

HOUSE RECORD

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

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Concord, N.H.

Wednesday, March 4, 2009

No. 21

HOUSE JOURNAL No. 6 (cont.)

Wednesday, February 18, 2009

Rep. Wallner moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 7

Wednesday, March 4, 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.

O God of abundance, a day does not pass without our being reminded that investments are dropping, that the economy is slumping and that resources are tight. The news causes us anxiety we haven't experienced for a while in this country. So for those in our lives and perhaps even in this chamber who have been or will be experiencing hardships or layoffs or foreclosures, receive our special prayers today. Be with us all, and perhaps especially with members of the Finance Committee, in our work as a way which helps us to identify creative solutions to our challenges and to match deficits of funding with abundance of energy, commitment and resourcefulness. In Your Holy name we pray. Amen.

Representative Robert Elliott, member from Salem, led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Brennan, John Kelley, Lerandau, Levasseur, Owen, Priestley and Wheeler, the day, illness.

Reps. Boisvert, Drisko, Farley, Donald Flanders, French, Hubbard, Kolodziej, Levesque, Mears, Mark Preston, Stella Scamman, Schuett, Stuart, Tahir and Twombly, the day, important business.

INTRODUCTION OF GUESTS

Cyan Johnson, granddaughter of Rep. Fields. Katrina Dunham, granddaughter of Rep. Carole Brown. Lou Vita, husband of Rep. Vita. Billy Coffey, husband of Rep. Coffey. Students of the UNH Masters Program in Public Administration with their professor, Norman Patenaude, guests of the Speaker.

INTRODUCTION OF SPECIAL GUESTS

Merrimack Valley High School's 2008 Class I State Field Hockey Champions accompanied by their coaches, Kim Kenney, Sandy Whelan and Kate Letendre.

RESOLUTION

Rep. Wallner offered the following: **RESOLVED**, that late drafting and introduction having been approved by the Rules Committee, House Bills numbered 1 and 2 and House Resolution numbered 6 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 AND HR

First, second reading and referral

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2010 and June 30, 2011. (M. Smith, Straf. 7: Finance)

HB 2-FN-A-L, relative to state fees, funds, revenues and expenditures. (M. Smith, Straf. 7: Finance)

HR 6, affirming revenue estimates for fiscal years 2009, 2010, and 2011. (Almy, Graf. 11)

RESOLUTION

Rep. Wallner offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 13, 19, 25, 45, 60, 62, 79, 87, 109, 111, 116, 118, 121, 129 and 135 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 13, declaring the chinook the state dog of New Hampshire. (Environment and Agriculture)

SB 19, relative to government immunity from lawsuits for municipal dog parks. (Judiciary)

SB 25-FN, relative to the operation of the Hillsborough county domestic violence unit in the Manchester district court. (Executive Departments and Administration)

SB 45, extending the commission to review New Hampshire's statutes on human immunodeficiency virus education, prevention, and control. (Health, Human Services and Elderly Affairs)

SB 60, establishing a commission to study water infrastructure sustainability funding. (Resources, Recreation and Development)

SB 62, establishing a commission to study creating a statewide plan for addressing Alzheimer's disease and related dementias in New Hampshire. (Health, Human Services)

and Elderly Affairs)

SB 79, relative to the compensation of game operators. (Ways and Means)

SB 87-L, changing the timing of payment of fine revenue from district court clerks to municipalities. (Judiciary)

SB 109, relative to certification of excess weight vehicles. (Transportation)

SB 111, authorizing the governor to appoint a public member to the rail transit authority. (Transportation)

SB 116, repealing the prohibition on political contributions by insurance companies. (Commerce and Consumer Affairs)

SB 118, relative to assistance in voting. (Election Law)

SB 121, establishing a commission to study potential revenue enhancements for municipalities. (Municipal and County Government)

SB 129, establishing a committee to study negative balance employers. (Labor, Industrial and Rehabilitative Services)

SB 135-FN, increasing snowmobile registration fees, OHRV dealer and rental agency registration fees, agent's fee for OHRVs and snowmobiles, and the penalty for an unregistered snowmobile. (Ways and Means)

COMMITTEE REPORTS

CONSENT CALENDAR

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

HB 363, eliminating requirements for additional breath tests for blood alcohol content, removed by Rep. Shurtleff.

HB 555-FN, decriminalizing possession of one ounce or less of marijuana, removed by Rep. Vaillancourt.

HB 355-FN-A, relative to oil fund disbursement board authority and fees for oil discharge cleanup, removed by Rep. Graham.

HB 90-FN, relative to the employment of veterans on Veterans' Day, removed by Rep. Vaillancourt.

Consent Calendar adopted.

HB 330, relative to life, accident, and health insurance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward A. Butler for Commerce and Consumer Affairs: This bill, as amended, corrects an unintended deletion created when the legislature raised the age of medical coverage in some situations for young adults up to age 26 years old. This bill clarifies the definition of dependent and puts back in statute needed language to protect those who are mentally or physically incapacitated. Vote 16-0.

Amendment (0364h)

Amend the bill by replacing section 1 with the following:

1 Insurance; Dependent Children. Amend RSA 415:5, I(3)(a) to read as follows:

(3)(a) It purports to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, **and** dependent children [~~or any dependent under age 26~~]. In this section "dependent child" means a subscriber's child by blood or by law, who **is one of the following**:

~~[(1) Is less than 26 years of age;~~

~~(2) Is unmarried;~~

~~(3) Is a resident of New Hampshire or is enrolled as a student at a public or private institution of higher education; and~~

~~(4) Is not provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. 1395 et seq.]~~

(1) Under age 19.

(2) Under age 25 if the child is a full-time enrolled student at an educational institution.

(3) Under age 26, unmarried, a resident of New Hampshire, and is not provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. sections 1395 et seq.

(4) Mentally or physically incapable of earning his or her own living as of the date on which such dependent's status as a covered family member would otherwise expire because of age. Such dependent shall continue under such policy while such policy remains in force or is replaced by another policy as long as such incapacity continues and as long as such dependent remains chiefly financially dependent on the policyholder or the employee or his or her estate is chargeable for the care of such dependent; provided, that due proof of such incapacity is received by the insurer within 31 days of such expiration date. If such coverage is continued in accordance with this subparagraph, such dependent shall be entitled upon the termination of such incapacity to coverage offered by the New Hampshire high risk pool under RSA 404-G.

Amend the bill by replacing sections 9 and 10 with the following:

9 Health Service Corporations; Dependent Coverage. RSA 420-A:10-a, I is repealed and reenacted to read as follows:

I. A policy may insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, and dependent children. In this section the term "dependent child" means a subscriber's child by blood or by law, who is one of the following:

(a) Under age 19.

(b) Under age 25 if the child is a full-time enrolled student at an education institution.

(c) Under age 26, unmarried, a resident of New Hampshire, and is not provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. sections 1395 et seq.

(d) Mentally or physically incapable of earning his or her own living as of the date on which such dependent's status as a covered family member would otherwise expire because of age. Such dependent shall continue under such policy while such policy remains in force or is replaced by another policy as long as such incapacity continues and as long as such dependent remains chiefly financially dependent on the policyholder or the employee or his or her estate is chargeable for the care of such dependent; provided, that due proof of such incapacity is received by the insurer within 31 days of such expiration date. If such coverage is continued in accordance with this subparagraph, such dependent shall be entitled upon the termination of such incapacity to coverage offered by the New Hampshire high risk pool under RSA 404-G.

10 Health Maintenance Organizations; Dependent Coverage. RSA 420-B:8-aa, I is repealed and reenacted to read as follows:

I. A policy may insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be

deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, and dependent children. In this section the term “dependent child” means a subscriber’s child by blood or by law, who is one of the following:

- (a) Under age 19.
- (b) Under age 25 if the child is a full-time enrolled student at an education institution.
- (c) Under age 26, unmarried, a resident of New Hampshire, and is not provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. sections 1395 et seq.
- (d) Mentally or physically incapable of earning his or her own living as of the date on which such dependent’s status as a covered family member would otherwise expire because of age. Such dependent shall continue under such policy while such policy remains in force or is replaced by another policy as long as such incapacity continues and as long as such dependent remains chiefly financially dependent on the policyholder or the employee or his or her estate is chargeable for the care of such dependent; provided, that due proof of such incapacity is received by the insurer within 31 days of such expiration date. If such coverage is continued in accordance with this subparagraph, such dependent shall be entitled upon the termination of such incapacity to coverage offered by the New Hampshire high risk pool under RSA 404-G.

Amend the bill by replacing sections 12 and 13 with the following:

12 Preferred Provider Agreements; Dependent Coverage. RSA 420-C:4-a, I is repealed and reenacted to read as follows:

I. A policy may insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, and dependent children. In this section the term “dependent child” means a subscriber’s child by blood or by law, who is one of the following:

- (a) Under age 19.
- (b) Under age 25 if the child is a full-time enrolled student at an education institution.
- (c) Under age 26, unmarried, a resident of New Hampshire, and is not provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. sections 1395 et seq.
- (d) Mentally or physically incapable of earning his or her own living as of the date on which such dependent’s status as a covered family member would otherwise expire because of age. Such dependent shall continue under such policy while such policy remains in force or is replaced by another policy as long as such incapacity continues and as long as such dependent remains chiefly financially dependent on the policyholder or the employee or his or her estate is chargeable for the care of such dependent; provided, that due proof of such incapacity is received by the insurer within 31 days of such expiration date. If such coverage is continued in accordance with this subparagraph, such dependent shall be entitled upon the termination of such incapacity to coverage offered by the New Hampshire high risk pool under RSA 404-G.

13 Delta Dental Plan; Dependent Coverage. RSA 420-F:5-a, I is repealed and reenacted to read as follows:

I. A policy may insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband,

wife, and dependent children. In this section the term “dependent child” means a subscriber’s child by blood or by law, who is one of the following:

- (a) Under age 19.
- (b) Under age 25 if the child is a full-time enrolled student at an education institution.
- (c) Under age 26, unmarried, a resident of New Hampshire, and is not provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. sections 1395 et seq.
- (d) Mentally or physically incapable of earning his or her own living as of the date on which such dependent’s status as a covered family member would otherwise expire because of age. Such dependent shall continue under such policy while such policy remains in force or is replaced by another policy as long as such incapacity continues and as long as such dependent remains chiefly financially dependent on the policyholder or the employee or his or her estate is chargeable for the care of such dependent; provided, that due proof of such incapacity is received by the insurer within 31 days of such expiration date. If such coverage is continued in accordance with this subparagraph, such dependent shall be entitled upon the termination of such incapacity to coverage offered by the New Hampshire high risk pool under RSA 404-G.

Amend the bill by replacing section 17 with the following:

17 Managed Care; Dependent Coverage. RSA 420-J:8-d, I is repealed and reenacted to read as follows:

I. A policy may insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, and dependent children. In this section the term “dependent child” means a subscriber’s child by blood or by law, who is one of the following:

- (a) Under age 19.
- (b) Under age 25 if the child is a full-time enrolled student at an education institution.
- (c) Under age 26, unmarried, a resident of New Hampshire, and is not provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. sections 1395 et seq.
- (d) Mentally or physically incapable of earning his or her own living as of the date on which such dependent’s status as a covered family member would otherwise expire because of age. Such dependent shall continue under such policy while such policy remains in force or is replaced by another policy as long as such incapacity continues and as long as such dependent remains chiefly financially dependent on the policyholder or the employee or his or her estate is chargeable for the care of such dependent; provided, that due proof of such incapacity is received by the insurer within 31 days of such expiration date. If such coverage is continued in accordance with this subparagraph, such dependent shall be entitled upon the termination of such incapacity to coverage offered by the New Hampshire high risk pool under RSA 404-G.

Referred to the Committee on Ways and Means.

HB 610-FN, relative to consumer protection from certain practices of mortgage bankers, mortgage brokers, and mortgage loan originators and implementing the S.A.F.E. mortgage licensing act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen T. DeStefano for Commerce and Consumer Affairs: In response to the economic and mortgage crisis in this country, last July 30th the President of the United

States signed Public Law 110-289. Title V of that law is titled the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 otherwise known as the S.A.F.E. Act. The main thrust of the law is to provide accountability and to ensure that each mortgage loan originator is qualified on the basis of knowledge and education and that he or she does not have a criminal record. Each originator will be assigned a unique number. Every mortgage loan written in the United States will bear the unique number of the individual who originated the loan. The purpose of House Bill 610-FN is to implement these federal requirements in New Hampshire law. Failure of any state to implement S.A.F.E. will result in the Department of Housing and Urban Development (HUD) stepping in and licensing that state's mortgage loan originators itself. The licensing, testing, education, criminal records checks and credit reports for each individual originator will be processed through a national licensing system mandated by S.A.F.E. where consumers will be able to look up the person with whom they are doing business. This transparency will be especially useful to regulate the loan originators as their licensing history and any problems will be monitored by the system. The language in HB 610-FN is largely model state law language that HUD has opined will meet the minimum requirements of S.A.F.E. Passage of HB 610-FN will ensure that the individuals who originate mortgage loans on New Hampshire property will be licensed and regulated by the State of New Hampshire and not by HUD. Vote 15-1.

Amendment (0358h)

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

1 Findings. The general court finds that:

I. The activities of mortgage lenders, mortgage brokers, and mortgage loan originators (collectively "providers") and the origination or offering of financing for residential real property have a direct, valuable, and immediate impact upon New Hampshire's consumers, New Hampshire's economy, the neighborhoods and communities of New Hampshire, and the housing and real estate industry.

II. Accessibility to mortgage credit is vital to New Hampshire's citizens and it is essential for the protection of the citizens of New Hampshire and the stability of New Hampshire's economy that reasonable standards for licensing and regulation of the business practices of mortgage loan providers be imposed.

III. The obligations of mortgage loan providers to consumers in connection with originating, brokering, or making residential mortgage loans are such as to warrant the regulation of the mortgage lending process.

IV. The purpose of this act is to protect consumers seeking mortgage loans and to ensure that the mortgage lending industry is operating without unfair, deceptive, and fraudulent practices on the part of mortgage loan originators and the mortgage industry.

2 Definitions. Amend RSA 397-A:1, IV to read as follows:

IV. "Branch office" means a location within *or without* this state of a person required to be licensed under this chapter that is identified by any means to the public as a location at which a mortgage banker or mortgage broker conducts *New Hampshire* mortgage business. Branch office does not include:

(a) A person's principal office location.

(b) A location identified solely in a telephone directory line listing or on a business card or letterhead if:

(1) The listing, card, or letterhead also sets forth the address and telephone number of a New Hampshire *licensed* office of the mortgage banker or mortgage broker from which all individuals conducting mortgage business from such identified location are directly supervised[-], *provided that such supervisory office is located within 100 miles of the identified location; and*

(2) No more than one agent, employee, originator, or other representative transacts business on behalf of the mortgage banker or broker from such identified location.

(c) Any other location not within the intent of this paragraph as the commissioner may determine.

3 New Paragraphs; Definitions. Amend RSA 397-A:1 by inserting after paragraph VI-a the following new paragraphs:

VI-b. "Depository institution" has the same definition as in section 3 of the Federal Deposit Insurance Act, and includes any insured credit union.

VI-c. "Dwelling" means a residential structure or mobile or manufactured home which contains one to 4 family housing units located in New Hampshire whether or not attached to real property, or individual units of condominiums or cooperatives. The term includes **manufactured housing**, a mobile home, and **a** trailer if it is used or intended to be used as a residence.

VI-d. "Federal banking agency" means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the National Credit Union Administration, or the Federal Deposit Insurance Corporation.

VI-e. "Financial services" or "financial services-related" means securities, commodities, banking, insurance, consumer lending, or real estate, including, but not limited to, acting as or being associated with a bank or savings association, credit union, mortgage lender, mortgage broker, **mortgage servicer**, real estate salesperson or agent, closing agent, title company, or escrow agent.

4 New Paragraphs; Definitions. Amend RSA 397-A:1 by inserting after paragraph VIII-a the following new paragraphs:

VIII-b. "Individual" means a natural person.

VIII-c. "Immediate family member" means a spouse, child, sibling, parent, grandparent, or grandchild. "Immediate family member" includes stepparents, stepchildren, stepsiblings, and adoptive relationships.

5 Definitions. Amend RSA 397-A:1, X to read as follows:

X. "Licensee" means a person, whether mortgage banker ~~[or]~~, mortgage broker, **or mortgage originator**, duly licensed by the commissioner pursuant to the provisions of this chapter.

6 New Paragraphs; Definitions. Amend RSA 397-A:1 by inserting after paragraph XI the following new paragraphs:

XI-a.(a) "Loan processor" or "underwriter" means an individual who performs clerical or support duties as an employee of and at the direction of and subject to the supervision and instruction of a licensed mortgage banker, licensed mortgage broker or registered mortgage servicer.

(b) For purposes of this paragraph, "clerical or support duties" may include subsequent to the receipt of an application:

(1) The receipt, collection, distribution, and analysis of information common for the processing or underwriting of a residential mortgage loan; and

(2) Communicating with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that such communication does not include offering or negotiating loan rates or terms or counseling consumers about residential mortgage loan rates or terms.

(c) An individual engaging solely in loan processor or underwriter activities shall not represent to the public, through advertising or other means of communicating or providing information including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that such individual can or will perform any of the activities of a mortgage loan originator.

XI-b. "Management level employee" means any officer of record, assistant vice president or higher, office or branch manager, director of operations, or other position the responsibilities of which provide such employee with the discretion or ability to set policy or

manage or direct affairs of the licensee as a whole, or of any division or department or unit of the licensee.

7 New Paragraph; Definitions. Amend RSA 397-A:1 by inserting after paragraph XIII the following new paragraph:

XIII-a. "Mortgage lender" means a mortgage banker.

8 Definitions. Amend RSA 397-A:1, XIV to read as follows:

XIV. "Mortgage loan" **or "residential mortgage loan"** means **any loan, including** a first or second mortgage loan, **primarily for personal, family, or household use** which is secured in whole or in part by a mortgage, **deed of trust, or other equivalent consensual security interest** upon ~~a dwelling or~~ any interest in real property ~~[used as a dwelling with accommodations for not more than 4 families]~~ **or in residential real estate.**

9 New Paragraphs; Definitions. Amend RSA 397-A:1 by inserting after paragraph XIV the following new paragraphs:

XIV-a. "Mortgage servicer" means a mortgage servicing company

XIV-b. "Mortgage servicing company" shall have the same meaning as provided in RSA 397-B:1, III.

XIV-c. "Nationwide Mortgage Licensing System and Registry" means a national licensing system and facility developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators, or their successors, for the licensing and registration of mortgage loan originators, mortgage lenders, mortgage servicers, and mortgage brokers or any similar system established by the Secretary of the United States Department of Housing and Urban Development.

XIV-d. "Nontraditional mortgage product" means any mortgage product other than a 30-year fixed-rate mortgage.

10 Definitions. Amend RSA 397-A:1 to read as follows:

XVII.(a) "Originator" **or "mortgage loan originator" or "mortgage originator" or "loan originator"** means an individual who ~~[is employed or retained and supervised by a mortgage banker or mortgage broker required to be licensed under RSA 397-A and who,]~~ for **direct or indirect** compensation or gain or in the expectation of **direct or indirect** compensation or gain, **takes a mortgage application or offers,** negotiates, solicits, arranges, or finds a mortgage loan **or who assists a consumer in obtaining or applying to obtain a mortgage loan by, among other things, advising on loan terms (including rates, fees, and other costs), preparing loan packages, or collecting information on behalf of the consumer with regard to a mortgage loan or who offers or negotiates terms of a residential mortgage loan.** No individual may act as an originator for more than one ~~[licensee]~~ **mortgage broker, mortgage servicer, or mortgage banker. A sole proprietor licensed as a mortgage broker, mortgage servicer, or mortgage banker shall also obtain a license as a mortgage originator prior to engaging in the activities of a mortgage originator. Mortgage loan originator does not include:**

(1) *An individual engaged solely as a loan processor or underwriter except as otherwise provided in RSA 397-A:3, II-a;*

(2) *A person that only performs real estate brokerage activities and is licensed or registered in accordance with applicable state law, unless the person or entity is compensated by a lender, a mortgage broker, mortgage servicer, or other mortgage loan originator or by any agent of such lender, mortgage broker, mortgage servicer, or other mortgage loan originator; and*

(3) *A person solely involved in extensions of credit relating to timeshare plans, as that term is defined in 11 U.S.C. section 101(53D).*

(b) *For purposes of this paragraph, "takes a mortgage application" means:*

(1) *Recording the borrower's application information in any form for use in a credit decision; or*

(2) Receiving the borrower's application information in any form for use in a credit decision.

11 Definitions. Amend RSA 397-A:1, XXI to read as follows:

XXI. "Real property" means **a dwelling or** land and the improvements which are affixed thereon **or are intended to be fixed thereon**, including, but not limited to, single-family homes~~[;]~~ **and** multifamily dwellings not exceeding 4 units, ~~[manufactured housing as defined in RSA 384:16 d, II, and any single family condominium unit,]~~ wholly or partly used or occupied, or intended to be used or occupied, as the home or residence of one or more persons.

12 New Paragraphs; Definitions. Amend RSA 397-A:1 by inserting after paragraph XXI the following new paragraphs:

XXI-a. "Registered mortgage loan originator" means any individual who

(a) Meets the definition of mortgage loan originator and is an employee of

(1) A depository institution;

(2) A subsidiary that is:

(A) Owned and controlled by a depository institution; and

(B) Regulated by a federal banking agency; or

(3) An institution regulated by the Farm Credit Administration; and

(b) Is registered with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

XXI-b. "Residential real estate" means any real property located in New Hampshire, upon which is constructed or intended to be constructed a dwelling.

XXI-c. "Reverse mortgage" means a mortgage loan generally available to seniors, usually 62 years of age and older, in which a mortgage, deed of trust, or equivalent consensual security interest securing one or more advances is created in the consumer's dwelling and the payment stream for principal, interest, shared appreciation, or equity is not due and payable until a maturity event or default occurs or any similar debt instrument as the commissioner determines.

13 New Paragraph; Definitions. Amend RSA 397-A:1 by inserting after paragraph XXIII the following new paragraph:

XXIII-a. "Senior manager" means a management level employee.

14 New Paragraphs; Definitions. Amend RSA 397-A:1 by inserting after paragraph XXIV the following new paragraphs:

XXV. "Unique identifier" means a number or other identifier assigned by protocols established by the Nationwide Mortgage Licensing System and Registry.

XXVI. "Yield spread premium" means a cash rebate paid to a mortgage broker or mortgage originator that is based on selling an interest rate to a borrower that is above the wholesale par rate that the borrower qualifies for.

15 Application of Chapter. Amend RSA 397-A:2, I to read as follows:

I. This chapter shall provide for the department's regulation of persons that engage in the business of **offering, originating**, making, **funding**, or brokering mortgage loans **from the state of New Hampshire or mortgage loans** secured by real property located in the state of New Hampshire~~[; which is or shall be occupied in whole or in part as a place of residence by the borrower and which consists of not more than 4 living units].~~

16 License Required. Amend RSA 397-A:3, II to read as follows:

II. It is unlawful for any individual to transact business in this state as an originator unless such individual is licensed under this chapter. **An individual shall not engage in the business of a mortgage loan originator with respect to any dwelling without first obtaining and maintaining annually a license under this chapter and each licensed mortgage loan originator shall register with and obtain and maintain a valid unique identifier issued by the National Mortgage Licensing System and Registry.** Under this chapter, an originator's license is only in effect when such originator is associated with a particular licensed mortgage **banker, servicer, or** broker.

17 New Paragraph; License Required; Loan Processor or Underwriter. Amend RSA 397-A:3 by inserting after paragraph II the following new paragraph:

II-a. A loan processor or underwriter who is an independent contractor may not engage in the activities of a loan processor or underwriter unless such independent contractor loan processor or underwriter obtains and maintains a license. Each independent contractor loan processor or underwriter licensed as a mortgage loan originator must have and maintain a valid unique identifier issued by the Nationwide Mortgage Licensing System and Registry.

18 New Paragraph; License Required; Branch Office Licensee. Amend RSA 397-A:3 by inserting after paragraph III the following new paragraph:

IV. A branch office of a mortgage banker or mortgage broker shall be licensed prior to conducting business at such location.

19 Exemptions. RSA 397-A:4 is repealed and reenacted to read as follows:

397-A:4 Exemptions. The provisions of this chapter shall not apply to:

I. Depository institutions or their subsidiaries that are owned and controlled by a depository institution or an institution regulated by the Farm Credit Administration.

II. Registered mortgage loan originators, when acting for an entity described in paragraph I.

III. Any individual who offers or negotiates terms of a residential mortgage loan with or on behalf of an immediate family member of the individual.

IV. An individual who offers or negotiates terms of a residential mortgage loan secured by a dwelling that served as the individual's residence.

V. A licensed attorney who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client, provided that the attorney is not compensated, directly or indirectly, by a lender, a mortgage broker, mortgage servicer, or other mortgage loan originator or by any agent of such lender, mortgage broker, mortgage servicer, or other mortgage loan originator.

20 License Application; Investigation. Amend RSA 397-A:5, I to read as follows:

I. To be considered for mortgage banker or mortgage broker licensing, each person shall complete and file with the department, ***through the Nationwide Mortgage Licensing System and Registry***, one verified application prescribed by the commissioner. At a minimum, the application shall state the primary business address of the applicant, the applicant's tax identification number, the address of its principal office and all branch offices [~~located or to be located within the state~~], and a list of the principals of the applicant. Each principal shall provide his or her social security number and shall authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, the qualifications and business history of the applicant and its principals, and the applicant's financial condition and history. The applicant shall disclose whether the applicant or any of its principals has ever been issued or been the subject of an injunction or administrative order, has ever been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or has ever been convicted of any felony.

21 New Subparagraph; License Application; Investigation. Amend RSA 397-A:5, II by inserting after subparagraph (d) the following new subparagraph:

(e) The department may rely on criminal records checks reported through the Nationwide Mortgage Licensing System and Registry in lieu of subparagraphs (b) and (c).

22 License Application; Bankers and Mortgage Brokers. Amend RSA 397-A:5, III to read as follows:

III.(a) The mortgage banker or mortgage broker license issued for the licensee's principal place of business shall be referred to as a "principal office license." Each additional license issued for ***New Hampshire*** mortgage lending or brokering activity occurring in a location [~~in this state~~] that is separate from the licensee's principal place of business shall be

referred to as a "branch office license." ~~[If the applicant or licensee desires to make or broker mortgage loans in more than one location, the commissioner, upon favorable action on the applicant's principal office license, shall issue a branch office license for each location where the business of making or brokering mortgage loans is to be conducted.]~~

(b) Each mortgage banker or mortgage broker license application shall be accompanied by a nonrefundable application fee of \$500 for each separate office location to be licensed. Sums collected under this chapter shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the commissioner, consumer credit administration division.

(c) Each mortgage banker or mortgage broker applicant shall be required to submit to the department detailed financial information sufficient for the commissioner to determine the applicant's ability to conduct the business of a mortgage banker or a mortgage broker with financial integrity. The *mortgage broker's* application shall include a statement of net worth ~~[-] prepared in accordance with the generally accepted accounting principles. The mortgage banker's application shall include a balance sheet, income statement, cash flow statement, statement of owner's equity, and note disclosure, and shall be prepared in accordance with generally accepted accounting principles.~~ An applicant or licensee shall demonstrate and maintain a *minimum* positive net worth ~~and an amount of minimum positive net worth shall be set by rule. Minimum net worth shall be maintained in an amount that reflects the dollar amount of loans originated as determined by the commissioner.~~ Net worth statements provided in connection with a license application under this section shall be subject to review and verification during the course of any examination or investigation conducted under the authority of RSA 397-A:12. Each mortgage banker applicant shall ~~[demonstrate a net worth at all times of at least \$100,000 or increase their posted]~~ *post a* continuous surety bond ~~[to a total]~~ *in the minimum* amount of \$100,000 ~~to the commissioner that shall be increased under conditions set by rule.~~ Each mortgage ~~[banker and]~~ broker shall post a continuous surety bond in the *minimum* amount of ~~[\$20,000]~~ *\$50,000* to the commissioner ~~[-] that shall be increased under conditions set by rule. Surety bonds shall provide coverage in an amount that reflects the dollar amount of loans originated by each mortgage loan originator employed by or retained by the mortgage banker or mortgage broker as determined by the commissioner.~~ Surety bonds shall include a provision requiring the surety to give written notice to the commissioner 20 days in advance of the cancellation or termination of the bond. Every bond shall provide that no recovery may be made against the bond unless the state makes a claim for recovery or the person brings suit naming the licensee within 6 years after the act upon which the recovery or suit is based. *When an action is commenced on a licensee's bond, the licensee shall immediately file a new bond. Immediately upon recovery upon any action on the bond the licensee shall file a new bond.*

(d) No person shall be issued or continue to hold a mortgage banker or mortgage broker license unless at least one person employed full-time in a supervisory capacity at the company's principal office shall have been actively engaged in the mortgage business in a similar supervisory capacity for a minimum of 3 of the preceding 5 years.

23 License Application; Investigation. Amend RSA 397-A:5, IV-a to read as follows:

IV-a. To be considered for originator licensing, the applicant shall complete and file with the department, *through the Nationwide Mortgage Licensing System and Registry*, one verified application prescribed by the commissioner. The application shall be signed under oath by both the originator applicant and ~~[by]~~ the licensed mortgage banker or mortgage broker for whom the individual will originate mortgage loans. *Each licensed mortgage originator shall register with and maintain a valid unique identifier issued by the Nationwide Mortgage Licensing System and Registry.* At a minimum, the application shall state the primary business address of the applicant and the applicant's social security number and shall authorize the commissioner to conduct a background check.

The applicant shall submit any other information that the commissioner *and the Nationwide Mortgage Licensing System and Registry* may require including, but not limited to, the applicant's residential and employment history. The applicant shall disclose his or her financial, criminal, regulatory civil, arbitration, civil litigation, and employment termination history, including but not limited to, whether the applicant has ever been issued or been the subject of an injunction or administrative order or has ever been charged with or convicted of a misdemeanor or any felony. Each license application shall be accompanied by a nonrefundable license fee of \$100. A mortgage originator's license may be transferred during a calendar year from one mortgage banker, *mortgage servicer*, or mortgage broker to another upon payment of a \$50 fee and approval by the commissioner *provided such application is filed prior to the expiration of the 15-day time frame established by RSA 397-A:3, III*. Sums collected under this chapter shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the commissioner, consumer credit administration division.

24 New Paragraphs; License Application; Investigation. Amend RSA 397-A:5 by inserting after paragraph IV-a the following new paragraphs:

IV-b. Each mortgage loan originator operating in New Hampshire and each mortgage loan originator making or brokering mortgage loans on New Hampshire real property and each principal of a mortgage banker or mortgage broker shall, in addition to other requirements in New Hampshire law and regulations, prior to licensure:

(a) Furnish to the Nationwide Mortgage Licensing System and Registry information concerning the applicant's or principal's identity, including:

(1) Fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information for a state, national, and international criminal history background check; and

(2) Personal history and experience in a form prescribed by the commissioner and the Nationwide Mortgage Licensing System and Registry including the submission of authorization for the Nationwide Mortgage Licensing System and Registry and the commissioner to obtain:

(A) An independent credit report obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act; and

(B) Information related to any administrative, civil, or criminal findings by any law enforcement entity, court, or governmental jurisdiction; and

(C) Criminal history record information; and

(D) Other background information as may be required by the commissioner.

(b) For the purposes of this paragraph and in order to reduce the points of contact which the Federal Bureau of Investigation may have to maintain for subparagraphs IV-b(a)(1) and IV-b(a)(2)(B), the commissioner may use the Nationwide Mortgage Licensing System and Registry as a channeling agent for requesting information from and distributing information to the department of justice or any governmental agency.

(c) For the purposes of this paragraph and in order to reduce the points of contact which the commissioner may have to maintain for purposes of subparagraphs IV-b(a)(2)(A) and (B), the commissioner may use the Nationwide Mortgage Licensing System and Registry as a channeling agent for requesting and distributing information to and from any source so directed by the commissioner.

IV-c.(a) The commissioner shall not issue a mortgage loan originator license unless the commissioner makes at a minimum the following findings that the applicant:

(1) Has never had a mortgage loan originator license revoked in any governmental jurisdiction, except that a subsequent formal vacation of such revocation shall not be deemed a revocation; and

(2) Has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court:

(A) During the 7-year period preceding the date of the application for licensing and registration; or

(B) At any time preceding the date of such application if such felony involved an act of fraud, dishonesty, theft, or a breach of trust or money laundering; and

(C) Provided that any pardon of a conviction shall not be a conviction for the purposes of this paragraph; and

(3) Has not ever been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court except that for a felony conviction at a time prior to 10 years preceding the date of such application that did not involve an act of fraud, dishonesty, theft, or a breach of trust or money laundering, the commissioner may allow licensure by rule or order; and

(4) Has not ever been convicted of, or pled guilty or nolo contendere in a domestic, foreign, or military court to, a misdemeanor involving: financial services or a financial services-related business; any fraud, false statements, or omissions; any theft or wrongful taking of property; bribery; perjury; forgery; counterfeiting; extortion; or a conspiracy to commit any of these offenses except that for such a misdemeanor conviction at a time prior to 10 years preceding the date of such application, the commissioner may allow licensure by rule or order; and

(5) Has demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that the mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of this chapter. For purposes of this subparagraph a person has shown that he or she is not financially responsible when he or she has shown a disregard in the management of his or her own financial condition. A determination that an individual has not shown financial responsibility may include, but not be limited to:

(A) Bankruptcies filed within the previous 10 years;

(B) Current outstanding judgments, except judgments solely as a result of medical expenses;

(C) Current outstanding tax liens or other government liens and filings;

(D) Foreclosures within the previous 3 years;

(E) A pattern of serious delinquent accounts within the past 3 years; and

(6) Has completed the pre-licensing education requirement described in subparagraph (b); and

(7) Has passed a written test that meets the test requirement described in subparagraph (c); and

(8) Is covered by a surety bond maintained by the mortgage banker, mortgage servicer, or mortgage broker who employs or retains the originator. The surety bond shall provide coverage for each mortgage loan originator in an amount that reflects the dollar amount of loans originated as determined by the commissioner.

(b)(1) For purposes of subparagraph (a)(6), a person shall complete at least 20 hours of education approved in accordance with subparagraph (c), which shall include at least:

(A) Three hours of federal law and regulations;

(B) Three hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; and

(C) Two hours of training related to lending standards for the nontraditional mortgage product marketplace; and

(2) Pre-licensing education courses shall be reviewed and approved by the Nationwide Mortgage Licensing System and Registry based upon reasonable standards. Review and approval of a pre-licensing education course shall include review and approval of the course provider. Pre-licensing education may be offered either in a classroom, online, or by any other means approved by the Nationwide Mortgage Licensing System and Registry. The pre-licensing education requirements approved by the Nationwide Mortgage Licensing

System and Registry for any state shall be accepted as credit towards completion of pre-licensing education requirements in New Hampshire. An individual previously licensed under this chapter subsequent to July 31, 2009 who applies for a new license shall prove that he or she has completed all of the continuing education requirements for the year in which the license was last held.

(c)(1) For purposes of subparagraph (a)(7), an individual shall pass, in accordance with the standards established under this subparagraph, a qualified written test developed by the Nationwide Mortgage Licensing System and Registry and administered by a test provider approved by the Nationwide Mortgage Licensing System and Registry based upon reasonable standards.

(2) A written test shall not be treated as a qualified written test for purposes of this subparagraph unless the test adequately measures the applicant's knowledge and comprehension in appropriate subject areas, including but not limited to:

- (A) Ethics.
- (B) Federal law and regulation pertaining to mortgage origination.
- (C) State law and regulation pertaining to mortgage origination.
- (D) Federal and state law and regulation, including instruction on fraud, consumer protection, the nontraditional mortgage marketplace, and fair lending issues.

(3) Nothing in this paragraph shall prohibit a test provider approved by the Nationwide Mortgage Licensing System and Registry from providing a test at the location of the employer of the applicant or the location of any subsidiary or affiliate of the employer of the applicant, or the location of any entity with which the applicant holds an exclusive arrangement to conduct the business of a mortgage loan originator.

(4) An individual shall not be considered to have passed a qualified written test unless the individual achieves a test score of not less than 75 percent correct answers to questions. An individual may retake a test 3 consecutive times with each consecutive taking occurring at least 30 days after the preceding test. After failing 3 consecutive tests, an individual shall wait at least 6 months before taking the test again.

(5) A licensed mortgage originator who fails to maintain a valid license for a period of 5 years or longer shall retake the test, not taking into account any time during which such individual is a registered mortgage loan originator.

IV-d.(a) In addition to other provisions in New Hampshire law and rules in order to be eligible to renew a license, a mortgage originator shall:

- (1) Meet and continue to meet the minimum standards for license issuance under paragraph IV-c; and
- (2) Satisfy the annual continuing education requirements described in paragraph IV-e; and
- (3) Pay the annual originator license renewal fee of \$100.

(b) The license of a mortgage loan originator failing to satisfy the minimum standards for license renewal shall expire. The commissioner may adopt procedures for the reinstatement of expired licenses consistent with the standards established by the Nationwide Mortgage Licensing System and Registry. The commissioner may deny or refuse to renew a mortgage loan originator's license for failure to meet minimum standards, for failure to pay outstanding fees or fines, for violation of state or Federal law and regulations, and for other good cause.

(c) Unless the commissioner has refused to renew or has denied a mortgage originator's application for renewal, an originator's license shall remain in force until it has been surrendered, revoked, or suspended, or terminates or expires in accordance with the provisions of this chapter, including subparagraph (b). Each license shall expire on December 31 of each calendar year.

IV-e.(a) In order to renew a license, an originator shall complete at least 8 hours of education approved in accordance with subparagraph (b), which shall include at least:

- (1) Three hours of federal law and regulations;

(2) Two hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; and

(3) Two hours of training related to lending standards for the nontraditional mortgage product marketplace.

(b) For purposes of subparagraph (a), continuing education courses shall be reviewed and approved by the Nationwide Mortgage Licensing System and Registry based upon reasonable standards. Review and approval of a continuing education course shall include review and approval of the course provider. Continuing education may be offered either in a classroom or online or by any other means approved by the Nationwide Mortgage Licensing System and Registry.

(c) A mortgage originator shall:

(1) Only receive credit for a continuing education course in the year in which the course is taken; and

(2) Not take the same approved course in the same or successive years to meet the annual requirements for continuing education.

(d) A mortgage originator who is an approved instructor of an approved continuing education course may receive credit for the mortgage originator's own annual continuing education requirement at the rate of 2 hours' credit for every 1 hour taught.

(e) Successful completion of the continuing education requirements approved by the Nationwide Mortgage Licensing System and Registry for any state shall be accepted as credit towards completion of the continuing education requirements in New Hampshire.

(f) A licensed mortgage loan originator who subsequently becomes unlicensed must complete the continuing education requirements for the last year in which the license was held prior to issuance of a new or renewed license.

IV-f.(a) Mortgage originators who hold a valid New Hampshire mortgage originator's license on July 30, 2009 shall complete all the requirements of paragraphs IV-b, IV-c, IV-d, and IV-e prior to renewal of their licenses for the 2010 calendar year.

(b) The commissioner may by order establish interim procedures for licensing and acceptance of applications. For previously registered or licensed individuals, the commissioner may establish expedited review and licensing procedures.

IV-g. In order to fulfill the purposes of this chapter, the commissioner is authorized to establish relationships or contracts with the Nationwide Mortgage Licensing System and Registry or other entities designated by the Nationwide Mortgage Licensing System and Registry to collect and maintain records and process transaction fees or other fees related to licensees or other persons subject to this chapter.

25 New Subparagraph; License Requirements; Investigation. Amend RSA 397-A:5, V by inserting after subparagraph (b) the following new subparagraph:

(c) The applicant's principals shall meet the requirements of 397-A:5, IV-b and 397-A:5, IV-c(a)(1) through (5).

26 License Application; Requirements; Investigation. RSA 397-A:5, VI is repealed and reenacted to read as follows:

VI.(a) In addition to any other duties imposed upon the commissioner by law, the commissioner shall require mortgage bankers, mortgage brokers, mortgage servicers, and mortgage loan originators to be licensed and registered through the Nationwide Mortgage Licensing System and Registry. In order to carry out this requirement, the commissioner is authorized to participate in the Nationwide Mortgage Licensing System and Registry. For this purpose, the commissioner may establish by rule, order, or otherwise the procedures, requirements, and standards as necessary, including but not limited to:

(1) Background checks for:

(A) Criminal history through fingerprint or other databases;

(B) Civil or administrative records;

(C) Credit history; and

(D) Any other information as deemed necessary by the Nationwide Mortgage Licensing System and Registry; and

(2) The payment of fees to apply for or renew licenses through the Nationwide Mortgage Licensing System and Registry; and

(3) The setting or resetting as necessary of renewal or reporting dates; and

(4) Requirements for amending or surrendering a license or any other such activities as the commissioner deems necessary for participation in the Nationwide Mortgage Licensing System and Registry.

(b) The commissioner shall establish a process whereby mortgage loan originators may challenge information entered into the Nationwide Mortgage Licensing System and Registry by the commissioner.

27 New Paragraphs; License Application; Requirements; Investigation. Amend RSA 397-A:5 by inserting after paragraph VII the following new paragraphs:

VIII. A license shall not be issued and effective unless the applicant or licensee is licensed or registered in the licensee's or applicant's home state, which in the case of an organization is the state where its principal office is located and in the case of an individual is the state from which the individual primarily conducts mortgage business.

IX. Non-federally insured credit unions which employ loan originators, as defined in the S.A.F.E. Mortgage Licensing Act of 2008, Public Law 110-289, Title V, shall register such employees with the Nationwide Mortgage Licensing System and Registry by furnishing the information concerning the employees' identities set forth in section 1507(a)(2) of Public Law 110-289, Title V.

28 License Grant; Mortgage Bankers and Brokers. Amend RSA 397-A:6, I to read as follows:

I. If the commissioner determines that the applicant meets the requirements of this chapter, then the commissioner shall forthwith issue a license or licenses permitting the applicant to engage in the business of originating, making, or brokering mortgage loans in accordance with the laws of this state. ***The commissioner may, by order, restrict or impose conditions for a license. Licensees shall ensure that the Nationwide Mortgage License System and Registry unique identifier of any person originating a residential mortgage loan shall be clearly shown on all residential mortgage loan application forms, solicitations or advertisements, including business cards or websites, and any other documents as established by rule, regulation, or order of the commissioner.*** Licensees shall be responsible for the supervision of their employees, agents, loan originators, and branch offices. Licensees shall conduct background checks, including checking the list of entities issued by the Office of Foreign Assets Control (OFAC) whose assets were frozen by executive order, on all of their loan originators.

29 License Term; Renewal; Mortgage Bankers and Brokers. Amend RSA 397-A:8 to read as follows:

397-A:8 License Term; Renewal.

I. Each ***mortgage banker or mortgage broker*** license shall remain in force until it has been surrendered, revoked, ***or*** suspended, ***or*** terminates or expires in accordance with the provisions of this chapter. Each license shall expire on December 31 of each calendar year.

II. If a person holds a valid ***mortgage banker or mortgage broker*** license under this section and is in compliance with this chapter and the rules thereunder, such licensee may renew the license by paying the required fee to the banking department on or before December 1 for the ensuing year that begins on January 1. Failure to renew the license shall result in the license terminating on December 31.

III. A mortgage banker or mortgage broker renewal fee of \$500 for the principal office license and each branch office license shall be submitted with the application for license renewal. ~~[An originator renewal fee of \$100 shall be submitted with the application for license renewal.]~~

IV. No application for renewal *of a mortgage banker or mortgage broker license* shall be denied without reasonable cause and the right of appeal pursuant to RSA 541-A and RSA 541.

30 Examination; Mortgage Bankers and Brokers. Amend RSA 397-A:12, V to read as follows:

V. The expense of such examination shall be chargeable to and paid by the licensee. The ~~[procedure for such]~~ payment shall be **calculated by** the same **method** as for payments by institutions for cost of examinations under RSA 383:11, except when the principal office of the licensee or person is located outside of this state and the department has determined that the examination must be conducted at that out-of-state location, the actual cost of travel, lodging, meals, and other expenses of examination personnel making the examination, shall be chargeable to and paid by such licensee or person in addition to the per diem charge for examination personnel set forth in RSA 383:11.

31 New Paragraphs; Examination; Mortgage Bankers and Brokers. Amend RSA 397-A:12 by inserting after paragraph X the following new paragraphs:

XI. Each licensee or person subject to this chapter shall make or compile reports or prepare other information as directed by the commissioner in order to carry out the purposes of the chapter including but not limited to:

- (a) Accounting compilations;
- (b) Information lists and data concerning loan transactions in a format prescribed by the commissioner; and
- (c) Such other information deemed necessary to carry out the purposes of the chapter.

XII. In making any examination or investigation authorized by this chapter, the commissioner may control access to any documents and records of the licensee or person under examination or investigation. The commissioner may take possession of the documents and records or place a person in exclusive charge of the documents and records in the place where they are usually kept. During the period of control, no person shall remove or attempt to remove any of the documents and records except pursuant to a court order or with the consent of the commissioner. Unless the commissioner has reasonable grounds to believe the documents or records of the licensee have been, or are at risk of, being altered or destroyed for purposes of concealing a violation of this chapter, the licensee or owner of the documents and records shall have access to the documents or records as necessary to conduct its ordinary business affairs.

XIII. The authority of this section shall remain in effect, whether a licensee or person subject to this chapter acts or claims to act under any licensing or registration law of this state, or claims to act without such authority.

XIV. The authority of this section shall extend to any person who has custody of or control over documents within the jurisdiction of the commissioner including but not limited to title companies and other settlement providers who shall provide loan documents to the commissioner upon request.

XV. No licensee or person subject to investigation or examination under this section may knowingly withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records, or other information. Such actions shall be fraud under the chapter.

32 New Section; Confidentiality; Mortgage Bankers and Brokers. Amend RSA 397-A by inserting after section 12 the following new section:

397-A:12-a Confidentiality.

I. In order to promote more effective regulation and reduce regulatory burden through supervisory information sharing and except as otherwise provided in the S.A.F.E. Mortgage Licensing Act of 2008, Public Law 110-289, Title V, section 1512, the requirements under any federal law or RSA 383:10-b, RSA 383:10-c, RSA 397-A:12, X, and RSA 91-A regarding the privacy or confidentiality of any information or material provided to the Nationwide Mortgage Licensing System and Registry, and any privilege arising under federal or state law, including

the rules of any federal or state court, with respect to such information or material, shall continue to apply to such information or material after the information or material has been disclosed to the Nationwide Mortgage Licensing System and Registry. Such information and material may be shared with all state and federal regulatory officials with mortgage industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by federal law or RSA 383:10-b, RSA 383:10-c, RSA 397-A:12, X, and RSA 91-A.

II. The commissioner is authorized to enter agreements or sharing arrangements with other governmental agencies, the Conference of State Bank Supervisors, the American Association of Residential Mortgage Regulators, or other associations representing governmental agencies.

III. The commissioner shall regularly report violations of this chapter, the rules promulgated under this chapter, and enforcement actions taken under this chapter, and other relevant information, to the Nationwide Mortgage Licensing System and Registry subject to the provisions contained in paragraph I.

IV. Information or material that is subject to a privilege or confidentiality under paragraph I of this section shall not be subject to:

(a) Disclosure under any federal or state law governing the disclosure to the public of information held by an officer or an agency of the federal government or the respective state; or

(b) Subpoena or discovery, or admission into evidence, in any private civil action or administrative process, unless with respect to any privilege held by the Nationwide Mortgage Licensing System and Registry with respect to such information or material, the person to whom such information or material pertains waives, in whole or in part, in the discretion of such person, that privilege.

V. RSA 383:10-b, RSA 383:10-c, RSA 397-A:12, X, and RSA 91-A, relating to the disclosure of confidential supervisory information or any information or material described in paragraph I of this section that is inconsistent with paragraph I shall be superseded by the requirements of this section.

VI. This section shall not apply with respect to the information or material relating to the employment history of, and publicly adjudicated disciplinary and enforcement actions against, mortgage loan originators that is included in the Nationwide Mortgage Licensing System and Registry for access by the public.

33 New Paragraph; Annual Report; Mortgage Bankers and Brokers. Amend RSA 397-A:13 by inserting after paragraph VI the following new paragraph:

VII. Each licensee shall submit to the Nationwide Mortgage Licensing System and Registry reports of condition, which shall be in such form and shall contain such information as the Nationwide Mortgage Licensing System and Registry may require.

34 New Paragraph; Lending Practices; Mortgage Bankers and Brokers. Amend RSA 397-A:14 by inserting after paragraph III the following new paragraph:

IV. No person subject to this chapter shall:

(a) Obtain property by fraud or misrepresentation;

(b) Solicit or enter into a contract with a borrower that provides that the person subject to this chapter may earn a fee or commission through "best efforts" to obtain a loan even though no loan is actually obtained for the borrower;

(c) Solicit, advertise, or enter into a contract for specific interest rates, points, or other financing terms unless the terms are actually available at the time of soliciting, advertising, or contracting;

(d) Conduct any business covered by this chapter without holding a valid license as required under this chapter, or assist or aid and abet any person in the conduct of business under this chapter without a valid license as required under this chapter;

(e) Fail to make disclosures as required by this chapter and any other applicable state or federal law including rules and regulations thereunder;

(f) Fail to comply with this chapter or rules or orders promulgated under this chapter, or fail to comply with any other state or federal law, including the rules and regulations thereunder, applicable to any business authorized or conducted under this chapter;

(g) Make, in any manner, any false or deceptive statement or representation with regard to the rates, points, or other financing terms or conditions for a residential mortgage loan, or engage in bait and switch advertising;

(h) Negligently make any false statement or knowingly and willfully make any omission of material fact in connection with any information or reports filed with a governmental agency or the Nationwide Mortgage Licensing System and Registry or in connection with any investigation conducted by the commissioner or another governmental agency;

(i) Make any payment, threat, or promise, directly or indirectly, to any person for the purposes of influencing the independent judgment of the person in connection with a residential mortgage loan, or make any payment, threat, or promise, directly or indirectly, to any appraiser of a property, for the purposes of influencing the independent judgment of the appraiser with respect to the value of the property;

(j) Collect, charge, attempt to collect or charge, or use or propose any agreement purporting to collect or charge any fee prohibited by this chapter;

(k) Cause or require a borrower to obtain property insurance coverage in an amount that exceeds the replacement cost of the improvements as established by the property insurer;

(l) Fail to truthfully account for monies belonging to a party to a residential mortgage loan transaction;

(m) Collect an advance fee for a loan modification; or

(n) Engage in unfair, deceptive, unethical, or fraudulent business practice.

35 New Paragraphs; Borrowers Rights; Mortgage Bankers and Brokers. Amend RSA 397-A:15 by inserting after paragraph VII the following new paragraphs:

VIII. A yield spread premium is prohibited in a reverse mortgage transaction.

IX.(a) Every field on the United States Department of Housing and Urban Development's Good Faith Estimate (GFE) form shall be completed before it is given to a borrower. The mortgage originator shall complete the Tradeoff Table on the instruction page of the GFE where a yield spread premium is to be paid in connection with a mortgage transaction.

(b) At the time the interest rate is locked for a loan the borrower shall be given a completed GFE Tradeoff Table for such loan; the intent is to allow the borrower to clearly see the loan options available to him or her that he or she did not elect.

(c) When completing the GFE Tradeoff Table, if a loan with a lower interest rate is not available to a borrower an entry of "N/A" is acceptable and if a loan with lower settlement charges is not available an entry of "N/A is acceptable.

(d) A copy of each disclosure, including those required by IX(a)-(c), and its method and timing of delivery shall be kept by the mortgage broker and by the mortgage banker.

X. Mortgage bankers and mortgage brokers shall have a documented methodology, approved by a senior manager, that enables its employees, agents, and originators to make a reasonable determination that the borrower can repay a mortgage loan. The methodology shall reflect all relevant factors that have a bearing on the present and future capacity of the borrower to adequately service the debt. A mortgage banker, mortgage broker, and mortgage originator shall not offer or extend a mortgage loan to a borrower unless a reasonable lender would believe at the time the loan is made that the borrower will be able to make the scheduled payments associated with the loan. The loan file kept by the mortgage banker, mortgage broker, and mortgage originator shall document the analysis used to arrive at that conclusion.

XI. A person, or its affiliate, brokering or funding a reverse mortgage shall not participate in, or be associated with, or employ any party that participates in or is associated with, any other financial or insurance activity and a mortgagor shall not be required, directly or indirectly, as a condition of obtaining a mortgage, to purchase any other financial or insurance product.

36 License Revocation; Suspension; Mortgage Bankers and Brokers. Amend the introductory paragraph of RSA 397-A:17, I to read as follows:

I. The commissioner may issue an order requiring a person to whom any license has been granted or any person under the commissioner's jurisdiction to show cause why the license should not be revoked~~;~~ **or** suspended, or penalties imposed, or both, for violations of this chapter. The order shall give reasonable notice of the opportunity for a hearing and shall state the reasons for the issuance of the order. The commissioner may by order summarily postpone or suspend any license or application pending final determination of any order to show cause, or other order, or of any other proceeding under this section, provided the commissioner finds that the public interest would be irreparably harmed by delay in issuing such order. Upon the entry of the order, the commissioner shall promptly notify the respondent, applicant, or licensee that the order has been entered and of the reasons for the order and that within 10 calendar days after receipt of a written request the matter will be scheduled for hearing. Valid delivery of such order shall be by hand or certified mail at the last known principal office of the licensee, or respondent, to an officer, director, 5 percent or more owner, member, partner, or legal representative of the licensee or respondent. If the person to whom an order to show cause or other order is issued fails to request a hearing within 30 calendar days of receipt or valid delivery of the order and no hearing is ordered by the commissioner, then such person shall be deemed in default, and the order shall, on the thirty-first day, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the commissioner, for good cause shown. A hearing, if requested shall be scheduled not later than 10 calendar days after the written request for such hearing is received by the commissioner, after which and within 20 calendar days from the date of the hearing the commissioner shall enter an order making such disposition of the matter as the facts require. If the licensee or respondent fails to request a hearing within 30 calendar days of receipt or valid delivery of such order or fails to appear at a hearing after being duly notified, or cannot be located after a reasonable search, such person shall be deemed in default and the proceeding may be decided against the person upon consideration of the order to show cause or other order, the allegations of which may be deemed to be true. The commissioner may by order, upon due notice and opportunity for hearing, assess penalties or deny, suspend, ***decline to renew***, or revoke a license or application ***and bar any person from licensure*** if it is in the public interest and the applicant, respondent, or licensee, any partner, officer, member, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the applicant, respondent, or licensee:

37 License Revocation; Suspension; Mortgage Bankers and Brokers. Amend RSA 397-A:17, I(a) to read as follows:

(a) Has violated any provision of this chapter or rules ***or orders*** thereunder;

38 License Revocation; Suspension; Mortgage Bankers and Brokers. RSA 397-A:17, II-III is repealed and reenacted to read as follows:

II. The commissioner may issue orders or directives under this chapter as follows:

(a) Order or direct persons subject to this chapter to cease and desist from conducting business, including immediate temporary orders to cease and desist.

(b) Order or direct persons subject to this chapter to cease any harmful activities or violations of this chapter, including immediate temporary orders to cease and desist.

(c) Enter immediate temporary orders to cease business under a license if the commissioner has determined that such license was erroneously granted or the licensee is currently in violation of the chapter or rules or orders under the chapter.

(d) Order or direct such other affirmative action as the commissioner deems necessary.

(e) Remove or ban from office or employment, including license revocation, any person conducting business under this chapter:

(1) For a violation of this chapter or orders or rules promulgated under this chapter; or

(2) For a violation of federal laws, rules, or regulations; or

(3) If the commissioner determines that such person has been convicted of a felony or misdemeanor that would preclude licensing under this chapter; or

(4) If by a preponderance of evidence the commissioner determines that the person no longer demonstrates the financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that the person subject to the chapter will operate honestly, fairly, and efficiently within the purposes of the chapter.

(f) Deny, suspend, revoke, condition, or decline to renew a license if an applicant or licensee fails at any time to meet the requirements of RSA 397-A:5, IV-c or 397-A:5, IV-d, or withholds information or makes a material misstatement in an application for a license or renewal of a license.

III. If the commissioner finds that protection of consumers, lenders, or investors requires emergency action and incorporates a finding to that effect in his or her order, immediate suspension of a license may be ordered pending an adjudicative proceeding. The adjudicative proceeding shall be commenced not later than 10 business days after the date of the order suspending the license. Unless expressly waived by the licensee, the commissioner's failure to commence an adjudicative proceeding within 10 business days shall mean that the suspension order is automatically vacated. The commissioner shall not again suspend the license for the same conduct which formed the basis of the vacated suspension without granting the licensee prior notice and an opportunity for an adjudicative proceeding.

39 New Paragraphs; License Revocation; Suspension. Amend RSA 397-A:17 by inserting after paragraph VII the following new paragraphs:

VIII. After notice and opportunity for hearing, the commissioner may enter an order of rescission, restitution, or disgorgement of profits directed to a person who has violated this chapter, or a rule or order under this chapter. Rescission, restitution or disgorgement of profits shall be in addition to any other penalty provided for under this chapter or RSA 383:10-d.

IX. In addition to any other penalty provided for under this chapter, after notice and opportunity for hearing, the commissioner may assess fines and penalties against a mortgage loan originator in an amount not to exceed \$25,000 if the commissioner finds that such loan originator has violated or failed to comply with any requirement of the S.A.F.E. Mortgage Licensing Act of 2008, Public Law 110-289, Title V or any regulation or order issued thereunder. Each of the acts specified shall constitute a separate violation.

X. An action to enforce any provision of this chapter shall be commenced within 6 years after the date on which the violation occurred.

40 New Paragraph; Administration by Commissioner; Rulemaking. Amend RSA 397-A:20 by inserting after paragraph VII the following new paragraph:

VIII. The commissioner may share information with state and federal law enforcement agencies for the purposes of criminal investigations.

41 Records and Filings; Mortgage Bankers and Brokers. Amend RSA 397-A:22, I to read as follows:

I. A document is filed when it is received by the commissioner. If any filing deadline date falls on a weekend or on a New Hampshire state or federal legal holiday, the due date shall be automatically extended to the next business day following such weekend or holiday.
Examination expenses, fines, penalties, and other moneys obliged to be paid to the

department shall be due and payable within 14 days of receipt of notice by the licensee or other person or at such later time determined by the commissioner.

42 Severability; Mortgage Bankers and Brokers. Amend RSA 397-A:23 to read as follows:

397-A:23 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the ~~[invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or application]~~ **remainder of the chapter or the application of the provision to other persons or circumstances is not affected** and to this end the provisions of this chapter are severable.

43 New Paragraph; Definitions; Control. Amend RSA 397-A:1 by inserting after paragraph V the following new paragraph:

V-a. "Control" means the power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. Any person is presumed to control a company that:

- (a) Is a director, general partner, or executive officer;
- (b) Directly or indirectly has the right to vote 10 percent or more of a class of a voting security or membership interest, or has the power to sell or direct the sale of 10 percent or more of a class of voting securities or membership interest;
- (c) In the case of a limited liability company, is a managing member; or
- (d) In the case of a partnership, has the right to receive upon dissolution, or has contributed, 10 percent or more of the capital.

44 New Paragraph; Definitions; Real Estate Brokerage Activity. Amend RSA 397-A:1 by inserting after paragraph XX-a the following new paragraph:

XX-b. "Real estate brokerage activity" means, for purposes of this chapter only, any activity that involves offering or providing real estate brokerage services to the public, including:

- (a) Acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property;
- (b) Bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;
- (c) Negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property other than in connection with providing financing with respect to any such transaction;
- (d) Engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and
- (e) Offering to engage in any activity, or act in any capacity, described in subparagraphs (a), (b), (c), or (d)

45 License Posting. Amend RSA 397-A:9 to read as follows:

397-A:9 License Posting. It shall be unlawful to engage in the business of ~~[making or brokering mortgage loans]~~ **a mortgage banker or mortgage broker** without a conspicuously posted license in the licensee's principal place of business within this state and in each of the licensee's **licensed** branch offices ~~[within this state]~~.

46 License Surrender. Amend RSA 397-A:10-a to read as follows:

397-A:10-a License Surrender.

I.(a) A licensee who ceases to engage in the business of a mortgage banker, mortgage broker, or originator, at any time during a license year for any cause, including, but not limited to, bankruptcy, license revocation, or voluntary dissolution, shall surrender, **by notice to the commissioner or by return of** such paper license, **if a paper license was issued**, in person, **through the Nationwide Mortgage Licensing System and registered**, or by registered or certified mail to the commissioner within 15 calendar days of such cessation, and mortgage banker and mortgage broker licensees shall cause to be

published in a newspaper of general circulation in the licensee's market area a notice to such effect. The commissioner shall adopt rules, in accordance with RSA 541-A, relative to such notice and final reports to the commissioner.

(b) Withdrawal of the surrendered license becomes effective ~~[30 days after]~~ **upon** receipt by the commissioner of the **notice of** license ~~[or within such shorter period of time as the commissioner may determine]~~, unless a revocation or suspension proceeding is pending when the withdrawal is filed or a proceeding to revoke or suspend or to impose conditions upon the withdrawal is instituted within 30 days after the license is surrendered. If a proceeding is pending or instituted, withdrawal becomes effective at such time and upon such conditions as the commissioner by order determines. If no proceeding is pending or instituted and withdrawal automatically becomes effective, the commissioner may nevertheless institute a revocation or suspension proceeding under RSA 397-A:17 within one year after withdrawal became effective and may enter a revocation or suspension order as of the last date on which the license was effective.

II. Failure to comply with the provisions of this section and rules adopted under this section shall be cause for denial of future license applications and the imposition of penalties under RSA 397-A:21.

47 Administration by the Commissioner; Rulemaking. Amend RSA 397-A:20, V to read as follows:

V. The commissioner may, for good cause shown, abate all or a portion of **fees or** delinquency penalties assessed under this chapter.

48 New Paragraphs; Definitions. Amend RSA 397-B:1 by inserting after paragraph IV the following new paragraphs:

IV-a. "Mortgage loan" shall have the same meaning as provided in RSA 397-A:1, XIV.

IV-b. "Nationwide Mortgage Licensing System and Registry" shall have the same meaning as provided in RSA 397-A:1, XIV-a.

IV-c. "Originator" and "mortgage loan originator" shall have the same meaning as provided in RSA 397-A:1, XVII.

49 New Paragraph; Mortgage Servicing Companies. Amend RSA 397-B:4 by inserting after paragraph IV the following new paragraph:

V. A mortgage servicing company shall:

(a) File its initial and renewal application through the Nationwide Mortgage Licensing System and Registry and shall post a surety bond in the amount and terms for mortgage brokers under RSA 397-A:5, III and the rules adopted thereunder; and

(b) Supervise mortgage loan originators that it employs or retains; and

(c) License its mortgage loan originators through the Nationwide Mortgage Licensing System and Registry in accordance with all of the licensing provisions of RSA 397-A; and

(d) Follow the provisions of RSA 397-A as they pertain to originators and to the reporting requirements of the National Mortgage Licensing System and Registry.

50 Banking Department; Positions Established. The following classified positions are hereby established in the banking department:

I. Two bank examiner III, labor grade 27.

II. One hearings examiner, labor grade 31.

III. One paralegal II, labor grade 19.

51 Effective Date. This act shall take effect July 31, 2009.

Referred to the Committee on Ways and Means.

HB 616, relative to banking overdraft fees. **INEXPEDIENT TO LEGISLATE.**

Rep. Tara G. Reardon for Commerce and Consumer Affairs: This bill would require lenders to deny purchases or charges made by consumers with their bank cards if there were not adequate funds in their accounts. Some consumers contract with their lenders for

“overdraft” accounts which would be rendered useless if this provision was enacted. Federal regulations are currently pending to establish an “opt-in” or “opt-out” procedure for consumers to choose whether to have purchases or charges paid in the absence of sufficient funds. Vote 16-0.

***HB 636-FN*, relative to direct shipment of alcoholic beverages. INEXPEDIENT TO LEGISLATE.**

Rep. Edward A. Butler for Commerce and Consumer Affairs: A bill with content similar to this bill has been introduced in the Senate. The prime sponsor of this bill requested that this one be voted ITL. Vote 15-0.

***HB 37*, relative to the penalty for using a gun in commission of a felony. INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill created an expansion of the crime of capital murder by adding causing the death of another “by the use of a firearm, while engaged in the commission of a felony.” New Hampshire has a very narrowly drawn law which limits capital punishment to six specific actions. The committee felt that adding any felony was too broad an expansion. On the issue of execution by firing squad for the above cited new section, New Hampshire several years ago changed the method of execution from hanging to lethal injection. This change was enacted to be consistent with a number of other states who considered lethal injection a less onerous method than hanging, electrocution or gas. Vote 19-1.

***HB 110*, relative to annulments for certain sexual assault convictions. INEXPEDIENT TO LEGISLATE.**

Rep. David A. Welch for Criminal Justice and Public Safety: This bill, if enacted, would allow an annulment for convictions under RSA 632-A:4, sexual assault, after three years if the perpetrator was 21 years of age or younger when the crime was committed. There was testimony against this bill by the mother of an offender who states her child maxed out of prison to the community and put the community at risk. The current limit is 10 years before annulment can be considered. RSA 634-A:4 creates a Class A misdemeanor for sexual crimes against children, including rape, in RSA 634-A:2, the aggravated felonious sexual assault statute. The committee believes that our children should be protected as long as possible as in the current 10 years and cannot set the limit as low as 3 years for crimes against children. Additionally, the committee has retained a bill with similar subject matter that may address issues discussed in this bill. Vote 19-1.

***HB 491*, relative to consumption of alcohol following a motor vehicle accident. INEXPEDIENT TO LEGISLATE.**

Rep. Beth Rodd for Criminal Justice and Public Safety: This bill shifts the burden of proof of innocence to the defendant, which is contrary to established law. There would be a presumption of guilt, rather than innocence, for the suspect. This bill violates due process standards and violates a person’s rights against self-incrimination. Vote 20-0.

***HB 611-FN*, relative to suspension of a driver's license for gasoline theft. INEXPEDIENT TO LEGISLATE.**

Rep. Beth Rodd for Criminal Justice and Public Safety: The committee, while sensitive to the frustration of gasoline theft, particularly in these economic times, agreed that the penalties suggested in this legislation were too harsh. Enforcing these consequences could result in joblessness, economic hardship and financial penalties that exceed the severity of the crime. Vote 19-0.

***HB 637-FN*, relative to bail agents and recovery agents. OUGHT TO PASS.**

Rep. Larry G. Gagne for Criminal Justice and Public Safety: Currently, the law as it is does the following: these individuals are registered with the secretary of state. Other than posting a bond, there is little regulation or control over what they do. This bill, however, requires any person doing business as a bail recovery agent to be licensed by the department of safety and to provide proof of such license to the secretary of state every two years. The bill prohibits bail recovery agents from possessing or using police or police-like badges that could cause people to mistake them for bona fide state, federal, local or county police officers and forbids their wearing any police-like insignia. If these individuals carry firearms they will be required to qualify with them at least once a year under the supervision of a firearms instructor certified by the N.H. Police Standards and Training Council. Vote 19-0. Referred to the Committee on Executive Departments and Administration.

HB 647-FN, relative to motor vehicle fines and violations. **OUGHT TO PASS.**

Rep. Robert F. Willette for Criminal Justice and Public Safety: This bill was requested by the Department of Safety to put into effect the recommendations arrived at by a legislative study this past summer. It is also to make it possible for the offender to plead guilty or nolo without appearing and losing a day's pay/work. In addition, a police officer would not have to appear at court. This bill is the result of that study. Vote 18-1.

Referred to the Committee on Ways and Means.

HB 653-FN, relative to service animals. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: The committee had this bill last session. We understand how the owners of service animals feel. We are unable to address this because the Americans with Disability Act does not allow anyone to ask a person if they are disabled. There is no universal vest. Asking cities and towns to provide these tags is a Constitutional issue Part First, Article 28-a. Vote 17-2.

HB 389, relative to distributing campaign materials at polling places. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen M. Hoelzel for Election Law: The present law addresses this issue. Depending on the location of the polling place, differences could occur. Moderators are aware of the needs of their polling places. Vote 17-0.

HB 390, authorizing access to the criminal justice information system for the purpose of enforcing election laws. **INEXPEDIENT TO LEGISLATE.**

Rep. Claudia A. Chase for Election Law: The committee believes that this bill allows for a "fishing expedition" by allowing the attorney general to have access to the criminal justice system in order to determine if a person is qualified to vote or seek elected office. The committee feels laws are in place already for these purposes and questions the time and personnel in the attorney general's office to pursue these types of "investigations." Vote 17-0.

HB 394-FN, relative to disclosure by candidates of criminal convictions and professional license suspensions. **INEXPEDIENT TO LEGISLATE.**

Rep. Claudia A. Chase for Election Law: If passed into law, this could unfairly affect the outcome of an election if a candidate is innocent of a criminal act but can not prove it until after the election. Additionally, the ethics committee was not contacted before this bill was submitted and believes it does not have the resources to deal with the inevitable increase in work load. It would also serve to discourage people from running for office. Vote 17-0.

HB 404, relative to the procedure for listing candidates on election ballots. **INEXPEDIENT TO LEGISLATE.**

Rep. Kevin D. Hodges for Election Law: The committee fully supports the ideal of allowing every candidate an equal opportunity to be listed first on the ballot and recognizes that the

current system, although improved, is not yet perfect. While this bill would improve the situation, we feel another bill scheduled to come to the committee may improve it more because it would require the secretary of state to determine and use a system that gives every candidate an equal opportunity to be listed first. The system outlined here could be used by the secretary of state, but it would not be the required system by statute, as the other bill does. Vote 15-2.

HB 470-FN, relative to the order of names on ballots. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy P. Comerford for Election Law: Upon reviewing relevant detailed data and testimony, the committee determined that this bill does not achieve the objective of ensuring that every candidate has an equal chance to be listed first on the ballot. Because this bill fails its primary purpose, the committee recommends the bill be inexpedient to legislate. Vote 16-0.

HB 506, authorizing absentee voting by election officers. **INEXPEDIENT TO LEGISLATE.**

Rep. June M. Caron for Election Law: This bill authorizes absentee voting by election officials. One of the reasons to vote by absentee ballot is because a voter would not be in his/her city or town during the hours that polls are open. Since all election officials are at the polls for 12 to 14 hours, there is no reason for an election official to not be able to spend the five or ten minutes it takes to cast his/her ballot during that time. Vote 16-0.

HB 513, relative to the prohibition on voting in more than one state. **OUGHT TO PASS.**

Rep. David M. Pierce for Election Law: RSA 659:34-a makes it a felony to vote twice in two different states in the same election. The current statute does, however, exonerate the defendant if he offers testimony or other evidence that he "legitimately moved his or her domicile to or from the other state or territory between the dates when the elections were held." This bill would shift the burden of proof on that point to the prosecution. No defendant charged with a violation of this statute should be forced to surrender the presumption of innocence and be forced to testify to defend himself. The job of proving the crime should always rest with the prosecution. Vote 17-0.

HB 541, relative to placement and removal of political advertising. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Horrigan for Election Law: This bill would have prevented citizens from placing signs on portions of their property which are officially within a state-owned right of way. This is an unnecessary restriction. Signs which pose a safety risk are already prohibited. Also, most highway rights of way are in fact owned by the state or by municipalities and signs are not allowed there already. Vote 15-1.

HB 548-FN-L, requiring municipalities to have dedicated post office boxes for receipt of absentee ballots. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Horrigan for Election Law: This bill is an unfunded mandate because it requires every town or city to rent a post office box to collect absentee ballots. This would cost a town or city at least \$52.00 per year (usually more than that). There would also be additional costs associated with requiring town clerks traveling to the post office on a regular basis. This bill is also overly restrictive as to how the post office and the election officials handle the incoming ballots. Finally, the sponsors could not point to one example where an absentee ballot has been lost or that a required post office box would prevent one from being lost. Vote 16-0.

HB 573-FN, relative to absentee voting. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard N. Komi for Election Law: This bill would permit absentee voting without

condition. The committee believes that absentee voting should be reserved for those voters who are absent from the district on election day. This committee also believes that passing this bill would negate the idea of a civic responsibility that allows the people to come together on a single day and set the direction for the country's political path. Vote 16-0.

HB 622, amending the hearing dates of the ballot law commission. **OUGHT TO PASS.**
Rep. Kathleen M. Hoelzel for Election Law: This is a housekeeping bill that allows the ballot law commission to meet following the presidential primary, if necessary. Vote 16-0.

HB 623, making various changes to the election laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert J. Perry for Election Law: This bill was drafted on behalf of the secretary of state's office and its intent is to update various aspects of election law to reflect changing technology, the need for additional filing information and to provide clarity. Vote 16-0.

Amendment (0368h)

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

1 Election Manual. Amend RSA 652:22 to read as follows:

652:22 Authority; Format; Distribution. The secretary of state, with the advice and approval of the attorney general, shall prepare or cause to be prepared ~~[by June 1]~~ preceding each state general election an up-to-date manual on the New Hampshire election laws and procedures for conducting elections. The manual shall be written in nontechnical language. The manual shall be distributed free of charge to each moderator, board of selectmen, city council, **and** board of supervisors of the checklist and to each town, city, and ward clerk. ***The secretary of state may distribute the manual in either electronic or printed format.*** The secretary of state may distribute said manual to any other person who requests it.

2 Overseas Absentee Registration Affidavit. Amend RSA 654:20 to read as follows:

654:20 ***Overseas Absentee Registration*** Affidavit. Any person qualified to vote as an overseas voter in a city or town as provided in RSA 654:3, because he or she is domiciled outside the United States, may apply to the city or town clerk or to the secretary of state for an overseas citizens federal election absentee registration affidavit. Such affidavit shall be prepared by the secretary of state and shall be in substantially the following form:

Overseas Absentee Registration Affidavit

I, _____, do hereby swear or affirm, under the penalties for voting fraud set forth below, the following:

1) That I am a United States citizen; ***Place of Birth: City:*** _____

State: _____ ***Country:*** _____;

2) That I have been domiciled in Canada or Mexico or any other country outside the continental United States since _____;
(month) (year)

3) That I hold a valid passport or card of identity with Registration No. _____ issued by the United States Secretary of State;

4) That, immediately prior to my departure from the United States, I was legally domiciled in the state of New Hampshire at the following address:

Street and Number or Rural Route, etc.

City or Town

5) That I will be of the age of 18 years or older on election day, have complied with all applicable qualifications and requirements of the state of New Hampshire, and am entitled to vote in the next subsequent federal election to be held in said state; ***Date of Birth:***
_____(mm)/____(dd)/____(yyyy);

6) That I do NOT maintain a domicile, am NOT registered to vote, and am NOT voting in any other state, territory, or possession of the United States, or election district thereof;

7) That my party affiliation (if any) is _____

8) That my permanent address outside the continental United States is:

Street or Route Number

City, Province, County

9) That I hereby make application for the addition of my name to the checklist of _____, New Hampshire, as an overseas citizen living outside the continental United States entitled to vote in any federal election held therein.

Signature of Applicant

Date

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000.

Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

3 Personal Filing. Amend RSA 655:16 to read as follows:

655:16 Personal Filing. Except for those who must file with a town or city clerk, any person who files [~~for a primary~~] on the last day of the filing period must do so in person before the secretary of state; provided, however, that this requirement shall not apply to the filling of vacancies by party committees.

4 Disqualification or Death of Candidate. Amend RSA 655:38 and RSA 655:39 to read as follows:

655:38 Disqualification of Candidate. If a candidate to be voted for at the general election shall make oath between the date of the candidate's nomination and the day of the election that he or she does not qualify for the public office which he or she seeks because of age, domicile, or incapacitating physical disability acquired subsequent to the primary, the secretary of state may remove said person's name from the ballot. A new candidate may be substituted by the appropriate party committee by submitting the name of the new candidate to the secretary of state within [~~5~~] **3** days of the notice of disqualification. The name of the substitute candidate shall be placed on the ballots as provided in RSA 656:21.

655:39 Death of Candidate. If any candidate to be voted for at the general election shall die between the date of nomination and the day of election, a new candidate may be substituted by the appropriate party committee by submitting the name of the new candidate to the secretary of state within [~~5~~] **3** days of the notice of death. The name of the substitute candidate shall be placed on the ballots as provided in RSA 656:21.

5 Nomination Papers; General Provisions. Amend RSA 655:40 to read as follows:

655:40 General Provisions. As an alternative to nomination by party primary, a candidate may have his or her name placed on the ballot for the state general election by submitting the requisite number of nomination papers. Such papers shall contain the name and domicile of the candidate, the office for which the candidate is nominated, and the political organization or principles the candidate represents. Nomination papers shall be signed by such persons only as are registered to vote at the state general election. No voter shall sign more than one nomination paper for each office to be voted for, and no nomination paper shall contain the names of more candidates than there are offices to be filled. Each voter shall sign **and date** an individual nomination paper. ***Nomination papers shall be dated in the year of the election.***

6 Number of Nomination Papers. Amend RSA 655:42, I-II to read as follows:

I. It shall require the names of 3,000 registered voters, 1,500 from each United States congressional district in the state, to nominate by nomination papers a candidate for president, [~~vice president,~~] United States senator, or governor.

II. It shall require the names of 1,500 [~~registered~~] voters **registered in the district** to nominate by nomination papers a candidate for United States representative; 750 to nominate a candidate for councilor or state senator; and 150 to nominate a candidate for state representative or county officer.

7 Filing Deadline. Amend RSA 655:43, II to read as follows:

II. No candidate who intends to run for any state or federal office in the state general election by means of nomination papers shall have his or her name placed on the ballot unless the candidate files a declaration of intent, as provided in RSA 655:17-a or 655:17-b, within the filing deadline required by RSA 655:14-a. **Any person who files on the last day of the filing period must do so in person before the secretary of state.**

8 Voting on Questions. Amend RSA 659:19 to read as follows:

659:19 Voting on Questions. A voter shall vote on questions submitted to voters by making [~~a cross (X) in the square~~] **an appropriate mark as instructed on the ballot** next to the answer he **or she** desires to give.

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

HB 667-FN, relative to misrepresenting the origin of a campaign call. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kevin D. Hodges for Election Law: Current law does not prohibit, and therefore implicitly permits, a political campaign to make campaign calls in the name of another, perhaps competing, political campaign. This has resulted in some political campaigns making deceptive and mean spirited calls to unsuspecting voters. The committee believes elections should be won by a competition of ideas, not dirty tricks. Vote 16-0.

Amendment (0354h)

Amend the bill by replacing section 1 with the following:

1 New Section; Misrepresenting Origin of Campaign Call. Amend RSA 664 by inserting after section 14-a the following new section:

664:14-b Misrepresenting Origin of Campaign Call. No person shall misrepresent the origin of a telephone call which expressly advocates the success or defeat of any party, measure, or person at any election. Such misrepresentation shall include, but shall not be limited to, causing caller identification information, as defined in RSA 359-E:1, I-a, to indicate that a telephone call originates from a number or person other than the number or person originating the call.

HB 669-FN, relative to registering to vote. **INEXPEDIENT TO LEGISLATE.**

Rep. Dino A. Scala for Election Law: This bill would eliminate our election day voter registration by installing the national voter registration act into New Hampshire. The majority feels this runs contrary to our same day voting, and although not perfect, we feel our system is superior to the "motor-voter" act. Also, the secretary of state's office noted a change over would be a large cost to the taxpayers of our state. Vote 15-1.

HB 42-FN, allowing the state veterinarian to employ a meat inspection services administrator. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jane E. Beaulieu for Environment and Agriculture: This bill, as amended, allows the state veterinarian to hire a meat inspection services administrator. This administrator, a non-classified position, may be a contracted employee or an intern. This bill does not contain an appropriation at this time. This program will become effective once the USDA writes rules which may take up to 12 months to complete. Vote 15-0.

Amendment (0152h)

Amend RSA 427:3 as inserted by section 1 of the bill by replacing it with the following:

427:3 Meat Inspection Service Established. There is created within the department of agriculture, markets, and food, bureau of animal industry, a meat inspection service which is charged with the enforcement of this subdivision. The state veterinarian shall be the chief of said service. ***The state veterinarian is authorized to employ a meat inspection services administrator. The meat inspection services administrator shall enforce the meat inspection provisions of this chapter.***

Referred to the Committee on Executive Departments and Administration.

HB 337-FN-L, permitting the issue of temporary licenses for certain sellers of animals. **INEXPEDIENT TO LEGISLATE.**

Rep. Tara A. Sad for Environment and Agriculture: This bill would have required those selling more than one cat or dog per year to obtain a temporary license from the department of agriculture. This license would be valid for only 90 days. Any advertisements announcing the availability of a dog or cat for sale or exchange would have to include the temporary license number. The intent of the bill was to identify potential “puppy mill” operations. The committee concluded that since there is no evidence of a “puppy mill” problem in the state, this bill is not necessary. Vote 16-0.

HB 423-FN-A-L, relative to solid waste permits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Warren J. Groen for Environment and Agriculture: This bill encourages recycling of electronic waste by means of an education and outreach program to be operated by the department of environmental services (DES). The bill adds CRTs, LCDs, and various other electronic products to the list of items to be recycled instead of entering the regular waste stream. This will encourage citizens to participate in the voluntary recycling program run by electronic manufacturers and retailers. Vote 17-0.

Amendment (0181h)

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

AN ACT requiring the department of environmental services to develop an outreach campaign to disseminate information on recycling materials, including electronic waste.

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

1 Solid Waste Management; Definitions. Amend RSA 149-M:4, VIII-a to read as follows:

VIII-a. ***“Electronic waste” includes computer monitors containing a cathode ray tube, laptop computers, liquid crystal display (LCD) computer monitors, plasma and LCD televisions, printers, cell phones, video cassette recorders (VCRs), copiers, fax machines, and DVD players.***

VIII-b. “End-of-life motor vehicle” means a wrecked, worn-out, junk, or other motor vehicle that is no longer intended for use according to its original purpose and is destined for final disposal. The term does not include a motor vehicle that is being kept for repair or restoration, or that is temporarily impounded pending identification of last owner of record or settlement of an insurance claim.

2 New Paragraph; Solid Waste Management; Responsibilities. Amend RSA 149-M:6 by inserting after paragraph VII the following new paragraph:

VII-a. Collect and prepare information regarding opportunities for citizens and businesses to recycle materials, including electronic waste, and develop an outreach campaign to disseminate that information including, as appropriate, information on the department’s website, brochures, posters, mailings and e-mailings, press releases, and other appropriate means of communication.

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

AMENDED ANALYSIS

This bill requires the department of environmental services to develop an outreach campaign to disseminate information on recycling materials, including electronic waste.

HB 256, relative to the New Hampshire accountancy act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John M. Reagan for Executive Departments and Administration: A study commission report suggested this legislation to ease the practice for accountants across state lines. The national trend is to permit accountants to practice across state lines. To date, 33 states have passed similar statutes to permit this practice. It is expected nearly all other states will consider this legislation within two years. This bill is endorsed by the New Hampshire board of accountancy and supported by the American institute of CPA's and the national association of state boards of accountancy. Vote 18-0.

Amendment (0249h)

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

1 Definitions; Attest. Amend RSA 309-B:3, I to read as follows:

I.(a) "Attest" means providing the following financial statement services:

(1) Any audit or other engagement to be performed in accordance with the American Institute of Certified Public Accountants' ~~[Auditing Standards Board's]~~ Statements on Auditing Standards (SAS).

(2) Any review of a financial statement ~~[or compilation of a financial statement]~~ to be performed in accordance with the American Institute of Certified Public Accountants' ~~[Auditing Standards Board's]~~ Statements on Standards for Accounting and Review Services (SSARS).

(3) Any examination of prospective financial statements to be performed in accordance with the American Institute of Certified Public Accountants' Statements on Standards for Attestation Engagements (SSAE).

(4) Any engagement to be performed in accordance with the Public Company Accounting Oversight Board's Auditing Standards.

(b) The Statements on Standards specified in subparagraph (a) ~~[(1)-(3) above]~~ shall be adopted by reference by the board pursuant to rulemaking and shall be those developed for general application by recognized national accountancy organizations such as the American Institute of Certified Public Accountants.

2 New Paragraph; Definition; Compilation. Amend RSA 309-B:3 by inserting after paragraph III the following new paragraph:

III-a. "Compilation" means providing a service to be performed in accordance with the American Institute of Certified Public Accountants' ~~[Auditing Standards Board's]~~ Statements on Standards for Accounting and Review Services (SSARS) that is presenting in the form of financial statements, information that is the representation of management without undertaking to express any assurance on the statements.

Amend the bill by replacing sections 5-8 with the following:

5 Definitions; Substantial Equivalency; Uniform Accountancy Act. Amend RSA 309-B:3, XVIII and XIX to read as follows:

XVIII. "Substantial equivalency" is a determination by the board or its designee that the education, examination, and experience requirements contained in the statutes and administrative rules of another jurisdiction are comparable to or exceed the education, examination, and experience requirements contained in ~~[this chapter and rules relating thereto adopted under RSA 541-A]~~ **the Uniform Accountancy Act**, or that the individual certified public accountant's education, examination, and experience qualifications are comparable to or exceed the education, examination, and experience requirements contained in ~~[this chapter and rules relating thereto adopted under RSA 541-A]~~ **the Uniform Accountancy Act. In ascertaining substantial equivalency as used in this statute,**

the board shall take into account the qualifications without regard to the sequence in which experience, education, or examination requirements were attained.

XIX. "Uniform Accountancy Act" means the ~~[third]~~ **July 27, 2007** edition of the model legislation developed jointly by the American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy ~~[as published in 1998]~~.

6 Education Requirements. RSA 309-B:5, III(b) is repealed and reenacted to read as follows:

(b) After January 1, 2005 and until June 30, 2014, at least 120 semester hours of college education including a baccalaureate or higher degree conferred by a college or university acceptable to the board, the total educational program to include an accounting concentration or equivalent as determined by board rule to be appropriate; provided however, that candidates for a certificate may sit for the examination described in paragraph IV if the have at least 120 semester hours of college education including a baccalaureate degree conferred by a college or university acceptable to the board, the total educational program to include an accounting concentration or equivalent as determined by board rule to be appropriate.

(c) On or after July 1, 2014, at least 150 semester hours of college education including a baccalaureate or higher degree conferred by a college or university acceptable to the board, the total educational program to include an accounting concentration or equivalent as determined by board rule to be appropriate; provided however, that candidates for a certificate may sit for the examination described in paragraph IV if they have at least 120 semester hours of college education including a baccalaureate degree conferred by a college or university acceptable to the board the total educational program to include an accounting concentration or equivalent as determined by board rule to be appropriate. The applicant's degree shall include 30 semester hours of accounting courses. The accounting credits shall include coverage in financial accounting auditing, taxation, and management accounting. In addition, the degree shall include, or be supplemented by, 24 semester hours of business courses other than accounting courses. These business courses may include but not be limited to coverage in the areas of business law, business information systems, finance, professional ethics, business organizations and economics.

7 Examinations. Amend RSA 309-B:5, V to read as follows:

V. An applicant shall be required to pass all sections of the examination provided for in paragraph IV in order to qualify for a certificate. A passing grade for each section shall be 75. The applicant shall pass all sections of the examination within 18 months of the examination at which the first section was passed. ~~[No candidate shall be allowed more than 10 attempts to complete all sections of the examination.]~~

8 Experience Requirements. RSA 309-B:5, IX(a) and (b) is repealed and reenacted to read as follows:

(a) Until June 30, 2014, 2 years for a candidate with a 4-year college degree, or the equivalent, and one year for a candidate holding a master's degree in accounting, taxation, finance, or business administration.

(b) On or after July 1, 2014, one year.

Amend RSA 309-B:6, I as inserted by section 9 of the bill by replacing it with the following:

I. The practice, privilege, and discipline for substantially equivalent individuals shall be governed by the following provisions:

(a) An individual whose principal place of business is not in this state and who holds a valid certificate or license as a certified public accountant from any United States jurisdiction which the board or its designee has verified to be in substantial equivalence with the certified public accountant licensure requirements of the Uniform Accountancy Act shall be presumed to have qualifications substantially equivalent to this state's requirements and shall have all rights and privileges of licensees of this state without the need to obtain a certificate under RSA 309-B:7 or a permit under RSA 309-B:8. Notwithstanding any other provision of law, an individual qualifying under this subparagraph may offer or render

professional services, whether in person or by mail, telephone, or electronic means, based on a practice privilege, and no notice, fee, or other submission shall be provided by any such individual. Such an individual shall be subject to the requirements in paragraph III.

(b) An individual whose principal place of business is not in this state and who has a valid certificate or license as a certified public accountant from any United States jurisdiction which the board or its designee has not verified to be in substantial equivalence with the certified public accountant licensure requirements of the Uniform Accountancy Act shall be presumed to have qualifications substantially equivalent to this state's requirements and shall have all rights and privileges of certificate holders and licensees of this state without the need to obtain a certificate under RSA 309-B:7 or a permit under RSA 309-B:8 if such individual obtains from the board or its designee verification that such individual's certified public accountant qualifications are substantially equivalent to the certified public accountant licensure requirements of the Uniform Accountancy Act. Any individual who has passed the Uniform CPA Examination and holds a valid license issued by any other state prior to July 1, 2014 may be exempt from the education requirements in the Uniform Accountancy Act for purposes of this subparagraph. Notwithstanding any other provision of law, an individual qualifying under this subparagraph may offer or render professional services, whether in person or by mail, telephone, or electronic means, based on a practice privilege, and no notice, fee, or other submission shall be provided by any such individual. Such an individual shall be subject to the requirements in paragraph III.

Amend the bill by replacing section 10 with the following:

10 Issuance and Renewal of Certificates. Amend RSA 309-B:7, I and II to read as follows:

I. The board shall grant or renew certificates to persons who make application and demonstrate that their qualifications, including where applicable the qualifications prescribed by RSA 309-B:5, are in accordance with the requirements of this section, or that they are eligible for licensure under the substantial equivalency standards set out in RSA 309-B:6. The holder of a certificate issued under this section may provide attest services as defined in RSA 309-B:3, I(a), **and compilation services as defined in RSA 309-B:3, III-a**, only in a CPA firm that holds a permit issued under RSA 309-B:8.

II. Certificates shall be initially issued, and renewed, for periods of not more than 3 years. Annual periods shall coincide with the state's fiscal year, beginning on July 1 and ending on the subsequent June 30. Applications for such certificates shall be made in such form, and in the case of applications for renewal, between such dates, as the board shall by rule specify. ***The licensee shall have 60 days to renew the certificate. If the renewal forms and fees are not submitted within 60 days after the expiration date of the license, the licensee shall file an application for return to active practice which shall be required to return to active status.*** A certificate shall remain valid for the period of time that the board requires to act on the application for renewal, provided that the renewal was submitted in accordance with the rules adopted by the board. The board shall grant or deny any application no later than 90 days after the application is filed in proper form. In any case where the applicant seeks the opportunity to show that issuance or renewal of a certificate was mistakenly denied, or where the board is not able to determine whether it should be granted or denied, the board may issue to the applicant a provisional certificate, which shall expire 90 days after its issuance or when the board determines whether or not to issue or renew the certificate for which application was made, whichever shall first occur.

Amend RSA 309-B:8, I(a) as inserted by section 14 of the bill by replacing it with the following:

(a) The following are required to hold a permit issued under this section:

(1) Any firm with an office in this state performing attest services as defined in RSA 309-B:3, I, or compilation services under RSA 309-B:3, III-a;

(2) Any firm with an office in this state that uses the designation “CPAs” or “CPA firm”; or

(3) Any firm that does not have an office in this state but performs attest services described in RSA 309-B:3, I(a)(1), (3), or (4) for a client having its home office in this state.

Amend RSA 309-B:14 as inserted by section 16 of the bill by deleting paragraph XVII.

Amend the bill by replacing all after section 16 with the following:

17 Repeal RSA 309-B:5, XI, relative to rulemaking for minimum experience requirements, is repealed.

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

HB 316, relative to expenditures by boards and commissions for costs of examinations of applicants. **OUGHT TO PASS.**

Rep. Don Petterson for Executive Departments and Administration: In addition to requiring applicants for licensure to have taken a national examination, some New Hampshire state boards also administer a state examination. This bill merely changes the language of RSA 332-G:2 to clarify that the charges for both types of examination be expended as spelled out in the language of the statute. Vote 17-0.

HB 335, relative to the state retiree health plan commission. **OUGHT TO PASS.**

Rep. Laurie Harding for Executive Departments and Administration: This bill adds a second House member and a second Senate member to the state retirement health plan commission. Membership also includes a member appointed by the governor, the state treasurer and the commissioner of the department of administrative services. In addition, HB 335 requires the commission to study future costs of post-employment benefits along with its other duties which currently include determining the actuarial assumptions to be used in the actuarial valuation of liabilities in relationship to the state retiree health benefits. Vote 16-1.

HB 339, ratifying changes to the state building code adopted by the state building code review board and revising the definition of the state building code. **OUGHT TO PASS.**

Rep. John M. Reagan for Executive Departments and Administration: This bill ratifies changes to the state building code adopted by the state building code review board which includes all stakeholders. This bill will allow uniformity and predictability in the design and review requirements for designers and builders. It further streamlines the inspection and review of plans and actual on site building inspection. This bill may help reduce costs for construction projects in our state. Vote 16-1.

HB 632-FN, relative to including fully certified police officers of the New Hampshire hospital campus force in group II of the retirement system. **OUGHT TO PASS.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill would move the campus police at the state hospital from group I to group II in the New Hampshire retirement system. Since January 1, 2005, only certified police officers have been hired for the hospital campus police force. As time progresses, the remaining group I officers will be replaced by certified group II members. The state has been paying for the certification of officers and then losing them to other police forces where they can become group II members. This will help the department of safety to retain employees. Vote 18-1.
Referred to the Committee on Finance.

HB 633-FN, relative to eligibility for medical benefits payment by the retirement system for certain group I teacher and political subdivision employee members. **OUGHT TO PASS.**

Rep. Patricia M. McMahon for Executive Departments and Administration: This bill clarifies the eligibility for medical benefits payment for early retiring group I teachers and political subdivision employee members if they were eligible to retire on or before July 1,

2008 prior to age 60 (with 20 years creditable service) and subsequently attained the age of 60 on or before July 1, 2009 or for those members who prior to age 55 (with 30 years creditable service) and subsequently attained the age of 55 and retired on or before July 1, 2009. This will apply to group I teachers and political subdivision employee members retroactive to May 21, 2008. Vote 18-0.

HB 685-FN, relative to medical benefits payment by the retirement system for certain vested deferred group I members. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia M. McMahon for Executive Departments and Administration: This bill clarifies and corrects HB 1643, Chapter 86 (2008) re the eligibility for medical benefits payments for those group I members (teachers and employees of political subdivisions) who were eligible to retire as of July 1, 2008 and retired before July 1, 2009 with a vested deferred retirement allowance. Vote 17-1.

Amendment (0307h)

Amend RSA 100-A:52-a, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Any person who for reasons other than retirement or death ceases to be a group I teacher or political subdivision employee prior to attaining the age of 60, and who ~~was eligible to retire~~ as of July 1, 2008 ~~[receives]~~ **and retired on or before July 1, 2009 with** a vested deferred retirement allowance, and who has completed no less than 20 years of group I creditable service **by July 1, 2008** and ~~[subsequently]~~ **is 60 years of age, or subsequent to July 1, 2008** attains the age of 60, or who has completed no less than 30 years of group I creditable service **by July 1, 2008** and ~~[subsequently]~~ **is 55 years of age, or subsequent to July 1, 2008** attains the age of 55.

HB 526, changing certain references in fish and game laws to river herring. **OUGHT TO PASS.**

Rep. Joseph A. Russell for Fish and Game and Marine Resources: The intent of this bill is to combine the species name alewife and blue back herring to river herring. This reference is more commonly used in fishing management. This change will aid in enforcement of laws regarding netting of river herring. Vote 16-0.

HB 559, relative to the composition and duties of, and appointment to, the fish and game commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Margaret E. Porter for Fish and Game and Marine Resources: This bill was a response to the fish and game performance audit. Overwhelming opposition from the sporting community and wildlife groups resulted in a well-attended public hearing in Representatives Hall. The committee unanimously opposed the legislation as written. The committee, the commission, and the fish and game department are committed to addressing the audit findings collaboratively. Vote 15-0.

HB 612, relative to the effect of a suspension or revocation of a fish and game license from another jurisdiction. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Seth C. Marshall for Fish and Game and Marine Resources: The intent of this bill is to bring New Hampshire into reciprocity with our New England neighbors with regard to the renovation and suspension of lobster and crab fishing licenses. It prevents individuals under suspension in other jurisdictions from purchasing licenses or permits to lobster and crab fish but allows the executive director discretion regarding licensing of those individuals. Vote 16-0.

Amendment (0062h)

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

AN ACT relative to the suspension or revocation of fish and game licenses.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 5:

2 Lobster and Crab Licenses; Revocation and Suspension. Amend RSA 211:21 to read as follows:

211:21 Revocation; Suspension. ~~[Persons convicted for violation of the provisions pertaining to taking lobsters and crabs shall forfeit their license for not more than one year.]~~
The executive director may revoke or suspend the lobster and crab license of any person who has been found guilty in any court of a violation of any provision of this chapter or any rule adopted under this chapter by the executive director. If an appeal is taken the license shall be suspended pending the disposition of said case and for not more than one year thereafter from date of conviction by the higher court. The executive director shall revoke ***or suspend*** the license of any person who has been found guilty in any court a second time within 5 years of the first finding of guilt, of a violation of any such laws or regulations, for a period of not less than one, nor more than 3 years from the date of such finding or conviction. The executive director may order any license to be suspended or revoked, after due hearing, for any cause that he may deem sufficient. Any person whose license has been revoked or suspended shall not accompany any licensed fisherman or assist him in any way while he is engaged in taking or transporting lobsters or crabs.

3 Oysters, Clams; Penalty; Suspension Added. Amend RSA 211:64, IV to read as follows:

IV. In addition to any other penalty provided, the executive director in his ***or her*** discretion may also revoke ***or suspend*** for a period not exceeding one year any license or permit issued to any person, firm, or corporation who violates this title. Any person, firm, or corporation who continues to violate any provision of rules adopted under RSA 211:62 or any provisions of RSA 211:62-a while under revocation ***or suspension*** shall be guilty of a misdemeanor, and the executive director in his ***or her*** discretion may revoke any rights for a license or a permit for up to 5 years.

4 Licenses; Revocation or Suspension. Amend RSA 214:19 to read as follows:

214:19 Revocation ***or Suspension*** for Conviction. The executive director ~~[shall]~~ ***may*** revoke ***or suspend*** the license of any person who has been found guilty in any court of a violation of any provision of this title or any rule or regulation of the executive director, or who has been found guilty in a municipal or district court of a violation of RSA 163-B, ~~RSA 236:26, RSA 265:102]~~ or RSA 635:2. Such revocation ***or suspension*** shall not continue for more than one year from the date thereof, except for a conviction under RSA 208:8, in which case the revocation ***or suspension*** may be for a period not to exceed 5 years, or except for a conviction under RSA 208:1-a, in which case the revocation ***or suspension*** may be for a period not to exceed 2 years. The executive director shall revoke ***or suspend*** the license of any person who has been found guilty in any court a second time within 5 years of the first finding of guilt, of a violation of any such laws or regulations, for a period of not less than one, nor more than 3 years from the date of such finding or conviction.

AMENDED ANALYSIS

This bill expands the authority for the fish and game department to suspend, revoke, or declare invalid licenses for violations in this state or for licenses suspended or revoked in another jurisdiction.

HB 126-FN, relative to the voluntary certification of health officers by a health officer credentialing board. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This bill would have established a voluntary health officer credentialing board within the department of health and human services to administer a voluntary program for credentialing local health officers. The committee feels that establishing a credentialing board for health officers at this time would have negative effects in recruiting and retaining these volunteer positions

especially when it is so difficult filling these positions now. We also feel that public health in New Hampshire is overdue in creating a new infrastructure and the bill presents a concept that could be considered in the total picture but one that is premature today. There is also a commission in place now that could be looking at this issue. Vote 15-0.

***HB 226-FN*, relative to the lead paint poisoning law. OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne S. Butcher for Health, Human Services and Elderly Affairs: In 2007, Chapter 293, SB 176 reduced to 10 micrograms/deciliter the threshold blood lead level that triggers investigation of lead exposure hazards in a child's environment. It also created a commission including legislators, health officials, landlords, and other interested parties, to consider strategies to further prevention of lead poisoning in New Hampshire. Pursuant to the commission's recommendations, this bill clarifies who is to receive copies of notices and orders and removes the 2-year limitation on use of interim controls as an acceptable alternative to abatement so long as annual interim control certification is maintained, thus protecting the child while providing greater flexibility to property owners. It also specifies that case management for the child will begin at 10 mcg/dl, provides that the commissioner may obtain an administrative inspection warrant if the property owner denies consent for inspection, and provides for expedited, consolidated hearings if it is necessary to bring a civil action to enforce an abatement order. Vote 17-0.

Amendment (0220h)

Amend the bill by replacing section 3 with the following:

3 Lead Paint Poisoning; Inspections. RSA 130-A:6, I-II are repealed and reenacted to read as follows:

I. The commissioner may, as part of an investigation conducted under RSA 130-A:5, conduct an inspection of any leased or rented dwelling or dwelling unit during business hours, or at a time mutually agreed upon with the owner or the owner's agent, for the purposes of identifying the presence of lead base substances. The commissioner shall provide the findings of the inspection to the occupant and to the owner or the owner's agent. If the leased or rented dwelling has multiple units, and if a lead exposure hazard is determined to exist during an investigation conducted under RSA 130-A:5, the commissioner shall conduct inspections of all other dwelling units of the leased or rented dwelling with the owner or owner's agent for the purposes of identifying the presence of lead base substances. The commissioner shall provide the findings of the inspection to the occupant and the owner or the owner's agent. When a lead exposure hazard is determined to exist per RSA 130-A:1, XVI(a), (b), or (c), the commissioner shall issue an order in accordance with RSA 130-A:7 requiring lead hazard reduction to the owner and, if appropriate, to the owner's agent. When a lead exposure hazard is determined to exist per RSA 130-A:1, XVI(d), the commissioner may issue an order in accordance with RSA 130-A:7 requiring lead hazard reduction to the owner and, if appropriate, to the owner's agent. The commissioner shall provide a copy of the order to the owner or owner's agent and to the occupant of the dwelling unit. The commissioner shall notify all tenants of the dwelling of lead exposure hazard findings in common areas. Upon request, the owner or owner's agent shall provide a copy of the order to the occupants of any dwellings or dwelling units located within the same lot at no charge.

II. The commissioner may, as part of an investigation conducted under RSA 130-A:5, if the lead-poisoned child spends 10 hours or more a week at the facility, and after making reasonable efforts to notify the owner of a child care facility and the license holder, conduct an inspection of a child care facility constructed prior to 1978, during business hours or at a time mutually agreed to, for the purposes of identifying the presence of lead base substances. The findings of the inspection shall be provided to the owner, to the license holder, and to the health authority. When a lead exposure hazard is determined to exist per RSA 130-A:1, XVI(a), (b), or (c), the commissioner shall issue an order in accordance with RSA 130-A:7

requiring lead hazard reduction to the owner and to the license holder. When a lead exposure hazard is determined to exist per RSA 130-A:1, XVI(d), the commissioner may issue an order in accordance with RSA 130-A:7 requiring lead hazard reduction to the owner and to the license holder. The commissioner shall provide a copy of the order to the owner and to the license holder, to the state child care licensing unit, and to the health authority. The owner or license holder shall provide notice of the findings of lead hazard exposure, provided by the commissioner, to the parents or guardians of children who use the child care facility. Amend RSA 130-A:7, V and VI as inserted by section 4 of the bill by replacing them with the following:

V. Interim controls, as defined in this chapter, may be used as an acceptable alternative to lead hazard abatement only with the prior written approval of the commissioner ~~[and for a period not to exceed 2 years. Within that 2-year period the person subject to the order shall either take the steps necessary to eliminate or enclose the lead exposure hazards or remove the dwelling or dwelling unit from the rental market. For orders issued in leased or rented dwellings where no child resides or frequents regularly at the time of inspection and issuance of the order, interim controls may be used for a period exceeding 2 years with the prior written approval of the commissioner if a hardship is claimed by the lessor and approved by the commissioner]~~ and if a lead exposure hazard reduction plan or any other subsequent plan is adopted and in place at the department to address compliance with the intent of this section. ***When interim controls are approved and maintained in response to an order, the person to whom the order was issued, and any other individual or entity that may acquire ownership of the property that is subject to the order, shall submit to the commissioner a certificate of compliance for interim controls from a licensed risk assessor annually prior to the expiration of the current certificate. When a certificate of compliance for interim controls is not issued by a licensed risk assessor prior to expiration of the current certificate or when an inspection by the commissioner, or designee, reveals that the property no longer meets the requirements of interim controls, the commissioner shall require submission of a certificate of compliance for abatement.*** The commissioner shall adopt rules, under RSA 541-A, for the procedures for ~~[extensions of]~~ interim controls.

VI. ***Any order issued by the commissioner shall be recorded in the registry of deeds for the county in which the property is situated and, upon recordation, the order shall run with the property.***

Amend RSA 130-A:17, II - III as inserted by section 8 of the bill by replacing it with the following:

II. The court hearing shall be held on an expedited basis and as soon as the court's docket permits. The hearing shall be held not less than 7 days but no more than 21 days after the date of service of the petition.

III. Upon request of either party, the court shall hold a consolidated hearing for both temporary and permanent injunctive relief within 21 days after the date of service of the petition.

HB 251, relative to the state registry of founded reports of abuse, neglect, or exploitation of adults. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Trinka T. Russell for Health, Human Services and Elderly Affairs: This bill amends and makes technical changes to RSA 161-F:49. The terms "perpetrator" and "volunteer" are defined. In the current version of the statute these terms were left undefined. The bill also includes additional protections for incapacitated adults. Guardians and agents acting under powers of attorney will be added to the registry if there is a founded report of abuse, neglect or exploitation made against the guardian or agent. Current employers will be permitted to check the names of current employees against the registry. Vote 17-0.

Amendment (0224h)

Amend the bill by deleting section 1 and renumbering the original sections 2 and 3 to read as 1 and 2, respectively.

Amend RSA 161-F:49, I as inserted by section 1 of the bill by replacing it with the following:

I. There shall be established a state registry ~~[of abuse, neglect, and exploitation reports]~~ at the department for the purpose of maintaining a record of information on each ~~[case]~~ **founded report** of ~~[alleged]~~ abuse, neglect, or exploitation toward an individual by a paid or volunteer caregiver ~~[or a caregiver hired or obtained by an agency, individual, family, or guardian]~~, **guardian, or agent acting under the authority of a power of attorney or any durable power of attorney. The registry shall be confidential and subject to rules on access established by the commissioner of the department under RSA 541-A.** Unfounded ~~[cases]~~ **reports** shall not be maintained on the registry. The department shall maintain statistical, non-identifying information on founded ~~[cases]~~ **reports** as the department determines is necessary to track and address trends. ~~[This section shall apply in each case of abuse, neglect, or exploitation by a paid caregiver toward an individual that is founded by an investigator.]~~ For the purposes of this section:

(a) "Individual" means an individual, **18 years of age or older**, found eligible for or receiving services pursuant to RSA 171-A, RSA 135-C:13, RSA 135-C:14, RSA 161-E, RSA 161-I, or programs licensed under RSA 151:2, I(b), (e), or (f) , or who is an incapacitated adult, as defined under RSA 161-F:43, VII.

(b) ~~[The investigators shall be]~~ **"Investigator" means a person** designated or employed by the department, in accordance with a protocol developed by the department to ensure objectivity, thoroughness, timeliness, and uniformity in methodology and format in the conduct of investigations and investigation reports. ~~[The investigators]~~ **An investigator** may include ~~[investigators]~~ **an investigator** employed by **an** area ~~[agencies]~~ **agency or a** community mental health ~~[centers]~~ **center**, if designated by the department.

(c) **"Perpetrator" means a person who, following a protective investigation completed in accordance with RSA 161-F:42 through RSA 161-F:57, is found to have abused, neglected, or exploited an incapacitated adult.**

(d) **"Volunteer" means a person who provides voluntary services through any agency, program, or facility.**

Amend RSA 161-F:49, VIII as inserted by section 1 of the bill by replacing it with the following:

VIII. Any ~~[individual]~~ **person** hiring **or employing** a **paid or volunteer** caregiver, **consultant, or contractor** directly, or through an authorized representative or fiscal intermediary, to provide personal care services, as defined in RSA 161-E or RSA 161-I, may, with the consent of the **current or** prospective ~~[employee]~~ **caregiver, consultant, contractor, or volunteer**, submit ~~[the prospective employee's]~~ **his or her** name for review against the registry and, if ~~[the prospective employee]~~ **he or she** is on the registry, and with the further permission of the **current or** prospective ~~[employee]~~ **caregiver, consultant, contractor, or volunteer**, obtain information about any founded ~~[case]~~ **report. Any person considering designating another to serve as his or her agent under a power of attorney or any type of durable power of attorney may, with the consent of the proposed agent, submit the proposed agent's name for review against the registry.** The ~~[individual]~~ **person** shall not be required in such situations to obtain a waiver prior to hiring a person on the registry.

VIII-a. It shall be unlawful for any employer other than those specified under this ~~[paragraph]~~ **section** to require as a condition of employment that the employee submit his or her name for review against the registry of founded reports of abuse, neglect, or exploitation and any violation of this provision shall be punishable as a violation.

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 Executive Departments and Administration.

HB 495, requiring physicians to disclose to their patients that they do not make regular hospital visits. **INEXPEDIENT TO LEGISLATE.**

Rep. John W. Cebrowski for Health, Human Services and Elderly Affairs: This bill seeks to have general practitioners inform their patients that they use hospitalists (physicians who work solely in hospitals) for follow-up patient visits rather than visiting the hospital themselves. The existence of hospitalists is a widespread and growing phenomenon. There is no current AMA ethical guideline responsibility to inform patients in such cases. The consensus was that this basic patient courtesy is a training and education issue that can be amply encouraged and communicated through various communication vehicles and forums, schools, and associations available to the medical profession. Vote 18-0.

HB 565-FN, relative to the pertussis vaccine for newborns. **INEXPEDIENT TO LEGISLATE.**

Rep. Kate W. Miller for Health, Human Services and Elderly Affairs: While the committee recognizes the health risks posed by the exposure of newborns to pertussis, the committee heard testimony from the public health service that leads us to believe that adequate education and information about this risk is already provided to pregnant women and new mothers. We believe that the brochures shared by the public health service already meet the goals outlined by this legislation. Vote 14-0.

HB 65, establishing a commission to study the application of criminal law in landlord-tenant matters. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B. Richardson for Judiciary: This bill would establish a commission to study the application of criminal law in landlord tenant matters. The committee believes that the existing criminal statutes are adequate if they are enforced, and the committee has no authority to enforce criminal statutes. Vote 20-0.

HB 70, relative to taking stones from stone walls. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary B. Richardson for Judiciary: This bill, as amended, would provide for treble damages, including costs of restorations, for the illegal removal of stone walls and other materials plus attorney's fees. Current law is not adequate to protect landowners from theft of stonewalls that may have little intrinsic value, but may have great aesthetic value. Vote 16-0.

Amendment (0101h)

Amend the bill by replacing section 1 with the following:

1 Willful Trespass; Stone. Amend RSA 539:4 to read as follows:

539:4 Stone, etc. Whoever shall willfully and unlawfully dig or carry away any stone, **including stone from a stone wall**, ore, gravel, clay, sand, turf, ~~or~~ mold, **or loam** upon or from land holden in common or from the land of another person, or shall aid therein, shall forfeit to the person injured treble damages~~[-and not more than fifteen dollars]~~ **based on the cost of materials and restoration, and including attorney's fees and costs.**

AMENDED ANALYSIS

This bill amends the law regarding the taking of stone by including stone from a stone wall or loam, and provides for treble damages based on the cost of materials and restoration, including attorney's fees and costs.

Referred to the Committee on Criminal Justice and Public Safety.

HB 89, exempting certain information relating to suicides from the right-to-know law. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B. Richardson for Judiciary: The sponsor's motives in introducing this bill are excellent and the committee is sensitive to the difficult emotional issues experienced by

families who have lost a family member to suicide. However, the public has legitimate reasons for access to information about suicide such as insurance companies and lawyers investigating claims. Also, the public has a right to have information about incidents that reflect on our social fabric. Vote 20-0.

HB 118, relative to periodic payments of judgments. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert H. Rowe for Judiciary: This bill relates to the situation when a civil judgment is entered and the judge finds that the defendant cannot pay the judgment in full and the judge establishes a time payment plan. The current law states that if the defendant fails to make a payment the judge shall find the defendant in civil contempt. The original bill changed the “shall” to “may.” The committee felt that the word “may” would be unfair to the prevailing party as judgments are often difficult to collect. The mandated “shall” resulting in an automatic civil contempt is too excessive. The word “shall” does not take into consideration that the failure-to-pay may be justified. To be fair to all parties the committee retained the word “shall” and incorporated conditions requiring the judge to make further inquiry as to the reasons for the default. The amendment, it is felt, is equitable to both parties in the dispute. Vote 19-1.

Amendment (0312h)

Amend RSA 524:6-a as inserted by section 1 of the bill by replacing it with the following:

524:6-a Periodic Payment of Judgments. Whenever judgment is rendered against any person in this state, the court in which the judgment is rendered shall either at the time of rendition of the judgment inquire of the defendant as to the defendant’s ability to pay the judgment in full or, upon petition of the plaintiff after judgment, order the defendant to appear in court for such inquiry. The court may at either time order the defendant to make such periodic payments as the court in its discretion deems appropriate. If the court orders the defendant to make periodic payments at the time of rendition of judgment, the order shall not provide for payments to begin until after the appeal period has expired. Failure to make such periodic payments shall constitute civil contempt of court ***unless the judge, upon inquiry, finds that the failure was the result of a change in circumstances, or the failure was not intentional or in bad faith, or for other good cause.*** The court may order the appropriate agencies to make an investigation and recommendation as to the defendant’s ability to pay the judgment. The judgment may be enforced against any property of any kind of the debtor, except such property as is now exempt from attachment or execution. Unless the parties otherwise agree, after an order for periodic payments has been issued by the court, no writ of execution shall be issued by the court without prior notice to the defendant.

AMENDED ANALYSIS

This bill grants a judge discretion to find that a failure to make periodic payments of a judgment is not civil contempt of court.

HB 145, repealing the law allowing assignment of superior court justices to hear cases in the district court. **INEXPEDIENT TO LEGISLATE.**

Rep. David L. Nixon for Judiciary: This bill was intended to prevent superior court justices from sitting in district courts due to temporary, unanticipated vacancies. However, testimony by court officials was persuasive that there was a genuine need, although on rare occasions, for court system flexibility as provided for in existing law (RSA 411:3-a). Vote 20-0.

HB 157, relative to library patron records. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brendon S. Browne for Judiciary: This bill adds materials that have been viewed in electronic form to the list of materials that a library shall keep confidential. This brings

electronic records in line with other records maintained by libraries. Vote 20-0.

Amendment (0280h)

Amend RSA 201-D:11, I as inserted by section 1 of the bill by replacing it with the following:

I. Library records which contain the names or other personal identifying information regarding the users of public or other than public libraries shall be confidential and shall not be disclosed except as provided in paragraph II. Such records include, but are not limited to, library, information system, and archival records related to the circulation and use of library materials or services, ***including records of materials that have been viewed or stored in electronic form.***

AMENDED ANALYSIS

This bill extends the confidentiality of library records to materials that have been viewed or stored electronically.

HB 206, relative to retention of governmental records under the right-to-know law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy M. Weber for Judiciary: This bill resolves a potential ambiguity in the electronic records provision of the right-to-know law passed last year. The bill pertains only to electronic records which have been maintained for longer than the period of time required by the statute. The body is under no obligation to maintain these records, but if the records are maintained, the records must be available and accessible to the public, and access cannot be denied because the time for required maintenance has elapsed. Vote 20-0.

Amendment (0327h)

Amend RSA 91-A:4, III-a as inserted by section 1 of the bill by replacing it with the following:

III-a. Governmental records created or maintained in electronic form shall ~~[remain accessible]~~ ***be kept and maintained*** for the same retention or archival periods as their paper counterparts. ***Governmental records in electronic form kept and maintained beyond the applicable retention or archival period shall remain accessible and available in accordance with RSA 91-A:4, III.*** Methods that may be used to ~~[accomplish this requirement]~~ ***keep and maintain governmental records in electronic form may*** include, but are not limited to, copying to microfilm or paper or to durable electronic media using standard or common file formats.

HB 217, relative to gender neutral references in court documents. **INEXPEDIENT TO LEGISLATE.**

Rep. Frances D. Potter for Judiciary: Notwithstanding support of gender-neutral language in many settings, the committee finds that in court documents it would entail great expense and (as in the case of family courts) confusion in references to, for example, husband or wife. Vote 20-0.

HB 263-FN-L, eliminating the charge against the state for sheriffs' service of process for indigent plaintiffs. **INEXPEDIENT TO LEGISLATE.**

Rep. Frances D. Potter for Judiciary: No plea is valid until service of process. The service is vital. If indigent plaintiffs are unable to cover this cost, it could possibly be downshifted to counties. These bodies refuse to accept such change, and there is a Constitutional issue Part First, Article 28-a. Since legal aid doesn't handle money cases and lawyers for indigent clients are volunteers, there might be no one to serve the process. The statute, which permits waiver of filing fees for these plaintiffs, must not eliminate coverage of serving process. Vote 17-0.

HB 275-FN, increasing the state reimbursement amounts for payment of bailiffs. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip Preston for Judiciary: The state currently reimburses counties for hiring bailiffs at a rate of \$65 a day and \$45 a half day, and this bill would raise those amounts to \$80 and \$45. Since the judicial branch estimated the cost to the general fund would be in excess of \$500,000, and considering the state's current budgetary crisis, the committee concluded that it could not support the increases at this time. Vote 17-0.

HB 285-FN, authorizing the supreme court to establish a fee to be imposed when a court extends the time for payment of a fine. **INEXPEDIENT TO LEGISLATE.**

Rep. David L. Nixon for Judiciary: This bill would authorize the supreme court to establish by rule an "equitable fee" to be added to court imposed fines whenever a court extends the time to pay such fines. Although the goal of increasing funds for the judicial system's needs is a good one, it was felt that persons who cannot afford to pay fines when imposed should not be compelled to bear an unfair share of the financial burden. Vote 17-0.

HB 310-FN, relative to reimbursement of mileage for judges and marital masters. **OUGHT TO PASS.**

Rep. Paul L. Hackel for Judiciary: This bill establishes that judges and marital masters will be reimbursed for mileage from their residences to their assigned courts only if the mileage is in excess of 50 mile each way. Currently reimbursement is for in excess of 25 miles. The bill was supported by the judiciary as a way to decrease state expenditures by approximately \$24,000 and supported by the committee for the same reason. Vote 19-0.
Referred to the Committee on Finance.

HB 563-FN-A, establishing a fund to provide loans to allow low and moderate income plaintiffs to retain expert witnesses in civil cases and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B. Richardson for Judiciary: This bill would establish a fund to provide loans to allow low and moderate income plaintiffs to retain expert witnesses in civil cases. Unfortunately there is no funding available in the current fiscal climate. There are also a number of logistical problems with the bill, such as determining how much money and which of several qualified plaintiffs could be entitled to funds. Vote 19-0.

HB 609-FN-A, establishing a judicial branch information technology fund. **OUGHT TO PASS.**

Rep. Janet G. Wall for Judiciary: This bill establishes a judicial branch information technology fund which will be funded from a percentage of court entry fees, as well as through an increase in penalty assessments on court fines. Because much of the hardware is 8-11 years old and software is even older, and because there is limited ability to handle viruses in the computer system, inefficiencies cause losses of hundreds of hours of productivity. Improvements in functions such as scheduling and electronic filing will provide benefits for the court system and those who use it. The bill passed the committee with bipartisan support, as the committee recognized the importance of bringing the technology into the 21st century. This bill was requested by the supreme court. Vote 16-1.
Referred to the Committee on Ways and Means.

HB 212, relative to the assessment of certain impact fees by municipalities. **INEXPEDIENT TO LEGISLATE.**

Rep. Andrew R. Peterson for Local and Regulated Revenues: This bill which established a new category applying to local impact fees was found to have several problems that the committee could not resolve to its satisfaction. It was also found that the current system for applying impact fees is generally working well and that this bill was likely to create more problems than it would solve. Vote 18-0.

HB 397-FN-A-L*, establishing a property tax relief program. **INEXPEDIENT TO LEGISLATE.*

Rep. Melissa L. B. Lyons for Local and Regulated Revenues: This bill establishes a property tax relief program whereby a taxpayer can apply for a loan for property tax relief if the applicant meets income guidelines. The fiscal note indicates the bill may increase state and county expenditures by an indeterminable amount, not to exceed \$10 million. The committee unanimously agrees that this bill would cost the state an excessive amount of money while offering the state little risk protection. Vote 19-0.

HB 588-FN*, relative to lowering the legal drinking age. **INEXPEDIENT TO LEGISLATE.*

Rep. Kathleen N. Taylor for Local and Regulated Revenues: This bill, which would reduce the legal drinking age from 21 to 18, was opposed by a wide range of entities involved with health and safety of youth including the departments of safety and health and human services, the liquor commission, the highway traffic safety agency, the association of chiefs of police, the NH public health association, the NH medical society and New Futures. The committee received testimony that underage alcohol use has profound consequences for youth including increased likelihood of developing alcohol dependency, injuries from motor vehicle or other accidents, risky sexual behavior and violence. The committee also received research demonstrating that lower drinking ages in European countries do not promote responsible drinking, in fact the great majority of European countries have higher intoxication rates among young people than the United States. Vote 17-0.

HB 654-FN*, relative to the dam maintenance revolving fund and tax abatements for dam owners. **OUGHT TO PASS WITH AMENDMENT.*

Rep. Eric G. Stohl for Local and Regulated Revenues: This bill simply describes the revenues which are to be deposited in the dam maintenance revolving fund. It does not appropriate any funds at all. Last year, legislature passed SB 519-FN, Chapter 272 which among other things created a fund for revolving loans to fund the maintenance, repair, or reconstruction of privately owned dams. The problem with that bill was that it did not provide a mechanism for the revolving fund to accept revenue. HB 654-FN identifies those acceptable sources of funds. Vote 19-0.

Amendment (0047h)

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

AN ACT relative to the dam maintenance revolving fund.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

AMENDED ANALYSIS

This bill describes the revenues which are to be deposited in the dam maintenance revolving fund.

Referred to the Committee on Ways and Means.

HB 152*, relative to storage of architectural blueprints by municipalities. **INEXPEDIENT TO LEGISLATE.*

Rep. Betsey L. Patten for Municipal and County Government: The intent of this legislation was to allow for the non-retention of architectural blueprints that were for private, commercial or industrial buildings. Currently RSA 33-A:3-a lists all the exemptions to the disposition of municipal records. If a record is not listed in this RSA then the record has to be kept permanently. When a architectural blueprint is reviewed by the building inspector or the fire department at the local level that blueprint becomes a "governmental record" according to RSA 5:29. Therefore the result of the proposed change would be that those governmental records reviewed would have to be kept forever. RSA 33-A:3-a, XI currently requires that those architectural blueprints to be kept for the life of the building. After understanding the record retention schedule the committee determined that the change

would cause all those blueprints to be kept and stored forever and it was best not to change the statute. Vote 16-0.

HB 183, relative to removing supervisors of the checklist. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Franklin W. Sterling for Municipal and County Government: The intent of this bill was to allow for the removal of a supervisor of the checklist who was unable to carry out the duties of the office. RSA 41:12 is an unused and unconstitutional statute which allows the governing body unfettered discretion to remove various elected officials that “in their judgment had become insane or otherwise incapacitated to discharge the duties of the office.” The attorney general’s office offered that this statute is anachronistic and should be deleted. The committee learned that there are already other statutes that allow for removal of elected officials including supervisors of the checklist and for filling vacancies, RSA 652:12. The amendment deletes RSA 41:12. Vote 18-0.

Amendment (0330h)

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

AN ACT relative to removal of town officers.

Amend the bill by replacing section 1 with the following:

- 1 Repeal. RSA 41:12, relative to removal of collector, clerk, or treasurer, is repealed.

AMENDED ANALYSIS

This bill repeals the law authorizing selectmen to remove a collector of taxes, town clerk, or treasurer who the selectmen judge to be insane or otherwise incapacitated.

HB 257, relative to warrant articles at official ballot meetings. **INEXPEDIENT TO LEGISLATE.**

Rep. Ronald R. Boisvert for Municipal and County Government: The committee noted that an appropriation may not always carry a tax increase, that a tax increase estimate is, by definition, subject to error when calculated and may be wrong again when a final dollar amount is printed. It was also noted that municipalities regularly provide a voter guides which provide this information. Vote 19-0.

HB 306, allowing towns to apply for certification of local building codes for compliance with the Americans with Disabilities Act. **INEXPEDIENT TO LEGISLATE.**

Rep. Ronald R. Boisvert for Municipal and County Government: This is a bill of good intent. However every state building code must be in compliance with the requirements of American with Disabilities Act (ADA). Local building codes are trumped by ADA. This bill is not needed. Vote 19-0.

HB 308, allowing a town budget committee to establish an alternative date for its public hearing. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert D. Lewis for Municipal and County Government: The setting of alternative dates for public hearings in case of inclement weather is already allowed. The bill is unnecessary. Vote 19-0.

HB 326, relative to certain municipal revolving funds. **INEXPEDIENT TO LEGISLATE.**

Rep. Deborah Wheeler for Municipal and County Government: The sponsor asked for this bill to be inexpedient to legislate, after discussing the matter with the attorney general, and determining that there is a better way to solve the problem. Vote 19-0.

HB 361, relative to the default budget in certain towns. **INEXPEDIENT TO LEGISLATE.**

Rep. Nancy L. Carlson for Municipal and County Government: This bill added a category to the calculation of the default budget. It would have allowed reductions made by the

governing body to the proposed operating budget to reduce the default budget. The committee believes that you cannot define the default budget by the proposed operating budget. It would allow mixing the past year budget with the current year budget and that would be inappropriate. Vote 19-0.

HB 362*, relative to zoning districts. **INEXPEDIENT TO LEGISLATE.*

Rep. Elaine M. Lauterborn for Municipal and County Government: This bill would amend RSA 674:20 which regulates the use of buildings or land within zoning districts. The intent was to prevent a local legislative body from prohibiting residential uses in any district. This thwarts what is intended by current law and is unnecessary legislation since an appeal to the ZBA for a variance is always available. Vote 19-0.

HB 388*, relative to permitting village district commissioners to apply for certain bridge aid. **INEXPEDIENT TO LEGISLATE.*

Rep. Betsey L. Patten for Municipal and County Government: This bill would have permitted village districts organized for road maintenance to become eligible for state highway aid apportionment. There are 91 village districts in the state of New Hampshire. Though not all have been organized for road maintenance, there was no information at the hearing on how many districts have been organized for that purpose. Currently only the town has the authority to accept and maintain roads within the towns and to apply for state highway aid. If there is a problem with a local road that cannot be fixed by a village district, the solution would be to go the town and ask for assistance or ask to have the road be taken as a town road. The state highway aid has adequate numbers of towns asking and receiving aid and to add village districts to the mix would lessen the financial help the department of transportation could give to the towns and cities. The committee agrees with the Public Works committee that has voted this request inexpedient to legislate at least three times in the past. Vote 19-0.

HB 468-FN-L*, relative to caps on total billings by the state to the counties for nursing home care. **OUGHT TO PASS.*

Rep. Suzanne S. Laliberte for Municipal and County Government: This bill extends the caps on total billings by the state to the counties for medicaid costs for nursing homes. The caps were set up in HB 2, Chapter 263, 2007 and have been in place for two years. That chapter also allowed future legislation to extend the caps for subsequent years. This bill continues the hold harmless provision between the counties and the state until the original bill sunsets. The caps protect the counties from cost shifting down from the state. Vote 19-0. Referred to the Committee on Finance.

HB 450*, relative to the state 10-year transportation improvement program. **OUGHT TO PASS WITH AMENDMENT.*

Rep. David B. Campbell for Public Works and Highways: This bill was, for the second session, voted out of Public Works and Highways on a unanimous vote. Last session it passed the House on a voice vote, but was killed in the Senate. HB 450 mandates several changes to the 10 year transportation plan process, including: 1.) allowing for a procedure to cull out unfeasible projects in the plan to avoid the 10 year plan from becoming a 30 year plan again; 2.) factoring an inflation factor into the plan to make it more realistic; 3.) requiring that proposed plans consider safety, multimodalism, land use, infrastructure preservation and overall corridor improvement, and; 4.) that the 10 year plan be financially constrained (i.e. the funding is realistic). The amendment changes the requirement that the governor's advisory council on intermodal transportation (GACIT) meet semi-annually instead of quarterly, which is now the custom. Vote 17-0.

Amendment (0159h)

Amend RSA 240:3 as inserted by section 1 of the bill by replacing it with the following:

240:3 Implementation of Plan.

I. The department of transportation shall be responsive to requests for information relative to the plan.

II. The plan shall include a list of projects intended to be under construction in the next 10 years with dates and costs of construction.

III. Preliminary studies, design, and right of way funding for long term projects that have been approved by the Governor's Advisory Commission on Intermodal Transportation (GACIT) and the department of transportation shall be included in the plan.

IV. The department shall transmit the plan to the general court by January 15 of each even-numbered year. Projects listed in the plan shall be listed by the year the funds are to be expended and the 10 years of the plan shall be financially constrained.

V. Projects listed in the plan, except projects which are solely for infrastructure preservation, shall be prioritized based on a department of transportation methodology that examines the certainty of a project relative to its scope, cost, constructability, permitibility, and public support, provided that the project has the following:

- (a) Preliminary design.
- (b) Environmental evaluation.
- (c) A public participation process.
- (d) Available and adequate funding.

VI. The following shall be considered for any project proposed for the plan:

- (a) Safety.
- (b) Multimodalism.
- (c) Land use.
- (d) Infrastructure preservation.
- (e) Overall corridor improvement.

VII. Every 2 years, the department of transportation shall propose to the general court a list of projects to be removed from the 10-year plan if the department determines that any project:

- (a) Has significantly changed in scope; or
- (b) Is no longer financially and environmentally feasible; or
- (c) Lacks the necessary permits; or
- (d) For other reasons is unnecessary or unlikely to proceed.

VIII. Inflation shall be included in the costs calculated in the 10-year plan and shall also be included in calculating the necessary revenues.

IX. The department of transportation shall meet at least semi-annually with the GACIT.

X. The GACIT shall review:

- (a) Department of transportation financial status and issues.
- (b) The status and issues of transportation projects.
- (c) Other ongoing initiatives and issues.

XI. The GACIT shall provide the first statewide review of the plan as drafted by the department of transportation with input from the regional planning commissions.

HB 581-FN-A-L, increasing the road toll and designating the increase for the highway and bridge betterment account. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter E. Ramsey for Public Works and Highways: The committee felt that while this bill was well intentioned, other major legislation (HB 644) endorsed after lengthy testimony and passed by the committee would accomplish the same intent. Vote 17-0.

HB 176, relative to the Monadnock advisory commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Henry A. L. Parkhurst for Resources, Recreation and Development: The sponsors, after

consultation with the attorney general's office, realized this legislation is unnecessary and asked to have it deemed inexpedient to legislate. Vote 14-0.

HB 469-FN-A-L, relative to acquisition by the state of 2 parcels of land in Peterborough and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Pamela J. Hubbard for Resources, Recreation and Development: This bill would have appropriated general fund money for conserving land in Peterborough. The sponsor requested that it be Inexpedient to legislate because of current economic circumstances. Lack of funding makes the purchase of the two land parcels impossible at this time but the sponsor hopes to be able to fund the project through other means. Vote 15-0.

HB 473-FN, relative to water treatment plants and penalties for safe drinking water violations. **OUGHT TO PASS.**

Rep. Chris Christensen for Resources, Recreation and Development: This bill is at the request of the department of environmental services and the department of justice. It clarifies the duties of the department of environmental services and adds that the water council shall handle appeals from administrative actions. Purposely polluting a surface water public drinking water supply, such as a lake, is made a class B felony. The vast majority of cases are handled administratively, since the department's primary goal is to restore water quality. Criminal cases are infrequent, so the fiscal note did not predict any revenues or costs. Vote 12-3.

Referred to the Committee on Criminal Justice and Public Safety.

HB 490-FN-A-L, establishing a shorefront maintenance fee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith T. Spang for Resources, Recreation and Development: This policy committee's judgment is that there is a growing imperative for the state to adequately fund the maintenance and repair of the dams it owns. The amendment to HB 490 replaces the shorefront property owners' fee with a recommendation that the needed funding come from either bequests or a dedicated fund to be established by the Ways and Means Committee. A legislative study has examined alternatives and made recommendations to assist with these deliberations. Vote 16-0.

Amendment (0314h)

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

AN ACT relative to the maintenance of state-owned dams.

Amend the bill by replacing section 2 with the following:

2 New Section; Funding for Maintenance of State-Owned Dams. Amend RSA 482 by inserting after section 56 the following new section:

482:56-a Funding for Maintenance of State-Owned Dams. The legislature shall adequately appropriate funds for the maintenance of state-owned dams. Funding for such maintenance may be from dedicated funds or from bequests to the dam maintenance fund established under RSA 482:55.

AMENDED ANALYSIS

This bill requires the legislature to appropriate funds for the maintenance of state-owned dams.

Referred to the Committee on Ways and Means.

HB 503-FN, relative to the state's authority to lease submerged land. **INEXPEDIENT TO LEGISLATE.**

Rep. Pamela J. Hubbard for Resources, Recreation and Development: The sponsor testified that this bill should be voted ITL because it did not correctly identify which waters were to be affected and which structures were to be subject to leasing. The bill was intended to deal

only with submerged lands in tidal areas, not lakes and rivers. It was also intended for facilities such as underwater cables, not docks and marinas. Vote 16-0.

HB 537-FN*, relative to penalties for oil spills. **OUGHT TO PASS.*

Rep. Jayne E. Spaulding for Resources, Recreation and Development: This bill addresses penalties for oil spills. Specifically, the bill clarifies that criminal penalties could attach to actions that are taken recklessly (i.e., without regard to consequences), and penalties for actions that are taken knowingly (i.e., with knowledge of the potential consequences). This bill was filed at the request of the department of environmental services (DES) and the attorney general's office. Vote 16-1.

Referred to the Committee on Criminal Justice and Public Safety.

HB 538-FN*, relative to penalties for water pollution. **OUGHT TO PASS WITH AMENDMENT.*

Rep. Chris Christensen for Resources, Recreation and Development: This bill amends RSA 485-A:14 by establishing penalties for the contamination of state waters. The penalty for failing to remove vehicles or petroleum containing containers from a water body that is not a public drinking water supply would become a violation. The penalty for knowingly failing to remove such objects from a domestic water supply is a class B felony. It also amends RSA 485-A:15, with penalties for placing or dumping waste in waters or on the ice of state waters ranging from a violation for negligence to a class B felony for purposely or knowingly placing waste. Vote 16-1.

Amendment (0239h)

Amend RSA 485-A:15, I as inserted by section 2 of the bill by replacing it with the following:

I. It shall be unlawful for any person to put or place, or cause to be put or placed into a surface water of the state or on the ice over such waters, or on the banks of such waters, any ***solid waste as defined in RSA 149-M or hazardous waste as defined in RSA 147-A, including but not limited to*** bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, tires, old automobiles or parts thereof, trees ***or parts thereof***, or similar litter.

Referred to the Committee on Criminal Justice and Public Safety.

HB 566-FN*, relative to the regulation of backflow protection technicians. **INEXPEDIENT TO LEGISLATE.*

Rep. Chris Christensen for Resources, Recreation and Development: Backflow devices are used to prevent impure water from returning into a clean water system and contaminating it. The committee learned that a well-regarded waterworks association certification program exists that includes backflow training, and the plumber's board also felt they could run such a program. The bill provided no funds for the department of environmental services to undertake this new responsibility. Vote 17-0.

HB 55*, relative to the definition of "bulk power supply facilities." **OUGHT TO PASS WITH AMENDMENT.*

Rep. Naida L. Kaen for Science, Technology and Energy: This bill, as introduced, intended to correct a technical error in a bill passed last session. The amendment actually requires an entire section of the law and thereby clarifies definitions and facilitates the site evaluation process for new electric generation and transmission facilities. The language was proposed by the public utilities commission and was reviewed in its final version, without objection, by affected utilities. Vote 15-0.

Amendment (0319h)

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

AN ACT relative to energy facility siting construction and operation.

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

1 Purpose Statement. RSA 162-H:1 is repealed and reenacted to read as follows:

162-H:1 Declaration of Purpose. The legislature recognizes that the selection of sites for energy facilities, including the routing of high voltage transmission lines and energy transmission pipelines, will have a significant impact upon the welfare of the population, the location and growth of industry, the overall economic growth of the state, the environment of the state, and the use of natural resources. Accordingly, the legislature finds that it is in the public interest to maintain a balance between the environment and the need for new energy facilities in New Hampshire; that undue delay in the construction of needed facilities be avoided and that full and timely consideration of environmental consequences be provided; that all entities planning to construct facilities in the state be required to provide full and complete disclosure to the public of such plans; and that the state ensure that the construction and operation of energy facilities is treated as a significant aspect of land-use planning in which all environmental, economic, and technical issues are resolved in an integrated fashion, all to assure that the state has an adequate and reliable supply of energy in conformance with sound environmental principles. The legislature, therefore, hereby establishes a procedure for the review, approval, monitoring, and enforcement of compliance in the planning, siting, construction, and operation of energy facilities.

2 Definitions. Amend RSA 162-H:2, II-a to read as follows:

II-a. "Certificate" or "certificate of site and facility" means the document issued by the committee, containing such **terms and** conditions as the committee deems appropriate, that authorizes the applicant to proceed with the proposed site and facility.

3 Definitions. Amend RSA 162-H:2, VII to read as follows:

VII. "Energy facility" means:

(a) Any industrial structure~~[, other than bulk power supply facilities, as defined in paragraph II,]~~ that may be used substantially to extract, produce, manufacture, transport or refine sources of energy, including ancillary facilities as may be used or useful in transporting, storing or otherwise providing for the raw materials or products of any such industrial structure. This shall include but not be limited to industrial structures such as oil refineries, gas plants, equipment and associated facilities designed to use any, or a combination of, natural gas, propane gas and liquefied natural gas, which store on site a quantity to provide 7 days of continuous operation at a rate equivalent to the energy requirements of a 30 megawatt electric generating station and its associated facilities, plants for coal conversion ~~[and]~~, onshore and offshore loading and unloading facilities for energy sources~~[. Energy facility shall also include]~~ **and** energy transmission pipelines~~[, storage tanks, or any other facility which the applicant or 2 or more petition categories as defined in RSA 162 H:2, XI request and the committee agrees, or which the committee determines requires a certificate, consistent with the findings and purposes set forth in RSA 162-H:1]~~ **that are not considered part of a local distribution network.**

(b) *Electric generating station equipment and associated facilities designed for, or capable of, operation at any capacity of 30 megawatts or more.*

(c) *An electric transmission line of design rating of 100 kilovolts or more, associated with a generating facility under subparagraph (b), over a route not already occupied by a transmission line or lines.*

(d) *An electric transmission line of a design rating in excess of 100 kilovolts that is in excess of 10 miles in length, over a route not already occupied by a transmission line.*

(e) *A new electric transmission line of design rating in excess of 200 kilovolts.*

(f) *A renewable energy facility.*

(g) *Any other facility and associated equipment that the committee determines requires a certificate, consistent with the findings and purposes of RSA*

162-H:1, either on its own motion or by petition of the applicant or 2 or more petitioners as defined in RSA 162-H:2, XI.

4 Definitions. Amend RSA 162-H:2, XI(c) to read as follows:

(c) A petition endorsed by the ~~[board of selectmen]~~ **governing body** of the host community or 2 or more ~~[boards of selectmen]~~ **governing bodies** of abutting communities.

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

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

6 Powers of the Committee. Amend RSA 162-H:4, I(a)-(c) to read as follows:

(a) Issue any certificate under this chapter ~~[in the case of]~~ **for** an energy facility~~;~~ ~~or forward its findings to the commission in the case of a bulk power supply facility].~~

(b) Determine the terms and conditions of any certificate ~~[or findings]~~ issued under this chapter~~[- subject to RSA 162-H:10].~~

(c) Monitor the construction and operation of any energy ~~[or bulk power]~~ facility granted a certificate under this chapter.

7 Powers of the Committee. Amend RSA 162-H:4, IV to read as follows:

IV. In cases where the committee determines that other existing statutes provide adequate protection of the objectives of RSA 162-H:1, the committee may, within 60 days of ~~[filing]~~ **acceptance** of the application, **or filing of a request for exemption with sufficient information to enable the committee to determine whether the proposal meets the requirements set forth below, and after holding a public informational hearing in a county where the energy facility is proposed,** exempt the applicant from the approval and certificate provisions of this chapter, provided that the following requirements are met:

(a) Existing state **or federal** statutes, state **or federal** agency rules or municipal ordinances provide adequate protection of the objectives of RSA 162-H:1;

(b) A review of the application **or request for exemption** reveals that consideration of the ~~[application]~~ **proposal** by only selected agencies represented on the committee is required and that the objectives of RSA 162-H:1 can be met by those agencies without exercising the provisions of RSA 162-H;

(c) Response to the application **or request for exemption** from the general public indicates that the objectives of RSA 162-H:1 are met through the individual review processes of the participating agencies; and

(d) All environmental impacts or effects are adequately regulated by other federal, state, or local statutes, rules, or ordinances.

8 Powers of the Committee. RSA 162-H:4, V is repealed and reenacted to read as follows:

V. Once an energy facility application has been accepted, the chairperson may designate a subcommittee of no fewer than 7 members that shall consider such application.

The subcommittee shall include the chairperson or the vice-chairperson of the committee, and at least 3 members selected from among the department of environmental services, the department of resources and economic development, and the fish and game department. With the exception of the chairperson or vice-chairperson, each member of the committee may designate an employee from his or her agency to assume his or her responsibilities as a subcommittee member for the purposes of this paragraph, provided that such designee shall be a senior administrator within the agency, department, or division that the member represents under RSA 162-H:3. The chairperson may designate the assistant commissioner of the department of environmental services to assume his or her responsibilities as a subcommittee member for the purposes of this paragraph. For purposes of statutory interpretation and executing the regulatory functions of this chapter, the subcommittee shall assume the role of and be considered the committee, with all of its associated powers and duties.

9 Prohibitions and Restrictions. Amend RSA 162-H:5, I to read as follows:

I. No person shall commence to construct any ~~[bulk power or]~~ energy facility within the state unless it has obtained a certificate pursuant to this chapter. Such facilities shall be constructed, operated and maintained in accordance with the terms of the certificate. Such certificates are required for sizeable **changes or** additions to existing facilities. Such a certificate shall not be transferred or assigned without approval of the committee.

10 New Paragraph; Time Frames for Review of Renewable Energy Facilities. Amend RSA 162-H:6-a by inserting after paragraph IX the following new paragraph:

X. The provisions of this section shall take precedence over any other provision of this chapter if there is a conflict.

11 Application for Certificate. Amend RSA 162-H:7, II and III to read as follows:

II. All applications for a certificate for an energy facility shall be filed with the chairman of the site evaluation committee. ~~[Applications shall include each individual agency's completed application forms.]~~

III. Upon filing of an application, the committee shall expeditiously conduct a preliminary review to ascertain if the application contains sufficient information ~~[in accordance with this section]~~ **to carry out the purposes of this chapter**. If the application does not contain such sufficient information, the committee shall, in writing, expeditiously notify the applicant of that fact and specify what information the applicant must supply.

12 Application for Certificate. Amend RSA 162-H:7, VI to read as follows:

VI. The committee shall decide whether or not to accept the application within 60 days of filing. If the committee rejects ~~[the]~~ **an** application **because it determines it to be administratively incomplete**, the applicant may choose to file a new and more complete application or cure the defects in the rejected application within 10 days of receipt of notification of rejection.

13 New Paragraphs; Application for Certificate. Amend RSA 162-H:7 by inserting after paragraph VI the following new paragraphs:

VI-a. Within 30 days after acceptance of the application, the committee shall hold at least one public hearing in each county in which the proposed facility is to be located, in accordance with RSA 162-H:10.

VI-b. All participating state agencies shall report their progress to the committee within 5 months of the acceptance of the application, outlining draft permit conditions and specifying additional data requirements necessary to make a final decision.

VI-c. All participating state agencies shall make and submit to the committee a final decision on the parts of the application that relate to its jurisdiction, no later than 8 months after the application has been accepted.

VI-d. Within 9 months of the acceptance of an application, the committee shall issue or deny a certificate for an energy facility.

VI-e. Notwithstanding any other provision of this chapter, the committee shall employ the time frames specified under RSA 162-H:6-a to any proposal for the upgrade of the transmission system considered part of the Coos county loop.

14 Public Hearing; Studies; Rules. Amend RSA 162-H:10 to read as follows:

162-H:10 Public Hearing; Studies; Rules.

I. Within 30 days after acceptance of an application for a certificate of site and facility, pursuant to RSA 162-H:7, the site evaluation committee ~~[and, if a bulk power supply facility application, the commission,]~~ shall hold at least one joint public hearing in each county in which the proposed facility is to be located and shall publish a public notice not less than 14 days before said hearing in one or more newspapers having a regular circulation in the county in which the hearing is to be held, describing the nature and location of the proposed facilities. The public hearings shall be joint hearings, with representatives of the other agencies that have jurisdiction over the subject matter and shall be deemed to satisfy all initial requirements for public hearings under statutes requiring permits relative to environmental impact. The hearings shall be for public information on the proposed facilities with the applicant presenting the information to the site evaluation committee and to the public. Notwithstanding any other provision of law, the hearing shall be a joint hearing with the other state agencies and shall be in lieu of all hearings otherwise required by any of the other state agencies; provided, however, if any of such other state agencies does not otherwise have authority to conduct hearings, it may not join in the hearing under this chapter; provided further, however, the ability or inability of any of the other state agencies to join shall not affect the composition of the committee under RSA 162-H:3 nor the ability of any member of the committee to act in accordance with this chapter.

II. Except for informational hearings, subsequent hearings shall be in the nature of adjudicative proceedings ***under RSA 541-A*** and may be held in the county or one of the counties in which the proposed facility is to be located or in Concord, New Hampshire, as determined by the site evaluation committee. The committee shall give adequate public notice of the time and place of each subsequent session.

III. The site evaluation committee ~~[and, if a bulk power supply facility application, the commission,]~~ shall consider and weigh all evidence presented at public hearings and shall consider and weigh written information and reports submitted to it by members of the public before, during, and subsequent to public hearings. The committee ~~[and the commission]~~ shall grant free access to records and reports in its files to members of the public during normal working hours and shall permit copies of such records and reports to be made by interested members of the public at their expense.

IV. The site evaluation committee ~~[and, if a bulk power supply facility application, the commission,]~~ shall require from the applicant whatever information it deems necessary to assist in the conduct of the hearings, and any investigation or studies it may undertake, and in the determination of the terms and conditions of any certificate under consideration.

V. The site evaluation committee and counsel for the public ~~[and, if a bulk power supply facility application, the commission,]~~ shall jointly conduct such reasonable studies and investigations as they deem necessary or appropriate to carry out the purposes of this chapter and may employ a consultant or consultants, legal counsel and other staff in furtherance of the duties imposed by this chapter, the cost of which shall be borne by the applicant in such amount as may be approved by the committee ~~[in the case of an energy facility, or the committee and the commission in the case of a bulk power supply facility].~~ The site evaluation committee~~[-the commission,]~~ and counsel for the public~~[-as provided for by RSA 162-H:9,]~~ are further authorized to assess the applicant for all travel and related expenses associated with the processing of an application under this chapter.

VI. The site evaluation committee ~~[and, if a bulk power supply facility application, the commission,]~~ shall ~~[jointly]~~ issue such rules ***to administer this chapter***, pursuant to RSA 541-A, after public notice and hearing, as may from time to time be required.

15 New Paragraph; Enforcement. Amend RSA 162-H:12 by inserting after paragraph III the following new paragraph:

IV. Notwithstanding any other provision of this chapter, each of the other state agencies having jurisdiction shall retain all of its powers and duties of enforcement.

16 Temporary Suspension of Deliberations. Amend RSA 162-H:14, I to read as follows:

I. If the site evaluation committee at any time during its deliberations relative to an application for a certificate deems it to be in the public interest, it may temporarily suspend its deliberations and time frame established under RSA 162-H:[6] 7.

17 Informational Meetings. Amend RSA 162-H:15 to read as follows:

162-H:15 Informational Meetings. Upon request of *the governing body* of a community in which the proposed facility is to be located, or upon request of the committee, the applicant shall provide informational meetings to inform the public of the proposed project.

18 Findings and Certificate Issuance. Amend the section heading of RSA 162-H:16 to read as follows:

162-H:16 Findings *and Certificate Issuance*.

19 Findings and Certificate Issuance. Amend RSA 162-H:16, I to read as follows:

I. The committee shall incorporate in any certificate ~~[or findings issued hereunder]~~ such terms and conditions as may be specified to the committee by any of the other state agencies having jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility; provided, however, the committee shall not issue any certificate under this chapter if any of the other state agencies denies authorization for the proposed activity over which it has jurisdiction. The denial of any such authorization shall be based on the record and explained in reasonable detail by the denying agency. ~~[Notwithstanding any other provision of law, each of the other state agencies shall make and submit to the committee a final decision on the parts of the application that relate to its jurisdiction no later than 8 months after acceptance of the application. Notwithstanding any other provision of this section or this chapter, each of the other state agencies shall retain all of its powers and duties of enforcement.]~~

20 Findings. RSA 162-H:16, II is repealed and reenacted to read as follows:

II. Any certificate issued by the site evaluation committee shall be based on the record. The decision to issue a certificate in its final form or to deny an application once it has been accepted shall be made by a majority of the full membership. A certificate shall be conclusive on all questions of siting, land use, air and water quality.

21 Findings and Certificate Issuance. Amend RSA 162-H:16, III and the introductory paragraph of IV, to read as follows:

III. The committee ~~[and, in the case of a bulk power certificate, the commission]~~ may consult with interested regional agencies and agencies of border states in the consideration of certificates.

IV. ~~[In the case of energy and bulk power facilities,]~~ The site evaluation committee, after having considered available alternatives and fully reviewed the environmental impact of the site or route, and other relevant factors bearing on whether the objectives of this chapter would be best served by the issuance of the certificate, must find that the site and facility:

22 Penalties. Amend RSA 162-H:19, II to read as follows:

II. Any construction or operation of ~~[bulk power supply or]~~ energy facilities in violation of this chapter, or in material violation of the terms *and conditions* of a certificate issued under this chapter, may result in an assessment by the superior court of civil damages not to exceed \$10,000 for each day in violation.

23 Endangered Species Conservation Act; Exemptions and Restrictions. Amend RSA 212-A:13, III to read as follows:

III. The provisions of RSA 212-A or any rule promulgated under this chapter shall not interfere in any way with the siting or construction of any ~~[bulk power supply facility or any]~~ energy facility as defined in RSA 162-H:2.

24 Repeal. The following are repealed:

- I. RSA 162-H:2, II, relative to the definition of bulk power supply facilities.
- II. RSA 162-H:2, IV, relative to the definition of commission.
- III. RSA 162-H:2, X, relative to the definition of public utility or utility.
- IV. RSA 162-H:2, X-a, relative to the definition of petition.
- V. RSA 162-H:5, IV, relative to prohibitions and restrictions.
- VI. RSA 162-H:6, relative to time frames.
- VII. RSA 162-H:7, I, relative to application for certificate.
- VIII. RSA 162-H:14, II, relative to temporary suspension of deliberations.
- IX. RSA 162-H:16, IV(d) and V, relative to findings of the site evaluation committee.
- X. RSA 162-H:17, relative to bulk power facility plans.
- XI. RSA 162-H:18, relative to review; hearing.

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

AMENDED ANALYSIS

This bill removes references to bulk power facilities from the energy facilities to be considered by the site evaluation committee and makes certain modifications to the membership and procedures of the committee.

HB 117, repealing the gas utility restructuring oversight committee. **OUGHT TO PASS.**

Rep. Jacqueline A. Cali-Pitts for Science, Technology and Energy: This is a housekeeping bill to repeal the defunct gas utility restructuring oversight committee. This bill passed unanimously after a discussion of gas pipeline safety issues which was one of the charges given to the committee. Vote 16-0.

HB 229, clarifying the eligibility requirements for class IV renewable energy generating facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne Harvey for Science, Technology and Energy: Sponsors of New Hampshire's renewable portfolio standard (RPS), passed in 2007, brought clarification of the statute's language regarding eligibility for Class IV (existing small hydroelectric) renewable energy certificates (RECs). The committee agreed that amending the language would ensure that only those facilities meeting the requirements would be eligible for NH RECs. Vote 15-0.

Amendment (0193h)

Amend RSA 362-F:4, IV(a) as inserted by section 1 of the bill by replacing it with the following:

IV.(a) Class IV (Existing Small Hydroelectric) shall include the production of electricity from hydroelectric energy, provided the ~~[source]~~ **facility** began operation prior to January 1, 2006, has a ~~[gross]~~ **total** nameplate capacity of 5 MWs or less **as measured by the sum of the nameplate capacities of all the generators at the facility**, has **actually** installed **both** upstream and downstream diadromous fish passages ~~[that have been required and approved under the terms of its license or exemption from]~~ **and such installations have been approved by** the Federal Energy Regulatory Commission, and when required, has documented applicable state water quality certification pursuant to section 401 of the Clean Water Act for hydroelectric projects.

Amend the bill by replacing section 2 with the following:

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

HB 269-FN, requiring measurement of carbon dioxide produced and sequestered in this state. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne Harvey for Science, Technology and Energy: The sponsor of this bill requested

that it be voted ITL. The study requested in the bill has already been conducted. Vote 15-0.

HB 354, establishing a committee to study local government eligibility for certain funding for energy efficiency improvements. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert F. Matheson for Science, Technology and Energy: An existing committee, the energy, efficiency and sustainability board which was established under the regional green House Gas Initiative, has agreed to address this concern. Vote 14-0.

HB 375, establishing a committee to study whether renters should be eligible for weatherization programs administered by the office of energy and planning.

INEXPEDIENT TO LEGISLATE.

Rep. Robert F. Matheson for Science, Technology and Energy: This concern will be addressed by the existing energy efficiency and sustainability energy board which was established under the regional green house gas initiative. Vote 14-1.

HB 295, relative to mental health treatment for members of the armed forces and veterans convicted of crimes. **OUGHT TO PASS.**

Rep. Alfred P. Baldasaro for State-Federal Relations and Veterans Affairs: The committee feels this bill has overwhelming support. We will work with the Criminal Justice and Public Safety Committee to ensure a good bill comes out to protect veterans with PTSD/TBI which will ensure proper decisions are made and treatment is ensured at the judicial level. Vote 18-0.

Referred to the Committee on Criminal Justice and Public Safety.

HCR 4, supporting the Basel Convention on the international shipment of hazardous waste. **INEXPEDIENT TO LEGISLATE.**

Rep. Alfred P. Baldasaro for State-Federal Relations and Veterans Affairs: There is no control of other countries of trans boundary movements of hazardous waste and its disposal. We have no control over other countries' hazardous waste programs and feel that there are good reasons why the Basel Convention was never ratified by our US Senate. Even though we are set with a system of controls that may be environmentally sound does not mean other countries have a management program in place for handling hazardous waste. Vote 18-0.

HB 528-FN, establishing a restricted driver's license for work-related transportation.

INEXPEDIENT TO LEGISLATE.

Rep. Jennifer M. Brown for Transportation: This bill, to establish a restricted driver's license for the purpose of going to work, was almost identical to another bill, HB 571-FN. The committee felt we could work more easily on HB 571-FN and we will do that. Vote 15-0.

HB 546-FN, relative to authorizing temporary registrations of off-highway recreational vehicles and snowmobiles for nonresidents and increasing the agent fee. **OUGHT TO PASS.**

Rep. Paul H. Ingersoll for Transportation: This bill authorizes temporary 3-day registration of off-highway recreational vehicles of non-residents. This bill allows for a 3-day registration for anyone who comes to New Hampshire to ride off-highway recreational vehicles. This allows the non-resident to experience the many trail systems that the state has and it also increases the fee from \$2.00 to \$5.00 to the agent of the state making out the registration. This allows more people to experience our state trail system. Vote 14-1.

Referred to the Committee on Ways and Means.

HB 629-FN-A, revising certain motor vehicle laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karen C. Umberger for Transportation: The department of safety requested changes.

The habitual offenders; offenses were changed to include continuing to drive; drugs and negligent driving statutes were included. Directs that uniform carriers registration fees go to the highway fund and establishes penalties for failure to register their vehicle. Adds three self propelled implements of husbandry, sprayer, soil amendment spreader, or forage mower, to those vehicles that can be driven on the highways, excluding being driven on toll roads or the interstate highway system. The self propelled implements of husbandry will be required to have an identifying plate or decal costing \$25 for implements 15,000 or less and \$50 for implements weighing 15,001 or more. Additionally requires farmers to exercise reasonable care to prevent hazardous spillage. Adds vehicles of the department of transportation when engaged in pavement marking and line striping operations as authorized to use alternate flashing of headlamps. Vote 14-0.

Amendment (0329h)

Amend the bill by deleting sections 6 and 7 and renumbering the original sections 8-10 to read as 6-8, respectively.

AMENDED ANALYSIS

This bill:

- I. Directs uniform carrier registration fees to the highway fund.
- II. Establishes penalties for uniform carrier registration requirements.
- III. Requires an identifying plate or decal for certain implements of husbandry.
- IV. Authorizes the use of alternate flashing headlamps by certain department of transportation vehicles.

This bill was requested by the department of safety.
Referred to the Committee on Ways and Means.

HB 683-FN-A-L, relative to disposition of motor vehicle fines, relative to fines for speed limit violations, and requiring the department of safety to inform drivers of changes to the motor vehicle laws. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen C. Umberger for Transportation: This bill would require that 20% of each motor vehicle fine be forwarded to the municipality in which the offense occurs, increases speed limit fines and requires fines be adjusted using the CPI for all urban consumers and requires the department of safety to inform applicants for driver license renewals of changes to motor vehicle laws. The committee agrees that revenue sharing between state and municipalities was not a good idea and would result in loss of money for the highway fund. There was no support for increasing fines for speed limit violations or for the department of safety to inform drivers renewing their licenses of motor vehicle law changes. Vote 13-0.

HB 85-FN-A, establishing the women, infants and children program fund. **OUGHT TO PASS.**

Rep. Dennis P. Vachon for Ways and Means: Although the committee is reluctant to create yet another dedicated fund, it recognizes the need for federally assisted programs to comply with federal law. The dedicated fund established would enable rebates from infant formula and food companies to be non-lapsing and continually available to supplement USDA federal food funds under New Hampshire's women, infants and children (WIC) program. Vote 19-0.

HB 562-FN-A, establishing a job creation tax credit for the town of Greenville. **INEXPEDIENT TO LEGISLATE.**

Rep. Gilman Shattuck for Ways and Means: The committee agrees that job creation tax credits are a good concept but must be used cautiously. Last year, the committee recommended a similar bill to apply to Coos county. The entire area of this county has widespread, long term and extensive economic problems. That bill is now law providing a modest benefit to the area. HB 562 would benefit only a very limited area and population – just one town. Job opportunities are available with reasonable commuting distances to

nearby towns – something not true in Coos county. Because this bill would benefit just one town, the bill raises a major constitutional issue. Vote 19-0.

HB 583-FN-A-L, establishing an income tax to adequately fund public education and relative to employment of teachers. **INEXPEDIENT TO LEGISLATE.**

Rep. Ron J. Mack for Ways and Means: This bill establishes an income tax at the rate of 5% to adequately fund public education. The bill also requires public school teachers in this state to become state employees beginning in fiscal year 2012. The bill also requires applicants for state licenses and registration to be current with the state income taxes, and finally, the bill repeals the interest and dividends tax. The committee discussed thoroughly the department of revenue administration's testimony that they could not administer the bill as written. The committee concluded unanimously that the bill as drafted would be difficult to administer. Vote 19-0.

HB 600-FN, relative to dedicated funds maintained by the state treasurer. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William A. Hatch for Ways and Means: This bill further defines accounting and reporting requirements for various dedicated funds. It is a concern of the sponsors and others that there is not an adequate method to review and assure that certain dedicated funds were expended responsibly for the intended purpose. The committee agreed by a unanimous vote. This bill in part addresses that concern with its reporting requirements. Vote 19-0.

Amendment (0352h)

Amend the introductory paragraph of RSA 6:12-e as inserted by section 8 of the bill by replacing it with the following:

6:12-e Reporting Requirements for Dedicated Funds.

[~~L~~] ***The definitions established in RSA 6:12 shall apply to this section.*** The administrator of each fund, account, or trust listed in RSA 6:12, RSA 6:12-b, RSA 6:12-c, and RSA 6:12-d shall complete and file a biennial report with ~~[the state treasurer]~~ ***the commissioner of administrative services*** on or before ~~[January 15, 2004, and every other]~~ ***September 15, 2009, and each odd-numbered*** year thereafter. The ~~[treasurer]~~ ***commissioner of administrative services*** shall forward the reports to the relevant legislative policy committees of the house and senate as indicated on said reports by the administrator of each fund, account, or trust ***by November 15***. Each biennial report shall include, but not be limited to:

SPECIAL ORDERED

Without objection, the Speaker special ordered ***SB 76***, naming a bridge in the town of Barrington the Sp. Jesse Scott Conger Memorial Bridge and ***SB 96***, naming a bridge in Webster in honor of William Tracy to the beginning of today's Regular Calendar.

SPECIAL ORDERS

SB 76, naming a bridge in the town of Barrington the Sp. Jesse Scott Conger Memorial Bridge. **OUGHT TO PASS.**

Rep. John A. Graham for Public Works and Highways: This bill names a bridge in the town of Barrington in honor of Specialist Jesse Scott Conger. Specialist Conger perished while engaged in combat training in 2002. The committee heard testimony that the town was in support of this action. Vote 16-0.

Rep. Bouchard spoke in favor.

Committee report adopted and ordered to third reading.

SB 96, naming a bridge in Webster in honor of William Tracy. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Walter Kolodziej for Public Works and Highways: This bill honors the memory of Sgt. William J. Tracy, who gave his life in defense of his country, by naming the bridge which spans the Blackwater River on Rt. 127 in Webster the Sgt. William J. Tracy Memorial Bridge. The cost of construction and signage shall not be a charge to the state. The amendment adds his rank and full name. Vote 16-0.

Amendment (0437h)

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

AN ACT naming a bridge in Webster in honor of Sgt. William J. Tracy.

Amend the bill by replacing section 1 with the following:

1 The Sgt. William J. Tracy Memorial Bridge. Pursuant to RSA 4:43, the bridge which spans the Blackwater River on route 127 in Webster is hereby named the Sgt. William J. Tracy Memorial Bridge in honor of Sgt. William J. Tracy. Appropriate signage may be placed at the bridge.

AMENDED ANALYSIS

This bill names the bridge which spans the Blackwater River on route 127 in Webster in honor of Sgt. William J. Tracy.

Rep. Bouchard spoke in favor.

Amendment adopted.

Committee report adopted and ordered to third reading.

MOTION TO SPECIAL ORDER

Rep. Itse moved that **HCR 6**, affirming States' rights based on Jeffersonian principles, be special ordered as the next order of business on today's calendar.

Reps. Itse and Gary Richardson spoke in favor.

Adopted.

SPECIAL ORDER

HCR 6, affirming States' rights based on Jeffersonian principles. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Michael S. Rollo for the Majority of State-Federal Relations and Veterans Affairs: HCR 6 seeks to reaffirm states' rights based on the principles set forth in the Kentucky and Virginia Resolutions of 1798. These resolutions were originally drafted to counter the Alien and Sedition Acts. HCR 6 stems not from that act, but instead an opinion that Part I, Article 18 of the US Constitution prohibits congress from enacting any law not specifically mentioned in that section. However, when one reads the entire section, congress is authorized to provide for the "public welfare" and to enact laws to carry out the charge of caring for the public welfare. Oddly enough, this is not the first time that the New Hampshire General Court has taken up this matter. On June 14, 1799 the New Hampshire House and Senate debated and passed a resolution rejecting these very principles considering them a threat to the Union. "The Legislature of New Hampshire having taken into consideration certain resolutions of the General Assembly of Virginia, dated December 21, 1798; also certain resolutions of the Legislature of Kentucky, of the 10th of November, 1798: Resolved, That the Legislature of New Hampshire unequivocally express a firm resolution to maintain and defend the Constitution of the United States, and the Constitution of this state, against every aggression, either foreign or domestic, and that they will support the government of the United States in all measures warranted by the former. That the state legislatures are not the proper tribunals to determine the constitutionality of the laws of the general government, that the duty of such decision is properly and exclusively confided to the judicial department. That if the Legislature of New Hampshire, for mere

speculative purposes, were to express an opinion on the acts of the general government, commonly called "the alien and sedition-bills," that opinion would unreservedly be, that those acts are constitutional, and in the present critical situation of our country, highly expedient. That the constitutionality and expediency of the acts aforesaid, have been very ably advocated and clearly demonstrated by many citizens of the United States, more especially by the minority of the General Assembly of Virginia. The Legislature of New Hampshire, therefore, deem it unnecessary, by any train of arguments, to attempt further illustration of the propositions, the truth of which, it is confidently believed, at this day, is very generally seen and acknowledged. Which report being read and considered, was unanimously received and accepted, one hundred and thirty-seven members being present. Sent up for concurrence." It is the opinion of the majority of the committee that the General Court of 1799 did indeed act in the best interest of our State and our Union. New Hampshire has a long and proud tradition of defending our national union, as evidenced in our 18 volunteer regiments raised to defend the Union from 1861 to 1865. It is the majority opinion that we do a disservice to the honor and memory of those brave men that gave up their lives to defend our union by enacting a resolution that puts New Hampshire on record as calling for the nullification of the US Constitution and the possible secession of our great state from the Union. Vote 11-7.

Rep. Alfred P. Baldasaro for the Minority of State-Federal Relations and Veterans Affairs: HCR 6 expresses the relationship between the States and the Federal Government expressed in our Constitution Article 7, Part the First, in the ninth and tenth amendments to the Constitution for the United States of America, and the Kentucky Resolutions drafted by Thomas Jefferson and presented by him to Kentucky and James Madison to Virginia. This resolution states our intent to retain our sovereignty and defend the liberty of our constituents from unconstitutional acts by the United States.

Reps. Itse and Kris Roberts spoke against and yielded to questions.

Rep. Gary Richardson spoke in favor.

Rep. Mike Rollo spoke in favor and yielded to questions.

Rep. Dumaine requested a roll call; sufficiently seconded.

YEAS 216 NAYS 150

YEAS 216

BELKNAP

Arsenault, Beth
Miller, Kate
Veazey, John

Bolster, Peter
Millham, Alida

Johnson, William
Pilliod, James

Merry, Liz
Reever, Judith

CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Wiley, Susan

CHESHIRE

Allen, Peter
Butynski, William
Hunt, John
Parkhurst, Henry
Weber, Lucy

Burridge, Delmar
Carlson, Nancy
Lindsey, Steven
Richardson, Barbara
Weed, Charles

Butcher, Suzanne
Carr, Daniel
Meador, David
Robertson, Timothy

Butterworth, Timothy
Eaton, Daniel
Mitchell, Bonnie
Sad, Tara

COOS

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Merrick, Scott

Theberge, Robert

GRAFTON

Aguiar, James
Ford, Susan
Laliberte, Suzanne
Pastor, Beatriz
Townsend, Charles

Almy, Susan
Friedrich, Carol
Matheson, Robert
Pierce, David

Benn, Bernard
Gould, Franklin
Mulholland, Catherine
Preston, Philip

Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Chininis, Alexis
Dokmo, Cynthia
Garrity, Patrick
Haley, Robert
Harvey, Suzanne
Judy, Jean
Knowles, Mary Ann
Leishman, Peter
Marshall, Seth

Beaulieu, Jane
Campbell, David
Clemons, Jane
Flurey, Joan
Goley, Jeffrey
Hammond, Jill
Hebert, Roger
Katsiantonis, George
Komi, Richard
Lisle, Carolyn
Matarazzo, Anthony
Sr
O'Neil, James
Rhodes, Brian
Schulze, Joan
Soucy, Timothy
Williams, Carol

Beck, Catriona
Caron, June
Cote, David
Foster, Linda
Gorman, Mary
Hardy, Valerie
Irwin, Anne-Marie
Katsiantonis, Thomas
Kopka, Angeline
Long, Patrick
Movsesian, Lori

Belvin, William
Chandley, Shannon
Craig, James
Gargas, Carolyn
Hackel, Paul
Harvey, Philip
Jasper, Shawn
Knowles, John
LaPlante, Roland
Mack, Ron
Nixon, David

O'Brien, Michael Sr
Ramsey, Peter
Rowe, Robert
Shaw, Kimberly
Walsh, Robert Jr

Pilotte, Maurice
Rokas, Theodoros
Shattuck, Gilman
Sullivan, Daniel

Poznanski, Brian
Rosenwald, Cindy
Shaw, Barbara
Thompson, Robert

MERRIMACK

Bartlett, Michael
Davis, Frank
Gile, Mary
Lockwood, Priscilla
Potter, Frances
Rodd, Beth
Tupper, Frank
Webb, Leigh

Bouchard, Candace
DeJoie, John
Hamm, Christine
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Wallner, Mary Jane
Williams, Robert

Brown, Carole
DeStefano, Stephen
Kelly, Sally
Osborne, Jessie
Rice, Chip
Stetson, William
Walz, Mary Beth
Yeaton, Charles

Clarke, Claire
Foote, Robert
Kidder, David
Porter, Margaret
Richardson, Gary
Tilton, Joy
Watrous, Rick

ROCKINGHAM

Abbott, Dennis
Case, Frank
DeSimone, Debra
Gould, Kenneth
Kepner, Susan
McEachern, Paul
Peterson, Don
Schlachman, Donna

Borden, David
Casey, Kimberley
DiFrancia, Anthony
Henson, John
Lyons, Melissa
Moody, Marcia
Read, Robin Jr
Splaine, James

Brown, C. Pennington
Cushing, Robert
DiPentima, Rich
Howard, Doreen
Mann, Maureen
Nord, Susi
Russell, Joseph
Webber, Carolyn

Cali-Pitts, Jacqueline
Day, Judith
Gleason, John
Hutchinson, Gina
McCarthy, Barbara
Pantelakos, Laura
Russell, Trink
Wells, Roger

STRAFFORD

Berube, Roger
Browne, Brendon
Grassie, Anne
Keans, Sandra
Price, Susan

Brown, Jennifer
Burke, Rachel
Hofmann, Roland
Lauterborn, Elaine
Rogers, Rose Marie

Brown, Julie
Cyr, James
Hutz, Sarah
Lewis, Robert
Rollo, Deanna

Brown, Larry
Domingo, Baldwin
Kaen, Naida
Perry, Robert
Rollo, Michael

Rous, Emma
Spang, Judith
Ward, Kenneth

Ryder, Mark
Sprague, Dale

Schmidt, Peter
Vachon, Dennis

Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Sweeney, Cynthia

NAYS 150

BELKNAP

Boyce, Laurie
St. Cyr, Jeffrey

Fields, Dennis
Swinford, Elaine

Nedean, Stephen
Wendelboe, Fran

Russell, David

CARROLL

Ahlgren, Christopher
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Roberts, John

Knox, J. David
Scala, Dino

CHESHIRE

Emerson, Susan
Sterling, Franklin Jr

Johnson, Jane

Laurent, John

Roberts, Kris

COOS

Rappaport, Laurence

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Ward, Brien

Ingbretson, Paul
Williams, Burton

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Christensen, Chris
Doherty, Shaun
Gandia, Laura
Hawkins, Ken
Hodges, Kevin
Infantine, William
Mead, Robert
Ober, Lynne
Pepino, Leo
Renzullo, Andrew
Soucy, Connie
Villeneuve, Moe

Beauchamp, Roger
Christiansen, Lars
Elliott, Nancy
Gidge, Kenneth
Hikel, John
Hogan, Edith
Kurk, Neal
Messier, Irene
Ober, Russell III
Peterson, Andrew
Ryder, Donald
Spaulding, Jayne
Willette, Robert

Boehm, Ralph
Daniels, Gary
Emerton, Larry
Graham, John
Hinch, Richard
Holden, Frank
L'Heureux, Robert
Moran, Edward
Palmer, Stephen
Pratt, Calvin
Seidel, Carl
Ulery, Jordan
Winters, Joel

Cebrowski, John
Day, Russell
Gagne, Larry
Haefner, Robert
Hinkle, Peyton
Hopper, Gary
McCarthy, Michael
O'Brien, William
Pellegrino, Tony
Price, Pamela
Silva, Peter
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Kotowski, Frank
Smith, Todd

Boutin, David
McGuire, Carol

Coffey, Jennifer
Palfrey, David

Hess, David
Reed, Dennis

ROCKINGHAM

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

STRAFFORD

Groen, Warren	Horrigan, Timothy	Vita, Carol
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SULLIVAN

Howard, Thomas	Maiola, Anthony	Osgood, Joe	Rodeschin, Beverly
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and the majority committee report was adopted.

REGULAR CALENDAR – PART I

HB 345-FN, allowing physical therapists to practice on animals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Leigh A. Webb for the Majority of Environment and Agriculture: The purpose of this bill is to provide additional treatment options for owners whose ailing animals would benefit from physical therapy by certified therapists as determined and referred by a licensed veterinarian. The amendment was worded so as not to exclude other alternative therapies which might also be beneficial, yet would not necessarily be sanctioned by a licensed vet, or be covered under the term “physical therapy” as defined by this bill. Vote 11-5.

Rep. Laura J. Gandia for the Minority of Environment and Agriculture: This bill as written imposes too many restrictions and constraints on physical therapists and veterinarians relative to deadlines and procedures that may be viewed as unduly onerous.

Majority Amendment (0311h)

Amend RSA 328-A:15-b, I-III as inserted by section 2 of the bill by replacing it with the following:

I. Any physical therapist practicing physical therapy on any animal shall meet the requirements of this section and any additional requirements set by the board of veterinarians pursuant to RSA 332-B:7-a, XIV and shall be certified by the physical therapy board.

II. A physical therapist shall be eligible for animal physical therapy certification if he or she:

(a) Is a graduate of a singular certification program in animal physical therapy or animal rehabilitation affiliated with an AVMA accredited veterinary school with a minimum of 120 course hours.

(b) Provides proof of liability/malpractice insurance coverage for the practice of physical therapy on animals.

(c) Paid the initial fee for certification as set by the board.

III. Physical therapists certified as animal physical therapists are eligible for renewal of their licenses if they:

(a) Have not violated this chapter or RSA 328-F nor demonstrated poor moral character.

(b) Annually complete 7.5 hours of the required bi-annual 30 hours of continuing education directly related to animal rehabilitation and any other continuing competency requirements established by the physical therapy board or the veterinary board in rules adopted pursuant to RSA 541-A.

(c) Pay the annual renewal fee for certification as set by the board.

Certifications shall expire on December 31 of each year. The board may waive the payment of the renewal fee of an animal physical therapist during the period when the person is on active duty with any branch of the armed services of the United States, not to exceed 3 years or the duration of a national emergency, whichever is longer.

Majority committee amendment adopted.

Majority committee report adopted.

Referred to the Committee on Executive Departments and Administration.

HB 399-FN-A, relative to industrial hemp and establishing an industrial hemp special program fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert H. Haefner for Environment and Agriculture: The majority of the committee noted several reasons to oppose the hemp bill. There is no law today in NH that prohibits a farmer from growing hemp. The prohibition is federal. We struggle with passing a bill to allow growing of hemp when it is already okay under state law and then putting restrictions on it. Some members had trouble with the number of restrictions on the farmer and mandated inspections required along with a licensing fee. Several members noted that the prohibition is federal and the wrong level of government is being lobbied. While hemp supporters are trying to send a message to Washington, the majority thinks it is better to do that by resolution than an unnecessary law. Some members of the majority also had an issue with passing a law in NH that is against federal law. If this bill were to pass, no one could grow hemp until federal law is changed. There was also concern of growing hemp over the objections of law enforcement. No one provided good data to show demand for hemp products. We were told that there is demand, but no data. Vote 9-8.

Rep. Coffey spoke against.

Rep. Haefner spoke in favor.

On a division vote, 262 members having voted in the affirmative and 98 in the negative, the committee report was adopted.

HB 174-FN, establishing a performance measurement system for state agencies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Harding for Executive Departments and Administration: This bill requires that state agencies work towards using a measurement system which would provide policy makers, members of the executive branch and New Hampshire citizens with meaningful data as to the outcome of specific agencies and programs funded by our state dollars. The amendment creates a pilot program in the department of health and human services using a process already established by the department of health and human services. This pilot program will become a model for other agencies as they, too, move forward with an outcome measurement system. The department of health and human services will work with designated staff members in other departments. An interim and final report is required to inform the legislature of agency progress. Vote 16-1.

Amendment (0322h)

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

1 New Chapter; State Performance Measurement System. Amend RSA by inserting after chapter 21-R the following new chapter:

CHAPTER 21-S

STATE PERFORMANCE MEASUREMENT SYSTEM

21-S:1 Definitions. In this chapter:

I. "End outcome indicators" shall be designed to evaluate an agency's progress toward the achievement of the agency's objectives and the fulfillment of its mission statement. End outcome indicators normally focus on the consequences of program implementation and the effect of the program on those served. Because one program may have several different objectives, several different end outcome indicators may be necessary so that each objective is measured.

II. "Input indicators" measure the amount of resources applied, and, when related to output or outcome information, provide indicators of efficiency and productivity.

III. "Intermediate outcome indicators" are events or results that are expected to lead to the end outcomes, but are not themselves the end result. They may include service quality indicators that refer to citizen satisfaction levels.

IV. "Mission statement" means a succinct definition of purpose to clarify the intended results.

V. "Objectives" further define the mission with specific goal statements and lead naturally to defining outcomes and outcome measurers.

VI. "Output indicators" measure the quantity of work completed by the program. Outputs are expected to lead to desired outcomes, but by themselves do not describe anything about the outcomes.

21-S:2 Pilot Program to Establish Performance Measurement System. There is hereby established in the department of health and human services a pilot program for the development and adoption of a performance measurement system. The performance measures to be developed shall include both process and end outcome indicators. Process indicators shall include, but not be limited to input, intermediate outcome, and output indicators. The performance measurement system shall be developed at the departmental level and shall serve as a model for program level performance measurement. Notwithstanding RSA 21-S:5, the department of health and human services shall develop and adopt a performance measurement system as provided for in this chapter on or before July 1, 2010.

21-S:3 Interim and Final Report. The department of health and human services shall submit an interim and a final report on the development and adoption of a performance measurement system. The interim report shall be filed on or before December 31, 2009, and the final report shall be filed on or before July 1, 2010. The report shall specifically identify the performance measures developed pursuant to RSA 21-S:2 and shall report on those measures to the extent of the available data. Copies of both the interim and the final report shall be forwarded to the speaker of the house of representatives, the president of the senate, the governor, the chairperson of the house executive departments and administration committee, the house clerk, the senate clerk, and the state library.

21-S:4 Development of Performance Measurement System by Agencies. On or before July 1, 2009, each agency, as defined in RSA 21-G:5, III, shall provide to the department of health and human services a contact person within the agency who shall be responsible for providing the department of health and human services with information as to that agency's readiness to adopt the performance measurement system provided for in RSA 21-S:5. Each such agency shall cooperate with the department of health and human services and shall provide the required information in a timely manner so that the information can be included with the reports submitted pursuant to RSA 21-S:3.

21-S:5 Adoption of Performance Measurement System by Agencies. Beginning December 31, 2010, every agency, as defined in RSA 21-G:5, III, shall adopt a performance measurement system for each of its programs that includes: a mission statement, the

outcomes the program seeks to achieve, and the specific outcome indicators that the program intends to use to track performance.

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

AMENDED ANALYSIS

This bill establishes a pilot program for the development of a performance measurement system in the department of health and human services. The bill requires all agencies to develop performance measurement systems by December 21, 2010.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

HB 420-FN, relative to the determination of gainful occupation for a group II member receiving an accidental disability retirement allowance from the retirement system.

OUGHT TO PASS.

Rep. John M. Reagan for Executive Departments and Administration: This bill removes the application of the gainful occupation reductions to retirement allowances of group II accidental disability beneficiaries who have a total of 20 years combined service plus years of accidental disability retirement. Currently, earned income while receiving a disability benefit plus the pension amount may not be greater than \$1,000 more than "current comparable compensation" or be subject to an offsetting reduction. Current comparable compensation is the amount the person would earn if he/she were holding the former position (taking into account current average overtime, holiday and special duty pay). Eliminating the restriction allows the beneficiary to keep their earnings while receiving their accidental disability allowance. Vote 14-2.

Committee report adopted.

Referred to the Committee on Finance.

HB 590-FN, relative to the retirement age for group II members. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John M. Reagan for the Majority of Executive Departments and Administration: This bill requires new hires to work 25 years to qualify for a pension from the New Hampshire retirement system. Currently, employed group II members in New Hampshire join only Arizona in allowing 20 year eligibility for retirement. The union term for two groups receiving dissimilar benefits is "split benefit". At different times and under different conditions, employers hire new employees under the influence of current economic realities. There is no reason for the New Hampshire state and local governments to be forced to continue a practice of early retirements at great expense to their constituents when employees are willing to work with retirement benefit starting after 25 years of service. Increased life spans have placed a burden on the retirement system fund. The ability to amortize the fund for five additional years will greatly reduce the contribution rate for both employee and employer. Vote 15-4.

Rep. Daniel J. Sullivan for the Minority of Executive Departments and Administration: This bill asks those police officers, firefighters and corrections officers who are hired after July 1 to work an additional five years to receive the same benefit as those received by his or her co-workers, who are doing the same job, but were hired the day before. The minority believes this unjust "split benefit" will be counterproductive, causing resentment between workers in the workplace and will also hurt recruitment. Our retirement system offers some of the best benefits in the nation, attracting some of the highest quality workers from all over. Changing the benefits will effectively have 50+ year old men and women chasing down criminals on the beat, carrying people down ladders, and wrestling with the most dangerous inmates in our prisons, clearly young persons' jobs if ever there was one. Also, statistics show that after forty years of age, workers compensation claims rise dramatically, costing

our cities and towns, and in effect, taxpayers, untold additional dollars, while at the same time putting lives and property at risk.

Reps. Daniel Sullivan, Lawrence Perkins and Bridle spoke against.

Reps. Reagan and Hawkins spoke in favor.

On a division vote, 279 members having voted in the affirmative and 90 in the negative, the majority committee report was adopted.

Referred to the Committee on Finance.

HB 598-FN, relative to the regulation of auctioneers by the state board of auctioneers.

OUGHT TO PASS WITH AMENDMENT.

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: This bill makes some appropriate changes and updates to the law governing auctioneers in the state of New Hampshire. The committee recognizes and appreciates the intent of the board of auctioneers to protect the public in the care and sale of personal property. However, the committee drew a distinction between the sale of significant property or personal estates and the competitive bidding sale of personal property on the internet on behalf of oneself or another, including the acceptance of a fee, providing the person doing such selling does not promote themselves in any way as an auctioneer. Vote 10-9.

Amendment (0296h)

Amend RSA 311-B:5, II as inserted by section 5 of the bill by replacing it with the following:

II. Submits professional references or recommendations that comply with other standards specified by rule, certifying that the applicant is trustworthy and competent to auction real, personal, and mixed property in such a manner as to safeguard the interests of the public. Each such recommendation shall set forth the writer's name, address, and occupation, the extent of the writer's acquaintanceship with the applicant, the writer's familiarity with the applicant's past business experience and dealings and any additional knowledge of the applicant's background upon which the writer bases the recommendation; Amend RSA 311-B:13, IV and V as inserted by section 12 of the bill by replacing them with the following:

IV. Any individual may, without being licensed, sell his or her own personal property through competitive bidding, using any electronic or non-electronic means.

V. Any individual may, without being licensed, sell the personal property of another through timed competitive bidding, using the internet or any other electronic means and accept an associated fee, provided that such individual does not:

(a) Represent by any verbal statement, sign, letterhead, card, or any other way that they are auctioneers or able to perform auctioneering services; or

(b) Use or otherwise assume in conjunction with the personal name, or advertise any title or description tending to convey the impression that such person is an auctioneer licensed under this chapter.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Ways and Means.

HB 651-FN, relative to regulation of private investigative agencies and security services.

OUGHT TO PASS WITH AMENDMENT.

Rep. Peter B. Schmidt for Executive Departments and Administration: This bill is the product of several years of study and effort by legislators and state agencies. It requires regulation of private investigative agencies, security guard agencies and bail enforcement agencies by the commissioner of safety. The amendment expands the list of currently lawful activities of numerous other tangential entities from regulation by the commissioner. Vote 11-0.

Amendment (0434h)

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

3 Exclusions. Amend RSA 106-F:2, IV-V to read as follows:

IV. Any unarmed security ~~[guard]~~ **employee** who is ~~[an]~~ **a direct** employee of a business which is not a security guard agency and who is employed by that business to secure its premises while so employed, ***including but not limited to store detective and watchmen.***

V. Towing or wrecking companies engaged in the repossession of vehicles.

VI. Firefighters employed by the state or any political subdivision providing fire watch or fire protection services at public events.

VII. Persons engaged solely in collecting or acquiring data for the purpose of motor vehicle or other accident or occurrence reconstruction or scientific analysis.

VIII. Persons engaged in reporting or providing information to an accredited news publication, media, or news outlet.

IX. Persons employed or contracted by a commercial or legal entity to provide, for internal use or dissemination, gross population data or information relating to patterns of general population behavior, criminal or societal activity, or other information that does not include the collection of personally identifiable information, including but not limited to voter preference polls, demographic surveys, business or academic research.

X. Persons serving subpoenas or summonses for attorneys as provided by statute.

XI. Persons conducting management studies or performance evaluations of municipal, county, or state government agencies or providing recruitment and hiring services for such agencies under contract to governing bodies of those agencies.

XII. Attorneys, and employees of their law firms acting as their agents, exercising legal rights to investigate on behalf of their clients.

XIII. A certified public accountant who holds an active permit issued by any state or a public accounting firm registered in any state, and the employees of such certified public accountant or firm.

XIV. The employees of any nationally or state chartered financial institution, as defined in RSA 161-C:2, VI-b, and any company controlled by, or under common control with, or hired by, the bank with respect to the investigation of the identity, identifying information, financial condition and background of customers, employees or service providers to comply with, or to audit or evaluate its performance under, the requirements of federal and state laws and regulations.

Provided, however, that nothing in this section shall preclude a person otherwise qualified from licensure under this chapter.

4 Prohibition. Amend RSA 106-F:2-a to read as follows:

106-F:2-a Prohibition. No person who is a sworn law enforcement officer employed by the state of New Hampshire ~~[or]~~, any of its political subdivisions, ***any other state or its political subdivisions, or the federal government*** shall be issued or hold a private ~~[detective's]~~ ***investigator's license or agency license***, under this chapter.

5 Rulemaking; Enforcement. Amend RSA 106-F:3 to read as follows:

106-F:3 Rulemaking; Enforcement.

I. The commissioner of safety shall adopt rules, pursuant to RSA 541-A, relative to ***the:***

- (a) Form of ***original and renewal*** licenses and applications therefor;
- (b) Examination procedures for license applications;

(c) Requisite standards of ***applicant and licensee*** integrity and reputation for honesty;

(d) Use of fees for administration and enforcement of this chapter; and

(e) Revocation of licenses.

(f) Creation of an advisory board to review complaints and licensing issues.

II. The commissioner of safety shall have the authority to enforce the provisions of this chapter, which authority shall not be restricted by RSA 106-B:15.

6 Definitions. RSA 106-F:4 is repealed and reenacted to read as follows:

106-F:4 Definitions. In this chapter:

I. "Applicant" means any person who makes application to engage in any activity regulated under this chapter.

II. "Armed" security guard or private investigator means a person or entity who offers to perform or performs, in association with the services provided, physical protection to persons or property through the use of firearms. Nothing in this chapter shall prohibit a licensee holding a valid license to carry a pistol or revolver pursuant to RSA 159:6 from possessing or carrying a firearm for their personal protection as otherwise provided by law, except as subject to the provisions of RSA 106-F:8-a.

III. "Bail enforcement agent" means any person engaging for pay or reward in the business of the location or recovery of escaped persons who have defaulted on bail bond.

IV. "Commissioner" means the commissioner of the department of safety.

V. "Doing business" means advertising in New Hampshire or soliciting work, clients, or customers in or from New Hampshire.

VI. "Employee" means an individual employed by a private investigative agency or an individual employed by a security guard service or bail recovery service performing the duties of a private investigator or a security guard for the said private investigative agency, bail recovery service or security guard service.

VII. "Full-time" means engaged in the business of security or private detective as the primary occupation.

VIII. "Individual" means an individual licensed as a private investigator or security guard who is not an employee and who has no employees.

IX. "Licensee" means a licensed private investigative agency or security guard service.

X. "License holder" means an employee of a licensee.

XI. "Private investigator" means a person not excluded by RSA 106-F:2 engaged in conducting investigations, including but not limited to:

(a) Unsolved crimes.

(b) Insurance claims or matters for attorneys in anticipation of civil litigation.

(c) Clandestine surveillance.

(d) Locating missing persons.

(e) Locating lost, concealed, or stolen property.

(f) Locating escaped felons or wanted persons subject to reward for capture.

(g) Having contractual rights not otherwise granted to the general public or non-licensed persons and under the provisions of such contracts and applicable statutes, is granted access to certain records held by the state or its political subdivisions for limited purpose of legal need and use only as provided in applicable statutes.

XII. "Private investigative agency" means the business, within or from the state of New Hampshire, of offering or providing by legal means, for a fee or other compensation, to other persons or businesses, the service of collecting information on the identity, character and characteristics, reputation, conduct, background history, movements, whereabouts, affiliations, or transactions of any other living person or any business or legal entity or organization, for a fee, hire, or reward information on the identity, conduct, movements, whereabouts, affiliations, transactions, reputation, or character of any person, or otherwise

making inquiries or collecting evidence, for a private rather than a public interest. This shall not preclude a licensee under this chapter from pursuing investigation of matters arising in this state in, another state, or political subdivision except as provided by the law of the other state or political subdivision.

XIII. "Security guard" means any person contracted to any entity for the purpose of providing protection of individuals or their property or assets from injury or theft and includes but is not limited to crowd control, fire watch, access control, the safe transport of money or valuable documents, personal protection or body guard services, but shall not require the licensing of persons from other states temporarily accompanying national political candidates on visits to the state or persons providing temporary security to entertainers at live performances.

XIV. "Security guard service" means any business entity, except as provided in RSA 106-F:2, that furnishes or employs security guards or other persons for the protection of individuals or their property from injury or theft and includes, but is not limited to, services providing for the safe transport of money or valuable documents and security patrols of homes, businesses or industrial plants. Such service may use the term "security," "safety," "control" or like terms leading to public to look to the individual as a person of authority. A person engaged in so-called "executive protection" or providing body guard services shall be classified as a security guard.

7 License Required; Registration of Foreign Corporations. Amend RSA 106-F:5, I-II to read as follows:

I. No person shall engage in the business of a private ~~[detective]~~ **investigative agency, security guard agency, or bail enforcement agency** without obtaining a private ~~[detective]~~ **investigative, security guard, or bail enforcement** agency license from the commissioner of safety and no person shall engage in the business of a security guard service **or bail enforcement service** without obtaining a security guard service **or bail enforcement service** license from the commissioner of safety.

II. No person shall become an employee of a private ~~[detective]~~ **investigative** agency ~~[or]~~; a security guard agency, **a bail enforcement agency** without first obtaining a license to do so from the commissioner of safety.

8 Application for License; Confidentiality. Amend RSA 106-F:6 to read as follows:

106-F:6 Application for License; Confidentiality. All information provided by an applicant for ~~a~~ **an original or renewal** license under this chapter, other than the application date and the ~~[business]~~ **mailing** address of the applicant, shall be kept confidential, unless such information is requested by a law enforcement agent engaged in the performance of his **or her** authorized duties. An applicant for any license issued under this chapter shall include the following in his **or her** application:

I. The name and address of the firm applying for a license, or the name and address **and date and place of birth** of the applicant if an individual, and all partners, officers, and major stockholders.

II. The name, **residence, mailing address, and date and place of birth** of the person primarily responsible for managing and conducting the business in this state.

III. ~~[The name]~~ **For an original license, the names** of at least 3 unrelated persons to whom inquiry can be made concerning the applicant's character as to integrity and reputation for honesty.

IV. **For an original or renewal license** the applicant's record of felony convictions and misdemeanor convictions **in this or any other state or nation that have not been pardoned or annulled, information as to whether any prior or similar licenses were ever revoked or suspended in this or any other state or Canadian province, and disclosure of any claim or lawsuit regarding conduct as a licensee, or any domestic violence protective order.**

V. ~~[Information as to whether any prior or similar licenses have ever been issued to the applicant and if so, whether such licenses were ever revoked or suspended, in this or any other state.~~

~~VI.]~~ In the case of an applicant for an armed security guard or armed private ~~[detective]~~ **investigator or bail enforcement agent** license, 2 sets of the applicant's fingerprints taken at state police headquarters.

~~[VII.]~~ **VI.** Two photographs of the applicant taken at state police headquarters to be used for a photo license card issued by the commissioner of safety identifying the private ~~[detective]~~ **investigator, bail enforcement agent**, or security guard ~~[holder]~~ and by whom he **or she** is employed.

~~[VIII.]~~ **VII.** In addition to the requirements of paragraphs ~~[I-VII]~~ **I-VI**, applicants for private ~~[detective]~~ **investigator or bail enforcement agent** licenses shall meet the following qualifications:

(a) Be a resident of the United States.

(b) Be at least 18 years of age.

(c) Have no record of ~~[violent misdemeanors, or theft, fraud, or felony convictions]~~ **felony convictions of any type or conviction of a misdemeanor associated with theft, honesty, fraud, use or sale of controlled substances, misdemeanor crimes of violence that in the judgment of the commissioner of safety would cast doubt on the applicant's future good behavior, domestic violence, abuse of any type, or an active domestic violence protective order in New Hampshire or any other jurisdiction in the United States, its possessions, or territories.**

(d) Except for employees, possess:

(1) A minimum of 4 years' experience as a full-time law enforcement officer with a federal, state, county, **college or university**, or municipal police department, **director of security or senior officer of a company or corporation, or licensed security service, full-time adjuster, risk manger, or claims investigator for an insurance carrier or adjusting company**; or

(2) An associate of science degree or bachelor of science degree in criminal justice or fire service from an accredited college or university, **certification from the American Society of Industrial Security as a certified professional investigator, or certification from the National Association of Legal Investigators as a certified legal investigator** and employment as a full-time investigator for a private ~~[detective]~~ **investigative** agency for at least 2 years; or

(3) A minimum of 4 years' employment as a full-time investigator for a licensed private ~~[detective]~~ **investigator** or private ~~[detective]~~ **investigative** agency; or

(4) A minimum of 4 years' experience as a full-time firefighter and certification by the International Association of Arson Investigators~~[-];~~ **or**

(5) Be certified by the American Society of Industrial Security in security operations, and 2 years experience providing such services, or

(6) Be certified by the American Society of Industrial Security in executive protection, and 2 years experience providing such services, and

(e) Provide verifiable documentation of his **or her** qualifications at the time of application for a license.

9 Issuance of License; Identification Card. Amend RSA 106-F:7, I to read as follows:

I. Following review of the application, the applicant's references, and investigation into the character, competency and integrity of the applicant, the commissioner shall as soon as practicable issue a license or renewal license in the form prescribed by ~~[him]~~ **the commissioner** to the applicant, or notify the applicant of denial of the application. Prior to approval of any armed ~~[detective]~~ **private investigator, bail enforcement**, or security license issued under this chapter, the applicant shall submit to a fingerprint examination conducted by the Federal Bureau of Investigation, and the department of safety shall be authorized to use the records of the Federal Bureau of Investigation in the screening of

applicants. The applicant shall be responsible for the cost of any background investigation or criminal records check required under this section.

10 License Application and Renewal Fees. Amend RSA 106-F:8 to read as follows:

106-F:8 License Application and Renewal Fees.

I. The fee for a private ~~[detective]~~ **investigative** agency license or a security guard service license shall be ~~[\$100]~~ **\$150** for an agency or service employing one person licensed under this chapter and ~~[\$400]~~ **\$500** for an agency or service employing more than one such person. A person may hold one or more types of license at any given time, provided that a separate fee shall be paid for each license so held. Licenses shall be valid for 2 years after the date of issue and shall be renewed every 2 years thereafter, upon application and payment of the fee and submission of certified evidence that the surety bond remains in force. The application for renewal shall be submitted at least 15 days before the expiration of the previously granted license.

II. ~~[There shall be a nonrefundable fee of \$5 for a license issued by the commissioner of safety to an employee as defined in RSA 106-F:4, IV.]~~ **The commissioner of safety shall set a reasonable fee, not exceeding \$50, which the commissioner shall adopt by rule under RSA 541-A, to cover the expenses of licensing individuals under this chapter.** Such fee shall be paid by the service or agency employing such employee and shall be paid before the license is issued. Such licenses shall be valid for 2 years after the date of issue and shall be renewed upon the completion and filing of an application for renewal which meets the requirements of this chapter submitted at least 15 days before the expiration of the previously granted license.

III. The commissioner of safety shall set a reasonable fee, which he **or she** shall adopt by rule under RSA 541-A, to cover the expenses of the record check and investigation provided in RSA 106-F:7. The fee shall be charged to the applicant.

11 Firearm Proficiency. Amend RSA 106-F:8-a to read as follows:

106-F:8-a Firearm Proficiency.

I. All armed security guards ~~[and]~~, armed private ~~[detectives]~~ **investigators, and armed bail enforcement agents** shall meet minimum requirements in the proficiency in the use of firearms at least once per year. The requirements shall be as follows:

(a) The practical police course or the tactical revolver course, with a minimum qualification score of 75 percent.

(b) Shotgun familiarization course required for all security officers **and bail enforcement agents** whose employers issue, or have as part of their equipment, shotguns.

(c) Four hours of instruction, to include firearms techniques and safety, laws on the use of deadly force, and the moral and ethical use of force. Only qualified firearms instructors shall be used to certify the successful completion of the requirements.

II. Individuals shall be considered for qualification if they successfully complete one of the following courses:

(a) **Police standards and training** council firearms instructor school;

(b) F.B.I. firearms instructor school;

(c) Smith & Wesson **or SIG sauer** firearms instructor school;

(d) National Rifle Association police firearms instructor course;

(e) Equivalent courses as determined by the commissioner of safety on an individual basis.

III. Nothing in this section shall preclude a private detective from carrying a weapon that he or she is otherwise legally permitted to carry for personal defense.

12 Employees. Amend RSA 106-F:11, I to read as follows:

I. A person licensed under this chapter may employ agents or guards as ~~[he]~~ **such licensee** deems necessary. The licensee shall be responsible for the conduct of any such employees who shall be covered under the licensee's surety bond.

13 New Paragraph; Notice of Change. Amend RSA 106-F:12 by inserting after paragraph II the following new paragraph:

III. Any license holder who is arrested and charged with any felony or misdemeanor or becomes subject to a domestic violence protective order shall within 10 days of becoming aware of such, notify the commissioner of safety in writing of the charge and the circumstances.

14 Restrictions. Amend RSA 106-F:13 to read as follows:

106-F:13 Restrictions; **Penalty.**

I. No trade name or designation shall be used which implies any association with any municipal, county, state or federal government or agency thereof. No licensee shall use a badge of any kind for identification purposes, except a security guard, who, if he **or she** wears any type of badge, shall wear one badge on the left breast of his uniform and one on his cap while on duty as a security guard. The word “police” shall not be used in any way, on any seal, card, badge or advertisement by the licensee.

II. No person shall:

(a) Provide any service requiring licensure under this chapter who is not licensed under this chapter.

(b) Falsely represent that a person holds a valid license issued under this chapter.

(c) Possess a license or identification card issued to another person under this chapter.

(d) Engage in advertising or the use of any seal or card which, in the opinion of the commissioner, may tend to mislead the public.

III. Violation of this section shall be a misdemeanor if a natural person and a felony if any other person.

15 Obligation to Report Certain Criminal Violations. Amend RSA 106-F:13-a to read as follows:

106-F:13-a Obligation to Report Certain Criminal Violations.

I. All felonies observed or ~~[discovered by]~~ **revealed by or to** persons licensed under this chapter shall be immediately reported to the New Hampshire state police ~~[or to the local police department in the municipality in which the felony occurred].~~

II. A licensee who reports criminal activity to state or local police or county sheriff shall be immune from civil liability for making a report or information available to law enforcement provided it is made in good faith and with reasonable belief in its veracity and is in compliance with this chapter.

III. Nothing in this section shall require a licensee while employed as a legal assistant for a licensed attorney to make a report that would violate attorney-client privilege or attorney work product, which shall be subject to the reporting obligations of the attorney.

16 New Section; Other Provisions. Amend RSA 106-F by inserting after section 13-a the following new section:

106-F:13-b Other Provisions.

I. Except as permitted under RSA 173-B:5-a and RSA 633:3-a, III(d), no licensee or license holder shall engage in activity or stand in the stead or as agent or representative of a person or legal entity that is judicially or statutorily prohibited from making inquiry, having contact, or otherwise legally barred from the activity requested of or performed by the licensee or license holder. A representation made by the engaging person or legal entity, taken in good faith, that no such prohibition exists shall be an affirmative defense regarding a violation of this section. A licensee who becomes aware of a prohibition shall immediately desist from further prohibited activity; shall not provide information gained through the prohibited activity to another person; and if such information has been provided, shall have a duty to notify any aggrieved person.

II. No person licensed under this chapter shall be required to reveal other than by judicial order information on the subject, nature, or substance of an investigation or work product to any other person if by doing this he or she would violate the rights and interests of

a person engaging the services of the licensee, except to the limited extent that may be needed to dispel the suspicions of a law enforcement officer investigating a report of loitering, prowling, or other suspicious activity pursuant to RSA 644:6, and except to the commissioner of safety or authorized agent when required in an investigation of improper or illegal conduct by the licensee.

17 Suspension or Revocation; Cessation of Operation. Amend RSA 106-F:14 to read as follows:

106-F:14 Suspension or Revocation; Cessation of Operation.

I. The commissioner of safety may revoke or suspend a license issued under this chapter, after a hearing, if the licensee:

(a) Violates any provision of this chapter or any rules adopted under this chapter.

(b) Is convicted of fraud, deceit or misrepresentation, ***or a felony of any type, or a misdemeanor associated with theft, honesty, physical assault, violation of a protective order, abuse of any type, use of or sale of illegal drugs in New Hampshire or any other jurisdiction in the United States, its possessions, or territories.***

(c) ***Suffers from any diagnosable mental illness to an extent that would cast doubt on the licensee's ability to carry out his or her essential job functions in a manner not dangerous to himself or herself or the public, or to faithfully comply with the provisions of this chapter.***

~~(e)~~(d) Makes a material misstatement in a license application or application for license renewal.

II. Unless a license revocation or suspension issued under this section is appealed, the licensee shall immediately cease operations for the time period ordered in the suspension notice, or permanently if his license has been revoked. The licensee shall immediately notify all its clients of such revocation or suspension. The licensee shall forward a copy of each such notification to the commissioner, and keep a copy of each such notification in its business records.

III. Any license suspended or revoked under this section shall be surrendered to the commissioner within 72 hours of receipt of the notice of suspension or revocation by the licensee, subject to the provisions of RSA 106-F:15.

IV. A licensee or individual licensed under this chapter who is found to have violated a contract, agreement, or statutory provision granting access to certain records, as provided under RSA 106-F:4, in addition to any penalty provided by such contract, agreement, or statute, may be subject to an administrative fine of up to \$500 for a first violation, and up to \$1,000 for a second violation and \$1,000 for a third or subsequent violation to be assessed by the commissioner.

18 Penalty. Amend RSA 106-F:16 to read as follows:

106-F:16 Penalty. Any ~~individual or~~ person who engages in business as a private ~~[detective]~~ ***investigative*** agency, ***bail enforcement agency***, without first having obtained a license therefor or who violates any other provisions of this chapter shall be guilty of a misdemeanor ***for a natural person and a felony for any other person.***

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

Amendment adopted.

Rep. Kurk offered floor amendment (0548h).

Floor Amendment (0548h)

Amend RSA 106-F:4, XI as inserted by section 6 of the bill by deleting subparagraph (g).

Amend RSA 106-F:14 as inserted by section 17 of the bill by deleting paragraph IV.

Reps. Kurk and Schmidt spoke in favor.

Floor amendment (0548h) adopted.

Committee report adopted.

Referred to the Committee on Criminal Justice and Public Safety.

Rep. Cloutier declared a conflict of interest on **HB 651-FN** and did not participate.

HB 481-FN-A, establishing a recreational saltwater license for taking finfish in coastal and estuarine waters. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Dennis F. Abbott for the Majority of Fish and Game and Marine Resources: This bill serves two purposes. First, it will provide a necessary database of saltwater anglers to the National Marine Fisheries Service (NMFS) that will enable the NMFS to gather information needed to determine catch and effort. This will result in greatly improved data for managing fish stocks. Second, it will provide needed revenue for the fish and game department to continue a history of outstanding service for our sportspersons here in New Hampshire. The bill has an effective date of January 1, 2011 which is when the federal government will begin charging anglers a fee for enrolling in the Marine Recreational Information Program (MRIP) if their state does not have their own program. That fee is expected to be \$10 more than our licensing proposal. States having a licensing program and meeting the federal requirements will be exempt from MRIP and therefore will not have to pay for the federal registry but able to keep the revenue themselves. The bill offers reciprocity to Maine and Massachusetts. Presently all states south of New Jersey and extending to the state of Washington have saltwater licenses. The remaining six, including New Hampshire, are preparing legislation that will keep revenue in their states. Vote 15-1.

Rep. Gary S. Hopper for the Minority of Fish and Game and Marine Resources: Although we agree with the intent of the bill, we find its implementation too onerous. The federal government needs a database that it can use to ascertain the types and quantities of fish taken in New Hampshire waters. They have threatened to charge our citizens \$25 for a Federal Salt Water Fishing license if we don't license them first. Article 10 of the Bill of Rights would prevent them from following through with their threat. To achieve the database that we and the federal government would like to have in place could be accomplished on a volunteer basis. This would keep the folks in New Hampshire from incurring an unnecessary fee.

Majority Amendment (0034h)

Amend RSA 214:9, XVI(b) as inserted by section 2 of the bill by replacing it with the following:

(b) A resident or nonresident owner or operator of a for-hire vessel who wishes to provide recreational saltwater fishing opportunities for persons taking finfish from coastal and estuarine waters, shall pay a fee according to the schedule in subparagraph (e), and shall thereupon be issued a recreational saltwater license which shall entitle the licensee to operate a for-hire vessel to take, possess, or transport finfish from coastal and estuarine waters, under the restrictions of this title.

Majority committee amendment adopted.

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

Rep. Hopper spoke against and yielded to questions.

Rep. Abbott spoke in favor and yielded to questions.

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

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YEAS 206

BELKNAP

Arsenault, Beth

Fields, Dennis

Johnson, William

Merry, Liz

Miller, Kate

Millham, Alida

Reever, Judith

Russell, David

CARROLL

Bridgham, Robert
Wiley, Susan

Buco, Thomas

Butler, Edward

Roberts, John

CHESHIRE

Burridge, Delmar
Carr, Daniel
Roberts, Kris
Weed, Charles

Butcher, Suzanne
Eaton, Daniel
Robertson, Timothy

Butterworth, Timothy
Mitchell, Bonnie
Sad, Tara

Butynski, William
Richardson, Barbara
Weber, Lucy

COOS

Hatch, William
Stohl, Eric

Merrick, Evalyn
Theberge, Robert

Merrick, Scott
Thomas, Yvonne

Remick, William

GRAFTON

Almy, Susan
Cooney, Mary
Harding, Laurie
Mulholland, Catherine
Preston, Philip
Williams, Burton

Andersen, Gene
Ford, Susan
Ladd, Rick Jr
Nordgren, Sharon
Smith, Suzanne

Benn, Bernard
Friedrich, Carol
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

Bulis, Lyle
Gould, Franklin
Matheson, Robert
Pierce, David
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Chininis, Alexis
Foster, Linda
Goley, Jeffrey
Hammond, Jill
Hebert, Roger
Knowles, John
L'Heureux, Robert
Long, Patrick

Beauchamp, Roger
Caron, June
Clemons, Jane
Gargas, Carolyn
Gorman, Mary
Hardy, Valerie
Hodges, Kevin
Knowles, Mary Ann
LaPlante, Roland
Mack, Ron

Beaulieu, Jane
Chandley, Shannon
Cote, David
Garrity, Patrick
Hackel, Paul
Harvey, Philip
Irwin, Anne-Marie
Komi, Richard
Leishman, Peter
Marshall, Seth

Beck, Catriona
Chase, Claudia
Craig, James
Gidge, Kenneth
Haley, Robert
Harvey, Suzanne
Judy, Jean
Kopka, Angeline
Lisle, Carolyn
Matarazzo, Anthony
Sr
O'Brien, Michael Sr
Rokas, Theodoros
Shattuck, Gilman
Walsh, Robert Jr

McCarthy, Michael
O'Neil, James
Rosenwald, Cindy
Shaw, Barbara
Williams, Carol

Messier, Irene
Pilotte, Maurice
Ryder, Donald
Spaulding, Jayne

Movsesian, Lori
Poznanski, Brian
Schulze, Joan
Thompson, Robert

MERRIMACK

Bartlett, Michael
Davis, Frank
Hamm, Christine
Lockwood, Priscilla
Potter, Frances
Richardson, Gary
Tupper, Frank
Webb, Leigh

Bouchard, Candace
DeJoie, John
Hess, David
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Wallner, Mary Jane
Williams, Robert

Brown, Carole
Foote, Robert
Kelly, Sally
Osborne, Jessie
Reed, Dennis
Stetson, William
Walz, Mary Beth
Yeaton, Charles

Clarke, Claire
Gile, Mary
Kidder, David
Porter, Margaret
Rice, Chip
Tilton, Joy
Watrous, Rick

ROCKINGHAM

Abbott, Dennis	Borden, David	Case, Frank	Casey, Kimberley
Day, Judith	DiPentima, Rich	Fesh, Robert	Gould, Kenneth
Henson, John	Howard, Doreen	Hutchinson, Gina	Kappler, L. Mike
Katsakiores, George	Kepner, Susan	Lyons, Melissa	Mann, Maureen
McCarthy, Barbara	McKinney, Betsy	Moody, Marcia	Nord, Susi
Petterson, Don	Quandt, Matt	Rausch, James	Read, Robin Jr
Russell, Joseph	Russell, Trink	Scamman, W.	Schlachman, Donna
		Douglas Jr	
Webber, Carolyn	Welch, David		

STRAFFORD

Brown, Jennifer	Brown, Larry	Burke, Rachel	Domingo, Baldwin
Hofemann, Roland	Horrigan, Timothy	Hutz, Sarah	Kaen, Naida
Keans, Sandra	Lauterborn, Elaine	Lewis, Robert	Perry, Robert
Price, Susan	Rogers, Rose Marie	Rollo, Deanna	Rollo, Michael
Rous, Emma	Ryder, Mark	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Vachon, Dennis	Wall, Janet	Ward, Kenneth
Watters, David			

SULLIVAN

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

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BELKNAP

Bolster, Peter	Boyce, Laurie	Nedeau, Stephen	Pilliod, James
St. Cyr, Jeffrey	Swinford, Elaine	Veazey, John	Wendelboe, Fran

CARROLL

Ahlgren, Christopher	Chandler, Gene	Fleck, Joseph	Knox, J. David
McConkey, Mark	Patten, Betsey	Scala, Dino	Stevens, Stanley
Umberger, Karen			

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Laurent, John
Lindsey, Steven	Meador, David	Parkhurst, Henry	Sterling, Franklin Jr

COOS

Ingersoll, Paul Sr	Rappaport, Laurence	Richardson, Herbert
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GRAFTON

Aguiar, James	Gionet, Edmond	Ingretson, Paul	Maybeck, Margie
Ward, Brien			

HILLSBOROUGH

Batula, Peter	Belvin, William	Bergin, Peter	Boehm, Ralph
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Cebrowski, John
Day, Russell
Emerton, Larry
Haefner, Robert
Hinkle, Peyton
Hopper, Gary
Katsiantonis, Thomas
O'Brien, William
Pellegrino, Tony
Price, Pamela
Shaw, Kimberly
Ulery, Jordan
Winters, Joel

Christensen, Chris
Doherty, Shaun
Gagne, Larry
Hawkins, Ken
Hogan, Edith
Infantine, William
Kurk, Neal
Ober, Lynne
Pepino, Leo
Renzullo, Andrew
Silva, Peter
Vaillancourt, Steve

Christiansen, Lars
Dokmo, Cynthia
Gandia, Laura
Hikel, John
Holden, Frank
Jasper, Shawn
Mead, Robert
Ober, Russell III
Peterson, Andrew
Rowe, Robert
Soucy, Connie
Villeneuve, Moe

Daniels, Gary
Elliott, Nancy
Graham, John
Hinch, Richard
Holden, Rip
Katsiantonis, George
Moran, Edward
Palmer, Stephen
Pratt, Calvin
Seidel, Carl
Soucy, Timothy
Willette, Robert

MERRIMACK

Anderson, Eric
Kotowski, Frank
Smith, Todd

Boutin, David
McGuire, Carol

Coffey, Jennifer
Palfrey, David

DeStefano, Stephen
Rodd, Beth

ROCKINGHAM

Allen, Mary
Bettencourt, David
Cali-Pitts, Jacqueline
DeSimone, Debra
Dumaine, Dudley
Flanders, John Sr
Hagan, Joseph
Ingram, Russell
Major, Norman
Packard, Sherman
Reagan, John
Smith, William
Tucker, Pamela

Baldasaro, Alfred
Bishop, Franklin
Charron, Gene
Devine, James
Elliott, Robert
Garrity, James
Headd, James
Introne, Robert
McEachern, Paul
Pantelakos, Laura
Sanders, Elisabeth
Splaine, James
Weare, Everett

Bates, David
Bridle, Russell
Comerford, Timothy
DiFruscia, Anthony
Emiro, Frank
Gleason, John
Hoelzel, Kathleen
Itse, Daniel
McMahon, Charles
Perkins, Amy
Sapareto, Frank
Stiles, Nancy
Wells, Roger

Belanger, Ronald
Brown, C. Pennington
Cushing, Robert
Dowling, Patricia
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Nevins, Chris
Perkins, Lawrence
Sedensky, John
Sullivan, James

STRAFFORD

Berube, Roger
Grassie, Anne

Brown, Julie
Groen, Warren

Browne, Brendon
Sprague, Dale

Cyr, James
Vita, Carol

SULLIVAN

Howard, Thomas
and the majority committee report was adopted.
Referred to the Committee on Ways and Means.

Maiola, Anthony

Osgood, Joe

Rodeschin, Beverly

HB 400-FN-A, relative to Medicaid reimbursement rates for personal care attendants and personal care services providers and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert G. Bridgham for Health, Human Services and Elderly Affairs: This bill would raise the reimbursement rate for personal care workers by \$3/hour. It was noted, however, that the \$3 increase would go to the service agency and only a part of the increase would be passed along to the individual worker. The bill posed difficulties for all committee members who agreed that personal care workers do essential work and are not adequately compensated. The majority of the committee gave greater weight to arguments that the bill would distort the workplace by rewarding only one group when a similarly persuasive case

could be made for home health aides, homemakers, companions, and other direct care workers, and that the time was not right for such an increase when other health and social services face the prospect of reductions. We look forward to improved economic times when the wages of all direct care workers can be better aligned with their value. Vote 14-6.

Committee report adopted.

Rep. Daniels declared a conflict of interest on **HB 400-FN-A** and did not participate.

HB 422-FN, relative to retail health clinics. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank G. Case for Health, Human Services and Elderly Affairs: This bill was intended to pass legislation for the licensure and operation of retail health clinics, also known as convenient clinics. The department's licensing bureau chief testified that these retail health clinics would be licensed under RSA 151:9 and He-P 806 rules. He also stated that these could be licensed at the present time under these laws and rules. Vote 17-1.

Committee report adopted.

HB 486-FN, prohibiting the department of health and human services from entering into a contract with Planned Parenthood Federation of America, Inc. or any organization that provides abortion services. **INEXPEDIENT TO LEGISLATE.**

Rep. Rich T. DiPentima for Health, Human Services and Elderly Affairs: This bill would prevent a number of health care providers throughout the state from providing basic preventive health care services to poor and uninsured men and women. The federal Title X funds used for this purpose expressly prevent any of these funds from being used for abortions or abortion services. These funds do provide for family planning, immunizations, cancer screening and examinations, HIV testing and counseling, and sexually transmitted disease diagnosis and treatment. If unused, these funds cannot be used for other purposes and must be returned to the federal government. In the absence of these programs, many men and women would not have access to such services, resulting in increased unintended pregnancies, delayed diagnosis of potential life threatening diseases such as cervical and breast cancer, as well as potential consequences from untreated sexually transmitted diseases. Therefore, the majority feels this bill is inexpedient to legislate as it would create increased public health concerns. Vote 14-4.

Reps. Ulery and Cebrowski spoke against.

Reps. DiPentima and Millham spoke in favor and yielded to questions.

Rep. Nancy Elliott requested a roll call; sufficiently seconded.

YEAS 249 NAYS 108

YEAS 249

BELKNAP

Arsenault, Beth
Miller, Kate
Veazey, John

Fields, Dennis
Millham, Alida

Johnson, William
Pilliod, James

Merry, Liz
Reever, Judith

CARROLL

Bridgham, Robert
Patten, Betsey

Buco, Thomas
Roberts, John

Butler, Edward
Umberger, Karen

Chandler, Gene
Wiley, Susan

CHESHIRE

Allen, Peter
Butynski, William
Hunt, John

Burridge, Delmar
Carlson, Nancy
Lindsey, Steven

Butcher, Suzanne
Carr, Daniel
Meador, David

Butterworth, Timothy
Eaton, Daniel
Mitchell, Bonnie

Parkhurst, Henry
Sterling, Franklin Jr

Richardson, Barbara
Weber, Lucy

Robertson, Timothy
Weed, Charles

Sad, Tara

COOS

Hatch, William
Stohl, Eric

Ingersoll, Paul Sr
Theberge, Robert

Merrick, Evalyn
Thomas, Yvonne

Merrick, Scott

GRAFTON

Aguiar, James
Cooney, Mary
Gould, Franklin
Matheson, Robert
Pierce, David
Townsend, Charles

Almy, Susan
Ford, Susan
Harding, Laurie
Mulholland, Catherine
Preston, Philip
Williams, Burton

Benn, Bernard
Friedrich, Carol
Ladd, Rick Jr
Nordgren, Sharon
Smith, Suzanne

Bulis, Lyle
Gionet, Edmond
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Belvin, William
Chandley, Shannon
Clemons, Jane
Emerton, Larry
Garrity, Patrick
Graham, John
Hardy, Valerie
Hodges, Kevin
Katsiantonis, George
Komi, Richard
Lisle, Carolyn
Messier, Irene
O'Neil, James
Pilotte, Maurice
Rosenwald, Cindy
Spaulding, Jayne
Williams, Carol

Beauchamp, Roger
Bergin, Peter
Chase, Claudia
Cote, David
Flurey, Joan
Gidge, Kenneth
Hackel, Paul
Harvey, Philip
Holden, Rip
Katsiantonis, Thomas
Kopka, Angeline
Long, Patrick
Movsesian, Lori
Ober, Russell III
Poznanski, Brian
Ryder, Donald
Thompson, Robert
Winters, Joel

Beaulieu, Jane
Campbell, David
Chininis, Alexis
Craig, James
Foster, Linda
Goley, Jeffrey
Haley, Robert
Harvey, Suzanne
Irwin, Anne-Marie
Knowles, John
Kurk, Neal
Mack, Ron
Nixon, David
Pepino, Leo
Price, Pamela
Shattuck, Gilman
Vaillancourt, Steve

Beck, Catriona
Caron, June
Christensen, Chris
Dokmo, Cynthia
Gargas, Carolyn
Gorman, Mary
Hammond, Jill
Hebert, Roger
Jeudy, Jean
Knowles, Mary Ann
Leishman, Peter
Marshall, Seth
O'Brien, Michael Sr
Peterson, Andrew
Rokas, Theodoros
Shaw, Barbara
Walsh, Robert Jr

MERRIMACK

Anderson, Eric
Clarke, Claire
Foose, Robert
Kelly, Sally
Osborne, Jessie
Rice, Chip
Stetson, William
Walz, Mary Beth
Yeaton, Charles

Bartlett, Michael
Davis, Frank
Gile, Mary
Kidder, David
Porter, Margaret
Richardson, Gary
Tilton, Joy
Watrous, Rick

Bouchard, Candace
DeJoie, John
Hamm, Christine
Lockwood, Priscilla
Potter, Frances
Rodd, Beth
Tupper, Frank
Webb, Leigh

Brown, Carole
DeStefano, Stephen
Hess, David
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Wallner, Mary Jane
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
Day, Judith
Ferrante, Beverly
Howard, Doreen
Katsakiores, George

Borden, David
Case, Frank
DiFruscia, Anthony
Flanders, John Sr
Hutchinson, Gina
Katsakiores, Phyllis

Bridle, Russell
Casey, Kimberley
DiPentima, Rich
Gould, Kenneth
Hutchinson, Karen
Kepner, Susan

Brown, C. Pennington
Cushing, Robert
Dowling, Patricia
Henson, John
Ingram, Russell
Lyons, Melissa

Major, Norman
McMahon, Charles
Pettersen, Don
Russell, Trinka

Splaine, James
Webber, Carolyn

Mann, Maureen
Moody, Marcia
Rausch, James
Sapareto, Frank

Stiles, Nancy
Wells, Roger

McCarthy, Barbara
Nord, Susi
Read, Robin Jr
Scamman, W.
Douglas Jr
Tucker, Pamela

McEachern, Paul
Pantelakos, Laura
Russell, Joseph
Schlachman, Donna

Weare, Everett

STRAFFORD

Brown, Jennifer
Cyr, James
Hutz, Sarah
Lewis, Robert
Rollo, Michael
Smith, Marjorie
Wall, Janet

Brown, Larry
Domingo, Baldwin
Kaen, Naida
Perry, Robert
Rous, Emma
Spang, Judith
Ward, Kenneth

Browne, Brendon
Grassie, Anne
Keans, Sandra
Price, Susan
Ryder, Mark
Sprague, Dale
Watters, David

Burke, Rachel
Horrigan, Timothy
Lauterborn, Elaine
Rollo, Deanna
Schmidt, Peter
Vachon, Dennis

SULLIVAN

Cloutier, John
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Harris, Sandra
Sweeney, Cynthia

NAYS 108

BELKNAP

Bolster, Peter
St. Cyr, Jeffrey

Boyce, Laurie
Swinford, Elaine

Nedeau, Stephen
Wendelboe, Fran

Russell, David

CARROLL

Ahlgren, Christopher
Scala, Dino

Fleck, Joseph
Stevens, Stanley

Knox, J. David

McConkey, Mark

CHESHIRE

Emerson, Susan

Johnson, Jane

Laurent, John

COOS

Rappaport, Laurence

Remick, William

Richardson, Herbert

GRAFTON

Ingbretson, Paul

Maybeck, Margie

Ward, Brien

HILLSBOROUGH

Batula, Peter
Daniels, Gary
Gagne, Larry
Hikel, John
Holden, Frank
L'Heureux, Robert
Moran, Edward
Pellegrino, Tony
Silva, Peter

Boehm, Ralph
Day, Russell
Gandia, Laura
Hinch, Richard
Hopper, Gary
LaPlante, Roland
O'Brien, William
Renzullo, Andrew
Soucy, Connie

Cebrowski, John
Doherty, Shaun
Haefner, Robert
Hinkle, Peyton
Infantine, William
McCarthy, Michael
Ober, Lynne
Rowe, Robert
Ulery, Jordan

Christiansen, Lars
Elliott, Nancy
Hawkins, Ken
Hogan, Edith
Jasper, Shawn
Mead, Robert
Palmer, Stephen
Seidel, Carl
Villeneuve, Moe

Willette, Robert

MERRIMACK

Boutin, David
Palfrey, David

Coffey, Jennifer
Reed, Dennis

Kotowski, Frank
Smith, Todd

McGuire, Carol

ROCKINGHAM

Allen, Mary
Charron, Gene
Devine, James
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Packard, Sherman
Reagan, John
Sullivan, James

Baldasaro, Alfred
Comerford, Timothy
Dumaine, Dudley
Garritty, James
Headd, James
Kappler, L. Mike
Perkins, Amy
Sanders, Elisabeth
Welch, David

Bates, David
Crisler, Margaret
Elliott, Robert
Gleason, John
Hoelzel, Kathleen
McKinney, Betsy
Perkins, Lawrence
Sedensky, John

Bettencourt, David
DeSimone, Debra
Emiro, Frank
Griffin, Mary
Introne, Robert
Nevins, Chris
Quandt, Matt
Smith, William

STRAFFORD

Berube, Roger

Groen, Warren

Vita, Carol

SULLIVAN

Donovan, Thomas Jr
Rodeschin, Beverly

Howard, Thomas

Maiola, Anthony

Osgood, Joe

and the committee report was adopted.

The House recessed at 1:00 p.m.

RECESS

(Speaker Norelli in the Chair)

The House reconvened at 2:05 p.m.

REGULAR CALENDAR – PART I (CONT'D)

HB 589-FN, relative to regulating the resomation of human remains. **WITHOUT RECOMMENDATION.**

Rep. Case moved Ought to Pass, spoke in favor and yielded to questions.

Rep. Cebrowski, Kappler and Larry Brown spoke against.

Rep. Long spoke in favor.

On a division vote, 172 members having voted in the affirmative and 191 in the negative, the motion of Ought to Pass failed.

Rep. Rosenwald moved Inexpedient to Legislate.

On a division vote, 255 members having voted in the affirmative and 111 in the negative, the motion of Inexpedient to Legislate was adopted.

HB 281-FN, increasing the maximum amount of debt or damages for small claims actions and requiring mediation for small claims actions exceeding \$5,000 and establishing a fee for the cost of such mediation. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary B. Richardson for the Majority of Judiciary: This bill increases the maximum jurisdictional limit of damages for small claims court to \$10,000 and requires mediation for small claims exceeding \$5,000. The advantage of increasing the limit is to enable more people who cannot afford an attorney to represent themselves and get the benefit of mediation which has proven highly effective in settling cases. The minority correctly points

out that \$10,000 is a lot of money and is worried that creditors will take advantage of debtors. The majority believes that the court supervised mediation called for in the bill will actually improve the protection of low income defendants who would not be able to hire an attorney regardless of whether the case was heard in small claims court or district court. Vote 12-6.

Rep. Robert H. Rowe for the Minority of Judiciary: The minority objects to this bill in that the doubling of small claims limits will result in judgments that will create a burden on the lower income citizens and elderly. The low cost of entry fee, inexpensive first class mail service in small claims actions, the informal nature of the trial and speed of the process will encourage increased numbers of suits. The doubling of limits from \$5,000 to \$10,000 will benefit collection agencies, banks and credit card companies at a time when many New Hampshire citizens are unemployed, laid-off or under a threat of or experiencing reduced income. The small claims trial process usually consists of a 5 to 10 minute bench discussion with a judge and with the defendant citizen not having the opportunity prior to trial to discover the evidence to be presented against them such as witnesses, documents and exhibits. Small claims actions can, and do promote ambushes by the experienced plaintiffs. Further the law provides that a small claims judgment can be used as a basis to attach assets including real estate, personal property, wages and bank accounts. Only a small minority of our 50 states have a \$10,000 limit in small claims court. Now is not the time for a doubling of small claims limits.

Rep. Rowe offered floor amendment (0542h).

Floor Amendment (0542h)

Amend the bill by replacing section 1 with the following:

1 Small Claims Actions; Maximum Amount of Debt or Damages. Amend RSA 503:1, I to read as follows:

I. A small claim is any right of action not involving the title to real estate in which the debt or damages, exclusive of interest and costs, does not exceed [~~\$5,000~~] **\$7,500**.

Reps. Rowe and Gary Richardson spoke in favor.

Floor amendment (0542h) adopted.

Majority committee report, as amended, adopted.

Referred to the Committee on Ways and Means.

HB 344-FN, establishing the number of associate justices of the superior court.

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

Rep. David L. Nixon for the Majority of Judiciary: This bill would provide that the NH superior court, the trial court of general jurisdiction, shall consist of a chief justice and 23 associate justices. At present there are only about 19 such justices. Although the funds to implement this bill may be difficult to find it was felt that the need of NH citizens for access to our courts, as guaranteed by the constitution, is great enough to support the legislation. Vote 12-8.

Rep. Lawrence B. Perkins for the Minority of Judiciary: This bill is estimated to increase states expenses for 2010/2011 by \$741,660.00. In the current economic climate it is difficult to justify increasing the number of justices, especially after deferring jury trials to reduce judicial expense.

Majority committee report adopted.

Referred to the Committee on Finance.

HB 682-FN, relative to court security and court security officers. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David L. Nixon for the Majority of Judiciary: This bill constitutes a comprehensive modification of NH's court security system, including and involving (1) improved protection for the public, court personnel, and officers of the court, (2) place the principal burden of the

court safety upon county sheriffs, under the supervision of the supreme court and (3) provide for training of court officers at standards set by the police standards and training council. The bill was strongly supported by the judicial branch, the police standards and training council and the sheriff's association. Vote 12-8.

Rep. William L. O'Brien for the Minority of Judiciary: While there do exist substantial security measures that currently protect our courts, additional training, standards and personnel would enhance those measures in positive ways. Unfortunately, the enhancements proposed in this bill would cost at least \$10 million over the first two years of implementation alone, an expenditure that the minority of the committee determined is unwarranted when there do not exist sufficient funds to hire judges for all the open judicial positions and weeks go by without funds for civil jury trials. This is a bill the state cannot afford and we need not refer it to a second committee to have it make that determination which is obvious now.

Rep. William O'Brien spoke against and yielded to questions.

Rep. Nixon spoke in favor and yielded to questions.

On a division vote, 202 members having voted in the affirmative and 168 in the negative, the majority committee report was adopted.

Referred to the Committee on Finance.

HB 461-FN-A, establishing a state-owned casino to provide funds for public education.

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

Rep. Mary Beth Walz for the Majority of Local and Regulated Revenues: This bill proposes establishing two state-owned casinos at least 100 miles apart. Both the committee and the sponsor agree that this bill is not ready for passage. There was no support for this bill. Vote 15-4.

Rep. Steve Vaillancourt for the Minority of Local and Regulated Revenues: Sponsors of this bill, which would allow for one (or two) state-run casinos in New Hampshire, acknowledged that it really represents an attempt to promote some type of gambling but is in fact not fully ready for passage as currently configured. Both the majority and minority of the committee agree, and there was no support for passing this bill as presented. However, in meeting our obligation to seriously look at the issue of gambling, the committee agreed to broaden the scope and consider numerous proposals which are out there, including facsimiles of two bills which are pending in the Senate and may or may not come to us later. The committee spent several days hearing from "expert" proponents and opponents of gambling, and some members went on the road to Rockingham Park and Seabrook Park, two of the proposed sites for expanded gambling, sites which also currently operate charitable "casinos". In deciding whether to move forward with gambling for New Hampshire, pros and cons must be weighed. The committee attempted to do this by delving into various revenue estimates as well as into estimates for costs, both social and tax costs. In considering possible revenues, three factors come into play: the number of machines installed; the estimated take per machine per day; and the state's take on revenue. Estimates are all over the map, as little as \$148 per machine per day in one Senate plan to \$350 per day in the proposal put forward by Millennium for Rockingham Park. Number of machines ranges from 5500 at six locations in one plan to 17,000-19,000 in other plans. (For comparison purposes, note that both Foxwoods and Mohegan Sun, the world's largest casinos, currently have approximately 7000 machines). The state's take would range from 50 percent to 64 percent in the two most widely discussed proposals. That is comparable to Rhode Island but is considered on the high side when compared to all states which currently allow casinos or racinos. Social costs are even harder to quantify. It is generally agreed that the number of pathological and problem gamblers, currently in the one to two percent range, would increase with the addition of these facilities, perhaps double. Then, we would have to assign specific dollar costs per person. The committee is unable to do this with any degree of certainty and is not

confident that study will produce a firm handle on this number with any degree of certainty. However, given the complexity of the issue and the possible need for revenues as we proceed through the session, the minority deems it wise to retain this bill. We note that the governor has presented a balanced budget with additional taxes, fees, and one-time revenue sources and with significant cuts in services but without using gambling as a source revenue. However, he did not completely rule out expanded gambling and only by amending this bill (or House Bill 593) to allow further study would the House have necessary wiggle room when push comes to shove as it inevitably will. An ITL motion is both short-sighted and irresponsible with so many questions remaining unanswered. Another factor we considered was the "likely" expansion of gambling in Massachusetts. Estimates range from a 15 to 50 percent decrease in revenues from gambling here should Massachusetts establish two or more racinos in the eastern portion of the state. Should Massachusetts establish such facilities, New Hampshire and Vermont would be the only states in the Northeast (including Quebec and Ontario in Canada) without them.

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

YEAS 334 NAYS 35

YEAS 334

BELKNAP

Arsenault, Beth	Bolster, Peter	Boyce, Laurie	Fields, Dennis
Johnson, William	Merry, Liz	Miller, Kate	Millham, Alida
Nedeau, Stephen	Pilliod, James	Reever, Judith	Russell, David
St. Cyr, Jeffrey	Swinford, Elaine	Veazey, John	Wendelboe, Fran

CARROLL

Ahlgren, Christopher	Bridgham, Robert	Buco, Thomas	Chandler, Gene
Fleck, Joseph	McConkey, Mark	Patten, Betsey	Roberts, John
Scala, Dino	Stevens, Stanley	Umberger, Karen	Wiley, Susan

CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Carlson, Nancy	Carr, Daniel	Eaton, Daniel
Emerson, Susan	Hunt, John	Johnson, Jane	Laurent, John
Lindsey, Steven	Meador, David	Mitchell, Bonnie	Parkhurst, Henry
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sad, Tara
Sterling, Franklin Jr	Weber, Lucy	Weed, Charles	

COOS

Hatch, William	Ingersoll, Paul Sr	Merrick, Evalyn	Merrick, Scott
Rappaport, Laurence	Remick, William	Richardson, Herbert	Stohl, Eric
Thomas, Yvonne			

GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bulis, Lyle	Cooney, Mary	Ford, Susan	Friedrich, Carol
Gionet, Edmond	Gould, Franklin	Harding, Laurie	Ingbretson, Paul
Ladd, Rick Jr	Laliberte, Suzanne	Matheson, Robert	Mulholland, Catherine
Nordgren, Sharon	Pastor, Beatriz	Pierce, David	Preston, Philip
Smith, Suzanne	Taylor, Kathleen	Townsend, Charles	Ward, Brien
Williams, Burton			

HILLSBOROUGH

Baroody, Benjamin	Batula, Peter	Beauchamp, Roger	Beaulieu, Jane
Beck, Catriona	Belvin, William	Bergin, Peter	Campbell, David
Caron, June	Cebrowski, John	Chandley, Shannon	Chininis, Alexis
Christensen, Chris	Christiansen, Lars	Clemons, Jane	Cote, David
Craig, James	Daniels, Gary	Day, Russell	Doherty, Shaun
Dokmo, Cynthia	Elliott, Nancy	Emerton, Larry	Flurey, Joan
Foster, Linda	Gagne, Larry	Gargas, Carolyn	Garrity, Patrick
Gidge, Kenneth	Goley, Jeffrey	Gorman, Mary	Graham, John
Hackel, Paul	Haefner, Robert	Hammond, Jill	Hardy, Valerie
Harvey, Philip	Harvey, Suzanne	Hawkins, Ken	Hikel, John
Hinch, Richard	Hinkle, Peyton	Hodges, Kevin	Hogan, Edith
Holden, Frank	Hopper, Gary	Infantine, William	Irwin, Anne-Marie
Jasper, Shawn	Judy, Jean	Katsiantonis, Thomas	Knowles, John
Knowles, Mary Ann	Komi, Richard	Kopka, Angelina	Kurk, Neal
L'Heureux, Robert	Leishman, Peter	Lisle, Carolyn	Long, Patrick
Mack, Ron	Marshall, Seth	Matarazzo, Anthony Sr	Mead, Robert
Messier, Irene	Moran, Edward	Movsesian, Lori	Nixon, David
O'Brien, Michael Sr	O'Brien, William	Ober, Lynne	Ober, Russell III
Palmer, Stephen	Pellegrino, Tony	Pepino, Leo	Peterson, Andrew
Pilote, Maurice	Poznanski, Brian	Pratt, Calvin	Price, Pamela
Ramsey, Peter	Renzullo, Andrew	Rhodes, Brian	Rokas, Theodoros
Rosenwald, Cindy	Rowe, Robert	Ryder, Donald	Schulze, Joan
Seidel, Carl	Shattuck, Gilman	Silva, Peter	Soucy, Connie
Soucy, Timothy	Spaulding, Jayne	Sullivan, Daniel	Thompson, Robert
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe	Walsh, Robert Jr
Willette, Robert	Winters, Joel		

MERRIMACK

Anderson, Eric	Bartlett, Michael	Bouchard, Candace	Boutin, David
Brown, Carole	Clarke, Claire	Coffey, Jennifer	Davis, Frank
DeJoie, John	DeStefano, Stephen	Foose, Robert	Gile, Mary
Hamm, Christine	Hess, David	Kelly, Sally	Kidder, David
Kotowski, Frank	Lockwood, Priscilla	McGuire, Carol	McMahon, Patricia
Osborne, Jessie	Palfrey, David	Porter, Margaret	Potter, Frances
Reardon, Tara	Rice, Chip	Richardson, Gary	Rodd, Beth
Shurtleff, Stephen	Smith, Todd	Stetson, William	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Watrous, Rick
Webb, Leigh	Williams, Robert	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Baldasaro, Alfred	Bates, David
Bettencourt, David	Bishop, Franklin	Borden, David	Brown, C. Pennington
Cali-Pitts, Jacqueline	Case, Frank	Charron, Gene	Comerford, Timothy
Crisler, Margaret	Cushing, Robert	Devine, James	DiPentima, Rich
Dowling, Patricia	Dumaine, Dudley	Elliott, Robert	Fesh, Robert
Garrity, James	Gould, Kenneth	Griffin, Mary	Headd, James
Henson, John	Hoelzel, Kathleen	Howard, Doreen	Hutchinson, Gina
Ingram, Russell	Introne, Robert	Itse, Daniel	Kappler, L. Mike
Katsakiores, George	Katsakiores, Phyllis	Kepner, Susan	Lyons, Melissa
Major, Norman	Mann, Maureen	McCarthy, Barbara	McEachern, Paul
McKinney, Betsy	Moody, Marcia	Nevins, Chris	Nord, Susi

Packard, Sherman
Petterson, Don
Reagan, John
Scamman, W.
Douglas Jr
Splaine, James
Weare, Everett

Pantelakos, Laura
Quandt, Matt
Russell, Joseph
Schlachman, Donna

Sullivan, James
Welch, David

Perkins, Amy
Rausch, James
Russell, Trink
Sedensky, John

Tucker, Pamela
Wells, Roger

Perkins, Lawrence
Read, Robin Jr
Sanders, Elisabeth
Smith, William

Van Patten, Don

STRAFFORD

Berube, Roger
Browne, Brendon
Horrigan, Timothy
Lewis, Robert
Rollo, Deanna
Schmidt, Peter
Vita, Carol

Bickford, David
Burke, Rachel
Kaen, Naida
Perry, Robert
Rollo, Michael
Smith, Marjorie
Wall, Janet

Brown, Jennifer
Grassie, Anne
Keans, Sandra
Price, Susan
Rous, Emma
Spang, Judith
Ward, Kenneth

Brown, Larry
Groen, Warren
Lauterborn, Elaine
Rogers, Rose Marie
Ryder, Mark
Vachon, Dennis
Watters, David

SULLIVAN

Cloutier, John
Harris, Sandra

McClammer, Jim
Sweeney, Cynthia

Donovan, Thomas Jr
Houde-Quimby,
Charlotte
Osgood, Joe

Gagnon, Raymond
Howard, Thomas
Rodeschin, Beverly

Gottling, Suzanne
Maiola, Anthony
Skinder, Carla

NAYS 35

BELKNAP

None

CARROLL

Butler, Edward

Knox, J. David

CHESHIRE

None

COOS

Theberge, Robert

GRAFTON

Maybeck, Margie

HILLSBOROUGH

Boehm, Ralph
LaPlante, Roland
Shaw, Kimberly

Haley, Robert
McCarthy, Michael

Hebert, Roger
O'Neil, James

Holden, Rip
Shaw, Barbara

MERRIMACK

Reed, Dennis

ROCKINGHAM

Belanger, Ronald
DiFruscia, Anthony
Gleason, John
Sapareto, Frank

Bridle, Russell
Emiro, Frank
Hagan, Joseph
Stiles, Nancy

Casey, Kimberley
Ferrante, Beverly
Hutchinson, Karen
Webber, Carolyn

DeSimone, Debra
Flanders, John Sr
McMahon, Charles

STRAFFORD

Brown, Julie
Hutz, Sarah

Cyr, James
Sprague, Dale

Domingo, Baldwin

Hofemann, Roland

SULLIVAN

None

and the majority committee report was adopted.

HB 593-FN-A, authorizing the licensing and construction of destination resorts with gaming facilities including table gaming and video lottery machines, and authorizing gaming facilities at existing pari-mutuel licensees, including table gaming and video machines.

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

Rep. Mary Beth Walz for the Majority of Local and Regulated Revenues: This bill proposes to authorize casinos and video lottery terminals (slots) at the racetracks. These facilities would be privately owned and managed. The committee examined the projected revenues and the projected costs from these facilities. The committee was unable to determine reliable numbers for either revenues or costs. However through facts presented in the testimony of both the proponents and the opponents, the committee was able to draw some conclusions. The revenue projections appear to be unrealistically high. The number of proposed slot machines exceeds everywhere in the northeast except Atlantic City. The committee did not believe that the projected number of machines was a credible number. The committee also believes any revenue projections must include an assumption that Massachusetts will legalize slot machines at their race tracks, two of which would draw visitors from the same area as facilities in southern New Hampshire. Studies predict that the presence of slots in Massachusetts will decrease revenues in New Hampshire by at least 20% and as much as 50%. Finally, revenue projections need to reflect the significant drop in gambling revenues due to the current recession. The proponents would have us believe that revenue could be generated quickly. Yet other states have taken from a year and a half to three or more years to realize revenues after authorizing an expansion of gambling. The NH attorney general has stated that it would take a year just to pass rules. The expansion of gambling will also diminish some existing revenue sources for the state. There is a limited amount of discretionary entertainment dollars available in the state. It is expected that the presence of slots will diminish the sales of lottery tickets, and existing hotels and restaurants are expected to lose business to casinos. The committee learned that there is no connection between having casinos and maintaining a low tax burden within a state. Connecticut, New York, New Jersey, Rhode Island and Maine all have slots and all are in the top ten states of tax burden per capita. Atlantic City, home of eleven casinos, continues to have a high property tax rate. The committee found it difficult to quantify the costs to the state. The attorney general testified that there is an increase in crime, problem and pathological gamblers, bankruptcies, and suicides within a fifty-mile radius of gambling establishments. Various studies given to the committee support each of her assertions. Since statistically we are now the safest state in the nation, she questioned why we would want to bring in an industry that would adversely impact our own safety and quality of life. This was reinforced by the chiefs of police, who just voted 53-0 to oppose expanded gambling. The committee recognizes that once the state allows expanded gambling, there will be no going back. Every state with expanded gambling has become dependent on the revenues. The committee concluded that whatever benefits may flow to the state do not seem to be worth the long term costs to the state in the diminution of the quality of life and the diminution of the image of

the state as a great place to visit and live. Finally, the committee knows it can continue to study this issue and make recommendations. The committee has collected the past studies of the body as well as the boxes of outside studies used to look at the impact on New Hampshire. Whether a bill arrives from the Senate or not, the study will continue. Vote 12-8.

Rep. Robert L. Theberge for the Minority of Local and Regulated Revenues: A minority of the committee believed this bill was not ready to be voted out of committee, either OTP or ITL for two reasons: 1) that although the committee has heard hours of testimony and has discussed members personal perspectives on the general subject of gambling in New Hampshire, it has not spent any time whatsoever scrutinizing the salient points and implications of this particular bill, and 2) that by voting to ITL all bills relating to gambling, at the same time expressing an interest in further studying the issue, most particularly its economic benefits versus its social costs, the committee has lost a vehicle through which to recommend the implementation of such findings.

Rep. Walz spoke in favor.

Rep. Vaillancourt spoke in favor and yielded to questions.

Rep. Walz requested a roll call; sufficiently seconded.

YEAS 295 NAYS 72

YEAS 295

BELKNAP

Arsenault, Beth
Johnson, William
Nedeau, Stephen
St. Cyr, Jeffrey

Bolster, Peter
Merry, Liz
Pilliod, James
Swinford, Elaine

Boyce, Laurie
Miller, Kate
Reever, Judith
Wendelboe, Fran

Fields, Dennis
Millham, Alida
Russell, David

CARROLL

Ahlgren, Christopher
Chandler, Gene
Roberts, John
Wiley, Susan

Bridgham, Robert
Fleck, Joseph
Scala, Dino

Buco, Thomas
McConkey, Mark
Stevens, Stanley

Butler, Edward
Patten, Betsey
Umberger, Karen

CHESHIRE

Allen, Peter
Carr, Daniel
Johnson, Jane
Mitchell, Bonnie
Robertson, Timothy
Weed, Charles

Burridge, Delmar
Eaton, Daniel
Laurent, John
Parkhurst, Henry
Sad, Tara

Butcher, Suzanne
Emerson, Susan
Lindsey, Steven
Richardson, Barbara
Sterling, Franklin Jr

Butterworth, Timothy
Hunt, John
Meador, David
Roberts, Kris
Weber, Lucy

COOS

Hatch, William
Rappaport, Laurence

Ingersoll, Paul Sr
Remick, William

Merrick, Evalyn
Richardson, Herbert

Merrick, Scott
Stohl, Eric

GRAFTON

Aguiar, James
Bulis, Lyle
Gionet, Edmond
Ladd, Rick Jr
Nordgren, Sharon

Almy, Susan
Cooney, Mary
Gould, Franklin
Laliberte, Suzanne
Pastor, Beatriz

Andersen, Gene
Ford, Susan
Harding, Laurie
Matheson, Robert
Pierce, David

Benn, Bernard
Friedrich, Carol
Ingbretson, Paul
Mulholland, Catherine
Preston, Philip

Smith, Suzanne
Williams, Burton

Taylor, Kathleen

Townsend, Charles

Ward, Brien

HILLSBOROUGH

Baroody, Benjamin
Beck, Catriona
Caron, June
Chininis, Alexis
Doherty, Shaun
Flurey, Joan
Garrity, Patrick
Hammond, Jill
Hinkle, Peyton
Hopper, Gary
Katsiantonis, George
Kurk, Neal
Long, Patrick

Batula, Peter
Belvin, William
Cebrowski, John
Christensen, Chris
Dokmo, Cynthia
Foster, Linda
Gidge, Kenneth
Harvey, Philip
Hodges, Kevin
Infantine, William
Katsiantonis, Thomas
L'Heureux, Robert
Mack, Ron

Beauchamp, Roger
Bergin, Peter
Chandley, Shannon
Christiansen, Lars
Elliott, Nancy
Gagne, Larry
Gorman, Mary
Harvey, Suzanne
Hogan, Edith
Irwin, Anne-Marie
Komi, Richard
Leishman, Peter
Marshall, Seth

Beaulieu, Jane
Campbell, David
Chase, Claudia
Daniels, Gary
Emerton, Larry
Gargas, Carolyn
Hackel, Paul
Hinch, Richard
Holden, Frank
Jeudy, Jean
Kopka, Angeline
Lisle, Carolyn
Matarazzo, Anthony
Sr

McCarthy, Michael
Movsesian, Lori
Pellegrino, Tony
Price, Pamela
Rosenwald, Cindy
Seidel, Carl
Sullivan, Daniel
Willette, Robert

Mead, Robert
Nixon, David
Peterson, Andrew
Ramsey, Peter
Rowe, Robert
Shattuck, Gilman
Thompson, Robert
Winters, Joel

Messier, Irene
O'Brien, William
Pilotte, Maurice
Rhodes, Brian
Ryder, Donald
Soucy, Connie
Vaillancourt, Steve

Moran, Edward
Palmer, Stephen
Pratt, Calvin
Rokas, Theodoros
Schulze, Joan
Spaulding, Jayne
Walsh, Robert Jr

MERRIMACK

Anderson, Eric
Clarke, Claire
Foose, Robert
Kelly, Sally
McGuire, Carol
Porter, Margaret
Richardson, Gary
Stetson, William
Watrous, Rick

Bartlett, Michael
Davis, Frank
Gile, Mary
Kidder, David
McMahon, Patricia
Potter, Frances
Rodd, Beth
Tupper, Frank
Webb, Leigh

Bouchard, Candace
DeJoie, John
Hamm, Christine
Kotowski, Frank
Osborne, Jessie
Reardon, Tara
Shurtleff, Stephen
Wallner, Mary Jane
Williams, Robert

Brown, Carole
DeStefano, Stephen
Hess, David
Lockwood, Priscilla
Palfrey, David
Rice, Chip
Smith, Todd
Walz, Mary Beth
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Borden, David
Casey, Kimberley
Day, Judith
Ferrante, Beverly
Gleason, John
Hoelzel, Kathleen
Itse, Daniel
Kepner, Susan
McCarthy, Barbara
Nevins, Chris
Pettersen, Don
Russell, Joseph

Bates, David
Brown, C. Pennington
Charron, Gene
Devine, James
Fesh, Robert
Gould, Kenneth
Hutchinson, Gina
Kappler, L. Mike
Lyons, Melissa
McEachern, Paul
Nord, Susi
Quandt, Matt
Russell, Trink

Bettencourt, David
Cali-Pitts, Jacqueline
Comerford, Timothy
DiPentima, Rich
Flanders, John Sr
Headd, James
Ingram, Russell
Katsakiores, George
Major, Norman
McKinney, Betsy
Packard, Sherman
Read, Robin Jr
Sanders, Elisabeth

Bishop, Franklin
Case, Frank
Cushing, Robert
Dumaine, Dudley
Garrity, James
Henson, John
Introne, Robert
Katsakiores, Phyllis
Mann, Maureen
Moody, Marcia
Pantelakos, Laura
Reagan, John
Scamman, W.
Douglas Jr
Sullivan, James

Schlachman, Donna

Smith, William

Splaine, James

Tucker, Pamela

Welch, David

STRAFFORD

Berube, Roger
Cyr, James
Kaen, Naida
Perry, Robert
Rollo, Michael
Smith, Marjorie
Vita, Carol

Bickford, David
Grassie, Anne
Keans, Sandra
Price, Susan
Rous, Emma
Spang, Judith
Wall, Janet

Brown, Larry
Groen, Warren
Lauterborn, Elaine
Rogers, Rose Marie
Ryder, Mark
Sprague, Dale
Ward, Kenneth

Burke, Rachel
Horrigan, Timothy
Lewis, Robert
Rollo, Deanna
Schmidt, Peter
Vachon, Dennis
Watters, David

SULLIVAN

Gagnon, Raymond

Gottling, Suzanne

Harris, Sandra

Houde-Quimby,
Charlotte
Skinder, Carla

Maiola, Anthony
Sweeney, Cynthia

McClammer, Jim

Osgood, Joe

NAYS 72

BELKNAP

Veazey, John

CARROLL

Knox, J. David

CHESHIRE

Butynski, William

COOS

Theberge, Robert

Thomas, Yvonne

GRAFTON

Maybeck, Margie

HILLSBOROUGH

Boehm, Ralph
Day, Russell
Haley, Robert
Holden, Rip
LaPlante, Roland
Ober, Russell III
Shaw, Barbara
Ulery, Jordan

Clemons, Jane
Goley, Jeffrey
Hardy, Valerie
Jasper, Shawn
O'Brien, Michael Sr
Pepino, Leo
Shaw, Kimberly
Villeneuve, Moe

Cote, David
Graham, John
Hawkins, Ken
Knowles, John
O'Neil, James
Poznanski, Brian
Silva, Peter

Craig, James
Haefner, Robert
Hikel, John
Knowles, Mary Ann
Ober, Lynne
Renzullo, Andrew
Soucy, Timothy

MERRIMACK

Coffey, Jennifer

Reed, Dennis

Tilton, Joy

ROCKINGHAM

Allen, Mary
Crisler, Margaret

Baldasaro, Alfred
DeSimone, Debra

Belanger, Ronald
DiFruscia, Anthony

Bridle, Russell
Dowling, Patricia

Elliott, Robert
Howard, Doreen
Perkins, Lawrence
Stiles, Nancy
Wells, Roger

Emiro, Frank
Hutchinson, Karen
Rausch, James
Van Patten, Don

Griffin, Mary
McMahon, Charles
Sapareto, Frank
Weare, Everett

Hagan, Joseph
Perkins, Amy
Sedensky, John
Webber, Carolyn

STRAFFORD

Brown, Julie
Hutz, Sarah

Browne, Brendon

Domingo, Baldwin

Hofemann, Roland

SULLIVAN

Cloutier, John Donovan, Thomas Jr Howard, Thomas
and the majority committee report was adopted.

(Rep. Foster in the Chair)

HB 666-FN, relative to unlawful gambling. **INEXPEDIENT TO LEGISLATE.**

Rep. Liz H. Merry for Local and Regulated Revenues: This bill forbids gambling not specifically authorized by the racing or charitable commission, the lottery commission or the General Court. The committee recommends ITL as this bill is “redundant”, its content being adequately covered by RSA 647:2 and other law. Further, the FN indicates there will be fiscal impacts on the court system relating to prosecution and judicial activity. Vote 17-3. Committee report adopted.

HB 125-FN-A, increasing the rate of the gas tax and dedicating the increased revenues to development and improvement of highway-related transit systems serving New Hampshire residents. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Graham for Public Works and Highways: This bill would have raised the road toll (gas tax) by a penny for use by mass transit systems. However, Part II, Art. 6-a of the state’s constitution specifically prohibits the use of the road toll for purposes such as this. Therefore, the committee recommends that the bill be found ITL. Vote 16-1.

Rep. Gene Andersen spoke against.

Reps. Graham and Bouchard spoke in favor.

Committee report adopted.

HB 391, authorizing the department of transportation to convey a portion of interstate highways to the bureau of turnpikes, to redefine the eastern New Hampshire turnpike, and to increase the aggregate amount of bonds the state may issue. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David B. Campbell for Public Works and Highways: This bill, as amended, authorizes NH department of transportation, acting on behalf of the state, to convey to the NH bureau of turnpikes a portion of I-95 (1.6 miles from the Portsmouth Traffic Circle to the Maine border) for \$120 million, paying the highway trust fund an anticipated \$15 million per year for the first two years then \$7.5 million per year for 18 years. This legislation also authorizes the building of open road tolling on I-95 Hampton north and south toll and improvements and construction to the Blue Star Memorial Highway and Spaulding Turnpike, repair and improve bridge on Route 107 over I-95 in Seabrook, construction of the Newington-Dover Little Bay Bridge project and increases the aggregate amount of bonds the state may issue. The amendment clarifies the intent of the bill to include installation of open road tolling for the Hampton toll on I-95 and corrects figures in the original bill. Vote 17-0.

Amendment (0300h)

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

AN ACT authorizing the department of transportation to convey a portion of interstate highways to the bureau of turnpikes, redefining the eastern New Hampshire turnpike, increasing the aggregate amount of bonds the state may issue, and authorizing the department of transportation to install open road tolling.

Amend RSA 237:2, X as inserted by section 4 of the bill by replacing it with the following:

X. Acquire, expand, and make improvements to the eastern New Hampshire turnpike from the northerly expansion joint of the I-95 bridge over the Spaulding Turnpike, U.S. 4 and N.H. 16 (bridge No. 197/22) north to point on the New Hampshire-Maine boundary in the city of Portsmouth, ***such improvements to include the installation of open road tolling for the toll on I-95 in the town of Hampton, NH.***

Amend the bill by inserting after section 4 the following and renumbering the original sections 5 through 12 to read as 6 through 13, respectively:

5 New Subparagraph; Further Authority. Amend RSA 237:5, II by inserting after subparagraph (n) the following new subparagraph:

(o) Install open road tolling for existing tolls on the main lines of the turnpike system.

Amend RSA 237:7, I(k) as inserted by section 7 of the bill by replacing it with the following:

(k) Toll collection equipment. RSA 237:2, VIII, IX. [39,000,000]

119,000,000

Amend RSA 237-A:2 as inserted by section 12 of the bill by replacing it with the following:

237-A:2 Issuance of Revenue Bonds. The state may issue bonds under this chapter to be known as "turnpike system revenue bonds." The bonds may be issued from time to time for the purpose of financing the project costs of construction of any turnpike or of paying or refunding any bonds issued pursuant to RSA 237 or interest thereon. Any such bonds issued to pay or refund bonds issued pursuant to RSA 237 or interest thereon may be issued in sufficient amount to cover items described in RSA 237-A:7. Bonds issued hereunder shall be special obligations of the state and the principal of, premium, if any, and interest on all bonds shall be payable solely from the particular funds provided therefor under this chapter. The bonds shall be issued by the treasurer in such amounts as the governor and council shall determine, not exceeding in the aggregate [~~\$586,050,000~~] **\$766,050,000**. Bonds of each issue shall be dated, shall bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate or other method as may be determined by the treasurer, and shall mature at such time or times as may be determined by the treasurer, except that no bond shall mature more than 40 years from the date of its issue. Bonds may be made redeemable before maturity either at the option of the state or at the option of the holder, or on the occurrence of specified events, at such price or prices and under such terms and conditions as may be fixed by the treasurer prior to the issue of bonds. The treasurer shall determine the form and details of bonds. Subject to RSA 93-A, the bonds shall be signed by the treasurer and countersigned by the governor. The bonds may be sold in such manner, either at public or private sale, for such price, at such rate or rates of interest, or at such discount in lieu of interest, as the treasurer may determine.

Amend the bill by replacing section 13 with the following:

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

AMENDED ANALYSIS

This bill:

I. Authorizes the department of transportation to convey a portion of interstate highways to the bureau of turnpikes.

II. Defines certain highways.

III. Redefines the eastern New Hampshire turnpike.

IV. Increases the aggregate amount of bonds the state may issue.

V. Authorizes the department of transportation to install open road tolling.

This bill is a request of the department of transportation.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Nancy Elliott spoke against.
Rep. Bouchard spoke in favor and yielded to questions.
Rep. William O'Brien requested a roll call; sufficiently seconded.

YEAS 230 NAYS 128

YEAS 230

BELKNAP

Arsenault, Beth
Miller, Kate
Russell, David

Bolster, Peter
Millham, Alida

Johnson, William
Pilliod, James

Merry, Liz
Reever, Judith

CARROLL

Ahlgren, Christopher
Chandler, Gene

Bridgham, Robert
McConkey, Mark

Buco, Thomas
Patten, Betsey

Butler, Edward
Wiley, Susan

CHESHIRE

Allen, Peter
Butynski, William
Mitchell, Bonnie
Weber, Lucy

Burridge, Delmar
Carr, Daniel
Richardson, Barbara
Weed, Charles

Butcher, Suzanne
Eaton, Daniel
Roberts, Kris

Butterworth, Timothy
Hunt, John
Sad, Tara

COOS

Hatch, William
Stohl, Eric

Merrick, Evalyn
Theberge, Robert

Merrick, Scott
Thomas, Yvonne

Rappaport, Laurence

GRAFTON

Aguiar, James
Ford, Susan
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

Almy, Susan
Friedrich, Carol
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

Benn, Bernard
Gionet, Edmond
Matheson, Robert
Pierce, David
Townsend, Charles

Cooney, Mary
Gould, Franklin
Mulholland, Catherine
Preston, Philip
Ward, Brien

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Chandley, Shannon
Cote, David
Flurey, Joan
Goley, Jeffrey
Hammond, Jill
Hodges, Kevin
Knowles, John
Kurk, Neal
Long, Patrick

Beauchamp, Roger
Campbell, David
Chase, Claudia
Craig, James
Gargasz, Carolyn
Gorman, Mary
Hardy, Valerie
Irwin, Anne-Marie
Knowles, Mary Ann
LaPlante, Roland
Mack, Ron

Beaulieu, Jane
Caron, June
Chininis, Alexis
Dokmo, Cynthia
Garrity, Patrick
Graham, John
Harvey, Suzanne
Jeudy, Jean
Komi, Richard
Leishman, Peter
Marshall, Seth

Beck, Catriona
Cebrowski, John
Clemons, Jane
Emerton, Larry
Gidge, Kenneth
Hackel, Paul
Hawkins, Ken
Katsiantonis, Thomas
Kopka, Angeline
Lisle, Carolyn
Matarazzo, Anthony
Sr
Peterson, Andrew
Rhodes, Brian
Schulze, Joan

Messier, Irene
Pilotte, Maurice
Rokas, Theodoros

Movsesian, Lori
Poznanski, Brian
Rosenwald, Cindy

Nixon, David
Ramsey, Peter
Ryder, Donald

Shattuck, Gilman
Spaulding, Jayne
Winters, Joel

Shaw, Barbara
Sullivan, Daniel

Shaw, Kimberly
Thompson, Robert

Soucy, Timothy
Walsh, Robert Jr

MERRIMACK

Anderson, Eric
Clarke, Claire
Foose, Robert
Kidder, David
Porter, Margaret
Richardson, Gary
Tilton, Joy
Watrous, Rick

Bartlett, Michael
Davis, Frank
Gile, Mary
Lockwood, Priscilla
Potter, Frances
Rodd, Beth
Tupper, Frank
Webb, Leigh

Bouchard, Candace
DeJoie, John
Hamm, Christine
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Wallner, Mary Jane
Williams, Robert

Brown, Carole
DeStefano, Stephen
Kelly, Sally
Osborne, Jessie
Rice, Chip
Stetson, William
Walz, Mary Beth
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Fesh, Robert
Headd, James
Kepner, Susan
McCarthy, Barbara
Nord, Susi
Read, Robin Jr
Scamman, W.
Douglas Jr
Webber, Carolyn

Borden, David
Cushing, Robert
Flanders, John Sr
Howard, Doreen
Lyons, Melissa
McKinney, Betsy
Pantelakos, Laura
Reagan, John
Schlachman, Donna

Welch, David

Bridle, Russell
Day, Judith
Gleason, John
Hutchinson, Gina
Major, Norman
Moody, Marcia
Petterson, Don
Russell, Joseph
Stiles, Nancy

Brown, C. Pennington
DiPentima, Rich
Gould, Kenneth
Ingram, Russell
Mann, Maureen
Nevins, Chris
Rausch, James
Russell, Trink
Weare, Everett

STRAFFORD

Berube, Roger
Browne, Brendon
Hofemann, Roland
Keans, Sandra
Price, Susan
Rous, Emma
Sprague, Dale

Bickford, David
Burke, Rachel
Horrigan, Timothy
Lauterborn, Elaine
Rogers, Rose Marie
Schmidt, Peter
Vachon, Dennis

Brown, Julie
Cyr, James
Hutz, Sarah
Lewis, Robert
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Brown, Larry
Domingo, Baldwin
Kaen, Naida
Perry, Robert
Rollo, Michael
Spang, Judith
Watters, David

SULLIVAN

Cloutier, John
Harris, Sandra

Sweeney, Cynthia

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

NAYS 128

BELKNAP

Boyce, Laurie
Swinford, Elaine

Fields, Dennis
Wendelboe, Fran

Neddeau, Stephen

St. Cyr, Jeffrey

CARROLL

Fleck, Joseph
Stevens, Stanley

Knox, J. David
Umberger, Karen

Roberts, John

Scala, Dino

CHESHIRE

Emerson, Susan
Meader, David

Johnson, Jane
Parkhurst, Henry

Laurent, John
Robertson, Timothy

Lindsey, Steven
Sterling, Franklin Jr

COOS

Ingersoll, Paul Sr

Remick, William

Richardson, Herbert

GRAFTON

Bulis, Lyle
Williams, Burton

Ingbretson, Paul

Ladd, Rick Jr

Maybeck, Margie

HILLSBOROUGH

Batula, Peter
Christiansen, Lars
Elliott, Nancy
Harvey, Philip
Hogan, Edith
Infantine, William
Mead, Robert
Ober, Lynne
Pepino, Leo
Seidel, Carl
Vaillancourt, Steve

Belvin, William
Daniels, Gary
Gagne, Larry
Hikel, John
Holden, Frank
Jasper, Shawn
Moran, Edward
Ober, Russell III
Price, Pamela
Silva, Peter
Villeneuve, Moe

Boehm, Ralph
Day, Russell
Haefner, Robert
Hinch, Richard
Holden, Rip
L'Heureux, Robert
O'Brien, William
Palmer, Stephen
Renzullo, Andrew
Soucy, Connie
Willette, Robert

Christensen, Chris
Doherty, Shaun
Haley, Robert
Hinkle, Peyton
Hopper, Gary
McCarthy, Michael
O'Neil, James
Pellegrino, Tony
Rowe, Robert
Ulery, Jordan

MERRIMACK

Boutin, David
McGuire, Carol

Coffey, Jennifer
Palfrey, David

Hess, David
Reed, Dennis

Kotowski, Frank
Smith, Todd

ROCKINGHAM

Baldasaro, Alfred
Bishop, Franklin
Comerford, Timothy
DiFruscia, Anthony
Emiro, Frank
Hagan, Joseph
Itse, Daniel
McEachern, Paul
Perkins, Lawrence
Sedensky, John
Tucker, Pamela

Bates, David
Cali-Pitts, Jacqueline
Crisler, Margaret
Dowling, Patricia
Ferrante, Beverly
Henson, John
Kappler, L. Mike
McMahon, Charles
Quandt, Matt
Smith, William
Van Patten, Don

Belanger, Ronald
Case, Frank
DeSimone, Debra
Dumaine, Dudley
Garrity, James
Hoelzel, Kathleen
Katsakiores, George
Packard, Sherman
Sanders, Elisabeth
Splaine, James

Bettencourt, David
Charron, Gene
Devine, James
Elliott, Robert
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
Perkins, Amy
Sapareto, Frank
Sullivan, James

STRAFFORD

Groen, Warren

Ryder, Mark

Vita, Carol

Ward, Kenneth

SULLIVAN

Howard, Thomas
and the committee report was adopted.
Referred to the Committee on Finance.

Maiola, Anthony

Osgood, Joe

HB 644-FN-A-L, increasing the rate of the road toll, establishing the New Hampshire road and bridge account, and limiting the uses of road toll revenues. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David B. Campbell for Public Works and Highways: The House Public Works and Highways Committee, in its recommendation of HB 644, as amended, is attempting to fix one part of a broken system. The NH highway trust fund and the NH DOT are responsible for over 4,300 miles of state maintained highway, and over 2,000 state bridges (137 are “red” listed – meaning 1 or more structural defects – and 267 are “pink” listed meaning they are on their way to needing major work). Ideally, it is structurally necessary to repave roads on an 8 to 10 year cycle. However, our state’s current repaving program is severely under-funded. Historically, the DOT paved over 500 miles per year, a number which has been steadily declining since 1996, to where that number will be reduced to only 260 miles in 2009. This translates to a 16 year repaving cycle. In this time frame, many roads will need to be rebuilt, not just repaved, at a much greater cost. Even after the \$21 million in cuts proposed by the governor, DOT is projected to have a cumulative operating and capital deficit by 2018 in excess of \$1 billion (assuming 2% revenue growth and 3% expense growth). Additionally, there will still be a \$300 million deficit for the I-93 widening, and 50 of the state red listed bridges and all the pink listed bridges will not be addressed over the next 10 years. The major reasons for this infrastructure crisis are many, including; a) An aging system; most was built between the 1930’s and 1970’s; b) Hyper-inflation in the construction industry (almost 60% over the last 4 years alone); and c) Revenue Stagnation – The road toll/gas tax (currently at 18 cents) has not been raised since 1991. After several years of studies by Joint House/Senate commissions, and the Public Works & Highways Committee, HB 644 has been designed to fix the most critical road and bridge needs and DOT’s financial crisis, not just for the biennium, but for the next ten years. HB 644, as amended, proposes the following: 1) To raise the gas tax 5 cents per gallon per year for 3 consecutive years: 7/1/2009, 4/1/2010 and 4/1/2011; 2) It establishes the “NH Road and Bridge Account,” which requires that 12¢ of the 15 ¢ per gallon goes to the “construction, reconstruction and maintenance of state and municipal roads and bridges;” 3) The other 3 cents (one cent per year) goes to the existing betterment program and divides road and bridge money among the six DOT Districts for road and bridge projects under \$1 million. Every cent of the increased gas tax goes to improving state and municipal roads and bridges; 4) No exceptions or diversions are permitted from the increased gas tax under this bill; 5) The diesel portion of the gas tax increase (5 cents per year) is spread out every other year: 7/1/2009, 7/1/2011 and 7/1/2013; 6) 12 percent of the gas tax increase goes directly to cities and towns and increases municipal block grant aid by \$5 million per year per nickel increase. In 3 years, municipal block grant aid will have increased by 50% from \$30 million to \$45 million; 7) This bill also raises approximately \$111 million per year (\$37 million per nickel increase) for the state’s roads and bridges; and 8) Finally, there is collection language in the bill and it establishes a commission to study future sustainable revenue growth for funding improvements to state and municipal highways and bridges with the advent of alternative fuel vehicles. The committee also considered the governor’s proposed program for DOT and the majority chose to institute certain portions of the proposal in other legislation. The bipartisan majority of the committee believes that this legislation to raise the road toll/gas tax is the fairest, least painful, most complete and beneficial mechanism to fix NH’s long term infrastructure problem. If this bill is enacted, it will accomplish the following: 1) eliminates the projected ten year funding shortfall, and results in a projected \$300 million surplus in 2018, without turnpike-wide toll increases; 2) doubles the betterment account, which spreads money to all six NH DOT districts; 3) doubles the amount of paving done on state roads from 260 to over 500 miles per year, putting the state back on an 8 to 10 year repaving schedule; 4) increases municipal aid by over \$15 million resulting in the first true property tax relief enjoyed by municipalities from the state in many years; 5) brings about a net increase of 1,100 jobs in the state of NH; and, 6) allows the state to pay its share of federal funding match in cash,

rather than with turnpike toll credits, resulting in over \$200 million more construction work over the next 10 years. The impact to a driver who drives 10,000 miles a year and gets 20 MPG would be \$25 per year, per nickel increase spread out over the year, assuming all of the tax revenue is directly passed through to the customer. A committee member, who owns a gas station, related that gas prices in Maine (where the gas tax is 10¢ higher) are often equal to or less than NH stations, demonstrating that market forces, not gas taxes, more determine the price of gasoline. Some believe that the DOT funding gap can be closed by reclaiming monies from the highway fund that are used by the Dept. of Safety. These monies are constitutionally permitted under Part II, Article 6-a of the NH Constitution, and have been approved under successive legislatures and governors. The state cannot simply transfer these funds from non-highway to highway purposes, without creating a hole of equal amount in the general fund. However, last session the General Court passed RSA 9:9-b, limiting the further growth of non-highway/bridge expenditures from the highway fund. It requires, that of current gas tax monies, at least 74% of all highway funds go to the DOT and limits to 24% the amount of highway funds to the Department of Safety. Additionally, this bill mandates that 100% of the 15 cent gas tax increase goes exclusively to state and municipal roads and bridges. Others have questioned the productivity and efficiency of DOT. It should be pointed out that DOT takes care of more lanes of highway with fewer employees than it had 20 years ago. Further the governor and the DOT commissioner have proposed over \$20 million in cost cuts and efficiencies. Lastly, others will argue falsely that the stimulus package will cure our problems. Without this proposed gas tax increase, but with the stimulus package of \$129 million of road and bridge work, the DOT operating and capital budgets will still be over \$1 billion in the red 10 years from now. The many groups supporting raising the gas tax range from the NH Municipal Association and the NH Planners Association, to AAA and the entire construction industry. The trucking and logging industries were opposed to the bill in spite of the concession made to diesel vehicles in stretching out the period of the tax increase. The majority of the committee felt that the trucking industries also rely on roads and bridges in good condition, contribute to their wear and tear, and will still benefit from an overall diesel tax that will be at or below the national state average. Massachusetts, for example, is already 3 cents higher than NH, and is proposing to raise its gas tax 19 cents this year. The consequences of not fixing the problem and insufficiently funding or deferring action are very grave. Inflation will continue to erode future budgets, just as time will continue to erode our roads and bridges. The time delay raises the costs of fixing the problem geometrically, not arithmetically, which will mean more and more severe deterioration of our infrastructure and greater and greater expense for future generations. Vote 14-3.

Amendment (0415h)

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

AN ACT increasing the rate of the road toll, establishing the New Hampshire road and bridge account, limiting the uses of road toll revenues, and establishing a commission to study revenue sources for funding improvements to highways and bridges.

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

1 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (276) the following new subparagraph:

(277) Moneys deposited in the New Hampshire road and bridge account established under RSA 260:32-a.

2 Levy of Tolls and Exemptions. Amend the introductory paragraph of RSA 260:32 to read as follows:

260:32 Levy of Tolls and Exemptions. There is hereby imposed a road toll of \$.18 per gallon upon the sale of each gallon of motor fuel sold by distributors thereof. ***The road toll on gasoline shall increase to \$.23 per gallon beginning July 1, 2009; to \$.28 per gallon beginning April 1, 2010; and to \$.33 per gallon beginning April 1, 2011. The road toll on special fuel (diesel) shall increase to \$.23 per gallon beginning July 1,***

2009; to \$.28 per gallon beginning July 1, 2011; and to \$.33 per gallon beginning July 1, 2013. The road toll shall be collected by the distributor from the purchaser and remitted to the state in the manner hereinafter set forth. **All amounts collected in excess of \$.18 per gallon shall be apportioned as follows: \$.04 of each \$.05 increase shall be deposited on a monthly basis into the New Hampshire road and bridge account established in RSA 260:32-a, and \$.01 of each such increase shall be deposited on a monthly basis into the highway and bridge betterment account established in RSA 235:23-a, II.** Provided, that the road toll shall not apply to:

3 New Sections; Account Established; Apportionment. Amend RSA 260 by inserting after section 32 the following new sections:

260:32-a Account Established. There is established a separate account in the highway fund called the New Hampshire road and bridge account to be used exclusively for the construction, reconstruction, and maintenance of state and municipal roads and bridges in the state. The account shall consist of \$.04 of each \$.05 of the funds attributable to all road toll revenue collected in excess of \$.18 per gallon. The amount deposited into the New Hampshire road and bridge account is hereby exclusively and continually appropriated to the department of transportation and shall be nonlapsing.

260:32-b Apportionment. In each fiscal year, the commissioner shall allocate an amount equal to 12 percent of the total road toll revenue collected in the preceding fiscal year to be distributed to cities and towns in accordance with the formula in RSA 235:23, I and shall be in addition to any amounts allocated under that paragraph. The remaining 88 percent in the New Hampshire road and bridge account shall be allocated to the department of transportation exclusively for the construction, reconstruction, and maintenance of state roads and bridges.

4 Use of Road Tolls. Amend RSA 260:35 to read as follows:

260:35 Use of Road Tolls. The road tolls shall be used initially to pay the interest and principal due on any bonds and notes issued pertaining to highway purposes, and the remainder shall be paid into the highway fund. **The allocation limitations established under RSA 9:9-b shall apply only to the funds attributable to the first \$.18 per gallon of road toll revenue. Four cents of each \$.05 collected in excess of \$.18 per gallon shall be deposited into the New Hampshire road and bridge account established in RSA 260:32-a and apportioned in accordance with RSA 260:32-b.**

5 Motor Fuel and Petroleum Products Transporter. Amend RSA 260:42, I to read as follows:

I. Every person not registered as a distributor who transports motor fuel or products subject to the fees stipulated in RSA 146-A, **to a point or points outside the state from a point or points within the state**, to a point or points within the state from a point or points outside the state, **or to a point or points within the state from a point or points within the state**, every common carrier or contract carrier who transports motor fuel or petroleum products, and every licensed distributor who transports motor fuel or petroleum products exclusive of the carrier's own product shall be licensed with the commissioner as a motor fuel and petroleum products transporter.

6 Motor Fuel and Petroleum Products Transporter. Amend RSA 260:42, V to read as follows:

V. The transporter shall report to the commissioner on forms prescribed by the commissioner, not later than the twentieth of the succeeding calendar month, subject to prosecution for unsworn falsification, all deliveries of motor fuel and petroleum products made to **or from** points within the state during the previous calendar month. Such reports shall contain sufficient information to identify the quantities delivered, the consignor, the consignee and such additional information as the commissioner may require. A report shall be filed for any month in which no activity occurs. Information required pursuant to this paragraph which has been deemed confidential or as to which a request for confidential treatment is pending shall not be shown to or reviewed by any person other than the

employees of the department who have a legitimate need to know the information for the purposes of enforcement of this subdivision, or fuel tax officials of another state as required by RSA 260:56, I, in which case the officials shall be required by the commissioner to agree to a similar limitation on disclosure before such information is furnished.

7 Commission Established. There is established a commission to study future sustainable revenue sources for funding improvements to state and municipal highways and bridges.

8 Membership and Compensation.

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

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

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

(c) The commissioner of the department of revenue administration, or designee.

(d) The commissioner of the department of safety, or designee.

(e) The commissioner of the department of transportation, or designee.

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

(g) The commissioner of the department of resources and economic development, or designee.

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

9 Duties. The commission shall study revenue sources that are fair and adequate to meet the funding needs of state and municipal highways and bridges based on the new technology in electric, hybrid, and other alternative fuel automobiles.

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

11 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2010.

12 Effective Date.

I. Section 7 through 11 of this act shall take effect upon its passage.

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

AMENDED ANALYSIS

This bill:

I. Increases the road toll.

II. Establishes a fund,

III. Limits the uses of road toll revenues.

IV. Establishes a commission to study revenue sources for funding improvements to highways and bridges.

Reps. Ingersoll and Packard spoke against and yielded to questions.

Reps. Campbell and Bouchard spoke in favor and yielded to questions.

Rep. Campbell requested a roll call; sufficiently seconded.

YEAS 190 NAYS 162

YEAS 190

BELKNAP

Arsenault, Beth
Miller, Kate

Bolster, Peter
Pilliod, James

Johnson, William
Reever, Judith

Merry, Liz

CARROLL

Bridgham, Robert Wiley, Susan	Buco, Thomas	Butler, Edward	McConkey, Mark
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CHESHIRE

Allen, Peter Butynski, William Mitchell, Bonnie Sad, Tara	Burridge, Delmar Carr, Daniel Richardson, Barbara Weber, Lucy	Butcher, Suzanne Eaton, Daniel Roberts, Kris Weed, Charles	Butterworth, Timothy Lindsey, Steven Robertson, Timothy
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COOS

Hatch, William	Merrick, Evalyn	Merrick, Scott
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GRAFTON

Aguiar, James Ford, Susan Harding, Laurie Mulholland, Catherine Preston, Philip	Almy, Susan Friedrich, Carol Ladd, Rick Jr Nordgren, Sharon Smith, Suzanne	Benn, Bernard Gionet, Edmond Laliberte, Suzanne Pastor, Beatriz Townsend, Charles	Cooney, Mary Gould, Franklin Matheson, Robert Pierce, David
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HILLSBOROUGH

Beauchamp, Roger Campbell, David Chininis, Alexis Flurey, Joan Gorman, Mary Hardy, Valerie Irwin, Anne-Marie Knowles, Mary Ann Lisle, Carolyn	Beaulieu, Jane Caron, June Clemons, Jane Garrity, Patrick Graham, John Harvey, Philip Judy, Jean Komi, Richard Mack, Ron	Beck, Catriona Chandley, Shannon Cote, David Gidge, Kenneth Hackel, Paul Harvey, Suzanne Katsiantonis, Thomas Kopka, Angeline Marshall, Seth	Bergin, Peter Chase, Claudia Craig, James Goley, Jeffrey Hammond, Jill Hodges, Kevin Knowles, John Leishman, Peter Matarazzo, Anthony Sr O'Neil, James Rosenwald, Cindy Thompson, Robert
Messier, Irene Pilotte, Maurice Schulze, Joan Walsh, Robert Jr	Movsesian, Lori Poznanski, Brian Shattuck, Gilman	Nixon, David Ramsey, Peter Sullivan, Daniel	

MERRIMACK

Bartlett, Michael DeStefano, Stephen Kelly, Sally Osborne, Jessie Rice, Chip Tilton, Joy Watrous, Rick	Bouchard, Candace Foose, Robert Kidder, David Porter, Margaret Richardson, Gary Tupper, Frank Webb, Leigh	Brown, Carole Gile, Mary Lockwood, Priscilla Potter, Frances Rodd, Beth Wallner, Mary Jane Williams, Robert	Davis, Frank Hamm, Christine McMahon, Patricia Reardon, Tara Shurtleff, Stephen Walz, Mary Beth Yeaton, Charles
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ROCKINGHAM

Abbott, Dennis Casey, Kimberley Flanders, John Sr Howard, Doreen Lyons, Melissa Moody, Marcia	Borden, David Cushing, Robert Gleason, John Hutchinson, Gina Mann, Maureen Nord, Susi	Brown, C. Pennington Day, Judith Gould, Kenneth Ingram, Russell McCarthy, Barbara Norelli, Terie	Cali-Pitts, Jacqueline DiPentima, Rich Henson, John Kepner, Susan McEachern, Paul Pantelakos, Laura
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Petterson, Don
Russell, Trinka

Rausch, James
Schlachman, Donna

Read, Robin Jr

Russell, Joseph

STRAFFORD

Berube, Roger
Burke, Rachel
Hutz, Sarah
Perry, Robert
Rollo, Michael
Spang, Judith
Ward, Kenneth

Bickford, David
Cyr, James
Kaen, Naida
Price, Susan
Rous, Emma
Sprague, Dale
Watters, David

Brown, Larry
Domingo, Baldwin
Keans, Sandra
Rogers, Rose Marie
Schmidt, Peter
Vachon, Dennis

Browne, Brendon
Horrigan, Timothy
Lauterborn, Elaine
Rollo, Deanna
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

NAYS 162

BELKNAP

Boyce, Laurie
Russell, David

Fields, Dennis
St. Cyr, Jeffrey

Millham, Alida
Swinford, Elaine

Nedeau, Stephen
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Patten, Betsey
Umberger, Karen

Chandler, Gene
Roberts, John

Fleck, Joseph
Scala, Dino

Knox, J. David
Stevens, Stanley

CHESHIRE

Emerson, Susan
Mead, David

Hunt, John
Parkhurst, Henry

Johnson, Jane
Sterling, Franklin Jr

Laurent, John

COOS

Ingersoll, Paul Sr
Stohl, Eric

Rappaport, Laurence
Theberge, Robert

Remick, William
Thomas, Yvonne

Richardson, Herbert

GRAFTON

Andersen, Gene
Taylor, Kathleen

Bulis, Lyle
Ward, Brien

Ingbretson, Paul
Williams, Burton

Maybeck, Margie

HILLSBOROUGH

Batula, Peter
Christensen, Chris
Doherty, Shaun
Gagne, Larry
Hawkins, Ken
Hogan, Edith
Jasper, Shawn
Long, Patrick
O'Brien, William
Pellegrino, Tony

Belvin, William
Christiansen, Lars
Dokmo, Cynthia
Gargasz, Carolyn
Hikel, John
Holden, Frank
Kurk, Neal
McCarthy, Michael
Ober, Lynne
Pepino, Leo

Boehm, Ralph
Daniels, Gary
Elliott, Nancy
Haefner, Robert
Hinch, Richard
Holden, Rip
L'Heureux, Robert
Mead, Robert
Ober, Russell III
Peterson, Andrew

Cebrowski, John
Day, Russell
Emerton, Larry
Haley, Robert
Hinkle, Peyton
Hopper, Gary
LaPlante, Roland
Moran, Edward
Palmer, Stephen
Price, Pamela

Renzullo, Andrew
Ryder, Donald
Soucy, Connie
Vaillancourt, Steve

Rhodes, Brian
Seidel, Carl
Soucy, Timothy
Villeneuve, Moe

Rokas, Theodoros
Shaw, Barbara
Spaulding, Jayne
Willette, Robert

Rowe, Robert
Silva, Peter
Ulery, Jordan
Winters, Joel

MERRIMACK

Anderson, Eric
Kotowski, Frank
Smith, Todd

Boutin, David
McGuire, Carol
Stetson, William

Coffey, Jennifer
Palfrey, David

Hess, David
Reed, Dennis

ROCKINGHAM

Baldasaro, Alfred
Bishop, Franklin
Comerford, Timothy
DiFruscia, Anthony
Emiro, Frank
Griffin, Mary
Hutchinson, Karen
Katsakiores, George
McMahon, Charles
Reagan, John

Bates, David
Bridle, Russell
Crisler, Margaret
Dowling, Patricia
Ferrante, Beverly
Hagan, Joseph
Introne, Robert
Katsakiores, Phyllis
Nevins, Chris
Sanders, Elisabeth

Belanger, Ronald
Case, Frank
DeSimone, Debra
Dumaine, Dudley
Fesh, Robert
Headd, James
Itse, Daniel
Major, Norman
Packard, Sherman
Scamman, W.
Douglas Jr

Bettencourt, David
Charron, Gene
Devine, James
Elliott, Robert
Garritty, James
Hoelzel, Kathleen
Kappler, L. Mike
McKinney, Betsy
Quandt, Matt
Sedensky, John

Smith, William
Tucker, Pamela
Welch, David

Splaine, James
Van Patten, Don

Stiles, Nancy
Weare, Everett

Sullivan, James
Webber, Carolyn

STRAFFORD

Brown, Julie

Groen, Warren

Hofemann, Roland

Vita, Carol

SULLIVAN

Howard, Thomas
Sweeney, Cynthia

Maiola, Anthony

Osgood, Joe

Rodeschin, Beverly

and the committee report was adopted.

Referred to the Committee on Ways and Means.

(Speaker Norelli in the Chair)

HB 670-FN, relative to the discount rate used in the electronic toll collection for frequent users. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Dale R. Sprague for the Majority of Public Works and Highways: The amendment changes the original form of this bill pertaining to the E-Z Pass discounts. This bill, as amended, reduces the E-Z Pass discount from 30% to 15% for passenger vehicles and motorcycles. It also caps the E-Z Pass billing to 33 transactions per month per transponder with no charge for toll trips thereafter in the State of New Hampshire. It would also keep the commercial discount at 10% with no transaction cap. In these tough economic times, after testimony, review, and following up on the governor's proposal, the majority of the committee voted to institute a cap on the commuting costs of working people. When the E-Z Pass discount was established and during several years of proposed legislation asking for toll relief, a commitment was made by DOT and the Public Works and Highways Committee to look at a "revenue neutral" restructuring of the discount to benefit commuters and residents who live near one or more toll booths. This proposal is a fair and equitable way of tolling our current turnpike system while keeping its financial impact revenue neutral. Although other models were brought forward that would have created up to \$4.4 million in additional

revenue, it was judged unfair, by the committee majority, because it instituted a \$30 cap, NO discount and made no adjustment for tolls of different rates around the state. Because all toll rates in the state are not uniform, this billing method is more fairly based on transactions and not on a specific dollar amount. This legislation will give considerable financial relief to 41,000 working commuters throughout New Hampshire and fulfills the commitment made to frequent NH toll users and communities near toll booths. Vote 10-7. Rep. Gene G. Chandler for the Minority of Public Works and Highways: This bill, as amended, caps the number of E-Z Pass transactions at 33 per month and reduces the discount for EZ Pass users from 30% to 15%. Our toll system is set up as a user pay type system, but this bill severely reduces the amount frequent users of the turnpike system will be paying to support the system. The most important reason to oppose this legislation is the legislature going back on its promise made when we instituted the E-Z Pass system. We told New Hampshire turnpike users that we would stop the use of the 50% discount for tokens and go to an E-Z Pass system that would have a discount by touting the ease of using an E-Z Pass. Now only a few short years later, we are telling our constituents – whoops; we didn’t really mean it and we are now going to take away another 15% of your discount. This bill is pretty much revenue neutral so we are contributing nothing extra to the management of the system, only costing a number of our constituents more money in order to save frequent users from paying what could be considered their fair share.

Majority Amendment (0418h)

Amend the bill by replacing section 1 with the following:

1 Toll Criteria. Amend RSA 237:11, V to read as follows:

V. Notwithstanding any other provision of law to the contrary, the discount on the established tolls on any of the turnpikes in the system for vehicles using the regional electronic toll collection system shall be [30] **15** percent for passenger vehicles, including motorcycles, and 10 percent for commercial vehicles; ***provided that no account for passenger vehicles, including motorcycles, shall be charged more than 33 toll plaza transactions per month per transponder.***

AMENDED ANALYSIS

This bill modifies the discount on tolls for vehicles using the regional electronic toll collection system.

Majority committee amendment adopted.

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

Reps. Graham, O’Neil and Chandler spoke against and yielded to questions.

Reps. Sprague and Mann spoke in favor and yielded to questions.

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

YEAS 161 NAYS 181

YEAS 161

BELKNAP

Arsenault, Beth
Pilliod, James

Bolster, Peter
Reever, Judith

Merry, Liz

Miller, Kate

CARROLL

Bridgham, Robert

Butler, Edward

Wiley, Susan

CHESHIRE

Burridge, Delmar
Carr, Daniel
Mitchell, Bonnie
Weber, Lucy

Butcher, Suzanne
Eaton, Daniel
Richardson, Barbara
Weed, Charles

Butterworth, Timothy
Lindsey, Steven
Robertson, Timothy

Butynski, William
Meador, David
Sad, Tara

COOS

Hatch, William

Merrick, Evalyn

Merrick, Scott

Theberge, Robert

GRAFTON

Aguiar, James
Ford, Susan
Laliberte, Suzanne
Pierce, David

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

Benn, Bernard
Gould, Franklin
Nordgren, Sharon
Smith, Suzanne

Cooney, Mary
Harding, Laurie
Pastor, Beatriz
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Chandley, Shannon
Clemons, Jane
Garrity, Patrick
Hardy, Valerie
Hodges, Kevin
Komi, Richard
Long, Patrick
Peterson, Andrew
Schulze, Joan
Sullivan, Daniel

Beaulieu, Jane
Chase, Claudia
Cote, David
Goley, Jeffrey
Harvey, Philip
Irwin, Anne-Marie
Kopka, Angeline
Mack, Ron
Pilotte, Maurice
Shattuck, Gilman
Thompson, Robert

Beck, Catriona
Chininis, Alexis
Flurey, Joan
Hackel, Paul
Harvey, Suzanne
Jeudy, Jean
Leishman, Peter
Marshall, Seth
Poznanski, Brian
Shaw, Barbara
Vaillancourt, Steve

Campbell, David
Christensen, Chris
Foster, Linda
Hammond, Jill
Hinkle, Peyton
Katsiantonis, Thomas
Lisle, Carolyn
Movsesian, Lori
Rosenwald, Cindy
Shaw, Kimberly
Walsh, Robert Jr

MERRIMACK

Bouchard, Candace
Foose, Robert
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Webb, Leigh

Brown, Carole
Gile, Mary
Osborne, Jessie
Rice, Chip
Tilton, Joy
Williams, Robert

Davis, Frank
Hamm, Christine
Porter, Margaret
Richardson, Gary
Wallner, Mary Jane
Yeaton, Charles

DeStefano, Stephen
Kelly, Sally
Potter, Frances
Rodd, Beth
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Kepner, Susan
Moody, Marcia
Read, Robin Jr

Borden, David
Cushing, Robert
Mann, Maureen
Nord, Susi
Russell, Trinkia

Brown, C. Pennington
Henson, John
McCarthy, Barbara
Pantelakos, Laura
Webber, Carolyn

Cali-Pitts, Jacqueline
Howard, Doreen
McEachern, Paul
Petterson, Don

STRAFFORD

Berube, Roger
Burke, Rachel
Kaen, Naida
Rogers, Rose Marie
Schmidt, Peter
Vachon, Dennis

Brown, Julie
Cyr, James
Lauterborn, Elaine
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Brown, Larry
Domingo, Baldwin
Perry, Robert
Rollo, Michael
Spang, Judith
Ward, Kenneth

Browne, Brendon
Hutz, Sarah
Price, Susan
Rous, Emma
Sprague, Dale
Watters, David

SULLIVAN

Cloutier, John

Donovan, Thomas Jr

Gagnon, Raymond

Gottling, Suzanne

Harris, Sandra

Houde-Quimby,
Charlotte

McClammer, Jim

Skinder, Carla

NAYS 181

BELKNAP

Boyce, Laurie
Nedeau, Stephen
Wendelboe, Fran

Fields, Dennis
Russell, David

Johnson, William
St. Cyr, Jeffrey

Millham, Alida
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Knox, J. David
Scala, Dino

Buco, Thomas
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Roberts, John

CHESHIRE

Emerson, Susan
Parkhurst, Henry

Hunt, John
Roberts, Kris

Johnson, Jane
Sterling, Franklin Jr

Laurent, John

COOS

Ingersoll, Paul Sr
Stohl, Eric

Rappaport, Laurence

Remick, William

Richardson, Herbert

GRAFTON

Bulis, Lyle
Matheson, Robert
Williams, Burton

Gionet, Edmond
Maybeck, Margie

Ingbretson, Paul
Townsend, Charles

Ladd, Rick Jr
Ward, Brien

HILLSBOROUGH

Batula, Peter
Boehm, Ralph
Craig, James
Dokmo, Cynthia
Gargas, Carolyn
Haefner, Robert
Hinch, Richard
Hopper, Gary
Kurk, Neal

Beauchamp, Roger
Caron, June
Daniels, Gary
Elliott, Nancy
Gidge, Kenneth
Haley, Robert
Hogan, Edith
Jasper, Shawn
L'Heureux, Robert

Belvin, William
Cebrowski, John
Day, Russell
Emerton, Larry
Gorman, Mary
Hawkins, Ken
Holden, Frank
Knowles, John
LaPlante, Roland

Bergin, Peter
Christiansen, Lars
Doherty, Shaun
Gagne, Larry
Graham, John
Hikel, John
Holden, Rip
Knowles, Mary Ann
Matarazzo, Anthony
Sr

McCarthy, Michael
O'Brien, William
Palmer, Stephen
Price, Pamela
Ryder, Donald
Uler, Jordan

Mead, Robert
O'Neil, James
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Villeneuve, Moe

Messier, Irene
Ober, Lynne
Pepino, Leo
Rhodes, Brian
Soucy, Connie
Willette, Robert

Moran, Edward
Ober, Russell III
Pratt, Calvin
Rowe, Robert
Soucy, Timothy
Winters, Joel

MERRIMACK

Anderson, Eric
Kidder, David
Palfrey, David
Tupper, Frank

Boutin, David
Kotowski, Frank
Reed, Dennis
Watrous, Rick

Coffey, Jennifer
Lockwood, Priscilla
Smith, Todd

Hess, David
McGuire, Carol
Stetson, William

ROCKINGHAM

Baldasaro, Alfred	Bates, David	Belanger, Ronald	Bettencourt, David
Bishop, Franklin	Bridle, Russell	Case, Frank	Charron, Gene
Comerford, Timothy	Crisler, Margaret	Day, Judith	DeSimone, Debra
Devine, James	DiFruscia, Anthony	DiPentima, Rich	Dowling, Patricia
Elliott, Robert	Emiro, Frank	Ferrante, Beverly	Fesh, Robert
Flanders, John Sr	Garrity, James	Gleason, John	Gould, Kenneth
Griffin, Mary	Headd, James	Hoelzel, Kathleen	Hutchinson, Gina
Hutchinson, Karen	Ingram, Russell	Introne, Robert	Itse, Daniel
Kappler, L. Mike	Katsakiores, George	Katsakiores, Phyllis	Lyons, Melissa
Major, Norman	McKinney, Betsy	Nevins, Chris	Packard, Sherman
Quandt, Matt	Rausch, James	Reagan, John	Sanders, Elisabeth
Scamman, W.	Schlachman, Donna	Sedensky, John	Smith, William
Douglas Jr			
Splaine, James	Stiles, Nancy	Sullivan, James	Tucker, Pamela
Van Patten, Don	Weare, Everett	Welch, David	

STRAFFORD

Bickford, David	Groen, Warren	Hofemann, Roland	Horrigan, Timothy
Keans, Sandra	Vita, Carol		

SULLIVAN

Howard, Thomas	Maiola, Anthony	Osgood, Joe	Rodeschin, Beverly
Sweeney, Cynthia			

and the majority committee report failed.
Rep. Chandler moved Inexpedient to Legislate.
Adopted.

HB 671-FN, amending the motorist service signing program to allow the department of transportation to charge a fee for attraction signs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David B. Campbell for Public Works and Highways: The bill, as amended, allows a fifth category of the blue directional signs with company logos that precede exits on turnpikes and interstate highways. This bill adds “attractions,” within 20 miles of the exit, to the existing categories of “fuel,” “lodging,” “camping” and “food.” The costs of these signs are fully paid for on a pro-rata basis by the advertisers. The majority of the committee supports the DOT’s recommendation that these signs promote business and tourism by informing and directing motorists to the listed destinations. Vote 15-2.

Amendment (0302h)

Amend RSA 230:49, II as inserted by section 1 of the bill by replacing it with the following:

II. Signs permitted under paragraph I may be rented for a fee established by rules adopted by the commissioner of transportation pursuant to RSA 541-A. The amount of the fee charged to any participant shall be reasonable and equitable and not exceed a fair portion ~~[of the cost of implementing and maintaining the motorist service signing program. The sum of fees collected shall be sufficient to ensure the motorist service sign program is self-supporting. The fees collected shall not be used to generate revenue beyond the reasonably related costs, less any federal funds or other revenue reasonably related thereto, of administering and maintaining the motorist service sign program]~~ ***of the full cost of administering the motorist service signing program, including labor, equipment, maintenance, and material costs for state and contract services. The sum of the fees***

collected shall be sufficient to ensure the motorist service sign program is self-supporting.

AMENDED ANALYSIS

This bill amends the motorist service signing program to allow the department of transportation to charge a fee for attraction signs.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 205-FN-A, relative to certain boating fees. **OUGHT TO PASS WITH AMENDMENT.** Rep. Suzanne H. Gottling for Resources, Recreation and Development: Boat registration fees have not increased since 1988. Marine patrol's responsibilities have grown considerably and require more funding, as has the need to expand the water bodies receiving prevention and treatment for invasive aquatic weeds. This bill will also raise the payments to agents registering boats. These new rates will sunset in 2015 to allow for an opportunity to reconsider the amount and allocation of boat registration fees. Vote 15-2.

Amendment (0265h)

Amend the bill by replacing section 2 with the following:

2 Lake Restoration and Preservation Fee. Amend RSA 270-E:5, II(a) to read as follows:

(a) ~~[\$5]~~ ***\$7.50*** for each registration specified in paragraph I. The fees collected under this subparagraph shall be paid into the lake restoration and preservation fund established under RSA 487:25.

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

5 Commercial Vessels; Penalty and License Fees. Amend RSA 270-E:22 and RSA 270-E:23 to read as follows:

270-E:22 Commercial Vessels; Penalty.

I. Any person who shall use any commercial vessel or commercial outboard motor on any public waters in this state without a certificate of inspection, or shall act as captain, master, pilot, engineer or operator on any such boat or launch without having ***passed an examination administered by the department and having*** been ~~examined and~~ certified ***by the department*** in that capacity, or shall so act when his ***or her*** certificate has been revoked or suspended, or who shall violate any rule adopted by the department with reference to the inspection, equipment, or operation of such vessels or launches, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

II. The commissioner, after hearing, may revoke or suspend the certificate of any captain, master, pilot, or engineer of any commercial vessel for violation of RSA 270 or the rules and regulations prescribed thereunder.

III. All licenses to operate a commercial vessel shall expire ~~[the second December 31 following]~~ ***5 years from*** the date of issuance.

IV. A person who possesses a valid license issued by the federal government shall be deemed to comply with this section.

270-E:23 License Fees. There shall be paid to the commissioner for every ~~[general]~~ certificate of captain, master, pilot, or engineer, ~~[\$4]~~ ***\$15***; ~~and for every limited certificate of captain, master, pilot, or engineer, \$2].~~ A ~~[general]~~ certificate shall entitle the holder thereof to act in the capacity named on any vessel of the class described in the certificate; ~~a limited certificate shall entitle the holder to act in such capacity only on a particular vessel named in the certificate].~~ Only one certificate shall be required to entitle the holder thereof to act in any or all of the above capacities on any motorized vessel permitted to carry a maximum of 25 persons. ***If a person fails the examination required by RSA 270-E:22, I, the person may retake the examination for a fee of \$10 paid to the commissioner.*** The fees paid ***for re-examinations and*** for certificates issued under this section shall be deposited in the navigation safety fund established under RSA 270-E:6-a.

6 Addition to Boat Fee. Amend RSA 487:25, I to read as follows:

I. The fee of ~~[\$5]~~ **\$7.50** collected under the provisions of RSA 270-E:5, II(a) shall be paid to the director of the division of motor vehicles. The director of the division of motor vehicles shall pay over said fee to the state treasurer who shall keep the fee in a special fund to be expended by the department of environmental services. The department shall use \$.50 of the fee for lake restoration and preservation measures, exclusive of exotic aquatic weed control, ~~[\$1.50]~~ **\$3** of the fee for the control of exotic aquatic weeds, and ~~[\$3]~~ **\$4** of the fee for the milfoil and other exotic aquatic plants prevention program. The department shall deposit the ~~[\$3]~~ **\$4** into a special account within the lake restoration and preservation fund which shall be used to administer the milfoil and other exotic aquatic plants prevention program. The special fund shall be nonlapsing. All funds received under this section are continually appropriated to the department for the purposes of this subdivision.

7 Registration Fees. RSA 270-E:5, I is repealed and reenacted to read as follows:

I. The registration fees for commercial, private, and pleasure vessels, including rentals and airboats shall be as follows:

(a) Up to and including 16 feet	\$12
(b) 16.1 feet to 21 feet	\$17
(c) 21.1 feet to 30 feet	\$26
(d) 30.1 feet to 45 feet	\$36
(e) 45.1 feet and over	\$46

8 Effective Date.

I. Section 7 of this act shall take effect July 1, 2015.

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

Amendment adopted.

On a division vote, 183 members having voted in the affirmative and 123 in the negative, the committee report was adopted.

Referred to the Committee on Ways and Means.

HB 601-FN, relative to claims for compensation from the victims' assistance fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shannon E. Chandley for Criminal Justice and Public Safety: The victims' assistance compensation fund, administered by the attorney general's office, provides financial aid to victims of violent crimes under certain circumstances. This legislation clarifies the definition of victim and his or her immediate family. Further, it expands the definition of reimbursable expenses to include participation in post-conviction proceedings and restorative justice programs. In addition, this legislation lengthens the time limit on filing claims and increases the ceiling on reimbursement from \$10,000 to \$30,000. Finally, this legislation authorizes the attorney general to expend additional funds for awards to victims of crime. The majority of the committee believes that these measures are reasonable and necessary to insure that victims of violent crimes receive assistance in recovering from the impact of the crime. Vote 12-8.

Amendment (0345h)

Amend RSA 21-M:8-h, II as inserted by section 1 of the bill by replacing it with the following:

II. The claimant, guardian ad litem or child advocate, or parent ~~[shall]~~ **may** file a claim for compensation within ~~[one year]~~ **5 years** of the crime, unless good cause is shown.

Amend RSA 21-M:8-h, V as inserted by section 2 of the bill by replacing it with the following:

V. The claimant may be reimbursed for reasonable out-of-pocket expenses, medical expenses, funeral expenses, counseling expenses, **rehabilitative expenses, expenses associated with the victim's participation in post-conviction proceedings and victim-offender dialogue programs or other restorative justice programs**, and lost wages directly resulting from the crime. No reimbursement shall be paid unless the claimant has incurred reimbursable expenses of at least \$100. There shall be a ~~[\$10,000 ceiling on]~~ **\$30,000 maximum** recovery per claimant per incident. If expenses paid through

the victims' assistance program fund are later covered by insurance settlements, civil suit settlements, or restitution, or through any other source, the claimant shall reimburse the fund for the amount of expenses recovered.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 5:

3 New Paragraph; Claimant Eligibility. Amend RSA 21-M:8-h by inserting after paragraph VII the following new paragraph:

VIII. If the commission makes an award to a crime victim that exceeds the funds available in the victims' assistance fund under RSA 21-M:8-i, the commission shall notify the attorney general and request that the attorney general secure additional funds pursuant to the procedure set forth in RSA 7:12, III, sufficient to make the full award to the crime victim. No funds awarded as grants for the establishment or maintenance of victims' assistance programs under RSA 21-M:8-i, I shall be diverted to provide compensation to victims under RSA 21-M:8-g, III.

4 Attorney General; Assistants. Amend RSA 7:12 to read as follows:

7:12 Assistants; ***Compensation for Crime Victims.***

I. With the approval of the joint legislative fiscal committee and the governor and council, the attorney general may employ counsel, attorneys, detectives, experts, accountants and other assistants in case of reasonable necessity, and may pay them reasonable compensation, on the warrant of the governor, out of any money in the treasury not otherwise appropriated.

II. With the approval of the joint legislative fiscal committee and the governor and council, the attorney general may expend funds in excess of budgeted amounts to pay witness fees. Such fees may be paid on the warrant of the governor, out of any money in the treasury not otherwise appropriated.

III. In the event the attorney general is notified by the victims' assistance commission that there are insufficient funds to fully compensate a crime victim who has been awarded compensation pursuant to RSA 21-M:8-h, with the approval of the joint legislative fiscal committee and the governor and council, the attorney general may transfer sufficient funds into the victims' assistance fund to meet the amount of compensation awarded to the victim. Such funds may be paid on the warrant of the governor, out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill raises the limit of recovery from the victim's assistance fund to \$30,000, increases the time limit on filing claims for compensation, allows victims to be compensated for expenses associated with participation in post-conviction proceedings, and victim-dialogue programs or other restorative justice programs, and authorizes the attorney general to expend, with the approval of the fiscal committee and the governor and council, additional funds for awards to victims of crime.

Amendment adopted.

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

Rep. Cushing yielded to questions.

Committee report adopted.

Referred to the Committee on Ways and Means.

BILLS REMOVED FROM CONSENT CALENDAR

HB 363, eliminating requirements for additional breath tests for blood alcohol content.

INEXPEDIENT TO LEGISLATE.

Rep. Beth Rodd for Criminal Justice and Public Safety: This bill eliminates the traditional requirement of two breath tests for blood alcohol content levels. The second test, a check on the first, ensures accuracy of alcohol levels which may result in criminal penalties. Although the bill has a provision that allows a suspect to have an additional test at his or her own

expense, there is no process for facilitating access to a test. There may also be constitutional issues in omitting the additional test. Vote 16-3.

Rep. Shurtleff moved Recommit and spoke in favor.

Motion adopted.

Recommitted to the Committee on Criminal Justice and Public Safety.

HB 555-FN*, decriminalizing possession of one ounce or less of marijuana. **INEXPEDIENT TO LEGISLATE.*

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill would have decriminalized possession of one ounce of marijuana or less. There was a representation by a pro-marijuana advocate that it would be better to find this bill inexpedient to legislate to reduce confusion between this bill and a bill addressing marijuana. This was one of the factors considered by the committee. Other issues were the kind of message decriminalization creates in young people and how they may inadvertently find themselves in violation of other laws. Vote 15-5.

On a division vote, 207 members having voted in the affirmative and 108 in the negative, the committee report was adopted.

HB 355-FN-A*, relative to oil fund disbursement board authority and fees for oil discharge cleanup. **OUGHT TO PASS.*

Rep. Chris Christensen for Resources, Recreation and Development: This bill, submitted at the request of the department of environmental services and the oil fund disbursement board, addresses the reduced ability of the fund to meet pending obligations to clean up petroleum products that are leaking into groundwater. It raises the import fee on oil by one-quarter of a cent, to \$0.0175 per gallon. The fund is capped at \$5 million, at which point the fees are suspended. The board can also make rules to reduce clean-up reimbursements, such as through co-payments. It has been 13 years since the fee was last adjusted and clean-ups are being delayed due to a lack of funds. This fund is an environmental protection fund, and not related to road tolls that are designated for the highway fund. Vote 16-0.

Rep. Graham spoke against.

Rep. Chris Christensen spoke in favor and yielded to questions.

Committee report adopted.

Referred to the Committee on Ways and Means.

HB 90-FN*, relative to the employment of veterans on Veterans' Day. **OUGHT TO PASS WITH AMENDMENT.*

Rep. Patrick F. Garritty for State-Federal Relations and Veterans Affairs: The committee felt that with overwhelming bi-partisan support that it is overdue and just that our veterans of 135,000 strong in our State of New Hampshire to be recognized for their service to our nation and state. What is Veterans' Day without our veterans? Vote 17-1.

Amendment (0002h)

Amend RSA 115-A:29, II as inserted by section 1 of the bill by replacing it with the following:

II. Emergency responders such as police, firefighters, emergency medical technicians, and 911 operators shall have the holiday preference described in paragraph I so long as there is another qualified emergency responder available.

AMENDED ANALYSIS

This bill allows honorably discharged veterans no longer active in the armed forces to have a preference not to work on Veteran's Day.

This bill also allows emergency responders who are honorably discharged veterans no longer in the armed forces to have a preference not to work on Veteran's day so long as another emergency responder is available.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Vaillancourt spoke against.
Rep. Patrick Garrity spoke in favor and yielded to questions.
Rep. Vaillancourt moved Recommit and spoke in favor.
Rep. Michael Rollo spoke against.
Rep. Kurk spoke in favor.
On a division vote, 218 members having voted in the affirmative and 97 in the negative, the motion was adopted.
Recommitted to the Committee on State-Federal Relations and Veterans Affairs.

MOTION TO VACATE

Rep. Cote moved that the House vacate the reference of **SB 32**, relative to notice to a defendant of the availability of sentence review and **SB 37**, relative to release of a defendant pending trial, to the Committee on Judiciary.
Adopted.
The Speaker referred **SB 32** and **SB 37** to the Committee on Criminal Justice and Public Safety.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Eaton moved that the House reconsider its action whereby it adopted the majority committee report of Inexpedient to Legislate on **HCR 6**, affirming States' rights based on Jeffersonian principles.
Rep. Eaton spoke against.
Rep. Kris Roberts spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. William O'Brien moved that the motion to reconsider House action on **HCR 6**, affirming States' rights based on Jeffersonian principles, be laid on the table.
Rep. Eaton requested a roll call; sufficiently seconded.

YEAS 108 NAYS 207

YEAS 108

BELKNAP

Boyce, Laurie	Fields, Dennis	St. Cyr, Jeffrey	Swinford, Elaine
Wendelboe, Fran			

CARROLL

Chandler, Gene	Fleck, Joseph	Knox, J. David	McConkey, Mark
Scala, Dino	Umberger, Karen		

CHESHIRE

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

COOS

Rappaport, Laurence	Remick, William	Stohl, Eric
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GRAFTON

Gionet, Edmond
Williams, Burton

Ingbretson, Paul

Ladd, Rick Jr

Maybeck, Margie

HILLSBOROUGH

Batula, Peter
Christiansen, Lars
Elliott, Nancy
Hawkins, Ken
Holden, Frank
L'Heureux, Robert
O'Brien, William
Rowe, Robert
Ulery, Jordan

Boehm, Ralph
Daniels, Gary
Gagne, Larry
Hikel, John
Holden, Rip
Mead, Robert
Palmer, Stephen
Ryder, Donald
Vaillancourt, Steve

Cebrowski, John
Day, Russell
Graham, John
Hinkle, Peyton
Hopper, Gary
Messier, Irene
Price, Pamela
Seidel, Carl
Villeneuve, Moe

Christensen, Chris
Doherty, Shaun
Haefner, Robert
Hogan, Edith
Kurk, Neal
Moran, Edward
Renzullo, Andrew
Soucy, Connie
Willette, Robert

MERRIMACK

Anderson, Eric
Palfrey, David

Boutin, David
Reed, Dennis

Coffey, Jennifer
Smith, Todd

Kotowski, Frank

ROCKINGHAM

Baldasaro, Alfred
Bridle, Russell
DeSimone, Debra
Dumaine, Dudley
Headd, James
Kappler, L. Mike
Packard, Sherman
Sedensky, John
Tucker, Pamela

Bates, David
Cali-Pitts, Jacqueline
Devine, James
Ferrante, Beverly
Hoelzel, Kathleen
Katsakiores, George
Quandt, Matt
Smith, William
Weare, Everett

Bettencourt, David
Charron, Gene
DiFruscia, Anthony
Garrity, James
Introne, Robert
Katsakiores, Phyllis
Rausch, James
Stiles, Nancy

Bishop, Franklin
Comerford, Timothy
Dowling, Patricia
Griffin, Mary
Itse, Daniel
Major, Norman
Sanders, Elisabeth
Sullivan, James

STRAFFORD

Bickford, David

Groen, Warren

Horrigan, Timothy

Vita, Carol

SULLIVAN

Howard, Thomas

Osgood, Joe

Rodeschin, Beverly

NAYS 207

BELKNAP

Arsenault, Beth
Nedeau, Stephen

Merry, Liz
Pilliod, James

Miller, Kate
Reever, Judith

Millham, Alida

CARROLL

Ahlgren, Christopher
Patten, Betsey

Bridgham, Robert
Roberts, John

Buco, Thomas
Wiley, Susan

Butler, Edward

CHESHIRE

Burridge, Delmar
Carr, Daniel
Mitchell, Bonnie

Butcher, Suzanne
Eaton, Daniel
Parkhurst, Henry

Butterworth, Timothy
Lindsey, Steven
Richardson, Barbara

Butynski, William
Meador, David
Roberts, Kris

Robertson, Timothy

Sad, Tara

Weber, Lucy

Weed, Charles

COOS

Hatch, William
Richardson, Herbert

Ingersoll, Paul Sr
Theberge, Robert

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

Almy, Susan
Ford, Susan
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

Benn, Bernard
Friedrich, Carol
Matheson, Robert
Pierce, David
Townsend, Charles

Bulis, Lyle
Gould, Franklin
Mulholland, Catherine
Preston, Philip

HILLSBOROUGH

Baroody, Benjamin
Belvin, William
Chininis, Alexis
Flurey, Joan
Gidge, Kenneth
Hammond, Jill
Hinch, Richard
Jeudy, Jean
Komi, Richard
Long, Patrick

Beauchamp, Roger
Campbell, David
Clemmons, Jane
Foster, Linda
Goley, Jeffrey
Hardy, Valerie
Hodges, Kevin
Katsiantonis, Thomas
Kopka, Angeline
Mack, Ron

Beaulieu, Jane
Caron, June
Cote, David
Gargasz, Carolyn
Gorman, Mary
Harvey, Philip
Irwin, Anne-Marie
Knowles, John
Leishman, Peter
Marshall, Seth

Beck, Catriona
Chase, Claudia
Craig, James
Garrity, Patrick
Hackel, Paul
Harvey, Suzanne
Jasper, Shawn
Knowles, Mary Ann
Lisle, Carolyn
Matarazzo, Anthony
Sr
Pilotte, Maurice
Rosenwald, Cindy
Shaw, Kimberly
Winters, Joel

Movsesian, Lori
Poznanski, Brian
Schulze, Joan
Soucy, Timothy

O'Neil, James
Pratt, Calvin
Shattuck, Gilman
Sullivan, Daniel

Peterson, Andrew
Rhodes, Brian
Shaw, Barbara
Walsh, Robert Jr

MERRIMACK

Bouchard, Candace
Foose, Robert
Kelly, Sally
Osborne, Jessie
Rice, Chip
Stetson, William
Walz, Mary Beth

Brown, Carole
Gile, Mary
Lockwood, Priscilla
Porter, Margaret
Richardson, Gary
Tilton, Joy
Webb, Leigh

Davis, Frank
Hamm, Christine
McGuire, Carol
Potter, Frances
Rodd, Beth
Tupper, Frank
Yeaton, Charles

DeStefano, Stephen
Hess, David
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Elliott, Robert
Gould, Kenneth
Ingram, Russell
McCarthy, Barbara
Nord, Susi
Russell, Trinkia

Webber, Carolyn

Borden, David
Cushing, Robert
Emiro, Frank
Henson, John
Kepner, Susan
McEachern, Paul
Pantelakos, Laura
Scamman, W.
Douglas Jr
Welch, David

Brown, C. Pennington
Day, Judith
Flanders, John Sr
Howard, Doreen
Lyons, Melissa
Moody, Marcia
Petterson, Don
Schlachman, Donna

Case, Frank
DiPentima, Rich
Gleason, John
Hutchinson, Gina
Mann, Maureen
Nevins, Chris
Read, Robin Jr
Splaine, James

STRAFFORD

Berube, Roger
Burke, Rachel
Hutz, Sarah
Perry, Robert
Rollo, Michael
Spang, Judith
Ward, Kenneth

Brown, Julie
Cyr, James
Kaen, Naida
Price, Susan
Rous, Emma
Sprague, Dale
Watters, David

Brown, Larry
Domingo, Baldwin
Keans, Sandra
Rogers, Rose Marie
Schmidt, Peter
Vachon, Dennis

Browne, Brendon
Hofemann, Roland
Lauterborn, Elaine
Rollo, Deanna
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Sweeney, Cynthia
and the motion failed.

The question now being shall the House reconsider its action on **HCR 6**, affirming States' rights based on Jeffersonian principles.

Rep. Eaton requested a roll call; sufficiently seconded.

YEAS 104 NAYS 212

YEAS 104

BELKNAP

Boyce, Laurie

St. Cyr, Jeffrey

Swinford, Elaine

Wendelboe, Fran

CARROLL

Ahlgren, Christopher
McConkey, Mark

Chandler, Gene
Roberts, John

Fleck, Joseph
Scala, Dino

Knox, J. David
Umberger, Karen

CHESHIRE

Emerson, Susan

Hunt, John

Laurent, John

Sterling, Franklin Jr

COOS

Rappaport, Laurence

Remick, William

Stohl, Eric

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond

Ingbretson, Paul

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Daniels, Gary
Gagne, Larry
Hikel, John
Holden, Frank
O'Brien, William
Renzullo, Andrew
Soucy, Connie

Boehm, Ralph
Day, Russell
Graham, John
Hinch, Richard
Hopper, Gary
Palmer, Stephen
Rowe, Robert
Ulery, Jordan

Cebrowski, John
Doherty, Shaun
Haefner, Robert
Hinkle, Peyton
L'Heureux, Robert
Pratt, Calvin
Ryder, Donald
Vaillancourt, Steve

Christiansen, Lars
Elliott, Nancy
Hawkins, Ken
Hogan, Edith
Mead, Robert
Price, Pamela
Seidel, Carl
Willette, Robert

MERRIMACK

Anderson, Eric

Boutin, David

Coffey, Jennifer

Kotowski, Frank

McGuire, Carol

Palfrey, David

Reed, Dennis

Smith, Todd

ROCKINGHAM

Baldasaro, Alfred
Bridle, Russell
Devine, James
Ferrante, Beverly
Hoelzel, Kathleen
Katsakiores, George
Quandt, Matt
Smith, William
Weare, Everett

Bates, David
Charron, Gene
Dowling, Patricia
Garrity, James
Introne, Robert
Katsakiores, Phyllis
Rausch, James
Stiles, Nancy
Welch, David

Bettencourt, David
Comerford, Timothy
Dumaine, Dudley
Griffin, Mary
Itse, Daniel
Major, Norman
Sanders, Elisabeth
Sullivan, James

Bishop, Franklin
DeSimone, Debra
Emiro, Frank
Headd, James
Kappler, L. Mike
Packard, Sherman
Sedensky, John
Tucker, Pamela

STRAFFORD

Bickford, David

Groen, Warren

Vita, Carol

SULLIVAN

Howard, Thomas

Osgood, Joe

Rodeschin, Beverly

NAYS 212

BELKNAP

Arsenault, Beth
Millham, Alida

Fields, Dennis
Nedeau, Stephen

Merry, Liz
Pilliod, James

Miller, Kate
Reever, Judith

CARROLL

Bridgham, Robert
Wiley, Susan

Buco, Thomas

Butler, Edward

Patten, Betsey

CHESHIRE

Burridge, Delmar
Carr, Daniel
Meador, David
Roberts, Kris
Weed, Charles

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

Butterworth, Timothy
Johnson, Jane
Parkhurst, Henry
Sad, Tara

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

COOS

Hatch, William
Richardson, Herbert

Ingersoll, Paul Sr
Theberge, Robert

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Ford, Susan
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

Almy, Susan
Friedrich, Carol
Matheson, Robert
Pierce, David
Townsend, Charles

Benn, Bernard
Gould, Franklin
Mulholland, Catherine
Preston, Philip
Williams, Burton

Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Belvin, William

Beauchamp, Roger
Campbell, David

Beaulieu, Jane
Caron, June

Beck, Catriona
Chase, Claudia

Chininis, Alexis
Craig, James
Gargas, Carolyn
Gorman, Mary
Harvey, Philip
Irwin, Anne-Marie
Knowles, John
Kurk, Neal
Mack, Ron

Moran, Edward
Pilotte, Maurice
Schulze, Joan
Soucy, Timothy
Winters, Joel

Christensen, Chris
Dokmo, Cynthia
Garrity, Patrick
Hackel, Paul
Harvey, Suzanne
Jasper, Shawn
Knowles, Mary Ann
Leishman, Peter
Marshall, Seth

Movsesian, Lori
Poznanski, Brian
Shattuck, Gilman
Sullivan, Daniel

Clemons, Jane
Flurey, Joan
Gidge, Kenneth
Hammond, Jill
Hodges, Kevin
Jeudy, Jean
Komi, Richard
Lisle, Carolyn
Matarazzo, Anthony
Sr
O'Neil, James
Rhodes, Brian
Shaw, Barbara
Villeneuve, Moe

Cote, David
Foster, Linda
Goley, Jeffrey
Hardy, Valerie
Holden, Rip
Katsiantonis, Thomas
Kopka, Angeline
Long, Patrick
Messier, Irene

Peterson, Andrew
Rosenwald, Cindy
Shaw, Kimberly
Walsh, Robert Jr

MERRIMACK

Bouchard, Candace
Foos, Robert
Kelly, Sally
Porter, Margaret
Richardson, Gary
Tilton, Joy
Webb, Leigh

Brown, Carole
Gile, Mary
Lockwood, Priscilla
Potter, Frances
Rodd, Beth
Tupper, Frank
Yeaton, Charles

Davis, Frank
Hamm, Christine
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Wallner, Mary Jane

DeStefano, Stephen
Hess, David
Osborne, Jessie
Rice, Chip
Stetson, William
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Case, Frank
DiFruscia, Anthony
Gleason, John
Hutchinson, Gina
Mann, Maureen
Nevins, Chris
Read, Robin Jr

Splaine, James

Borden, David
Casey, Kimberley
DiPentima, Rich
Gould, Kenneth
Ingram, Russell
McCarthy, Barbara
Nord, Susi
Russell, Trink

Webber, Carolyn

Brown, C. Pennington
Cushing, Robert
Elliott, Robert
Henson, John
Kepner, Susan
McEachern, Paul
Pantelakos, Laura
Scamman, W.
Douglas Jr

Cali-Pitts, Jacqueline
Day, Judith
Flanders, John Sr
Howard, Doreen
Lyons, Melissa
Moody, Marcia
Pettersen, Don
Schlachman, Donna

STRAFFORD

Berube, Roger
Burke, Rachel
Horrigan, Timothy
Lauterborn, Elaine
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Brown, Julie
Cyr, James
Hutz, Sarah
Perry, Robert
Rollo, Michael
Spang, Judith
Ward, Kenneth

Brown, Larry
Domingo, Baldwin
Kaen, Naida
Price, Susan
Rous, Emma
Sprague, Dale
Watters, David

Browne, Brendon
Hofemann, Roland
Keans, Sandra
Rogers, Rose Marie
Schmidt, Peter
Vachon, Dennis

SULLIVAN

Cloutier, John
Harris, Sandra

Sweeney, Cynthia
and the motion failed.

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

SPECIAL ORDERED

Without objection, the Speaker ordered the remaining bills on today's Regular Calendar-Part II to be made Special Orders for the next session day in their regular calendar order.

HOUSE RESOLUTION 6

A RESOLUTION affirming revenue estimates for fiscal years 2009, 2010, and 2011.

Whereas, the House Ways and Means Committee has considered what the unrestricted revenue estimates should be for fiscal years 2009, 2010, 2011 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 2009, 2010, and 2011.

Committee estimates are based on current rates.

	<u>FY 2009</u>		<u>FY 2010</u>	<u>FY 2011</u>
GEN'L & EDUCATION				
TRUST FUND:	Official	Committee	Committee	Committee
(Dollars in Millions)	Estimate	Estimate	Estimate	Estimate
Business Profits Tax	\$388.600	\$290.000	\$281.600	\$284.500
Business Enterprise Tax	<u>285.400</u>	<u>212.600</u>	<u>206.500</u>	<u>208.600</u>
Subtotal	674.000	502.600	488.100	493.100
Meals & Rooms Tax	230.000	213.000	215.000	220.000
Tobacco Tax	175.900	180.500	155.000	150.500
Real Estate Transfer Tax	145.600	80.600	80.000	87.200
Liquor Sales	146.100	144.600	145.800	150.200
Interest & Dividends Tax	126.000	107.000	100.000	103.000
Insurance Tax	98.300	90.500	88.300	86.500
Communications Tax	82.900	82.600	82.000	85.000
Other	75.050	84.000	54.600	54.300
Tobacco Settlement Funds	49.300	53.000	49.400	50.000
Securities Revenue	34.000	34.000	34.000	34.000
Court Fines & Fees	32.900	28.700	20.100	20.400
Board & Care Revenue	16.400	19.000	19.900	20.500
Beer Tax	12.900	12.900	12.800	12.800
Utility Consumption Tax	6.600	6.100	6.000	6.000
Racing & Games of Chance	<u>3.000</u>	<u>4.000</u>	<u>3.700</u>	<u>3.700</u>
SUBTOTAL	\$1,908.950	\$1,643.100	\$1,554.700	\$1,577.200
Medicaid Enhancement Tax	91.800	101.400	105.000	117.300
Utility Property Tax	23.600	23.600	25.000	26.000
Statewide Property Tax	363.000	363.000	363.000	363.000
	<u>FY 2009</u>		<u>FY 2010</u>	<u>FY 2011</u>

Lottery Transfers to Education	87.800	75.600	76.600	80.400
Bingo Lucky 7 Transfers to Education	1.500	1.300	1.300	1.300
Medicaid Recoveries	14.600	21.200	18.800	19.600
TOTAL GEN'L & ED				
TRUST FUNDS	\$2,491.250	\$2,229.200	\$2,144.400	\$2,184.800
HIGHWAY FUNDS: (Dollars in Millions)	Official Estimate	Committee Estimate	Committee Estimate	Committee Estimate
Road Toll	\$139.900	\$131.400	\$125.400	\$125.400
Motor Vehicle Fees	103.900	99.400	111.400	105.400
Miscellaneous	<u>13.700</u>	<u>15.300</u>	<u>19.200</u>	<u>19.200</u>
TOTAL HIGHWAY FUNDS	\$257.500	\$246.100	\$256.000	\$250.000
FISH & GAME FUNDS:				
(Dollars in Millions)				
Fish & Game Licenses	\$8.300	\$8.300	\$8.300	\$8.300
Fines & Miscellaneous	<u>1.900</u>	<u>1.700</u>	<u>1.700</u>	<u>1.700</u>
TOTAL FISH & GAME FUNDS	\$10.200	\$10.000	\$10.000	\$10.000

Rep. Almy moved Ought to Pass, spoke in favor and yielded to questions.

LAID ON THE TABLE

Rep. Almy moved that **HR 6**, affirming revenue estimates for fiscal years 2009, 1010 and 2011, be laid on the table.
Adopted.

RESOLUTION

Rep. Wallner offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 11, 2009.
Adopted.

LATE SESSION

Third reading and final passage

HB 513, relative to the prohibition on voting in more than one state.

HB 622, amending the hearing dates of the ballot law commission.

HB 623, making various changes to the election laws.

HB 667-FN, relative to misrepresenting the origin of a campaign call.

HB 423-FN-A-L, requiring the department of environmental services to develop an outreach campaign to disseminate information on recycling materials, including electronic waste.

HB 256, relative to the New Hampshire accountancy act.

HB 316, relative to expenditures by boards and commissions for costs of examinations of

applicants.

HB 335, relative to the state retiree health plan commission.

HB 339, ratifying changes to the state building code adopted by the state building code review board and revising the definition of the state building code.

HB 633-FN, relative to eligibility for medical benefits payment by the retirement system for certain group I teacher and political subdivision employee members.

HB 685-FN, relative to medical benefits payment by the retirement system for certain vested deferred group I members.

HB 526, changing certain references in fish and game laws to river herring.

HB 612, relative to the suspension or revocation of fish and game licenses.

HB 226-FN, relative to the lead paint poisoning law.

HB 118, relative to periodic payments of judgments.

HB 157, relative to library patron records.

HB 206, relative to retention of governmental records under the right-to-know law.

HB 183, relative to removal of town officers.

HB 450, relative to the state 10-year transportation improvement program.

HB 55, relative to energy facility siting construction and operation.

HB 117, repealing the gas utility restructuring oversight committee.

HB 229, clarifying the eligibility requirements for class IV renewable energy generating facilities.

HB 85-FN-A, establishing the women, infants and children program fund.

HB 600-FN, relative to dedicated funds maintained by the state treasurer.

SB 76, naming a bridge in the town of Barrington the Sp. Jesse Scott Conger Memorial Bridge.

SB 96, naming a bridge in Webster in honor of Sgt. William J. Tracy.

HB 671-FN, amending the motorist service signing program to allow the department of transportation to charge a fee for attraction signs.

UNANIMOUS CONSENT

Reps. Case, Hess, Theberge and Itse addressed the House.

MOTION TO PRINT REMARKS

Rep. Eaton moved that the remarks made by Rep. Case be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. Case: Thank you, Madam Speaker. Honorable members of the House, I don't know if you feel the same way I do, but I think my brain needs resomation right now. On January 21, 2009, Robert Allyn Johnson came home to his beloved farm house in Northwood from a trip to Concord, one of probably thousands that he had made, and that evening passed away at the age of 93. I had first met and talked with Bob in the fall of 2006 when we campaigned together. My biggest regret is that I did not have more time to get to know him better. We had shared several lifetime experiences. We both happened to be born to parents who left New Hampshire, in another state so neither of us would be natives, but we both returned to be able to go to school and grow up in New Hampshire. We were both involved in our town's education system. We were both Town Moderators and we both served in the New Hampshire General Court. "Let me make this perfectly clear," as a famous President said, there is no comparison between my service and Bob Johnson's service. My time in each position was measured in years, for Bob Johnson they were measured in decades. I served on the Raymond School Board for nine years and was the Chair for three of those years. Bob Johnson was a trustee of Coe-Brown Northwood Academy for thirty-six years. He served as

the President of Trustees for fourteen of these years. I was a Raymond Town Moderator for ten years, that's a decade isn't it? Bob was a Northwood Town Moderator for six decades. That is sixty years. He was elected thirty consecutive times as the Town Moderator in the Town of Northwood. I think he was first elected in the year 1938 when I was going into the second grade. I have started my third year in the House. Bob, when he left in 2007 because of ill health, had served thirty-three years in the House. The first year he served in the House was 1940. He then served until 1950 when he was appointed the Chief Director of Parole for the New Hampshire Adult Parole Board. I can remember him standing over on the other side when he was awarded the Dean of the House and he said he would have been here all sixty years except he spent thirty years in prison. I suspect his office was in the prison. I will not try to stand here and tell you all of the accomplishments that he made but at Bob's memorial service, Secretary of State Bill Gardner spoke about legislation that Bob Johnson had proposed that allowed individuals, municipalities and the state to be able to recover monies lost in unlawful financial schemes. As a result, more than 20 million has been recovered by this legislation. Bill also pointed out that at the age of twenty-one, Bob was the youngest moderator in the state at that time. If you look at the history of Northwood, when he retired, Northwood had been 236 years a town and he had spent one quarter of that town's history as their Moderator. I don't think anybody will ever be able to match that. He did tell me one story about when he was a moderator and they had a warrant article about modernizing some of the equipment in the Selectmen's office. A new resident stood up and said that he did not think that the town was being modernized at all. This was a resident that had been there six or seven years but he was a new resident as you can tell. Bob asked him why he didn't think the town was modern. He said, "Well I have looked in the history book and the first year this town had a town meeting they had a Selectman by the name of Johnson and they had a Moderator by the name of Johnson and, by God, this year they have a Selectmen named Johnson and they have a Moderator named Johnson, so how was there any thing that changed?" Bob Johnson said to him, "Well, you know there's a lot of us here and we are very friendly folks." He also told me about a road that he had an idea about. If any of you are in the Northwood area, people come from Rochester and want to go to Manchester come down Rt. 202 out of Rochester, get to Rt. 9 and hang a right and go all the way across the Town of Northwood to Rt. 107 and then come down Rt. 107 through Deerfield, Candia and out to 101. He had this idea that where 202 crossed 9 to put a road in and I don't know how he did it, if he did legislation or if he just conned some people from Transportation, but they did put this road in. I drove that road when I first found out about it. From that point where he told me to the Mr. Mikes Store on 107, is 5.9 miles. He saved these people that travel back and forth at least 45 minutes, maybe an hour every day on that road and it's called Rt. 43 now, not 66, but 43. He also served a short term in the Army which he never spoke about. Along with his many contributions, he was a loving family man. One of his sons shared this story with us about him and his family. On some nights after dinner, or supper as we say in New Hampshire because you have cows to milk in the morning and then its breakfast and you have a good dinner in the lunch time and you have supper at night. Some nights he would say to the boys - he had three sons. He got married at 50 years old by the way and had three handsome, nice sons and one probably that people knew here was Rob who served as the Sgt.-at-Arms. He would say, "Let's have an orange party" to his three boys. The three boys would stay at the table, Bob would get four oranges and as they sat there they would peel the oranges and eat them and Bob would ask each one of those boys to tell him what the boy had done that day. Talk about family communications, is that something? Yes, I will miss him. When he spoke on a subject that amused him, he would get a little twinkle in his eyes and a little slight smile on his face and you knew he was really tickled about telling you about that. The last time I was with him, I watched him refuse a ride home with his son, Rob and then get out on an all-terrain vehicle and drive off in the sunset. A real New Hampshire man who

loved his family, who served his town, his state and his country. We will all miss you, Bob. Job well done. Thank you, Madam Speaker.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of former Representative, the Honorable Robert Johnson.

MOTION TO PRINT REMARKS

Rep. Packard moved that the remarks made by Rep. Hess be printed in the Permanent Journal.
Adopted.

REMARKS

Rep. Hess: Thank you very much, Madam Speaker. Madam Speaker, almost exactly a year after I stood before you to eulogize my long time friend, Mike Whalley, I rise again to commend the memory of another former member of this body to you. Charles "Charlie" Humphries who served with us in the last term, in the eloquent words of his obituary, "Stepped peacefully into eternity on Friday, February 27th." Soft spoken, but passionate; determined and courageous, this was his third fight with cancer. He won the first two. He almost succeeded in this one. Principled, of strong unshakable faith, a true gentlemen in every sense of the word and a most considerate person. I know he is embarrassed tonight to think that I am holding you here for a few extra seconds to remember him, but I will take that liberty. Charlie was a relative recent newcomer to Hooksett, not much more than a decade, if that, when he and his wife arrived in town, but he left an indelible mark in town with his effort and with his commitment. He served his country for four years in the 50's. He was a chief financial officer for a variety of companies. He served here in this House in the 2007/2008 Session. Charlie, in Hooksett with his wife, Sally, helped to re-invigorate and re-found the Hooksett Republican Town Committee. He was a lifelong NRA member. He was a member of the Alan Formby American Legion Post in town. He received numerous awards and commendations from the people and the organizations that he loved, cherished and worked so hard on. Thank you very much, Charlie, we will miss you.

A moment of silence was observed in honor and in memory of former Representative, the Honorable Charles Humphries.

RECESS MOTION

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

The House recessed at 7:15 p.m.

RECESS

(Rep. Rosenwald in the Chair)

RESOLUTION

Rep. DiPentima offered the following: RESOLVED, that late drafting and introduction having been approved by the Rules Committee, House Bill numbered 25 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.
Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 25-FN-A, making appropriations for capital improvements. (Bouchard, Merr 11; Janeway, Dist 7: Public Works and Highways)

RECESS

(Rep. Eaton in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 76.

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

RECESS

(Rep. Foster in the Chair)

RESOLUTION

Rep. Wallner offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 14, 26, 29, 31, 69, 75, 148, 160, 165, 171, 174, 176, 183 and 185 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 14, relative to the governing boards of allied health professionals. (Executive Departments and Administration)

SB 26, relative to degree granting authority for St. John International University. (Education)

SB 29, relative to review of developments of regional impact. (Municipal and County Government)

SB 31-FN, establishing the Candia District Court and the Manchester District Court as judicial branch family division sites. (Judiciary)

SB 69-FN, relative to design build contracting for transportation projects. (Public Works and Highways)

SB 75-L, changing the formula for distribution of highway funds in the Woodsville fire district. (Municipal and County Government)

SB 148, establishing that the state of New Hampshire recognizes the designations of Prisoner of War (POW) and Missing in Action (MIA) as valid descriptions of casualty status and category classification for military personnel. (State-Federal Relations and Veterans Affairs)

SB 160-FN, relative to benefits of dependents of a group II retirement system member who is killed or dies in the performance of duty. (Executive Departments and Administration)

SB 165-FN, relative to fire equipment service certification. (Executive Departments and Administration)

SB 171-FN, relative to competency evaluations. (Health, Human Services and Elderly Affairs)

SB 174-FN, relative to state recoveries of public assistance caused by fraud. (Judiciary)

SB 176-FN, establishing a fee for probationers and parolees who apply to be supervised in another state. (Criminal Justice and Public Safety)

SB 183-FN, relative to the number of daily journals printed by the house and senate clerks. (Legislative Administration)

SB 185-FN, relative to rates and charges for medical services to state prisoners. (Health, Human Services and Elderly Affairs)

RECESS