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HOUSE RECORD

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Wednesday, February 6, 2013

No. 16

HOUSE JOURNAL No. 4 (Cont.)

Wednesday, January 30, 2013

Rep. Kaen moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 5

Wednesday, February 6, 2013

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 Guest Chaplain, Reverend Canon Charles LaFond, Canon for Congregational Life of the Episcopal Diocese of New Hampshire.

Blessed are You Lord God of the Universe for You give us life and a calling to change the world. Give us the wisdom which comes from stillness so that when we speak, it is true, it is kind and it improves on the silence. Help us to see the underlying insecurities on those whose speech is mean, loud or sneaky. Give us grace to lead out of a mission for the wellness of New Hampshire and not the advancement of our person. And help us to see where You are showing up, be it as justice, kindness or mischievousness. Amen.

Representative Patrick Long, member from Manchester, led the Pledge of Allegiance.

Representative Mary Griffin, member from Windham, led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Bishop, Booras, Burke, Danais, Elliott, Michael Garcia, Grace, Hackel, Henle, Kopka, Pelletier, Amy Perkins, Pratt, Stroud and Carol Williams, the day, illness.

Reps. Azarian, Richard Eaton, Flanagan, Gidge, Hayes, Irwin, Nickolas Levasseur, McNamara, Priestley and Spainhower, the day, important business.

Rep. Lawrence Perkins, the day, illness in the family.

INTRODUCTION OF GUESTS

Pat Davis, Jim Lottero and Mark Boisselier, wife, stepson and guest of Rep. Davis. Emerson Hayden Brown, Nancy Emerson, Betsy Pearl, Anna Guth and the Honorable Chris Serlin, former member from Portsmouth, son, mother and guests of Rep. Emerson-Brown. Fourth Graders at New Franklin Elementary School, guests of the Portsmouth delegation. Bernt Johansen, guest of Rep. Weed. Claire and Timothy Shurtleff, sister and brother of Rep. Shurtleff.

Morgan Drew and Jacob Miller, students at Victory High School in Jaffrey, Pages for the day.

MOTION TO VACATE

Rep. Weber moved that the House vacate the reference of **HB 678-FN-A-L**, relative to games of chance and establishing a gaming oversight authority and video lottery gaming, to the Committee on Executive Departments and Administration.

Adopted.

The Speaker referred **HB 678-FN-A-L** to the Committee on Ways and Means.

MOTION TO VACATE

Rep. Porter moved that the House vacate the reference of **HB 669-FN-L**, relative to nonpayment of property taxes on current use land, to the Committee on Municipal and County Government.

Adopted.

The Speaker referred **HB 669-FN-L** to the Committee on Environment and Agriculture.

CONSENT CALENDAR

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

HB 140, relative to the committee on legislator orientation, removed by Rep. Gary Richardson.

HB 136-L, relative to compensation for attendance at meetings of the county convention, removed by Rep. Winters.

HB 191, relative to conformity of governmental land uses to land use regulations, removed by Rep. Porter. Consent Calendar adopted.

Rep. Moffett declared a conflict of interest on **HB 252** and did not participate in the vote on the Consent Calendar.

HB 177, relative to licensing requirements for homestead food. **OUGHT TO PASS.**

Rep. Guy Comtois for Environment and Agriculture: HB 177 makes a small correction to Chapter 163, Laws of 2012. It created an exempt status for certain small homestead food operations and also required labeling that read "This product is exempt from New Hampshire licensing and inspection." Unfortunately, because of the wording in the statute, the homestead kitchens that were licensed were also required to label their products as exempt. HB 177 simply says that a non-exempt homestead food operation's labeling must read "This product is made in a residential kitchen licensed by the NH department of health and human services." Vote 18-0.

HB 155, relative to the use of open source software by state agencies; including the department of information technology in the uniform electronic transactions act; and repealing the information practices act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dianne E. Schuett for Executive Departments and Administration: This bill has three parts. First, it amends definitions in RSA 21-R. Open data format is defined as, "the organization of digital data within a computer file in a manner that makes it accessible for all to implement and use in perpetuity." And, it makes minor changes to the definition of open source software. Second, since the department of information technology (DOIT) no longer falls under the department of administrative services (DAS) the bill amended RSA 294 to clarify that DOIT must consult with DAS and the secretary of state with regard to creation, retention, acceptance, distribution and interoperability of electronic records. The amendment to the bill makes the order of those consultations consistent. The bill also repeals RSA 7-A, relative to the information practices act, which is outdated. Vote 19-0.

Amendment (0065h)

Amend the bill by replacing sections 4 and 5 with the following:

4 Creation and Retention of Electronic Records and Conversion of Written Records by Governmental Agencies. Amend RSA 294-E:17 to read as follows:

294-E:17 Creation and Retention of Electronic Records and Conversion of Written Records by Governmental Agencies. The department of [~~administrative services~~] **information technology**, in cooperation with the secretary of state **and the department of administrative services**, shall determine whether, and the extent to which, a governmental agency will create and retain electronic records and convert written records to electronic records.

5 Acceptance and Distribution of Electronic Records by Governmental Agencies. Amend RSA 294-E:18, I and the introductory paragraph of RSA 294-E:18, II to read as follows:

I. Except as otherwise provided in RSA 294-E:12, VI, ~~the~~ department of [~~administrative services~~] **information technology**, in cooperation with the secretary of state **and the department of administrative services**, shall determine whether, and the extent to which, a governmental agency will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.

II. To the extent that a governmental agency uses electronic records and electronic signatures under paragraph I, the department of [~~administrative services~~] **information technology**, in cooperation with the secretary of state **and the department of administrative services**, giving due consideration to security, may specify:

Referred to the Committee on Finance.

HB 186, relative to the authority of the department of state. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey P. Goley for Executive Departments and Administration: This bill supports the secretary of state in the administration of his constitutional responsibilities by removing the constitutional responsibilities from the definition of "department" in RSA 9:1. This change limits the influence of another agency or executive order from interfering with the secretary of state in conducting constitutional duties. The constitutional duties are only the supervising of elections and the archiving of state records. Passage of the bill would allow the prompt hiring of election workers necessary to deal with recounts and other functions. This bill does not exempt the Secretary of State from the normal budgeting process. Vote 19-0.

Amendment (0055h)

Amend the bill by replacing section 1 with the following:

1 Definition of Department. Amend RSA 9:1 to read as follows:

9:1 Terms Used. In this chapter, the term “department” or “establishment” means any executive department, commission, board, institution, bureau, office, or other agency of the state government, by whatever name called, other than the legislature, *the department of state in the execution of the constitutional duties of the office of the secretary of state*, and the state judicial branch, that uses, expends or receives any state funds; the term “state funds” means any and all moneys appropriated by the legislature, or money collected by or for the state, or any agency thereof, pursuant to authority granted in any of its laws; the term “budget” means the budget document by this chapter required to be transmitted to the legislature; the term “stakeholder” means a person and/or group which can affect or is affected by the development, design, and/or development of information technology systems.

HB 190, relative to professional misconduct of dental hygienists. **OUGHT TO PASS.**

Rep. Mary S. Nelson for Executive Departments and Administration: This bill amends the statute on the professional misconduct section of dentist and dentistry. It adds the practice of dental hygiene and the Code of Ethics of the American Dental Hygienists’ Association. HB 190 was requested by the board of dentistry and supported by a representative of the dental hygienist association (NH). Vote 17-1.

HB 216, relative to the use of the title “fire marshal.” **OUGHT TO PASS.**

Rep. Daniel J. Sullivan for Executive Departments and Administration: This bill repeals a law set to take effect on July 1, 2013, which would have limited the title of “Fire Marshal” to the State Fire Marshal. Without repeal, many local communities currently using the title of Fire Marshall would have to incur costs to remove the title from their organization. Vote 19-0.

HB 252, consolidating the property appraisal division and the municipal services division of the department of revenue administration. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol M. McGuire for Executive Departments and Administration: This bill recognizes some of the efficiency improvements made in the department of revenue administration recently. They have re-engineered their processes, implemented new technology, cross-trained the people working in these divisions and thus improved service to municipalities and taxpayers while going from 43 to 28 positions. The committee amendment abolishes the vacant director’s position by position number, since the committee has learned that merely deleting the statutory authority for a position does not actually eliminate it. The assistant director and other positions were abolished in HB 2, Chapter 224, Laws of 2011. Vote 18-0.

Amendment (0094h)

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 9:

8 Position Abolished. Position number 41797, director of municipal services, is abolished.

Referred to the Committee on Finance.

HB 254-FN-A, abolishing certain positions in the liquor commission. **OUGHT TO PASS.**

Rep. Carol M. McGuire for Executive Departments and Administration: This bill simply abolishes three duplicative positions in the state liquor commission. As part of the liquor modernization act (included in HB 2, 2009), the three main department heads were converted from classified “chief” to unclassified “director” positions. Due to turmoil in the commission, it was not until 2012 that the final establishment of the director positions was completed with SB 234 and the classified positions were maintained in parallel with the unclassified positions. This bill completes the process by abolishing the classified positions. Vote 19-0. Referred to the Committee on Finance.

HB 285, restoring the authorization of the division of emergency services and communications and the division of fire standards and training and emergency medical services to make transfers from their respective funds in cases of unanticipated contingencies. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel A. Eaton for Finance: The issues raised in this bill may have repercussions in other parts of the department of safety budget. It would be better to look at these issues in the totality of the budget review at the Finance committee. The issues will not be forgotten, but should not be singled out in this way. They will be considered in the budget process. Therefore the bill is not needed. Vote 24-0.

HB 205, relative to the identification of dental prosthetic and orthodontic appliances. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas M. Sherman for Health, Human Services and Elderly Affairs: The bill would require dentists to mark all dental prosthetic and orthodontic appliances with the name of the patient. It was introduced to address concerns about identification of the wearers of dental appliances such as dentures and retainers for the purpose of recovery of lost appliances and forensic identification of the wearer of the devices. Experts in the field, including the NH Dental Society and several orthodontists and dentists agreed that orthodontic appliances could not be reasonably marked with the wearer’s name. In terms of identification of dentures,

concerns were raised that this was better addressed as a best practice within the profession. Other concerns about the bill included the reliance in the legislation on technology that could become obsolete, the cost of the program, the additional record keeping required and privacy issues. However, the committee agreed with the sponsors as to the utility of identification on dentures and will write a letter to the Dental Society urging them to promote this as a best practice. Vote 16-0.

HB 261-FN, relative to the assistance program for 2-parent families with dependent children. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs: This bill proposes reinstating the Unemployed Parent Program in DHHS. This program was eliminated in 2011 impacting 562 children of parents who were unemployed or underemployed. The average length of stay on this program for a family was 4 months and the grants ranged from \$675/month for a family of two to \$798/month for a family of three. The funding made available through this program has been used to pay rent, utilities, learning a language, child care while a parent was in school or training for a new career. The cuts to this program have resulted in down shifting support for these families to the welfare departments in our cities and towns. The amended version of HB 261 states that DHHS "may" re-establish the program "subject to available public and, or private funds." The amendment also guides the department in accepting private monies. The committee sees significant value in this program and will make that case to the Finance committee. Vote 16-0.

Amendment (0119h)

Amend RSA 167:77-e as inserted by section 1 of the bill by replacing it with the following:

167:77-e Assistance Program for 2-Parent Families with Dependent Children.

I. Subject to available public and/or private funds, the department may establish a non-TANF[; state-funded] financial assistance program for 2-parent needy families with dependent children in which one parent is underemployed or unemployed. With the exception of parental underemployment or unemployment, client eligibility and program requirements and administration shall be in accordance with this chapter and the rules adopted under this chapter.

II. There is hereby established the non-TANF financial assistance program fund. The fund shall contain all private funds received by the department to be used to carry out the provisions of this section. The fund shall be nonlapsing and shall be continually appropriated to the commissioner for the purposes of this section.

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

2 New Subparagraph; State Treasurer Accounts; Non-TANF Financial Assistance Program Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (310) the following new subparagraph:

(311) Moneys deposited in the non-TANF financial assistance program fund under RSA 167:77-e, II.

AMENDED ANALYSIS

This bill permits the department of health and human services to establish an assistance program for 2-parent families with dependent children, subject to available funding.

HB 279, establishing a pilot program for New Hampshire citizen emergency response teams. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald L. LeBrun for Health, Human Services and Elderly Affairs: In the opinion of the committee, HB 279 does not establish a need for additional emergency response teams. Homeland Security already has programs in place to address this issue. This bill adds nothing to those programs. Therefore, HB 279 is deemed to be unnecessary. We also heard from various organizations as to how this issue of response teams is currently administered and we believe New Hampshire is addressing it in a more than efficient manner. Vote 16-0.

HB 123, relative to the limitation of liability for negligence regarding firefighters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Woodbury for Judiciary: The so-called "firemen's rule" originated in common law and was codified by statute as RSA 507:8-h. The rule limited the right of public safety officers to recover civil damages for injuries received while responding to emergencies under the theory that those officers, in choosing those occupations, had assumed certain risks not assumed by others. A recent New Hampshire Supreme Court case interpreted RSA 507:8-h more to the benefit of an injured firefighter than the sponsors thought appropriate. The bill, as originally presented in the view of the committee, unduly restricted the right to sue. The amendment preserves the "firemen's rule" as originally conceived and understood by preserving the right to sue for causes of action not directly sprung from the particular emergency encountered. This bill, as amended, is agreeable to the sponsors, the insurance industry and the public safety officer community. Vote 16-0.

Amendment (0102h)

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

AN ACT relative to the limitation of liability for negligence regarding public safety officers.

Amend the bill by replacing section 1 with the following:

1 Fireman's Rule. Amend RSA 507:8-h, I to read as follows:

I.(a) Firefighters, emergency medical technicians (E.M.T.'s), police officers and other public safety officers shall have no cause of action for injuries arising from negligent conduct ~~[which created the particular occasion for the officer's official engagement. However,]~~ ***of the person or persons requiring the officer's services, which were incurred during the performance of duties incidental to and inherent in the officer's official engagement.***

(b) This section does not affect such officer's causes of action for unrelated negligent conduct occurring during the officer's official engagement, or for other negligent conduct, or for reckless, wanton or willful acts of misconduct.

AMENDED ANALYSIS

This bill extends the limitation of liability for negligence to claims for injury caused by the negligent conduct of the person or persons requiring the services of a public safety officer, which were incurred during the performance of the officer's official duties.

HB 210, relative to the procedure for eviction from a manufactured housing park. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick H. Watrous for Judiciary: This bill shortens the notice required for eviction from a manufactured housing park. The bill also limits the number of times a tenant of the park can defeat an eviction action by paying the rent and other arrearages. The majority of the committee believes that reducing the current 18-month eviction notice for condemnation to 60-days notice is unreasonable. Many tenants own manufactured housing, sometimes referred to as mobile homes. It is time consuming and difficult to find a new location to which their home can be moved. Some of the homes can no longer be moved because of their age. It was also pointed out that sometimes the park is condemned through no fault of the tenants themselves. The majority believe that when people's homes are at stake, they deserve the adequate notice of the existing law. Vote 16-1.

HB 211, relative to service of demand for rent and eviction notice. **OUGHT TO PASS.**

Rep. David Woodbury for Judiciary: This bill reduces the burden on a landlord of commercial premises of serving notices to quit or demands for rent on the Secretary of State as well as by certified mail. Under this bill, the process of serving notice is both simplified and made more expeditious without any detriment to the right of the tenant to receive proper and timely notice. Vote 16-0.

HB 147-FN, establishing a formula for reimbursing municipalities for assessment expenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A. Bickford for Municipal and County Government: The amendment removes the duty of the assessing standards board to study and recommend to the legislature whether municipalities should be reimbursed for expenses incurred as a result of changes in assessment practices and to recommend a formula. It was discovered there is no formula that will work effectively. Vote 17-0.

Amendment (0044h)

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

AN ACT repealing a duty of the assessing standards board concerning municipal reimbursement for the cost of assessments.

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

1 Repeal. RSA 21-J:11-a, III, relative to the assessing standards board recommendation for municipal reimbursement of the cost of assessments, is repealed.

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

AMENDED ANALYSIS

This bill repeals a requirement that the assessing standards board recommend a formula for municipal reimbursement of assessing costs.

Referred to the Committee on Finance.

HB 176, allowing towns and cities to grant a part year veterans credit during the year of acquisition of property. **INEXPEDIENT TO LEGISLATE.**

Rep. David A. Bickford for Municipal and County Government: The bill, if enacted, would cause complications for towns to administer. Of special concern to the committee are people who already have a credit in one town and then move to another. The NH municipal association also said there would be software issues to deal with as well. Vote 16-0.

HB 181, repealing the equalization standards board. **OUGHT TO PASS.**

Rep. Kathleen M. Stroud for Municipal and County Government: This bill repeals a law that sets up a committee that no longer exists. This equalization standards board was merged with the assessing board per HB 2, Chapter 224, Laws of 2011. Vote 16-0.

HB 203, relative to workers' compensation coverage for contractors on state projects. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A. Graham for Public Works and Highways: This bill, as amended, clarifies a provision of existing law on workers' compensation. Currently, owner-operator truck drivers are not required to have workers' compensation. In a conflict with this provision is the requirement that the same drivers have this coverage if working on, or delivering materials to, a state project. The bill would bring the two provisions into harmony. The amendment also extends this same clarification to owner-operators conducting work for the state forester on state-owned lands. Vote 19-0.

Amendment (0103h)

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

AN ACT relative to workers' compensation coverage for contractors on state projects and state land timber sales.

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

1 State Transportation Projects; Workers' Compensation. Amend the introductory paragraph of RSA 228:4-b, I to read as follows:

I. Prior to any work being done by an individual contractor on any state transportation project carried out under this subdivision, such contractor, including all subcontractors and independent contractors, working on a highway, bridge, or other construction, reconstruction, alteration, or maintenance project, excluding routine maintenance operations conducted utilizing the contract rental agreement process, and excluding **all owner-operator truck drivers and** deliveries to and removals from a project administered by the department shall provide to the commissioner of transportation:

2 Major Projects; Workers' Compensation. Amend the introductory paragraph of RSA 21-I:80, VI(a) to read as follows:

VI.(a) Prior to any work being done by an individual contractor on any major project under this section, such contractor, including all subcontractors and independent contractors, excluding **all owner-operator truck drivers and** deliveries to and removals from a project administered by the department, shall provide to the commissioner of administrative services:

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

3 New Section; State Land Timber Sales; Workers' Compensation. Amend RSA 227-J by inserting after section 15 the following new section:

227-J:16 State Land Timber Sales; Workers' Compensation. Prior to any work being done by an individual purchaser on a timber sale administered by the department of resources and economic development, such contractor, including all subcontractors and independent contractors, excluding all owner-operator truck drivers and deliveries to and removals from a project administered by the department, shall provide to the director of the division of forests and lands, a certificate of insurance of his or her current workers' compensation coverage in New Hampshire for the classification of work to be completed on the project.

AMENDED ANALYSIS

This bill clarifies certain workers' compensation procedures relating to state projects and state land timber sales.

Referred to the Committee on Labor, Industrial and Rehabilitative Services.

HB 221, relative to the duty of the long range capital planning and utilization committee. **OUGHT TO PASS.**

Rep. John A. Graham for Public Works and Highways: RSA 17-M:2 lists the powers and duties of the long range capital planning and utilization committee. One of the duties currently listed in the statute is to oversee the implementation of the "Master Plan for the New Hampshire Hospital Campus" dated October 31, 1994. The General Court redid this redevelopment plan in 2004 and, therefore, any reference to a plan from the 1990s is no longer relevant. The bill simply deletes the section of RSA 17-M:2 that references the 1994 plan. Vote 19-0.

HB 184-FN, relative to the oil discharge cleanup fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Leigh A. Webb for Resources, Recreation and Development: This bill addresses two areas. First, it amends RSA 146-F:2, II to define "motor oil storage facility" to mean a location of storage tanks with a combined capacity not to exceed 45,000 gallons. This measure will insure that motor oil discharge cleanup funds will only be used to address releases from the smaller storage facilities and not those facilities with a potential for catastrophic release which, if still eligible for these funds, would literally deplete the cleanup fund. It is important to note that the larger companies normally carry insurance to cover spills and were agreeable to this change in the existing law. Secondly, as a housekeeping measure and to insure consistency in existing policy, the amendment corrects a typographical error to identify RSA 146-D:3 III as being amended thereby authorizing the Oil Fund Disbursement Board, when requests are brought before it, to waive penalties and interest if the Board deems circumstances warrant such action. It further makes RSA 146-D:5, I(f) consistent with the aforementioned. Vote 15-0.

Amendment (0074h)

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

2 Fund Established; Collection. Amend RSA 146-D:3, III to read as follows:

III. The fee provided for in this section shall be collected by agents of the department of safety, in the same manner as provided for in RSA 260:38. Such funds shall be deposited in the oil discharge and disposal cleanup fund established under this chapter. Any person who fails to obtain a license, file a report, or pay the fees established in this chapter shall be subject to the penalties and interest described in RSA 146-A:11-b. The board, pursuant to rules adopted under RSA 146-D:5, may waive all or any portion of such penalties **or interest**, for good cause.

3 Waiver of Penalties and Interest. Amend RSA 146-F:3, II to read as follows:

II. A fee of \$.04 per gallon of motor oil shall be assessed at the time of importation into this state. Persons licensed under RSA 146-A:11-b, II shall be liable for payment of this additional fee which shall be collected and enforced by the department of safety in the manner described in RSA 146-A:11-b. **Pursuant to rules adopted under RSA 146-D:5**, the oil fund disbursement board may waive all or any portion of penalties or interest for good cause. All fee revenues shall be deposited in the motor oil discharge cleanup fund. If the fund's balance becomes greater than \$1,000,000, the assessment of fees shall be discontinued and only reestablished when the fund's balance is less than \$600,000.

4 Rulemaking. Amend RSA 146-D:5, I(f) to read as follows:

(f) Waiver of penalties **or interest** due or past due under RSA 146-D:3, III **and RSA 146-F:3, II**.

5 Effective Date. This act shall take effect July 1, 2013.

AMENDED ANALYSIS

This bill adds a motor oil discharge cleanup fund coverage limitation based on facility storage capacity.

This bill also allows for the waiver of interest by the oil fund disbursement board for good cause.

This bill is a request of the oil fund disbursement board.

Referred to the Committee on Ways and Means.

HB 137, relative to special number plates for members of the national guard. **OUGHT TO PASS.**

Rep. John A. Hikel for Transportation: It is very common for a New Hampshire resident to belong to another state national guard and request to display a New Hampshire guard plate on their New Hampshire registered vehicle. The guardsmen would like to display a guard plate on their vehicle, but can't because the state they are affiliated with is outside of New Hampshire. This will allow every guard member to display a plate of the state in which they reside. The amendment allows retired members of the guard of any state to have a specialty plate. Vote 14-0.

HB 145-FN, authorizing multi-use number plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas C. Walsh for Transportation: After lengthy discussion and recognizing the work and time put into this bill, the committee still had concerns. Only 501c-3 organizations were allowed to participate, and which ones, were undetermined. Also, none of the fee would go to the organization. Finally, with such a high bar set (1000 plates at \$50 each), participation was not guaranteed, despite a set-up cost of \$91,800 which would have been incurred regardless. Vote 13-1.

HB 162, relative to the scope of the New Hampshire rail transit authority. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Hikel for Transportation: The sponsor and the chair of the New Hampshire rail transit authority asked the committee to ITL this bill because it is premature at this time. Vote 14-0.

HB 163, relative to special number plates for disabled veterans. **OUGHT TO PASS.**

Rep. Michael B. O'Brien for Transportation: This bill will allow a disabled veteran to choose a plate with the international handicap symbol or the traditional veteran plate. This allows our disabled veterans a choice and if they choose a regular veteran's plate they may use their handicap mirror placard to identify this disability. Vote 14-0.

HB 174, prohibiting the use of motor vehicle records for any federal identification database. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael B. O'Brien for Transportation: New Hampshire has a long tradition of protecting personal information, insuring the privacy of our residents. This bill further protects any personal identifiable information from the state DMV to the federal government or agency using that information enhancing a federal identification database. The amendment clarifies the language of the bill to allow law enforcement to continue to access the federal database for law enforcement purposes on a case-by-case basis. Vote 14-0.

Amendment (0079h)

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

AN ACT prohibiting the department of safety from providing motor vehicle records for the purpose of creating or enhancing a federal identification database.

Amend the bill by replacing section 1 with the following:

1 New Section; Provision for Federal Identification Database Prohibited. Amend RSA 260 by inserting after section 14 the following new section:

260:14-a Provision for Federal Identification Database Prohibited. The department shall not provide a complete, or substantially complete or mirrored, extract of motor vehicle records that contain personally identifiable information from any file or database to the federal government or to any agent or agency of, or contractor engaged by, the federal government for the purpose of creating or enhancing a federal identification database.

AMENDED ANALYSIS

This bill prohibits the department of safety from providing motor vehicle records for the purpose of creating or enhancing a federal identification database.

HB 194, relative to collection of permit fees paid with insufficient fund checks. **OUGHT TO PASS.**

Rep. Brian D. Rhodes for Transportation: RSA 261:156 is intended to help municipalities recover funds from citizens that draw checks on insufficient funds. To accomplish this goal, it allows DMV to suspend the specific registration that was paid for with the bad check. While this approach provides some relief to municipalities, it has a major loophole. A citizen can switch cars and register the new vehicle, possibly bouncing a second check to the town. This bill offers a solution to this loophole by allowing the privilege to register vehicles to be suspended. With this change, an individual will not be able to register any vehicle until they have cleared up the bad check. Vote 18-1.

HB 195, relative to commercial driver learner permits. **OUGHT TO PASS.**

Rep. Brian D. Rhodes for Transportation: This bill will bring existing New Hampshire commercial driver license (CDL) requirements into compliance with federal CDL requirements. This bill will give New Hampshire residents additional opportunities (time) to train for their actual commercial driver's license. Vote 19-0.

HB 196, relative to weight of commercial vehicles with idle reduction devices. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy A. Soucy for Transportation: This bill, as amended, mirrors the code of Federal Regulations Title 23 Part 658:17 to increase the weight of idle reduction units to be exempted from the vehicle weight on the National System of Interstate and Defense Highway to 550 lbs. This is both business and environmentally friendly and brings uniformity with other states and federal law. The amendment amends the bill from 850 lbs to the correct weight of 550 lbs. Vote 19-0.

Amendment (0048h)

Amend the bill by replacing section 1 with the following:

1 Weight of Commercial Vehicle with Idle Reduction Device. Amend RSA 266:18-c, VII to read as follows:

VII. Any vehicle subject to this subdivision that utilizes an auxiliary power or idle reduction technology unit in order to promote reduction of fuel use and emissions because of engine idling, may be allowed up to an additional [400] **550** pounds in gross, axle, tandem, or bridge formula weight limits. To be eligible for this exception the driver of the vehicle must be able to prove by written certification the weight of the auxiliary power unit and by demonstration or certification that the idle reduction technology is fully functional at all times. Certification of the weight of the auxiliary power unit must be available to law enforcement officers if the vehicle is found in violation of applicable weight laws. The additional weight allowed may not exceed [400] **550** pounds or the weight certified, whichever is less.

REGULAR CALENDAR

HB 223, relative to access to school-approved means of communication by recognized youth organizations. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary J. Gorman for Education: This bill mandates that local school boards provide patriotic organizations access to schools for the purpose of advertising activities, recruitment, or other purposes. This bill came as a result of a local school board's recent policy of not allowing fliers of organizations to be distributed through the school. Though these organizations are well respected, the committee believes this is an issue of local control. Townspeople can lobby their local school board for a change in policy. This bill is a state mandate as the answer to a local issue. This bill is not necessary. Vote 13-5.
Committee report adopted.

HB 251, relative to the legislative members of the home education advisory council. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Anne C. Grassie for the Majority of Education: This bill allows the two legislators and one senator appointed to the home education advisory council to be voting members. The council is the creation of the General Court and the membership is designated by our law. The work of the council should be reflected by the voting records of all its members. Vote 10-9.

Rep. Ralph G. Boehm for the Minority of Education: The current law, only in effect for one year, states that the Representatives and Senator that are members of the home education advisory council (HEAC) are non-voting members. HEAC is currently comprised of 6 members representing the home education community and 6 members representing the school administration and department of education. This creates a balance; but with the 3 members of the general court being voting members, the council could become political. The house and senate members for the most part do not have the insight into the home education community and will either vote with the home education representatives, or, depending on their policies, vote with the administration. The current law should stay as it is, keeping an even balance.

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

Rep. Boehm spoke against.

Rep. Grassie spoke in favor.

On a division vote, 178 members having voted in the affirmative and 162 in the negative, the majority committee report was adopted and ordered to third reading.

MOTION TO RECONSIDER

Rep. Baldasaro moved that the House reconsider its actions, whereby on a division vote of 178-162, it adopted the majority committee report of Ought to Pass on **HB 251**, relative to the legislative members of the home education advisory council.

Since Rep. Baldasaro had not voted on the prevailing side, the Speaker ruled the motion out of order.

REGULAR CALENDAR (CONT'D)

HB 225, relative to the rulemaking authority of the liquor commission. **OUGHT TO PASS.**

Rep. John Sytek for Executive Departments and Administration: Many statutes give departments rulemaking authority to implement particular legislation. This authority should reflect the legislative intent as closely as possible. This bill is a timely codification of the rules of the liquor commission. The sponsor reviewed existing rules with the liquor commission and has incorporated its present, long standing rules into this bill. The committee recognized the need for the liquor commission to address changing situations, including new federal requirements. For that reason, the bill permits the liquor commission to make and promulgate rules, the only stipulation being that it provides a written report detailing the necessity and financial impact. Vote 14-4. Committee report adopted and ordered to third reading.

HB 270-FN-A, making an appropriation to the department of education to fund career and technical student organizations. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan M. Ford for Finance: This bill appropriates \$125,000 to the department of education to fund career and technical student organizations. The committee believes that all appropriations for the upcoming biennium should be addressed in HB 1, the appropriations bill. This will allow us to consider the request for appropriations within the proposed budget. Therefore, the committee recommends ITL for this stand-alone appropriations bill. Vote 24-0. Rep. Wallner addressed the House for a correction to the "blurb."

Committee report adopted.

HB 358-FN-A, relative to the children in need of services program and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Cindy Rosenwald for Finance: This bill restores both the previous definition and full funding for the children in need of services program. The committee believes that all appropriations for the upcoming biennium should be addressed in HB 1, the appropriations bill. This will allow us to consider requests for appropriations within the context of the entire budget. Therefore, the committee recommends ITL for this stand-alone appropriations bill. Vote 24-0.

Committee report adopted.

HB 218-FN, prohibiting interference with access to medical services and health insurance of New Hampshire citizens. **INEXPEDIENT TO LEGISLATE.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill makes it a crime for any federal or state official to "prevent, attempt to prevent, or interfere with" medical services being delivered to a legal resident or inhabitant of NH. The committee recognizes that the current system, in which the patient and provider relationship exists, functions in a satisfactory way. There are quality assurance measures in place to deal with difficulties that may arise. There was no testimony that supported the need for this bill other than that of the prime sponsor. The committee believes that this legislation is not needed. Vote 16-0. Committee report adopted.

CACR 4, relating to the supreme court. Providing that rules made by the chief justice of the supreme court governing the administration of the courts in the state and the practice and procedure to be followed in all such courts shall not have the force and effect of law. **INEXPEDIENT TO LEGISLATE.**

Rep. Lenette M. Peterson for Judiciary: The committee was asked by the bill sponsor to find this inexpedient to legislate due to the fact that he requested a bill and not a Constitutional Amendment Concurrent Resolution (CACR). Vote 13-1.

Committee report adopted.

HB 188, decreasing the time required for eviction notice in cases where there is a material breach of the lease and requiring the tenant to meet financial obligations under the lease pending appeal. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Peter M. Sullivan for the Majority of Judiciary: New Hampshire's landlord-tenant law strikes a balance of interests between property owners and residents. This bill would disrupt this carefully crafted balance. The committee concluded that lowering the time frame for evictions from 30 days to 7 days would unduly burden low-income tenants, who would find it difficult to secure legal representation and gather supporting documents. In addition, allowing rapid evictions for any material breach would put tenants at risk for even the most minor of technical violations of the lease agreement. Finally, the bill improperly interjects the courts and landlord into disputes between tenants and utility companies. This would create tremendous difficulties for Circuit Court judges and staff. Vote 14-3.

Rep. Michael J. Sylvia for the Minority of Judiciary: The minority believes that this bill restores balance to the landlord-tenant relationship and respects the sanctity of contracts. Current statute requires that in a possessory (eviction) action under appeal, the defendant pays into court the current rent. This bill simply adds that the tenant also pays utility bills and other financial obligations pursuant to the lease. This bill honors property rights and is pro-business. Tenants who fail to pay their financial obligations raise rents for others who live up to their responsibilities. Further, this bill reduces the time to start the eviction process thereby reducing damage to property, stopping disruption to neighbors and limiting expenses for the landlord. Keeping expenses down for landlords will help to keep housing more affordable for the people of New Hampshire.

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

On a division vote, 242 members having voted in the affirmative and 106 in the negative, the majority committee report was adopted.

HB 238, relative to the disposition of estates valued at less than \$10,000. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank H. Heffron for Judiciary: This bill would dispense with certain probate procedures in estates consisting entirely of personal property of a gross value not exceeding \$10,000. The committee acknowledges the problem, but concluded that the bill would not effectively simplify the administration of small estates. Vote 14-2.

Committee report adopted.

HB 281, permitting retired judges over the age of 70 to serve the courts under certain circumstances. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary S. Hopper for Judiciary: This bill was introduced to help retain the knowledge and experience of some of our senior judges who are past seventy years of age. Although the majority appreciates the intent of the bill, the New Hampshire Constitution clearly states in Article 78 Part Second that "No person shall hold the office of judge of any court, or judge of probate, or sheriff of any county, after he has attained the age of seventy years." The proper vehicle to achieve what the sponsor is intending would be by amending the Constitution. Vote 10-6.

Committee report adopted.

HB 144, prohibiting the state, counties, towns, and cities from implementing programs of, expending money for, receiving funding from, or contracting with the International Council for Local Environmental Initiatives. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Syndi G. White for the Majority of Municipal and County Government: The International Council for Local Initiatives (ICLEI) is a U.N. sponsored organization which helps promote sustainability, climate protection and clean energy initiatives for towns, cities and counties who choose to join. ICLEI supports local governments by providing technical assistance and training, events, software and networking opportunities. In NH, four municipalities (Wolfeboro, Nashua, Keene and Portsmouth) are members. Supporters of this bill testified that ICLEI (also known as Agenda 21) is impacting property rights, ruining farms and forcing people to live in "smart zones." They inferred that ICLEI reaches further into areas of education, religion and mind-control. However, NH towns and cities that have membership in ICLEI have not experienced any of these perceived threats or negative impacts. Opponents of this bill cite the importance of keeping the decision whether or not to join ICLEI, or any such organization, at the local level. The issue for the committee in deciding to ITL was indeed one of local control. This bill would strip municipalities of their decision-making ability to join an organization which they feel provides services, advice and solutions to some of the 21st century challenges they are facing. Vote 14-3.

Rep. James E. Coffey for the Minority of Municipal and County Government: The constitution of the United States prohibits states from entering into any compact or agreement with a foreign power without prior approval by congress. The towns, cities and counties are political subdivisions of the state and therefore cannot enter into any compact or agreement with a foreign power. The international council of legislative environmental initiatives known as ICLEI, has 84 foreign states among its membership. The U.S. Congress has not authorized states, counties, or municipal government's permission to join ICLEI.

The question being adoption of the majority committee report of Inexpedient to Legislate.
 Reps. Notter, Murotake, Coffey and Peterson spoke against.
 Reps. Hansen and Baldasaro spoke against and yielded to questions.
 Rep. Syndi White spoke in favor.
 Rep. Carol McGuire requested a roll call; sufficiently seconded.

YEAS 211 - NAYS 141**YEAS 211
BELKNAP**

Arsenault, Beth
 Huot, David

DiMartino, Lisa
 Raymond, Ian

Flanders, Donald

Gulick, Ruth

CARROLL

Ahlgren, Christopher
 Ticehurst, Susan

Buco, Thomas
 White, Syndi

Butler, Edward

Lavender, Tom

CHESHIRE

Ames, Richard
 Chase, Cynthia
 Lerandeau, Alfred
 Roberts, Kris
 Tatro, Bruce

Berch, Paul
 Eaton, Daniel
 Ley, Douglas
 Robertson, Timothy
 Weber, Lucy

Burridge, Delmar
 Emerson, Susan
 Mann, John
 Sad, Tara
 Weed, Charles

Butynski, William
 Hunt, John
 Phillips, Larry
 Shepardson, Marjorie
 Young, Harry

COOS

Enman, Larry
 Theberge, Robert

Hammon, Marcia
 Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTON

Aguiar, James
 Ford, Susan
 Lauer, Linda
 Nordgren, Sharon
 Smith, Suzanne

Almy, Susan
 Friedrich, Carol
 Lovett, Sid
 Pastor, Beatriz
 Sykes, George

Benn, Bernard
 Harding, Laurie
 Massimilla, Linda
 Piper, Wendy
 Townsend, Charles

Cooney, Mary
 Higgins, Patricia
 Mulholland, Catherine
 Shackett, Jeffrey
 White, Andrew

HILLSBOROUGH

Backus, Robert
 Campbell, David
 Cote, David
 Gale, Sylvia
 Grady, Brenda
 Harriott-Gathright, Linda
 Knowles, Mary Ann
 Long, Patrick
 O'Brien, Michael Sr
 Rhodes, Brian
 Shattuck, Gilman
 Spratt, Stephen
 Vail, Suzanne
 Winters, Joel

Beaulieu, Jane
 Carroll, Douglas
 Danielson, David
 Gargas, Carolyn
 Graham, John
 Heden, Ruth
 Kurk, Neal
 MacKay, Mariellen
 Palangas, Eric
 Rokas, Ted
 Shaw, Barbara
 Sullivan, Daniel
 Vaillancourt, Steve
 Woodbury, David

Boisvert, Ronald
 Chandley, Shannon
 DiSilvestro, Linda
 Goley, Jeffrey
 Hammond, Jill
 Jack, Martin
 Leishman, Peter
 Manley, Jonathan Sr
 Porter, Marjorie
 Rosenwald, Cindy
 Smith, Timothy
 Sullivan, Peter
 Walsh, Robert Jr

Byron, Frank
 Connor, Evelyn
 Gage, Ruth
 Gorman, Mary
 Hansberry, Daniel
 Jasper, Shawn
 Levesque, Melanie
 Nelson, Mary
 Ramsey, Peter
 Schmidt, Janice
 Soucy, Timothy
 Takesian, Charlene
 Williams, Kermit

MERRIMACK

Alicea, Caroletta
 Burns, Scott
 Frambach, Mary
 Hess, David
 Kelly, Sally
 Myler, Mel
 Rogers, Katherine
 Turcotte, Alan
 Webb, Leigh

Andrews, Christopher
 Carson, Clyde
 Frazer, June
 Hirsch, Geoffrey
 Lockwood, Priscilla
 Ratzki, Mario
 Schamberg, Thomas
 Wallner, Mary Jane

Bartlett, Christy
 Davis, Frank
 French, Barbara
 Hunt, Jane
 MacKay, James
 Rice, Chip
 Schuett, Dianne
 Walz, Mary Beth

Bouchard, Candace
 Ebel, Karen
 Gile, Mary
 Karrick, David Jr
 Moffett, Howard
 Richardson, Gary
 Shurtleff, Stephen
 Watrous, Rick

ROCKINGHAM

Andrews-Ahearn, E. Elaine
 Copeland, Timothy
 Flockhart, Eileen
 Lundgren, David
 Muns, Chris
 Schlachman, Donna
 Sytek, John
 Whittemore, Lisa

Borden, David
 Cushing, Robert Jr
 Heffron, Frank
 Major, Norman
 Pantelakos, Laura
 Sherman, Thomas
 Till, Mary

Briden, Steven
 Devine, James
 Helmstetter, Barbara
 Mann, Maureen
 Sapareto, Frank
 St.James, Kevin
 Ward, Gerald

Cahill, Michael
 Emerson-Brown, Rebecca
 Lovejoy, Patricia
 Moody, Marcia
 Scarlotto, Joe
 Sweeney, Joe
 Wazlaw, Brian

STRAFFORD

Baber, William
Burdwood, Greg
Gray, James
Hubbard, Pamela
Menear, H. Robert III
Rollo, Deanna
Stevens, Audrey

Berube, Roger
Gardner, Janice
Grossman, Kenneth
Kaen, Naida
Miller, David
Schmidt, Peter
Verschueren, James

Bickford, David
Ginsburg, Philip
Hooper, Dorothea
Ketel, Stephen
Perry, Robert
Smith, Marjorie
Wall, Janet

Bixby, Peter
Grassie, Anne
Horrigan, Timothy
Malloy, Dennis
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

SULLIVAN

Cloutier, John
O'Hearne, Andrew
Tanner, Linda

Gagnon, Raymond
Rollins, Skip

Gottling, Suzanne
Schmidt, Andrew

Lefebvre, Benjamin
Sweeney, Cynthia

NAYS 141**BELKNAP**

Burchell, Richard
Fink, Charles
Sylvia, Michael

Comtois, Guy
Greemore, Robert Jr
Tilton, Franklin

Cormier, Jane
Holmes, Stephen
Vadney, Herbert

Fields, Dennis
Luther, Robert
Worsman, Colette

CARROLL

Chandler, Gene
Merrow, Harry
Wright, Donald

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Schmidt, Stephen

McConkey, Mark
Umberger, Karen

CHESHIRE

Johnson, Jane

Parkhurst, Henry

COOS

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Ladd, Rick Jr

Bradley, Lester

Doolan, Ralph Jr

Gionet, Edmond

HILLSBOROUGH

Barry, Richard
Cebrowski, John
Daniels, Gary
Hansen, Peter
Lambert, George
Martel, Andre
Murphy, Keith
O'Flaherty, Tim
Parison, James
Rowe, Robert
Straight, Philip
Warden, Mark

Belanger, James
Christiansen, Lars
Dobson, Jeremy
Hinch, Richard
LeBrun, Donald
McCarthy, Michael
Murphy, Kelleigh
Ober, Lynne
Pellegrino, Tony
Sanborn, Laurie
Sweeney, Shawn
Willette, Robert

Boehm, Ralph
Coffey, James
Gagne, Larry
Hopper, Gary
LeVasseur, Richard
Meaney, Richard
Notter, Jeanine
Ober, Russell III
Peterson, Lenette
Sandblade, Emily
Ulery, Jordan

Burt, John
Culbert, Patrick
Haefner, Robert
Infantine, William
Marston, Dick
Murotake, David
O'Brien, William
Palmer, Stephen
Renzullo, Andrew
Souza, Kathleen
Villeneuve, Moe

MERRIMACK

Hoell, J.R.
McGuire, Dan
Walsh, Thomas IV

Kidder, David
Patten, Dick

Kotowski, Frank
Reed, Dennis

McGuire, Carol
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
DeSimone, Debra
Ferrante, Beverly
Garcia, Marilinda
Harris, Jeffrey
Itse, Daniel
McKinney, Betsy
O'Connor, John
Rice, Frederick
Tamburello, Daniel
Tucker, Pamela

Allen, Mary
Charron, Gene
Duarte, Joe
Fesh, Robert
Gordon, Richard
Hodgdon, Bruce
Kappler, Lawrence
McMahon, Charles
Oligny, Jeffrey
Sanders, Elisabeth
Tasker, Kyle
Waterhouse, Kevin

Baldasaro, Alfred
Chirichiello, Brian
Dumaine, Dudley
Friel, William
Griffin, Mary
Hoelzel, Kathleen
Khan, Aboul
Milz, David
Packard, Sherman
Schroadter, Adam
Thompson, David
Webb, James Sr

Bick, Patrick
Comerford, Timothy
Emerick, J. Tracy
Garcia, Bianca
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Nigrello, Robert
Peckham, Michele
Sedensky, John
Tremblay, Stella
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Parsons, Robbie

Groen, Warren
Pitre, Joseph

Jones, Laura

Mullen, John Jr

SULLIVAN

Grenier, James

Smith, Steven

and the majority committee report was adopted.

HB 185-FN, relative to the fuel oil discharge cleanup fund. **OUGHT TO PASS.**

Rep. Leigh A. Webb for Resources, Recreation and Development: This bill reinstates a lapsed .25 cent fee increase over the original 1.0 cent fee per gallon of fuel oil imported into New Hampshire to help pay for cleanup of fuel oil spills and to fund the state's Safe Tank Program which helps to replace or bring into compliance residential fuel oil tanks in danger of release, for means-tested, lower income families. The fuel oil discharge fund, due to diminishing imports and decreased demand for fuel oil over other types of fuel, has suffered from revenue losses and was dropping to a level endangering the state's ability to effectively deal with these types of releases. Vote 14-0.

Rep. Keith Murphy spoke against.

Rep. Leigh Webb spoke in favor and yielded to questions.

Rep. Tamburello requested a roll call; sufficiently seconded.

YEAS 186 - NAYS 165**YEAS 186****BELKNAP**Arsenault, Beth
Raymond, IanDiMartino, Lisa
Tilton, Franklin

Holmes, Stephen

Huot, David

CARROLLBuco, Thomas
Ticehurst, Susan

Butler, Edward

Lavender, Tom

Morrow, Harry

CHESHIREAmes, Richard
Chase, Cynthia
Mann, John
Sad, Tara
Weed, CharlesBerch, Paul
Eaton, Daniel
Parkhurst, Henry
Shepardson, Marjorie
Young, HarryBurridge, Delmar
Lerandeau, Alfred
Phillips, Larry
Tatro, BruceButynski, William
Ley, Douglas
Roberts, Kris
Weber, Lucy**COOS**Enman, Larry
Theberge, RobertHammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTONAguiar, James
Ford, Susan
Lauer, Linda
Nordgren, Sharon
Smith, SuzanneAlmy, Susan
Friedrich, Carol
Lovett, Sid
Pastor, Beatriz
Sykes, GeorgeBenn, Bernard
Harding, Laurie
Massimilla, Linda
Piper, Wendy
Townsend, CharlesCooney, Mary
Higgins, Patricia
Mulholland, Catherine
Shackett, Jeffrey
White, Andrew**HILLSBOROUGH**Backus, Robert
Carroll, Douglas
DiSilvestro, Linda
Goley, Jeffrey
Harriott-Gathright, Linda
Leishman, Peter
MacKay, Mariellen
Porter, Marjorie
Schmidt, Janice
Soucy, Timothy
Takesian, Charlene
Woodbury, DavidBeaulieu, Jane
Chandlee, Shannon
Dobson, Jeremy
Grady, Brenda
Heden, Ruth
LeVasseur, Richard
Manley, Jonathan Sr
Ramsey, Peter
Shattuck, Gilman
Spratt, Stephen
Vail, SuzanneBelanger, James
Connor, Evelyn
Gage, Ruth
Hammond, Jill
Jack, Martin
Levesque, Melanie
O'Brien, Michael Sr
Rhodes, Brian
Shaw, Barbara
Sullivan, Daniel
Walsh, Robert JrBoisvert, Ronald
Cote, David
Gale, Sylvia
Hansberry, Daniel
Knowles, Mary Ann
Long, Patrick
Palangas, Eric
Rosenwald, Cindy
Smith, Timothy
Sullivan, Peter
Williams, Kermit**MERRIMACK**Alicea, Caroletta
Carson, Clyde
Frazer, June
Hunt, Jane
MacKay, James
Richardson, Gary
Shurtleff, Stephen
Watrous, RickAndrews, Christopher
Davis, Frank
French, Barbara
Karrick, David Jr
Myler, Mel
Rogers, Katherine
Turcotte, Alan
Webb, LeighBartlett, Christy
Ebel, Karen
Gile, Mary
Kelly, Sally
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary JaneBouchard, Candace
Frambach, Mary
Hirsch, Geoffrey
Kidder, David
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Heffron, Frank
Mann, Maureen
Scarlotta, Joe
Ward, Gerald

Borden, David
Charron, Gene
Helmstetter, Barbara
Moody, Marcia
Schlachman, Donna
Wazlaw, Brian

Briden, Steven
Cushing, Robert Jr
Lovejoy, Patricia
Muns, Chris
Sweeney, Joe
Whitemore, Lisa

Cahill, Michael
Flockhart, Eileen
Lundgren, David
Pantelakos, Laura
Till, Mary

STRAFFORD

Baber, William
Burdwood, Greg
Grossman, Kenneth
Ketel, Stephen
Perry, Robert
Smith, Marjorie
Ward, Kenneth

Berube, Roger
Gardner, Janice
Hooper, Dorothea
Malloy, Dennis
Rogers, Rose Marie
Spang, Judith

Bickford, David
Ginsburg, Philip
Hubbard, Pamela
Menear, H. Robert III
Rollo, Deanna
Verschueren, James

Bixby, Peter
Grassie, Anne
Kaen, Naida
Miller, David
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Lefebvre, Benjamin

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Schmidt, Andrew

Grenier, James
Sweeney, Cynthia

**NAYS 165
BELKNAP**

Burchell, Richard
Fink, Charles
Luther, Robert

Comtois, Guy
Flanders, Donald
Sylvia, Michael

Cormier, Jane
Greemore, Robert Jr
Vadney, Herbert

Fields, Dennis
Gulick, Ruth
Worsman, Colette

CARROLL

Ahlgren, Christopher
McConkey, Mark
White, Syndi

Chandler, Gene
Nelson, Bill
Wright, Donald

Cordelli, Glenn
Schmidt, Stephen

Crawford, Karel
Umberger, Karen

CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

COOS

Coulombe, Gary

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Ladd, Rick Jr

Bradley, Lester

Doolan, Ralph Jr

Gionet, Edmond

HILLSBOROUGH

Barry, Richard
Cebrowski, John
Daniels, Gary
Gorman, Mary
Hinch, Richard
Kurk, Neal
Martel, Andre
Murphy, Keith
O'Brien, William
Palmer, Stephen
Renzullo, Andrew
Sandblade, Emily
Ulery, Jordan
Willette, Robert

Boehm, Ralph
Christiansen, Lars
Danielson, David
Graham, John
Hopper, Gary
Lambert, George
McCarthy, Michael
Murphy, Kelleigh
O'Flaherty, Tim
Parison, James
Rokas, Ted
Souza, Kathleen
Vaillancourt, Steve
Winters, Joel

Burt, John
Coffey, James
Gagne, Larry
Haefner, Robert
Infantine, William
LeBrun, Donald
Meaney, Richard
Nelson, Mary
Ober, Lynne
Pellegrino, Tony
Rowe, Robert
Straight, Philip
Villeneuve, Moe

Byron, Frank
Culbert, Patrick
Gargas, Carolyn
Hansen, Peter
Jasper, Shawn
Marston, Dick
Murotake, David
Notter, Jeanine
Ober, Russell III
Peterson, Lenette
Sanborn, Laurie
Sweeney, Shawn
Warden, Mark

MERRIMACK

Burns, Scott
McGuire, Carol
Reed, Dennis

Hoell, J.R.
McGuire, Dan
Smith, Todd

Kotowski, Frank
Moffett, Howard
Walsh, Thomas IV

Lockwood, Priscilla
Patten, Dick

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
DeSimone, Debra
Emerson-Brown, Rebecca
Garcia, Bianca
Hagan, Joseph

Allen, Mary
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Garcia, Marilinda
Harris, Jeffrey

Baldasaro, Alfred
Comerford, Timothy
Duarte, Joe
Fesh, Robert
Gordon, Richard
Hodgdon, Bruce

Bick, Patrick
Copeland, Timothy
Emerick, J. Tracy
Friel, William
Griffin, Mary
Hoelzel, Kathleen

Introne, Robert
Kolodziej, Walter
Milz, David
Packard, Sherman
Sapareto, Frank
St.James, Kevin
Thompson, David
Webb, James Sr

Itse, Daniel
Major, Norman
Nigrello, Robert
Peckham, Michele
Schroadter, Adam
Sytek, John
Tremblay, Stella
Weyler, Kenneth

Kappler, Lawrence
McKinney, Betsy
O'Connor, John
Rice, Frederick
Sedensky, John
Tamburello, Daniel
Tucker, Pamela

Khan, Aboul
McMahon, Charles
Oligny, Jeffrey
Sanders, Elisabeth
Sherman, Thomas
Tasker, Kyle
Waterhouse, Kevin

STRAFFORD

Beaudoin, Steven
Jones, Laura
Stevens, Audrey

Gray, James
Mullen, John Jr

Groen, Warren
Parsons, Robbie

Horrigan, Timothy
Pitre, Joseph

SULLIVAN

Rollins, Skip

Smith, Steven

Tanner, Linda

and the committee report was adopted and referred to the Committee on Ways and Means.

Rep. Robertson declared a conflict of interest and did not participate.

Rep. Campbell did not vote and notified the Clerk that he wished to be recorded in favor.

HB 152, establishing a committee to study the feasibility of personal rapid transit systems. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman A. Packard for Transportation: We are always looking to improve our ability to transport people in a cost effective way. This bill would create a study commission that advocates a new form of rapid transit. The committee felt that at this time a proper study could not be done without a sizeable amount of money for consultants to do a proper study. A majority of the committee felt that the department of transportation should keep track of any progress of these systems that may have future possibilities for New Hampshire. Vote 12-1. Rep. Steven Smith spoke against.

Rep. Packard spoke in favor.

On a division vote, 303 members having voted in the affirmative and 47 in the negative, the committee report was adopted.

HB 193, relative to registration of vehicles by residents without a permanent street address. **OUGHT TO PASS.**

Rep. Brian D. Rhodes for Transportation: RSA 261:52c currently allows the homeless to re-register an automobile if they are engaged with an appropriate social service organization. This bill simply modifies the language of 261:52c to say "register or re-register" an automobile. This subtle but important change will allow homeless citizens to replace or upgrade vehicles, which can be an important step on their path to self-sufficiency. The bill does not change or expand the program; it simply allows homeless citizens to change vehicles. Vote 11-8. Committee report adopted and ordered to third reading.

CACR 1, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments or principal of all state bonds. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gilman Shattuck for the Majority of Ways and Means: The committee heard no testimony to support this resolution except from the prime sponsor. The committee heard testimony supporting a consensus of reasons as to why this resolution would sharply limit the ability of the general court to prepare useful and timely budgets in the future. This bill would allow a future house or senate minority to stop any tax or fee increase that the majority of both houses and governor believed as necessary to provide proper services to citizens and business. It would undermine the democratic institutions and processes that have worked so well for us over so many years, in good times and in bad times. It would result in higher borrowing costs to the state. It would inhibit reconsideration of costly tax breaks and any tax reforms. It would encourage the use of one-time fixes and accounting gimmicks. It would encourage legislative stalemates such as we see at the federal level and in other states with supermajority rules. It would cause the eventual collapse of state government – imposing an unacceptable burden on our children and grandchildren. The resolution attempts to solve a problem does not exist. The bipartisan majority recommends its defeat. Vote 14-3.

Rep. Jordan Ulery for the Minority of Ways and Means: CACR 1 modifies our constitution to allow more transparency, more clarity and more consensus in the tax process. Currently, taxes are hidden in dead of night budget fixes. This bill would force this body to directly address the real need, seek an honest collegial consensus on the need of tax or license increases. This process would streamline budgeting, streamline tax policy and give the individual representatives back the power to actually represent his other district. The CACR does require we work together and it does require hard work to achieve consensus. That is good, for when we are taking our neighbors' money from their pockets, there should be a good reason accepted by a supermajority.

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

Rep. Tamburello spoke against.

Rep. Renzullo spoke against and yielded to questions.

Reps. Timothy Smith and Almy spoke in favor.

Rep. Ulery spoke against, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 206 - NAYS 149

YEAS 206

BELKNAP

Arsenault, Beth
Raymond, Ian

DiMartino, Lisa

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas
White, Syndi

Butler, Edward

Lavender, Tom

Ticehurst, Susan

CHESHIRE

Ames, Richard
Chase, Cynthia
Mann, John
Robertson, Timothy
Weber, Lucy

Berch, Paul
Eaton, Daniel
Parkhurst, Henry
Sad, Tara
Weed, Charles

Burridge, Delmar
Lerandeau, Alfred
Phillips, Larry
Shepardson, Marjorie
Young, Harry

Butynski, William
Ley, Douglas
Roberts, Kris
Tatro, Bruce

COOS

Coulombe, Gary
Moynihan, Wayne

Enman, Larry
Theberge, Robert

Hammon, Marcia
Thomas, Yvonne

Hatch, William

GRAFTON

Aguiar, James
Cooney, Mary
Higgins, Patricia
Mulholland, Catherine
Smith, Suzanne

Almy, Susan
Ford, Susan
Lauer, Linda
Nordgren, Sharon
Sykes, George

Benn, Bernard
Friedrich, Carol
Lovett, Sid
Pastor, Beatriz
Townsend, Charles

Brown, Rebecca
Harding, Laurie
Massimilla, Linda
Piper, Wendy
White, Andrew

HILLSBOROUGH

Backus, Robert
Campbell, David
Cote, David
Dobson, Jeremy
Goley, Jeffrey
Hansberry, Daniel
Knowles, Mary Ann
MacKay, Mariellen
Palangas, Eric
Rokas, Ted
Shaw, Barbara
Sullivan, Daniel
Walsh, Robert Jr

Beaulieu, Jane
Carroll, Douglas
Culbert, Patrick
Gage, Ruth
Gorman, Mary
Harriott-Gathright, Linda
Leishman, Peter
Manley, Jonathan Sr
Porter, Marjorie
Rosenwald, Cindy
Smith, Timothy
Sullivan, Peter
Williams, Kermit

Belanger, James
Chandley, Shannon
Danielson, David
Gale, Sylvia
Grady, Brenda
Heden, Ruth
Levesque, Melanie
Nelson, Mary
Ramsey, Peter
Schmidt, Janice
Soucy, Timothy
Takesian, Charlene
Winters, Joel

Boisvert, Ronald
Connor, Evelyn
DiSilvestro, Linda
Gargas, Carolyn
Hammond, Jill
Jack, Martin
Long, Patrick
O'Brien, Michael Sr
Rhodes, Brian
Shattuck, Gilman
Spratt, Stephen
Vail, Suzanne
Woodbury, David

MERRIMACK

Andrews, Christopher
Carson, Clyde
Frazer, June
Hunt, Jane
Lockwood, Priscilla
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Bartlett, Christy
Davis, Frank
French, Barbara
Karrick, David Jr
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Bouchard, Candace
Ebel, Karen
Gile, Mary
Kelly, Sally
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Burns, Scott
Frambach, Mary
Hirsch, Geoffrey
Kidder, David
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Flockhart, Eileen
Lovejoy, Patricia
Oligny, Jeffrey
Scarlottio, Joe
Till, Mary
Whittemore, Lisa

Borden, David
Copeland, Timothy
Heffron, Frank
Mann, Maureen
Pantelakos, Laura
Schlachman, Donna
Ward, Gerald

Briden, Steven
Cushing, Robert Jr
Helmstetter, Barbara
Moody, Marcia
Peckham, Michele
Sherman, Thomas
Waterhouse, Kevin

Cahill, Michael
Emerson-Brown, Rebecca
Khan, Aboul
Muns, Chris
Sapareto, Frank
Sweeney, Joe
Wazlaw, Brian

STRAFFORD

Baber, William
Burdwood, Greg
Grossman, Kenneth
Kaen, Naida
Miller, David
Schmidt, Peter
Verschueren, James

Berube, Roger
Gardner, Janice
Hooper, Dorothea
Ketel, Stephen
Perry, Robert
Smith, Marjorie
Wall, Janet

Bickford, David
Ginsburg, Philip
Horrigan, Timothy
Malloy, Dennis
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Bixby, Peter
Grassie, Anne
Hubbard, Pamela
Menear, H. Robert III
Rollo, Deanna
Stevens, Audrey

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Tanner, Linda

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Schmidt, Andrew

Grenier, James
Sweeney, Cynthia

**NAYS 149
BELKNAP**

Burchell, Richard
Fink, Charles
Luther, Robert
Worsman, Colette

Comtois, Guy
Flanders, Donald
Sylvia, Michael

Cormier, Jane
Greemore, Robert Jr
Tilton, Franklin

Fields, Dennis
Holmes, Stephen
Vadney, Herbert

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Chandler, Gene
Merrow, Harry
Wright, Donald

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Ladd, Rick Jr

Bradley, Lester
Shackett, Jeffrey

Doolan, Ralph Jr

Gionet, Edmond

HILLSBOROUGH

Barry, Richard
Cebrowski, John
Gagne, Larry
Hinch, Richard
Kurk, Neal
Marston, Dick
Murotake, David
O'Brien, William
Palmer, Stephen
Renzullo, Andrew
Souza, Kathleen
Vaillancourt, Steve

Boehm, Ralph
Christiansen, Lars
Graham, John
Hopper, Gary
Lambert, George
Martel, Andre
Murphy, Keith
O'Flaherty, Tim
Parison, James
Rowe, Robert
Straight, Philip
Villeneuve, Moe

Burt, John
Coffey, James
Haefner, Robert
Infantine, William
LeBrun, Donald
McCarthy, Michael
Murphy, Kelleigh
Ober, Lynne
Pellegrino, Tony
Sanborn, Laurie
Sweeney, Shawn
Warden, Mark

Byron, Frank
Daniels, Gary
Hansen, Peter
Jasper, Shawn
LeVasseur, Richard
Meaney, Richard
Notter, Jeanine
Ober, Russell III
Peterson, Lenette
Sandblade, Emily
Ulery, Jordan
Willette, Robert

MERRIMACK

Hess, David
McGuire, Dan

Hoell, J.R.
Reed, Dennis

Kotowski, Frank
Smith, Todd

McGuire, Carol
Walsh, Thomas IV

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
DeSimone, Debra
Emerick, J. Tracy
Garcia, Bianca
Hagan, Joseph
Introne, Robert
Lundgren, David
Milz, David
Rice, Frederick
St.James, Kevin
Thompson, David
Weyler, Kenneth

Allen, Mary
Charron, Gene
Devine, James
Ferrante, Beverly
Garcia, Marilinda
Harris, Jeffrey
Itse, Daniel
Major, Norman
Nigrello, Robert
Sanders, Elisabeth
Sytek, John
Tremblay, Stella

Baldasaro, Alfred
Chirichiello, Brian
Duarte, Joe
Fesh, Robert
Gordon, Richard
Hodgdon, Bruce
Kappler, Lawrence
McKinney, Betsy
O'Connor, John
Schroadter, Adam
Tamburello, Daniel
Tucker, Pamela

Bick, Patrick
Comerford, Timothy
Dumaine, Dudley
Friel, William
Griffin, Mary
Hoelzel, Kathleen
Kolodziej, Walter
McMahon, Charles
Packard, Sherman
Sedensky, John
Tasker, Kyle
Webb, James Sr

STRAFFORD

Beaudoin, Steven
Mullen, John Jr

Gray, James
Parsons, Robbie

Groen, Warren
Pitre, Joseph

Jones, Laura

SULLIVAN

Rollins, Skip

Smith, Steven

and the majority committee report was adopted.

The House recessed at 12:15 p.m.

RECESS

The House reconvened at 1:20 p.m.

(Speaker Norelli in the Chair)

REGULAR CALENDAR (CONT'D)

CACR 2, relating to taxation. Providing that taxes imposed by the state of New Hampshire or its subdivisions may be graduated. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. Patricia Lovejoy for the Majority of Ways and Means: This bill proposes that voters decide whether to allow a graduated tax. Our constitution has always required all taxes be proportional and reasonable, though sometimes with major exemptions that serve the public good. The concept of a graduated tax could be applied to any tax of the State of NH or any subdivision thereof, including business taxes, property taxes, real estate transfer taxes, excise tax, etc. This concept would be applicable to any future taxes such as a broad-based sales or income tax. The sponsor was unclear how this concept would be explained to the voters in the absence of specific examples. The benefit was tied to reducing property taxes. The majority of the committee finds the linkage too vague for a measure that must go to the voters. Vote 14-2.

Rep. Gilman Shattuck for the Minority of Ways and Means: The sponsor made clear in his testimony that he had no specific changes or additions to tax law in mind with this bill. He feels strongly that future legislatures need full flexibility in order to craft legislation that might foster more equitable tax systems. Since this legislature cannot and should not predict or determine the future revenue needs of this state, this legislature should not limit the work of future legislatures. The bill in itself is simply enabling legislation; it does not require any change to existing law. It might provide useful flexibility to future legislatures.

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

Rep. Weed spoke against and yielded to questions.

Reps. Lovejoy and Abrami spoke in favor.

On a division vote, 302 members having voted in the affirmative and 38 in the negative, the majority committee report was adopted.

HB 168-FN-A, increasing the beer tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Thomas C. Schamberg for the Majority of Ways and Means: This bill would increase the beer tax from 30 cents to 40 cents a gallon and designate all additional proceeds to a dedicated alcohol abuse prevention and treatment fund. We already have a designated abuse prevention and treatment fund. New Hampshire would have the highest beer tax in New England and almost four (4) times the rate of Massachusetts which is 11 cents per gallon. The majority of the committee feels this would hurt the border communities' sales. Vote 14-2. Rep. Richard Ames for the Minority of Ways and Means: This bill would increase the beer tax from 30 cents to 40 cents per gallon, an increase of slightly less than 1 cent per 12 ounce can or bottle. This would be the first increase in this tax since 1983. The increased tax is likely to generate about \$3.9 million in new revenue, with about \$1.9 million of the increased revenue expected to come from the sale of beer to out-of-state visitors. By the terms of the bill, all of this new revenue would go to the alcohol abuse prevention and treatment fund for alcohol and other drug abuse prevention, intervention and treatment services. The minority believes based on testimony received, that a penny per drink tax increase will not result in a significant adverse impact on beer sales in New Hampshire. State funding for alcohol fund supported services was reduced 55 percent by the FY 2012/2013 budget. The minority believes that the increased revenue that will be produced by this bill will enable a return in the FY 2014/2015 budget, through the regular budgeting process, to minimally adequate state funding for desperately needed alcohol fund supported services.

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

Rep. Weed spoke against and yielded to questions.

Rep. Schamberg spoke in favor.

Rep. Notter requested a roll call; sufficiently seconded.

YEAS 308 - NAYS 35

YEAS 308

BELKNAP

Arsenault, Beth
DiMartino, Lisa

Burchell, Richard
Fields, Dennis

Comtois, Guy
Fink, Charles

Cormier, Jane
Flanders, Donald

Greemore, Robert Jr
Raymond, Ian
Worsman, Colette

Gulick, Ruth
Sylvia, Michael

Holmes, Stephen
Tilton, Franklin

Huot, David
Vadney, Herbert

CARROLL

Ahlgren, Christopher
Cordelli, Glenn
Merrow, Harry
Umberger, Karen

Buco, Thomas
Crawford, Karel
Nelson, Bill
White, Syndi

Butler, Edward
Lavender, Tom
Schmidt, Stephen
Wright, Donald

Chandler, Gene
McConkey, Mark
Ticehurst, Susan

CHESHIRE

Burridge, Delmar
Hunt, John
Tatro, Bruce

Chase, Cynthia
Johnson, Jane
Weber, Lucy

Eaton, Daniel
Lerandeau, Alfred
Young, Harry

Emerson, Susan
Sad, Tara

COOS

Enman, Larry
Rappaport, Laurence
Thomas, Yvonne

Hammon, Marcia
Richardson, Herbert

Hatch, William
Rideout, Leon

Moynihan, Wayne
Theberge, Robert

GRAFTON

Aguiar, James
Bradley, Lester
Ford, Susan
Lauer, Linda
Smith, Suzanne

Almy, Susan
Brown, Rebecca
Gionet, Edmond
Massimilla, Linda
Sykes, George

Bailey, Brad
Cooney, Mary
Higgins, Patricia
Nordgren, Sharon
White, Andrew

Benn, Bernard
Doolan, Ralph Jr
Ladd, Rick Jr
Piper, Wendy

HILLSBOROUGH

Backus, Robert
Boehm, Ralph
Campbell, David
Connor, Evelyn
Danielson, David
Gale, Sylvia
Grady, Brenda
Hansen, Peter
Hopper, Gary
Katsiantonis, Thomas
LeBrun, Donald
Long, Patrick
Meaney, Richard
Nelson, Mary
O'Flaherty, Tim
Palmer, Stephen
Porter, Marjorie
Rokas, Ted
Sandblade, Emily
Soucy, Timothy
Sullivan, Daniel
Ulery, Jordan
Walsh, Robert Jr
Winters, Joel

Barry, Richard
Boisvert, Ronald
Cebrowski, John
Cote, David
DiSilvestro, Linda
Gargas, Carolyn
Graham, John
Harriott-Gathright, Linda
Infantine, William
Knowles, Mary Ann
Leishman, Peter
MacKay, Mariellen
Murotake, David
Notter, Jeanine
Ober, Lynne
Parison, James
Ramsey, Peter
Rosenwald, Cindy
Shattuck, Gilman
Souza, Kathleen
Sullivan, Peter
Vail, Suzanne
Walsh, Mark
Woodbury, David

Beaulieu, Jane
Burt, John
Chandley, Shannon
Culbert, Patrick
Gage, Ruth
Goley, Jeffrey
Haefner, Robert
Hikel, John
Jack, Martin
Kurk, Neal
LeVasseur, Richard
Marston, Dick
Murphy, Keith
O'Brien, Michael Sr
Ober, Russell III
Pellegrino, Tony
Renzullo, Andrew
Rowe, Robert
Shaw, Barbara
Spratt, Stephen
Sweeney, Shawn
Vaillancourt, Steve
Willette, Robert

Belanger, James
Byron, Frank
Coffey, James
Daniels, Gary
Gagne, Larry
Gorman, Mary
Hammond, Jill
Hinch, Richard
Jasper, Shawn
Lambert, George
Levesque, Melanie
McCarthy, Michael
Murphy, Kelleigh
O'Brien, William
Palangas, Eric
Peterson, Lenette
Rhodes, Brian
Sanborn, Laurie
Smith, Timothy
Straight, Philip
Takesian, Charlene
Villeneuve, Moe
Williams, Kermit

MERRIMACK

Andrews, Christopher
Carson, Clyde
Frazer, June
Hunt, Jane
Lockwood, Priscilla
Moffett, Howard
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Bartlett, Christy
Davis, Frank
Hess, David
Kelly, Sally
MacKay, James
Patten, Dick
Schamberg, Thomas
Wallner, Mary Jane

Bouchard, Candace
Ebel, Karen
Hirsch, Geoffrey
Kidder, David
McGuire, Carol
Ratzki, Mario
Schuett, Dianne
Walsh, Thomas IV

Burns, Scott
Frambach, Mary
Hoell, J.R.
Kotowski, Frank
McGuire, Dan
Richardson, Gary
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Cahill, Michael
Comerford, Timothy
Devine, James
Emerson-Brown, Rebecca

Allen, Mary
Borden, David
Cali-Pitts, Jacqueline
Copeland, Timothy
Duarte, Joe
Ferrante, Beverly

Baldasaro, Alfred
Briden, Steven
Charron, Gene
Cushing, Robert Jr
Dumaine, Dudley
Fesh, Robert

Bick, Patrick
Burtis, Elizabeth
Chirichiello, Brian
DeSimone, Debra
Emerick, J. Tracy
Flockhart, Eileen

Friel, William
Griffin, Mary
Helmstetter, Barbara
Itse, Daniel
Lovejoy, Patricia
Milz, David
O'Connor, John
Rice, Frederick
Sedensky, John
Sytek, John
Tremblay, Stella
Webb, James Sr

Garcia, Bianca
Hagan, Joseph
Hodgdon, Bruce
Kappler, Lawrence
Major, Norman
Moody, Marcia
Packard, Sherman
Sanders, Elisabeth
Sherman, Thomas
Tamburello, Daniel
Tucker, Pamela
Weyler, Kenneth

Garcia, Marilinda
Harris, Jeffrey
Hoelzel, Kathleen
Khan, Aboul
Mann, Maureen
Muns, Chris
Pantelakos, Laura
Scarlotta, Joe
St.James, Kevin
Thompson, David
Waterhouse, Kevin
Whittemore, Lisa

Gordon, Richard
Heffron, Frank
Introne, Robert
Kolodziej, Walter
McMahon, Charles
Nigrello, Robert
Peckham, Michele
Schlachman, Donna
Sweeney, Joe
Till, Mary
Wazlaw, Brian

STRAFFORD

Baber, William
Bixby, Peter
Groen, Warren
Hubbard, Pamela
Mullen, John Jr
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Beaudoin, Steven
Burdwood, Greg
Grossman, Kenneth
Jones, Laura
Parsons, Robbie
Rollo, Deanna
Stevens, Audrey

Berube, Roger
Ginsburg, Philip
Hooper, Dorothea
Kaen, Naida
Perry, Robert
Schmidt, Peter
Verschueren, James

Bickford, David
Gray, James
Horrigan, Timothy
Malloy, Dennis
Pitre, Joseph
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Sweeney, Cynthia

Gagnon, Raymond
O'Hearne, Andrew
Tanner, Linda

Gottling, Suzanne
Rollins, Skip

Grenier, James
Smith, Steven

NAYS 35 BELKNAP

None

CARROLL

None

CHESHIRE

Ames, Richard
Ley, Douglas
Roberts, Kris

Berch, Paul
Mann, John
Robertson, Timothy

Butynski, William
Parkhurst, Henry
Shepardson, Marjorie

Johnsen, Gladys
Phillips, Larry
Weed, Charles

COOS

Coulombe, Gary

GRAFTON

Friedrich, Carol
Townsend, Charles

Harding, Laurie

Lovett, Sid

Mulholland, Catherine

HILLSBOROUGH

Carroll, Douglas
Schmidt, Janice

Hansberry, Daniel

Heden, Ruth

Manley, Jonathan Sr

MERRIMACK

French, Barbara
Watrous, Rick

Gile, Mary

Karrick, David Jr

Rice, Chip

ROCKINGHAM

Andrews-Ahearn, E. Elaine

Ward, Gerald

STRAFFORD

Gardner, Janice

Grassie, Anne

Menear, H. Robert III

Miller, David

SULLIVAN

Schmidt, Andrew

and the majority committee report was adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 140, relative to the committee on legislator orientation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rebecca Emerson-Brown for Legislative Administration: This bill adds the director of house committee services or her/his designee to the committee on legislator orientation and provides for a member of the minority party of the house and senate to be appointed in consultation with the minority leaders. Vote 9-0.

Amendment (0117h)

Amend RSA 17-C:2 as inserted by section 1 of the bill by replacing it with the following:

17-C:2 Membership. The committee is composed of 3 members of the house of representatives, ***including a member of the minority party appointed in consultation with the minority leader***, appointed by the speaker of the house, 2 members of the senate, ***including a member of the minority party appointed in consultation with the minority leader***, appointed by the president of the senate, the clerks of both houses, the president of the senate, the speaker of the house [and], the director of legislative services or his ***or her*** designee, ***and the director of house committee services***. A chairman shall be elected by the members of the committee.

AMENDED ANALYSIS

This bill adds the director of house committee services to the committee on legislator orientation. This bill also adds members representing the minority party to the committee on legislator orientation. Amendment adopted.

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

Rep. Gary Richardson addressed the House for a correction to the "blurb."

Committee report adopted and ordered to third reading.

HB 136-L, relative to compensation for attendance at meetings of the county convention. **OUGHT TO PASS.**

Rep. Dennis J. Malloy for Municipal and County Government: This bill increases the per diem rate paid for actual attendance at meetings of the county convention. This bill was requested to help insure a quorum at the county delegation meetings. The current attendance per diem rate is \$25.00 and hasn't changed since 2007. This bill allows the rate to increase to \$50.00 for attendance. The committee agreed that an increase in the per diem could encourage attendance at county delegation meetings especially among people who need to take time off from work and travel long distances. Vote 16-0.

Rep. Itse spoke against and yielded to questions.

Rep. Porter spoke in favor.

Rep. Tucker requested a roll call; sufficiently seconded.

YEAS 116 - NAYS 228**YEAS 116
BELKNAP**

None

CARROLL

Buco, Thomas

Butler, Edward

Lavender, Tom

Morrow, Harry

CHESHIRE

Eaton, Daniel
Sad, Tara

Johnsen, Gladys
Tatro, Bruce

Lerandeau, Alfred
Weber, Lucy

Robertson, Timothy
Weed, Charles

COOS

Enman, Larry
Theberge, Robert

Hatch, William

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Aguiar, James
Ford, Susan
Higgins, Patricia
Nordgren, Sharon

Benn, Bernard
Friedrich, Carol
Ladd, Rick Jr
Piper, Wendy

Cooney, Mary
Gionet, Edmond
Lauer, Linda
Sykes, George

Doolan, Ralph Jr
Harding, Laurie
Mulholland, Catherine
White, Andrew

HILLSBOROUGH

Backus, Robert
Carroll, Douglas
Danielson, David
Hammond, Jill
Leishman, Peter
Palangas, Eric
Rosenwald, Cindy
Vail, Suzanne

Beaulieu, Jane
Coffey, James
Gargas, Carolyn
Hansberry, Daniel
LeVasseur, Richard
Porter, Marjorie
Shattuck, Gilman
Vaillancourt, Steve

Belanger, James
Connor, Evelyn
Goley, Jeffrey
Harriott-Gathright, Linda
MacKay, Mariellen
Rhodes, Brian
Spratt, Stephen
Willette, Robert

Campbell, David
Cote, David
Haefner, Robert
Knowles, Mary Ann
O'Brien, Michael Sr
Rokas, Ted
Sullivan, Daniel
Williams, Kermit

MERRIMACK

Andrews, Christopher
Frazer, June
Lockwood, Priscilla
Shurtleff, Stephen

Bartlett, Christy
Gile, Mary
MacKay, James
Turcotte, Alan

Bouchard, Candace
Hunt, Jane
Ratzki, Mario
Wallner, Mary Jane

Carson, Clyde
Kidder, David
Richardson, Gary

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Emerson-Brown, Rebecca
Pantelakos, Laura
Sytek, John

Cahill, Michael
Ferrante, Beverly
Sanders, Elisabeth

Copeland, Timothy
Khan, Aboul
St.James, Kevin

Cushing, Robert Jr
Lovejoy, Patricia
Sweeney, Joe

STRAFFORD

Baber, William
Grassie, Anne
Kaen, Naida
Rollo, Deanna
Verschueren, James

Berube, Roger
Grossman, Kenneth
Malloy, Dennis
Schmidt, Peter
Ward, Kenneth

Bickford, David
Hooper, Dorothea
Perry, Robert
Smith, Marjorie

Ginsburg, Philip
Hubbard, Pamela
Rogers, Rose Marie
Spang, Judith

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gottling, Suzanne

Grenier, James

Lefebvre, Benjamin

NAYS 228**BELKNAP**

Arsenault, Beth
DiMartino, Lisa
Greemore, Robert Jr
Luther, Robert
Vadney, Herbert

Burchell, Richard
Fields, Dennis
Gulick, Ruth
Raymond, Ian
Worsman, Colette

Comtois, Guy
Fink, Charles
Holmes, Stephen
Sylvia, Michael

Cormier, Jane
Flanders, Donald
Huot, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Chandler, Gene
Nelson, Bill
White, Syndi

Cordelli, Glenn
Schmidt, Stephen
Wright, Donald

Crawford, Karel
Ticehurst, Susan

CHESHIRE

Ames, Richard
Chase, Cynthia
Ley, Douglas
Roberts, Kris

Berch, Paul
Emerson, Susan
Mann, John
Shepardson, Marjorie

Burridge, Delmar
Hunt, John
Parkhurst, Henry
Young, Harry

Butynski, William
Johnson, Jane
Phillips, Larry

COOS

Coulombe, Gary
Thomas, Yvonne

Hammon, Marcia

Moynihan, Wayne

Rideout, Leon

GRAFTON

Almy, Susan
Lovett, Sid

Bailey, Brad
Massimilla, Linda

Bradley, Lester
Smith, Suzanne

Brown, Rebecca
Townsend, Charles

HILLSBOROUGH

Barry, Richard
Byron, Frank
Daniels, Gary
Gale, Sylvia
Hansen, Peter
Infantine, William
Katsiantonis, Thomas
Levesque, Melanie
McCarthy, Michael
Murphy, Kelleigh
O'Flaherty, Tim
Parison, James
Renzullo, Andrew
Schmidt, Janice
Souza, Kathleen
Takesian, Charlene
Warden, Mark

Boehm, Ralph
Cebrowski, John
DiSilvestro, Linda
Gorman, Mary
Heden, Ruth
Jack, Martin
Kurk, Neal
Long, Patrick
Meaney, Richard
Nelson, Mary
Ober, Lynne
Pellegrino, Tony
Rowe, Robert
Shaw, Barbara
Straight, Philip
Ulery, Jordan
Winters, Joel

Boisvert, Ronald
Chandley, Shannon
Gage, Ruth
Grady, Brenda
Hikel, John
Jasper, Shawn
Lambert, George
Manley, Jonathan Sr
Murotake, David
Notter, Jeanine
Ober, Russell III
Peterson, Lenette
Sanborn, Laurie
Smith, Timothy
Sullivan, Peter
Villeneuve, Moe
Woodbury, David

Burt, John
Culbert, Patrick
Gagne, Larry
Graham, John
Hopper, Gary
Judy, Jean
LeBrun, Donald
Marston, Dick
Murphy, Keith
O'Brien, William
Palmer, Stephen
Ramsey, Peter
Sandblade, Emily
Soucy, Timothy
Sweeney, Shawn
Walsh, Robert Jr

MERRIMACK

Burns, Scott
French, Barbara
Karrick, David Jr
McGuire, Dan
Rogers, Katherine
Walz, Mary Beth

Davis, Frank
Hess, David
Kelly, Sally
Moffett, Howard
Schamberg, Thomas
Watrous, Rick

Ebel, Karen
Hirsch, Geoffrey
Kotowski, Frank
Patten, Dick
Schuett, Dianne
Webb, Leigh

Frambach, Mary
Hoell, J.R.
McGuire, Carol
Rice, Chip
Walsh, Thomas IV

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Cali-Pitts, Jacqueline
DeSimone, Debra
Emerick, J. Tracy
Garcia, Bianca
Hagan, Joseph
Hodgdon, Bruce
Kappler, Lawrence
McMahon, Charles
Nigrello, Robert
Rice, Frederick
Sherman, Thomas
Till, Mary
Waterhouse, Kevin
Whittemore, Lisa

Allen, Mary
Borden, David
Charron, Gene
Devine, James
Fesh, Robert
Garcia, Marilinda
Harris, Jeffrey
Hoelzel, Kathleen
Kolodziej, Walter
Milz, David
O'Connor, John
Scarlotta, Joe
Tamburello, Daniel
Tremblay, Stella
Wazlaw, Brian

Baldasaro, Alfred
Briden, Steven
Chirichiello, Brian
Duarte, Joe
Flockhart, Eileen
Gordon, Richard
Heffron, Frank
Introne, Robert
Major, Norman
Moody, Marcia
Packard, Sherman
Schlachman, Donna
Tasker, Kyle
Tucker, Pamela
Webb, James Sr

Bick, Patrick
Burtis, Elizabeth
Comerford, Timothy
Dumaine, Dudley
Friel, William
Griffin, Mary
Helmstetter, Barbara
Itse, Daniel
Mann, Maureen
Muns, Chris
Peckham, Michele
Sedensky, John
Thompson, David
Ward, Gerald
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Groen, Warren
Miller, David
Stevens, Audrey

Bixby, Peter
Horrigan, Timothy
Mullen, John Jr
Wall, Janet

Burdwood, Greg
Jones, Laura
Parsons, Robbie

Gray, James
Menear, H. Robert III
Pitre, Joseph

SULLIVAN

Gagnon, Raymond
Sweeney, Cynthia

O'Hearne, Andrew
Tanner, Linda

Rollins, Skip

Smith, Steven

and the committee report failed.

Rep. Berube voted Yea and intended to vote Nay.

Rep. Winters moved Inexpedient to Legislate.

Adopted.

HB 191, relative to conformity of governmental land uses to land use regulations. **INEXPEDIENT TO LEGISLATE.**

Rep. James Verschueren for Municipal and County Government: The bill addressed perceived inequalities between government and private sector land use. The bill would add zoning board of adjustment to the municipal entities that must be notified of substantial changes or new land uses. The bill further requires the zoning board to hold a public hearing and issues a binding resolution that would be nonbinding under certain circumstances. The committee voted ITL because most testimony was opposed, there were numerous instances of confusion in the language that needed clarifying amendments and there was potential for substantial harm to projects otherwise approved by voters. Vote 16-0.

Rep. Porter addressed the House for a correction to the "blurb" and spoke in favor.

Committee report adopted.

MOTION TO WITHDRAW

Rep. Cebrowski moved, pursuant to House Rule 38(e), that **HB 641-FN-L**, relative to penalties for failure to license dogs, be withdrawn.

Adopted.

REFERRAL DECLINED

Rep. Wallner, Chairman of the Committee on Finance, under the provisions of House Rule 46 (f), declined the referral of **HB 147-FN**, repealing a duty of the assessing standards board concerning municipal reimbursement for the cost of assessments, and **HB 155**, relative to the use of open source software by state agencies; including the department of information technology in the uniform electronic transactions act; and repealing the information practices act.

RESOLUTION

Rep. Shurtleff offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 13, 2013 at 10:00 a.m.

Adopted.

LATE SESSION**Third reading and final passage**

HB 177, relative to licensing requirements for homestead food.

HB 186, relative to the authority of the department of state.

HB 190, relative to professional misconduct of dental hygienists.

HB 216, relative to the use of the title "fire marshal."

HB 261-FN, relative to the assistance program for 2-parent families with dependent children.

HB 123, relative to the limitation of liability for negligence regarding public safety officers.

HB 211, relative to service of demand for rent and eviction notice.

HB 181, repealing the equalization standards board.

HB 221, relative to the duty of the long range capital planning and utilization committee.

HB 137, relative to special number plates for members of the national guard.

HB 163, relative to special number plates for disabled veterans.

HB 174, prohibiting the department of safety from providing motor vehicle records for the purpose of creating or enhancing a federal identification database.

HB 194, relative to collection of permit fees paid with insufficient fund checks.

HB 195, relative to commercial driver learner permits.

HB 196, relative to weight of commercial vehicles with idle reduction devices.

HB 251, relative to the legislative members of the home education advisory council.

HB 225, relative to the rulemaking authority of the liquor commission.

HB 193, relative to registration of vehicles by residents without a permanent street address.

HB 140, relative to the committee on legislator orientation.

HB 147-FN, repealing a duty of the assessing standards board concerning municipal reimbursement for the cost of assessments.

HB 155, relative to the use of open source software by state agencies; including the department of information technology in the uniform electronic transactions act; and repealing the information practices act.

UNANIMOUS CONSENT

Reps. Flockhart, Hess, Dan McGuire, Itse and Burt addressed the House.

MOTION TO PRINT REMARKS

Rep. Daniel Eaton moved that the remarks by Rep. Lockhart be printed in the Permanent Journal. Adopted.

REMARKS

Rep. Flockhart, accompanied by the Exeter delegation: Thank you, Madam Speaker. James E. Kennedy, State Representative for District 13, Exeter, Stratham and North Hampton, who served on the Fish and Game committee from 2006-2008, passed away this past November while awaiting a heart transplant. James was born in Chelsea, MA in 1945 and worked professionally as an electrician. Always interested in things political, he decided to run for office in 2006. He served one term and his vision went well beyond fish and game issues. He supported a good living wage, teacher's rights and believed that the issue of an income tax should truly be explored in NH. He was both vocal and thoughtful with a caring heart. We are all often asked to visit students and James enjoyed visits with the students in Exeter's Adult Education program. He had the sensitivity to know that many of those students worked during the day and took night classes, so he always arrived with pizza for them. When he learned of a need, he did what he could in a quiet way, but these young people never forgot his kindness. That kind of generosity and good humor characterized his whole life. As he began his career as a representative, many here did not know that he was on a heart transplant waiting list at Tufts Medical Center. He wasn't hiding it, but would often say that he was feeling pretty darn good. His attitude about his health carried right through until his death. When he was finally admitted to Tufts indefinitely, he stayed active and engaged with friends, family and church members. He read and watched the History Channel and stayed connected through his laptop. As we sit here today, we will never know what sorts of challenges will be given to us, but the example of James Kennedy's endurance and good spirit should make us all proud of the efforts of everyone in this room. We send our thanks and good wishes to his wife Gail and all the members of his family for having shared James Kennedy with the NH House.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the former member from Exeter, the Honorable James E. Kennedy.

MOTION TO PRINT REMARKS

Rep. Gary Richardson moved that the remarks made by Rep. Hess be printed in the Permanent Journal. Adopted.

REMARKS

Rep. Hess: Thank you very much, Madam Speaker. Rarely, very rarely, do we have a giant stride across the political stage here in New Hampshire. Only a handful of such people emerge in any given century. On November 19th of last year, we lost one of the greatest from the second-half of the 20th century. Warren Rudman

was not born in New Hampshire, but he left a mark in this state and on the national scene unequaled by any other person in those same fifty years. Warren was the grandchild of Jewish immigrants from Germany, Poland and Russia. He was naturally pugnacious. He won a Golden Gloves victory as a boxer and in explaining where he acquired this talent, he said, "Thanks to schoolyard encounters with anti-Semitism, I was handy with my fists." Shortly after the North Korean's crossed the 39th Parallel, Warren enlisted in the United States Army. He served 15 months in combat, first as a Platoon Leader and later as Company Commander. He earned a Bronze Star for heroism under fire and he had some other choice comments to say about that experience. If you've known combat, he says, not much is left that will intimidate you. It was also the source of a saying that he used to tell many of us who were his aides when the rhetoric was rising and nerves were being frayed. He would say, "Relax, they're not shooting real bullets." Warren went to law school and graduated after going nights to BC in 1960. Eight years later he was appointed legal counsel by Walter Peterson and in 1970 he became the Attorney General of the State of New Hampshire. That's where I met him when I interviewed for a position in his office in 1972. As the Attorney General of the State of New Hampshire, Warren was essential in founding the Consumer Protection Division and the Environmental Protection Division. I served for three years with Warren. He may not have been the best legal mind in the office; that belonged undoubtedly to David Souter, but he was the best leader I have ever known or served under. With Warren, you served both with and under him. He made sure that everybody in the Attorney General's office at that time knew that they were part of the team, but we also knew, in no uncertain terms, that we were part of Warren's team. Warren was a man of action. He did not suffer fools easily or lightly and he did not waste any time. His leadership style was simple and straightforward. He told you what he expected of you and what he wanted you to do and out of fear, you did it. You didn't do it part-way, you didn't do it any way. One of the classic examples that I have is a case in which a 12 year-old newspaper boy was found murdered in the Fish and Game Club outside of Nashua, a boy by the name of Johnny Lindovski. Warren, of course, was from Nashua. I was assigned to the case and he said one thing, "Be sure you get the bastard that did this." After that, it was up to you to do anything you needed to do, however much you had to do, to accomplish the work and we did it. Warren ran for United States Senate in 1980. There were ten candidates for that position in the Republican Primary, including John H. Sununu. Warren won. He then beat John Durkin in the general election and began serving the first of his two terms in the Senate. Words like "blunt" and "outspoken" are not adequate to describe Warren and his personality. He had two nicknames in the US Senate. The first one was "sledgehammer." The second one, coined by George Mitchell, was that he was a "human flamethrower." Warren was a deficit hawk before that phrase was popular. He was one of the authors of the Gramm-Rudman-Hollings bill. A bill which sought to limit and eliminate deficits in federal government in the 1980's when our deficit was only \$200 billion. He served with distinction in a number of roles in the Senate and is famous for a number of quotable quotes. He was on the Iran-contra select committee as vice chairman investigating the questionable diversion of funds and supply to Iran with missiles. He had an encounter with Oliver North in that capacity and in facing down Oliver North he said, "The American people have a right to be wrong, and what Ronald Reagan thinks or what Oliver North thinks or what anybody else thinks matters not a whit." He was vice chair of the ethics committee when the Keating Five were censored and when Congress repealed, basically, Gramm-Rudman in the early 90's, he declined to run for a third term saying, "The glory of being a Senator doesn't mean much if we are bankrupting America." Integrity and principle were always more important to him than partisanship. He was the chair of the President's Foreign Intelligence Advisory Board. He co-founded the Concord Coalition with Senator Paul Tsongas of Massachusetts. You may not know this, he was asked to be Treasury Secretary by President Clinton to replace Lloyd Bentsen and he was also asked to be the Vice Presidential candidate by Ross Perot. He declined both of those roles. He and Gary Hart chaired the committee to investigate foreign terrorism in the early part of this century and they issued a report on February 15, 2001 which concluded the foreign attacks against American citizens on American soil, possibly causing heavy casualties are likely over the next quarter century. Exactly seven months after that report was issued, we were hit by 9-11. Just as he was all through his life, Warren was ahead of the curve on this issue, principled, centrist, nonpartisan. We are all going to miss him, Democrats and Republicans alike. Thank you.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of former United States Senator, the Honorable Warren Rudman.

RECESS MOTION

Rep. Shurtleff moved that the House stand in recess for the purposes of the introduction of bills and receiving Senate messages.

Adopted.

The House recessed at 2:45 p.m.

RECESS

(Rep. Kaen in the Chair)

RESOLUTION

Rep. Lefebvre offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 39 shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 39-FN-A, relative to funding of capital projects of the division of ports and harbors, Pease development authority. (Public Works and Highways)

RECESS