HOUSE RECORD

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

Vol. 32 Concord, N.H. Wednesday, May 5, 2010 No. 38

HOUSE JOURNAL No. 16 (cont.)

Wednesday, April 28, 2010

RECESS

Rep. Wallner moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 17

Wednesday, May 5, 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 House Chaplain, Reverend Jared Rardin, Pastor of the South Congregational Church in Concord.
Holy God, on this Cinco de Mayo day, O God, remind us of the blessing of joy. We live in a world of increasing toxicity. While oil spills gush openly in the Gulf, polluting the waters and threatening the coasts, toxic words fill the airwaves and the social networking sites, polluting our public processes. People are finding a false sense of security by joining groups whose primary focus is to be against others rather than for the common good. We seem quick to abandon true dialogue for the cheaper fix of anonymous, on-line bursts of anger. Give us the courage in this House, in our own homes and in the public square to insist on decency and civility even when those are not very marketable commodities. Make us instruments of community and respect. Remind us that kindness requires accountability for our own words and actions. Remind us that Jesus and others like him have often chastened us not to judge others without first judging ourselves. And in the end, bring us to a place of joy and gratitude and celebration. Bless us this day with a centered spirit and an eagerness

to build bridges to one another. Help us to honor our differences rather than to simply rely on them. Help us to see one another, and those we serve, through Your compassionate eyes. Bless those we know, and those we don't, who desperately need Your care this day. In Your Holy name we pray. Amen.

Representative Philip Harvey, member from Hillsborough, led the Pledge of Allegiance.

The National Anthem was sung by Danielle Lussier, a senior at Londonderry High School.

LEAVES OF ABSENCE

Reps. Julie Brown, Coffey, Gina Hutchinson, Laliberte and Carol Williams, the day, illness.
Reps. Abbott, Peter Allen, Bishop, Bridle, Jennifer Brown, Caron, Cushing, Dowling, Dumaine, Flurey, Gagne, Hebert, Kepner, Kopka, Levesque, Nevins, Palmer, Pamela Price, Sanders, Barbara Shaw, Kimberly Shaw, Stiles, Walsh, White and Wiley, the day, important business.
Reps. Nancy Elliott and Tilton, the day, illness in the family.
Rep. Watters, the day, death in the family.

INTRODUCTION OF GUESTS

Paul and Laurie Lussier, parents of the singer, guests of the House. Bill Thomas and Ronald and Leona Dyette, husband and guests of Rep. Thomas. Patricia Sullivan, wife of Rep. James Sullivan. Brian Murphy, guest of Rep. William Smith.

Robert Fredette and Samuel West, students at Tri City Christian Academy, Pages for the day.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 660-FN, relative to the life settlements act. (Amendments printed SJ 4-21-10)
Reps. Butler and Almy moved that the House concur.
Rep. Butler spoke in favor.
Adopted.

HB 1208, relative to rebate exemptions. (Amendment printed SJ 4-28-10)
Rep. Butler moved that the House concur and spoke in favor.
Adopted.

HB 1429, establishing a committee to study the inclusion of universal design requirements in the state building code. (Amendment printed SJ 4-28-10)
Rep. Butler moved that the House concur and spoke in favor.
Adopted.

HB 1667-FN, relative to possession of controlled substances obtained by valid prescription. (Amendment printed SJ 4-21-10)
Rep. Shurtleff moved that the House concur and spoke in favor.
Adopted.

HB 1680-FN, establishing the crime of aggravated harassment by an inmate. (Amendment printed SJ 4-21-10)
Rep. Shurtleff moved that the House concur and spoke in favor.
Adopted.

HB 1686, relative to juvenile diversion programs. (Amendment printed SJ 4-28-10)
Rep. Shurtleff moved that the House concur and spoke in favor.
Adopted.

HB 1224, relative to school employee and volunteer background investigations and relative to applicants for driver education certificates and school licenses. (Amendment printed SJ 4-21-10)
Rep. Rous moved that the House concur and spoke in favor.
Adopted.

HB 1574-FN, relative to retention of election records. (Amendment printed SJ 4-21-10)
Rep. Clemons moved that the House concur.
Rep. Pierce spoke in favor.
Adopted.

HB 1184, relative to the administration of the unused prescription drug program. (Amendment printed SJ 4-21-10)
Rep. Rosenwald moved that the House concur and spoke in favor.
Adopted.

HB 1304, extending the task force on homeless teenagers, the commission to study alternative fuel vehicles, the task force to study access to dental care, and the committee to study the certificate of need process. (Amendment printed SJ 4-28-10)
Rep. Lucy Weber moved that the House concur and spoke in favor.
Adopted.

HB 1198-L, relative to public hearings on municipal budget preparation. (Amendment printed SJ 4-21-10)
Rep. Cooney moved that the House concur and spoke in favor.
Adopted.

HB 1534, relative to the issuance of air permits and certain fees relative to air permits. (Amendment printed SJ 4-28-10)
Reps. Kaen and Almy moved that the House concur.
Rep. Kaen spoke in favor.
Adopted.

HB 1518-FN, increasing certain OHRV registration fees and fee for transfer of registration of an OHRV or snowmobile. (Amendment printed SJ 4-7-10)
Rep. Almy moved that the House concur, spoke in favor and yielded to questions.
Rep. William O'Brien requested a roll call; sufficiently seconded.

YEAS 194 NAYS 143

YEAS 194

BELKNAP

Arsenault, Beth	Bolster, Peter	Fields, Dennis	Flanders, Donald
Johnson, William	Merry, Liz	Miller, Kate	Millham, Alida
Reever, Judith	Russell, David	Stuart, Richard	

CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward

CHESHIRE

Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Carlson, Nancy	Eaton, Daniel	Lerandeau, Alfred	Lindsey, Steven
Meader, David	Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sad, Tara	Weber, Lucy
Weed, Charles			

COOS

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

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Ford, Susan	Friedrich, Carol	Gould, Franklin	Harding, Laurie
Matheson, Robert	Mulholland, Catherine	Nordgren, Sharon	Pierce, David
Preston, Philip	Smith, Suzanne	Taylor, Kathleen	Townsend, Charles
Ward, Brien			

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Campbell, David
Chandley, Shannon	Chase, Claudia	Clemons, Jane	Cote, David
Craig, James	Dokmo, Cynthia	Foster, Linda	Garrity, Patrick
Gidge, Kenneth	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Hackel, Paul	Haley, Robert	Hammond, Jill	Hardy, Valerie
Harvey, Philip	Harvey, Suzanne	Hodges, Kevin	Jeudy, Jean
Kelley, John	Knowles, John	Knowles, Mary Ann	Komi, Richard
Leishman, Peter	Lisle, Carolyn	Long, Patrick	Mack, Ron
Marshall, Seth	Matarazzo, Anthony Sr	Messier, Irene	Movsesian, Lori
Nixon, David	O'Brien, Michael Sr	O'Neil, James	Pilotte, Maurice
Poznanski, Brian	Ramsey, Peter	Rhodes, Brian	Rosenwald, Cindy
Schulze, Joan	Shattuck, Gilman	Soucy, Timothy	Sullivan, Daniel
Thompson, Robert			

MERRIMACK

Bartlett, Michael	Bouchard, Candace	Brown, Carole	Clarke, Claire
Davis, Frank	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	Kelly, Sally	Lockwood, Priscilla
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Porter, Margaret
Potter, Frances	Reed, Dennis	Rice, Chip	Richardson, Gary
Rodd, Beth	Schuett, Dianne	Shurtleff, Stephen	Stetson, William
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Watrous, Rick
Webb, Leigh	Wheeler, Deborah	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Borden, David	Brown, C. Pennington	Cali-Pitts, Jacqueline	Case, Frank
Day, Judith	DiFruscia, Anthony	DiPentima, Rich	Emiro, Frank
Gould, Kenneth	Henson, John	Lyons, Melissa	Mann, Maureen
McCarthy, Barbara	McEachern, Paul	McKinney, Betsy	Moody, Marcia
Nord, Susi	Pantelakos, Laura	Petterson, Don	Read, Robin Jr
Russell, Joseph	Russell, Trinka	Schlachman, Donna	Splaine, James

Webber, Carolyn

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, Larry
Browne, Brendon	Burke, Rachel	Cyr, James	Hofemann, Roland
Horrigan, Timothy	Hubbard, Pamela	Hutz, Sarah	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
Vachon, Dennis	Wall, Janet	Ward, Kenneth	

SULLIVAN

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

NAYS 143

BELKNAP

Boyce, Laurie	Nedeau, Stephen	Pilliod, James	St. Cyr, Jeffrey
Swinford, Elaine	Veazey, John		

CARROLL

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

CHESHIRE

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

COOS

Rappaport, Laurence	Remick, William	Richardson, Herbert	Stohl, Eric
Tholl, John Jr			

GRAFTON

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

HILLSBOROUGH

Batula, Peter	Beauchamp, Roger	Belvin, William	Bergin, Peter
Boehm, Ralph	Boisvert, Ronald	Cebrowski, John	Christensen, Chris
Christiansen, Lars	Daniels, Gary	Day, Russell	Doherty, Shaun
Drisko, Richard	Emerton, Larry	Gandia, Laura	Graham, John
Haefner, Robert	Hawkins, Ken	Hikel, John	Hinch, Richard
Hinkle, Peyton	Hogan, Edith	Holden, Frank	Infantine, William
Jasper, Shawn	Katsiantonis, Thomas	Kurk, Neal	L'Heureux, Robert
LaPlante, Roland	McCarthy, Michael	Mead, Robert	Moran, Edward
O'Brien, William	Ober, Lynne	Ober, Russell III	Pellegrino, Tony
Pepino, Leo	Pratt, Calvin	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Seidel, Carl	Silva, Peter	Soucy, Connie

Spaulding, Jayne	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Moe	Willette, Robert	Winters, Joel	

MERRIMACK

Anderson, Eric	Blankenbeker, Lynne	Hess, David	Kidder, David
Kotowski, Frank	McGuire, Carol	Palfrey, David	Smith, Todd

ROCKINGHAM

Allen, Mary	Bailey, Clinton	Baldasaro, Alfred	Bates, David
Belanger, Ronald	Bettencourt, David	Comerford, Timothy	Crisler, Margaret
DeSimone, Debra	Devine, James	Elliott, Robert	Ferrante, Beverly
Fesh, Robert	Flanders, John Sr	Garrity, James	Griffin, Mary
Hagan, Joseph	Headd, James	Hoelzel, Kathleen	Hutchinson, Karen
Ingram, Russell	Introne, Robert	Itse, Daniel	Kappler, L. Mike
Katsakiores, Phyllis	Kolodziej, Walter	Major, Norman	Packard, Sherman
Perkins, Amy	Perkins, Lawrence	Priestley, Anne	Quandt, Matt
Rausch, James	Reagan, John	Sapareto, Frank	Scamman, Stella
Scamman, W. Douglas Jr	Sedensky, John	Smith, William	Sullivan, James
Tucker, Pamela	Weare, Everett	Welch, David	Wells, Roger
Weyler, Kenneth			

STRAFFORD

Groen, Warren	Twombly, James	Vita, Carol

SULLIVAN

Cunningham, Steven	Howard, Thomas	Osgood, Joe	Rodeschin, Beverly

and the motion was adopted.

HB 478-FN, relative to remotely readable devices and relative to the illegal use of a payment card scanning device or reencoder. (Amendment printed SJ 4-21-10)
Rep. Butler moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Nord, Winters, Schlachman and Dowling.

HB 1361, relative to procedures for notification of parole hearings. (Amendment printed SJ 4-28-10)
Rep. Shurtleff moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Welch, Cushing, Stevens and Burridge.

HB 651-FN, relative to regulation of private investigative agencies and security services. (Amendment printed SJ 1-21-10)
Reps. Harding and Shurtleff moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Houde-Quimby, Hawkins, Donald Ryder and Stevens.
Rep. Cloutier declared a conflict of interest on ***HB 651-FN*** and did not participate.

HB 1448, relative to town audits. (Amendment printed SJ 4-7-10)
Rep. Cooney moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Cooney, Gagnon, Schuett and Patten.

COMMITTEE REPORTS

CONSENT CALENDAR

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

SB 308, relative to the price for filling prescriptions. **OUGHT TO PASS.**
Rep. Jill Shaffer Hammond for Commerce and Consumer Affairs: This bill will prevent the lowering of the amount of reimbursement for a claim for filling a prescription from a pharmacy benefits manager (PBM) or insurer to a contracted pharmacy, once the amount of that claim has been settled. It seems that past practices of some PBMs and insurers has been to retroactively cut the rate of reimbursement, and subtract the "overpayment" from current or future payments. Vote 14-0.

SB 319, relative to purchases by on-premises alcoholic beverages licensees and relative to liquor licenses. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Chris F. Nevins for Commerce and Consumer Affairs: This bill was brought forward to correct a limitation of an "on-premise" liquor licensee from purchasing supplies of liquor and wine from an agency store. With the approval of the liquor commission, such an on-premise licensee will be able to do so, which is of benefit to the state. Additionally, a new section on "Temporary Licenses" was added to RSA 178 so that an approved licensee may commence sales while awaiting their permanent license. Finally, the director of licensing shall now review each license application and submit to the commission a written recommendation on whether the license should be granted or denied and issue written findings for the decision. A final related amendment will allow people between the ages of 18 and 21 years of age to enter a cigar bar to purchase tobacco products (of course people over 21 already can enter such businesses.) This bill was supported by the liquor commission, as well as the NH Lodging and Restaurant Association, NH Grocers Association, the Cigar Association of NH as well as several vendors. Vote 15-0.

Amendment (1550h)

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 On-Premises Cigar, Beverage, and Liquor Licenses. Amend RSA 178:20-a, II(c) to read as follows:

(c) Does not allow [~~minors to enter the premises~~] ***any person under the age of 18 on the premises unless accompanied by a parent, legal guardian, or adult spouse***.

SB 352, relative to student insurance. **OUGHT TO PASS.**
Rep. Chris F. Nevins for Commerce and Consumer Affairs: This bill was requested by the insurance department and seeks to clarify the definition of "blanket accident and health insurance." It also amends RSA 415 by inserting a new section that more properly assigns and defines student insurance policies as large group coverage. This will allow the same form of major medical expense coverage as in large groups and would not include a pre-existing condition exclusion period. Since rule making is already set for this coverage, this can now be coordinated with federal rules. The bill is also supported by the insurance carriers as it will clarify and simplify their interface with the departments regarding student coverage. Vote 16-0.

SB 390-FN, relative to health insurance premium only cafeteria plans. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jill Shaffer Hammond for Commerce and Consumer Affairs: This bill allows small employers with 2 or more employees who do not offer employer-sponsored health insurance coverage, or who have part-time employees who do not qualify for such coverage, to establish and maintain a health coverage premium-only cafeteria plan which satisfies requirements under 26 U.S.C. section 125. The employer would maintain an account into which would be put pre-tax funds deducted from the wages or salaries of eligible employees, to be used to buy policies in the small group market. Insurance companies shall make small group coverage available to such plans during limited open enrollment periods, using their rating factor for a small group of one. Vote 13-0.

Amendment (1693h)

Amend RSA 275:43-c as inserted by section 1 of the bill by replacing it with the following:

275:43-c Required Premium Only; Cafeteria Plan. Each small employer, as that term is defined in RSA 420-G:2, XVI, which employs 2 or more employees in the state of New Hampshire and which does not offer employer-sponsored health insurance to all of its employees, may establish and maintain a health coverage premium only cafeteria plan that satisfies the requirements of 26 U.S.C., section 125, and which is specifically established for the purpose of allowing employees who are not eligible for employer-sponsored coverage to purchase health coverage as defined in RSA 420-G:2, IX in the small group market. An employee who works over 15 hours per week and who is not eligible for an employer-sponsored plan may elect to purchase small group health coverage on an individual basis through a payroll deduction. The employer shall not be required to pay for or otherwise contribute to the cost of any health insurance purchased through the cafeteria plan.

AMENDED ANALYSIS

This bill permits small employers which employ 2 or more employees and which do not offer employer-sponsored health insurance to all of its employees to establish and maintain a health coverage premium only cafeteria plan.

SB 421, relative to the laws regulating trusts and trust companies in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David J. Palfrey for Commerce and Consumer Affairs: This bill continues the long-standing legislative initiative to establish New Hampshire as a leading jurisdiction in the national market for financial, trust and fiduciary services and to attract financial service jobs of that marketplace to New Hampshire. SB 421 makes changes to the statutes governing family trust companies that are regulated by the New Hampshire banking department that will continue to maintain New Hampshire's competitiveness among states in this growing economic sector. The committee amendment improves incentives to achieve the best examination results and makes several minor editing and technical corrections to the bill as it passed the Senate. Vote 16-0.

Amendment (1537h)

Amend RSA 392-B:1, I as inserted by section 2 of the bill by replacing it with the following:

I. "Confidential information," with respect to a family trust company, includes the names of stockholders, members, or other owners; ownership information; capital contributions; addresses; business affiliations; findings of the bank commissioner through any examination or investigation of the bank commissioner; the pledge or bond amount required by RSA 392-B:20, II; any information required to be reported or filed with the bank commissioner, any information that qualifies as any person's "nonpublic personal financial information" under Chapter V of the Gramm-Leach-Bliley Act of 1999 and the regulations implementing it; any information or agreement relating to any merger, consolidation, or transfer; any agreements or information relating to any relationship with a contracting trustee; and any other nonpublic information that, in the judgment of the bank

commissioner, could be useful in connection with an act of bribery, extortion, identity theft, or terrorism.

Amend RSA 392-B:5, II(e) as inserted by section 2 of the bill by replacing it with the following:

(e) Rules, orders, or declaratory rulings of the bank commissioner may provide for other circumstances that justify exemption from any of the specified provisions of Title 35, specifying the provisions that are subject to the exemption request, and establishing procedures and requirements for obtaining, maintaining, or revoking exemptions.

Amend RSA 392-B:5, III(b) as inserted by section 2 of the bill by replacing it with the following:

(b) If required by the bank commissioner, the persons described in subparagraph (a) shall submit to the banking department a notarized criminal history records release form, as provided by the New Hampshire division of state police, which authorizes the release of the person's criminal records, if any. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the banking department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

Amend RSA 392-B:5, IV(d) as inserted by section 2 of the bill by replacing it with the following:

(d) Any other factor, as the bank commissioner may deem appropriate.

Amend RSA 392-B:5, V as inserted by section 2 of the bill by replacing it with the following:

V. The bank commissioner may make further inquiry and investigation as the bank commissioner deems appropriate. Notwithstanding any other law to the contrary, information bearing on actual or proposed accounts of the family trust company or proposed family trust company applying for the exemption or the identity or residence address of the designated relative or any other family member shall be confidential and not subject to public disclosure.

Amend RSA 392-B:17 as inserted by section 2 of the bill by replacing it with the following:

392-B:17 List of Owners. When all of the initial investment in the capital of the family trust company has been paid, a complete list of the investors, with the name and post office address of each, and the number of shares or interests held by each, shall be filed with the bank commissioner, which list shall be verified by one or more officers of the family trust company. If there is any change in the information contained in the list, the family trust company shall file with the bank commissioner a revised list within 60 days of the change.

Amend RSA 392-B:20, I-II as inserted by section 2 of the bill by replacing it with the following:

I. The initial capital required to organize a family trust company shall be not less than $250,000. The bank commissioner may require, in the exercise of his or her discretion based on safety and soundness factors, as set forth in paragraph IV, additional capital at such levels as he or she determines is necessary to protect against the risks inherent in the business of the family trust company. Once organized, a family trust company shall maintain a minimum level of capital required by the bank commissioner to operate in a safe and sound manner based upon his or her examination of the company, provided that the level of capital shall not be less than $250,000. The bank commissioner may, by rule, order, or declaratory ruling set liquidity requirements for such capital. The bank commissioner may require any family trust company to increase its capital funds from time to time as may be necessary to comply with reasonable trust standards, as applicable, not inconsistent with law.

II. A family trust company shall pledge to the bank commissioner securities or a surety bond for the benefit of the bank commissioner to defray the costs of a liquidation of the family trust company by the bank commissioner in the event it should fail. The amount of the securities or the surety bond shall be determined by the bank commissioner in an amount that he or she deems appropriate to defray such costs, but in no event shall such amount exceed $1,250,000 initially or if the family trust company has a rating from the bank commissioner of a 1 or 2. If a family trust company has a rating from the bank commissioner of 3 or lower, then the amount of the securities or the surety bond shall be increased to $3,000,000 and the family trust company shall satisfy such increase within 14 calendar days of receipt of written notice from the bank commissioner. In the event of a receivership of a family trust company, the bank commissioner may, without regard to any priorities, preferences, or adverse claims, reduce the pledged securities or the surety bond to cash and, as soon as practicable, utilize the cash to defray the costs associated with the receivership. If the family trust company chooses to pledge securities to satisfy this provision, the securities shall be held at a depository institution or a Federal Reserve Bank approved by the bank commissioner. The bank commissioner may specify the types of securities that may be pledged. Any fees associated with holding such securities shall be the responsibility of the family trust company. If the family trust company chooses to purchase a surety bond to satisfy this provision, the surety bond shall be issued by a bonding company, approved by the bank commissioner, that is authorized to do business in this state and that has a rating in one of the 3 highest grades as determined by a national rating service. The surety bond shall be in a form approved by the bank commissioner. The family trust company may not obtain a surety bond from any entity in which the family trust company has a financial interest.

Amend RSA 392-B:20, VI as inserted by section 2 of the bill by replacing it with the following:

VI. Subject to paragraphs VII and VIII, the total investment in equity and investment securities of any one issuer, obligor, or maker held by a family trust company for its own account shall not exceed an amount equal to 15 percent of the family trust company's equity capital. The bank commissioner may authorize investments in excess of this limitation if the bank commissioner concludes that the safe and sound operation of a family trust company would not be adversely affected by a proposed investment exceeding this limitation.

Amend RSA 392-B:20, IX-X as inserted by section 2 of the bill by replacing it with the following:

VIII. Notwithstanding paragraph VI, a family trust company may purchase for its own account, without limitation and subject only to the exercise of prudent judgment:

(a) Bonds and other general obligations of a state, an agency, or political subdivision of a state, the United States, or an agency or instrumentality of the United States.

(b) A debt security that this state, an agency or political subdivision of this state, the United States, or an agency or instrumentality of the United States has unconditionally agreed to purchase, insure, or guarantee.

(c) Securities that are offered and sold under 15 U.S.C. section 77d(5).

(d) Mortgage-related securities as defined in 15 U.S.C. section 78c(a).

(e) Investment securities issued or guaranteed by the Federal Home Loan Mortgage Corporation, Fannie Mae, the Government National Mortgage Association, the Federal Agricultural Mortgage Association, or the Federal Farm Credit Banks Funding Corporation; and

(f) Investment securities issued or guaranteed by the North American Development Bank.

IX. The bank commissioner may allow a family trust company to make other investments of its corporate funds not specified in this chapter by rules, orders, or declaratory rulings.

Amend RSA 392-B:26 as inserted by section 2 of the bill by replacing it with the following:

392-B:26 Procedure; Effect. If the petition is granted, a copy of the amended organizational instrument, certified by the clerk or secretary of the family trust company, with the approval of the bank commissioner indorsed thereon, shall be filed in the office of the secretary of state, accompanied by a fee equal to the fee charged by the secretary of state to business corporations under RSA 293-A if the family trust company is a corporation, or the fee charged to limited liability companies under RSA 304-C if the family trust company is a limited liability company, and thereupon the secretary of state shall cause the same, with the endorsement thereon, to be recorded as provided in RSA 392-B:13, and shall issue a certificate of such amended organizational instrument, which shall conform as nearly as may be to the form prescribed in RSA 392-B:14 and shall have the same force and effect, and thereafter such family trust company shall have all the powers and privileges provided for by such amended certificate or charter and shall be subject to all the provisions of this chapter.

Amend RSA 392-B:31, I as inserted by section 2 of the bill by replacing it with the following:

I. A family trust company seeking to dissolve its charter shall file an application for dissolution with bank commissioner accompanied by a filing fee of $1,500 payable to the bank commissioner. The bank commissioner shall examine the application for completeness and compliance with the requirements of this section, the domestic business entity laws applicable to the requested type of liquidation or reorganization, and its rules. The application shall include a comprehensive plan of dissolution setting forth the disposition of all assets and liabilities, in reasonable detail to effect the liquidation or reorganization. Among other things, the plan of dissolution shall provide for the discharge or assumption of all of the family trust company's known or unknown claims and liabilities and the transfer of all of its responsibilities as a trustee to a successor trustee or trustees. Additionally, the filing shall include such other certifications, affidavits, documents, or information with respect to the dissolution as the bank commissioner may require to understand how such assets and liabilities will be disposed of, the timetable for effecting disposition of such assets and liabilities, and the applicant's proposal for dealing with any claims that are asserted after the dissolution has been completed. The bank commissioner may conduct a special examination of the applicant for purposes of evaluating the application. Cost of the special examination shall be paid by the applicant.

SB 423, relative to health insurance coverage for licensed athletic trainer services. **REFER FOR INTERIM STUDY.**

Rep. Donna L. Schlachman for Commerce and Consumer Affairs: Last session, a study committee on medical insurance reimbursement for physician-prescribed rehabilitative services provided by athletic trainer professionals voted 2-2 on recommending further legislation. In the course of two years and two bills on reimbursement for athletic trainers, their scope of practice, professional credentials, impact on the field of therapeutic rehabilitation and impact on service access have been fully discussed by all concerned parties. The purpose of this Interim Study is to bring NH's insurance carriers and the Association of Athletic Trainers together to develop the necessary agreements for reimbursement. Currently, none of the other rehabilitative therapies that enjoy insurance reimbursement (physical, occupational, speech and respiratory therapies) do so under state jurisdiction. The intent of the study is to ensure that service delivery related specifically to doctor- prescribed medically necessary rehabilitation within the scope of the athletic trainer profession be recognized and reimbursed by carriers, preferably without enacting legislation. Vote 16-0.

SB 436, relative to health insurance open enrollment periods and establishing a commission relative to children's health insurance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donna L. Schlachman for Commerce and Consumer Affairs: New Hampshire's healthy kids program is a successful private-public partnership currently serving over 80,000

children who would not otherwise have access to health care. This statutory commission will study how best to take advantage of and implement additional options available to states through the federal Children's Health Insurance Program Reauthorization Act of 2009. These include expanded coverage for eligible pregnant women and newborns as well as a dental-only program for children with private health insurance but no dental coverage. The department of health and human services testified that while it agrees that NH should take advantage of these other programs, a lack of funding for the state match and staff to manage and implement new programs make it impossible to do so. The committee believes this is a good time to consider and plan for new approaches to services, to realize cost-savings, and to prioritize program components under this program so NH can be in a position to take advantage of federal funds when our economy recovers. Interim report to be made in November 2010 with final report and repeal of the commission by the end of 2011. In addition, this bill changes the healthy kids enrollment eligibility period from 30 to 60 days for children who lose coverage under another health plan. Vote 15-0.

Amendment (1694h)

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

AN ACT relative to health insurance open enrollment periods and establishing a temporary commission relative to children's health insurance.

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

1 New Section; Healthy Kids Corporation; Temporary Commission Relative to Children's Health Insurance. Amend RSA 126-H by inserting after section 9 the following new section:

126-H:10 Temporary Commission Relative to Children's Health Insurance.

I. There is hereby established a temporary commission relative to children's health insurance.

II. The members of the commission shall be as follows:

(a) One member of the senate, appointed by the president of the senate.

(b) Two members of the house of representatives, appointed by the speaker of the house of representatives.

(c) One member appointed as the governor's designee.

(d) One representative of the department of health and human services, appointed by the commissioner of the department.

(e) One representative of New Hampshire healthy kids corporation, appointed by that organization.

(f) One pediatrician, appointed by the governor.

(g) One representative of New Hampshire Voices for Health, appointed by that organization.

(h) One representative of the New Hampshire Minority Health Coalition, appointed by that organization.

(i) One representative of the New Hampshire Oral Health Coalition, appointed by that organization.

III. Members of the commission shall serve without compensation, provided, however, that legislative members shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall analyze and evaluate the feasibility of implementing state options under the federal Children's Health Insurance Program Reauthorization Act of 2009. Such analysis shall include, but not be limited to, projected benefits, projected burdens, projected costs, projected savings, and federal and state financing opportunities for the options. In the performance of its duties, the commission may solicit information and testimony from any person or entity with expertise or experience relevant to the study.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate

member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

VI. The commission shall issue an interim report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2010 and shall issue a final report on or before November 1, 2011.

2 Accident and Health Insurance Policy Provisions; Open Enrollment. Amend the introductory paragraph of RSA 415:18, XII(c)(3) to read as follows:

(3) Requests enrollment within [~~30~~] ***60*** days after termination of coverage provided under a public or private health insurance or other health benefit arrangement; or

3 Prospective Repeal. RSA 126-H:10, relative to the commission on children's health insurance and inserted by section 1 of this act, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect December 31, 2011.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a temporary commission relative to children's health insurance. The bill also extends the mandatory open enrollment period for employer-sponsored health insurance plans following termination of coverage under a public or private plan.

SB 459, relative to medical payments coverage. **INEXPEDIENT TO LEGISLATE.**
Rep. Donna L. Schlachman for Commerce and Consumer Affairs: New Hampshire is one of the few states that mandates "med pay" coverage be issued with all its motor vehicle liability policies. Such coverage is "no-fault" and is to be used solely for the purpose of assisting policy holders with medical expenses related to an automobile accident. Presently, patients submit claims to their insurance company and are reimbursed up to the limit of their policy coverage. This bill would have regulated the ways in which those providing medical services are reimbursed, rather than leaving it up to the individual to prioritize and handle their own bills. The committee felt that while some individuals may abuse the intent of "med pay" by not using this money to pay their medical bills, the present system works well in most cases and further regulation is not desirable. Vote 15-1.

SB 443, relative to rulemaking authority of the electricians' board. **OUGHT TO PASS.**
Rep. Carol M. McGuire for Executive Departments and Administration: When the electricians' board was consolidated into the department of safety, there were conflicts over its rulemaking authority. SB 443 amends RSA 319-G:6-a to clarify that both the board and the commissioner must approve all rules. Vote 18-0.

SB 478, relative to the appointments to the board of home inspectors, the administrative attachment of the plumbers' board, and retired status for licensed architects. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Donald F. Ryder for Executive Departments and Administration: This bill, as amended, by the house, makes three changes in RSA 310-A:186. The first change allows an appointee to the board of home inspectors to serve less than half of the five year term and still be eligible to serve two consecutive full five year terms. Part two, RSA 329-A:3, III, will transfer the plumbers' board to the department of safety but allows the board to retain rule making authority. Part three of the bill affects retired architects. This section is unchanged from the senate version. Vote 16-1.

Amendment (1460h)

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

1 Home Inspectors; Board; Appointment. Amend RSA 310-A:186, IV to read as follows:

IV. Members shall be appointed for [~~2 year~~] ***5-year*** terms. Appointments for terms of less than [~~2~~] ***5*** years may be made in order to stagger the appointments. No appointed member shall be eligible to serve more than 2 full consecutive terms, provided that for this purpose only a period actually served which exceeds 1/2 of the [~~2 year~~] ***5-year*** term shall be deemed a full term. Upon expiration of a member's term, the member shall serve until a successor is qualified and appointed. Vacancies occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired term. ***Appointees to the unexpired portion of a full term shall become members of the board on the day following such appointment.*** A board member may be removed for cause by the governor and council under RSA 4:1.

2 Plumbers' Board; Administrative Attachment Removed. Amend RSA 329-A:3, III to read as follows:

III. The board shall be [~~an administratively attached agency, under RSA 21-G:10, to~~] ***a unit of*** the department of [~~environmental services~~] ***safety***. ***Notwithstanding RSA 21-G:9, the board shall exercise rulemaking authority granted under RSA 329-A:14.***

AMENDED ANALYSIS

This bill changes the terms for appointments to the board of home inspectors. The bill removes the administrative attachment of the state board for the licensing and regulation of plumbers from the department of environmental services and establishes the board as a unit of the department of safety. The bill also adds rulemaking and fees for retired status for licensed architects.

SB 514, relative to commercial weighing or measuring devices. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Calvin D. Pratt for Executive Departments and Administration: This bill changes "registered serviceman" to "registered service technician." The registered service technician is an individual who holds a valid certificate of registration from the department of agriculture, markets, and food, who, for hire, installs, services, repairs, reconditions, tests or calibrates a commercial weighing or measuring device. It also repeals RSA 438:8, I(j) relative to the general rule making authority of the commissioner of agriculture. The committee deems this language is too broad. Vote 18-0.

Amendment (1645h)

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

AN ACT relative to commercial weighing or measuring devices and rulemaking authority for the commissioner of the department of agriculture markets and food.

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

1 New Paragraph; Registered Service Technician; Definition. Amend RSA 438:1 by inserting after paragraph XII the following new paragraph:

XIII. "Registered service technician" means an individual who holds a valid certificate of registration from the department of agriculture, market, and food who, for hire, installs, services, repairs, reconditions, tests, or calibrates a commercial weighing or measuring device.

2 New Section; Standards for Weights and Measures; Registered Service Technician. Amend RSA 438 by inserting after section 14 the following new section:

438:14-a Registered Service Technician. A registered service technician who installs, services, repairs, reconditions, tests, or calibrates a commercial weighing or measuring device shall mark said device in a manner approved by the commissioner. This mark shall authorize the device owner to use a licensed device unless rejected pursuant to RSA 438:14.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Repeal. RSA 438:8, I(j), relative to the general rulemaking authority of the commissioner of the department of agriculture, markets and food, is repealed.

AMENDED ANALYSIS

This bill:

I. Defines registered service technician.

II. Permits registered service technician to mark commercial weighing or measuring devices in a manner approved by the commissioner of the department of agriculture, markets and food.

III. Repeals the general rulemaking authority of the commissioner of the department of agriculture, markets and food.

SB 402-FN, relative to state-owned vehicles. **OUGHT TO PASS WITH AMENDMENT.** Rep. Robert A. Foose for Finance: This bill establishes a plan to manage the use of state owned vehicles under the direction of the department of administrative services. It establishes targets for the reduction of vehicle use over a three year period while recognizing the particular challenges of the departments of safety and transportation. It also establishes guidelines for the disposal of vehicles based on non-business use. Vote 16-1.

Amendment (1680h)

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

1 New Subdivisions; Disposal of State-Owned Vehicles Based on Nonbusiness Use; Fleet Efficiency and Redistribution. Amend RSA 21-I by inserting after section 19-g the following new subdivisions:

Disposal of State-Owned Vehicles Based on Nonbusiness Use

21-I:19-h Disposal of State-Owned Vehicles Based on Nonbusiness Use.

I. Each agency, as defined in RSA 21-G:5, III, shall report quarterly to the department of administrative services the total miles and total nonbusiness miles traveled by each state-owned motor vehicle, including, but not limited to, use of vehicles for commuting between an employee's home and regular place of business. This section shall not apply to vehicles used for the purposes of law enforcement. This section shall be interpreted so as not to conflict with federal Internal Revenue statutes or regulations and shall not relieve an agency or its employees from non-wage fringe benefit reporting requirements for nonbusiness use of state-owned motor vehicles.

II. By August 1, 2011, each agency shall review the utilization of all vehicles which are assigned to the agency to determine if nonbusiness use for any vehicle exceeds 15 percent of the total miles traveled by that vehicle for the preceding fiscal year. By August 1 of each year after 2011, each agency shall conduct the same review using the percentage of nonbusiness use miles adjusted by the vehicle utilization committee.

III. Each agency shall, by August 15, 2011, report to the commissioner in writing all vehicles which are determined to have nonbusiness use exceeding 15 percent of the total miles traveled by that vehicle for the preceding fiscal year. Each agency shall, by August 15 of each year after 2011, report to the commissioner in writing all vehicles which are determined to have nonbusiness use miles exceeding the percentage adjusted by the vehicle utilization committee.

IV. The commissioner shall, by October 1, 2011 and each October 1 thereafter, submit a report to the governor and council and to the fiscal committee of the general court identifying all vehicles which he or she has been advised have nonbusiness use exceeding the applicable percentage of total miles traveled by that vehicle for the preceding fiscal year.

V. For each vehicle reported under paragraph III, the director of the division of plant and property management of the department of administrative services either shall declare the vehicle surplus and transfer or otherwise dispose of the vehicle or shall reassign the vehicle within the agency, unless a waiver of the requirements of this paragraph is granted by the vehicle utilization committee.

VI. Requests for waivers from the vehicle utilization committee shall be submitted to the commissioner at the same time as the report required by paragraph III. The vehicle

utilization committee shall grant a waiver if it concludes that to do so would be in the best interests of the state.

VII. There is hereby established a vehicle utilization committee consisting of the following officials or designees:

(a) The commissioner of the department of administrative services.

(b) The director of the division of plant and property management of the department of administrative services.

(c) The commissioner of the department of transportation.

(d) The commissioner of the department of safety.

(e) The commissioner of the department of environmental services.

VIII. After October 1, 2011, the vehicle utilization committee may, at any time, with the prior approval of the fiscal committee of the general court, adjust the percentage of nonbusiness use miles traveled by a vehicle during the preceding fiscal year which may result in a vehicle being declared surplus and subject to transfer or other disposal by the director of the division of plant and property management. In the absence of any adjustment, the percentage shall be 15 percent. Any adjustment of the percentage made by the vehicle utilization committee shall be communicated to agencies by the vehicle utilization committee and shall remain in effect until further adjustment, if any, is made.

Fleet Efficiency and Redistribution

21-I:19-i Fleet Efficiency and Redistribution.

I. The department of administrative services shall monitor, analyze, and evaluate the utilization of the state's motor vehicles by agencies and employees; develop methods and procedures to improve the efficiency of the state's motor vehicle fleet; oversee the analysis of data provided to it by agencies; make recommendations for improvement of fleet efficiency; develop recommendations for managing fleet size and efficiency; and make recommendations for purchases of motor vehicles and redistribution of vehicles in the state's fleet as necessary to achieve fleet efficiencies, taking into account agencies' purposes, objectives, and functions.

II. In this section:

(a) "Agency" means "agency" as defined by RSA 21-G:5, III.

(b) "Motor vehicle" means:

(1) A passenger sedan or station wagon; or

(2) Any of the following which has a gross vehicle weight rating of up to 10,000 pounds: a passenger van seating up to 8 people, a pick-up truck, a sport utility vehicle, or a cargo van.

III. An agency shall not purchase or lease a motor vehicle without first obtaining the recommendation of the department of administrative services as provided in this section.

IV. In regard to motor vehicle purchases or leases, the department of administrative services shall assess whether the purchase or lease is in conformity with:

(a) The efficient and cost-effective utilization of the state's motor vehicle fleet as a whole.

(b) Any applicable rules or procedures of the department of administrative services, including but not limited to those relating to the alteration of fleet size and the acquisition of like or similar vehicles.

(c) The agency's budgetary authority.

(d) The provisions of any applicable executive orders or instructions of the governor and executive council.

(e) The laws, rules, or procedures relating to the procurement or the transaction at issue.

(f) Any other matter relating to whether the purchase or lease is in the best interests of the state.

V. In the course of conducting the assessment described in paragraph IV, the department of administrative services shall consult with a representative of the agency concerning the effective and efficient achievement of the agency's purposes, objectives, and

functions. The department of administrative services may also consult with the vehicle utilization committee established under RSA 21-I:19-h, VII.

VI. Following the department of administrative services' assessment of the purchase or lease, the commissioner of administrative services shall consider the factors set forth in paragraph IV and determine whether, in his or her opinion, the purchase or lease should be recommended. If the commissioner recommends against the purchase, he or she shall convey his or her recommendation to the fiscal committee of the general court. If the fiscal committee, taking into account the factors set forth in paragraph IV, concludes that the purchase or lease is appropriate, the agency may make the purchase or lease. If the committee does not so conclude, the agency may not make the purchase or lease.

VII. Based upon fleet utilization studies or other analyses of an agency's fleet, and applying the factors and processes set forth in paragraphs IV through VI, the commissioner of administrative services may, at any time, recommend to the fiscal committee of the general court that any one or more motor vehicles in an agency's fleet be declared surplus, or that it be reassigned within the agency. If the committee concurs with the commissioner's recommendation, the director of the division of plant and property management of the department of administrative services either shall declare the vehicle or vehicles surplus and transfer or otherwise dispose of the vehicle or vehicles or shall reassign the vehicle or vehicles within the agency.

2 Travel and Fleet Operation Cost Reductions.

I. In this section:

(a) "Agency" means "agency" as defined in RSA 21-G:5, III.

(b) "Commissioner" means the commissioner of the department of administrative services.

(c) "Light duty truck" means any of the following which has a gross vehicle weight rating of up to 10,000 pounds: a passenger van seating up to 8 people, a pick-up truck, a sport utility vehicle, or a cargo van.

(d) "Passenger vehicle" means a passenger sedan or station wagon.

II.(a) Each state agency shall reduce its combined in-state travel and fleet operations costs by 6 percent for the fiscal year ending June 30, 2011 and by an additional 6 percent for fiscal year ending June 30, 2012, unless the fiscal committee of the general court and the governor and council conclude that to do so would not be in the best interests of the state. By September 1, 2010, each agency shall review and determine its in-state travel reimbursement costs and light duty truck and passenger vehicle fleet operations costs for the prior 12 months. By October 1, 2010, each agency shall submit to the commissioner, in writing, an action plan that contains a proposed reduction of its combined in-state travel and fleet operations costs by 6 percent for the fiscal year ending June 30, 2011 and by an additional 6 percent for fiscal year ending June 30, 2012. Such action plan shall include sufficient detail to demonstrate how costs savings will be realized in each fiscal year.

(b) The commissioner shall review the action plan submitted by each agency to determine whether he or she concurs that the action plan would, based upon available information, likely reduce the combined costs by the required amount.

(c) If the commissioner concurs that the action plan would be likely to reduce the combined costs by the required amount, the commissioner shall, by November 1, 2010, so advise the agency in writing and the agency shall implement the plan for the fiscal years ending June 30, 2011 and June 30, 2012.

(d) If the commissioner does not concur that the action plan would be likely to reduce the combined costs by the required amount, he or she shall, by November 1, 2010, instruct the agency to submit, and the agency shall submit, a revised plan by December 1. If the commissioner concurs that the revised plan would be likely to reduce the combined costs by the required amount, the commissioner shall, by January 1, 2011, so advise the agency in writing and the agency shall implement the plan for the fiscal years ending June 30, 2011 and June 30, 2012. The commissioner shall by December 31, 2010, provide the governor and

council and the fiscal committee of the general court with a report specifying the status of all action and revised plans submitted to the commissioner under this section.

III. In order to maintain the critical public safety efforts of the state, this section shall not apply to the department of safety. The department of safety shall establish realistic target goals which are consistent with and supportive of the department's prior and planned fleet operations cost containment efforts for the control and reduction of its fleet operating costs for the fiscal year ending June 30, 2010 and for the fiscal year ending June 30, 2011 and shall submit its plan for doing so to the fiscal committee of the general court and the governor and executive council by October 1, 2010, including proposals for each fiscal year. The department of safety shall report to the fiscal committee of the general court and the governor and executive council on the status of these target goals by December 31, 2010, July 31, 2011, and December 31, 2011.

IV. In order to provide essential maintenance, construction, and administration services for the operation of the state transportation system, the cost reduction requirements of subparagraph II(a) shall not apply to the department of transportation. The department of transportation shall reduce its combined in-state travel and fleet operations costs by 2 percent for the fiscal year ending June 30, 2011, by an additional 2 percent for fiscal year ending June 30, 2012, and by an additional 2 percent for fiscal year ending June 30, 2013, unless the fiscal committee of the general court and the governor and council conclude that to do so would not be in the best interests of the state. The action plan submitted by the department of transportation under subparagraph II(a) shall contain a proposed reduction of its combined in-state travel and fleet operations costs by 2 percent for the fiscal year ending June 30, 2011, by an additional 2 percent for fiscal year ending June 30, 2012, and by an additional 2 percent for fiscal year ending June 30, 2013. The department of transportation shall submit a fleet acquisition plan for approval from both the capital budget overview committee and the governor and council before expending, encumbering, or obligating funds appropriated in the operating budget of the department of transportation mechanical services bureau, and shall also submit monthly status reports of acquisitions and revisions to the plan.

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

AMENDED ANALYSIS

This bill requires that each state agency reduce its combined in-state travel and fleet operations costs by 6 percent for the fiscal year ending June 30, 2011 and by an additional 6 percent for fiscal year ending June 30, 2012. This bill also requires the disposal or reassignment of a state-owned vehicle if the nonbusiness use miles traveled by the vehicle exceeds a specified percentage of total miles traveled and establishes a procedure for the purchase or lease of vehicles by state agencies.

SB 329, relative to the bonds of county officers, and relative to the form of constitutional questions on the ballot. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy M. Weber for Judiciary: Performance bonds of sheriffs are currently approved by the presiding judge of the superior court for the county. As amended, the bill transfers the responsibility for approval of the sheriff's bonds to the county commissioners, as the superior courts are no longer county institutions. The amendment also removed an unrelated portion of the bill which would have allowed constitutional amendments solely to change the terms of the Constitution to gender neutral terms to be presented to the voters in summarized form, rather then in full. Vote 18-0.

Amendment (1450h)

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

AN ACT relative to the bonds of county officers.

Amend the bill by replacing all after section 4 with the following:

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

AMENDED ANALYSIS

This bill transfers the approvals of and procedures for bonds of county officers from the superior court to the county commissioners.

SB 325, relative to loitering by intoxicated persons. **OUGHT TO PASS.**
Rep. Timothy Butterworth for Local and Regulated Revenues: The majority of the committee believes this bill provides for a practical, optional solution for liquor licensees to a problem with our regulations. We put a lot of effort into making sure intoxicated people are not served any more alcohol. The law now states they must not loiter on the premises. But it would be inhumane, dangerous, and a possible liability if inebriated people were thrown out on the street, perhaps to drive or injure themselves and others. A much better solution is to have inebriated, non-disorderly people wait or "loiter" in any area away from the other drinkers, at the discretion of the management, until a ride is available. Vote 11-2.

SB 517-FN-A, establishing a veterans' legal aid advocacy project. **OUGHT TO PASS.**
Rep. Alfred P. Baldasaro for State-Federal Relations and Veterans Affairs: This bill takes the extra step in taking care of our veterans when it comes to legal matters, especially issues pertaining to our homeless veterans and veterans coming home from the war who confront legal issues that pertain to the protections within the soldiers and sailors civil act. The purpose of this bill is to address the unmet, dire civil legal needs of New Hampshire's veterans, and to advocate for and safeguard veterans' benefits or preferences to which they may be entitled under any state or federal laws or regulations, particularly in the areas of housing, employment and unemployment, and veterans' disability and pension claims. There are hundreds of veterans that seek help from the veterans' service organizations in the state of New Hampshire each month, on issues ranging from housing foreclosures, evictions, utility disconnections, property taxes, disability and veterans administration related claims, and social security administration cases. The veterans' service organizations have a limited amount of money to help veterans, and no network of attorneys to refer veterans to for help. Many states have set up a veterans legal aid advocacy project to assist veterans and have worked with the federal government on grants and donations to support the project. Funding for the veterans legal advocacy project established by this bill shall be contingent upon the receipt of grants or federal funds for such purpose. The veteran's legal advocacy project shall report on the availability and acquisition of federal appropriations and grants to the governor and the general court. Vote 12-0.

SB 342-FN, repealing the $5,000 surety bond requirement for meals and rentals operators. **OUGHT TO PASS.**
Rep. William A. Hatch for Ways and Means: This bill repeals the $5,000 surety bond requirement for rooms and meals operators. A surety bond was put in place to resolve the unpaid balance that was created by rooms and meals operators not paying the state the taxes their customers paid for the state. A new director of the department of revenue administration's collection function put different policies and procedures in place that reduced the taxes owed enough so that the bond is no longer necessary; thus the repeal. This repeal is of no cost to state revenues. Vote 15-1.

SB 346-FN-L, relative to sheriffs' fees for service of civil process. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Jordan G. Ulery for Ways and Means: Civil service of process is a service provided by the sheriff's departments. This bill reduces the county budget by increasing the fees paid by private parties who prevail in a law suit. Without this fee increase, all county tax payers will continue to support private parties using the sheriff to enforce court orders. The fee increases, long overdue, are below the national averages. Simply, the current fees are increased $10.00. Mileage is fixed to the prevailing federal rate. There is a $25.00 surcharge

to cover the costs of person-to-person or "in-hand" service when required by court rule or order. The amendment clarifies that a capais (civil arrest) takes place after due process and that a surcharge for such arrest applies only with cause. A fee is charged because it costs extra for such an arrest. Vote 14-2.

Amendment (1554h)

Amend RSA 104:31, IV as inserted by section 1 of the bill by replacing it with the following:

IV. In every county for actual travel to serve any writ, notice, subpoena, process or execution, to be reckoned from the place of service to the residence of the officer, and for travel to attend any court by the order thereof, to be reckoned from the residence of the officer to the court, each mile, each way, [~~$.45~~] ***at the current federal rate***.

Amend RSA 104:31, IX-a as inserted by section 1 of the bill by replacing it with the following:

IX-a. For service of a civil order of arrest, $25 to be charged to the defendant unless the defendant, upon motion, shows the court good cause for failure to appear.

IX-b. With the exception of civil orders of arrest under paragraph IX-a, for service whenever in-hand service is required by court order or court rule, an additional $25.

AMENDED ANALYSIS

This bill increases sheriffs' fees for service of civil process. The bill also establishes a new sheriff's fee to be charged to the defendant on any civil order of arrest unless the defendant, upon motion, shows the court good cause for failure to appear.

SB 441, relative to the lakes management and protection program. **OUGHT TO PASS.**
Rep. William A. Hatch for Ways and Means: The rivers and lakes programs exist side by side in the department of environmental services, and share a general fund budget. The rivers program has a dedicated fund and the ability to accept grants and gifts; lakes did not. This bill, among other small changes made by the policy committee, allows lakes to solicit grants and gifts and place them in a joint fund with rivers, overseen by the commissioner. The committee agreed with the arrangement. Vote 17-0.

SB 442, relative to the grant program to administer exotic aquatic plant prevention. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Susan W. Almy for Ways and Means: Last year the milfoil and other exotic aquatic plant prevention program received an increase in funds stemming from the boat registration fee to be used to combat the growing scourge of milfoil on our lakes. The intent was to use this for prevention work, but the existing law restricted this to 2/3 of the total sum, leaving 1/3 for on-going research into milfoil eradication methods. The research does not need this amount, whereas the prevention does. The bill was amended to make it clear that the amount meant for the research program was not being cut, while allowing the larger sum to go to prevention. Vote 17-0.

Amendment (1692h)

Amend RSA 487:26 as inserted by section 1 of the bill by replacing it with the following:

487:26 Grant Program Established. There is hereby established a grant program to be administered by the department of environmental services for the allocation of money to state agencies, non-profit organizations, and municipalities or political subdivisions of the state which seek to administer a milfoil and other exotic aquatic plants prevention program, and to institutions of higher learning which seek to conduct research on milfoil and other exotic aquatic plants remediation techniques. The grant program shall be funded by the portion of the lake restoration and preservation fund, established in RSA 487:25, and allocated to the milfoil and other exotic aquatic plants prevention program. Up to [~~2/3~~] ***3/4*** of the moneys distributed from the fund to the milfoil and other exotic aquatic plants

prevention program shall be allocated for the purposes of milfoil and other exotic aquatic plants prevention and the remainder shall be allocated to milfoil and other exotic aquatic plants remediation research. Of the moneys in the milfoil and other exotic aquatic plants prevention program, the moneys allocated specifically for the purposes of the milfoil and other exotic aquatic plants prevention shall be distributed upon approval of the commissioner of the department of environmental services and the commissioner of safety. Of the moneys in the milfoil and other exotic aquatic plants prevention program, the moneys allocated specifically for the purposes of milfoil and other exotic aquatic plants remediation research shall be distributed upon approval of the commissioner of the department of environmental services.

SB 457-FN, authorizing identifying decals for custom vehicles. **OUGHT TO PASS.**
Rep. Joe Osgood for Ways and Means: The bill provides for decals for customized motor vehicles 30 years of age and older, and charges $15 for the decal's cost. The committee found this reasonable. Vote 16-1.

SB 501-FN, relative to worksharing benefits under the unemployment compensation law, and relative to training grants. **OUGHT TO PASS.**
Rep. Susan W. Almy for Ways and Means: NH Working includes this work-sharing program, which is a win-win situation for the state, employers and workers, keeping businesses open and employees working in a recession, and reducing costs to the unemployment trust fund. The committee believes the bill and department have established procedures that will avert gaming the system, which could increase costs to the fund. The bill also contains a doubling in the amount of the administrative assessment paid by all employers that is used for worker training, to start a new program of assessment and training of the unemployed in basic job skills employers have requested. This increase is possible because the administrative assessment itself is a function of the unemployment insurance tax, which has been increased by surcharges until the unemployment trust fund reaches stability again a few years hence. The business and industry association spoke in favor of this use of the money. Vote 16-1.

SB 509, establishing the New Hampshire medal of honor fund and repealing the New Hampshire service award. **OUGHT TO PASS.**
Rep. David J. Bettencourt for Ways and Means: Currently there is only $10,000 in an existing fund that was intended to pay for an ambitious medals program that cost approximately $100,000. This legislation transfers those funds to reimburse a program initiated by the Adjutant General to provide medals to the families of fallen soldiers, as well as open the fund to accept donations. The committee unanimously agreed that this was a suitable disposition of the existing unused funds. Vote 17-0.

REGULAR CALENDAR

SB 367, relative to games of chance. **OUGHT TO PASS.**
Rep. David H. Kidder for Local and Regulated Revenues: This is a housekeeping bill requested by the racing and charitable gaming commission. It clears up several areas of confusion that have risen with the increased popularity of charitable gaming. It also clears up some issues which came up following the closing of the Hinsdale dog track. Some of the issues addressed by the bill are that it: 1) Ensures that bond money given to the state by licensed tracks covers unpaid tickets and "account wagers"; 2) Removes the requirement that the commission obtain social security numbers from charitable organization members, and 3) modifies requirements for operating charitable games. Vote 14-0.
Committee report adopted and ordered to third reading.

SB 371, relative to warning statements concerning drinking alcoholic beverages during pregnancy. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Peyton B. Hinkle for the Majority of Local and Regulated Revenues: This bill addressed the font size on warnings posted in establishments selling alcoholic beverages. It was the opinion of the majority that this bill is not necessary since the liquor commission already has the authority to increase the font size when it prints new warnings. While the committee agreed that it is important that women be warned of the risks involved in drinking alcohol during pregnancy, it was felt that there are already many such warnings in the public domain. The liquor commission has already agreed to change the font size on new posters and this legislation is not necessary. Vote 9-5.
Rep. Andrew R. Peterson for the Minority of Local and Regulated Revenues: This simple bill merely requires that the warning statement which currently appears on posters displayed at liquor stores and liquor licensees regarding the dangers of drinking during pregnancy be printed in a larger type so that it may be more easily read. The liquor commission has stated they agree and will likely do this, understanding the dangers of fetal alcohol syndrome. The minority believes that by overturning the committee recommendation and passing this bill, the legislature would affirm that we feel the same, and require the commission to increase the warning type size as soon as the supply of existing posters is exhausted.
Majority committee report adopted.

SB 391-L, relative to the payment of certain amounts from the water fund to the town general fund by the town of Hanover. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Timothy Butterworth for the Majority of Local and Regulated Revenues: The town of Hanover is in a unique situation – it is part owner of a private water company. Unlike municipal water systems, the water precinct pays property taxes. All parties agree that the system would be better managed as a public utility, allowing it to have a capital reserve fund and to eliminate the cost of cases at the public utilities commission. This was approved by the town meeting of 2009. The warrant article includes a payment in lieu of taxes by the current co-owner, Dartmouth College. This co-ownership is unique. The majority is confident it does not set a precedent for any other water district. Vote 11-4.
Rep. Eric G. Stohl for the Minority of Local and Regulated Revenues: The minority is concerned that passage of this bill as written may set a precedent where municipalities will be paying taxes to themselves. This bill as written does not suggest paying the tax itself but rather a PILOT (Payment In Lieu of Taxes) for the exact same amount as the property tax. The second issue with the bill as written is that the water utility is already paying to the town of Hanover $81,158 per year for administrative expenditures which include public works department supervision, administrative services support, dispatch services, software support, fleet maintenance, etc. When the Hanover town manager was questioned by a committee member about these administrative funds paid to the general fund, her reply was that all of Hanover's municipal departments pay these administrative fees. The minority of the committee feels that it is unfair for one enterprise fund to pay property taxes, or a PILOT for the same amount as the property taxes would be, and no other Hanover enterprise fund pays these taxes.
Majority committee report adopted and ordered to third reading.

SB 334, establishing a committee to study methods of encouraging the installation and use of small scale renewable energy resources by homeowners and businesses and relative to investments in photovoltaic renewable energy projects. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**
Rep. James M. Garrity for the Majority of Science, Technology and Energy: This bill would have provided an up to $5,000,000 subsidy related to the state's Renewable Energy Fund to

Public Service of New Hampshire (PSNH) to pursue the building of a 1 MW (megawatt) solar power generation project in Manchester. The bi-partisan majority of the committee believes this bill should be rejected for the following reasons: 1) The Politics: this bill began as a simple study bill, but had a non-germane amendment attached in the Senate to create a publicly subsidized project benefiting a single corporation (PSNH); 2) The process is being compromised. RSA 374-G, which we passed in 2008, allows regulated public utilities to invest in distributed energy resources, "including clean and renewable generation." Project proposals, such as the one in this bill, are filed with the Public Utilities Commission (PUC) through a rate-filing docket. They are judged according to the criteria set forth by the legislature in 374-G. PSNH should use the existing process, not try to short cut it by means of special legislation; 3) Policy vs. Projects: Legislators are not public utilities commissioners, yet in this bill we were asked to virtually pre-approve a project as though we were. The committee establishes energy policy; the PUC reviews projects. Legislators set the direction; the PUC studies the details. Legislators do not have the expertise to study the economics, engineering, rate-structures, tariffs, rate of return rules, site requirements, etc. That is why the PUC was created by the legislature in the first place, and that is what the PUC commissioners and professional staff do full-time; 4) Precedent: if we approved this project, we would be flooded with requests from other corporations to approve their "legislative specials" and the result could be legislative, legal and regulatory chaos. Vote 12-4.
Rep. Nickolas J. Levasseur for the Minority of Science, Technology and Energy: The RPS penalty fund was created as a means of alternative compliance for the Renewable Energy Compliance (REC) standards. The funds that are accumulated in the penalty fund are intended to assist in the proliferation of renewable electric generation in New Hampshire. All electric customers in the state pay into this penalty fund. The PUC, which is charged with distribution of this fund, is currently limiting its rebates to only small scale installations for non-regulated entities. The minority of the committee believes that these projects, while important, will not achieve the overall RPS goals by themselves. This bill, if amended, would have enabled the PUC to defray the cost of a large scale pilot program: the Manchester landfill photovoltaic project. This pilot program will be the first economically viable, large-scale solar project in the state of New Hampshire. It would serve as a highly visible example of renewable energy generation and will send the message that solar is not only possible in NH, but is practical, available, and affordable. The minority of the committee believes that the PUC must be allowed to leverage RPS penalty fund dollars in order to allow the development of large scale renewable electric generation under state regulatory oversight. Regretfully, this bill was subjected to misinformation, fear mongering, and an abbreviated committee process. Without this legislation, the PUC will be handicapped in the review of large scale solar projects. This will force the PUC to have to choose between the RPS goal and the need to minimize rates. Without these large scale renewable projects, the goals of RPS are unrealistic. The minority is also concerned that relying solely on small scale projects (most of which do not apply for REC inclusion) inevitably creates equity issues for many communities and calls into question the effectiveness and benefits of RPS for those communities.

MOTION TO SPECIAL ORDER

Rep. Frank Holden moved that ***SB 334,*** establishing a committee to study methods of encouraging the installation and use of small scale renewable energy resources by homeowners and businesses and relative to investments in photovoltaic renewable energy projects, be made a special order for the next session date.
Reps. Frank Holden and Ramsey spoke in favor.
Rep. James Garrity spoke against.
On a division vote, 78 members having voted in the affirmative and 261 in the negative, the motion failed.

The question now being adoption of the majority committee report of Inexpedient to Legislate.
Rep. Suzanne Harvey spoke in favor.
Rep. Frank Holden spoke against.
Rep. James Garrity spoke in favor and yielded to questions.
Rep. Infantine requested a roll call; sufficiently seconded.

YEAS 300 NAYS 46

YEAS 300

BELKNAP

Arsenault, Beth	Bolster, Peter	Boyce, Laurie	Fields, Dennis
Flanders, Donald	Johnson, William	Merry, Liz	Millham, Alida
Nedeau, Stephen	Pilliod, James	Reever, Judith	Russell, David
St. Cyr, Jeffrey	Stuart, Richard	Swinford, Elaine	Veazey, John

CARROLL

Ahlgren, Christopher	Bridgham, Robert	Buco, Thomas	Butler, Edward
Chandler, Gene	Fleck, Joseph	Knox, J. David	McConkey, Mark
Patten, Betsey	Roberts, John	Scala, Dino	Stevens, Stanley
Umberger, Karen			

CHESHIRE

Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Carlson, Nancy	Eaton, Daniel	Emerson, Susan	Hunt, John
Johnson, Jane	Laurent, John	Lerandeau, Alfred	Lindsey, Steven
Meader, David	Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara
Robertson, Timothy	Sad, Tara	Sterling, Franklin Jr	Weber, Lucy
Weed, Charles			

COOS

Hatch, William	Mears, Lucy	Rappaport, Laurence	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	Thomas, Yvonne

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bulis, Lyle
Cooney, Mary	Ford, Susan	Friedrich, Carol	Gionet, Edmond
Gould, Franklin	Harding, Laurie	Ingbretson, Paul	Ladd, Rick Jr
Matheson, Robert	Maybeck, Margie	Mulholland, Catherine	Nordgren, Sharon
Preston, Philip	Smith, Suzanne	Taylor, Kathleen	Townsend, Charles
Williams, Burton			

HILLSBOROUGH

Batula, Peter	Beaulieu, Jane	Beck, Catriona	Belvin, William
Bergin, Peter	Boehm, Ralph	Cebrowski, John	Chandley, Shannon
Chase, Claudia	Christensen, Chris	Christiansen, Lars	Cote, David
Daniels, Gary	Day, Russell	Doherty, Shaun	Dokmo, Cynthia
Drisko, Richard	Emerton, Larry	Foster, Linda	Gandia, Laura
Gargasz, Carolyn	Gidge, Kenneth	Ginsburg, Ruth	Gorman, Mary
Graham, John	Hackel, Paul	Haefner, Robert	Hammond, Jill
Hardy, Valerie	Harvey, Philip	Harvey, Suzanne	Hikel, John

Hinch, Richard	Hinkle, Peyton	Hogan, Edith	Jasper, Shawn
Kelley, John	Knowles, John	Knowles, Mary Ann	Kurk, Neal
L'Heureux, Robert	LaPlante, Roland	Lisle, Carolyn	Mack, Ron
Marshall, Seth	Matarazzo, Anthony Sr	McCarthy, Michael	Mead, Robert
Messier, Irene	Moran, Edward	Movsesian, Lori	O'Brien, Michael Sr
O'Brien, William	O'Neil, James	Pellegrino, Tony	Pepino, Leo
Poznanski, Brian	Pratt, Calvin	Renzullo, Andrew	Rhodes, Brian
Rosenwald, Cindy	Rowe, Robert	Ryder, Donald	Schulze, Joan
Seidel, Carl	Shattuck, Gilman	Silva, Peter	Soucy, Timothy
Spaulding, Jayne	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe
Willette, Robert			

MERRIMACK

Anderson, Eric	Bartlett, Michael	Blankenbeker, Lynne	Brown, Carole
Clarke, Claire	Davis, Frank	DeStefano, Stephen	French, Barbara
Gile, Mary	Hamm, Christine	Hess, David	Kelly, Sally
Kidder, David	Lockwood, Priscilla	McGuire, Carol	McMahon, Patricia
Owen, Derek	Palfrey, David	Porter, Margaret	Potter, Frances
Rice, Chip	Richardson, Gary	Rodd, Beth	Schuett, Dianne
Shurtleff, Stephen	Smith, Todd	Stetson, William	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Watrous, Rick	Webb, Leigh
Wheeler, Deborah	Williams, Robert	Yeaton, Charles	

ROCKINGHAM

Allen, Mary	Bailey, Clinton	Baldasaro, Alfred	Bates, David
Belanger, Ronald	Borden, David	Brown, C. Pennington	Cali-Pitts, Jacqueline
Case, Frank	Casey, Kimberley	Comerford, Timothy	Crisler, Margaret
Day, Judith	DeSimone, Debra	Devine, James	DiFruscia, Anthony
DiPentima, Rich	Elliott, Robert	Emiro, Frank	Ferrante, Beverly
Fesh, Robert	Flanders, John Sr	Garrity, James	Gould, Kenneth
Griffin, Mary	Hagan, Joseph	Headd, James	Henson, John
Hoelzel, Kathleen	Hutchinson, Karen	Ingram, Russell	Introne, Robert
Itse, Daniel	Kappler, L. Mike	Katsakiores, Phyllis	Kolodziej, Walter
Lyons, Melissa	Major, Norman	Mann, Maureen	McCarthy, Barbara
McEachern, Paul	McKinney, Betsy	McMahon, Charles	Moody, Marcia
Nord, Susi	Packard, Sherman	Pantelakos, Laura	Perkins, Amy
Perkins, Lawrence	Petterson, Don	Priestley, Anne	Quandt, Matt
Rausch, James	Read, Robin Jr	Reagan, John	Russell, Joseph
Russell, Trinka	Sapareto, Frank	Scamman, Stella	Scamman, W. Douglas Jr
Schlachman, Donna	Sedensky, John	Smith, William	Splaine, James
Sullivan, James	Tucker, Pamela	Weare, Everett	Webber, Carolyn
Welch, David	Wells, Roger		

STRAFFORD

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

SULLIVAN

Cloutier, John	Cunningham, Steven	Donovan, Thomas Jr	Gagnon, Raymond
Gottling, Suzanne	Harris, Sandra	Houde-Quimby, Charlotte	Howard, Thomas
McClammer, Jim	Osgood, Joe	Rodeschin, Beverly	Skinder, Carla
Sweeney, Cynthia			

NAYS 46

BELKNAP

Miller, Kate	Wendelboe, Fran

CARROLL

None

CHESHIRE

Carr, Daniel	Roberts, Kris

COOS

Merrick, Evalyn	Theberge, Robert

GRAFTON

Pierce, David	Ward, Brien

HILLSBOROUGH

Baroody, Benjamin	Beauchamp, Roger	Boisvert, Ronald	Campbell, David
Chininis, Alexis	Clemons, Jane	Craig, James	Farley, Michael
Garrity, Patrick	Goley, Jeffrey	Haley, Robert	Hawkins, Ken
Hodges, Kevin	Holden, Frank	Infantine, William	Jeudy, Jean
Katsiantonis, Thomas	Komi, Richard	Leishman, Peter	Long, Patrick
Nixon, David	Ober, Lynne	Ober, Russell III	Peterson, Andrew
Pilotte, Maurice	Ramsey, Peter	Sullivan, Daniel	Tahir, Saghir
Thompson, Robert	Winters, Joel		

MERRIMACK

Bouchard, Candace	Foose, Robert	Osborne, Jessie	Reed, Dennis

ROCKINGHAM

Bettencourt, David	Weyler, Kenneth

STRAFFORD

Browne, Brendon	Ryder, Mark

SULLIVAN

None

and the majority committee report was adopted.

Rep. Merrick voted Nay and intended to vote Yea.

SB 464, relative to speed limits on Lake Winnipesaukee and reporting vessel operation violations. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Stephen H. Nedeau for the Majority of Transportation: This bill eliminates the prospective repeal of provisions establishing speed limits on Lake Winnipesaukee, and would increase the prima facie speed limit for Lake Winnipesaukee. It was a long journey for the supporters of a speed limit bill that started over 3 ½ years ago. This bill would set 30 mph during the period from ½ hour after sunset to ½ hour before sunrise and 45 mph at any other time. It was the feeling of the committee that the lake is of the utmost importance and by having this limit now will retain some order on our beautiful lake, and let the lake become more of a tourist attraction and family friendly. The marine patrol director has stated that with an additional year of study the data won't change. There was considerable testimony that a compromise would be in order, thus the 30 mph night time speed. Area marine patrol supports a speed bill at what ever speed and suggested a compromise of 30 mph with which the committee agreed. By having a speed bill the lake will become more family friendly and thus attract the summer visitors back to Lake Winnipesaukee. Vote 10-3.

Rep. John A. Hikel for the Minority of Transportation: While this bill is well intended, the minority believes that a 2 year study will determine if speed causes an unsafe condition while the department of safety does not take a position on whether it does or not and there are no statistics presented to the committee by either the bill's sponsor or the director of safety. The 2 year study has only been allowed to have input of one year of questionable data and passing the bill is premature based on data presented to the committee.

Majority Amendment (1483h)

Amend the bill by replacing section 2 with the following:

2 Lake Winnipesaukee; Prima Facie Speed Limits. Amend RSA 270-D:2, X(b)(1) to read as follows:

(1) [~~25~~] ***30*** miles per hour during the period from 1/2 hour after sunset to 1/2 hour before sunrise; and

AMENDED ANALYSIS

This bill eliminates the prospective repeal of provisions establishing speed limits on Lake Winnipesaukee and requiring the reporting of vessel operation violations to the division of motor vehicles for inclusion in the convicted person's driving record. This bill also increases the prima facie nighttime speed limits for Lake Winnipesaukee.

Majority committee amendment adopted.

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

Rep. Hikel spoke against.

Rep. Baldasaro spoke against and yielded to questions.

Reps. Pilliod and Rhodes spoke in favor.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 268 NAYS 79

YEAS 268

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
St. Cyr, Jeffrey	Stuart, Richard	Swinford, Elaine	Veazey, John

CARROLL

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

CHESHIRE

Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Carlson, Nancy	Carr, Daniel	Emerson, Susan	Johnson, Jane
Lerandeau, Alfred	Lindsey, Steven	Meader, David	Mitchell, Bonnie
Parkhurst, Henry	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sad, Tara	Sterling, Franklin Jr	Weber, Lucy	Weed, Charles

COOS

Hatch, William	Mears, Lucy	Merrick, Evalyn	Rappaport, Laurence
Remick, William	Richardson, Herbert	Theberge, Robert	Tholl, John Jr
Thomas, Yvonne			

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bulis, Lyle
Cooney, Mary	Ford, Susan	Friedrich, Carol	Gould, Franklin
Harding, Laurie	Ladd, Rick Jr	Matheson, Robert	Mulholland, Catherine
Nordgren, Sharon	Pierce, David	Preston, Philip	Smith, Suzanne
Taylor, Kathleen	Townsend, Charles	Williams, Burton	

HILLSBOROUGH

Baroody, Benjamin	Beauchamp, Roger	Beaulieu, Jane	Beck, Catriona
Belvin, William	Bergin, Peter	Boisvert, Ronald	Campbell, David
Chandley, Shannon	Chase, Claudia	Chininis, Alexis	Christiansen, Lars
Clemons, Jane	Cote, David	Craig, James	Day, Russell
Doherty, Shaun	Dokmo, Cynthia	Drisko, Richard	Emerton, Larry
Farley, Michael	Foster, Linda	Gargasz, Carolyn	Garrity, Patrick
Gidge, Kenneth	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Graham, John	Hackel, Paul	Haley, Robert	Hammond, Jill
Hardy, Valerie	Harvey, Philip	Harvey, Suzanne	Hinch, Richard
Hinkle, Peyton	Hodges, Kevin	Holden, Frank	Jasper, Shawn
Jeudy, Jean	Katsiantonis, Thomas	Kelley, John	Knowles, John
Knowles, Mary Ann	Komi, Richard	L'Heureux, Robert	LaPlante, Roland
Leishman, Peter	Lisle, Carolyn	Long, Patrick	Mack, Ron
Marshall, Seth	Matarazzo, Anthony Sr	Messier, Irene	Movsesian, Lori
Nixon, David	O'Brien, Michael Sr	O'Neil, James	Pellegrino, Tony
Pilotte, Maurice	Poznanski, Brian	Ramsey, Peter	Rhodes, Brian
Rosenwald, Cindy	Rowe, Robert	Ryder, Donald	Schulze, Joan
Seidel, Carl	Shattuck, Gilman	Soucy, Timothy	Spaulding, Jayne
Sullivan, Daniel	Tahir, Saghir	Thompson, Robert	Winters, Joel

MERRIMACK

Bartlett, Michael	Bouchard, Candace	Brown, Carole	Clarke, Claire
Davis, Frank	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	Kelly, Sally	Kidder, David
Kotowski, Frank	Lockwood, Priscilla	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Palfrey, David	Porter, Margaret	Potter, Frances

Rice, Chip	Richardson, Gary	Rodd, Beth	Schuett, Dianne
Shurtleff, Stephen	Stetson, William	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Watrous, Rick	Webb, Leigh	Wheeler, Deborah
Williams, Robert	Yeaton, Charles		

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Borden, David	Brown, C. Pennington
Cali-Pitts, Jacqueline	Case, Frank	Casey, Kimberley	Crisler, Margaret
Day, Judith	Devine, James	DiFruscia, Anthony	DiPentima, Rich
Elliott, Robert	Ferrante, Beverly	Flanders, John Sr	Gleason, John
Gould, Kenneth	Griffin, Mary	Headd, James	Henson, John
Hoelzel, Kathleen	Hutchinson, Karen	Ingram, Russell	Katsakiores, Phyllis
Lyons, Melissa	Mann, Maureen	McCarthy, Barbara	McEachern, Paul
McKinney, Betsy	Moody, Marcia	Nord, Susi	Pantelakos, Laura
Petterson, Don	Priestley, Anne	Rausch, James	Read, Robin Jr
Russell, Joseph	Russell, Trinka	Scamman, Stella	Schlachman, Donna
Sedensky, John	Smith, William	Splaine, James	Weare, Everett
Webber, Carolyn	Wells, Roger	Weyler, Kenneth	

STRAFFORD

Berube, Roger	Brennan, William	Brown, Larry	Browne, Brendon
Burke, Rachel	Cyr, James	Domingo, Baldwin	Hofemann, Roland
Horrigan, Timothy	Hubbard, Pamela	Hutz, Sarah	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

SULLIVAN

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

NAYS 79

BELKNAP

Boyce, Laurie	Wendelboe, Fran

CARROLL

Chandler, Gene	McConkey, Mark	Roberts, John	Scala, Dino

CHESHIRE

Eaton, Daniel	Hunt, John	Laurent, John

COOS

Stohl, Eric

GRAFTON

Gionet, Edmond	Ingbretson, Paul	Maybeck, Margie	Ward, Brien

HILLSBOROUGH

Batula, Peter	Boehm, Ralph	Cebrowski, John	Christensen, Chris
Daniels, Gary	Gandia, Laura	Haefner, Robert	Hawkins, Ken
Hikel, John	Hogan, Edith	Infantine, William	Kurk, Neal
McCarthy, Michael	Mead, Robert	Moran, Edward	O'Brien, William
Ober, Lynne	Ober, Russell III	Pepino, Leo	Peterson, Andrew
Pratt, Calvin	Renzullo, Andrew	Silva, Peter	Soucy, Connie
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe	Willette, Robert

MERRIMACK

Anderson, Eric	Blankenbeker, Lynne	Hess, David	McGuire, Carol
Reed, Dennis	Smith, Todd		

ROCKINGHAM

Bailey, Clinton	Baldasaro, Alfred	Bates, David	Bettencourt, David
Comerford, Timothy	DeSimone, Debra	Emiro, Frank	Fesh, Robert
Garrity, James	Hagan, Joseph	Introne, Robert	Itse, Daniel
Kappler, L. Mike	Kolodziej, Walter	Major, Norman	McMahon, Charles
Packard, Sherman	Perkins, Amy	Perkins, Lawrence	Quandt, Matt
Reagan, John	Sullivan, James	Tucker, Pamela	Welch, David

STRAFFORD

Bickford, David	Groen, Warren	Twombly, James	Vita, Carol

SULLIVAN

Cunningham, Steven	Howard, Thomas	Rodeschin, Beverly

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

SB 383-FN, relative to net operating loss carryovers under the business profits tax and relative to economic revitalization zone tax credits. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**
Rep. William G. Johnson for the Majority of Ways and Means: The original bill proposed to increase the net operating loss (NOL) carryovers under the business profits tax from the existing one million per year to ten million dollars. The majority of the committee, while agreeing with the intent of the bill to bring New Hampshire's tax laws relative to NOLs into conformity with other states, found too many unknowns relative to the impact on state revenues, which could be significant. The cap and carry-forward period were increased during four years starting in 2003 from $250,000 a year for five years to the current $1,000,000 a year for ten years, resulting in a loss the Department of Revenue Administration estimates at $5,000,000 a year. This new measure could affect 110 businesses and allow a deduction of $100,000,000 in a year from a single business' profits. Instead, the committee recommends that the issue be studied by the business tax commission proposed by the amendment to SB 450 that will be studying the state's business tax policy more broadly. The committee amendment also extends the sunset date for tax credits relative to economic revitalization zones from 2011 to 2015, substitutes an index based on median household income for such zones rather than the fixed amount in current law, modifies the process of notifying the department of revenue administration and the taxpayer of the credits, and provides for proportional sharing of the tax credit should requests exceed the annual cap of $825,000. These measures slightly increase the eligibility for the credit but not enough to penalize the poorest communities that are meant to be the prime beneficiaries of the program. Vote 11-5.

Rep. Frank V. Sapareto for the Minority of Ways and Means: This bill originally was very helpful to New Hampshire businesses. It increased the amount of carryover loss to $10 million. The committee adopted an amendment that removed the increase and changed the median household eligibility requirements with minimal benefit to our businesses. The bill, as amended, further requires the taxpayer provide certification from the commissioner of resources and economic development no later than March 1 of each year. For the past few years, this legislature has increased taxes and fees on our businesses. If there is one ray of hope we can give our employers, it would be the ability to pull themselves up from a recovering economy and recapture taxes on their losses so that they can stay in business. Increasing the number of businesses in New Hampshire is vital to our economy, jobs and the future revenue to New Hampshire. Although this bill does little to help our businesses, the minority feels the bill should be restored to the original version.

Majority Amendment (1491h)

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

AN ACT relative to economic revitalization zone tax credits.

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

1 Effective Date of Prospective Repeal of Economic Revitalization Zone Tax Credits. Amend 2007, 263:176, X to read as follows:

X. Section 123 of this act shall take effect July 1, [~~2011~~] ***2015***.

2 Designation of Economic Revitalization Zone. Amend RSA 162-N:2, I(b) to read as follows:

(b) The median household income in the census tract or tracts in which the zone is located is less than [~~$40,500~~] ***70 percent of the state median household income*** according to the [~~most recent~~] federal [~~decennial~~] census ***bureau's American Community Survey as it has been reported every 5 years beginning with 2010***.

3 Economic Revitalization Zone Tax Credit Agreement. Amend RSA 162-N:4, II to read as follows:

II. A certified copy of each agreement signed by the commissioner of resources and economic development and the taxpayer ***and a certified copy of each determination of the final amount of the credit awarded under the agreement*** shall be provided to the commissioner of revenue administration ***and the taxpayer claiming the credit no later than March 1 of each year***.

4 Limit on Total Economic Revitalization Zone Credits. RSA 162-N:5 is repealed and reenacted to read as follows.

162-N:5 Limit on Total Economic Revitalization Zone Credits. The aggregate of tax credits issued by the commissioner of resources and economic development to all taxpayers claiming the credit shall not exceed $825,000 for any fiscal year. Amounts carried forward pursuant to RSA 162-N:7 shall not be counted against this limit in any year in which they are applied. Notwithstanding RSA 162-N:6, the maximum credit which may be utilized by a taxpayer in any fiscal year shall not exceed $40,000. In the case in which the aggregate credits requested during the fiscal year exceed $825,000, each taxpayer shall receive a credit for the proportional share of the maximum aggregate credit amount.

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

AMENDED ANALYSIS

The bill extends the availability of economic revitalization zone tax credits for 4 years and makes certain changes regarding the eligibility for and determination of the eligible amounts for the credits.

Rep. Sapareto spoke against.

Rep. William Johnson spoke in favor and yielded to questions.

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

YEAS 174 NAYS 167

YEAS 174

BELKNAP

Johnson, William	Merry, Liz	Miller, Kate	Millham, Alida
Pilliod, James	Reever, Judith	Stuart, Richard	

CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward

CHESHIRE

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

COOS

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

GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Beauchamp, Roger	Beaulieu, Jane	Beck, Catriona
Campbell, David	Chandley, Shannon	Chase, Claudia	Cote, David
Craig, James	Farley, Michael	Foster, Linda	Garrity, Patrick
Gidge, Kenneth	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Hackel, Paul	Haley, Robert	Hammond, Jill	Hardy, Valerie
Harvey, Philip	Harvey, Suzanne	Hodges, Kevin	Jeudy, Jean
Kelley, John	Knowles, John	Knowles, Mary Ann	Komi, Richard
LaPlante, Roland	Leishman, Peter	Lisle, Carolyn	Mack, Ron
Marshall, Seth	Matarazzo, Anthony Sr	Movsesian, Lori	Nixon, David
O'Neil, James	Pilotte, Maurice	Poznanski, Brian	Ramsey, Peter
Rhodes, Brian	Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman
Soucy, Timothy	Sullivan, Daniel	Thompson, Robert	Vaillancourt, Steve

MERRIMACK

Bartlett, Michael	Bouchard, Candace	Brown, Carole	Clarke, Claire
Davis, Frank	Foose, Robert	French, Barbara	Gile, Mary
Hamm, Christine	Kelly, Sally	Lockwood, Priscilla	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Porter, Margaret	Potter, Frances
Rice, Chip	Richardson, Gary	Schuett, Dianne	Shurtleff, Stephen
Stetson, William	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Watrous, Rick	Webb, Leigh	Wheeler, Deborah	Williams, Robert
Yeaton, Charles			

ROCKINGHAM

Borden, David	Brown, C. Pennington	Cali-Pitts, Jacqueline	Casey, Kimberley
Day, Judith	DiPentima, Rich	Henson, John	Mann, Maureen
McCarthy, Barbara	Moody, Marcia	Nord, Susi	Pantelakos, Laura
Petterson, Don	Read, Robin Jr	Russell, Trinka	Schlachman, Donna
Splaine, James	Webber, Carolyn		

STRAFFORD

Berube, Roger	Brennan, William	Brown, Larry	Browne, Brendon
Domingo, Baldwin	Hofemann, Roland	Horrigan, Timothy	Hubbard, Pamela
Kaen, Naida	Keans, Sandra	Lauterborn, Elaine	Lewis, Robert
Perry, Robert	Rogers, Rose Marie	Rollo, Deanna	Rous, Emma
Ryder, Mark	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Vachon, Dennis	Wall, Janet	Ward, Kenneth	

SULLIVAN

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

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BELKNAP

Bolster, Peter	Boyce, Laurie	Fields, Dennis	Flanders, Donald
Nedeau, Stephen	Russell, David	St. Cyr, Jeffrey	Swinford, Elaine
Wendelboe, Fran			

CARROLL

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

CHESHIRE

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

COOS

Rappaport, Laurence	Remick, William	Richardson, Herbert	Stohl, Eric

GRAFTON

Bulis, Lyle	Gionet, Edmond	Ingbretson, Paul	Ladd, Rick Jr
Matheson, Robert	Maybeck, Margie	Ward, Brien	Williams, Burton

HILLSBOROUGH

Batula, Peter	Belvin, William	Bergin, Peter	Boehm, Ralph
Boisvert, Ronald	Cebrowski, John	Christensen, Chris	Christiansen, Lars
Clemons, Jane	Daniels, Gary	Day, Russell	Doherty, Shaun
Dokmo, Cynthia	Drisko, Richard	Emerton, Larry	Gandia, Laura
Gargasz, Carolyn	Graham, John	Haefner, Robert	Hawkins, Ken
Hikel, John	Hinch, Richard	Hinkle, Peyton	Hogan, Edith
Holden, Frank	Infantine, William	Jasper, Shawn	Katsiantonis, Thomas
Kurk, Neal	L'Heureux, Robert	Long, Patrick	McCarthy, Michael

Mead, Robert	Messier, Irene	Moran, Edward	O'Brien, William
Ober, Lynne	Ober, Russell III	Pellegrino, Tony	Pepino, Leo
Peterson, Andrew	Pratt, Calvin	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Seidel, Carl	Silva, Peter	Soucy, Connie
Spaulding, Jayne	Tahir, Saghir	Ulery, Jordan	Villeneuve, Moe
Willette, Robert	Winters, Joel		

MERRIMACK

Anderson, Eric	Blankenbeker, Lynne	DeStefano, Stephen	Hess, David
Kidder, David	Kotowski, Frank	McGuire, Carol	Palfrey, David
Reed, Dennis	Smith, Todd		

ROCKINGHAM

Allen, Mary	Bailey, Clinton	Baldasaro, Alfred	Bates, David
Belanger, Ronald	Bettencourt, David	Case, Frank	Comerford, Timothy
Crisler, Margaret	DeSimone, Debra	Devine, James	DiFruscia, Anthony
Elliott, Robert	Emiro, Frank	Ferrante, Beverly	Fesh, Robert
Flanders, John Sr	Garrity, James	Gleason, John	Gould, Kenneth
Griffin, Mary	Hagan, Joseph	Headd, James	Hoelzel, Kathleen
Hutchinson, Karen	Ingram, Russell	Introne, Robert	Itse, Daniel
Kappler, L. Mike	Katsakiores, Phyllis	Kolodziej, Walter	Lyons, Melissa
Major, Norman	McEachern, Paul	McKinney, Betsy	McMahon, Charles
Packard, Sherman	Perkins, Amy	Perkins, Lawrence	Priestley, Anne
Quandt, Matt	Rausch, James	Reagan, John	Russell, Joseph
Sapareto, Frank	Scamman, Stella	Scamman, W. Douglas Jr	Sedensky, John
Smith, William	Sullivan, James	Tucker, Pamela	Weare, Everett
Welch, David	Wells, Roger	Weyler, Kenneth	

STRAFFORD

Bickford, David	Cyr, James	Groen, Warren	Hutz, Sarah
Price, Susan	Sprague, Dale	Twombly, James	Vita, Carol

SULLIVAN

Cunningham, Steven	Howard, Thomas	Osgood, Joe	Rodeschin, Beverly

and the majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
On a division vote, 245 members having voted in the affirmative and 101 in the negative, the majority committee report was adopted.
Ordered to third reading.

SB 505-FN-A, establishing the commission on health care cost containment and appropriating a special fund. **OUGHT TO PASS.**
Rep. William G. Johnson for Ways and Means: This commission is vitally necessary to begin to lower health care costs in our state. Because of the complexities of the data analysis, the services of a health economist and special consultants are needed if the commission is to do its work. The $250,000 assessment on all health provider groups (hospitals, ambulatory centers) and health insurers comes to an average of $5,000 per provider and somewhat more per insurer. The only opposition to the commission comes from parts of the provider community, not because of the assessment, but in worry about possible change that might be recommended in the current way they do business. The department of insurance regards the

level of the assessment as the absolute minimum that will allow the job to be done. Relying on voluntary contributions, as was suggested on the floor but not brought to the committee, would most probably lead to the failure of the commission. Vote 14-3.
Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 214 NAYS 130

YEAS 214

BELKNAP

Arsenault, Beth	Bolster, Peter	Flanders, Donald	Johnson, William
Merry, Liz	Miller, Kate	Nedeau, Stephen	Pilliod, James
Reever, Judith	Stuart, Richard		

CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward	Umberger, Karen

CHESHIRE

Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Carlson, Nancy	Carr, Daniel	Eaton, Daniel	Lerandeau, Alfred
Lindsey, Steven	Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sad, Tara	Weber, Lucy
Weed, Charles			

COOS

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

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Ford, Susan	Friedrich, Carol	Gould, Franklin	Harding, Laurie
Matheson, Robert	Mulholland, Catherine	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Preston, Philip	Smith, Suzanne	Taylor, Kathleen
Townsend, Charles	Williams, Burton		

HILLSBOROUGH

Baroody, Benjamin	Beauchamp, Roger	Beaulieu, Jane	Beck, Catriona
Bergin, Peter	Boisvert, Ronald	Campbell, David	Chandley, Shannon
Chase, Claudia	Clemons, Jane	Cote, David	Craig, James
Day, Russell	Dokmo, Cynthia	Emerton, Larry	Farley, Michael
Foster, Linda	Gargasz, Carolyn	Garrity, Patrick	Gidge, Kenneth
Ginsburg, Ruth	Gorman, Mary	Hackel, Paul	Haley, Robert
Hammond, Jill	Hardy, Valerie	Harvey, Philip	Harvey, Suzanne
Hinkle, Peyton	Hodges, Kevin	Jeudy, Jean	Katsiantonis, Thomas
Kelley, John	Knowles, John	Knowles, Mary Ann	Komi, Richard
LaPlante, Roland	Leishman, Peter	Lisle, Carolyn	Long, Patrick
Mack, Ron	Marshall, Seth	Matarazzo, Anthony Sr	Messier, Irene
Movsesian, Lori	Nixon, David	O'Brien, Michael Sr	O'Neil, James
Pilotte, Maurice	Poznanski, Brian	Ramsey, Peter	Rhodes, Brian
Rosenwald, Cindy	Ryder, Donald	Schulze, Joan	Shattuck, Gilman
Soucy, Timothy	Spaulding, Jayne	Sullivan, Daniel	Tahir, Saghir
Thompson, Robert	Winters, Joel		

MERRIMACK

Bartlett, Michael	Bouchard, Candace	Brown, Carole	Clarke, Claire
Davis, Frank	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	Hess, David	Kelly, Sally
Kidder, David	Lockwood, Priscilla	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Porter, Margaret	Potter, Frances	Rice, Chip
Richardson, Gary	Schuett, Dianne	Shurtleff, Stephen	Stetson, William
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Watrous, Rick
Webb, Leigh	Wheeler, Deborah	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Borden, David	Brown, C. Pennington	Cali-Pitts, Jacqueline	Casey, Kimberley
Day, Judith	DiFruscia, Anthony	DiPentima, Rich	Flanders, John Sr
Griffin, Mary	Henson, John	Ingram, Russell	Lyons, Melissa
Mann, Maureen	McCarthy, Barbara	McEachern, Paul	Moody, Marcia
Nord, Susi	Pantelakos, Laura	Petterson, Don	Priestley, Anne
Read, Robin Jr	Russell, Joseph	Russell, Trinka	Sapareto, Frank
Schlachman, Donna	Splaine, James	Webber, Carolyn	Welch, David
Wells, Roger			

STRAFFORD

Berube, Roger	Brennan, William	Brown, Larry	Browne, Brendon
Burke, Rachel	Cyr, James	Domingo, Baldwin	Hofemann, Roland
Horrigan, Timothy	Hubbard, Pamela	Hutz, Sarah	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

SULLIVAN

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

NAYS 130

BELKNAP

Boyce, Laurie	Fields, Dennis	Millham, Alida	Russell, David
St. Cyr, Jeffrey	Swinford, Elaine	Wendelboe, Fran	

CARROLL

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

CHESHIRE

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

COOS

Rappaport, Laurence	Remick, William	Richardson, Herbert	Stohl, Eric
Tholl, John Jr			

GRAFTON

Bulis, Lyle	Gionet, Edmond	Ingbretson, Paul	Ladd, Rick Jr
Maybeck, Margie	Ward, Brien		

HILLSBOROUGH

Batula, Peter	Belvin, William	Boehm, Ralph	Cebrowski, John
Christensen, Chris	Christiansen, Lars	Daniels, Gary	Doherty, Shaun
Drisko, Richard	Gandia, Laura	Graham, John	Haefner, Robert
Hawkins, Ken	Hikel, John	Hinch, Richard	Hogan, Edith
Holden, Frank	Infantine, William	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	McCarthy, Michael	Mead, Robert	Moran, Edward
O'Brien, William	Ober, Lynne	Ober, Russell III	Pellegrino, Tony
Pepino, Leo	Peterson, Andrew	Pratt, Calvin	Renzullo, Andrew
Rowe, Robert	Seidel, Carl	Silva, Peter	Soucy, Connie
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe	Willette, Robert

MERRIMACK

Anderson, Eric	Blankenbeker, Lynne	Kotowski, Frank	McGuire, Carol
Palfrey, David	Reed, Dennis	Smith, Todd	

ROCKINGHAM

Allen, Mary	Bailey, Clinton	Baldasaro, Alfred	Bates, David
Belanger, Ronald	Bettencourt, David	Case, Frank	Comerford, Timothy
Crisler, Margaret	DeSimone, Debra	Devine, James	Elliott, Robert
Emiro, Frank	Ferrante, Beverly	Fesh, Robert	Garrity, James
Gleason, John	Gould, Kenneth	Hagan, Joseph	Headd, James
Hoelzel, Kathleen	Hutchinson, Karen	Introne, Robert	Itse, Daniel
Kappler, L. Mike	Katsakiores, Phyllis	Kolodziej, Walter	Major, Norman
McKinney, Betsy	McMahon, Charles	Packard, Sherman	Perkins, Amy
Perkins, Lawrence	Quandt, Matt	Rausch, James	Reagan, John
Scamman, Stella	Scamman, W. Douglas Jr	Sedensky, John	Smith, William
Sullivan, James	Tucker, Pamela	Weare, Everett	Weyler, Kenneth

STRAFFORD

Bickford, David	Groen, Warren	Twombly, James	Vita, Carol

SULLIVAN

Cunningham, Steven	Howard, Thomas	Rodeschin, Beverly

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

INTRODUCTION OF GUEST

The Honorable Terie Hayes, State Representative from Maine, guest of Rep. Leishman.

REGULAR CALENDAR (CONT'D)

SB 511-FN-A, relative to an exemption from the tax on gambling winnings. **OUGHT TO PASS.**
Rep. Ron J. Mack for Ways and Means: This bill exempts the lottery winners that won prior to 1999 from paying the new gambling winnings tax on their annual annuity payments. This was requested because prior to 1999 the large winners were required to receive their winnings in an annuity over a twenty year period. The majority, though very concerned about the close to one million annual loss of revenues, considered the imposition that was placed on a few citizens unfair. Vote 12-4.
Committee report adopted and ordered to third reading.

SB 322, allowing the director of the division of state police to place an employee on administrative leave in extraordinary circumstances. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Peter B. Schmidt for Executive Departments and Administration: This bill is the result of a request from the department of safety to enable the director of the division of state police to better manage the aftermath of situations in which, in the line of duty, division personnel have been placed under great stress, such as shooting incidents, motor vehicle accidents involving fatalities, or the death of a child. It is generally recognized that such incidents can alter or diminish a person's judgment, a critical capacity for law enforcement personnel, and that this is neither in the best interest of the public nor the officer(s) involved. Currently, there is no option to place such personnel on administrative leave, only to suspend them, which may result in an inference, by the public, that some misconduct is involved. Vote 15-3.

Amendment (1216h)
Amend RSA 106-B:5, II as inserted by section 1 of the bill by replacing it with the following:
II. The director may place any police employee on administrative leave with pay for purposes of conducting an administrative review of incidents involving the use of deadly or non-deadly force as defined in RSA 627:9 or if the employee was involved in a critical incident. "Critical incident" means any situation faced by an employee in the line of duty that has the potential to interfere with his or her ability to perform his or her duties. "Critical incidents" include injuries to the employee, death of a coworker, mass casualty incidents, or an incident involving the death of a child.
Amendment adopted.
Committee report adopted and ordered to third reading.

SB 348, establishing a committee to study issues relative to the regulation of opticians in New Hampshire. **INEXPEDIENT TO LEGISLATE.**
Rep. Charlotte Houde-Quimby for Executive Departments and Administration: This bill originally began as an effort to create a licensing board for opticians, complete with requirements defining the scope of work, the requisite education, clinical practice, licensing examinations, and rule making authority. When received in the House, it established a committee to study the issues relative to regulation of opticians. Similar legislation has been considered several times in the last 20 years in NH. The previous bills failed over an inability to show evidence of harm to consumers that rose to the level of requiring licensure. The regulatory mechanisms that govern the work of opticians (RSA 327-A: 1), ophthalmic dispensing, is defined as "the design, verification, and delivery to the intended wearer of lenses, frames, and other specially fabricated optical devices upon prescription." They do not write prescriptions for eyewear; rather they measure the appropriate lenses and frames and prepare the glasses for technicians who actually grind the lens. Opticians may not alter the prescriptions nor fit for contact lenses. Opticians are registered with the department of health as required by RSA 541-A and are expected to take eight continuing education credits every two years from any source approved by the commissioner from any national, regional,

or state optical company, trade, or professional group authorized to sponsor continuing education programs approved by the American Board of Opticianry, the National Contact Lens Examiners, or the commissioner. Mechanisms for reporting harm are articulated in current legislation, but conversations with the department of health and the attorney general's office reveal but one complaint in the last ten years and that was for a billing error. Regulation should exist when it has been determined that the public's health, safety and welfare would be harmed if the occupation is not properly practiced. There are four levels of regulation in this state: 1.) No Regulation because no perceived threat to public health, safety, and welfare exists; 2.) Voluntary Certification, when it is determined that a public need exists to identify practitioners with specific levels of competence; 3.) Mandatory Registration, when it has been determined that an adverse occupational function could present minimal threat to public health, safety, and welfare, and providers are required to register their name with a designated agency. The marketplace then dictates performance standards; and 4.) Mandatory licensure, when performance in an occupation will require demonstrated knowledge and skills related to the occupation prior to performing such functions. The framework under which opticians practice currently in the state is level 3, mandatory registration. It is the belief of this committee that this meets the requirements for public safety for opticians. Vote 16-2.
Committee report adopted.

SB 465-FN-L, relative to the transition period for implementing the adequacy aid formula. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**
Rep. Robert A. Foose for the Majority of Finance: This bill establishes a committee to study the sustainability of the existing state programs for funding K-12 education and made recommendations regarding appropriate modifications. Membership would include four members of the House of Representatives with at least one from both the education and finance committees and three members from the Senate. The majority of the committee believes that the work of the study committee should precede any action to modify the formula that was developed through a careful, three year long, deliberative process that has resulted in the approval of the court and an absence of lawsuits in recent biennia. The committee did not agree to the Senate's extension of transition funding (the collar) beyond the July, 2011 deadline. An amendment to extend the collar for three years and modify the calculation of payments for the free and reduced lunch students was also defeated. The committee believes that districts were given two years to prepare for the end of the collar. Those districts that are slated to receive additional funds have waited patiently with the expectation that those receiving more that the formula allows should have spent the time preparing for the change. Nonetheless, recognizing the difficulty in adjusting to change the bill also enables school districts to carry forward unreserved fund balances from the 2010 and 2011 fiscal years to the 2012 fiscal year in order to smooth the transition. Vote 11-8.
Rep. William S. Belvin for the Minority of Finance: As passed by the Senate, SB 465 would extend the so-called "collar" by one year. The effect would be to hold state education funding at current levels. The minority amendment expands the Senate approach by phasing out the collar over three years, easing the transition by increasing or decreasing the projected distribution for each school district by one-third each year. The adequacy formula would be fully implemented, with no collar, by 2014. The minority amendment would also change the disparity aid part of the education funding formula so that the count of students eligible for free and reduced lunch is based only on qualified students and not on the entire student population. The fiscal impact is to reduce the education trust fund spending by an estimated $21.7 million in FY 2012 and by $43.4 million in FY 2013 for a total saving of $65.1 million over the next biennium. This amendment follows guidance given the committee with respect to constitutionality. As it applies to the next biennium, there are no ARRA (federal stimulus) restrictions. Why do this? When the formula was established, no one could have anticipated

the ensuing financial crisis, with the sharp drop in state and local revenue and the increase in unemployment. In addition, as a result of proposed reductions in state building and catastrophic aid, school districts face greater uncertainty than usual. The minority believes that school districts truly need the certainty in education grants that this amendment provides in order to better plan how to deliver educational services to New Hampshire's students.

Majority Amendment (1636h)

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

AN ACT establishing a committee to study the sustainability of the existing state programs for funding K-12 education and relative to the carrying forward of a school district fund balance.

Amend the bill by deleting sections 1-3 and renumbering the original sections 4-9 to read as 1-6, respectively.

Amend section 2 of the bill by replacing subparagraph I(b) with the following:

(b) Four members of the house of representatives, at least one of whom shall be a member of the education committee, and at least one of whom shall be a member of the finance committee, appointed by the speaker of the house of representatives.

Amend the bill by replacing all after section 5 with the following:

6 School District Fund Balance. If, based on the reasonable belief of the school board after consultation with the commissioner of the department of education, a school district's estimated total state aid for an adequate education pursuant to RSA 198:40-a plus fiscal capacity disparity aid pursuant to RSA 198:40-c in the 2012 fiscal year will be less than its total state aid for an adequate education pursuant to RSA 198:40-a plus fiscal capacity disparity aid pursuant to RSA 198:40-c in the 2011 fiscal year, then notwithstanding RSA 32, the school district's governing body may vote to carry forward any school district unreserved fund balance from the 2010 and 2011 fiscal years for such school district to use as a revenue source to reduce the tax rate in the 2012 fiscal year. A school district that intends to carry forward a fund balance shall report this to the departments of education and revenue administration on financial reports pursuant to RSA 198:4-d and RSA 21-J:34, V.

7 Repeal. Section 6 of this act, relative to school district fund balances, is repealed.

8 Effective Date.

I. Section 7 of this act shall take effect July 1, 2011.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Establishes a committee to study the sustainability of the existing state programs for funding K-12 education, including adequate education grants, fiscal capacity disparity aid, and catastrophic aid.

II. Allows a school district which estimates that it will receive less in total state aid for an adequate education plus fiscal capacity disparity aid in the 2012 fiscal year than it received in the 2011 fiscal year to carry forward any unreserved fund balance from the 2010 and 2011 fiscal years for use in the 2012 fiscal year.

Rep. William Smith spoke against.

Reps. Vaillancourt and Foose spoke in favor and yielded to questions.

On a division vote, 195 members having voted in the affirmative and 144 in the negative, the majority committee amendment was adopted.

Rep. Belvin offered floor amendment (1838h).

Floor Amendment (1838h)

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

AN ACT relative to the procedure for calculating eligibility for the federal free and reduced-price meal program, relative to limitations on total education aid distributions to municipalities for the 2012 and 2013 fiscal years, establishing a committee to study the sustainability of the existing state programs for funding K-12 education, including adequate education grants, fiscal capacity disparity aid, and catastrophic aid, and relative to the carrying forward of school district fund balances.

Amend the bill by replacing all after section 6 with the following:

7 School Money; Cost of an Opportunity for an Adequate Education. Amend RSA 198:40-a, I to read as follows:

I. Beginning July 1, 2009, and for every biennium thereafter, the annual cost of providing the opportunity for an adequate education as defined in RSA 193-E:2-a shall be $3,450 per pupil attending a public school, plus any applicable differentiated aid for which a pupil is eligible. Differentiated aid shall be calculated as follows:

(a) An additional $431 per pupil in kindergarten through grade 12 eligible for the federal free and reduced-price meal program who attends a public school in which less than 12 percent of the pupils reported in the school's ADMA in the determination year are eligible for the federal free and reduced-price meal program.

(b) An additional $863 per pupil ***eligible for the federal free or reduced-price meal program*** in a public school in which at least 12 percent but less than 24 percent of pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program.

(c) An additional $1,725 per pupil ***eligible for the federal free or reduced-price meal program*** in a public school in which at least 24 percent but less than 36 percent of pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program.

(d) An additional $2,588 per pupil ***eligible for the federal free or reduced-price meal program*** in a public school in which at least 36 percent but less than 48 percent of the pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program.

(e) An additional $3,450 per pupil ***eligible for the federal free or reduced-price meal program*** in a public school in which 48 percent or more of the pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program.

8 School Money; Determination of Grants. RSA 198:41, III is repealed and reenacted to read as follows:

III.(a) For the biennium ending June 30, 2013, the department of education shall:

(1) For each municipality, determine total education aid by summing the amount calculated under RSA 198:40-a and the amount calculated under RSA 198:40-c.

(2) Subtract from that sum total the amount of education aid the municipality received during the fiscal year ending June 30, 2011 under RSA 198:41, III.

(b) For the fiscal year ending June 30, 2012, each municipality shall receive total aid equal to the amount it received during the fiscal year ending June 30, 2011 plus 33.33 percent of the amount under subparagraph (a).

(c) For the fiscal year ending June 30, 2013, each municipality shall receive total aid equal to the amount it received during the fiscal year ending June 30, 2011 plus 66.67 percent of the amount under subparagraph (a).

9 Repeal. The following are repealed:

I. RSA 198:41, III, relative to the limitation on the distribution of total education aid.

II. Section 6 of this act, relative to school district fund balances.

10 Effective Date.

I. Sections 7-8 of this act shall take effect July 1, 2011 at 12:01 a.m.

II. Paragraph I of section 9 of this act shall take effect July 1, 2013.

III. Paragraph II of section 9 of this act shall take effect July 1, 2011.

IV. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Amends the procedure for calculating eligibility for the federal free and reduced-price meal program.

II. Establishes limitations on total education aid distributions to municipalities for the 2012 and 2013 fiscal years.

III. Establishes a committee to study the sustainability of the existing state programs for funding K-12 education, including adequate education grants, fiscal capacity disparity aid, and catastrophic aid.

IV. Allows a school district which estimates that it will receive less in total state aid for an adequate education plus fiscal capacity disparity aid in the 2012 fiscal year than it received in the 2011 fiscal year to carry forward any unreserved fund balance from the 2010 and 2011 fiscal years for use in the 2012 fiscal year.

Rep. Belvin spoke in favor and yielded to questions.

Rep. Eaton spoke against.

Rep. W. Douglas Scamman spoke in favor and yielded to questions.

Rep. Marjorie Smith spoke against and yielded to questions.

Rep. Packard requested a roll call; sufficiently seconded.

YEAS 131 NAYS 208

YEAS 131

BELKNAP

Boyce, Laurie	Fields, Dennis	Millham, Alida	Nedeau, Stephen
Russell, David	St. Cyr, Jeffrey	Swinford, Elaine	Wendelboe, Fran

CARROLL

Chandler, Gene	Fleck, Joseph	Knox, J. David	McConkey, Mark
Scala, Dino	Stevens, Stanley	Umberger, Karen	

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Laurent, John
Parkhurst, Henry			

COOS

Rappaport, Laurence	Stohl, Eric	Tholl, John Jr

GRAFTON

Bulis, Lyle	Gionet, Edmond	Ingbretson, Paul

HILLSBOROUGH

Batula, Peter	Belvin, William	Bergin, Peter	Boehm, Ralph
Cebrowski, John	Christensen, Chris	Christiansen, Lars	Daniels, Gary
Day, Russell	Doherty, Shaun	Dokmo, Cynthia	Drisko, Richard
Emerton, Larry	Gandia, Laura	Graham, John	Haefner, Robert
Hardy, Valerie	Hawkins, Ken	Hikel, John	Hinch, Richard
Hinkle, Peyton	Hogan, Edith	Holden, Frank	Holden, Rip
Jasper, Shawn	Knowles, John	Knowles, Mary Ann	Kurk, Neal

L'Heureux, Robert	McCarthy, Michael	Mead, Robert	Moran, Edward
O'Brien, William	Ober, Lynne	Ober, Russell III	Pellegrino, Tony
Peterson, Andrew	Renzullo, Andrew	Rowe, Robert	Ryder, Donald
Seidel, Carl	Silva, Peter	Soucy, Connie	Spaulding, Jayne
Ulery, Jordan	Villeneuve, Moe	Willette, Robert	

MERRIMACK

Anderson, Eric	Blankenbeker, Lynne	Hess, David	Kidder, David
Kotowski, Frank	Lockwood, Priscilla	Palfrey, David	Reed, Dennis

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bates, David	Belanger, Ronald
Bettencourt, David	Borden, David	Comerford, Timothy	Day, Judith
DeSimone, Debra	DiFruscia, Anthony	Emiro, Frank	Ferrante, Beverly
Fesh, Robert	Flanders, John Sr	Garrity, James	Griffin, Mary
Hagan, Joseph	Headd, James	Hoelzel, Kathleen	Ingram, Russell
Itse, Daniel	Kappler, L. Mike	Katsakiores, Phyllis	Kolodziej, Walter
Major, Norman	McMahon, Charles	Packard, Sherman	Perkins, Amy
Priestley, Anne	Quandt, Matt	Rausch, James	Sapareto, Frank
Scamman, Stella	Scamman, W. Douglas Jr	Sedensky, John	Smith, William
Sullivan, James	Tucker, Pamela	Weare, Everett	Welch, David
Wells, Roger	Weyler, Kenneth		

STRAFFORD

Groen, Warren	Twombly, James	Vita, Carol

SULLIVAN

Cunningham, Steven	Gottling, Suzanne	Howard, Thomas	Osgood, Joe
Rodeschin, Beverly			

NAYS 208

BELKNAP

Bolster, Peter	Flanders, Donald	Johnson, William	Merry, Liz
Miller, Kate	Pilliod, James	Reever, Judith	Stuart, Richard

CARROLL

Ahlgren, Christopher	Bridgham, Robert	Buco, Thomas	Butler, Edward
Patten, Betsey	Roberts, John		

CHESHIRE

Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Carlson, Nancy	Carr, Daniel	Eaton, Daniel	Lerandeau, Alfred
Lindsey, Steven	Meader, David	Mitchell, Bonnie	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sad, Tara	Sterling, Franklin Jr
Weber, Lucy	Weed, Charles		

COOS

Hatch, William	Mears, Lucy	Merrick, Evalyn	Remick, William
Richardson, Herbert			

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Ford, Susan	Friedrich, Carol	Gould, Franklin	Harding, Laurie
Ladd, Rick Jr	Matheson, Robert	Maybeck, Margie	Mulholland, Catherine
Nordgren, Sharon	Pastor, Beatriz	Pierce, David	Preston, Philip
Smith, Suzanne	Taylor, Kathleen	Townsend, Charles	Ward, Brien
Williams, Burton			

HILLSBOROUGH

Baroody, Benjamin	Beauchamp, Roger	Beaulieu, Jane	Beck, Catriona
Boisvert, Ronald	Campbell, David	Chandley, Shannon	Chase, Claudia
Clemons, Jane	Cote, David	Craig, James	Farley, Michael
Foster, Linda	Gargasz, Carolyn	Gidge, Kenneth	Ginsburg, Ruth
Gorman, Mary	Hackel, Paul	Haley, Robert	Hammond, Jill
Harvey, Philip	Harvey, Suzanne	Hodges, Kevin	Infantine, William
Jeudy, Jean	Katsiantonis, Thomas	Kelley, John	Komi, Richard
LaPlante, Roland	Leishman, Peter	Lisle, Carolyn	Long, Patrick
Mack, Ron	Marshall, Seth	Matarazzo, Anthony Sr	Messier, Irene
Movsesian, Lori	Nixon, David	O'Brien, Michael Sr	O'Neil, James
Pepino, Leo	Pilotte, Maurice	Poznanski, Brian	Pratt, Calvin
Ramsey, Peter	Rhodes, Brian	Rosenwald, Cindy	Schulze, Joan
Shattuck, Gilman	Soucy, Timothy	Sullivan, Daniel	Tahir, Saghir
Thompson, Robert	Vaillancourt, Steve	Winters, Joel	

MERRIMACK

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

ROCKINGHAM

Brown, C. Pennington	Cali-Pitts, Jacqueline	Case, Frank	Casey, Kimberley
Crisler, Margaret	Cushing, Robert	DiPentima, Rich	Elliott, Robert
Gleason, John	Gould, Kenneth	Henson, John	Hutchinson, Karen
Introne, Robert	Lyons, Melissa	Mann, Maureen	McCarthy, Barbara
McEachern, Paul	McKinney, Betsy	Moody, Marcia	Nord, Susi
Pantelakos, Laura	Perkins, Lawrence	Petterson, Don	Read, Robin Jr
Reagan, John	Russell, Joseph	Russell, Trinka	Schlachman, Donna
Splaine, James	Webber, Carolyn		

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, Larry
Browne, Brendon	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	Rogers, Rose Marie	Rollo, Deanna
Rous, Emma	Ryder, Mark	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Sprague, Dale	Vachon, Dennis	Wall, Janet

Ward, Kenneth

SULLIVAN

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

and floor amendment (1838h) failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
On a division vote, 199 members having voted in the affirmative and 141 in the negative, the majority committee report was adopted.
Ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby it adopted the majority committee report of Ought to Pass with Amendment on ***SB 383-FN,*** relative to net operating loss carryovers under the business profits tax and relative to economic revitalization zone tax credits.
Rep. Vaillancourt spoke against.
On a division vote, 133 members having voted in the affirmative and 200 in the negative, the motion failed.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

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

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

HB 1314, relative to approval of changes to a capital budget project. (Report printed SJ 5-5-10)

The question being adoption of the Committee of Conference Report.
Rep. Cloutier spoke in favor.
Committee of Conference Report adopted.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1495, relative to approval of chartered public schools from July 1, 2009 through June 30, 2011. (Amendment printed SJ 4-28-10)
Reps. Rous and Marjorie Smith moved that the House concur.
Rep. Rous spoke in favor.
Adopted.

HB 1387, establishing a committee to study the need for supportive housing for homeless veterans. (Amendment printed SJ 4-28-10)
Rep. Patrick Garrity moved that the House concur and spoke in favor.
Adopted.

HB 1625, relative to eligibility for the New Hampshire veterans' home. (Amendment printed SJ 4-21-10)
Rep. Patrick Garrity moved that the House concur and spoke in favor.

Adopted.

HB 1566-FN, requiring financial institutions to disclose certain information regarding recipients of medical assistance for the aged, blind, and disabled through an electronic asset verification system. (Amendment printed SJ 4-21-10)
Reps. Rosenwald and Marjorie Smith moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Bridgham, Cebrowski, McEachern and Mitchell.

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 12, 2010 at 10:00 a.m.
Adopted.

LATE SESSION

Third reading and final passage

SB 308, relative to the price for filling prescriptions.
SB 319, relative to purchases by on-premises alcoholic beverages licensees and relative to liquor licenses.
SB 352, relative to student insurance.
SB 390-FN, relative to health insurance premium only cafeteria plans.
SB 421, relative to the laws regulating trusts and trust companies in New Hampshire.
SB 436, relative to health insurance open enrollment periods and establishing a commission relative to children's health insurance.
SB 443, relative to rulemaking authority of the electricians' board.
SB 478, relative to the appointments to the board of home inspectors, the administrative attachment of the plumbers' board, and retired status for licensed architects.
SB 514, relative to commercial weighing or measuring devices.
SB 402-FN, relative to state-owned vehicles.
SB 329, relative to the bonds of county officers, and relative to the form of constitutional questions on the ballot.
SB 325, relative to loitering by intoxicated persons.
SB 517-FN-A, establishing a veterans' legal aid advocacy project.
SB 342-FN, repealing the $5,000 surety bond requirement for meals and rentals operators.
SB 346-FN-L, relative to sheriffs' fees for service of civil process.
SB 441, relative to the lakes management and protection program.
SB 442, relative to the grant program to administer exotic aquatic plant prevention.
SB 457-FN, authorizing identifying decals for custom vehicles.
SB 501-FN, relative to worksharing benefits under the unemployment compensation law, and relative to training grants.
SB 509, establishing the New Hampshire medal of honor fund and repealing the New Hampshire service award.
SB 367, relative to games of chance.
SB 391-L, relative to the payment of certain amounts from the water fund to the town general fund by the town of Hanover.
SB 464, relative to speed limits on Lake Winnipesaukee and reporting vessel operation violations.

SB 383-FN, relative to net operating loss carryovers under the business profits tax and relative to economic revitalization zone tax credits.
SB 505-FN-A, establishing the commission on health care cost containment and appropriating a special fund.
SB 511-FN-A, relative to an exemption from the tax on gambling winnings.
SB 322, allowing the director of the division of state police to place an employee on administrative leave in extraordinary circumstances.
SB 465-FN-L, relative to the transition period for implementing the adequacy aid formula.

UNANIMOUS CONSENT

Rep. Jasper addressed the House.

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 1:50 p.m.

RECESS

(Rep. Wallner in the Chair)
ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 587, 1136, 1169, 1204, 1216, 1245, 1281, 1292, 1419, 1422, 1435, 1488, 1508, 1519, 1537, 1542, 1581, 1586 and 1642 and Senate Bills numbered 56, 72, 307, 309, 324, 328, 349, 379, 397, 403, 412, 471, 506 and 508 and Senate Joint Resolutions numbered 2 and 3.

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

SENATE MESSAGE
CONCURRENCE WITH AMENDMENTS

SB 501-FN, relative to worksharing benefits under the unemployment compensation law, and relative to training grants.
SB 507, relative to the Masonic Home.

RECESS

(Rep. Davis in the Chair)
ENROLLED BILL AMENDMENTS

SB 477, relative to driver education school applicants. (Amendment printed SJ 5-5-10) Adopted.

SB 501-FN, relative to worksharing benefits under the unemployment compensation law, and relative to training grants. (Amendment printed SJ 5-5-10)
Adopted.

RECESS

(Rep. Shurtleff in the Chair)
ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bills numbered 501 and 507.

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

SENATE MESSAGES

CONCURRENCE

HB 191, relative to liability of a landowner giving permission to ride bicycles on his or her property.
HB 1143, relative to driver restrictions on persons 16 to 18 years of age.
HB 1219, repealing the wartime registration of aliens laws.
HB 1235, relative to regulation of dentistry by the board of dental examiners.
HB 1301, relative to the regulation of fuel gas fitters.
HB 1363, relative to continuing care communities.
HB 1520, relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development.
HB 1553, establishing a maternal mortality review panel to conduct comprehensive, multidisciplinary reviews of maternal deaths in New Hampshire.
HB 1692, establishing a commission on primary care workforce issues.
HCR 24, supporting the Youth PROMISE Act.
HCR 28, rescinding all requests by the New Hampshire legislature for a federal constitutional convention.
HJR 20, urging Congress to maintain the crime victims fund established in the Victims of Crimes Act and to continue to fully fund federal contributions to state and local victim services organizations.

NONCONCURRENCE

HB 325, establishing standards for adequate service of process and establishing a commission to study service of process by laypersons.
HB 1127, relative to service of process on commercial tenants.
HB 1257, changing requirements for extensions of time for hearings by pretrial screening panels for medical injury claims.
HB 1310, allowing towns to hire health care workers.
HB 1322, establishing the legislative committee on the maintenance of state-owned dams.
HB 1400, requiring all colleges and universities to report crimes to the local law enforcement agency.
HB 1527, relative to exceptions from the definition of private postsecondary career schools.

REFERRED FOR INTERIM STUDY

HB 1203, relative to nonresident registration of motor vehicles.

LAID ON THE TABLE

HB 50, relative to proceedings of medical injury claims screening panels.
HB 1324, relative to staffing exceptions for geographically isolated small schools.
HB 1379, relative to promotion of the state parks.
HB 1469, relative to the required number of instructional days and instructional hours in a school district's calendar.
HCR 22, urging Congress to develop and pass a comprehensive immigration reform program.
HCR 29, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties.

RECESS

(Rep. Davis in the Chair)
ENROLLED BILL AMENDMENT

HB 1314, relative to approval of changes to a capital budget project, and relative to making capital appropriations for kindergarten construction in Milford and the dredging of Dorrs Pond in Manchester, and lapsing a portion of certain capital appropriations.

Amendment (1968-EBA)

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

AN ACT relative to approval of changes to a capital budget project, and relative to making capital appropriations for kindergarten construction in Milford and the remediation and repair of Dorrs Pond dam in Manchester, and lapsing a portion of certain capital appropriations.

Adopted.

RECESS

(Rep. Foster in the Chair)
ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 1314

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

ENROLLED BILL AMENDMENTS

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

Amendment (1812-EBA)

Amend RSA 281-A:23, V(a)(3) as inserted by section 1 of the bill by replacing line 2 with the following:

insurance carrier, self-insurer, or payor acting on behalf of such insurance carrier or self-

Adopted.

HB 1291-FN, relative to the fuel oil importation fee.

Amendment (1671-EBA)

Amend section 3 of the bill by replacing line 4 with the following:

departmental rules, and RSA 146-E.

Adopted.

HB 1293-FN, relative to the oil discharge cleanup fund and relative to tax exemptions for water and air pollution control installations.

Amendment (1850-EBA)

Amend section 1 of the bill by replacing line 2 with the following:

I. 1995, 282:9 through 282:11 and 1995, 282:13, II, relative to motor oil storage facilities,

Adopted.

HB 1353, relative to group net energy metering.

Amendment (1677-EBA)

Amend RSA 362-A:9, V(a) as inserted by section 3 of the bill by replacing line 3 with the following:

consistent with either subparagraph IV(a) or IV(b), as applicable; or

Amend RSA 362-A:9, V(b) as inserted by section 3 of the bill by replacing line 2 with the following:

credited by the electric distribution utility for its excess generation at rates that are equal to the

Amend RSA 362-A:9, V(b) as inserted by section 3 of the bill by replacing line 6 with the following:

frequency of payment and how often a customer-generator may choose this option versus the

Amend RSA 362-A:9, VI as inserted by section 3 of the bill by replacing line 1 with the following:

VI. Instead of the option in subparagraph V(b), an electric distribution utility providing default

Adopted.

HB 1384, establishing a suicide fatality review committee.

Amendment (1865-EBA)

Amend RSA 126-R:4, VII as inserted by section 1 of the bill by replacing lines 1 and 2 with the following:

VII. The committee shall report annually to the council, on or before the first day of September, beginning September 1, 2011, describing any trends and patterns of deaths or serious injuries or risk factors

Adopted.

HB 1427, relative to the conversion period for quarterly billing for property taxes.

Amendment (1574-EBA)

Amend section 1 of the bill by replacing line 1 with the following:

1 Quarterly Billing of Property Taxes; Conversion; First Payment. Amend the introductory paragraph of RSA 76:15-aa, I to

Adopted.

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

Amendment (1879-EBA)

Amend RSA 151-E:11, IV(a)(3) as inserted by section 2 of the bill by replacing line 2 with the following:

setting;

Amend RSA 151-E:11, IV(a)(5) as inserted by section 2 of the bill by replacing line 1 with the following:

(5) The requirement that the nursing facility will include the cost for transitional case

Amend RSA 151-E:11, IV(b) as inserted by section 2 of the bill by replacing line 3 with the following:

nursing facility.

Adopted.

HB 1541-FN, prohibiting the sale of e-cigarettes to minors.

Amendment (1745-EBA)

Amend RSA 126-K:2, II-a as inserted by section 1 of the bill by replacing lines 1 and 2 with the following:

II-a. "E-cigarette" means any electronic smoking device composed of a mouthpiece, a heating
element, a battery, and electronic circuits that provides a vapor of pure nicotine mixed with propylene

Amend RSA 126-K:2, II-a as inserted by section 1 of the bill by replacing line 4 with the following:

are manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product name.

Amend section 7 of the bill by replacing line 1 with the following:

7 Possession and Use of E-Cigarettes by Minors. Amend the section heading of RSA 126-K:6 and RSA 126-K:6, I

Adopted.

HB 1544-FN, relative to penalties for forestry violations.

Amendment (1742-EBA)

Amend section 1 of the bill by replacing line 1 with the following:

1 New Section; Enhanced Forestry Penalties. Amend RSA 227-G by inserting after section 9 the

Adopted.

RECESS