

HOUSE RECORD

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

Vol. 31

Concord, N.H.

Wednesday, March 25, 2009

No. 27

HOUSE JOURNAL No. 9 (cont.)

Tuesday, March 24, 2009

Rep. Eaton moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 10

Wednesday, March 25, 2009

The House assembled at 9:30 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

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

It was a long day yesterday, O God, and there is a long list of bills before us today too. But, the sun is shining, the day is fresh and as in all things, You imbue these hallowed halls with daily reminders that the work we do here, regardless of the hours we spend or how much of our own hair we pull out, has great import. Thank You for our colleagues, thank You for our leadership, thank You for all of those who support the work of this chamber behind the scenes. We are a passionate people, O God. Help us to experience one another's passion today and tomorrow as deep concern. Let Your profound and abiding spirit help us to truly hear one another, and to see one another and the people we are called to serve through Your knowing, loving eyes. Open us to Your guiding spirit, that Your voice might be first among those we consult within our hearts, and having opened us to then do what is just, what is compassionate, what is life-giving in Your sight. Bless we pray those in our lives and in this chamber whose health or whose spirits are failing, and be with all of those we serve in this state, especially those who experience great want. In Your Holy name we pray. Amen.

Representative David Bettencourt, member from Salem, led the Pledge of Allegiance.

The National Anthem was sung by Kayla Follett and Felecia Royal of Litchfield, sophomore students at Campbell High School.

LEAVES OF ABSENCE

Reps. French, Lerandeau, Moody, Priestley and Sanders, the day, illness.

Reps. Farley, Doreen Howard, Karen Hutchinson, Hutz, Joseph Russell, Tupper, Van Patten and Burton Williams, the day, important business.

INTRODUCTION OF GUESTS

Carol Croteau, guest of Reps. Schlachman and Judith Day. David Ross, guest of Rep. Butterworth. Lou Vita, husband of Rep. Vita. Carol Spinrad, mother of Rep. Evalyn Merrick and grandmother of Rep. Scott Merrick. Dr. Rick Merrick, husband of Rep. Evalyn Merrick and father of Rep. Scott Merrick and Patou Ungaro, guest of Reps. Evalyn and Scott Merrick.

SPECIAL ORDERS

REGULAR CALENDAR – PART I (CONT'D)

HB 78, relative to the interbranch criminal and juvenile justice council. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill does two things that are housekeeping in nature. The amendment amends RSA 21-H: 14-C, II (a) which deals with the interagency coordinating council for women offenders by adding one member from the New Hampshire Association of Counties, county corrections affiliate, to be appointed by the affiliate president. It also clarifies RSA 651-E: 4, II as inserted by section 2 of the bill which provides that the chairperson of the interbranch criminal and juvenile justice council “may invite any person to provide information in council meetings, provided there is not objection.” Vote 18-0.

Amendment (0710h)

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

AN ACT relative to the interbranch criminal and juvenile justice council and appointing an additional member to the interagency coordinating council for women offenders.

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

3 New Subparagraph; Interagency Coordinating Council for Women Offenders. Amend RSA 21-H:14-c, II(a) by inserting after subparagraph (19) the following new subparagraph:

(20) One member from the New Hampshire Association of Counties, County Corrections Affiliate, appointed by the affiliate president.

Amend RSA 651-E:4, II as inserted by section 2 of the bill by replacing it with the following:

II. The chairperson may invite any person to provide information in council meetings, provided there is no objection from the council.

AMENDED ANALYSIS

This bill adds the commissioner of the department of health and human services to the interbranch criminal and juvenile justice council and authorizes the chairperson to invite any person to participate in council meetings provided there is no objection from a member of the council.

The bill also adds an additional member from the New Hampshire Association of Counties, County Corrections Affiliate, to the interagency coordinating council for women offenders.

Amendment adopted.

Committee report adopted and ordered to third reading.

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

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill concerns RSA 106-B: 14, I, which addresses state police criminal records and does two things. The first thing it does is housekeeping in that it replaces the word “municipal” with “district” in referring to the courts. There are no longer any municipal courts. All lower courts are now district courts. The second change raises the penalty from a violation to a misdemeanor for an unlawful possession, or release of criminal records under RSA 106-B: 14, I, or of any rules adopted under RSA 541-A, the administrative procedure act. The committee felt that raising the penalty to a misdemeanor was appropriate. Vote 14-3. Committee report adopted and ordered to third reading.

HB 520, establishing a commission to study the death penalty in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill will establish a commission to study the death penalty in New Hampshire. The committee amendment is the result of considerable discussion involving the attorney general. The amendment incorporates language changes requested by the attorney general which clarifies the duties of the commission. Also, at the request of the attorney general, that position was added to the council. The committee added a member of the New Hampshire police association and the New Hampshire mental health council to the membership of the commission. All changes were discussed with the sponsor who agreed with all the changes set forth in the amendment. Vote 15-1.

Amendment (0771h)

Amend paragraph IV of section 2 of the bill by replacing it with the following:

IV. A representative of the New Hampshire Bar Association, appointed by that association.

Amend section 2 of the bill by inserting after paragraph VIII the following new paragraphs:

IX. The attorney general, or designee.

X. A representative of the New Hampshire Mental Health Council, appointed by the council.

XI. A representative of the New Hampshire Police Association, appointed by the association.

Amend the bill by replacing section 3 with the following:

3 Duties. The commission shall study:

I. Whether the death penalty in New Hampshire rationally serves a legitimate public interest such as general deterrence, specific deterrence, punishment, or instilling confidence in the criminal justice system.

II. Whether the death penalty in New Hampshire is consistent with evolving societal standards of decency.

III. Whether the decision to seek the death penalty through the penalty phase of trial for defendants who are eligible to receive the death penalty in New Hampshire is arbitrary, unfair, or discriminatory.

IV. Whether the current capital murder statute in New Hampshire properly encompasses the types of murder which should be eligible for the death penalty or whether the scope of the current capital murder statute should be expanded, narrowed, or otherwise altered, including an analysis of the types of murder covered by the current capital murder statute and any aggravating and mitigating circumstances listed in the statute.

V. Whether alternatives to the death penalty exist that would sufficiently ensure public safety and address other legitimate social and penal interests, and the interests of families of victims of crime.

VI. Whether, in New Hampshire, there is a significant difference in the cost of prosecution and incarceration of a first degree murder case where the penalty is life without parole as compared with the cost of a death penalty case from prosecution to execution.

VII. Any other issues relevant to the death penalty in New Hampshire.
Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. On a division vote, 209 members having voted in the affirmative and 65 in the negative, the committee report was adopted.

Ordered to third reading.

HB 332, establishing a commission to study school discipline. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E. Shaw for the Majority of Education: The purpose of this bill is to establish a commission to study disciplinary measures that keep students out of school, how these affect student learning, and what types of violations lead to suspension. Additional duties include examining student behaviors or infractions requiring disciplinary action, examining frequency of out of school suspension for non-violent behavior, and examining alternative forms of discipline such as dispute resolution and positive behavior reinforcement techniques. In addition to legislators, the commission will include educators, administrators, parents, and a student. Vote 11-7.

Rep. Pamela G. Price for the Minority of Education: This bill proposes a commission to study school discipline. This study is directed at out of school suspensions. Included within the duties is a study of the use of and the type of violations which qualify for out of school suspension, the frequency of use for non-violent behavior, alternate forms of discipline that do not involve removing the student from school, and opportunities for suspended students to make up class work. The majority is concerned with the number of unspecified reasons for out of school suspensions in an "other" category. Additional information could be collected by having the department of education require that a description be placed next to the "other" box. A study implies that the legislature believes that there are too many out of school suspensions. The minority believes that this sends the wrong message to our school districts who are attempting to deal with problem students.

Majority Amendment (0247h)

Amend section 2 of the bill by replacing paragraph I with the following:

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 commissioner of the department of education, or designee.

(d) A representative from the New Hampshire School Boards Association, appointed by the association.

(e) Three representatives from the New Hampshire School Administrators Association, representing different areas of expertise, appointed by the association.

(f) Three representatives from the New Hampshire Association of School Principals, one of whom shall represent a high school, one of whom shall represent a middle school, and one of whom shall represent an elementary school, appointed by the association.

(g) Three current public school teachers, one representing a high school, one representing a middle school, and one representing an elementary school, appointed by the governor.

(h) A representative of New Hampshire Legal Assistance, appointed by that organization.

(i) Two parent representatives, one of whom has had experience with having a child disciplined by being kept out of school, appointed by the governor.

(j) A current high school student, appointed by the governor.

(k) A representative from Child and Family Services, appointed by that organization.

Amend the bill by replacing sections 3-4 with the following:

3 Duties. The commission shall:

I. Examine the use of out of school suspensions and the effect on suspended students who miss instructional time.

II. Examine student behaviors or infractions requiring disciplinary action and the types of violations for which students are suspended.

III. Study the frequency of using out of school suspensions for non-violent behavior and infractions which are not drug or alcohol related.

IV. Investigate alternative forms of discipline that do not involve removing students from school, such as alternative dispute resolution and positive behavior reinforcement techniques.

V. Study methods for increasing opportunities for suspended student to make up class work missed for disciplinary reasons.

VI. Study any other issue deemed relevant to its objective.

4 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. Eleven members of the commission shall constitute a quorum. Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HCR 7, in support of teen dating violence education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Nancy F. Stiles for the Majority of Education: HCR 7 is the NH General Court's statement regarding the need to elevate the importance of recognizing student behaviors that are warning signs of abusive relationships. HCR 7 asks the department of education to work with cooperating school districts to develop policy and identify age appropriate student education and staff training to recognize behavior warning signs. A teen dating violence policy, in partnership with the required bullying or internet safety policy, results in a plan that promotes school safety as required in the No Child Left Behind Act in order to receive the Safe and Drug-Free School funds. The Lindsay Ann Burke Act was introduced in RI through the efforts of the attorney general as a result of the murder of Lindsay Ann Burke. Lindsay was a typical young woman graduate of the University of Rhode Island about to begin her career who entered into a romantic relationship that resulted in her murder. Her parents, both educators, recognized the need to educate students to give them power to recognize these behavior signs and methods to successfully end relationships. The amendment makes the resolution gender neutral. Vote 15-4.

Rep. Paul Ingbretson for the Minority of Education: While very well intended and improved by the amendment, the number of resolutions of this kind would be endless if we passed them all. The issue is already addressed locally.

Majority Amendment (0641h)

Amend the resolution by deleting the third and fourth Whereas clauses after the title of the resolution.

Majority committee amendment adopted.

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

On a division vote, 212 members having voted in the affirmative and 92 in the negative, the majority committee report was adopted.
Ordered to third reading.

HB 614, relative to domicile of students for voting purposes. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David M. Pierce for the Majority of Election Law: Federal constitutional law makes clear that college students living in New Hampshire while attending school have a fundamental right to vote in New Hampshire. This bill does nothing more than to affirm this right. The committee believes that the determination of constitutional rights should not be left solely to the courts and that the legislature should be the first line of defense of the fundamental right to vote. Vote 9-5.

Rep. Shawn N. Jasper for the Minority of Election Law: While the minority concedes that the amendment improves the bill, we believe that the bill is unnecessary, as the secretary of state's representative testified that the perceived problems which the bill attempts to address have been dealt with through training sessions, held for local election officials. The minority is concerned that we are heading down a path, with our registration process that will lead to disaster for certain communities and possibly entire counties. While everyone domiciled in New Hampshire has a right to vote, the legislature has the duty to set the qualifications to meet the domicile test, within certain parameters. It is not an unreasonable restriction to require that students who have a driver's license or a car and claim domicile here, obtain a New Hampshire drivers license and car registration, rather than allowing them to continue to maintain out of state licenses and registrations, but the requirement was recently eliminated. It is not a stretch of one's imagination to envision that in a college town students could take over the governments and budgets of those towns, if they were so motivated. In fact we have seen it happen on a limited basis in one county. Students in dorms have none of the rights afforded tenants under our laws, yet we consider them domiciled here for voting purposes. If they are domiciled here shouldn't they be protected equally under the laws of our state? In the end, all this bill does is make students a special class of voters for the purpose of registering.

Majority Amendment (0728h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Voters and Checklists; Eligibility; Domicile; Students. Amend RSA 654:1 by inserting after paragraph I the following new paragraph:

I-a. A student of any institution of learning may lawfully claim domicile for voting purposes in the New Hampshire town or city in which he or she lives while attending such institution of learning if such student's claim of domicile otherwise meets the requirements of RSA 654:1, I.

AMENDED ANALYSIS

This bill authorizes a student at an institution of learning to claim domicile for voting purposes in the town or city in which he or she lives while attending the institution of learning.

Majority committee amendment adopted.

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

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

YEAS 183 NAYS 144

YEAS 183

BELKNAP

Arsenault, Beth
Pilliod, James

Johnson, William
Reever, Judith

Merry, Liz
Stuart, Richard

Miller, Kate

CARROLL

Bridgham, Robert

Butler, Edward

Wiley, Susan

CHESHIRE

Allen, Peter
Butynski, William
Hunt, John
Richardson, Barbara
Weed, Charles

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

Butcher, Suzanne
Carr, Daniel
Meador, David
Sad, Tara

Butterworth, Timothy
Eaton, Daniel
Mitchell, Bonnie
Weber, Lucy

COOS

Hatch, William
Theberge, Robert

Mears, Lucy
Thomas, Yvonne

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Ford, Susan
Laliberte, Suzanne
Preston, Philip

Almy, Susan
Friedrich, Carol
Matheson, Robert
Smith, Suzanne

Benn, Bernard
Gould, Franklin
Pastor, Beatriz
Townsend, Charles

Cooney, Mary
Harding, Laurie
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Boisvert, Ronald
Chininis, Alexis
Foster, Linda
Hammond, Jill
Hebert, Roger
Katsiantonis, George
Knowles, Mary Ann
Levasseur, Nickolas
Mack, Ron
O'Brien, Michael Sr
Rokas, Theodoros
Soucy, Timothy
Vaillancourt, Steve

Beauchamp, Roger
Caron, June
Clemons, Jane
Goley, Jeffrey
Hardy, Valerie
Hodges, Kevin
Katsiantonis, Thomas
Kopka, Angeline
Levesque, Melanie
Marshall, Seth
O'Neil, James
Rosenwald, Cindy
Sullivan, Daniel
Walsh, Robert Jr

Beaulieu, Jane
Chandlely, Shannon
Cote, David
Gorman, Mary
Harvey, Philip
Irwin, Anne-Marie
Kelley, John
LaPlante, Roland
Lisle, Carolyn
Movsesian, Lori
Pilote, Maurice
Schulze, Joan
Tahir, Saghir
Williams, Carol

Beck, Catriona
Chase, Claudia
Flurey, Joan
Hackel, Paul
Harvey, Suzanne
Judy, Jean
Knowles, John
Leishman, Peter
Long, Patrick
Nixon, David
Rhodes, Brian
Shattuck, Gilman
Thompson, Robert

MERRIMACK

Bartlett, Michael
DeJoie, John
Hamm, Christine
Owen, Derek
Rice, Chip
Shurtleff, Stephen
Watrous, Rick
Yeaton, Charles

Brown, Carole
DeStefano, Stephen
Kelly, Sally
Porter, Margaret
Richardson, Gary
Stetson, William
Webb, Leigh

Clarke, Claire
Foote, Robert
McMahon, Patricia
Potter, Frances
Rodd, Beth
Wallner, Mary Jane
Wheeler, Deborah

Davis, Frank
Gile, Mary
Osborne, Jessie
Reardon, Tara
Schuett, Dianne
Walz, Mary Beth
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Day, Judith
McCarthy, Barbara
Pettersen, Don
Schlachman, Donna

Brown, C. Pennington
DiPentima, Rich
McEachern, Paul
Preston, Mark
Splaine, James

Cali-Pitts, Jacqueline
Hutchinson, Gina
Nord, Susi
Read, Robin Jr
Webber, Carolyn

Cushing, Robert
Kepner, Susan
Pantelakos, Laura
Russell, Trinkia

STRAFFORD

Berube, Roger
Burke, Rachel
Hubbard, Pamela
Perry, Robert
Rous, Emma
Sprague, Dale

Brennan, William
Cyr, James
Kaen, Naida
Rogers, Rose Marie
Ryder, Mark
Vachon, Dennis

Brown, Larry
Domingo, Baldwin
Keans, Sandra
Rollo, Deanna
Schmidt, Peter
Wall, Janet

Browne, Brendon
Horrigan, Timothy
Lewis, Robert
Rollo, Michael
Smith, Marjorie

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Sweeney, Cynthia

NAYS 144

BELKNAP

Bolster, Peter
Millham, Alida
Swinford, Elaine

Boyce, Laurie
Nedeau, Stephen
Veazey, John

Fields, Dennis
Russell, David

Flanders, Donald
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Roberts, John

Knox, J. David
Scala, Dino

CHESHIRE

Emerson, Susan

Laurent, John

Parkhurst, Henry

Sterling, Franklin Jr

COOS

Ingersoll, Paul Sr
Stohl, Eric

Rappaport, Laurence

Remick, William

Richardson, Herbert

GRAFTON

Bulis, Lyle
Ward, Brien

Gionet, Edmond

Ladd, Rick Jr

Maybeck, Margie

HILLSBOROUGH

Batula, Peter
Cebrowski, John
Dokmo, Cynthia
Gandia, Laura
Hinch, Richard
Kurk, Neal
Messier, Irene

Belvin, William
Daniels, Gary
Drisko, Richard
Gargas, Carolyn
Hogan, Edith
L'Heureux, Robert
O'Brien, William

Bergin, Peter
Day, Russell
Elliott, Nancy
Haefner, Robert
Holden, Frank
McCarthy, Michael
Ober, Lynne

Boehm, Ralph
Doherty, Shaun
Gagne, Larry
Hawkins, Ken
Jasper, Shawn
Mead, Robert
Ober, Russell III

Palmer, Stephen
Renzullo, Andrew
Shaw, Barbara
Spaulding, Jayne
Winters, Joel

Pellegrino, Tony
Rowe, Robert
Shaw, Kimberly
Ulery, Jordan

Pratt, Calvin
Ryder, Donald
Silva, Peter
Villeneuve, Moe

Price, Pamela
Seidel, Carl
Soucy, Connie
Willette, Robert

MERRIMACK

Anderson, Eric
Kotowski, Frank
Smith, Todd

Boutin, David
Lockwood, Priscilla

Hess, David
McGuire, Carol

Kidder, David
Palfrey, David

ROCKINGHAM

Allen, Mary
Bishop, Franklin
Crisler, Margaret
Emiro, Frank
Garrity, James
Headd, James
Kappler, L. Mike
Mann, Maureen
Packard, Sherman
Sapareto, Frank

Bates, David
Case, Frank
DeSimone, Debra
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Kolodziej, Walter
McKinney, Betsy
Perkins, Amy
Scamman, Stella

Belanger, Ronald
Charron, Gene
Devine, James
Fesh, Robert
Griffin, Mary
Ingram, Russell
Lyons, Melissa
McMahon, Charles
Perkins, Lawrence
Scamman, W.
Douglas Jr
Sullivan, James
Wells, Roger

Bettencourt, David
Comerford, Timothy
Elliott, Robert
Flanders, John Sr
Hagan, Joseph
Introne, Robert
Major, Norman
Nevins, Chris
Reagan, John
Sedensky, John

Smith, William
Weare, Everett

Stiles, Nancy
Welch, David

Tucker, Pamela

STRAFFORD

Brown, Julie
Twombly, James

Groen, Warren
Vita, Carol

Lauterborn, Elaine

Price, Susan

SULLIVAN

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

Osgood, Joe

Rodeschin, Beverly

RESOLUTION

Reps. Wallner and Packard offered the following: RESOLVED, that the House of Representatives inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of attending to an address by Chief Justice John T. Broderick, Jr. on the State of the Judiciary.
Adopted.

SENATE MESSAGE

The Senate is ready to meet with the Honorable House of Representatives in Joint Convention for the purpose of attending to an address by Chief Justice John T. Broderick, Jr. on the State of the Judiciary.

JOINT CONVENTION

(Speaker Norelli presiding)

The Sergeant-at-Arms introduced the Senate and Senate President, Sylvia B. Larsen of Concord.

INTRODUCTION OF SPECIAL GUESTS

The Sergeant-at-Arms introduced the following special guests: The Honorable Linda S. Dalianis of Nashua, Senior Associate Supreme Court Justice. The Honorable James E. Duggan of Amherst, Associate Supreme Court Justice. The Honorable Gary E. Hicks of Manchester, Associate Supreme Court Justice. The Honorable Robert J. Lynn of Windham, Chief Justice of the Superior Court. The Honorable Edwin W. Kelly of Plymouth, Administrative Judge of the District Court and Family Division. The Honorable David D. King of Colebrook, Administrative Judge of the Probate Court. The Honorable John T. Broderick, Jr., Chief Justice of the New Hampshire Supreme Court.

STATE OF THE JUDICIARY ADDRESS

The Honorable John T. Broderick, Jr., Chief Justice of the New Hampshire Supreme Court addressed the Joint Convention.

Madam Speaker, Madam President, distinguished members of the House and Senate, my judicial colleagues, members of the Bar and special guests, it is a privilege to come before you this morning in this great hall and an honor to address you in joint session. I know how valuable your time is and how pressing your business, so I will try not to overstay my welcome. These are sobering times. I'm sixty-one years old and these are the most sobering times in my lifetime. For the last year the economy has been the elephant in every room in the United States. This historic and painful recession has affected all aspects of American life and caused all of us in public and private life to prioritize and re-focus on core needs and responsibilities. Times like these make our budget work all the more difficult, especially your work, and tough choices all the more consequential. But we have been charged, all of us, with safeguarding the public interest in challenging times and by working together openly and candidly, I have every confidence we can succeed. The judges, masters and staff who are the face of justice day in and day out in this State are an incredible and dedicated group. I'm proud to work with them. I'm even more proud to lead them and so I speak for them this morning. But more importantly, more importantly I speak for thousands and thousands of our fellow citizens whose very lives are affected when access to justice is impeded or delayed. At the outset of my remarks this morning, let me assure all of you in this room that my judicial colleagues and I believe in shared sacrifice in difficult days. We need to do our part and we have been trying. Over the last few years, the state courts in New Hampshire have eliminated stenographers in all of our courtrooms with the idea that we would save money and with your help have replaced them with digital audio recording systems and court monitors. As painful a decision as that was, I'm an old trial lawyer and I love stenographers. I never thought it was a real courtroom without a stenographer. As painful a decision as that was, institutionally and personally, we made it. We now have single-source transcription and interpreter services, which have allowed us to cut costs and improve performance. It has also reduced costs for those who use the courts. In the Judicial branch we offered all of our staff, judges and non-judges alike, an opportunity for voluntary furloughs to save money; some took it. We offered early retirement for those non-judicial folks who were eligible. We lowered mileage reimbursement for judges and masters to \$.25 a mile, \$.40 a mile for staff. Those numbers are the lowest numbers in state government. We recently announced that we would no longer pay professional dues for judges, masters and lawyer staff. We have reduced our budget for judicial education and staff training. Those are painful reductions when the job of a judge and the staff is to be informed, knowledgeable and current, but we did it. As you may recall, before this current fiscal year was six months old, the Governor asked us to return \$2,000,000 of our FY '09 budget to help close what is a growing budget gap; we understood that. The cuts were regrettable but understandable and we complied. Most recently, we fully supported and I fully support the Governor's call for court consolidation to save money in difficult times. In the face of declining revenues and

increasing budget gaps, however, I am very proud to report to you that your court system has not been standing still. Since I last stood before you two years ago, we have continued to expand the family division, an idea that began in this chamber. We are now in eight counties. Most recently, a family division site opened in Goffstown. Judge Kelly, who is here this morning, and his staff are extraordinary and they deserve most of the credit for what's happened. Last year, with your help, we opened the first ever Office of Mediation and Arbitration under the Judicial Branch umbrella; one of the few states in America to do that. We now have high quality mediation services in virtually every court in our state. We expect to have meditation available in the New Hampshire Supreme Court by this fall. Under the tireless leadership of Karen Borgstrom and her one staff person, our mediation program empowers people to cut their costs and to have a hand in crafting their own solution; it's a huge step forward for those who use the courts. It enhances public satisfaction. Those who have used mediation, traditionally have a very high satisfaction rate with the courts they have accessed. It is working particularly well in the probate court, in the probate court, and that's working well there because of Judge King, who is the Administrative Judge of the Probate Court who has taken many initiatives in his new role. Mediation in the probate courts has worked exceedingly well largely because of his leadership. It is also working in our courts and in our superior court where mediation is now required for virtually every civil case and equity case. It's working because New Hampshire lawyers, proud to be one. New Hampshire lawyers, who I consider to be among the best in the United States, never tire of "giving back" and they volunteer their time as mediators. In the last legislative session, this Legislature passed, for the first time in the history of our state, a statute authorizing a business court docket in the superior court, businesses suing businesses, not businesses suing consumers. Businesses suing businesses will now have a docket which they desperately want, which we desperately need. It's the 21st century and the marketplace moves at a pace that it never has in our lifetime and so we await the appointment by Governor Lynch of the first business court justice. It will make a real difference in our state and in our court system. I thank the Governor for his leadership and I thank you for the legislation that you have passed. I thank the business community in our state for their thoughtful support of this initiative. I also want to pay a special thanks to Chief Justice Lynn, who is here this morning. Chief Justice Lynn has proven himself to be an extraordinary chief justice of the superior court. I value him as a colleague and I respect his openness to change; easy to say, hard to do. Our mission in the justice system, whether it's for businesses or self represented parties or parties with a lawyer, is to improve access to justice and to make it affordable and timely and understandable for every citizen of our state. Over the last year, through an appropriation from this Legislature, we hired our first web coordinator; it's the 21st century. We have streamlined and improved our Judicial Branch website for every single division of the court system, which permits improved public service. Our self-help website for those who do not have lawyers has improved dramatically and has won national recognition. Our web coordinator is twenty-four years old. It's their century, it's their century. This young man has proven a very prudent investment for the information age. His services are essential to the mission of the courts in the information age. There is much more we need to do in the state courts. We need to work towards electronic filing and electronic noticing and ultimately a paperless court. I will tell you a very brief story. I was up in Grafton County last fall and I was speaking at a Bar dinner. The Deputy Clerk of the Federal Court was there and he was showing a power point presentation to the Grafton County Bar and he was very proud to display that they now have hyperlink technology. When a case appears on an order from the court, on the web which you receive electronically, if you click on the case, the case automatically appears on your screen. If you send it electronically to the court and you decide a case, the judge can click on it and it pops up on the screen. He was very proud to say we have hyperlink technology in the Federal Courts and then I was supposed to follow that. I stood up and said, "Listening to the Deputy Clerk talking about hyperlink technology has given me hypertension." That's

where we need to go, that's where we need to go. In my view, in the 21st century if technology is not an integral part of what you do or provide, you will not long remain relevant. Those folks who were born after 1980 are the millennial generation. They will not stand for a paper filled court system. They won't do it. They haven't grown up on it; they don't understand it and they won't tolerate it. I want the court systems to be fully relevant in the 21st century and time is ticking. I want to thank you for the web coordinator and I want to thank you for the Odyssey case management system. Those are huge down payments that you have made on this new century and I am grateful for it. I also want to ask this Legislature to seriously consider the passage of HB 609. It cleared Ways and Means with a 14-0 Ought to Pass vote for which I am very grateful. HB 609 would give the court system a dedicated technology fund. First time we have had that in a decade. It will allow us to refresh and maintain the technology we have and to plan for technology in the future. I remember when technology became all the rage when I first when on the court on 1995 and I wasn't particularly tech savvy. My colleagues will tell you that I'm still not tech savvy. One of my colleagues said, "Why aren't you learning this?" I said, "Well, it could be a fad." That would not be the only time I was wrong. We need technology in the courts and we continue to aggressively pursue grant money for mental health courts and drug courts. Those of us in the justice system and those of you in this hall have to deal more subtly in my view with those charged with crime. We need more diversion programs. We need to take a look at what we are doing and what it's costing and the courts are a big part of that process. I am very proud of the initiatives we've taken although the first mental health court was in Keene, New Hampshire. It was an eighteen month experiment. It was requested and required by this Legislature. That was a decade ago and it still exists. It's changing lives and saving money. I also would be remiss this morning if I did not thank Governor Lynch for making the Hillsborough County Superior Courthouse in Manchester a top capital budget priority. It's a public safety issue and it will give Manchester, the largest city in this state, a courthouse it has long deserved. I also want to acknowledge and thank Senator D'Allesandro who took a lead oar in that whole issue and I have no doubt that we would not be on the brink of this success had it not been for his hard work. I want to thank Commissioner Hodgdon, one of the finest people in state government, for my money. I deal with her constantly and she has been extraordinary on this issue and many others and I'm grateful to her. Above all else, we need your help to continue to move forward. As Thomas Friedman would say, "We live in a flat world", or he would now say, "We live in a hot, flat and crowded world." If you haven't read those books, I recommend them. By the time I got to page eight on his first book I wondered if it was too late, if it was too late. Some years ago, a small hospital in northern New Hampshire which always had its x-rays read at Dartmouth Mary Hitchcock; this is northern New Hampshire. They found that it was too slow. What did they do? They sent their x-rays to India over the internet. We are not there yet in the state court system and I'm concerned about it. Not because I'll be in the court system forever, but it will be there forever and I love the state courts and they need your help. In this new century, in my view, the status quo is a dangerous and illusory place to be. "Standing still" does not exist in the 21st century. In my last few minutes, I promise, in my last few minutes this morning, I would like to give you my candid assessment of the challenges confronting the third branch of government. They are many and they are growing, but I am confident that working together in good faith, openly and candidly, we can address them over time. I know these are hard economic times, but I also know this; they will pass. I don't know what the "new normal" will look like, but it won't look like it does today. In my view, as Chief Justice of the State Supreme Court, the only mistake I can make is to diminish my resolve or to shrink my vision. I won't do that. Better times will return and we need to be ready for them when they come. Two years ago, in this chamber, I identified the four great challenges confronting the state courts at the dawn of the 21st century. The changing nature of our "customer" base, a lot of self represented people is an issue not only in New Hampshire; it's an issue across the United States. I've been asked to come to Honolulu, Hawaii in June to

talk to the lawyers and judges of Hawaii about this issue. If you think it's just our issue, it's not. We are doing better than many are doing. It's not going away and we need to deal with it. Most of the folks who come to court without a lawyer, it's not their fault, not their fault. They can't afford it, but it's our obligation as the American justice system to deal with it and we are trying to do that and I will need your continued help. Technology is our second great challenge. Our capacity to hire and retain high quality staff is our third great challenge. Does anyone in this hall think that in the 21st century we'll need to hire people with less education, less technical ability? It's a huge challenge in state government. It's a huge challenge in the state court system. And lastly, the fourth great challenge that I identified was this. In this stressful and more dangerous world, all you had to do was listen to the news in Oakland, CA two nights ago. In this dangerous and more stressful world, we need to enhance security inside our courthouses. It's a matter of time. But we are making progress, I'm pleased to announce. We are making slow progress and with your help we will continue to make progress. But as a result of these challenges, the administration of justice is not as timely as you would want it, as your neighbor needs it or as I would like it in the state courts. Our court system in New Hampshire is under maximum stress. We have 59 fulltime judges and seven of those are vacant and have been for many months. The most critical need is in the superior court where there are 19 judges. The statute calls for 22. The weighted caseload suggests it needs 25.5. The Governor has said in his budget address that I listened to that he intends to fill them and I thank him for that. His leadership on that issue will assist the public in this state and enhance the administration of justice. The need there is urgent. As I speak to you this morning almost 50 of our 614 staff positions are vacant. Those are the folks that work behind the counter. Those are the people who run the justice system every day, every single day and we don't fill those slots because if we did we couldn't run the rest of the system. Respectfully, in the 21st century too few judges, too few staff, inadequate technology is not a winning formula. It will not much affect my life, but it will affect the lives of our fellow citizens. As you all know, the Judicial Branch does not have programs that we can delay or cut. We are the program, we are the program and we are a small part of the state budget, about 1.3% of the general fund. I am proud to say I think we run a pretty lean branch of government considering the fact that we process upwards of 230,000 cases every single year. If you multiply that number by two that is about one third of the population of New Hampshire. Anticipating my remarks this morning and wanting a clearer picture myself, a few weeks ago I asked the New Hampshire Bar Association if they would send a four question, unscientific e-mail survey to the lawyers in this state. I asked them if they would ask the lawyers to rate the state courts from 1 to 10 and to give us a one sentence description of whatever number they choose. Within four hours six hundred lawyers had responded. Our average rating, system-wide for all courts was 5.5 on the 10 point scale. If you are Chief Justice of the court system, that's not a good day. If you are a former trial lawyer who loves the courts, that's not a good day. If you are a citizen of our state who needs access to the courts, that's not a good day. We have already assembled a swat team to go to the hot spots that we've been able to identify because the principle issue, the principle question they raised was "Why is it not more timely? Why do we have these delays?" Timeliness, timeliness, timeliness, those were the concerns. When they commented about staff almost all the comments were favorable. The staff works very hard. They do work very hard; I know those folks. I know how lucky I am to be their Chief Justice. We need system change in the 21st century. Part I, Article 14 of the New Hampshire Constitution was adopted in 1784, two hundred twenty-five years ago. It is powerful in its simplicity and clear in its mandate. It commands that justice be obtained "promptly and without delay." Our forefathers who risked everything they had, including their lives, for freedom from the Crown, understood that justice delayed was justice denied. They held that belief so dearly that they fashioned timely access to the courts as a constitutional right. Their embrace of access to justice made no exception in 1784 for the vagaries of their times, or ours, be they social, political or economic. Indeed, in trying times like these, timely access

to the court is most important. We do not in the court system have the option, as some may, of turning people away. We are unique in that way and I am not here seeking an option to turn anyone away. But I am seeking your assistance, genuinely seeking your help, your counsel and your wisdom and your renewed commitment to ensure that the courts of our state can meet the needs of our citizens and the promise of our Constitution. Timely justice is not just a good idea or a noble aspiration. It is the glue that holds our Republic together and it is guaranteed by our founding document. I was in Washington six months ago and every time I'm there if I'm close I walk by the United States Supreme Court. It's always a majestic building to look at. Over the threshold it says, "Equal Justice under law." How are we doing? How are we doing? The conclusion of our Pledge of Allegiance, "with liberty and justice for all." That includes the self represented, folks. How are we doing? I ask myself that question many times in my current job. This new century will demand more from us than the extraordinary century just passed and the justice system will not be an exception from those new responsibilities. In my view, the justice system of this century will need to be more nimble, affordable, accessible, tech savvy and user-friendly than ever before. I sometimes wonder when I read speeches from a century ago whether they could have conceived to know what we now know. If someone reads these remarks a century from now they may think how quaint that was, how quaint that was. He thought they needed to be a little more tech savvy. It's the 21st century. Let me close by saying to you I have loved and respected the state courts during my thirty-six years as a lawyer and a judge. If you don't work in the courts, if you don't try cases in these courts and if you haven't tried cases in other states around the United States you don't know how special this place is. How extraordinary your courts are and how deserving they are of your support. Not for the judges, but for the people of our state. I always have known how important the people are who work in our courts, but most importantly I always known how important they are for the people they serve. I wish we could move the dialogue to that level. I wish we could move the dialogue to that level. Although the courts are not perfect, that won't surprise you, or infallible, nor by the way do we pretend to be. As someone said that's why they call them opinions. The critical mission of the courts is essential in a free society and to our Constitution which gave birth to that society. America's courts are the envy of the world. Think about that. America's courts are the envy of the world. My colleagues and I recently had some foreign judges and prosecutors visit the Supreme Court and they had interpreters and spoke minimal English. I am never more proud of this country, this state or this court system, then on days like that. They had come thousands of miles to find out what we do and how we do it. The nicest compliment you could ever be paid and it's not a compliment to the judges, it's a compliment to the system that created them and funds them and supports them. In these unprecedented times of tension and economic turmoil the courts, which have made such a difference in American life, need your protection more than they have ever needed it, more than they have ever asked for it. I'm asking this morning for your help, your wisdom, your understanding. Because how ever long I have this job, it's my responsibility to speak up for the courts. I'm proud to do it. Don't lose what you have; you will never get it back. Thanks for listening and thanks for the honor of being here this morning.

Rep. Wallner and Sen. Hassan moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

HOUSE SESSION

(Speaker Norelli in the Chair)

The Speaker reconvened the House session.

MOTION TO SPECIAL ORDER

Rep. Gary Richardson moved that **HB 438**, relative to admission into evidence of certain medical bills, reports, and records and **HB 572-FN**, making pretrial screening panels optional for parties to a medical injury action be made Special Orders as the next order of business.

Reps. Gary Richardson and Rowe spoke in favor.

Adopted.

SPECIAL ORDERS

HB 438, relative to admission into evidence of certain medical bills, reports, and records.
OUGHT TO PASS.

Rep. David L. Nixon for Judiciary: This bill will allow courts to consider as evidence hospital and medical records, reports, and bills without requiring the parties (although they are free to do so) to subpoena or present record custodians, health care providers, billing coordinators, etc., in person, subject to reasonable notice requirements as to the opposing party. The bill will lessen the expense and delay of litigation matters, and therefore benefit all concerned. Vote 13-0.

Rep. Hagan spoke against and yielded to questions.

Reps. Nixon and William O'Brien spoke in favor.

Rep. Boisvert requested a roll call; sufficiently seconded.

YEAS 301 NAYS 66

YEAS 301

BELKNAP

Arsenault, Beth
Johnson, William
Nedeau, Stephen

Bolster, Peter
Merry, Liz
Reever, Judith

Boyce, Laurie
Miller, Kate
Russell, David

Fields, Dennis
Millham, Alida
Stuart, Richard

CARROLL

Ahlgren, Christopher
McConkey, Mark
Stevens, Stanley

Bridgham, Robert
Patten, Betsey
Wiley, Susan

Buco, Thomas
Roberts, John

Butler, Edward
Scala, Dino

CHESHIRE

Allen, Peter
Butynski, William
Emerson, Susan
Mitchell, Bonnie
Robertson, Timothy
Weed, Charles

Burrige, Delmar
Carlson, Nancy
Johnson, Jane
Parkhurst, Henry
Sad, Tara

Butcher, Suzanne
Carr, Daniel
Lindsey, Steven
Richardson, Barbara
Sterling, Franklin Jr

Butterworth, Timothy
Eaton, Daniel
Meador, David
Roberts, Kris
Weber, Lucy

COOS

Hatch, William
Merrick, Scott
Theberge, Robert

Ingersoll, Paul Sr
Rappaport, Laurence
Thomas, Yvonne

Mears, Lucy
Richardson, Herbert

Merrick, Evalyn
Stohl, Eric

GRAFTON

Aguiar, James
Ford, Susan
Laliberte, Suzanne

Almy, Susan
Friedrich, Carol
Matheson, Robert

Benn, Bernard
Gionet, Edmond
Maybeck, Margie

Cooney, Mary
Gould, Franklin
Mulholland, Catherine

Nordgren, Sharon
Smith, Suzanne

Pastor, Beatriz
Taylor, Kathleen

Pierce, David
Townsend, Charles

Preston, Philip
Ward, Brien

HILLSBOROUGH

Baroody, Benjamin
Belvin, William
Cebrowski, John
Christensen, Chris
Day, Russell
Flurey, Joan
Ginsburg, Ruth
Haefner, Robert
Harvey, Philip
Hinkle, Peyton
Hopper, Gary
Katsiantonis, George
Knowles, Mary Ann
LaPlante, Roland
Lisle, Carolyn
Matarazzo, Anthony
Sr
Movsesian, Lori
O'Neil, James
Poznanski, Brian
Rosenwald, Cindy
Seidel, Carl
Soucy, Timothy
Vaillancourt, Steve
Winters, Joel

Beauchamp, Roger
Boisvert, Ronald
Chandley, Shannon
Clemons, Jane
Doherty, Shaun
Foster, Linda
Goley, Jeffrey
Haley, Robert
Harvey, Suzanne
Hodges, Kevin
Irwin, Anne-Marie
Katsiantonis, Thomas
Komi, Richard
Leishman, Peter
Long, Patrick
McCarthy, Michael

Nixon, David
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Shattuck, Gilman
Sullivan, Daniel
Villeneuve, Moe

Beaulieu, Jane
Campbell, David
Chase, Claudia
Cote, David
Dokmo, Cynthia
Gandia, Laura
Gorman, Mary
Hammond, Jill
Hebert, Roger
Holden, Frank
Jasper, Shawn
Kelley, John
Kopka, Angeline
Levasseur, Nickolas
Mack, Ron
Mead, Robert

O'Brien, Michael Sr
Pellegrino, Tony
Rhodes, Brian
Ryder, Donald
Shaw, Barbara
Tahir, Saghir
Walsh, Robert Jr

Beck, Catriona
Caron, June
Chininis, Alexis
Daniels, Gary
Elliott, Nancy
Garrity, Patrick
Hackel, Paul
Hardy, Valerie
Hinch, Richard
Holden, Rip
Judy, Jean
Knowles, John
L'Heureux, Robert
Levesque, Melanie
Marshall, Seth
Moran, Edward

O'Brien, William
Pilotte, Maurice
Rokas, Theodoros
Schulze, Joan
Shaw, Kimberly
Thompson, Robert
Williams, Carol

MERRIMACK

Anderson, Eric
Brown, Carole
DeJoie, John
Hamm, Christine
Lockwood, Priscilla
Owen, Derek
Richardson, Gary
Stetson, William
Watrous, Rick
Yeaton, Charles

Bartlett, Michael
Clarke, Claire
DeStefano, Stephen
Hess, David
McGuire, Carol
Porter, Margaret
Rodd, Beth
Tilton, Joy
Webb, Leigh

Bouchard, Candace
Coffey, Jennifer
Foose, Robert
Kelly, Sally
McMahon, Patricia
Potter, Frances
Schuett, Dianne
Wallner, Mary Jane
Wheeler, Deborah

Boutin, David
Davis, Frank
Gile, Mary
Kidder, David
Osborne, Jessie
Rice, Chip
Shurtleff, Stephen
Walz, Mary Beth
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Bettencourt, David
Cali-Pitts, Jacqueline
Comerford, Timothy
Devine, James
Elliott, Robert
Gleason, John
Hutchinson, Gina
Katsakiores, George
Major, Norman
McKinney, Betsy

Allen, Mary
Bishop, Franklin
Case, Frank
Crisler, Margaret
DiFruscia, Anthony
Ferrante, Beverly
Gould, Kenneth
Ingram, Russell
Katsakiores, Phyllis
Mann, Maureen
Nevins, Chris

Bates, David
Borden, David
Casey, Kimberley
Cushing, Robert
DiPentima, Rich
Fesh, Robert
Griffin, Mary
Introne, Robert
Kepner, Susan
McCarthy, Barbara
Nord, Susi

Belanger, Ronald
Brown, C. Pennington
Charron, Gene
Day, Judith
Dowling, Patricia
Flanders, John Sr
Hoelzel, Kathleen
Itse, Daniel
Lyons, Melissa
McEachern, Paul
Packard, Sherman

Pantelakos, Laura
Quandt, Matt
Schlachman, Donna
Webber, Carolyn

Perkins, Amy
Read, Robin Jr
Splaine, James
Welch, David

Petterson, Don
Russell, Trink
Stiles, Nancy
Wells, Roger

Preston, Mark
Sapareto, Frank
Sullivan, James

STRAFFORD

Berube, Roger
Browne, Brendon
Groen, Warren
Kaen, Naida
Perry, Robert
Rous, Emma
Spang, Judith
Vita, Carol

Bickford, David
Burke, Rachel
Hofemann, Roland
Keans, Sandra
Rogers, Rose Marie
Ryder, Mark
Sprague, Dale
Wall, Janet

Brennan, William
Cyr, James
Horrigan, Timothy
Lauterborn, Elaine
Rollo, Deanna
Schmidt, Peter
Twombly, James
Watters, David

Brown, Larry
Domingo, Baldwin
Hubbard, Pamela
Lewis, Robert
Rollo, Michael
Smith, Marjorie
Vachon, Dennis

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
McClammer, Jim
Gagnon, Raymond
Osgood, Joe

Gottling, Suzanne
Sweeney, Cynthia

NAYS 66

BELKNAP

Flanders, Donald
Veazey, John

Pilliod, James
Wendelboe, Fran
St. Cyr, Jeffrey

Swinford, Elaine

CARROLL

Chandler, Gene

Umberger, Karen

CHESHIRE

Hunt, John

Laurent, John

COOS

Remick, William

GRAFTON

Andersen, Gene

Bulis, Lyle
Harding, Laurie

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Gagne, Larry
Hogan, Edith
Ober, Russell III
Renzullo, Andrew
Ulery, Jordan

Bergin, Peter
Gargasz, Carolyn
Infantine, William
Pepino, Leo
Silva, Peter
Willette, Robert
Boehm, Ralph
Graham, John
Messier, Irene
Peterson, Andrew
Soucy, Connie

Drisko, Richard
Hawkins, Ken
Ober, Lynne
Price, Pamela
Spaulding, Jayne

MERRIMACK

Kotowski, Frank

Palfrey, David
Reed, Dennis

Smith, Todd

ROCKINGHAM

Baldasaro, Alfred

Bridle, Russell
DeSimone, Debra

Dumaine, Dudley

Emiro, Frank
Kappler, L. Mike
Rausch, James
Smith, William

Garrity, James
Kolodziej, Walter
Reagan, John
Tucker, Pamela

Hagan, Joseph
McMahon, Charles
Scamman, Stella
Weare, Everett

Headd, James
Perkins, Lawrence
Sedensky, John

STRAFFORD

Brown, Julie

Price, Susan

SULLIVAN

Houde-Quimby,
Charlotte

Howard, Thomas

Rodeschin, Beverly

Skinder, Carla

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

HB 572-FN, making pretrial screening panels optional for parties to a medical injury action.
OUGHT TO PASS WITH AMENDMENT.

Rep. David L. Nixon for Judiciary: This bill makes a procedural change in the statute relating to medical malpractice screening panels so as to allow them to operate, in fact, as screening panels, and not as “trial panels” which require the parties to present evidence, exhibits and witnesses in full, the net effect of which was to require the parties to try their cases “in full” twice. This bill will allow the facts to be presented to the screening panel by “offers of proof”, informal presentations not subject to the strict rules of procedure applicable to jury trials. Vote 13-0.

Amendment (0684h)

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

AN ACT relative to proceedings of medical injury claims screening panels.

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

1 Screening Panel Procedures. Amend RSA 519-B:4, II to read as follows:

II. Within 20 days of the return date, the person or persons accused shall contact the claimant's counsel and by agreement shall designate a timetable for filing all the relevant medical and provider records necessary to a determination by the panel. If the parties are unable to agree on a timetable within 60 days of the return date, the claimant shall notify the chairperson of the panel. The chairperson shall then establish a timetable for the filing of all relevant records and reasonable discovery, which shall be filed at least 30 days before any hearing date. The hearing shall be ***expedited and shall be held*** no later than 6 months from the return date, except when the time period has been extended by ~~the panel chairperson in accordance with this chapter~~ ***agreement of the parties***.

2 Screening Panel Procedures. Amend RSA 519-B:4, VI to read as follows:

VI. All requests for extensions of time under this section shall be made to the panel chairperson. The chairperson may extend any time period for good cause, ~~[except that the chairperson may not extend any time period that would result in the hearing being held more than 11 months following the return date unless good cause is shown]~~ ***subject to the provisions of paragraph II.***

3 Hearings. Amend RSA 519-B:5, I(a) to read as follows:

I.(a) The claimant or a representative of the claimant shall present the case before the panel ***by an offer of proof***. The person accused of professional negligence or that person's representative shall make a responding presentation ***by an offer of proof***. ~~[The panel shall afford the parties wide latitude in the conduct of the hearing including, but not limited to, the right of examination and cross examination by attorneys. Depositions are admissible whether or not the person deposed is available at the hearing.]~~ The chairperson shall make all procedural rulings, which shall be final. The New Hampshire rules of evidence shall not apply. Evidence shall be admitted if it is the kind of evidence upon which

reasonable persons are accustomed to rely in the conduct of serious affairs. The panel shall make findings upon such evidence as is presented at the hearing, the records, and any expert opinions provided by or sought by the panel or the parties. ***The evidence presented shall be limited to offers of proof and submission of documentary evidence, including but not limited to medical records, expert reports, and interrogatory answers. Live witness testimony shall not be presented. For purposes of this chapter, "offers of proof" shall mean frank, objective, and factual descriptions of the facts made in good faith and without exaggeration.***

4 Confidentiality and Admissibility. Amend RSA 519-B:8, I(a)(1) to read as follows:

(1) Any ~~[testimony or]~~ writings made under oath may be used in subsequent proceedings for purposes of impeachment.

5 Confidentiality and Admissibility. Amend RSA 519-B:8, III to read as follows:

III. The deliberations and discussion of the panel ~~[and the testimony of any expert, whether called by a party or the panel,]~~ shall be privileged and confidential, and no such person may be asked or compelled to testify at a later court proceeding concerning the deliberations, discussions, or findings, ~~[or expert testimony or opinions expressed during the panel hearing, unless by the party who called and presented the nonparty expert,]~~ except such deliberation~~[s]~~ **and** discussion~~[, and testimony]~~ as may be required to prove an allegation of fraud.

6 Mandatory Instructions. Amend RSA 519-B:9, I(c) and (d) to read as follows:

(c) The panel conducts a summary hearing ~~[and]~~, is not bound by the rules of evidence, **and does not hear live witness testimony.**

(d) The hearing is not a substitute for a full trial ~~[and may or may not have included all of the evidence that is presented at the trial].~~

7 Effective Date. This act shall take effect January 1, 2010.

AMENDED ANALYSIS

This bill changes procedures for screening panels for medical injury claims.
Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Hagan spoke against.
Rep. Nixon spoke in favor.
Rep. Rowe spoke in favor and yielded to questions.
On a division vote, 299 members having voted in the affirmative and 69 in the negative, the committee report was adopted.
Ordered to third reading.

SPECIAL ORDERS

REGULAR CALENDAR – PART I (CONT'D)

HB 556-FN, repealing the death penalty. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Elaine B. Swinford for the Majority of Criminal Justice and Public Safety: This bill would repeal the death penalty. With HB 520, creating a commission to study the death penalty coming before the House, the committee feels it is premature to institute a repeal before a comprehensive study is completed. Further, the New Hampshire death penalty is a narrowly crafted law. It sets forth a number of procedures that must be followed in order to not only obtain a conviction, but also to impose the death penalty. We all witnessed the process in action with the Michael Addison case. We saw the trial phase play itself out. Next came the penalty phase which is, in essence, a brand new trial. Here the prosecution was required to prove statutory aggravating factors. If these statutory factors are not proved there can be no imposition of the death penalty. They must be proven beyond a reasonable doubt. Next the jury considered non-statutory mitigating factors which must be proven beyond a reasonable doubt. The defendant submits a series of mitigating factors which need

only be proven by a preponderance of evidence. Following this, the jury weighs the proven aggravating factors against any proven mitigating factors and then determines whether the aggravating factors sufficiently outweigh the mitigating factors to warrant a death sentence. Even without any mitigating factors the jury must decide if the aggravating factors are in themselves sufficient to warrant a sentence of death. After all that, regardless of those findings, they are told that they are never required to impose a death penalty and can only do so if all twelve jurors agree. In the case of Michael Addison all twelve jurors agreed. In the case of John Brooks, they did not, so the death sentence was not imposed. It only required that one juror disagree. There are some crimes of such magnitude as to warrant seeking the death penalty and the majority of the committee believes that for such crimes the death penalty should be available. Vote 11-7.

Rep. Robert R. Cushing for the Minority of Criminal Justice and Public Safety: Ever since Governor William Badger first asked the legislature in 1835 to abolish capital punishment the death penalty has been an issue before the House. As a matter of public policy the death penalty does not work and is a distraction from addressing important criminal justice issues. The death penalty does not meet the real needs of public safety, or of victims of crime and law enforcement. The enactment of the law that mandates the sentence of Life without Parole for those convicted on First Degree Murder assures that killers are punished and citizens are protected. New Hampshire has not executed a prisoner since 1939. The majority of the nations of the world now recognize the death penalty is not a criminal justice sanction but a human rights violation. New Jersey and New Mexico have recently repealed the death penalty and many other states are considering similar actions. Passage of HB 556 is consistent with New Hampshire's long tradition of respect for human rights.

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

Reps. Lindsey, Perry, Larry Brown and Cushing spoke against.

Rep. Stevens spoke in favor.

Rep. Cushing requested a roll call; sufficiently seconded.

YEAS 179 NAYS 188

YEAS 179

BELKNAP

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

CARROLL

Buco, Thomas	Chandler, Gene	Fleck, Joseph	McConkey, Mark
Patten, Betsey	Roberts, John	Scala, Dino	Stevens, Stanley
Umberger, Karen			

CHESHIRE

Burrige, Delmar	Eaton, Daniel	Emerson, Susan	Hunt, John
Johnson, Jane	Laurent, John	Roberts, Kris	Sterling, Franklin Jr

COOS

Remick, William	Richardson, Herbert	Stohl, Eric	Thomas, Yvonne
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GRAFTON

Bulis, Lyle	Ingbretson, Paul	Ladd, Rick Jr	Laliberte, Suzanne
Matheson, Robert	Maybeck, Margie	Ward, Brien	

HILLSBOROUGH

Baroody, Benjamin	Batula, Peter	Belvin, William	Boehm, Ralph
Campbell, David	Caron, June	Christensen, Chris	Cote, David
Daniels, Gary	Day, Russell	Doherty, Shaun	Dokmo, Cynthia
Drisko, Richard	Elliott, Nancy	Foster, Linda	Gagne, Larry
Gargas, Carolyn	Garrity, Patrick	Goley, Jeffrey	Graham, John
Haefner, Robert	Haley, Robert	Hawkins, Ken	Hikel, John
Hinkle, Peyton	Hogan, Edith	Holden, Frank	Holden, Rip
Infantine, William	Jasper, Shawn	Jeudy, Jean	Katsiantonis, George
Katsiantonis, Thomas	Kelley, John	Knowles, Mary Ann	Kurk, Neal
L'Heureux, Robert	LaPlante, Roland	Long, Patrick	Marshall, Seth
McCarthy, Michael	Mead, Robert	Moran, Edward	O'Brien, Michael Sr
O'Brien, William	O'Neil, James	Ober, Lynne	Ober, Russell III
Palmer, Stephen	Pellegrino, Tony	Peterson, Andrew	Price, Pamela
Ramsey, Peter	Renzullo, Andrew	Rhodes, Brian	Rokas, Theodoros
Ryder, Donald	Shaw, Kimberly	Silva, Peter	Soucy, Connie
Soucy, Timothy	Sullivan, Daniel	Villeneuve, Moe	Willette, Robert
Winters, Joel			

MERRIMACK

Anderson, Eric	Boutin, David	Brown, Carole	Coffey, Jennifer
DeStefano, Stephen	Hess, David	Kidder, David	Lockwood, Priscilla
McGuire, Carol	Owen, Derek	Palfrey, David	Reed, Dennis
Schuett, Dianne	Shurtleff, Stephen	Smith, Todd	Stetson, William
Webb, Leigh			

ROCKINGHAM

Baldasaro, Alfred	Bates, David	Belanger, Ronald	Bettencourt, David
Bridle, Russell	Charron, Gene	Comerford, Timothy	Crisler, Margaret
DeSimone, Debra	Dumaine, Dudley	Elliott, Robert	Emiro, Frank
Flanders, John Sr	Garrity, James	Gleason, John	Griffin, Mary
Hagan, Joseph	Headd, James	Hoelzel, Kathleen	Hutchinson, Gina
Ingram, Russell	Introne, Robert	Itse, Daniel	Kolodziej, Walter
Lyons, Melissa	Major, Norman	McKinney, Betsy	McMahon, Charles
Packard, Sherman	Pantelakos, Laura	Perkins, Amy	Perkins, Lawrence
Preston, Mark	Quandt, Matt	Rausch, James	Reagan, John
Sapareto, Frank	Scamman, W.	Smith, William	Stiles, Nancy
	Douglas Jr		
Sullivan, James	Tucker, Pamela	Weare, Everett	Webber, Carolyn
Welch, David	Wells, Roger		

STRAFFORD

Brown, Julie	Domingo, Baldwin	Groen, Warren	Price, Susan
Rollo, Michael	Ryder, Mark	Sprague, Dale	Twombly, James
Vita, Carol			

SULLIVAN

Harris, Sandra	Howard, Thomas	Osgood, Joe	Rodeschin, Beverly
Skinder, Carla	Sweeney, Cynthia		

BELKNAP

Arsenault, Beth
Merry, Liz
Stuart, Richard

Bolster, Peter
Miller, Kate

Boyce, Laurie
Pilliod, James

Johnson, William
Reever, Judith

CARROLL

Ahlgren, Christopher

Bridgham, Robert

Butler, Edward

Wiley, Susan

CHESHIRE

Allen, Peter
Carlson, Nancy
Mitchell, Bonnie
Sad, Tara

Butcher, Suzanne
Carr, Daniel
Parkhurst, Henry
Weber, Lucy

Butterworth, Timothy
Lindsey, Steven
Richardson, Barbara
Weed, Charles

Butynski, William
Meador, David
Robertson, Timothy

COOS

Hatch, William
Rappaport, Laurence

Mears, Lucy
Theberge, Robert

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Cooney, Mary
Gould, Franklin
Pastor, Beatriz
Taylor, Kathleen

Almy, Susan
Ford, Susan
Harding, Laurie
Pierce, David
Townsend, Charles

Andersen, Gene
Friedrich, Carol
Mulholland, Catherine
Preston, Philip

Benn, Bernard
Gionet, Edmond
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Beauchamp, Roger
Boisvert, Ronald
Chininis, Alexis
Ginsburg, Ruth
Hardy, Valerie
Hodges, Kevin
Komi, Richard
Levesque, Melanie

Beaulieu, Jane
Cebrowski, John
Clemons, Jane
Gorman, Mary
Harvey, Philip
Hopper, Gary
Kopka, Angeline
Lisle, Carolyn

Beck, Catriona
Chandleley, Shannon
Flurey, Joan
Hackel, Paul
Harvey, Suzanne
Irwin, Anne-Marie
Leishman, Peter
Mack, Ron

Bergin, Peter
Chase, Claudia
Gandia, Laura
Hammond, Jill
Hebert, Roger
Knowles, John
Levasseur, Nickolas
Matarazzo, Anthony
Sr

Messier, Irene
Poznanski, Brian
Schulze, Joan
Spaulding, Jayne
Vaillancourt, Steve

Movsesian, Lori
Pratt, Calvin
Seidel, Carl
Tahir, Saghir
Walsh, Robert Jr

Nixon, David
Rosenwald, Cindy
Shattuck, Gilman
Thompson, Robert
Williams, Carol

Pilotte, Maurice
Rowe, Robert
Shaw, Barbara
Ulery, Jordan

MERRIMACK

Bartlett, Michael
DeJoie, John
Kelly, Sally
Porter, Margaret
Rodd, Beth
Watrous, Rick

Bouchard, Candace
Foose, Robert
Kotowski, Frank
Potter, Frances
Tilton, Joy
Wheeler, Deborah

Clarke, Claire
Gile, Mary
McMahon, Patricia
Rice, Chip
Wallner, Mary Jane
Williams, Robert

Davis, Frank
Hamm, Christine
Osborne, Jessie
Richardson, Gary
Walz, Mary Beth
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis

Allen, Mary

Borden, David

Brown, C. Pennington

Cali-Pitts, Jacqueline
Day, Judith
Dowling, Patricia
Kappler, L. Mike
Mann, Maureen
Nord, Susi
Schlachman, Donna

Case, Frank
Devine, James
Ferrante, Beverly
Katsakiores, George
McCarthy, Barbara
Pettersen, Don
Sedensky, John

Casey, Kimberley
DiFruscia, Anthony
Fesh, Robert
Katsakiores, Phyllis
McEachern, Paul
Read, Robin Jr
Splaine, James

Cushing, Robert
DiPentima, Rich
Gould, Kenneth
Kepner, Susan
Nevins, Chris
Russell, Trink

STRAFFORD

Berube, Roger
Browne, Brendon
Horrigan, Timothy
Lauterborn, Elaine
Rollo, Deanna
Spang, Judith

Bickford, David
Burke, Rachel
Hubbard, Pamela
Lewis, Robert
Rous, Emma
Vachon, Dennis

Brown, Jennifer
Cyr, James
Kaen, Naida
Perry, Robert
Schmidt, Peter
Wall, Janet

Brown, Larry
Grassie, Anne
Keans, Sandra
Rogers, Rose Marie
Smith, Marjorie
Watters, David

SULLIVAN

Cloutier, John
Houde-Quimby,
Charlotte

Donovan, Thomas Jr
McClammer, Jim

Gagnon, Raymond

Gottling, Suzanne

and the majority committee report failed.

Rep. French did not vote and notified the Clerk that she wished to be recorded against.

Rep. Cushing moved Ought to Pass.

Rep. Julie Brown requested a roll call; sufficiently seconded.

YEAS 193 NAYS 174

YEAS 193

BELKNAP

Arsenault, Beth
Merry, Liz
Stuart, Richard

Bolster, Peter
Miller, Kate

Boyce, Laurie
Pilliod, James

Johnson, William
Reever, Judith

CARROLL

Ahlgren, Christopher

Bridgham, Robert

Butler, Edward

Wiley, Susan

CHESHIRE

Allen, Peter
Carlson, Nancy
Mitchell, Bonnie
Sad, Tara

Butcher, Suzanne
Carr, Daniel
Parkhurst, Henry
Weber, Lucy

Butterworth, Timothy
Lindsey, Steven
Richardson, Barbara
Weed, Charles

Butynski, William
Meador, David
Robertson, Timothy

COOS

Hatch, William
Rappaport, Laurence

Mears, Lucy
Theberge, Robert

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Cooney, Mary
Gould, Franklin
Pastor, Beatriz

Almy, Susan
Ford, Susan
Harding, Laurie
Pierce, David

Andersen, Gene
Friedrich, Carol
Mulholland, Catherine
Preston, Philip

Benn, Bernard
Gionet, Edmond
Nordgren, Sharon
Smith, Suzanne

Taylor, Kathleen

Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Chandley, Shannon
Flurey, Joan
Gorman, Mary
Harvey, Philip
Hopper, Gary
Komi, Richard
Levesque, Melanie
Matarazzo, Anthony
Sr
Pilotte, Maurice
Rowe, Robert
Shaw, Barbara
Walsh, Robert Jr

Beauchamp, Roger
Boisvert, Ronald
Chase, Claudia
Gandia, Laura
Hackel, Paul
Harvey, Suzanne
Irwin, Anne-Marie
Kopka, Angeline
Lisle, Carolyn
Messier, Irene

Poznanski, Brian
Schulze, Joan
Spaulding, Jayne
Williams, Carol

Beaulieu, Jane
Caron, June
Chininis, Alexis
Gargas, Carolyn
Hammond, Jill
Hebert, Roger
Knowles, John
Leishman, Peter
Mack, Ron
Movsesian, Lori

Pratt, Calvin
Seidel, Carl
Thompson, Robert

Beck, Catriona
Cebrowski, John
Clemons, Jane
Ginsburg, Ruth
Hardy, Valerie
Hodges, Kevin
Knowles, Mary Ann
Levasseur, Nickolas
Marshall, Seth
Nixon, David

Rosenwald, Cindy
Shattuck, Gilman
Vaillancourt, Steve

MERRIMACK

Bartlett, Michael
DeJoie, John
Kelly, Sally
Porter, Margaret
Rodd, Beth
Walz, Mary Beth
Yeaton, Charles

Bouchard, Candace
Foose, Robert
Kotowski, Frank
Potter, Frances
Stetson, William
Watrous, Rick

Clarke, Claire
Gile, Mary
McMahon, Patricia
Rice, Chip
Tilton, Joy
Wheeler, Deborah

Davis, Frank
Hamm, Christine
Osborne, Jessie
Richardson, Gary
Wallner, Mary Jane
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
Day, Judith
Dowling, Patricia
Kappler, L. Mike
Mann, Maureen
Nord, Susi
Schlachman, Donna

Allen, Mary
Case, Frank
Devine, James
Ferrante, Beverly
Katsakiores, George
McCarthy, Barbara
Pettersen, Don
Sedensky, John

Borden, David
Casey, Kimberley
DiFruscia, Anthony
Fesh, Robert
Katsakiores, Phyllis
McEachern, Paul
Read, Robin Jr
Splaine, James

Brown, C. Pennington
Cushing, Robert
DiPentima, Rich
Gould, Kenneth
Kepner, Susan
Nevins, Chris
Russell, Trinkia
Webber, Carolyn

STRAFFORD

Berube, Roger
Browne, Brendon
Grassie, Anne
Keans, Sandra
Rogers, Rose Marie
Spang, Judith

Bickford, David
Burke, Rachel
Horrigan, Timothy
Lauterborn, Elaine
Rous, Emma
Vachon, Dennis

Brown, Jennifer
Cyr, James
Hubbard, Pamela
Lewis, Robert
Schmidt, Peter
Wall, Janet

Brown, Larry
Domingo, Baldwin
Kaen, Naida
Perry, Robert
Smith, Marjorie
Watters, David

SULLIVAN

Cloutier, John
Houde-Quimby,
Charlotte

Donovan, Thomas Jr
McClammer, Jim

Gagnon, Raymond

Gottling, Suzanne

BELKNAP

Fields, Dennis
Russell, David

Flanders, Donald
St. Cyr, Jeffrey

Millham, Alida
Swinford, Elaine

Nedeau, Stephen
Wendelboe, Fran

CARROLL

Buco, Thomas
Patten, Betsey
Umberger, Karen

Chandler, Gene
Roberts, John

Fleck, Joseph
Scala, Dino

McConkey, Mark
Stevens, Stanley

CHESHIRE

Burridge, Delmar
Johnson, Jane

Eaton, Daniel
Laurent, John

Emerson, Susan
Roberts, Kris

Hunt, John
Sterling, Franklin Jr

COOS

Remick, William

Richardson, Herbert

Stohl, Eric

Thomas, Yvonne

GRAFTON

Bulis, Lyle
Matheson, Robert

Ingbreton, Paul
Maybeck, Margie

Ladd, Rick Jr
Ward, Brien

Laliberte, Suzanne

HILLSBOROUGH

Batula, Peter
Christensen, Chris
Doherty, Shaun
Foster, Linda
Graham, John
Hikel, John
Holden, Rip
Katsiantonis, George
L'Heureux, Robert
Mead, Robert
O'Neil, James
Pellegrino, Tony
Renzullo, Andrew
Shaw, Kimberly
Sullivan, Daniel
Willette, Robert

Belvin, William
Cote, David
Dokmo, Cynthia
Gagne, Larry
Haefner, Robert
Hinkle, Peyton
Infantine, William
Katsiantonis, Thomas
LaPlante, Roland
Moran, Edward
Ober, Lynne
Peterson, Andrew
Rhodes, Brian
Silva, Peter
Tahir, Saghir
Winters, Joel

Boehm, Ralph
Daniels, Gary
Drisko, Richard
Garrity, Patrick
Haley, Robert
Hogan, Edith
Jasper, Shawn
Kelley, John
Long, Patrick
O'Brien, Michael Sr
Ober, Russell III
Price, Pamela
Rokas, Theodoros
Soucy, Connie
Ulery, Jordan

Campbell, David
Day, Russell
Elliott, Nancy
Goley, Jeffrey
Hawkins, Ken
Holden, Frank
Jeudy, Jean
Kurk, Neal
McCarthy, Michael
O'Brien, William
Palmer, Stephen
Ramsey, Peter
Ryder, Donald
Soucy, Timothy
Villeneuve, Moe

MERRIMACK

Anderson, Eric
DeStefano, Stephen
McGuire, Carol
Schuett, Dianne

Boutin, David
Hess, David
Owen, Derek
Shurtleff, Stephen

Brown, Carole
Kidder, David
Palfrey, David
Smith, Todd

Coffey, Jennifer
Lockwood, Priscilla
Reed, Dennis
Webb, Leigh

ROCKINGHAM

Baldasaro, Alfred
Bridle, Russell
DeSimone, Debra
Flanders, John Sr
Hagan, Joseph

Bates, David
Charron, Gene
Dumaine, Dudley
Garrity, James
Headd, James

Belanger, Ronald
Comerford, Timothy
Elliott, Robert
Gleason, John
Hoelzel, Kathleen

Bettencourt, David
Crisler, Margaret
Emiro, Frank
Griffin, Mary
Hutchinson, Gina

Ingram, Russell
Lyons, Melissa
Packard, Sherman
Preston, Mark
Sapareto, Frank

Sullivan, James
Wells, Roger

Introne, Robert
Major, Norman
Pantelakos, Laura
Quandt, Matt
Scamman, W.
Douglas Jr

Tucker, Pamela

Itse, Daniel
McKinney, Betsy
Perkins, Amy
Rausch, James
Smith, William

Weare, Everett

Kolodziej, Walter
McMahon, Charles
Perkins, Lawrence
Reagan, John
Stiles, Nancy

Welch, David

STRAFFORD

Brown, Julie
Rollo, Michael
Vita, Carol

Groen, Warren
Ryder, Mark

Price, Susan
Sprague, Dale

Rollo, Deanna
Twombly, James

SULLIVAN

Harris, Sandra
Skinder, Carla

Howard, Thomas
Sweeney, Cynthia

Osgood, Joe

Rodeschin, Beverly

and the motion was adopted.

Ordered to third reading.

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

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Gary Richardson moved that the House reconsider its action whereby it adopted the motion of Ought to Pass on **HB 556-FN**, repealing the death penalty.

Rep. Gary Richardson spoke against.

On a division vote, 147 members having voted in the affirmative and 221 in the negative, the motion failed.

MOTION TO PRINT REMARKS

Rep. Wendelboe moved that the remarks made by Rep. Cushing during the debate on **HB 556-FN**, repealing the death penalty, be printed in the Permanent Journal.

Adopted.

MOTION TO PRINT REMARKS

Rep. Eaton moved that the remarks made by Reps. Cushing and Stevens during the debate on **HB 556-FN**, repealing the death penalty, be printed in the Permanent Journal.

Adopted.

MOTION TO PRINT DEBATE

Rep. Vaillancourt moved that the entire debate on **HB 556-FN**, repealing the death penalty, be printed in the Permanent Journal.

Adopted.

DEBATE ON HB 556-FN

Rep. Lindsey: Thank you, Madam Speaker. Colleagues, I am the sponsor of this bill and I am here to defend its life. I'm a death penalty abolitionist and I'll give you the reasons why. Do we endeavor, cry and caterwaul, kibitz and shatter, but I think we can settle this right now here in this room. We can search our hearts and search our conscience if we ask ourselves three questions. That's three questions and if you can answer one of them in the affirmative, then you can make up your mind right now. The first question, do two wrongs

make a right? Two wrongs, do they add up to a right? I think any school child can tell you the answer to that one. The second question, do we want to give the state the power of execution? Do we trust an institution made up of man who is not infallible to carry out something as important as this, something that demands perfection? Life or death demands perfection, do we have that capability? I think we've seen over the last couple of years with DNA analysis and innocent people found behind bars that you already know the answer to that too. The last question, number three, the third question, I pose to you right here is that are we infallible, do we have that right, the right that is normally accorded to perfection, to God? Search your hearts and search your conscience and let's make a decision now and we won't have to sully our states good name should this practice become expected. Thank you. Thank you, Madam Speaker.

Speaker: Will the member yield to a question? The member does not yield. The question before the House is on the adoption of the majority committee report of Inexpedient to Legislate on **HB 556**. The Chair recognizes the member from Strafford, Representative Perry.

Rep. Perry: Thank you, Madam Speaker. Friends and colleagues, following the revelations years ago that the State of Illinois put to death several innocent victims of a justice system gone awry, I quickly abandoned my support for capital punishment and rise today to speak in opposition to ITL on **HB 556**. The Innocence Project, a New York based affiliate of the Cardozo School of Law reports that since 2000 the nation has looked to Illinois as a leader on reforming it's criminal justice system in the wake of exonerations. The state has made important and historic progress toward making the system more fair and accurate in capital cases but has fallen short in other cases. For example, Dean Cage, after serving 14 years of a 40 year sentence for a crime he did not commit, is the 29th person in Illinois exonerated through DNA testing and one of 217 prisoners exonerated through post conviction DNA testing nationwide. The Justice Project, based in Washington DC reports that since the reinstatement of the death penalty in 1976, 130 people have been exonerated from death row in 26 states. That bears repeating. 130 death row inmates were found innocent of the crimes for which they faced death. Quote, "The most comprehensive study of capital trials ever conducted found that nearly 7 of every 10 death sentences handed down by state courts from 1973 to 1995 were overturned due to serious reversible error, including egregiously incompetent defense council, suppression of exculpatory evidence, eye witness misidentification, false confessions, snitch and accomplice testimony and unreliable forensic science." Unlike the state of Texas, with the most executions of any other state, New Hampshire is fortunate not to have exercised capital punishment since a death by hanging in 1939. Kirk Bloodsworth was the first person sentenced to death row to be exonerated by DNA evidence following two separate criminal trials and convicted at both. Think about the terror in his mind being convicted for a second time. He was sentenced to death for the sexual assault, rape and first degree premeditated murder of a nine year old Maryland girl. After years of asserting his innocence and demanding a DNA test, that test was finally afforded Mr. Bloodsworth and the lab concluded that his DNA did not match any of the evidence received for testing. After serving nine years for a crime he did not commit, two of them on death row, Mr. Bloodsworth was released in 1993 with a Governor's pardon. In May of 2004, a man named Kimberly Shay Ruffner, who's DNA matched evidence from the crime scene pled guilty to the murder for which Bloodsworth had been wrongfully convicted, again, twice. After nearly twenty-six years in a Texas prison, Johnnie Earl Lindsey was released in 2008 after post conviction DNA testing proved his innocence. Lindsey became the 19th man to be exonerated by DNA evidence since 2001 in Dallas County which leads the nation in DNA exonerations. Johnnie Earl Lindsey's conviction was through erroneous eye witness identification. Michael Graham was convicted of murder in 1987. After fourteen years in confinement on death row in Louisiana for a crime he did not commit, he was finally released with the help of a pro-bono lawyer in 2000. The case against Graham consisted of three witnesses who later recanted their testimony and a prosecution that withheld evidence of his

innocence. Joseph Amrine convicted on weak circumstantial evidence and snitch testimony was sentenced to death following a 1986 Missouri murder trial. After spending seventeen years on death row for a crime he did not commit, Joseph Amrine was finally freed in 2003. Three years before his own death in 1961, my father returned from his mother's funeral. As he passed by me, head down on his way up the stairs to grieve for his mother, he said to me, "The trouble with death is that it's so finale." Not all of those accused of a crime have the benefit of DNA exoneration since not all crime scenes provide such evidence, so in those cases, we might never know when our system of American jurisprudence has failed those defendants. I urge that after 174 years of death penalty debate in New Hampshire, we conclude here today that the risk is too great that we might put an innocent person to the finality of death. We can do so by killing the death penalty. Thank you.

Speaker: Will the member yield to a question? The member does not yield. The Chair recognizes the member from

Rep. Larry Brown: Thank you, Madam Speaker. Thank you, colleagues, I don't know which way the eyes are working today so it may take a time to find out which pair of glasses to use. What is remarkable about this House is the difference of opinion we have, different routes that we take and the courtesy to which we disagree. I will probably be speaking to the same side but I have a different perspective to offer. I came across an interesting question and the question is, what is the nature of grace and how does forgiveness enter our lives? It's not a question that we usually get in Municipal and County Government, but I think you will find that it resonates throughout the issues of this bill. Those who do not know Psalm 137 may recognize it by its first lines of the haunting sadness, "By the rivers of Babylon, there we sat down. Yea, we wept when we remembered Zion and we hanged our harps on the willows." If you know the old grave yards of New Hampshire, you will see those carved willows from 300 years ago for love and remembrance. If we can honor the love and remembrance of willow for life gone 300 years ago or 3000, why should we flinch to repay unmerited death with statutory death for murder done today? For me the answer to that question is at the end of Psalm 137, "Happy shall he be that taketh and dasheth thy little ones against the stones." Let me translate that for you. When our turn comes, we will take the Babylonian children for the love and remembrance of our own and we will smash their heads into the rocks. For the love and remembrance of our own. When our time comes what should the state of New Hampshire do for love and remembrance for unmerited death. I am not a charitable person and I am not as you might think, religious. My view of retribution is darker than death and I would like to demonstrate something for you. My idea is prison, prison and prison. To the gray destruction of gray concrete, gray walls and gray food and gray air. Prison when your mother dies outside the wall. Prison while family and friend turn to their own lives. Prison where one year is lost to the next, but time does not move. Prison where no one ever runs in the green grass of springtime with the fresh air of kites and the sound of children's voices. For me, you can convert to Jesus any day you want, but you will never leave this earth until you have every decay that time and earth can offer. Thank you for your attention. Thank you, Madam Speaker.

Speaker: Will the member yield to a question? The member does not yield.

Rep. Cushing: Thank you, Madam Speaker. Members of the House, I rise to speak in opposition to the pending motion and I want to acknowledge at the outset that there is probably no more somber and solemn a discussion that will take place in these chambers than that which we have on this particular topic. In the first decade of the 21st century, the reason we have a discussion about the death penalty is because people are murdered and at the end of the day we are going to have, no matter what action we take, it's not going to be a vote or a discussion that we feel good about because at the end of the day people are still going to be murdered. I know that people of good faith have different perspectives on the death penalty. Some people support it. Some people oppose it. Some people don't know. I want to acknowledge that this discussion that we are having today, nobody has the moral high ground. There is a moral position in support of the death penalty and there is a moral

position in opposition of the death penalty. I know that the speaker who will follow me, the member from Wolfeboro, is as articulate a spokesperson in support of the death penalty as we will find. I respect him and I respect his work. I respect his work as a member of law enforcement and I pay tribute to that and I know we all pay tribute to those who work in law enforcement and on the front lines of danger in order to make us all safer as a society. I would note that at the end of the day, we all share a common goal. That is the goal to live in a society where there is no violence, where people and their property are respected and that when criminals do wrongdoing, they are held accountable, punished and rehabilitated. I know that on this matter we are probably evolving. The discussion about the death penalty is constantly evolving in our thoughts. I also know that I want to honor and respect those people in law enforcement who have paid the ultimate sacrifice. I know that I stand here and recall people such as Michael Briggs and Jeremy Charron, Leslie Lord and Scott Philips and the other members of law enforcement whose names are inscribed on the memorial across the street in front of the legislative office building. I know that the families of those fallen officers woke up this morning and their loved ones are still gone and they still miss them and it's the same for everybody who has had a loved one taken by murder. That it's not just whether you're a member of law enforcement or a priest or a waitress or a teacher. For the individual whose had a family member taken by murder, that murder is the most heinous murder of all. It is the greatest robbery of life. It is the one that you love who was taken that rips your heart apart. There is a paradigm in our country, I think in our society that presumes that everybody who's had a family member murdered wants to see the person responsible put to death. They need that in order to find closure or find some kind of solace. As a consequence, legislators and elected officials everywhere are under almost a moral obligation to provide for an execution solution to victims pain. I have to tell you that that paradigm is not the truth. There are exceptions. Twenty years ago I went and stopped to visit my mother and father at their home for an evening and when I left, my father was sitting at the kitchen table reading *Fosters Daily Democrat* and my mother was on the couch watching the Boston Celtics playoff game. A little while after I left, there was a knock on the front door and my dad got up to open it and my mother watched as two shotgun blasts rang out turning his chest into hamburger. He died in front of my mother in the home that they lived in for 35 years and where they raised their seven children. For me, when I talk about what you do in the aftermath of homicide and the aftermath of murder, it's not an intellectual exercise, its part of my life. I can just tell you that murder is different. We are used to having death come, hopefully in the night when we are about 108 or maybe we will get a disease or maybe it will happen in an accident, but we are used to death coming in a way that we can't really comprehend. We recognize it as being the act of the deity. When the death comes at the hands of another human being, that's very disconcerting because it's hard for us to try to recognize and none of us can imagine us playing the role of a life taker. When you deal with murder, you experience the grief that we all have when we lose a loved one, but you also deal with a trauma and you also deal with a crime. The trauma tosses everything in your life up in the air and for the survivor of a murder victim, the process after the killing is all about trying to regain control over your life, that control that's been taken away from you by the killer. I found out that murder was a different kind of crime right after my dad was murdered. I remember having to go and stand at a phone bank and make a call to my six brothers and sisters in the Exeter Hospital. The same bank I had stood at six weeks earlier to announce that my first daughter had arrived. I made the calls to tell them my father had died, but also that he had been killed and I couldn't explain why. I remember not being able to take my dad's body at that moment to a funeral parlor because my father's body was no longer his body, it had become a piece of evidence and I watched it as it was loaded into the ambulance and taken to Concord where it would be photographed and dissected and otherwise preserved for some future criminal justice process. I knew that my father was murdered in the house and the house was no longer a home, it was a crime scene. I remember what it was like after the police had left and taken down the yellow tape looking

and seeing my father's blood on the floor and walls and thinking to myself, how am I going to get that up? I am a pretty resourceful person but I couldn't do that, I had to ask for help. I remember what it was like three weeks later when my mother got a bill in the mail from the ambulance corp. and she opened it up and she said, "I can't believe that I have to pay for my husband's murder," because it was about getting a bill for transporting my father's corpse from the home to the hospital. Those are all part of the experiences that being a survivor of a homicide victim that often times people don't understand. I share that with you because I think it's important for you to know that this is a really complicated issue. I can say that after my father was murdered I didn't think right away much about the issues related to the death penalty. I was more concerned about what to do with the empty chair at the table and what to do with the emptiness in your heart and what to do with the crying that was going on in my household. Something happened a couple of days after my father's killers were arrested. I went to the corner store and an old friend came up to me and he said, "Ray, I hope they fry the bastards. I hope they fry the bastards so you and your mother and your family can get some peace." I was taken aback and didn't know what to say. I couldn't say anything at that moment but I know this paradigm that's out there that presumes that murder victim family members want the death penalty and I understand that he was trying to give me some kind of comfort by saying he wished that. What struck me about it is that he knew me and he had known me my whole life and he knew that prior to my father's murder I had opposed the death penalty. I did so in part because of being raised in the Irish Catholic faith tradition, but also because when I was my own daughter's age I'd made some decisions about the kind of life I wanted to live and the world I wanted to live in. That included a world where there wasn't violence, where life was respected, but I never thought the death penalty would affect me directly. I thought about what he said to me and I realized that he had presumed that because my father was murdered I would change my position on the death penalty. I realized that if I did that that would only give over more power to the killers. That would only give over more power to the murderer because not only would my father be taken from me, but so would my values. It is the same for society as it is for individuals. If we let those who kill make us into killers, then evil triumphs and we all lose. I also realized as I was going through that, that in a way because in our society silence is consent, that in a way, oh my God, another burden imposed upon me as a survivor of a murder victim. Because silence is consent I almost had an obligation to speak out to tell people who presumed that as a murder victim family member I support the death penalty that they were wrong and that in fact I oppose the death penalty. I stand here in front of you today in part to honor my father and in part to say that not all family members of murder victims want the death penalty. After my father was murdered it was really easy to see how my family had been affected, how my neighborhood had been impacted and everybody in my circle of friends. In time I came to see that those who were impacted by my father's killer included the family of my father's murderer. I didn't know the man who killed my father. My father's name was Robert Cushing and I'm Robert Cushing, Jr. The man whose finger on the trigger, took my father's life, his name was Robert McLaughlin and he had a son, Robert McLaughlin, Jr. One day in Rockingham County Superior Court, Robert McLaughlin, Jr. was there at a pre-trial hearing and afterwards he and I met. It was kind of a weird thing to meet somebody under those circumstances. The only thing you have in common is a homicide. He started apologizing for my father's murder and I said, "You don't have to apologize to me. We both lost our fathers on June 1st." Because, mine was in the grave and his was in the jail cell. I wish my father had never been murdered, but I'm glad for the values he gave to me. I was just thinking that I hear him all the time in my children's voices and that is kind of a nice thing and I can talk about him. I look at Robert McLaughlin, Jr. and he is the son of a murderer. That is an entirely different cross to bear. I think about that and I hear things like the apple does not fall far from the tree and it enrages me. Think about what the state of New Hampshire tells me I should want for him because we have this particular penalty for killers. I'm told that to be a good victim, to value my father's life I first

of all want the most severe punishment. I'm supposed to want for Robert McLaughlin, Jr. to go down the street outside the state prison, wait until his father is taken from his cell, strapped to a gurney and a needle pumped into his vein until he is dead so he can claim that? Know the pain of the funeral parlor and the emptiness of the graveyard? That doesn't bring my father back. Filling another coffin just creates another grieving family and it's not something that I want as a tribute to him at all. I will tell you it's a difficult journey being the survivor of a homicide victim and healing. We care about holding perpetrators accountable. No one wants to see killers held accountable more than me. We believe in justice, it's very important, but at the end of the day there is an individual challenge and this is also a society challenge and that is people want to heal. Healing is a process, it's not an event. I have to say that those people who advocate for the execution solution to victim's pain have a fundamental lack of understanding that you don't get better from a ritual killing by public employees of a prisoner. No matter how many times you kill them, it doesn't bring anybody back. I want you to know that it would be important to those of us who have had family members murdered who oppose the death penalty that the State of New Hampshire make a statement on behalf of life. I want you to know that its time to abolish the death penalty. There is a guy named Nelson Mandela who knew about the death penalty. He faced it at one time and then spent twenty-seven years in prison and when he got out he didn't look back in anger, he had work to do. He had to free South Africa from the burden of apartheid and he went on to become the President of a new South Africa. A country where one of the first steps he did was abolish the death penalty. Nelson Mandela was asked one time what he thought about parliamentarians, what he thought about political leaders or legislators who supported the death penalty. In his soft way he said, "Those law makers who support the death penalty just haven't fully evolved." I would hope that you would think about that and I would hope that as a society in New Hampshire and as law makers that we would evolve to the point where we can recognize that the death penalty is something that we can live without. I would ask you today to press the red button to defeat this motion. Press the red button and then go on to abolish the death penalty. I ask you to do that in the name of my father.

Speaker: Will the member yield to a question? The member does not yield.

Rep. Stevens: Thank you, Madam Speaker. My esteemed colleagues, it is very tough to follow a speaker like that. We are going to talk about New Hampshire, though. He was talking about New Hampshire and I am going to talk about New Hampshire. I'm not going to talk about Illinois and I'm not going to talk about Texas. How they do things is not our business. I'm going to talk about the death penalty as it's applied in New Hampshire in a very narrow way, very closely crafted. Also to remind you that we just passed a bill to study this that I supported. I think we can study this and determine where we can go with this. Now, where I intended to start. Unfortunately, personal tragedy is a very real part of law enforcement. Every officer regardless of rank, age, sex, size of department or any other factor could be called upon at any time to give the ultimate sacrifice. Every officer knows the potential dangers yet willingly takes that risk every time they report for duty. I began my police career in 1963. When I started, the country had never heard of Danny Miranda. He became famous in 1965 as the Miranda in the Miranda Warning. I cite this just to put this time span into perspective. Prior to 1963, there had been four police officers feloniously murdered in the line of duty. The first recorded was 1891. We haven't had organized police departments in this country much before that and in this state they began somewhere around the 1870's. The first in 1891 followed by 1921, 1924 and 1928. Now we are up to 1963 when I started so it has been a number of years when there were no police officers killed. September 12, 1971, that's when we had the next felonious murder. On that date, Rockingham County Corrections Officer, Robert Prescott was on duty at the Rockingham County jail. Prisoner Lawrence Conklin using a makeshift knife stabbed him to death. Officer Prescott died from his injuries before he reached Exeter Hospital. He was 27 years old. We have corrections officers in these prisons right now that have to deal with inmates

that are dangerous like this. If we are going to put killers in there, we can expect that these things may well happen because they are now in jail and these corrections officers face them daily. Just one month later, on October 17, 1971, acting Chief Armand J. Roussel, age 50 of the Nashua police department was shot to death. He was trying to break up a hostage situation when he walked up unarmed and was shot and killed. He was survived by a wife, five sons and a daughter. Oddly enough, the inspector that was with him was a friend of mine who later became the Chief in Nashua, Ray Landry. He was with him at the time. It made it a little more personal for me knowing one of the officers involved. Five years passed. In October 1976, Officer Ralph W. Miller of the Nashua police department went to a house on Hall Street to investigate a report of a loud party. He and another officer approached the porch. When they approached the porch, a shot from a high powered rifle came from behind the door hitting Officer Miller in the chest. He died at Catholic Medical Center. He was 25 years old. He was survived by a wife and daughters. His killer was a 15 year old boy. That 15 year old boy is still in the New Hampshire state prison doing life without parole. He's at the top of the heap inside prison because he is a cop killer. It would be eighteen years before tragedy again would strike. On October 3, 1994 Sergeant James Noyes of the New Hampshire State Police was negotiating with an armed and barricaded man when the man shot Sergeant Noyes with a rifle. He survived by his wife and two sons. By the way, his oldest son is now a New Hampshire State Trooper. I knew Jimmy Noyes personally. He was an outstanding police officer, an outstanding family man and member of his community. August 1997 was the single most deadly day for law enforcement in New Hampshire's history. On that date, troopers Leslie Lord and Scott Phillips reported for duty for the last time. By afternoon, they had both been shot to death by Carl Drega. Officer Philips had returned fire when he realized what had happened because he came into the scene. Officer Lord was already down, seriously injured. After Drega shot and killed Philips he walked up to and executed Officer Lord point blank. He wasn't done yet. He went over to a building in the town of Colebrook. He shot and killed Judge Vickie Bunnell. She's the only justice ever murdered. He also killed the editor of the local newspaper, Dennis Joos who had attempted to intervene. Before being killed in a shoot out with police, Drega had wounded two other law enforcement officers. One of them was a conservation officer and you know what saved him? The shot struck him in the badge. That was a real shield for that man. He survived. Trooper Lord was 45 years old. He was survived by a wife and two sons. Trooper Philips was 32 years old. He was survived by his wife, a son and a daughter. Just five short days later, Officer Jeremy Charron of the Epsom police department was shot and killed during a routine check of a suspicious vehicle. He walked up to check the occupants and without a word they fired at him, killed him. He was 24 years old. 1999, I retired from police work. During the time that I was active in law enforcement, six police officers, one correction officer and one judge were murdered. In 2000, I became a member of the General Court. I stood here each term asking you to retain the death penalty. During this period, two other names have been added to the list of those who gave the last full measure. On Monday, October 16, 2006, Officer Michael Briggs of the Manchester police department was shot and killed in an alley way. I'm sure most of you are familiar by now with this incident. Officer Briggs left behind a wife and two sons. He was 35 years old. Ironically, Officer Briggs had been a member of the Epsom police department and had worked with Officer Jeremy Charron. Then on May 11, 2007, Corporal Bruce McKay of the Franconia police department was shot and run over by Liko Kenney during a routine traffic stop. Mr. Kenney was subsequently shot and killed at the scene by a passerby. Corporal McKay was 48 years old. He left behind a fiancé and a daughter. Who are these police officers, these judges, these correction officers? I don't mean who are they as individuals; I've given you an overview of them in that respect. I mean who are they as an institution? They represent us as our guidance. They are the ones we send out to enforce the laws that we write. They are the ones that we task with dispensing justice in our name. They are the ones that we expect to maintain order with our jails and prisons. They are sent to stand between us and lawlessness. As such we have had

a covenant with them for many years. That covenant is that if someone takes their life while they are performing their duties in our name, that we will place the life of their killers a price that took away our protectors. We don't do this lightly. We set many requirements on our prosecutors. These must be proven beyond a reasonable doubt to a jury, not to the state. You asked the question about the state executing people. The state doesn't convict them. They prosecute the case. You and I, our peers convict them. We do it. The people on the street, our neighbors and they do that in two separate stages. You saw this play out in this recent case. In two cases you saw it play out. In the case of John Brooks, it was a murder for hire. He was found guilty of capital murder and the jury said the death sentence could apply. In that case as in every case, you go to a second phase of trial. That second phase of trial, the jury determines both those factors that they consider make the crime so bad as to deserve murder. Those must be proven beyond a reasonable doubt and the defendant produces mitigating circumstances which they have to prove by preponderance of evidence which is slightly more than the other side, 51/49 balance. That's what they have to prove to the jury. The jury makes that decision. In the Brooks case, they determined after hearing these factors the death penalty would not apply. I will tell you because they don't poll the jury, I can't tell you how many were against that but I know it only takes one. If one person votes not guilty out of the twelve, in the criminal trial you cannot execute. If one person votes no in the penalty phase, you cannot execute. Michael Briggs you saw an opposite result. The jury had to make the same considerations. In that case and I have read both of the jury verdict forms, Michael Addison had a record that is about as long as your arm. This was a young man and he had a horrible record, attempted murder. He had tried to kill another person, fired twice point blank at their head and the gun did not go off. This was not a good person. The jury so found and they said no, we are going to sentence you to death. New Hampshire has a very close tight law. It's purposely so, it has to be so, I want it to be so. I think that if we can go ahead looking into this commission to study this, we may find ways or they may vote eventually to get rid of the death penalty. They may come forward and say that it can be improved in certain way. I think they should have time to work on that. I ask you now to join me and the majority of the criminal justice committee in continuing this covenant in memory of those that have already given and those who will some day make the ultimate sacrifice. Thank you, Madam Speaker and my honorable colleagues.

Speaker: Will the member yield to a question? The member does not yield.

The House recessed at 12:30 p.m.

RECESS

(Speaker Norelli in the Chair)

The House reconvened at 1:45 p.m.

SPECIAL ORDERS

REGULAR CALENDAR – PART I (CONT'D)

HB 289, relative to the requiring financial and business management experience for membership on the board of trustees of the New Hampshire retirement system.

INEXPEDIENT TO LEGISLATE.

Rep. Patricia M. McMahon for Executive Departments and Administration: This bill would eliminate all eight trustees representing the four employee groups on the board of the NHRS, as well as remove the appointee of the Senate President and the appointee of the Speaker of the House. While the concept of selecting trustees with finance or business management could be a consideration in future sessions, the newly created independent investment committee which was inaugurated last year added three non-board trustees who have substantial experience in finance or institutional investment. This change should produce improved results. Progress stabilizing the NHRS, increasing the return on investment and

implementing sound practices is the focus of our legislative efforts. Another bill has been retained to consider other alternatives. Vote 15-0.
Committee report adopted.

HB 475-FN, prohibiting the investment of state funds in the energy sectors of countries that have been identified by the United States Department of State as state sponsors of terrorism. **INEXPEDIENT TO LEGISLATE.**

Rep. Russell C. Day for Executive Departments and Administration: This bill was intended to prohibit the investment of state funds, including the state retirement system, in countries that have been identified as sponsors of terrorism. While the intention of the bill was thoughtful, it was similar to legislation passed last year regarding investments in the Sudan. That legislation is presently being evaluated by the state supreme court, and the decision has not yet been handed down. There are controls at the federal level by the Office of Foreign Assets Controls which is a more appropriate level to investigate foreign assets than the NH state treasurer. Vote 17-1.
Committee report adopted.

HB 532-FN, excluding extra or special duty pay from earnable compensation in the retirement system. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Patricia M. McMahon for the Majority of Executive Departments and Administration: The legislation as amended would require that all of the employer contributions for extra or special duty pay for Group II members be the full responsibility of the municipal or local employer. The municipality would continue to bill the appropriate entity for the costs of special and extra duty activities including their own employer share as well as the State's employer share (currently 65%/35%). This amendment removes the State of NH from the obligation to make contributions for extra and special activities. In addition the majority of the committee wishes to make a comprehensive review of all earnable compensation including extra or special duty pay, compare our benefits with other states and determine which should be part of the compensation package offered for any future hires. Vote 12-6.
Rep. Ken Hawkins for the Minority of Executive Departments and Administration: This bill as introduced would eliminate special duty and extra pay from the earnable compensation reported to the NH Retirement System. Currently special duty pay is paid to Group II members for work done flagging at construction sites, sporting events, and some school events. This money paid into the retirement system inflates a person's pension. In some cases the pension is higher than the base pay earned. In other cases it allows a person to retire after twenty years at full salary. This was included in HB 1645 that passed overwhelmingly in the house last year, and was eliminated in the committee of conference by the Senate. Some other states do not allow this money to be included in the pension system, specifically Massachusetts.

Majority Amendment (0787h)

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

AN ACT relative to employer payment for extra or special duty pay of group II members in the retirement system.

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

1 New Paragraph; Retirement System; Definitions. Amend RSA 100-A:1 by inserting after paragraph XXXI the following new paragraph:

XXXII. "Extra or special duty" means member work activities or details for which the employer bills or charges another entity, in whole or in part, for the work activities or details provided.

2 Employer Contributions; State Payment; Group II Extra or Special Duty. Amend RSA 100-A:16, II(b) to read as follows:

(b) The contributions of each employer for benefits under the retirement system on account of group II members shall consist of a percentage of the earnable compensation of its members to be known as the “normal contribution”, and an additional amount to be known as the “accrued liability contribution”; provided that any employer, other than the state, shall pay 65 percent of such total contributions, and 35 percent thereof shall be paid by the state ***except that in the case of compensation attributable to extra or special duty, the employer shall pay the full amount of such total contributions***; and provided further that, in case of group II members employed by the state, the state shall pay both normal and accrued liability contributions. The rate percent of such normal contribution, including contributions on behalf of group II members whose group II creditable service is in excess of 40 years, in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuations, except as provided in subparagraphs (h) and (i).

3 New Paragraph; Employer Report; Extra or Special Duty. Amend RSA 100-A:16 by inserting after paragraph V the following new paragraph:

VI. Every employer shall report monthly to the retirement system all compensation of group II members that is attributable to extra or special duty. When an employer provides extra or special duty services, the employer shall include in its billing or charge to the entity for whom the extra or special duty is being provided the full amount of contributions required under RSA 100-A:16, II(b) attributable to the extra or special duty. Notwithstanding any provision to the contrary, the employer shall be responsible for the full amount of employer contributions required under RSA 100-A:16, II(b) attributable to extra or special duty.

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

AMENDED ANALYSIS

This bill removes the provision that the state pay a share of the employer contribution for extra or special duty work of group II members in the retirement system.

Rep. Hawkins spoke against.

Rep. Patricia McMahon spoke in favor.

On a division vote, 151 members having voted in the affirmative and 191 in the negative, the majority committee amendment failed.

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

Rep. Daniel Sullivan requested a roll call; sufficiently seconded.

YEAS 189 NAYS 185

YEAS 189

BELKNAP

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

CARROLL

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

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Laurent, John
Meador, David	Roberts, Kris	Robertson, Timothy	Sterling, Franklin Jr

COOS

Rappaport, Laurence
Thomas, Yvonne

Richardson, Herbert

Stohl, Eric

Theberge, Robert

GRAFTON

Andersen, Gene
Gould, Franklin
Ward, Brien

Bulis, Lyle
Ingbretson, Paul

Ford, Susan
Ladd, Rick Jr

Gionet, Edmond
Maybeck, Margie

HILLSBOROUGH

Batula, Peter
Boehm, Ralph
Day, Russell
Elliott, Nancy
Haefner, Robert
Hinkle, Peyton
Hopper, Gary
L'Heureux, Robert
Messier, Irene
Ober, Lynne
Pepino, Leo
Price, Pamela
Ryder, Donald
Soucy, Connie
Vaillancourt, Steve
Winters, Joel

Beaulieu, Jane
Cebrowski, John
Doherty, Shaun
Gagne, Larry
Hawkins, Ken
Hogan, Edith
Infantine, William
LaPlante, Roland
Moran, Edward
Ober, Russell III
Peterson, Andrew
Ramsey, Peter
Seidel, Carl
Spaulding, Jayne
Villeneuve, Moe

Belvin, William
Christensen, Chris
Dokmo, Cynthia
Gargas, Carolyn
Hikel, John
Holden, Frank
Jasper, Shawn
McCarthy, Michael
Nixon, David
Palmer, Stephen
Pilotte, Maurice
Renzullo, Andrew
Shaw, Barbara
Tahir, Saghir
Walsh, Robert Jr

Bergin, Peter
Daniels, Gary
Drisko, Richard
Graham, John
Hinch, Richard
Holden, Rip
Kurk, Neal
Mead, Robert
O'Brien, William
Pellegrino, Tony
Pratt, Calvin
Rowe, Robert
Silva, Peter
Ulery, Jordan
Willette, Robert

MERRIMACK

Anderson, Eric
Kidder, David
Owen, Derek

Boutin, David
Kotowski, Frank
Palfrey, David

Coffey, Jennifer
Lockwood, Priscilla
Reed, Dennis

Hess, David
McGuire, Carol
Smith, Todd

ROCKINGHAM

Allen, Mary
Bettencourt, David
Case, Frank
DeSimone, Debra
Dumaine, Dudley
Fesh, Robert
Gould, Kenneth
Hoelzel, Kathleen
Itse, Daniel
Kepner, Susan
McEachern, Paul
Packard, Sherman
Rausch, James
Scamman, W.
Douglas Jr
Stiles, Nancy
Wells, Roger

Baldasaro, Alfred
Bishop, Franklin
Charron, Gene
Devine, James
Elliott, Robert
Flanders, John Sr
Griffin, Mary
Hutchinson, Gina
Kappler, L. Mike
Kolodziej, Walter
McKinney, Betsy
Pantelakos, Laura
Reagan, John
Schlachman, Donna

Sullivan, James

Bates, David
Brown, C. Pennington
Comerford, Timothy
DiPentima, Rich
Emiro, Frank
Garrity, James
Hagan, Joseph
Ingram, Russell
Katsakiores, George
Lyons, Melissa
McMahon, Charles
Perkins, Amy
Sapareto, Frank
Sedensky, John

Weare, Everett

Belanger, Ronald
Cali-Pitts, Jacqueline
Crisler, Margaret
Dowling, Patricia
Ferrante, Beverly
Gleason, John
Headd, James
Introne, Robert
Katsakiores, Phyllis
Major, Norman
Nevins, Chris
Pettersen, Don
Scamman, Stella
Smith, William

Welch, David

STRAFFORD

Bickford, David	Domingo, Baldwin	Groen, Warren	Lauterborn, Elaine
Ryder, Mark	Twombly, James	Vita, Carol	

SULLIVAN

Howard, Thomas	Osgood, Joe	Rodeschin, Beverly	Skinder, Carla
Sweeney, Cynthia			

NAYS 185

BELKNAP

Arsenault, Beth	Merry, Liz	Miller, Kate	Reever, Judith
Stuart, Richard			

CARROLL

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

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

COOS

Hatch, William	Ingersoll, Paul Sr	Mears, Lucy	Merrick, Evalyn
Merrick, Scott			

GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Beauchamp, Roger	Beck, Catriona	Boisvert, Ronald
Campbell, David	Caron, June	Chandley, Shannon	Chase, Claudia
Chininis, Alexis	Clemons, Jane	Cote, David	Craig, James
Flurey, Joan	Foster, Linda	Gandia, Laura	Garritty, Patrick
Gidge, Kenneth	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Hackel, Paul	Haley, Robert	Hammond, Jill	Hardy, Valerie
Harvey, Philip	Harvey, Suzanne	Hebert, Roger	Hodges, Kevin
Irwin, Anne-Marie	Jeudy, Jean	Katsiantonis, George	Katsiantonis, Thomas
Kelley, John	Knowles, John	Knowles, Mary Ann	Komi, Richard
Kopka, Angeline	Leishman, Peter	Levasseur, Nickolas	Levesque, Melanie
Lisle, Carolyn	Long, Patrick	Mack, Ron	Marshall, Seth
Matarazzo, Anthony Sr	Movsesian, Lori	O'Brien, Michael Sr	O'Neil, James
Poznanski, Brian	Rhodes, Brian	Rokas, Theodoros	Rosenwald, Cindy
Schulze, Joan	Shattuck, Gilman	Shaw, Kimberly	Soucy, Timothy
Sullivan, Daniel	Thompson, Robert	Williams, Carol	

MERRIMACK

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

ROCKINGHAM

Abbott, Dennis	Borden, David	Bridle, Russell	Casey, Kimberley
Cushing, Robert	Day, Judith	DiFruscia, Anthony	Henson, John
Mann, Maureen	McCarthy, Barbara	Nord, Susi	Perkins, Lawrence
Preston, Mark	Quandt, Matt	Read, Robin Jr	Russell, Trink
Splaine, James	Webber, Carolyn		

STRAFFORD

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

SULLIVAN

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

and the motion was adopted.
Ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Hawkins moved that the House reconsider its action whereby it adopted the motion of Ought to Pass on **HB 532-FN**, excluding extra or special duty pay from earnable compensation in the retirement system.

Rep. Hawkins spoke against.

On a division vote, 184 members having voted in the affirmative and 190 in the negative, the motion failed.

SPECIAL ORDERS

REGULAR CALENDAR – PART I (CONT'D)

HB 591-FN, relative to the maximum initial retirement benefit for retirees in the New Hampshire retirement system. **MAJORITY: INEXPEDIENT TO LEGISLATE.**

MINORITY: OUGHT TO PASS.

Rep. Patricia M. McMahon for the Majority of Executive Departments and Administration: Current law provides that a member (employee) hired before July 1, 2009 shall not exceed 100 percent of the member's highest year of earnable compensation which includes the base rate of compensation paid plus overtime pay, holiday and vacation pay sick pay etc. This bill does not impact those already hired. Members hired on or after July 1, 2009 are limited to a maximum retirement benefit of \$120,000. HB 591 would limit all future employees to 100

percent of the member's highest year of base rate of compensation without consideration for other earnable compensation. The majority of the committee seeks an opportunity to consider and study all elements of earnable compensation at one time, compare our benefits with other states and determine which should be part of the compensation package offered for future hires. That can be accomplished with more time and a full recommendation can be prepared and presented to the House next fall. Vote 10-8.

Rep. Ken Hawkins for the Minority of Executive Departments and Administration: This bill would limit an employee's pension to no more than 100% of their base pay. There is no policy decision that should be simpler to make than someone should not make more in a pension check than what their base pay was. We see stories in the newspaper about retirees making 110% and more and the public is outraged, but this committee seems to disagree with the need to address the problem immediately.

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

Rep. Hawkins spoke against.

Rep. Patricia McMahon spoke in favor.

Rep. Eaton requested a roll call; sufficiently seconded.

YEAS 193 NAYS 183

YEAS 193

BELKNAP

Arsenault, Beth
Stuart, Richard

Merry, Liz

Miller, Kate

Reever, Judith

CARROLL

Bridgham, Robert
Wiley, Susan

Buco, Thomas

Butler, Edward

Knox, J. David

CHESHIRE

Allen, Peter
Carlson, Nancy
Parkhurst, Henry
Weed, Charles

Burridge, Delmar
Eaton, Daniel
Richardson, Barbara

Butcher, Suzanne
Lindsey, Steven
Sad, Tara

Butterworth, Timothy
Mitchell, Bonnie
Weber, Lucy

COOS

Hatch, William

Ingersoll, Paul Sr

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Cooney, Mary
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

Almy, Susan
Ford, Susan
Matheson, Robert
Pierce, David
Townsend, Charles

Andersen, Gene
Gould, Franklin
Mulholland, Catherine
Preston, Philip

Benn, Bernard
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Chininis, Alexis
Flurey, Joan
Gidge, Kenneth
Hackel, Paul

Beauchamp, Roger
Caron, June
Clemons, Jane
Foster, Linda
Ginsburg, Ruth
Haley, Robert

Beck, Catriona
Chandley, Shannon
Cote, David
Gandia, Laura
Goley, Jeffrey
Hammond, Jill

Boisvert, Ronald
Chase, Claudia
Craig, James
Garrity, Patrick
Gorman, Mary
Hardy, Valerie

Harvey, Philip
Irwin, Anne-Marie
Kelley, John
Kopka, Angeline
Levesque, Melanie
Marshall, Seth
O'Neil, James
Rokas, Theodoros
Shaw, Barbara
Thompson, Robert

Harvey, Suzanne
Jeudy, Jean
Knowles, John
LaPlante, Roland
Lisle, Carolyn
Movsesian, Lori
Poznanski, Brian
Rosenwald, Cindy
Shaw, Kimberly
Williams, Carol

Hebert, Roger
Katsiantonis, George
Knowles, Mary Ann
Leishman, Peter
Long, Patrick
Nixon, David
Ramsey, Peter
Schulze, Joan
Soucy, Timothy

Hodges, Kevin
Katsiantonis, Thomas
Komi, Richard
Levasseur, Nickolas
Mack, Ron
O'Brien, Michael Sr
Rhodes, Brian
Shattuck, Gilman
Sullivan, Daniel

MERRIMACK

Bartlett, Michael
Davis, Frank
Kelly, Sally
Porter, Margaret
Rodd, Beth
Tilton, Joy
Webb, Leigh

Bouchard, Candace
Foose, Robert
McMahon, Patricia
Potter, Frances
Schuett, Dianne
Wallner, Mary Jane
Wheeler, Deborah

Brown, Carole
Gile, Mary
Osborne, Jessie
Rice, Chip
Shurtleff, Stephen
Walz, Mary Beth
Williams, Robert

Clarke, Claire
Hamm, Christine
Owen, Derek
Richardson, Gary
Stetson, William
Watrous, Rick
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
DiPentima, Rich
Mann, Maureen
Pettersen, Don
Russell, Trinkia

Borden, David
Casey, Kimberley
Henson, John
Nord, Susi
Preston, Mark
Schlachman, Donna

Bridle, Russell
Cushing, Robert
Hutchinson, Gina
Pantelakos, Laura
Quandt, Matt
Splaine, James

Brown, C. Pennington
Day, Judith
Lyons, Melissa
Perkins, Lawrence
Read, Robin Jr
Webber, Carolyn

STRAFFORD

Berube, Roger
Brown, Larry
Grassie, Anne
Kaen, Naida
Rollo, Deanna
Schmidt, Peter
Vachon, Dennis

Brennan, William
Browne, Brendon
Hofemann, Roland
Keans, Sandra
Rollo, Michael
Smith, Marjorie
Wall, Janet

Brown, Jennifer
Burke, Rachel
Horriggan, Timothy
Perry, Robert
Rous, Emma
Spang, Judith
Ward, Kenneth

Brown, Julie
Cyr, James
Hubbard, Pamela
Rogers, Rose Marie
Ryder, Mark
Sprague, Dale
Watters, David

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond

Gottling, Suzanne

NAYS 183

BELKNAP

Bolster, Peter
Johnson, William
Russell, David

Boyce, Laurie
Millham, Alida
St. Cyr, Jeffrey

Fields, Dennis
Nedeau, Stephen
Swinford, Elaine

Flanders, Donald
Pilliod, James
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Patten, Betsey

Chandler, Gene
Roberts, John

Fleck, Joseph
Scala, Dino

McConkey, Mark
Stevens, Stanley

Umberger, Karen

CHESHIRE

Butynski, William
Johnson, Jane
Robertson, Timothy

Carr, Daniel
Laurent, John
Sterling, Franklin Jr

Emerson, Susan
Meader, David

Hunt, John
Roberts, Kris

COOS

Mears, Lucy
Stohl, Eric

Rappaport, Laurence
Theberge, Robert

Remick, William
Thomas, Yvonne

Richardson, Herbert

GRAFTON

Bulis, Lyle
Ladd, Rick Jr

Friedrich, Carol
Maybeck, Margie

Gionet, Edmond
Ward, Brien

Ingbertson, Paul

HILLSBOROUGH

Batula, Peter
Boehm, Ralph
Day, Russell
Elliott, Nancy
Haefner, Robert
Hinkle, Peyton
Hopper, Gary
L'Heureux, Robert

Beaulieu, Jane
Cebrowski, John
Doherty, Shaun
Gagne, Larry
Hawkins, Ken
Hogan, Edith
Infantine, William
Matarazzo, Anthony
Sr

Belvin, William
Christensen, Chris
Dokmo, Cynthia
Gargasz, Carolyn
Hikel, John
Holden, Frank
Jasper, Shawn
McCarthy, Michael

Bergin, Peter
Daniels, Gary
Drisko, Richard
Graham, John
Hinch, Richard
Holden, Rip
Kurk, Neal
Mead, Robert

Messier, Irene
Ober, Russell III
Peterson, Andrew
Renzullo, Andrew
Silva, Peter
Ulery, Jordan
Willette, Robert

Moran, Edward
Palmer, Stephen
Pilotte, Maurice
Rowe, Robert
Soucy, Connie
Vaillancourt, Steve
Winters, Joel

O'Brien, William
Pellegrino, Tony
Pratt, Calvin
Ryder, Donald
Spaulding, Jayne
Villeneuve, Moe

Ober, Lynne
Pepino, Leo
Price, Pamela
Seidel, Carl
Tahir, Saghir
Walsh, Robert Jr

MERRIMACK

Anderson, Eric
Hess, David
McGuire, Carol

Boutin, David
Kidder, David
Palfrey, David

Coffey, Jennifer
Kotowski, Frank
Reed, Dennis

DeStefano, Stephen
Lockwood, Priscilla
Smith, Todd

ROCKINGHAM

Allen, Mary
Bettencourt, David
Comerford, Timothy
DiFruscia, Anthony
Emiro, Frank
Garrity, James
Hagan, Joseph
Introne, Robert
Katsakiores, Phyllis
McCarthy, Barbara
Nevins, Chris
Reagan, John
Smith, William

Baldasaro, Alfred
Bishop, Franklin
Crisler, Margaret
Dowling, Patricia
Ferrante, Beverly
Gleason, John
Headd, James
Itse, Daniel
Kepner, Susan
McEachern, Paul
Packard, Sherman
Sapareto, Frank
Stiles, Nancy

Bates, David
Case, Frank
DeSimone, Debra
Dumaine, Dudley
Fesh, Robert
Gould, Kenneth
Hoelzel, Kathleen
Kappler, L. Mike
Kolodziej, Walter
McKinney, Betsy
Perkins, Amy
Scamman, Stella
Sullivan, James

Belanger, Ronald
Charron, Gene
Devine, James
Elliott, Robert
Flanders, John Sr
Griffin, Mary
Ingram, Russell
Katsakiores, George
Major, Norman
McMahon, Charles
Rausch, James
Sedensky, John
Weare, Everett

Welch, David

Wells, Roger

STRAFFORD

Bickford, David
Lewis, Robert

Domingo, Baldwin
Price, Susan

Groen, Warren
Twombly, James

Lauterborn, Elaine
Vita, Carol

SULLIVAN

Howard, Thomas
Skinder, Carla

McClammer, Jim
Sweeney, Cynthia

Osgood, Joe

Rodeschin, Beverly

and the majority committee report was adopted.

Rep. DiPentima voted Yea and intended to vote Nay.

HB 641-FN-L, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia M. McMahon for Executive Departments and Administration: This legislation as amended addresses a shortcoming in HB 1645, Chapter 300 (2008 session) which attempted to resolve the “spiking” issue. Spiking sometimes occurs at the end of an employee’s career and is enhanced by using the highest three years of compensation to determine a member’s annuity by the New Hampshire Retirement System (NHRS). It was discovered that most employer and employee contributions were not able to be credited to the municipalities because of technical and software limitations. HB 532 credits the employer and employee contributions previously made. The goal of the bill last year was to offset contributions that were not available for investment in the NHRS fund by employers who provide more generous end of career benefits to their employees. The NHRS defined benefit plan bases the employee annuity on earnings over the entire career of the employee in order to assure that the funds are available when a member retires. When spiking occurs the potential imbalance in employer contributions requires a “loading factor” to be assessed on all employers (approximately 7 – 11%). HB 532 will now allow employer assessments to be phased in over a four year period. The NHRS trustees and their actuary will create a formula for the assessments and will take into consideration the spiking and loading factors. Over the next few years a more reliable method to ascertain the assessment of employer contributions will be implemented to fund the retirement system. In addition the bill clarifies a provision regarding the application and date of contracts or agreements when the NHRS assesses a municipality. Vote 19-0.

Amendment (0917h)

Amend RSA 100-A:16, III-a as inserted by section 1 of the bill by replacing it with the following:

III-a. Upon the retirement of a member:

(a) The retirement system shall:

(1) Calculate average base pay of a member during his or her highest 3 years of creditable service, or during all of the years in his or her creditable service if less than 3 years;

(2) Multiply the average base pay determined in subparagraph (1) above by 125 percent;

(3) Subtract the result from subparagraph (2) from the member’s average final compensation.

(b) If the calculation in subparagraph (a)(3) is greater than zero, the employer shall be assessed the cost of the excess benefit provided by:

(1) Multiplying the present value of the member’s retirement benefit by the amount determined in subparagraph (a)(3) divided by the ~~[amount in subparagraph (a)(2)]~~ **member’s average final compensation; and**

(2) Subtracting from that amount a credit to account for the portion of the present value of the member's retirement benefit attributable to the compensation above base pay, as determined by the retirement system, that has been funded through the normal employer contributions, including the state share of such contributions, and the employee contributions.

(c) The employer shall certify to the accuracy of each member's base pay.

(d)(1) The retirement system shall certify to 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.

(2) The assessments upon employers determined in subparagraph (b) shall be phased-in over a 4-year period as follows:

(A) Until the end of state fiscal year 2010, the retirement system shall assess and collect on a one-time basis for employees who retire during the fiscal year 25 percent of the amount determined in subparagraph (b).

(B) For state fiscal year 2011, the retirement system shall assess and collect on a one-time basis for employees who retire during the fiscal year 50 percent of the amount determined in subparagraph (b).

(C) For state fiscal year 2012, the retirement system shall assess and collect on a one-time basis for employees who retire during the fiscal year 75 percent of the amount determined in subparagraph (b).

(D) For all state fiscal years thereafter, the retirement system shall assess and collect the full amount determined in subparagraph (b).

(3) Each such employer is hereby authorized to appropriate the sums necessary for payment of such assessments.

Amend the bill by replacing section 3 with the following:

3 Excess Benefit Assessment; Application. Amend 2008, 300:34 to read as follows:

300:34 Application. The provisions of RSA 100-A:16, III-a as inserted by section 33 of this act shall not apply to a binding contract or a binding collective bargaining agreement in effect on the effective date of this section, to the extent required by the contract or agreement, before the termination of such contract or the date on which the collective bargaining agreement terminates, or while the terms of the existing contract remain in force as a result of ***either the operation of law or the status quo doctrine, or*** a provision in the existing contract because the parties have failed to agree to a new contract or a contract extension, on or after the effective date of this section.

Amendment adopted.

Committee report adopted and ordered to third reading.

(Rep. Foster in the Chair)

HB 433-FN-A, making an appropriation to fund the reporting of hospital infections by the department of health and human services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John DeJoie for Finance: The committee reaffirms its strong commitment to reporting of hospital acquired infections through this bill. The bill originally made an appropriation to fund the infection control program beginning in FY 09. The amendment removes the FY 09 appropriation, because there will be insufficient time to expend the dollars in FY 09, after passage of the bill. Additionally, the committee directed the department of health and human services to assess a per bed fee on hospitals to fund the infection control program. Vote 20-1.

Amendment (0792h)

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

AN ACT relative to funding the law requiring reporting of hospital infections.

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

1 New Section; Hospital Fee. Amend RSA 151 by inserting after section 35 the following new section:

151:36 Hospital Fee. Any hospital required to report infections pursuant to this subdivision shall include, in its reports to the department, its inpatient census. The department shall assess a fee upon each hospital required to report under this subdivision based upon the percentage of the hospital's inpatient census, which fee shall be used to fund the requirements of this subdivision. The department shall adopt rules, pursuant to RSA 541-A, relative to a payment schedule and a rate adequate to fund the requirements of this subdivision for each fiscal year. For the purposes of this section, "inpatient census" means the average number of inpatients per year for each hospital.

2 Effective Date. This act shall take effect July 1, 2009.

AMENDED ANALYSIS

This bill requires the department of health and human services to assess a fee on each hospital required to report hospital infections based upon the percentage of the hospital's inpatient census to fund the requirements of the hospital infection reporting law. Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. On a division vote, 254 members having voted in the affirmative and 100 in the negative, the committee report was adopted. Ordered to third reading.

***HB 580-FN*, relative to health information and patient rights. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rich T. DiPentima for the Majority of Health, Human Services and Elderly Affairs: This bill will return to patients some key privacy rights lost when rules for the Health Information Portability and Accountability Act (HIPAA) were rewritten in 2003. Until that time, a New Hampshire's patient's medical records could not be shared among providers without the consent of the patient. The 2003 rules for HIPAA allowed a provider to overrule a patient and share information in the record without the patient's consent. This bill restores the patient's right to elect to not permit disclosure of their protected health information to a provider independent of the one who holds the record. It will not affect the sharing of medical records within a care-providing organization (e.g. a hospital or an independent physician practice). The bill provides for exceptions when disclosure without consent should be allowed, such as a medical emergency or as required by state law. The bill also contains protections for providers and actions that patients may take when their protected health information is inappropriately disclosed. The bill also gives patients the right, when their medical records are in electronic form, to a report of whether particular individuals have had access to their record within a period in the prior three years, based on whatever audit trail is associated with the record at the time. Vote 14-6.

Rep. Alida I. Millham for the Minority of Health, Human Services and Elderly Affairs: Privacy of health information is important to everyone. All health care providers are sensitive to their patient's privacy needs and desires. At the same time, this bill: 1. May lead to the restriction of information that may be critical to the quality of a person's care: 2. requires a level of restriction that may be burdensome enough to be a barrier to the implementation of an electronic health record (EHR has been deemed important in preventing health care errors and improve care by ensuring appropriate communication between health care providers). 3. The American Recovery and Reinvestment Act (ARRA – "Stimulus Bill") rules on health care information privacy have not been written and are not expected until the end of the year. The minority of the committee contends, given the changes forthcoming in health information privacy and some potential unintended consequences in health care services, that this bill is, at this time, premature.

Majority Amendment (0867h)

Amend RSA 332-I:1, I(b) as inserted by section 2 of the bill by replacing it with the following:

(b) Individuals are entitled to control access to their protected health information and to obtain a report of access to their protected health information based on an audit trail. Amend RSA 332-I:2, II as inserted by section 2 of the bill by replacing it with the following:

II. "Audit trail" means a chronological record identifying specific persons who have accessed an electronic medical record, the date and time the record was accessed, and, if such information is available, the area of the record that was accessed. An audit trail shall not be considered a part of a person's medical care.

Amend RSA 332-I:3, III-V as inserted by section 2 of the bill by replacing them with the following:

III. When an individual's medical record is maintained in electronic form, the individual has the right to a report, based on whatever audit trail of that record is then maintained, of access to the record by a health care provider named by the individual within an identified period in the prior 3 years. The report shall indicate whether the named provider had access, or did not have access, or whether access could not be determined with the available data. If the named provider had access, the report shall summarize, as the available data permit, the extent of access to the record. This paragraph shall not apply to individuals being held in correctional facilities within the state.

IV. The individual has the right to prohibit disclosure of protected health information in accordance with section 332-I:4.

Amend RSA 332-I:4-332-I:8 as inserted by section 2 of the bill by replacing them with the following:

332-I:4 Protected Health Information; Disclosure for Treatment.

I. As necessary, a health care provider may disclose an individual's protected health information for treatment of the individual, unless the individual elects otherwise in writing in accordance with paragraph III.

II.(a) For the purposes of this section, one or more health care providers who as of January 1, 2010 are affiliated or business associates for the purpose of sharing an electronic medical record system or comprise an organized health care arrangement, shall be considered one health care provider, if the following criteria are met:

(1) The electronic medical record system is not structured to restrict disclosure as required by this section; and

(2) After January 1, 2010, only active medical staff or other health care providers in the local community or service area who were offered the opportunity to share in the electronic medical record system prior to such date may be added to the foregoing arrangement.

(b) Active medical staff or other health care providers who have not received an offer to share in an electronic medical records system prior to January 1, 2010 may share in such an electronic medical record arrangement only when the electronic medical record system restricts disclosure between the separate providers in accordance with this section.

III. At the initial encounter with an individual, a health care provider shall inform the individual of the right to elect to prohibit disclosure for treatment of the individual's protected health information pursuant to paragraph I. The following procedures shall apply to such election:

(a) If the individual elects to prohibit disclosure for treatment, at the initial encounter or any time thereafter, the health care provider shall inform the individual of the possible consequences associated with such an election. The health care provider shall also supply a form, as described in paragraph VII, on which the individual shall make the election to prohibit disclosure for treatment in writing, including by electronic signature. The election is effective on the date the written election is made and the health care provider is not liable for disclosures made prior to receipt of such election.

(b) An individual may at any time revoke an election to prohibit disclosure for treatment. Such revocation is effective on the date an oral or written election to revoke is made, received, and documented by the health care provider. The health care provider shall not be liable for an access denial made prior to such election.

IV. Notwithstanding an election by an individual to prohibit disclosure, a health care provider may disclose protected health information to:

(a) An insurance issuer or other person when a written request for protected health information from the insurance issuer or other person includes the individual's signature authorizing disclosure;

(b) A pharmacist when the health care provider arranges with the individual to submit a prescription directly to the pharmacy, by phone, electronic format, or other direct submission method, and the individual does not object or request a paper prescription; or

(c) The state, when required by state law.

V. An election to prohibit disclosure under this section shall not prohibit the disclosure of protected health information during a medical emergency when the treating health care provider is unable to obtain the individual's authorization due to the individual's condition or the nature of the medical emergency. The treating health care provider shall make the clinical determination as to whether or not a medical emergency exists.

VI. A health care provider shall not be required to provide treatment to an individual who elects not to disclose protected health information that the health care provider deems clinically necessary, unless such treatment is required by law. No health care provider who, in good faith, renders reasonable care shall be held liable for any adverse health outcome to an individual that results from that individual's election to limit access to his or her protected health information permitted by this section.

VII. The form on which an individual elects to prohibit disclosure of protected health information shall be developed, and revised as necessary by the commissioner, and that process shall be exempt from the requirements of RSA 541-A. At a minimum, the form shall:

(a) Be written in clear, plain language, in large-type font;

(b) Contain the name of the health care provider;

(c) Meet any applicable requirements of the regulations under sections 262 and 264 of HIPAA; and

(d) Contain the following in a clear and conspicuous manner:

(1) A statement of the election;

(2) A statement that the election may be revoked at any future time, orally or in writing;

(3) A statement that the authorization will be effective until revoked;

(4) A statement that the individual has been informed of the risks and benefits associated with such an election; and

(5) Contact information for the department of justice for submission of a complaint.

332-I:5 Unauthorized Disclosure. In the event of a disclosure for treatment, not permitted by this chapter, of protected health information by a health care provider, the health care provider shall promptly notify in writing the individual or individuals whose protected health information was disclosed.

332-I:6 Complaints; Right of Action.

I. An individual may make a written complaint relative to a violation of 332-I:1 through 332-I:5 by a health care provider to the board or agency that licenses or certifies the health care provider. Upon receipt of such complaint, the board or agency shall review the complaint and, where sufficient evidence of a violation is presented, conduct investigations to determine whether a violation of this subdivision has occurred and take appropriate action against the health care provider.

II. An aggrieved individual may bring a civil action under this subdivision and, if successful, shall be awarded special or general damages of not less than \$1,000 for each violation, and costs and reasonable legal fees.

Health Care Rights

332-I:7 Health Care Rights of the Individual.

I.(a) The individual has the right to courtesy, respect, dignity, responsiveness, and timely attention to his or her needs.

(b) The individual has the right to receive information from the health care provider and to discuss the benefits, risks, and costs of appropriate treatment alternatives.

(c) The individual shall be fully informed by the health care provider of his or her medical condition, health care needs, and diagnostic test results, including the manner by which such results will be provided and the expected time interval between testing and receiving results, unless medically inadvisable and so documented in the medical record.

(d) The individual has the right to make decisions regarding the health care that is recommended by the health care provider. Accordingly, unless required by state law, individuals may accept or refuse any recommended medical treatment and be involved in experimental research upon the individual's written consent only.

(e) The health care provider shall not reveal confidential communications or information without the consent of the individual, unless provided for by law or by the need to protect the welfare of the individual or the public interest.

II. Facilities subject to RSA 151:21 and RSA 151:21-b shall be exempt from paragraph I.

Majority committee amendment adopted.

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

Rep. Millham spoke against.

Reps. Bridgham and Kurk spoke in favor and yielded to questions.

Rep. Charles McMahon spoke against and yielded to questions.

Rep. Bridgham requested a roll call; sufficiently seconded.

YEAS 258 NAYS 114

YEAS 258

BELKNAP

Boyce, Laurie

Miller, Kate

Nedeau, Stephen

Russell, David

CARROLL

Ahlgren, Christopher

Bridgham, Robert

Buco, Thomas

Butler, Edward

Fleck, Joseph

McConkey, Mark

Patten, Betsey

Stevens, Stanley

Umberger, Karen

Wiley, Susan

CHESHIRE

Allen, Peter

Butcher, Suzanne

Butterworth, Timothy

Butynski, William

Carlson, Nancy

Carr, Daniel

Eaton, Daniel

Laurent, John

Lindsey, Steven

Meador, David

Parkhurst, Henry

Richardson, Barbara

Roberts, Kris

Sad, Tara

Sterling, Franklin Jr

Weber, Lucy

Weed, Charles

COOS

Hatch, William

Ingersoll, Paul Sr

Mears, Lucy

Merrick, Evalyn

Merrick, Scott

Theberge, Robert

Thomas, Yvonne

GRAFTON

Aguiar, James
Cooney, Mary
Laliberte, Suzanne
Pastor, Beatriz

Almy, Susan
Ford, Susan
Matheson, Robert
Pierce, David

Andersen, Gene
Friedrich, Carol
Mulholland, Catherine
Preston, Philip

Benn, Bernard
Ingbretson, Paul
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Beck, Catriona
Chase, Claudia
Cote, David
Dokmo, Cynthia
Gagne, Larry
Goley, Jeffrey
Haefner, Robert
Hebert, Roger
Hodges, Kevin
Irwin, Anne-Marie
Katsiantonis, Thomas
Komi, Richard
LaPlante, Roland
Lisle, Carolyn
Mead, Robert
O'Brien, William
Pellegrino, Tony
Ramsey, Peter
Rowe, Robert
Shaw, Kimberly
Thompson, Robert
Williams, Carol

Batula, Peter
Belvin, William
Chininis, Alexis
Craig, James
Drisko, Richard
Garrity, Patrick
Gorman, Mary
Haley, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
Kelley, John
Kopka, Angeline
Leishman, Peter
Long, Patrick
Movsesian, Lori
O'Neil, James
Pilotte, Maurice
Rhodes, Brian
Seidel, Carl
Soucy, Connie
Vaillancourt, Steve
Winters, Joel

Beauchamp, Roger
Boisvert, Ronald
Christensen, Chris
Daniels, Gary
Elliott, Nancy
Gidge, Kenneth
Graham, John
Hardy, Valerie
Hinch, Richard
Holden, Rip
Jeudy, Jean
Knowles, John
Kurk, Neal
Levasseur, Nickolas
Mack, Ron
Nixon, David
Ober, Lynne
Poznanski, Brian
Rokas, Theodoros
Shattuck, Gilman
Soucy, Timothy
Villeneuve, Moe

Beaulieu, Jane
Chandley, Shannon
Clemons, Jane
Day, Russell
Flurey, Joan
Ginsburg, Ruth
Hackel, Paul
Harvey, Suzanne
Hinkle, Peyton
Hopper, Gary
Katsiantonis, George
Knowles, Mary Ann
L'Heureux, Robert
Levesque, Melanie
Marshall, Seth
O'Brien, Michael Sr
Ober, Russell III
Pratt, Calvin
Rosenwald, Cindy
Shaw, Barbara
Tahir, Saghir
Willette, Robert

MERRIMACK

Anderson, Eric
Davis, Frank
Hamm, Christine
Osborne, Jessie
Reed, Dennis
Schuett, Dianne
Wallner, Mary Jane
Wheeler, Deborah

Bartlett, Michael
DeJoie, John
Kelly, Sally
Owen, Derek
Rice, Chip
Shurtleff, Stephen
Walz, Mary Beth
Williams, Robert

Bouchard, Candace
Foosse, Robert
McGuire, Carol
Porter, Margaret
Richardson, Gary
Stetson, William
Watrous, Rick
Yeaton, Charles

Clarke, Claire
Gile, Mary
McMahon, Patricia
Potter, Frances
Rodd, Beth
Tilton, Joy
Webb, Leigh

ROCKINGHAM

Abbott, Dennis
Borden, David
Case, Frank
Cushing, Robert
Dowling, Patricia
Flanders, John Sr
Hutchinson, Gina
Kepner, Susan
McKinney, Betsy
Perkins, Amy

Allen, Mary
Bridle, Russell
Casey, Kimberley
Day, Judith
Dumaine, Dudley
Garrity, James
Ingram, Russell
Lyons, Melissa
Nord, Susi
Pettersen, Don

Bates, David
Brown, C. Pennington
Charron, Gene
DiFruscia, Anthony
Emiro, Frank
Griffin, Mary
Introne, Robert
Mann, Maureen
Packard, Sherman
Quandt, Matt

Belanger, Ronald
Cali-Pitts, Jacqueline
Comerford, Timothy
DiPentima, Rich
Fesh, Robert
Henson, John
Itse, Daniel
McEachern, Paul
Pantelakos, Laura
Rausch, James

Read, Robin Jr
Splaine, James

Reagan, John
Weare, Everett

Russell, Trinka
Webber, Carolyn

Scamman, W.
Douglas Jr
Wells, Roger

STRAFFORD

Berube, Roger
Brown, Larry
Domingo, Baldwin
Keans, Sandra
Rollo, Michael
Smith, Marjorie
Wall, Janet

Brennan, William
Browne, Brendon
Hofemann, Roland
Lewis, Robert
Rous, Emma
Spang, Judith
Ward, Kenneth

Brown, Jennifer
Burke, Rachel
Horrigan, Timothy
Perry, Robert
Ryder, Mark
Twombly, James
Watters, David

Brown, Julie
Cyr, James
Kaen, Naida
Rollo, Deanna
Schmidt, Peter
Vachon, Dennis

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
McClammer, Jim

Gagnon, Raymond
Osgood, Joe

Gottling, Suzanne
Sweeney, Cynthia

NAYS 114

BELKNAP

Arsenault, Beth
Johnson, William
Reever, Judith
Wendelboe, Fran

Bolster, Peter
Merry, Liz
St. Cyr, Jeffrey

Fields, Dennis
Millham, Alida
Stuart, Richard

Flanders, Donald
Pilliod, James
Swinford, Elaine

CARROLL

Chandler, Gene

Knox, J. David

Roberts, John

Scala, Dino

CHESHIRE

Burridge, Delmar
Mitchell, Bonnie

Emerson, Susan
Robertson, Timothy

Hunt, John

Johnson, Jane

COOS

Rappaport, Laurence

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
Ladd, Rick Jr

Gionet, Edmond
Maybeck, Margie

Gould, Franklin
Townsend, Charles

Harding, Laurie
Ward, Brien

HILLSBOROUGH

Bergin, Peter
Doherty, Shaun
Hawkins, Ken

Boehm, Ralph
Gandia, Laura
Hogan, Edith

Caron, June
Gargasz, Carolyn
Infantine, William

Cebrowski, John
Hammond, Jill
Matarazzo, Anthony
Sr
Palmer, Stephen
Renzullo, Andrew
Spaulding, Jayne

McCarthy, Michael
Pepino, Leo
Ryder, Donald
Sullivan, Daniel

Messier, Irene
Peterson, Andrew
Schulze, Joan
Ulery, Jordan

Moran, Edward
Price, Pamela
Silva, Peter
Walsh, Robert Jr

MERRIMACK

Boutin, David
Hess, David
Palfrey, David

Brown, Carole
Kidder, David
Smith, Todd

Coffey, Jennifer
Kotowski, Frank

DeStefano, Stephen
Lockwood, Priscilla

ROCKINGHAM

Baldasaro, Alfred
DeSimone, Debra
Gleason, John
Hoelzel, Kathleen
Kolodziej, Walter
Nevins, Chris
Schlachman, Donna
Sullivan, James

Bettencourt, David
Devine, James
Gould, Kenneth
Kappler, L. Mike
Major, Norman
Perkins, Lawrence
Sedensky, John
Welch, David

Bishop, Franklin
Elliott, Robert
Hagan, Joseph
Katsakiores, George
McCarthy, Barbara
Sapareto, Frank
Smith, William

Crisler, Margaret
Ferrante, Beverly
Headd, James
Katsakiores, Phyllis
McMahon, Charles
Scamman, Stella
Stiles, Nancy

STRAFFORD

Bickford, David
Lauterborn, Elaine

Grassie, Anne
Price, Susan

Groen, Warren
Sprague, Dale

Hubbard, Pamela
Vita, Carol

SULLIVAN

Houde-Quimby,
Charlotte

Howard, Thomas

Rodeschin, Beverly

Skinder, Carla

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

HB 595-FN-L, relative to eligibility for long-term care. **INEXPEDIENT TO LEGISLATE.**
Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: This bill was requested by the department of health and human services to help relieve the eligibility assessment process for home and community based care. It involved using non-registered nurse personnel. The majority of the committee felt this was moving away from making clinically accurate assessments. Vote 15-5.
Committee report adopted.

HB 648-FN, relative to the use of marijuana for medicinal purposes. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Robert G. Bridgham for the Majority of Health, Human Services and Elderly Affairs: The bill would make legal under New Hampshire law the use of marijuana to treat debilitating medical conditions. The committee heard compelling testimony from patients who reported that marijuana produced relief from symptoms and allowed continuation of treatment when prescribed pain relief medicines had failed them. The committee worked to shape a very narrow, carefully controlled bill. The bill's controls begin with certification by a physician, within a bona fide physician-patient relationship, that the patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the debilitating condition or symptoms as results of treatment. Controls also include restriction of supply for each patient to six plants and two ounces of usable marijuana, held between the patient and a designated caregiver; restriction of designated caregivers to family members, household members or a licensed health care professional; and issuance of a forgery-resistant registry identification card to patient and caregiver so law enforcement officials can quickly and surely identify individuals authorized to possess marijuana for medical purposes. The program is self-funding. Vote 13-7.
Rep. Peter L. Batula for the Minority of Health, Human Services and Elderly Affairs: The minority of the committee proclaims, here we go again. Practically every session comes a new bill to, in one way or another, decriminalize the use of marijuana, this time around for medical purposes, even though a doctor cannot prescribe it. A doctor can recommend it but

that leaves a person with the problem of getting the marijuana because there is a federal law against the sale of marijuana. A state cannot weaken or over ride federal law. The minority understands quite clearly that some may benefit from the use of marijuana and carry the same compassion but are conflicted by knowing that the legislature makes laws and expects enforcement. Yet here we are being asked to pass a state law that violates federal law and based on law enforcement testimony would create a major problem with enforcement. There is a prescription medicine called marinol and several others that are available by prescription for the treatment of nausea, muscle spasms, glaucoma, HIV etc. We need to listen to and appreciate what the experts in the field are saying to guide us in our deliberations. The A.M.A. says marijuana must be retained in schedule one of the controlled substance act pending for further outcomes, Director of National Drug Control, John Walters, says the use of marijuana damages the brain, heart, lungs and immune system and has been implicated in a large percentage of auto crashes and work place accidents. The Institute of Medicine says the use of marijuana has ill effects on H.I.V. patients on immunity, pneumonia and does serious harm to AIDS patients. U.S. Substance Abuse and Mental Health Services Administration (SAMSHA) released a report this March that concludes that the younger children and young adults are when they first use marijuana, the more likely they are to use cocaine or heroin and become addicted at a later age. Andrea Barthwell, Deputy Director of the White House Office of Drug Abuse Treatment routinely reports that children do say that marijuana if approved for use is considered medicine and therefore believe it would be good for them. These are prestigious government experts we rely on for their expertise on pharmacological and medical guidance, safe guards, risks, cautions and benefits. As legislators do we have the necessary educational, pharmacological and medical background to over ride their expertise? The answer is we all have compassion to understand pain and suffering testimony but not the medical background to pass such a law as this. There is no right way to do the wrong thing so for that reason the minority recommends ITL.

Majority Amendment (0877h)

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

1 Findings.

I. Modern medical research has discovered beneficial uses for marijuana in treating or alleviating the pain, nausea, and other symptoms associated with a variety of debilitating medical conditions, as found by the National Academy of Sciences' Institute of Medicine in March 1999.

II. Subsequent studies since the 1999 National Academy of Sciences' Institute of Medicine report continue to show the therapeutic value of marijuana in treating a wide array of debilitating medical conditions, including increasing the chances of patients finishing their treatments for HIV/AIDS and hepatitis C.

III. Data from the Federal Bureau of Investigation's Uniform Crime Reports and the Compendium of Federal Justice Statistics show that approximately 99 out of every 100 marijuana arrests in the United States are made under state law, rather than under federal law. Consequently, changing state law will have the practical effect of protecting from arrest the vast majority of seriously ill patients who have a medical need to use marijuana.

IV. Although federal law currently prohibits any use of marijuana except under very limited circumstances, Alaska, California, Colorado, Hawaii, Maine, Michigan, Montana, Nevada, New Mexico, Oregon, Vermont, Rhode Island, and Washington have removed state-level criminal penalties from the medical use and cultivation of marijuana. New Hampshire joins in this effort for the health and welfare of its citizens.

V. States are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law. Therefore, compliance with this act does not put the state of New Hampshire in violation of federal law.

VI. State law should make a distinction between the medical and non-medical uses of marijuana. Hence, the purpose of this act is to protect patients with debilitating medical conditions, as well as their physicians and designated caregiver, from arrest and prosecution, criminal and other penalties, and property forfeiture if such patients engage in the medical use of marijuana.

VII. The people of the state of New Hampshire declare that they enact this act pursuant to the police power to protect the health of its citizens that is reserved to the state of New Hampshire and its people under the 10th Amendment to the United States Constitution.

2 New Chapter; Use of Marijuana for Medicinal Purposes. Amend RSA by inserting after chapter 126-R the following new chapter:

CHAPTER 126-S

USE OF MARIJUANA FOR MEDICINAL PURPOSES

126-S:1 Definitions. In this chapter:

I. “Cardholder” means a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card.

II. “Debilitating medical condition” means:

(a) A chronic or terminal disease, or medical condition whose symptoms or result of treatment may include cachexia or wasting syndrome, severe pain that has not responded to previously prescribed medication or surgical measures for more than 3 months, severe nausea, severe vomiting, seizures, or severe, persistent muscle spasms.

(b) A chronic or terminal disease which may include cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, muscular dystrophy, Crohn’s disease, agitation of Alzheimer’s disease, or multiple sclerosis.

III. “Department” means the department of health and human services.

IV. “Designated caregiver” means an individual who is at least 21 years of age, who is either a member of the qualifying patient’s household, a member of the qualifying patient’s family, or a licensed health care professional, who has agreed to assist with a patient’s medical use of marijuana, and who has never been convicted of a felony offense. A designated caregiver may assist no more than one qualifying patient with the medical use of marijuana.

V. “Felony offense” means:

(a) A violent crime defined in RSA 651:5, XIII, or an offense that was classified as a felony in the jurisdiction where the individual was convicted; or

(b) A violation of a state or federal controlled substance law that was classified as a felony in the jurisdiction where the individual was convicted. It shall not include:

(1) An offense for which the sentence, including any term of probation, incarceration, or supervised release, was completed 10 or more years earlier; or

(2) An offense that consisted of conduct for which this chapter would likely have prevented a conviction, but the conduct either occurred prior to the effective date of this chapter or was prosecuted by an authority other than the state of New Hampshire.

VI. “Marijuana” means all parts of any plant of the Cannabis genus of plants, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, salt, derivative, mixture or preparation of such plant, its seeds or resin. Such term does not include the mature stalks of such plants, fiber produced from such stalks, oil or cake made from the seeds of such plants, any other compound, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seeds of such plants which are incapable of germination.

VII. “Medical use” means the acquisition, possession, cultivation, preparation, use, delivery, transfer, or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient’s debilitating medical

condition or symptoms or results of treatment associated with the patient's debilitating medical condition.

VIII. "Physician" means an individual licensed to prescribe drugs to humans under RSA 329 and who possesses certification from the United States Drug Enforcement Administration to prescribe controlled substances, except that in relation to a visiting qualifying patient, "physician" means an individual licensed to prescribe drugs to humans in the state of the patient's residence and who possesses certification from the United States Drug Enforcement Administration to prescribe controlled substances.

IX. "Qualifying patient" means an individual who has been diagnosed by a physician as having a debilitating medical condition.

X. "Registry identification card" means a document issued by the department that identifies an individual as a qualifying patient or designated caregiver.

XI. "Unusable marijuana" means marijuana seeds, stalks, seedlings, and unusable roots. "Seedling" means a marijuana plant that has no flowers and is less than 12 inches in height and less than 12 inches in diameter. A seedling shall meet all 3 criteria set forth in this paragraph.

XII. "Usable marijuana" means the dried leaves and flowers of the marijuana plant and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant and does not include the weight of any non-marijuana ingredients combined with marijuana and prepared for consumption as food or drink.

XIII. "Visiting qualifying patient" means a patient with a debilitating medical condition who is not a resident of New Hampshire or who has been a resident of New Hampshire for less than 30 days.

XIV. "Written certification" means a document signed by a physician, stating that in the physician's professional opinion the patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's debilitating medical condition or symptoms or results of treatment associated with the debilitating medical condition. A written certification shall be made only in the course of a bona fide physician-patient relationship as defined in RSA 329:1-c after the physician has completed a full assessment of the qualifying patient's medical history. The written certification shall specify the qualifying patient's debilitating medical condition.

126-S:2 Protections for the Medical Use of Marijuana.

I. A qualifying patient who has been issued and possesses a registry identification card shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for the medical use of marijuana in accordance with this chapter, provided that the qualifying patient possess an amount of marijuana that does not exceed 6 marijuana plants and 2 ounces of usable marijuana. The cultivation process shall occur on the qualifying patient's property. A qualifying patient shall remain subject to the provisions of RSA 126-S:5.

II. A designated caregiver who has been issued and possesses a registry identification card shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for assisting a qualifying patient to whom he or she is connected through the department's registration process with the medical use of marijuana in accordance with this chapter, provided that the designated caregiver possess an amount of marijuana that does not exceed 6 marijuana plants and 2 ounces of usable marijuana for the qualifying patient to whom he or she is connected through the department's registration process. A designated caregiver shall remain subject to the provisions of RSA 126-S:5.

III. Designated caregivers and qualifying patients shall be allowed to possess a reasonable amount of unusable marijuana, including up to 6 seedlings, which shall not be counted toward the limits in this section.

IV.(a) A qualifying patient is deemed to be lawfully engaged in the medical use of marijuana in accordance with this chapter if the qualifying patient possesses a registry identification card and possesses an amount of marijuana that does not exceed the amount allowed under this chapter.

(b) A designated caregiver is deemed to be lawfully engaged in the medical use of marijuana in accordance with this chapter if the designated caregiver possesses a registry identification card and possesses an amount of marijuana that does not exceed the amount allowed under this chapter.

(c) The presumptions made in subparagraphs (a)-(b) may be rebutted by evidence that conduct related to marijuana was not for the purpose of treating or alleviating the qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, in accordance with this chapter.

V. A qualifying patient or designated caregiver shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for giving marijuana to another qualifying patient or another qualifying patient's designated caregiver for the other qualifying patient's medical use where nothing of value is transferred in return, or for offering to do the same, provided that the individual giving the marijuana does not knowingly cause the recipient to possess more marijuana than is permitted under paragraph II. The conduct permitted under this paragraph shall not constitute a sale.

VI.(a) No school or landlord may refuse to enroll or lease to, or otherwise penalize, an individual solely for his or her status as a qualifying patient or a designated caregiver, unless failing to do so would put the school or landlord in violation of federal law or regulations.

(b) For the purposes of medical care, including organ transplants, a qualifying patient's authorized use of marijuana in accordance with this chapter shall be considered the equivalent of the authorized use of any other medication used at the direction of a physician, and shall not constitute the use of an illicit substance.

(c) An employer shall not discriminate against an individual in hiring, termination, or any term or condition of employment, or otherwise penalize an individual, if the discrimination is based upon either of the following:

- (1) The individual's status as a qualifying patient or designated caregiver; or
- (2) A qualifying patient's positive drug test for marijuana components or metabolites, unless the patient used, possessed, or was impaired by marijuana on the premises of the place of employment or during the hours of employment.

VII. An individual shall not be denied custody of, or visitation or parenting time with, a minor and there shall be no presumption of neglect or child endangerment for conduct allowed under this chapter, unless the individual's behavior is such that it creates an unreasonable danger to the safety of the minor as established by clear and convincing evidence.

VIII. A designated caregiver who is a licensed health care professional may receive compensation for costs associated with assisting with the medical use of marijuana. Such compensation shall not constitute the sale of controlled substances.

IX. A physician shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by the New Hampshire board of medicine or any other occupational or professional licensing board or bureau, solely for providing written certifications or for otherwise stating that, in the physician's professional opinion, a patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's serious or debilitating medical condition or symptoms associated with the serious or debilitating medical condition, provided that nothing shall prevent a professional licensing board from sanctioning a

physician for failing to properly evaluate a patient's medical condition or otherwise violating the standard of care for evaluating medical conditions.

X. Any marijuana, marijuana paraphernalia, licit property, or interest in licit property that is possessed, owned, or used in connection with the medical use of marijuana as allowed under this chapter, or acts incidental to such use, shall not be seized or forfeited.

XI. An individual shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, simply for being in the presence or vicinity of the medical use of marijuana as allowed under this chapter, or for assisting a qualifying patient with using or administering marijuana.

XII. A registry identification card, or its equivalent, that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows, in the jurisdiction of issuance, a visiting qualifying patient to possess marijuana for medical purposes, shall have the same force and effect as a registry identification card issued by the department, provided that the same debilitating medical condition as defined in RSA 126-S:1, II exists.

XIII. Any cardholder who sells or transfers marijuana to an individual who is not allowed to use marijuana for medical purposes under this chapter shall be guilty of a class B felony, shall have his or her registry identification card revoked, and shall be subject to other penalties as provided in RSA 318-B:26. The department may revoke the registry identification card of any cardholder who violates any provision of this chapter, and the cardholder shall be subject to any other penalties established in law for the violation.

126-S:3 Departmental Administration.

I. The department shall issue registry identification cards to qualifying patients who submit all of the following information:

- (a) Written certification.
- (b) Application or renewal fee.
- (c) Name, residential and mailing address, and date of birth of the qualifying patient, except that if the applicant is homeless, no residential address is required.
- (d) Name, address, and telephone number of the qualifying patient's physician.
- (e) Name, address, and date of birth of the qualifying patient's designated caregiver, if any.
- (f) A statement signed by the qualifying patient, pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this chapter.
- (g) A signed statement from the designated caregiver, if any, agreeing to be designated as the patient's designated caregiver and pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this chapter.

II. The department shall not issue a registry identification card to a qualifying patient who is under the age of 18 unless:

- (a) The qualifying patient's physician has explained the potential risks and benefits of the medical use of marijuana to the custodial parent or legal guardian with responsibility for health care decisions for the qualifying patient; and
- (b) The custodial parent or legal guardian with responsibility for health care decisions for the qualifying patient consents in writing to:
 - (1) Allow the qualifying patient's medical use of marijuana; and
 - (2) Serve as the qualifying patient's designated caregivers; and
 - (3) Control the acquisition of the marijuana, the dosage, and the frequency of the medical use of marijuana by the qualifying patient.

III. The department shall verify the information contained in an application or renewal submitted pursuant to this section, and shall approve or deny an application or renewal within 15 days of receiving it. The department may deny an application or renewal only if the applicant did not provide the information required pursuant to this section, the applicant previously had a registry identification card revoked for violating the provisions of

this chapter, or if the department determines that the information provided was falsified. Rejection of an application or renewal is considered a final department action, subject to judicial review in the Merrimack county superior court.

IV. The department shall issue a registry identification card to the designated caregiver, if any, who is named in a qualifying patient's approved application. The department shall notify the qualifying patient who has designated someone to serve as his or her designated caregiver if a registry identification card will not be issued to the individual.

V. The department shall issue registry identification cards to qualifying patients and to the designated caregiver within 5 days of approving an application or renewal. Each registry identification card shall expire one year after the date of issuance, unless the physician states in the written certification that he or she believes the qualifying patient would benefit from medical marijuana only until a specified earlier or later date, then the registry identification card shall expire on that date. Registry identification cards shall contain all of the following:

- (a) Name, mailing address, and date of birth of the qualifying patient.
- (b) Name, address, and date of birth of the qualifying patient's designated caregiver, if any.
- (c) The date of issuance and expiration date of the registry identification card.
- (d) A random 20-digit identification number, containing at least 4 numbers and at least 4 letters, that is unique to the cardholder.
- (e) A photograph, if the department decides to require one.
- (f) A statement that the qualifying patient is permitted under state law to possess marijuana pursuant to this chapter for his or her medical use.

VI. The following notifications and department responses are required:

(a) A qualifying patient shall notify the department of any change in his or her name, address, or designated caregiver, or if the qualifying patient ceases to have his or her debilitating medical condition, within 10 days of such change.

(b) A qualifying patient who fails to notify the department of any of these changes is subject to a civil infraction, punishable by a penalty of no more than \$150. If the qualifying patient's certifying physician notifies the department in writing that either the qualifying patient has ceased to suffer from a debilitating medical condition or that the physician no longer believes the patient would receive therapeutic or palliative benefit from the medical use of marijuana, the card is null and void upon notification by the department to the qualifying patient.

(c) A designated caregiver shall notify the department of any change in his or her name or address within 10 days of such change. A designated caregiver who fails to notify the department of any of these changes is subject to a civil infraction, punishable by a penalty of no more than \$150.

(d) When a qualifying patient or designated caregiver notifies the department of any changes listed in this paragraph, the department shall issue the qualifying patient and the designated caregiver a new registry identification card with new random 20-digit identification numbers within 10 days of receiving the updated information and a \$10 fee.

(e) When a qualifying patient ceases to be a qualifying patient or changes his or her designated caregiver, the department shall notify the designated caregiver within 10 days. The designated caregiver's protections under this chapter as to that qualifying patient shall expire 10 days after notification by the department.

(f) If a cardholder loses his or her registry identification card, he or she shall notify the department and submit a \$10 fee within 10 days of losing the card. Within 5 days after such notification, the department shall issue a new registry identification card with a new random identification number.

VII. Mere possession of, or application for, a registry identification card shall not constitute probable cause or reasonable suspicion, nor shall it be used to support the search of the individual or property of the individual possessing or applying for the registry

identification card. The possession of, or application for, a registry identification card shall not preclude the existence of probable cause if probable cause exists on other grounds.

VIII. The following confidentiality rules shall apply:

(a) Applications and supporting information submitted by qualifying patients and designated caregivers, including information regarding their designated caregivers and physicians, shall be confidential.

(b) The department shall maintain a confidential list of the individuals to whom the department has issued registry identification cards. Individual names and other identifying information on the list shall be confidential, and not subject to disclosure, except to authorized employees of the department as necessary to perform official duties of the department.

(c) The department shall verify to law enforcement personnel whether a registry identification card is valid, without disclosing more information than is reasonably necessary to verify the authenticity of the registry identification card. The department shall establish a secure Internet-based system, or an unstaffed, automated 24-hour toll-free telephone number, or both, which law enforcement personnel can use to verify registry identification cards outside of business hours. The 24-hour number or Internet-based system shall allow law enforcement to enter in a registry identification number to determine whether or not the number corresponds with a current, valid ID card. The system may disclose the name and photograph of the cardholder, but shall not disclose the address. Searches in the 24-hour system can only be conducted by registry identification number.

(d) An individual shall be guilty of a class A misdemeanor for breaching the confidentiality of information obtained pursuant to this chapter, except that department employees shall be exempt for notifying law enforcement officials about falsified or fraudulent information submitted to the department, provided the employee who suspects that falsified or fraudulent information has been submitted confers with his or her supervisor, and both agree that circumstances exist that warrant reporting.

IX. The department shall submit to the legislature an annual report that does not disclose any identifying information about qualifying patients, designated caregivers, or physicians, but does contain, at a minimum, all of the following information:

(a) The number of applications and renewals filed for registry identification cards.

(b) The number of qualifying patients and designated caregivers approved in the state.

(c) The nature of the debilitating medical conditions of the qualifying patients.

(d) The number of registry identification cards revoked.

(e) The number of physicians providing written certifications for qualifying patients.

X. Where a state or local law enforcement agency encounters an individual who, during the course of the investigation, credibly asserts that he or she is a qualifying patient or designated caregiver, the law enforcement agency shall not provide any information from any marijuana-related investigation of the individual to any law enforcement authority that does not recognize the protection of this chapter and any prosecution of the individual for a violation of this chapter shall be conducted pursuant to the laws of this state.

XI. The application for qualifying patients' registry identification cards shall include a question asking whether the patient would like the department to notify him or her of any clinical studies regarding marijuana's risk or efficacy that seek human subjects. The department shall inform those patients who answer in the affirmative of any such studies it is notified of that will be conducted in the United States.

126-S:4 Department Rules. Not later than 120 days after the effective date of this chapter, the department shall adopt rules, pursuant to RSA 541-A, governing the manner in which it shall consider applications for and renewals of registry identification cards for qualifying patients and designated caregivers. The department's rules shall establish

application and renewal fees that generate revenues sufficient to offset all expenses of implementing and administering this chapter. The department may establish a sliding scale of application and renewal fees based upon a qualifying patient's family income. The department may accept donations from private sources in order to reduce the application and renewal fees.

126-S:5 Applicability.

I. Nothing in this chapter shall be construed to prohibit an individual from being prosecuted for any of the following:

(a) Undertaking any task under the influence of marijuana, when doing so would constitute negligence or professional malpractice;

(b) Possessing marijuana, or otherwise engage in the medical use of marijuana in a school bus, on the grounds of any preschool or primary or secondary school, or in any correctional facility.

(c) Smoking marijuana on any form of public transportation or in any public place.

(d) Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or motorboat while under the influence of marijuana. However, a qualifying patient shall not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment.

(e) Using marijuana if that individual does not have a serious or debilitating medical condition.

II. Nothing in this chapter shall be construed to require:

(a) A government medical assistance program or private health insurer to reimburse an individual for costs associated with the medical use of marijuana;

(b) Any individual or establishment in lawful possession of property to allow a guest, client, customer, or other visitor to use marijuana on or in that property. This chapter shall not limit an individual or entity in lawful possession of property, or an agent of such individual or entity, from expelling an individual who uses marijuana without permission from their property and from seeking civil and criminal penalties for the unauthorized use of marijuana on their property; or

(c) An employer to accommodate the ingestion of marijuana in any workplace, or any employee working while under the influence of marijuana, provided that a qualifying patient shall not be considered to be under influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment. This chapter shall in no way limit an employer's ability to discipline an employee for ingesting marijuana in the workplace or working while under the influence of marijuana.

III. Fraudulent representation to a law enforcement official of any fact or circumstance relating to the medical use of marijuana to avoid arrest or prosecution shall be punishable by a fine of \$500, which shall be in addition to any other penalties that may apply for making a false statement or for the use of marijuana other than use undertaken pursuant to this chapter.

126-S:6 Medical Necessity Defense.

I. Except as provided in RSA 126-S:5, a qualifying patient may assert the medical necessity defense for using marijuana as a defense to any prosecution of an offense involving marijuana intended for the qualifying patient's medical use, and this defense shall be presumed valid where the evidence shows by clear and convincing evidence that:

(a) A physician has stated that, in the physician's professional opinion, after having completed a full assessment of the qualifying patient's medical history and current medical condition made in the course of a bona fide physician-patient relationship, the qualifying patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the qualifying patient's serious or debilitating medical

condition or symptoms associated with the qualifying patient's serious or debilitating medical condition; and

(b) The qualifying patient and the patient's designated caregiver, if any, were collectively in possession of a quantity of marijuana that was not more than was reasonably necessary to ensure the uninterrupted availability of marijuana for the purpose of treating or alleviating the qualifying patient's serious or debilitating medical condition or symptoms associated with the qualifying patient's serious or debilitating medical condition; and

(c) The qualifying patient or the qualifying patient's designated caregiver was engaged in the acquisition, possession, cultivation, preparation, use, or transportation of marijuana, paraphernalia, or both, relating to the administration of marijuana solely to treat or alleviate the qualifying patient's serious or debilitating medical condition or symptoms associated with the qualifying patient's serious or debilitating medical condition; and

II. If a qualifying patient demonstrates that he or she is using marijuana pursuant to this chapter, except as provided in RSA 126-S:5, the qualifying patient and the patient's designated caregiver shall not be subject to the following:

(a) Disciplinary action by an occupational or professional licensing board or bureau; or

(b) Forfeiture of any interest in or right to non-marijuana, licit property.

(c) Civil or criminal penalties, except as otherwise provide in this chapter.

126-S:7 Enforcement.

I. If the department fails to issue a valid registry identification card in response to a valid application or renewal submitted pursuant to this chapter within 20 days of its submission, the registry identification card shall be deemed granted, and a copy of the registry identification application or renewal shall be deemed a valid registry identification card.

II. If at any time after the 120 days following the effective date of this chapter the department is not accepting applications, including if it has not adopted rules allowing qualifying patients to submit applications, a notarized statement by a qualifying patient containing the information required in an application, pursuant to RSA 126-S:3, I together with a written certification shall be deemed a valid registry identification card.

126-S:8 Severability. If any provision of this chapter or the application thereof to any individual or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

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

Majority committee amendment adopted.

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

Reps. Cebrowski and Boehm spoke against.

Reps. Evalyn Merrick, Wells, Craig and Rosenwald spoke in favor and yielded to questions.

Rep. Cebrowski requested a roll call; sufficiently seconded.

YEAS 234 NAYS 138

YEAS 234

BELKNAP

Arsenault, Beth
Pilliod, James

Johnson, William
Reever, Judith

Merry, Liz
Stuart, Richard

Miller, Kate
Swinford, Elaine

CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Roberts, John

Wiley, Susan

CHESHIRE

Allen, Peter
Carr, Daniel
Mitchell, Bonnie
Sad, Tara

Burridge, Delmar
Eaton, Daniel
Richardson, Barbara
Sterling, Franklin Jr

Butcher, Suzanne
Lindsey, Steven
Roberts, Kris
Weber, Lucy

Butterworth, Timothy
Meador, David
Robertson, Timothy
Weed, Charles

COOS

Hatch, William
Theberge, Robert

Mears, Lucy
Thomas, Yvonne

Merrick, Evalyn

Merrick, Scott

GRAFTON

Almy, Susan
Ford, Susan
Harding, Laurie
Pastor, Beatriz
Taylor, Kathleen

Andersen, Gene
Friedrich, Carol
Ingbretson, Paul
Pierce, David
Townsend, Charles

Benn, Bernard
Gionet, Edmond
Matheson, Robert
Preston, Philip

Cooney, Mary
Gould, Franklin
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Chandley, Shannon
Cote, David
Garrity, Patrick
Gorman, Mary
Hardy, Valerie
Hodges, Kevin
Hopper, Gary
Kelley, John
Kurk, Neal
Levesque, Melanie
Marshall, Seth
O'Brien, William
Pilotte, Maurice
Rosenwald, Cindy
Shaw, Barbara
Spaulding, Jayne
Walsh, Robert Jr

Beauchamp, Roger
Boisvert, Ronald
Chase, Claudia
Craig, James
Gidge, Kenneth
Hackel, Paul
Harvey, Suzanne
Hogan, Edith
Irwin, Anne-Marie
Knowles, John
LaPlante, Roland
Lisle, Carolyn
Messier, Irene
O'Neil, James
Poznanski, Brian
Ryder, Donald
Shaw, Kimberly
Sullivan, Daniel
Williams, Carol

Beaulieu, Jane
Campbell, David
Chininis, Alexis
Dokmo, Cynthia
Ginsburg, Ruth
Haley, Robert
Hebert, Roger
Holden, Frank
Katsiantonis, George
Knowles, Mary Ann
Leishman, Peter
Long, Patrick
Nixon, David
Ober, Lynne
Pratt, Calvin
Schulze, Joan
Soucy, Connie
Thompson, Robert
Winters, Joel

Beck, Catriona
Caron, June
Clemons, Jane
Flurey, Joan
Goley, Jeffrey
Hammond, Jill
Hikel, John
Holden, Rip
Katsiantonis, Thomas
Komi, Richard
Levasseur, Nickolas
Mack, Ron
O'Brien, Michael Sr
Ober, Russell III
Renzullo, Andrew
Shattuck, Gilman
Soucy, Timothy
Vaillancourt, Steve

MERRIMACK

Bouchard, Candace
Davis, Frank
Hamm, Christine
McGuire, Carol
Porter, Margaret
Rodd, Beth
Tilton, Joy
Wheeler, Deborah

Brown, Carole
DeJoie, John
Kelly, Sally
McMahon, Patricia
Potter, Frances
Schuett, Dianne
Wallner, Mary Jane
Williams, Robert

Clarke, Claire
Foose, Robert
Kidder, David
Osborne, Jessie
Rice, Chip
Shurtleff, Stephen
Walz, Mary Beth
Yeaton, Charles

Coffey, Jennifer
Gile, Mary
Lockwood, Priscilla
Owen, Derek
Richardson, Gary
Stetson, William
Watrous, Rick

ROCKINGHAM

Abbott, Dennis

Borden, David

Brown, C. Pennington

Cali-Pitts, Jacqueline

Casey, Kimberley
DiFruscia, Anthony
Henson, John
Katsakiores, Phyllis
McCarthy, Barbara
Pantelakos, Laura
Reagan, John
Sedensky, John
Wells, Roger

Comerford, Timothy
DiPentima, Rich
Hutchinson, Gina
Kepner, Susan
McEachern, Paul
Perkins, Lawrence
Russell, Trink
Splaine, James

Cushing, Robert
Emiro, Frank
Ingram, Russell
Lyons, Melissa
McKinney, Betsy
Pettersen, Don
Sapareto, Frank
Webber, Carolyn

Day, Judith
Ferrante, Beverly
Itse, Daniel
Mann, Maureen
Nord, Susi
Read, Robin Jr
Schlachman, Donna
Welch, David

STRAFFORD

Bickford, David
Brown, Larry
Domingo, Baldwin
Hubbard, Pamela
Lewis, Robert
Rollo, Michael
Spang, Judith
Watters, David

Brennan, William
Browne, Brendon
Grassie, Anne
Kaen, Naida
Perry, Robert
Rous, Emma
Sprague, Dale

Brown, Jennifer
Burke, Rachel
Hofemann, Roland
Keans, Sandra
Price, Susan
Ryder, Mark
Wall, Janet

Brown, Julie
Cyr, James
Horrigan, Timothy
Lauterborn, Elaine
Rogers, Rose Marie
Schmidt, Peter
Ward, Kenneth

SULLIVAN

Cloutier, John
Harris, Sandra

Skinder, Carla

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
Howard, Thomas

Gottling, Suzanne
McClammer, Jim

NAYS 138

BELKNAP

Bolster, Peter
Millham, Alida
Wendelboe, Fran

Boyce, Laurie
Nedeau, Stephen

Fields, Dennis
Russell, David

Flanders, Donald
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Scala, Dino

Knox, J. David
Stevens, Stanley

CHESHIRE

Butynski, William
Laurent, John

Emerson, Susan
Parkhurst, Henry

Hunt, John

Johnson, Jane

COOS

Ingersoll, Paul Sr
Stohl, Eric

Rappaport, Laurence

Remick, William

Richardson, Herbert

GRAFTON

Aguiar, James
Maybeck, Margie

Bulis, Lyle
Ward, Brien

Ladd, Rick Jr

Laliberte, Suzanne

HILLSBOROUGH

Batula, Peter
Christensen, Chris
Drisko, Richard
Gargas, Carolyn
Hawkins, Ken
Jasper, Shawn
Matarazzo, Anthony
Sr
Movsesian, Lori
Peterson, Andrew
Rowe, Robert
Ulery, Jordan

Belvin, William
Daniels, Gary
Elliott, Nancy
Graham, John
Hinch, Richard
Jeudy, Jean
McCarthy, Michael

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

Boehm, Ralph
Day, Russell
Gagne, Larry
Haefner, Robert
Hinkle, Peyton
Kopka, Angeline
Mead, Robert

Pellegrino, Tony
Rhodes, Brian
Silva, Peter
Willette, Robert

Cebrowski, John
Doherty, Shaun
Gandia, Laura
Harvey, Philip
Infantine, William
L'Heureux, Robert
Moran, Edward

Pepino, Leo
Rokas, Theodoros
Tahir, Saghir

MERRIMACK

Anderson, Eric
Hess, David
Smith, Todd

Bartlett, Michael
Kotowski, Frank
Webb, Leigh

Boutin, David
Palfrey, David

DeStefano, Stephen
Reed, Dennis

ROCKINGHAM

Allen, Mary
Bettencourt, David
Charron, Gene
Dowling, Patricia
Flanders, John Sr
Griffin, Mary
Introne, Robert
Major, Norman
Perkins, Amy
Scamman, Stella

Sullivan, James

Baldasaro, Alfred
Bishop, Franklin
Crisler, Margaret
Dumaine, Dudley
Garritty, James
Hagan, Joseph
Kappler, L. Mike
McMahon, Charles
Preston, Mark
Scamman, W.
Douglas Jr
Weare, Everett

Bates, David
Bridle, Russell
DeSimone, Debra
Elliott, Robert
Gleason, John
Headd, James
Katsakiores, George
Nevins, Chris
Quandt, Matt
Smith, William

Belanger, Ronald
Case, Frank
Devine, James
Fesh, Robert
Gould, Kenneth
Hoelzel, Kathleen
Kolodziej, Walter
Packard, Sherman
Rausch, James
Stiles, Nancy

STRAFFORD

Berube, Roger
Vita, Carol

Groen, Warren

Twombly, James

Vachon, Dennis

SULLIVAN

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

Rodeschin, Beverly

Sweeney, Cynthia

Rep. French did not vote and notified that Clerk that she wished to be recorded in favor.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Eaton moved that the House reconsider its action whereby it adopted the majority committee report of Ought to Pass with Amendment on **HB 648-FN**, relative to the use of marijuana for medicinal purposes.

Rep. Eaton spoke against.

Motion failed.

SPECIAL ORDERS

REGULAR CALENDAR – PART I (CONT'D) (Speaker Norelli in the Chair)

HB 658-FN, relative to housing assistance for recipients of Temporary Assistance to Needy Families (TANF). **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Thomas E. Donovan for the Majority of Health, Human Services and Elderly Affairs: This bill would provide a housing subsidy to the neediest families who are receiving TANF and, subject to available funds, issue such families a monthly supplemental rent voucher. Over the last 20 years the TANF grant has increased by \$186, a 34 percent increase. At the same time, inflation has increased by 60 percent. Thus, the TANF grant's purchasing power has dropped by 26 percent. It is more than apparent that TANF recipients in the state of New Hampshire are in need of a great deal of financial support which this bill attempts to provide. Vote 15-5.

Rep. Peter L. Batula for the Minority of Health, Human Services and Elderly Affairs: A well intentioned piece of legislation that should catch the attention of all those who would like to express their compassion, concern and ambition to assist those in our state and local community who feel and live in the current environment of un-affordable housing and the loss of housing due to the masses who have literally lost their housing due to foreclosures in these times of uncertainty. The question we must address is who in the Commission is capable of determining who are the "neediest of the needy" to receive a housing allowance increase, as the bill calls for? The minority also asks the legitimate question, before we distribute this new state funding allowance increase, how do we explain to other deserving groups that lack sufficient funding that the state has just removed their funding in the proposed budget? Therefore breaking the promise made to these families by our state government. Compassion is a wonderful thing but no compassion ever grows great until it is accurately focused, dedicated and disciplined. Let us fulfill the obligations we have made before we venture into new ones. The minority feels strong that the timing of this legislation is premature and should be revisited at a later more appropriate time.

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

Rep. Charles McMahon spoke against.

Rep. Donovan spoke in favor and yielded to questions.

On a division vote, 194 members having voted in the affirmative and 159 in the negative, the majority committee report was adopted.

Ordered to third reading.

MOTION TO PRINT COMMITTEE REPORTS

Rep. Itse moved that minority committee reports for ***HB 73***, ***HB 396*** and ***HB 453*** be placed in the calendar and that the bills be made Special Orders at the end of today's calendar. The Speaker ruled the motion out of order.

APPEAL OF THE RULING OF THE CHAIR

Rep. William O'Brien appealed the ruling of the Chair whereby minority reports were withheld from the calendar on ***HB 73***, ***HB 396*** and ***HB 453*** and spoke in favor.

The question now being shall the ruling of the Chair be upheld.

Rep. Eaton spoke in favor and yielded to questions.

Rep. Kurk spoke in favor.

Rep. Eaton requested a roll call; sufficiently seconded.

YEAS 283 NAYS 73

YEAS 283

BELKNAP

Arsenault, Beth
Merry, Liz
Pilliod, James

Fields, Dennis
Miller, Kate
Reever, Judith

Flanders, Donald
Millham, Alida
Russell, David

Johnson, William
Nedeau, Stephen
Stuart, Richard

CARROLL

Ahlgren, Christopher
Chandler, Gene
Stevens, Stanley

Bridgham, Robert
Knox, J. David
Wiley, Susan

Buco, Thomas
Patten, Betsey

Butler, Edward
Roberts, John

CHESHIRE

Burridge, Delmar
Carr, Daniel
Johnson, Jane
Parkhurst, Henry
Weber, Lucy

Butcher, Suzanne
Eaton, Daniel
Lindsey, Steven
Richardson, Barbara
Weed, Charles

Butterworth, Timothy
Emerson, Susan
Meador, David
Robertson, Timothy

Butynski, William
Hunt, John
Mitchell, Bonnie
Sad, Tara

COOS

Hatch, William
Merrick, Scott
Stohl, Eric

Ingersoll, Paul Sr
Rappaport, Laurence
Theberge, Robert

Mears, Lucy
Remick, William
Thomas, Yvonne

Merrick, Evalyn
Richardson, Herbert

GRAFTON

Aguiar, James
Bulis, Lyle
Gould, Franklin
Matheson, Robert
Pierce, David
Townsend, Charles

Almy, Susan
Cooney, Mary
Harding, Laurie
Mulholland, Catherine
Preston, Philip

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

Benn, Bernard
Friedrich, Carol
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Beck, Catriona
Campbell, David
Chininis, Alexis
Cote, David
Dokmo, Cynthia
Gandia, Laura
Ginsburg, Ruth
Haley, Robert
Harvey, Suzanne
Irwin, Anne-Marie
Kelley, John
Kopka, Angeline
Leishman, Peter
Long, Patrick

Batula, Peter
Belvin, William
Caron, June
Christensen, Chris
Craig, James
Drisko, Richard
Gargasz, Carolyn
Gorman, Mary
Hammond, Jill
Hinch, Richard
Jasper, Shawn
Knowles, John
Kurk, Neal
Levasseur, Nickolas
Mack, Ron

Beauchamp, Roger
Bergin, Peter
Chandley, Shannon
Christiansen, Lars
Daniels, Gary
Flurey, Joan
Garrity, Patrick
Graham, John
Hardy, Valerie
Hodges, Kevin
Jeudy, Jean
Knowles, Mary Ann
L'Heureux, Robert
Levesque, Melanie
Marshall, Seth

Beaulieu, Jane
Boisvert, Ronald
Chase, Claudia
Clemons, Jane
Day, Russell
Foster, Linda
Gidge, Kenneth
Hackel, Paul
Harvey, Philip
Holden, Rip
Katsiantonis, Thomas
Komi, Richard
LaPlante, Roland
Lisle, Carolyn
Matarazzo, Anthony
Sr
O'Brien, Michael Sr
Poznanski, Brian
Rosenwald, Cindy
Shaw, Barbara
Tahir, Saghir
Williams, Carol

Moran, Edward
O'Neil, James
Price, Pamela
Ryder, Donald
Shaw, Kimberly
Thompson, Robert
Winters, Joel

Movsesian, Lori
Peterson, Andrew
Rhodes, Brian
Schulze, Joan
Soucy, Timothy
Ulery, Jordan

Nixon, David
Pilotte, Maurice
Rokas, Theodoros
Shattuck, Gilman
Sullivan, Daniel
Walsh, Robert Jr

MERRIMACK

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

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Borden, David	Brown, C. Pennington
Case, Frank	Casey, Kimberley	Crisler, Margaret	Cushing, Robert
Day, Judith	DeSimone, Debra	DiFruscia, Anthony	DiPentima, Rich
Dowling, Patricia	Elliott, Robert	Emiro, Frank	Fesh, Robert
Flanders, John Sr	Garrity, James	Gleason, John	Gould, Kenneth
Headd, James	Henson, John	Hutchinson, Gina	Ingram, Russell
Introne, Robert	Katsakiores, George	Katsakiores, Phyllis	Kepner, Susan
Kolodziej, Walter	Lyons, Melissa	Major, Norman	Mann, Maureen
McCarthy, Barbara	McEachern, Paul	McKinney, Betsy	McMahon, Charles
Nevins, Chris	Nord, Susi	Packard, Sherman	Petterson, Don
Rausch, James	Read, Robin Jr	Russell, Trinka	Scamman, Stella
Scamman, W.	Schlachman, Donna	Splaine, James	Stiles, Nancy
Douglas Jr			
Sullivan, James	Weare, Everett	Webber, Carolyn	Welch, David

STRAFFORD

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

SULLIVAN

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

NAYS 73

BELKNAP

Bolster, Peter	Boyce, Laurie	St. Cyr, Jeffrey	Swinford, Elaine
Wendelboe, Fran			

CARROLL

Fleck, Joseph	McConkey, Mark	Scala, Dino	Umberger, Karen
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CHESHIRE

Laurent, John

Sterling, Franklin Jr

COOS

None

GRAFTON

Gionet, Edmond

Ingbertson, Paul

Maybeck, Margie

Ward, Brien

HILLSBOROUGH

Boehm, Ralph

Gagne, Larry

Hogan, Edith

Mead, Robert

Palmer, Stephen

Renzullo, Andrew

Soucy, Connie

Willette, Robert

Cebrowski, John

Haefner, Robert

Holden, Frank

Messier, Irene

Pellegrino, Tony

Rowe, Robert

Spaulding, Jayne

Doherty, Shaun

Hawkins, Ken

Hopper, Gary

O'Brien, William

Pepino, Leo

Seidel, Carl

Vaillancourt, Steve

Elliott, Nancy

Hikel, John

McCarthy, Michael

Ober, Russell III

Pratt, Calvin

Silva, Peter

Villeneuve, Moe

MERRIMACK

Coffey, Jennifer

Smith, Todd

Kotowski, Frank

McGuire, Carol

Reed, Dennis

ROCKINGHAM

Baldasaro, Alfred

Bridle, Russell

Dumaine, Dudley

Itse, Daniel

Quandt, Matt

Smith, William

Bates, David

Charron, Gene

Ferrante, Beverly

Kappler, L. Mike

Reagan, John

Bettencourt, David

Comerford, Timothy

Hagan, Joseph

Perkins, Amy

Sapareto, Frank

Bishop, Franklin

Devine, James

Hoelzel, Kathleen

Perkins, Lawrence

Sedensky, John

STRAFFORD

Groen, Warren

Twombly, James

SULLIVAN

Howard, Thomas

and the ruling of the Chair was upheld.

Rep. Charron voted Nay and intended to vote Yea.

SPECIAL ORDERS

REGULAR CALENDAR – PART II

HB 73, relative to the solemnization of marriage. **OUGHT TO PASS.**

Rep. Janet G. Wall for Judiciary: RSA 457:31 currently lists the categories of people who may solemnize marriage. Among these currently listed are a justice of the peace, an ordained minister of the gospel, and any clergy not ordained but engaged in the service of the religious body to which he or she belongs. A subsequent section, entitled “Exceptions” currently allows Jewish Rabbis and “the people called Friends or Quakers” to solemnize marriage according to their traditions. The purpose of this bill is to remove the reference singling out these two religious groups as exceptions, and to include the many other faith

traditions which have for so long been omitted. The bill also changes the words “minister of the gospel” to the more inclusive “member of the clergy”. The wording changes do not remove any authority from any person already authorized to perform marriages. They simply serve to include all religious traditions. Vote 12-8.

Rep. William O’Brien spoke against.

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

Rep. Bates spoke against and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Rodeschin moved that **HB 73**, relative to the solemnization of marriage, be laid on the table.

Rep. Cote requested a roll call; sufficiently seconded.

YEAS 145 NAYS 208

YEAS 145

BELKNAP

Bolster, Peter
Nedeau, Stephen

Boyce, Laurie
Russell, David

Fields, Dennis
Swinford, Elaine

Flanders, Donald
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Roberts, John

Knox, J. David
Scala, Dino

CHESHIRE

Emerson, Susan

Johnson, Jane

Laurent, John

Sterling, Franklin Jr

COOS

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Ward, Brien

Ingbertson, Paul

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Christensen, Chris
Doherty, Shaun
Gargas, Carolyn
Hawkins, Ken
Hogan, Edith
Jasper, Shawn

Belvin, William
Christiansen, Lars
Drisko, Richard
Graham, John
Hikel, John
Holden, Frank
L'Heureux, Robert

Boehm, Ralph
Daniels, Gary
Elliott, Nancy
Haefner, Robert
Hinch, Richard
Holden, Rip
LaPlante, Roland

Cebrowski, John
Day, Russell
Gagne, Larry
Harvey, Philip
Hinkle, Peyton
Hopper, Gary
Matarazzo, Anthony
Sr
O'Brien, William
Pellegrino, Tony
Rowe, Robert
Silva, Peter
Ulery, Jordan

McCarthy, Michael
Ober, Lynne
Pepino, Leo
Ryder, Donald
Soucy, Connie
Villeneuve, Moe

Mead, Robert
Ober, Russell III
Price, Pamela
Seidel, Carl
Spaulding, Jayne
Willette, Robert

Moran, Edward
Palmer, Stephen
Renzullo, Andrew
Shaw, Kimberly
Tahir, Saghir

MERRIMACK

Anderson, Eric
Hess, David
Reed, Dennis

Boutin, David
Kotowski, Frank

Coffey, Jennifer
McGuire, Carol

DeStefano, Stephen
Palfrey, David

ROCKINGHAM

Allen, Mary
Bishop, Franklin
Charron, Gene
Dowling, Patricia
Fesh, Robert
Headd, James
Introne, Robert
Katsakiores, Phyllis
McMahon, Charles
Quandt, Matt
Sedensky, John
Welch, David

Baldasaro, Alfred
Bridle, Russell
Comerford, Timothy
Dumaine, Dudley
Flanders, John Sr
Hoelzel, Kathleen
Itse, Daniel
Kolodziej, Walter
Nevins, Chris
Rausch, James
Smith, William

Bates, David
Cali-Pitts, Jacqueline
DeSimone, Debra
Emiro, Frank
Gleason, John
Hutchinson, Gina
Kappler, L. Mike
Lyons, Melissa
Perkins, Amy
Reagan, John
Sullivan, James

Bettencourt, David
Case, Frank
Devine, James
Ferrante, Beverly
Griffin, Mary
Ingram, Russell
Katsakiores, George
Major, Norman
Perkins, Lawrence
Sapareto, Frank
Weare, Everett

STRAFFORD

Berube, Roger
Groen, Warren

Bickford, David
Twombly, James

Brennan, William
Vita, Carol

Brown, Julie

SULLIVAN

Howard, Thomas

Osgood, Joe

Rodeschin, Beverly

NAYS 208

BELKNAP

Arsenault, Beth
Millham, Alida
Stuart, Richard

Johnson, William
Pilliod, James

Merry, Liz
Reever, Judith

Miller, Kate
St. Cyr, Jeffrey

CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Wiley, Susan

CHESHIRE

Burridge, Delmar
Carr, Daniel
Mitchell, Bonnie
Robertson, Timothy

Butcher, Suzanne
Eaton, Daniel
Parkhurst, Henry
Sad, Tara

Butterworth, Timothy
Lindsey, Steven
Richardson, Barbara
Weber, Lucy

Butynski, William
Meador, David
Roberts, Kris
Weed, Charles

COOS

Hatch, William
Merrick, Scott

Ingersoll, Paul Sr
Rappaport, Laurence

Mears, Lucy
Theberge, Robert

Merrick, Evalyn
Thomas, Yvonne

GRAFTON

Aguiar, James
Cooney, Mary

Almy, Susan
Ford, Susan

Andersen, Gene
Friedrich, Carol

Benn, Bernard
Gould, Franklin

Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

Matheson, Robert
Pierce, David
Townsend, Charles

Mulholland, Catherine
Preston, Philip

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Chandley, Shannon
Cote, David
Foster, Linda
Hackel, Paul
Harvey, Suzanne
Katsiantonis, Thomas
Komi, Richard
Levasseur, Nickolas
Mack, Ron
Nixon, David
Poznanski, Brian
Schulze, Joan
Sullivan, Daniel
Winters, Joel

Beauchamp, Roger
Boisvert, Ronald
Chase, Claudia
Craig, James
Garrity, Patrick
Haley, Robert
Hodges, Kevin
Kelley, John
Kopka, Angeline
Levesque, Melanie
Marshall, Seth
O'Neil, James
Rhodes, Brian
Shattuck, Gilman
Thompson, Robert

Beaulieu, Jane
Campbell, David
Chininis, Alexis
Dokmo, Cynthia
Ginsburg, Ruth
Hammond, Jill
Irwin, Anne-Marie
Knowles, John
Kurk, Neal
Lisle, Carolyn
Messier, Irene
Peterson, Andrew
Rokas, Theodoros
Shaw, Barbara
Vaillancourt, Steve

Beck, Catriona
Caron, June
Clemons, Jane
Flurey, Joan
Gorman, Mary
Hardy, Valerie
Jeudy, Jean
Knowles, Mary Ann
Leishman, Peter
Long, Patrick
Movsesian, Lori
Pilotte, Maurice
Rosenwald, Cindy
Soucy, Timothy
Walsh, Robert Jr

MERRIMACK

Bartlett, Michael
Davis, Frank
Hamm, Christine
McMahon, Patricia
Rice, Chip
Shurtleff, Stephen
Watrous, Rick
Yeaton, Charles

Bouchard, Candace
DeJoie, John
Kelly, Sally
Osborne, Jessie
Richardson, Gary
Tilton, Joy
Webb, Leigh

Brown, Carole
Foosse, Robert
Kidder, David
Porter, Margaret
Rodd, Beth
Wallner, Mary Jane
Wheeler, Deborah

Clarke, Claire
Gile, Mary
Lockwood, Priscilla
Potter, Frances
Schuett, Dianne
Walz, Mary Beth
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Crisler, Margaret
DiPentima, Rich
Henson, John
McEachern, Paul
Read, Robin Jr

Borden, David
Cushing, Robert
Elliott, Robert
Kepner, Susan
Nord, Susi
Russell, Trinkia

Brown, C. Pennington
Day, Judith
Garrity, James
Mann, Maureen
Packard, Sherman
Scamman, Stella

Casey, Kimberley
DiFruscia, Anthony
Gould, Kenneth
McCarthy, Barbara
Pettersson, Don
Scamman, W.
Douglas Jr
Webber, Carolyn

Schlachman, Donna

Splaine, James

Stiles, Nancy

STRAFFORD

Brown, Larry
Domingo, Baldwin
Kaen, Naida
Price, Susan
Rous, Emma
Spang, Judith
Watters, David

Browne, Brendon
Hofemann, Roland
Keans, Sandra
Rogers, Rose Marie
Ryder, Mark
Sprague, Dale

Burke, Rachel
Horriggan, Timothy
Lauterborn, Elaine
Rollo, Deanna
Schmidt, Peter
Wall, Janet

Cyr, James
Hubbard, Pamela
Perry, Robert
Rollo, Michael
Smith, Marjorie
Ward, Kenneth

SULLIVAN

Cloutier, John

Donovan, Thomas Jr

Gagnon, Raymond

Gottling, Suzanne

Harris, Sandra

Houde-Quimby,
Charlotte

McClammer, Jim

Skinder, Carla

Sweeney, Cynthia
and the motion failed.

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

Rep. Gary Richardson spoke in favor.

Rep. Nancy Elliott requested a roll call; sufficiently seconded.

YEAS 236 NAYS 120

YEAS 236

BELKNAP

Arsenault, Beth
Merry, Liz
Reever, Judith

Bolster, Peter
Miller, Kate
Stuart, Richard

Fields, Dennis
Millham, Alida

Johnson, William
Pilliod, James

CARROLL

Bridgham, Robert
Wiley, Susan

Buco, Thomas

Butler, Edward

Umberger, Karen

CHESHIRE

Burridge, Delmar
Carr, Daniel
Mitchell, Bonnie
Robertson, Timothy

Butcher, Suzanne
Eaton, Daniel
Parkhurst, Henry
Sad, Tara

Butterworth, Timothy
Lindsey, Steven
Richardson, Barbara
Weber, Lucy

Butynski, William
Meador, David
Roberts, Kris
Weed, Charles

COOS

Hatch, William
Merrick, Scott

Ingersoll, Paul Sr
Rappaport, Laurence

Mears, Lucy
Theberge, Robert

Merrick, Evalyn
Thomas, Yvonne

GRAFTON

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

Almy, Susan
Ford, Susan
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

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

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

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Chandley, Shannon
Clemons, Jane
Dokmo, Cynthia
Gargas, Carolyn
Gorman, Mary
Hammond, Jill
Irwin, Anne-Marie
Knowles, John
Kurk, Neal
Levesque, Melanie

Beauchamp, Roger
Boisvert, Ronald
Chase, Claudia
Cote, David
Drisko, Richard
Garritty, Patrick
Graham, John
Hardy, Valerie
Jeudy, Jean
Knowles, Mary Ann
LaPlante, Roland
Lisle, Carolyn

Beaulieu, Jane
Campbell, David
Chininis, Alexis
Craig, James
Flurey, Joan
Gidge, Kenneth
Hackel, Paul
Harvey, Suzanne
Katsiantonis, Thomas
Komi, Richard
Leishman, Peter
Long, Patrick

Beck, Catriona
Caron, June
Christensen, Chris
Day, Russell
Foster, Linda
Ginsburg, Ruth
Haley, Robert
Hodges, Kevin
Kelley, John
Kopka, Angeline
Levasseur, Nickolas
Mack, Ron

Marshall, Seth
O'Brien, Michael Sr
Peterson, Andrew
Rokas, Theodoros
Shaw, Barbara
Thompson, Robert

Messier, Irene
O'Neil, James
Pilotte, Maurice
Rosenwald, Cindy
Shaw, Kimberly
Vaillancourt, Steve

Movsesian, Lori
Ober, Lynne
Poznanski, Brian
Schulze, Joan
Soucy, Timothy
Walsh, Robert Jr

Nixon, David
Ober, Russell III
Rhodes, Brian
Shattuck, Gilman
Sullivan, Daniel
Winters, Joel

MERRIMACK

Bartlett, Michael
Davis, Frank
Gile, Mary
Kidder, David
Palfrey, David
Richardson, Gary
Tilton, Joy
Webb, Leigh

Bouchard, Candace
DeJoie, John
Hamm, Christine
Lockwood, Priscilla
Porter, Margaret
Rodd, Beth
Wallner, Mary Jane
Wheeler, Deborah

Brown, Carole
DeStefano, Stephen
Hess, David
McMahon, Patricia
Potter, Frances
Schuett, Dianne
Walz, Mary Beth
Williams, Robert

Clarke, Claire
Foose, Robert
Kelly, Sally
Osborne, Jessie
Rice, Chip
Shurtleff, Stephen
Watrous, Rick
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Bridle, Russell
Casey, Kimberley
DiFruscia, Anthony
Gleason, John
Kepner, Susan
McEachern, Paul
Read, Robin Jr

Allen, Mary
Brown, C. Pennington
Crisler, Margaret
DiPentima, Rich
Gould, Kenneth
Lyons, Melissa
Nord, Susi
Russell, Trinka

Bishop, Franklin
Cali-Pitts, Jacqueline
Cushing, Robert
Dowling, Patricia
Henson, John
Mann, Maureen
Pettersson, Don
Scamman, W.
Douglas Jr
Sullivan, James

Borden, David
Case, Frank
Day, Judith
Fesh, Robert
Hutchinson, Gina
McCarthy, Barbara
Rausch, James
Schlachman, Donna
Webber, Carolyn

Splaine, James
Welch, David

Stiles, Nancy

STRAFFORD

Berube, Roger
Brown, Larry
Domingo, Baldwin
Kaen, Naida
Price, Susan
Rous, Emma
Spang, Judith
Watters, David

Bickford, David
Browne, Brendon
Hofemann, Roland
Keans, Sandra
Rogers, Rose Marie
Ryder, Mark
Sprague, Dale

Brennan, William
Burke, Rachel
Horrigan, Timothy
Lauterborn, Elaine
Rollo, Deanna
Schmidt, Peter
Wall, Janet

Brown, Julie
Cyr, James
Hubbard, Pamela
Perry, Robert
Rollo, Michael
Smith, Marjorie
Ward, Kenneth

SULLIVAN

Cloutier, John
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Harris, Sandra
Sweeney, Cynthia

NAYS 120

BELKNAP

Boyce, Laurie
St. Cyr, Jeffrey

Flanders, Donald
Swinford, Elaine

Nedeau, Stephen
Wendelboe, Fran

Russell, David

CARROLL

Ahlgren, Christopher
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Roberts, John

Knox, J. David
Scala, Dino

CHESHIRE

Emerson, Susan

Johnson, Jane

Laurent, John

Sterling, Franklin Jr

COOS

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Ward, Brien

Ingbretson, Paul

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Christiansen, Lars
Gagne, Larry
Hikel, John
Holden, Frank
Jasper, Shawn

Belvin, William
Daniels, Gary
Haefner, Robert
Hinch, Richard
Holden, Rip
L'Heureux, Robert

Boehm, Ralph
Doherty, Shaun
Harvey, Philip
Hinkle, Peyton
Hopper, Gary
Matarazzo, Anthony
Sr

Cebrowski, John
Elliott, Nancy
Hawkins, Ken
Hogan, Edith
Infantine, William
McCarthy, Michael

Mead, Robert
Pellegrino, Tony
Rowe, Robert
Soucy, Connie
Villeneuve, Moe

Moran, Edward
Pepino, Leo
Ryder, Donald
Spaulding, Jayne
Willette, Robert

O'Brien, William
Price, Pamela
Seidel, Carl
Tahir, Saghir

Palmer, Stephen
Renzullo, Andrew
Silva, Peter
Ulery, Jordan

MERRIMACK

Anderson, Eric
McGuire, Carol

Boutin, David
Reed, Dennis

Coffey, Jennifer

Kotowski, Frank

ROCKINGHAM

Baldasaro, Alfred
Comerford, Timothy
Elliott, Robert
Garrity, James
Ingram, Russell
Katsakiores, George
McMahon, Charles
Perkins, Lawrence
Scamman, Stella

Bates, David
DeSimone, Debra
Emiro, Frank
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
Nevins, Chris
Quandt, Matt
Sedensky, John

Bettencourt, David
Devine, James
Ferrante, Beverly
Headd, James
Itse, Daniel
Kolodziej, Walter
Packard, Sherman
Reagan, John
Smith, William

Charron, Gene
Dumaine, Dudley
Flanders, John Sr
Hoelzel, Kathleen
Kappler, L. Mike
Major, Norman
Perkins, Amy
Sapareto, Frank
Weare, Everett

STRAFFORD

Groen, Warren

Twombly, James

Vita, Carol

SULLIVAN

Donovan, Thomas Jr
and the committee report was adopted.
Ordered to third reading.

Howard, Thomas

Osgood, Joe

Rodeschin, Beverly

MOTION TO PRINT DEBATE

Rep. Nancy Elliott moved that the debate on **HB 73**, relative to the solemnization of marriage, be printed in the Permanent Journal.

On a division vote, 144 members having voted in the affirmative and 211 in the negative, the motion failed.

SPECIAL ORDERS

REGULAR CALENDAR – PART II (CONT'D)

HB 147, prohibiting the recognition as civil unions of marriages between persons of the same sex contracted outside of New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Janet G. Wall for the Majority of Judiciary: This bill would prohibit a same sex marriage legally contracted outside New Hampshire from being recognized as a civil union in this state. The provisions in this bill potentially complicate the lives of same sex married couples who travel to or move to our state and who may have one partner who is injured or one who dies while in New Hampshire. Current law provides no more and no fewer rights to same sex couples with marriage or civil unions performed outside New Hampshire than it does for those who are civilly united residents. Vote 12-8.

Rep. Joseph M. Hagan for the Minority of Judiciary: This bill is limited in scope and effect as it seeks not to change in any other way our civil unions statute. Rather it seeks to remove the potential "sleeper" provision of RSA 157-A:8 requiring that New Hampshire recognize a marriage contracted out of state. Therefore, our proscription against same-sex marriage could be subverted by couples marrying in Massachusetts and promptly moving here. This significantly expands the effect of civil union legislation beyond what was intended. In addition, the lack of specificity as stated in RSA-A:8 would require recognition of marriages from sundry cultures outside Western culture where polygamy is practiced.

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

Rep. Connie Soucy requested a roll call; sufficiently seconded.

YEAS 218 NAYS 130

YEAS 218

BELKNAP

Arsenault, Beth
Miller, Kate

Bolster, Peter
Millham, Alida

Johnson, William
Reever, Judith

Merry, Liz
Stuart, Richard

CARROLL

Ahlgren, Christopher
Umberger, Karen

Bridgham, Robert
Wiley, Susan

Buco, Thomas

Butler, Edward

CHESHIRE

Burridge, Delmar
Carr, Daniel
Mitchell, Bonnie
Robertson, Timothy

Butcher, Suzanne
Eaton, Daniel
Parkhurst, Henry
Sad, Tara

Butterworth, Timothy
Lindsey, Steven
Richardson, Barbara
Weber, Lucy

Butynski, William
Meador, David
Roberts, Kris
Weed, Charles

COOS

Hatch, William
Merrick, Scott

Ingersoll, Paul Sr
Richardson, Herbert

Mears, Lucy
Theberge, Robert

Merrick, Evalyn
Thomas, Yvonne

GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Beauchamp, Roger	Beaulieu, Jane	Beck, Catriona
Bergin, Peter	Boisvert, Ronald	Campbell, David	Caron, June
Chandley, Shannon	Chase, Claudia	Chininis, Alexis	Clemons, Jane
Cote, David	Craig, James	Dokmo, Cynthia	Drisko, Richard
Flurey, Joan	Foster, Linda	Gargasz, Carolyn	Garrity, Patrick
Gidge, Kenneth	Ginsburg, Ruth	Gorman, Mary	Hackel, Paul
Hammond, Jill	Hardy, Valerie	Harvey, Philip	Harvey, Suzanne
Hinkle, Peyton	Hodges, Kevin	Holden, Rip	Irwin, Anne-Marie
Jeudy, Jean	Katsiantonis, Thomas	Kelley, John	Knowles, John
Knowles, Mary Ann	Komi, Richard	Kopka, Angeline	L'Heureux, Robert
Leishman, Peter	Levasseur, Nickolas	Levesque, Melanie	Lisle, Carolyn
Long, Patrick	Mack, Ron	Marshall, Seth	Matarazzo, Anthony Sr
Movsesian, Lori	Nixon, David	O'Brien, Michael Sr	O'Neil, James
Pepino, Leo	Peterson, Andrew	Pilotte, Maurice	Poznanski, Brian
Rhodes, Brian	Rokas, Theodoros	Rosenwald, Cindy	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Soucy, Timothy
Sullivan, Daniel	Thompson, Robert	Walsh, Robert Jr	Winters, Joel

MERRIMACK

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

ROCKINGHAM

Borden, David	Brown, C. Pennington	Cali-Pitts, Jacqueline	Case, Frank
Casey, Kimberley	Crisler, Margaret	Cushing, Robert	Day, Judith
DiFruscia, Anthony	DiPentima, Rich	Gleason, John	Gould, Kenneth
Henson, John	Hutchinson, Gina	Kepner, Susan	Lyons, Melissa
Mann, Maureen	McCarthy, Barbara	McEachern, Paul	Nord, Susi
Pettersson, Don	Read, Robin Jr	Russell, Trinka	Scamman, Stella
Scamman, W.	Schlachman, Donna	Splaine, James	Webber, Carolyn
Douglas Jr			

STRAFFORD

Bickford, David	Brennan, William	Brown, Larry	Browne, Brendon
Burke, Rachel	Cyr, James	Domingo, Baldwin	Horrigan, Timothy
Hubbard, Pamela	Kaen, Naida	Keans, Sandra	Lauterborn, Elaine
Perry, Robert	Price, Susan	Rogers, Rose Marie	Rollo, Deanna
Rollo, Michael	Rous, Emma	Ryder, Mark	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Sprague, Dale	Wall, Janet

Ward, Kenneth

Watters, David

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
Howard, Thomas

Gottling, Suzanne
McClammer, Jim

Rodeschin, Beverly

Skinder, Carla

Sweeney, Cynthia

NAYS 130

BELKNAP

Boyce, Laurie
Pilliod, James
Wendelboe, Fran

Fields, Dennis
Russell, David

Flanders, Donald
St. Cyr, Jeffrey

Nedeau, Stephen
Swinford, Elaine

CARROLL

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Roberts, John

Knox, J. David
Scala, Dino

McConkey, Mark
Stevens, Stanley

CHESHIRE

Emerson, Susan

Johnson, Jane

Laurent, John

Sterling, Franklin Jr

COOS

Rappaport, Laurence

Remick, William

Stohl, Eric

GRAFTON

Gionet, Edmond
Ward, Brien

Ingretson, Paul

Ladd, Rick Jr

Maybeck, Margie

HILLSBOROUGH

Batula, Peter
Christensen, Chris
Doherty, Shaun
Haefner, Robert
Hinch, Richard
Infantine, William
McCarthy, Michael
O'Brien, William
Pellegrino, Tony
Ryder, Donald
Tahir, Saghir
Willette, Robert

Belvin, William
Christiansen, Lars
Elliott, Nancy
Haley, Robert
Hogan, Edith
Jasper, Shawn
Mead, Robert
Ober, Lynne
Price, Pamela
Seidel, Carl
Ulery, Jordan

Boehm, Ralph
Daniels, Gary
Gagne, Larry
Hawkins, Ken
Holden, Frank
Kurk, Neal
Messier, Irene
Ober, Russell III
Renzullo, Andrew
Soucy, Connie
Vaillancourt, Steve

Cebrowski, John
Day, Russell
Graham, John
Hikel, John
Hopper, Gary
LaPlante, Roland
Moran, Edward
Palmer, Stephen
Rowe, Robert
Spaulding, Jayne
Villeneuve, Moe

MERRIMACK

Anderson, Eric
Kidder, David

Boutin, David
McGuire, Carol

Coffey, Jennifer
Palfrey, David

Hess, David

ROCKINGHAM

Allen, Mary
Bridle, Russell

Baldasaro, Alfred
Charron, Gene

Bates, David
Comerford, Timothy

Bettencourt, David
DeSimone, Debra

Devine, James
Emiro, Frank
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
Nevins, Chris
Quandt, Matt
Sedensky, John
Weare, Everett

Dowling, Patricia
Ferrante, Beverly
Headd, James
Itse, Daniel
Kolodziej, Walter
Packard, Sherman
Rausch, James
Smith, William
Welch, David

Dumaine, Dudley
Fesh, Robert
Hoelzel, Kathleen
Kappler, L. Mike
Major, Norman
Perkins, Amy
Reagan, John
Stiles, Nancy

Elliott, Robert
Garritty, James
Ingram, Russell
Katsakiores, George
McMahon, Charles
Perkins, Lawrence
Sapareto, Frank
Sullivan, James

STRAFFORD

Berube, Roger
Twombly, James

Brown, Julie
Vita, Carol

Groen, Warren

Hofemann, Roland

SULLIVAN

Osgood, Joe

and the majority committee report was adopted.

Reps. Hinkle and L'Heureux voted Yea and intended to vote Nay.

Rep. Vaillancourt voted Nay and intended to vote Yea.

HB 396, relative to the solemnization of marriage. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M. Weber for Judiciary: This bill is exactly the same as HB 73 except for two changes. The bill would retain the term "ministers of the gospel". It would also replace the words "marriage license" with the words "notice of intent to marry" throughout the marriage statute. Opponents of this bill either believed that HB 73 was a better bill, or that the current statute should remain unchanged. Vote 16-4.

Rep. William Smith spoke against.

Rep. Lucy Weber spoke in favor.

Rep. Dumaine requested a roll call; sufficiently seconded.

YEAS 249 NAYS 100

YEAS 249

BELKNAP

Arsenault, Beth
Merry, Liz
Reever, Judith

Bolster, Peter
Miller, Kate
St. Cyr, Jeffrey

Fields, Dennis
Millham, Alida
Stuart, Richard

Johnson, William
Pilliod, James

CARROLL

Bridgham, Robert
Umberger, Karen

Buco, Thomas
Wiley, Susan

Butler, Edward

Patten, Betsey

CHESHIRE

Burridge, Delmar
Carr, Daniel
Meador, David
Roberts, Kris
Weed, Charles

Butcher, Suzanne
Eaton, Daniel
Mitchell, Bonnie
Robertson, Timothy

Butterworth, Timothy
Johnson, Jane
Parkhurst, Henry
Sad, Tara

Butynski, William
Lindsey, Steven
Richardson, Barbara
Weber, Lucy

COOS

Hatch, William

Ingersoll, Paul Sr

Mears, Lucy

Merrick, Evalyn

Merrick, Scott
Stohl, Eric

Rappaport, Laurence
Theberge, Robert

Remick, William
Thomas, Yvonne

Richardson, Herbert

GRAFTON

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

Almy, Susan
Ford, Susan
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

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

Bulis, Lyle
Gould, Franklin
Mulholland, Catherine
Preston, Philip

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Caron, June
Christensen, Chris
Doherty, Shaun
Foster, Linda
Ginsburg, Ruth
Hammond, Jill
Hodges, Kevin
Judy, Jean
Knowles, Mary Ann
LaPlante, Roland
Lisle, Carolyn
Matarazzo, Anthony Sr
O'Brien, Michael Sr
Peterson, Andrew
Rhodes, Brian
Shattuck, Gilman
Spaulding, Jayne
Walsh, Robert Jr

Beauchamp, Roger
Boehm, Ralph
Chandley, Shannon
Clemons, Jane
Dokmo, Cynthia
Gargasz, Carolyn
Gorman, Mary
Hardy, Valerie
Holden, Rip
Katsiantonis, Thomas
Komi, Richard
Leishman, Peter
Long, Patrick
Messier, Irene

O'Neil, James
Pilotte, Maurice
Rokas, Theodoros
Shaw, Barbara
Sullivan, Daniel

Beaulieu, Jane
Boisvert, Ronald
Chase, Claudia
Cote, David
Drisko, Richard
Garrity, Patrick
Hackel, Paul
Harvey, Philip
Infantine, William
Kelley, John
Kopka, Angeline
Levasseur, Nickolas
Mack, Ron
Movsesian, Lori

Ober, Russell III
Poznanski, Brian
Rosenwald, Cindy
Shaw, Kimberly
Thompson, Robert

Beck, Catriona
Campbell, David
Chininis, Alexis
Craig, James
Flurey, Joan
Gidge, Kenneth
Haley, Robert
Harvey, Suzanne
Irwin, Anne-Marie
Knowles, John
Kurk, Neal
Levesque, Melanie
Marshall, Seth
Nixon, David

Pepino, Leo
Price, Pamela
Schulze, Joan
Soucy, Timothy
Vaillancourt, Steve

MERRIMACK

Bartlett, Michael
Davis, Frank
Gile, Mary
Kidder, David
Palfrey, David
Richardson, Gary
Tilton, Joy
Webb, Leigh

Bouchard, Candace
DeJoie, John
Hamm, Christine
Lockwood, Priscilla
Porter, Margaret
Rodd, Beth
Wallner, Mary Jane
Wheeler, Deborah

Brown, Carole
DeStefano, Stephen
Hess, David
McMahon, Patricia
Potter, Frances
Schuett, Dianne
Walz, Mary Beth
Williams, Robert

Clarke, Claire
Foosse, Robert
Kelly, Sally
Osborne, Jessie
Rice, Chip
Shurtleff, Stephen
Watrous, Rick
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Brown, C. Pennington
Crisler, Margaret
DiPentima, Rich
Gould, Kenneth
Lyons, Melissa
McEachern, Paul
Rausch, James
Scamman, W.
Douglas Jr

Allen, Mary
Cali-Pitts, Jacqueline
Cushing, Robert
Dowling, Patricia
Henson, John
Major, Norman
Nord, Susi
Read, Robin Jr
Schlachman, Donna

Borden, David
Case, Frank
Day, Judith
Fesh, Robert
Hutchinson, Gina
Mann, Maureen
Packard, Sherman
Russell, Trink
Splaine, James

Bridle, Russell
Casey, Kimberley
DiFruscia, Anthony
Gleason, John
Kepner, Susan
McCarthy, Barbara
Pettersen, Don
Scamman, Stella
Stiles, Nancy

Webber, Carolyn

Welch, David

STRAFFORD

Berube, Roger
Brown, Larry
Hofemann, Roland
Keans, Sandra
Rogers, Rose Marie
Ryder, Mark
Sprague, Dale

Bickford, David
Browne, Brendon
Horrigan, Timothy
Lauterborn, Elaine
Rollo, Deanna
Schmidt, Peter
Wall, Janet

Brennan, William
Cyr, James
Hubbard, Pamela
Perry, Robert
Rollo, Michael
Smith, Marjorie
Ward, Kenneth

Brown, Julie
Domingo, Baldwin
Kaen, Naida
Price, Susan
Rous, Emma
Spang, Judith
Watters, David

SULLIVAN

Cloutier, John
Harris, Sandra

Skinder, Carla

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

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Rodeschin, Beverly

NAYS 100

BELKNAP

Boyce, Laurie
Swinford, Elaine

Flanders, Donald
Wendelboe, Fran

Nedean, Stephen

Russell, David

CARROLL

Ahlgren, Christopher
McConkey, Mark

Chandler, Gene
Roberts, John

Fleck, Joseph
Scala, Dino

Knox, J. David
Stevens, Stanley

CHESHIRE

Emerson, Susan

Laurent, John

Sterling, Franklin Jr

COOS

None

GRAFTON

Gionet, Edmond
Ward, Brien

Ingbretson, Paul

Ladd, Rick Jr

Maybeck, Margie

HILLSBOROUGH

Batula, Peter
Daniels, Gary
Haefner, Robert
Hinkle, Peyton
Jasper, Shawn
Moran, Edward
Pellegrino, Tony
Seidel, Carl
Villeneuve, Moe

Belvin, William
Day, Russell
Hawkins, Ken
Hogan, Edith
L'Heureux, Robert
O'Brien, William
Renzullo, Andrew
Soucy, Connie
Willette, Robert

Cebrowski, John
Gagne, Larry
Hikel, John
Holden, Frank
McCarthy, Michael
Ober, Lynne
Rowe, Robert
Tahir, Saghir
Winters, Joel

Christiansen, Lars
Graham, John
Hinch, Richard
Hopper, Gary
Mead, Robert
Palmer, Stephen
Ryder, Donald
Ulery, Jordan

MERRIMACK

Anderson, Eric

Coffey, Jennifer

Kotowski, Frank

McGuire, Carol

ROCKINGHAM

Baldasaro, Alfred	Bates, David	Bettencourt, David	Charron, Gene
Comerford, Timothy	DeSimone, Debra	Devine, James	Dumaine, Dudley
Elliott, Robert	Emiro, Frank	Ferrante, Beverly	Flanders, John Sr
Garrity, James	Griffin, Mary	Headd, James	Hoelzel, Kathleen
Ingram, Russell	Introne, Robert	Itse, Daniel	Kappler, L. Mike
Katsakiores, George	Katsakiores, Phyllis	Kolodziej, Walter	McMahon, Charles
Nevins, Chris	Perkins, Amy	Perkins, Lawrence	Quandt, Matt
Reagan, John	Sapareto, Frank	Sedensky, John	Smith, William
Sullivan, James	Weare, Everett		

STRAFFORD

Groen, Warren	Twombly, James	Vita, Carol
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SULLIVAN

Howard, Thomas Osgood, Joe
and the committee report was adopted.

HB 453, establishing that marriage between one man and one woman shall be the only legal domestic union that shall be valid or recognized in this state. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M. Weber for Judiciary: This bill, in its original form, would have repealed civil unions and provided that marriage between one and one woman shall be the only legal marriage valid in this state. The prime sponsor presented the committee with an amendment omitting the repeal of civil unions. What remained was a provision stating that the only legal marriage is between one man and one woman. The majority of the committee believed that this bill was unnecessary, as marriage is already defined in our statutes as being between one man and one woman. Vote 11-9.

Rep. Frank Holden requested a roll call; sufficiently seconded.

YEAS 205 NAYS 136

YEAS 205

BELKNAP

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

CARROLL

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

CHESHIRE

Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Carr, Daniel	Eaton, Daniel	Lindsey, Steven	Meador, David
Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara	Robertson, Timothy
Sad, Tara	Weber, Lucy	Weed, Charles	

COOS

Hatch, William	Ingersoll, Paul Sr	Mears, Lucy	Merrick, Evalyn
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Merrick, Scott

Richardson, Herbert

Theberge, Robert

Thomas, Yvonne

GRAFTON

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

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

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

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

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Chandley, Shannon
Cote, David
Flurey, Joan
Gidge, Kenneth
Hammond, Jill
Hodges, Kevin
Kelley, John
Kopka, Angeline
Lisle, Carolyn
Matarazzo, Anthony
Sr
O'Brien, Michael Sr
Poznanski, Brian
Schulze, Joan
Soucy, Timothy
Walsh, Robert Jr

Beauchamp, Roger
Boisvert, Ronald
Chase, Claudia
Craig, James
Foster, Linda
Ginsburg, Ruth
Hardy, Valerie
Holden, Rip
Knowles, John
Leishman, Peter
Long, Patrick
Messier, Irene

Ober, Russell III
Rhodes, Brian
Shattuck, Gilman
Sullivan, Daniel
Winters, Joel

Beaulieu, Jane
Campbell, David
Chininis, Alexis
Dokmo, Cynthia
Gargasz, Carolyn
Gorman, Mary
Harvey, Philip
Irwin, Anne-Marie
Knowles, Mary Ann
Levasseur, Nickolas
Mack, Ron
Movsesian, Lori

Beck, Catriona
Caron, June
Clemons, Jane
Drisko, Richard
Garrity, Patrick
Hackel, Paul
Harvey, Suzanne
Katsiantonis, Thomas
Komi, Richard
Levesque, Melanie
Marshall, Seth
Nixon, David

Peterson, Andrew
Rokas, Theodoros
Shaw, Barbara
Thompson, Robert

Pilotte, Maurice
Rosenwald, Cindy
Shaw, Kimberly
Vaillancourt, Steve

MERRIMACK

Bartlett, Michael
Davis, Frank
Hamm, Christine
McMahon, Patricia
Rice, Chip
Tilton, Joy
Webb, Leigh

Bouchard, Candace
DeJoie, John
Kelly, Sally
Osborne, Jessie
Richardson, Gary
Wallner, Mary Jane
Wheeler, Deborah

Brown, Carole
Foose, Robert
Kidder, David
Porter, Margaret
Rodd, Beth
Walz, Mary Beth
Williams, Robert

Clarke, Claire
Gile, Mary
Lockwood, Priscilla
Potter, Frances
Shurtleff, Stephen
Watrous, Rick
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
Cushing, Robert
Gleason, John
Kepner, Susan
McEachern, Paul
Russell, Trink

Allen, Mary
Case, Frank
Day, Judith
Gould, Kenneth
Lyons, Melissa
Nord, Susi
Scamman, W.
Douglas Jr

Borden, David
Casey, Kimberley
DiFruscia, Anthony
Henson, John
Mann, Maureen
Pettersen, Don
Schlachman, Donna

Brown, C. Pennington
Crisler, Margaret
DiPentima, Rich
Hutchinson, Gina
McCarthy, Barbara
Read, Robin Jr
Splaine, James

Webber, Carolyn

STRAFFORD

Bickford, David
Domingo, Baldwin
Keans, Sandra

Brennan, William
Horriggan, Timothy
Lauterborn, Elaine

Browne, Brendon
Hubbard, Pamela
Perry, Robert

Cyr, James
Kaen, Naida
Price, Susan

Rogers, Rose Marie
Smith, Marjorie
Watters, David

Rollo, Deanna
Spang, Judith

Rollo, Michael
Sprague, Dale

Rous, Emma
Wall, Janet

SULLIVAN

Cloutier, John
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Harris, Sandra
Sweeney, Cynthia

NAYS 136

BELKNAP

Bolster, Peter
Nedeau, Stephen
Wendelboe, Fran

Boyce, Laurie
Russell, David

Fields, Dennis
St. Cyr, Jeffrey

Flanders, Donald
Swinford, Elaine

CARROLL

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Roberts, John

Knox, J. David
Scala, Dino

McConkey, Mark
Stevens, Stanley

CHESHIRE

Emerson, Susan

Johnson, Jane

Laurent, John

Sterling, Franklin Jr

COOS

Rappaport, Laurence

Remick, William

Stohl, Eric

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Ward, Brien

Ingbretson, Paul

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Christensen, Chris
Doherty, Shaun
Haefner, Robert
Hinch, Richard
Hopper, Gary
Kurk, Neal
Mead, Robert
Palmer, Stephen
Renzullo, Andrew
Soucy, Connie
Villeneuve, Moe

Belvin, William
Christiansen, Lars
Elliott, Nancy
Haley, Robert
Hinkle, Peyton
Infantine, William
L'Heureux, Robert
O'Brien, William
Pellegrino, Tony
Rowe, Robert
Spaulding, Jayne
Willette, Robert

Boehm, Ralph
Daniels, Gary
Gagne, Larry
Hawkins, Ken
Hogan, Edith
Jasper, Shawn
LaPlante, Roland
O'Neil, James
Pepino, Leo
Ryder, Donald
Tahir, Saghir

Cebrowski, John
Day, Russell
Graham, John
Hikel, John
Holden, Frank
Jeudy, Jean
McCarthy, Michael
Ober, Lynne
Price, Pamela
Seidel, Carl
Ulery, Jordan

MERRIMACK

Anderson, Eric
Kotowski, Frank

Coffey, Jennifer
McGuire, Carol

DeStefano, Stephen
Palfrey, David

Hess, David

ROCKINGHAM

Baldasaro, Alfred

Bates, David

Bettencourt, David

Bridle, Russell

Charron, Gene	Comerford, Timothy	DeSimone, Debra	Devine, James
Dowling, Patricia	Dumaine, Dudley	Elliott, Robert	Emiro, Frank
Ferrante, Beverly	Fesh, Robert	Flanders, John Sr	Garrity, James
Griffin, Mary	Headd, James	Hoelzel, Kathleen	Ingram, Russell
Introne, Robert	Itse, Daniel	Kappler, L. Mike	Katsakiores, George
Katsakiores, Phyllis	Kolodziej, Walter	Major, Norman	McMahon, Charles
Nevins, Chris	Packard, Sherman	Perkins, Amy	Perkins, Lawrence
Quandt, Matt	Rausch, James	Reagan, John	Sapareto, Frank
Scamman, Stella	Sedensky, John	Smith, William	Stiles, Nancy
Sullivan, James	Weare, Everett	Welch, David	

STRAFFORD

Berube, Roger	Brown, Julie	Groen, Warren	Hofemann, Roland
Twombly, James	Vita, Carol		

SULLIVAN

Donovan, Thomas Jr Howard, Thomas Osgood, Joe Rodeschin, Beverly

and the committee report was adopted.

Rep. Bettencourt voted Nay and intended to vote Yea.

Reps. Larry Brown, Schmidt, Pilliod, Ahlgren and Kenneth Ward did not vote and notified the Clerk that they wished to be recorded in favor.

HB 480-FN, relative to the definition of "public use" regarding eminent domain.

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

Rep. Philip Preston for the Majority of Judiciary: Under current law, the state may acquire private property by eminent domain for public purposes. This often happens in conjunction with highway projects. This bill would require the state, after five years, to sell back to the previous owner any such property unless 'real or substantial progress' has been made on the project for which the property was taken. This provision would cripple the department of transportation. Construction on some large highway projects does not even begin for ten or more years after an initial taking of land. There are many examples of current projects which would exceed the five-year period specified in the bill, including the Manchester Airport access road and the Spaulding Turnpike extension in Rochester. Furthermore, use of such land by common carriers would be prohibited, and such a prohibition could seriously impact all forms of transportation, especially rail. The taking of land by eminent domain is already constitutionally restricted, so passage of this bill is both unnecessary and unwise. Vote 11-9.

Rep. William B. Smith for the Minority of Judiciary: This bill reinforces the Constitutional Amendment on eminent domain, approved overwhelmingly by the voters (about 86%) in November 2006, by closing loopholes. The approved Amendment read: [Art.] 12-a [Power to Take Property Limited.] No part of a person's property shall be taken by eminent domain and transferred, directly or indirectly, to another person if the taking is for the purpose of private development or other private use of the property." (This question was submitted to the voters by the 2006 Legislature on votes of 277 to 61 in the House of Representatives and 24 to 0 in the Senate - CACR 30) The bill writes the approved amendment directly into RSA 162-K:2, IX-a, and also specifies that property cannot be taken for incidental private use. Further, it stipulates that when the government does not make substantial progress towards public use within 5 years after seizure, the property reverts to the original owner for the amount of compensation paid by the government. Thus, if the government doesn't act quickly to put the property into public use, it should be returned. The minority feels that these changes reflect the intent of the people in approving the Constitutional Amendment. The question being adoption of the majority committee report of Inexpedient to Legislate. Rep. William Smith spoke against and yielded to questions.

Rep. Philip Preston spoke in favor.

Rep. Nancy Elliott requested a roll call; sufficiently seconded.

YEAS 242 NAYS 89

YEAS 242

BELKNAP

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

CARROLL

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

CHESHIRE

Butcher, Suzanne	Butterworth, Timothy	Butynski, William	Eaton, Daniel
Johnson, Jane	Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sad, Tara	Weber, Lucy
Weed, Charles			

COOS

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

GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Beauchamp, Roger	Beaulieu, Jane	Beck, Catriona
Belvin, William	Bergin, Peter	Boehm, Ralph	Boisvert, Ronald
Campbell, David	Caron, June	Chandley, Shannon	Chase, Claudia
Chininis, Alexis	Christensen, Chris	Clemons, Jane	Cote, David
Craig, James	Dokmo, Cynthia	Drisko, Richard	Flurey, Joan
Foster, Linda	Gargas, Carolyn	Gidge, Kenneth	Ginsburg, Ruth
Gorman, Mary	Graham, John	Hackel, Paul	Haley, Robert
Hammond, Jill	Hardy, Valerie	Harvey, Philip	Harvey, Suzanne
Hodges, Kevin	Infantine, William	Irwin, Anne-Marie	Jasper, Shawn
Jeady, Jean	Kelley, John	Knowles, John	Knowles, Mary Ann
Komi, Richard	Kopka, Angeline	Kurk, Neal	Leishman, Peter
Levasseur, Nickolas	Levesque, Melanie	Lisle, Carolyn	Mack, Ron
Marshall, Seth	Movsesian, Lori	Nixon, David	O'Neil, James
Pepino, Leo	Peterson, Andrew	Pilotte, Maurice	Poznanski, Brian
Price, Pamela	Renzullo, Andrew	Rhodes, Brian	Rokas, Theodoros
Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara

Shaw, Kimberly
Walsh, Robert Jr

Soucy, Timothy
Willette, Robert

Spaulding, Jayne
Winters, Joel

Thompson, Robert

MERRIMACK

Anderson, Eric
Clarke, Claire
Foose, Robert
Kelly, Sally
Osborne, Jessie
Rice, Chip
Shurtleff, Stephen
Watrous, Rick
Yeaton, Charles

Bartlett, Michael
Davis, Frank
Gile, Mary
Kidder, David
Palfrey, David
Richardson, Gary
Tilton, Joy
Webb, Leigh

Bouchard, Candace
DeJoie, John
Hamm, Christine
Lockwood, Priscilla
Porter, Margaret
Rodd, Beth
Wallner, Mary Jane
Wheeler, Deborah

Brown, Carole
DeStefano, Stephen
Hess, David
McMahon, Patricia
Potter, Frances
Schuett, Dianne
Walz, Mary Beth
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Brown, C. Pennington
Cushing, Robert
Emiro, Frank
Gleason, John
Lyons, Melissa
McEachern, Paul
Rausch, James

Allen, Mary
Cali-Pitts, Jacqueline
Day, Judith
Fesh, Robert
Gould, Kenneth
Major, Norman
Nord, Susi
Read, Robin Jr

Borden, David
Case, Frank
DiPentima, Rich
Flanders, John Sr
Ingram, Russell
Mann, Maureen
Packard, Sherman
Scamman, Stella

Bridle, Russell
Casey, Kimberley
Dowling, Patricia
Garritty, James
Kepner, Susan
McCarthy, Barbara
Petterson, Don
Scamman, W.
Douglas Jr
Weare, Everett

Schlachman, Donna
Webber, Carolyn

Splaine, James

Stiles, Nancy

STRAFFORD

Berube, Roger
Browne, Brendon
Horrigan, Timothy
Lauterborn, Elaine
Rollo, Deanna
Schmidt, Peter
Wall, Janet

Bickford, David
Burke, Rachel
Hubbard, Pamela
Perry, Robert
Rollo, Michael
Smith, Marjorie
Ward, Kenneth

Brown, Julie
Cyr, James
Kaen, Naida
Price, Susan
Rous, Emma
Spang, Judith
Watters, David

Brown, Larry
Hofemann, Roland
Keans, Sandra
Rogers, Rose Marie
Ryder, Mark
Sprague, Dale

SULLIVAN

Cloutier, John
Harris, Sandra

Rodeschin, Beverly

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

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Osgood, Joe

NAYS 89

BELKNAP

Bolster, Peter
Swinford, Elaine

Boyce, Laurie
Wendelboe, Fran

Russell, David

St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher

Fleck, Joseph

Roberts, John

Scala, Dino

CHESHIRE

Emerson, Susan Laurent, John Sterling, Franklin Jr

COOS

None

GRAFTON

Ingbretson, Paul Ladd, Rick Jr Maybeck, Margie

HILLSBOROUGH

Batula, Peter	Cebrowski, John	Christiansen, Lars	Daniels, Gary
Doherty, Shaun	Elliott, Nancy	Gagne, Larry	Haefner, Robert
Hawkins, Ken	Hikel, John	Hinch, Richard	Hinkle, Peyton
Hogan, Edith	Holden, Frank	Holden, Rip	Hopper, Gary
Katsiantonis, Thomas	Long, Patrick	McCarthy, Michael	Mead, Robert
Messier, Irene	Moran, Edward	O'Brien, William	Ober, Lynne
Ober, Russell III	Palmer, Stephen	Pellegrino, Tony	Rowe, Robert
Ryder, Donald	Seidel, Carl	Soucy, Connie	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Moe		

MERRIMACK

Coffey, Jennifer Kotowski, Frank McGuire, Carol

ROCKINGHAM

Baldasaro, Alfred	Bates, David	Bettencourt, David	Charron, Gene
Comerford, Timothy	Crisler, Margaret	DeSimone, Debra	Devine, James
DiFruscia, Anthony	Dumaine, Dudley	Elliott, Robert	Ferrante, Beverly
Griffin, Mary	Henson, John	Hoelzel, Kathleen	Introne, Robert
Itse, Daniel	Kappler, L. Mike	Katsakiores, George	Katsakiores, Phyllis
Kolodziej, Walter	McMahon, Charles	Nevins, Chris	Perkins, Amy
Perkins, Lawrence	Quandt, Matt	Reagan, John	Sedensky, John
Smith, William	Sullivan, James	Welch, David	

STRAFFORD

Groen, Warren Twombly, James Vita, Carol

SULLIVAN

Howard, Thomas Sweeney, Cynthia
and the majority committee report was adopted.

HB 574-FN-L, authorizing liens for unpaid building code violations and requiring landlord agents for restricted rental property. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert B. Thompson for the Majority of Judiciary: Due to the lack of affordable alternatives, many low income renters often live in apartments that are unsafe and unsanitary. Forcing owners of such property to make the repairs necessary to protect the health and safety of residents is often difficult. Two common reasons for a landlord's failure to make timely repairs are that the owner lives out of state, or there is no one in the vicinity of the apartment who can or is authorized to make the repairs. This bill provides that out of state owners have an authorized local agent who can contract to make repairs, a local agent who is authorized to receive service of legal process, and enables municipal code enforcement

agencies to obtain liens for unpaid fines. Vote 8-5.

Rep. William B. Smith for the Minority of Judiciary: Although substantial means presently exist for governmental imposition and enforcement of fines for building code violations, this bill piles on additional remedies against owners of rented property by allowing foreclosure of the property after a fine is entered for violation of housing code. It also requires nonresident owners of rental property to provide an in-state person authorized to accept service of process; failure to do this will permit foreclosure procedures on the property to begin 60 days after a recording of judgment against the owner. It contains technical provisions about written notices to tenants whereby violations of these provisions give tenants the opportunity to sue for multiple damages and attorney fees against hapless or confused landlords who at the same time are losing their properties to regulatory foreclosures. This rush to seize property is likely to have a negative effect on the sale of rental and vacation properties in NH, particularly for out of state buyers.

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

Rep. Rowe spoke against.

Reps. Thompson and Lucy Weber spoke in favor.

Reps. William O'Brien and Wendelboe spoke against and yielded to questions.

Rep. Nancy Elliott requested a roll call; sufficiently seconded.

YEAS 188 NAYS 146

YEAS 188

BELKNAP

Arsenault, Beth
Pilliod, James

Johnson, William
Reever, Judith

Merry, Liz
Stuart, Richard

Miller, Kate

CARROLL

Bridgham, Robert
Wiley, Susan

Buco, Thomas

Butler, Edward

Knox, J. David

CHESHIRE

Burridge, Delmar
Carr, Daniel
Mitchell, Bonnie
Robertson, Timothy

Butcher, Suzanne
Eaton, Daniel
Parkhurst, Henry
Sad, Tara

Butterworth, Timothy
Lindsey, Steven
Richardson, Barbara
Weber, Lucy

Butynski, William
Meador, David
Roberts, Kris
Weed, Charles

COOS

Hatch, William
Remick, William

Mears, Lucy
Thomas, Yvonne

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Ford, Susan
Laliberte, Suzanne
Pierce, David
Townsend, Charles

Almy, Susan
Friedrich, Carol
Mulholland, Catherine
Preston, Philip

Benn, Bernard
Gould, Franklin
Nordgren, Sharon
Smith, Suzanne

Cooney, Mary
Harding, Laurie
Pastor, Beatriz
Taylor, Kathleen

HILLSBOROUGH

Beauchamp, Roger
Boisvert, Ronald

Beaulieu, Jane
Campbell, David

Beck, Catriona
Caron, June

Bergin, Peter
Chandley, Shannon

Chase, Claudia
Craig, James
Gidge, Kenneth
Haley, Robert
Harvey, Suzanne
Irwin, Anne-Marie
Komi, Richard
Levesque, Melanie
Messier, Irene
O'Neil, James
Rokas, Theodoros
Shaw, Barbara

Chininis, Alexis
Flurey, Joan
Ginsburg, Ruth
Hammond, Jill
Hodges, Kevin
Kelley, John
Kopka, Angeline
Long, Patrick
Movsesian, Lori
Pilotte, Maurice
Rosenwald, Cindy
Shaw, Kimberly

Clemons, Jane
Foster, Linda
Gorman, Mary
Hardy, Valerie
Holden, Rip
Knowles, John
Leishman, Peter
Mack, Ron
Nixon, David
Poznanski, Brian
Schulze, Joan
Thompson, Robert

Cote, David
Garrity, Patrick
Hackel, Paul
Harvey, Philip
Infantine, William
Knowles, Mary Ann
Levasseur, Nickolas
Marshall, Seth
O'Brien, Michael Sr
Rhodes, Brian
Shattuck, Gilman
Walsh, Robert Jr

MERRIMACK

Bartlett, Michael
Davis, Frank
Hamm, Christine
Porter, Margaret
Schuett, Dianne
Walz, Mary Beth
Williams, Robert

Bouchard, Candace
DeJoie, John
Kelly, Sally
Potter, Frances
Shurtleff, Stephen
Watrous, Rick
Yeaton, Charles

Brown, Carole
Foose, Robert
McMahon, Patricia
Rice, Chip
Tilton, Joy
Webb, Leigh

Clarke, Claire
Gile, Mary
Osborne, Jessie
Richardson, Gary
Wallner, Mary Jane
Wheeler, Deborah

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
Cushing, Robert
Henson, John
McCarthy, Barbara
Read, Robin Jr

Borden, David
Case, Frank
Day, Judith
Hutchinson, Gina
McEachern, Paul
Schlachman, Donna

Bridle, Russell
Casey, Kimberley
DiFruscia, Anthony
Kepner, Susan
Nord, Susi
Splaine, James

Brown, C. Pennington
Charron, Gene
DiPentima, Rich
Mann, Maureen
Petterson, Don
Webber, Carolyn

STRAFFORD

Brown, Larry
Hofemann, Roland
Perry, Robert
Rollo, Michael
Smith, Marjorie
Ward, Kenneth

Browne, Brendon
Horrigan, Timothy
Price, Susan
Rous, Emma
Spang, Judith
Watters, David

Burke, Rachel
Hubbard, Pamela
Rogers, Rose Marie
Ryder, Mark
Sprague, Dale

Cyr, James
Kaen, Naida
Rollo, Deanna
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Harris, Sandra

Sweeney, Cynthia

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

NAYS 146

BELKNAP

Bolster, Peter
Millham, Alida
Swinford, Elaine

Boyce, Laurie
Nedeau, Stephen
Wendelboe, Fran

Fields, Dennis
Russell, David

Flanders, Donald
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
Patten, Betsey
Umberger, Karen

Chandler, Gene
Roberts, John

Fleck, Joseph
Scala, Dino

McConkey, Mark
Stevens, Stanley

CHESHIRE

Emerson, Susan

Johnson, Jane

Sterling, Franklin Jr

COOS

Rappaport, Laurence

Richardson, Herbert

Stohl, Eric

Theberge, Robert

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Ward, Brien

Ingbretson, Paul

Ladd, Rick Jr

HILLSBOROUGH

Baroody, Benjamin
Cebrowski, John
Doherty, Shaun
Gagne, Larry
Hawkins, Ken
Hogan, Edith
Jeudy, Jean
Matarazzo, Anthony
Sr
O'Brien, William
Pellegrino, Tony
Rowe, Robert
Soucy, Timothy
Villeneuve, Moe

Batula, Peter
Christensen, Chris
Dokmo, Cynthia
Gargas, Carolyn
Hikel, John
Holden, Frank
Katsiantonis, Thomas
McCarthy, Michael

Ober, Lynne
Pepino, Leo
Ryder, Donald
Spaulding, Jayne
Willette, Robert

Belvin, William
Christiansen, Lars
Drisko, Richard
Graham, John
Hinch, Richard
Hopper, Gary
Kurk, Neal
Mead, Robert

Ober, Russell III
Peterson, Andrew
Seidel, Carl
Ulery, Jordan
Winters, Joel

Boehm, Ralph
Daniels, Gary
Elliott, Nancy
Haefner, Robert
Hinkle, Peyton
Jasper, Shawn
Lisle, Carolyn
Moran, Edward

Palmer, Stephen
Renzullo, Andrew
Soucy, Connie
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Kidder, David
Palfrey, David

Boutin, David
Kotowski, Frank
Rodd, Beth

Coffey, Jennifer
Lockwood, Priscilla
Smith, Todd

DeStefano, Stephen
McGuire, Carol

ROCKINGHAM

Allen, Mary
Comerford, Timothy
Dowling, Patricia
Ferrante, Beverly
Gleason, John
Ingram, Russell
Katsakiores, George
Major, Norman
Perkins, Amy
Scamman, Stella
Sullivan, James

Baldasaro, Alfred
Crisler, Margaret
Dumaine, Dudley
Fesh, Robert
Gould, Kenneth
Introne, Robert
Katsakiores, Phyllis
McMahon, Charles
Perkins, Lawrence
Sedensky, John
Weare, Everett

Bates, David
DeSimone, Debra
Elliott, Robert
Flanders, John Sr
Griffin, Mary
Itse, Daniel
Kolodziej, Walter
Nevins, Chris
Quandt, Matt
Smith, William
Welch, David

Bettencourt, David
Devine, James
Emiro, Frank
Garrity, James
Hoelzel, Kathleen
Kappler, L. Mike
Lyons, Melissa
Packard, Sherman
Reagan, John
Stiles, Nancy

STRAFFORD

Bickford, David
Twombly, James

Groen, Warren
Vita, Carol

Keans, Sandra

Lauterborn, Elaine

SULLIVAN

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

HB 655-FN, extending senior active status to judges over 70 years of age. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William B. Smith for the Majority of Judiciary: This bill as amended provides for allowing judges over 70 years of age to serve temporarily as senior active status justices, after approval by the chief justice or administrative justice of the court from which he or she retired. The bill provides an economical solution to temporary situations in which the court system does not have sufficient judges to meet the public's need. Vote 14-3.

Rep. William L. O'Brien for the Minority of Judiciary: The committee amendment makes a bad bill better, but does not cure its fundamental defect. Since 1792 our constitution has prohibited judges from continuing to serve on reaching age 70 (NH Const. Pt., Art 78). This bill ignores that constitutional mandate.

Majority Amendment (0768h)

Amend the bill by replacing section 2 with the following:

2 Senior Active Status; Retired Status. Amend RSA 493-A:1, I and II to read as follows:

I. Any full-time justice of the supreme, superior, district, or probate court who retires or has retired from regular active service [~~prior to age 70~~] pursuant to RSA 100-C or any predecessor judicial retirement plan or system, may elect to take either senior active status or retired status [~~for the period prior to the time when the justice reaches age 70~~]. A justice who desires to be designated on senior active status shall make such election by providing written notice to the chief justice or administrative justice of the court from which he or she retired. The first such election shall be made not later than 30 days prior to the date the justice's retirement becomes effective and shall be valid for one year from the date of the justice's retirement. Thereafter, a justice who desires to remain in senior active status shall provide a similar notice on an annual basis to the chief or administrative justice of the court from which the justice retired not later than 30 days prior to the anniversary date of the justice's retirement. Judges retired on the effective date of this section shall make the first such election not later than 30 days after the effective date of this section. Each election shall be valid for a period of one year [~~except that an election made for the year in which the justice reaches age 70 shall terminate on the day before the justice turns 70~~]. A justice who desires to be designated on retired status may do so at any time following his or her retirement from regular active service by providing written notice of this election to the chief or administrative justice of the court from which the justice retired; provided, however, that once a justice elects to be designated on retired status such election shall be final and the justice shall not thereafter be allowed to return to senior active status.

I-a.(a) For senior active status justices who have reached age 70, appointment or reappointment to senior active status under paragraph I shall not be automatic upon election by the justice. The justice shall have an in-person interview with the chief justice or administrative justice of the court from which he or she retired. The decision to appoint or reappoint the justice to senior active status shall be based on an assessment of:

(1) The justice's current physical and mental abilities.

(2) The number of matters assigned to the justice that remained unresolved for more than 60 days after submission to the justice in the past 12 months.

(b) Information determined by the chief justice or administrative justice of the court from which the senior active status justice retired for purposes of the assessment under subparagraph (a)(2) shall be available to the public.

II. A senior active justice ***prior to reaching age 70*** shall have all the powers of a justice in regular active service ~~[and]~~. ***After reaching age 70, a senior active status justice may be appointed to limited temporary assignments, specifically including the power to render judgments and to preside over jury trials. A senior active justice*** may serve on the court from which he or she retired or on any other court in which he or she is authorized by law to serve.

Majority committee amendment adopted.

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

On a division vote, 231 members having voted in the affirmative and 103 in the negative, he majority committee report was adopted.

Ordered to third reading.

HB 686, relative to complaint procedures in cases before the commission for human rights.

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

Rep. Lucy M. Weber for the Majority of Judiciary: Currently, a person alleging discrimination can file an action before the Human Rights Commission. Under certain circumstances, the person alleged to have committed the discrimination has the right to force the injured party into the superior court to pursue their claim. This allows an oppressive landlord or employer to force the person discriminated against into a civil suit, thus imposing both significant delay and added costs. The practical effect can be to foreclose all remedies to the injured party. This bill levels the playing field by allowing the person discriminated against the choice of forum, allowing them to continue their case under the more informal procedures of the Human Rights Commission. Vote 8-5.

Rep. William L. O'Brien for the Minority of Judiciary: To the majority, taking away the right to a jury trial from defendants, but leaving plaintiffs with a right to obtain a jury trial at all stages of the proceedings before the Human Rights Commission (HRC) and later on appeal in the superior court is warranted, because, you see, employers and landlords have too much money to defend cases and they hire clever lawyers who make it hard to win those cases, particularly if the defendants get to defend them in court rather than before the HRC. And employers and landlords should want to stay in the HRC for these cases and not slyly remove them to the superior court because the HRC is so very fair that employers and landlords lose only 60% of the HRC cases, while employees and tenants lose a whopping 25%. To the minority, committing such a constitutional violation for any reason, let alone based on such flimsy and biased reasoning, can never be justified. They believe the House should not be a party to such a miscarriage of justice. For those who need reasoning beyond constitutionality and fundamental fairness to forego anti-employer bias, it should be noted further that defendants in many HRC discrimination cases are small businesses having one or two employees. These businesses can no more afford to hire an attorney than can many (but certainly, not all) employees and are also at a disadvantage before the courts. Further, by structuring the enforcement of discrimination laws in such an unbalanced, pro-complainant manner, our state would be motivating employers and landlords to do what none of us want: not hire or rent to minorities and thereby avoid being subjected to such a system. Finally, in their apparent rush to report out this bill before the business community caught wind of it, the bill was passed by the majority of the committee voting on it (which was not a majority of the committee) even before the sponsor and HRC's representative provided documents that were requested and promised during its hearing.

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

Reps. William O'Brien and DiFruscia spoke against.

Rep. Levesque spoke in favor and yielded to questions.
Rep. Lucy Weber spoke in favor.
Rep. Dumaine requested a roll call; sufficiently seconded.

YEAS 172 NAYS 152

YEAS 172

BELKNAP

Johnson, William	Merry, Liz	Miller, Kate	Reever, Judith
Stuart, Richard			

CARROLL

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

Burrige, Delmar	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Eaton, Daniel	Lindsey, Steven	Meador, David	Mitchell, Bonnie
Richardson, Barbara	Robertson, Timothy	Sad, Tara	Weber, Lucy
Weed, Charles			

COOS

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

GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Beauchamp, Roger	Beaulieu, Jane	Beck, Catriona
Boisvert, Ronald	Campbell, David	Caron, June	Chase, Claudia
Chininis, Alexis	Clemons, Jane	Cote, David	Craig, James
Flurey, Joan	Foster, Linda	Garrity, Patrick	Gidge, Kenneth
Ginsburg, Ruth	Hackel, Paul	Haley, Robert	Hammond, Jill
Hardy, Valerie	Harvey, Philip	Harvey, Suzanne	Hodges, Kevin
Irwin, Anne-Marie	Jeudy, Jean	Katsiantonis, Thomas	Kelley, John
Knowles, John	Knowles, Mary Ann	Komi, Richard	Kopka, Angeline
Leishman, Peter	Levesque, Melanie	Lisle, Carolyn	Long, Patrick
Mack, Ron	Marshall, Seth	Messier, Irene	Movsesian, Lori
Nixon, David	O'Brien, Michael Sr	Pilotte, Maurice	Poznanski, Brian
Rokas, Theodoros	Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Thompson, Robert	Walsh, Robert Jr	

MERRIMACK

Bartlett, Michael	Bouchard, Candace	Brown, Carole	Clarke, Claire
Davis, Frank	DeJoie, John	Foose, Robert	Gile, Mary
Hamm, Christine	Kelly, Sally	McMahon, Patricia	Osborne, Jessie
Porter, Margaret	Potter, Frances	Rice, Chip	Rodd, Beth

Schuett, Dianne
Walz, Mary Beth
Williams, Robert

Shurtleff, Stephen
Watrous, Rick
Yeaton, Charles

Tilton, Joy
Webb, Leigh

Wallner, Mary Jane
Wheeler, Deborah

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Henson, John
McEachern, Paul
Schlachman, Donna

Borden, David
Cushing, Robert
Kepner, Susan
Nord, Susi
Splaine, James

Brown, C. Pennington
Day, Judith
Mann, Maureen
Pettersen, Don
Webber, Carolyn

Cali-Pitts, Jacqueline
DiPentima, Rich
McCarthy, Barbara
Read, Robin Jr

STRAFFORD

Brown, Larry
Hofemann, Roland
Keans, Sandra
Rogers, Rose Marie
Schmidt, Peter
Wall, Janet

Browne, Brendon
Horrigan, Timothy
Lauterborn, Elaine
Rollo, Deanna
Smith, Marjorie
Ward, Kenneth

Burke, Rachel
Hubbard, Pamela
Perry, Robert
Rollo, Michael
Spang, Judith
Watters, David

Cyr, James
Kaen, Naida
Price, Susan
Rous, Emma
Sprague, Dale

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

NAYS 152

BELKNAP

Arsenault, Beth
Flanders, Donald
Russell, David

Bolster, Peter
Millham, Alida
St. Cyr, Jeffrey

Boyce, Laurie
Nedeau, Stephen
Swinford, Elaine

Fields, Dennis
Pilliod, James
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Roberts, John

Knox, J. David
Scala, Dino

CHESHIRE

Carr, Daniel
Roberts, Kris

Emerson, Susan
Sterling, Franklin Jr

Johnson, Jane

Parkhurst, Henry

COOS

Rappaport, Laurence

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Ward, Brien

Ingbretson, Paul

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Cebrowski, John

Belvin, William
Chandley, Shannon

Bergin, Peter
Christensen, Chris

Boehm, Ralph
Christiansen, Lars

Daniels, Gary
Elliott, Nancy
Gorman, Mary
Hikel, John
Holden, Rip
Levasseur, Nickolas

Moran, Edward
Ober, Russell III
Rowe, Robert
Soucy, Timothy
Villeneuve, Moe

Doherty, Shaun
Emerton, Larry
Graham, John
Hinkle, Peyton
Hopper, Gary
Matarazzo, Anthony
Sr

O'Brien, William
Palmer, Stephen
Ryder, Donald
Spaulding, Jayne
Willette, Robert

Dokmo, Cynthia
Gagne, Larry
Haefner, Robert
Hogan, Edith
Jasper, Shawn
McCarthy, Michael

O'Neil, James
Pellegrino, Tony
Seidel, Carl
Ulery, Jordan
Winters, Joel

Drisko, Richard
Gargas, Carolyn
Hawkins, Ken
Holden, Frank
Kurk, Neal
Mead, Robert

Ober, Lynne
Renzullo, Andrew
Soucy, Connie
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Lockwood, Priscilla

Coffey, Jennifer
McGuire, Carol

Kidder, David
Palfrey, David

Kotowski, Frank
Smith, Todd

ROCKINGHAM

Allen, Mary
Bridle, Russell
Crisler, Margaret
Dowling, Patricia
Ferrante, Beverly
Gould, Kenneth
Introne, Robert
Katsakiores, Phyllis
McMahon, Charles
Perkins, Lawrence

Baldasaro, Alfred
Case, Frank
DeSimone, Debra
Dumaine, Dudley
Flanders, John Sr
Hoelzel, Kathleen
Itse, Daniel
Kolodziej, Walter
Nevins, Chris
Quandt, Matt

Bates, David
Charron, Gene
Devine, James
Elliott, Robert
Garrity, James
Hutchinson, Gina
Kappler, L. Mike
Lyons, Melissa
Packard, Sherman
Scamman, Stella

Bettencourt, David
Comerford, Timothy
DiFruscia, Anthony
Emiro, Frank
Gleason, John
Ingram, Russell
Katsakiores, George
Major, Norman
Perkins, Amy
Scamman, W.
Douglas Jr
Sullivan, James

Sedensky, John
Weare, Everett

Smith, William
Welch, David

Stiles, Nancy

STRAFFORD

Bickford, David
Vita, Carol

Groen, Warren

Ryder, Mark

Twombly, James

SULLIVAN

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

Osgood, Joe

Rodeschin, Beverly

Sweeney, Cynthia

Rep. Gary Richardson declared a conflict of interest on **HB 686** and did not participate.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Levesque moved that the House reconsider its action whereby it adopted the majority committee report of Ought to Pass on **HB 686**, relative to complaint procedures in cases before the commission for human rights.

Rep. Levesque spoke against.

Rep. DiFruscia spoke in favor.

On a division vote, 138 members having voted in the affirmative and 180 in the negative, the motion failed.

SPECIAL ORDERED

Rep. McEachern moved that **HB 436-FN-L**, relative to civil marriage and civil unions, be made a Special Order as the first order of business for Thursday, March 26, 2009.

Rep. McEachern spoke in favor.

Adopted.

SPECIAL ORDERED

Without objection, the Speaker made the remaining bills on today's calendar Special Orders for Thursday, March 26, 2009.

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, March 26, 2009.

Adopted.

UNANIMOUS CONSENT

Rep. Phyllis Katsakiores addressed the House.

MOTION TO PRINT REMARKS

Rep. Eaton moved that the remarks made by Rep. Katsakiores during unanimous consent be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. Phyllis Katsakiores: Thank you, Madam Speaker. Today we celebrated the 188th anniversary of Greek Independence and we honor the historic contribution Greeks and the Greek Americans have made. At 4:00 p.m. today, our Governor honored the Greeks in the legislative executive chamber for this anniversary. The strength of the bond between Greece and the United States is exemplified by Greek American communities which enrich our nation with their culture, heritage and help maintain the living relationship between our countries. In recent history, Greece and the United States have stood together to meet the challenges of our times. Now, just think for a moment, if the Greeks were not in New Hampshire, who would cook this great Greek food? There'd be no Greek restaurants, no pizza, no lamb, no baklava and we would not have that movie, *My Great Big Fat Greek Wedding*. You would never know the importance of carrying the spray bottle of Windex. Thank you.

LATE SESSION

Third reading and final passage

HB 78, relative to the interbranch criminal and juvenile justice council and appointing an additional member to the interagency coordinating council for women offenders.

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

HB 520, establishing a commission to study the death penalty in New Hampshire.

HB 332, establishing a commission to study school discipline.

HCR 7, in support of teen dating violence education.

HB 614, relative to domicile of students for voting purposes.

HB 438, relative to admission into evidence of certain medical bills, reports, and records.

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

HB 556-FN, repealing the death penalty.

HB 532-FN, relative to employer payment for extra or special duty pay of group II members in the retirement system.

HB 641-FN-L, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.

HB 433-FN-A, relative to funding the law requiring reporting of hospital infections.

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

HB 648-FN, relative to the use of marijuana for medicinal purposes.

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

HB 73, relative to the solemnization of marriage.

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

HB 655-FN, extending senior active status to judges over 70 years of age.

HB 686, relative to complaint procedures in cases before the commission for human rights.

RECESS MOTION

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

The House recessed at 7:30 p.m.

RECESS