by paying a portion of local community retirement costs. This budget suspends revenue sharing, rooms and meals distribution and reduces the state's contribution to retirement costs from 35 to 30 percent, level-funding it with this biennium. This will allow us to meet our education commitments. New Hampshire, however, will also receive additional money from the state fiscal stabilization fund included in the federal stimulus legislation. We recommend sending that money to communities to offset these other reductions. In the aggregate, this approach will result in property taxpayers receiving the same or a slight increase in aid. As we looked at the rest of state government, we began with steps that we could take to reduce costs across state agencies. We cut current expenses, organizational dues, out-of-state travel, equipment, employee training, and subscriptions. In the last biennium, high fuel costs strained state agency budgets. Unfortunately, prices are once again on the rise, but we've acted early to lock in prices for motor vehicle fuel for the next 18 months. That will save an estimated \$8 million over what agencies had originally projected in their budgets. We are now finalizing contracts for statewide heating oil costs, which could save an additional \$2.2 million in FY10. In the capital budget, I am also including \$3 million to upgrade energy efficiency, particularly lighting, in buildings across state government. Those upgrades will pay for themselves in less than four years and help reduce energy costs and the pollution state government emits for the long-term. Health insurance for retired state employees is an area where we've seen continual and costly growth. The state spent \$140 million on our retirees' health insurance in 2008-2009. If we maintained the status quo, retirees' health insurance costs would have grown another \$25 million in the next biennium. We have commitments to our state retirees that I respect and honor, but the benefits must be reasonable and affordable for the state as well. That is why we are proposing two changes to the retirees' health insurance plan. First, we align the benefits of the retirees' health insurance plan to those provided to the states active state employees. Second, retirees older than age 65 currently pay about \$100 a month to the federal government for Medicare. Younger retirees pay nothing for their state health plan. In fairness, older retirees should not pay more than younger retirees. We will begin charging premiums to younger retirees similar to those that older retirees already pay. Together, these changes reduce the projected growth in costs of the retirees' health insurance plan by \$10 million in all funds. In the last two years, we spent \$350 million on health insurance costs for state employees. Although, we took some steps to control the growth of those costs in the last biennium, they are still unsustainable. We are proposing a new health insurance plan for state employees based on wellness, disease management and prevention. This plan will help keep employees healthier and control costs in the future. The plan will also put in place premiums based on whether an employee chooses the single, couple or family insurance plan. We can and we should implement the change in the next biennium for unclassified and non-classified employees. A move that will save \$3.5 million over the next two years. To compensate employees for the change, this budget returns some of the savings to employees in the form of a one-time payment. For unionized employees, any change to the health insurance plan must be agreed upon in collective bargaining, but we will offer the same proposal to them. If they are willing to

participate in a wellness health plan, we will return some of the savings to them as a one-time payment. This budget unfunds nearly 400 vacant positions for a savings of \$40 million in 2010-2011. We will also continue the hiring freeze into the next biennium, allowing agencies to fill vacancies only with a waiver. Because we acted early and aggressively to impose a hiring freeze in 2008 and are able to unfund so many vacant positions, we are spared the necessity of implementing across-the-board layoffs. However, this budget does make strategic proposals about state government's future and its priorities. We are recommending program cuts and greater efficiencies. Over the biennium, this will unfortunately result in layoffs for about 250 to 300 employees. These layoffs are in no way a reflection of the hard work by our employees, who have served the state so well over the years; they are driven by the need to change the way state government does business. I recognize that these layoffs will be hard for the impacted employees. As a state we're going to do what we can to help employees through this process. I've asked the Division of Personnel to develop a comprehensive plan to help these employees through the transition. In developing this budget, we asked agencies to identify programs that no longer match current priorities. For example, in the Department of Education we cut a program that provided \$17,500 for geography education at Keene State College. This was the only such teacher education program, it had been funded at this level for years, and there was no clear explanation why the state needed to continue to fund it. We asked agencies to change how they do business to improve efficiency and to increase transparency as well. For the first time, all agencies included all potential federal revenues in their budget submissions. The Department of Administrative Services is switching to a four-day-a-week cleaning schedule for state buildings. The Department of Resources and Economic Development is moving the International Trade Office from Portsmouth to Concord. In the past year, the Department of Safety has worked to link almost every community electronically with the state for car registrations. In addition, Safety is working to develop a system by next fall that will allow citizens to renew their drivers' licenses online once every five years. As a result, most citizens will only need to visit a state motor vehicle office once every 10 years. These changes mean that we do not need as many regional offices for motor vehicles, and this budget recommends closing several. We asked agencies to consider what we could defer for the next biennium. For example, the Department of Environmental Services will meet its existing grant commitments, but award no new grants over the next biennium. We level funded or reduced other grant programs. At a time when many states are drastically cutting funding for higher education, we worked hard to minimize the impact on the Community College and the University Systems. Both systems will see a slight increase in the state contribution over actual state spending in fiscal years 2008-2009. At the same time, we expect both the University and Community College systems to work aggressively to mitigate tuition increases for students. More than half of the state's budget is devoted to the Department of Health and Human Services. The Department's original maintenance budget was \$806 million, \$75 million more than we were spending in 2009. The budget we are proposing for Fiscal Year 2010 is \$721 million in general and enhanced federal Medicaid reimbursement funds, which is slightly lower than estimated actual spending for 2009. This budget continues our commitment to children's health insurance, maintains eligibility for our existing Medicaid and child care programs, and will provide continuing help for people with developmental disabilities. We maintained all current provider reimbursements, and fund a rate increase for several groups of providers, including physicians, nurse practitioners and psychologists. These steps will help preserve the safety net for our most vulnerable citizens. But to protect these core programs and to meet the growing demand for some services during this recession, we also recommend some major changes in the Department of Health and Human Services budget. As we reviewed the department's budget, we faced the fundamental question of breadth versus depth. If we attempt to do everything, we risk not doing anything well. These cuts are difficult because we know that they impact people, but they are necessary to avoid even more far-reaching reductions in other areas. We propose to close the

Tobey School, a change that makes sense for economic and policy reasons. Tobey School students will continue to be served in appropriate community settings. Closing the school, while still providing funding to ensure services for the students will save an estimated \$1.4 million over the biennium. This budget eliminates the catastrophic illness program. It eliminates reimbursement for chiropractic and podiatry services. Given the choices, we determined these dollars are better spent on our Medicaid program. The budget eliminates funding for certain hospitals for costs associated with training medical personnel, a program known as direct medical education reimbursement. That reduction will allow us to preserve the loan repayment program for primary care providers who treat under-served citizens, primarily through our Community Health Centers. The budget redesigns foster care reimbursement rates, increasing the average daily rate but ending special bonus payments. The Department will also change its policies to move children more quickly out of expensive placements and into permanent homes. The Department will move from higher-cost institutionalized care to community residences for mental health. In the last biennium, we appropriated \$1 million to build transitional housing on the State Hospital campus. In this budget, we propose to re-direct those funds and allow the department to partner with other organizations to build those residences instead in communities. This is a more cost-efficient solution. A community bed costs \$56,000 a year as opposed to \$120,000 a year in the State Hospital. It is also better policy. The closer residents are to their communities, the better chance they have for a successful transition. In addition, the Department is undertaking a reorganization that will reduce its personnel costs by \$28 million over the next biennium, which will require about 125 to 150 layoffs in addition to unfunding 175 to 200 vacant positions. These changes will help us make it through the next two years, but we need to transform our entire health and human services support system in order to give people the care they need and taxpayers a system that they can afford. In delivering health care and human services, we have a broad network of dedicated providers. However, we need to fundamentally examine this network to determine if it meets the needs of our citizens. The Department of Health and Human Services does business with 4,000 separate providers – 4,000 separate providers. There are inherent bureaucratic costs to the state for contracting with and paying so many different organizations. As the money moves down the line, we are supporting administrative costs from accountants and directors, to heating and lighting for several thousand organizations. We need a more integrated health and human services system to control costs and to provide better services. We need to move toward a model where there is more coordination for all of a person's needs including physical and mental health and social services. In addition, the Department will also be moving forward with establishing medical homes for Medicaid patients, and paying providers for performance, such as ensuring children are immunized or reducing emergency room use. The Department's leadership has been reaching out to organizations to discuss the need for changes in this system. It is now developing a plan for these changes, which they will begin implementing over the next 18 months encouraging providers to join together to offer more comprehensive, and affordable, services. As part of its implementation plan, the department will also consider how savings from consolidation can be used to give providers incentives to work with us to change the system. Outside of the Department of Health and Human Services and Education, the biggest cost driver for state government is Corrections. Without changes, Corrections' costs would have grown \$14 million in 2010 over 2009. This is not a sustainable model for managing Corrections. We cannot address the underlying issues by adding or subtracting a little bit, we need a different strategy. We can't begin to address prison costs without addressing facilities. That is why this budget proposes closing the Lakes Region Facility, which will reduce the Department's proposed budget to \$106.8 million or \$1.7 million less than 2009. We considered closing the Goffstown Women's Prison and moving the female inmates to Laconia, but in the end, we did not believe it made sense simply to move female prisoners from one inadequate facility to another. That is why the capital budget includes funds to design and site a new women's prison. To make it possible

to close the Lakes Region facility, we had to look for different ways to manage our inmate population. There are between 100 and 200 non-violent illegal immigrants in our prison system whom the federal government already plans to deport. The Department of Corrections will enter an agreement with the U.S. Immigration Services to speed these deportations. In addition, we will re-configure under-used space in Berlin to house additional prisoners. People who commit serious crimes need to be in prison and we need to make sure that anyone who poses a danger to our families is behind bars. But we also need to consider other options and to look at additional changes to reduce these costs for the long-term. The Department of Corrections is evaluating expanding the use of electronic monitoring and home confinement for non-violent traffic offenders at a cost of \$7 a day vs. nearly \$100 a day for an inmate. And we must continue to reduce our recidivism rate so that our prison system isn't a revolving door, but that may not be enough. Parts of our main state prison in Concord were built in the 19th century. It's crumbling, costly and inefficient to run, but we are unlikely to invest in the near future the hundreds of millions of dollars required to replace it. We need to continue to consider other ways to run Corrections. Vermont sends prisoners to distant states to control their prison costs. That may be an answer, but I think there may others to consider as well. I believe that we should consider coordinating with neighboring states to develop a 2,000- to 3,000-bed Northern New England Correctional Facility. Such a move would potentially allow us to close the Concord prison and to provide space for other New England inmates. It could reduce state operating costs, and provide jobs in a struggling part of our state. Before we proceed with any change, we will need a careful and diligent review of a number of areas including whether it will lower costs; whether it will meet the state's legal requirements; and whether it will provide the programming inmates need to succeed in society after their release. In the end, we may or may not decide that this is the right direction for New Hampshire, but it is a direction that we must explore. I have met with the Judicial Branch to discuss its needs and budget ideas. I am recommending a Judicial Branch budget of \$68 million for Fiscal Year 2010. It is critically important that we make sure trials, criminal and civil, move forward expeditiously. To do that, we need to fill judicial vacancies, but to afford to do that, we have to look for other ways to save on Judicial Branch operations. Working with the Judicial Branch and the Department of Administrative Services, we reviewed our court facilities and we are recommending the closure of eight district courts. We are making these recommendations based on caseloads, travel distances to other courts, and staffing. These changes will save \$2 million a year in reduced operating costs and help keep our justice system moving. As we look at how we fund our general fund obligations for the future, we must also look at how we are maximizing our existing assets. One of our biggest assets, if we let it be, is our state liquor stores. As we developed this budget, we looked at a number of models for our state liquor stores, including selling them completely. As we analyzed the options, it became clear that full privatization was not in the best financial interest of the state. Private companies could not deliver the same revenue stream into the future because they would not share our federal tax exemption. By continuing to operate the state liquor stores exactly the same way we do today is also not in the best financial interest of our citizens. An independent analysis of our state liquor stores identified a number of areas where we could increase returns. This budget implements a plan by the liquor commission to close a number of under-performing stores, and to replace them with agency stores. That would provide for better service for customers and increased returns for all of our taxpayers. We recommend investing some of the savings in building one to two new stores in growing markets. We are proposing to lease the land near state liquor stores, including those at the welcome centers in Hooksett and Hampton. If we are honest, these welcome centers are not very welcoming. They are old, rundown and lack many of the basic amenities that people expect. By leasing them, we can provide better services for travelers and 20-year leases, along with selling the Concord warehouse, will generate \$30 million for the general fund in the next biennium. If we are to maximize this asset for our citizens, we need to let the liquor commission run like a business.

We need to give the Commission greater authority to close underperforming stores and open to new ones. We need to allow it to sell additional products and we need to allow it determine its own prices, discounts and the amount of stock it carries. These changes will result in an additional \$50 million over the next two years and potentially greater returns in the future. For 2010-2011, we brought state spending below current levels and worked to maximize revenues from existing sources, however, that still left a budget gap, but to understand 2010-2011, we need to begin with fiscal year 2009. We are estimating that the state's revenue shortfall for Fiscal Year 2009 will be about \$275 million. In the past two years, we've already taken action to significantly reduce that shortfall, but today, we still face an estimated gap of \$125 to \$140 million for this fiscal year. Today, I am recommending three steps to fill the remaining budget gap for this fiscal year. First, the federal Medicaid increase expected this year will reduce that shortfall by about \$50 million. Second, in the 1980s, the legislature established a medical malpractice insurance fund, exempt from state taxes. Over the years, this fund has built up a \$110 million surplus. Under the law, the fund's insurance premiums must be competitive with the rest of the market and in fact its premiums are on average 10 percent below the market. It cannot return this surplus without risking decimating the private insurance market. We recommend using \$50 million of that fund's surplus to help fill the remaining budget gap for fiscal year 2009 so that we can protect essential health services. Finally, any remaining deficit would be met by using the Rainy Day Fund. We project using about \$38 million from the Rainy Day Fund which still leaves the fund three times larger than it was when I took office four years ago. That balances 2009. Now let's look at 2010-2011. To balance 2010-2011, this budget proposes using the remaining \$60 million from the medical malpractice surplus. In addition, this budget includes a 35-cent increase in the tobacco tax; a three-quarters percent increase in the meals and rooms tax, with part of the revenue dedicated to tourism promotion; and a tax on gambling winnings over \$600. Together, these steps along with the cuts that have been made will ensure a balanced budget that also funds our core responsibilities over the next two years. My position on an income tax and on a sales tax are clear, and unchanged, I would veto either. I remain skeptical of expanded gambling and how it will affect New Hampshire's quality of life and I urge you to give careful and deep thought to any such proposal, and the long-term impacts it may have on New Hampshire. New Hampshire has always been proud of our roads. We recognize quality roads and bridges are essential for public safety and for our economy. That is why in the past several years, we've taken a number of steps to maintain our roads and bridges, including launching major repairs on the turnpike system and restoring fiscal responsibility to the state's highway fund. To put more money into roads and bridges, we passed a law last year reducing expenditures from the Highway Fund for other state agencies. With this budget, we met the requirements of that law and decreased the percentage of highway funds diverted from the Department of Transportation. We also reduced the Department of Transportation's maintenance budget by more than \$40 million. As part of that effort, we are recommending temporarily closing under-used rest areas and exploring opportunities for public-private partnerships to improve those rest areas, but rising prices on items from salt to asphalt have made it nearly impossible for the Department of Transportation to meet its responsibilities. The Department of Transportation has developed a plan, which I support and have included in this budget, to ensure the health of our Highway Fund in the next several biennia. This plan includes having our turnpike system purchase a part of Interstate 95 that is now part of the Highway system. That sale, funded by a 50-cent increase at the Hampton toll, will provide a \$15 million a year increase for the Highway Fund. It will also improve conditions for the people who travel that road by allowing us to implement open tolling on Interstate 95, reducing traffic jams and reducing pollution. The Department of Transportation estimates that if this proposal is approved, we can have open tolling in place by the summer of 2010. This plan would increase tolls at Hooksett and Bedford by 50 cents, Dover and Rochester by 25 cents and 25 cents each on the Hooksett and Hampton Ramps providing \$22.3 million a

year to maintain and improve roads that connect to the Turnpike System. It will provide for open tolling at the Hooksett Toll Plaza by 2012 and the Bedford toll plaza by 2013. It is important that we provide relief for citizens who commute on our toll roads. That is why this plan includes a new E-Z Pass frequent-user discount that will ensure that no New Hampshire commuter pays more than \$30 a month in tolls. Finally, to balance the Highway fund, this plan includes a \$10 road improvement surcharge on vehicle registrations. In addition, an estimated \$130 million in federal transportation stimulus money will help us accelerate important road projects in our ten-year plan, and create jobs. We are taking other steps to help our families through these very difficult times. In the next several weeks, I will submit to the Public Utilities Commission a proposal for using our greenhouse gas and renewable energy funds to create new jobs for our citizens by expanding weatherization of older homes; by providing training for energy-related jobs; by upgrading the energy efficiency of state and municipal buildings; and by creating a low-interest loan fund to help businesses upgrade to reduce their energy costs. As Congress finalizes a recovery package, I have created an Office of Economic Stimulus here in New Hampshire. Our goal is to make sure that we use stimulus funds wisely and quickly so that we can put New Hampshire citizens back to work repairing roads and bridges, rebuilding water treatment plants, and weatherizing homes and the capital budget I am outlining today focuses on critical maintenance projects that we can begin quickly, to help create jobs here in New Hampshire. Overall, this proposed budget for 2010-2011 balances and ensures that New Hampshire can meet its responsibilities for the next two years, but there are additional steps that I believe we must consider to save money in future years and to make state government work better. As a state, we operate dozens of regulatory and licensing boards. Many of these boards consist primarily of volunteers and they oversee critical professions and occupations throughout the state from doctors and nurses, to real estate appraisers, plumbers and electricians. Thousands of New Hampshire residents are licensed by these boards and committees. They protect our citizens from inadequate or incompetent professional services, and ensure high standards, but for too long, our licensing boards have operated inefficiently and without adequate management or supervision. For the most part, they operate as isolated and stand-alone organizations scattered across Concord. They have expensive leases and they unnecessarily duplicate overhead costs. I do not seek to eliminate these invaluable professional boards, but it is time to begin to consolidate their staff and administrative functions. By doing so, we can preserve their independence and also make them more efficient and user-friendly. As a first step, I am proposing that all licensing boards and commissions be consolidated by subject matter within four major departments; health and human services, safety, environmental services, and the secretary of state. From there, commissioners will work with the boards to strengthen their operations and we will implement a plan to achieve a full consolidation of all of the State's licensing functions by 2012. Under our current personnel rules, there are real barriers to improving state government functions. In addition to protecting employees based on seniority, current law also provides for a practice known as "bumping." A laid-off employee can "bump" another employee in a different job, in some cases anywhere in the agency. It creates a rippling effect that can take months to resolve and prevents commissioners from effectively managing necessary layoffs. Laying off an employee in one part of an agency may mean bumping another employee, with critical skills and knowledge, in a different part of the agency. We recommend eliminating bumping, while retaining protections for employees based on their seniority within their specific unit and job classification. I also ask that you work with us to find ways to reduce administrative burdens on state agencies so they can focus on their core missions. For example, state laws over the years have created a number of complex formulas to distribute revenue from dedicated funds and fees. We need to relook at these formulas, and consider how much they cost to administer. We should also look at other requirements we place on state agencies, such as producing reports that few people read and we must look at how we are using state employee time. For example, the staff of the Department of

Resources and Economic Development is required to serve on 94 committees, commissions and task forces. The numbers are equally large for other state agencies. While I believe strongly in bringing agencies together to cooperate, I think we need to take a new look at what is really necessary. That is why I propose sunseting all commissions, committees and non-regulatory boards by the end of fiscal year 2011. We should then only re-enact those that are essential. In addition, there are several other possible efficiencies that we identified during this budget process that we believe merit further consideration and study. First, we should consider whether we could reduce costs and strengthen services by merging the Department of Resources and Economic Development and the Department of Employment Security. Second, we should consider creating a Department of Natural and Cultural Resources by merging Agriculture, Fish and Game, Forest and Lands, Parks and Cultural Resources. Third, we should determine whether it is practical to merge all law enforcement functions from Fish and Game, Liquor and Racing and Charitable Gaming within the Department of Safety. Finally, the Department of Transportation is developing a pilot program for serving as a fleet manager for several state agencies. As I close, I want to take a moment to thank our commissioners and agency heads, many of whom are here today sitting up in the balcony, for their dedicated work on the budget. They and their staffs have spent thousands of hours reviewing budgets, considering ways to reduce costs and make state government better while protecting their core services. I also want to thank Commissioner Linda Hodgdon and her staff and my Budget Director, Kristyn Mcleod. Let's all give them a round of applause for the work that they have done. This is a difficult budget filled with hard choices, but it is a budget that meets state government's core responsibilities. No cut was easy to make, but we strived to make cuts responsibly and strategically, to ensure state government is stronger and better able to fulfill its priorities in the future. These extraordinary times demand that all of us come to the table to serve our families. If you disagree with something in this proposal, I respect that, but it is not enough to simply say no or to criticize, we all have a responsibility to come to the table with solutions. The legislature will now begin its important work on this budget and I look forward to the knowledge, ideas and innovation that you will bring to this budget. As I said in the beginning, this is just one roadmap. I am open to other directions, as long as we arrive at the same destination, a balanced and responsible budget. Together, working together, we will guide New Hampshire through these challenging times and make our state even stronger for the future. Thank you all very much.

Rep. Eaton and Sen. Hassan moved that the Joint Convention arise.

Adopted.

The Joint Convention recessed.

HOUSE SESSION

(Speaker Norelli in the Chair)

The Speaker reconvened the House session.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Eaton moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 387, relative to observation of voter registration, removed by Rep. William O'Brien. Consent Calendar adopted.

HB 32, relative to insurance for parking lots used to store vehicles owned by charitable organizations. **INEXPEDIENT TO LEGISLATE.**

Rep. Susi Nord for Commerce and Consumer Affairs: This bill was well intended, but

ultimately was not an insurance bill. Current insurance law is sufficient to make sure vehicles belonging to charitable organizations are covered simply by providing the lot owner with a certificate of insurance. Protection for the lot owner isn't an insurance issue, and could be addressed elsewhere. Vote 20-0.

HB 57, limiting charges against estates for assessing the value of insurance policies and annuities. **INEXPEDIENT TO LEGISLATE.**

Rep. Joel F. Winters for Commerce and Consumer Affairs: This bill tries to protect estates from being charged frivolous fees. It prohibits third party assessors of whole life insurance policies and annuities from charging the estate for their services. Overcharging is uncommon, and does not seem to justify a blanket prohibition on legitimate third party assessing charges. Some policies have values that are different from their face value and they require these specialized third party assessments. Vote 20-0.

HB 59-L, requiring employers of employees with service dogs to place signs prohibiting animals other than service dogs. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for Commerce and Consumer Affairs: This bill would have required employers of personnel with service animals to post a warning sign at the entrance to the workplace, and would have levied a fine for non-compliance. While well-intentioned, to protect employees with service animals from unwanted interference from the public, this bill would have placed undue responsibility on an employer. The real need is educating the public about proper interaction with service animals and their owners. Vote 20-0.

HB 67, relative to the return of replaced parts by a motor vehicle facility. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward A. Butler for Commerce and Consumer Affairs: This bill would have made it mandatory for an auto repair shop to return to the customer parts replaced because of work that has been done, unless the customer has said, in writing, that he or she doesn't want them. The committee noted that it is already in statute that a repair shop is required to return those parts, when requested. It was felt that this bill was not necessary. Vote 20-0.

HB 144, relative to title insurance. **OUGHT TO PASS.**

Rep. Stephen T. DeStefano for Commerce and Consumer Affairs: This bill makes two changes: In Section 1 of the bill RSA 416-A:8 currently prohibits title insurance companies from receiving remuneration in any form from the referral of title insurance business. The bill now adds title insurance agents to this prohibition as well. Section 2 will now require part-time as well as full time title insurance agents to be licensed. Vote 19-0.

HB 264, relative to the use of New Hampshire talent in state promotional initiatives. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T. DeStefano for Commerce and Consumer Affairs: Existing law requires that state agencies contracting with the private sector for the use of film or video in an advertising, promotional or educational program shall use New Hampshire talent whenever possible. The bill seeks to expand that requirement to creative agencies and production companies. While the intention is good, the bill is limited to film, and not other forms of printed advertising and promotions. The existing law has been in place for four years, and contracts are now approved by the Governor and Council, who have the ability to encourage state agencies to use New Hampshire talent whenever possible. Vote 16-4.

HB 270, relative to sale of human remains. **OUGHT TO PASS.**

Rep. Susi Nord for Commerce and Consumer Affairs: This bill closes a loophole in New Hampshire regulations. Currently the sale of human remains, which includes artifacts known or reliably assumed to have been on or interred with a deceased human being, are

prohibited only for unmarked graves excavated after 1987. The State Archaeologist charged with attending to unmarked graves, as well as identifying and protecting the archaeological resources of the state, has been concerned with this situation for some time and brought it to the attention of the committee. The small word change to the statute would prevent the sale of remains, excavated outside the state of New Hampshire from being sold here also. Vote 17-3.

HB 277-FN, relative to the minimum age for purchasing, possessing, or using tobacco products. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward A. Butler for Commerce and Consumer Affairs: This bill would raise the legal minimum age for buying or using cigarettes and other tobacco products to 21. It is clear that there are significant negative health effects of tobacco use. However, it is a legal substance and the majority of the committee did not agree that a rise in the minimum legal age was warranted. When an 18 year old can vote and defend our country, among other rights and responsibilities, the committee did not feel it would be right to take away the decision of whether or not to use tobacco products. Vote 19-1.

HB 35, eliminating the office of vice-president from the presidential primary ballot. **OUGHT TO PASS.**

Rep. Richard B. Drisko for Election Law: The intent of this bill was to eliminate the placing of candidates for vice president on the ballot. As the vice president is chosen by the presidential candidate, the practice is archaic. In addition, it contributes confusion to the voting process and generates needless write-ins that must be counted at the end of the day. Vote 19-0.

HB 105, relative to voting machines for the counting of ballots. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy P. Comerford for Election Law: The committee finds that the original intent of this bill, using open source software in vote counting machines, is not currently feasible. However, notwithstanding the availability of said software, there is merit to the bill as it clears up language in state statutes relative to vote casting devices. The state does not use vote casting devices or lever voting machines. The bill simply removes reference to these devices and puts the RSA in line with current practice. Vote 19-0.

Amendment (0129h)

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

1 Electronic Ballot Counting Devices. Amend the section heading preceding RSA 656:40 to read as follows:

~~[Voting Machines]~~ ***Electronic Ballot Counting Devices***

2 Electronic Ballot Counting Devices; Adoption and Approval. Amend RSA 656:40 and RSA 656:41 to read as follows:

656:40 Adoption. The mayor and aldermen of any city or the selectmen of any town, subject to the approval of the ballot law commission, may authorize the use of one or more ~~[voting machines or]~~ ***electronic ballot counting*** devices for ~~[computerized casting and]~~ ***the*** counting of ballots in such city or town on a trial basis for any regular or special election and pay the expense of such trial from any available funds. The use of such ~~[machines or]~~ devices so authorized shall be valid for all purposes. Any town, or the mayor and aldermen of any city, may vote to lease or purchase ~~[voting machines or]~~ ***electronic ballot counting*** devices for the elections held in said town or city. Any town, or the mayor and aldermen of any city, so acting shall notify the secretary of state of the action taken in regard to ~~[voting machines or]~~ ***electronic ballot counting*** devices; and, after said action, ~~[voting machines or]~~ ***electronic ballot counting*** devices shall be used in said town or city in accordance with said vote or authorization. ~~[Notwithstanding any vote of adoption of voting machines, the~~

~~mayor and aldermen of any city or the selectmen of any town may petition the ballot law commission to allow the use of paper ballots in any one or more elections.]~~

656:41 Approval by Ballot Law Commission. The ballot law commission shall act as a board to examine ~~[voting machines and]~~ devices for ~~[computerized casting and]~~ **the electronic** counting of ballots. The commission shall, whenever requested, examine any ~~[voting machine or]~~ device which may be capable of meeting the requirements for elections held in this state. The commission shall approve such ~~[voting machine or]~~ device in its discretion, and no ~~[voting machine or]~~ device shall be used in any election in this state unless it reads the voter's choice on a paper ballot and is of a type so approved by the ballot law commission. Any ~~[voting machine or]~~ device that is altered must be re-approved before it is used in any election in this state. For the purposes of this section, a ~~[machine]~~ **device** shall be considered altered if any mechanical or electronic part, hardware, software, or programming has been altered.

3 Electronic Ballot Counting Devices. Amend RSA 656:42, I-V to read as follows:

I. The ballot law commission shall make such rules as may be necessary to ensure the accuracy of ~~[voting machines or]~~ **electronic ballot counting** devices, including rules for the testing of ~~[voting machines or]~~ **electronic ballot counting** devices prior to each election and the submission of testing records to the secretary of state. The ballot law commission shall make such rules as may be necessary in order that ~~[voting machines or]~~ **electronic ballot counting** devices ~~[for computerized casting and counting of ballots]~~ may be used in this state in such a manner that the election laws may be complied with as far as possible. Said commission shall have the power and authority in making rules to declare certain laws relative to distribution and marking of ballots and other requirements inconsistent with the use of ~~[voting machines or]~~ **electronic ballot counting** devices ineffective in towns and cities adopting such a method of voting. The presiding officer at each polling place shall enforce the rules of the ballot law commission made under the authority of this section.

II. Consistent with the rules of the ballot law commission the secretary of state shall include protocols for the testing of ~~[voting machines]~~ **electronic ballot counting devices** in the election manual authorized by RSA 652:22. Each ~~[machine]~~ **device** shall be tested after installation and prior to each election.

III. Any company, partnership, proprietorship, or other person, wherever located, which supplies, maintains, or programs ~~[voting machines]~~ **electronic ballot counting devices** which are used in elections in New Hampshire is subject to regulation by this state.

IV. Each person described in paragraph III shall designate, in writing, an agent for service of all process, including, but not limited to summonses, writs, orders, petitions, and subpoenas, and shall agree in writing that the attorney general, in conjunction with any election investigation, may inspect its records, machines or other devices, and premises.

V. Any such person described in paragraph III who fails to properly program and test ~~[voting machines]~~ **electronic ballot counting devices** shall be liable to reimburse the state for the cost of any recount which is necessitated by such failure.

4 Electronic Ballot Counting Devices. Amend RSA 656:43 to read as follows:

656:43 Lease or Purchase. Any town or city authorizing the use of ~~[a voting machine or a]~~ **electronic ballot counting** device for ~~[computerized casting and]~~ **the** counting of ballots shall pay the cost of lease or purchase. When such a ~~[machine or]~~ device is purchased by a town or city, the person from whom such ~~[machine]~~ **device** is purchased shall give to the secretary of state a suitable bond with sufficient sureties to keep such ~~[machine]~~ **device** in good working order for not less than 2 years at the seller's own expense.

5 Electronic Ballot Counting Devices. Amend RSA 659:23, II to read as follows:

II. The provisions of paragraph I shall not apply in cities and towns which use one or more ~~[voting machines or]~~ **electronic ballot counting** devices for ~~[computerized casting and]~~ **the** counting of ballots, as provided in RSA 656:40.

6 Electronic Ballot Counting Devices. Amend RSA 659:42 to read as follows:

659:42 Tampering With Voting Machines. Whoever shall tamper with or injure or attempt to injure any ~~[voting machine or]~~ **electronic ballot counting** device for the ~~[computerized casting and]~~ counting of ballots to be used or being used in an election or whoever shall prevent or attempt to prevent the correct operation of such ~~[machine or]~~ device or whoever shall tamper with software used in the ~~[casting or]~~ counting of ballots or design such software so as to cause incorrect tabulation of the ballots or any unauthorized person who shall make or have in his or her possession a key to ~~[a voting machine]~~ **an electronic ballot counting device** to be used or being used in an election shall be guilty of a class B felony if a natural person or guilty of a felony if any other person.

7 Repeal. RSA 656:43-a, relative to voting machine replacement, is repealed.

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

AMENDED ANALYSIS

This bill replaces the term “voting machines or devices” with “electronic ballot counting devices.” This bill also eliminates references in the voting machine enabling laws to machines or devices for casting ballots.

HB 153, relative to processing of absentee ballots. **INEXPEDIENT TO LEGISLATE.**

Rep. June M. Caron for Election Law: This bill has two parts. First, it would require 10% of the registered voters on the checklist to have the moderator postpone the processing of absentee ballots. With 10% of registered voters needed to postpone, (for example: in a ward that has over 4,000 registered voters, you would now need 400 voters), there would be no meaningful opportunity to request a postponement. The second part of the bill would allow a moderator to open the absentee ballots at any time prior to 1:00 p.m. However, if the law allows the moderator to make the decision to open absentee ballots prior to 1:00 p.m., then in city/towns that have more than one voting place, moderators would be opening absentee ballots at anytime during election hours. This would not allow for those who might challenge absentee ballots to know the exact time to be at that particular polling place. This, too, would mean there would be no meaningful opportunity to challenge an absentee ballot. We have laws now that provide for reasonable limitations on ballot challenges, as well as a reasonable start time for moderators to process absentee ballots. There is no demonstrated need to change them. Vote 18-1.

HB 267, relative to the definition of “election.” **OUGHT TO PASS.**

Rep. Melanie A. Levesque for Election Law: This is a housekeeping bill that clarifies the term “election” to mean only general biennial election, political party primary or presidential preference primary. Vote 18-0.

HB 292, relative to financial disclosures, lobbyist registrations and statements, prohibited gifts, executive branch volunteers, reports of political advertising, and permissible campaign contributions by business organizations and labor unions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R. Splaine for Election Law: This bill, as amended, clarifies the rights of members of the public to be able to testify at public hearings, offer their thoughts and opinions to state government and volunteer in certain activities of state government without having to register as a lobbyist or file disclosure statements, provided no conflict of interest exists. A filing official is to be designated by the office of secretary of state to assist those who are required to file disclosure forms with questions they have and to ensure disclosure forms are properly filed. It also provides for quarterly reports instead of monthly reports by lobbyists so that the filing process will be more streamlined for those who review the reports. Vote 16-1.

Amendment (0174h)

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

AN ACT relative to financial disclosures, lobbyist registrations and statements, prohibited gifts, and executive branch volunteers.

Amend RSA 15-A:3 as inserted by section 6 of the bill by deleting paragraph III.

Amend RSA 15-B:2, V(b)(6) as inserted by section 7 of the bill by replacing it with the following:

(6) Money in any form, an object, or any tangible or intangible thing **or service** of economic value, where the donor's act of giving is purely private and personal in nature and the money, object, or **tangible or intangible thing or service** of economic value would have been given and received even if the person were not an elected official, public official, public employee, constitutional official, or legislative employee.

Amend the bill by deleting sections 8-15 and renumbering the original sections 16-17 to read as 8-9, respectively.

Amend the bill by inserting after section 8 the following and renumbering the original section 9 to read as 10:

9 New Section; Filing Officer. Amend RSA 21-G by inserting after section 28 the following new section:

21-G:28-a Filing Officer; Appointment; Duties and Responsibilities.

I. The secretary of state shall designate an employee of the department of state as the state filing officer, who shall be responsible for the administration of this subdivision.

II. The filing officer shall:

(a) Review the administrative requirements of this subdivision and the submission of forms pursuant to RSA 15-A and RSA 15-B.

(b) Communicate with all candidates for public office and all executive branch officials on the administrative requirements of this subdivision and the submission of forms pursuant to RSA 15-A and RSA 15-B.

(c) Respond to any inquiries from candidates for public office and executive branch officials on the administrative requirements of this subdivision and the submission of forms pursuant to RSA 15-A and RSA 15-B.

(d) Make or forward complaints alleging violations of the provisions of the state ethics code to the attorney general or the executive branch ethics committee, established under RSA 21-G:29.

III. The state filing officer shall not be authorized to render legal advice.

IV. The state filing officer shall attend meetings of the legislative ethics committee, the executive branch ethics committee, and any other ethics committees or commissions established by statute.

V. Any state agency, commission, or committee authorized by statute to issue opinions interpreting a state ethics law shall submit a copy of any written decision or opinion to the state filing officer and to the secretary of state. Such written decisions or opinions may be redacted prior to submission in order to protect confidential or nonpublic information.

AMENDED ANALYSIS

This bill:

I. Modifies financial disclosure requirements for legislators.

II. Modifies the applicability of lobbyist regulation statutes and reporting requirements for lobbyists.

III. Exempts certain executive branch volunteers from the financial disclosure requirements.

IV. Modifies exemptions from the definition of "gift" for purposes of prohibitions on certain gifts to public officials.

V. Requires executive branch entities to submit lists of volunteers to the secretary of state.

VI. Requires the secretary of state to designate an employee as the state filing officer.

HB 323, changing the name of the ballot law commission to the elections and ballot law

commission, increasing the membership of the commission, and requiring the commission to propose redistricting plans. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard B. Drisko for Election Law: The intent of this legislation is to establish an independent ballot law commission to accomplish the decennial redistricting of the state of New Hampshire. This legislation is contrary to the New Hampshire Constitution and would completely change the responsibilities and status of the ballot law commission as currently in New Hampshire election law statutes. Vote 17-1.

HB 340, relative to polling places. **INEXPEDIENT TO LEGISLATE.**

Rep. Dino A. Scala for Election Law: This bill would require all polling places in towns and/or wards to be of sufficient size and layout that persons waiting in line to register would not be required to wait outside. This would cause selectmen and moderators to search for additional areas to meet that conform with these requirements. In some areas, this might not be possible. The committee feels the town moderators and selectmen are already using facilities that work best for voting in their town and/or wards. Vote 17-1.

HB 432-FN, relative to penalties for telephone harassment involving a number used to facilitate transportation of voters or otherwise to support voting or registering to vote.

OUGHT TO PASS WITH AMENDMENT.

Rep. Robert J. Perry for Election Law: The purpose of this bill is to recognize the subject conduct as criminal and provide an appropriate penalty therefore. The vote in committee reflected non-partisan support for addressing the need to discourage the conduct by either party. Vote 15-0.

Amendment (0089h)

Amend the bill by replacing section 2 with the following:

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

Referred to the Committee on Criminal Justice and Public Safety.

HB 40, requiring sanctions against hospitals for failing to report infection rates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol M. McGuire for Executive Departments and Administration: This bill provides an administrative enforcement mechanism for reporting hospital-acquired infection rates, which was missing from 2006's HB 1741, Chapter 292 which established this requirement. The amendment adds the opportunity for a hearing rather than the requirement for a hearing. Vote 18-1.

Amendment (0108h)

Amend RSA 151:33, VI as inserted by section 1 of the bill by replacing it with the following:

VI. In addition to other fines and penalties imposed under this chapter, the commissioner, after notice and the opportunity for hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine of up to \$1,000 for each day of noncompliance upon any hospital required to report infection rates under this section.

Referred to the Committee on Ways and Means.

HB 129, establishing a committee to study the incorporation of electronic filing procedures under the administrative procedures act. **OUGHT TO PASS.**

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill, addressing rulemaking issues, was filed at the request of the joint legislative committee on administrative rules (JLCAR). The bill would establish a committee to identify the feasibility and advisability of making changes to the administrative procedures act in four distinct areas: (1) allowing incorporation by reference of internet based documents for agency rules, (2) allowing automatic updating of documents without additional rulemaking,

(3) allowing the establishment of electronic filing procedures for agency rules, (4) identifying issues concerning electronic filing by agencies of rules and notices with the office of legislative services. The goal of this study would be paper reduction consistent with RSA 294-E, the uniform transactions act. Vote 18-0.

HB 168, relative to disposition of electricians' fees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Russell C. Day for Executive Departments and Administration: This bill, as amended, simplifies the processing of revenues generated by the electricians' board. Under the new process, revenues generated from fees collected by the board will be deposited into the general fund and the operating expenses of the board will be funded through the board's budget. Any excess funds will remain in the general fund. This will bring the fee collection and funding for the electricians' board into line with other occupational regulatory boards. Vote 18-1.

Amendment (0157h)

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

1 Electrician's Fees; Transfer to General Fund. Amend RSA 319-C:6-b to read as follows:

319-C:6-b Fees. The board, with the approval of the commissioner of safety, shall establish application fees for examination of applicants, fees for licensure, for renewal, and for late renewal of licenses to practice under this chapter, and for transcribing and transferring records and other services. The fee for examination shall not include fees charged by and paid to an examination entity approved by the board. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year. Fees collected shall be deposited in the ~~[fire standards and training and emergency medical services]~~ **general** fund ~~established in RSA 21-P:12-d.]~~ and used for the purposes of operating expenses of the electricians' board. ~~[Fees collected in excess of actual operating expenses shall be deposited in the general fund as unrestricted revenue.]~~

2 Repeal. The following are repealed:

I. RSA 319-C:11, relative to moneys deposited in the fire standards and training and emergency medical services fund.

II. RSA 6:12,II(201), relative to moneys deposited in the electricians' board account.

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

AMENDED ANALYSIS

This bill:

I. Transfers certain electrician's fees to the general fund.

II. Repeals certain distributions of electrician's fees to the fire standards and training and emergency medical services fund.

Referred to the Committee on Ways and Means.

HB 172, allowing naturopathic doctors to dispense prescription drugs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill adds naturopathic doctors to the list of practitioners who come under the oversight of the board of pharmacy. Naturopathic doctors may dispense only those prescription drugs which are specifically permitted in their scope of practice (RSA 328-E:4). This bill does not extend their prescribing authority nor does it change the statute which emphasizes that, "doctors of naturopathic medicine shall not: (a) prescribe, dispense, or administer any legend or controlled substances as defined in RSA 318 and 318-B, except those natural medicines as authorized by this chapter" (RSA 328-E:4, IV). The amendment clarifies the purpose of the bill and changes "controlled drugs" to "prescription drugs" for consistency with the current

statute. Vote 19-0.

Amendment (0098h)

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

AN ACT allowing naturopathic doctors to dispense prescription drugs which are within their scope of practice.

Amend the bill by replacing section 1 with the following:

1 Prescription Drugs; Naturopathic Doctors Added. Amend RSA 318:42, II to read as follows:

II. Physicians, dentists, optometrists, podiatrists, veterinarians, advanced registered nurse practitioners, ***naturopathic doctors***, and physician assistants from possessing, compounding, personally administering, or distributing prescription drugs to meet the immediate medical needs of their patients. For advanced registered nurse practitioners and physician assistants, compounding shall be limited according to RSA 318:42, VIII. Nothing in this section shall prohibit the dispensing of noncontrolled prescription drugs by an authorized agent of a veterinarian for an animal under the agent's care, provided that the drugs were compounded by or under the supervision of the licensed veterinarian.

AMENDED ANALYSIS

This bill allows naturopathic doctors to dispense prescription drugs which are within their scope of practice as defined under RSA 328-E:4.

HB 190-FN, relative to fees for dental hygienists. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald F. Ryder for Executive Departments and Administration: This bill appears to be an attempt to bring the dental hygienists into a professional assistance program by the board of dental examiners without the consent of the hygienists. The committee felt this to be "taxation without representation". Vote 17-0.

HB 282-FN-A, relative to compensation for the medical/vision advisory board and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald F. Ryder for Executive Departments and Administration: This bill establishes a per diem for members of an existing medical/vision advisory board within the division of motor vehicles. The board shall meet as required. An appropriation of \$1 will be made with the remaining compensation to be found within the division's budget. Vote 17-2.

Amendment (0063h)

Amend the bill by replacing sections 1-2 with the following:

1 Medical/Vision Advisory Board; Compensation. Amend RSA 263:6-b, I to read as follows:

I. In order to advise the director on medical criteria for the reporting and examination of drivers with medical impairments, a medical/vision advisory board is hereby established within the division. The board shall be composed of 3 members appointed by the director. Two of the members of the board shall be licensed physicians and residents of this state, and one member of the board shall be a licensed optometrist and a resident of this state. Of the original appointees, one shall serve for a term of 2 years and 2 shall serve for terms of 4 years. Subsequent appointees shall each serve for a term of 4 years or until their successors are appointed and approved. Any vacancy shall be filled in the same manner as the original appointment for the remainder of the term. The members of the board shall receive ~~no~~ **\$50** compensation ***per diem*** for their services and shall not hire any staff personnel but shall be paid mileage when attending to the duties of the committee at the maximum rate established in the Internal Revenue Code and regulations. After the first full year of operation of the advisory board, the board shall meet ~~[no more than 4 times per year]~~ ***as needed***.

2 Appropriation. The sum of \$1 for the fiscal year ending June 30, 2010, and \$1 for the fiscal year ending June 30, 2011, are hereby appropriated to the department of safety, division of motor vehicles for the purpose of paying the compensation and mileage of the medical/vision advisory board. These appropriations are in addition to any other funds appropriated to the department of safety. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated. Referred to the Committee on Finance.

HB 365, relative to the state loan repayment program for health professionals. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas L. Buco for Finance: The state loan re-payment program for health professionals is a program to attract health care professionals to the rural areas of New Hampshire. It appears as a line item in the New Hampshire department of health and human services' budget. The bill as drafted contains language which is incorrect as to legislative procedure. Amending the language is not necessary, however, since this program will be dealt with in the budget process. Vote 24-0.

HB 444-FN-A, relative to reproducing the 1792 New Hampshire constitution and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Sandra C. Harris for Finance: The committee endorses the preservation of our historical documents and applauds the idea of selling copies in the state store. However, the committee felt the appropriation of \$15,000 for these goals would be better accomplished through applying to historical preservation groups for a grant or listed in the budget of the historical division of the department of cultural affairs. Vote 22-0.

HB 508, relative to the county-state finance commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Larry A. Emerton for Finance: This bill adds three members of the legislature, two of whom shall be members of the House and one a member of the Senate. It also adds the oversight of long-term care reimbursement between the state and county. Vote 20-0.

Amendment (0163h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Membership. Amend RSA 28-B:1 by inserting after paragraph IV the following new paragraph:

V. Three members of the legislature, 2 of whom shall be members of the house, appointed by the speaker of the house of representatives, and one of whom shall be a member of the senate, appointed by the president of the senate, whose terms shall be coterminous with their terms in office.

HB 69, relative to submission of health care data. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert G. Bridgman for Health, Human Services and Elderly Affairs: This bill, as amended, permits the department of health and human services to reflect the costs of collecting, consolidating, and maintaining three important data sets in the fees charged to other users for providing them with data from the data sets. The three sets of data – hospital discharge data, health care claims data, and the state cancer registry – are both a significant expense to the state and a valuable guide for state health care policy. The data have significant value to other users, and the bill provides means for these users to share in the costs of their collection and maintenance. Vote 19-0.

Amendment (0139h)

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

1 Health Care Data; User Fees. Amend RSA 126:30 to read as follows:

126:30 User Fees. Any person~~[-other than those covered by the fee provisions of RSA 151-C:15, I,]~~ requesting copies of data or statistical information filed with the department of health and human services under RSA ~~[126:25]~~ **126:25**, RSA 141-B, **or RSA 420-G:11, II(a)(1)** shall pay to the department a fee established by the commissioner of health and human services pursuant to RSA 126:27, IV. The fee shall reflect the full costs of preparing the data for release, including the cost of personnel time, computer and any related expenses associated with fulfilling the request, **and shall include a portion of the costs to collect, consolidate, and maintain these data sets under RSA 126:25, RSA 141-B, or RSA 420-G:11, II(a)(1).** Fees paid under this section shall be deposited into a revolving account which shall not lapse and shall be used in administering the responsibilities of the department of health and human services under this subdivision **and RSA 420-G:11, II(a)(1).** ***Those persons covered by the fee provisions of RSA 151-C:15 shall be exempt from fees under this subdivision for data filed under RSA 126:25 or RSA 141-B. Fees paid under this section are intended to support the data collection responsibilities within the department of health and human services and shall not generate a profit. Fees shall be reasonable and charged on a sliding scale considering the volume of data requested, the intended purpose or use of the data requested, and the requestor's ability to pay. Nothing in this section shall be interpreted or applied as a barrier to accessing these data sets.***

2 Health Care Data; Rulemaking. Amend RSA 126:27, IV to read as follows:

IV. User fees which shall be assessed persons requesting data under RSA 126:28, RSA 126:30, ~~[and] RSA 141-B:9, and RSA 420-G:11-a, II.~~ ***The fee scale shall reflect the volume of data requested, the specific data set that is the subject of the request, and the intended purpose and use of the data. The fee schedule shall be tiered to reflect the requestor's ability to pay based on whether the requestor has not-for-profit status, is a commercial entity, an educational or research entity, or a reseller/re-distributor of the data.***

3 Report Required. One year after the adoption of the rules required under RSA 126:27, IV, the commissioner of the department of health and human services shall make a report to the oversight committee on health and human services, established in RSA 126-A:13, relative to the volume of data requests received, fees assessed for each request, and the operation of the fee schedule.

4 Effective Date. This act shall take effect January 1, 2010.
Referred to the Committee on Ways and Means.

HB 234, establishing a committee to study the certificate of need process. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joan H. Schulze for Health, Human Services and Elderly Affairs: This bill was submitted after a study in 2008 recommended legislation to create an expedited process for certification of need (CON) review for certain projects. It has been a long time since the CON process was examined, and the process as a whole is due for review by the legislature to ensure it is serving the needs of the people of New Hampshire. The department of health and human services has agreed that a legislative review of the statute is timely and appropriate. The CON was created in 1979 by federal legislation to prevent duplication of services, decrease health care expenditures and improve quality and access to health care. The general review of the CON statute will include evaluation of the composition of the health services planning and review board, capital expenditure thresholds on construction/renovation of hospitals and ambulatory surgical facilities, transfer of ownership of non-Medicare/Medicaid facilities, new inpatient services, certain acquisitions, and any increase or conversion of inpatient beds. Vote 19-0.

Amendment (0052h)

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the entire certificate of need statute (RSA 151-C), including, but not limited to the scope of regulation, standards of need, procedures, board membership, services regulated, financial thresholds for regulation, and any other aspect of the certificate of need process that the committee determines warrants review.

HB 318*, relative to the "Nursing Home Residents Bill of Rights." **INEXPEDIENT TO LEGISLATE.*

Rep. Kate W. Miller for Health, Human Services and Elderly Affairs: This bill seeks to add a family council provision to the Patients' Bill of Rights (RSA 151:21). While the committee is sympathetic to insuring that nursing home residents and their family members have access to problem solving methods and adequate voice in their plan of care and standard of living, the committee received testimony from county and private nursing home administrators, representatives of the state's private and county nursing homes and a nursing home resident who assured us these mechanisms are already in place. It seems to the committee that resident councils, family councils and the state's ombudsman system currently work effectively to protect and enhance the rights of nursing home residents. Vote 16-0.

HB 97*, relative to the lottery commission's ability to make rules concerning the Multi-State Lottery Association. **OUGHT TO PASS.*

Rep. Eric G. Stohl for Local and Regulated Revenues: This bill simply allows the lottery commission to make rules in order for them to regulate games that are administered by the Multi-State Lottery Association. These rules apply to, but are not limited to, how prizes are claimed and how tickets are validated. This bill provides clarity to the issue that is being carried out now. Vote 16-0.

Referred to the Committee on Ways and Means.

HB 71*, relative to increasing the dollar limit for requiring public hearings on issuance of local bonds. **INEXPEDIENT TO LEGISLATE.*

Rep. Margaret M. Crisler for Municipal and County Government: A public hearing is required when a municipal bond or note exceeds the amount of \$100,000. This limit has been in effect since 1895. The proposed amendment to RSA 32:5, I would have increased that amount to \$250,000. However, the committee considered that the amount is still an appropriate sum to require a public hearing, particularly with the economy in turmoil at this time. Vote 18-0.

HB 72*, relative to requesting a secret ballot at a town meeting. **INEXPEDIENT TO LEGISLATE.*

Rep. Amy Stasia Perkins for Municipal and County Government: Although it has been some time since this statute has been amended or altered, the committee felt it was important to preserve the original intent: to provide individuals the opportunity to cast a secret ballot on any individual issue without fear of intimidation. Increasing the number of voters required to request a secret ballot would be counter to the intent of the original statute. Vote 18-0.

HB 92*, requiring municipalities to establish volunteer civilian police review boards. **INEXPEDIENT TO LEGISLATE.*

Rep. Suzanne S. Laliberte for Municipal and County Government: The committee objected to the fact that volunteer civilian police boards were required. Municipalities who want to can already establish such boards. The committee also noted that there are several routes to address complaints ranging from governing body of the municipality to the attorney general. There were several concerns about the composition of such a board. Vote 19-0.

HB 94*, establishing a commission to study workforce housing issues. **INEXPEDIENT TO*

LEGISLATE.

Rep. Jessie L. Osborne for Municipal and County Government: The committee believes that this bill is premature. We need to implement affordable housing legislation passed last session before we try to evaluate its results. Vote 17-0.

HB 210, relative to public access to minutes of local land use boards. **OUGHT TO PASS.**

Rep. Raymond G. Gagnon for Municipal and County Government: This bill changes the time frame from 144 hours to 5 days public access to certain minutes of local land use boards to conform to the change made in the right to know law. Vote 17-0.

HB 239-L, relative to establishing a municipal bond rescission process. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne S. Laliberte for Municipal and County Government: This bill establishes a process whereby a municipality may rescind bonding authority if municipal bonds or notes have not been issued. The bill also allows a municipality to limit the length of time bonding authority is valid. The committee felt that this bill helps municipalities manage their bonding authority. Vote 19-0.

Amendment (0183h)

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

1 Town or District Bonds or Notes. Amend RSA 33:8 to read as follows:

33:8 Town or District Bonds or Notes. Except as otherwise specifically provided by law, the issue of bonds or notes by any municipal corporation, except a city or a town which has adopted a charter pursuant to RSA 49-B, without a budgetary town meeting, and except a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13 shall be authorized by a vote by ballot of 2/3, and the issue of tax anticipation notes, by a vote of a majority, of all the voters present and voting at an annual or special meeting of such corporation, called for the purpose. The issue of notes or bonds by a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13 shall be authorized by a vote of 3/5. The issue of notes or bonds by a municipality that has adopted an optional form of legislative body under RSA 49-D:3, I-a or RSA 49-D:3, II-a shall be authorized by either a 2/3 or 3/5 vote as adopted and provided for in the charter. If such charter does not specify which majority vote is required, then the required majority vote shall be 2/3. Only votes in the affirmative or negative shall be included in the calculation of any majority. No such action taken at any special meeting shall be valid unless a majority of all the legal voters are present and vote at such special meeting, unless the governing board of any municipality shall petition the superior court for permission to hold an emergency special meeting, which, if granted, shall give said special meeting the same authority as an annual meeting. The warrant for a special meeting shall be published once in a newspaper having a general circulation in the municipality within one week after the posting of such special meeting. The warrant for any such annual or special meeting shall be served or posted at least 14 days before the date of such special meeting. Every warrant shall be deemed to have been duly served or posted, if the return on the warrant shall so state, and it shall be certified by the officer or officers required to serve or post the same. All bonds or notes, authorized in accordance with this chapter, shall be signed by the governing board, or a majority of the governing board, and countersigned by the treasurer of the municipality, and shall have the corporate seal, if any, affixed to it. The discretion of fixing the date, maturities, denominations, the interest rate, or discount rate in the case of notes, the place of payment, the form and other details of said bonds or notes and of providing for the sale of such bonds or notes, may be delegated to the governing board or to the treasurer and shall, to the extent provision therefor shall not have been made in the vote authorizing the same, be deemed to have been delegated to the governing board. ***Bonding authority under this section may be limited or rescinded as provided in RSA 33:8-f.***

2 New Paragraph; Procedure for Authorizing Bonds or Notes in Excess of \$100,000.
Amend RSA 33:8-a by inserting after paragraph IV the following new paragraph:

V. Bonding authority under this section may be limited or rescinded as provided in RSA 33:8-f.

3 New Section; Procedures to Limit or Rescind Bonding Authority for Bonds or Notes.
Amend RSA 33 by inserting after section 8-e the following new section:

33:8-f Procedures to Limit or Rescind Bonding Authority for Bonds or Notes.

I. In any vote to approve bonding authority, a town may limit the length of time the bond authorization remains valid. If, after the expiration of any such period, no bond or note has been issued, the bonding authority shall be considered for all purposes as rescinded.

II. A town may vote at an annual meeting to rescind an authorized but unissued bond or note following the same procedures as would be required to adopt such bond or note, provided that:

(a) A vote to rescind shall not take place less than 5 years after the vote to authorize the bond or note;

(b) The vote to rescind must pass by the same majority required, at the time of the rescission vote, to adopt a bond or note; and

(c) Notwithstanding RSA 33:8-a, II, a warrant article proposing the rescission of a bond or note in excess of \$100,000 need not be acted upon prior to other business.

4 Effective Date. This act shall take effect January 1, 2010.

AMENDED ANALYSIS

This bill establishes a municipal bond rescission process for bonds and notes.

HB 403, clarifying the intent of a transfer of general funds to the highway fund. **OUGHT TO PASS.**

Rep. David B. Campbell for Public Works and Highways: This bill clarifies any and all monies used as federal match money for the purchase and 3 year operation of buses on the I-93 corridor are general (not highway trust) funds. This avoids any possible issues, or precedents regarding violation of Part II Article 6-a of the N.H. Constitution. The mass transit for I-93 was a condition of the EPA permit for the I-93 widening. Vote 19-0. Referred to the Committee on Finance.

HB 460, relative to the system of visitor centers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gene G. Chandler for Public Works and Highways: This bill, as amended, continues a study committee dealing with the visitor's system network and the administration of those centers. The department of resources and economic development (DRED) is the agency that deals with tourism and these visitor centers need to be administered by the agency that is best equipped to deal with visitors and residents in New Hampshire. The bill also allows the committee to solicit requests for proposals to explore revenue generating models at the Hooksett north and south rest areas on Rte 93. The amendment also establishes the bureau of visitor's service within DRED to carry out the recommendations relative to north and south rest areas and welcome centers. Vote 19-0.

Amendment (0031h)

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

1 New Subdivision; Bureau of Visitor Service. Amend RSA 228 by inserting after section 105 the following new subdivision:

Bureau of Visitor Service

228:106 Bureau Established. There is hereby established under the department of resources and economic development a bureau of visitor service to carry out the recommendations made by the department of resources and economic development and the department of transportation under 2008, 32:1, relative to New Hampshire's rest areas and

welcome centers to ensure long-term viability of providing traveler service along New Hampshire's highways.

2 New Paragraphs; Recommendations for New Hampshire's Rest Areas and Welcome Centers. Amend 2008, 32:1 by inserting after paragraph IV the following new paragraphs:

IV-a. Explore a request for proposal process.

IV-b. Explore the revenue generating service models on the north and south sides of Route 93 in the town of Hooksett.

3 Recommendations for New Hampshire's Rest Areas and Welcome Centers; Report. Amend 2008, 32:1, V to read as follows:

V. Report their 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~~ **2009**.

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

AMENDED ANALYSIS

This bill establishes the bureau of visitor service under the department of resources and economic development. This bill also expands the duties of the department of resources and economic development and the department of transportation relative to their study on rest areas and welcome centers pursuant to 2008, 323.

This bill was requested by the department of resources and economic development and the department of transportation.

HB 45, relative to the water supply land conservation program. **OUGHT TO PASS.**

Rep. Susan R. Kepner for Resources, Recreation and Development: This bill expands the eligibility for water supply land conservation grants to include important future sources of public water supplies. It does not provide more state money for the program, but opens the door to protecting water resources which are likely to be used by municipalities. It also allows municipalities to avail themselves of the services of nonprofit land trust organizations in applying for the funds, negotiating with landowners and holding easements. Vote 17-0.

HB 58, designating segments of the Cocheco River as protected under the rivers management and protection program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank A. Tupper for Resources, Recreation and Development: This bill adds portions of the Cocheco River to the rivers management and protection program. These portions qualify under RSA 483:15 because of their documented outstanding resources and approval by the state rivers management advisory committee. Vote 17-0.

Amendment (2213h)

Amend RSA 483:15, XVI (d)-(e) as inserted by section 1 of the bill by replacing them with the following:

(d) As a community river from Little Falls Bridge crossing in Rochester to England Road in Rochester.

(e) As a rural-community river from England Road in Rochester to Whittier Street crossing in Dover.

HB 102, relative to the rivers management programs and the rivers coordinator. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne H. Gottling for Resources, Recreation and Development: This bill makes clearer several aspects of the rivers management and protection program including giving highest priority to maintenance of water quality standards, the option of broadening river nomination considerations to include tributaries, allowing members of the advisory committee to include members from tributary towns and requiring a biennial report to the general court on program funding and implementation. The amendment adds 'public safety' and 'public water supply' elements to river nominations. Vote 18-0.

Amendment (0037h)

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

AN ACT relative to the rivers management and protection program.

Amend the bill by replacing section 1 with the following:

1 Rivers Management and Protection Program; Statement of Policy. Amend RSA 483:1 to read as follows:

483:1 Statement of Policy. New Hampshire's rivers and streams comprise one of its most important natural resources, historically vital to New Hampshire's commerce, industry, tourism, and the quality of life of New Hampshire people. It is the policy of the state to ensure the continued viability of New Hampshire rivers as valued **ecologic**, economic, **public health and safety**, and social assets for the benefit of present and future generations. The state shall encourage and assist in the development of river corridor management plans and regulate the quantity and quality of instream flow along certain protected rivers or segments of rivers to conserve and protect outstanding characteristics including recreational, fisheries, wildlife, environmental, **hydropower**, cultural, historical, archaeological, scientific, ecological, aesthetic, community significance, agricultural, and public water supply so that these valued characteristics shall endure as part of the river uses to be enjoyed by New Hampshire people. ***If conflicts arise in the attempt to protect all valued characteristics within a river or stream, priority shall be given to those characteristics that are necessary to meet state water quality standards.***

Amend the bill by replacing section 3 with the following:

3 Nomination; Criteria. Amend RSA 483:6, I to read as follows:

I. Any New Hampshire organization or resident may nominate a river or any segment or segments of such river for protection by submitting to the commissioner a description of the river or segment or segments of such river and its values and characteristics. The completed nomination shall be submitted to the rivers coordinator on or before June 1 in order for it to be considered in the next legislative session. This nomination shall include, but not be limited to, an assessment of fisheries; geologic and hydrologic features; vegetation; wildlife; historical and archaeological features; open space and recreation features and potential; water quality and quantity; dams, **hydropower generation**, buildings, and other manmade structures; riparian interests **and public water supply**, including flowage rights known by the nominating individual or group, and other pertinent instream and riverbank **and tributary drainage area** information. The nominating party shall hold at least one public meeting on the information prior to final submittal to the commissioner. ***The department shall encourage the nominating party to include tributary drainage area information in the nomination.*** The nominating party shall advertise the meeting in cooperation with the rivers coordinator and shall give written notice to the governing body of any municipality where segments of the river are located. The rivers coordinator shall provide assistance to the nominating party in the presentation of the nomination at the public meeting.

Amend RSA 483:8, IV as inserted by section 5 of the bill by replacing it with the following:

IV. ***Any vacancy shall be filled in the same manner as the original appointment for the remainder of the unexpired term. Members may hold office until their successors are appointed and confirmed.***

Amend RSA 483:8-a, III (d) as inserted by section 6 of the bill by replacing it with the following:

(d) To report [~~annually~~] **biennially** to the advisory committee and the commissioner, **and annually to municipalities** on the status of compliance with federal and state laws and regulations, local ordinances, and plans relevant to the designated river or segment [~~and~~], **its corridor, and tributary drainage areas.**

Amend RSA 483:13, III-IV as inserted by section 11 of the bill by replacing it with the following:

III. ~~[Local river management advisory committees may apply for and accept, from any source, gifts, grants, and donations of money. The committees may, without further authorization, expend any funds so received to carry out their duties pursuant to RSA 483:8 a.]~~ ***The commissioner may expend any funds deposited in the rivers management and protection fund for the purposes of this chapter, and such funds are hereby continually appropriated.***

IV. The commissioner shall submit a biennial report by October 1 to the chairperson of the house resources, recreation and development committee, and the chairperson of the senate energy, environment, and economic development committee summarizing all receipts and disbursements of the rivers management and protection fund, including a description of all projects or activities undertaken. Each report shall be in such detail with sufficient information to be fully understood by the general court and the public. After submission to the general court, the report shall be available to the public.

Amend RSA 483:14, II as inserted by section 12 of the bill by replacing it with the following:

II. No state-owned property included in a long-range river management plan shall be disposed of by the state except upon the review and recommendation of the advisory committee.

AMENDED ANALYSIS

This bill clarifies certain provisions of the rivers management and protection program, the membership on advisory committees, and the funding of programs.

HB 130, relative to enforceability of publicly-owned land restrictions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James D. Aguiar for Resources, Recreation and Development: Occasionally, a property may have restrictions imposed upon it as a result of agreements with the state or municipality made when the land is being developed, or to resolve disputes with abutters, or to limit use of contaminated land. The question has arisen whether these restrictions can be enforceable against subsequent owners of the property. This bill clears up this uncertainty. Vote 18-0.

Amendment (0057h)

Amend RSA 477:22-a as inserted by section 1 of the bill by replacing it with the following:

477:22-a Enforceability of Publicly-Owned Land Restrictions. Any recorded restriction, order, covenant, or other interest in land held by the state, or any political subdivision of the state, shall be enforceable against any owner of the affected land or structure, including subsequent purchasers, heirs, or assignees, notwithstanding lack of privity of estate or contract, or lack of benefit to particular land, or the benefit being assignable or being assigned.

HB 54, requiring vehicle impoundment for driving after revocation or suspension.

INEXPEDIENT TO LEGISLATE.

Rep. Michael B. O'Brien for Transportation: The committee felt this bill, although well intentioned, places a potential hardship on the owner of the vehicle when an operator uses the vehicle when the operator is under revocation or suspension. The penalty here should be on the operator and not on the vehicle. Vote 17-1.

HB 68, relative to commercial driver licenses when the license holder fails a drug or alcohol test. **INEXPEDIENT TO LEGISLATE.**

Rep. C. Pennington Brown for Transportation: While the intent is laudable there are problems with HB 68. These include duplication with federal regulations, need for increased staffing to meet reporting requirements and out-of-state judicial appeals. Vote 19-0.

HB 76, establishing a permanent commission to study recommendations of the National Transportation Safety Board. **OUGHT TO PASS.**

Rep. Jennifer M. Brown for Transportation: When the federal government wants changes made they send a list of recommendations to the department of safety. This bill will give the department of safety a place to bring those recommendations for vetting before a bill is submitted. Vote 18-1.

HB 95, relative to motorcycle equipment and noise levels. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul H. Ingersoll for Transportation: This bill would create an economic hardship on motorcycle riders and also on the State of New Hampshire with loss of millions on this summer event in the Lakes Region. Also, the bill prohibits adding after market equipment in one place and in another place it mandates adding the after market equipment. Vote 19-0.

HB 99, relative to supervised driving time by persons completing driver education. **OUGHT TO PASS.**

Rep. Karen C. Umberger for Transportation: The committee heard testimony that extended driving time and the addition of 10 hours of night driving would improve the skills of new drivers. This bill was supported by the department of safety and AAA Northern New England. Vote 19-0.

REGULAR CALENDAR

HB 227-FN, relative to payment for tobacco products purchased by retailers. **INEXPEDIENT TO LEGISLATE.**

Rep. Joel F. Winters for Commerce and Consumer Affairs: Each tobacco wholesaler currently has the ability to set his/her own terms for receiving payment from retailers. Wholesalers compete with each other to offer terms - 10, 20, 30 days or more - that will earn them retail customers. This bill would require the suspension or revocation of the license of any tobacco retailer who did not pay his/her wholesaler within 10 days, even if the wholesaler is willing to offer more flexible payment terms. Vote 17-2.
Committee report adopted.

HB 254, establishing a commission to study the effects of inflation on New Hampshire and possible remedies. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Tara G. Reardon for the Majority of Commerce and Consumer Affairs: This bill would establish a commission to study the effects of inflation on New Hampshire citizens and possible means of mitigating them. The committee finds that inflation, (as well as deflation and stagflation), are factors created and influenced by national monetary policy and global economic forces we cannot reasonably expect to control or adjust at the state level.

Therefore, the proposed study commission is unnecessary. Vote 17-3.

Rep. Joel F. Winters for the Minority of Commerce and Consumer Affairs: Our dollars buy 3.8% less than they did last year because of inflation, a hidden tax which occurs when the federal government creates new dollars and adds them to the amount of money in circulation. Government bailouts and increased federal spending are only accelerating this process. Inflation is also a regressive tax, hurting hardest those at the bottom of the economic ladder who have the longest wait before getting these depreciating dollars into their hands. Very few of our constituents are aware of how inflation is affecting them, so it only makes sense for us to study the issue and see if the legislature can find ways to help them. Each of us should ask ourselves - do I really trust the federal government to get us out of the economic mess that it has created?

Majority committee report adopted.

HB 258, relative to undeclared voters at primary elections. **INEXPEDIENT TO LEGISLATE.**

Rep. Claudia A. Chase for Election Law. This bill eliminates the requirement that an undeclared voter register as a member of a party in order to vote in a political party's primary election. However, federal constitutional law prohibits a state from mandating that a political party associate with anyone who is not a member of that party. A political party has a fundamental right to exclude anyone from participating in its party functions who does not wish to become a member of that party. New Hampshire law should continue to support fundamental freedoms, not chip away at them as this bill would do. Vote 18-1.

On a division vote, 280 members having voted in the affirmative and 21 in the negative, the committee report was adopted.

HB 476-FN, relative to modifying the quorum requirement and filing fees for the board of tax and land appeals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Harding for Executive Departments and Administration: This bill modifies the quorum and filing process of the board of tax and land appeals in response to the governor's request for a \$150,000 budget cut for fiscal year 2010-2011. The board is proposing to unfund one board member's position in 2010 and has reduced a staff position from full time to part time. Because the hearing and deliberative process responsibilities will now be done by 3 members instead of 4, components of HB 476 reduce the required hearing quorum from 3 to 2. The amendment will enable the bill to be enacted upon passage. Vote 14-5.

Amendment (0125h)

Amend the bill by replacing section 15 with the following:

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

Committee amendment adopted.

MOTION TO DIVIDE

Rep. McGuire moved to divide sections 1 and 14 of **HB 476-FN**, as amended.

On a division vote, 131 members having voted in the affirmative and 204 in the negative, the motion failed.

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

Rep. Vaillancourt spoke against.

Rep. Harding spoke in favor and yielded to questions.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

YEAS 190 NAYS 168

YEAS 190

BELKNAP

Merry, Liz
Reever, Judith

Miller, Kate
Stuart, Richard

Millham, Alida

Pilliod, James

CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Wiley, Susan

CHESHIRE

Allen, Peter
Carr, Daniel
Mitchell, Bonnie

Butcher, Suzanne
Eaton, Daniel
Parkhurst, Henry

Butterworth, Timothy
Lerandeau, Alfred
Richardson, Barbara

Butynski, William
Lindsey, Steven
Robertson, Timothy

Sad, Tara

Weber, Lucy

Weed, Charles

COOS

Hatch, William
Remick, William

Mears, Lucy
Theberge, Robert

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Ford, Susan
Matheson, Robert
Pierce, David

Almy, Susan
Friedrich, Carol
Mulholland, Catherine
Preston, Philip

Benn, Bernard
Harding, Laurie
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Laliberte, Suzanne
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Caron, June
Clemons, Jane
Foster, Linda
Haley, Robert
Harvey, Suzanne
Irwin, Anne-Marie
Komi, Richard
Levesque, Melanie
Marshall, Seth

Beaulieu, Jane
Chandley, Shannon
Cote, David
Garrity, Patrick
Hammond, Jill
Hawkins, Ken
Jeudy, Jean
Kopka, Angeline
Lisle, Carolyn
Matarazzo, Anthony
Sr

Beck, Catriona
Chase, Claudia
Craig, James
Gidge, Kenneth
Hardy, Valerie
Hebert, Roger
Knowles, John
Leishman, Peter
Long, Patrick
Movsesian, Lori

Campbell, David
Chininis, Alexis
Flurey, Joan
Hackel, Paul
Harvey, Philip
Hodges, Kevin
Knowles, Mary Ann
Levasseur, Nickolas
Mack, Ron
O'Neil, James

Peterson, Andrew
Rokas, Theodoros
Shaw, Barbara
Thompson, Robert

Poznanski, Brian
Rosenwald, Cindy
Shaw, Kimberly
Walsh, Robert Jr

Ramsey, Peter
Schulze, Joan
Soucy, Timothy

Rhodes, Brian
Shattuck, Gilman
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
French, Barbara
Lockwood, Priscilla
Potter, Frances
Rodd, Beth
Tilton, Joy
Webb, Leigh

Brown, Carole
Hamm, Christine
McMahon, Patricia
Reardon, Tara
Schuett, Dianne
Tupper, Frank
Wheeler, Deborah

Davis, Frank
Kelly, Sally
Owen, Derek
Rice, Chip
Shurtleff, Stephen
Walz, Mary Beth
Williams, Robert

DeJoie, John
Kidder, David
Porter, Margaret
Richardson, Gary
Stetson, William
Watrous, Rick

ROCKINGHAM

Abbott, Dennis
Cushing, Robert
Elliott, Robert
Lyons, Melissa
Nord, Susi
Russell, Trinkia

Borden, David
Day, Judith
Gould, Kenneth
Mann, Maureen
Pantelakos, Laura
Scamman, Stella

Brown, C. Pennington
DiFruscia, Anthony
Henson, John
McEachern, Paul
Petterson, Don
Scamman, W.
Douglas Jr

Casey, Kimberley
DiPentima, Rich
Howard, Doreen
Moody, Marcia
Read, Robin Jr
Schlachman, Donna

Splaine, James

Webber, Carolyn

STRAFFORD

Berube, Roger
Browne, Brendon
Horrigan, Timothy

Brennan, William
Burke, Rachel
Hubbard, Pamela

Brown, Jennifer
Domingo, Baldwin
Hutz, Sarah

Brown, Larry
Hofemann, Roland
Kaen, Naida

Lauterborn, Elaine
Rollo, Deanna
Schmidt, Peter
Vachon, Dennis

Lewis, Robert
Rollo, Michael
Smith, Marjorie
Wall, Janet

Perry, Robert
Rous, Emma
Spang, Judith
Ward, Kenneth

Rogers, Rose Marie
Ryder, Mark
Sprague, Dale

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Sweeney, Cynthia

NAYS 168

BELKNAP

Bolster, Peter
Russell, David
Wendelboe, Fran

Boyce, Laurie
St. Cyr, Jeffrey

Fields, Dennis
Swinford, Elaine

Nedeau, Stephen
Veazey, John

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Roberts, John

Knox, J. David
Scala, Dino

CHESHIRE

Emerson, Susan
Mead, David

Hunt, John
Roberts, Kris

Johnson, Jane
Sterling, Franklin Jr

Laurent, John

COOS

Ingersoll, Paul Sr

Rappaport, Laurence

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Ward, Brien

Ingbretson, Paul
Williams, Burton

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Boehm, Ralph
Christiansen, Lars
Dokmo, Cynthia
Gagne, Larry
Graham, John
Hinkle, Peyton
Infantine, William
Kurk, Neal
Messier, Irene
Ober, Russell III
Pilotte, Maurice
Rowe, Robert
Spaulding, Jayne
Villeneuve, Moe

Beauchamp, Roger
Boisvert, Ronald
Daniels, Gary
Drisko, Richard
Gandia, Laura
Haefner, Robert
Hogan, Edith
Jasper, Shawn
L'Heureux, Robert
Moran, Edward
Palmer, Stephen
Pratt, Calvin
Seidel, Carl
Tahir, Saghir
Willette, Robert

Belvin, William
Cebrowski, John
Day, Russell
Elliott, Nancy
Gargas, Carolyn
Hikel, John
Holden, Frank
Katsiantonis, George
McCarthy, Michael
O'Brien, William
Pellegrino, Tony
Price, Pamela
Silva, Peter
Ulery, Jordan
Winters, Joel

Bergin, Peter
Christensen, Chris
Doherty, Shaun
Emerton, Larry
Gorman, Mary
Hinch, Richard
Hopper, Gary
Katsiantonis, Thomas
Mead, Robert
Ober, Lynne
Pepino, Leo
Renzullo, Andrew
Soucy, Connie
Vaillancourt, Steve

MERRIMACK

Anderson, Eric	Boutin, David	Coffey, Jennifer	DeStefano, Stephen
Hess, David	Kotowski, Frank	McGuire, Carol	Osborne, Jessie
Palfrey, David	Reed, Dennis	Smith, Todd	

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bates, David	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Bridle, Russell	Cali-Pitts, Jacqueline
Case, Frank	Charron, Gene	Comerford, Timothy	Crisler, Margaret
DeSimone, Debra	Devine, James	Dowling, Patricia	Dumaine, Dudley
Emiro, Frank	Ferrante, Beverly	Fesh, Robert	Flanders, John Sr
Griffin, Mary	Headd, James	Hoelzel, Kathleen	Hutchinson, Karen
Ingram, Russell	Itse, Daniel	Kappler, L. Mike	Katsakiores, George
Katsakiores, Phyllis	Kolodziej, Walter	Major, Norman	McKinney, Betsy
McMahon, Charles	Nevins, Chris	Packard, Sherman	Perkins, Amy
Perkins, Lawrence	Quandt, Matt	Rausch, James	Reagan, John
Russell, Joseph	Sanders, Elisabeth	Sapareto, Frank	Sedensky, John
Smith, William	Stiles, Nancy	Sullivan, James	Tucker, Pamela
Van Patten, Don	Weare, Everett	Welch, David	Wells, Roger

STRAFFORD

Brown, Julie	Cyr, James	Groen, Warren	Keans, Sandra
Price, Susan	Twombly, James	Vita, Carol	Watters, David

SULLIVAN

Osgood, Joe Rodeschin, Beverly
and the committee report was adopted.
Referred to the Committee on Ways and Means.

UNANIMOUS CONSENT

Rep. Doherty addressed the House.

REGULAR CALENDAR (CONT'D)

HB 113, extending the moratorium on nursing home beds. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert G. Bridgham for Health, Human Services and Elderly Affairs: This bill, as amended, extends both the moratorium on new nursing home beds and the companion moratorium on new rehabilitation beds to June 30, 2012. These moratoria have been effective in controlling public spending while still meeting public needs. The bill also allows the CON board to approve requests for repairs, refurbishment, or accommodation of beds secured by transfer when the expense is greater than the current capital expenditure threshold. The Medicaid reimbursement will not increase for these projects above the capital expenditure threshold. Vote 19-0.

Amendment (0097h)

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

AN ACT extending the moratorium on nursing home beds and rehabilitation beds.

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

1 Certificate of Need; Nursing Home Beds; Rehabilitation Beds; Moratorium Extended.

Amend RSA 151-C:4, III(a) to read as follows:

III.(a) No **new** certificate of need shall be granted by the board for any nursing home, skilled nursing facility, intermediate care facility, or rehabilitation facility from the effective date of chapter 310, laws of 1995, department of health and human services reorganization act, through the period ending June 30, [2009,] **2012. This moratorium shall also apply to new certificates of need regarding any rehabilitation bed in any type of facility, including rehabilitation hospitals and facilities offering comprehensive rehabilitation services. However, [except that] a certificate of need shall be issued for replacement or renovation of existing beds as necessary to meet life safety code requirements or to remedy deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification process pursuant to titles XVIII and XIX of the Social Security Act. In addition, a certificate of need may be issued for construction or renovation as necessary to repair or refurbish an existing facility, or to accommodate additional beds obtained by transfer to an existing facility. In the case of repair, refurbishment, or transferred beds, the resulting costs in excess of the current capital expenditure threshold as adjusted for inflation pursuant to RSA 151-C:5, II(f)(1) shall not be reflected in any state Medicaid rate.**

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

AMENDED ANALYSIS

This bill extends the moratoriums on nursing home beds and rehabilitation beds until June 30, 2012.

Committee amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

HB 208-FN, directing the university of New Hampshire to study the health needs of certain counties. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: This bill has good intentions in addressing the health needs of four counties in the north country of New Hampshire. Because there has been a study of health needs in recent years, it was the opinion of the majority that this would not be an appropriate time to ask the University of New Hampshire to expend \$35,000 for another study. It was discussed that perhaps these four counties would meet on their own if they were convinced that an update would be appropriate. Vote 16-3.

Committee report adopted.

HB 288, requiring nutritionally balanced meals in congregate housing. **INEXPEDIENT TO LEGISLATE.**

Rep. Joan H. Schulze for Health, Human Services and Elderly Affairs: This bill was requested by the department of health and human services bureau of elderly and adult services. The majority of the committee believes that sufficient reasons were not given for eliminating a nutritional meal from a vulnerable population in a congregate setting.

Appropriate nutrition is a critical component of a supportive care program. Vote 13-4.

Committee report adopted.

HB 324, establishing a commission to study recycling of unused controlled drugs in long-term care facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank G. Case for Health, Human Services and Elderly Affairs: This bill raised two issues which must be reviewed in the future. One is the excessive amount of dollars wasted in the destruction of controlled substance drugs and the probability of water pollution by flushing them into water systems. However, until existing federal drug laws are changed, any reuse of controlled drugs is unlawful. In addition, the Drug Enforcement Agency is working on rules for disposal of controlled substances. NHDES has also convened stakeholder meetings for the same purpose. Vote 15-2.

Committee report adopted.

HB 60, relative to large groundwater withdrawals. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Raymond G. Gagnon for the Majority of Municipal and County Government: The flow of water has no boundaries and while local concerns need to be considered; this complex issue mandates a state and regional solution. In Chapter 176 of the 2008 legislative session (HB 1353) the groundwater commission was directed to, by November 30, 2009, study criteria including benefits for the granting of large water withdrawals other than those of RSA 485-C (Groundwater Protection Act) and RSA 485-A (water pollution and waste disposal). The groundwater commission was updated to consider appropriate roles for municipalities in the permitting and regulation of large ground water withdrawals as well as include input from municipalities. Therefore this committee feels this bill is inexpedient to legislate as the commission needs time to accomplish its mission. Vote 15-4.

Rep. James M. Sullivan for the Minority of Municipal and County Government: This bill, as proposed, returned responsibility of a local asset, groundwater, to the local community. The minority of the committee agreed with the majority that the nature, extent and capacities of aquifers within the state are unknown. It is exactly that for which is the basis of our support for local control of a finite resource which is necessary for the health, safety and welfare of every township in this state.

Majority committee report adopted.

HB 142, relative to extending municipal leases. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for the Majority of Municipal and County Government: Currently, the selectmen have the authority to manage all real property owned by the town provided that any rental or lease agreement for a period of more than one year has to be ratified by the vote of the town. This bill expands the power by allowing the legislative body to grant authority to the selectmen to rent or lease municipal property for a term up to 5 years without having to have that rent or lease agreement ratified annually by the legislative body. Since the legislative body only meets once a year this is the most efficient or practical way for the governing body to negotiate any leases. Adding this authority will give greater stability in leasing town property and will produce better rents for municipality. Vote 14-1.

Rep. Margaret M. Crisler for the Minority of Municipal and County Government: Currently, only the legislative body may enter into multi-year leases of town real property. This bill would allow the legislative body to authorize the board of selectmen to enter into leasing agreements of up to 5 years. These agreements could be entered into at either a regularly posted board of selectmen meeting or even in a non public session, with no prior public notice that such a lease is being considered and which would not allow for public testimony. Since alteration to town property by the prospective lease holder (as well as expedited approval) is the justification for this bill, the first notice of the majority of citizens would have of such action would be after the lease was finalized. It is the minority opinion that this bill would deprive citizens of timely and appropriate information about potentially vital changes to town property, as well as deprive them of the opportunity to testify about the impact of these changes.

Majority Amendment (0023h)

Amend RSA 41:11-a, III as inserted by section 1 of the bill by replacing it with the following:

III. Notwithstanding paragraph II, the legislative body may vote to authorize the board of selectmen to rent or lease municipal property for a term of up to 5 years without further vote or ratification of the town. Once adopted, this authority shall remain in effect until specifically rescinded by the legislative body at any duly warned meeting provided that the term of any lease entered into prior to the rescission shall remain in effect.

AMENDED ANALYSIS

This bill allows municipalities to extend the leases of municipal property for up to 5 years.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 284-FN, increasing the contract amount that triggers the bond requirement on public projects. **OUGHT TO PASS.**

Rep. Alfred C. Lerandeau for Public Works and Highways: The intent of this bill is to increase the bond requirements for public projects from \$25,000 to \$35,000. It does not add any costs to the state and would lower the cost to the contractor getting a bond for routine projects, thus making the project less expensive. Nothing in this bill precludes agencies from requiring a bond for a lesser amount of contract. Vote 19-0.

Committee report adopted and ordered to third reading.

HB 51-FN-A, reestablishing the initial monthly gross charge exemption to the communications services tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gilman Shattuck for the Majority of Ways and Means: The majority recognized that the bill as presented had merit but determined it is not the appropriate time to remove over \$8,900,000 of revenue for the biennium. The majority also considered when the state exemption was removed it was established that all state social services would assist those in most need to access the federal tax exemption. The federal tax exemption is much greater than the 84 cents a month lost with the state exemption. Vote 10-8.

Rep. Jordan G. Ulery for the Minority of Ways and Means: The bill simply grants an exemption of the first \$12.00 of your local telephone bill. In tough economic times granting this simple and small exemption is appropriate, especially to help the poorest of citizens. When it is realized that the tax imposed by RSA 82-A:3 is a steadily decreasing source of revenue because of increased wireless use, the granting of an exemption is the only right action to take. The revenue loss is estimated at around 4 million. The state can afford to buy barns at inflated prices but not help low income citizens? Take actions that have direct effect to help, not just to bolster income.

LAID ON THE TABLE

Rep. Hess moved that **HB 51-FN-A**, reestablishing the initial monthly gross charge exemption to the communications services tax, be laid on the table. Adopted.

SPECIAL ORDERED

Reps. Eaton and Packard moved that the remaining bills on today's regular calendar be made Special Orders to follow the first bill on the Regular Calendar for February 18, 2009. Adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 387, relative to observation of voter registration. **OUGHT TO PASS.**

Rep. Kathleen M. Hoelzel for Election Law: This refers to same day voter registrations only. The application form to register to vote contains private information under RSA 91-A. The voters' right to privacy is of utmost importance. This bill allows "challengers" to observe the process of voter registration but does not allow viewing or access to the information on the application form. Vote 18-0.

Rep. William O'Brien requested a roll call; sufficiently seconded.

YEAS 246 NAYS 111

YEAS 246

BELKNAP

Bolster, Peter
Millham, Alida

Fields, Dennis
Pilliod, James

Merry, Liz
Reever, Judith

Miller, Kate
Stuart, Richard

CARROLL

Ahlgren, Christopher
Knox, J. David
Wiley, Susan

Bridgham, Robert
Patten, Betsey

Buco, Thomas
Scala, Dino

Butler, Edward
Umberger, Karen

CHESHIRE

Allen, Peter
Carr, Daniel
Meador, David
Roberts, Kris
Weed, Charles

Butcher, Suzanne
Eaton, Daniel
Mitchell, Bonnie
Robertson, Timothy

Butterworth, Timothy
Lerandeau, Alfred
Parkhurst, Henry
Sad, Tara

Butynski, William
Lindsey, Steven
Richardson, Barbara
Weber, Lucy

COOS

Hatch, William
Remick, William

Mears, Lucy

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Ford, Susan
Matheson, Robert
Pierce, David
Ward, Brien

Almy, Susan
Friedrich, Carol
Mulholland, Catherine
Preston, Philip

Benn, Bernard
Harding, Laurie
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Laliberte, Suzanne
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Beck, Catriona
Caron, June
Christensen, Chris
Day, Russell
Emerton, Larry
Garrity, Patrick
Haefner, Robert
Harvey, Philip
Irwin, Anne-Marie
Katsiantonis, Thomas
Kopka, Angeline
Levesque, Melanie
Marshall, Seth

Batula, Peter
Bergin, Peter
Chandley, Shannon
Clemons, Jane
Doherty, Shaun
Flurey, Joan
Gidge, Kenneth
Haley, Robert
Harvey, Suzanne
Jasper, Shawn
Knowles, John
Kurk, Neal
Lisle, Carolyn
Matarazzo, Anthony
Sr

Beauchamp, Roger
Boisvert, Ronald
Chase, Claudia
Cote, David
Dokmo, Cynthia
Foster, Linda
Gorman, Mary
Hammond, Jill
Hebert, Roger
Jeudy, Jean
Knowles, Mary Ann
Leishman, Peter
Long, Patrick
Messier, Irene

Beaulieu, Jane
Campbell, David
Chininis, Alexis
Craig, James
Drisko, Richard
Gargas, Carolyn
Graham, John
Hardy, Valerie
Hodges, Kevin
Katsiantonis, George
Komi, Richard
Levasseur, Nickolas
Mack, Ron
Movsesian, Lori

O'Neil, James
Ramsey, Peter
Schulze, Joan
Soucy, Timothy

Pilotte, Maurice
Rhodes, Brian
Shattuck, Gilman
Spaulding, Jayne

Poznanski, Brian
Rokas, Theodoros
Shaw, Barbara
Sullivan, Daniel

Price, Pamela
Rosenwald, Cindy
Shaw, Kimberly
Thompson, Robert

Walsh, Robert Jr

Winters, Joel

MERRIMACK

Bouchard, Candace
Davis, Frank
Hamm, Christine
Lockwood, Priscilla
Palfrey, David
Rice, Chip
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

Boutin, David
DeJoie, John
Hess, David
McMahon, Patricia
Porter, Margaret
Richardson, Gary
Stetson, William
Walz, Mary Beth
Williams, Robert

Brown, Carole
DeStefano, Stephen
Kelly, Sally
Osborne, Jessie
Potter, Frances
Rodd, Beth
Tilton, Joy
Watrous, Rick

Coffey, Jennifer
French, Barbara
Kidder, David
Owen, Derek
Reardon, Tara
Schuett, Dianne
Tupper, Frank
Webb, Leigh

ROCKINGHAM

Abbott, Dennis
Brown, C. Pennington
Charron, Gene
DiPentima, Rich
Gould, Kenneth
Howard, Doreen
McKinney, Betsy
Pantelakos, Laura
Russell, Joseph

Bates, David
Cali-Pitts, Jacqueline
Cushing, Robert
Elliott, Robert
Griffin, Mary
Lyons, Melissa
Moody, Marcia
Pettersen, Don
Russell, Trinka

Belanger, Ronald
Case, Frank
Day, Judith
Ferrante, Beverly
Henson, John
Mann, Maureen
Nord, Susi
Rausch, James
Scamman, Stella

Borden, David
Casey, Kimberley
DiFruscia, Anthony
Fesh, Robert
Hoelzel, Kathleen
McEachern, Paul
Packard, Sherman
Read, Robin Jr
Scamman, W.
Douglas Jr
Sullivan, James

Schlachman, Donna
Weare, Everett

Splaine, James
Webber, Carolyn

Stiles, Nancy

STRAFFORD

Berube, Roger
Burke, Rachel
Horrigan, Timothy
Keans, Sandra
Price, Susan
Rous, Emma
Spang, Judith
Ward, Kenneth

Brennan, William
Cyr, James
Hubbard, Pamela
Lauterborn, Elaine
Rogers, Rose Marie
Ryder, Mark
Sprague, Dale
Watters, David

Brown, Jennifer
Domingo, Baldwin
Hutz, Sarah
Lewis, Robert
Rollo, Deanna
Schmidt, Peter
Vachon, Dennis

Brown, Larry
Hofemann, Roland
Kaen, Naida
Perry, Robert
Rollo, Michael
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Harris, Sandra
Skinder, Carla

Donovan, Thomas Jr
Houde-Quimby,
Charlotte
Sweeney, Cynthia

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Rodeschin, Beverly

NAYS 111

BELKNAP

Boyce, Laurie
Swinford, Elaine

Nedeau, Stephen
Veazey, John

Russell, David
Wendelboe, Fran

St. Cyr, Jeffrey

CARROLL

Chandler, Gene
Stevens, Stanley

Fleck, Joseph

McConkey, Mark

Roberts, John

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Laurent, John
Sterling, Franklin Jr			

COOS

Rappaport, Laurence	Richardson, Herbert	Stohl, Eric	
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GRAFTON

Bulis, Lyle	Gionet, Edmond	Ingbretson, Paul	Ladd, Rick Jr
Maybeck, Margie	Williams, Burton		

HILLSBOROUGH

Belvin, William	Boehm, Ralph	Cebrowski, John	Christiansen, Lars
Daniels, Gary	Elliott, Nancy	Gagne, Larry	Gandia, Laura
Hackel, Paul	Hawkins, Ken	Hikel, John	Hinch, Richard
Hinkle, Peyton	Hogan, Edith	Holden, Frank	Hopper, Gary
Infantine, William	L'Heureux, Robert	McCarthy, Michael	Mead, Robert
Moran, Edward	O'Brien, William	Ober, Lynne	Ober, Russell III
Palmer, Stephen	Pellegrino, Tony	Peterson, Andrew	Pratt, Calvin
Renzullo, Andrew	Rowe, Robert	Seidel, Carl	Silva, Peter
Soucy, Connie	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Moe	Willette, Robert		

MERRIMACK

Anderson, Eric	Kotowski, Frank	McGuire, Carol	Reed, Dennis
Smith, Todd			

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bettencourt, David	Bishop, Franklin
Bridle, Russell	Comerford, Timothy	Crisler, Margaret	DeSimone, Debra
Devine, James	Dowling, Patricia	Dumaine, Dudley	Emiro, Frank
Flanders, John Sr	Headd, James	Hutchinson, Karen	Ingram, Russell
Itse, Daniel	Kappler, L. Mike	Katsakiores, George	Katsakiores, Phyllis
Kolodziej, Walter	Major, Norman	McMahon, Charles	Nevins, Chris
Perkins, Amy	Perkins, Lawrence	Quandt, Matt	Reagan, John
Sanders, Elisabeth	Sapareto, Frank	Sedensky, John	Smith, William
Tucker, Pamela	Van Patten, Don	Welch, David	Wells, Roger

STRAFFORD

Brown, Julie	Groen, Warren	Twombly, James	Vita, Carol
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SULLIVAN

Howard, Thomas Osgood, Joe
and the committee report was adopted.
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, February 18, 2009.
Adopted.

LATE SESSION

Third reading and final passage

HB 144, relative to title insurance.

HB 270, relative to sale of human remains.

HB 35, eliminating the office of vice-president from the presidential primary ballot.

HB 105, relative to voting machines for the counting of ballots.

HB 267, relative to the definition of "election."

HB 292, relative to financial disclosures, lobbyist registrations and statements, prohibited gifts, and executive branch volunteers.

HB 129, establishing a committee to study the incorporation of electronic filing procedures under the administrative procedures act.

HB 172, allowing naturopathic doctors to dispense prescription drugs which are within their scope of practice.

HB 508, relative to the county-state finance commission.

HB 234, establishing a committee to study the certificate of need process.

HB 210, relative to public access to minutes of local land use boards.

HB 239-L, relative to establishing a municipal bond rescission process.

HB 460, relative to the system of visitor centers.

HB 45, relative to the water supply land conservation program.

HB 58, designating segments of the Cochemo River as protected under the rivers management and protection program.

HB 102, relative to the rivers management and protection program.

HB 130, relative to enforceability of publicly-owned land restrictions.

HB 76, establishing a permanent commission to study recommendations of the National Transportation Safety Board.

HB 99, relative to supervised driving time by persons completing driver education.

HB 142, relative to extending municipal leases.

HB 284-FN, increasing the contract amount that triggers the bond requirement on public projects.

HB 387, relative to observation of voter registration.

RESOLUTION

Reps. Wallner and Packard offered the following: RESOLVED, that the House notify the Honorable Senate that it is ready to reconvene the Joint Convention for the purpose of the New Hampshire celebration of the Bicentennial of the birth of President Abraham Lincoln.
Adopted.

SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of celebrating the 200th anniversary of the birth of President Abraham Lincoln.

INTRODUCTION OF SENATE

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

JOINT CONVENTION
ABRAHAM LINCOLN BICENTENNIAL PROGRAM
(Speaker Norelli presiding)

The Sergeant-at-Arms introduced his Excellency, Governor John H. Lynch.

INTRODUCTION OF SPECIAL GUESTS

Public and legislative members of the New Hampshire Abraham Lincoln Bicentennial Commission, members of the New Hampshire Abraham Lincoln Bicentennial Advisory Council and employee volunteers from Lincoln Financial Group who escorted guests from the Manchester Senior Center.

WELCOME REMARKS BY SPEAKER NORELLI

Good afternoon. We would like to extend to our guests a very special welcome to the historic New Hampshire statehouse. Completed in 1819, this is the oldest statehouse in the United States in which the legislature still meets in its original chamber. There is no other legislative chamber in the country like this one. Despite being one of the smallest states in the Union, New Hampshire's House is by far the largest and most representative state legislative body in the country. On behalf of my House colleagues, I am pleased to welcome you to Representative's Hall today for what promises to be a memorable celebration.

WELCOME REMARKS BY GOVERNOR JOHN LYNCH

Thank you all very much. Thank you, Speaker Norelli. I don't want to alarm you all, but I did see Abraham Lincoln out in the hallway. I asked him, Senator Barnes, if he was a Red Sox fan. He did say he was, but he doesn't remember them playing back in those days. There is no denying that Abraham Lincoln is in fact one of our greatest and most revered Presidents. He was an eloquent orator delivering powerful speeches rooted in deep convictions. His words had the power to persuade, convince and motivate. His actions along with his words preserved this nation ending decade old disagreements, distrust and a deep seated division that existed in this country at that time. Our country emerged stronger and embarked on a path of freedom and prosperity the likes of which the world had never seen. If we examine Abraham Lincoln's life before 1860, it is hard to believe that he would ever become President, let alone the man that we credit for preserving the union and forever transforming our great nation. Born in a tiny log cabin to parents who had little interest in education, from the beginning it was really his own determination that made him the man that we revere today. Though filled with desire to serve, Lincoln, by today's standards, might be considered a failure in his life before 1860. He failed at several business ventures. He didn't run for re-election to Congress because his loss was a forgone conclusion. He lost the United States Senate race and when he received his party's nomination, he was mocked by the press. According to reports of his time, he was tall, gangly and don't tell him that I said this, but it was reported that he was far from being handsome. It was his words that carried the passion of his convictions and called for healing the rift that threatened to destroy the nation. The people listened and, in fact, Abraham Lincoln was elected President in 1860. Now, given Lincoln's past, son of poor frontier farmers with barely any formal education and scant political successes, he may not have been elected President in these times, but thanks to his perseverance, his belief in himself, his attempt to work closely with his opponents, and his belief that government of the people, by the people and for the people shall not perish from this earth, Abraham Lincoln was elected as the 16th President of the United States. Thanks to Lincoln, there was then a 17th President, an 18th President and today a 44th President. He served and he saved and forever changed our nation. As a nation we are forever grateful for his words and for his actions. That is why today it is so important that we recognize the strength of Lincoln's convictions. In these challenging times, we must

employ the lessons he taught us. We must move past old arguments that only stand to divide us and work together so that we can do what's right for the people, for our state and for our nation. Thank you all for being here today and thanks to the people that put this great event together. Thank you very much.

WELCOME REMARKS BY SENATE PRESIDENT LARSEN

Thank you. It is great to share this historic day with you. Granite Staters take great pride in our first in the nation primary and given the results this year and elections going well back into the last century, our pride is well justified. We should also remember that New Hampshire has been at the center of American politics throughout our history. The decision to join the Union was controversial, necessitating two constitutional conventions to finally get a positive vote. With the vote of New Hampshire, the ninth and decisive state to join the Union, we made our mark on the nation's future. There was political turmoil in New Hampshire in the 1850's and 60's when the majority of the time slavery and the Union itself were front and center in the political dialogue of the day. It was the national debate on those issues that brought a western politician, Abraham Lincoln of Illinois, to New Hampshire in the winter of 1860. The Republican Party, which had early support in New Hampshire, was new, having been on the ballot for the first time in the prior Presidential election of 1856. The country was divided and some, including New York newspaper publisher Horace Greeley who was born in Amherst, New Hampshire, felt that the electoral success of the anti-slavery movement depended upon a westerner being the Republican candidate. Today we might have put Abraham Lincoln in the "Little known, not much chance" category of Presidential candidates. That changed after Lincoln delivered his well researched, well prepared, February 27th speech at Cooper Union in New York City. Lincoln had put down his mark as an articulate and forceful voice for those who opposed slavery. As one writer put it, "With his performance triumphantly accomplished, Abraham Lincoln headed off to three New England states, each of which would have a March election for Governorships." Lincoln went to Rhode Island first, but arrived in New Hampshire on February 29th to be greeted by his son, Robert Todd Lincoln, then a student at Phillips Exeter Academy. This was an opportunity to combine family with politics although some questioned which was the priority and first objective of his New Hampshire visit. He spoke four times in New Hampshire, winding up his New Hampshire stay in Exeter with Robert. From Exeter on March 4th, his last day here, he wrote to his wife, Mary, in Springfield to tell her about what he called his, "Little speech making tour." Robert had received a letter from his father informing him that his two young brothers were ill. In his letter, Abraham Lincoln anxiously asked after his sons. He told Mary that his speech in New York, "Went off possibly well," but he worried about his talks in New Hampshire and elsewhere in New England. His audiences he wrote, "consisted of newspaper readers," who already have seen my ideas in print. He closed the letter with these words, "Kiss the dear boys for father, affectionately, Abe Lincoln." Then it was off to Connecticut for more pre-gubernatorial election speeches before his long train ride home to Springfield, Illinois. After that trip, Lincoln was, publicly, nearly completely silent, as was the Presidential campaign pattern of the time. His trip to New York and New Hampshire had changed the future of the nation. Abraham Lincoln went on to win the Presidential nomination at the Republican national convention in May of 1860 with a majority of New Hampshire delegates supporting him on all three ballots. He carried New Hampshire in the fall, won a majority of the national electoral vote and became the 16th President of the United States. Three years into his presidency, he traveled to Gettysburg, Pennsylvania to offer a few words at the dedication of a new national cemetery for those who had fallen in the turning point battle of the civil war. President Lincoln honors us by sharing those words with us today. Thank you.

INTRODUCTION OF SPECIAL GUEST

The Sergeant-at-Arms introduced the 16th President of the United States, President Abraham Lincoln.

GETTYSBURG ADDRESS

By President Abraham Lincoln

Four score and seven years ago our fathers brought forth, upon this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived, and so dedicated, can long endure. We are met here on a great battlefield of that war. We have come to dedicate a portion of it as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this. But in a larger sense we can not dedicate - we can not consecrate - we can not hallow this ground. The brave men, living and dead, who struggled, here, have consecrated it far above our poor power to add or detract. The world will little note, nor long remember, what we say here, but can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they have, thus far, so nobly carried on. It is rather for us to be here dedicated to the great task remaining before us - that from these honored dead we take increased devotion to that cause for which they here gave the last full measure of devotion - that we here highly resolve that these dead shall not have died in vain; that this nation shall have a new birth of freedom; and that this government of the people, by the people, for the people, shall not perish from the earth. Thank you.

KEYNOTE ADDRESS

By Professor Michael Birkner, Gettysburg College

When I was invited to speak to this august body, I did not know I was going to play the role of Edward Everett to Mr. Lincoln. I'm going to go back in a certain amount of awe of the occasion. Thank you, Speaker Norelli for that very generous introduction and also to Senator Larsen for the great privilege of addressing the Legislature on this special day. It is a special day indeed in American history and it says something for New Hampshire that you are doing it this way and this well. I know you have a busy schedule. I know Governor Lynch has a few things that he has to attend to in terms of balancing budgets and making sure that the interest of the people are served. I thank you sir for your special interest in this Lincoln Bicentennial. I am grateful to you Senators and Representatives for showing up today and taking the time to honor Abraham Lincoln in this very hallowed setting. I thank Senator Odell and to the members of the Abraham Lincoln Bicentennial Committee for inviting me to speak. It is a special pleasure for me because I have these New Hampshire connections and as my friends in New Hampshire know, you can take the boy out of New Hampshire, but you can't take New Hampshire out of the boy. So, let us begin on Abraham Lincoln and a more perfect union. Let me begin almost a hundred years ago in a little quiet place in Washington DC. It was at the home of a very famous historian of his time. His name was Henry Adams and he used to hold court in his parlor on Lafayette Square across from the White House. That particular day, he was holding court for a rising young politician named Franklin Delano Roosevelt. Roosevelt had just been appointed Assistant Secretary of the Navy under President Woodrow Wilson and he was seeking the perspective of Washington's wise men on the American condition. What Henry Adams told Roosevelt must have surprised and unsettled him. "I have lived in this house for many years and have seen the occupants of the White House come and go, and nothing that you minor officials or the occupants of that house can do will affect the history of the world for very long." Two decades later, taking office as President amidst the second greatest crisis the nation had ever faced, Roosevelt set about proving that Henry Adams was wrong. He took confidence from his knowledge of Abraham Lincoln's leadership in a time of even greater peril for the union. Roosevelt met his crises, the Depression and World War II, with resolve, vigor, and pragmatic wisdom, but

even Roosevelt, very much a Lincoln fan, conceded that no President faced more vexing problems or dealt with them more effectively than did Lincoln. Roosevelt knew Lincoln, as we do today, as the President who saved the union and justified the sacrifice entailed in so doing in a way that remains as resonant today as it was when first articulated in Gettysburg. So much for the notion that occupants of the White House do not matter. So much for the idea that what mere politicians cannot affect history for the better. Throughout his life, Abraham Lincoln asserted that the Founding Fathers favored the inevitable extinction of slavery in order to achieve a more perfect union. When that highly vexing issue gained impetus at the close of the Mexican War, Lincoln was alert to the danger of slavery's expansion and ready to act. He had thrilled to Daniel Webster's famous reply in 1832 to South Carolina Senator Robert Hayne, with its ringing call for "Liberty and Union, one and inseparable, now and forever." In 1850, Daniel Webster rose again in the Senate in response to another southern challenge. Lincoln embraced Webster's stentorian assertion: "No sir! No sir! There will be no secession!" Lincoln thrilled to those words. The compromise that Daniel Webster crafted in 1850 did not satisfy Lincoln because it included a noxious provision putting federal authority behind the return of fugitive slaves, but it seemed to have settled the issue. In fact, the Compromise of 1850 settled matters for only four years. In 1854 Senator Stephen Douglas from Illinois repealed the compromise with his Kansas-Nebraska legislation, which opened northern territories to slavery. Despite initial doubts about the wisdom of this measure, President Franklin Pierce embraced it and used his patronage powers to help secure passage of Douglas's bill. The Douglas-Pierce assault on the Missouri Compromise provoked Lincoln and other northerners to political activism. Lincoln could barely contain his fury at the work of the Pierce Administration on behalf of a palpably pernicious measure. "The monstrous injustice of slavery," Lincoln argued in 1854, "deprives our republican example of its just influence in the world—[and] enables the enemies of free institutions, with plausibility, to taunt us as hypocrites." Extending the sphere of slavery was unacceptable. Lincoln's forceful speeches against the Kansas-Nebraska measure, both before and after its enactment into law, contributed to his growing reputation in Illinois and beyond. Subsequent debates with Douglas in their 1858 Senate contest expanded that reputation. As Douglas's preeminent foe and a moderate Republican capable of appealing to northern Democrats and Know-Nothing Party members opposed to slavery expansion, Lincoln emerged by late 1859 as a potential vice presidential nominee, or even presidential nominee, on the Republican ticket. New Hampshire had something to do with that speculation. The story of Lincoln's visit to New Hampshire in 1860 is the stuff of legend, quite literally so, since some of the facts we have associated with the visit were not facts at all. Lincoln's New England speeches in February and March 1860 are said to have earned him enough political goodwill to upend the frontrunners at the GOP convention in Chicago that summer. That reasonable assumption is not exactly true. As Harold Holzer recently showed, outside of New Hampshire, Lincoln won his nomination largely without the support of New England delegates. The notion that Republican Party founder Amos Tuck hosted Lincoln at his Exeter home has also been debunked, as has the assertion that Lincoln visited New Hampshire mainly to check on his son Robert, then a student at Exeter. That Lincoln wanted to see Robert is undoubtedly true. In more than one telling, Lincoln accepted speaking opportunities more as an afterthought than as part of a calculated political strategy. Still, if Lincoln's New Hampshire connection did not make him President, it certainly was part of a shrewd campaign plan that Lincoln himself shaped, and that would pay off later in the year. Speaking frequently in the Midwest in the summer and autumn of 1859, Lincoln arrived in the Granite State early in February 1860, a tired man. When not on the road, he was crafting a major speech scheduled for February 27 in New York City, now known to history as the Cooper Union speech. Once word reached Republican activists that Lincoln had decided to take advantage of his eastern tour to see his son in Exeter, they implored him to share his message. Despite his weariness, Lincoln accepted each invitation without hesitation. Testing the waters so see whether his political appeal might extend far

enough to make him a credible nominee for the presidency in a turbulent and unpredictable election year motivated Lincoln more than New Hampshire's five electoral votes. The man we today revere as an American icon was, in 1860, like the union he revered, still a work in progress. The noble Lincoln of the Alexander Gardner portraits and the Lincoln Memorial remained rough-hewn, clean-shaven, and gangly-legged. He was, by some accounts, a country rube come east to observe New England culture and customs. Those who knew him well, not least of them his political rival Stephen A. Douglas appreciated Lincoln's talents. But the country was just getting to take notice of him. The speaking tour in New Hampshire was an opportunity for citizens of the Granite State to get to know him better. Lincoln was betting they would like him, and he was right. Lincoln spoke in four New Hampshire municipalities during his whirlwind tour: Exeter, Concord, Manchester, and Dover. In each of these places, he addressed packed houses: here in Concord at the Phoenix Hotel, in Manchester at Smyth's Hall. In Dover, Lincoln addressed what one scholar has called an "astounding" assemblage of nearly two thousand listeners in the town hall. In each instance there was an initial surprise among Lincoln's auditors, even among the most ardent Republicans, at his rough appearance, with neckwear awry and unkempt hair. One of Robert's friends at Exeter, Marshall Snow, recalled whispering to a friend: "Isn't it too bad Bob's father is so homely? Don't you feel sorry for him?" But, Snow noticed, Lincoln "untangled those long legs," drew himself up to his full height and began speaking. "Not ten minutes had passed before his uncouth appearance was absolutely forgotten by us boys. His face lighted up and the man was changed, it seemed absolutely like another person speaking to us. There was no more pity for our friend Bob; we were proud of his father." In Elwin Page's valuable account of Lincoln in New Hampshire, Lincoln's butterfly-like transformation repeated itself at each place he spoke. Initial doubts expressed by those who heard the speeches that they had been worth the effort to give up an evening in an overcrowded, noisy, and stuffy hall gave way to engagement with Lincoln's argument and, ultimately, cheers for his presentation. Lincoln captivated his audience, though not through the kind of verbal pyrotechnics for which Daniel Webster was noted or by any charisma. He was, in fact, an awkward speaker with a high-pitched voice. Lincoln's argument connected to his audience similar to an electric charge. What Concord's E. H. Rollins called an "invincible logic" proved compelling to his New Hampshire audiences. Its substance closely followed the message of the highly successful Cooper Union speech in New York City, which Lincoln had spent weeks sweating over because he knew it was his principal audition for the presidency. In that Cooper Union speech, and in the New Hampshire addresses derived from it, Lincoln focused on the central issues that mattered to northerners, namely the wrongness of slavery and the righteousness of opposing its expansion. Lincoln exposed the lack of morality in the doctrine of popular sovereignty, which would enable residents in western territories to keep, restrict, or abolish slavery as they pleased. Douglas's compatriots Franklin Pierce, James Buchanan, and Supreme Court Justice Roger Brooke Taney, had in their different ways tried to make slavery national and freedom at best local. Such policy, in Lincoln's telling, inverted the founders' dreams and had to be opposed. The Lincoln of Cooper Union, and of the New Hampshire speeches, was not yet an abolitionist. Lincoln the "Great Emancipator" was not in evidence for two more years. But in his speeches Lincoln provides a powerful antidote to the notion that under the Constitution there was little anyone could do to block slavery, much less kill it. He pledged that the servility of Presidents Pierce and Buchanan to southern domination of the federal government would be ended under a Republican regime. Although he was willing to listen to Southern arguments about sectional related matters, one principle Lincoln would never concede: accept slavery as a right, as opposed to a wrong. That, he told his rapt audiences, would inalterably divide the two sections. If slavery was right, Lincoln observed, "All words, acts, laws, and constitutions against it, are themselves wrong, and should be silenced and swept away." If slavery was right, "we cannot justly object to its enlargement." As Lincoln observed here in Concord, this notion was without merit. "The Democratic theory in the North" that slavery should "go wherever the climate

and soil would render it profitable” was “wanting in patriotism, was oblivious of all moral distinctions, and utterly at war with the spirit of the Constitution as our fathers made it.” In his conclusion, Lincoln turned a phrase that has remained part of our language: “Let us have faith that right makes might, and in that faith, let us, to the end dare to do our duty as we understand it.” These words elicited cheers from Lincoln’s audiences everywhere. In his call to reanimate the founders’ ideals, the Illinois orator had struck a chord. As E. H. Rollins, who was converted on the spot to Lincoln’s cause, told a friend, “I can give you no adequate description of his speech. It was unquestionably the most candid, convincing, and effective speech which we have had in Concord for years. If we could have Mr. Lincoln address the people of our State for three weeks, we should triumph, by ten thousand majority.” Integral to Lincoln’s success as a speaker lay in his knack for parables that hit home. In at least one speech on his New England tour Lincoln referred to a large cyst, what was then called a “wen” on a man’s neck as a simile for the evil of slavery on the body politic. “That wen,” Lincoln observed, “represents slavery; it bears the same relation to the man that slavery does to the country. That wen is a great evil; the man that bears it will say so. But he does not dare to cut it out. He bleeds to death if he does, directly. If he does not cut it out, it will shorten his life materially.” Should the wen spread, that also meant death. The parallel with slavery was self-evident. Consider the story of a venomous snake, the kind that any man would beat to death with a stick if he found it in the road, which like the metaphor of the wen, Lincoln employed to good effect in New Hampshire. Should such a snake be found in bed with one’s children, Lincoln said, other means, less dangerous to the children, would be needed to deal with the snake. But, Lincoln added, in any case he would act quickly and decisively to respond. Lest the point be missed, Lincoln added, “The new territories are the newly made bed to which our children are to go, and it lies with the nation to say whether they shall have snakes mixed up with them or not. It does not seem as if there could be much hesitation what our policy should be!” Lincoln accomplished what he set out to do in New Hampshire and the throughout his eastern tour. He presented arguments about the Constitution, slavery, and the union that addressed the concerns and expressed the feelings of thousands of northern men, not all of whom were hostile to slavery where it had long been established, much less eager to bestow equal rights on African Americans. Lincoln had spoken to defend a principle and advocate a cause, but not as an extremist. As his speeches made evident, the South and its doughface allies sought to reshape the Constitution and the union. He stood, he insisted, with the Founders. Lincoln’s New Hampshire visit was a subtle and effective campaign that would ultimately see him wrest the Republican presidential nomination from better-known political figures, among them Salmon Chase of Ohio and William Seward of New York. Those who introduced him in New Hampshire spoke of him as a possible Vice President, or even President. Many who heard him speak walked out of the hall with that possibility on their minds. As was becoming ever more apparent, in 1860 Lincoln really was the most electable Republican candidate. Lincoln’s position on slavery captured what was then the sensible center of northern public opinion, moderate in its acceptance of southern slavery and in his unvarnished repudiation of a John Brown, but equally emphatic in a commitment to the ultimate eradication of a visible evil. This time, as opposed to 1856, the South could not determine the outcome of a presidential election. This time the election results would alarm Southerners and drive the fire-eaters to embrace secession. Lincoln’s election was the immediate cause of the great Civil War that would preoccupy him throughout his years in office. The potential to exacerbate the crisis, or to come away at best with a peaceful separation of the North and the South, was very high. But Lincoln’s bedrock faith in a perpetual union kept him focused through a war of unprecedented carnage and political transformation. Lincoln’s wartime leadership was exemplary. His patience was profound, his instincts as a military leader surprisingly acute, given his lack of experience in the field. During the war years his writing and speeches made Lincoln unique as a literary artist and explainer of American democracy. The Gettysburg Address, doubtless his most famous composition, impressed contemporaries

and has inspired generations ever since, as I discovered afresh this past fall in talking with citizens and media representatives from around the globe, compelled to visit Gettysburg before a path-breaking presidential election, to imbibe the Lincoln ether from the vantage of the Civil War's turning point. Lincoln's words imprinted themselves on a nation's character. They gave heart to antislavery men and inspired civil rights activists, black and white. According to the author Andrew Ferguson, in his book Land of Lincoln, the Gettysburg Address gave men and women caught in the vicious heart of Nazism, the concentration camps, a reason to live. Nor has it been lost on contemporary commentators that an intangible but nonetheless powerful linkage connects the 16th President and the 44th President, a connection transcending their being members of an exclusive club. As one magazine writer recently noted, reflecting on the meaning of Barack Obama's inauguration, "In historical terms, Selma was only the day before yesterday, [Fort] Sumter the Day before that." We cannot know what Abraham Lincoln would say about a President Barack Obama. Indeed, we ought to remember that Lincoln would have no compelling answers for us on a host of issues that he could not have imagined in the 1850s and 1860s. Knowing Lincoln will not supply answers to national health policy, terrorism, or what the haves in society owe to the have-nots. As my colleague, the Lincoln scholar Gabor Boritt once observed when asked in Boston in three decades ago what Abraham Lincoln would have thought of judge ordered school busing, Lincoln probably would have paused and said, "What's a bus?" But knowing Abraham Lincoln offers us this, a recognition that forthrightness and courage in the face of daunting challenges makes meeting those challenges possible if not certain. That compromise can be a vehicle for progress, just as adherence to principle can and should drive one's priorities in policy making. The great politician, the Washington, the Lincoln, the Roosevelt, knows when to fight and when to back off, when to stand firm on principle, when to compromise. A great leader, Henry Adams notwithstanding, makes a difference, both in the short and the long term. Abraham Lincoln's commitment to a more perfect union engaged him with issues he helped settle, among them the perpetuity of the nation and the fate of slavery. But Lincoln spoke also to future generations. Listen to Lincoln: The Founding Fathers formed a government "whose leading object is to elevate the condition of men, to lift artificial weights from all shoulders, to clear the paths of laudable pursuits for all; to afford an unfettered start and a fair chance in the race of life." Through these words, and others, Lincoln lives. Thanks very much.

REMARKS ON THE PORTRAITS IN REPRESENTATIVES' HALL

By Speaker Norelli

At the front of this great hall hang the portraits of five significant figures in the history of our state and our country. Presidents Washington and Lincoln are icons of American history. Their portraits are easily recognizable by all who visit this chamber. The remaining three portraits are of New Hampshire natives Daniel Webster, John Parker Hale and Franklin Pierce. Each of these men had a significant role in national affairs in the mid-19th century, during the same period as our guest, Abraham Lincoln, rose to national prominence. Their careers, and their place in history, were all shaped by the great issue that consumed their generation and ultimately led to civil war. Let me begin with the Lincoln and Washington portraits. First and foremost is the portrait of the man whose life we celebrate today, President Abraham Lincoln. The Lincoln portrait was placed here in 1925 after being purchased by the schoolchildren of New Hampshire who, with the assistance of Governor John Winant, collected pennies throughout the state. Senator Larsen has already shared with you President Lincoln's many connections to our state. The portrait of President Washington, who visited New Hampshire in 1789, is a copy of the original painted by the famed artist Gilbert Stuart. Completed in 1834, it became the first full-length portrait to hang in the State House. To my extreme left hangs the portrait of Daniel Webster, arguably the most significant historical figure from the state of New Hampshire. Webster represented New Hampshire in the United State Congress before moving to Massachusetts and achieving

national prominence as a member of the US Senate, becoming one of its greatest orators. Webster was, like Abraham Lincoln, a member of the Whig Party, and was a close personal and political friend of Lincoln's political idol, Kentucky Senator Henry Clay. Webster was so highly regarded that he was appointed Secretary of State by two Presidents, William Henry Harrison and Millard Fillmore. Webster had himself sought the presidency three times, and was offered the vice-presidential nomination twice. He declined both times, saying, "I do not propose to be buried until I am dead." Ironically, the two Presidents who offered the Vice-Presidency to Webster were William Henry Harrison and Zachary Taylor, both of whom died in office. To my extreme right hangs the portrait of John Parker Hale, a man of very strong convictions who achieved national significance as the first avowed abolitionist throughout his career to serve in the United States Senate. Hale began his political career as a member of this House, serving as its Speaker in 1846. His unyielding position on the issue of slavery made him extremely unpopular with many of his fellow Senators. They derisively referred to him as "the Black Senator." Hale, who was from Dover, was, like Webster, a renowned orator. He served a long and distinguished career in the Senate and forged a strong relationship with President Lincoln, who appointed Hale the United States Ambassador to Spain. To the immediate left of General Washington hangs the portrait of the only New Hampshire native to hold the office of President of the United States. Franklin Pierce served as a member of this House and so distinguished himself that he became Speaker at age 26. Pierce served in both the United States House and Senate, and was a brigadier general in the Mexican War. Our nation's 14th President, Franklin Pierce, who presided over a country increasingly divided over the extension of slavery into the new territories, left the White House just four years before President Lincoln's election. President Pierce is buried with his family not far from where we are seated today. A statue of President Pierce joined those of Webster and Hale on the grounds of the State House in 1914. For many years the Webster and Pierce portraits were reversed, but they since have been switched so that Pierce's portrait now hangs next to his fellow Presidents. The presidential election of 1852 links Pierce, Webster and Hale in history. That year Pierce won the presidency; Webster unsuccessfully sought the Whig Party nomination; and the Free Soil Party, comprised of anti-slavery Whigs and Democrats, nominated Hale, who received 5 percent of the popular vote. Not surprisingly, Hale and Pierce were political rivals; Pierce considered Hale too strident, and Hale considered Pierce unprincipled. Interestingly, both men attended Bowdoin College, both served as Speakers of this House, and both portraits hanging in this hall were painted by the same artist. Daniel Webster, like Abraham Lincoln, fought tirelessly to preserve the union. John Parker Hale, like Abraham Lincoln, is known to history for seeking to abolish human bondage. And Franklin Pierce, like Abraham Lincoln, held the nation's highest office, the Presidency of the United States. Thank you.

SECOND INAUGURAL ADDRESS

By President Abraham Lincoln

Fellow countrymen: At this second appearing to take the oath of the presidential office, there is less occasion for an extended address than there was at the first. Then a statement, somewhat in detail, of a course to be pursued, seemed fitting and proper. Now, at the expiration of four years, during which public declarations have been constantly called forth on every point and phase of the great contest which still absorbs the attention and engrosses the energies of the nation, little that is new could be presented. The progress of our arms, upon which all else chiefly depends, is as well known to the public as to myself; and it is, I trust, reasonably satisfactory and encouraging to all. With high hope for the future, no prediction in regard to it is ventured. On the occasion corresponding to this four years ago, all thoughts were anxiously directed to an impending civil war. All dreaded it-- all sought to avert it. While the inaugural address was being delivered from this place, devoted altogether to saving the Union without war, insurgent agents were in the city seeking to destroy it without war-- seeking to dissolve the Union, and divide effects, by negotiation. Both parties

deprecated war; but one of them would make war rather than let the nation survive; and the other would accept war rather than let it perish. And the war came. One-eighth of the whole population were colored slaves, not distributed generally over the Union, but localized in the Southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was, somehow, the cause of the war. To strengthen, perpetuate, and extend this interest was the object for which the insurgents would rend the Union, even by war; while the government claimed no right to do more than to restrict the territorial enlargement of it. Neither party expected for the war the magnitude or the duration which it has already attained. Neither anticipated that the cause of the conflict might cease with, or even before, the conflict itself should cease. Each looked for an easier triumph and a result less fundamental and astounding. Both read the same Bible, and pray to the same God; and each invokes his aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces; but let us judge not, that we be not judged. The prayers of both could not be answered--that of neither has been answered fully. The Almighty has his own purposes. "Woe unto the world because of offenses! for it must needs be that offenses come; but woe to that man by whom the offense cometh." If we shall suppose that American slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through his appointed time, he now wills to remove, and that he gives to both North and South this terrible war, as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to him? Fondly do we hope--fervently do we pray--that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn by the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said, "The judgments of the Lord are true and righteous altogether." With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan--to do all which may achieve and cherish a just and lasting peace among ourselves, and with all nations. Thank you.

REPORT ON THE NEW HAMPSHIRE BICENTENNIAL COMMISSION AND ADVISORY COUNCIL

By Senator Bob Odell

Thank you, Madam Speaker, Governor Lynch, Senate President Larsen, legislative colleagues and friends. In Washington at this hour and across the country there are celebrations similar to this recognizing the 200th anniversary of the birth of Abraham Lincoln. Today's program is the beginning in New Hampshire of a year long series of celebrations and activities that will highlight the life and the stories of Abraham Lincoln and particularly of his trip here to New Hampshire in 1860. Many of these activities are outlined in your program; others are on the drawing board and will be announced shortly. The goals of our New Hampshire Lincoln Bicentennial Commission and Advisory Council are three-fold. First, to tell the story, the story of Lincoln that inspires and has inspired generations of Americans and citizens around the world. Secondly, to work with schools and young peoples' organizations to try to tell the story to them of the important significance in the principled life of Abraham Lincoln. Third, we want to build a cadre of individuals similar to those that are serving on the Bicentennial Commission and on the Advisory Council to carry forward to highlight other historical significant events in the future. The sesquicentennial of the Civil War coming up in a couple of years would be one that comes to mind. With those goals in mind, I would like to thank the Speaker and the Senate President for making it possible to have this celebration here in our beloved Chamber today. I also want to thank the members

of the Bicentennial Commission and the Advisory Council for their time, encouragement and support. Each has contributed to help lay the foundation for us to achieve our goals over the next year. I also want to acknowledge some of our partners in this endeavor. Financial support – I am very appreciative for the assistance of Lincoln Financial Group for underwriting today's event and for ongoing support, our thanks to the New Hampshire Charitable Foundation. Special thanks, too, to our partners, Bill Veillette and his team at the New Hampshire Historical Society and Deb Watrous at the New Hampshire Humanities Council. They share our historical and cultural missions. That's been a good partnership. Mike Pride, my email pal on getting it right, historically and grammatically, has been a personal source of encouragement and support. He has been a critical part of our success today of which I am very appreciative. To all of those on the staff here in the House of Representatives and in the State House, thank you for all that you have done to make today a success. Thank you all for your attention today and for your participation.

Rep. Wallner and Sen. Hassan moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

HOUSE SESSION

The Speaker reconvened the House Session.

RECESS MOTION

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

Adopted.

The House recessed at 1:30 p.m.

RECESS

(Rep. Foster in the Chair)

RESOLUTION

Rep. Clemons offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 12, 15, 16, 32, 33, 35, 36, 37, 42, 46, 47, 48, 51, 54, 55, 58, 77, 92, 95, 122 and 133 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 12, relative to increasing the membership of the board of marital mediator certification and renaming marital mediators as family mediators. (Executive Departments and Administration)

SB 15, relative to the membership of the state veterans' advisory committee. (State-Federal Relations and Veterans Affairs)

SB 16, extending the date for completion of the state park system development plan. (Resources, Recreation and Development)

SB 32, relative to notice to a defendant of the availability of sentence review. (Judiciary)

SB 33, allowing lobbyists and those connected with lobbyists to sit on committees established by the judicial branch. (Judiciary)

SB 35, establishing a commission to study creating a veterans' legal aid advocacy project in

New Hampshire. (State-Federal Relations and Veterans Affairs)

SB 36, relative to the inspection of electrologist offices. (Executive Departments and Administration)

SB 37, relative to release of a defendant pending trial. (Judiciary)

SB 42, establishing a committee to study the cost and feasibility of implementing a hospice benefit under Medicaid. (Health, Human Services and Elderly Affairs)

SB 46, relative to group life insurance. (Commerce and Consumer Affairs)

SB 47, relative to surface water. (Resources, Recreation and Development)

SB 48, relative to preventing contamination of groundwater from certain geothermal processes. (Resources, Recreation and Development)

SB 51, requiring confidentiality of jurors' addresses and the file in an involuntary admission proceeding. (Judiciary)

SB 54, eliminating the reference to per diem compensation of probate judges presiding over involuntary admissions hearings. (Judiciary)

SB 55, establishing a commission to study the collision repair industry in New Hampshire. (Commerce and Consumer Affairs)

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

SB 77, renaming the Christa McAuliffe planetarium the McAuliffe-Shepard discovery center. (Public Works and Highways)

SB 92, relative to the commission to study access to consumer credit for people in New Hampshire. (Commerce and Consumer Affairs)

SB 95, relative to criminal records checks for volunteers. (Health, Human Services and Elderly Affairs)

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. (Executive Departments and Administration)

SB 133, authorizing purple heart special number plates for veterans still on active duty. (Transportation)

RECESS