

HOUSE RECORD

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

Vol. 32

Concord, N.H.

Wednesday, April 28, 2010

No. 36

HOUSE JOURNAL No. 15 (cont.)

Wednesday, April 21, 2010

RECESS

Rep. Wallner moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 16

Wednesday, April 28, 2010

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

Prayer was offered by the member from Alton, Representative Peter Bolster. Prayer is a very private process. Therefore, I am going to lead you in a short sentence of prayer and then I am going to ask you to spend a time of private meditation and prayer to your God to consider the blessings that God has put in this “now” that he has given to you. May the God of peace calm our hearts and inspire our minds to discern his will. Let us pray in silence..... We ask this in the name of the God who created us, redeemed us and offers to guide our minds. Amen.

Representative Doreen Howard, member from Newmarket, led the Pledge of Allegiance.

The National Anthem was sung by the Monadnock High School Choral Quartet: Kellom Royce, William Lucas, Brittney O'Connor and Shauna Crosby under the direction of Mark Polifrone.

LEAVES OF ABSENCE

Reps. Benn, Bishop, Chase, Clarke, Gina Hutchinson, Kidder, Rokas, Tilton and Robert Williams, the day, illness.

Reps. Blankenbeker, Jennifer Brown, Brendon Browne, Casey, Craig, Dowling, Robert Elliott, Hawkins, Ingersoll, Introne, Thomas Katsiantonis, Levesque, Matheson, Mears, Nordgren, Michael O'Brien, Packard, Pantelakos, Pierce, Rhodes, Rodeschin, Joseph Russell, Trinka Russell, Scala, Kimberly Shaw, St. Cyr, Brien Ward and Watrous, the day, important business.

INTRODUCTION OF GUESTS

Kathy and Ray Chadwick, guests of Rep. Spaulding. Bruce Scamman and Christopher and David Scamman, son and grandsons of Reps. Doug Scamman and Stella Scamman. Jane Wall, guest of Rep. Carolyn Webber. Melissa Catsam, guest of Rep. Weed. Graduate students from UNH Public Administration, guests of Reps. Theberge and Shurtleff. Students from Canaan Elementary School, guests of Rep. Townsend.

COMMITTEE REPORTS

CONSENT CALENDAR

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

SB 365, requiring the sterilization of animals adopted from shelters and rescue groups, removed by Rep. Skinder.

SB 405, relative to grounds for revocation of school bus driver's certificate, removed by Rep. Winters.

Consent Calendar adopted.

SB 407, relative to records maintained by the department of health and human services in abuse and neglect cases. **OUGHT TO PASS.**

Rep. Deanna S. Rollo for Children and Family Law: This bill changes the statutory timeline for the destruction of abuse and neglect records maintained by the department of health and human services. It will require the department to destroy all records, electronic and paper, seven (7) years from the date the department closes the case. Vote 13-0.

SB 444, relative to the medical child support obligation. **OUGHT TO PASS.**

Rep. Deanna S. Rollo for Children and Family Law: This bill revises the formula for establishing a reasonable medical support obligation as part of child support. This brings New Hampshire law in compliance with the National Medical Support Notice. It also clarifies medical support obligations of both parents. Vote 13-0.

SB 458-FN, relative to enforcement of child support obligations. **OUGHT TO PASS.**

Rep. David A. Bickford for Children and Family Law: This bill is a request of the department of health and human services. The bill allows the department, through the office of child support services, to attach "lump sum" payments of income through income assignment, if there is an arrearage over 60 days. This is a simpler and more efficient way to collect arrearage than the usual lien type of attachment. Vote 13-0.

SB 415, relative to remedies against landlords. **OUGHT TO PASS.**

Rep. Gary B. Richardson for Judiciary: This bill prohibits the assessment of a daily fine for certain violations by landlords or tenants prior to the issuance of a temporary order. The bill still permits civil remedies set forth in RSA 358-A:10 for the initial violation including costs and reasonable attorney's fees and for each day of the violation after the issuance of a temporary order. Vote 17-0.

SB 437, relative to the authority of district court justices to issue emergency orders in any district court. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert B. Thompson for Judiciary: This bill allows any district court justice to issue an emergency order of relief without the prior assignment by an administrative judge. The amendment defines what is considered an emergency to be covered by this legislation. Vote 17-0.

Amendment (1495h)

Amend RSA 502-A:5, II as inserted by section 1 of the bill by replacing it with the following:

II. Notwithstanding the requirement in paragraph I for assignment by the administrative judge of the district court, any district court justice may issue an emergency order of relief in any matter in any district court without prior assignment by the administrative judge. An emergency order of relief is any order authorized by statute to be considered or issued on an ex parte basis.

SB 439, making technical corrections and changes to court sites and names. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy M. Weber for Judiciary: The bill, requested by the Judiciary, makes a number of technical changes. A reference in RSA 490:18-a regarding the authorization of revolving funds is changed from “offices of administrative services of the supreme court” to “administrative office of the courts.” With respect to court districts and locations, the bill provides the following: Matters from the towns of New London, Newbury and Wilmot shall be heard in Newport District Court. References to the Rockingham county court have changed to reflect its location in Brentwood, rather than Exeter. The Court for Northern Carroll County is now designated as the Conway District Court. The Court for Southern Carroll County is now designated the Ossipee District Court. There is a provision for holding sessions there and elsewhere in the district as justice may require. The amendment adds one further statutory reference change from Exeter to Brentwood which was missed in the original bill, and reflects that the Grafton County Superior Court sits at North Haverhill rather than Woodsville. Vote 17-0.

Amendment (1396h)

Amend RSA 510:1 as inserted by section 5 of the bill by replacing it with the following:

510:1 Time; Where Returnable. All original writs and writs of mesne process shall be served 14 days before the return day to which they are returnable, and shall be returnable to the superior court for Rockingham County at ~~[Exeter]~~ **Brentwood**; Strafford County at Dover; Belknap County at Laconia; Carroll County at Ossipee; Merrimack County at Concord; Hillsborough County at either Manchester or Nashua, as is appropriate; Cheshire County at Keene; Sullivan County at Newport; Grafton County at ~~[Woodsville]~~ **North Haverhill** in the town of Haverhill; and Coos County at Lancaster.

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7

6 Superior Court; Locations. Amend RSA 496:1, I(d) - (e) to read as follows:

(d) For the county of Coos: At Lancaster ~~[and Berlin]~~.

(e) For the county of Grafton: At ~~[Woodsville]~~ **North Haverhill** in the Town of Haverhill ~~[and at Lebanon until such time as a new court house is constructed in Haverhill]~~.

SB 166-FN, relative to mineral extraction, mining, and reclamation in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jim U. McClammer for Resources, Recreation and Development: Existing mining statutes are insufficient for regulating potential larger scale mining operations that could be developed in the future in New Hampshire. This bill was developed by the department of

environmental services (DES) and the department of resources and economic development (DRED), which is responsible for regulating mines. It establishes requirements for permitting that will safeguard both the environment and the affected municipalities in which the mine is proposed. The amendment clarifies language in the original bill. Vote 16-0.

Amendment (1463h)

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

1 Mining and Reclamation; Definitions. RSA 12-E:1 is repealed and reenacted to read as follows:

12-E:1 Definitions. In this chapter:

I. "Affected site" means the land or water upon, in, or under which mining is conducted or is to be conducted including the mine and that land or water which is or will be substantially affected physically or chemically by the mining.

II. "Closure" means all activities involved with closing an affected site after the cessation of mining, including the removal of all wastes, toxic materials, lagoons, and other sources of potential contamination; removal of all equipment, machinery, inventory, materials, and structures; reclamation of the land; third party site investigation to identify air emissions or contamination of soil, surface water, or groundwater; remediation necessary to achieve compliance with applicable state and federal cleanup laws and regulations; long-term monitoring and operation of remediation systems; and implementation of public safety measures.

III. "Commissioner" means the commissioner of the department of resources and economic development.

IV. "Comparable natural contour" means a surface configuration which resembles the general surface configuration of adjacent land and blends into and complements the drainage pattern of the surrounding terrain.

V. "Core drill" means a motorized drill that extracts solid, continuous rock samples from the earth for the purpose of exploration and characterization of ores, rocks, and minerals.

VI. "Dimension stone" means rock that is cut, shaped, or selected for use in blocks, slabs, sheets, or other construction units of specified shapes or sizes and used for external or interior parts of buildings, foundations, curbing, flagging, bridges, or revetments, or for other architectural or engineering purposes. Dimension stone includes quarry blocks from which sections of dimension stone are to be produced. Dimension stone does not include earth as defined in RSA 155-E:1, I.

VII. "Mine" means all areas mined on the surface, underground, or underneath water, as well as adjacent to the operation on the permitted property, including but not limited to, pits, quarries, underground mines, shafts, drifts, borings used for solution mining or otherwise, overburden disturbances, areas for storage, spoils, or waste, ancillary infrastructure such as pipes, tunnels, ponds, pools, waterways, sluiceways, lagoons, haulageways, roads, or trails, together with cleaning, concentrating, and preparation plants and machinery.

VIII. "Mineral" means copper, gold, silver, diatomite, feldspar, garnet, lime, thorium, uranium, and any similar solid material or metal substance to be excavated or extracted from natural deposits or formations on or in the earth or in or underneath water, and shall include those solid materials made up of minerals, such as rock and dimension stone, but shall exclude sand, gravel, and construction aggregate to be excavated from natural deposits or formations on or in the earth or in or underneath water, or for quarrying or crushing of rock or bedrock for the purpose of producing construction aggregate.

IX. "Mining" means all activities performed in the extraction of minerals and that create or make use of one or more components of a mine; provided, however, the following shall not be subject to this chapter:

(a) Mining activities for which the permit site would be 5 acres or less and would result in less than 2,000 cubic yards per year excavated; provided, however, that all mineral dredging activity in any waters of the state of New Hampshire, unless classified as small motor mineral dredging pursuant to RSA 482-A:3, XI, and all solution mining activity shall, regardless of the size of the area involved, be subject to the permit requirement and other conditions set forth in this chapter.

(b) Mining activities in existence before August 24, 1979.

(c) Mining or quarrying activities for the production of construction aggregate.

(d) Collectors and hobbyists who hand collect mineral and rock specimens for recreational purposes.

(e) The crushing of rock for the purpose of producing construction aggregate regulated pursuant to RSA 155-E.

X. "Mining operator" or "operator" means any person, firm, company, association, partnership, cooperative, corporation, or trust engaged in mining.

XI. "Overburden" means earth and other natural materials over and around the minerals which will be displaced by mining operations.

XII. "Permit site" means the land surrounding and including the affected site needed to internalize the mining operation to safeguard adjacent lands and interests.

XIII. "Pre-application meeting" means the meeting requested in writing by a potential permit applicant prior to submission of its permit application and to be scheduled by the commissioner, where the applicant, representatives of the department of resources and economic development, representatives from the department of environmental services, including the state geologist, and the chairperson of the local planning board for each community in which the mine is to be located, or his or her designee, will meet to review the proposed project, and, if any party so requests, conduct a site visit. The pre-application meeting and any documents submitted or exchanged for the purposes of the pre-application meeting are not public, or subject to public disclosure, pursuant to RSA 91-A.

XIV. "Prospecting" means exploration for ores, rocks, or minerals performed by a company or professional agent in the business of mineral deposit exploration and development, using mechanized equipment such as a core drill, which will result in the disturbance of land greater than 100,000 square feet and greater than 10 feet in depth from the immediate land surface.

XV. "Quarry" means an excavation in bedrock open to the surface excavated for the purpose of removing rock, minerals, or metallic ores.

XVI. "Reclamation" means the restoration of the affected site by grading, backfilling, compacting, and landscaping to a comparable natural contour and the reestablishment of a diverse, effective, permanent vegetative cover of the same variety previously occurring in the area which is capable of self-regeneration and plant succession equal to or greater than the land's productive capacity prior to the mining activities. Reclamation shall also include any modifications or treatment of the land to prepare it for a different, post-mining use as approved under RSA 12-E:4, VIII.

XVII. "Rock" means granite, schist, quartzite, and any other solid material consisting of minerals.

XVIII. "Runoff" means any water on or flowing on or across the land surface.

XIX. "Toxic material" means any material that contains or is a chemical substance that may leach or otherwise become available to the environment so as to be injurious to the environment or to human health through ingestion, inhalation, or absorption through any body surface.

2 Mining and Reclamation. RSA 12-E:2 is repealed and reenacted to read as follows:

12-E:2 Duties of the Commissioner. The commissioner shall:

I. Schedule and coordinate a pre-application meeting upon the receipt of a request from a potential permit applicant.

II. Evaluate and approve or deny all mining permit applications or amendments thereto. Upon denial or conditional approval of the application, the commissioner shall state the reasons for such determination in writing. All applications shall be acknowledged within 5 working days of receipt and processed in accordance with RSA 541-A:29, provided the commissioner shall have in all circumstances at least 30 days to complete the processing of the application from the later date on which the applicant certifies and submits all applicable local, state, and federal permits and approvals as required under RSA 12-E:4, VI(h), or files a financial assurance plan in accordance with RSA 12-E:6. The commissioner may extend the processing timeframe on request of the applicant.

III. Have the authority to suspend or revoke any permit issued pursuant to this chapter for failure to comply with the permit or for noncompliance with this chapter or rules adopted pursuant to this chapter. The commissioner may also suspend or revoke any permit issued pursuant to this chapter if he or she concludes that the operator lacks sufficient managerial, technical, or financial resources to conduct mining activities in continuing compliance with the terms and conditions of any permit and in accordance with this chapter and applicable rules.

IV. Supervise the leasing of state-owned lands for mining operations pursuant to RSA 12-E:9.

V. Have the power to subpoena witnesses and administer oaths in any proceeding or examination instituted before or conducted by the commissioner, and to compel the production of any account books, contracts, records, engineering surveys, documents, memoranda, and papers of any kind necessary to implement this chapter.

VI. Prepare an annual report by January 1 of each year. Such report shall include the number and geographic distribution of sites in existence before August 24, 1979, permitted sites, and applications received during the past year, the acreage of the affected sites and permit sites, the names of the operators, corporate officers, and corporations operating such sites or making such applications, and such other information as will enable the actions of the commissioner and the status of mining in the state to be evaluated. The report shall be prepared in consultation with the state geologist and submitted to the governor and council.

VII. Make announced and unannounced inspections and investigations on any permit site to ensure compliance with the permit and the orderly operation of the mining plan in a responsible manner, and make inspections based on a citizen complaint. All inspections shall be conducted in the presence of the operator or his or her duly authorized employees or representatives, with such presence provided without undue delay.

VIII. Adopt rules, pursuant to RSA 541-A, relative to:

- (a) The form of the mining permit application.
- (b) The form of application for renewal of the mining permit.
- (c) The form of application for prospecting permits.
- (d) Entry onto permit sites and adjacent properties.
- (e) Emergency actions to halt mining operations for the public safety.
- (f) Undertaking prospecting, mining, and reclamation activities in a manner to

ensure public safety.

- (g) Matters deemed necessary pursuant to paragraph VIII-a.

VIII-a. Confer with the commissioner of the department of environmental services relative to the requirements needed to protect the environment from the effects of prospecting, mining, and reclamation activities, and, to the extent the rulemaking authority of the department of environmental services is inadequate to address environmental or public health concerns that the commissioner and the commissioner of the department of environmental services agree are necessary to protect the environment or public health, adopt such rules.

IX. Have the authority to perform closure activities on an affected site subject to a granted permit, as provided for in the financial assurance plan.

X. Provide technical assistance, conduct research, experiments, and demonstrations, and disseminate information resulting therefrom and receive federal, state, or other funds and allocate them for reclamation, education, or other research and assistance projects.

XI. Report any violation of a permit, or of any provision of this chapter, or of any rule adopted under this chapter, to the commissioner of the department of environmental services.

XII. Give notice to the commissioner of the department of environmental services of any proceeding to revoke, suspend, or modify any permit.

XIII. Give notice to the commissioner of the department of environmental services of any contemplated modification of any financial assurance plan required under this chapter.

3 New Sections; Duties of the Commissioner of the Department of Environmental Services; Mining and Reclamation. Amend RSA 12-E by inserting after section 2 the following new sections:

12-E:2-a Duties of the Commissioner of the Department of Environmental Services. The commissioner of the department of environmental services shall:

I. Report to the commissioner any violation by a mining operator of:

(a) Any statute for which the department of environmental services has enforcement authority;

(b) Any permit issued by the department of environmental services; and

(c) Any rule adopted by the department of environmental services.

II. Give notice to the commissioner of any proceeding by the department of environmental services to revoke, suspend, or modify any permit issued to a mining operator by the department of environmental services.

III. Investigate any alleged violation by a mining operator of any statute, rule, or condition of any permit issued by the department of environmental services and report the results of such investigation to the commissioner.

12-E:2-b No Infringement on Existing Authority of the Department of Environmental Services. Nothing in this chapter shall be construed to prevent the department of environmental services from regulating, whether by adoption of rules, issuance of permits, or enforcement of statutes, rules, or permits, such aspects of mining operations that are within the scope of the programs implemented by the department of environmental services, including those relating to air quality, surface water quality including wastewater disposal, groundwater protection, management of solid and hazardous wastes, and site cleanup and reclamation.

4 Mining and Reclamation; Prospecting Permit Required. Amend RSA 12-E:3, I to read as follows:

I. Prior to prospecting for minerals ***on any lands within the state*** a person shall obtain a prospecting permit from the commissioner upon payment of a fee pursuant to RSA 12-E:8. The commissioner may attach conditions upon issuance of the permit to minimize the environmental damage of such activities. Such prospecting permit shall be valid for a term of one year subject to renewal upon request to the commissioner. ***The prospecting permit shall not be effective until all required permits are obtained from the department of environmental services.***

5 Mining and Reclamation; Mining Permit Required. RSA 12-E:4 is repealed and reenacted to read as follows:

12-E:4 Mining Permit Required.

I. No person shall engage in mining unless the person holds a valid permit issued by the commissioner or is exempted pursuant to RSA 12-E:1, IX.

II. A permit shall be issued to any mining operator whose application is approved or conditionally approved by the commissioner whose financial assurance plan is approved, upon payment of all fees.

III. A mining permit shall not become effective or be issued until all applicable local, state, and federal permits and approvals have been obtained, including but not limited to, a

fill and dredge permit pursuant to RSA 482-A and an alteration of terrain permit pursuant to RSA 485-A:17.

IV. Nothing in this chapter shall affect any obligation of the applicant to obtain local approvals required under all applicable, lawful local ordinances not inconsistent with this chapter, whether before or after the issuance of a permit or when a permit is being amended.

V. A mining permit shall include a mining plan, a blasting plan if such activities are anticipated, a closure plan, and such other terms and conditions as required by the commissioner. The permit shall be valid for a term of 3 years and, upon submission of a timely renewal permit application by the operator, shall be renewed 60 days prior to its expiration; provided, however, the commissioner determines that the operator has been in compliance with this chapter, rules adopted under this chapter, and the operator's permit, and the financial assurance plan is deemed adequate upon review under RSA 12-E:6, I.

VI. The permit application shall be submitted to the commissioner and shall include, at a minimum:

(a) The names and addresses of:

(1) The permit applicant;

(2) The operator, if different from the applicant; and

(3) If (1) or (2) is a business enterprise other than a sole proprietor, the

names and addresses of the principal owners and resident agent and the names and addresses of every officer, partner, director, or person performing a function similar to a director.

(b) The names and addresses of:

(1) Every legal owner of record of the property, both surface and subsurface, of the permit site;

(2) The holders of record of any leasehold interest in the property; and

(3) The owners of record of all surface and subsurface areas adjacent to any part of the permit site.

(c) A list of all names under which the applicant, partner, or principal owner previously operated a mining operation within the United States in the past 10 years.

(d) A statement as to whether the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant, or principal owners of both the applicant and another corporation has held, within a 5-year period prior to submission of the application, a domestic or foreign mining permit which has been suspended or revoked, or has forfeited a reclamation bond or similar security and the reasons therefor. Whenever requested by the commissioner, the attorney general shall conduct a background investigation of the performance history and criminal record of the applicant and of its officers and directors, if any, and make a report to the department of resources and economic development. The cost of any investigation under this subparagraph shall be borne by the applicant.

(e) A true copy of an original policy of insurance issued by an insurance company authorized to do business in this state covering all mining and closure operations and affording personal injury protection in an amount not less than \$1,000,000 and property damage, including blasting damage, protection of not less than \$2,000,000.

(f) A geologic resources report, to include a description of the mineral to be mined.

(g) A copy of the applicant's public notice published pursuant to RSA 12-E:5.

(h) Once obtained, a copy of all local, state, and federal permits and approvals required under applicable environmental or public health laws for the proposed mining operations.

VII. The mining plan shall include, at a minimum:

(a) A description of prospecting activities or other exploratory activities engaged in to assess the suitability of the proposed permit site for mining.

(b) A detailed description of the affected site and the permit site stating the surface and underground geometry and volume of planned excavated and bored areas and the number of acres to be included, noting the acreage and cubic yards of deposit areas, expected yield of the extracted minerals, the drainage area above and below the site, the hydrology and geology of the area, a topographical map represented at 2 feet contours, and extensive soil data.

(c) A detailed description of the means of pollution prevention, buffer zones, grades and stabilization of excavated areas, and the management of wastes generated, stored, processed, and disposed of during the mining operations.

(d) A detailed map of the permit site as it will be developed drawn to scale, an aerial photograph of the permit site, and any other maps or photographs requested by the department.

(e) A cross sectional map or plans of the permit site showing location of aquifers and estimated elevation of the water table.

(f) A description of anticipated blasting activities during the mining operation which shall be done in accordance with established engineering principles for prevention of groundwater contamination and of vibration and air blast damage to residences, buildings, and surrounding land areas.

(g) An inventory of all public and private water supplies that lie within a ½ mile radius of the permitted site boundary, as indicated on a map included pursuant to RSA 12-E:4, VII(d).

(h) A description of the following:

(1) Projected effects of mining activities on the surface water and groundwater hydrology of the permitted site, and downgradient and downstream properties and receptors;

(2) Best management practices associated with the mining activities, including but not limited to construction and blasting activities, that will be implemented to protect the quality of water resources and the surface and groundwater hydrology of the permitted site and surrounding areas; and

(3) An ongoing water quality sampling and reporting program that will be implemented to verify that water resources are not being affected by mining activities.

(i) A description of daily operations, staging activities, runoff control, management of inventories, and control measures for dust, noise, odor, and air emissions.

(j) A description of mining techniques and processing to be utilized.

(k) A description of all public safety measures to be implemented.

VIII. The closure plan shall include, at a minimum:

(a) A detailed description of the reclamation activities, including a schedule for reclamation and an outline of anticipated contemporaneous reclamation activities when a large tract of land is subject to mining operations. The reclaimed land shall be at least as capable of supporting the uses as it supported prior to any mining activity or shall be capable of supporting different post-mining uses so long as such use or uses do not present any actual or probable hazard to public health or safety or pose any actual or probable threat of water diminution or pollution. Such different post-mining uses may include agricultural, recreational, residential, commercial, industrial, forestry, or open space land use. The proposed land use following reclamation may not be impractical or unreasonable or inconsistent with applicable land use policies and plans and shall be approved by the commissioner.

(b) A detailed description of all planned closure activities and associated costs. The planned closure activities shall take into account the character and nature of the area adjacent to the permit site.

IX. The commissioner may request any additional information as needed to evaluate the permit application or any subsequent request for a modification to the permit once issued.

X. A permit shall be denied by the commissioner in the following circumstances:

(a) The operator or any corporate officer or principal owner has a mining violation pursuant to RSA 12-E:10 outstanding in the state. If any such persons have or have had similar violations filed against them in another jurisdiction, the applicant shall present such information to the commissioner who may, in his or her discretion, approve or deny the permit based on such activities;

(b) The operator or any corporate officer or principle owner has forfeited a reclamation bond or other type of financial performance assurance, either domestic or foreign, during the past 5 years;

(c) The applicant has not received all and certified to the commissioner the receipt of all applicable local, state, and federal permits and approvals, as required under RSA 12-E:4, VI(h), or has not provided copies of all such permits and approvals to the commissioner;

(d) The effect of the mining operation is too great or is in an area unsuitable for mining because of historical, archaeological, or environmental reasons or the mining and closure plans or pollution prevention measures are insufficient.

(e) The operator has not applied for a national pollutant discharge elimination system permit and a stormwater notice of intent and pollution prevention plan, if required, granted by the federal environmental protection agency.

(f) If, in his or her determination and in consultation with the department of environmental services and the department of safety, the mining operation would constitute an imminent and substantial danger to the health and safety of the public by causing substantial harm to persons outside of the permit site or substantial harm to the maintenance of environmental quality in and near the permit site;

(g) If the mining, blasting, closure, and financial assurance plans do not meet the requirements of this chapter or the rules adopted pursuant to this chapter;

(h) The department of environmental services does not approve the mining and the closure plan, or does not concur with the commissioner's determination as to the amount of the financial assurance provided; or

(i) The department of safety does not approve of the blasting plan.

6 Mining and Reclamation; Public Hearing. RSA 12-E:5 is repealed and reenacted to read as follows:

12-E:5 Public Hearing; Notice.

I. Upon filing of a permit application or an application for an amended permit, the applicant shall provide a copy of the application to the local governing body where the property to be affected is located and shall publish public notice of such application in a newspaper in general circulation in each county where the property to be affected is located.

II. The commissioner shall hold a public hearing. Notice of the public hearing shall be given as follows:

(a) Every abutter and holder of conservation, preservation, or agricultural preservation restrictions shall be notified of the hearing by certified mail stating the time and place of the hearing, and such notice shall be given not less than 5 days before the date fixed for the hearing.

(b) A public notice of the hearing shall be placed in a newspaper of general circulation in the area not less than 5 days before the date fixed for the hearing.

III. The public hearing shall be held within 30 days of the receipt of the permit application or application for an amended permit.

IV. Any party may appear in person or by the party's agent or attorney at the hearing.

V. The cost of the public hearing notice, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the commissioner to terminate further consideration and to deny the application without public hearing.

7 Mining and Reclamation; Financial Assurance Plan. RSA 12-E:6 is repealed and reenacted to read as follows:

12-E:6 Financial Assurance Plan.

I. Upon approval of the mining and closure plans and prior to the issuance of a permit, the operator shall file with the commissioner proof of adequate financial assurances, as determined and required by the commissioner, payable to the state of New Hampshire with sureties or other security satisfactory to the commissioner to adequately secure compliance with this chapter upon default by the operator. The amount provided shall equal at least 110 percent of the costs necessary to achieve the requirements set forth in the approved closure plan. The commissioner shall have the authority to adjust after the issuance of the permit the financial assurances required commensurate with any change in information or circumstances, including but not limited to the size and impact of the permitted mining operation or a modification of planned closure activities. In no case shall the financial assurances provided be less than \$10,000 per acre of permitted site. The commissioners of the department of resources and economic development and the department of environmental services shall review the adequacy of the financial assurances provided at the time of permit renewal or when an amendment to the existing permit is requested, and at such other times as deemed appropriate.

II. All proceeds of forfeited financial assurance or other security shall be expended by the commissioner for closure of the affected site. Upon issuance of a certification in writing, signed by the commissioner, that all closure activities have been satisfactorily completed, the remainder of any financial assurance shall revert to the operator or other party as designated in the financial assurance plan.

III. The commissioner shall establish a schedule, as is appropriate, for the partial release of the financial assurances as portions of closure activities are completed. All financial assurances provided or portions thereof as detailed in the schedule shall be released when closure of the affected site, or portions thereof, have been completed by the operator to the satisfaction of the commissioner and in no case sooner than 3 years from its filing.

IV. A financial assurance plan for prospecting may be required by the commissioner whenever he or she determines possible injury to the land or water may occur and such activity does not occur on a permitted site.

V. All approvals, adjustments, expenditures, and releases of financial assurances as provided for in this section shall require the concurrence of the commissioner of the department of environmental services.

8 Duties of Operator During Mining and Reclamation. Amend RSA 12-E:7 to read as follows:

12-E:7 Duties of Operator During Mining and Reclamation.

I. Upon ~~[approval of the permit application, issuance of permit and payment of performance bond]~~ **the issuance of a permit under this chapter**, the mining operator may engage in such mining operations as detailed in the ~~[application]~~ **permit** during the term of the permit period subject to the following conditions. The operator shall:

(a) Submit progress reports to the commissioner showing the location and extent of the mined areas and areas in the process of reclamation and a log specifying all blasting activities on a quarterly basis **and the results of any water testing required pursuant to RSA 12-E:4, VII(h)(3)**;

(b) Provide a buffer zone from the mine of 200 feet from any property line~~[-]~~ **or** public right-of-way ~~[or water body]~~ except for haulage roads **and 250 feet from any public waters defined in RSA 483-B:4, XVI**;

(c) Remove the topsoil from the land in a separate layer and if not utilized immediately, segregate it in a separate pile from other spoil. When the topsoil is not replaced on an area within a time short enough to avoid deterioration of the topsoil, a successful cover by quick growing plant or other means thereafter shall be initiated so that the topsoil is preserved from wind and water erosion and remains free of contamination by

toxic material, and is in a usable condition for sustaining vegetation when restored during reclamation. If topsoil is of insufficient quantity or of poor quality for sustaining vegetation, or if other strata can be shown to be more suitable for vegetation requirements, then the operator shall remove, segregate, and preserve in a like manner such other strata which is best able to support vegetation for successful reclamation;

(d) Stabilize and protect all surface areas including spoil or grout piles affected by the mining and reclamation operation to effectively control erosion and attendant air and water pollution;

(e) Create, if authorized in the permit, permanent impoundments of water on mining sites as part of reclamation activities only when it is adequately demonstrated that the size of the impoundment is adequate for its intended purposes. The impoundment dam construction shall be so designed as to achieve necessary stability with an adequate margin of safety as determined by the commissioner **and permitted by the department of environmental services pursuant to RSA 482**; the quality of impounded water shall be suitable on a permanent basis for its intended use and discharges **to surface or ground waters** from the impoundment shall not degrade the water quality below water quality standards established pursuant to applicable federal and state law ~~[in the receiving stream]~~; the level of water shall be reasonably stable; final grading shall provide adequate safety and access for proposed water users; and such water impoundments shall not result in the diminution of the quality or quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses;

(f) ~~[Regrade the affected site to a comparable natural contour, except a different topography shall be accepted for another approved intended use.]~~ **Perform reclamation in accordance with the approved closure plan.** In the case of surface quarries in bedrock where regrading is technically and economically unfeasible, the commissioner shall require appropriate safety measures to be carried out and revegetation to screen quarries and enhance public views~~[-]~~. **Introduced species may be used in the revegetation process, excluding invasive species as defined in RSA 430:52, VII, where desirable and necessary to achieve the future land use plan. The operator shall be responsible for the vegetative cover in an area until such time as the standard of RSA 12-4: VIII(a) is met during 3 successive growing seasons. Reclaimed vertical faces of highwalls shall not exceed steps of 30 feet vertical and 20 feet horizontal, unless otherwise approved by the commissioner;**

~~[(g) Establish on the regraded areas, and all other lands affected, unless the land is intended for a different post-mining use and has commissioner approval, a diverse, effective and permanent vegetative cover of the same seasonal variety native to the area of land to be affected and capable of self regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area. Introduced species may be used in the revegetation process where desirable and necessary to achieve the future land use plan;~~

~~(h)]~~ **(g)** Remove all metal, lumber, equipment, or other refuse resulting from the operation. No refuse shall be placed or be caused to slide beyond the perimeter of the permit site;

~~(h)]~~ **(h)** Insure that all debris, acid-forming materials, toxic materials, or materials constituting a fire hazard are disposed of in a manner consistent with applicable state law designed to prevent contamination of ground or surface waters. **The operator shall successfully demonstrate that waste rock materials will not be net-acid forming;**

~~(i)]~~ **(i)** File a closing notice with the commissioner that the mining operations are terminated~~[-]~~;

(j) Comply with all applicable environmental laws and regulations.

II. All ~~[reclamation]~~ **closure** activities shall be **performed to current state standards and** carried to completion by the operator prior to the expiration of one year after termination of the mining operation unless the commissioner extends such deadline for

good cause. Such activities shall proceed in an environmentally sound manner and as contemporaneously as practicable with the mining operations. ~~[The operator shall be responsible for 3 successive growing seasons after the completion of the reclamation plan.]~~ If the operator claims a mining operation is still functional but in the commissioner's determination, based upon the quarterly progress reports submitted by the operator pursuant to RSA 12-E:7, I(a), the operation is terminated, the operator shall be required to initiate ~~[reclamation]~~ **closure** activities. ~~[The commissioner shall establish a schedule for partial refund of the performance bond as portions of reclamation activities are completed.]~~

9 Mining and Reclamation; Leasing of State Owned Lands. Amend RSA 12-E:9, II-III to read as follows:

II. ***When approved by the governor and council*** the commissioner shall issue prospecting permits to persons pursuant to rules adopted under ~~[RSA 12-E:2, VII(f)]~~ **RSA 12-E:2, VIII(f)** to entitle persons to prospect for valuable mineral ~~[and metal]~~ deposits, excepting common sand and gravel, on state owned lands. Any prospector who discovers a valuable mineral ~~[of metal]~~ deposit~~[, upon filing a claim thereof and a permit pursuant to RSA 12-E:4, may mine such area pursuant to rules adopted by the commissioner]~~ **may submit an application for a mining permit.**

III. The commissioner shall determine the terms of ~~[the leases]~~ **any mining lease**, including the amount of acreage, duration of lease, rental cost, royalties, and any conditions concerning extraction of minerals or reclamation of the leased land upon application for such lease by the prospector.

10 Mining and Reclamation; Violations and Emergency Procedures. Amend RSA 12-E:10 and 11 to read as follows:

12-E:10 Violations.

I. If the commissioner determines a violation has been or is being committed by an operator in relation to this chapter or to any ~~[regulation promulgated pursuant to]~~ **rule adopted under** this chapter or to the terms of the issued permit, ~~[he]~~ **the commissioner** shall issue and serve upon the operator a written order to halt the violation activities. Such order shall specify the violation. The operator shall have 60 days to correct the violation or face revocation **or suspension** of his **or her** mining ~~[and reclamation]~~ permit and partial or full forfeiture of the ~~[performance bond]~~ **financial assurance plan** after notice and hearing.

II. The operator may appeal the order to the commissioner within 5 days after receiving such order. The commissioner shall hold a hearing within 10 days of the operator's appeal.

III. A violation hearing shall be held, if requested, and the operator may appear in person or by attorney to answer the allegations of the violation and to present relevant testimony and evidence. After hearing the evidence presented, the commissioner shall determine whether a violation exists. The operator shall be promptly notified of the commissioner's findings and decision by certified mail. A copy of the decision shall be posted at the entrance to the permit site. If such appeal is entered, the 60 day corrective period shall commence upon the date of the commissioner's decision.

IV. Upon the operator's noncompliance with the order, the commissioner shall hold a revocation **or suspension** hearing within 10 days after the expiration of the 60 day period. The commissioner shall notify the operator by certified mail of the hearing and shall enclose a statement specifying the allegations of violation to be answered. A copy of the statement shall be posted at the entrance to the ~~[affected]~~ **permit** site.

V. A revocation **or suspension** hearing shall be held and the operator may appear in person or by attorney to show good cause as to why the permit should not be revoked **or suspended**. After hearing the evidence presented, the commissioner shall determine whether the mining ~~[and reclamation]~~ permit shall be immediately revoked **or suspended** or the operation enjoined. The operator shall be promptly notified of the commissioner's

findings and decision by certified mail. A copy of the decision shall be posted at the entrance to the permit site.

VI. Upon revocation **or suspension** of the mining [~~and reclamation~~] permit the commissioner [~~shall~~] **may** cause to have instituted by the attorney general a civil action in a court of competent jurisdiction to partially or fully forfeit the [~~performance bond~~] **financial assurance plan** of the operator.

12-E:11 Emergency Procedure. Whenever the commissioner finds that a violation of this chapter or [~~the regulations promulgated hereunder~~] **rules adopted under this chapter or a permit issued under this chapter** exists [~~and~~] **which** presents an immediate and substantial harm to the health, safety, or general welfare of the public or to the environment, he **or she** may order the operator to immediately halt the alleged violation. Service on the commissioner's findings and a copy of the order shall be made upon the operator by the sheriff or a deputy within the county where the operator maintains the mining operation affected by such order. The operator shall comply immediately. Said operator may apply to the commissioner for a hearing on such order, which shall be held within 2 working days after receipt of the request therefor, and shall be conducted pursuant to RSA 12-E:10.

11 Mining and Reclamation; Penalties and Other Relief. Amend RSA 12-E:12, I to read as follows:

I. Any person who violates any provisions of this chapter or any [~~lawful regulation~~] **rule** or cease and desist order of the commissioner issued pursuant to this chapter, or any condition or limitation in a permit or amendment issued under this chapter or who shall fail, neglect, or refuse to obey any order lawfully issued pursuant to this chapter shall be subject to a civil penalty not to exceed [~~\$10,000~~] **\$20,000** for each day the violation continues.

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

AMENDED ANALYSIS

This bill:

- I. Adds definitions to the chapter on mining and reclamation.
- II. Expands the duties of the commissioner of the department of resources and economic development.
- III. Modifies mining permit application requirements.

SB 369, relative to the effect of changes in local permit status on large groundwater withdrawal permits issued by the department of environmental services. **OUGHT TO PASS.**

Rep. Judith T. Spang for Resources, Recreation and Development: Under SB 369, if a local building permit that relates to a large groundwater permit expires, the department of environmental services must be notified so a determination can be made of whether the permit issued by the department will be affected. The department shall then provide a report back to the municipality on this determination. Vote 16-0.

SB 370, relative to sewage disposal systems. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne H. Gottling for Resources, Recreation and Development: The bill exempts from sewage system permit requirements any construction that does not increase the load on the existing system. The amendment clarifies continuing education requirements for septic system designers and installers. Vote 16-0.

Amendment (1444h)

Amend RSA 485-A:35, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Permitted designers shall complete a minimum of [~~3~~] **6** hours [~~annually~~] **biennially** of continuing education approved by the department. **Any permitted designer who is also a permitted septic system installer under RSA 485-A:36 may fulfill the**

continuing education requirements for both permits with the same approved 6 hours of continuing education.

Amend RSA 485-A:36, I(b) as inserted by section 3 of the bill by replacing it with the following:

(b) Permitted installers shall complete a minimum of ~~[3]~~ 6 hours ~~[annually]~~ ***biennially*** of continuing education approved by the department. ***Any permitted installer who is also a permitted designer under RSA 485-A:35 may fulfill the continuing education requirements for both permits with the same approved 6 hours of continuing education.***

SB 301, relative to combustion of untreated wood at municipal transfer stations. **OUGHT TO PASS.**

Rep. Laurence M. Rappaport for Science, Technology and Energy: This bill extends permission for towns and cities to burn untreated wood. Without this bill, current law created by Chapter 128 (HB 428) in the 2007 session would enact a ban on burning untreated wood. Without this bill many communities would have to drive very long distances to go to a recycler, which would result in increased expenses for those communities. This bill was supported by the department of environmental services. Vote 17-0.

SB 327, relative to disclosure of electric service energy sources and environmental characteristics. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne Harvey for Science, Technology and Energy: The bill is a result of a study committee that looked at requiring electric utilities to provide their customers with information regarding the energy source mix the utility generates and/or purchases to fulfill the energy demands of its customers. The bill, as amended by the committee, requires utilities to report to their customers at least annually either in electronic or mailed form their energy sources (such as coal, biomass, nuclear, wind) and the emissions profile of those sources. The disclosure will compare the data with that of the average energy mix within our region's electric grid. The public utilities commission (PUC) will approve the format of the presentations. Vote 14-2.

Amendment (1482h)

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

AN ACT relative to disclosure of electric service energy sources and environmental characteristics and relative to disciplinary actions against competitive electric suppliers.

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

1 New Subdivision; Disclosure of Electric Service Energy Sources and Environmental Characteristics. Amend RSA 378 by inserting after section 48 the following new subdivision: Disclosure of Electric Service Energy Sources and Environmental Characteristics

378:49 Disclosure of Electric Service Energy Sources and Environmental Characteristics.

I. The public utilities commission shall, after notice and hearing, by order or rule, approve a standard format and methodology that providers of electricity, as defined in RSA 362-F:2, XIV, shall use when providing information to existing or prospective customers regarding the energy sources and environmental characteristics of their electric service. Such information shall include but not be limited to:

(a) A presentation of energy sources used to generate the electricity and their respective contributions to the service's total energy mix, by percentage;

(b) The environmental characteristics of the service's energy mix, including but not limited to air pollutant emission rates; and

(c) A comparison of source and emissions data between the service's energy mix and the average energy mix of the region available from the Independent System Operator of New England.

II. Each provider of electricity, as defined in RSA 362-F:2, XIV, shall in standard format:

- (a) Provide and make easily accessible on the provider's Internet site the information for each electric service that it sells in the state;
- (b) Update such information at least annually; and
- (c) Provide such information to electric customers at least annually in conjunction with billing, whether distributed through the mail or online, or other mailed or online communication to customers, as approved by the commission.

III. Appropriate access or reference to relevant public information, including emissions by source, that is more detailed than that contained in the standard format shall be included in the standard format.

2 Disciplinary Actions; Competitive Energy Suppliers. Amend RSA 374-F:7, III to read as follows:

III. The commission is authorized to assess fines against, revoke the registration of, and prohibit from doing business in the state, any competitive electricity supplier which violates the requirements of this section or ~~[RSA 362-F]~~ **any other provision of this title applicable to competitive electricity suppliers.**

3 Repeal. RSA 365:8, XIII, relative to rulemaking of the public utilities commission on customer information regarding renewable energy options, is repealed.

4 Effective Date. This act shall take effect 90 days after its passage.

AMENDED ANALYSIS

This bill establishes requirements for disclosure of electric service energy sources and environmental characteristics to customers by providers of electricity. The bill also expands the authority of the public utilities commission to take disciplinary actions for violations by competitive electric suppliers.

SB 302, relative to notice of driver's license expiration. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard T. Stuart for Transportation: This bill was submitted at the request of the department of safety. It permits the department to notify license holders 30 days before expiration of licenses of a place and time where they can renew. It will also note the possibility of electronic renewal for the issuance of a new license. Such notification can be mailed as well as electronic, telephonic, or other means that the licensee chooses. The department testified to potential savings of up to \$250,000 per year by using methods other than mail. Vote 12-0.

Amendment (1468h)

Amend the bill by replacing section 1 with the following:

1 License Expiration; Notice. Amend RSA 263:10, I to read as follows:

I. Except as provided in RSA 263:14 and RSA 263:39-a, III, all licenses shall expire on the fifth anniversary of the license holder's date of birth following the date of issuance. The department shall notify each holder of a license by mail addressed to the holder's last known address, **or, if the license holder has so elected, by electronic, telephonic, or other means**, 30 days prior to the expiration date thereof of a place and time when he or she shall appear for the issuance of a new license **and any availability of electronic license renewal.**

SB 404, relative to towing and disposal of abandoned vehicles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen H. Nedeau for Transportation: This bill makes several technical changes to certain provisions of the law regarding the disposal of abandoned vehicles and adds provisions regarding vehicles at storage facilities. With the assistance of the department of

safety, these changes were made to make a more reasonable timeline and more of a reasonable time frame for people to secure the items in said vehicles. Vote 13-0.

Amendment (1404h)

Amend RSA 262:35-a, I as inserted by section 4 of the bill by replacing it with the following:

I. All fees charged for the removal and storage of any vehicle caused to be removed by an authorized official pursuant to RSA 262:32 or RSA 262:40-a shall be reasonable, and may reflect market variables, including, but not limited to, distance traveled to and from the storage facility, vehicle size and weight, the amount of time needed to remove and store the vehicle, ***any special equipment needed***, and personnel costs. If the owner or other person lawfully entitled to possession of the vehicle wishes to challenge the reasonableness of the fee charged, the owner or other person may pay over to the custodian of the vehicle an amount equal to the towing and storage charges to secure the release of the vehicle, and, within 15 days of the release of the vehicle, request in writing a review by the commissioner of safety. The commissioner of safety ***or designee*** shall review the ~~[towing and storage charge and]~~ ***claim to*** determine if there are sufficient grounds to conduct a hearing to determine whether the charge was reasonable. If the commissioner ***or designee*** determines that a hearing is necessary, the hearing shall be ~~[held]~~ ***scheduled by the bureau of hearings*** within ~~[30]~~ ***20*** days after review by the commissioner, at which time the extent of removal and storage fees shall be determined. The commissioner ***or designee*** shall ~~[issue a decision]~~ ***approve or disapprove of the decision of the bureau of hearings*** within ~~[30]~~ ***7*** days after ~~[holding a]~~ ***the hearing was held***. Notwithstanding RSA 262:25, any person aggrieved by a decision of the commissioner ***or designee*** under this section may appeal the decision to the superior court in the same manner as that prescribed in RSA 263:75, II and III. If no request for review is filed within the 15-day period, the owner or other person lawfully entitled to possession of the vehicle shall be deemed to have waived all rights to review under this section and shall be liable for the total amount billed.

Amend RSA 262:36-a, III as inserted by section 5 of the bill by replacing it with the following:

III. If the value of the vehicle is less than \$1,000 or the vehicle is so vandalized, damaged, or in disrepair as to be unusable as a motor vehicle and only fit for salvage as determined in good faith through the application of reasonable automotive industry standards, the storage facility may dispose of the vehicle in 15 days without the notice required by RSA 262:38 and RSA 444. If the last place of abode of the owner of such vehicle is known to or may be ascertained by such storage facility by the exercise of reasonable diligence, the storage facility shall give notice of the time and place of the sale to the owner by registered or certified mail, or in person, at least 10 days prior to the disposal and upon written notice to the director subject to such rules as the department shall adopt pursuant to RSA 541-A.

Amend RSA 262:37 as inserted by section 6 of the bill by replacing it with the following:

262:37 Sale Authorized. If the vehicle shall have been stored pursuant to this subdivision and all the requirements of RSA ~~[262:36]~~ ***262:36-a*** have been met, the custodian of the vehicle may sell the same, at ~~[his]~~ ***the custodian's*** place of business at public auction, for cash.

Amend RSA 262:37-a as inserted by section 7 of the bill by replacing it with the following:

262:37-a Access to Records. The custodian of the vehicle may obtain the name and last known mailing address of the last registered owner of a vehicle stored pursuant to this subdivision, and a law enforcement officer with jurisdiction, upon request of the operator of a tow truck, shall give to the tow truck operator, upon receipt of such information, the name and mailing address of the registered owner of the vehicle if the owner or custodian of the vehicle was not present or able to give that information at the scene. If the law enforcement officer is aware that the owner or custodian of the vehicle was removed to a medical or

correctional facility the law enforcement officer shall notify the tow truck operator of that fact.

Amend RSA 262:40-c as inserted by section 10 of the bill by replacing it with the following:

262:40-c Abandoning a Vehicle; Penalty.

I. No person shall abandon a motor vehicle, registered or unregistered, on any way or on any property other than his or her own without the permission of the owner or lessee of said property or, in the case of public property, of the police department having jurisdiction over the property **and no person shall abandon a vehicle at a storage facility after being notified in person or by registered or certified mail to redeem the vehicle.** For the purposes of this section, a vehicle shall be considered abandoned if it has been left for more than 24 hours without the appropriate permission being given **or at a storage facility after having been given 10 days notice to redeem it.**

II. A storage facility to which an abandoned vehicle has been towed may dispose of such vehicle after complying with the notice requirements of RSA 262:36-a or 262:38, as applicable. It shall be a rebuttable presumption that the notice was received if it was given pursuant to the provisions of this subdivision.

III. The last owner of record of a motor vehicle found abandoned, as shown by the files of the department, shall be deemed prima facie to have been the owner of such motor vehicle at the time it was abandoned and to have been the person who abandoned the motor vehicle or caused or procured its abandonment **unless said last registered owner is able to establish a transfer of ownership prior to abandonment, in which case the transferee shall be liable, or that the vehicle had been reported stolen to a law enforcement agency at the time of abandonment.**

IV. Any person who violates the provisions of this section shall be guilty of a violation and shall be subject to a fine of not less than \$100 and not more than \$500 **plus penalty assessment**, and may be subject to the loss of driver's license **or driving privilege** and registration **or privilege of registering** as provided in RSA 263:56 and RSA 261:179.

V. The ~~court~~ **commissioner of safety or designee** may assess costs of abandoning a vehicle, including but not limited to, **reasonable** towing, ~~and~~ **processing, disposal, and** storage costs, against any person convicted of abandoning a vehicle in violation of this section, and the director shall, **unless there is just cause to do otherwise**, suspend the driver's license **or driving privilege, and registration or privilege of registering** of any person who has not paid such costs.

SB 413, relative to obstructions on motor vehicle windows. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer R. Coffey for Transportation: The committee unanimously agreed that the existing law regarding the prohibition of stickers or other non-transparent material is being misinterpreted and should be changed. The department of safety also requested this change. This bill provides exception to the prohibition by allowing such items on the perimeter of the rear window so long as the center of the rear window is clear of obstruction. Vote 13-0.

Amendment (1346h)

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

1 Obstruction to Driver's View. Amend RSA 265:95, III to read as follows:

III. (a) Except as permitted by subparagraph (b), no person shall drive upon any way any vehicle with any sign, poster, sticker, or other nontransparent material upon or adjacent to the front windshield, side wings, or side or rear windows of such vehicle which shall obstruct the driver's clear view of the way or any intersecting way, unless authorized by the director so to do. No person shall drive upon any way any vehicle with after market tinting on the windshield or on the windows to the left and right of the driver, as prohibited under RSA 266:58-a.

(b) Stickers or other nontransparent material shall be permitted on a rear window if the vehicle is equipped with exterior rearview mirrors on the right and left side of the vehicle that provide the driver with a clear and unobstructed view of the way to the rear of the vehicle and the stickers or other nontransparent material are attached along the perimeter of the rear window in such a manner that the inside rearview mirror provides a view of the way to the rear of the vehicle through the center portion of the rear window.

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

REGULAR CALENDAR

SB 384, authorizing the department of health and human services to provide private adoption agencies access to founded reports of abuse and neglect maintained by the department. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Carla M. Skinder for the Majority of Children and Family Law: This bill allows for the New Hampshire department of health and human services (DHHS) to provide private adoption agencies that are licensed or certified in another state access to founded reports of abuse and neglect maintained by the department. The current law allows for DHHS to provide such information to out-of-state child welfare agencies. This bill would better protect children and it brings us in compliance with the Adam Walsh bill that extends access for out-of-state child welfare agencies to founded reports of abuse and neglect in the state of New Hampshire. Vote 9-4.

Rep. Anthony P. Matarazzo for the Minority of Children and Family Law: The minority of the committee believes that there are private records that need protection and should not be distributed to adoptive agencies out of state. The records could easily be delivered to the other state's department that knows if the agency is in good standing.

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

Rep. Matarazzo spoke against.

Rep. Skinder spoke in favor.

On a division vote, 203 members having voted in the affirmative and 115 in the negative, the majority committee report was adopted.

Ordered to third reading.

SB 419, relative to conversion of convertible lands under the condominium act. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T. DeStefano for Commerce and Consumer Affairs: This bill would have extended the statutory timeline for the declarant to convert convertible land in a condominium from 5 years to 10 years to finish a project. Only one person showed up to speak on the bill and the bulk of the discussion in committee was to leave the bill as is or change the 5 years to 7 years. Everyone understood that we are in a tough market for builders but we need to be concerned for the rights of the current owners as well. The declarant under current law also has the right to extend by an amendment for another 5 years under RSA 356-B: 54 V. The majority of the committee felt the law should stay the way it is currently. Vote 11-7.

Rep. Hinkle spoke against.

Rep. DeStefano spoke in favor.

On a division vote, 226 members having voted in the affirmative and 94 in the negative, the committee report was adopted.

SB 515, relative to allowing the commissioner of the department of employment security to participate in a joint local employment dynamics program with the United States Census Bureau and the Bureau of Labor Statistics. **OUGHT TO PASS.**

Rep. Stephen T. DeStefano for Commerce and Consumer Affairs: This bill would allow NH employment security to participate in local employment dynamics (LED). LED is an important economic development tool that also has countless uses for local economies and communities, emergency preparedness and response, as well as transportation planning. Forty-nine states, as well as the Virgin Islands and Puerto Rico, already participate in LED. Participation requires NHES to send the same data it now sends to the US Department of Labor to the US Census Bureau. The method of transmission and encryption upon receipt methods were presented to the committee by two representatives of the US Census Bureau. The Census Bureau reports that the data is secure at all times, scrubbed of personal identifiable data and developed into detailed industry, geographic and demographic levels. Site locators currently use the data in a free web application to explore possibilities for businesses that are either expanding or relocating. Currently, New Hampshire is immediately dismissed as a consideration for siting of businesses because our state is the only blank state on the website. We are losing valuable opportunities for job creation at a time when we have over 52,000 unemployed citizens and a slow recovery predicted to last for the next couple of years. Vote 16-1.

Rep. Butler requested a roll call; sufficiently seconded.

YEAS 271 NAYS 61

YEAS 271

BELKNAP

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

CARROLL

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

CHESHIRE

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

COOS

Hatch, William	Merrick, Evalyn	Rappaport, Laurence	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	Thomas, Yvonne

GRAFTON

Aguiar, James	Almy, Susan	Cooney, Mary	Ford, Susan
Friedrich, Carol	Gionet, Edmond	Gould, Franklin	Harding, Laurie
Laliberte, Suzanne	Mulholland, Catherine	Pastor, Beatriz	Preston, Philip
Smith, Suzanne	Taylor, Kathleen	Townsend, Charles	White, Andrew
Williams, Burton			

HILLSBOROUGH

Baroody, Benjamin	Beauchamp, Roger	Beaulieu, Jane	Beck, Catriona
Belvin, William	Bergin, Peter	Boisvert, Ronald	Caron, June
Cebrowski, John	Chandley, Shannon	Christensen, Chris	Cote, David
Day, Russell	Doherty, Shaun	Dokmo, Cynthia	Drisko, Richard
Flurey, Joan	Foster, Linda	Gandia, Laura	Gargas, Carolyn
Gidge, Kenneth	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Graham, John	Hackel, Paul	Haefner, Robert	Haley, Robert
Hammond, Jill	Hardy, Valerie	Harvey, Philip	Harvey, Suzanne
Hebert, Roger	Hinch, Richard	Hodges, Kevin	Jasper, Shawn
Judy, Jean	Kelley, John	Knowles, John	Knowles, Mary Ann
Kopka, Angeline	L'Heureux, Robert	LaPlante, Roland	Leishman, Peter
Levasseur, Nickolas	Lisle, Carolyn	Long, Patrick	Mack, Ron
Marshall, Seth	Matarazzo, Anthony Sr	Messier, Irene	Movsesian, Lori
Nixon, David	O'Neil, James	Ober, Lynne	Ober, Russell III
Pilotte, Maurice	Pratt, Calvin	Price, Pamela	Rosenwald, Cindy
Rowe, Robert	Ryder, Donald	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Soucy, Timothy	Spaulding, Jayne	Sullivan, Daniel
Tahir, Saghir	Thompson, Robert	Walsh, Robert Jr	Williams, Carol

MERRIMACK

Anderson, Eric	Bartlett, Michael	Bouchard, Candace	Brown, Carole
Davis, Frank	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	Hess, David	Kelly, Sally
Lockwood, Priscilla	McGuire, Carol	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Palfrey, David	Porter, Margaret	Potter, Frances
Reed, Dennis	Rice, Chip	Richardson, Gary	Rodd, Beth
Schuetz, Dianne	Shurtleff, Stephen	Stetson, William	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Webb, Leigh	Wheeler, Deborah
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Belanger, Ronald	Bettencourt, David	Borden, David
Brown, C. Pennington	Cali-Pitts, Jacqueline	Case, Frank	Charron, Gene
Crisler, Margaret	Cushing, Robert	Day, Judith	Devine, James
DiPentima, Rich	Emiro, Frank	Ferrante, Beverly	Fesh, Robert
Flanders, John Sr	Garcia, Marilinda	Garrity, James	Gould, Kenneth
Griffin, Mary	Hagan, Joseph	Headd, James	Henson, John
Hoelzel, Kathleen	Howard, Doreen	Hutchinson, Karen	Ingram, Russell
Katsakiores, Phyllis	Kepner, Susan	Lyons, Melissa	Major, Norman
Mann, Maureen	McEachern, Paul	McKinney, Betsy	Moody, Marcia
Nevins, Chris	Nord, Susi	Petterson, Don	Priestley, Anne
Quandt, Matt	Rausch, James	Read, Robin Jr	Sanders, Elisabeth
Sapareto, Frank	Scamman, Stella	Scamman, W. Douglas Jr	Schlachman, Donna
Splaine, James	Stiles, Nancy	Sullivan, James	Weare, Everett
Webber, Carolyn	Welch, David	Wells, Roger	Weyler, Kenneth

STRAFFORD

Berube, Roger	Brennan, William	Brown, Julie	Brown, Larry
Burke, Rachel	Cyr, James	Domingo, Baldwin	Grassie, Anne
Hofemann, Roland	Horrigan, Timothy	Hubbard, Pamela	Hutz, Sarah
Kaen, Naida	Keans, Sandra	Lauterborn, Elaine	Lewis, Robert

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

Price, Susan
Ryder, Mark
Sprague, Dale
Watters, David

Rogers, Rose Marie
Schmidt, Peter
Vachon, Dennis

Rollo, Deanna
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Harris, Sandra

Skinder, Carla

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

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Osgood, Joe

NAYS 61

BELKNAP

Boyce, Laurie

Swinford, Elaine

Wendelboe, Fran

CARROLL

Chandler, Gene

Fleck, Joseph

Roberts, John

CHESHIRE

Emerson, Susan

Sterling, Franklin Jr

COOS

None

GRAFTON

Bulis, Lyle

Ingbreton, Paul

Ladd, Rick Jr

Maybeck, Margie

HILLSBOROUGH

Batula, Peter
Elliott, Nancy
Hogan, Edith
McCarthy, Michael
Pellegrino, Tony
Silva, Peter
Villeneuve, Moe

Boehm, Ralph
Gagne, Larry
Holden, Frank
Mead, Robert
Pepino, Leo
Soucy, Connie
Willette, Robert

Christiansen, Lars
Hikel, John
Hopper, Gary
O'Brien, William
Renzullo, Andrew
Ulery, Jordan
Winters, Joel

Daniels, Gary
Hinkle, Peyton
Kurk, Neal
Palmer, Stephen
Seidel, Carl
Vaillancourt, Steve

MERRIMACK

Coffey, Jennifer

Kotowski, Frank

Smith, Todd

ROCKINGHAM

Allen, Mary
Itse, Daniel
Perkins, Amy
Smith, William

Baldasaro, Alfred
Kappler, L. Mike
Perkins, Lawrence
Tucker, Pamela

Bates, David
Kolodziej, Walter
Reagan, John

Comerford, Timothy
McMahon, Charles
Sedensky, John

STRAFFORD

Groen, Warren

Twombly, James

Vita, Carol

SULLIVAN

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

SJR 1, urging the secretary of agriculture to review the Federal Milk Market Order system.
OUGHT TO PASS.

Rep. Robert H. Haefner for Environment and Agriculture: Our New Hampshire dairy farmers have been losing money every time they milk for well over a year. Some farms have already been lost due to bankruptcy, and many more are at risk. The money farmers are paid for their milk is inadequate to cover the cost of production. The price is largely set by the Federal Milk Market Order (FMMO). The system is broken. It is under the control of the U. S. Secretary of Agriculture. A complete review of the system is needed and a recommendation of how to fix the entire system made, and then the recommendations must be implemented. The resolution asks the secretary to include in the FMMO the cost of production, including the cost of transportation. This resolution is very similar to one sent by the Eastern Regional Conference of the CSG, and also similar to resolutions sent by other northeastern states. Vote 11-0.

Committee report adopted and ordered to third reading.

SB 330, relative to the court accreditation commission and the interbranch criminal and juvenile justice council. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M. Weber for the Majority of Judiciary: The bill increases from 9 to 13 the number of members of the court accreditation commission. It adds the commissioner of administrative services or designee, the commissioner of safety or designee, the director of security for the administrative office of the courts, and one county sheriff appointed by the president of the New Hampshire sheriffs' association. The majority believed that the addition of these persons, all of whom are particularly involved in the safe and smooth operation of the courts, is desirable. Two further provisions of the bill reinstate the court accreditation commission and the interbranch criminal and juvenile justice council, both of which have been previously reinstated by the so-called "committee on committees" in HB 1609. Vote 11-7.

Rep. William L. O'Brien for the Minority of Judiciary: This bill expands the membership of the New Hampshire court accreditation commission from 9 to 13 members, adding three (3) new executive branch employees and a sheriff and thereby diluting the representation of the two (2) legislative appointees on the commission. As the size of the commission grows, it will be more difficult to achieve a quorum, while the expense of the commission through the new participators of state and county employees grows. The bill was recommended as giving stakeholders a greater voice, but it does so by diminishing the role of the people represented by their legislators.

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

Rep. William O'Brien spoke against.

Rep. Lucy Weber spoke in favor.

Rep. Kappler requested a roll call; sufficiently seconded.

YEAS 187 NAYS 146

YEAS 187

BELKNAP

Arsenault, Beth

Johnson, William

Merry, Liz

Miller, Kate

Pilliod, James

Reever, Judith

Stuart, Richard

CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Wiley, Susan

CHESHIRE

Allen, Peter
Butynski, William
Lerandean, Alfred
Parkhurst, Henry
Weber, Lucy

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

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

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

COOS

Hatch, William

Merrick, Evalyn

Thomas, Yvonne

GRAFTON

Aguiar, James
Friedrich, Carol
Laliberte, Suzanne
Smith, Suzanne

Almy, Susan
Gionet, Edmond
Mulholland, Catherine
Taylor, Kathleen

Cooney, Mary
Gould, Franklin
Pastor, Beatriz
Townsend, Charles

Ford, Susan
Harding, Laurie
Preston, Philip
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Chandley, Shannon
Foster, Linda
Ginsburg, Ruth
Haley, Robert
Harvey, Suzanne
Kelley, John
LaPlante, Roland
Long, Patrick

Beauchamp, Roger
Boisvert, Ronald
Cote, David
Gargasz, Carolyn
Goley, Jeffrey
Hammond, Jill
Hebert, Roger
Knowles, John
Leishman, Peter
Mack, Ron

Beaulieu, Jane
Campbell, David
Dokmo, Cynthia
Garrity, Patrick
Gorman, Mary
Hardy, Valerie
Hodges, Kevin
Knowles, Mary Ann
Levasseur, Nickolas
Marshall, Seth

Beck, Catriona
Caron, June
Flurey, Joan
Gidge, Kenneth
Hackel, Paul
Harvey, Philip
Jeudy, Jean
Kopka, Angeline
Lisle, Carolyn
Matarazzo, Anthony
Sr
Pilotte, Maurice
Shaw, Barbara
Walsh, Robert Jr

Movsesian, Lori
Rosenwald, Cindy
Soucy, Timothy
Williams, Carol

Nixon, David
Schulze, Joan
Sullivan, Daniel
Winters, Joel

O'Neil, James
Shattuck, Gilman
Thompson, Robert

MERRIMACK

Bartlett, Michael
DeStefano, Stephen
Hamm, Christine
Owen, Derek
Richardson, Gary
Stetson, William
Webb, Leigh

Bouchard, Candace
Foote, Robert
Kelly, Sally
Porter, Margaret
Rodd, Beth
Tupper, Frank
Wheeler, Deborah

Brown, Carole
French, Barbara
McMahon, Patricia
Potter, Frances
Schuett, Dianne
Wallner, Mary Jane
Yeaton, Charles

Davis, Frank
Gile, Mary
Osborne, Jessie
Rice, Chip
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Cushing, Robert
Ingram, Russell
Moody, Marcia

Belanger, Ronald
Day, Judith
Kepner, Susan
Nord, Susi

Borden, David
DiPentima, Rich
Mann, Maureen
Petterson, Don

Brown, C. Pennington
Henson, John
McEachern, Paul
Read, Robin Jr

Schlachman, Donna

Splaine, James

Webber, Carolyn

Wells, Roger

STRAFFORD

Berube, Roger
Burke, Rachel
Horrigan, Timothy
Keans, Sandra
Price, Susan
Ryder, Mark
Sprague, Dale
Watters, David

Brennan, William
Cyr, James
Hubbard, Pamela
Lauterborn, Elaine
Rogers, Rose Marie
Schmidt, Peter
Vachon, Dennis

Brown, Julie
Grassie, Anne
Hutz, Sarah
Lewis, Robert
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Brown, Larry
Hofemann, Roland
Kaen, Naida
Perry, Robert
Rous, Emma
Spang, Judith
Ward, Kenneth

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Sweeney, Cynthia

NAYS 146

BELKNAP

Bolster, Peter
Millham, Alida
Veazey, John

Boyce, Laurie
Nedeau, Stephen
Wendelboe, Fran

Fields, Dennis
Russell, David

Flanders, Donald
Swinford, Elaine

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Roberts, John

Knox, J. David
Stevens, Stanley

CHESHIRE

Emerson, Susan
Sterling, Franklin Jr

Hunt, John

Johnson, Jane

Laurent, John

COOS

Rappaport, Laurence
Tholl, John Jr

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
Williams, Burton

Ingretson, Paul

Ladd, Rick Jr

Maybeck, Margie

HILLSBOROUGH

Batula, Peter
Christensen, Chris
Doherty, Shaun
Gandia, Laura
Hinkle, Peyton
Jasper, Shawn
Mead, Robert
Ober, Russell III

Belvin, William
Christiansen, Lars
Drisko, Richard
Haefner, Robert
Hogan, Edith
Kurk, Neal
Messier, Irene
Palmer, Stephen

Boehm, Ralph
Daniels, Gary
Elliott, Nancy
Hikel, John
Holden, Frank
L'Heureux, Robert
O'Brien, William
Pellegrino, Tony

Cebrowski, John
Day, Russell
Gagne, Larry
Hinch, Richard
Hopper, Gary
McCarthy, Michael
Ober, Lynne
Pratt, Calvin

Price, Pamela
Seidel, Carl
Tahir, Saghir
Willette, Robert

Renzullo, Andrew
Silva, Peter
Ulery, Jordan

Rowe, Robert
Soucy, Connie
Vaillancourt, Steve

Ryder, Donald
Spaulding, Jayne
Villeneuve, Moe

MERRIMACK

Anderson, Eric
Lockwood, Priscilla
Smith, Todd

Coffey, Jennifer
McGuire, Carol

Hess, David
Palfrey, David

Kotowski, Frank
Reed, Dennis

ROCKINGHAM

Allen, Mary
Bettencourt, David
Comerford, Timothy
Emiro, Frank
Garcia, Marilinda
Hagan, Joseph
Hutchinson, Karen
Kolodziej, Walter
McMahon, Charles
Priestley, Anne
Sanders, Elisabeth

Bailey, Clinton
Cali-Pitts, Jacqueline
Crisler, Margaret
Ferrante, Beverly
Garrity, James
Headd, James
Itse, Daniel
Lyons, Melissa
Nevins, Chris
Quandt, Matt
Sapareto, Frank

Baldasaro, Alfred
Case, Frank
Devine, James
Fesh, Robert
Gould, Kenneth
Hoelzel, Kathleen
Kappler, L. Mike
Major, Norman
Perkins, Amy
Rausch, James
Scamman, Stella

Bates, David
Charron, Gene
DiFruscia, Anthony
Flanders, John Sr
Griffin, Mary
Howard, Doreen
Katsakiores, Phyllis
McKinney, Betsy
Perkins, Lawrence
Reagan, John
Scamman, W.
Douglas Jr
Sullivan, James
Weyler, Kenneth

Sedensky, John
Tucker, Pamela

Smith, William
Weare, Everett

Stiles, Nancy
Welch, David

STRAFFORD

Groen, Warren

Twombly, James

Vita, Carol

SULLIVAN

Cunningham, Steven Howard, Thomas Osgood, Joe
and the majority committee report was adopted.
Ordered to third reading.

SB 438, relative to procedures in small claims actions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William L. O'Brien for Judiciary: This bill would require a defendant removing a small claims case to the superior court for a jury trial to pay the small claims transfer fee. The defendant will be reimbursed the fee by the plaintiff, if the defendant prevails. The bill also allows a judgment to be entered against a small claims defendant served by first-class mail so long as the letter is not returned as undeliverable. The committee removed language from the senate version of the bill that would have established a rebuttable presumption that a defendant seeking a timely removal of the default did not receive the letter. Without that language, the defendant will be required to prove the unreturned letter was not received in order to have the court remove the default judgment. Vote 14-3.

Amendment (1489h)

Amend RSA 503:6, II as inserted by section 2 of the bill by replacing it with the following:

II. *If the defendant fails to respond to the notice and the notice is not returned as undelivered, a default judgment will be entered in favor of the plaintiff, who shall be notified by the court.*

AMENDED ANALYSIS

This bill requires the defendant to pay the fee to transfer a small claims action to the superior court.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 406, relative to merger of lots or parcels. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jessie L. Osborne for the Majority of Municipal and County Government: Under current zoning regulation municipalities can already prohibit the involuntary merging of lots as was recently done in the town of Gilford with a warrant article prohibiting involuntary merging of lots. The majority of the committee believes that the legislation raises issues about the status of previously involuntarily merged lots. This could create a zoning mess and a legal nightmare by raising serious questions about local zoning powers and the rights of government under Part 1 Article 12 of the Constitution which provides that the representative body has the power to decide property issues. Interim study will provide the committee time to fully examine the ramifications of these issues; communities can still prohibit involuntary lot merging on a local level through zoning regulations. Vote 10-8.

Rep. Betsey L. Patten for the Minority of Municipal and County Government: RSA 674:39-a addresses the process for voluntary merger of lots or parcels. Currently the law is silent on the issue of involuntary merger of lots or parcels. The amendment would prohibit any city, town, county or village district from merging preexisting subdivided lots or parcels except on the consent of the owner. The minority claims that this statement makes Part I, Article 2 clear with no ambiguity. "[Art.] 2. [Natural Rights.] All men have certain natural, essential, and inherent rights among which are, the enjoying and defending life and liberty; acquiring, possessing, and protecting, property; and, in a word, of seeking and obtaining happiness." The minority also feels that involuntary merger violates "[Art.] 12. [Protection and Taxation Reciprocal.] But no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people" During executive session the amendment as printed was supported by a majority of the committee 10-8. Therefore the minority disagrees with the majority motion for Interim Study.

The question being adoption of the majority committee report of Refer for Interim Study.

Reps. Crisler and Sterling spoke against.

Reps. Larry Brown and Gagnon spoke in favor.

Rep. Crisler requested a roll call; sufficiently seconded.

YEAS 167 NAYS 174

YEAS 167

BELKNAP

Miller, Kate

Reever, Judith

CARROLL

Bridgham, Robert

Butler, Edward

Wiley, Susan

CHESHIRE

Allen, Peter

Butterworth, Timothy

Butynski, William

Carlson, Nancy

Carr, Daniel

Eaton, Daniel

Lerandeau, Alfred

Mitchell, Bonnie

Parkhurst, Henry

Richardson, Barbara

Robertson, Timothy

Sad, Tara

Weber, Lucy

Weed, Charles

COOS

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

Aguiar, James	Almy, Susan	Cooney, Mary	Ford, Susan
Friedrich, Carol	Gould, Franklin	Harding, Laurie	Laliberte, Suzanne
Mulholland, Catherine	Pastor, Beatriz	Preston, Philip	Smith, Suzanne
Taylor, Kathleen	Townsend, Charles	White, Andrew	

HILLSBOROUGH

Baroody, Benjamin	Beauchamp, Roger	Beaulieu, Jane	Beck, Catriona
Boisvert, Ronald	Campbell, David	Caron, June	Chandley, Shannon
Cote, David	Farley, Michael	Flurey, Joan	Foster, Linda
Garrity, Patrick	Gidge, Kenneth	Ginsburg, Ruth	Goley, Jeffrey
Hackel, Paul	Haley, Robert	Hammond, Jill	Hardy, Valerie
Harvey, Philip	Harvey, Suzanne	Hebert, Roger	Hodges, Kevin
Jeudy, Jean	Kelley, John	Knowles, John	Knowles, Mary Ann
Komi, Richard	Kopka, Angeline	LaPlante, Roland	Leishman, Peter
Levasseur, Nickolas	Lisle, Carolyn	Long, Patrick	Mack, Ron
Marshall, Seth	Movsesian, Lori	Nixon, David	O'Neil, James
Pilotte, Maurice	Poznanski, Brian	Rosenwald, Cindy	Schulze, Joan
Shattuck, Gilman	Soucy, Timothy	Sullivan, Daniel	Thompson, Robert
Walsh, Robert Jr	Williams, Carol		

MERRIMACK

Bartlett, Michael	Bouchard, Candace	Brown, Carole	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
Rodd, Beth	Schuett, Dianne	Shurtleff, Stephen	Stetson, William
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Webb, Leigh
Wheeler, Deborah	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Belanger, Ronald	Borden, David	Brown, C. Pennington
Cushing, Robert	Day, Judith	DiPentima, Rich	Gould, Kenneth
Kepner, Susan	Lyons, Melissa	Mann, Maureen	Moody, Marcia
Nord, Susi	Petterson, Don	Read, Robin Jr	Schlachman, Donna
Webber, Carolyn			

STRAFFORD

Berube, Roger	Brennan, William	Brown, Larry	Burke, Rachel
Cyr, James	Domingo, Baldwin	Grassie, Anne	Hofemann, Roland
Horrigan, Timothy	Hubbard, Pamela	Kaen, Naida	Keans, Sandra
Lauterborn, Elaine	Lewis, Robert	Perry, Robert	Price, Susan
Rogers, Rose Marie	Rollo, Deanna	Rous, Emma	Ryder, Mark
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Sprague, Dale
Vachon, Dennis	Wall, Janet	Ward, Kenneth	Watters, David

SULLIVAN

Cloutier, John	Donovan, Thomas Jr	Gagnon, Raymond	Gottling, Suzanne
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Houde-Quimby,
Charlotte

McClammer, Jim

Skinder, Carla

Sweeney, Cynthia

NAYS 174

BELKNAP

Arsenault, Beth
Flanders, Donald
Nedeau, Stephen
Swinford, Elaine

Bolster, Peter
Johnson, William
Pilliod, James
Veazey, John

Boyce, Laurie
Merry, Liz
Russell, David
Wendelboe, Fran

Fields, Dennis
Millham, Alida
Stuart, Richard

CARROLL

Ahlgren, Christopher
Knox, J. David
Stevens, Stanley

Buco, Thomas
McConkey, Mark
Umberger, Karen

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Roberts, John

CHESHIRE

Burrige, Delmar
Johnson, Jane
Sterling, Franklin Jr

Butcher, Suzanne
Laurent, John

Emerson, Susan
Lindsey, Steven

Hunt, John
Meador, David

COOS

Rappaport, Laurence
Tholl, John Jr

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Williams, Burton

Ingbretson, Paul

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Cebrowski, John
Day, Russell
Elliott, Nancy
Gorman, Mary
Hinch, Richard
Hopper, Gary
Matarazzo, Anthony
Sr
O'Brien, William
Pellegrino, Tony
Renzullo, Andrew
Shaw, Barbara
Tahir, Saghir
Willette, Robert

Belvin, William
Christensen, Chris
Doherty, Shaun
Gagne, Larry
Graham, John
Hinkle, Peyton
Jasper, Shawn
McCarthy, Michael

Ober, Lynne
Pepino, Leo
Rowe, Robert
Silva, Peter
Ulery, Jordan
Winters, Joel

Bergin, Peter
Christiansen, Lars
Dokmo, Cynthia
Gandia, Laura
Haefner, Robert
Hogan, Edith
Kurk, Neal
Mead, Robert

Ober, Russell III
Pratt, Calvin
Ryder, Donald
Soucy, Connie
Vaillancourt, Steve

Boehm, Ralph
Daniels, Gary
Drisko, Richard
Gargas, Carolyn
Hikel, John
Holden, Frank
L'Heureux, Robert
Messier, Irene

Palmer, Stephen
Price, Pamela
Seidel, Carl
Spaulding, Jayne
Villeneuve, Moe

MERRIMACK

Anderson, Eric
Kotowski, Frank
Reed, Dennis

Coffey, Jennifer
Lockwood, Priscilla
Smith, Todd

DeStefano, Stephen
McGuire, Carol

Hess, David
Palfrey, David

ROCKINGHAM

Allen, Mary	Bailey, Clinton	Baldasaro, Alfred	Bates, David
Bettencourt, David	Bridle, Russell	Cali-Pitts, Jacqueline	Case, Frank
Charron, Gene	Comerford, Timothy	Crisler, Margaret	Devine, James
DiFruscia, Anthony	Emiro, Frank	Ferrante, Beverly	Fesh, Robert
Flanders, John Sr	Garcia, Marilinda	Garrity, James	Griffin, Mary
Hagan, Joseph	Headd, James	Henson, John	Hoelzel, Kathleen
Howard, Doreen	Hutchinson, Karen	Ingram, Russell	Itse, Daniel
Kappler, L. Mike	Katsakiores, Phyllis	Kolodziej, Walter	Major, Norman
McEachern, Paul	McKinney, Betsy	McMahon, Charles	Nevins, Chris
Perkins, Amy	Perkins, Lawrence	Priestley, Anne	Quandt, Matt
Rausch, James	Reagan, John	Sanders, Elisabeth	Sapareto, Frank
Scamman, Stella	Scamman, W.	Sedensky, John	Smith, William
	Douglas Jr		
Splaine, James	Stiles, Nancy	Sullivan, James	Tucker, Pamela
Weare, Everett	Welch, David	Wells, Roger	Weyler, Kenneth

STRAFFORD

Brown, Julie	Groen, Warren	Hutz, Sarah	Twombly, James
Vita, Carol			

SULLIVAN

Cunningham, Steven	Harris, Sandra	Howard, Thomas	Osgood, Joe
and the majority committee report failed.			

Rep. Patten moved Ought to Pass and offered minority committee amendment (1278h).

Minority Amendment (1278h)

Amend the bill by replacing section 1 with the following:

1 Regulation of Subdivision of Land; Voluntary Merger. Amend RSA 674:39-a to read as follows:

674:39-a Voluntary Merger. Any owner of 2 or more contiguous preexisting approved or subdivided lots or parcels who wishes to merge them for municipal regulation and taxation purposes may do so by applying to the planning board or its designee. Except where such merger would create a violation of then-current ordinances or regulations, all such requests shall be approved, and no public hearing or notice shall be required. No new survey plat need be recorded, but a notice of the merger, sufficient to identify the relevant parcels and endorsed in writing by the planning board or its designee, shall be filed for recording in the registry of deeds, and a copy mailed to the municipality's assessing officials. No such merged parcel shall thereafter be separately transferred without subdivision approval. ***No city, town, county, or village district may merge preexisting subdivided lots or parcels except upon the consent of the owner.***

AMENDED ANALYSIS

This bill prohibits a city, town, county, or village district from merging lots or parcels except upon application of the owner.

Rep. Patten spoke in favor.

Minority committee amendment adopted.

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

On a division vote, 221 members having voted in the affirmative and 122 in the negative, the minority committee report was adopted.

Ordered to third reading.

SB 447, relative to the residence requirement for assistant town moderators and assistant town clerks. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jessie L. Osborne for the Majority of Municipal and County Government: The majority of the committee believes that the current statute which requires the appointed assistant town clerk and assistant moderator to reside in the voting precinct which they are overseeing guarantees that one area of the town does not control all of the election polling areas. This bill addressed one particular situation where one assistant clerk moved out of her polling district. The committee believes that other citizens of the district should be able to serve. Vote 11-6.

Rep. Laurie J. Boyce for the Minority of Municipal and County Government: Currently the law allows for the appointment of an assistant moderator and town clerk to cover additional polling places in a municipality. However there is a restriction that requires those appointed to have their domicile within the boundaries of the additional polling places. The proposed change to RSA 658:14 would allow those appointed to live within the boundaries of the entire municipality and would not effect any city unless that city choose to be regulated under the town provisions pursuant to RSA 658:18. This would have helped towns that needed to have additional polling place and the minority felt that this was a reasonable request.

The question being adoption of the majority committee report of Inexpedient to Legislate.

Rep. Chris Christensen spoke against.

Rep. Osborne spoke in favor.

On a division vote, 186 members having voted in the affirmative and 146 in the negative, the majority committee report was adopted.

SB 477, relative to driver education school applicants. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard T. Stuart for the Majority of Transportation: This bill does three things. First, it makes a housekeeping update to the statute to account for the fact that the DWI laws are now contained in RSA chapter 265-A rather than RSA 265; therefore the current law must be amended to track this change. Current law requires driver education instructors to report arrests for DWI offenses and serious crimes against the person including sexual assaults, to the department of safety and to the principal of the school. This bill extends the department of safety requirement to persons who have a pending application to be a driver education instructor. There is no presumption of guilt – the purpose of reporting is full disclosure of any pending criminal cases. The only change to the department's authority to deny or suspend a license is if the applicant refuses to submit an applicant fingerprint card. This is no different than the long-standing fingerprinting of teachers, coaches, school nurses and school volunteers who interact with children. A set of applicant fingerprints does not constitute a criminal record. It is only used to determine whether an applicant has or does not have a criminal record. The fingerprints are then destroyed. Vote 10-2.

Rep. Jennifer R. Coffey for the Minority of Transportation: The minority of the committee believes one is innocent until proven guilty. The bill creates a situation whereby if someone is arrested they are treated as guilty. This bill also requires employees to submit fingerprints without calling for proper disposal or providing protection against the sharing of such personal data.

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

Rep. McGuire requested a roll call; sufficiently seconded.

YEAS 225 NAYS 115

YEAS 225

BELKNAP

Bolster, Peter
Nedeau, Stephen

Johnson, William
Pilliod, James

Merry, Liz
Reever, Judith

Miller, Kate
Stuart, Richard

CARROLL

Bridgham, Robert
Knox, J. David
Wiley, Susan

Buco, Thomas
Patten, Betsey

Butler, Edward
Stevens, Stanley

Fleck, Joseph
Umberger, Karen

CHESHIRE

Allen, Peter
Butynski, William
Lerandeau, Alfred
Richardson, Barbara
Weed, Charles

Burridge, Delmar
Carlson, Nancy
Lindsey, Steven
Robertson, Timothy

Butcher, Suzanne
Carr, Daniel
Mitchell, Bonnie
Sad, Tara

Butterworth, Timothy
Eaton, Daniel
Parkhurst, Henry
Weber, Lucy

COOS

Hatch, William
Theberge, Robert

Merrick, Evalyn
Tholl, John Jr

Remick, William
Thomas, Yvonne

Richardson, Herbert

GRAFTON

Aguiar, James
Friedrich, Carol
Laliberte, Suzanne
Smith, Suzanne
Williams, Burton

Almy, Susan
Gould, Franklin
Mulholland, Catherine
Taylor, Kathleen

Cooney, Mary
Harding, Laurie
Pastor, Beatriz
Townsend, Charles

Ford, Susan
Ladd, Rick Jr
Preston, Philip
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Chandley, Shannon
Farley, Michael
Gargas, Carolyn
Goley, Jeffrey
Hardy, Valerie
Hodges, Kevin
Knowles, Mary Ann
Leishman, Peter
Mack, Ron

Beauchamp, Roger
Boisvert, Ronald
Cote, David
Flurey, Joan
Garrity, Patrick
Hackel, Paul
Harvey, Philip
Jeudy, Jean
Komi, Richard
Levasseur, Nickolas
Marshall, Seth

Beaulieu, Jane
Campbell, David
Doherty, Shaun
Foster, Linda
Gidge, Kenneth
Haley, Robert
Harvey, Suzanne
Kelley, John
Kopka, Angeline
Lisle, Carolyn
Matarazzo, Anthony
Sr

Beck, Catriona
Caron, June
Dokmo, Cynthia
Gandia, Laura
Ginsburg, Ruth
Hammond, Jill
Hebert, Roger
Knowles, John
LaPlante, Roland
Long, Patrick
Messier, Irene

Movsesian, Lori
Poznanski, Brian
Ryder, Donald
Soucy, Timothy
Walsh, Robert Jr

Nixon, David
Price, Pamela
Schulze, Joan
Spaulding, Jayne
Williams, Carol

O'Neil, James
Ramsey, Peter
Shattuck, Gilman
Sullivan, Daniel

Pilotte, Maurice
Rosenwald, Cindy
Shaw, Barbara
Thompson, Robert

MERRIMACK

Bartlett, Michael
DeStefano, Stephen

Bouchard, Candace
Foose, Robert

Brown, Carole
French, Barbara

Davis, Frank
Gile, Mary

Hamm, Christine
Owen, Derek
Richardson, Gary
Stetson, William
Webb, Leigh

Kelly, Sally
Porter, Margaret
Rodd, Beth
Tupper, Frank
Wheeler, Deborah

Lockwood, Priscilla
Potter, Frances
Schuett, Dianne
Wallner, Mary Jane
Yeaton, Charles

McMahon, Patricia
Rice, Chip
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Borden, David
Case, Frank
Devine, James
Garcia, Marilinda
Henson, John
Mann, Maureen
Perkins, Amy
Read, Robin Jr

Allen, Mary
Bridle, Russell
Crisler, Margaret
DiFruscia, Anthony
Garrity, James
Howard, Doreen
Moody, Marcia
Perkins, Lawrence
Sanders, Elisabeth

Bailey, Clinton
Brown, C. Pennington
Cushing, Robert
DiPentima, Rich
Gleason, John
Kepner, Susan
Nevins, Chris
Petterson, Don
Scamman, Stella

Belanger, Ronald
Cali-Pitts, Jacqueline
Day, Judith
Flanders, John Sr
Gould, Kenneth
Lyons, Melissa
Nord, Susi
Priestley, Anne
Scamman, W.
Douglas Jr
Webber, Carolyn

Schlachman, Donna

Tucker, Pamela

Weare, Everett

STRAFFORD

Berube, Roger
Cyr, James
Hubbard, Pamela
Lauterborn, Elaine
Rogers, Rose Marie
Schmidt, Peter
Vachon, Dennis

Brown, Julie
Domingo, Baldwin
Hutz, Sarah
Lewis, Robert
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Brown, Larry
Grassie, Anne
Kaen, Naida
Perry, Robert
Rous, Emma
Spang, Judith
Ward, Kenneth

Burke, Rachel
Hofemann, Roland
Keans, Sandra
Price, Susan
Ryder, Mark
Sprague, Dale
Watters, David

SULLIVAN

Cloutier, John
Harris, Sandra

Skinder, Carla

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

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Osgood, Joe

NAYS 115

BELKNAP

Boyce, Laurie
Russell, David

Fields, Dennis
Swinford, Elaine

Flanders, Donald
Veazey, John

Millham, Alida
Wendelboe, Fran

CARROLL

Ahlgren, Christopher

Chandler, Gene

McConkey, Mark

Roberts, John

CHESHIRE

Emerson, Susan
Meader, David

Hunt, John
Sterling, Franklin Jr

Johnson, Jane

Laurent, John

COOS

Rappaport, Laurence

Stohl, Eric

GRAFTON

Bulis, Lyle

Gionet, Edmond

Ingbertson, Paul

Maybeck, Margie

HILLSBOROUGH

Batula, Peter
Christensen, Chris
Drisko, Richard
Haefner, Robert
Hogan, Edith
Jasper, Shawn
Mead, Robert
Palmer, Stephen
Rowe, Robert
Tahir, Saghir
Willette, Robert

Belvin, William
Christiansen, Lars
Elliott, Nancy
Hikel, John
Holden, Frank
Kurk, Neal
O'Brien, William
Pellegrino, Tony
Seidel, Carl
Ulery, Jordan
Winters, Joel

Boehm, Ralph
Daniels, Gary
Gagne, Larry
Hinch, Richard
Holden, Rip
L'Heureux, Robert
Ober, Lynne
Pratt, Calvin
Silva, Peter
Vaillancourt, Steve

Cebrowski, John
Day, Russell
Graham, John
Hinkle, Peyton
Hopper, Gary
McCarthy, Michael
Ober, Russell III
Renzullo, Andrew
Soucy, Connie
Villeneuve, Moe

MERRIMACK

Anderson, Eric
McGuire, Carol

Coffey, Jennifer
Palfrey, David

Hess, David
Reed, Dennis

Kotowski, Frank
Smith, Todd

ROCKINGHAM

Baldasaro, Alfred
Comerford, Timothy
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
McKinney, Betsy
Reagan, John
Splaine, James
Wells, Roger

Bates, David
Emiro, Frank
Hagan, Joseph
Ingram, Russell
Kolodziej, Walter
McMahon, Charles
Sapareto, Frank
Stiles, Nancy
Weyler, Kenneth

Bettencourt, David
Ferrante, Beverly
Headd, James
Itse, Daniel
Major, Norman
Quandt, Matt
Sedensky, John
Sullivan, James

Charron, Gene
Fesh, Robert
Hoelzel, Kathleen
Kappler, L. Mike
McEachern, Paul
Rausch, James
Smith, William
Welch, David

STRAFFORD

Brennan, William
Vita, Carol

Groen, Warren

Horrigan, Timothy

Twombly, James

SULLIVAN

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

BILLS REMOVED FROM THE CONSENT CALENDAR

SB 365, requiring the sterilization of animals adopted from shelters and rescue groups.
INEXPEDIENT TO LEGISLATE.

Rep. Stephen J. Palmer for Environment and Agriculture: This bill would require that all dogs and cats transferred in the state through humane societies and rescue organizations be spayed and neutered. Testimony (confirmed by the department of agriculture) indicated that 85 – 95% of all transferred animals are already being spayed and neutered, and that this bill was therefore unnecessary. In addition, this proposed law would be difficult to enforce. Vote 11-1.

Rep. Skinder spoke against and yielded to questions.

Rep. Palmer spoke in favor and yielded to questions.

Rep. Vaillancourt spoke against.

Reps. Rausch and Groen spoke in favor.

On a division vote, 279 members having voted in the affirmative and 54 in the negative, the committee report was adopted.

SB 405*, relative to grounds for revocation of school bus driver's certificate. **OUGHT TO PASS WITH AMENDMENT.*

Rep. Michael B. O'Brien for Transportation: The intention of this bill is to revoke the school bus certificate of an operator who tests positive at a random or scheduled drug test for any illegal controlled drug. This law will protect the children or any passengers riding in school buses. The second part of the bill, as amended, eliminates the requirement of the commissioner to list traffic control devices used by first responders. Changes in technology make the current law burdensome to the department of safety. This amendment still makes it illegal for any unauthorized person to change or disrupt a traffic control device. Vote 12-1.

Amendment (1316h)

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

AN ACT relative to grounds for revocation of school bus driver's certificate and relative to interference with traffic signaling devices.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Traffic Signals; Interference with Devices. Amend RSA 265:15, II(a) to read as follows:

(a) No person shall use or attempt to use any device designed or intended to change, disrupt, or interfere with the operation of a traffic signal. ~~[The commissioner of the department of safety shall compile and maintain a list of devices that are prohibited under this paragraph.]~~

AMENDED ANALYSIS

This bill establishes grounds for revocation of a school bus driver's certificate.

This bill removes the requirement of the commissioner of the department of safety to compile and maintain a list of devices that are prohibited because they may interfere with traffic signaling devices.

Amendment adopted.

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

Rep. Winters spoke against and yielded to questions.

Rep. C. Pennington Brown spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Wendelboe moved that ***SB 405***, relative to grounds for revocation of school bus driver's certificate, be laid on the table.

On a division vote, 133 members having voted in the affirmative and 199 in the negative, the motion failed.

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

On a division vote, 210 members having voted in the affirmative and 122 in the negative, the committee report was adopted.

Ordered to third reading.

CONSIDERATION OF *HR 25*

HR 25, urging the United States Environmental Protection Agency to provide New Hampshire with guidance and analytical tools to determine when widespread use of on-board refueling vapor recovery will occur in the state and when the state's Stage II gasoline emission control program may be discontinued.

Rep. Kaen moved Ought to Pass and spoke in favor.

Rep. James Garrity spoke in favor.
Motion adopted and ordered to third reading.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1149, relative to incorporation by reference and filing of electronic documents in state agency rulemaking. (Amendment printed SJ 4-14-10)

Rep. Harding moved that the House concur and spoke in favor.
Adopted.

HB 630-FN-A, relative to live racing in New Hampshire. (Amendment printed SJ 4-14-10)

Reps. Walz and Almy moved that the House concur.

Rep. Walz spoke in favor.

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

YEAS 250 NAYS 82

YEAS 250

BELKNAP

Arsenault, Beth
Flanders, Donald
Millham, Alida
Stuart, Richard

Bolster, Peter
Johnson, William
Pilliod, James

Boyce, Laurie
Merry, Liz
Reever, Judith

Fields, Dennis
Miller, Kate
Russell, David

CARROLL

Bridgham, Robert
Knox, J. David
Wiley, Susan

Buco, Thomas
Patten, Betsey

Butler, Edward
Stevens, Stanley

Chandler, Gene
Umberger, Karen

CHESHIRE

Allen, Peter
Butynski, William
Lindsey, Steven
Richardson, Barbara
Weed, Charles

Burrige, Delmar
Carr, Daniel
Meador, David
Robertson, Timothy

Butcher, Suzanne
Eaton, Daniel
Mitchell, Bonnie
Sad, Tara

Butterworth, Timothy
Lerandean, Alfred
Parkhurst, Henry
Weber, Lucy

COOS

Hatch, William
Stohl, Eric

Merrick, Evalyn
Theberge, Robert

Rappaport, Laurence
Thomas, Yvonne

Richardson, Herbert

GRAFTON

Aguiar, James
Friedrich, Carol
Laliberte, Suzanne
Smith, Suzanne

Almy, Susan
Gionet, Edmond
Mulholland, Catherine
Taylor, Kathleen

Cooney, Mary
Gould, Franklin
Pastor, Beatriz
Townsend, Charles

Ford, Susan
Harding, Laurie
Preston, Philip
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Belvin, William
Caron, June

Beauchamp, Roger
Bergin, Peter
Chandley, Shannon

Beaulieu, Jane
Boisvert, Ronald
Christensen, Chris

Beck, Catriona
Campbell, David
Cote, David

Day, Russell
Flurey, Joan
Ginsburg, Ruth
Haefner, Robert
Hinkle, Peyton
Jeudy, Jean
Komi, Richard
Leishman, Peter
Marshall, Seth
O'Neil, James
Pilotte, Maurice
Rosenwald, Cindy
Shaw, Barbara
Vaillancourt, Steve

Doherty, Shaun
Foster, Linda
Goley, Jeffrey
Hammond, Jill
Holden, Frank
Kelley, John
Kopka, Angeline
Lisle, Carolyn
Messier, Irene
Ober, Lynne
Poznanski, Brian
Ryder, Donald
Soucy, Timothy
Walsh, Robert Jr

Dokmo, Cynthia
Gargas, Carolyn
Gorman, Mary
Hardy, Valerie
Holden, Rip
Knowles, John
L'Heureux, Robert
Long, Patrick
Movsesian, Lori
Ober, Russell III
Price, Pamela
Schulze, Joan
Tahir, Saghir
Williams, Carol

Farley, Michael
Gidge, Kenneth
Hackel, Paul
Harvey, Suzanne
Jasper, Shawn
Knowles, Mary Ann
LaPlante, Roland
Mack, Ron
Nixon, David
Pepino, Leo
Ramsey, Peter
Shattuck, Gilman
Thompson, Robert
Winters, Joel

MERRIMACK

Bouchard, Candace
Foose, Robert
Hess, David
Osborne, Jessie
Reed, Dennis
Schuett, Dianne
Wallner, Mary Jane
Yeaton, Charles

Brown, Carole
French, Barbara
Kelly, Sally
Owen, Derek
Rice, Chip
Shurtleff, Stephen
Walz, Mary Beth

Davis, Frank
Gile, Mary
Lockwood, Priscilla
Porter, Margaret
Richardson, Gary
Stetson, William
Webb, Leigh

DeStefano, Stephen
Hamm, Christine
McMahon, Patricia
Potter, Frances
Rodd, Beth
Tupper, Frank
Wheeler, Deborah

ROCKINGHAM

Abbott, Dennis
Borden, David
Case, Frank
DiFruscia, Anthony
Gleason, John
Henson, John
Kepner, Susan
McEachern, Paul
Nord, Susi
Priestley, Anne
Sanders, Elisabeth

Allen, Mary
Bridle, Russell
Charron, Gene
DiPentima, Rich
Gould, Kenneth
Howard, Doreen
Lyons, Melissa
McKinney, Betsy
Perkins, Amy
Rausch, James
Sapareto, Frank

Belanger, Ronald
Brown, C. Pennington
Crisler, Margaret
Emiro, Frank
Griffin, Mary
Ingram, Russell
Major, Norman
Moody, Marcia
Perkins, Lawrence
Read, Robin Jr
Scamman, Stella

Bettencourt, David
Cali-Pitts, Jacqueline
Day, Judith
Fesh, Robert
Headd, James
Katsakiores, Phyllis
Mann, Maureen
Nevins, Chris
Pettersen, Don
Reagan, John
Scamman, W.
Douglas Jr
Tucker, Pamela

Schlachman, Donna
Webber, Carolyn

Splaine, James
Wells, Roger

Stiles, Nancy
Weyler, Kenneth

STRAFFORD

Berube, Roger
Burke, Rachel
Hofemann, Roland
Kaen, Naida
Perry, Robert
Rous, Emma
Spang, Judith
Watters, David

Brennan, William
Cyr, James
Horrigan, Timothy
Keans, Sandra
Price, Susan
Ryder, Mark
Sprague, Dale

Brown, Julie
Domingo, Baldwin
Hubbard, Pamela
Lauterborn, Elaine
Rogers, Rose Marie
Schmidt, Peter
Wall, Janet

Brown, Larry
Grassie, Anne
Hutz, Sarah
Lewis, Robert
Rollo, Deanna
Smith, Marjorie
Ward, Kenneth

SULLIVAN

Cloutier, John
Gottling, Suzanne

Cunningham, Steven
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,

Gagnon, Raymond
Howard, Thomas

McClammer, Jim	Skinder, Carla	Charlotte Sweeney, Cynthia
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NAYS 82

BELKNAP

Nedeau, Stephen	Swinford, Elaine	Veazey, John	Wendelboe, Fran
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CARROLL

Ahlgren, Christopher	Fleck, Joseph	McConkey, Mark	Roberts, John
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CHESHIRE

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

Remick, William	Tholl, John Jr
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GRAFTON

Bulis, Lyle Williams, Burton	Ingretson, Paul	Ladd, Rick Jr	Maybeck, Margie
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HILLSBOROUGH

Batula, Peter	Boehm, Ralph	Cebrowski, John	Christiansen, Lars
Daniels, Gary	Drisko, Richard	Elliott, Nancy	Gagne, Larry
Gandia, Laura	Graham, John	Harvey, Philip	Hogan, Edith
Hopper, Gary	Kurk, Neal	McCarthy, Michael	Mead, Robert
O'Brien, William	Palmer, Stephen	Pellegrino, Tony	Peterson, Andrew
Pratt, Calvin	Renzullo, Andrew	Rowe, Robert	Seidel, Carl
Silva, Peter	Soucy, Connie	Spaulding, Jayne	Sullivan, Daniel
Ulery, Jordan	Villeneuve, Moe	Willette, Robert	

MERRIMACK

Anderson, Eric Palfrey, David	Coffey, Jennifer Smith, Todd	Kotowski, Frank	McGuire, Carol
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ROCKINGHAM

Bailey, Clinton	Baldasaro, Alfred	Bates, David	Comerford, Timothy
Devine, James	Ferrante, Beverly	Flanders, John Sr	Garrity, James
Hagan, Joseph	Hoelzel, Kathleen	Itse, Daniel	Kappler, L. Mike
Kolodziej, Walter	McMahon, Charles	Quandt, Matt	Sedensky, John
Smith, William	Sullivan, James	Weare, Everett	Welch, David

STRAFFORD

Groen, Warren	Twombly, James	Vachon, Dennis	Vita, Carol
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SULLIVAN

Osgood, Joe
and the motion was adopted.

HB 1293-FN, relative to the oil discharge cleanup fund. (Amendment printed SJ 4-21-10)
 Reps. Spang and Almy moved that the House concur.
 Reps. Spang and Walz spoke in favor.
 Adopted.

HB 1378-FN, establishing an adopt-a-state park program in the state park system and establishing an adopt-a-forest fire tower program in the division of forests and lands.
 Rep. Spang moved that the House concur and spoke in favor.
 Adopted.

HB 1314, relative to approval of changes to a capital budget project. (Amendment printed SJ 4-21-10)
 Rep. Bouchard moved that the House nonconcur and request a Committee of Conference.
 Rep. William O'Brien spoke against.
 Rep. Campbell spoke in favor and yielded to questions.
 Rep. William O'Brien requested a roll call; sufficiently seconded.

YEAS 251 NAYS 81

YEAS 251

BELKNAP

Arsenault, Beth	Bolster, Peter	Fields, Dennis	Flanders, Donald
Johnson, William	Merry, Liz	Miller, Kate	Millham, Alida
Nedeau, Stephen	Pilliod, James	Reever, Judith	Stuart, Richard
Veazey, John			

CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward	Chandler, Gene
Knox, J. David	McConkey, Mark	Patten, Betsey	Roberts, John
Stevens, Stanley	Umberger, Karen		

CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Carr, Daniel	Eaton, Daniel	Hunt, John
Johnson, Jane	Lerandeau, Alfred	Lindsey, Steven	Meadar, David
Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara	Robertson, Timothy
Sad, Tara	Weber, Lucy	Weed, Charles	

COOS

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

GRAFTON

Aguiar, James	Almy, Susan	Cooney, Mary	Ford, Susan
Friedrich, Carol	Gionet, Edmond	Gould, Franklin	Harding, Laurie
Laliberte, Suzanne	Mulholland, Catherine	Pastor, Beatriz	Preston, Philip
Smith, Suzanne	Taylor, Kathleen	Townsend, Charles	White, Andrew
Williams, Burton			

HILLSBOROUGH

Baroody, Benjamin	Beauchamp, Roger	Beaulieu, Jane	Beck, Catriona
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Belvin, William
Caron, June
Christiansen, Lars
Dokmo, Cynthia
Gargas, Carolyn
Gorman, Mary
Hardy, Valerie
Jasper, Shawn
Knowles, Mary Ann
L'Heureux, Robert
Long, Patrick

Messier, Irene
Pepino, Leo
Price, Pamela
Shattuck, Gilman
Sullivan, Daniel
Willette, Robert

Bergin, Peter
Cebrowski, John
Cote, David
Farley, Michael
Gidge, Kenneth
Graham, John
Harvey, Philip
Jeudy, Jean
Komi, Richard
LaPlante, Roland
Mack, Ron

Movsesian, Lori
Peterson, Andrew
Ramsey, Peter
Shaw, Barbara
Thompson, Robert
Williams, Carol

Boisvert, Ronald
Chandle, Shannon
Daniels, Gary
Flurey, Joan
Ginsburg, Ruth
Hackel, Paul
Harvey, Suzanne
Kelley, John
Kopka, Angeline
Leishman, Peter
Marshall, Seth

Nixon, David
Pilotte, Maurice
Rosenwald, Cindy
Soucy, Timothy
Vaillancourt, Steve
Winters, Joel

Campbell, David
Christensen, Chris
Day, Russell
Foster, Linda
Goley, Jeffrey
Hammond, Jill
Holden, Rip
Knowles, John
Kurk, Neal
Lisle, Carolyn
Matarazzo, Anthony Sr
O'Neil, James
Poznanski, Brian
Schulze, Joan
Spaulding, Jayne
Walsh, Robert Jr

MERRIMACK

Anderson, Eric
DeStefano, Stephen
Hamm, Christine
McMahon, Patricia
Potter, Frances
Schuett, Dianne
Wallner, Mary Jane
Yeaton, Charles

Bouchard, Candace
Foote, Robert
Hess, David
Osborne, Jessie
Rice, Chip
Shurtleff, Stephen
Walz, Mary Beth

Brown, Carole
French, Barbara
Kelly, Sally
Owen, Derek
Richardson, Gary
Stetson, William
Webb, Leigh

Davis, Frank
Gile, Mary
Lockwood, Priscilla
Porter, Margaret
Rodd, Beth
Tupper, Frank
Wheeler, Deborah

ROCKINGHAM

Abbott, Dennis
Brown, C. Pennington
Crisler, Margaret
Emiro, Frank
Gleason, John
Henson, John
Ingram, Russell
Mann, Maureen
Nord, Susi
Read, Robin Jr

Schlachman, Donna
Webber, Carolyn

Allen, Mary
Cali-Pitts, Jacqueline
Day, Judith
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Kepner, Susan
McEachern, Paul
Peterson, Don
Sanders, Elisabeth

Splaine, James
Welch, David

Belanger, Ronald
Case, Frank
DiFrancia, Anthony
Fesh, Robert
Griffin, Mary
Howard, Doreen
Lyons, Melissa
McKinney, Betsy
Priestley, Anne
Sapareto, Frank

Stiles, Nancy
Wells, Roger

Borden, David
Charron, Gene
DiPentima, Rich
Flanders, John Sr
Headd, James
Hutchinson, Karen
Major, Norman
Moody, Marcia
Rausch, James
Scamman, W.
Douglas Jr
Weare, Everett
Weyler, Kenneth

STRAFFORD

Berube, Roger
Cyr, James
Horrigan, Timothy
Keans, Sandra
Price, Susan
Schmidt, Peter
Vachon, Dennis

Brennan, William
Domingo, Baldwin
Hubbard, Pamela
Lauterborn, Elaine
Rogers, Rose Marie
Smith, Marjorie
Wall, Janet

Brown, Larry
Grassie, Anne
Hutz, Sarah
Lewis, Robert
Rollo, Deanna
Spang, Judith
Ward, Kenneth

Burke, Rachel
Hofmann, Roland
Kaen, Naida
Perry, Robert
Rous, Emma
Sprague, Dale
Watters, David

SULLIVAN

Cloutier, John
Harris, Sandra

Sweeney, Cynthia

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

NAYS 81

BELKNAP

Boyce, Laurie

Russell, David

Swinford, Elaine

Wendelboe, Fran

CARROLL

Ahlgren, Christopher

Fleck, Joseph

Wiley, Susan

CHESHIRE

Emerson, Susan

Laurent, John

Sterling, Franklin Jr

COOS

Remick, William

Tholl, John Jr

GRAFTON

Bulis, Lyle

Ingbretson, Paul

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Elliott, Nancy
Hinkle, Peyton
Mead, Robert
Palmer, Stephen
Rowe, Robert
Soucy, Connie

Boehm, Ralph
Gagne, Larry
Hogan, Edith
O'Brien, William
Pellegrino, Tony
Ryder, Donald
Tahir, Saghir

Doherty, Shaun
Gandia, Laura
Holden, Frank
Ober, Lynne
Pratt, Calvin
Seidel, Carl
Ulery, Jordan

Drisko, Richard
Haefner, Robert
Hopper, Gary
Ober, Russell III
Renzullo, Andrew
Silva, Peter
Villeneuve, Moe

MERRIMACK

Coffey, Jennifer
Reed, Dennis

Kotowski, Frank
Smith, Todd

McGuire, Carol

Palfrey, David

ROCKINGHAM

Bailey, Clinton
Bridle, Russell
Hagan, Joseph
Kolodziej, Walter
Perkins, Lawrence
Sedensky, John

Baldasaro, Alfred
Comerford, Timothy
Itse, Daniel
McMahon, Charles
Quandt, Matt
Smith, William

Bates, David
Devine, James
Kappler, L. Mike
Nevins, Chris
Reagan, John
Sullivan, James

Bettencourt, David
Garritty, James
Katsakiores, Phyllis
Perkins, Amy
Scamman, Stella
Tucker, Pamela

STRAFFORD

Brown, Julie
Vita, Carol

Groen, Warren

Ryder, Mark

Twombly, James

SULLIVAN

Cunningham, Steven
and the motion was adopted.

Howard, Thomas

Osgood, Joe

The Speaker appointed Reps. Cloutier, Long, Mann and Graham.

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, May 5, 2010 at 10:00 a.m.
Adopted.

LATE SESSION

Third reading and final passage

SB 407, relative to records maintained by the department of health and human services in abuse and neglect cases.

SB 444, relative to the medical child support obligation.

SB 458-FN, relative to enforcement of child support obligations.

SB 415, relative to remedies against landlords.

SB 437, relative to the authority of district court justices to issue emergency orders in any district court.

SB 439, making technical corrections and changes to court sites and names.

SB 166-FN, relative to mineral extraction, mining, and reclamation in New Hampshire.

SB 369, relative to the effect of changes in local permit status on large groundwater withdrawal permits issued by the department of environmental services.

SB 370, relative to sewage disposal systems.

SB 301, relative to combustion of untreated wood at municipal transfer stations.

SB 327, relative to disclosure of electric service energy sources and environmental characteristics.

SB 302, relative to notice of driver's license expiration.

SB 404, relative to towing and disposal of abandoned vehicles.

SB 413, relative to obstructions on motor vehicle windows.

SB 384, authorizing the department of health and human services to provide private adoption agencies access to founded reports of abuse and neglect maintained by the department.

SB 515, relative to allowing the commissioner of the department of employment security to participate in a joint local employment dynamics program with the United States Census Bureau and the Bureau of Labor Statistics.

SJR 1, urging the secretary of agriculture to review the Federal Milk Market Order system.

SB 330, relative to the court accreditation commission and the interbranch criminal and juvenile justice council.

SB 438, relative to procedures in small claims actions.

SB 406, relative to merger of lots or parcels.

SB 477, relative to driver education school applicants.

SB 405, relative to grounds for revocation of school bus driver's certificate.

HR 25, urging the United States Environmental Protection Agency to provide New Hampshire with guidance and analytical tools to determine when widespread use of on-board refueling vapor recovery will occur in the state and when the state's Stage II gasoline emission control program may be discontinued.

UNANIMOUS CONSENT

Reps. Foose, Patricia McMahon, Stiles, Kepner, Bridle and Vaillancourt addressed the House.

MOTION TO PRINT REMARKS

Rep. Hess moved that the remarks made by Reps. Foose and Patricia McMahon be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. Foose: Thank you Madam Speaker. Honorable colleagues, Alf died on April 18th at the age of 86. For every member of this House who has served more than three years, there is no need to add his last name. For those of you who recently arrived, Alf Jacobsen was the model of a citizen legislator and I'm sorry that you did not have the chance to serve with and learn from him. I first met Alf when I arrived in New London in 1992 to begin my service as Chief Financial Officer at Colby Sawyer. He was then in the middle of a distinguished career as a professor at the college that lasted 28 years until his retirement in 1986. Our connection deepened during my 15 years on the New London budget committee. During those years I watched him serve as the town moderator, selectman, library trustee, planning board member, welfare director and long time moderator for the Kearsarge school district. That was just his local effort. At the state level, Alf served in the Senate for 10 years, including 4 as its President, and 16 years in this House. He was known for his intellectual approach to law-making that transcended political parties and brought both wit and wisdom to the legislative process and debates as well as a reputation for charting his own course. Colleagues have observed that Alf had little concern for ideological purity. He saw politics as a forum for ideas and a place to challenge rigid thought patterns. Party labels were less important to him than vigorous, open debate. From both sides of the aisle, Alf commanded respect and influence within the legislature. Shortly after I arrived in the legislature in 2004, Speaker Scamman gave me permission to invite Alf to present his memories of his service on Iwo Jima as he had done for many years when he was a member. Today our colleague, Ricia McMahon, who is filling in for David Kidder, will present some of Alf's remarks as we commemorate this beloved member of this special body.

Rep. Patricia McMahon: Thank you, Randy. Members of the House, indeed Alf did chart his own course. Over many years I had the privilege to know him for more than four decades and his wonderful family as well. One of the things that Alf was famous for was indeed his Iwo Jima speech which he gave for many years on the anniversary of that epic battle. As Randy said, Dave Kidder was going to be part of this today but could not be here. He had reviewed Alf's last two speeches and collected some aspects from both of them which epitomized why Alf believed and felt that battle was so important. On the 50th reunion, one of the chaplains said at the 5th cemetery division ceremonies, "These marines have left us but they are within us." Those marines lived within Alf every day of his life. He recalled jumping off in the fifth wave at 9:17 a.m. on February 19, 1945. He remembered the event as if it were yesterday. He was supposed to be on a 72 to 96 hour operation and it took 35 days. Alf survived the highest casualty rate of any campaign during the war. Admiral Nimitz, at the end of the battle, said that uncommon valor was common virtue. The last sentences of Alf's last speech in the House say it all and I'll quote, "I come here, not because of myself, but to remember every one of my buddies who served with me for that time and gave the ultimate sacrifice. You know, it was a different war. We fought it on top of the ground and the Japanese fought underground from a network of tunnels totaling over 11 miles, making it as dangerous at division headquarters as on the front line. And so, I come to remember those guys who gave their lives so that we, you and me, can enjoy the freedom that I have enjoyed. I just want to salute them. Semper Fi." Thank you very much.

MOTION TO PRINT REMARKS

Rep. Eaton moved that the remarks made by Reps. Stiles, Kepner and Bridle be printed in the Permanent Journal.
Adopted.

REMARKS

Rep. Stiles: Thank you, Madam Speaker. Representative Jane Kelley passed away on Tuesday, April 20, 2010 at the age of 84. Jane is remembered as a people person and a public servant. She served 18 years as Hampton's town clerk and was innovative in establishing office hours to accommodate the needs of working people. She often said, "When you are nice to everybody and treat them with respect you get it back." Jane was an honorary member of the Teamsters Union and the Professional Firefighters Association. Jane's life, like many, had its high and low points. She had two sons and two daughters. One of her sons predeceased her and a granddaughter was murdered. Jane is known to have said, "Life dishes out a lot of crap and humor is the great survival tool." Jane always injected humor into everything she did. You could never be quite sure what she would say on any occasion. I'm sure many of you who served with her can remember her unconventional sense of humor. Jane lost her first attempt on the political scene as she campaigned for the NH House going door to door giving out 1300 small jars of homemade jam. Not sure if the reason she lost was the jam or the voters that showed up at the polls, but she was successful in her next attempt and went to Concord as a Democrat first serving on the Transportation Committee and finally getting moved to the Labor Committee, her choice. She would say, "The reason I went up there was to get collective bargaining for public employees. We have to take care of the working people." During one of her early campaigns, her Republican opposition always made a note of her membership in the Daughters of the American Revolution. Jane, of Irish decent, came up with the Daughters of the Potato Famine as a humorous antidote. She appointed herself as the "Supreme High Spud" and what started as a joke became an organization with over 600 members. Humor was always on tap as awards of the DPF were distributed. "The Rotten Potato Award" was once given to New Hampshire Governor Meldrim Thomson. Jane was never short on words and you needn't wonder where she stood on an issue. It didn't matter with whom she was speaking. During one of her terms, after a comment or two about leadership she was removed from the Labor Committee, her seat was changed in the Chamber and her parking space was moved. So in true Jane style, she changed parties and ran and served 4 years as a Republican, though still holding true to her labor philosophies. She liked the Speaker and got put back on the Labor Committee and got her seat and parking space back. Jane was out of office for one term and changed back to a Democrat for a successful bid in the 2006 election. In March of 2005, poking fun of political fundraisers, she threw her own party in order to raise money for her 'cremation fund' sponsored by the Friends of Jane Kelley. The function was very successful and at her request served political delicacies such as "curried favor", "greased palm", "kick-back ribs" and "graft beer." Jane said, "When I am cremated, the only thing I'm going to take with me is my Teamster membership card." Jane resigned her House seat in 2007 due to health issues. She continued to inject her trademark humor into her duties as Justice of the Peace, often being asked to speak at funerals. Several years ago, she built the Little Grace Chapel in her backyard on Winnicunnet Road, which was available for weddings and civil unions. Her memorial service will be held there on Saturday at 2:00 p.m. Jane, we will miss your humor but we thank you for your years of public service and your humorous uplifting in all situations that was your own unique style. Thank you.

Rep. Kepner: Just to add another word. I had spoken to you when she retired and maybe you recall. As a freshman, she was going to show me the ropes, being a fellow Democrat, and offered me a ride for the first day of Session to Concord. 85 miles an hour we came to Concord. In the meantime she is telling me wonderful stories of what went on here so I got an introduction on my first day. I can tell you I was quite nervous. On the flip side and

serious side, Rep. Stiles mentioned the jams and jellies. The church that I belong to does a lot of community outreach. Jane knew that, so every Thanksgiving Day when we did our free meal, she would arrive with enough jars of jams and jellies so that everyone who attended had one of those jars.

Rep. Bridle: I was on the Labor Committee, this is my fifth term. Four of my terms, I was on there with Jane. She liked to ride back and forth. She wanted a ride. She told me one day that she was going to give me a ride one day and she did have a lead foot. One of the things she did have was a Mazda Miata. Jane wanted me to ride up to Concord in her Mazda Miata. The windshield came to about my chest on me, but we had more fun. She had to get a shoehorn to get me out of that thing by the time we got here. Jane had a great sense of humor and she was a great mentor on the Labor Committee. Jane's sense of humor when things were down, when she had a double mastectomy, what did she do? She hung her bras on a clothesline out in front of her house and put a FREE sign on them. That was Jane and she would always like a good laugh. One of the times that she was running as a Democrat and I was running as a Republican, she and I would always stand by each other. People would walk up and she would say, "Vote for busty and Rusty." I would always say, "That's quite a pair, no pun intended." We miss you, Jane, but we will always smile when we think of you.

MOTION TO PRINT REMARKS

Rep. Baroody moved that the remarks made by Rep. Vaillancourt be printed in the Permanent Journal.

Without objection, the Speaker ordered the remarks printed.

REMARKS

Rep. Vaillancourt: Thank you, Madam Speaker. This is a very sad day. A week ago when I heard of the passing of Alf Jacobsen, I thought to myself, this is somebody I truly came to love. Love is a word that I don't throw around a lot, but I came to love what Alf Jacobsen stood for, how he made me feel about myself and everything about him. In my 14 years here, he is probably the person that has had the greatest influence on me. I remember at the end of my freshman term when people give those final speeches at the end, Alf got up and gave some advice that I have never forgotten. He said as a legislator, learn to do three things. One, know the rules. I think I followed that. Two, learn how to amend a bill. Most of us have done that. The third advice that Alf gave to me and to everyone that I think most of us have tried to follow, sometimes more successfully than others, is that always remember that your opponents on a bill today will be your allies tomorrow, so never try to make personal enemies on a bill. Those three bits of advice were probably the greatest thing that anybody could have as a freshman legislator and several times in the last week since Alf's passing, I have thought just how much I miss him. I, for example, had the fortune of going over to New London and appearing on his radio show and I actually filmed it so I have that to look back on. There are so many things I will remember about Alf, his laughter, for one thing. I will have that to remember. There are two fictional characters that Alf reminded me of. I don't know how many of you have read, but I just re-read John Irving's book, The Cider House Rules for the third time and the character that Michael Caine won the Academy Award for portraying, Dr. Larch. To me, Alf Jacobsen was a great deal like Dr. Larch. He had a great set of values that he lived by and he was going to stand by them. He also reminded me of The Little Prince, the character by Antoine de Saint-Exupery. At the end of The Little Prince, when he dies, de Saint-Exupery says that we will remember his look and look up to the stars because of the stars, his laughter will be shining back on us and that's the way I feel about Alf. Then one of the Representatives from Hampton today told me about the death of Jane Kelley and I thought, I loved Jane Kelley as well and I miss her so much. I miss

those cookies. I miss the stories and the wildness. Then I thought, Jane was down and did my TV show, so like with Alf, I have a memory of Jane. For all of us thinking about not returning next year, think of the people that you have met here in your 2 or 4 or however many years and the people you have come to love. You will never meet people like Alf or Jane Kelley again and I for one am sadder for their passing, but glad for having known them. Thank you.

RECESS MOTION

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

The House recessed at 1:10 p.m.

RECESS

(Rep. Schuett in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 286, 507, 1517, 1563 and 1602 and Senate Bills numbered 312, 314, 364 and 426.

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

ENROLLED BILL AMENDMENT

SJR 3, in support of the New England Secondary School Consortium. (Amendment printed SJ 4-28-10)

Adopted.

SENATE MESSAGE

ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

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

The President appointed Sens. D'Allesandro, Janeway and Bragdon.

RECESS

(Rep. Wall in the Chair)

ENROLLED BILL AMENDMENTS

SB 378, relative to the New Hampshire public works mutual aid program. (Amendment printed SJ 4-28-10)

Adopted.

SB 380, relative to the definition of permissible fireworks. (Amendment printed SJ 4-28-10)

Adopted.

SB 449-FN, relative to the designation of staff members as staff advocates in public utilities commission adjudicatory proceedings. (Amendment printed SJ 4-28-10)

Adopted.

SB 499-FN, relative to administration support of certain professional regulatory boards by the department of health and human services. (Amendment printed SJ 4-28-10)

Adopted.

RECESS

(Rep. Davis in the Chair)
ENROLLED BILL AMENDMENTS

HB 587-FN, establishing an information and analysis center within the department of safety.

Amendment (1567-EBA)

Amend RSA 651-F:1, VII as inserted by section 2 of the bill by replacing line 2 with the following:

date or place of birth, social security number, address, employment history, credit history, financial

Amend RSA 651-F:5, IX as inserted by section 2 of the bill by replacing line 3 with the following:

subparagraph VII(d) and shall be responsible for establishing the existence of the requester's need to

Amend RSA 651-F:6, VII as inserted by section 2 of the bill by replacing line 3 with the following:

Act of 1986, RSA 570-A:1 through RSA 570-A:11, or any other applicable federal or state statute related to civil rights,

Adopted.

HB 1245, relative to declarations of candidacy and intent by presidential candidates.

Amendment (1557-EBA)

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

3 Contingent Version; Declarations of Intent; Presidential Candidates.

II. I, _____, ***swear under penalties of perjury that I am qualified to be a candidate for president of the United States pursuant to article II, section 1, clause 4 of the United States Constitution, which states, "No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States."*** I further declare that I am domiciled in the city (or town or unincorporated place) of _____, county of _____, state of _____, and am a qualified voter therein; that I intend to be a candidate for the office of president to be chosen at the general election to be held on the _____ day of _____; and I intend to file nomination papers by the deadline established under RSA 655:43. I further declare that, if qualified as a candidate for said office, I shall not withdraw; and that, if elected, I shall be qualified for and shall assume the duties of said office.

4 Contingency. If HB 1150 of the 2010 regular session of the general court becomes law, then section 3 of this act shall take effect 60 days after its passage and section 2 of this act shall not take effect. If HB 1150 of the 2010 regular session of the general court does not become law, then section 2 of this act shall take effect 60 days after its passage and section 3 of this act shall not take effect.

5 Effective Date.

I. Sections 2-3 of this act shall take effect as provided in section 4 of this act.

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

Adopted.

HB 1281-FN, relative to certain securities laws.

Amendment (1566-EBA)

Amend RSA 421-B:8, XII(g)(3) as inserted by section 2 of the bill by replacing line 5 with the following:

published or otherwise disseminated, directly or indirectly, any notice, circular, advertisement, newspaper article, investment letter, bulletin, or other communication.
Adopted.

HB 1292, relative to underground storage tank facility permits, compliance, and cleanup fund eligibility.

Amendment (1568-EBA)

Amend section 9 of the bill by replacing it with the following:

9 Repeal. The following are repealed:

- I. RSA 146-E:6, VII, relative to transfer of fuel oil storage facility ownership.
- II. RSA 146-F:5, VIII relative to transfer of motor oil storage facility ownership.

Adopted.

SENATE MESSAGES

CONCURRENCE

HB 232, increasing manufacturers' pesticide registration fees.

HB 271, relative to relevant information in a workers' compensation claim.

HB 341, relative to the date selected for the presidential primary election.

HB 510, relative to the position of director of vital records administration.

HB 1138, relative to the authority to expend municipal transportation improvement funds.

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

HB 1159, relative to the classification of snowmobile trails maintenance vehicles.

HB 1161, repealing the requirement to obtain a license to sell in order to sell pistols or revolvers at retail.

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

HB 1207, relative to Delta Dental data submission.

HB 1230, relative to commercial motor vehicles and heating oil deliveries.

HB 1236, relative to underwriting on the basis of credit information.

HB 1237, relative to a certain insurance rulemaking exemption.

HB 1249, relative to seasonal highway limits for certain vehicles.

HB 1251, relative to the sale and transfer procedures for shutdown emissions credits.

HB 1266, relative to notification requirements for lowering the water level of a lake or pond.

HB 1269, relative to the operation of OHRVs and snowmobiles adjacent to public highways.
HB 1374, relative to the prohibition against participation in a national identification card system.

HB 1384, establishing a suicide fatality review committee.

HB 1390, relative to the minimum age for the operation of commercial vessels.

HB 1419, naming a bridge across the Connecticut River from Hinsdale, New Hampshire to Brattleboro, Vermont, informally known as the Hinsdale Bridge, the Anna Hunt Marsh Bridge.

HB 1422, establishing a committee to study the establishment of a department of natural resources.

HB 1430, relative to the uniform anatomical gift act.

HB 1441, relative to claimant eligibility for victim's compensation.

HB 1450, relative to the designation of a portion of the Cocheco River as a protected river.

HB 1476, relative to periodic verification of the checklist.

HB 1525, relative to physical therapists practicing on animals.

HB 1526, requiring the department of health and human services to establish a methodology for determining certain high cost long-term care cases.

HB 1529, relative to absentee voting.

NONCONCURRENCE

HB 299, prohibiting banks from requiring fingerprints in order to complete a banking transaction.

HB 1217, relative to liability issues associated with the juvenile diversion program.

HB 1335, establishing a local option to authorize the governing body to set the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes.

HB 1402, repealing the crime of adultery.

HB 1671-FN, relative to election day registrants.

LAID ON THE TABLE

HB 213-FN, requiring the bureau of emergency communications to develop and maintain a statewide emergency notification system.

HB 1201, including loaded muzzleloaders in the prohibition of hunting from a vehicle.

HB 1367-FN, relative to political advertising and campaign expenditures and contributions by business organizations and labor unions.

HB 1484, relative to residency restrictions for sex offenders.

HB 1572-FN, relative to the certification of integrated residential communities.

HB 1609-FN, relative to current use and the land use change tax.

RECESS

(Rep. Lucy Weber in the Chair)

ENROLLED BILL AMENDMENT

SCR 3, congratulating the Boy Scouts of America on the occasion of its 100th anniversary.
(Amendment printed SJ 4-28-10)

Adopted.

RECESS

(Rep. Tupper in the Chair)

ENROLLED BILL AMENDMENT

SJR 1, urging the secretary of agriculture to review the Federal Milk Market Order System.
(Amendment printed SJ 4-28-10)

Adopted.

(Speaker Norelli in the Chair)

COMMITTEE ASSIGNMENT

The Speaker has made the following committee assignment:

Rep. Graham on the Committee on Ways and Means.

RECESS