

HOUSE RECORD

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

Vol. 31

Concord, N.H.

Wednesday, February 4, 2009

No. 13

HOUSE JOURNAL No. 3 (cont.)

Thursday, January 8, 2009

Rep. Wallner moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 4

Wednesday, February 4, 2009

The House assembled at 10:00 a.m. and was called to order by the Speaker.

Representative John Flanders, member from Kingston, led the Pledge of Allegiance.

The National Anthem was sung by Cordelia Cayten, a junior at Exeter High School.

LEAVES OF ABSENCE

Reps. Berube and Priestly, the day, illness.

Reps. Abbott, Domingo, Ford, Gina Hutchinson, William Johnson, Pamela Price, Seidel and Van Patten, the day, important business.

Rep. L'Heureux, the day, illness in the family.

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

INTRODUCTION OF GUESTS

Tom Cayten and Gareth Cayten, father and brother of the singer, guests of the House.

Karen Remillard, guest of Rep. Head. Barbara and Greg Morris, guests of Rep. Emerson and Deborah Schacter, guest of the Speaker.

Cameron Neilley and Morgan Ciot-Fontaine, juniors at Hollis-Brookline High School, Pages for the day.

COMMUNICATION

January 8, 2009

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

Dear Karen:

This is to advise that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Grafton County District 5, Paul Ingbreton, r, Haverhill (PO Box 296, Pike) 03780

Sincerely,

William M. Gardner, Secretary of State

COMMUNICATION

January 13, 2009

Hon. Terie Norelli, Speaker of the House
State House
Concord, New Hampshire 03301

Madam Speaker,

Please accept this letter of resignation effective immediately. Due to an unforeseen job opportunity, I am unable to fulfill my constitutional obligations and duties as an elected State Representative from District No. 4, County of Rockingham, Salem and Windham communities respectfully.

It has been a personal honor to serve in the House of Representatives, as an elected public servant, to be part of the process of conducting the business of the people I was elected to represent. During the last two (2) years, in my first term as a State Representative, I served on the Municipal and County Government Committee where I experienced a vast amount of knowledge from the process.

My new occupation as an Assistant Town Administrator for the Town of Hudson is an opportunity to put this knowledge and experience to work on a daily basis.

I want to thank each and every representative that helped me understand each issue and who took the time to explain the process and complex issues so that I could be an effective voice and vote for my constituents.

I look forward to working with each of you in my new capacity when I journey to Concord to testify on your respective committees about municipal government legislation.

Mark A. Pearson, State Representative
District No. 4, County of Rockingham

This resignation was accepted.

MOTION TO VACATE

Rep. Reardon moved that the House vacate the reference of **HB 352**, banning corn-based ethanol as an additive to gasoline sold in New Hampshire and **HB 686**, relative to compliant procedures in cases before the commission for human rights, to the Committee on Commerce and Consumer Affairs.

Adopted.

The Speaker referred **HB 352** to the Committee on Science, Technology and Energy and **HB 686** to the Committee on Judiciary.

MOTION TO VACATE

Rep. Irwin moved that the House vacate the reference of **HB 187-FN**, relative to manufactured housing and **HB 337-FN-L**, permitting the issue of temporary licenses for certain sellers of animals, to the Committee on Executive Departments and Administration. Adopted.

The Speaker referred **HB 187-FN** to the Committee on Commerce and Consumer Affairs and **HB 337-FN-L** to the Committee on Environment and Agriculture.

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.

Consent Calendar adopted.

HB 74, relative to student membership on a school board. **OUGHT TO PASS.**

Rep. Ralph G. Boehm for Education: This is enabling legislation for school boards to determine student representation to the school boards. Current law is restrictive as to number and how multiple high schools are treated. Vote 18-0.

HB 169, relative to the counting of charter school pupils in the definition of average daily membership in residence. **OUGHT TO PASS.**

Rep. Nancy F. Stiles for Education: It is important to have a count of all public school students by the district in which they reside because some programming and services provided are done so in accordance with the residential district of the student while others are based on where the student attends school. RSA 189:1-d, is simply a definition section of statute. Student count allocation for funding appropriation needs to be identified in the relevant funding statutes. The Department of Education is not double counting students in current budget determinations. Vote 18-0.

HB 36, relative to the purchase of information technology by state agencies. **OUGHT TO PASS.**

Rep. Maurice L. Pilote for Executive Departments and Administration: This bill required approval of the chief information officer for any information technology-related purchases in excess of \$500.00. This same provision was adopted in 2008 session and signed by the governor on May 28, 2008, (Chapter 69). Concurrently, SB 94 changing the bureau of information technology (attached to the governor's office) to the department of information technology was working its way through the legislature. It was adopted and signed by the governor on July 7, 2008 (Chapter 335). The problem was that the adoption of Chapter 335 deleted all the provisions of Chapter 69. This bill re-instates the requirement and will ensure that software and software licenses will be compatible with the system. Vote 19-0.

HB 80, requiring one member of the pharmacy board to be a hospital pharmacist. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia M. McMahon for Executive Departments and Administration: This bill ensures that one of the five pharmacists on the board of pharmacy is a hospital pharmacist. It also limits terms on the Board to no more than 10 consecutive years. The committee believes that a hospital pharmacist will bring an important perspective to the board as they are involved with physicians, nurses and other allied health professionals who manage the complexity of in-patient care. Currently the board consists of five members that represent retail

pharmacies (three "independent" and two "chain") plus one public member. Vote 19-0.

Amendment (0009h)

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

AN ACT requiring at least one member of the pharmacy board to be a hospital pharmacist, and relative to the consecutive years of service of pharmacy board members. Amend the bill by replacing all after the enacting clause with the following:

1 Pharmacy Board; Membership; Hospital Pharmacist. Amend RSA 318:2 to read as follows:

318:2 Board. There shall be a pharmacy board consisting of 6 members; including 5 practicing pharmacists, ***at least one of whom shall be a full-time hospital pharmacist***, and one public member, each to be appointed by the governor, with the approval of the council, to a term of 5 years. No member shall be appointed to more than 2 consecutive terms ***and no member shall serve for more than 10 consecutive years***. Only board members provided for in this section shall have the authority to vote in board determinations.

2 Application. The requirement for pharmacy board membership to include at least one full-time hospital pharmacist shall not affect the appointments of any member of the board serving on the effective date of this act, but shall be applied upon the first vacancy of a pharmacist member occurring on the board.

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

AMENDED ANALYSIS

This bill requires that at least one practicing pharmacist member of the pharmacy board shall be a full-time hospital pharmacist. The bill also limits the service of pharmacy board members to 10 consecutive years.

***HB 85-FN-A*, establishing the women, infants and children program fund. OUGHT TO PASS.**

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: This bill creates a non-lapsing fund for rebates based on negotiated agreements from infant formula and food companies received by the New Hampshire Women, Infants and Children Program (WIC). This non-lapsing fund will help bring the New Hampshire WIC Program into compliance with federal regulations while remaining in step with appropriate business and accounting procedures required by the state of New Hampshire. Federal law requires the monies from these rebates go directly back to people in need of these services. Creating a non-lapsing fund like this allows us to ensure that. Vote 16-0.

Referred to the Committee on Ways and Means.

***HB 249*, relative to hospital rules for paramedics. INEXPEDIENT TO LEGISLATE.**

Rep. Rich T. DiPentima for Health, Human Services and Elderly Affairs: This bill prohibits hospitals from establishing their own rules to influence treatment protocols for paramedics and other emergency medical personnel. The committee believes that this law is unnecessary since appropriate state protocols already exist to manage this issue. Such a law would be duplicative and possibly add confusion to a system that is already working well and has proper control systems in place. Vote 15-0.

***HB 44*, relative to the use of alternates by local land use boards. OUGHT TO PASS WITH AMENDMENT.**

Rep. Larry Brown for Municipal and County Government: This bill clarifies the authority of an appointed local land use board chair to fill a temporary board vacancy with any alternate save for the ex officio who must be replaced in kind, each appointment carrying until the new member is duly appointed. The committee felt that this would help local land use boards carry out their duties when a quorum might not otherwise be reached. Vote 14-0.

Amendment (0060h)

Amend the bill by replacing section 1 with the following:

1 Local Land Use Boards; Filling Vacancies in Membership. Amend RSA 673:12, II to read as follows:

II. For an appointed, ex officio, or alternate member, by the original appointing or designating authority, for the unexpired term. ***Until a vacancy is filled by the original appointing or designating authority, the chairperson of the local land use board may designate an alternate member of the board to fill the vacancy temporarily. If the vacancy is for an ex officio member, the chairperson may only designate an ex officio alternate.***

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

Rep. Robert D. Lewis for Municipal and County Government: The committee supports the addition of simple, clear and needed language to add the "armed forces service number" to RSA 478:4-b. Under the RSA, social security number, credit card number or deposit account numbers shall not be included in a document that is prepared and presented for recording in the office of the register of deeds. The "armed service number" is an important piece of personal identification similar to the social security number. Vote 15-0.

HB 96, correcting certain references relating to municipal growth management. **OUGHT TO PASS.**

Rep. Larry Brown for Municipal and County Government: The committee agreed that this was a simple housekeeping bill which formally corrected certain references to municipal growth management and temporary moratorium made necessary by the passage of HB 1260 (Chapter 360) in the 2008 regular session. Vote 16-0.

HB 106, relative to penalties for land use violations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James M. Sullivan for Municipal and County Government: This bill fixes a problem resulting from a recent Supreme Court interpretation of zoning statutes. Violations of municipal land use laws may be prosecuted in either district or superior court. District courts however, have jurisdiction only over those cases in which the damages or penalties do not exceed \$25,000. A continuing violation could exceed this limit if treated as a single offense. This change, making each day a separate offense, gives municipalities the option of prosecuting all zoning violations in district court where the procedures are simpler and faster. Vote 18-0.

Amendment (0054h)

Amend RSA 676:17, I as inserted by section 1 of the bill by replacing it with the following:

I. Any person who violates any of the provisions of this title, or any local ordinance, code, or regulation adopted under this title, or any provision or specification of any application, plat, or plan approved by, or any requirement or condition of a permit or decision issued by, any local administrator or land use board acting under the authority of this title shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person; and shall be subject to a civil penalty of \$275 for the first offense, and \$550 for subsequent offenses, for each day that such violation is found to continue after the conviction date or after the date on which the violator receives written notice from the municipality that the violator is in violation, whichever is earlier. ***Each day that a violation continues shall be a separate offense.***

HB 114, relative to meetings in official ballot towns. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: The deliberative session that is held in SB 2 municipalities and school districts is only attended by a small percentage of those eligible to vote. The bill was an attempt to take the deliberative session from voting session to determine what is put on the town or school district warrant to a session to discuss and understand the issues. The sponsor feels that another form of government that bridges the gap from a traditional town meeting to the official ballot form of government needs to be developed. However, the committee felt that it was not in the best interest of those entities that have enacted SB 2 to change the deliberative session. Vote 18-0.

HB 115, relative to licenses for the operation of motor vehicle recycling yards and junk yards. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jessie L. Osborne for Municipal and County Government: The amended bill changes the effective date to coincide with the permitting process approval of the DES and to provide physical inspection at a more appropriate time of year. Vote 17-0.

Amendment (0025h)

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

1 License; Expiration Date. Amend RSA 236:121, I to read as follows:

I. After the hearing the local governing body shall, within 2 weeks, make a finding as to whether or not the application should be granted, giving notice of their finding to the applicant by mail, postage prepaid, to the address given on the application. If approved, the license, including the certificate of approved location, shall be forthwith issued to remain in effect until the following ~~[April 1]~~ **July 1**. Approval is personal to the applicant and is not assignable.

2 Licenses Issued Prior to Effective Date. All licenses issued pursuant to RSA 236:121 before the effective date of this act shall remain effective until July 1, 2010.

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

HB 141, authorizing towns and cities to accept any form of electronic payment. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Larry Brown for Municipal and County Government: The committee heard testimony that electronic payments are more and more expected by customers, can cost less to process and are less susceptible to fraud. The bill as amended provides a phrase "electronic transaction" which can expand as technology changes, requires the particular case by case approval of that technology by the governing body and provides for service charges as the municipality may decide. Vote 13-0.

Amendment (0064h)

Amend the bill by replacing section 1 with the following:

1 Payment of Taxes; Electronic. Amend RSA 80:52-c to read as follows:

80:52-c **Electronic** Payment ~~[by Credit Card]~~. The ~~[legislative]~~ **governing** body~~[-by ordinance adopted in accordance with RSA 39-]~~ may authorize the municipality's treasurer or other appropriate municipal official to accept payment of local taxes, charges generated by the sale of utility services, or other fees **or charges** by use of a credit card, **debit card, or such other means of electronic transaction as approved by the governing body**. Any municipality ~~[adopting such an ordinance]~~ may add to the amount due, in addition to any penalties and interest payable, a service charge for the acceptance of the **credit card, debit card, or such other means of electronic transaction as approved by the governing body**. The municipality, at the time of billing, shall disclose the amount of the service charge.

HB 137, relative to the establishment of highway tolls. **INEXPEDIENT TO LEGISLATE.**

Rep. Maureen R. Mann for Public Works and Highways: The committee feels that, while the

bill is well intentioned, the current system wherein the Governor and Council set the toll works well. The committee unanimously opposes the legislature setting the tolls at this time. Vote 17-0.

REGULAR CALENDAR

HB 77, relative to continuing education requirements for licensed architects. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for the Majority of Executive Departments and Administration: Currently, New Hampshire is one of 15 states that do not require architects to take continuing education units. This bill establishes a requirement for continuing education units as a condition of license renewal. The committee feels that continuing education is important in order to ensure that licensees are familiar with new regulations and the public is protected. Vote 15-4.

Rep. Calvin D. Pratt for the Minority of Executive Departments and Administration: This bill represents regulation that is simply unnecessary for the people's safety or the profession's already high competitive standards. In the present economic climate, we should not rush to add to any profession's business costs without need. If the present system works, why apply this arbitrary alteration?

Majority Amendment (0022h)

Amend RSA 310-A:46-a as inserted by section 1 of the bill by replacing it with the following:

310-A:46-a Continuing Education Required. Any person holding a license shall be required to complete 12 units of continuing education each year, consisting of 8 units in the area of health, safety, and welfare and 4 units in the area of sustainable design. Each person shall be responsible for maintaining evidence of his or her continuing education units and shall submit such evidence of continuing education units to the board biennially upon renewal of his or her license.

Majority committee amendment adopted.

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

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

YEAS 227 NAYS 132

YEAS 226

BELKNAP

Arsenault, Beth
Merry, Liz
Stuart, Richard

Bolster, Peter
Miller, Kate

Fields, Dennis
Millham, Alida

Flanders, Donald
Reever, Judith

CARROLL

Ahlgren, Christopher
Wiley, Susan

Bridgham, Robert

Butler, Edward

Patten, Betsey

CHESHIRE

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

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

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

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

Weber, Lucy

Weed, Charles

COOS

Hatch, William
Merrick, Scott

Ingersoll, Paul Sr
Remick, William

Mears, Lucy
Thomas, Yvonne

Merrick, Evalyn

GRAFTON

Aguiar, James
Gould, Franklin
Maybeck, Margie
Preston, Philip
Ward, Brien

Almy, Susan
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

Benn, Bernard
Ladd, Rick Jr
Pastor, Beatriz
Taylor, Kathleen

Cooney, Mary
Laliberte, Suzanne
Pierce, David
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Cebrowski, John
Clemons, Jane
Emerton, Larry
Garrity, Patrick
Hackel, Paul
Hawkins, Ken
Katsiantonis, George
Knowles, Mary Ann
Levasseur, Nickolas
Mack, Ron

Beauchamp, Roger
Boisvert, Ronald
Chandley, Shannon
Cote, David
Farley, Michael
Gidge, Kenneth
Hardy, Valerie
Hebert, Roger
Katsiantonis, Thomas
Kopka, Angeline
Levesque, Melanie
Marshall, Seth

Beck, Catriona
Campbell, David
Chininis, Alexis
Craig, James
Flurey, Joan
Goley, Jeffrey
Harvey, Philip
Irwin, Anne-Marie
Kelley, John
LaPlante, Roland
Lisle, Carolyn
Matarazzo, Anthony
Sr

Belvin, William
Caron, June
Christensen, Chris
Drisko, Richard
Foster, Linda
Gorman, Mary
Harvey, Suzanne
Jeudy, Jean
Knowles, John
Leishman, Peter
Long, Patrick
Movsesian, Lori

Nixon, David
Poznanski, Brian
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Daniel

O'Brien, Michael Sr
Ramsey, Peter
Ryder, Donald
Shaw, Kimberly
Thompson, Robert

O'Neil, James
Rhodes, Brian
Schulze, Joan
Soucy, Timothy
Walsh, Robert Jr

Pilotte, Maurice
Rokas, Theodoros
Shattuck, Gilman
Spaulding, Jayne
Williams, Carol

MERRIMACK

Bartlett, Michael
Davis, Frank
Hamm, Christine
McMahon, Patricia
Porter, Margaret
Richardson, Gary
Stetson, William
Watrous, Rick
Yeaton, Charles

Bouchard, Candace
Foose, Robert
Hess, David
Osborne, Jessie
Potter, Frances
Rodd, Beth
Tupper, Frank
Webb, Leigh

Brown, Carole
French, Barbara
Kelly, Sally
Owen, Derek
Reardon, Tara
Schuett, Dianne
Wallner, Mary Jane
Wheeler, Deborah

Clarke, Claire
Gile, Mary
Lockwood, Priscilla
Palfrey, David
Rice, Chip
Shurtleff, Stephen
Walz, Mary Beth
Williams, Robert

ROCKINGHAM

Belanger, Ronald
Casey, Kimberley
DiPentima, Rich
Henson, John
Mann, Maureen
Nord, Susi
Preston, Mark
Russell, Trinkia

Borden, David
Cushing, Robert
Elliott, Robert
Howard, Doreen
McEachern, Paul
Packard, Sherman
Rausch, James
Scamman, Stella

Cali-Pitts, Jacqueline
Day, Judith
Gould, Kenneth
Kepner, Susan
Moody, Marcia
Pantelakos, Laura
Read, Robin Jr
Scamman, W.

Case, Frank
Devine, James
Griffin, Mary
Lyons, Melissa
Nevins, Chris
Pettersson, Don
Russell, Joseph
Smith, William

Splaine, James	Stiles, Nancy	Douglas Jr Weare, Everett	Webber, Carolyn
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STRAFFORD

Brennan, William Cyr, James Hubbard, Pamela Lewis, Robert Rollo, Deanna Smith, Marjorie Ward, Kenneth	Brown, Larry Grassie, Anne Hutz, Sarah Perry, Robert Rollo, Michael Spang, Judith	Browne, Brendon Hofemann, Roland Kaen, Naida Price, Susan Ryder, Mark Vachon, Dennis	Burke, Rachel Horrigan, Timothy Keans, Sandra Rogers, Rose Marie Schmidt, Peter Wall, Janet
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SULLIVAN

Cloutier, John Harris, Sandra Sweeney, Cynthia	Donovan, Thomas Jr Houde-Quimby, Charlotte	Gagnon, Raymond McClammer, Jim	Gottling, Suzanne Skinder, Carla
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NAYS 132

BELKNAP

Boyce, Laurie St. Cyr, Jeffrey	Nedeau, Stephen Swinford, Elaine	Pilliod, James Veazey, John	Russell, David Wendelboe, Fran
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CARROLL

Chandler, Gene Scala, Dino	Fleck, Joseph Stevens, Stanley	McConkey, Mark Umberger, Karen	Roberts, John
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CHESHIRE

Emerson, Susan Sterling, Franklin Jr	Hunt, John	Johnson, Jane	Laurent, John
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COOS

Rappaport, Laurence	Richardson, Herbert	Stohl, Eric	Theberge, Robert
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GRAFTON

Bulis, Lyle Matheson, Robert	Friedrich, Carol Mulholland, Catherine	Gionet, Edmond Williams, Burton	Ingbretson, Paul
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HILLSBOROUGH

Batula, Peter Daniels, Gary Elliott, Nancy Graham, John Hinch, Richard Holden, Frank McCarthy, Michael Ober, Lynne Pepino, Leo Silva, Peter Vaillancourt, Steve	Beaulieu, Jane Day, Russell Gagne, Larry Haefner, Robert Hinkle, Peyton Hopper, Gary Mead, Robert Ober, Russell III Peterson, Andrew Soucy, Connie Villeneuve, Moe	Boehm, Ralph Doherty, Shaun Gandia, Laura Haley, Robert Hodges, Kevin Jasper, Shawn Messier, Irene Palmer, Stephen Pratt, Calvin Tahir, Saghir Willette, Robert	Christiansen, Lars Dokmo, Cynthia Gargasz, Carolyn Hikel, John Hogan, Edith Kurk, Neal O'Brien, William Pellegrino, Tony Renzullo, Andrew Ulery, Jordan Winters, Joel
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MERRIMACK

Anderson, Eric
Kotowski, Frank

Boutin, David
McGuire, Carol

Coffey, Jennifer
Reed, Dennis

Kidder, David
Smith, Todd

ROCKINGHAM

Allen, Mary
Bishop, Franklin
Crisler, Margaret
Emiro, Frank
Garrity, James
Ingram, Russell
Major, Norman
Quandt, Matt
Schlachman, Donna
Welch, David

Baldasaro, Alfred
Brown, C. Pennington
DeSimone, Debra
Ferrante, Beverly
Hagan, Joseph
Introne, Robert
McKinney, Betsy
Reagan, John
Sedensky, John
Wells, Roger

Bates, David
Charron, Gene
DiFruscia, Anthony
Fesh, Robert
Headd, James
Kappler, L. Mike
Perkins, Amy
Sanders, Elisabeth
Sullivan, James

Bettencourt, David
Comerford, Timothy
Dumaine, Dudley
Flanders, John Sr
Hoelzel, Kathleen
Kolodziej, Walter
Perkins, Lawrence
Sapareto, Frank
Tucker, Pamela

STRAFFORD

Bickford, David
Rous, Emma

Brown, Julie
Sprague, Dale

Groen, Warren
Twombly, James

Lauterborn, Elaine
Vita, Carol

SULLIVAN

Howard, Thomas Osgood, Joe Rodeschin, Beverly
and the Majority committee report was adopted.
Ordered to third reading.
Rep. Maybeck voted Yea and intended to vote Nay.

***HB 30-FN-A-L*, requiring operating budget reductions for fiscal year 2009. OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert A. Foose for Finance: This bill is one more step taken by the legislative and executive branches to ensure that the state ends the current fiscal year with a balanced budget. There are eight sections to the bill which total \$16,250,360 savings to the general fund. Section 1 requires the Judicial Branch to reduce its spending by an additional \$441,000 this year. Section 2 requires that the Legislative Branch reduce its spending by an additional \$700,000 this year. Section 3 requires that the New Hampshire Retirement System reduce this year's state appropriation by \$1,500,000. This corrects the initial appropriation so that it is in line with the actual state obligation. Section 4 reduces the amount of general funds to be transferred to the highway fund this year from \$6,750,000 to \$1,750,000. Section 5 transfers funds from the following designated accounts or funds to the general fund in the following amounts: Police Standards and Training Council Fund - \$2 million; Fire Standards and Training and Emergency Medical Services Fund - \$2 million; Reflectorized Plate Inventory Fund - \$700,000; Educational Credentialing Fund - \$1 million; Radiation User and Laboratory Fees Fund - \$500,000; and Low Level Radioactive Waste Management Fund - \$400,000. Section 6 puts into New Hampshire state law a current federal rule concerning Medicaid reimbursement for outpatient hospital services. The purpose of the Centers for Medicare and Medicaid Services (CMS) rule is to align the Medicaid definition of outpatient hospital services more closely with the Medicare definition. In practice, this would limit the ability of a hospital to add a hospital facilities fee on top of the basic service delivery fee for a service that could be – and usually is – delivered in an outpatient setting. In agreeing to this section of the bill, the Finance Committee has also directed Division III of the Finance Committee to undertake an in-depth analysis of this matter and has asked the Department of Health and Human Services, the Hospital

Association and other parties to provide data in which the principal parties agree on the cost and savings of the implementation of such a rule, the list of the specific hospitals affected by such a rule and other related matters to fully understand the impact on hospitals and the Medicaid program. Division III will carry out this analysis in conjunction with its review of the 2010-2011 budget and will make recommendations on the basis of its findings to the full committee when the full committee considers the budget. The Department of Health and Human Services estimates the savings to the state for the remainder of fiscal year 2009 will be \$1,000,000. Sections 7 & 8 remove authorization for the Department of Health and Human Services to spend \$500,000 on the Immunodeficiency Virus Protection program. Section 9 transfers positions in the Department of Administrative Services from the general fund to the self funded employee and retiree health benefit program for a savings to the general fund of \$509,360. Vote 25-0.

Amendment (0026h)

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

1 Operating Budget; Judicial Branch. Notwithstanding 2007, 262:1, the appropriations for the judicial branch shall be reduced by an additional \$441,000 for the fiscal year ending June 30, 2009. The reductions required by this section shall be in addition to the reductions required by 2008, 296:2 and the judicial branch's average historical lapse amount of \$1,100,000 per fiscal year. The director of the administrative office of the courts shall submit to the fiscal committee of the general court and the commissioner of the department of administrative services an itemization of the reductions in expenditure classes made to implement this section on or before June 15, 2009.

2 Operating Budget; Legislative Branch. Notwithstanding 2007, 262:1, the appropriations for the legislative branch for the fiscal year ending June 30, 2009 shall be reduced by an additional \$700,000. The reductions required by this section shall be in addition to the reductions required by 2008, 296:3. The legislative budget assistant shall submit to the fiscal committee of the general court an itemization of the reductions in expenditure classes made to implement this section on or before June 15, 2009.

3 Operating Budget; New Hampshire Retirement System. Notwithstanding 2007, 262:1, the appropriations for the New Hampshire retirement system, state contributions, classes 93 Normal Contribution Teachers, 94 Normal Contribution Police, and 95 Normal Contribution Firefighter, shall be reduced by a total of \$1,500,000 in general funds for the fiscal year ending June 30, 2009. The executive director of the New Hampshire retirement system shall submit to the fiscal committee of the general court and the commissioner of the department of administrative services an itemization of the reductions in expenditure classes made to implement this section on or before June 15, 2009.

4 General Fund; Transfer to Highway Fund. Amend 2007, 262:26 to read as follows:

262:26 General Fund; Transfer to Highway Fund. The commissioner of administrative services shall cause to have transferred \$6,750,000 from the general fund to the highway fund on January 1, 2008, and ***shall cause to have transferred \$1,750,000 from the general fund to the highway fund on January 1, 2009.***

5 Operating Budget; Transfer of Dedicated Funds. Notwithstanding RSA 6:12 and any other law to the contrary, the department of administrative services shall transfer funds from the following accounts or funds maintained separately on the books of the state to the general fund in the following amounts:

<u>Account/Fund</u>	<u>Amount Transferred to General Fund</u>
Police standards and training council training fund, RSA 188-F:30	\$2,000,000
Fire standards and training and emergency medical services fund, RSA 21-P:12-d	\$2,000,000

Department of Safety	\$700,000
Reflectorized plates inventory fund, RSA 228:25	
Education credentialing fund, RSA 186:11, X	\$1,000,000
Radiation user and laboratory fees fund, RSA 125-F:8-b	\$500,000
Low level radioactive waste management fund, RSA 125-F:8-a	\$400,000

6 Department of Health and Human Services; Medicaid Reimbursement for Outpatient Hospital Services. Amend RSA 126-A:3, VII to read as follows:

VII. Medicaid Hospital Outpatient Services; Designation in Operating Budget.

(a) Notwithstanding any other provision of law to the contrary, beginning with the biennium beginning July 1, 2005 and continuing thereafter, the department shall designate in its operating budget requests specific class lines for hospital outpatient services. The department shall not increase expenditures in approved budgets for such outpatient services without prior approval. If expenditures are projected to exceed the annual appropriation, the department may recommend rate reduction for providers to offset the amount of any such deficit. The department of health and human services shall submit to the legislative fiscal committee and to the finance committees of the house and the senate, the rates that it proposes to pay for hospital outpatient services. The rates shall be subject to the prior approval of the legislative fiscal committee.

(b) For the purpose of Medicaid reimbursement for outpatient hospital services, the only outpatient hospital services for which Medicaid reimbursement shall be provided are those outpatient hospital services which are:

(1) Preventive, diagnostic, therapeutic, rehabilitative, or palliative services that are furnished to outpatients;

(2) Furnished by or under the direction of a physician or dentist;

(3) Furnished in a facility that:

(A) Is licensed or formally approved as a hospital by an officially designated authority for state standard setting; and

(B) Meets the requirements for participation in Medicare as a hospital; CMS-2213-F 62; and

(4) Limited to the scope of facility services that:

(A) Would be included, in the setting delivered, in the Medicare outpatient prospective payment system (OPPS) as defined under 42 C.F.R. section 419.2(b) or are paid by Medicare as an outpatient hospital service under an alternate payment methodology;

(B) Are furnished by an outpatient hospital facility, including an entity that meets the standards for provider based status as a department of a provider set forth in 42 C.F.R. section 413.65; and

(C) Are not covered under the scope of another medical assistance service category under the state plan.

(c) The commissioner may exclude from the definition of outpatient hospital services under subparagraph (b) those types of items and services that are not generally furnished by most hospitals in the state.

7 Department of Health and Human Services; Human Immunodeficiency Virus Prevention Program. Amend 2007, 367:1 to read as follows:

367:1 Department of Health and Human Services; Human Immunodeficiency Virus Prevention Program. The department shall expend the sums of \$500,000 in the fiscal year ending June 30, 2008 ~~[and \$500,000 in the fiscal year ending June 30, 2009]~~ for the human immunodeficiency virus prevention program in the department of health and human services

for the purchase of antiretroviral drugs. The department shall fund the program from funds appropriated to the department in the state operating budget in fiscal ~~[years]~~ **year** 2008 ~~[and 2009]~~.

8 Department of Health and Human Services; Reduction; Antiretroviral Drugs. Notwithstanding 2007, 262:1, the department of health and human services is hereby directed to reduce state general fund appropriations that were allocated pursuant to 2007, 367:1 for the purchase of antiretroviral drugs under the human immunodeficiency virus prevention program by \$500,000 for the fiscal year ending June 30, 2009.

9 Positions Transferred in Department of Administrative Services to Fund 60. The source of funding for position numbers 42529, 43085, 16686, 43086, and 43084 is transferred from the general fund to the Fund 60 Self Funded Employee and Retiree Health Benefit Program. The source of funding for position number 41835 shall be 75 percent from the Fund 60 Self Funded Employee and Retiree Health Benefit Program and 25 percent from the general fund. The source of funding for position numbers 10101, 43180, 42528 shall be 50 percent from the Fund 60 Self Funded Employee and Retiree Health Benefit Program and 50 percent from the general fund.

10 Effective Date.

I. Section 4 of this act shall take effect December 31, 2008.

II. Section 9 of this act shall take effect July 1, 2008.

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

Reps. Foose and Kurk spoke in favor.

Rep. Vaillancourt spoke against.

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

YEAS 309 NAYS 60

YEAS 309

BELKNAP

Arsenault, Beth
Merry, Liz
Russell, David
Wendelboe, Fran

Bolster, Peter
Miller, Kate
St. Cyr, Jeffrey

Fields, Dennis
Pilliod, James
Stuart, Richard

Flanders, Donald
Reever, Judith
Veazey, John

CARROLL

Ahlgren, Christopher
Chandler, Gene
Umberger, Karen

Bridgham, Robert
Patten, Betsey
Wiley, Susan

Buco, Thomas
Roberts, John

Butler, Edward
Stevens, Stanley

CHESHIRE

Allen, Peter
Butynski, William
Emerson, Susan
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Burridge, Delmar
Carlson, Nancy
Hunt, John
Lindsey, Steven
Sad, Tara

Butcher, Suzanne
Carr, Daniel
Johnson, Jane
Mitchell, Bonnie
Sterling, Franklin Jr

Butterworth, Timothy
Eaton, Daniel
Laurent, John
Richardson, Barbara
Weber, Lucy

COOS

Hatch, William
Merrick, Scott
Stohl, Eric

Ingersoll, Paul Sr
Rappaport, Laurence
Theberge, Robert

Mears, Lucy
Remick, William
Thomas, Yvonne

Merrick, Evalyn
Richardson, Herbert

GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Beauchamp, Roger	Beaulieu, Jane	Beck, Catriona
Belvin, William	Bergin, Peter	Boisvert, Ronald	Campbell, David
Caron, June	Cebrowski, John	Chandley, Shannon	Chase, Claudia
Chininis, Alexis	Christensen, Chris	Clemons, Jane	Cote, David
Craig, James	Daniels, Gary	Day, Russell	Doherty, Shaun
Dokmo, Cynthia	Drisko, Richard	Emerton, Larry	Farley, Michael
Flurey, Joan	Foster, Linda	Gargasz, Carolyn	Garrity, Patrick
Gidge, Kenneth	Goley, Jeffrey	Gorman, Mary	Graham, John
Hackel, Paul	Haefner, Robert	Haley, Robert	Hardy, Valerie
Harvey, Philip	Harvey, Suzanne	Hebert, Roger	Hinch, Richard
Hodges, Kevin	Holden, Frank	Hopper, Gary	Irwin, Anne-Marie
Jasper, Shawn	Jeady, Jean	Katsiantonis, George	Katsiantonis, Thomas
Kelley, John	Knowles, John	Knowles, Mary Ann	Komi, Richard
Kopka, Angeline	Kurk, Neal	LaPlante, Roland	Leishman, Peter
Levasseur, Nickolas	Levesque, Melanie	Lisle, Carolyn	Long, Patrick
Mack, Ron	Marshall, Seth	Matarazzo, Anthony Sr	Messier, Irene
Movsesian, Lori	Nixon, David	O'Brien, Michael Sr	O'Neil, James
Ober, Lynne	Ober, Russell III	Pellegrino, Tony	Pepino, Leo
Peterson, Andrew	Pilotte, Maurice	Poznanski, Brian	Pratt, Calvin
Ramsey, Peter	Renzullo, Andrew	Rhodes, Brian	Rokas, Theodoros
Rosenwald, Cindy	Ryder, Donald	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Soucy, Timothy	Spaulding, Jayne
Sullivan, Daniel	Thompson, Robert	Walsh, Robert Jr	Willette, Robert
Williams, Carol	Winters, Joel		

MERRIMACK

Anderson, Eric	Bartlett, Michael	Bouchard, Candace	Boutin, David
Brown, Carole	Clarke, Claire	Davis, Frank	Foose, Robert
French, Barbara	Gile, Mary	Hamm, Christine	Hess, David
Kelly, Sally	Kidder, David	Kotowski, Frank	Lockwood, Priscilla
McGuire, Carol	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Porter, Margaret	Potter, Frances	Reardon, Tara	Reed, Dennis
Rice, Chip	Richardson, Gary	Rodd, Beth	Schuett, Dianne
Shurtleff, Stephen	Smith, Todd	Stetson, William	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Watrous, Rick
Webb, Leigh	Wheeler, Deborah	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Bishop, Franklin
Borden, David	Brown, C. Pennington	Cali-Pitts, Jacqueline	Case, Frank
Casey, Kimberley	Charron, Gene	Crisler, Margaret	Cushing, Robert
Day, Judith	DeSimone, Debra	Devine, James	DiFruscia, Anthony
DiPentima, Rich	Dowling, Patricia	Elliott, Robert	Fesh, Robert
Garrity, James	Gould, Kenneth	Griffin, Mary	Headd, James
Henson, John	Hoelzel, Kathleen	Howard, Doreen	Ingram, Russell

Katsakiores, George
Mann, Maureen
Nord, Susi
Perkins, Lawrence
Rausch, James
Russell, Trinka

Sedensky, John
Webber, Carolyn

Kepner, Susan
McKinney, Betsy
Packard, Sherman
Pettersen, Don
Read, Robin Jr
Scamman, Stella

Stiles, Nancy
Welch, David

Lyons, Melissa
Moody, Marcia
Pantelakos, Laura
Preston, Mark
Reagan, John
Scamman, W.
Douglas Jr
Sullivan, James

Major, Norman
Nevins, Chris
Perkins, Amy
Quandt, Matt
Russell, Joseph
Schlachman, Donna
Weare, Everett

STRAFFORD

Brennan, William
Browne, Brendon
Hofemann, Roland
Kaen, Naida
Perry, Robert
Rollo, Michael
Smith, Marjorie
Vachon, Dennis

Brown, Jennifer
Burke, Rachel
Horrigan, Timothy
Keans, Sandra
Price, Susan
Rous, Emma
Spang, Judith
Wall, Janet

Brown, Julie
Cyr, James
Hubbard, Pamela
Lauterborn, Elaine
Rogers, Rose Marie
Ryder, Mark
Sprague, Dale
Ward, Kenneth

Brown, Larry
Grassie, Anne
Hutz, Sarah
Lewis, Robert
Rollo, Deanna
Schmidt, Peter
Twombly, James

SULLIVAN

Cloutier, John
Harris, Sandra

Rodeschin, Beverly

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

Gagnon, Raymond
Howard, Thomas
Sweeney, Cynthia

Gottling, Suzanne
McClammer, Jim

NAYS 60

BELKNAP

Boyce, Laurie

Millham, Alida

Neddeau, Stephen

Swinford, Elaine

CARROLL

Fleck, Joseph

McConkey, Mark

Scala, Dino

CHESHIRE

Meador, David

Parkhurst, Henry

Robertson, Timothy

COOS

None

GRAFTON

Friedrich, Carol

Gionet, Edmond

Ingbertson, Paul

Maybeck, Margie

HILLSBOROUGH

Batula, Peter
Gagne, Larry
Hinkle, Peyton
O'Brien, William
Soucy, Connie
Villeneuve, Moe

Boehm, Ralph
Gandia, Laura
Hogan, Edith
Palmer, Stephen
Tahir, Saghir

Christiansen, Lars
Hawkins, Ken
McCarthy, Michael
Rowe, Robert
Ulery, Jordan

Elliott, Nancy
Hikel, John
Mead, Robert
Silva, Peter
Vaillancourt, Steve

MERRIMACK

Coffey, Jennifer Palfrey, David

ROCKINGHAM

Baldasaro, Alfred	Bates, David	Comerford, Timothy	Dumaine, Dudley
Ferrante, Beverly	Flanders, John Sr	Hagan, Joseph	Introne, Robert
Itse, Daniel	Kappler, L. Mike	Katsakiores, Phyllis	Kolodziej, Walter
McEachern, Paul	Sanders, Elisabeth	Sapareto, Frank	Smith, William
Splaine, James	Tucker, Pamela	Wells, Roger	

STRAFFORD

Bickford, David Groen, Warren Vita, Carol

SULLIVAN

Osgood, Joe
and the committee amendment was adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment
Rep. Vaillancourt offered floor amendment (0173h).

Floor Amendment (0173h)

Amend the bill by inserting after section 9 the following and renumbering the original
section 10 to read as 11:

10 Legislative Staff; Salary Reductions. Notwithstanding any other provision of law, the
salary for each legislative staff position shall be reduced to the salary paid for such position
as of August 29, 2007.

AMENDED ANALYSIS

This bill requires certain operating budget reductions for fiscal year 2009.

The bill also reduces salaries for legislative staff.

Rep. Vaillancourt spoke in favor.

Rep. Eaton spoke against and yielded to questions.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

YEAS 79 NAYS 291

YEAS 79

BELKNAP

Boyce, Laurie	Flanders, Donald	Pilliod, James	Russell, David
St. Cyr, Jeffrey	Swinford, Elaine	Veazey, John	Wendelboe, Fran

CARROLL

McConkey, Mark Roberts, John Stevens, Stanley

CHESHIRE

Emerson, Susan Hunt, John Johnson, Jane

COOS

None

GRAFTON

Gionet, Edmond	Maybeck, Margie	Ward, Brien
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HILLSBOROUGH

Belvin, William	Christiansen, Lars	Day, Russell	Elliott, Nancy
Gagne, Larry	Haefner, Robert	Hawkins, Ken	Hogan, Edith
Holden, Frank	Infantine, William	Jasper, Shawn	Kurk, Neal
McCarthy, Michael	Mead, Robert	Moran, Edward	O'Brien, William
Ober, Lynne	Ober, Russell III	Pratt, Calvin	Renzullo, Andrew
Silva, Peter	Soucy, Connie	Spaulding, Jayne	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe	

MERRIMACK

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

ROCKINGHAM

Baldasaro, Alfred	Bates, David	Bettencourt, David	Bishop, Franklin
Comerford, Timothy	Devine, James	DiFruscia, Anthony	Dowling, Patricia
Dumaine, Dudley	Ferrante, Beverly	Garrity, James	Hagan, Joseph
Ingram, Russell	Introne, Robert	Itse, Daniel	Kappler, L. Mike
Kolodziej, Walter	Nevins, Chris	Packard, Sherman	Perkins, Amy
Sanders, Elisabeth	Sapareto, Frank	Sedensky, John	Tucker, Pamela

STRAFFORD

Groen, Warren	Price, Susan	Vita, Carol
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SULLIVAN

Osgood, Joe

NAYS 291

BELKNAP

Arsenault, Beth	Bolster, Peter	Fields, Dennis	Merry, Liz
Miller, Kate	Millham, Alida	Nedeau, Stephen	Reever, Judith
Stuart, Richard			

CARROLL

Ahlgren, Christopher	Bridgham, Robert	Buco, Thomas	Butler, Edward
Fleck, Joseph	Patten, Betsey	Scala, Dino	Umberger, Karen
Wiley, Susan			

CHESHIRE

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

COOS

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

GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Batula, Peter	Beauchamp, Roger	Beaulieu, Jane
Beck, Catriona	Bergin, Peter	Boehm, Ralph	Boisvert, Ronald
Campbell, David	Caron, June	Cebrowski, John	Chandley, Shannon
Chase, Claudia	Chininis, Alexis	Christensen, Chris	Clemons, Jane
Cote, David	Craig, James	Daniels, Gary	Doherty, Shaun
Dokmo, Cynthia	Drisko, Richard	Emerton, Larry	Farley, Michael
Flurey, Joan	Foster, Linda	Gandia, Laura	Gargas, Carolyn
Garrity, Patrick	Gidge, Kenneth	Goley, Jeffrey	Gorman, Mary
Graham, John	Hackel, Paul	Haley, Robert	Hardy, Valerie
Harvey, Philip	Harvey, Suzanne	Hebert, Roger	Hikel, John
Hinch, Richard	Hinkle, Peyton	Hodges, Kevin	Hopper, Gary
Irwin, Anne-Marie	Judy, Jean	Katsiantonis, George	Katsiantonis, Thomas
Kelley, John	Knowles, John	Knowles, Mary Ann	Komi, Richard
Kopka, Angeline	LaPlante, Roland	Leishman, Peter	Levasseur, Nickolas
Levesque, Melanie	Lisle, Carolyn	Long, Patrick	Mack, Ron
Marshall, Seth	Matarazzo, Anthony Sr	Messier, Irene	Movsesian, Lori
Nixon, David	O'Brien, Michael Sr	O'Neil, James	Palmer, Stephen
Pellegrino, Tony	Peterson, Andrew	Pilotte, Maurice	Poznanski, Brian
Ramsey, Peter	Rhodes, Brian	Rokas, Theodoros	Rosenwald, Cindy
Rowe, Robert	Ryder, Donald	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Soucy, Timothy	Sullivan, Daniel
Thompson, Robert	Walsh, Robert Jr	Willette, Robert	Williams, Carol
Winters, Joel			

MERRIMACK

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

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Borden, David	Brown, C. Pennington
Cali-Pitts, Jacqueline	Case, Frank	Casey, Kimberley	Charron, Gene

Crisler, Margaret	Cushing, Robert	Day, Judith	DeSimone, Debra
DiPentima, Rich	Elliott, Robert	Emiro, Frank	Fesh, Robert
Flanders, John Sr	Gould, Kenneth	Griffin, Mary	Headd, James
Henson, John	Hoelzel, Kathleen	Howard, Doreen	Hutchinson, Karen
Katsakiores, George	Katsakiores, Phyllis	Kepner, Susan	Lyons, Melissa
Major, Norman	Mann, Maureen	McEachern, Paul	McKinney, Betsy
Moody, Marcia	Nord, Susi	Pantelakos, Laura	Perkins, Lawrence
Petterson, Don	Preston, Mark	Quandt, Matt	Rausch, James
Read, Robin Jr	Reagan, John	Russell, Joseph	Russell, Trinka
Scamman, Stella	Scamman, W. Douglas Jr	Schlachman, Donna	Smith, William
Splaine, James	Stiles, Nancy	Sullivan, James	Weare, Everett
Webber, Carolyn	Welch, David	Wells, Roger	

STRAFFORD

Bickford, David	Brennan, William	Brown, Jennifer	Brown, Julie
Brown, Larry	Browne, Brendon	Burke, Rachel	Cyr, James
Grassie, Anne	Hofemann, Roland	Horrigan, Timothy	Hubbard, Pamela
Hutz, Sarah	Kaen, Naida	Keans, Sandra	Lauterborn, Elaine
Lewis, Robert	Perry, Robert	Rogers, Rose Marie	Rollo, Deanna
Rous, Emma	Ryder, Mark	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Sprague, Dale	Twombly, James	Vachon, Dennis
Wall, Janet	Ward, Kenneth		

SULLIVAN

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

and floor amendment (0173h) failed.
Rep. Michael Rollo declared a conflict of interest on floor amendment (0173h) and did not participate in the vote.

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

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

YEAS 321 NAYS 54

YEAS 321

BELKNAP

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

CARROLL

Ahlgren, Christopher	Bridgham, Robert	Buco, Thomas	Butler, Edward
Chandler, Gene	Fleck, Joseph	McConkey, Mark	Patten, Betsey
Scala, Dino	Stevens, Stanley	Umberger, Karen	Wiley, Susan

CHESHIRE

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

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

Butcher, Suzanne
Carr, Daniel
Johnson, Jane
Mitchell, Bonnie
Sad, Tara

Butterworth, Timothy
Eaton, Daniel
Laurent, John
Parkhurst, Henry
Sterling, Franklin Jr

COOS

Hatch, William
Merrick, Scott
Stohl, Eric

Ingersoll, Paul Sr
Rappaport, Laurence
Theberge, Robert

Mears, Lucy
Remick, William
Thomas, Yvonne

Merrick, Evalyn
Richardson, Herbert

GRAFTON

Aguiar, James
Cooney, Mary
Ladd, Rick Jr
Nordgren, Sharon
Smith, Suzanne
Williams, Burton

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

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

Bulis, Lyle
Harding, Laurie
Mulholland, Catherine
Preston, Philip
Ward, Brien

HILLSBOROUGH

Baroody, Benjamin
Beck, Catriona
Campbell, David
Chase, Claudia
Clemons, Jane
Doherty, Shaun
Farley, Michael
Garrity, Patrick
Graham, John
Hardy, Valerie
Hebert, Roger
Hodges, Kevin
Irwin, Anne-Marie
Katsiantonis, Thomas
Komi, Richard
Leishman, Peter
Long, Patrick

Batula, Peter
Belvin, William
Caron, June
Chininis, Alexis
Cote, David
Dokmo, Cynthia
Flurey, Joan
Gidge, Kenneth
Hackel, Paul
Harvey, Philip
Hikel, John
Holden, Frank
Jasper, Shawn
Kelley, John
Kopka, Angeline
Levasseur, Nickolas
Mack, Ron

Beauchamp, Roger
Bergin, Peter
Cebrowski, John
Christensen, Chris
Craig, James
Drisko, Richard
Foster, Linda
Goley, Jeffrey
Haefner, Robert
Harvey, Suzanne
Hinch, Richard
Hopper, Gary
Jeudy, Jean
Knowles, John
Kurk, Neal
Levesque, Melanie
Marshall, Seth

Beaulieu, Jane
Boisvert, Ronald
Chandley, Shannon
Christiansen, Lars
Day, Russell
Emerton, Larry
Gargasz, Carolyn
Gorman, Mary
Haley, Robert
Hawkins, Ken
Hinkle, Peyton
Infantine, William
Katsiantonis, George
Knowles, Mary Ann
LaPlante, Roland
Lisle, Carolyn
Matarazzo, Anthony
Sr

Messier, Irene
O'Neil, James
Pepino, Leo
Pratt, Calvin
Rokas, Theodoros
Shattuck, Gilman
Spaulding, Jayne
Willette, Robert

Movsesian, Lori
Ober, Lynne
Peterson, Andrew
Ramsey, Peter
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Daniel
Williams, Carol

Nixon, David
Ober, Russell III
Pilotte, Maurice
Renzullo, Andrew
Ryder, Donald
Shaw, Kimberly
Thompson, Robert
Winters, Joel

O'Brien, Michael Sr
Pellegrino, Tony
Poznanski, Brian
Rhodes, Brian
Schulze, Joan
Soucy, Timothy
Walsh, Robert Jr

MERRIMACK

Anderson, Eric
Brown, Carole
French, Barbara
Kelly, Sally
McGuire, Carol

Bartlett, Michael
Clarke, Claire
Gile, Mary
Kidder, David
McMahon, Patricia

Bouchard, Candace
Davis, Frank
Hamm, Christine
Kotowski, Frank
Osborne, Jessie

Boutin, David
Foose, Robert
Hess, David
Lockwood, Priscilla
Owen, Derek

Porter, Margaret
Rice, Chip
Shurtleff, Stephen
Tupper, Frank
Wheeler, Deborah

Potter, Frances
Richardson, Gary
Smith, Todd
Wallner, Mary Jane
Williams, Robert

Reardon, Tara
Rodd, Beth
Stetson, William
Walz, Mary Beth
Yeaton, Charles

Reed, Dennis
Schuett, Dianne
Tilton, Joy
Watrous, Rick

ROCKINGHAM

Allen, Mary
Borden, David
Casey, Kimberley
Day, Judith
DiPentima, Rich
Fesh, Robert
Griffin, Mary
Howard, Doreen
Kepner, Susan
McKinney, Betsy
Packard, Sherman
Pettersen, Don
Read, Robin Jr
Scamman, Stella

Belanger, Ronald
Brown, C. Pennington
Charron, Gene
DeSimone, Debra
Dowling, Patricia
Flanders, John Sr
Headd, James
Ingram, Russell
Lyons, Melissa
McMahon, Charles
Pantelakos, Laura
Preston, Mark
Reagan, John
Scamman, W.
Douglas Jr
Sullivan, James

Bettencourt, David
Cali-Pitts, Jacqueline
Crisler, Margaret
Devine, James
Elliott, Robert
Garrity, James
Henson, John
Katsakiores, George
Major, Norman
Moody, Marcia
Perkins, Amy
Quandt, Matt
Russell, Joseph
Schlachman, Donna

Weare, Everett

Bishop, Franklin
Case, Frank
Cushing, Robert
DiFruscia, Anthony
Emiro, Frank
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Mann, Maureen
Nevins, Chris
Perkins, Lawrence
Rausch, James
Russell, Trink
Sedensky, John

Webber, Carolyn

Stiles, Nancy
Welch, David

STRAFFORD

Brennan, William
Browne, Brendon
Hofemann, Roland
Kaen, Naida
Perry, Robert
Rollo, Michael
Smith, Marjorie
Vachon, Dennis

Brown, Jennifer
Burke, Rachel
Horrigan, Timothy
Keans, Sandra
Price, Susan
Rous, Emma
Spang, Judith
Wall, Janet

Brown, Julie
Cyr, James
Hubbard, Pamela
Lauterborn, Elaine
Rogers, Rose Marie
Ryder, Mark
Sprague, Dale
Ward, Kenneth

Brown, Larry
Grassie, Anne
Hutz, Sarah
Lewis, Robert
Rollo, Deanna
Schmidt, Peter
Twombly, James
Watters, David

SULLIVAN

Cloutier, John
Harris, Sandra

Rodeschin, Beverly

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

Gagnon, Raymond
Howard, Thomas

Sweeney, Cynthia

Gottling, Suzanne
McClammer, Jim

NAYS 54

BELKNAP

Boyce, Laurie

Millham, Alida

Nedeau, Stephen

Swinford, Elaine

CARROLL

Roberts, John

CHESHIRE

Meador, David

Robertson, Timothy

COOS

None

GRAFTON

Gionet, Edmond Ingbretson, Paul Maybeck, Margie

HILLSBOROUGH

Boehm, Ralph	Daniels, Gary	Elliott, Nancy	Gagne, Larry
Gandia, Laura	Hogan, Edith	McCarthy, Michael	Mead, Robert
Moran, Edward	O'Brien, William	Palmer, Stephen	Rowe, Robert
Silva, Peter	Soucy, Connie	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Moe		

MERRIMACK

Coffey, Jennifer Palfrey, David Webb, Leigh

ROCKINGHAM

Baldasaro, Alfred	Bates, David	Comerford, Timothy	Dumaine, Dudley
Ferrante, Beverly	Hagan, Joseph	Hutchinson, Karen	Introne, Robert
Itse, Daniel	Kappler, L. Mike	Kolodziej, Walter	McEachern, Paul
Nord, Susi	Sanders, Elisabeth	Sapareto, Frank	Smith, William
Splaine, James	Tucker, Pamela	Wells, Roger	

STRAFFORD

Bickford, David Groen, Warren Vita, Carol

SULLIVAN

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

HB 122-FN, relative to funding sources for the commission on the status of women.
INEXPEDIENT TO LEGISLATE.

Rep. Benjamin C. Barody for Finance: This bill prohibits the appropriation of state funds to the Commission on the Status of Women. The committee will consider this action as part of the upcoming biennial budget process consistent with the committee's usual practice concerning bills addressing spending that come to the committee in a budget year. Vote 22-3.

Rep. Nancy Elliott spoke against and yielded to questions.

Rep. Lynne Ober spoke in favor and yielded to questions.

Rep. Sapareto spoke against.

Rep. Barody spoke in favor.

Rep. Itse requested a roll call; sufficiently seconded.

YEAS 239 NAYS 140

YEAS 239

BELKNAP

Arsenault, Beth Merry, Liz Miller, Kate Millham, Alida

Pilliod, James

Reever, Judith

Stuart, Richard

CARROLL

Ahlgren, Christopher
Umberger, Karen

Bridgham, Robert
Wiley, Susan

Buco, Thomas

Butler, Edward

CHESHIRE

Allen, Peter
Butynski, William
Johnson, Jane
Mitchell, Bonnie
Robertson, Timothy

Burridge, Delmar
Carlson, Nancy
Lerandeau, Alfred
Parkhurst, Henry
Sad, Tara

Butcher, Suzanne
Carr, Daniel
Lindsey, Steven
Richardson, Barbara
Weber, Lucy

Butterworth, Timothy
Eaton, Daniel
Meador, David
Roberts, Kris
Weed, Charles

COOS

Hatch, William
Merrick, Scott

Ingersoll, Paul Sr
Remick, William

Mears, Lucy
Thomas, Yvonne

Merrick, Evalyn

GRAFTON

Aguiar, James
Friedrich, Carol
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

Almy, Susan
Gould, Franklin
Matheson, Robert
Pierce, David
Townsend, Charles

Benn, Bernard
Harding, Laurie
Mulholland, Catherine
Preston, Philip

Cooney, Mary
Ladd, Rick Jr
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Chandley, Shannon
Cote, David
Dokmo, Cynthia
Foster, Linda
Goley, Jeffrey
Hardy, Valerie
Hodges, Kevin
Katsiantonis, Thomas
Kopka, Angeline
Levasseur, Nickolas
Mack, Ron
Nixon, David
Peterson, Andrew
Rhodes, Brian
Schulze, Joan
Thompson, Robert

Beauchamp, Roger
Boisvert, Ronald
Chase, Claudia
Craig, James
Emerton, Larry
Gargas, Carolyn
Gorman, Mary
Harvey, Philip
Infantine, William
Kelley, John
Kurk, Neal
Levesque, Melanie
Marshall, Seth
O'Brien, Michael Sr
Pilotte, Maurice
Rokas, Theodoros
Shattuck, Gilman
Walsh, Robert Jr

Beaulieu, Jane
Campbell, David
Chininis, Alexis
Day, Russell
Farley, Michael
Garrity, Patrick
Hackel, Paul
Harvey, Suzanne
Irwin, Anne-Marie
Knowles, John
LaPlante, Roland
Lisle, Carolyn
Messier, Irene
O'Neil, James
Poznanski, Brian
Rosenwald, Cindy
Shaw, Kimberly
Williams, Carol

Beck, Catriona
Caron, June
Clemons, Jane
Doherty, Shaun
Flurey, Joan
Gidge, Kenneth
Haley, Robert
Hebert, Roger
Jeudy, Jean
Knowles, Mary Ann
Leishman, Peter
Long, Patrick
Movsesian, Lori
Pepino, Leo
Ramsey, Peter
Ryder, Donald
Soucy, Timothy
Winters, Joel

MERRIMACK

Bartlett, Michael
Clarke, Claire
Gile, Mary
Kotowski, Frank
Porter, Margaret
Rice, Chip
Shurtleff, Stephen

Bouchard, Candace
Davis, Frank
Hamm, Christine
McMahon, Patricia
Potter, Frances
Richardson, Gary
Stetson, William

Boutin, David
Foote, Robert
Kelly, Sally
Osborne, Jessie
Reardon, Tara
Rodd, Beth
Tilton, Joy

Brown, Carole
French, Barbara
Kidder, David
Owen, Derek
Reed, Dennis
Schuett, Dianne
Tupper, Frank

Wallner, Mary Jane
Wheeler, Deborah

Walz, Mary Beth
Williams, Robert

Watrous, Rick
Yeaton, Charles

Webb, Leigh

ROCKINGHAM

Belanger, Ronald
Case, Frank
Day, Judith
Dowling, Patricia
Griffin, Mary
Kepner, Susan
Nord, Susi
Preston, Mark
Scamman, W.
Douglas Jr
Webber, Carolyn

Borden, David
Casey, Kimberley
Devine, James
Elliott, Robert
Henson, John
Lyons, Melissa
Pantelakos, Laura
Read, Robin Jr
Schlachman, Donna

Brown, C. Pennington
Crisler, Margaret
DiFruscia, Anthony
Gleason, John
Howard, Doreen
McEachern, Paul
Perkins, Lawrence
Russell, Trink
Splaine, James

Cali-Pitts, Jacqueline
Cushing, Robert
DiPentima, Rich
Gould, Kenneth
Katsakiores, George
Moody, Marcia
Pettersen, Don
Scamman, Stella
Sullivan, James

STRAFFORD

Brown, Jennifer
Burke, Rachel
Horrigan, Timothy
Keans, Sandra
Price, Susan
Rous, Emma
Spang, Judith

Brown, Julie
Cyr, James
Hubbard, Pamela
Lauterborn, Elaine
Rogers, Rose Marie
Ryder, Mark
Wall, Janet

Brown, Larry
Grassie, Anne
Hutz, Sarah
Lewis, Robert
Rollo, Deanna
Schmidt, Peter
Ward, Kenneth

Browne, Brendon
Hofemann, Roland
Kaen, Naida
Perry, Robert
Rollo, Michael
Smith, Marjorie
Watters, David

SULLIVAN

Cloutier, John
Harris, Sandra

Sweeney, Cynthia

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

NAYS 140

BELKNAP

Bolster, Peter
Nedeau, Stephen
Veazey, John

Boyce, Laurie
Russell, David
Wendelboe, Fran

Fields, Dennis
St. Cyr, Jeffrey

Flanders, Donald
Swinford, Elaine

CARROLL

Chandler, Gene
Roberts, John

Fleck, Joseph
Scala, Dino

McConkey, Mark
Stevens, Stanley

Patten, Betsey

CHESHIRE

Emerson, Susan

Hunt, John

Laurent, John

Sterling, Franklin Jr

COOS

Rappaport, Laurence

Richardson, Herbert

Stohl, Eric

Theberge, Robert

GRAFTON

Andersen, Gene
Maybeck, Margie

Bulis, Lyle
Ward, Brien

Gionet, Edmond
Williams, Burton

Ingbretson, Paul

HILLSBOROUGH

Batula, Peter	Belvin, William	Boehm, Ralph	Cebrowski, John
Christensen, Chris	Christiansen, Lars	Daniels, Gary	Drisko, Richard
Elliott, Nancy	Gagne, Larry	Gandia, Laura	Graham, John
Haefner, Robert	Hawkins, Ken	Hikel, John	Hinch, Richard
Hinkle, Peyton	Hogan, Edith	Holden, Frank	Holden, Rip
Hopper, Gary	Jasper, Shawn	Katsiantonis, George	Komi, Richard
Matarazzo, Anthony Sr	McCarthy, Michael	Mead, Robert	Moran, Edward
O'Brien, William	Ober, Lynne	Ober, Russell III	Palmer, Stephen
Pellegrino, Tony	Pratt, Calvin	Renzullo, Andrew	Rowe, Robert
Shaw, Barbara	Silva, Peter	Soucy, Connie	Spaulding, Jayne
Sullivan, Daniel	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Moe	Willette, Robert		

MERRIMACK

Anderson, Eric	Coffey, Jennifer	Hess, David	Lockwood, Priscilla
McGuire, Carol	Palfrey, David	Smith, Todd	

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bates, David	Bettencourt, David
Bishop, Franklin	Bridle, Russell	Charron, Gene	Comerford, Timothy
DeSimone, Debra	Dumaine, Dudley	Emiro, Frank	Ferrante, Beverly
Fesh, Robert	Flanders, John Sr	Garrity, James	Hagan, Joseph
Headd, James	Hoelzel, Kathleen	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Itse, Daniel	Kappler, L. Mike	Katsakiores, Phyllis
Kolodziej, Walter	Major, Norman	Mann, Maureen	McKinney, Betsy
McMahon, Charles	Nevins, Chris	Packard, Sherman	Perkins, Amy
Quandt, Matt	Rausch, James	Reagan, John	Russell, Joseph
Sanders, Elisabeth	Sapareto, Frank	Sedensky, John	Smith, William
Stiles, Nancy	Tucker, Pamela	Weare, Everett	Welch, David
Wells, Roger			

STRAFFORD

Bickford, David	Brennan, William	Groen, Warren	Sprague, Dale
Twombly, James	Vachon, Dennis	Vita, Carol	

SULLIVAN

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

RESOLUTION

Reps. Wallner and Packard offered the following: RESOLVED, that the House adopt the amendment to House Rules as proposed by the Rules Committee.

AMENDMENT TO HOUSE RULES

Proposed by the Rules Committee

Amend Rule 4 to read as follows:

The Speaker shall refer all bills, resolutions, memorials, (*petitions*,) accounts, and other matters coming before the House to the appropriate committees, unless otherwise ordered by

the House. The Speaker may refer the same jointly to two committees or to a special committee. **The Speaker shall refer a petition to a committee only if the petition involves the election or qualifications of a member to serve in the House.**

Amend Rule 18 to read as follows:

Before any petition is received and read, the substance of the petition shall be in concise form, and the name of the (*person*) **member** presenting it shall be recorded on the petition. The Speaker shall state the substance of the petition **in summary. The petition shall be entered in the House Journal by title only and the full petition shall be placed on file with the Clerk.**

Amend Rule 22 to read as follows:

There shall be three forms of deciding the question: voice vote, division vote, roll call vote. No member shall vote in any case (*when*) **if** the member (*was*) **is** not present when the question (*was*) **is** put.

Amend Rule 22(c) to read as follows:

A roll call shall be taken when a member moves for a roll call vote and that motion is seconded by 10 other members. The member requesting the roll call vote and the 10 members who second the motion shall notify the Clerk in writing or shall rise from their seats or otherwise be recognized by the Speaker. **Whenever a roll call vote is requested and properly seconded, members shall enter the chamber to take their seats and the question shall then be put to the House.**

Amend the first deadline in Rule 64 to read as follows:

Friday, January 9, 2009, noon

Last day to sign-off House LSRs, **including requests for petitions other than petitions involving the election or qualifications of a member to serve in the House.**

Amend Rule 109(a) to read as follows:

The permanent records of the committee shall include a file **of the public record** on each bill or resolution received by the committee. The (*file*) **public record** on each bill or resolution shall include minutes of all committee and subcommittee meetings, a copy of the original document, a copy of committee amendments proposed by a member, whether adopted or not, and the disposition thereof; a copy of any fiscal note, actuarial note or notice attached to a bill or resolution at the time of committee consideration; all prepared statements which have been filed with the committee (*chairman*) by members or interested parties. **Only paper copies of letters, statements or other documents delivered by a member or other interested party to the committee chair, vice chair or committee clerk in hand or by US or commercial mail shall constitute a filing with the committee and made part of the public record.**

Reps. Campbell and Jasper spoke in favor and yielded to questions.

Adopted by the necessary two-thirds.

Rep. Andy Peterson offered a floor amendment to House Rules.

FLOOR AMENDMENT TO HOUSE RULES

Proposed by Rep. Andy R. Peterson

Amend Rule 44. (a) as follows:

All bills in the possession of committees shall be reported out by the date specified in Rule 64 with one of the following recommendations: Ought to Pass, Ought to Pass with Amendment, **Re-refer to Committee**, Inexpedient to Legislate, Refer for Interim Study, or Recommended but to be Laid Upon the Table Because of Funding. (*All bills retained by a vote of the committee for action in the second year session shall be included on a list provided to the House Clerk on or prior to the deadlines specified in Rule 64*). **Re-refer to Committee shall be a committee report only in the first-year session;** Refer for Interim Study shall be a committee report only in the second-year session. The Committee, as its Interim

Study final report, shall submit its findings and any recommendations.

Amend Rule 44. (c) as follows:

All bills (*retained in committee for action*) **re-referred to committee** shall be acted on during the second-year session.

Rep. Andy Peterson spoke in favor.

Rep. Eaton spoke against.

MOTION TO SUSPEND HOUSE RULES

Rep. William O'Brien moved to suspend House Rules to allow adoption by majority vote for the remaining amendments to House Rules.

Speaker ruled motion out of order.

The question now being adoption of the amendment to House Rules as proposed by Rep. Andy Peterson.

On a division vote, 45 members having voted in the affirmative and 311 in the negative, the Andy Peterson floor amendment to House Rules failed lacking the necessary two-thirds.

MOTION TO SUSPEND HOUSE RULES

Rep. Packard moved to suspend House Rules to allow adoption by majority vote for the remaining amendments to House Rules.

Rep. Packard spoke in favor.

Rep. Eaton spoke against and yielded to questions.

MOTION TO AMEND

Rep. Packard moved to amend the motion to suspend House Rules to include all amendments to House Rules offered today to allow adoption by majority vote.

Reps. Packard, Jasper and Eaton spoke in favor.

On a division vote, 351 members having voted in the affirmative and 24 in the negative, the motion to suspend House Rules was adopted by the necessary two-thirds.

Rep. William O'Brien offered a floor amendment to House Rules.

FLOOR AMENDMENT TO HOUSE RULES

Proposed by Reps. William O'Brien, Ingbretson and Mead

Amend Rule 28 as follows:

The membership on all standing committees of the House shall be divided between the two major political parties in the same proportion that the House membership of the majority party bears to the House membership of the minority party. No member shall serve on more than two standing policy committees; membership on the Rules Committee shall not be included for purposes of the calculation. The appointments to committees for the majority party shall be made by the Speaker and appointments to committees for the minority party shall be made by the Speaker with the advice of the duly appointed minority party leader. Notwithstanding the provisions of this rule, the Speaker and the minority party leader may agree on a different proportion for the membership of any particular committee (.) except as follows: Effective with the 2010 legislative session, the membership of each political party on standing committees shall be limited to no more than 30% of members whose present or prior paid professions, trades, commercial or non-profit activities fall within the duties assigned to that committee.

Rep. William O'Brien spoke in favor and yielded to questions.

Reps. Ingbretson and Will Smith spoke in favor.

Rep. Eaton spoke against and yielded to questions.

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

YEAS 57 NAYS 313

YEAS 57

BELKNAP

Boyce, Laurie Wendelboe, Fran

CARROLL

Umberger, Karen

CHESHIRE

Emerson, Susan Laurent, John

COOS

None

GRAFTON

Gionet, Edmond Ingbretson, Paul Maybeck, Margie Williams, Burton

HILLSBOROUGH

Christiansen, Lars	Daniels, Gary	Elliott, Nancy	Gagne, Larry
Haefner, Robert	Hinkle, Peyton	Hogan, Edith	Holden, Frank
Hopper, Gary	Infantine, William	Mead, Robert	Moran, Edward
O'Brien, William	Ober, Lynne	Ober, Russell III	Palmer, Stephen
Pellegrino, Tony	Renzullo, Andrew	Rowe, Robert	Silva, Peter
Soucy, Connie	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe
Willette, Robert			

MERRIMACK

Anderson, Eric Coffey, Jennifer Kotowski, Frank McGuire, Carol
Smith, Todd

ROCKINGHAM

Baldasaro, Alfred	Bates, David	Bettencourt, David	Comerford, Timothy
Devine, James	DiFruscia, Anthony	Dumaine, Dudley	Ferrante, Beverly
Hagan, Joseph	Hoelzel, Kathleen	Itse, Daniel	Perkins, Lawrence
Quandt, Matt	Smith, William	Tucker, Pamela	

STRAFFORD

Groen, Warren Twombly, James Vita, Carol

SULLIVAN

None

NAYS 313

BELKNAP

Arsenault, Beth Fields, Dennis Flanders, Donald Merry, Liz

Miller, Kate
Reever, Judith
Swinford, Elaine

Millham, Alida
Russell, David
Veazey, John

Nedeau, Stephen
St. Cyr, Jeffrey

Pilliod, James
Stuart, Richard

CARROLL

Ahlgren, Christopher
Chandler, Gene
Patten, Betsey
Wiley, Susan

Bridgham, Robert
Fleck, Joseph
Roberts, John

Buco, Thomas
Knox, J. David
Scala, Dino

Butler, Edward
McConkey, Mark
Stevens, Stanley

CHESHIRE

Allen, Peter
Butynski, William
Hunt, John
Meador, David
Roberts, Kris
Weber, Lucy

Burridge, Delmar
Carlson, Nancy
Johnson, Jane
Mitchell, Bonnie
Robertson, Timothy
Weed, Charles

Butcher, Suzanne
Carr, Daniel
Lerandau, Alfred
Parkhurst, Henry
Sad, Tara

Butterworth, Timothy
Eaton, Daniel
Lindsey, Steven
Richardson, Barbara
Sterling, Franklin Jr

COOS

Hatch, William
Merrick, Scott
Stohl, Eric

Ingersoll, Paul Sr
Rappaport, Laurence
Theberge, Robert

Mears, Lucy
Remick, William
Thomas, Yvonne

Merrick, Evalyn
Richardson, Herbert

GRAFTON

Aguiar, James
Bulis, Lyle
Harding, Laurie
Mulholland, Catherine
Preston, Philip
Ward, Brien

Almy, Susan
Cooney, Mary
Ladd, Rick Jr
Nordgren, Sharon
Smith, Suzanne

Andersen, Gene
Friedrich, Carol
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

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

HILLSBOROUGH

Baroody, Benjamin
Beck, Catriona
Boisvert, Ronald
Chandle, Shannon
Clemons, Jane
Doherty, Shaun
Farley, Michael
Gargasz, Carolyn
Gorman, Mary
Hardy, Valerie
Hebert, Roger
Holden, Rip
Katsiantonis, George
Knowles, Mary Ann
Leishman, Peter
Long, Patrick

Batula, Peter
Belvin, William
Campbell, David
Chase, Claudia
Cote, David
Dokmo, Cynthia
Flurey, Joan
Garrity, Patrick
Graham, John
Harvey, Philip
Hikel, John
Irwin, Anne-Marie
Katsiantonis, Thomas
Kopka, Angeline
Levasseur, Nickolas
Mack, Ron

Beauchamp, Roger
Bergin, Peter
Caron, June
Chininis, Alexis
Craig, James
Drisko, Richard
Foster, Linda
Gidge, Kenneth
Hackel, Paul
Harvey, Suzanne
Hinch, Richard
Jasper, Shawn
Kelley, John
Kurk, Neal
Levesque, Melanie
Marshall, Seth

Beaulieu, Jane
Boehm, Ralph
Cebrowski, John
Christensen, Chris
Day, Russell
Emerton, Larry
Gandia, Laura
Goley, Jeffrey
Haley, Robert
Hawkins, Ken
Hodges, Kevin
Jeudy, Jean
Knowles, John
LaPlante, Roland
Lisle, Carolyn
Matarazzo, Anthony
Sr

McCarthy, Michael
O'Brien, Michael Sr
Pilotte, Maurice
Rhodes, Brian

Messier, Irene
O'Neil, James
Poznanski, Brian
Rokas, Theodoros

Movsesian, Lori
Pepino, Leo
Pratt, Calvin
Rosenwald, Cindy

Nixon, David
Peterson, Andrew
Ramsey, Peter
Ryder, Donald

Schulze, Joan
Soucy, Timothy
Thompson, Robert

Shattuck, Gilman
Spaulding, Jayne
Walsh, Robert Jr

Shaw, Barbara
Sullivan, Daniel
Williams, Carol

Shaw, Kimberly
Tahir, Saghir
Winters, Joel

MERRIMACK

Bartlett, Michael
Clarke, Claire
French, Barbara
Kelly, Sally
Osborne, Jessie
Potter, Frances
Rodd, Beth
Tilton, Joy
Watrous, Rick
Yeaton, Charles

Bouchard, Candace
Davis, Frank
Gile, Mary
Kidder, David
Owen, Derek
Reardon, Tara
Schuett, Dianne
Tupper, Frank
Webb, Leigh

Boutin, David
DeStefano, Stephen
Hamm, Christine
Lockwood, Priscilla
Palfrey, David
Rice, Chip
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

Brown, Carole
Foose, Robert
Hess, David
McMahon, Patricia
Porter, Margaret
Richardson, Gary
Stetson, William
Walz, Mary Beth
Williams, Robert

ROCKINGHAM

Allen, Mary
Brown, C. Pennington
Charron, Gene
DeSimone, Debra
Emiro, Frank
Griffin, Mary
Hutchinson, Karen
Katsakiores, George
Major, Norman
Moody, Marcia
Pantelakos, Laura
Rausch, James
Russell, Trinka
Scamman, W.
Douglas Jr
Stiles, Nancy
Welch, David

Belanger, Ronald
Cali-Pitts, Jacqueline
Crisler, Margaret
DiPentima, Rich
Flanders, John Sr
Headd, James
Ingram, Russell
Katsakiores, Phyllis
Mann, Maureen
Nevins, Chris
Perkins, Amy
Read, Robin Jr
Sanders, Elisabeth
Schlachman, Donna

Sullivan, James
Wells, Roger

Borden, David
Case, Frank
Cushing, Robert
Dowling, Patricia
Garrity, James
Henson, John
Introne, Robert
Kepner, Susan
McEachern, Paul
Nord, Susi
Petterson, Don
Reagan, John
Sapareto, Frank
Sedensky, John

Weare, Everett

Bridle, Russell
Casey, Kimberley
Day, Judith
Elliott, Robert
Gleason, John
Howard, Doreen
Kappler, L. Mike
Lyons, Melissa
McMahon, Charles
Packard, Sherman
Preston, Mark
Russell, Joseph
Scamman, Stella
Splaine, James

Webber, Carolyn

STRAFFORD

Brennan, William
Browne, Brendon
Horrigan, Timothy
Keans, Sandra
Rogers, Rose Marie
Ryder, Mark
Sprague, Dale
Watters, David

Brown, Jennifer
Burke, Rachel
Hubbard, Pamela
Lauterborn, Elaine
Rollo, Deanna
Schmidt, Peter
Vachon, Dennis

Brown, Julie
Cyr, James
Hutz, Sarah
Lewis, Robert
Rollo, Michael
Smith, Marjorie
Wall, Janet

Brown, Larry
Hofemann, Roland
Kaen, Naida
Perry, Robert
Rous, Emma
Spang, Judith
Ward, Kenneth

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
Howard, Thomas

Gottling, Suzanne
McClammer, Jim

Osgood, Joe
and the William O'Brien, Ingbretson and Mead floor amendment to House Rules failed.

Rodeschin, Beverly

Skinder, Carla

Sweeney, Cynthia

Rep. Wendelboe offered a floor amendment to House Rules.

FLOOR AMENDMENT TO HOUSE RULES

Proposed by Rep. Francine Wendelboe

Amend Rule 22(b) as follows:

A division vote shall be taken if the Speaker doubts the voice vote or if a member calls for a division vote. **Whenever a division vote is requested, members shall enter the chamber to take their seats and the question shall then be put to the House.** When a division of the House is taken, the Speaker may appoint a teller for each seating division of the House, who shall report to the Chair the state of the vote.

Rep. Wendelboe spoke in favor.

Rep. Gary Richardson spoke against and yielded to questions.

On a division vote, 119 members having voted in the affirmative and 248 in the negative, the Wendelboe floor amendment to House Rules failed.

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 February 12, 2009 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 74, relative to student membership on a school board.

HB 169, relative to the counting of charter school pupils in the definition of average daily membership in residence.

HB 36, relative to the purchase of information technology by state agencies.

HB 80, requiring at least one member of the pharmacy board to be a hospital pharmacist, and relative to the consecutive years of service of pharmacy board members.

HB 44, relative to the use of alternates by local land use boards.

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

HB 96, correcting certain references relating to municipal growth management.

HB 106, relative to penalties for land use violations.

HB 115, relative to licenses for the operation of motor vehicle recycling yards and junk yards.

HB 141, authorizing towns and cities to accept any form of electronic payment.

HB 77, relative to continuing education requirements for licensed architects.

HB 30-FN-A-L, requiring operating budget reductions for fiscal year 2009.

UNANIMOUS CONSENT

Reps. Irwin and W. Douglas Scamman addressed the House.

MOTION TO PRINT REMARKS

Rep. Eaton moved that the remarks made by Rep. W. Douglas Scamman be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. W. Douglas Scamman: Thank you, Madam Speaker. It is difficult to follow that message. I rise to say a few words about a great public servant from New Hampshire who has passed away and left us this last weekend and that was Marshall Cobleigh. I wish I wasn't crying from the last one, but that's alright. Marshall Cobleigh was a very unusual man. He did some great things for the State of New Hampshire. He was my first Speaker back in 1969. He was always looking for ways to make the process work better. He was the Speaker that stopped pocket vetoes from committee chairman in my first term. He was the Speaker that came in and said, "It is inappropriate for this state to have in a legislature of this size, not have every bill brought before it, have a hearing and be brought to this House for at least a vote." He was the Speaker when I got elected. Here is a little side story. He asked me to serve on a committee even before I was a member. He asked me to serve on a five member committee to study rules changes and we met and made some pretty good recommendations, but he taught me a lesson. He had another committee of former legislators that he had studying that also. On that committee was my father, so when we got home and milked we made a couple changes at a couple of places where the two committees didn't agree. He picked out the ones he liked, but he did his homework and he knew why he was doing it and that was his duty and he was very unique in that he thought ahead, figured out all the angles and made things happen the way they should. Marshall Cobleigh was the only Speaker I ever saw who could stand at that podium and do three things at once. He would stand there, run the House and while they were doing debate he would be on the telephone talking and doing business because he was young and he was working. He would have a member of the House stand beside him because back then the members used to go right up to where the Speaker stands and talk to him. He could do all three and carry them all on and be aware all the time of what was happening out in this House. He never stopped working for the public. He was a public servant from before the time he was in this body until he died. My wife reminded me of the time when he was working in Washington and he took us out for a ride late one night and we rode through the red light district. That's just a side of Marshall that we all know was there, but I can guarantee you, we did not stop. Thanks for being there, fellow. He worked for many Governors. He worked for Congressmen. He certainly worked in Washington doing administrative work down there, but he also wrote a book, We Ain't Making Sausage Here. I often wondered why he didn't title it "We Ain't Making Hamburger Here," but he put down in writing a lot of the items that people will be able to go back and read about. I talked to one person today who said they had just finished reading that book a couple of weeks ago. I think it's a great service that he did by writing that book. It gets things down and documented in book form. I don't necessarily agree with everything he said in that book, but that's alright. I think Marshall taught me a lot of things. I know he did. He taught me how to keep organized to get things done. A couple of times he taught me how I never wanted to treat someone else because I did not want to be treated that way, but he knew what he wanted to get done and he got it done. He always worked for the good of this state and I just couldn't let the day go by without someone making note of his passing. Thank you, Madam Speaker.

MOMENT OF SILENCE

A moment of silence was observed in honor and memory of former Speaker of the House, Honorable Marshall Cobleigh.

RECESS MOTION

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

The House recessed at 1:10 p.m.

RECESS

(Rep. Eaton in the Chair)

RESOLUTION

Rep. Wallner offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 38 shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee. Adopted.

INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 38, relative to placing vote tallies on town and school district ballots. (Municipal and County Government)

RECESS