

HOUSE RECORD

Second Year of the 161st General Court Calendar and Journal of the 2010 Session

Vol. 32

Concord, N.H.

Wednesday, January 27, 2010

No. 12

HOUSE JOURNAL No. 3 (cont.)

Thursday, January 21, 2010

Rep. Wallner moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 4

Wednesday, January 27, 2010

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

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

O God, silence is indeed a rare gift. In these days of constant chatter and never ending communication, we give You thanks for the pauses in our lives and we pray that there will be pauses in our afternoon that would allow Your grace to stream through. As we ponder and consider today the various ways in which we honor those who have gone before us, help us in our work to honor one another, to honor You and to honor those we are called to serve in the state of New Hampshire. This we pray in Your Holy name. Amen.

Representative Ladd, member from Haverhill, led the Pledge of Allegiance.

SPECIAL PERFORMANCE

David Ripley performed an original song entitled "Wounded Dove" in honor of Dr. Martin Luther King, Jr.

LEAVES OF ABSENCE

Reps. Clemons, Franklin Gould, Hammond, Gina Hutchinson, Itse, Jeudy, George Katsakiores, LaPlante, Lisle, Norelli and Spaulding, the day, illness.

Reps. Brendon Browne, Caron, Dowling, Gidge, Hinkle, Hutz, Introne, Kolodziej, Levesque, Lewis, Pamela Price, Priestley, Rowe, Kenneth Ward and Carol Williams, the day, important business.

Reps. Phyllis Katsakiores, Joy Tilton and Ulery, the day, illness in the family.

Reps. Cali-Pitts and Nevins, the day, death in the family.

INTRODUCTION OF GUESTS

Airman First Class Rachel Walker, US Air Force, guest of Rep. Comerford. Dick Desrosiers, guest of Reps. Cushing and Kepner. Mary Lukas Dewinkeleer, Jen DePiero, Robbie Feinberg and Allie Bedell, guests of Reps. Baldasaro and Butler.

COMMITTEE REPORTS

SPECIAL ORDER

HB 571-FN, relative to limited driving privileges for certain persons whose licenses have been revoked or suspended and relative to DWI convictions. **INEXPEDIENT TO LEGISLATE.**

Rep. Roland H. LaPlante for Transportation: The majority of the committee felt that this bill was inappropriate to merit any consideration because of the almost impossible task that law enforcement people would have in specific areas to enforce this statute. Much negativity along these lines was expressed at the hearing. Vote 13-3.

Rep. Holden spoke against and yielded to questions.

Rep. Michael O'Brien spoke in favor and yielded to questions.

On a division vote, 247 members having voted in the affirmative and 102 in the negative, the committee report was adopted.

SPECIAL ORDER

HB 579-FN, establishing motor vehicle learners' permits and relative to youth operators' licenses. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. C. Pennington Brown for the Majority of Transportation: The purpose of this bill is to maximize the experience of novice drivers while minimizing risks by instituting a learner's permit, requiring a road test of all first-time drivers and limiting passengers during the first year of a youth operator's license. This graduated driver's license approach has proven itself according to all studies. Vote 8-7.

Rep. Jennifer R. Coffey for the Minority of Transportation: The minority of the committee has a number of concerns. Last session we increased the requirements on young driver's from 20 hours of driving time with a parent or guardian to 40 hours including 10 hours of night driving. The minority agrees the best way to maximize experience is to drive; a written test does not accomplish this. At a time when budgets are tight this will increase operating costs to the department of safety for test administration including but not limited to the test itself, staff to administer and correct the test, as well as if the exam is administered as a computer based or paper exam and oversight. This increases the size and scope of a government agency and increases the burdens on citizens with a new fee. This bill also increases the restriction on 18 to 21 year olds that forbids them from car pooling for a full year rather than the current six months. The bill will not increase safety but it will increase the cost and size of government and the fees on citizens.

Majority Amendment (2510h)

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

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

263:6 Examination. Before a license is granted to any person, the applicant, if not previously licensed to drive a motor vehicle in this state, shall pass such examination as to the person's qualifications as the director may prescribe. ***Such examination shall include a road test of the applicant's driving skills.*** Such examination may ***also*** include an examination for visual acuity as prescribed by the director. All license examinations shall be conducted by department of safety personnel. No license shall be issued until the director is satisfied that the applicant is a proper person to receive it. No physical defect of an applicant shall prohibit the applicant from receiving a license unless it can be shown by common experience that such defect results in an incapacity to safely drive a motor vehicle, except as provided in RSA 263:13. ***Previously licensed, out-of-state drivers who have relocated, or are in the process of relocating their permanent residence to New Hampshire are exempt from taking the examination unless their out-of-state drivers' license has expired, or they cannot demonstrate proof that they possess a license which is current, valid, and the appropriate class and type.***

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

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

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

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

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

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

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

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

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

II.(a) The director shall issue a youth operator's license to applicants who are 16 years of age or older and under 21 years of age. The youth operator license shall expire on the 21st anniversary of the applicant's date of birth. In addition to any other requirements established by law, no such license shall be issued to applicants under 18 years of age unless the applicant **possesses a learner's permit issued under RSA 263:25-a**, meets the requirements of RSA 263:17, ~~[or furnishes written consent from the applicant's parent or legal guardian]~~ and **furnishes** a certificate of successful completion of a driver education course as provided in RSA 263:19.

7 Youth Operators' Licenses; Restrictions. Amend RSA 263:14, II(c) to read as follows:

(c) During the first ~~[6 months]~~ **year** after issuance of the license, the holder of a youth operator's license shall not operate a motor vehicle with more than one passenger ~~[less than 25 years of age]~~ who is not a member of the holder's family ~~[unless accompanied by a]~~ **or the holder's legal guardian. If there is more than one passenger, such additional passengers shall at all times include one** licensed responsible adult **who is a member of the holder's family or the holder's legal guardian and** who is at least 25 years of age **and there shall be a passenger restraint worn by every person in the vehicle who is required to wear a passenger restraint under RSA 265:107-a.**

8 Effective Date. This act shall take effect July 1, 2010.

AMENDED ANALYSIS

This bill:

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

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

Majority committee amendment adopted.

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

Rep. Michael O'Brien offered floor amendment (0132h).

Floor Amendment (0132h)

Amend RSA 263:25-a as inserted by section 2 of the bill by replacing it with the following:

263:25-a Learner's Permit. Upon application and payment of the fee provided in RSA 263:42, the department shall issue a learner's permit to a person who is at least 15-1/2 years of age and under 18 years of age, provided that the person has already obtained a passing score on the written examination established in RSA 263:6. The permit shall be valid until the holder's 18th birthday or until the holder of the permit obtains a youth operator's license, whichever is sooner. A person who has passed the written examination as a prerequisite to obtaining a learner's permit shall not be required to take another written examination as a prerequisite to obtaining a youth operator's license. Current valid learner's permits issued by another state shall be recognized as equivalent to a learner's permit issued under this section.

Amend the bill by replacing sections 7 and 8 with the following:

7 Youth Operators' Licenses; Restrictions. Amend RSA 263:14, II(c) to read as follows:

(c) During the first 6 months after issuance of the license, the holder of a youth operator's license shall not operate a motor vehicle with more than one passenger ~~[less than 25 years of age]~~ who is not a member of the holder's family ~~[unless accompanied by a]~~ **or is not the holder's legal guardian. If there is more than one passenger, such additional passengers shall at all times include one** licensed responsible adult **who is a member of the holder's family or the holder's legal guardian and** who is at least 25 years of age **and there shall be a passenger restraint worn by every person in the vehicle who is required to wear a passenger restraint under RSA 265:107-a.**

8 Effective Date. This act shall take effect January 1, 2012.

Rep. Michael O'Brien spoke in favor.
Floor amendment (0132h) adopted.

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

Rep. Michael O'Brien yielded to questions.

Rep. Coffey spoke against and yielded to questions.

Rep. Ingersoll spoke against.

Rep. Merrick spoke in favor and yielded to questions.

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

YEAS 164 NAYS 192

YEAS 164

BELKNAP

Merry, Liz Reeve, Judith Stuart, Richard

CARROLL

Bridgham, Robert Buco, Thomas Butler, Edward

CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Carlson, Nancy	Carr, Daniel	Eaton, Daniel
Lerandean, Alfred	Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara
Robertson, Timothy	Sad, Tara	Weber, Lucy	Weed, Charles

COOS

Hatch, William Mears, Lucy Merrick, Evalyn Thomas, Yvonne

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Ford, Susan	Harding, Laurie	Laliberte, Suzanne	Mulholland, Catherine
Nordgren, Sharon	Pastor, Beatriz	Pierce, David	Preston, Philip
Smith, Suzanne	Taylor, Kathleen	Townsend, Charles	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Campbell, David
Chase, Claudia	Chinini, Alexis	Cote, David	Farley, Michael
Flurey, Joan	Garrity, Patrick	Hackel, Paul	Hardy, Valerie
Harvey, Philip	Harvey, Suzanne	Hebert, Roger	Hinch, Richard
Hodges, Kevin	Irwin, Anne-Marie	Kelley, John	Knowles, John
Knowles, Mary Ann	Kopka, Angeline	Leishman, Peter	Levasseur, Nickolas
Long, Patrick	Mack, Ron	Marshall, Seth	Matarazzo, Anthony Sr
Movsesian, Lori	Nixon, David	O'Brien, Michael Sr	O'Neil, James
Pilotte, Maurice	Poznanski, Brian	Rhodes, Brian	Rokas, Theodoros
Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman	Shaw, Kimberly
Soucy, Timothy	Sullivan, Daniel	Thompson, Robert	Walsh, Robert Jr
Winters, Joel			

MERRIMACK

Bouchard, Candace	Brown, Carole	Clarke, Claire	Davis, Frank
Foose, Robert	French, Barbara	Gile, Mary	Hamm, Christine
Kelly, Sally	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Porter, Margaret	Potter, Frances	Rice, Chip	Richardson, Gary
Schuetz, Dianne	Shurtleff, Stephen	Stetson, William	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Watrous, Rick	Williams, Robert

ROCKINGHAM

Abbott, Dennis	Borden, David	Brown, C. Pennington	Casey, Kimberley
Cushing, Robert	Day, Judith	Devine, James	DiPentima, Rich
Gleason, John	Henson, John	Howard, Doreen	Kepner, Susan
Mann, Maureen	McCarthy, Barbara	McEachern, Paul	Moody, Marcia
Nord, Susi	Pantelakos, Laura	Petterson, Don	Read, Robin Jr
Russell, Trinka	Schlachman, Donna	Splaine, James	Webber, Carolyn

STRAFFORD

Berube, Roger	Brown, Jennifer	Brown, Larry	Burke, Rachel
Cyr, James	Domingo, Baldwin	Grassie, Anne	Hofemann, Roland
Horrigan, Timothy	Hubbard, Pamela	Kaen, Naida	Lauterborn, Elaine
Perry, Robert	Rogers, Rose Marie	Rollo, Deanna	Rous, Emma
Ryder, Mark	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Vachon, Dennis	Wall, Janet	Watters, David	

SULLIVAN

Donovan, Thomas Jr	Gagnon, Raymond	Gottling, Suzanne	McClammer, Jim
Skinder, Carla	Sweeney, Cynthia		

NAYS 192

BELKNAP

Arsenault, Beth	Bolster, Peter	Boyce, Laurie	Fields, Dennis
Flanders, Donald	Johnson, William	Miller, Kate	Millham, Alida
Nedeau, Stephen	Pilliod, James	Russell, David	St. Cyr, Jeffrey
Swinford, Elaine	Veazey, John	Wendelboe, Fran	

CARROLL

Ahlgren, Christopher	Chandler, Gene	Fleck, Joseph	Knox, J. David
McConkey, Mark	Patten, Betsey	Roberts, John	Scala, Dino
Stevens, Stanley	Umberger, Karen	Wiley, Susan	

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Laurent, John
Lindsey, Steven	Meador, David	Roberts, Kris	Sterling, Franklin Jr

COOS

Ingersoll, Paul Sr	Rappaport, Laurence	Remick, William	Richardson, Herbert
Stohl, Eric	Theberge, Robert		

GRAFTON

Bulis, Lyle
Ladd, Rick Jr
Williams, Burton

Friedrich, Carol
Matheson, Robert

Gionet, Edmond
Maybeck, Margie

Ingbretson, Paul
Ward, Brien

HILLSBOROUGH

Batula, Peter
Boehm, Ralph
Christensen, Chris
Doherty, Shaun
Emerton, Larry
Ginsburg, Ruth
Haefner, Robert
Holden, Frank
Jasper, Shawn
L'Heureux, Robert
Moran, Edward
Palmer, Stephen
Pratt, Calvin
Shaw, Barbara
Vaillancourt, Steve

Beauchamp, Roger
Boisvert, Ronald
Christiansen, Lars
Dokmo, Cynthia
Gagne, Larry
Goley, Jeffrey
Hawkins, Ken
Holden, Rip
Katsiantonis, Thomas
McCarthy, Michael
O'Brien, William
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Villeneuve, Moe

Belvin, William
Cebrowski, John
Daniels, Gary
Drisko, Richard
Gandia, Laura
Gorman, Mary
Hikel, John
Hopper, Gary
Komi, Richard
Mead, Robert
Ober, Lynne
Pepino, Leo
Ryder, Donald
Soucy, Connie
Willette, Robert

Bergin, Peter
Chandley, Shannon
Day, Russell
Elliott, Nancy
Gargas, Carolyn
Graham, John
Hogan, Edith
Infantine, William
Kurk, Neal
Messier, Irene
Ober, Russell III
Peterson, Andrew
Seidel, Carl
Tahir, Saghir

MERRIMACK

Anderson, Eric
DeJoie, John
Kotowski, Frank
Reed, Dennis
Wheeler, Deborah

Blankenbeker, Lynne
DeStefano, Stephen
Lockwood, Priscilla
Rodd, Beth
Yeaton, Charles

Boutin, David
Hess, David
McGuire, Carol
Smith, Todd

Coffey, Jennifer
Kidder, David
Palfrey, David
Webb, Leigh

ROCKINGHAM

Allen, Mary
Bettencourt, David
Charron, Gene
DiFruscia, Anthony
Ferrante, Beverly
Garrity, James
Headd, James
Kappler, L. Mike
McMahon, Charles
Quandt, Matt
Sapareto, Frank
Stiles, Nancy
Welch, David

Baldasaro, Alfred
Bishop, Franklin
Comerford, Timothy
Dumaine, Dudley
Fesh, Robert
Gould, Kenneth
Hoelzel, Kathleen
Lyons, Melissa
Packard, Sherman
Rausch, James
Scamman, Stella
Sullivan, James
Wells, Roger

Bates, David
Bridle, Russell
Crisler, Margaret
Elliott, Robert
Flanders, John Sr
Griffin, Mary
Hutchinson, Karen
Major, Norman
Perkins, Amy
Reagan, John
Sedensky, John
Tucker, Pamela
Weyler, Kenneth

Belanger, Ronald
Case, Frank
DeSimone, Debra
Emiro, Frank
Garcia, Marilinda
Hagan, Joseph
Ingram, Russell
McKinney, Betsy
Perkins, Lawrence
Sanders, Elisabeth
Smith, William
Weare, Everett

STRAFFORD

Bickford, David
Keans, Sandra

Brennan, William
Sprague, Dale

Brown, Julie
Twombly, James

Groen, Warren
Vita, Carol

SULLIVAN

Cloutier, John

Cunningham, Steven

Harris, Sandra

Houde-Quimby,
Charlotte

Howard, Thomas
and the majority committee report failed.

Osgood, Joe

Rodeschin, Beverly

Rep. Bettencourt moved Inexpedient to Legislate.

On a division vote, 207 members having voted in the affirmative and 148 in the negative, the minority committee report was adopted.

CONSENT CALENDAR

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

HB 1687, relative to the procedure for filling a vacancy among county officers, removed by Rep. William O'Brien.

HB 1481, relative to the use of turnpike tolls, removed by Rep. Bouchard.

HB 1520, relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development, removed by Rep. William O'Brien.

HB 1534, relative to the issuance of air permits and certain fees relative to air permits, removed by Rep. McGuire.

Consent Calendar adopted.

HB 1157, relative to appointment of a deputy treasurer in a school district. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ralph G. Boehm for Education: This bill makes sure a school district has a deputy treasurer, and makes the law similar to town treasurer law. Vote 19-0.

Amendment (0184h)

Amend RSA 197:24-a as inserted by section 1 of the bill by replacing it with the following:

197:24-a Deputy Treasurer. ~~[Any school district may, under an article in the warrant for the annual meeting, vote to authorize the treasurer, with the approval of the school board, to appoint a deputy treasurer.]~~ ***The school district treasurer may appoint a deputy treasurer, subject to approval by the school board, who shall be qualified in the same manner as the treasurer and who shall perform the duties of the treasurer in the case of the treasurer's absence by sickness, resignation, or otherwise.*** The deputy shall be sworn, shall have the powers of the treasurer, may be removed at the pleasure of the treasurer and shall, before entering upon the duties of such office, give bond as provided in RSA 197:22.

AMENDED ANALYSIS

This bill authorizes the school district treasurer to appoint a deputy treasurer subject to approval by the school board.

HB 1238, relative to student membership on the university system of New Hampshire board of trustees. **REFER FOR INTERIM STUDY.**

Rep. Pamela G. Price for Education: The prime sponsor requested that this bill be referred for Interim Study. The governance committee is doing a review which includes this issue and they will be making recommendations within the next year. The sponsor believes that recommendations from this committee be incorporated into one bill next year. Vote 18-1.

HB 1265, requiring school boards to develop a policy to address air quality issues in schools. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles B. Yeaton for Education: The school board in each school district shall develop and implement a policy governing air quality issues in schools. This policy shall deal with emissions from buses, cars, and other motor vehicles. Vote 18-1.

Amendment (0195h)

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

1 New Subdivision; Air Quality in Schools. Amend RSA 200 by inserting after section 47 the following new subdivision:

Air Quality in Schools

200:48 Air Quality in Schools. The school board of each school district shall develop and implement a policy governing air quality issues in schools. The policy shall address methods of minimizing or eliminating emissions from buses, cars, delivery vehicles, maintenance vehicles, and other motorized vehicles used for transportation on school property taking into account the state anti-idling and clean air zone policies established by the department of environmental services.

2 Effective Date. This act shall take effect January 1, 2011.

HB 1289, relative to air quality in public schools. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles B. Yeaton for Education: This bill includes the material from HB 1391. It requires that the school principal or designee shall investigate air quality using a checklist provided by the department of education. This shall be done annually and the checklists shall be used during the five year approval process for the school. The department of education shall provide every school a copy of the United States environmental protection agency tools for schools. Vote 19-0.

Amendment (0209h)

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

1 New Section; Investigation of Air Quality. Amend RSA 200 by inserting after section 11 the following new section:

200:11-a Investigation of Air Quality.

I. The school principal, or designee shall annually investigate the air quality of any schoolhouse or building used for school purposes using a check list provided by the department of education. The completed check list shall be filed after the annual inspection with the department of education, the local school board, and the local health officer. Checklists shall remain on file for 5 years. Checklists shall be reviewed during the 5 year school approval process and shall be a factor in the approval process for a public school.

II. The department of education shall ensure that every public school in New Hampshire possesses a copy of the United States Environmental Protection Agency Tools for Schools program and shall encourage public schools to implement the program to help provide and maintain good indoor air quality in public school buildings.

III. Any school principal or designee who has conducted a good faith report under RSA 200:11-a shall be immune from civil liability.

2 Effective Date. This act shall take effect January 1, 2011.

AMENDED ANALYSIS

This bill requires annual investigation of air quality in public schools.

This bill also requires the department of education to implement the Tools for Schools program in public schools.

HB 1324, relative to staffing exceptions for geographically isolated small schools. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick M. Ladd for Education: This bill establishes a definition for geographically isolated small schools based upon geographic isolation and low student enrollment numbers. Small schools such as this experience significant funding concerns due to required programming and operational costs. Eleven other states supplement additional funding through adequacy formulas; however, this bill takes a much different approach requiring no funding costs. Once identified as a geographically isolated small school, the local school board can request approval from the commissioner of education for an exception to required staffing through offering an alternative staffing plan that remains in the best interest of the pupils. Vote 18-1.

Amendment (0204h)

Amend the bill by replacing section 1 with the following:

1 New Section; School Boards; Geographically Isolated Small Schools. Amend RSA 189 by inserting after section 24 the following new section:

189:24-a Geographically Isolated Small Schools.

I. In this section, “geographically isolated small school” means:

- (a) An elementary school which is 10 miles or more from another elementary school; or
- (b) A high school which is 20 or more miles from another high school; or
- (c) Any school which is separated from the nearest school by a significant geographical barrier; and
- (d) Which is comprised of kindergarten through grade 6 with an average daily membership in attendance of less than 92 pupils, or any school comprised of kindergarten through grade 8 with an average daily membership in attendance of less than 120 pupils, or any school comprised of grades 9 through 12 with an average daily membership in attendance of less than 60 pupils, or meets one of the following configurations:
 - (1) Kindergarten through grade 2 with an average daily membership in residence of 12 pupils or less per grade; or
 - (2) A school comprised of grades 3 through 8 with an average daily membership in residence of 14 pupils or less per grade; or
 - (3) A school comprised of grades 9 through 12 with an average daily membership in residence of 15 pupils or less per grade.

II. Upon written request from the school board of a school district, the commissioner of the department of education shall approve a school as a geographically isolated small school provided the school meets the definition set forth in paragraph I.

III. The school board of a geographically isolated small school may petition the commissioner of the department of education, on a form provided by the commissioner, for approval for an alternative staffing plan for a course at the school. The petition shall explain the alternative staffing plan and how the plan will be in the best educational interests of the pupils. The commissioner shall render a decision no later than 30 days after the date the petition is received. An approved alternative staffing plan shall remain in effect until the commissioner determines the school no longer meets the definition of a geographically isolated small school set forth in paragraph I.

AMENDED ANALYSIS

This bill establishes a definition of a geographically isolated small school and implements a procedure for such schools to petition the department of education for approval of an alternative staffing plan.

HB 1386, requiring school boards to develop dropout prevention policies. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph W. Fleck for Education: A dropout and recovery program has been established within the department of education in RSA 159:59. Current law also provides school districts a process for obtaining financial assistance to support dropout and recovery programs. The majority of the committee also believes school boards and superintendents have given this issue high priority. Vote 17-2.

HB 1391, implementing the Tools for Schools program in public schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles B. Yeaton for Education: This bill was combined with HB 1289 and is therefore unneeded. Vote 19-0.

HB 1397, relative to the approval of a pupil's alternative learning plan. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E. Shaw for Education: This bill is not necessary, as existing law requires the parent to be part of the design process of the plan. Vote 19-0.

HB 1350-FN, establishing the salary for the position of director of security and training in the department of corrections. **INEXPEDIENT TO LEGISLATE.**

Rep. Calvin D. Pratt for Executive Departments and Administration: The subject matter of this bill has been combined into the amendment for HB 1569, making this bill redundant as HB 1569 is on the House Regular Calendar. Vote 13-0.

HB 1351-FN, establishing the salary for the position of professional standards director in the department of corrections. **INEXPEDIENT TO LEGISLATE.**

Rep. Calvin D. Pratt for Executive Departments and Administration: The subject matter of this bill has been combined into the amendment for HB 1569, making this bill redundant as HB 1569 is on the House Regular Calendar. Vote 13-0.

HB 1404, relative to the regulation of real estate brokers and salespersons. **OUGHT TO PASS.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill makes housekeeping changes to the statute governing the licensing of real estate brokers and salespersons. These include the clarification of two definitions and accounting for leased property in the section addressing escrow accounts. The most significant changes add specificity to provisions that permit the real estate commission to discipline providers of pre-licensing and continuing education training courses. These changes define what constitutes unprofessional conduct of education providers and permit the commission to impose a range of disciplinary actions against them. Vote 13-0.

Referred to the Committee on Ways and Means.

HB 1482-FN, upgrading the chief executive officer of the New Hampshire hospital, department of health and human services. **INEXPEDIENT TO LEGISLATE.**

Rep. Calvin D. Pratt for Executive Departments and Administration: The subject matter of this bill has been combined into the amendment for HB 1569, making this bill redundant as HB 1569 is on the House Regular Calendar. Vote 13-0.

HB 1129, relative to saltwater fishing licenses for persons holding a lifetime license from the fish and game department. **OUGHT TO PASS.**

Rep. Robert J. L'Heureux for Fish and Game and Marine Resources: This bill allows persons holding a lifetime fishing license issued prior to January 1, 2011 by the New Hampshire fish and game department to receive an annual saltwater fishing license at no charge which allows them to fish for smelt, shad and salmonoids. Vote 13-0.

Referred to the Committee on Ways and Means.

HB 1144, relative to the definition of a set line used for taking fish. **OUGHT TO PASS.**

Rep. John W. Henson for Fish and Game and Marine Resources: This bill defines a set line as an unattended line placed in the fresh waters of the state, including through the ice that is not under the direct view and control of the person placing the line. Vote 13-0.

HB 1331, relative to extending the days for recreational taking of clams following an emergency closing. **INEXPEDIENT TO LEGISLATE.**

Rep. Lyle E. Bulis for Fish and Game and Marine Resources: This natural resource is threatened by the potential of overharvesting and water pollution because of heavy rains, treatment plant mishaps and "red tide." The fish and game department sets a season knowing full well from historic evidence that not all the days will be available for clamming due to clam flat closures for public health protection by the department of environmental

services. The current long standing management methodology including a DES phone number for “clammers” to call for clam flat status is known by all and continues to work very well. Vote 13-0.

HB 1425, relative to the regulation of the processing of lobster tails. **OUGHT TO PASS.**
Rep. David H. Watters for Fish and Game and Marine Resources: At the request of the fish and game department, this bill requires a license to process lobster tails from a legal size lobster. This had not been permitted under existing statute due to concerns about ensuring that processed tails were taken from legal size lobsters. With assurances that procedures can make this determination, the bill permits the executive director to adopt rules relative to inspecting and processing of lobster. Vote 13-0.

HB 1158, changing the name of the institutional review board to the vital records privacy board for health-related research. **OUGHT TO PASS.**
Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: The department of health and human services requests that the institutional review board be renamed the vital records privacy board. This name change reflects the actual work of the board regarding the release of vital records data for health related research. The board reviews requests for vital records information relating to individuals both living and dead and data that is both identified and de-identified. The traditional institutional review board only exercises authority over information regarding living, identified persons. The standards employed by the board are set forth by HIPPA privacy regulations. Vote 16-0.

HB 1226, relative to caregiver support services for the elderly. **OUGHT TO PASS.**
Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: This is elderly long term care family support policy legislation. Caregiver support is already provided through federal grants, but it is not recognized in New Hampshire law. Since unpaid care giving by family members is the “bedrock” of New Hampshire long term care (as much as 80%) and has been shown to be a critical component of the long term care system, it is important to clarify this policy in statute. Vote 16-1.
Referred to the Committee on Finance.

HB 1398, allowing a surviving spouse to have access to the deceased spouse's medical records when there is no estate administration. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Susan Emerson for Health, Human Services and Elderly Affairs: This bill allows a surviving spouse to obtain the medical records of their deceased spouse upon request if there is no will or executor. As amended, it does not put a burden on the doctor, it requires proof of identity, and it takes a burden off the probate court. Vote 17-0.

Amendment (0151h)

Amend RSA 560:22 as inserted by section 1 of the bill by replacing it with the following:

560:22 Medical Records of Deceased Spouse. Notwithstanding any provision of law to the contrary and upon proof of the requestor’s identity, the surviving spouse shall have access to the information contained in the medical records of his or her deceased spouse where there is no estate administration, unless the medical records indicate that the deceased spouse has indicated that the surviving spouse not have access to those records. A health care provider, as defined in RSA 332-I:1, II(b), shall not be required to initiate a conversation with a patient on the subject of access to the information in a medical record by a surviving spouse.

AMENDED ANALYSIS

This bill allows a surviving spouse to have access to the deceased spouse’s medical records when there is no estate administration, unless the medical records indicate that the deceased spouse has indicated that the surviving spouse not have access to those records.

HB 1467, establishing a committee to study extending Medicaid and similar sources of private and public aid to provide health care insurance through age 20 to individuals who were foster children and are attending postsecondary school. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert G. Bridgham for Health, Human Services and Elderly Affairs: While there is sympathy within the committee for the idea that the state should have a role in supporting foster children's continuing education, the need for a study committee to determine that role isn't clear. Further, with federal discussions of the future shape of medicaid ongoing, a study committee to examine the melding of private and medicaid assistance seems premature. Vote 15-1.

HB 1532, relative to the compilation of data on criminal substance abuse in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne S. Butcher for Health, Human Services and Elderly Affairs: This bill would require the department of health and human services to collect data from law enforcement agencies and emergency medical services regarding criminal cases involving controlled drugs, and to develop and maintain a centralized database of such information. While data collection and statistical analysis may be useful, it is not clear how this would be implemented and at what cost. The committee recommends that the governor's commission on alcohol and drug abuse prevention, intervention and treatment assess the types of data that would be useful to its mission and work with the department and agencies to identify practical ways to gather the data. Vote 17-0.

HB 1562-L, relative to assistance dogs. **INEXPEDIENT TO LEGISLATE.**

Rep. Trinkia T. Russell for Health, Human Services and Elderly Affairs: The provisions in this bill are in direct conflict with the existing law under the Americans with disabilities act. This legislation would be discriminatory towards NH citizens, requiring service dogs to wear an identifying tag. This law would only be enforceable to NH citizens and not to anyone else that may visit NH. Under the ADA, some, but not all, service animals wear special collars and harnesses. Some, but not all, are licensed and certified and have identification papers. There are many instances of settlement agreements from the USDOJ involving illegal denial of access to a public accommodation due to requirement for documentation of a service animal's status. Under the Americans with disabilities act, privately owned businesses that serve the public are prohibited from discriminating against individuals with disabilities. The ADA requires these businesses to allow people with disabilities to bring their service animals onto business premises in whatever areas customers are generally allowed. The ADA defines a service animal as any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. If they meet this definition, animals are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government. Businesses and other places of public accommodation already have the legal right under the Americans with disabilities act to ban any service dog from the premises if the animal appears to be a threat to the health and safety of others or exhibits disruptive behavior. Vote 17-0.

HB 1599-FN, establishing an emergency mental health and developmental disabilities database within the division of state police. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: While recognizing the tremendous family tragedy that resulted in this bill, the committee felt strongly that there were numerous concerns with the bill itself. The committee believes training law enforcement to deal with individuals having certain medical, developmental, or mental health conditions would serve a much better purpose than being able to access a database when having to deal with a specific emergency situation. Testimony was also presented that

in many areas of the state there is a good working relationship between the local police departments and the regional community mental health centers. Advocates for individuals with mental illness and disabilities also opposed this bill because of the unintended consequences of stigmatizing and possibly criminalizing mental illness and developmental disabilities. Vote 16-1.

HB 1612-FN, relative to restriction of the use and sale of carisoprodol, tramadol hydrochloride, and temazepam. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank G. Case for Health, Human Services and Elderly Affairs: This bill would place three medications into a schedule I controlled drug classification which means they cannot be prescribed by a physician. The bill would also require “secure drop boxes” located in local police stations to allow for the disposal of unwanted or unused prescription drugs. Temazepam (restoril) is already a schedule III drug; ultram (tramadol) is under study to be placed in schedule III. Soma (carisoprodol) is a smooth muscle relaxant which is an effective medication. The committee thought that these drugs should not be further scheduled. The committee also questioned the expenses of secure drop boxes for disposal of unwanted medications placed in all local police stations, because of the possible high cost for disposal of these medications to the towns and cities. Finally, any legislation which restricts the use of medications interferes with a physician’s clinical judgment. Vote 15-0.

HB 1174, relative to terms for appointed town officials. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jessie L. Osborne for Municipal and County Government: This bill provides that the term of an appointed official continues until a successor is appointed and qualified. It also permits municipalities to pay members of a recreation or park commission. Vote 18-0.

Amendment (0200h)

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

AN ACT relative to terms for appointed town officials and relative to pay for members of park or recreation commissions.

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

2 Appointive Officers. Amend RSA 49-C:20 to read as follows:

49-C:20 Appointive Officers. The charter shall provide for the appointment of a city clerk, a treasurer, one or more assessors, a fire chief, a police chief, a health officer, a city solicitor, a general assistance administrator, and such other officers as may be necessary to administer all departments which the elected body and the charter shall establish. Assessors shall, prior to appointment, have demonstrated knowledge of property appraisal or assessment and of the laws governing the assessment and collection of property taxes. The powers and duties of appointed officers and heads of departments shall be those prescribed by state law, by the charter or by ordinance. ***Unless otherwise provided in the charter or by law, the term of office of any appointed officer shall begin upon his or her appointment and qualification for office and shall end upon the date so established. If no successor has been appointed and qualified at the expiration of an appointed member’s term, the member shall be entitled to remain in office until a successor has been appointed and qualified.***

3 New Paragraph; Terms of Local Land Use Board Members. Amend RSA 673:5 by inserting after paragraph II the following new paragraph:

III. The term of office for an appointed local land use board member shall begin on a date established by the appointing authority, or as soon thereafter as the member is qualified, and shall end 3 years after the date so established. If no successor has been appointed and qualified at the expiration of an appointed member’s term, the member shall be entitled to remain in office until a successor has been appointed and qualified.

4 Local Land Use Board; Definition. Amend RSA 672:7 to read as follows:

672:7 Local Land Use Board. "Local land use board" means a planning board, historic district commission, inspector of buildings, building code board of appeals, ~~[or]~~ zoning board of adjustment, **or other board or commission authorized under RSA 673** established by a local legislative body.

5 Recreation or Park Commission. Amend RSA 35-B:4 to read as follows:

35-B:4 Recreation or Park Commission. If any town, city, county, or village district decides that the above powers shall be exercised by a recreation or park commission, it shall consist of citizens of such town, city, county, or village district ~~[who shall serve without pay]~~. In cities the citizens shall be appointed by the mayor or city council, subject to provisions of the city charter; in towns by the selectmen; and in other political subdivisions by the governing body of the subdivision. The persons initially appointed to the commission shall serve staggered terms. Their successors shall be appointed under the same appointing procedure for 3 years. Vacancies as they occur shall be filled by the appointing authority for the unexpired term. Any city or town may by ordinance or resolution provide that the mayor or a selectman, or councilman, shall be an ex officio member of the commission.

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

AMENDED ANALYSIS

This bill:

I. Provides that the term of an appointed official continues until a successor is appointed and qualified.

II. Permits municipalities to pay members of a recreation or park commission.

HB 1288, relative to the term of office of an appointed member of a local land use board member. **INEXPEDIENT TO LEGISLATE.**

Rep. Elaine M. Lauterborn for Municipal and County Government: This bill amending RSA 673:5 would entitle land use board members at the end of their terms to remain in office until a successor is appointed. The text of this bill has been incorporated in its entirety into HB 1174 which addresses terms of office for a broader spectrum of appointed officials. Vote 16-0.

HB 1332, relative to planning board members. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Amy Stasia Perkins for Municipal and County Government: The intent of this bill was to fine-tune the existing restrictions of planning board membership. It was recognized that in smaller municipalities there may be only a few individuals willing to serve on town boards. This bill allows candidates additional board or commission opportunities while restricting conflicting dual membership only to all land use boards, conservation commissions or local governing bodies. Vote 17-1.

Amendment (0193h)

Amend the bill by replacing section 1 with the following:

1 Planning Board Members Serving on Other Local Boards. Amend RSA 673:7, I to read as follows:

I. In the case of towns, appointed or elected members of the planning board may also serve on any other municipal board or commission, provided that such multiple membership does not result in 2 planning board members serving on the ~~[same]~~ **conservation commission, the local governing body, or a local land use** board ~~[or commission]~~ **as defined in RSA 672:7.**

HB 1338, relative to scholarships for higher education for early graduating high school students. **INEXPEDIENT TO LEGISLATE.**

Rep. Jessie L. Osborne for Municipal and County Government: The committee commends the sponsor for his intentions, but finds that this bill does not address financial need nor will

it save money. Further, school districts, not cities and towns, are usually involved in awarding scholarships. Vote 17-0.

***HB 1394-L*, relative to town clerks. INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: The intent of this bill is to find a process whereby each municipality could determine to digitize town meeting minutes and keep that digitized format as the permanent record instead of keeping and storing forever the printed paper copies of the town meetings. While it is recognized that the municipalities will run out of storage space in the future, RSA 5:35 states that any municipality may send their records to the state archives for storage. All records are vulnerable to many problems. However the problems with preserving paper records are well known and practices are available to support the preservation of documents. Digital records, because they are much newer, have yet to be fully understood. Transferring from one technical medium to another technical medium is not a foolproof method of storing the "original" copy. The committee realizes that the preservation and storage of either paper copies or microfiche copies is the best method to date. Vote 18-0.

***HB 1314*, relative to approval of changes to a capital budget project. OUGHT TO PASS.**

Rep. John R. Cloutier for Public Works and Highways: This bill would modify RSA 9:26-a so as to state that any changes to the plan, location, or design of a capital budget project, after the project has been approved, would have to be made by the capital budget overview committee, rather than the open space study committee now known as the long range capital planning and utilization committee. It is felt that the capital budget overview committee, which now monitors all capital budget projects, is the more appropriate committee to make changes in such projects than the long range capital planning and utilization committee, which considers and approves all proposed sales and leasing of surplus state property. Vote 17-0.

***HB 1292*, relative to underground storage tank facility permits, compliance, and cleanup fund eligibility. OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris Christensen for Resources, Recreation and Development: This bill removes provisions necessitating periodic reissuance of underground storage tank facility permits and provisions which limit transfer of oil cleanup fund coverage. The bill is a request of the department of environmental services and the oil fund disbursement board. Permitted facilities are inspected routinely. The permit renewal application does not contain information that would alter the inspection process. Eliminating this unnecessary paperwork will free up staff for more field work, such as inspections. In addition to protecting groundwater, the oil cleanup funds allow sites to be redeveloped. Presently, only the original landowner could apply for reimbursement from the funds. This bill will allow a new owner the same benefits, and will not increase expenses to the funds. It will allow sale and redevelopment of sites where the present owner or a prospective buyer would otherwise be unable to develop a site because he is unable to provide evidence of insurance. The amendment clarifies some of the language in the bill. Vote 16-0.

Amendment (0226h)

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

3 Oil Discharge and Disposal Cleanup Fund Eligibility. RSA 146-D:6, I and the introductory paragraph of RSA 146-D:6, I-a, are repealed and reenacted to read as follows:

I. The oil discharge and disposal cleanup fund shall be available to owners of underground storage facilities which are in compliance with this chapter, RSA 146-C, and department rules, or owners of land where compliant facilities were located.

I-a. The oil discharge and disposal cleanup fund shall be available to owners of bulk storage facilities which are in compliance with this chapter and all applicable federal and

state requirements, or owners of land where compliant facilities were located. Reimbursements shall only be made for costs of cleanup and third party damages associated with gasoline and diesel product spillage. For owners of bulk storage facilities to be eligible for reimbursement, the following registration requirements shall be met:

4 Liability for Initial Cleanup Costs. Amend RSA 146-D:6, II(a), by inserting after subparagraph (4) the following new subparagraph:

(5) The owner of land where compliant facilities were located shall be responsible for the lesser of the initial \$5,000 of cleanup costs at each location owned or the balance of the prior facility owner's initial cleanup cost liability at each such location.

5 Oil Discharge and Disposal Cleanup Fund Eligibility. Amend RSA 146-D:6, III-IV to read as follows:

III. Owners of facilities **or land** eligible under this chapter may apply for reimbursement of court-ordered damages to third parties for bodily injury or property damage, and for the costs of onsite and off-site cleanup of oil discharges in amounts not to exceed a total of \$1,500,000. The fund shall be deemed excess insurance over any other valid and collectible insurance for the costs of cleanup and damages to third parties. There shall be no right of recovery against the fund for payments made under other insurance.

IV. Owners of facilities **or land** eligible under this chapter may apply for reimbursement for costs of cleanup and third party damages incurred on or after July 1, 1988.

6 Fuel Oil Discharge Cleanup Fund Eligibility. RSA 146-E:6, I is repealed and reenacted to read as follows:

I. The fuel oil discharge cleanup fund shall be available to owners of on-premise-use facilities and bulk storage facilities which are in compliance with this chapter, or owners of land where compliant bulk storage facilities were located, or owners of land where compliant on-premise-use facilities are or were located. The oil fund disbursement board may adopt rules for administering disbursements from the fund using the same rulemaking process and authorities established in RSA 146-D:5, I, including the development of additional eligibility criteria. Owners of bulk storage facilities or land where compliant bulk storage facilities were located shall be liable to the fund for initial cleanup costs in the manner described in RSA 146-D:6, II. Owners of on-premise-use facilities or land where compliant on-premise-use facilities are or were located shall be liable to the fund for the lesser of the initial \$100 of cleanup costs or the balance of the prior owner's initial cost liability, to the extent such amount is expended from the fund, or for such lesser amount as is expended.

7 Motor Oil Discharge Cleanup Fund Eligibility. RSA 146-F:5, I is repealed and reenacted to read as follows:

I. The motor oil discharge cleanup fund shall be available to owners of motor oil storage facilities which are in compliance with this chapter, or owners of land where compliant facilities were located. The oil fund disbursement board may adopt rules for administering disbursements from the fund using the same rulemaking process and authorities established in RSA 146-D:5, I, including the development of additional eligibility criteria. Owners of motor oil storage facilities or land where compliant facilities were located shall be liable to the fund for initial cleanup costs in the manner described in RSA 146-D:6, II.

8 Repeal.

I. RSA 146-E:6, VII, relative to transfer of fuel oil storage facility ownership, is repealed.

II. RSA 146-F:5, VIII relative to transfer of motor oil storage facility ownership, is repealed.

9 Effective Date. This act shall take effect upon its passage.
Referred to the Committee on Ways and Means.

HB 1293-FN, relative to the oil discharge cleanup fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris Christensen for Resources, Recreation and Development: This bill is at the request of the department of environmental services (DES) and the oil fund disbursement board (OFDB). The amendment corrects the title to read “motor oil” discharge and cleanup fund (MOD), the fund which deals with car lubricating oils. The MOD fund provides cleanup cost reimbursement for motor oil and waste oil storage facility owners. The fund was due to expire at the end of this fiscal year, having been extended several times over the last two decades. This bill deletes the repeal, allowing the fund to continue operating. The MOD fund is particularly important to facilities such as commercial, municipal and school garages where new and used lubricating oil is used in bulk quantities. The fiscal note refers to new income, which is only new in the sense that, without this bill, the fund would cease to exist and would have no income. There are no fee increases or other changes to this program. Vote 16-0.

Amendment (0188h)

Amend the bill by replacing section 1 with the following:

1 Repeal. The following are repealed:

I. 1995, 282:9 through 282:11 and 1995:13, II, relative to motor oil storage facilities, department of safety rulemaking, road toll collections, and repeal of the motor oil discharge cleanup fund.

II. 1995, 282:12, as amended by 1999, 164:1 and 2002, 197:1, relative to funds transfer.

III. 1995, 282:13, I, as amended by 2003, 174:9, relative to repeal of the motor oil discharge cleanup fund.

IV. 2008, 249:6 and 249:7, relative to department of safety rulemaking and road toll collections.

Referred to the Committee on Ways and Means.

HB 1294, relative to underground storage facility operator training. **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 oil fund disbursement board. It establishes training and certification requirements for operators of petroleum underground storage facilities to reduce the risk of new releases and reduce the impact on the environment if a release should occur. The training program was developed with participation from industry and environmental groups as well as government agencies, including the U.S. EPA. Compliance with U.S. EPA requirements in this area will allow DES to continue to apply for and receive \$1,000,000 annually in related federal funding. No new funding is needed for DES to carry out the program. Vote 16-0.

HB 1399, relative to state water pollution control and drinking water revolving loan funds, and state contributions to sewage disposal facilities. **OUGHT TO PASS.**

Rep. Peter S. Bolster for Resources, Recreation and Development: Communities fortunate enough to receive a 50% principal forgiveness grant through American Recovery and Reinvestment Act (ARRA) for water infrastructure projects should not also receive state funds. This bill precludes this, assuring that state funds are available to other communities for present and future water projects to more fairly share available funding. Section II gives the department of environmental services (DES) clear authority to accept grants under the clean water act and safe drinking water act. Vote 17-0.

HB 1544-FN, relative to penalties for forestry violations. **OUGHT TO PASS.**

Rep. Yvonne D. Thomas for Resources, Recreation and Development: This bill increases the fines for noncompliance with timber harvesting regulations and makes them violations

rather than misdemeanors. The fines will now be commensurate with civil violations. It also allows the department of resources and economic development to issue cease and desist orders. Vote 18-0.

Referred to the Committee on Criminal Justice and Public Safety.

HB 1251, relative to the sale and transfer procedures for shutdown emissions credits.
OUGHT TO PASS WITH AMENDMENT.

Rep. Robert F. Matheson for Science, Technology and Energy: This bill as amended clarifies the sale and transfer procedures for shut down emission credits. Currently the Governor and Council oversee the use of these emission credits and this bill establishes a revolving loan fund so that these credits could be used in assisting to bring new companies to the state. Vote 15-1.

Amendment (0180h)

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

1 Shutdown Emissions Credits. RSA 125-J:5, VIII-X are repealed and reenacted to read as follows:

VIII. Shutdown emissions credits obtained by the state pursuant to this chapter shall be used or held for use by the governor and council for meeting any requirement of the state implementation plan, any attainment demonstration under the Clean Air Act, or for the transfer to new or existing devices and sources in the state which require offsets under the Clean Air Act. No less than 75 percent of shutdown emissions credits generated in serious nonattainment areas shall be applied to requirements applicable in serious nonattainment areas.

IX. Transfers of shutdown emissions credits to new or existing sources and devices to meet offset requirements shall be temporary in nature and at no cost, except as otherwise provided in this section. An owner of a source or device who desires to receive a transfer of credits shall file an application with the department setting forth the following information:

- (a) Whether and to what extent the acquisition of the credits will result in job retention;
- (b) How use of the credits will result in economic development in New Hampshire;
- (c) Whether the applicant's company offers prospects for long-term growth and job creation;
- (d) Whether the applicant's company is a New Hampshire business or is relocating to New Hampshire;
- (e) The market value of the credits and the information used to make such determination;
- (f) The date that the applicant submitted or will submit to the department an application for an air permit under RSA 125-C:11, which shall be a prerequisite for the transfer of credits;
- (g) The air quality classification of the area where the source or device will be located;
- (h) The date that the source or device is estimated to commence operation; and
- (i) The number of offsets required to comply with requirements of the Clean Air Act.

X. The department shall review the application and provide the governor and council with a written recommendation that addresses the information submitted by the applicant. Priority shall be given to applications that result in job retention and that assist existing New Hampshire businesses.

XI. An applicant that receives a transfer of shutdown emissions credits from the governor and council shall:

(a) Return the credits to the state, upon notice of the department, if the applicant's permit application under RSA 125-C:13 is denied or the source or device is not constructed or fails to commence operation; or

(b) Within 18 months of commencing operation of the source or device:

(1) Return the shutdown emissions credits to the state and acquire the necessary ERCs from elsewhere to continue operation, as approved by the department; or

(2) If some or all of the necessary ERCs to continue operation are not readily available to the applicant, as determined by the department, retain such quantity of shutdown emissions credits and purchase them from the state at a value, as can best be determined by the department, that will enable the state to later acquire a number of ERCs equal to the number of shutdown emissions credits retained and purchased by the applicant. If the department does not anticipate that ERCs will be readily available in the foreseeable future for the state to purchase, the governor and council shall determine the purchase value of the retained shutdown emissions credits after receipt of a written recommendation from the department.

XII. Funds from the sale of shutdown emissions credits shall be deposited in a special account within the air resources permit fund to be used by the governor and council for the acquisition and generation of ERCs that shall be used for the same purposes and administered in the same manner as shutdown emission credits.

XIII. The use of emissions reduction credits by a utility, as defined in RSA 362:2, shall be subject to such additional conditions as ordered pursuant to applicable law by the public utilities commission.

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

AMENDED ANALYSIS

This bill clarifies the sale and transfer procedures for shutdown emissions credits. Referred to the Committee on Ways and Means.

HB 1542-FN, repealing nitrogen oxide emitting generation source requirements. **OUGHT TO PASS.**

Rep. Naida L. Kaen for Science, Technology and Energy: This bill does two things. It repeals New Hampshire law effective in 2014 when that law will be superseded by more stringent federal law in regard to some small sources of nitrogen oxide emissions. It also permits the department of environmental services to be compensated for enforcement activities pertaining to these sources effective 30 days from passage. Vote 14-0. Referred to the Committee on Ways and Means.

HB 1141, relative to expiration of drivers' licenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard T. Stuart for Transportation: The department of safety testified that this bill is not necessary and would cause difficulties with road tests at end of the month. Plenty of notice (120 days) is now given for renewal and 45 day extensions are available. Vote 14-0.

HB 1241, relative to visual examinations for the issuance of drivers' licenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael B. O'Brien for Transportation: The majority of the committee voted to ITL the bill because of a new program instituted by the department of safety. This new program will allow renewal by mail of licenses with no visual exam. A visual exam is currently every 5 years at renewal. Under the new program it will be an additional 5 years when a new visual exam would be required. This follows other states that have a renewal by mail program, and will be monitored by the department of safety. This is acceptable to the majority of the committee. Vote 13-1.

REGULAR CALENDAR SPECIAL ORDERED

Rep. Bouchard moved that **HB 1152**, naming a bridge in Wolfeboro in honor of Spc. Matthew J. Stanley, **HB 1181**, naming a portion of route 43 after the Honorable Robert A. Johnson, **HB 1446**, naming a bridge in Hopkinton in honor of Officer Sean M. Powers and **HB 1563**, naming a bridge in Salem in honor of Corporal Nicholas Arvanitis, Staff Sergeant Edmund Lo, and Marine Lance Corporal Robert L. Moscillo, be made Special Orders to the beginning of today's Regular Calendar.
Adopted.

SPECIAL ORDER

HB 1152, naming a bridge in Wolfeboro in honor of Spc. Matthew J. Stanley. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark E. McConkey for Public Works and Highways: We are grateful for Matthew J. Stanley's service to recognize his sacrifice for our country. Corporal Matthew J. Stanley was killed while on duty in Taji, Iraq on December 16, 2006. By unanimous vote of the committee on January 20, 2010 we recommend that the bridge over Smith River (#112-110) be named the Corporal Matthew J. Stanley Memorial Bridge. Vote 15-0.

Amendment (0207h)

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

AN ACT naming a bridge in Wolfeboro in honor of Corporal Matthew J. Stanley.

Amend the bill by replacing section 1 with the following:

1 Renaming the Smith River Bridge in Honor of Corporal Matthew J. Stanley. Pursuant to RSA 4:43, the Smith River bridge (#112-110) on route 28 in the town of Wolfeboro shall be hereby named the Corporal Matthew J. Stanley Memorial Bridge in honor of Corporal Matthew J. Stanley who was killed while on duty in Taji, Iraq on December 16, 2006. Appropriate signage or markers may be placed at the bridge.

AMENDED ANALYSIS

This bill names the Smith River bridge on route 28 in Wolfeboro in honor of Corporal Matthew J. Stanley.
Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Knox spoke in favor.

MEMORIAL REMARKS BY REPRESENTATIVE KNOX

Rep. Knox: Thank you, Madam Speaker. Honorable colleagues, I am the prime sponsor of HB 1152, naming a bridge in Wolfeboro in honor of Corporal Matthew J. Stanley. This is a great honor for me. When I was an American Government teacher at Kingswood Regional High School, I had Matt as a student. He worked harder than most students to earn enough money to go to Washington with me and the Close Up program and he convinced a friend to do the same. The memory of Matt and his smile is still with me. Corporal Matthew Stanley, as part of the 1st Calvary Division out of Fort Hood, Texas, died while on patrol in Iraq on December 16, 2006. I would like to have Matt honored by renaming the Smith River Bridge in South Wolfeboro the Corporal Matthew J. Stanley Memorial Bridge. The town of Wolfeboro has indicated in their letter submitted to this legislature, "This proposal is a fitting tribute to recognize the service and sacrifice rendered by this young man on behalf of his country and all of us." The Wright Museum, which is a military museum that abuts this bridge, is also totally in agreement with this bill. A couple of years ago when John McCain was at the Wright Museum, Lynn, Matt's mom, asked the Senator if he would honor Matthew by wearing a bracelet on his wrist. I believe the Senator still wears this bracelet, not only to honor Matthew, but all those who have died serving their country in Iraq and Afghanistan. Both the local Democratic committee and the Republican committee in the area will be helping us to raise funds for the signage for this bridge. The Matthew Stanley

family is here and would like you to know that they are very appreciative of this honor. I ask for your support for HB 1152. Thank you, Madam Speaker.

Committee report adopted and ordered to third reading.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of Spc. Matthew J. Stanley.

INTRODUCTION OF SPECIAL GUESTS

Parents, Jim and Lynn Savage. Family, Jim Junior and Stacey Savage, Nicolette, Bailey and Isabella Savage and friends, Bill and Sue Pettersen.

SPECIAL ORDER

HB 1181, naming a portion of route 43 after the Honorable Robert A. Johnson. **OUGHT TO PASS.**

Rep. Maureen R. Mann for Public Works and Highways: With a unanimous vote, the committee supported the naming of the portion of Route 43 in Northwood from Route 4 to the Deerfield line, the Honorable Robert A. Johnson Highway. Johnson, who died in January of 2009, was the ultimate public servant. He was a trustee of Northwood/Coe-Brown Academy. He served as Northwood Town Moderator for 60 years; no-one in New Hampshire history has served longer. He also served as School Moderator for over 40 years. Johnson served his first term as a member of the New Hampshire General Court in 1938 and in 2007 was proud to be named "Dean" of the House as its longest-serving member. The signage will be installed at no cost to the state. Vote 14-0.

Rep. Mann spoke in favor.

MEMORIAL REMARKS BY REPRESENTATIVE MANN

Rep. Mann: Thank you, Madam Speaker. The Honorable Robert Johnson was a really beloved figure in Northwood and many of you probably knew him and served with him throughout the many years he served here in the New Hampshire General Court. He served in the United States Army. He was a trustee of Coe-Brown Northwood Academy for over 35 years, serving 14 of those years as Chair. There is a story in Northwood that when the trustees ran out of money for the new gymnasium in the early 60's, he was actually up there sawing boards to help lay the floor for their gymnasium. At the age of 22, he was first elected a Northwood town moderator and he served for 60 consecutive years. It is still a record in the state of New Hampshire for this position. He also served as school moderator for over 40 years. He was first elected to this body in 1940 and one of the first pieces of legislation he introduced dealt with the section of Route 43 that we are hoping to honor by making it the Honorable Robert A. Johnson Highway. In 2007, he was honored by being named Dean of the New Hampshire Representatives as the longest serving member of the House. Robert Johnson, as I said, one of the first pieces of legislation he introduced dealt with making Route 43 a state highway and it's particularly fitting because it is the road that is sort of the main thoroughfare or a road that hits essentially the four towns that now make up Rockingham District 1, which is the district he served when he finally retired as a representative. I would thank you for your support and ask you to honor this man who has done so much for his country, for his state, for his community, for his school and support the naming of Route 43 from Route 4 in Northwood to the Deerfield town line the Robert A. Johnson Memorial Highway. Thank you.

Committee report adopted and ordered to third reading.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the Honorable Robert A. Johnson.

INTRODUCTION OF SPECIAL GUESTS

Widow, Jeanne Johnson. Sons, Rob, Jamie and Bill Johnson and family members, Brady, Carrie, Colt, Eli, Kayla, Leighelle, Mabel and Sandra Johnson.

SPECIAL ORDER

HB 1446, naming a bridge in Hopkinton in honor of Officer Sean M. Powers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John R. Cloutier for Public Works and Highways: This bill would name a bridge on Route 127 in Hopkinton in honor of Hopkinton Police Officer Sean M. Powers, who was killed in the line of duty. The town of Hopkinton submitted a strong letter of support for the bill. The amendment simply adds the bridge's number 089/114 to the bill's first section. Vote 13-0.

Amendment (0221h)

Amend the bill by replacing section 1 with the following:

1 Officer Sean M. Powers Memorial Bridge. Pursuant to RSA 4:43, bridge number 089/114, also known as the Spillway Channel bridge, on route 127 in the town of Hopkinton shall hereby be named the Officer Sean M. Powers Memorial Bridge. Appropriate signage or markers may be erected at the site.

AMENDED ANALYSIS

This bill names bridge number 089/114, also known as the Spillway Channel bridge, on route 127 in Hopkinton in honor of Officer Sean M. Powers.
Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Hamm spoke in favor.

MEMORIAL REMARKS BY REPRESENTATIVE HAMM

Rep. Hamm: Thank you, Madam Speaker. My honorable colleagues, guests of the House, I ask for your support of HB 1446. This is a bill naming a bridge on Route 127 in Hopkinton in honor of Officer Sean M. Powers. After serving two tours as a US Marine in Iraq, Sean joined the Hopkinton police force, where he served before his tragic death in August, 2008. He was just 24 years old. While he was with us too short a time, no one who knew Sean needed a long time to realize his potential. It became apparent immediately, both to his fellow officers as well as to many Hopkinton residents that Sean was on his way to becoming a significant asset to our community. While this young man cannot be replaced, he can at least be remembered. As a tribute to Officer Powers' service to his country and to his community and in memory of his loss for his family, his friends, the town of Hopkinton and the state of New Hampshire, I thank you for your support in passing HB 1446.

Committee report adopted and ordered to third reading.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of Officer Sean M. Powers.

INTRODUCTION OF SPECIAL GUESTS

Father, Peter Powers, Sr. Representing the town of Hopkinton Board of Selectmen, Jim O'Brien and representing the Hopkinton Police Department, Chief David Wheeler.

SPECIAL ORDER

HB 1563, naming a bridge in Salem in honor of Corporal Nicholas Arvanitis, Staff Sergeant Edmund Lo, and Marine Lance Corporal Robert L. Mosillo. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Russell F. Ingram for Public Works and Highways: The state of New Hampshire, through this legislation, has the honor and privilege to recognize the supreme sacrifice these three servicemen have made while serving their country. Dedicating the state of New Hampshire bridge at Cross Street, Salem, New Hampshire in their memory is both appropriate and fitting. The dedication plaque will forever be a reminder of the sacrifice made by these outstanding Americans. We must never forget what they have given to their country and the honor they have bestowed on the State of New Hampshire. Let us all be grateful and remember. Vote 16-0.

Amendment (0098h)

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

AN ACT naming a bridge in Salem in honor of Corporal Nicholas Arvanitis, Staff Sergeant Edmond L. Lo, and Marine Lance Corporal Robert L. Mosillo.

Amend the bill by replacing section 1 with the following:

1 The Corporal Nicholas Arvanitis, Staff Sergeant Edmond L. Lo, and Marine Lance Corporal Robert L. Mosillo Memorial Bridge. Pursuant to RSA 4:43, the portion of the Cross street bridge which passes over Interstate 93 in the town of Salem shall be named the Corporal Nicholas Arvanitis, Staff Sergeant Edmond L. Lo, and Marine Lance Corporal Robert L. Mosillo Memorial Bridge. Appropriate signage or markers may be placed at the site of the bridge.

AMENDED ANALYSIS

This bill names the Cross street bridge in Salem in honor of Corporal Nicholas Arvanitis, Staff Sergeant Edmond L. Lo, and Marine Lance Corporal Robert L. Mosillo.
Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Bettencourt spoke in favor.

MEMORIAL REMARKS BY REPRESENTATIVE BETTENCOURT

Rep. Bettencourt: Thank you, Madam Speaker. Madam Speaker, fellow members of the House, before you today is an opportunity to remember the lives and honor the sacrifice of three special Americans. Over the past four years, my district has faced the loss of Lance Cpl. Robert Mosillo, Cpl. Nicholas Arvanitis and Staff Sergeant Edmond Lo, who gave their lives for the cause of freedom. Winston Churchill said, "All great things are simple, and many can be expressed in single words: freedom, justice, honor, duty, mercy, hope." Rarely can a small group of people come to embody all of these values, but such is the case here. Robert Mosillo, 21, died while conducting combat operations against enemy forces in Al Anbar province, Iraq. He was assigned to the 1st Combat Engineer Battalion, 1st Marine Division and stationed at Camp Pendleton. He was a 2003 graduate of Salem High School. We lost him on May 1, 2006. Nicholas Arvanitis, 22, died from injuries sustained when he encountered enemy fire in Bayji, Iraq. He was assigned to the 82nd Airborne Division, stationed at Fort Bragg. He was also a 2003 graduate of Salem High School. We lost him October 6, 2006. Edmond Lo, 23, died with his explosive ordinance disposal (EOD) team in Samarra City, Iraq. He was assigned to the Army's 797th Ordnance Company, 79th Ordnance Battalion stationed at Ford Hood. He was a 2004 graduate of Salem High School. We lost him June 13, 2009. Each of them was unique. Robert Mosillo was a dynamic leader who planned a life in the ministry when his service was complete. Nicholas Arvanitis was a talented musician and a loyal friend. Edmond Lo was a quiet and reserved leader who

earned the nickname “Mr. Dependable.” But, while they were diverse in talent, they courageously accepted responsibility for protecting our country and our freedoms. This legislation seeks to honor the lives of these men and the values they stood for. Fittingly, Mrs. Lo and Mr. Moscillo pass over the bridge we are seeking to name every morning and evening when coming to and from work. Madam Speaker, I would like to take a moment to address the families who have joined us this afternoon. No one can fully understand the depth of your sadness and loss but we can ensure that no one forgets your sacrifice and the memory of your loved ones. We know that men of this caliber are not accidents, they are raised in principle and it was by God’s grace that they were born into families such as yours. America owes you a debt that can never be repaid. This nation, our state and our community will always cherish the memory of your sons, grandsons and brothers. I ask the House to join me in passing this legislation so that we may honor the memory of these men in an open and permanent way. Thank you.

Committee report adopted and ordered to third reading.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of Corporal Nicholas Arvanitis, Staff Sergeant Edmund Lo, and Marine Lance Corporal Robert L. Moscillo.

INTRODUCTION OF SPECIAL GUESTS

Parents of Staff Sergeant Edmond Lo, David and Rosa Lo. Children, Carmen Hira, Selma Deyak, Lena Rozzi, Raymond Lo and Norman Lo and his family, Rakesh Hira, Priya Hira, Thomas Deyak, Evan Deyak, James Rozzi and Marisa and Ava Rozzi. Sister of Corporal Nichols Arvanitis, Kimberly Arvanitis and grandmother, Rita Dill.

MOTION TO PRINT REMARKS

Rep. Campbell moved that the memorial remarks made by the speakers on **HB 1152**, naming a bridge in Wolfeboro in honor of Spc. Matthew J. Stanley, **HB 1181**, naming a portion of route 43 after the Honorable Robert A. Johnson, **HB 1446**, naming a bridge in Hopkinton in honor of Officer Sean M. Powers and **HB 1563**, naming a bridge in Salem in honor of Corporal Nicholas Arvanitis, Staff Sergeant Edmund Lo, and Marine Lance Corporal Robert L. Moscillo, be printed in the Permanent Journal. Without objection, the Speaker so ordered.

CLERK’S NOTE

These memorial remarks have been printed with the section of this Journal relevant to each of these bills.

REGULAR CALENDAR (CONT’D)

CLERK’S NOTE

SB 193 was taken up in Session on January 6, 2010 at which time the majority committee report of Inexpedient to Legislate failed and the bill was postponed to today’s calendar with the pending motion of Ought to Pass.

SPECIAL ORDER

SB 193, relative to the interest rate on small loans and relative to the definition of lender for purposes of regulating such loans. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John B. Hunt for the Majority of Commerce and Consumer Affairs: The bipartisan majority believes this bill is overkill. In 2008, the Legislature passed a law that eliminated the high interest payday loan industry from New Hampshire. This bill seeks to further limit credit availability by unnecessarily eliminating the few remaining companies providing short-term loans as small lenders. Why? The fact remains that national banks and credit card companies can charge NH consumers whatever fees and interest rates they want to borrow money. NH has no control. To eliminate the last remaining NH licensed and regulated small loan companies in our state will further limit credit and leave our citizens no other option but to borrow from national banks or internet lenders. This makes no sense. The true effect of SB 193 will be to close a few more small businesses that will lay off employees and increase the unemployment numbers in our state. Vote 9-7.

Rep. Susi Nord for the Minority of Commerce and Consumer Affairs: The minority knows that the Legislature already weighed in on the issue of predatory lending when we set a 36% APR cap on payday and title lending. This bill would simply apply that rate cap to all loans under \$10,000. There are still a few companies trying to find ways to charge large fees to loan money to people when they are most desperate. It is the strong opinion of the minority that predatory lending practices that continue to raise the cost of borrowing small loans to up to 100 to 500%, through charges noted as "membership fees" or "loan consultation fees," are unethical and should be subject to the cap already passed. This bill simply tightens up our existing small loan rate caps and gives the banking commissioner the support and the tools needed to stop these unfair and deceptive practices and to prosecute those businesses engaged in breaking our laws.

The question being adoption of the motion of Ought to Pass.

Rep. DeStefano offered floor amendment (0311h).

Floor Amendment (0311h)

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

2 Maximum Charges on Small Loans. RSA 399-A:12, I and II are repealed and reenacted to read as follows:

I. For any closed-end loan in the amount of \$10,000 or less, a lender may lend in money, goods, or things of value upon such security not forbidden by RSA 399-A:11, VIII as may be agreed upon, and in connection with any such loan, may contract for, exact or receive, directly or indirectly, charges, whether for interest, compensation, brokerage, endorsement fees, consideration, expense or otherwise, on the entire principal of the loan, for which the annual percentage rate (APR) shall not exceed 36 percent. The APR shall be calculated in accordance with Federal Reserve Board Regulation Z. Notwithstanding the federal definition of APR, for purposes of calculating APR, the finance charge shall exclude one application fee per borrower per year and one participation or membership fee per borrower per year.

II. For any open-end loan with a line of credit of \$10,000 or less, a lender may lend in money, goods, or things of value upon such security not forbidden by RSA 399-A:11, VIII as may be agreed upon, and in connection with any such loan, may contract for, exact or receive, directly or indirectly, charges, whether for interest, compensation, brokerage, endorsement fees, consideration, expense or otherwise, on the entire principal of the loan, for which the APR shall not exceed 36 percent. The APR shall be calculated in accordance with Federal Reserve Board Regulation Z. Notwithstanding the federal definition of APR, for purposes of calculating APR, the finance charge shall exclude one application fee per borrower per year and one participation or membership fee per borrower per year.

3 New Paragraph; Provisions Applicable to Loans; Consumer Protection. Amend RSA 399-A:12 by inserting after paragraph VII the following new paragraph:

VIII. The commissioner shall have exclusive authority and jurisdiction to investigate charges, whether for interest, compensation, brokerage, endorsement fees, consideration,

expense or otherwise, and fees, whether for application, participation, insurance, debt cancellation, late payment, or otherwise, on small loans, payday loans, and title loans that are or may be unreasonable or an unfair or deceptive act or practice under RSA 358-A and exempt under RSA 358-A:3, I, or a violation of rules adopted by the commissioner. The commissioner may hold hearings relative to such conduct and may order restitution for any person adversely affected by such conduct.

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

Reps. DeStefano and Nord spoke in favor.

On a division vote, 333 members having voted in the affirmative and 12 in the negative, floor amendment (0311h) was adopted.

The question now being adoption of the motion of Ought to Pass.

Motion adopted and ordered to third reading.

HB 1383-FN, requiring a course in business or financial literacy as a prerequisite to high school graduation. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G. Boehm for Education: Even though the committee agrees that a personal finance curriculum is needed, the majority does not believe that it is the legislature's job to mandate curriculum. However, the committee will notify the state board of education that this curriculum is necessary and should be incorporated in school approval standards and curriculum frameworks. Vote 16-3.

Rep. Karen Hutchinson spoke against.

Rep. Rous spoke in favor.

Committee report adopted.

HB 1569-FN, establishing the salary for the position of director of community corrections in the department of corrections. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill with the amendment establishes unclassified salary grades for three positions in the department of corrections and seven positions in the department of health and human services. The committee has reviewed the bill to ensure that all proposed new salary grades comply with the recommendations made by the state's salary consultant, the Hay Group, and are approved by the joint committee on employee classification. The fiscal impact of the legislation will be reviewed by the House Finance Committee. Vote 12-2.

Amendment (0074h)

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

AN ACT relative to the salaries of certain unclassified positions.

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

2 Compensation of Certain State Officers; Salaries Established. Amend RSA 94:1-a, I(b) by inserting the following position:

GG Department of corrections director of security and training

3 Compensation of Certain State Officials; Salaries Established. Amend RSA 94:1-a, I(b) by inserting the following position:

FF Department of corrections professional standards director

4 Chief Executive Officer, Chief Pharmacists, and Pharmacists; New Hampshire Hospital. Amend RSA 94:1-a, I(b) by:

I. Deleting:

HH New Hampshire hospital chief executive officer

II. Inserting:

II New Hampshire hospital chief executive officer

KK Department of health and human services pharmacist

	Department of health and human services	pharmacist
	Department of health and human services	pharmacist
	Department of health and human services	pharmacist
	Department of health and human services	pharmacist
	Department of health and human services	pharmacist
NN	Department of health and human services	chief pharmacist

AMENDED ANALYSIS

This bill establishes the salary for the positions of director of community corrections, director of security and training, and the professional standards director in the department of corrections. This bill also upgrades the positions of chief executive officer, chief pharmacist, and certain pharmacists of the New Hampshire hospital, department of health and human services.

This bill is a request of the joint committee on employee classification established under RSA 14:14-c.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

HB 1200, relative to the definition of "abutter" for notice of land use board hearings.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.

Rep. Franklin W. Sterling for the Majority of Municipal and County Government: It was the consensus of the committee that the remedy proposed by this bill was too severe for the perceived harm it addressed. Changing the definition of "abutter" for a condominium or other collective form of ownership to include "unit owners" would place too large a burden on the applicant to a local land use board. Applicants would have been required to notify all unit owners individually rather than a single notification to the condominium board. The committee felt that the definition of "notification" could include other non traditional means. Also discussed was strengthening the requirements of condominium association officers to ensure that all unit owners of the association are properly notified of proposed changes to neighboring properties? These issues should be addressed in the condominium statutes. Vote 16-2.

Rep. James M. Sullivan for the Minority of Municipal and County Government: The minority feels that there is a problem of proper notification of all property owners of a zoning change that affects a condominium complex. The choice of definition of "abutter" as the means of addressing this may not have been the best choice. Suggestions in the committee included focus on the responsibility of condominium officers to provide this notification. Majority committee report adopted.

HB 1498, relative to obscured figures or letters on number plates attached to motor vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen H. Nedeau for Transportation: The present law prohibits knowingly obscuring or permitting to be obscured the figures or letters on any number plate. The committee feels current law is enough and we should let the present law stand. RSA 261:61 sets the fine for a violation of this section at \$150.00. Vote 12-2.

Rep. Robert Williams moved Recommit and spoke in favor.

On a division vote, 208 members having voted in the affirmative and 109 in the negative, the motion was adopted.

Recommitted to the Committee on Transportation.

HB 1559-FN, relative to gold star number plates. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael B. O'Brien for the Majority of Transportation: With reluctance, the majority of the committee voted to ITL this bill. With compassion, the majority understands the loss and suffering family members feel when a family member makes the supreme sacrifice for their country, and perhaps a plate in the future recognizing families of those killed may be in order. However, combining this plate with gold star mothers clouds the meaning of this group. Vote 10-4.

Rep. Karen C. Umberger for the Minority of Transportation: The minority believes gold star number plates should be extended to immediate family members. The committee was informed that several states already extend to family members the right to license their vehicle with a gold star plate. The gold star mothers were in favor of other family members being allowed to purchase a plate with a decal that identifies them as gold star family members. It is essential we recognize the sacrifice of our military members and extend to family members the right to display a gold star plate.
Majority committee report adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 1687, relative to the procedure for filling a vacancy among county officers. **OUGHT TO PASS.**

Rep. Amy Stasia Perkins for Municipal and County Government: If a vacancy occurs at the county level in the office of county sheriff, county attorney, register of deeds, county treasurer or county commissioner the county convention shall fill the vacancy for the unexpired term by a majority vote. The supreme court determined in 2008 that the procedure was to take place in a public session, the method by which the majority vote is to be taken is left up to each county convention except that, according to the supreme court case *Douglas Lambert v Belknap County Convention*, this vote cannot be by a secret ballot. This bill will change the right to know statute to allow a county convention to utilize a secret ballot for this purpose. This bill is proposing a change in RSA 91-A:2, II which governs public bodies and their votes. Therefore the committee agrees that the legislature should allow the county convention to use a secret ballot when filling a vacancy in county offices under RSA 661:9. Vote 17-0.

Rep. William O'Brien spoke against and yielded to questions.

Reps. Cooney and Welch spoke in favor.

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

YEAS 242 NAYS 101

YEAS 242

BELKNAP

Fields, Dennis
Miller, Kate
Russell, David

Flanders, Donald
Millham, Alida
Veazey, John

Johnson, William
Nedeau, Stephen

Merry, Liz
Reever, Judith

CARROLL

Bridgham, Robert
Patten, Betsey

Butler, Edward
Wiley, Susan

Chandler, Gene

McConkey, Mark

CHESHIRE

Allen, Peter
Emerson, Susan
Meador, David
Robertson, Timothy

Butynski, William
Johnson, Jane
Mitchell, Bonnie
Sad, Tara

Carr, Daniel
Laurent, John
Parkhurst, Henry
Sterling, Franklin Jr

Eaton, Daniel
Lerandeau, Alfred
Richardson, Barbara
Weber, Lucy

Weed, Charles

COOS

Hatch, William
Rappaport, Laurence
Theberge, Robert

Ingersoll, Paul Sr
Remick, William
Thomas, Yvonne

Mears, Lucy
Richardson, Herbert

Merrick, Evalyn
Stohl, Eric

GRAFTON

Aguiar, James
Ford, Susan
Laliberte, Suzanne
Preston, Philip

Almy, Susan
Friedrich, Carol
Mulholland, Catherine
Smith, Suzanne

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

Cooney, Mary
Ladd, Rick Jr
Pastor, Beatriz
Williams, Burton

HILLSBOROUGH

Barody, Benjamin
Boisvert, Ronald
Chininis, Alexis
Dokmo, Cynthia
Flurey, Joan
Goley, Jeffrey
Hardy, Valerie
Katsiantonis, Thomas
Kopka, Angeline
Levasseur, Nickolas
Matarazzo, Anthony
Sr
Pilotte, Maurice
Rosenwald, Cindy
Shaw, Barbara
Thompson, Robert

Beaulieu, Jane
Campbell, David
Christensen, Chris
Drisko, Richard
Gargas, Carolyn
Gorman, Mary
Harvey, Philip
Knowles, John
Kurk, Neal
Long, Patrick
Movsesian, Lori

Ramsey, Peter
Ryder, Donald
Shaw, Kimberly
Vaillancourt, Steve

Beck, Catriona
Chandlee, Shannon
Cote, David
Emerton, Larry
Garrity, Patrick
Graham, John
Harvey, Suzanne
Knowles, Mary Ann
L'Heureux, Robert
Mack, Ron
O'Neil, James

Rhodes, Brian
Schulze, Joan
Soucy, Timothy
Walsh, Robert Jr

Bergin, Peter
Chase, Claudia
Doherty, Shaun
Farley, Michael
Ginsburg, Ruth
Haefner, Robert
Irwin, Anne-Marie
Komi, Richard
Leishman, Peter
Marshall, Seth
Pepino, Leo

Rokas, Theodoros
Shattuck, Gilman
Sullivan, Daniel
Winters, Joel

MERRIMACK

Anderson, Eric
Clarke, Claire
French, Barbara
Kelly, Sally
McMahon, Patricia
Potter, Frances
Schuett, Dianne
Tupper, Frank
Wheeler, Deborah

Bouchard, Candace
Davis, Frank
Gile, Mary
Kidder, David
Osborne, Jessie
Rice, Chip
Shurtleff, Stephen
Wallner, Mary Jane
Williams, Robert

Boutin, David
DeStefano, Stephen
Hamm, Christine
Kotowski, Frank
Owen, Derek
Richardson, Gary
Smith, Todd
Walz, Mary Beth
Yeaton, Charles

Brown, Carole
Foote, Robert
Hess, David
Lockwood, Priscilla
Porter, Margaret
Rodd, Beth
Stetson, William
Watrous, Rick

ROCKINGHAM

Abbott, Dennis
Bridle, Russell
Charron, Gene
Elliott, Robert
Gould, Kenneth
Hoelzel, Kathleen
Lyons, Melissa
McEachern, Paul
Packard, Sherman
Rausch, James

Allen, Mary
Brown, C. Pennington
Crisler, Margaret
Ferrante, Beverly
Griffin, Mary
Ingram, Russell
Major, Norman
McKinney, Betsy
Pantelakos, Laura
Read, Robin Jr

Bishop, Franklin
Case, Frank
Day, Judith
Fesh, Robert
Headd, James
Kappler, L. Mike
Mann, Maureen
Moody, Marcia
Petterson, Don
Russell, Trink

Borden, David
Casey, Kimberley
Devine, James
Flanders, John Sr
Henson, John
Kepner, Susan
McCarthy, Barbara
Nord, Susi
Quandt, Matt
Sanders, Elisabeth

Scamman, Stella
Smith, William
Weare, Everett
Weyler, Kenneth

Scamman, W.
Douglas Jr
Splaine, James
Webber, Carolyn

Schlachman, Donna
Stiles, Nancy
Welch, David

Sedensky, John
Sullivan, James
Wells, Roger

STRAFFORD

Berube, Roger
Brown, Larry
Grassie, Anne
Keans, Sandra
Rollo, Deanna
Spang, Judith
Wall, Janet

Bickford, David
Burke, Rachel
Hofemann, Roland
Lauterborn, Elaine
Rous, Emma
Sprague, Dale
Watters, David

Brennan, William
Cyr, James
Hubbard, Pamela
Perry, Robert
Schmidt, Peter
Twombly, James

Brown, Julie
Domingo, Baldwin
Kaen, Naida
Rogers, Rose Marie
Smith, Marjorie
Vachon, Dennis

SULLIVAN

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

Gagnon, Raymond
Howard, Thomas

Gottling, Suzanne
McClammer, Jim

Harris, Sandra
Rodeschin, Beverly

NAYS 101

BELKNAP

Arsenault, Beth
St. Cyr, Jeffrey

Bolster, Peter
Stuart, Richard

Boyce, Laurie
Swinford, Elaine

Pilliod, James
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Roberts, John

Buco, Thomas
Scala, Dino

Fleck, Joseph
Stevens, Stanley

Knox, J. David
Umberger, Karen

CHESHIRE

Butterworth, Timothy

Hunt, John

Lindsey, Steven

Roberts, Kris

COOS

None

GRAFTON

Bulis, Lyle
Maybeck, Margie
White, Andrew

Gionet, Edmond
Pierce, David

Ingbretson, Paul
Townsend, Charles

Matheson, Robert
Ward, Brien

HILLSBOROUGH

Batula, Peter
Cebrowski, John
Elliott, Nancy
Hikel, John
Holden, Frank
Jasper, Shawn
Messier, Irene
Ober, Lynne

Beauchamp, Roger
Christiansen, Lars
Gagne, Larry
Hinch, Richard
Holden, Rip
Kelley, John
Moran, Edward
Ober, Russell III

Belvin, William
Daniels, Gary
Hackel, Paul
Hodges, Kevin
Hopper, Gary
McCarthy, Michael
O'Brien, Michael Sr
Palmer, Stephen

Boehm, Ralph
Day, Russell
Hawkins, Ken
Hogan, Edith
Infantine, William
Mead, Robert
O'Brien, William
Pellegrino, Tony

Peterson, Andrew
Soucy, Connie

Pratt, Calvin
Villeneuve, Moe

Renzullo, Andrew
Willette, Robert

Seidel, Carl

MERRIMACK

Blankenbeker, Lynne
Palfrey, David

Coffey, Jennifer
Reed, Dennis

DeJoie, John
Webb, Leigh

McGuire, Carol

ROCKINGHAM

Baldasaro, Alfred
Comerford, Timothy
Emiro, Frank
Hagan, Joseph
Reagan, John

Bates, David
DiFruscia, Anthony
Garcia, Marilinda
Howard, Doreen
Sapareto, Frank

Belanger, Ronald
DiPentima, Rich
Garrity, James
Hutchinson, Karen
Tucker, Pamela

Bettencourt, David
Dumaine, Dudley
Gleason, John
McMahon, Charles

STRAFFORD

Groen, Warren

Horrigan, Timothy

Ryder, Mark

Vita, Carol

SULLIVAN

Cunningham, Steven
and the committee report was adopted.
Ordered to third reading.

Osgood, Joe

Skinder, Carla

HB 1481, relative to the use of turnpike tolls. **OUGHT TO PASS WITH AMENDMENT.**
Rep. John A. Graham for Public Works and Highways: This bill clarifies the purposes for which money collected at the toll booths along the turnpike system can be utilized. It mirrors to a great extent the language of Part II Article 6a of the New Hampshire Constitution. The amendment spells out in greater detail exactly what this fund may be used for. Additionally, language has been added, at the request of the treasurer and bond counsel, which specifically states that all payments of principal and interest on all turnpike bonds will be made. The commissioner of transportation supports both the intent and language of the bill as amended. Vote 15-0.

Amendment (0212h)

Amend RSA 237:9 as inserted by section 1 of the bill by replacing it with the following:

237:9 Tolls. The commissioner of transportation, with the approval of the governor and council, shall establish toll rates and other charges for use of the New Hampshire turnpike system or any part of the right-of-way and other property acquired in connection therewith. The governor and council shall approve or reject the commissioner's proposed toll rates and other charges within 90 days of receiving them. The tolls collected shall be deposited with the state treasurer who shall keep the same in a separate account ~~[for]~~ **to be used exclusively for purposes of the New Hampshire turnpike system including, without limitation, the operating expenses, construction, reconstruction, and maintenance of the New Hampshire turnpike system** ~~[and the operating expenses and maintenance costs of the system shall be paid from said account. From the balance remaining after payment of operating expenses and maintenance costs, there shall be paid].~~ **Operating and maintenance expenses shall include the collection of tolls, the supervision of traffic thereon, and commuter, rest area, and mass transit parking lots and stations immediately adjacent to or adjunct to the turnpike system. All operating expenses and maintenance costs shall be paid from said account. From the balance remaining after the payment of operating expenses and maintenance costs, there shall be paid** the interest and principal on the bonds issued to finance the system. **No part of such revenues shall, by transfer of funds or otherwise, be diverted to any other**

purpose whatsoever. Fourteen days previous to the time any interest or principal is payable, on any general obligation bonds issued to finance the system, the state treasurer shall examine the existing balance and, except as otherwise provided in RSA 237:10, if such balance is insufficient to make the payment, then he shall notify the governor who shall immediately draw his warrant on the highway fund to cover any deficit and if the funds in both of the above accounts are insufficient, the governor shall draw his warrant upon the state's general fund to the amount necessary to meet the payments. Any funds paid out from the state's highway fund or general fund for the above purposes shall be reimbursed from the collection of tolls as soon as such funds are available. Any funds that have been or may be expended for any portion of the system by the department of transportation shall be repaid to said department when, in the opinion of the governor and council, sufficient funds are available. Any excess income may be used for further system extensions in accordance with RSA 237:5, II(m). No provision of this chapter shall constitute a covenant with bondholders with respect to the charging, collection or disposition of tolls.

AMENDED ANALYSIS

This bill requires revenues from turnpike tolls to be used exclusively for the construction, reconstruction, and maintenance of the turnpike system.

Rep. Bouchard moved Recommit.

Adopted.

Recommitted to the Committee on Public Works and Highways.

HB 1520, relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey L. St. Cyr for Resources, Recreation and Development: This bill is enabling legislation that was requested by a local community and is supported by the Department of Resources and Economic Development (DRED). This bill gives the agency and a local community the authority to enter into a memorandum of understanding to allow a local police department to enforce state laws and administrative rules at the division of parks and recreation and other DRED properties. Currently, the division of parks and recreation does not have adequate law enforcement personnel and needs the assistance of the local law enforcement personnel to enforce rules such as "no littering." The bill also allows DRED to establish rules for the division of parks and recreation similar to the division of forests and lands. Vote 16-2.

Amendment (0186h)

Amend the bill by replacing section 1 with the following:

1 Department of Resources and Economic Development; Police Powers. Amend RSA 12-A:1-d to read as follows:

12-A:1-d Police Powers.

I. The commissioner of the department of resources and economic development, the director of the division of parks and recreation, and the director of the division of forests and lands shall have authority as peace officers as provided in RSA 594 and may confer said authority upon certain individuals within the department of resources and economic development, the division of parks and recreation, and the division of forests and lands. Said police powers shall be limited to the enforcement of state laws and rules of the department of resources and economic development on lands or property owned by, leased to, or otherwise under the control of the department of resources and economic development. Nothing herein shall limit the police powers of employees of the department of resources and economic development as provided for in RSA 227-G:7, RSA 215-C:32, and RSA 215-A:16 and 17.

II. By written agreement executed by the commissioner of the department of resources and economic development, any authorized municipal official may utilize

the summons procedures under RSA 31:39-d to cite individuals for violations of state park administrative rules or forests and lands administrative rules, or both. Authorized municipalities acting under this paragraph shall retain 50 percent of any fine collected in accordance with the schedule of administrative fines of the department of resources and economic development.

Amendment adopted.

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

Rep. Renzullo spoke against.

Rep. Stiles spoke in favor and yielded to questions.

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

YEAS 218 NAYS 121

YEAS 218

BELKNAP

Bolster, Peter	Fields, Dennis	Flanders, Donald	Johnson, William
Merry, Liz	Millham, Alida	Reever, Judith	Russell, David
St. Cyr, Jeffrey	Stuart, Richard		

CARROLL

Bridgham, Robert	Butler, Edward	Knox, J. David	McConkey, Mark
Wiley, Susan			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Carr, Daniel	Eaton, Daniel	Lerandeau, Alfred	Lindsey, Steven
Meador, David	Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara
Robertson, Timothy	Sad, Tara	Weber, Lucy	Weed, Charles

COOS

Hatch, William	Mears, Lucy	Merrick, Evalyn	Rappaport, Laurence
Remick, William	Richardson, Herbert	Stohl, Eric	Theberge, Robert
Thomas, Yvonne			

GRAFTON

Aguilar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Ford, Susan	Harding, Laurie	Laliberte, Suzanne	Matheson, Robert
Mulholland, Catherine	Nordgren, Sharon	Pastor, Beatriz	Pierce, David
Preston, Philip	Smith, Suzanne	Taylor, Kathleen	Townsend, Charles
Ward, Brien	White, Andrew	Williams, Burton	

HILLSBOROUGH

Baroody, Benjamin	Beauchamp, Roger	Beaulieu, Jane	Beck, Catriona
Bergin, Peter	Boisvert, Ronald	Campbell, David	Chandley, Shannon
Chase, Claudia	Chininis, Alexis	Christensen, Chris	Cote, David
Day, Russell	Doherty, Shaun	Dokmo, Cynthia	Emerton, Larry
Farley, Michael	Flurey, Joan	Gargas, Carolyn	Garrity, Patrick
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Hackel, Paul
Hardy, Valerie	Harvey, Philip	Harvey, Suzanne	Hodges, Kevin
Irwin, Anne-Marie	Katsiantonis, Thomas	Kelley, John	Knowles, John

Knowles, Mary Ann
Levasseur, Nickolas
Matarazzo, Anthony
Sr
Pilotte, Maurice
Rosenwald, Cindy
Shaw, Kimberly
Walsh, Robert Jr

Komi, Richard
Long, Patrick
Movsesian, Lori

Ramsey, Peter
Schulze, Joan
Soucy, Timothy
Winters, Joel

Kopka, Angeline
Mack, Ron
O'Brien, Michael Sr

Rhodes, Brian
Shattuck, Gilman
Sullivan, Daniel

Leishman, Peter
Marshall, Seth
O'Neil, James

Rokas, Theodoros
Shaw, Barbara
Thompson, Robert

MERRIMACK

Bouchard, Candace
DeJoie, John
Gile, Mary
Lockwood, Priscilla
Palfrey, David
Richardson, Gary
Stetson, William
Watrous, Rick
Yeaton, Charles

Brown, Carole
DeStefano, Stephen
Hamm, Christine
McMahon, Patricia
Porter, Margaret
Rodd, Beth
Tupper, Frank
Webb, Leigh

Clarke, Claire
Foose, Robert
Kelly, Sally
Osborne, Jessie
Potter, Frances
Schuett, Dianne
Wallner, Mary Jane
Wheeler, Deborah

Davis, Frank
French, Barbara
Kidder, David
Owen, Derek
Rice, Chip
Shurtleff, Stephen
Walz, Mary Beth
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Brown, C. Pennington
Cushing, Robert
Gleason, John
Kepner, Susan
McEachern, Paul
Pettersen, Don
Scamman, Stella

Stiles, Nancy

Bettencourt, David
Case, Frank
Day, Judith
Gould, Kenneth
Lyons, Melissa
Moody, Marcia
Read, Robin Jr
Scamman, W.
Douglas Jr
Webber, Carolyn

Borden, David
Casey, Kimberley
DiPentima, Rich
Henson, John
Mann, Maureen
Nord, Susi
Russell, Trinkia
Schlachman, Donna

Weyler, Kenneth

Bridle, Russell
Crisler, Margaret
Elliott, Robert
Howard, Doreen
McCarthy, Barbara
Pantelakos, Laura
Sanders, Elisabeth
Splaine, James

STRAFFORD

Berube, Roger
Burke, Rachel
Hofemann, Roland
Keans, Sandra
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Brennan, William
Cyr, James
Horrigan, Timothy
Lauterborn, Elaine
Rous, Emma
Spang, Judith
Watters, David

Brown, Julie
Domingo, Baldwin
Hubbard, Pamela
Perry, Robert
Ryder, Mark
Sprague, Dale

Brown, Larry
Grassie, Anne
Kaen, Naida
Rogers, Rose Marie
Schmidt, Peter
Vachon, Dennis

SULLIVAN

Donovan, Thomas Jr

McClammer, Jim

Gottling, Suzanne

Skinder, Carla

Harris, Sandra

Sweeney, Cynthia

Houde-Quimby,
Charlotte

NAYS 121

BELKNAP

Boyce, Laurie
Swinford, Elaine

Miller, Kate
Wendelboe, Fran

Neddeau, Stephen

Pilliod, James

CARROLL

Ahlgren, Christopher	Buco, Thomas	Chandler, Gene	Fleck, Joseph
Patten, Betsey	Roberts, John	Scala, Dino	Stevens, Stanley
Umberger, Karen			

CHESHIRE

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

COOS

Ingersoll, Paul Sr

GRAFTON

Bulis, Lyle	Friedrich, Carol	Gionet, Edmond	Ingbretson, Paul
Ladd, Rick Jr	Maybeck, Margie		

HILLSBOROUGH

Batula, Peter	Belvin, William	Boehm, Ralph	Cebrowski, John
Christiansen, Lars	Daniels, Gary	Drisko, Richard	Elliott, Nancy
Gagne, Larry	Graham, John	Haefner, Robert	Hawkins, Ken
Hikel, John	Hinch, Richard	Hogan, Edith	Holden, Frank
Holden, Rip	Hopper, Gary	Infantine, William	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	McCarthy, Michael	Mead, Robert
Messier, Irene	Moran, Edward	O'Brien, William	Ober, Lynne
Ober, Russell III	Palmer, Stephen	Pellegrino, Tony	Pepino, Leo
Peterson, Andrew	Pratt, Calvin	Renzullo, Andrew	Ryder, Donald
Seidel, Carl	Soucy, Connie	Vaillancourt, Steve	Villeneuve, Moe
Willette, Robert			

MERRIMACK

Anderson, Eric	Blankenbeker, Lynne	Boutin, David	Coffey, Jennifer
Hess, David	Kotowski, Frank	McGuire, Carol	Reed, Dennis
Smith, Todd			

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bates, David	Bishop, Franklin
Charron, Gene	Comerford, Timothy	Devine, James	DiFruscia, Anthony
Dumaine, Dudley	Emiro, Frank	Ferrante, Beverly	Fesh, Robert
Flanders, John Sr	Garrity, James	Griffin, Mary	Hagan, Joseph
Headd, James	Hoelzel, Kathleen	Hutchinson, Karen	Ingram, Russell
Kappler, L. Mike	Major, Norman	McKinney, Betsy	McMahon, Charles
Packard, Sherman	Quandt, Matt	Rausch, James	Reagan, John
Sapareto, Frank	Sedensky, John	Smith, William	Sullivan, James
Tucker, Pamela	Weare, Everett	Welch, David	Wells, Roger

STRAFFORD

Bickford, David	Groen, Warren	Vita, Carol
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SULLIVAN

Cunningham, Steven	Gagnon, Raymond	Osgood, Joe	Rodeschin, Beverly
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and the committee report was adopted.

Referred to the Committee on Ways and Means.

HB 1534, relative to the issuance of air permits and certain fees relative to air permits.
OUGHT TO PASS.

Rep. Jacqueline A. Cali-Pitts for Science, Technology and Energy: This bill clarifies the department of environmental services (DES) air quality permitting process that currently exists in practice and puts it into statute. The bill also makes clear the fees and costs associated with the permitting process that are to be paid by the applicants for the permit.
Vote 14-0.

Reps. McGuire and Groen spoke against.

Rep. Kaen spoke in favor.

Committee report adopted.

Referred to the Committee on Ways and Means.

RESOLUTION

Rep. Wallner offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 3, 2010 at 10:00 a.m.
Adopted.

LATE SESSION

Third reading and final passage

HB 1157, relative to appointment of a deputy treasurer in a school district.

HB 1265, requiring school boards to develop a policy to address air quality issues in schools.

HB 1289, relative to air quality in public schools.

HB 1324, relative to staffing exceptions for geographically isolated small schools.

HB 1144, relative to the definition of a set line used for taking fish.

HB 1425, relative to the regulation of the processing of lobster tails.

HB 1158, changing the name of the institutional review board to the vital records privacy board for health-related research.

HB 1398, allowing a surviving spouse to have access to the deceased spouse's medical records when there is no estate administration.

HB 1174, relative to terms for appointed town officials and relative to pay for members of park or recreation commissions.

HB 1332, relative to planning board members.

HB 1314, relative to approval of changes to a capital budget project.

HB 1294, relative to underground storage facility operator training.

HB 1399, relative to state water pollution control and drinking water revolving loan funds, and state contributions to sewage disposal facilities.

HB 1152, naming a bridge in Wolfeboro in honor of Corporal Matthew J. Stanley.

HB 1181, naming a portion of route 43 after the Honorable Robert A. Johnson.

HB 1446, naming a bridge in Hopkinton in honor of Officer Sean M. Powers.

HB 1563, naming a bridge in Salem in honor of Corporal Nicholas Arvanitis, Staff Sergeant Edmond L. Lo, and Marine Lance Corporal Robert L. Moscillo.

SB 193, relative to the interest rate on small loans and relative to the definition of lender for purposes of regulating such loans.

HB 1687, relative to the procedure for filling a vacancy among county officers.

MOTION TO SUSPEND HOUSE RULES

Reps. Marjorie Smith and Kurk moved that House Rules be so far suspended to allow the deadline for reporting to be extended to March 18, 2010 for ***HB 1664-FN***, making appropriations reductions in the operating budget for fiscal year 2011 and relative to state revenues and expenditures, and ***HB 1672-FN***, making appropriation additions and revenue reductions for fiscal year 2011.
Adopted by the necessary two-thirds.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Packard moved that the House reconsider its action whereby, on a division vote of 207-148, it adopted the motion of Inexpedient to Legislate on ***HB 579***, establishing motor vehicle learners' permits and relative to youth operators' licenses.

Rep. Packard spoke against.

On a division vote, 109 members having voted in the affirmative and 212 in the negative, the motion failed.

RECESS MOTION

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

The House recessed at 4:00 p.m.

RECESS