

HOUSE RECORD

Second Year of the 160th General Court Calendar and Journal of the 2008 Session

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Concord, N.H.

Wednesday, May 14, 2008

No. 40

HOUSE JOURNAL No. 14 (cont.)

Wednesday, May 7, 2008

RECESS

Rep. Wallner moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 15

Wednesday, May 14, 2008

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

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Dr. Frank Irvine.

O God, what a glorious day this is, a nearly perfect spring day in New Hampshire – well, except for the black flies and, here we are, holed up in Representatives Hall doing the people's business. What a long session it has been. It must have seemed it would never end. Not an easy one, but an important one. The end is near and yet there is important business to do. We are grateful for the countless hours of work those gathered here have given. Grant them, this day, the humility, the wisdom, the patience, the understanding and compassion they need to do the work that is before them. Remind them, O God, that no one can do it alone, no one party can do it alone, but they can do it together. Remind them also that after all it is not fundamentally about them or about their party, it is about the people of New Hampshire, the people they serve, the people who look to them for fairness and justice

for all. May Your spirit, Holy one; however they may experience it, strengthen, support and guide them in their work this day. Amen.

Rep. Joseph Miller, member from Durham, led the Pledge of Allegiance.

The National Anthem was sung by The Lebanon High School Superlatives: Skylar Aldrich, Noah Bazilchuk, Jamie Brooks, Troy Hemenway, Samantha Irish, Pierce LaHaye, Tiana Liu, Dylan Place, Kayleigh Place, Becca Robinson, Jeremiah Rollins, Ian Saunders, Alison Taylor, Becca Valente, Stephanie Verdine and Katie Whitaker. They were accompanied by their Director, Dan Signor and the Principal of Lebanon High School, Nan Parsons.

LEAVES OF ABSENCE

Reps. Peter Cote, Drisko, Heald, Humphries and Stephen Johnson, the day, illness.

Reps. Camm, Hinkle, Ingersoll, Kopka, Matheson, Nevins, Nowe, Rochette, Yvonne Thomas and Vachon, the day, important business.

Reps. Guthrie and Theberge, the day, illness in the family.

INTRODUCTION OF GUESTS

Marty Devine, guest of Rep. Kappler. Nicole Jones, guest of Rep. Russell Day. Sarah Broughton, guest of Rep. Denley. Deb Spratt, wife of Rep. Spratt. Brian Sullivan, guest of Rep. Lee Hammond. Members and teachers of the fourth grade class from Interlakes Elementary School, guests of the Meredith delegation. Hon. Sam Cataldo, former member of the House, and members of Rotary International from the nation of Great Britain, guests of Rep. John Thomas.

INTRODUCTION OF SPECIAL GUESTS

State indoor track champions, the Lebanon High School Boys and Girls Track Team.

The Boys and Girls Clubs' Youths of the Year: Sean Pirttiaho, Concord; James LaBrie, Lakes Region; Joe Calderon, Manchester; Jessica Hatch, Souhegan Valley; Kaitlyn Beal, Salem and the Statewide Youth of the Year, Rosio Camacho of Nashua.

PRESENTATION TO RETIRING STAFF MEMBER

The Speaker and Senate President presented Sandra Anderson with a proclamation and congratulations on her retirement from the State with over 30 years of service.

MOTION TO PRINT REMARKS

Rep. Hess moved that the remarks made during the presentation to Sandra Anderson be printed in the Permanent Journal.

Without objection, the Speaker so ordered.

REMARKS

Speaker Norelli: After thirty-one years of state service, including twenty-two here at the legislature, it is the face anyone that comes in through LOB garage sees with a big smile the first thing when you walk in, in the morning, Sandy Anderson. She has worked in the Visitor's Center, Operations and Protective Services. Now, after all of those years of serving us and greeting us with such good humor, she will be heading to where it is a little bit warmer, where she has family and where she will be welcomed in a new home. I know that it is a little bit difficult for her to be leaving us, we surely will miss her.

President Larsen: Sandy, because we share you with the House, I have come over on behalf of the Senate to thank you for your twenty-two years of service to the New Hampshire legislature, the New Hampshire General Court and over thirty years to the State of New Hampshire. Your hard work and dedication have been so appreciated. We will miss your infectious smile, your sense of travel and adventure and your steady presence in the LOB. We wish you all the best in your retirement and send the warmest regards and happy thoughts to you as you relocate to your home in Georgia. Thank you, Sandy for all you have done for us.

Sandy Anderson: If I knew I was going to be this popular, I would have run for office. Seriously, everybody, I know most of you here, you all come in. I have had fun with a lot of you. I have danced in the LOB with you, I have cried with you and we have shared stories. The hardest part for me leaving is leaving my family, you are all my family and I just want to say thank you for making me feel welcomed and being part of that family. I love you all and good luck.

Speaker Norelli: Of course, what would a send off be without a proclamation.

(Proclamation presented)

President Larsen: Sandy, because you have given such wonderful time to us and we wish you all the best time in Georgia, we wanted to present this clock to you. We heard that you admired it in the Visitor's Center and wanted to have it in your new home. Thank you, Sandy.

SENATE MESSAGES REQUESTS CONCURRENCE WITH AMENDMENTS

HB 285, relative to voting machines. (Amendment printed SJ 4-24-08)
Rep. Clemons moved that the House concur and spoke in favor.
Adopted.

HB 1648-FN, relative to search and rescue response expenses of the fish and game department. (Amendment printed SJ 5-8-08)
Rep. Abbott moved that the House concur and spoke in favor.
Adopted.

HB 1231, repealing the advisory panel on cancer and chronic diseases and the tobacco use advisory committee. (Amendment printed SJ 5-8-08)
Rep. Rosenwald moved that the House concur and spoke in favor.
Adopted.

HB 1395-FN, establishing the AIDS drug assistance program fund. (Amendment printed SJ 5-8-08)
Rep. Rosenwald moved that the House concur and spoke in favor.
Adopted.

HB 1610-FN, relative to motor carriers. (Amendment printed SJ 5-1-08)
Rep. Ryan moved that the House concur and spoke in favor.
Adopted.

HB 233-FN-A, specifying compensation for ballot law commissioners. (Amendment printed SJ 4-17-08)
Rep. Clemons moved that the House nonconcur and spoke in favor.
Adopted.

HB 91-FN, relative to lobbyist registration and statements, repealing the restriction on simultaneous employment and public service, and relative to regulation of volunteer public service. (Amendment printed SJ 4-24-08)

Rep. Michael Rollo moved that the House nonconcur and spoke in favor.

Rep. Splaine spoke in favor.

Adopted.

HB 765-FN, establishing a committee to study the financial liability for placement of a child with a disability. (Amendment printed SJ 5-1-08)

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

Adopted.

The Speaker appointed Reps. Casey, Claire Clarke, Scott Merrick and Stiles.

HB 1227, clarifying when persons elected may assume certain offices. (Amendment printed SJ 5-1-08)

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

Adopted.

The Speaker appointed Reps. Clemons, Pierce, Jasper and Boutin.

HB 781-FN, relative to the duties of the department of safety. (Amendment printed SJ 5-1-08)

Reps. Ryan and Almy moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bergin, Mack, Nedeau and Packard.

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 492, relative to persons designated to fill vacancies on the ballot, removed by Rep. Winters.

SB 341, prohibiting digital advertising devices on certain highways, removed by Rep. Vaillancourt.

Consent Calendar adopted.

SB 526, relative to the death benefit for police officers and firefighters killed in the line of duty. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Daniel J. Sullivan for Executive Departments and Administration: This bill establishes the procedures for the awarding of a death benefit for police officers and firefighters killed in the line of duty. "Michael's Law" was signed into law last session in honor of Manchester Police Officer Michael Briggs, who was killed in the line of duty. This bill was necessary to establish committees to determine whether the death of a police officer or firefighter qualifies as a line of duty death and to whom the benefit is awarded. Vote 15-2.

Amendment (1572h)

Amend the bill by replacing section 1 with the following:

1 Death Benefit for Police Officer or Firefighter Killed in Line of Duty. RSA 21-I:29-a is repealed and reenacted to read as follows:

21-I:29-a Death Benefit for Police Officer or Firefighter Killed in Line of Duty.

I. In this section:

(a) "Family" means the surviving spouse of the police officer or firefighter, or if there is no surviving spouse, the surviving dependent child or dependent children, of such

police officer or firefighter or, if there is no surviving dependent child, a surviving person qualifying as a common-law spouse pursuant to RSA 457:39, or if there is no surviving common-law spouse, the surviving adult child or adult children, or if there is no surviving adult child or adult children, the surviving parent or parents of such police officer or firefighter. A surviving dependent child shall include a dependent step-child whose expenses of daily living were substantially paid for by the decedent at the time of the death.

(b) "Firefighter" means any firefighter, including auxiliary, intermittent, special, part-time, volunteer, call, or reserve firefighters who are employed by a city, town, village district, or precinct within the state of New Hampshire, any firefighter employed by the state of New Hampshire, or any firefighter who is a volunteer for or employed by a non-profit corporation which is the primary provider of fire protection for all or part of a New Hampshire municipality.

(c) "Killed in the line of duty" means a death of a police officer or firefighter while in the performance of his or her duties as a result of incident, accident, or violence causing death or injuries which are the direct or proximate cause of death. "Incident" shall include any death that is determined to be occupationally related by the worker's compensation insurance carrier, a self-insured worker's compensation plan, or by the labor commissioner for workers' compensation purposes pursuant to RSA 281-A.

(d) "Police officer" means any law enforcement officer with the power of arrest, including auxiliary, intermittent, special, part-time, or reserve police officers, or sheriffs and their deputies who are employed by a city, town, village district, county, or precinct within the state of New Hampshire, police officers employed by the university system of New Hampshire, and any state law enforcement officer employed by the state of New Hampshire who has power of arrest as determined by state law.

II. In addition to any other benefits provided under this chapter, the state treasurer shall pay a \$100,000 death benefit to the family of a police officer or firefighter killed in the line of duty. Payment to a dependent child shall be made to the child's trustee for the benefit of the child. The governor, with the consent of the executive council, is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

III. The commissioner of safety, upon notice from the family or chief of department of any firefighter or police officer who may be entitled to a line-of-duty death benefit or upon the commissioner's own initiative, shall obtain the available records related to the circumstances, cause, and manner of such death and the decedent's status as a firefighter or police officer, may cause further inquiry to be made, and shall make a determination of whether the death qualifies as a line-of-duty death. The determination shall be made within 30 days of the determination of the cause and manner of death by the office of the chief medical examiner. For deaths that are not reviewed by the office of the chief medical examiner, the determination shall be made within 30 days of a determination that the decedent qualifies for a workers' compensation death benefit by a worker's compensation carrier, self-insured worker's compensation plan, or the labor commissioner pursuant to RSA 281-A.

(a) Solely for the purposes of making this determination and notwithstanding any other law to the contrary, the commissioner of safety may obtain any records regarding the circumstances, cause, or manner of the death held by any state or municipal official.

(b) The commissioner of safety may consult with the office of the chief medical examiner and the labor commissioner, and may disclose to either any information or records obtained in the course of his or her inquiry.

(c) Any records held by the commissioner of safety pursuant to this section shall not be subject to the right-to-know law, RSA 91-A and shall not be subject to disclosure in any civil action. Upon request of the decedent's family any medical records or other records which otherwise are non-public may be destroyed following the vote by the governor and executive council to authorize payment of a line-of-duty death benefit or, in the case of a denial, following the expiration of the appeal period.

(d) If the commissioner of safety determines that the death is not a qualified line-of-duty death, he or she shall cause the decedent's family to be notified. The family may appeal the determination within 180 days of the date of the notification by notifying the commissioner of safety in writing. In the event of an appeal for a firefighter, the attorney general shall appoint an appeal hearing panel consisting of one medical doctor, one member appointed by the New Hampshire Association of Fire Chiefs, one member appointed by the professional association that the decedent belonged to, and 2 citizens who are not associated with the professions of police officer or firefighter, at least one of whom is a attorney admitted to practice in New Hampshire. In the event of an appeal for a law enforcement officer, the attorney general shall appoint an appeal hearing panel consisting of one medical doctor, one member appointed by the appropriate professional association for management of the decedent's branch of law enforcement, one member appointed by the appropriate professional association for the decedent's branch of law enforcement, and 2 citizens who are not associated with the professions of law enforcement or firefighter, at least one of whom is an attorney admitted to practice in New Hampshire. Where no professional association exists for the branch for which the decedent worked, the attorney general shall select the panel member from among the management or members of the branch for which the decedent worked as is necessary to fill either the professional association management or member position on the panel. The commissioner of safety shall forward to the appeal panel all the information that he or she considered in reaching the determination. Upon request of the family, the appeal hearing shall be exempt from the right-to-know law, RSA 91-A. Hearings shall be conducted in conformance with RSA 541-A and the department of justice Jus 800 administrative procedural rules. The appeal hearing panel shall review the evidence de novo, may receive additional evidence from the family or others, and shall determine by a preponderance of the evidence whether the decedent's death was a qualified line-of-duty death.

(e) If the commissioner of safety or the appeal hearing panel determines by a preponderance of the evidence that the death is a qualified line-of-duty death, the commissioner shall submit an item to the governor seeking approval of payment of the benefit.

IV. This section shall be known as "Michael's Law," in honor of Manchester Police Officer Michael Briggs who was shot while on duty.

SB 338, relative to the Hampton Beach capital improvement fund. **OUGHT TO PASS.**
Rep. Kenneth L. Weyler for Finance: There are 1500 parking meters that the state park system maintains along Hampton Beach. Existing law restricts the parking meter revenue to parking area maintenance and sea wall repairs. At least half the money is transferred to the parks fund. This bill would allow some of the surplus going to the capital improvement fund to also be used for capital equipment for beach and lot maintenance. Vote 21-0.

SB 507-FN, relative to extended terms of imprisonment for criminal street gang members. **OUGHT TO PASS.**

Rep. Peter R. Leishman for Finance: This Senate bill as amended by the House would extend terms of imprisonment for leaders, organizers, or supervisors of certain groups whose primary purpose is to engage in or promote criminal conduct. The committee heard conflicting testimony concerning the amount of gang activity in the state. The testimony confirmed that this issue needs further review, and further legislative correction may be necessary in the next session. Vote 21-2.

SB 516-FN-L, relative to aid for county bridges. **OUGHT TO PASS.**

Rep. Robert A. Foose for Finance: As reported by Public Works and Highways and passed by the House, this bill authorizes a county to apply for municipal bridge aid for a county owned bridge in the current manner in which all New Hampshire municipalities apply for

municipally owned bridges. Currently there exists only one county owned bridge in the state, that being a bridge on the access road into Gunstock Recreational Area in Gilford. If deemed eligible by the department of transportation (DOT), the bridge which is currently on the red list would be placed on the list for municipal bridge aid. Vote 22-0.

SB 425, relative to the data collection practices of health care providers and relative to the development of a comprehensive uninsured health care database. **REFER FOR INTERIM STUDY.**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This bill was relative to the data collection practices of health care providers and relative to the development of a comprehensive uninsured data base. Although the committee's consensus was that this data is extremely important to collect and analyze for future health services planning, there remained many unanswered questions, such as the cost that providers would have to incur, which providers needed to be enrolled, and how to protect privacy. In light of this, the committee felt that further study would be the best course of action. Vote 15-0.

SB 428, establishing a commission to study the funding of vaccines for children who are not covered by private health insurance. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This bill forms a commission to study funding sources for the childhood vaccine program for children without insurance, in lieu of the assessment on the private insurers. Testimony from the department of health and human services indicated that federal funds cover vaccines for uninsured children, and, with Medicaid also providing for its own patients, the vaccine assessments cover children whose families pay premiums for private insurance coverage. The insurers are also able to purchase the vaccines for their clients at a significant discount. The department of insurance testified further that the insurers are able to build these assessments into their rates, and, thus, recoup costs. In addition, SB 468 includes government insurance plans and foreign health insurers in the vaccine assessment going forward, thereby reducing the burden on the private insurers. The committee was unanimous in its recommendation that the childhood vaccine program is a "win-win" for all, and that this study bill is unnecessary. Vote 15-0.

SB 541, relative to an expedited process for certificate of need review and membership of the health services planning and review board. **REFER FOR INTERIM STUDY.**

Rep. Jennifer Daler for Health, Human Services and Elderly Affairs: This bill would grant rulemaking authority to the Health Services Planning and Review Board (the Certificate of Need Board) in order to expedite the review process for certain building projects and/or medical equipment. This may have merit but should only be considered after further study to better define legislative direction. The board was created by the legislature in 1985 to protect the public interest and keep medical costs down. This was the second bill reviewed by the committee this biennium that sought to change the process. The recommendation of Interim Study would enable the committee to examine the entire process so as to propose necessary changes to the whole statute, rather than in a piecemeal fashion. Vote 17-0.

SB 421-L, relative to workforce housing. **INEXPEDIENT TO LEGISLATE.**

Rep. Anthony F. Simon for Municipal and County Government: This bill is not necessary in view of the committee's action regarding SB 342, which incorporated portions of the bill. Vote 13-0.

SB 422, adding an energy section to zoning and planning master plans. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne S. Laliberte for Municipal and County Government: This bill adds a section on energy to a town's master plan. The RSA lists items to be included in the master plan and

this now includes a section on energy. The committee had problems with the original bill, but these problems were solved with the amendment. Vote 15-0.

Amendment (1173h)

Amend RSA 674:2, III (n) as inserted by section 1 of the bill by replacing it with the following:

(n) An energy section, which includes an analysis of energy and fuel resources, needs, scarcities, costs, and problems affecting the municipality and a statement of policy on the conservation of energy.

SB 508-FN-L, relative to municipal deposits. **OUGHT TO PASS WITH AMENDMENT.** Rep. Jessie L. Osborne for Municipal and County Government: This amended bill allows town treasurers to make certain deposits weekly. In addition, a non-germane amendment legalizes a warrant article allowing the town of Bath to appropriate \$42,000 to replace the boiler at the Bath Village School. Vote 13-0.

Amendment (1652h)

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

AN ACT relative to municipal deposits and recertifying certain proceedings of the Bath school district.

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

1 Municipal Deposits. Amend RSA 41:29, VII to read as follows:

VII. The treasurer shall ensure that all moneys remitted shall be deposited at least on a weekly basis, or daily whenever funds remitted from all departments collectively totals [~~\$500~~]**\$1,500** or more. Such deposit function may be delegated pursuant to paragraph VI. However, failure to ensure that funds are being deposited on a timely basis as required by this paragraph shall be cause for immediate removal from office pursuant to RSA 41:26-d. ***In any municipality where there is no bank or other depository institution within the municipality, the treasurer shall make deposits consisting of funds remitted from all departments at least on a weekly basis, or more frequently as directed by the board of selectmen in the investment policy adopted pursuant to RSA 41:9, VII.***

2 Bath School District; Annual Meeting; Ratification. All acts, notices and proceedings of the Bath school district relating to warrant article 7 at the March 13, 2008 annual meeting, to raise and appropriate the sum of \$42,000 to replace the boiler at Bath Village School, are hereby legalized, ratified, and confirmed.

AMENDED ANALYSIS

This bill allows town treasurers to make certain deposits weekly.

This bill also ratifies certain proceedings of the Bath school district annual meeting.

SB 531, relative to the capital appropriation for the Hillsborough north superior court and relative to the venue for criminal cases in Hillsborough county. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David B. Campbell for Public Works and Highways: The cost and scope of the asbestos removal from the Hillsborough County Superior Court-North is far in excess of what was previously anticipated. The court will have to be completely closed during the lengthy and expensive asbestos mitigation and renovations. As a result, this bill as amended allows for civil and criminal cases in Hillsborough North to be heard throughout Hillsborough County. The family division will be transferred to the Manchester district court, which will be renovated to accommodate this superior court function. The cost of moving the family division is almost 2.6 million dollars and another 1.3 million dollars is needed for the design and to begin the renovations of the Hillsborough North courthouse. The funding to pay for the 3.9 million dollars appropriated in this amended bill comes from current capital budget projects that have finished and had a remaining balance, or funds that were appropriated for

capital projects and will not be expended before the end of the biennium. Vote 15-0.

Amendment (1715h)

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

AN ACT relative to making capital appropriations for the Hillsborough north superior court and the Manchester district court family division and lapsing certain prior capital appropriations, and relative to the venue for civil and criminal cases in Hillsborough county. Amend the bill by replacing all after the enacting clause with the following:

1 Capital Appropriation; Department of Administrative Services, Bureau of Court Facilities; Manchester District Court - Family Division.

I. The sum of \$2,565,000 is hereby appropriated to the department of administrative services, bureau of court facilities, for the purpose of the renovation, construction, and design of the Manchester district court - family division.

II. The sum of \$1,342,000 is hereby appropriated to the department of administrative services, bureau of court facilities, for the purpose of the renovation and design of the Hillsborough County superior court - north.

III. To provide funds for the appropriations made in paragraphs I and II, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$3,907,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

IV. All contracts and projects and plans and specifications therefor for the projects authorized in this section shall be awarded in accordance with the provisions of RSA 21-I.

V. The appropriations in paragraphs I and II of this section shall not lapse until July 1, 2011.

2 Lapse of Prior Capital Project Balances.

I. The sum of \$19,619 from the unencumbered balance of the appropriation to the department of administrative services in 2003, 240:1, II, B, 12 as extended by 2005, 259:25, XIV and 2007, 264:29, XII, for Site and Design Parking Garage - Executive/Legislative, shall lapse on the effective date of this section.

II. The sum of \$38,055 from the unencumbered balance of the appropriation to the department of administrative services in 2005, 259:1, II, B, 4, as extended by 2007, 264:29, XV, for All State Owned Facilities - Emergency Repairs, shall lapse on the effective date of this section.

III. The sum of \$47,260 from the unencumbered balance of the appropriation to the department of administrative services in 2005, 259:1, II, B, 10, as extended by 2007, 264:29, XVII, for Legislative Office Building - Replace Chiller, shall lapse on the effective date of this section.

IV. The sum of \$545,310 from the unencumbered balance of the appropriation to the department of health and human services in 2005, 259:1, VII, C, as extended by 2007, 264:29, LIV, for State Office Park South - Electrical System Upgrade, shall lapse on the effective date of this section.

V. The sum of \$1,356,756 from the unencumbered balance of the appropriation to the university system of New Hampshire in 2005, 259:2, III, as amended by 2007, 264:25, for the renovation of the stadium and athletic complex on the UNH campus shall lapse on the effective date of this section.

VI. The sum of \$1,900,000 from the unencumbered balance of the appropriation to the department of administrative services in 2007, 264:1, II, A, 1, for Hillsborough County North -Asbestos Abatement, shall lapse on the effective date of this section.

3 New Paragraphs; Venue and Jury Selection for Criminal and Civil Cases; Hillsborough County. Amend RSA 496:1 by inserting after paragraph II the following new paragraphs:

III. For offenses committed on or after the effective date of this paragraph in the county of Hillsborough, where the trial is scheduled at a time when the courthouse for the

northern judicial district of the county of Hillsborough is closed for renovations, the judicial district for purposes of part I, article 17 of the New Hampshire Constitution, as well as for jury selection pursuant to RSA 500-A:2, shall be the entire county of Hillsborough.

IV. For civil jury trials in the county of Hillsborough, where the trial is scheduled at a time when the courthouse for the northern judicial district of the county of Hillsborough is closed for renovations, the judicial district for purposes of jury selection pursuant to RSA 500-A:2, shall be the entire county of Hillsborough.

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

AMENDED ANALYSIS

The bill makes capital appropriations for the renovation, construction, and design of the Manchester district court - family division and the renovation and design of the Hillsborough County north superior court. The bill also lapses certain unencumbered balances from prior capital appropriations.

The bill also extends the venue for civil and criminal cases where trials are scheduled at Hillsborough north superior court to the entire county of Hillsborough, when the Hillsborough north superior court is closed for renovations.

SB 403, relative to the commission to study issues relative to groundwater withdrawals.

OUGHT TO PASS WITH AMENDMENT.

Rep. Suzanne H. Gottling for Resources, Recreation and Development: The amendment to SB 403 replaces the redundant original bill and serves as a vehicle for correcting an omission found in enrolling, naming the individuals charged with making appointments to the shoreland protection commission. Vote 16-0.

Amendment (1604h)

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

AN ACT relative to the commission to study issues relating to stormwater.

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

1 Commission to Study Issues Relating to Stormwater; Membership. Amend subparagraph I(g) of section 2 of HB 1295 of the 2008 regular legislative session to read as follows:

(g) An expert on stormwater management or watershed management from the university ~~[system]~~ of New Hampshire, appointed by the university president.

2 Commission to Study Issues Relating to Stormwater; Membership. Amend subparagraph I(m) of section 2 of HB 1295 of the 2008 regular legislative session to read as follows:

(m) A representative of the New Hampshire Public Works Association, who is employed by a municipal separate storm sewer system community, ***appointed by that association.***

3 Contingency. If HB 1295 of the 2008 regular legislative session becomes law, sections 1 and 2 of this act shall take effect at 12:01 a.m. on the day such act takes effect. If HB 1295 of the 2008 regular legislative session does not become law, sections 1 and 2 of this act shall not take effect.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect as provided in section 3 of this act.

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

AMENDED ANALYSIS

This bill clarifies the membership of the commission to study issues relating to stormwater enacted by HB 1295.

SB 412, establishing the office of technology development and telecommunications planning and the position of director of telecommunications in the department of resources and economic development. **REFER FOR INTERIM STUDY.**

Rep. Carol H. Friedrich for Science, Technology and Energy: This bill would have established the office of technology development & telecommunications planning and a new position of director of telecommunications in DRED. An interim study would allow the committee to assess the telecommunication consultant reports due this fall. Vote 11-0.

SB 419, relative to the duties of the energy planning and advisory board and restructuring policy principles. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael A. Kaelin for Science, Technology and Energy: The committee felt that the proposed board duplicates the duties of existing boards and commissions, and is not needed. Vote 9-0.

SB 410, relative to the conditions for issuance of a cremation certificate and relative to the medical examiner's statute. **OUGHT TO PASS.**

Rep. Catherine Mulholland for Ways and Means: This bill clarifies when a medical examiner's certificate may be issued for a death occurring within the state but the body is being transferred out of state for cremation. It also makes a technical correction to the fee in RSA 611-B:27,I, to conform with the amended fee of \$140 in paragraph II for death investigations involving external examination of the body, which was passed last year. Vote 17-0.

SB 490-FN, relative to fees for special number plates for veterans and relative to vehicle registration fees for disabled veterans and former prisoners of war. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Catherine Mulholland for Ways and Means: This bill eliminates the one-time fee for special number plates for veterans and clarifies the disabled exemption from state vehicle registration fees. The amendment removes an exemption for former prisoners of war from the state vehicle registration fee. Vote 18-0.

Amendment (1672h)

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

AN ACT relative to fees for special number plates for veterans and relative to vehicle registration fees for disabled veterans.

Amend RSA 261:141, VIII as inserted by section 3 of the bill by deleting subparagraph (c).

AMENDED ANALYSIS

This bill:

- I. Eliminates the one time fee for special number plates for veterans.
- II. Clarifies the disabled veteran exemption from state vehicle registration fees.

SB 528-FN, relative to a mercury-added thermostat collection program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Roger G. Wells for Ways and Means: This bill as amended addresses the serious issue of removing mercury added thermostats from the environment. It will prevent the installation of new mercury-added thermostats in the state. The bill has an educational component to make our citizens aware of the importance of proper disposal of mercury-added thermostats as they are replaced by newer programmable thermostats. There has been a joint effort by the thermostat manufacturer, the department of environmental services (DES), and the municipal association to place recycling bins in all the communities. Honeywell has even stopped making mercury-added thermostats. The Thermostat Recycling Commission pays for the shipping to a recycling location and properly disposes of the mercury. A mandatory \$5.00 "rebate or bounty" to be paid by the manufacturers that was added to the bill in the House, is a form of, fee on the manufacturers, and was perceived by the committee to punish corporations which have acted very responsibly in trying to solve the problem. Additionally, DES stated that it would require additional personnel to

administer the rebate program. The committee amendment removes the “bounty” and makes this a very good bill to address this serious issue. Vote 18-0.

Amendment (1522h)

Amend RSA 149-M:59 as inserted by section 1 of the bill by deleting subparagraphs III(a)(3)-(4).

**COMMITTEE REPORTS
REGULAR CALENDAR**

SB 472, relative to consumer protection from certain practices of payday loan, small loan, and title loan lenders and establishing a commission to study access to consumer credit for people in New Hampshire. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Matthew S. Houde for the Majority of Commerce: The House has already debated, and adopted, a 36% interest rate cap in HB 267. SB 472 complements that bill by re-defining payday and small loans, as well as payday and small loan lenders, in such a way that enables the department of banking to ensure that such lenders cannot avoid the provisions of the chapter by indirect means of operation. This provision becomes effective January 1, 2009. SB 472 also establishes a commission to study access to consumer credit for people in New Hampshire, including: the varieties of consumer credit currently available to people in the state; non-credit emergency assistance currently available in the state; the impact of irresponsible or abusive lending practices and loan products on the people in the state; the potential for market-based development of new varieties of responsible consumer credit; and possible legislation to improve access to responsible consumer credit. The amendment adds three industry representatives to the commission. This section becomes effective upon passage and the commission is directed to report its findings and any recommendations before November 14, 2008. Vote 10-6.

Rep. John B. Hunt for the Minority of Commerce: This bill is a trailer bill to HB 267 relative to capping interest rates at 36%. The minority supported an amendment to put off the effective date so as to give time for the commission’s recommendations to be put into effect. The minority is very concerned that many New Hampshire citizens will be left in the lurch a week after Christmas. The minority sees no purpose in the commission if its recommendations cannot be put in to place prior to the effective date of the interest caps.

Majority Amendment (1541h)

Amend paragraph I of section 10 of the bill by inserting after subparagraph (m) the following new paragraphs:

(n) A representative of the Community Financial Services Association of America, appointed by the northeastern regional office of that organization.

(o) Two representatives of the title loan industry, appointed by the governor.

Majority committee amendment adopted.
Rep. Hunt offered minority committee amendment (1703h).

Minority Amendment (1703h)

Amend the bill by replacing all after section 13 with the following:

14 Effective Date Change; HB 267. Amend Section 4 of HB 267 of the 2008 session to read as follows:

4 Effective Date. This act shall take effect ~~[January]~~ **July** 1, 2009.

15 Contingency. If HB 267 of the 2008 session becomes law, section 14 of this act shall take effect upon its passage. If HB 267 of the 2008 session does not become law, section 14 of this act shall not take effect.

16 Effective Date.

I. Sections 1, 9-13, and 15 of this act shall take effect upon its passage.

II. Section 14 of this act shall take effect as provided in section 15 of this act.

III. The remainder of this act shall take effect January 1, 2009.

Rep. Hunt spoke in favor.

Rep. Houde spoke against.

On a division vote, 104 members having voted in the affirmative and 246 in the negative, the minority committee amendment (1703h) failed.

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

On a division vote, 246 members having voted in the affirmative and 104 in the negative, the majority committee report was adopted.

Ordered to third reading.

SB 337-FN, relative to home education of children. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sharon M. Carson for the Majority of Education: This bill, as amended, creates four new provisions to New Hampshire's home school laws. First, it requires that when a parent withdraws a student from a public school with the intention of homeschooling that child, that they notify either the commissioner of the New Hampshire department of education, the resident district superintendent, or the principal of the public school within 5 business days of withdrawal. It also requires parents to notify the commissioner of the New Hampshire department of education, the resident district superintendent, or the principal of the public school by the first scheduled day of the school year that they will be continuing a homeschooling program for their child. Additionally, the amendment creates a study committee that will review New Hampshire's home school statutes. Finally, it places two members of the House and one member of the Senate on the Home Education Advisory Council. Vote 9-8.

Rep. Paul Ingbreton for the Minority of Education: This bill, while an improvement over the Senate Bill, still has the earmarks of a duplication of efforts and a solution looking for a problem: 1) duplication of efforts in that most of the members of the commission already meet regularly to assess home schooling issues, and 2) solution looking for a problem since there was no indication the legislation was the result of any problem. As Will Rogers said, "If it ain't broke, fix it til it is."

Majority Amendment (1658h)

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

AN ACT relative to notification requirements for home education programs, adding legislative members to the home education advisory council, and establishing a commission to examine New Hampshire's home education statutes.

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

1 Home Education; Notification. Amend RSA 193-A:5 to read as follows:

193-A:5 Notification and Other Procedural Requirements. A parent may provide home education to a child or children at home, subject to the following requirements:

I.(a) Any parent commencing a home education program for a child, for a child who withdraws from a public school, or for a child who moves into a school district shall notify the commissioner of *the department of* education, resident district superintendent, or principal of a nonpublic school of such within [30] *5 business days of commencing the program.*

(b) *A parent planning to continue a home education program shall notify the commissioner of education, resident district superintendent, or principal of a nonpublic school by the first school day according to the school calendar in the child's resident school district.*

2 Home Education Advisory Council; Membership Amended. Amend RSA 193-A:10 to read as follows:

193-A:10 Home Education Advisory Council.

I. There is established the home education advisory council ~~[comprising 12 members]~~ **which shall consist of the following members:**

(a) **Two members of the house of representatives from the house education committee, appointed by the speaker of the house of representatives.**

(b) **One member of the senate from the senate education committee, appointed by the president of the senate.**

(c) **The following** ~~[members of the council]~~ **individuals who** shall be appointed by the commissioner of **the department of** education from persons named as follows:

~~[(a)]~~ (1) Six members nominated by home educator associations organized within New Hampshire.

~~[(b)]~~ (2) Two members nominated by the **commissioner of the** department of education, **or designee.**

~~[(c)]~~ (3) One member nominated by the New Hampshire School Administrators Association.

~~[(d)]~~ (4) One member nominated by the New Hampshire School Boards Association.

~~[(e)]~~ (5) One member nominated by the New Hampshire School Principals Association.

~~[(f)]~~ (6) One member nominated by the nonpublic school advisory council established by the **state** board of education pursuant to RSA 21-N:9, II(f).

II. The duties of the council and the terms of office of ~~[its]~~ **the members appointed under subparagraph I(c)** shall be prescribed in accordance with rules proposed by the commissioner of education and adopted by the state board of education pursuant to RSA 541-A. **Legislative members of the council shall serve a term which is coterminous with their elected office.**

III. The chair of the council shall be elected by the council members from the home educator membership on the council **appointed under subparagraph I(c)**. All vacancies on the council shall be filled in the same manner as that of the original appointment.

IV. Legislative members of the council shall receive mileage at the legislative rate when attending to the duties of the council.

3 Commission Established. There is established a commission to examine New Hampshire's home education statutes.

4 Membership and Compensation.

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

(a) Two members of the house of representatives from the house education committee, appointed by the speaker of the house of representatives.

(b) One member of the senate from the senate education committee, appointed by the president of the senate.

(c) The commissioner of the department of education, or designee.

(d) One member from the New Hampshire School Administrators Association, appointed by the association.

(e) One member from the home education advisory council established under RSA 193-A:10, appointed by the chair of the council.

(f) One member from the New Hampshire School Boards Association, appointed by the association.

(g) One member from the New Hampshire Homeschooling Coalition, appointed by the coalition.

(h) One member from the Christian Home Educators Association of New Hampshire, appointed by the association.

(i) One member from the Catholics United for Home Education, appointed by that organization.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

5 Duties. The commission shall examine New Hampshire's home education statutes.

6 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

7 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2008.

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

AMENDED ANALYSIS

This bill amends the notification requirements for commencing or continuing a home education program, adds legislative members to the home education advisory council, and establishes a commission to examine New Hampshire's home education statutes. Majority committee amendment adopted.

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

Reps. Beaulieu and Henson spoke against.

Rep. Rous spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Baldasaro moved that ***SB 337-FN***, relative to home education of children, be laid on the table.

On a division vote, 157 members having voted in the affirmative and 198 in the negative, the motion failed.

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

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 188 NAYS 168

YEAS 188

BELKNAP

Arsenault, Beth

Morrison, Gail

Pilliod, James

CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Cunningham, Howard

CHESHIRE

Allen, Peter

Burridge, Delmar

Butcher, Suzanne

Butterworth, Timothy

Butynski, William

Chase, William

Dunn, J. Timothy

Eaton, Daniel

Espiefs, Peter

Lerandea, Alfred

Mitchell, Bonnie

Parkhurst, Henry

Plifka, Stanley Jr

Richardson, Barbara

Roberts, Kris

Robertson, Timothy

Sad, Tara

Weber, Lucy

Weed, Charles

COOS

Hatch, William	Merrick, Evalyn	Merrick, Scott
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GRAFTON

Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Estes, Carole	Friedrich, Carol	Hammond, Lee	Harding, A Laurie
Laliberte, Suzanne	Lovett, Sid	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon	Pierce, David	Preston, Philip	

HILLSBOROUGH

Baroody, Benjamin	Bergin, Peter	Brunelle, Michael	Chase, Claudia
Cote, David	Dokmo, Cynthia	Edwards, Andrew	Essex, David
Farley, Michael	Fontas, Jeffrey	Foster, Linda	Garrity, Patrick
Ginsburg, Ruth	Hackel, Paul	Haley, Robert	Hammond, Jill
Harvey, Suzanne	Hebert, Roger	Irwin, Anne-Marie	Jean, Claudette
Judy, Jean	Kaelin, Michael	Katsiantonis, George	Kelley, John
Knowles, John	Knowles, Mary Ann	Leishman, Peter	Levasseur, Nickolas
Levesque, Melanie	Lisle, Carolyn	Martineau, Jesse	Matarazzo, Anthony Sr
Movsesian, Lori	O'Brien, Michael Sr	O'Neil, James	Peterson, Andy
Pilotte, Maurice	Rosenwald, Cindy	Scannell, David	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Simon, Anthony	Smith, Sandra
Spratt, Stephen	Sullivan, Daniel	Sullivan, Francis	Sysyn, Mary

MERRIMACK

Baxley, Maureen	Beauchesne, Suzanne	Blanchard, Elizabeth	Bouchard, Candace
Brueggemann, Donald	Clarke, Claire	Davis, Frank	DeJoie, John
Ehlers, Eileen	Foose, Robert	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Hamm, Christine	Kjellman, Eleanor Glynn	MacKay, James
McMahon, Patricia	Osborne, Jessie	Porter, Margaret	Potter, Frances
Reardon, Tara	Richardson, Gary	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary	Walz, Mary
Webb, Leigh	Wheeler, Deborah	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Borden, David	Brown, C. Pennington	Cali-Pitts, Jacqueline
Carson, Sharon	Casey, Kimberley	Day, Judith	Devine, James
DiFruscia, Anthony	Flockhart, Eileen	Grote, Otto	Howard, Doreen
Kepner, Susan	Lister, Charlotte	Marsh, Michael	McEachern, Paul
McKenna, Daniel	Moody, Marcia	Moore, Bennett	Nord, Susi
Pantelakos, Laura	Powers, James	Robertson, Carl	Russell, Trinka
Snow, Richard	Splaine, James		

STRAFFORD

Berube, Roger	Billian, Deborah	Brennan, William	Brown, Julie
Brown, Larry	Browne, Brendon	Burke, Rachel	Cyr, James
DeChane, Marlene	Domingo, Baldwin	Fargo, Thomas	Goodwin, Earle
Hilliard, Dana	Hofemann, Roland	Hubbard, Pamela	Kaen, Naida
Knowles, William	Mickelonis, Shawn	Miller, Joseph	Oppenheimer, Kay
Perry, Robert	Rollo, Deanna	Rollo, Michael	Rous, Emma

Schmidt, Peter
Srnc, Robert

Smith, Marjorie
Wall, Janet

Spang, Judith

Sprague, Dale

SULLIVAN

Cloutier, John
Franklin, Peter

Converse, Larry
Jillette, Arthur Jr

Donovan, Thomas
Nielsen, Ellen

Ferland, Brenda
Phinizy, James

NAYS 168

BELKNAP

Allen, Janet
Millham, Alida
Thomas, John

Boyce, Laurie
Nedeau, Stephen
Tilton, Franklin

Clark, Charles
Reever, Judith
Tobin, William

Flanders, Donald
Russell, David
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Heard, Virginia
Patten, Betsey

Brown, Carolyn
Knox, J. David
Stevens, Stanley

Chandler, Gene
Martin, James

Denley, William
Merrow, Harry

CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

Pelkey, Stephen

COOS

King, Frederick

Remick, William

Stohl, Eric

Tholl, John Jr

GRAFTON

Aguiar, James
Eaton, Stephanie
Sorg, Gregory

Andersen, Gene
Gionet, Edmond
Williams, Burton

Bulis, Lyle
Ingbreton, Paul

Dingman, Vernon III
Solomon, Peter

HILLSBOROUGH

Barry, Richard
Bergeron, Jean-Guy
Clemons, Jane
Daniels, Gary
Fletcher, Richard
Goley, Jeffrey
Haefner, Robert
Hopper, Gary
Lasky, Bette
Marshall, Seth
Moran, Edward
Ober, Russell III
Rowe, Robert
Spaulding, Jayne
Vaillancourt, Steve

Batula, Peter
Christensen, Chris
Coughlin, Pamela
Day, Russell
Forest, Armand
Gorman, Mary
Hall, Betty
Jasper, Shawn
Long, Patrick
McRae, Karen
Nagle, Maureen
Price, Pamela
Shaw, Kimberly
Stepanek, Stephen
Villeneuve, Maurice

Beaulieu, Jane
Christiansen, Lars
Crane, Elenore Casey
Elliott, Nancy
Francoeur, Bea
Goyette, Peter
Hawkins, Ken
Kurk, Neal
Mack, Ron
Messier, Irene
O'Connell, Timothy
Reeves, Sandra
Smith, David
Tahir, Saghir
Winters, Joel

Beck, Catriona
Clark, Mark
Daler, Jennifer
Emerton, Larry
Gargas, Carolyn
Graham, John
Hogan, Edith
L'Heureux, Robert
Manney, Pamela
Mooney, Maureen
Ober, Lynne
Renzullo, Andrew
Soucy, Connie
Ulery, Jordan

MERRIMACK

Anderson, Eric
Hess, David
Owen, Derek

Boutin, David
Kelly, Sally
Reed, Dennis

Brown, Carole
Kidder, David

DeStefano, Stephen
Lockwood, Priscilla

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Case, Frank	Charron, Gene
Dalrymple, David	Elliott, Robert	Emiro, Frank	Fesh, Bob
Flanders, John Sr	Garcia, Marilinda	Garrity, James	Gleason, John
Gould, Kenneth	Griffin, Mary	Headd, James	Henson, John
Ingram, Russell	Introne, Robert	Itse, Daniel	Kappler, Lawrence
Katsakiores, George	Katsakiores, Phyllis	Kennedy, James	Lund, Howie
Major, Norman	Mann, Maureen	McMahon, Charles	Moore, Benjamin
Nevins, Christopher	Packard, Sherman	Pearson, Mark	Petterson, Don
Preston, Mark	Priestley, Anne	Quandt, Marshall	Quandt, Matthew
Rausch, James	Reagan, John	Sanders, Elisabeth	Serlin, Christopher
Stiles, Nancy	Weare, Everett	Webber, James	Welch, David
Wells, Roger	Weyler, Kenneth	Winchell, George	

STRAFFORD

Brown, Jennifer	Hutz, Sarah	Watson, Robert
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SULLIVAN

Gagnon, Raymond	Gottling, Suzanne	Houde, Matthew	Rodeschin, Beverly
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Skinder, Carla
and the majority committee report was adopted.
Ordered to third reading.

SB 359, updating the health curriculum requirements for public school students and requiring the state board of education to provide for procedures through which students may be excused from course requirements relating to health and sex education on religious grounds without penalty. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sharon M. Carson for Education: This bill adds youth suicide prevention to the required health education curriculum framework and allows parents to opt out of a particular unit of instruction based on a religious exemption. It also requires that a provision for alternative learning be in place that enables the student to meet the state requirements for health education if they opt out of a unit. Vote 13-3.

Amendment (1664h)

Amend the bill by replacing section 1 with the following:

1 Duties of State Board of Education. RSA 186:11, IX is repealed and reenacted to read as follows:

IX. INSTRUCTION AS TO CHILD ABUSE PREVENTION, YOUTH SUICIDE PREVENTION, INTOXICANTS, DRUGS, HIV/AIDS, AND SEXUALLY TRANSMITTED DISEASES.

(a) Direct the department to develop curriculum frameworks in health, physiology, and hygiene as they relate to the effects of alcohol and other drugs, child abuse, human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS), and sexually transmitted diseases on the human system, and which are designed to help students lead longer, healthier lives.

(b) Provide information about HIV/AIDS to all public and private schools to facilitate the delivery of appropriate courses and programs.

(c) Review HIV/AIDS curriculum materials to assure relevancy in assisting students to become health-literate citizens, and lead longer, healthier lives.

(d) Provide information about youth suicide prevention to all public and private schools to facilitate the delivery of appropriate courses and programs.

Amend RSA 186:11, IX-b as inserted by section 4 of the bill by replacing it with the following:

IX-b. HEALTH AND SEX EDUCATION. Require school districts to adopt a policy allowing an exception to a particular unit of health or sex education instruction based on religious objections. Such policy shall include a provision for alternative learning sufficient to enable the child to meet state requirements for health education.

AMENDED ANALYSIS

This bill updates the health education curriculum to include instruction on the effects of alcohol and other drugs, child abuse, human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS), and sexually transmitted diseases on the human system. The bill also requires a school districts to adopt a policy allowing an exception to a particular unit of health or sex education instruction based on religious objections, provided such policy includes a provision for alternative learning sufficient to enable the child to meet state requirements for health education.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 374, relative to the process for nonrenewal of teacher contracts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Timothy Dunn for Education: The amended version of this bill does three things: First, it amends RSA 189:14-a,III by deleting a sentence that removes the responsibility of administration to assist a teacher who is having difficulty meeting the standards set by the district. In other words, nothing more is demanded of an administrator than to tell a teacher in writing each month he or she is not practicing up to standards, and at the end of the year that person will be non-renewed. That is not regarded as sound policy in business or industry. That practice is as close to making teachers employees at will as you can get and not say so. The commissioner of education strongly supports this change as best educational practice. Second, it amends RSA 189:14-b, I. The amendment allows a non-renewed teacher who is in a bargaining unit which has won the right to arbitration through collective bargaining, the choice of arbitration or the hearing set forth in current law. Third, it amends RSA 273-A:4 by removing the prohibition against negotiating the right to arbitration in the master agreement. It gives local bargaining groups the right to bargain for arbitration in cases of non-renewal. This allows for local control of negotiated contracts. It is not good policy for the state to determine what is and what is not negotiable. In no other instance does the state rule on what can and cannot be negotiated. Finally, nothing in this amended bill or in current law affects the right to be heard by the New Hampshire Commission for civil rights or the US Equal Employment Opportunity commission. Vote 9-7.

Amendment (1655h)

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-3 to read as 3-4, respectively:

2 School Boards; Failure to be Renominated or Reelected. Amend RSA 189:14-a, III to read as follows:

III. In cases of nonrenomination because of unsatisfactory performance, the superintendent of the local school district shall demonstrate, at the school board hearing, by a preponderance of the evidence, that the teacher had received written notice that the teacher's unsatisfactory performance may lead to nonrenomination, that the teacher had a reasonable opportunity to correct such unsatisfactory performance, and that the teacher had failed to correct such unsatisfactory performance. ~~[Nothing in this paragraph shall be construed to require the superintendent or the school board to provide a teacher with remedial assistance to correct any deficiencies that form the basis for such teacher's nonrenomination.]~~

Amendment adopted.

On a division vote, 198 members having voted in the affirmative and 136 in the negative, the

committee report was adopted.
Ordered to third reading.

SB 210-FN, relative to making various changes to the regulation of plumbers and water treatment technicians by the board of licensing and regulation of plumbers.

INEXPEDIENT TO LEGISLATE.

Rep. John Reagan for Executive Departments and Administration: This bill came to the committee at the request of the plumbing board in an attempt to make the working of the board more efficient. There was, however, caution on the part of the committee to move forward with legislation that made changes, including fines, when many questions and concerns remained unanswered. Vote 14-4.

Committee report adopted.

SB 463, establishing an investment committee and an audit committee in the New Hampshire retirement system. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Patricia M. McMahon for the Majority of Executive Departments and Administration: This bill, as amended, preserves the intent of HB 1645 which was amended in the Senate this month. By retaining the key elements of HB 1645, we can ensure the strongest possible retirement system for all public employees. The retirement system was established as a defined benefit to provide a pension. It did not guarantee other post employment benefits (OPEB's) such as cost of living adjustments (COLA's) or money for health care (medical subsidies). Over the past 15 years, the New Hampshire Retirement System went from one of the nation's highest funded public pensions to one of the lowest with current unfunded liabilities of \$2.7 billion. The legislature adopted a funding formula that under-calculated how much money the pension fund needed. As a result, employers paid in too little. At the same time, employee groups used almost \$1 billion dollars out of the pension fund for other post-employment benefits. The investment of the pension monies by the retirement board under performed most of the public pension funds in the country resulting in lost earnings. Without certain technical changes included in the bill, the New Hampshire Retirement System would be at risk of losing its qualified status under the IRS and no longer be eligible as a tax exempt plan. The bill provides for commissions to address health costs and COLA's for current and future employees. If we do nothing, the legislature, in effect, would be raising rates on local property taxpayers by over 50%. Vote 13-4.

Rep. Daniel J. Sullivan for the Minority of Executive Departments and Administration: The minority feels that the concept of this bill as originally drafted was sound, but needed some minor adjustments. The original bill established committees to advise the board of trustees of the New Hampshire Retirement System on investments and auditing. The amended version goes far beyond, making aggressive and, the minority believes, unsound changes to the New Hampshire Retirement System.

Majority Amendment (1702h)

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

AN ACT relative to administration of the New Hampshire retirement system and benefits for members.

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

1 Definition of Earnable Compensation; Other Compensation. Amend RSA 100-A:1, XVII to read as follows:

XVII. "Earnable compensation" shall mean for all members the full base rate of compensation paid plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities or for other extra or special duty, ~~[and other compensation paid to the member by the employer,]~~ plus the fair market value of non-cash compensation ***paid to, or on behalf***

~~of, the member~~ such as meals or living quarters if subject to federal income tax. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

2 Membership. Amend RSA 100-A:3, V to read as follows:

V. A member shall cease to be a member if (a) ~~he or she is absent from service for more than 2 years; (b)~~ he or she withdraws his or her accumulated contributions; or ~~[(e)]~~ **(b)** he or she becomes a beneficiary or dies. ~~[Notwithstanding the foregoing,]~~ The board of trustees shall continue the membership of a member while in the armed forces of the United States provided such member does not withdraw his or her accumulated contributions.

3 Return of Member Contributions; Group I. Amend RSA 100-A:11, I(a) to read as follows:

(a) If a group I member ceases to be an employee or teacher for reasons other than retirement or death and if he or she has not elected to receive a vested deferred retirement allowance under RSA 100-A:10, the amount of his or her accumulated contributions shall be paid within 3 months after his or her written request therefor, provided that the member may not file a written request for such payment until at least 30 days from the date the member ceases to be an employee or a teacher and provided that the member may not again become a group I member during said 30-day period. If a group I member ceases to be a **an active** member because of absence from service for more than ~~[2 years, his or her accumulated contributions shall be paid within 3 months after the board is notified to that effect]~~ **180 days, without requesting return of the amount of his or her accumulated contributions, the retirement system shall retain his or her accumulated contributions. The annual return credited on inactive, vested members shall be paid pursuant to RSA 100-A:16, II(g). The board shall hold and invest such accumulated contributions on behalf of the inactive member, provided that the annual return credited on the inactive member's accumulated contributions shall be 2 percentage points less than either the assumed rate of return determined under RSA 100-A:16, II(h) or the actual rate of return, whichever is lower, for the immediately preceding fiscal year as reported in the comprehensive annual financial report (CAFR), provided the rate of return shall not be less than zero. The inactive member's total accumulated contributions shall be paid within 3 months after his or her written request therefor. In the event an inactive member who has not withdrawn his or her contributions under this section returns to**

become an active member in service, his or her previous service shall count toward that member's creditable service to the extent that his or her accumulated contributions have remained in the retirement system.

4 Return of Member Contributions; Group II. Amend RSA 100-A:11, II(a) to read as follows:

(a) If a group II member ceases to be a permanent policeman or permanent fireman for reasons other than retirement or death and if he or she has not elected to receive a vested deferred retirement allowance under RSA 100-A:10, the amount of his or her accumulated contributions shall be paid within 3 months after his or her written request therefor. If a group II member ceases to be a ***an active*** member because of absence from service for more than ~~[2 years, his or her accumulated contributions shall be paid within 3 months after the board is notified to that effect]~~ ***180 days, without requesting return of the amount of his or her accumulated contributions, the retirement system shall retain his or her accumulated contributions. The annual return credited on inactive, vested members shall be paid pursuant to RSA 100-A:16, II(g). The board shall hold and invest such accumulated contributions on behalf of the inactive member, provided that the annual return credited on the inactive member's accumulated contributions shall be 2 percentage points less than either the assumed rate of return determined under RSA 100-A:16, II(h) or the actual rate of return, whichever is lower, for the immediately preceding fiscal year as reported in the comprehensive annual financial report (CAFR), provided the rate of return shall not be less than zero. The inactive member's total accumulated contributions shall be paid within 3 months after his or her written request therefor. In the event an inactive member who has not withdrawn his or her contributions under this section returns to become an active member in service, his or her previous service shall count toward that member's creditable service to the extent that his or her accumulated contributions have remained in the retirement system.***

5 Medical Benefits; Group II; Payment by Retirement System; 8 Percent Increase. Amend RSA 100-A:52, II to read as follows:

II. However, for the fiscal year beginning July 1, 1990, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to Medicare benefits, shall be \$101.50 per month, and on account of each person qualified under paragraph I who is entitled to Medicare benefits, shall be \$64 per month. As of July 1, 1991, and on each July 1 ~~[thereafter]~~ ***until and including July 1, 2008***, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on previous increases. ***After July 1, 2008, the rate payable under this paragraph may be increased only by the passage of appropriate legislation.***

6 Medical Benefits; Group I Teachers and Political Subdivision Employees; Payment by Retirement System; 8 Percent Increase Removed. Amend RSA 100-A:52-a, II to read as follows:

II. ~~[However,]~~ For ~~[the]~~ ***each*** fiscal year beginning ***on or after*** July 1, ~~[2000]~~ ***2008***, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to Medicare benefits, and on account of each person qualified under paragraph I who is entitled to Medicare benefits, shall be the same as the amount provided in RSA 100-A:52, II for group II retirees. ~~[As of July 1, 2000 and on each July 1 thereafter, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on previous increases.]~~

7 Medical Benefits; Group I Employees; Payment by Retirement System; 8 Percent Increase Removed. Amend RSA 100-A:52-b, III to read as follows:

III. ~~[However,]~~ For ~~[the]~~ ***each*** fiscal year beginning ***on or after*** July 1, ~~[2000]~~ ***2008***, the maximum amount payable by the retirement system under this subdivision on account of

each person qualified under paragraph I who is not entitled to Medicare benefits, and on account of each person qualified under paragraph I who is entitled to Medicare benefits, shall be the same as the amount provided in RSA 100-A:52, II for group II retirees. ~~[As of July 1, 2000 and on each July 1 thereafter, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on previous increases.]~~

8 New Paragraph; Board of Trustees; Administration; Review of Medical Benefit Subsidy Rates; Biennial Report. Amend RSA 100-A:14 by inserting after paragraph XV the following new paragraph:

XVI. The board of trustees shall review the medical benefit subsidy amount in effect under RSA 100-A:52, II, RSA 100-A:52-a, II, and RSA 100-A:52-b, III to make a prudent determination whether the amount may be increased, including consideration of different rates of growth to the medical subsidy for each subgroup, if those rates are actuarially supported. The board shall, on or before the December 1 preceding each biennial session of the legislature, commencing on or before December 1, 2010, report to the governor, the speaker of the house of representatives, the senate president, and the chairpersons of the house and senate finance and executive departments and administration committees on its review and determination under this paragraph.

9 New Subparagraph; Method of Financing; Transfer from Special Account. Amend RSA 100-A:16, II by inserting after subparagraph (i) the following new subparagraph:

(j) Notwithstanding RSA 100-A:16, II(h)(5) and (7), there shall be a one-time transfer of \$250,000,000 not later than June 30, 2008 from the special account to the state annuity accumulation fund, provided however that if the employers' obligation to fund the 401(h) subtrust under RSA 100-A:53, RSA 100-A:53-b, RSA 100-A:53-c, and RSA 100-A:53-d ceases as a result of a final court order, the transfer of \$250,000,000 plus any interest accrued shall be returned to the special account. The sum transferred shall be credited proportionally to each member subgroup based on the proportion of the funds transferred into each special account subgroup from the special medical account, as identified by the retirement system, on June 30, 2007.

10 Medical Benefits; Method of Financing; Group II. Amend RSA 100-A:53, I to read as follows:

I. The benefits provided under RSA 100-A:52 shall be provided by a 401(h) subtrust of the New Hampshire retirement system. ***Beginning July 1, 2009***, the 401(h) subtrust shall be funded by allocating ***to the subtrust the lesser of:***

(a) 25 percent of [future] group II employer contributions made for group II ~~[in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.]; or~~

(b) ***The percentage of group II employer contributions made for group II determined by the actuary to be the minimum rate necessary to maintain the benefits provided under RSA 100-A:52.***

11 Medical Benefits; Method of Financing; Group I Teachers. Amend RSA 100-A:53-b, I to read as follows:

I. The benefits provided under RSA 100-A:52-a shall be provided by a 401(h) subtrust of the New Hampshire retirement system. ***Beginning July 1, 2009***, the 401(h) subtrust shall be funded by allocating ***to the subtrust the lesser of:***

(a) 25 percent of [future] group I teacher employer contributions made for group I teachers ~~[in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.]; or~~

(b) ***The percentage of group I employer contributions made for group I teachers determined by the actuary to be the minimum rate necessary to maintain the benefits provided under RSA 100-A:52-a.***

12 Medical Benefits; Method of Financing; Group I Political Subdivision Employees. Amend RSA 100-A:53-c, I to read as follows:

I. The benefits provided under RSA 100-A:52-a shall be provided by a 401(h) subtrust of the New Hampshire retirement system. ***Beginning July 1, 2009***, the 401(h) subtrust shall be funded by allocating ***to the subtrust the lesser of:***

(a) 25 percent of ~~[future]~~ group I employer contributions made for group I political subdivision employees ~~[in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.]; or~~

(b) ***The percentage of group I employer contributions made for group I political subdivision employees determined by the actuary to be the minimum rate necessary to maintain the benefits provided under RSA 100-A:52-a.***

13 Medical Benefits; Method of Financing; Group I State Employees. Amend RSA 100-A:53-d, I to read as follows:

I. The benefits provided under RSA 100-A:52-b shall be provided by a 401(h) subtrust of the New Hampshire retirement system. ***Beginning July 1, 2009***, the 401(h) subtrust shall be funded by allocating ***to the subtrust the lesser of:***

(a) 25 percent of ~~[future]~~ group I employer contributions made for group I state employees ~~[in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.]; or~~

(b) ***The percentage of group I employer contributions made for group I state employees determined by the actuary to be the minimum rate necessary to maintain the benefits provided under RSA 100-A:52-b.***

14 Commission on Retiree Health Care Benefits Funding Model. There is established a commission to propose a retiree health care benefits funding model.

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

(a) Three members of the house of representatives, one of whom shall be from the executive departments and administration committee and one of whom shall be from the finance committee, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

(c) The chairperson of the New Hampshire retirement system board of trustees, or designee.

(d) Two representatives of group I of the retirement system, appointed by the governor.

(e) Two representatives of group II of the retirement system, appointed by the governor.

(f) Two representatives of municipal and school employers in the retirement system, appointed by the governor.

(g) Six public members with recognized expertise in finance, financial management, health care finance, health care delivery, or the governance and oversight of large endowments or public funds, appointed by the governor.

(h) One retired member of the retirement system currently receiving benefits, appointed jointly by the speaker of the house of representatives and the president of the senate.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission shall study and recommend to the general court by December 1, 2008, the detailed design for a preferential tax vehicle for employees who do not qualify for the existing medical subsidy, to make contributions that would provide funds for post-employment medical expenses. Among the duties, the commission shall:

(a) Analyze the models in use by other states.

(b) Collect information from experts in the field.

(c) Consider different vehicles for such a plan including governmental trusts, Voluntary Employee Benefit Associations (VEBAs), 401(h), trusts, and Health Savings Accounts.

(d) Consider the following principles, in designing a recommended plan that:

(1) Allows for member and employer contributions.

(2) Utilizes tax advantaged contributions, earnings, and benefit distributions.

(3) Includes pre-funding for cost-effectiveness, security, and to satisfy the Governmental Accounting Standards Board and the Internal Revenue Service.

(4) Permits employer contributions through negotiated matches for currently active members.

(5) Permits additional voluntary member contributions.

(6) Is administratively efficient.

(7) Is available and integrated with other benefits.

(8) Allows unused sick and vacation leave to be contributed toward the medical subsidy.

(9) Is viable long term.

(e) Additionally, in designing a recommended plan, consider the following possibilities:

(1) Bonding to assist in the establishment of the trust and/or the transfer of medical subsidy eligible active members and/or retirees to the new health care funding model.

(2) Integrating the new trust with the existing subsidy-eligible state employees and the benefits provided by RSA 21-I:30.

(3) Moving all subsidy-eligible retirees into the new plan, bringing the current 401(h) subtrust funding with them, if permitted.

(4) Analyzing alternative retiree health care insurance programs for political subdivision retirees and Medicare retirees that would reduce the overall costs of medical care.

(f) Seek technical assistance as necessary from the New Hampshire retirement system and from other independent financial, investment, actuarial, and retirement experts.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 30 days of the effective date of this section. Ten members of the commission shall constitute a quorum.

V. The commission shall report its findings and its initial recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the chairpersons of the house and senate executive departments and administration and finance committees, the governor, and the state library on or before December 1, 2008. The commission shall issue a final report of its findings and recommendations for additional legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the chairpersons of the house and senate executive departments and administration and finance committees, the governor, and the state library on or before December 1, 2009.

VI. The commission is authorized to accept and expend private sector grants, gifts, or donations of any kind for the purpose of the duties required in this section. Any moneys collected shall be continually appropriated to the commission for the purposes of this section.

15 Maximum Retirement Benefit. Amend RSA 100-A:6-a to read as follows:

100-A:6-a Maximum Retirement Benefit. Notwithstanding any other provision of this chapter to the contrary, ~~any~~ **for members who commenced service before July 1, 2009,** a member's initial calculation of the retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's highest year of earnable compensation. **For members who commenced service on or after July 1, 2009**

a member's initial calculation of the retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's highest year full base rate of compensation. This provision shall not limit the application of supplemental allowances under RSA 100-A:41-a.

16 Administration; Board Members. Amend RSA 100-A:14, I to read as follows:

I. The administration of this system is vested in a board of ~~[14]~~ **12** trustees. The state treasurer shall be an ex officio voting member of the board. The governor and council shall appoint ~~[2]~~ **4** trustees, to be known as non-member trustees, who shall be qualified persons with ~~[business]~~ **investment and/or financial** experience and not be members of the system, and who shall serve for a term of 2 years and until their successors are appointed and qualified~~[-except that]~~. The original appointment of one of the non-member trustees shall be for a term of one year. The remaining ~~[11]~~ **7** members of the board shall consist of ~~[2 employees, 2 teachers, 2 permanent policemen, 2 permanent firemen]~~ **one employee, one teacher, one permanent police member, one permanent firefighter**, one member of the senate who shall be appointed annually by the senate president, one member of the house of representatives who serves on the executive departments and administration committee and who shall be appointed annually by the speaker of the house, and one person representing management in local government. Whenever a vacancy occurs, the senate president or the speaker of the house shall fill the vacancy in the same manner by appointing a senate or a house member who shall serve for the unexpired term. The New Hampshire state employees' association, the New Hampshire education association, the New Hampshire police association, the New Hampshire state permanent firemen's association, and the New Hampshire Local Government Center shall each annually nominate from their members a panel of 5 persons, all of whom except for the panel of the Local Government Center shall be active members of the retirement system, or one of the 4 predecessor systems, no later than May 31 of each year, and the panels so named shall be filed with the secretary of state no later than June 10 of each year. From each of the above named panels the governor and council shall appoint one person ~~[annually]~~ **biennially** to the board~~[-except for the panel of the Local Government Center, which shall have one person appointed every 2 years]~~. Members appointed to the board in the manner aforesaid shall serve for a term of 2 years. Each member so appointed shall hold office until his or her successor shall be appointed and qualified. Whenever a vacancy occurs, the governor and council shall fill the vacancy by appointing a member who shall serve for the unexpired term from the same panel from which the former member was appointed. The governor shall designate one of the non-member trustees to serve as chairman of said board of trustees.

17 Application; Board of Trustees Membership. Members of the board of trustees for the retirement system on the effective date of this section shall serve for the remainder of their terms. In order to conform to RSA 100-A:14, I as amended by this act, the 4 employee, teacher, permanent policeman, and permanent fireman member positions whose trustees' terms are the first to expire after the effective date of this section shall not be appointed, and those positions shall be eliminated from the board of trustees.

18 Board of Trustees; Voting by Chairperson. Amend RSA 100-A:14, IV to read as follows:

IV. Each trustee shall be entitled to one vote in the board of trustees~~[-provided, however, that the chairman shall be non-voting except in the event of a tie vote]~~. Seven trustees shall constitute a quorum for the transaction of any business. Seven votes shall be necessary for any resolution or action by the board at any meeting.

19 New Section; Committees of the Board of Trustees. Amend RSA 100-A by inserting after section 14 the following new section:

100-A:14-a Committees of the Board of Trustees.

I. The board of trustees shall establish committees to include but not be limited to the following standing committees:

(a) Investment.

- (b) Audit.
- (c) Benefits.
- (d) Legislative.
- (e) Personnel.

II. Each committee shall consist of members of the board of trustees. A majority of members of the investment committee shall have experience in the field of institutional investment or finance other than their experience as trustees of the New Hampshire retirement system. At least one member of the audit committee shall be experienced in the field of public accounting.

III. Except as otherwise provided in this chapter, each committee shall make its recommendations to the full board for final approval.

IV. The investment committee shall recommend an investment policy and investment consultants to the full board for approval. The investment committee shall review investment performance, choose fund managers, and make investments and deposits on behalf of the board. The investment committee shall establish an advisory committee to advise the investment committee in its investment decisions. The advisory committee shall consist of non-board members who have experience as investment or finance professionals or those with experience in the oversight of pension funds similar to the retirement system funds.

V. The audit committee shall assist the board to undertake the audit and reporting requirements required by RSA 100-A:15, VI. The audit committee may establish an advisory committee to assist it in its auditing functions. The advisory committee shall consist of non-board members who are certified public accountants and others working in public accounting.

VI. The benefits committee shall be responsible for reviewing member and beneficiary recommendations from the hearings examiner.

VII. The legislative committee shall assess the impact on the retirement system of proposed legislation and assist in the development of proposed legislation involving the New Hampshire retirement system.

VIII. The personnel committee shall consider personnel and compensation issues and recommend policies to the board.

IX. Committee members shall be appointed by majority vote of the board of trustees. At all times, the investment committee shall have a majority of members who are qualified as having experience in investment or finance, other than their role as trustees of the New Hampshire retirement system.

20 Management of Funds. Amend RSA 100-A:15 to read as follows:

100-A:15 Management of Funds.

I. The members of the board of trustees shall be the trustees of the several funds created hereby and ***shall set all policies relative to investment of those funds. The trustees shall appoint and oversee an investment committee that shall have*** full power to invest and reinvest such funds ~~[-and]~~ ***in accordance with the policies set by the board.*** The board of trustees shall have the powers, privileges, and immunities of a corporation. ~~[The members of the board of trustees shall also have the power to invest and reinvest such funds in participation units in the public deposit investment pool established pursuant to RSA 383:22.]~~ Said ~~[trustees]~~ ***investment committee*** shall have full power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds created hereby have been invested, as well as the proceeds of such investments ***in accordance with the policies set by the board.*** All of the assets and proceeds, and income therefrom, of the New Hampshire retirement system, and all contributions and payments made thereto, shall be held, invested or disbursed in trust ~~[solely in the interest of the members and beneficiaries of the system for the exclusive purpose of providing those benefits and defraying those reasonable administrative expenses provided for under this chapter. In the management, investment, and reinvestment of system assets so held in trust]~~

hereunder, the system's board of trustees shall exercise the judgment and care under the circumstances then prevailing, which persons of prudence, discretion, and intelligence, acting in a like capacity and familiar with such matters, would use in the conduct of a pension plan of like character and with like aims as the system, and by diversifying investments of the system so as to minimize the risk of large losses to the trust fund].

I-a.(a) A trustee or other fiduciary shall discharge duties with respect to the retirement system:

- (1) Solely in the interest of the participants and beneficiaries;***
- (2) For the exclusive purpose of providing benefits to participants and beneficiaries and paying reasonable expenses of administering the system;***
- (3) With the care, skill, and caution under the circumstances then prevailing which a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an activity of like character and purpose;***
- (4) Impartially, taking into account any differing interests of participants and beneficiaries;***
- (5) Incurring only costs that are appropriate and reasonable; and***
- (6) In accordance with a good-faith interpretation of the law governing the retirement system.***

(b) In investing and managing assets of the retirement system pursuant to subparagraph (a), a trustee with authority to invest and manage assets:

- (1) Shall consider among other circumstances:***
 - (A) General economic conditions;***
 - (B) The possible effect of inflation or deflation;***
 - (C) The role that each investment or course of action plays within the overall portfolio of the retirement system;***
 - (D) The expected total return from income and the appreciation of capital;***
 - (E) Needs for liquidity, regularity of income, and preservation or appreciation of capital; and***
 - (F) The adequacy of funding for the system based on reasonable actuarial factors;***

(2) Shall diversify the investments of the retirement system unless the trustee or investment committee member reasonably determines that, because of special circumstances, it is clearly prudent not to do so;

(3) Shall make a reasonable effort to verify facts relevant to the investment and management of assets of a retirement system; and

(4) May invest in any kind of property or type of investment consistent with this section.

(c) The board of trustees shall adopt a statement of investment objectives and policies for the retirement system as provided in subparagraph VII(c).

I-b. Paragraph I-a shall apply to all board members and other fiduciaries, as well as staff and vendors to the extent they exercise any discretionary authority or discretionary control respecting management of the retirement system or exercise any authority or control respecting management or disposition of its assets, or they render investment advice for a fee or other compensation, direct or indirect, with respect to any moneys or other property of the retirement system, or have any authority or responsibility to do so, or they have any discretionary authority or discretionary responsibility in the administration of the retirement system.

I-c. The fiduciary obligations of the members of the board of trustees are paramount to any other interest a trustee may have arising from another role or position that he or she holds, including the position which qualified the person for appointment to the board of trustees.

II. The board of trustees shall:

(a) ~~[Have the authority to empower an investment committee of its members to make investments and deposits between meetings of the board.]~~ ***Have the authority to hire actuarial services. The compensation for actuarial services required by the board of trustees shall be a charge upon the funds of the New Hampshire retirement system.***

(b) ***Have the full power and authority to delegate to any agent providing services to the New Hampshire retirement system, within or without the state, the power and discretion to make any necessary decisions and to take any action necessary to effect decisions with the same legal effect as if performed by the board of trustees. The payment for these services shall be a charge upon the funds of the New Hampshire retirement system.***

(c) Have the ~~[further]~~ authority to hire investment ~~[counsel]~~ ***consultants***. The compensation for investment ~~[counsel]~~ ***consultant*** services ~~[and the compensation for actuarial services required by the board of trustees in performing the duties required by RSA 100-A:14]~~ shall be a charge upon the funds of the New Hampshire retirement system.

II-a. The investment committee shall:

~~[(e)]~~ (a) Appoint and employ a custodian of the several funds of the retirement system, and such custodian, as an agent of the ~~[board]~~ ***investment committee***, shall be compensated and such compensation shall be a charge upon the funds of the retirement system.

~~[(d)]~~ (b) Have the full power and authority to delegate to any agent, within or without the state, ~~[who may or may not be the custodian of stocks and securities,]~~ the power and discretion to make any necessary decisions with regard to the purchase or sale of any legal object of investment and to take any action necessary to effect decisions by or on behalf of the New Hampshire retirement system with the same legal effect as if performed by the ~~[board of trustees of the New Hampshire retirement system]~~ ***investment committee***. The ~~[board of trustees]~~ ***investment committee*** shall have the power to authorize the payment of compensation to an agent or agents for ***investment*** management services.

(c) ***Report to the board of trustees at least quarterly on the management, investment, and reinvestment activities of the investment committee.***

III. Except as otherwise provided in this section, no trustee, ***no advisory committee member***, and no employee of the board of trustees shall have any personal interest in the gains or profits of any investment made by the board; nor shall any trustee, ***advisory committee member***, or employee of the board, directly or indirectly, for himself ***or herself*** or as an agent, in any manner use the same except to make such current and necessary payments as are authorized by the board; nor shall any trustee, ***advisory committee member***, or employee of the board become an endorser or surety, or in any manner an obligor, for money loaned to or borrowed from the board.

IV. The board of trustees is authorized to engage the services of legal counsel ~~[for special investment, federal, and tax matters, and to engage outside counsel for other matters]~~. The payment for services provided in this paragraph shall be a charge upon the funds of the New Hampshire retirement system.

V. The board of trustees shall adopt rules pursuant to RSA 541-A relative to procedures to be followed in establishing and modifying investment objectives and guidelines~~[-, and in selecting investment managers, investment products and investment participations]~~. ***The investment policies shall not be subject to rulemaking under RSA 541-A.***

VI.(a) The funds of the New Hampshire retirement system shall be audited annually~~[- The board of trustees shall complete, not later than 120 days after the close of the fiscal year, unless the fiscal committee and the governor and council for good cause shall extend such period, a comprehensive annual financial report concerning the preceding fiscal year that details the financial condition and operation of the system during that period in a manner consistent with generally accepted accounting principles]~~ ***and said audit shall be***

conducted in accordance with prevailing standards and practices of governmental auditing specified by authoritative national standard setting bodies. The audit committee shall prepare for board review and approval a comprehensive annual financial report concerning the preceding fiscal year that details the financial condition and operation of the system during that period in a manner consistent with generally accepted accounting principles. The board shall approve the comprehensive annual financial report not later than 120 days after the close of the fiscal year. The fiscal committee and the governor and council for good cause may extend such period. Said report subsequently shall be audited by the legislative budget assistant who may designate a certified public accountant not employed in the state service to conduct the annual audit and may accept the findings and report of the certified public accountant as fulfilling the provisions of this paragraph, provided that in either case said audit shall be conducted in accordance with prevailing standards and practices of governmental auditing specified by authoritative national standard setting bodies. ~~[The cost of such audit shall be a charge upon the funds of the New Hampshire retirement system.]~~

(b) The audit committee shall cause a performance audit not less frequently than every 3 years.

(c) Copies of all audits and reports shall be forwarded to the governor, the senate president, and the speaker of the house of representatives. The cost of all audits and reports shall be a charge upon the funds of the New Hampshire retirement system.

VII. ~~The [board of trustees shall complete a comprehensive annual investment report at the same time that the annual financial report under paragraph VI is completed.]~~ *investment committee shall prepare for board review and approval a comprehensive annual investment report. The board shall approve the comprehensive annual investment report at the same time that it approves the annual financial report under paragraph VI.* The investment report shall be submitted to the president of the senate, the speaker of the house, and the governor. The report shall include, but shall not be limited to:

(a) A description of the ~~[board's]~~ *investment committee's* philosophy for investing the assets of the system, including an analysis of any significant changes in philosophy which have occurred from the prior annual report.

(b) An analysis of the return on investment, by investment category.

(c) ~~[Anticipated future uses of and approaches to the management, investment, and reinvestment of system assets under the principles of paragraph I.]~~ *An annual investment policy statement which shall incorporate the following:*

(1) A clear statement of investment objectives including the adoption of a reasonable and sound average annual rate of return the retirement system is attempting to earn. The rate of return utilized for the statement of investment objectives shall be same as the assumed rate of return set by the trustees for the biennial actuarial calculation.

(2) A detailed breakdown of the asset structure most likely to enable the fund to reach its long range objective within appropriate risk parameters. The details should include all relevant subcategories among equities, debt, and alternative investments and identify the appropriate benchmarks for each performance analysis. The policy should establish an acceptable range for each allocation as well as a specific target allocation.

(3) Identification of how outcomes are measured and benchmarks are developed and who is responsible for the various decision levels in the investment process between the board of trustees, the investment committee, the retirement system's staff, investment consultants, and portfolio managers. The policy statement should specify the minimum frequency to review outcomes and responsibilities, in order to determine whether decisions as to asset mix and

manager selection added value to the fund. Investment managers should be under constant review by the investment committee and the retirement system.

(d) Any suggested changes in legislation which the board may seek in order to better serve the members of the system. This is not intended to preclude the board of trustees from seeking additional legislation as needs arise between annual reports.

VIII. The management, investment, and reinvestment practices for the assets held in trust by the board pursuant to this section shall be subject to review by the legislature.

IX. Not later than January 1, 2010, the board of trustees shall report to the governor, the senate president, and the speaker of the house of representatives on the operation of the audit, investment, and other committees.

21 Supplemental Allowances. RSA 100-A:41-a is repealed and reenacted to read as follows:

100-A:41-a Supplemental Allowances.

I. Any retired member of the New Hampshire retirement system or any of its predecessor systems, who has been retired for at least 12 months, or any beneficiary of such member who is receiving an allowance, shall be entitled to receive supplemental allowances on the retired member's latest anniversary date.

II. No later than May 31 of each year, the board of trustees shall determine the amount of a supplemental allowance to be issued as a separate payment to eligible members or their beneficiaries on or after the July 1 thereafter. Supplemental allowances under this paragraph shall not become a permanent addition to the base retirement allowance. The actuary shall certify the amount of the supplemental allowance which may be granted to each member classification subgroup based on the funds available in the special account for each member classification subgroup. No supplemental allowance shall be granted for any year for which the funds available in the special account are insufficient to pay for the cost of the supplemental allowance. The supplemental allowance shall be determined as follows:

(a) The minimum allowance shall be \$500 for the fiscal year ending June 30, 2009, and shall be adjusted each July 1 thereafter by the change in the Consumer Price Index-Urban for the year prior to the year in which the allowance is granted.

(b) The amount of the supplemental allowance shall be 2.5 percent of the member's or beneficiary's current base retirement allowance. The supplemental allowance shall not exceed 2.5 percent of the prior year's median retirement allowance for all members or their beneficiaries within each member classification subgroup as determined by the actuary.

III. No supplemental allowance shall be granted or increased if such grant or increase would reduce the funds in the respective component of the special account to an amount less than zero.

22 Commission Established. There is established a commission to study the feasibility of authorizing, and the depletion schedules for, future COLAs to be issued at different rates to or within each subgroup within the special account.

23 Membership and Compensation.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

(c) The chairperson of the New Hampshire retirement system, or designee.

(d) Three persons with relevant knowledge, appointed by the governor.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the committee.

24 Duties. The commission shall study the feasibility of authorizing, and the depletion schedules for, future COLAs to be issued at different rates to or within each subgroup within the special account. The commission shall consider proposals for defined benefit and defined contribution plans for COLAs. The study shall examine the possibility of issuing COLAs,

funded from the special account, beginning 2012 with such COLAs becoming permanent additions to the beneficiary's base retirement allowance. The commission may request assistance from the retirement system and the actuary to aid in its study.

25 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Five members of the commission shall constitute a quorum.

26 Report. The commission shall report its findings and its initial recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the chairpersons of the house and senate finance and executive departments and administration committees, the governor, and the state library on or before December 1, 2008. The commission shall issue a final report of its findings and recommendations for additional legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the chairpersons of the house and senate finance and executive departments and administration committees, the governor, and the state library on or before December 1, 2009.

27 New Section; Temporary Contribution Amounts and Ratification. Amend RSA 100-A by inserting after section 53-d the following new section:

100-A:53-e Temporary Contribution Amounts and Ratification.

I. Notwithstanding the provisions of RSA 100-A:53, 100-A:53-b, 100-A:53-c, and 100-A:53-d, for the period beginning July 1, 2000, and ending June 30, 2007, 33-1/3 percent of group II employer contributions, group I teacher contributions, group I employer contributions, and group I state employer contributions shall be allocated to the 401(h) subtrust of the New Hampshire retirement system in order to pay for the benefits provided under RSA 100-A:52, 100-A:52-a, and 100-A:52-b, subject to applicable limits under the Internal Revenue Code.

II. At the end of each fiscal year specified in paragraph I, the state annuity accumulation fund of the New Hampshire retirement system shall be reimbursed from the special account established in RSA 100-A:16, II(h) for the amount of funds allocated to the 401(h) subtrust for that year.

III. Actions taken by the New Hampshire retirement system in accordance with this section are hereby ratified.

28 Medical Benefits Financing; Group II. Amend RSA 100-A:53, II-IV to read as follows:

II. The special account established in RSA 100-A:16, II(h), for group II members, shall be augmented as of July 1, 1988, by \$23,700,000 resulting from a one-time write-up of the valuation assets as of June 30, 1987. At the end of each fiscal year beginning with the year ending June 30, 1989, **and ending with the fiscal year ending June 30, 2007**, the state annuity accumulation fund of the New Hampshire retirement system shall be reimbursed from the special account established in RSA 100-A:16, II(h) for the amount of funds allocated to the 401(h) subtrust for that year, and such reimbursement shall continue until the benefits provided through the subtrust are fully funded or until the total accumulated reimbursement equals the sum of:

(a) The initial special account amount as of June 30, 1988, of \$52,800,000;

(b) The additional special account amount as of June 30, 1993, which shall be determined by the actuary as an amount which shall be sufficient to provide benefits under RSA 100-A:52 for persons who meet the requirements of RSA 100-A:52, I(f);

(c) The additional special account amount as of June 30, 1993, of \$1,200,000 to provide benefits under RSA 100-A:52 for persons who meet the requirements of RSA 100-A:52, I(g); and

(d) Future accumulated interest per year on the balance of the reimbursement funds remaining in the special account.

III. Except as provided in RSA 100-A:54, II, all contributions made to the retirement system to provide medical benefits under RSA 100-A:52 shall be maintained in a separate account, the 401(h) subtrust, and such funds shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this chapter, ***including the special account established under RSA 100-A:16, II(h)***, may be used or diverted to provide medical benefits under RSA 100-A:52. The funds, if any, accumulated to provide medical benefits under RSA 100-A:52 may be invested pursuant to the provisions of RSA 100-A:15.

~~IV. A separate account shall be established and maintained for each retired member who is a key employee, as defined under section 416(i) of the Internal Revenue Code, at any time during the plan year or any previous plan year during which contributions are made hereunder on behalf of such member for the purposes of RSA 100-A:52.]~~

29 Medical Benefits Financing; Group I Teachers. Amend RSA 100-A:53-b, II to read as follows:

II. All contributions made to the retirement system to provide medical benefits under RSA 100-A:52-a shall be maintained in a separate account, the 401(h) subtrust. All funds and accumulated interest shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this chapter, ***including the special account established under RSA 100-A:16, II(h)***, may be used or diverted to provide medical benefits under RSA 100-A:52-a. The funds, if any, providing medical benefits under RSA 100-A:52-a may be invested pursuant to the provisions of RSA 100-A:15.

30 Medical Benefits Financing; Group I Political Subdivision Employees. Amend RSA 100-A:53-c, II to read as follows:

II. All contributions made to the retirement system to provide medical benefits under RSA 100-A:52-a shall be maintained in a separate account, the 401(h) subtrust. All funds and accumulated interest shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this chapter, ***including the special account established under RSA 100-A:16, II(h)***, may be used or diverted to provide medical benefits under RSA 100-A:52-a. The funds, if any, providing medical benefits under RSA 100-A:52-a may be invested pursuant to the provisions of RSA 100-A:15.

31 Medical Benefits Financing; Group I State Employees. Amend RSA 100-A:53-d, II to read as follows:

II. All contributions made to the retirement system to provide medical benefits under RSA 100-A:52-b shall be maintained in a separate account, the 401(h) subtrust. All funds and accumulated interest shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this chapter, ***including the special account established under RSA 100-A:16, II(h)***, may be used or diverted to provide medical benefits under RSA 100-A:52-a. The funds, if any, providing medical benefits under RSA 100-A:52-b may be invested pursuant to the provisions of RSA 100-A:15.

32 New Paragraph; Application; Transfers. Amend RSA 100-A:55 by inserting after paragraph II the following new paragraph:

III. No transfers shall be made from the special account established under RSA 100-A:16, II(h) to the 401(h) subtrust for the purpose of funding the provisions of RSA 100-A:52-b or for any other purpose.

33 Service Retirement; Group II. Amend RSA 100-A:5, II to read as follows:

II. Group II Members.

(a) Any group II member in service, ***who commenced service before July 1, 2009***, who has attained age 45 and completed 20 years of creditable service, or who has attained age 60 regardless of the number of years of creditable service, ***and a group II member who commenced service on or after July 1, 2009, who has attained age 50***

and completed 25 years of creditable service, or who has attained age 60 regardless of the number of years of creditable service, may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service.

(b) Upon service retirement, a group II member shall receive a service retirement allowance which shall consist of:

(1) A member annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement; and

(2) **For members who commenced service before July 1, 2009**, a state annuity which, together with his **or her** member annuity, shall be equal to 2-1/2 percent of his **or her** average final compensation multiplied by the number of years of his **or her** creditable service not in excess of 40 years, **or for members who commenced service on or after July 1, 2009, a state annuity which, together with his or her member annuity, shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service not in excess of 50 years.**

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who **commenced service before July 1, 2009 and** has retired on or after the effective date of this subparagraph after attaining the age of 45 with at least 20 years of creditable service, **and any group II member who commenced service on or after July 1, 2009 and has retired on or after the effective date of this subparagraph after attaining the age of 50 with at least 25 years of creditable service**, shall receive a minimum annual service retirement allowance of \$10,000. If such group II member has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the \$10,000.

(2) [Repealed.]

(3) [Repealed.]

34 Ordinary Disability Retirement; Group II. Amend RSA 100-A:6, II(b) to read as follows:

(b) Upon ordinary disability retirement, the group II member shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his **or her** ordinary disability retirement; and a state annuity which, together with his **or her** member annuity, **for members who commenced service before July 1, 2009**, shall be equal to 2-1/2 percent of his **or her** average final compensation at the time of [his] ordinary disability retirement multiplied by the number of years of his **or her** creditable service not in excess of 40 at the time of [his] ordinary disability retirement, **or for members who commenced service on or after July 1, 2009, shall be equal to 2 percent of his or her average final compensation at the time of ordinary disability retirement multiplied by the number of years of his or her creditable service not in excess of 50 at the time of ordinary disability retirement**, provided, however, that such allowance shall not be less than 25 percent of the member's final compensation at the time of his **or her** disability retirement.

35 Accidental Disability Retirement; Group II. Amend RSA 100-A:6, II(d) to read as follows:

(d) Upon accidental disability retirement, the group II member shall receive an accidental disability retirement allowance equal to 2/3 of his **or her** average final compensation at the time of [his] disability retirement.

(1) **For members who commenced service before July 1, 2009**, any group II member who has more than 26-2/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2-1/2 percent of his **or**

her average final compensation multiplied by the number of years of his *or her* creditable service in excess of 26-2/3 but not in excess of 40 years.

(2) For members who commenced service on or after July 1, 2009, any group II member who has more than 33-1/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service in excess of 33-1/3 but not in excess of 50 years.

(3) An accidental disability retirement allowance together with a supplemental disability retirement allowance, as provided in this subparagraph, shall not exceed 100 percent of the disability retiree's average final compensation.

36 Vested Deferred Retirement; Group II. Amend RSA 100-A:10, II(b) to read as follows:

(b) **For members who commenced service before July 1, 2009**, upon the member's attainment of age 45, provided the member would then have completed 20 years of creditable service, otherwise the subsequent date on which such 20 years would have been completed, **or for members who commenced service on or after July 1, 2009, upon the member's attainment of age 50, provided the member would then have completed 25 years of creditable service, otherwise the subsequent date on which such 25 years would have been completed**, or at any time after age 60, a group II member who meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees and receive a vested deferred retirement allowance which shall consist of: (1) A member annuity which shall be the actuarial equivalent of accumulated contributions on the date the member's retirement allowance commences; and (2) A state annuity which, together with the member annuity, shall be equal to a service retirement allowance based on the member's average final compensation and creditable service at the time the member's service is terminated.

37 Split Benefits; Minimum Age. Amend RSA 100-A:19-b, II to read as follows:

II. For a member **who commenced service before July 1, 2009 and**, who has completed 20 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 45 years. **For a member who commenced service on or after July 1, 2009 and, who has completed 25 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 50 years.**

38 Split Benefits; Reduced Early Retirement; Minimum Age. Amend RSA 100-A:19-d to read as follows:

100-A:19-d Reduced Early Retirement. Notwithstanding any other provision of law, any retirement system member who has creditable service in both group I and group II with at least 10 years combined creditable service, and who has attained an age which is at least 45 **for members who commenced group II service prior to July 1, 2009 or at least 50 for members who commenced group II service on or after July 1, 2009** and is within 10 years of the minimum age set forth in RSA 100-A:19-b, may elect to retire and have benefits commence immediately as a reduced split-benefit service retirement allowance. Application shall be as provided in RSA 100-A:5, I(c). The allowance shall be determined as a split-benefit service retirement allowance in accordance with RSA 100-A:19-c, and the total combined split-benefit service allowance shall be reduced by the percentages shown in RSA 100-A:5, I(c), based on the total combined length of creditable service, for each month by which the date on which benefits commence precedes the month after which the member attains the minimum age set forth in RSA 100-A:19-b.

39 Financing; Group II Member Payroll Deduction. Amend RSA 100-A:16, I(a) to read as follows:

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities together with any amounts transferred thereto from a similar fund

under one or more of the predecessor systems. Such contribution shall be, for each member, dependent upon the member's employment classification at the rate determined in accordance with the following table:

Employees	5.00
Teachers	5.00
Permanent Policemen	9.30
Permanent Firemen	9.30

The board of trustees shall certify to the proper authority or officer responsible for making up the payroll of each employer, and such authority or officer shall cause to be deducted from the compensation of each member, except group II members *who commenced service before July 1, 2009* with creditable service in excess of 40 years, *or group II members who commenced service on or after July 1, 2009 with creditable service in excess of 50 years*, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), on each and every payroll of such employer for each and every payroll period, the percentage of earnable compensation applicable to such member. No deduction from earnable compensation under this paragraph shall apply to any group II member *who commenced service before July 1, 2009* with creditable service in excess of 40 years, *or group II member who commenced service on or after July 1, 2009 with creditable service in excess of 50 years*, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), and this provision for such members shall not affect the method of determining average final compensation as provided in RSA 100-A:1, XVIII. ~~[In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period and it may omit deduction from compensation for any period less than a full payroll period if such person was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed 1/10 of one percent of the annual earnable compensation upon the basis of which such deduction is made.]~~ The amounts deducted shall be reported to the board of trustees. Each of such amounts, when deducted, shall be paid to the retirement system at such times as may be designated by the board of trustees and credited to the individual account, in the member annuity savings fund, of the member from whose compensation the deduction was made.

40 New Section; Decennial Retirement Commission. Amend RSA 100-A by inserting after section 56 the following new section:

100-A:57 Decennial Retirement Commission.

I. There shall be established decennially on or about July 1, beginning in 2017, a commission to make recommendations to ensure the long-term viability of the New Hampshire retirement system.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

(c) The chairman of the New Hampshire retirement system board of trustees, or designee.

(d) Two representatives of group I of the retirement system, appointed by the governor.

(e) Two representatives of group II of the retirement system, appointed by the governor.

(f) Two representatives of municipal and school employers in the retirement system, appointed by the governor.

(g) Four public members with recognized expertise in finance, financial management, or the governance and oversight of large endowments or public funds, appointed by the governor.

(h) One retired member of the retirement system receiving benefits at the time of appointment, appointed jointly by the speaker of the house of representatives and the president of the senate.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall:

(a) Study the previous decade's history of funding, benefits, and investment results of the New Hampshire retirement system.

(b) Review the structure and governance of the New Hampshire retirement system.

(c) Analyze the financial status of the retirement system, and the challenges facing the system in the upcoming decade.

(d) Assess any changes to general accounting standards and their potential effect on the retirement system.

(e) Make recommendations for ensuring the long-term viability of the retirement system, including an appropriate funding methodology.

(f) Monitor the sustainability and affordability of cost of living increases for plan participants.

(g) Study other matters deemed necessary by the commission.

(h) Seek technical assistance as necessary from the New Hampshire retirement system and from other independent financial, investment, actuarial, and retirement experts. Subject to available appropriations, the commission may employ support staff for the purposes of its duties.

V. The governor, in consultation with the president of the senate and the speaker of the house of representatives, shall designate a chairperson from among the members. The first meeting of the commission shall be called by the chairperson. The first meeting of the commission shall be held within 45 days of the designation of the chairperson.

VI. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before the December 1 next following.

41 New Paragraph; Employer Contributions; Funding of Retirement Allowance. Amend RSA 100-A:16 by inserting after paragraph III the following new paragraph:

III-a. Upon the retirement of a member, the retirement system shall:

(a) Calculate for the member the retirement allowance which would result from the sum of the following amounts:

(1) The total of the employer contributions attributable to the member.

(2) The total of the member's contribution to the retirement system.

(3) The earnings on the contributions under subparagraphs (1) and (2), and anticipated post-retirement earnings.

(b) Determine the difference from the allowance determined under subparagraph (a) compared to the actual retirement allowance payable to the member, and determine the cost of terminally funding the difference.

(c) Certify the cost determined in subparagraph (b) to the employer and assess upon the employer such cost for payment to the retirement system at such times and in such manner as the board of trustees may prescribe. Each such employer is hereby authorized to appropriate the sums necessary for the payment of such assessments.

42 Effective Date.

I. Sections 8, 10-13, 15, 33-39, and 41 of this act shall take effect July 1, 2009.

II. Sections 19, 20, and 40 of this act shall take effect 60 days after its passage.

III. Sections 16 and 17 of this act shall take effect June 30, 2009.

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

AMENDED ANALYSIS

This bill:

I. Establishes a procedure for supplemental allowances paid from the special account.

II. Eliminates the 8 percent annual increase on the medical subsidy.

III. Makes various other changes to the administration of the retirement system, eligibility and funding of benefits, and investment of retirement system assets.

IV. Implements various recommendations of the commission to make recommendations to ensure the long-term viability of the New Hampshire retirement system established in 2007, 355 (HB 876-FN-LOCAL).

On a division vote, 274 members having voted in the affirmative and 80 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. Daniel Sullivan and Infantine spoke against.

Rep. Patricia McMahon spoke in favor.

Rep. Irwin spoke in favor and yielded to questions.

Rep. Lee Quandt requested a roll call; sufficiently seconded.

YEAS 269 NAYS 90

YEAS 269

BELKNAP

Allen, Janet
Flanders, Donald
Reever, Judith
Tobin, William

Arsenault, Beth
Millham, Alida
Russell, David
Wendelboe, Fran

Boyce, Laurie
Nedeau, Stephen
Thomas, John

Clark, Charles
Pilliod, James
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Chandler, Gene
Knox, J. David
Stevens, Stanley

Bridgham, Robert
Cunningham, Howard
Martin, James

Brown, Carolyn
Denley, William
Morrow, Harry

Buco, Thomas
Heard, Virginia
Patten, Betsey

CHESHIRE

Allen, Peter
Chase, William
Espieffs, Peter
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

Butcher, Suzanne
Dunn, J. Timothy
Hunt, John
Parkhurst, Henry
Roberts, Kris

Butterworth, Timothy
Eaton, Daniel
Johnson, Jane
Pelkey, Stephen
Robertson, Timothy

Butynski, William
Emerson, Susan
Lerandeau, Alfred
Plifka, Stanley Jr
Weber, Lucy

COOS

Hatch, William

King, Frederick

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Bulis, Lyle
Gionet, Edmond
Laliberte, Suzanne
Pierce, David

Almy, Susan
Cooney, Mary
Hammond, Lee
Lovett, Sid
Preston, Philip

Benn, Bernard
Estes, Carole
Harding, A Laurie
Mulholland, Catherine
Sorg, Gregory

Bleyler, Ruth
Friedrich, Carol
Ingbretson, Paul
Nordgren, Sharon
Williams, Burton

HILLSBOROUGH

Barry, Richard	Batula, Peter	Beaulieu, Jane	Beck, Catriona
Bergeron, Jean-Guy	Bergin, Peter	Christensen, Chris	Christiansen, Lars
Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey	Daler, Jennifer
Daniels, Gary	Dokmo, Cynthia	Edwards, Andrew	Elliott, Nancy
Emerton, Larry	Essex, David	Farley, Michael	Fontas, Jeffrey
Foster, Linda	Francoeur, Bea	Gargasz, Carolyn	Goyette, Peter
Graham, John	Hackel, Paul	Haefner, Robert	Hall, Betty
Hammond, Jill	Hansen, Ryan	Hawkins, Ken	Hogan, Edith
Hopper, Gary	Irwin, Anne-Marie	Jasper, Shawn	Katsiantonis, George
Knowles, John	Knowles, Mary Ann	Kurk, Neal	L'Heureux, Robert
Leishman, Peter	Levasseur, Nickolas	Levesque, Melanie	Lisle, Carolyn
Manney, Pamela	McRae, Karen	Messier, Irene	Mooney, Maureen
Moran, Edward	Nagle, Maureen	O'Connell, Timothy	Ober, Lynne
Ober, Russell III	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Scannell, David	Shattuck, Gilman
Shaw, Barbara	Simon, Anthony	Smith, David	Smith, Sandra
Soucy, Connie	Spaulding, Jayne	Spratt, Stephen	Stepanek, Stephen
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice
Winters, Joel			

MERRIMACK

Anderson, Eric	Beauchesne, Suzanne	Blanchard, Elizabeth	Bouchard, Candace
Boutin, David	Brown, Carole	Brueggemann, Donald	Davis, Frank
DeStefano, Stephen	Foose, Robert	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Hamm, Christine	Hess, David	Kelly, Sally
Kidder, David	Kjellman, Eleanor Glynn	MacKay, James	McMahon, Patricia
Porter, Margaret	Potter, Frances	Reardon, Tara	Richardson, Gary
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary	Walz, Mary	Williams, Robert	

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Baldasaro, Alfred	Bedrick, Jason
Belanger, Ronald	Bettencourt, David	Bishop, Franklin	Brown, C. Pennington
Cali-Pitts, Jacqueline	Case, Frank	Casey, Kimberley	Dalrymple, David
Day, Judith	DiFruscia, Anthony	Elliott, Robert	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Garcia, Marilinda	Gleason, John
Gould, Kenneth	Griffin, Mary	Grote, Otto	Headd, James
Howard, Doreen	Hutchinson, Karen	Ingram, Russell	Introne, Robert
Itse, Daniel	Kappler, Lawrence	Katsakiores, George	Katsakiores, Phyllis
Kepner, Susan	Lister, Charlotte	Lund, Howie	Major, Norman
Marsh, Michael	McEachern, Paul	McKinney, Betsy	McMahon, Charles
Moore, Bennett	Nevins, Christopher	Packard, Sherman	Pantelakos, Laura
Pettersen, Don	Powers, James	Priestley, Anne	Rausch, James
Reagan, John	Robertson, Carl	Russell, Trinka	Sanders, Elisabeth
Serlin, Christopher	Snow, Richard	Webber, James	Welch, David
Wells, Roger	Weyler, Kenneth		

STRAFFORD

Berube, Roger	Billian, Deborah	Brennan, William	Brown, Julie
Brown, Larry	Browne, Brendon	Burke, Rachel	Cyr, James
Domingo, Baldwin	Fargo, Thomas	Goodwin, Earle	Grassie, Anne

Hubbard, Pamela
Miller, Joseph
Rous, Emma
Wall, Janet

Hutz, Sarah
Perry, Robert
Smith, Marjorie

Kaen, Naida
Rollo, Deanna
Spang, Judith

Knowles, William
Rollo, Michael
Srnc, Robert

SULLIVAN

Cloutier, John
Gagnon, Raymond
Rodeschin, Beverly

Donovan, Thomas
Gottling, Suzanne
Skinder, Carla

Ferland, Brenda
Houde, Matthew

Franklin, Peter
Phinizy, James

NAYS 90

BELKNAP

Morrison, Gail

CARROLL

None

CHESHIRE

Burridge, Delmar

Sad, Tara

COOS

Remick, William

Tholl, John Jr

GRAFTON

Andersen, Gene
Solomon, Peter

Dingman, Vernon III Eaton, Stephanie

McLeod, Martha

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Ginsburg, Ruth
Harvey, Suzanne
Jean, Claudette
Lasky, Bette
Martineau, Jesse

Brunelle, Michael
Day, Russell
Goley, Jeffrey
Hebert, Roger
Jeudy, Jean
Long, Patrick
Matarazzo, Anthony
Sr

Chase, Claudia
Fletcher, Richard
Gorman, Mary
Holden, Randolph
Kaelin, Michael
Mack, Ron
Movsesian, Lori

Clemons, Jane
Forest, Armand
Haley, Robert
Infantine, William
Kelley, John
Marshall, Seth
O'Brien, Michael Sr

O'Neil, James
Shaw, Kimberly

Peterson, Andy
Sullivan, Daniel

Rosenwald, Cindy
Sullivan, Francis

Schulze, Joan
Sysyn, Mary

MERRIMACK

Baxley, Maureen
French, Barbara
Webb, Leigh

Clarke, Claire
Osborne, Jessie
Wheeler, Deborah

DeJoie, John
Owen, Derek
Yeaton, Charles

Ehlers, Eileen
Reed, Dennis

ROCKINGHAM

Borden, David
Emiro, Frank
Mann, Maureen
Nord, Susi

Carson, Sharon
Garritty, James
McKenna, Daniel
Pearson, Mark

Charron, Gene
Henson, John
Moody, Marcia
Preston, Mark

Devine, James
Kennedy, James
Moore, Benjamin
Quandt, Marshall

Quandt, Matthew
Winchell, George

Splaine, James

Stiles, Nancy

Weare, Everett

STRAFFORD

Brown, Jennifer
Mickelonis, Shawn
Watson, Robert

DeChane, Marlene
Oppenheimer, Kay

Hilliard, Dana
Schmidt, Peter

Hofemann, Roland
Sprague, Dale

SULLIVAN

Converse, Larry

Jillette, Arthur Jr

Nielsen, Ellen

and the majority committee report was adopted.

Ordered to third reading.

Reps. Patrick Garrity and Lockwood declared a conflict of interest and did not participate.

(Deputy Speaker Foster in the Chair)

REGULAR CALENDAR (CONT'D)

CACR 34, relating to: funding of public education. Providing that: the general court shall define an adequate education and distribute state funds for public education in a manner that alleviates local disparities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Reps. Marjorie K. Smith and Neal Kurk for the Majority of Finance: Of the dozens and dozens of amendments that in the last decade have been offered relative to education funding, not one of them passed. Some have tried to change the level of commitment to providing an education to all New Hampshire students. Others have tried to restrict the role of the courts. At the same time legislators from both parties, as well as individuals and institutions outside the legislature, have come to believe that we need more flexibility in targeting education dollars so that funds can be directed as efficiently and effectively as possible to help those districts most in need. This amendment does just that. While not addressing the court's standard of review, it calls for the legislature to: provide every child the opportunity for a public school education; define the content of an adequate education; determine the total statewide costs of providing that education; raise funds to total the statewide cost; and target the distribution of those funds to address local disparities in educational opportunity and fiscal capacity. In addition, the amendment includes language to insure that every school district shall receive a meaningful share of these funds. Vote 20-5.

Rep. Peter R. Leishman for the Minority of Finance: The constitution is a blueprint of state government, not a schematic in full detail, and changing it to provide specific legislative initiatives destroys the integrity of it. The existing body of work has been interpreted over many years by the courts and modifying the language will reopen the door to a new round of judicial interpretation.

Majority Amendment (1795h)

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

RELATING TO: public education.

PROVIDING THAT: the general court shall define the content of an adequate education, determine the total statewide cost of providing such education to all public school students, and raise and distribute such funds in a manner that alleviates local disparities in educational opportunity and fiscal capacity, provided that every school district shall receive a meaningful share of these funds.

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

I. That the second part of the constitution be amended by inserting after article 83 the following new article:

[Art.] 83-a [Public Education.] The legislature shall provide every child the opportunity for a public school education in fulfillment of the legislature's duty with respect to public education provided for in Part II, Article 83. The legislature shall have the responsibility to define the content of an adequate education to prepare the student to become a productive and contributing citizen and to determine the total statewide cost of providing that education to all public school students. The legislature shall have the authority and responsibility to raise the funds that total the statewide cost of this education and to distribute these funds in a manner that alleviates local disparities in educational opportunity and fiscal capacity, provided that every school district shall receive a meaningful share of these funds.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2008.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2008 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2008 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:
"Are you in favor of amending the second part of the constitution by inserting after article 83 a new article to read as follows:

[Art.] 83-a [Public Education.] The legislature shall provide every child the opportunity for a public school education in fulfillment of the legislature's duty with respect to public education provided for in Part II, Article 83. The legislature shall have the responsibility to define the content of an adequate education to prepare the student to become a productive and contributing citizen and to determine the total statewide cost of providing that education to all public school students. The legislature shall have the authority and responsibility to raise the funds that total the statewide cost of this education and to distribute these funds in a manner that alleviates local disparities in educational opportunity and fiscal capacity, provided that every school district shall receive a meaningful share of these funds."

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 2008 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

AMENDED ANALYSIS

This constitutional amendment concurrent resolution requires the general court to define the content of an adequate education, determine the total statewide cost of providing such education to all public school students, and raise and distribute such funds in a manner that alleviates local disparities in educational opportunity and fiscal capacity, provided that every school district shall receive a meaningful share of these funds.

MOTION TO LAY ON THE TABLE

Rep. Burrige moved that **CACR 34**, relating to funding of public education. Providing that the general court shall define an adequate education and distribute state funds for public education in a manner that alleviates local disparities, be laid on the table.

On a division vote, 56 members having voted in the affirmative and 297 in the negative, the motion failed.

The question now being adoption of the majority committee amendment (1795h).

Reps. Reeve, Denley, Kidder and Walz spoke against.

Reps. Leishman and Itse spoke against and yielded to questions.

Reps. DiFruscia and Don Petterson spoke in favor.
 Reps. Kurk, Gary Richardson and Norelli spoke in favor and yielded to questions.
 Rep. Daniel Eaton requested a roll call; sufficiently seconded.

YEAS 140 NAYS 222

YEAS 140

BELKNAP

Pilliod, James	Russell, David	Thomas, John	Tilton, Franklin
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CARROLL

Ahlgren, Christopher	Bridgham, Robert	Buco, Thomas	Butler, Edward
Chandler, Gene	Cunningham, Howard	Knox, J. David	Merrow, Harry
Patten, Betsey			

CHESHIRE

Butcher, Suzanne	Butynski, William	Eaton, Daniel	Hunt, John
Lerandean, Alfred	Plifka, Stanley Jr	Weber, Lucy	

COOS

King, Frederick	Merrick, Evalyn	Merrick, Scott	Stohl, Eric
Tholl, John Jr			

GRAFTON

Benn, Bernard	Estes, Carole	Friedrich, Carol	McLeod, Martha
Nordgren, Sharon	Pierce, David		

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Brunelle, Michael	Campbell, David
Chase, Claudia	Clemons, Jane	Cote, David	Emerton, Larry
Farley, Michael	Forest, Armand	Garrity, Patrick	Ginsburg, Ruth
Goley, Jeffrey	Graham, John	Hackel, Paul	Haley, Robert
Harvey, Suzanne	Hebert, Roger	Holden, Randolph	Irwin, Anne-Marie
Jeady, Jean	Knowles, John	Knowles, Mary Ann	Kurk, Neal
Lasky, Bette	Levesque, Melanie	Lisle, Carolyn	Long, Patrick
Martineau, Jesse	Nagle, Maureen	O'Brien, Michael Sr	O'Connell, Timothy
Pilotte, Maurice	Price, Pamela	Rosenwald, Cindy	Scannell, David
Schulze, Joan	Shaw, Barbara	Simon, Anthony	Smith, Sandra
Spratt, Stephen	Sullivan, Daniel	Sullivan, Francis	Sysyn, Mary

MERRIMACK

Anderson, Eric	Baxley, Maureen	Bouchard, Candace	Davis, Frank
DeStefano, Stephen	Foose, Robert	Greco, Vincent	Hess, David
Kelly, Sally	Mackay, James	McMahon, Patricia	Reardon, Tara
Richardson, Gary	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary	Williams, Robert	

ROCKINGHAM

Borden, David	Brown, C. Pennington	Cali-Pitts, Jacqueline	Devine, James
DiFruscia, Anthony	Elliott, Robert	Flanders, John Sr	Flockhart, Eileen

Garrity, James
Kappler, Lawrence
Moore, Benjamin
Pettersen, Don
Sanders, Elisabeth
Stiles, Nancy

Griffin, Mary
Lister, Charlotte
Nevins, Christopher
Powers, James
Serlin, Christopher
Webber, James

Grote, Otto
Mann, Maureen
Norelli, Terie
Preston, Mark
Snow, Richard
Weyler, Kenneth

Howard, Doreen
Marsh, Michael
Pantelakos, Laura
Russell, Trink
Splaine, James

STRAFFORD

Berube, Roger
Hutz, Sarah
Rollo, Michael

Cyr, James
Knowles, William
Smith, Marjorie

Domingo, Baldwin
Miller, Joseph
Spang, Judith

Hofemann, Roland
Rollo, Deanna
Sprague, Dale

SULLIVAN

Franklin, Peter

Gottling, Suzanne

Houde, Matthew

NAYS 222

BELKNAP

Allen, Janet
Flanders, Donald
Reever, Judith

Arsenault, Beth
Millham, Alida
Tobin, William

Boyce, Laurie
Morrison, Gail
Wendelboe, Fran

Clark, Charles
Nedeau, Stephen

CARROLL

Brown, Carolyn
Stevens, Stanley

Denley, William

Heard, Virginia

Martin, James

CHESHIRE

Allen, Peter
Dunn, J. Timothy
Mitchell, Bonnie
Roberts, Kris

Burridge, Delmar
Emerson, Susan
Parkhurst, Henry
Robertson, Timothy

Butterworth, Timothy
Espieffs, Peter
Pelkey, Stephen
Sad, Tara

Chase, William
Johnson, Jane
Richardson, Barbara
Weed, Charles

COOS

Hatch, William

Remick, William

GRAFTON

Aguiar, James
Bulis, Lyle
Gionet, Edmond
Laliberte, Suzanne
Solomon, Peter

Almy, Susan
Cooney, Mary
Hammond, Lee
Lovett, Sid
Sorg, Gregory

Andersen, Gene
Dingman, Vernon III
Harding, A Laurie
Mulholland, Catherine
Williams, Burton

Bleyler, Ruth
Eaton, Stephanie
Ingretson, Paul
Preston, Philip

HILLSBOROUGH

Barry, Richard
Bergin, Peter
Coughlin, Pamela
Day, Russell
Essex, David
Gargas, Carolyn
Hall, Betty
Hogan, Edith

Batula, Peter
Christensen, Chris
Crane, Elenore Casey
Dokmo, Cynthia
Fletcher, Richard
Gorman, Mary
Hammond, Jill
Hopper, Gary

Beck, Catriona
Christiansen, Lars
Daler, Jennifer
Edwards, Andrew
Fontas, Jeffrey
Goyette, Peter
Hansen, Ryan
Infantine, William

Bergeron, Jean-Guy
Clark, Mark
Daniels, Gary
Elliott, Nancy
Francoeur, Bea
Haefner, Robert
Hawkins, Ken
Jasper, Shawn

Jean, Claudette
L'Heureux, Robert
Manney, Pamela

Messier, Irene
O'Neil, James
Reeves, Sandra
Shaw, Kimberly
Stepanek, Stephen
Villeneuve, Maurice

Kaelin, Michael
Leishman, Peter
Marshall, Seth

Mooney, Maureen
Ober, Lynne
Renzullo, Andrew
Smith, David
Tahir, Saghir
Winters, Joel

Katsiantonis, George
Levasseur, Nickolas
Matarazzo, Anthony
Sr

Moran, Edward
Ober, Russell III
Rowe, Robert
Soucy, Connie
Ulery, Jordan

Kelley, John
Mack, Ron
McRae, Karen

Movsesian, Lori
Peterson, Andy
Shattuck, Gilman
Spaulding, Jayne
Vaillancourt, Steve

MERRIMACK

Beauchesne, Suzanne
Brueggemann, Donald
French, Barbara
Kidder, David

Owen, Derek
Walz, Mary

Blanchard, Elizabeth
Clarke, Claire
Gile, Mary
Kjellman, Eleanor
Glynn

Porter, Margaret
Webb, Leigh

Boutin, David
DeJoie, John
Hager, Elizabeth
Lockwood, Priscilla

Potter, Frances
Wheeler, Deborah

Brown, Carole
Ehlers, Eileen
Hamm, Christine
Osborne, Jessie

Reed, Dennis
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Bettencourt, David
Casey, Kimberley
Fesh, Bob
Headd, James
Introne, Robert
Kennedy, James
McEachern, Paul
Moody, Marcia
Pearson, Mark
Rausch, James
Welch, David

Allen, Mary
Bishop, Franklin
Charron, Gene
Garcia, Marilinda
Henson, John
Itse, Daniel
Kepner, Susan
McKenna, Daniel
Moore, Bennett
Priestley, Anne
Reagan, John
Wells, Roger

Baldasaro, Alfred
Carson, Sharon
Day, Judith
Gleason, John
Hutchinson, Karen
Katsakiores, George
Lund, Howie
McKinney, Betsy
Nord, Susi
Quandt, Marshall
Robertson, Carl
Winchell, George

Bedrick, Jason
Case, Frank
Emiro, Frank
Gould, Kenneth
Ingram, Russell
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Packard, Sherman
Quandt, Matthew
Weare, Everett

STRAFFORD

Billian, Deborah
Brown, Larry
Fargo, Thomas
Hubbard, Pamela
Perry, Robert
Wall, Janet

Brennan, William
Browne, Brendon
Goodwin, Earle
Kaen, Naida
Rous, Emma
Watson, Robert

Brown, Jennifer
Burke, Rachel
Grassie, Anne
Mickelonis, Shawn
Schmidt, Peter

Brown, Julie
DeChane, Marlene
Hilliard, Dana
Oppenheimer, Kay
Srnc, Robert

SULLIVAN

Cloutier, John
Gagnon, Raymond
Rodeschin, Beverly

Converse, Larry
Jillette, Arthur Jr
Skinder, Carla

Donovan, Thomas
Nielsen, Ellen

Ferland, Brenda
Phinizy, James

and the majority committee amendment failed.
Rep. Snow offered floor amendment (1812h).

Floor Amendment (1812h)

Amend the title of the resolution by replacing it with the following:
RELATING TO: funding of public education.

PROVIDING THAT: the general court shall provide every child an equal opportunity for a public school education, fully fund the total statewide cost of such education, and raise, appropriate, and distribute such funds to alleviate local disparities in educational opportunity.

Amend the resolution by replacing all after the resolving clause with the following:

I. That the second part of the constitution be amended by inserting after article 83 the following new article:

[Art.] 83-a [Funding Public Education.] The legislature shall provide every child an equal opportunity for a public school education in fulfillment of the legislature's duty with respect to public education provided for in Part II, Article 83. The legislature shall have the authority and responsibility to fully fund the total statewide cost of public education and to raise, appropriate, and distribute those funds in a manner that ensures that every student has an equal opportunity and that alleviates local disparities in educational opportunity.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2008.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2008 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2008 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be: "Are you in favor of amending the second part of the constitution by inserting after article 83 a new article to read as follows:

[Art.] 83-a [Funding Public Education.] The legislature shall provide every child an equal opportunity for a public school education in fulfillment of the legislature's duty with respect to public education provided for in Part II, Article 83. The legislature shall have the authority and responsibility to fully fund the total statewide cost of public education and to raise, appropriate, and distribute those funds in a manner that ensures that every student has an equal opportunity and that alleviates local disparities in educational opportunity."

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 2008 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

AMENDED ANALYSIS

This constitutional amendment concurrent resolution requires the general court to provide every child an equal opportunity for a public school education, fully fund the total statewide cost of such education, and raise, appropriate, and distribute such funds to alleviate local disparities in educational opportunity.

Rep. Snow spoke in favor and requested a roll call; sufficiently seconded.

YEAS 30 NAYS 320

YEAS 30

BELKNAP

None

CARROLL

Cunningham, Howard

CHESHIRE

Allen, Peter

Butcher, Suzanne

Mitchell, Bonnie

COOS

None

GRAFTON

Friedrich, Carol

Hammond, Lee

Lovett, Sid

HILLSBOROUGH

Brunelle, Michael
Fontas, Jeffrey
Pilotte, Maurice

Chase, Claudia
Ginsburg, Ruth
Shattuck, Gilman

Edwards, Andrew
Hall, Betty

Farley, Michael
Kaelin, Michael

MERRIMACK

Owen, Derek

Yeaton, Charles

ROCKINGHAM

Borden, David
Snow, Richard

Grote, Otto

Mann, Maureen

Nord, Susi

STRAFFORD

Berube, Roger
Hofemann, Roland

Billian, Deborah
Srnc, Robert

Brown, Larry

Cyr, James

SULLIVAN

None

NAYS 320

BELKNAP

Allen, Janet
Millham, Alida
Reever, Judith
Wendelboe, Fran

Arsenault, Beth
Morrison, Gail
Russell, David

Boyce, Laurie
Nedeau, Stephen
Tilton, Franklin

Clark, Charles
Pilliod, James
Tobin, William

CARROLL

Ahlgren, Christopher
Chandler, Gene
Martin, James

Bridgham, Robert
Denley, William
Morrow, Harry

Buco, Thomas
Heard, Virginia
Patten, Betsey

Butler, Edward
Knox, J. David
Stevens, Stanley

CHESHIRE

Burridge, Delmar
Dunn, J. Timothy
Hunt, John
Pelkey, Stephen
Robertson, Timothy

Butterworth, Timothy
Eaton, Daniel
Johnson, Jane
Plifka, Stanley Jr
Sad, Tara

Butynski, William
Emerson, Susan
Lerandean, Alfred
Richardson, Barbara
Weber, Lucy

Chase, William
Espieffs, Peter
Parkhurst, Henry
Roberts, Kris
Weed, Charles

COOS

Hatch, William
Remick, William

King, Frederick
Stohl, Eric

Merrick, Evalyn
Tholl, John Jr

Merrick, Scott

GRAFTON

Aguiar, James
Bleyler, Ruth
Eaton, Stephanie
Ingbretson, Paul
Nordgren, Sharon
Sorg, Gregory

Almy, Susan
Bulis, Lyle
Estes, Carole
Laliberte, Suzanne
Pierce, David
Williams, Burton

Andersen, Gene
Cooney, Mary
Gionet, Edmond
McLeod, Martha
Preston, Philip

Benn, Bernard
Dingman, Vernon III
Harding, A Laurie
Mulholland, Catherine
Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin
Beck, Catriona
Christensen, Chris
Cote, David
Day, Russell
Essex, David
Gargas, Carolyn
Goyette, Peter
Haley, Robert
Hawkins, Ken
Hopper, Gary
Jean, Claudette
Knowles, Mary Ann
Leishman, Peter
Long, Patrick
Martineau, Jesse

Barry, Richard
Bergeron, Jean-Guy
Christiansen, Lars
Coughlin, Pamela
Dokmo, Cynthia
Fletcher, Richard
Garrity, Patrick
Graham, John
Hammond, Jill
Hebert, Roger
Infantine, William
Katsiantonis, George
Kurk, Neal
Levasseur, Nickolas
Mack, Ron
Matarazzo, Anthony
Sr

Batula, Peter
Bergin, Peter
Clark, Mark
Crane, Elenore Casey
Elliott, Nancy
Forest, Armand
Goley, Jeffrey
Hackel, Paul
Hansen, Ryan
Hogan, Edith
Irwin, Anne-Marie
Kelley, John
L'Heureux, Robert
Levesque, Melanie
Manney, Pamela
McRae, Karen

Beaulieu, Jane
Campbell, David
Clemons, Jane
Daniels, Gary
Emerton, Larry
Francoeur, Bea
Gorman, Mary
Haefner, Robert
Harvey, Suzanne
Holden, Randolph
Jasper, Shawn
Knowles, John
Lasky, Bette
Lisle, Carolyn
Marshall, Seth
Messier, Irene

Mooney, Maureen
O'Brien, Michael Sr
Ober, Russell III
Renzullo, Andrew
Schulze, Joan
Smith, David
Spratt, Stephen
Sysyn, Mary
Villeneuve, Maurice

Moran, Edward
O'Connell, Timothy
Peterson, Andy
Rosenwald, Cindy
Shaw, Barbara
Smith, Sandra
Stepanek, Stephen
Tahir, Saghir
Winters, Joel

Movsesian, Lori
O'Neil, James
Price, Pamela
Rowe, Robert
Shaw, Kimberly
Soucy, Connie
Sullivan, Daniel
Ulery, Jordan

Nagle, Maureen
Ober, Lynne
Reeves, Sandra
Scannell, David
Simon, Anthony
Spaulding, Jayne
Sullivan, Francis
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Brown, Carole
DeJoie, John
French, Barbara
Hamm, Christine
Kjellman, Eleanor
Glynn
Osborne, Jessie
Reed, Dennis
Tilton, Joy
Webb, Leigh

Baxley, Maureen
Brueggemann, Donald
DeStefano, Stephen
Gile, Mary
Hess, David
Lockwood, Priscilla
Porter, Margaret
Richardson, Gary
Tupper, Frank
Williams, Robert

Blanchard, Elizabeth
Clarke, Claire
Ehlers, Eileen
Greco, Vincent
Kelly, Sally
MacKay, James

Potter, Frances
Ryan, Jim
Wallner, Mary

Bouchard, Candace
Davis, Frank
Foose, Robert
Hager, Elizabeth
Kidder, David
McMahon, Patricia

Reardon, Tara
Shurtleff, Stephen
Walz, Mary

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Baldasaro, Alfred	Bedrick, Jason
Bettencourt, David	Brown, C. Pennington	Cali-Pitts, Jacqueline	Carson, Sharon
Case, Frank	Casey, Kimberley	Charron, Gene	Day, Judith
Devine, James	DiFruscia, Anthony	Elliott, Robert	Emiro, Frank
Fesh, Bob	Flanders, John Sr	Flockhart, Eileen	Garcia, Marilinda
Garrity, James	Gleason, John	Gould, Kenneth	Griffin, Mary
Headd, James	Henson, John	Howard, Doreen	Hutchinson, Karen
Ingram, Russell	Introne, Robert	Itse, Daniel	Kappler, Lawrence
Katsakiores, George	Katsakiores, Phyllis	Kennedy, James	Kepner, Susan
Lister, Charlotte	Lund, Howie	Major, Norman	Marsh, Michael
McEachern, Paul	McKenna, Daniel	McKinney, Betsy	McMahon, Charles
Moody, Marcia	Moore, Bennett	Nevins, Christopher	Norelli, Terie
Packard, Sherman	Pantelakos, Laura	Pearson, Mark	Pettersen, Don
Powers, James	Preston, Mark	Priestley, Anne	Quandt, Marshall
Quandt, Matthew	Rausch, James	Robertson, Carl	Russell, Trinka
Sanders, Elisabeth	Serlin, Christopher	Splaine, James	Stiles, Nancy
Weare, Everett	Webber, James	Welch, David	Wells, Roger
Weyler, Kenneth	Winchell, George		

STRAFFORD

Brennan, William	Brown, Jennifer	Brown, Julie	Browne, Brendon
Burke, Rachel	DeChane, Marlene	Domingo, Baldwin	Fargo, Thomas
Grassie, Anne	Hilliard, Dana	Hubbard, Pamela	Hutz, Sarah
Kaen, Naida	Knowles, William	Mickelonis, Shawn	Miller, Joseph
Oppenheimer, Kay	Perry, Robert	Rollo, Deanna	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Sprague, Dale	Wall, Janet	Watson, Robert	

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gagnon, Raymond	Gottling, Suzanne	Houde, Matthew
Jillette, Arthur Jr	Nielsen, Ellen	Phinizy, James	Rodeschin, Beverly
Skinder, Carla			

and floor amendment (1812h) failed.

MOTION TO RECESS

Rep. Lynne Ober moved that the House stand in recess until 2:45 p.m.
Adopted.

The House recessed at 1:45 p.m.

RECESS

(Speaker Norelli in the Chair)

The House reconvened at 3:00 p.m.

CACR 34 (CONT'D)

The question now being adoption of the motion of Ought to Pass.
Rep. Packard offered floor amendment (1856h).

Floor Amendment (1856h)

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

RELATING TO: funding of public education.

PROVIDING THAT: the legislature shall define standards for public education, determine the level of state funding, establish standards of accountability, and allocate state funds to mitigate local disparities, provided a reasonable share of such funds shall be distributed on a per pupil basis.

Amend the resolution by replacing all after the resolving clause with the following:

I. That the second part of the constitution be amended by inserting after article 83 the following new article:

[Art.] 83-a [Funding Public Education.] In fulfillment of the state's duties set forth in the preceding article, the legislature shall have the authority and responsibility to reasonably define standards for elementary and secondary education in its public schools, determine the level of state funding thereof and establish standards of accountability. The legislature shall have the authority to allocate state funds for public education in a manner that honors the rights and responsibilities of local communities and that reasonably will mitigate local disparities in educational opportunity and fiscal capacity, provided that a reasonable share of state funds shall be distributed on a per pupil basis.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2008.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2008 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2008 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:
"Are you in favor of amending the second part of the constitution by inserting after article 83 a new article to read as follows:

[Art.] 83-a [Funding Public Education.] In fulfillment of the state's duties set forth in the preceding article, the legislature shall have the authority and responsibility to reasonably define standards for elementary and secondary education in its public schools, determine the level of state funding thereof and establish standards of accountability. The legislature shall have the authority to allocate state funds for public education in a manner that honors the rights and responsibilities of local communities and that reasonably will mitigate local disparities in educational opportunity and fiscal capacity, provided that a reasonable share of state funds shall be distributed on a per pupil basis."

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 2008 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

AMENDED ANALYSIS

This constitutional amendment concurrent resolution requires the legislature to define standards for public education, determine the level of state funding, establish standards of accountability, and allocate state funds to mitigate local disparities, provided a reasonable share of such funds shall be distributed on a per pupil basis.

Rep. Packard spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Daniel Eaton moved that **CACR 34**, relating to: funding of public education. Providing that: the general court shall define an adequate education and distribute state funds for public education in a manner that alleviates local disparities, be laid on the table.
Rep. Mark Clark requested a roll call; sufficiently seconded.

YEAS 171 NAYS 168

YEAS 171

BELKNAP

Arsenault, Beth	Morrison, Gail	Reever, Judith
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CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
Heard, Virginia			

CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Eaton, Daniel	Espieffs, Peter
Lerandeau, Alfred	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sad, Tara
Weber, Lucy			

COOS

Hatch, William	Merrick, Scott
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GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Bulis, Lyle	Cooney, Mary	Dingman, Vernon III
Estes, Carole	Friedrich, Carol	Hammond, Lee	Harding, A Laurie
Laliberte, Suzanne	Lovett, Sid	Mulholland, Catherine	Nordgren, Sharon
Pierce, David	Solomon, Peter		

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Campbell, David
Chase, Claudia	Clemons, Jane	Cote, David	Daler, Jennifer
Edwards, Andrew	Essex, David	Fontas, Jeffrey	Foster, Linda
Goley, Jeffrey	Gorman, Mary	Hackel, Paul	Hammond, Jill
Harvey, Suzanne	Hebert, Roger	Irwin, Anne-Marie	Jean, Claudette
Knowles, John	Knowles, Mary Ann	Lasky, Bette	Leishman, Peter
Levasseur, Nickolas	Levesque, Melanie	Lisle, Carolyn	Long, Patrick
Mack, Ron	Marshall, Seth	Martineau, Jesse	Matarazzo, Anthony Sr
Messier, Irene	Movsesian, Lori	O'Brien, Michael Sr	O'Neil, James
Pilotte, Maurice	Rosenwald, Cindy	Scannell, David	Schulze, Joan
Spratt, Stephen	Sullivan, Daniel	Sullivan, Francis	Sysyn, Mary
Villeneuve, Maurice			

MERRIMACK

Baxley, Maureen	Beauchesne, Suzanne	Blanchard, Elizabeth	Bouchard, Candace
Brown, Carole	Brueggemann, Donald	Clarke, Claire	Davis, Frank
Ehlers, Eileen	Foose, Robert	Gile, Mary	Hamm, Christine

Kjellman, Eleanor
Glynn
Reardon, Tara
Tilton, Joy
Williams, Robert

McMahon, Patricia
Richardson, Gary
Wallner, Mary

Osborne, Jessie
Ryan, Jim
Walz, Mary

Potter, Frances
Shurtleff, Stephen
Webb, Leigh

ROCKINGHAM

Abbott, Dennis
Emiro, Frank
Howard, Doreen
Mann, Maureen
McKinney, Betsy
Pantelakos, Laura
Russell, Trinkia

Casey, Kimberley
Flockhart, Eileen
Hutchinson, Karen
Marsh, Michael
Moody, Marcia
Pettersen, Don
Serlin, Christopher

Day, Judith
Gould, Kenneth
Kennedy, James
McEachern, Paul
Moore, Bennett
Powers, James
Webber, James

Elliott, Robert
Grote, Otto
Kepner, Susan
McKenna, Daniel
Nord, Susi
Reagan, John

STRAFFORD

Berube, Roger
Browne, Brendon
Hofemann, Roland
Knowles, William
Rollo, Michael
Sprague, Dale

Brennan, William
Burke, Rachel
Hubbard, Pamela
Mickelonis, Shawn
Rous, Emma
Wall, Janet

Brown, Jennifer
DeChane, Marlene
Hutz, Sarah
Perry, Robert
Smith, Marjorie

Brown, Larry
Domingo, Baldwin
Kaen, Naida
Rollo, Deanna
Spang, Judith

SULLIVAN

Cloutier, John
Jillette, Arthur Jr

Converse, Larry
Phinizy, James

Gottling, Suzanne
Skinder, Carla

Houde, Matthew

NAYS 168

BELKNAP

Allen, Janet
Millham, Alida
Thomas, John

Boyce, Laurie
Nedeau, Stephen
Tilton, Franklin

Clark, Charles
Pilliod, James
Tobin, William

Flanders, Donald
Russell, David
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Martin, James

Chandler, Gene
Morrow, Harry

Denley, William
Patten, Betsey

Knox, J. David
Stevens, Stanley

CHESHIRE

Dunn, J. Timothy
Pelkey, Stephen

Emerson, Susan
Weed, Charles

Hunt, John

Johnson, Jane

COOS

King, Frederick

Remick, William

Stohl, Eric

Tholl, John Jr

GRAFTON

Eaton, Stephanie
Preston, Philip

Gionet, Edmond
Sorg, Gregory

Ingbertson, Paul
Williams, Burton

McLeod, Martha

HILLSBOROUGH

Barry, Richard
Christensen, Chris
Crane, Elenore Casey
Elliott, Nancy
Francoeur, Bea
Graham, John
Hawkins, Ken
Infantine, William
L'Heureux, Robert
Moran, Edward
Peterson, Andy
Rowe, Robert
Smith, David
Stepanek, Stephen
Winters, Joel

Batula, Peter
Christiansen, Lars
Daniels, Gary
Emerton, Larry
Gargas, Carolyn
Haefner, Robert
Hogan, Edith
Jasper, Shawn
Manney, Pamela
O'Connell, Timothy
Price, Pamela
Shattuck, Gilman
Smith, Sandra
Tahir, Saghir

Bergeron, Jean-Guy
Clark, Mark
Day, Russell
Fletcher, Richard
Ginsburg, Ruth
Hall, Betty
Holden, Randolph
Kelley, John
McRae, Karen
Ober, Lynne
Reeves, Sandra
Shaw, Barbara
Soucy, Connie
Ulery, Jordan

Bergin, Peter
Coughlin, Pamela
Dokmo, Cynthia
Forest, Armand
Goyette, Peter
Hansen, Ryan
Hopper, Gary
Kurk, Neal
Mooney, Maureen
Ober, Russell III
Renzullo, Andrew
Shaw, Kimberly
Spaulding, Jayne
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Greco, Vincent
Lockwood, Priscilla
Reed, Dennis

Boutin, David
Hager, Elizabeth
MacKay, James
Tupper, Frank

DeJoie, John
Hess, David
Owen, Derek
Wheeler, Deborah

DeStefano, Stephen
Kidder, David
Porter, Margaret
Yeaton, Charles

ROCKINGHAM

Allen, Mary
Bettencourt, David
Cali-Pitts, Jacqueline
Devine, James
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Lund, Howie
Pearson, Mark
Rausch, James
Splaine, James
Wells, Roger

Baldasaro, Alfred
Bishop, Franklin
Carson, Sharon
DiFruscia, Anthony
Garrity, James
Ingram, Russell
Katsakiores, George
Major, Norman
Priestley, Anne
Robertson, Carl
Stiles, Nancy
Weyler, Kenneth

Bedrick, Jason
Borden, David
Case, Frank
Fesh, Bob
Gleason, John
Introne, Robert
Katsakiores, Phyllis
Nevins, Christopher
Quandt, Marshall
Sanders, Elisabeth
Weare, Everett
Winchell, George

Belanger, Ronald
Brown, C. Pennington
Charron, Gene
Flanders, John Sr
Griffin, Mary
Itse, Daniel
Lister, Charlotte
Packard, Sherman
Quandt, Matthew
Snow, Richard
Welch, David

STRAFFORD

Brown, Julie
Schmidt, Peter

Cyr, James
Watson, Robert

Fargo, Thomas

Goodwin, Earle

SULLIVAN

Ferland, Brenda
Rodeschin, Beverly

Franklin, Peter

Gagnon, Raymond

Nielsen, Ellen

and the motion failed lacking the constitutionally required three-fifths vote.

The question now being adoption of floor amendment (1856h).

Reps. Jasper and Sorg spoke in favor.

Rep. Hess requested a roll call; sufficiently seconded.

YEAS 124 NAYS 213

YEAS 124

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Nedeau, Stephen	Pilliod, James	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Wendelboe, Fran	

CARROLL

Ahlgren, Christopher	Chandler, Gene	Denley, William	Knox, J. David
Martin, James	Merrow, Harry	Patten, Betsey	Stevens, Stanley

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
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COOS

Remick, William	Stohl, Eric	Tholl, John Jr
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GRAFTON

Bulis, Lyle	Dingman, Vernon III	Eaton, Stephanie	Gionet, Edmond
Ingbretson, Paul	Sorg, Gregory	Williams, Burton	

HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Christensen, Chris
Christiansen, Lars	Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey
Daniels, Gary	Emerton, Larry	Fletcher, Richard	Francoeur, Bea
Gargas, Carolyn	Goyette, Peter	Graham, John	Haefner, Robert
Hansen, Ryan	Hawkins, Ken	Hogan, Edith	Holden, Randolph
Hopper, Gary	Infantine, William	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	Manney, Pamela	McRae, Karen	Mooney, Maureen
Moran, Edward	O'Connell, Timothy	Ober, Lynne	Ober, Russell III
Price, Pamela	Reeves, Sandra	Rowe, Robert	Soucy, Connie
Spaulding, Jayne	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve			

MERRIMACK

Anderson, Eric	Boutin, David	Hess, David	MacKay, James
Reed, Dennis			

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Borden, David	Carson, Sharon
Case, Frank	Charron, Gene	Devine, James	DiFruscia, Anthony
Elliott, Robert	Fesh, Bob	Flanders, John Sr	Garcia, Marilinda
Garrity, James	Gleason, John	Griffin, Mary	Grote, Otto
Headd, James	Hutchinson, Karen	Ingram, Russell	Introne, Robert
Itse, Daniel	Kappler, Lawrence	Katsakiores, George	Katsakiores, Phyllis
Major, Norman	McKinney, Betsy	Nevins, Christopher	Packard, Sherman
Pearson, Mark	Priestley, Anne	Quandt, Marshall	Quandt, Matthew
Reagan, John	Sanders, Elisabeth	Stiles, Nancy	Weare, Everett
Welch, David	Weyler, Kenneth	Winchell, George	

STRAFFORD

Cyr, James

SULLIVAN

Rodeschin, Beverly

NAYS 213

BELKNAP

Arsenault, Beth

Millham, Alida

Morrison, Gail

Reever, Judith

CARROLL

Bridgham, Robert
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

CHESHIRE

Allen, Peter
Butynski, William
Espieffs, Peter
Plifka, Stanley Jr
Sad, Tara

Burridge, Delmar
Chase, William
Lerandeau, Alfred
Richardson, Barbara
Weber, Lucy

Butcher, Suzanne
Dunn, J. Timothy
Mitchell, Bonnie
Roberts, Kris
Weed, Charles

Butterworth, Timothy
Eaton, Daniel
Parkhurst, Henry
Robertson, Timothy

COOS

Hatch, William

King, Frederick

Merrick, Scott

GRAFTON

Aguiar, James
Bleyler, Ruth
Hammond, Lee
McLeod, Martha
Preston, Philip

Almy, Susan
Cooney, Mary
Harding, A Laurie
Mulholland, Catherine
Solomon, Peter

Andersen, Gene
Estes, Carole
Laliberte, Suzanne
Nordgren, Sharon

Benn, Bernard
Friedrich, Carol
Lovett, Sid
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Daler, Jennifer
Essex, David
Ginsburg, Ruth
Hall, Betty
Irwin, Anne-Marie
Knowles, John
Levasseur, Nickolas
Mack, Ron

Beaulieu, Jane
Chase, Claudia
Dokmo, Cynthia
Fontas, Jeffrey
Goley, Jeffrey
Hammond, Jill
Jean, Claudette
Knowles, Mary Ann
Levesque, Melanie
Marshall, Seth

Beck, Catriona
Clemons, Jane
Edwards, Andrew
Forest, Armand
Gorman, Mary
Harvey, Suzanne
Kaelin, Michael
Lasky, Bette
Lisle, Carolyn
Martineau, Jesse

Bergin, Peter
Cote, David
Elliott, Nancy
Foster, Linda
Hackel, Paul
Hebert, Roger
Kelley, John
Leishman, Peter
Long, Patrick
Matarazzo, Anthony
Sr
O'Neil, James
Rosenwald, Cindy
Shaw, Barbara
Spratt, Stephen
Winters, Joel

Messier, Irene
Peterson, Andy
Scannell, David
Shaw, Kimberly
Sullivan, Daniel

Movsesian, Lori
Pilotte, Maurice
Schulze, Joan
Smith, David
Sullivan, Francis

O'Brien, Michael Sr
Renzullo, Andrew
Shattuck, Gilman
Smith, Sandra
Villeneuve, Maurice

MERRIMACK

Baxley, Maureen
Brown, Carole

Beauchesne, Suzanne
Brueggemann, Donald

Blanchard, Elizabeth
Clarke, Claire

Bouchard, Candace
Davis, Frank

DeJoie, John
French, Barbara
Hamm, Christine

DeStefano, Stephen
Gile, Mary
Kidder, David

Ehlers, Eileen
Greco, Vincent
Kjellman, Eleanor
Glynn

Foose, Robert
Hager, Elizabeth
Lockwood, Priscilla

McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Walz, Mary
Yeaton, Charles

Osborne, Jessie
Reardon, Tara
Tilton, Joy
Webb, Leigh

Owen, Derek
Richardson, Gary
Tupper, Frank
Wheeler, Deborah

Porter, Margaret
Ryan, Jim
Wallner, Mary
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Emiro, Frank
Kennedy, James
Mann, Maureen
Moody, Marcia
Pettersen, Don
Russell, Trinkia
Webber, James

Brown, C. Pennington
Flockhart, Eileen
Kepner, Susan
Marsh, Michael
Moore, Bennett
Powers, James
Serlin, Christopher
Wells, Roger

Casey, Kimberley
Gould, Kenneth
Lister, Charlotte
McEachern, Paul
Nord, Susi
Rausch, James
Snow, Richard

Day, Judith
Howard, Doreen
Lund, Howie
McKenna, Daniel
Pantelakos, Laura
Robertson, Carl
Splaine, James

STRAFFORD

Brennan, William
Browne, Brendon
Fargo, Thomas
Hutz, Sarah
Perry, Robert
Schmidt, Peter
Wall, Janet

Brown, Jennifer
Burke, Rachel
Goodwin, Earle
Kaen, Naida
Rollo, Deanna
Smith, Marjorie
Watson, Robert

Brown, Julie
DeChane, Marlene
Hofemann, Roland
Knowles, William
Rollo, Michael
Spang, Judith

Brown, Larry
Domingo, Baldwin
Hubbard, Pamela
Mickelonis, Shawn
Rous, Emma
Sprague, Dale

SULLIVAN

Cloutier, John
Gagnon, Raymond
Nielsen, Ellen

Converse, Larry
Gottling, Suzanne
Phinizy, James

Ferland, Brenda
Houde, Matthew
Skinder, Carla

Franklin, Peter
Jillette, Arthur Jr

and floor amendment (1856h) failed.

Rep. Ingbretson offered floor amendment (1847h).

Floor Amendment (1847h)

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

RELATING TO: local public education.

PROVIDING THAT: the local political subdivision responsible for public education shall have the power to determine curriculum, set standards, and determine funding, and that the legislature may provide supplemental funding.

Amend the resolution by replacing all after the resolving clause with the following:

I. That the second part of the constitution be amended by inserting after article 83 the following new article:

[Art.] 83-a [Local Education.] The local political subdivision responsible for providing public education shall have the power to determine curriculum, to set standards, and to determine the amount of funding thereof. The legislature shall have the power to provide supplemental funding and to determine the amount and the allocation of these state funds.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2008.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2008 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2008 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:
“Are you in favor of amending the second part of the constitution by inserting after article 83 a new article to read as follows:

[Art.] 83-a [Local Education.] The local political subdivision responsible for providing public education shall have the power to determine curriculum, to set standards, and to determine the amount of funding thereof. The legislature shall have the power to provide supplemental funding and to determine the amount and the allocation of these state funds.”

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote “Yes” or “No.” If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words “Questions Relating to Constitutional Amendments proposed by the 2008 General Court” shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that the local subdivision responsible for public education shall have the power to determine curriculum, set standards, and determine funding, and that the legislature may provide supplemental funding.

Reps. Ingbretson, Sorg and Itse spoke in favor.

Rep. Renzullo requested a roll call; sufficiently seconded.

YEAS 107 NAYS 228

YEAS 107

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Nedeau, Stephen	Pilliod, James	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Wendelboe, Fran	

CARROLL

Ahlgren, Christopher	Chandler, Gene	Denley, William	Martin, James
Merrow, Harry	Patten, Betsey	Stevens, Stanley	

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
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COOS

Remick, William	Stohl, Eric	Tholl, John Jr
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GRAFTON

Bulis, Lyle	Dingman, Vernon III	Eaton, Stephanie	Gionet, Edmond
Ingbretson, Paul	Sorg, Gregory	Williams, Burton	

HILLSBOROUGH

Barry, Richard	Bergeron, Jean-Guy	Christiansen, Lars	Coughlin, Pamela
Crane, Elenore Casey	Daniels, Gary	Elliott, Nancy	Goyette, Peter
Graham, John	Haefner, Robert	Hawkins, Ken	Hogan, Edith
Hopper, Gary	Infantine, William	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	Manney, Pamela	McRae, Karen	Mooney, Maureen
Moran, Edward	Ober, Lynne	Ober, Russell III	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Soucy, Connie	Spaulding, Jayne
Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice			

MERRIMACK

Anderson, Eric	Boutin, David	Hess, David	MacKay, James
Reed, Dennis			

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Case, Frank	Charron, Gene
Devine, James	DiFruscia, Anthony	Elliott, Robert	Flanders, John Sr
Garcia, Marilinda	Garrity, James	Gleason, John	Griffin, Mary
Hutchinson, Karen	Ingram, Russell	Introne, Robert	Itse, Daniel
Kappler, Lawrence	Katsakiores, George	Katsakiores, Phyllis	Major, Norman
Nevins, Christopher	Pearson, Mark	Priestley, Anne	Quandt, Marshall
Quandt, Matthew	Reagan, John	Sanders, Elisabeth	Weare, Everett
Welch, David	Weyler, Kenneth	Winchell, George	

STRAFFORD

Cyr, James

SULLIVAN

Rodeschin, Beverly

NAYS 228

BELKNAP

Arsenault, Beth	Millham, Alida	Morrison, Gail	Reever, Judith
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CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
Heard, Virginia	Knox, J. David		

CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Espiefs, Peter	Lerandean, Alfred	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sad, Tara	Weber, Lucy	Weed, Charles	

COOS

Hatch, William	King, Frederick
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GRAFTON

Aguiar, James
Bleyler, Ruth
Hammond, Lee
McLeod, Martha
Preston, Philip

Almy, Susan
Cooney, Mary
Harding, A Laurie
Mulholland, Catherine
Solomon, Peter

Andersen, Gene
Estes, Carole
Laliberte, Suzanne
Nordgren, Sharon

Benn, Bernard
Friedrich, Carol
Lovett, Sid
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Clemons, Jane
Edwards, Andrew
Fontas, Jeffrey
Ginsburg, Ruth
Hall, Betty
Holden, Randolph
Kelley, John
Leishman, Peter
Long, Patrick
Matarazzo, Anthony Sr
O'Connell, Timothy
Price, Pamela
Shattuck, Gilman
Smith, Sandra
Sysyn, Mary

Batula, Peter
Campbell, David
Cote, David
Emerton, Larry
Forest, Armand
Goley, Jeffrey
Hammond, Jill
Irwin, Anne-Marie
Knowles, John
Levasseur, Nickolas
Mack, Ron
Messier, Irene
O'Neil, James
Rosenwald, Cindy
Shaw, Barbara
Spratt, Stephen
Winters, Joel

Beaulieu, Jane
Chase, Claudia
Daler, Jennifer
Essex, David
Foster, Linda
Gorman, Mary
Harvey, Suzanne
Jean, Claudette
Knowles, Mary Ann
Levesque, Melanie
Marshall, Seth
Movsesian, Lori

Beck, Catriona
Christensen, Chris
Dokmo, Cynthia
Fletcher, Richard
Gargas, Carolyn
Hackel, Paul
Hebert, Roger
Kaelin, Michael
Lasky, Bette
Lisle, Carolyn
Martineau, Jesse
O'Brien, Michael Sr
Pilotte, Maurice
Schulze, Joan
Smith, David
Sullivan, Francis

MERRIMACK

Baxley, Maureen
Brown, Carole
DeJoie, John
French, Barbara
Hamm, Christine

Beauchesne, Suzanne
Brueggemann, Donald
DeStefano, Stephen
Gile, Mary
Kidder, David

Blanchard, Elizabeth
Clarke, Claire
Ehlers, Eileen
Greco, Vincent
Kjellman, Eleanor
Glynn
Owen, Derek
Richardson, Gary
Tupper, Frank
Wheeler, Deborah

Bouchard, Candace
Davis, Frank
Foosse, Robert
Hager, Elizabeth
Lockwood, Priscilla
Porter, Margaret
Ryan, Jim
Wallner, Mary
Williams, Robert

McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Walz, Mary
Yeaton, Charles

Osborne, Jessie
Reardon, Tara
Tilton, Joy
Webb, Leigh

ROCKINGHAM

Abbott, Dennis
Carson, Sharon
Fesh, Bob
Headd, James
Lister, Charlotte
McEachern, Paul
Moore, Bennett
Pettersson, Don
Russell, Trink
Stiles, Nancy

Borden, David
Casey, Kimberley
Flockhart, Eileen
Howard, Doreen
Lund, Howie
McKenna, Daniel
Nord, Susi
Powers, James
Serlin, Christopher
Webber, James

Brown, C. Pennington
Day, Judith
Gould, Kenneth
Kennedy, James
Mann, Maureen
McKinney, Betsy
Packard, Sherman
Rausch, James
Snow, Richard
Wells, Roger

Cali-Pitts, Jacqueline
Emiro, Frank
Grote, Otto
Kepner, Susan
Marsh, Michael
Moody, Marcia
Pantelakos, Laura
Robertson, Carl
Splaine, James

STRAFFORD

Brennan, William	Brown, Jennifer	Brown, Julie	Brown, Larry
Browne, Brendon	Burke, Rachel	DeChane, Marlene	Domingo, Baldwin
Fargo, Thomas	Goodwin, Earle	Hofemann, Roland	Hubbard, Pamela
Hutz, Sarah	Kaen, Naida	Knowles, William	Mickelonis, Shawn
Perry, Robert	Rollo, Deanna	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Sprague, Dale
Wall, Janet	Watson, Robert		

SULLIVAN

Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Gagnon, Raymond	Gottling, Suzanne	Houde, Matthew	Jillette, Arthur Jr
Nielsen, Ellen	Phinizy, James	Skinder, Carla	

and floor amendment (1847h) failed.

The question now being adoption of the motion of Ought to Pass.
Rep. Wells spoke against.

MOTION TO INDEFINITELY POSTPONE

Rep. Mark Clark moved that **CACR 34**, relating to: funding of public education. Providing that: the general court shall define an adequate education and distribute state funds for public education in a manner that alleviates local disparities, be indefinitely postponed.
Rep. Hess requested a roll call; sufficiently seconded.

YEAS 129 NAYS 210

YEAS 129

BELKNAP

Arsenault, Beth	Reever, Judith
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CARROLL

Bridgham, Robert	Butler, Edward	Cunningham, Howard	Heard, Virginia
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Roberts, Kris	Robertson, Timothy	

COOS

Merrick, Scott

GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Bulis, Lyle	Cooney, Mary	Dingman, Vernon III
Estes, Carole	Friedrich, Carol	Harding, A Laurie	Lovett, Sid
Mulholland, Catherine	Nordgren, Sharon	Pierce, David	

HILLSBOROUGH

Baroody, Benjamin	Batula, Peter	Beaulieu, Jane	Beck, Catriona
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Bergin, Peter
Cote, David
Edwards, Andrew
Foster, Linda
Kaelin, Michael
Mack, Ron

Messier, Irene
Peterson, Andy
Schulze, Joan

Chase, Claudia
Coughlin, Pamela
Essex, David
Francoeur, Bea
Knowles, John
Marshall, Seth

Movsesian, Lori
Pilotte, Maurice

Clark, Mark
Daler, Jennifer
Fletcher, Richard
Hall, Betty
Knowles, Mary Ann
Matarazzo, Anthony Sr
O'Brien, Michael Sr
Renzullo, Andrew

Clemons, Jane
Dokmo, Cynthia
Fontas, Jeffrey
Hammond, Jill
Levasseur, Nickolas
McRae, Karen
O'Neil, James
Rowe, Robert

MERRIMACK

Baxley, Maureen

Brueggemann, Donald
Hager, Elizabeth
Tupper, Frank
Wheeler, Deborah

Beauchesne, Suzanne
Davis, Frank
Kidder, David
Wallner, Mary
Williams, Robert

Bouchard, Candace
DeJoie, John
Osborne, Jessie
Walz, Mary

Brown, Carole
Ehlers, Eileen
Tilton, Joy
Webb, Leigh

ROCKINGHAM

Allen, Mary
Flockhart, Eileen
Mann, Maureen
Moody, Marcia
Serlin, Christopher

Casey, Kimberley
Gould, Kenneth
Marsh, Michael
Moore, Bennett

Day, Judith
Kennedy, James
McEachern, Paul
Nord, Susi

Fesh, Bob
Kepner, Susan
McKinney, Betsy
Reagan, John

STRAFFORD

Brennan, William
Burke, Rachel
Hubbard, Pamela
Rous, Emma
Wall, Janet

Brown, Jennifer
DeChane, Marlene
Kaen, Naida
Schmidt, Peter
Watson, Robert

Brown, Larry
Domingo, Baldwin
Mickelonis, Shawn
Smith, Marjorie

Browne, Brendon
Fargo, Thomas
Perry, Robert
Spang, Judith

SULLIVAN

Cloutier, John
Jillette, Arthur Jr

Converse, Larry
Skinder, Carla

Gottling, Suzanne

Houde, Matthew

NAYS 210

BELKNAP

Allen, Janet
Millham, Alida
Russell, David
Wendelboe, Fran

Boyce, Laurie
Morrison, Gail
Thomas, John

Clark, Charles
Nedeau, Stephen
Tilton, Franklin

Flanders, Donald
Pilliod, James
Tobin, William

CARROLL

Ahlgren, Christopher
Knox, J. David
Stevens, Stanley

Buco, Thomas
Martin, James

Chandler, Gene
Merrow, Harry

Denley, William
Patten, Betsey

CHESHIRE

Burridge, Delmar
Hunt, John
Richardson, Barbara

Butterworth, Timothy
Johnson, Jane
Sad, Tara

Dunn, J. Timothy
Lerandeau, Alfred
Weber, Lucy

Emerson, Susan
Pelkey, Stephen
Weed, Charles

COOS

Hatch, William
Tholl, John Jr

King, Frederick

Remick, William

Stohl, Eric

GRAFTON

Eaton, Stephanie
Laliberte, Suzanne
Sorg, Gregory

Gionet, Edmond
McLeod, Martha
Williams, Burton

Hammond, Lee
Preston, Philip

Ingbretson, Paul
Solomon, Peter

HILLSBOROUGH

Barry, Richard
Christiansen, Lars
Elliott, Nancy
Ginsburg, Ruth
Graham, John
Hawkins, Ken
Hopper, Gary
Jean, Claudette
Lasky, Bette
Long, Patrick
Moran, Edward
Price, Pamela
Shattuck, Gilman
Smith, Sandra
Stepanek, Stephen
Tahir, Saghir
Winters, Joel

Bergeron, Jean-Guy
Crane, Elenore Casey
Emerton, Larry
Goley, Jeffrey
Hackel, Paul
Hebert, Roger
Infantine, William
Kelley, John
Leishman, Peter
Manney, Pamela
O'Connell, Timothy
Reeves, Sandra
Shaw, Barbara
Soucy, Connie
Sullivan, Daniel
Ulery, Jordan

Campbell, David
Daniels, Gary
Forest, Armand
Gorman, Mary
Haefner, Robert
Hogan, Edith
Irwin, Anne-Marie
Kurk, Neal
Levesque, Melanie
Martineau, Jesse
Ober, Lynne
Rosenwald, Cindy
Shaw, Kimberly
Spaulding, Jayne
Sullivan, Francis
Vaillancourt, Steve

Christensen, Chris
Day, Russell
Gargas, Carolyn
Goyette, Peter
Harvey, Suzanne
Holden, Randolph
Jasper, Shawn
L'Heureux, Robert
Lisle, Carolyn
Mooney, Maureen
Ober, Russell III
Scannell, David
Smith, David
Spratt, Stephen
Sysyn, Mary
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
Foose, Robert
Hamm, Christine

Blanchard, Elizabeth
French, Barbara
Hess, David

Boutin, David
Gile, Mary
Kjellman, Eleanor
Glynn

Clarke, Claire
Greco, Vincent
Lockwood, Priscilla

Mackay, James
Potter, Frances
Ryan, Jim

McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen

Owen, Derek
Reed, Dennis
Yeaton, Charles

Porter, Margaret
Richardson, Gary

ROCKINGHAM

Abbott, Dennis
Bettencourt, David
Cali-Pitts, Jacqueline
Devine, James
Flanders, John Sr
Griffin, Mary
Hutchinson, Karen
Kappler, Lawrence
Lund, Howie
Packard, Sherman
Powers, James

Baldasaro, Alfred
Bishop, Franklin
Carson, Sharon
DiFruscia, Anthony
Garcia, Marilinda
Grote, Otto
Ingram, Russell
Katsakiores, George
Major, Norman
Pantelakos, Laura
Priestley, Anne

Bedrick, Jason
Borden, David
Case, Frank
Elliott, Robert
Garrity, James
Headd, James
Introne, Robert
Katsakiores, Phyllis
McKenna, Daniel
Pearson, Mark
Quandt, Marshall

Belanger, Ronald
Brown, C. Pennington
Charron, Gene
Emiro, Frank
Gleason, John
Howard, Doreen
Itse, Daniel
Lister, Charlotte
Nevins, Christopher
Pettersen, Don
Quandt, Matthew

Rausch, James
Snow, Richard
Webber, James
Winchell, George

Robertson, Carl
Splaine, James
Welch, David

Russell, Trinka
Stiles, Nancy
Wells, Roger

Sanders, Elisabeth
Weare, Everett
Weyler, Kenneth

STRAFFORD

Brown, Julie
Hofemann, Roland
Rollo, Michael

Cyr, James
Hutz, Sarah
Sprague, Dale

Goodwin, Earle
Knowles, William

Hilliard, Dana
Rollo, Deanna

SULLIVAN

Ferland, Brenda
Phinizy, James
and the motion failed.

Franklin, Peter
Rodeschin, Beverly

Gagnon, Raymond

Nielsen, Ellen

(Deputy Speaker Foster in the Chair)

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

Reps. McEachern and Ingbretson spoke against.

Rep. Owen requested a roll call; sufficiently seconded.

YEAS 97 NAYS 238

YEAS 97

BELKNAP

Allen, Janet
Nedeau, Stephen
Tilton, Franklin

Boyce, Laurie
Pilliod, James
Wendelboe, Fran

Clark, Charles
Russell, David

Flanders, Donald
Thomas, John

CARROLL

Ahlgren, Christopher
Martin, James

Chandler, Gene
Merrow, Harry

Denley, William
Patten, Betsey

Knox, J. David
Stevens, Stanley

CHESHIRE

Emerson, Susan

Hunt, John

Lerandeau, Alfred

Pelkey, Stephen

COOS

King, Frederick

Stohl, Eric

Tholl, John Jr

GRAFTON

Eaton, Stephanie

McLeod, Martha

HILLSBOROUGH

Christensen, Chris
Goyette, Peter
Infantine, William
Manney, Pamela
Moran, Edward
Price, Pamela
Smith, Sandra
Sullivan, Francis

Christiansen, Lars
Graham, John
Jasper, Shawn
Martineau, Jesse
O'Connell, Timothy
Rosenwald, Cindy
Spaulding, Jayne
Sysyn, Mary

Emerton, Larry
Hawkins, Ken
Kurk, Neal
McRae, Karen
Ober, Lynne
Scannell, David
Stepanek, Stephen
Tahir, Saghir

Forest, Armand
Holden, Randolph
Long, Patrick
Mooney, Maureen
Ober, Russell III
Shaw, Barbara
Sullivan, Daniel
Ulery, Jordan

MERRIMACK

Anderson, Eric
Reed, Dennis

Hess, David

MacKay, James

Reardon, Tara

ROCKINGHAM

Allen, Mary
Cali-Pitts, Jacqueline
Garrity, James
Hutchinson, Karen
Major, Norman
Priestley, Anne
Serlin, Christopher
Welch, David

Belanger, Ronald
DiFruscia, Anthony
Gleason, John
Introne, Robert
Nevins, Christopher
Quandt, Marshall
Splaine, James
Weyler, Kenneth

Bishop, Franklin
Elliott, Robert
Griffin, Mary
Kappler, Lawrence
Pearson, Mark
Quandt, Matthew
Stiles, Nancy
Winchell, George

Borden, David
Flanders, John Sr
Grote, Otto
Lister, Charlotte
Powers, James
Sanders, Elisabeth
Weare, Everett

STRAFFORD

None

SULLIVAN

Gottling, Suzanne

Rodeschin, Beverly

NAYS 238

BELKNAP

Arsenault, Beth
Tobin, William

Millham, Alida

Morrison, Gail

Reever, Judith

CARROLL

Bridgham, Robert

Buco, Thomas

Cunningham, Howard

Heard, Virginia

CHESHIRE

Allen, Peter
Butynski, William
Espieffs, Peter
Plifka, Stanley Jr
Sad, Tara

Burridge, Delmar
Chase, William
Johnson, Jane
Richardson, Barbara
Weber, Lucy

Butcher, Suzanne
Dunn, J. Timothy
Mitchell, Bonnie
Roberts, Kris
Weed, Charles

Butterworth, Timothy
Eaton, Daniel
Parkhurst, Henry
Robertson, Timothy

COOS

Hatch, William

Merrick, Scott

Remick, William

GRAFTON

Aguiar, James
Bleyler, Ruth
Estes, Carole
Harding, A Laurie
Mulholland, Catherine
Solomon, Peter

Almy, Susan
Bulis, Lyle
Friedrich, Carol
Ingbretson, Paul
Nordgren, Sharon
Sorg, Gregory

Andersen, Gene
Cooney, Mary
Gionet, Edmond
Laliberte, Suzanne
Pierce, David
Williams, Burton

Benn, Bernard
Dingman, Vernon III
Hammond, Lee
Lovett, Sid
Preston, Philip

HILLSBOROUGH

Baroody, Benjamin

Barry, Richard

Batula, Peter

Beaulieu, Jane

Beck, Catriona
Chase, Claudia
Crane, Elenore Casey
Dokmo, Cynthia
Fletcher, Richard
Ginsburg, Ruth
Haefner, Robert
Hebert, Roger
Jean, Claudette
Knowles, Mary Ann
Levasseur, Nickolas
Marshall, Seth

O'Brien, Michael Sr
Reeves, Sandra
Shattuck, Gilman
Spratt, Stephen

Bergeron, Jean-Guy
Clark, Mark
Daler, Jennifer
Edwards, Andrew
Fontas, Jeffrey
Goley, Jeffrey
Hall, Betty
Hogan, Edith
Kaelin, Michael
L'Heureux, Robert
Levesque, Melanie
Matarazzo, Anthony Sr

O'Neil, James
Renzullo, Andrew
Shaw, Kimberly
Vaillancourt, Steve

Bergin, Peter
Cote, David
Daniels, Gary
Elliott, Nancy
Francoeur, Bea
Gorman, Mary
Hammond, Jill
Hopper, Gary
Kelley, John
Lasky, Bette
Lisle, Carolyn
Messier, Irene

Peterson, Andy
Rowe, Robert
Smith, David
Villeneuve, Maurice

Campbell, David
Coughlin, Pamela
Day, Russell
Essex, David
Gargas, Carolyn
Hackel, Paul
Harvey, Suzanne
Irwin, Anne-Marie
Knowles, John
Leishman, Peter
Mack, Ron
Movsesian, Lori

Pilotte, Maurice
Schulze, Joan
Soucy, Connie
Winters, Joel

MERRIMACK

Baxley, Maureen

Boutin, David
Davis, Frank
French, Barbara
Hamm, Christine

McMahon, Patricia
Potter, Frances
Tilton, Joy
Webb, Leigh

Beauchesne, Suzanne

Brown, Carole
DeJoie, John
Gile, Mary
Kidder, David

Osborne, Jessie
Richardson, Gary
Tupper, Frank
Wheeler, Deborah

Blanchard, Elizabeth

Brueggemann, Donald
Ehlers, Eileen
Greco, Vincent
Kjellman, Eleanor
Glynn

Owen, Derek
Ryan, Jim
Wallner, Mary
Williams, Robert

Bouchard, Candace

Clarke, Claire
Foote, Robert
Hager, Elizabeth
Lockwood, Priscilla

Porter, Margaret
Shurtleff, Stephen
Walz, Mary
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Brown, C. Pennington
Charron, Gene
Fesh, Bob
Headd, James
Katsakiores, George
Lund, Howie
McKenna, Daniel
Nord, Susi
Rausch, James
Snow, Richard

Baldasaro, Alfred
Carson, Sharon
Day, Judith
Flockhart, Eileen
Howard, Doreen
Katsakiores, Phyllis
Mann, Maureen
McKinney, Betsy
Packard, Sherman
Reagan, John
Webber, James

Bedrick, Jason
Case, Frank
Devine, James
Garcia, Marilinda
Ingram, Russell
Kennedy, James
Marsh, Michael
Moody, Marcia
Pantelakos, Laura
Robertson, Carl
Wells, Roger

Bettencourt, David
Casey, Kimberley
Emiro, Frank
Gould, Kenneth
Itse, Daniel
Kepner, Susan
McEachern, Paul
Moore, Bennett
Pettersen, Don
Russell, Trink

STRAFFORD

Brennan, William
Browne, Brendon
Fargo, Thomas
Hubbard, Pamela
Mickelson, Shawn
Rous, Emma
Sprague, Dale

Brown, Jennifer
Burke, Rachel
Goodwin, Earle
Hutz, Sarah
Perry, Robert
Schmidt, Peter
Wall, Janet

Brown, Julie
Cyr, James
Hilliard, Dana
Kaen, Naida
Rollo, Deanna
Smith, Marjorie
Watson, Robert

Brown, Larry
Domingo, Baldwin
Hofemann, Roland
Knowles, William
Rollo, Michael
Spang, Judith

SULLIVAN

Cloutier, John
Gagnon, Raymond
Phinizy, James
and the motion failed.

Converse, Larry
Houde, Matthew
Skinder, Carla

Ferland, Brenda
Jillette, Arthur Jr

Franklin, Peter
Nielsen, Ellen

MOTION TO RECONSIDER

Rep. Andy Peterson moved that the House reconsider its action whereby it failed to adopt the motion of Ought to Pass on **CACR 34**, relating to: funding of public education. Providing that: the general court shall define an adequate education and distribute state funds for public education in a manner that alleviates local disparities.

Rep. Andy Peterson spoke in favor.

Motion failed.

Rep. Rowe moved Inexpedient to Legislate.

On a division vote, 252 members having voted in the affirmative and 80 in the negative, the motion was adopted.

MOTION TO PRINT DEBATE

Rep. Bergin moved that the debate on **CACR 34**, relating to: funding of public education. Providing that: the general court shall define an adequate education and distribute state funds for public education in a manner that alleviates local disparities, be printed in the Permanent Journal.

Rep. Wendelboe requested a roll call; sufficiently seconded.

YEAS 65 NAYS 269

YEAS 65

BELKNAP

Clark, Charles

Thomas, John

Wendelboe, Fran

CARROLL

Ahlgren, Christopher

Stevens, Stanley

CHESHIRE

Espieffs, Peter

Pelkey, Stephen

COOS

Stohl, Eric

GRAFTON

None

HILLSBOROUGH

Batula, Peter
Day, Russell
Goyette, Peter
Infantine, William
Levesque, Melanie
Moran, Edward
Peterson, Andy

Bergeron, Jean-Guy
Dokmo, Cynthia
Haefner, Robert
L'Heureux, Robert
Manney, Pamela
O'Neil, James
Price, Pamela

Bergin, Peter
Elliott, Nancy
Hogan, Edith
Leishman, Peter
Messier, Irene
Ober, Lynne
Shaw, Kimberly

Crane, Elenore Casey
Gorman, Mary
Hopper, Gary
Levasseur, Nickolas
Mooney, Maureen
Ober, Russell III
Smith, David

Stepanek, Stephen

Ulery, Jordan

MERRIMACK

Anderson, Eric
Ryan, Jim

DeJoie, John

Hess, David

Reed, Dennis

ROCKINGHAM

Baldasaro, Alfred
Elliott, Robert
Katsakiores, George
Quandt, Marshall
Weyler, Kenneth

Bettencourt, David
Flanders, John Sr
Katsakiores, Phyllis
Quandt, Matthew

Devine, James
Gleason, John
Lund, Howie
Welch, David

DiFruscia, Anthony
Itse, Daniel
Packard, Sherman
Wells, Roger

STRAFFORD

Fargo, Thomas

Watson, Robert

SULLIVAN

Ferland, Brenda

Franklin, Peter

Rodeschin, Beverly

NAYS 269

BELKNAP

Allen, Janet
Millham, Alida
Reever, Judith

Arsenault, Beth
Morrison, Gail
Russell, David

Boyce, Laurie
Nedeau, Stephen
Tilton, Franklin

Flanders, Donald
Pilliod, James
Tobin, William

CARROLL

Bridgham, Robert
Denley, William
Morrow, Harry

Buco, Thomas
Heard, Virginia
Patten, Betsey

Chandler, Gene
Knox, J. David

Cunningham, Howard
Martin, James

CHESHIRE

Allen, Peter
Butynski, William
Emerson, Susan
Mitchell, Bonnie
Roberts, Kris
Weed, Charles

Burridge, Delmar
Chase, William
Hunt, John
Parkhurst, Henry
Robertson, Timothy

Butcher, Suzanne
Dunn, J. Timothy
Johnson, Jane
Plifka, Stanley Jr
Sad, Tara

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

COOS

Hatch, William
Tholl, John Jr

King, Frederick

Merrick, Scott

Remick, William

GRAFTON

Aguiar, James
Bleyler, Ruth
Eaton, Stephanie
Hammond, Lee
Lovett, Sid
Pierce, David

Almy, Susan
Bulis, Lyle
Estes, Carole
Harding, A Laurie
McLeod, Martha
Preston, Philip

Andersen, Gene
Cooney, Mary
Friedrich, Carol
Ingbretson, Paul
Mulholland, Catherine
Solomon, Peter

Benn, Bernard
Dingman, Vernon III
Gionet, Edmond
Laliberte, Suzanne
Nordgren, Sharon
Sorg, Gregory

Williams, Burton

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Clark, Mark
Daler, Jennifer
Essex, David
Francoeur, Bea
Graham, John
Harvey, Suzanne
Irwin, Anne-Marie
Kelley, John
Lasky, Bette
Marshall, Seth

Movsesian, Lori
Reeves, Sandra
Scannell, David
Soucy, Connie
Sysyn, Mary
Winters, Joel

Barry, Richard
Chase, Claudia
Clemons, Jane
Daniels, Gary
Fletcher, Richard
Gargasz, Carolyn
Hackel, Paul
Hawkins, Ken
Jasper, Shawn
Knowles, John
Lisle, Carolyn
Martineau, Jesse

O'Brien, Michael Sr
Renzullo, Andrew
Schulze, Joan
Spaulding, Jayne
Tahir, Saghir

Beaulieu, Jane
Christensen, Chris
Cote, David
Edwards, Andrew
Fontas, Jeffrey
Ginsburg, Ruth
Hall, Betty
Hebert, Roger
Jean, Claudette
Knowles, Mary Ann
Long, Patrick
Matarazzo, Anthony
Sr

O'Connell, Timothy
Rosenwald, Cindy
Shattuck, Gilman
Spratt, Stephen
Vaillancourt, Steve

Beck, Catriona
Christiansen, Lars
Coughlin, Pamela
Emerton, Larry
Forest, Armand
Goley, Jeffrey
Hammond, Jill
Holden, Randolph
Kaelin, Michael
Kurk, Neal
Mack, Ron
McRae, Karen

Pilotte, Maurice
Rowe, Robert
Shaw, Barbara
Sullivan, Daniel
Villeneuve, Maurice

MERRIMACK

Baxley, Maureen

Boutin, David
Davis, Frank
Gile, Mary
Kjellman, Eleanor
Glynn
Osborne, Jessie
Reardon, Tara
Tupper, Frank
Wheeler, Deborah

Beauchesne, Suzanne
Brown, Carole
Ehlers, Eileen
Greco, Vincent
Lockwood, Priscilla

Owen, Derek
Richardson, Gary
Wallner, Mary
Williams, Robert

Blanchard, Elizabeth

Brueggemann, Donald
Foose, Robert
Hamm, Christine
MacKay, James

Porter, Margaret
Shurtleff, Stephen
Walz, Mary
Yeaton, Charles

Bouchard, Candace

Clarke, Claire
French, Barbara
Kidder, David
McMahon, Patricia

Potter, Frances
Tilton, Joy
Webb, Leigh

ROCKINGHAM

Abbott, Dennis
Bishop, Franklin
Carson, Sharon
Day, Judith
Garcia, Marilinda
Grote, Otto
Ingram, Russell
Kepner, Susan
Marsh, Michael
Moody, Marcia
Pantelakos, Laura
Priestley, Anne
Russell, Trinka
Splaine, James
Winchell, George

Allen, Mary
Borden, David
Case, Frank
Emiro, Frank
Garrity, James
Headd, James
Introne, Robert
Lister, Charlotte
McEachern, Paul
Moore, Bennett
Pearson, Mark
Rausch, James
Sanders, Elisabeth
Stiles, Nancy

Bedrick, Jason
Brown, C. Pennington
Casey, Kimberley
Fesh, Bob
Gould, Kenneth
Howard, Doreen
Kappler, Lawrence
Major, Norman
McKenna, Daniel
Nevins, Christopher
Petterson, Don
Reagan, John
Serlin, Christopher
Weare, Everett

Belanger, Ronald
Cali-Pitts, Jacqueline
Charron, Gene
Flockhart, Eileen
Griffin, Mary
Hutchinson, Karen
Kennedy, James
Mann, Maureen
McKinney, Betsy
Nord, Susi
Powers, James
Robertson, Carl
Snow, Richard
Webber, James

STRAFFORD

Brennan, William
Browne, Brendon
Domingo, Baldwin
Hubbard, Pamela
Mickelonis, Shawn
Rous, Emma
Sprague, Dale

Brown, Jennifer
Burke, Rachel
Goodwin, Earle
Hutz, Sarah
Perry, Robert
Schmidt, Peter
Wall, Janet

Brown, Julie
Cyr, James
Hilliard, Dana
Kaen, Naida
Rollo, Deanna
Smith, Marjorie

Brown, Larry
DeChane, Marlene
Hofemann, Roland
Knowles, William
Rollo, Michael
Spang, Judith

SULLIVAN

Cloutier, John
Houde, Matthew
Skinder, Carla

Converse, Larry
Jillette, Arthur Jr

Gagnon, Raymond
Nielsen, Ellen

Gottling, Suzanne
Phinizy, James

and the motion failed.

REGULAR CALENDAR (CONT'D)

SB 321, relative to construction or renovation of regional vocational centers, transferring certain positions from the pari-mutuel commission to the department of safety, and requiring certain operating budget reductions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marjorie K. Smith for Finance: This bill is the result of extensive committee work including three public hearings and a number of work sessions. It addresses a number of disparate issues and the health and human services, executive departments and administration, public works and highways and ways and means committees were invited to participated in hearings relating to topics that might otherwise be heard in their committees. The bill allows certain site work to be eligible for grants for the construction or renovation of regional vocational centers; transfers certain positions from the pari-mutual racing laboratory to the department of safety urine testing laboratory; directs the judicial and legislative branches to reduce budget appropriations by a specified amount; establishes a commission to study funding of school building aid; establishes discounts for certain liquor licenses; and provides authority to lapse funds from the default bench warrant fund to the general fund in the current fiscal year. It also permits certain state contributions to the retirement system to lapse on June 30, 2008 instead of 2009; increases the tobacco tax contingent on the amount of tobacco tax received during the first three months of the next fiscal year; and makes certain adjustments to limit county obligations for certain services. The bill permits the judicial council to request the fiscal committee to authorize certain transfers and repeals certain conflicting provisions; permits the liquor commission to use part of a capital budget appropriation to purchase a forklift; removes references to county liability for certain juvenile service costs; and legalizes the proceedings of the Lyme town meeting and budget committee meeting held in the winter of 2008. Vote 24-0.

Amendment (1790h)

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

AN ACT relative to the operating budget and capital budget for the biennium ending June 30, 2009 and making certain related statutory changes.

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

1 Regional Vocational Centers; Construction or Renovation. Amend RSA 188-E:3, II to read as follows:

II. Upon completion, the constructed or renovated facility shall become the property of the school district. ~~[Provisions]~~ **Provision** of the site, parking, and other related areas shall be the responsibility of the local community. ***Site work, including but not limited to cut and fill work, compaction, demolition, relocation of utilities, relocation of roadways and sidewalks, and similar work within an area extending to one foot beyond the outside edge of the exterior walls of the building, shall be eligible for grants under paragraph I.*** Nothing shall prohibit the inclusion of the site and related

facilities which are not funded as part of construction cost by the state under this chapter from being included in a regular building aid application of the district as provided in RSA 198:15-b.

2 Operating Budget; Judicial Branch. Notwithstanding 2007, 262:1, the appropriations for the judicial branch shall be reduced by \$1,000,000 for the fiscal year ending June 30, 2008, and by \$1,600,000 for the fiscal year ending June 30, 2009. The reductions required by this section shall be in addition to the judicial branch's average historical lapse amount of \$1,100,000 per fiscal year. The director of the administrative office of the courts shall submit to the general court and the commissioner of the department of administrative services an itemization of the reductions in expenditure classes made to implement this section on or before June 15, 2008.

3 Operating Budget; Legislative Branch. Notwithstanding 2007, 262:1, the appropriations for the legislative branch for the fiscal year ending June 30, 2008 shall be reduced by \$1,000,000. Notwithstanding 2007, 262:1, the appropriations for the legislative branch for the fiscal year ending June 30, 2009 shall be reduced by \$500,000. The legislative budget assistant shall submit to the fiscal committee of the general court an itemization of the reductions in expenditure classes made to implement this section on or before June 15, 2008.

4 Positions Transferred from Pari-Mutuel Commission Racing Laboratory to Department of Safety Urine Testing Laboratory. Effective April 1, 2008, classified positions number 14543, 14545, and 30541 are transferred from the pari-mutuel commission racing laboratory, PAU 02-08-02, to the department of safety urine testing laboratory, PAU 02-15-04-11-02. The legislative budget assistant is authorized to adjust totals in 2007, 262 as made necessary by this section.

5 PAU 02-08-02; Pari-Mutuel Commission Racing Laboratory. Amend 2007, 262:1, PAU 02-08-02 as follows:

	Fiscal Year 2008	Fiscal Year 2009
Strike out:		
10 Personal Services – Permanent	\$280,007	\$285,196
Insert:		
10 Personal Services – Permanent	\$247,525	\$153,362
Strike out:		
60 Benefits	\$139,292	\$141,876
Insert:		
60 Benefits	\$123,603	\$78,200
Strike out:		
Total	\$639,293	\$646,993
Insert:		
Total	\$591,122	\$451,483
Estimated Source of Funds for Racing Laboratory		
Strike out:		
General Fund	\$519,575	\$528,684
Insert:		
General Fund	\$471,404	\$333,174
Strike out:		
Total	\$639,293	\$646,993
Insert:		
Total	\$591,122	\$451,483

6 PAU 02-15-04-11-02; Department of Safety Urine Testing Laboratory. Amend 2007, 262, PAU 02-15-04-11-02 as follows:

	Fiscal Year 2008	Fiscal Year 2009
Strike out:		

10 Personal Services – Permanent	\$140,723	\$146,820
Insert:		
10 Personal Services – Permanent	\$173,205	\$278,654
Strike out:		
60 Benefits	\$73,294	\$76,722
Insert:		
60 Benefits	\$88,983	\$140,398
Strike out:		
Total	\$406,640	\$417,715
Insert:		
Total	\$454,811	\$613,225
Estimated Source of Funds for		
Urine Testing Laboratory		
Strike out:		
General Fund	\$406,640	\$417,715
Insert:		
General Fund	\$454,811	\$613,225
Strike out:		
Total	\$406,640	\$417,715
Insert:		
Total	\$454,811	\$613,225

7 Commission Established. There is established a commission to study funding of school building aid.

8 Membership.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the finance committee, one of whom shall be a member of the ways and means committee, and one of whom shall be a member of the public works and highways committee.

(b) Two members of the senate, appointed by the president of the senate.

(c) Two at-large members, appointed by the governor.

(d) One member of the New Hampshire School Boards Association, appointed by said organization.

(e) One member of the New Hampshire School Administrators association, appointed by said organization.

(f) The commissioner of education, or designee.

(g) The treasurer, or designee.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

9 Chairperson; Quorum. The chairperson shall be designated by the governor. The first meeting of the commission shall be held within 30 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

10 Duties. The commission shall study funding for school building aid, including:

I. Appropriate funding methodology and sources for building aid, including whether building aid should be included in the state's capital plan.

II. Strategies for making it possible for all school districts to engage in necessary construction projects.

III. Standards for determining appropriate costs for state reimbursement and for cost-sharing.

11 Report. The commission shall report its findings and any recommendations to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2008.

12 Liquor Licenses; Discount and Credit on Sales to Licensees. Amend RSA 178:28, V to

read as follows:

V. A schedule of hours and procedures by which fortified wines and table wines may be purchased at the discount price for resale by holders of off-premises retail licenses at percentages of discount to be determined by the commission. ~~[Such]~~ Discounts **for holders of off-premises retail licenses with annual wine purchases under \$350,000** shall be no less than 15 percent less than the regular retail price in the liquor stores and 20 percent less than the regular price F.O.B. at the warehouse.

V-a. For the purpose of this provision, any person holding 2 or more licenses under RSA 178:18 with combined annual wine purchases under \$350,000 shall receive 15 percent less than the regular retail price in the liquor stores and 20 percent less than the regular price F.O.B. at the warehouse. All combined annual wine purchases over \$350,000 shall receive 10 percent less than the regular retail price in the liquor stores and 10 percent less than the regular price F.O.B. at the warehouse.

V-b. The commission, in its discretion, may adjust discounts for on-and-off premises licenses to optimize the profitability of the commission and maintain proper controls; provided that the commission does not reduce discounts below the percentages stated in paragraphs V or V-a.

13 Default Bench Warrant Fund; Temporary Authority to Lapse. Notwithstanding the provisions of RSA 263:56-d, for the fiscal year ending June 30, 2008, the commissioner of safety shall authorize the state treasurer to lapse \$300,000 from the default bench warrant fund established in RSA 263:56-d and RSA 6:12, I(b)(37) to the general fund.

14 Operating Budget; NH Retirement System. Amend the following Treasury PAU as set forth in 2007, 262:1 as follows:
01, 10, 02

	FISCAL YEAR 2008	FISCAL YEAR 2009
93 Normal Contribution Teachers [F] *	\$30,851,332	\$32,072,981
94 Normal Contribution Police [F] *	\$12,681,862	\$13,193,479
95 Normal Contribution Firefighter [F] *	\$9,773,774	\$10,288,461

*The Retirement System Shall Provide Quarterly Reports To The Fiscal Committee Of The General Court By City And Town Of The Amounts Expended From This Appropriation.

15 Tobacco Tax; Rate Increase. Amend RSA 78:7 to read as follows:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of ~~[\$1.08]~~ **\$1.33** for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all cigarettes sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the cigarettes in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

16 Tobacco Tax; Applicability. Section 15 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this section. The tax rate effective on the date of certification from the commissioner of the department of revenue administration that the amount of tobacco tax revenue for the period of July 1, 2008 through September 30, 2008 was below \$50,000,000, shall apply to such inventory. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J. Payment of the additional tax on said inventory shall be due 60 days from the effective date of this section, accompanied by a form prescribed by the department of revenue administration.

17 Contingency; Reporting of Tobacco Revenue. On or before October 15, 2008, the commissioner of the department of revenue administration shall certify to the speaker of the house

of representatives, the senate president, and the joint legislative fiscal committee, the amount of tobacco tax revenue received for the period of July 1, 2008 through September 30, 2008, without any material change in cigarette tax stamp inventory. If the commissioner certifies that the amount of tobacco tax revenue received for the period was below \$50,000,000, then sections 15 and 16 of this act shall take effect on the date of certification. If the commissioner certifies that the amount of tobacco tax revenue received for the period was equal to or above \$50,000,000, then sections 15 and 16 of this act shall not take effect.

18 Operating Budget, Department of Health and Human Services; Sources of Funds. Amend 2007, 129:1 to read as follows:

129:1 Operating Budget, Department of Health and Human Services; Sources of Funds. Amend the following department of health and human services PAU as inserted by 2005, 176:1 as follows:
05, 01, 08, 04, 01

FISCAL YEAR 2007

Strike out:

90 Nursing Services* 192,870,528

Insert in place thereof:

90 Nursing Services* *** 192,870,528

Further amend PAU 05,01,08,04,01 by inserting at the end thereof the following:

The appropriation in class 90 for the fiscal year ending June 30, 2007 shall be non-lapsing. Any balance remaining at the end of June 30, 2007 shall be paid to nursing homes as supplemental rates no later than October 1, 2007. The supplemental rates shall be based on the current rate setting methodology. The commissioner shall file a report with the legislative fiscal committee by October 1, 2007 which details the balance carried forward from fiscal year 2007 and the amounts to be paid as supplemental rates. ***If such funds are not expended by June 30, 2009, they shall lapse to the appropriate funds.

19 County Reimbursement of Funds; Credit. Amend RSA 167:18-a, III(b) to read as follows:

(b) The credit shall be made available as soon as possible after the start of the fiscal year. The department shall adopt county credit criteria in consultation with the county-state finance commission and in accordance with the provisions of RSA 541-A. ~~[The credit under this paragraph shall not reduce total reimbursements due under paragraph II.]~~ ***The total aggregate obligation of the counties shall be reduced by the amount of the credit.***

20 County Obligations. Amend RSA 167:18-a, IV to read as follows:

IV. Notwithstanding the procedures of paragraphs I-III of this section, no county shall be liable for total billings in fiscal year 2009 or fiscal year 2010 in an amount which would be greater than the amount of liability projected for that fiscal year using the methodology for determining county payments in former RSA ***167:18-a, 167:18-b, and 167:18-f*** prior to its repeal ***together with the amount of liability projected for that fiscal year using the repealed methodology for determining county payments in RSA 169-B, 169-C, and 169-D.***

21 Office of Reimbursements; Return of Funds to a County. Amend RSA 126-A:40, I(c) to read as follows:

(c) The state shall have a right of action over for such expenses against the parents or the people chargeable by law for the minor's support and necessities. The court shall require the individual chargeable by law for the minor's support and necessities to assign to the state any insurance coverage that may be available to pay for all or a portion of the services provided and to submit a financial statement to the court upon which the court may make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. Such financial statement shall include, but not be limited to, any benefits received from the Social Security Administration or insurance coverage available to the individual. The court shall include disposition of these benefits in its order as to

reimbursement. Such reimbursement shall be established on a per month or per week basis and shall continue for a duration of time equal to the duration of time in which expenses are incurred on behalf of the minor by the state. The court's jurisdiction to order reimbursement shall continue until the obligation to reimburse has been fulfilled. ***If the state receives reimbursement for the expenses of a child under this section, the state shall return to the formerly liable county that percentage of the reimbursement equal to the percentage of expenses paid by the county for the child.***

22 Office of Reimbursements; Elimination of Notice to Counties. Amend RSA 126-A:40, II to read as follows:

II. Upon the issuance of an order under paragraph I, the court shall send notice to the state ~~[and relevant county]~~. The state ~~[and relevant county]~~ may, within 30 days from the receipt of notice, request a hearing on the issues of the cost or appropriateness of services, or recovery. At such hearing, the court shall provide all financial information, including names and addresses of persons chargeable by law for the minor's support and necessities, to the state ~~[and relevant county]~~.

23 Repeal. RSA 126-A:40, IV-VII, relative to county liability, are repealed.

24 Indigent Defendants; Neglected or Abused Children. Amend RSA 604-A:1-a to read as follows:

604-A:1-a Neglected or Abused Children. In cases involving a neglected or abused child, when a guardian ad litem is appointed for the child as provided in RSA 169-C:10, the cost of such appointment shall be paid ~~[by the]~~ ***from funds appropriated for*** indigent defense ~~[and]~~ ***pursuant to this chapter.***

25 New Section; Indigent Defense; Authorization for Additional Funding. Amend RSA 604-A by inserting after section 1-a the following new section:

604-A:1-b Additional Funding. In the event that expenditures for indigent defense by the judicial council are greater than amounts appropriated in the operating budget, the judicial council may request, with prior approval of the fiscal committee of the general court, that the governor and council authorize additional funding. For funds requested and approved, the governor is authorized to draw a warrant from any money in the treasury not otherwise appropriated.

26 Repeal. 1997, 351:10, relative to transfer of appropriations by the executive director of the judicial council, is repealed.

27 Capital Improvements; Liquor Commission. Amend 2007; 264:1, XI, B to read as follows:

B. Concord Warehouse Racking ***and Forklift*** 270,000

28 Ratification of the Lyme Town and Budget Committee Meetings. All acts, notices, and proceedings at the Lyme annual town meeting, held on March 11, 2008, and the budget committee meeting held on February 12, 2008, are hereby legalized, ratified, and confirmed.

29 Effective Date.

I. Sections 12 and 21-23 of this act shall take effect July 1, 2008.

II. Sections 19 and 20 of this act shall take effect July 1, 2008 at 12:01 a.m.

III. Sections 15 and 16 of this act shall take effect as provided in section 17.

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

AMENDED ANALYSIS

This bill:

I. Allows certain site work to be eligible for grants available for the construction or renovation of regional vocational centers.

II. Transfers certain positions from the pari-mutuel racing laboratory to the department of safety urine testing laboratory.

III. Directs the judicial branch and legislative branch to reduce budget appropriations by a specified amount in each year of the biennium ending June 30, 2009.

IV. Establishes a commission to study funding of school building aid.

V. Establishes discounts for certain liquor licensees.

VI. Provides authority to lapse funds from the default bench warrant fund to the general fund for the fiscal year ending June 30, 2008.

VII. Permits certain state contributions to the retirement system to lapse on June 30, 2008 rather than June 30, 2009.

VIII. Increases the tobacco tax, contingent on the amount of tobacco tax revenue received.

IX. Permits a prior appropriation to the department of health and human services for nursing services to lapse on June 30, 2009.

X. Provides that the total county reimbursement obligation shall be reduced by the amount of the credit that the counties receive.

XI. Limits county obligations for certain nursing home and juvenile service costs to the maximum obligation the county would have incurred under the methodology used prior to July 1, 2008.

XII. Permits the judicial council to request that the fiscal committee authorize additional funding when expenditures exceed amounts appropriated in the operating budget.

XIII. Repeals a provision authorizing transfer of appropriations by the executive director of the judicial council.

XIV. Permits the liquor commission to use part of an appropriation in the capital budget for a forklift.

XV. Removes references to county liability for certain juvenile service costs.

XVI. Legalizes the proceedings of the Lyme town meeting held on March 11, 2008 and the budget committee meeting held on February 12, 2008.

On a division vote, 217 members having voted in the affirmative and 71 in the negative, the committee amendment was adopted.

Rep. Vaillancourt offered floor amendment (1855h).

Floor Amendment (1855h)

Amend the bill by deleting sections 15-17 and renumbering the original sections 18-29 to read as 15-26, respectively.

Amend the bill by replacing section 26 with the following:

26 Effective Date.

I. Sections 12 and 18-20 of this act shall take effect July 1, 2008.

II. Sections 16 and 17 of this act shall take effect July 1, 2008 at 12:01 a.m.

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

AMENDED ANALYSIS

This bill:

I. Allows certain site work to be eligible for grants available for the construction or renovation of regional vocational centers.

II. Transfers certain positions from the pari-mutuel racing laboratory to the department of safety urine testing laboratory.

III. Directs the judicial branch and legislative branch to reduce budget appropriations by a specified amount in each year of the biennium ending June 30, 2009.

IV. Establishes a commission to study funding of school building aid.

V. Establishes discounts for certain liquor licensees.

VI. Provides authority to lapse funds from the default bench warrant fund to the general fund for the fiscal year ending June 30, 2008.

VII. Permits certain state contributions to the retirement system to lapse on June 30, 2008 rather than June 30, 2009.

VIII. Permits a prior appropriation to the department of health and human services for nursing services to lapse on June 30, 2009.

IX. Provides that the total county reimbursement obligation shall be reduced by the amount of the credit that the counties receive.

X. Limits county obligations for certain nursing home and juvenile service costs to the maximum obligation the county would have incurred under the methodology used prior to July 1, 2008.

XI. Permits the judicial council to request that the fiscal committee authorize additional funding when expenditures exceed amounts appropriated in the operating budget.

XII. Repeals a provision authorizing transfer of appropriations by the executive director of the judicial council.

XIII. Permits the liquor commission to use part of an appropriation in the capital budget for a forklift.

XIV. Removes references to county liability for certain juvenile service costs.

XV. Legalizes the proceedings of the Lyme town meeting held on March 11, 2008 and the budget committee meeting held on February 12, 2008.

Rep. Vaillancourt spoke in favor.

(Speaker Norelli in the Chair)

Rep. Daniel Eaton spoke against.

Rep. Marjorie Smith yielded to questions.

Rep. Hess requested a roll call; sufficiently seconded.

YEAS 139 NAYS 181

YEAS 139

BELKNAP

Allen, Janet
Nedeau, Stephen
Tobin, William

Clark, Charles
Pilliod, James
Wendelboe, Fran

Flanders, Donald
Russell, David

Millham, Alida
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Martin, James

Chandler, Gene
Merrow, Harry

Denley, William
Patten, Betsey

Knox, J. David
Stevens, Stanley

CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

COOS

King, Frederick

Remick, William

Stohl, Eric

Tholl, John Jr

GRAFTON

Andersen, Gene
Gionet, Edmond

Bulis, Lyle
Sorg, Gregory

Dingman, Vernon III
Williams, Burton

Eaton, Stephanie

HILLSBOROUGH

Barry, Richard
Christensen, Chris
Daniels, Gary
Fletcher, Richard
Haefner, Robert
Hopper, Gary
L'Heureux, Robert

Batula, Peter
Christiansen, Lars
Day, Russell
Gargasz, Carolyn
Hawkins, Ken
Infantine, William
Manney, Pamela

Bergeron, Jean-Guy
Coughlin, Pamela
Dokmo, Cynthia
Goyette, Peter
Hogan, Edith
Jasper, Shawn
Matarazzo, Anthony
Sr

Bergin, Peter
Crane, Elenore Casey
Elliott, Nancy
Graham, John
Holden, Randolph
Kurk, Neal
McRae, Karen

Messier, Irene
Ober, Lynne
Reeves, Sandra
Soucy, Connie
Ulery, Jordan

Mooney, Maureen
Ober, Russell III
Renzullo, Andrew
Spaulding, Jayne
Vaillancourt, Steve

Moran, Edward
Peterson, Andy
Rowe, Robert
Stepanek, Stephen
Villeneuve, Maurice

O'Connell, Timothy
Price, Pamela
Smith, David
Tahir, Saghir

MERRIMACK

Anderson, Eric
Lockwood, Priscilla

Boutin, David
MacKay, James

Hager, Elizabeth
Reed, Dennis

Hess, David

ROCKINGHAM

Allen, Mary
Bettencourt, David
Case, Frank
Elliott, Robert
Garcia, Marilinda
Headd, James
Introne, Robert
Katsakiores, Phyllis
McKinney, Betsy
Priestley, Anne
Reagan, John
Weare, Everett

Baldasaro, Alfred
Bishop, Franklin
Charron, Gene
Emiro, Frank
Garrity, James
Howard, Doreen
Itse, Daniel
Lund, Howie
Nevins, Christopher
Quandt, Marshall
Robertson, Carl
Welch, David

Bedrick, Jason
Cali-Pitts, Jacqueline
Devine, James
Fesh, Bob
Gleason, John
Hutchinson, Karen
Kappler, Lawrence
Major, Norman
Packard, Sherman
Quandt, Matthew
Sanders, Elisabeth
Weyler, Kenneth

Belanger, Ronald
Carson, Sharon
DiFruscia, Anthony
Flanders, John Sr
Griffin, Mary
Ingram, Russell
Katsakiores, George
Marsh, Michael
Pearson, Mark
Rausch, James
Stiles, Nancy
Winchell, George

STRAFFORD

Brown, Julie

Knowles, William

Watson, Robert

SULLIVAN

Ferland, Brenda

Rodeschin, Beverly

NAYS 181

BELKNAP

Arsenault, Beth

Morrison, Gail

Reever, Judith

CARROLL

Bridgham, Robert
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

CHESHIRE

Allen, Peter
Butynski, William
Espieffs, Peter
Plifka, Stanley Jr
Sad, Tara

Burridge, Delmar
Chase, William
Lerandean, Alfred
Richardson, Barbara
Weber, Lucy

Butcher, Suzanne
Dunn, J. Timothy
Mitchell, Bonnie
Roberts, Kris
Weed, Charles

Butterworth, Timothy
Eaton, Daniel
Parkhurst, Henry
Robertson, Timothy

COOS

Hatch, William

Merrick, Scott

GRAFTON

Aguiar, James
Cooney, Mary
Harding, A Laurie
Mulholland, Catherine
Solomon, Peter

Almy, Susan
Estes, Carole
Laliberte, Suzanne
Nordgren, Sharon

Benn, Bernard
Friedrich, Carol
Lovett, Sid
Pierce, David

Bleyler, Ruth
Hammond, Lee
McLeod, Martha
Preston, Philip

HILLSBOROUGH

Baroody, Benjamin
Chase, Claudia
Edwards, Andrew
Foster, Linda
Hall, Betty
Irwin, Anne-Marie
Knowles, John
Levasseur, Nickolas
Mack, Ron
O'Brien, Michael Sr
Scannell, David
Shaw, Kimberly
Winters, Joel

Beaulieu, Jane
Clemons, Jane
Emerton, Larry
Ginsburg, Ruth
Hammond, Jill
Jean, Claudette
Knowles, Mary Ann
Levesque, Melanie
Marshall, Seth
O'Neil, James
Schulze, Joan
Spratt, Stephen

Beck, Catriona
Cote, David
Essex, David
Gorman, Mary
Harvey, Suzanne
Kaelin, Michael
Lasky, Bette
Lisle, Carolyn
Martineau, Jesse
Pilotte, Maurice
Shattuck, Gilman
Sullivan, Daniel

Campbell, David
Daler, Jennifer
Fontas, Jeffrey
Hackel, Paul
Hebert, Roger
Kelley, John
Leishman, Peter
Long, Patrick
Movsesian, Lori
Rosenwald, Cindy
Shaw, Barbara
Sysyn, Mary

MERRIMACK

Baxley, Maureen
Brown, Carole
DeJoie, John
Gile, Mary
Kjellman, Eleanor
Glynn
Potter, Frances
Shurtleff, Stephen
Walz, Mary

Beauchesne, Suzanne
Brueggemann, Donald
Ehlers, Eileen
Greco, Vincent
McMahon, Patricia

Reardon, Tara
Tilton, Joy
Webb, Leigh

Blanchard, Elizabeth
Clarke, Claire
Foose, Robert
Hamm, Christine
Osborne, Jessie

Richardson, Gary
Tupper, Frank
Wheeler, Deborah

Bouchard, Candace
Davis, Frank
French, Barbara
Kidder, David
Porter, Margaret

Ryan, Jim
Wallner, Mary
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Flockhart, Eileen
Kepner, Susan
Moody, Marcia
Powers, James
Webber, James

Brown, C. Pennington
Gould, Kenneth
Mann, Maureen
Nord, Susi
Serlin, Christopher

Casey, Kimberley
Grote, Otto
McEachern, Paul
Pantelakos, Laura
Snow, Richard

Day, Judith
Kennedy, James
McKenna, Daniel
Petterson, Don
Splaine, James

STRAFFORD

Brennan, William
Burke, Rachel
Fargo, Thomas
Hutz, Sarah
Rollo, Michael
Spang, Judith

Brown, Jennifer
Cyr, James
Hilliard, Dana
Kaen, Naida
Rous, Emma
Sprague, Dale

Brown, Larry
DeChane, Marlene
Hofemann, Roland
Perry, Robert
Schmidt, Peter
Wall, Janet

Browne, Brendon
Domingo, Baldwin
Hubbard, Pamela
Rollo, Deanna
Smith, Marjorie

SULLIVAN

Cloutier, John
Gottling, Suzanne
Phinzy, James
and floor amendment (1855h) failed.

Converse, Larry
Houde, Matthew
Skinder, Carla

Franklin, Peter
Jillette, Arthur Jr

Gagnon, Raymond
Nielsen, Ellen

Rep. Weyler offered floor amendment (1879h).

Floor Amendment (1879h)

Amend the bill by deleting section 12 and renumbering the original sections 13-29 to read as 12-28, respectively.

Amend the bill by replacing sections 15 and 16 with the following:

15 Tobacco Tax; Applicability. Section 14 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this section. The tax rate effective on the date of certification from the commissioner of the department of revenue administration that the amount of tobacco tax revenue for the period of July 1, 2008 through September 30, 2008 was below \$50,000,000, shall apply to such inventory. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J. Payment of the additional tax on said inventory shall be due 60 days from the effective date of this section, accompanied by a form prescribed by the department of revenue administration.

16 Contingency; Reporting of Tobacco Revenue. On or before October 15, 2008, the commissioner of the department of revenue administration shall certify to the speaker of the house of representatives, the senate president, and the joint legislative fiscal committee, the amount of tobacco tax revenue received for the period of July 1, 2008 through September 30, 2008, without any material change in cigarette tax stamp inventory. If the commissioner certifies that the amount of tobacco tax revenue received for the period was below \$50,000,000, then sections 14 and 15 of this act shall take effect on the date of certification. If the commissioner certifies that the amount of tobacco tax revenue received for the period was equal to or above \$50,000,000, then sections 14 and 15 of this act shall not take effect.

Amend the bill by replacing section 28 with the following:

28 Effective Date.

- I. Sections 20-22 of this act shall take effect July 1, 2008.
- II. Sections 18 and 19 of this act shall take effect July 1, 2008 at 12:01 a.m.
- III. Sections 14 and 15 of this act shall take effect as provided in section 16.
- IV. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

- I. Allows certain site work to be eligible for grants available for the construction or renovation of regional vocational centers.
- II. Transfers certain positions from the pari-mutuel racing laboratory to the department of safety urine testing laboratory.
- III. Directs the judicial branch and legislative branch to reduce budget appropriations by a specified amount in each year of the biennium ending June 30, 2009.
- IV. Establishes a commission to study funding of school building aid.
- V. Provides authority to lapse funds from the default bench warrant fund to the general fund for the fiscal year ending June 30, 2008.
- VI. Permits certain state contributions to the retirement system to lapse on June 30, 2008 rather than June 30, 2009.
- VII. Increases the tobacco tax, contingent on the amount of tobacco tax revenue received.
- VIII. Permits a prior appropriation to the department of health and human services for nursing services to lapse on June 30, 2009.
- IX. Provides that the total county reimbursement obligation shall be reduced by the amount of the credit that the counties receive.
- X. Limits county obligations for certain nursing home and juvenile service costs to the maximum obligation the county would have incurred under the methodology used prior to July 1, 2008.

XI. Permits the judicial council to request that the fiscal committee authorize additional funding when expenditures exceed amounts appropriated in the operating budget.

XII. Repeals a provision authorizing transfer of appropriations by the executive director of the judicial council.

XIII. Permits the liquor commission to use part of an appropriation in the capital budget for a forklift.

XIV. Removes references to county liability for certain juvenile service costs.

XV. Legalizes the proceedings of the Lyme town meeting held on March 11, 2008 and the budget committee meeting held on February 12, 2008.

Rep. Weyler spoke in favor.

Rep. Daniel Eaton spoke against and yielded to questions.

Rep. Stepanek requested a roll call; sufficiently seconded.

YEAS 134 NAYS 178

YEAS 134

BELKNAP

Allen, Janet
Nedeau, Stephen
Tobin, William

Clark, Charles
Pilliod, James
Wendelboe, Fran

Flanders, Donald
Russell, David

Millham, Alida
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Martin, James

Chandler, Gene
Merrow, Harry

Denley, William
Patten, Betsey

Knox, J. David
Stevens, Stanley

CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

COOS

King, Frederick

Remick, William

Stohl, Eric

Tholl, John Jr

GRAFTON

Andersen, Gene
Gionet, Edmond

Bulis, Lyle
Sorg, Gregory

Dingman, Vernon III
Williams, Burton

Eaton, Stephanie

HILLSBOROUGH

Barry, Richard
Chase, Claudia
Crane, Elenore Casey
Elliott, Nancy
Hall, Betty
Hopper, Gary
L'Heureux, Robert
Moran, Edward
Peterson, Andy
Rowe, Robert
Stepanek, Stephen
Villeneuve, Maurice

Batula, Peter
Christensen, Chris
Daniels, Gary
Emerton, Larry
Hawkins, Ken
Infantine, William
Manney, Pamela
O'Connell, Timothy
Price, Pamela
Smith, David
Tahir, Saghir

Bergeron, Jean-Guy
Christiansen, Lars
Day, Russell
Gargas, Carolyn
Hogan, Edith
Jasper, Shawn
McRae, Karen
Ober, Lynne
Reeves, Sandra
Soucy, Connie
Ulery, Jordan

Bergin, Peter
Coughlin, Pamela
Dokmo, Cynthia
Goyette, Peter
Holden, Randolph
Kurk, Neal
Mooney, Maureen
Ober, Russell III
Renzullo, Andrew
Spaulding, Jayne
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Lockwood, Priscilla

Boutin, David
MacKay, James

Hess, David
Reed, Dennis

Kidder, David

ROCKINGHAM

Allen, Mary
Bishop, Franklin
Devine, James
Fesh, Bob
Gleason, John
Hutchinson, Karen
Kappler, Lawrence
Major, Norman
Pearson, Mark
Rausch, James
Stiles, Nancy
Winchell, George

Baldasaro, Alfred
Carson, Sharon
DiFruscia, Anthony
Flanders, John Sr
Gould, Kenneth
Ingram, Russell
Katsakiores, George
McKinney, Betsy
Priestley, Anne
Reagan, John
Weare, Everett

Bedrick, Jason
Case, Frank
Elliott, Robert
Garcia, Marilinda
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
Nevins, Christopher
Quandt, Marshall
Robertson, Carl
Welch, David

Bettencourt, David
Charron, Gene
Emiro, Frank
Garritty, James
Headd, James
Itse, Daniel
Lund, Howie
Packard, Sherman
Quandt, Matthew
Sanders, Elisabeth
Weyler, Kenneth

STRAFFORD

Brown, Julie

Browne, Brendon

Hutz, Sarah

Watson, Robert

SULLIVAN

Rodeschin, Beverly

NAYS 178

BELKNAP

Arsenault, Beth

Morrison, Gail

Reever, Judith

CARROLL

Bridgham, Robert

Buco, Thomas

Cunningham, Howard

Heard, Virginia

CHESHIRE

Burridge, Delmar
Chase, William
Lerandeau, Alfred
Richardson, Barbara
Weber, Lucy

Butcher, Suzanne
Dunn, J. Timothy
Mitchell, Bonnie
Roberts, Kris
Weed, Charles

Butterworth, Timothy
Eaton, Daniel
Parkhurst, Henry
Robertson, Timothy

Butynski, William
Espieffs, Peter
Plifka, Stanley Jr
Sad, Tara

COOS

Hatch, William

Merrick, Scott

GRAFTON

Aguiar, James
Estes, Carole
Laliberte, Suzanne
Nordgren, Sharon

Almy, Susan
Friedrich, Carol
Lovett, Sid
Pierce, David

Benn, Bernard
Hammond, Lee
McLeod, Martha
Preston, Philip

Cooney, Mary
Harding, A Laurie
Mulholland, Catherine
Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin
Cote, David

Beck, Catriona
Daler, Jennifer

Campbell, David
Edwards, Andrew

Clemons, Jane
Essex, David

Fletcher, Richard
Goley, Jeffrey
Hammond, Jill
Jean, Claudette
Knowles, Mary Ann
Levesque, Melanie
Marshall, Seth

O'Brien, Michael Sr
Scannell, David
Shaw, Kimberly
Winters, Joel

Fontas, Jeffrey
Gorman, Mary
Harvey, Suzanne
Kaelin, Michael
Lasky, Bette
Lisle, Carolyn
Martineau, Jesse

O'Neil, James
Schulze, Joan
Spratt, Stephen

Foster, Linda
Graham, John
Hebert, Roger
Kelley, John
Leishman, Peter
Long, Patrick
Matarazzo, Anthony
Sr
Pilotte, Maurice
Shattuck, Gilman
Sullivan, Daniel

Ginsburg, Ruth
Hackel, Paul
Irwin, Anne-Marie
Knowles, John
Levasseur, Nickolas
Mack, Ron
Movsesian, Lori

Rosenwald, Cindy
Shaw, Barbara
Sysyn, Mary

MERRIMACK

Baxley, Maureen
Brown, Carole
DeJoie, John
Gile, Mary

McMahon, Patricia
Reardon, Tara
Tilton, Joy
Webb, Leigh

Beauchesne, Suzanne
Brueggemann, Donald
Ehlers, Eileen
Greco, Vincent

Osborne, Jessie
Richardson, Gary
Tupper, Frank
Wheeler, Deborah

Blanchard, Elizabeth
Clarke, Claire
Foose, Robert
Hamm, Christine

Porter, Margaret
Ryan, Jim
Wallner, Mary
Yeaton, Charles

Bouchard, Candace
Davis, Frank
French, Barbara
Kjellman, Eleanor
Glynn
Potter, Frances
Shurtleff, Stephen
Walz, Mary

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Howard, Doreen
Marsh, Michael
Moore, Bennett
Powers, James
Webber, James

Belanger, Ronald
Day, Judith
Kennedy, James
McEachern, Paul
Nord, Susi
Serlin, Christopher

Brown, C. Pennington
Flockhart, Eileen
Kepner, Susan
McKenna, Daniel
Pantelakos, Laura
Snow, Richard

Cali-Pitts, Jacqueline
Grote, Otto
Mann, Maureen
Moody, Marcia
Pettersen, Don
Splaine, James

STRAFFORD

Brennan, William
Cyr, James
Hofemann, Roland
Rollo, Michael
Spang, Judith

Brown, Jennifer
DeChane, Marlene
Hubbard, Pamela
Rous, Emma
Sprague, Dale

Brown, Larry
Domingo, Baldwin
Perry, Robert
Schmidt, Peter
Wall, Janet

Burke, Rachel
Fargo, Thomas
Rollo, Deanna
Smith, Marjorie

SULLIVAN

Cloutier, John
Gagnon, Raymond
Nielsen, Ellen
and floor amendment (1879h) failed.

Converse, Larry
Gottling, Suzanne
Phinzy, James

Ferland, Brenda
Houde, Matthew
Skinder, Carla

Franklin, Peter
Jillette, Arthur Jr

MOTION TO PRINT DEBATE

Rep. Daniel Eaton moved that the debate on floor amendment (1879h) on **SB 321**, relative to construction or renovation of regional vocational centers, transferring certain positions from the pari-mutuel commission to the department of safety, and requiring certain operating budget reductions, be printed in the Permanent Journal.
Adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Hutchinson moved that sections 15, 16 and 17 be divided from the rest of the bill. On a division vote, 126 members having voted in the affirmative and 183 in the negative, the motion failed.

The question now being adoption of the committee report of Ought to Pass with Amendment. On a division vote, 190 members having voted in the affirmative and 120 in the negative, the committee report was adopted.
Ordered to third reading.

CLERK'S NOTE

The remarks made during the debate on floor amendment (1879h) on **SB 321**, relative to construction or renovation of regional vocational centers, transferring certain positions from the pari-mutuel commission to the department of safety, and requiring certain operating budget reductions, will be printed in the Permanent Journal.

REGULAR CALENDAR (CONT'D)

SB 327-FN, relative to compensation for state employees injured in the line of duty.
OUGHT TO PASS WITH AMENDMENT.

Rep. Bernard L. Benn for Finance: This bill specifies that if a state employee is injured in the line of duty and is permanently disabled, the employee shall not be terminated from state service until he or she has applied for disability retirement and a final decision on the application is made and all appeals are finalized. This bill will allow an injured state employee to retire in a financial position that is not worse than if he had retired without the injury. Workman's compensation benefits received can not be counted as base pay for purposes of calculating retirement benefits, therefore the bill ensures that the employee will remain on active payroll at full base salary until his retirement is settled. During this period he is not entitled to receive worker's compensation payments. Testimony was given that the assumptions used in the fiscal note that accompanied the bill were faulty. This legislation would have applied to only one case in the last several years and will increase state expenditures by an indeterminable, de minimis amount. Vote 16-7.

Amendment (1726h)

Amend RSA 21-I:43-a as inserted by section 1 of the bill by replacing it with the following:

21-I:43-a Compensation for State Employees Injured in Line of Duty. Any injury received by any state employee who is injured in the line of duty by a hostile ~~[or overt]~~ act, or **by** an act caused by another during the performance of duties which are considered dangerous in nature, that requires the employee to be hospitalized or renders the employee temporarily unable to perform the duties of his or her position shall not be charged against annual leave or sick leave for the time lost due to the injury. During such time, the employee shall remain on the active payroll. ***In this event, no employee shall be terminated from state service until he or she has applied for disability retirement and a final decision on the application is made by the board of trustees of the New Hampshire retirement system and appeals of such decision, if any, are finalized; provided, that the employee shall make such application within 18 months of the injury contemplated by this section.*** The executive head of the employee's agency shall make the determination as to whether an injury is in the line of duty and due to a hostile or overt act, or an act caused by another during the performance of duties which are considered dangerous in nature, and, after approval by the governor and council, the determination shall be final. ~~[The compensation provided for in this section shall be in addition to any other compensation or remedy available to the employee]~~ ***During the time in which the***

disabled employee remains on active payroll at full base salary pursuant to this section, he or she shall not be entitled to receive workers' compensation payments.

Amendment adopted.

Committee report adopted and ordered to third reading.

INTRODUCTION OF SPECIAL GUEST

Heather Morton, National Conference of State Legislature's New Hampshire liaison, guest of the House.

REGULAR CALENDAR (CONT'D)

SB 512-FN, relative to emergency management powers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert G. Bridgham for Health, Human Services and Elderly Affairs: This bill will, in the event of a major public health emergency, give the commissioner of health and human services, under the direction of the governor, powers needed to respond effectively to the emergency. In particular, during a declared state of emergency, the commissioner would be enabled to purchase, distribute, and, if necessary, ration medications and vaccines without budgetary constraint; to investigate any incident or threat of disease or health condition that posed a risk of significant numbers of deaths or disabilities, to order individuals to undergo medical care when needed to control the threat of disease; and, when necessary for public health, to organize and compel the safe disposal of corpses. During serious outbreaks of disease, not at the level of a declared state of emergency, the commissioner would be able to distribute medicines without some of the usual labeling and to organize temporary acute care centers to handle the overflow from acute care hospitals. The bill balances these powers with basic due process rights, appropriate deference to religious beliefs and customs, and the requirement of public declaration of the conditions warranting use of exceptional powers and practices. The bill also authorizes a commission to further study the practice and core requirements of responses to major public health emergency situations and to recommend any needed changes in preparation and in law. Vote 17-0.

Amendment (1536h)

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

1 New Subdivision; Public Health Powers and Duties; Safe Disposal of Corpses; Oversight Committee. Amend RSA 21-P by inserting after section 52 the following new subdivision:

Public Health Emergency Management Powers

21-P:53 Public Health Powers and Duties. During the existence of a state of emergency under this chapter, the commissioner of health and human services shall have the following powers and duties, subject to the direction and control of the governor, which are in addition to those set forth in RSA 141-C; provided that such powers and duties shall be limited to the specific nature of the emergency, its geographic limits, and the conditions that brought it about, as specified in the declaration of the state of emergency:

I. The commissioner shall have the responsibility and authority to carry out all public health activities within the state in cooperation and collaboration with the division of homeland security and emergency management.

II. The commissioner may without the approval of the governor's council or the legislative fiscal committee, and notwithstanding the provisions of RSA 4:45, 9:13-d, and 9:19 and any other law to the contrary, purchase and distribute anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents that the commissioner deems to be in the interest of public health.

III. If there is a statewide or regional shortage or threatened shortage of any anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents,

the commissioner may control, restrict, and ration the use, sale, dispensing, distribution, or transportation of such products as necessary to best protect the health, safety, and welfare of the people of this state. In making rationing or other supply and distribution decisions, the commissioner shall determine high risk or critical need groups that shall receive priority for such products.

IV. The commissioner may investigate any incident or imminent threat of any disease or health condition that may be caused by a natural disaster, radiation or chemical exposure, or the release of any microorganism, infectious substance, or naturally occurring or manufactured biological product, that poses a risk of a significant number of human fatalities or incidents of permanent or long-term disability. Such investigations may include requiring information from any health care provider or other person affected by or having information related to the incident or threat, inspections of buildings and conveyances and their contents, laboratory analysis of samples collected during the course of such inspections, and requiring a physical examination and the provision of specimens of body secretions, excretions, fluids, and discharges for laboratory examination of any person having a disease or health condition that necessitates an investigation under this paragraph.

V. The commissioner may order a person to undergo such medical care as may be necessary to treat or prevent an incident or threat of disease or other health condition prompting an investigation pursuant to paragraph IV. Such care may include immunization of individuals as necessary to prevent the spread of contagious disease, except that an individual may refuse treatment or immunization pursuant to the provisions of RSA 141-C:15, VI.

VI. Any order compelling an investigation, physical examination, the provision of specimens, medical treatment or care, or immunization, and any other order of the commissioner under this chapter, shall be subject to the due process requirements of RSA 141-C:14-a.

VII. The department of health and human services shall acquire and retain only the minimum amount of information, specimens, and samples relating to individuals necessary to carry out its obligations under this section. Any genetic testing of specimens and samples shall be limited to the viruses, bacteria, fungi, or other microorganisms therein. Personally identifiable information shall not be acquired or retained unless necessary for the department to carry out its responsibilities under this section, RSA 141-C, or any other provision of law. Such information shall not be retained beyond the duration of the state of emergency without the approval of the governor and executive council, which information shall be subject to the confidentiality provisions of RSA 141-C:10.

21-P:54 Safe Disposal of Corpses. During the existence of a state of emergency under this chapter, the commissioner of health and human services shall have the following powers and duties, subject to the direction and control of the governor, which are in addition to those set forth in RSA 141-C; provided that such powers and duties shall be limited to the specific nature of the emergency, its geographic limits, and the conditions that brought it about, as specified in the declaration of the state of emergency:

(a) Adopt and enforce such measures to provide for the safe disposal of corpses as may be necessary for the health and welfare of the community;

(b) Take possession and control of any corpse and direct the embalming, burial, cremation, interment, disinterment, transportation, and disposal of corpses;

(c) Compel any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses under the laws of this state to accept any corpse or provide the use of its business or facility if such actions are necessary for emergency response;

(d) Compel any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses under the laws of this state to clearly label any corpse with all available information necessary to identify the decedent and the apparent cause of death;

(e) Compel any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses under the laws of this state having custody of a corpse of a person known or believed to have had an infectious disease to clearly label the corpse with a tag indicating that the corpse is so infected and indicating, if known, the infectious disease; and

(f) Compel every person in charge of disposing of any corpse to maintain a written record of each corpse and all available information to identify the decedent.

II. In carrying out the foregoing actions, the department, to the extent feasible under the circumstances, shall adhere to the religious practices and preferences of the decedents where known.

III. The costs of embalming, cremation, burial or other disposal of a corpse pursuant to this section shall be a cost to the estate of the decedent and shall be a necessary expense of the funeral and burial of the decedent pursuant to RSA 554:19, II.

IV. Any taking of real or personal property in this section shall be subject to the provisions of RSA 4:46.

2 Due Process; Communicable Disease; Emergency Powers. Amend RSA 141-C:14-a, I to read as follows:

I. Any person subject to an order ~~[to submit]~~ **for submission of** a specimen ~~[under RSA 141-C]~~, or for examination, immunization, treatment, isolation, ~~[or]~~ quarantine, **provision of information, inspection of a building or conveyance**, or any other order of the commissioner under this chapter **or RSA 21-P:53**, may request a hearing in the superior court to contest such order. The commissioner shall provide, or cause to be provided, to the person both oral and written notice of the right to contest the order and the form for making the request, which form shall require no more than the person's name, address, and signature and the time and date of the signature.

3 Due Process; Communicable Disease; Emergency Powers. Amend RSA 141-C:14-a, V to read as follows:

V. At the hearing the burden of proof shall be on the commissioner to prove by clear and convincing evidence that the person poses a threat to public health, **or that the information to be produced or inspection of a building or conveyance is necessary to protect against a serious threat to the public health**, and the order issued by the commissioner is thereby warranted to alleviate such threat.

4 Purchase and Distribution of Pharmaceutical Agents. Amend RSA 141-C:17 to read as follows:

141-C:17 Purchase; Distribution. The commissioner may purchase and distribute anti-toxins, serums, vaccines, immunizing agents, antibiotics and other pharmaceutical agents which the commissioner deems advisable ~~[in the interest of health. The commissioner shall adopt rules relative to the distribution of these pharmaceutical agents]~~ **to prevent, prepare for, or respond to an outbreak of communicable disease or other serious threat to the public health. Any medications distributed in the event of an outbreak of communicable disease or other serious threat to the public health shall be exempt from labeling in accordance with RSA 318:47-b. State employees and other persons acting under the authority and direction of the commissioner may carry out the activities authorized under this section.**

5 New Section; Communicable Disease; Acute Care Centers. Amend RSA 141-C by inserting after section 25 the following new section:

141-C:26 Acute Care Centers. The commissioner, with the written approval of the governor, may establish, operate, or authorize the operation of temporary acute care centers for the purpose of the delivery of acute medical services to persons who would normally require admission to an acute care hospital, when there is a public health incident as defined in RSA 508:17-a, II(c) and when the acute care hospitals in the area do not have the physical and human resources necessary to meet the demand or anticipated demand for medical care. Any such facility so established or designated shall be exempt from the provisions of RSA

151 and RSA 151-C. The commissioner shall adopt rules, pursuant to RSA 541-A, regarding the facility and staffing requirements, screening and admission criteria, payment and reimbursements, clinical standards, recordkeeping, and discharge criteria for acute care centers. In adopting such rules, the commissioner shall take into consideration, to the extent feasible, the rights and responsibilities of patients set forth in RSA 151:21. For purposes of immunity, actions taken pursuant to this section shall be considered an emergency management function under RSA 21-P:41, I.

6 Health Facility Licensing; Acute Care Center Exemption. Amend RSA 151:2, II(h) to read as follows:

(h) ***Acute care centers established, operated, or designated by the department pursuant to RSA 141-C:26.***

(i) Any other facility exempted by rules adopted under this chapter.

7 Certificate of Need; Exemption. Amend RSA 151-C:13, I(h) to read as follows:

(h) Notwithstanding any other provision of this chapter, a skilled nursing facility distinct part unit established by Androscoggin Valley Hospital or Franklin Regional Hospital in order to qualify as a critical access hospital under 42 U.S.C. Section 1395i-4 and 42 CFR Part 485, Subpart F; provided, that the number of beds in the skilled nursing facility distinct part unit shall not exceed the hospital's existing skilled nursing patient capacity. For purposes of this subparagraph, the term "existing skilled nursing patient capacity" means with respect to each month, the number of skilled nursing patient days for such month divided by the number of days in such month, and shall be the highest such number from the 12-month period ending immediately prior to the filing of the federal request for approval of the distinct part unit; provided, however, that the number determined under this subparagraph shall not exceed 10 beds; ***and***

(i) ***Acute care centers established, operated, or designated by the department pursuant to RSA 141-C:26.***

8 Pharmacy; Labeling Exemption. Amend RSA 318:47-b to read as follows:

318:47-b Labeling Exemption. Labeling requirements as specified in 318:47-a are exempted when medication is dispensed to institutionalized patients ***and as provided for under RSA 141-C:17.***

9 Commission Established. There is established a commission to study the authority to practice or provide health and medical care in the event of the declaration of a state of emergency pursuant to RSA 4:45 or a public health or safety incident as defined in RSA 508:17-a, II(c).

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

(a) Two members of the senate, one of whom shall be a member of the joint legislative oversight committee on the emergency management system, appointed by the president of the senate.

(b) Two members of the house of representatives, one of whom shall be a member of the joint legislative oversight committee on the emergency management system, appointed by the speaker of the house of representatives.

(c) The commissioner of the department of health and human services, or designee.

(d) The commissioner of the department of safety, or designee.

(e) The director of homeland security and emergency management, or designee.

(f) The attorney general, or designee.

(g) The state epidemiologist.

(h) An emergency medical care provider, appointed by the commissioner of the department of safety.

(i) A physician, appointed by the board of medicine.

(j) A registered nurse, appointed by the board of nursing.

(k) A dentist, appointed by the board of dental examiners.

(l) A veterinarian, appointed by the board of veterinary medicine.

(m) A representative of the New Hampshire hospital association, appointed by such association.

(n) Two specialists in public health, one appointed by Dartmouth medical school and one appointed by the university of New Hampshire school of public health.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

10 Duties. The commission shall study the need for revisions to or expansion of the authority to practice or provide health and medical care to safeguard the public health in the event of a state of emergency declared pursuant to RSA 4:45 or in the event of a public health incident as defined in RSA 508:17-a, II(c). The commission shall review the immunity and exemption provisions set forth in RSA 21-P:41 and shall consider the demands that might be posed by a mass casualty event or communicable disease epidemic or pandemic or other public health incident. The commission shall make recommendations, including recommendations for proposed legislation, that the commission determines are essential to protecting and preserving the public health.

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

12 Report. The commission 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, 2009.

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

Amendment adopted.

Rep. Bridgham offered floor amendment (1864h).

Floor Amendment (1864h)

Amend the bill by replacing section 4 with the following:

4 Purchase and Distribution of Pharmaceutical Agents. Amend RSA 141-C:17 to read as follows:

141-C:17 Purchase; Distribution. The commissioner may purchase and distribute anti-toxins, serums, vaccines, immunizing agents, antibiotics and other pharmaceutical agents which the commissioner deems advisable ~~[in the interest of health. The commissioner shall adopt rules relative to the distribution of these pharmaceutical agents]~~ ***to prevent, prepare for, or respond to an outbreak of communicable disease or other serious threat to the public health. Any medications distributed in the event of a public health incident declared pursuant to RSA 508:17-a shall be exempt from labeling in accordance with RSA 318:47-b. State employees and other persons acting under the authority and direction of the commissioner may carry out the activities authorized under this section.***

Amend the bill by replacing section 10 with the following:

10 Duties. The commission shall study the need for revisions to or expansion of the authority to practice or provide health and medical care to safeguard the public health in the event of a state of emergency declared pursuant to RSA 4:45 or in the event of a public health incident as defined in RSA 508:17-a, II(c). The commission shall review and make recommendations relative to the criteria and procedures for reimbursement or other compensation for persons or entities compelled to provide services or perform other actions under RSA 4:45. The commission shall review the immunity and exemption provisions set forth in RSA 21-P:41 and shall consider the demands that might be posed by a mass casualty event or communicable disease epidemic or pandemic or other public health incident. The commission shall make recommendations, including recommendations for proposed

legislation, that the commission determines are essential to protecting and preserving the public health.

Rep. Bridgham spoke in favor.

Floor amendment (1864h) adopted.

Committee report adopted and ordered to third reading.

SB 460, relative to the definition of surviving issue. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M. Weber for the Majority of Judiciary: This bill was brought on behalf of a woman who conceived a child after her husband died of cancer using her husband's sperm which had been preserved for that express purpose. Because the New Hampshire supreme court has held that a child conceived after the death of a parent has no rights under present New Hampshire law to participate in the intestate estate of that parent, if the parent dies without a will, federal law bars the after-conceived child from receiving Social Security Survivor benefits, even though the deceased parent left clear expression of his intent that this child be treated equally with his other child, born during his lifetime. The bill as drafted arguably addressed the immediate problem, but raised significant questions about how it would apply in other cases with different circumstances. The committee concluded that this is an important area that needs to be addressed, but that more study is needed to insure a comprehensive and consistent policy to insure that all children are treated fairly, no matter how they are conceived. Vote 14-5.

Rep. Gregory M. Sorg for the Minority of Judiciary: This bill would reverse the result reached by the supreme court in *Eng v. Commissioner, Social Security Administration*, 155 NH 798 (2007), which held that a child conceived after the death of a parent by artificial insemination is not "surviving issue" of that parent for purposes of inheriting under New Hampshire's intestacy statute, RSA 561:1. The minority believes that the decision of the supreme court should be left standing. Under current law, the class of children eligible to take by intestacy is limited to those born before, or in utero at the time of, the decedent's death; that is, the class closes at the latest within nine months of the parent's death. The minority believes that no bill recognizing a right of posthumously conceived children to inherit by intestacy can be crafted that would not unnecessarily complicate and delay completion of the administration of intestate estates, because it would create the potential for the birth of heirs-at-law as far in the future as science shall make possible, and any statutory attempt to limit just how far would necessarily be arbitrary and certain to be the subject of litigation on equal protection grounds. The claim that the current intestacy statute leaves posthumously conceived children unprotected and essentially creates two classes of children does not withstand analysis, since RSA 561:1, I(b) distributes the first \$250,000 of a decedent's estate to the surviving spouse without regard to children - living, in utero or posthumous. Couples who undertake arrangements to conceive children after the death of one of them necessarily engage in a good deal of planning. It would subject them to very little additional inconvenience to require them to include in that planning the making of a will or trust providing for the future security of those children. It should not go unremarked that the purpose of the plaintiff in bringing the case was to establish the eligibility of that child for social security survivor's benefits, which, under federal law at 42 USC §402(d)(1), is determined by the child's eligibility to inherit under the decedent's domiciliary state's intestacy laws. On this basis, SB 460 is objectionable on numerous additional grounds. First, it is special interest legislation, having been filed on behalf of and for the particular benefit of the unsuccessful plaintiff, whose daughter would become eligible for benefits under the retroactivity provision of the bill's second section. Second, it would frustrate the core purpose of survivor's benefits, which is to protect children of an insured wage earner who were dependent on the insured at the time of his death. Third, it would create the potential for the procreation by every individual man and woman domiciled in New Hampshire of a theoretically unlimited class of survivor's benefits dependents under an

already actuarially overburdened social security system. Fourth, it would make social security survivor's benefits unique among insurance programs by insuring against risks that have already happened, are known to have happened, and were intended by the insured to happen.

Majority committee report adopted.

SB 465, relative to the laws regulating trusts and trust companies in New Hampshire.

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

Rep. Lucy M. Weber for the Majority of Judiciary: The committee received this bill, which continues the initiative of the 2006 Trust Modernization and Competitiveness Act, as a second committee. It has already passed the House on the recommendation of the Commerce Committee. The substantive additions made by the bill provide an increased number of choices for trust vehicles and increased flexibility for trust administration. The committee focused its review on the issues of court involvement in the procedure and on those provisions of the law which limited liability. The committee amendment makes four minor drafting corrections. The one substantive change clarifies that one liability limitation provision applies only to creditors under certain relatively narrow circumstances. The committee was assured by the proponents of the bill that it will not allow existing trusts to be modified in ways that would defeat the intent of the creator of the trust. Vote 12-5.

Rep. Peter S. Espieffs for the Minority of Judiciary: This bill is special interest legislation. Essentially, it will serve the interests of residents of other states who are looking for the best and most compliant no-tax haven and liability escape in which to shelter their wealth.

Under present law they already enjoy ample arrangements for promoting and protecting dynastic wealth. We do not have to vie with the Nevadas, Delawares, and South Dakotas for the empty accolade of "number-one wealth-haven" of the nation. In these hard times there is much accompanying speculation about benefits to be gained. This bill does little for our constituents and it should be defeated.

Majority Amendment (1698h)

Amend RSA 564-B:4-418(c)(1)(C) as inserted by section 9 of the bill by replacing it with the following:

(C) such trustee's discretion to make or participate in making distributions to himself or herself is exercisable only with the consent of a cotrustee or another person holding an adverse interest; while under the terms of the second trust, such trustee's discretion to make or participate in making distributions to himself or herself is not limited by an ascertainable standard and is exercisable without the consent of a cotrustee or another person holding an adverse interest; or

Amend RSA 564-D:2, IV as inserted by section 27 of the bill by replacing it with the following:

IV. A disposition by a trustee that is not a qualified trustee to a trustee that is a qualified trustee may not be treated as other than a qualified disposition solely because the trust instrument fails to meet the requirements of subparagraph I(a).

Amend RSA 564-D:4, II as inserted by section 27 of the bill by replacing it with the following:

II. Trust advisors who have authority under the terms of the trust instrument to direct, consent to, or disapprove distribution from the trust. For purposes of this section, the term trust advisor includes a trust advisor as described in RSA 564-B:1-103(27), a trust protector as described in RSA 564-B:1-103(28), or any other person who, in addition to a qualified trustee, holds one or more trust powers.

Amend RSA 564-D:11 as inserted by section 27 of the bill by replacing it with the following:

564-D:11 Qualified Disposition Made by Transferor Who is Trustee. A qualified disposition that is made by means of a disposition by a transferor who is a trustee is deemed to have been made as of the time, whether before, on, or after the effective date of this

chapter, the property that is the subject of the qualified disposition was originally transferred to the transferor (or any predecessor trustee), in a form that meets the requirements of RSA 564-D:2, I(b), I(c), and II.

Amend RSA 564-D:13 as inserted by section 27 of the bill by replacing it with the following:

564-D:13 Actions Against Trustee of Trust That is the Subject of a Qualified Disposition Barred. Notwithstanding any other provision of law, no action of any kind, including an action to enforce a judgment entered by a court or other body having adjudicative authority, may be brought at law or in equity by a creditor against the trustee, or advisor described in RSA 564-D:4, of a trust that is the subject of a qualified disposition, or against any person involved in the counseling, drafting, preparation, execution, or funding of a trust that is the subject of a qualified disposition, if, as of the date such action is brought, an action by a creditor with respect to such qualified disposition would be barred under RSA 564-D:9 to RSA 564-D:12, inclusive.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

MOTION TO SPECIAL ORDER

Reps. Wallner and Hess moved that the remainder of the bills on today's calendar be made Special Orders for Thursday, May 15th at 10:00 a.m. in their Regular Calendar order. Adopted.

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 Thursday, May 15 at 10:00 a.m. Adopted.

LATE SESSION

Third reading and final passage

SB 526, relative to the death benefit for police officers and firefighters killed in the line of duty.

SB 338, relative to the Hampton Beach capital improvement fund.

SB 507-FN, relative to extended terms of imprisonment for criminal street gang members.

SB 516-FN-L, relative to aid for county bridges.

SB 422, adding an energy section to zoning and planning master plans.

SB 508-FN-L, relative to municipal deposits.

SB 531, relative to the capital appropriation for the Hillsborough north superior court and relative to the venue for criminal cases in Hillsborough county.

SB 403, relative to the commission to study issues relative to groundwater withdrawals.

SB 410, relative to the conditions for issuance of a cremation certificate and relative to the medical examiner's statute.

SB 490-FN, relative to fees for special number plates for veterans and relative to vehicle registration fees for disabled veterans and former prisoners of war.

SB 528-FN, relative to a mercury-added thermostat collection program.

SB 472, relative to consumer protection from certain practices of payday loan, small loan, and title loan lenders and establishing a commission to study access to consumer credit for people in New Hampshire.

SB 337-FN, relative to home education of children.

SB 359, updating the health curriculum requirements for public school students and

requiring the state board of education to provide for procedures through which students may be excused from course requirements relating to health and sex education on religious grounds without penalty.

SB 374, relative to the process for nonrenewal of teacher contracts.

SB 463, establishing an investment committee and an audit committee in the New Hampshire retirement system.

SB 321, relative to construction or renovation of regional vocational centers, transferring certain positions from the pari-mutuel commission to the department of safety, and requiring certain operating budget reductions.

SB 327-FN, relative to compensation for state employees injured in the line of duty.

SB 512-FN, relative to emergency management powers.

SB 465, relative to the laws regulating trusts and trust companies in New Hampshire.

UNANIMOUS CONSENT

Reps. Almy, Rous, Gile and Hamm addressed the House.

RECESS MOTION

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

Adopted.

The House recessed at 6:00 p.m.

RECESS