HOUSE RECORD

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

Vol. 31	Concord, N.H.	Wednesday, April 29, 2009	No. 37

HOUSE JOURNAL No. 14 (cont.)

Wednesday, April 22, 2009

Rep. Wallner moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 15

Wednesday, April 29, 2009

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

Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.
O God, our Sovereign, how majestic is Your name in all the earth! When I look at Your heavens, the work of Your fingers, the moon and the stars that You have established; what are human beings that You are mindful of them, mortals that You care for them? You have made them a little lower than God, and crowned them with glory and honor. You have given them responsibility over the works of Your hands; You have put all things under their feet. O Lord, our Sovereign, how majestic is Your name in all the earth!

Representative Richard Komi, member from Manchester, led the Pledge of Allegiance.

The National Anthem was sung by Andrea McCormick, Artistic Director of the Palace Theatre in Manchester.

LEAVES OF ABSENCE

Reps. Boisvert, Drisko, Hebert, Henson, Kopka, Maiola, Barbara McCarthy, Evalyn Merrick,

Pratt, Sanders and Carol Williams, the day, illness.
Reps. Boehm, Carole Brown, Brendon Browne, Casey, Charron, Clemons, Cushing, Russell Day, Domingo, Dowling, Dumaine, Eaton, Hubbard, Gina Hutchinson, Infantine, Introne, John Knowles, Mary Ann Knowles, LaPlante, Matarazzo, Mears, Scott Merrick, Amy Perkins, Lawrence Perkins, Mark Preston, Dennis Reed, Sedensky, Timothy Soucy, Spaulding, James Sullivan, Taylor, Brien Ward and Wells, the day, important business.
Reps. Nancy Elliott, Gandia and Sapareto, the day, illness in the family.

INTRODUCTION OF GUESTS

Teresa McCormick and Michael Wittrien, mother and friend of the singer, guests of the House. Eric Schneider, guest of Rep. Harris. Logan Levesque, daughter of Rep. Levesque. Hon. Sam Cataldo, former member of the House from Farmington, Paul Cataldo, Mark Anthony Cataldo and Anna Lise Cataldo, guests of Rep. Vita.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 105, relative to voting machines for the counting of ballots. (Amendment printed SJ 4-22-09)
Rep. Pierce moved that the House concur and spoke in favor.
Adopted.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Wallner moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.
SB 127, making renewable energy facilities eligible for certain bonds issued by municipalities and business and industrial development authorities, removed by Rep. Itse.
Consent Calendar adopted.

SB 30, relative to notice of rights under the manufactured housing law. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Edward A. Butler for Commerce and Consumer Affairs: This bill requires that a notice of basic rights as a tenant of a manufactured housing park and the specific rules of that park, be given to an applicant when he or she applies to be a tenant. Until the passage of this bill, the rules are only required to be given after the person becomes a tenant, though many parks do make these available to applicants. The notice and rules must be given in writing. The notice also directs the prospective tenant to the consumer protection laws and notes they can be accessed from the NH General Court Website. Vote 17-0.

Amendment (1326h)

Amend the bill by replacing section 1 with the following:

1 Manufactured Housing Parks. Amend RSA 205-A:2, XI to read as follows:

XI. Fail to provide each [~~tenant who resides in his~~] ***person who applies to be a tenant of the*** park with a written copy of the rules of said manufactured housing park. Said rules shall set forth the terms and conditions of the tenancy and shall contain the following notice at the top of the first page printed in capital typewritten letters or in 10 point bold face print:

IMPORTANT NOTICE REQUIRED BY LAW

THE RULES SET FORTH BELOW GOVERN THE TERMS OF YOUR RENTAL AGREEMENT WITH THIS MANUFACTURED HOUSING PARK. THE LAW REQUIRES ALL RULES OF THIS PARK TO BE REASONABLE. NO RULE MAY BE CHANGED

WITHOUT YOUR CONSENT UNLESS THIS PARK GIVES YOU 90 DAYS ADVANCE NOTICE OF THE CHANGE.

SUBJECT TO THE TERMS OF ANY WRITTEN LEASE AGREEMENT, YOU MAY CONTINUE TO STAY IN THIS PARK AS LONG AS YOU PAY YOUR RENT AND ANY OTHER LAWFUL CHARGES, FOLLOW THE RULES OF THE PARK AND APPLICABLE LOCAL, STATE AND FEDERAL LAW, DO NOT DAMAGE PARK PROPERTY AND DO NOT REPEATEDLY BOTHER OTHER TENANTS IN THE PARK. YOU MAY BE EVICTED FOR NONPAYMENT OF RENT, BUT ONLY IF YOU FAIL TO PAY ALL RENT DUE WITHIN 30 DAYS AFTER YOU RECEIVE WRITTEN NOTICE THAT YOU ARE BEHIND IN YOUR RENT.

YOU MAY ALSO BE EVICTED FOR NOT FOLLOWING THE RULES OF THIS PARK, BUT ONLY IF THE RULES ARE REASONABLE, YOU HAVE BEEN GIVEN WRITTEN NOTICE OF YOUR FAILURE TO FOLLOW THE RULES, AND YOU THEN CONTINUE TO BREAK THE RULES. YOU MAY NOT BE EVICTED FOR JOINING A TENANT ORGANIZATION.

IF THIS PARK WISHES TO EVICT YOU, IT MUST GIVE YOU 60 DAYS ADVANCE NOTICE, EXCEPT IF YOU ARE BEHIND IN YOUR RENT, IN WHICH CASE ONLY 30 DAYS NOTICE IS REQUIRED. THE EVICTION NOTICE MUST GIVE YOU THE REASON FOR THE PROPOSED EVICTION.

YOU HAVE THE RIGHT TO SELL YOUR HOME IN PLACE TO ANYONE AS LONG AS THE BUYER AND HIS HOUSEHOLD MEET THE RULES OF THIS PARK. YOU MUST NOTIFY THE PARK IF YOU INTEND TO SELL YOUR HOME. FAILURE TO DO SO MAY MEAN THAT THE BUYER WILL BE REQUIRED TO MOVE THE HOME FROM THE PARK.

COPIES OF THE LAW UNDER WHICH THIS NOTICE IS REQUIRED***, RSA 205-A,*** MAY BE OBTAINED FROM THE CONSUMER PROTECTION AND ANTITRUST BUREAU OF THE ATTORNEY GENERAL'S OFFICE, [~~STATE HOUSE ANNEX~~] ***33 CAPITOL STREET***, CONCORD, NEW HAMPSHIRE 03301 ***OR MAY BE ACCESSED FROM THE GENERAL COURT WEBSITE FOR THE STATE OF NEW HAMPSHIRE***.

SB 204, relative to postsecondary educational assistance for New Hampshire national guard members and excluding certain entities that license software from the definition of private postsecondary career school. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Pamela G. Price for Education: This bill contains two parts. The first section is an update to our laws to allow NH national guard members to receive educational assistance benefits which are available in the post 9-11 era. The second section will add an exclusion to the definition of post secondary career schools to correct an unintended consequence from last year's change in definition. The new language will add companies that license software to the list of entities excluded from the definition. This change has been requested on behalf of Skillsoft Company, an employer of 240 in Nashua. The company licenses software to businesses and provides corporate training on the use of that software. Current law already excludes computer technology vendors who offer instruction to those who purchase their hardware or software. Although the committee never intended those who provide instruction on software they license to fall under this definition, it was never specifically excluded. The amendment allows the software licenser to tailor training programs to meet the needs of the licensee. Skillsoft is nearing the end of the lease on its present facility and we do not want to provide any barriers to retaining this valuable employer in the Nashua area. The committee unanimously agrees that this type of business was never intended to fall under this definition and we should move promptly to correct this oversight. Vote 18-0.

Amendment (1371h)

Amend RSA 188-D:19, II(n) as inserted by section 2 of the bill by replacing it with the following:

(n) Entities that license software, the content of which is focused on training or education, if the entity:

(1) Is primarily engaged in the business of licensing software;

(2) Licenses its software primarily to other legal entities, and not directly to an end user or individual student;

(3) Does not confer degrees, diplomas, continuing education units, or any other form of credit in connection with the software that it licenses;

(4) Is not accredited and does not seek accreditation in connection with the software that it licenses or the content it offers; and

(5) Does not offer an admissions process, financial aid, career advice, or job placement in connection with the software that it licenses.

SB 165-FN, relative to fire equipment service certification. **OUGHT TO PASS.**
Rep. Daniel J. Sullivan for Executive Departments and Administration: This bill makes some minor wording changes to existing law, adding the term "fire alarm" to the statute, as opposed to the word "detection." It also allows for the appointment of alternates to sit on the advisory committee on portable fire extinguishers and fixed fire extinguishing systems. This bill is supported by the state fire marshal. Vote 20-0.

SB 45, extending the commission to review New Hampshire's statutes on human immunodeficiency virus education, prevention, and control. **OUGHT TO PASS.**
Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: The commission met quite regularly over this last summer but was unable to complete the goals it had set and is requesting an extension until November 2009. There are major disagreements over certain privacy issues that the commission is hopeful to resolve during this extension. Vote 15-0.

SB 66-FN, relative to repealing the joint health council and changing the title of ARNPs. **OUGHT TO PASS.**
Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: This bill will change the title of advanced registered nurse practitioners (ARNP) to advanced practice registered nurses (APRN). This will make the title consistent across the country. Also, the joint health council is being repealed. The council was established at the time nurse practitioners were granted prescriptive privileges. The council's sole duty has been to maintain a formulary of drugs nurse practitioners cannot prescribe. After 18 years of existence, it has been determined to be difficult to maintain the formulary and no longer necessary. Vote 16-0.

SB 114, relative to the threshold for notification for lead levels and a window replacement program. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Rich T. DiPentima for Health, Human Services and Elderly Affairs: Replacing old deteriorating windows containing lead paint has been shown to be one of the most cost-effective ways of preventing lead poisoning in children. This bill establishes a window replacement program within the department of health and human services using fees and fines generated through the program and other grant funds that may become available. The fund would assist property owners to replace old windows at little or no cost depending on the individual situation. The bill would also allow the department of health and human services to notify property owners when a child in one of their properties has been found to have a low level of lead, thus alerting the property owner that action could be taken to prevent the child from becoming lead poisoned at a level that would require a state abatement order to be issued. The amendment requires the department to initiate rulemaking for the program. Vote 15-0.

Amendment (1331h)

Amend RSA 130-A:2, II as inserted by section 1 of the bill by replacing it with the following:

II. The commissioner [~~may~~] ***shall*** establish, in accordance with rules adopted under RSA 541-A, a notification program relative to lead base substance inspection and abatement activities ***and a window replacement program which would be available to owners of dwellings and dwelling units and funded by the lead poisoning prevention fund, established in RSA 130-A:15, and other available funds***.

AMENDED ANALYSIS

This bill lowers the threshold for notifying the owner of property where a child resides for the presence of lead levels in the child's blood. This bill also requires the commissioner of the department of health and human services to establish a window replacement program which would be available to owners of dwellings and dwelling units.

Referred to the Committee on Ways and Means.

SB 185-FN, relative to rates and charges for medical services to state prisoners. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This bill limits the fees and rates that health care facilities and hospitals may charge the department of corrections for services for state prisoners. Previously, not all services provided by hospitals and other facilities for this population were capped. This bill, as amended, extends the existing cap of no more than 110% of the Medicare allowable charges for outpatient services. Vote 16-0.

Amendment (1376h)

Amend RSA 623-C:2, I(a) as inserted by section 1 of the bill by replacing it with the following:

I.(a) Except as provided in subparagraphs (b) through [~~(f)~~] ***(d)***, no ***health care facility or*** hospital [~~or~~] ***that provides inpatient, outpatient, or*** emergency room ***services*** shall ***bill or*** charge the department of corrections or its agent more than 110 percent of the Medicare allowable rate for inpatient***, outpatient,*** or emergency room care provided for prisoners in state correctional facilities. ***In this chapter, health care facilities mean ambulatory and specialty-medical services centers licensed under RSA 151, and shall include but not be limited to surgical, rehabilitation, long term, oncology, and dialysis centers, but shall not include physician practices and community health care clinics.***

AMENDED ANALYSIS

This bill clarifies the fees and rates that health care facilities and hospitals may charge the department of corrections for services for state prisoners.

Referred to the Committee on Finance.

SB 199, establishing a committee to study the training of public safety officials to respond to persons with mental illness. **OUGHT TO PASS.**

Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: The recent report of the Commission on Mental Health entitled "Fulfilling the Promise" Volume III indicated a need for enhanced training of public safety officials about responding to persons with mental illness. This bill establishes a committee of legislators to assess the need for and adequacy of current training. It also asks that the committee's focus lead to recommendations for legislation in the future. Vote 16-0.

SB 82-FN, eliminating fees for plates and registration for certain veterans and authorizing purple heart special number plates for veterans on active duty. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian D. Rhodes for Transportation: This bill intended to eliminate "all" fees associated with purple heart license plate recipients/Pearl Harbor survivors. This bill would have

decreased highway fund revenue by $48,612 in FY 2010. Local revenues lost would be approximately $3,888 in FY 2010 and each year after. The department of safety would incur approximately $52,500 in payroll cost due to the computer programming that would be needed to update its records. The committee believes that we have addressed some of the intended changes requested in SB 82-FN with amendments made to SB 133-FN with much less impact to state and local revenue. The committee has and always will have the utmost respect and gratitude for our service men and women. ITL of this bill in no way changes the committee's commitment to our veterans. Vote 16-0.

SB 111, authorizing the governor to appoint a public member to the rail transit authority. **OUGHT TO PASS.**
Rep. Jennifer R. Coffey for Transportation: The committee voted unanimously to include a member of the public appointed by the governor to the rail transit authority. The members of this board wished to add this position, to include the public. Vote 16-0.

SB 133-FN, authorizing purple heart special number plates for veterans still on active duty. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Karen C. Umberger for Transportation: This bill adds the authorization to RSA 261:86 for the issuance of purple heart special number plates for personnel still on active duty in addition to those who are honorably discharged. Once a person leaves active duty he or she will furnish proof of honorable discharge prior to their first renewal. The bill also waives the state's $4 plate fee at a cost to the state of approximately $3000. This action is supported by the National Guard and the Veterans' Council and is consistent with the requirements of active duty service. Vote 16-0.

Amendment (1344h)
Amend the title of the bill by replacing it with the following:
AN ACT eliminating plate fees for purple heart special number plates and authorizing purple heart special number plates for veterans on active duty.
Amend the bill by replacing all after the enacting clause with the following:
1 Special Number Plates for Certain Veterans; Purple Heart; Active Duty Veterans. Amend RSA 261:86, I(d) to read as follows:
(d) Was awarded the Purple Heart medal in a qualifying war or armed conflict as defined in RSA 72:28, V, and who was honorably discharged ***or is still on active duty***, provided that such person has furnished the director with satisfactory proof of these circumstances. ***A veteran furnished a Purple Heart plate while on active duty shall furnish proof of honorable discharge to the director prior to the first renewal of registration following discharge.***
2 Special Number Plated for Certain Veterans; Fees. Amend RSA 261:86, II to read as follows:
II. Plates furnished pursuant to subparagraphs [~~I(a)-(c)~~] ***I(a)-(d)*** shall be issued without [~~charge~~] ***the $4 per plate fees under RSA 261:75***. Plates furnished pursuant to [~~subparagraphs I(d) and (e)~~] ***subparagraph I(e)*** shall be issued upon payment of the regular registration fee and the $4 per plate fees under RSA 261:75. Notwithstanding RSA 265:73 or any other law, any person who is issued a plate pursuant to subparagraphs I(c)-(e) shall not be entitled to free parking privileges provided for disabled veterans, except that a person who qualifies for special plates pursuant to subparagraph I(d) may be issued an additional special plate for a motorcycle.
3 Effective Date. This act shall take effect upon its passage.
AMENDED ANALYSIS
This bill eliminates fees for plates for certain veterans who were awarded the Purple Heart medal. This bill also authorizes purple heart special number plates for veterans on active duty.

REGULAR CALENDAR

SB 100-FN, relative to home improvement contracts. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT**.

Rep. Joel Winters for the Majority of Commerce and Consumer Affairs: Residential home improvements over $8,000 would have to be in writing under this bill, or criminal and civil charges could be brought. This bill would not go after contractors for stealing or defrauding homeowners (which is already against the law), but instead would micromanage these written contracts, requiring the contract to have minutia like a printed name next to the signature and the telephone number of the homeowner. Yet even minor violations carry criminal penalties with the possibility of a $2000 fine and one year in jail, and also count as a violation of the consumer protections act, RSA 358-A, which carries additional heavy penalties. There was also a question of whether this legislation was needed - the attorney general's office testified that there were likely to be less then 100 contractor complaints this fiscal year. Over 10,000 contractors, plumbers, electricians, and many others improve houses in this state - the majority was not convinced that a few bad apples justified interfering in the right to contract of law abiding citizens. Vote 9-8.

Rep. Susi Nord for the Minority of Commerce and Consumer Affairs: This minority sees this bill as a consumer protection bill. The Attorney General's office states that complaints about contractors for "small" construction jobs are one of the largest group of complaints that they receive. This legislation would simply require a basic contract for home improvement between the contractor and the homeowner for work estimated to cost over $8000. Change orders could be agreed to verbally, if there are time constraints, with written agreement to the changes when practicable (amendment 1386h). The minority, which consisted of members of both parties, believes that this will give homeowners and contractors clear parameters from which to discuss concerns or problems that may arise in the course of the work to be done.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Reps. Nord and Craig spoke against and yielded to questions.
Reps. Coffey and Winters spoke in favor and yielded to questions.
Rep. Wallner requested a roll call; sufficiently seconded.

YEAS 183 NAYS 155

YEAS 183

BELKNAP

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

CARROLL

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

CHESHIRE

Butcher, Suzanne	Emerson, Susan	Hunt, John	Johnson, Jane
Laurent, John	Meader, David	Mitchell, Bonnie	Roberts, Kris
Robertson, Timothy	Sterling, Franklin Jr		

COOS

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

GRAFTON

Aguiar, James	Bulis, Lyle	Gionet, Edmond	Ingbretson, Paul
Ladd, Rick Jr	Maybeck, Margie	Preston, Philip	Smith, Suzanne
Williams, Burton			

HILLSBOROUGH

Batula, Peter	Belvin, William	Cebrowski, John	Chandley, Shannon
Chase, Claudia	Christensen, Chris	Christiansen, Lars	Daniels, Gary
Doherty, Shaun	Dokmo, Cynthia	Gagne, Larry	Gargasz, Carolyn
Gidge, Kenneth	Ginsburg, Ruth	Gorman, Mary	Graham, John
Haefner, Robert	Harvey, Philip	Hikel, John	Hinch, Richard
Hinkle, Peyton	Hogan, Edith	Holden, Frank	Hopper, Gary
Jasper, Shawn	Komi, Richard	Kurk, Neal	L'Heureux, Robert
Levasseur, Nickolas	McCarthy, Michael	Mead, Robert	Messier, Irene
O'Brien, William	O'Neil, James	Ober, Lynne	Ober, Russell III
Palmer, Stephen	Pellegrino, Tony	Peterson, Andrew	Price, Pamela
Renzullo, Andrew	Rowe, Robert	Ryder, Donald	Seidel, Carl
Shaw, Barbara	Shaw, Kimberly	Silva, Peter	Soucy, Connie
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe
Willette, Robert	Winters, Joel		

MERRIMACK

Anderson, Eric	Coffey, Jennifer	DeStefano, Stephen	Hess, David
Kidder, David	Kotowski, Frank	Lockwood, Priscilla	McGuire, Carol
Owen, Derek	Palfrey, David	Smith, Todd	Yeaton, Charles

ROCKINGHAM

Baldasaro, Alfred	Bates, David	Belanger, Ronald	Bettencourt, David
Bishop, Franklin	Bridle, Russell	Brown, C. Pennington	Case, Frank
Comerford, Timothy	DeSimone, Debra	Devine, James	Elliott, Robert
Emiro, Frank	Ferrante, Beverly	Fesh, Robert	Flanders, John Sr
Garrity, James	Gleason, John	Gould, Kenneth	Griffin, Mary
Hagan, Joseph	Headd, James	Hoelzel, Kathleen	Howard, Doreen
Itse, Daniel	Kappler, L. Mike	Katsakiores, George	Katsakiores, Phyllis
Kolodziej, Walter	Lyons, Melissa	Major, Norman	McEachern, Paul
McKinney, Betsy	McMahon, Charles	Nevins, Chris	Packard, Sherman
Priestley, Anne	Rausch, James	Reagan, John	Scamman, Stella
Scamman, W. Douglas Jr	Smith, William	Splaine, James	Stiles, Nancy
Tucker, Pamela	Van Patten, Don	Weare, Everett	Webber, Carolyn
Welch, David			

STRAFFORD

Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Larry	Groen, Warren	Horrigan, Timothy	Hutz, Sarah
Kaen, Naida	Lauterborn, Elaine	Perry, Robert	Price, Susan
Rollo, Michael	Twombly, James	Vita, Carol	Watters, David

SULLIVAN

Harris, Sandra	Houde-Quimby, Charlotte	Howard, Thomas	McClammer, Jim
Osgood, Joe	Rodeschin, Beverly		

NAYS 155

BELKNAP

Arsenault, Beth	Bolster, Peter	Johnson, William	Merry, Liz
Miller, Kate	Reever, Judith	Stuart, Richard	

CARROLL

Bridgham, Robert	Butler, Edward

CHESHIRE

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

COOS

Hatch, William	Theberge, Robert	Thomas, Yvonne

GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Beauchamp, Roger	Beaulieu, Jane	Beck, Catriona
Bergin, Peter	Campbell, David	Caron, June	Chininis, Alexis
Cote, David	Craig, James	Flurey, Joan	Foster, Linda
Garrity, Patrick	Goley, Jeffrey	Hackel, Paul	Haley, Robert
Hammond, Jill	Hardy, Valerie	Harvey, Suzanne	Hawkins, Ken
Hodges, Kevin	Holden, Rip	Irwin, Anne-Marie	Jeudy, Jean
Katsiantonis, Thomas	Kelley, John	Leishman, Peter	Levesque, Melanie
Lisle, Carolyn	Long, Patrick	Mack, Ron	Marshall, Seth
Movsesian, Lori	Nixon, David	O'Brien, Michael Sr	Pepino, Leo
Pilotte, Maurice	Poznanski, Brian	Ramsey, Peter	Rhodes, Brian
Rokas, Theodoros	Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman
Sullivan, Daniel	Walsh, Robert Jr		

MERRIMACK

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

ROCKINGHAM

Abbott, Dennis	Borden, David	Cali-Pitts, Jacqueline	Crisler, Margaret
Day, Judith	DiFruscia, Anthony	DiPentima, Rich	Ingram, Russell
Kepner, Susan	Mann, Maureen	Moody, Marcia	Nord, Susi
Pantelakos, Laura	Petterson, Don	Quandt, Matt	Read, Robin Jr
Russell, Joseph	Russell, Trinka	Schlachman, Donna	

STRAFFORD

Brennan, William	Burke, Rachel	Cyr, James	Grassie, Anne
Hofemann, Roland	Keans, Sandra	Lewis, Robert	Rogers, Rose Marie
Rollo, Deanna	Rous, Emma	Ryder, Mark	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Vachon, Dennis	Wall, Janet
Ward, Kenneth			

SULLIVAN

Cloutier, John	Donovan, Thomas Jr	Gagnon, Raymond	Gottling, Suzanne
Skinder, Carla	Sweeney, Cynthia		

and the majority committee report was adopted.
Rep. Thompson declared a conflict of interest on ***SB 100-FN*** and did not participate.

CACR 9, relating to term of office. Providing that beginning with the 2012 general election, there shall be a 4-year term of office for governor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT**.
Rep. Shawn N. Jasper for the Majority of Election Law: We believe that the people of New Hampshire are best served by having our governor elected along with the executive council, state senators, representatives and county officers. It seems strange that we would ask our legislature to stand for re-election every two years and ask the voters to judge us on our records, while at the same time, we would propose that the governor, who proposes the budget, recommends tax policy and has veto power over the legislation we pass, would not have to stand with us for re-election and be judged by the voters for the job that we have all done. The only reasonable argument that we have heard for a longer term is that the governor would have to spend less time raising money and campaigning. We would argue that our governors have not made that case; in fact, it is an opinion voiced only by others and would carry more weight if it were, in fact, made by a sitting or past governor. We believe that being responsible to the voters on a frequent basis is worth the time and effort that it takes to campaign. The two year term for governor has served us well since 1877 when it was changed from a one year term. Vote 9-8.
Rep. James R. Splaine for the Minority of Election Law: As amended, CACR 9 will create a four year term for governor beginning in 2014, provided that the current governor is not a candidate for re-election at that time. The governor will continue to be elected during non-presidential election years, for example- 2018, 2022, 2026 – and in that way the focus of the voters will be more on state issues rather than national issues or the "coattail effect" that presidential politics often plays. Two overriding reasons in favor of a four year term for governor are the fact that it is getting more and more expensive to run for that office on an every two year basis and that whomever is elected governor has limited time to prepare, adopt, then administer a budget before the next election. For example, if a new governor is elected in November of one year, he or she is sworn in the following January, then undergoes the budgeting process until June, and faces re-election in September and then November of the following year, just 15 to 17 months later. That translates to about 62 weeks. The people of New Hampshire deserve a governor who will be able to focus more time on governing, rather than raising money and campaigning for office. Similar constitutional amendments calling for a four year term for governor have gone to the voters in past years, and votes have been close to obtaining the 2/3rds necessary, but have come up short. This

question has not been put to the voters for some time, so putting this on the 2010 ballot for consideration was the proper thing to do.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Reps. Splaine and Keans spoke against.
Reps. Jasper, Pepino and Vaillancourt spoke in favor.
Rep. Haley requested a roll call; sufficiently seconded.

YEAS 186 NAYS 151

YEAS 186

BELKNAP

Bolster, Peter	Boyce, Laurie	Fields, Dennis	Flanders, Donald
Miller, Kate	Millham, Alida	Nedeau, Stephen	Russell, David
St. Cyr, Jeffrey	Swinford, Elaine	Veazey, John	Wendelboe, Fran

CARROLL

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

CHESHIRE

Allen, Peter	Emerson, Susan	Hunt, John	Johnson, Jane
Laurent, John	Meader, David	Mitchell, Bonnie	Parkhurst, Henry
Roberts, Kris			

COOS

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

GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Batula, Peter	Beauchamp, Roger	Beaulieu, Jane
Beck, Catriona	Belvin, William	Bergin, Peter	Cebrowski, John
Christensen, Chris	Christiansen, Lars	Daniels, Gary	Doherty, Shaun
Dokmo, Cynthia	Gagne, Larry	Gargasz, Carolyn	Gidge, Kenneth
Gorman, Mary	Graham, John	Haefner, Robert	Hawkins, Ken
Hikel, John	Hinch, Richard	Hinkle, Peyton	Hogan, Edith
Holden, Frank	Holden, Rip	Hopper, Gary	Jasper, Shawn
Kelley, John	Kurk, Neal	L'Heureux, Robert	Levasseur, Nickolas
Long, Patrick	Marshall, Seth	McCarthy, Michael	Mead, Robert
O'Brien, William	Ober, Lynne	Ober, Russell III	Palmer, Stephen
Pellegrino, Tony	Pepino, Leo	Price, Pamela	Renzullo, Andrew
Rosenwald, Cindy	Rowe, Robert	Ryder, Donald	Schulze, Joan
Seidel, Carl	Shaw, Barbara	Shaw, Kimberly	Soucy, Connie
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe
Willette, Robert	Winters, Joel		

MERRIMACK

Anderson, Eric	Boutin, David	Coffey, Jennifer	Hess, David
Kotowski, Frank	Lockwood, Priscilla	McGuire, Carol	Osborne, Jessie
Palfrey, David	Porter, Margaret	Rodd, Beth	Schuett, Dianne
Smith, Todd	Stetson, William	Tupper, Frank	Walz, Mary Beth
Webb, Leigh			

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bates, David	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Bridle, Russell	Brown, C. Pennington
Case, Frank	Comerford, Timothy	Crisler, Margaret	DeSimone, Debra
Devine, James	Elliott, Robert	Ferrante, Beverly	Fesh, Robert
Flanders, John Sr	Garrity, James	Gould, Kenneth	Griffin, Mary
Hagan, Joseph	Headd, James	Hoelzel, Kathleen	Howard, Doreen
Ingram, Russell	Itse, Daniel	Kappler, L. Mike	Katsakiores, George
Katsakiores, Phyllis	Kolodziej, Walter	Lyons, Melissa	Major, Norman
McKinney, Betsy	McMahon, Charles	Moody, Marcia	Nevins, Chris
Packard, Sherman	Priestley, Anne	Quandt, Matt	Rausch, James
Reagan, John	Scamman, Stella	Scamman, W. Douglas Jr	Smith, William
Stiles, Nancy	Tucker, Pamela	Weare, Everett	Welch, David

STRAFFORD

Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Larry	Burke, Rachel	Groen, Warren	Horrigan, Timothy
Hutz, Sarah	Price, Susan	Rollo, Michael	Schmidt, Peter
Sprague, Dale	Twombly, James	Vita, Carol	Watters, David

SULLIVAN

Donovan, Thomas Jr	Howard, Thomas	Osgood, Joe	Rodeschin, Beverly
Sweeney, Cynthia			

NAYS 151

BELKNAP

Johnson, William	Merry, Liz	Pilliod, James	Reever, Judith

CARROLL

Ahlgren, Christopher	Bridgham, Robert	Butler, Edward	Wiley, Susan

CHESHIRE

Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Carlson, Nancy	Carr, Daniel	Lindsey, Steven	Richardson, Barbara
Robertson, Timothy	Sad, Tara	Sterling, Franklin Jr	Weber, Lucy
Weed, Charles			

COOS

Hatch, William	Thomas, Yvonne

GRAFTON

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

HILLSBOROUGH

Campbell, David	Caron, June	Chandley, Shannon	Chase, Claudia
Chininis, Alexis	Cote, David	Craig, James	Flurey, Joan
Foster, Linda	Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey
Hackel, Paul	Haley, Robert	Hammond, Jill	Hardy, Valerie
Harvey, Philip	Harvey, Suzanne	Hodges, Kevin	Irwin, Anne-Marie
Jeudy, Jean	Katsiantonis, Thomas	Komi, Richard	Leishman, Peter
Levesque, Melanie	Lisle, Carolyn	Mack, Ron	Messier, Irene
Movsesian, Lori	Nixon, David	O'Brien, Michael Sr	O'Neil, James
Peterson, Andrew	Pilotte, Maurice	Poznanski, Brian	Ramsey, Peter
Rhodes, Brian	Rokas, Theodoros	Shattuck, Gilman	Sullivan, Daniel
Thompson, Robert	Walsh, Robert Jr		

MERRIMACK

Bartlett, Michael	Bouchard, Candace	Clarke, Claire	Davis, Frank
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	Kelly, Sally	Kidder, David
McMahon, Patricia	Owen, Derek	Potter, Frances	Reardon, Tara
Rice, Chip	Shurtleff, Stephen	Tilton, Joy	Wallner, Mary Jane
Watrous, Rick	Wheeler, Deborah	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Borden, David	Cali-Pitts, Jacqueline	Day, Judith
DiFruscia, Anthony	DiPentima, Rich	Emiro, Frank	Gleason, John
Kepner, Susan	Mann, Maureen	McEachern, Paul	Nord, Susi
Pantelakos, Laura	Petterson, Don	Read, Robin Jr	Russell, Joseph
Russell, Trinka	Schlachman, Donna	Splaine, James	Webber, Carolyn

STRAFFORD

Brennan, William	Cyr, James	Grassie, Anne	Hofemann, Roland
Kaen, Naida	Keans, Sandra	Lauterborn, Elaine	Lewis, Robert
Perry, Robert	Rogers, Rose Marie	Rollo, Deanna	Rous, Emma
Ryder, Mark	Smith, Marjorie	Spang, Judith	Vachon, Dennis
Wall, Janet	Ward, Kenneth		

SULLIVAN

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

and the majority committee report was adopted.

MOTION TO RECONSIDER

Having voted on the prevailing side, Rep. Winters moved that the House reconsider its action whereby it adopted the majority committee report of Inexpedient to Legislate on ***SB 100-FN,*** relative to home improvement contracts.

Rep. Winters spoke against.

On a division vote, 109 members having voted in the affirmative and 222 in the negative, the motion failed.

REGULAR CALENDAR (CONT'D)

SB 116, repealing the prohibition on political contributions by insurance companies. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. David M. Pierce for the Majority of Election Law: Current New Hampshire law prohibits corporations and insurance companies from contributing to political campaigns. However, in 1999, the US District Court ruled that the prohibition against corporate contributions is unconstitutional. The committee believes that based on the court's reasoning, the prohibition against insurance company contributions is likely also unconstitutional. SB 116 would remove this unconstitutional and unenforceable law from the statute books. Vote 10-7.
Rep. James R. Splaine for the Minority of Election Law: It makes absolutely no sense that we add insurance companies to the pool of money available for plunder by political campaigns. This is all about giving yet another group an opportunity to use its financial influence for political favoritism and to say anything else is just not accurate. Those working for insurance companies and those who run them and own them can already participate in politics as candidates, supporting candidates as volunteers, and contributing to candidates as individuals – but this bill would now allow the companies themselves to contribute from their treasuries. Are political campaigns so desperate that political fundraisers are looking for even more money this way? Because of a court decision in 1999, most corporations can contribute directly from their treasuries despite state law prohibiting such. But the way we should be "leveling the playing field" for political contributors is to continue the prohibition against corporations, which is already in our statutes, but allow corporations to contribute through the political action committee process. In that way, there would be a guarantee that corporations must disclose what they contribute to candidates in reports to the office of secretary of state. Right now, corporations can make political contributions directly from their treasuries and other assets, yet they do not have to make disclosure to the office of secretary of state. Bills requiring such disclosure have passed the House in recent years but have been defeated in the State Senate. To "fix" the system, we need more public campaign finance disclosure, not less. We certainly don't need to allow for the shakedown of yet another source of campaign funds by allowing politicians to dial-for-dollars to insurance companies, just so they'll have even more political influence. It would be counterproductive, and shameful, for us to approve this legislation. Is there any other "benefit" to come from this other than that political campaigns and political parties would have more sources from which to get funds? Since the insurance industry is carefully regulated by the state, one wonders why their lobbyists spoke so strongly at the public hearing desiring to be able to place their company money into campaigns.

SPECIAL ORDERED

Rep. Pierce moved that ***SB 116,*** repealing the prohibition on political contributions by insurance companies, be made a Special Order for the next session day in the regular calendar order.
Adopted.

REGULAR CALENDAR (CONT'D)

SB 145-FN, relative to service on the retirement system board of trustees for certain board members. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**
Rep. Ken Hawkins for the Majority of Executive Departments and Administration: The bill would require an employer to grant time off for anyone appointed to the retirement system

board. For the first time in 42 years, a Group I appointee had a problem getting approval for time off from the school district. There is a concern that this could be construed to be an unfunded mandate. Also, a number of the committee members felt that before someone is to be placed on the nominee list they should alert their superiors to the fact they would have to attend the monthly meetings of the retirement board so any issues can be resolved prior to appointment. Vote 13-6.
Rep. Joan S. Flurey for the Minority of Executive Departments and Administration: The selection, nomination and appointment to the New Hampshire retirement system occurs when there is a vacancy. Since teachers do not have the flexibility to adjust schedules to take leave, they must apply for release time. The district is responsible for having a substitute to replace the appointed NHRS member to the classroom. Unfortunately, a recent NHRS appointee met opposition from the administration within the school district, which prevented this trustee from attending board meetings. This created limited representation to the board. The intent of this legislation is to remedy this situation.

The question being adoption of the majority committee report of Inexpedient to Legislate. Rep. Haley requested a roll call; sufficiently seconded.

YEAS 283 NAYS 46

YEAS 283

BELKNAP

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

CARROLL

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

CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butynski, William
Carlson, Nancy	Carr, Daniel	Emerson, Susan	Hunt, John
Johnson, Jane	Laurent, John	Lindsey, Steven	Meader, David
Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara	Roberts, Kris
Sad, Tara	Sterling, Franklin Jr	Weber, Lucy	Weed, Charles

COOS

Hatch, William	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
Harding, Laurie	Ingbretson, Paul	Ladd, Rick Jr	Laliberte, Suzanne
Matheson, Robert	Maybeck, Margie	Mulholland, Catherine	Nordgren, Sharon
Pierce, David	Preston, Philip	Smith, Suzanne	Townsend, Charles

Williams, Burton

HILLSBOROUGH

Batula, Peter	Beaulieu, Jane	Belvin, William	Bergin, Peter
Campbell, David	Caron, June	Cebrowski, John	Chandley, Shannon
Christensen, Chris	Christiansen, Lars	Cote, David	Daniels, Gary
Doherty, Shaun	Dokmo, Cynthia	Foster, Linda	Gagne, Larry
Gargasz, Carolyn	Gidge, Kenneth	Gorman, Mary	Graham, John
Hackel, Paul	Haefner, Robert	Harvey, Philip	Harvey, Suzanne
Hawkins, Ken	Hikel, John	Hinch, Richard	Hinkle, Peyton
Hodges, Kevin	Hogan, Edith	Holden, Frank	Hopper, Gary
Irwin, Anne-Marie	Jasper, Shawn	Jeudy, Jean	Kelley, John
Kurk, Neal	L'Heureux, Robert	Leishman, Peter	Levasseur, Nickolas
Levesque, Melanie	Mack, Ron	McCarthy, Michael	Mead, Robert
Messier, Irene	Movsesian, Lori	Nixon, David	O'Brien, William
O'Neil, James	Ober, Lynne	Ober, Russell III	Palmer, Stephen
Pellegrino, Tony	Pepino, Leo	Peterson, Andrew	Pilotte, Maurice
Price, Pamela	Ramsey, Peter	Renzullo, Andrew	Rosenwald, Cindy
Rowe, Robert	Ryder, Donald	Schulze, Joan	Seidel, Carl
Shattuck, Gilman	Shaw, Kimberly	Soucy, Connie	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe	Walsh, Robert Jr
Willette, Robert	Winters, Joel		

MERRIMACK

Anderson, Eric	Bartlett, Michael	Bouchard, Candace	Clarke, Claire
Coffey, Jennifer	Davis, Frank	DeJoie, John	DeStefano, Stephen
Foose, Robert	French, Barbara	Hamm, Christine	Hess, David
Kidder, David	Kotowski, Frank	Lockwood, Priscilla	McGuire, Carol
Owen, Derek	Palfrey, David	Porter, Margaret	Potter, Frances
Reardon, Tara	Rice, Chip	Rodd, Beth	Schuett, Dianne
Shurtleff, Stephen	Smith, Todd	Tilton, Joy	Tupper, Frank
Walz, Mary Beth	Watrous, Rick	Webb, Leigh	Wheeler, Deborah
Williams, Robert			

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Baldasaro, Alfred	Bates, David
Belanger, Ronald	Bettencourt, David	Borden, David	Brown, C. Pennington
Case, Frank	Comerford, Timothy	Crisler, Margaret	Day, Judith
DeSimone, Debra	Devine, James	DiFruscia, Anthony	DiPentima, Rich
Elliott, Robert	Emiro, Frank	Ferrante, Beverly	Fesh, Robert
Flanders, John Sr	Garrity, James	Gleason, John	Gould, Kenneth
Griffin, Mary	Hagan, Joseph	Headd, James	Hoelzel, Kathleen
Howard, Doreen	Ingram, Russell	Itse, Daniel	Kappler, L. Mike
Katsakiores, George	Katsakiores, Phyllis	Kepner, Susan	Kolodziej, Walter
Lyons, Melissa	Major, Norman	Mann, Maureen	McEachern, Paul
McKinney, Betsy	McMahon, Charles	Moody, Marcia	Nevins, Chris
Nord, Susi	Packard, Sherman	Pantelakos, Laura	Petterson, Don
Priestley, Anne	Rausch, James	Read, Robin Jr	Reagan, John
Russell, Trinka	Scamman, Stella	Scamman, W. Douglas Jr	Schlachman, Donna
Smith, William	Splaine, James	Stiles, Nancy	Tucker, Pamela
Weare, Everett	Webber, Carolyn	Welch, David	

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, Jennifer
Brown, Larry	Cyr, James	Grassie, Anne	Groen, Warren
Hofemann, Roland	Hutz, Sarah	Kaen, Naida	Keans, Sandra
Lauterborn, Elaine	Lewis, Robert	Perry, Robert	Rogers, Rose Marie
Rollo, Deanna	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Twombly, James	Vachon, Dennis	Vita, Carol
Wall, Janet	Watters, David		

SULLIVAN

Donovan, Thomas Jr	Gottling, Suzanne	Harris, Sandra	Houde-Quimby, Charlotte
Howard, Thomas	McClammer, Jim	Osgood, Joe	Rodeschin, Beverly
Skinder, Carla			

NAYS 46

BELKNAP

None

CARROLL

Wiley, Susan

CHESHIRE

Butterworth, Timothy	Robertson, Timothy

COOS

None

GRAFTON

Gould, Franklin

HILLSBOROUGH

Baroody, Benjamin	Beauchamp, Roger	Beck, Catriona	Chininis, Alexis
Craig, James	Flurey, Joan	Garrity, Patrick	Ginsburg, Ruth
Goley, Jeffrey	Haley, Robert	Hammond, Jill	Hardy, Valerie
Holden, Rip	Katsiantonis, Thomas	Komi, Richard	Lisle, Carolyn
Long, Patrick	Marshall, Seth	O'Brien, Michael Sr	Poznanski, Brian
Rhodes, Brian	Rokas, Theodoros	Shaw, Barbara	Sullivan, Daniel
Thompson, Robert			

MERRIMACK

McMahon, Patricia	Osborne, Jessie	Stetson, William	Wallner, Mary Jane
Yeaton, Charles			

ROCKINGHAM

Bridle, Russell	Cali-Pitts, Jacqueline	Quandt, Matt	Russell, Joseph

STRAFFORD

Brown, Julie	Burke, Rachel	Horrigan, Timothy	Rollo, Michael
Ryder, Mark	Sprague, Dale	Ward, Kenneth	

SULLIVAN

Cloutier, John
and the majority committee report was adopted.

SB 160-FN, relative to benefits of dependents of a group II retirement system member who is killed or dies in the performance of duty. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Ken Hawkins for the Majority of Executive Departments and Administration: If a group I or group II member of the retirement system is killed or dies from injuries suffered in performance of his or her duties, and the injury was not caused by negligence, the surviving spouse or children under the age of 18 receive a pension or lump sum settlement. Under current law, if a spouse remarries the pension stops. This bill would allow the pension to continue for group II members. The committee amended the bill so that it applies to both group I and group II. Vote 12-4.
Rep. Carol M. McGuire for the Minority of Executive Departments and Administration: However much we honor the sacrifice of a state employee who dies in the line of duty, the minority does not feel it is appropriate for the state to provide a lifetime income to a spouse who goes on to remarry. Children, of course, have been and will be provided for to age 18 and with college subsidies.

Majority Amendment (1360h)
Amend the title of the bill by replacing it with the following:
AN ACT relative to benefits of dependents of a retirement system member who is killed or dies in the performance of duty.
Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1 and 2 to read as 2 and 3, respectively:
1 Retirement System; Accidental Death Benefits; Group I; Surviving Spouse; Dependents. Amend RSA 100-A:8, I(a) to read as follows:
(a) If, upon the receipt by the board of trustees of proper proof of the death of a group I member in service indicating that such death was the natural and proximate result of an accident occurring while in the performance of duty at some definite time and place, the board decides that death was the result of an accident in the performance of duty and not caused by willful negligence on the part of the member, a state annuity shall be paid to [~~his widow, to continue during her widowhood~~] ***the member's surviving spouse***; or if there is no [~~widow~~] ***surviving spouse***, or if the [~~widow~~] ***surviving spouse*** dies [~~or remarries~~] before the youngest child of the deceased member has attained age 18, then to [~~his~~] ***the deceased member's*** child or children under such age, divided in such manner as the board in its discretion shall determine, to continue as a joint and survivorship state annuity for the benefit of such child or children under said age until every child dies or attains said age; or if there is no [~~widow~~] ***surviving spouse*** or child under age 18 living at the death of the member, then to [~~his~~] ***the member's*** dependent father or dependent mother as the board shall determine, to continue for life; [~~or if the deceased member is a female, the foregoing benefits shall be payable to her widower, children or dependent parents only in like manner and amount;~~] provided that if none of the aforementioned beneficiaries is living or eligible for benefits under the provisions of this section, there shall be payable to the person or persons nominated by the member, if living, otherwise to the member's estate, a lump sum amount which is equal to the deceased member's base salary plus accrued benefits not paid at the time of death, in addition to the amount payable under RSA 100-A:11.
AMENDED ANALYSIS
This bill allows the surviving spouse of a retirement system member who is killed or dies in the performance of duty to continue to receive a retirement system annuity after the surviving spouse remarries.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with amendment.
Rep. McGuire spoke against.
Rep. Patricia McMahon spoke in favor.
Rep. Patrick Garrity requested a roll call; sufficiently seconded.

YEAS 198 NAYS 137

YEAS 198

BELKNAP

Bolster, Peter	Fields, Dennis	Miller, Kate	Pilliod, James
Reever, Judith	St. Cyr, Jeffrey	Stuart, Richard	

CARROLL

Bridgham, Robert	Buco, Thomas	Chandler, Gene	Fleck, Joseph
Knox, J. David	Patten, Betsey	Scala, Dino	Wiley, Susan

CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Carlson, Nancy	Carr, Daniel	Emerson, Susan
Hunt, John	Lerandeau, Alfred	Lindsey, Steven	Parkhurst, Henry
Richardson, Barbara	Robertson, Timothy	Sad, Tara	Weber, Lucy
Weed, Charles			

COOS

Hatch, William	Richardson, Herbert	Stohl, Eric	Theberge, Robert
Thomas, Yvonne			

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Friedrich, Carol
Gould, Franklin	Harding, Laurie	Ladd, Rick Jr	Laliberte, Suzanne
Matheson, Robert	Mulholland, Catherine	Nordgren, Sharon	Pierce, David
Preston, Philip	Smith, Suzanne	Townsend, Charles	

HILLSBOROUGH

Baroody, Benjamin	Beauchamp, Roger	Beck, Catriona	Campbell, David
Caron, June	Chandley, Shannon	Chase, Claudia	Chininis, Alexis
Christensen, Chris	Cote, David	Craig, James	Doherty, Shaun
Flurey, Joan	Foster, Linda	Gargasz, Carolyn	Garrity, Patrick
Gidge, Kenneth	Ginsburg, Ruth	Goley, Jeffrey	Hackel, Paul
Haley, Robert	Hammond, Jill	Hardy, Valerie	Harvey, Philip
Harvey, Suzanne	Hawkins, Ken	Hinch, Richard	Hodges, Kevin
Holden, Rip	Irwin, Anne-Marie	Jeudy, Jean	Katsiantonis, Thomas
Kelley, John	Komi, Richard	L'Heureux, Robert	Leishman, Peter
Levasseur, Nickolas	Levesque, Melanie	Lisle, Carolyn	Long, Patrick
Mack, Ron	Messier, Irene	Movsesian, Lori	Nixon, David
O'Brien, Michael Sr	O'Neil, James	Poznanski, Brian	Ramsey, Peter
Rhodes, Brian	Rokas, Theodoros	Rowe, Robert	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Sullivan, Daniel	Tahir, Saghir

Thompson, Robert

MERRIMACK

Anderson, Eric	Bartlett, Michael	Bouchard, Candace	Clarke, Claire
Davis, Frank	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Hamm, Christine	McMahon, Patricia
Owen, Derek	Porter, Margaret	Reardon, Tara	Rice, Chip
Rodd, Beth	Schuett, Dianne	Shurtleff, Stephen	Stetson, William
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Watrous, Rick	Wheeler, Deborah	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Bates, David	Bettencourt, David	Borden, David
Bridle, Russell	Brown, C. Pennington	Cali-Pitts, Jacqueline	Case, Frank
Crisler, Margaret	Day, Judith	DeSimone, Debra	Devine, James
Elliott, Robert	Emiro, Frank	Gleason, John	Gould, Kenneth
Howard, Doreen	Lyons, Melissa	Major, Norman	Mann, Maureen
Moody, Marcia	Nord, Susi	Pantelakos, Laura	Petterson, Don
Quandt, Matt	Read, Robin Jr	Russell, Joseph	Russell, Trinka
Scamman, W. Douglas Jr			

STRAFFORD

Berube, Roger	Brennan, William	Brown, Jennifer	Brown, Julie
Brown, Larry	Burke, Rachel	Grassie, Anne	Hofemann, Roland
Horrigan, Timothy	Hutz, Sarah	Kaen, Naida	Lewis, Robert
Perry, Robert	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	

NAYS 137

BELKNAP

Boyce, Laurie	Flanders, Donald	Johnson, William	Merry, Liz
Millham, Alida	Nedeau, Stephen	Russell, David	Swinford, Elaine
Veazey, John	Wendelboe, Fran		

CARROLL

Ahlgren, Christopher	Butler, Edward	McConkey, Mark	Roberts, John
Stevens, Stanley	Umberger, Karen		

CHESHIRE

Johnson, Jane	Laurent, John	Meader, David	Mitchell, Bonnie
Roberts, Kris	Sterling, Franklin Jr		

COOS

Rappaport, Laurence	Remick, William		

GRAFTON

Aguiar, James	Bulis, Lyle	Ford, Susan	Gionet, Edmond
Ingbretson, Paul	Maybeck, Margie	Williams, Burton	

HILLSBOROUGH

Batula, Peter	Beaulieu, Jane	Belvin, William	Bergin, Peter
Cebrowski, John	Christiansen, Lars	Daniels, Gary	Dokmo, Cynthia
Gagne, Larry	Graham, John	Haefner, Robert	Hikel, John
Hinkle, Peyton	Hogan, Edith	Holden, Frank	Hopper, Gary
Jasper, Shawn	Kurk, Neal	Marshall, Seth	McCarthy, Michael
Mead, Robert	O'Brien, William	Ober, Lynne	Ober, Russell III
Palmer, Stephen	Pellegrino, Tony	Pepino, Leo	Peterson, Andrew
Pilotte, Maurice	Price, Pamela	Renzullo, Andrew	Rosenwald, Cindy
Ryder, Donald	Seidel, Carl	Shaw, Kimberly	Soucy, Connie
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe	Walsh, Robert Jr
Willette, Robert	Winters, Joel		

MERRIMACK

Boutin, David	Coffey, Jennifer	Hess, David	Kidder, David
Kotowski, Frank	Lockwood, Priscilla	McGuire, Carol	Osborne, Jessie
Palfrey, David	Potter, Frances	Smith, Todd	Webb, Leigh

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Belanger, Ronald	Bishop, Franklin
Comerford, Timothy	DiFruscia, Anthony	DiPentima, Rich	Ferrante, Beverly
Fesh, Robert	Flanders, John Sr	Garrity, James	Griffin, Mary
Hagan, Joseph	Headd, James	Hoelzel, Kathleen	Ingram, Russell
Itse, Daniel	Kappler, L. Mike	Katsakiores, George	Katsakiores, Phyllis
Kepner, Susan	Kolodziej, Walter	McEachern, Paul	McKinney, Betsy
McMahon, Charles	Nevins, Chris	Packard, Sherman	Priestley, Anne
Rausch, James	Reagan, John	Scamman, Stella	Schlachman, Donna
Smith, William	Stiles, Nancy	Tucker, Pamela	Weare, Everett
Webber, Carolyn	Welch, David		

STRAFFORD

Bickford, David	Cyr, James	Groen, Warren	Keans, Sandra
Lauterborn, Elaine	Price, Susan	Ryder, Mark	Twombly, James
Vita, Carol			

SULLIVAN

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

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

INTRODUCTION OF GUESTS

Kim Scamman and Anna LaDue, Bruce, David and Christopher Scamman, daughter, granddaughter, Son and grandsons of Reps. Stella Scamman and W. Douglas Scamman, Jr.

REGULAR CALENDAR (CONT'D)

SB 67-FN-A, relative to funding certain AIDS services organizations and relative to certain operating budget reductions for fiscal year 2009. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joan H. Schulze for Health, Human Services and Elderly Affairs: This bill was requested by the five AIDS services organizations as a continuation of Chapter 367, Laws of 2007 (SB 215). This bill replaces $500,000 of lost Ryan White Funds to be allocated to the following AIDS services organizations: a Community Resource Network (ACORN) in Lebanon; AIDS Response-Seacoast in Portsmouth; AIDS Services for Monadnock in Keene; the Merrimack Valley Assistance Program; and Southern New Hampshire HIV/AIDS Task Force in Nashua for FY 2010 and 2011. The department shall fund these organizations following the procedures established by the New Hampshire Care program. The amendment removes state funding for AIDS drugs, which is covered by manufacturer rebates and, therefore, does not need state funding. Vote 16-0.

Amendment (1342h)

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

1 Human Immunodeficiency Virus; New Hampshire Care Program; Grants to AIDS Services Organizations. Amend 2007, 367:2 to read as follows:

367:2 Department of Health and Human Services; Grants to AIDS Services Organizations. The department shall distribute to the specified agencies the total sum of $500,000 in the fiscal year ending June 30, [~~2008~~] ***2010*** and the total sum of $500,000 in the fiscal year ending June 30, [~~2009~~] ***2011*** for grants to the following AIDS services organizations: a Community Resource Network (ACORN) in Lebanon; AIDS Response-Seacoast in Portsmouth; AIDS Services for Monadnock in Keene; the [~~Greater Manchester AIDS Project~~] ***Merrimack Valley Assistance Program***; and Southern New Hampshire HIV/AIDS Task Force in Nashua. The department shall fund said grants from funds appropriated to the department in the state operating budget in fiscal years [~~2008 and 2009~~] ***2010 and 2011***. The awarding of such grants to the specified agencies by the department of health and human services shall be on a per capita basis. The administration of these grants by the department of health and human services shall follow the procedures established by the [~~Boston Public Health Commission AIDS Program, both for eligibility and billing~~] ***New Hampshire Care program***.

2 Operating Budget; Legislative Branch. 2009, 1:2 is repealed and reenacted to read as follows:

1:2 Operating Budget; Legislative Branch; Lapse of Appropriation. The legislative branch shall lapse $700,000 to the general fund on June 30, 2009. The lapse required by this section shall be in addition to the reductions required by 2008, 296:3.

3 Repeal. 2007, 367:1, relative to appropriations to the department of health and human services for the purchase of antiretroviral drugs, is repealed.

4 Effective Date.

I. Sections 1 and 3 of this act shall take effect July 1, 2009.

II. The remainder of this act shall take effect June 30, 2009.

AMENDED ANALYSIS

This bill continues the funding for certain AIDS services organizations. This bill repeals the provision of law for the funding for the human immunodeficiency virus through the department of health and humans services for the purchase of antiretroviral drugs.

This bill also requires the legislative branch to lapse $700,000 to the general fund on June 30, 2009.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

SB 17, relative to Selective Service registration upon driver's license application or renewal. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass:

Federal Law (50 USC 451) requires all men between the ages 18 and 26 to register with the Selective Service system (SSS). Failure to register is a felony punishable by a $250,000 fine, 5 years imprisonment, or both. Further, by registering, males remain eligible for federal, state and local government employment, federal job training and state and federal student financial aid. Male immigrants (both documented and undocumented) must register with SSS as a prerequisite for attaining U.S. citizenship. In 2002, the legislature enacted RSA 263:5-c which provides that when a man between the ages of 18 and 26 applies for a driver's license (or renewal) the applicant can check a box if the applicant wishes to authorize the department of safety to submit the necessary information to the SSS to register the applicant. SB 17 will change RSA 263:5-c to allow affected males to automatically register with SSS through the DMV. If they choose not to register, they must opt out and claim their preference. This bill does not affect anyone who wants to claim to be a conscientious objector, as that would be declared and vetted when the person is called in a draft, and conscientious objectors are not pre-registered. This bill allows convenience to our young constituents to comply with federal law in registering with SSS, as they currently do with organ donor registration.

Rep. Michael B. O'Brien

Statement in support of Inexpedient to Legislate:

This bill would change the current drivers' license Selective Service section from opt-in to an opt-out. Half of the committee, 4 Democrats and 4 Republicans, feel this bill is unnecessary. NH currently has a 95% compliance score with Selective Service. This is up from last year's 94% according to Selective Service records. Issuing concern was that the DMV should not be spending additional tax dollars duplicating the letters already sent by Selective Service to males between the ages of 18-26. There was no fiscal note offered on this bill, and the committee questions regarding cost were not answered in the public hearings. Our current system is not broken and does not need additional tax dollars spent. What is needed is education for new American citizens when they immigrate to our country as it is believed that up to 4% of those not registered are new citizens. Currently, those 18 years old or older can register for Selective Service through the current driver's license application, internet, high schools and post offices. No other tax dollars need to be spent.

Rep. Jennifer R. Coffey

Rep. Robert Williams moved Recommit and spoke in favor.
Adopted.
Recommitted to the Committee on Transportation.

BILL REMOVED FROM CONSENT CALENDAR

SB 127, making renewable energy facilities eligible for certain bonds issued by municipalities and business and industrial development authorities. **OUGHT TO PASS.**
Rep. Edward A. Butler for Commerce and Consumer Affairs: This bill simply adds the words "renewable energy facilities" to the definition of industry under RSA 162-G3, IV. This addition to the definitions will make it clear that such facilities should be eligible for funding through certain bonding processes. Vote 17-0.
Rep. Butler yielded to questions.
Committee report adopted and ordered to third reading.

The Ethics Committee offered the following:

LEGISLATIVE ETHICS COMMITTEE

Proposed Amendments to Ethics Guidelines

Following a public hearing on April 13, 2009, the Legislative Ethics Committee unanimously voted to adopt recommendations for changes to the Legislature's Ethics Guidelines, and to distribute the recommendations to the membership of New Hampshire's Senate and House of Representatives.

The Legislature's Ethics Guidelines have been in force since 1992. The Committee is charged by law with recommending changes to the Guidelines, which are then put to approval votes in the House and Senate.

Changes currently recommended by the Committee are designed to harmonize the Guidelines with laws adopted by the Legislature in recent sessions regulating acceptance of gifts, honoraria and expense reimbursements. Those laws generally prohibit legislators from accepting gifts in connection with their official duties, subject to certain specific exceptions. They also limit legislators' acceptance of other payments in the form of honoraria or reimbursement of expenses.

Previously, the Guidelines regulated acceptance of gifts and other payments in more general terms. Incorporating the recent, more specific statutory provisions into the Guidelines is designed to reduce potential for confusion and to make the Guidelines a handy single source of information for legislators and the public.

Specifically, Committee's recommended changes include:

- adopting statutory definitions of "expense reimbursement," "family member," "gift," "honorarium," and "official business;"
- incorporating statutory requirements for reporting acceptance of expense reimbursements, honoraria, and meals with a value greater than $25 consumed at meetings for discussion of official business; and imposing on such meals an annual aggregate limit of $250 from a single source;
- simplifying the definition of "financial interest;"
- simplifying the form for financial disclosure by legislators, (which may be further simplified by currently pending legislation).

In accordance with RSA 14-B:3, II, the Committee respectfully requests that the Senate and House vote to approve the proposed amendments.

Legislative Ethics Committee

Explanation: Matter added to the current guidelines appears in ***bold italics.*** Matter removed from the current guidelines appears [~~in brackets and struckthrough~~].

ETHICS GUIDELINES

SECTION 1

PRINCIPLES OF PUBLIC SERVICE

I. Public Office As A Public Trust

Legislators should treat their office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.

II. Principle Of Independent Objective Judgment

Legislators should employ independent objective judgment in performing their duties, deciding all matters on the merits free from conflicts of interest and both real and apparent improper influences.

III. Principle Of Accountability

Legislators should assure that government is conducted openly, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold government officials accountable.

SECTION 2

DEFINITIONS

I. "Anything Of Value" includes but is not limited to the following:

(a) A pecuniary item, including money, or a bank bill or note;

(b) A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;
(c) A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
(d) A stock, bond, note, or other investment interest in an entity;
(e) A receipt given for the payment of money or other property;
(f) A cause of action;
(g) A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;
(h) A loan or forgiveness of indebtedness;
(i) A work of art, antique, or collectible;
(j) An automobile or other means of personal transportation;
(k) Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest, or other beneficial interest in realty;
(l) A promise of employment or continued employment;
(m) A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as a public official or public employee, or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public.

II. "Conflict Of Interest" is the condition in which a legislator has a financial interest in any official activity.

III. "Expense Reimbursement" shall mean any price, charge, fee, expense, or other cost which is waived, forgiven, reduced, prepaid, or reimbursed in any form for the reasonable expenses of attendance, registration, travel, meals, or lodging related to a bona fide conference, meeting, seminar or educational or informational program, when the source of such reimbursement is other than the state, a county, or the United States of America.

IV. "Family Member" shall mean any person related to and living in the same domicile as a legislator, legislative officer, or legislative employee who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.

~~[III.]~~ ***V.*** "Financial Interest" is a reasonably foreseeable direct material financial effect ~~[, distinguished from its effect on the public generally, on the legislator or his or her spouse]~~ ***which is greater on the legislator, legislative officer, legislative employee, or a family member than on the general public.***

VI. (a) "Gift" shall mean:

(1) Money in any amount, whether in the form of cash, check or any other negotiable or non-negotiable instrumentality for the transfer of money.

(2) Any other tangible thing, intangible thing, service, or the use thereof having more than insignificant economic value. Any such item with a value of less than $25 is presumed to be of insignificant economic value.

(b) Notwithstanding subparagraph (a), "gift" shall not mean:

(1) A political contribution as defined in RSA 664.

(2) A commercially reasonable loan, made in the ordinary course of business.

(3) Repayment to an elected official, public official, public employee, constitutional official, or legislative employee of a bona fide loan made by such a person.

(4) A ceremonial plaque, award, or other commemorative object, which is personally inscribed to the recipient and which has inconsequential economic value. A ceremonial object or award with a value of $150 or less is presumed to be of inconsequential economic value.

(5) Objects which primarily serve an informational purpose provided in the ordinary course of business, such as reports, books, maps, or charts.

(6) Money in any form, an object, or any tangible or intangible thing of economic value, where the donor's act of giving is purely private and personal in nature and the money, object, or thing of economic value would have been given and received even if the person were not an elected official, public official, public employee, constitutional official, or legislative employee.

(7) Wages, salary, benefits, mileage, or payment for expenses received by the person in his or her regular course of employment or business which is unrelated to the government position held.

(8) Wages, salary, benefits, mileage, or payment for expenses paid to the person by the state, a county, or the United States of America related to performance of official duties.

(9) Tickets or free admission to a charitable, ceremonial, or political event provided that:

(A) The proceeds of the event are subject to the political contributions and expenditure reporting law, RSA 664; or

(B) The event is sponsored by a charitable organization that is registered with the division of charitable trusts, department of justice, or which is a charitable organization pursuant to section 501(c)(3) of the federal tax code; or

(C) The event is published as an event open for attendance by any member of the general court in the calendar of the senate or the house.

(10) Meals, beverages, lodging, or transportation associated with attendance at:

(A) Any event for which the primary significance is ceremonial or celebratory, provided the event is public or, if by invitation only, is planned to have an attendance greater than 50 people; or

(B) Any event where the person is attending in an official capacity representing the state and/or the senate, house, or the agency of which the person is a member.

(11) Expense reimbursement or an honorarium.

(12) Meals and beverages consumed at a meeting or event, the purpose of which is to discuss official business.

VII. "Honorarium" means a payment in any form to a legislator, legislative officer, or legislative employee for an appearance, speech, written article or other document, service as a consultant or advisor, or participation in a discussion group or similar activities . Honorarium does not include a payment for such activities for which the person is being compensated by the state, a county, the United States of America, or by any other employer or client, where the activity giving rise to the honorarium is not related to or associated with any public office or government employment.

~~[IV.]~~ ***VIII.*** "Immediate Family" includes a spouse, guardian, parent, sibling, child or dependent.

~~[V.]~~ ***IX.*** "Legislation" is a bill, resolution or constitutional amendment.

~~[VI.]~~ ***X.*** "Official Activities" is the conduct of activities which relate to official responsibilities including the introduction of legislation, testifying before any legislative committee or state agency, voting in committee or in house or senate session or otherwise participating in, influencing, or attempting to influence any decision of the legislature, county delegation or any state agency.

XI. "Official Business" means, for legislators, legislative officers, and legislative employees, the discussion or transaction of legislative business, namely, any official action or non-action with regard to any potential pending or existing bill, resolution, amendment, report, or study, any other matter pending or proposed in a

committee or in either house of the general court, or an issue of public policy which is or may be the subject of legislative attention, or any other matter which is within the official jurisdiction or cognizance of the general court.

SECTION 3

LEGISLATOR'S FINANCIAL DISCLOSURE FORM

{NOTE: IF 2009, SB 155 BECOMES LAW, THE FORM PRESCRIBED IN THIS SECTION SHALL BE REPLACED IN ITS ENTIRETY WITH THE FINANCIAL DISCLOSURE FORM PRESCRIBED BY SB 155}

Every representative, senator, and officer of the House and Senate, shall file with the Legislative Ethics Committee the following financial disclosure form [~~on or before January 31 of each year~~] ***annually no later than the third Friday in January***.

FINANCIAL DISCLOSURE FORM

FOR STATE SENATORS, STATE REPRESENTATIVES AND OFFICERS OF THE GENERAL COURT

Required by the Legislative Ethics Committee (RSA 14-B)

Name of Legislator/Officer_____
(print name)

Address_____
street town/city zip code

Office_____ County/District _____ Telephone Number_____

I. Sources of Income

Identify below the name, address, and type of any professional, business, or other organization (including any unit of government) in which you ***or a family member*** are or were an ***employee*,** officer, director, associate, partner, proprietor, [~~employee,~~] or member, or served in any ***professional or*** advisory capacity, from which you ***or a family member*** derived any income (including retirement benefits other than federal retirement and/or disability benefits) in excess of $10,000 during the preceding calendar year. ***For purposes of this form a "family member" means a person related to you and living in the same domicile as you and who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.***

1) a) Name of organization _____
   b) Address of organization _____
   c) Type of organization _____
2) a) Name of organization _____
   b) Address of organization _____
   c) Type of organization _____
3) a) Name of organization _____
   b) Address of organization _____
   c) Type of organization _____

(attach additional sheets if necessary)

[~~Please note: every State Senator, State Representative, and Officer of the General Court is required to file this form. If you feel that your income during the preceding calendar year does not qualify for disclosure according to the criteria stated above, signify by checking on the line below~~.]

If you or a family member had no qualifying income, indicate by writing your initials on the following statement.

[~~My income does not qualify _____~~]

My or my family member's income does not qualify ----------.

~~[II. COMPLETION OF THIS SECTION IS OPTIONAL.]~~

~~[Disclosure and description below of your financial interest may eliminate the need to follow the conflict of interest procedure established in Section 5 of the Ethics Guidelines. If your participation in an official activity creates a conflict of interest not disclosed by the information on this form, you must complete and file a Declaration of Intent Form in accordance with Section 5 of the Ethics Guidelines. See Section 5 of the Ethics Guidelines for information regarding particular conflicts of interest that you may have.]~~

~~[FOR THIS SECTION, "FINANCIAL INTEREST" MEANS THAT A CHANGE IN THE LAW DEALING WITH ANY OF THESE SUBJECTS LISTED BELOW WOULD POTENTIALLY HAVE A GREATER FINANCIAL EFFECT ON YOU OR YOUR SPOUSE THAN IT WOULD ON THE GENERAL PUBLIC.]~~

II. Disclosure of Financial Interests

Identify and describe below any financial interest you or a family member may have. An individual has a reportable financial interest in a business, profession, occupation, group or matter listed in this section if a change in law, administrative rule, or other official action by the general court affecting the listed business, profession, occupation, group, or matter would potentially have a greater financial effect on the individual reporting the financial interest or that individual's family member than it would on the general public.

Please note: If your participation in an official activity creates a conflict of interest not disclosed by the information on this form, you must complete and file a Declaration of Intent Form in accordance with section 5 of the Ethics Guidelines. See section 5 of the Ethics Guidelines for information regarding particular conflicts of interest you may have.

Do you or [~~your spouse~~] ***a family member*** have a financial interest, as defined above, in any of the following businesses, professions, occupations, groups, or matters? ***For purposes of this form a "family member" means a person related to you and living in the same domicile as you and who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.*** Check any of the following which apply and describe the nature of your or your [~~spouse's~~] ***family member's*** financial interest:

☐ (a) any profession, occupation, or business licensed or certified by the State of New Hampshire

_____

☐ (b) health care

_____

☐ (c) insurance

_____

☐ (d) real estate, including brokers, agents, developers, and landlords

_____

☐ (e) banking or financial services

_____

☐ (f) State of New Hampshire, county or municipal employment

_____

☐ (g) the New Hampshire Retirement System

_____

☐ (h) the current use land assessment program

_____

☐ (i) restaurants and lodging

_____

☐ (j) the sale and distribution of alcoholic beverages

_____

☐ (k) the practice of law

_____

☐ (l) any business regulated by the Public Utilities Commission

_____

☐ (m) horse or dog racing, or other legal forms of gambling
_____

☐ (n) education
_____

☐ (o) water resources
_____

☐ (p) agriculture
_____

☐ (q) New Hampshire taxes: ☐ Business Profits Tax, ☐ Business Enterprise Tax, ☐ Interest and Dividends Tax
_____

☐ (r) other
_____

I hereby swear or affirm that [~~T~~]***t***he foregoing information is true ***and complete*** to the best of my knowledge and belief.

_____
Signature of Legislator/Officer

Complete and return to the Legislative Ethics Committee no later than [~~January 31, _____.~~] ***the third Friday in January.***

{NOTE: If Senate Bill 155 of the 2009 legislative session becomes law, then section 3 of these guidelines shall be replaced with the following:}

SECTION 3

LEGISLATOR'S FINANCIAL DISCLOSURE FORM

Every representative, senator, and officer of the House and Senate, shall file with the Legislative Ethics Committee [~~the following~~] ***a*** financial disclosure form ***pursuant to RSA 14-B:8 annually*** [~~on or before January 31 of each year~~] ***no later than the third Friday in January***.

{NEW FORM TO BE SET FORTH IN FULL IN THIS SECTION FOR CONVENIENT REFERENCE}

SECTION 4

PROHIBITED ACTIVITIES

I. Legislators shall not solicit, accept, or agree to accept anything of value from another for themselves or other persons, if the legislator receives such thing of value:

(a) Knowing or believing the other's purpose to be the influencing of an action, decision, opinion, recommendation, or other official activity.

(b) Knowing or believing that the giver is or is likely to become subject to or interested in any matter or action pending before or contemplated by the [~~giver or another member of the legislature~~] ***legislator or the General Court***.

(c) In return for advice or other assistance relating to a legislator's official activities.

(d) In return for introducing legislation, testifying before any legislative committee or state agency, voting in committee or in House or Senate session, or otherwise participating in, influencing, or attempting to influence any decision of the legislature, county delegation or any state agency.

(e) In return for an endorsement, nomination, appointment, approval or disapproval of any person for a position as, or advancement of, a public servant.

(f) In return for having given a decision, opinion, recommendation, nomination, vote, or other official activity.

(g) In violation of RSA 15-B.

II. Legislators shall not:

(a) Reveal information which the legislator has obtained confidentially in the course of his official activities.

(b) Reveal information about state agency operations or decisions which the legislator would not reveal to any member of the general public requesting such information.

(c) Threaten reprisals or promise inducements of any kind to influence another so as to obtain special personal benefits for the legislator, the legislator's immediate family, or for certain constituents which would not be available to others under similar conditions.

(d) Conduct private negotiations with any governmental agency in an attempt to obtain a decision on a pending matter which would result in special personal benefit to the legislator, to the legislator's immediate family, or to certain constituents which would not be available to others under similar conditions.

III. Legislators shall not use their public position or office to obtain anything of value for the private benefit of the legislator or the legislator's immediate family.

IV. Legislators shall not use state-provided services or facilities for private gain.

V. Legislators shall not become involved in any official activity without complying with the conflict of interest procedure set forth in this document.

VI. Legislators shall not engage in conduct that constitutes sexual harassment as defined in RSA 14-B:1.

VII. Nothing in this section on prohibited activities should be construed to prohibit the following:

(a) The giving or receiving of campaign contributions made for the purpose of defraying the costs of a political campaign.

(b) Assistance to constituents in their dealings with state agencies.

(c) Advocacy of a particular outcome on matters pending before a state agency when the legislator believes such a decision would benefit the general public or the legislator's constituents generally.

(d) Submission by a legislator of recommendations or references on behalf of a candidate for state employment when the legislator believes the candidate is qualified to be a suitable public employee.

~~[(e) Acceptance of awards, prizes or other honors of a minimal value.]~~

~~[(f) Acceptance of anything of value the receipt of which would otherwise be a violation of this section where the value is less than $250.00 in aggregate from any single source during any calendar year.]~~

~~[(g)]~~ ***(e)*** Acceptance of ***expense*** reimbursement [~~or underwriting of actual~~] ***for the reasonable*** expenses for ***attendance,*** registration, travel, ***meals, and*** lodging~~[, and subsistence directly~~] related to [~~attendance at~~] a bona fide ***conference, meeting, seminar, or educational or*** informational [~~or educational conference, seminar, or meeting,~~] ***program related to the legislator's office*** so long as disclosure of any such reimbursement [~~or underwriting, including the identity of the primary sponsor or sponsors and including financial contributors,~~] is made [~~within 15 calendar days of the legislator's return from such conference (if expenses are underwritten) or, within 15 calendar days of reimbursement~~] ***no later than the last day of the month following the month during which the expense reimbursement was received***. This disclosure shall be filed in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B. ***This provision shall not be construed to require reporting of an expense reimbursement made by an organization to which the general court pays dues, when the prepayment, underwriting or reimbursement is provided because of the dues paid.***

(f) Acceptance of an honorarium so long as disclosure is made no later than the last day of the month following the month during which the honorarium was received. This disclosure shall be filed in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B.

(g) Acceptance of meals or beverages with a value of greater than $25 consumed at a meeting or event the purpose of which is to discuss official business so long as disclosure is made no later than ten (10) days following the meeting or event at which the meals or beverages were consumed. This disclosure shall be filed in a report in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B.

(h) Acceptance of anything permitted to be accepted pursuant to RSA 15-B, except that acceptance of meals or beverages as permitted by subparagraph (g) shall be limited to $250 in the aggregate from any single source during any calendar year.

SECTION 5

CONFLICT OF INTEREST PROCEDURE

I. No declaration shall be required if no benefit or detriment could reasonably be expected to accrue to the legislator ***or the legislator's family member*** as a member of a business, profession, occupation, or other group, to any greater extent than to any other member of such business, profession, occupation, or other group, provided that disclosure of the legislator's ***or family member's*** membership is made in the Financial Disclosure Form pursuant to section 3 of the Ethics Guidelines. For purposes of these guidelines, groups shall be limited to ones generally recognized and of a substantial size.

II. When a legislator becomes aware that a conflict of interest exists or may exist and the conditions set forth in paragraph I are not met, the legislator shall proceed in accordance with either subparagraph (a) or (b):

(a) Declare that the legislator will not participate in any official activity associated with the issue.

(b) Declare that the legislator intends to participate in the official activity and will provide a description of the conflict of interest including:

(1) names of all entities, both public and private, which might be affected;

(2) the nature of any benefit which may accrue to the legislator ***or legislator's family member***;

(3) the nature of any financial interest in the issue;

(4) the nature of any relationship which existed, exists or may exist between the legislator and

(5) any person or entity which might be affected;

(6) such additional information as may be required to permit clear public awareness and understanding of the nature and extent of the conflict.

III. The declaration required in subparagraphs II (a) and (b) of this procedure shall be publicly announced prior to the legislator's initial participation in the official activity. The information required in subparagraph (b) shall be filed with the clerk of the member's respective body within 24 hours of the time of the official activity and be made available for public inspection during normal business hours.

SECTION 6

LEGISLATIVE EMPLOYEE CODE OF CONDUCT

I. General Principles of Conduct.

(a) A legislative employee or officer should view his or her work for the General Court as a public service and should strive to promote the common good of the citizens of the State of New Hampshire through the devotion of his or her professional talents and energies to the support of the General Court in its mission as the representative of the citizens of this state.

(b) A legislative employee or officer should act in a way that makes him or her worthy of the trust the General Court places in staff members and officers.

(c) A legislative employee or officer should provide objective advice, information, and alternatives to legislators, independent of the employee's or officer's personal beliefs or

interests or the interests of third parties. A legislative employee or officer should avoid activities that conflict with this objectivity or give the appearance of conflict.

(d) A legislative employee or officer should treat all legislators with dignity and respect, and provide services of equal quality to the employee's or officer's appropriate legislative clientele.

II. Definitions.

(a) "Legislative Employee" includes all house, senate, and joint staff whether employed on a part-time, full-time, permanent or temporary basis.

(b) "Legislative Officer" includes those employees of the House and Senate who are elected by members of the General Court.

III. Prohibited Activities.

(a) A legislative employee or officer shall not violate the provisions of RSA 15-B.

~~[(a)]~~ ***(b)*** A legislative employee or officer shall not accept any gift from givers who wish to influence the work activities of the employee or officer.

(c) A legislative employee or officer shall not accept any employment or serve in any position, in addition to legislative employment, which would impair the employee's or officer's independence of judgment.

(d) Except within the scope of employment, a legislative employee or officer shall not provide any service to a lobbyist or any other person with a direct personal interest in any matter or action pending before the General Court.

(e) Nothing in this paragraph should be construed to prohibit the following:

(1) Acceptance of awards, prizes, honors, or gifts of a minimal value.

(2) Acceptance of informational material relevant to the employee's or officer's official function, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written, audio, or visual format.

(3) Acceptance of ***expense*** reimbursement ~~[or underwriting of actual~~] ***for the reasonable*** expenses for ***attendance,*** registration, travel, ***meals, and*** lodging~~[, and subsistence directly~~] related to [~~attendance at~~] a bona fide ***conference, meeting, seminar, or educational or*** informational [~~or educational conference, seminar, or meeting,~~] ***program related to the legislative employee's or officer's employment*** so long as disclosure of any such reimbursement [~~or underwriting, including the identity of the primary sponsor or sponsors and including financial contributors,~~] is made [~~to the joint committee on legislative facilities or the fiscal committee of the general court as appropriate within 15 calendar days of the employee's or officer's return from such conference (if expenses are underwritten) or within 15 calendar days of reimbursement~~] ***no later than the last day of the month following the month during which the expense reimbursement was received***. This disclosure shall be ***filed in the Office of the Secretary of State and shall be*** in a form prescribed [~~by the above-cited committees and shall be made available to the public upon request~~] ***in RSA 15-B. This provision shall not be construed to require reporting of an expense reimbursement made by an organization to which the general court pays dues, when the prepayment, underwriting or reimbursement is provided because of the dues paid.***

(4) Acceptance of an honorarium so long as disclosure is made no later than the last day of the month following the month during which the honorarium was received. This disclosure shall be filed in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B.

(5) Acceptance of meals or beverages with a value of greater than $25 consumed at a meeting or event the purpose of which is to discuss official business so long as disclosure is made no later than ten (10) days following the meeting or event at which the meals or beverages were consumed. This disclosure shall be filed in a report in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B.

(6) Acceptance of anything permitted to be accepted pursuant to RSA 15-B, except that acceptance of meals or beverages as permitted by subparagraph (e)(5) shall be limited to $250 in the aggregate from any single source during any calendar year.

~~[(b)]~~***(f)*** A legislative employee or officer shall not use or attempt to use the employee's or officer's official position to (a) personally obtain any privilege, exemption, special treatment or any other thing of value, or (b) obtain any such benefit for others except as required to perform duties within the scope of employment.

~~[(c)]~~ **(g*)*** A legislative employee or officer shall not accept or solicit anything of value for the private benefit of the employee or officer or the employee's or officer's immediate family under circumstances in which it can be reasonably inferred that the legislative employee's or officer's independence of judgment is impaired or is intended as a reward for any official action.

~~[(d)]~~***(h)*** A legislative employee or officer shall not use state-provided services or facilities for private gain.

~~[(e)]~~ ***(i)*** A legislative employee or officer shall not disclose confidential information acquired by reason of the employee's or officer's official position to any person or group not entitled to receive such information, nor shall the employee or officer use such information for personal gain or benefit or for the benefit of others.

~~[(f)]~~ ***(j)*** A legislative employee or officer shall not enter into any contract with a state agency involving services or property, unless the contract is made after public notice and competitive bidding; except in cases where public notice and competitive bidding are not required, the contract or agreement shall be filed with the employee's or officer's supervisory officer.

IV. Disclosure Procedure. When a legislative employee or officer becomes aware that his or her participation in a particular activity presents a conflict of interest or conflicts with his or her objectivity or gives the appearance of a conflict, the employee or officer shall immediately make disclosure of this fact to his or her supervisory officer. All such reports shall be forwarded to the Chief of Staff of the House, the Chief of Staff of the Senate, the Director of the Office of Legislative Services, or Legislative Budget Assistant, as appropriate.

Reps. Wall and Stella Scamman spoke in favor.

Adopted.

RESOLUTION

Rep. Wallner offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 6, 2009 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 30, relative to notice of rights under the manufactured housing law.

SB 204, relative to postsecondary educational assistance for New Hampshire national guard members and excluding certain entities that license software from the definition of private postsecondary career school.

SB 165-FN, relative to fire equipment service certification.

SB 45, extending the commission to review New Hampshire's statutes on human immunodeficiency virus education, prevention, and control.

SB 66-FN, relative to repealing the joint health council and changing the title of ARNPs.

SB 199, establishing a committee to study the training of public safety officials to respond to persons with mental illness.
SB 111, authorizing the governor to appoint a public member to the rail transit authority.
SB 133-FN, authorizing purple heart special number plates for veterans still on active duty.
SB 160-FN, relative to benefits of dependents of a group II retirement system member who is killed or dies in the performance of duty.
SB 127, making renewable energy facilities eligible for certain bonds issued by municipalities and business and industrial development authorities.

UNANIMOUS CONSENT

Reps. Itse, Irwin and Wendelboe addressed the House.

RECESS MOTION

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

The House recessed at 3:10 p.m.

RECESS

(Rep. Foster in the Chair)
ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 35, 77, 93, 116, 141, 144, 243, 316, 339, 497, 544 and 622 and Senate Bill numbered 28.

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

SENATE MESSAGES
CONCURRENCE

HB 58, designating segments of the Cocheco River as protected under the rivers management and protection program.
HB 84-FN, relative to the regulation of reflexologists, structural integrators, and Asian bodywork therapists.
HB 120-FN-L, relative to the installation of carbon monoxide detectors in single and multi-family dwellings.
HB 132, relative to access to case records of the department of health and human services.
HB 178, naming a bridge on U.S. route 4 in Lebanon the Terri Dudley Bridge.
HB 210, relative to public access to minutes of local land use boards.
HB 267, relative to the definition of "election."
HB 282-FN-A, relative to meetings of the medical/vision advisory board.
HB 301, establishing a task force to study access to dental care.
HB 414, establishing a commission to study preventing dental disease among New Hampshire's children.
HB 552, renaming a bridge across the Connecticut River the Judge Harlan Fisk Stone Bridge.
HB 599-FN, relative to reclassification of the position of forensic toxicologist in the department of safety.
HB 674-FN-A, relative to eliminating the water resources council, relative to dams, and authorizing the Connecticut lakes headwaters citizens committee to advise the department of environmental services on the management of Lake Francis and associated property.

HJR 3, a resolution recognizing the historic milestone represented by the New Hampshire senate being the first legislative body in the United States with women as the majority of its members.

NONCONCURRENCE

HB 415, adding certain terms regarding non-discrimination to the laws.

LAID ON THE TABLE

HB 383, relative to passenger restraints.
HB 556-FN, repealing the death penalty.

CONCURRENCE WITH AMENDMENTS

SB 204, relative to postsecondary educational assistance for New Hampshire national guard members and excluding certain entities that license software from the definition of private postsecondary career school.

RECESS

(Rep. Cooney in the Chair)
ENROLLED BILL AMENDMENTS

HB 483, establishing the developmental services quality council.

Amendment (1324-EBA)

Amend RSA 171-A:33, I(g) as inserted by section 1 of the bill by replacing line 1 with the following:

(g) Three representatives of local Family Support Councils, appointed by the state Family

Adopted.

HB 545-FN, relative to the wildlife damage control program in the fish and game department.

Amendment (1321-EBA)

Amend section 4 of the bill by replacing line 1 with the following:

4 Repeal. 1999, 344:11 and 344:12, I, relative to the prospective repeal of the wildlife

Adopted.

RECESS