

HOUSE RECORD

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

Vol. 31

Concord, N.H.

Wednesday, May 6, 2009

No. 39

HOUSE JOURNAL No. 15 (cont.)

Wednesday, April 29, 2009

Rep. Wallner moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 16

Wednesday, May 6, 2009

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

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

O loving God, we thank You for this day. We thank You for the promise that it holds. We thank You for the lengthening of days, the warming of temperatures and for the privilege of shaping the context in which the residents of our state are able to live their lives, enjoy their freedoms and exercise their responsibilities. Release us this day, we pray, from our fears, our worries, our troubles and deliver us again as You always do to the graces of Your love and Your justice for all. Help us today to think well, to share openly and to receive Your wisdom. Our prayers and our hearts go out, O God, to all who suffer this day especially anyone in the circle of this gathering or in our families. But be especially with those we don't know whose health and life and well being are endangered or at risk. In Your Holy name we pray. Amen.

Representative Ronald Belanger, member from Salem, led the Pledge of Allegiance.

The National Anthem was sung by the Lebanon High School Superlatives.

LEAVES OF ABSENCE

Reps. Lars Christiansen, John Kelley, Maiola, Sanders, Schmidt, Schulze, Connie Soucy and Carol Williams, the day, illness.

Reps. Abbott, Jennifer Brown, Bulis, DeSimone, Dumaine, Farley, Karen Hutchinson, Kaen, Sally Kelly, Leishman, Lewis, Matarazzo, Perry, Rhodes, Gary Richardson and Sterling, the day, important business.

Rep. Baroody, the day, death in the family.

INTRODUCTION OF GUESTS

Jen Wells, Bill Heiser, John Herod, Miranda Stacy, Stevan Tempestra, Dan Soucy, Emma Benson, Thao Tran, Christina Campagna and Kevin Johnson, guests of Reps. Spaulding and Graham. Students of Pod 7 West, Ross Lurgio Middle School in Bedford, guests of the Bedford delegation. Elena Wilson and Denny Salas, daughter and guest of Rep. Claudia Chase. Jim Umberger, Hon. Carolyn Brown, former member of the House from North Conway, Pat Stell, June Waltz, Jean Smykla, Jane Holmes, Phil and Carol Gaeta, and Pat and Barbara Gaeta, husband and guests of Rep. Umberger. Harry Judd, husband of Rep. Walz. Jeffrey Gray, guest of Rep. Belanger. Hon. Stewart Lamprey, former Speaker of the House, guest of the House. Walter Rous, husband of Rep. Rous.

COMMUNICATION

May 6, 2009

Karen Wadsworth
Clerk of the House of Representatives
State House
Concord, NH 03301

Dear Karen:

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Rockingham County District No. 4, Marilinda Garcia, r, Salem (23 School St.) 03079

Sincerely,

William M. Gardner, Secretary of State

INTRODUCTION OF SPECIAL GUESTS

Sylvio Dupuis, Kathleen Sgambati, Merelise O'Connor, Beverly Hollingworth, George Bald, Todd Selig, Tricia Lucas, Catherine Provencher, Gina Apicelli and Sen. D'Allesandro, past Caroline L. Gross Fellowship award winners, guests of the House.

AWARD PRESENTATION

Rep. Mary Beth Walz was presented the 2009 Caroline L. Gross Fellowship by Lewis Feldstein, President of the New Hampshire Charitable Foundation and Martin Gross. The annual award honors one's extraordinary dedication to public service.

SPECIAL RECOGNITION

Rep. Tara Reardon was recognized as being confirmed by the Governor and Council as the new Commissioner of the Department of Employment Security.

WITHOUT OBJECTION

Without objection, the Speaker ordered Senate Messages to be considered after all

Committee Reports as the first order of business in the late session.

COMMITTEE REPORTS

CONSENT CALENDAR

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

SB 167-FN, relative to employee leasing companies, removed by Rep. Infantine.

Consent Calendar adopted.

Rep. Levasseur declared a conflict of interest on **SB 159-FN** and did not participate in the vote on the Consent Calendar.

SB 103-FN, relative to prohibited sales of alcoholic beverages. **OUGHT TO PASS.**

Rep. John B. Hunt for Commerce and Consumer Affairs: This bill deals with the administrative enforcement of liquor licensees and the service of alcohol to intoxicated persons. Under current law, according to the NH Supreme Court in the decision of Appeal of Baldoumas Enterprises, Inc., it does not matter that the server could not have reasonably known the customer was intoxicated or would be intoxicated by the service of alcohol. Licensees are still subject to discipline, fine, and loss of license. Today, licensees are strictly liable for service of alcohol. This is an unfair standard. Even the court suggested this in its opinion when it stated that, "While we recognize that strict liability imposes an onerous burden upon licensees, the courts can neither ignore the plain language of the legislation nor add words which the lawmakers did not see fit to include." It further said, here, because the legislature imposed the burden by creating strict liability, it is the legislature, not the courts, which must decide whether to lessen the burden. The committee has taken this invitation by the court to clarify RSA 179:5, I. This bill prohibits a liquor licensee from serving alcohol to an individual who is visibly intoxicated or who a reasonable and prudent person would know is intoxicated. The committee believes this is a much fairer standard than one that holds the licensee responsible even if there was no way for a reasonable person to identify that the customer was intoxicated. Everyone at the hearing supported the bill. Vote 17-0.

SB 26, relative to degree granting authority for St. John International University. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Nancy F. Stiles for Education: This bill is the next step in the degree granting authority approval process between New Hampshire's post secondary education and St. John International University located in Vinovo-Torino, Italy. SJIU has successfully met New Hampshire's post secondary commission requirements for degree granting authority. International educational opportunities and partnerships are good for our state, our students, our colleges and our universities. The amendment correctly identifies the name of the city in which SJIU has its campus which was incomplete as noted in the original bill. Vinovo-Torino is located west of Milan. Vote 16-0.

Amendment (1375h)

Amend the bill by replacing section 1 with the following:

1 St. John International University; Authority to Grant Degrees. The St. John International University, located in Vinovo-Torino, Italy and Concord, New Hampshire, is hereby authorized to confer degrees upon its graduates, subject to the authority of the postsecondary education commission under RSA 188-D:8, IV. The degrees shall be specified by the postsecondary education commission as provided in RSA 292:8-h, III.

SB 118, relative to assistance in voting. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kathleen M. Hoelzel for Election Law: Current law forces a voter to declare he/she is illiterate or disabled prior to receiving assistance in marking his/her ballot. This bill removes the offensive language and requires the moderator to inform the voter of his/her

options in receiving assistance. The committee believes that a voter should not be intimidated because of his/her disability, but should be encouraged to participate in our elections. Vote 18-0.

Amendment (1436h)

Amend the bill by replacing section 2 with the following:

2 Assistance in Voting. Amend RSA 659:20 to read as follows:

659:20 Assistance in Voting. Any voter who declares to the moderator under oath that said voter ~~[cannot read or that, because of disability, is unable to mark]~~ **needs assistance marking** his or her ballot shall, upon the voter's choice and request **after the moderator has informed the voter of the accessible voting options that are available at the polling place**, receive the assistance of one or both of the inspectors of election detailed for that purpose by the moderator or of a person of the voter's choice provided that the person is not the voter's employer or union official. Such person so assisting shall be sworn, shall mark the ballot as directed by said voter, and shall thereafter give no information regarding the same. Such person so assisting shall leave the space within the guardrail with the voter.

SB 137-FN-A, relative to animal population control. **OUGHT TO PASS.**

Rep. Suzanne J. Smith for Environment and Agriculture: The state animal population control program (spay neuter program) is funded by a portion of dog licensing fees and typically runs out of funds before the end of the fiscal year. This bill amends RSA 437-A:2, making the NH spay neuter program exclusively means based. More animals will be eligible for the program if their owners qualify, and the cost for these owners will be reduced from \$40 to \$25. An unregulated, loose population of dogs and cats spreads disease and becomes a public health risk. The animal population control program has been very effective in keeping the cat and dog population stable. The bill also clarifies that dogs and cats purchased out of state are not eligible for the program. Vote 10-1.

SB 14, relative to the governing boards of allied health professionals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Harding for Executive Departments and Administration: This bill, as amended, specifies that a licensee of the allied health board who is a member of any reserve component of the armed forces or National Guard and is called to active service may put his or her license on inactive status. The license may be reactivated within one year of the licensee's release from active service. Vote 17-0.

Amendment (1363h)

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

1 New Paragraph; Allied Health Professionals; Governing Boards; Renewals; Inactive Status. Amend RSA 328-F:19 by inserting after paragraph IV the following new paragraph:

V. Upon the request of a licensee who is a member of any reserve component of the armed forces of the United States or the national guard and is called to active duty, the governing board shall place the person's license on inactive status. The license may be reactivated within one year of the licensee's release from active status by payment of the renewal fee and with proof of completion of the most current continuing education requirement unless still within the renewal period.

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

AMENDED ANALYSIS

This bill requires the governing boards of allied health professionals to grant inactive status upon request of a licensee in active duty military service.

SB 156, relative to the commission to study the creation of an animal care worker classification. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Harding for Executive Departments and Administration: This bill extends the commission to study the creation of an animal care worker until November, 2010. It also adds three new positions to the commission including a representative from the veterinary technology program. The amendment requires an interim report in the fall of 2009. Vote 17-1.

Amendment (1457h)

Amend the bill by replacing section 2 with the following:

2 Study Commission Extended. Amend 2008, 194:5 to read as follows:

194:5 Report. ***The commission shall make an interim report detailing its progress to date and any significant findings to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2009.*** The commission shall ***make a final*** report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, ~~2008~~ **2010**.

SB 106-FN, establishing a program for mediation of civil writs in the district court and funding the program with a surcharge on the filing fee for civil writs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy M. Weber for Judiciary: This bill extends mediation to civil writ actions in the district courts. The amendment funds the program by splitting the mediation fee, currently set at \$175, between the parties. Vote 13-2.

Amendment (1419h)

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

AN ACT establishing a program for mediation of civil writs in the district court and funding the program with a fee to be paid by parties to civil suits who participate in mediation sponsored by the district courts.

Amend RSA 502-A:28, III as inserted by section 2 of the bill by replacing it with the following:

III. The supreme court may from time to time establish a fee to be paid by parties to civil suits who participate in mediation sponsored by the district courts. This fee shall reflect the average cost of each mediation session. These fees shall be deposited in the mediation and arbitration fund established under RSA 490-E:4. Costs of the civil writ mediation program in the district courts shall be paid from this fund, however:

(a) Participation in the mediation session shall not be mandated by the court;
(b) Mediation reports and proceedings shall not be released to any judge or other officers of the court who may later decide or rule on the case without the written consent of all parties participating in the mediation; and

(c) Statements made during mediation sessions by the parties or their counsel shall not be considered competent or admissible evidence for any purpose during any subsequent proceedings in that case or any other civil or administrative proceeding.

AMENDED ANALYSIS

This bill establishes a program for mediation of civil writs in the district court and funds the program with a fee to be paid by parties to civil suits who participate in medication sponsored by the district courts.

Referred to the Committee on Ways and Means.

SB 89-FN, relative to unemployment overpayments. **OUGHT TO PASS.**

Rep. James W. Craig for Labor, Industrial and Rehabilitative Services: The law currently requires that anyone who receives unemployment benefits through fraudulent or other means that do not comply with law or department rules or regulations must repay those

monies. This bill grants immunity from liability for repayment to claimants who received payments through no fault of their own. The unemployment compensation trust fund, not the employer, would be charged with the overpayment. Vote 14-0.
Referred to the Committee on Finance.

SB 202-FN-L, relative to employee candidate background checks by municipalities. **OUGHT TO PASS.**

Rep. Raymond G. Gagnon for Municipal and County Government: An unintended consequence of the original legislation required both a federal and state criminal background check. This bill provides an option for communities to choose just a state background check or a state and federal background check on volunteers and seasonal employees. Based on testimony provided, this bill will decrease expenditures for local communities and organizations wishing to do background checks. Vote 16-1.

SB 65-FN, relative to the acceptance of in lieu payments for the restoration or creation of wetlands. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jim U. McClammer for Resources, Recreation and Development: The bill as introduced expands in-lieu fee payments as a mechanism for compensating for unavoidable impacts to streams and rivers. This form of compensation, as with all forms of compensatory mitigation, is only available for use if all practicable means have been taken to avoid and reduce impacts to protected resources. The bill, as amended by the Resources, Recreation and Development Committee also expands the program so private projects as well as public ones are eligible and removes restrictions on the acreage of projects eligible. The Department of Environmental Services, the US Army Corps of Engineers, US Environmental Protection Agency, as well as the regulated community and environmental organizations all support the bill and the amendment. Vote 18-0.

Amendment (1337h)

Amend the bill by replacing section 3 with the following:

3 Aquatic Resource Compensatory Mitigation. Amend RSA 482-A:28 to read as follows:

482-A:28 Aquatic Resource Compensatory Mitigation. In lieu of other forms of compensatory mitigation, the department may accept payment for an unavoidable loss of aquatic resource functions and values from ~~[a proposed activity which at a minimum:~~

~~I. Impacts less than one acre of wetlands and meets the criteria for a United States Army Corps of Engineers state programmatic general permit.~~

~~H. Exceeds one acre of impact for a public roadway or a public utility project and meets the criteria for a United States Army Corps of Engineers state programmatic general permit]~~ ***impacts to resources protected under this chapter.***

Amend RSA 482-A:29, I as inserted by section 4 of the bill by replacing it with the following:

I. There is hereby established the aquatic resource compensatory mitigation fund into which payments made under this subdivision shall be deposited. The fund shall be a separate, nonlapsing fund continually appropriated to the department to be used only as specified in this subdivision for costs related to wetlands creation or restoration, stream ***and river*** restoration, ***stream and river enhancement*** preservation of upland areas adjacent to wetlands ***and riparian areas***, and the subsequent monitoring and maintenance of such areas.

Referred to the Committee on Ways and Means.

SB 107-FN, relative to the leasing of state-owned real estate on public waters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris Christensen for Resources, Recreation and Development: In the past, legislative policy relative to leasing of state owned shorefront properties was lacking. HB 710 of 2007 established a commission to develop such a policy, particularly as related to rail line lands

under management by the department of transportation. SB 107 is the recommendation of that commission. It addresses reasons to grant leases, a timeline, and present pricing as well as future pricing based on a consumer price index. The amendment involves minor language adjustments suggested by the attorney general's office, and agreed to by stakeholders and commission representatives. Vote 17-0.

Amendment (1368h)

Amend RSA 4:39-d, III as inserted by section 1 of the bill by replacing it with the following:

III. In addition to paragraph I, portions of real estate owned by the state and managed by a state agency that are on the shores of public waters as defined by RSA 271:20, may be leased by persons who can demonstrate the intent to provide a public use or benefit by utilizing the state land, provided the proposed lease is reviewed in accordance with all relevant procedures related to the disposal of state-owned property and provided the lease is compliant with all statutory requirements for the use of the land.

Amend RSA 4:39-d as inserted by section 1 of the bill by inserting after paragraph V the following new paragraph:

VI. Leases and renewals under this section shall be subject to all other requirements related to the disposal or lease of state-owned property, including but not limited to RSA 4:39-c and RSA 4:40. Nothing in this section shall be interpreted as limiting the ability of the state to impose reasonable conditions and restrictions or to determine a reasonable price with respect to any leased property.

Referred to the Committee on Ways and Means.

SB 134-FN, relative to the comprehensive shoreland protection act. OUGHT TO PASS WITH AMENDMENT.

Rep. Frank A. Tupper for Resources, Recreation and Development: When changes were enacted to the Comprehensive Shoreland Protection Act last year, it was understood that after a year of experience with it, some changes would inevitably be needed. This bill represents these modifications. By amendment #1415h, owners and holders of easements on lots developed prior to the Act's enactment in July 2008 may maintain their cleared shorefront areas such as beaches and lawns. Easement holders included are public utilities and transportation facilities. These facilities can also be maintained under the amendment. Amendment #1443h makes it possible for landowners to cut or prune vegetation for the health of the plant. Vote 18-1.

Amendment (1462h)

Amend RSA 483-B:4, XVII(a) as inserted by section 4 of the bill by replacing it with the following:

(a) For all lakes, ponds, and artificial impoundments greater than 10 acres in size, the surface elevation as listed in the Consolidated List of Water Bodies subject to the Comprehensive Shoreland Protection Act as maintained by the department.

Amend RSA 483-B:4, XXIV-b as inserted by section 8 of the bill by replacing it with the following:

XXIV-b. "Unaltered state" means native vegetation allowed to grow without cutting, limbing, trimming, pruning, mowing, or other similar activities ***except as needed to maintain the health of the plant being trimmed, as allowed by rules of the department.***

Amend RSA 483-B:5-b, V(e) as inserted by section 11 of the bill by replacing it with the following:

(e) All applications filed in accordance with the rules adopted by the department under RSA 483-B:17 and which meet the minimum standards of this chapter shall be approved and a permit shall be issued.

Amend RSA 483-B:9, V(a)(2)(D)(v)-(vi) as inserted by section 15 of the bill by replacing them with the following:

(v) Owners of lots ***and holders of easements on lots*** that were legally developed prior to July 1, 2008 may maintain but not enlarge cleared areas, including but not limited to existing lawns ~~[and]~~, beaches, ***and rights-of-way for public utilities, public transportation, and public access, and may repair existing utility structures*** within the waterfront buffer. Conversion to or planting of cleared areas with native species of ground cover, shrubs, saplings, and trees is encouraged but shall not be required unless it is necessary to meet the requirements of subparagraphs (g)(2) or (g)(3), or RSA 483-B:11, II.

(vi) Normal trimming, pruning, and thinning of branches to the extent necessary to ***maintain the health of the plant being trimmed***, protect structures, maintain clearances, and provide views is permitted, ***as allowed by rules of the department***. ~~[Trimming, pruning, and thinning of branches]~~ ***Limbing of trees or saplings*** for the purpose of providing views shall be limited to the bottom 1/2 of the trees or saplings. Referred to the Committee on Ways and Means.

SB 117, establishing a committee to study the feasibility of establishing a program to provide low-cost firewood from state lands to low-income individuals. **OUGHT TO PASS.** Rep. Charles L. Townsend for Science, Technology and Energy: The division of forests and lands is developing an experimental program to allow firewood harvest from downed trees. The committee would review the experimental program for applicability to low-income population and expansion to other divisions. Vote 14-1.

SB 159-FN, relative to broadband technology planning and development. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol H. Friedrich for Science, Technology and Energy: This bill establishes the position of director of broadband technology planning and development in the department of resources and economic development (DRED). The director's duties will include the development of a comprehensive broadband plan for the state. Funding of this position is contingent on receiving federal funds, i.e., the American and Reinvestment Act of 2009. Because of the urgency of applying for these funds, the amendment simply makes the bill effective upon passage rather than 60 days after passage. Vote 15-1.

Amendment (1370h)

Amend the bill by replacing section 4 with the following:

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

SB 15, relative to the membership of the state veterans' advisory committee. **OUGHT TO PASS.**

Rep. Dennis H. Fields for State-Federal Relations and Veterans Affairs: The committee feels this is a good start to extend the membership of the veterans' advisory committee from 14 to 20 members. This would now extend to women veterans and allow them to also be heard on issues that affect them, such as benefits and training for medical-health issues. This allows for their voice for better female treatment. Future veterans' groups of other wars will also be included. Vote 12-0.

SB 35, establishing a commission to study creating a veterans' legal aid advocacy project in New Hampshire. **OUGHT TO PASS.**

Rep. Robert J. Haley for State-Federal Relations and Veterans Affairs: Currently, approximately 10% of New Hampshire's population are veterans and a number of those live in poverty and/or are homeless. This commission will study whether it will be effective for the state to begin a legal aid project for veterans needing assistance with civil matters. The bill received strong support from the state's veterans' council. The commission will submit a

final report on or before August 1, 2010. Vote 13-0.

SB 57, relative to the commission to study the effects of post-traumatic stress disorder and traumatic brain injury suffered by New Hampshire soldiers and veterans returning from Iraq and Afghanistan. **OUGHT TO PASS.**

Rep. Alfred P. Baldasaro for State-Federal Relations and Veterans Affairs: This is a win-win for all veterans that served on the battlefield. We feel that the commission has done a great job studying the effects of post-traumatic stress disorder (PTSD) and traumatic brain injury (TBI). This will ensure the commission puts together a good report which ensures that lessons learned from Vietnam and Desert Storm get treated properly for PTSD and TBI. This bill extends the committee for one additional year, and adds three additional members. Vote 13-0.

SB 148, establishing that the state of New Hampshire recognizes the designations of Prisoner of War (POW) and Missing in Action (MIA) as valid descriptions of casualty status and category classification for military personnel. **OUGHT TO PASS.**

Rep. Todd P. Smith for State-Federal Relations and Veterans Affairs: Back on December 18, 2000, the Department of Defense (DOD) eliminated these designations. It voided the promises, the privileges and immunities granted captured U.S. service personnel by the Geneva Convention. This bill sends a clear message that New Hampshire recognizes these designations. Vote 15-0.

REGULAR CALENDAR

SB 13, declaring the chinook the state dog of New Hampshire. **OUGHT TO PASS.**

Rep. Susan E. Wiley for Environment and Agriculture: This bill, a project of Bedford's Lurgio Middle School's seventh grade students, would name the Chinook the state dog of New Hampshire. The students presented compelling testimony that the Chinook deserves this honor as the only dog breed originating in NH (Tamworth 1917). Attempting to create a breed of sled dog that was strong, fast and smart, Arthur Walden bred a Husky with a Mastiff/St. Bernard mix, creating a strong and docile breed, adaptable to work as well as the family environment. Vote 11-0.

Reps. Wiley and Spaulding spoke in favor.

On a division vote, 335 members having voted in the affirmative and 23 in the negative, the committee report was adopted.

Ordered to third reading.

(Rep. Foster in the Chair)

SB 108, establishing a committee to study the imposition of assessments to retirement system employers for excess benefits paid to retirees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia M. McMahon for Executive Departments and Administration: This bill is a follow-up to HB 223 and HB 641 and creates a committee to continue the review of the New Hampshire Retirement System (NHRS) including loading factors, "spiking" and assessments to employers, various aspects and alternatives concerning benefits as well as earnable compensation and death benefits. Vote 18-0.

Amendment (1393h)

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

AN ACT establishing a committee to study the imposition of assessments to retirement system employers for excess benefits paid to retirees and to study other retirement issues.

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

1 Committee Established. There is established a committee to study the imposition of assessments to retirement system employers for excess benefits paid to retirees and to study other retirement issues.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Two members of the senate, one of whom shall be a member of the executive departments and administration committee, appointed by the president of the senate.

(b) Four members of the house of representatives, 2 of whom shall be members of the executive departments and administration committee, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the law requiring the imposition of assessments to retirement system employers for excess benefits paid to retirees. The committee shall explore alternatives to the procedure in RSA 100-A:16, III-a and to the so-called load factor assessed to retirement system employers. The committee shall also study earnable compensation of members, death benefits, and other relevant issues concerning the New Hampshire retirement system.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2010.

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

AMENDED ANALYSIS

This bill establishes a committee to study the imposition of assessments to retirement system employers for excess benefits paid to retirees and to study other retirement issues. Committee amendment adopted.

Committee report adopted and ordered to third reading.

SB 200-FN, relative to retirement system death benefits for members who die while performing military service. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia M. McMahon for Executive Departments and Administration: This bill assures that the New Hampshire Retirement System (NHRS) conforms with the Uniformed Services Employment Rights Act (USERRA) and allows beneficiaries of retirement system members who die while performing qualified military service to receive ordinary death benefits, as provided in the federal Heroes Earnings Assistance and Relief Tax act (HEART) of 2008. This amendment also provides continuation of the benefit should remarriage of the surviving spouse occur. Vote 13-5.

Amendment (1448h)

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

3 Ordinary Death Benefit; Remarriage of Spouse. Amend RSA 100-A:9, II to read as follows:

II. If the member has at least 10 years combined creditable service or was eligible for service retirement at the time of the member's death, there shall be payable to the member's surviving spouse an allowance, continuing until the spouse's death ~~[or remarriage]~~, equal to 50 percent of the service retirement allowance that would have been payable to the member had the member retired immediately prior to death, based on average final compensation

and creditable service at the time of death. In lieu of an allowance, the surviving spouse may elect a lump sum benefit equal to the deceased member's annual earnable compensation, in addition to the amount payable under RSA 100-A:11.

AMENDED ANALYSIS

This bill allows beneficiaries of retirement system members who die while performing qualified military service to receive ordinary death benefits, as provided in the federal Heroes Earnings Assistance and Relief Tax Act of 2008. The bill also provides for continuation of the benefit after the remarriage of the surviving spouse. On a division vote, 195 members having voted in the affirmative and 140 in the negative, the committee amendment was adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Patricia McMahon yielded to questions.
Rep. Patrick Garritty requested a roll call; sufficiently seconded.

YEAS 251 NAYS 112

YEAS 251

BELKNAP

Bolster, Peter
Miller, Kate
Stuart, Richard

Flanders, Donald
Millham, Alida

Johnson, William
Pilliod, James

Merry, Liz
Reever, Judith

CARROLL

Bridgham, Robert
McConkey, Mark

Buco, Thomas
Stevens, Stanley

Chandler, Gene
Wiley, Susan

Knox, J. David

CHESHIRE

Allen, Peter
Butynski, William
Lerandeau, Alfred
Richardson, Barbara
Weber, Lucy

Burridge, Delmar
Carlson, Nancy
Lindsey, Steven
Roberts, Kris
Weed, Charles

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

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

COOS

Ingersoll, Paul Sr
Remick, William
Thomas, Yvonne

Mears, Lucy
Richardson, Herbert

Merrick, Evalyn
Stohl, Eric

Merrick, Scott
Theberge, Robert

GRAFTON

Almy, Susan
Friedrich, Carol
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

Benn, Bernard
Gould, Franklin
Matheson, Robert
Pierce, David
Townsend, Charles

Cooney, Mary
Harding, Laurie
Mulholland, Catherine
Preston, Philip
Ward, Brien

Ford, Susan
Ladd, Rick Jr
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Batula, Peter
Boehm, Ralph
Chandlee, Shannon
Clemons, Jane

Beauchamp, Roger
Boisvert, Ronald
Chase, Claudia
Cote, David

Beaulieu, Jane
Campbell, David
Chininis, Alexis
Craig, James

Beck, Catriona
Caron, June
Christensen, Chris
Doherty, Shaun

Flurey, Joan
Gidge, Kenneth
Hackel, Paul
Harvey, Philip
Hodges, Kevin
Katsiantonis, George
Komi, Richard
Levesque, Melanie
Marshall, Seth
Nixon, David
Poznanski, Brian
Rosenwald, Cindy
Soucy, Timothy
Walsh, Robert Jr

Gandia, Laura
Ginsburg, Ruth
Haley, Robert
Harvey, Suzanne
Holden, Rip
Katsiantonis, Thomas
L'Heureux, Robert
Lisle, Carolyn
McCarthy, Michael
O'Brien, Michael Sr
Price, Pamela
Shattuck, Gilman
Sullivan, Daniel

Gargas, Carolyn
Goley, Jeffrey
Hammond, Jill
Hawkins, Ken
Irwin, Anne-Marie
Knowles, John
LaPlante, Roland
Long, Patrick
Messier, Irene
O'Neil, James
Ramsey, Peter
Shaw, Barbara
Tahir, Saghir

Garrity, Patrick
Gorman, Mary
Hardy, Valerie
Hebert, Roger
Jeudy, Jean
Knowles, Mary Ann
Levasseur, Nickolas
Mack, Ron
Movsesian, Lori
Peterson, Andrew
Rokas, Theodoros
Shaw, Kimberly
Thompson, Robert

MERRIMACK

Anderson, Eric
Clarke, Claire
Foose, Robert
Hess, David
Owen, Derek
Reardon, Tara
Shurtleff, Stephen
Wallner, Mary Jane
Williams, Robert

Bartlett, Michael
Davis, Frank
French, Barbara
Lockwood, Priscilla
Palfrey, David
Rice, Chip
Stetson, William
Watrous, Rick
Yeaton, Charles

Bouchard, Candace
DeJoie, John
Gile, Mary
McMahon, Patricia
Porter, Margaret
Rodd, Beth
Tilton, Joy
Webb, Leigh

Brown, Carole
DeStefano, Stephen
Hamm, Christine
Osborne, Jessie
Potter, Frances
Schuett, Dianne
Tupper, Frank
Wheeler, Deborah

ROCKINGHAM

Allen, Mary
Brown, C. Pennington
Crisler, Margaret
Dowling, Patricia
Flanders, John Sr
Hoelzel, Kathleen
Katsakiores, Phyllis
Mann, Maureen
McMahon, Charles
Norelli, Terie
Perkins, Lawrence
Russell, Joseph

Bettencourt, David
Cali-Pitts, Jacqueline
Cushing, Robert
Elliott, Robert
Garcia, Marilinda
Howard, Doreen
Kepner, Susan
McCarthy, Barbara
Moody, Marcia
Packard, Sherman
Petterson, Don
Russell, Trinkia

Borden, David
Case, Frank
Day, Judith
Emiro, Frank
Hagan, Joseph
Hutchinson, Gina
Lyons, Melissa
McEachern, Paul
Nevins, Chris
Pantelakos, Laura
Quandt, Matt
Sapareto, Frank

Bridle, Russell
Casey, Kimberley
DiPentima, Rich
Ferrante, Beverly
Henson, John
Katsakiores, George
Major, Norman
McKinney, Betsy
Nord, Susi
Perkins, Amy
Read, Robin Jr
Scamman, W.
Douglas Jr
Webber, Carolyn

Schlachman, Donna
Welch, David

Splaine, James

Van Patten, Don

STRAFFORD

Berube, Roger
Browne, Brendon
Grassie, Anne
Hutz, Sarah
Rous, Emma
Vachon, Dennis

Brennan, William
Burke, Rachel
Hofemann, Roland
Rogers, Rose Marie
Smith, Marjorie
Wall, Janet

Brown, Julie
Cyr, James
Horrigan, Timothy
Rollo, Deanna
Spang, Judith
Ward, Kenneth

Brown, Larry
Domingo, Baldwin
Hubbard, Pamela
Rollo, Michael
Sprague, Dale
Watters, David

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,

Gagnon, Raymond
Howard, Thomas

Gottling, Suzanne
McClammer, Jim

Skinder, Carla
Charlotte

NAYS 112

BELKNAP

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

CARROLL

Ahlgren, Christopher	Butler, Edward	Fleck, Joseph	Patten, Betsey
Roberts, John	Scala, Dino	Umberger, Karen	

CHESHIRE

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

Rappaport, Laurence

GRAFTON

Aguiar, James	Gionet, Edmond	Ingbertson, Paul	Maybeck, Margie
Williams, Burton			

HILLSBOROUGH

Belvin, William	Bergin, Peter	Cebrowski, John	Daniels, Gary
Day, Russell	Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy
Gagne, Larry	Graham, John	Haefner, Robert	Hikel, John
Hinch, Richard	Hinkle, Peyton	Hogan, Edith	Holden, Frank
Hopper, Gary	Infantine, William	Jasper, Shawn	Kurk, Neal
Mead, Robert	O'Brien, William	Ober, Lynne	Ober, Russell III
Palmer, Stephen	Pellegrino, Tony	Pepino, Leo	Pilotte, Maurice
Pratt, Calvin	Renzullo, Andrew	Rowe, Robert	Ryder, Donald
Seidel, Carl	Silva, Peter	Spaulding, Jayne	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Moe	Willette, Robert	Winters, Joel

MERRIMACK

Boutin, David	Coffey, Jennifer	Kidder, David	Kotowski, Frank
McGuire, Carol	Reed, Dennis	Smith, Todd	

ROCKINGHAM

Baldasaro, Alfred	Bates, David	Belanger, Ronald	Bishop, Franklin
Charron, Gene	Comerford, Timothy	Devine, James	DiFruscia, Anthony
Fesh, Robert	Garrity, James	Gleason, John	Gould, Kenneth
Griffin, Mary	Headd, James	Ingram, Russell	Introne, Robert
Itse, Daniel	Kappler, L. Mike	Kolodziej, Walter	Priestley, Anne
Rausch, James	Reagan, John	Scamman, Stella	Sedensky, John
Smith, William	Stiles, Nancy	Sullivan, James	Tucker, Pamela
Weare, Everett	Wells, Roger		

STRAFFORD

Bickford, David
Price, Susan

Groen, Warren
Twombly, James

Keans, Sandra
Vita, Carol

Lauterborn, Elaine

SULLIVAN

Osgood, Joe Rodeschin, Beverly Sweeney, Cynthia
and the committee report was adopted.
Referred to the Committee on Finance.

(Speaker Norelli in the Chair)

SB 52, making technical corrections to laws relative to courts and court procedures.

MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Lucy M. Weber for the Majority of Judiciary: This bill includes a number of technical, and other minor corrections to the court statutes, as follows: 1.) The bill removes the requirement for notices on delinquency petitions to be printed in red ink. The notices must be printed in bold type, no less than 14 point, to realize savings on printing costs. 2.) Last session, a bill was passed establishing a \$225 fee for out-of state attorneys appearing in NH for one case. These fees were to be paid to a law library fund to make legal materials more accessible to pro se litigants. The original intent was that these appearance fees from all courts would be paid into the fund and the fiscal note was drafted on that basis. As drafted, only fees from supreme court appearances go to the fund. This bill clarifies that the fees from family, superior, district and probate courts go to this fund as well. 3.) The town of Troy is currently assigned to both the Jaffrey and Keene district courts, due to an oversight. The bill removes the reference to Troy in the Jaffrey district, as these cases are heard in Keene. 4.) Small claims, under existing statute, may be served by first class mail. This bill ensures that if prejudgment attachment is sought, as authorized by statute last year, service must be made by a sheriff. 5.) The bill clarifies that it is only the supreme court, not the superior court that has the right to promulgate forms. 6.) The amendment adds in a section which allows payment for the mandatory child support and custody seminar to be made by credit card, provided that the seminar presenter accepts as payment in full the seminar fee less any credit card transaction costs. Vote 11-4.

Rep. William L. O'Brien for the Minority of Judiciary: The technical corrections provided by this bill are outweighed in importance by the undesirable continuation of a dedicated fund with an additional dedicated source of revenue. The courts, as with all agencies of the state, should be required to submit all their fiscal needs to the legislature on a biennial basis and have them subject to oversight and judged in the context of all competing state needs. Dedicated funds are intended to protect the expenditure of government funds from being available for potentially more worthy causes. Opposing SB 52 while it retains new funding for a dedicated fund will be a useful step toward rejecting the use of dedicated funds.

Majority Amendment (1313h)

Amend the bill by inserting after section 10 the following and renumbering the original section 11 to read as 12:

11 Child Custody and Support Seminars; Costs. Amend RSA 458-D:7, 1 to read as follows:

I. Persons attending the seminar shall pay a seminar fee to the presenter. Fees charged by the presenter shall be fair and reasonable as directed by the administrative judge of the judicial branch family division ***and may be paid to the court by credit card in lieu of cash payment provided that the presenter agrees to accept, in full payment of the seminar fee, the fee less credit card transaction costs incurred by the court.***

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

SB 144-FN, allowing the unemployment compensation trust fund to be charged for benefits paid for certain employee terminations. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sally H. Kelly for the Majority of Labor, Industrial and Rehabilitative Services: This legislation was brought forward by the department of employment securities to extend unemployment benefits to three new groups of recipients. These additions have been made for “family friendly” reasons that include those who are unemployed as a result of either domestic abuse, relocation or incapacitating health issues. Passage of this bill allows New Hampshire to receive 21 million dollars in federal stimulus funds which will be applied to the rapidly depleting unemployment trust fund. The department of employment security (DES) believes the costs to fund these new categories will be minor in comparison to the significant benefits these funds will provide the workers of New Hampshire. Vote 10-4.

Rep. Gary L. Daniels for the Minority of Labor, Industrial and Rehabilitative Services: The minority opposes this bill because we believe it will hurt employers in the long run. This bill dangles a \$21M carrot with a federal requirement that we implement two new programs in the department of employment security. There are no guarantees that we will even get the money. Under the best case scenario, this money is used up before the end of the year and our unemployment trust fund will be in the red, with employers then trapped into having to pay increased taxes in part to pay for the two new programs, for which money will have run out. The most objectionable requirement gives unemployment compensation to a spouse who leaves a job to accompany his or her spouse to a new employment location. The minority objects to the federal government refusing to give these funds to us unless we implement the programs they demand.

Majority Amendment (1429h)

Amend the bill by replacing section 1 with the following:

1 Unemployment Benefit Eligibility. Amend RSA 282-A:32, I(a)(2)-(3) to read as follows:

(2) An individual terminates employment in good faith to accept better full-time employment, which is to begin within a reasonable period, and subsequently becomes unemployed from such employment due to unavailability of work before earning the requalifying wages set forth in this section. Notwithstanding any other provision of this chapter, such subsequent employer shall be deemed to be that individual's most recent employer; ~~or~~

(3) ~~[The leaving of employment was necessary to protect the individual from domestic abuse, as defined in RSA 173-B:1 and in accordance with rules adopted by the commissioner, and the individual made all reasonable efforts to preserve the employment, and in addition:~~

~~(A) The individual relocated to escape the abuse; or~~

~~(B) The individual, due to changed circumstances, is able to return to the individual's employment, but the employer is unable to return the individual to the individual's job, or to comparable work, due solely to:~~

~~(i) A reduction in work force; or~~

~~(ii) Other economic conditions, and the individual did all things that a reasonably prudent person would have done to continue the employer-employee relationship or the possibility of reemployment during the period the individual was unable to work due to the domestic abuse;]~~ ***The individual reasonably believes that separation from employment is necessary to protect himself or herself or any member of his or her immediate family from domestic abuse, as defined in RSA 173-B:1. The existence of domestic abuse shall be verified by the provision of reasonable and confidential documentation;***

(4) The individual is separated from employment because he or she has become unable to perform some or all of his or her job duties due to pregnancy or to an illness or injury that is not work-related, provided that a physician has

attested to the individual's inability to perform work duties in a written notice. Nothing in this section shall relieve an employer of the duty to provide reasonable accommodation as that term is defined by state or federal law;

(5) The leaving of employment was necessary to allow the individual to accompany his or her spouse to a place from which it is impractical for the individual to commute due to a change in location of the spouse's employment; or

(6) The leaving of employment was due to the illness or disability of a member of the individual's immediate family as those terms are defined by the Secretary of the United States Department of Labor.

On a division vote, 192 members having voted in the affirmative and 152 in the negative, the majority committee amendment was adopted.

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

Reps. Infantine and Daniels spoke against.

Rep. Bishop spoke in favor.

Rep. Goley spoke in favor and yielded to questions.

Rep. Hikel requested a roll call; sufficiently seconded.

YEAS 212 NAYS 151

YEAS 212

BELKNAP

Arsenault, Beth
Reever, Judith

Bolster, Peter
Stuart, Richard

Merry, Liz

Miller, Kate

CARROLL

Bridgham, Robert

Buco, Thomas

Wiley, Susan

CHESHIRE

Allen, Peter
Butynski, William
Lerandeau, Alfred
Parkhurst, Henry
Sad, Tara

Burridge, Delmar
Carlson, Nancy
Lindsey, Steven
Richardson, Barbara
Weber, Lucy

Butcher, Suzanne
Carr, Daniel
Meador, David
Roberts, Kris
Weed, Charles

Butterworth, Timothy
Eaton, Daniel
Mitchell, Bonnie
Robertson, Timothy

COOS

Hatch, William
Thomas, Yvonne

Mears, Lucy

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Ford, Susan
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

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

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

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

HILLSBOROUGH

Beauchamp, Roger
Boisvert, Ronald

Beaulieu, Jane
Campbell, David

Beck, Catriona
Caron, June

Bergin, Peter
Chandley, Shannon

Chase, Claudia
 Craig, James
 Garrity, Patrick
 Gorman, Mary
 Hardy, Valerie
 Hodges, Kevin
 Katsiantonis, George
 Komi, Richard
 Long, Patrick
 Nixon, David
 Poznanski, Brian
 Shattuck, Gilman
 Sullivan, Daniel

Chininis, Alexis
 Flurey, Joan
 Gidge, Kenneth
 Hackel, Paul
 Harvey, Philip
 Holden, Rip
 Katsiantonis, Thomas
 Levasseur, Nickolas
 Mack, Ron
 O'Brien, Michael Sr
 Ramsey, Peter
 Shaw, Barbara
 Tahir, Saghir

Clemons, Jane
 Foster, Linda
 Ginsburg, Ruth
 Haley, Robert
 Harvey, Suzanne
 Irwin, Anne-Marie
 Knowles, John
 Levesque, Melanie
 Marshall, Seth
 Peterson, Andrew
 Rokas, Theodoros
 Shaw, Kimberly
 Thompson, Robert

Cote, David
 Gargas, Carolyn
 Goley, Jeffrey
 Hammond, Jill
 Hebert, Roger
 Jeudy, Jean
 Knowles, Mary Ann
 Lisle, Carolyn
 Movsesian, Lori
 Pilotte, Maurice
 Rosenwald, Cindy
 Soucy, Timothy
 Walsh, Robert Jr

MERRIMACK

Bartlett, Michael
 Davis, Frank
 French, Barbara
 Osborne, Jessie
 Reardon, Tara
 Shurtleff, Stephen
 Wallner, Mary Jane
 Wheeler, Deborah

Bouchard, Candace
 DeJoie, John
 Gile, Mary
 Owen, Derek
 Rice, Chip
 Stetson, William
 Walz, Mary Beth
 Williams, Robert

Brown, Carole
 DeStefano, Stephen
 Hamm, Christine
 Porter, Margaret
 Rodd, Beth
 Tilton, Joy
 Watrous, Rick
 Yeaton, Charles

Clarke, Claire
 Foose, Robert
 McMahon, Patricia
 Potter, Frances
 Schuett, Dianne
 Tupper, Frank
 Webb, Leigh

ROCKINGHAM

Belanger, Ronald
 Cali-Pitts, Jacqueline
 Day, Judith
 Henson, John
 Kepner, Susan
 McEachern, Paul
 Pantelakos, Laura
 Read, Robin Jr

Bishop, Franklin
 Case, Frank
 DiFruscia, Anthony
 Howard, Doreen
 Lyons, Melissa
 Moody, Marcia
 Perkins, Amy
 Russell, Joseph

Borden, David
 Casey, Kimberley
 DiPentima, Rich
 Hutchinson, Gina
 Mann, Maureen
 Nevins, Chris
 Perkins, Lawrence
 Russell, Trink

Brown, C. Pennington
 Cushing, Robert
 Flanders, John Sr
 Katsakiores, George
 McCarthy, Barbara
 Nord, Susi
 Petterson, Don
 Scamman, W.
 Douglas Jr

Schlachman, Donna

Splaine, James

Webber, Carolyn

STRAFFORD

Berube, Roger
 Burke, Rachel
 Hofemann, Roland
 Lauterborn, Elaine
 Rollo, Michael
 Spang, Judith
 Ward, Kenneth

Brennan, William
 Cyr, James
 Horrigan, Timothy
 Price, Susan
 Rous, Emma
 Sprague, Dale
 Watters, David

Brown, Larry
 Domingo, Baldwin
 Hubbard, Pamela
 Rogers, Rose Marie
 Ryder, Mark
 Vachon, Dennis

Browne, Brendon
 Grassie, Anne
 Hutz, Sarah
 Rollo, Deanna
 Smith, Marjorie
 Wall, Janet

SULLIVAN

Cloutier, John
 Harris, Sandra

Donovan, Thomas Jr
 Houde-Quimby,
 Charlotte

Gagnon, Raymond
 McClammer, Jim

Gottling, Suzanne
 Skinder, Carla

Sweeney, Cynthia

BELKNAP

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

CARROLL

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

CHESHIRE

Emerson, Susan	Johnson, Jane	Laurent, John
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COOS

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

Gionet, Edmond	Ingbreton, Paul	Ladd, Rick Jr	Maybeck, Margie
Ward, Brien	Williams, Burton		

HILLSBOROUGH

Batula, Peter	Belvin, William	Boehm, Ralph	Cebrowski, John
Christensen, Chris	Daniels, Gary	Day, Russell	Doherty, Shaun
Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy	Gagne, Larry
Gandia, Laura	Graham, John	Haefner, Robert	Hawkins, Ken
Hikel, John	Hinch, Richard	Hinkle, Peyton	Hogan, Edith
Holden, Frank	Hopper, Gary	Infantine, William	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	McCarthy, Michael	Mead, Robert
Messier, Irene	Moran, Edward	O'Brien, William	O'Neil, James
Ober, Lynne	Ober, Russell III	Palmer, Stephen	Pellegrino, Tony
Pratt, Calvin	Price, Pamela	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Seidel, Carl	Silva, Peter	Spaulding, Jayne
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe	Willette, Robert
Winters, Joel			

MERRIMACK

Anderson, Eric	Coffey, Jennifer	Hess, David	Kidder, David
Kotowski, Frank	Lockwood, Priscilla	McGuire, Carol	Palfrey, David
Reed, Dennis	Smith, Todd		

ROCKINGHAM

Allen, Mary	Bailey, Clinton	Baldasaro, Alfred	Bates, David
Bettencourt, David	Charron, Gene	Comerford, Timothy	Crisler, Margaret
Devine, James	Dowling, Patricia	Elliott, Robert	Emiro, Frank
Ferrante, Beverly	Fesh, Robert	Garcia, Marilinda	Garrity, James
Gleason, John	Gould, Kenneth	Griffin, Mary	Hagan, Joseph
Headd, James	Hoelzel, Kathleen	Ingram, Russell	Introne, Robert
Itse, Daniel	Kappler, L. Mike	Katsakiores, Phyllis	Kolodziej, Walter
Major, Norman	McKinney, Betsy	McMahon, Charles	Packard, Sherman
Priestley, Anne	Quandt, Matt	Rausch, James	Reagan, John
Sapareto, Frank	Scamman, Stella	Sedensky, John	Smith, William

Stiles, Nancy
Weare, Everett

Sullivan, James
Welch, David

Tucker, Pamela
Wells, Roger

Van Patten, Don

STRAFFORD

Bickford, David
Twombly, James

Brown, Julie
Vita, Carol

Groen, Warren

Keans, Sandra

SULLIVAN

Howard, Thomas Osgood, Joe Rodeschin, Beverly
and the majority committee report was adopted.
Referred to the Committee on Finance.

SB 121, establishing a commission to study potential revenue enhancements for municipalities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne S. Laliberte for the Majority of Municipal and County Government: This bill establishes a commission to study potential revenue enhancement for communities. There are a number of small cities and towns that are centers of services and/or employment for much larger populations. For example, a university town supplies municipal services for a large population which does not, for the most part, pay property taxes. This bill is a vehicle for communities with mutual issues to come together to work on possible local revenue solutions. The amendment made minor changes to the composition of the commission. Vote 10-7.

Rep. Betsey L. Patten for the Minority of Municipal and County Government: This bill proposes to set up a commission to study potential revenue enhancement for municipalities. The commission would consist of seventeen members, ten of whom would be senior policy leaders of cities and towns. The minority feels that taking time out of their busy schedules would not be wise especially during this difficult economic climate. The minority understands that a commission for this purpose takes time and effort that would be better spent talking to individual associations, for example, police and fire associations, town administrators and managers' associations and the association of tax collectors, to gather ideas and solutions that would work. For example there is a regional association set up among municipalities that share the cost of a prosecutor that was accomplished by the municipalities alone without coming to the legislature for a study committee. The local municipalities already have the ability to create local ordinances for the smooth running of their towns, such as parking and noise ordinances, and have the authority to set fees for those ordinances. The minority agrees with the governor that commissions need to be carefully and judiciously created. The legislature in the past has not looked upon differing fees and taxes in our municipalities as a good public policy.

Majority Amendment (1308h)

Amend subparagraph I(d) as inserted by section 2 of the bill by replacing it with the following:

(d) Five selectpersons or appointed administrative officials who are geographically representative of the state as a whole, nominated by the New Hampshire Municipal Association and appointed by the governor.

Amend subparagraph I(f) as inserted by section 2 of the bill by replacing it with the following:

(f) The commissioner of the department of revenue administration, or designee.
Majority committee amendment adopted.

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

Reps. Patten and Vaillancourt spoke against.
Rep. Almy spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Vaillancourt moved that **SB 121**, establishing a commission to study potential revenue enhancements for municipalities, be laid on the table.
On a division vote, 179 members having voted in the affirmative and 180 in the negative, the motion failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
On a division vote, 176 members having voted in the affirmative and 186 in the negative, the majority committee report failed.
Rep. Patten moved Inexpedient to Legislate.
On a division vote, 200 members having voted in the affirmative and 164 in the negative the motion was adopted.

MOTION TO RECONSIDER

Having voted on the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby it adopted the motion of Inexpedient to Legislate on **SB 121**, establishing a commission to study potential revenue enhancements for municipalities.
Rep. Vaillancourt spoke against.
On a division vote, 132 members having voted in the affirmative and 233 in the negative, the motion failed.

REGULAR CALENDAR (CONT'D)

SB 168-FN, establishing the Coastal Watershed Alliance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith T. Spang for Resources, Recreation and Development: This bill establishes an alliance of the 44 communities on the Seacoast, particularly the Great Bay Watershed. After the Great Bay Estuary Commission created the Estuaries Alliance for Sewage Treatment (EAST), those communities felt a need to work cooperatively for meeting clean water regulations beyond just sewage. Seacoast municipalities need the support of the Alliance to secure federal and state funds and advice for waste water treatment, better land use, septic systems and stormwater management. The original Senate Bill was roundly opposed by the communities because of a scoring system leading to a disadvantage for funding. As a result of the public meeting held in the watershed, this was eliminated, and numerous other improvements made. The bill is now enthusiastically supported by all interested parties.
Vote 18-0.

Amendment (1460h)

Amend the title of the bill by replacing it with the following:
AN ACT establishing the Southeast Watershed Alliance.

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

1 Estuary Alliance for Sewage Treatment. RSA 485-E is repealed and reenacted to read as follows:

CHAPTER 485-E SOUTHEAST WATERSHED ALLIANCE

485-E:1 Findings and Purpose.

I. New Hampshire's coastal water resources have significant ecological, commercial, cultural, and recreational values for the state and its citizens. The state's coastal water resources are highly sensitive and are subject to intense and increasing pressures associated

with population growth and development, including increased pollution loads from many sources, including wastewater treatment facilities, stormwater runoff, septic systems, and land use practices. Excess levels of nutrients are of particular concern, have become a significant problem in the Great Bay estuary, and are likely to result in more stringent water quality requirements that could affect activities occurring in municipalities throughout the coastal watershed. In order to improve and protect water quality and meet state and federal regulations, it is necessary for municipalities to reduce nutrient pollution loads from wastewater treatment facilities, stormwater runoff, septic systems and septage, and land use practices. It is essential that the state, and municipalities located within the state's coastal watershed, work in a coordinated way to address these problems and protect the health and sustainability of New Hampshire's coastal resources.

II. The purposes of this chapter are to:

(a) Create better municipal, intermunicipal, and regional planning and coordination relative to wastewater and stormwater management, water quality and water supply planning, and land use;

(b) Establish a regional framework for coastal watershed communities, regional planning commissions, the state, and other stakeholders to collaborate on planning and implementation measures to improve and protect water quality and more effectively address the challenges of meeting clean water standards, particularly with respect to nutrients pollution; and

(c) Encourage coastal watershed municipalities, the state, and other stakeholders, individually and in collaboration with one another, to plan, implement, and invest in wastewater, stormwater, and land use planning and management approaches that protect the water quality, natural hydrology, and habitats of the state's coastal resources and associated waters and that advance the state's economic growth, resource protection, and planning policy, established in RSA 9-B.

(d) Seek innovative solutions to reducing pollution and enhancing water quality.

485-E:2 Definitions. In this chapter:

I. "Alliance" means the Southeast Watershed Alliance.

II. "Associated waters" means freshwater surface waters and groundwater located in the coastal watershed, which contribute flows downstream to the state's coastal water resources.

III. "Coastal watershed" means the land area in New Hampshire contributing groundwater, surface water, and stormwater to the state's coastal water resources and associated waters. The coastal watershed consists all or portions of the following municipalities: Barrington; Brentwood; Brookfield; Candia; Chester; Danville; Deerfield; Dover; Durham; East Kingston; Epping; Exeter; Farmington; Fremont; Greenland; Hampton; Hampton Falls; Kensington; Kingston; Lee; Madbury; Middleton; Milton; New Castle; New Durham; Newfields; Newington; Newmarket; Nottingham; North Hampton; Northwood; Portsmouth; Raymond; Rochester; Rollinsford; Rye; Sandown; Seabrook; Somersworth; Strafford; Stratham; and Wakefield.

IV. "Coastal water resources" means the Gulf of Maine and associated coastal embayments on the Atlantic coast of New Hampshire, and the Great Bay estuary.

V. "Department" means the department of environmental services.

VI. "Great Bay estuary" means the Piscataqua River, Great Bay and Little Bay, all tidal portions of the Bellamy, Cocheco, Lamprey, Oyster, Salmon Falls, Squamscott, and Winnicut Rivers, and the tidal portion of all minor tributaries to the Piscataqua River, Great Bay or Little Bay.

VII. "Low impact development" means development that incorporates best management practices to reduce impervious surfaces, preserve natural hydrology, and reduce stormwater volumes and pollution. Low impact development practices include, but are not limited to, project designs that reduce the amount of impervious cover, porous pavements, gravel wetlands, and green rooftops.

VIII. "Municipalities" means cities, towns, and village districts.

IX. "State's economic growth, resource protection, and planning policy" means the policy established pursuant to RSA 9-B.

X. "Stormwater utility" means a special assessment district established to generate funding specifically for stormwater management, under RSA 149-I:6-a.

485-E:3 Southeast Watershed Alliance. There is hereby established a public body corporate and politic having a distinct legal existence separate from the state and not constituting a department or agency of the state government to be known as the southeast watershed alliance, also known as the Alliance. The Alliance shall include those municipalities in New Hampshire whose boundaries include a portion of the coastal watershed and who have agreed to participate the Alliance. The public purpose of the Alliance is:

I. To engage in improved municipal, intermunicipal, and regional planning, studies, public education, and implementation measures, including potential investments, relative to water quality, water supply, wastewater and stormwater management, septic systems and septage, and land use, for the purpose of improving and protecting the water quality and natural hydrology of the state's coastal water resources and associated waters, and to more effectively address on a watershed basis the challenges of meeting state and federal regulations, including waste load limits and allocations. Such planning and investments may include, but are not limited to:

(a) Establishing intermunicipal stormwater utilities and any associated facilities.

(b) Establishing intermunicipal or regional wastewater districts and facilities.

(c) Establishing and coordinating common municipal regulations for nutrient reduction and water quality protection, such as stormwater, wetlands, and buffer regulations.

(d) Developing and implementing, in coordination with the department, innovative means to achieve compliance with nutrient and other pollutant reductions, such as a nutrients offset or trading program.

(e) Addressing water supply and water conservation measures.

II. To foster improved municipal and intermunicipal land use planning and regulation, in coordination with the applicable regional planning commissions, such as to encourage low impact development and innovative zoning and land use management approaches, and to advance the state's economic growth, resource protection, and planning policy.

485-E:4 Advisory Committee. The Alliance shall include an advisory committee consisting of the commissioner of the department, or designee, the commissioner of the department of transportation, or designee, the Strafford, Rockingham, and Southern New Hampshire regional planning commission executive directors, or designees, and the Piscataqua Region Estuaries Partnership director, or designee. The committee shall provide technical assistance, education, scientific advice, and consultation on whether plans advance the state's economic growth, resource protection, and planning policy, and otherwise share expertise and provide resources to assist the Alliance, in accordance with available resources. Members of the advisory committee shall be non-voting members of the Alliance. The Alliance may add members to the advisory committee as it determines its needs for expertise.

485-E:5 Duties of the Department.

I. The department shall, no later than October 1, 2009:

(a) Notify the governing bodies, planning boards, conservation commissions, and public works departments of each municipality in the coastal watershed, and the applicable regional planning commissions, of the establishment of the southeast watershed alliance and of the need and purpose of the Alliance, and solicit their participation;

(b) Convene an organizing meeting or meetings, at which the department shall describe the purpose of this chapter, the challenges facing the Great Bay estuary and coastal resources, the potential scope of the Alliance's activities, and the method prescribed by this chapter for coastal watershed municipalities to join the Alliance;

(c) Provide technical and logistical assistance, as resources allow, to the Alliance until such time as it is self-supporting.

II. The department shall, no later than January 1, 2010, hold a meeting of all coastal watershed municipalities that have joined the Alliance to elect a chairperson of the Alliance and to begin the process of developing the Alliance's operating procedures and organizational structure.

485-E:6 Method of Joining Southeast Watershed Alliance. Any Alliance municipality may elect to participate or subsequently to withdraw from participation in the Alliance by vote of its governing body.

485-E:7 General Powers and Duties.

I. The Southeast Watershed Alliance may engage in:

(a) Intermunicipal and regional planning, coordination, and public education.

(b) Intermunicipal implementation measures, including but not limited to, intermunicipal investments and the establishment of intermunicipal agreements in furtherance of the purposes of this chapter.

II. The Alliance shall establish governing operating procedures and organizational structure, as follows:

(a) At the meeting required by RSA 485-E:5, II, members of the Alliance shall establish a planning committee which shall propose a board of directors and draft operating procedures and organizational structure in furtherance of the public purpose of the Alliance and this chapter, in accordance with all state laws. The planning committee shall include representatives from 8 coastal watershed municipalities and a representative of the advisory committee.

(b) The Alliance shall hold a meeting no later than 180 days following the meeting required by RSA 485-E:5, II at which the planning committee shall present the proposed operating procedures, organizational structure, and proposed board of directors for the Alliance's review, modification, and approval. The Alliance chairperson shall send the approved operating procedures and organizational structure to the attorney general and department of environmental services for their review and approval. The attorney general shall approve any proposed agreement unless it is in improper form or is incompatible with the requirements of this chapter and the laws of this state. The attorney general shall notify in writing to the governing bodies and the planning committee the details of any specific respects in which the proposed agreement fails to meet the requirements of law. Approval by the attorney general shall be required for the operating procedures and organizational structure to be legally valid. Failure by the attorney general to disapprove an agreement within 30 days of its submission shall constitute approval. The department shall provide comment, including recommendations for improvement, to the committee and governing bodies within 30 days of the proposed agreement's submission relative to its compatibility with the state water statutes and rules.

(c) The Alliance may amend its operating procedures and organizational structure, if necessary, to engage in implementation measures, including the establishment of intermunicipal agreements pursuant to RSA chapter 53-A. Any such amendments shall be presented and approved at a properly noticed public meeting, and submitted to and reviewed by the attorney general and the department consistent with subparagraph (b).

III. The Alliance shall have the power to engage in intermunicipal and regional planning, coordination, and public education in furtherance of the purpose of this chapter during and after the establishment of the Alliance's bylaws, and before the department's final adoption of water quality standards establishing applicable numeric nutrient criteria.

IV. The Alliance shall have the power to engage in implementation measures consisting of intermunicipal agreements property and investments, staff, services and facilities, and the establishment of intermunicipal or regional districts, in furtherance of the purposes of this chapter. Intermunicipal or regional districts, and implementation measures needed to fund and construct intermunicipal or regional infrastructure, including the incurring of obligations or the raising and appropriating of revenue, shall be established pursuant to cooperative agreements, which shall be valid only if established in accordance with RSA 53-A. After the department's final adoption of water quality standards establishing applicable numeric nutrient criteria, the Alliance may develop a water quality management plan and, at its discretion, establish a water quality planning committee to determine the advisability of establishing one or more intermunicipal water quality management districts to implement such water quality management plan. The Alliance may engage in implementation measures prior to the department's final adoption of water quality standards.

485-E:8 Southeast Watershed Alliance Fund. The Alliance shall establish a southeast watershed alliance fund to assist the activities of the Alliance and Alliance municipalities in furthering the purpose of the Alliance and this chapter. The fund shall be non-lapsing, and shall be used only for planning, public education and outreach, organizational assistance, and implementation and infrastructure uses consistent with the purposes of this chapter, and may consist of moneys provided by Alliance municipalities, the state and federal governments, and private sources. The fund shall be administered by the department on behalf of the Alliance until such time as the Alliance has adopted its operating procedures and organizational structure and has the fiduciary capacity to administer the funds, as determined by the department.

485-E:9 Regional Outfall Construction; Prohibition. The Alliance shall not construct a regional outfall that transfers water out of the Great Bay estuary watershed directly into the Gulf of Maine absent legislation specifically authorizing it to do so.

485-E:10 Exemption from Taxes. Any property of the Alliance acquired and used to further the public purpose of planning, developing, and implementing wastewater and stormwater management and other water quality management solutions that protect the water quality and natural hydrology of the state's coastal resources and associated waters, is hereby declared to be public property and shall be exempt from all taxes and special assessments of the state or any of its subdivisions. No taxes or assessments shall be imposed upon the activities of the Alliance or upon any of its revenues.

485-E:11 Exemption from Regulation. The New Hampshire Public Utilities Commission shall regulate the Alliance only with regard to insurance and safety requirements.

485-E:12 Report. The Alliance shall, no later than November 1 each year, provide to the senate president, the speaker of the house, the senate energy, environment and economic development committee, and the house resources, recreation and development committee, a report on the Alliance's work and progress in carrying out the purposes of this chapter, and on recommendations for further legislation.

485-E:13 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or application, and to this end the provisions of this chapter are severable.

2 New Subparagraph; State Treasurer; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (277) the following new subparagraph:

(278) Moneys deposited in the southeast watershed alliance fund established in RSA 485-E:8.

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

AMENDED ANALYSIS

This bill repeals the estuary alliance for sewage treatment and replaces it with the Southeast Watershed Alliance.

Amendment adopted.
Committee report adopted.
Referred to the Committee on Ways and Means.

(Rep. Foster in the Chair)

SB 97, establishing a committee to study the standards and procedures by which certain information should be provided to electrical service customers. **OUGHT TO PASS.**
Rep. Suzanne Harvey for Science, Technology and Energy: This bill establishes a committee to study the standards and procedures by which New Hampshire electric utilities would provide customers, the legislature, and state agencies with information describing their portfolios of energy sources. Included in this information would be environmental disclosures regarding the various sources. Vote 11-3.
Committee report adopted and ordered to third reading.

SB 149, relative to the transition of functions and amending the reporting requirements of the community college system of New Hampshire and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Kimberly C. Shaw for Education: This bill as amended changes the effective date of the transition for certain administrative functions that have historically been provided by the departments of administrative services, treasury, and justice to the community college system of New Hampshire from July 1, 2009 to July 1, 2011 and extends the legislative oversight committee's functions relative to the transition period. This bill also provides for an extension of the date of the committee's report to November 1, 2011 and continues to provide appropriations to the supporting departments for their continued provision of services during the transition. Vote 16-0.

Amendment (1340h)

Amend the title of the bill by replacing it with the following:
AN ACT relative to the transition of certain functions and reporting requirements of the community college system of New Hampshire and making an appropriation therefor, and relative to extending the report date for the community college system legislative oversight committee.

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

4 Community College System Legislative Oversight Committee; Report Date Extended.
Amend 2007, 361:37, VI to read as follows:

VI. Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the chairpersons of the house and senate education committees, the house clerk, the senate clerk, the governor, and the state library on or before November 1, ~~2009~~ **2011**. If the committee concludes there are substantial concerns with the operation or administration of the community college system of New Hampshire, the committee shall include in its report detailed proposed legislation to remedy such concerns, including, if appropriate, additional legislative oversight and continued partnership with the state on certain duties and functions, or legislation necessary to return the community college system of New Hampshire to state agency status.

AMENDED ANALYSIS

This bill:

- I. Changes the effective date for the transition of certain functions within the community college system of New Hampshire from July 1, 2009 to July 1, 2011.
- II. Provides that the commissioner of the department of education and the chancellor of the community college system of New Hampshire shall annually issue a joint report on the proposed use and distribution of federal vocational funds.

III. Makes an appropriation for the purposes of this act.

IV. Extends the report date of the community college system legislative oversight committee to November 1, 2011.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

SB 180-FN, establishing an accountability system to ensure the opportunity for an adequate education and repealing the legislative committee on costing an adequate education.

MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Judith T. Reeve for the Majority of Education: This bill establishes an accountability system to ensure schools are providing the opportunity for an adequate education and it repeals the joint legislative committee on costing an adequate education. It creates a process to establish an accountability system beginning at the end of 2009-2010 school year.

Narrative reports of self assessments based on school standards established in rules, (ED 306), as they relate to adequacy, will be required, along with periodic auditing site visits by the department of education. It will also establish a task force to develop a performance-based school accountability system beginning with the 2011-2012 school year. Schools will be able to demonstrate they provide the opportunity for an adequate education by meeting either the input or output requirements. The bill fulfills the final court ordered finding that required the General Court to define, cost, fund and develop a system of accountability for providing the opportunity of an adequate education. Vote 15-1.

Rep. Paul Ingbertson for the Minority of Education: The minority still believes (along with a majority of several past legislatures) that the Claremont decisions are fundamentally flawed putting the General Court into a subservient role to the supreme court and furthering state over local control of education. The minority elects not to simply go along with bad court decisions by passing further legislation in obedience to the courts believing it is better, as with the trombones, to not encourage them.

Majority Amendment (1403h)

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

1 New Sections; Accountability for the Opportunity for an Adequate Education. Amend RSA 193-E by inserting after section 3 the following new sections:

193-E:3-a Definitions. In this section:

I. "Commissioner" means the commissioner of the department of education.

II. "Department" means the department of education.

III. "Input-based school accountability system" means the certified narrative explanation describing how a school has demonstrated compliance with the school approval standards included in the opportunity for an adequate education required under RSA 193-E:3-b.

IV. "Performance-based school accountability system" means the scoring system required under RSA 193-E:3-b and implemented by the department in rules adopted pursuant to RSA 541-A.

V. "State board" means the state board of education.

193-E:3-b Accountability for the Opportunity for an Adequate Education. Beginning with the 2009-2010 school year, a school shall demonstrate by the end of the school year that it provides the opportunity for an adequate education under RSA 193-E:2-a by meeting the requirements of paragraph I of this section. Beginning with the 2011-2012 school year, a school shall demonstrate by the end of the school year that it provides the opportunity for an adequate education by meeting the requirements of either paragraph I or II of this section. Following the adoption of the performance-based accountability system as provided in RSA 193-E:3-c and RSA 193-E:3-d, the department shall evaluate all schools using both the input-

based school accountability system under paragraph I of this section and the performance-based accountability system under RSA 193-E:3-c and RSA 193-E:3-d. A school that satisfies the requirements of either system shall be providing the opportunity for an adequate education.

I. A school may demonstrate, through the input-based school accountability system, that it provides the opportunity for an adequate education as set forth in RSA 193-E:2-a by establishing that it met the following school standards in effect as of the effective date of this section:

- (a) English/language arts and reading as set forth in Ed 306.37.
- (b) Mathematics as set forth in Ed 306.43.
- (c) Science as set forth in Ed 306.45.
- (d) Social studies as set forth in Ed 306.46.
- (e) Arts education as set forth in Ed 306.31.
- (f) World languages as set forth in Ed 306.48.
- (g) Health education as set forth in Ed 306.40.
- (h) Physical education as set forth in Ed 306.41.
- (i) Technology education, and information and communication technologies as set forth in Ed 306.42 and Ed 306.47.
- (j) School year as set forth in Ed 306.18.
- (k) Minimum credits required for a high school diploma as set forth in Ed 306.27(f) and (m).

II. Beginning with the 2011-2012 school year, a school may demonstrate by the end of the school year that it provides the opportunity for an adequate education through the performance-based school accountability system to be developed and implemented by the department, pursuant to RSA 193-E:3-c and RSA 193-E:3-d and designed to measure educational outcomes.

III. In order to demonstrate that a school provides the opportunity for an adequate education through the input-based school accountability system under paragraph I:

(a) The commissioner shall require school officials to submit a narrative explanation detailing how the school has complied with each of the standards included in the opportunity for an adequate education contained in paragraph I. The school principal and school district superintendent shall certify in writing that the responses submitted are accurate. The commissioner shall develop a form which conforms to the provisions of this paragraph.

(b) The commissioner shall review the responses to each school's self-assessment required under this section and shall verify that the responses comply with the standards included in the opportunity for an adequate education specified under paragraph I.

(c) Schools that successfully demonstrate that they provide the opportunity for an adequate education through the input-based school accountability system for any year beginning with the 2009-2010 school year shall be required by the commissioner to resubmit the narrative explanations at least once every 2 years.

(d) Schools that are unable to demonstrate that they provide the opportunity for an adequate education through the input-based school accountability system for the 2009-2010 school year, or for any year thereafter, shall be required by the commissioner to resubmit the narrative explanations annually until such demonstration has been made.

(e) The commissioner shall integrate, to the maximum extent practicable, the input-based school accountability system to demonstrate the opportunity for an adequate education with the school approval process pursuant to RSA 21-N:6, V.

(f) Beginning September 1, 2012, the department shall annually conduct site visits at 10 percent of schools statewide to assess the validity of the input-based school accountability system and to determine whether those schools demonstrate the opportunity for an adequate education by meeting the school standards identified in paragraph I. To the extent feasible, the commissioner shall conduct these site visits together with other site visits

conducted by the department for other purposes and programs. The commissioner may require more frequent site visits at schools which have been unable to demonstrate that they provide the opportunity for an adequate education. To the extent that the department conducts school site visits for other state and/or federal programs after the commencement of the 2009-2010 school year, but prior to September 1, 2012, the department shall, to the maximum extent practicable, endeavor to audit the input-based school accountability self-reporting completed by the visited school.

193-E:3-c Development of the Performance-Based Accountability System.

I. There is hereby established a task force to develop a performance-based school accountability system that, beginning with the 2011-2012 school year, will serve as one method a school may use to demonstrate by the end of the school year that it is providing the opportunity for an adequate education. The commissioner shall be the chairman of the task force and shall appoint no fewer than 9 and no more than 13 members of the task force which shall consist of department personnel, one or more representatives of a school district including at least one school board member, educational experts, parents or guardians of a current public school pupil, members of a public interest group concerned with education, members of the business community, and other individuals with information or expertise of benefit to the task force's duties. The task force shall include one member of the house of representatives, appointed by the speaker of the house of representatives, and one member of the senate, appointed by the president of the senate.

II. The task force shall have the following duties:

(a) Define the performance-based accountability system to be used by schools that will ensure the opportunity for an adequate education is maintained.

(b) Identify performance criteria and measurements.

(c) Establish performance goals and the relative weights assigned to those goals.

(d) Establish the basis, taking into account the totality of the performance measurements, for determining whether the opportunity for an adequate education exists, which may include the assignment of a value for performance on each measurement.

(e) Ensure the integrity, accuracy, and validity of the performance methodology as a means of establishing that a school provided the opportunity for an adequate education as defined in RSA 193-E:2-a.

III. The task force shall develop a performance-based scoring system using only the best available data and indicators which are already provided to the department and/or performance measures that schools are already required to provide the department under other state or federal law. In establishing the performance-based system, the task force may consider one or more of the following data and indicators:

(a) Performance on state tests administered pursuant to RSA 193-C and, upon the prior approval of the department, other assessments administered at local option that are consistent with the state's curriculum standards.

(b) Number and percentage of pupils participating in an advanced placement course.

(c) Number and percentage of graduating pupils going onto post-secondary education and military service.

(d) Attendance rates.

(e) Annual cumulative drop-out rates of high school pupils.

(f) School environment indicators, such as safe schools data.

(g) Expulsion and suspension rates, including in-school and out-of-school suspensions, which shall be reported for each school year.

(h) Number and percentage of classes taught by highly qualified teachers.

(i) Teacher and administrative turnover rates at the school and district levels.

IV. No later than April 1, 2010, the task force shall submit an interim report of its findings and recommendations for future legislation for the performance-based accountability system to the chairpersons of the house and senate education committees, the

speaker of the house of representatives, and the senate president. After the interim report is reviewed by the house and senate education committees, the department shall verify the integrity, accuracy, and validity of the performance-based accountability system utilizing actual school data as provided in RSA 193-E:3-d and shall submit a final report no later than November 1, 2010, including recommendations for future legislation and legislative adoption of the performance-based accountability system, to the chairpersons of the house and senate education committees, the speaker of the house of representatives, the senate president, the governor, the house clerk, and the senate clerk.

V. During the department's verification process, the task force may further evaluate and review whether there are any new or emerging performance measures, or modifications to the performance-based accountability system based upon the verification process that should be considered by the department for implementation beginning with the 2012-2013 school year. No later than November 1, 2011, the task force shall present any further recommendations for legislation regarding the performance-based school accountability system to the same individuals receiving the final report under paragraph IV.

VI. The department shall annually prepare a detailed report documenting the results of each school on the performance-based school accountability system to be developed pursuant to RSA 193-E:3-c, and identifying all schools that can demonstrate the opportunity for an adequate education through the performance-based methodology. The report shall be submitted no later than October 1 to the same individuals receiving the final report under paragraph IV. The initial report shall be due October 1, 2012.

193-E:3-d Performance-Based School Accountability System; Verification Process. Prior to the submission of the final report pursuant to RSA 193-E:3-c, IV the department shall undertake a process to verify and test the integrity, accuracy, and validity of the performance-based accountability system utilizing the best available data from one school from each of the counties in the state. The commissioner shall ensure, to the greatest extent possible, that the verification process utilizes the best available data from a balance of elementary and secondary schools representing diverse socioeconomic conditions throughout the state. The commissioner shall work with school officials and faculty from the selected schools to implement the performance-based school accountability program and to develop a data collection system which will allow schools to easily report results to the department for analysis and reporting.

193-E:3-e Corrective and Technical Assistance. The department shall implement corrective and technical assistance to schools that do not demonstrate that they provide the opportunity for an adequate education under RSA 193-E:3-b, I or II as follows:

I. In the first year of a school being unable to demonstrate that it provides the opportunity for an adequate education under either 193-E:3-b, I or II, school officials shall submit an action plan to the commissioner. The plan shall detail the specific actions the school will take and the timeline to be followed to demonstrate that the school provides the opportunity for an adequate education. The plan shall:

- (a) Identify areas where the school failed to meet the requirements under paragraph RSA 193-E:3-b, I or II.
- (b) Identify and explain the strategy the school intends to implement to achieve compliance and improve performance.
- (c) Detail how the school budget reflects the goals of the action plan.

II. After the second consecutive year of a school being unable to demonstrate that it provides the opportunity for an adequate education under either 193-E:3-b, I or II, school officials shall submit an action plan to the commissioner. The plan shall:

- (a) Describe procedures for providing mentoring or coaching to school personnel.
- (b) Include ongoing technical assistance and a liaison from the department.
- (c) Provide an accounting of how education funds are being expended to provide opportunities for an adequate education as defined in RSA 193-E:2-a.

(d) Establish and explain a strategy designed to promote family and community involvement.

III. After the third consecutive year of a school being unable to demonstrate that it provides the opportunity for an adequate education under either 193-E:3-b, I or II, the commissioner shall:

(a) Assess how the school is expending its education funds and may order that adequacy funds be redirected to address those areas that are contributing to the failure of the school to provide the opportunity for an adequate education.

(b) Assign a coach or mentor to the school until the school demonstrates sufficient progress toward providing the opportunity for an adequate education.

(c) Require the school to provide an accounting of how education funds are being used to provide the opportunity for an adequate education under RSA 193-E:2-a.

(d) Require or provide, to the extent necessary, one or more of the following:

(1) Professional development that is aligned with school improvement goals.

(2) External support and resources based on their effectiveness and alignment with school improvement goals.

(3) Instructional models that incorporate research-based practices that have been proven to be effective in improving pupil achievement.

(4) Formal and informal opportunities to assess and monitor each pupil's progress.

(5) Evidence of decisions supported by data.

(6) Improvements to the school's curriculum, including curricular priorities and instructional materials.

(7) External support and resources based on their effectiveness and alignment with the school improvement plan.

(8) Extended learning opportunities for pupils.

(9) Structural reform strategies that may include changes in scheduling, organization, support mechanisms, and resources.

(10) Structural changes to school leadership to support school improvement.

(e) Meet quarterly with school officials in the affected school to assess the school's progress.

IV. The commissioner shall provide progress reports annually to the state board and the legislative oversight committee established in RSA 193-C:7 on the status and effectiveness of the corrective and technical assistance provided by the department in achieving the demonstration of adequacy by all schools.

2 Increase in Department of Education Site Visits; Report. The commissioner shall investigate the use of volunteer professional teams consisting of educational professionals to conduct site visits for the purpose of verifying that a school is providing the opportunity for an adequate education as required under RSA 193-E. The commissioner shall further investigate the feasibility of using existing department personnel who are conducting site visits to schools under other federal or state programs to assist with site visits required under RSA 193-E. No later than January 1, 2012, and biennially thereafter, the commissioner shall report its findings on these matters to the legislative oversight committee established in RSA 193-C:7.

3 New Paragraph; Statewide Education Improvement and Assessment Program; Legislative Oversight Committee. Amend RSA 193-C:8 by inserting after paragraph IX the following new paragraph:

X. Review the implementation and results of the program relative to accountability for the opportunity for an adequate education established in RSA 193-E, consult and receive reports on such program, evaluate and review existing and emergent performance-based measurement tools, and propose legislation for improvements to the accountability program, as necessary.

4 Repeal. RSA 193-E:2-d, relative to legislative committee on costing an adequate education, is repealed.

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

Majority committee amendment adopted.

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

On a division vote, 228 members having voted in the affirmative and 82 in the negative, the majority committee report was adopted.

Referred to the Committee on Finance.

SPECIAL ORDER

SB 116, repealing the prohibition on political contributions by insurance companies.

MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. David M. Pierce for the Majority of Election Law: Current New Hampshire law prohibits corporations and insurance companies from contributing to political campaigns. However, in 1999, the US District Court ruled that the prohibition against corporate contributions is unconstitutional. The committee believes that based on the court's reasoning, the prohibition against insurance company contributions is likely also unconstitutional. SB 116 would remove this unconstitutional and unenforceable law from the statute books. Vote 10-7.

Rep. James R. Splaine for the Minority of Election Law: It makes absolutely no sense that we add insurance companies to the pool of money available for plunder by political campaigns. This is all about giving yet another group an opportunity to use its financial influence for political favoritism and to say anything else is just not accurate. Those working for insurance companies and those who run them and own them can already participate in politics as candidates, supporting candidates as volunteers, and contributing to candidates as individuals – but this bill would now allow the companies themselves to contribute from their treasuries. Are political campaigns so desperate that political fundraisers are looking for even more money this way? Because of a court decision in 1999, most corporations can contribute directly from their treasuries despite state law prohibiting such. But the way we should be “leveling the playing field” for political contributors is to continue the prohibition against corporations, which is already in our statutes, but allow corporations to contribute through the political action committee process. In that way, there would be a guarantee that corporations must disclose what they contribute to candidates in reports to the office of secretary of state. Right now, corporations can make political contributions directly from their treasuries and other assets, yet they do not have to make disclosure to the office of secretary of state. Bills requiring such disclosure have passed the House in recent years but have been defeated in the State Senate. To “fix” the system, we need more public campaign finance disclosure, not less. We certainly don't need to allow for the shakedown of yet another source of campaign funds by allowing politicians to dial-for-dollars to insurance companies, just so they'll have even more political influence. It would be counterproductive, and shameful, for us to approve this legislation. Is there any other “benefit” to come from this other than that political campaigns and political parties would have more sources from which to get funds? Since the insurance industry is carefully regulated by the state, one wonders why their lobbyists spoke so strongly at the public hearing desiring to be able to place their company money into campaigns.

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

Rep. Splaine spoke in favor and yielded to questions.

Majority committee report adopted and ordered to third reading.

BILL REMOVED FROM CONSENT CALENDAR

SB 167-FN, relative to employee leasing companies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Knowles for Labor, Industrial and Rehabilitative Services: This bill enforces the co-employment relationship between employee leasing companies and client companies. It clarifies the party responsible for wages, benefits and other compensation and workers compensation insurance. Vote 13-1.

Amendment (1449h)

Amend RSA 277-B:5, IV(a) as inserted by section 4 of the bill by replacing it with the following:

(a) Upon request of a client company, an employee leasing company insured in the voluntary market shall request that the carrier of the employee leasing company make available claims data on a client company basis to the National Council on Compensation Insurance.

Amend RSA 277-B:6, I as inserted by section 5 of the bill by replacing it with the following:

I. Every application for issuance or renewal of a license as an employee leasing company shall be accompanied by ~~[-at a minimum, a reviewed]~~ ***an audited*** financial statement prepared by an independent certified public accountant in accordance with generally accepted accounting principles. ***Such statement shall show a minimum working capital of \$100,000. At the time of application for a new license, the employee leasing company shall submit its most recent audit which may not be older than 13 months. Thereafter, an employee leasing company shall file a succeeding audit-performed*** within ~~[6] 12 months~~ ~~[prior to]~~ ***before*** the date of application or renewal ~~[-and such statement shall show a minimum net worth of \$100,000]~~ ***showing a minimum working capital of \$100,000. An employee leasing company with less than \$100,000 in working capital at renewal shall have 180 days to eliminate the deficiency. During that 180 days the employee leasing company shall submit quarterly financial statements to the department accompanied by an attestation of the chief executive officer that all wages, taxes, workers' compensation premiums, and employee benefits have been paid by the employee leasing company. As an alternative, an employee leasing company may, as approved by the commissioner, provide a surety bond, irrevocable letter of credit, or securities with a minimum market value of \$100,000 to the department. For any employee leasing company whose annual financial statements do not indicate positive working capital, the amount of the bond, irrevocable letter of credit, or securities shall be \$100,000 plus an amount sufficient to cover the deficit in working capital.***

Amend RSA 277-B:8 as inserted by section 7 of the bill by replacing it with the following:

277-B:8 Renewal of License. ~~[Every license]~~ ***Licenses*** issued pursuant to this chapter shall remain in force for one year from the date of issue, unless the license has been revoked under RSA 277-B:7. ***If an employee leasing company has been continuously licensed without revocation or suspension for a period of 5 years or more following the effective date of this section, a license shall remain in force for 2 years from the date of issue provided that financial information required under RSA 277-B:6 is submitted to the department on an annual basis.*** Every licensee shall file an application for renewal 60 days before expiration of its license. The commissioner shall act upon such application for renewal within such 60-day period. ***In the event that an applicant for renewal shall qualify for a 2-year license, the licensing fee shall be twice the annual amount.***

Amend RSA 277-B:9, II(j) as inserted by section 8 of the bill by replacing it with the following:

(j) Assuming and accepting responsibility for all compensation paid to any employee that is not paid through the employee leasing relationship or reported to the employee leasing company. Responsibility shall include but shall not be limited to all payroll

taxes, federal and state taxes, additional premium for insurances including but shall not limited to workers compensation insurance and additional matching contributions if any. Amend RSA 277-B:9 as inserted by section 8 of the bill by inserting after paragraph II the following new paragraph:

III. The employee leasing company shall notify the commissioner of employment security and the commissioner of the department of labor in writing of all new and terminated client companies within 10 days of engagement or termination.
Amendment adopted.

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

Rep. Infantine spoke against.

Rep. John Knowles spoke in favor.

Committee report adopted.

Referred to the Committee on Ways and Means.

SUSPENSION OF RULES

Reps. Wallner and Packard moved that House Rules be so far suspended to allow consideration at the present time of **SB 153**, relative to business practices between motor vehicle manufacturers, distributors, and dealers.

Rep. Vaillancourt spoke against.

Reps. Butler and Packard spoke in favor.

Rep. Eaton requested a roll call; sufficiently seconded.

YEAS 316 NAYS 45

YEAS 316

BELKNAP

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

CARROLL

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

CHESHIRE

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

COOS

Hatch, William	Ingersoll, Paul Sr	Mears, Lucy	Merrick, Scott
Rappaport, Laurence	Remick, William	Richardson, Herbert	Stohl, Eric
Theberge, Robert			

GRAFTON

Aguiar, James
Ford, Susan
Ladd, Rick Jr
Mulholland, Catherine
Preston, Philip
Ward, Brien

Almy, Susan
Friedrich, Carol
Laliberte, Suzanne
Nordgren, Sharon
Smith, Suzanne
Williams, Burton

Benn, Bernard
Gould, Franklin
Matheson, Robert
Pastor, Beatriz
Taylor, Kathleen

Cooney, Mary
Harding, Laurie
Maybeck, Margie
Pierce, David
Townsend, Charles

HILLSBOROUGH

Batula, Peter
Belvin, William
Campbell, David
Chase, Claudia
Cote, David
Doherty, Shaun
Gagne, Larry
Ginsburg, Ruth
Hackel, Paul
Harvey, Philip
Hinch, Richard
Irwin, Anne-Marie
Katsiantonis, Thomas
L'Heureux, Robert
Lisle, Carolyn
Moran, Edward
O'Neil, James
Pilotte, Maurice
Renzullo, Andrew
Shattuck, Gilman
Spaulding, Jayne

Beauchamp, Roger
Bergin, Peter
Caron, June
Chininis, Alexis
Craig, James
Dokmo, Cynthia
Gargasz, Carolyn
Goley, Jeffrey
Haley, Robert
Harvey, Suzanne
Hodges, Kevin
Jasper, Shawn
Knowles, John
LaPlante, Roland
Long, Patrick
Movsesian, Lori
Pellegrino, Tony
Poznanski, Brian
Rokas, Theodoros
Shaw, Barbara
Sullivan, Daniel

Beaulieu, Jane
Boehm, Ralph
Cebrowski, John
Christensen, Chris
Daniels, Gary
Drisko, Richard
Garrity, Patrick
Gorman, Mary
Hammond, Jill
Hawkins, Ken
Holden, Rip
Jeudy, Jean
Knowles, Mary Ann
Levasseur, Nickolas
Mack, Ron
Nixon, David
Pepino, Leo
Price, Pamela
Rosenwald, Cindy
Shaw, Kimberly
Thompson, Robert

Beck, Catriona
Boisvert, Ronald
Chandlely, Shannon
Clemons, Jane
Day, Russell
Flurey, Joan
Gidge, Kenneth
Graham, John
Hardy, Valerie
Hebert, Roger
Infantine, William
Katsiantonis, George
Komi, Richard
Levesque, Melanie
Marshall, Seth
O'Brien, Michael Sr
Peterson, Andrew
Ramsey, Peter
Ryder, Donald
Soucy, Timothy
Walsh, Robert Jr

MERRIMACK

Anderson, Eric
Clarke, Claire
Foose, Robert
Hess, David
McMahon, Patricia
Porter, Margaret
Rice, Chip
Smith, Todd
Wallner, Mary Jane
Wheeler, Deborah

Bartlett, Michael
Coffey, Jennifer
French, Barbara
Kidder, David
Osborne, Jessie
Potter, Frances
Rodd, Beth
Stetson, William
Walz, Mary Beth
Williams, Robert

Bouchard, Candace
Davis, Frank
Gile, Mary
Kotowski, Frank
Owen, Derek
Reardon, Tara
Schuett, Dianne
Tilton, Joy
Watrous, Rick
Yeaton, Charles

Brown, Carole
DeJoie, John
Hamm, Christine
Lockwood, Priscilla
Palfrey, David
Reed, Dennis
Shurtleff, Stephen
Tupper, Frank
Webb, Leigh

ROCKINGHAM

Allen, Mary
Bishop, Franklin
Cali-Pitts, Jacqueline
Comerford, Timothy
DiFruscia, Anthony
Emiro, Frank
Garcia, Marilinda
Griffin, Mary
Hoelzel, Kathleen
Introne, Robert

Bailey, Clinton
Borden, David
Case, Frank
Crisler, Margaret
DiPentima, Rich
Ferrante, Beverly
Garrity, James
Hagan, Joseph
Howard, Doreen
Kepner, Susan

Belanger, Ronald
Bridle, Russell
Casey, Kimberley
Cushing, Robert
Dowling, Patricia
Fesh, Robert
Gleason, John
Headd, James
Hutchinson, Gina
Kolodziej, Walter

Bettencourt, David
Brown, C. Pennington
Charron, Gene
Day, Judith
Elliott, Robert
Flanders, John Sr
Gould, Kenneth
Henson, John
Ingram, Russell
Lyons, Melissa

Major, Norman
McMahon, Charles
Norelli, Terie
Priestley, Anne
Russell, Joseph
Scamman, W.
Douglas Jr
Stiles, Nancy
Welch, David

Mann, Maureen
Moody, Marcia
Packard, Sherman
Quandt, Matt
Russell, Trink
Schlachman, Donna

Sullivan, James
Wells, Roger

McCarthy, Barbara
Nevins, Chris
Pantelakos, Laura
Rausch, James
Sapareto, Frank
Sedensky, John

Weare, Everett

McEachern, Paul
Nord, Susi
Pettersen, Don
Read, Robin Jr
Scamman, Stella
Splaine, James

Webber, Carolyn

STRAFFORD

Berube, Roger
Browne, Brendon
Grassie, Anne
Hutz, Sarah
Rogers, Rose Marie
Ryder, Mark
Twombly, James
Ward, Kenneth

Bickford, David
Burke, Rachel
Hofemann, Roland
Keans, Sandra
Rollo, Deanna
Smith, Marjorie
Vachon, Dennis
Watters, David

Brennan, William
Cyr, James
Horriggan, Timothy
Lauterborn, Elaine
Rollo, Michael
Spang, Judith
Vita, Carol

Brown, Larry
Domingo, Baldwin
Hubbard, Pamela
Price, Susan
Rous, Emma
Sprague, Dale
Wall, Janet

SULLIVAN

Cloutier, John
Harris, Sandra

Rodeschin, Beverly

Donovan, Thomas Jr
Houde-Quimby,
Charlotte
Skinder, Carla

Gagnon, Raymond
McClammer, Jim

Sweeney, Cynthia

Gottling, Suzanne
Osgood, Joe

NAYS 45

BELKNAP

Swinford, Elaine

CARROLL

Fleck, Joseph

CHESHIRE

None

COOS

None

GRAFTON

Gionet, Edmond

Ingbertson, Paul

HILLSBOROUGH

Elliott, Nancy
Hinkle, Peyton
McCarthy, Michael
Ober, Lynne
Rowe, Robert
Ulery, Jordan
Winters, Joel

Gandia, Laura
Hogan, Edith
Mead, Robert
Ober, Russell III
Seidel, Carl
Vaillancourt, Steve

Haefner, Robert
Hopper, Gary
Messier, Irene
Palmer, Stephen
Silva, Peter
Villeneuve, Moe

Hikel, John
Kurk, Neal
O'Brien, William
Pratt, Calvin
Tahir, Saghir
Willette, Robert

MERRIMACK

McGuire, Carol

ROCKINGHAM

Baldasaro, Alfred
Kappler, L. Mike
Reagan, John

Bates, David
Katsakiores, George
Smith, William

Devine, James
Katsakiores, Phyllis
Tucker, Pamela

Itse, Daniel
McKinney, Betsy
Van Patten, Don

STRAFFORD

Brown, Julie

Groen, Warren

SULLIVAN

Howard, Thomas

and the motion was adopted by the necessary two-thirds.

(Speaker Norelli in the Chair)

CONSIDERATION OF SB 153

SB 153, relative to business practices between motor vehicle manufacturers, distributors, and dealers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul McEachern for Commerce and Consumer Affairs: This bill seeks to balance the playing field between motor vehicle (car, truck, motorcycle and RV) dealers and manufacturers. The manufacturer-dealer agreements are not negotiable by the dealers. SB 153 aims to ensure that a motor vehicle dealer is fairly and reasonably compensated for all work performed and that consumers are protected when vehicles have various manufacturers. With the recent economic conditions many dealerships are voluntarily terminating their dealership business, being terminated by their manufacturer, or finding their manufacturer ending lines like Pontiac, Saturn, Saab and Hummer. During the past 16 months, 16 franchised dealers closed their doors in New Hampshire. Many of those dealers were neither fairly nor timely compensated by the manufacturer for their operations, including the remaining inventory of vehicles and parts. On May 11th, 15 New Hampshire GM dealers will likely receive termination notices; this along with the loss of Chrysler dealers means the loss of approximately 1,000 jobs. This bill will provide those businesses a "soft landing." It will allow a New Hampshire dealership to accurately assess the cost of transitioning to a used sales or service operation and know what it will be compensated for. The compensated items are those that are required by the manufacturer, including new cars, parts, signs, special tools and equipment. The "soft landing" provisions will most importantly save jobs for New Hampshire citizens who are employed at dealerships. When a dealership can accurately know the cost of scaling back operations, it can transition to a used car operation that can still service customers, provide community benefit and keep people employed. Vote 15-0.

Amendment (1512h)

Amend RSA 357-C:5, II(b)(3) as inserted by section 5 of the bill by replacing it with the following:

(3) The wholesale price on which a dealer's markup reimbursement is based for any parts used in a recall, service campaign, or other similar program, shall not be less than the highest wholesale price listed in the manufacturer's or distributor's wholesale price catalogue within 6 months prior to the start of the recall, service campaign, or other similar program. If the manufacturer or distributor does not have a wholesale price catalogue, or if the part is not listed in a

wholesale price catalogue, the wholesale price on which a dealer's markup reimbursement is based in a recall, service campaign, or other similar program shall be the average price charged to dealers of similar line makes in the state for the part during 6 months prior to the start of the recall, service campaign, or other similar program. In no event shall a dealer receive less than the dealer's actual cost for that part, plus the markup as calculated pursuant to this subparagraph.

Amend RSA 357-C:6-a, II(b) and (c) as inserted by section 8 of the bill by replacing them with the following:

(b) Require a dealer to warrant or guarantee the accuracy and completeness of any personal, financial, or credit information provided by the customer on the credit application and/or in the course of applying for credit other than to require that the dealer make reasonable inquiry regarding the accuracy and completeness of such information and represent that such information is true and correct to the best of the dealer's knowledge.

(c) Require a dealer to repurchase, pay off, or guaranty any contract for the sale or lease of a motor vehicle or to require a dealer to indemnify, defend, or hold harmless the captive finance source for settlements, judgments, damages, litigation expenses, or other costs or expenses incurred by such captive finance source unless the obligation to repurchase, pay off, guaranty, indemnify, or hold harmless resulted directly from (i) the subject dealer's material breach of the terms of a written agreement with the captive finance source or the terms for the purchase of an individual contract for sale or lease that the captive finance source communicates to the dealer before each such purchase, except to the extent the breached terms are otherwise prohibited under subparagraphs (a)-(h), or (ii) the subject dealer's violation of applicable law. However, for purposes of this section, the dealer may contractually obligate itself to warrant the accuracy of the information provided in the finance contract, but such warranty may only be enforced if the captive finance source gives the dealer a reasonable opportunity to cure or correct any errors in the finance contract where cure or correction is possible. For purposes of this section, any allegation by a third party that would constitute a breach of the terms of a written agreement between the dealer and a captive finance source shall be considered a material breach.

Amend RSA 357-C:6-a, IV-VII as inserted by section 8 of the bill by replacing them with the following:

IV. Any captive finance source who engages directly or indirectly in purposeful contacts within this state in connection with the offering or advertising the availability of financing for the sale or lease of motor vehicles within this state, or who has business dealings within this state, shall be subject to the provisions of this section and shall be subject to the jurisdiction of the courts of this state.

V. The applicability of this section shall not be affected by a choice of law clause in any agreement, waiver, novation, or any other written instrument.

VI. It shall be unlawful for a captive finance source to use any subsidiary corporation, affiliated corporation, or any other controlled corporation, partnership, association, or person to accomplish what would otherwise be illegal conduct under this section on the part of the captive finance source.

Amend RSA 357-C:7, VI(a) as inserted by section 13 of the bill by replacing it with the following:

(a) The dealer cost plus any charges by the manufacturer, distributor, or branch or division thereof for distribution, delivery, and taxes paid by the dealer, less all allowances paid to the dealer by the manufacturer, distributor, or representative, for new, unsold, undamaged and complete motor vehicles in the dealer's inventory that have original invoices bearing original dates within 24 months prior to the effective date of termination with less than 750 miles on the odometer, and insurance costs, and floor plan costs from the effective date of the termination to the date that the vehicles are removed from dealership or the date the floor plan finance company is paid, whichever occurs last. Vehicles with a gross vehicle weight rating over 14,000 shall be exempt from the 750 mile limitation. Motorcycles shall be

subject to a 350 mile limitation. All vehicles shall have been acquired from the manufacturer or another same line-make vehicle dealer in the ordinary course of business.

Amend RSA 357-C:7, VIII as inserted by section 13 of the bill by replacing it with the following:

VIII. Within 90 days of a termination or nonrenewal, with good cause and in good faith, the manufacturer or distributor of any franchise, or any branch or division thereof, and notwithstanding any terms therein to the contrary, the manufacturer, distributor, or branch or division thereof shall pay to the new motor vehicle dealer the amount remaining to be paid on any leases of computer hardware or software that is used to manage and report data to the manufacturer or distributor for financial reporting requirements and the amount remaining to be paid on any manufacturer or distributor required equipment leases or service contracts, including but not limited to computer hardware and software leases.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Winters spoke against.

Rep. Butler spoke in favor and yielded to questions.

Rep. Sapareto requested a roll call; sufficiently seconded.

YEAS 295 NAYS 66

YEAS 295

BELKNAP

Arsenault, Beth	Bolster, Peter	Fields, Dennis	Flanders, Donald
Merry, Liz	Miller, Kate	Millham, Alida	Nedeau, Stephen
Pilliod, James	Reever, Judith	Russell, David	St. Cyr, Jeffrey
Stuart, Richard	Veazey, John	Wendelboe, Fran	

CARROLL

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

CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Carlson, Nancy	Carr, Daniel	Eaton, Daniel
Emerson, Susan	Johnson, Jane	Laurent, John	Lerandeau, Alfred
Lindsey, Steven	Meador, David	Mitchell, Bonnie	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sad, Tara	Weber, Lucy

COOS

Hatch, William	Mears, Lucy	Merrick, Scott	Rappaport, Laurence
Remick, William	Richardson, Herbert	Stohl, Eric	Theberge, Robert

GRAFTON

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

HILLSBOROUGH

Batula, Peter	Beauchamp, Roger	Beaulieu, Jane	Beck, Catriona
Bergin, Peter	Boisvert, Ronald	Campbell, David	Caron, June
Cebrowski, John	Chandley, Shannon	Chase, Claudia	Chininis, Alexis
Christensen, Chris	Clemons, Jane	Cote, David	Craig, James
Daniels, Gary	Day, Russell	Doherty, Shaun	Dokmo, Cynthia
Drisko, Richard	Flurey, Joan	Foster, Linda	Gagne, Larry
Gargas, Carolyn	Garrity, Patrick	Gidge, Kenneth	Ginsburg, Ruth
Goley, Jeffrey	Graham, John	Hackel, Paul	Haley, Robert
Hammond, Jill	Hardy, Valerie	Harvey, Philip	Harvey, Suzanne
Hawkins, Ken	Hinch, Richard	Holden, Rip	Infantine, William
Irwin, Anne-Marie	Jasper, Shawn	Judy, Jean	Katsiantonis, George
Katsiantonis, Thomas	Knowles, John	Knowles, Mary Ann	Komi, Richard
L'Heureux, Robert	LaPlante, Roland	Levasseur, Nickolas	Levesque, Melanie
Lisle, Carolyn	Long, Patrick	Mack, Ron	Marshall, Seth
Movsesian, Lori	Nixon, David	O'Brien, Michael Sr	O'Neil, James
Pepino, Leo	Peterson, Andrew	Pilotte, Maurice	Poznanski, Brian
Price, Pamela	Ramsey, Peter	Renzullo, Andrew	Rokas, Theodoros
Rosenwald, Cindy	Ryder, Donald	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Soucy, Timothy	Spaulding, Jayne	Sullivan, Daniel
Thompson, Robert	Walsh, Robert Jr		

MERRIMACK

Anderson, Eric	Bartlett, Michael	Bouchard, Candace	Brown, Carole
Clarke, Claire	Coffey, Jennifer	Davis, Frank	DeJoie, John
Foose, Robert	French, Barbara	Gile, Mary	Hamm, Christine
Hess, David	Kidder, David	Kotowski, Frank	Lockwood, Priscilla
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Palfrey, David
Porter, Margaret	Potter, Frances	Rice, Chip	Rodd, Beth
Schuetz, Dianne	Shurtleff, Stephen	Smith, Todd	Stetson, William
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Watrous, Rick	Webb, Leigh	Wheeler, Deborah	Williams, Robert
Yeaton, Charles			

ROCKINGHAM

Allen, Mary	Bailey, Clinton	Belanger, Ronald	Bishop, Franklin
Borden, David	Bridle, Russell	Brown, C. Pennington	Cali-Pitts, Jacqueline
Case, Frank	Casey, Kimberley	Charron, Gene	Crisler, Margaret
Cushing, Robert	Day, Judith	DiPentima, Rich	Dowling, Patricia
Elliott, Robert	Emiro, Frank	Fesh, Robert	Flanders, John Sr
Garcia, Marilinda	Gleason, John	Gould, Kenneth	Griffin, Mary
Hagan, Joseph	Headd, James	Henson, John	Howard, Doreen
Hutchinson, Gina	Ingram, Russell	Introne, Robert	Katsakiores, George
Katsakiores, Phyllis	Kepner, Susan	Lyons, Melissa	Major, Norman
McCarthy, Barbara	McEachern, Paul	McMahon, Charles	Moody, Marcia
Nevins, Chris	Nord, Susi	Packard, Sherman	Pantelakos, Laura
Perkins, Amy	Perkins, Lawrence	Petterson, Don	Preston, Mark
Priestley, Anne	Quandt, Matt	Rausch, James	Read, Robin Jr
Russell, Trink	Sapareto, Frank	Scamman, Stella	Scamman, W.
			Douglas Jr
Schlachman, Donna	Sedensky, John	Splaine, James	Stiles, Nancy
Sullivan, James	Tucker, Pamela	Weare, Everett	Webber, Carolyn
Welch, David	Wells, Roger		

STRAFFORD

Berube, Roger
Burke, Rachel
Hofemann, Roland
Keans, Sandra
Rollo, Deanna
Smith, Marjorie
Vachon, Dennis
Watters, David

Brennan, William
Cyr, James
Horrigan, Timothy
Lauterborn, Elaine
Rollo, Michael
Spang, Judith
Vita, Carol

Brown, Larry
Domingo, Baldwin
Hubbard, Pamela
Price, Susan
Rous, Emma
Sprague, Dale
Wall, Janet

Browne, Brendon
Grassie, Anne
Hutz, Sarah
Rogers, Rose Marie
Ryder, Mark
Twombly, James
Ward, Kenneth

SULLIVAN

Cloutier, John
Harris, Sandra
Skinder, Carla

Donovan, Thomas Jr
McClammer, Jim
Sweeney, Cynthia

Gagnon, Raymond
Osgood, Joe

Gottling, Suzanne
Rodeschin, Beverly

NAYS 66

BELKNAP

Johnson, William

Swinford, Elaine

CARROLL

Fleck, Joseph

McConkey, Mark

Roberts, John

Scala, Dino

CHESHIRE

Parkhurst, Henry

Weed, Charles

COOS

None

GRAFTON

Gionet, Edmond

Ingbretson, Paul

HILLSBOROUGH

Belvin, William
Gorman, Mary
Hogan, Edith
Mead, Robert
Ober, Lynne
Pratt, Calvin
Tahir, Saghir
Willette, Robert

Boehm, Ralph
Haefner, Robert
Hopper, Gary
Messier, Irene
Ober, Russell III
Rowe, Robert
Ulery, Jordan
Winters, Joel

Elliott, Nancy
Hikel, John
Kurk, Neal
Moran, Edward
Palmer, Stephen
Seidel, Carl
Vaillancourt, Steve

Gandia, Laura
Hinkle, Peyton
McCarthy, Michael
O'Brien, William
Pellegrino, Tony
Silva, Peter
Villeneuve, Moe

MERRIMACK

Boutin, David

McGuire, Carol

Reed, Dennis

ROCKINGHAM

Baldasaro, Alfred
Devine, James
Hoelzel, Kathleen

Bates, David
DiFruscia, Anthony
Itse, Daniel

Bettencourt, David
Ferrante, Beverly
Kappler, L. Mike

Comerford, Timothy
Garrity, James
Kolodziej, Walter

Mann, Maureen
Smith, William

McKinney, Betsy
Van Patten, Don

Reagan, John

Russell, Joseph

STRAFFORD

Bickford, David

Brown, Julie

Groen, Warren

SULLIVAN

Houde-Quimby,
Charlotte

Howard, Thomas

and the committee report was adopted.

Ordered to third reading.

Rep. Reardon declared a conflict of interest on **SB 153** and did not participate.

Rep. Boutin voted Nay and intended to vote Yea.

RESOLUTION

Rep. Wallner offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 20, 2009 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 103-FN, relative to prohibited sales of alcoholic beverages.

SB 26, relative to degree granting authority for St. John International University.

SB 118, relative to assistance in voting.

SB 137-FN-A, relative to animal population control.

SB 14, relative to the governing boards of allied health professionals.

SB 156, relative to the commission to study the creation of an animal care worker classification.

SB 202-FN-L, relative to employee candidate background checks by municipalities.

SB 117, establishing a committee to study the feasibility of establishing a program to provide low-cost firewood from state lands to low-income individuals.

SB 159-FN, relative to broadband technology planning and development.

SB 15, relative to the membership of the state veterans' advisory committee.

SB 35, establishing a commission to study creating a veterans' legal aid advocacy project in New Hampshire.

SB 57, relative to the commission to study the effects of post-traumatic stress disorder and traumatic brain injury suffered by New Hampshire soldiers and veterans returning from Iraq and Afghanistan.

SB 148, establishing that the state of New Hampshire recognizes the designations of Prisoner of War (POW) and Missing in Action (MIA) as valid descriptions of casualty status and category classification for military personnel.

SB 13, declaring the chinook the state dog of New Hampshire.

SB 108, establishing a committee to study the imposition of assessments to retirement system employers for excess benefits paid to retirees.

SB 52, making technical corrections to laws relative to courts and court procedures.

SB 97, establishing a committee to study the standards and procedures by which certain information should be provided to electrical service customers.

SB 116, repealing the prohibition on political contributions by insurance companies.

SB 153, relative to business practices between motor vehicle manufacturers, distributors, and dealers.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 527, repealing the coordinated school health committee and relative to health education in kindergarten through grade 12. (Amendment printed SJ 4-29-09)

Rep. Rous moved that the House concur and spoke in favor.

Adopted.

HB-52-FN, relative to the regulation of massage therapists. (Amendment printed SJ 4-22-09)

Rep. Irwin moved that the House concur and spoke in favor.

Adopted.

HB 80, requiring at least one member of the pharmacy board to be a hospital pharmacist, and relative to the consecutive years of service of pharmacy board members. (Amendment printed SJ 4-22-09)

Rep. Irwin moved that the House concur and spoke in favor.

Adopted.

Rep. Reardon declared a conflict of interest on **HB 80** and did not participate.

HB 129, establishing a committee to study the incorporation of electronic filing procedures under the administrative procedures act. (Amendment printed SJ 4-22-09)

Rep. Irwin moved that the House concur and spoke in favor.

Adopted.

HB 234, establishing a committee to study the certificate of need process. (Amendment printed SJ 4-29-09)

Rep. Rosenwald moved that the House concur and spoke in favor.

Adopted.

HB 436, relative to civil marriage and civil unions. (Amendment printed SJ 4-29-09)

Rep. Cote moved that the House concur.

Reps. Bolster, William O'Brien, Silva, Rowe and William Smith spoke against.

Rep. Doreen Howard spoke against and yielded to questions.

Reps. Lucy Weber, Trinka Russell and Pierce spoke in favor.

Rep. Kris Roberts spoke in favor and yielded to questions.

Rep. Itse requested a roll call; sufficiently seconded.

YEAS 178 NAYS 167

YEAS 178

BELKNAP

Arsenault, Beth
Stuart, Richard

Johnson, William

Merry, Liz

Reever, Judith

CARROLL

Bridgham, Robert

Butler, Edward

Wiley, Susan

CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Carr, Daniel	Eaton, Daniel	Lerandeau, Alfred	Lindsey, Steven
Meador, David	Mitchell, Bonnie	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Sad, Tara	Weber, Lucy	Weed, Charles

COOS

Hatch, William	Mears, Lucy	Merrick, Scott	Theberge, Robert
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GRAFTON

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

HILLSBOROUGH

Beaulieu, Jane	Beck, Catriona	Bergin, Peter	Campbell, David
Caron, June	Chandley, Shannon	Chase, Claudia	Chininis, Alexis
Clemons, Jane	Cote, David	Dokmo, Cynthia	Flurey, Joan
Foster, Linda	Gidge, Kenneth	Ginsburg, Ruth	Gorman, Mary
Hackel, Paul	Hammond, Jill	Hardy, Valerie	Harvey, Philip
Harvey, Suzanne	Irwin, Anne-Marie	Knowles, John	Knowles, Mary Ann
Komi, Richard	Levasseur, Nickolas	Levesque, Melanie	Lisle, Carolyn
Long, Patrick	Mack, Ron	Marshall, Seth	Messier, Irene
Nixon, David	O'Brien, Michael Sr	Poznanski, Brian	Ramsey, Peter
Rosenwald, Cindy	Shattuck, Gilman	Shaw, Barbara	Thompson, Robert
Vaillancourt, Steve	Walsh, Robert Jr	Winters, Joel	

MERRIMACK

Bartlett, Michael	Bouchard, Candace	Brown, Carole	Clarke, Claire
Davis, Frank	DeJoie, John	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	Lockwood, Priscilla	McMahon, Patricia
Osborne, Jessie	Porter, Margaret	Potter, Frances	Reardon, Tara
Rice, Chip	Rodd, Beth	Schuett, Dianne	Shurtleff, Stephen
Stetson, William	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Watrous, Rick	Webb, Leigh	Wheeler, Deborah
Williams, Robert	Yeaton, Charles		

ROCKINGHAM

Borden, David	Brown, C. Pennington	Cali-Pitts, Jacqueline	Casey, Kimberley
Cushing, Robert	Day, Judith	DiFruscia, Anthony	DiPentima, Rich
Gould, Kenneth	Henson, John	Hutchinson, Gina	Kepner, Susan
Lyons, Melissa	Mann, Maureen	McCarthy, Barbara	McEachern, Paul
Moody, Marcia	Nord, Susi	Pantelakos, Laura	Petterson, Don
Read, Robin Jr	Russell, Joseph	Russell, Trinka	Schlachman, Donna
Splaine, James	Webber, Carolyn		

STRAFFORD

Brennan, William	Brown, Larry	Browne, Brendon	Burke, Rachel
Cyr, James	Domingo, Baldwin	Hofemann, Roland	Horrigan, Timothy
Hubbard, Pamela	Hutz, Sarah	Keans, Sandra	Lauterborn, Elaine

Price, Susan
Rous, Emma
Sprague, Dale
Watters, David

Rogers, Rose Marie
Ryder, Mark
Vachon, Dennis

Rollo, Deanna
Smith, Marjorie
Wall, Janet

Rollo, Michael
Spang, Judith
Ward, Kenneth

SULLIVAN

Cloutier, John
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Harris, Sandra
Sweeney, Cynthia

NAYS 167

BELKNAP

Bolster, Peter
Nedeau, Stephen
Swinford, Elaine

Boyce, Laurie
Pilliod, James
Veazey, John

Fields, Dennis
Russell, David
Wendelboe, Fran

Flanders, Donald
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
Knox, J. David
Scala, Dino

Buco, Thomas
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Roberts, John

CHESHIRE

Butynski, William

Emerson, Susan

Johnson, Jane

Laurent, John

COOS

Rappaport, Laurence

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Gionet, Edmond
Ward, Brien

Ingbretson, Paul
Williams, Burton

Ladd, Rick Jr

Maybeck, Margie

HILLSBOROUGH

Batula, Peter
Cebrowski, John
Doherty, Shaun
Gargas, Carolyn
Haley, Robert
Hinkle, Peyton
Infantine, William
Katsiantonis, Thomas
Mead, Robert
O'Neil, James
Peterson, Andrew
Renzullo, Andrew
Seidel, Carl
Tahir, Saghir

Belvin, William
Christensen, Chris
Drisko, Richard
Garrity, Patrick
Hawkins, Ken
Hogan, Edith
Jasper, Shawn
Kurk, Neal
Moran, Edward
Palmer, Stephen
Pilotte, Maurice
Rokas, Theodoros
Shaw, Kimberly
Villeneuve, Moe

Boehm, Ralph
Daniels, Gary
Elliott, Nancy
Graham, John
Hikel, John
Holden, Rip
Jeudy, Jean
L'Heureux, Robert
Movsesian, Lori
Pellegrino, Tony
Pratt, Calvin
Rowe, Robert
Silva, Peter
Willette, Robert

Boisvert, Ronald
Day, Russell
Gagne, Larry
Haefner, Robert
Hinch, Richard
Hopper, Gary
Katsiantonis, George
McCarthy, Michael
O'Brien, William
Pepino, Leo
Price, Pamela
Ryder, Donald
Spaulding, Jayne

MERRIMACK

Anderson, Eric
Kidder, David

Boutin, David
Kotowski, Frank

Coffey, Jennifer
McGuire, Carol

Hess, David
Palfrey, David

Reed, Dennis

Smith, Todd

ROCKINGHAM

Allen, Mary
Belanger, Ronald
Case, Frank
Devine, James
Ferrante, Beverly
Garrity, James
Headd, James
Introne, Robert
Katsakiores, Phyllis
McMahon, Charles
Perkins, Lawrence
Reagan, John

Bailey, Clinton
Bettencourt, David
Charron, Gene
Dowling, Patricia
Fesh, Robert
Gleason, John
Hoelzel, Kathleen
Itse, Daniel
Kolodziej, Walter
Nevins, Chris
Priestley, Anne
Sapareto, Frank

Baldasaro, Alfred
Bishop, Franklin
Comerford, Timothy
Elliott, Robert
Flanders, John Sr
Griffin, Mary
Howard, Doreen
Kappler, L. Mike
Major, Norman
Packard, Sherman
Quandt, Matt
Scamman, Stella

Bates, David
Bridle, Russell
Crisler, Margaret
Emiro, Frank
Garcia, Marilinda
Hagan, Joseph
Ingram, Russell
Katsakiores, George
McKinney, Betsy
Perkins, Amy
Rausch, James
Scamman, W.
Douglas Jr
Sullivan, James
Welch, David

Sedensky, John
Tucker, Pamela
Wells, Roger

Smith, William
Van Patten, Don

Stiles, Nancy
Weare, Everett

STRAFFORD

Berube, Roger
Twombly, James

Bickford, David
Vita, Carol

Brown, Julie

Groen, Warren

SULLIVAN

Donovan, Thomas Jr
and the motion was adopted.

Osgood, Joe

Rodeschin, Beverly

MOTION TO RECONSIDER

Having voted on the prevailing side, Rep. Eaton moved that the House reconsider its action whereby it adopted the motion to concur with amendment on **HB 436**, relative to civil marriage and civil unions.

Rep. Eaton spoke against.

Rep. Campbell requested a roll call; sufficiently seconded.

YEAS 160 NAYS 185

YEAS 160

BELKNAP

Bolster, Peter
Nedeau, Stephen
Veazey, John

Boyce, Laurie
Russell, David
Wendelboe, Fran

Fields, Dennis
St. Cyr, Jeffrey

Flanders, Donald
Swinford, Elaine

CARROLL

Ahlgren, Christopher
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Roberts, John

Knox, J. David
Scala, Dino

CHESHIRE

Emerson, Susan

Johnson, Jane

Laurent, John

COOS

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

Gionet, Edmond	Ingretson, Paul	Ladd, Rick Jr	Maybeck, Margie
Ward, Brien	Williams, Burton		

HILLSBOROUGH

Batula, Peter	Belvin, William	Boehm, Ralph	Boisvert, Ronald
Cebrowski, John	Christensen, Chris	Daniels, Gary	Day, Russell
Doherty, Shaun	Drisko, Richard	Elliott, Nancy	Gagne, Larry
Gargas, Carolyn	Graham, John	Haefner, Robert	Hawkins, Ken
Hikel, John	Hinch, Richard	Hinkle, Peyton	Hogan, Edith
Holden, Rip	Hopper, Gary	Infantine, William	Jasper, Shawn
Jeudy, Jean	Katsiantonis, George	Katsiantonis, Thomas	Kurk, Neal
L'Heureux, Robert	McCarthy, Michael	Mead, Robert	Moran, Edward
O'Brien, William	O'Neil, James	Palmer, Stephen	Pellegrino, Tony
Pepino, Leo	Peterson, Andrew	Pilotte, Maurice	Pratt, Calvin
Price, Pamela	Renzullo, Andrew	Rokas, Theodoros	Rowe, Robert
Ryder, Donald	Seidel, Carl	Shaw, Kimberly	Silva, Peter
Spaulding, Jayne	Tahir, Saghir	Villeneuve, Moe	Willette, Robert

MERRIMACK

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

ROCKINGHAM

Allen, Mary	Bailey, Clinton	Baldasaro, Alfred	Bates, David
Belanger, Ronald	Bettencourt, David	Bishop, Franklin	Bridle, Russell
Case, Frank	Charron, Gene	Comerford, Timothy	Crisler, Margaret
Devine, James	Dowling, Patricia	Elliott, Robert	Emiro, Frank
Ferrante, Beverly	Fesh, Robert	Flanders, John Sr	Garcia, Marilinda
Garrity, James	Griffin, Mary	Hagan, Joseph	Headd, James
Hoelzel, Kathleen	Howard, Doreen	Ingram, Russell	Introne, Robert
Itse, Daniel	Kappler, L. Mike	Katsakiores, George	Katsakiores, Phyllis
Kolodziej, Walter	Major, Norman	McKinney, Betsy	McMahon, Charles
Nevins, Chris	Packard, Sherman	Perkins, Amy	Perkins, Lawrence
Priestley, Anne	Quandt, Matt	Rausch, James	Reagan, John
Sapareto, Frank	Scamman, Stella	Scamman, W. Douglas Jr	Sedensky, John
Smith, William	Stiles, Nancy	Sullivan, James	Tucker, Pamela
Van Patten, Don	Weare, Everett	Welch, David	Wells, Roger

STRAFFORD

Berube, Roger	Bickford, David	Brown, Julie	Groen, Warren
Twombly, James	Vita, Carol		

SULLIVAN

Donovan, Thomas Jr	Osgood, Joe	Rodeschin, Beverly
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NAYS 185

BELKNAP

Arsenault, Beth
Reever, Judith

Johnson, William
Stuart, Richard

Merry, Liz

Pilliod, James

CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Wiley, Susan

CHESHIRE

Allen, Peter
Butynski, William
Lindsey, Steven
Roberts, Kris
Weed, Charles

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

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

Butterworth, Timothy
Lerandeau, Alfred
Richardson, Barbara
Weber, Lucy

COOS

Hatch, William

Mears, Lucy

Merrick, Scott

Theberge, Robert

GRAFTON

Aguiar, James
Ford, Susan
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

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

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

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

HILLSBOROUGH

Beaulieu, Jane
Caron, June
Clemons, Jane
Foster, Linda
Gorman, Mary
Hardy, Valerie
Knowles, John
Levesque, Melanie
Marshall, Seth
O'Brien, Michael Sr
Shattuck, Gilman
Walsh, Robert Jr

Beck, Catriona
Chandley, Shannon
Cote, David
Garrity, Patrick
Hackel, Paul
Harvey, Philip
Knowles, Mary Ann
Lisle, Carolyn
Messier, Irene
Poznanski, Brian
Shaw, Barbara
Winters, Joel

Bergin, Peter
Chase, Claudia
Dokmo, Cynthia
Gidge, Kenneth
Haley, Robert
Harvey, Suzanne
Komi, Richard
Long, Patrick
Movsesian, Lori
Ramsey, Peter
Thompson, Robert

Campbell, David
Chininis, Alexis
Flurey, Joan
Ginsburg, Ruth
Hammond, Jill
Irwin, Anne-Marie
Levasseur, Nickolas
Mack, Ron
Nixon, David
Rosenwald, Cindy
Vaillancourt, Steve

MERRIMACK

Bartlett, Michael
Davis, Frank
Gile, Mary
Osborne, Jessie
Rice, Chip
Stetson, William
Walz, Mary Beth
Williams, Robert

Bouchard, Candace
DeJoie, John
Hamm, Christine
Porter, Margaret
Rodd, Beth
Tilton, Joy
Watrous, Rick
Yeaton, Charles

Brown, Carole
Foose, Robert
Lockwood, Priscilla
Potter, Frances
Schuett, Dianne
Tupper, Frank
Webb, Leigh

Clarke, Claire
French, Barbara
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

ROCKINGHAM

Borden, David	Brown, C. Pennington	Cali-Pitts, Jacqueline	Casey, Kimberley
Cushing, Robert	Day, Judith	DiFruscia, Anthony	DiPentima, Rich
Gleason, John	Gould, Kenneth	Henson, John	Hutchinson, Gina
Kepner, Susan	Lyons, Melissa	Mann, Maureen	McCarthy, Barbara
McEachern, Paul	Moody, Marcia	Nord, Susi	Pantelakos, Laura
Petterson, Don	Read, Robin Jr	Russell, Joseph	Russell, Trinka
Schlachman, Donna	Splaine, James	Webber, Carolyn	

STRAFFORD

Brennan, William	Brown, Larry	Browne, Brendon	Burke, Rachel
Cyr, James	Domingo, Baldwin	Hofemann, Roland	Horrigan, Timothy
Hubbard, Pamela	Hutz, Sarah	Keans, Sandra	Lauterborn, Elaine
Price, Susan	Rogers, Rose Marie	Rollo, Deanna	Rollo, Michael
Rous, Emma	Ryder, Mark	Smith, Marjorie	Spang, Judith
Sprague, Dale	Vachon, Dennis	Wall, Janet	Ward, Kenneth
Watters, David			

SULLIVAN

Cloutier, John	Gagnon, Raymond	Gottling, Suzanne	Harris, Sandra
Houde-Quimby,	McClammer, Jim	Skinder, Carla	Sweeney, Cynthia
Charlotte			

and the motion failed.

PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, the following protest is presented to be entered in the Permanent Journal.

Whereas no society in history has ever considered two people of the same gender as a marriage, and,

Whereas we used to be expected to tolerate differences we are now being asked to tolerate differences that go against our religious beliefs by passing HB 436, and,

Whereas every child deserves a mother and a father and HB 436 intentionally creates families absent of one.

Therefore because of this, I am compelled to respectfully protest this action of this august House under Part II, Article 24 of the New Hampshire Constitution and request the entry of my protest concerning the New Hampshire Representatives' action today on HB 436 in the Permanent Journal of the House provided therein. Respectfully, Reps. Cebrowski, Amy Perkins, Lawrence Perkins, Groen, Boyce, Twombly, Fields, Bates, Hikel, Hinch, Scala, Swinford, Weare, Laurent, Villeneuve, Devine, Baldasaro, Pepino, Gage, Hoelzel, Ingbreton, Maybeck, Tahir, Coffey, Batula, Osgood, Rowe, Fleck, Hagan, Charron, Bolster, Priestley, Kolodziej, Chris Christensen, Comerford, Mead, Ferrante, Hogan, William O'Brien, Nancy Elliott, Doherty, Hinkle, Introne, Silva, Emerson, Jane Johnson, Emiro, David Russell, Griffin, Sedensky, Hopper, Garcia, L'Heureux, Ingram, Julie Brown, Wendelboe, Ulery, George Katsakiores, Phyllis Katsakiores, Seidel, Fesh, Vita, Pellegrino, Bailey, Charles McMahon, Stevens and Kappler.

PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, the following protest was presented to be entered in the Permanent Journal.

Whereas, HB 436 as passed by this House, clearly undermines the traditional culture of New Hampshire, and,

Whereas, it disregards that legitimate American government originates in the consensus of the majority of its citizens as stated in Articles 1 and 8, Part the First of the Constitution of the State of New Hampshire, and,

Whereas, it is an improper use of government to redefine the society that created the governments, and,

Whereas, marriage and the families thus created are the fundamental unit of society, and,

Whereas, redefinition of marriage has had deleterious unintended consequences in other jurisdictions, and,

Whereas, HB 436 uses the power of government to redefine what is fundamentally a religious rite, and,

Whereas, the creation of civil unions has already provided every opportunity of equity under the law in a single act similar to marriage that had been previously available under separate instruments making HB 436 unnecessary except for the purpose of redefining society.

Therefore, because of this, I am compelled to respectfully protest this action of this august House under Part II, Article 24 of the New Hampshire Constitution and request the entry of my protest concerning the New Hampshire Representatives' action today on HB 436 in the Permanent Journal of the House provided therein. Respectfully, Rep. Itse.

SENATE MESSAGE

CONCURRENCE WITH AMENDMENT

SB 153, relative to business practices between motor vehicle manufacturers, distributors, and dealers.

ENROLLED BILL AMENDMENT

SB 153, relative to business practices between motor vehicle manufacturers, distributors, and dealers. (Amendment printed SJ 5-6-09)
Adopted.

SENATE MESSAGES (CONT'D)

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 310-FN, relative to reimbursement of mileage for judges and marital masters.
(Amendment printed SJ 5-6-09)

Rep. Cote moved that the House concur.

Rep. Lucy Weber spoke in favor and yielded to questions.

MOTION TO DEFINITELY POSTPONE

Rep. Rowe moved that ***HB 310-FN***, relative to reimbursement of mileage for judges and marital masters, be Postponed Definitely to the next session date of May 20, 2009.

Rep. Rowe spoke in favor and yielded to questions.

Reps. Vaillancourt and Eaton spoke against.

Rep. Eaton requested a roll call; sufficiently seconded.

YEAS 136 NAYS 176

YEAS 136

BELKNAP

Bolster, Peter
Nedeau, Stephen
Swinford, Elaine

Boyce, Laurie
Pilliod, James
Wendelboe, Fran

Fields, Dennis
Russell, David

Flanders, Donald
St. Cyr, Jeffrey

CARROLL

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

CHESHIRE

Butynski, William	Emerson, Susan	Johnson, Jane	Laurent, John
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COOS

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

Gionet, Edmond	Ingretson, Paul	Ladd, Rick Jr	Maybeck, Margie
Preston, Philip	Ward, Brien	Williams, Burton	

HILLSBOROUGH

Belvin, William	Cebrowski, John	Christensen, Chris	Daniels, Gary
Doherty, Shaun	Drisko, Richard	Elliott, Nancy	Gagne, Larry
Gargas, Carolyn	Graham, John	Haefner, Robert	Hawkins, Ken
Hikel, John	Hinch, Richard	Hinkle, Peyton	Hogan, Edith
Holden, Rip	Hopper, Gary	Infantine, William	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Mead, Robert	Moran, Edward
O'Brien, William	Pellegrino, Tony	Pepino, Leo	Peterson, Andrew
Pilotte, Maurice	Pratt, Calvin	Price, Pamela	Renzullo, Andrew
Rowe, Robert	Ryder, Donald	Seidel, Carl	Silva, Peter
Spaulding, Jayne	Villeneuve, Moe		

MERRIMACK

Anderson, Eric	Coffey, Jennifer	Hess, David	Kidder, David
McGuire, Carol	Palfrey, David	Reed, Dennis	

ROCKINGHAM

Allen, Mary	Bates, David	Belanger, Ronald	Bettencourt, David
Bishop, Franklin	Bridle, Russell	Cali-Pitts, Jacqueline	Charron, Gene
Comerford, Timothy	Crisler, Margaret	Devine, James	Dowling, Patricia
Elliott, Robert	Emiro, Frank	Ferrante, Beverly	Fesh, Robert
Flanders, John Sr	Garcia, Marilinda	Garrity, James	Gleason, John
Griffin, Mary	Hagan, Joseph	Headd, James	Hoelzel, Kathleen
Howard, Doreen	Ingram, Russell	Introne, Robert	Itse, Daniel
Kappler, L. Mike	Katsakiores, George	Katsakiores, Phyllis	Kolodziej, Walter
Major, Norman	McMahon, Charles	Nevins, Chris	Packard, Sherman
Priestley, Anne	Quandt, Matt	Rausch, James	Scamman, Stella
Scamman, W.	Sedensky, John	Smith, William	Stiles, Nancy
Douglas Jr			
Sullivan, James	Tucker, Pamela	Van Patten, Don	Weare, Everett
Welch, David	Wells, Roger		

STRAFFORD

Berube, Roger	Brown, Julie	Hofemann, Roland	Vita, Carol
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SULLIVAN

Osgood, Joe

Rodeschin, Beverly

NAYS 176

BELKNAP

Arsenault, Beth
Reever, Judith

Johnson, William
Stuart, Richard

Merry, Liz

Millham, Alida

CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Wiley, Susan

CHESHIRE

Burridge, Delmar
Eaton, Daniel
Mitchell, Bonnie
Sad, Tara

Butcher, Suzanne
Lerandeau, Alfred
Richardson, Barbara
Weber, Lucy

Butterworth, Timothy
Lindsey, Steven
Roberts, Kris
Weed, Charles

Carr, Daniel
Meador, David
Robertson, Timothy

COOS

Hatch, William

Mears, Lucy

Merrick, Scott

GRAFTON

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

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

Benn, Bernard
Gould, Franklin
Mulholland, Catherine
Smith, Suzanne

Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Taylor, Kathleen

HILLSBOROUGH

Beauchamp, Roger
Boisvert, Ronald
Chase, Claudia
Flurey, Joan
Gorman, Mary
Harvey, Philip
Katsiantonis, Thomas
Levasseur, Nickolas
Mack, Ron
O'Brien, Michael Sr
Rokas, Theodoros
Shaw, Kimberly
Winters, Joel

Beaulieu, Jane
Campbell, David
Chininis, Alexis
Foster, Linda
Hackel, Paul
Harvey, Suzanne
Knowles, John
Levesque, Melanie
Marshall, Seth
O'Neil, James
Rosenwald, Cindy
Thompson, Robert

Beck, Catriona
Caron, June
Clemons, Jane
Gidge, Kenneth
Hammond, Jill
Irwin, Anne-Marie
Knowles, Mary Ann
Lisle, Carolyn
Messier, Irene
Poznanski, Brian
Shattuck, Gilman
Vaillancourt, Steve

Bergin, Peter
Chandlely, Shannon
Cote, David
Ginsburg, Ruth
Hardy, Valerie
Jeuzy, Jean
Komi, Richard
Long, Patrick
Nixon, David
Ramsey, Peter
Shaw, Barbara
Walsh, Robert Jr

MERRIMACK

Bartlett, Michael
Davis, Frank
Gile, Mary
Osborne, Jessie
Rice, Chip
Stetson, William
Walz, Mary Beth
Yeaton, Charles

Bouchard, Candace
DeJoie, John
Hamm, Christine
Porter, Margaret
Rodd, Beth
Tilton, Joy
Watrous, Rick

Brown, Carole
Foosse, Robert
Lockwood, Priscilla
Potter, Frances
Schuett, Dianne
Tupper, Frank
Webb, Leigh

Clarke, Claire
French, Barbara
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

ROCKINGHAM

Borden, David	Brown, C. Pennington	Casey, Kimberley	Cushing, Robert
Day, Judith	DiFruscia, Anthony	DiPentima, Rich	Henson, John
Hutchinson, Gina	Kepner, Susan	Mann, Maureen	McCarthy, Barbara
McEachern, Paul	Nord, Susi	Pantelakos, Laura	Petterson, Don
Read, Robin Jr	Russell, Joseph	Russell, Trink	Schlachman, Donna
Splaine, James	Webber, Carolyn		

STRAFFORD

Bickford, David	Brown, Larry	Browne, Brendon	Burke, Rachel
Cyr, James	Horrigan, Timothy	Hubbard, Pamela	Hutz, Sarah
Keans, Sandra	Lauterborn, Elaine	Price, Susan	Rogers, Rose Marie
Rollo, Deanna	Rollo, Michael	Ryder, Mark	Smith, Marjorie
Spang, Judith	Sprague, Dale	Vachon, Dennis	Wall, Janet
Ward, Kenneth	Watters, David		

SULLIVAN

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

Sweeney, Cynthia
and the motion failed.

The question now being adoption of the motion to concur with amendment.
Reps. Jasper and Itse spoke against.
Rep. DiFruscia spoke in favor.
Rep. Eaton requested a roll call; sufficiently seconded.

YEAS 180 NAYS 131

YEAS 180

BELKNAP

Arsenault, Beth	Johnson, William	Merry, Liz	Millham, Alida
Reever, Judith	Stuart, Richard		

CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward	Wiley, Susan
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CHESHIRE

Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy	Carr, Daniel
Eaton, Daniel	Lerandeau, Alfred	Lindsey, Steven	Meador, David
Mitchell, Bonnie	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sad, Tara	Weber, Lucy	Weed, Charles	

COOS

Hatch, William	Mears, Lucy	Merrick, Scott
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GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
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Ford, Susan
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

Friedrich, Carol
Matheson, Robert
Pierce, David
Townsend, Charles

Gould, Franklin
Mulholland, Catherine
Preston, Philip

Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Beauchamp, Roger
Campbell, David
Chininis, Alexis
Gidge, Kenneth
Hammond, Jill
Hinkle, Peyton
Knowles, Mary Ann
Lisle, Carolyn
Messier, Irene
Poznanski, Brian
Shattuck, Gilman
Vaillancourt, Steve

Beaulieu, Jane
Caron, June
Clemons, Jane
Ginsburg, Ruth
Hardy, Valerie
Irwin, Anne-Marie
Komi, Richard
Long, Patrick
Nixon, David
Ramsey, Peter
Shaw, Barbara
Walsh, Robert Jr

Beck, Catriona
Chandley, Shannon
Cote, David
Gorman, Mary
Harvey, Philip
Judy, Jean
Levasseur, Nickolas
Mack, Ron
O'Brien, Michael Sr
Rokas, Theodoros
Shaw, Kimberly
Winters, Joel

Bergin, Peter
Chase, Claudia
Foster, Linda
Hackel, Paul
Harvey, Suzanne
Knowles, John
Levesque, Melanie
Marshall, Seth
O'Neil, James
Rosenwald, Cindy
Thompson, Robert

MERRIMACK

Bartlett, Michael
Davis, Frank
Gile, Mary
Osborne, Jessie
Rice, Chip
Stetson, William
Walz, Mary Beth
Yeaton, Charles

Bouchard, Candace
DeJoie, John
Hamm, Christine
Porter, Margaret
Rodd, Beth
Tilton, Joy
Watrous, Rick

Brown, Carole
Foose, Robert
Lockwood, Priscilla
Potter, Frances
Schuett, Dianne
Tupper, Frank
Webb, Leigh

Clarke, Claire
French, Barbara
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

ROCKINGHAM

Borden, David
Cushing, Robert
Henson, John
McCarthy, Barbara
Pettersen, Don
Schlachman, Donna
Wells, Roger

Brown, C. Pennington
Day, Judith
Hutchinson, Gina
McEachern, Paul
Read, Robin Jr
Splaine, James

Cali-Pitts, Jacqueline
DiFruscia, Anthony
Kepner, Susan
Nord, Susi
Russell, Joseph
Tucker, Pamela

Casey, Kimberley
DiPentima, Rich
Mann, Maureen
Pantelakos, Laura
Russell, Trinkia
Webber, Carolyn

STRAFFORD

Berube, Roger
Burke, Rachel
Hubbard, Pamela
Price, Susan
Ryder, Mark
Vachon, Dennis

Bickford, David
Cyr, James
Hutz, Sarah
Rogers, Rose Marie
Smith, Marjorie
Wall, Janet

Brown, Larry
Hofemann, Roland
Keans, Sandra
Rollo, Deanna
Spang, Judith
Ward, Kenneth

Browne, Brendon
Horriggan, Timothy
Lauterborn, Elaine
Rollo, Michael
Sprague, Dale
Watters, David

SULLIVAN

Cloutier, John
Harris, Sandra

Sweeney, Cynthia

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

NAYS 131

BELKNAP

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

CARROLL

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

CHESHIRE

Butynski, William	Emerson, Susan	Johnson, Jane	Laurent, John
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COOS

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

Gionet, Edmond	Ingbretson, Paul	Ladd, Rick Jr	Maybeck, Margie
Ward, Brien	Williams, Burton		

HILLSBOROUGH

Belvin, William	Boisvert, Ronald	Cebrowski, John	Christensen, Chris
Daniels, Gary	Doherty, Shaun	Drisko, Richard	Elliott, Nancy
Gagne, Larry	Gargas, Carolyn	Graham, John	Haefner, Robert
Hawkins, Ken	Hikel, John	Hinch, Richard	Hogan, Edith
Holden, Rip	Hopper, Gary	Infantine, William	Jasper, Shawn
Katsiantonis, Thomas	Kurk, Neal	L'Heureux, Robert	Mead, Robert
Moran, Edward	O'Brien, William	Pellegrino, Tony	Pepino, Leo
Peterson, Andrew	Pilotte, Maurice	Pratt, Calvin	Price, Pamela
Renzullo, Andrew	Rowe, Robert	Ryder, Donald	Seidel, Carl
Silva, Peter	Spaulding, Jayne	Villeneuve, Moe	

MERRIMACK

Anderson, Eric	Coffey, Jennifer	Hess, David	Kidder, David
McGuire, Carol	Palfrey, David	Reed, Dennis	

ROCKINGHAM

Allen, Mary	Bates, David	Belanger, Ronald	Bettencourt, David
Bishop, Franklin	Bridle, Russell	Charron, Gene	Comerford, Timothy
Crisler, Margaret	Devine, James	Dowling, Patricia	Elliott, Robert
Emiro, Frank	Ferrante, Beverly	Fesh, Robert	Flanders, John Sr
Garcia, Marilinda	Garrity, James	Gleason, John	Griffin, Mary
Hagan, Joseph	Headd, James	Hoelzel, Kathleen	Howard, Doreen
Ingram, Russell	Introne, Robert	Itse, Daniel	Kappler, L. Mike
Katsakiores, George	Katsakiores, Phyllis	Kolodziej, Walter	Major, Norman
McMahon, Charles	Nevins, Chris	Packard, Sherman	Priestley, Anne
Quandt, Matt	Rausch, James	Scamman, Stella	Scamman, W.
			Douglas Jr
Sedensky, John	Smith, William	Stiles, Nancy	Sullivan, James

Van Patten, Don

Weare, Everett

Welch, David

STRAFFORD

Brown, Julie

Vita, Carol

SULLIVAN

Osgood, Joe

Rodeschin, Beverly

and the motion was adopted.

SENATE MESSAGES (CONT'D)

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 41, allowing the executive director of fish and game to donate certain hunting and fishing permits to the wildlife heritage foundation of New Hampshire. (Amendment printed SJ 4-8-09)

Rep. Porter moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. L'Heureux, Henson, Joseph Russell and Michael McCarthy

MOTION TO RECONSIDER

Having voted on the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby it adopted the motion to concur with amendment on **HB 310-FN**, relative to reimbursement of mileage for judges and marital masters and relative to civil marriage and civil unions.

Rep. Vaillancourt spoke against.

Motion failed.

SENATE MESSAGES (CONT'D)

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 648-FN, relative to the use of marijuana for medicinal purposes. (Amendment printed SJ 4-29-09)

Rep. Rosenwald moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Rosenwald, Bridgham, Evalyn Merrick and Welch.

UNANIMOUS CONSENT

Rep. Hess addressed the House.

RECESS MOTION

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

Adopted.

The House recessed at 6:00 p.m.

RECESS

(Rep. Shurtleff in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 58, 120, 132, 178, 210, 267, 282, 301, 414 and 599, House Joint Resolution

numbered 3 and Senate Bills numbered 45, 66, 111, 127, 165, 199 and 204.

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

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 153.

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

RECESS

(Rep. Wallner in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 403, 436, 483, 545 and 674 and Senate Bills numbered 35, 37, 93 and 97.

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

ENROLLED BILL AMENDMENT

SB 117, establishing a committee to study the feasibility of establishing a program to provide low-cost firewood from state lands to low-income individuals. (Amendment printed SJ 5-13-09)
Adopted.

SENATE MESSAGES

CONCURRENCE

HB 85-FN-A, establishing the women, infants, and children program fund.

HB 88, prohibiting filing with the registry of deeds a document that includes an individual's armed forces service number.

HB 156-L, authorizing planning boards to require third party review and inspection.

HB 170, relative to reporting requirements for certain dedicated funds in the department of safety.

HB 211-FN, relative to drivers' licenses and relative to the definition of "drivers' school."

HB 320-L, relative to agreements between central business service districts and municipalities for infrastructure improvements.

HB 403, clarifying the intent of a transfer of general funds to the highway fund.

HB 424-FN-A, relative to the land use change tax.

HB 600-FN, relative to dedicated funds maintained by the state treasurer.

HB 671-FN, amending the motorist service signing program to allow the department of transportation to charge a fee for attraction signs.

LAI D ON THE TABLE

HB 501, relative to recovery of assistance by the department of health and human services.

HB 658-FN, relative to housing assistance for recipients of Temporary Assistance to Needy Families (TANF).

RECESS

(Rep. Davis in the Chair)

ENROLLED BILL AMENDMENT

HB 310-FN, relative to reimbursement of mileage for judges and marital masters and relative to civil marriage and civil unions.

Amendment (1579-EBA)

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

2 Judicial Branch Family Division; Marital Masters' Expenses. Amend RSA 490-D-1:5 to read as Adopted.

RECESS

(Rep. Eaton in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 52, 80, 85, 88, 129, 156, 170, 211, 234, 310, 320, 424, 527 and 671 and Senate Bills numbered 13, 15, 57, 103, 116, 137, 148 and 202.

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

RECESS

(Rep. Shurtleff in the Chair)

ENROLLED BILL AMENDMENT

HB 84-FN, relative to the regulation of reflexologists, structural intergrators, and Asian bodywork therapists.

Amendment (1482-EBA)

Amend RSA 328-H:6, V as inserted by section 1 of the bill by replacing line 1 with the following:

V. All members of the board shall have been residents of this state for at least one year

Amend RSA 328-H:9, I as inserted by section 1 of the bill by replacing line 2 with the following:

renewed or reinstated in accordance with rules adopted by the commissioner under RSA 328-H:5.

Adopted.

HB 105, relative to voting machines for the counting of ballots.

Amendment (1481-EBA)

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

1 Electronic Ballot Counting Devices. Amend the subdivision heading preceding RSA 656:40 to read

Amend RSA 656:43 as inserting by section 4 of the bill by replacing line 1 with the following:

656:43 Lease or Purchase. Any town or city authorizing the use of [a voting machine or a] **an**

Adopted.

HB 552, renaming a bridge across the Connecticut River the Judge Harlan Fisk Stone Bridge.

Amendment (1479-EBA)

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

AN ACT renaming a bridge across the Connecticut River the Judge Harlan Fiske Stone Bridge.

Amend the bill by replacing section 1 with the following:

1 Town of Chesterfield; Judge Harlan Fiske Stone Bridge. Pursuant to RSA 4:43, the old 1937 arch bridge over the Connecticut River, in the town of Chesterfield, New Hampshire, is hereby named the Judge Harlan Fiske Stone Bridge.
Adopted.

RECESS

(Rep. Welch in the Chair)

SENATE MESSAGES

CONCURRENCE

HB 55, relative to energy facility siting construction and operation.

HB 117, repealing the gas utility restructuring oversight committee.

HB 199, relative to the warning accompanying a document tendered to settle bodily injury claims subject to certain automobile insurance coverage.

HB 225, relative to room and board scholarships for children of firefighters and police officers.

HB 240-FN, relative to workers' compensation for death.

HB 281-FN, increasing the maximum amount of debt or damages for small claims actions and requiring mediation for small claims actions exceeding \$5,000 and establishing a fee for the cost of such mediation.

HB 313-FN, relative to the assignment of right of child support enforcement.

HB 345-FN, allowing physical therapists to practice on animals.

HB 407-FN, establishing a lobster and crab landing license, and increasing the fee for the nonresident commercial salt water license.

HB 430-FN, removing the statute of limitations on certain crimes committed in furtherance of murder.

HB 464-FN, relative to certain duties of the department of administrative services and relative to credit card contracts for state agencies.

HB 467-FN, relative to the review and adjustment of child support orders.

HB 476-FN, relative to modifying the quorum requirement and relative to filing fees for eminent domain proceedings before the board of tax and land appeals.

HB 481-FN-A, establishing a recreational saltwater license for taking finfish in coastal and estuarine waters.

HB 537-FN, relative to penalties for oil spills.

HB 570-FN-A, requiring the department of transportation to convey ownership of Skyhaven airport to the Pease development authority.

HB 608-FN, establishing a committee to oversee the design and construction of a public works employee memorial for public works employees who died in the course of performing public duties.

HB 654-FN, relative to the dam maintenance revolving fund.

HCR 7, a resolution in support of teen dating violence education.

NONCONCURRENCE

HB 291-FN, relative to a one day/one trial jury duty pilot program.

HB 349, relative to legislator email records.

HB 432-FN, relative to penalties for telephone harassment involving a number used to facilitate transportation of voters or otherwise to support voting or registering to vote.

HB 449-FN, increasing the penalty for unlawful possession or release of criminal records.

HB 532-FN, excluding extra or special duty pay from earnable compensation in the retirement system.

HB 572-FN, relative to proceedings of medical injury claims screening panels.

HB 580-FN, relative to health information and patient rights.

HB 586-FN, relative to the presence of a law enforcement officer at an administrative license suspension hearing.

HB 696-FN-L, relative to fees for registration of criminal offenders.

RE-REFERRED TO COMMITTEE

HB 276-FN, relative to challenges of voters.

HB 598-FN, relative to the regulation of auctioneers by the state board of auctioneers.

HB 602-FN-A, relative to costs associated with cashing payroll checks.

HB 651-FN, relative to regulation of private investigative agencies and security services.

HB 658-FN, relative to housing assistance for recipients of Temporary Assistance to Needy Families (TANF).

LAID ON THE TABLE

HB 395, requiring electric utilities to offer renewable energy source options.

HB 574-FN-L, authorizing liens for unpaid building code violations and requiring landlord agents for restricted rental property.

RECESS